

RWANDA / JUDGMENT

UBUSHINJACYAHA v. MBAZUMUTIMA N'ABANDI

RPAA 00308/2023/CA - CMB RPAA 00310/2023/CA - CMB RPAA 00320/2023/CA

COURT

Court of Appeal

DECIDED

28 May 2025

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UBUSHINJACYAHA v. MBAZUMUTIMA N'ABANDI

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Text

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UBUSHINJACYAHA v. MBAZUMUTIMA N'ABANDI [Rwanda URUKIKO RW'UBUJURIRE – RPAA 00308/2023/CA - CMB RPAA 00310/2023/CA - CMB RPAA 00320/2023/CA (Rugabirwa, P.J.) 28 Gicurasi 2025] Amategeko agenga imiburanishirize y'imanza z'inshinjabyaha – Ukwemera icyaha – Agaciro k'ukwemera icyaha gutumwa uregwa agabanyirizwa ibihano – Ukwemera icyaha kugira agaciro gashobora gutuma uregwa agabanyirizwa igihano, ni ugukozwe byibura mbere y'uko iburanisha ku rwego rwa mbere ripfundikirwa, kudashidikanywaho, kuba uwemera agaragaza ko yumva uburemere bw'ibikorwa yemera n'ingaruka zabyo, abyicuza, abisabira imbabazi no kuba yiteguye gusubiza ibyo yangije uko abitegerejweho. Amategeko agenga imanza z'inshinjabyaha – Kugabanya igihano – Ntacyabuza Urukiko kugabanyiriza igihano uregwa iyo hari impamvu ituma abigabanyirizwa, kabone nubwo yaba yarakoze icyaha ku buryo bw'insubiracyaha ndetse akagifungirwa. Incamake y'ikibazo: Nkurunziza Richard yakurikiranyweho n'Ubushinjacyaha icyaha cyo gufatanwa no kunywa ibiyobyabwenge bwo mu bwoko bw'urumogi nyuma yuko

afatanywe agapfunyikamwe kamwe k'urumogi akavuga ko yakaguze na Mbazumutima n'umugore we Mukeshimana Rehema abo nabo bafatanywa udupfunyika 148 tw'urumogi, bo na Habanabashaka Emmanuel alias Amuza na Nsabimana Onesphore alias Tonto, bakurikiranwaho icyaha cyo gucuruza ibiyobyabwenge bwo mu bwoko bw'urumogi, Ubushinjacyaha bubaregera Urukiko Rwisumbuye rwa Muhanga. Urukiko Rwisumbuye rwa Muhanga rwaciye urubanza rwemeza ko Nkurunziza Richard alias Zepekinho ahamwa n'icyaha cyo gufatanwa no kunywa ibiyobyabwenge byo mu bwoko bw'urumogi, rumuhanisha igifungo cy'umwaka umwe n'amezi ane (1 an + 4 mois), ko Mukeshimana Rehema na Mbazumutima Moussa alias Pablo bahamwa n'icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi, ruhanisha Mukeshimana Rehema igifungo cy'imyaka 25 n'ihazabu ya 20.000.000 Frw, naho Mbazumutima Moussa alias Pablo, ahanishwa igifungo cya burundu n'ihazabu ya 20.000.000 Frw, ko Habanabashaka Emmanuel alias Amuza na Nsabimana Onesphore alias Tonto bahamwa n'icyaha cyo gutunda no gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi, rubahanisha igifungo cya burundu n'ihazabu ya 20.000.000 Frw kuri buri wese. Abaregwa bose bajuririyeye mu Rukiko Rukuru, Urugereko rwa Nyanza, Nkurunziza yandika ahagarikisha ubujurire bwe, arabyemererwa, Habanabashaka asaba kugabanyirizwa ibihano kubera ko yemera icyaha, Mbazumutima Moussa ahakana icyaha, asaba kugirwa umwere, Mukeshimana Rehema avuga ko asaba imbabazi, ko yabeshyeye umugabo we Mbazumutima Mussa, anasaba gufungurwa ngo asange abana be batatu yasize, naho Nsabimana Onesphore asaba kugabanyirizwa ibihano kubera ko yemera icyaha kuba ari ubwa mbere akoze icyaha no kuba yaragikoze akiri umwana muto. Urukiko Rukuru Urugereko rwa Nyanza rwaciye urubanza rwemeza ko imikirize y'urubanza rwajuririye ihindutse gusa ku birebana n'igifungo Mukeshimana Rehema yahanishijwe, rumuhanisha igifungo cy'imyaka cumi n'irindwi (17), n'ihazabu ya miliyoni makumyabiri (20.000.000 Frw), runemeza ko nta gihindutse ku mikirize y'urwo rubanza kuri Mbazumutima Moussa alias Pablo, Habanabashaka Emmanuel alias Amuza na Nsabimana Onesphore alias

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Tonto, ko igihano cy'igifungo cya burundu n'ihazabu ya miliyoni makumyabiri (20.000.000 Frw) buri wese yahanishijwe bigumyeho. Mbazumutima na bagenzi be bajuririyeye mu Rukiko rw'Ubujurire ndetse mu miburanire yabo Mukeshimana Rehema, Habanabashaka Emmanuel alias Amza na Nsabimana Onesphore n'ababunganira bavuga ko bakwiye kugabanyirizwa ibihano kubera ko bemera icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi bakanabisabira imbabazi. Mu gihe Mbazumutima we avuga ko yahamijwe icyaha atakoze, kuko nta bimenyetso simusiga bigaragaza ko yagikoze, asaba kugirwa umwere. Ku rundi ruhande, Ubushinjacyaha buvuga ko n'ubwo ubujurire bwa Mukeshimana, Habanabashaka alias Amza na Nsabimana Onesphore nta shingiro bufite, bakwiye kugabanyirizwa ibihano kubera ko aribwo bwa mbere bakurikiranyweho icyaha. Buvuga kandi ko n'ubwo nta kosa Urukiko Rukuru rwakoze mu guhamya Mbazumutima Moussa Alias Pablo icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi kuko hari ibimenyetso bikimuhamya atavugurujye, ariko ko akwiye kugabanyirizwa ibihano kubera ko aribwo bwa mbere akurikiranyweho icyaha. Incamake y'icyemezo: 1. Ukwemera icyaha kugira agaciro gashobora gutuma uregwa agabanyirizwa

igihano, ni ugukozwe byibura mbere y'uko iburanisha ku rwego rwa mbere ripfundikirwa, kudashidikanywaho, kuba uwemera agaragaza ko yumva uburemere bw'ibikorwa yemera n'ingaruka zabyo, abyicuza, abisabira imbabazi no kuba yiteguye gusubiza ibyo yangije uko abitegerejweho.

2. Ntacyabuza Urukiko kugabanyiriza igihano uregwa iyo hari impamvu ituma abigabanyirizwa, kabone nubwo yaba yarakoze icyaha ku buryo bw'insubiracyaha ndetse akagifungirwa. Imikirize y'urubanza rwaciwe n'Urukiko Rukuru, Urugereko rwa Nyanza ihindutse gusa ku birebana n'ibihano abaregwa bahanishijwe. Amategeko yashingiweho: Itegeko N° 059/2023 ryo ku wa 04/12/2023 rihindura Itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganyira ibyaha n'ibihano muri rusange, Ingingo ya 2. Imanza zifashishijwe: RPA 00060/2021/CA; Ubushinjacyaha vs Nsabimana Callixte alias Sankara na bagenzi be rwaciwe n'Urukiko rw'Ubujurire ku wa 04/04/2022, RPAA 00782/2021/CA; Ubushinjacyaha vs SIBOMANA Ali rwaciwe n'Urukiko rw'Ubujurire ku wa 24/03/2023. Urubanza I. IMITERERE Y'URUBANZA [1] Ubushinjacyaha bwakurikiranyeho Nkurunziza Richard gufatanwa no kunywa ibiyobyabwenge bwo mu bwoko bw'urumogi, naho Mbazumutima Moussa alias Pablo, Mukeshimana Rehema, Habanabashaka Emmanuel alias Amuza na Nsabimana Onesphore alias

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Tonto, bakurikiranwaho icyaha cyo gucuruza ibiyobyabwenge bwo mu bwoko bw'urumogi, ubwo ku wa 10/01/2020, Nkurunziza Richard alias Zepekinho yafatanwe agapfunyika kamwe (1) k'urumogi avuga ko yakaguze kwa Mbazumutima Mussa n'umugore we Mukeshimana Rehema, nabo bafatanwa udupfunyika 143 twarwo, Mukeshimana Rehema yari ahishe mu byatsi iruhande rw'igikoni cye mu gipangu babamo n'umugabo we, maze avuga ko urwo rumogi ari urw'umugabo we Mbazumutima Moussa kandi ko arucuruza, ndetse anavuga ko aruzanirwa na Nsabimana Onesphore, aho muri telefone ye yamwise Tonto, naho Habanashaka Emmanuel muri telefone ye yamwise Amuza. [2] Mukeshimana Rehema yasabwe guhamagara Nsabimana Onesphore alias Tonto na Habanashaka Emmanuel alias Amuza akoresheje telefoni ye ababwira ko bamuzanira urumogi kubera ko bari bamenyeranye, nabo barumuzanira byihuse, bahita bafatwa, Nsabimana Onesphore alias Tonto afatanwa urumogi rungana n'udupfunyika 1.500 tw'urumogi na 4200 Frw na telephone ya Tecno akoresha mu kuvugana n'aba clients be, naho Habanashaka Emmanuel alias Amuza afatanwa urumogi rungana n'udupfunyika 700 tw'urumogi, moto yakoresheye mu kurutwara, 15.400 Frw na telefone bavuganiraho. [3] Nkurunziza Richard alias Zepekinho yaburanye yemera icyaha akavuga ko urumogi yafatanwe rwari urwo kunywa ahakana icyaha cyo kurucuruza, naho Mbazumutima Moussa alias Pablo avuga ko atemera icyaha ashinjwa, kuko urumogi rwafatiwe iwe mu rugo ari rw'umugore we Mukeshimana Rehema warucuruzaga. Mukeshimana Rehema we yavuze ko atemera icyaha, avuga urumogi rwafatiriwe iwe ari urw'umugabo we Mbazumutima Moussa, naho Habanabashaka Emmanuel alias Amuza na Nsabimana Onesphore alias Tonto baburana bahakana icyaha. [4] Urukiko Rwisumbuye rwa Muhanga rwaregwe, rushingiye ku kuba Nkurunziza Richard alias Zepekinho yemera ko yafatanywe agapfunyika kamwe (1 boules) k'urumogi, kandi ko yari asanzwe arunywa nk'uko

anabishinjwa na Niringiyimana Jean Félix wamufashe, akanabisinyira, ku kuba Mukeshimana Rehema yemera ko iwe mu rugo hafatiwe udupfunyika 143 tw'urumogi, akanemera ko Nkurunziza Richard yari asanzwe amuha udupfunyika 100 tw'urumogi, kandi ko yahamagaye Nsabimana Onesphore akamuzanira boules 1.500, naho Habanabashaka akazana boules 500, ndetse Nkurunziza Richard akamushinja ko ariwe yaguriraga urumogi inshuro nyinshi, kandi ko Niringiyimana Jean Félix amushinja, ndetse Mukeshimana Rehema akaba yarasinye ku nyandikomvugo y'ifatira yemera ko yafatanywe udupfunyika 143 tw'urumogi. [5] Urwo Rukiko rushingiye kandi ku kuba Mbazumutima Moussa ashinjwa n'umugore we Mukeshimana Rehema, no kuba Habanabakize Emmanuel amushinja ko yamuhaye boules 500 ngo azijyane iwe mu rugo, ko kandi atari ubwa mbere yari abikoze, bigaragara ko yafatanyaga n'umugore we mu gucuruza urumogi. Rushingiye kandi ku kuba Nsabimana Onesphore alias Tonto yarafatanywe boules 1.500 z'urumogi aruzanye kwa Mukeshimana Rehema kurugurisha nk'uko byemejwe na Niringiyimana Jean Félix warumufatanye, no kuba Habanabashaka Emmanuel alias Amuza yemera ko yatundaga urumogi akaruvana i Nyamirambo, mu Mujyi wa Kigali akarujyana mu Karere ka Kamonyi arutumwe na Mbazumutima Moussa ndetse akamwishyura amafaranga, kandi Mukeshimana Rehema akaba amushinja ko ari mubabazaniraga urumogi bakarugura, kuko yari anafite numero ye muri telefoni, aho yitwaga Hamza, ndetse akaba yarafashwe agemuye urumogi kwa Mbazumutima Moussa nk'uko byemejwe n'umupolisi wabafashe.

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[6] Hashingiwe ku bimenyetso byavuzwe haruguru, urwo Rukiko rwaciye urubanza RP 00048/2020/TGI/MHG kuwa 17/02/2020, rwemeza ko Nkurunziza Richard alias Zepekinho ahamwa n'icyaha cyo gufatanwa no kunywa ibiyobyabwenge byo mu bwoko bw'urumogi, rumuhanisha igifungo cy'umwaka umwe n'amezi ane (1 an + 4 mois), ko Mukeshimana Rehema na Mbazumutima Moussa alias Pablo bahamwa n'icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi, ruhanisha Mukeshimana Rehema igifungo cy'imyaka 25 n'ihazabu ya 20.000.000 Frw, naho Mbazumutima Moussa alias Pablo, ahanishwa igifungo cya burundu n'ihazabu ya 20.000.000 Frw, ko Habanabashaka Emmanuel alias Amuza na Nsabimana Onesphore alias Tonto bahamwa n'icyaha cyo gutunda no gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi, rubahanisha igifungo cya burundu n'ihazabu ya 20.000.000 Frw kuri buri wese. [7] Nkurunziza Richard na bagenzi be bajurirye urwo rubanza mu Rukiko Rukuru, Urugereko rwa Nyanza, ariko Nkurunziza Richard yandika ahagarikisha ubujurire bwe, arabyemererwa, Habanabashaka Emmanuel asaba kugabanyirizwa ibihano kubera ko yemera icyaha, asobanura ko atahamagawe na Mukeshimana Rehema ngo amuzanire urumogi, ko ahubwo yahamagawe na Mbazumutima Mussa ngo amutwarire urumogi mu rugo arushyire Mukeshimana Rehema nkuko byari bisanzwe bigenda, aranamwishyura. Mbazumutima Moussa ahakana icyaha, asaba kugirwa umwere, Mukeshimana Rehema avuga ko asaba imbabazi, ko yabeshyeye umugabo we Mbazumutima Mussa, anasaba gufungurwa ngo asange abana be batatu yasize, naho Nsabimana Onesphore asaba kugabanyirizwa ibihano kubera ko yemera icyaha kuko urumogi yafatanywe rwari urwe, kuba ari ubwa mbere akoze icyaha no kuba yaragikoze

akiri umwana muto. [8] Naho uhagarariye Ubushinjacyaha avuga ko ubujurire bwabo nta shingiro bufite kuko batavuguruza ibimenyetso bibahamya icyaha. [9] Urukiko Rukuru rushingiye ku kuba mu Bugenzacyaha Mbazumutima Moussa yaremeye ko acuruza urumogi nk'uko yanabishinjwe n'umugore we Mukeshimana Rehema, akanabishinjwa na Nkurunziza Richard ndetse na Habanabashaka Emmanuel, kandi mu bujurire akaba ataravugurujwe ibyo bimenyetso, ku kuba mu Bugenzacyaha Mukeshimana Rehema yaremeye ko hari abo yahamagaye ku giti cye ngo bamuzanire urumogi, kandi ko yigeze kugurisha we ubwe Nkurunziza Richard urumogi, bigaragaza ko yafatanyaga n'umugabo we gucuruza urumogi, ariko ko akwiye kugabanyirizwa ibihano kubera ko yafashije Ubutabera kugira ngo abandi bakorana na bo muri ubwo bucuruza batahurwe no kuba ari ubwa mbere akurikiranwe n'inkiko. [10] Urwo Rukiko rwasanze ukwemera icyaha bwa mbere kwa Nsabimana Onesphore akoreye mu bujurire, aho yemeye ko yacuruzaga urumogi kuko yaruzaniraga Mukeshimana Rehema, kutamubera impamvu nyoroshyacyaha ituma agabanyirizwa ibihano, kandi ko kutuzuye kuko adasobanura mu buryo bufututse uko yacuruzaga urumogi n'aho yarukuraga, ku buryo byafasha Ubutabera gukurikirana n'abandi bakorana, ko ahubwo mu kumugenera ibihano, hakwiye kwitabwa ku buremere bw'icyaha yakoze yari yaragize akamenyero, kuko yari asanzwe azanira Mukeshimana Rehema urumogi, kubera ko yamuhamagaye kuri telefoni ahita amuzanira boules 1.500, bigaragaza ko yari asanzwe arucuruza. Ku birebana na Habanabashaka Emmanuel, Urukiko rwasanze atagabanyirizwa ibihano hashingiye ku kwemera icyaha kwe kuko avuga ko urumogi yashyikirije na Mukeshimana Rehema yari arutumwe n'umugabo we Mbazumutima Moussa, kandi iyo mvugo ivuguruzwa na Mukeshimana Rehema wemeje ko yamwihamagariye

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ubwe ngo amuzanire urumogi kandi ko yari asanzwe arumuzanira kuko yamuhamagaye inshuro ebyiri, iya gatatu akaba ari bwo bamufashe. [11] Hashingiye ku bimenyetso byavuzwe haruguru, Urukiko Rukuru rwaciye urubanza RPA 00224/2020/HC/NYZ ku wa 02/06/2023, rwemeza ko imikirize y'urubanza rwajuririye ihindutse gusa ku birebana n'igifungo Mukeshimana Rehema yahanishijwe, rumuhanisha igifungo cy'imyaka cumi n'irindwi (17), n'ihazabu ya miliyoni makumyabiri (20.000.000 Frw), runemeza ko nta gihindutse ku mikirize y'urwo rubanza kuri Mbazumutima Moussa alias Pablo, Habanabashaka Emmanuel alias Amuza na Nsabimana Onesphore alias Tonto, ko igihano cy'igifungo cya burundu n'ihazabu ya miliyoni makumyabiri (20.000.000 Frw) buri wese yahanishijwe bigumyeho. [12] Mbazumutima Moussa alias Pablo na bagenzi be bajuririye na none urwo rubanza mu Rukiko rw'Ubugurire, ubujurire bwabo buhabwa RPAA 00308/2023/CA - CMB RPAA 00310/2023/CA - CMB RPAA 00320/2023/CA, urubanza rwaburanishijwe mu ruhamwe ku wa 08/05/2025, Mbazumutima Moussa Alias Pablo yunganiye na Me Ndorimana Arnold, Habanabashaka Emmanuel alias Amza na Nsabimana Onesphore bunganiye na Me Bayingana Janvier, Mukeshimana Rehema yunganiye na Me Akimana Elisabeth, naho Ubushinjacyaha buhagarariye na Uwizeye Jean Marie, Umushinjacyaha ku rwego rw'Igihugu. [13] Mu mwanzuro no mu miburanire, Mukeshimana Rehema, Habanabashaka Emmanuel alias Amza na Nsabimana Onesphore n'ababunganira bavugaga ko

bakwiye kugabanyirizwa ibihano kubera ko bemera icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi bakanabisabira imbabazi. [14] Mu mwanzuro no mu miburanire, Mbazumutima Moussa Alias Pablo n'umwunganira bavuga ko yahamijwe icyaha atakoze, kuko nta bimenyetso simusiga bigaragaza ko yagikoze, asaba kugirwa umwere. [15] Naho uhagarariye Ubushinjacyaha avuga ko n'ubwo ubujurire bwa Mukeshimana Rehema, Habanabashaka Emmanuel alias Amza na Nsabimana Onesphore nta shingiro bufite, bakwiye kugabanyirizwa ibihano kubera ko aribwo bwa mbere bakurikiranyweho icyaha. Avuga kandi ko n'ubwo nta kosa Urukiko Rukuru rwakoze mu guhamya Mbazumutima Moussa Alias Pablo icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi kuko hari ibimenyetso bikimuhamya atavugurujye, ariko ko akwiye kugabanyirizwa ibihano kubera ko aribwo bwa mbere akurikiranyweho icyaha. [16] Urukiko ruhereye kuri izo mpaka, rurasanga ibibazo bikwiye gusuzumwa muri uru rubanza ari ibyo kumenya niba Mukeshimana Rehema, Habanabashaka Emmanuel alias Amza na Nsabimana Onesphore bagabanyirizwa ibihano kubera ko bemera icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi bakanagisabira imbabazi, no kumenya niba Urukiko Rukuru rwarahamije Mbazumutima Moussa Alias Pablo icyo cyaha nta bimenyetso ku buryo akwiye kugirwa umwere.

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II. IBIBAZO BIRI MU RUBANZA N'ISESENGURWA RYABYO:

1. Kumenya niba Mukeshimana Rehema akwiye kongera kugabanyirizwa ibihano kubera ko yemera icyaha akanagisabira imbabazi. [17] Mukeshimana Rehema n'umwunganira bavuga ko akwiye kongera kugabanyirizwa ibihano kubera ko yemeye icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi anagisabira imbabazi, aracyicuza, no kuba aribwo bwa mbere akoze icyaha, ndetse ko yagororotse aniga imyuga itandukanye. Basobanura ko Mukeshimana Rehema atigeze arushya Ubutabera kubera ko yasobanuye ko yafatanyaga na Habanabashaka Emmanuel alias Amza na Nsabimana Onesphore kurucuruza kuko yabahamagaraga bakarumuzanira akabaha amafaranga bakigendera. Mukeshimana Rehema avuga ko impamvu yari yarashinje Mbazumutima Moussa Alias Pablo amubeshyera, ari uko yashakaga ko nibamufata bakamufunga, azahita afungurwa agasanga abana. [18] Ku birebana n'ibihano, bavuga ko hashingiwe ku ngingo ya 2, (a) na (d), y'Itegeko N° 059/2023 ryo ku wa 04/12/2023 rihindura Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange, Mukeshimana Rehema akwiye kugabanyirizwa ibihano hashingiwe ku mpamvu nyoroshyacyaha zavuzwe haruguru, agahanishwa igifungo cy'imyaka 5 isubitswe kugira ngo kugira ngo ajye kurera abana 5 yasize badafite kirera kuko afunganwe n'umugabo we wakabamufashije, uretse ko batandukanye mu kwezi kwa 12/2019. [19] Uhagarariye Ubushinjacyaha avuga ko Mukeshimana Rehema yagabanyirijwe ibihano kubera ko ari ubwa mbere aguye mu cyaha hashingiwe ku ngingo ya 49 y'Itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange, ariko ko ukwemera icyaha kutuzuye, kuko hari ibyo yagiye agoreka mu mvugo ze nk'aho yahinduye izina rye kugira ngo adakurikiranwa. Avuga kandi ko Mukeshimana Rehema yagiye yakira urumogi ari kumwe n'umugabo we Mbazumutima Moussa. [20] Ku bijyanye n'ibihano Mukeshimana Rehema agomba guhanishwa, avuga ko hashingiwe ku ngingo ya 2, (a) na (d) y'Itegeko N° 059/2023 ryo ku

wa 04/12/2023 rihindura Itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange, akwiye kongera kugabanyirizwa ibihano kubera ko aribwo bwa mbere akurikiranyweho icyaha, agahanishwa igifungo cy'imyaka 15 n'ihazabu ya 5.000.000 Frw, ariko ko atahabwa isubikagihano asaba kuko ahanishijwe igifungo kirenze imyaka 5 nk'uko biteganywa n'ingingo ya 3 y'iryo Tegeko. UKO URUKIKO RUBIBONA [21] Ingingo ya 2 y'Itegeko N° 059/2023 ryo ku wa 04/12/2023 rihindura Itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange, iteganya ko Ingingo ya 60 y'Itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange, ihinduwe ku buryo bukurikira: "Iyo umucamanza yemeje impamvu nyoroshyacyaha, ashobora kugabanya igihano ku buryo bukurikira: (a) igifungo cya burundu gishobora kugabanywa ariko ntikijye munsu y'igihano cy'igifungo cy'imyaka 15"; "(d) igihano cy'ihazabu gishobora kugabanywa kugeza kuri kimwe cya kane cy'igihano cy'ihazabu gito giteganyirijwe icyaha cyakozwe".

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[22] Mu rubanza RPA 00060/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 04/04/2022 haburana Ubushinjacyaha na Nsabimana Callixte alias Sankara na bagenzi be (igika cya 36) hatanzwe umurongo w'uko ukwemera icyaha kugira agaciro gashobora gutuma uregwa agabanyirizwa igihano, ari ugukozwe byibura mbere y'uko iburanisha ku rwego rwa mbere ripfundikirwa, kudashidikanywaho, kuba uwemera agaragaza ko yumva uburemere bw'ibikorwa yemera n'ingaruka zabyo, abyicuza, abisabira imbabazi no kuba yiteguye gusubiza ibyo yangije uko abitegerejweho. [23] Nk'uko bigaragarira mu gika cya 24 na 25 by'urubanza rwaciwe ku rwego rwa mbere, Mukeshimana Rehema yahakanye icyaha, asobanura ko boules 143 z'urumogi zafatiwe iwe mu rugo zitari ize, ko ahubwo zari iz'umugabo we Mbazumutima Moussa kuko acuruza urumogi, kandi ko amaze gufungwa inshuro enye ku cyaha cyo gucuruza urumogi, kuko aruzanirwa na Nsabimana Onesphore na Habanabashaka Emmanuel kandi Mukeshimana Rehema yari afite nimeru zabo muri telefone ye, nyamara ageze mu Rukiko Rukuru n'imbere y'uru Rukiko, avuga ko yemeye icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi anagisabira imbabazi, ariko ko Mbazumutima Moussa atagikoze, ko ahubwo yamubeshyeye bitewe n'uko bari bamubwiye ko namuvuga bamurekura agasanga abana. [24] Hashingiwe ku murongo watanzwe mu rubanza RPA 00060/2021/CA rw'Ubushinjacyaha na Nsabimana Callixte alias Sankara na bagenzi be rwavuzwe haruguru, Urukiko rw'Ubujurire rurasanga ukwemera icyaha no kugisabira imbabazi Mukeshimana Rehema yakoreye mu Rukiko Rukuru n'imbere y'uru Rukiko kutamubera impamvu nyoroshyacyaha ituma agabirizwa kubera ko atigeze yemera icyaha ku rwego rwa mbere ngo agere muri uru Rukiko, ko ahubwo yagiye ahindagura imvugo ze, hamwe agahakana icyaha akagishinja umugabo we Mbazumutima Moussa alias Pablo, ahandi akacyemera akamushinjura. [25] Ku birebana n'igihano cy'igifungo, Urukiko rw'Ubujurire rurasanga, nk'uko n'Urukiko Rukuru rwabibonye, kuba Mukeshimana Rehema yarafatanwe ingano ntoya y'ibiyobyabwenge by'urumogi bingana na boules 143 zo gucuruza, kuba ari ubwa mbere akurikiranwe n'inkiko, no kuba yarafashije ubutabera kugira ngo abandi bakoranaga mu bucuruzi bw'ibiyobyabwenge by'urumogi bamenyekane

banakurikiranwe, bikwiye kumubera impamvu nyoroshyacyaha zituma agabanyirizwa igihano, agahanishwa igifungo cy'imyaka cumi n'itanu (15) n'ihazabu ya miliyoni eshanu (5.000.000 Frw) nk'uko biteganywa n'ingingo ya 2, (a) na (d) y'Itegeko n° 059/2023 ryo ku wa 04/12/2023 ryavuzwe haruguru, aho kuba igifungo cy'imyaka 17 n'ihazabu ya 20.000.000 Frw yari yahawe mbere, bityo imikirize y'urubanza rujuririrwa ikaba ikwiye guhinduka ku birebana n'ibihano Mukeshimana Rehema ahanishijwe muri uru rubanza. [26] Urukiko rw'Ubujurire rurasanga Mukeshimana Rehema atahabwa isubikagihano asaba muri uru rubanza kugira ngo aje kurera abana be kuko ahanishijwe igifungo kiri hejuru y'imyaka 5 nk'uko biteganywa n'ingingo ya 3 (1) y'Itegeko N° 059/2023 ryo ku wa 04/12/2023 ryavuzwe haruguru1.

1 Ingingo ya 3 (1) y'Itegeko n° 059/2023 ryo ku wa 04/12/2023 rihindura Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange, iteganya ko "Iyo uwakatiwe nta kindi gihano cy'igifungo kirenga amezi 6 yahanishijwe mbere, urukiko, rukoresheje icyemezo gisobanura impamvu, rushobora gutegeka gusubika

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2. Kumenya niba Habanabashaka Emmanuel alias Amza na Nsabimana Onesphore bakwiye kugabanyirizwa ibihano kubera ko bemera icyaha bakanagisabira imbabazi. [27] Habanabashaka Emmanuel alias Amza n'umwunganira bavuga ko akwiye kugabanyirizwa ibihano kubera ko yemeye icyaha cyo gutunda no gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi anagisabira imbabazi, no kuba aribwo bwa mbere akoze icyaha ariko ko Urukiko Rukuru rwabyirengagije ntirwamugabanyiriza ibihano. [28] Basobanura ko Habanabashaka Emmanuel yatundaga urumogi akanarucuruza, kuko yaruzaniraga Mukeshimana Rehema n'umugabo we Mbazumutima Moussa akabasanga mu rugo rwabo, aho bari batuye mu Karere ka Kamonyi, ahamagawe n'umugabo cyangwa umugore, kandi ko yafashije Ubutabera kuko yatanze amakuru yose muri Polisi, aho yagaragaje ko Mukeshimana yitwa Mukeshimana Rehema kugira ngo adatoroka Ubutabera kubera ko yari yiyise Kayirangwa Rehema agamije gutoroka Polisi, ndetse ko aho agereye mu Igororero yagororotse kandi yiga umwunga w'umudozi. [29] Ku bijyanye n'ibihano, Habanabashaka Emmanuel avuga ko akwiye kugabanyirizwa ibihano hashingiwe ku mpamvu nyoroshyacyaha zavuzwe haruguru, kugira ngo asubire mu muryango nyarwada aniteze imbere, naho umwunganira avuga ko hashingiwe ku ngingo ya 2, (a) na (d), y'Itegeko n° 059/2023 ryo ku wa 04/12/2023 rihindura Itegeko N° 68/2018 ryo ku wa 30/08/2018 ryavuzwe haruguru, no ku mpamvu nyoroshyacyaha zavuzwe, akwiye guhanishwa igifungo cy'imyaka 15 n'ihazabu ya 5.000.000 Frw, ariko akaba yasubikirwa igice cy'igihano kuko bitabuzwa n'itegeko, kuko kumufunga ari nko gufunga umuryango we. [30] Nsabimana Onesphore n'umwunganira bavuga ko akwiye kugabanyirizwa ibihano kubera ko aribwo bwa mbere akoze icyaha, no kuba yaremeye icyaha anagisabira imbabazi kuva agifatwa kugera muri uru Rukiko, kandi ko yafashije Inzego z'Ubutabera gutahura abanze gutanga amakuru kuri iki cyaha, kuko yagaragaje ko yakuraga urumogi muri KONGO, aho yaruguraga n'uwitwa KABO, anasobanura amayeri yakoresheye kugira ngo arwambutse mu Rwanda, ndetse n'abarumuranguzaga barimo Mukeshimana Rehema na Mbazumutima Moussa, Mariya na Nyabade. [31] Ku bijyanye n'ibihano, Nsabimana Onesphore

avuga ko akwiye kugabanyirizwa ibihano hashingiwe ku mpamvu nyoroshyacyaha zavuzwe haruguru, agahanishwa igifungo cy'imyaka 5 kuko yakoze icyaha akiri muto kubera ko yari afite imyaka 28 y'amavuko, uretse ko ubu afite 34, naho umwunganira avuga ko akwiye gusubikirwa igice cy'igihano kuko itegeko ritabibuza. [32] Uhagarariye Ubushinjacyaha avuga ko hashingiwe ku ngingo ya 2, (a) na (d), y'Itegeko N° 059/2023 ryo ku wa 04/12/2023 rihindura Itegeko N° 68/2018 ryo ku wa 30/08/2018 ryavuzwe haruguru, Habanabashaka Emmanuel na Nsabimana Onesphore bakwiye kugabanyirizwa ibihano kubera ko bemeye icyaha banagisabira imbabazi, bagahanishwa igifungo cy'imyaka 15 n'ihazabu

irangiza ry'igihano cyose cyangwa igice cy'igihano cy'iremezo cyangwa cy'ingereka, iyo igihano cy'iremezo cy'igifungo umuntu yakatiwe kitarenze imyaka 5".

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ya 5.000.000 Frw, ariko ko batasubikirwa ibihano kuko bahanishijwe igifungo kirenze imyaka 5 nk'uko biteganywa n'ingingo ya 3 y'iryo Tegeko. UKO URUKIKO RUBIBONA [33] Ingingo ya 2, (a) na (d), y'Itegeko N° 059/2023 ryo ku wa 04/12/2023 ryavuzwe haruguru, iteganya ko iyo hari impamvu nyoroshyacyaha, umucamanza ashobora kugabanya igihano ku buryo bukurikira : igifungo cya burundu gishobora kugabanywa ariko ntikijye muni y'igihano cy'igifungo cy'imyaka 15, naho igihano cy'ihazabu gishobora kugabanywa kugeza kuri kimwe cya kane cy'igihano cy'ihazabu gito giteganyirijwe icyaha cyakozwe. [34] Ku birebana na Habanabashaka Emmanuel, ku rwego rwa mbere yaburanye ahakana icyaha cyo gucuruza urumogi, ariko akemera ko yarutundaga kuko yaruvanaga i Nyamirambo akarujyana mu Karere ka Kamonyi atumwe na Mbazumutima Mussa wamwishyuraga amafaranga, ariko Urukiko Rwisumbuye rwasanze anahamwa n'icyaha cyo gucuruza urumogi, kuko Mukeshimana Rehema yemeje ko ari mu babazaniraga urumogi bakarugura, kuko yari anafite nimeru muri telefoni ye, aho yitwaga Hamza, ndetse ko yafashwe arubagemuriye, ageze imbere y'Urukiko Rukuru yemera icyaha cyo gutunda urumogi anasobanura uburyo yagikoze, na none ageze imbere y'uru Rukiko avuga ko yemera icyaha cyo gutunda no gucuruza urumogi anagisabira imbabazi [35] Ku birebana na Nsabimana Onesphore, ku rwego rwa mbere, Nsabimana Onesphore alias Tonto yaburanye ahakana icyaha cyo gutunda no gucuruza urumogi, asobanura ko boules 1.500 z'urumogi yafatanywe atwaye mu gikapu yari atwaye kwa Mukeshimana Rehema, yari yagihawe n'uwitwa Rugendo Pacifique atazi ko kirimo urumogi, ariko ageze imbere y'Urukiko Rukuru yemera ko urwo rumogi yafatanywe rwari urwe, na none ageze imbere y'uru Rukiko avuga ko yemera icyaha akanagisabira imbabazi. [36] Nk'uko n'Urukiko Rukuru rwabibonye, Urukiko rw'Ubujurire rurasanga ukwemera icyaha cyo gutunda no gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi no kugisabira imbabazi, Habanabashaka Emmanuel na Nsabimana Onesphore bakoreye bwa mbere muri uru Rukiko, kutababera impamvu nyoroshyacyaha ituma bagabanyirizwa ibihano, kuko batigeze bemera icyo cyaha ku rwego rwa mbere n'imbere y'Urukiko Rukuru, ngo banasabire imbabazi, banasobanure uko bagikoze nk'uko byatanzweho umurongo mu rubanza RPA 00060/2021/CA rwaciye n'Urukiko rw'Ubujurire ku wa 04/04/2022 haburana Ubushinjacyaha na Nsabimana Callixte alias Sankara na bagenzi be rwavuzwe haruguru, bigaragara ahubwo ko ku rwego rwa mbere, Habanabashaka Emmanuel yahakanye

icyaha cyo gucuruza urumogi, ariko yemera icyo kurutunda, naho Nsabimana Onesphore, ahakana ibyo byaha byombi. [37] Ku birebana na Habanabashaka Emmanuel, Urukiko rw'Ubujurire rurasanga n'ubwo yaba yarakoze icyaha cyo gucuruza urumogi ku buryo bw'insubiracyaha, kuko Mbazumutima Mussa avuga ko bigeze gufunganwa bitewe n'uko bakoze icyaha cyo gucuruza urumogi, bitatuma ubwabyo atagabanyirizwa ibihano iyo hari impamvu ituma abigabanyirizwa nk'uko byatanzweho umurongo mu rubanza RPAA 00782/2021/CA rwaciwe n'uru Rukiko ku wa 24/03/2023, haburana

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Ubushinjacyaha na Sibomana Ali2, bityo harebwe ingano nini y'ibiyobyabwenge by'urumogi bingana na boules 700 Habanabashaka Emmanuel yafatanwe agiye kuzicuruza nk'uko abiyemerera, akwiye guhanishwa igifungo cy'imyaka cumi n'irindwi (17) n'ihazabu ya miliyoni eshanu (5.000.000 Frw) hashingiwe ku ngingo ya 2, (a) na (d) y'Itegeko n° 059/2023 ryo ku wa 04/12/2023 ryavuzwe haruguru, aho kuba igifungo cya burundu n'ihazabu na 20.000.000 Frw yari yahawe mbere, bityo imikirize y'urubanza rujuririrwa ikaba ikwiye guhinduka ku birebana n'ibihano Habanabashaka Emmanuel ahanishijwe muri uru rubanza [38] Ku birebana na Nsabimana Onesphore, Urukiko rw'Ubujurire rurasanga kuba ari ubwa mbere Nsabimana Onesphore akurikiranweho icyaha, bikwiye kumubera impamvu nyoroshyacyaha ituma agabanyirizwa igihano, ariko na none harebwe ingano ikabije y'ibiyobyabwenge by'urumogi rungana na boules 1.500 yafatanwe agiye kurucuruza nk'uko abiyemerera, akwiye guhanishwa igifungo cy'imyaka makumyabiri n'itanu (25) n'ihazabu ya miliyoni eshanu (5.000.000 Frw) hashingiwe ku ngingo ya 2, (a) na (d) y'Itegeko n° 059/2023 ryo ku wa 04/12/2023 ryavuzwe haruguru, aho kuba igifungo cya burundu n'ihazabu na 20.000.000 Frw yari yahawe mbere, bityo imikirize y'urubanza rujuririrwa ikaba ikwiye guhinduka ku birebana n'ibihano Nsabimana Onesphore ahanishijwe muri uru rubanza. [39] Urukiko rw'Ubujurire rurasanga Habanabashaka Emmanuel na Nsabimana Onesphore batahabwa isubikagihano ku gice cy'ibihano bahanishijwe muri uru rubanza, kuko bahanishijwe igifungo kirenze imyaka 5 nk'uko biteganywa n'ingingo ya 3 (1) y'Itegeko n° 059/2023 ryo ku wa 04/12/2023 ryavuzwe haruguru.

3.Kumenya niba Mbazumutima Moussa Alias Pablo yarahamije icyaha nta bimenyetso ku buryo akwiye kugirwa umwere [40] Mbazumutima Moussa Alias Pablo n'umwunganira bavuga ko akwiye kugirwa umwere, kuko nta bimenyetso simusiga bigaragaza ko yakoze icyaha, ko ahubwo Urukiko Rukuru rwamuhamije icyaha atakoze, kubera ko atafatanwe urumogi, ko ahubwo rwafatanywe Mukeshimana Rehema batari bakibana kuko batandukanye mu kwezi kwa 12/2019 nk'uko bigaragazwa n'icyemezo cy'Inzego z'Ibanze cyakozwe mu 2020, ashyikirije uru Rukiko kuko kitashyizwe muri system ya IECMS n'Ubuyobozi bwa Gereza, maze Mbazumutima Moussa aza gutura i Kigali, naho Mukeshimana Rehema asigara i Kamonyi, ariko ko atashoboraga kubona icyemezo kigaragaza ko atakiri umugore we bitewe n'uko batashakanye mu buryo bwemewe n'amategeko. [41] Basobanura ko Mbazumutima Moussa atakoze icyaha, ko ahubwo murumuna wa Mukeshimana Rehema witwa Falida yahamagaye kuri telefoni amubwira ko yaza gufata abana kubera ko mukuru we afunze, ariko ko yageze muri urwo rugo, Falida ahita ahamagara Abapolisi bamubaza niba yarakoze icyaha, aragihakana, nyamara Mukeshimana Rehema avuga ko boules

143 yafatanywe ari iza Mbazumutima Moussa, ndetse ko anakorana na Habanabashaka Emmanuel na Nsabimana Onesphore, aranabahamagara kuri telefoni, baraza bamushinja ko abahamagara kuri

2 Mu rubanza n° RPAA 00782/2021/CA rwaciwe n’uru Rukiko ku wa 24/03/2023, hemejwe ko ntacyabuza ko SIBOMANA Ali agabanyirizwa ibihano kabone n’ubwo ari isubiracyaha (recidive).

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telefoni bakamuzanira urumogi kandi atari ukuri, kuko telefoni zabo zafatiriwe na RIB irazigumana ariko imusubiza iye, ndetse ko batafatiwe rimwe kuko uko ari batatu bafashwe ku itariki 9, naho we afatwa ku itariki ya 11, arafungwa, abasanga muri gereza. [42] Bavuga kandi ko mu Bushinjacyaha, Nkurunziza Richard atigeze amushinja ko acuruza urumogi, ko ahubwo yavuze ko yaruhaga Mukeshimana Rehema, bityo ko Mbazumutima Moussa Alias Pablo akwiye kugirwa umwere kuko atakoze icyaha, ariko ko Urukiko Rukuru rwaciye urubanza mu buryo bugenekereje rumuhamya icyaha atakoze, kandi bibujijwe n’ingingo ya 4 y’Itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n’ibihano muri rusange nk’uko ryahinduwe kandi ryujijwe kugeza ubu, ibuza umucamanza guca urubanza mu buryo bugenekereje. [43] Uhagarariye Ubushinjacyaha avuga ko nta kosa Urukiko Rukuru rwakoze mu guhamya Mbazumutima Moussa icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw’urumogi, kuko Inzego z’umutekano zasatse mu rugo rwe na Mukeshimana Rehema zibasangana boules 143, kandi ko umugore we Mukeshimana Rehema yemeye ko afatanyaga n’umugabo we Mbazumutima Moussa mu gucuruza urumogi, ko ntacyo uwo mugore yigeze apfa n’umugabo we, ndetse ko banabishinjwe na Nkurunziza Richard na Habanabashaka Emmanuel alias Amza wabahaga urumogi rwo gucuruza. Avuga kandi ko kuba Falida yarashinjiye Mbazumutima Moussa bitahabwa agaciro, kuko yabikoze kugira ngo afungurwe asanga abana bandagaye bitewe n’uko yafunganwe n’umugore we. [44] Ku bijyanye n’ibihano Mbazumutima Moussa agomba guhanishwa, avuga ko hashingiwe ku ngingo ya 49 y’Itegeko n° 68/2018 ryo ku wa 30/08/2018 ryavuzwe haruguru, no ku ngingo ya 2, (a) na (d), y’Itegeko N° 059/2023 ryo ku wa 04/12/2023 rihindura Itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n’ibihano muri rusange, Mbazumutima Moussa akwiye kugabanyirizwa ibihano kubera ko aribwo bwa mbere akurikiranyweho icyaha, agahanishwa igifungo cy’imyaka 15 n’ihazabu ya 5.000.000 Frw. UKO URUKIKO RUBIBONA [45] Ingingo ya 2, (a) na (d), y’Itegeko N° 059/2023 ryo ku wa 04/12/2023 ryavuzwe haruguru, iteganya ko iyo hari impamvu nyoroshyacyaha, umucamanza ashobora kugabanya igihano ku buryo bukurikira : igifungo cya burundu gishobora kugabanywa ariko ntikijye muni y’igihano cy’igifungo cy’imyaka 15, naho igihano cy’ihazabu gishobora kugabanywa kugeza kuri kimwe cya kane cy’igihano cy’ihazabu gito giteganyirijwe icyaha cyakozwe. [46] Nk’uko bigaragarira mu bika bya 18 na 19 by’urubanza rwajuririwe muri uru Rukiko, Urukiko Rukuru rwahamije Mbazumutima Moussa icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw’urumogi hashingiwe ku mvugo z’umugore we Mukeshimana Rehema yavugiye mu Bugenzacyaha no mu Rukiko Rwisumbuye rwa Muhanga, aho yasobanuye ko udupfunyika (boules 143) tw’urumogi twafatiwe iwe twari itw’umugabo we Mbazumutima Moussa kuko yacuruzaga urumogi, aruzaniwe Nsabimana Onesphore na Habanabashaka Emmanuel, ndetse ko Mbazumutima Moussa amaze gufungwa

inshuro enye (4) zose ku cyaha cyo gucuruza urumogi, kandi ko Habanabashaka Emmanuel nawe yemeje ko Mbazumutimana Moussa afatanyije n'umugore we gucuruza urumogi, ndetse mu Bugenzacyaha, Nkurunziza Richard nawe abazwa

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yemeye ko urumogi anywa arugurishwa na Mbazumutima Moussa n'umugore we Kayirangwa Rehema (amazina Mukeshimana Rehema yari yiyise agitangira gukurikiranwa). [47] Na none imbere y'uru Rukiko, Habanabashaka Emmanuel na Nsabimana Onesphore bashinje Mbazumutimana Moussa icyaha cyo gucuruza urumogi, kuko aribo barumuzaniraga mu rugo rwe, abihamagariye cyangwa bahamagawe n'umugore we Mukeshimana Rehema. [48] Nk'uko n'Urukiko Rukuru rwabibonye, Urukiko rw'Ubujurire rurasanga, imvugo Mukeshimana Rehema, Habanabashaka Emmanuel na Nkurunziza Richard bavugiye mu Bugenzacyaha no mu Nkiko Habanabashaka Emmanuel na Nsabimana Onesphore baburanyemo, ari ibimenyetso bihagije kandi bidashidikanywaho bigaragaza ko Mbazumutimana Moussa yakoze icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi afatanyije n'umugore we Mukeshimana Rehema nk'uko uyu yacyiyemereye aranakimushinja mu Bugenzacyaha no mu Rukiko Rwisumbuye rwa Muhanga nk'uko byasobanuwe haruguru, kandi mu bujurire, nta kimenyetso Mbazumutimana Moussa yatanze kizivuguruza. [49] Urukiko rw'Ubujurire rurasanga imvugo ya Mukeshimana Rehema yavugiye mu Bugenzacyaha no mu Rukiko Rwisumbuye rwa Muhanga, aho yiyemereye icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi akanagishinja umugabo we Mbazumutimana Moussa arizo zikwiye guhabwa agaciro, kuko yazivuze yisanzuye nta gahato ashyizweho, bivuze ko izo yavugiye mu Rukiko Rukuru n'imbere y'uru Rukiko amushinjura zitahabwa agaciro, kuko bigaragara ko yazivuze kugira ngo arengere inyungu z'abana babo batari kumwe n'ababyeyi babo kuko bafungwanwe. [50] Urukiko rw'Ubujurire rurasanga na none ibivugwa na Mbazumutimana Moussa by'uko atakoze icyaha cyo gucuruza urumogi, kuko boules 143 zafatiwe kwa Mukeshimana Rehema zitari ize, ko ahubwo zari iza Mukeshimana Rehema wenyinye kuko bari baratandukanye mu kwezi kwa 12/2019 nk'uko bigaragazwa n'icyemezo cy'Umukuru w'Umudugudu wa Gatovu cyateweho kashe na Noteri ku wa 12/06/2024 kigaragaza ko Mbazumutimana Moussa yasohotse muri uwo Mudugudu ku wa 04/12/219 nta shingiro gifite, kuko kitavuguruza imvugo zimushinja zavuzwe na Mukeshimana Rehema babanaga mu nzu imwe nk'umugabo n'umugore wamushinje ko urwo rumogi rwari urwe nk'uko byemejwe na Habanabashaka Emmanuel na Nsabimana Onesphore bavuze ko Mbazumutimana Moussa yacuruzaga urumogi afatanyije n'umugore we Mukeshimana Rehema, kuko barubazaniraga mu rugo rwabo bakabaha amafaranga, ndetse ko iyo batahamagarwaga na Mukeshimana Rehema bahamagarwaga n'umugabo we Mbazumutimana Moussa babanaga nk'uko byanemejwe na Nkurunziza Richard wavuze ko agapfunyika kamwe (1) k'urumogi yafatanwe yari yakaguze kwa Mbazumutimana Moussa na Mukeshimana Rehema. [51] Ku birebana n'ibihano, Mbazumutima Moussa agomba guhanishwa, Urukiko rw'Ubujurire rurasanga n'ubwo yakoze icyaha cyo gucuruza urumogi ku buryo bw'insubiracyaha, kuko yigeze kugifungirwa, ntacyabuza ko agabanyirizwa ibihano iyo hari impamvu ituma abigabanyirizwa nk'uko byatanzweho umurongo mu rubanza RPAA 00782/2021/CA rwaciwe n'uru Rukiko ku wa 24/03/2023, haburana

Ubushinjacyaha na Sibomana Ali3, bityo harebwe ingano ntoya

3 Mu rubanza n° RPAA 00782/2021/CA rwaciwe n'uru Rukiko ku wa 24/03/2023, hemejwe ko n'ubwo SIBOMANA Ali yakoze isubiracyaha, mu kugena ibihano hakwiye kwitabwa ku kigero cy'imyaka yari afite nk'umusore muto (Young adult) akagabanyirizwa ibihano.

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y'ibiyobyabwenge by'urumogi bingana na boules 143 zafatiwe iwe yari agiye kuzicuruza, akwiye guhanishwa igifungo cy'imyaka cumi n'itandatu (16) n'ihazabu ya miliyoni eshanu (5.000.000 Frw) hashingiwe ku ngingo ya 2, (a) na (d) y'Itegeko N° 059/2023 ryo ku wa 04/12/2023 ryavuzwe haruguru, aho kuba igifungo cya burundu n'ihazabu na 20.000.000 Frw yari yahawe mbere, bityo imikirize y'urubanza rujuririrwa ikaba ikwiye guhinduka ku birebana n'ibihano Mbazumutimana Moussa ahanishijwe muri uru rubanza. III. ICYEMEZO CY'URUKIKO: [52] Rwemeje ko ubujurire bwa Mukeshimana Rehema, Mbazumutimana Moussa, Habanabashaka Emmanuel na Nsabimana Onesphore bufite ishingiro kuri bimwe. [53] Ruvuze ko imikirize y'urubanza RPA 00224/2020/HC/NYZ rwaciwe n'Urukiko Rukuru, Urugereko rwa Nyanza, ku wa 02/06/2023, ihindutse gusa ku birebana n'ibihano abaregwa bahanishijwe. [54] Ruhanishije Mukeshimana Rehema igifungo cy'imyaka cumi n'itanu (15) n'ihazabu ya miliyoni eshanu (5.000.000 Frw). [55] Ruhanishije Mbazumutimana Moussa igifungo cy'imyaka cumi n'itandatu (16) N'ihazabu ya miliyoni eshanu (5.000.000 Frw). [56] Ruhanishije Habanabashaka Emmanuel igifungo cy'imyaka cumi n'irindwi (17) n'ihazabu ya miliyoni eshanu (5.000.000 Frw). [57] Ruhanishije Nsabimana Onesphore igifungo cy'imyaka makumyabiri n'itanu (25) n'ihazabu ya miliyoni eshanu (5.000.000 Frw). [58] Rutegetse ko amagarama y'uru rubanza aherera ku Isanduku ya Leta.

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