

RWANDA / JUDGMENT

NIBONDIMO v. UBUSHINJACYAHA

RPAA 00915/2024/CA

COURT

Court of Appeal

DECIDED

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NIBONDIMO v. UBUSHINJACYAHA

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Text

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NIBONDIMO v. UBUSHINJACYAHA [Rwanda URUKIKO RW'UBUJURIRE – RPAA 00915/2024/CA (Rutazana, P.J.) 17 Nyakanga 2025] Amategeko agenga ibyaha n'ibihano – icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi – Kugabanyirizwa ibihano – Abantu bahamwe n'ibyaha birimo gucuruza, kubika no gutunda ibiyobyabwenge byo mu bwoko bw'urumogi ntibashobora kugabanyirizwa igihano ku buryo kijya muni y'igifungo cy'inyaka 15 n'ihazabu ingana na 5.000.000Frw. Amategeko agenga ibyaha n'ibihano – Isubikagihano – Urukiko rutanze isubikagihano rushobora gutegeka ihagarika ry'irangizarubanza ku gihano cyose cyangwa igice cyacyo, haba igihano cy'iremezo (igifungo, ihazabu n'imirimo y'inyungu rusange) cyangwa igihano cy'ingereka, iyo rwakatiye ukurikiranywaho icyaha igihano cy'igifungo kitarenze imyaka 5. Incamake y'ikibazo: Mu rugo rwa Nibondimo Gaspard hafatiwe udupfunyika 40 tw'urumogi nyuma y'uko inzego z'umutekano zihawe amakuru y'uko arucuruza zikajya kuhasaka. Nibondimo Gaspard yahise atangira gukurikiranwa, iperereza rirangiye Ubushinjacyaha bumurega mu Rukiko Rwisumbuye rwa Gasabo bumukurikiranyeho icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi, busaba ko kimuhama agahanishwa igifungo cya burundu n'ihazabu ingana na 30.000.000Frw. Uregwa yaburanye yemera icyaha aregwa, asaba kugabanyirizwa

igihano kandi kigasubikwa. Urukiko Rwisumbuye rwa Gasabo rwaciye urubanza, rushingiye ku bimenyetso bitandukanye, maze rwemeza ko ahamwa n'icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi, rumuhanisha igifungo cy'imyaka 25 n'ihazabu ingana na 20.000.000 Frw; naho isubikagihano yasabaga rwemeza ko adakwiriye kurihabwa kuko igihano cy'igifungo ahanishijwe kirenze imyaka 5. Nibondimo Gaspard yajuririye Urukiko Rukuru/Kigali asaba kugabanyirizwa igihano kandi kigasubikwa, kuko yaburanye yemera icyaha akanagisabira imbabazi kandi akaba ari ubwa mbere akurikiranyweho icyaha mu buryo buzwi. Uhagarariye Ubushinjacyaha yaburanye avuga ko nawe asanga igihano Nibondimo Gaspard yahanishijwe gikwiriye kugabanywa, maze aganishwa igifungo cy'imyaka 15 n'ihazabu ingana na 5.000.100Frw, ariko isubikagihano asaba akaba atarihabwa kuko byaba binyuranyije n'amategeko. Urukiko Rukuru rwa Kigali, rwasanze kuba Nibondimo Gaspard yaraburanye yemera icyaha aregwa byamubera impamvu nyoroshyacyaha yashingirwaho agabanyirizwa igihano; maze rwemeza ko ahanishwa igifungo cy'imyaka 15 n'ihazabu ingana na 5.000.100Frw; naho isubikagihano rwemeza ko atagomba kurihabwa kuko ahanishijwe igifungo kirenze imyaka 5. Nibondimo yongeye kujurira mu Rukiko rw'Ubujurire, asaba kongera kugabanyirizwa igihano kandi kigasubikwa ashingiye ku mpamvu z'uko yemeye icyaha kuva agifatwa, kuba ari ubwa

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mbere akurikiranyweho icyaha mu buryo buzwi no kuba nta ngaruka cyateje, asaba kandi gukurirwaho igihano cy'ihazabu kuko ari umukene. Uhagarariye Ubushinjacyaha avuga ko ubujurire bwa Nibondimo Gaspard nta shingiro bufite, kuko mu rubanza rwajuririrwe yagabanyirijwe igihano ku buryo buhagije agahanishwa igihano gito giteganywa n'itegeko ku cyaha cyo gucuruza ibiyobyabwenge yahamijwe, avuga kandi ko umurongo watanze mu rubanza RS/INCONST/SPEC00003/2019/SC utashingirwaho agabanyirizwa igihano nk'uko abyifuza, kuko Itegeko wari ushingiyeho ryahinduwe, bityo nawo ukaba utagikurikizwa. Incamake y'icyemezo: 1. Abantu bahamwe n'ibyaha birimo gucuruza, kubika no gutunda ibiyobyabwenge byo mu bwoko bw'urumogi ntibashobora kugabanyirizwa igihano ku buryo kijya muni y'igifungo cy'imyaka 15 n'ihazabu ingana na 5.000.000Frw.

2. Urukiko rutanze isubikagihano rushobora gutegeka ihagarika ry'irangizarubanza ku gihano cyose cyangwa igice cyacyo, haba igihano cy'iremezo (igifungo, ihazabu n'imirimo y'inyungu rusange) cyangwa igihano cy'ingereka, iyo rwakatiye ukurikiranywaho icyaha igihano cy'igifungo kitarenze imyaka 5. Ubujurire nta shingiro.

Amategeko yashingiweho: Itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganyaga ibyaha n'ibihano muri rusange nk'uko yahinduwe n'ingingo ya 2 y'Itegeko N° 059/2023 ryo ku wa 04/12/2023, ingingo 60 niya 263. Imanza zifashishijwe: Urubanza RPAA 00436/2024/CA rw'Ubushinjacyaha na Bikorimana Jean Baptiste, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/01/2025; Urubanza RPAA 00295/2024/CA rw'Ubushinjacyaha na Iradukunda; rwaciwe n'Urukiko rw'Ubujurire, kuwa 28/01/2025; Urubanza RPAA 00845/2024/CA rw'Ubushinjacyaha Irakoze Cédrick, rwaciwe ku wa 22/04/2025. Urubanza I. IMITERERE Y'URUBANZA [1] Ku wa 13/05/2021 mu rugo rwa Nibondimo Gaspard ruherereye mu Mudugudu Bukumba, Akagari ka Bushenyi, Umurenge wa Mareba,

Akarere ka Bugesera mu Ntara y'Iburasirazuba, hafatiwe udupfunyika 40 tw'urumogi nyuma y'uko inzego z'umutekano zihawe amakuru y'uko arucuruza zikajya kuhasaka.

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- [2] Nibondimo Gaspard yahise atangira gukurikiranwa, iperereza rirangiye Ubushinjacyaha bumurega mu Rukiko Rwisumbuye rwa Gasabo bumukurikiranyeho icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi, busaba ko kimuhama agahanishwa igifungo cya burundu n'ihazabu ingana na 30.000.000Frw. Nibondimo Gaspard yaburanye yemera icyaha aregwa, asaba kugabanyirizwa igihano kandi kigasubikwa. [3] Mu rubanza RP 00761/2021/TGI/GSBO urwo Rukiko rwaciye ku wa 25/04/2022, rushingiye ku mvugo za Nibondimo Gaspard mu Bugenzacyaha, mu Bushinjacyaha no mu Rukiko yemera icyaha no ku nyandikomvugo y'ifatira igaragaza ko yafatanywe udupfunyika 40 tw'urumogi, rwemeje ko ahamwe n'icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi, rumuhanisha igifungo cy'imyaka 25 n'ihazabu ingana na 20.000.000 Frw; naho isubikagihano yasabaga rwemeza ko adakwiriye kurihabwa kuko igihano cy'igifungo ahanishijwe kirenze imyaka 5. [4] Nibondimo Gaspard yajuririye Urukiko Rukuru/Kigali asaba kugabanyirizwa igihano kandi kigasubikwa, kuko yaburanye yemera icyaha akanagisabira imbabazi kandi akaba ari ubwa mbere akurikiranyweho icyaha mu buryo buzwi. [5] Uhagarariye Ubushinjacyaha yaburanye avuga ko nawe asanga igihano Nibondimo Gaspard yahanishijwe gikwiriye kugabanywa, hashingiwe ku Itegeko N° 059/2023 ryo ku wa 04/12/2023 rihindura Itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganyaga ibyaha n'ibihano muri rusange kuko ari ryo riteganyaga ibihano byoroheje; aganishwa igifungo cy'imyaka 15 n'ihazabu ingana na 5.000.100 Frw ariko isubikagihano asaba akaba atarihabwa kuko byaba binyuranyije n'amategeko. [6] Mu rubanza RPA 00751/2022/HC/KIG rwaciye n'Urukiko Rukuru/Kigali ku wa 16/08/2024, rwasanze kuba Nibondimo Gaspard yaraburanye yemera icyaha aregwa byamubera impamvu nyoroshyacyaha yashingirwaho agabanyirizwa igihano; maze rushingiye ku ngingo ya 2 y'Itegeko N 059/2023 ryo ku wa 4/12/2023 rihindura Itegeko N 68/2018 ryo ku wa 30/8/2018 riteganyaga ibyaha n'ibihano muri rusange rwemeza ko ahanishwa igifungo cy'imyaka 15 n'ihazabu ingana na 5.000.100 Frw; naho isubikagihano rwemeza ko atagomba kurihabwa kuko ahanishijwe igifungo kirenze imyaka 5, hashingiwe ku biteganywa mu ngingo ya 3 y'Itegeko N° 059/2023 ryo ku wa 04/12/2023 rihindura Itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganyaga ibyaha n'ibihano muri rusange. [7] Nibondimo Gaspard yongeye kujurira mu Rukiko rw'Ubujurire, urubanza rwandikwa kuri RPAA 01191/2024/CA, ruburanishwa mu ruhame ku wa 08/07/2025 yunganiwe na Me Munini Patrick naho Ubushinjacyaha buhagarariye na Bunyoye Grăce, Umushinjacyaha ku rwego rw'Igihugu. [8] Mu bujurire bwe Nibondimo Gaspard asaba kongera kugabanyirizwa igihano kandi kigasubikwa ashingiye ku mpamvu z'uko yemeye icyaha kuva agifatwa, kuba ari ubwa mbere akurikiranyweho icyaha mu buryo buzwi no kuba nta ngaruka cyateje. Asaba kandi gukurirwaho igihano cy'ihazabu kuko ari umukene.

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- [9] Uhagarariye Ubushinjacyaha avuga ko ubujurire bwa Nibondimo Gaspard nta shingiro bufite, kuko mu rubanza rwajuririrwe yagabanyirijwe igihano ku buryo buhagije agahanishwa igihano gito giteganywa n'itegeko ku cyaha cyo gucuruza ibiyobyabwenge yahamijwe. URUKIKO RURASUZUMA IBIBAZO BIKURIKIRA
- a) kumenya niba igihano Nibondimo Gaspard yahanishijwe gishobora kongera kugabanywa;
- b) kumenya niba Nibondimo Gaspard akwiriye guhabwa isubikagihano kandi agakurirwaho igihano cy'ihazabu. II. ISESENGURA RY'IBIBAZO BIGIZE URUBANZA 1. Kumenya niba igihano Nibondimo Gaspard yahanishijwe gishobora kongera kugabanywa [10] Nibondimo Gaspard avuga ko asaba kugabanyirizwa igihano kuko yemeye icyaha kuva agifatwa, akaba ari ubwa mbere akurikiranyweho icyaha kandi kikaba nta ngaruka cyateje, ariko Urukiko Rukuru/Kigali rukaba rwaramuhanishije igihano kiremereye rushingiye ku Itegeko y'Itegeko N 059/2023 ryo ku wa 4/12/2023 rihindura Itegeko N 68/2018 ryo ku wa 30/8/2018 riteganyanya ibyaha n'ibihano muri rusange nyamara ryaratangajwe mu Igazeti ya Leta yaramaze kuburana, rwirengagije ibyemejwe mu rubanza RS/INCONST/SPEC 00003/2019/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 04/12/2019 mu gihe icyo rushingirwaho yari guhanishwa igifungo cy'imyaka itanu. [11] Me Munini Patrick avuga ko ntacyo uwo yunganira anenga urubanza rwajuririrwe, ko icyo asaba ari uko yakongera kugabanyirizwa igihano hashingiwe ku mpamvu nyoroshyacyaha zavuzwe mu gika kibanziriza iki, hakurikijwe umurongo watanze mu rubanza RPA 00060/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 04/04/2022 haburana Ubushinjacyaha na Nsabimana Callixte alias Sankara na bagenzi be, w'uko icyo uregwa nta kindi anenga urubanza rwajuririrwe uretse kuvuga gusa ko atagabanyirijwe igihano, buri Mucamanza ku rwego urwo arirwo rwose yemerewe gutanga igihano mu bushishozi bwe kijyanye n'uburemere bw'icyaha ndetse n'ingaruka zacyo. [12] Uhagarariye Ubushinjacyaha avuga ko iyi mpamvu y'ubujurire nta shingiro ifite, kuko hakurikijwe ibiteganywa n'ingingo ya 2 (a) na (d) y'Itegeko N 059/2023 ryo ku wa 04/12/2023 rihindura Itegeko N 68/2018 ryo ku wa 30/8/2018 riteganyanya ibyaha n'ibihano muri rusange, Urukiko Rukuru/Kigali rwagabanyirije Nibondimo Gaspard igihano mu buryo buhagije, kikaba kidashobora kongera kugabanywa. [13] Uhagarariye Ubushinjacyaha avuga kandi ko umurongo watanze mu rubanza RS/INCONST/SPEC00003/2019/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 04/12/2019 utashingirwaho Nibondimo Gaspard agabanyirizwa igihano nk'uko abyifuza, kuko Itegeko wari ushingiyeho ryahinduwe bityo nawo ukaba utagikurikizwa. UKO URUKIKO RUBIBONA

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- [14] Impaka kuri iyi ngingo zishingiye ku kumenya niba igifungo cy'imyaka 15 n'ihazabu ingana na 5.000.100Frw Nibondimo Gaspard yahanishijwe kubera icyaha yahamijwe cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi gishobora kongera kugabanywa. [15] Mu rubanza RPAA 00048/2020/CA rwaciwe ku wa 26/05/2022 haburana Ubushinjacyaha na Bimenyimana Jean Paul (mu bika bya 25-26), Urukiko rw'Ubujurire rwemeje ko umurongo

wari uriho udashobora gukurikizwa mu gihe itegeko wari ushingiyeho ryavuyeho cyangwa ryahinduwe. Rushingiye kuri uyu murongo, mu manza Urukiko rw'Ubujurire rwaciye nyuma y'uko Itegeko N° 059/2023 ryo ku wa 04/12/2023 rihindura Itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange ryavuzwe haruguru ritangajwe mu Igazeti ya Leta, rwemeje ko ibijyanye no kugabanya igihano kikajya muni y'igihano gito giteganywa n'itegeko (minimum) bitagukurikizwa kuko byavanyweho n'iryo tegeko ryashyizeho uburyo bushya bwo kugabanya ibihano (reba nk'urubanza RPAA 00194/2024/CA, rwaciye n'Urukiko rw'Ubujurire ku wa 22/04/2025, haburana Ubushinjacyaha na Niyonsaba Patrick (igika cya 17) n'urubanza RPAA 00193/2024/CA rwaciye n'Urukiko rw'Ubujurire ku wa 22/04/2025, haburana Ubushinjacyaha na Nzabakirira Théophile (igika cya 18). [16] Nibondimo Gaspard asaba kugabanyirizwa igihano agahanishwa igifungo cy'imyaka itanu ashingiye ku rubanza RS/INCONST/SPEC 00003/2019/SC rwavuzwe haruguru Nibondimo Gaspard asaba ko rushingirwaho agahanishwa igihano kiri muni y'igihano gito giteganyijwe n'itegeko ku cyaha ashinjwa ntirwasingirwaho ku bimureba, ni ukuvuga mbere y'uko Itegeko N° 59/2023 ryo ku wa 04/12/2023 ryavuzwe mu gika kibanziriza iki ritangajwe mu Igazeti ya Leta. [17] Urukiko rw'Ubujurire kandi rushingiye ku biteganywa mu ngingo 60 y'Itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange nk'uko yahinduwe n'ingingo ya 2 y'Itegeko N° 059/2023 ryo ku wa 04/12/2023, mu manza zitandukanye rwaciye ku bantu bahamwe n'ibyaha birimo gucuruza, kubika no gutunda ibiyobyabwenge byo mu bwoko bw'urumogi biteganywa kandi bigahanwa n'ingingo ya 2632 y'Itegeko N° 68/2018 ryo ku wa 30/8/2018 riteganya ibyaha n'ibihano muri rusange nk'uko yahinduwe n'ingingo ya 11, igika cya gatatu, y'Itegeko N° 69/2019 ryo ku wa 08/11/2019, rwemeje ko abaregwa ibyo byaha badashobora kugabanyirizwa igihano ku buryo kijya muni y'igifungo cy'imyaka 15 n'ihazabu ingana na 5.000.000 Frw3. Uwo murongo kandi wakomeje gukurikizwa, muri zimwe mu manza

1 Iyo ngingo iteganya ibi bikurikira: “Iyo umucamanza yemeje impamvu nyoroshyacyaha, ashobora kugabanya igihano ku buryo bukurikira: ...(a) igifungo cya burundu gishobora kugabanywa ariko ntikijye muni y'igihano cy'igifungo cy'imyaka 15“... (d) igihano cy'ihazabu gishobora kugabanywa kugeza kuri kimwe cya kane cy'igihano cy'ihazabu gito giteganyirijwe icyaha cyakozwe”.

2 Ingingo ya 263 y'Itegeko N° 68/2018 ryo ku wa 30/8/2018 riteganya ibyaha n'ibihano muri rusange nk'uko yahinduwe n'ingingo ya 11, igika cya gatatu, y'Itegeko N° 69/2019 ryo ku wa 08/11/2019 iteganya ibikurikira: “Umuntu wese ukora, uhinza, uhindura, utunda, ubika, uha undi, ugurisha mu gihugu ibiyobyabwenge cyangwa urusobe rw'imiti ikoresheka nka byo mu buryo bunyuranyije n'amategeko, aba akoze icyaha. Iyo abihamijwe n'urukiko ahanishwa: (10) 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 bihamaye”. Umugereka wa mbere w'Itekarya Minisitiri N°001/MoH/2019 ryo ku wa 04/03/2019 rigena urutonde rw'ibiyobyabwenge n'ibyiciro byabyo niryo riteganya ko urumogi ruri mu cyiciro cy'ibiyobyabwenge bihamaye.

3 Reba urubanza RPAA 00097/2024/CA rwaciwe ku wa 20/12/2024 haburana Ubushinjacyaha na Twagirumukiza Sibomana Athanase (igika cya 17), urubanza RPAA 00099/2024/CA rwaciwe ku wa 16/12/2024 haburana Ubushinjacyaha na Manizabayo Gilbert Alias Nkurunziza Jean Pierre (igika cya 19) n'izindi.

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zisherutse gucibwa ziwushingiyeho hakaba harimo nk'urubanza RPAA 00436/2024/CA rwaciwe ku wa 21/01/2025 haburana Ubushinjacyaha na Bikorimana Jean Baptise (igika cya 15) n'urubanza RPAA 00295/2024/CA rwaciwe kuwa 28/01/2025 haburana Ubushinjacyaha na Iradukunda Diane (igika cya 15). [18] Urukiko rw'Ubujurire rurasanga hashingiwe ku murongo umaze kugaragazwa mu gika kibanziriza iki, igihano cy'igifungo cy'imyaka 15 Nibondimo Gaspard yahanishijwe mu rubanza rujuririrwa ari cyo gito gishoboka ku cyaha yahamijwe cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi, kikaba rero kidashobora kongera kugabanywa; n'igihano cy'ihazabu ingana na 5.000.100 Frw kikaba kiri hafi y'igihano gito giteganywa n'ingingo ya 60 yavuzwe haruguru, mu bushishozi bwarwo uru Rukiko rukaba rusanga kidakwiriye kongera kugabanywa. [19] Hashingiwe ku bisobanuro bimaze gutangwa, igihano Nibondimo Gaspard yahanishijwe mu rubanza rwajuririwe kikaba kidahindutse.

2.Kumenya niba Nibondimo Gaspard akwiriye guhabwa isubikagihano kandi agakurirwaho igihano cy'ihazabu [20] Nibondimo Gaspard n'umwunganira basaba ko ahabwa isubikagihano kuko yicuza icyaha yakoze kandi akaba yaramaze kugororoka, bityo agashobora kujya kwita ku muryango we. Asaba kandi gukurirwaho igihano cy'ihazabu kuko ari umukene akaba atashobora kubona amafaranga yo kwishyura. [21] Uhagarariye Ubushinjacyaha avuga ko ibyo Nibondimo Gaspard asaba nta shingiro bifite kuko igihano cy'igifungo ahanishijwe kirengeje imyaka 5. UKO URUKIKO RUBIBONA [22] Impaka kuri iyi ngingo zishingiye ku kumenya niba igihano Nibondimo Gaspard yahanishijwe gishobora gusubikwa kandi agakurirwaho igihano cy'ihazabu. [23] Hashingiwe ku biteganywa mu ngingo ya 263 y'Itegeko N° 68/2018 ryo ku wa 30/8/2018 riteganya ibyaha n'ibihano muri rusange nk'uko yahinduwe n'ingingo ya 11, igika cya gatatu, y'Itegeko N° 69/2019 ryo ku wa 08/11/2019 icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi Nibondimo Gaspard yahamijwe gihanishwa igifungo cya burundu n'ihazabu ingana n'amafaranga y'u Rwanda arenze 20.000.000 Frw ariko atarenze miliyoni 30.000.000Frw (reba ibyasobanuwe mu gika cya 18 cy'uru rubanza). Icyumvikana muri iyi ngingo ni uko uhamwe n'iki cyaha ahanishwa icyarimwe igihano cy'igifungo n'icy'ihazabu. [24] Ku bijyanye no kumenya igihe Urukiko rushobora gutanga isubikagihano, mu rubanza RPAA 00305/2024/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 31/01/2025 haburana Ubushinjacyaha na Nshimiyimana Evariste (igika cya 16), rwasesenguye ingingo ya 641 y'Itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange yahinduwe n'ingingo ya 3 y'Itegeko N° 59/2023 ryo ku wa 04/12/2023, rusobanura ko ibiteganywa n'iyi

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[25] 1 Iyo ngingo iteganya, mu gace kayo ka mbere, ibikurikira: “Iyo uwakatiwe nta kindi gihano cy’igifungo kirenga amezi 6 yahanishijwe mbere, urukiko rukoresheje icyemezo gisobanura impamvu, rushobora gutegeka gusubika irangiza ry’igihano cyose cyangwa igice cy’igihano cy’iremezo cyangwa cy’ingereka, iyo igihano cy’iremezo cy’igifungo umuntu yakatiwe kitarenze imyaka 5”; naho mu gace ka (2) igateganya ibikurikira: “Icyemezo cy’Urukiko gishobora gutegeka isubika ry’igihano cy’igifungo cyose cyangwa igice cyacyo, iry’ihazabu yose cyangwa igice cyayo”. ingingo mu gace kayo ka (1) n’aka (2) byumvikanisha ko Urukiko rutanze isubikagihano rushobora gutegeka ihagarika ry’irangizarubanza ku gihano cyose cyangwa igice cyacyo, haba igihano cy’iremezo (igifungo, ihazabu n’imirimo y’inyungu rusange) cyangwa igihano cy’ingereka, iyo rwakatiye ukurikiranywaho icyaha igihano cy’igifungo kitarenze imyaka 5. Uyu murongo kandi wakomeje gukurikizwa n’uru Rukiko, mu manza zisheruka gucibwa ziwushingiyeho hakaba harimo urubanza RPAA 00845/2024/CA rwaciwe ku wa 22/04/2025 haburana Ubushinjacyaha Irakoze Cédrick (igika cya 16). [26] Nk’uko byasobanuwe haruguru mu bika bya 16-19 by’uru rubanza, igihano cy’igifungo cy’imyaka 15 n’ihazabu ingana na 5.000.100 Frw Nibondimo Gaspard yahanishijwe mu rubanza rwajuririwe kigomba kugumaho, bityo rero ubusabe bwe bwo gusubikirwa igihano bukaba nta shingiro bufite hashingiwe ku murongo wagaragajwe mu gika kibanziriza iki, kuko ahanishijwe igifungo kirenze imyaka 5. [27] Urukiko rw’Ubujurire rurasanga kandi n’ibijyanye no gukurirwaho igihano cy’ihazabu Nibondimo Gaspard asaba nta shingiro bifite, kuko nk’uko byagaragajwe haruguru, agomba guhanishwa igifungo cy’imyaka 15 n’ihazabu ingana na 5.000.100 Frw; hashingiwe ku byasobanuwe mu gika cya 24, igihano cy’ihazabu yahanishijwe kikaba kidashobora kuvanwaho kuko gihuye n’ibiteganywa n’amategeko. [28] Hahingiwe ku mpamvu zose zagaragajwe, Urukiko rw’Ubujurire rurasanga nta kosa Nibondimo Gaspard yagaragaje ryakozwe mu rubanza yajuririye, bityo ubujurire bwe bukaba nta shingiro bufite. III. ICYEMEZO CY’URUKIKO [29] Rwemeje ko ubujurire bwa Nibondimo Gaspard nta shingiro bufite. [30] Rwemeje ko urubanza RPA 00751/2022/HC/KIG rwaciwe n’Urukiko Rukuru ku wa 16/08/2024 rudahindutse mu ngingo zarwo zose. [31] Rwemeje ko igifungo cy’imyaka cumi n’itanu (15) n’ihazabu ingana n’amafaranga y’u Rwanda miliyoni eshanu n’ijana (5.000.100 Frw) Nibondimo Gaspard yahanishijwe kigumyeho. [32] Rwemeje ko Nibondimo Gaspard asonewe amagarama y’urubanza kuko yaburanye afunze.

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