

RWANDA / JUDGMENT

UBUSHINJACYAHA v MAJYAMBERE

RPA/ECON 00175/2024/HC/KIG

COURT

High Court

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24 October 2025

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UBUSHINJACYAHA v MAJYAMBERE

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Text

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UBUSHINJACYAHA v MAJYAMBERE [Rwanda URUKIKO RUKURU - RPA/ECON 00175/2024/HC/KIG (Uwamariya, P.J) 24 Ukwakira 2025] Amategeko agenga ibimenyetso – Ubuhamya – Ubuhamya butangwa mu buryo bwose, urebwa n'ikibazo ahari cyangwa adahari, ubutanga agaragara cyangwa atagaragara, kandi umuntu wese ashobora gutanga ubuhamya niyo yaba ari umutangabuhamya umwe si ikibazo, ikibazo ni ukumenya niba ibyo ahamya ari iby'ukuri. Incamake y'ikibazo: Uru rubanza rwaciwe n'Urukiko Rukuru haburanishwa ubujurire bw'urubanza RP/ECON 00018/2023/TGI/NYGE, rwaciwe ku wa 24/10/2024 n'Urukiko Rwisumbuye rwa Nyarugenge, uregwa akaba yarakurikiranywe nyuma yuko ajyanye imodoka muri controle technique aho yari iri gukorera i Gikondo, afatwa bitewe n'uko hari umupolisi wavuze ko yamuhaye amafaranga ya ruswa kugira ngo imodoka ye ihabwe icyangombwa ubwo yari imaze kuregwa gusohora umwotsi. Ku rwego rwa mbere yahamijwe icyaha cyo gutanga indonke, rumuhanisha igifungo cy'imyaka ibiri n'amezi atandatu (2 years and 6 months) no gutanga ihazabu ingana na 25.000frw. Uregwa yajuririye Urukiko Rukuru avuga ko urukiko ku rwego rwa mbere rwamuhamije icyaha atakoze kuko rwirengagije ko ibigize icyaha bituzuye, kuba urukiko rwaramuhamije icyaha rushingiye ku mvugo imwe y'umupolisi uvuga ko yamuhaye ruswa kandi

aho bavuga ibyo byabereye hari abantu benshi, no kuba urukiko rwaramuhamije icyaha rushingiye ku nyandiko mvugo y'ifatira atigeze ashyiraho umukono. Mu bibazo byasuzumwe harimo ibijyanye no Kumenya niba imvugo y'uwahawe ruswa n'inyandiko mvugo y'ifatira itarasinyweho n'ushinjwa, bitari gushingirwaho ngo Majyambere(uregwa) ahamwe n'icyaha. Urukiko rwasanze kuba urukiko ku rwego rwa mbere rwarashingiye ku buhamya bwa Kwizera wahawe ruswa ngo areke gukora ibiri mu nshingano ze, bitagaragaza ko Majyambere yarenganyijwe kuko kuba ari umutangabuhamya umwe si ikibazo, ikibazo ni ukumenya niba ibyo ahamya ari iby'ukuri rwanasanze kandi kuba atarasinye ku nyandiko mvugo ry'amafaranga ibihumbi makumyabiri (20.000 frw) ataribyo biyitesha agaciro. Incamake y'icyemezo: Ubuhamya butangwa mu buryo bwose, urebwa n'ikibazo ahari cyangwa adahari, ubutanga agaragara cyangwa atagaragara, kandi umuntu wese ashobora gutanga ubuhamya niyo yaba ari umutangabuhamya umwe si ikibazo, ikibazo ni ukumenya niba ibyo ahamya ari iby'ukuri. Ubujurire nta shingiro bufite. Amategeko yashingiweho: Itegeko N° 062/2024 ryo ku wa 20/06/2024 rigenga ibimenyetso, Ingingo ya 50, 51 n'ya 53. Ingingo ya 2, 3(1), 3 (2),(c) y'Itegeko N° 059 ryo ku wa 04/12/2023 rihindura itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange. Itegeko N° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha, ingingo ya 48 n'ya 107.

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Itegeko N°54/2018 ryo kuwa 13/08/2018 ryerekeye kurwanya ruswa, ingingo ya 4. Imanza zifashishijwe: Ubushinjacyaha vs Uwimanimpaye, RPA 00009/2023/CA, rwaciwe n'Urukiko Rw'Ubujurire ku wa 29/04/2024.

Urubanza I. IMITERERE Y'URUBANZA [1] Ku itariki 25/01/2023 uwitwa Majyambere Jean d'Amour yajyanye imodoka yo mu bwoko bwa Toyota Carina ifite Plaque RAA 3331J muri controle technique aho yari iri gukorera i Gikondo hakoreshejwe Mobile Test LANE, akaba yarafashwe ashyikirizwa Ubugenzacyaha bitewe n'uko hari umupolisi wavuze ko yamuhaye amafaranga ya ruswa kugira ngo imodoka ye ihabwe icyangombwa ubwo yari imaze kuregwa gusohora umwotsi. [2] Ubugenzacyaha bumaze kumukorera dosiye bwayishyikirije ubushinjacyaha nabwo bumuregera Urukiko Rwisumbye rwa Nyarugenge buvuga ko ubwo iyi modoka ye yari imaze kuregwa gusohora umwotsi, yasabye umupolisi witwa Cpl Kwizera Dieume, ko yamufasha imodoka ye igahabwa icyangombwa, undi aramwemerera ajya kuzana amafaranga 20.000 bahita bamufata. [3] Majyambere Jean d'Amour yaburanye ahakana icyaha ashinjwa, ariko mu rubanza rwaciwe ku wa 24/10/2024, Urukiko rwemeje ko ahamwe n'icyaha cyo gutanga indonke, rumuhanisha igifungo cy'imyaka ibiri n'amezi atandatu (2 years and 6 months) no gutanga ihazabu ingana na 25.000frw, ihazabu amafaranga 20.000frw yatanzeho indonke, akaba agomba gushyirwa mu isanduku ya Leta urubanza rukimara kuba ndakuka, rumutegeka gutanga amagarama y'urubanza angana na 20.000frw. [4] Majyambere Jean d'Amour ntiyishimiye imikuriza y'urubanza arujurira mu Rukiko Rukuru ubujurire bwandikwa kuri No RPA/ECON 00175/2024/HC/KIG. Urubanza rwaburanishijwe ku wa 18/06/2025 no ku wa 19 Nzeri 2025 Majyambere Jean d'Amour yitabye yunganirwa na Me Mbarushimana Dimitrie. [5] Majyambere Jean d'Amour avuga ko yajuriye kuko urukiko ku rwego rwa mbere rwamuhamije icyaha atakoze

kuko rwirengagije ko ibigize icyaha bituzuye, kuba urukiko rwaramuhamije icyaha rushingiye ku mvugo imwe y'umupolisi uvuga ko yamuhaye ruswa kandi aho bavuga ibyo byabereye hari abantu benshi, no kuba urukiko rwaramuhamije icyaha rushingiye ku nyandiko mvugo y'ifatira atigeze ashiraho umukono, akaba asaba urukiko kumurenganura. [6] Ubushinjacyaha buvuga ko ubujurire bwa Majyambere butagomba guhabwa ishingiro kuko atabasha kuvuguruza ibimenyetso bwatanze byanashingiweho n'urukiko mu kumuhamya icyaha.

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[7] Icyo urukiko rugomba gusuzuma muri uru rubanza, ni :

- a) kumenya niba imvugo y'uwahawe ruswa n'inyandiko mvugo y'ifatira itarasinyweho n'ushinjwa, bitari gushingirwaho ngo Majyambere Jean d'Amour ahamwe n'icyaha.
- b) Kumenya niba Majyambere Jean d'Amour yagabanyirizwa ibihano akanasubikirwa. II. ISESENGURA RY'IBIBAZO BIGIZE URUBANZA
 - a. Kumenya niba imvugo y'uwahawe ruswa n'inyandiko mvugo y'ifatira itarasinyweho n'ushinjwa, bitari gushingirwaho ngo Majyambere Jean d'Amour ahamwe n'icyaha. [8] Majyambere Jean d'Amour yunganiwe na Me Mbarushimana Dimitri avuga ko yajuriye kuko Urukiko Rwisumbuye mu kumuhamya icyaha rwashingiye ku mvugo za CPL Kwizera Dieme gusa nk'ikimenyetso ndetse n'inyandiko mvugo y'ifatira itarashyizweho umukono na we, kuba Urukiko Rwisumbuye rwa Nyarugenge rwarirengagije imyiregurire ya Majyambere Jean d'Amour, kuba Urukiko Rwisumbuye rwarirengagije ko ibigize icyaha bituzuye hagamijwe gutanga ubutabera bwuzuye. [9] Ku kuba Urukiko Rwisumbuye rwarashingiye ku mvugo za CPL Kwizera Dieme gusa nk'ikimenyetso ndetse n'Inyandiko mvugo y'ifatira itarashyizweho umukono, asobanura ko mu rubanza rujuririrwa ku rupapuro rwa 5 mu bika bya 13 na 14, urukiko ruvuga ko ibimenyetso rushingiraho rwemeza ko icyaha Majyambere Jean d'Amour akurikiranyweho yagikoze, ari imvugo z'urega ariwe Kwizera Dieme ndetse n'Inyandiko y'Ifatira (PV de Saisie), ariko mu by'ukuri akaba asanga izi mpamvu ubwazo zitari zihagije kugirango Urukiko rwemeze ko Majyambere Jean d'Amour yari akwiye guhamwa n'icyaha akekwa na cyane ibikorwa bivugwa byabaye, byabereye mu kibuga cyarimo abantu benshi ndetse n'aba police, bityo bikaba bitumvikana ukuntu nta n'undi muntu wabibonye cyangwa se ngo abyumve, bikaba bivugwa ko hari na cameras zitandukanye ku buryo byari byoroshye kugirango bigaragare ko hari ibyabaye muri icyo gihe. [10] Avuga ko ikindi gitera ugushidikanya ari inyandiko y'ifatira Majyambere Jean d'Amour atashyizeho umukono, ariko urukiko rukaba rwarayishingiyeho mu kumuhamya icyaha, we akaba abona ko ari ukumugerekaho icyo atakoze, n'ayo mafaranga ubushinjacyaha bukaba butarigeze buyagaragaza usibye kuyandika kuri iyo nyandiko gusa, agasanga bihabanye cyane n'ibiteganywa n'amategeko nshinyabyaha kuko bibujijwe guca urubanza ku buryo bugenekereje. [11] Avuga ko kandi muri Dossier hatagaragaramo PV DE CONSTAT yakozwe n'Urwego rwa Police rushinzwe kurwanya Ruswa byibuze ngo nayo yifashishwe usibye kuba babivuga mu magambo gusa. Avuga ko ibi biteganywa mu ngingo ya 29 (2) y'Itegeko Nshinga rya Repubilika y'u Rwanda ryo mu 2003 ryavugururwe mu 2015,

iteganya ko “Buri muntu wese afite uburenganzira ku butabera buboneye, burimo uburenganzira bwo gufatwa nk’umwera kugeza igihe urukiko rubifitiye ububasha rumuhamije icyaha”. [12] Avuga ko yahamijwe icyaha cyo gutanga indonke nyamara ataragikoze, n’ibimenyetso byashingiweho bikaba bitera urujijo, ibyo bikaba bigomba gukosorwa n’Urukiko Rukuru.

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- [13] Ku kuba Urukiko rwisumbuye rwa Nyarugenge rwarirengagije imyiregurire ya Majyambere Jean d’Amour, asobanura ko yatanze ibisobanuro, aho yagaragaje akarengane yagiriwe no kuba yarashyizweho ibyaha atakoze, ahubwo ruhitemo kumva no gushingira ku mvugo z’ubushinjacyaha gusa nyamara ababuranyi bose bakwiye kureshya imbere y’amategeko, bityo, akaba asaba ko ibi Urukiko Rukuru rwazabisuzuma ndetse rugaha agaciro imyiregurire ye, igashingirwaho akagirwa umwera. [14] Mu iperereza ry’inyongera ubushinjacyaha bwakoze bukabaza abitwa Mugemana Patrick na Ntwari Emmanuel, Majyambere avuga ko n’ubundi ari akagambane yakorewe yakomeje kuvuga, kuko aho hantu hari abantu benshi barimo n’abasivile, akibaza impamvu ubushinjacyaha bwabajijwe abapolisi gusa kandi ari na bo bamurega. Avuga ko uwitwa Ntwari we ibyo ahamya avuga ko yabibwiwe na Kwizera Dieme uyu akaba ari we bagaragaje ko yagiranye ikibazo na Majyambere, naho ku nyandiko y’ifatira akaba ari nta wamenya niba Kwizera Dieme atarayasubiranye, bityo nkuko bakomeje kubivuga ibimenyetso by’ubushinjacyaha bikaba bishidikanywaho, bityo akaba yagirwa umwera, ariko urukiko rwabibona ukundi rukaba rwamugabanyiriza ibihano rukanamusubikira. [15] Ubushinjacyaha buvuga ko busanga ntacyo uwajuriye anenga ibyashingiweho n’Urukiko Rwisumbuye rwa Nyarugenge mu kumuhamya icyaha, uko rwabisobanuye bukaba busanga Majyambere Jean d’Amour atabasha gutanga ibimenyetso bimushinjura cyangwa bivuguruzwa ibyatanzwe byashingiweho n’Urukiko mu kumuhamya icyaha. [16] Ku birebana na PV DE CONSTAT ndetse n’amashusho yaba yarafashwe na CAMERA, Ubushinjacyaha buvuga ko busanga ibyo atarabiburanishije ku rwego rwa mbere ngo bigirweho impaka n’ababuranyi, bityo bikaba bitafatwa nk’inenge cyangwa ikosa muri uru rubanza rwajuririwe. Buvuga ko kandi binyuranije n’ingingo ya 183, agace ka 60 y’Itegeko N° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y’imanza z’inshinjabyaha nkuko ryahinduwe kugeza. [17] Buvuga ko kandi iki kibazo cyo kumenya uko bigenda mu gihe umuburanyi ajuririye impamvu itaraburanyweho mu rubanza rujuririrwa, cyatanzweho umurongo n’Urukiko rw’Ubujurire mu manza zitandukanye harimo n’urubanza RPAA 00522/2023/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 31/01/2025 haburana Ubushinjacyaha na Mupenzi Jean Bosco n’undi (igika cya 21,45) aho rwasobanuye ko ibiburanwa mu rwego rw’ubujurire biba bigomba kuba byari byaburanweho mu rukiko rubanza, ko impamvu itaraburanyweho mu rubanza rujuririrwa itasuzumwa ku rwego rw’ubujurire kuko itafatwa nk’inenge iri mu rubanza cyangwa ikosa ryakozwe n’Urukiko rubanza ku buryo byashingirwaho biba impamvu y’ubujurire”. [18] Ku kuba Urukiko rwisumbuye rwa Nyarugenge rwarirengagije imyiregurire ya Majyambere Jean d’Amour, ubushinjacyaha buvuga ko ibyo avuga nta shingiro bifite kuko mu rubanza RP/ECON

00018/2023/TGI/NYGE rwajuririwe, Urukiko rwisumbuye rwemeje ko imyiregurire ye nta shingiro ifite nyuma yo kuyigaragaza mu rubanza. [19] Ubushinjacyaha buvuga ko nubwo Majyambere avuga ko habajijwe gusa Kwizera Dieme imvugo ze akaba ari zo zishingirwaho, ariko rwakoze iperereza bubaza Ntwari Emmanuel na Mugemana Patrick bari bahari igihe yatanga iyo ruswa, bakaba bamushinja kuba yarayitanze.

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UKO URUKIKO RUBIBONA. [20] Impaka kuri iki kibazo zishingiye ku kumenya niba ubuhamya bw'uwakorewe icyaha butashingirwaho mu guhamya icyaha ugukurikiranweho, no kumenya niba inyandikomvugo y'ifatira idasinyweho n'ushinjwa itashingirwaho mu kumuhamya icyaha. [21] Ingingo ya 50 y'Itegeko n° 062/2024 ryo ku wa 20/06/2024 rigenga ibimenyetso iteganya ko Ubuhamya butangwa umutangabuhama ubwe ari imbere y'urwego rufite ububasha cyangwa atari imbere yarwo, hakoreshejwe uburyo bumugaragaza cyangwa butamugaragariza abatatabwa n'urubanza cyangwa ikibazo gisuzumwa. Ubuhamya butangwa(a) mu magambo; (b) mu nyandiko; (c) mu bimenyetso; (d) cyangwa mu mashusho, mu majwi yafashwe cyangwa mu bundi buryo koranabuhanga. Iya 51 (1) yo igateganya ko umuntu wese ashobora gutanga ubuhamya imbere y'urwego rufite ububasha, keretse umuntu ufatwa nk'udashobora kuba umutangabuhama. Iya 53 iteganya ko Urwego rufite ububasha rusuzuma ukwemerwa cyangwa ukutemerwa n'agaciro by'ikimenyetso gishingiye ku buhamya. Ntirwita ku mubare w'abatangabuhama, ahubwo rwita cyane ku bumenyi bw'ibyabaye no ku budakemwa bw'ubuhamya batanga. Naho iya 48 y'Itegeko N° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha igateganya ko Umuntu wese wagize uruhare mu ikorwa ry'icyaha cyangwa uwakorewe icyaha ashobora kumvwa nk'umutangabuhama. [22] Izi ngingo zumvikanisha ko ubuhamya butangwa mu buryo bwose, urebwa n'ikibazo ahari cyangwa adahari, ubutanga agaragara cyangwa atagaragara, kandi ko umuntu wese ashobora gutanga ubuhamya uretse ufatwa nk'udashobora kuba umutangabuhama. Kandi ntirwita ku mubare w'abatangabuhama, ahubwo rwita cyane ku bumenyi bw'ibyabaye no ku budakemwa bw'ubuhamya batanga. [23] Urukiko rurasanga kuba muri urukiko ku rwego rwa mbere rwashingiye ku buhamya bwa Kwizera Dieme wahawe ruswa ngo areke gukora ibiri mu nshingano ze, hashigiwe kuri izi ngingo zimaze kuvugwa ntibigaragaza ko Majyambere yarenganyijwe kuko kuba ari umutangabuhama umwe si ikibazo, ikibazo ni ukumenya niba ibyo ahamya ari iby'ukuri. [24] Ku kuba Kwizera Dieme yarahamije ko Majyambere yamuhaye ruswa y'amafaranga ibihumbi makumyabiri kugira ngo abone icyangombwa (controle technique), urukiko rurasanga ari iby'ukuri, kuko Kwizera mu mvugo ze agaragaza ko yabanje gushaka kuyaha Ntwari Emmanuel amusaba numero ya telefone ngo ayashyireho arazimwima. Uyu CPL Ntwari yaje kubazwa n'ubushinjacyaha na we yemeza ko Majyambere imodoka ye bamaze kuyirega ko ishora umwotsi mwinshi wangiza ikirere yamwegerereye ngo amufashe amusaba numero za telefone ngo arebe ko yamufasha akamuhesha icyangombwa ariko arazimwima, mu gihe yari agiye kubibwira ubakuriye IP Mugemana Patric, Majyambere aca inyuma ajya kubisaba Kwizera Dieme amwemerera ko yayazana. Ntwari kandi mu ibazwa rye yemeza ko yabonye Majyambere aha Dieme iyi ruswa. [25] Urukiko rurasanga na none IP Mugemana Patrick wari

ukuriye abapolisi bari muri icyo gikorwa cya controle technique wanasinye ku nyandiko mvugo y'ifatira yarabajijwe na we yemeza ko ari CPL Ntwari Emmanuel, ari na Kwizera Dieme bose bamumenyesheje icyo kibazo cya ruswa mbere yuko itangwa, kandi ko Majyambere ayatanga barebaga.

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[26] Urukiko rero rurasanga ibyo Majyambere avuga ko kuba harabajijwe umutangabuhamya umwe nta shingiro bifite, kuvuga ko habajijwe abapolisi gusa kandi hari n'abasivile na byo bikaba bidafite ishingiro kuko nkuko byasobanuwe haruguru ntibari mu babujijwe kuba batanga ubuhamya. [27] Ibyo avuga ko ari akagambane bamukoreye kuko yavuganye n'umupolisi muto amwaka ruswa ya 100.000 frw yavugana n'umukuru bakagira ngo ashaka kubatanga, bigatuma bamujyana mu biro bakamukubita bakanamusinyisha impapuro atari azi aho zivuye, urukiko rurasanga ibyo avuga ari nta shingiro bifite kuko atabitangira ibimenyetso, ibyo avuga bikaba bitabasha kuvuguruza imvugo z'abamushinja. [28] Kuvuga ko urukiko ku rwego rwa mbere rwirengegije imyiregurire ye, urukiko rurasanga ari nta shingiro bigomba guhabwa, kuko nkuko biteganywa n'ingingo ya 107 y'Itegeko N° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha, iyo icyaha cyabonewe ibimenyetso bikigaragaza, ugukurikiranyweho cyangwa umwunganira ashobora kwerekana impamvu zose yireguza, zerekana ko ikirego kitakwemerwa, zihamya ko icyo aregwa atari icyaha cyangwa se ko ari umwere n'izindi mpamvu zose zivuguruza izimuhamya icyo cyaha. Imyiregurire ya Majyambere yagombaga gushingira ku gutanga ibimenyetso bivuguruza ibihamya icyaha. Mu rukiko rwa mbere ntiyabashije kubivuguruza, ndetse no muri ubu bujuzire urukiko rurasanga atabasha kubivuguruza, kuko kuvuga ko yagambaniwe nta kimenyetso abitangira. [29] Ibyo avuga ko atasinye ku nyandiko mvugo y'ifatira ry'amafaranga ibihumbi makumyabiri (20.000 frw) ariko urukiko rukaba rwarayishingiyeho rumuhamya icyaha, urukiko rurasanga kuba atarasinye kuri iyo nyandiko mvugo si byo biyitesha agaciro, kuko niba hari ibimenyetso bigaragaza ko iyi ruswa yayitanze atabasha kuvuguruza, kudasinya ku nyandiko mvugo y'ifatira ry'amafaranga yatanzeho ruswa ntibyambura iyo nyandiko mvugo agaciro.

b) Kumenya niba Majyambere Jean d'Amour yagabanyirizwa ibihano akanasubikirwa. [30] Uwunganira Majyambere Jean d'Amour avuga ko yagirwa umwere kuko ibigize icyaha bituzuye, ko ariko urukiko rubibonye ukundi, rwamugabanyiriza ibihano rukanamusubikira. UKO URUKIKO RUBIBONA [31] Urukiko rubona ko icyaha cyo gutanga indonke gihama Majyambere Jean d'Amour nkuko biteganywa n'ingingo ya 4 y'Itegeko N°54/2018 ryo kuwa 13/08/2018 ryerekeye kurwanya ruswa, uhamijwe gutanga indonke ahanishwa igifungo kirenze imyaka itanu (5) ariko kitarenze imyaka irindwi (7) n'ihazabu y'amafaranga y'u Rwanda yikubye inshuro kuva kuri eshatu (3) kugeza kuri eshanu (5) z'agaciro k'indonke yatse cyangwa yakiriye. Ariko ku rwego rwa mbere MAJYAMBERE Jean d'Amour yahanishijwe igifungo cy'imyaka ibiri n'amezi atandatu (2 years and 6 months) no gutanga ihazabu ingana na 25.000frw. [32] Urukiko rubona ko ibihano Majyambere Jean d'Amour yahanishijwe ari byo bito ku cyaha yakoze, hashingiwe ku biteganywa n'ingingo ya

2 y'Itegeko no 059 ryo ku wa 04/12/2023 rihindura itegeko no 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange, iteganya ko iyo umucamanza yemeje impamvu nyoroshyacyaha, ashobora kugabanya igihano ku buryo bukurikira: ... (b) igifungo kimara igihe kizwi kiva ku mezi 6 kuzamura gishobora

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kugabanywa, ariko ntikijye munsu ya kimwe cya kabiri cy'igihano gito giteganyirijwe icyaha cyakozwe, ... (d) igihano cy'ihazabu gishobora kugabanywa kugeza kuri kimwe cya kane cy'igihano cy'ihazabu gito giteganyirijwe icyaha cyakozwe. Kuba Majyambere Jean d'Amour yarahanishijwe igifungo cy'inyaka ibiri n'amezi atandatu, Urukiko rurasanga ari nta handi rwahera rwongera kubigabanya kuko yahawe ½ cy'igihano gito itegeko riteganyiriza icyaha kimuhama. [33] Ku isubikagihano, ikibazo nk'iki cyatanzweho umurongo n'Urukiko rw'Ubujurire mu rubanza N° RPA 00009/2023/CA, rwaciwe ku wa 29/04/2024 Ubushinjacyaha buburana na Uwimanimpaye Japhet (igika cya 18). Umurongo uhuriweho n'izindi manza ni uko isubikagihano ari uburyo igihano cy'igifungo cyategetswe n'umucamanza gikwiye kurangizwa. Umucamanza ashobora kuritanga no mu gihe uwahamwe n'icyaha atarisabye, ni ukuvuga aritanga mu bushishozi bwe, hitawe ku gihano yahaye uregwa, imibereho ye bwite no ku buremere bw'icyaha yakoze. [34] Ingingo ya 3(1) y'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, iteganya ko 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 iya 3 (2),(c) igateganya ko icyemezo cy'urukiko gitegeka isubika ry'igihano, gishobora gutegeka isubika ry'igihano cy'igifungo cyose cyangwa igice cyacyo, iry'ihazabu yose cyangwa igice cyayo. [35] Urukiko rurasanga nubwo Majyambere Jean d'Amour atemera icyaha, ariko kuba ari ubwa mbere akoze icyaha, n'icyaha yakoze kikaba ari nta ngaruka zikomeye cyateje kuko yahise afatirwa mu cyuho icyaha kitaragira ingaruka zikomeye, byongeye igihano ahanishijwe kikaba kiri munsu y'inyaka itanu, urukiko rurasanga iki gifungo cy'inyaka ibiri n'amezi atandatu agomba kugisubikirwa mu gihe cy'inyaka itatu, ariko iyi hazabu yo akaba agomba kuyishyura mu isanduka ya Leta. III. ICYEMEZO CY'URUKIKO [36] Rwemeje ko ubujurire bwa Majyambere Jean d'Amour budafite ishingiro; [37] Rwemeje ko Majyambere Jean d'Amour akomeza guhamwa n'icyaha cyo gutanga indonke; [38] Rwemeje ko urubanza No RP/ECON 00018/2023/TGI/NYGE rwajuririwe ruhindutse gusa ku irangizwa ry'ibihano; [39] Rutegetse ko igifungo cy'inyaka ibiri n'amezi atandatu gisubikwa mu gihe cy'inyaka itatu, ihazabu ya 25.000 frw Majyambere Jean d'Amour akaba agomba kuyishyura mu isanduku ya Leta.

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