

RWANDA / JUDGMENT

UBUSHINJACYAHA v. BENIMANA

RPAA 00325/2025/CA

COURT

Court of Appeal

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UBUSHINJACYAHA v. BENIMANA

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Text

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UBUSHINJACYAHA v. BENIMANA [Rwanda URUKIKO RW'UBUJURIRE – RPAA 00325/2025/CA (Umugwaneza, P.J.) 21 Ugushyingo 2025] Amategeko agenga imanza z'inshinjabyaha – Kugabanya igihano – 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), n'ihazabu iteganyijwe ishobora kugabanywa ariko ntijye muni ya kimwe cya kane cy'ihazabu nto iteganyirijwe icyaha cyakozwe. Incamake y'ikibazo: Benimana yakurikiranyweho n'ubushinjacyaha icyaha cyo gucuruza ibiyobyabwenge bwo mu bwoko bw'urumogi nyuma yuko afatanywe udupfunyika 13, bwamuregeye Urukiko Rwisumbuye rwa Muhanga, akaba yaraburanye ahakana icyaha. Urwo Rukiko rwaciye urubanza, rwemeza ko uregwa ahamwa n'icyaha, rumuhanisha igifungo cy'imyaka 25 n'ihazabu y'amafaranga y'u Rwanda miliyoni 20.000.000 Frw. Benimana atishimiye imikirize y'urubanza yajuririye mu Rukiko Rukuru, Urugereko rwa Nyanza avuga ko yemera icyaha cyo kunywa ibiyobyabwenge kuko urumogi yafatanywe rwari urwo guha ihene ze, asaba ko inyito y'icyaha yahinduka. Urukiko Rukuru, Urugereko rwa Nyanza rwaciye urubanza rwemeza ko ingingo yo kwemera icyaha cyo gufatanwa ibiyobyabwenge kwa Benimana Jean Claude mu mwanzuro w'inyongera no mu iburanisha, nta

shingiro yahabwa kuko yayitanzwe igihe cyo kujurira cyararenze, rumuhanisha igifungo cy'imyaka 15 n'ihazabu y'amafaranga y'u Rwanda miliyoni 5.000.000 Frw. Rumugabanyiriza igihano mu rwego rwo guhuza igihano n'uburemere bw'icyaha yakoze. Uregwa yajuririywe mu Rukiko rw'Ubujurire avuga ko yahamijwe icyaha cyo gucuruza ibiyobyabwenge by'urumogi nta bimenyetso byemeza ko yigize agurisha urumogi, akavuga ko urumogi yafatanwe rwari urwo kunywa no guha ihene ze azivura, bityo ko akwiye guhamwa n'icyaha cyo kunywa ibiyobyabwenge aho kuba icyo gucuruza ibiyobyabwenge, Urukiko rwaramuka rubibona ukundi rukamugabanyiriza igihano agahanishwa igifungo cy'imyaka umunani (8). Ku rundi ruhande Ubushinjacyaha buvuga ko uregwa ntacyo anenga urubanza rujurirwa ndetse akaba atanashobora kuvugurura ibyashyingiweho ahamywe icyaha, buvuga ko rero Urukiko rwazabona ko acuruza urumogi kandi ko igihano yahanishijwe kidashobora kongera kugabanywa kuko aricyo gihano gito giteganywa n'amategeko ku cyaha kimuhama cyo gucuruza ibiyobyabwenge. Incamake y'icyemezo: 1. 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), n'ihazabu iteganyijwe ishobora kugabanywa ariko ntijye muni ya kimwe cya kane cy'ihazabu nto iteganyirijwe icyaha cyakozwe. Ubujurire nta shingiro bufite.

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Amategeko yashyingiweho: 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, agace ka (a) na (d).

Imanza zifashishijwe: RPAA 01312/2024/CA; Ubushinjacyaha vs UGWANEZA Sylvestre rwaciwe n'Urukiko rw'Ubujurire ku wa 18/07/2025; RPAA 00752/2024/CA; Ubushinjacyaha vs NSEKANABO Augustin rwaciwe n'Urukiko rw'Ubujurire ku wa 27/03/2025; RPAA 01208/2024/CA; Ubushinjacyaha vs NDACYAYISENGE Ismaël rwaciwe n'Urukiko rw'Ubujurire ku wa 29/09/2025. Urubanza I. IMITERERE Y'URUBANZA [1] Ku itariki ya 10/08/2020, abapolisi bakorera kuri station ya Police ya Busasamana mu ishami rishizwe kurwanya ibiyobyabwenge ku bufatanye n'abaturage, bakoze umukwabo wo gusaka abantu bakoresha ibiyobyabwenge muri centre ya Busoro, mu Mudugudu wa Rugarama, Akagari ka Kimirama, Umurenge wa Busoro, Akarere ka Nyanza, bageze mu rugo rwa Benimana Jean Claude bahasanga udupfunyika 13 tw'urumogi, Benimana Jean Claude yahise abacunga ku jisho arabacika aratoroka, ariko nyuma arafatwa ashyikirizwa Ubugenzacyaha ngo akurikiranwe. [2] Ubushinjacyaha bwamureze mu Rukiko Rwisumbuye rwa Muhanga, bumukurikiranyeho icyaha cyo gucuruza ibiyobyabwenge, aburana agihakana, avuga ko nta rumogi yafatanwe ko nta n'urwo anywa nta n'urwo acuruza. [3] Mu rubanza RP 00800/2020/TGI/MHG rwaciwe ku wa 12/04/2021, Urukiko Rwisumbuye rwa Muhanga rwasanze n'ubwo Benimana Jean Claude ahakana icyaha aregwa ariko ashinjwa n'umutangabuhamya witwa Simparishema Medaridi ndetse hakaba na raporo y'Umunyamabanga Nshingwabikorwa w'Akagari ka Kimirama nayo imushinja, rwemeza ko ahamwe n'icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi, ahanishwa igifungo cy'imyaka 25 n'ihazabu y'amafaranga y'u Rwanda miliyoni 20.000.000 Frw. [4] Benimana Jean Claude ntiyanyuzwe n'imikurire y'urwo rubanza, ajuririra Urukiko Rukuru, Urugereko rwa Nyanza, avuga ko yahamijwe icyaha atakoze, agasaba kurenganurwa no kugirwa umwera, ariko mu mwanzuro

w'inyongera no mu gihe cy'iburanisha avuga ko noneho yemera ko yafatanwe urumogi ariko ko atarucuruza, ko udupfunyika 13 tw'urumogi yafatanwe rwari urwo guha ihene ze, asaba ko inyito y'icyaha yahinduka agahanirwa gufatanwa ibiyobyabwenge. [5] Ubushinjacyaha bwavuze ko, impamvu z'ubujurire zatanze na Benimana Jean Claude mu mwanzuro w'inyongera zidakwiye kwakirwa ngo zisuzumwe kuko zatanze impitagihe kandi zikaba zihabanye n'izatanze mu gihe giteganywa n'amategeko, ko uretse n'ibyo kandi kuba Benimana Jean Claude yemera ko yafatanwe urumogi ari uburyo bwo kugira ngo azahabwe igihano cyoroheje kuko hari raporo y'Ubuyobozi yemeza ko azwiho gucuruza ibiyobyabwenge,

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busaba Urukiko ko rutahindura inyito y'icyaha, ariko rukagabanyiriza igihano Benimana Jean Claude kuko ari ubwa mbere aje imbere y'inzego z'ubutabera. [6] Mu rubanza RPA 00452/2021/HC/NYZ, rwaciye ku wa 06/03/2025, Urukiko Rukuru, Urugereko rwa Nyanza, rwasanze ingingo yo kwemera icyaha cyo gufatanwa ibiyobyabwenge kwa Benimana Jean Claude mu mwanzuro w'inyongera no mu iburanisha, nta shingiro yabawira kuko yayitanze igihe cyo kujurira cyararenze. Naho kubijyanye no gusaba kugirwa umwera kuko yahamijwe icyaha atakozwe, Urukiko rwasanze iyo ngingo nayo nta shingiro ifite kuko atabasha kuvuguruza ibimenyetso byashingiweho n'Urukiko Rwisumbuye rwa Muhanga, birimo ubuhamya bwa Simparishema Medaridi na raporo y'Umunyamabanga Nshingwabikorwa w'Akagari ka Kimirama byose bimuhamya icyaha cyo gucuruza ibiyobyabwenge, rusanga ariko mu rwego rwo gutanga igihano gihwanye n'uburemere bw'icyaha agomba kugabanyirizwa igihano hashingiwe ku bateganywa n'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 riteganyaye ibyaha n'ibihano muri rusange, rumuhanisha igifungo cy'imyaka 15 n'ihazabu y'amafaranga y'u Rwanda miliyoni 5.000.000 Frw. [7] Benimana Jean Claude yajuririyeye Urukiko rw'Ubugurire, urubanza ruhawe RPAA 00525/2025/CA, ruburanishwa mu ruhamye ku wa 06/11/2025, yunganiye na Me Rukumbuzi Blaise, Ubushinjacyaha buhagarariye na Harindintwari Côme, Umushinjacyaha ku rwego rw'Igihugu. [8] Mu myanzuro y'ubujurire no mu miburanire yabo, Benimana Jean Claude n'umwunganira bavuye ko yahamijwe icyaha cyo gucuruza ibiyobyabwenge by'urumogi nta bimenyetso byemeza ko yigize agurisha urumogi, bakavuye ko urumogi yafatanwe rwari urwo kunywa no guha ihene ze azivura, bityo ko akwiye guhamwa n'icyaha cyo kunywa ibiyobyabwenge aho kuba icyo gucuruza ibiyobyabwenge, Urukiko rwaramuka rubibonye ukundi rukamugabanyiriza igihano agahanishwa igifungo cy'imyaka umunani (8). [9] Ubushinjacyaha buvuye ko, ubujurire bwa Benimana Jean Claude nta shingiro bufitse kuko Urukiko Rukuru/Urugereko rwa Nyanza mu isobanurampamvu ry'urubanza rujuririrwa rwagaragaye aho rwashingiye rumuhamya icyaha cyo gucuruza ibiyobyabwenge by'urumogi akaba ntacyo arinenga uretse gusubira mu miburanire ihakana icyaha, ko rero Urukiko rwazabona ko acuruza urumogi kandi ko igihano yahanishijwe kidashobora kongera kugabanywa kuko aricyo gihano gito giteganywa n'amategeko ku cyaha kimuhama cyo gucuruza ibiyobyabwenge. [10] Hakurikijwe iyo miburanire, muri uru rubanza harasuzumwa ibibazo bikurikira:

- a. kumenya niba harebwe ibikorwa Benimana Jean Caude aregwa n'ibimenyetso bimushinja, akwiriye guhamywa icyaha cyo kunywa ibiyobyabwenge aho kuba icyo gucuruza ibiyobyabwenge;
- b. kumenya niba Benimana Jean Claude yagabanyirizwa igihano.

II. ISESENGURA RY'IBIBAZO BIGIZE URUBANZA A. Kumenya niba harebwe ibikorwa Benimana Jean Claude aregwa n'ibimenyetso bimushinja, akwiriye guhamywa icyaho cyo kunywa ibiyobyabwenge aho kuba icyo gucuruza ibiyobyabwenge

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[11] Benimana Jean Claude n'umwunganira bavuga ko yahamijwe icyaha cyo gucuruza ibiyobyabwenge by'urumogi nta bimenyetso byemeza ko yigeze agurisha urumogi, ko urumogi yafatanwe rwari urwo kunywa no guha ihene ze azivura, bagasaba kwemeza ko ahamwa n'icyaha cyo kunywa ibiyobyabwenge aho kuba icyo kubicuruzwa. [12] Benimana Jean Claude n'umwunganira basaba ko hazashingirwa ku murongo watanze n'Urukiko rw'Ubujurire mu rubanza RPAA 00199/2020/CA rwaciye ku wa 24/05/2022 haburana Ubushinjacyaha na Hakizimana Jean Damascène mu duce twa 39, 40, 41, 48, 49 na 54, aho Urukiko rwemeje ko icyaha cyo gucuruza urumogi kigaragazwa no kuba hari umuntu urugurisha ndetse n'undi urugura; maze Urukiko rukazabona ko urumogi Benimana Jean Claude yafatanwe ari urwo kunywa no guha ihene ze kuko nta muntu wagaragajwe yigeze arugurisha, ibyo bikaba bitandukanye kure n'icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi, rwemeze ko ahamwa n'icyaha cyo kunywa ibiyobyabwenge. [13] Ubushinjacyaha buvuga ko, iyi mpamvu y'ubujurire nta shingiro ifite kuko mu gika cya 11 cy'urubanza rujuririrwa, Urukiko Rukuru, Urugereko rwa Nyanza mu isobanurampamvu ry'urwo rubanza, rwagaragaje aho rwashingiye ruhamya Benimana Jean Claude icyaha cyo gucuruza ibiyobyabwenge by'urumogi akaba ntacyo arinenga uretse gusubira mu miburanire ihakana icyaha, ko rero Urukiko rwazabona ko acuruza urumogi kuko ubwe yivugira ko urumogi rwafatiwe iwe rwari urwo gucuruza kabone n'ubwo yashatse ku rwegeka ku mugore we ariko bikaza kugaragara ko ari uburyo bwo gushaka guhunga icyaha cyo gucuruza ibiyobyabwenge. Uko Urukiko rubibona [14] 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'amategako, ababuranyi bapfa kuba barahawe umwanya wo kubijyaho impaka". [15] Dosiye y'uru rubanza igaragaza ko Benimana Jean Claude ari imbere y'Ubushinjacyaha ku wa 11/08/2020 ndetse n'imbere y'Ubushinjacyaha ku wa 12/08/2020, yahakanye ko ntarumogi yafatanwe, ko urumogi rwafatiwe iwe adahari, ko ari urw'umugore we ko arinawe urucuruza, ko naho we nta rumogi acuruza nta n'urwo anywa. Dosiye igaragaza kandi ko Benimana Jean Claude aburana ku rwego rwa mbere yakomeje guhakana icyaha, akavuga ko nta rumogi yafatanwe¹. Ageze mu bujurire bwa mbere niho Benimana Jean Claude noneho yemeye ko yafatanwe udupfunyika 13 tw'urumogi akavuga ko rwari urwo guha ihene ze azivura². [16] Dosiye igaragaza kandi ubuhamya bwa Simparishema Medaridi, uhamya ko bahawe

amakuru n'abaturage ko Benimana Jean Claude acuruza urumogi akanarunywa, nyuma nibwo hakozwe operation yo gufata abantu bacuruza ibiyobyabwenge muri centre ya Busoro, bageze kwa Benimana Jean Claude bamusangana udupfunyika 13 tw'urumogi, arabacika aratoroka,

1 Reba igika cya 7 cy'urubanza N° RP 00800/2020/TGI/MHG rwaciwe n'Urukiko Rwisumbuye rwa Muhanga ku wa 12/04/2021.

2 Reba igika cya 5 cy'urubanza rujuririrwa.

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nyuma yongera gufatwa³. Hari kandi na raporo yakozwe n'Umunyamabanga Nshingwabikorwa w'Akagari ka Kimirama ku wa 12/08/2020, yemeza ko Benimana Jean Claude wari usanzwe ukekwaho gucuruza ibiyobyabwenge yafatanwe urumogi iwe murugo, ahita acika aratoroka, nyuma yongeye kugaruka azi ko byarangiye arafatwa ngo akurikiranwe kuri icyo cyaha. [17] Nk'uko imikirize y'urubanza rujuririrwa ibigaragaza, Benimana Jean Claude yahamijwe icyaha cyo gucuruza ibiyobyabwenge hashingiwe ku buhamya bwa Simparishema Medaridi na raporo y'Umunyamabanga Nshingwabikorwa w'Akagari ka Kimira. [18] Urukiko rw'Ubujurire rushingiye ku ngingo ya 87 y'Itegeko N° 062/2024 ryo ku wa 20/06/2024 ryavuzwe haruguru, rurasanga nk'uko n'Urukiko rubanza rwabibonye, kuba Benimana Jean Claude yari asanzwe azwiho ko acuruza urumogi, bajya kumusaka iwe murugo bakahasanga udupfunyika 13 tw'urumogi agahita abacika agatoroka akaza kongera gufatwa nyuma nk'uko byemezwa n'umutangabuhamya Simparishema Medaridi na raporo y'Akagari ka Kimirama, ari ibimenyetso byemeza ko urwo rumogi ari urwa Benimana Jean Claude kuko iyo rutaza kuba urwe atari kubona ko rugaragaye ngo acike mu gihe ntacyo yishinja, kandi ko rwari urwo gucuruza kuko abaturage n'Ubuyobozi bw'Akagari bari basanzwe bamufiteho amakuru ko acuruza ibiyobyabwenge kabone n'ubwo batari bakamufashe. [19] Ibivuzwe mu gika kibanziriza iki bihujwe no kuba Benimana Jean Claude yarananzwe no kwivuguruzwa ashaka kuyobya uburari, aho mu mabazwa ye mu Bugenzacyaha no mu Bushinjacyaha ndetse no mu iburanisha ku rwego rwa mbere yahakanye yivuye inyuma ko nta rumogi yafatanwe, ko atarunywa ndetse atanarucuruza, akavuga ko udupfunyika 13 tw'urumogi rwafatiwe iwe ari urw'umugore we ko ariwe urucuruza, yagera mu Rukiko Rukuru, Urugereko rwa Nyanza noneho akemera ko urumogi ari urwe ariko ko rwari urwo guha ihene ze, yagera no muri uru Rukiko akavuga ko urumogi ari urwe rwo kunywa no guha ihene ze. [20] Urukiko rw'Ubujurire rurasanga nk'uko byemejwe n'Urukiko rw'Ikirenga mu rubanza RPAA 0148/11/CS, rwaciwe ku wa 27/11/2015 haburana Ubushinjacyaha, Murinzi Olivier na Niyodusenga Philippe, aho mu gika cya 25 -25 cy'urwo rubanza Urukiko Rw'ikirenga rwemeje ko imvugo ya Niyonsaba Philippe irimo ibinyoma, kwivuguruzwa no kuyobya uburari, ishimangira ko imyiregurire ye igamije guhunga icyaha yakoze, uru rubanza rukaba rwaranashingiweho no mu zindi manza, harimo n'urubanza RPAA 01335/2024/CA rwaciwe ku wa 30/10/2025, haburana Ubushinjacyaha na Banzubaze Emmanuel, igika cya 22; kuri Benimana Jean Claude nawe imvugo ye yuzuyemo ibinyoma, kwivuguruzwa no kuyobya uburari, nayo ishimangira ko imyiregurire ye igamije guhunga icyaha cyo gucuruza ibiyobyabwenge kandi nyamara yaragikoze. [21] Ku bijyanye

n'urubanza RPAA 00199/2020/CA, Benimana Jean Claude n'umwunganira basaba ko rwashingirwaho, aho bavuga ko muri urwo rubanza Urukiko rwemeje ko icyaha cyo gucuruza urumogi kigaragazwa no kuba hari umuntu urugurisha ndetse n'undi urugura, bagasaba ko rwashingirwaho hakemezwa ko urumogi Benimana Jean Claude yafatanwe ari urwo kunywa no guha ihene ze kuko nta muntu wagaragajwe yigeze arugurisha; Urukiko rw'Ubujurire rurasanga ibyo nta shingiro bifite kuko muri urwo rubanza ntaho Urukiko rwemeje ko ku kugira ngo umuntu yitwe umucuruzi w'ibiyobyabwenge ari uko hagararaga umuntu yagurishije, ahubwo muri urwo rubanza Urukiko rwasanze n'ubwo Hakizimana Jean Damascène ahakana icyaha cyo gucuruza

3 Reba inyandikomvugo y'ibazwa rya SIMPARISHEME Medaridi mu Bugenzacyaha ku wa 11/08/2020.

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urumogi ariko ashinjwa n'abatangabuhamya Mpakaniye Mathias na Harerimana Joseph bemeza ko bahawe amakuru ko afite urumogi kandi agiye kurucuruza, nibwo bamukurikiye kugeza yinjiye mu kabare ka Bigirimana bamufatira mu cyuhu arimo kugurisha Kalinda Haruna agapfunyika kamwe (1) asigaranye udupfunyika icumi (10), rwemeza ko ibyo bikorwa bigize icyaha cyo gucuruza urumogi aho kuba kurufatanwa. [22] Ku bijyanye n'uru rubanza, Urukiko rw'Ubujurire rurasanga kuba nta muntu wagaragaye Benimana Jean Claude yagurishije urumogi, ibyo bitamukuraho icyaha cyo gucuruza ibiyobyabwenge kuko nk'uko byakomeje kugaragazwa mu bika bibanziriza iki, kuba abaturage n'ubuyobozi bw'Akagari bari basanzwe bamufiteho amakuru ko acuruza ibiyobyabwenge, bajya kumusaka iwe murugo bakahasanga udupfunyika 13 tw'urumogi, agahita abacika agatoroka, aho agarukiye agafatwa agatangira guhakana ko urumogi atari urwe ko atarunywa atarucuruza, ko umugore we ariwe urucuruza, yagera nyuma akemera ko ari urwe rwo kunywa no guha ihene ze; ibyo ubwabyo bihagije ngo hemezwe ko urumogi rwari urwe rwo gucuruza. [23] Hashingiwe ku bisobanuro byose bimaze gutangwa, Urukiko rw'Ubujurire rurasanga hakurikijwe ibikorwa Benimana Jean Claude aregwa n'ibimenyetso bimushinja nk'uko byakomeje kugaragazwa mu bika bibanziriza iki, ahamwa n'icyaha cyo gucuruza ibiyobyabwenge nk'uko n'inkiko zibanza zabibonye aho ku icyo kunywa ibiyobyabwenge. B. Kumenya niba Benimana Jean Claude yagabanyirizwa igihano [24] Benimana Jean Claude n'umwunganira, bavuga ko Urukiko ruramutse rubibonye ukundi rukemeza ko Benimana Jean Claude yacuruzaga ibiyobyabwenge byo mu bwoko bw'urumogi, rwazamugabanyiriza igihano agahanisha igifungo cy'imyaka umunani (8) nk'icyo Hakizimana Jean Damascène yahanishijwe mu rubanza RPAA 00199/2020/CA rwaciwe ku wa 24/05/2022, kigaragra mu gace ka 54 k'urwo rubanza. [25] Ubushinjacyaha buvuga ko Benimana Jean Claude yagabanyirijwe igihano kugeza ku gihano gito giteganywa n'Itegeko, bityo ko kitakongera kugabanywa. Uko Urukiko rubibona [26] Ikibazo kijyanye 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 riteganyaye 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 cyakozwe4.

4 Reba urubanza N° RPAA 01312/2024/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 18/07/2025, haburana Ubushinjacyaha na UGWANEZA Sylvestre (gika cya 14); urubanza N° RPAA 00752/2024/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 27/03/2025, haburana Ubushinjacyaha na NSEKANABO Augustin (igika cya 19); urubanza N° RPAA 01208/2024/CA rwaciwe ku wa 29/09/2025, haburarana Ubushinjacyaha na NDACYAYISENGE Ismaël (igika cya 15) n'izindi.

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[27] Nk'uko bigaragara mu gika cya 13 cy'urubanza rujuririrwa, mu Rukiko Rukuru, Benimana Jean Claude yagabanyirijwe igihano ku cyaha kimuhama cyo gucuruza ibiyobyabwenge bihambaye byo mu bwoko bw'urumogi, ubusanze Itegeko ryateganyirije igihano cy'igifungo cya burundu n'ihazabu y'amafaranga y'u Rwanda atari muni ya miliyoni 20.000.000 Frw ariko atarenze mikiyoni 30.000.000 Frw5, kiva ku gifungo cy'imyaka 25 n'ihazabu ya 20.000.000 Frw yahanishijwe ku rwego rwa mbere, ahanishwa igifungo cy'imyaka 15 n'ihazabu ya 5.000.000 Frw. [28] Hashingiwe ku murongo watanzwe mu manza zibukijwe mu gika cya 26 cy'uru rubanza, Urukiko rw'Ubujurire rurasanga igihano cy'igifungo cy'imyaka 15 n'ihazabu ya 5.000.000 Frw Benimana Jean Claude yahanishijwe n'Urukiko Rukuru, kitakongera kugabanywa kuko cyagabanyijwe bihagije kandi kikaba aricyo gihano gito ntarengwa giteganyijwe ku cyaha kimuhama cyo gucuruza ibiyobyabwenge bihambaye byo mu bwoko bw'urumogi, kikaba kidashobora kugibwa muni. [29] Ku bijyanye n'urubanza RPAA 00199/2020/CA, Benimana Jean Claude n'umwunganira basaba ko rwasingirwaho akagabanyirizwa igihano kugeza ku gifungo cy'imyaka 8 nk'uko byagenze kuri Hakizimana Jean Claude muri urwo rubanza, Urukiko rw'Ubujurire rurasanga urwo rubanza rutashingirwaho kuko nk'uko byemejwe mu manza zitandukanye zaciwe nyuma y'uko Itegeko N° 059/2023 ryo ku wa 04/11/2023 rihindura Itegeko N° 68/2018 ryo ku wa 30/2018 riteganya ibyaha n'ibihano muri rusange ritangarijwe mu Igazeti ya Leta ya Repubulika y'u Rwanda, ibijyanye no kugabanya igihano kikajya muni y'igihano gito giteganywa n'itegeko (minimum) hashingiwe ku manza zaciwe bitagikurikizwa kuko byavanyweho n'iryo Tegeko ryashyizeho uburyo bushya bwo kugabanya ibihano6. [30] Hashingiwe ku bisobanuro byose byatanzwe muri uru rubanza, Urukiko rw'Ubujurire rurasanga ubujurire bwatanzwe na Benimana Jean Claude nta shingiro bufite, urubanza yajuririye rukaba rudahindutse.

III. ICYEMEZO CY'URUKIKO [31] Rwemeje ko ubujurire bwatanzwe na Benimana Jean Claude nta shingiro bufite; [32] Rwemeje ko imikirize y'urubanza RPA 00452/2021/HC/NYZ rwaciwe n'Urukiko Rukuru/Urugereko rwa Nyanza ku wa 06/03/2025, idahindutse;

5 Reba ingingo ya 11, igika 3 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 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 igifungo cya burundu n'ihazabu y'amafaranga y'u Rwanda arenze miliyoni makumyabiri (20.000.000 FRW) ariko atarenze miliyoni mirongo itatu (30.000.000 FRW) ku byerekeye ibiyobyabwenge bihambaye". 6 Muri izo manza harimo nk'urubanza N° PAA 00052/2024/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 19/12/2024, haburana Ubushinjacyaha na BIHOYIKI Jean, igika cya 15, urubanza N° RPAA 00832/2024/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 17/04/2025, haburana Ubushinjacyaha na BAMUREKE Fred, igika cya 17, urubanza N° RPAA 01285/2024/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/09/2025 haburana Ubushinjacyaha na NDAYISHIMIYE Jean Paul, igika cya 17 n'izindi.

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[33] Rwemeje ko igihano cy'igifungo cy'imyaka 15 n'ihazabu ya 5.000.000 Frw Benimana Jean Claude yahanishijwe muri urwo rubanza kigumyeho.

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