

RWANDA / JUDGMENT

UBUSHINJACYAHA v. HAVYARIMANA

RPA 00017/2020/CA

COURT

Court of Appeal

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UBUSHINJACYAHA v. HAVYARIMANA

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Text

Page 1

UBUSHINJACYAHA v. HAVYARIMANA [Rwanda URUKIKO RW'UBUJURIRE – RPA 00017/2020/CA(Rugabirwa, P.J.) 28 Ukuboza 2023] Amategeko yerekeye imanza nshinjabyaha – icyaha cyo gucuruza abantu – Inyito y'icyaha – Igikorwa cyo kubyaza umuntu inyungu mu cyaha cyo gucuruza abantu si ngombwa ko intego cyakoranywe iba yagezweho, icy'ingenzi nuko hagaragazwa icyari kigamijwe mu ikorwa ry'icyo gikorwa, kuko igihanwa ari icyari kigambiriwe, ni ukuvuga kubyaza umuntu inyungu zitemewe, aho kuba icyagezweho. Incamake y'ikibazo: Uru rubanza rwatangiriye mu Rukiko Rukuru, Urugereko Rwihariye ruburanisha ibyaha mpuzamahanga n'ibyambuka imbibi, Ubushinjacyaha bukurikiranyeho Havyarimana ku cyaha cyo gucuruza abantu b'abarundi batanu (5) yari agiye gucuruza mu mahanga banyuze mu gihugu cya Uganda, ariko bafatirwa ku mupaka w'u Rwanda ku Kanyaru. Urwo Rukiko rwaciye urubanza rwemeza ko uregwa ahamwa n'ubwinjiracyaha mu cyaha cyo gucuruza abantu, rumuhanisha igifungo cy'imyaka icumi (10) n'ihazabu ya miliyoni cumi (10.000.000 Frw), rumugabanyirije igihano kubera ko ibikorwa yakoze nta ngaruka zikomeye byateje kuko abantu yari agiye gucuruza bashubijwe mu gihugu cyabo. Uregwa yajuririye Urukiko Rw'Ubujuje avuga ko Urukiko Rukuru rwamuhamije icyaha cyo gucuruza abantu kandi nta bimenyetso bigaragaza ko

yagikoze, ko ahubwo rwamuhamije icyaha ku buryo bugenekereje kuko urwo Rukiko rwamuhamije icyo cyaha ngo kubera ko abo yari atwaye batari bazi aho bagiye n'icyo bari bagiye gukora, nyamara atari ukuri kuko bari bahazi kubera ko mu Bugenzacyaha bivugiyeko bari bagiye gushaka akazi, hano yagiye agaragaza amazina y'abavuze ko bari bagiye gushaka akazi, anavuga kandi ko Urukiko rutagaragaje inyungu yari afite mbere cyangwa nyuma yo kubagezayo. Ku birebana n'inyito y'icyaha, avuga ko nta kibazo ayifiteho kuko mu gihe Urukiko rubibonye ukundi rugasanga ibikorwa yakoze bigize icyaha, atahamwaga n'ubwinjiracyaha mu cyaha cyo gucuruza abantu nk'uko byemejwe n'Urukiko Rukuru, ko ahubwo yahamwaga n'icyaha cyo gucuruza abantu. Ubushinjacyaha bwo bwaburanye buvuga ko uregwa ahamwaga n'icyaha cyo gucuruza abantu kubera ko abantu batanu (5) batari baziranye, ariko abahuriza ahantu hamwe, kandi ko ariwe nawe wabwiye buri muntu ko agiye kumushakira akazi gatandukanye n'aka mugenzi we, nyamara nta kigaragaza ko yari agafite, ndetse ko ari nawe wabwiye buri wese ibyo azabeshya ku mupaka ku mpamvu z'urugendo rwe anababwira ko batagomba kugendera hamwe. Ku birebana n'inyito y'icyaha, Ubushinjacyaha buvuga ko harebwe ibikorwa uregwa yakoze agomba guhamwaga n'icyaha cyo gucuruza abantu, aho kuba ubwinjiracyaha mu cyaha cyo gucuruza abantu yahamijwe n'Urukiko Rukuru. Incamake y'icyemezo: Igikorwa cyo kubyaza umuntu inyungu mu cyaha cyo gucuruza abantu si ngombwa ko intego cyakoranywe iba yagezweho, icy'ingenzi nuko hagaragazwa icyari kigamijwe mu ikorwa ry'icyo gikorwa, kuko igihanwa ari icyari kigambiriwe, ni ukuvuga kubyaza umuntu inyungu zitemewe, aho kuba icyagezweho, bityo uregwa yakoze icyaha cyo gucuruza abantu aho kuba icyaha cy'ubwinjiracyaha mu cyaha cyo gucuruza abantu yahamijwe n'Urukiko Rukuru.

Page 2

Urubanza ruhindutse ku birebana n'inyito y'icyaha. Amategeko yashingiweho: Itegeko N° 51/2018 ryo ku wa 13/08/2018 ryerekeye gukumira, kurwanya no guhana icuruzwa ry'abantu no gushakira inyungu mu bandi, Ingingo ya 3, agace ka 6 (a). Imanza zifashishijwe: Ubushinjacyaha vs. Kaburere, RPA 0035/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/04/2022. Ubushinjacyaha vs. Kankindi, RPA 00016/2019/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 23/10/2020. Ubushinjacyaha vs. Karikurubu, RPA 00093/2018/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 13/12/2019. Ubushinjacyaha vs. Ngendakuriyo, RPA 00018/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 10/12/2021. Urubanza I. IMITERERE Y'URUBANZA [1] Ubushinjacyaha bukurikiranyeho Havyarimana Innocent icyaha cyo gucuruza abantu b'abarundi batanu (5) aribo Niyonkuru Claudine wavutse mu 1991, Bitangimana Consolate wavutse mu 2000, Ndayisenga Diomède wavutse mu 1995, Ndabarushimana Janvier wavutse mu 1997 na Nsanzerugeze Leonidas wavutse mu 1979, yari agiye gucuruza mu mahanga banyuze mu gihugu cya Uganda, ariko bafatirwa ku mupaka w'u Rwanda wa Kanyaru - Haut, aho yafatanwe amafaranga y'u Rwanda ibihumbi magana abiri na mirongo inani (280.000 Frw), amashilingi ya Uganda miliyoni imwe n'ibihumbi magana atandatu (1.600.000 Ug Shilling), n'amafaranga y'amarundi ibihumbi bine na magana atanu (4.500 FBU), ariko asubizwa ba nyirayo ku buryo yasigaranye amafaranga y'u Rwanda ibihumbi mirongo inani na bine (84.000 Frw) n'amadevise yavuzwe haruguru. Havyarimana Innocent ahakana icyaha aregwa akemera gusa yari agiye kubashakira akazi ko mu

ruguru muri Uganda ahitwa Ngoma, hegereye Sudani, aho yari abashyiriyeye Abanyakore bitwa Maga na Jovia Gacacari, ko yashakirye Niyonkuru Claudine ibyangombwa, abandi barabyishakira, ko abo yari atwaye batari baziranye n'abagombaga kubakoresha, kobatari bazi imishahara bazahembwa, ndetse ko kandi yababwiye ko nibagera ku mupaka babeshya ko bagiye kugura ibicuruzwa muri Uganda kugira ngo babashe kwambuka bitabagoye, ndetse ko yari yababikiye amafaranga yabo. [2] Urwo Rukiko rushingiye ku kuba imvugo Havyarimana Innocent yavugiyeye mu Bugenzacyaha zivuguruzanya n'izo yavugiyeye mu Rukiko, aho yahakanye bimwe yari yaremereye mu Bugenzacyaha agamije guhunga icyaha, zikanavuguruzanya n'iz'abantu yari atwaye muri Uganda, rwaciye urubanza n° RP 00026/2019/HC/HCCIC ku wa 21/02/2020, rwemeza ko Havyarimana Innocent ahamwe n'ubwinjiracyaha mu cyaha cyo gucuruza abantu, rumuhanisha igifungo cy'inyuma icumi (10) n'ihazabu ya miliyoni cumi (10.000.000 Frw), rumugabanyirije

Page 3

igihano kubera ko ibikorwa yakoze nta ngaruka zikomeye byateje kuko abantu yari agiye gucuruza bashubijwe mu gihugu cyabo, rutegeka ko ibyafatiriyeye byifashishijwe mu gukora icyaha bishyirwa mu isanduku ya Leta. [3] Urwo Rukiko rwasanze kuba Havyarimana Innocent yarasabye anashishikariza Niyonkuru Claudine na Bitangimana Consolante kubajyana mu mahanga, bigeraho babimwemerera, kuba yarabishyuriye ticket y'urugendo hamwe na Ndayisenga Diomede, kuba yarashakirye Niyonkuru Claudine ibyangombwa by'urugendo, abatwara hamwe na bagenzi babo Ndayisenga Diomède, Ndabarushimana Janvier na Nsanzerugeze Leonidas, nyamara nta kazi kazwi ababwiye ko agiye kubashakira, kuba yarabahaye amabwiriza yuko ku mupaka bagomba kubeshya ko bagiye i Kampala kurangura ibicuruzwa, kandi ko batagombaga kugendera hamwe, ko ahubwo bagomba kugenda umwe umwe, ndetse bamwe akaba yarababwiye ko bagiye Uganda abandi ababwira ko bagiye Sudani, nk'uko aba bese babimushinja ndetse nawe akaba yemera bimwe muri byo, ari ibikorwa bigize icyaha cyo gucuruza abantu hashingiye ku ngingo ya 3 y'Itegeko n° 51/2018 ryo ku wa 13/08/2018 ryerekeye gukumira, kurwanya no guhana icuruzwa ry'abantu no gushakira inyungu mu bandi, kandi ko ibyo bikorwa bigaragaza ubushake bwo gukora icyaha kuko byose yabikoranye uburiganya ababeshya ko agiye kubashakira akazi, no kubabwira ibyo babeshya ku mupaka, kandi abafatirana n'ubukene bari bafite agamije kubashakamo inyungu. [4] Havyarimana Innocent yajuririyeye na none urwo rubanza mu Rukiko rw'Ubujurire, ubujurire bwe bwandikwa kuri n° RPA 00017/2020/CA, urubanza ruburanishwa mu ruhamye ku wa 14/12/2023, Havyarimana Innocent yunganiye na Me Rwimo Clotilde, naho Ubushinjacyaha buhagarariye na Nkusi Faustin, Umushinjacyaha ku rwego rw'igihugu. [5] Mu myanzuro no mu miburanire, Havyarimana Innocent n'umwunganira bavugaga ko atakoze icyaha aregwa, bityo ko akwiye kugirwa umwere. Naho Uhagarariye Ubushinjacyaha avugaga ko ubujurire bwe nta shingiro bufite kuko hari ibimenyetso bihagije bigaragaza ko yakoze icyaha aregwa. [6] Urukiko rushingiye kuri izo mpaka, rurasuzuma ku bw'ibanze ikibazo cyo kumenya niba Urukiko Rukuru rwarahamije Havyarimana Innocent icyaha nta bimenyetso, ariko mu gihe rusanze yarakoze icyaha, ni ukumenya inyito y'icyaha yakoze. II. ISESENGURA RY'IKIBAZO KIRI MU RUBANZA Kumenya

niba Urukiko Rukuru rwarahamije Havyarimana Innocent icyaha nta bimenyetso [7] Havyarimana Innocent n'umwunganira bavuga ko Urukiko Rukuru rwamuhamije icyaha cyo gucuruza abantu kandi nta bimenyetso bigaragaza ko yagikoze, ko ahubwo rwamuhamije icyaha ku buryo bugenekereje kuko urwo Rukiko rwamuhamije icyo cyaha ngo kubera ko abo yari atwaye batari bazi aho bagiye n'icyo bari bagiye gukora, nyamara atari ukuri kuko bari bahazi kubera ko mu Bugenzacyaha, Nsanzerugeze Leonidas yavuze ko yari agiye gushaka akazi muri Bugande gukorana na Havyarimana Innocent, Ndabarushimana Janvier yavuze ko yari agiye i Kampala gukora akazi ko gutwara amata anishakira ticket, ndetse ko Bitangimana Consolate nawe yavuze ko agiye Uganda cyangwa Sudani, kuko Havyarimana Innocent yacuruzaga inkweto muri Uganda hafi y'umupaka wa Sudani. Ikindi ngo n'uko Havyarimana Innocent avuguruzanya na Ndayisenga Diomedi na Niyonkuru Claudine basobanuye ko yari abajyanye muri Sudani, nyamara

Page 4

atari ukuri kuko nta byangombwa by'inzira bari bafite byari kubagezayo, ndetse ko nta n'ubwo Havyarimana Innocent ariho atuye. [8] Bavuga kandi ko Urukiko Rukuru rwahamije Havyarimana Innocent icyaha cyo gucuruza abantu mu buryo bugenekereje kuko rwavuze ko kuba yari kumwe na Nsanzerugeze Leonidas na bagenzi be yari agamije inyungu kuko yari agiye kubacuruza, ariko ko rutasobanuye inyungu Havyarimana Innocent yari afite mbere cyangwa nyuma yo kubagezayo. Asobanura ko kuba barinjiye ku mupaka w'u Rwanda batari kumwe, atari ikimenyetso kigaragaza ko Havyarimana Innocent yakoze icyaha aregwa, ko ahubwo byatewe n'uko uwo batereraga kashe ku mupaka w'u Burundi, ariko yambukaga ukwe akinjira ku mupaka w'u Rwanda. [9] Bakomeza bavuga ko Urukiko Rukuru rwahamije icyaha Havyarimana Innocent hashingiye ku kuba yarabwiye abantu yari atwaye kubeshya ko bagiye kurangura muri Bugande kugira ngo babashe kwambuka umupaka, ariko ko atariwe wabibabwiye, ko ahubwo babibwiye n'umukozi wakoraga mu nzu bari barayemo (maison de passage). ubwo babonaga umukozi wa Gasutamo ushinze Abinjira n'Abasohoka mu Rwanda aje abasanga aho bari bari. [10] Ku birebana n'inyito y'icyaha, Me Rwimo Clotilde avuga ko nta kibazo bayifiteho kuko mu gihe Urukiko rubibonye ukundi rugasanga ibikorwa Havyarimana Innocent yakoze ibigize icyaha, atahamwa n'ubwinjiracyaha mu cyaha cyo gucuruza abantu nk'uko byemejwe n'Urukiko Rukuru, ko ahubwo yahamwa n'icyaha cyo gucuruza abantu nk'uko byatanzweho umurongo mu manza zaciye n'uru Rukiko. [11] Uhagarariye Ubushinjacyaha avuga ko nta kosa Urukiko Rukuru rwakoze mu guhamya Havyarimana Innocent icyaha cyo gucuruza abantu kubera ko yabwiye abantu yari atwaye kutavugisha ukuri ku birebana n'impamvu y'urugendo rwabo kuko yababwiye ko bagomba kubeshya ko bagiye kurangura muri Bugande, ariko ko batabibwiye n'umukozi wakoraga mu nzu bari barayemo (maison de passage) nk'uko abivugaga. [12] Avuga kandi ko Havyarimana Innocent ahamwe icyaha cyo gucuruza abantu kubera ko abantu batanu (5) batari baziranye, ariko abahuriza ahantu hamwe, kansi ko ariwe nawe wabwiye buri muntu ko agiye kumushakira akazi gatandukanye n'aka mugenzi we, nyamara nta kigaragaza ko yari agafite, ndetse ko ari nawe wabwiye buri wese ibyo azabeshya ku mupaka ku mpamvu z'urugendo rwe anababwira ko batagomba kugendera hamwe. [13] Ku birebana n'inyito y'icyaha, avuga ko

hashingiwe ku mikirize y'urubanza n° RPA 00014/2021/CA rwaciwe n'uru Rukiko ku wa 24/06/2023, haburana Ubushinjacyaha na Musabyimana Joselyne, harebwe ibikorwa Havyarimana Innocent yakoze byavuzwe haruguru, agomba guhamwa n'icyaha cyo gucuruza abantu, aho kuba ubwinjiracyaha mu cyaha cyo gucuruza abantu yahamijwe n'Urukiko Rukuru. UKO URUKIKO RUBIBONA [14] Ingingo ya 3, agace ka 6 (a) y'Itegeko n° 51/2018 ryo ku wa 13/08/2018 ryerekeye gukumira, kurwanya no guhana icuruzwa ry'abantu no gushakira inyungu mu bandi iteganya ko "icuruzwa ry'abantu ari igikorwa cyose gikozwe n'umuntu hagamijwe gushaka inyungu, uha cyangwa ushakira undi akazi, utwara, wimura, uhisha cyangwa wakira undi muntu; hakoreshejwe

Page 5

ibikangisho, imbaraga cyangwa ubundi buryo bwose bw'agahato, ishimuta, uburiganya, ubushukanyi, kumubonerana kubera ububasha umufiteho cyangwa kubera ko ari umunyantega nke, gutanga cyangwa kwakira ubwishyu cyangwa inyungu kugira ngo umuntu ufite ububasha ku wundi muntu yemere". Naho mu gace ka 4° k'iyi ngingo, kakarondora ibikorwa bifatwa nko "gushakira inyungu mu wundi" harimo no "gukoresha undi ibikorwa bifatanywe isano n'ubucakara, haba mu Rwanda cyangwa mu mahanga". Na none mu gace ka 5°, gasobanura ibikorwa bifatanywe isano n'ubucakara ibyo ari byo harimo no "kubanisha umuntu ku gahato nk'umugabo n'umugore", ni ukuvuga imigirire ituma umuntu ahatirwa kubana n'undi nk'umugabo n'umugore kandi nta bubasha afite bwo kubyangwa. [15] Urukiko rusanga iby'uko kimwe mu bikorwa bivugwa mu ngingo ya 3 y'Itegeko n° 51/2018 ryavuzwe haruguru kigize icyaha cy'icuruzwa ry'abantu, arinako byemejwe mu manza nyinshi zaciwe n'uru Rukiko zirimo urubanza n° RPA 00093/2018/CA, urubanza n° RPA 00016/2019/CA, urubanza n° RPA 00018/2020/CA n'urubanza n° RPA 0035/2020/CA. [16] Ku birebana no kubyaza abantu inyungu mu cyaha cyo gucuruza abantu, byasobanuwe mu rubanza n° RPA 00016/2019/CA rwavuzwe haruguru, aho uru Rukiko rwasobanuye ko abahanga mu mategeko bavugaga ko igikorwa cyo kubyaza umuntu inyungu mu cyaha cyo gucuruza abantu atari ngombwa ko intego cyakoranywe iba yagezweho, ko icy'ingenzi ari uko hagaragazwa icyari kigamijwe mu ikorwa ry'icyo gikorwa, kuko igihanwa ari icyari kigambiriwe, ni ukuvuga kubyaza umuntu inyungu zitemewe, aho kuba icyagezweho nk'uko byanasobanuwe mu rubanza n° RPA 0035/2020/CA rwaciwe n'uru Rukiko ku wa 29/04/2022, haburana Ubushinjacyaha na Kaburere Gérard. [17] Imikirize y'urubanza rwajuririwe muri uru Rukiko, igaragaza ko Urukiko Rukuru, Urugereko Rwihariye ruburanisha ibyaha mpuzamahanga n'ibyambuka imbibi, rwahamije Havyarimana Innocent icyaha cy'ubwinjiracyaha mu cyaha cyo gucuruza abantu hashingiwe ku mvugo yavugiye mu Bugenzacyaha igaragaza ko yemeraga bimwe mu bikorwa bigize icyo cyaha birimo gushaka no gutwara abo bantu muri Uganda no kubeshya ku mpamvu yari abatwaye nk'uko yabiyemereye mu ibaruwa yo kuwa 14/06/20219 yiyandikiye ubwe abisabira imbabazi n'ubwo yageze imbere y'urwo Rukiko akabihakana, no ku buhamya bwatanze n'abo yari atwaye, ndetse no ku buhamya bwatanze n'abakozi bakorera ku mupaka wa Kanyaru mu Rwanda. [18] Ku birebana n'uru rubanza, inyandiko ziri muri dosiye zigaragaza ko mu Bugenzacyaha, Havyarimana Innocent yahakanye icyaha cyo gucuruza abantu, ariko akemera ko yari atwaye Niyonkuru Claudine, Bitangimana Consolate, Ndayisenga Diomède,

Ndabarushimana Janvier na Nsanzerugeze Leonidas mu gihugu cya Uganda ahitwa Ngoma hegereye Sudani, aho yari abashyiriyeye Abanyankore bitwa Maga na Gacacari bagakora akazi ko mu rugo uretse ko batari baziranye n'abo bagombaga gukorera ako kazi, nta n'ubwo bari bazi umushakara bazahembwa kuko batigeze bavugana n'abari kubaha akazi. Avuga kandi ko yashakirye Niyonkuru Claudine ibyangombwa by'inzira, ndetse ko yari kuzamwishyurira n'undi mukobwa umwe amafaranga y'urugendo (ticket), uretse ko abandi bishakirye ibyangombwa banamubitsa amafaranga bari bafite. Akomeza avuga ko yabwiye abantu yari atwaye ko nibagera ku mupaka bavugaga ko bagiye kurangura ibicuruzwa mu bihugu cya Uganda kugira ngo babashe gutambuka ku mupaka ngo kuko ari ko hagarurirako. Asaba imbabazi z'uko yabwiye abantu yari atwaye kubeshya ko bagiye kurangura i Bugande nk'uko bigaragarira mu ibaruwa ye yo ku wa 14/06/2019 yiyandikiye abisabira imbabazi. Akomeza asobanura ko abo yari atwaye batari baziranye ubwabo uretse Niyonkuru

Page 6

Claudine na Nsanzerugeze Leonidas, ndetse ko imiryango yabo itari izi ko abajyanye uretse umuryango wa Nsanzerugeze Leonidas kuko bari inshuti. [19] Hari kandi Niyonkuru Claudine wasobanuye mu Bugenzacyaha ko we na bagenzi be bane bari bajanywe na Havyarimana Innocent muri Sudan y'amajyepfo, ko bamwe muri bo batari bazi icyo bagiye gukora, ariko ko we yabwiye na Havyarimana Innocent ko azakora akazi ko mu rugo. Asobanura kandi ko Havyarimana Innocent yamusabye inshuro eshatu kumujyana mu mahanga gushaka ubuzima, ko ku nshuro ya gatatu (3) aribwo yamwemereye, kandi ko yamubwiye ko amushakira ibyangombwa byose akanamwishyurira ticket, akazamwishyura nyuma. Akomeza asobanura ko ku munsu w'urugendo yahuriye na Havyarimana Innocent na bagenzi be mu Kayanza, aho Havyarimana Innocent yabahaye amabwiriza yuko nibagera ku mupaka w'u Rwanda bagombaga kuvugaga ko bagiye kurangura ibicuruzwa i Kampala, kandi ko batagombaga kugendera hamwe, ko ahubwo bagombaga kugenda umwe umwe, bahageze aba ariko bavugaga. [20] Hari kandi Bitangimana Consolate nawe wavuze ko yabeshye impamvu y'urugendo rwabo, aho yasobanuye ko Ndayisenga Diomedé bari basanzwe baziranye ariwe wamugejejeho igitekerezo cyo kujya mu mahanga anamubwira ko agomba kumushakira n'abandi bakobwa, abanza kubyangira ariko ko yakomeje kubimushishikariza abatumwe na Havyarimana Innocent arabyemera bituma ashakira ibyangombwa barazana, ariko ko ticket yagombaga kuyishyurirwa na Havyarimana Innocent. Avugaga kandi ko atari azi ahantu agiye niba ari muri Uganda cyangwa muri Sudani, ndetse ko yari azi ko ari babiri gusa, nyamara yageze mu Kayanza, abona Havyarimana Innocent azanywe abandi bantu batatu bataziranye, ndetse ko Havyarimana Innocent yari yabwiye buri wese ibyo ari bubeshye bageze ku mupaka. [21] Hari na none Ndabarushimana Janvier nawe yavuze ko yari agiye i Kampala ajanywe na Havyarimana Innocent kumushakira akazi ko gutwara amata, ariko ko atamubwiye uzamuha akazi. [22] Ndayisenga Diomedé nawe yavuze ko yari agiye muri Sudani ajanywe na Havyarimana Innocent kumushakira akazi, ariko ko atigeze amubwira akazi agiye kumushakiraye, uzakamuha, kandi ko ariwe wamwishyuriye ticket. [23] Nsanzerugeze Leonidas yavuze ko yari agiye gukorana na Havyarimana Innocent mu bucuruzi bw'inkweto muri Uganda, kandi ko nta makuru ya bagenzi be yari azi kuko batari baziranye, kandi ko Havyarimana

Innocent yababwiye ibyo bagombaga kuvuga ku mupaka kugira ngo bashobore kwambuka, ariko ko icyo yabonye ari uko Havyarimana Innocent yababeshye ibyo bagomba kuvuga ku mupaka, kandi ko yari atwaye abantu batazi ibyo bagiye gukora mu mahanga. [24] Hari na none abakozi bakora mu biro by'Abinjira n'abasohoka mu Rwanda bitwa Nduwayezu Albert na Manzi Alain bakorera ku mupaka w'u Rwanda basobanuye uburyo Havyarimana Innocent yafatanywe abantu batanu (5) yari avanye i Burundi abajyanye muri Uganda kubashakira akazi, kandi ko abo bantu bose batari baziranye, ko ahubwo bahuriye mu Kayanza ku mugoroba wo kuwa 13/06/2019, bishyuriwe amatike na Havyarimana Innocent. [25] Urukiko rusanga, kuba Havyarimana Innocent yarakoze igikorwa cyo gushakisha, gushishikariza, kuvana Niyonkuru Claudine, Bitangimana Consolate, Ndayisenga Diomède, Ndabarushimana Janvier na Nsanzerugeze Leonidas mu gihugu cy'i Burundi agamije kubatwara mu mahanga bamwe batanazi neza aho bari bagiye kuko bamwe yababwiye ko abajyanye muri

Page 7

Uganda abandi akababwira ko ari muri Sudani y'Epfo, kandi akaba yaranashakiye Niyonkuru Claudine ibyangombwa anamwishyurira ticket abandi akaba yaragombaga kubishyurira ama tickets, ndetse batanazi neza akazi bagombaga gukora n'abagombaga kubabera abakoresha n'umushahara bagombaga guhembwa kuko batigeze bavugana, akaba yarababwiye ko kugira ngo bambuke umupaka w'u Rwanda wa Kanyaru batagomba kuvuga ko bagiye gushaka akazi muri Uganda ngo banagendere hamwe, ko ahubwo bagomba kubeshya ko bagiye kugura ibicuruzwa muri Uganda nk'uko yabiyemereye anabisabira imbabazi mu ibaruwa ye yo ku wa 14/06/2019 yavuzwe haruguru, bigaragara ko Havyarimana Innocent yakoze ibyo bikorwa agamije kubaboneramo inyungu kuko Abanyankore bitwa bitwa Maga na Gacacari yari abashyiriye bagombaga kubimuhembera bikanatuma agaruka amafaranga yabatanzeho kuwo yashakiye ibyangombwa anamwishyurira ticket, abo yishyuriye cyangwa yagombaga kwishyurira ama tickets n'abo yacumbikiye muri hoteli n'ibindi. [26] Hashingiwe ku mvugo za Havyarimana Innocent yavugiyemo mu Bugenzacyaha zavuzwe haruguru, no ku mvugo za Niyonkuru Claudine na bagenzi be, ndetse no ku buhamya bwatanzwe n'umukozi wakoraga mu biro by'Abinjira n'abasohoka mu Rwanda, Urukiko rusanga kuba Havyarimana Innocent yakoze igikorwa cyo gushakisha Niyonkuru Claudine na bagenzi be bavuzwe haruguru, agashakira Niyonkuru Claudine ibyangombwa akanamwishyurira ticket, abandi akaba yaragombaga kubishyurira amafaranga yose y'urugendo (ama tickets), akaba yarabavanye mu gihugu cy'i Burundi akabatwara mu gihugu cya Uganda cyangwa cya Sudani y'Epfo akoresheje uburiganya bwo kubashakira akazi, akanababwira ko batagomba kuvugisha ukuri ku birebana n'impamvu ibajyanyeyo, ko ahubwo bagomba kubeshya ko bagiye kugura ibicuruzwa muri Uganda nk'uko yabiyemereye anabisabira imbabazi, kandi akaba yarababwiye ko batagomba kugendera hamwe, ko ahubwo buri wese agomba kugenda ukwe kugira ngo babashe kwambuka umupaka w'u Rwanda wa Kanyaru, ndetse akaba yari agamije kubashakiramo inyungu kuko Maga na Gacacari yari ashuriye Niyonkuru Claudine na bagenzi be bagombaga kubihembera, ari ibimenyetso bihagije bigaragaza ko Havyarimana Innocent yakoze icyaha cyo gucuruza abantu hashingiwe ku murongo watanze mu manza n° RPA 00093/2018/CA, n° RPA 00016/2019/CA, n°

RPA 00018/2020/CA n° RPA 0035/2020/CA zavuzwe haruguru, aho kuba icyaha cy'ubwinjiracyaha mu cyaha cyo gucuruza abantu yahamijwe n'Urukiko Rukuru, bityo imikirize y'urubanza rujuririwa ikaba igomba guhinduka gusa ku birebana n'inyito y'icyaha Havyarimana Innocent ahamijwe muri uru rubanza. III. ICYEMEZO CY'URUKIKO [27] Rwemeje ko ubujurire bwa Havyarimana Innocent nta shingiro bufite; [28] Ruvuze ko imikirize y'urubanza n° n° RP 00026/2019/HC/HCCIC rwaciwe n'Urukiko Rukuru, Urugereko Rwihariye ruburanisha ibyaha mpuzamahanga n'ibyambuka imbibi, ruri ku cyicaro cyarwo i Nyanza, ku wa 21/02/2020, ihindutse gusa ku birebana n'inyito y'icyaha Havyarimana Innocent ahamijwe; [29] Rwemeje ko Havyarimana Innocent ahamwa n'icyaha cyo gucuruza abantu, ko igifungo cy'imyaka icumi (10) n'ihazabu ya miliyoni cumi (10.000.000 Frw) yahanishijwe bigumyeho. [30] Rutegetse ko amagarama y'uru rubanza aherera ku Isanduku ya Leta.

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