

REPUBULIKA Y'U RWANDA



P.O. BOX 2197 KIGALI

IMIRONGO YATANZWE MU MANZA  
ZACIWE N'URUKIKO RW'UBUJURIRE MU  
KWEZI K'UKUBOZA 2022 N'UKWA  
MUTARAMA, 2023

**N° 4**

**IMIRONGO YATANZWE MU MANZA ZACIWE  
N'URUKIKO RW'UBUJURIRE MU KWEZI  
K'UKUBOZA 2022 N'UKWA MUTARAMA, 2023**

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## **IJAMBO RY'IBANZE**

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 runejewe no kubagezaho ku nshuro ya kane 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 mucu, 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'iby bavuga, igihe basanze bihujwe 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'ya 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 muni y'urwawutanze.

Turabashimiye.

**RUKUNDAKUVUGA François Régis**

**Perezida w'Urukiko rw'Ubujurire**

## **I. IRIBURIRO**

Aka gatabo gakubiyemo imirongo yatanzwe n'Urukiko rw'Uburire mu kwezi k'Ukubonza 2022 na Mutarama 2023 iri mu byiciro bikurikira:

### **➤ IMANZA NSHINJABYAHA**

1. Icyaha cyo gusambanya umwana n'icyaha cyo gukoresha undi imibonano mpuzabitsina ku gahato (umurongo 1)
2. Icyaha cyo gukubita cyangwa gukomeretsa ku bushake (umurongo 1)
3. Icyaha cyo kurema umutwe w'abagizi ba nabi (imirongo 2)
4. Icyaha cyo kwica umwana wibyariye (umurongo 1)
5. Icyaha cyo kwigwizaho umutungo (imirongo 3);

### **➤ IBIREGO MBONEZAMUBANO**

1. Gutesha agaciro cyamunara (umurongo 1)

### **➤ IMANZA ZASHINGIYE KU MIRONGO IMENYEREWE**

- ✓ Habonetse imirongo 27.



## II. IMANZA Z'INSHINJABYAHA

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

1. Impamvu z'ubujurire - guhindura imiburanire yashingiweho icyemezo mu rubanza rwajuririwe - ubwo bujurire burakirwa urukiko rukemeza ko nta shingiro bufite.

**Urubanza rwasuzumwe:** Urubanza N° RPAA 00546/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 20/1/2023 haburana Ubushinjacyaha na BIZIMANA Joseph (igika cya 18).

**Ikibazo cyasuzumwe:** Uwajuriye yaburanye ahakana icyaha mu manza zabanje. Mu bujurire bwa kabiri aburana avuga ko yemera icyaha noneho, anasaba ko byashingirwaho agabanyirizwa igihano.

#### **Ingingo y'itegeko umurongo ushingiyeho:**

✓ Ingingo ya 183, agace ka gatanu n'aka gatandatu y'itegeko y'itegeko n° 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”*.

**Imvano y'ikibazo:** Muri uru rubanza BIZIMANA Joseph yaregwaga n'Ubushinjacyaha kuba yarasambanyije umwana w'imyaka 17 witwa UWURUKUNDO Tidjara. Uregwa yaburanye mu nkiko zibanza ahakana icyaha avuga ko ntaho yahuriye n'uwo bivugwa ko yasambanyije.

Mu bujurire bwa kabiri, BIZIMANA Joseph yajuriye avuga ko agamije kwemera icyaha no gusaba kugabanyirizwa igihano kuko nta gihe ntarengwa cyo kwemera

icyaha. Urukiko rushingiye ku biteganywa n'Itegeko mu ngingo yagaragajwe haruguru, rusanga ubujurire bwa BIZIMANA Joseph ntacyo bunenga urubanza rwajuririwe kandi yari afite inshingano yo kugaragaza inenge zirukubiyemo asaba ko zakosorwa n'Urukiko rw'Uburujire, rubishingiraho rwemeza ko hahamyeho imikirize y'urubanza rwajuririwe.

**Umurongo watanzwe:** Uwajurije afite ishingano yo kugaragaza ukwibeshya kwakozwe n'Urukiko rubanza gushingiye ku mategeko cyangwa ku byabaye kwatumye urubanza rujuririrwa rucibwa nabi cyangwa kwatuma ruta agaciro. Iyo atabikoze ubwo bujurire burakirwa, urukiko rukemeza ko nta shingiro bufite.

**Izindi manza zafashwemo uyu murongo:**

❖ Urubanza N° RPAA 00616/2021/CA, rwaciwe n'Urukiko rw'Ikirenga ku wa 30/11/2022 haburana Ubushinjacyaha na NSANZUWERA Aphrodis (igika cya 23).

❖ Urubanza N° RPAA 00463/2021/CA, rwaciwe n'Urukiko rw'Uburujire ku wa 27/1/2023 haburana Ubushinjacyaha na MUHOZA Anicet (igika cya 10).

❖ Urubanza N° RPAA 00497/2021/CA, rwaciwe n'Urukiko rw'Uburujire ku wa 27/01/2023 haburana Ubushinjacyaha na HABIMANA Jérôme (igika cya 21).

❖ Urubanza N° RPAA 00559/2021/CA, rwaciwe n'Urukiko rw'Uburujire ku wa 27/01/2023 haburana Ubushinjacyaha na NABIBWIYIMANA Emmanuel (igika cya 29)

❖ Urubanza N° RPAA 00181/2022/CA, rwaciwe n'Urukiko rw'Uburujire ku wa 27/01/2023 haburana Ubushinjacyaha na NIYOMUGABO François (igika cya 14)

**Urubanza ruyoboye izindi (Leading case):** Urubanza ruyoboye izindi ni Urubanza N° RPAA 00616/2021/CA, rwaciwe n'Urukiko rw'Ikirenga ku wa

30/11/2022 haburana Ubushinjacyaha na NSANZUWERA Aphrodis kuko arirwo rwaciwe mbere.

## 2. ICYAHA CYO GUKUBITA CYANGWA GUKOMERETSA KU BUSHAKE

1. Gukubita cyangwa gukomeretsa byateye urupfu – uregwa iki cyaha aba yagize ubushake bwo gukora ibikorwa bibujijwe bikaza kuvamo urupfu ariko ataricyo yari agamije.

**Urubanza rwasuzumwe:** Urubanza N° RPAA 00114/2022/CA, rwaciwe ku wa 27/01/2023 haburana Ubushinjacyaha na NDAYAMBAJE Felicien (igika cya 13).

**Ikibazo cyasuzumwe:** Itandukaniro riri hagati y'icyaha cy'ubwicanyi budaturutse ku bushake n'icyo gukubita cyangwa gukomeretsa byateye urupfu?

### **Ingingo umurongo ushingiyeho:**

✓ *Ingingo ya 111 y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganyaga ibyaha n'ibihano muri rusange iteganyaga ibikorwa: “Umuntu wica undi bw'ububuraburyo, uburangare, ubushishozi buke, umwete muke, kudakurikiza amabwiriza cyangwa ubundi buteshuke bwose ariko adafite umugambi wo kumwica, aba akoze icyaha. Iyo abihamijwe n'urukiko ahanishwa igifungo kitari munsi y'amezi atandatu (6) ariko kitarenze imyaka ibiri (2) n'ihazabu y'amafaranga atari munsi y'ibihumbi magana atanu (500.000 FRW) ariko atarenze miliyoni ebyiri (2.000.000 FRW) cyangwa kimwe gusa muri ibyo bihano”.*

✓ *Ingingo ya 121 igika cya mbere n'icya gatanu y'iryo tegeko iteganyaga ibikorwa: “Umuntu wese, abishaka, ukomeretsa undi, umukubita cyangwa umusagarira ku buryo bwa kiboko bubabaje aba akoze icyaha. (...) Iyo gukubita cyangwa gukomeretsa byateye urupfu, igihano kiba igifungo kitari munsi y'imyaka cumi n'itanu (15) ariko kitarenze 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)".*

**Imvano y'ikibazo:**

Ubushinjacyaha bwareze NDAYAMBAJE Felicien mu Rukiko Rwisumbuye rwa Ngoma icyaha cy'ubwicanyi yakoreye umuvandimwe we witwa NZITONDA Jean Damascène. Urukiko Rwisumbuye rwa Ngoma rushingiye ku kuba NDAYAMBAJE Felicien yaraburanye yemera ko yakubise mukuru we NZITONDA Jean Damascène urushyi n'umugeri mu mugongo akagwa hasi yubamye agahita apfa no ku bindi bimenyetso, rwemeza ko ahamwa n'icyaha cy'ubwicanyi, rumuhanisha igifungo cy'imyaka 25, iki gihano akaba ari nacyo cyemejwe n'Urukiko Rukuru rwajuririwe.

NDAYAMBAJE Felicien yajuriye bwa kabiri mu Rukiko rw'Ubujurire avuga ko yemera icyaha akagisabira imbabazi, asaba kugabanyirizwa igihano kuko nta mugambi wo kwica mukuru we yari afite, ko ahubwo ibyabaye ari impanuka. Mu myanzuro y'inyongera yakozwe n'umwunganizi we mu mategeko yasabye kandi ko inyito y'icyaha yahinduka aho kuba icyaha cy'ubwicanyi akaregwa icyaha cy'ubwicanyi budaturutse ku bushake. Ku bijyanye no guhindura inyito y'icyaha Ubushinjacyaha bwo bwavuze ko bushingiye ku bikorwa byakozwe n'uregwa bitakwitwa kwica bidaturutse ku bushake kuko bitujuje ibiteganywa n'itegeko, ahubwo busanga **icyaha akwiye guhanirwa ari icyo gukubita cyangwa gukomeretsa byateye urupfu.**

Urukiko rw'Ubujurire nyuma yo gusesengura icyo ingingo z'amategeko zagaragajwe haruguru zumvikanisha, **rwatanze umurongo rusobanura itandukaniro riri hagati y'icyaha cy'ubwicanyi budaturutse ku bushake n'icyo gukubita no gukomeretsa byateye urupfu**, bityo rushingiye ku bikorwa byakozwe rusanga icyaha gikwiye guhama uregwa ari icyaha cyo gukubita no gukomeretsa byateye urupfu aho kuba icyaha cy'ubwicanyi.

**Umurongo watanzwe:** Itandukaniro riri hagati y'icyaha cy'ubwicanyi budaturutse ku bushake n'icyo gukubita cyangwa gukomeretsa byateye urupfu ni uko icyaha cy'ubwicanyi budaturutse ku bushake ukiregwa nta bushake bwo gukora igikorwa kibujijwe aba yagize n'ubwo ibikorwa bye bigira ingaruka zitera urupfu; mu gihe ikindi, ukiregwa aba yagize ubushake bwo gukora ibikorwa bibujijwe bikaza kuvamo urupfu ariko ataricyo cyari kigamijwe.

### **3. ICYAHA CYO KUREMA UMUTWE W'ABAGIZI BA NABI**

**1. Ubwinjiracyaha – ibikorwa biranga ubwinjiracyaha – ni ibikorwa bifatika biranga umugambi wo gukora icyaha byageze mu cyiciro cy'intangiriro yacyo (phase d'execution) kandi bikorewe aho icyaha cyagombaga gukorerwa.**

**Urubanza rwasuzumwe:** Urubanza N° RPA 00098/2020/CA, rwaciwe n'Urukiko rw'Uburundi ku wa 06/01/2023 haburana Ubushinjacyaha na Cpl SHYAKA Védaste n'undi (igika cya 26).

**Ikibazo cyasuzumwe:** Kumenya niba umugambi wo gukora icyaha wafubiyemo mu nzira benewe bataragera aho icyaha cyagombaga gukorerwa wakwitwaga ubwinjiracyaha?

**Ingingo umurongo ushingiyeho:** *Ingingo ya 21 igika cya mbere, y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 rigena ibyaha n'ibihano muri rusange, iteganya ibikorwa: "Ubwinjiracyaha buhanirwa iyo umugambi wo gukora icyaha wagaragajwe n'igikorwa kimwe cyangwa byinshi biboneka, bidashidikanywaho, by'intangiriro y'icyaha biganisha ku ikorwa ryacyo, nyuma bigahagarikwa, bikabuzwa kugera ku cyifuzo cyangwa bikazitirwa n'impamvu zidakomoka ku bushake bwa nyir'ugukora icyaha".*

**Imvano y'ikibazo:** Urukiko Rukuru rwa Gisirikare rwahamije Cpl SHYAKA Védaste, Pte UKWIBISHAKA Théogène na Pte TWIZEYIMANA Dieudonné ubwinjiracyaha mu cyaha cy'ubujura bukoreshajwe intwari n'icyaha cyo kurema umutwe w'abagizi ba nabi, kuri Cpl SHYAKA Védaste, hiyongeraho

n'icyaha cyo kwiba ibikoresho bya Gisirikare, abaregwa bakaba bari bagambiriye kwiba mu kabari ka MUZINDUTSI kitwa "Rion de Gikondo Bar", gaherereye i Gikondo. Urukiko rwahanishije Cpl SHYAKA Védaste igifungo cy'imyaka 15, naho Pte UKWIBISHAKA Théogène na Pte TWIZEYIMANA Dieudonné, buri wese ahanishwa igifungo cy'imyaka 10.

Cpl SHYAKA Védaste yajuririye Urukiko rw'Ubujurire avuga ko mu kumuhanya ibyaha hashingiwe ku nyandiko mvugo yakoreshejwe ku gahato, anenga no kuba hatarakozwe iperereza ku gihe kirenga ukwezi yamaze afunguwe ahantu hatazwi no kuba yarahanishijwe ingingo zikomeye ku cyaha cyo gutunga imbunda mu buryo butemewe. Pte TWIZEYIMANA Dieudonné yajuririye asaba gushishoza ku nyandiko yakoreshejwe ku gahato bigatuma yemera icyaha atakoze, avuga ko akwiye kugirwa umwere.

Mu isesengura Urukiko rw'Ubujurire rushingiye ku biteganywa n'itegeko ku nyandiko z'abahanga no kumanza zaciwe mu bindi bihugu; rurasanga kugira ngo Urukiko rwemeze ko habayeho **ubwinjira bwuzuye kandi bukwiye guhanwa, bigaragarira mu kumenya ko ibikorwa byagezweho byafatwa nk'intangiriro y'icyaha cyangwa niba bikwiye gufatwa nk'ibikorwa bitegurira icyaha, kandi ko ibikorwa bitegurira icyaha bidahanirwa.**

Rusanga, mu guhamya abajuriye ubwinjiracyaha mu bujura bukoreshwe intwari, Urukiko Rukuru rwa Gisirikare rwarashingiye ku kuba abashinjwa ubwabo bariyemereye ko bagize umugambi wo kujya kwiba mu kabari ka MUZINDUTSI kitwa "Rion de Gikondo Bar", gaherereye i Gikondo, bagashaka imbunda yo gukoresha, ariko igikorwa kikaburizwamo no kuba imvura nyinshi yaraguye mu ijoro ryo ku wa 05/03/2018, bituma aba bagarukira i Remera, ntibashobra gutsotsoba icyaha.

Urukiko rusanga, **kugambirira kwiba, abashinjwa bagashaka imbunda bazifashisha ndetse bakerekeza aho icyaha cyagombaga gukorerwa ariko bakagarukira mu nzira, ubwabyo bidakwiye gufatwa nk'ibikorwa**

**by'intangiriro yo gukora icyaha, ahubwo ibi bigize ibikorwa bitegurira icyaha bidashobora guhanwa.**

Rurasanga, kandi ukurikije intera iri hagati y'aho abashinjwa bagarukiye (i Remera) n'aho bivugwa ko icyaha cyagombaga gukorerwa (i Gikondo), ndetse n'impamvu bivugwa ko yabagaruye (imvura), bikwiye kumvikanisha ko abashinjwa batari bakageze mu cyiciro cy'intangiriro y'icyaha (phase d'exécution) kigomba kurangwa n'ibikorwa bifatika kandi bikorewe aho icyaha cyagombaga gukorerwa. Bityo rwemeza ko abaregwa bagomba kugirwa abere ku cyaha cy'ubwinjiracyaha mu bujura bukoreshewe intwari bari bakurikiranyweho.

**Umurongo watanze:** Ubwinjiracyaha buhanirwa ari uko umugambi wo gukora icyaha udashidikanywaho, ugaragajwe n'ibikorwa biboneka by'intangiriro y'icyaha kandi ikorwa ry'icyaha rikaburizwamo n'impamvu idaturutse ku bushake bw'ushinjwa kubukora.

**2. Kurema umutwe w'abagizi ba nabi – umugambi wihariye wo kurema umutwe w'abagizi ba nabi - Ubushinjacyaha bugomba gutanga ibimenyetso byerekana ko abakurikiranweho icyo cyaha bashinze umutwe ugamije gukora ibyaha.**

**Urubanza rwasuzumwe:** Urubanza N° RPA 00098/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 06/01/2023 haburana Ubushinjacyaha na Cpl SHYAKA Védaste n'undi (igika cya 38).

**Ikibazo cyasuzumwe:** Kumenya niba ibyaha byose bikoze n'abantu bafatanyije umugambi byakwitwaga kurema umutwe w'abagizi ba nabi?

**Ingingo umurongo ushingiyeho:** Ingingo ya 681 y'Itegeko Ngenga n° 01/2012/OL ryo ku wa 02/05/2012 ryashyiragaho Igitabo cy'amategeko ahana, yashingiweho abashinjwa bahanwa yateganyaga ibikurikira: *“kurema umutwe, ugamije kugirira nabi abantu cyangwa ibyabo, hatitawe ku mubare w'abawugize cyangwa igihe uzamara, ugamije kugirira nabi abantu cyangwa ibyabo, ni icyaha*

*cy'ubugome “, iya 682 y’iri tegeko, igateganya ibikurikira: “Umuntu wese urema umutwe w’abagizi ba nabi, uwutunganya, uwoshya abandi kuwujyamo cyangwa umuyobozi wawo, ahanishwa igifungo kirenze imyaka itanu (5) kugeza ku myaka irindwi (7)”.*

**Imvano y’ikibazo:** Urukiko Rukuru rwa Gisirikare rwahamije Cpl SHYAKA Védaste, Pte UKWIBISHAKA Théogène na Pte TWIZEYIMANA Dieudonné ubwinjiracyaha mu cyaha cy’ubujura bukoreshwe intwara n’icyaha cyo **kurema umutwe w’abagizi ba nabi**, kuri Cpl SHYAKA Védaste, hiyongeraho n’icyaha cyo kwiba ibikoresho bya Gisirikare, abaregwa bakaba bari bagambiriye kwiba mu kabari ka MUZINDUTSI kitwa “Rion de Gikondo Bar”, gaherereye i Gikondo. Urukiko rwahanishije Cpl SHYAKA Védaste igifungo cy’imyaka 15, naho Pte UKWIBISHAKA Théogène na Pte TWIZEYIMANA Dieudonné, buri wese ahanishwa igifungo cy’imyaka 10.

(...) Ku bijyanye n’icyaha cyo kurema umutwe w’abagizi ba nabi Urukiko rw’Ubujurire rwasanze kugira ngo abashinjwa bahamwe n’icyo cyaha batagomba kuba bahujwe gusa n’umugambi wo gukora icyaha runaka<sup>1</sup>, **ahubwo bagomba kuba barashinze umutwe ugamije gukora ibyaha**, Ubushinjacyaha bukaba bugomba gutanga ibimenyetso byerekana ko icyaha bakurikiranyweho kiri mu ntego rusange y’umutwe washyizweho n’abashinjwa ko iyo hatabayeho kwerekana uburyo umutwe washinzwe n’intego yawo byaba bivuze ko icyaha cyose gikozwe n’abantu barenze umuntu mwe, igihe cyose cyaba kibangikanye n’icyo kurema umutwe w’abagizi ba nabi kandi ataribyoye.

Rusanga muri uru rubanza Ubushinjacyaha bwarafashe ibimenyetso (imvugo z’abashinjwa) bwashingiyeho buregera ubwinjiracyaha mu cyaha cy’ubujura bukoreshwe intwara (byavuzwe mu murongo ubanziriza uyu), ibyo bimenyetso uko byakabaye, aba aribyo bushingiraho bushinja abaregwa icyaha cyo kurema umutwe w’abagizi ba nabi, ko hejuru yo kuba abashinjwa baremeye ko bagize

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<sup>1</sup> Abahujwe n’umugambi wo gukora icyaha runaka bafatwa nk’abafatanyacyaha cyangwa bamwe bakaba ibyitso by’abandi



umugambi, bafatanyije, wo kujya kwiba kuri “Rion de Gikondo Bar”, **Ubushinjacyaha bwaragombaga kugaragaza ibimenyetso byerekana ko abaregwa bari basanzwe baratunganyije umutwe wo kugirira nabi abantu cyangwa ibyabo, igikorwa cyo kujya kwiba bashinjwa kikaba cyarakozwe mu mugambi umwe uyu mutwe usanzwe ufite.**

Urukiko rw’Ubujurire rushingiye kubivuzwe haruguru rwemeza ko, Urukiko Rukuru rwa Gisirikare rwakoze ikosa ryo guhamya abajuriye icyaha cyo kurema umutwe w’abagizi ba nabi nta bimenyetso byihariye kuri iki cyaha rugaragaje, bityo rwemeza ko Cpl SHYAKA Védaste na Pte TWIZEYIMANA Dieudonné bagizwe abere kuri iki cyaha.

**Umurongo watanze:** Kugira ngo abashinjwa bahamwe n’icyaha cyo kurema umutwe w’abagizi ba nabi bagomba kuba barashinze umutwe ugamije gukora ibyaha, Ubushinjacyaha bukaba bufite inshingano yo gutanga ibimenyetso byerekana ko icyaha bakurikiranyweho kiri mu ntego rusange z’uwo mutwe.

#### **4. ICYAHA CYO KWICA UMWANA WIBYARIYE**

1. Imanza z’inshinjabyaha - kwica umwana yibyariye – ibiranga icyaha cyo kwica uwo yibyariye – kuba umwana atarengeje amezi cumi n’abiri (12), no kuba ubwenge bwa nyina butarakoraga neza bitewe n’ihungabana ryo mu mutwe.

**Urubanza rwasuzumwe:** Urubanza N° RPA 00758/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 30/01/2023 haburana Ubushinjacyaha na UWIZEYIMANA Christine (igika cya 12,18).

**Ikibazo cyasuzumwe:** kumenya itandukaniro riri hagati y’icyaha cyo kwica uwo yibyariye n’icyaha cy’ubwicanyi.

**Ingingo umurongo ushingiyeho:** Ingingo ya 108 y’Itegeko n° 68/2018 ryo ku wa 30/08/2018 ryavuzwe haruguru, iteganya ibikurikira: *“Umugore wese, abishaka cyangwa biturutse ku kudakora ikigomba gukorwa, wica umwana yabyaye utarengeje amezi cumi n’abiri (12) ariko mu gihe cyo gukora icyaha*

*ubwenge bwe bukaba budakora neza bitewe n'inkurikizi zituruka ku kubyara cyangwa guhembera k'umubyeyi aba akoze icyaha. Iyo abihamijwe n'urukiko ahanishwa igifungo kitari munsu y'imyaka itanu (5) ariko kitarenze imyaka irindwi (7)".*

**Imvano y'ikibazo:**

Urukiko Rwisumbuye rwa Muhanga rwahamije UWIZEYIMANA Christine icyaha cy'ubwicanyi kuko yishe umwana we, rumuhanisha igifungo cya burundu. UWIZEYIMANA Christine yajuririye urwo rubanza mu Rukiko Rukuru, Urugereko rwa Nyanza, asaba kugabanyirizwa ibihano kuko yatwaye inda bimugwiririye kandi nta bushobozi afite bwo kurera umwana atwite kuko afite undi mwana muto, ndetse ko n'umuryango we utishoboye uhora umucunaguza, maze agejeje igihe cyo kubyara ariherera nta muntu abibwiye yica umwana. Urukiko Rukuru rwemeza ko imikirize y'urubanza rwajuririwe idahindutse.

UWIZEYIMANA Christine yajuririye na none mu Rukiko rw'Ubujurire asaba kugabanyirizwa igihano kuko yaburanye yemera icyaha ariko Urukiko Rukuru ntirumugabanyirize igihano. Umwunganira, asaba ko inyito y'icyaha UWIZEYIMANA Christine yakoze yahinduka agahamwa n'icyaha cyo kwikuramo inda, aho kuba icyaha cyo kwica uwo yibyariye.

Hashingiwe ku bikorwa bigize icyaha, uregwa akurikiranyweho, Urukiko rusanga igihe UWIZEYIMANA Christine yicaga umwana we yabyaye utarengeje amezi cumi n'abiri (12), ubwenge bwe butarakoraga neza bitewe n'uko yari yihebye, afite n'ihungabana ryo mu mutwe yatewe n'uko yabonaga nta bushobozi afite bwo kurera uwo mwana, no kuba yaracunaguzwaga n'abagize umuryango we, bigaragaza ko UWIZEYIMANA Christine yakoze icyaha cyo kwica umwana wibyariye giteganywa n'ingingo ya 108 yavuzwe haruguru, aho kuba icyaha cyo kwikuramo inda nk'uko uwunganira uregwa abivuga cyangwa icyaha cy'ubwicanyi yahamijwe n'inkiko zo hasi.

Rushingiye ku mpamvu nyoroshyacyaha ruhanisha UWIZEYIMANA Christine igifungo cy'imyaka itatu (3), aho kuba igifungo cya burundu yahanishijwe mbere.

**Umurongo watanzwe:** Byitwa kwica uwo yibyariye aho kuba ubwicanyi iyo umugore yishe umwana we yabyaye utarengeje amezi cumi n'abiri (12), ubwenge bwe budakoraga neza bitewe no kwiheba, ihungabana ryo mu mutwe yaterwa n'uko abona nta bushobozi afite bwo kurera umwana yabyaye, n'iryaterwa no gucunaguzwa n'abagize umuryango we.

#### **Izindi manza zafashwemo uyu murongo:**

- ❖ Urubanza N° RPAA0078/15/CS, rwaciwe n'Urukiko rw'Ikirenga ku wa 01/06/2018 haburana ubushinjacyaha na NTIBAJYINAMA Esther (igika cya 44).
- ❖ Urubanza N° RPAA 00151/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 23/07/2021, haburana Ubushinjacyaha na AKAYEZU Claudine (igika cya 17-19).
- ❖ Urubanza N° RPAA 00159/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/01/2023, haburana Ubushinjacyaha na MUKANDAYISENGA (igika cya 19).

### **5. ICYAHA CYO KWIGWIZAHO UMUTUNGO**

1. Gusubirishamo urubanza ku mpamvu z'akarengane – ibitaraburanyweho mu rubanza rusubirishwamo - ntibishobora kuba impamvu ituma urubanza rusubirwamo ku mpamvu z'akarengane.

**Urubanza rwasuzumwe:** Urubanza N° RS/INJUST/RP 00002/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/01/2023 haburana Ubushinjacyaha na BYIRINGIRO Appolinaire (igika cya 26).

**Ikibazo cyasuzumwe:** Ese ibitarasuzumwe mu rubanza rusubirishwamo ku mpamvu z'akarengane, umuburanyi ashobora kubizamura bwa mbere mu rubanza rusuzuma ko habaye akarengane?

**Imvano y'ikibazo:** Perezida w'Urukiko rw'Ikirenga yemeje ko Urubanza n° RPA 00204/2019/HC/NYZ rwaciwe n'Urukiko Rukuru, Urugereko rwa Nyanza, ku wa 07/11/2019 rusubirwamo ku mpamvu z'akarengane, rwohererezwa Urukiko rw'Ubujurire ngo ruruburanishe. Uru rubanza rukaba rwari rwarahamije BYIRINGIRO Appolinaire icyaha cyo kwigwizaho umutungo rumuhanisha igifungo cy'imyaka itatu (3) n'ihazabu ya 197.149.420 Frw.

Mu iburanisha abahagarariye BYIRINGIRO Appolinaire bavuze ko imwe mu mpamvu bashingiraho bavuga ko urubanza rwavuzwe haruguru rugaragaramo akarengani ari **ubusaze bw'ibikorwa bigize icyaha uwo bohagarariye yakurikiranyweho.**

Mu isesengura Urukiko rw'Ubujurire rushingiye ku murongo watanzwe n'Urukiko rw'Ikirenga ndetse n'Urukiko rw'Ubujurire, rwasanze ikibazo kijyanye n'ubusaze bw'ibikorwa bigize icyaha uwo bahagarariye yakurikiranyweho kitaraburanyweho mu rubanza rusabirwa gusubirishwamo, bityo rwemeza ko nta shingiro bifite kuko ntawavuga ko yarenganyijwe n'ibitaraburanyweho.

**Umurongo watanzwe:** Ibibazo bitaburanyweho mu rubanza rusabirwa gusubirwamo ku mpamvu z'akarengane ntibishobora gusuzumwa mu rwego rwo gusubirishamo urubanza ku mpamvu z'akarengane, kuko umuburanyi atavuga ko yagize akarengane ku kibazo atigeze asaba urukiko gusuzuma.

**Izindi manza zafashwemo uyu murongo:**

❖ Urubanza N° RS/INJUST/RC 00008/2019/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 21/11/2021, GAHIRE Athanase aburana na MUKARUSHAKO na bagenzi be.

❖ Urubanza N° RS/INJUST/RC 00001/2021/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 17/12/2021, UMULINGA aburana na NGIRINSHUTI NA MUBERUKA.

❖ Urubanza N° RS/ INJUST/RC 00004/2019/SC rwaciwe n’Urukiko rw’Ikirenga ku wa 28/07/2020, MUKAMANA Mamique n’abandi baburana na KABANDANA Claver.

❖ Urubanza N° RS/INJUST/RP 00004/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 29/07/2022 haburana Ubushinjacyaha na HABIMANA Jean Alexis na bagenzi be.

**Urubanza ruyoboye izindi:** Ni Urubanza N° RS/INJUST/RC 00008/2019/SC rwaciwe n’Urukiko rw’Ikirenga ku wa 21/11/2021, Gahire Athanase aburana na MUKARUSHAKO na bagenzi be kuko arirwo rwasohotse mbere mu cyegeranyo [2017] 3 RLR.

2. Kwigwizaho umutungo – ibiranga icyaha cyo kwigwizaho umutungo – kuba uregwa afite umutungo urenze uwo akwiye kuba afite hakurikijwe ubushobozi afite, kandi adashobora kugaragaza ko yawukomoye mu nzira zinyuze mu kuri kandi zemewe n’amategeko.

**Urubanza rwasuzumwe:** Urubanza N° RS/INJUST/RP 00002/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 20/01/2023 haburana Ubushinjacyaha na BYIRINGIRO Appolinaire (igika cya 69).

**Ikibazo cyasuzumwe:** Ese ni ryari bivugwa ko habaye icyaha cyo kwigwizaho umutungo?

**Ingingo umurongo ushingiyeho:** Ingingo ya 636 y’Itegeko Ngenga n° 01/2012/OL ryo ku wa 02/05/2012 ryashyiragaho Igitabo cy’amategeko ahana, yashingiweho abashinjwa bahanwa yateganyaga ibikurikira: *“Umukozi wa Leta cyangwa undi muntu wese wigwizaho umutungo adashobora kugaragaza aho yawukomoye binyuze mu kuri kandi byemewe n’amategeko, ahanishwa igifungo kuva ku myaka ibiri (2) kugeza ku myaka itanu (5) n’ihazabu y’amafaranga y’u Rwanda yikubye inshuro kuva kuri ebyiri (2) kugeza ku icumi (10) z’agaciro k’umutungo adashobora kugaragaza aho yawukomoye mu buryo bwemewe n’amategeko”.*

**Imvano y'ikibazo:** Perezida w'Urukiko rw'Ikirenga yemeje ko Urubanza n° RPA 00204/2019/HC/NYZ rwaciwe n'Urukiko Rukuru, Urugereko rwa Nyanza, ku wa 07/11/2019 rusubirwamo ku mpamvu z'akarengane, rwohererezwa Urukiko rw'Ubujurire ngo ruruburanishe. Uru rubanza rukaba rwari rwarahamije BYIRINGIRO Appolinaire icyaha cyo kwigwizaho umutungo rumuhanisha igifungo cy'imyaka itatu (3) n'ihazabu ya 197.149.420 Frw.

Urubanza mu mizi urukiko rwasuzumye ikibazo kijyanye no kumenya hagati y'Ubushinjacyaha na BYIRINGIRO Appolinaire uwari ukwiriye kugaragaza ibimenyetso byerekana ukwiyongera k'umutungo, maze rubanza kugaragaza igisobanuro cy'icyaha cyo kwigwazaho umutungo.

Rushingiye ku murongo watanzwe n'Urukiko rw'Ubujurire **rwasanze Ubushinjacyaha aribwo bufite inshingano yo gutanga ibimenyetso bigaragaza ko uregwa afite umutungo uruta uwo yagombye kuba afite runagaragaza igisobanuro gikwiye kugaragaza ko umukozi wa Leta cyangwa se undi muntu aba afite umutungo urenze uwo akwiye kuba afite.**

**Umurongo watanzwe:** Kugira ngo habeho icyaha cyo kwigwizaho umutungo, ni uko umukozi wa Leta cyangwa se undi muntu aba afite umutungo urenze uwo akwiye kuba afite hakurikijwe ubushobozi afite, kandi adashobora kugaragaza ko yawukomoye mu nzira zinyuze mu kuri kandi zemewe n'amategeko.

**Izindi manza zafashwemo uyu murongo:**

❖ Urubanza N° RS/INJUST/RP 00003/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 18/06/2021, haburana Ubushinjacyaha ku Rwego rw'Umuvunyi na MUGISHA David Livingstone na MBOWA Festo.

3. Kwigwizaho umutungo – itangwa ry'ibimenyetso - Ubushinjacyaha nibwo bufite inshingano yo kugaragaza ko uregwa afite umutungo urenze uwo yagombye kuba afite – uregwa we afite inshingano yo kugaragaza inkomoko yawo.

**Urubanza rwasuzumwe:** Urubanza N° RS/INJUST/RP 00002/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/01/2023 haburana Ubushinjacyaha na BYIRINGIRO Appolinaire (igika cya 95).

**Ikibazo cyasuzumwe:** Ninde ukwiye kugaragaza ibimenyetso ku cyaha cyo kwigwizaho umutungo?

**Imvano y'ikibazo:** *Reba ibisobauro ku murongo ubanziriza uyu.*

**Umurongo watanzwe:** Ubushinjacyaha nibwo bugomba kugaragaza ko umutungo uregwa afite urenze umutungo yagombye kuba afite hakurikijwe amafaranga yinjiza azwi, cyangwa se abayeho ku buryo burenze ubwo yagombye kuba abayeho, bukabigaragariza igipimo bwerekana ibyo uregwa ashobora kwigezaho, maze ibirenzeho bikaba ari byo byitwa kwigwizaho umutungo. Uregwa nawe agasobanura inkomoko y'umutungo urenze uwo yagombye kuba atunze.

**Izindi manza zafashwemo uyu murongo:**

Urubanza N° RS/INJUST/RP 00003/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 18/06/2021, haburana Ubushinjacyaha ku Rwego rw'Umuvunyi na MUGISHA David Livingstone na MBOWA Festo.

### III. IMANZA MBONEZAMUBANO

#### 1. GUTESHA AGACIRO CYAMUNARA

1. Imiburanishirize y'imanza - gukosora amakosa y'imyandikire - hakosorwa amakosa yakozwe n'umucamanza – hashobora no gukosorwa amakosa yakozwe n'umuranyi iyo umucamanza ayasubiyemo kuko atabigenzuye neza.

**Urubanza rwasuzumwe:** Urubanza N° RCOMA 00010/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 14/12/2022 MUGENI Josiane aburana na INGABIRE Aliane n'abandi.

**Ikibazo cyasuzumwe:** Amakosa yakozwe n'umuburanyi agasubirwamo n'urukiko kuko rutabigenzuye, yakosorwa mu kirego gisaba gukosora urubanza?

**Ingingo y'itegeko umurongo ushingiyeho:** Ingingo ya 140, igika cya 1, y'Itegeko n°22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbenezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsu iteganya ibikurikira: *“Ikirego gikosora cyangwa gisobanura urubanza kiburanishwa nk'inyandiko nsobanurakirego itanzwe n'umuburanyi umwe. Urubanza rukosora urundi, rukosora gusa amakosa y'imyandikire”*.

**Imvano y'ikibazo:**

INGABIRE Aliane yatanze ikirego gisaba gukosora amakosa yagaragaye mu rubanza n° RCOMA 00404/2022/HCC & RCOMA 00405/2022/HCC, rwatesheje agaciro cyamunara yari yagurishijwemo umutungo we ukegukanwa na MUGENI Josiane. Mu rubanza n° RS/RECT/RCOM 00023/2022/HCC Urukiko Rukuru rw'Ubucuruzi rwemeje ko ikirego yatanze gifite ishingiro, ko muri urwo rubanza ahanditse ko umutungo ufite n° UPI 1/02/09/02/2454 hakosowe, hakandikwa n° UPI 1/02/09/02/2453, ko urwo rubanza rwuzuzwa urubanza rwakosowe.

MUGENI Josiane aho amenyeye urwo rubanza yararutambamiye avuga ko ugukosora kwatumye yamburwa umutungo we yaguze bikurikije amategeko.



Urukiko Rukuru rw'Ubucuruzi rwemeje ko ikirego cya MUGENI Josiane nta shingiro gifite, ko nta gihindutse ku mikirize y'urubanza rukosora urundi.

MUGENI Josiane yajuririye Urukiko rw'Ubujurire avuga ko Urukiko Rukuru rw'Ubucuruzi rwakosoye urubanza rwirengagije ibiteganywa n'amategeko mu gukosora urubanza.

Mu isesengura Urukiko rw'Ubujurire rwasanze mu gukosora urubanza hakosorwa amakosa y'imyandikire nk'uko biteganywa n'ingingo ya 140 CPCCSA, ko iyo bibaye ngombwa ariko habaho irengayobora kuri iri tegeko nk'igihe umucamanza yasubiye mu makosa yakozwe n'umuburanyi kandi byari gushoboka ko ayabona akayakosora iyo agezura neza, ko iyo asubiye muri ayo makosa, amakosa aba ay'umucamanza ku buryo agomba gukosorwa.

Rusanga kuba mu nyandiko zitandukanye zashyikirijwe urukiko hagaragara ko umutungo watejwe cyamunara wari ufite n° UPI: 1/02/09/02/2453 urukiko iyo rusesengura neza rutari kwemeza ko umutungo uburanwa ufite UPI: 1/02/09/02/2454 nk'uko umuburanyi yabigaragazaga; ko kuba rero umucamanza yarakomeje kuyagenderaho, ayo makosa yabaye aye, bityo rushingiye ku murongo watanzwe n'Urukiko rw'Ikirenga rwemeza ko nta kosa Urukiko rubanza rwakoze mu kuyakosora.

**Umurongo watanzwe:** Gukosora amakosa y'imyandikire ntibigomba kugira icyo bihindura ku cyemezo cyafashwe, amakosa akosorwa ni ayakozwe n'umucamanza si ayakozwe n'umuburanyi. Hashobora ariko kubaho irengayobora nk'igihe umucamanza yasubiye mu makosa yakozwe n'umuburanyi kandi yashoboraga kuyabona iyo agezura neza.

**Izindi manza zafashwemo uyu murongo:**

- ❖ Urubanza N° RS/RECT/RC 00003/2021/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 18/02/2022, haburana MUSEFANO Juvens (igika cya 11).

#### IV. IMANZA ZASHINGIYE KU MIRONGO IMENYEREWE

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

##### Urubanza rwasuzumwe:

Urubanza N° RPAA 00488/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 27/1/2023, haburana HAFASHIMANA Silas (igika cya 41)

**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 N° 69/2019 ryo ku wa 08/11/2019 rihindura Itegeko N° 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 muni 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 N° RPAA 00376/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/09/2022, haburana Ubushinjacyaha na NKUNZIMANA Théophile.
- ❖ Urubanza N° RPAA 00389/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 16/09/2022 haburana Ubushinjacyaha na NDAYIZEYE Maurice.
- ❖ Urubanza N° RPAA 00162/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 21/10/2022 haburana Ubushinjacyaha na IRAREBA Joseph (igika cya 14).
- ❖ Urubanza N° RPAA 00395/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 31/10/2022 haburana Ubushinjacyaha na NSHIMIYUMUKIZA Patrick (igika cya 24).

- ❖ Urubanza N° RPAA 00117/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 21/10/2022 haburana Ubushinjacyaha na REBERO Eric (igika cya 21).
- ❖ Urubanza N° RPAA 00121/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 21/10/2022 haburana Ubushinjacyaha na HAGENIMANA Claude,
- ❖ Urubanza N° RPAA 00545/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 20/1/2023 haburana Ubushinjacyaha na MUGISHA Prince alias Kadogo (Igika cya 44-45).

**Urubanza ruyoboye izindi (Leading case):** Urubanza ruyoboye izindi kuri iki kibazo ni urubanza 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 kuko ari rwo 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 muni 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 kuri muni y’igihano gito giteganywa n’itegeko - impamvu nyoroshyacyaha – iyo urukiko rwemeje impamvu nyoroshyacyaha – ntirubujijwe gutanga igihano gito giteganywa n’itegeko iyo rusanga aricyo gikwiranye n’icyaha cyakozwe.

**Urubanza rwasuzumwe:** Urubanza N° RPAA 00465/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 25/11/2022 ku wa 20/01/2023 haburana Ubushinjacyaha na NIYONKURU Benoît (igika cya 20-21).

**Ikibazo umurongo ushingiyeho:** Ese iyo hari impamvu nyoroshyacyaha, Urukiko rushobora kugabanya igihano kugera muni 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 ° 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 munsu 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 munsu y'igihano gito giteganywa n'itegeko hitawe ku buremere bw'icyaha n'ingaruka cyateje.

### **Izindi manza zafashwemo uyu murongo:**

- ❖ Urubanza N° 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 N° RPAA 00013/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 31/12/2021 haburana Ubushinjacyaha na HABIYAKARE Olivier. (igika cya 22).
- ❖ Urubanza N° N° RPAA 00384/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/10/2021 haburana Ubushinjacyaha na NSENGIYAREMYE Jean Paul. (igika cya 25).
- ❖ Urubanza N° RPAA 00205/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 12/11/2021 haburana Ubushinjacyaha na BARAKAGWIRA Gilbert.

- ❖ Urubanza N° RPAA 00174/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 18/03/2022 haburana Ubushinjacyaha na DUSABIMANA Vivens.
- ❖ Urubanza N° RPAA 00171/2020/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 27/04/2022 haburana Ubushinjacyaha na MUTSINZI Jean Pierre.
- ❖ Urubanza N° RPAA 00283/2020/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 22/04/2022 haburana Ubushinjacyaha na NZAMURAMBAHO David.
- ❖ Urubanza N° RPAA 00167/2020/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 25/03/2022 haburana Ubushinjacyaha na KWIZERA Etienne.
- ❖ Urubanza N° RPAA 00641/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 21/01/2022 haburana Ubushinjacyaha na UWIMANA Emile.
- ❖ Urubanza N° RPAA 00105/2020/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 30/09/2021, haburana UWIMANA Pascal n’Ubushinjacyaha.
- ❖ Urubanza N° RPAA 00434/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 15/07/2022 haburana Ubushinjacyaha na TUYISHIME Moise.
- ❖ Urubanza N° RPAA 00039/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 02/07/2021 haburana Ubushinjacyaha na SHAKABATENDA Jean de Dieu.
- ❖ Urubanza N° RPAA 00031/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 28/10/2021 haburana Ubushinjacyaha na BAHATI Françoise. (igika cya 42)
- ❖ Urubanza N° RPAA 00269/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 20/05/2020 haburana Ubushinjacyaha na DUSENGIMANA Martin.
- ❖ Urubanza N° RPAA 00118/2020/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 20/05/2022 haburana Ubushinjacyaha na MUKANTAMBARA Benitha.
- ❖ Urubanza N° RPAA 00202/2020/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 20/05/2022, haburana Ubushinjacyaha na HAVUGIMANA Valens.

- ❖ Urubanza N° RPAA 00225/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 19/07/2022 Ubushinjacyaha buburana na UKWISHAKA Claude (igika cya 31)
- ❖ Urubanza N° N° RPAA 00091/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 19/07/2022 haburana Ubushinjacyaha na HAKIZIMANA Gilbert, (igika cya 32).
- ❖ Urubanza N° RPAA 00273/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 15/07/2022 haburana Ubushinjacyaha na MUBARAKA Eduine (igika cya 19).
- ❖ Urubanza N° RPAA 00131/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 22/07/2022 haburana Ubushinjacyaha na UWAYEZU Damien.
- ❖ Urubanza N° N° RPAA 00491/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 08/08/2022 haburana Ubushinjacyaha na NIYONKURU Eric.
- ❖ Urubanza N° N° RPAA 00115/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 16/09/2022 haburana Ubushinjacyaha na NTEZIRYAYO Daniel.
- ❖ Urubanza N° N° RPAA 00309/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 16/09/2022 haburana Ubushinjacyaha na IRADUKUNDA Daniel.
- ❖ Urubanza N° RPAA 00092/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 12/08/2022 haburana Ubushinjacyaha na MUGABEKAZI Sandrine.
- ❖ Urubanza N° RPAA 00441/2020/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 29/09/2022 haburana Ubushinjacyaha na NIYONIZEYE Théoneste.
- ❖ Urubanza N° RPAA 00411/2020/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 29/7/2022 haburana Ubushinjacyaha na NIYONKURU Radjabu.
- ❖ Urubanza N° RPAA 00186/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 29/09/2022 haburana Ubushinjacyaha na MUKERANGABO Emmanuel (igika cya 29).

- ❖ Urubanza N° N° RPAA 00038/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 23/09/2022 haburana Ubushinjacyaha na Benimana Jean Pierre.
- ❖ Urubanza N° N° 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° N° RPAA 00329/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/10/2022 haburana Ubushinjacyaha na NIYONKURU Amani (igika cya 24)
- ❖ Urubanza N° N° RPAA 01496/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/10/2022 haburana Ubushinjacyaha na MUGWANEZA Marcel (igika cya 18)
- ❖ Urubanza N° N° RPAA 00262/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/10/2022 haburana Ubushinjacyaha na MUSENGIMANA Oswald (igika cya 39)
- ❖ Urubanza N° RPAA 00420/2021/CA, rwaciwe ku wa 28/10/2022 haburana Ubushinjacyaha na NIYIGENA Anselme (igika cya 19).
- ❖ Urubanza N° N° RPAA 00104/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 18/11/2022 haburana Ubushinjacyaha na SEZIKEYE Jean Claude.
- ❖ Urubanza N° RPAA 00173/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/11/2022 haburana Ubushinjacyaha na Sgt KANANI Evariste.
- ❖ Urubanza N° RPAA 00231/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/11/2022 haburana Ubushinjacyaha na KANYAMANZA.



- ❖ Urubanza N° RPAA 00319/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 25/11/2022 haburana Ubushinjacyaha na NDUWAYEZU Jean Baptiste.
- ❖ Urubanza N° N° RPAA 00300/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 21/10/2022 haburana Ubushinjacyaha na HAGENIMANA Innocent (igika cya 32).
- ❖ Urubanza N° RPAA 00344/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 31/01/2023 haburana Ubushinjacyaha na NSENGIYUMVA Vianney (igika cya 28-29).
- ❖ Urubanza N° RPAA 00368/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 27/01/2023 haburana Ubushinjacyaha na NZEYIMANA Ignace (igika cya 30).
- ❖ Urubanza N° RPAA 00471/2021/CA, rwaciwe ku wa 27/01/2023, haburana Ubushinjacyaha na SIBOMANA Emmanuel (igika cya 20).
- ❖ Urubanza N° RPAA 00414/2021/CA CMB-RPAA 00424/2021/CA, rwaciwe ku wa 27/1/2023 haburana Ubushinjacyaha na DUSHIMIMANA Théoneste (igika cya 23-24)
- ❖ Urubanza N° RPAA 00463/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 27/1/2023 haburana Ubushinjacyaha na MUHOZA Anicet (igika cya 27-28)
- ❖ Urubanza N° RPAA 00313/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 20/1/2023 haburana Ubushinjacyaha na NSANZAMAHORO Gilbert (igika cya 22-23)
- ❖ Urubanza N° RPAA 00509/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 27/1/2023 haburana Ubushinjacyaha na BUSIZORI Evariste (igika cya 22).
- ❖ Urubanza N° RPAA 00304/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 30/1/2023 rw’Ubushinjacyaha na MUSABYIMANA Aboubakar (igika cya 19).

- ❖ Urubanza N° RPAA 00307/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 27/1/2023 haburana Ubushinjacyaha na MUTIMURA Félix (igika cya 19).
- ❖ Urubanza N° RPAA 00429/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 27/1/2023, haburana Ubushinjacyaha na MUVARA Donatien (igika cya 33-34).
- ❖ Urubanza N° RPAA 00468/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 27/1/2023 haburana Ubushinjacyaha na NGIRIMANA Jean Damascène alias Ngabo (igika cya 21-22).
- ❖ Urubanza N° RPAA 00468/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 27/1/2023 haburana Ubushinjacyaha na NGIRIMANA Jean Damascène alias Ngabo (igika cya 21-22).
- ❖ Urubanza N° RPAA 00354/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 31/01/2023 haburana Ubushinjacyaha na TWIZERIMANA Cyprien (igika cya 24).
- ❖ Urubanza N° RPAA 00159/2022/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 30/01/2023 haburana Ubushinjacyaha na MUKANDAYISENGA (igika cya 27).
- ❖ Urubanza N° RPAA 00411/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 30/01/2023 haburana Ubushinjacyaha na TWAGIRAYEZU Olivier (igika cya 15).
- ❖ Urubanza N° RPAA 00758/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 30/01/2023 haburana Ubushinjacyaha na UWIZEYIMANA Christine (igika cya 21).
- ❖ Urubanza RPAA 00074/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 08/08/2022 haburana Ubushinjacyaha na BIZIMANA Evariste na NTAKIRUTIMANA Valens (Igika cya 43 - 45).

- ❖ Urubanza RPAA 00213/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 21/10/2022 haburana Ubushinjacyaha na BIZIMUNGU Jean Claude (Igika cya 23 - 24).
- ❖ Urubanza RPAA 00446/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 26/01/2023 haburana Ubushinjacyaha na HAKIZIMANA Jacques (Igika cya 22-23).
- ❖ Urubanza RPAA 00049/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 23/09/2022 haburana Ubushinjacyaha na UWASE Farida (igika cya 41).

**Urubanza ruyoboye izindi (Leading case):** Urubanza rugaragara mu manza zitandukanye ko ruyoboye izindi ni Urubanza N° 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 munsu 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 N° RPAA 00359/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 20/01/2023 haburana Ubushinjacyaha na KAZIGABA Emmanuel (igika cya 20).

**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 riteganywa ibyaha n’ibihano muri rusange; Mu gace kayo ka mbere (1°), iyo ngingo iteganywa 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'iyi 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 Callixte alias Sankara 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 N° RPAA 00217/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/10/2022 haburana Ubushinjacyaha na MANIRAGUHA Sylvestre (igika cya 15).
- ❖ Urubanza N° RPAA 00420/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/10/2022 haburana Ubushinjacyaha na NIYIGENA Anselme (igika cya 17).

- ❖ Urubanza N° 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 N° 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 N° RPAA 00072/2021/CA ku wa 23/09/2022 rwaciwe ku wa 23/09/2022 haburana HAKIZIMANA Issa (igika cya 18).
- ❖ Urubanza N° RPAA 00330/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 28/10/2022, haburana Ubushinjacyaha na BIZIMANA Vénuste (igika cya 15).
- ❖ Urubanza N° RPAA 00359/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 20/01/2023 haburana Ubushinjacyaha na KAZIGABA Emmanuel (igika cya 20).
- ❖ Urubanza N° RPAA 00181/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 30/12/2022 haburana Ubushinjacyaha na MIZERO Eric (igika cya 17).
- ❖ Urubanza N° RPAA 00379/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 20/01/2023 rw’Ubushinjacyaha na HAKIZIMANA Melan (igika cya 27).
- ❖ Urubanza RPAA 00352/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 26/01/2023 haburana Ubushinjacyaha na MUKANSANGWA Pierre (Igika cya 29).
- ❖ Urubanza RPAA 00237/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 21/10/2022 haburana Ubushinjacyaha na TUYIYEGURIRE Daniel (Igika cya 24).

**Urubanza ruyoboye izindi (Leading case):** Ni Urubanza N° 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° N° RPAA 00463/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/1/2023 haburana Ubushinjacyaha na MUHOZA Anicet (igika cya 11).

**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'iyi 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'iyi 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 n° 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 N° RPA GEN 00004/2019/CA rwaciwe n'Urukiko rw'Uburire ku wa 07/05/2021 haburana Ubushinjacyaha na MUNYAGISHALI Bernard (igika cya 70).
- ❖ Urubanza N° RPAA 00028/2020/CA rwaciwe n'Urukiko rw'Uburire ku wa 27/10/2021 haburana Ubushinjacyaha na NIYONAGIZE Amos (igika cya 14).
- ❖ Urubanza N° RPAA 00074/2020/CA rwaciwe n'Urukiko rw'Uburire ku wa 21/01/2022 haburana Ubushinjacyaha na BISUBIREHO Egide (igika cya 17).
- ❖ Urubanza N° RPAA 00135/2020/CA rwaciwe n'Urukiko rw'Uburire ku wa 28/01/2022 haburana Ubushinjacyaha na NDAYIZEYE William (igika cya 19).
- ❖ Urubanza N° RPAA 00266/2021/CA rwaciwe n'Urukiko rw'Uburire ku wa 17/05/2022 haburana Ubushinjacyaha na BARAKAGIRA.
- ❖ Urubanza N° RPAA 00168/2020/CA rwaciwe n'Urukiko rw'Uburire ku wa 22/04/2022 haburana Ubushinjacyaha na MANZI Fred.
- ❖ Urubanza N° RPAA 00135/2020/CA rwaciwe n'Urukiko rw'Uburire ku wa 30/04/2021 haburana Ubushinjacyaha na HABYARIMANA Evariste (ibika bya 16-20).
- ❖ Urubanza N° RPAA 00048/2020/CA rwaciwe n'Urukiko rw'Uburire ku wa 26/05/2022, haburana Ubushinjacyaha na BIMENYIMANA Jean Paul.

- ❖ Urubanza N° RPAA 00054/2020/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 11/06/2021, haburana Ubushinjacyaha na MAFETERI SAFARI Eric (igika cya 25).
- ❖ Urubanza N° RPAA 00402/2022/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 27/05/2022 haburana Ubushinjacyaha na NDAHAYO Aimable.
- ❖ Urubanza N° RPAA 00323/2020/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 20/05/2022 haburana Ubushinjacyaha na NDINABO Eric.
- ❖ Urubanza N° RPAA 00213/2020/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 20/05/2022, haburana Ubushinjacyaha na HARERIMANA Deo.
- ❖ Urubanza N° RPAA 00357/2020/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 22/04/2022, haburana Ubushinjacyaha na HABIYAMBERE Justin.
- ❖ Urubanza N° RPAA 00165/2020/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 30/05/2022, haburana Ubushinjacyaha na HATUNGIMANA Théogène.
- ❖ Urubanza N° RPAA 00249/2021/CA rwaciwe ku wa 29/07/2022 haburana Ubushinjacyaha na BARIBANE Réverien.
- ❖ Urubanza N° 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 N° RPAA 00235/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 19/9/2022 haburana HABIMANA Clément n’Ubushinjacyaha.
- ❖ Urubanza N° RPAA 00441/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 21/10/2022 haburana Ubushinjacyaha na NKUBANA Samuel (igika cya 20).
- ❖ Urubanza N° RPAA 00321/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 28/10/2022, haburana Ubushinjacyaha na NSENGIMANA Juvénal (igika cya 22).



- ❖ Urubanza N° RPAA 00330/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 28/10/2022, haburana Ubushinjacyaha na BIZIMANA Vénuste (igika cya 16).
- ❖ Urubanza N° RPAA 00217/2021/CA, rwaciwe ku wa 28/10/2022 haburana Ubushinjacyaha na MANIRAGUHA Sylvestre (igika cya 11).
- ❖ Urubanza N° RPAA 00420/2021/CA, rwaciwe ku wa 28/10/2022 haburana Ubushinjacyaha na NIYIGENA Anselme (igika cya 18).
- ❖ Urubanza N° RPAA 00750/2021/CA, rwaciwe ku wa 28/10/2022 haburana Ubushinjacyaha na UWAMUNGU Jean Paul alias Walimungu (igika cya 15).
- ❖ Urubanza N° RPAA 00477/2021/CA CMB N° N° 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 N° RPAA 00571/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 29/11/2022 haburana NSENGIYUMVA Pascal bita MISAGO n’Ubushinjacyaha.
- ❖ Urubanza N° RPAA 00212/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 18/11/2022 haburana BIKORIMANA n’Ubushinjacyaha.
- ❖ Urubanza N° N° RPAA 00267/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 21/10/2022 haburana Ubushinjacyaha na NTAMBARA Emmanuel (igika cya 14).
- ❖ Urubanza N° RPAA 00546/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 20/1/2023 haburana Ubushinjacyaha na BIZIMANA Joseph (igika cya 19).
- ❖ Urubanza N° RPAA 00307/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 27/1/2023 haburana Ubushinjacyaha na MUTIMURA Félix (igika cya 13).
- ❖ Urubanza N° RPAA 00181/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 30/12/2022 haburana Ubushinjacyaha na MIZERO Eric (igika cya 19).

**Urubanza ruyoboye izindi (Leading case):** Urubanza ruyoboye izindi ni urubanza N° 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 riteganywa 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 N° RPA 0282/08/2008/CS rwaciwe n’Urukiko rw’Ikirenga ku wa 12/03/2010 haburana Ubushinjacyaha na NYIRANGONDO Virginie.
- ✓ Urubanza N° RPAA 0124/09/SC rwaciwe n’Urukiko rw’Ikirenga ku wa 01/06/2012 haburana Ubushinjacyaha na TWIZEYIMANA Isaie.
- ✓ Urubanza N° RPA 0246/09/CS rwaciwe n’Urukiko rw’Ikirenga ku wa 14/12/2012 haburana Ubushinjacyaha na Mukankusi Victoire.
- ✓ Urubanza N° RPAA 0024/14/CS rwaciwe n’Urukiko rw’Ikirenga ku wa 19/05/2017 haburana Ubushinjacyaha na RURAMUGARUYE Eric.
- ✓ Urubanza N° RPAA 00194/2021/CA rwaciwe n’Urukiko rw’Ubujurire 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 N° RPAA 00527/2020/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 20/1/2023 haburana Ubushinjacyaha na NDABAMENYE Emmanuel (igika cya 20-21).

**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 riteganywa ibyaha n'ibihano muri rusange iteganywa 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 bw'arwo rurebye imikorere y'icyaha uregwa akurikiranyweho cyangwa uburyo cyakozwemo.

**Izindi manza zafashwemo uyu murongo:**

- ❖ Urubanza N° 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, n° 8, Mutarama 2011, page 21-22).
- ❖ Urubanza N° RPAA 0021/14/CS-N° 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 N° RPAA 0024/14/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 19/05/2017, haburana Ubushinjacyaha na RURAMUGARUYE Eric (igika cya 15).
- ❖ Urubanza N° RPA 0255/13/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 21/04/2017, haburana Ubushinjacyaha na UWIZEYE Eustache (igika cya 16).

- ❖ Urubanza N° RPA 0246/09/CS rwaciwe n’Urukiko rw’Ikirenga ku wa 14/12/2012 haburana Ubushinjacyaha na MUKANKUSI Victoire.
- ❖ Urubanza N° RPAA 0021/14/CS-N° RPAA 0022/14/CS rwaciwe n’Urukiko rw’ikirenga ku wa 13/10/2017, haburana Ubushinjacyaha na UZABAKIRIHO.
- ❖ Urubanza N° 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 N° RPAA 00381/2020/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 18/03/2022, haburana Ubushinjacyaha na MUSANGAMFURA.
- ❖ Urubanza N° RPAA 00363/2020/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 29/04/2022, haburana Ubushinjacyaha na SIBOMANA Damascène.
- ❖ Urubanza N° RPAA 00353/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 29/07/2022 haburana Ubushinjacyaha na BIRIMIMANA Jean Bosco (igika cya 19).
- ❖ Urubanza N° RPAA 00362/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 19/07/2022 haburana Ubushinjacyaha na MUKAKINANI Claudine (igika cya 27).
- ❖ Urubanza N° RPAA 00312/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 29/07/2022 haburana Ubushinjacyaha na MBONABUCYA Donatien (igika cya 20).
- ❖ Urubanza N° N° RPAA 00221/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 19/9/2022 haburana Ubushinjacyaha na TURIMUBYIZA Jean Népo.

- ❖ Urubanza N° 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 N° RPAA 00406/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 23/9/2022 haburana Ubushinjacyaha na HARINDINTWARI Félix (igika cya 22).
- ❖ Urubanza N° 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 N° RPAA 00423/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 21 /10/2022 haburana Ubushinjacyaha na MISAGO Thadée (igika cya 19)
- ❖ Urubanza N° RPAA 00401/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 31/10/2022 haburana Ubushinjacyaha na MISAGO Thadée (igika cya 15-16)
- ❖ Urubanza N° RPAA 00292/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 28/10/2022 haburana Ubushinjacyaha na SAFARI Emmanuel (igika cya 21)
- ❖ Urubanza N° RPAA 00397/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 28/10/2022 haburana Ubushinjacyaha na NTAMBARA Régis (igika cya 17)
- ❖ Urubanza N° RPAA 00702/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 18/11/2022 haburana Ubushinjacyaha na NTAWIYANGA Jean Claude (Igika cya 19).
- ❖ Urubanza N° RPAA 00425/2021/CA- CMB RPAA 00426/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 30/01/2023 haburana Ubushinjacyaha na NSEKERABANZI Baheza n’undi (igika cya 30).

**Urubanza ruyoboye izindi (Leading case):** Urubanza ruyoboye izindi ni urubanza N° RPAA 0021/14/CS- N° 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 00038/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/01/2023 haburana Ubushinjacyaha na HAKIZIMANA Emmanuel (igika cya 16)

**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 N° 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 N° RPAA 00112/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 23/09/2022 haburana NSHIMIYIMANA Jean Paul (igika cya 37).
- ❖ Urubanza N° 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 N° N° RPAA 00193/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 21/10/2022 haburana Ubushinjacyaha na MAGERANO Faustin (igika cya 43)
- ❖ Urubanza RPAA 00158/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 11/11/2022 haburana Ubushinjacyaha na NIYONTEZE Laetitia (igika cya 32).

**Urubanza ruyoboye izindi (Leading case):** Ni Urubanza N° 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 N° RPAA 00737/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 16/12/2022 haburana Ubushinjacyaha na UWAYISABA HABIMANA Antoine (igika cya 20)

**Ingingo y’itegeko umurongo ushingiyeho:** Ingingo ya 111 y’itegeko n° 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 N° RPA0084/10/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 9/05/2014 haburana Ubushinjacyaha na GATERA, Vol [2015] 4 RLR.

- ❖ Urubanza N° RPAA0297/11/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 24/3/2016 haburana Ubushinjacyaha na RUZINDANA, Vol [2016] 4 RLR.
- ❖ Urubanza N° RPAA0048/12/CS, rwaciwe n'Urukiko rw'Ikirenga ku wa 6/05/2016 haburana Ubushinjacyaha na NSANZINTWALI, Vol [2017] 2 RLR.
- ❖ Urubanza N° RPAA 00064/2018/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 13/09/2019 haburana Ubushinjacyaha na NSANZUMUHIRE Jean Baptiste (igika cya 24).
- ❖ Urubanza N° RPAA 00007/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/07/2022, haburana Ubushinjacyaha na MBONIMANA Thierry (igika cya 31).
- ❖ Urubanza N° RPAA 00131/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/07/2022 haburana Ubushinjacyaha na UWITIJE J. Damascene (igika cya 28).
- ❖ Urubanza N° RPAA 00232/2020/CA- CMB N° RPAA 00041/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/09/2022 haburana Ubushinjacyaha na MBADUKO Daniel na INGABIRE Eugenie.



- ❖ Urubanza N° RPAA 00035/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 23/09/2022, haburana Ubushinjacyaha na ABAYISENGA Pascal (igika cya 32).
- ❖ Urubanza N° 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 N° RPAA 00055/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 31/10/2022, haburana Ubushinjacyaha na NIYONZIMA Adrien (igika cya 24).
- ❖ Urubanza N° RPAA 00263/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 28/10/2022, haburana Ubushinjacyaha na NDATIMANA Méthode (igika cya 39-43).
- ❖ Urubanza N° RPAA 00160/2020/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 25/11/2022, haburana Ubushinjacyaha na HATARI Pascal (igika cya 35).
- ❖ Urubanza N° RPAA 00392/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 25/11/2022, haburana Ubushinjacyaha na MANIGABE Emmanuel.
- ❖ Urubanza N° RPAA 00156/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 28/10/2022 haburana Ubushinjacyaha na NIYONZIMA Claude (igika cya 21)
- ❖ Urubanza N° RPAA 00516/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 26/01/2023 haburana Ubushinjacyaha na BAZUBAFITE Stephania (igika cya 19)

**Urubanza ruyoboye izindi (Leading case):** Ni Urubanza N° 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 N° RPAA 00466/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 27/01/2023 haburana Ubushinjacyaha na NSENGIYAREMYE Elie (Igika cya 14).

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

**Umurongo watanzwe:** Umucamanza uburanisha urubanza mu mizi niwe ureba agaciro invugo y'uwiyemerera icyaha mu rwego rw'iperereza ifite, kabone n'iyi nyirayo yageze imbere y'Urukiko akayihindura.

**Izindi manza zafashwemo uyu murongo:**

- ❖ Urubanza N° 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 N° RPAA 0029/13/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 10/02/2017 haburana Ubushinjacyaha na HABIMANA Aimable alias Gahinja.
- ❖ Urubanza N° N° RPAA 00091/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 19/07/2022 haburana Ubushinjacyaha na Hakizimana Gilbert (igika cya 24).
- ❖ Urubanza N° RPAA 00436/ 2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/06/2022 haburana Ubushinjacyaha na AHIMPEREYE NDEZE François (igika cya 19).
- ❖ Urubanza N° RPAA 00202/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/07/2022 haburana NSENGIMANA Alphonse bita Gatera (igika cya 16).

- ❖ Urubanza N° RPAA 00186/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 29/09/2022 haburana Ubushinjacyaha na MUKERANGABO Emmanuel (igika cya 27).
- ❖ Urubanza N° RPAA 00467/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 29/11/2022 haburana Ubushinjacyaha na SIMBARIKURE Bayaya Athanase (igika cya 24).
- ❖ Urubanza N° RPAA 00112/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 23/09/2022 haburana NSHIMIYIMANA Jean Paul (igika cya 23-24).
- ❖ Urubanza N° RPAA 00098/2020/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 06/01/2023 haburana Ubushinjacyaha na Cpl SHYAKA Védaste n’undi (igika cya 20).
- ❖ Urubanza N° RPAA 00318/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 27/01/2023 haburana ubushinjacyaha na MINANI Jean Bosco (igika cya 24-26).
- ❖ Urubanza N° RPAA 00488/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 27/1/2023, haburana HAFASHIMANA Silas (igika cya 28).
- ❖ Urubanza N° RPAA 00161/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 28/11/2022 haburana Ubushinjacyaha na BAZIRAMWABO Fabien alias Museveni (igika cya 35).
- ❖ Urubanza RPAA 00546/2022/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 27/01/2023 haburana Ubushinjacyaha na NIRAGIRE Gédéon Jean de n’undi (igika cya 30).
- ❖ **Ibitabo by’abahanga:** Michel Franchimont, in Manuel de Procédure Pénale<sup>1</sup>, 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 N° 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. 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 N° RPAA 00366/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 31/01/2023 haburana Ubushinjacyaha na HAFASHIMANA Odance (igika cya 22).

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

**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 N° RPAA 0057/15/CS rwaciwe ku wa 11/05/2018 haburana Ubushinjacyaha na NDIKUBWAYO
- ❖ Urubanza N° RPAA 0066/15/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 04/01/2019 haburana Ubushinjacyaha na DUSABIMANA Jeannette (igika cya 31-33)

- ❖ Urubanza N° RPA0229/10/CS rwaciwe n’Urukiko rw’Ikirenga ku wa 19/09/2014 haburana Ubushinjacyaha na NYIRAHABIMANA Espérance
- ❖ Urubanza N° RPA0042/14/CS rwaciwe n’Urukiko rw’Ikirenga ku wa 02/06/2017 haburana Ubushinjacyaha na NDUNGUTSE Deo.
- ❖ Urubanza N° RPAA00053/2019/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 24/04/2020 haburana Ubushinjacyaha na MUKESHIMANA Vincent.
- ❖ Urubanza N° N° 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 N° RPAA 00055/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 31/10/2022, haburana Ubushinjacyaha na NIYONZIMA Adrien (Igika cya 24).

**Urubanza ruyoboye izindi (Leading case):** Urubanza ruyoboye izindi ni Urubanza N° RPAA 0057/15/CS rwaciwe ku wa 11/05/2018 haburana Ubushinjacyaha na NDIKUBWAYO kuko rwaciwe mbere n’urukiko rw’Ikirenga

10. 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 N° RPAA 00001/2022/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 27/1/2023 haburana Ubushinjacyaha na TEGERA Jean Damascène (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 N° 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 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 (igika cya 24).
- ❖ Urubanza N° 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 N° 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 N° 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 N° 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 N° 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 N° RCOMAA 00060/2022/CA, rwaciwe ku wa 28/07/2022 haburana Nyamaswa Raphael na BPR Plc (igika cya 21).
- ❖ Urubanza N° 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 N° RPAA 00057/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/09/2022 haburana Ubushinjacyaha na MUKESHIMANA Bonifilida (igika cya 13).
- ❖ Urubanza N° RPAA 00204/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/09/2022, haburana Ubushinjacyaha na MUGISHA Drake (igika cya 24)
- ❖ Urubanza N° RPAA 00177/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 21/10/2022, haburana Ubushinjacyaha na MANIRAGUHA Paul (igika cya 12-13).
- ❖ Urubanza N° RPAA 00253/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 21/10/2022, haburana Ubushinjacyaha na MUGENZI Claude (igika cya 20).
- ❖ Urubanza N° 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 N° RPAA 00100/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 30/11/2022, haburana Ubushinjacyaha na RUKUNDO Faustin.

- ❖ Urubanza N° RCAA 00010/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 18/11/2022, haburana MAHINYUZA Aloys na MUKESHIMANA Marthe n’abandi.
- ❖ Urubanza N° 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 N° 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 N° 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 N° RPAA 00127/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 14/10/2022 haburana Ubushinjacyaha na SERUGENDO Jean de Dieu (igika cya 12)
- ❖ Urubanza N° RCOMAA 00067/2022/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 27/01/2023 haburana BCEG RWANDA Ltd na SEBATIGITA Patrick (igika cya 22).
- ❖ Urubanza N° RCOMAA 00087/2022/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 20/01/2023 haburana Bank of Kigali Plc na Gate Hills Estate Ltd (igika cya 25).



- ❖ Urubanza N° RCOMAA 00081/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/01/2023 haburana NKAKA MAIZE MILLS Ltd na UNGUKA BANK Plc n'undi (igika cya 18).
- ❖ Urubanza N° RPAA 00211/2022/CA-CMB RPAA 00213/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/01/2023 haburana ubushinjacyaha na NIYIGABA Emile n'undi (igika cya 17).

**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'imatekerereze ya buri rukiko (raisonnement juridique) mu kugaragaza impamvu zashingiweho, kugira ngo rugere ku cyemezo rwafashe, hitawe ku kureba niba ingingo zaburanywe mbere arizo zagarusweho 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.

11. 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 00414/2021/CA CMB-RPAA 00424/2021/CA, rwaciwe ku wa 27/1/2023 haburana Ubushinjacyaha na DUSHIMIMANA Théoneste (igika cya 22).

**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 riteganyaga ibyaha n’ibihano muri rusange iteganyaga 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 N° 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 N° RPAA 00120/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 18/11/2022 haburana Ubushinjacyaha na MUSA Christian (igika cya 26)
- ❖ Urubanza N° RPAA 00183/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 25/11/2022 haburana Ubushinjacyaha na NSENGIYAREMYE Jérémie (igika cya 18)
- ❖ Urubanza N° RPAA 00192/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 14/10/2022 haburana Ubushinjacyaha na HANGANIMANA Martin (igika cya 18)
- ❖ Urubanza N° RPAA 00212/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 18/10/2022 haburana Ubushinjacyaha na BIKORIMANA (igika cya 26 na 27)
- ❖ Urubanza N° RPAA 00219/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 30/11/2022 haburana Ubushinjacyaha na MUTABARUKA Emmanuel (igika cya 19)
- ❖ Urubanza N° 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 N° 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 N° 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 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 00468/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 27/1/2023 haburana Ubushinjacyaha na NGIRIMANA Jean Damascène alias Ngabo (igika cya 20).
- ❖ Urubanza N° RPAA 00316/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 27/01/2023 haburana Ubushinjacyaha na IYAKAREMYE Zakayo (igika cya 16).
- ❖ Urubanza N° RPAA 00205/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 25/11/2022 haburana Ubushinjacyaha na UWAYEZU Jean Bosco (igika cya 16).
- ❖ Urubanza N° RPAA 00464/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 20/01/2023 haburana Ubushinjacyaha na BIZIMANA Moussa (igika cya 22).
- ❖ Urubanza RPAA 00158/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 11/11/2022 haburana Ubushinjacyaha na NIYONTEZE Laetitia (Igika cya 30-31).

**Urubanza ruyoboye izindi:** Ni 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.

12. 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 00702/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 18/11/2022 haburana Ubushinjacyaha na NTAWIYANGA Jean Claude (igika cya 19).

**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 N° 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 N° RPAA 0083/12/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 17/06/2016, haburana Ubushinjacyaha na MUBERUKA Gracien (Igika 12).
- ❖ Urubanza N° RPA0047/11/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 27/03/2015 haburana Ubushinjacyaha na NSHUTIRAKIZA Narcisse (igika cya 14-16).
- ❖ Urubanza N° 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 N° 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 N° RPAA 00195/2020/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 27/05/2022 haburana Ubushinjacyaha na AYIRWANDA Emmanuel.
- ❖ Urubanza N° RPAA 00087/2020/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 27/05/2022 haburana Ubushinjacyaha na HAGABIMANA Emmanuel.
- ❖ Urubanza N° RPAA 00170/2020/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 30/05/2022 haburana Ubushinjacyaha na MUSHUMBA NGABIRANO.
- ❖ Urubanza N° RPAA 00398/2020/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 20/05/2022 haburana Ubushinjacyaha na NDIKUBWIMANA Marc.
- ❖ Urubanza N° RPAA 00351/2020/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 19/04/2022 haburana Ubushinjacyaha na NGERAGEZE KARAMIRA.
- ❖ Urubanza N° RPAA 00174/2020/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 06/05/2022 haburana Ubushinjacyaha na NGEZAHAYO JMV n’abandi.
- ❖ Urubanza N° RPAA 00244/2020/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 19/04/2022 haburana Ubushinjacyah na NKOMEZA Etienne.
- ❖ Urubanza N° RPAA 00363/2020/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 29/04/2022, haburana Ubushinjacyaha na SIBOMANA Damascène.
- ❖ Urubanza N° RPAA 00366/2020/CA – CMB N° RPAA 00196/2021/CA haburana TWAGIRAYEZU Jullien alias Mafene na RUKUNDO Julliet.
- ❖ Urubanza N° RPAA 00230/2020/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 13/5/2022 haburana Ubushinjacyaha na Minani François.

- ❖ Urubanza N° RPAA 00360/2020/CA rwaciwe ku wa 28/04/2022 haburana MBARUSHIYEZE Theoneste.
- ❖ Urubanza N° RPAA 00157/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 28/07/2022 haburana Ubushinjacyaha na BAGIRUWUBUSA Jean Nepomuscène.
- ❖ Urubanza N° RPAA 00095/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 23/09/2022 haburana Ubushinjacyaha na NKUNDIYIMFURA Janvier (igika cya 22).
- ❖ Urubanza N° RPAA 00321/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 28/10/2022, haburana Ubushinjacyaha na NSENGIMANA Juvénal (igika cya 27).
- ❖ Urubanza N° 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 N° RPAA 00455/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 18/11/2022 haburana Ubushinjacyaha na NDAGIJIMANA Vianney.
- ❖ Urubanza N° RPAA 00264/2022/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 21/10/2022 haburana Ubushinjacyaha na NDAGIJIMANA Emmanuel.
- ❖ 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).

**Urubanza ruyoboye inzindi:** Ni urubanza N° 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.

13. 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 00471/2021/CA, rwaciwe ku wa 27/01/2023, haburana Ubushinjacyaha na SIBOMANA Emmanuel (igika cya 19 - 20).

**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 by’igihano byaba bitaburanyweho n’impamvu z’ubujurire zitahawe ishingiro.

**Izindi manza zafashwemo uyu murongo:**

- ❖ Urubanza N° RPAA 00069/2021/CA rwaciwe n’Urukiko rw’Uburire ku wa 28/07/2022 haburana Ubushinjacyaha na NYIRANZEYIMANA Odette.
- ❖ Urubanza N° RPAA 00039/2021/CA rwaciwe n’Urukiko rw’Uburire ku wa 02/07/2021 haburana Ubushinjacyaha na SHAKABATENDA Jean de Dieu.
- ❖ Urubanza N° RPAA 00194/2021/CA rwaciwe n’Urukiko rw’Uburire ku wa 22/07/2022 haburana Ubushinjacyaha na NDAYISHIMIYE Emmanuel alias Shema.



- ❖ Urubanza N° RPAA 00441/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 21/10/2022 haburana Ubushinjacyaha na NKUBANA Samuel (igika cya 23).
- ❖ Urubanza N° RPAA 00410/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 28/10/2022 haburana Ubushinjacyaha na NSENGIMANA Eric (igika cya 36).
- ❖ Urubanza N° RPAA 00189/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 28/10/2022, haburana Ubushinjacyaha na BAKUNZIBAKE Emmanuel.
- ❖ Urubanza N° RPAA 00429/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 27/1/2023, haburana Ubushinjacyaha na MUVARA Donatien (igika cya 33-34).
- ❖ Urubanza N° RPAA 00098/2020/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 06/01/2023 haburana Ubushinjacyaha na Cpl SHYAKA Védaste n’undi (igika cya 51-52).
- ❖ Urubanza N° RPAA 00181/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 30/12/2022 haburana Ubushinjacyaha na MIZERO Eric (igika cya 22-26).
- ❖ Urubanza RPAA 00546/2022/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 27/01/2023 haburana Ubushinjacyaha na NIRAGIRE Gédéon Jean de Dieu na RUTAYISIRE Abdourlatif (Igika cya 33).

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

**Urubanza rwasuzumwe:** Urubanza N° RPAA 00559/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 27/01/2023 haburana Ubushinjacyaha na NABIBWIYIMANA Emmanuel (igika cya 31)

**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 munsu urubanza rwaciriweho ku muburanyi wari uhari cyangwa ahagarariwe igihe urubanza rwacibwaga»*

✓ Ingingo ya 183, agace ka gatanu n’aka gatandatu y’itegeko y’itegeko N° 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 iyuzuzwa cyangwa isobanura iyatanzwe mu bihe byemewe byo kujurira, ntigomba kwakirwa.

**Izindi manza zafashwemo uyu murongo:**

- ❖ Urubanza N° RCOMAA 00071/2017/CS rwaciwe n’Urukiko rw’Ikirenga ku wa 26/10/2018 haburana MBUTO Aimable na BRD (igika cya 22).
- ❖ Urubanza N° RPA/GEN 00004/2019/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 07/05/2021 haburana Ubushinjacyaha na MUNYAGISHARI Bernard (igika cya 66).
- ❖ Urubanza N° RPAA 00328/2020/CA rwaciwe n’Urukiko rw’Ubujurire haburana Ubushinjacyaha na NSABUKUNZE Emmanuel (igika cya 24-26).

- ❖ Urubanza N° RPAA 00386/2020/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 11/06/2020 haburana Ubushinjacyaha na MUSHINZIMANA Daniel (igika cya 16).
- ❖ Urubanza N° 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)
- ❖ Urubanza N° RPAA 00205/2020/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 12/11/2021 rwa BARAKAGWIRA Gilbert n’Ubushinjacyaha ( igika cya 14-15).
- ❖ Urubanza N° RPAA 00422/2020/CA rwaciwe ku wa 17/05/2022 haburana Ubushinjacyaha na KWITONDA Benoit
- ❖ Urubanza N° RPAA 00169/2020/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 22/04/2022 haburana Ubushinjacyaha na MUKURANAMANA Martin
- ❖ Urubanza N° RPAA 00295/2020/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 29/04/2022 haburana Ubushinjacyaha na NDAGIJIMANA Jean d’Amour
- ❖ Urubanza N° RPAA 00099/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 23/09/2022 haburana Ubushinjacyaha na MWENEDATA Jacques (igika cya 14)
- ❖ Urubanza N° RPAA 00274/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 28/10/2022 haburana Ubushinjacyaha na TWAGIRAYEZU Thomas (igika cya 12-13)

**Urubanza ruyoboye izindi (Leading case):** Urubanza ruyoboye izindi ni Urubanza N° RCOMAA 00071/2017/CS rwaciwe ku wa 26/10/2018 haburana MBUTO Aimable na BRD kuko rwaciwe mbere n’Urukiko rw’Ikirenga.

15. 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 N° RPAA 00558/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 27/01/2023, haburana Ubushinjacyaha na HABIMANA François (igika cya 15).

**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 N° 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»*

**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 N° RPA 0022/14/CS rwaciwe n’Urukiko rw’Ikirenga ku wa 23/03/2018 haburana Ubushinjacyaha na BOGERE Barige (igika cya 12).
- ❖ Urubanza n° RPA 0245/09/CS rwaciwe n’Urukiko rw’Ikirenga ku wa 25/03/2011 haburana Ubushinjacyaha na BIZAVUGAMUNGU

- ❖ Urubanza N° 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 N° RS/INJUST/RCOM 00003/2019/SC cyafashwe mu iburanisha ryo ku wa 14/09/2020 haburana Access Bank na SOTIRU Ltd.
- ❖ Urubanza N° RPAA 00060/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 27/09/2022, haburana Ubushinjacyaha na Gakoza Eugene (igika cya 19).
- ❖ Urubanza N° RPAA 00155/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 30/11/2022, haburana Ubushinjacyaha na NDAYISENGA Védaste (igika cya 10).
- ❖ Urubanza N° RPAA 00434/2018/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 26/04/2019, haburana Ubushinjacyaha na NDAHAYO Eustache.
- ❖ Urubanza N° RPAA 00064/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 14/10/2022 haburana Ubushinjacyaha na TUYISHIMIRE Sylvan (igika cya 11).

**Urubanza ruyoboye izindi (Leading case):** Urubanza ruyoboye izindi ni urubanza Urubanza N° 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.

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

**Urubanza rwasuzumwe:** Urubanza N° RPAA 00161/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 28/11/2022 haburana Ubushinjacyaha na BAZIRAMWABO Fabien alias Museveni (igika cya 20, 27).

**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 N° 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 N° 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 N° RPAA 00195/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 27/05/2022 haburana Ubushinjacyaha na AYIRWANDA Emmanuel.
- ❖ Urubanza N° RPAA 00357/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/04/2022 haburana Ubushinjacyaha na HABİYAMBERE Justin.
- ❖ Urubanza N° 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 N° RPAA 00441/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 21/10/2022 haburana Ubushinjacyaha na NKUBANA Samuel (igika cya 11-13).

**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).

17. 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 N° RPAA 00344/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 31/01/2023 haburana Ubushinjacyaha na NSENGIYUMVA Vianney (igika cya 13).

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

**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).
- ❖ 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 N° 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).
- ❖ Urubanza N° RPAA 00318/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 27/01/2023 haburana ubushinjacyaha na MINANI Jean Bosco (igika cya 28).



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

Urubanza ruyoboye izindi ni Urubanza 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.

18. Ubuhamya – Agaciro k’ubuhamya bushingiye ku mvugo z’umwana utarageza ku myaka 14 – ntibugomba gushingirwaho iyo butunganiwe n’ibindi bimenyetso.

**Urubanza rwasuzumwe:** Urubanza N° RPAA 00545/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 20/1/2023 haburana Ubushinjacyaha na MUGISHA Prince alias Kadogo (Igika cya 29-30).

**Ibibazo byasuzumwe:** Ese ubuhamya bushingiye ku mvugo z’umwana utarageza ku myaka 14, buhabwa agaciro ki?

**Ingingo y’itegeko umurongo ushingiyeho:**

✓ Ingingo ya 63, igika cya 4 y’Itegeko N° 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* »

✓ Ingingo ya 49 y’Itegeko n° 027/2019 ryo ku wa 19/9/2019 ryerekeye imiburanishirize y’imanza z’inshinjabyaha iteganya ko “ *Umwana utagejeje ku myaka cumi n’ine (14) yemerewe gutanga ubuhamya nk’umuntu mukuru. Umwana utagejeje ku myaka cumi n’ine (14) yumvwa atagombye kurahira ariko icyemezo cy’urukiko ntigishobora gushingira kuri ubwo buhamya bwonyine. Muri ibyo bihe, ubuhamya bw’umwana bugomba gushyigikirwa n’ibindi bimenyetso*”.

**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 N° RPAA 0133/10/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 07/11/2014 haburana Ubushinjacyaha na MVUYEKURE (igika cya 17)

❖ Urubanza N° RPAA 00405/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 17/10/201 haburana Ubushinjacyaha na NIZEYIMANA Jean Pierre (igika cya 31)

❖ Urubanza N° RPAA 00146/2018/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 28/01/2022 haburana Ubushinjacyaha na UWAMAHORO Martin (igika cya 22)

❖ Urubanza RPAA 00107/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 11/11/2022 haburana Ubushinjacyaha na NIYONSABA Félix (igika cya 27)

**Urubanza ruyoboye izindi (Leading case):** Ni Urubanza N° 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.

19. Ubuhamya bwemewe - ubuhamya butanzwe n'abakorewe icyaha n'abo bafitanye isano - Urukiko nirwo rusuzuma ireme ry'ubuhamya rushingiye ku bumenyi bw'ababutanga n'uburyo basobanura ibyo biboneye cyangwa bumvise, rukabigereranya n'ibindi bimenyetso.

**Urubanza rwasuzumwe:** Urubanza N° RPAA 00422/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/1/2023 haburana Ubushinjacyaha na RUTINDUKA Charles (igika cya 25).

**Ikibazo cyasuzumwe:** Ese ubuhamya butanzwe n'abakorewe icyaha n'abafitanye isano nabo bwahabwa agaciro n'Urukiko?

**Ingingo y’itegeko umurongo ushingiyeho:** Ingingo ya 65 y’itegeko N° 15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n’itangwa ryabyo iteganya ko: *“Urukiko ni rwo rwonyine rupima ko imikirize y’abatangabuhamya ihuye n’ikiburanwa, ifite ingingo zikiranuye kandi ikaba ikwiye kwemerwa cyangwa guhakanwa. Ntirwitsitsa ku mubare w’abatangabuhamya. Rwita cyane cyane ku bumenyi bwabo bw’ibyabaye, no ku buryo babivuga uko byagenze nta cyo bihimbira”.*

**Umurongo uhuriweho n’izindi manza:** Kuba umutangabuhamya afitanye isano n’uwahohotewe cyangwa ari uwahohotewe ubwe, ubwabyo ntibitesha agaciro ubuhamya. Urukiko nirwo rusuzuma ireme ry’ubuhamya rushingiye ku bumenyi bw’ababutanga n’uburyo basobanura ibyo biboneye cyangwa bumvise, rukabigereranya n’ibindi bimenyetso.

#### **Izindi manza zafashwemo uyu murongo**

❖ Urubanza N° RPAA0118/11/CS, rwaciwe n’Urukiko rw’Ikirenga ku wa 13/11/2015 haburana Ubushinjacyaha na NGURINZIRA, (igika cya 13 Vol [2017] 1 RLR)

❖ Urubanza N° RPAA0059/08/CS, rwaciwe n’Urukiko rw’Ikirenga ku wa 19/11/2010 haburana Ubushinjacyaha na Nshimiyimana Alexis n’abandi.

❖ Urubanza N° RPAA 00268/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 29/07/2022 rw’Ubushinjacyaha na NTAKIRUTIMANA Martin (igika cya 35)

**Urubanza ruyoboye izindi (Leading case):** Ni urubanza N° RPAA0118/11/CS, rwaciwe ku wa 13/11/2015 rw’Ubushinjacyaha na NGURINZIRA, kuko rwaciwe n’Urukiko rw’Icyegeranyo kandi rutangazwa mu cyegeranmyo (Vol [2017] 1 RLR)

20. Guhamwa no gucuruza ibiyobyabwenge - gucuruza ingano nto - kugabanyirizwa ibihano - uwahamwe no gucuruza ibiyobyabwenge ashobora kugabanyirizwa igihano mu rwego rwo guhuza igihano n'uburemere bw'icyaha.

**Urubanza rwasuzumwe:** Urubanza N° RPAA 00304/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/1/2023 rw'Ubushinjacyaha na MUSABYIMANA Aboubakar (igika cya 19).

**Ikibazo cyasuzumwe:** Ese ingano nto uregwa gucuruza ibiyobyabwenge yafatanywe byamugirira akamaro akagabanyirizwa igihano?

**Umurongo uhuriwe n'izindi manza:** Urukiko rushobora kugabanya igihano rushingiye ku ngano y'ibiyobyabwenge ushinjwa yatunze cyangwa yacurujye, mu rwego rwo guhuza igihano n'uburemere bw'icyaha (Principe de la proportionnalité de la peine à l'infraction).

**Izindi manza zafashwemo uyu murongo:**

- ❖ Urubanza N° RPAA 00039/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 02/07/2021 rw'Ubushinjacyaha na SHAKABATENDA Jean de Dieu.
- ❖ Urubanza N° RPAA 00293/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 15/07/2022 rw'Ubushinjacyaha na Murindahabi Jean de Dieu (Igika cya 35).
- ❖ Urubanza N° RPAA 00408/2020/CA rwaciye n'Urukiko rw'Ubujurire ku wa 27/06/2022 haburana Ubushinjacyaha na NIYITEGEKA Augustin.
- ❖ Urubanza N° RPAA 00132/2021/CA rwaciye n'Urukiko rw'Ubujurire ku wa 15/07/2022 haburana Ubushinjacyaha na UYISENGA Théogène.
- ❖ Urubanza N° RPAA 00499/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/07/2022 rw'Ubushinjacyaha na MBARUSHIMANA Damascène (Igika cya 26).
- ❖ Urubanza N° RPAA 00307/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/1/2023 haburana Ubushinjacyaha na MUTIMURA Félix (igika cya 21).

**Urubanza ruyoboye izindi (Leading case):** Ni Urubanza Urubanza N° RPAA 00039/2021/CA rwaciwe ku wa 02/07/2021 rw'Ubushinjacyaha na SHAKABATENDA Jean de Dieu kuko arirwo rwaciwe mbere kuri iki kibazo.

21. Guhinga cyangwa kubika urumogi ruke - ntibifatwa nko guhinga cyangwa kubika urumogi bivugwa mu ngingo ya 263 igika cya 3 y'Itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganyaga ibyaha n'ibihano muri rusange – bifatwa nk'uwari ugamije kubyikoreshereza - agahabwa igihano gito.

**Urubanza rwasuzumwe:** Urubanza N° RPAA 00318/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/01/2023 haburana ubushinjacyaha na MINANI Jean Bosco (igika cya 34-35).

**Ikibazo cyasuzumwe:** Ese uregwa ufatanywe ingano nto y'urumogi yahinze cyangwa yabitse yahanwa hashingiwe ku gufatanwa ibiyobyabwenge agamije kubigurisha no kubikwirakwiza?

**Umurongo uhuriweho n'izindi manza:** Iyo nta bimenyetso bigaragaza ko uregwa wafatanywe ingano nto y'ibiyobyabwenge yahinze cyangwa yabitse yari agamije kubikwirakwiza no kubigurisha, afatwa nk'uwari ugamije kubyikoreshereza (simple drug possession) aho kubicuruzwa no kubikwirakwiza (drug trafficking /drug distribution), agahabwa ibihano bito.

**Izindi manza zafashwemo uyu murongo:**

- ❖ Urubanza RPAA 00147/2022/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 17/06/2022 haburana Ubushinjacyaha na BUTERA Gedeon (igika cya 19, 20).
- ❖ Urubanza N° RPAA 00132/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 15/07/2022 haburana Ubushinjacyaha na UYISENGA Théogène alias Rasta.
- ❖ Urubanza N° RPAA 00200/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/07/2022 haburana Ubushinjacyaha na HAKIZIMANA Eric (igika cya 33).

❖ Urubanza N° RPAA 00327/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 27/01/2023 haburana Ubushinjacyaha na MUSIRIKARE Jean Damascène (igika cya 22-25).

❖ Urubanza N° RPAA 00335/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 27/01/2023 haburana Ubushinjacyaha na SINDIKUBWABO UWABAKURIKIZA (igika cya 29).

❖ Urubanza N° RPAA 00498/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 27/01/2023 haburana Ubushinjacyaha na RUBAYIZA Alexis (igika cya 12,16).

**Urubanza ruyoboye izindi:** Urubanza RPAA 00147/2022/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 17/06/2022 haburana Ubushinjacyaha na BUTERA Gedeon, igika cya 19, 20 kuko arirwo rwafashe icyemezo bwa mbere kuri uyu murongo.

22. Umucuruzi w’ibiyobyabwenge - ibimenyetso by’uko ari umucuruzi wabyo - kutaba ngombwa ko asanganwa abaguzi - igihe cyose abifatanywe kandi bigaragara ko yiteguye kubiha umuntu wese umugana ashaka kubigura, aba ari umucuruzi wabyo.

**Urubanza rwasuzumwe:** Urubanza N° RPAA 00354/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 31/01/2023 haburana Ubushinjacyaha na TWIZERIMANA Cyprien (igika cya 21).

**Ibibazo byasuzumwe:** Ni iki gishingirwaho ngo hemezwe ko uwafatanywe ibiyobyabyenge ari umucuruzi wabyo?

**Umurongo imanza zihuriyeho:** Umuntu ntagirwa umucuruzi w’ibiyobyabwenge no kuba hari abaguzi babonetse aho acuririza, ahubwo igihe cyose afite ibicuruzwa kandi yiteguye kubiha umuntu wese umugana ashaka ibyo agurisha, aba ari umucuruzi w’ibiyobyabwenge.

**Izindi manza zafashwemo uyu murongo**

❖ Urubanza N° RPAA 00293/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 15/07/2022 haburana Ubushinjacyaha na Murindahabi Jean de Dieu (igika cya 30)

❖ Urubanza N° RPAA 00436/2020/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 28/06/2022 haburana Ubushinjacyaha na AHIMPEREYE NDEZE François (Igika cya 19).

❖ Urubanza N° RPAA 00466/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 27/01/2023 haburana Ubushinjacyaha na NSENGIYAREMYE Elie (Igika cya 12).

**Urubanza ruyoboye izindi (Leading case):** Urubanza ruyoboye izindi ni urubanza Urubanza N° RPAA 00436/2020/CA rwaciwe ku wa 28/06/2022 rw’Ubushinjacyaha na AHIMPEREYE NDEZE François

23. Imanza z’inshinjabyaha – impamvu z’ubujurire – ese umuburanyi wagabanyirijwe igihano ashobora kujurira agamije gusaba gusa ko yongera kugabanyirizwa? - buri mucamanza ku rwego urwo arirwo rwose, yemerewe gutanga igihano mu bushishozi bwe kijyanye n’uburemere bw’icyaha ndetse n’ingaruka zacyo ariko mu bujurire Umucamanza agomba kuzirikana ko yemerewe gusa guhindura igihano cyatanzwe, ari uko amaze kugaragaza ko urukiko rubanza rwaba rwarakoresheje itegeko cyangwa ubushishozi bwarwo nabi mu gutanga icyo gihano.

**Urubanza rwasuzumwe:** Urubanza N° RPAA 00408/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 20/01/2023 haburana Ubushinjacyaha na NYIRISHEMA Fiston (igika cya 13)

**Ikibazo cyasuzumwe:** Ese umuntu wagabanyirijwe igihano ashobora kujurira agamije gusaba gusa ko yongera kugabanyirizwa?

**Umurongo uhuriweho n'izindi manza:** Iyo abaregwa nta kindi banenga urubanza rwajuririwe uretse kuvuga gusa ko batagabanyirijwe bihagije, buri mucamanza ku rwego urwo arirwo rwose, yemerewe gutanga igihano mu bushishozi bwe kijyanye n'uburemere bw'icyaha ndetse n'ingaruka zacyo ariko ko mu bujurire, Umucamanza agomba kuzirikana ko yemerewe gusa guhindura igihano cyatanzwe mu Rukiko rubanza, ari uko amaze kugaragaza ko urwo Rukiko rwaba rwarakoresheje itegeko cyangwa ubushishozi bwarwo nabi mu gutanga icyo gihano.

**Izindi manza zafashwemo uyu murongo:**

- ❖ Urubanza N° RPA 00060/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa haburana Ubushinjacyaha na Nsabimana Callixte alias Sankara n'abandi, (igika cya 252-254).
- ❖ Urubanza N° RPAA 00486/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/01/2023, haburana Ubushinjacyaha na MANIRIHO Cyprien alias BUREGEYA (igika cya 14).
- ❖ Urubanza N° RPAA 00132/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/01/2023, haburana Ubushinjacyaha na NTIRENGANYA Emmanuel (igika cya 14).
- ❖ Urubanza N° RPAA 00109/2022/CA, rwaciwe n'Urukiko rw'Ukirenga ku wa 27/01/2023 haburana Ubushinjacyaha na MUGUME God (igika cya 19).
- ❖ Urubanza N° RPAA 00379/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/01/2023 rw'Ubushinjacyaha na HAKIZIMANA Melan (igika cya 20).
- ❖ Urubanza N° RPAA 00464/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/01/2023 haburana Ubushinjacyaha na BIZIMANA Moussa (igika cya 16).
- ❖ Urubanza N° RPAA 00393/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/01/2023 haburana Ubushinjacyaha na NSABIMANA Jean (igika cya 17).



❖ Urubanza RPAA 00302/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/01/2023 haburana Ubushinjacyaha na HABINSHUTI Samuel (Igika cya 17).

**Urubanza ruyoboye izindi:** Urubanza ruyoboye izindi ni Urubanza N° RPA 00060/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 04/04/2022 haburana Ubushinjacyaha na Nsabimana Callixte alias Sankara na bagenzi be (igika cya 252-254).

24. Imanza z'inshinjabyaha - ubusembure – igisobanuro cy'ubusembure - kugira ngo igikorwa cyitwe icy'ubusembure ni uko uwakorewe icyaha aba ari we wabaye nyirabayazana wacyo.

**Urubanza rwasuzumwe:** Urubanza N° RPAA 00161/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/11/2022 haburana Ubushinjacyaha na BAZIRAMWABO Fabien alias Museveni (igika cya 32).

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

**Ingingo umurongo ushingiyeho:** Ingingo ya 56 y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganyaga ibyaha n'ibihano muri rusange ivugaga ko «Igihe habaye ubusembure, umucamanza agaragaza mu cyemezo cy'urukiko ingingo zerekana ko imyitwarire y'uwakorewe icyaha ari yo yatumye icyo cyaha gikorwa».

**Umurongo watanzwe:** Kugira ngo ubusembure bwemerwe, ni uko uwakorewe icyaha ari we wabaye nyirabayazana wacyo.

**Izindi manza zafashwemo uyu murongo:**

❖ Urubanza N° RPA0154/13/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 08/12/2017 haburana Ubushinjacyaha na Habyarimana Festus n'abandi (igika cya 51). (Icyegeranyo cy'ibyemezo by'inkiko RLR- V.3- 2018).

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

25. 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 RPAA 00049/2021/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 23/09/2022 haburana Ubushinjacyaha na UWASE Farida (igika cya 28).

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

**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 N° RPAA 00036/2021/CA, rwaciwe ku wa 23/09/2022 haburana Ubushinjacyaha na URAYENEZA Cyriaque (igika cya 25)
- ❖ Urubanza N° RPAA 0085/2021/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 18/11/2022, haburana Ubushinjacyaha na INGABIRE Suzuki (igika cya 22).
- ❖ Urubanza N° 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 N° 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 N° RPAA 00155/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 04/06/2021 haburana Ubushinjacyaha na BUCYEYE Pascal n'

-Urubanza N° N° 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 n° 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.

26. Imanza z'inshinjabyaha - alibi (sinari mpari)- uburanisha alibi (sinari mpari) - niwe ugira inshingano yo kugaragaza ko atashoboraga gukora icyaha aregwa, kuko atari ari aho cyakorewe igihe cyakorwaga

**Urubanza rwasuzumwe:** Urubanza N° RPAA 00371/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 15/12/2022, haburana Ubushinjacyaha na SEZIKEYE François (igika cya 12).

**Ikibazo umurongo ushingiyeho:** Kugira ngo ukuburanisaha sinari mpari (*alibi*) byemerwe hagomba kugaragazwa iki?

**Umurongo watanzwe:** Uburanisha sinari mpari (*alibi*) niwe ugira inshingano yo kugaragaza ko atashoboraga gukora icyaha aregwa, kuko atari ari aho cyakorewe igihe cyakorwaga. Ubushinjacyaha nabwo bukagira inshingano yo kugaragaza bidashidikanywaho ko ariwe wakoze icyo cyaha, kandi ko ibyo aburanisha atari ukuri kuko yari ahari igihe icyaha cyakorwaga.

27. Kugabanya igihano – impaka ku kugabanya igihano kugera munsu y'igihano gito giteganywa n'itegeko - ntibikwiye kongera kugibwaho impaka mu nkiko, kuko byafashweho umurongo mu manza zitandukanye hemezwa ko ntagikwiye kubuza umucamanza kugena igihano gihwanye n'uburemere bw'icyaha cyakozwe.

**Urubanza rwasuzumwe:** Urubanza N° RPAA 00379/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/01/2023 rw'Ubushinjacyaha na HAKIZIMANA Melan (igika cya 18).

**Ikibazo umurongo ushingiyeho:** Ese ibijyanye no kugabanya igihano kugera munsu y'igihano gito, ni ikibazo gikwiye gukomeza kugibwaho impaka mu Rukiko?

**Umurongo watanzwe:** Ibijyanye no kuba Urukiko rwagabanya igihano rukajya munsu y'igihano gito giteganywa n'itegeko, ntibikwiye kongera kugibwaho impaka, kuko byafashweho umurongo mu manza zitandukanye rwemeza ko ntagikwiye kubuza umucamanza kugena igihano gihwanye n'uburemere bw'icyaha cyakozwe.

**Izindi manza zafashwemo uyu murongo:**

- ❖ Urubanza N° RPAA 00109/2022/CA, rwaciwe n'Urukiko rw'Ikirenga ku wa 27/01/2023 haburana Ubushinjacyaha na MUGUME God (igika cya 17).
- ❖ Urubanza N° RPAA 00464/2021/CA, rwaciwe n'Urukiko rw'Ikirenga ku wa 20/01/2023 haburana Ubushinjacyaha na BIZIMANA Moussa (igika cya 17).
- ❖ Urubanza N° RPAA 00408/2021/CA, rwaciwe n'Urukiko rw'Ikirenga ku wa 20/01/2023 haburana Ubushinjacyaha na NYIRISHEMA Fiston (igika cya 19).

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.	N° RPAA 00488/2021/CA rwaciwe ku wa 27/1/2023	UBUSHINJACYAHA Na HAFASHIMANA Silas	Urukiko rw'Ubujurire rwamugabanyirije igihano rushingiye ku mpamvu <b>nyoroshyacyaha yo kuba yarakoze icyaha afite imyaka cumi n'icyenda (19)</b>	<i>Ingingo ya 133 y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganyira ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu, iteganyira ko uwahamwe n'icyaha cyo gusambanya umwana uri munsi y'imyaka cumi n'ine (14), igihano kiba igifungo cya burundu.</i>	<b>Urukiko rwamuhanishije igifungo cy'imyaka 15</b> aho kuba icya burundu yari yahawe ku rwego rubanza ku cyaha cyo gusambanya umwana w'umuhungu w'imyaka itanu (5).
2.	N° RPAA 00316/2021/CA rwaciwe ku wa 27/01/2023	UBUSHINJACYAHA Na IYAKAREMYE Zakayo.	Urukiko rw'Ubujurire rwamugabanyirije igihano rushingiye ku mpamvu <b>nyoroshyacyaha yo kuba yarakoze icyaha aribwo akiva mu bwana kuko yari afite imyaka 18 n'amezi 3</b> no kuba <b>yaremeye icyaha.</b>	<i>Idem</i>	<b>Urukiko rwamuhanishije igifungo cy'imyaka 15</b> aho kuba icy'imyaka 25 yari yahawe ku rwego rubanza ku cyaha cyo gusambanya umwana utarageza ku myaka 14 y'amavuko.
3.	N° RPAA 00545/2021/CA rwaciwe ku wa 20/1/2023	UBUSHINJACYAHA Na MUGISHA Prince alias Kadogo	Urukiko rw'Ubujurire rwamugabanyirije igihano rushingiye ku <b>kuba ari ubwa mbere yari akurikiranywe n'inkiko kandi akaba yari asanzwe yitwara neza muri sosiyete,</b> ndetse akaba yarakoze	<i>Idem</i>	Urukiko rwamuhanishije <b>igifungo cy'imyaka 20</b> aho kuba icya burundu yari yahawe ku rwego rubanza ku cyaha cyo gusambanya abana babiri bari munsi y'imyaka cumi n'ine (14).

			icyaha <b>akiva mu bwana kuko yari afite imyaka cumi n'icyenda (19).</b>		
4.	N° RPAA 00181/202 1/CA rwaciwe ku wa 30/12/202 2.	UBUSHINJ ACYAHA na MIZERO Eric.	Urukiko rw'Ubururire rushingiye ku mpamvu nyoroshyacyaha ijyanye no <b>kuba ariho yari akiva mu bwana kuba nta bundi yigeze akurikiranwaho icyaha bivuze ko yari usanzwe yitwara neza muri sosiyete.</b>	<i>Gusambanya umwana, icyaha giteganywa kandi gihanwa n'ingingo ya 133 y'Itegeko n° 68/2018 ryo ku wa 30/08/2018, iyo ugihamijwe uhanishwa igifungo kitari munsu y'imyaka makumyabiri (20) ariko kitarenze imyaka makumyabiri n'itanu (25).</i>	Urukiko rwamuhanishije igifungo <b>cy'imyaka icumi (10)</b> ku cyaha cyo gusambanya umwana w'imyaka 16 y'amavuko aho kuba gifungo cy'imyaka makumyabiri (20).
5.	N° RPAA 00313/202 1/CA rwaciwe ku wa 20/1/2023	UBUSHINJ ACYAHA na NSANZAMA HORO Gilbert	Urukiko rw'Ubururire rushingiye ku mpamvu nyoroshyacyaha ijyanye no <b>kuba kuva yafatwa yaremeye icyaha aregwa, akagisabira imbabazi, kuba ari ubwa mbere akoze icyaha, no kuba asanzwe yitwara neza mu muryango nyarandwa.</b>	<i>Idem</i>	<b>Yahanishijwe igifungo cy'imyaka cumi n'itanu (15)</b> aho kuba icy'imyaka makumyabiri (20) yahawe n'Urukiko rubanza ku cyaha cyo gusambanya umwana w'imyaka 16.
6.	N° RPAA 00414/202 1/CA CMB- RPAA 00424/202 1/CA rwaciwe ku wa 27/1/2023	UBUSHINJ ACYAHA na DUSHIMIM ANA Théoneste	Urukiko rw'Ubururire rwamugabanyirije igihano rushingiye ku <b>kuba yaremeye icyaha aregwa, ko ari ubwa mbere yakoze icyaha, kuba yarakoze icyaha ari umusore w'imyaka 24, kuba uwasambanyijwe yarendaga kuzuza imyaka y'ubukure no kuba barabyaranye umwana inyungu ze zikaba zikwiye kwitabwaho</b>	<i>Idem</i>	Yahanishijwe <b>igifungo cy'imyaka umunani (8)</b> aho kuba icy'imyaka makumyabiri (20) yari yahawe ku rwego rubanza ku cyaha cyo gusambanya umwana w'umukobwa ufite imyaka 17.
7.	N° RPAA 00463/202 1/CA rwaciwe ku	UBUSHINJ ACYAHA	Urukiko rw'Ubururire rwamugabanyirije igihano rushingiye <b>kuba ari ubwa mbere akoze icyaha no</b>	<i>Idem</i>	Urukiko rwamuhanishije <b>igifungo cy'imyaka 3</b> aho kuba icy'imyaka 23 yari

	wa 27/1/2023	Na MUHOZA Anicet	<b>kuba yaragikoze akiva mu busore afite imyaka 18.</b>		yahawe n'Urukiko rubanza ku cyaha cyo gusambanya umwana w'imyaka 17.
8.	N° RPAA 00692/202 1/CA rwaciwe ku wa 20/1/2023	UBUSHINJ ACYAHA NA NDAYISHIM IYE Jean Damascène	Urukiko rw'Ubujurire rwamugabanyirije igihano rushingiye <b>ku kuba ari ubwa mbere akoze icyaha.</b>	<i>Idem</i>	<b>Urukiko rwamuhanishije igifungo cy'imyaka 15</b> aho kuba icy'imyaka 20 yari yarahawe ku rwego rubanza ku cyaha cyo gusambanya umwana w'imyaka 17.
9.	N° RPAA 00465/202 1/CA rwaciwe ku wa 20/01/202 3	UBUSHINJ ACYAHA na NIYONKUR U Benoît	Urukiko rw'Ubujurire rwamugabanyirije igihano rushingiye <b>ku kuba yari akiva mu bwana afite imyaka 20, ndetse n'uko dosiye itagaragaza ko yari asanzwe afite imyitwarire mibi.</b>	<i>Idem</i>	<b>Urukiko rwamuhanishije igifungo cy'imyaka 10</b> aho kuba icy'imyaka 20 yari yarahawe ku rwego rubanza ku bwo gusambanya umwana w'imyaka cumi n'ine (14).
<b>2. icyaha cy'ubwicanyi</b>					
1.	N° RPAA 00161/202 1/CA rwaciwe ku wa 28/11/202 2	UBUSHINJ ACYAHA na BAZIRAMW ABO Fabien alias Museveni	Urukiko rw'Ubujurire rwagabanyirije igihano rushingiye <b>ku kuba ari ubwa mbere yakurikiranwaho icyaha mu buryo buzwi, no kuba ibyaha yakoze nta ngaruka zikomeye byateje.</b>	<i>Ubwinjiracyaha bw'ubwicanyi no gukora ibikorwa byerekeranye n'ibiyobyabwenge (impurirane mbonezabyaha) ingingo ya 21 iya 107, iya 62 n'ya 263 z'Itegeko n° 68/2018 ryo ku wa 30/8/2018.</i>	<b>Urukiko rwasanze ahamwa n'icyaha cy'ubwinjiracyaha bw'ubwicanyi n'icyo gufatanwa ibiyobyabwenge byo mu bwoko bw'urumogi bitewe n'uko ari impurirane mbonezabyaha ibyo bihano byombi birateranywa ahanishwa igifungo cy'imyaka 11.</b> Imyaka 10 ku cyaha cy'ubwinjiracyaha bw'ubwicanyi n'umwaka 1 ku cyaha cyo gufatanwa ibiyobyabwenge aho kuba

					igifungo cya burundu n'ihazabu ya 21.000.000.
2.	RPA 00114/202 2/CA rwaciwe ku wa 27/ 01/ 2023	UBUSHINJ ACYAHA Na NDAYAMBA JE Felicien	Urukiko rw'Uburire rwahinduye inyito y'icyaha runagabanya igihano rushingiye ku mpamvu nyoroshyacyaha <b>z'uko yaburanye yemera icyaha aregwa</b> no kuba <b>ari ubwa mbere akurikiranweho icyaha.</b>	<i>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 munsu y'imyaka cumi n'itanu (15) ariko kitarenze imyaka makumyabiri (20) n'ihazabu y'amafaranga y'u Rwanda atari munsu ya miliyoni eshanu (5.000.000 FRW) ariko atarenze miliyoni zirindwi (7.000.000 FRW).</i>	<b>Urukiko rwemeje ko ahamwa n'icyaha cyo gukubita cyangwa gukomeretsa byateye urupfu aho kuba icyaha cy'ubwicanyi rumuhanisha igihano cy'igifungo cy'imyaka 10 n'ihazabu ya 2.500.000 Frw</b> aho kuba icy'imyaka 25 yari yahawe ku rwego rubanza.
<b>3. KWICA UMWANA WIBYARIYE</b>					
1.	N° RPA 00159/202 2/CA rwaciwe ku wa 30/01/202 3	UBUSHINJ ACYAHA na MUKANDAY ISENGA	Urukiko rw'Uburire rwahinduye inyito y'icyaha runagabanya igihano rushingiye ku mpamvu nyoroshyacyaha <b>yo kuba ari ubwa mbere akoze icyaha bizwi</b>	<i>Ingingo ya 108 y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 iteganya ko Umugore wishe uwo yibyariye utarengeje amezi 12 (...) Iyo abihamijwe n'Urukiko ahanishwa igifungo kitari munsu y'imyaka itanu (5) ariko kitarenze imyaka irindwi (7).</i>	<b>Urukiko rw'Uburire rwemeje ko ahamwa n'icyaha cyo kwica umwana yibyariye utarengeje amezi cumi n'abiri (12)</b> aho kuba icyaha cy'ubwicanyi rumuhanisha igifungo cy'imyaka itatu (3) aho kuba igifungo cya burundu yahanishijwe ku rwego rubanza.
2.	N° RPA 00758/202 1/CA rwaciwe ku wa	UBUSHINJ ACYAHA na UWIZEYIMA	Urukiko rw'Uburire rwahinduye inyito y'icyaha runagabanya igihano rushingiye ku mpamvu nyoroshyacyaha <b>yo kuba ari ubwa mbere akoze icyaha bizwi.</b>	<i>Idem</i>	<b>Urukiko rw'Uburire rwemeje ko ahamwa n'icyaha cyo kwica umwana yibyariye utarengeje amezi 12</b> aho kuba icyaha cy'ubwicanyi



	30/01/2023	NA Christine			<b>rumuhanisha igifungo cy'imyaka 3</b> aho kuba <b>igifungo</b> cya burundu yahanishijwe ku rwego rubanza.
<b>N/S</b>	<b>4. icyaha: Ikoresha ritemewe ry'ibiyobyabwenge n'urusobe rw'imiti ikoreshwa nkabyo</b>				
1.	N° RPAA 00049/2021/CA rwaciwe ku wa 23/09/2022	UBUSHINJACYAHA NA UWASE Farida	Yagabanyirijwe igihano hashingiwe ku kuba <b>yaremeye icyaha kuva agifatwa, agasobanura uburyo yagikoze, kuba ari ubwa mbere yakora icyaha akaba nta yindi mwitwarire mibi yamugaragayeho.</b>	Gucuruza ibiyobyabwenge byo mu bwoko bwa <b>mayirungi</b> (bikomeye), icyaha giteganywa kandi kigahanishwa ingingo ya 263 y'Itegeko n° 68/2018 ryo ku wa 30/08/2018, iyo ubihamijwe, ahanishwa igifungo kitari munsu y'imyaka makumyabiri (20) ariko kitarenze imyaka makumyabiri n'itanu (25).	<b>Urukiko rwamuhanishije igifungo cy'imyaka 10 n'ihazabu ya 10.000.000 Frw</b> aho kuba igifungo cy'imyaka makumyabiri (20) n'ihazabu ya 15.000.000 Frw yari yarahawe ku bwo gufatanwa udupfunyika 31 yacuruzaga.
2.	N° RPAA 00158/2021/CA rwaciwe ku wa 11/11/2022	UBUSHINJACYAHA na NIYONTEZE Laetitia	Yagabanyirijwe igihano hashingiwe ku kuba <b>yaremeye icyaha, no kuba icyaha cyakozwe nta ngaruka zikomeye cyateje kuko urumogi yatunze rwafashwe atari yarukwirakwiza.</b>	<i>Ingingo ya 263, igika cya gatatu (3), agace ka mbere (1), y'Itegeko n° 68/2018 ryo ku wa 30/8/2018 riteganyanya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu, iteganyanya ko ukora, uHINGA, uhindura, utunda, ubika, uha undi, ugurisha mu gihugu ibiyobyabwenge bihambaye ahanishwa igifungo cya burundu n'ihazabu y'amafaranga arenze</i>	<b>Urukiko rw'Ubujuje rwamuhanishije igihano cy'igifungo cy'imyaka icumi (10) n'ihazabu ya 5.000.000 Frw</b> aho kuba igifungo cy'imyaka makumyabiri n'itanu (25) n'ihazabu ya 20.000.000 FRW, ku bwo gutunda udupfunyika 34 tw'urumogi.

				20.000.000 Frw, ariko atarenze 30.000.000 Frw	
3.	N° RPAA 00159/202 1/CA rwaciwe ku wa 08/08/202 2	UBUSHINJ ACYAHA na AHINYERET SE Amon, na MPATSIMA NDWA Anastase.	Yagabanyirijwe igihano hashingiwe ku kuba <b>bwari ubwambere bakurikiranwaho icyaha mu buryo buzwi, bakaba nta yindi mwitwarire mibi yabagaragayeho.</b>	<i>idem</i>	<b>Bahanishijwe igifungo cy'imyaka 10 n'ihazabu ya 10.000.000 Frw</b> aho kuba igifungo cy'imyaka 25 n'ihazabu ya 25.000.000 Frw yari yahanishijwe mbere.
4.	N° RPAA 00198/202 1/CA rwaciwe ku wa 11/11/202 2	UBUSHINJ ACYAHA na UWINGABIR E Daniel	Yagabanyirijwe igihano hashingiwe ku kuba <b>atararuhije inzego z'ubutabera, kuba aribwo yakurikiranwaho icyaha n'inzego z'ubutabera, haka nta kigaragaza ko asanzwe afite imyitwarire mibi, no kuba icyaha yakoze nta ngaruka zikomeye cyateje</b>	<i>idem</i>	<b>Urukiko rwamuhanishije igifungo cy'imyaka 20 n'ihazabu ya 15.000.000 Frw</b> aho kuba igifungo cy'imyaka 25 n'ihazabu ya 20.000.000 Frw, ku bwo gufatanwa urumogo ibiro 7 kg yari agiye gucuruza.
5.	N° RPAA 00213/202 1/CA, rwaciwe ku wa 21/10/202 2	UBUSHINJ ACYAHA na BIZIMUNGU Jean Claude	Yagabanyirijwe igihano hashingiwe ku kuba <b>kuba yaremeye icyaha mu buryo budashidikanywaho, no kuba icyaha yakoze nta ngaruka zikomeye cyateje.</b>	<i>idem</i>	<b>Urukiko rwamuhanishije igifungo cy'imyaka 15 n'ihazabu ya 10.000.000 Frw</b> aho kuba igifungo cy'imyaka 25 yari yahanishijwe, ku bwo gutunda udupfuntika 108 tw'urumogi.
6.	N° RPAA 00237/202 1/CA rwaciwe ku	UBUSHINJ ACYAHA na TUYIYEGUR IRE Daniel.	Yagabanyirijwe igihano hashingiwe ku kuba <b>ari ubwa mbere akurikiranyweho icyaha, akaba atazwiho kuba asanzwe ari</b>	<i>idem</i>	<b>Urukiko rwamuhanishije igifungo cy'imyaka cumi n'itanu (15) n'ihazabu ya 10.000.000 Frw</b> aho kuba

	wa 21/10/202 2		<b>umunyarugomo, no kuba icyaha yakoze nta ngaruka zikomeye cyateje.</b>		icy'imyaka 20 n'ihazabu ya 10.000.000 Frw, ku bwo gutunda udupfuntika 400 tw'urumogi.
7.	N° RPAA 00260/202 1/CA rwaciwe ku wa 11/11/202 2.	UBUSHINJ ACYAHA na MUNYANKU MBURWA Protogène	Yagabanyirijwe igihano hashingiwe ku <b>kuba yaremeye icyaha mu buryo budashidikanywaho; ari ubwa mbere yakurikiranwaho icyaha n'inzego z'ubutabera, no kuba nta kigaragaza ko asanzwe afite imyitwarire mibi.</b>	<i>idem</i>	<b>Urukiko rwamuhanishije igifungo cy'imyaka 10 n'ihazabu ya 15.000.000 Frw</b> , aho kuba icy'imyaka 20 n'ihazabu ya 20.000.000 Frw yari yahanishijwe ku rwego rubanza, ku bwo gusanganwa udupfunyika 15 yacuruzaga.
8.	N° RPAA 00338/202 1/CA rwaciwe ku wa 28/10/202 2	UBUSHINJ ACYAHA na NSANZABA GANWA Théogène.	Yagabanyirijwe igihano hashingiwe ku kuba <b>ari ubwa mbere yarakurikiranweho icyaha bizwi n'inzego z'ubutabera.</b>	<i>idem</i>	<b>Yahanishijwe igifungo cy'imyaka 15 n'ihazabu ya 10.000.000 Frw aho kuba icy'imyaka 25 n'ihazabu ya 20.000.100 Frw</b> yari yahanishijwe ku rwego rubanza, ku bwo gusanganwa udupfunyika 17 yacuruzaga.
9.	N° RPAA 00205/202 1/CA rwaciwe ku wa 25/11/202 2.	UBUSHINJ ACYAHA na UWAYEZU Jean Bosco	Yagabanyirijwe igihano hashingiwe ku kuba <b>yaraburanye yemera icyaha, kuba ari ubwa mbere akurikiranyweho icyaha no kuba hataragaragajwe ko yari asanzwe ari umunyarugomo.</b>	<i>idem</i>	<b>Yahanishijwe igifungo cy'imyaka 17 n'ihazabu ingana na 15.000.000 Frw</b> aho kuba icy'imyaka 25 n'ihazabu 20.000.000 Frw yari yarahanishijwe, ku bwo gutunda udupfuntika 80 tw'urumogi.
10.	N° RPAA 00074/202	UBUSHINJ ACYAHA na	Bagabanyirijwe igihano hashingiwe ku kuba <b>baburana ku rwego rwa mbere</b>	<i>idem</i>	<b>Bahanishijwe igifungo cy'imyaka 8 n'ihazabu ya</b>

	1/CA rwaciwe ku wa 08/08/202 2.	BIZIMANA Evariste, na NTAKIRUTI MANA Valens.	<b>baremeye icyaha mu buryo budashidikanywaho kandi ari ubwa mbere bakurikiranwaho icyaha.</b>		<b>10.000.000 Frw kuri buri wese,</b> aho kuba igifungo cy'imyaka 25 n'ihazabu ya 20.000.000 Frw bari barahanishijwe mbere, ku bwo gutunda $\frac{3}{4}$ kg by'urumogi.
11.	N° RPAA 00304/202 1/CA rwaciwe ku wa 30/1/2023	UBUSHINJ ACYAHA Na MUSABYIM ANA Aboubakar	Urukiko rw'Ubujurire rwagabanyije igihano rushingiye <b>ngano nto y'urumogi yafatanywe (udupfunyika 3)</b>	<i>idem</i>	<b>Yahanishijwe igifungo cy'imyaka 10 n'ihazabu ya 5.000.000 Frw</b> aho kuba icy'imyaka 25 n'ihazabu ya 20.000.000 Frw yari yahawe n'Urukiko rubanza ku bwo gusanganwa udupfunyika 3 yacuruzaga.
12.	N° RPAA 00307/202 1/CA rwaciwe ku wa 27/1/2023	UBUSHINJ ACYAHA Na MUTIMURA Félix	Urukiko rw'Ubujurire rwagabanyije igihano rushingiye <b>ngano nto y'urumogi yafatanywe (udupfunyika 3)</b>	<i>idem</i>	<b>Yahanishijwe igifungo cy'imyaka 12 n'ihazabu ya 12.000.000 Frw</b> aho kuba icy'imyaka 25 n'ihazabu ya 20.000.000 Frw yari yahawe ku rwego rwa mbere ku bwo gusanganwa udupfunyika 3 yacuruzaga.
13.	N° RPAA 00429/202 1/CA rwaciwe ku wa 27/1/2023	UBUSHINJ ACYAHA Na MUVARA Donatien	Urukiko rw'Ubujurire rwagabanyije igihano <b>rushingiye ku kuba ikilo 1 cy'urumogi yafatanywe ari rwinshi ariko bidahambaye cyane.</b>	<i>idem</i>	<b>Yahanishijwe igifungo cy'imyaka 20 n'ihazabu ya 10.000.000 Frw</b> aho kuba icy'imyaka 25 n'ihazabu ya 25.000.000 Frw yari yahawe ku rwego rwa mbere ku bwo gusanganwa 1kg yahinze agamije gucuruza.
14.	N° RPAA 00468/202	UBUSHINJ ACYAHA	Urukiko rw'Ubujurire rwagabanyije igihano rushingiye ku <b>kuba yaremeye</b>	<i>idem</i>	<b>Yahanishijwe igifungo cy'imyaka 9 n'ihazabu ya</b>

	1/CA rwaciwe ku wa 27/1/2023	Na NGIRIMANA Jean Damascène alias Ngabo	<b>icyaha no ku buzima bw'ushinjwa ufite ukuboko kumwe byumvikanisha ko biremereza ubuzima bwe muri gereza.</b>		<b>1.000.000 Frw</b> aho kuba icy'imyaka 25 n'ihazabu ya 20.000.000 Frw yari yahawe ku rwego rwa mbere ku bwo gusanganwa udupfunyika 74 yacuruzaga.
15.	N° RPAA 00509/202 1/CA rwaciwe ku wa 27/1/2023	UBUSHINJ ACYAHA Na BUSIZORI Evariste	Urukiko rw'Ubujurire rwagabanyije igihano rushingiye <b>ku kuba yarahamijwe kuba icyitso mu cyaha cyo gutunda ibiyobyabwenge, rushingiye kandi no ku ngano y'urumogi yafatanywe ko nubwo ari rwinshi udupfunyika 183 ariko bidahambaye cyane.</b>	<i>idem</i>	<b>Yahanishijwe igifungo cy'imyaka 17 n'ihazabu ya 5.000.000 Frw</b> aho kuba icy'imyaka 25 n'ihazabu ya 10.000.000 Frw yari yahawe ku rwego rwa mbere ku bwo gusanganwa udupfunyika 183 yacuruzaga.
16.	N° RPAA 00354/202 1/CA rwaciwe ku wa 31/01/202 3	UBUSHINJ ACYAHA Na TWIZERIMA NA Cyprien	Urukiko rw'Ubujurire rwagabanyije igihano rushingiye ku mpamvu nyoroshyacyaha <b>y'uko yemeye icyaha ku rwego rwa mbere, kuba nta kigaragaza ko hari ubundi yigeze akurikiranwa mu nkiko no ku kigero cy'imyaka yari afite (19).</b>	<i>idem</i>	<b>Yahanishijwe igifungo cy'imyaka 8 n'ihazabu ya 2.000.000 Frw</b> aho kuba igifungo cy'imyaka 25 n'ihazabu ya 20.000.000 Frw yari yahawe ku rwego rwo hasi ku cyaha cyo kubika no gucuruza ¼ cy'urumogi.
17.	N° RPAA 00344/202 1/CA rwaciwe ku wa 31/01/202 3	UBUSHINJ ACYAHA Na NSENGIYU MVA Vianney	Urukiko rw'Ubujurire rwagabanyije igihano rushingiye <b>ku kuba yaremeye icyaha, no kuba yari afite imyaka 25, ikigero cy'imyaka y'ubusore kirangwa no kudatekereza ku ngaruka y'ibyo bakora no kuba yarafatanywe urumogi ruke (udupfunyika 9)</b>	<i>idem</i>	<b>Yahanishijwe igifungo cy'imyaka 5</b> aho kuba icy'imyaka 20 yari yahawe ku rwego rwo hasi ku bwo gufatanywe udupfunyika 9 tw'urumogi yacuruzaga.
18.	N° RPAA 00471/202 1/CA	UBUSHINJ ACYAHA Na	Urukiko rw'Ubujurire rushingiye <b>ku mpamvu nyoroshyacyaha yo kuba uregwa yaremeye icyaha.</b>	<i>idem</i>	<b>Yahanishijwe igifungo cy'imyaka 15 n'ihazabu ya 10.000.000 Frw</b> aho kuba

	rwaciwe ku wa 27/01/2023	SIBOMANA Emmanuel			icy'inyaka 25 n'ihazabu ya 20.000.000 Frw yari yahawe kubwo gufatwa abitse udupfunyika 13 yacuruzaga.
19.	N° RPAA 00481/2021/CA rwaciwe ku wa 27/01/2023	UBUSHINJ ACYAHA NA MUSABYIMANA Anicet	Urukiko rw'Ubujurire rwagabanyije igihano rushingiye ku mpamvu nyoroshyacyaha yo <b>kuba yaremeye icyaha mu buryo budashidikanywaho kuva agifatwa, kuba yarakoze icyaha akiri umwana, kuba icyaha yakoze nta ngaruka zikomeye cyateje.</b>	<i>idem</i>	<b>Yahanishijwe igifungo cy'inyaka 5 n'ihazabu ya 3.000.000 Frw</b> aho kuba icy'inyaka 25 n'ihazabu ya 20.000.000 Frw yari yahawe ku rwego rwo hasi ku bwo gutunda udupfunyika 87 tw'urumogi.
20.	N° RPAA 00393/2021/CA rwaciwe ku wa 27/01/2023	UBUSHINJ ACYAHA Na NSABIMANA Jean	Yagabanyirijwe igihano hashingiwe ku <b>kuba yaremeye icyaha mu buryo budashidikanywaho mu nzego zose no kuba bwari ubwa mbere akurikiramweho icyaha.</b>	<i>idem</i>	<b>Yahanishijwe igifungo cy'inyaka 10 n'ihazabu ya 5,000,000 Frw</b> aho kuba igifungo cy'inyaka 25 n'ihazabu ya 20,000,000 Frw yari yahawe ku rwego rwo hasi ku bwo gufatwanwa udupfunyika 7 yacuruzaga.
21.	N° RPAA 00466/2021/CA rwaciwe ku wa 27/01/2023	UBUSHINJ ACYAHA NA NSENGIYAR EMYE Elie	Yagabanyirijwe igihano hashingiwe ku <b>kuba igihe yakoraga icyaha yari atarakura cyane (young adults) ndetse hakaba hakiri amahirwe y'uko ashobora kugororwa agasubira mu muryango nyarwanda agifite imbaraga zatuma afatanyaga n'abandi kubaka igihugu akaba uw'ingirakamaro.</b>	<i>idem</i>	<b>Yahanishijwe igifungo cy'inyaka 10 n'ihazabu ya 5,000,000 Frw</b> aho kuba icy'inyaka 20 n'ihazabu ya 21,000,000 Frw yari yahawe ku rwego rwo hasi ku cyaha cyo kubika no gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi udupfunyika 30.
22.	N° RPAA 00486/2021/CA	UBUSHINJ ACYAHA	Yagabanyirijwe igihano hashingiwe ku <b>kuba igihe yakoraga icyaha yari atarakura cyane (young adults)</b>	<i>idem</i>	Yahanishijwe <b>igifungo cy'inyaka 5 n'ihazabu ya 5,000,000 Frw</b> aho kuba

	rwaciwe ku wa 27/01/2023	NA MANIRIHO Cyprien alias BUREGEYA	<b>ndetse hakaba hakiri amahirwe y'uko ashobora kugororwa, agasubira mu muryango nyarwanda (...)</b>		icy'imyaka 20 n'ihazabu ya 21,000,000 Frw yari yahawe ku rwego rwo hasi
23.	N° RPAA 00368/2021/CA rwaciwe ku wa 27/01/2023	UBUSHINJ ACYAHA NA NZEYIMANA Ignace	Yagabanyirijwe igihano hashingiwe ku kuba <b>yaraburanye yemera icyaha, hakanarebwe no ku ngano nto y'urumogi yafatanwe (udupfunyika 47) no kuba yaragaragaje umucuruzi w'urumogi yafashaga mu kurukwirakwiza.</b>	<i>idem</i>	<b>Yahanishijwe igifungo cy'imyaka 15 n'ihazabu ya 10,000,000 Frw</b> aho kuba icy'imyaka 25 n'ihazabu ya 20,000,000 Frw yari yahawe ku rwego rwo hasi ku bwo gutunda no gucuruza udupfunyika 47 tw'urumogi.
24.	N° RPAA 00464/2021/CA rwaciwe ku wa 20/01/2023	UBUSHINJ ACYAHA Na BIZIMANA Moussa	Yagabanyirijwe igihano hashingiwe ku kuba yaraburanye yemera icyaha mu buryo budashidikanywaho kuva agifatwa no kuba ari ubwa mbere yari akoze icyaha.	<i>idem</i>	<b>Yahanishijwe igifungo cy'imyaka 15 n'ihazabu ya 5,000,000 Frw</b> aho kuba icy'imyaka 25 n'ihazabu ya 20,000,000 Frw yari yahawe ku rwego rwo hasi ku bwo gutunda udupfunyika 1200 tw'urumogi.
25.	N° RPAA 00255/2021/CA rwaciwe ku wa 27/01/2023	UBUSHINJ ACYAHA NA SIMBAYOB EWE Shadadi	Yagabanyirijwe igihano hashingiwe ku kuba <b>yaraburanye yemera icyaha mu buryo budashidikanywaho kuva agifatwa, kuba ari ubwa mbere yari akoze icyaha, n'ingano nke y'ibiyobyabwenge yafatanwe (udupfunyika 13) byumvikanikanisha ko atari umucuruzi wo ku rwego rwo hejuru.</b>	<i>idem</i>	Yahanishijwe <b>igifungo cy'imyaka 5 n'ihazabu ya 10,000,000 Frw</b> aho kuba icy'imyaka 25 n'ihazabu ya 21,000,000 Frw yari yahawe ku rwego rwo hasi ku bwo gufatanwa udupfunyika 13 tw'urumogi yacuruzaga.
26.	N° RPAA 00302/2021/CA	UBUSHINJ ACYAHA	Yagabanyirijwe igihano hashingiwe ku <b>kuba yaremeye icyaha mu buryo</b>	<i>idem</i>	<b>Yahanishijwe igifungo cy'imyaka 8 n'ihazabu ya 5,000,000 Frw</b> aho kuba

	rwaciwe ku wa 27/01/2023	NA HABINSHU TI Samuel	<b>budashidikanywaho no kuba ari ubwa mbere yari akoze icyaha.</b>		icy'imyaka 25 n'ihazabu ya 20,000,000 Frw yari yahawe ku rwego rwo hasi ku bwo gufatanwa udupfunyika 260 tw'urumogi yacuruzaga.
27.	N° RPAA 00352/2021/CA, rwaciwe ku wa 26/01/2023	UBUSHINJ ACYAHA NA MUKANSAN GWA Pierre.	Yagabanyirijwe igihano hashingiwe ku kuba <b>ari ubwa mbere yari akurikiranyweho icyaha mu nzego z'ubutabera.</b>	<i>idem</i>	<b>Yahanishijwe igifungo cy'imyaka 10 n'ihazabu ya 10,000,000 Frw</b> aho kuba icy'imyaka 25 n'ihazabu ya 21,000,000 Frw yari yahawe ku rwego rwo hasi ku bwo gufatanwa udupfunyika 25 tw'urumogi yacuruzaga.
28.	N° RPAA 00356/2021/CA rwaciwe ku wa 26/01/2023	UBUSHINJ ACYAHA NA MUKAGATA RE Bernadette	Yagabanyirijwe igihano hashingiwe ku <b>kuba ari ubwa mbere yari akoze icyaha, kuba yarafatanywe ingano nto y'ibiyobyabwenge byomu bwoko bw'urumogi kandi bigafatwa atari yabicuruza mu bantu ngo bibagireho ingaruka mbi.</b>	<i>idem</i>	<b>Yahanishijwe igifungo cy'imyaka 10 n'ihazabu ya 10,000,000 Frw</b> aho kuba icy'imyaka 25 n'ihazabu ya 20,000,000 Frw yari yahawe ku rwego rwo hasi ku bwo gufatanwa ½ cy'irobo cy'urumogi yacuruzaga.
29.	N° RPAA 00446/2021/CA rwaciwe ku wa 26/01/2023	UBUSHINJ ACYAHA NA HAKIZIMAN A Jacques.	Yagabanyirijwe igihano hashingiwe ku <b>kuba ari ubwa mbere yakurikiranwaho icyaha mu buryo buzwi, akaba nta yindi mwitwarire mibi yamugaragayeho, ndetse n'ubwo acuruza urumogi ariko akaba atari umucuruzi warwo ukomeye.</b>	<i>idem</i>	<b>Yahanishijwe igifungo cy'imyaka 10 n'ihazabu ya 10,000,000 Frw</b> aho kuba icy'imyaka 25 n'ihazabu ya 20,001,000 Frw yari yahawe ku rwego rwo hasi ku bwo gufatanwa udupfunyika 36 tw'urumogi yacuruzaga.
30.	N° RPAA 00546/2022/CA	UBUSHINJ ACYAHA na	Bagabanyirijwe igihano hashingiwe ku kuba <b>ari ubwa mbere bakurikiranwaho icyaha bakaba ari</b>	<i>idem</i>	<b>Bahanishijwe igifungo cy'imyaka 8 n'ihazabu ya 1,000,000 Frw</b> buri wese aho



	rwaciwe ku wa 27/01/2023	NIRAGIRE Gedeon Jean de Dieu Na RUTAYISIRE Abdourlatif.	<b>na bato ku bakurikiranweho icyaha bakaba bahabwa amahirwe yo kugororoka kugira ngo bazarangize igihano bagifite imbaraga zo kwiubaka no gufatanya n'abandi kubaka igihugu.</b>		kuba icy'imyaka 25 n'ihazabu ya 20,000,000 Frw bari yahawe ku rwego rwo hasi ku bwo kunywa no gufatanwa udupfunyika 39 tw'urumogi bacuruzaga bombi.
31.	N° RPAA 00408/2021/CA rwaciwe ku wa 20/01/2023	UBUSHINJACYAHA Na NYIRISHEM A Fiston	Yagabanyirijwe igihano hashingiwe ku <b>kuba yaraburanye yemera icyaha mu buryo budashidikanywaho kuva agifatwa no kuba ari ubwa mbere yari akoze icyaha ndetse akaba yaragikoze afite imyaka 19 y'amavuko.</b>	<i>idem</i>	<b>Yahanishijwe igifungo cy'imyaka 5 n'ihazabu ya 1,000,000 Frw</b> aho kuba icy'imyaka 25 n'ihazabu ya 20,000,000 Frw yari yahawe ku rwego rwo hasi ku bwo gutunda udupfunyika 152 tw'urumogi.
32.	N° RPAA 00327/2021/CA rwaciwe ku wa 27/01/2023	UBUSHINJACYAHA Na MUSIRIKARE Jean Damascène	Yahanishijwe igihano gito hashingiwe ku <b>kuba nta kimenyetso kigaragaza mu buryo budashidikanywaho ko ibiyobyabwenge (udupfunyika 2 tw'urumogi) yasanganywe yari agamije kubicuruza cyangwa kubikwirakwiza.</b>	<i>Umuntu wese ufatanwa, urya, unywa, witera, uhumeka cyangwa wisiga mu buryo ubwo aribwo bwose ibiyobyabwenge ahanishwa ingingo ya 263 y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 iteganya ko ahanishwa igifungo kitari muni y'umwaka umwe (1) ariko kitarenze imyaka ibiri (2)</i>	<b>Urukiko rwemeje ko ahamwa n'icyaha cyo gufatanwa no kunywa ibiyobyabwenge byo mu bwoko bw'urumogi aho kuba icyaha cyo kubika urumogi rumuhanisha igifungo cy'imyaka 2</b> aho kuba igifungo cya burundu n'ihazabu ya 25.000.000 Frw yari yahawe ku rwego rwa mbere.
33.	N° RPAA 00335/2021/CA rwaciwe ku wa 27/01/2023	UBUSHINJACYAHA Na SINDIKUBWA ABO UWABAKUR IKIZA	Yahanishijwe igihano gito hashingiwe ku <b>kuba nta kimenyetso kigaragaza mu buryo budashidikanywaho ko ibiyobyabwenge (udupfunyika 2 tw'urumogi) yasanganywe yari agamije kubicuruza cyangwa kubikwirakwiza.</b>	<i>idem</i>	<b>Urukiko rwemeje ko ahamwa n'icyaha cyo gufatanwa no kunywa ibiyobyabwenge byo mu bwoko bw'urumogi aho kuba icyaha cyo kubika urumogi rumuhanisha igifungo cy'imyaka 2</b> aho

					kuba igifungo cy'imyaka 25 n'ihazabua ya 20.000.000 Frw yari yahawe ku rwego rubanza.
34.	N° RPAA 00498/202 1/CA rwaciwe ku wa 27/01/202 3	UBUSHINJ ACYAHA Na RUBAYIZA Alexis	Yahanishijwe igihano gito hashingiwe ku <b>kuba nta bimenyetso bidashidikanywaho bigaragaza ko yacuruje urumogi cyangwa ko yari yiteguye kugurisha urwo yafatanywe.</b>	<i>idem</i>	<b>Urukiko rwemeje ko ahamwa n'icyaha cyo gufatanwa no kunywa ibiyobyabwenge by'ubwoko bw'urumogi aho kuba icyaha cyo gucuruza urumugi rumuhanisha igifungo cy'imyaka ibiri (2), aho kuba icya burundu n'ihazabu ya 20,100,000 Frw yari yahawe ku rwego rwa mbere, kubwo gufatanwa Udupfunyika 33.</b>
35.	N° RPAA 00318/202 1/CA rwaciwe ku wa 27/01/202 3	UBUSHINJ ACYAHA Na MINANI Jean Bosco	Yahanishijwe igihano gito hashingiwe ku <b>kuba yarafatanywe ingano nto (igiti kimwe yahinze n'agapfunyika kamwe basanze iwe), no kuba nta kindi kimenyetso kigaragaza ko yari agamije gucuruza cyangwa kukwirakwiza urwo rumogi.</b>	<i>idem</i>	<b>Urukiko rw'Ubujurire rwemeje ko ahamwa n'icyaha cyo gufatanwa no kunywa ibiyobyabwenge by'ubwoko bw'urumogi aho kuba icyaha cyo kuruhinga rumuhanisha igifungo cy'imyaka 2 aho kuba igihano cy'igifungo cya burundu n'ihazabu ya 20.000.000 Frw yari yahawe ku rwego rubanza.</b>
<b>5. ICYAHA: GUKUBITA NO GUKOMERETSA</b>					
1.	No RPAA 00109/202 2/CA rwaciwe ku wa	UBUSHINJ ACYAHA Na MUGUME God	Yagabanyirijwe igihano hashingiwe ku kuba <b>kuva yafatwa akaba yaraburanye yemera icyaha, ari na bwo bwa mbere yarakurikiranywe mu nkiko, ari bwo akiva mu bwana,</b>	<b>Gukubita cyangwa gukomeretsa byateye urupfu, icyaha giteganywa kandi kigahanishwa ingingo ya 121 y'Itegeko n° 68/2018 ryo</b>	<b>Yahanishijwe igifungo cy'imyaka 10 n'ihazabu ya 2,500,000 Frw aho kuba icy'imyaka 15 n'ihazabu ya 5,000,000 Frw yari yahawe ku</b>

	27/01/2023		<b>ari mu kigero kirangwa ahanini no gukubagana, guhubuka, kutumva neza ingaruka z'ibyo akora n'ubushishozi bucyeye.</b>	<i>ku wa 30/08/2018 riteganywa ibyaha n'ibihano muri rusange iyo abihamijwe ahanishwa igihano cy' igifungo kitari munsi y'imyaka cumi n'itanu (15) ariko kitarenze 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).</i>	rwego rwo hasi ku cyaha cyo gukubita no gukomeretsa byateye urupfu.
2.	N° RPAA 00411/2021/CA rwaciwe ku wa 30/01/2023	UBUSHINJACYAHA na TWAGIRAY EZU Olivier	<b>Yagabanyirijwe igihano hashingiwe ku kuba aribwo bwa mbere akurikiranyweho icyaha cyo gukubita no gukomeretsa byateye urupfu.</b>	<i>Idem</i>	<b>Yahanishijwe igifungo cy'imyaka 12 n'ihazabu ya 2,500,000 Frw</b> aho kuba icy'imyaka 15 n'ihazabu ya 5,000,000 Frw yari yahawe ku rwego rwo hasi ku cyaha cyo gukubita no gukomeretsa byateye urupfu.

## 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.	N° RPAA 00497/2021/C A rwaciwe ku wa 27/01/2023	UBUSHINJACYAHA Na HABIMANA Jérôme.	Urukiko rw'Ubujurire rwasanze impamvu yo <b>kongera kugabanyirizwa igihano itakwemerwa kuko yatanzwe nyuma y'ibihe byo kujurira biteganywa n'amategeko.</b>	<i>Ingingo ya 133 y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganywa ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu, iteganywa ko uwahamwe n'icyaha cyo</i>	Urukiko rw'Ubujurire rwemeje ko igifungo cy'imyaka makumyabiri (20) yahawe cyo gusambanya umwana w'imyaka cumi n'itanu (13) y'amavuko	

				<i>gusambanya umwana uri munsi y'imyaka cumi n'ine (14), igihano kiba igifungo cya burundu.</i>	yahawe ku rwego rwo hasi kigumyeho.
2.	N° RPAA 00527/2021/C A rwaciwe ku wa 20/1/2023	UBUSHINJ ACYAHA NA NDABAMEN YE Emmanuel	Urukiko rw'Ubujurire rwasanze uregwa <b>adakwiye kongera kugabanyirizwa igihano kuko aticuza icyaha gikomeye yakoze, ndetse n'igihe amaze afunzwe kitamufashije kugororoka.</b>	<i>Gusambanya umwana, icyaha giteganywa kandi gihanwa n'ingingo ya 133 y'Itegeko n° 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).</i>	Urukiko rwemeje ko igifungo cy'imyaka makumyabiri (20) yahanishijwe ku cyaha cyo gusambanya umwana w'imyaka 15 yahawe ku rwego rwo hasi kidahindutse.
3.	N° RPAA 00359/2021/C A rwaciwe ku wa 20/01/2023	UBUSHINJ ACYAHA na KAZIGABA Emmanuel	Urukiko rw'Ubujurire rwasanze uregwa <b>adakwiye kongera kugabanyirizwa igihano kuko kwemera icyaha yakoze ku rwego rw'ubujurire kutashingirwaho agabanyirizwa igihano no kubera uburemere bwo guhohotera umwana yakabereye umubyeyi.</b>	<i>idem</i>	Urukiko rwemeje ko igifungo cy'imyaka makumyabiri (20) yahanishijwe ku cyaha cyo gusambanya umwana w'imyaka 17 yahawe n'Urukiko rubanza kidahindutse.
4.	N° RPAA 00559/2021/C A rwaciwe ku wa 27/01/2023	UBUSHINJ ACYAHA Na NABIBWIYI MANA Emmanuel	Urukiko rw'Ubujurire rwasanze <b>rutakwakira ubujurire bwe kuko bwatanzwe nyuma y'ibihe byo kujurira biteganywa n'amategeko.</b>	<i>idem</i>	Urukiko rwemeje ko igifungo cy'imyaka 15 yahanishijwe ku rwego rwo hasi ku bwo gusambanya umwana w'imyaka 17 kigumyeho.
<b>2. Icyaha cy'ubwicanyi</b>					
1.	N° RPAA 00702/2021/C	UBUSHINJ ACYAHA na NTAWIYAN	Urukiko rw'Ubujurire <b>ntirwamugabanyirije igihano</b>	<i>Ubwicanyi, icyaha giteganywa kandi kigahanishwa n'ingingo ya 107 y'Itegeko N°68/2018 ryo</i>	Urukiko rwemeje ko igifungo cy'imyaka makumyabiri n'itanu (25), yahanishijwe

	A rwaciwe ku wa 18/11/2022	GA Jean Claude	<b>rushingiye ku buremere bw'icyaha yakoze cyo kwambura undi ubuzima ntacyo amuhoye, hakurikijwe ubugome yakoranye iki cyaha bugizwe no gutera icyuma mu nda.</b>	<i>kuwa 30/08/2018, iyo ugihamijwe uhanishwa igifungo cya burundu.</i>	ku cyaha cy'ubwicanyi kidahindutse.
2.	RPAА 00132/2022/C A rwaciwe ku wa 27 MUTARAMA 2023	UBUSHINJ ACYAHA NaNTIRENG ANYA Emmanuel	Urukiko rw'Ubujurire rwasanze uregwa <b>adakwiye kugabanyirizwa igihano kuko igihano yahawe gikwiranye n'icyaha yakoze kugira ngo n'umuryango wakorewe icyaha uhabwe ubutabera kandi uwakoze icyaha ahabwe igihe cyo kwihana no kwitekerezaho (...).</b>	<i>idem</i>	Urukiko rwemeje ko igifungo cy'imyaka makumyabiri n'itanu (25) yahanishijwe ku cyaha cy' Ubwicanyi ku rwego rwo hasi kidahindutse.
3.	RPAА 00181/2022/C A rwaciwe ku wa 27 MUTARAMA 2023.	UBUSHINJ ACYAHA Na NIYOMUGA BO François	Urukiko rw'Ubujurire rwasanze uregwa <b>adakwiye kugabanyirizwa igihano kuko nta nenge cyangwa amakosa yakozwe n'Urukiko rubanza uwajuriye agaragaza ngo akosorwe ahubwo azana imiburanire mishya ataburanishije mu nkiko zabanje.</b>	<i>idem</i>	Urukiko rwemeje ko igifungo cya burundu yahanishijwe ku cyaha Ubwicanyi ku rwego rwo hasi kigumyeho.
4.	N° RPAА 00038/2022/C A rwaciwe ku wa 30/01/2023	UBUSHINJ ACYAHA na HAKIZIMAN	Urukiko rw'Ubujurire rwasanze uregwa <b>adakwiye kugabanyirizwa igihano kuko atemeye icyaha cy'ubwicanyi</b>	<i>idem</i>	Urukiko rwemeje ko igifungo cya burundu yahanishijwe ku rwego rwo hasi kigumyeho.

		A Emmanuel	<b>yakoze ku buryo budashidikanywaho.</b>		
5.	N° RPAA 00146/2022/C A – CMB RPAA 00165/2022/C A – CMB RPAA 00242/2022/C A rwaciwe ku wa 30/01/2023	UBUSHINJ ACYAHA na NEMEYE Anastase, MUDAHERA NWA Elie, Na DUSABIMA NA Faustin,	Urukiko rw’Ubujurire rwasanze <b>abaregwa badakwiye kugabanyirizwa igihano kuko nta kosa</b> Urukiko Rukuru rwakoze mu kubahamya icyaha cy’ubwicanyi.	<i>idem</i>	Urukiko rwemeje ko igifungo cy’imyaka makumyabiri n’itanu (25) bahawe kigumyeho.
6.	N° RPAA 00425/2021/C A- CMB RPAA 00426/2021/C A rwaciwe ku wa 30/01/2023	UBUSHINJ ACYAHA na NSEKERAB ANZI Baheza na NYIRANSAB IMANA Fillette	Urukiko rw’Ubujurire rurasanga abaregwa <b>badakwiye kugabanyirizwa igihano kubera ubugome bw’indengakamere bakoranye icyaha</b>	<i>idem</i>	Urukiko rw’Ubujurire rwemeje ko igifungo cya burundu bahanishijwe ku rwego rwo hasi kigumyeho.
7.	RPAA 00211/2022/C A-CMB RPAA 00213/2022/C A rwaciwe ku wa 27 MUTARAMA 2023	UBUSHINJ ACYAHA na NIYIGABA Emile na NSENGIMA NA Emmanuel	Urukiko rw’Ubujurire rwasanze <b>hakwiye guhamaho imikirize y’urubanza rwajuririwe kuko abaregwa batsinzwe mu nkiko zombi ku mpamvu zimwe.</b>	<i>idem</i>	Urukiko rwemeje ko igifungo cya burundu bahanishijwe ku rwego rwo hasi kigumyeho.
<b>3. icyaha: Ikoresha ritemewe ry’ibiyobyabwenge n’urusobe rw’imiti ikoreshwa nkabyo</b>					
<b>S/N</b>	<b>Urubanza</b>	<b>Ababuranyi</b>	<b>Impamvu</b>	<b>Igihano giteganyirijwe n’itegeko</b>	<b>Igihano cyatanzwe</b>

1.	No RPAA 00102/2022/C A rwaciwe ku wa 18/11/2022	UBUSHINJ ACYAHA na URAYENEZ A Ramadhan	Urukiko rw'Ubujurire rwasanze uregwa <b>adakwiye kongera kugabanyirizwa igihano kuko atabashije kuvuguruza ibimenyetso byashingiweho mu kumuhamya icyaha.</b>	<i>Ingingo ya 263, igika cya gatatu (3), agace ka mbere (1), y'Itegeko n° 68/2018 ryo ku wa 30/8/2018 riteganyanya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu, iteganyanya ko ukora, uHINGA, uhindura, utunda, ubika, uha undi, ugurisha mu gihugu ibiyobyabwenge bihambaye ahanishwa igifungo cya burundu n'ihazabu y'amafaranga arenze 20.000.000 Frw, ariko atarenze 30.000.000 Frw</i>	Urukiko rwemeje ko igihano cy'igifungo cy'imyaka makumyabiri n'itanu (25) n'ihazabu ya 20.000.000 Frw yahanishijwe ku cyaha cyo gucuruza ibiyobyabwenge kigumyeho, ku bwo gufatanwa udupfunyika 30 tw'urumogi yacuruzaga.
2.	N° RPAA 00379/2021/C A rwaciwe ku wa 20/01/2023	UBUSHINJ ACYAHA Na HAKIZIMAN A Melan	Urukiko rw'Ubujurire rwasanze uregwa <b>adakwiye kugabanyirizwa igihano kuko ukwemera icyaha bwa mbere mu bujurire kwe kutamubera impamvu nyoroshyacyaha ngo agabanyirizwe igihano kuko kwakozwe impitagihe.</b>	<i>Idem</i>	Urukiko rwemeje ko igihano cy'igifungo cy'imyaka 25 n'ihazabu ingana na 20.000.000 Frw yahanishijwe ku rwego rwo hasi kigumyeho, ku bwo gufatanwa udupfunyika 10,504 tw'urumogi yatunze.
<b>4. icyaha: Kwigwizaho umutungo</b>					
1.	N° RS/INJUST/RP 00002/2021/C A rwaciwe ku wa 20/01/2023	UBUSHINJ ACYAHA Na BYIRINGIR O Appolinaire	Urukiko rw'Ubujurire rurasanga uregwa <b>adakwiye kugabanyirizwa igihano kuko atabashije kugaragaza aho yakomoye umutungo atunze.</b>	Kwigwizaho umutungo, icyaha cyateganywaga n'ingingo ya 636 y'Itegeko Ngenga n° 01/2012/OL ryo ku wa 02/05/2012 rishyiraho igitabo cy'amategeko, iyo abihamijwe ahanishwa igifungo kuva ku	Urukiko rwemeje ko igihano cy'igifungo cy'imyaka 3 yahanishijwe ku rwego rwo hasi kigumyeho, ategakwano gutanga ihazabu ya 28.392.148 Frw aho kuba iya 197,149,420 Frw, yari yarategetswe mbere.

				myaka ibiri (2) kugeza ku myaka itanu (5) n'ihazabu y'amafaranga y'u Rwanda yikubye inshuro kuva kuri ebyiri (2) kugeza ku icumi (10).	
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### 3. Imanza abaregwa bagizwemo abere/zakuyeho uburyozwacyaha

S/N	Urubanza/	Haburana	Impamvu	igihano n'itegeko	giteganyirijwe	Igihano cyatanzwe
<b>1. icyaha: Gusambanya umwana/ gukoresha undi imibonano mpuzabitsina ku gahato</b>						
1.	No RPAA 00366/2021/C A rwaciwe ku wa 31/01/2023	UBUSHINJ ACYAHA NA HAFASHIM ANA Odance	Urukiko rwasanze <b>ibimenyetso byashingiweho mu guhamya icyaha uregwa, bitera gushidikanya.</b>	<i>Ingingo ya 133 y'Itegeko n° 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 muni y'imyaka cumi n'ine (14), igihano kiba igifungo cya burundu.</i>		<b>Urukiko rwagize umwere uregwa</b> aho kuba igifungo cya burundu yari yahawe n'Urukiko rubanza ku bwo gusambanya umwana w'imyaka 2.
2.	N° RPAA 00440/2020/C A rwaciwe ku wa 27/01/2023	UBUSHINJ ACYAHA Na NDIKUMWE NAYO Jean	Urukiko rw'Ubujurire <b>rwemeje ko atagomba kuryozwa icyaha cyo gusambanya umwana utarageza ku myaka cumi n'ine (14) akurikiranyweho n'Ubushinjacyaha, kuko afite uburwayi bwo mu mutwe</b>	<i>Idem</i>		<b>Urukiko rw'Ubujurire rwemeje ko igihano cy'igifungo cya burundu yari yahawe ku rwego rubanza kivanyweho</b> ku cyaha cyo gusambanya umwana utarageza ku myaka 14 y'amavuko.



2. icyaha cy'Ubwicanyi					
1.	N° RPAA 00371/2020/C A rwaciwe ku wa 15/12/2022	UBUSHINJ ACYAHA na SEZIKEYE François.	Urukiko rw'Uburire <b>rwamugize umwere ku byaha yari akurikiranyweho rusingiye ku gushidikanya ku bimenyetso bihamya icyaha.</b>	<i>Ubwicanyi mu bwicanyi n'Uburire bwitwaje intwara byateganywaga kandi bigahanwa n'ingingo; iya 140 n'ya 304 z'Itegeko-Ngenga n°01/2012/OL ryo ku wa 2/5/2012 ubihamijwe n'urukiko ahanishwa igifungo cya burundu.</i>	<b>Urukiko rwasanze adahamwa n'icyaha</b> cy'ubwinjiracyaha bw'ubwicanyi n'ubufatanyacyaha mu byaha by'ubujura bwitwaje intwara yarezwe aho yari yarahanishijwe igifungo cy'imyaka 25 ku rwego rubanza.
	N° RPAA 00737/2021/C A rwaciwe ku wa 16/12/2022	UBUSHINJ ACYAHA na UWAYISAB A HABIMANA	Urukiko rw'Uburire <b>rwamugize umwere kuko habayeho ugushidikanya ku gikorwa cy'ubwicanyi yari akurikiranyweho.</b>	<i>Ubwicanyi, icyaha giteganywa n'ingingo ya 107 y'itegeko n°68/2018 ryo ku wa 30/08/2018, ugihamijwe ahanishwa igifungo cya burundu.</i>	Urukiko rw'Uburire <b>rwasanze adahamwa n'icyaha cy' ubwicanyi</b> aho kuba igifungo cya burundu yari yarahamijwe ku rwego rubanza.
3. icyaha: Ikoresha ritemewe ry'ibiyobyabwenge n'urusobe rw'imiti ikoreshwa nkabyo					
1.	N° RPAA 00516/2021/C A rwaciwe ku wa 26/01/2023	UBUSHINJ ACYAHA Na BAZUBAFIT E Stephania	Urukiko <b>rwasanze adahamwa n'icyaha kuko nta bimenyetso bidashidikanywaho bihamya icyaha akurikiranyweho.</b>	<i>Idem</i>	Urukiko rwemeje ko <b>agizwe umwere</b> ko adahamwa n'icyaha cyo gutunda, kubika no gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi aho kuba igifungo cy'imyaka 25 yari yahawe n'Urukiko rubanza.

4. icyaha cyo kurema umutwe w'abagizi ba nabi					
1.	RPAA 00098/2020/C A rwaciwe ku wa 06/01/2023	UBUSHINJ ACYAHA na Cpl SHYAKA Védaste, na Pte TWIZEYIMA NA Dieudonné.	Urukiko rwabagize abere kuko <b>Urukiko Rukuru rwa Gisirikare rwakoze ikosa ryo guhamya abajuririye icyaha cyo kurema umutwe w'abagizi ba nabi nta bimenyetso byihariye kuri iki cyaha rugaragaje.</b>	<i>Icyaha cyo kurema umutwe w'abagizi ba nabi n'ubwinjiracyaha mu bujura bukoreshejwe intwara biteganywa kandi bigahanishwa ingingo za 27, 30, 304, 305, 681, 682 na 752 z'Itegeko Ngenga n° 01/2012/OL ryo ku wa 02/05/2012 iyo ubihamijwe uhanishwa igifungo cy'imyaka 5 kugeza ku myaka 7.</i>	<b>Urukiko rwabagize abere</b> ku cyaha cyo kurema umutwe w'abagizi ba nabi no ku bwinjiracyaha mu bujura bukoreshejwe intwara aho kuba igifungo cy'imyaka 15 kuri UKWIBISHAKA Théogène n'imyaka 10 kuri Pte TWIZEYIMANA Dieudonné bari bahawe n'Urukiko rubanza.

## **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.**

