

RWANDA / JUDGMENT

# UBUSHINJACYAHA v. HABUMUGISHA

RPA 00007/2019/HC/KIG

COURT

High Court

DECIDED

28 November 2019

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## UBUSHINJACYAHA v. HABUMUGISHA

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### Text

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UBUSHINJACYAHA v. HABUMUGISHA [Rwanda URUKIKO RUKURU – RPA 00007/2019/HC/KIG (Byakatonda, P.J.) 28 Ugushyingo 2019] Amategeko agenda ibimenyetso – Ibimenyetso by’amajwi – Kugirango hirindwe akarengane kose gashobora kubaho ndetse no kwirinda akajagari mw’ikorwa ry’iperereza, amajwi yafashwe n’umuntu utabifitiye ububasha cyangwa uwabiherewe uburenganzira n’ubushinjacyaha cyangwa utubahirije ibyo amategeko ateganya ayo majwi ntagomba guhabwa agaciro. Incamake y’ikibazo: Urubanza rwatangiriye mu Rukiko Rwisumbuye Ubushinjacyaha bukurikiranye uregwa wari umugenzuzi mu kigo RCA, buvuga ko yahawe akazi ko kujya kugenzura SACCO ya RWERU mu Bugesera, igenzura rirarangira bakora na raporo bagaragaza amakosa basanganye umukozi w’iyo SACCO witwa Nduwumuremyi, ko nyuma yo gukora iyo raporo yagiye amwoherereza convocation amutumiza kuza kumureba kugirango amukorere dosiye aregwe icyaha basanze mu mikorere ye cyo kunyereza umutungo, ariko ngo muri uko kumuhamagara amwaka ruswa kugirango dosiye ye atazayishyikiriza urukiko, nuko Nduwumuremyi aza kumufatisha amaze kumuha amafaranga ibihumbi ijana (100.000Frw). Uregwa yaburanye avuga ko icyaha atacyemera, ko ayo mafaranga yafatanywe ari Nduwumuremyi wayamuteze ashaka kumwihimuraho kuko yamukoreye raporo yaje kuba

intandaro yo gusezererwa ku kazi. Urwo rukiko rwaciye urubanza rwemeza ko uregwa ahamwa n'icyaha rumuhanisha igihano cy'igifungo cy'imyaka itanu n'amezi atandatu n'ihazabu y'amafaranga ibihumbi magana abiri (200.000Frw). Uregwa ntiyishimiye imikirize y'urubanza ajurira mu rukiko Rukuru avuga ko mu Rukiko rubanza hahawe agaciro amajwi yafashwe n'umuntu umushinja, ko ayo majwi yafashwe mu buryo bunyurayije n'amategeko ko urukiko Rwisumbuye rutagombaga kuyashingiraho, ko hatagaragajwe telephone yakoreshejwe hoherezwa message, avuga kandi ko amafaranga bavuga yafatanywe yazanywe nabamufashe kandi ko nta mutangabuhamya wari uhari afatwa. Ubushinjacyaha bwo buvuga ko impamvu zatumye ushinjwa ajurira ari nazo yaburanishije mu Rukiko Rwisumbuye, kandi Urukiko Rwisumbuye rwabifasheho icyemezo, ko amajwi yafashwe yafunguwe arumvwa mu Rukiko Rwisumbuye. Incamake y'icyemezo: 1. Kugirango hirindwe akarengane kose gashobora kubaho ndetse no kwirinda akajagari mw'ikorwa ry'iperereza, amajwi yafashwe n'umuntu utabifitiye ububasha cyangwa uwabiherewe uburenganzira n'ubushinjacyaha cyangwa utubahirije ibyo amategeko ateganya ayo majwi ntagomba guhabwa agaciro, bityo amajwi yafashwe ntiyagombaga gushyingirwaho nk'ikimenyetso gituma ushinjwa ahamwa n'icyaha Ubujurire bufite ishingiro. Amategeko yashingiweho: Itegeko nshinga nkuko ryavuguruye kugeza ubu, ingingo ya 142. Itegeko N° 027/2019 ryo kuwa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha, ingingo ya 111.

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Itegeko N° 30/2013 ryo kuwa 24/5/2013 ryerekeye imiburanishirize y'imanza nshinjabyaha, ingingo ya 72, 85 n'ya 86. Nta manza zifashishijwe.

Urubanza I. IMITERERE Y'URUBANZA [1] Ubushinjacyaha bwareze Habumugisha Jean de la Paix mu rukiko Rwisumbuye buvuga ko nk'umugenzuzi mu kigo RCA Habumugisha Jean de la Paix yahawe akazi ko kujya kugenzura SACCO ya RWERU mu Bugesera, igenzura rirarangira bakora na raporo bagaragaza amakosa basanganye umukozi w'iyo SACCO witwa Nduwumuremyi Jacques, nyuma yo gukora iyo raporo akaba yaragiye amwoherereza convocation amutumiza kuza kumureba kugirango amukorere dosiye aregwe icyaha basanze mu mikorere ye cyo kunyereza umutungo, ariko ngo muri uko kumuhamagara amwaka ruswa kugirango dosiye ye atazayishyikiriza urukiko, Nduwumuremyi Jacques aza kumufatisha amaze kumuha amafaranga ibihumbi ijana (100.000Frw). Habumugisha Jean de la Paix avuga ko icyaha atacyemera, ko ayo mafaranga yafatanywe ari Nduwumuremyi Jacques wayamuteze ashaka kumwihimuraho kuko yamukoreye raporo yaje kuba intandaro yo gusezererwa ku kazi, asaba kurenganurwa. [2] Urukiko Rwisumbuye rwahamije Habumugisha Jean de la Paix icyaha rumuhanisha igihano cy'igifungo cy'imyaka itanu n'amezi atandatu n'ihazabu y'amafaranga ibihumbi magana abiri (200.000Frw). [3] Habumugisha Jean de la Paix ntiyishimiye imikirize y'urubanza ajurira mu rukiko Rukuru avuga ko yajuriye kubera ko hahawe agaciro amajwi yafashwe n'umuntu umushinja, ko hatagaragajwe telephone yakoreshejwe hoherezwa message, ko amafaranga bavuga yafatanywe yazanywe nabamufashe ko ntamutangabuhamya wari uhari afatwa, asaba kurenganurwa. [4] Uhagarariye ubushinjacyaha avuga ko ubujurire bwatanze nta shingiro bufite, urubanza rwaburanishijwe mu ruhamwe ubushinjacyaha buhagarariye, Habumugisha Jean

de la Paix yunganiwe na Me Nshimiyimana Patrice na Nemeyabahizi Jean Paul. [5] Ibibazo bigomba gusuzumwa n'ukumenya agaciro kagombaga guhabwa amajwi yafashwe n'urukiko Rwisumbuye, kumenya agaciro kagombaga guhabwa message yoherejwe, kumenya niba amafaranga avugwa ko basanganye Habumugisha Jean de la Paix aribyo koko yari yayahawe na Nduwumuremyi Jacques nka ruswa. II. ISESENGURA RY'IBIBAZO BIGIZE URUBANZA Kumenya agaciro kagombaga guhabwa amajwi yafashwe no kumenya agaciro kagombaga guhabwa message yoherejwe.

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[6] Urukiko rurasanga ingingo ya 142 y'itegeko nshinga nkuko ryavuguruye kugeza ubu, iteganya ubushinja-cyaha aribwo bufite ububasha bwo gukora iperereza ndetse no gukurikirana ibyaha. [7] Urukiko rurasanga ingingo ya 72 y'Itegeko n° 30/2013 ryo kuwa 24/5/2013 ryerekeye imiburanishirize y'imanza nshinjabyaha iteganya ko "Mu iperereza n'ikurikiranacyaha, iyo izindi nzira zose zo kubona ibimenyetso zananiranye kugira ngo ukuri ku cyaha kirebana n'umutekano w'igihugu gikurikiranwe kugaragare, abayobozi b'inzego za Leta zishinzwe umutekano ziteganywa n'Itegeko Nshinga rya Repubulika y'u Rwanda, bashobora, babihereye uruhushya rwanditswe n'Umushinjacyaha ku rwego rw'igihugu wagenwe na Minisitiri ufite Ububasha mu nshingano ze, kumva, kumenya no gufata mu majwi no mu mashusho inyandiko, interineti, ibiganiro, telegaramu, amakarita y'iposita, itumanaho ry'ubuhanga buhanitse n'ubundi buryo bwose bwo gutumanaho..." ingingo ya 2 agace ka 6 y'Itegeko n° 60/2013 ryo kuwa 22/08/2013 rigena ingenzura ry'itumanaho iteganya ko Kugenzura ari ugufata (enregistrer) cyangwa kumviriza ibiganiro (écouter) cyangwa ubundi buryo bw'itumanaho hakoreshejwe ibikoresho byabugenewe. [8] Urukiko rurasanga hakurikijwe ingingo 142 y'itegeko nshinga ni uko ubugenza-cyaha n'ubushinja-cyaha aribo bonyine bafite ububasha bwo gukora iperereza ku cyaha, ingingo ya 72 na 73 y'itegeko ryerekeye imiburanishirize y'imanza nshinja-cyaha ryahinduwe ariko ryakoreshwaga mu gihe icyaha cyakorwaga ryavuzwe, iza ngingo zerekana imihango y'uburyo ushaka ko amajwi afatwa cyangwa kumviriza cyangwa kureba ibintu biri muri telephone uburyo abikora ko atagomba kubyibwiriza ko ahubwo ubushinja-cyaha bugomba kubimenya bukabatangira uruhusa. [9] Urukiko rurasanga icyo umushinga mategeko yashatse kurinda n'uburenganzira bw'umuntu kumabanga ye, ikindi ni ukurinda abantu bashobora gutambikira cyangwa hakoreshejwe ikoranabuhanga kutagerekaho abandi ibyaha kuko bishoboka kwigana amajwi cyangwa kuyahindura kuburyo hafatwa andi majwi akumvikana mu bundi buryo, niyo mpamvu kugirango hirindwe akarengane kose gashobora kubaho ndetse no kwirinda akajagari mw'ikorwa ry'iperereza ko iperereza rigomba kurekerwa ubugenza-cyaha n'ubushinja-cyaha nkuko itegeko nshinga ribiteganya, rero amajwi yafashwe n'umuntu utabifitiye ububasha cyangwa ubabihereye uburenganzira n'ubushinja-cyaha cyangwa utubahirije ibyo amategeko ateganya ayo majwi ntagomba guhabwa agaciro. [10] Urukiko rurasanga ubushinjacyaha buvuga ko impamvu zatumye ushinjwa ajurira ni nazo yaburanishije mu Rukiko Rwisumbuye, kandi Urukiko Rwisumbuye rwabifasheho icyemezo ko amajwi yafashwe yarayafunguye arumvwa mu Rukiko

Rwisumbuye. HABUMUGISHA n'abamwunganira bavuga ko amajwi yafashwe muburyo bunyurayije n'amategeko ko urukiko Rwisumbuye rutagombaga kuyashyingiraho. [11] Urukiko rurasanga nubwo urukiko Rwisumbuye rwavuze ko telephone ya Nduwumuremyi Jacques yari ifite gahunda yo guhita isigarana amajwi yavuganye n'abantu baba bavuganye nawe ariko ubwo Nduwumuremyi Jacques yavugaga mu rukiko yavuze ko yafashe Habumugisha kugirango abone ibimenyetso bimushinja icyaha, byumvikana neza ko Nduwumuremyi Jacques yafashe amajwi muburyo bunyuranyije n'amategeko ntago ari telephone ifite gahunda yo gufata amajwi y'abantu bose avuganye nabo nkuko urukiko Rwisumbuye rwabitekereje kuko mu bujirire ntabimenyetso byagaragajwe, bityo amajwi yafashwe ntiyagombaga gushyingirwaho nk'ikimenyetso gituma ushinjwa Habumugisha ahamwa n'icyaha.

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- [12] Urukiko rurasanga nkuko byasobanuwe hejuru umushinga mategeko aha ubushinja-cyaha uburenganzira bwo gukora iperereza yirindaga ko habaho gutambikira cyangwa akajagari mw'ikora ry'iperereza cyangwa abantu kugerekaho abandi ibyaha, ikindi impamvu hashyizweho imihango yihariye y'uburyo hafatwa amajwi ni kubungabunga uburenganzira bwa muntu kumabanga ye, rero kwemerera buri wese kumviriza abantu cyangwa kubafata amajwi sibyo kuko binyuranyije n'amategeko kandi urukiko ntirushobora kwemera ko itegeko ryicwa kandi arirwo rushyinzwe kureba niba ryubahirizwa, nanone Nduwumuremyi Jacques yari yakorewe dosiye n'umugenza-cyaha ariwe Habumugisha nawe arangije aribwiriza afata amajwi muburyo bunyuranyije n'amategeko ashinja Habumugisha ruswa, uko gukeka ko Nduwumuremyi Jacques yatekereza umugambi wo gufata amajwi uko yaba yarayafashe kose agambiriye kurangaza ikurikiranwaho icyaha kugirango rihagarare byashoboka kuko ubushinja-cyaha ntibugaragaza ko icyaha yakurikiranwagaho cyakomeje niba kitarakomeje impamvu yakibugije, bityo nta mpamvu yatuma urukiko rudakemanga amajwi yafashwe dore ko byanashoboka ko amajwi yafashwe atari iya Habumugisha. [13] Urukiko rurasanga ubushinja-cyaha buvuga ko aribyo koko hari inyandiko zigaragaza message zohererezanywaga ariko iyo nyandiko ntigaragaza aho izo message zaturukaga naho zajyaga ko bazabaza Nduwumuremyi Jacques niba agifite telephone ye kugirango biyambaze MTN. Habumugisha Jean de la Paix n'umwunganira bavuga ko hagombye kugaragazwa message ahantu zaturutse n'ahantu zajyaga, rubona aribyo kuko kuba hari inyandiko gusa igaragaza message gusa ariko itagaragaza telephone y'umuntu izo message zaturutseho niyo zoherejweho ntawavuga ko zavuye kwa Nduwumuremyi Jacques cyangwa ariwe wazoherejwe cyangwa zaroherejwe na Habumugisha Jean de la Paix, bityo nkuko n'ubushinja-cyaha bubyemera ko bikwiye ko inyandiko ikwiye kugaragaza aho message zikomoka n'ahantu zoherezwa mu gihe bitabonetse izo message ntagaciro zahabwa. [14] Urukiko rurasanga urukiko Rwisumbuye rwagaragaje ko mu majwi rwumviye hamwe n'ababuranyi Nduwumuremyi Jacques yatanze arega avuga ko yavuganye na Habumugisha Jean de la Paix ibyerekeye ikabazo cye, anamwaka ruswa, humvikanamo ko yagiye amusaba ko yakuzuza ibyo bavuganye hakiri kare bitaba ibyo akamukorera raporo, Nduwumuremyi

Jacques akamubwira ko ari akarima yari yashyize ku isoko ko kandi atarabona umuguzi ko kandi nabyo yabikoze kubera kubura uko agira, amusaba kumwihangira; bikaba byumvikana ko ibyo bavugana ari ibyo basanzwe baziranyeho kandi bigenda bigaruka ku kibazo yari yagize mu kazi no kumukorera dosiye, bikaba rero byahabwa gaciro, rubona rero uretse ko ntagaciro amajwi yafashwe muburyo bunyuranyije n'amategeko akwiye guhabwa ariko kandi niyo wahuza ibyo urukiko Rwisumbuye rwasobanuye rwumvise ahubwo rwagombaga kubyibazaho kuko ntakuntu Habumugisha Jean de la Paix yari kuvuga ngo bamuhe amafaranga ya ruswa ngo ntatange raporo kandi yari yarayikoze akanayitanga agaragaza ko hari icyaha cyo kunyereza umutungo Nduwumuremyi Jacques yakoze kuburyo bari baramwirukanye ku kazi ndetse bari baranatangiye kumuhamagara ngo abazwe kubijyanye n'inyereza ry'umutungo yakoze n'ubugenza-cyaha. kumenya niba amafaranga avugwa ko basanganye Habumugisha Jean de la Paix aribyo koko yari yayahawe na Nduwumuremyi Jacques nka ruswa. [15] Urukiko rurasanga ingingo ya 111 y'itegeko no 027/2019 ryo kuwa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinja-byaha, iteganya ko gushidikanya birengera ushinjwa, iyi ngingo y'itegekosisobanura ko ubushinja-cyaha bugomba gutanga ibimenyetso bidatuma habaho kwibaza niba icyaha cyarakozwe cyangwa kitarakozwe. Uhagarariye ubushinja-cyaha avuga ko abapolisi bafashe Habumugisha Jean de la Paix ntakintu bapfa cyari gutuma bamugerekaho icyaha.

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- [16] Urukiko rurasanga ingingo ya 85 al 3 y'Itegeko n° 30/2013 ryo kuwa 24/5/2013 ryerekeye imiburanishirize y'imanza nshinjabyaha iteganya ko:« (...) ariko, icyo icyaha cyabonewe ibimenyetso bikigaragaza, ugukurikanyweho cyangwa umwunganira agomba kwerekana impamvu zose yireguza, zerekana ko ikirego kitakwemerwa, zihamya ko icyo aregwa atari icyaha cyangwa se ko ari umwere, n'izindi mpamvu zose zivuguruzwa izimuhamya icyo cyaha», n'ibiteganywa mu ngingo ya 86 y'iryo tegeko iteganya ko" Ibimenyetso bishobora gushingira ku mpamvu zose z'ibyabaye n'ibyemejwe n'amategeko, ababuranyi bapfa kuba barabigiyeho impaka. Urukiko ruhamya ku buryo butavuguruzwa ko ibimenyetso byose bishinje cyangwa bishinjura ari byo kandi bishobora kwemerwa. Mu gihe rero ibintu byabaye birimo icyuho gituma urukiko rwumva ko bishoboka ko icyaha cyabaye cyangwa kitabaye bifatwa ko ubushinja-cyaha butatanze ibimenyetso byasimusiga bihamya ntagushidikanya ko icyaha cyakozwe. [17] Habumugisha Jean de la Paix n'umwunganira bavugaga ko Habumugisha Jean de la Paix yahoraga atumiza Nduwumuremyi Jacques ku cyaha ashinjwa atitaba, amwoherereje convocation inshuro 3 zose ariko ntiyitabeye, ngo yamuhamagaye saa 17h ngo amusange mu muji kwa Rubangura, agiyeyo bamufatira muri parking ngo bamufashe kuwa kane, abatangabuhamya bababaza kuwa gatanu. Abatangabuhamya barateguwe. Amafaranga 25.000 frw ya afite ntaho avugwa n'abatangabuhamya. Bo bavugaga 100.000 frw. Niba nari mfite 125.000 frw, kuki batavuze ngo nakuyemo 100.000 frw bya ruswa, hanyuma 25.000 frw aba ariyo nsigarana. [18] Urukiko rurasanga Nduwumuremyi Jacques yaremeranyijwe n'ubugenza-cyaha ko agomba guhera Habumugisha Jean de la Paix amafaranga ya ruswa mukabari kandi muri icyo gihe

yagombaga kumuheraho amafaranga nabo bari bahari kugirango bahite bamufata, Nduwumuremyi Jacques avuga ko agiye guha Habumugisha Jean de la Paix amafaranga mu gihe bari bicaye undi yahise ahaguruka maze ayamuha barimo bagenda, byumvikana ko yayamuhaye abagenza-cyaha bareba kandi bahari kuburyo bagombaga guhita bamuhagarika yakwaga n'ibura bikamenyekana ko yanze, ariko ntacyo bakoze ntanikimenyetso n'ibura ko bamukurikiranye bamuhagarika akanga guhagaraga kuko Nduwumuremyi Jacques uburyo asobanura amaze guha Habumugisha Jean de la Paix ntabantu yabonye bamufata, bamuhagarika cyangwa bamwirukaho, rero Habumugisha Jean de la Paix kugenda akagera muri parking ahantu yasize imodoka ye bituma habaho gukekeranya kandi gukekeranya ntibyemewe mu manza nshinyabwaho. [19] Urukiko rurasanga Nduwumuremyi Jacques avuga ko amaze gutanga amafaranga yahise yigendera maze bamuhamagara nyuma y'iminota mikeya ko bafashe Habumugisha Jean de la Paix, ku myumvire ya muntu ntibyumvikana ukuntu Nduwumuremyi Jacques yari kuba ari kumwe n'abagenza-cyaha atanze amafaranga ye 100,000frw azi neza ko agiye guhita afatisha umunyacyaha yarangiza agahita yigendera atamaze kureba uko bigenda dore ko abagenza-cyaha bagombaga kumufata bari kumwe nawe yagombaga kubanza kureka bakamara kumufata akobona kugenda, ikindi avuga ko ngo bamubwiye ngo yigendere bari bumubwire uko byagenze, ibi nabyo ntibyumvikana kuko ntakuntu bari kumubwira ngo yigendere kandi yaragombaga gutanga amafaranga bahita bafata Habumugisha Jean de la Paix, ibyo nabyo bituma hibazwa niba ibivugwa byarabaye. [20] Urukiko rurasanga abatangabuhamya babagijwe bavuze ko abantu bafashe Habumugisha Jean de la Paix baje mumodoka yaturutse ahantu abantu basohokera bava muri parking, uku kuza mumodoka nabyo bituma haba gukekeranya kuko abantu bagombaga gufata Habumugisha Jean de la Paix bari kumwe mukabari arabacika yihutira kujya mumodoka bivuze ko bagombaga kuba bamugenda inyuma bamusaba guhagarara ndetse binashobotse bakamwirukaho kuko yari

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umunyacyaha cyangwa bagakoresha ubundi buryo buhagarika umuntu wanze guhagarara, ikindi n'abantu bari bahari bari kubihamya harimo Nduwumuremyi Jacques ariko na Nduwumuremyi Jacques uvuga ko yahaye Habumugisha Jean de la Paix ari kumwe n'abagenza-cyaha bagombaga kumufata ntahantu yavuze ko bamuhagaritse yanga kwitaba ahubwo mw'ibaza rye rya mbere yari yavuze ko bahise bamufata ariko mu rukiko arabihindura abavuga ko yagiye bataramufata uko guhuzagurika kandi ataribyo gutuma urukiko rwumva hari gukekeranya kandi bitemewe. [21] Urukiko rurasanga kugirango muri uru rubanza ntihabe kwibaza niba icyaha cyarakozwe cyangwa kitarakozwe, ubugenza-cyaha bamaze kubumenyesha ko Habumugisha Jean de la Paix yaka ruswa bwagombaga kumwifatira amajwi aho kugirango Nduwumuremyi Jacques abe ariwe uyafata, bwari kumwifatira mukabari bemeranyije ko ariho bumuhera amafaranga cyangwa bukagerageza kumuhagarika mu bice byaho aherewe amafaranga ariko kumwifatira ahandi na nyiri kumuha amafaranga yagiye bituma hibazwa ko byashoboka ko ibyo Habumugisha Jean de la Paix avuga ko yagambaniwe bishoboka, kuba kandi ubushinja-cyaha buvuga ko ubugenza-cyaha butabeshyera Habumugisha Jean de la Paix kuko ntacyo bapfa, urukiko ntirwabishingiraho

ahubwo rwibanza impamvu yabugije ubugenza-cyaha gukora ibyagombaga gukorwa byatuma ushinjwa yatsindwa ariko gukoraibituma ushinjwa avuga ibitera urukiko kwibaza nibyo bituma habaho gushidikanya. [22] Urukiko rurasanga mu mvugo za Habumugisha Jean de la Paix avuga ko yagambaniwe kuko yakoze dosiye agaragaza ko Nduwumuremyi Jacques yanyereje amafaranga ya Sacco ndetse atangira gukurikirana Nduwumuremyi Jacques, ko ariko kugirango dosiye izazimangatanywe yageretsweho icyaha, byanashobokaga rero ko mu gihe abantu bumvise ko Habumugisha Jean de la Paix yasabye Nduwumuremyi Jacques ruswa byatumye icyo yashinjawaga kititabwaho kuko abantu bahugiye mugukurikirana uwatse ruswa kuko ari icyaha gifite umwihariko bakibagirwa icyaha Nduwumuremyi Jacques yakekwagaho kandi ni nako byagenze kuko ubushinja-cyaha bwemera ko Habumugisha Jean de la Paix yakoreye Nduwumuremyi Jacques ubugenzuzi asanga hari amafaranga ya Sacco yanyereje ndetse atangira kumukurikiranaho icyaha ariko kuva Habumugisha Jean de la Paix yafungwa ubushinja-cyaha ntibwagaragaje ko bwasanze Nduwumuremyi Jacques ataragombaga gukurikiranwa ariko kandi ntibwanavuze n'impamvu Nduwumuremyi Jacques atakurikiranywe, byanashoboka rero ko umuntu yagerekaho undi icyaha cya ruswa kugirango arangaze cyangwa azimye inkubiri yo kumukurikirana, bityo hakurikijwe abyasobanuwe hejuru hari gushidikanya kw'ikorwa ry'icyaha Habumugisha Jean de la Paix ashinjwa yari akwiye rero kugirwa umwere n'urukiko Rwisumbuye, uru rukiko Rukuru rukaba rumugize umwere. III. ICYEMEZO CY'URUKIKO [23] Rwemeje ko ubujurire bwa Habumugisha Jean de la Paix bufite ishingiro; [24] Rwemeje ko urubanza RP 00294/2018/TGI/NYGE ruhindutse kuri byose kandi ko Habumugisha Jean de la Paix ari umwere ku cyaha ashinjwa; [25] Rwemeje ko ahita afungurwa urubanza rumaze gusomwa; [26] Rwemeje ko amagarama y'urubanza ahererejwe mw'isanduku ya leta.

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