Itegeko rishya rya UK ku Rwanda rishobora kugera ku ntego? Ni iki gishobora kurihagarika?

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- **Umunyamakuru wa BBC ku bibazo by'imbere mu Bwongereza no ku bucamanza**
- https://www.bbc.com/gahuza

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Inzobere mu mategeko zagize uruhare mu rubanza ku Rwanda – cyangwa zashyigikiye ikirego kuri gahunda ijyanye n'u Rwanda – zavuze ko itegeko rishya rishobora gutangiza urugamba rwagira ingaruka zikomeye muri politiki hagati ya leta y'Ubwongereza n'Urukiko rw'Ikirenga hamwe n'Urukiko rw'Uburayi rw'uburenganzira bwa muntu (European Court of Human Rights, ECHR).
Mu mwanzuro w'Urukiko rw'Ikirenga mu kwezi gushize, abacamanza batanu banzuye nta n'umwe muri bo uvuyemo ko u Rwanda rudatekanye – batanga ibimenyetso birambuye by'ukuntu uburyo bw'u Rwanda bwo kwakira abasaba ubuhungiro bufite inenge zikomeye.
Ingingo y'ingenzi muri gahunda nshya ya leta y'Ubwongereza igerageza gucyemura iki gice kiri mu bigize ibyatumye itsindwa, igasaba inteko ishingamategeko gutangaza ko "mu buryo budasubirwaho" u Rwanda rutekanye, igahita inabuza abacamanza b'Abongereza kuzigera na rimwe bavuga ko rudatekanye.
Ibyo bigamije kubuza inkiko kuba zakongera kwiga ku bimenyetso bijyanye n'akarengane karangwa mu buryo bw'u Rwanda bwo kwakira abasaba ubuhungiro. Ubaye nk'ubishyira ku rundi rwego rwo hejuru cyane, mu gihe mu Rwanda haba hadutse intambara nko mu 1994 (si ikintu muri iki gihe biboneka ko cyabaho), amategeko y'Ubwongereza na bwo yakomeza kuvuga ko u Rwanda ari igihugu gitekanye cyo koherezamo abantu.

Iyi gahunda inategeka abacamanza b'Abongereza n'inkiko zo mu Bwongereza kwirengagiza ibice (sections) byo mu mategeko y'uburenganzira bwa muntu (Human Rights Act), bivuga ku kuntu bakwiye gusobanukirwa (kumva) uburyo bwo kurinda (uburenganzira) buri mu masezerano y'Uburayi ku burengazira bwa muntu (European Convention of Human Rights).

Ibyo birimo n'uburenganzira bwo kudakorerwa iyicwarubozo (kuborezwa igufa mu Kirundi), cyangwa uburenganzira bwo kuburanishwa mu rukiko mu buryo butabogamye.
Iyi gahunda inabuza abacamanza gusuzuma ayandi mategeko mpuzamahanga (icyo ateganya) – by'umwihariko amasezerano agenga impunzi ndetse n'ingingo y'Umuryango w'Abibumbye ibuza iyicarubozo

Ibi ni agashya kaba kagezweho mu mategeko no muri politiki ku rwego mpuzamahanga.
Ku ruhande rumwe, Ubwongereza bwinjiye nta gahato muri aya mategeko kuko bwashakaga gutanga urugero ku rwego rw'isi kugira ngo abandi barukurikize.
Ku rundi ruhande, leta yateguye itegeko, ni ko abayinenga bavuga, rituma ishobora guhitamo uko ibishatse igihe cyo gukurikiza amategeko mpuzamahanga nk'ayo – mu gihe isaba u Rwanda ko rwo buri gihe ruyakurikiza ingingo ku yindi.
Umwe mu nzobere mu mategeko wubashywe cyane, Profeseri Mark Elliott wigisha amategeko kuri Kaminuza ya Cambridge mu Bwongereza, yamaze gutangaza inyandiko ku rubuga rwa internet, aho avuga ko ubu ari "uburyarya bwo ku rwego rurenze ukwemera".

Hanyuma, iyo gahunda ivuga ko inkiko z'Ubwongereza zigomba kwirengagiza irindi tegeko iryo ari ryo ryose ryo mu Bwongereza ritambamiye kubona ko u Rwanda rutekanye – ibi birakomeye kuko Urukiko rw'Ikirenga rwavuze ko amategeko nk'iryo ahari.
None rero, ibi birasiga hehe iyi gahunda?
Urupapuro rubanza rw'uyu mushinga w'itegeko hari icyo rubivugaho. Buri tegeko rishya ryose rigomba kubamo ingingo ivuga niba iyi gahunda nta kibazo iteje ku bijyanye n'amasezerano y'Uburayi ku burenganzira bwa muntu.
Uyu mushinga w'itegeko urimo iyo ngingo ibyizeza – kandi ibyo bivuze ko abanyamategeko ba leta y'Ubwongereza baburiye abaminisitiri ko bishoboka cyane kurusha uko bitashoboka ko uwo mushinga w'itegeko uzahirima nuhura n'ibirego mu nkiko by'igihe kirekire.
Rero uyu mushinga w'itegeko nuramuka wemejwe, inzobere nyinshi zivuga ko zirimo kwitegura urubanza rushya rwa karahabutaka – niba ahubwo atari imanza nyinshi.
Zimwe muri izo manza zishobora no gutangirira i Edinburgh, muri Scotland (Écosse), niba iyi gahunda hari aho ihutaje igice cyo mu mategeko ya Scotland, ibiro bya Minisitiri w'intebe w'Ubwongereza bitibajijeho.

Niba wibaza ko ibyo nta ho bihuriye kandi bitashoboka, uwari Minisitiri w'intebe w'Ubwongereza Boris Johnson byamubayeho, ubwo yatsindwaga bikomeye kubera gufunga inteko ishingamategeko mu buryo bunyuranyije n'amategeko, ubwo hari hari ikibazo cyo kuva mu muryango w'Ubumwe bw'Uburayi kw'Ubwongereza, ibizwi nka Brexit.
Mu gihe ibintu byaba bibaye bibi cyane, iyi gahunda ishobora guteza impagarara mu rwego rw'amategeko zitigeze zibaho mbere, hagati y'inteko ishingamategeko n'abacamanza.
Urukiko rw'Ikirenga ntirushobora kuburizamo itegeko ry'ibanze – ariko rufite ububasha bwo gusohora itangazo ryuko ridahuye n'andi mategeko ("Declaration of Incompatibility").
Icyo ni icyemezo cy'imbonekarimwe, kivuga ko itegeko ryemejwe n'inteko ishingamategeko (Act of Parliament) rikwiye kongera kwigwaho kuko ridahuye n'iby'ibanze byo mu masezerano y'Uburayi ku burenganzira bwa muntu byashyizwe mu mategeko y'Ubwongereza.
Uburenganzira bubiri nk'ubwo buhita buza mu mutwe iyo utekereje kuri gahunda ijyanye n'u Rwanda. Ni uburenganzira bwo kudakorerwa ibintu bitari ibya kimuntu, n'uburenganzira bwuko dosiye yawe yumvwa mu buryo butabogamye, mbere yuko ushyirwa mu ndege ikujyana mu Rwanda.
Niba Urukiko rw'Ikirenga rusohoye itangazo ryuko itegeko runaka ridahuye n'andi mategeko (Declaration of Incompatibility), ubundi biba bivuze ko guverinoma ikwiye gusaba inteko ishingamategeko kuvugurura iryo tegeko riteje ikibazo. Ariko ntabwo inteko ishingamategeko itegetswe kubikora – ari na ho za mpagarara zishobora kuvukira.

Rero niba abaminisitiri bakomeje gahunda yo kohereza mu Rwanda abasaba ubuhungiro, nta kabuza (gisibya) ko abarega bazahita bagerageza kugeza ikirego cyabo, nkuko byaba

bikiri uburenganzira bwabo mu rwego rw'amategeko, mu rukiko rw'Uburayi rw'uburenganzira bwa muntu (European Court of Human Rights).
Urwo rukiko, rufite icyicaro i Strasbourg mu Bufaransa, rwahita rwiga niba rushaka gutambamira iyo gahunda – n'indege zitwaye abasaba ubuhungiro zibajyana mu Rwanda – mu gihe rwiga kuri iyo dosiye y'urubanza.
Mu gihe rwaba rukoze ibyo, umushinga w'itegeko urimo ingamba ivuga ko abaminisitiri bashobora kwirengagiza icyemezo nk'icyo, maze indege bakayiha ikirere.
Ariko hari inzitizi ebyiri zikomeye ku kuba iyo gahunda yashyirwa mu bikorwa.
Iya mbere ni politiki. Bacyeneye ko ibi binyura mu nteko ishingamategeko – kandi nta cyizere gihari cyuko umutwe wa sena uzabyemera.

Bamwe mu babikurikiranira hafi batangiye kwibaza impamvu Minisitiri w'ubutabera w'Ubwongereza Alex Chalk, n'Umushinjacyaha mukuru Victoria Prentice, bashyigikiye uwo mushinga w'itegeko, mu gihe bombi bafite inshingano zo mu rwego rw'amategeko zo kubahiriza amategeko mpuzamahanga ashobora kuba agiye kwirengagizwa vuba aha. Amajwi menshi mu mutwe w'abadepite ashobora kuba abashyigikiye.
Iya kabiri, dufashe ko uyu mushinga uhindutse itegeko, ni uko zimwe mu ntyoza mu mategeko zo mu Bwongereza zarwanyije leta mu nkiko kuri gahunda ijyanye n'u Rwanda. Iyi gahunda ishobora kwugarizwa n'ibirego byinshi cyane byo mu nkiko kuburyo icyemezo cya nyuma cy'urukiko gishobora kutazigera kigerwaho mbere yuko amatora rusange ataha, yo mu 2025, aba.