UBUNYAMABANGA MPUZABIKORWA BYA KOMITE Z'ABUNZI

I. IRIBURIRO

Igitekerezo cyo gushyiraho Komite z'Abunzi cyaturutse ku banyamategeko kubera ko hari hamaze kugaragara ko rimwe na rimwe Inkiko zisanzwe zitabasha gukemura ibibazo bimwe na bimwe, aho wasangaga buri gihe imikorere yazo itaratandukanyaga uburenganzira n'iringaniza (equity) kandi bikanagaragara ko umwanzuro wumvikanyweho n'abafitanye ibibazo uruta icyemezo baba bafatiwe.

Urwego rw'Abunzi rwashyizweho n'Itegeko Nshinga rya Repubulika y'u Rwanda ryo ku wa 04/06/2003 nk'uko ryavuguruwe kugeza ubu, mu ngingo yaryo ya 159.

Imiterere, ububasha n'imikorere byarwo byagenwe bwa mbere n'Itegeko Ngenga No 17/2004 ryo ku wa 20/06/2004. Nyuma y'imyaka ibiri (2) , Abunzi bari bamaze kugaragaza akamaro nk'uko byagaragaraga muri raporo zinyuranye z'Inkiko zisanzwe zavugaga ko imanza zinjiraga zagabanutse ku buryo bugaragara.

Kubera ko icyo gihe Abunzi bakoreraga ku rwego rw'Umurenge, hifujwe ko bakwegerezwa abaturage kurushaho, biyo bashyirwa ku rwego rw'Akagari n'Itegeko Ngenga No 31/2006 ryo ku wa 14/08/2006 ryasimbuye iryo muri 2004.

Iryo naryo ubu rimaze gusimburwa n'Itegeko Ngenga No 02/2010/OL ryo ku wa 09/06/2010 ryashyizeho urundi rwego rw'Abunzi ku Murenge rwakira ibibazo ku rwego rw'ubujurire.

Kuva urwego rw'Abunzi rwashyirwaho mu 2004, Minisiteri y'Ubutabera ikurikiranira hafi imikorere y'Abunzi kugira ngo barusheho gutanga umusaruro ukenewe. Ni muri urwo rwego ubu hashyizweho muri iyi Minisiteri Ubunyamabanga bushinzwe gukurikirana no guhuza ibikorwa bya Komite z'Abunzi.

Hasanzweho kandi muri buri Karere, inzu z'ubufasha mu by'amategeko (MAJ: Maisons d'Accès à la Justice/ Access to Justice Bureaus) zigengwa na Minisiteri y'Ubutabera zikaba zifasha cyane abaturage muri rusange n'Abunzi by'umwihariko.

II. IMITERERE YA KOMITE Z'ABUNZI

Abunzi bose mu Rwanda ni 30,768 bari muri Komite z'Abunzi 2564 ni ukuvuga 2148 ku rwego rw'Utugari na 416 ku rwego rw'Imirenge. Haba ku rwego rw'Akagari no ku Murenge, Komite y'Abunzi igizwe n'Abunzi 12, barimo nibura 30% by'abagore, batorwa n'Inama Njyanama ya buri rwego bakoreramo, hashingiwe ku bunyangamugayo bazwiho no ku buhanga bafite mu kunga abantu. Abo bantu kandi bagomba kuba batuye mu ifasi bakoreramo(Akagari/Umurenge).

Ariko abo bose uko ari 12 si ko bose bakorera icyarimwe umurimo wo kunga kuko Inteko y'Abunzi iba igizwe n'Abunzi 3 batoranywa kandi bigizwemo uruhare n'abafitanye ikibazo.

Komite y'Abunzi kandi igira Biro yayo igizwe na Perezida na Visi Perezida batorwa na bagenzi babo. Abunzi batorerwa manda y'imyaka itanu (5) ishobora kongerwa.

Abunzi baterana rimwe mu cyumweru n'ikindi gihe bibaye ngombwa kandi umurimo w'Abunzi ni umurimo w'Ubwitange, udahemberwa.

III. UBUBASHA BWA KOMITE Z'ABUNZI

Ububasha bwa Komite y'Abunzi bushingiye ku bintu 3 bikurikira:

- Ifasi
- Abatitanye ikibazo
- Ikiburanwa

III.1 Ububasha bushingiye ku ifasi

Ifasi ya Komite y'Abunzi ku rwego rw'Akagari ni ako Kagari, naho ku Murenge ni uwo Murenge. Abunzi bitabazwa gusa iyo urega n'Uregwa batuye cyangwa babarizwa mu ifasi abo bunzi bakoreramo. Iyo abafitanye ikibazo badatuye cyangwa batabarizwa mu Kagari kamwe, ikibazo gishyikirizwa Ubugenzacyaha iyo ikiregerwa ari icyaha, cyangwa Inkiko iyo ikiregerwa ari imbonezamubano.

III.2 Ububasha bushingiye ku bafitanye ikibazo

Nta na rimwe Komite y'Abunzi ishobora kugezwaho ikirego kirimo Leta, inzego zayo cyangwa imiryango n'ibigo bifite ubuzima gatozi byaba ibya Leta cyangwa ibitari ibya Leta.

III.3 Ububasha bushingiye ku kiburanwa

Ububasha bwa Komite y'Abunzi bushingiye ku kiburanwa buri mu byiciro 3 bikurikira:

- Ububasha ku bibazo mbonezamubano
- Ububasha mu bibazo nshinjabyaha
- Ububasha ku mitungo yasahuwe cyangwa yononwe muri Jenoside yakorewe Abatutsi

III.3.1 Ububasha ku bibazo mbonezamubano

- Amasambu n'indi mitungo itimukanwa iyo agaciro kabyo katarengeje miliyoni eshatu (3.000.000) z'amafaranga y'u Rwanda;
- Amatungo n'indi mitungo yimukanwa, iyo agaciro kabyo katarengeje miliyoni imwe (1.000.000) y'amafaranga y'u Rwanda;
- Kutubahiriza amasezerano iyo ikiburanwa kitarengeje miliyoni imwe (1.000.000) y'amafaranga y'u Rwanda; Ibyo ariko ntibireba amasezerano y'ubutegetsi bwa Leta, ay'ubwishingizi n'ay'ubucuruzi;
- Kutubahiriza amasezerano y'umurimo yakozwe n'abantu ku giti cyabo iyo afite agaciro kari hasi y'ibihumbi ijana (100.0000 by'amafaranga y'u Rwanda;
- Ibibazo by'umuryango, uretse mu gihe igisabwa ari ugufata icyemezo ku irangamimerere y'abantu;
- Izungura iyo ikiburanwa kitarengeje miliyoni eshatu (3.000.000) z'amafaranga y'u Rwanda.

III.3.2 Ububasha ku bibazo nshinjabyaha

- Gukuraho cyangwa kwimura imbibe z'ubutaka n'ibibanza;
- Konesha cyangwa konona imyaka ku buryo ubwo ari bwo bwose, iyo ibyoneshejwe cyangwa ibyononwe bitarengeje agaciro ka miliyoni eshatu (3.000.000) z'amafaranga y'u Rwanda;
- Gutukana;
- Gusebanya, uretse igihe bikozwe n'itangazamakuru;
- Kwiba imyaka cyangwa ibihingwa bikiri mu murima, mu gihe iyo myaka cyangwa ibihingwa byibwe bitarengeje agaciro ka miliyoni eshatu (3.000.000) z'amafaranga y'u Rwanda;

- Ubujura bworoheje iyo icyibwe kitarengeje agaciro ka miliyoni eshatu (3.000.000) z'amafaranga y'u Rwanda;
- Guhishira ibintu bikomoka ku bujura bworoheje iyo icyibwe kitarengeje agaciro ka miliyoni eshatu (3.000.000) z'amafaranga y'u Rwanda;
- Ubujura, ubwambuzi cyangwa ababeshyi bugizwe n'umwe mu bashakanye abigiriye mugenzi we, umupfakazi mu byasizwe n'uwo bashakanye wapfuye, umuntu mu by'abo akomokaho, umubyeyi mu by'abamukomokaho cyangwa undi muntu wo mu bashyingiranywe bari ku rwego rumwe;
- Ubuhemu iyo ikiburanwa kitarengeje agaciro ka miliyoni eshatu (3.000.000) z'amafaranga y'u Rwanda;
- Gutora ikintu cyimukanwa cy'undi cyangwa kukibona ku buryo bukugwiririye, umuntu akakigumana cyangwa akagiha uteri nyiracyo ku bw'uburiganya iyo icyo kintu kitarengeje agaciro ka miliyoni eshatu (3.000.000) z'amafaranga y'u Rwanda;
- Kwica cyangwa gukomeretsa bikomeye utabigambiriye amatungo cyangwa inyamaswa by'undi iyo ayo matungo cyangwa inyamaswa byishwe cyangwa byakomerekejwe bitarengeje agaciro ka miliyoni eshatu (3.000.000) z'amafaranga y'u Rwanda;
- Gusenya no konona ibintu by'abandi utabigambiriye, iyo ibyo bintu byashenywe cyangwa byononwe bitarengeje agaciro ka miliyoni eshatu (3.000.000) z'amafaranga y'u Rwanda;
- Guhutaza umuntu ku buryo ubwo ari bwo bwose cyangwa kumutera ku bushake imyanda cyangwa ikindi cyose gishobora kumwanduza, ariko bitamuviriyemo gukomereka cyangwa ababare bwo ku mubiri.

III.3.3 Imitungo yasahuwe cyangwa yononwe muri Jenoside yakorewe Abatutsi

Ubu bubasha bushya muri Komite z'Abunzi buteganywa n'Itegeko Ngenga no 04/2012/OL ryo ku wa 15/06/2012 rikuraho Inkiko Gacaca, rikanagena uburyo bwo gukemura ibibazo byari mu bubasha bwazo.

Ingingo ya 6 yaryo igira iti: " **Hatitawe ku gaciro k'ikiburanwa n'aho ababuranyi batuye cyangwa babarizwa,** ibyaha byerekeye gusahura cyangwa konona umutungo, byakozwe hagati y'itariki ya mbere Ukwakira 1990 n'iya 31 Ukuboza 1994 byari bisanzwe biri mu bubasha bw'Inkiko Gacaca, biburanishwa na Komite z'Abunzi, hakurikijwe amategeko agenga imikorere y'izo Komite, byaba byarakozwe n'abasiviri, abajandarume cyangwa abasirikare. Abasahuye cyangwa abangije umutungo bategekwa kuwishyura".

IV. UBUNYAMABANGA BUSHINZWE GUHUZA IBIKORWA BYA KOMITE Z'ABUNZI

IV.1 Imiterere y'Ubunyamabanga

Nk'uko biteganywa n'Iteka rya Minisitiri w'Intebe No 82/03 ryo ku wa 16/08/2011 rigena inshingano, imiterere n'imikorere by'Ubunyamabanga bushinzwe guhuza ibikorwa bya Komite z'Abunzi, uru rwego ni rumwe mu nzego zigize Minisiteri ifite ubutabera mu nshingano zayo.

Uru rwego ruteganyirizwa abakozi 10 barimo 5 bakorera ku cyicaro cya Minisiteri y'Ubutabera n'umukozi 1 uruhagarariye muri buri Ntara n'Umujyi wa Kigali.

IV.2 Inshingano z'Ubunyamabanga

- Kugira inama Minisiteri y'Ubutabera ku ngamba no ku byemezo byafatwa hagamijwe kuzamura urwego rw'imikorere ya Komite y'Abunzi;
- Gukurikirana no gukora isuzumabikorwa rya Komite y'Abunzi;
- Gutegura amahugurwa n'ibindi bikorwa bigamije kongerera abunzi ubushobozi;
- Gukorana n'inzego z'ibanze kugira ngo Komite y'Abunzi ikore neza;
- Gukora raporo z'Igihembwe n'iy'umwaka kubikorwa bya Komite y'Abunzi;
- Gusesengura raporo zikorwa na Komite y'Abunzi no kuzitangaho imyanzuro yerekeranye n'uko Komite y'Abunzi yarushaho gukora neza;
- Gushakira ibikoresho Komite y'Abunzi n'ibyangombwa byose ikeneye kugira ngo itunganye inshingano zayo.

V. Abafasha uru rwego

Uru rwego rukoresha ingengo y'imari ya Minisiteri y'Ubutabera kuko Atari urwego rwigenga ahubwo ruri muri za Departements zigize Minisiteri. Uru rwego ariko rukenera amafaranga menshi cyane cyane mu kongerera ubushobozi Abunzi binyuze mu mahugurwa ahoraho, ubwisungane mu kwivuza no gushakira Abunzi ibikoresho by'ibanze. Iyi ni yo mpamvu ituma hagomba kwiyambaza abafatanyabikorwa bahisemo gukorana na Minisiteri y'Ubutabera.

Abo dufite muri iki gihe ni Rwanda Initiative for Sustainable Development (RISD) idufasha mu kongera ubushobozi bw'Abunzi mu Mirenge 50 mu Turere 10, ni ukuvuga Imirenge 5 muri buri Karere, RCN J&D iteganya gufatanya na Minisiteri mu Mrenge yose n'Utugari twose 15 ndetse na IRC dufatanya mu Turere 2. Aba badufasha cyane cyane mu kubonera

Abunzi ibikoresho by'ibanze n'amahugurwa biciye mu bakozi ba Maisons d'acces a la Justice (MAJ) bari muri buri Karere.

VI. Ingorane n'uko zakemuka

Uko uru rwego rwubatse ntibishoboka gukurikiranira hafi buri gihe imikorere ya Komite z'Abunzi ndetse no kwegeranya ku gihe umusaruro wazo kuko nta mukozi ubishinzwe kandi izi Komite zikaba zikorera ku nzego z'Imirenge n'Utugari. Ikindi Abunzi ni abakorerabushake bakaba badakora iminsi yose. Ibi byakemuka ari uko uru rwego ruhawe umukozi ku rwego rw'Akarere wakwita gusa kuri iyi nshingano yo gukurikirana imikorere y'Abunzi no gukusanya raporo, agashakirwa uburyo bwa Transport (Nka Moto yishyura gahoro), akajya afatanya na ba MAJ gusa mu bikorwa by'amahugurwa, baje kumwunganira.

VII. UMUSOZO

Komite z'Abunzi zifitiye abaturage akamaro kagaragara, zibakemurira ibibazo ku buntu kandi zikabarinda gusiragira mu Nkiko tutanibagiwe kongera guhuza no kunga abagiranye amakimbirane ubusanzwe bitajya bibaho mu Nkiko zisanzwe.

Iyo muri buri Kagari hakemutse ikibazo kimwe buri cyumweru(twagereranya n'urubanza mu Nkiko zisanzwe) ubwo buri kwezi hakemuka ibibazo 2148x4= 8,592. Naho ku rwego rw'Umurenge buri kwezi nibura ni 416x4= 1664. Iyo ubiteranyije usanga nibura buri kwezi Abunzi bakemura ibibazo 10,256. Ibi bibazo biramutse bigiye mu Nkiko zisanzwe uko byakabaye byatwara akayabo k'amafaranga kuri Leta no ku bagiranye amakimbirane, bigakemuka mu gihe kirekire kandi kwiyunga akenshi ntibikunda kubaho kubareganye mu Nkiko zisanzwe.

Kigali, ku wa 11/02/2012