INAMA RUSANGE Y'ABACAMANZA B'URUKIKO RW'UBUJURIRE

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Ikiganiro:

Ubutabera busigasira ubusugi, impagarike n'iterambere by'Igihugu*, *Dr Faustin NTEZILYAYO, Perezida w'Urukiko rw'Ikirenga

Nishimiye kuba ndi hamwe namwe mu gutangiza iyi nama yanyu. Ni igikorwa kiza ko mwafashe umwanya wo kugira ngo muganire ku migendekere y'imirimo mu Rukiko rw'Ubujurire, binaze kubafasha gufata ingamba zatuma imirimo irushaho gukorwa neza mu kuzuza inshingano z'urukiko.

Muri iki kiganiro, ndatangira mvuga kuri gahunda yo kwimakaza imiyobere myiza n'ubutabera nk'imwe mu nkingi ya Gahunda ya Leta y'Imyaka 7, nibanda ku kugaragaza uruhare rukomeye rw'Urwego rw'Ubucamanza mu gushyira mu bikorwa iyo gahunda.

Nk'ibindi bihugu, u Rwanda rwifuza kuba igihugu gifite amahoro n'umutekano kandi gifite iterambere. Nk'uko byagiwe bigaragazwa mu nyandiko zitandukanye, kugira ngo ibyo bigerweho, bimwe mu by'ibanze ni uguhamya imiyoborerere myiza ndetse no kubaka urwego rw'ubutabera muri rusange, n'urwego rw'ubucamanza by'umwihariko rukora neza kandi mu bwisanzure n'ubwigenge.[1] Ibi ni na byo binagenderwaho mu bipimo bimwe byo kureba uko

[1] One pillar of the National Strategy for Transformation (NST) is Transformational Governance. The overarching goal for the Transformational Governance Pillar is to consolidate Good governance and justice as building blocks for equitable and sustainable national development. Priority 4: Strengthen Justice, Law and Order

igihugu gishyira mu bikorwa ihame ryo kuba igihugu kigendera ku mategeko kandi kiyubahiriza ku bagituye.

Nk'uko mubizi, mu isi, hari ibipimo bitandukanye iterambere ry'igihugu mu kubahiriza ihame ryo kuba igihugu kigendera ku mategeko risuzumirwaho, nka "*World Justice Project Rule of Law Index, Legatum Prosperity Index, World Happiness Index, World Competitive Report, Doing Business Report* (World Bank)". Muri ibi bipimo byose, uburyo urwego rw'ubutabera muri rusange n'urwego rw'ubucamanza by'umwihariko rukora neza, bugira uruhare runini mu gutuma igihugu kigira umwanya mwiza. Ibyo kandi bigira ingaruka k'uburyo igihugu kigaragara mu ruhando mpuzamahanga nk'igihugu abantu bagirira ikizere ko bashobora kugikoreramo ubucuruzi no kugishoramo imari nta mpungenge ko imitungo yabo izahungabana ngo bibe byanagera n'aho bayamburwa.

Nk'abacamanza bakuru, bananyuze no mu mirimo itandukanye mu rwego rw'igihugu no mu rwego mpuzamahanga, ni byiza ko twumva ko umurimo dukora udahagararira ku guca imanza gusa, ko ahubwo ari umurimo ugira ingaruka zikomeye ku mibereho y'igihugu n'abaturage bacyo. Ni byiza ko tubisubiramo ko imanza ziciwe n'abacamanza bakora kinyamwuga, b'indakemwa, batabogama kandi ziciriwe igihe, zituma abagana inkiko n'abaturage muri rusange, bakomeza kugurira ikizere urwego rw'ubucamanza, kuko babona ko rutuma uburenganzira bwabo bwubahirizwa, zikanakemura impaka zinatera amakimbirane hagati yabo, bityo bakumva ko n'uwashaka kubavutsa uburenganzira bwabo atabigeraho kuko inkiko zizabarenganura.

Umurimo rero wo gutanga ubutabera buboneye ni ingirakamaro mu kubungabunga uburenganzira bw'abantu, haba ku giti cyabo, cyangwa ku byo

batunze. Ni ingirakamaro kandi mu gutsura isura y'Igihugu mu ruhando mpuzamahanga, bikanatanga ikizere ku bashoramari baba ari abo mu gihugu cyangwa abanyamahanga.[2] Ni na yo mpamvu abantu benshi ubu bemeza ko ubutabera buboneye ari imfundo ry'umutekano, amahoro n'iterambere birambye. Aha rero ni na ho twahera tuvuga ko ubutabera busigasira ubusugi, impagarike n'iterambere ry'igihugu.

Ngarutse ku Rukiko rw'Ubujurire by'umwihariko, uru rukiko rwagiyeho mu mwaka wa 2018 mu rwego rw'amavugura yabaye mu Rwego rw'Ubucamanza hagamijwe gutanga ubutabera buboneye kandi bwihuse, cyane cyane mu rwego rwo gukemura ibibazo by'imanza z'ibirarane zari mu Rukiko rw'Ikirenga. Aha nagira ngo twishimire ko iyo ntego, bitewe n'ubwitange bwanyu no gukorana umuhate n'umwete, yagezweho, ku buryo imanza zose Urukiko rw'Ubujurure rwatangiranye zaciwe.

Urukiko rw'Ubujurire ariko, uko rwashyizweho n'umushingamategeko, rwahawe ububasha bwagutse bwo kwakira ubujurire buturutse mu nkiko zitandukanye harimo n'inkiko zihariye (CHC, HC n'ingereko zayo uko ari eshanu harimo n'urugereko ruburanisha ibyaha mpuzamahanga n'ibyambukiranya imipaka, MHC). Urebye uko imibare y'ibirego biri mu Rukiko rw'Ubujurire igenda yiyongera, ni ngombwa ko hakomeza gufatwa ingamba nyazo, kugira ngo ingamba yo gutanga ubutabera bunoze kandi bwihuse idahura n'imbogamizi zatuma itagerwaho. Ibyo na byo mwaza kubyunguranaho ibitekerezo hagafatwa ingamba.

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[2] To learn more on the importance of creating a robust – a predictable – system to uphold the rule of law as an essential precondition for national socio-economic development, see *How Nations Succeed: Analyses of National Transformation,* Legatum Institute, February 2021, https://li.com/reports/how-nations-succeed/

Ikindi na none, bitewe n’ubwoko bw’imanza zijuririrwa, zimwe ziba zavuye mu nkiko zihariye nk’uko nabivuze, ni ngombwa kungurana ibitekerezo ku buryo buboneye bwo kuburanisha izo manza, mu rwego rwo kubaka ubushobozi bwihariye buba bukenewe. Ibi nziko mwatangiye kubikora kandi ni byiza ko bikomeza.[3]

Kubera kandi umwihariko w’uru Rukiko rw’Ubujurire wo kuba urukiko rwa nyuma rw’ubujurire busanzwe, biba ngombwa ko hitwararikwa ubudakemwa bw’imanza zicibwa. Ubundi kuri uru rwego, ugereranyije no mu bindi bihugu byinshi, biba ngombwa ko inteko iburanisha itagirwa n’umucamanza umwe. Igihe muba mubyunguranaho ibitekerezo, haba kureba ibyiza byabyo hakurikijwe umwihariko w’uru rukiko.

Ikindi kandi, mu rwego rwo guhuza imyumvire ku buryo bwo gusobanura no gukurikiza amategeko amwe ku nkiko zo hejuru zitezweho gutanga umurongo izindi nkiko zikurikiza, ni ngombwa ko abacamanza bo mu Rukiko rw’Ikirenga n’abo mu Rukiko rw’Ubujurire bahura bakungurana ibitekezo, ibyo bikazakorwa mu nama izategurwa mu minsi iri imbere.

Mu rwego na none rwo gutanga ubutabera buboneye nagira ngo ngaruke kuri gahunda iri mugokorwa mu nkiko zose yo kurushaho gushishikariza ababuranyi kwitabira ubuhuza/*mediation* muri *court annexed mediation*. Ni byiza ko uru rukiko na rwo iyi gahunda rwayitabiriye, akaba ari byiza kubikomeza.

[3] Imanza CoA nyinshi yaregewe ni imanza z’inshinjabyaha, hagakurikiraho iz’imbonezamubano, iz’ubucuruzi, iza genocide n’ibyaha biyishamikiyeho, iz’ubutegetsi. Hari kandi ni ibibazo byinshi byo gusubirishamo imanza ku mpamvu z’akarengane bigera kuri 1037, harimo 914 byanyujijwe muri Sobanuzainkiko plateform na 134 byatanzwe mu ntoki (hard copy)

Bizaba na ngombwa, igihe bizashoboka bitewe n'ibi bihe bya COVID-19 turimo, ko habaho ingendo shuri mu bihugu inkiko z'ubujurire zimaze kugira uburambe, kugir ango harebwe imikorere yazo yakwifashishwa, n'ubwo tubizi ko buri rukiko rufite umwihariko warwo. Urugero ni uko inkiko z'ubujurire zo muri Kenya no muri Uganda, na zo zihurirwaho n'ubujurire buturutse mu nkiko nkuru n'ingereko ziburanisha imanza zitandukanye (iremezo ry'itegeko nshinga n'uburenganzira bwa muntu, ibyaha mpuzamahanga, ubucuruzi, imbonezamubano, inshinjabyaha, umuryango, ruswa n'ibyaha bimunga ubukungu bw'igihugu, ubutaka n'ibidukikije, umurimo ,..)

Mu gusoza, nakongera kuvuga ko urwego rw'ubucamanza ari ingenzi mu gutuma igihugu kiba koko igihugu kigendera ku mategeko[4] kandi ibyo bigira akamaro gakomeye mu gusigasira amahoro n'umutekano byo pfundo ry'iterambere rirambye. Uruhare rero rwacu ni ingenzi mu kubaka u Rwanda rutekanye kandi rukungahaye, twifuza.

Mbifurije kugira inama nziza.

MURAKOZE

[4] Please watch this video to know more why the rule of matters- *Judges Explain the Rule of Law, Why It Matters*, https://www.uscourts.gov/news/2019/08/08/judges-explain-rule-law-why-it-matters