

RWANDA / JUDGMENT

UBUSHINJACYAHA v NZAYISENGA

RPAA 00339/2024/CA

COURT

Court of Appeal

DECIDED

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UBUSHINJACYAHA v NZAYISENGA

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Text

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UBUSHINJACYAHA v NZAYISENGA [Rwanda URUKIKO RW'UBUJURIRE - RPAA 00339/2024/CA (Ndahayo, P.J) 20 Ukuboza 2024] Amategeko agenga imanza nshinjabyaha – Igisobanuro cy'amagambo – Gucuruza – Gukwirakwiza ibiyobyabwenge – Amagambo arebana no gufatanwa (avugwa mu gika cya mbere cy'ingingo ya 263), gukora, guhinga, guhindura, gutunda, kubika (avugwa mu gika cya 3 cy'iyi ngingo) agomba kumvikana hakurikijwe ingano y'ibiyobyabwenge n'ikigiye gukoreshwa ibiyobyabwenge uregwa yarafatanwe, yakoze, yahinze, yahinduye, yatunze, yabitse maze byagaragara ko kuri buri gikorwa muri ibyo ikigamijwe ari ukubikoresha ku giti cye (simple drug possession) uregwa agahabwa ibihano bito ariko byagaragara ko ingano y'ibiyobyabwenge yafatanwe ari nini bikaba byashingirwaho hemezwa ko ataribyo gukoresha ku giti cye ahubwo ikigamijwe ari ugucuruza cyangwa gukwirakwiza (drugs trafficking/drug distribution) ibiyobyabwenge uregwa agahabwa igihano kiremereye. Incamake y'ikibazo: Ubushinjacyaha bwamukurikiranye NZAYISENGA RUTUKU Uzziel mu Rukiko Rwisumbuye, bumurega icyaha cyo kugurisha ibiyobyabwenge byo mu bwoko bw'urumogi, busaba ko cyamuhama, akagihanirwa, nyuma yo gufatanwa udupfunyika 192 tw'urumogi. Yaburanye yemera icyaha akanagisabira imbabazi asobanura ko urumogi yari yarafatanwe yari yatangiye

kurucuruzaho, agapfunyika kamwe ku mafaranga magana atanu. Asaba kugabanyirizwa ibihano. Urwo rukiko rwamuhamije icyo cyaha, rumuhanisha igifungo cy'imyaka 25 n'ihazabu ya 20.000.100 Frw. NZAYISENGA RUTUKU Uzziel, yajuririye imikirize y'urwo rubanza mu Rukiko Rukuru, avuga ko adacuruzwa ibiyobyabwenge ahubwo ko yarufatanwe gusa, ko ari urwo guha amatungo ye. Asaba kugabanyirizwa ibihano. Ubushinjacyaha bwo bwavuze ko impamvu ze z'ubujurire zidafite ishingiro busaba ko urubanza rwajuririwe rugumana agaciro karwo. Urwo rukiko rwaciye urubanza, ruvuga ko rwasanze atarashoboye kuvuguruzwa ibimenyetso byashingiweho mu Rukiko Rwisumbuye mu kumuhamya icyaha, rusanga hashingiwe ku murongo watanze mu rubanza rwaciye n'Urukiko rw'Ubujurire ndetse no ku ngingo zitandukanye z'itegeko riteganywa ibyaha n'ibihano muri rusange, akwiriye kugabanyirizwa ibihano. Rwemeza ko imikirize y'urubanza rwajuririwe ihindutse gusa ku bijyanye n'ibihano. Ruhamya NZAYISENGA Uzziel igifungo cy'imyaka 16 n'ihazabu ya 5.000.000 Frw. NZAYISENGA RUTUKU Uzziel, yongeye kujuririra imikirize y'urwo rubanza mu Rukiko rw'Ubujurire, avuga ko atigeze afatwa acuruzwa urumogi ko yafatanwe gusa urumogi rwo guha amatungo ye. Asaba guhanagurwaho icyaha cyo gucuruzwa urumogi, agahanirwa kurufatanwa. Ubushinjacyaha buvuga ko impamvu ze z'ubujurire zidafite ishingiro kuko abazwa mu bugenzacyaha yemeye ko acuruzwa urumogi ndetse akaba anabishinjwa n'abatangabuhamya. Busaba Urukiko kwemeza ko imikirize y'urubanza rujuriyirwa idahindutse, ko igihano yahawe kigumye. Incamake y'icyemezo: Uru rukiko rwasesenguye ingingo ya 263 y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganywa ibyaha n'ibihano muri rusange nk'uko yahinduwe kugeza ubu, rusobanura ko amagambo arebana no gufatanwa (avugwa mu gika cya mbere cyayo), gukora, guhinga,

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guhindura, gutunda, kubika (avugwa mu gika cya 3 cy'iyi ngingo) agomba kumvikana hakurikijwe ingano y'ibiyobyabwenge n'ikigiye gukoreshwa ibiyobyabwenge uregwa yafatanwe, yakoze, yahinze, yahinduye, yatunze, yabitse, maze byagaragara ko kuri buri gikorwa muri ibyo ikigamijwe ari ukubikoresha ku giti cye (simple drug possession), uregwa agahabwa ibihano bito, ariko byagaragara ko ingano y'ibiyobyabwenge yafatanwe ari nini bikaba byashingirwaho hemezwa ko atari ibyo gukoresha ku giti cye, ahubwo ikigamijwe ari ugucuruzwa cyangwa gukwirakwiza ibiyobyabwenge, maze agahabwa igihano kiremereye. Ibyo uregwa avuga bikaba nta shingiro bifite kuko hari ibimenyetso bitandukanye birimo ukwemera icyaha kwe, utu boules 192 yafatanwe, amaze kugurisha 8 muri boules 200 yari yaguze, bitakwemerwa nk'aho ari utwo guha amatungo nk'uko abivugaga. Ubujurire nta shingiro bufite. Nta mategeko yashingiweho Imanza zifashishijwe: RPA 0066/08/CS, Ubushinjacyaha na Kabahizi Jean, rwaciye n'Urukiko rw'Ubujurire ku wa 06/02/2009; RPA 0129/10/CS, Ubushinjacyaha na Mpitabakana, rwaciye n'Urukiko rw'Ubujurire ku wa 07/03/2014; RPAA 00408/2020/CA, Ubushinjacyaha na Niyitegeka Augustin, rwaciye n'Urukiko rw'Ubujurire ku wa 27/06/2022; RPAA 00148/2023/CA, Ubushinjacyaha na UWAMUNGU Jean de Dieu, rwaciye n'Urukiko rw'Ubujurire ku wa 27/6/2024; RPAA 00386/2023/CA, Ubushinjacyaha na NSENGAMUNGU Philippe, rwaciye n'Urukiko rw'Ubujurire ku wa 28/06/2024; RPAA 00088/2020/CA, Ubushinjacyaha na Ndabazi Adrien alias Nyabitekera, rwaciye n'Urukiko rw'Ubujurire ku wa 17/02/2023. Urubanza IMITERERE

Y'URUBANZA [1] Ku wa 17/09/2020, NZAYISENGA RUTUKU Uzziel yaketsweho kugurisha ibiyobyabwenge by'urumogi ubwo yafatanwaga udupfunyika 192 tw'urumogi. Nyuma yo gukora iperereza, Ubushinjacyaha bwamukurikiranyeho mu Rukiko Rwisumbuye rwa Muhanga, icyaha cyo kugurisha ibiyobyabwenge byo mu bwoko bw'urumogi, busaba ko cyamuhama, akagihanirwa. [2] NZAYISENGA RUTUKU Uzziel, yaburanye yemera icyaha akanagisabira imbabazi asobanura ko urumogi yari yarafatanwe yari yatangiye kurucuruzaho, agapfunyika kamwe ku mafaranga magana atanu. Asaba kugabanyirizwa ibihano. [3] Mu rubanza No RP 00925/2020/TGI/MHG, rwaciwe ku wa 30/09/2020, Urukiko rushingiye ku kwemera icyaha kwa NZAYISENGA RUTUKU Uzziel gushimangiwe n'imvugo

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z'abatangabuhamya bamushinja, inyandiko mvugo y'ifatira ry'urumogi udupfunyika 192 yashyizeho umukono we ndetse na raporo y'inze z'ibanze imushinja gucuruza urumogi, rwemeza ko NZAYISENGA RUTUKU Uzziel ahamwe n'icyaha cyo gucuruza ibiyobyabwenge by'urumogi, rumuhanisha igifungo cy'imyaka 25 n'ihazabu ya 20.000.100 Frw. [4] NZAYISENGA RUTUKU Uzziel, yajuririye imikirize y'urwo rubanza mu Rukiko Rukuru, Urugereko rwa Nyanza, avuga ko adacuruza ibiyobyabwenge ahubwo ko yarufatanwe gusa, ko ari urwo guha amatungo ye. Asaba kugabanyirizwa ibihano. [5] Ubushinjacyaha bwo bwavuze ko impamvu ze z'ubujurire zidafite ishingiro busaba ko urubanza rwajuririwe rugumana agaciro karwo. [6] Mu rubanza No RPA 00898/2020/HC/NYZ, rwaciwe n'Urukiko Rukuru, Urugereko rwa Nyanza, ku wa 11/04/2024, nyuma yo gusesengura impamvu z'ubujurire za NZAYISENGA RUTUKU Uzziel, rwasanze atarashoboye kuvuguriza ibimenyetso byashingiweho mu Rukiko Rwisumbuye mu kumuhamya icyaha, rusanga hashingiwe ku murongo watanze mu rubanza rwaciwe n'Urukiko rw'Ubujurire ndetse no ku ngingo zitandukanye z'itegeko riteganyaye ibyaha n'ibihano muri rusange, akwiriye kugabanyirizwa ibihano. Rwemeza ko imikirize y'urubanza rwajuririwe ihindutse gusa ku bijyanye n'ibihano. Ruhamya NZAYISENGA Uzziel igifungo cy'imyaka 16 n'ihazabu ya 5.000.000 Frw. [7] NZAYISENGA RUTUKU Uzziel, yajuririye imikirize y'urwo rubanza mu Rukiko rw'Ubujurire, urubanza ruhabwa n° RPAA 00339/2024/CA, ruburanishwa mu ruhame ku itariki ya 05/12/2024, NZAYISENGA RUTUKU Uzziel yunganiwe na Me RUGANZA Bin Seba, Ubushinjacyaha buhagarariye na PN NKUNSI Faustin Umushinjacyaha ku rwego rw'Igihugu. [8] Mu mwanzuro n'imiburanire ye, NZAYISENGA RUTUKU Uzziel avuga ko atigeze afatwa acuruza urumogi ko yafatanwe gusa urumogi rwo guha amatungo ye. Asaba guhanagurwaho icyaha cyo gucuruza urumogi, agahanirwa kurufatanwa. [9] Me RUGANZA Bin Seba umwunganira, avuga ko NZAYISENGA RUTUKU Uzziel asaba guhindurirwa inyito y'icyaha, asaba Urukiko ngo ruzamwumve nirusanga bifite ishingiro ruzayimuhindurire rubihuza n'itegeko. Asaba ko rwamugabanyiriza igihano. [10] Ubushinjacyaha buvuga ko impamvu ze z'ubujurire zidafite ishingiro kuko abazwa mu bugenzacyaha yemeye ko acuruza urumogi ndetse akaba anabishinjwa n'abatangabuhamya. Busaba Urukiko kwemeza ko imikirize y'urubanza rujuririrwa idahindutse, ko igihano yahawe kigumye. [11] Urukiko ruherereye kuri izo mpaka, rurasanga ikibazo gikwiye gusuzumwa muri uru rubanza ari icyo kumenya niba NZAYISENGA RUTUKU Uzziel icyaha yakoze ari icyo gufatanwa urumogi aho kuba icyo kurucuruza. II. ISESENGURA

RY'IKIBAZO KIGIZE URUBANZA Kumenya niba NZAYISENGA RUTUKU Uzziel icyaha yakoze ari icyo gufatanwa urumogi aho kuba icyo kurucuruza.

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[12] NZAYISENGA RUTUKU Uzziel mu bujurire bwe, avuga ko atigeze afatwa acuruza urumogi ko yafatanwe gusa urumogi rwo guha amatungo ye. Asaba guhanagurwaho icyaha cyo gucuruza urumogi, agahanirwa kurufatanwa. [13] Akomeza asobanura ko Urukiko Rukuru rwashingiye ku kantu kamwe ruvuga ko yagurishije gusa, nyamara abazwa mu bugenzacyaha atarabyemeye, ahubwo ko bamwemeje icyaha cyo gucuruza, kubera boules bamusanganye, ndetse no mu bushinjacyaha akaba atarabyemeye no mu nkiko zibanza, ahubwo bakaba baragiye bamwandikira ibyo atemeye. [14] Me RUGANZA Bin Seba wunganira NZAYISENGA RUTUKU Uzziel avuga ko kuba uwo yunganira asaba guhindurirwa inyito y'icyaha, Urukiko ruzamwumva nirusanga ibyo avuga bifite ishingiro ruzayimhindurire rubihuje n'ibiteganywa n'itegeko. [15] Akomeza avuga ko yahawe kunganira NZAYISENGA RUTUKU Uzziel nk'umuntu utishoboye, ariko yinjiye muri dossier y'urubanza asanga NZAYISENGA yaremeye icyaha muri RIB, mu Bushinjacyaha no mu Rukiko Rwisumbuye rwa Muhanga, ndetse asobanura ko yahawe udupfunyika 200 agurishamo 8 afatanwa udupfunyika 192, ariko ko ubwo yamusuraga aho afungiyeye yahakanye byose akavuga ko bamwandikiye ibyo atavuze, ariko kandi yahamijwe n'Urukiko Rukuru Urugereko rwa Nyanza icyaha cyo gufatanwa no gucuruza urumogi rushingiye ku kuba atavuguruzwa ibyashingiweho n'Urukiko Rwisumbuye rwa Muhanga, ari nayo mpamvu kuri uru rwego asaba guhindurirwa inyito agahanishwa kurufatanwa. [16] Me RUGANZA Bin Seba avuga ko, hashingiwe kubyo NZAYISENGA avuga byo gufatanwa urumogi, ruzamuhanishe umwaka umwe, ariko nirusanga ahamwa no gucuruza urumogi ruzamuhanishe igifungo cya cy'imyaka cumi n'itanu (15 ans) n'ihazabu ya 5000.000 Frw, kuko ibyo (guhindura inyito y'icyaha) disqualification, yabitangiye ageze mu Rukiko Rukuru akaba akomeje kubisaba muri uru Rukiko, kandi ntirubujijwe kubikora. Naho ku bijyanye n'ibyo yemeye mu nzego zabanje, asaba ko Urukiko kuzabisuzuma rukamuhana rushingiye kubyo ruzasanga yarakoze, cyangwa se nirusanga akwiye kugabanyirizwa rukaba rwamugabanyiriza igihano. [17] Uburanira Ubushinjacyaha yavuze ko impamvu z'ubujurire za NZAYISENGA RUTUKU Uzziel zidafite ishingiro kuko abazwa mu bugenzacyaha yemeye ko acuruza urumogi ndetse akaba anabishinje n'abatangabuhamya. Akomeza avuga ko NZAYISENGA n'umwunganira ntacyo banenga urubanza rujuririrwa hashingiwe ku ngingo ya 183 y'Itegeko n° 058/2023 ryo ku wa 04/12/2023 rihindura Itegeko n° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha kuko yemeye icyaha kuva mu bugenzacyaha, mu bushinjacyaha, aburana ku ifunga n'ifungura ry'agateganyo (detention proviso ire) ndetse anaburana mu mizi y'urubanza mu Rukiko Rwisumbuye rwa Muhanga arabyemera, ariko ageze mu Rukiko Rukuru Urugereko rwa Nyanza arabihakana, kandi rwari rwashingiye ku mvugo z'abatangabuhaya, raporo y'inzego z'ibanze, ingano y'amafaranga arangura urumogi, boules yafatanwe 192, ingano y'amafaranga arucuruza 500 Frw.

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[18] Uburanira Ubushinjacyaha yavuze ko na none ku bijyanye no guhindura inyito y'icyaha (disqualification) idashoboka kuri uru rwego, basanga kandi itanasuzumwa kuko NZAYISENGA RUTUKU Uzziel yemeye icyaha mu nzego zibanza kugeza ageze mu Rukiko Rukuru Urugereko rwa Nyanza akaba ariho yabihakanye, bityo rero ibyo nta gaciro byagira kuko hari ibimenyetso bihagije atabashije kuvuguruza ibyashyingiweho mbere kandi no muri uru Rukiko. Asoza asaba Urukiko kwemeza ko imikirize y'urubanza rujuririrwa idahindutse, ko igihano yahawe kigumye. UKO URUKIKO RUBIBONA [19] Impaka muri uru rubanza zishingiye ku kumenya niba NZAYISENGA RUTUKU Uzziel yahindurirwa inyito y'icyaha agakurikiranwaho icyaha cyo gufatanwa urumogi aho kuba icyaha cyo gucuruza urumogi, kandi akaba yagabanyirizwa ibihano. [20] Mu gusesengura hakwifashishwa umurongo wemejwe ku bijyanye no kumenya niba uwafatanwe urumogi yazarunywaga cyangwa arucuruza byatanzweho umurongo mu rubanza n° RPAA 00408/2020/CA1 rwaciwe n'Urukiko rw'Ubujurire ku wa 27/06/2022 haburana Ubushinjacyaha na NIYITEGEKA Augustin, uru rukiko rwasesenguye ingingo ya 263 y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganyaye ibyaha n'ibihano muri rusange nk'uko yahinduwe kugeza ubu, rusobanura ko amagambo arebana no gufatanwa (avugwa mu gika cya mbere cyayo), gukora, guhinga, guhindura, gutunda, kubika (avugwa mu gika cya 3 cy'iyi ngingo) agomba kumvikana hakurikijwe ingano y'ibiyobyabwenge n'ikigiye gukoreshwa ibiyobyabwenge uregwa yafatanwe, yakoze, yahinze, yahinduye, yatunze, yabitse, maze byagaragara ko kuri buri gikorwa muri ibyo ikigamijwe ari ukubikoresha ku giti cye (simple drug possession), uregwa agahabwa ibihano bito, ariko byagaragara ko ingano y'ibiyobyabwenge yafatanwe ari nini bikaba byashyingirwaho hemezwa ko atari ibyo gukoresha ku giti cye, ahubwo ikigamijwe ari ugucuruza cyangwa gukwirakwiza ibiyobyabwenge, maze agahabwa igihano kiremereye. [21] Dosiye igaragaza ko NZAYISENGA RUTUKU Uzziel abazwa mu bugenzacyaha ku wa 18/09/2020, yemeye icyaha cyo gucuruza urumogi avuga ko yafatanwe boules 192 amaze gucuruza boules 8, ko kandi yaruguze amafaranga ibihumbi 54.000 Frw ku mugabo witwaga ZABI mu karere ka Nyanza, wanamusabye kumushakira abandi baguzi. [22] Dosiye igaragaza ko ku wa 21/09/2020, NZAYISENGA RUTUKU Uzziel abazwa mu bushinjacyaha nabwo yemeye icyaha avuga ko acuruza urumogi, avuga abo yarugurishije n'igiciro arutangira ndetse no mu Rukiko Rwisumbuye rwa Muhanga akaba yaremeye icyaha. [23] Dosiye igaragaza kandi abatangabuhamya batandukanye MUSHIMIYIMANA Elina na NSHIMYUMUREMYI Rubeni babajijwe mu bugenzacyaha ku wa 20/09/2020, bavuze ko NZAYISENGA RUTUKU Uzziel asanzwe acuruza urumogi akaba amaze imyaka 4 arucuruza kandi ko yanafunzwe igihe kingana n'umwaka agarutse ajijishaho igihe gito arabikomeza, bakaba baramutangiyeho raporo mu nzego z'ubuyobozi.

1 Reba urubanza N° RPAA 00408/2020/CA rwaciye n'Urukiko rw'Ubujurire ku wa 27/06/2022 haburana Ubushinjacyaha na NIYITEGEKA Augustin (igika cya 14-18).

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[24] Dosiye igaragaza kandi inyandiko mvugo y'ifatira yo ku wa 18/09/2020, yerekana ko NZAYISENGA RUTUKU Uzziel yafatanwe urumogi iwe mu rugo rungana na boules 192, arabisinyira. Hakaba na raporo y'inze z'ibanze igaragaza ko NZAYISENGA RUTUKU Uzziel yafatanwe iwe urumogi rungana n'udupfunyika 192, kandi ko atari ubwa mbere afashwe acuruza urumogi kuko yabifunguwe igihe kingana n'umwaka agarutse arakomeza ararucuruza. [25] Dosiye igaragaza kandi icyemezo cy'ifungura cyatanze n'Urwego rw'Igihugu rushinzwe imfungwa n'abagororwa aho yarekuwe ku wa 23/06/2017 arangije igihano cy'igifungo yari yarahawe mu rubanza No RP 0041/16/TB/RHGO rwaciye n'Urukiko rw'Ibanze rwa Ruhango ku wa 11/04/2016 ku cyaha cyo gucuruza urumogi. [26] Urukiko Rukuru Urugereko rwa Nyanza rwahamije NZAYISENGA RUTUKU Uzziel icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi hashingiwe ku kuba atarashoboye kuvuguruza mu bujirire ibimenyetso byashingiweho n'Urukiko Rwisumbuye rwa Muhanga, bityo agomba gukurikiranwaho icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi cyane ko urwo rumogi iyo ruba ari urwo kwikoreshereza ku giti cye atari kuba yararufunzemo udupfunyika (boule). [27] Ku byerekeye uru rubanza, kuba NZAYISENGA RUTUKU Uzziel asaba Urukiko rw'Ubujurire guhindura inyito y'icyaha agakurikiranwaho icyaha cyo gufatanwa urumogi aho kuba icyo kurucuruza ngo kuko atafashwe acuruza ahubwo urwo yafatanwe ari urwo guha amatungo, nta shingiro bifite kuko hari ibimenyetso bitandukanye birimo ukwemera icyaha kwe mu nzego z'iperereza, mu Rukiko Rwisumbuye rwa Muhanga, raporo y'inze z'ibanze, imvugo z'abatangabuhamya byose bikaba ari ibimenyetso bidashidikanywaho byemeza ko NZAYISENGA RUTUKU Uzziel acuruza urumogi, kuko utu boules 192 yafatanwe, amaze kugurisha 8 muri boules 200 yari yaguze, bitakwemerwa nk'aho ari utwo guha amatungo nk'uko abivuga, kuko iyi ngano ari nini cyane, ahubwo bigaragaza nta gushidikanya ko urumogi yafatanwe rwari urwo gucuruza. [28] Urukiko rusanga kandi kuba NZAYISENGA RUTUKU Uzziel avuga ko bamwandikiye ibyo atavuze, nabyo nta shingiro bifite kuko uretse n'ibyo byanditswe hari ibindi bimenyetso byashingiweho nk'uko bivuzwe mu gika kibanziriza iki kandi atabashije kuvuguruza, bityo rero rurasanga impamvu y'ubujirire ye nta shingiro ifite akaba agomba guhanirwa icyaha cyo gucuruza urumogi nk'uko bivuzwe haruguru hashingiwe no ku murongo watanze mu rubanza n° RPAA 00408/2020/CA narwo rwagaragajwe haruguru. [29] Ku bijyanye no kumenya igihano NZAYISENGA RUTUKU Uzziel yahanishwa, Urukiko rurasanga we n'umwunganira basaba ko yagabanyirizwa ibihano ariko nta shingiro bifite, kubera ko atemera iki cyaha mu buryo bwuzuye, no kuba ari isubiracyaha kuko yigeze guhanirwa iki cyaha nk'uko byagaragajwe haruguru, bikaba bigaragara ko atagororotse bihagije, ahubwo hari impamvu nkomezacyaha zatumye atongera kugabanyirizwa igihano yahawe kuko aricyo gito gishoboka ateganyirizwa n'amategeko ku cyaha cyo gucuruza urumogi. [30] Urukiko rw'Ubujurire rwaciye imanza zitandukanye rugumishaho igihano cyatanze kuri iki cyaha zirimo nk'urubanza N° RPAA 00148/2023/CA rwaciye ku wa 27/6/2024 haburana Ubushinjacyaha v. UWAMUNGU Jean de Dieu, aho Urukiko rw'Ubujurire rwagumishije ho igihano kuko nta kosa rigomba gukosorwa mu rubanza kandi igifungo yahanishijwe aricyo

gihano

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gito gishoboka ateganyirizwa n'amategeko, ku cyaha cyo gufatanwa ibiyobyabwenge byo mu bwoko bw'urumogi udupfunyika 3.350, naho mu rubanza N° RPAA 00386/2023/CA rwaciwe ku wa 28/06/2024 haburana Ubushinjacyaha v. NSENGAMUNGU Philippe, Urukiko rw'Ubujurire rwagumishijeho igihano kuko ibihano yahawe ari byo bito bishoboka ateganyirizwa n'amategeko kubera ku cyaha cyo gufatanywa ibiyobyabwenge byo mu bwoko bw'urumogi udupfunyika 1.000. [31] Ku byerekeye uru rubanza n'ibijyanye no kugabanya igihano Urukiko rurasanga kandi hashingiwe ku rubanza N° RPAA 00088/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 17/02/2023, haburana UBUSHINJACYAHA na NDABAZI Adrien alias Nyabitekera, rwemeje ko rwemeranya n'Urukiko Rukuru, urugereko rwa Rusizi ku kuba NDABAZI Adrien yaragabanyirijwe atakongera kugabanyirizwa kuko igihano yahawe gikwiranye n'uburemere bw'icyaha yakoze kandi impamvu ashingiraho asaba kongera kugabanyirizwa ari yo yashingiweho mbere. Ibi akaba ari byo byemejwe n'Urukiko rw'Ikirenga mu manza zirimo urubanza RPA 0066/08/CS rwaciwe ku wa 06/02/2009 Ubushinjacyaha buburana na KABAHIZI Jean n'urubanza RPA 0129/10/CS rwaciwe ku wa 07/03/2014 haburana ubushinjacyaha na Mpitabakana. Icyo izi manza zaciwe n'Urukiko rw'Ikirenga zihurizaho ni uko mu gihe urukiko rwajuririwe rusuzumye rugasanga rwemeranya n'Urukiko rwaciye urubanza ku rwego rwa mbere ku gihano cyatanze hakurikijwe uburemere bw'icyaha cyahamijwe uregwa nta mpamvu yo kongera kukigabanya. [32] Urukiko rurasanga rushingiye kuri izi manza zivuzwe mu bika bibanziriza iki, rwemeranya n'igihano cyatanze n'Urukiko Rukuru Urugereko rwa Nyanza, rwahanishije NZAYISENGA Rutuku Uzziel igifungo cy'imyaka cumi n'itandatu (16 ans), kuko nta kosa rwakoze ryo gukosora kuri uru rwego, bityo iki gihano kikaba kigomba kugumaho. III. ICYEMEZO CY'URUKIKO [33] Rwemeje ko ubujurire bwatanze na NZAYISENGA Rutuku Uzziel nta shingiro bufite; [34] Rwemeje ko imikirize y'urubanza No RPA 00898/2020/HC/NYZ rwaciwe n'Urukiko Rukuru, Urugereko rwa Nyanza, ku wa 11/04/2024 idahindutse; [35] Rutegetse ko NZAYISENGA Rutuku Uzziel igihano akomeza guhanishwa igifungo cy'imyakacumi n'itandatu (16) n'ihazabu ya miliyoni eshanu (5.000.000 Frw); [36] Rutegetse ko NZAYISENGA Rutuku Uzziel asonewe kwishyura amagaramay'urubanza kubera ko yaburanye afunze.

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