

AMABWIRIZA N° 001/2021 YO KU WA..... **15 MARS 2021** YA PEREZIDA
W'URUKIKO RW'IKIRENGA AGENGA ITANGAZWA RY'IMANZA MU
CYEGERANYO CY'IBYEMezo BY'INKIKO.

Perezida w'Urukiko rw'Ikirenga;

Ashingiye ku Itegeko N° 012/2018 ryo ku wa 04/04/2018 rigena imitunganyirize n'imikorere y'ubutegetsi bw'ubucamanza cyane cyane mu ngingo yaryo ya 3 agace 4;

Amaze kubona ko ari ngombwa ko ibibazo bisa bikemurwa mu buryo bumwe hagamijwe kunoza imicire y'imanza;

Amaze kubona ko ari ngombwa gutangaza imanza zitanga umurongo ku mikemurire y'ibibazo runaka kugira ngo zifashishwe;

Ashyizeho Amabwiriza akurikira:

UMUTWE WA MBERE: ICYO AMABWIRIZA AGAMIJE N'ABAREBWA NAYO

Ingingo ya mbere: icyo aya mabwiriza agamije

Aya mabwiriza agenga ishyirwaho, imiterere n'inshingano za Komite ishinzwe itangazwa ry'imanza mu Cyegeranyo cy'Ibyemezo by'Inkiko; uburyo zitoranywa, zemezwa, zitangazwa n'uburyo zifashishwa mu micire y'imanza.

Ingingo ya 2: Abarebwa n'aya mabwiriza

Aya mabwiriza areba abagize Komite, Abacamanza muri rusange n'abandi bakozi b'inkiko.

UMUTWE WA II: IMITERERE YA KOMITE N'INSHINGANO ZAYO

Ingingo ya 3: Abagize Komite

Komite ishinzwe itangazwa ry'imanza mu Cyegeranyo cy'Ibyemezo by'Inkiko igizwe n'aba bakurikira:

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1. Abacamanza bahagarariye Urukiko rw'Ikirenga babiri (2); abahagarariye Urukiko rw'Ubujurire batatu (3); abahagarariye Ubugenzuzi bw'Inkiko batatu(3) abahagarariye Urukiko Rukuru babiri (2), uhagarariye Urukiko Rukuru rw'Ubucuruzi umwe (1), abahagarariye inkiko zisumbuye batatu (3); Uhagarariye Urukiko rw'Ubucuruzi umwe (1), uhagarariye inkiko z'ibanze umwe (1) bashyirwaho na Perezida w'Urukiko rw'Ikirenga ;
- Uhagarariye Inkiko za Gisirikare umwe (1); abahagarariye Ubushinjacyaha babiri (2), abahagarariye Urugaga rw'Abavoka babiri (2); abahagarariye za kaminuza zigisha iby'amategeko bane (4); uhagarariye Ikigo cyo Kwigisha no Guteza Imbere Amategeko (ILPD) umwe (1); Uhagarariye Intumwa Nkuru ya Leta umwe (1); uhagarariye Komisiyo y'u Rwanda ishinzwe Ivugururwa ry'Amategeko (RLRC) umwe (1);
2. Abashakashatsi bashinzwe gutegura no gutangaza icyegeranyo cy'Ibyemezo by'Inkiko.

Ingingo ya 4: Inzego za Komite

Komite igizwe n'Inama Rusange hamwe na Biro.

Biro igizwe na Perezida, ushyirwaho na Perezida w'Urukiko rw'Ikirenga, Visi Perezida uturwa n'abagize Inama Rusange n'Umugenzuzi ushinze guhuza ibikorwa no gukurikirana itegurwa ry'imanza zitangazwa mu Cyegeranyo cy'Ibyemezo by'Inkiko, ari nawe Munyamabanga wayo.

Inama Rusange igizwe n'abagize Komite bose.

Ingingo ya 5: Inshingano za Biro n'imikorere yayo

Biro ifite inshingano zikurikira:

1. Gutegura gahunda y'Inama Rusange, kuyitumira no kuyiyobora;
2. Guhuza ibikorwa kimwe no gukurikirana imikorere y'abagize Inama Rusange;
3. Gukurikirana ishyingirwa mu bikorwa ry'imyanzuro yafashwe n'Inama Rusange;



4. Kugenzura no kwemeza bwa nyuma ko imanza zitangazwa mu Cyegeranyo cy'Ibyemezo by'Inkiko zikurikije imyandikire yabugenewe kandi iboneye ;
5. Gusaba ko bamwe mu bagize Inama Rusange basimburwa iyo bikenewe.

Inama ya Biro iterana nibura kabiri mu gihembwe n'igihe cyose bibaye ngombwa.

Iterana hari nibura 2/3 by'abayigize.

Ingingo ya 6: Inshingano z'Inama Rusange n'imikorere yayo

Inama rusange ishinzwe gusuzuma no kwemeza imanza zikwiye gutangazwa mu cyegeranyo yifashishije raporo yateguwe n'abakozi bashinzwe gutegura icyegeranyo cy'Ibyemezo by'Inkiko.

Inama Rusange ishyiraho amabwiriza ngengamikorere ya Komite.

Inama rusange iterana mu nama yayo isanzwe rimwe mu ntangiriro z'igihembwe ku butumire bwa Perezida wayo n'igihe cyose bibaye ngombwa;

Inama Rusange ishobora guterana mu buryo busanzwe cyangwa hakoreshejwe ikoranabuhanga;

Iterana ku buryo bwemewe iyo nibura hari bibiri bya gatatu (2/3) by'abayigize.

UMUTWE WA III: IBIGENDERWAHO MU GUTORANYA NO KWEMEZA IMANZA ZITANGAZWA

Ingingo ya 7: Ibyitabwaho mu gutoranya no kwemeza imanza zitangazwa

Mu gutoranya no kwemeza imanza zitangazwa hitabwa ku manza zikurikira:

- Imanza zerekeranye n'Itegeko Nshinga;
- Imanza zaciwe ku birego bigamije kurengera inyungu rusange (*public interests litigation*);
- Imanza zaciwe ku birego bisaba guhindura umurongo usanzweho n'imanza zihindura umurongo usanzweho;
- Imanza zaciwe ku birego bisaba isobanurampamo ry'ingingo z'amategeko cyangwa umuco;



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- Imanza zikemura ibibazo by'amategeko bibonetse bwa mbere mu nkiko;
- Imanza zisobanura mu buryo bushya ihame ry'amategeko risanzwe cyangwa ishyirwa mu bikorwa ryaryo;
- Imanza zisobanura kurushaho umurongo usanzweho;
- Imanza zitanga umurongo ku bubasha bw'inkiko cyangwa imiburanishirize y'imanza (*jurisdiction, practices and procedures*);
- Imanza zifite umwihariko ku buzima bw'umuryango nyarwanda;
- Imanza zaburanywemo ibyaha cyangwa ibibazo by'inzaduka;
- Imanza zigaragaza umwihariko, cyangwa zifite icyo zigisha ku mpamvu yindi iyo ariyo yose.

Imanza zitangazwa ni izaciwe ku rwego rwa nyuma.

UMUTWE WA IV: ITANGAZWA N'AGACIRO K'IMANZA ZITANGAJWE

Ingingo ya 8: Itangazwa ry'Icyegeranyo cy'Ibyemezo by'Inkiko (*Publication of Law reports*)

Icyegeranyo cy'Ibyemezo by'Inkiko gitangazwa n'Urukiko rw'Ikirenga buri gihembwe.

Usibye mu gihe habayeho impamvu zidasanzwe, Icyegeranyo gitangazwa buri gihembwe mu buryo bukurikira:

1° Icyegeranyo cya mbere muri Mutarama;

2° Icy kabiri muri Mata;

3° Icy gatatu muri Nyakanga;

4° Icy kane mu Ukwakira.

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Ingingo ya 9: Agaciro (*binding force*) k'imirongo yemejwe mu manza zatangajwe

Haseguriwe amahame asanzwe agenga ubusumbane bw'ibyemezo by'inkiko, Umurongo utangajwe mu Cyegeranyo cy'Ibyemezo by'Inkiko ugira agaciro "*binding force or authoritative*" gasumba ak'imanza zaciwe n'inkiko ziri ku rwego rumwe ku bibazo bisa. Iyo mirongo ishobora kwifashishwa n'ababuranyi mu kuburana cyangwa n'Abacamanza mu gusobanura ibyemezo mu manza baca mu nkiko zose z'u Rwanda.

Buri mucamanza ategetswe kubahiriza umurongo usanzweho waba uwo ku rwego rw'Urukiko arimo cyangwa urwisumbuyeho uko inkiko zigenda zisumbana.

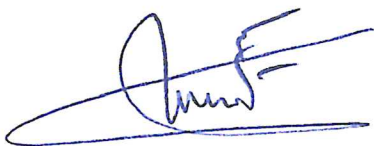
Icyakora umucamanza ashobora kudakurikiza umurongo usanzweho iyo ashoboye kugaragaza ko ibibazo biri mu rubanza aca bidasa n'ibyaburanwe mu murongo usanzweho (*distinguishing*) cyangwa iyo abashije kugaragaza ko uwo murongo ubangamiye inyungu z'ubutabera (*overruling*).

UMUTWE WA V: INGINGO ZISOZA

Ingingo ya 10: Igihe amabwiriza atangira gukurikizwa

Aya mabwiriza atangira gukurikizwa ku munsu ashyirirweho umukono na Perezida w'Urukiko rw'Ikirenga.

Kigali, kuwa1.5 MARS 2021.....



Dr. NTEZILYAYO Faustin
Perezida w'Urukiko rw'Ikirenga akaba na
Perezida w'Inama Nkuru y'Ubucamanza

