

RWANDA / JUDGMENT

UBUSHINJACYAHA v. NZAMUYE

RPA 00013/2020/CA

COURT

Court of Appeal

DECIDED

17 June 2022

CASE / FILE NUMBER

RPA 00013/2020/CA

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UBUSHINJACYAHA v. NZAMUYE

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Text

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UBUSHINJACYAHA v. NZAMUYE [Rwanda URUKIKO RW'UBUJURIRE - RPA 00013/2020/CA (Gakwaya, P.J.) 17 Kamena 2022] Amategeko ateganya ibyaha n'ibihano – icyaha cyo guteza imvururu cyangwa imidugararo muri rubanda - Kugira ngo icyaha cyo guteza imvururu cyangwa imidugararo muri rubanda kibe cyuzuye, ni ngombwa ko hagaragazwa umugambi wihariye (dol spécial) w'uregwa wo gushaka kubyutsa imidugararo muri rubanda ndetse hakarebwa icyari kigamijwe n'uwavugiye amagambo mu ruhame cyangwa uwakoresheje mu ruhame inyandiko, amashusho, ibimenyetso, bimanitswe, bitanzwe, biguzwe cyangwa bigurishijwe cyangwa bitangajwe mu bundi buryo. Incamake y'ikibazo: Urubanza rwatangiriye mu Rukiko Rukuru, Urugereko rwa Rwamagana, Ubushinjacyaha bukurikiranyeho Nzamuye Janvier icyaha cyo guteza imvururu cyangwa imidugararo muri rubanda, busobanura ko ku wa 22/7/2018, ubwo yari mu Mudugudu wa Rubona, Akagari ka Nyarukombe, Umurenge wa Muyumbu, Akarere ka Rwamagana, mu kabare anywa ikigage, yabwiye abo bari hamwe ati “nimwinywere kuko igihugu cyafashwe, kandi cyafatiwe muri Nyaruguru”. Ayo makuru yahise amenyeshwa inzego z'umutekano, bituma Nzamuye Janvier afatwa atangira gukurikiranwa n'ubutabera ageze murukiko yaburanye yemera icyaha, asobanura ko koko ayo magambo yayavuze kuko yari

yumvise kuri radio “Ijwi rya Amerika” ko umutekano wabaye muke muri Nyaruguru, ko ariko we mu kuyavuga nta kibi yari agamije, ko ahubwo akeka ko yabitewe n’uko yari yanyweye ikigage, maze Urukiko rwemeza ko Nzamuye Janvier ahamwa n’icyaha cyo guteza imvururu cyangwa imidugararo muri rubanda rumukatira igihano cy’igifungo cy’imyaka icumi (10). Nzamuye Janvier ntiyishimiye imikirize y’urubanza, ajuririra Urukiko rw’Ubujurire, avuga ko Urukiko Rukuru, Urugereko rwa Rwamagana, rwamuhanishije igihano kinini kandi aribwo bwa mbere aguye mu cyaha, kandi ko amagambo yavuze nta ngaruka mbi yateje muri rubanda, akomeza avuga ko avuga ayo magambo, nta kibi yari agamije, ko kuba yarayavuze bitavuze ko hari rubanda yari agamije kugomesha bityo aka nta bushake bwo gukora icyo cyaha yari afite igihe yavugaga ayo magambo. Ubushinjacyaha mu iburanisha bwavuze ko ku kijyanye no kuba Nzamuye Janvier, avuga ko amagambo yavuze atari agamije kugumura rubanda, ko ndetse nta mvuru cyangwa imidugararo yayakurikiye, nta shingiro bifite kuko itegeko riteganywa ibyaha n’ibihano muri rusange mu bisobanuro by’amagambo, uruhame ari ahantu hateraniye abantu barenze babiri (2) (...), ko kandi ahantu Nzamuye Janvier nawe yavugiye ayo magambo ari mu kabare karimo abantu barenze babiri, ko rubanda ari abo bantu bari bateraniye aho, akaba yaravugiyeye ayo magambo abishaka kandi abizi ko atari byo, agamije gusa gutuma abaturage batakariza Leta icyizere cyo kubarinda, nk’uko Urukiko rwabanje rwabigaragaje murubanza rujuririrwa, ko rero atari ngombwa ko amagambo yavuzwe akurikirwa n’imvururu ngo icyaha kube cyabaye. Incamake y’icyemezo: Kugira ngo icyaha cyo guteza imvururu cyangwa imidugararo muri rubanda kube cyuzuye, ni ngombwa ko hagaragazwa umugambi wihariye (dol spécial) w’uregwa wo gushaka kubyutsa imidugararo muri rubanda ndetse hakarebwa icyari kigamijwe n’uwavugiyeye amagambo mu

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ruhame cyangwa uwakoresheje mu ruhame inyandiko, amashusho, ibimenyetso, bimanitswe, bitanzwe, biguzwe cyangwa bigurishijwe cyangwa bitangajwe mu bundi buryo. Ubujurire bufite ishingiro. Urubanza rwajuririrwe ruhindutse kuri byose. Amategeko yakoreshejwe: Itegeko Ngenga n° 01/2012/OL ryo ku wa 2/5/2012 rishyiraho Igitabo cy’amategeko ahana Itegeko n° 68/2018 ryo ku wa 30/8/2018 riteganywa ibyaha n’ibihano muri rusange. Imanza zifashishijwe: Ubushinjacyaha v. MPOZAYO Christophe, urubanza n° RPA 00084/2018/CA rwaciwe kuwa 29/11/2019, Ubushinjacyaha v. RUSESABAGINA Paul, urubanza n° RPA 00060/2021/CA rwaciwe kuwa 04/04/2022 Urubanza I. IMITERERE Y’URUBANZA [1] Urubanza rwatangiriye mu Rukiko Rukuru, Urugereko rwa Rwamagana, Ubushinjacyaha bukurikiranyeho Nzamuye Janvier icyaha cyo guteza imvururu cyangwa imidugararo muri rubanda, busobanura ko ku wa 22/7/2018, ari mu Mudugudu wa Rubona, Akagari ka Nyarukombe, Umurenge wa Muyumbu, Akarere ka Rwamagana, mu kabare anywa ikigage, yabwiye abo bari hamwe ati “nimwinywere kuko igihugu cyafashwe, kandi cyafatiwe muri Nyaruguru”. Ayo makuru yahise amenyeshwa inzego z’umutekano, bituma Nzamuye Janvier afatwa atangira gukurikiranwa n’ubutabera. [2] Nzamuye Janvier yaburanye yemera icyaha, asobanura ko koko ayo magambo yayavuze kuko yari yumvise kuri radio “Ijwi rya Amerika” ko umutekano wabaye muke muri Nyaruguru, ko ariko we mu kuyavuga nta kibi yari agamije, ko ahubwo akeka ko yabitewe n’uko yari yanyweye ikigage. [3] Mu

rubanza n° RP 00004/2018/HC/RWG rwaciwe ku wa 25/10/2019, Urukiko Rukuru, Urugereko rwa Rwamagana, rwemeje ko Nzamuye Janvier ahamwa n'icyaha cyo guteza imvururu cyangwa imidugararo muri rubanda, maze rumukatira igihano cy'igifungo cy'imyaka icumi (10). [4] Nzamuye Janvier ntiyishimiye imikirize y'urubanza, ajuririra Urukiko rw'Ubujurire ku wa 11/11/2019, avuga ko Urukiko Rukuru, Urugereko rwa Rwamagana, rwamuhanishije igihano kinini kandi aribwo bwa mbere aguye mu cyaha, kandi ko amagambo yavuze nta ngaruka mbi yateje muri rubanda, ko ariko Urukiko rwabyirengagije, ntirwamuha isubikagihano. Asaba uru Rukiko kumugabanyiriza igihano no kumuha isubikagihano.

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- [5] Urubanza rwaburanishijwe mu mizi ku wa 17/5/2022, Nzamuye Janvier yunganirwa na Me Mukwende Mirimo Olivier, Ubushinjacyaha buhagarariwe na Ntawangundi Béatrice, Umushinjacyaha ku rwego rw'Igihugu. II. IBIBAZO BIGIZE URUBANZA N'ISESENGURA RYABYO
1. Kumenya niba amagambo NZAMUYE Janvier yavuze agize icyaha yahamijwe cyo guteza imvururu cyangwa imidugararo muri rubanda [6] Mu mwanzuro w'ubujurire Nzamuye Janvier yashyikirije Urukiko rw'Ubujurire, avuga ko amagambo yavuze nta ngaruka mbi yateje muri rubanda, ko ariko Urukiko Rukuru, Urugereko rwa Rwamagana rwamuhanishije igihano kirekire kandi aribwo bwa mbere aguye mu cyaha. [7] Me Mukwende Milimo Olivier, wunganira Nzamuye Janvier, avuga ko koko hari amagambo Nzamuye Janvier yavugiyemo mu kabare, avuga ko igihugu cyafashwe, maze uwitwa Uwintwari Théogène ahita ahamagara police avuga ko Nzamuye Janvier avuze amagambo atari yo. Akomeza avuga ko Urukiko rwashingiye ku kuba Nzamuye Janvier yaremeye icyaha, rushingira no ku mvugo za Uwintwari Théogène rumuhamya icyaha cyo guteza imvururu cyangwa imidugararo muri rubanda, ko ariko nyamara n'ubwo Nzamuye Janvier yavuze ayo magambo akomeye kandi akaba yemera ko yayavuze, bitavuze ko yakozwe icyo cyaha yahamijwe, kuko nta mvururu cyangwa imidugararo byakurikiyeho muri rubanda, hashingiwe ku biteganywa mu ngingo ya 2041 y'Itegeko no 68/2018 ryo ku wa 30/8/2018 riteganyaga ibyaha n'ibihano muri rusange. Avuga kandi ko Ubushinjacyaha mu nshingano zabwo bwari kugaragaza ibimenyetso bigize icyaha, nta kugendera ku mvugo gusa, ndetse bukaragaza niba koko Nzamuye Janvier yarashishikariye abantu kwivumbagatanywa kandi bikanyuzwa mu buryo butaziguye. [8] Me Mukwende Milimo Olivier akomeza avuga ko urebye mu gace ka gatanu (5) k'urubanza rujuriyirirwa, Nzamuye Janvier yasobanuye ko avuga ayo magambo, nta kibi yari agamije, ko kuba yarayavuze bitavuze ko hari rubanda yari agamije kugomesha, kuko mu gace ka gatandatu k'urwo rubanza, n'Urukiko rwabanye ubwarwo rwavuze ko amagambo Nzamuye Janvier yavuze ashobora, ko rutigeze rwemeza ko ayo magambo yateje imvururu, ko rero ashingiyemo kuri ibyo asanga nta bushake bwo gukora icyo cyaha Nzamuye Janvier yari afite igihe yavugaga ayo magambo, ko ndetse niyo yaba yari abufite, nta mvururu zakurikiyeho muri rubanda, bityo akaba asanga nta cyaha yakozwe. [9] Ubushinjacyaha buvuga ko ku kijyanye no kuba Nzamuye Janvier, avuga ko amagambo yavuze atari agamije kugumura rubanda, ko ndetse nta mvururu cyangwa imidugararo yayakurikiye, nta shingiro bifite kuko

ingingo ya 2 y'Itegeko n° 68/2018 ryo ku wa 30/8/2018 riteganya ibyaha n'ibihano muri rusange, mu bisobanuro by'amagambo, uruhame ari ahantu hateraniye abantu barenze babiri (2) (...), ko kandi ahantu Nzamuye Janvier nawe yavugiye ayo magambo ari mu kabare karimo abantu barenze babiri, ko rubanda ari abo bantu bari bateraniye aho, akaba yarahavugiye ayo magambo abishaka kandi abizi ko atari byo, agamije gusa gutuma abaturage 1 "Umuntu wese, mu ruhame, ukoresha imvugo, inyandiko z'ubwoko bwose, amashusho cyangwa ibimenyetso by'amoko yose, bimanitswe, bitanzwe, biguzwe cyangwa bigurishijwe cyangwa bitangajwe mu bundi buryo bwose, uwangisha rubanda ubutegetsiburiho, utera imvururu mu baturage ashaka ko basubiranamo cyangwa utera rubanda intugunda ashaka kubyutsa imidugararo muri Repubulika y'u Rwanda, aba akoze icyaha".

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batakariza Leta ikizere cyo kubarinda, nk'uko Urukiko rwabanje rwabigaragaje mu gace ka munani (8)n'aka cyenda (9) tw'urubanza rujuririrwa, ko rero atari ngombwa ko amagambo yavuzwe akurikirwa n'imvururu ngo icyaha kibe cyabaye. UKO URUKIKO RUBIBONA [10] Ingingo ya 463 y'Itegeko Ngenga n° 01/2012/OL ryo ku wa 2/5/2012 rishyiraho Igitabo cy'amategako ahana igira iti: " Umuntu wese, witwaza, ari disikuru avugiye mu nama cyangwa mu giterane, ari inyandiko z'ubwoko bwose, amashusho cyangwa ibimenyetso by'amoko yose, bimanitswe, bitanzwe, biguzwe cyangwa bigurishijwe cyangwa bishyizwe mu maso ya rubanda, uwamamaza nkana ibihuha akagomesha cyangwa akagerageza kugomesha rubanda arwangisha ubutegetsiburiho, agatera cyangwa akagerageza guteza imvururu mu baturage ashaka ko basubiranamo, agatera rubanda intugunda ashaka kubyutsa imidugararo muri Repubulika y'u Rwanda, ahanishwa igifungo kuva ku myaka icumi (10) kugeza ku myaka cumi n'itanu (15)". [11] Isesengura y'ingingo ya 463 y'Itegeko Ngenga n° 01/2012/OL ryo ku wa 2/5/2012 ryavuzwe haruguru, ryumvikanisha ko kugira ngo umuntu ahamwe n'icyaha cyo guteza imvururu cyangwa imidugararo muri rubanda, icyaha kigomba kuba cyakorewe mu ruhame hakoreshejwe disikuru mu nama cyangwa mu giterane, ahantu hateranyije abantu barenze babiri (2), agamije kubyutsa imidugararo mu gihugu. Ryumvikanisha kandi ko umuntu ahamwe n'icyo cyaha mu gihe akoresha inyandiko z'ubwoko bwose, amashusho cyangwa ibimenyetso by'amoko yose, bimanitswe, bitanzwe, biguzwe cyangwa bigurishijwe, cyangwa bishyize mu maso ya rubanda agamije kubyutsa imidugararo mu gihugu. Ryumvikanisha na none ko umuntu ashobora guhamwe n'icyo cyaha mu gihe yamamaza nkana ibihuha, akagomesha cyangwa akagerageza kwangisha rubanda ubutegetsiburiho, agatuma abaturage basubiranamo ateza cyangwa agerageza gutera imvururu mu baturage, agatera rubanda intugunda, agamije kubyutsa imidugararo mu gihugu. Ibi bisobanura ko kugira ngo uregwe ahamwe n'icyaha kivugwa mu ingingo ya 463 y'Itegeko Ngenga yavuzwe, hagomba kugaragazwa umugambi wihariye (dol spécial) wo gushaka kubyutsa imidugararo muri Repubulika y'u Rwanda. [12] Nk'uko bigaragara mu gace ka munani (8) k'urubanza rujuririrwa, Urukiko Rukuru, Urugereko rwa Rwamagana rwasobanuye ko amagambo Nzamuye Janvier yavuze bigaragara ko ashobora gutera imvururu cyangwa imidugararo muri rubanda, kuko kumva ko igihugu cyawe cyafashwe ari inkuru yatuma abaturage batera icyizere Ubuyobozi buriho kuko babona ko budashoboye kubarinda, hakaba

hazamo no guhunga igihugu batinya kuba bagirirwa nabi mu buryo bumwe cyangwa ubundi. [13] Nk'uko bigaragara mu nyandiko ikubiyemo ikirego (acte d'accusation), hashingiwe ku ngingo ya 463 y'Itegeko Ngenga n° 01/2012/OL ryo ku wa 2/5/2012 ryavuzwe haruguru, Ubushinjacyaha bwareze Nzamuye Janvier icyaha cyo gukwirakwiza ibihuha, buvuga ko ku wa 22/7/2018, ari mu kabari karimo abantu benshi barimo kunywa ikigage, yavuze ko u Rwanda rwafashwe n'umwanzi (igikorwa kigize icyaha), ko ubushake bwe bwo gukora icyo cyaha bugaragazwa n'uko abizi kandi abishaka, ari mu giterane, yavuze ko u Rwanda rwafashwe, yamamaza nkana ibihuha, agerageza guteza imvururu n'intugunda muri rubanda, ashaka kubyutsa imidugararo, kandi azi ko ari icyaha.

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[14] Nk'uko bigaragara mu gace ka mbere (1) n'aka kane (4) tw'urubanza rwajurirriwe, mu Rukiko, Ubushinjacyaha bwareze Nzamuye Janvier kuba ku wa 22/7/2018 ari mu kabari, yarabwiye abo bari hamwe ngo nibinywere kuko igihugu cyafashwe, ko ibi bigize icyaha cyo guteza imvururu cyangwa imidugararo muri rubanda. Mu nyandiko-mvugo y'iburanisha mu Rukiko rwabanje, Ubushinjacyaha bwashobanuye ko uregwa yemeye ko yavuze ayo magambo, ko yabitewe n'umutekano muke wagaragaye muri Nyaruguru, kandi ingingo ya 204 y'Itegeko n° 68/2018 ryo ku wa 30/8/2018 riteganya ibyaha n'ibihano muri rusange, iteganya ko ayo magambo ari ayo guteza imvururu n'imidugararo. [15] Dosiye y'urubanza igaragaza ko ku wa 24/7/2018, Nzamuye Janvier yabajijwe mu Bugenzacyaha, ku bijyanye n'amagambo yavuze akwirakwiza ibihuha y'uko igihugu cyafashwe, asubiza ko abyemera, asobanura ko yarimo abaza uwitwa Shumbusho Yves n'undi niba amakuru yumvise kuri radio "IJWI RY'AMAERIKA", ko igihugu cyafashwe byaba aribyo koko. Yasobanuye ko yumvishe aya magambo ku itariki yo ku wa 19/7/2018. [16] Urukiko rw'Ubujurire rurasanga harebwe itariki ivugwa ko Nzamuye Janvier yakozwe icyaha aregwa, ni ukuvuga ku wa 22/7/2018, Itegeko rigomba gukoreshwa mu isuzumwa ry'uru rubanza, ari Itegeko Ngenga n° 01/2012/OL ryo ku wa 2/5/2012 rishyiraho Igitabo cy'amategeko ahana ryariho icyo gihe, aho kuba Itegeko n° 68/2018 ryo ku wa 30/8/2018 riteganya ibyaha n'ibihano muri rusange, ryakoreshejwe n'Urukiko rwabanje, kuko ryatangajwe muri Igazeti ya Leta ku wa 27/9/2018, kandi ridatenganya igihano cyoroheje.2 [17] Hashingiwe ku byavuzwe haruguru, Urukiko rw'Ubujurire rurasanga n'ubwo Itegeko n° 68/2018 ryo ku wa 30/8/2018 atari ryo rigomba gukoreshwa muri uru rubanza kubera impamvu zagaragajwe, ariko isuzuma ryaryo rigaragaza ko igikorwa cyo kwamamaza nkana ibihuha, ugomesha cyangwa ugerageza kugomesha rubanda urwangisha ubutegetsi buriho, uteza cyangwa ugerageza guteza imvururu mu baturage ku buryo basubiranamo, uteza rubanda intugunda, ushaka kubyutsa imidugararo muri Repubulika y'u Rwanda, kitagize icyaha cyo guteza imvururu cyangwa imidugararo muri rubanda, kimwe mu byaha bigize kuvutsa umudendezo mu gihugu. [18] Hashingiwe ku ngingo ya 463 y'Itegeko Ngenga n° 01/2012/OL ryo ku wa 2/5/2012, Urukiko rw'Ubujurire rurasanga ariko hari ngombwa gusuzuma niba amagambo yavuwze na Nzamuye Janvier mu ruhamwe ari amagambo yangisha rubanda ubutegetsi buriho, yatuma haba imvururu mu baturage ku buryo basubiranamo cyangwa yatera rubanda intugunda, no

gusuzuma niba yaba yarabivuze ashaka kubyutsa imidugaragaro mu gihugu. [19] Nk'uko byagaragajwe haruguru, Nzamuye Janvier anenga Urukiko rwabanje kuba rwaremeje ko yakoze icyaha aregwa, nyamara mu kuvuga aya magambo aregwa, atari agamije kugomesha urubanda, kandi nyuma yo kuyavuga, nta mvururu cyangwa imidugararo byakurikiyeho muri rubanda. 2Ingingo ya 204 y'Itegeko n° 68/2018 ryo ku wa 30/8/2018 riteganya ibyaha n'ibihano muri rusange iteganya ko "Umuntu wese, mu ruhame, ukoresha imvugo, inyandiko z'ubwoko bwose, amashusho cyangwa ibimenyetso by'amoko yose, bimanitswe, bitanzwe, biguzwe cyangwa bigurishijwe cyangwa bitangajwe mu bundi buryo bwose, uwangisha rubanda ubutegetswe buriho, utera imvururu mu baturage ashaka ko basubiranamo cyangwa utera rubanda intugunda ashaka kubyutsa imidugararo muri Repubulika y'u Rwanda, aba akoze icyaha. Iyo abihamijwe n'urukiko, ahanishwa igifungo kitari munsi y'imyaka icumi (10) ariko kitarenze imyaka cumi n'itanu (15)".

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[20] Urukiko rw'Ubujurire rurasanga nk'uko byasobanuwe haruguru, kugira ngo umuntu ahanwe n'icyaha kivugwa mu ngingo ya 463 y'Itegeko n° 68/2018 ryo ku wa 30/8/2018 ryavuzwe haruguru, atari ngombwa ko habaho inkurikizi kubera amagambo cyangwa ibindi byakoreshejwe mu ruhame, ahubwo harebwa icyari kigamijwe n'uwavugiye amagambo mu ruhame cyangwa uwakoresheje mu ruhame inyandiko, amashusho, ibimenyetso, bimanitswe, bitanzwe, biguzwe cyangwa bigurishijwe cyangwa bitangajwe mu bundi buryo, ni nako uru Rukiko rwabisobanuye mu rubanza n° RPA 00084/2018/CA, aho rwasesenguraga ingingo ya 463 y'Itegeko Ngenga n° 01/2012/OL ryo ku wa 2/5/2012 rishyiraho Igitabo cy'amategeko ahana, nayo yahanaga icyaha cyo guteza imvururu cyangwa imidugararo muri rubanda, maze ruvuga ko gushishikariza abandi gukora icyaha kivugwa muri iyo ngingo bidasaba ko bikurikirwa byanze bikunze n'imvururu cyangwa imidugararo muri rubanda.3 Ibi byumvikaniska ko ibivugwa na Nzamuye Janvier ko adahamwa icyaha aregwa kuko amagabo yavuze atatumye nyuma yo kuyavuga, haba imvururu cyangwa imidugararo muri rubanda, bitahabwa agaciro. [21] Urukiko rw'Ubujurire rurasanga nk'uko bigaragara mu bisobanuro Nzamuye Janvier yatanze, abazwa mu Bugenzacyaha, yavuze ko ku wa 19/7/2018 yumvise kuri radio ko muri Nyaruguru hari umutekano muke, ko ariho yahereye avuga ko igihugu cyafashwe. Rurasanga kandi abajijwe mu Bushinjacyaha, Nzamuye Janvier yaravuze aya magambo kubera ko yumvise kuri radio "Ijwi rya America" bavuga ko igihugu cyafashwe, ko yabonye nyuma ko ibyo yavuze byateye ikibazo kuko abantu bashakuye cyane, banahita bahuriza kuri police. [22] Urukiko rw'Ubujurire rurasanga harebwe ibisobanuro Nzamuye Janvier yatanze avuga ko amagambo aregwa yayumvise muri radio "Ijwi rya America" ku wa 19/7/2018, akaza kuyavuga muri kabari ku wa 22/7/2018, hanashingiwe ku bisanzwe bizwi no ku manza zitandukanye zahannywe abagize uruhare mu bitero byagabwe ku duce twa Nyaruguru, nta gushidikanya ko ibyo bitero byabaye guhera mu kwezi wa Kamena k'umwaka wa 2018 kugeza mu kwezi k'ukwakira 2019, kandi ku wa 15/7/2018, FLN yari yagabye ibyo bitero, yatangaje ko igiye gushoza intambara kuri Leta y'u Rwanda, umuvuguzi wayo ajya mu bitangazamakuru mpuzamahanga bya BBC na VOA (Voice Of

America) kwigamba ko aribo bateye u Rwanda muri Kamena na Nyakanga 2018.4 [23] Urukiko rw'Ubujurire rurasanga ibivuzwe haruguru, bigaragaza ko icyo gihe hari amakuru Nzamuye Janvier yumvise kuri radio "Ijwi rya America", arebana n'ibyo byabaye muri Nyaruguru, n'ubwo ibyo avuga ko yumvise bavuga ko igihugu cyafashwe, atari ukuri kuri ibyo byabaye. [24] Urukiko rw'Ubujurire rurasanga n'ubwo amagambo Nzamuye Janvier aregwa, yayavugiye mu ruhamwe ku bushake, ariko uretse kwemeza ko ayo amagambo ashobora gutera imvururu cyangwa imidugararo muri rubanza kuko yatuma abaturage batera icyizere ubuyobozi buriho ku mpamvu y'uko babona ko budashoboye kubarinda, hakazamo no guhunga igihugu batinya kuba bagirirwa nabi mu buryo cyangwa ubundi, nta bindi bisobanuro Urukiko Rukuru, Urugereko rwa Rwamagana rwatanze bishimangira uwo mwanzuro. 3Reba urubanza n° RPA 00084/2018/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/11/2019 haburana Ubushinjacyaha na MPOZAYO Christophe. 4 Reba mu bice bya 58, 108, 123, 140, 143 na 149 tw'urubanza n° RPA 00060/2021/CA rw'Ubushinjacyaha na RUSESABAGINA Paul n'abagenzi be, rwaciwen'Urukiko rw'Ubujurire ku wa 4/4/2022.

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[25] Urukiko rw'Ubujurire rurasanga kandi nk'uko byasobanuwe haruguru, kugira ngo icyaha Nzamuye Janvier aregwa kube cyuzuye, ni ngombwa ko Ubushinjacyaha bugaragaza umugambi wihariye (dol spécial) w'uregwa wo gushaka kubyutsa imidugararo muri Repubulika y'u Rwanda, nyamara Ubushinjacyaha cyangwa Urukiko rwabanje ntawagaragaje ko Nzayumuye Janvier avuga mu ruhamwe aya magambo, yashakaga mu buryo bwihariye kubyutsa imidugararo mu gihugu. [26] Hashingiwe ku byagaragajwe haruguru, Urukiko rw'Ubujurire rurasanga kuba nta gushidikanya ko hari amakuru ajyanye n'ibitero byagabwe mu Karere ka Nyaruguru, Nzamuye Janvier yumvise kuri radio "Ijwi rya Amerika", n'ubwo ibyo avuga ko yumvise bidahuye n'ukuri ku byabaye koko no kuba nta kigaragaza ko amagambo yavugiye mu ruhamwe kandi abishaka, yayavuze afite umugambi wihariye cyangwa agamije kubyutsa imidugararo mu gihugu, ko adahamwa n'icyaha yahamijwe ku rwego rwa mbere. [27] Kubera izo mpamvu zose, Urukiko rw'Ubujurire rurasanga ubujurire bwa Nzamuye Janvier bufite ishingiro, akaba agizwe umwere, kandi akaba agomba kurekurwa uru rubanza rukimara gusomwa. III. ICYEMEZO CY'URUKIKO [28] Rwemeje ko ubujurire bwa Nzamuye Janvier bufite ishingiro. [29] Rwemeje ko urubanza n° RP 00004/2018/RWG, rwaciwe n'Urukiko Rukuru, Urugereko rwa Rwamagana ku wa 25/10/2019, ruhindutse kuri byose. [30] Rwemeje ko Nzamuye Janvier agizwe umwere. [31] Rwemeje ko Nzamuye Janvier ahita arekurwa urubanza rukimara gusomwa. [32] Ruvuze ko amagarama y'urubanza aherera ku Isanduku ya Leta.

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