

RWANDA / JUDGMENT

# UBUSHINJACYAHA v SIKUBWABO N'ABANDI

RPAA 00127/2023/CA

COURT

Court of Appeal

DECIDED

30 October 2025

CASE / FILE NUMBER

RPAA 00127/2023/CA

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## UBUSHINJACYAHA v SIKUBWABO N'ABANDI

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### Text

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UBUSHINJACYAHA v SIKUBWABO N'ABANDI [Rwanda URUKIKO RW'UBUJURIRE - RPAA 00127/2023/CA (Rugabirwa, P.J.) 30 Ukwakira 2025] Amategeko agenga ibimenyetso - Imanza nshinjabyaha - Mu rubanza nshinjabyaha, ikimenyetso gishingira ku mpamvu zose z'ibyabaye n'ibyemejwe n'amategeko, ababuranyi bapfa kuba barahawe umwanya wo kubijyaho impaka. Incamake y'ikibazo: Ku wa 21/06/2020, Sikubwabo, Muvunyi, Maniragaba na Nshimiyimana bakubise uwitwa Niyigena bimuviramo gupfa. Ubushinjacyaha bwabareze mu Rukiko Rwisumbuye rwa Muhanga icyaha cyo gukubita no gukomeretsa byateye urupfu kubera ko, bakubise uwitwa Niyigena François bikamuviramo gupfa. Abaregwa bose baburanye bahakana icyaha ariko urukiko rushingiye ku bimenyetso bitandukanye, rusanga icyo cyaha kibahama, rubakatira igifungo cy'imyaka 20 n'ihazabu ya 7.000.000 Frw. Abaregwa bose bajuririye icyo cyemezo mu Rukiko Rukuru, ruza gusanga ubujurire bwabo budafite ishingiro ariko rubagabaniriza igihano, rubakatira buri umwe igifungo cy'imyaka 16 n'ihazabu ya 5.000.000 Frw. Sikubwabo na bagenzi be na none ntibishimiye iyo mikirize, bajurira mu Rukiko rw'Ubujuje,

hasuzumwa ikibazo cyo kumenya niba Sikubwabo na bagenzi be barahamijwe icyaha nta bimenyetso. Abaregwa basobanura ko bahamijwe icyaha batakoze kuko nyakwigendera yakubiswe badahari bityo ibyo ababashinja bavuga bikaba ari ibinyoma. Ubushinjacyaha buvuga ko n'ubwo ubujurire bwa Sikubwabo na bagenzi be nta shingiro bufite kubera ko batavugurije ibimenyetso byashingiweho bahamwa n'icyaha ariko ko bakwiye kongera kugabanyirizwa ibihano hashingiwe ku itegeko rishya riteganywa ibihano byoroheje. Inshamake y'icyemezo: Mu rubanza nshinjabyaha, ikimenyetso gishingira ku mpamvu zose z'ibyabaye n'ibyemejwe n'amategeko, abaturanyi bapfa kuba barahawe umwanya wo kubijyaho impaka. Ubujurire, nta shingiro bufite. Amategeko yashingiweho: Itegeko n° 059/2023 ryo ku wa 04/12/2023 rihindura Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganywa ibyaha n'ibihano muri rusange, ingingo ya 11; Itegeko n° 062/2024 ryo ku wa 20/06/2024 rigenga ibimenyetso, ingingo ya 87. Nta manza zifashishijwe Urubanza I. IMITERERE Y'URUBANZA

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- [1] Ubushinjacyaha bukurikiranyeho Sikubwabo Alphonse, Muvunyi Pascal, Maniragaba Joseph na Nshimiyimana Phineas icyaha cyo gukubita no gukomeretsa byateye urupfu kubera ko ku wa 21/06/2020, bakubise uwitwa Niyigena François bikamuviramo gupfa. Abaregwa bose baburanye bahakana icyaha baregwa, basaba kugirwa abere. [2] Urukiko Rwisumbuye rwa Muhanga rwaregwe rushingiye ku kuba abaregwa bashinjwa n'abatangabuhamya barimo Nsabimana Jean Marie Vianney, Bakundukize Antoine, Twahirwa Josué alias Daniel na Musabyimana Jean bikanashimangirwa na raporo y'Inzego y'Akagari igaragaza ko abaregwa bari mu gitero cyakubise Niyigena François bikamuviramo gupfa, rwaciye urubanza n° RP 00619/2020/TGI/MHG ku wa 17/03/2021, rwemeza ko Sikubwabo Alphonse, Muvunyi Pascal, Maniragaba Joseph na Nshimiyimana Phineas bahamwa n'icyaha cyo gukubita no gukomeretsa byateye urupfu, ruhanisha buri wese igifungo cy'imyaka 20 n'ihazabu ya 7.000.000 Frw. [3] Sikubwabo Alphonse, Muvunyi Pascal, Maniragaba Joseph na Nshimiyimana Phineas bajuririye urwo rubanza mu Rukiko Rukuru, Urugereko rwa Nyanza, bahakana icyaha, basaba kugirwa abere. [4] Urukiko Rukuru rushingiye ku bimenyetso byavuzwe haruguru abaregwa batabashije kuvuguruzwa, rwaciye urubanza n° RPA 00358/2021/HC/NYZ ku wa 06/01/2023, rwemeza ko imikirize y'urubanza rujuririrwa ihindutse gusa ku bijyanye n'ibihano, ruhanisha Sikubwabo Alphonse, Muvunyi Pascal, Maniragaba Joseph na Nshimiyimana Phineas igifungo cy'imyaka 16 n'ihazabu ya 5.000.000 Frw buri wese. [5] Sikubwabo Alphonse, Muvunyi Pascal, Maniragaba Joseph na Nshimiyimana Phineas bajuririye urwo rubanza muri uru Rukiko, ubujurire bwabo bwandikwa kuri N° RPAA 00127/2023/CA, Sikubwabo Alphonse yunganiwe na Me Hakizimana Albert, Muvunyi Pascal yunganiwe na Me Ndagijimana Viateur, Maniragaba Joseph yunganiwe na Me Nkundiye Jean, Nshimiyimana Phineas yunganiwe na Me Nzayisenga Charles, naho Ubushinjacyaha buhagarariye na Uwizeye Jean Marie, Umushinjacyaha ku rwego rw'Igihugu. [6] Mu myanzuro no mu miburanire yabo, Sikubwabo Alphonse na bagenzi be bavuga ko Urukiko Rukuru rwabahamije icyaha batakoze basaba kugirwa abere. [7] Naho uhagarariye Ubushinjacyaha avuga ko n'ubwo ubujurire bwa Sikubwabo Alphonse na bagenzi be nta

shingiro bufite kubera ko batavugurujye ibimenyetso byashingiweho bahamwa n'icyaha ariko ko bakwiye kongera kugabanyirizwa ibihano hashingiwe ku itegeko rishya riteganywa ibihano byoroheje.

## II. IKIBAZO KIRI MU RUBANZA N'ISESENGURWA RYACYO.

Kumenya niba Sikubwabo Alphonse na bagenzi be barahamijwe icyaha nta bimenyetso

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#### 1. Kuri Sikubwabo Alphonse

- [8] Sikubwabo Alphonse n'umwunganira bavuga ko Urukiko Rukuru rwamuhamije icyaha cyo gukubita no gukomeretsa byateye urupfu nta bimenyetso, basaba ko yagirwa umwere. Basobanura ko Niyigena François yari yamutumye ngo basangire inzoga nk'abagabiranye, ariko ko yasigaye akubitirwa ku kabari yatashye nk'uko byanemejwe na Seraphine, umugore wa nyakwigendera wamuherekeje nk'uko yabisobanuye mu ibaruwa ye yo ku wa 11/11/2022 itarahawe agaciro ngo kuko atari ahari igihe nyakwigendera yakubitwaga. [9] Bavuga kandi ko ubuhamya bwa Twahirwa Josué alias Daniel butahabwa agaciro kuko yavuze ko nyakwigendera Niyigena François yakubiswe n'igitero cyari kigizwe n'abantu benshi barimo Alphonse, ariko ko Urukiko rwirengagije ko ba Alphonse ari benshi cyane, bigaragara ko atamushinje, kuko atavuze ko icyo gitero cyari kirimo Sikubwabo Alphonse. [10] Uhagarariye Ubushinjacyaha avuga ko Sikubwabo Alphonse yakoze icyaha aregwa, kubera ko agishinjwa n'abatangabuhamya benshi barimo Nshimiyimana Phineas, baregwa hamwe, wamushinje ko ariwe waranze aho nyakwigendera yanyweraga inzoga, bajya kumukubita bimuviramo gupfa, ko kandi icyo gihe umugore wa nyakwigendera yari yatashye. [11] Avuga kandi ko Twahirwa Josué alias Daniel ashinja Sikubwabo Alphonse ko ari mu bakubise nyakwigendera nk'uko byanashimangiwe na raporo y'Ubuyobozi bw'Inzego z'Ibanze ivuga ko nyakwigendera Niyigena François yakubiswe n'abantu barimo Sikubwabo Alphonse. [12] Mu gusoza, avuga ko hashingiwe ku ngingo ya 2 (b) na (d) y'Itegeko n° 059/2023 ryo ku wa 04/12/2023 rihindura Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganywa ibyaha n'ibihano muri rusange, Sikubwabo Alphonse yahanishwa igifungo cy'imyaka 10 n'ihazabu ya 2.000.000 Frw.

#### UKO URUKIKO RUBIBONA

- [13] Ingingo ya 11 y'Itegeko n° 059/2023 ryo ku wa 04/12/2023 rihindura Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganywa ibyaha n'ibihano muri rusange iteganywa ko ingingo ya 121 y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganywa ibyaha n'ibihano muri rusange ihinduwe ku buryo bukurikira: "(6) Iyo gukubita cyangwa gukomeretsa byateye urupfu, igihano kiba igifungo kitari muni y'imyaka 10 ariko kitarenze imyaka 20 n'ihazabu itari muni ya 3.000.000 Frw ariko itarenze 5.000.000 Frw."

- [14] Ingingo ya 87 y'Itegeko n° 062/2024 ryo ku wa 20/06/2024 rigenga ibimenyetso, iteganya ko “mu rubanza nshinjabyaha, ikimenyetso gishingira ku mpamvu zose z'ibyabaye n'ibyemejwe n'amategeko, ababuranyi bapfa kuba barahawe umwanya wo kubijyaho impaka”.

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- [15] Mu Bugenzacyaha, Nshimiyimana Phineas ashinja Sikubwabo Alphonse ko ariwe warangiye igitero cyo Kurucyeri aho nyakwigendera Niyigena François yanyweraga kanyanga bari babambuye, akanashinjwa na Twahirwa Josué alias Daniel wavuze ko nyakwigendera yakubiswe n'igitero cy'abantu 7 barimo Muvunyi, Alphonse n'undi muhungu upfuye ijisho w'inzobe n'abandi atazi amazina yabo, bikanashimangirwa na raporo y'Akagari ka Muyunzwe yo ku wa 23/06/2020, ivuga ko abaregwa bose barimo na Sikubwabo Alphonse bakubise nyakwigendera Niyigena bimuviramo gupfa.
- [16] Urukiko rw'Ubujurire rurasanga ibimenyetso bimaze kuvugwa mu gika kibanziriza iki bigaragaza nta shiti ko Sikubwabo Alphonse ari mu bakubise Niyigena François bikamuviramo gupfa nk'uko byemejwe n'Urukiko Rukuru.
- [17] Urukiko rw'Ubujurire rurasanga ibivugwa na Sikubwabo Alphonse ko atakubise nyakwigendera kubera ko yari yatahanye n'umugore we witwa Seraphine nk'uko uyu yabyemeje mu ibaruwa ye yo ku wa 11/11/2022 nta shingiro bifite, kuko ubwo Sikubwabo Alphonse yabazwaga mu Nzego z'iperereza atigeze avuga ko yatahanye n'umugore wa nyakwigendera, bigaragara ahubwo ko ari ikimenyetso cyashatswe nyuma hagamijwe kumushinjura gusa.
- [18] Ku bijyanye n'ibihano Sikubwabo Alphonse agomba guhanishwa, Urukiko rw'Ubujurire rurasanga, kuba ari ubwa mbere Sikubwabo Alphonse akoze icyaha, bikwiye kumubera impamvu nyoroshyacyaha ituma yongera kugabanyirizwa ibihano, agahanishwa igifungo cy'imyaka 10 n'ihazabu ya 3.000.000 Frw, aho kuba igifungo cy'imyaka 16 n'ihazabu ya 5.000.000 Frw yari yahawe mbere.

## 2. Kuri Muvunyi Pascal

- [19] Muvunyi Pascal n'umwunganira bavuga ko Urukiko Rukuru rwamuhamije icyaha cyo gukubita no gukomeretsa byateye urupfu nta bimenyetso, basaba ko yagirwa umwere. Basobanura ko atigeze akubita nyakwigendera Niyigena François kuko umunsi akubitwa bikamuviramo gupfa, Muvunyi Pascal atigeze agera ku kabari, bivuze ko atigeze asangira inzoga na nyakwigendera. [20] Bavuga kandi ko atakoze icyaha kuko nta mutangabuhamya n'umwe wigeze abona Muvunyi Pascal akubita nyakwigendera Niyigena François, kuko atigeze abonana uwo munsi na Bakundukize Antoine umushinja, bityo ko raporo y'Ubuyobozi bw'Inzego z'Ibanze ivuga ko ari mu bakubise nyakwigendera itahabwa agaciro, kuko yakozwe nyuma y'iminsi 2 icyaha kibaye, ndetse ko ntawigeze ababona bafite imihoro n'imipanga ngo yicecekere. [21] Uhagarariye Ubushinjacyaha avuga ko Muvunyi Pascal yakoze icyaha aregwa, kubera ko agashinjwa na Bakundukize Antoine wiboneye abaregwa barimo Muvunyi Pascal, Maniragaba Joseph na Nshimiyimana Phineas bazamuka bafite

ibihiri bari kumwe n'abandi bafite ibibando, bazamukiye iwe bagana aho nyakwigendera yakubitiwe kandi ko yabajije aho bagiye Muvunyi Pascal akamusubiza ngo nabyihorere bafite aho bagiye. Avuga kandi ko Musabyimana Jean nawe

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yavuze ko nyakwigendera yakubiswe n'abantu benshi barimo Muvunyi Pascal na Nshimiyimana Phineas kuko aribo bari imbere. [22] Mu gusozza, avuga ko hashingiwe ku ngingo ya 2 (b) na (d) y'Itegeko n° 059/2023 ryo ku wa 04/12/2023 ryavuzwe haruguru, Muvunyi Pascal yahanishwa igifungo cy'imyaka 10 n'ihazabu ya 2.000.000 Frw.

### UKO URUKIKO RUBIBONA

[23] Mu Bugenzacyaha, Musabyimana Jean yashinje Muvunyi Pascal kuba yari mu bantu benshi bakubise nyakwigendera Niyigena François bikamuviramo gupfa, kuko yamwiboneye n'amaso ye ari kumwe na Nshimiyimana Phineas bafite impiri nk'uko byanemejwe na Twahirwa Josue alias Daniel nawe washinje Muvunyi Alphonse kuba yari mu gitero cy'abantu 7 bakubise Niyigena François bikamuviramo gupfa ari kumwe na Alphonse n'undi musore w'inzobe upfuye ijisho n'abandi atazi. Raporo y'Akagari ka Muyunzwe yavuzwe haruguru igaragaza na none ko Muvunyi Pascal yari mu gitero cyakubise nyakwigendera bikamuviramo gupfa, kuko muri icyo raporo, uwitwaga Bakundukize Antoine w'imyaka 74 yemeje ko yahuye na Muvunyi Pascal amubajije aho bagiye aramusubiza ngo n'abihorere bafite aho bagiye, icyo mvugo ikaba yumvikanisha ko yari mu gitero cyakubise kikanica Niyigena François. [24] Urukiko rw'Ubujurire rurasanga ibimenyetso bimaze kuvugwa mu gika kibanziriza iki bigaragara nta shiti ko Muvunyi Pascal ari mu bakubise Niyigena François bikamuviramo gupfa nk'uko byemejwe n'Urukiko Rukuru. [25] Ku bijyanye n'ibihano Muvunyi Pascal agomba guhanishwa, Urukiko rw'Ubujurire rurasanga, kuba ari ubwa mbere Muvunyi Pascal akoze icyaha ku buryo buzwi, bikwiye kumubera impamvu nyoroshyacyaha ituma yongerera kugabanyirizwa ibihano, agahanishwa igifungo cy'imyaka 10 n'ihazabu ya 3.000.000 Frw, aho kuba igifungo cy'imyaka 16 n'ihazabu ya 5.000.000 Frw yari yahawe mbere.

### 3. Kuri Maniragaba Joseph

[26] Maniragaba Joseph n'umwunganira bavuye ko Urukiko Rukuru rwamuhamije icyaha cyo gukubita no gukomeretsa byateye urupfu nta bimenyetso, basaba ko yagirwa umwere. Basobanura ko Maniragaba Joseph yabonye na nyakwigendera saa tanu za kumanywa, ariko ko batongeye kubonana, kandi ko nta mutangabuhamya n'umwe cyangwa Bakundukize Antoine na Nsabimana Jean Marie Vianney, Umuyobozi w'Umudugudu, bigeze bamubona akubita nyakwigendera. [27] Bavuye kandi ko Ubushinjacyaha butigeze bugaragaza ubufatanyacyaha na bagenzi be uko ari 6 ngo bugaragaze aho bacuriye umugambi wo gukubita nyakwigendera bakamwica, kuko nyakwigendera yakubitiwe mu rutoki, ariko Ubushinjacyaha bwo buvuye ko yakubitiwe ku kabari bunirengagiza gutumira nyiri kabari kandi ariwe wagombaga kugaragaza aho

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nyakwigendera yakubitiwe. Mu gusoza, basaba ko raporo y'Ubuyobozi bw'Inzego z'Ibanze itahabwa agaciro kuko itagaragaza uruhare rwe mu ikorwa ry'icyaha aregwa. [28] Uhagarariye Ubushinjacyaha avuga ko Maniragaba Joseph yakoze icyaha aregwa, kubera ko agishinjwa na Nsabimana Jean Marie Vianney, Umuyobozi w'Umudugudu, wavuze ibyo yiboneye n'amaso ye kandi ko abihurizaho n'abandi batangabuhamya barimo Bakundukize Antoine wabiboneye saa moya z'ijoro berekeje aho nyakwigendera yakubitiwe kugeza apfuye, ndetse na Twahirwa Josué alias Daniel wemeje ko icyo gitero cyari kirimo umuhungu upfuye ijisho w'inzobe witwa Kajisho, ndetse anashinjwa na Munyeshyaka Léonard. [29] Mu gusoza, avuga ko Maniragaba Joseph yahanishwa igifungo cy'imyaka 10 n'ihazabu ya 2.000.000 Frw hashingiwe ku ngingo ya 2, (b) na (d) y'Itegeko n° 059/2023 ryo ku wa 04/12/2023 ryavuzwe haruguru.

## UKO URUKIKO RUBIBONA

[30] Mu Bugenzacyaha, Nsabimana Jean Marie Vianney, Umuyobozi w'Umudugudu wa Nyarutovu, yashinje Maniragaba Joseph kuba ari mu bakubise Niyigena François impiri n'ibibando bikamuviramo gupfa ari kumwe na Nshimiyimana Phineas wari ubayoboye bose uko ari 6, nk'uko byanashimangiwe muri raporo y'Akagari ka Muyunzwe yavuzwe haruguru igaragaza ko Maniragaba Joseph ari mu bakubise Niyigena François bikamuviramo gupfa. [31] Urukiko rw'Ubujurire rurasanga ibimenyetso bimaze kuvugwa mu gika kibanziriza iki bigaragaza nta shiti ko Maniragaba Joseph ari mu bakubise Niyigena François bikamuviramo gupfa nk'uko byemejwe n'Urukiko Rukuru. [32] Ku bijyanye n'ibihano Maniragaba Joseph agomba guhanishwa, Urukiko rw'Ubujurire rurasanga, kuba ari ubwa mbere Maniragaba Joseph akoze icyaha ku buryo buzwi, bikwiye kumubera impamvu nyoroshyacyaha ituma yongera kugabanyirizwa ibihano, agahanishwa igifungo cy'imyaka 10 n'ihazabu ya 3.000.000 Frw, aho kuba igifungo cy'imyaka 16 n'ihazabu ya 5.000.000 Frw yari yahawe mbere.

## 4. Kuri Nshimiyimana Phineas

[33] Nshimiyimana Phineas n'umwunganira bavuga ko Urukiko Rukuru rwamuhamije icyaha cyo gukubita no gukomeretsa byateye urupfu nta bimenyetso, basaba ko yagirwa umwere kubera gushidikanya nk'uko bitagenywa n'ingingo ya 111 y'Itegeko N° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha, iteganya ko ishidikanya rirengera ushinjwa. [34] Basobanura ko Nshimiyimana Phineas yageze muri ako ga Centre, ariko ko icyaha cyasigaye gikorwa yatashye, kuko Niyonzima Alexis na Uwizeyimana Alexis babajijwe, bemeje ko batahanye saa kumi za nimugoroba, bivuze ko abatangabuhamya bamubonye muri ako ga Centre, ariko ko batigeze bamubona akubita nyakwigendera Niyigena François.

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[35] Bavuga kandi ko imvugo z'abatangabuhamya zitahabwa agaciro kuko bavuguruzanya, kubera ko Nsabimana Jean Marie Vianney, Umuyobozi w'Umudugudu, yemeje ko yabonye Nshimiyimana Phineas na Muvunyi Pascal, naho John avuga ko yabonye Nshimiyimana Phineas na Maniragaba Joseph. Bongeyeho ko abatangabuhamya bemeje ko babibwiwe n'abandi. Basobanura ko Nsabimana Jean Marie Vianney na nyiri kabari babonye igitero kije basimbuka igipangu, ariko ko batabaje Ubuyobozi bukeye bwaho. [36] Uhagarariye Ubushinjacyaha avuga ko Nshimiyimana Phineas yakoze icyaha aregwa, kubera ko agishinjwa na Munyeshyaka Léonard wemeje ko yamwiboneye n'amaso ye kandi ko anagishinjwa na Musabyimana Jean, ndetse na Nsabimana Jean Marie Vianney, Umuyobozi w'Umudugudu, wiboneye Nshimiyimana Phineas ari mu bakubise nyakwigendera kugeza apfuye. [37] Mu gusoza, asaba ko Nshimiyimana Phineas yahanishwa igifungo cy'imyaka 10 n'ihazabu ya 2.000.000 Frw hashingiwe ku ngingo ya 2 (b) na (d) y'Itegeko n° 059/2023 ryo ku wa 04/12/2023 ryavuzwe haruguru.

## UKO URUKIKO RUBIBONA

[38] Mu Bugenzacyaha, Nshimiyimana Phineas yashinjwe na bagenzi be Sikubwabo Alphonse, Muvunyi Pascal, Maniragaba Joseph na Uwizeyimana Jean Marie Vianney ko bumvise bavuga ko Nshimiyimana Phineas yakubise Niyigena François bikamuviramo gupfa, anashinjwa na Niyonzima Alexis wavuze ko ubwo yatahanaga na Nshimiyimana Phineas yamwibwiriye ko yakubise umuntu ariko ko atazi niba yagize ikibazo, ndetse na Nshimiyimana Phineas yemeye ko yatahanye na Niyonzima Alexis. [39] Musabyimana Jean yashinje Nshimiyimana Phineas kuba yaramwiboneye n'amaso ye ari kumwe na Muvunyi Pascal bafite impiri nk'uko byanashingiwe na Nsabimana Jean Marie Vianney, Umuyobozi w'Umudugudu, wemeje ko nyakwigendera Niyigena François yakubiswe na Nshimiyimana Phineas, Maniragaba Joseph n'abandi atazi amazina, kuko bose bari 6 nk'uko byanemejwe na Munyeshyaka Léonard wavuze ko Nshimiyimana Phineas yari mu basore bakubise Niyigena François bikamuviramo gupfa. Hari kandi raporo y'Akagari ka Muyunzwe yavuzwe haruguru igaragaza ko Nshimiyimana Phineas ari mu bakubise Niyigena François bikamuviramo gupfa afatanyije na Sikubwabo Alphonse, Muvunyi Pascal na Maniragaba Joseph. [40] Urukiko rw'Ubujurire rurasanga ibimenyetso bimaze kuvugwa mu gika kibanziriza iki bigaragara nta shiti ko Nshimiyimana Phineas ari mu bakubise Niyigena François bikamuviramo gupfa nk'uko byemejwe n'Urukiko Rukuru. [41] Ku bijyanye n'ibihano Nshimiyimana Phineas agomba guhanishwa, Urukiko rw'Ubujurire rurasanga, kuba ari ubwa mbere Nshimiyimana Phineas akoze icyaha ku buryo buzwi, bikwiye kumubera impamvu nyoroshyacyaha ituma yongerera kugabanyirizwa ibihano, agahanishwa igifungo cy'imyaka 10 n'ihazabu ya 3.000.000 Frw, aho kuba igifungo cy'imyaka 16 n'ihazabu ya 5.000.000 Frw yari yahawe mbere.

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[42] Hashingiwe ku bisobanuro byavuzwe haruguru, Urukiko rw'Ubujurire rurasanga imikirize y'urubanza rwajuririwe muri uru Rukiko ikwiye guhinduka ku birebana n'ibihano abaregwa bahanishijwe.

## III. ICYEMEZO CY'URUKIKO

[43] Rwemeje ko ubujurire bwa Sikubwabo Alphonse, Muvunyi Pascal, Maniragaba Joseph na Nshimiyimana Phineas nta shingiro bufite; [44] Rwemeje ko imikirize y'urubanza n° RPA 00358/2021/HC/NYZ rwaciwe n'Urukiko Rukuru, Urugereko rwa Nyanza, ku wa 06/01/2023, ihinduka gusa ku birebana n'ibihano abaregwa bahanishijwe; [45] Ruhanishije Sikubwabo Alphonse, Muvunyi Pascal, Maniragaba Joseph na Nshimiyimana Phineas igifungo cy'imyaka icumi (10) n'ihazabu ya miliyoni eshatu (3.000.000 Frw) kuri buri wese.

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