

RWANDA / JUDGMENT

UBUSHINJACYAHA v. BIKORIMANA

RPAA00910/2024/CA

COURT

Court of Appeal

DECIDED

30 October 2025

CASE / FILE NUMBER

RPAA00910/2024/CA

Source: amategeko.gov.rw · Research copy typeset by Esheria. Not court-issued or certified.

UBUSHINJACYAHA v. BIKORIMANA

- Source: Amategeko
- Section: Decisions (Judgements)
- Date: 2025-10-30
- Case/document no.: RPAA00910/2024/CA
- Collection: Court of Appeal

Text

Page 1

UBUSHINJACYAHA v. BIKORIMANA [Rwanda URUKIKO RW'UBUJURIRE – RPAA00910/2024/CA (Umugwaneza, P.J.) 30 Ukwakira 2025] Amategeko agenga imanza nshinajbyaha – Igabanyagihano – Uregwa ntashobora kongera kugabanyirizwa igihano iyo mu nkiko zabanje yamaze guhabwa igihano gito ntarengwa giteganyijwe n'amategeko ku cyaha kimuhama. Incamake y'ikibazo: Niyitanga yafatanywe agapfunyika kamwe k'urumogi n'abashinzwe umutekano, abajijwe aho arukuye avuga ko aruguze na Bikorimana, bajya kumureba ababonye ariruka urumogi yarafite ararujugunya, bamwirukaho baramufata ndetse bafata n'urwo rumogi, maze bombi babashyikiriza Ubushinjacyaha. Ubushinjacyaha bwabareze mu Rukiko Rwisumbuye rwa Ngoma, icyaha cyo gucuruza no kunywa ibiyobyabwenge. Niyitanga yaburanye yemera icyaha cyo kunywa urumogi, naho Bikorimana aburana ahakana icyaha avuga ko ntarwo yafatanwe, asaba kurenganurwa akagirwa umwere. Urukiko Rwisumbuye rwaciye urubanza rwemeza ko Bikorimana ahamwa n'icyaha cyo gufatanwa no kugurisha ibiyobyabwenge bihambaye byo mu bwoko bw'urumogi, ahanishwa igifungo cy'imyaka 25 n'ihazabu ya 21.000.000Frw naho Niyitanga ahamwa n'icyaha cyo gufatanwa no kunywa ibiyobyabwenge byo mu bwoko bw'urumogi, ahanishwa igifungo cy'umwaka umwe. Bikorimana yajuririye mu Rukiko Rukuru, urugereko rwa

Rwamagana, avuga ko adacuruza urumogi, ko urwo yafatanwe rwari urwo kunywa yari yagurishijwe na Niyitanga, ariko uyu avuga ko ariwe warumugurishije kandi atari byo. Ubushinjacyaha bwavuze ko ibi Bikorimana avuga ari uguhunga icyaha yakoze kuko Niyitanga amaze kuvuga ko urwo afite amaze kurugura na Bikorimana, bagiye kumureba ababonye ariruka arangije ajugunya hejuru y'inzu agafuka karimo urumogi rungana na 500g. Urukiko Rukuru rwashingiye ku kuba Bikorimana yarafatanywe urumogi rwinshi biturutse ku makuru yatanze n'uwo yaramaze kurugurisha wasanganywe agapfunyika kamwe, no ku bimenyetso bitandukanye, rwemeza ko ahamwa n'icyaha aregwa cyo gufatanwa no gucuruza urumogi, mu kumuhana rumugabanyiriza igihano kuko bwari ubwa mbere akurikiranweho icyaha kandi icyaha yakoze nta ngaruka zikomeye cyateje, ahanishwa igifungo cy'imyaka 15 n'ihazabu ya 5.000.000Frw. Bikorimana yongeye ajuririra muri uru Rukiko rw'Ubujurire asaba guhindurirwa inyito y'icyaha, agahanirwa icyaha cyo kunywa ibiyobyabwenge, kandi akagabanyirizwa igihano, kuko yafatanywe agapfunyika kamwe k'urumogi akandi gapfunyika kamwe amaze kugaha umushumba mugenzi we wari wakamutumye. Asobanura ko nta bimenyetso bidashidikanywaho bigaragaza ko yarucurujye, ko urungana n'amagarama 500 bamushinja ntarwo yafatanwe, ko nta n'amafaranga yafatanwe yarugurishije cyangwa ngo hagire umuntu wagaragaye yarugurishije. Ubushinjacyaha bwashubije kuri ubu bujurire buvuga ko ubujurire bw'Uregwa nta shingiro bufite, kuko atigeze avuguruzwa ibimenyetso byashingiweho bigaragaza ko yakoze ibikorwa byo gufatanwa no kugurisha ibiyobyabwenge bihambaye byo mu bwoko bw'urumogi. Buvuga kandi ko igihano Uregwa yahanishijwe kidashobora kugabanywa kuko aricyo gihano gito giteganywa n'Itegeko ku cyaha aregwa. Incamake y'icyemezo: Uregwa ntashobora kongera kugabanyirizwa igihano iyo mu nkiko zabanje yamaze guhabwa igihano gito ntarengwa giteganyijwe n'amategeko ku cyaha kimuhama. Ubujurire nta shingiro bufite. Amategeko yashingiweho: Itegeko N° 062/2024 ryo ku wa 20/06/2024 rigenga ibimenyetso, ingingo ya 53 n'ya 87.

Page 2

Itegeko N° 59/2023 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. Itegeko N° 69/2019 ryo ku wa 08/11/2019 rihindura Itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganyira ibyaha n'ibihano muri rusange, ingingo ya 11. Itegeko N° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha, ingingo ya 111. Imanza zifashishijwe: RPAA01208/2024/CA, Ubushinjacyaha na Ndacyayisenge Ismaël rwaciwe n'Urukiko rw'Ubujurire ku wa 29/09/2025. RPAA01312/2024/CA, Ubushinjacyaha na Ugwaneza Sylvestre rwaciwe n'Urukiko rw'Ubujurire ku wa 18/07/2025. RPAA00457/2021/CA, Ubushinjacyaha na Rwasia Jacques, rwaciwe n'Urukiko rw'Ubujurire ku wa 26/04/2024. RPAA00752/2024/CA, Ubushinjacyaha na Nsekanabo Augustin rwaciwe n'Urukiko rw'Ubujurire ku wa 27/03/2025. Urubanza I. IMITERERE Y'URUBANZA [1] Ku itariki ya 27/09/2019, saa moya z'ijoro (19h:00), mu Mudugudu wa Kagesi, Akagari ka Isangano, Umurenge wa Ndego, Akarere ka Kayanza, Niyitanga Félicien alias Rukara yafashwe n'abanyerondo afite agapfunyika kamwe k'urumogi, avuga ko avuye kurugura na Bikorimana Emmanuel alias Munyambo, bajya kumureba aho ari, ababonye ariruka ahita ajugunya agapfunyika yari afite hejuru y'inzu, bamwirukaho baramufata, barebye ka gapfunyika basangamo urumogi,

Bikorimana Emmanuel alias Munyambo na Niyitanga Félicien alias Rukara bombi bahise bafatwa bashyikirizwa Ubugenzacyaha batangira gukurikiranwa. [2] Ubushinjacyaha bwabareze mu Rukiko Rwisumbuye rwa Ngoma, bubakurikiranyeho icyaha cyo gucuruza no kunywa ibiyobyabwenge, Bikorimana Emmanuel alias Munyambo aburana agihakana akavuga ko nta rumogi yafatanwe, agasaba kurenganurwa akagirwa umwere, naho Niyitanga Félicien alias Rukara aburana yemera ko yafatanwe urumogi rwo kunywa yari yaguze na Bikorimana Emmanuel alias Munyambo ko kandi yari amaze amezi atandatu (6) anywa urumogi kubera indwara y'umwijima. [3] Mu rubanza RP01006/2019/TGI/NGOMA rwaciwe ku wa 29/04/2021, Urukiko Rwisumbuye rwa Ngoma rushingiye ku kuba Niyitanga Félicien alias Rukara yemera ko yafatanwe agapfunyika kamwe k'urumogi rwo kuywa kandi ko yari amaze amezi 6 arunywa, kuba ashinja Bikorimana Emmanuel alias Munyambo ko ariwe warumugurishije, imvugo z'abatangabuhamya Nibamwe Théogène na SIKUBWABO Emmanuel bemeza ko bafatanye Niyitanga Félicien alias Rukara agapfunyika kamwe k'urumogi ababwira ko yaruguze na Bikorimana Emmanuel alias Munyambo, bahita baja kumufata akibabona ajugunya agafuka yari afite hejuru y'inzu ya Mpakaniye baja kukazana basanga karimo urumogi; rwemeje ko Bikorimana Emmanuel alias Munyambo ahamwa n'icyaha cyo gufatanwa no kugurisha ibiyobyabwenge bihambaye byo mu bwoko bw'urumogi, ahanishwa igifungo cy'imyaka 25 n'ihazabu ya 21.000.000Frw naho Niyitanga Félicien alias Rukara ahamwa n'icyaha cyo gufatanwa no kunywa ibiyobyabwenge byo mu bwoko bw'urumogi, ahanishwa igifungo cy'umwaka umwe. [4] Bikorimana Emmanuel alias Munyambo ntiyishimiye imikirize y'urwo rubanza, ajuririra Urukiko Rukuru, Urugereko rwa Rwamagana, avuga ko adacuruza urumogi, ko urwo yafatanwe rwari urwo

Page 3

kunywa yari yagurishijwe na Niyitanga Félicien alias Rukara, ariko ko Niyitanga akimara gufatwa yahise avuga ko ari Bikorimana wamugurishije urumogi kandi ataribyo. [5] Ubushinjacyaha bwavuze ko, ibyo Bikorimana Emmanuel alias Munyambo avuga atari ukuri kuko Niyitanga Félicien yafatanwe urumogi avuga ko avuye kurugura kwa Bikorimana Emmanuel alias Munyambo, bagiye kureba Bikorimana ariruka urumogi rungana na garama 500 aruta hejuru y'inzu. [6] Mu rubanza RPA00798/2021/HC/RWG rwaciwe ku wa 19/08/2024, Urukiko Rukuru, Urugereko rwa Rwamagana rwasanze kuba Bikorimana Emmanuel alias Munyambo avuga ko atagurisha urumogi ko urwo yafatanwe yarugurishijwe na Niyitanga Félicien alias Rukara, nta shingiro byahabwa kuko nta bimenyetso bishyigikira iyo mvugo ye, dore ko Niyitanga Félicien yafatanwe agapfunyika kamwe k'urumogi naho Bikorimana we afatanwa urumogi rwinci nk'uko byemezwa n'abatangabuhamya, byumvikana ko uwarugurishaga ari Bikorimana Emmanuel wari ufite urumogi rwinshi kandi akabishinjwa na Niyitanga Félicien. Rwasanze ariko Bikorimana akwiye kugabanyirizwa ibihano kuko ari ubwa mbere akurikiranweho icyaha kandi icyaha yakoze nta ngaruka zikomeye cyateje, ahanishwa igifungo cy'imyaka 15 n'ihazabu ya 5.000.000Frw. [7] Bikorimana Emmanuel alias Munyambo yajuririye Urukiko rw'Ubujurire, urubanza ruhabwa N° RPAA00910/2024/CA, ruburanishwa mu ruhamwe ku wa 14/10/2025, yunganiwe na Me Nyirangirimana Astérie, Ubushinjacyaha buhagarariwe na Bideri Diogène,

Umushinjacyaha ku rwego rw'Igihugu. [8] Mu myanzuro y'ubujurire no mu miburanire yabo, Bikorimana Emmanuel alias Munyambo n'umwunganira bavuga ko atigeze acuruza urumogi, ko yafatanwe agapfunyika kamwe k'urumogi akandi gapfunyika kamwe amaze kugaha umushumba mugenzi we wari wakamutumye, basaba ko inyito y'icyaha yahinduka kikaba kunywa ibiyobyabwenge akaba aricyo ahanirwa kandi akagabanyirizwa ibihano kubera impamvu nyoroshyacyaha. [9] Ubushinjacyaha buvuga ko ubujurire bwa Bikorimana Emmanuel alias Munyambo nta shingiro bufite kuko atabasha kuvuguriza ibimenyetso byashingiweho bigaragaza ko yakoze igikorwa cyo gufatanwa no kugurisha ibiyobyabwenge bihambaye byo mu bwoko bw'urumogi. Buvuga kandi ko igihano yahanishijwe kidashobora kugabanywa kuko aricyo gihano gito giteganywa n'Itegeko. [10] Hakurikijwe iyo miburanire, muri uru rubanza harasuzumwa ibibazo bikurikira:

- a. kumenya niba harebwe ibikorwa Bikorimana Emmanuel alias Munyambo aregwa n'ibimenyetso bibihamya, akwiriye guhamywa icyaha cyo kunywa ibiyobyabwenge aho kuba icyo kubicuruza;
- b. kumenya niba Bikorimana Emmanuel alias Munyambo yagabanyirizwa igihano. II. ISESENGURA RY'IBIBAZO BIGIZE URUBANZA A. Kumenya niba harebwe ibikorwa Bikorimana Emmanuel alias Munyambo aregwa n'ibimenyetso bibihamya, akwiriye guhamywa icyaha cyo kunywa ibiyobyabwenge aho kuba icyo kubicuruza [11] Bikorimana Emmanuel alias Munyambo n'umwunganira bavuga ko adacuruza urumogi, ko yafatanwe agapfunyika kamwe k'urumogi rwo kunywa, ko naho urumogi rungana n'amagarama 500 bamushinja ntarwo yafatanwe, ko nta n'amafaranga yafatanwe yagurishije urumogi cyangwa ngo hagire umuntu wagaragaye yarugurishije uretse umushumba mugenzi we yahaye agapfunyika kamwe k'urumogi rwo kunywa wari wakamutumye, bityo bakaba basaba ko inyito y'icyaha yahinduka kikaba kunywa ibiyobyabwenge akaba aricyo ahanirwa aho kuba icyo kubicuruza.

Page 4

[12] Me Nyirangirimana Astérie avuga ko, nta bimenyetso bidashidikanywaho byemeza ko Bikorimana Emmanuel alias Munyambo yakoze icyaha cyo gucuruza ibiyobyabwenge, kuko urumogi rungana n'amagarama 500 bamushinja ntarwo yafatanwe ahubwo rwasanzwe hejuru y'inzu ya Mpakaniye Jean Marie Vianney. Ko ibyo kuvuga ko Bikorimana yikanze abantu ajugunya urumogi hejuru y'inzu ya Mpakaniye ataribyo kuko Mpakaniye yemeza ko Bikorimana bamusanze mu kabari, baramusaka basanga urwo rumogi ntarwo afite, nyuma yo kumusohokana hanze y'akabare bamuzana afite icyo gipfunyika cy'urumogi. [13] Me Nyirangirimana Astérie akomeza avuga ko ubuhamya bwa Sikubwabo Emmanuel na Nibamwe Théogène butagombaga gushingirwaho kuko ari abanyerondo bafashe Bikorimana na Niyitanga ndetse bakanabakubita nk'uko byemezwa na Mpakaniye Jean Marie Vianney mu nyandikomvugo ye ku gisubizo cya 3 n'icya 7 aho yavuze ko basohotse bumvise umuntu arimo gutaka agiye kureba asanga ari abantu barimo gukubitwa, kandi ko nta rumogi rwafatiwe iwe. Asaba kandi no kutazashingira ku nyandiko y'ifatira ry'urumogi

igaragaza ko Bikorimana Emmanuel alias Munyambo yafatanwe garama 500 z'urumogi kuko mu kirego bavuga ko urwo rumogi rwafatiwe hejuru y'inzu ya Mpakaniye Jean Marie Vianney, nyamara mu mabazwa ya Mpakaniye akavuga ko nta rumogi rwafatiwe iwe. Asoza asaba Urukiko gushingira ku ngingo ya 111 y'Itegeko N° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinyabyaha, maze rukabona ko Bikorimana yafatanwe agapfunyika kamwe k'urumogi rwo kunywa, hakaba nta bimenyetso bidashidikanywaho byemeza ko yigeze agurisha urumogi, bityo ko ahamwa n'icyaha cyo gufatanwa no kunywa ibiyobyabwenge by'urumogi, maze ahanishwe igifungo cy'imyaka 2 giteganyijwe kuri icyo cyaha. [14] Ubushinjacyaha buvuga ko, ubujurire bwa Bikorimana Emmanuel alias Munyambo nta shingiro bufite kuko atavuguruza ibimenyetso byashingiweho bigaragaza ko yakozwe ibikorwa byo gufatanwa no kugurisha ibiyobyabwenge bihambaye byo mu bwoko bw'urumogi, birimo kuba hashingiwe ku makuru yatanze na Niyitanga Félicien alias Rukara, abanyerondo bagiye kureba Bikorimana Emmanuel alias Munyambo, akibabona ajugunya agafuka yari afite hejuru y'inzu ya Mpakaniye, bajya kukazana basangamo urumogi, bakemeza ko na mbere y'uko bajya kumusaka bari bahoze babona ko afite ako gafuka; imvugo za Niyitanga Félicien alias Rukara umushinja ko ariwe wamugurishije urumogi yafatanwe n'inyandikomvugo y'ifatira ry'agapfunyika karimo garama 500 z'urumogi Bikorimana Emmanuel alias Munyambo yashyizeho umukono akemera gusinyira ko ariwe ufatanwe urwo rumogi. [15] Ubushinjacyaha buvuga ko, kuba Bikorimana Emmanuel alias Munyambo avuga ko yakubiswe nta shingiro bifite kuko mugenzi we Niyitanga Félicien alias Rukara ntaho yigeze avuga ko bakubiswe, kandi n'iyi yaba yarakubiswe ntibyamukuraho icyaha kuko avuga ko yakubiswe n'abanyerondo, nyamara yabajijwe n'Ubugenzacyaha n'Ubushinjacyaha kandi ho ntabwo avuga ko yakubiswe. Buvuga kandi ko imvugo ya Bikorimana Emmanuel alias Munyambo y'uko yatanze agapfunyika kamwe k'urumogi ishimangira ubuhamya bwa Niyitanga Félicien alias Rukara y'uko yamugurishije agapfunyika kamwe k'urumogi, ibyo bikaba bigaragaza ko yacurujwe ibiyobyabwenge. UKO URUKIKO RUBIBONA [16] Ku bijyanye n'icyaha cy'ikoreshwa ritemewe ry'ibiyobyabwenge, ingingo ya 11 y'Itegeko N° 69/2019 ryo ku wa 08/11/2019 rihindura Itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange, ivuga ko umuntu wese ufatanwa, urya, unywa, witera, uhumeke cyangwa wisiga mu buryo ubwo aribwo bwose ibiyobyabwenge cyangwa urusobe rw'imiti ikoreshwa nka byo, aba akoze icyaha. Umuntu wese uhamijwe n'urukiko gukora ibikorwa bivugwa mu gika cya mbere cy'iyi ngingo, ahanishwa igifungo kitari muni y'umwaka umwe (1) ariko kitarenze imyaka ibiri (2) cyangwa imirimo y'inyungu rusange. Umuntu wese ukora, uhinga, uhindura, utunda, ubika, uha undi, ugurisha mu gihugu ibiyobyabwenge cyangwa urusobe rw'imiti ikoreshwa nka byo mu buryo bunyuranije n'amategeko, aba akoze icyaha. Iyo abihamijwe n'urukiko ahanishwa: 1 ° igifungo cya burundu n'ihazabu y'amafaranga

Page 5

y'u Rwanda arenze miliyoni makumyabiri (20.000.000Frw) ariko atarenze miliyoni mirongo itatu (30.000.000Frw) ku byerekeye ibiyobyabwenge bihambaye (...). [17] Ku bijyanye n'ibimenyetso mu manza nshinjabyaha, ingingo ya 87 y'Itegeko N° 062/2024 ryo ku wa 20/06/2024 rigenga ibimenyetso, ivuga ko mu rubanza nshinjabyaha, ikimenyetso gishingira ku mpamvu zose z'ibyabaye n'ibyemejwe n'amategeko, ababuranyi bapfa kuba barahawe umwanya wo kubijyaho impaka. [18] Naho ku bijyanye n'ikimenyetso gishingiye ku buhamya, ingingo ya 53 y'Itegeko N° 062/2024 rimaze kuvugwa haruguru ikavuga ko urwego rufite ububasha rusuzuma ukwemerwa cyangwa ukutemerwa n'agaciro by'ikimenyetso gishingiye ku buhamya. Ntirwita ku mubare w'abatangabuhamya, ahubwo rwita cyane ku bumenyi bw'ibyabaye no ku budakemwa bw'ubuhamya batanga. [19] Nk'uko imikirize y'urubanza rujuririrwa ibigaragaza, ikibazo kijyanye no guhindura inyito y'icyaha Bikorimana Emmanuel alias Munyambo akurikiranwe kikaba kunywa ibiyobyabwenge aho kuba gufatanwa no gucuruza ibiyobyabwemge, cyasuzumwe n'Urukiko Rukuru, Urugereko rwa Rwamagana, maze urwo Rukiko rushingiye ku kuba Bikorimana ashinjwa na Niyitanga Félicien alias Rukara ko ariwe wamugurishije urumogi yafatanwe no ku kuba urumogi yafatanwe rungana na garama 500 ari rwinshi, byumvikana ko yarugurishaga; rwemeza ko ibyo bikorwa bigize icyaha yahamijwe cyo gufatanwa no gucuruza ibiyobyabwenge, bityo ko inyito y'icyaha idakwiye guhinduka. [20] Dosiye y'uru rubanza igaragaza ubuhamya bwa Nibamwe Théogène n'ubwa Sikubwabo Emmanuel bose babajijwe mu Bugenzacyaha ku wa 28/09/2019, bahuriza ku kuba mu ijoro ryo ku wa 27/09/2019 bari ku irondo, bafatanye Niyitanga Félicien alias Rukara agapfunyika kamwe k'urumogi ababwira ko yaruguze na Bikorimana Emmanuel alias Munyambo, nawe bajya kumufata ababonye ajugunya agapfunyika hejuru y'inzu, baramufata bagiye kureba ka gapfunyika basanga karimo urumogi. [21] Igaragaza kandi ko Niyitanga Félicien alias Rukara abazwa mu Bugenzacyaha ku wa 27/09/2019 no mu Bushinjacyaha ku wa 03/10/2029, yavuze ko agapfunyika kamwe k'urumogi yafatanwe yaruguze na Mpakaniye Jean Marie Vianney, ko urundi rumogi rwafashwe ari urwa Bikorimana Emmanuel alias Munyambo. Aburana mu Rukiko Rwisumbuye rwa Ngoma ku wa 03/03/2021, Mpakaniye Félicien alias Rukara yavuze ko urumogi yafatanwe yaruguze na Bikorimana Emmanuel alias Munyambo bari mu kabari ka Mpakaniye, amuha amafaranga 200Frw. [22] Dosiye y'uru rubanza igaragaza na none ko Bikorimana Emmanuel alias Munyambo n'ubwo agitangira gukurikiranwa yahakanaga ko nta rumogi yafatanwe, ariko ageze mu Rukiko Rukuru, Urugereko rwa Rwamagana yemeye ko yafatanwe agapfunyika kamwe k'urumogi rwo kunywa yari yaguze na Niyitanga Félicien alias Rukara, ageze muri uru Rukiko naho yemera ko yafatanwe agapfunyika kamwe k'urumogi urundi rungana n'agapfunyika kamwe amaze kuruha umushumba mugenzi we. [23] Urukiko rw'Ubujurire rushingiye ku ngingo ya 87 n'ya 53 z'Itegeko N° 062/2024 ryo ku wa 20/06/2024 ryavuzwe haruguru, rurasanga imvugo ya Bikorimana Emmanuel alias Munyambo yavugiye mu iburanisha muri uru Rukiko y'uko yafatanwe ugapfunyika kamwe k'urumogi akandi gapfunyika kamwe amaze kugaha umushumba mugenzi we, ihujwe n'imvugo ya Niyitanga Félicien alias Rukara yavugiye mu Rukiko Rwisumbuye rwa Ngoma mu iburanishya ryo ku wa 03/03/2021 y'uko agapfunyika kamwe k'urumogi yafatanwe yari yaruguze na Bikorimana Emmanuel alias Rukara ku mafaranga 200Frw bari mu kabari ka

Mpakaniye Jean Marie Vianney, ndetse n'ubuhamya bwa Nibamwe Théogène n'ubwa Sikubwabo Emmanuel bahamya ko bafashe Niyitanga Félicien alias Rukara afite agapfunyika k'urumogi, ababwira ko yaruguze na Bikorimana Félicien alias Munyambo, bajya kumufata ababonye agapfunyika yari afite akajugunya hejuru y'inzu, basanga karimo Urumogi; ari ibimenyetso byuzuzanya byemeza ku buryo budashidikanywaho ko Bikorimana Emmanuel alias Rukara yafatanwe agapfunyika k'urumogi urundi amaze kurugurisha Niyitanga Félicien alias Rukara, kuko atagaragaza undi muntu yita umushumba

Page 6

mugenzi we avuga ko yari amaze guha agapfunyika kamwe k'urumogi wabonye ko agiye kugura urumogi rwo kunywa akamutuma ngo nawe amuzanire. Ibyo bikorwa bikaba bigize icyaha yahamijwe cyo gufatanwa no gucuruza ibiyobyabwenge bihambaye byo mu bwoko bw'urumogi giteganywa kandi kigahinishwa ingingo 11 igika cya mberere, icya 2 n'icya 3, agace ka 1° y'Itegeko N° 69/2019 ryavuzwe haruguru, aho kuba icyo kunywa ibiyobyabwenge. [24] Ku bijyanye n'imiburanire ya Me Nyirangirimana Astérie y'uko ubuhamya bwa Sikubwabo Emmanuel na Nibamwe Théogène butagomba gushingirwaho kuko ari abanyerondo bafashe Bikorimana na Niyitanga ndetse bakanabakubita, Urukiko rw'Ubujurire rurasanga nta shingiro ifite, kuko kuba abo batangabuhamya aribo bafashe uregwa bakaba ari nabo bamushinja, ibyo ubwabyo bitaba impamvu yatuma ubuhamya bwabo budashingirwaho mugufata icyemezo, kuko ntaho Itegeko ribibuza, bupfa gusa kuba bwasesenguwe bikagagarira Urukiko ko ibyo bavuga ari ukuri, kandi nk'uko byasobanuwe mu bikaba bibanziriza iki ubuhamya bwabo bukaba ari ukuri kuko bushyigikiwe n'imvugo ya Niyitanga Félicien alias Rukara yavugiye mu iburanisha mu Rukiko Rwisumbuye rwa Ngoma ndetse n'iya Bikorimana Emmanuel alias Munyambo yavugiye muri uru Rukiko agira ibyo yemera. [25] Naho kubijyanye no kuvuga ko Bikorimana Emmanuel alias Munyambo yakubiswe n'abanyerondo bamufashe, Urukiko rw'Ubujurire rurasanga uretse no kuba nta kigaragaza ko iyo mvugo ari ukuri, niyo byaba ari ukuri ntacyo byahindura ku bijyanye n'icyaha kimuhama kuko avuga ko yakubiswe n'abanyerondo bamufashe, kandi kuva yatangira gukurikiranwa ntiyigeze yemera icyaha ngo byibuze bifatwe ko yemejwe n'inkoni, ahubwo ageze imbere y'Urukiko Rukuru, Urugereko rwa Rwamagana niho yemeye ko yafatanwe agapfunyika kamwe k'urumogi rwo kunywa naho muri uru Rukiko avuga ko yafashwe amaze guha umushumba mugenzi we agapfunyika kamwe k'urumogi, kandi ntavuga ko imbere y'inzo nkiko zombi yigeze akubitwa cyangwa akorerwa ibindi bikorwa ibyo aribyo byose bibabaza umubiri ngo bibe aribyo byatumye agira ibyo yemera. [26] Urukiko rw'Ubujurire rushingiye ku bisobanuro byose bimaze gutangwa kuri iyi ngingo y'Ubujurire, rurasanga nk'uko n'Urukiko Rukuru, Urugereko rwa Rwamagana rwabibonye, hakurikijwe ibikorwa Bikorimana Emmanuel alias Munyambo yakoze n'ibimenyetso byabyo nk'uko byakomeje kugaragazwa mu bika bibanziriza iki, akwiye guhamywa icyaha cyo gufatanwa no gucuruza ibiyobabwenge aho kuba icyo kunywa ibiyobyabwenge, bityo iyi ngingo y'ubujurire ikaba nta shingiro ifite. B. Ibijyanye no kumenya niba Bikorimana Emmanuel alias Munyambo yagabanyirizwa igihano [27] Bikorimana Emmanuel alias Munyambo asaba kugabanyirizwa igihano, agahabwa igihano gito giteganyijwe ku cyaha cyo kunywa ibiyobyabwenge kuko ari ubwa mbere yagwa mu cyaha, icyaha akaba

acyicuza kandi atazagisubira, icyaha akaba yaragikoze akiri muto nta bunararibonye aragira, ndetse akaba yaramaze no kugororoka ku buryo aramutse ahawe igihano gito agataha yakwigisha abandi kwirinda ibiyobyabwenge. Asaba ko hashingirwa ku rubanza RPAA00457/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 26/04/2024, haburana Ubushinjacyaha na Rwaswa Jacques, aho uyu yahawe ubutabera buboneye ahindurirwa inyito y'icyaha, maze agabanyirizwa igihano akurwa ku gifungo cy'imyaka 25 yari yahanishijwe n'Urukiko Rukuru, Urugereko rwa Rwamagana ahanishwa igifungo cy'imyaka 2; maze nawe ahindurirwe inyito y'icyaha ahabwe ibihano bito biteganyijwe ku cyaha cyo kunywa ibiyobyabwenge. [28] Ubushinjacyaha buvuga ko igihano Bikorimana Emmanuel alias Munyambo yahanishijwe aricyo gihano gito giteganywa n'amategeko kikaba kidashobora kongera kugabanywa. UKO URUKIKO RUBIBONA

Page 7

[29] Urukiko rurasanga Bikorimana Emmanuel alias Munyambo asaba kugabanyirizwa igihano ku cyaha cyo kunywa ibiyobyabwenge, agahanishwa igifungo cy'imyaka ibiri giteganyijwe kuri icyo cyaha, nyamara nk'uko byagarajwe haruguru icyaha kimuhama ni icyo gufatanwa no gucuruza ibiyobyabwenge, gihanishwa igifungo cya burundu n'ihazabu y'amafaranga y'u Rwanda atari muni ya miliyoni 20.000.000 Frw ariko atarenze miliyoni 30.000.000Frw nk'uko biteganywa n'inginya 11, igika cya 3, agace ka 1° y'Itegeko N° 69/2019 ryavuzwe haruguru. [30] Ku bijyanye no kumenya igihano gito gishobora guhabwa umuburanyi wahamijwe icyaha gihanishwa igifungo cya burundu mu gihe hari impamvu nyoroshyacyaha, cyatanzweho umurongo n'Urukiko rw'Ubujurire mu manza zitandukanye, aho rushingiye ku ngingo ya 2, agace ka (a) na (d) y'Itegeko N° 59/2023 ryo ku wa 04/12/2023 rihindura Itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange, rwemeje ko igihe hari impamvu nyoroshyacyaha zemejwe n'umucamanza igihano cy'igifungo cya burundu gishobora kugabanywa ariko ntikijye muni y'igifungo cy'imyaka cumi n'itanu (15), ko n'ihazabu iteganyijwe ishobora kugabanywa ariko ntijye muni ya kimwe cya kane cy'ihazabu nto iteganyirijwe icyaha cyakozwe. [31] Nk'uko bigaragara mu gika cya 12 cy'urubanza rujurirwa, mu Rukiko Rukuru, Urugereko rwa Rwamagana, Bikorimana Emmanuel alias Munyambo yagabanyirijwe igihano ku cyaha kimuhama cyo gufatanwa no gucuruza ibiyobyabwenge bihambaye byo mu bwoko bw'urumogi, kiva ku gifungo cy'imyaka 25 n'ihazabu ya 20.000.000Frw yahanishijwe n'Urukiko Rwisumbuye rwa Ngoma, ahanishwa igifungo cy'imyaka 15 n'ihazabu ya 5.000.000Frw, kubera ko ari ubwa mbere akurikiranyweho icyaha imbere y'inkiko no kuba icyaha yakoze nta ngaruka zikomeye cyateje. [32] Hashingiwe ku murongo watanzwe mu manza zibukijwe mu gika 30 cy'uru rubanza, Urukiko rw'Ubujurire rurasanga igihano cy'igifungo cy'imyaka 15 n'ihazabu ya 5.000.000Frw Bikorimana Emmanuel alias Munyambo yahanishijwe n'Urukiko Rukuru, kitakongera kugabanywa kuko cyagabanyijwe bihagije kandi kikaba aricyo gihano gito ntarengwa giteganyijwe ku cyaha kimuhama cyo gufatanwa no gucuruza ibiyobyabwenge bihambaye byo mu bwoko bw'urumogi, kikaba kidashobora kugibwa muni. [33] Hashingiwe ku bisobanuro byose byatanzwe muri uru rubanza, Urukiko rw'Ubujurire rurasanga ubujurire bwatanzwe na Bikorimana Emmanuel alias Munyambo nta shingiro bufite,

urubanza yajuririye rukaba rudahindutse. III. ICYEMEZO CY'URUKIKO [34] Rwemeje ko ubujurire bwatanzwe na Bikorimana Emmanuel alias Munyambo nta shingiro bufite. [35] Rwemeje ko imikirize y'urubanza RPA00798/2021/HC/RWG rwaciwe n'Urukiko Rukuru, Urugereko rwa Rwamagana ku wa 19/08/2024, idahindutse. [36] Rwemeje ko igihano cy'igifungo cy'imyaka 15 n'ihaza ya 5.000.000Frw Bikorimana Emmanuel alias Munyambo yahanishijwe muri urwo rubanza kigumyeho.

1 Iyo ngingo iteganya ko iteganya ko iyo umucamanza yemeje impamvu nyoroshyacyaha, igifungo cya burundu gishobora kugabanywa ariko ntikijye muni y'igihano cy'igifungo cy'imyaka 15, ko n'ihazabu ishobora kugabanywa kugeza kuri $\frac{1}{4}$ cy'igihano cy'ihazabu gito giteganyirijwe icyaha cyakozwe. 2 Reba urubanza RPAA01312/2024/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 18/07/2025, haburana Ubushinjacyaha na Ugwaneza Sylvestre (gika cya 14); urubanza RPAA00752/2024/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 27/03/2025, haburana Ubushinjacyaha na Nsekanabo Augustin (igika cya 19); urubanza RPAA01208/2024/CA rwaciwe ku wa 29/09/2025, haburarana Ubushinjacyaha na Ndacyayisenge Ismaël (igika cya 15) n'izindi.

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.amategeko.gov.rw/view/doc/10282/10824>

CASE PAGE <https://chat.esheria.ai/case-law/rwanda/DrugOffences-court-of-appeal-2025--6a3ea5233b1caa9129818cc1>

Prepared on 11 October 2026 · Esheria