

RWANDA / JUDGMENT

UBUSHINJACYAHA v. MUNEZA N'ABANDI

RPAA00046/2022/CA-CMB RPAA00047/2022/CA CMB RPAA00048/2022/CA

COURT

Court of Appeal

DECIDED

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UBUSHINJACYAHA v. MUNEZA N'ABANDI

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Text**Page 1**

UBUSHINJACYAHA v. MUNEZA N'ABANDI [Rwanda URUKIKO RW'UBUJURIRE – RPAA00046/2022/CA-CMB RPAA00047/2022/CA CMB RPAA00048/2022/CA (Umugwaneza, J. P.) 30 Nzeri 2025]

Amategeko agenga imanza nshinjabyaha – Igabanyagihano – Ukwemera icyaha – Agaciro ko kwemera icyaha – Ukwemera icyaha kugira agaciro gashobora gutuma uregwa agabanyirizwa igihano, iyo gukozwe byibura mbere y'uko iburanisha ku rwego rwa mbere ripfundikirwa, kudashidikanywaho, kuba uwemera agaragaza ko yumva uburemere bw'ibikorwa yemera n'ingaruka zabyo, abyicuza, abisabira imbabazi no kuba yiteguye gusubiza ibyo yangije uko abitegerejweho. Amategeko agenga imanza nshinjabyaha – Igabanyagihano – Impamvu nyoroshyacyaha – Iyo hari impamvu nyoroshyacyaha nta cyabuza Urukiko kugabanyiriza igihano uregwa, hagamijwe gutanga igihano gihwanye n'uburemere bw'icyaha kabone n'ubwo impamvu z'ubujurire zaba zitahawe ishingiro. Amategeko agenga ibimenyetso – Imanza nshinjabyaha – Kugira ngo Umucamanza afate icyemezo gihamya icyaha, agomba kuba afite ibimenyetso bihamya nta gushidikanya (preuves à conviction au-delà de tout doute raisonnable) ko ushinjwa

ariwe wakoze icyaha. Incamake y'ikibazo: Ubushinjacyaha bwareze mu Rukiko Rwisumbuye rwa Nyarugenge Mupenzi, Rurangwa wafatanywe udupfunyika 200 tw'urumogi n'amafaranga 38.000Frw, Muneza wafatanywe udupfunyika ibihumbi bine (4.000) tw'urumogi na Ntakirutimana bari kumwe mu modoka y'ivatiri, bubashinja icyaha cyo kunywa no gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi. Ubushinjacyaha bwaburanye bubasabira ko bahamwa n'icyo cyaha maze buri wese agahanishwa igifungo cya burundu. Mupenzi yaburanye ahakana icyaha, Rurangwa na Muneza baburana bemera icyaha, naho Ntakirutimana aburana ahakana icyaha avuga ko atarazi ko mu modoka ye harimo urumogi. Urukiko Rwisumbuye rushingiye ku bimenyetso bitandukanye, rwaciye urubanza rwemeza ko Rurangwa ahamwa n'icyaha cyo gutunda no kunywa ibiyobyabwenge, naho Muneza, Mupenzi na Ntakirutimana bahamwa n'icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi, maze rubahanisha buri wese igifungo cy'imyaka makumyabiri n'itanu (25 ans) n'ihazabu y'amafaranga y'u Rwanda, milioni makumyabiri (20.000.000Frw), rutegeka ko udupfunyika 4.200 tw'urumogi rwafatiriwe rutwikwa. Abaregwa bose bajuririye icyo cyemezo mu Rukiko Rukuru bakomeza guhakana icyaha bashinjwa, ariko Ubushinjacyaha bugaragaza ko Muneza yakuye urumogi muri Congo kandi ko yarucuruzanyaga na Ntakirutimana nyirimodoka barusanzemo, Rurangwa akaba yarafatanwe rumwe muri urwo rumogi aruhawe na Muneza na Ntakirutimana. Bwagaragaje kandi ko na Mupenzi yafashwe aje gufata urumogi yarazaniwe na Muneza n'ubwo abihakana, ariko bose bakaba bashinjwa na Muneza ko bari bazi ko ari urumogi, maze busaba ko hagumaho ibihano bahawe. Urukiko Rukuru rwasesenguye impamvu z'ubujurire z'Abaregwa, rusanga Rurangwa yemera ko yafatanywe urumogi yahawe na Ntakirutimana na Muneza bakamusaba kurubatwarira nk'umumotari kandi ko Rurangwa amaze gufatwa yagiye kuberekana ko aribo barumuhaye. Rusanga kandi kuri Mupenzi n'ubwo aburana ahakana icyaha aregwa, imvugo za Muneza zikaba zimushinja ko yamuhamagaye ngo aze atware umuzigo we akaba yaribizi ko ari urumogi rurimo. Urukiko Rukuru rwaciye urubanza rwemeza ko urubanza rujuririrwa ruhindutse kuri Rurangwa gusa, rumugabanyiriza ibihano, kuko yaburanye yemera icyaha, rumuhanisha igifungo cy'imyaka 10 n'ihazabu ya milioni icumi (10.000.000Frw). Muneza, Ntakirutimana na Mupenzi bajuririye urwo rubanza rwaciye n'Urukiko Rukuru, muri uru Rukiko rw'Ubujurire, aho Muneza yajuriye yemera icyaha asaba ko yagabanyirizwa igihano, na Ntakirutimana nawe ajurira yemera icyaha agisabira imbabazi, ariko Mupenzi we ajurira akomeza guhakana icyaha aregwa, avuga ko mu rubanza rujuririrwa habayeho gukomatanya hatagaragajwe uruhare

Page 2

rwa buri wese, kandi Urukiko rwaragombaga gusuzuma niba yarafatanwe urumogi, dore ko abo baregwa hamwe barufatanwe, ariko we ntarwo yafatanwe akibaza aho ahurira narwo. Mupenzi akomeza asobanura ko atemera icyaha aregwa, kuko imvugo za Muneza zafashwe nk'ikimenyetso kimushinja zivuguruzanya, ndetse kuba yaravuganye nawe kuri telefoni ngo amuzanire "courier" ye atari ikimenyetso ko acuruza urumogi keretse hagaragajwe ko bavuganye ibijyanye n'urumogi. Avuga kandi ko igikorwa cyo gucuruza kigomba kugaragazwa no kuba hari ugurisha, ibicuruzwa, aho gucururiza, abaguzi n'amafaranga, nyamara ibi bikorwa byose ntabyamugaragayeho. Bityo,

akaba asaba gusuzuma umwanzuro Muneza yasabye gutesha agaciro, kuko muri uwo mwanzuro yasobanuye ko yamubeshyeye kubera uruhurirane rw'ibibazo yarafite, ko nta cyaha yakozwe, asobanura ko iyo urumogi rwari kuba ari urwe yari kurumuzanira ku Ruyenzi. Ashingiye ku bisobanura bitandukanye yatanze, akaba asaba kugirwa umwere. Ubushinjacyaha bwashubije ubujurire bw'Abaregwa buvuga ko Muneza na Ntakirutimana batakagombye kugabanyirizwa ibihano bahawe, kuko baburanye bahakana icyaha baregwa, ndetse ukwemera icyaha kwabo bakoreye mu bujurire bukaba nta gaciro kwagira; ariko kuba barateye intambwe bakemera icyaha bakagisabira imbabazi bigaragaza ko bari mu nzira zo kugororoka, bityo ko bitabuza Urukiko kubagabanyiriza ibihano, n'ubwo impamvu z'ubujurire bwabo nta shingiro zifite. Ubushinjacyaha buvuga ko impamvu z'ubujurire za Mupenzi zidafite ishingiro, kuko hari ibimenyetso bimuhamya icyaha byashingiweho mu rubanza rujuririrwa zirimo imvugo za Muneza ubwo yabazwaga mu nzego z'iperereza. Buvuga kandi ko kuba Muneza yarageze mu Rukiko agahindura imvugo ze akanashinjura Mupenzi, ibyo bitamuhaguraho icyaha kandi bidatera ugushidikanya nk'uko Mupenzi yabivuze, rwasanga ahubwo ari ikimenyetso cy'icyaha, kuko umucamanza uburanisha urubanza mu mizi ariwe uha agaciro imvugo z'uregwa yemereye mu iperereza kabone niyo yaba yarageze mu rukiko akazihakana. Buvuga kandi ko "historique" igaragaza ko Mupenzi yahamagaye inshuro nyinshi Muneza amubaza aho ageze amuzanira "courier", yahawe na Sano kandi ari urumogi babaga bavugaga, bukaba kandi busanga kuba Rurangwa na Ntakirutimana bavugaga ko Mupenzi yabeshyewe nta shingiro byahabwa kuko ibyo bitavuguruzwa ibimenyetso Urukiko rwashinyiye rumuhamya icyaha. Incamake y'icyemezo: 1. Ukwemera icyaha kugira agaciro gashobora gutuma uregwa agabanyirizwa igihano, iyo gukoze byibura mbere y'uko iburanisha ku rwego rwa mbere ripfundikirwa, kudashidikanywaho, kuba uwemera agaragaza ko yumva uburemere bw'ibikorwa yemera n'ingaruka zabyo, abyicuza, abisabira imbabazi no kuba yiteguye gusubiza ibyo yangije uko abitegerejweho.

2. Iyo hari impamvu nyoroshyacyaha nta cyabuza Urukiko kugabanyiriza igihano uregwa, hagamijwe gutanga igihano gihwanye n'uburemere bw'icyaha kabone n'ubwo impamvu z'ubujurire zaba zitahawe ishingiro.
3. Kugira ngo Umucamanza afate icyemezo gihamya icyaha, agomba kuba afite ibimenyetso bihamya nta gushidikanya (preuves à conviction au-delà de tout doute raisonnable) ko ushinjwa ariwe wakoze icyaha. Ubujurire bwatanzwe na Muneza na Ntakirutimana bufite ishingiro kuri bimwe. Ubujurire bwatanzwe na Mupenzi bufite ishingiro. Amagarama aherera ku isanduku ya Leta. Amategeko yashinyiweho: Itegeko No 059/2023 ryo ku wa 04/12/2023, rihindura Itegeko No 68/2018 ryo 30/08/2018 riteganyaga ibyaha n'ibihano muri rusange, ingingo ya 2 n'ya 3. Itegeko No 69/2019 ryo ku wa 08/11/2019 rihindura ingingo ya 263 y'Itegeko No 68/2018 ryo ku wa 30/08/2018 riteganyaga ibyaha n'ibihano muri rusange, ingingo ya 11. Itegeko No 027/2019 ryo ku wa 19/09/2019, ryerekeye imiburanishirize y'imanza z'inshinjabyaha, ingingo ya 111.

Page 3

Itegeko No 68/2018 ryo ku wa 30/08/2018 riteganywa ibyaha n'ibihano muri rusange, ingingo ya 49 n'ya 60. Imanza zifashishijwe: RS/INCONST/SPEC0003/2019/SC, Re Kabasinga rwaciwe n'Urukiko rw'Ikirenga ku wa 04/12/2019. RPAA0105/15/CS-RPAA0035/16/CS, Ubushinjacyaha na Niyomukiza Séverin na Hakuzimana Jean Damascène, rwaciwe n'Urukiko rw'Ikirenga ku wa 29/06/2018. RPAA01349/2024/CA, Ubushinjacyaha na Mbonabucya Charles, rwaciwe n'Urukiko rw'Ubujurire ku wa 18/07/2025. RPAA00852/2024/CA, Ubushinjacyaha na Barakagira Thomas, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/04/2025. RPAA00181/2024/CA, Ubushinjacyaha na Twizerane Alphonse rwaciwe n'Urukiko rw'Ubujurire ku wa 25/04/2025. RPAA00185/2024/CA, Ubushinjacyaha na Uwizeyimana Emmanuel rwaciwe n'Urukiko rw'Ubujurire ku wa 25/04/2025. RPAA00393/2023/CA, Ubushinjacyaha na Ndayisenga Isaïe, rwaciwe n'Urukiko rw'Ubujurire ku wa 18/03/2025. RPAA00368/2023/CA, Ubushinjacyaha na Ntaganda Moïse, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/02/2025. RPAA00032/2023/CA-CMB RPAA00033/2023/CA, Ubushinjacyaha na Uwamahoro Shadia n'undi, rwaciwe n'Urukiko rw'Ubujurire ku wa 17/02/2025. RPAA00299/2023/CA, Ubushinjacyaha na Hagenimana Erimerike, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/04/2024. RPAA00099/2023/CA-CMB 00117/2022/CA, Ubushinjacyaha na Niyonsaba Jacques n'undi rwaciwe n'Urukiko rw'Ubujurire ku wa 19/04/2024. RPAA00611/2022/CA, Ubushinjacyaha na Mahoro Jolie rwaciwe n'Urukiko rw'Ubujurire ku wa 28/12/2023. RPAA00367/2020/CA, Ubushinjacyaha na Twagirumukiza Innocent Réponse, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/12/2023. RPAA00224/2022/CA, Ubushinjacyaha na Rutayisire Aubin, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/02/2023. RPAA00408/2021/CA, Ubushinjacyaha na Nyirishema Fiston, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/01/2023. RPAA00737/2021/CA, Ubushinjacyaha na Uwayisaba Habimana Antoine, rwaciwe n'Urukiko rw'Ubujurire ku wa 16/12/2022. RPAA00048/2020/CA, Ubushinjacyaha na Bimenyimana Jean Paul, rwaciye n'Urukiko rw'Ubujurire ku wa 26/05/2022. RPA00060/2021/CA, Ubushinjacyaha na Nsabimana Callixte alias Sankara na bagenzi be rwaciwe n'Urukiko rw'Ubujurire ku wa 04/04/2022. RPAA00039/2021/CA, Ubushinjacyaha na Shakabatenda Jean de Dieu rwaciwe n'Urukiko rw'Ubujurire ku wa 02/07/2021. RPAA00199/2020/CA, Ubushinjacyaha na Nzafashwanimana Jean de Dieu, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/02/2020. Urubanza I. IMITERERE Y'URUBANZA [1] Ku wa 09/10/2019, Rurangwa Fiacre, Muneza Patrick, Mupenzi Jean Claude na Ntakirutimana Martin baketsweho kunywa no gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi, ubwo polisi

Page 4

y'igihugu, ishami rishinzwe kurwanya ibiyobyabwenge ishingiyeho kumakuru yahawe n'abaturage ko Rurangwa Fiacre acuruza urumogi, yafatanye Rurangwa Fiacre udupfunyika magana abiri (200) tw'urumogi n'amafaranga 38.000Frw, bamusaba kwerekana abamuhaye urwo rumogi, yerekana Muneza Patrick wafatanwe udupfunyika ibihumbi bine(4.000) tw'urumogi na Ntakirutimana Martin bari kumwe mu modoka y'ivatiri ifite plaque za Congo (DRC), CGO 852611/19, bese bashyikirizwa Ubugenzacyaha. [2] Nyuma y'iperereza, Ubushinjacyaha bwabareze mu Rukiko Rwisumbuye rwa Nyarugenge, icyaha cyo kunywa no gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi, busaba kwemeza ko kibahama, buri wese

agahanishwa igifungo cya burundu. [3] Muneza Patrick yaburanye yemera icyaha, avuga ko yafatanwe udupfunyika ibihumbi bine (4.000) tw'urumogi muri butu y'imodoka anasobanura ko yarazi ko urwo rumogi ari urwo gucuruza yahawe n'umuntu wo muri Congo. Mupenzi Jean Claude, we yaburanye ahakana icyaha, avuga ko atigeze afatanwa urumogi. [4] Ntakirutimana Martin nawe yaburanye ahakana icyaha, avuga ko atarazi ko imodoka ye yarimo urumogi. Naho Rurangwa Fiacre yaburanye yemera ko yafatanwe udupfunyika magana abiri (200) tw'urumogi atazi ko arufite muri "envelope" yahawe. [5] Mu rubanza RP01372/2019/TGI/NYGE, rwaciwe ku wa 24/04/2020, Urukiko Rwisumbuye rwa Nyarugenge, rwasanze hari ibimenyetso bihamya Rurangwa Fiacre icyaha cyo gutunda no kunywa ibiyobyabwenge byo mu bwoko by'urumogi, rusanga hari ibimenyetso bihamya Muneza Patrick, Mupenzi Jean Claude na Ntakirutimana Martin icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko by'urumogi, aribyo:

- a) Imvugo za Rurangwa Fiacre yemera ko anywa urumogi ndetse no kuba yarafatanwe udupfunyika 200 tw'urumogi aruhawe na Ntakirutimana Martin afatanyije na Muneza Patrick;
- b) Imvugo za Rurangwa Fiacre wagaragaje ko ari Ntakirutimana Martin na Muneza Patrick bamuhaye urumogi, no kuba yarabahamagaye kuri terefoni polisi ihita ibafata, ibasangana mu modoka bafite udupfunyika ibihumbi bine (4.000) tw'urumogi;
- c) Imvugo za Muneza Patrick wagaragaje ko Mupenzi Jean Claude yagiye amuhamagara kenshi amubwira kumuzanira "courier" ye yoherejwe n'uwitwa Irene Sada Ngabo w'i Goma, agasobanura ko icyo bitaga "courier" rwari urumogi yagombaga kumuzanira. Urukiko rushingiye kuri ibyo bimenyetso, rwahamije Rurangwa Fiacre icyaha cyo gutunda no kunywa ibiyobyabwenge, ruhamya Muneza Patrick, Mupenzi Jean Claude na Ntakirutimana Martin, icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi. Rubahanisha buri wese igifungo cy'imyaka makumyabiri n'itanu (25 ans) n'ihazabu y'amafaranga y'u Rwanda, milioni makumyabiri (20.000.000Frw). Rutegeka ko udupfunyika 4.200 tw'urumogi rwafatirwe rutwikwa. [6] Rurangwa Fiacre, Muneza Patrick, Mupenzi Jean Claude na Ntakirutimana Martin bajuririyemo urwo rubanza mu Rukiko Rukuru, Ntakirutimana Martin, avuga ko nta mugambi yagize wo gucuruza ibiyobyabwenge, ko polisi yasatse imodoka yakodesheje igasangamo urumogi, udupfunyika 4.000, akaba atari azi ko rurimo, asaba kurenganurwa. [7] Mupenzi Jean Claude yajuririyemo urwo rubanza avuga ko Urukiko rwirengagije ko ibikorwa byo gukora icyaha bituzuye kuko nta rumogi yafatanwe ndetse ko n'abarufatanwe batari kumwe, rukaba nta bimenyetso rwashingiyeho rumuhanisha igifungo cy'imyaka 25. Asaba kurenganurwa. Rurangwa Fiacre na Muneza Patrick bajuririyemo basaba kugabanyirizwa ibihano kuko bemera icyaha bakanagisabira imbabazi.

Page 5

- [8] Ubushinjacyaha buvuga ko Muneza yakuye urumogi muri Congo kandi ko yarucuruzanyaga na Ntakirutimana nyirimodoka barusanzemo, Rurangwa akaba yarafatanwe rumwe muri urwo rumogi aruhawe na Muneza na Ntakirutimana. Bukomeza buvuga ko na Mupenzi yafashwe aje gufata urumogi yarazaniwe na Muneza n'ubwo avuga ko wari umuzigo atarazi

ikiwurimo ariko bose bashinjwa na Muneza ko bari bazi ko ari urumogi. Busaba ko hagumaho ibihano bahawe. [9] Mu rubanza RPA00598/2020/HC/KIG, rwaciye ku wa 30/11/2021, Urukiko Rukuru, nyuma yo gusesengura impamvu z'ubujurire z'abaregwa, rusanga kuri Ntakirutimana n'ubwo ahakana icyaha, imvugo za Rurangwa na Muneza mu nzego z'iperereza zimushinja, aho Rurangwa yagaragaje ko urumogi yafatanwe yaruhawe na Ntakirutimana na Muneza bamusaba kurubatwarira nk'umumotari kandi ko Rurangwa amaze gufatwa yagiye kwerekana abamuhaye urumogi basanga ari Ntakirutimana na Muneza, mu modoka barimo basangamo udupfunyika 4.000 tw'urumogi. Rusanga kandi imvugo z'abatangabuhamya Gasore na Nshimiyimana nazo zimushinja bityo ko ubujurire bwe nta shingiro bufite. Rusanga kuri Mupenzi Jean Claude, n'ubwo ahakana icyaha, imvugo za Muneza abazwa mu Bugenzacyaha zimushinja aho yagaragaje ko yamuhamagaye kuza gufata umuzigo amuzaniye akuye k'uwitwa Irene, kandi uwo muzigo akaba yarazi ko ari urumogi bityo ko ubujurire bwe budafite ishingiro. Rusanga kuri Rurangwa Fiacre kuba yemera icyaha akanagisabira imbabazi kuva yafatwa, byamubera impamvu nyoroshyacyaha akagabanyirizwa ibihano. Rusanga kuri Muneza Patrick kuba atemera icyaha mu buryo budashidikanywaho, atagabanyirizwa ibihano. Rwemeza ko urubanza bajuririye ruhindutse gusa kuri Rurangwa Fiacre. Ruhanisha Rurangwa Fiacre igifungo cy'imyaka icumi (10 ans) n'ihazabu ya milioni icumi (10.000.000Frw). [10] Muneza Patrick, Ntakirutimana Martin na Mupenzi Jean Claude bajuririye urwo rubanza mu Rukiko rw'Ubugurire, urubanza ruhabwa RPAA00046/2022/CA-CMB RPAA00047/2022/CA-CMB RPAA00048/2022/CA, ruburanishwa mu ruhame ku wa 11/09/2025, Muneza Patrick yunganiwe na Me Munini Patrick, Ntakirutimana Martin, yunganiwe na Me Micomyiza Liliane, Mupenzi Jean Claude, yunganiwe na Me Nubumwe Jean Bosco, Ubushinjacyaha buhagarariwe na Ndagijimana Charles, Umushinjacyaha ku rwego rw'Igihugu. [11] Mu mwanzuro w'ubujurire, Muneza Patrick n'umwunganira basaba ko yagabanyirizwa ibihano, basobanura ko yagiye aburana nabi atavugisha ukuri kubera abajyanama babi, ubu akaba yemera icyaha anagisabira imbabazi, asaba kugabanyirizwa ibihano kuko amaze kugororoka. Basaba ko yagabanyirizwa ibihano bashingiye kubiteganywa mu ngingo ya 49 y'Itegeko No 68/2018 ryo ku wa 30/08/2018 riteganywa ibyaha n'ibihano muri rusange ndetse no kumirongo yatanze mu manza zaciye n'Urukiko rw'Ubugurire. [12] Ntakirutimana Martin, mu mwanzuro we w'ubujurire, avuga ko yemera icyaha akanagisabira imbabazi, asaba kugabanyirizwa ibihano, asobanura ko yabanje kujya atemera icyaha kubera kudasobanukirwa neza uruhare rwe mu ikorwa ry'icyaha no kumvira inama mbi, aho yagiye aburana avuga ko atarazi ko muriyo modoka harimo urumogi nyamara yarabizi kuko imodoka ye yayikodeshaga Muneza Patrick, akajya ayitwaramo urumogi, ariko ko ubu amaze gusobanukirwa uburemere bw'icyaha yakoze, akaba amaze kugororoka, asaba kugabanyirizwa igihano kugeza ku gifungo cy'imyaka 5 kikanasubikwa. Asobanura ko hari imanza zaciye n'Urukiko rw'Ubugurire aho abaregwa kimwe nawe bagabanyirijwe ibihano kugeza ku gifungo cy'imyaka itanu. [13] Me Micomyiza Liliane umwunganira, avuga ko n'ubwo Ntakirutimana Martin yemeye icyaha ubwa mbere mu Bujurire ntacyabuza Urukiko kumugabanyiriza igihano kikajya muni y'igito giteganywa n'itegeko kubera impamvu nyoroshyacyaha yagaragaje. [14] Mupenzi Jean Claude, mu mwanzuro we w'ubujurire, avuga ko mu rubanza rujuriyirwa, Urukiko ruterekanye uruhare

rwe mu ikorwa ry'icyaha ahubwo habayeho gukomatanya hatagaragajwe uruhare rwa buri wese, kandi rwagombaga gusuzuma niba yarafatanwe urumogi. Akomeza avuga ko abo baregwa hamwe barufatanwe ariko we ntarwo yafatanwe akibaza aho ahurira narwo, asobanura ko imvugo za

Page 6

Muneza Patrick zafashwe nk'ikimenyetso kimushinja nyamara Urukiko ubwarwo rwagaragaje ko rutemera ukwemera icyaha kwe kuko agenda yivuguruza. Akaba asanga nta bimenyetso byashingiweho bimuhamya icyaha cyo gucuruza ibiyobyabwenge. Akomeza asobanura ko kuba yaravuganye na Muneza Patrick kuri terefone ngo amuzanire "courier" ye atari ikimenyetso ko acuruza urumogi keretse hagaragajwe ko bavuganye ibijyanye n'urumogi. Asaba kugirwa umwere. [15] Ubushinjacyaha, buvuga ko kuri Muneza Patrick, mu rubanza rujurirwa, mu gika cya 40, Urukiko rwasobanuye impamvu rutamugabanyirije ibihano aho rwagaragaje ko atemera icyaha mu buryo budashidikanywaho. Busanga ukwemera icyaha kwe mubujurire nta gaciro kwagira, gusa kuba yateye intambwe akemera icyaha akanagisabira imbabazi bigaragaza ko ari mu nzira zo kugororoka bityo ko bitabuza Urukiko kumugabanyiriza ibihano kabone n'ubwo impamvu ze z'ubujurire zidafite ishingiro hashingiwe kumurongo watanze mu rubanza rwaciwe n'Urukiko rw'Ubujurire (ariko mu iburanisha ryo ku wa 11/09/2025, Ubushinjacyaha bwagaragaje ko uwo murongo butagikomeje kuwushingiraho, busaba ko Urukiko rwazamugabanyiriza ibihano mu bushishozi bwawo). [16] Naho kubijyanye n'igabanyagihano Muneza Patrick yasabye ashingiye ku rubanza rwaciwe n'uru Rukiko, Ubushinjacyaha, buvuga ko busanga atarihabwa kuko ingingo ya 60 y'Itegeko riteganya ibyaha n'ibihano muri rusange, yashingirwagaho mu kugabanya ibihano, yarahinduwe. [17] Kuri Ntakirutimana Martin, Ubushinjacyaha, buvuga ko yabonye umwana wo kwemera icyaha no gusaba imbabazi ariko yivutsa ayo mahirwe aburana mu Rukiko Rwisumbuye no mu Rukuru ahakana icyaha bityo ukwemera icyaha kwe mu bujurire nta gaciro kwagira hashingiwe kumurongo watanze mu rubanza rwaciwe n'Urukiko rw'Ubujurire. Busaba ko impamvu ye y'ubujurire itahabwa ishingiro. Ariko bukomeza busobanura ko n'ubwo iyo mpamvu y'ubujurire idafite ishingiro ntacyabuza Urukiko kumugabanyiriza ibihano kuko yateye intambwe yemera icyaha anasaba imbabazi bigaragaza ko ari mu nzira zo kugororoka (Gusa mu iburanisha ryo ku wa 11/09/2025, Ubushinjacyaha bwavuze ko umurongo bwashyize mu mwanzuro wabwo, busaba ko yagabanyirizwa ibihano butakiwukomeje, busaba ko Urukiko rwazamugabanyiriza ibihano mubushishozi bwawo). [18] Kuri Mupenzi Jean Claude, Ubushinjacyaha, buvuga ko impamvu ze z'ubujurire zidafite ishingiro kuko ibimenyetso Urukiko rwashingiyeho bimuhamya icyaha nta gushidikanya kurimo ndetse bikaba binagaragazwa no kuba Muneza Patrick ubu yihannye yemera kuvugisha ukuri akaba yarasobanuye uruhare rwa Mupenzi Jean Claude aho yavuze ko yari yamuzaniye urumogi udupfunyika ibihumbi bibiri aruhawe n'umugore wa Mupenzi wabaga i Goma witwa Irene Sada Ngabo ngo aruzanire Mupenzi arucuruze nk'uko bari basanzwe bakorana. [19] Hakurikijwe izo mpaka, muri uru rubanza harasuzumwa ibibazo byo kumenya niba Muneza Patrick na Ntakirutimana Martin bakwiriyeye kugabanyirizwa ibihano no kumenya niba igihano Ntakirutimana Martin yahanishwa cyasubikwa ndetse n'ikibazo cyo kumenya niba nta

bimenyetso bifatika, Urukiko Rukuru rwashingiyeho muguhanya Mupenzi Jean Claude icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi. II. ISESENGURA RY'IBIBAZO BIGIZE URUBANZA

- a. Kumenya niba Muneza Patrick na Ntakirutimana Martin bakwiriye kugabanyirizwa ibihano no kumenya niba igihano Ntakirutimana Martin yahanishwa cyasubikwa [20] Muneza Patrick, n'umwunganira, bavuga ko Urukiko Rukuru rutamugabanyirije igihano, basaba ko yagabanyirizwa ibihano kuko yaremeye icyaha akagisabira imbabazi, akaba amaze kugororoka kandi akaba ari ubwa mbere akurikiranwe mu Butabera. Babisaba bashingiye kumanza zaciwe n'Uru Rukiko abaregwa kimwe na Muneza bakaba barabagabanyirije ibihano harimo urubanza RPAA00224/2022/CA, rwaciwe ku wa 28/02/2023, aho Ubushinjacyaha bwaburanaga n'uwitwa Rutayisire Aubin, wari

Page 7

warahawe n'Urukiko Rukuru igifungo cy'imyaka 25, maze Urukiko rw'Ubujurire rumugabanyiriza igihano kugeza ku gifungo cy'imyaka itatu n'amezi atandatu. [21] Bashingira no kumurongo watanze n'Urukiko rw'Ubujurire mu rubanza RPAA00199/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/02/2020, haburana Ubushinjacyaha na Nzafashwanimana Jean de Dieu, aho Urukiko rwatanze umurongo uvuga ko Umucamnaza ashobora gutanga igihano akajya muni y'igihano gito giteganywa n'Itegeko iyo asanga hari impamvu nyoroshyacyaha. Basaba Urukiko kugendera kuri uwo murongo no kumuhanisha igihano gito gishoboka. [22] Mu miburanire ye, Muneza Patrick, anasaba Urukiko kudaha agaciro umwanzuro w'inyongera yatanze ku wa 20/07/2022, asobanura ko muri uwo mwanzuro atavugishije ukuri kuko yawukoze agendeye ku nama mbi yagiriwe. Asaba Urukiko guha agaciro umwanzuro w'inyongera yakoze ku wa 26/03/2024. [23] Ntakirutimana Martin n'umwunganira, bavuga ko n'ubwo Ntakirutimana Martin yemeye icyaha ubwa mbere mu bujurire, ntacyabuzwa Urukiko kumugabanyiriza igihano kikajya muni y'igito giteganywa n'itegeko kubera impamvu nyoroshyacyaha z'uko ari ubwa mbere akurikiranywe mu Butabera mu buryo buzwi, kuba yari asanzwe yitwara neza, akaba yaricujije kubw'icyaha yakoze, akaba kandi yarakoze icyaha afite imyaka 26 y'amavuko, akaba atararenga ihaniro. Basaba ko yahanishwa igifungo cy'imyaka itanu ndetse kikanasubikwa bashingiye ku murongo watanze mu rubanza RS/INCONST/SPEC0003/2019/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 04/12/2019 ndetse no mu rubanza RPAA00408/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/01/2023, haburana Ubushinjacyaha na Nyirishema Fiston ku cyaha nk'icyo yakoze nyamara, agabanyirizwa igihano kugeza ku gifungo cy'imyaka itanu. [24] Mu miburanire ye yo ku wa 11/09/2025, Ntakirutimana Martin, asaba Urukiko rw'Ubujurire gutesha agaciro umwanzuro w'inyongera yakoze ku wa 12/09/2022, asobanura ko nta kuri kurimo, arusaba guha agaciro umwanzuro we w'inyongera wo ku wa 18/03/2024. [25] Ubushinjacyaha buvuga ko kuri Muneza Patrick, impamvu ze z'ubujurire zidafite ishingiye kuko atagabanyirijwe igihano mu Rukiko Rukuru kuko rwasobanuye ko yemeye icyaha mu buryo budashidikanywaho. Bukomeza busobanura ko Muneza Patrick yabonye umwanya wo kwemera icyaha no kugisabira imbabazi ariko ayo mahirwe akaba yarayivukije aburana mu Rukiko Rwisumbuye n'Urukiko Rukuru bityo ko ukwemera icyaha kwe mu Rukiko rw'Ubujurire nta kamaro byamugirira. [26] Ubushinjacyaha,

bukomeza buvuga ko n'ubwo bimeze bityo, kuba Muneza Patrick yateye intambwe akemera icyaha akagisabira imbabazi, akagaragaza n'uruhare rw'abagenzi be mu ikorwa ry'icyaha, bigaragaza ko ari munzira zo kugororoka bityo ko Urukiko rwabababwirako rukamugabanyiriza ibihano. [27] Ku bijyanye n'imanza Muneza Patrick n'umwunganira basabye gushingiraho akagabanyirizwa ibihano, Ubushinjacyaha, buvuga ko, busanga zidakwiriye gushyingirwaho kuko igabanyagihano zakozwe murizo manza ryashyingiraga ku ngingo ya 60 y'Itegeko No 68/2018 ryo ku wa 30/08/2018, riteganyaga ibyaha n'ibihano muri rusange, iyo ngingo ikaba yarahinduwe bityo umurongo wariho hakoreshejwe iyo ngingo ntiwakomeza gukurikizwa kandi itagikoreshejwe bushingiye ku murongo watanze mu rubanza RPAA00611/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/12/2023, haburana Ubushinjacyaha na Mahoro Jolie¹. Bumusabira guhanishwa igifungo cy'imyaka 15 n'ihazabu y'amafaranga 5.000.000Frw.

1 Buvuga ko mu gika cya 27 cy'urwo rubanza Urukiko rwatanze umurongo uvuga ko umurongo wari uriho ntushobora gukurikizwa mu gihe Itegeko wari ushingiyeho ryavuyeho cyangwa ryahinduwe.

Page 8

[28] Kuri Ntakirutimana Martin, Ubushinjacyaha, buvuga ko nk'uko bwababwirako kuri Muneza Patrick, busanga Ntakirutimana Martin nawe yari yarabonye umwanya munini wo kwemera icyaha no kugisabira imbabazi mu gihe yaburanaga imbere y'Urukiko Rwisumbuye ndetse n'Urukiko Rukuru ariko yivutsa ayo mahirwe. Bukaba busanga ukwemera icyaha kwe ubwa mbere mu Rukiko rw'Ubujurire kutamugirira akamaro bushingiye kumurongo watanze mu rubanza RPAA00099/2023/CA-CMB 00117/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 19/04/2024, haburana Ubushinjacyaha na Niyonsaba Jacques n'undi². [29] Ubushinjacyaha, bukomeza buvuga ko n'ubwo impamvu y'ubujurire ya Ntakirutimana Martin idafite ishingiro, busanga kuba yemeye icyaha akanagisabira imbabazi, bigaragaza ko ari mu nzira zo kugororoka bityo Urukiko rwamugabanyiriza ibihano. Bumusabira igifungo cy'imyaka 15 n'ihazabu ya 5.000.000Frw bushingiye ku ngingo ya 2 y'Itegeko No 059/2023 ryo ku wa 04/12/2023, rihindura Itegeko No 68/2018 ryo 30/08/2018 riteganyaga ibyaha n'ibihano muri rusange. Bukomeza buvuga ko isubikagihano byasabwemo na Ntakirutimana Martin, busanga atababwirako kuko igihano yasabiwe kitagabanywa kugeza muni y'imyaka itanu nk'uko amategeko abiteganyaga. [30] Naho ku bijyanye n'imanza Ntakirutimana Martin n'umwunganira bashingiraho basaba ko zashyingirwaho agabanyirizwa ibihano, Ubushinjacyaha, busanga zitashyingirwaho kuko ingingo ya 60 y'Itegeko No 68/2018 ryo ku wa 30/08/2018, riteganyaga ibyaha n'ibihano muri rusange yashyingirwagaho mukugabanya ibihano yarahinduwe. UKO URUKIKO RUBIBONA [31] Ku birebana no kugabanya igihano mu gihe hari impamvu nyoroshyacyaha, ingingo ya 2 y'Itegeko N° 059/2023 ryo ku wa 04/12/2023 rihindura Itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganyaga ibyaha n'ibihano muri rusange, iteganyaga 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. [32] Naho ibirebana no kugabanyirizwa igihano mu gihe ariyo mpamvu yonyine y'ubujurire, byatanzweho umurongo mu rubanza RPA00060/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 04/04/20223 haburana Ubushinjacyaha na Nsabimana Callixte alias Sankara na bagenzi be. Muri urwo rubanza, Urukiko rw'Ubujurire rwemeje ko mu rwego rw'ibirego nshinjabyaha, iyo abaregwa nta kindi banenga urubanza rwajuririwe uretse kuvuga gusa ko batagabanyirijwe igihano bihagije, buri mucamanza ku rwego urwo arirwo rwose, yemerewe gutanga igihano mu bushishozi bwe kijyanye n'uburemere bw'icyaha ndetse n'ingaruka zacyo hakurikijwe ibiteganywa n'ingingo ya 49 y'Itegeko N° 68/2018 ryo ku wa 30/8/2018 riteganywa ibyaha n'ibihano muri rusange, ariko ko mu bujurire, Umucamanza agomba kuzirikana ko yemerewe gusa guhindura igihano cyatanzwe n'Umucamanza wo mu Rukiko rubanza, ari uko amaze kugaragaza ko urwo Rukiko rwaba rwarakoresheje nabi itegeko cyangwa ubushishozi bwarwo mu gutanga icyo gihano. Uyu murongo wakurikijwe mu manza zitandukanye zakurikiyeho zaciwe n'uru Rukiko, harimo n'urubanza RPAA00185/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/04/2025, Ubushinjacyaha buburana na Uwizeyimana Emmanuel⁴.

2 Buvuga ko mu gika cya 27 cy'urwo rubanza, Urukiko rwatanze umurongo uvuga ko ukwemera icyaha kugira agaciro gashobora gutuma uregwa agabanyirizwa igihano ari ugukozwe byibura mbere y'uko iburanisha ku rwego rwa mbere ripfundikirwa, kukaba kudashidikanywaho, kuba uwemera agaragaza ko yumva uburemere bw'ibikorwa yemera n'ingaruka zabyo, abyicuza, abisabira imbabazi no kuba yiteguye gusubiza ibyo yangije uko abitegerejweho. 3 Reba igika cya 252-254. 4 Reba igika cya 13.

Page 9

- [33] Mu bika bikurikira, harasuzumwa niba mu guhanisha Muneza Patrick na Ntakirutimana Martin, igifungo cy'imyaka makumyabiri n'itanu (25) n'ihazabu ingana n'amafaranga y'u Rwanda miliyoni makumyabiri (20.000.000Frw) ku cyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi, Urukiko rwarakoresheje nabi itegeko cyangwa se ubushishozi bwarwo.
- a. Kuri Muneza Patrick [34] Nk'uko bigaragara mu manza zabanje, bikanibutswa mu gice cy'imiterere y'urubanza, mu Rukiko Rwisumbuye rwa Nyarugenge, Muneza Patrick, yarezwe icyaha cyo kunywa no gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi, aburana yemera ko yafatanwe udupfunyika 4.000 muri butu y'imodoka yarimo azi ko ari urwo gucuruza yahawe n'umuntu wo muri Kongo, asaba Urukiko ko ibyo yavugiye mu bugenzacyaha no mu bushinjacyaha byateshwa agaciro, rukita kubyo yavugiye mu Rukiko. Urukiko rusanga atemera icyaha nyamara hari ibimenyetso bimuhamya icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi, rumuhanisha igifungo cy'imyaka 25 n'ihazabu ya 20.000.000Frw aho kuba igifungo cya burundu kuko ari ubwa mbere yakoze icyaha. Mu Rukiko Rukuru, yajuriye yemera icyaha, asaba imbabazi, avuga ko atagabanyirijwe ibihano, asaba kubigabanyirizwa. Urukiko Rukuru rusanga ibyo asaba byo kugabanyirizwa ibihano nta shingiro bifite kuko kuba avuga ko yemera icyaha akaba ari

nabyo yari yavuze mu rwego rwa mbere ariko rusanga atemera icyaha ku buryo budashidikanywaho kuko ahinduranya imvugo ze anivuguruza aho mu mabazwa ye mu nzego z'iperereza yashinje bagenzi be ariko ubu akaba abashinjura, bityo rusanga atagabanyirizwa ibihano kuko atemera icyaha ku buryo budashidikanywaho. [35] Urukiko rw'Ubujurire ruremeranywa n'Urukiko Rukuru ku bijyanye no kutagabanyiriza Muneza Patrick igihano kubera ko ukwemera icyaha kwe kudashidikanywaho aho rwagaragaje ko ahinduranya imvugo akanivuguruza, bigaragarira mu mvugo ze mu nzego z'iperereza ndetse n'izo mu Rukiko. Urukiko rw'ubujurire rurasanga koko ukwemera icyaha kwa Muneza Patrick kudashidikanywaho kuko no mu myanzuro Muneza Patrick yatanze muri uru Rukiko, agenda yivuguruza aho nawe ubwe asaba ko umwanzuro we w'in Yongera wo ku wa 20/07/2022 wateshwa agaciro, avuga ko utavugisha ukuri, ubundi agasaba ko uwo yakozwe ku wa 26/03/2024 washingirwaho, ukaba utandukanye n'uwo yasabye ko wahabwa agaciro ndetse n'ibyo yasobanuriye Urukiko ku bijyanye n'imikorere y'icyaha bikaba bitandukanye n'ibyo yasobanuye mu nzego z'iperereza. [36] Urukiko rw'Ubujurire rurasanga kuba Urukiko Rukuru rutashingiye ku kwemera icyaha kwa Muneza Patrick nk'impamvu nyoroshyacyaha ituma agabanyirizwa igihano nta kosa rwakoze, rushingiye k'umurongo watanze n'Urukiko rw'Ubujurire ugakurikizwa mu manza zitandukanye⁵, aho Urukiko rwemeje ko ukwemera icyaha kugira agaciro gashobora gutuma uregwa agabanyirizwa igihano, iyo gukoze byibura mbere y'uko iburanisha ku rwego rwa mbere ripfundikirwa, kudashidikanywaho, kuba uwemera agaragaza ko yumva uburemere bw'ibikorwa yemera n'ingaruka zabyo, abyicuza, abisabira imbabazi no kuba yiteguye gusubiza ibyo yangije uko abitegerejweho. [37] Urukiko rw'Ubujurire rurasanga ariko, n'ubwo ukwemera icyaha kwa Muneza Patrick, kutaba impamvu nyoroshyacyaha gutuma agabanyirizwa igihano kuko gushidikanywaho, bitari kubuza Urukiko Rukuru, gusuzuma niba igihano yahawe gikwiranye n'uburemere bw'icyaha yakozwe, rwabona kiremereye rukaba rwakigabanya rushingiye ku zindi mpamvu nyoroshyacyaha nk'uko byatanze umurongo mu rubanza RPAA00039/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 02/07/2021, haburana Ubushinjacyaha na Shakabatenda Jean de Dieu, uvuga ko nta cyabuza Urukiko kugabanyiriza igihano uregwa, hagamijwe gutanga igihano gihwanye n'uburemere bw'icyaha kabone n'ubwo impamvu z'ubujurire zaba zitahawe ishingiro, uwo murongo ukaba waragiye ushingirwaho no muzindi manza

5 Harimo urubanza RPA00060/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 04/04/2022 haburana Ubushinjacyaha na Nsabimana Callixte alias Sankara n'abandi, mu gika cya 136, n'urubanza RPAA00852/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/04/2025, Ubushinjacyaha buburana na Barakagira Thomas, mu gika cya 16.

Page 10

zaciwe n'uru Rukiko, harimo urubanza RPAA00181/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/04/2025, Ubushinjacyaha buburana na Twizerane Alphonse⁶. [38] Urukiko rw'Ubujurire rurasanga, kuba ari ubwa mbere Muneza Patrick yakurikiranweho icyaha imbere y'inkiko ndetse no kuba yakozwe icyaha afite imyaka 25 y'amavuko, rurasanga igihano cyo gufungwa imyaka 25 n'ihazabu y'amafaranga y'u Rwanda miliyoni makumyabiri (20.000.000Frw) yahanishijwe n'inkiko

zibanza, kiremereye, kikaba gikwiye kugabanywa kigahuzwa n'uburemere bw'icyaha cyakozwe. [39] Rusanga kandi, hari imanza zaciwe muri uru Rukiko ku bantu bakoze ibyaha bijya gusa n'icyo Muneza Patrick yahamijwe, harimo urubanza RPAA00032/2023/CA-CMB RPAA00033/2023/CA, rwaciwe ku wa 17/02/2025, haburana Ubushinjacyaha na Uwamahoro Shadia n'undi, ku cyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi, Uwamahoro Shadia akaba yarafatanwe udupfunyika 6.100 tw'urumogi, agabanyirizwa igifungo cy'imyaka 25 n'ihazabu ya 20.100.000Frw yahanishijwe n'Inkiko zibanza, ahanishwa igifungo cy'imyaka 16 n'ihazabu ya 5.000.000Frw hagamijwe guhuza igihano n'uburemere bw'icyaha cyakozwe. [40] Urukiko rw'Ubujurire rurasanga, mu rwego rwo gutanga ubutabera busa kubibazo bisa, Muneza Patrick, nawe akwiriye kugabanyirizwa igihano nk'uko byakozwe kuri Uwamahoro Shadia ariko Muneza Patrick we agahanishwa igifungo cy'imyaka cumi n'irindwi (17) n'ihazabu y'amafaranga y'u Rwanda milioni eshanu(5.000.000Frw) kubera ko n'ubwo Uwamahoro Shadia ariwe wafatanwe ibiyobyabwenge byinshi ugereranyije n'ibyo Muneza yafatanwe, Uwamahoro kuva afatwa yemeye icyaha ku buryo budashidikanywaho, kandi akaba yaragikoze afite imyaka 24 y'amavuko, bituma ahabwa igihano gito(igifungo cy'imyaka 16), nyamara Muneza Patrick wagikoze afite imyaka 25 y'amavuko, ukwemera icyaha kwe gushidikanywaho, kubera ukwivuguruza no kunyuranya mu mvugo ze. [41] N'aho ku bijyanye n'impamvu nyoroshyacyaha n'imanza Muneza Patrick n'umwunganira basabye gushingiraho, akagabanyirizwa ibihano agahabwa gito gishoboka, harimo urubanza RPAA00224/2022/CA, rwaciwe ku wa 28/02/2023 aho Ubushinjacyaha bwaburanaga n'uwitwa Rutayisire Aubin ndetse n'urubanza RPAA00199/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/02/2020, haburana Ubushinjacyaha na Nzafashwanimana Jean de Dieu, Urukiko rw'Ubujurire rurasanga nta shingiro bifite kuko ingingo ya 60 y'Itegeko No 68/2018 ryo ku wa 30/08/2018, riteganya ibyaha n'ibihano muri rusange yashingirwagaho murizo manza n'izindi mukugabanya ibihano yarahinduwe n'ingingo ya 2 y'Itegeko No 059/2023 ryo ku wa 04/12/2023, riteganya ibyaha n'ibihano muri rusange, bityo ikaba itakwiriye gushingirwaho mukugabanya ibihano nk'uko byatanzweho umurongo mu rubanza RPAA00367/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/12/2023, haburana ubushinjacyaha na Twagirumukiza Innocent Réponse7.

- b. Kuri Ntakirutimana Martin [42] Nk'uko bigaragara mu manza zabanje, mu Rukiko Rwisumbuye rwa Nyarugenge, Ntakirutimana Martin yarezwe icyaha cyo kunywa no gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi, aburana ahakana icyaha asaba kugirwa umwere, Urukiko rusanga hari ibimenyetso bimuhamya icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi, rumuhamya icyo cyaha, rumuhanisha igifungo cy'imyaka 25 n'ihazabu ya 20.000.000Frw aho kuba igifungo cya burundu kubera impamvu

6 Reba igika cya 16. 7 Muri urwo rubanza Urukiko rw'Ubujurire rwifashishije ibyemejwe mu rubanza RPAA00048/2020/CA, rwaciye ku wa 26/05/2022, haburana Ubushinjacyaha na Bimenyimana Jean Paul, rwemeza ko imanza zose zaciwe mbere y'uko Itegeko N° 59/2023 ryo ku wa 04/12/2023 rihindura ingingo ya 60 y'Itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange yateganyaga uburyo bwo kugabanya ibihano risohoka, zitagikoreshwa, harimo urubanza RS/INCONST/SPEC00003/2019/SC kimwe n'izindi manza zose zagendeye muri uwo murongo wo kugabanya igihano kugeza muni y'igihano gito giteganyijwe n'itegeko.

Page 11

nyoroshycyaha z'uko ari ubwa mbere yakoze icyaha. Mu Rukiko Rukuru, Ntakirutimana Martin yajuriye, akomeza guhakana icyaha avuga ko atari azi ko imodoka ye yakodesheje Muneza Patrick harimo urumogi, asaba kurenganurwa, Urukiko Rukuru rusanga hari ibimenyetso bimuhamya icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi harimo n'imvugo z'abaregwa hamwe bamushinja. Rusanga ubujurire bwe butahabwa ishingiro kuko ibyo avuga nta kuri kurimo. Rumugumisha ku gifungo cy'imyaka 25 n'ihazabu ya 20.000.000Frw yari yahanishijwe n'Urukiko Rwisumbuye. [43] Urukiko rw'Ubujurire rusanga, nta kosa Urukiko Rukuru rwakoze, mukutagabanyiriza Ntakirutimana Martin igihano rushingiye ku kuba yajuriye akomeje guhakana icyaha kandi hari ibimenyetso bikimuhamya. Rusanga ariko, n'ubwo Ntakirutimana Martin yajuriye ahakana icyaha, Urukiko Rukuru rugasanga impamvu ze z'ubujurire zidafite ishingiro, bitari kurubuza, gusuzuma niba igihano yahawe gikwiranye n'ubureme bw'icyaha yakoze, rwabona kiremereye rukaba rwakigabanya mu rwego rwo gutanga igihano gihwanye n'uburemere bw'icyaha rushingiye kumurongo watanze mu rubanza RPAA00039/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 02/07/2021, haburana Ubushinjacyaha na Shakabatenda Jean de Dieu, wagarutsweho mu gika cya 37 cy'uru rubanza. [44] Mu kumenya igihano Ntakirutimana Martin yahanishwa, Urukiko rw'Ubujurire rurasanga hari izindi manza ruheruka guca ku bantu bahamijwe ibyaha bijya gusa n'icyo Ntakirutimana Martin yahamijwe, murizo hari nk'urubanza RPAA00393/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 18/03/2025, haburana Ubushinjacyaha na Ndayisenga Isaïe. Muri urwo rubanza Urukiko rw'Ubujurire rwanashije Ndayisenga Isaïe igifungo cy'imyaka 17 n'ihazabu ya milioni eshanu(5.000.000Frw) aho kuba igifungo cy'imyaka 25 n'ihazabu ya 21.050.000Frw yahanishijwe n'inkiko zibanza ku cyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi. [45] Urukiko rw'Ubujurire rurasanga, mu rwego rwo gutanga ubutabera busa ku bibazo bijya gusa, no kuba Ntakirutimana Martin ari ubwa mbere akurikiranywe mu butabera ku buryo buzwi ndetse no mu rwego rwo gutanga igihano gihwanye n'uburemere bw'icyaha, Ntakirutimana Martin, nawe akwiye kugabanyirizwa ibihano muburyo bumwe na Ndayisenga Isaïe, akaba ahanishijwe igifungo cy'imyaka 17 n'ihazabu y'amafaranga angana na milioni eshanu(5.000.000Frw). [46] Naho ku bijyanye n'impamvu nyoroshycyaha harimo no kuba Ntakirutimana Martin yemeye icyaha akanagisabira imbabazi ndetse n'ianza we n'umwunganira basabye gushingiraho akagabanyirizwa igihano kugeza munsi y'igiteganywa n'Itegeko, agahanishwa igifungo cy'imyaka itanu(5), harimo urubanza RS/INCONST/SPEC0003/2019/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 04/12/2019, ndetse n'urubanza RPAA00408/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/01/2023, Urukiko rw'Ubujurire rurasanga, nta shingiro byahabwa kuko ingingo ya 60 y'Itegeko No 68/2018 ryo ku wa 30/08/2018, riteganya ibyaha n'ibihano muri rusange yashingirwagaho murizo manza n'izindi mukugabanya ibihano yahinduwe n'ingingo ya 2 y'Itegeko No 059/2023 ryo ku wa 04/12/2023, riteganya ibyaha n'ibihano muri rusange, bityo ikaba itakwiraye gushingirwaho mukugabanya ibihano nk'uko byatanzweho umurongo mu rubanza RPAA00367/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/12/2023, haburana ubushinjacyaha na Twagirumukiza Innocent Réponse, wagarutsweho mu gika cya 41 cy'uru rubanza. [47] Urukiko rw'Ubujurire, rurasanga kandi, kubusabe bwa Ntakirutimana Martin bwo kugabanyirizwa igihano kuko yemeye icyaha

akanagisabira imbabazi, nta shingiro byahabwa, kuko ukwemera icyaha kwe ubwa mbere mu Rukiko rw'Ubujurire, kutamugirira akamaro nk'impamvu nyoroshyacyaha yashyingirwaho agabanyirizwa ibihano, nk'uko byatanzweho umurongo mu rubanza RPA00060/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 04/04/2022, haburana Ubushinjacyaha na Nsabimana Callixte alias Sankara n'abandi wagarutsweho mu gika cya 36 cy'uru rubanza.

Page 12

- [48] Ku bijyanye n'isubikagihano byasabwe na Ntakirutimana Martin, Urukiko rw'Ubujurire rushingiye ku ngingo ya 38 agace ka (1) 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, rusanga Ntakirutimana Martin adakwiriye gusubikirwa igihano kuko ahanishijwe igihano cy'iremezo kirenze imyaka itanu (5) y'igifungo.
- b. Kumenya niba nta bimenyetso bifatika Urukiko Rukuru rwashingiyeho muguhamya Mupenzi Jean Claude icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi [49] Mu miburanire yabo, Mupenzi Jean Claude na Me Nubumwe Jean Bosco umwunganira, bavuga ko mu isesengura ry'urubanza rujuririrwa, Urukiko rutaritaye kukuri kw'uko ibintu byagenze mu gutwara ibiyobyabwenge, habaye gukomatanywa hatitawe ku kugaragaza uruhare rwa buri wese mu ikorwa ry'icyaha. Bavuga ko usibye kugaragaza ingingo z'amategeko ahana icyaha, nta bimenyetso Urukiko rwagaragaje by'uko hari ibikorwa byerekana ko yaba yarafatanwe, yaranyoye, yarabitse, guha undi cyangwa kugurisha ibiyobyabwenge. [50] Bakomeza basobanura ko igikorwa cyo gucuruza kigomba kugaragazwa no kuba hari ugurisha, ibicuruzwa, aho gucururiza, abaguzi n'amafaranga, nyamara ibi bikorwa byose ntabyamugaragayeho. Bakaba basanga uwabonye icuruzwa ry'ibiyobyabwenge ari uwitwa Rurangwa Fiacre wahamije abarucuruza, abaguzi babo, aho bacururiza kugeza kumafaranga n'umubare w'ibyacurujwe kandi akaba ntaho avuga Mupenzi Jean Claude. [51] Bavuga ko Urukiko Rukuru rwagendeye gusa ku mvugo za Muneza Patrick y'uko hari "courier" yavuye Kongo igenewe Mupenzi Jean Claude, rukabifata nk'ubuhamya rumuhamya icyaha cyo gucuruza ibiyobyabwenge, nyamara imvugo za Muneza Patrick zuzuyemo guhindagurika, kwivuguriza no kutavugisha ukuri, bityo bakaba babona zitari kuba zikwiriye gushyingirwaho mukumuhamya icyaha kuko zishidikanywaho. [52] Basobanura kandi ko Urukiko Rukuru rwamuhamije icyaha rushingiye kukuba yaravuganye na Muneza Patrick kuri terefone nyamara barasanga kuba Mupenzi Jean Claude yavuganye na Muneza Patrick kuri terefone atari ikimenyetso cy'uko acuruza urumogi kandi ko urumogi rwafashwe n'urutarafashwe rwose rwacururizwaga i Kigali ahitwa mu Gashyamba mu Murenge wa Jali, akaba atari ku Ruyenzi aho bamukuye, kandi aho ku Ruyenzi ubwo bahamusangaga, ntawamuhaye urumogi cyangwa ngo abe yarumufatana. Basobanura ko kuvuga ko Muneza Patrick yazaniye Mupenzi Jean Claude courier bidasobanura ko ari urumogi kuko iyo yari kuba ari urumogi bari kurumuha akarufatanwa. Bavuga ko courier Muneza Patrick yavugaga kumuzanira yasobanuye ko ari amadorari 150 Irene Sada Ngabo w'i Goma yari yamwoherereje. Banavugaga ko uyu Irene atari umugore wa Mupenzi nk'uko babivuze ahubwo ko babyaranye umwana n'ubwo Mupenzi Jean Claude

agishidikanya ko uwo mwana ari uwe. [53] Mupenzi Jean Claude n'umwunganira, mu miburanire yabo, basabye Urukiko gusuzuma umwanzuro Muneza Patrick yasabye gutesha agaciro kuko muri uwo mwanzuro yasobanuye ko yabeshyeye Mupenzi Jean Claude kubera uruhurirane rw'ibibazo yarafite, ko nta cyaha Mupenzi Jean Claude yakozwe, asobanura ko iyo urumogi rwari kuba ari urwa Mupenzi Jean Claude yari kurumuzanira ku Ruyenzi. Basobanura ko Urukiko Rukuru rwagendeye ku mvugo za Muneza Patrick yavugiyeye mu nzego z'iperereza nyamara Urukiko Rukuru mu gika cya 40, rwagaragaje ko imvugo za Muneza Patrick zigenda zivuguruzanya ariko ruvuga ko bidakuraho icyaha Mupenzi Jean Claude. [54] Basaba Urukiko rw'Ubujurire kudashingira kurizo mvugo zivuguruzanya za Muneza Patrick nk'ikimenyetso kimuhamya icyaha kuko zishidikanywaho. Ibyo babisaba bashingiyeye ku byemejwe

8 Ivuga 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.

Page 13

n'Urukiko rw'Ikirenga mu rubanza RPAA0105/15/CS-RPAA0035/16/CS, rwaciye n'Urukiko rw'Ikirenga ku wa 29/06/2018, haburana Ubushinjacyaha na Niyomukiza Sévérin na Hakuzimana Jean Damascène, baregwa icyaha cy'ubwicanyi no gushinyagurira umurambo, aho Urukiko mu bika bya 48-49 rwasanze imvugo z'abatangabuhamya zivuguruzanya, rwemeza ko hari ugushidikanya kubera kunyuranya mu mvugo za hato na hato kubirebana ni uko icyaha cyakozwe, rwemeza ko abaregwa bagizwe abere. [55] Mupenzi Jean Claude n'umwunganira bakomeza basaba Urukiko kubona ko Mupenzi Jean Claude nawe ari umwere kuko imvugo za Muneza Patrick umushinja zirimo gushidikanya no kwivuguruza, babisaba bashingiyeye ku ngingo ya 111 y'Itegeko No 027/2019 ryo ku wa 19/09/2019, ryerekeye imiburanishirize y'imanza z'inshinjabyaha. [56] Ubushinjacyaha buvuga ko impamvu z'ubujurire za Mupenzi Jean Claude zidafite ishingiro kuko hari ibimenyetso bimuhamya icyaha Urukiko mu rubanza rujuririrwa rwashingiyeho, aho mu gika cya 23 rwasobanuye ko n'ubwo Mupenzi Jean Claude yaburanye ahakana icyaha ariko rwasanze mu mabazwa ya Muneza Patrick yo mu Bugenzacyaha yaremeje ko yamuhamagaye abibwiwe na Ntakirutimana, ko abwira Mupenzi Jean Claude ko hari umuzigo(courrier) amuzaniye akuye kuri Irene Sada Ngabo kandi ko yari aziko uwo muzigo ari urumogi, kandi ko aribwo yaje aje kurufata ahita afatwa, rusanga imvugo za Muneza Patrick zigize ikimenyetso kimuhamya icyaha. [57] Ubushinjacyaha buvuga kandi ko Urukiko rwasobanuye ko ibyo Mupenzi Jean Claude yaburanye avugaga ko Irene Sada Ngabo yari yamubwiye ko amwoherereza umuzigo ko ariko atari azi uwo ariwo, ari uburyo bwo guhunga icyaha kuko niba uwo Irene Sada Ngabo yari yarigeze kuba umugore we, bitari gushoboka ko amwoherereza umuzigo atazi ikiwurimo kandi bitumvikana impamvu yagumye ahamagara Muneza Patrick amubaza aho ageze ngo amuhe uwo muzigo, niba atari azi ikirimo yari gutegereza uzanye uwo muzigo kumushaka ageze i Kigali akamuha ibyo yamuzaniye. [58] Ubushinjacyaha busobanura kandi ko mu rubanza rujuririrwa, mu gika cya 27, Urukiko Rukuru

rwasanze kuba Muneza Patrick yarageze mu rukiko agahindura invugo ze akanashinjura Mupenzi Jean Claude, ibyo bitamuhanaguraho icyaha kandi bidatera ugushidikanya nk'uko Mupenzi Jean Claude yabivuze, rusanga ahubwo ari ikimenyetso cy'icyaha kuko umucamanza uburanisha urubanza mu mizi ariwe uha agaciro invugo z'uregwa yemereye mu iperereza kabone niyo yaba yarageze mu rukiko akazihakana. [59] Ubushinjacyaha, buvuga kandi ko kuri uru rwego, Muneza Patrick yariyemeje kuvugisha ukuri, aho yasobanuye uruhare rwa Mupenzi Jean Claude, agaragaza ko yari amuzaniye urumogi udupfunyika ibihumbi bibiri (2.000) aruhawe n'umugore wa Mupenzi Jean Claude wabaga i Goma witwa Irene Sada Ngabo ngo aruzanire Mupenzi Jean Claude arucuruze nk'uko bari basanzwe bakorana. Bukaba busanga rero ntacyo Urukiko rwirengagije kuko ibimenyetso rwashingiyeho bihamya nta gushidikanya ko Mupenzi Jean Claude yari muri ubwo bucuruzi bw'urumogi. [60] Ku bijyanye no kuba Urukiko rutari gushingira kubuhamya bwa Muneza Patrick muguhamya icyaha Mupenzi Jean Claude ngo kuko agenda ahindura invugo, Ubushinjacyaha busanga Urukiko rwarabisobanuye mu gika cya 27 nk'uko bwabisobanuye haruguru aho rwagaragaje ko kuba Muneza Patrick yahinduye invugo agashinjura Mupenzi Jean Claude bitamuhanaguraho icyaha ahubwo ari ikimenyetso cy'icyaha kuko umucamanza uburanisha urubanza mu mizi ariwe uha agaciro invugo z'uregwa yemereye mu iperereza kabone niyo yaba yarageze mu rukiko akazihakana. [61] Bukomeza buvuga ko ibyo bihura n'umurongo watanzwe mu rubanza RPAA00299/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/04/2024, haburana Ubushinjacyaha na Hagenimana

Page 14

Erimerike9. Bukaba busanga kuba Muneza Patrick yarahinduye invugo agashinjura Mupenzi Jean Claude atari byo byashingirwaho mu kwemeza ko ubuhamya bwe bushidikanywaho kuko no mu Bujurire yongeye kuvugisha ukuri agasobanura uruhare rwa Mupenzi Jean Claude. [62] Ku bijyanye n'imyiregurire ya Mupenzi Jean Claude ko ku Ruyenzi ntawamuhaye urumogi cyangwa ngo abe yarumufatanye, Ubushinjacyaha, busanga ari Mupenzi Jean Claude, ari Muneza Patrick, bombi bemeza ko batari baziranye, ibi byumvikanisha ko nta mpamvu Muneza Patrick yari kumugerekaho urumogi ntacyo bapfa nta naho baziranye. [63] Ubushinjacyaha bukomeza busobanura ko Muneza Patrick yari yazaniye Mupenzi Jean Claude urumogi yari ahawe na Irene Sada Ngabo uba i Goma, historique yagaragaje ko Mupenzi Jean Claude yahamagaye inshuro nyinshi Muneza Patrick amubaza aho ageze kugira ngo amuhe urumogi yari amuzaniye aribyo bitaga "Courier" mu mvugo zabo. Bukaba busanga kandi kuba Rurangwa Fiacre na Ntakirutimana Martin bavugako ko Mupenzi Jean Claude yabeshyewe nta shingiro byahabwa kuko ibyo bitavuguruzwa ibimenyetso Urukiko rwashingiyeho rumuhamya icyaha. [64] Ubushinjacyaha, busaba Urukiko rw'Ubujurire kwemeza ko ubujurire bwa Mupenzi Jean Claude budafite ishingiro, ko agumishijwe ku gifungo cy'imyaka 25 n'ihazabu y'amafaranga 20.000.000Frw. UKO URUKIKO RUBIBONA Impaka kuri iyi ngingo, zishingiye kukumenya niba nta bimenyetso bidashidikanywaho Urukiko Rukuru rwashingiyeho byemeza ko Mupenzi Jean Claude yakozwe icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi ndetse no kumenya niba invugo za Muneza Patrick zitari gushingirwaho muguhamya Mupenzi Jean Claude icyo cyaha. [65] Mu rubanza RPAA00737/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 16/12/2022,

haburana Ubushinjacyaha na Uwayisaba Habimana Antoine, Urukiko rwatanze umurongo uvuga ko kugira ngo Umucamanza afate icyemezo gihamya icyaha, agomba kuba afite ibimenyetso bihamya nta gushidikanya (preuves à conviction au-delà de tout doute raisonnable) ko ushinjwa ariwe wakoze icyaha. Umucamanza agomba gusesengurana ubushishozi uruhurirane rw'ibimenyetso, agahamya ushinjwa icyaha mu gihe gusa asanga nta wundi mwanzuro wagerwaho n'isesengura yakozwe uretse iryo gusanisha uwakoze icyaha n'icyaha cyakozwe¹⁰. Uyu murongo kandi wakomeje kugenderwaho mu manza zitandukanye uru Rukiko rwaciye zirimo urubanza RPAA00368/2023/CA, rwaciye n'Urukiko rw'Ubujurire ku wa 27/02/2025, haburana Ubushinjacyaha na Ntaganda Moïse¹¹, mu ziherutse hakaba harimo n'urubanza RPAA01349/2024/CA, rwaciye n'Urukiko rw'Ubujurire ku wa 18/07/2025, haburana Ubushinjacyaha na Mbonabucya Charles¹². [66] Nk'uko bigaragara, mu rubanza rwajuririwe, Urukiko Rukuru rwahamije Mupenzi Jean Claude icyaha rushingiye ku mvugo za Muneza Patrick wamushinje mu mabazwa ye mubugenzacyaha, aho yemeje ko yahamagaye Mupenzi Jean Claude abisabwe na Ntakirutimana Martin amubwira ko hari umuzigo(courrier) amuzaniye akuye kuri Irene Sada Ngabo kandi ko Mupenzi Jean Claude yarazi ko uwo muzigo ari urumogi. Urukiko Rukuru rwanahamije Mupenzi Jean Claude icyaha rushingiye kuburyo Mupenzi Jean Claude yagiye ahamagarana na Muneza Patrick waruzanye urumogi kandi bombi bavuga ko batari basanzwe baziranye, ko bahujwe ni uko amuzaniye umuzigo.

9 Buvuga ko mu gika cya 20 cy'urwo rubanza, Urukiko rwafashe umurongo uvuga ko umucamanza uburanisha urubanza mu mizi niwe ureba agaciro imvugo y'uwiyemerera icyaha mu rwego rw'iperereza afite, kabone n'iyonyiraye yageze imbere y'Urukiko akayihindura. 10 Reba ibika bya 16-17. 11 Reba igika cyarwo cya 25 12 Reba igika cya 23.

Page 15

[67] Dosiye igaragaza ko Mupenzi Jean Claude kuva agifatwa ahakana icyaha, ingingo y'ingenzi aburanisha ikaba ari uko nta rumogi yafatanwe, ko nta kigaragaza ko courier yavugwaga ari urumogi, ko kuvugana na Muneza Patrick atari ikimenyetso cy'uko acuruza urumogi, ko Muneza umushinja agenda yivuguruza mu mvugo ze. [68] Dosiye igaragaza ko Polisi, ishambi rishinzwe kurwanya ibiyobyabwenge yahawe amakuru n'abaturage ko uwitwa Rurangwa Fiacre acuruza urumogi, ku wa 09/10/2019, imufatana udupfunyika 200 tw'urumogi. Dosiye igaragaza kandi ko Polisi yasabye Rurangwa Fiacre kwerekana abamuhaye urwo rumogi, yerekana Muneza Patrick na Ntakirutimana Martin, asobanura ko barucuruza ahitwa mu Gashyushya, polisi icyaye, ibasangana udupfunyika ibihumbi (4.000) tw'urumogi mu modoka y'ivatiri ifite plaque za Congo (DRC), CGO 852611/19. [69] Dosiye igaragaza imvugo za Muneza Patrick, abazwa mu Bugenzacyaha ku wa 09/10/2022, ahakana icyaha, akavuga ko urumogi rwafashwe atari urwe, ko rwafatiwe mu modoka ya Ntakirutimana Martin, akaba ari nawe wazanye urumogi arukuye i Gisenyi, aruhawe na Irene Sada Ngabo arushyire uwitwa papa Irene. Dosiye inagaragaza imvugo za Muneza Patrick abazwa na none mu Bugenzacyaha, ku wa 10/10/2022, agahakana icyaha, agasobanura ko urumogi udupfunyika 4.000 rwafashwe, ari urwa Ntakirutimana Martin waruguze n'umugore w'umukongomani witwa Irena warumuhereye kuri "petite barriere" agomba kurugurisha umusore w'umumotari atazi

amazina. Abazwa ko umusore w'umumotari witwa Rurangwa Fiacre yamushinje we na Ntakirutimana Martin kurucuruza ahitwa mu Gashyushya, no kumuha urumogi boules 200 yafatanwe, asubiza ko amubeshyera ko we yajyanye na Ntakirutimana Martin mu Gashyushya nk'umushoferi we. [70] Dosiye iragaragaza kandi, ko kuriyo tariki ya 10/10/2022, mu Bugenzacyaha, Muneza Patrick yabajijwe gahunda y'urumogi yarafitanye na Mupenzi Jean Claude utuye ku Kamonyi, asubiza ko ari Ntakirutimana Martin wamubwiye kuza kumuhamagara amubwira ko amufitiye "courrier" yahawe na Irene kandi ko iyo "courrier" yari urumogi. Anavuga ko ibyo yavuze mbere abazwa mu Bugenzacyaha atari ukuri ko yabeshye yanga gutanga boss we Ntakirutimana Martin, ko ukuri ari uko urumogi rwafashwe ari urwa Ntakirutimana Martin warucuruzaga, asaba kurenganurwa. [71] Dosiye iragaragaza kandi umwanzuro w'inyongera wakozwe na Muneza Patrick ku wa 20/07/2022, mu Rukiko rw'Ubujurire, aho asobanura ko yahamijwe n'icyaha kuko atavugishije ukuri mu Rukiko Rwisumbuye ndetse no mu Rukiko Rukuru. Muri uwo mwanzuro avuga ko yaranguye urumogi k'umugore witwa Nyiramwiza Donatha, anavuga ko urumogi yaranguye ari urwe na Ntakirutimana Martin, akaba ari nabo barufatanwe bagiye kurucuruza ahitwa mu Gashyushya. Muri uwo mwanzuro ashinjura Mupenzi Jean Claude, avuga ko yamubeshyeye, ko ntaho ahurira n'urwo rumogi, ko iyo ruza kuba arirwo yamuzaniye yoherejwe na Irene Sada Ngabo, ntibari kujya kurucuruza mu Gashyushya ahubwo bari kurumushyira ku Ruyenzi. Asaba Urukiko kubona ko ibyo yavuze ko urumogi barukuye muri Kongo baruhawe n'uwitwa Irena kugira ngo barushyire papa Irena kwari ukubeshya. [72] Muri dosiye kandi hagaragaramo umwanzuro w'inyongera wo ku wa 26/03/2024, Muneza Patrick yatanze muri uru Rukiko, asobanuramo ko mu miburanire ye yose atigeze avugisha ukuri kubera abajyanama babi, ko agiye kuvugisha ukuri Urukiko rukeneye kumva, avuga ko yemera icyaha akanagisabira imbabazi, asobanuramo ko boules 4.000 z'urumogi yafatanwe ariwo muzigo uremereye yavugaga afatanyije na Irene Ngabo Sada uba i Goma, ariwe umugore wa Mupenzi Jean Claude, akaba murizo boules 4.000, yari yazaniyemo Mupenzi Jean Claude boules 2.000 kugira ngo azicururize umugore we Irene nk'uko bari basanzwe bakorana. [73] Urukiko rw'Ubujurire rurasanga imvugo za Muneza Patrick, Urukiko Rukuru rwashingiyeho ruhamya Mupenzi Jean Claude icyaha, zivuguruzanya hashingiwe kumabazwa ye mu Bugenzacyaha ndetse n'imiburanire ye mu nkiko. Rurasanga kandi mu rubanza rujurirwa Urukiko Rukuru narwo

Page 16

rwabibonye uko, aho mu gika cya 40 rwagaragaje ko Muneza Patrick atemera icyaha ku buryo budashidikanywaho kuko ahinduranya imvugo ze anivuguruza. [74] Urukiko rw'Ubujurire rurasanga na none kuba Muneza Patrick kuva afatwa agenda ahinduranya imvugo kumikorere y'icyaha, aho hamwe ashinja Mupenzi Jean Claude ahandi akamushinjura, hamwe agahakana icyaha, agashinja Ntakirutimana Martin, ubundi akacyemera, ntaho rwahera ruzishingiraho mu guhamya icyaha Mupenzi Jean Claude kuko ukuri kwazo gushidikanywaho. [75] Rurasanga kandi nta bimenyetso bifatika, bidashidikanywaho Ubushinjacyaha bwagaragarije Urukiko bihamya Mupenzi Jean Claude icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi usibye

kugaragaza izo mvugo za Muneza Patrick zishidikanywaho. Ikindi, kuba Mupenzi Jean Claude yagiye ahamagara Muneza Patrick warufite urumogi bise “courrier” yaramuzaniye, rusanga ibyo ubwabyo bitaba ikimenyetso kidashidikanywaho gihamya Mupenzi Jean Claude icyaha, mu gihe Muneza Patrick na Ntakirutimana Martin aribo barufatanwe bamaze kurugurishaho Rurangwa Fiacre nk’uko yabisobanuye, Ubushinjacyaha bukaba butarabashije kugaragaza ibimenyetso bibivuguruzwa, bigaragaza uruhare rwa Mupenzi Jean Claude mu icuruzwa ry’urwo rumogi. [76] Urukiko rw’Ubujurire rurasanga rero, kuba ibimenyetso Urukiko Rukuru rwashingiyeho mu guhamya icyaha Mupenzi Jean Claude bishidikanywaho, Ubushinjacyaha bukaba butarabashije gutanga ibimenyetso byemeza nta shiti ko Mupenzi Jean Claude yakoze icyaha, ntaho rwahera rwemeza ko Mupenzi Jean Claude yakoze icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw’urumogi bityo rukaba rumugize umwere kuricyo cyaha, rushingiye ku biteganywa mu ngingo ya 11113 y’Itegeko No 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y’imanza z’inshinjabyaha ndetse no kumurongo watanzwe mu rubanza RPAA00737/2021/CA, wagarutsweho mu gika cya 64 cy’uru rubanza. III. ICYEMEZO CY’URUKIKO [77] Rwemeje ko ubujurire bwatanzwe na Muneza Patrick na Ntakirutimana Martin bufite ishingiye kuri bimwe. [78] Rwemeje ko ubujurire bwatanzwe na Mupenzi Jean Claude bufite ishingiye. [79] Rwemeje ko urubanza RPA00598/2020/HC/KIG, rwaciwe n’Urukiko Rukuru ku wa 30/11/2021, ruhindutse ku bijyanye n’ibihano Muneza Patrick na Ntakirutimana Martin bahanishijwe, rukaba ruhindutse mu ngingo zarwo zose kuri Mupenzi Jean Claude. [80] Rutegetse ko Muneza Patrick na Ntakirutimana Martin bahanishijwe buri wese, igifungo cy’imyaka cumi n’irindwi (17) n’ihazabu y’amafaranga y’u Rwanda, milioni eshanu(5.000.000Frw). [81] Rwemeje ko Mupenzi Jean Claude adahamwa n’icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw’urumogi, akaba agizwe umwere. [82] Rutegetse ko ahita afungurwa uru rubanza rukimara gusomwa. [83] Rutegetse ko amagarama y’urubanza aherera ku isanduku ya Leta kuko Muneza Patrick na Ntakirutimana Martin bajuriye bafunze, bakaba basomwe kuyatanga.

13 Iyo ngingo ivuga ko gushidikanya birengera ushinjwa. Iyo urubanza rwakurikiranywe mu buryo bwose, ntihagire ibimenyetso nyakuri biboneka byemeza nta shiti abacamanza ko ushinjwa yakoze icyaha koko, bagomba kwemeza ko atsinze.

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