IJAMBO RYA PEREZIDA W'URUKIKO RW'IKIRENGA MU MUHANGO WO GUTANGIZA UMWIHERERO W'ABACAMANZA B'URUKIKO RW'IKIRENGA N'AB'URUKIKO RW' UBUJURIRE

KIGALI, 30/03/2022

RADISON BLUE HOTEL

Nyakubahwa Visi-Perezidante w'Urukiko rw' Ikirenga

Banyakubahwa Bacamanza b'Urukiko rw'Ikirenga n'ab'Urukiko rw'Ubujurire

Bacamanza, abanditsi n'abandi bakozi b'Urwego rw'Ubucamanza,

Nagira ngo ntangire mbashimira ko mwitabiriye uyu mwiherero wateguwe n'Urwego rw'Ubucamanza uhuza abacamanza b'Urukiko rw'Ikirenga n'ab'urw'Ubujurire, n'abandi bakozi batandukanye b'Urwego rw'Ubucamanza dufatanya mu mirimo ya buri munsi y'inkiko kugira ngo dutange ubutabera buboneye ku batugana n'igihugu muri rusange.

Insanganyamatsiko y'uyu mwiherero igira iti: "***Constitutional and Statutory Interpretation: the best approach to construct a legal provision and to rely on case law"*** [Isobanurampamo ry'Itegeko Nshinga n'andi mategeko: uburyo buboneye bwo gutegura itegeko no gushingira ku byemezo by'inkiko (Imanza zaciwe)]

Umwihererero nk'uyu urimo n'amahugurwa ni ingirakamaro cyane. Ku byerekeye amahugurwa, bavuga ko: "*Judicial training is essential to ensure high standards of competence and performance. Judicial training is fundamental to judicial independence, the rule of law, and the protection of the rights of all people*."[1] [Amahugurwa y'urwego rw'Ubucamanza ni ingenzi mu rwego rwo kuzamura ubushobozi n'imikorere by'urwo rwego. Ayo mahugurwa kandi atuma urwo rwego rurushaho gukorera mu bwigenge, kugendera ku mategeko ndetse no kurinda uburenganzira bwa rubanda]**.**

Umwiherero nk'uyu uri mu rwego rwo kubahiriza no gushyira mu bikorwa inshingano urwego rwacu ruhabwa n'Itegeko Nshinga yo kurinda uburenganzira n'ubwisanzure bwa muntu. Ni muri urwo rwego, ba Perezida b'inkiko zikuriye izindi mu gihugu, ari zo Urukiko rw'Ikirenga n'Urukiko rw'Ubujurire (rwashyizweho mu mwaka wa 2018 kugira ngo rufashe mu manza z'ubujurire zoherezwaga mu Rukiko rw'Ikirenga), bafite inshingano zo gutumira no kuyobora igihe cyose bibaye ngombwa inama y'abacamanza bose b'izo nkiko kugira ngo basuzume ibibazo by'amategeko byagaragaye mu micire y'imanza mu nkiko zitandukanye kandi bemeze umurongo ngenderwaho mu kubikemura.[2]

Duteraniye hano mu gihe cy'iyi minsi itatu kugira ngo turebere hamwe ingingo zitandukanye zigendanye n'uburyo inkiko zacu nk'inkiko zikuriye izindi zikwiye guca imanza mu buryo

[1] https://www.enm.justice.fr/sites/default/files/kiosque/Declaration-of-judicial-training-principles-adopted.pdf

[2] Ingingo ya 53 n'iya 57 y'Itegeko N°012/2018 ryo ku wa 04/04/2018 rigena imitunganyirize n'imikorere y'Ubutegetsi bw'Ubucamanza

bumwe hanshingiwe ku buryo butandukanye bugenderwaho mu gusobanura itegeko no gushingira ku manza zagiye zicibwa zigatanga imirongo ku ngingo zitandukanye. Ibyo bikorwa mu rwego rwo gukomeza gutuma Abanyarwanda bakomeza kugirira icyizere Urwego rw'Ubucamanza n'ibyemezo inkiko zifata mu gukemura ibibazo baba bazigejejeho.

Kugeza ubu nta tegeko rigena uburyo isobanura cyangwa isesengurwa ry'itegeko rikorwa mu Gihugu cyacu, ni yo mpamvu umwiherero nk'uyu w'abacamanza bakuru uba ari ngombwa kugira ngo twigire hamwe ibibazo bikunze kugaragara, maze tubibonere umuti mu rwego rwo gufata ibyemezo bishingiye ku bumenyi bwimbitse no gusesengura no gucukumbura neza ibibazo tuba twashyikirijwe, bigatuma ababuranyi barushaho kwizera ubucamanza mu gukemura ibibazo byabo.

By'umwihariko, muri uyu mwiherererero tuzaganira k'uburyo inkiko zacu ziburanisha imanza ziba zasabiwe gusubirwamo ku mpamvu z'akarengane n'ababuranyi. Uburyo bw'imiburanishirize bw'izi manza ntabwo itegeko ryabuteganyije mu buryo burambuye. Ababuranyi bamwe ahubwo bashaka kubufata nk'ubundi buryo bw'ubujurire, bikaba byarabaye ngombwa kandi bikiri ngombwa ko nk'inkiko zikuriye zindi, dushyiraho imirongo yumvikana y'uburyo ababuranyi bashobora gukoresha ubu buryo. Ni muri urwo rwego tuzagira ibiganiro bitandukanye kuri iki kibazo, hakanemezwa n'agatabo kakozwe ku miburanishirize y'izo manza, kugira ngo hatangwe umurongo ku nkiko zacu, ndetse n'izindi nkiko zo hasi kuko na zo zica bene izo manza.

Muri uyu mwiherero kandi tuzagira abashyitsi baturutse muri aka karere tubarizwamo, hari uzaturuka mu gihugu cya Tanzania n'icy'Afurika y'Epfo. Abo bazadufasha gusobanukirwa zimwe mu ngingo nagarutseho haruguru, ndetse banadusangize ubunararibonye bw'imicire y'imanza mu bihugu byabo nk'ibihugu bisanzwe bimenyereye *system* [uburyo] yo kugendera ku manza zaciwe zagiye zitanga umurongo (*The role of precedent in judicial decision);* ndetse no kwisobanura ry'ingingo z'Itegeko Nshinga n'isobanurampamvu ry'itegeko (*Constitutional and Statutory Interpretation*).

Kubera ko ibibazo bishyikirizwa inkiko bigendana n'imihundikire ihoraho mu bihugu n'abaturage bacyo, ni ngombwa ko n'abacamanza dushinzwe gukemura ibibazo bizanwa mu nkiko duhora twihugura.

"*The recurrent concept of lifelong learning requires of a good judge that he/she constantly challenges his/her professional knowledge, behavior, attitudes and values. In the quickly-evolving judicial world, nothing can be taken for granted*."[3]

Nongeye kubashimira ko mwitabiriye uyu mwiherero, nizeye ko uzatugirira akamaro biturutse ku biganiro bizatangwa ariko no kungurana ibitekerezo ku buryo butaziguye hagati yacu twese.

Tugire umwiherero mwiza, murakoze.

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[3] https://www.ejtn.eu/Documents/Methodologies_Resources/Training%20Methods/EJTN_TT_Handbook_Final.pdf