

RWANDA / JUDGMENT

UBUSHINJACYAHA v MUTUYEYEZU

RP 00003/2025/CA

COURT

Court of Appeal

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UBUSHINJACYAHA v MUTUYEYEZU

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Text

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UBUSHINJACYAHA v MUTUYEYEZU [Rwanda URUKIKO RW'UBUJURIRE - RP 00003/2025/CA (Mukandamage, P.J) 11 Kanama 2025] Amategeko agenga imiburanishirize y'imanza nshinjabyaha – Ifungura ry'agateganyo – Umuntu waciriwe urubanza rugategeka ko afungwa ashobora gufungurwa by'agateganyo n'urukiko yajuririye iyo agaragaje impamvu zikomeye kandi zidasanzwe. Incamake y'ikibazo: Ubushinjacyaha bwakurikiranye Mutuyeyezu mu Rukiko Rukuru, Urugereko rwhariye ruburanisha ibyaha mpuzamahanga n'ibyambuka imbibi bumurega ibyaha birimo kuba mu ishyirahamwe ry'iterabwoba, kugambana no gushishikariza abandi gukora igikorwa cy'iterabwoba, ubugambanyi no kugirira nabi ubutegetsi buriho. Urwo Rukiko rwaciye urubanza rwemeza ko adahamwa n'icyaha cy'ubugambanyi ku cyaha cyo kugirira nabi ubutegetsi buriho, ariko ko ahamwa n'icyaha cyo kuba mu ishyirahamwe ry'iterabwoba n'icyo kugambana no gushishikariza abandi gukora igikorwa cy'iterabwoba, maze rumuhanisha igifungo cy'imyaka 7. Mutuyeyezu yajuririye Urukiko rw'Ubujuje, mu gihe ubujure bwe butaraburanishwa mu mizi, Mutuyeyezu yatanze ikirego cyihutirwa asaba gufungurwa by'agateganyo avuga ko abatangabuhamya bose yatanze mu bujire muri uru rukiko uko ari 6, muri bo 3 barangije ibihano barataha, abasigaye nabo bakaba bagiye kurangiza ibihano

bagasohoka mu Igororero batamutangiye ubuhamya. Basanga rero ibyo bizatuma atabasha kubona ubutabera buboneye, nyamara bari kuzasobanura uburyo yafashwe mu 2019 aho kuba mu 2021. Ubushinjacyaha bwo buvuga ko hari abatangabuhamya yatanze mu rubanza ajurira bari hafi kurangiza ibihano byabo bitavuze ko nibafungurwa bazahita baburirwa irengero, kuko n'ubwo bazaba basubiye iwabo, bafite aho babarizwa hazwi ku buryo urukiko rubakeneye rwabatumiza. Incamake y'icyemezo: Umuntu waciriwe urubanza rugategeka ko afungwa ashobora gufungurwa by'agateganyo n'urukiko yajuririye iyo agaragaje impamvu zikomeye kandi zidasanzwe. Ikirego nta shingiro gifite. Amategeko yashingiweho: Itegeko N° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha, Ingingo ya 187. Nta manza zifashishijwe. Urubanza I. IMITERERE Y'URUBANZA

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- [1] Mutuyeyezu Valens yafashwe n'Ubugenzacyaha akekwa kuba, ubwo yigaga i Kampala mu gihugu cya Uganda mu kigo St Lawrence University mu 2013, yarahuye na bamwe mu bayoboke ba Rwanda National Congress (RNC) irwanya Leta y'u Rwanda, bamushishikariza kuyinjiramo arabyemera, hanyuma atangira kuyikorera ibikorwa bitandukanye, birimo no kuyishakira abayoboke. [2] Nyuma y'iperereza, Ubushinjacyaha bwareze Mutuyeyezu Valens mu Rukiko Rukuru, Urugereko rwihariye ruburanisha ibyaha mpuzamahanga n'ibyambuka imbibi ibyaha bikurikira:
- a) kuba mu ishyirahamwe ry'iterabwoba ;
 - b) kugambana no gushishikariza abandi gukora igikorwa cy'iterabwoba ;
 - c) ubugambanyi ;
 - d) Kugirira nabi ubutegetsi buriho. [3] Mutuyeyezu Valens yaburanye ahakana ibyo byaha, avuga ko Ubushinjacyaha butagaragaza ibimenyetso bidashidikanywaho bigaragaza ko yabikoze, kandi ko ibyo yemeye mu Bugenzacyaha yabitewe n'iyicarubozo yakorewe. [4] Mu rubanza N° RP 00013/2021/HC/HCCIC rwaciwe ku wa 20/04/2023, Urukiko Rukuru, Urugereko rwihariye ruburanisha ibyaha mpuzamahanga n'ibyambuka imbibi rwemeje ko Mutuyeyezu Valens adahamwa n'icyaha cy'ubugambanyi ku cyaha cyo kugirira nabi ubutegetsi buriho, ariko ko ahamwa n'icyaha cyo kuba mu ishyirahamwe ry'iterabwoba n'icyo kugambana no gushishikariza abandi gukora igikorwa cy'iterabwoba, maze rumuhanisha igifungo cy'imyaka 7. [5] Mutuyeyezu Valens yajuririye Urukiko rw'Ubujurire, urubanza rwandikwa kuri n° RPA 00012/2023/CA. Mu gihe ubujurire bwe butaraburanishwa mu mizi, Mutuyeyezu Valens yatanze ikirego cyihutirwa asaba gufungurwa by'agateganyo, urubanza ruhabwa N° RP 00003/2025/CA, iburanisha ribera mu ruhamwe ku wa 06/08/2025, Mutuyeyezu Valens yunganiwe na Me Shema Gérard, naho Ubushinjacyaha buhagarariye na Habineza Jean Damascène, Umushinjacyaha ku rwego rw'Igihugu. [6] Mu myanzuro no mu miburanire, Mutuyeyezu Valens avuga ko, mu gihe ategereje ko ubujurire bwe buburanishwa mu mizi, yafungurwa by'agateganyo kugira ngo abashe gukurikirana amakuru y'abatangabuhamya yatanze ajurira bafunzwe, kuko bari hafi kurangiza ibihano

bahawe. Uhagarariye Ubushinjacyaha avuga ko nta mpamvu ikomeye Mutuyeyezu Valens agaragaza yatuma afungurwa by'agateganyo. [7] Urukiko rurasazuma ikibazo cyo kumenya niba hari impamvu zikomeye kandi zidasanzwe zatuma Mutuyeyezu Valens afungurwa by'agateganyo. II. ISESENGURWA RY'IKIBAZO KIGIZE URUBANZA

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Kumenya niba hari impamvu zikomeye kandi zidasanzwe zatuma Mutuyeyezu Valens afungurwa by'agateganyo [8] Mutuyeyezu Valens na Me Shema Gérard umwunganira bavuga ko abatangabuhamya bose yatanze mu bujuriye muri uru rukiko uko ari 6, muri bo 3 barangije ibihano barataha, abasigaye nabo bakaba bagiye kurangiza ibihano bagasohoka mu Igororero batamutangiye ubuhamya. Basanga rero ibyo bizatuma atabasha kubona ubutabera buboneye, nyamara bari kuzasobanura uburyo yafashwe mu 2019 aho kuba mu 2021, akaba ari yo mpamvu asaba gufungurwa by'agateganyo kugirango abashe gukurikirana aho abo batangabuhamya baherereye, maze igihe cyo kuburana urubanza mu mizi bazaboneke. [9] Uhagarariye Ubushinjacyaha avuga ko ibyo Mutuyeyezu Valens avuga ko hari abatangabuhamya yatanze mu rubanza ajurira bari hafi kurangiza ibihano byabo bitavuze ko nibafungurwa bazahita baburirwa irengero, kuko n'ubwo bazaba basubiye iwabo, bafite aho babarizwa hazwi ku buryo urukiko rubakeneye rwabatumiza nk'uko bisanzwe bikorwa. [10] Uhagarariye Ubushinjacyaha avuga na none ko nta cyemeza ko abo bantu Mutuyeyezu Valens yifuza ko bazumvwa n'urukiko bazahamagazwa, kuko urukiko ari rwo rwonyine rwemeza ko abatangabuhamya bakumvwa, bitewe n'ibimenyetso rukeneye kugira ngo rubashe guca urubanza, ko rero umuburanyi atari we wemeza ko abatangabuhamya runaka bazaza mu rukiko byanze bikunze. [11] Uhagarariye Ubushinjacyaha avuga kandi ko Mutuyeyezu Valens atagaragaza ubushobozi afite bwo kuba yakurikirana abantu ngo baboneke igihe urukiko rwabashakira, bikaba bigaragara ko impamvu atanga zidakomeye kandi zidasanzwe ku buryo zatuma afungurwa by'agateganyo. UKO URUKIKO RUBIBONA [12] Impaka muri uru rubanza zishingiye ku kumenya niba hari impamvu zikomeye kandi zidasanzwe Mutuyeyezu Valens agaragaza zatuma afungurwa by'agateganyo mu gihe ategereje kuburana urubanza n° RPA 00012/2023/CA yajuririye mu Rukiko rw'Ubujiye. [13] Ingingo ya 187 y'Itegeko n° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha, iteganya ibikurikira: "Uregwa wari ufunze mbere yo gucirwa urubanza rwategetse ko afungwa, akomeza gufungwa n'ubwo yaba yarajuriye. icyakora urukiko rushobora kumufungura by'agateganyo iyo arugaragariye impamvu zikomeye kandi zidasanzwe mu buryo bw'ikirego cyihutirwa". [14] Ingingo imaze kuvugwa yumvikanisha ko umuntu waciriwe urubanza rugategeka ko afungwa ashobora gufungurwa by'agateganyo n'urukiko yajuririye iyo agaragaje impamvu zikomeye kandi zidasanzwe. [15] Nk'uko bigaragara muri dosiye, Mutuyeyezu Valens yahamijwe n'Urukiko Rukuru, Urugereko rwihariye ruburanisha ibyaha mpuzamahanga n'ibyambuka imbibi icyaha cyo kuba mu ishyirahamwe ry'iterabwoba n'icyo kugambana no gushishikariza abandi gukora igikorwa cy'iterabwoba, ahanishwa igifungo cy'imyaka irindwi (7), ajuririra Urukiko rw'Ubujiye. Asaba gufungurwa by'agateganyo mu gihe ategereje kuburana ubujuriye yatanze, kugirango abashe

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gukurikirana amakuru y'abatangabuhamya bafunze yatanze bagiye kurangiza ibihano byabo, kuko afite impungenge z'uko bafunguwe batazamutangira ubuhamya bw'uko yafunzwe mu 2019 aho kuba mu 2021. [16] Urukiko rw'Ubujurire rurasanga kuba hari abatangabuhamya Mutuyeyezu Valens yatanze mu bujurire bagiye kurangiza ibihano bahawe atari impamvu ikomeye kandi idasanzwe yatuma afungurwa by'agateganyo, kuko ntibibuza ko baba bafunze cyangwa badafunze urukiko yajuririye rwabatumiza mu gihe rwabona ko bakenewe kugira ngo rutange ubutabera. Byongeye kandi Mutuyeyezu Valens ntagaragaza ko gufungurwa by'agateganyo ari bwo buryo bwatuma abo batangabuhamya bazaboneka kugira ngo urukiko rubumve. [17] Urukiko rw'Ubujurire rurasanga rero nta mpamvu ikomeye kandi idasanzwe Mutuyeyezu Valens agaragaza yatuma afungurwa by'agateganyo, akaba agomba gukomeza kuba afunze mu gihe urubanza n° RPA 00012/2023/CA yajuririye mu Rukiko rw'Ubujurire rutaraburanishwa. III. ICYEMEZO CY'URUKIKO [18] Rwemeje ko ikirego cyatanze na Mutuyeyezu Valens gisaba gufungurwa by'agateganyo nta shingiro gifite; [19] Rwemeje ko Mutuyeyezu Valens akomeza kuba afunze mu gihe urubanza n° RPA 00012/2023/CA yajuririye mu Rukiko rw'Ubujurire rutaraburanishwa;.

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