

CIRCULAIRE N° 38/53 Y'UMWAMI W'URWANDA.

Igiterekerezo cyerekeye ivanwaho ry'ubuhake.

Ku Batware b'intara na aba imisozi bose b'Urwanda.

Ndabaramutsa mwese!

Muli circulaire n° 33, ya umunsi wa 10.4.1952, nababgiye ukuntu ali ngombwa rwose kuvanaho ubuhake.

Nababgiye cyane cyane ko ubuhake butagifite akamaro muli iki gihe, ko bgabaye impamvu ihagaritse ubukungu bg'igihugu, na uko mu gihe gito bgatera impagarara mu mibanire y'abantu. Kandi muli iyo circulaire nabamenyeshesheje ko amategako n'uburyo bg'igabana bizakurikizwa muzabimenyeshwa mu gihe cyabyo kigeze.

Hambere aha, nongeye kubona umwanya wo kuvugana na bategetsibakuru ba ababirigi ibi tuvuga. Twese twemeje ko kuva ubu igihe kigeze cyo gutangira igice cya mbere cya uwo mulimo.

Igihe cy'iterana rya mbere ry'inama nkuru y'Igihugu yuzuye, n'ukuvuga umunsi wa 15.2.1954, Inama nkuru y'Igihugu izabibwirwa kandi ikazemeza uburyo n'imigenzereze bizakurikizwa mw'itandukana ry'abagaragu na ba shebuja na igabana ry'inka.

Aliho igihe tugitegereje ibyo bizemazwa, bigeze igihe cyo gukuraho uburyo bginshi budahuje - ndetse budafite agaciro cyanga bgarenganya - bikurikizwa ubu n'inkiko zimwe za abaturage igihe zitegeka kugabana cyanga biturutse ku manza.

Amategako n'uburyo bg'itandukana n'igabana by'iryo sezerano ni ngombwa ko bihuzwa mu Rwanda hose.

Mbyemeraniye n'abatega bakuru b'ababirigi, mu gihe tugitegereje ibizemazwa n'Inama nkuru y'Igihugu, ndabasaba gutangaza no kubahiriza ibi bikurikiraho:

- " kuva umunsi muzabonera iyi circulaire, inkiko z'abaturage ntizi-
- " zaba zigifite ububasha bgo gutandukanya amasezerano cyangabgo
- " guca imanza zo kugabana inka.
- " Noneho kugirango byumvikane neza:
- " imanza zose zerekeye, ali abasaba gutandukana (naho bgaba bisa-
- " bwe na shebuja cyanga umugaragu ntacyo bitwaye) harega umwe
- " cyanga undi uwo byaturukaho wese, kandi bikaza kugeza ko bakwe-
- " meza igabana ry'inka z'ubuhake bigomba guhagarara kugeza igihe
- " itegeko rishya rizatangirwa."

N'ukuvuga yuko se k'urubgo buryo ba shebuja n'abagaragu nibigira ko batahanirwa kwirengagiza isezerano ribahuje muby'ubuhake?

Ibyo ntaho bihuriye.

Ibirego byerekeye kwanga imilimo y'ubuhake itegetswe n'umuco w'igihugu byaregerwa, bikaburanishwa kandi rugacibga.

Aliho mu bihe twavuze, inkiko zizagomba kutarenza ibihano bikurikira:

- a) gufungwa
- b) igihano (cy'amafranga cyanga icyiru cyategetswe n'umuco w'igihugu: inka imwe cyanga nyinshi).
- c) gucibwa amafranga y'urubanza rwaburanishijwe n'aya umugabane w'igiciro cy'igitsindiwe urukiko rutanze (fraîs de justice et droits proportionnels)
- d) igihano cyo gufungwa udatanze amafranga waciwe n'Urukiko (S.P.S) na ingwatira muntu (C.P.C.)

Inkiko zizagomba lero kwirinda:

- a) kwemeza indishyi z'akababaro zasabge mu manza zerekeye ubuhake
- b) gutandukanya amasezerano y'ubuhake
- c) igabana ry'inka z'ubuhake (igabana ry'abagaragu n'irya inka z'impahano n'iz'ubuhake mu bya umunani ntiribujijwe).
- d) ishingana ry'inka (keretse ku byavuzwe hirya).

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Simbyirengagiza - namwe kandi ntimubiyobewe - ko aho bizamenyekanira bizatera amagambo.

Ba shebuja n'abagaragu bamwe bazaba bamenye ivanwaho ry'ubuhake, bazatera amahane, ibyo kandi bagirango bibe byabagirira akamaro muli icyo gihe bitaratungana.

Ruhengeri



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Ba shebuja bamwe, bazakoresha imilimo y'agahato. Abagaragu bandi, bazagerageza kugabanya cyanga kugandira imilimo itegatswe, guhisha inka, ndetse no kuzigura nta ruhusa bafite.

Mwese ndababuriye ku mpande zombi, nkuko mubitekereza, Inama nkuru y'Igihugu izabyiga hanyuma ishyireho uburyo bushoboye kurwana ku by'umuntu wese akwiriye no kuby'Igihugu.

Ntimwibagirwe ko, uretse ibihano Inkiko zigarukiraho byavuzwe, zifite ubundi buryo bgo guhana, bagakoresheya bikomeye ari ngombwa bukumvisha abanyacyaha.

Byongeye kandi, kugirango babuze abagaragu b'abahemu guhisha inka z'ubuhake cyanga kuzigurisha, kuva ubu, nabivuganye n'abatega bakuru ba ababirigi, bemeje ibi bikurikiraho:

- 1^o Inkiko zizashingana inka zizaba zemejwe neza mu rubanza ko ari impishano.
- 2^o Kuva ubgo, ku munsu wa mbere wa ugushyiraho gutaha abatware ba imisozi bazagira igitabo bagomba kwandikamo itanga na igura ry'inka. icyo gitabo kizandikwamo:
 - a) umunsu wa itanga cyanga wa igura
 - b) inka icyo ariyo (imbata - ubuhake - inkwano - iz'ingabo n'ibindi)
 - c) izina ry'icyo nka
 - d) izina ry'uyitanye cyanga uyiguze
 - e) izina ry'uyijyanye
 - f) uruhusa (changa ihakana) bya shebuja
- 3^o Abatware b'intara bazagira igitabo nk'icyo cyo kwandikamo inka zatanze cyanga zaguzwe nabo ubgabo cyanga n'abatware b'imisozi ba abagaragu b'abatware cyanga b'Umwami.
- 4^o Iteka ryo muri 1941 ryerekeye amasezerano y'ubuhake (chane cyane mu ngingo zaryo 22 na 23 zerekana ibyo abagaragu bagomba gukorera n'ibyo bagomba gukorera ba shebuja) rizagumaho kugeza igihe Inama nkuru y'Igihugu izashyiraho ilindi rishya.

Birumvikana lero mu byo tumaze kuvuga, k'umugaragu agomba gukomeza kworora inka z'ubuhake nk'uko "umubyeyi mwiza yita ku rubyaro rwe", ntagire n'izo agura rwihishwa cyanga agura ari nyinshi adahawe uruhusa na shebuja.

Ariko ndashaka kumvisha neza abatware b'intara cyane cyane aba imisozi ko iyandika ry'igitabo twavuze ridashobora kugira icyo rihuganyaho mu milimo y'ubucuruzi n'iy'ubukungu by'Igihugu. Bafite umulimo ukomeye wo kutavunisha abo bashakaga gutanga cyanga kugurisha inka, kubitaho no kubumva neza. Ntibagomba kureba niba iryo tanga cyanga kugura bihuje n'amategako (keretse ibigaragara rwose, nabyo bakabibgira Urukiko rubifitiye ububasha), gusa icyabo n'ukwitondera kwandika mu kuri aho inka zigiyeye.

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Mpora mbibutsa kenshi ko mwumva neza n'urukundo mufitiye igihugu cyanyu kugirango dushyire hamwe rwose kandi tugire umwete wimazeyo.

Nongeye kubibabgira muri iki gihe cy'ibi tulimo bikomeye, bizatera amajyambere y'Urwanda.

Niba ari ngombwa mwibanza kwibuka ibintu byanyu byagite abubgo mwitegereze impamvu zikurikiye, alizo nabasobanuriye kuli 1 - 2 - 3 na 4 bya urupapuro rwa 2 rwa circulaire yanjye n^o 33 nababgiye. Musubire musome izo mpamvu, mwiyumvishe cyane umulimo wanyu ukomeye wo kwigisha ingabo no kuziyoboza urugero rwanyu mutanga.

Nyanza-Ruanda, le 11 novembre 1953.

Umwami w'Urwanda,
Mutara Rudahigwa.