

RWANDA / JUDGMENT

UBUSHINJACYAHA v. MANIRAFASHA

RPAA00985/2024/CA-CMB RPAA01036/2024/CA

COURT

Court of Appeal

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UBUSHINJACYAHA v. MANIRAFASHA

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Text

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UBUSHINJACYAHA v. MANIRAFASHA [Rwanda URUKIKO RW'UBUJURIRE – RPAA00985/2024/CA-CMB RPAA01036/2024/CA (Umugwaneza, J. P.) 23 Ukwakira 2025] Amategeko agenga imanza nshinjabyaha – icyaha cyo gucuruza ibiyobyabwenge – Ibimenyetso bishingirwaho – Mu kwemeza ko uregwa yakoze icyaha cyo gucuruza ibiyobyabwenge bishobora gushingira ku bimenyetso birimo ibiyobyabwenge n'amafaranga byafatiriwe no kubatangabuhamya bemeza ko uwo muntu asanzwe acuruza ibiyobyabwenge. Amategeko agenga imanza nshinjabyaha – Ukwemera icyaha – Agaciro ko kwemera icyaha – Umucamanza uburanisha urubanza mu mizi ari we ureba agaciro imvugo y'uwiyemerera icyaha murwego rw'iperereza ifite, n'ubwo yagera imbere y'Urukiko akayihindura. Amategeko agenga imanza nshinjabyaha – icyaha cyo gucuruza ibiyobyabwenge – Umuntu ntagirwa umucuruzi no kuba hari abaguzi babonetse aho acururiza, ahubwo igihe cyose afite ibicuruzwa kandi yiteguye kubiha umuntu wese umugana ashaka ibyo agurisha. Incamake y'ikibazo: Inzego zishinzwe umutekano zahawe amakuru ko Tuyisenge acuruza ibiyobyabwenge, bageze iwe hamusangana udupfunyika 21 tw'urumogi ndetse bahasanga na Manirafasha wafatanywe udupfunyika 3 tw'urumogi. Barafashwe bashyikirizwa Ubushinjacyaha, bubarega mu Rukiko Rwisumbuye rwa Nyagatare, bubakurikiranyeho icyaha

cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi, bubasabira igifungo cya burundu n'ihazabu ya 20,000,000Frw buri umwe. Abaregwa bombi baburanye bahakana icyaha bashinjwa, ariko Urukiko rushingiye ku bimenyetso bitandukanye birimo imvugo yabo yo kwemera ko bacuruza urumogi, raporo y'Inzego z'ibanze n'inyandiko y'ifatira buri wese yasinyeho, igaragaza ingano y'urumogi buri umwe yafatanywe, rwabahamije icyo cyaha cyo gucuruza ibiyobyabwenge, rubahanisha buri wese igifungo cy'imyaka 25 n'ihazabu y'amafaranga y'u Rwanda 21.000.000Frw. Abaregwa bajuririye icyo cyemezo mu Rukiko Rukuru, urugereko rwa Rwamagana, bakomeza guhakana icyaha bashinjwa, ariko Ubushinjacyaha bwo bugaragaza ko ntacyo banenga urwo rubanza bajuririye, ahubwo ko bagabanyirizwa igihano, bagahanishwa igifungo cy'imyaka 15, n'ihazabu ikagabanywa kugeza ku nshuro enye, kuko bemeye icyaha ubwo babazwaga mu nzego z'iperereza. Urukiko Rukuru rwaciye urubanza rwemeza ko bahamwa n'icyo cyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi, ariko ko bakwiriye kugabanyirizwa ibihano mu rwego rwo guhuza igihano n'uburemere bw'icyaha, rubahanisha buri wese igihano cy'igifungo cy'imyaka cumi n'itanu (15) n'ihazabu ya miliyoni umunani (8.000.000Frw). Abaregwa bombi bongeye bajuririra uru Rukiko rw'Ubujurire, Tuyisenge avuga ko urumogi yafatanywe rwari urwo kunywa kugirango ajye abona uko asambana n'abagabo mu rwego rwo gushaka ubuzima, dore ko babasanze iwe amaze gusambana na Manirafasha. Yaburanye asaba uru Rukiko ko yahindurirwa inyito y'icyaha agahanirwa icyaha cyo kunywa ibiyobyabwenge. Mu myanzuro ye y'ubujurire, yaburanye ashinjura Manirafasha avuga ko udupfunyika 3 aritwo abashinjwe umutekano bashyize mu mufuka we, amaze kubahereza udupfunyika 21 bamusanganye iwe mu rugo. Avuga kandi ko nta rumogi yasigiye Manirafasha ngo arumucururize nk'uko babimuhamije kuko ntaho yari yagiye, ko yari ari mu rugo rwe. Manirafasha we asaba ko yahanagurwaho icyaha cyo gucuruza ibiyobyabwenge kuko atagikoze. Asobanura ko urubanza rwe rwaciye mu buryo bugenekereje, nta kimenyetso simusiga kigaragaza ko yakozwe icyaha. Akaba adacuruza urumogi, ko na Tuyisenge bahuriye iwe mu rugo aje kumusambanya, akanamwishyura, ariko ko ntaho ahuriye n'urumogi rwafatiwe kwa Tuyisenge. Akomeza asaba kurenganurwa akagirwa umwere, kuko Tuyisenge yaburanye amushinjura ariko we yemera icyaha mu buryo budashidikanywaho, dore ko n'Inzego z'ibanze zari zifite amakuru ko Tuyisenge acuruza urumogi

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ariko ntaho bari batanze amakuru ko na we yaba arucuruza cyangwa se kuba bafatanyaga kurucuruza. Kuba yaremeye icyaha mu nzego z'iperereza yabikoze ari ukwirengera kubera gukubitwa. Bityo, akaba asaba ko yahanirwa gufatanwa udupfunyika dutatu (3) tw'urumogi bityo, rukemeza ko ibihano amaze gukora bihwanye n'icyaha yaba yarakoze. Ubushinjacyaha bwashubije ubwo bujurire bw'Abaregwa, buvuga ko ibyo Tuyisenge avuga nta shingiro bifite, kuko yemeye icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi mu Bugenzacyaha anasobanura uko yagikoze, bityo ko atahindurirwa inyito y'icyaha. Kuba akora uburaya nk'uko abivuga, ndetse no kuba nta muguzi bamusanganye, ibyo bitamuvanaho icyaha cyo gucuruza ibiyobyabwenge by'urumogi, kuko dosiye ye igaragaza ko ariwe mucuruzi mukuru. Ubushinjacyaha bwagaragaje kandi ko impamvu z'ubujurire bwa Manirafasha nta shingiro zifite, kuko hari ibimenyetso bimuhamya icyaha cyo gucuruza ibiyobyawenge by'urumogi harimo n'imvugo ze mu

Bugenzacyaha aho yemeye icyo cyaha, agasobanura uko yagikoze. Busobanura kandi ko inkoni yireguza ko yakubiswe kugira ngo yemere icyaha nta bimenyetso abitangira. Bwasoje busabira Abaregwa bombi, ko hagumaho imikirize y'urubanza rujuririrwa. Incamake y'icyemezo: 1. Mu kwemeza ko uregwa yakoze icyaha cyo gucuruza ibiyobyabwenge bishobora gushingira ku bimenyetso birimo ibiyobyabwenge n'amafaranga byafatiriwe no kubatangabuhamya bemeza ko uwo muntu asanzwe acuruza ibiyobyabwenge.

2. Umucamanza uburanisha urubanza mu mizi ari we ureba agaciro imvugo y'uwiyemerera icyaha murwego rw'iperereza ifite, n'ubwo yagera imbere y'Urukiko akayihindura.
3. Umuntu ntagirwa umucuruzi no kuba hari abaguzi babonetse aho acururiza, ahubwo igihe cyose afite ibicuruzwa kandi yiteguye kubihira umuntu wese umugana ashaka ibyo agurisha. Ubujurire nta shingiro bufite. Amategekoyashingiweho: Itegeko No 059/2023 ryo ku wa 04/12/2023 rihindura Itegeko No 68/2018 ryo ku wa 30/08/2018 riteganyaga ibyaha n'ibihano muri rusange, ingingo ya 2. Itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganyaga ibyaha n'ibihano muri rusange, ingingo ya 11 n'ya 84. Imanza zifashishijwe: RPA0010/06/CS - RPA0011/06/CS - RPA0012/06/CS, Ubushinjacyaha na Sgt Ntaganira na bagenzi be rwaciwe n'Urukiko rw'Ikirenga ku wa 18/07/2008. RPAA00043/2024/CA, Ubushinjacyaha na Rukundo, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/04/2025. RPAA00189/2024/CA, Ubushinjacyaha na Nyandwi Shabani rwaciwe n'Urukiko rw'Ubujurire ku wa 25/04/2025. RPAA00198/2024/CA, Ubushinjacyaha na Gatesi Hasina, rwaciwe n'Urukiko rw'Ubujurire ku wa 17/04/2025. RPAA00386/2024/CA, Ubushinjacyaha na Nshimiyimana Sumayire, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/01/2025. RPAA00296/2021/CA, Ubushinjacyaha na Mulindahabi Jean de Dieu, rwaciwe n'Urukiko rw'Ubujurire. RPAA00436/2020/CA, Ubushinjacyaha na Ahimpereye Ndeze François rwaciwe n'Urukiko rw'Ubujurire ku wa 28/06/2022. RPAA00408/2020/CA, Ubushinjacyaha na Niyitegeka Augustin alias Niyirema rwaciwe n'Urukiko rw'Ubujurire ku wa 27/06/2022.

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Urubanza I. IMITERERE Y'URUBANZA [1] Ku wa 10/06/2021, abashinzwe umutekano, bashingiye kumakuru bahawe n'abaturage, ko uwitwa Tuyisenge Solange acuruza ibiyobyabwenge byo mubwoko bw'urumogi, bakoze opération yo kumufata, bajya mu Mudugudu wa Muyange, Akagari ka Rwimiyaga, Umurege wa Rwimiyaga, Akarere ka Nyagatare, bamufatana udupfunyika makumyabiri na kamwe (21) tw'urumogi mu cyumba araramo ruri mu ngofero, basanga murugo rwe hari n'uwitwa Manirafasha Déogratias, wisobanura avuga ko yaje gusambana na Tuyisenge Solange, maze bamufatana udupfunyika dutatu (3) tw'urumogi arufite mu mu mufuka, bombi bashyikirizwa Ubugenzacyaha. [2] Nyuma y'iperereza, Ubushinjacyaha bwabareze mu Rukiko Rwisumbuye rwa Nyagatare, icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi, busaba kwemeza ko kibahama, buri wese agahanishwa igifungo cya burundu n'ihazabu ya milioni makumyabiri (20.000.000Frw). [3] Tuyisenge Solange aburana ahakana icyaha, avuga ko urumogi bamurega atari urwe ahubwo ari urw'umuntu bazanye, abashinzwe umutekano baramwirukankana, abasize, abariwe bafata bamutegeka gutoragura ibintu yari yanyanyagije.

Asaba kurenganurwa. [4] Manirafasha Déogratias nawe aburana ahakana icyaha, asobanura ko abantu banyuze mu rugo kwa Tuyisenge Solange biruka maze asohoka agiye kureba, ageze hanze abona bararenga hirya, ako kanya ababirukankanaga baragaruka baramubwira ngo natoragure ibyo bintu, aribwo bahise bamujyana mu Bugenzacyaha (RIB). Asaba kurenganurwa. [5] Mu rubanza RP00958/2021/TGI/NYG rwaciwe ku wa 15/07/2021, Urukiko Rwisumbuye rwa Nyagatare rwasanze hari ibimenyetso bihamya Tuyisenge Solange na Manirafasha Déogratias icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko by'urumogi aribyo:

- a) Imvugo za Tuyisenge Solange na Manirafasha Déogratias mu Bugenzacyaha bemera icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi, bagasobanura uburyo bagikoze;
- b) Raporo y'inzege z'ibanze;
- c) Inyandiko mvugo y'ifatira bashyizeho imikono, igaragaza buri wese urumogi yafatanwe. Urukiko rushingiye kuri ibyo bimenyetso, rwahamije Tuyisenge Solange na Manirafasha Déogratias icyaha cyo gucuruza ibiyobyabwenge by'urumogi. Rubahanisha buri wese igifungo cy'imyaka makumyabiri n'itanu (25) n'ihazabu y'amafaranga y'u Rwanda, miliyoni makumyabiri n'imwe (21.000.000Frw). [6] Tuyisenge Solange na Manirafasha Déogratias bajuririyeye urwo rubanza mu Rukiko Rukuru, Urugereko rwa Rwamagana, Tuyisenge Solange, avuga ko urumogi rwafatiwe iwe mu rugo, atari urwe, ko ari urw'umuntu waharutaye. Manirafasha Déogratias, ajurira avuga ko atari azi ko urumogi rwafatiwe kwa Tuyisenge ari urwe, ko we urwo yafatanwe udupfunyika dutatu ari utwo bamushyize mu mumufuka. [7] Ubushinjacyaha buvuga ko Tuyisenge Solange na Manirafasha Déogratias ntacyo banenga imikirize y'urubanza bajuririra, ko bemeye icyaha ubwo babazwaga mu nzego z'iperereza. Busaba ko bagabanyirizwa ibihano bagahanishwa igifungo cy'imyaka 15 n'ihazabu ikagabanywa kugeza ku nshuro enye. [8] Mu rubanza RPA01044/2021/HC/RWG rwaciwe ku wa 20/09/2024, Urukiko Rukuru, Urugereko rwa Rwamagana, nyuma yo gusesengura ibimenyetso byashyigirweho n'Urukiko Rwisumbuye ruhamya

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icyaha Tuyisenge Solange na Manirafasha Déogratias, rusanga bahamwa n'icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi. Rusanga ariko bakwiriye kugabanyirizwa ibihano mu rwego rwo guhuza igihano n'uburemere bw'icyaha ndetse runashingiye no ku ngingo ya 2 y'Itegeko No 059/2023 ryo ku wa 04/12/2023 rihindura Itegeko No 68/2018 ryo ku wa 30/08/2018 riteganyaye ibyaha n'ibihano muri rusange, rwemeza ko Tuyisenge Solange na Manirafasha Déogratias, bahamwa n'icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi, rwemeza ko bagabanyirizwa ibihano. Rubahanisha buri wese igihano cy'igifungo cy'imyaka cumi n'itanu (15) n'ihazabu ya miliyoni umunani (8.000.000Frw). [9] Tuyisenge Solange na Manirafasha Déogratias, bajuririyeye urwo rubanza mu Rukiko rw'Ubujurire, urubanza ruhabwa RPAA00985/2024/CA-CMB RPAA01036/2024/CA, iburanisha ryarwo rishyirwa ku wa 09/05/2025, uwo munsu rusubikwa kuko Tuyisenge Solange atari afite umwunganizi, rwimurirwa ku wa 09/10/2025 ari nawo munsu rwaburanishijwe mu ruhamye, Tuyisenge Solange yunganiwe na Me Musabyimana Blandine n'aho Manirafasha Déogratias yunganirwa na Me Musasangohe

Illuminée, Ubushinjacyaha buhagarariwe na Rukaka Gallican, Umushinjacyaha ku rwego rw'igihugu. [10] Tuyisenge Solange mu mwanzuro we w'ubujurire, avuga ko Urukiko Rukuru rwamuhaniye icyaha cyo gucuruza urumogi rushingiye kubyo yavugiye mu rwego rw'iperereza, aho yemeye ko urumogi rwafatiwe iwe mu rugo, rukirengagiza ko yarugaragarije ko atigeze na gato acuruza urumogi, ko nta n'umuguzi wasanzwe iwe uretse Manirafasha Déogratias wari waje kugira ngo basambane, bamufata barangije gusambana arimo asohoka mu nzu ataha. [11] Akomeza asobanura ko urumogi yafatanwe rwari urwo kwinywera kugira ngo abone uko azajya asambana yishakira imibereho ndetse n'inzego z'ibanze zikaba zitamuziho gucuruza ibiyobyabwenge by'urumogi bityo Urukiko ntirwari kumuha ibihano biremereye. [12] Tuyisenge Solange mu mwanzuro we w'ubujurire anashinjura Manirafasha Déogratias, asobanura ko Manirafasha Déogratias yaje bafitanye gahunda yo gusambana baranabikora aramwishyura, maze arimo asohoka ageze mu gikari ahura n'abashinzwe umutekano bamusubiza mu nzu bamwambika amapingu, nawe ahita abyuka asanga barayamwambitse bamutegeka kuzana urumogi afite ararubaha (udupfunyika 21 yarabitse mu ngofero) maze bakuramo udupfunyika 3 badushyira mu mumufuka wa Manirafasha Déogratias. [13] Akomeza avuga kandi ko ahamya ko nta rumogi yasigiye Manirafasha Déogratias ngo arumucururize nk'uko babimuhamije kuko ntaho yari yagiye, ko yari ahari mu rugo rwe bityo ko atari kurumusigira nawe ahibereye. [14] Me Musabyimana Blandine umwunganira, nawe asaba Urukiko guhindurira Tuyisenge Solange inyito y'icyaha kuko urumogi yafatanwe rutari urwo gucuruza ahubwo ari urwo kwinywera kubera umurimo yakoraga wo kwicuruza ariyamana n'abagabo batandukanye barimo Manirafasha Déogratias wari wiziye gusambana nawe, bikaba bishimangirwa na Manirafasha Déogratias wasabye guhanagurwaho icyaha cyo gucuruza ibiyobyabwenge kuko atagikoze. [15] Ku bijyanye no kwemera icyaha kwa Tuyisenge Solange mu Bugenzacyaha byavuzwe mu bika bya 7- 8 by'urubanza rujuririrwa, Me Musabyimana Blandine, avuga ko uko kwemera icyaha Tuyisenge Solange yakuvugurujye mu Bushinjacyaha kandi uretse amagambo gusa yaba yaravuze kubera guterwa ubwoba mu Bugenzacyaha agifatwa, nta perereza Ubushinjacyaha bwakoze ngo rubaze abo avuga ko bamuranguzaga urumogi ndetse no kuba hanagaragazwa abatangabuhamya bemeza ko koko Tuyisenge Solange yacuruzaga urumogi, akaba asanga Urukiko Rukuru rutari kugendera gusa kuri uko kwemera kudaherekejwe n'ibindi bimenyetso.

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[16] Me akomeza asobanura ko Tuyisenge Solange atagambiriye gusa gushinjura Manirafasha Déogratias ahubwo icyo ashaka kugaragaza ni uko nta bucuruzi yakoranye na Manirafasha Déogratias. [17] Manirafasha Déogratias, mu mwanzuro we w'ubujurire, avuga ko urubanza rwe rwaciye mu buryo bugenekereje, nta kimenyetso simusiga kigaragaza ko yakoze icyaha. Akaba adacuruza urumogi, ko na Tuyisenge Solange bahuriye iwe mu rugo aje kumusambanya, akanamwishyura, ariko ko ntaho ahuriye n'urumogi rwafatiwe kwa Tuyisenge Solange. [18] Akomeza asobanura ko mu Rukiko Rukuru, Tuyisenge Solange yaburanye yemera icyaha muburyo budashidikanywaho ariko anamushinjura avuga ko ntaho ahuriye n'urumogi rwafashwe. Asaba kurenganurwa, asobanura ko yemeye icyaha mu Bugenzacyaha mu buryo bwo kwirengera kubera gukubitwa. [19] Me Musasangohe

Illuminée umwunganira, nawe asaba kurenganura Manirafasha Déogratias akagirwa umwere kuko ntaho ahuriye n'ubucuruza bw'urumogi ndetse n'inze z'ibanze zari zifite amakuru ko Tuyisenge Solange acuruza urumogi ariko ntaho bari batanze amakuru ko Manirafasha Déogratias acuruza urumogi cyangwa se kuba afatanyaga na Tuyisenge Solange kurucuruza, nyamara yari yajyanyweyo n'izindi gahunda zijyanye n'ubusambanyi. [20] Me akomeza asobanura ko ubwo yasuraga Manirafasha Déogratias mu igororero, yamusobanuriye ko yemeye ibyo Ubugenzacyaha bwamubajije byose kugira ngo yirengere kuko yari yakubiswe. Avuga ko inkiko zombi (Urwisumbuye n'u Rukuru) zagiye zifata Tuyisenge Solange na Manirafasha Déogratias ku rwego rumwe, nyamara urumogi rwasanzwe kwa Tuyisenge Solange ari nawe warucuruzaga, akaba yaranashinjuye Manirafasha Déogratias. [21] Me avuga kandi ko mu gihe Urukiko rwazabibona ukundi, rwazahanira Manirafasha Déogratias gufatanwe udupfundiye dutatu (3) tw'urumogi bityo rukemeza ko ibihano Manirafasha Déogratias amaze gukora bihwaye n'icyaha yaba yarakoze. [22] Ubushinjacyaha buvuga ko impamvu z'ubujurire za Manirafasha Déogratias na Tuyisenge Solange zidafite ishingiro kuko Tuyisenge Solange agambiriye gusa gushinjura Manirafasha Déogratias, akiyibagiza ko uyu mu Bugenzacyaha yasobanuye neza uburyo bafatanyaga gucuruza ibiyobyabwenge cy'urumogi ndetse na Tuyisenge Solange nawe mu Bugenzacyaha, akaba yarasobanuye uburyo yari yasigiye Manirafasha Déogratias icyo kiyobyabwenge ngo akimucururize we yagiye kwa muganga, bityo rero nta nyito y'icyaha ikwiriyeho guhinduka. [23] Hakurikijwe izo mpaka, muri uru rubanza harasuzumwa ibibazo bikurikira:

- a) Kumenya niba Tuyisenge Solange yahindurirwa inyito y'icyaha, agahamwa no kunywa ibiyobyabwenge byo mu bwoko bw'urumogi aho kuba kubicuruza yahamijwe n'Urukiko Rukuru, Urugereko rwa Rwamagana;
- b) Kumenya niba Manirafasha Déogratias yarahamijwe icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi nta bimenyetso bifatika byashingiweho. II. ISESENGURA RY'IBIBAZO BIGIZE URUBANZA
- a) Kumenya niba Tuyisenge Solange yahindurirwa inyito y'icyaha, agahamwa no kunywa ibiyobyabwenge byo mu bwoko bw'urumogi aho kuba kubicuruza yahamijwe n'Urukiko Rukuru Urugereko rwa Rwamagana [24] Tuyisenge Solange n'umwunganizi we, mu miburanire yabo, bavugaga ko urumogi yafatanwe atari urwo gucuruza kuko atarucuruza, ko rwari urwo kwinywera kugira ngo abone uko azajya asambana

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yishakira imibereho. Basobanura ko nta bimenyetso Ubushinjacyaha bwashingiye bumushinja gucuruza urumogi uretse amagambo ye yavugiyeho mu Bugenzacyaha kubera guterwa ubwoba agifatwe ariko nta rindi perereza bwakozwe, ko nta muguzi bamusanganye arucuruza, ko yigeze kurucuruza ariko akaba yarabiretse. [25] Bakomeza bashinjura Manirafasha Déogratias, basobanura ko yaje muri gahunda yo gusambana nawe barangije aranamwishyura, ko adacuruza urumogi. Basaba Urukiko rw'Ubujurire kumuhanira kunywa ibiyobyabwenge byo mu bwoko

bw'urumogi aho kumuhanira kurucuruza, agahanishwa igifungo cy'umwaka umwe cyangwa imirimo y'inyungu rusange. [26] Ubushinjacyaha buvuga ko impamvu z'ubujurire za Tuyisenge Solange zidafite ishingiro kuko yemeye icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi mu Bugenzacyaha akanasobanura uko yagikoze bityo ko atahindurirwa inyito y'icyaha. Bukomeza busobanura ko kuba Tuyisenge Solange akora uburaya nk'uko yabivuze, bitamuvanaho icyaha cyo gucuruza ibiyobyabwenge by'urumogi kuko dosiye ye igaragaza ko ariwe umucuruzi mukuru. [27] Bukomeza busobanura ko kuba nta muguzi bamusanganye ibyo bitamukuraho icyaha cyo gucuruza ibiyobyabwenge kuko byatanzweho umurongo muri uru Rukiko mu rubanza RPAA00296/2021/CA, Ubushinjacyaha buburana na Mulindahabi Jean de Dieu aho Urukiko rwemeje ko atari ngombwa gusangana uregwa umuguzi kugira ngo yitwe ko ari umucuruzi, iyo asanganwe ibiyobyabwenge kandi yiteguye kubicuriza aba yitwa umucuruzi wabyo. Buvuga ko Tuyisenge Solange yari yandikiye ubuyobozi bw'Umudugudu ko atazongera gucuruza ibiyobyabwenge ariko ntiyabiretse akaba ariyo mpamvu baje kubimufatana. Busaba Urukiko rw'Ubujurire kugumishaho imikirize y'urubanza rwajuririwe. UKO URUKIKO RUBIBONA Impaka kuri iyi ngingo zishingiye kukumenya niba Tuyisenge Solange yarahamijwe icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi kandi nta bimenyetso byashingiweho by'uko arucuruza ahubwo ko we arunywa, bityo akaba yahindurirwa inyito y'icyaha, agahanirwa kunywa ibiyobyabwenge aho kuba kubicuriza. [28] Ibyerekeranye no kwemeza ko uregwa yakoze icyaha cyo kugurisha ibiyobyabwenge, byasobanuwe mu rubanza RPAA00408/2020/CA, rwaciwe ku wa 27/06/2022, haburana Ubushinjacyaha na Niyitegeka Augustin alias Niyirema. Muri urwo rubanza, Urukiko rw'Ubujurire rwasobanuye ko mu kwemeza ko uregwa yakoze icyaha cyo gucuruza ibiyobyabwenge bishobora gushingira kubimenyetso birimo ibiyobyabwenge n'amafaranga byafatiriwe no kubatangabuhamya bemeza ko uwo muntu asanzwe acuruza ibiyobyabwenge¹. Uyu murongo wagendewehe mu manza zitandukanye zaciwe n'uru Rukiko, harimo n'urubanza RPAA00198/2024/CA, rwaciwe ku wa 17/04/2025, haburana Ubushinjacyaha na Gatesi Hasina². [29] N'aho ibijyanye n'agaciro gahabwa imvugo z'uregwa wemeye icyaha mu nzego z'iperereza yagera imbere y'Urukiko akagihakana, Urukiko rw'Ikirenga rwabitanzeho umurongo mu rubanza RPA0010/06/CS - RPA0011/06/CS - RPA0012/06/CS, rwaciwe ku wa 18/07/2008, haburana Ubushinjacyaha na Sgt Ntaganira na bagenzi be. Muri urwo rubanza, Urukiko rw'Ikirenga rwasobanuye ko umucamanza uburanisha urubanza mu mizi ari we ureba agaciro imvugo y'uwiyemerera icyaha mu rwego rw'iperereza ifite, n'ubwo yagera imbere y'Urukiko akayihindura³. Uyu murongo wagendewehe

1 Reba igika cya 18 cy'urwo rubanza. 2 Reba igika cya 21 3 Reba igika cya 46 cy'urwo rubanza.

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kandi no muzindi manza zaciwe n'uru Rukiko harimo n'urubanza RPAA00189/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/04/2025, haburana Ubushinjacyaha na Nyandwi Shabani⁴. [30] Dosiye y'urubanza igaragaza ko abashinzwe umutekano bahawe amakuru ko Tuyisenge Solange acuruza ibiyobyabwenge byo mu bwoko bw'urumogi, bajya iwe, bamufatana udupfunyika makumyabiri na kamwe (21) tw'urumogi. Dosiye inagaragaza ko Tuyisenge Solange yemera ko yafatanwe utwo dupfunyika 21 kandi ko ari utwe, bikanagaragazwa n'inyandiko mvugo y'ifatira

y'utwo dupfunyika tw'urumogi, yashyizeho umukono. [31] Dosiye igaragaza kandi imvugo za Tuyisenge Solange abazwa mu Bugenzacyaha⁵ yemeye ko acuruza ibiyobyabwenge byo mu bwoko bw'urumogi, asobanura ko amaze icyumweru kimwe arucuruza, avuga ko arurangura n'uwitwa Kazungu urumuranguza ku mafaranga 150 nawe akunguka amafaranga 50 ku gapfunyika kamwe. Muriyo nyandiko mvugo y'ibazwa rye mu Bugenzacyaha, Tuyisenge Solange asoya ibazwa rye asaba imbabazi, avuga ko atazongera gukora icyo cyaha. [32] Muri dosiye hagaragaramo kandi imvugo y'umutangabuhamya witwa Niyonsaba Elie⁶, akaba ari n'umuyobozi w'Umudugudu wa Muyange Tuyisenge Solange abarizwamo, uyu mu buhamya bwe akaba yaragaragaje ko mu rwego rwo guhigura imihigo bagira no guca ibiyobyabwenge, yagerageje kujya kubaturage be ayobora akekaho kuba bacuruza ibiyobyabwenge na Tuyisenge Solange arimo, abasaba kumukorera amasezerano y'uko batazongera gucuruza ibiyobyabwenge, barabimwandikira, azibika mu Kagari. Akomeza asobanura ko Tuyisenge Solange yanditse avuga ko atazongera gucuruza ibiyobyabwenge aranabisinyira. [33] Mu buhamya bwe, asobanura kandi ko yari asanzwe aziho Tuyisenge Solange gucuruza ibiyobyabwenge, abashinzwe umutekano bakaba baramuhamagaye bamubwira ko hari umuturage we bafatanye ibiyobyabwenge, asanga ari Tuyisenge Solange. [34] Dosiye iragaragaza kandi inyandiko yo ku wa 02/06/2021, yanditswe na Tuyisenge Solange, avugamo ko yacuruzaga ibiyobyabwenge ariko ko yabiretse kandi ko atazanabyongera, ashiraho umukono we, byemezwa n'Umuyobozi w'Akagari ka Rwimiyaga witwa Ngabonziza Célestin. [35] Dosiye igaragaza kandi inyandiko mvugo y'ibazwa rya Manirafasha Déogratias mu Bugenzacyaha ashinja Tuyisenge Solange gucuruza urumogi, asobanura ko abimazemo igihe kinini, avuga ndetse ko yabonaga abantu baza kurugura kwa Tuyisenge Solange⁷. [36] Mu rubanza rujuririrwa, Urukiko Rukuru, rwahamije Tuyisenge Solange icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi rushingiye ku mvugo ze yemera icyaha nk'uko bigaragara mu gika cya 12 cy'urubanza rwaciwe n'Urukiko Rwisumbuye, aho rwagaragaje ko abazwa mu Bugenzacyaha, yemeye icyaha, agasobanura uko acuruza urumogi, aho arurangura ndetse n'igiciro arugurishaho, n'impamvu yasize Manirafasha Déogratias arumucururiza. Urukiko Rukuru rukaba rwarasanze kandi n'ubwo Tuyisenge Solange ahakana ko acuruza urumogi, atarabashije kuvugurura ibyo yabanje kwemera avuga ko arucuruza. [37] Kuba abashinzwe umutekano bari bafite amakuru ko Tuyisenge Solange acuruza urumogi, bakajya iwe bakamusangana udupfunyika 21 tw'urumogi, nawe akemera ko ari utwe, bigashimangirwa n'umukono we yashyizeho ku nyandiko mvugo y'ifatira, akaba, abazwa mu Bugenzacyaha yaremeye ko acuruza urumogi nta gahato ashyizweho, agasobanura urumuranguza n'igiciro aruranguraho n'icyo

4 Reba igika cya 17 cy'urwo rubanza. 5 Reba inyandiko mvugo y'ibazwa rye mu Bugenzacyaha ryo ku wa 10/06/2021. 6 Reba inyandiko mvugo ry'ibazwa rye ryo ku wa 11/06/2021 nk'umutangabuhamya mu Bugenzacyaha. 7 Reba inyandiko mvugo y'ibazwa rya Manirafasha Déogratias mu Bugenzacyaha ku wa 10/06/2021, ikibazo cya 6 n'igisubizo kuricyo kibazo.

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arugurishaho, n'igihe amaze arucuruza, bigahuza n'imvugo z'umutangabuhamya Niyonsaba Elie, akaba n'umuyobozi w'Umudugudu Tuyisenge Solange atuyemo, umushinja gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi nk'uko byasobanuwe mu gika cya 32-33 cy'uru rubanza, bigahura kandi n'imvugo za Manirafasha Déogratias abazwa mu Bugenzacyaha nawe akamushinja kuba amaze igihe kinini acuruza urumogi, Urukiko rurasanga ibyo bihagije nk'ibimenyetso byashingirwaho ahamwa n'icyaha aregwa cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi aho kuba kurunywa nk'uko abivuga, hakurikijwe umurongo watanzwe mu rubanza RPAA00408/2020/CA wagarutsweho mu gika cya 28 cy'uru rubanza. [38] N'aho ku bijyanye n'imiburanire ya Tuyisenge Solange, aho avuga ko urumogi yafatanwe atari urwo gucuruza kuko atarucuruza, ko rwari urwo kwinywera kugira ngo abone uko azajya asambana yishakira imibereho, ko nta muguzi bamusanganye arucuruza, ko nta bimenyetso Ubushinjacyaha bwashingiyeho bumushinja gucuruza urumogi uretse amagambo ye yavugiye mu Bugenzacyaha kubera guterwa ubwoba agifatwa, Urukiko rurasanga nta shingiro bifite kuko hari ibimenyetso bimuhamya gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi nk'uko byasobanuwe mu gika kibanziriza iki, akaba atarabashije kubivuguruza ndetse no kuba atagaragaza ibimenyetso by'iterabwoba yashyizweho kugira ngo yemere ko acuruza urumogi, nk'uko we n'umwunganizi we bashaka kubyumvikanisha. [39] Urukiko rw'Ubujurire rurasanga kandi imvugo ya Tuyisenge Solange ko nta muguzi yasanganwe arucuruza, itahabwa ishingiro hashingiwe kumurongo watanzwe n'uru Rukiko mu rubanza RPAA00436/2020/CA, rwaciwe ku wa 28/06/2022 haburana Ubushinjacyaha na Ahimpereye Ndeze François, aho Urukiko rwemeje ko umuntu atagirwa umucuruzi no kuba hari abaguzi babonetse aho acururiza, ahubwo igihe cyose afite ibicuruzwa kandi yiteguye kubiha umuntu wese umugana ashaka ibyo agurisha⁸. Uyu murongo wagiye kandi ukurikizwa no mu zindi manza zaciwe n'uru Rukiko, murizo harimo urubanza RPAA00386/2024/CA, rwaciwe n'uru Rukiko ku wa 29/01/2025, haburana Ubushinjacyaha na Nshimiyimana Sumayire⁹. [40] Rurasanga kandi iyo miburanire ye yo guhakana icyaha mu Rukiko yaracyemeye mu Bugenzacyaha, itahabwa ishingiro hashingiwe kumurongo watanzwe mu rubanza RPA0010/06/CS - RPA0011/06/CS - RPA0012/06/CS, rwagarutsweho mu gika cya 29 cy'uru rubanza kuko atagaragaza ibimenyetso bifatika bisobanura impamvu yabanje kucyemera nk'uko byagarutsweho mu gika cya 37 cy'uru rubanza. [41] Hakurikijwe ibikorwa bigize icyaha Tuyisenge Solange yarezwe ndetse n'ibimenyetso Urukiko Rukuru, rwashingiyeho rukimuhamya hamwe n'ibimenyetso byasobanuwe mu gika cya 37 cy'uru rubanza ndetse n'imirongo yafashwe mu manza zagaragajwe mu bika bya 28 na 29 by'uru rubanza; Urukiko rw'Ubujurire rurasanga ibyo bikorwa bihuye n'icyaha cyo gucuruza ibiyobyawenge byo mu bwoko bw'urumogi Tuyisenge Solange yahamijwe n'Inkiko zibanza aho kuba icyaha cyo kubinywa nk'uko we n'umwunganizi we babiburanisha, bityo ubujurire bwe kuri iyi ngingo bukaba nta shingiro bufite. [42] N'aho ku bijyanye n'ubusabe bwa Tuyisenge Solange n'umwunganizi we, ko yahanirwa kunywa ibiyobyabwenge byo mu bwoko bw'urumogi aho kumuhanira kurucuruza, agahanishwa igifungo cy'umwaka umwe cyangwa imirimo y'inyungu rusange, rusanga, nta shingiro bifite kuko icyaha yahamijwe ari icyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi, kikaba kidashobora guhanishwa igifungo kiri munsu y'imyaka 15

yahanishijwe n'Urukiko Rukuru, Urugereko rwa Rwamagana. [43] Urukiko rukaba rubishingira kubiteganywa mu ngingo ya 210 agace ka (a) y'Itegeko No 059/2023 ryo ku wa 04/12/2023 rihindura Itegeko No 68/2018 ryo ku wa 30/08/2018, riteganya ibyaha n'ibihano

8 Reba igika cya 24 cy'urwo rubanza. 9 Reba igika cya 15. 10 Iyo ngingo ivuga ko 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.

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muri rusange ndetse no ku murongo watanze n'Uru Rukiko rushingiye kuriyo ngingo ya 2, aho rwemeje ko icyaha cyo gucuruza ibiyobyabwenge n'ikindi cyose gihanishwa igifungo cya burundu, kidashobora kugabanyirizwa igihano kugeza muni y'igifungo cy'imyaka 15 mu gihe hari impamvu nyoroshyacyaha¹¹, bityo igihano cy'igifungo cy'imyaka 15 yahanishijwe mu rubanza rujuririrwa kikaba kigumye. [44] Rurasanga ariko n'ubwo impamvu ze z'ubujurire zidafite ishingiro, ntacyabuza Urukiko kumugabanyiriza ihazabu yaciwe ingana na milioni umunani (8.000.000Frw) rushingiye ku biteganywa n'ingingo ya 2 agace ka (d) y'Itegeko No 059/2023 ryo ku wa 04/12/2023 ryavuzwe mu gika kibanziriza iki ndetse no kuba ari ubwa mbere akurikiranwe mu nkiko kuburyo buzwi, akaba yaranafatanwe ingano nto y'ibiyobyabwenge (udupfunyika 21), bityo ihazabu yahanishijwe ya 8.000.000Frw ikaba ihindutse, ahanishijwe ingana na milioni eshanu (5.000.000Frw). b)Kumenya niba Manirafasha Déogratias yarahamijwe icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi nta bimenyetso bifatika byashingiweho [45] Manirafasha Déogratias n'umwunganizi we, bavuga ko nta rumogi asanzwe acuruza, ko ibyo yemeye mu Bugenzacyaha kwari ukwirengera kubera gukubitwa, ko ntaho ahuriye n'urumogi rwafatiwe kwa Tuyisenge Solange ari nawe inzego z'ibanze zari zatangiye amakuru ko arucuruza. Bavuga ko urubanza rwe rwaciwe mu buryo bugenekereje nta kimenyetso simusiga Urukiko rwashingiyeho byemeza ko hari uruhare yagize mu ikorwa ry'icyaha. Basobanura kandi ko ibyo Tuyisenge Solange yavugiyemo mu Bugenzacyaha ari amatakirangoyi kuko atagaragaza ivuriro yagiyeho kugira ngo amusige amucururiza ibyo biyobyabwenge kandi afite abana bakuru bari gusigara babimucururiza. [46] Bakomeza basobanura ko inkiko zombi zamushyize ku rwego rumwe na Tuyisenge Solange nyamara we akaba yaje kwa Tuyisenge Solange kubera izindi gahunda bari bafitanye z'ubusambanyi, akaba ntawari wamutangiye amakuru ko arucuruza ndetse na Tuyisenge Solange ubwe yaje kubihamya, basaba ko yarenganurwa akagirwa umwere bashingiye ku ngingo ya 29 y'Itegeko Nshinga rya Repubulika y'u Rwanda aho mu gika cya 5 kivuga ko kutaryozwa icyaha atakoze, uburyozwacyaha ni gatozi kuwakoze icyaha. [47] Manirafasha Déogratias n'umwunganira bavuga kandi ko mu gihe Urukiko rwabibona ukundi, rugasanga koko Manirafasha Déogratias yarafatanwe udupfunyika dutatu tw'urumogi, yahanirwa kurufatanwa aho kuba kurucuruza, bashingiye ku ngingo ya 11 igika cya 1 n'icya 2 y'Itegeko riteganya ibyaha n'ibihano muri rusange, bityo rukemeza ko ibihano amaze gukora bihwaye n'icyaha yaba yarakoze. [48] Ubushinjacyaha buvuga ko impamvu z'ubujurire za Manirafasha Déogratias zidafite ishingiro kuko hari ibimenyetso bimuhamya

icyaha cyo gucuruza ibiyobyawenge by'urumogi harimo n'imvugo ze mu Bugenzacyaha aho yemeye icyo cyaha, agasobanura uko yagikoze, busobanura ko inkoni yireguza ko yakubiswe kugira ngo yemere icyaha nta bimenyetso abitangira. Busaba ko hagumaho imikirize y'urubanza rujuririrwa. UKO URUKIKO RUBIBONA Impaka kuri iyi ngingo, zishingiye kukumenya niba nta bimenyetso bifatika Urukiko Rukuru rwashingiyeho byemeza ko Manirafasha Déogratias yakoze icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi. [49] Ingingo ya 11 igika cya 3 y'Itegeko N° 69/2019 ryo ku wa 08/11/2019 rihindura Itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganyaho ibyaha n'ibihano muri rusange, ivuga ko umuntu wese ukora,

11 Reba urubanza RPAA00043/2024/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/04/2025, Ubushinjacyaha buburana na Rukundo, mu gika cya 17.

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uhinga, uhindura, utunda, ubika, uha undi, ugurisha mu gihugu ibiyobyabwenge cyangwa urusobe rw'imiti ikoreshwa nka byo mu buryo bunyuranije n'amategeko, aba akoze icyaha. Iyo abihamijwe n'urukiko ahanishwa: 1o igifungo cya burundu n'ihazabu y'amafaranga y'u Rwanda arenze miliyoni makumyabiri (20.000.000Frw) ariko atarenze miliyoni mirongo itatu (30.000.000Frw) ku byerekeye ibiyobyabwenge bihambaye. [50] N'aho ibijyanye no kwemeza ko uregwa yakoze icyaha cyo kugurisha ibiyobyabwenge, byasobanuwe mu rubanza RPAA00408/2020/CA, rwaciwe ku wa 27/06/2022, haburana Ubushinjacyaha na Niyitegeka Augustin alias Niyirema nk'uko byagarutsweho mu gika cya 28 cy'uru rubanza. [51] Nk'uko byasobanuwe haruguru mu gika cya 30 ndetse no mugice cy'imiterere y'urubanza, dosiye y'urubanza igaragaza ko abashinzwe umutekano bahawe amakuru ko Tuyisenge Solange acuruza ibiyobyabwenge byo mu bwoko bw'urumogi, bajya iwe, bamufatana udupfunyika makumyabiri na kamwe (21) tw'urumogi arubitse mu ngofero. [52] Dosiye inagaragaza ko Manirafasha Déogratias nawe yafatiwe kwa Tuyisenge Solange, afatanwa udupfunyika dutatu (3) tw'urumogi adufite mu mufuka we, akaba yaranashyize umukono we ku nyandiko mvugo y'ifatira y'urwo rumogi. [53] Dosiye igaragaza na none ko Manirafasha Déogratias, abazwa mu Bugenzacyaha ku cyaha cy'ubufatanyacyaha ku cyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi, yavuze ko atacyemera, abazwa aho ahera agihakana kandi inzego z'umutekano zaramusanze afite urumogi, avuga ko yagiye kwa Tuyisenge Solange mu rwego rwo kumusaba ko basambana, Tuyisenge Solange amusaba kumusigariraho amucururiza urumogi kuko amwizera nawe asigara arumucururiza¹². [54] Dosiye inagaragaza ko Manirafasha Déogratias yabajijwe mu Bugenzacyaha amafaranga Tuyisenge Solange agurisha agapfunyika kamwe k'urumogi nk'ukwarusigiwe kugira ngo arumugurishirize, asubiza ko agapfunyika kamwe akagurisha ku mafaranga magana abiri (200) kandi ko bamusanganye udupfunyika 3 mu mumufuka yamucururizaga ariko ko yari yamusigiye udupfunyika 23 tw'urumogi two gucuruza, tubitse mu ngofero¹³. [55] Dosiye igaragaza kandi inyandiko mvugo y'ibazwa rya Tuyisenge Solange mu Bugenzacyaha, abazwa niba Manirafasha Déogratias basanzwe bafatanyaga kurucuruza, asubiza ko impamvu Manirafasha Déogratias yarumucururiye uwo munsu ari uko yaragiye kwa muganga¹⁴. [56] Muri dosiye y'urubanza, hagaragaramo n'imvugo z'umutangabuhamya witwa Niyonsaba Elie, akaba n'umuyobozi w'Umudugududu Tuyisenge Solange atuyemo, yabajijwe uruhare rwa

Manirafasha Déogratias ko nawe yafatanwe urumogi, asubiza ko ari umugabo wa Tuyisenge Solange kuko abaturage bavuga ko aba ari aho kwa Tuyisenge Solange, akaba yarafatiwe mu nzu ye, amucururiza urumogi¹⁵. [57] Mu rubanza rujuririrwa, Urukiko Rukuru, rwahamije Manirafasha Déogratias icyaha cyo gucuruza ibiyobyabwenge byo mu bwokobw'urumogi rushingiye ku mvugo ze aho yemeye ko yasigaye kwa Tuyisenge Solange amucururiza urumogi ndetse n'imvugo za Tuyisenge Solange amushinja kuba

12 Reba inyandiko mvugo yo ku wa 10/06/2021, Manirafasha Déogratias abazwa mu Bugenzacyaha, ikibazo cya 4 n'igisubizo kuricyo kibazo. 13 Reba iyo nyandiko mvugo y'ibazwa rye mu Bugenzacyaha, ikibazo cya 8, 9, 10 n'ibisubizo byabyo. 14 Reba inyandiko mvugo yo ku wa 10/06/2021, Tuyisenge Solange abazwa mu Bugenzacyaha, ikibazo cya 9 n'igisubizo cyacyo. 15 Reba inyandiko mvugo yo ku wa 11/06/2020, y'ibazwa ry'umutangabuhamya Niyonsaba Elie mu Bugenzacyaha, ikibazo cya 5 n'igisubizo cyacyo.

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yaramusigiye urumogi ngo amucururize aza gufatwa. Rusanga ibyo Manirafasha Déogratias yireguye avuga ko ibyo yemeye yabyemejwe n'inkoni nta shingiro bifite kuko atabigaragarije ibimenyetso¹⁶. [58] Kuba Manirafasha Déogratias yafatanwe udupfunyika dutatu (3) tw'urumogi, bikanagaragazwa n'inyandiko mvugo y'ifatira yashyizeho umukono we, akaba nawe ubwe abazwa mu Bugenzacyaha yaragaragaje ko Tuyisenge Solange yamusigiye urumogi amusaba kurumucururiza, asigara arumucururiza, aza gufatanwa udupfunyika dutatu (3) mu mufuka, bigahuzwa n'imvugo za Tuyisenge Solange abazwa mu Bugenzacyaha aho yagaragaje ko yasigiye Manirafasha Déogratias urumogi ngo arumucururize kuko yaragiye kwa muganga, bigahura n'imvugo y'umutangabuhamya Niyonsaba Elie wagaragajwe mu gika cya 56 cy'uru rubanza, umushinja gufatirwa mu nzu ya Tuyisenge Solange amucururiza urumogi, Urukiko rw'Ubujurire rusanze, ibyo, ari ibimenyetso bihagije byashingirwaho bimuhamya icyaha. [59] Rurasanga ariko, hakurikijwe ibikorwa Manirafasha Déogratias yakoze ndetse n'ibimenyetso bimuhamya icyaha byasobanuwe mu gika kibanziriza iki, bihuye n'icyaha cy'ubufatanyacyaha ku cyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi, aho kuba gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi yahamijwe n'inkiko zibanza, bityo akaba ahamwe n'Ubufatanyacyaha ku cyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi. [60] N'aho ku bijyanye n'imiburanire ya Manirafasha Déogratias n'umwunganira, ko ntaho ahuriye n'urumogi rwafatiwe kwa Tuyisenge Solange, ko nta kimenyetso simusiga Urukiko rwashingiyeho rugaragaza uruhare rwe mu ikorwa ry'icyaha, ko ibyo Tuyisenge Solange yamushinje ari amatakirangoyi kuko nta vuriro yagaragaje yagiyehe kugira ngo asigare amucururiza urumogi, ko ibyo yemeye mu Bugenzacyaha abazwa kwari ukwirengera kubera gukubitwa, ko Tuyisenge Solange ubwe yamushinjuye, Urukiko rurasanga nta shingiro bifite kuko hari ibimenyetso bimuhamya icyaha nk'uko byasobanuye mu gika cya 58 cy'uru rubanza kandi akaba atarabashije kubivuguruza. Byongeye kandi imyiregurire ye y'uko ibyo yemeye mu Bugenzacyaha kwari ukwirengera kubera gukubitwa, nta gaciro byahabwa kuko nta bimenyetso yabigaragarije. [61] Ku bijyanye n'ubusabe bwa Manirafasha Déogratias n'umwunganizi we, ko yagirwa umwere, Urukiko rwabibona ukundi rukamuhanira gufatanwa ibiyobyabwenge bityo rukemeza ko ibihano amaze gukora bihwaye n'icyaha yaba

yarakoze, Urukiko rw'ubujurire rurasanga nta shingiro bifite kuko hari ibimenyetso bimuhamya ubufatanyacyaha ku cyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi nk'uko byasobanuwe mu gika cya 58 cy'uru rubanza, byongeye kandi umufatanyacyaha akaba ahanwa kimwe nk'uwakoze icyaha nk'uko amategeko abiteganyaye. [62] Urukiko rukaba rusanga ibihano Tuyisenge Solange yahanishijwe n'Urukiko Rukuru, cy'igifungo cy'imyaka 15 n'ihazabu ya 8.000.000Frw ari nabyo Manirafasha Déogratias yahanishijwe. Rurasanga kandi icyo gifungo cy'imyaka 15 yahanishijwe aricyo gito ku cyaha yahamijwe, kikaba kidashobora kugibwa munsu, hashingiwe ku ngingo ya 2 agace ka (a) y'Itegeko N° 059/2023 yagarutswaho mu gika cya 43 cy'uru rubanza ndetse n'umurongo wagendeye kuriyo ngingo wafashwe mu rubanza RPAA00043/2024/CA wagaragajwe nawo muricyo gika cya 43. [63] Urukiko rw'Ubujurire rurasanga rero igifungo cy'imyaka 15 Urukiko Rukuru, Urugereko rwa Rwamagana rwahanishije Manirafasha Déogratias kidahinduka. Rurasanga ariko rushingiye ku ngingo ya 2 agace ka (d) y'Itegeko ryagarutswaho mu gika kibanziriza iki, no kuba ari ubwa mbere Manirafasha Déogratias akurikiranwe mu Butabera ku buryo buzwi, akaba yarafatanwe ingano nto y'ibiyobyabwenge

16 Reba ibika bya 7-9 by'urubanza RPA01044/2021/HC/RWG, rwaciwe n'Urukiko Rukuru, Urugereko rwa Rwamagana ku wa 20/09/2024. 17 Reba ingingo ya 84 y'Itegeko No 68/2018 ryo ku wa 30/08/2018, riteganyaye ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu.

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(udupfunyika 3), akwiriye kugabanyirizwa ihazabu yahanishijwe n'ubwo impamvu ze z'ubujurire zidafite ishingiro. Akaba ahanishijwe ihazabu ya 5.000.000Frw aho kuba 8.000.000Frw. III. ICYEMEZO CY'URUKIKO [64] Rwemeje ko ubujurire bwatanzwe na Tuyisenge Solange na Manirafasha Déogratias nta shingiro bufite. [65] Rwemeje ko Tuyisenge Solange akomeza guhamya n'icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi. [66] Rwemeje ko Manirafasha Déogratias ahamya n'ubufatanyacyaha ku cyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi. [67] Rwemeje ko urubanza RPA01044/2021/HC/RWG, rwaciwe n'Urukiko Rukuru, Urugereko rwa Rwamagana, ku wa 20/09/2024, ruhindutse ku bijyanye n'ihazabu Tuyisenge Solange na Manirafasha Déogratias bahanishijwe. [68] Rutegetse ko Tuyisenge Solange na Manirafasha Déogratias bahanishwa buri wese igifungo cy'imyaka cumi n'itanu (15) n'ihazabu y'amafaranga y'u Rwanda miliyoni eshanu (5.000.000Frw).

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