

RWANDA / JUDGMENT

UBUSHINJACYAHA v. MUKANTWARI

RPAA 00946/2024/CA

COURT

Court of Appeal

DECIDED

27 March 2025

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UBUSHINJACYAHA v. MUKANTWARI

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Text

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UBUSHINJACYAHA v. MUKANTWARI [Rwanda URUKIKO RW'UBUJURIRE – RPAA 00946/2024/CA (Rutazana, P.J.) 27 Werurwe 2025] Amategeko agenga ibyaha n'ibihano – Icyaha cyo gucuruza urumogi – Ibimenyetso bishingirwaho mu kugaragaza ko icyaha kihama uregwa – Mu manza nshinjabyaha, ibimenyetso byose bishobora gushingirwaho mu gihe bigaragaza ukuri kw'ibyabaye (principe de la liberté de la preuve en matière pénale), ababuranyi bakaba barahawe uburyo bwo kuhaba ngo banyomozanye. Urukiko nirwo rwemeza ko ibyo bimenyetso bishobora kwemerwa. Amategeko agenga ibyaha n'ibihano – Icyaha cyo gucuruza urumogi – Mu kwemeza niba ibiyobyabwenge uregwa yafatanywe atari ibyo kwikoreshereza ku giti cye (simple drug possession) ahubwo ari ibyo gucuruza cyangwa gukwirakwiza (drugs trafficking/ drug distribution), hashingirwa ku bimenyetso bikurikira: kuba uregwa yafatanwa iminzani yabugenewe mu gupima, amasashe yifashishwa mu gufunyikamo ibiyobyabwenge, amafaranga menshi bafatiye aho hantu, ahakoreshwa nk'ububiko, ubwinshi bw'ibiyobyabwenge basanze aho hantu, urujya n'uruza rw'abantu hafatiwe ibiyobyabwenge, abatangabuhamba bemeza ko uwo muntu asanzwe acuruza ibiyobyabwenge. Incamake y'ikibazo: Nyuma yo guhabwa amakuru y'uko kwa Mukantwari Eugénie acuruza urumogi, Ubushinjacyaha bwamureze mu Rukiko

Rwisumbuye rwa Ngoma bumukurikiranyeho icyaha cyo gucuruza ibiyobyabwenge, maze busaba ko kimuhama agahanishwa igifungo cya burundu. Uregwa yaburanye ahakana icyaha. Urukiko Rwisumbuye rwa Ngoma rwasanze hari ibimenyetso bigaragaza ko urumogi rwacukuwe kwa Mukantwari Eugénie rwari urwe kandi ko yarucuruzaga, maze rushingiye ku bimenyetso bitandukanye, rwemeza ko ahamwa n'icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi, bityo rumuhanisha igifungo cy'imyaka 25 n'ihazabu ingana na 3.000,000frw. Mukantwari Eugénie yajuririye Urukiko Rukuru, Urugereko rwa Rwamagana, avuga ko Urukiko Rwisumbuye rwa Ngoma rwirengagije imyiregurire ye, aho yavugaga ko akeka ko uwitwa Mutesi Valentine ari we waruzanye agamije kumwihimuraho no kumugerekaho icyaha kuko nawe yigeze kurega umugabo we ko acuruza urumogi bigatuma afungwa. Uhagarariye Ubushinjacyaha yaburanye avuga ko ubujurire bwe nta shingiro bufite kuko yahamijwe icyaha cyo gucuruza urumogi hashingiwe ku bimenyetso bifatika, ariko ko kuba ari ubwa mbere akurikiranyweho icyaha, yagabanyirizwa igihano agahanishwa igifungo cy'imyaka 15. Urukiko Rukuru, Urugereko rwa Rwamagana, rwemeje ko ubujurire bwa Mukantwari Eugénie nta shingiro bufite kuko atashoboye kuvuguruza ibimenyetso Urukiko rwashingiyeho rumuhamya icyaha, ariko rwasanze kuba icyaha yakoze nta nkurikizi zikomeye zizwi cyateye, akaba kandi nta kindi cyaha yahamijwe mu buryo buzwi, ibyo byamubera impamvu nyoroshyacyaha maze rwemeza ko ahanishwa igifungo cy'imyaka 15. Mukantwari Eugénie yongeye kujurira mu Rukiko rw'Ubujurire, asaba kugirwa umwere avuga ko yahamijwe icyaha kubera akagambane, kandi nta kimenyetso simusiga kigaragaza ko yagikoze koko. Uhagarariye Ubushinjacyaha nawe avuga ko ubujurire bwe nta shingiro bufite kuko atashoboye kuvuguruza ibimenyetso Urukiko rwashingiyeho rumuhamya icyaha.

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Incamake y'icyemezo: 1. Mu manza nshinjabyaha, ibimenyetso byose bishobora gushingirwaho mu gihe bigaragaza ukuri kw'ibyabaye (principe de la liberté de la preuve en matière pénale), ababuranyi bakaba barahawe uburyo bwo kuhaba ngo banyomozanye. Urukiko nirwo rwemeza ko ibyo bimenyetso bishobora kwemerwa. 2. Mu kwemeza niba ibiyobyabwenge uregwa yafatanywe atari ibyo kwikoreshereza ku giti cye (simple drug possession) ahubwo ari ibyo gucuruza cyangwa gukwirakwiza (drugs trafficking/ drug distribution), hashingirwa ku bimenyetso bikurikira: kuba uregwa yafatanwa iminzani yabugenewe mu gupima, amasashe yifashishwa mu gupfunyikamo ibiyobyabwenge, amafaranga menshi bafatiye aho hantu, ahakoreshwa nk'ububiko, ubwinshi bw'ibiyobyabwenge basanze aho hantu, urujya n'uruza rw'abantu hafatiwe ibiyobyabwenge, abatangabuhamya bemeza ko uwo muntu asanzwe acuruza ibiyobyabwenge.

Ubujurire nta shingiro bufite. Amategeko yashingiweho: Itegeko No 68/2018 ryo ku wa 30/08/2018 riteganywa ibyaha n'ibihano, ingingo ya 263. Imanza zifashishijwe: Urubanza RPAA 00692/2021/ CA rw' Ubushinjacyaha na Ndayishimiye Jean Damascène, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/01/2023 Urubanza

1. IMITERERE Y'URUBANZA [1] Ku wa 28/01/2021 mu ma saa moya z'ijoro (19h00), nyuma yo guhabwa amakuru y'uko kwa Mukantwari Eugénie hari urumogi kandi ko asanzwe arucuruza, Inzego z'umutekano zakoze igikorwa cyo gusaka mu rugo rwe, babanza gusaka mu nzu bararubura, bageze inyuma y'inzu burnva ahantu bakandagiye hatigita, barahacukura basangamo udupfunyika 466 tw'urumogi, n'urundi rw'imbuta rungana n'inusu, Mukantwari Eugénie ahita afatwa atangira gukurikirana. [2] Iperereza rirangiye Ubushinjacyaha bwarnureze mu Rukiko Rwisumbuye rwa Ngoma bumukurikiranyeho icyaha cyo gucuruza ibiyobyabwenge, busaba ko kimuhama agahanishwa igifungo cya burundu n'ihazabu ingana na 3.000.000Frw. Mukantwari Eugénie yaburanye avuga ko icyaha aregwa atacyemera, asobanura ko urumogi rwabonetse muri icyo gipangu yakodeshagamo atari urwe kuko ntbere habagamo uwitwa Niyibizi wacuruzaga urumogi hanyuma aza gufungwa. [3] Mu rubanza RP 00178/2021/TGI/NGOMA rwaciye n'Urukiko Rwisumbuye rwa Ngoma ku wa 23/03/2021 rwasanze hari ibimenyetso bigaragaza ko urumogi rwacukuwe kwa Mukantwari Eugénie rwari urwe kandi ko yarucuruzaga, rwemeza ko ahamwa n'icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi, rumuhanisha igifungo cy'imyaka 25 n'ihazabu ingana na 3.000,000 frw. Ibyo Urukiko rwabyemeje rushingiye ku bimenyetso bikurikira: Imvugo y'umutangabuhamya Cpl Iririmunda Janvier wavuze ko bagiye gusaka kwa Mukantwari Eugénie nyuma y'uko bahawe amakuru y'uko hari moto ijeyo gutwara urumogi; -Imvugo y'umutangabuhamya witwa Hakizimana Céléstin wari kwa Mukantwari Eugénie ubwo bazaga kumusaka, wasobanuye ko uyu yabwiye abasirikare bari bagiye gucukura

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inyuma y'inzu ko nta kintu kirimo, anabwira umusirikare wari ukuriye abari baje gusaka ngo nareke amuhe 100.000 Frw; -Imvugo y'umutangabuhamya witwa Niyongira Afisa wavuze ko yari muramukazi wa Murantwari Eugénie yari yaranamubwiye ko acuruza urumogi, kandi ko Mukantwari Eugénie yigeze kumuha udupfunyika 4 tw'urumogi two kuvura urnwana we diarrheaj ko yajyaga abona abantu benshi bajya kwa Mukantwari Eugénie bakavayo basinze; Imvugo y'umutangabuhamya witwa Mutesi Valentine wavuze ko nawe ymrnava bavuga ko Mukantwari Eugénie acuruza urumogi, ko yakundaga kurucuruza cyane cyane nijoro, kandi ko yabonaga abantu bavuye iwe amaso yatukuye; Na Raporo y'Ubuyobozi bw'Inzego z'ibanze igaragaza ko bahawe amakuru ko Mukantwari Eugénie acuruza urumogi ariko bakabura gihamya kuko atapfaga gukingura icyo gipangu. [4] Mukantwari Eugénie yajuririye Urukiko Rukuru, Urugereko rwa Rwamagana, avuga ko Urukiko Rwisumbuye rwa Ngoma rwirengagije imyiregurire ye y'uko Mutesi Valentine yari kumwe n'abasirikare n'abapolisi bagiye gucukura inyuma y'inzu ye bakaruhasanga, akaba akeka ko ari we waruzanye agamije kumwihimuraho no kumugerekaho icyaha kuko nawe yigeze kurega urnugabo wa Mutesi Vestine ko acuruza urumogi bigatuma afungwa. [5] Uhagarariye Ubushinjacyaha yaburanye avuga ko ubujurire bwe nta shingiro bufite kuko yahamijwe icyaha cyo gucuruza urumogi hashingiwe ku bimenyetso bifatika, ariko ko hashingiwe ku mpamvu y'uko ari ubwa mbere akurikiranyweho icyaha, yagabanyirizwa igihano agahanishwa igifungo cy'imyaka 15 n'igihano cy'ihazabu kikagabanywa

kugeza kuri ¼. [6] Mu rubanza RPA 00436/2021 /HC/RWG rwaciwe n'Urukiko Rukuru, Urugereko rwa Rwamagana ku wa 19/08/2024, rwemeje ko ubujurire bwa Mukantwari Eugénie nta shingiro bufite kuko atashoboye kuvuguruza ibimenyetso Urukiko rwashingiyeho rukimuhamya. Urwo Rukiko ariko rwasanze kuba icyaha yakoze nta nkurikizi zikomeye zizwi cyateye kuko urumogi yafatanywe rwafatiriwe kandi akaba nta kindi cyaha yahamijwe mu buryo buzwi, byamubera impamvu nyoroshyacyaha agahanishwa igifungo cy'imyaka 15 n'ihazabu ingana na 10,000,000Frw, hashingiwe ku ngingo ya 2 y'Itegeko N 59/2023 ryo ku wa 04/12/2023, rihindura Itegeko N 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange. [7] Mukantwari Eugénie yongeye kujurira mu Rukiko rw'Ubujurirej urubanza rwandikwa kuri RPAA 00946/2024/CA, ruburanishwa mu ruhame ku wa 13/03/2025 yunganiwe na Me Nyiramatama Bernadette naho Ubushinjacyaha buhagarariwe na Uwizeye Jean Marie, Umushinjacyaha ku rwego rw'Igihugu. [8] Mu bujurire bwe Mukantwari Eugénie asaba kugirwa urnwere kuko yahamijwe icyaha kubera akagambane, nta kimenyetso simusiga kigaragaza ko yagikoze, Uhagarariye Ubushinjacyaha avuga ko ubujurire bwe nta shingiro bufite kuko atashoboye kuvuguruza ibimenyetso Urukiko rwashingiyeho rumuhamya icyaha. [9] Urukiko rurasuzuma niba mu rubanza rujuririrwa Mukantwari Eugénie yarahamijwe icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi nta bimenyetso bishingiweho bigaragaza ko kimuharna, II. ISESENGURA RY'IKIBAZO KIGIZE URUBANZA

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Kumenya niba mu rubanza rujuririrwa Mukantwari Eugénie yarahamijwe icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi nta bimenyetso bishingiweho bigaragaza ko kimuhama. [10] Mukantwari Eugénie na Me Nyiramatama Bernadette urnwunganira bavuga ko ubujurire bwe bugamije kugaragaza ko Urukiko Rukuru, Urugereko rwa Rwamagana rwamuhamije icyaha atakoze rushingiye ku bimenyetso birimo imvugo z'abatangabuhamya, rwirengagije inenge zikurikira yagaragaje ziri mu buhamya bwabo: -Kuba urumogi ashinjwa rwarabonetse inyuma y'inzu (annexe) Umutesi Valentine n'umugabo we babagamo nyuma y'iminsi ibiri bamaze kwimuka, akaba akeka ko rwahazanywe n'uwo Mutesi Valentine akaba ari we nawe watanze amakuru y'uho Mukantwari Eugénie acuruza urumogi agamije kumwihimuraho kuko nawe yari yatanze amakuru y'uho umugabo we (wa Mutesi Valentine) acuruza urumogi bigatuma afungwa, kandi ko hari abantu bazi ko ari we wafungishije umugabo wa Umutesi Valentine barimo Rugema Théophile, Habimana Emmanuel na Bagirinshuti Jean Damascène, asaba Urukiko gukora iperereza rukabumva. Kuba Urukiko rwarashingiye ku buhamya bwa CPL Iririmunda Janvier wavuze ko Mukantwari Eugénie yashatse kumuha 100.000Frw ya ruswa kandi bitarabayeho kuko hatagaragazwa ko yagiye ku nzu gushaka ayo mafaranga cyangwa ngo hagaragazwe uwo yari kuyaha muri abo basirikare bose n'abapolisi bari bahari; Kuba Urukiko rwarashingiye ku buhamya bwa Niyongira Afisa kandi atamushinja kuko icyo yavuze ari uko baza kumufata yari ahari, naho ibindi yavuze akaba atarabihagazeho. [11] Uhagarariye Ubushinjacyaha avuga ko ubujurire bwa Mukantwari Eugénie nta shingiro bufite ashingiye ku mpamvu zikurikira: -Nta kimenyetso atanga kigaragaza ibyo avuga ko amakuru y'uho acuruza urumogi yatanze na Mutesi Valentine agamije kumwihimuraho ngo kuko nawe

yafungishije umugao we, kandi n'iyi yaba yaramufungishije koko ntibikuraho ko Mutesi Valentine yamutangaho amakuru mu gihe acuruza urumogi; kuba abasirikare n'abapolisi baragiye gusaka iwe bakahasanga udupfunyika 466 tw'urumogi dutabye inyuma y'inzu, umwe mu basirikare bagiye kuhasaka akaba yaravuze ko Mukantwari Eugénie yashatse kurnüha 100.000Frw kugira ngo amureke undi akabyanga, kandi ibi bikaba binashimangirwa n'undi mutangabuhamya, ni ibimenyetso bigaragaza ko icyaha ashinjwa yagikoze. [12] Uhagarariye Ubushinjacyaha avuga ko ibijyanye no gusaba kumva abatangabuhamya bavuzwe haruguru Mukantwari Eugénie atigeze abisaba mu nkiko zabanje, bikaba nta shingiro bikwiriye guhabwa kuko ari amatakirangoyi. UKO URUKIKO RUBIBONA [13] Impaka kuri iyi ngingo zishingiye ku kumenya niba Urukiko Rukuru, Urugereko rwa Rwamagana rwarahamije Mukantwari Eugénie icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi nta bimenyetso rushingiyeho bigaragaza ko kiruhama. [14] Mu rubanza RPAA 00692/2021/ CA rwaciwe ku wa 20/01/2023 haburana Ubushinjacyaha na Ndayishimiye Jean Damascène, Urukiko rw'Ubujurire rwasobanuye ko mu manza nshinjabyaha, ibimenyetso byose bishobora gushingirwaho mu gihe bigaragaza ukuri kw'ibyabaye (principe de la liberté de la preuve en matière pénale), ababuranyi bakaba barahawe uburyo bwo kuhaba ngo

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banyomozanye, kandi ko Urukiko arirwo nwemeza ko ibyo bimenyetso bishobora kwemerwa 1 . Uyu murongo washingiweho no mu zindi manza zaciwe n'uru Rukiko, mu ziheruka gucibwa harimo nk'urubanza RPAA 00420/2023/CA. [15] Ibyerekeranye n'ibimenyetso by'ibikorwa biteganywa n'ingingo ya 263 y'ltegeko No 68/2018 ryo ku wa 30/08/2018 riteganywa ibyaha n'ibihano muri rusange yahinduwe n'ingingo ya 11 y'ltegeko No 69/2019 ryo ku wa 08/11/2019 byasobanuwe mu rubanza RPAA 00408/2020/CA rwaciwe ku wa 27 / 06/2022 haburana Ubushinjacyaha na Niyitegeka Augustin alias Niyirema (igika cya 18). Muri urwo rubanza Urukiko rw'Ubujurire rwasobanuye ko mu kwemeza niba ibiyobyabwenge uregwa yafatanywe atari ibyo kwikoreshereza ku giti cye (simple drug possession) ahubwo ari ibyo gucuruza cyangwa gukwirakwiza (drugs trafficking/ drug distribution), hashingirwa ku bimenyetso bikurikira: kuba uregwa yafatanwa iminzani yabugenewe mu gupima, amasashe yifashishwa mu gupfunyikamo ibiyobyabwenge, amafaranga menshi bafatiye aho hantu, ahakoreshwa nk'ububiko, ubwinshi bw'ibiyobyabwenge basanze aho hantu, urujya n'uruza rw'abantu ahafatiwe ibiyobyabwenge, abatangabuhamya bemeza ko Uwo muntu asanzwe acuruza ibiyobyabwenge,

[16] Dosiye y'uru rubanza igaragaza ko mu Rukiko Rukuru, Urugereko rwa Rwamagana nabwo Mukantwari Eugénie yari yajuriye avuga ko yahamijwe icyaha atakoze hashingiwe ku buhamya bwatanzwe na Mutesi Valentine nyamara amushinja ibinyoma agamije kumwihimuraho kuko nawe (Mukantwari Eugénie) yari yatanze amakuru y'uko umugabo wa Mutesi Valentine acuruza urumogi bigatuma afungwa, akaba kandi ari we watanze amakuru y'ibinyoma y'uko acuruza urumogi, yanashingiweho muri Raporo y'Ubuyobozi bw'Inzego z'Ibanze; ko anakeka ko Mutesi Valentine ari we wazanye urumogi rwafatiwe iwe kuko yari kumwe n'abapolisi n'abasirikare baje gusaka mu rugo rwe.

1 N'ubwo uyu murongo ushingiyeye ku isesengura ry'ingingo ya 119 y'Itegeko N 15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo ryakurikizwaga urubanza RPAA 00692/2021/CA rucibwa, ibyateganywaga n'iyi ngingo bihura n'ubundi n'ibiteganywa n'ingingo ya 87 y'Itegeko NQ 062/2024 ryo ku wa 20/06/2024 rigenga ibimenyetso rikurikizwa ubu, iteganya ko mu rubanza nshinjabyaha ikimenyetso gishingira ku mpamvu zose z'ibyabaye n'ibyemejwe n'amategeko, ababuranyi bapfa kuba barahawe urnwanya wo kubijyaho impaka.

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[17] Nk'uko bigaragara mu rubanza rujuririrwa (igika cya 9 n'icya 10) Urukiko rwemeje ko ubujurire bwa Mukantwari Eugénie nta shingiro bufite kuko nta kimenyetso yatanze kigaragaza ko ibyo avuga ko Mutesi Valentine ari we wazanye urumogi rwatabururwe inyuma y'inzu ye, kandi ko ari we watanze amakuru y'uko arucuruza, uretse kubivuga gusa. Urukiko kandi rwasobanuye ko n'iyi ayo makuru yaba yaratanzwe na Mutesi Valentine akanashingirwaho muri Raporo y'Ubuyobozi bw'Inzego z'ibanze ntacyo byaba byishe kuko ibivugwa muri iyi raporo bishimangirwa no kuba iwe (kwa Mukantwari Eugénie) harafatiwe udupfunyika 466 tw'urumogi. Rwanzura ko ibimenyetso Urukiko Rwisumbuye rwa Ngoma rwashingiyeho rumuhamya icyaha cyo gucuruza urumogi bihagije kugira ngo hemezwe ko yagikoze kandi akaba atarashoboye kubivuguruza. [18] Urukiko rw'Ubugurire rurasanga nk'uko Urukiko Rukuru, Urugereko rwa Rwamagana rwabibonye, no kuri uru rwego nta kimenyetso Mukantwari Eugénie yatanze kigaragaza ko urumogi rwafatiwe iwe rwahazanywe na Mutesi Valentine dore ko nawe avuga ko abikeka; kuba Mutesi Valentine yari ahari baza kumusaka ubwabyo bikaba atari ikimenyetso kigaragaza ko ari we waruhazanye. [19] Urukiko rw'Ubugurire rurasanga kandi n'ibyo Mukantwari Eugénie avuga ko Mutesi Valentine ari we watanze amakuru y'uko acuruza urumogi, uretse no kuba nta kimenyetso atanga kibigaragaza, n'iyi ayo makuru yaba yaratanzwe na Mutesi Valentine koko, ntaho Urukiko rwahera rwemeza ko ari ibinyoma kuko nk'uko byasobanuwe mu rubanza rujuririrwa n'uru Rukiko rukaba ariko rubibona, ayo makuru ashimangirwa no kuba Inzego z'umutekano zarasatse mu rugo rwa Mukantwari Eugénie bakahasanga udupfunyika 466 tw'urumogi dutabye inyuma y'inzu ye, kandi akaba atabasha kugaragaza undi waba yararuhazanye ku buryo ari we warubazwa. [20] Ku bijyanye n'ubuhamya bwatanzwe na Niyongira Afisa, Urukiko rw'Ubugurire rurasanga ntacyo rwagaragarijwe rwashingiraho rubutesha agaciro kuko ikigaragara ari uko uwo mutangabuhamya yavuze ko Mukantwari Eugénie afatwa yari ahari kandi ko yafatanywe urumogi rwari mu mufuka no muri envetoppe ya kaki, ndetse ko yari asanzwe afite amakuru y'uko arucuruza, Mukantwari Eugénie akaba adahakana ko iwe hafatiwe urumogi uretse gusa kuvuga ko rutari urwe ahubwo rwahazanywe na Mutesi Valentine, ariko nk'uko byasobanuwe haruguru akaba nta kiramenyetso atanga kibigaragaza; naho ibijyanye no kuba amakuru y'uko acuruza urumogi yari asanzwe azwi bikaba byaranavuzwe n'abandi batangabuhamya barimo CPL Iririmunda Janvier na Mutesi Valentine, kandi bikanashimangirwa na Raporo y'Ubuyobozi bw'Umudugudu, kandi bakaba baragiye kumusaka bakarumusangana. [21] Ku bijyanye n'ubuhamya bwa CPL Iririmunda Janvier wavuze ko Mukantwari Eugénie yashatse kumuha

100.000Frw kugira ngo amureke, akabunenga avuga ko hatagaragazwa ko yagiye mu nzu gushaka ayo mafaranga n'uwo yari kuyaha, Urukiko rurasanga nta kimenyetso rwagaragarijwe rwashingiraho rwemeza ko ibyo CPL Iririmunda Janvier yavuze mu ibazwa rye mu Bugenzacyaha atari ukuri, kuko binashimangirwa n'undi mutangabuhamya witwa Hakizimana Céléstin abapolisi n'abasirikare basanze kwa Mukantwari Eugénie ubwo bajyaga kuhasaka, nawe mu ibazwa rye mu Bugenzacyaha wavuze ko ubwo abaje gusaka bari bamaze kubona urumogi rwari rutabye inyuma y'inzu ya Mukantwari Eugénie, yabwiye umusirikare mukuru wari aho ngo

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nareke amuhe 100.000Frw undi amubwira ko arimo kwiyongerera dosiye. Hashingiwe kuri ibi bisobanuro, inenge Mukantwari Eugénie avuga ko ziri muri ubwo buhamya zikaba nta shingiro zifite. [22] Urukiko rw'Ubujurire rushingiye ku byasobanuwe haruguru byose rukanabihuza n'umurongo wavuzwe mu gika cya 14 cy'uru rubanza, rurasanga ntacyo rwagaragarijwe cyatuma ubuhamya bwa Mutesi Valentine, ubwa Niyongira Afisa n'ubwa Iririmunda Janvier budahabwa agaciro nk'ikimenyetso muri uru rubanza. [23] Urukiko rw'Ubujurire rushingiye kandi ku murongo wavuzwe haruguru (igika cya 15) w'uko mu bishingirwaho hernezwa ko ibiyobyabwenge uregwa yafatanywe ari ibyo gucuruza harimo ubwinshi bwabyo no kuba hari abatangabuhamya bemeza ko utwo muntu asanzwe acuruza ibiyobyabwenge rurasanga hari ibimenyetso bigaragaza ko Mukantwari Eugénie ahamwe n'icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi, bigizwe no kuba mu rugo rwe harasanzwe urumogi rutabye inyuma y'inzu rungana n'udupfunyika 466 n'urundi rw'imbuto rungana n'inusu, akaba atagaragaza undi waba yararuhazanye ku buryo ari we warubanzwa; kuba hari abatangabuhamya bamushinja ko bari basanzwe bafite amakuru y'uko acuruza urumogi (reba imvugo za (Mutesi Valentine, Niyongira Afisa na CPL Iririmunda Janvier mu Bugenzacyaha) bikanemezwa n'Ubuyobozi bw'Umudugudu; no kuba hari abatangabuhamya bemeza ko yashatse kubuza abaje gusaka mu rugo rwe gucukura aho muni y'inzu ababwira ko nta kintu gihari, bamara kurubona agashaka guha umwe mu basirikare bari baje gusaka 100,000 Frw kugira ngo amureke (reba iruvugo za (Hakizimana Céléstin na CPL Iririmunda Janvier mu Bugenzacyaha). [24] Urukiko rw'Ubujurire rurasanga hashingiwe ku byasobanuwe byose, rudakeneye kubaza abatangabuhamya Mukantwari Eugénie avuga ko bemeza ko ari we watanze amakuru yatumye urnugabo wa Mutesi Valentine afungwa kuko nk'uko byagaragajwe haruguru hari ibimenyetso bihagije bihamya ko icyaha ashinjwa yagikoze. [25] Hashingiwe ku byasobanuwe byose, ubujurire bwa Mukantwari Eugénie bukaba nta shingiro bufite.

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III. ICYEMEZO CY'URUKIKO [26] Rwemeje ko ubujurire bwa Mukantwari Eugénie nta shingiro bufite. [27] Rwemeje ko urubanza RPA 00436/2021/ HC/RWG rwaciwe n'UrukikoRukuru, Urugereko rwa Rwamagana ku wa 19/08/2024 rudahindutse. [28] Rwemeje ko igifungo cy'imyaka cumi n'itanu (15) n'ihazabu ingana n'amafaranga y'u Rwanda miliyoni icumi (10.000,000Frw) Mukantwari Eugénie yahanishijwe muri urwo rubanza kigumyeho. [29] Rwemeje ko Mukantwari Eugénie asonewe amagarama y'urubanza kuko afunze.

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