REPUBULIKA Y'U RWANDA

P.O. BOX 2197 KIGALI

IMIRONGO YATANZWE MU MANZA ZACIWE N'URUKIKO RW'UBUJURIRE MU KWEZI KU UKWAKIRA N'UGUSHYINGO, 2022

Nº 3

IMIRONGO YATANZWE MU MANZA ZACIWE N'URUKIKO RW'UBUJURIRE MU KWEZI K'UKWAKIRA N'UGUSHYINGO, 2022

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11. Kujuririra urubanza – ibihe by'ubujurire - agaciro k'impamvu z'ubujurire zitanzwe mu myanzuro y'inyongera nyuma y'igihe cy'ubujurire – ntizigomba kwakirwa uretse igihe zuzuza cyangwa zisobanura izatanzwe mu bihe byemewe byo kujurira. 71

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Mu rwego rwo gukomeza kubaka ubutabera bushingiye ku mirongo yatanzwe hagamijwe gufata abantu kimwe ku buryo abahuje ibibazo babona ibisubizo bisa no kwirinda imanza zitari ngombwa mu nkiko, Urukiko rw'Ubujurire runejejwe no kubagezaho ku nshuro ya gatatu imirongo yatanzwe mu manza zaciwe.

Ababuranyi (Abavoka, Abashinjacyaha), abacamanza n'abashakashatsi mu nkiko, basabwe kujya bayisoma kugira ngo twese hamwe dufatanye guteza imbere no gushimangira uyu muco, wo gutanga ibisubizo bimwe ku bibazo bisa.

Tuboneyeho kandi gusaba ababuranyi (Abashinjacyaha n'Abavoka) kuburana bifashishije iyi mirongo, nk'ikimenyetso kitagibwaho impaka gihamya ukuri kw'ibyo bavuga, igihe basanze bihuje koko n'ibivugwa mu manza ziri muri iyi nyandiko.

Turasaba Abacamanza kwita kuri iyi mirongo mu manza baca tunabibutsa ko batemerewe kunyuranya nayo kimwe n'indi yatanzwe n'izindi nkiko uko zigenda zisumbana nk'uko biteganywa mu mabwiriza ya Perezida w'Urukiko rw'Ikirenga yo ku wa 15 Werurwe 2021.

Tuboneyeho kandi gukangurira ababuranyi ko igihe basanze haratanzwe umurongo batemeranya nawo ku kibazo runaka kandi bakaba bahatirwa kuwukurikiza hashingiwe ku mahame agenga imicire y'imanza zishingiye ku mirongo yatanzwe mu manza (Precedents), bajya bibuka kubiregera Urukiko rw'Ikirenga kugira ngo ruwuhindure nk'uko biteganywa n'ingingo ya 65 n'iya 73 y' Itegeko N° 30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'inkiko. Naho igihe utarahinduka, ntacyo bimaze kuburana ushaka kumvikanisha ko utemeranya na wo imbere y'Urukiko ruri munsi y'urwawutanze.

Turabashimiye.

RUKUNDAKUVUGA François Régis

Perezida w'Urukiko rw'Ubujurire

I. IRIBURIRO

Aka gatabo gakubiyemo imirongo yatanzwe n'Urukiko rw'Ubujurire mu kwezi k'Ukwakira n'Ugushyingo 2022 iri mu byiciro bikurikira:

➢ IMANZA NSHINJABYAHA

✓ BYAHA

1. Icyaha cyo gusambanya umwana n'icyaha cyo gukoresha undi imibonano mpuzabitsina ku gahato (imirongo 4)
2. Icyaha cy'ubwicanyi (imirongo 2)
3. Icyaha cy'ikoresha ritemewe ry'ibiyobyabwenge n'urusobe rw'imiti ikoreshwa nkabyo (umurongo 1)
4. Ifunga ry'agateganyo (umurongo 1);

➢ IBIREGO MBONEZAMUBANO

1. Impaka zishingiye ku irage (umurongo 1)
2. Kutubahiriza amasezerano (imirongo 4)
3. Impaka zishingiye ku izungura (imirongo 2)
4. Gutesha agaciro cyamunara (imirongo 2)

➢ IMANZA ZASHINGIYE KU MIRONGO IMENYEREWE

✓ Hagaragaye imirongo 16.

II. IMANZA NSHINJABYAHA

1. ICYAHA CYO GUSAMBANYA UMWANA N'ICYAHA CYO GUKORESHA UNDI IMIBONANO MPUZABITSINA KU GAHATO

1. Kwemera icyaha - si ikimenyetso cyihagije ngo uregwa ahamwe n'icyaha, ahubwo ni ikimenyetso mu bindi, kigira akamaro iyo giherekejwe n'ibindi bimenyetso bihuje n'ikiburanwa.

Urubanza rwasuzumwe: Urubanza Nº RPAA 00055/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 31/10/2022, haburana Ubushinjacyaha na NIYONZIMA Adrien (Igika cya 24).

Ikibazo umurongo ushingiyeho: Ese ukwemera icyaha k'uregwa mu Bugenzacyaha ni ikimenyetso cyihagije cyemeza ko ahamwa n'icyo cyaha yemeye?

Imvano y'ikibazo: NIYONZIMA Adrien yakurikiranweho icyaha cyo gusambanya umwana w'imyaka 12, mu Bugenzacyaha yemeye ko yasambanyije uwo mwana, mu Bushinjacyaha avuga ko baryamanye ko ariko batasambanye, yamufashe ku mabere gusa, naho mu Rukiko Rwisumbuye rwa Nyarugenge aburana avuga ko arwara ibisazi, ko hari igihe afatwa n'ibishitani bituruka kuri se, ariko ko yemera ko yasambanyije uwo mwana**.** Urukiko Rwisumbuye rwa Nyarugenge rwamuhamije icyo cyaha rumuhanisha igifungo cya burundu. NIYONZIMA Adrien yajuriye mu Rukiko Rukuru asaba kugabanyirizwa igihano kuko yaburanye yemera icyaha mu nzego zose ariko agahabwa igihano kiremereye, Urukiko rwemeza ko nta gihindutse ku gihano yahawe kuko itegeko riteganya ko kidashobora kugabanywa.

Uregwa yajuririye Urukiko rw'Ubujurire asaba kurenganurwa ngo kuko yahamijwe icyaha yahimbiwe. Muganga wasunzumye umwana yahamagawe mu Rukiko ngo atange ibisobanuro kuri raporo yakoze avuga ko mu bizami yamukoreye nta kintu na kimwe yabonye kigaragaza ko uwo mwana yasambanyijwe. Urukiko rw'Ubujurire rwasanze kuba hari aho uregwa yagiye

yemera icyaha ndetse no mu Rukiko Rukuru agasaba kugabanyirizwa igihano ashingiye ku kwemera icyaha (…) uko kwemera kwagombye gushimangirwa n'ibindi bimenyetso, bityo rushingiye ku murongo watanzwe n'Urukiko rw'Ikirenga, ku nyandiko z'abahanga no ku biteganya n'itegeko, rwemeza ko NIYONZIMA Adrien ahanaguweho icyaha cyo gusambanya umwana kubera gushidikanya.

Umurongo uhuriweho n'izindi manza: Kuba uregwa yemera icyaha byonyine si ikimenyetso cyihagije kugira ngo byemezwe ko ukuri kwabonetse, ahubwo ni ikimenyetso mu bindi, kigira akamaro iyo giherekejwe n'ibindi bimenyetso bihuje n'ikiburanwa.

Izindi manza zafashwemo uyu murongo:

- ❖ Urubanza Nº RPAA 0057/15/CS rwaciwe ku wa 11/05/2018 haburana Ubushinjacyaha na NDIKUBWAYO

- ❖ Urubanza N° Nº RPAA 00329/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/10/2022 haburana Ubushinjacyaha na NIYONKURU Amani (igika cya 17 na 19)

Urubanza ruyoboye izindi (Leading case): Urubanza ruyoboye izindi ni Urubanza Nº RPAA 0057/15/CS rwaciwe ku wa 11/05/2018 haburana Ubushinjacyaha na NDIKUBWAYO kuko rwaciwe n'urukiko rw'Ikirenga

2. Ubuhamya – agaciro k'ubuhamya bushingiye ku mvugo z'umwana utarageza ku myaka 14 – ntibugomba gushingirwaho iyo butunganiwe n'ibindi bimenyetso.

Urubanza rwasuzumwe: Urubanza Nº RPAA 00107/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 11/11/2022 haburana Ubushinjacyaha na NIYONSABA Félix (igika cya 27)

Ikibazo cyasuzumwe: Ese ubuhamya bushingiye ku mvugo z'umwana utarageza ku myaka 14, bwahabwa agaciro?

Ingingo y'itegeko umurongo ushingiyeho :

✓ Ingingo ya 63, igika cya 4 y'Itegeko Nº 15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo ivuga ko: *« Abana batarengeje imyaka 14 kimwe n'abantu bakuru badafite ubushobozi bemerewe gutanga ubuhamya mu nkiko batarahiye iyo babasha kubara inkuru y'uko byagenze ariko ubuhamya bwabo bugomba kunganirwa n'ibindi bimenyetso »*

Imvano y'ikibazo : NIYONSABA Félix yahamijwe n'Urukiko Rwisumbuye rwa Muhanga, icyaha cyo gusambanya umwana w'imyaka 13, rumuhanisha igifungo cya burundu, mu bujurire Urukiko Rukuru rugumishaho igifungo cya burundu; Uregwa yajuriye bwa kabiri mu Rukiko rw'Ubujurire avuga ko yahamijwe icyaha atakoze kuko ibimenyetso byose Ubushinjacyaha bwatanze bidafatika, kandi bitavugisha ukuri kuko ubuhamya bwatanzwe buvuguruzanya, ndetse n'imvugo z'umwana w'imyaka 13 zikaba zitari gushingirwaho zidashyigikiwe n'ibindi bimenyetso. Urukiko rw'Ubujurire rwahamagaje uwakorewe icyaha N.F. n'abatangabuhamya babajijwe n'Ubushinjacyaha aribo MUGABE Bonifilda na KAMPIRE Deliphine, maze rusanga ubuhamya bwabo butaba ikimenyetso cyakunganira ubuhamya bwa N.F., kuko mu buhamya bwabo bemeza ko batiboneye NIYONSABA Félix asambanya N.F., ko ahubwo N.F. ari we wabibabwiye, Urukiko rushingiye ku biteganywa n'itegeko rwemeza ko ubuhamya bwabo nta gaciro bwahabwa.

Umurongo watanzwe: Ubuhamya bushingiye ku mvungo ababutanga babwiwe n'umwana utarageza ku myaka 14 nta gaciro bwahabwa mu gihe butunganiwe n'ibindi bimenyetso.

Izindi manza zafashwemo uyu murongo:

- ❖ Urubanza Nº RPAA 0133/10/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 07/11/2014 haburana Ubushinjacyaha na MVUYEKURE (igika cya 17).
- ❖ Urubanza Nº RPAA 00405/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 17/10/201 haburana Ubushinjacyaha na NIZEYIMANA Jean Pierre (igika cya 31).
- ❖ Urubanza Nº RPAA 00146/2018/CArwaciwe n'Urukiko rw'Ubujurire ku wa 28/01/2022 haburana Ubushinjacyaha na UWAMAHORO Martin (igika cya 22).

Urubanza ruyoboye izindi (**Leading case):** Ni Urubanza Nº RPAA 0133/10/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 07/11/2014 haburana Ubushinjacyaha na MVUYEKURE Faustin kuko rwaciwe n'Urukiko rw'Ikirenga runatangazwa mu Cyegeranyo [2015]4 RLR.

3. Ibimenyetso mu manza nshinjabyaha - raporo ya Muganga – agaciro gahabwa raporo ya muganga ikozwe hashize igihe kirekire (amezi 10) ku cyaha cyo gusambanya umwana – ntiba ikimenyetso cyemeza ko icyaha cyakozwe.

Urubanza rwasuzumwe: Urubanza Nº RPAA 00107/2021/CA rwaciwe ku wa 11/11/2022 rw'Ubushinjacyaha na NIYONSABA Félix (Igika cya 31).

Ikibazo cyasuzumwe: Ese raporo ya Muganga ikozwe hashize igihe cy'amezi icumu (10), yaba ikimenyetso cyemeza ko icyaha cyo gusambanya umwana cyakozwe?

Imvano y'ikibazo: NIYONSABA Félix yahamijwe n'Urukiko Rwisumbuye rwa Muhanga icyaha cyo gusambanya umwana w'imyaka 13, rumuhanisha igifungo cya burundu, mu bujurire Urukiko Rukuru rugumishaho igifungo cya burundu. Uregwa yajuririye Urukiko rw'Ubujurire avuga ko mu mpamvu zimutera kujurira harimo ko raporo yakozwe na Muganga ku wa 12/02/2019 itari gushingirwaho, kuko yakozwe hashize igihe kirekire (umwaka) icyaha aregwa cyo gusambanya umwana gikozwe. Urukiko rushingiye ku kuba raporo ya Dr NTIHABOSE Aime

Patrick yarakozwe ku wa 12/02/2019 hashize amezi 10 icyaha cyo gusambanya umwana NIYONSABA Félix aregwa gikozwe ku wa 13/04/2018, rusanga itaba ikimenyetso cyemeza ko icyaha cyakozwe.

Umurongo watanzwe: Raporo ya Muganga ikozwe hashize igihe cy'amezi icumi (10) icyaha cyo gusambanya umwana gikozwe, ntiyaba ikimenyetso cyemeza ko icyaha cyakozwe.

4. Urubanza rw'inshinjabyaha – Kumenya imyaka y'uwasambanyijwe – inyandiko y'ivuka (acte de naissance) mu gihe hari impaka ku bindi bimenyetso – inyandiko y'ivuka (acte de naissance) yatanzwe n'Umwanditsi w'irangamimerere, niyo igomba gushingirwaho habarwa imyaka umwana yari afite igihe yasambanywaga, mu gihe hari impaka ku bindi bimenyetso byatanzwe n'ababuranyi.

Urubanza rwasuzumwe: Urubanza Nº RPAA 00405/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/11/2022 rw'Ubushinjacyaha na NSABIMANA Alphonse (igika cya 20).

Ikibazo cyasuzumwe: Ni ikihe kimenyetso cyemewe mu kugaragaza imyaka y'umwana wasambanyijwe, mu gihe nta kimenyetso kimara impaka cyagaragajwe?

Ingingo y'itegeko umurongo ushingiyeho:

✓ Ingingo ya 66, agace ka mbere (1°), y'Itegeko nº 32/2016 ryo ku wa 28/08/2016 rigenga abantu n'umuryango, iteganya ko *"Inshingano z'umwanditsi w'irangamimerere ni ugukora inyandiko z'irangamimerere zerekeranye n'ibyo amenyeshwa, kuzikosora no gutanga kopi zazo"*

Imvano y'ikibazo: NSABIMANA Alphonse yahamijwe n'Urukiko Rwisumbuye rwa Rubavu icyaha cyo gusambanya umwana w'imyaka 17, rumuhanisha

igifungo cy'imyaka 20, mu bujurire Urukiko Rukuru rwemeza ko nta gihindutse ku gihano yahawe. Uregwa yajuririye Urukiko rw'Ubujurire avuga ko mu mpamvu zimutera kujurira harimo ko: n'ubwo yemera ko yasambanyije N.A. ndetse n'umwana yabyaye akaba ari uwe, ariko atemera ko ubwo yamusambanyaga yari umwana, kuko ikimenyetso cy'ifishi y'ubuzima bw'umwana yatanze mu Rukiko kigaragaza ko yari yujuje imyaka y'ubukure, kuko kigaragaza ko yavutse ku wa 18/01/2000, kandi kikaba kinavuguruzanya n'ibimenyetso byatanzwe n'Ubushinjacyaha birimo icyemezo cy'amavuko kivuga ko yavutse ku wa 05/02/2001 n'indi fishi y'ubuzima bw'umwana igaragaza ko N.A. yavutse ku wa 02/04/2001. Urukiko rwasabye Ubushinjacyaha kurushyikiriza inyandiko y'ivuka *(acte de naissance)* ya N.A., burushyikiriza inyandiko y'ivuka yatanzwe n'umwanditsi w'irangamimerere w'Umurenge wa Mukamira igaragaza ko N.A. yavutse ku wa 02/05/2001. Urukiko rushingiye ku ngingo y'itegeko yavuzwe haruguru, rwemeza ko inyandiko y'ivuka itanzwe n'Umwanditsi w'irangamimerere ariyo igomba gushingirwaho habarwa imyaka N.A. yari afite ubwo yasambanywaga.

Umurongo watanzwe: Inyandiko y'ivuga *(acte de naissance)* itanzwe n'Umwanditsi w'irangamimerere w'aho umwana yavukiye cyangwa se w'aho ababyeyi be baba cyangwa batuye niyo ishingirwaho habarwa imyaka umwana yari afite igihe yasambanywaga. Mu gihe itabashije kuboneka hatangwa urubanza ruyisimbura *(jugement supplétif)* cyangwa ruyikosora *(jugement rectificatif).*

Izindi manza zafashwemo uyu murongo:

❖ Urubanza Nº RPAA 00309/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 16/09/2022 haburana Ubushinjacyaha na IRADUKUNDA Daniel (igika cya 22).

- ❖ Urubanza N° RPAA 00662/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 28/10/2022 haburana Ubushinjacyaha na BANGINEZA Jean Claude (igika cya 22).
- ❖ Urubanza N° RPAA 00133/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 14/05/2021 haburana Ubushinjacyaha na NYIRINGABO Emmanuel
- ❖ **Urubanza ruyoboye izindi** (**Leading case):** Urubanza ruyoboye izindi ni Urubanza N° RPAA 00133/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 14/05/2021 haburana Ubushinjacyaha na NYIRINGABO Emmanuel kuko arirwo rwaciwe mbere.

2. ICYAHA CY'UBWICANYI

1. Imanza z'inshinjabyaha - Ubusembure – igisobanuro cy'ubusembure - kugira ngo igikorwa cyitwe icy'ubusembure ni uko uvugako ko yakorewe ubusembure aba yakorewe igikorwa kimurenganya.

Urubanza rwasuzumwe: Urubanza N° RPAA 00636/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 28/10/2022, haburana Ubushinjacyaha na CYIZA Simon (Igika cya 14).

Ikibazo umurongo ushingiyeho: Ni ryari uwakorewe igikorwa runaka bifatwa ko ari icy'ubusembure?

Imvano y'ikibazo:

Uru rubanza rwatangiriye mu Rukiko Rwisumbuye rwa Rubavu, Ubushinjacyaha burega CYIZA Simon kuba yarakoze icyaha cy'ubwicanyi kuko yateye NTAKASIGAYE BIZIMUNGU André icyuma mu gatuza ahita apfa ubwo yazaga gukiza CYIZA Simon warwanaga n'umugore we. CYIZA Simon yaburanye yemera icyaha, ariko akavuga ko yagikoze by'impanuka. Urukiko Rwisumbuye, rwemeza ko CYIZA Simon ahamwa n'icyaha cy'ubwicanyi, rumuhanisha igifungo cya burundu.

CYIZA Simon yajuririye urwo rubanza mu Rukiko Rukuru, Urugereko rwa Musanze, avuga ko akwiye kugabanyirizwa ibihano kubera ko yakoze icyaha bitewe n'ubusembure yakorewe na nyakwigendera NTAKASIGAYE BIZIMUNGU André kuko yamusanze mu rugo, aramukubita, amukura amenyo anamutera icyuma bituma nawe afata akuma arakamutera ahita apfa. Urukiko Rukuru rwemeje ko urubanza rwajuririwe rudahindutse, rusobanura ko CYIZA Simon atasembuwe na nyakwigendera, kandi ko atagabanyirizwa igihano kubera ko atemera icyaha ngo anacyicuze.

CYIZA Simon yajuririye urwo rubanza mu Rukiko rw'Ubujurire avuga ko akwiye kugabanyirizwa ibihano kubera ko yemera icyaha akanagisabira imbabazi, ariko ko yagikoze bitewe n'uko yari yasembuwe na nyakwigendera NTAKASIGAYE BIZIMUNGU André, Urukiko rw'Ubujurire nyuma y'isesengura rwasanze kugira ngo ubusembure bwemerwe, ari uko igikorwa uvuga ko yasembuwe yakorewe cyaba ari icyakozwe kimurenganya, kandi atariko byagendekeye uregwa bityo rwemeza ko ubujurire bwe nta shingiro bufite ko igifungo cya burundu yahawe n'Urukiko Rukuru gihamyeho.

Umurongo watanzwe: Kugira ngo ubusembure bwemerwe, ni uko igikorwa uvuga ko yasembuwe yakorewe cyiba ari icyakozwe kimurenganya.

- ❖ Urubanza N° RPA0154/13/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 08/12/2017 haburana Ubushinjacyaha na Habyarimana Festus (igika cya 51).

- ❖ Urubanza N° RPAA038/15/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 15/09/2017 haburana Ubushinjacyaha na Sezikeye Emmanuel.

2. Imanza z'inshinjabyaha – guhindura inyito y'icyaha mu bujurire – kutabuzwa guhindura inyito y'icyaha – igihe icyo aricyo cyose umucamanza afite uburenganzira n'inshingano byo guhuza inyito y'icyaha n'ibikorwa bigize icyaha.

Urubanza rwasuzumwe: Urubanza Nº RPAA 00444/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 28/11/2022 haburana Ubushinjacyaha na NDAYISHIMIYE Eric na BIZIMANA Boniface (igika cya 24).

Ikibazo cyasuzumwe: Ese Urukiko rwajuririwe rufite ububasha bwo guhindura inyito y'icyaha uregwa akurikiranyweho?

Imvano y'ikibazo: NDAYISHIMIYE Eric na BIZIMANA Boniface bakurikiranyweho icyaha cyo gukubita no gukomeretsa byateye urupfu cyakorewe uwitwa BIZIMANA Jean Marie Vianney. Abaregwa baburanye bahakana icyaha. Urukiko Rwisumbuye rwa Huye rwasanze abaregwa bahamwa n'icyaha bakurikiranyweho ruhanisha buri wese igifungo cy'imyaka 17 n'amezi 6 n'ihazabu ya 5.000.000 Frw.

NDAYISHIMIYE Eric na BIZIMANA Boniface bajuririye imikirize y'urwo rubanza mu Rukiko Rukuru, Urugereko rwa Nyanza, rwemeza ko ubujurire bwabo nta shingiro bufite rutegeka ko hagumaho imikirize r'urubanza rwajuririwe.

NDAYISHIMIYE Eric na BIZIMANA Boniface bajuririye na none urwo rubanza mu Rukiko rw'Ubujurire, basaba kurenganurwa kuko bahamijwe icyaha batakoze, ariko mu iburanisha NDAYISHIMIYE Eric avuga ko nubwo yajuriye ahakana icyaha, ariko ko yiyemeje kuvugisha ukuri, asobanura ko we na BIZIMANA Boniface aribo bakubise BIZIMANA Jean Marie Vianney bikamuviramo urupfu, akaba abisabira imbabazi no kugabanyirizwa ibihano kuko bakubise BIZIMANA Jean Marie Vianney batabiteguye ko ahubwo babitewe n'ubusinzi.

Mu mwanzuro w'Ubushinjacyaha buvuga ko impamvu z'ubujurire zitangwa n'abajuriye nta shingiro ifite (…), ***ahubwo ko bubona inyito y'icyaha bahamijwe idahuje n'ibikorwa byakozwe, busaba ko yahinduka***

hakemezwa ko bahamwa n'icyaha cy'ubufatanyacyaha mu cyaha cy'ubwicanyi aho kuba icy'ubufatanyacyaha mu cyaha cyo gukubita cyangwa gukomeretsa byateye urupfu[1], *ariko hakagumishwaho igihano bahanishijwe kuko butigeze bukijuririra.*

Nyuma y'isesengura Urukiko rw'Ubujurire rusanga *ibikorwa byakozwe bigize icyaha cy'ubwicanyi aho kuba icyo gukubita cyangwa gukomeretsa ku bushake byateye urupfu abaregwa bahamijwe n'ikiko zibanza*, rwemeza ko nta gihindutse ku gihano cyatanzwe n'Urukiko Rukuru uretse inyito y'icyaha.

Umurongo imanza zihuriyeho: Guhindura inyito y'icyaha ni uburenganzira n'inshingano umucamanza afite mu gihe cyose asanga ibikorwa uregwa akurikiranyweho bidahuye n'inyito byahawe n'Inkiko zabanje, hakurikijwe ihame ry'uko umucamanza aregerwa ibikorwa bigize icyaha ataregerwa inyito yacyo.

Izindi manza zafashwemo uyu murongo:

- ❖ Urubanza N° RS/INJUST/Pen 00004/2017/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 23/02/2018, haburana Ubushinjacyaha na MUKARUYANGE Athanasie (igika cya 18).

- ❖ Urubanza N° RPA 0033/11/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 14/09/2012 haburana Ubushinjacyaha na NYAWERA Céléstin (igika cya 6).

- ❖ Urubanza N° RPAA 0307/11/CS rwaciwe n'Urukiko rw'Ubujurire ku wa 24/02/2017 haburana Ubushinjacyaha na TWAGIRAMUNGU Jean Paul (igika cya 19- 21).

[1] Ubushinjacyaha buvuga kandi ko guhindura inyito y'icyaha ari inzitizi ndemyagihugu iteganywa mu ngingo ya 2 , agace ka 1° y'Itegeko n° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi ahasobanurwa ko *: « amategeko ndemyagihugu ari urusobe rw'amahame agenga uburyo bw'imibereho muri sosiyete ashyirwaho hagamijwe inyungu rusange ababuranyi adashobora kumvikanaho ngo bayanyure iruhande".*

❖ Urubanza N° RPAA 00064/2018/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 13/09/2019 haburana Ubushinjacyaha na NSANZUMUHIRE Jean Baptiste (Igika cya 29).

❖ Urubanza N° RPAA 00195/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 27/05/2022 haburana Ubushinjacyaha na AYIRWANDA Emmanuel.

❖ Urubanza N° RPA 00026/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 28/01/2022 haburana Ubushinjacyaha na HABUMUGISHA Hamza.

❖ Urubanza N° RPA 00004/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/11/2021 haburana Ubushinjacyaha na NIYOMWUNGERI Jean Bosco.

❖ Urubanza N° RPAA 00333/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 19/9/2022 haburana Ubushinjacyaha na DUKUZUMUREMYI.

Urubanza ruyoboye izindi (**Leading case):**

Urubanza ruyoboye izindi ni N° RS/INJUST/Pen 00004/2017/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 23/02/2018, haburana Ubushinjacyaha na MUKARUYANGE Athanasie kuko ari rwo rutanga umurongo werekana ko urukiko rufite ububasha bwo guhindura inyito y'icyaha rwaregewe rukanagaragaza uko bigenda iyo Urukiko rumaze guhindura inyito.

3. ICYAHA CY'IKORESHA RITEMEWE RY'IBIYOBYABWENGE N'URUSOBE RW'IMITI IKORESHWA NKABYO

1. Imanza z'inshinjabyaha - Iteka rya Minisitiri risobanura itegeko – igihe ritangirira gukurikizwa - rifatwa nk'igice cy'itegeko risobanurwa, rikaba rigomba gukurikizwa kuva umunsi itegeko risobanurwa ryatangajwe mu Igazete ya Leta.

Urubanza rwasuzumwe: Urubanza N° RPAA 00036/2021/CA, rwaciwe ku wa 23/09/2022 haburana Ubushinjacyaha na URAYENEZA Cyriaque (igika cya 25)

Ikibazo cyasuzumwe: Ese Iteka rya Minisitiri risobanura itegeko risohotse hashize igihe itegeko risobanurwa ririho, rishobora kugenga ibikorwa byakozwe mbere y'uko iryo Teka ritangazwa mu Igazeti ya Leta?

Imvano y'ikibazo: URAYENEZA Cyriaque yahamijwe n'Urukiko Rwisumbuye rwa Nyarugenge icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi, maze rumuhanisha igifungo cy'imyaka makumyabiri n'itanu (25ans) n'ihazabu ya 20.000.000 Frw. Yarujuririye mu Rukiko Rukuru avuga asaba kugabanyirizwa ibihano akanasubikirwa, urukiko rwemeza ko ubujurire bwe nta shingiro bufite, ko urubanza rujuririrwa rudahindutse.

URAYENEZA Cyriaque yajuriye bwa kabiri mu Rukiko rw'Ubujurire, avuga ko Urukiko Rukuru rwamuhannye hashingiwe ku Iteka ryari ritarajyaho ubwo yakoraga icyaha, asaba ko inyito y'icyaha yahamijwe yahinduka, anasaba kugabanyirizwa ibihano. Mu gusesengura iki kibazo Urukiko rwasanze harafashwe imirongo ibiri itandukanye aho ku ruhande rumwe mu rubanza N° RPAA 00155/2020/CA rwaciwe ku wa 04/06/2021 no mu rubanza N° RPAA 00019/2021/CA rwaciwe 25/06/2021, Urukiko rw'Ubujurire rwanze gushingira ku Iteka rya Minisitiri nº 001/MoH/2019 ryo ku wa 04/03/2019 rigena urutonde rw'ibiyobyabwenge n'ibyiciro byabyo n'umugereka waryo wa mbere kubera ko byari gutuma abaregwa muri izo manza bahabwa ibihano biremereye kandi ryaragiyeho nyuma y'uko bakora icyaha, ahubwo rubahanisha igihano gito giteganywa mu ngingo ya 263 y'Itegeko nº 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange ;

Ku rundi ruhande mu rubanza N° RPAA 00031/2021/CA Urukiko rw'Ubujurire rukaba rwaranzuye ko iryo Teka rya Minisitiri rigena urutonde rw'ibiyobyabwenge n'ibyiciro byabyo ni ubwo ryaje nyuma y'ikorwa ry'icyaha, rikwiye gukurikizwa kuko iryo Teka rya Minisitiri nta bihano ryigeze rigaragaza ahubwo icyo ryari rije kumara kwari ukugaragaza urutonde rw'ibiyobyabwenge byavuzwe mu ngingo ya 263 y'itegeko n° 68/2018 ryo ku wa 27/9/2018 riteganya ibyaha n'ibihano muri rusange naho ibihano bikaba byari biteganyijwe

muri iyo ngingo. Rusobanura ko rero kamere y'iryo teka ari itegeko risobanura irindi kandi itegeko risobanura irindi rifatwa nk'igice cy'itegeko risobanura ku buryo Urukiko rugomba kuryubahiriza, bivuze ko itegeko risobanura irindi risubira inyuma (effet rétroactif), rigakurizwa kuva umunsi itegeko ryasobanuwe ryatangajwe mu Igazeti ya Leta, n'ubwo ryaba rikomeye cyangwa ryoroheje.

Nyuma y'iri sesengura Urukiko rw'Ubujurire rusanga umurongo ukwiye kugenderwaho ari uwafashwe mu rubanza Nº RPAA 00031/2021/CA haburana BAHATI Françoise n'Ubushinjacyaha kuko arirwo rubanza rwaciwe bwa nyuma kandi rukaba ari narwo rwasobanuye mu buryo buri bwo ndetse bunemeranywaho n'abahanga mu mategeko impamvu Iteka rya Misitiri nº 001/MoH/2019 ryo ku wa 4/3/2019 rigena urutonde rw'ibiyobyabwenge n'ibyiciro byabyo rikwiye gukurikizwa.

Umurongo uhuriweho n'izindi manza: Iteka rya Minisitiri rifite kamere y'Itegeko risobanura irindi rifatwa nk'igice cy'iryo tegeko, rikaba rigomba gusubira inyuma (effet rétroactif), rigakurikizwa kuva umunsi itegeko ryasobanuye ryatangajwe mu Igazete ya Leta.

Izindi manza zafashwemo uyu murongo:

❖ Urubanza Nº RPAA 0085/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 18/11/2022, haburana Ubushinjacyaha na INGABIRE Suzuki (igika cya 22).

❖ Urubanza Nº RPAA 00031/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 28/10/2022, haburana Ubushinjacyaha na BAHATI Françoise

Urubanza ruyoboye izindi: Urubanza ruyoboye izindi ni Urubanza Nº RPAA 00036/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 23/09/2022 haburana Ubushinjacyaha na URAYENEZA Cyriaque, kuko arirwo rusobanura neza impamvu hadakwiye gukurikizwa umurongo wari watanzwe mu:

-Rubanza Nº RPAA 00155/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 04/06/2021 haburana Ubushinjacyaha na BUCYEYE Pascal n'

-Urubanza N° Nº RPAA 00019/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 25/06/2021 haburana Ubushinjacyaha na MUREKATETE Immaculée.

Aho zari zaremeje ko Iteka rya Minisitiri nº 001/MoH/2019 ryo ku wa 11/03/2019 rishyiraho urutonde rw'ibiyobyabwenge n'ibyiciro byabyo ritashingirwaho kuko ryashyize Urumogi mu biyobyabwenge **bihambaye** bihanishwa igihano kiremereye, bityo abaregwa bagahanwa hakurikije ibihano byateganyijwe ku byerekeye ibiyobyabwenge byoroheje.

4. IFUNGA RY'AGATEGANYO

1. Imanza z'inshinjabyaha – umuburanyi ufunze wemerewe ko urubanza rwe rusubirwamo ku mpamvu z'akarengane – ahita afungurwa bitagombye urubanza.

Urubanza rwasuzumwe: Urubanza Nº RP 00002/2022/CA, rwaciwe rwaciwe n'Urukiko rw'Ubujurire ku wa 07/10/2022 haburana Ubushinjacyaha na BADO Bede (igika cya 23).

Ikibazo cyasuzumwe: Ni zihe nkurikizi ziba ku muburanyi ufunze wemerewe ko urubanza rwe rusubirwamo ku mpamvu z'akarengane?

Ingingo umurongo ushingiyeho: Ingingo ya 64 y'Itegeko N° 30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'Inkiko iteganya ko: *"Gusaba ko urubanza rwaciwe ku rwego rwa nyuma rusubirwamo ku mpamvu z'akarengane ntibihagarika irangiza ry'urubanza.* ***Icyakora, iyo Perezida w'Urukiko rw'Ikirenga yemeje ko urubanza rwongera kuburanishwa ku mpamvu z'akarengane ariko rutararangizwa, irangizwa ryarwo rihita rihagarara kabone n'iyo imihango yo kururangiza yaba yaratangiye".***

Imvano y'ikibazo: Urubanza Nº RPA 00991/2018/HC/KIG rwaciwe n'Urukiko Rukuru ku wa 27/12/2019, rwahamije BADO Bede icyaha cy'ubujura bukoresheje kiboko cyangwa ibikangisho n'icyo gukoresha inyandiko

mpimbano, ruhamishaho igihano yari yahawe ku rwego rwa mbere cy'igifungo cy'imyaka 7 n'ihazabu ya 300,000 Frw.

BADO Bede yasabye gusubirishamo urwo rubanza ku mpamvu z'akarengane arabyemererwa. Perezida w'Urukiko rw'Ikirenga ategeka ko urubanza rwe rusubirwamo n'Urukiko rw'Ubujurire. Nyuma yo kubyemererwa, BADO Bede yandikiye Ubuyobozi bwa Gereza asaba gufungurwa by'agateganyo mu gihe ategereje kongera kuburana. Ubuyobozi bwa Gereza bwamusubije ko ku bimureba imihango yo kurangiza urubanza yarangiye ku buryo itaba igihagaritswe nk'uko abisaba, ko yategereza Urukiko rw'Ubujurire rukabanza gufata icyemezo ku rubanza rwe. BADO Bede ntiyanyuzwe n'icyo gisubizo ahita atanga ikirego cyihutirwa mu Rukiko rw'Ubujurire asaba gufungurwa by'agateganyo mu gihe ategereje kuburana urubanza rusubirwamo ku mpamvu z'akarengane. Urukiko rw'ubujurire rushingiye ku murongo watanzwe mu rubanza RP 00003/2018/SC rwaciwe n'urukiko rw'Ikirenga ku wa 29/10/2018, haburana Ubushinjacyaha na NIYITEGEKA Emmanuel, aho rwemeje ko "*uburenganzira bw'uwamaze kwemererwa ko urubanza rwe rusubirwamo ku mpamvu z'akarengane atari Urukiko agomba gusaba ko bushyirwa mu bikorwa mu gihe nta wabubangamiye, ahubwo ko igihe bibaye ngombwa yakwiyambaza abashinzwe kurangiza imanza barimo abahesha b'inkiko, abayobozi ba za gereza n'abandi*" rwemeza ko afungurwa mu gihe ategereje icyemezo kizafatwa mu rubanza RS/INJUST/RP 00005/2022/CA.

Umurongo: Iyo umuburanyi ufunze yemerewe ko urubanza rwe rusubirwamo ku mpamvu z'akarengane, ararekurwa bitabaye ngombwa kubisaba Urukiko.

Izindi manza zafashwemo uyu murongo:

❖ Urubanza RP 00003/2018/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 29/10/2018, haburana Ubushinjacyaha na NIYITEGEKA Emmanuel.

III. IMANZA MBONEZAMUBANO

1. IMPAKA ZISHINGIYE KU IRAGE

1. Ubujurire bwa kabiri - Ububasha bw'Urukiko – agaciro k'ikiburanwa katagiweho impaka mu rubanza rujuririrwa – ako gaciro siko kashingirwaho mu kugena ububasha bw'Urukiko mu bujurire bwa kabiri.

Urubanza rwasuzumwe: Urubanza N° RCAA 00014/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/10/2022 haburana BIHIBINDI Françoise n'abandi baburana na MAJYAMBERE Jean Claude n'abandi (igika cya 19)

Ikibazo umurongo ushingiyeho: Ese igenagaciro ryashyizwe muri dosiye ariko ntirigibweho impaka n'impande zombi mu nkiko zabanje, ryashingirwaho mu kugena ububasha bw'Urukiko mu bujurire bwa kabiri, mu gihe mu itangwa ry'ikirego hagaragajwe agaciro k'ikiburanwa kakemerwa n'impande zombi?

Ingingo y'itegeko umurongo ushingiyeho: Ingingo ya 52, igika cya 2 agace ka 8° y'Itegeko n° 30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'Inkiko, iteganya ibikurikira: *"Urukiko rw'Ubujurire rufite kandi ububasha bwo kuburanisha mu rwego rw'ubujurire bwa kabiri imanza zaciwe n'Urukiko Rukuru, Urukiko Rukuru rw'Ubucuruzi n'Urukiko Rukuru rwa Gisirikare, iyo izo manza: (…) 8° iyo izo manza zagenwemo n'Urukiko indishyi zingana nibura na miliyoni mirongo irindwi n'eshanu z'amafaranga y'u Rwanda (75.000.000 Frw)* ***cyangwa zifite agaciro kagenwe n'umucamanza mu gihe habaye impaka kangana nibura na miliyoni mirongo irindwi n'eshanu z'amafaranga y'u Rwanda (75.000.000 Frw)****".*

Imvano y'ikibazo: MURASANGABO Théoneste yari yarashakanye na MUTETELI Bernadette babyarana abana icumi (10), MURASANGABO Théoneste yaje gupfa, nyuma umugore we MUTETELI Bernadette wari ukuze ndetse anarwaye yakoze irage ry'umutungo uri mu kibanza gifite UPI: 4/01/04/02/9354 arishyikiriza noteri, nyuma y'amezi 7 arapfa. Abazungura ba MUTETELI Bernadette ntibashoboye kumvikana ku bikubiye muri iryo rage,

bituma batatu (3) muri bo batanga ikirego mu Rukiko Rwisumbuye rwa Musanze barusaba gutesha agaciro iryo rage ngo kuko uwarikoze nta bubasha yari afite ku mutungo yaraze, bakemanga uburyo ryakozwemo, bakavuga ko mu kurikora habayeho gutonesha abana b'abahungu, kandi ko uwaryanditse atagaragajwe kuko MUTETELI Bernadette waryitiriwe atari azi gusoma no kwandika. Mu kirego cyabo bakagaragaza ko uwo mutungo ufite agaciro kangana na miliyoni mirongo itandatu n'imwe (61.000.000 Frw).

Urukiko Rwisumbuye rwa Musanze n'Urukiko Rukuru, Urugereko rwa Musanze, zasanze irage rikwiye kugumana agaciro karyo. Abaregaga, babiri kuri batatu, bajuriye bwa kabiri mu Rukiko rw'Ubujurire bagaragaza inenge ziri mu rubanza rubanza. Abaregwa batanze inzitizi basaba ko ikirego kitakirwa hashingiye ku kuba ikiburanwa kitagejeje ku gaciro ka 75.000.000 Frw no kuba abarega baratsinzwe mu nkiko zabanje hashingiwe ku mpamvu zimwe.

Urukiko rw'Ubujurire rwasanze agaciro k'ikiburanwa karagaragajwe n'abarega batanga ikirego (61,000,000 Frw), ariko ko hari igenagaciro ritagiweho impaka ryashyizwe muri dosiye mu Rukiko Rukuru rigaragaza ko agaciro k'umutungo uburanwa kangana na 98.250.565 Frw, ryongera no kugaragazwa mu Rukiko rw'Ubujurire, rusanga kuba agaciro k'ikiburanwa kari kazwi n'impande zombi ziburana mu itangwa ry'ikirego, igenagaciro ryashyizwe muri dosiye ariko ntirigibweho impaka n'ababuranyi, ritashingirwaho mu kugena ububasha bw'Urukiko mu bujurire bwa kabiri.

Umurongo watanzwe mu rubanza: Mu gihe agaciro k'ikiburanwa kari kazwi n'impande zombi ziburana mu itangwa ry'ikirego, igenagaciro ryashyizwe muri dosiye ariko ntirigibweho impaka n'ababuranyi, ntiryashingirwaho mu kugena ububasha bw'Urukiko mu bujurire bwa kabiri.

2. KUTUBAHIRIZA AMASEZERANO

1. Kwakira ubujurire bwa kabiri – imanza zaciwe hashingiwe ku bimenyetso, inyandiko cyangwa imyanzuro byatanzwe nyuma yo gupfundikira urubanza – ni ryari ibimenyetso, inyandiko cyangwa imyanzuro byatanzwe nyuma yo gupfundikira urubanza byaba impamvu y'iyakirwa ry'ubujurire bwa kabiri? - ibyo bimenyetso, inyandiko cyangwa imyanzuro bigomba kuba byarashingiweho mu rurubanza rujuririrwa.

Urubanza rwasuzumwe: Urubanza N° RCOMAA 00064/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/10/2022 haburana AFRICABET CO. Ltd na EXCELLENT INVESTMENT COMPANY Ltd (EIC Ltd) (igika cya 17).

Ikibazo umurongo ushingiyeho: Ni ryari ibimenyetso, inyandiko cyangwa imyanzuro byatanzwe nyuma yo gupfundikira urubanza byaba impamvu y'iyakirwa ry'ubujurire bwa kabiri?

Ingingo y'itegeko umurongo ushingiyeho: Ingingo ya 52, igika cya 2 agace ka 4° y'Itegeko n°30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'Inkiko, iteganya ibikurikira: *"Urukiko rw'Ubujurire rufite kandi ububasha bwo kuburanisha mu rwego rw'ubujurire bwa kabiri imanza zaciwe n'Urukiko Rukuru, Urukiko Rukuru rw'Ubucuruzi n'Urukiko Rukuru rwa Gisirikare, iyo izo manza: (…) 4° zaciwe hashingiwe ku kimenyetso, inyandiko cyangwa imyanzuro byatanzwe nyuma yo gupfundikira urubanza kandi hatabayeho gusubukura iburanisha".*

Imvano y'ikibazo: EXCELLENT INVESTMENT COMPANY Ltd (EIC Ltd) yagiranye amasezerano y'uburinzi na AFRICABET CO. Ltd, AFRICABET CO. Ltd ntiyagiye yishyura bituma EXCELLENT INVESTMENT COMPANY Ltd itanga ikirego mu Rukiko rw'Ubucuruzi ivuga ko AFRICABET CO. Ltd yirengagije inshingano zayo zo kwishyura ku gihe, irusaba kuyitegeka kwishyura 29.250.000 Frw akomoka ku mirimo yo kurinda ibikorwa byayo by'ubucuruzi, indishyi z'ubukererwe zingana na 5%, n'indishyi z'akababaro zingana na 5.000.000 Frw. Urukiko rw'Ubucuruzi rwemeje ko AFRICABET CO. Ltd

ibereyemo EXCELLENT INVESTMENT COMPANY Ltd umwenda wa 29.250.000 Frw, hiyongereyeho 717.226 Frw y'ibihano by'ubukererwe. AFRICABET CO. Ltd ntiyishimiye imikirize y'urwo rubanza, iyijuririra mu Rukiko Rukuru rw'Ubucuruzi, urwo Rukiko rwemeza ko nta gihindutse ku mikirize y'Urukiko rubanza.

AFRICABET CO. Ltd yajuriye bwa kabiri mu Rukiko rw'Ubujurire ishingiye ku kuba urubanza rwajuririwe rwaraciwe hashingiwe ku kimenyetso, inyandiko cyangwa imyanzuro byatanzwe nyuma yo gupfundikira urubanza kandi hatabayeho gusubukura iburanisha. EXCELLENT INVESTMENT COMPANY Ltd avuga ko Urukiko rw'Ubujurire rutari rukwiye kwakira ubujurire bwa AFRICABET CO. Ltd kuko *Note de plaidoirie* yashizwe mu rubanza rujuririrwa iburanisha ryapfundikiwe nta cyemezo cyafashwe kubera ibiyikubiyemo, ko na *statement* igaragaza indishyi z'ubukererwe yatanzwe nyuma yo gupfundikira iburanisha, basanga nayo itarashingiweho kuko ntakiyikubiyemo Urukiko rwemeje.

Urukiko rw'Ubujurire nyuma y'isesengura rwasanze, kugira ngo bene ubu bujurire bwakirwe bugomba kuba bwujuje ibintu bibiri: kuba hari ikimenyetso, inyandiko cyangwa imyanzuro byatanzwe nyuma yo gupfundikira urubanza, no kuba icyo kimenyetso, inyandiko cyangwa imyanzuro byashingiweho n'Urukiko mu guca urubanza bikaba byaratumye urundi ruhande rubirenganiramo kuko rutahawe umwanya wo kubivuguruza, rusanga nubwo hari inyandiko zashyizwe muri dosiye nyuma y'ipfundikirwa ry'urubanza ariko zitarigeze zishingirwaho n'Urukiko mu rubanza rwajuririwe rwemeza ko ikirego kitari mu bubasha bw'Urukiko rw'Ubujurire.

Umurongo watanzwe mu rubanza: Kugira ngo ubujurire bwa kabiri bushingiye ku manza zaciwe hashingiwe ku kimenyetso, inyandiko cyangwa imyanzuro byatanzwe nyuma yo gupfundikira urubanza bwakirwe, hagomba kuba hari ikimenyetso, inyandiko cyangwa imyanzuro byatanzwe nyuma yo gupfundikira urubanza, kandi bikaba byarashingiweho n'Urukiko.

2. Ibihe byo kujurira – itariki ya nyuma ihuriranye n'umunsi w'ikiruhuko – bigenda gute - icyo gihe cyongerwaho umunsi ukurikira w'akazi.

Urubanza rwasuzumwe: Urubanza N° RCOMAA 00025/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 04/11/2022 haburana RICHARDSTONE GENERAL TRADING na COGEBANQUE Plc (igika cya 14 - 15).

Ikibazo byasuzumwe: Ese mu bihe bibarwa mu mezi no mwaka iyo itariki ya nyuma yo kujurira yahuriranye n'umunsi w'ikiruhuko, itariki ya nyuma yo kujurira iba iyihe?

Ingingo y'itegeko umurongo ushingiyeho :

✓ Ingingo ya 148 y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi iteganya ibikurikira: "*Igihe ntarengwa cyo kujurira ni ukwezi kumwe (1) gitangira kubarwa kuva ku munsi umuburanyi yamenyeyeho ko urubanza rwasomwe ".* Naho ingingo ya 276 yaryo igateganya ko : « *Iminsi y'ikiruhuko yemewe n'iminsi y'impera y'icyumweru ntabwo ibarwa mu kubara ibihe bivugwa mu ngingo ya 275*[2]*, Nyamara, iyo umunsi igikorwa kigomba kurangiriraho ari umunsi w`ikiruhuko, icyo gihe cyongerwaho umunsi ukurikira w'akazi.* ».

Imvano y'ikibazo : RICHARDSTONE GENERAL TRADING Ltd yatanze ikirego mu Rukiko rw'Ubucuruzi ivuga ko yagize ibibazo byo kwishyura imyenda yayo harimo umwenda munini wa 150.000.000 Frw ifitiye COGEBANQUE Plc, isaba izahura ry'ubucuruzi n'irangira ry'ibibazo riturutse ku gihombo no gushyiraho umucungamutungo w'agateganyo; COGEBANQUE Plc yagobotse ku bushake mu rubanza isaba ko izahura RICHARDSTONE GENERAL TRADING Ltd isaba itarihabwa. Urukiko rwemeje ko izahura RICHARDSTONE GENERAL TRADING

[2] Iyi ngingo iteganya ko : « Ku bihe bibarwa mu minsi cyangwa mu masaha, bibarwa umunsi ku munsi, n'isaha ku isaha hakurikijwe igihe bimara kandi umunsi igikorwa cyakoreweho ntubarwamo, ahubwo habarwa umunsi wa nyuma kigomba kurangiriraho ».

Ltd isaba ritemewe. RICHARDSTONE GENERAL TRADING yarujuririye mu Rukiko Rukuru rw'Ubucuruzi, urwo Rukiko rwemeza ko ubujurire bwa RICHARDSTONE GENERAL TRADING nta shingiro bufite, ko imikirize y'urubanza rwaciwe n'Urukiko rw'Ubucuruzi idahindutse.

RICHARDSTONE GENERAL TRADING yajuriye bwa kabiri mu Rukiko rw'Ubujurire, **COGEBANQUE Plc itanga inzitizi yo kutakira ikirego ivuga ko urega atubahirije igihe cy'ukwezi k'ubujurire iteganywa n'itegeko ku bihe by'ubujurire bibarwa mu mezi no mu mwaka**, kuko urubanza rwaciwe ku wa 17/12/2021 ikajurira ku wa 17/01/2022, kandi ingingo ya 148 y'Itegeko nº 22/2018 yavuzwe haruguru, iteganya ko igihe ntarengwa cyo kujurira ari ukwezi kumwe (1), naho iya 277 yo igateganya ko ibihe byagenwe mu mezi no mu mwaka, bibarwa kuva ku itariki ibanza kugeza ku munsi ubanziriza itariki ya nyuma igikorwa kigomba kurangiriraho.

Impaka zagiwe mu rubanza ni ukumenya niba mu bihe bibarwa mu mezi iyo itariki ya nyuma yo kujurira ihuriranye n'umunsi w'impera z'icyumweru (ku cyumweru), iyo tariki itakwimurwa igashyirwa ku munsi wa mbere w'akazi. Urukiko rw'Ubujurire rushingiye ku biteganywa n'ingingo yavuzwe haruguru no ku manza zatanze umurongo kuri iki kibazo[3], rwemeza ko ikirego cyatanzwe na RICHARDSTONE GENERAL TRADING Ltd kigomba kwakirwa kuko kuba yarajuriye ku wa 17/01/2022, bitewe ni uko ku wa 16/01/2022 wari umunsi w'ikiruhuko kuko hari ku cyumweru (*Sunday/Dimanche*), rusanga kuba yarajuriye ku munsi wa mbere w'akazi itarajuriye itinze.

Umurongo uhuriweho n'izindi manza: Mu bihe bibarwa mu mezi no mu mwaka, iyo itariki ya nyuma yo kujurira ihuriranye n'umunsi w'ikiruhuko (cyangwa impera z'icyumweru), icyo gihe kigomba kubarwa hongeweho umunsi ukurikira w'akazi.

[3] Reba igika cya 10 cy'Urubanza Nº RADAA 0012/12/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 14/06/2013, haburana Akarere ka Gatsibo na NTEZIRIZAZA Adrien na bagenzi be

Izindi manza zafashwemo uyu murongo:

- Urubanza N° RADAA 0012/12/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 14/06/2013, haburana Akarere ka Gatsibo na NTEZIRIZAZA Adrien

- Urubanza N° RCOMAA 00031/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 25/8/2020, haburana SOTRAPROMETAL Ltd na BANQUE POPULAIRE DU RWANDA Ltd hamwe n'Umwanditsi Mukuru muri RDB (igika cya 19 n'icya 20).

- Urubanza N° RCOMAA 00034/2022/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/06/2022, haburana Kigali Citizens Polyclinic Ltd (KCP Ltd) na MUKANDORI Kankwanzi Alphonsine (igika cya 30 n'icya 34).

- Urubanza N° RCOMAA 00002/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 23/09/2022 haburana MUNYESHURI Edouard na LETSHEGO RWANDA Plc n'abandi.

Urubanza ruyoboye izindi (Leading case): Ni Urubanza N° RADAA 0012/12/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 14/06/2013, haburana Akarere ka Gatsibo na NTEZIRIZAZA Adrien, kuko ari rwo rwaciwe mbere n'Urukiko rw'Ikirenga kuri uyu murongo, kandi rukaba rwaratangajwe mu cyegeranyo cy'ibyemezo by'inkiko [2016] RLR 2015-07-26.

3. Kuregwa bwa mbere mu bujurire bwa kabiri (2) – Ese utarigeze aba umuburanyi mu manza zabanje ashobora kuregwa bwa mbere mu bujurire bwa kabiri? iyo umuburanyi atigeze aba umuburanyi mu manza zabanje ntagomba kuzanwa bwa mbere mu bujurire bwa kabiri.

Urubanza rwasuzumwe: Urubanza N° RCOMAA 00028/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/11/2022 haburana BLUE1 Ltd na STAR AFRICA MEDIA Co. Ltd na GAHUNGA Onesme (igika cya 22).

Ikibazo byasuzumwe: Ese utarabaye umuburanyi mu rubanza zabanje ashobora kuba umuburanyi bwa mbere mu bujurire bwa kabiri?

Ingingo y'itegeko umurongo ushingiyeho:

✓ Ingingo ya 7, y'Itegeko Nº 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, agace ka 7 iteganya ibikurikira: «*Ububasha bw'umuburanyi ni uburenganzira umuntu ahabwa n'amategeko akabukoresha arengera inyungu iyi n'iyi mu rukiko cyangwa yumvikanisha ibyo asaba cyangwa arwanya ibisabwa n'undi*».

Imvano y'ikibazo : GAHUNGA Onesme yareze STARTIMES RWANDA Ltd mu Rukiko rw'Ubucuruzi arusaba kuyitegeka kumwishyura indishyi zikomoka ku bikorwa byamamaza ubucuruzi bwayo byakorewe ku nyubako ye; ku wa 21/09/2020, Urukiko rwaciye urubanza rwemeza ko ikirego cye gifite ishingiro rutegeka STARTIMES RWANDA Ltd ishami rya STAR MEDIA RWANDA CO Ltd kumwishyura indishyi zo kuvogera umutungo we zingana na 18.500 Frw n'izindi ndishyi zitandukanye. GAHUNGA Onesme yarujuririye mu Rukiko Rukuru rw'Ubucuruzi, BLUE1 Ltd irugobokeshwamo ku gahato; ku wa 13/01/2022, urwo Rukiko rwemeza ko ubujurire bwa GAHUNGA Onesme bufite ishingiro kuri bimwe, ko BLUE1 Ltd yagombaga kumvikana na GAHUNGA Onesme nyir'umutungo mbere yo gusiga amarangi yamamaza ibikorwa bya STARTIMES RWANDA Ltd ku mutungo we, rumugenera indishyi za 1.500.000 Frw.

BLUE1 Ltd yajuriye bwa kabiri mu Rukiko rw'Ubujurire irega GAHUNGA Onesme na STAR AFRICA MEDIA CO Ltd, STAR AFRICA MEDIA CO Ltd itanga inzitizi ivuga ko idafite ububasha (qualité) y'uregwa muri ubu bujurire kuko itigeze iba umuburanyi mu rubanza ku rwego rubanza mu Rukiko rw'Ubucuruzi no ku rwego rw'ubujurire bwa mbere mu Rukiko Rukuru rw'Ubucuruzi. Urukiko rushingiye ku mategeko no kuba haba miburanire y'urubanza ku rwego rwa mbere no ku rwego rw'ubujurire bwa mbere, ndetse no mu ncarubanza kuri izo

nzego zombi nta na hamwe STAR AFRICA MEDIA CO Ltd yigeze igaragazwa nk'umuburanyi uregwa muri uru rubanza, Urukiko rwemeza ko igomba kuvanwa muri uru rubanza.

Umurongo uhuriweho n'izindi manza: Umuburanyi utarigeze uba umuburanyi mu rubanza rwajuririwe ndetse n'urwarubanjirije, ntagomba kuzanwa bwa mbere mu bujurire bwa kabiri.

4. Ingwate itangwa n'abanyamahanga - utishimiye icyemezo cyafashwe n'Umwanditsi mu nama ntegurarubanza – ese icyo kibazo cyagarurwa nk'inzitizi mu nteko iburanisha ? - iyo umuburanyi atajuririye kwa Perezida w'urukiko icyemezo cyafashwe n'Umwanditsi mu nama ntegurarubanza ku nzitizi y'ingwate itangwa n'abanyamahanga, ntiyemerewe kugarura iyo nzitizi imbere y'inteko iburanisha.

Urubanza rwasuzumwe: Urubanza Nº RCOMAA 00007/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/11/2022 haburana MUA INSURANCE RWANDA Ltd na VILLAGE HEALTH WORKS (VHW), ROKO CONSTRUCTION RWANDA Ltd (igika cya 24).

Ikibazo byasuzumwe: Ese umuburanyi utishimiye icyemezo cyafashwe n'Umwanditsi mu nama ntegurarubanza ku nzitizi y'ingwate itangwa n'abanyamahanga, ntakijuririre kwa Perezida w'Urukiko, ashobora kugarura iyo nzitizi mu nteko iburanisha?

Ingingo y'itegeko umurongo ushingiyeho:

✓ Ingingo ya 92 y'Itegeko Nº 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, igika cya 5, iteganya ibikurikira: "*Umuburanyi utishimiye icyemezo cy'umwanditsi ku ngwate itangwa n'abanyamahanga ashobora kukijuririra mu gihe kitarenze amasaha 48 kwa Perezida w'urukiko, akagifataho*

icyemezo mu rwego rw'ubuyobozi. Ubwo bujurire butuma inama ntegurarubanza iba isubitswe kugeza igihe icyemezo gifatiwe".

Imvano y'ikibazo : Village Health Works (VHW) yareze MUA Insurance Rwanda Ltd mu Rukiko rw'Ubucuruzi irusaba kuyitegeka kubahiriza amasezerano y'ubwishingizi ikishyurwa, kuko yishingiye ROKO Construction Rwanda Ltd ku bwishingizi bwo gutangira imirimo (advance bond) n'ubwo kurangiza imirimo neza (performance bond) ku isoko ryo kubaka ibitaro by'abagore ahitwa Kigutu mu gihugu cy'u Burundi ; MUA Insurance Rwanda Ltd yatanze inzitizi y'uko Village Health Works (VHW) ibanza gutanga ingwate isabwa abanyamahanga ariko Urukiko rwemeza ko nta shingiro ifite kuko yatanzwe impitagihe, rutegeka Village Health Works (VHW) kwishyura MUA Insurance Rwanda Ltd indishyi zitandukanye zo kuyishora mu rubanza.

Village Health Works (VHW) yarujuririye mu Rukiko Rukuru rw'Ubucuruzi, MUA Insurance Rwanda Ltd yongera gusaba ko Village Health Works (VHW) ibanza gutanga ingwate isabwa abanyamahanga ; Umwanditsi w'Urukiko Rukuru rw'Ubucuruzi yemeza ko idategekwa kuyitanga kuko ifite ubwenegihugu bw'i Burundi; MUA Insurance Rwanda Ltd ikijurira kwa Perezida w'Urukiko Rukuru rw'Ubucuruzi, yemeza ko ubujurire nta shingiro buhabwa. Mu rubanza mu mizi Urega yavuze ko iyi nzitizi ayiretse, Urukiko rwemeza ko ubujurire bwa Village Health Works (VHW) bufite ishingiro kuri bimwe, rutegeka MUA Insurance Rwanda Ltd kuyishyura 1.333.974,47 US Dollar aturuka kuri advance bond no KIG17APB 000025/E2, 977.474 US Dollar aturuka kuri performance bond no KIG17PB 000166/E2 n'indishyi zinyuranye.

MUA Insurance Rwanda Ltd yarujuririye bwa kabiri mu Rukiko rw'Ubujurire, mu nama ntegurarubanza yongera gusaba ko Village Health Works (VHW) itegekwa gutanga ingwate itangwa n'abanyamahanga, Umwanditsi w'Urukiko rw'Ubujurire ashingiye ku ngingo ya 92 y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryavuze haruguru, yemeje ko Village Health Works (VHW) itagomba gutegekwa gutanga ingwate itangwa n'abanyamahanga, kubera ko MUA

Insurance Rwanda Ltd yaretse iyo nzitizi ku rwego rw'ubujurire, kandi ko ntawujuririye icyo cyemezo. MUA Insurance Rwanda Ltd yongeye kugarura iyi nzitizi mu rubanza mu mizi, Urukiko rushingiye ku kuba MUA Insurance Rwanda Ltd itarajuririye kwa Perezida w'Urukiko rw'Ubujurire icyemezo cyafashwe n'Umwanditsi warwo ku wa 01/09/2022 ku nzitizi y'ingwate itangwa n'abanyamahanga nk'uko biteganywa n'amategeko, rwemeje ko MUA Insurance Rwanda Ltd hari inzira y'imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi yiregangije, ikaba itagarura iyo nzitizi imbere y'Urukiko.

Umurongo uhuriweho n'izindi manza: Umuburanyi wirengagije kujuririra kwa Perezida w'urukiko icyemezo cy'Umwanditsi ku nzitizi y'ingwate itangwa n'abanyamahanga, ntiyemerewe kugarura iyo nzitizi imbere y'inteko iburanisha.

3. IZUNGURA

1. Gusubirishamo Urubanza ingingo nshya – Ikimenyetso gishya – ikimenyetso cyari gihari cyangwa cyashoboraga gushakwa kikaboneka gishobora kwifashishwa nk'impamvu y'ingingo nshya? - Ikimenyetso cyashoboraga kuboneka urubanza rutaraba itegeko ntigishobora kwifashishwa nk'impamvu yatuma urubanza rusubirishwamo ingingo nshya.

Urubanza rwasuzumwe: Urubanza N° RS/REV/RC 00001/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 11/10/2022 haburana NGOGA Placide na MUKANGOGA Marie Louise n'abandi (igika cya 20-23).

Ikibazo umurongo ushingiyeho: Ese ikimenyetso cyari gihari cyangwa cyashoboraga gushakwa kikaboneka gishobora kwifashishwa nk'impamvu y'ingingo nshya?

Ingingo y'itegeko umurongo ushingiyeho: Ingingo ya 170, igika cya mbere, agace ka gatatu, y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo

n'iz'ubutegetsi, iteganya ibikurikira: "*Urubanza rushobora gusubirwamo ingingo nshya iyo, kuva aho urubanza ruciriwe, habonetse ikimenyetso gishya kimara impaka kigaragaza neza akarengane katewe n'urubanza rusabirwa gusubirwamo."*

Imvano y'ikibazo:

NGOBOKA Jean yashakanye mu buryo bwemewe n'amategeko na NIKUZE Ancille mu mwaka wa 1969, babyarana abana batatu, mu mwaka wa 1975, NIKUZE Ancille yarahukanye ntiyongera kugaruka mu rugo kugeza apfuye muri Jenoside yakorewe Abatutsi mu 1994. NGOBOKA Jean yashatse abandi bagore babiri babyarana abandi bana nawe aza gupfa mu mwaka wa 2000. Nyuma y'uko NGOBOKA Jean apfuye, abana bagize ikibazo cy'izungura, abana bakomoka ku mugore w'isezerano barega abo bavukana kuri Se basaba kuzungura umutungo wasizwe na Se utaragurishwa, no kugabana amafaranga yavuye mu mutungo wagurishijwe hiyongereyeho n'inyungu ziyakomokaho.

Urukiko Rwisumbuye rwa Nyarugenge rwasanze NGOBOKA Jean yarashatse abagore batatu ariko buri wese yaramushakiye umutungo we, kandi mu kuzungura buri mwana agomba guherera ku umutungo wahawe nyina nk'uko byakorwaga hashingiwe ku muco (…). Abana bakomoka ku mugore w'isezerano bajuririye icyo cyemezo bavuga ko abandi bana bagombaga kuzungura muri ½ cy'umutungo ku ruhande rwa se gusa (…), Urukiko Rukuru rwemeza ko nta gihindutse ku mikirize y'urubanza rwaciwe n'Urukiko rubanza. Abana b'isezerano bongeye kujuririra Urukiko rw'Ikirenga nyuma y'ivugurura ryabaye mu nkiko ikirego cyoherērezwa Urukiko rw'Ubujurire.

Ku wa ku wa 16/07/2021, Urukiko rw'Ubujurire rwaciye urubanza N° RCAA 00029/2018/CA rwemeza ko ubujuririre bwa MUKANGOGA Marie-Louise na MUGIRAMANA Rosine (abana bakomoka ku mugore w'isezerano) bufite ishingiro kuri bimwe, ko mu izungura ry'imitungo yagurishijwe, buri ruhande ruherezwaho umutungo rwagurishije, bityo n'amasezerano y'ubugure yakozwe kuri iyo mitungo yasabirwaga guseswa, akaba agumanye agaciro kayo (…).

Ku wa 21/10/2021, NGOGA Placide yatanze ikirego mu Rukiko rw'Ubujurire gisaba gusubirishamo urubanza No RCAA 00029/2018/CA ingingo nshya, avuga ko hari ibimenyetso bishya yabonye nyuma y'aho urwo rubanza ruciriwe bigizwe n'ubuhamya bwo ku wa 11/09/2021, bwatanzwe na RUCIBIGANGO Robert na KARAMBA Jean Claude, bwandikiwe imbere ya Noteri, aho bombi bemeza ko umutungo uherereye mu Kagari ka Nyagatovu, Umurenge wa Kimironko byavuzwe ko wagurishijwe na NGOGA Jean Paul atari ukuri ko ahubwo wagurishijwe na nyirawo NGOBOKA Jean mu mwaka wa 1997 bikaba bivuguruza ibyemejwe mu rubanza rusubirishwamo.

Nyuma y'isesengura Urukiko rwasanze ikimenyetso gitangwa na NGOGA Placide atari gishya cyatuma urubanza rusubirwamo kuko uretse kuba yarashoboraga gutanga ubwo buhamya bwanditse mu rubanza rusabirwa gusubirwamo mu gihe rwaburanishwaga, ariko n'ubuhamya ubwabwo atanga nk'ikimenyetso gishya atari ikimenyetso kimara impaka kigaragaza nta shiti ko umutungo uherereye mu Kagari ka Nyagatovu, Umurenge wa Kimironko munsi ya Hôtel le PRINTEMPS wagurishijwe na NGOBOKA Jean akawugura na KARANGWA Charles, kuko ubwo buhamya atari amasezerano y'ubugure yabaye hagati ya KARANGWA Charles na NGOBOKA Jean, bityo rwemeza ko ikirego cyatanzwe na NGOGA Placide kitagomba kwakirwa ngo gisuzumwe kuko kitujuje ibisabwa n'amategeko.

Umurongo watanzwe mu rubanza: Ikimenyetso cyashoboraga kwifashishwa urubanza rutaraba itegeko ntigishobora gukoreshwa nk'ikimenyetso cyatuma urubanza rusubirishwamo ingingo nshya, icyo kimenyetso kandi kigomba kuba ari kamarampaka ku buryo cyashoboraga gutuma umucamanza afata icyemezo gitandukanye n'icyo yafashe.

Izindi manza zafashwemo uyu murongo:

- Urubanza n° RS/REV/RCOM 00001/2018/SC rwaciwe n'Urukiko rw'ikirenga ku wa 24/07/2020, haburana SHEMA Charles na I & M BANK RWANDA Plc n'abandi (igika cya 21).

- ❖ Urubanza n° RS/REV/RIV 0002/12/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 18/01/2019, haburana MULINDAHABI Fidèle na ATRACO (igika cya 29).

❖ Urubanza n° RS/REV/CIV 0001/15/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 21/04/2017 haburana NYAMASWA Ephron na MUKAMUSONI Astérie (igika cya 22).

2. Ikirego ku bibazo by'izungura – kubanza kubishyikiriza inama y'umuryango mbere y'uko biregerwa urukiko – ushaka kuregera Urukiko ikibazo kirebana n'izungura agomba kubanza kugishyikiriza inama y'umuryango we kugira ngo igisuzume.

Urubanza rwasuzumwe: Urubanza N° RCAA 00026/2018/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/11/2022 haburana KALIMBA Jean Claude n'abandi na KALIMBA Joseph n'abandi.

Ikibazo cyasuzumwe: Ese ikirego ku bibazo by'izungura kitabanje gushyikirizwa inama y'umuryango mbere y'uko kiregerwa gishobora kwakirwa mu Rukiko?

Ingingo y'itegeko umurongo ushingiyeho: Ingingo ya 84, igika cya 1, y'Itegeko n°27/2016 ryo ku wa 08/07/2016 rigena imicungire y'umutungo w'abashyingiranywe, impano n'izungura, iteganya ibikurikira: *"Inama y'umuryango ni yo ishinzwe gukemura impaka cyangwa ibibazo mu muryango byerekeranye n'izungura mbere y'uko bishyikirizwa Komite y'Abunzi cyangwa Urukiko rubifitiye ububasha"*.

Ingingo ya 83, igika cya 4, y'Itegeko n° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi iteganya ibikurikira: "*Impamvu ituma ikirego kitakirwa ni ingingo yose isaba kutakira ikirego cy'umuburanyi, hatinjiwe mu mizi yacyo, kubera ko adafite uburenganzira bwo kurega, nko kuba adafite ububasha n'inyungu zo kurega, ubusaze bw'ikirego, kurenza igihe cyo kurega, urubanza rwarabaye itegeko cyangwa kudatanga amagarama, harabayeho amasezerano yo*

kwikiranura ***cyangwa iyo hari imihango itarubahirijwe iteganywa n'itegeko****".*

Imvano y'ikibazo: Mu rubanza N° RC 00613/2016/TGI/NYGE rwaciwe n'Urukiko Rwisumbuye rwa Nyarugenge, KALIMBA Jean Claude na bagenzi be bareze UWANTEGE Gasser Ritha na KALIMBA Joseph ko bikubiye umutungo wose wasizwe na sekuru KALIMBA Ferdinand, basaba kuva mu mutungo basangiye bagahabwa uwabo; mu rubanza abaregwa batanze inzitizi isaba kutakira ikirego kuko abarega batabanje kugishyikiriza inama y'umuryango, urukiko rwemeza ko nta shingiro ifite kuko amategeko agomba gukurikizwa ari arebana n'izungura yakoreshwaga igihe izungura rya KALIMBA Ferdinand ryagombaga gutangirira, rutegeka ko KALIMBA Claude na bagenzi be bahabwa umugabane wabo ku mutungo utimukanwa uri mu kibanza N° UPI 1/03/06/348/KIC/KIC wasizwe na KALIMBA Ferdinand ku rugero rwa 1/10. Abaregwa barujuririye mu Rukiko Rukuru ku mpamvu z'uko basanga Urukiko rubanza rutagombaga kwakira ikirego kuko abatanze ikirego batabanje gushyikiriza ikibazo cyabo inama y'umuryango mbere yuko bakiregera urukiko; Urukiko rwemeza ko inzitizi nta shingiro ifite, ko ubujurire bwa UWANTEGE Gasser Ritha na KALIMBA Joseph bufite ishingiro kuri bimwe, runemera ukugoboka kwa UMURUNGI Nelly, MUREBWAYIRE Marie Claire na UWIMPUHWE Marie Rosine rutegeka ko nabo bagomba kugira uruhare mu izungura ryemejwe mu rubanza N° RC 00613/2016/TGI/NYGE.

KALIMBA Jean Claude na bagenzi be barujuririye mu Rukiko rw'Ubujurire bavuga ko abajuriye mu Rukiko Rukuru bahinduye ikirego ikiburanwa kandi amategeko atabyemera, abaregwa nabo batanga ubujurire bwuririye ku bundi basaba gusuzuma niba ikirego cyaragombaga kwakirwa ku rwego rwa mbere mu gihe kitabanje gusuzumwa n'inama y'umuryango mbere y'uko gishyikirizwa urukiko; Urukiko rw'Ubujurire rushingiye ku kuba Urukiko Rwisumbuye rwa Nyarugenge rutarasuzumye ko uwo muhango wubahirijwe cyangwa utubahirijwe, ndetse n'Urukiko Rukuru narwo rukemeza ko ubujurire kuri iyo

nzitizi nta shingiro ifite; rusanga kuba KALIMBA Jean Claude na bagenzi be barahise baregera Urukiko Rwisumbuye rwa Nyarugenge ikirego kirebana n'izungura ry'umutungo wasizwe na KALIMBA Ferdinand batabanje kugishyikiriza inama y'urumuryango wabo kugira ngo igisuzume, ari impamvu igomba gutuma icyo kirego kitakirwa kuko cyatanzwe mu buryo budakurikije amategeko, ko urubanza N° RC 00319/2016/TGI/NYGE rwaciwe n'Urukiko Rwisumbuye rwa Nyarugenge ku wa 21/03/2017 n'urubanza n° RCA 00115/2017/HC/KIG rwaciwe n'Urukiko Rukuru ku wa 23/03/2018 zivanweho, ubifitemo inyungu akazashyikiriza ikibazo inama y'umuryango ikagikemura, byananirana akabona kwiyambaza Urukiko rubifitiye ububasha.

Umurongo uhuriweho n'izindi manza: Ibibazo birebana n'izungura bibanza gukemurirwa mu nama y'umuryango mbere yo gushyikirizwa Urukiko rubifitiye ububasha, iyo bidakozwe gutyo Urukiko rwemeza ko ikirego kitakiriwe.

Izindi manza zafashwemo uyu murongo:

- **Urubanza** N° RCAA 00021/2020/CA - CMB RCAA 00022/2020/CA rwaciwe n'Urukiko rw'Ubukurire ku wa 30/12/2021, haburana NDAYISHIMIYE Albert n'undi na GAHUTU Gaspard n'abandi.

4. GUTESHA AGACIRO CYAMUNARA

1. Imanza z'ubucuruzi - gutesha agaciro cyamunara - kubara ibihe byo kuregera Umwanditsi Mukuru no kuregera Urukiko - ibihe byo kuregera Umwanditsi Mukuru bibarwa mu buryo bw'iminsi ikurikirana - ibihe byo kuregera urukiko bitangira kubarwa uhereye ku gihe ntarengwa cy'iminsi itatu umwanditsi afite cyo gusubiza.

Urubanza rwasuzumwe: Urubanza N° RCOMAA 00090/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 14/10/2022 haburana Me MUHIRE Samuel na Banque Populaire du Rwanda Plc n'abandi.

Ikibazo cyasuzumwe: Ese ibihe byo kuregera Umwanditsi Mukuru no kuregera urukiko ku wifuza gutesha agaciro cyamunara bibawa bite?

Ingingo y'itegeko umurongo ushingiyeho: Ingingo ya 10 (39 bis) y'Amabwiriza y'Umwanditsi Mukuru nº 002/2021/0rg yo ku wa 29/06/2021 ahindura Amabwiriza y'Umwanditsi Mukuru nº 001/2020/org yo ku wa 12/05/2020 agenga ibyerekeye gucunga, gukodesha, kugurisha mu cyamunara, no kwegukana ingwate iteganya ibikurikira: "… *Ubifitemo inyungu ufite icyo anenga cyamunara cyangwa imigendekere yayo, ashobora, mu minsi itanu (5) uhereye ku munsi yakiriyeho raporo ya cyamunara, gusaba mu nyandiko Umwanditsi Mukuru ko asuzuma inenge yagaragajwe akayifataho icyemezo gikwiye. Usaba agenera kopi uwashinzwe gucunga ingwate."*

Ingingo ya 260 igika cya 5, y'Itegeko nº 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, iteganya ibikurikira: "… *Guhagarika no gutesha agaciro cyamunara ku mitungo igurishwa hashingiwe ku cyemezo cyo kugurisha ingwate cyatanzwe n'Umwanditsi Mukuru, bisabwa Umwanditsi Mukuru. Umwanditsi Mukuru atanga igisubizo mu gihe kitarenze iminsi itatu (3) y'akazi. Iyo hari utishimiye igisubizo cy'Umwanditsi Mukuru cyangwa udahawe igisubizo mu gihe giteganywa muri iki gika, abitangira ikirego mu Rukiko rw'Ubucuruzi hakurikijwe ibivugwa muri iyi ngingo, mu gihe kitarenze iminsi itanu (5) y'akazi uhereye igihe yamenyeye icyo gisubizo*."

Imvano y'ikibazo: Kigali Business Center (KBC) Ltd yasabye inguzanyo mu mabanki abiri ari yo Banque Populaire du Rwanda Plc na Equity Bank Rwanda Plc, itanga ingwate ku mutungo utimukanwa yaje kunanirwa kwishyura iyo myenda, bituma uwo mutungo utezwa cyamunara, bikozwe n'ushinzwe kugurisha ingwate Me MUHIRE Samuel, maze wegukanwa na Alliance Investment Group Ltd.

Ku wa 04/08/2022, Me MUHIRE Samuel yakoze raporo ya cyamunara ayishyikiriza Umwanditsi Mukuru. Ku wa 09/08/2022, Kigali Business Center (KBC) Ltd yandikiye Umwanditsi Mukuru imusaba gutesha agaciro iyo cyamunara, ndetse no ku wa 10/08/2022 yongera kwandika indi baruwa yise

ko yuzuza iya mbere, igaragaza ko mu mpamvu zituma isaba gutesha agaciro iyo cyamunara harimo n'ikibazo cy'ingano y'umwenda wishyuzwa. Umwanditsi Mukuru yasuribirije hamwe izo baruwa zombi ku wa 17/08/2022, amenyesha KBC Ltd ko nta mpamvu ihari yatuma cyamunara iteshwa agaciro.

Ku wa 23/08/2022, KBC Ltd yatanze ikirego mu Rukiko rw'Ubucuruzi irega Me MUHIRE Samuel, isaba Urukiko gutesha agaciro cyamunara yakorewe ku mutungo wayo kuko itubahirije amategeko. Equity Bank Rwanda Plc, Banque Populaire du Rwanda Plc na Alliance Investment Group Ltd zagobotse ku bushake muri urwo rubanza. Equity Bank Rwanda Plc na Banque Populaire du Rwanda Plc zitanga inzitizi yo kutakira ikirego cyatanzwe na KBC Ltd kuko yarengeje igihe cyo gusaba Umwanditsi Mukuru gutesha agaciro cyamunara. Me MUHIRE Samuel n'abagobotse bose batanze n'indi nzitizi yo kutakira ikirego kuko hatubahirijwe ibihe byo kuregera Urukiko.

Urukiko rw'Ubucuruzi rwemeje ko ikirego cya KBC Ltd kitakiriwe kuko yarengeje igihe cyo gushyikiriza Umwanditsi Mukuru ikibazo cyayo n'igihe cyo kuregera Urukiko. KBC Ltd ntiyanyuzwe n'icyo cyemezo ikijuririra mu Rukiko Rukuru rw'Ubucuruzi ivuga ko Urukiko rw'Ubucuruzi rwirengagije ingingo ya 275 na 276 z'Itegeko no 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi ziteganya uburyo ibihe bibarwa. Inenga ko Urukiko rutakiriye ikirego cyayo ruvugako Umwanditsi Mukuru atandikiwe mu gihe cy'iminsi 5 ikurikiranye kandi ikaba yararengeje ibihe byo kuregera Urukiko kuko yareze ihereye ku gihe yaboneye igisubizo cy'Umwanditsi Mukuru kandi Umwanditsi Mukuru yari yarakererewe gusubiza.

Urukiko Rukuru rw'Ubucuruzi rwemeje ko KBC Ltd yandikiye Umwanditsi Mukuru iminsi itanu ivugwa mu Mabwiriza y'Umwanditsi Mukuru itararenga kuko iyo minsi ibarwa hakurikijwe ingingo ya 275 na 276 y'Itegeko ryavuzwe haruguru. Rwemeje kandi ko ikirego cyayo cyatanzwe mu bihe biteganywa n'itegeko, rushingiye ku kuba ibyo bihe bigomba kubarwa uhereye ku gihe

Umwanditsi Mukuru yaboneye ibaruwa ya KCB Ltd yuzuza iya mbere. Rutegeka ko urubanza rwajuririwe rwohererezwa Urukiko rw'Ubucuruzi kugira ngo ruruburanishe mu mizi nta yindi ngwate y'amagarama itanzwe.

Me MUHIRE Samuel, abagobotse bose bajuririye icyo cyemezo mu Rukiko rw'Ubujurire, bavuga ko Urukiko Rukuru rw'Ubucuruzi rwakoresheje nabi amategeko agenga uburyo bwo kubara ibihe byo gusaba Umwanditsi Mukuru gutesha agaciro cyamunara ndetse n'ibihe byo kuregera Urukiko, maze rwemeza ko KBC Ltd yubahirije ibihe kandi itarabyubahirije, kandi ko Urukiko Rukuru rw'Ubucuruzi rwifashishije ingingo z'amategeko mpanabyaha zitajyanye n'ikibazo cyo gutesha agaciro cyamunara, rutagaragaje n'icyo runenga ibisobanuro byatanzwe n'Urukiko rw'Ubucuruzi.

Urukiko rw'Ubujurire rwasuzumye ikibazo kijyanye no kumenya niba KBC Ltd yarandikiye umwanditsi Mukuru imusaba gutesha agaciro cyamunara, ikererewe no kumenya niba KBC Ltd yararegeye Urukiko ikererewe, hagibwa impaka ku kumenya niba iminsi itanu ivugwa mu Mabwiriza y'Umwanditsi Mukuru yo kwandika usaba gutesha agaciro cyamunara ari iminsi ikurikiranye cyangwa niba ari iminsi ibarwa hakurwamo iminsi y'ibiruhuko n'iminsi y'impera z'icyumweru no ku kumenya niba umunsi raporo ya cyamunara yakiriweho ubarirwa muri iyo minsi itanu cyangwa utabarirwamo. Nyuma y'isesengura **Urukiko rwasanze ibihe byo kuregera Umwanditsi Mukuru bibarwamu buryo bw'iminsi ikurikirana kandi umunsi igikorwa cyakoreweho utabarirwamo nk'uko bisanzwe bibarwa mu bihe bibarwa mu minsi. Naho ku bijyanye no kuregera urukiko, ibyo bihe bitangira kubarwa uhereye ku gihe ntarengwa cy'iminsi itatu Mmwanditsi agomba kuba yasubirijeho.**

Urukiko rwasanze KCB Ltd yarandikiye Umwanditsi Mukuru bwa mbere ku wa 09/08/2022, uhereye kuri iyo taliki ukabara iminsi itatu usanga Umwanditsi Mukuru yaragombaga gusubiza bitarenze itariki 12/08/2022, ariko ntiyasubiza icyo gihe ahubwo asubiza ku wa 17/08/2022. Ibyo bivuze ko igihe cyo kuregera urukiko cy'iminsi itanu giteganywa n'itegeko cyagombaga kubarwa uhereye ku

italiki ya 12/08/2022, uwo munsi utabariwemo. Bityo, ikirego kikaba kitaragombaga kurenza itariki 22/08/2022 kitaratangwa. Nyamara KBC Ltd yo ikaba yaratanze ikirego cyayo ku wa 23/08/2022, bityo ikaba itarubahirije ibihe byo kuregera urukiko. Rwemeza ko Urukiko Rukuru rwibeshye mu kwemeza ko ikirego cya KCB cyagombaga kwakirwa mu Rukiko rw'Ubucuruzi.

Umurongo watanzwe: Ibihe byo kuregera Umwanditsi Mukuru k'ufite icyo anenga cyamunara yakozwe bikorwa mu gihe cy'iminsi itanu (5) bibarwa mu buryo bw'iminsi ikurikirana uhereye ku munsi raporo ya cyamunara yakiriweho. Mu gihe Umwanditsi Mukuru yasabwe gutesha agaciro cyamunara ntasubize mu bihe biteganywa n'amategeko, kuregera Urukiko bitangira kubarwa uhereye ku gihe ntarengwa cy'iminsi itatu yari afite cyo gusubiza.

IV. IMANZA ZASHINGIYE KU MIRONGO IMENYEREWE

1. Umwana utarageza ku myaka 14 – iyo hari impamvu nyoroshyacyaha – kudahatirwa gutanga igifungo cya burundu.

Urubanza rwasuzumwe: Urubanza Nº RPAA 00121/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 21/10/2022 haburana Ubushinjacyaha na HAGENIMANA Claude

Ikibazo umurongo ushingiyeho: Ese iyo hari impamvu nyoroshyacyaha uwahamwe n'icyaha cyo gusambanya umwana utarageza ku myaka 14 y'amavuko ashobora kudahabwa igihano cya burundu, akagabanyirizwa ibihano?

Ingingo y'itegeko umurongo ushingiyeho: Ingingo ya 4 Itegeko Nº 69/2019 ryo ku wa 08/11/2019 rihindura Itegeko Nº 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange iteganya ko Umuntu wese ukorera ku mwana kimwe mu bikorwa bishingiye ku gitsina bikurikira, aba akoze icyaha:

1° gushyira igitsina mu gitsina, mu kibuno cyangwa mu kanwa k'umwana;

2° (…)

(…) Iyo umuntu mukuru asambanyije umwana uri munsi y'imyaka cumi n'ine (14), igihano kiba igifungo cya burundu kidashobora kugabanywa kubera impamvu nyoroshyacyaha.

✓ Mu rubanza N° RS/INCONST/SPEC 00005/2020/CS- RS/INCONST/SPEC 00006/2020/CS rwaciwe ku wa 12/02/2020, haburana KABASINGA Florida na NIYOMUGABO Ntakirutimana na Leta y'u Rwanda, Urukiko rw'Ikirenga rwemeje ko: «igika cya 3 cy'ingingo ya 133 y'Itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange, agace kavuga ko iyo gusambanya umwana byakorewe ku mwana uri munsi y'imyaka cumi n'ine (14), **igihano kiba igifungo cya burundu kidashobora kugabanywa kubera impamvu nyoroshyacyaha, kanyuranyije n'ingingo ya 29, n'iya 151 z'Itegeko Nshinga; ako gace kakaba nta gaciro gafite.**

Umurongo imanza zihuriyeho: Iyo Urukiko rusanze hari impamvu nyoroshyacyaha ku wahamwe n'icyaha cyo gusambanya umwana uri munsi y'imyaka 14 y'amavuko, rushobora kuzishingiraho rukamugabanyiriza igihano.

Izindi manza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00291/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/04/2022 haburana Ubushinjacyaha na ABAYISENGA Joseph.

❖ Urubanza N° RPAA 00046/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/07/2022 haburana Ubushinjacyaha na HARAGIRIMANA Jean Paul (igika cya 18).

❖ Urubanza N° RPAA 00241/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/09/2022, haburana Ubushinjacyaha na NIYITANGA Emmanuel.

❖ Urubanza N° RPAA 00013/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/09/2022, haburana Ubushinjacyaha na NIYOMUKIZA Jean de la Croix.

- ❖ Urubanza Nº RPAA 00376/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/09/2022, haburana Ubushinjacyaha na NKUNZIMANA Théophile.
- ❖ Urubanza Nº RPAA 00389/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 16/09/2022 haburana Ubushinjacyaha na NDAYIZEYE Maurice.
- ❖ Urubanza Nº RPAA 00162/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 21/10/2022 haburana Ubushinjacyaha na IRAREBA Joseph (igika cya 14).
- ❖ Urubanza Nº RPAA 00395/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 31/10/2022 haburana Ubushinjacyaha na NSHIMIYUMUKIZA Patrick (igika cya 24).
- ❖ Urubanza Nº RPAA 00117/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 21/10/2022 haburana Ubushinjacyaha na REBERO Eric (igika cya 21).

Urubanza ruyoboye izindi (Leading case): Urubanza ruyoboye izindi kuri iki kibazo ni urubanza Nº RS/INCONST/SPEC 00005/2020/CS- RS/INCONST/ SPEC 00006/2020/CS rwaciwe ku wa 12/02/2020, haburana KABASINGA Florida na NIYOMUGABO Ntakirutimana na Leta y'u Rwanda kuko ari rwo rwemeje ko igika cya 3 cy'ingingo ya 133 y'Itegeko Nº 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange, agace kavuga ko iyo gusambanya umwana byakorewe ku mwana uri munsi y'imyaka cumi n'ine (14), igihano kiba igifungo cya burundu kidashobora kugabanywa kubera impamvu nyoroshyacyaha, kanyuranyije n'ingingo ya 29, n'iya 151 z'Itegeko Nshinga; ko ako gace nta gaciro gafite.

2. Kutabuzwa gutanga igihano kiri munsi y'igihano gito giteganywa n'itegeko - impamvu nyoroshyacyaha – iyo Urukiko rwemeye impamvu nyoroshyacyaha – ntirubujijwe gutanga igihano gito giteganywa n'itegeko iyo rusanga aricyo gikwiranye n'icyaha cyakozwe.

Urubanza rwasuzumwe: Urubanza N° Nº RPAA 00300/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/10/2022 haburana Ubushinjacyaha na HAGENIMANA Innocent (igika cya 32).

Ikibazo umurongo ushingiyeho: Ese iyo hari impamvu nyoroshyacyaha, Urukiko rushobora kugabanya igihano kugera munsi y'igihano gito giteganywa n'itegeko?

Ingingo y'itegeko umurongo ushingiyeho:

Ingingo ya 263 y'iryo tegeko nayo iteganya ko: "*Umuntu wese ukora, uhinga, uhindura, utunda, ubika, uha undi, ugurisha mu gihugu ibiyobyabwenge cyangwa urusobe rw'imiti ikoreshwa nka byo mu buryo bunyuranije n'amategeko, aba akoze icyaha. Iyo abihamijwe n'urukiko ahanishwa: 1 º igifungo cya burundu n'ihazabu y'amafaranga y'u Rwanda arenze miliyoni makumyabiri (20.000.000 FRW) ariko atarenze miliyoni mirongo itatu (30.000.000 FRW) ku byerekeye ibiyobyabwenge bihambaye*".

Umurongo imanza zihuriyeho: Iyo Urukiko rusanze hari impamvu nyoroshyacyaha igihano gishobora kugabanywa kugera munsi y'igihano gito giteganywa n'itegeko iyo intera iri hagati y'igihano gito (minimum) n'ikiri hejuru (maximum) ari ndende; naho mu gihe iyo ntera ari nto, umucamanza ashobora kugabanya akagera munsi y'igihano gito giteganywa n'itegeko hitawe ku buremere bw'icyaha n'ingaruka cyateje.

Izindi manza zafashwemo uyu murongo:

- ❖ Urubanza Nº RPAA 00032/2019/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 28/02/2020 haburana Ubushinjacyaha na NZAFASHWANIMANA Jean de Dieu (igika cya 18).
- ❖ Urubanza Nº RPAA 00013/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 31/12/2021 haburana Ubushinjacyaha na HABIYAKARE Olivier. (igika cya 22).
- ❖ Urubanza N° Nº RPAA 00384/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/10/2021 haburana Ubushinjacyaha na NSENGIYAREMYE Jean Paul. (igika cya 25).
- ❖ Urubanza Nº RPAA 00205/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 12/11/2021 haburana Ubushinjacyaha na BARAKAGWIRA Gilbert.
- ❖ Urubanza Nº RPAA 00174/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 18/03/2022 haburana Ubushinjacyaha na DUSABIMANA Vivens.
- ❖ Urubanza Nº RPAA 00171/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 27/04/2022 haburana Ubushinjacyaha na MUTSINZI Jean Pierre.
- ❖ Urubanza Nº RPAA 00283/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/04/2022 haburana Ubushinjacyaha na NZAMURAMBAHO David.
- ❖ Urubanza Nº RPAA 00167/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 25/03/2022 haburana Ubushinjacyaha na KWIZERA Etienne.
- ❖ Urubanza Nº RPAA 00641/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 21/01/2022 rw'Ubushinacyaha na UWIMANA Emile.
- ❖ Urubanza Nº RPAA 00105/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 30/09/2021, haburana UWIMANA Pascal n'Ubushinjacyaha.
- ❖ Urubanza Nº RPAA 00434/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 15/07/2022 haburana Ubushinjacyaha na TUYISHIME Moise.

- ❖ Urubanza Nº RPAA 00039/2021/CA rwaciwe ku wa 02/07/2021 haburana Ubushinjacyaha na SHAKABATENDA Jean de Dieu.
- ❖ Urubanza Nº RPAA 00031/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 28/10/2021 haburana Ubushinjacyaha na BAHATI Françoise. (igika cya 42)
- ❖ Urubanza Nº RPAA 00269/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 20/05/2020 haburana Ubushinjacyaha na DUSENGIMANA Martin.
- ❖ Urubanza Nº RPAA 00118/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 20/05/2022 haburana Ubushinjacyaha na MUKANTAMBARA Benitha.
- ❖ Urubanza Nº RPAA 00202/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 20/05/2022, haburana Ubushinjacyaha na HAVUGIMANA Valens.
- ❖ Urubvanza Nº RPAA 00225/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 19/07/2022 Ubushinjacyaha buburana na UKWISHAKA Claude (igika cya 31)
- ❖ Urubanza N° Nº RPAA 00091/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 19/07/2022 haburana Ubushinjacyaha na HAKIZIMANA Gilbert, (igika cya 32).
- ❖ Urubanza Nº RPAA 00273/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 15/07/2022 haburana Ubushinjacyaha na MUBARAKA Eduine (igika cya 19).
- ❖ Urubanza Nº RPAA 00131/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/07/2022 haburana Ubushinjacyaha na UWAYEZU Damien.
- ❖ Urubanza N° Nº RPAA 00491/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 08/08/2022 haburana Ubushinjacyaha na NIYONKURU Eric.
- ❖ Urubanza N° Nº RPAA 00115/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 16/09/2022 haburana Ubushinjacyaha na NTEZIRYAYO Daniel.

- ❖ Urubanza N° Nº RPAA 00309/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 16/09/2022 haburana Ubushinjacyaha na IRADUKUNDA Daniel.
- ❖ Urubanza Nº RPAA 00092/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 12/08/2022 haburana Ubushinjacyaha na MUGABEKAZI Sandrine.
- ❖ Urubanza Nº RPAA 00441/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/09/2022 haburana Ubushinjacyaha na NIYONIZEYE Théoneste.
- ❖ Urubanza Nº RPAA 00411/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/7/2022 haburana Ubushinjacyaha na NIYONKURU Radjabu.
- ❖ Urubanza Nº RPAA 00186/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/09/2022 haburana Ubushinjacyaha na MUKERANGABO Emmanuel (igika cya 29).
- ❖ Urubanza N° Nº RPAA 00038/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 23/09/2022 haburana Ubushinjacyaha na Benimana Jean Pierre.
- ❖ Urubanza N° Nº RPAA 00193/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/10/2022 haburana Ubushinjacyaha na MAGERANO Faustin (igika cya 42)
- ❖ Urubanza N° RPA 00008/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 31/10/2022 haburana Ubushinjacyaha na MUKABANA Vesiana (igika cya 36)
- ❖ Urubanza N° Nº RPAA 00329/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/10/2022 haburana Ubushinjacyaha na NIYONKURU Amani (igika cya 24)
- ❖ Urubanza N° Nº RPAA 01496/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/10/2022 haburana Ubushinjacyaha na MUGWANEZA Marcel (igika cya 18)

- Urubanza N° Nº RPAA 00262/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/10/2022 haburana Ubushinjacyaha na MUSENGIMANA Oswald (igika cya 39)

- Urubanza Nº RPAA 00420/2021/CA, rwaciwe ku wa 28/10/2022 haburana Ubushinjacyaha na NIYIGENA Anselme (igika cya 19).

- Urubanza N° Nº RPAA 00104/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 18/11/2022 haburana Ubushinjacyaha na SEZIKEYE Jean Claude.

- Urubanza Nº RPAA 00173/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/11/2022 haburana Ubushinjacyaha na Sgt KANANI Evariste.

- Urubanza Nº RPAA 00231/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/11/2022 haburana Ubushinjacyaha na KANYAMANZA.

- Urubanza Nº RPAA 00319/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/11/2022 haburana Ubushinjacyaha na NDUWAYEZU Jean Baptiste.

Urubanza ruyoboye izindi (Leading case): Urubanza rugaragara mu manza zitandukanye ko ruyoboye izindi ni Urubanza Nº RPAA 00032/2019/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 28/02/2020 haburana Ubushinjacyaha na NZAFASHWANIMANA Jean de Dieu kuko arirwo rwafashwemo bwa mbere icyemezo kigabanya igihano kugera munsi y'igihano gito giteganywa n'amategeko.

3. Ukwemera icyaha - ukwemera icyaha kugira agaciro - ni ugukozwe byibura mbere y'uko iburanisha ku rwego rwa mbere ripfundikirwa, kudashidikanywaho, kandi uwemera agaragaza ko yumva uburemere bw'ibikorwa yemera n'ingaruka zabyo, abyicuza, abisabira imbabazi no kuba yiteguye gusubiza ibyo yangije uko abitegerejweho.

Urubanza rwasuzumwe: Urubanza Nº RPAA 00330/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 28/10/2022, haburana Ubushinjacyaha na BIZIMANA Vénuste (igika cya 15).

Ikibazo cyasuzumwe: Ni ukuhe kwemera icyaha gushobora kugirira akamaro uregwa?

Ingingo y'itegeko umurongo ushingiyeho: Ingingo ya 59, agace ka mbere 1° n'aka 3°, y'Itegeko n° 68/2018 ryo ku wa 30/8/2018 riteganya ibyaha n'ibihano muri rusange; Mu gace kayo ka mbere (1°), iyo ngingo iteganya ko: *"Umucamanza ashobora kugabanya ibihano nk'iyo ushinjwa, mbere yo gukurikiranwa, yemeye icyaha akagisabira imbabazi uwo yakoreye icyaha n'umuryango nyarwanda mu buryo budashidikanywaho, akicuza kandi akishyura ibyo yangije nk'uko bari babimutegerejeho".* Agace kayo ka gatatu (3°) iteganya ko*: "Umucamanza ashobora kugabanya ibihano nk'iyo ushinjwa, mu ntangiriro z'iburanisha ku rwego rwa mbere, ushinjwa yireze akemera icyaha mu buryo budashidikanywaho.*

Umurongo uhuriweho n'izindi manza: 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.

Izindi manza zafashwemo uyu murongo:

- Urubanza N° RPA 0343/10/CS haburana Ubushinjacyaha na MPIRANYA Boniface rwaciwe n'Urukiko rw'Ikirenga ku wa 27/02/2015. (igika cya 13).
- Urubanza N° RPA 00060/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa haburana Ubushinjacyaha na Nsabimana n'abandi, (igika cya 136).
- Urubanza N° RPAA 00080/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/07/2022 haburana Ubushinjacyaha na HABIMANA Samson alias Moussa (igika cya 46).

- ❖ Urubanza Nº RPAA 00217/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/10/2022 haburana Ubushinjacyaha na MANIRAGUHA Sylvestre (igika cya 15).

- ❖ Urubanza Nº RPAA 00420/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/10/2022 haburana Ubushinjacyaha na NIYIGENA Anselme (igika cya 17).

- ❖ Urubanza Nº RPAA 00750/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/10/2022 haburana Ubushinjacyaha na UWAMUNGU Jean Paul alias Walimungu (igika cya 14).

- ❖ Urubanza Nº RPAA 00444/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 28/11/2022 haburana Ubushinjacyaha na NDAYISHIMIYE Eric na BIZIMANA Boniface (igika cya 53).

- ❖ Urubanza Nº RPAA 00072/2021/CA ku wa 23/09/2022 rwaciwe ku wa 23/09/2022 haburana HAKIZIMANA Issa (igika cya 18).

Urubanza ruyoboye izindi (Leading case): Ni Urubanza Nº RPA 00060/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa haburana Ubushinjacyaha na Nsabimana n'abandi, kuko arirwo rubanza rwasobanuye iyi ngingo kuva aho itegeko ririho ubu ritangarijwe kandi rwasobanuye byimbitse ingingingo ya 59 (1°&3°) y'Itegeko n˚ 68/2018 ryo ku wa 30/8/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu.

4. Ukwemera icyaha bwa mbere mu bujurire - ntibigirira akamaro uregwa

Urubanza rwasuzumwe: Urubanza N° Nº RPAA 00267/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 21/10/2022 haburana Ubushinjacyaha na NTAMBARA Emmanuel (igika cya 14).

Ikibazo umurongo ushingiyeho: Ukwemera icyaha bwa mbere mu bujurire byaba impamvu nyoroshyacyaha yagirira akamaro uregwa?

Ingingo y'itegeko umurongo ushingiyeho:

✓ Ingingo ya 59, agace ka mbere 1° n'aka 3°, y'Itegeko n° 68/2018 ryo ku wa 30/8/2018 riteganya ibyaha n'ibihano muri rusange; Mu gace kayo ka mbere (1°), iyo ngingo iteganya ko: *"Umucamanza ashobora kugabanya ibihano nk'iyo ushinjwa, mbere yo gukurikiranwa, yemeye icyaha akagisabira imbabazi uwo yakoreye icyaha n'umuryango nyarwanda mu buryo budashidikanywaho, akicuza kandi akishyura ibyo yangije nk'uko bari babimutegerejeho''*. Agace kayo ka gatatu (3°) iteganya ko*: "Umucamanza ashobora kugabanya ibihano nk'iyo ushinjwa, mu ntangiriro z'iburanisha ku rwego rwa mbere, ushinjwa yireze akemera icyaha mu buryo budashidikanywaho.*

✓ Ingingo ya 183, agace ka gatanu n'aka gatandatu y'itegeko y'itegeko nº 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha iteganya ko *"Ubujurire bukorwa mu buryo bw'umwanzuro utanga ikirego, ugizwe n'urutonde rw'inenge z'urubanza zisabirwa gukosorwa n'ibindi bibazo bigomba gusuzumwa, ibisobanuro kuri buri nenge cyangwa kuri buri kibazo bigaragaza amakosa yakozwe n'uburyo agomba gukosorwa, hashingiwe ku mategeko n'ibimenyetso n'igisabwa Urukiko".*

Umurongo imanza zihuriyeho: Kwemera icyaha bwa mbere mu bujurire, ntibigira akamaro uregwa kuko ujurira aba azanye ingingo nshya ataburanishije mu nkiko zibanza kandi umucamanza w'ubujurire afite gusa inshingano yo gukosora amakosa yaba yarakozwe n'izo nkiko.

Izindi manza zafashwemo uyu murongo

❖ Urubanza Nº RPA GEN 00004/2019/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 07/05/2021 haburana Ubushinjacyaha na MUNYAGISHALI Bernard (igika cya 70).

❖ Urubanza Nº RPAA 00028/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 27/10/2021 haburana Ubushinjacyaha na NIYONAGIZE Amos (igika cya 14).

- Urubanza Nº RPAA 00074/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 21/01/2022 haburana Ubushinjacyaha na BISUBIREHO Egide (igika cya 17).

- Urubanza Nº RPAA 00135/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 28/01/2022 haburana Ubushinjacyaha na NDAYIZEYE William (igika cya 19).

- Urubanza Nº RPAA 00266/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 17/05/2022 haburana Ubushinjacyaha na BARAKAGIRA.

- Urubanza Nº RPAA 00168/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/04/2022 haburana Ubushinjacyaha na MANZI Fred.

- Urubanza Nº RPAA 00135/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 30/04/2021 haburana Ubushinjacyaha na HABYARIMANA Evariste (ibika bya 16-20).

- Urubanza Nº RPAA 00048/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 26/05/2022, haburana Ubushinjacyaha na BIMENYIMANA Jean Paul.

- Urubanza Nº RPAA 00054/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 11/06/2021, haburana Ubushinjacyaha na MAFETERI SAFARI Eric (igika cya 25).

- Urubanza Nº RPAA 00402/2022/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 27/05/2022 haburana Ubushinjacyaha na NDAHAYO Aimable.

- Urubanza Nº RPAA 00323/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 20/05/2022 haburana Ubushinjacyaha na NDINABO Eric.

- Urubanza Nº RPAA 00213/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 20/05/2022, haburana Ubushinjacyaha na HARERIMANA Deo.

- Urubanza Nº RPAA 00357/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/04/2022, haburana Ubushinjacyaha na HABIYAMBERE Justin.

- ❖ Urubanza Nº RPAA 00165/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 30/05/2022, haburana Ubushinjacyaha na HATUNGIMANA Théogène.
- ❖ Urubanza Nº RPAA 00249/2021/CA rwaciwe ku wa 29/07/2022 haburana Ubushinjacyaha na BARIBANE Réverien.
- ❖ Urubanza Nº RPAA 00048/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/07/2022 haburana Ubushinjacyaha na MUNYEMANA Eric alias Nyinya (igika cya 22).
- ❖ Urubanza Nº RPAA 00235/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 19/9/2022 haburana HABIMANA Clément n'Ubushinjacyaha.
- ❖ Urubanza Nº RPAA 00441/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 21/10/2022 haburana Ubushinjacyaha na NKUBANA Samuel (igika cya 20).
- ❖ Urubanza Nº RPAA 00321/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 28/10/2022, haburana Ubushinjacyaha na NSENGIMANA Juvénal (igika cya 22).
- ❖ Urubanza Nº RPAA 00330/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 28/10/2022, haburana Ubushinjacyaha na BIZIMANA Vénuste (igika cya 16).
- ❖ Urubanza Nº RPAA 00217/2021/CA, rwaciwe ku wa 28/10/2022 haburana Ubushinjacyaha na MANIRAGUHA Sylvestre (igika cya 11).
- ❖ Urubanza Nº RPAA 00420/2021/CA, rwaciwe ku wa 28/10/2022 haburana Ubushinjacyaha na NIYIGENA Anselme (igika cya 18).
- ❖ Urubanza Nº RPAA 00750/2021/CA, rwaciwe ku wa 28/10/2022 haburana Ubushinjacyaha na UWAMUNGU Jean Paul alias Walimungu (igika cya 15).
- ❖ Urubanza Nº RPAA 00477/2021/CA CMB Nº Nº RPAA 00507/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/11/2022 haburana NSHUTI Emmanuel, NIYOTWAGIRA Ragadi n'Ubushinjacyaha (igika cya 22).

❖ Urubanza Nº RPAA 00571/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/11/2022 haburana NSENGIYUMVA Pascal bita MISAGO n'Ubushinjacyaha.

❖ Urubanza Nº RPAA 00212/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 18/11/2022 haburana BIKORIMANA n'Ubushinjacyaha.

Urubanza ruyoboye izindi (Leading case): Urubanza ruyoboye izindi ni urubanza Nº RPAA 00048/2020/CA rwaciwe ku wa 26/05/2022 haburana Ubushinjacyaha na BIMENYIMANA Jean Paul kubera ko n'ubwo rwaciwe nyuma, nirwo rwasobanuye neza ibiteganywa n'ingingo ya 59, agace ka mbere 1° n'aka 3°, y'Itegeko n° 68/2018 ryo ku wa 30/8/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu (Ryavuzwe haruguru) runasobanura impamvu hadakwiye gukomeza gukurikiza umurongo watanzwe mu zindi manza zaciwe mbere zashingiraga ku itegeko rya kera zirimo:

✓ Urubanza Nº RPA 0282/08/2008/CS rwaciwe ku wa 12/03/2010 haburana Ubushinjacyaha na NYIRANGONDO Virginie.

✓ Urubanza Nº RPAA 0124/09/SC rwaciwe ku wa 01/06/2012 haburana Ubushinjacyaha na TWIZEYIMANA Isaie.

✓ Urubanza Nº RPA 0246/09/CS haburana Ubushinjacyaha na Mukankusi Victoire rwaciwe ku wa 14/12/2012.

✓ Urubanza Nº RPAA 0024/14/CS rwaciwe ku wa 19/05/2017 haburana Ubushinjacyaha na RURAMUGARUYE Eric.

✓ Urubanza Nº RPAA 00194/2021/CA rwaciwe ku wa 22/07/2022 haburana Ubushinjacyaha na NDAYISHIMIYE Emmanuel alias Shema (igika cya 18) Aho muri izi manza hari haremejwe ko: **«nta gihe ntarengwa cyo kwemera icyaha nk'impamvu nyoroshyacyaha».**

5. Imanza z'inshinjabyaha - kudategekwa kugabanya igihano - kwemera impamvu nyoroshyacyaha - Urukiko ntirutegetswe kugabanya igihano niyo rwaba rwemeye impamvu nyorashyacyaha.

Urubanza rwasuzumwe: Urubanza Nº RPAA 00397/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 28/10/2022 haburana Ubushinjacyaha na NTAMBARA Régis (igika cya 17)

Ikibazo umurongo ushingiyeho: Ese igihe cyose iyo hari impamvu nyoroshyacyaha Urukiko rutegetswe kuyishingiraho rugabanyiriza uregwa ibihano?

Ingingo y'itegeko umurongo ushingiyeho: Ingingo ya 49, igika cya mbere y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange iteganya ko *«Umucamanza atanga igihano akurikije uburemere bw'icyaha, ingaruka icyaha cyateye, impamvu zatumye agikora, uko uwagikoze yari asanzwe yitwara, imibereho ye bwite n'uburyo icyaha cyakozwemo»*

Umurongo imanza zihuriyeho: Urukiko ntirutegetswe kugabanya igihano niyo hari impamvu nyoroshyacyaha, ahubwo rugena igihano mu bushishozi bwarwo rurebye imikorere y'icyaha uregwa akurikiranyweho cyangwa uburyo cyakozwemo.

Izindi manza zafashwemo uyu murongo

- Urubanza Nº RPA 0282/08/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 12/03/2010 haburana Ubushinjacyaha na NYIRANGONDO Virginie, (Icyegeranyo cy'ibyemezo by'inkiko, Igitabo cya mbere, nº 8, Mutarama 2011, page 21-22).

- Urubanza Nº RPAA 0021/14/CS-Nº RPAA 0022/14/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 13/10/2017, haburana Ubushinjacyaha na NTABANGANYIMANA Félicien n'undi, (igika cya 14).

- Urubanza Nº RPAA 0024/14/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 19/05/2017, haburana Ubushinjacyaha na RURAMUGARUYE Eric (igika cya 15).

- Urubanza Nº RPA 0255/13/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 21/04/2017, haburana Ubushinjacyaha na UWIZEYE Eustache (igika cya 16).

- Urubanza Nº RPA 0246/09/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 14/12/2012 haburana Ubushinjacyaha na MUKANKUSI Victoire.

- Urubanza Nº RPAA 0021/14/CS-Nº RPAA 0022/14/CS rwaciwe n'Urukiko rw'ikirenga ku wa 13/10/2017, haburana Ubushinjacyaha na UZABAKIRIHO.

- Urubanza Nº RPA 0047/11/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 27/03/2015, haburana Ubushinjacyaha na NSHUTIRAKIZA Narcisse.

- Urubanza RPA 0021/12/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 26/02/2016, haburana Ubushinjacyaha na GASANA Yussuf,

- Urubanza RPA 0188/11/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 12/06/2015, haburana Ubushinjacyaha na DUSABE Françoise.

- Urubanza Nº RPAA 00381/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 18/03/2022, haburana Ubushinjacyaha na MUSANGAMFURA.

- Urubanza Nº RPAA 00363/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/04/2022, haburana Ubushinjacyaha na SIBOMANA Damascène.

- Urubanza Nº RPAA 00353/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/07/2022 haburana Ubushinjacyaha na BIRIMIMANA Jean Bosco (igika cya 19).

- ❖ Urubanza Nº RPAA 00362/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 19/07/2022 haburana Ubushinjacyaha na MUKAKINANI Claudine (igika cya 27).

- ❖ Urubanza Nº RPAA 00312/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/07/2022 haburana Ubushinjacyaha na MBONABUCYA Donatien (igika cya 20).

- ❖ Urubanza N° Nº RPAA 00221/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 19/9/2022 haburana Ubushinjacyaha na TURIMUBYIZA Jean Népo.

- ❖ Urubanza Nº RPAA 00427/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/09/2022 haburana Ubushinjacyaha na NDAYISABA Innocent alias Papa Dreke (igika cya 22).

- ❖ Urubanza Nº RPAA 00406/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 23/9/2022 haburana Ubushinjacyaha na HARINDINTWARI Félix (igika cya 22).

- ❖ Urubanza Nº RPAA 00015/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/10/2022 haburana Ubushinjacyaha na BUREGEYA Pascal (igika cya 19 na 22)

- ❖ Urubanza Nº RPAA 00423/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21 /10/2022 haburana Ubushinjacyaha na MISAGO Thadée (igika cya 19)

- ❖ Urubanza Nº RPAA 00401/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 31/10/2022 haburana Ubushinjacyaha na MISAGO Thadée (igika cya 15-16)

- ❖ Urubanza Nº RPAA 00292/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/10/2022 haburana Ubushinjacyaha na SAFARI Emmanuel (igika cya 21)

Urubanza ruyoboye izindi (**Leading case):** Urubanza ruyoboye izindi ni urubanza Nº RPAA 0021/14/CS- Nº RPAA 0022/14/CS rwaciwe n'Urukiko

rw'Ikirenga ku wa 13/10/2017 haburana Ubushinjacyaha na UZABAKIRIHO (kuko arirwo rwaciwe nyuma rucibwa n'Urukiko rw'Ikirenga kandi rukaba rwaratoranyijwe rukanatangazwa mu cyegeranyo cy'ibyemezo by'Inkiko nk'Urutanga umurongo kuri iki kibazo ({2018} 4 RLR).

6. Ingaruka z'icyaha – ntiziba impamvu yo kugabanya igihano.

Urubanza rwasuzumwe: Urubanza N° N° RPAA 00193/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/10/2022 haburana Ubushinjacyaha na MAGERANO Faustin (igika cya 43)

Ikibazo cyasuzumwe: Ese uregwa yashingira ku ngaruka z'icyaha akurikiranyweho agasaba kugabanyirizwa igihano?

Umurongo Uhuriweho n'izindi manza: Ntawakwitwaza ingaruka mbi z'icyaha ngo asabe kukigabanyirizwa igihano mu bujurire.

Izindi manza zafashwemo uyu murongo

- Uubanza N° RPA0129/10/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 07/03/2014 haburana Ubushinjacyaha na MPITABAKANA (igika cya 16).
- Urubanza N° RPAA 00270/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/07/2022 haburana Ubushinjacyaha na HABAKURAMA Côme. (igika cya 23).
- Urubanza N° RPAA 00080/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/07/2022 haburana Ubushinjacyaha na HABIMANA Samson alias Moussa. (igika cya 48).
- Urubanza N° RPAA 00092/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 12/08/2022 haburana Ubushinjacyaha na MUGABEKAZI Sandrine.

- ❖ Urubanza Nº RPAA 00427/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/09/2022 haburana Ubushinjacyaha na NDAYISABA Innocent alias Papa Dreke (igika cya 23).

- ❖ Urubanza Nº RPAA 00112/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 23/09/2022 haburana NSHIMIYIMANA Jean Paul (igika cya 37).

- ❖ Urubanza Nº RPAA 00506/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/11/2022 haburana Ubushinjacyaha na MUNYANEZA Japhet alias Kadiri (igika cya 35).

Urubanza ruyoboye izindi (Leading case): Ni Urubanza Nº RPA0129/10/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 07/03/2014 haburana Ubushinjacyaha na MPITABAKANA kuko rwaciwe mbere n'Urukiko rw'Ikirenga.

7. Ugushidikanya - Gushidikanya kurengera uregwa - agirwa umwere ku cyaha akurikiranyweho.

Urubanza rwasuzumwe: Urubanza Nº RPAA 00156/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 28/10/2022 haburana Ubushinjacyaha na NIYONZIMA Claude (igika cya 21)

Ingingo y'itegeko umurongo ushingiyeho: Ingingo ya 111 y'Itegeko nº 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha, iteganya 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.*

Umurongo imanza zihuriyeho: Ugushidikanya kurengera ushinjwa, akagirwa umwere ku cyaha yari akurikiranyweho.

Izindi manza zafashwemo uyu murongo: Urubanza Nº RPA0084/10/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 9/05/2014 haburana Ubushinjacyaha na GATERA, Vol [2015] 4 RLR.

- ❖ Urubanza Nº RPAA0297/11/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 24/3/2016 haburana Ubushinjacyaha na RUZINDANA, Vol [2016] 4 RLR.
- ❖ Urubanza Nº RPAA0048/12/CS, rwaciwe n'Urukiko rw'Ikirenga ku wa 6/05/2016 haburana Ubushinjacyaha na NSANZINTWALI, Vol [2017] 2 RLR.
- ❖ Urubanza Nº RPAA 00064/2018/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 13/09/2019 haburana Ubushinjacyaha na NSANZUMUHIRE Jean Baptiste (igika cya 24).
- ❖ Urubanza Nº RPAA 00007/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/07/2022, haburana Ubushinjacyaha na MBONIMANA Thierry (igika cya 31).
- ❖ Urubanza Nº RPAA 00131/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/07/2022 haburana Ubushinjacyaha na UWITIJE J. Damascene (igika cya 28).
- ❖ Urubanza Nº RPAA 00232/2020/CA- CMB Nº RPAA 00041/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/09/2022 haburana Ubushinjacyaha na MBADUKO Daniel na INGABIRE Eugenie.
- ❖ Urubanza Nº RPAA 00035/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 23/09/2022, haburana Ubushinjacyaha na ABAYISENGA Pascal (igika cya 32).
- ❖ Urubanza Nº RPAA 00078/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 13/10/2022, haburana Ubushinjacyaha na DUSHIMIRIMANA Gahinja alias MAKOTE (igika cya 32).

- ❖ Urubanza Nº RPAA 00055/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 31/10/2022, haburana Ubushinjacyaha na NIYONZIMA Adrien (igika cya 24).

- ❖ Urubanza Nº RPAA 00263/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/10/2022, haburana Ubushinjacyaha na NDATIMANA Méthode (igika cya 39-43).

- ❖ Urubanza Nº RPAA 00160/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 25/11/2022, haburana Ubushinjacyaha na HATARI Pascal (igika cya 35).

- ❖ Urubanza Nº RPAA 00392/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 25/11/2022, haburana Ubushinjacyaha na MANIGABE Emmanuel.

Urubanza ruyoboye izindi (Leading case): Ni Urubanza Nº RPA0084/10/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 9/05/2014 haburana Ubushinjacyaha na GATERA, kuko rwaciwe mbere rukanasohoka mu cyegeranyo: Vol [2015] 4 RLR.

8. Kwemera icyaha mu iperereza - Kugihakana mu iburanisha - ubwabyo ntibitesha agaciro uko kwemera

Urubanza rwasuzumwe: Urubanza Nº RPAA 00112/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 23/09/2022 haburana NSHIMIYIMANA Jean Paul (igika cya 23-24).

Ikibazo cyasuzumwe: Ese kuba uregwa ahakanye icyaha mu Rukiko bitesha agaciro ibyo yemeye mu rwego rw'iperereza?

Umurongo watanzwe: Umucamanza ntategetswe gushingira ku mvugo ihakana icyaha mu Rukiko nyamara yaracyemeye mu nzego z'ikurikiranacyaha. Umucamanza ashobora gushingira ku mvugo yavugiwe mu nzego z'ikurikiranacyaha iyo asanze arizo zihuje n'ukuri kw'ibyabaye kandi zifite ibindi bimenyetso bizunganira.

Izindi manza zafashwemo uyu murongo

- Urubanza Nº RPA 0010/ 06/CS - RPA 0011/06/CS - RPA 0012/06/CS, rwaciwe n'Urukiko rw'Ikirenga ku wa 18/07/2008, haburana Ubushinjacyaha na Sgt NTAGANIRA na bagenzi be (igika cya 46).

- Urubanza Nº RPAA 0029/13/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 10/02/2017 haburana Ubushinjacyaha na HABIMANA Aimable alias Gahinja.

- Urubanza N° Nº RPAA 00091/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 19/07/2022 haburana Ubushinjacyaha na Hakizimana Gilbert (igika cya 24).

- Urubanza Nº RPAA 00436/ 2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/06/2022 haburana Ubushinjacyaha na AHIMPEREYE NDEZE François (igika cya 19).

- Urubanza Nº RPAA 00202/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/07/2022 haburana NSENGIMANA Alphonse bita Gatera (igika cya 16).

- Urubanza Nº RPAA 00186/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/09/2022 haburana Ubushinjacyaha na MUKERANGABO Emmanuel (igika cya 27).

- Urubanza Nº RPAA 00467/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/11/2022 haburana Ubushinjacyaha na SIMBARIKURE Bayaya Athanase (igika cya 24).

- **Ibitabo by'abahanga:** Michel Franchimont, in Manuel de Procédure Pénale1, Ed. Collection Scientifique de la Faculté de Droit de Liège, 1989, p. 772: *«Le juge de fond apprécie souverainement la sincérité d'un aveu fait par le prévenu au cours de l'instruction préparatoire, même quand cet aveu a été ultérieurement* rétracté devant le tribunal».

Urubanza ruyoboye izindi (Leading case): Ni Urubanza Nº RPA 0010/ 06/CS - RPA 0011/06/CS - RPA 0012/06/CS, rwaciwe n'Urukiko rw'Ikirenga ku wa 18/07/2008, haburana Ubushinjacyaha na Sgt NTAGANIRA na bagenzi be kuko arirwo rwanyuma rwaciwe mbere n'Urukiko rw'Ikirenga rukanatangazwa.

9. Gutsindwa ku mpamvu zimwe - impamvu zimwe - impamvu zimwe zisuzumirwa mu bisubizo byatanzwe ku mpamvu z'ubujurire hagereranywa ibyavuzwe mu rubanza rujuririrwa n'ibyavuzwe mu rwego rw'ubujurire kuri izo mpamvu.

Urubanza rwasuzumwe: Urubanza Nº RPAA 00127/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 14/10/2022 haburana Ubushinjacyaha na SERUGENDO Jean de Dieu (igika cya 12)

Ikibazo umurongo ushingiyeho: Ni ryari bivugwa ko umuburanyi yatsinzwe ku mpamvumvu zimwe?

Ingingo y'itegeko umurongo ushingiyeho: Ingingo ya 52, igika cya 3, y'Itegeko Nº 30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'inkiko, iteganya ibikurikira: (…) *"Icyakora kandi ubujurire bwa kabiri ntibushobora kwakirwa ku manza z'ababuranye bemera ibyo baregwa, cyangwa ku muburanyi watsinzwe mu nkiko zombi hashingiwe ku mpamvu zimwe".*

Umurongo uhuriweho n'izindi manza: Bifatwa ko umuburanyi yatsinzwe ku mpamvu zimwe mu nkiko zabanje, iyo Urukiko rwajuririwe, nyuma yo gusesengura imikirize y'urubanza mu nkiko zombi, rusanze ingingo z'ingenzi zasuzumwe, impamvu zashingiweho kugira ngo hagerwe ku cyemezo cyafashwe ari zimwe kandi zaratumye hafatwa ibyemezo bisa. Icyo gihe Urukiko rwemeza ko ubujurire butari mu bubusha bwarwo.

Izindi manza zafashwemo uyu murongo:

- ❖ Urubanza Nº RC/INJUST/RCOM 00002/2020/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 25/09/2020 haburana Road Solution Pavements Product Vs Mailco Ltd (igika cya 24).

- ❖ Urubanza Nº RS/INCOST/SPEC 00004/2020/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 26/03/2021 haburana ASIIMWE Frank na Leta y'u Rwanda (igika cya 29).

- ❖ Urubanza Nº RCOMAA 0038/16/CS-RCOMAA 0033/2016/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 21/04/2017 haburana Bank of Kigali Ltd na MULISA KANA Martin (igika cya 21).

- ❖ Urubanza Nº RCOMAA 0048/16/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 19/05/2017, haburana RRA na SODAR Ltd (igika cya 18).

- ❖ Urubanza N° RS/INJUST/RCOM 00003/2020/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 27/11/2020 haburana UNIVERSITY OF RWANDA (UR) na SANLAM Assurance Générales Plc (igika cya 23).

- ❖ Urubanza Nº RS/INJUST/RCOM 00005/2020/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 27/11/2020 haburana BPR na NKUSI Evariste (ibika bya 27-29).

- ❖ Urubanza Nº RCOMAA 00010/2018/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 15/03/2019, haburana KOPERATIVE DUKUNDUMURIMO (KOADU) na KING CONSTRUCTION AND SERVICE COMPANY (KICOSECA) (igika cya 12).

- ❖ Urubanza Nº RCOMAA 00060/2022/CA, rwaciwe ku wa 28/07/2022 haburana Nyamaswa Raphael na BPR Plc (igika cya 21).

- ❖ Urubanza Nº RCOMAA 00012/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/07/2022 haburana BUFCOFFEE Ltd na TEUSCHER INVEST Ltd, yahindutse KIVUBELT COFFEE Ltd (igika cya 17).

- ❖ Urubanza Nº RPAA 00057/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/09/2022 haburana Ubushinjacyaha na MUKESHIMANA Bonifilida (igika cya 13).

- ❖ Urubanza Nº RPAA 00204/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/09/2022, haburana Ubushinjacyaha na MUGISHA Drake.

- ❖ Urubanza Nº RPAA 00177/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 21/10/2022, haburana Ubushinjacyaha na MANIRAGUHA Paul (igika cya 12-13).

- ❖ Urubanza Nº RPAA 00253/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 21/10/2022, haburana Ubushinjacyaha na MUGENZI Claude (igika cya 20).

- ❖ Urubanza Nº RCOMAA 00052/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 21/10/2022, haburana KABERI COMPANY Ltd na RWANDA REVENUE AUTHORITY (RRA) (igika cya 17).

- ❖ Urubanza Nº RPAA 00100/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 30/11/2022, haburana Ubushinjacyaha na RUKUNDO Faustin.

- ❖ Urubanza Nº RCAA 00010/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 18/11/2022, haburana MAHINYUZA Aloys na MUKESHIMANA Marthe n'abandi.

- ❖ Urubanza Nº RCOMAA 00061/2022/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 25/11/2022, haburana MAXWELL Ltd n'undi na RWANDA PUBLIC PROCUREMENT AUTHORITY (RPPA) n'abandi (igika cya 54).

- ❖ Urubanza Nº RCOMAA 00070/2022/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/11/2022, haburana KAJEGUHAKWA Valens na GT Bank Rwanda Plc (igika cya 33).

- ❖ Urubanza Nº RCOMAA 00077/2022/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/11/2022, haburana NK SPARE PARTS Ltd na UNGUKA BANK Plc (igika cya 27).

- Urubanza N° RCOMAA 00078/2022/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 18/11/2022, haburana NZEYIMANA Cyprien na UWERA Helene, BANK OF KIGALI Plc (BK Plc) (igika cya 28).

Urubanza ruyoboye izindi (Leading case): Urubanza N° RC/INJUST/RCOM 00002/2020/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 25/09/2020 haburana Road Solution Pavements Product Vs Mailco Ltd ni rwo rubanza ruyoboye izindi kubera ko ari rwo rwasobanuye neza ko mu gusuzuma niba umuburanyi yaratsinzwe mu nkiko zombi zabanje ku mpamvu zimwe, harebwa icyaburanwaga n'imitekerereze ya buri rukiko (raisonnement juridique) mu kugaragaza impamvu zashingiweho, kugira ngo rugere ku cyemezo rwafashe, hitawe ku kureba niba ingingo zaburanywe mbere arizo zagarutsweho mu bujurire kandi ko inkiko zombi zazishubijeho mu buryo bumwe. Impamvu zigomba gutandukanywa n'icyemezo cy'urukiko, kuko impamvu ariyo ishingirwaho mu kugaragariza no gusobanurira ababuranyi icyatumye urukiko rufata icyemezo.

10. Kongera kugabanya igihano mu bujurire - uregwa ntiyongera kugabanyirizwa ibihano, iyo mu bujurire Urukiko rusanga yarabigabanyirijwe bihagije, harebwe uburemere bw'icyaha n'uburyo icyaha cyakozwemo, kandi ntacyo runenga urubanza rwajuririwe.

Urubanza rwasuzumwe: Urubanza N° RPAA 00638/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/10/2022 haburana Ubushinjacyaha na NDAGIJIMANA Jean Claude (Igika cya 18).

Ikibazo cyasuzumwe: Ese uwagabanyirijwe ibihano mu nkiko zibanza yakongera kugabanyirizwa mu bujurire?

Ingingo y'itegeko umurongo ushingiyeho: Ingingo ya 49, igika cya mbere y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange iteganya ko *«Umucamanza atanga igihano akurikije uburemere*

bw'icyaha, ingaruka icyaha cyateye, impamvu zatumye agikora, uko uwagikoze yari asanzwe yitwara, imibereho ye bwite n'uburyo icyaha cyakozwemo»

Umurongo imanza zihuriyeho: Uregwa ntiyongera kugabanyirizwa ibihano, iyo mu bujurire Urukiko rusanga yarabigabanyirijwe bihagije, harebwe uburemere bw'icyaha n'uburyo icyaha cyakozwemo.

Izindi manza zafashwemo uyu murongo:

- ❖ Urubanza Nº RPA 0249/13/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 25/11/2016 haburana Ubushinjacyaha na NTEZIRYAYO Emmanuel (Icyegeranyo cy'ibyemezo by'inkiko, V.2, Mata, 2018, p.120-121).
- ❖ Urubanza Nº RPAA 0083/12/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 17/06/2016, haburana Ubushinjacyaha na MUBERUKA Gracien (Igika 12).
- ❖ Urubanza Nº RPA0047/11/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 27/03/2015 haburana Ubushinjacyaha na NSHUTIRAKIZA Narcisse (igika cya 14-16).
- ❖ Urubanza Nº RPA 0129/10/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 7/03/2014, Ubushinjacyaha buburana na MPITABAKANA (Icyegeranyo cy'ibyemezo by'inkiko, V. 2, Ukwakira 2014. p.127).
- ❖ Urubanza Nº RPA 00071/2018/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 07/06/2019 haburana Ubushinjacyaha na NDORIMANA Emmanuel n'abandi (igika cya 14).
- ❖ Urubanza Nº RPAA 00195/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 27/05/2022 haburana Ubushinjacyaha na AYIRWANDA Emmanuel.
- ❖ Urubanza Nº RPAA 00087/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 27/05/2022 haburana Ubushinjacyaha na HAGABIMANA Emmanuel.

- ❖ Urubanza Nº RPAA 00170/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 30/05/2022 haburana Ubushinjacyaha na MUSHUMBA NGABIRANO.
- ❖ Urubanza Nº RPAA 00398/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 20/05/2022 haburana Ubushinjacyaha na NDIKUBWIMANA Marc.
- ❖ Urubanza Nº RPAA 00351/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 19/04/2022 haburana Ubushinjacyaha na NGERAGEZE KARAMIRA.
- ❖ Urubanza Nº RPAA 00174/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 06/05/2022 haburana Ubushinjacyaha na NGEZAHAYO JMV n'abandi.
- ❖ Urubanza Nº RPAA 00244/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 19/04/2022 haburana Ubushinjacyah na NKOMEZA Etienne.
- ❖ Urubanza Nº RPAA 00363/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/04/2022, haburana Ubushinjacyaha na SIBOMANA Damascène.
- ❖ Urubanza Nº RPAA 00366/2020/CA – CMB Nº RPAA 00196/2021/CA haburana TWAGIRAYEZU Jullien alias Mafene na RUKUNDO Julliet.
- ❖ Urubanza Nº RPAA 00230/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 13/5/2022 haburana Ubushinjacyaha na Minani François.
- ❖ Urubanza Nº RPAA 00360/2020/CA rwaciwe ku wa 28/04/2022 haburana MBARUSHIYEZE Theoneste.
- ❖ Urubanza Nº RPAA 00157/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 28/07/2022 haburana Ubushinjacyaha na BAGIRUWUBUSA Jean Nepomuscène.
- ❖ Urubanza Nº RPAA 00095/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 23/09/2022 haburana Ubushinjacyaha na NKUNDIYIMFURA Janvier (igika cya 22).

- Urubanza Nº RPAA 00321/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 28/10/2022, haburana Ubushinjacyaha na NSENGIMANA Juvénal (igika cya 27).

- Urubanza Nº RPAA 442/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 28/11/2022 haburana Ubushinjacyaha na RUKUNDO Jean de Dieu (igika cya 19)

- Urubanza Nº RPAA 00455/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 18/11/2022 haburana Ubushinjacyaha na NDAGIJIMANA Vianney.

- Urubanza Nº RPAA 00264/2022/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 21/10/2022 haburana Ubushinjacyaha na NDAGIJIMANA Emmanuel.

Urubanza ruyoboye inzindi: Ni urubanza Nº RPA 0129/10/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 7/03/2014, Ubushinjacyaha buburana na MPITABAKANA kuko rwaciwe mbere n'Urukiko rw'ikirenga kandi rukaba rwaratoranijwe rukanatangazwa mu cyegeranyo cy'ibyemezo by'inkiko (V.2 [2014]RLR) nk'urutanga umurongo kuri iki kibazo.

11. Kujuririra urubanza – ibihe by'ubujurire - agaciro k'impamvu z'ubujurire zitanzwe mu myanzuro y'inyongera nyuma y'igihe cy'ubujurire – ntizigomba kwakirwa uretse igihe zuzuza cyangwa zisobanura izatanzwe mu bihe byemewe byo kujurira.

Urubanza rwasuzumwe: Urubanza Nº RPAA 00274/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 28/10/2022 haburana Ubushinjacyaha na TWAGIRAYEZU Thomas (igika cya 12-13)

Ikibazo umurongo ushingiyeho: Ese impamvu z'ubujurire zatanzwe mu myanzuro y'inyongera nyuma y'ibihe byo kujurira zagirira akamaro uregwa?

Ingingo y'itegeko umurongo ushingiyeho: Ingingo ya 181, igika cya 1 y'Itegeko n°027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize

y'imanza nshinjabyaha ivuga ko: *«igihe cyo kujurira ari iminsi 30 ibarwa kuva ku munsi urubanza rwaciriweho ku muburanyi wari uhari cyangwa ahagarariwe igihe urubanza rwacibwaga»*

✓ Ingingo ya 183, agace ka gatanu n'aka gatandatu y'itegeko y'itegeko Nº 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha iteganya ko *"Ubujurire bukorwa mu buryo bw'umwanzuro utanga ikirego, ugizwe n'urutonde rw'inenge z'urubanza zisabirwa gukosorwa n'ibindi bibazo bigomba gusuzumwa, ibisobanuro kuri buri nenge cyangwa kuri buri kibazo bigaragaza amakosa yakozwe n'uburyo agomba gukosorwa, hashingiwe ku mategeko n'ibimenyetso n'igisabwa Urukiko".*

✓ Ingingo ya 188, igika cya 1 y'iryo Tegeko yo ivuga ko: *"Uregwa ashobora kujuririra urubanza rwose cyangwa zimwe mu ngingo atishimiye imikirize yazo, urukiko rwajuririwe rukaburanisha gusa mu mbibi z'icyajuririwe".*

Umurongo imanza zihuriyeho: Ingingo iyo ariyo yose itanzwe nyuma y'ibihe ntarengwa byo kujurira, uretse iyuzuza cyangwa isobanura iyatanzwe mu bihe byemewe byo kujurira, ntigomba kwakirwa.

Izindi manza zafashwemo uyu murongo

❖ Urubanza Nº RCOMAA 00071/2017/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 26/10/2018 haburana MBUTO Aimable na BRD (igika cya 22)

❖ Urubanza Nº RPA/GEN 00004/2019/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 07/05/2021 haburana Ubushinjacyaha na MUNYAGISHARI Bernard (igika cya 66)

❖ Urubanza Nº RPAA 00328/2020/CA rwaciwe n'Urukiko rw'Ubujurire haburana Ubushinjacyaha na NSABUKUNZE Emmanuel (igika cya 24-26)

- ❖ Urubanza Nº RPAA 00386/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 11/06/2020 haburana Ubushinjacyaha na MUSHINZIMANA Daniel (igika cya 16)

- ❖ Urubanza Nº RPAA 00338/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 11/06/2021 haburana Ubushinjacyaha na DUKUZUMUREMYI Jean Bosco (igika cya 18 n'icya 21)

- ❖ Uubanza Nº RPAA 00205/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 12/11/2021 rwa BARAKAGWIRA Gilbert n'Ubushinjacyaha (igika cya 14-15).

- ❖ Urubanza Nº RPAA 00422/2020/CA rwaciwe ku wa 17/05/2022 haburana Ubushinjacyaha na KWITONDA Benoit

- ❖ Urubanza Nº RPAA 00169/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/04/2022 haburana Ubushinjacyaha na MUKURANAMANA Martin

- ❖ Urubanza Nº RPAA 00295/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/04/2022 haburana Ubushinjacyaha na NDAGIJIMANA Jean d'Amour

- ❖ Urubanza Nº RPAA 00099/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 23/09/2022 haburana Ubushinjacyaha na MWENEDATA Jacques (igika cya 14)

Urubanza ruyoboye izindi (**Leading case):** Urubanza ruyoboye izindi ni Urubanza Nº RCOMAA 00071/2017/CS rwaciwe ku wa 26/10/2018 haburana MBUTO Aimable na BRD kuko rwaciwe mbere n'Urukiko rw'Ikirenga.

12. Kujurira – Ibihe by'ubujurire – kumenyesha imikirize y'urubanza - umuburanyi utaritabiriye isomwa ry'urubanza - umuburanyi wari uhibereye cyangwa wari uhagarariwe urubanza rupfundikirwa ibihe byo kujurira bitangira kubarwa haherewe ku gihe urubanza rwaciriwe.

Urubanza rwasuzumwe: Urubanza Nº RPAA 00064/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 14/10/2022 haburana Ubushinjacyaha na TUYISHIMIRE Sylvan (igika cya 11).

Ikibazo umurongo ushingiyeho: Ese ibihe by'ubujurire k'umuburanyi utaritabiriye isomwa ry'urubanza ariko rwarapfundikiwe yitabiriye iburanisha, byatangira kubarwa ku gihe avuga yarumenyesherejwe?

Ingingo y'itegeko umurongo ushingiyeho: Ingingo ya 181, igika cya mbere, y'Itegeko Nº 027/2019 ryo ku wa 19/9/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha iteganya ko: *«Kujurira bikorwa mu gihe kitarenga iminsi mirongo itatu (30) uhereye ku itariki urubanza rwaciriweho ku muburanyi wari uhari cyangwa ahagarariwe igihe urubanza rwacibwaga. Icyo gihe gikurikizwa kandi ku muburanyi wamenyeshejwe mu buryo bwemewe n'amategeko, umunsi urubanza ruzacibwaho ntaze cyangwa ngo yohereze umuhagararira»*

Imvano y'ikibazo: *Urukiko Rwisumbuye rwahamije GAKOZA Eugène icyaha cyo gucuruza no gutunda ibiyobyabwenge byo mu bwoko bw'urumogi, rumuhanisha igifungo cy'imyaka 25 n'ihazabu ya 5.000.000 Frw. Yajuririye Urukiko Rukuru ariko rushingiye ku kuba igihe urubanza rwapfundikirwaga yaramenyeshejwe mu buryo bwemewe n'amategeko umunsi urubanza ruzacibwaho ariko ntiyaza cyangwa ngo yohereze umuhagararira, ndetse no muri gereza akaba yaramenyeshwejwe imikirize yarwo hakiri igihe cyo kujurira ariko ararenga ajurira iminsi mirongo itatu (30) iteganywa n'itegeko yararenze, rwemeza ko ubujurire bwe butakiriwe. Yajuriye bwa kabiri mu Rukiko rw'Ubujurire avuga ko ikirego cye cyari gikwiye kwakirwa, Urukiko rwemeza ko igihe cye cyo kujurira kitabarwa hashingiwe ku gihe yamenyesherejwe urubanza kandi itegeko ryarateganyije ko ku muburanyi wari uhari igihe urubanza rwapfundikirwaga*

igihe cye cyo kujuririra kibarwa guhera igihe urubanza rwasomewe kabone n'ubwo yaba atarabonetse mu isoma ryarwo.

Umurongo imanza zihuriyeho: Umuburanyi wari uhari cyangwa ahagarariwe igihe urubanza rwacibwaga ndetse n'umuburanyi wamenyeshejwe mu buryo bwemewe n'amategeko umunsi urubanza ruzacibwaho ntaze cyangwa ngo yohereze umuhagararira bagomba kujurira mu gihe kitarenga iminsi mirongo itatu (30) uhereye ku itariki urubanza rwaciriweho.

Izindi manza zafashwemo uyu murongo:

- Urubanza Nº RPA 0022/14/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 23/03/2018 haburana Ubushinjacyaha na BOGERE Barige (igika cya 12).
- Urubanza Nº RPAA 0003/14/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 27/04/2018, haburana Ubushinjacyaha na HAKIZIMANA Jean Claude.
- Icyemezo cy'Urukiko rw'Ikirenga mu rubanza rubanziriza urundi Nº RS/INJUST/RCOM 00003/2019/SC cyafashwe mu iburanisha ryo ku wa 14/09/2020 haburana Access Bank na SOTIRU Ltd.
- Urubanza Nº RPAA 00060/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/09/2022, haburana Ubushinjacyaha na Gakoza Eugene (igika cya 19).
- Urubanza Nº RPAA 00155/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/11/2022, haburana Ubushinjacyaha na NDAYISENGA Védaste (igika cya 10).

Urubanza ruyoboye izindi (Leading case): Urubanza ruyoboye izindi ni urubanza Urubanza Nº RPA 0022/14/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 23/03/2018 haburana Ubushinjacyaha na BOGERE Barige, kuko arirwo rwaciwe mbere n'Urukiko rw'Ikirenga.

13. Gukubita no gukomeretsa byateye urupfu – ubwicanyi - gutandukanya ibyaha – gutandukanya ibi byaha bisuzumirwa mu cyakoreshejwe (intwaro ishobora kwica) mu kumukubita no ku gice cy'umubiri cyakubiswe (mu cyico).

Urubanza rwasuzumwe: Urubanza Nº RPAA 00441/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 21/10/2022 haburana Ubushinjacyaha na NKUBANA Samuel (igika cya 11-13).

Ikibazo umurongo ushingiyeho: Ese hashingirwa kuki mu gutandukanya icyaha cy'ubwicanyi n'icyaha cyo gukubita no gukomeretsa undi ku bushake byateye urupfu?

Umurongo imanza zihuriyeho: Mu kumenya niba uwakubise undi ku bushake yari afite umugambi wo kumwica cyangwa niba yari agamije gusa kumukubita cyangwa kumukomeretsa bisuzumirwa mu cyakoreshejwe (intwaro ishobora kwica) mu kumukubita no ku gice cy'umubiri cyakubiswe (mu cyico).

Izindi manza zafashwemo uyu murongo:

- Urubanza Nº RPAA 0110/10/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 31/01/2014 haburana Ubushinjacyaha na UWAMURENGEYE (Icyegeranyo cy'ibyemezo by'inkiko RLR V1-2014) p.133-140.

- Urubanza Nº RPA 0142/10/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 19/09/2014 haburana Ubushinjacyaha na CYUMA MIRUHO (Icyegeranyo cy'ibyemezo by'inkiko, RLR V2- 2015) p.186.

- Urubanza Nº RPAA 00195/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 27/05/2022 haburana Ubushinjacyaha na AYIRWANDA Emmanuel.

- Urubanza Nº RPAA 00357/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/04/2022 haburana Ubushinjacyaha na HABIYAMBERE Justin.

- Urubanza Nº RPAA 00012/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 27/04/2022 haburana Ubushinjacyaha na NAHIMANA Daniel.

- ❖ Urubanza N° RPAA 00220/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 30/05/2022 haburana Ubushinjacyaha na NZATUMABO Edouard.

- ❖ Urubanza N° RPAA 00333/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 19/9/2022 haburana Ubushinjacyaha na DUKUZUMUREMYI (igika cya 16).

Urubanza ruyoboye izindi (Leading case):

Urubanza ruyoboye izindi ni Urubanza N° RPAA 0110/10/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 31/01/2014 haburana Ubushinjacyaha na UWAMURENGEYE kuko rusobanura neza ibishingirwaho mu gutandukanya icyaha cy'ubwicanyi n'icyaha cyo gukubita no gukomeretsa byateye urupfu kandi rukaba rwaratoranijwe rugatangazwa mu cyegeranyo cy'ibyemezo by'inkiko nk'urutanga umurongo kuri iki kibazo (Icyegeranyo cy'ibyemezo by'inkiko RLR V1-2014) p.133-140).

14. Kugabanya igihano mu bujurire – igihe impamvu z'ubujurire nta shingiro - nta cyabuza Urukiko kugabanyiriza igihano uregwa, hagamijwe gutanga igihano gihwanye n'uburemere bw'icyaha kabone n'ubwo iby'igihano byaba bitaburanyweho n'impamvu z'ubujurire zitahawe ishingiro.

Urubanza rwasuzumwe: Urubanza N° RPAA 00189/2021/CA, rwaciwe ku wa 28/10/2022, haburana Ubushinjacyaha na BAKUNZIBAKE Emmanuel.

Ikibazo cyasuzumwe: Ese Urukiko rushobora kugabanya igihano impamvu z'ubujurire zitahawe ishingiro ku bijyanye n'imikorere y'icyaha?

Ingingo y'itegeko umurongo ushingiyeho: Ingingo ya 49, igika cya mbere y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange iteganya ko *«Umucamanza atanga igihano akurikije uburemere bw'icyaha, ingaruka icyaha cyateye, impamvu zatumye agikora, uko uwagikoze yari asanzwe yitwara, imibereho ye bwite n'uburyo icyaha cyakozwemo»*

Umurongo imanza zihuriyeho: Nta cyabuza Urukiko kugabanyiriza igihano uregwa, hagamijwe gutanga igihano gihwanye n'uburemere bw'icyaha kabone

n’ubwo iby’igihano byaba bitaburanyweho n’impamvu z’ubujurire zitahawe ishingiro.

Izindi manza zafashwemo uyu murongo

- Urubanza Nº RPAA 00069/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 28/07/2022 haburana Ubushinjacyaha na NYIRANZEYIMANA Odette.
- Urubanza Nº RPAA 00039/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 02/07/2021 haburana Ubushinjacyaha na SHAKABATENDA Jean de Dieu.
- Urubanza Nº RPAA 00194/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 22/07/2022 haburana Ubushinjacyaha na NDAYISHIMIYE Emmanuel alias Shema.
- Urubanza Nº RPAA 00441/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 21/10/2022 haburana Ubushinjacyaha na NKUBANA Samuel (igika cya 23).
- Urubanza Nº RPAA 00410/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 28/10/2022 haburana Ubushinjacyaha na NSENGIMANA Eric (igika cya 36).

15. Ubujurire bwa kabiri – itegeko ritariho – ni itegeko ritagikoreshwa, itegeko ritaratangira gukoreshwa cyangwa ritigeze ribaho.

Urubanza rwasuzumwe: Urubanza Nº RCAA 00006/2022/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 9/09/2022 haburana IRAMIRO CLINIC na KAMBALI BIGISHIRO.

Ikibazo umurongo ushingiyeho: Ese itegeko ritariho ryashingirwaho mu rubanza bigatuma rwemererwa kuburanishwa mu bujurire bwa kabiri ni irimeze gute?

Ingingo y’itegeko umurongo ushingiyeho: Ingingo ya 52, igika cya 2, agace ka 3°, y’Itegeko n°30/2018 ryo ku wa 02/06/2018 rigena ububasha bw’inkiko, iteganya ibikurikira: *"Urukiko rw’Ubujurire rufite kandi ububasha bwo kuburanisha mu rwego rw’ubujurire bwa kabiri imanza zaciwe n’Urukiko Rukuru,*

Urukiko Rukuru rw'Ubucuruzi n'Urukiko Rukuru rwa Gisirikare, iyo izo manza: (…) 3° zashingiye ku itegeko ritariho, ingingo z'amategeko zitakiriho cyangwa zaciwe n'Urukiko rutabifitiye ububasha".

Umurongo uhuriweho n'izindi manza: Itegeko ritariho rigomba kumvikana mu buryo bw'itegeko ritagikoreshwa (*loi abrogée, repealed law*), cyangwa itegeko ritaratangira gukoreshwa (*loi non encore en vigueur/ a law not yet in force*), cyangwa se itegeko ritigeze ribaho (*qui n'a jamais existé/ a law that never existed*).

Izindi manza zafashwemo uyu murongo:

- ❖ Urubanza N° RPAA 0096/15/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 18/05/2018, haburana MUKARUSANGA Olive n'Ubushinjacyaha (igika cya 14).

- ❖ Urubanza N° RCAA 00012/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/07/2022 haburana NSENGIYUMVA Thiery na MANISHIMWE François n'abandi.

- ❖ **Urubanza ruyoboye izindi (Leading case):** Ni Urubanza N° RPAA 0096/15/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 18/05/2018, haburana MUKARUSANGA Olive n'Ubushinjacyaha kuko rwaciwe mbere n'Urukiko rw'Ikirenga.

16. Kugabanya igihano – kutabuzwa kongera kugabanya igihano mu bujurire – Urukiko rwajuririwe ntirubujijwe kongera kugabanya igihano mu gihe rusanze icyatanzwe n'Urukiko rubanza kitagabanyijwe mu buryo buhagije, ubirebeye hamwe n'uburemere bw'icyaha cyakozwe.

Urubanza rwasuzumwe: Urubanza N° RPAA 00022/2021/CA, rwaciwe ku wa 29/07/2022 haburana Ubushinjacyaha na UWAMBAJIMANA Grâce (igika cya 53 na 54).

Ikibazo cyasuzumwe: Ese uwajuriye wagabanyirijwe ibihano mu nkiko zibanza yakongera kubigabanyirizwa mu bujurire?

Ingingo y'itegeko umurongo ushingiyeho: Ingingo ya 49, igika cya mbere y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange iteganya ko *«Umucamanza atanga igihano akurikije uburemere bw'icyaha, ingaruka icyaha cyateye, impamvu zatumye agikora, uko uwagikoze yari asanzwe yitwara, imibereho ye bwite n'uburyo icyaha cyakozwemo»*

Umurongo uhuriweho n'izindi manza: Nta cyabuza Urukiko rwajuririwe kongera kugabanya igihano mu gihe rusanga igihano cyatanzwe n'Urukiko rubanza kitaragabanyijwe mu buryo buhagije ubirebeye hamwe n'uburemere bw'icyaha cyakozwe

Izindi manza zafashwemo uyu murongo:

- Urubanza N° RPAA 00406/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/10/2021, haburana Ubushinjacyaha na NAHAYO Ignace (igika cya 22).
- Urubanza n° RPA 00060/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 04/04/2022 haburana Ubushinjacyaha na Nsabimana n'abandi (igika cya 254).
- Urubanza N° RPAA 00027/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 15/07/2022 haburana Ubushinjacyaha na SHAKUBONE Reverien (igika cya 27 na 29).
- Urubanza N° RPAA 00022/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/07/2022 haburana Ubushinjacyaha na UWAMBAJIMANA Grâce (igika cya 53 na 54)
- Urubanza N° RPAA 00256/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/11/2022 haburana Ubushinjacyaha na UWAMARIYA Diane (igika cya 18 na 19)

- ❖ Urubanza Nº RPAA 00097/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 18/11/2022 haburana Ubushinjacyaha na MUSA Christian (igika cya 19 na 20)

- ❖ Urubanza Nº RPAA 00120/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 18/11/2022 haburana Ubushinjacyaha na MUSA Christian (igika cya 26)

- ❖ Urubanza Nº RPAA 00183/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/11/2022 haburana Ubushinjacyaha na NSENGIYAREMYE Jérémie (igika cya 18)

- ❖ Urubanza Nº RPAA 00192/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 14/10/2022 haburana Ubushinjacyaha na HANGANIMANA Martin (igika cya 18)

- ❖ Urubanza Nº RPAA 00212/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 18/10/2022 haburana Ubushinjacyaha na BIKORIMANA (igika cya 26 na 27)

- ❖ Urubanza Nº RPAA 00219/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/11/2022 haburana Ubushinjacyaha na MUTABARUKA Emmanuel (igika cya 19)

- ❖ Urubanza Nº RPAA 00238/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 18/11/2022 haburana Ubushinjacyaha na SINDIKUBWABO Theoneste (igika cya 26 na 27)

- ❖ Urubanza Nº RPAA 00257/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/11/2022 haburana Ubushinjacyaha na UVOMANYENINGWE Esron (igika cya 41 na 42)

- ❖ Urubanza Nº RPAA 00051/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 18/11/2022 haburana Ubushinjacyaha na NYIRANDIKUMANA Dancilla (igika cya 17 na 18)

Urubanza ruyoboye izindi ni Urubanza: Urubanza N° RPAA 00406/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/10/2021, haburana Ubushinjacyaha na NAHAYO Ignace kuko arirwo rwaciwe mbere.

V. ITANGWA RY'IBIHANO

1. Imanza zagabanyije igihano

	1. Icyaha: Gusambanya umwana/ gukoresha undi imibonano mpuzabitsina ku gahato				
S/N	**Urubanza**	**Ababuranyi**	**Impamvu**	**Igihano giteganyirijwe n'itegeko**	**Igihano cyatanzwe**
1.	Nº RPAA 00162/2021/CA rwaciwe ku wa 21/10/2022	Ubushinjacyaha na IRAREBA Joseph	Impamvu Urukiko rwashingiyeho ni **ukuba yaremeye icyaha kuva agifatwa, kuba yari asanzwe yitwara neza no kuba aribwo yari akiva mu bwana** afite imyaka 21.	*Ingingo ya 133 y'Itegeko nº 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu, iteganya ko uwahamwe n'icyaha cyo gusambanya umwana uri munsi y'imyaka cumi n'ine (14), igihano kiba igifungo cya burundu.*	Yahanishijwe igifungo cy'imyaka 10 aho kuba igifungo cya burundu yari yarahanishijwe n'Urukiko rubanza ku bwo gusambanya umwana utarageza imyaka 14 akamutera inda.
2.	Nº RPAA 00395/2021/CA rwaciwe ku wa 31/10/2022	Ubushinjacyaha na NSHIMIYUMU KIZA Patrick	Impamvu Urukiko rwashingiyeho ni **ukuba ari ubwa mbere akoze icyaha no kuba aribwo yari akiva mu bwana** afite imyaka 19 no **kuba ingaruka zatewe n'iki cyaha zitarafashe intera iremereye**.	*idem*	Urukiko rwamuhanishije igifungo cy'imyaka 10 aho kuba igifungo cy'imyaka 25 yari yahawe ku rwego rubanza, ku bwo gusambanya umwana w'imyaka 5.
3.	Nº RPAA 00117/2021/CA rwaciwe ku wa 21/10/2022	UBUSHINJACYAHA na REBERO Eric	Impamvu Urukiko rwashingiyeho ni **ukuba yaraburanye yemera icyaha ku buryo budashidikanywaho kuva ku rwego rwa mbere no kuba aribwo yari akiva mu bwana** afite imyaka 20.	idem	Yahanishijwe igifungo cy'imyaka 15 aho kuba igifungo cya burundu yari yarahanishijwe n'Urukiko rubanza ku bwo gusambanya umwana w'imyaka 8.

4.	Nº RPAA 00410/2021/CA rwaciwe ku wa 28/10/2022	UBUSHINJACYAHA na NSENGIMANA Eric	Impamvu Urukiko rwashingiyeho ni **ukuba ari ubwa mbere yari akoze icyaha** bizwi no kuba atarasanzwe yitwara nabi **mu muryango nyarwanda**.	Idem	Yahanishijwe igifungo cy'imyaka 12 aho kuba igifungo cya burundu yari yarahanishijwe n'Urukiko rubanza ku bwo gusambanya umwana w'imyaka 8.
5.	Nº RPAA 00121/2021/CA rwaciwe ku wa 21/10/2022	UBUSHINJACYAHA na HAGENIMANA Claude	Impamvu Urukiko rwashingiyeho ni **ukuba yaremeye icyaha kuva agifatwa, kuba yari asanzwe yitwara neza no kuba aribwo yari akiva mu bwana** afite imyaka 20.	**idem**	Yahanishijwe igifungo cy'imyaka 20 aho kuba igifungo cya burundu yari yarahanishijwe n'Urukiko rubanza ku bwo gusambanya umwana w'imyaka 5.
6.	Nº RPAA 00319/2021/CA rwaciwe ku wa 25/11/2022	UBUSHINJACYAHA na NDUWAYEZU Jean Baptiste	Urukiko rwagabanyije igihano rushingiye ku mpamvu nyoroshyacyaha yo kuba harebwe **uburyo yagikoze bigaragara ko atangije umwana nk'uko raporo ya Muganga ibigaragaza kandi ari** ubwa mbere agaragaweho ibikorwa nk'ibyo.	**Idem**	Yahanishijwe igifungo cy'imyaka 20 ku cyaha cyo gusambanya umwana w'imyaka 3 aho kuba igifungo cya burundu yari yahawe ku rwego rwo hasi.
7.	Nº RPAA 00176/2021/CA rwaciwe ku wa 31/10/2022	UBUSHINJACYAHA na MUVUNYI Janvier alias Njyuguri	Urukiko rwagabanyije igihano rushingiye **ku kuba nawe yari akigera mu myaka y'ubukure, ko** nta yindi **dosiye itagaragaza ko hari ikindi cyaha yigeze akurikiranwaho mbere, kandi muganga yarerekanye ko imikorere y'icyaga nta ngaruka zateje.**	*Idem*	Yahanishijwe igifungo cy'imyaka cumi n'itanu (15) aho kuba igifungo cya burundu, yari yahawe ku rwego rwo hasi, ku bwo gusambanya umwana w'imyaka 12.

8.	Nº RPAA 00263/2021/CA rwaciwe ku wa 28/10/2022	UBUSHINJACYAHA na NDATIMANA Méthode	Urukiko rwasanze **ibimenyetso byashingiweho mu guhamya icyaha uregwa, bitera gushidikanya.**	**Idem**	Urukiko rwagize umwere uregwa aho kuba igifungo cya burundu yari yahawe n'Urikiko rubanza ku bwo gusambanya umwana w'imyaka 4.
9.	Nº RPAA 00055/2021/CA rwaciwe ku wa 31/10/2022	UBUSHINJACYAHA na NIYONZIMA Adrien	Urukiko rwasanze **ibimenyetso byashingiweho mu guhamya icyaha uregwa, bitera gushidikanya.**	**Idem**	Urukiko rwagize umwere uregwa aho kuba igifungo cya burundu yari yahawe n'Urikiko rubanza ku bwo gusambanya umwana w'imyaka 12.
10.	Nº RPAA 00156/2021/CA rwaciwe ku wa 28/10/2022.	UBUSHINJACYAHA na NIYONZIMA Claude	Urukiko rwasanze **ibimenyetso byashingiweho mu guhamya icyaha uregwa, bitera gushidikanya.**	**Idem**	Urukiko rwagize umwere uregwa aho kuba igifungo cy'imyaka 25 yari yahawe n'Urikiko rubanza ku bwo gusambanya umwana w'imyaka 5.
11	Nº RPAA 00392/2021/CA rwaciwe KU WA 25/11/2022	UBUSHINJACYAHA na MANIGABE Emmanuel	Urukiko rwagabanyije igihano rushingiye ku kuba **ibimenyetso bikubiye muri dosiye bitagaragaza ku buryo budashidikanywaho** ko uwarezwe yakoze icyaha aregwa.	**Idem**	**Urukiko rwagize umwere uregwa aho kuba igifungo** cy'imyaka 20 yari yahawe ku rwego rwo hasi, ku bwo gusambanya umwana w'imyaka 3.
12.	Nº RPAA 00160/2020/CA rwaciwe ku wa 25/11/2022	UBUSHINJACYAHA na HATARI Pascal.	Urukiko rwamugize umwere kubera gushidikanya ku mikorere y'icyaha cyo gusambanya umwana w'imyaka 2	Idem	Urukiko rwagize umwere uregwa aho kuba igifungo cya burundu yari yahawe ku rwego rwo hasi, ku bwo gusambanya umwana w'imyaka 2.

13.	Nº RPAA 00107/2021/CA rwaciwe ku wa 11/11/2022	UBUSHINJACYAHA na NIYONSABA Félix	Urukiko rwamugize umwere kuko rurasanga **nta kimenyetso kidashidikanywaho kigaragaza ko uregwa yasambanyije umwana w'imyaka cumi n'itatu (13)** y'amavuko.	Gusambanya umwana, icyaha giteganywa kandi gihanwa n'ingingo ya 133 y'Itegeko nº 68/2018 ryo ku wa 30/08/2018, iyo ugihamijwe uhanishwa igifungo kitari munsi y'imyaka makumyabiri (20) ariko kitarenze imyaka makumyabiri n'itanu (25).	Urukiko rwagize umwere uregwa aho kuba igifungo cya burundu.
14.	Nº RPAA 00329/2021/CA rwaciwe ku wa 21/10/2022.	Ubushinjacyaha na NIYONKURU Amani	Impamvu Urukiko rwashingiyeho ni **ukuba ari ubwa mbere akoze icyaha no kuba aribwo yari akiva mu bwana** afite imyaka 19.	*Ingingo ya 133 y'Itegeko nº 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu,iteganya ko uwahamwe n'icyaha cyo gusambanya umwana ahanishwa igifungo kitari munsi y'imyaka makumyabiri (20) ariko kitarenze imyaka makumyabiri n'itanu (25).*	Urukiko rwamuhanishije igifungo cy'imyaka 10 aho kuba igifungo cy'imyaka 20 yari yahawe ku rwego rwo hasi, ku bwo gusambanya umwana w'imyaka 16.
15.	Nº RPAA 00262/2021/CA rwaciwe ku wa 28/10/2022	UBUSHINJACYAHA na MUSENGIMANA Oswald	Impamvu Urukiko rwashingiyeho ni ukuba yarakoze icyaha **aribwo akiva mu bwana afite imyaka 18**, no kuba aribwo **bwa mbere akurikiranyweho icyaha mu buryo buzwi**.	Idem	Urukiko rwamuhanishije igifungo cy'imyaka 15 aho kuba igifungo cy'imyaka 20 yari yahawe ku rwego rwo hasi, ku bwo gusambanya umwana w'imyaka 15.
16.	Nº RPAA 01496/2021/CA rwaciwe ku wa 28/10/2022,	UBUSHINJACYAHA na MUGWANEZA Marcel	Impamvu Urukiko rwashingiyeho ni **ukuba yaremeye icyaha kuva agifatwa no kuba ari ubwambere yari akurikiranyweho icyaha mu buryo buzwi**	Idem	Urukiko rwamuhanishije igifungo cy'imyaka 15 aho kuba igifungo cy'imyaka 20 yari yahawe ku rwego rwo hasi, ku bwo

					gusambanya umwana w'imyaka 16.
17.	N° RPAA 00173/2022/CA rwaciwe ku wa 29/11/2022	UBUSHINJACYAHA na SGT KANANI Evariste	Urukiko rwagabanyije igihano rushingiye ku mpamvu nyoroshyacyaha **yo kuba ari ubwa mbere yari ahamwe n'icyaha, kandi nta kigaragaza ko mbere y'uko agikora yari asanzwe yitwara nabi.**	Idem	Yahanishijwe igifungo **cy'imyaka cumi n'itanu (15) aho kuba igifungo cy'imyaka 20** yahawe ku rwego rwo hasi, ku bwo gusambanya umwana w'imyaka 16.
18.	N° RPAA 00264/2022/CA rwaciwe ku wa 21/10/2022	UBUSHINJACYAHA na NDAGIJIMANA Emmanuel	Urukiko rwashingiye ku mpamvu **nyoroshyacyaha ijyanye no kuba afatwa yaremeye icyaha,** akagisabira imbabazi, **kuba ari ubwa mbere akurikiranyweho icyaha** no kuba n'ubwo yakoze icyaha aregwa ari mukuru **afite imyaka 22 yari akiri mu kigero cyo kudatekereza neza ku ngaruka z'icyaha.**	Idem	Yahanishijwe igifungo cy'imyaka 10 aho kuba igifungo cy'imyaka 20 yari yahawe ku rwego rwo hasi, ku bwo gusambanya umwana w'imyaka 17.
19.	N° RPAA 00104/2021/CA rwaciwe ku wa 18/11/2022	UBUSHINJACYAHA na SEZIKEYE Jean Claude	Urukiko rwashingiye ku mpamvu **nyoroshyacyaha ijyanye no kuba yaremeye icyaha kuva agifatwa**, **kuba aribwo yakurikiranwa n'inkiko mu buryo buzwi**, kandi nta kigaragaza ko mbere **y'uko akora icyaha yari asanzwe afite imyitwarire mibi**.	**Idem**	Yahanishijwe igifungo cy'imyaka 12 aho kuba igifungo cy'imyaka 20 yari yahawe ku rwego rwo hasi, ku bwo gusambanya umwana w'imyaka 16.
20.	N° RPAA 00231/2021/CA	UBUSHINJACYAHA na KANYAMANZA	Urukiko rwagabanyije igihano rushingiye ku mpamvu nyoroshyacyaha **yo kuba ari**	*Idem*	Yahanishijwe igifungo cy'imyaka icumi n'itanu (15) aho kuba igifungo

	rwaciwe ku wa 25/11/2022		**ubwa mbere akurikiranyweho icyaha**, kuba dosiye **itagaragaza ko yari asanzwe ari umunyarugomo** no kuba yaribwirije **kujya kwandikisha umwana yabyaye.**		cy'imyaka makumyabiri 20 yahanishijwe yari yahawe ku rwego rwo hasi, ku bwo gusambanya umwana w'imyaka 17 akamutera inda.
21.	Nº RPAA 00062/2021/CA rwaciwe ku wa 21/10/2022	UBUSHINJACYAHA na HAKIZAYEZU Thomas alias Gashuhe	Impamvu Urukiko rwashingiyeho ni **ukuba yaraburanye yemera icyaha ku buryo budashidikanywaho kuva ku rwego rwa mbere no kuba aribwo yari akiva mu bwana** afite imyaka 19.	*Ingingo ya 134 al 3 y'Itegeko nº 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu, iteganya ko:* Gukoresha imibonano mpuzabitsina ku gahato umuntu ufite hejuru y'imyaka 65, ahanishwa igifungo kirenze imyaka **15 ariko kitageze ku myaka 20 n'ihazabu y'amafaranga y'u Rwanda atari munsi ya 1.000.000 Frw ariko atarenze 2.000.000 Frw.**	Yahanishijwe igifungo cy'imyaka 10 n'ihazabu ya 1.000.000 Frw aho kuba igifungo cy'imyaka 16 n'ihazabu ya 1.000.000 Frw yari yarahanishijwe n'Urukiko rubanza ku bwo gusambanya umuntu urengeje imyaka 65.
	2. Icyaha cy'ubwicanyi				
1.	Nº RPAA 00441/2021/CA rwaciwe ku wa 21 /10/2022	UBUSHINJACYAHA na NKUBANA Samuel	Urukiko **rwagabanyije igihano kuko rwasanze ibikomere yatewe bidakomenye kandi kuba nta bumuga buhoraho byamuteye byamubera impamvu nyoroshya cyaha**.	*Ingingo ya 107 n'iya 21 y'Itegeko nº 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu, zisomewe hamwe ; ubwinjiracyaha ku cyaha cy'ubwicanyi buhanishwa igifungo kingana n'imyaka 25.*	Urukiko rwamuhanishije igifungo cy'imyaka12 aho kuba icy'imyaka 25 yari yahawe ku rwego rwo hasi.

2.	N° RPAA 00420/2021/CA rwaciwe ku wa 28/10/2022	UBUSHINJACYAHA na NIYIGENA Anselme	Urukiko rwashingiye ku mpamvu nyoroshyacyaha ijyanye **no kuba nta bindi byaha yigeze akurikiranwaho** (les bons antécédents du coupale), ndetse akaba yarakoze **icyaha akiva mu bugimbi afite imyaka** 21 y'amavuko.	*Idem*	Urukiko rwamuhanishije igifungo cy'imyaka 12 aho kuba igifungo cy'imyaka 20 yari yarahawe.
3.	N° RPAA 00691/2021/CA rwaciwe ku wa 18/11/2022	UBUSHINJACYAHA na NDAYISABA Paul	Urukiko **rwagabanyije igihano** rushingiye **ku ngaruka nke z'icyaha**	*Idem*	Urukiko rwamuhanishije igifungo cy'imyaka 8 aho kuba icy'imyaka 25 yari yahawe ku rwego rwo hasi.
4.	N° RPAA 00455/2021/CA rwaciwe ku wa 18/11/2022	UBUSHINJACYAHA na NDAGIJIMANA Vianney	Urukiko **rwagabanyije igihano** rushingiye ku mikorere y'icyaha **igaragaza ko igikorwa cy'ubwicanyi cyari inkurikizi y'imirwano yari yaraye ibaye**, ananirwa kwifata, ajya **kwihorera inkoni yaraye akubiswe, rubiheraho agabanyirizwa igihano.**	Ubwicanyi, icyaha giteganywa n'ingingo ya 107 y'itegeko n°68/2018 ryo kuwa 30/08/2018, ugihamijwe ahanishwa igifungo cya burundu.	Urukiko rwamuhanishije igifungo cy'imyaka 25 aho kuba igifungo cya burundu yahawe ku rwego rwo hasi.
N/S	**3. Icyaha: Ikoresha ritemewe ry'ibiyobyabwenge n'urusobe rw'imiti ikoreshwa nkabyo**				
1.	N° RPAA 00108/2021/CA rwaciwe ku wa 21/10/2022	UBUSHINJACYAHA na UWIZEYIMANA Faustin	Urukiko rwashingiye ku mpamvu nyoroshyacyaha y'uko **icyaha cyakozwe nta ngaruka zikomeye cyateje**	*Ingingo ya 263, igika cya gatatu (3), agace ka mbere (1), y'Itegeko n° 68/2018 ryo ku wa 30/8/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu,*	Yahanishijwe igifungo cy'imyaka 15 n'ihazabu ya 10.000.000 Frw aho kuba igifungo cy'imyaka 25 yahawe ku rwego rwo hasi.

				*iteganya ko icyaha cyo **gucuruza no gutunda** ibiyobyabwenge bihambaye bihanishwa igifungo cya burundu n'ihazabu y'amafaranga arenze 20.000.000 Frw, ariko atarenze 30.000.000 Frw*	
2.	N° RPAA 00078/2021/CA rwaciwe ku wa 13/10/2022	UBUSHINJACYAHA Na DUSHIMIRIMANA Gahinja alias MAKOTE	Urukiko rwavanye ho igihano kuko **ibimenyetso byashingiweho mu guhamya icyaha uregwa bitera gushidikanya**.	*Idem*	Urukiko rwagize umwere uregwa
3.	N° RPAA 00087/2021/CA rwaciwe ku wa 28/10/2022	UBUSHINJACYAHA na NDAGIJIMANA Schadrack	Urukiko rwavanye ho igihano kuko **bari bamuhamije icyaha** cyo kubika ibiyobyabwenge rushingiye ku **bimenyetso bishidikanywaho.**	*Ingingo ya 263, igika cya gatatu (3), agace ka mbere (1), y'Itegeko n° 68/2018 ryo ku wa 30/8/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu, iteganya ko icyaha cyo **kubuka** ibiyobyabwenge bihambaye bihanishwa igifungo cya burundu n'ihazabu y'amafaranga arenze 20.000.000 Frw, ariko atarenze 30.000.000 Frw*	Urukiko rwagize umwere uregwa
4.	N° RPA 00189/2021/CA rwaciwe ku wa28/10/2022	UBUSHINJACYAHA aA BAKUNZIBAKE Emmanuel	Urukiko rwashingiye ku mpamvu nyoroshyacyaha yo kuba ari **ubwa mbere yakurikiranwaho icyaha bwizwi mu nzego z'ubutabera**.	*Ingingo ya 263, igika cya gatatu (3), agace ka mbere (1), y'Itegeko n° 68/2018 ryo ku wa 30/8/2018 riteganya ibyaha*	Yahanishijwe igifungo cy'imyaka 15 aho kuba icy'imyaka 25 yari

				n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu, iteganya ko icyaha cyo ***gucuruza*** *ibiyobyabwenge bihambaye bihanishwa igifungo cya burundu n'ihazabu y'amafaranga arenze 20.000.000 Frw, ariko atarenze 30.000.000 Frw*	yahanishijwe n'inkiko zibanza.
5.	Nº RPAA 00193/2021/CA rwaciwe ku wa 21/10/2022	UBUSHINJACYAHA na MAGERANO Faustin.	Impamvu nyoroshyacyaha yashingiweho ni ukuba yaremeye icyaha akurikiranyweho kuva agifatwa no **kuba icyaha yakoze nta ngaruka zikomeye cyateje kuko urumogi yahinze yarufatanywe atararukwirakwiza ngo rwangize imbaga y'abantu.**	*Ingingo ya 263, igika cya gatatu (3), agace ka mbere (1), y'Itegeko n° 68/2018 ryo ku wa 30/8/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu, iteganya ko icyaha cyo* ***guhinga*** *ibiyobyabwenge bihambaye bihanishwa igifungo cya burundu n'ihazabu y'amafaranga arenze 20.000.000 Frw, ariko atarenze 30.000.000 Frw*	Yahanishijwe igifungo cy'imyaka 15 n'izahabu Ya 10.000.000 Frw aho kuba igihano cy'igifungo cy'imyaka 25 n'ihazu ya 20.000.000 Frw yari yahanishijwe ku rwego rwo hasi.
6.	Nº RPAA 00197/2021/CA rwaciwe ku wa 14/10/2022.	UBUSHINJACYAHA na NGOBOKA Innocent	Impamvu nyoroshyacyaha yashingiweho ni ukuba uregwa yaremeye icyaha **mu buryo budashidikanywaho kuva agifatwa**, **no kuba ari ubwa mbere akurikiranyweho icyaha mu buryo buzwi.**	*Ingingo ya 263, igika cya gatatu (3), agace ka mbere (1), y'Itegeko n° 68/2018 ryo ku wa 30/8/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu, iteganya ko icyaha cyo* ***kubika, gucuruza no gutunda*** *ibiyobyabwenge bihambaye*	Yahanishijwe igifungo cy'imyaka 15 n'izahabu ya 15.000.000 Frw; aho kuba igifungo cy'imyaka 25 n'ihazabu ya 20.000.000 Frw, yari yahanishijwe ku rwego rwo hasi.

				bihanishwa igifungo cya burundu n'ihazabu y'amafaranga arenze 20.000.000 Frw, ariko atarenze 30.000.000 Frw	
7.	N° RPAA 00300/2021/CA rwaciwe ku wa 21/10/2022	UBUSHINJACYAHA na HAGENIMANA Innocent	Impamvu nyoroshyacyaha yashingiweho ni ukuba urumogi yahinze rungana n'ibiti bine (4) rwarafatiriwe atararukwirakwiza ngo rugire uwo rwangiza, ari ikigaragaza ko icyaha yakoze nta ngaruka zikomeye cyateje.	*Ingingo ya 263, igika cya gatatu (3), agace ka mbere (1), y'Itegeko n° 68/2018 ryo ku wa 30/8/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu, iteganya ko icyaha cyo* ***Guhinga*** *ibiyobyabwenge bihambaye bihanishwa igifungo cya burundu n'ihazabu y'amafaranga arenze 20.000.000 Frw, ariko atarenze 30.000.000 Frw*	Yahanishijwe igifungo cy'imyaka 10 n'izahabu ya 10.000.000 Frw; aho kuba igifungo cy'imyaka 25 n'ihazabu ya 20.100.000 Frw, yari yahanishijwe ku rwego rwo hasi.
8.	N° RPAA 00137/2021/CA rwaciwe ku wa 31/10/2022	UBUSHINJACYAHA na SINGIRANKABO Jean de Dieu	Urukiko **rwasanze uregwa adahamwa n'icyaha cyo gucuruza urumogi ahubwo ahamwa n'icyaha cyo gufatanwa no kunywa ibiyobyabwenge ku buryo bw'isubiracyaha.**	*Ingingo ya 263, igika cya kabiri (2) y'Itegeko n° 68/2018 ryo ku wa 30/8/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu, iteganya ko icyaha cyo* kunywa, ibiyobyabwenge bihambaye ahanishwa igifungo kitari munsi y'umwaka umwe (1) ariko kitarenze imyaka ibiri (2)	Yahanishijwe igifungo cy'imyaka 4 aho kuba igihano cy'igifungo cya burundu n'ihazabu ya 20.000.000 yahanishijwe ku rwego rwo hasi ku bwo kunywa urumogi ku buryo bw'isubiracyaha
9.	N° RPAA 00190/2021/CA	UBUSHINJACYAHA na	Impamvu nyoroshyacyaha yashingiweho ni ukuba **ingano**	*Ingingo ya 263, igika cya gatatu (3), agace ka mbere (1), y'Itegeko*	Urukiko rwamuhanishije igifungo cy'imyaka 10

	rwaciwe ku wa 31/10/2022	HABARUGIRA Vincent	**y'urumogi (16 boules)** yafatanywe itakwirengagizwa bitewe n'uko uko irushaho kuba ntoya ari nako amahirwe yo kwangiriza aba agabanutse, bityo ingaruka **z'iki gikorwa zikaba zidashobora kugera ku bantu benshi**	*n° 68/2018 ryo ku wa 30/8/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu, iteganya ko icyaha cyo* ***gucuruza*** *ibiyobyabwenge bihambaye bihanishwa igifungo cya burundu n'ihazabu y'amafaranga arenze 20.000.000 Frw, ariko atarenze 30.000.000 Frw.*	n'ihazabu ya 5.000.000 Frw aho kuba igifungo cy'imyaka 25 n'ihazabu ya 20.000.000 Frw yahanishijwe ku rwego rwo hasi.
10.	N° RPAA 00191/2021/CA rwaciwe ku wa 31/10/2022	UBUSHINJACYAHA na HABIYAMBERE Samuel	Impamvu nyoroshyacyaha yashingiweho ni ukuba yafatanwe ibiti 4 by'urumogi yahinze, kuba ari bike kandi **nta kimenyetso kigaragaza ko acuruza umusaruro wabyo** rusanga bigomba kumvikana ko yabikoze agamije kubikoresha ku giti cye.	*Ingingo ya 263, igika cya gatatu (3), agace ka mbere (1), y'Itegeko n° 68/2018 ryo ku wa 30/8/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu, iteganya ko icyaha cyo* ***gucuruza*** *ibiyobyabwenge bihambaye bihanishwa igifungo cya burundu n'ihazabu y'amafaranga arenze 20.000.000 Frw, ariko atarenze 30.000.000 Frw*	Urukiko rwemeje ko uregwa agomba guhanirwa icyaha cyo gufatanwa ibiyobyabwenge aho kuba icyaha cyo gucuruza urumogi ahanishwa igifungo cy'imyaka 2 aho kuba igifungo cy'imyaka 20 n'ihazabu ya 20.000.000Frw yahanishijwe ku rwego rwo hasi.
11.	N° RPAA 00265/2021/CA rwaciwe ku wa 25/11/2022	UBUSHINJACYAHA na NSENGIMANA Onesphore	Impamvu nyoroshyacyaha yashingiweho ni ukuba Ubushinjacyaha butaragaragaje **ko ibiti bibiri yafatanywe mu murima we abisaruraho ibiyobyabwenge byo gucuruza**, rwemeje ko ari **bike** bituma **hemezwa imvugo ye yo kuba yarabikoreshaga ku giti cye**	Idem	Urukiko rw'Ubujurire rwemeje ko ahamwa n'icyaha cyo gufatanwa ibiyobyabwenge hagamije kubinywa aho kuba icyaha cyo kubika ibiyobyabwenge rumuhanishije 'igifungo cy'imyaka 2, aho kuba

					igifungo cy'imyaka 20 n'ihazabu ya 10.000.000 Frw yari yahanishijwe ku rwego rwo hasi.
12.	Nº RPAA 00120/2021/CA rwaciwe ku wa 18/11/2022	UBUSHINJACYAHA na GIRIMBABAZI Jean Claude	Impamvu nyoroshyacyaha yashingiweho ni ukuba yarafatanywe **ingano nto y'ibiyobyabwenge y'udupfunyika 54**, kuba **ari ubwa mbere afatiwe mu cyaha cyo gucuruza ibiyobyabwege, kuba yemera icyaha kandi abisabira imbabazi, no kuba nta ngaruka zikomeye icyaha yakoze cyateye**.	Idem	Urukiko rwamuhanishije igifungo cy'imyaka 12 n'ihazabu ya 5.000.000 Frw aho kuba igifungo cy'imyaka 20 n'ihazabu ya 10.000.000 Frw yahanishijwe ku rwego rwo hasi.
13.	Nº RPAA 00409/2021/CA rwaciwe ku wa 31/10/2022	UBUSHINJACYAHA na KAMANAYO Justin	Impamvu nyoroshyacyaha yashingiweho ni ukuba **nta bimenyetso bifatika byerekana ko udupfunyika 6 tw'urumogi yafatanwe ari ibyo gucuruza,** bityo Urukiko rurasanga Urukiko Rukuru **rutari kumuhamya icyaha cyo gucuruza ibiyobyabwenge** ahubwo rwari kwemeza ko **ibiyobyabwenge yafatanwe byari ibyo kwikoreshereza ku giti cye.**	*Idem*	Urukiko rwemeje ko uregwa agomba guhanirwa icyaha cyo gufatanwa ibiyobyabwenge aho kuba icyaha cyo gucuruza urumogi ahanishwa igifungo cy'imyaka 2 aho kuba igifungo cy'imyaka 25 n'ihazabu ya 20.000.000Frw yahanishijwe ku rwego rwo hasi.
14.	Nº RPAA 00230/2021/CA rwaciwe ku wa 18/11/2022	UBUSHINJACYAHA na SHYINGIRO Célestin, na	Impamvu nyoroshyacyaha yashingiweho ni ukuba ari **ubwa mbere akurikiranyweho icyaha**, **kuba yarakoze icyaha akiri muto, ari bwo akiva mu bwana**	Idem	Urukiko rwahanishije UWIMANA Pacifique igifungo cy'imyaka 10 n'ihazabu ya 5.000.000 Frw aho kuba

		UWIMANA Pacifique,	**afite imyaka 19 no ku ngano nto y'urumogi rwacuruzwaga.**		igifungo cy'imyaka 20 n'ihazabu ya 15.000.000 Frw. SHYINGIRO Célestin ahanishijwe igifungo cy'imyaka 12 n'ihazabu ya 5.000.000 Frw aho kuba igifungo cy'imyaka 21 n'ihazabu ya 16.000.000 Frw yahanishijwe ku rwego rwo hasi.
15.	Nº RPAA 00443/2020/CA rwaciwe ku wa 18/11/2022	UBUSHINJACYAHA na TUYISENGE Alphat	Impamvu nyoroshyacyaha yashingiweho ni ukuba uregwa yarafatanywe nto y'urumogi yafatanywe acuruza (**udupfunyika 3)** bityo ahanirwa icyaha cyo gufatanwa no kunywa ibiyobyabwenge byo mu bwoko bw'urumogi.	Idem	Urukiko rwemeje ko ahamwa n'icyaha cyo gufatanwa no kunywa ibiyobyabwenge byo mu bwoko bw'urumogi aho kuba icyaha cyo gucuruza ibiyobyabwenge rumuhanisha igifungo cy'imyaka 2 aho kuba igihano cy'igifungo cya burundu n'ihazabu ya 20.000.000 Frw yahanishijwe ku rwego rwo hasi.
16.	Nº RPAA 00051/2021/CA rwaciwe ku wa 18/11/2022	UBUSHINJACYAHA na NYIRANDIKUMANA Dancilla	Impamvu nyoroshyacyaha yashingiweho ni ukuba i**ngano y'urumogi yafatanywe (udupfunyika 31) igaragaza ko** atari mu bacuruzi banini.	Idem	Urukiko rwamuhanishije igifungo cy'imyaka 15 n'ihazabu ya 10.000.000 Frw aho kuba igifungo cy'imyaka 25 n'ihazabu ya 20.000.000 Frw yari yahanishijwe n'inkiko zabanje.

17.	N° RPAA 00238/2021/CA rwaciwe ku wa 18/11/2022	UBUSHINJACYAHA na SINDIKUBWABO Théoneste	Impamvu nyoroshyacyaha yashingiweho ni ukuba **yaremeye icyaha mu buryo budashidikanywaho no kuba ari ubwa mbere akurikiranywe n'inkiko.**	*Ingingo ya 263, igika cya gatatu (3), agace ka mbere (1), y'Itegeko n° 68/2018 ryo ku wa 30/8/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu, iteganya ko icyaha cyo* ***gutunda*** *ibiyobyabwenge bihambaye bihanishwa igifungo cya burundu n'ihazabu y'amafaranga arenze 20.000.000 Frw, ariko atarenze 30.000.000 Frw*	Urukiko rwamuhanishije igifungo cy'imyaka 18 n'ihazabu ya 15.000.000 Frw aho kuba igifungo cy'imyaka 25 n'ihazabu ya 20.000.000 Frw yari yahanishijwe mbere.
18.	N° RPAA 00241/2022/CA rwaciwe ku wa 30/11/2022.	UBUSHINJACYAHA NA HABANABAKIZE Selaiman alias Addy.	Urukiko rwamugize umwere kuko mu guhamya Uwajuriye icyaha, **Inkiko zabanje, zashingiye ku nyandiko–mvugo zidafite agaciro bitewe n'uko isaka** Ubugenzacyaha bwakoze nta ruhushya rw'Ubushinjacyaha rufite ryateshejwe agaciro.	Idem	Urukiko rwamugize umwere aho kuba igifungo cy'imyaka 25 n'ihazabu ya 21.000.000 Frw yahanishijwe ku rwego rwo hasi.
19.	N° RPAA 00256/2021/CA rwaciwe 22/11/2022	UBUSHINJACYAHA na TURIKUMWE Jean Bosco	Impamvu nyoroshyacyaha yashingiweho ni ukuba **yaraburanye yemera icyaha**, akaba **agaragaza kwicuza no kutazongera kugwa mu biyobyabwenge** kandi akaba **ari ubwa mbere akurikiranywe** icyaha.	*Ingingo ya 263, igika cya gatatu (3), agace ka mbere (1), y'Itegeko n° 68/2018 ryo ku wa 30/8/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu, iteganya ko icyaha cyo* ***kubuka no kugurisha*** *ibiyobyabwenge bihambaye bihanishwa igifungo cya burundu n'ihazabu y'amafaranga arenze*	Urukiko rwamuhanishije igifungo cy'imyaka 15 n'ihazabu ya 10.000.000 Frw aho kuba igifungo cy'imyaka 25 yahanishijwe ku rwego rwo hasi

				20.000.000 Frw, ariko atarenze 30.000.000 Frw	
20.	Nº RPAA 00097/2021/CA rwaraciwe KU WA 18/11/2022	UBUSHINJACYAHA na MUSA Christian	Impamvu nyoroshyacyaha yashingiweho ni ukuba i**ngano y'urumogi yafatanywe (udupfunyika 100) igaragaza ko** atari mu bacuruzi banini, kuba **ari ubwa mbere ahamwe n'icyaha** no **kuba yaragikoze afite imyaka 25**, ko akwiye guhabwa amahirwe yo kwikosora agasubira mu muryango nyarwanda.	Idem	Urukiko rwamuhanishije igifungo cy'imyaka 18 n'ihazabu ya 10.000.000 Frw aho kuba igifungo cy'imyaka 25 n'ihazabu ya 20.000.000 Frw yahanishijwe ku rwego rwo hasi.
21.	Nº RPAA 00066/2021/CA rwaciwe ku wa 30/11/2022	UBUSHINJACYAHA na UWAMARIYA Diane	Impamvu nyoroshyacyaha yashingiweho ni ukuba **ingaruka icyaha cyateje atari nyinshi cyane**, yaraburanye **yemera icyaha** kandi **akaba atarigeze na rimwe ashaka kurushya inkiko ahakana, akaba ari ubwa mbere akurikiranywe**.	Idem	Urukiko rwamuhanishije igifungo cy'imyaka 7 n'ihazabu ya 5.000.000 Frw aho kuba igifungo cy'imyaka 20 n'ihazabu ya 20.000.000 Frw yahanishijwe ku rwego rwo hasi
22.	Nº RPAA 00212/2021/CA rwaciwe ku wa 18/11/2022	UBUSHINJACYAHA na BIKORIMANA	Impamvu nyoroshyacyaha yashingiweho ni ukuba **ari ubwa mbere yari akurikiranyweho icyaha** ndetse **no kuba yaragikoze afite imyaka 19 y'amavuko**, **akiri mu myaka y'ubusore** ataragira *esprit de discernement.*	Idem	Urukiko rwamuhanishije igifungo cy'imyaka 12 n'ihazabu ya 10.000.000 Frw aho kuba igifungo cy'imyaka 25 n'ihazabu ya 20.000.000 Frw yahanishijwe ku rwego rwo hasi.
23.	Nº RPA 00257/2021/CA	UBUSHINJACYAHA na	Impamvu nyoroshyacyaha yashingiweho ni ukuba **yaraburanye yemera icyaha mu**	Idem	Urukiko rwamuhanishije igifungo cy'imyaka 20 n'ihazabu ya 15.000.000

	rwaciwe ku wa 25/11/2022	UVOMANYENI NGWE Esron	**buryo budashidikanywaho kuva agifatwa rurasanga kandi igihano** yahawe **kitagabanyijje ku buryo buhagije ugereranije n'uburemere bw'icyaha** yakoze.		Frw aho kuba igifungo cy'imyaka 25 n'ihazabu ya 15.000.000 Frw yari yahawe mbere.
24.	Nº RPAA 00192/2021/CA, 14/10/2022	UBUSHINJACYAHA na HANGANIMANA Martin	Impamvu nyoroshyacyaha yashingiweho ni ukuba **mu nzego z'iperereza no mu nkiko zabanje yaremeye icyaha mu buryo** budashikanywaho, agasobanura uburyo yagikoze, akagisabira imbabazi, **no kuba ari ubwa mbere akurikiranyweho icyaha mu buryo buzwi**.	Idem	Urukiko rwamuhanishije igifungo cy'imyaka 10 n'ihazabu ya 15.000.000 Frw aho kuba igifungo cy'imyaka 25 n'ihazabu ya 20.000.000 Frw yari yahawe mbere.
25.	Nº RPAA 00219/2021/CA rwaciwe ku wa 30/11/2022	UBUSHINJACYAHA na MUTABARUKA Emmanuel	Impamvu nyoroshyacyaha yashingiweho ni ukuba **kuva agifatwa atarigeze agorana ngo ahakane, akaba akomeje kwemera icyaha ku buryo budashidikanywaho no kuba ari ubwa mbere akurikiranywe n'inkiko**.	Idem	Urukiko rwamuhanishije igifungo cy'imyaka 8 n'ihazabu ya 5.000.000 Frw aho kuba igifungo cy'imyaka 25 yari yahawe ku rwego rwo hasi.
26.	Nº RPAA 00183/2021/CA rwaciwe ku wa 25/11/2022	UBUSHINJACYAHA na NSENGIYAREMYE Jérémie	Impamvu nyoroshyacyaha yashingiweho ni ukuba **yaremeye icyaha mu buryo budashidikanywaho, kuba ari ubwa mbere aguye mu cyaha bizwi no kuba ari bwo akiva mu myaka y'ubuto afite imyaka 23**.	Idem	Urukiko rwamuhanishije igifungo cy'imyaka 15 n'ihazabu ya 5.000.000 Frw aho kuba igifungo cy'imyaka 25 n'ihazabu ya 25.000.000 Frw yari yahanishijwe ku rwego rwo hasi.

	4. Icyaha: Icuruzwa ry'abantu				
1.	Nº RPA 00008/2021/CA rwaciwe ku wa 31/10/2022	UBUSHINJACYAHA na MUKABANA Vesiana.	Impamvu nyoroshyacyaha yashingiweho ni ukuba **ari bwo bwa mbere akurikiranyweho icyaha mu buryo buzwi n'inzego z'ubutabera**.	Icyaha giteganywa kandi kigahanwa n'ingingo ya 24 y'Itegeko nº 51/2018 ryo kuwa 13/08/2018 ryerekeye gukumira, kurwanya no guhana icuruzwa ry'abantu no gushakira inyungu mu bandi gihanishwa **igifungo cya aburundu n'ihazabu ya 10.000.000 Frw.**	Urukiko rwamuhanishije igifungo cy'imyaka 15 n'ihazabu ya 5.000.000 Frw aho kuba igifungo cya burundu n'ihazabu ya 10.000.000 Frw. yahanishijwe ku rwego rwo hasi.

2. Imanza zagumishijeho igihano cyari cyatanzwe

	1. Icyaha: Gusambanya umwana/ gukoresha undi imibonano mpuzabitsina ku gahato				
S/N	**Urubanza/**	**Haburana**	**Impamvu**	**igihano giteganyirijwe n'itegeko**	**Igihano cyatanzwe**
1.	Nº RPA 00401/2021/ CA rwaciwe ku wa 31/10/2022	UBUSHINJACYAHA na MUTUYIMA NA Emmanuel	Urukiko ntirwagabanyije igihano kuko imikorere y'icyaha **igaragaza ubugome no gutesha agaciro abo yagikoreye**, **bigaragazwa no kuba nyuma yo gusambanya umwana umwe mu kibuno, yarahaga undi igitsina cye ngo akirigate bityo ubwo buremere bw'icyaha bukaba buruta impamvu y'uko yemeye**	*Ingingo ya 133 y'Itegeko nº 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu, iteganya ko uwahamwe n'icyaha cyo gusambanya umwana uri munsi y'imyaka cumi n'ine (14), igihano kiba igifungo cya burundu*	Urukiko rwemeje ko igihano cy'igifungo cy'imyaka 20 yahawe n'urukiko rubanza kidahindutse.

			icyaha cyangwa kuba ari ubwa mbere akoze icyaha.		
2.	Nº RPAA 00064/2021/ CA rwaciwe ku wa 14/10/2022	UBUSHINJACYAHA na TUYISHIMIRE Sylvan	Urukiko ntirwagabanyije igihano yahawe **kuko yajuriye impitagihe**	*Idem*	Urukiko rwemeje ko igihano cy'igifungo cya burundu yahawe n'urukiko rubanza kidahindutse.
3.	Nº RPAA 00274/2021/ CA rwaciwe ku wa 28/10/ 2022.	UBUSHINJACYAHA na TWAGIRAYEZU Thomas	Urukiko rwanze kwakira **ubujurire bwe kuko ubujurire bwe yabutanze impitagihe.**	**Idem**	Urukiko rwemeje ko igifungo cy'imyaka 22 yahanishijwe gihamyeho.
4.	Nº RPAA 00404/2021/ CA rwaciwe ku wa 25/11/ 2022.	UBUSHINJACYAHA na NYIRINKINDI Cléophas.	Urukiko rwabonye ko atagabanyirizwa kuko atabasha kuvuguruza ibimenyetso byashingiweho agihamywa.	**idem**	Urukiko rwemeje ko igihano cy'igifungu cy'imyaka makumyabirin'itanu (25) yahanishijwe kigumyeho, kubwo gusambanya umwana w'imyaka 10.
5.	Nº RPAA 00224/2021/ CA rwaciwe ku wa 25/11/2022	UBUSHINJACYAHA na BATUNGWANAYO Adamu	Urukiko rurasanga atakurirwaho ibihano yahawe kuko hari ibimenyetso bihagije kandi byuzuzanya bimuhamya i**cyaha cyamuhamye**	**Idem**	Urukiko rwemeje ko igihano cy'igifungo cy'imyaka makumyabiri (20) yahanishijwe ku cyaha cyamuhamye cyo gusambanya umwana w'imyaka irindwi (7) kigumyeho.
6.	Nº RPAA 00144/2021/	UBUSHINJACYAHA na	Urukiko ntirwagabanyije igihano yahawe kuko uregwa	*Ingingo ya 133 y'Itegeko nº 68/2018 ryo ku wa 30/08/2018*	Urukiko rwemeje ko igifungo cy'imyaka

	CA rwaciwe ku wa 21/10/2022,	NSHIMIYIMANA Régis	atabashije kuvuguruza **ibimenyetso byashingiweho mu kumuhamya icyaha cyo gusambanya umwana**.	*riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu,iteganya ko uwahamwe n'icyaha cyo gusambanya umwana ahanishwa igifungo kitari munsi y'imyaka makumyabiri (20) ariko kitarenze imyaka makumyabiri n'itanu (25).*	makumyabiri (20) yahawe n'urukiko rubanza kidahindutse.
7.	N° RPAA 00267/2021/ CA rwaciwe ku wa 21/10/2022	UBUSHINJACYAHA na NTAMBARA Emmanuel	Urukiko rurasanga impamvu atanga asaba kugabanyirizwa **igihano nta gaciro zahabwa kuko kwemera icyaha mu rwego rw'ubujurire bitamubera impamvu nyoroshyacyaha** kuko yacyemeye nyuma y'uko kimaze kumuhama yanahawe igihano.	**Idem**	Urukiko rwemeje ko igifungo cy'igifungo cy'imyaka 20 yahanishijwe ihamyeho.
8.	N° RPAA 00397/2021/ CA rwaciwe ku wa 28/10/2022	UBUSHINJACYAHA na NTAMBARA Régis	Urukiko ntirwagabanyije igihano kuko n'ubwo yemeye icyaha kuva afatwa, akanakomeza gutakamba asaba kugabanyirizwa igihano, nta mpamvu nyoroshyacyaha Urukiko rubona zatuma igifungo yahawe **kigabanywa kuko yasambanyije umwana w'imyaka ibiri n'igice** kandi akaba atari **asanzwe afite imyitwarire myiza.**	**Idem**	Urukiko rwemeje ko igifungo cya burundu yahanishijwe n'urukiko rubanza kidahindutse
9.	N° RPAA 00153/2021/ CA rwciwe ku	UBUSHINJACYAHA na	Urukiko rwabonye ko atakongera kugabanyirizwa igihano **kubera uburemere**	*Idem*	Urukiko rwemeje ko igihano cy'igifungo cy'imyaka 20 yahawe

	wa 28/10/2022	UKWITEGE TSE Olivier	**bw'icyaha yakoze** cyo gusambanya umwana ufite imyaka 17 y'amavuko kugeza **ubwo amutera inda kandi ari umugabo wubatse ufite umugore n'abana** ikindi kandi yanze kwemera ko ari we wamubyariye kugeza hakozwe ikizami cya ADN cyerekanye ko ari we se w'umwana.		n'urukiko rubanza kidahindutse.
10.	N° RPAA 00662/2021/ CA rwaciwe 28/10/2022	UBUSHINJACYAHA na BANGINEZA Jean Claude.	Urukiko rwasanze atakongera **kugabanyirizwa igihano kuko yagabanyirijwe ku buryo buhagije**.	**Idem**	Urukiko rwemeje ko igihano cy'igifungu cy'imyaka cumi n'itanu (15) yahanishijwe kigumyeho ku bwo gusambanya umwana w'imyaka 18.
11.	N° RPAA 00321/2021/ CA rwaciwe ku wa 28/10/2022	UBUSHINJACYAHA na NSENGIMANA Juvénal	Urukiko ntirwagabanyije **igihano kuko ntacyo anenga imikirize y'urubanza rwajuririwe rwamuhamije icyo cyaha yemera rushingiye ku bimenyetso rwagaragaje** kandi rurasanga igihano **yahawe cyaragabanyijwe mu buryo buhagije**.	*Ingingo ya 133 agace ka 5 y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu,iteganya ko gusambanya umwana bigakurikirwa no kubana bihanishwa igifuingo cya burundu.*	Urukiko rwemeje ko igifungo cy'imyaka makumyabiri (20) yahawe n'urukiko rubanza kidahindutse.
12.	N° RPAA 00220/2021/ CA rwaciwe ku wa 03/11/2022	UBUSHINJACYAHA na NYABUDEMERI Claude.	Urukiko rwabonye ko atagabanyirizwa igihano kuko hari ibimenyetso bihagije kandi byuzuzanya byashingiwe ho mu ruhamya icyaha cyo gusambanya umwana w'imyaka ine.	*Idem*	Urukiko rwemeje igihano cy'igifungo cya burundu yahanishijwe muri urwo rubanza ku cyaha cyamuhamye cyo gusambanya umwana

					w'imyaka ine (4) kigumyeho
13.	N° RPAA 00258/2021/ CA rwaciwe ku wa 25/11/2022	UBUSHINJACYAHA na KABERA MURIGANDE	Urukiko rwabonye ko atagabanyirizwa igihano kuko atabashije **kugaragaza ko ibimenyetso byashingiweho n'Urukiko rwemeza ko ahamwa n'icyaha cyo gusambanya umwana bishidikanywaho**.	*Idem*	Urukiko rwemeje ko igihano cy'igifungu cy'imyaka makumyabirin'itanu (25) yahanishijwe kigumyeho ku bwo gusambanya umwana w'imyaka 14.
14.	N° RPAA 00405/2021/ CA rwaciwe ku wa 29/11/2022	UBUSHINJACYAHA na NSABIMANA Alphonse	Urukiko rwabonye ko atagabanyirizwa igihano kuko aburana mu Rukiko Rwisumbuye yemeye **icyaha cyo gusambanya umwana ageze ku rwego rw'ubujurire no mu Rukiko rw'Ubujurire aragihakana bityo rero nta mpamvu** yatuma igihano yahanishijwe cyongera kugabanywa **kuko atemera icyaha aregwa kandi ntanavuguruze ibimenyetso bikimuhamya.**	*Idem*	Urukiko rwemeje ko igihano cy'igifungo cy'imyaka makumyabiri (20) yahanishijwe gihamyeho ku bwo gusambanya umwana w'imyaka 17.
15.	N° RPAA 00523/2018/ CArwaciwe ku wa KU WA 27/09/2022	UBUSHINJACYAHA na MUGABARIGIRA Innocent .	Urukiko **rwabonye ko atagabanyirizwa igabanyagihano asaba yaramaze kurihabwa** ku buryo buhagije nta rindi yahabwa kuri uru rwego.	Idem	Urukiko rwemeje ko igihano cy'igifungo cy'imyaka makumyabiri (20) kigumyeho.
	2. Icyaha cy'ubwicanyi				

	N° RPAA 00015/2021/ CA rwaciwe ku wa 21/10/2022	UBUSHINJACYAHA NA BUREGEYA PASCAL	Urukiko rwasanze nubwo uregwa yemeye icyaha aregwa bitamubera impamvu nyoroshyacyaha cyangwa ngabanya gihano, bitewe **n'uburemere bw'icyaha yahamijwe, n'ubugome bukabije yagikoranye**	Ingingo ya 140 y'itegeko ngenga n° 01/2012/ol ryo ku wa 02/05/2012 rishyiraho igitabo cy'amategeko ahana ibyaha ryakoreshwaga icyaha gikorwa yateganyaga ko kwica umuntu ubishaka byitwa **ubwicanyi bihanishwa igifungo cya burundu.**	Urukiko rwemeje ko igihano cy'igifungo cya burundu yahawe n'Urukiko rubanza kigumyeho.
	N° RPAA 00292/2021/ CA rwaciwe ku wa 28/10/2022	UBUSHINJACYAHA na SAFARI Emmanuel	Urukiko ntirwagabanyije igihano kuko n'ubwo yemeye icyaha akanagisabira imbabazi imbere y'uru Rukiko, atagabanyirizwa igihano **kubera ubugome bukabije yakoranye icyaha nk'uko yabyiyemereye imbere yarwo bikanashimangirwa n'Inkiko zombi zabanje**.	*Idem*	Urukiko rwemeje ko igihano cy'igifungo cya burundu yahawe n'urukiko rubanza kigumyeho.
	N° RPAA 00612/2021/ CA rwaciwe ku wa 29/11/2022	UBUSHINJACYAHA na NTIGURIRWA Phéneas	Urukiko ntirwakuyeho **igihano kuko ibimenyetso biri muri dosiye bigaragaza ko** yakoze icyaha akaba atabasha kubivuguruza.	Ubwicanyi, icyaha giteganywa n'ingingo ya 140 y'Itegeko Ngenga n° 01/2012/OL ryo ku wa 02/05/2012 rishyiraho igitabo cy'amategeko ahana, iyo ubihamijwe uhanishwa igifungo cya burundu.	Urukiko rwemeje ko igifungo cya burundu yahanishijwe n'urukiko rubanza kidahindutse.
	N° RPAA 00423/2021/ CA rwaciwe ku wa 21 /10/2022	UBUSHINJACYAHA Na MISAGO Thadée.	Urukiko rurasanga rutagabanya igihano yahawe kuko yaburanye **atemera icyaha cyo kwica**, ndetse kandi gutera icyuma akagisigamo, **akiruka, bigize ubugome bukabije**	Ubwicanyi, icyaha gihanishwa ingingo ya 107 y'itegeko N°68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange riteganya ko muntu wica undi abishaka, aba akoze icyaha. Iyo abihamijwe	Urukiko rwemeje ko igihano cy'igifungo cya burundu yahawe n'urukiko rubanza kigumyeho.

			bwamuranze mu mikorere y'iki cyaha.	n'urukiko, **ahanishwa igihano cy'igifungo cya burundu.**	
	N° RPAA 00638/2021/ CA rwaciwe ku wa 21/10/2022	UBUSHINJACYAHA na NDAGIJIMANA Jean Claude	Urukiko rurasanga **yaragabanyirijwe igihano ku buryo bihagije**, kandi rurasanga **atarigeze agaragaza umutima wicuza icyaha yakoze**.	*Idem*	Urukiko rwemeje ko igifungo cy'imyaka 25 yahanishijwe ku cyaha cyo kwica umubyeyi we kigumyeho.
	N° RPAA 00713/2021/ CA rwaciwe ku wa 28/10/2022	UBUSHINJACYAHA na YABARAGIYE Thacienne	Urukiko ntirwagabanyije igihano kubera ko Uwajuriye **atashoboye kuvuguruza ibimenyetso urukiko rwashingiyeho bamuhamya icyaha cy'ubwicanyi.**	*Idem*	Urukiko rwemeje ko igihano cy'igifungo cya burundu yahawe n'urukiko rubanza kidahindutse
	N° RPAA 00636/2021/ CA rwaciwe ku wa 28/10/2022	UBUSHINJACYAHA na CYIZA Simon	Urukiko ntirwagabanyije igihano **kuko rwasanze atarasembuwe nk'uko abiburanisha** kandi **ko atemeye icyaha cy'ubwicanyi mu buryo budashidikanywaho** nyamara imikorere y'icyaha ubwayo igaragara ko yamwishe amuteye icyuma mu gatuza abishaka.	*Idem*	Urukiko rwemeje ko igihano cy'igifungo cya burundu yahawe n'urukiko rubanza kidahindutse
	N° RPAA 00417/2021/	UBUSHINJACYAHA na	Urukiko ntirwagabanyije igihano **kuko urega atemeye** icyaha ngo anagisabire imbabazi	*Idem*	Urukiko rwemeje ko igifungo cy'imyaka makumyabiri n'itanu

	CA ku wa 28/10/2022	HABYARIMANA Etienne	mu buryo budashiidikanywaho kandi kuvuga ko akwiye kugabanyirizwa igihano kubera ko yari asanzwe yitwara neza no kuba icyaha yakoze nta ngaruka zikomeye cyateje nta kimenyetso abitangira.		(25) yahanishijwe kigumyeho.
	Nº RPAA 00750/2021/ CA rwaciwe ku wa 28/10/2022	UBUSHINJACYAHA na UWAMUNGU Jean Paul alias Walimungu	Urukiko ntirwagabanyije igihano kuko ukwemera icyaha kwe ku rwego rw'ubujurire bwa kabiri ntacyo byamumarira kuko **ntacyo anenga imikirize y'urubanza rwajuririwe.**	*Idem*	Urukiko rwemeje ko igihano cy'igifungo cya burundu yahawe n'urukiko rubanza kidahindutse
	Nº RPAA 00467/2021/ CA rwaciwe ku wa 29/11/2022	UBUSHINJACYAHA na SIMBARIKURE Bayaya Athanase	Urukiko ntirwagabanyije igihano rushingiye ku bimenyetso bicukumbuye bigaragaza ko uregwa ari we wishe NSHUTIRAGUMA Yves amuziza umugore we NIYOMUHOZA Grâce.	*Idem*	Urukiko rwemeje ko igifungo cya burundu yahanishijwe n'urukiko rubanza kidahindutse.
	Nº RPAA 00500/2021/ CA rwaciwe ku wa 29/11/2022	UBUSHINJACYAHA na MBUNGIRA MIHIGO Emmanuel	Urukiko ntirwagabanyije **igihano** kubera ubugome bukabije yakoranye icyaha ubwo yatemaguraga uwo yishe mu mutwe no ku maguru inshuro nyinshi akoresheje umuhoro kugeza amwishe nk'uko bigaragazwa n'ibimenyetso.	*Idem*	Urukiko rwemeje ko igifungo cy'imyaka makumyabiri (20) yahanishijwe kuri buri wese kigumyeho.
	Nº RPAA 00506/2021/ CA rwaciwe ku	UBUSHINJACYAHA na MUNYANEZ	Urukiko ntirwakuyeho **igihano kubera ko uwajuriye atagaragaje inenge ziri mu**	Idem	Urukiko rwemeje ko ahamwa n'icyaha cy'ubwicanyi aho kuba

	wa 29/11/2022	A Japhet alias KADIRI	**rubanza** rwajuririwe kandi atagabanyirizwa igihano **kubera ko atemeye icyaha cy'ubwicanyi ku buryo budashidikanywaho**.		icyaha cyo gukubita cyangwa gukomeretsa ku bushake byateye urupfu rumuhanisha ho igifungo cy'imyaka cumi n'itanu (15) yari yarahanishijwe mu nkiko zabanjye.
	N° RPAA 00571/2021/ CA rwaciwe ku wa 29/11/2022	UBUSHINJACYAHA na NSENGIYUMVA Pascal bita MISAGO	Urukiko ntirwakuyeho **igihano kuko ujurira atagaragaje inenge ziri mu rubanza rwajuririwe**, nta n'icyo urukiko **rwajuririwe rwakosora**, ko ahubwo hakwiye kugumaho imikirize y'urubanza rwajuririwe.	*Idem*	Urukiko rwemeje ko igifungo cya burundu yahanishijwe n'Urukiko rubanza kidahindutse.
	N° RPAA 00654/2021/ CA rwaciwe ku wa 29/11/2022	UBUSHINJACYAHA na MUNYARUKUNDO Fabien	Urukiko ntirwakuyeho **igihano kubera ko atemeye icyaha cy'ubwicanyi mu buryo budashidikanywaho** imbere y'uru rukiko abeshya ko atari afite ubushake bwo kwica **nyamara imikorere y'icyaha ubwayo igaragara ko yari abufite**.	*Idem*	Urukiko rwemeje ko igifungo cy'imyaka makumyabiri n'itanu (25) yahanishijwe kigumyeho.
	N° RPAA 00440/2021/ CA rwaciwe ku wa 28/11/2022	UBUSHINJACYAHA na NDACYAYISABA Jean Marie Vianney	Urukiko ntirwakuyeho **igihano kubera ko uwiteshejе ubwenge mu gihe cyo gukora icyaha aryozwa icyaha yakoze** kandi harebwe uburemere bw'icyaha yakoze cyo kwica mushiki we amukubise *fer à beton* mu mutwe **igihano yahawe**	Idem	Urukiko rwemeje ko igifungo cy'imyaka makumyabiri n'itanu (25), gihamyeho.

			gikwiranye n'uburemere bw'icyaha yakoze.		
	N° RPAA 00444/2021/ CA rwaciwe ku wa 28/11/2022	UBUSHINJACYAHA na NDAYISHIMIYE Eric, na BIZIMANA Boniface.	Urukiko rwasanze **uburemere bw'icyaha bakoze cyo gukubita nyakwigendera bakamwica bungana n'igihano cyatanzwe.**	*Idem*	Urukiko rwasanze ahamwa n'icyaha cy'ubufatanyacyaha mu cyaha cy'ubwicanyi aho kuba icyaha cy'ubufatanyacyaha mu cyaha cyo gukubita no gukomeretsa umuntu ku bushake byateye urupfu igifungo cy'imyaka 17 n'amezi 6 n'ihazabu ya 5.000.000 Frw yahanishijwe kigumyeho.
	N° RPAA 00217/2021/ CA rwaciwe ku wa 28/10/2022	UBUSHINJACYAHA na MANIRAGUHA Sylvestre	Urukiko ntirwagabanyije igihano kuko uregwa uregwa atigeze **yemera icyaha aregwa ku buryo budashidikanywa mbere y'uko akurikiranwa.**	Ingingo ya 21, igika cya 3, y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 iteganya ko "Ubwinjiracyaha bw'icyaha cy'ubugome cyangwa icyaha gikomeye buhanishwa kimwe cya kabiri (1/2) cy'igihano giteganyirijwe icyo cyaha. Ku cyaha gihanishwa igifungo cya burundu, ubwinjiracyaha buhanishwa igihano cy'igifungo kingana n'imyaka 25".	Urukiko rwemeje ko igifungo cy'imyaka 25 yahanishijwe ku cyaha cy' Ubwinjiracyaha bw'icyaha cy'ubugome yahanishijwe kigumyeho.
	N° RPAA 00330/2021/ CA rwaciwe ku wa 28/10/2022.	UBUSHINJACYAHA na	Urukiko ntirwagabanyije igihano kubera ko Uwajuriye **kwemera icyaha kwe muri uru rukiko kutafatwa nk'impamvu y'ubujurire** kuko **mu by'ukuri**	*Idem*	Urukiko rwemeje ko igifungo cy'imyaka 25 yahanishijwe kigumyeho.

		BIZIMANA Vénuste	**ntacyo anenga imikirize y'urubanza rwabanje bityo ntiyagabanyirizwa igihano** Ndetse n'ukwemera avuga akaba ataragukoze mu buryo bwuzuye		
	N° RPAA 00477/2021/ CA - CMB N° RPAA 00507/2021/ CA rwaciwe ku wa 29/11/2022	UBUSHINJACYAHA na NSHUTI Emmanuel na NIYOTWAGIRA Ragadi	Urukiko rurasanga atagabanyirizwa igihano kubera ko atemeye ibyaha aregwa mu buryo budashidikanywaho kandi ko yakingiye ikibaba NIYOTWAGIRA Ragadi baregwa hamwe**.**	*Idem*	Urukiko rwemeje ko igifungo cy'imyaka makumyabiri n'itanu (25) bahanishijwe kuri buri wese kigumyeho.
	N° RPAA 00649/2021/ CA rwaciwe ku wa 29/11/2022	UBUSHINJACYAHA na HAKIZAMUNGU Félicien	Urukiko ntirwakuyeho **igihano** kubera **ko yakoranye icyaha ubugome bukabije ubwo yatemaguraga umubyeyi we ahantu hatandukanye** akoresheje umuhoro agamije kumwica usibye ko atabigezeho kandi **ko ataribwo bwa mbere akurikiranyweho icyaha cyo gushaka kugirira nabi nyina.**	Idem	Urukiko rwemeje ko igifungo cy'imyaka makumyabiri n'itanu (25) yahanishijwe kigumyeho.
	3. Icyaha: Gukubita no gukomeretsa byateye urupfu				
1.	N° RPAA 00442/2021/ CA RWACIWE KU WA 28/11/2022	UBUSHINJACYAHA NA RUKUNDO Jean de Dieu.	Urukiko ntirwakuyeho **igihano kuko igabanyagihano asaba yaramaze kurihabwa** ku buryo nta rindi yahabwa kuri uru rwego	Ingingo ya 121 igika cya 5, y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 iteganya ko icyaha cyo Gukubita no gukomeretsa byateye urupfu, iyo ugihamijwe uhanishwa igihano **kiba igifungo kitari munsi y'imyaka cumi n'itanu (15) ariko kitarenze**	Urukiko rwemeje ko igihano cy'igifungo cy'imyaka cumi n'itanu (15) n'ihazabu y'amafaranga y'u Rwanda miliyoni eshanu (5.000.000 FRW) yahanishijwe

				imyaka makumyabiri (20) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni eshanu (5.000.000 FRW) ariko atarenze miliyoni zirindwi (7.000.000 FRW).	gikwiranye n'uburemere bw'icyaha yakoze.
	4. Icyaha: Ikoresha ritemewe ry'ibiyobyabwenge n'urusobe rw'imiti ikoreshwa nkabyo				
S/N	**Urubanza**	**Ababuranyi**	**Impamvu**	**Igihano giteganyirijwe n'itegeko**	**Igihano cyatanzwe**
1.	N° RPAA 00052/2021/ CA rwaciwe ku wa 9/07/2022	UBUSHINJACYAHA na UWIRINGIYE Franco	Urukiko rurasanga uregwa **adakwiye kongera kugabanyirizwa igihano kuko impamvu y'uko ari ubwa mbere akurikiranywe n'inkiko ari nayo yashingiweho agabanyirizwa** igihano mu rukiko rwo hasi	*Ingingo ya 263, igika cya gatatu (3), agace ka mbere (1), y'Itegeko n° 68/2018 ryo ku wa 30/8/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu, iteganya ko icyaha cyo* ***kubika, gucuruza, gutunda, guhinga, gukwirakwiza*** *ibiyobyabwenge bihambaye bihanishwa igifungo cya burundu n'ihazabu y'amafaranga arenze 20.000.000 Frw, ariko atarenze 30.000.000 Frw.*	Urukiko rwemeje ko ifungo cy'imyaka 25 n'ihazabu ya 20.000.000 Frw yari yarahanishijwe kikaba kigumyeho.
2.	N° RPAA 00112/2021/ CA rwaciwe ku wa 23/09/2022	UBUSHINJACYAHA na NSHIMIYIMANA Jean Paul,	Urukiko rurasanga uregwa **adakwiye kongera kugabanyirizwa igihano** kuko **ukwemera icyaha kwe kutuzuye** kuko yemera icyaha cyo gufatanwa no kunywa ibiyobyabwenge nyamara nk'uko uru rukiko rwabibonye	*Idem*	Urukiko rwemeje ko igihano cy'igifungo cy'imyaka makumyabiri n'itanu (25 ans) n'ihazabu ya miliyoni makumyabiri (20.000.000 Frw) yari yarahanishijwe kikaba kigumyeho.

			icyaha kimuhama ari icyo **gucuruza urumogi**.		
3.	N° RPAA 00076/2021/ CA rwaciwe ku wa 18/11/2022	UBUSHINJACYAHA na BYUMVUHORE Jean Claude	Urukiko rurasanga uregwa **adakwiye kongera kugabanyirizwa igihano** kubera ko **atemera icyaha yakoze ku buryo budashidikanywaho**.	*Idem*	Urukiko rwemeje ko igifungo cy'imyaka 25 n'ihazabu ya 20.000.000 Frw yari yarahanishijwe kigumyeho.
4.	N° RPA 00036/2021/ CA rwaciwe ku wa 23/09/2022	UBUSHINJACYAHA na URAYENEZA Cyriaque	Urukiko rurasanga uregwa **adakwiye kongera kugabanyirizwa igihano kuko** uregwa **yari yamaze kujya mu ruhererekane** (network) **rw'ababikwirakwiza n'ababicuruza,** ibiyobyabwenge ni ukuvuga kugira **uruhare mu ikwirakwira ry'amafaranga ku babicuruza** cyangwa babikwirakwiza, bataranafatwa, bituma hakomeza **kubaho uruhererekana mu icuruzwa ryabyo n'ikwirakwira ryabyo mu baturage.**	Idem	Urukiko rwemeje ko igifungo cy'imyaka 25 n'ihazabu ya 20.000.000 Frw yahanishijwe n'Urukiko Rukuru kigumyeho.
5.	N° RPA 00084/2020/ CA rwaciwe ku wa 25/11/2022	UBUSHINJACYAHA na SERUKIKO Emmanuel bita Jo	Urukiko rwagumishijeho igihano rugendeye *ku bimenyetso bidashidikanywaho urukiko Rukuru rwagendeyeho mu kumuhamya icyaha.*	Idem	Urukiko rwemeje ko igifungo cy'imyaka 21 n'ihazabu ya 20.000.000 Frw yahanishijwe n'Urukiko Rukuru kigumyeho.
6.	N° RPAA 00332/2021/ CA rwaciwe ku	UBUSHINJACYAHA na	Urukiko rurasanga uregwa **adakwiye kugabanyirizwa igihano kuko rwasanze**	Idem	Urukiko rwemeje ko igifungo cy'imyaka 25 n'ihazabu ya

	wa 18/11/2022	NKUNDIBIZA Vital	**ukwemera icyaha cye** kutuzuye.		20.000.100 Frw yari yakatiwe mbere kigumyeho.
7.	Nº RPAA 00085/2021/CA rwaciwe ku wa 18/11/2022	UBUSHINJACYAHA na INGABIRE Suzuki	Urukiko rwagumishijeho igihano kuko rwasanze **yaragabanyirijwe igihano bihagije** aho kuba igihano cya burundu ahanishwa **igifungo cy'imyaka 20 n'ihazabu ya 10.000.000 Frw,** igihano yahawe kikaba **gihwanye n'uburemere bw'icyaha yakoze kandi yemera**.	Idem	Urukiko rwemeje ko igifungo cy'imyaka 20 n'ihazabu ya 10.000.000 Frw ku bwo gutunda no gucuruza ibiyobyabwenge bigumyeho
	5. Icyaha: Kurigisa umutungo wa Leta				
1.	Nº RS/INJUST/RP 00004/2021/CA rwaciwe ku wa 29/07/2022	UBUSHINJACYAHA na HABIMANA Jean Alexis.	Urukiko rwanze **ubujurire bwe nta shingiro bufite ku byerekeye ibimenyetso byashingiweho kandi rusanze kuko nta rujijo biteye kandi bidashidikanywaho** no ku byerekeye ibyaha yahamijwe by'ubufatanyacyaha mu cyaha cyo kurigisa umutungo wa Leta n'icyo gukora no gukoresha inyandiko mpimbano	Ingingo ya 325 y'Itegeko Ngenga nº 01/2012/OL ryo ku wa 02/05/2012 rishyiraho igitabo cy'amategeko ahana ryakurikizwaga riteganya **ko uhamwe n'iki cyaha ahanishwa igifungo kuva ku myaka irindwi (7) kugeza ku myaka icumi (10)** n"ihazabu y"amafaranga yikubye inshuro kuva kuri ebyiri (2) kugeza kuri eshanu (5) z"agaciro k"umutungo warigishijwe.	Urukiko rwemeje ko igifungo cy'imyaka (8 ½) yahawe muri urwo rubanza ku bufatangacyaha mu cyaha cyo kurigisa umutungo wa Leta n'icyo gukora no gukoresha inyandiko mpimbano, kigumyeho; igihano cy'ihazabu ingana 14.424.000 Frw ahindutse ingana na 12.120.000 Frw.
	6. Icyaha: Gukora no gukoresha inyandiko mpimbano				

1.	N° RPAA 00118/2022/ CA rwaciwe ku wa 23/09/2022.	UBUSHINJACYAHA na MUGABO Victor	Urukiko rwasanze icyemezo cyafashwe mbere gikwiye kugumaho kuko uregwa atabasha kuvuguruza ibimenyetso urukiko rubanza rwashingiweho rukimuhamya.	Gukora no gukoresha inyandiko mpimbano, icyaha giteganywa kandi kigahanishwa n'ingingo ya 276 y'itegeko n° 68/2018 ryo ku wa 30/08/2018, iyo agihamijwe ahanishwa igifungo kitari munsi y'imyaka itanu (5) ariko kitarenze imyaka irindwi (7) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni eshatu (3.000.000 FRW) ariko atarenga miliyoni eshanu (5.000.000 FRW) **cyangwa kimwe gusa muri ibyo bihano.**	Urukiko rwemeje ko imikirize y'Urubanza idahindutse.

VI. UMWANZURO

Nk'uko twateruye tubivuga, iyi nyandiko igamije korohereza abacamanza, abanditsi, abashakashatsi, abashinjacyaha, aba Avoka n'ababuranyi muri rusange kumenya imirongo yatanzwe n'Urukiko. Nk'uko biteganywa n'itegeko, muzi ko Urukiko rw'Ubujurire ari rwo ruburanisha imanza ku rwego rwa nyuma, haseguriwe ububasha bwihariye bwahawe Urukiko rw'Ikirenga bwo kuba rwasubirishamo imanza ku mpamvu z'akarengane.

Ni muri urwo rwego, imirongo iba yagaragaye muri iyi nyandiko iba igomba kumurikira Urukiko rw'Ubujurire ndetse n'inkiko zose rukuriye ku bijyanye n'ibyemezo zifata; kandi narwo rwitwararitse kubahiriza imirongo yatanzwe n'Urukiko rw'Ikirenga.

Iyi nyandiko ntivuguruza cyangwa ngo igongane n'imanza zisanzwe zisohorwa mu Cyegeranyo cy'ibyemezo by'inkiko. Ariko, kuko mu Cyegeranyo hasohokamo imanza nke kandi kigasohoka rimwe mu gihembwe, twahisemo kujya tubamenyesha imirongo yafashwe mu manza zose zaciwe n'Urukiko rw'Ubujurire buri kwezi, kugira ngo hatazabaho kwitwaza ko hari imirongo yatanzwe yaba itari izwi.

By'umwihariko, twongeye kwibutsa Ababuranyi (Abavoka, Abashinjacyaha) baburanira mu Rukiko rw'Ubujurire ko mbere yo gukora umwanzuro ugenewe uru Rukiko, bakwiye kujya iteka bareba niba ikibazo kigibwaho impaka kitarigeze kibonerwa igisubizo mu manza zabanje, bifashishije izi nyandiko.
Ni muri ubwo buryo, twese dufatanyije, tuzagenda dushimangira intego yo gutanga ubutabera bumwe ku bibazo bisa no kwirinda kubogama ku mpamvu iyo ari yo yose.

Murakoze.

P.O. BOX 2197 KIGALI