

RWANDA / JUDGMENT

UMURAZA v UWIMANA N'UNDI

RCA00070/2022/HC/RWG

COURT

High Court

DECIDED

29 June 2023

CASE / FILE NUMBER

RCA00070/2022/HC/RWG

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UMURAZA v UWIMANA N'UNDI

- Source: Amategeko
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- Date: 2023-06-29
- Case/document no.: RCA00070/2022/HC/RWG
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Text

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UMURAZA v UWIMANA N'UNDI [Rwanda URUKIKO RUKURU URUGEREKO RWA RWAMAGANA – RCA00070/2022/HC/RWG (Nyirabagande, P.J.) 29 Kamena 2023] Itegeko rigenga imiburanishirize y'imanza Mboneyamubano – Guhamagaza cyangwa kumenyesha imyanzuro y'urubanza umuburanyi – Ntabwo umuntu ahamagazwa cyangwa ngo amenyeshwe urubanza hakoreshejwe imbwirwaruhame (kumeshwa nkutazi aho abarizwa) kandi afite aho abarizwa hazwi. Itegeko rigenga imiburanishirize y'imanza Mboneyamubano – Imyazuro y'urega – ikirego kigaragazwa n'imyazuro y'urega – kuba uruhande rurega rugaragara muri “system” ya IECMS nk'ururegwa nyamara imyanzuro yakoze ariy'urega ndetse yaratanze n'igarama ntibyaba impamvu yo gutesha agaciro ukirego cye. Itegeko rigenga imiburanishirize y'imanza Mboneyamubano – indishyi – Ntabwo umuburanyi yasaba indishyi kandi yaragize urahare mu makosa yatumye hatangwa ikirego. Incamake y'ikibazo: Uru rubanza rwatangiriye mu Rukiko Rwisumbuye rwa Ngoma Umuraza arega Uwimana na Musabyimana asaba Urukiko ko rutegeka ihererekanya ku butaka baguze mu masezerano y'ubugure yo ku wa 21/6/2014. Abaregwa baburanishwa badahari. Urukiko mu rubanza RC00061/2018/TGI/NGOMA, rwemeje ko ikibanza Umuraza yaguze kimwandikwaho. Abaregwa kuko baburanishijwe badahari bamenyeshwe imikirize y'urubanza

hakoreshejwe imenyesharuhamwe. Nyuma y'imyaka 2, Uwimana na Musabyimana batanze ikirego basubirishamo urubanza RC00061/018/TGI/NGOMA, muri « system » hagaragaramo Umuraza nk'urega, Uwimana na Musabyimana nk'abaregwa ariko Kabayiza Nsengiyumva atahamagajwe, Mu rubanza RC00031/2021/TGI/NGOMA, urwo rukiko rwemeje ko Urukiko rutari rufite ububasha bwo kuburanisha urubanza RC00061/2021/TGI/NGOMA rusubirishwamo, kuko icyaburanwaga atari ihererekanya ahubwo hari impaka ku masezerano y'ubugure bwakozwe n'abantu batandukanye ku mutungo umwe. Umuraza ntiyanyuzwe n'imikirize yurwo rubanza ayijuririra mu Rukiko Rukuru avuga ko ikirego kitari kwakirwa kuko Umuraza atari afite ububasha bwo gusubirishamo nyamara Urukiko rwemeza ko uwasubirishijemo urubanza ari Uwimana ntaho rubikuye, Umuraza avuga kandi ko ikirego kitari kwakirwa kuko cyatanzwe nyuma y'imyaka isaga 2 bamenyeshejwe imikirize y'urubanza hakoreshejwe uburyo bw'imenyesharuhamwe. Uhagarariye Umuraza avuga ko icyaburanwaga ari ihererekanya, kuko yaguze umutungo mu buryo bwemewe n'amategeko, ikirego rero kikaba ngo cyari mu bubasha bw'Urukiko Rwisumbuye kuko hataburanwaga agaciro k'umutungo nkuko byemejwe. Uhagarariye Uwimana na Musabyimana avuga ko n'ubwo igisabwa ari ihererekanya ariko muri uru rubanza hari impaka ku masezerano y'ubugure anyuranye ari mu nyandiko zigize urubanza, avuga ko hakarebwa rero agaciro k'ikiburanwa 20.000.000Frw. avuga kandi ko uwatanze ikirego gisubirishamo ari Uwimana n'umugore we kuko ari bo bari baburanishijwe badahari, akaba kandi ari bo batanze igarama kuri momo. avuga na none ko abo ahagarariye batakererewe gutanga ikirego cyo gusubirishamo kuko batagombaga kumenyeshwa hakoreshejwe imenyesharuhamwe, kuko bafite aho abarizwa hazwi. Urukiko mu rubanza RCA00070/2022/HC/RWG rwemeje ko Uwimana na Musabyimana batari guhamagazwa cyangwa kumenyeshwa imikirize y'urubanza hakoreshejwe uburyo

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bw'imenyesharuhamwe kuko bari bafite aho babarizwa hazwi. Bityo igihe cyo gusubirishamo urubanza cyarubahirijwe. Urukiko rwemeje kandi ko nubwo Umuraza agaragara nk'urega mu kirego kijuririrwa bitashingirwaho mu kwemeza Musabyimana na Uwimana ko atari bo batanze ikirego kuko, ibisobanuro bigaragaza ko aribo batanze ikirego bagaragaza ko basaba gusubirishamo urubanza. rwemeza ko ikosa ryaba riboneka muri « system » ridahagije ngo hemezwe ko nta kirego batanze. Urukiko rwemeje kandi ko kugira ngo hasabwe « mutation », hagomba kubanza gukemuka impaka ku gaciro k'amasezerano iryo hererekanya ryashingiraho; kandi hashingiwe ku gaciro k'ikiburanwa, iza mpaka ntizasuzumwa n'Urukiko Rwisumbuye, bityo rwemeza ko Urukiko Rwisumbuye rutari rufite ububasha bwo gusuzuma no kwemeza « mutation ». Ku bijyanye n'indishyi zisabwa n'ababuranyi, Urukiko rwemeje ko zitagomba gutangwa. Incamake y'icyemezo: 1. Ntabwo umuntu ahamagazwa cyangwa ngo amenyeshwe urubanza hakoreshejwe imbwirwaruhame (kumeshwa nkutazi aho abarizwa) kandi afite aho abarizwa hazwi. Bityo, iyo bikozwe bityo ntibihabwa ishingiro, ahubwo igihe gitangira kubarwa uherye igihe uwagombaga kumenyeshwa yabibimenyeye.

2. Ikirego kigaragazwa n'imyanzuro itanga ikirego. Bityo, kuba uruhande rurega rugaragara muri "system" ya IECMS nk'ururegwa nyamara imyanzuro yakoze ariy'urega ndetse yaratanze n'igarama ntibyaba impamvu yo gutesha agaciro ukirego cye. 3. Impaka ku

masezerano y'ubugure bw'umutungo utimukanwa utagejeje ku gaciro ka 20,000,000frw ziburanishwa n'Urukiko rw'Ibanze. Bityo, ntabwo umuburanyi yaregera Urukiko Rwisumbuye asaba ihererekanya (mutation) rishingiye ku masezerano arimo impaka, izo mpaka zigomba kubanza gukemurwa n'Urukiko rubifitiye ububasha.

4. Ntabwo umuburanyi yasaba indishyi kandi yaragize urahare mu makosa yatumye hatangwa ikirego. Iyo umuntu yagurishije umutungo uburanwa ku bantu 2 batandukanye aba yakozwe amakosa atatuma ahabwa indishyi nubwo uwo yagurishije bwa mbere yaba yakozwe nawe amakosa. Ubujurire nta shingiro bufite. Amategeko yashingiweho: Itegeko No 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, zi'ubucuruzi, iz'umurimo n'iz'ubutegetsi, Ingingo ya 45,111,142 Itegeko No 30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'inkiko, Ingingo ya 27 Nta manza zifashishijwe. Urubanza I. IMITERERE Y'URUBANZA [1] Uru rubanza ruri ku rwego rw'ubujurire, Umuraza Julienne anenga icyemezo cyafashwe n'Urukiko Rwisumbuye mu rubanza RC00031/2021/TGI/NGOMA hasubirishwamo urubanza RC00061/2018/TGI/NGOMA rwemeje ko ikirego kitakiriwe kuko kitari mu bubasha bw'Urukiko Rwisumbuye, rwemeza ko urubanza rusubirishwamo ruvanyeho, ko nta ndishyi zigenwe. [2] Muri dosiye habonekamo amasezerano y'ubugure yo ku wa 21/6/2014, avugwamo ko Kabayiza Nsengiyumva agurishije Umuraza Emilienne ubutaka bungana na msq 1133 (27 x 37), mu Mudugudu

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wa Rugarama, Akagari ka Akinyambo, Umurenge wa Muyumbu, Akarere ka Rwamagana kuri 5.000.000Frw, bufite UPI :5/01/10/01/1109 bwanditse kuri Uwimana Anastase na Musabyimana Fortunathe. Umuraza ntiyakorewe ihererekanya, ariregera mu Rukiko arega Uwimana Anastase na Musabyimana Fortunathe banditswe ku butaka na Kabayiza Nsengiyumva wamugurishije, bese baburanishwa badahari. [3] Mu rubanza RC00061/2018/TGI/NGOMA, urubanza rwaburanishijwe Uwimana Anastase na Musabyimana Fortunathe banditswe ku butaka na Kabayiza Nsengiyumva badahari, Urukiko rwemeza ko ikibanza Umuraza Emilienne yaguze kimwandikwaho, abaregwa baburanishijwe badahari bamenyeshwa imikurizwe y'urubanza hakoreshejwe imenyesharuhame, bwa nyuma ku wa 13/5/2019. [4] Nyuma y'imyaka 2, Uwimana Anastase na Musabyimana Fortunathe batanze ikirego basubirishamo urubanza RC00061/018/TGI/NGOMA, muri « system » hagaragaramo Umuraza Emilienne nk'urega, Uwimana na Musabyimana nk'abaregwa ariko Kabayiza Nsengiyumva atahamagajwe, bikorwa nyuma y'imyaka 2 ku wa 18/03/2021 bigaragara ko cyatanzwe na Umuraza Emilienne, yanditswe nk'uwatanzwe ikirego. Mu rubanza RC00031/2021/TGI/NGOMA, urwo rukiko rwemeza ko Urukiko rutari rufite ububasha bwo kuburanisha urubanza RC00061/2021/TGI/NGOMA rusubirishwamo. [5] Mu myanzuro y'uru rubanza ku kirego gisubirishamo urubanza, Umuraza Emilienne yari yatanze inzitizi yo kutakira ikirego gisubirishamo urubanza kuko byakozwe nyuma y'ibihe biteganywa n'amategeko bibarwa ku itariki ya nyuma yatangiweho imenyesharuhame, akavuga kandi ko ikirego kitakwirwa kuko ugaragara nk'awareze ari Umuraza Emilienne uyu kandi ari we wari wareze. [6] Ku nzitizi y'iburabubasha, Urukiko rwemeje ko ikirego ku rubanza rusubirishwamo (RC00061/2021/TGI/NGOMA) kitari mu bubasha bw'Urukiko Rwisumbuye kuko

icyaburanwaga atari ihererekanya ahubwo hari impaka ku masezerano y'ubugure bwakozwe n'abantu batandukanye ku mutungo umwe. [7] Mu rubanza rujuririrwa habonekamo ko urega mu gusubirishamo urubanza ari Umuraza Emilienne waregaga, Me Ndamage Ferdinand umuhagarariye avuga ko ikirego kitari kwakirwa Umuraza atari afite ububasha gusubirishamo hanyuma Urukiko rwemeza ko uwasubirishijemo urubanza ari Uwimana Anastase ntaho bivuye, Umuraza asabye no kureka ikirego ntibyahabwa agaciro. Me Kagamba Christophe uhagarariye Uwimana Anastase na Musabyimana Fortunathe avuga ko uwatanze ikirego gisubirishamo ari Uwimana Anastase n'umugore we kuko ari bo bari baburanishijwe badahari, akaba kandi ari bo batanze igarama kuri momo kandi Umuraza ntavuguruzwa. Urukiko rurasuzuma niba kuba muri « system » bigaragara ko ari Umuraza wasubirishijemo urubanza, ikirego kitari kwakirwa. [8] Mu rubanza rusubirishwamo hemejwe ko kwakira ikirego gisubirishamo urubanza, Umuraza Emilienne akavuga ko ikirego kitari kwakirwa kuko cyatanzwe nyuma y'imyaka isaga 2 bamenyeshejwe imikirize y'urubanza hakoreshejwe uburyo bw'imenyesharuhame. Me Kagamba Christophe uhagarariye Uwimana Anastase na Musabyimana Fortunathe avuga ko batakerewe gutanga ikirego cyo gusubirishamo urubanza ahubwo bubahirije ibihe kuko batagombaga kumenyeshwa hakoreshejwe imenyesharuhame, ko yari afite aho abarizwa hazwi. Urukiko rurasuzuma niba Uwimana Anastase na Musabyimana Fortunathe bari bafite aho babarizwa hazwi, bakaba batari guhamagazwa mu buryo bw'imenyesharuhame. [9] Umuraza Emilienne yajuririye Urukiko Rukuru, Me Ndamage Ferdinand umuhagarariye avuga ko icyaburanwaga ari ihererekanya, kuko yaguze umutungo mu buryo bwemewe n'amategeko, ikirego rero kikaba cyari mu bubasha bw'Urukiko Rwisumbuye kuko hataburanwaga agaciro k'umutungo nk'uko byemejwe. Me Kagamba Christophe uhagarariye Uwimana Anastase na Musabyimana Fortunathe avuga ko n'ubwo igisabwa ari ihererekanya ariko muri uru rubanza hari impaka ku

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masezerano y'ubugure anyuranye avugwa muri iyi dosiye, hakarebwa rero agaciro k'ikiburanwa 20.000.000Frw. Urukiko rurasuzuma niba ikiburanwa ari « mutation » Urukiko Rwisumbuye rukaba rwari rufite ububasha. [10] Urubanza rwaburanishijwe mu ruhamwe ku wa 19/06/2023, Umuraza Emilienne ahagarariye na Me Ndamage Ferdinand naho Uwimana Anastase na Musabyimana Fortunathe bahagarariye na Me Kagamba Christophe [11] Ibibazo bisuzumwa mu rubanza ni ibi bikurikira : Kumenya niba Uwimana Anastase na Musabyimana Fortunathe bari bafite aho babarizwa hazwi, bakaba batari guhamagazwa mu buryo bw'imenyesharuhame. Kumenya niba ikiburanwa ari « mutation » Urukiko Rwisumbuye rukaba rwari rufite ububasha. Kumenya niba ikiburanwa ari « mutation » Urukiko Rwisumbuye rukaba rwari rufite ububasha. Kumenya ishingiro z'indishyi zisabwa mu rubanza. II. IBIBAZO BIRI MU RUBANZA N'ISESENGURWA RYABYO A. Kumenya niba Uwimana Anastase na Musabyimana Fortunathe bari bafite aho babarizwa hazwi, bakaba batari guhamagazwa mu buryo bw'imenyesharuhame. [12] Ingingo ya 45 y'Itegeko No 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, zi'ubucuru, iz'umurimo n'iz'ubutegetsi iyo umuburanyi adafite aho atuye cyangwa aho aba hazwi, umwanditsi w'urukiko amuhamagaza akoresheje uburyo bw'imenyesharuhame. Iyi ngingo igaragaza uburyo umuburanyi udafite aho abarizwa hazwi

ahamagazwa hakoreshejwe uburyo bwo kumanika icyemezo kimuhamagaza (urubanza) ahagenwe n'Urukiko rwaregewe n'aho inkiko zisumbuye zikorera hose. [13] Uwimana Anastase na Musabyimana Fortunathe baburanijishijwe badahari, bamenyeshwa imikirize y'urubanza mu buryo bw'imenyesharuhame ku wa 13/5/2019 basubirishamo ku wa 23/3/2021. Umuraza Emilienne yajuririyeye Urukiko Rukuru, Me Ndamagae Ferdinand umuhagarariye avuga ko ikirego gisubirishamo kitari kwakirwa kuko batubahirije ibihe biteganywa n'amategeko, nyuma y'imyaka ibiri kandi bamenyeshajwe urubanza mu buryo bw'imenyesharuhame, nk'abadafite aho babarizwa hazwi. [14] Me Kagamba Christophe uhagarariye Uwimana Anastase na Musabyimana Fortunathe avuga ko batagombaga guhamagazwa ku buryo bw'imenyesharuhame kandi bafite aho babarizwa hari hasanzwe hazwi muri kiriya gihe, nk'uko bigaragara mu nyandiko zitandukanye zirimo iz'inze z'ubuyobozi, izo mu nzego z'Ubugenzacyaha (mu rubanza rw'inshinjacyaha yakurikiranywemo kandi akaboneka. Avuga ko imikirize y'urubanza RC00061/2018/TGI/NGOMA bayimenye ku wa 18/03/2021 ubwo yari agiye mu kigo cy'igihugu cy'ubutaka bakamenyeshwa ko hari urubanza, hanyuma ikirego gitangwa ikirego ku wa 29/03/2021. Bavuga ko byakozwe hagambiriwe kubavutsa uburenganzira ku mutungo bitamenyekanye. [15] Hashingiwe ku biboneka muri dosiye y'urubanza rujuririrwa hari inyandiko yo ku wa 01/11/2021 y'ifungurwa ry'agateganyo rikozwe n'Ubushinjacyaha igaragaza ko Uwimana Anastase atuye mu Ntara y'Iburasirazuba, Akarere ka Rwamagana Umurenge wa Gahengeri, Gihumuza. Hari inyandiko yo ku wa 8/02/2021 Uwimana yandikiye Zigama CSS, igaragaraho ho « adresse » Rwamagana Gahengeri, Gihumuza, Nyirabujali, hari inyandiko yo ku wa 9/01/2019 Uwimana yanditse yemera ko agiye kugarura ibyangombwa, ibonekaho « adresse » y'Akarere ka Rwamagana, Umurenge

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wa Gahengeri, Akagari ka Gihumuza, Umudugudu wa Nyirabujari, ibi kandi bigaragara mu nyandiko y'Ubushinjacyaha ikubiyemo ikirego. Mu rubanza RC00108/2020/TB/NZG rwo ku wa 31/12/2020, Uwimana Anastase agaragara ko yari umuburanyi uregwa muri urwo rubanza abarizwa kuri « adresse » yavuzwe haruguru, kandi yari ahari kuko hagaragaramo icyo yavuze. Hari kandi icyemezo cyatanzwe n'ubuyobozi bw'inze z'ibanze ku wa 26/06/2023 bwemeza ko Uwimana Anastase na mu Murenge wa Gahengeri, Akagari ka Gihumuza, Umudugudu wa Nyirabujari kuva ku wa 25/03/2012 kugera ku wa 28/02/2022. Iyi « adresse » kandi iboneka ku nyandiko itambamira iyandikisha ry'ubutaka yo ku wa 04/09/2021. [16] Hashingiwe ku bisobanuwe mu gace kabanza, bigaragaza ko Uwimana Anastase yari afite aho atuye hazwi kandi ko yahabonetse nk'uko cyane biboneka ku nyandiko zo mu nzego z'iperereza n'izo mu Rukiko, kandi zitakorewe urubanza kuko zakozwe mbere. Urukiko rusanga rero batari guhamagazwa cyangwa kumenyeshwa imikirize y'urubanza hakoreshejwe uburyo bw'imenyesharuhame kuko bari bafite aho babarizwa hazwi. Kubera izo mpamvu, hakaba hemejwe ko igihe yamenyeye imikirize y'urubanza ari itariki avuga ko yarumenyeye mu Kigo cy'Igihugu cy'ubutaka, ni ukuvuga ku wa 18/03/2021, kandi ntibivuguruzwa, ikirego gisubirishamo gitangwa ku wa 29/03/2021. Inzitizi yo kuba Uwimana Anastase na Musabyimana Fortunathe batarubahirije ibihe byo gusubirishamo ikaba idahawe ishingiro. B. Kumenya niba kuba muri «system» bigaragara ko ari

Umuraza wasubirishijemo urubanza, ikirego kitari kwakirwa. [17] Ingingo ya 142 y'Itegeko No 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsu iteganya ko gusubirishamo urubanza bigamije ko urubanza rwaciwe uregwa adahari rwongera kuburanishwa. Gusaba ko urubanza rusubirishwamo bisabwa n'warezwe mu rukiko rwaciye urubanza rusabirwa gusubirishwamo. Bikorwa mu buryo bumwe n'ubwo gutanga ikirego. Iyi ngingo yumvikanisha ko uwarezwe waburanishijwe adahari yemerewe gutanga ikirego nk'uko batanga ikirego asaba ko urubanza rwongera kuburanishwa. [18] Mu rubanza rujurirwa Umuraza Emilienne agaragara nk'wareze asaba gusubirishamo urubanza ; Me Ndamage Ferdinand umuhagarariye avuga ko ikirego kitari kwakirwa ngo gisuzumwe kuko nta bubasha afite bwo gusubirishamo kuko Itegeko riteganya ko bikorwa n'warezwe utari witabiriye iburanisha. Avuga ko muri uru rubanza we atareze, asabye ko kureka ikirego ntibyemerwa ahubwo rufata icyemezo kuri Uwimana Anastase ntaho bivuye. Me Kagamba Christophe uhagarariye Uwimana Anastase na Musabyimana Fortunathe avuga ko abasubirishijemo urubanza ari ababuranishijwe badahari, ko ari bo batanze igarama kuri momo kandi Umuraza ntabivuguruzwa ; Umuraza akaba agendera ku ikosa ryakozwe muri « system » asaba ko ikirego kitakwakirwa. [19] Muri dosiye y'urubanza rusubirishwamo, bigaragara ko kuri « issue » yo kuba bataramenyeshewe imikirize y'urubanza, havugwamo ko uwatsinze urubanza yari kuba yararubamenyeshewe mu buryo buteganywa n'amategeko atabikoze mu bwiru, hanyuma urubanza bakarumenya uwatsinze yagiye gusaba kwandikwaho umutungo. Handitswemo ko impamvu Musabyimana Fortunat na Uwimana Anastase basaba gusubirishamo urubanza ari uko baburanishijwe badahari, basaba ko irangizwa ry'urubanza riba rihagaze bakabanza gusubirishamo urubanza. Kuri « issue » yo kuba uregwa atarahamagajwe, havugwamo ko urega yagombaga guhamagaza abaregwa, haba aho atuye, kuri telefoni ; kuba bitarakozwe bigaragaza ubushake buke ku ruhanda rw'urega. [20] Hashingiwe ku byasobanuwe mu myanzuro itanga ikirego cyo gusubirishamo, n'ubwo kuri « party » handitswe Umuraza Emilienne, Urukiko rusanga ubwabyo bitashyirwaho mu kwemeza Musabyimana Fortunat na Uwimana Anastase atari bo batanze ikirego kuko, ibisobanuro bigaragaza ko ari barezwe, ntibahamagazwa mu buryo buteganywa n'amategeko (ni ko bavuye), bacibwa urubanza badahari, bavuye ukuntu bamenye imikirize y'urubanza ko basaba ko rusubirishwamo; bagaragaza

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kandi ko bishyuye igarama (historique ya MOMO, - 990329426382 kuri Tel 0788674820). Rusanga rero kuba biboneka ko abari barezwe ari Uwimana n'umugore, bakaburanishwa badahari, mu myanzuro bagaragaza ko basaba gusubirishamo urubanza bakanatanga impamvu, bagaragaza ko bishyuye igarama ; ikosa ryaba riboneka muri « system » ntirihagije ngo hemezwe ko nta kirego batanze, kuko ibisabwa n'ababuranyi binareberwa no mu bisabwa n'ababuranyi mu myanzuro yo gutanga ikirego. Iyi nzitizi na yo ikaba nta shingiro ihawe. C.Kumenya niba ikiburanwa ari « mutation » Urukiko Rwisumbuye rukaba rwari rufite ububasha. [21] Ingingo ya 27 y'Itegeko No 30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'inkiko, iteganya ko Inkiko z'ibanze ziburanisha mu rwego rwa mbere impaka ziri hagati y'abantu ku giti cyabo n'ibigo cyangwa imiryango bitari ibya Leta bifite ubuzima gatozi hagati yabyo zitarengeje miliyoni makumyabiri (20.000.000Frw).

Ingingo ya 31 y'iryo Tegeko, igateganya ko Inkiko Zisumbuye ziburanisha mu rwego rwa mbere imanza zose zithariwe kuburanishwa n'izindi Nkiko. Izi ngingo zisobanuriwe hamwe zumvikanisha ko ku kiburanwa gifite agaciro katarenze 20.000.000Frw ububasha bufitwe n'Inkiko z'ibanze, naho ku bitaragenewe izindi, birimo n'iherekanya, bikaburanishwa n'Inkiko Zisumbuye. [22] Mu rubanza rujuririrwa Urukiko rwemeje ko Urukiko Rwisumbuye rutari rufite ububasha bwo kuburanisha kubera ko icyaburanwaga ari ukumenya agaciro k'amasezerano, iherekanya rikaba ritategukwa mu gihe hari impaka ku masezerano y'abantu buri wese avuga ko yaguze ku mutungo usabirwa iherekanya. [23] Umuraza Emilienne yajuririyeye Urukiko Rukuru, Me Ndamage Ferdinand umuhagarariye avuga ko icyacyaburanwaga ari iherekanya, kuko yaguze umutungo mu buryo bwemewe n'amategeko, ikirego rero kikaba cyari mu bubasha bw'Urukiko Rwisumbuye, nk'ikitaragenewe izindi nkiko, hakaba kandi hataraburanwaga agaciro k'umutungo nk'uko bivugwa mu ngingo z'amategeko. [24] Me Kagamba Christophe uhagarariye Uwimana Anastase na Musabyimana Fortunathe avuga ko ikiburanwa muri uru rubanza ugusaba kwandikwaho umutungo, bikaba ariko bitashoboka mu gihe hatari hamenyekana nyirawo, kuko muri uru rubanza hari impaka ku bantu banyuranye, buri wese avuga ko yaguze, hakaba rero hagomba gushingira ku gaciro k'umutungo uburanwa, muri uru rubanza kandi ntikageze kuri 20.000.000Frw. [25] Nk'uko biboneka muri iyi dosiye, Umuraza Emilienne agaragaza amasezerano y'ubugure yo ku wa 21/6/2014 hagati ye na Kabayiza Nsengiyumva ku mutungo w'ubutaka bungana na msq 1133 (27 x 37) wanditswe kuri UPI :5/01/10/01/1109 Uwimana Anastase na Musabyimana Fortunathe, mu Mudugudu wa Rugarama, Akagari ka Akinyambo, Umurenge wa Muyumbu, Akarere ka Rwamagana kuri 5.000.000Frw. Uwimana Anastase na Musabyimana Fortunathe si bo bamugurishije bakavuga ko ikibanza bagurishije ari icyo Kabayiza atari yishyuye mafaranga yose, ko abo atakoreye iherekanya byatewe n'ubuhemu bwa Kabayiza Nsengiyumva Modeste, uyu kandi ni we ugaragara ko yagurishije Umuraza Emilienne, amugurisha umutungo bene wo bavuga ko atishyuye ikiguzi. [26] Ibisobanuwe muri aka gace rero bigaragaza ko nta hererekanya ryashoboka hagati ya Umuraza Emilienne na Uwimana Anastase n'umugore, kubera ko, uretse no kuba atari bo bamugurishije ariko banavugaga ko Kabayiza Nsengiyumva Modeste atabishyuye ikiguzi cyose, ubutaka bari bamugurishije bakongera kubugurisha. Nk'uko byumvikana rero, muri uru rubanza hari impaka ku masezerano y'ubugure bw'ubutaka hagati ya Uwimana Anastase n'umugore we ku ruhande rumwe na Kabayiza Nsengiyumva ku rundi, ku buryo Umuraza atasaba uburenganzira mu gihe n'uwamugurishije bitagaragara ko abufite. Bityo rero, kugira ngo hasabwe « mutation », hagomba kubanza gukemuka impaka ku gaciro k'amasezerano iryo hererekanya ryashingiraho ; kandi harebwe agaciro k'umutungo, izo mpaka ntizasuzumwa n'Urukiko Rwisumbuye rwari rwaregewe. Ibyemejwe mu rubanza

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rujuririrwa ko Urukiko Rwisumbuye rutari rufite ububasha bwo gusuzuma no kwemeza « mutation » nk'uko byasobanuwe muri urwo rubanza, bikaba binemezwa bityo n'Urukiko Rukuru. D.Ibyerekeranye n'ishingiro ry'indishyi zisabwa n'ababuranyi. [27] Ingingo ya 111 y'Itegeko No 22/2018 ku wa 29/04/2018 Itegeko ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegets, iteganya ko ikirego cy'amafaranga y'ikurikiranarubanza

ni ikirego gishamikiye ku kirego cy'iremezo kigamije kwishyuza ibyakoreshejwe mu rubanza. Ingingo ya 3 y'Itegeko No 15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo, iteganya ko buri muburanyi agaragaza ibimenyetso by'ibyo aregera. Izi ngingo zumvikanisha ko umuburanyi watakaje mu rubanza, iyo agaragaraje ibimenyetso by'ibyo yangirijwe, yishyurwa n'uwamuteye kujya mu manza nta mpamvu. [28] Mu rubanza rujuririrwa nta ndishyi zagenwe, ababuranyi bombi basaba indishyi kuri uru rwego z'ikurikiranarubanza n'igihembo cya avoka. [29] Urukiko rusanga hakurikijwe uko ikibazo giteye, mu bushishozi nta ndishyi zigenwe kubera ko n'ubwo Umuraza Emilienne yareze Uwimana Anastase na Musabyimana Fortunathe mu buryo bunyuranyije n'amategeko ariko na bo imyitwarire yabo muri iki kibazo cy'igurisha ry'umutungo ku bantu batandukanye ku mpamvu zidafite ishingiro, ntirikwiye gushingirwaho ngo bene kurikora babiharerwe indishyi. III. ICYEMEZO CY'URUKIKO [30] Rwemeje ko ikirego cyatanzwe na Umuraza Emilienne nta shingiro gifite ; [31] Rwemeje imikirize y'urubanza RC00031/2021/TGI/NGOMA rwaciwe ku wa 03/11/2022 n'Urukiko Rwisumbuye rwa Ngoma igumanye agaciro kayo ;

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Prepared on 13 October 2026 · Esheria