URUKIKO RUKURU, URUGEREKO RWIHARIYE RUBURANISHA IBYAHA MPUZAMAHANGA N'IBYAMBUKA IMBIBI, RURI I NYANZA KU CYICARO CYARWO, RUKIJIJE NONE KU WA 30/09/2021 URUBANZA Nº RP 00003/2021/HC/HCCIC KU RWEGO RWA MBERE MU BURYO BUKURIKIRA:

HABURANA:

UREGA: UBUSHINJACYAHA buhagarariwe na HARINDINTWARI Côme, Umushinjacyaha ku rwego rw'Igihugu.

UREGWA: IDAMANGE IRYAMUGWIZA Yvonne mwene Binego Stephan na Mukansigaye Florida, wavutse mu 1979, avukira mu Mudugudu wa Rwimondo, Akagari ka Masaka, Umurenge wa Rugarika, mu Karere ka Kamonyi, Intara y'Amajyepfo, atuye mu Mudugudu w'Ijabiro, Akagari ka Nyagatovu, Umurenge wa Kimironko, Akarere ka Gasabo, Umujyi wa Kigali, muri Repubulika y'u Rwanda, Umunyarwandakazi, ufite ID nº: 1197970009625010, ukoresha telephone nº: 0788830576, nta murimo uzwi akora, yashakanye na Mabumba Oswald, babyaranye abana bane (4).

IBYAHA AREGWA:

- Icyaha cyo guteza imvururu cyangwa imidugararo muri rubanda, giteganywa kandi gihanishwa n'ingingo ya 204 y'itegeko nº 68/2018 ryo ku wa 30/08/2018 y'Itegeko riteganya ibyaha n'ibihano muri rusange;

- Icyaha cyo gupfobya jenoside, giteganywa kandi gihanishwa n'ingingo ya 6 y'itegeko nº 59/2018 ryo ku wa 22/8/2018 ryerekeranye n'icyaha cy'ingengabitekerezo ya jenoside n'ibyaha bifitanye isano na yo;

- Icyaha cyo gutesha agaciro urwibutso rwa jenoside cyangwa ahashyinguye imibiri y'abazize jenoside, giteganywa kandi gihanishwa n'ingingo ya 8 y'itegeko nº 59/2018 ryo ku wa 22/8/2018 ryerekeranye n'icyaha cy'ingengabitekerezo ya jenoside n'ibyaha bifitanye isano na yo;

- Icyaha cyo gutangaza amakuru y'ibihuha hakoreshejwe ikoranabuhanga, giteganywa kandi gihanishwa n'ingingo ya 39 y'itegeko nº 60/2018 ryo ku wa 22/8/2018 ryerekeye gukumira no guhana ibyaha bikoreshejwe ikoranabuhanga;

- Icyaha cyo gutambamira ishyirwa mu bikorwa ry'imirimo y'Igihugu, giteganywa kandi gihanishwa ingingo ya 231 y'itegeko Nº 68/2018 ryo ku wa 30/08/2018 Itegeko riteganya ibyaha n'ibihano muri rusange;

- Icyaha cyo gutanga sheki itazigamiwe, giteganywa kandi gihanishwa n'ingingo ya 24 bis y'itegeko nº 47/2018 ryo kuwa 13/08/2018 rihindura itegeko nº 03/2010 ryo ku wa 26/02/2010 ryerekeye uburyo bw'imyishyuranire nk'uko ryahinduwe kugeza ubu.

I. IMITERERE Y'URUBANZA.

1. Ubushinjacyaha burega IDAMANGE IRYAMUGWIZA Yvonne ibyaha bikurikira: guteza imvururu cyangwa imidugararo muri rubanda, gupfobya jenoside, gutesha agaciro urwibutso rwa jenoside cyangwa ahashyinguye imibiri y'abazize jenoside, gutangaza amakuru y'ibihuha hakoreshejwe ikoranabuhanga, no gutambamira ishyirwa mu bikorwa ry'imirimo y'Igihugu; ibyaha buvuga ko yakoreye ku muyoboro we w'amajwi n'amashusho ''Youtube chanel'' asebya Leta y'u Rwanda n'inzego zayo ndetse n'abayobozi, avuga ko Leta itita ku bibazo by'abaturage, ko abaturage badafite uburenganzira ku myemerere yabo n'ubwo kuvuga icyo bashaka n'icyo batekereza, ko ibyemezo Leta ifata bitanogeye abaturage, ko ahubwo biri mu nyungu zayo, ahamagarira abaturage kwigaragambya barwanira ubwingenge bwabo, kandi ko nyuma y'aho avugiye aya magambo inzego z'umutekano zageze iwe mu rugo arazirwanya.

2. Bumurega kandi ko yakoze icyaha cyo gutanga sheki itazigamiwe y'amafaranga y'u Rwanda ibihumbi magana ane (400.000 Frw) akomoka ku bukode bw'inzu yabagamo mu Mujyi wa Kigali.

3. IDAMANGE IRYAMUGWIZA Yvonne wanze kwitabira iburanisha ry'uru rubanza[1], mu nzego z'iperereza[2], mu iburanisha ku ifungwa rye ry'agateganyo[3] ndetse no mu iburanisha ku nzitizi zatanzwe mbere y'iburanisha ry'urubanza mu mizi[4], yireguye avuga ko ibyo yavuze yabivuze nk'umunyarwanda ufite uburenganzira bwo kuvuga ibibazo bitandukanye abanyarwanda bafite muri iki gihe bijyanye no kutinyagambura muri Covid-19 bituma baba mu buzima bugoye, abana bamwe biga abandi ntibige n'insengero zifunze, ibibazo yumva ko Leta idaha ibisubizo bikwiye. Yavuze ko atari gupfobya jenoside kandi yarayirokotse, ko Leta icuruza imibiri y'abazize jenoside kuko we ariko abyumva, no kuba yarasabye abaturage guhaguruka bakigaragambya yabivuze ku giti cye nk'umuntu usanzwe kuko nta rwego ahagarariye kandi yumva ko bitari kwitabirwa.

4. Ku bijyanye n'icyaha cyo gutanga sheki itazigamiwe, IDAMANGE IRYAMUGWIZA Yvonne yavuze ko atari kukiregwa ngo kuko cyashaje, kandi ko amafaranga ayivugwamo yayishyuye. Naho ku bijyanye no kurwanya inzego z'umutekano no kuzibangamira mu kazi kazo avuga ko atabikoze, ko ahubwo Polisi yaje iwe mu buryo bwo kumurwanya ibinjirana ku ngufu, ko umupolisi wakomeretse yazize inzugi bamenaga bashaka kumwinjirana ku ngufu.

5. Mbere yo gusuzuma urubanza mu mizi habanje gusuzumwa inzitizi zatanzwe n'ababuranyi arizo: ubusabe bw'Ubushinjacyaha bwo kuburanisha urubanza mu muhezo, inzitizi Urukiko rwahaye ishingiro[5],

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[1]Imvugo ye mu iburanisha ryo kuwa 22/6/2021, n'inyandiko y'ubuyobozi bwa Gereza ya Nyarugenge yo ku wa 14/07/2021 igaragaza ko uregwa yanze kwakira inyandiko imuhamagara kuburana iri muri dosiye (system).

[2] Inyandikomvugo y'ibazwa ry'uregwa mu Bugenzacyaha tariki ya 20/2/2021 no mu Bushinjacyaha tariki ya 25/03/2021 ziri muri dosiye y'Ubushinjacyaha.

[3] Inyandikomvugo y'iburanisha ku ifungwa n'ifungurwa by'agateganyo mu Rukiko rw'Ibanze rwa Gasabo kuwa 04/3/2021 n'iyo mu Rukiko Rwisumbuye rwa Gasabo kuwa 23/3/2021.

[4] Inyandikomvugo y'iburanisha ryo kuwa 22/6/2021.

[5] Icyemezo cyafashwe mu iburanisha ryo ku wa 22/06/2021.

n'inzitizi y'iburabubasha bw'Urukiko yatanzwe n'uregwa itarahawe ishingiro[6].

6. Muri uru rubanza hasuzumwe ibijyanye no kumenya niba ibikorwa Ubushinjacyaha bwaregeye bigize ibyaha uregwa akurikiranyweho no kumenya ibihano uregwa yahanishwa ibyaha bimuhamye.

II. ISESENGURA RY'IBIBAZO BIGIZE URUBANZA.

- ***Ku bijyanye no kumenya niba ibikorwa Ubushinjacyaha bwaregeye bigize ibyaha uregwa akurikiranyweho.***

  - *Ku bijyanye n'icyaha cyo guteza imvururu cyangwa imidugararo muri rubanda*

    - ✓ *Icyo Ubushinjacyaha bwavuze*

7. Ubushinjacyaha burega IDAMANGE IRYAMIGWIZA Yvonne ko, akoresheje amajwi n'amashusho ku rubuga nkoranyambaga rwa Youtube, yatanze ibiganiro avuga amagambo yangisha abaturage ubutegetsi buriho, anabakangurira guhaguruka bakabuvanaho.

8. Busobanura ko mu kiganiro yatanze kuwa 31 Mutarama 2021 yise "*Abanyarwanda turambiwe gufatirwaho imyanzuro idahwitse*" yagarutse ku burezi, ku nsengero, no ku cyorezo cya Covid-19, anavuga ko u Rwanda ari Igihugu kitagira umwungeri, ko abanyarwanda bari mu kiriyo cy'ikintu batazi, ko Covid-19 yabaye iturufu mu Rwanda, ko ihabwa uburemere bukaze kubera inyungu za Politiki[7], ko n'imyanzuro ya Guma mu rugo ari iyo kwicisha abaturage inzara.

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[6] Icyemezo cyafashwe mu iburanisha ryo ku wa 29/07/2021.
[7] Ibi byumvikana ku munota wa 0.42.42 ugakomeza by'icyo kiganiro.

9. Bukomeza buvuga ko mu kiganiro cyo kuwa 10 Gashyantare 2021 yise "*Ukuri guca mu ziko ntigushye nubwo akenshi kubabaza*" IDAMANGE IRYAMUGWIZA Yvonne yacishije ku muyoboro we wa Y*outube*, yavuze ku ngingo eshatu ari zo: "Abanyarwanda turasaba uburenganzira bwo kuvuga kandi ntitubizire", "Twamaganye inzego za baringa zidakora icyo zishinzwe zimeze nk'aho ari inkomamashyi" na "Turasaba isuzuma ryimbitse ku mpfu z'abacu zidasobanutse kandi twamaganye byimazeyo imvugo yuko umuntu uyu n'uyu yaburiwe irengero", ko mu Rwanda nta burenganzira bwo kuvuga buhari, ko hari inzego zitavuganira abayoborwa, ko abantu bicwa by'amayobera anatanga ingero nka Rwabukamba, Makonene, Kizito, Mirimo, …, maze akangurira abanyarwanda kuva mu cyo yise urujijo, ko hageze ko abanyarwanda bagira amahoro, bigenga, batuza, bishima, kandi ko bakeneye demokarasi.

10. Bukomeza buvuga ko mu kiganiro cyo kuwa 15 Gashyantare 2021 IDAMANGE IRYAMUGWIZA Yvonne yavuze ko yemeza ko mu Rwanda hari ikibazo cy'agatsiko k'amabandi kayoboresha igitugu, kabiba amacakubiri kugira ngo abantu badahuza ibitekerezo[8]; ko Leta y'u Rwanda ari Leta y'incakura, y'amabandi n'ibisambo, itera amacakubiri mu bantu ku bw'inyungu zayo, ko Igihugu cyicaye mu muriro, ko buri wese abimenye bwacya abantu bose bahunze. Buvuga kandi ko uregwa yavuze ko Abanyarwanda bababaye, bafite intimba kandi imitima yabo yaboze bitewe na Leta we yita ko ari Leta y'abicanyi, ko abaturage bari mu bubata, ahamagarira abaturage guhagurukana na we bagakuraho ubutegetsi aho yagize ati "*Tugende twese tugane mu Rugwiro dusohore umurambo wa Paul Kagame*", ndetse akangurira abaturage bari mu Rwanda no mu mahanga gukora imyigaragambyo bagana mu Rugwiro ku itariki ya 16/02/2021, abari mu Turere no mu mahanga bakayikorera aho bari, kandi ko udahaguruka ngo arwanye Leta azabona ishyano.

11. Buvuga nanone ko IDAMANGE IRYAMUGWIZA Yvonne nk'umuntu mukuru, wize ufite ubwenge buzima, usobanukiwe byimbitse, yavuze aya

[8] Byumvikana guhera ku munota wa 0.08.46 gukomeza

magambo akurikiranyweho azi neza ko akora ikibujijwe, agambiriye kwangisha rubanda ubutegetsi buriho no gushaka kubyutsa imidugararo muri rubanda, ku buryo imyitwarire ye igize icyaha cyo guteza imvururu cyangwa imidugararo muri rubanda giteganywa kandi gihanishwa n'ingingo ya 204 y'itegeko nº 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange.

12. Ibimenyetso Ubushinjacyaha bushingiraho bigizwe n'imvugo za IDAMANGE IRYAMUGWIZA Yvonne aho mu ibazwa rye mu Bugenzacyaha ku wa 20/02/2021 yemeye ko amajwi n'amashusho (audio-video) ndetse n'ifoto biri kuri Youtube chanel ye bivuga ku biganiro byagaragajwe haruguru ari ibye. Busoza busaba urukiko kwemeza ko ahamwa n'iki cyaha kandi akagihanirwa.

13. IDAMANGE IRYAMUGWIZA Yvonne ntiyitabiriye iburanisha ariko abazwa mu Bugenzacyaha no mu Bushinjacyaha yagiye agaruka ku kuvuga ko ibyo akurikiranyweho kuvuga ari we wabivuze, ko yabivuze uko abibona, kandi ko kugaragaza ibitekerezo bye abyemererwa n'Itegeko Nshinga.

- ✓ *Uko urukiko rubibona*

14. Ingingo ya 37 y'Itegeko Nshinga rya Repubulika y'u Rwanda ryo mu 2003 ryavuguruwe mu 2015 iteganya ko "Ubwisanzure mu bitekerezo, mu mutimanama, mu guhitamo idini, mu gusenga no kubigaragaza mu ruhame burengerwa na Leta mu buryo buteganywa n'amategeko". Naho iya 41 iteganya ko « Mu gukoresha uburenganzira n'ubwisanzure, buri wese azitirwa gusa n'itegeko rigamije kwemera no kubahiriza uburenganzira n'ubwisanzure by'abandi ndetse n'imyitwarire iboneye, ituze rusange rya rubanda n'imibereho myiza muri rusange biranga Igihugu kigendera kuri demokarasi».

15. Ingingo ya 19 y'Amasezerano Mpuzamahanga yerekeye uburenganzira mu by'imbonezamubano na politiki u Rwanda rwasinye[9] ivuga ko:

"1. *Nta wushobora gukurikiranwa kubera ibitekerezo bye.*
2. Umuntu wese afite uburenganzira bwo kugaragaza ibitekerezo bye, ubwo burenganzira bukubiyemo ubwigenge mu gushakashaka, guhabwa no gusakaza amakuru n'ibitekerezo by'amoko yose hatitawe ku mipaka y'ibihugu, hakoreshejwe imvugo, inyandiko zisanzwe, inyandiko zicapye cyangwa ubugeni cyangwa se ubundi buryo bwose yihitiyemo hatitaweho imipaka y'ibihugu.
3. Gushyira mu bikorwa uburenganzira buteganijwe mu gika cya 2 cy'iyi ngingo bijyana n'ibyo umuntu asabwa ndetse n'inshingano bidasanzwe. Ni ukuvuga rero ko hari ibintu bishobora kumugabanyiriza ubwo bwisanzure ariko na byo bikagomba guteganywa n'amategeko ku buryo bweruye kandi bikaba ari ngombwa: (a) kugira ngo uburenganzira bw'abandi n'agaciro kabo byubahirizwe; (b) kugira ngo hubahirizwe umutekano, umudendezo rusange, ubuzima bw'abaturage n'umuco ndangabupfura w'Igihugu".

16. Ingingo ya 204 y'itegeko nº 68/2018 ryo ku wa 30/08/2018 y'tegeko rigena ibyaha n'ibihano muri rusange iteganya ko aba akoze icyaha cyo guteza imvururu cyangwa imidugararo muri rubanda umuntu wese, mu ruhame, ukoresha imvugo, inyandiko z'ubwoko bwose, amashusho cyangwa ibimenyetso by'amoko yose, bimanitswe, bitanzwe, biguzwe cyangwa bigurishijwe, cyangwa bitangajwe mu bundi buryo bwose, uwangisha rubanda ubutegetsi buriho, utera imvururu mu baturage ashaka ko basubiranamo cyangwa utera rubanda intugunda ashaka kubyutsa imidugararo muri Repubulika y'u Rwanda.

17. Isesengura ry'izi ngingo rigaragaza ko umuntu uwo ari we wese afite ubwisanzure mu bitekerezo no kubigaragaza mu ruhame akoresheje

[9] Yemejwe n'Inteko Rusange y'Umuryango w'Abibumbye kuwa 16/12/1966, yatangiye gukurikizwa kuwa 23/03/1976, akaba yaremejwe mu Rwanda n'Itegeko -Teka n° 08/75 ryo kuwa 12/02/1975.

imvugo cyangwa ubundi buryo ubwo ari bwo bwose yihitiyemo hatitawe ku mipaka y'ibihugu, ko adashobora gukurikiranwa kubera ibitekerezo bye; ko ariko ishyirwa mu bikorwa ry'ubu bwisanzure rigomba kuba mu mbibi z'ibiteganywa n'amategeko agamije iyubahirizwa ry'uburenganzira bw'abandi n'agaciro kabo, umutekano, umudendezo rusange, ubuzima bw'abaturage n'umuco ndangabupfura w'Igihugu.

18. Rusanga mu mategeko ahana y'u Rwanda bibujijwe kandi bihanirwa gukoresha ubwisanzure mu bitekerezo ukoresha mu ruhame imvugo zangisha rubanda ubutegetsi buriho, utera imvururu mu baturage ushaka ko basubiranamo, cyangwa utera rubanda intugunda ushaka kubyutsa imidugararo kuko iyi myitwarire igize icyaha cyo guteza imvururu cyangwa imidugararo muri rubanda. Rusanga kandi Urukiko rw'ikirenga rwaranzuye ko uburenganzira umuntu ahabwa n'Itegeko Nshinga ndetse n‟andi mategeko bwo gutanga ibitekerezo bye mu bwisanzure butagomba gukoreshwa bubangamira ubw'abandi[10].

19. Rusanga mu ibazwa rye mu Bugenzacyaha no mu Bushinjacyaha IDAMANGE IRYAMUGWIZA Yvonne yaremeye ko ibiganiro mu majwi no mu mashusho byavugiwemo amagambo akurikiranyweho ari bye, kandi ko yabivuze nk'ugaragaza ibitekerezo bye nk'uko Itegeko Nshinga ribimuhera uburenganzira, ko yavuze ibintu uko abibona ku buryo atakagombye kubikurikiranwaho; isesengura ry'ibi biganiro rigaragaza ko hejuru yo kutemeranywa n'inzego zibishinzwe ku ishyirwaho ry'ingamba zo guhangana n'icyorezo cya Covid-19 n'uburyo bwo guhangana n'ingaruka z'iki cyorezo ku burezi, ku gusenga no ku buzima bw'abaturage muri rusange, hari imvugo yavuze zirengera ku ihame ry'ubwisanzure mu gutanga ibitekerezo zikurikira: Kuvuga mu ruhame ko Covid-19 yabaye iturufu mu Rwanda ihabwa uburemere bukaze kubera inyungu za Politiki, kuvuga ko imyanzuro ya 'Guma mu rugo' ari iyo kwicisha abaturage inzara, ko inzego za Leta ari baringa kuko zidakora icyo zishinzwe kandi zimeze

[10] Urubanza RPA 0298/10/CS, Ubushinjacyaha buburana na Mushayidi Deogratias, rwaciwe kuwa 24/02/2012, igika cya 26.

nk'aho ari inkomamashyi, kuvuga ko mu Rwanda hari ikibazo cy'agatsiko k'amabandi kayoboresha igitugu kakanabiba amacakubiri, kuvuga ko Leta y'u Rwanda ari Leta y'Incakura, y'amabandi n'ibisambo, kuvuga ko abaturage baboze imitima kubera Leta y'abicanyi, no kuvuga ko bari mu bubata. Bityo, aya magambo yavuzwe ku bushake hagamijwe kwangisha rubanda ubutegetsi buriho agize icyaha cyo guteza imvururu cyangwa imidugararo muri rubanda nk'uko ingingo ya 204 yagaragajwe haruguru ibiteganya.

20. Rusanga nanone imvugo za IDAMANGE IRYAMUGWIZA Yvonne ko *u Rwanda ari Igihugu kitagira umwungeri, ko abanyarwanda bari mu kiriyo cy'ikintu batazi, ko bakwiye kujyana na we mu Rugwiro gusohora umurambo wa Paul Kagame, ko udahaguruka ngo arwanye Leta azabona ishyano,* zigaragaramo gutera intugunda muri rubanda ashaka kubyutsa imidugararo muri Repubulika y'u Rwanda, na byo bigize icyaha cyo guteza imvururu cyangwa imidugararo muri rubanda.

21. Rusanga rero imvugo zimaze kugaragazwa no gusesengurwa hejuru IDAMANGE IRYAMUGWIZA Yvonne yavugiye mu ruhame agamije kwangisha rubanda ubutegetsi buriho no gutera intugunda muri rubanda ashaka kubyutsa imidugararo muri Repubulika y'u Rwanda, zigize icyaha cyo guteza imvururu cyangwa imidugararo muri rubanda, bityo iki cyaha kikaba kimuhama, akaba agomba kugihanirwa.

- *Ku bijyanye n'icyaha cyo gutangaza amakuru y'ibihuha hakoreshejwe ikoranabuhanga*

  - ✓ *Icyo Ubushinjacyaha bwavuze*

22. Ubushinjacyaha burega IDAMANGE IRYAMIGWIZA Yvonne ko mu kiganiro yise "Ijwi ry'impanda" cyo kuwa 15 Gashyantare 2021 akoresheje amajwi n'amashusho ku rubuga rwe rwa Youtube yatangaje ibihuha avuga ko Leta y'u Rwanda ari Leta y'abicanyi, Leta y'agatsiko yibasiye abacikacumu, yica abantu, igatondeka imirambo, akarondora urutonde

rw'abantu avuga ko Leta yishe[11]. Buvuga ko mur'iki kiganiro IDAMANGE IRYAMIGWIZA Yvonne yavuze ko guverinoma (gouvernement) yavuyeho kera, ko isigaye ari baringa, ko abanyarwanda baba hanze bambuwe uburenganzira bwo kugera mu Gihugu cyabo; ko Igihugu kitagira umuperezida, ko Perezida wa Repubulika yapfuye kera, ko Igihugu kiyobowe n'umurambo, ko Igihugu kiyobowe n'umuzimu, ko Leta y'u Rwanda ari Leta y'incakura, y'amabandi n'ibisambo, itera amacakubiri mu bantu kugira ngo ibacemo kabiri ku bw'inyungu zayo kugira ngo badatahurwa, ko Igihugu cyicaye mu muriro, ko buri wese abimenye bwacya bose bahunze.

23. Buvuga ko IDAMANGE IRYAMUGWIZA YVONNE wize ufite ubwenge buzima, unasobanukiwe byimbitse yatangaje aya makuru y'ibihuha bishobora gutera ubwoba, imvururu cyangwa ihohotera muri rubanda no gutuma rubanda rutakariza icyizere ubuyobozi, abizi neza ko ari igikorwa kigize icyaha kandi itegeko riteganyiriza igihano.

24. Ikimenyetso Ubushinjacyaha bushingiraho burega IDAMANGE IRYAMIGWIZA Yvonne iki cyaha akaba ari ikiganiro yise "Ijwi ry'impanda" cyo kuwa 15 Gashyantare 2021.

- ✓ *Uko Urukiko rubibona*

25. Ingingo ya 39 y'itegeko nº 60/2018 ryo ku wa 22/8/2018 ryerekeye gukumira no guhana ibyaha bikoreshejwe ikoranabuhanga iteganya ko umuntu wese, ubizi, wifashishije mudasobwa cyangwa urusobe rwa mudasobwa atangaza amakuru y'ibihuha ashobora guteza ubwoba, imvururu cyangwa ihohotera muri rubanda cyangwa ashobora gutuma umuntu atakarizwa icyizere, aba akoze icyaha cyo gutangaza amakuru y'ibihuha.

26. Isesengura ry'iyi ngingo rigaragaza ko icyaha cyo gutangaza amakuru y'ibihuha kiba cyakozwe iyo umuntu yifashishije ikoranabuhanga rya

[11] Byumvikana guhera ku munota 0.14'.51''.

mudasobwa agakwirakwiza abizi inkuru zidafitiwe isoko izwi ndetse zinakemangwa mu kuri kwazo[12] kandi zishobora gutera ubwoba, imvururu cyangwa ihohotera muri rubanda, cyangwa zishobora gutuma umuntu uzivugwamo atakarizwa icyizere.

27. Urukiko rusanga rero ibyo IDAMANGE IRYAMUGWIZA Yvonne yatangaje kuri 'Youtube chanel' ko Leta y'u Rwanda ari Leta y'agatsiko kibasiye abacikacumu, yica abantu, igatondeka imirambo, ko guverinoma (gouvernement) yavuyeho kera, ko isigaye ari baringa, ko abanyarwanda baba hanze bambuwe uburenganzira bwo kugera mu Gihugu cyabo, ko Igihugu kitagira umuperezida, ko Perezida wa Repubulika yapfuye kera, ko Igihugu kiyobowe n'umurambo, ko Igihugu kiyobowe n'umuzimu, ko Leta y'u Rwanda ari Leta y'incakura, y'amabandi n'ibisambo, itera amacakubiri mu bantu ku bw'inyungu zayo, ko Igihugu cyicaye mu muriro, ko buri wese abimenye bwacya bose bahunze ari inkuru zidafitiwe isoko izwi kandi zikemangwa mu kuri kwazo, zishobora gutera ubwoba, imvururu n'ihohotera muri rubanda, kandi yatangaje izo nkuru azi neza ko zishobora gutera izi nkurikizi mu baturage.

28. Rusanga rero imvugo IDAMANGE IRYAMUGWIZA Yvonne akurikiranyweho nk'uko zimaze kugaragazwa no gusesengurwa hejuru ari ibihuha yavugiye mu ruhame bishobora gutera ubwoba, imvururu n'ihohotera muri rubanda ku buryo bigize icyaha cyo gutangaza amakuru y'ibihuha nk'uko giteganyijwe mu ngingo 39 y'itegeko ryavuzwe hejuru. Bityo akaba agomba kugihanirwa.

[12] Nouvelle, bruit qui se répand dans le public, dont l'origine est inconnue ou incertaine et la véracité douteuse (https://www.larousse.fr/dictionnaires/francais/rumeur/70249, v. Rumeur).

- *Ku bijyanye n'icyaha cyo gupfobya jenoside*

  - ✓ *Icyo Ubushinjacyaha bwavuze*

29. Ubushinjacyaha buvuga ko mu biganiro byo ku wa 31 Mutarama 2021, 10 Gashyantare 2021 no ku wa 15 Gashyantare 2021 uregwa yise ''*Abanyarwanda turambiwe gufatirwaho imyanzuro idahwitse - ukuri guca mu ziko ntigushye nubwo akenshi kubabaza*'' kuri Youtube chanel ye, uregwa yagoretse ukuri kuri jenoside yakorewe Abatutsi mu 1994 agamije gukerensa uburemere bwayo aho yavuze ko Corona virus ari iturufu isimbuye iturufu ya jenoside, kandi ko Leta y'u Rwanda icuruza jenoside ikanayikoresha ku bw'inyungu z'agatsiko runaka gashaka guhemukira abana b'abanyarwanda kugira ngo babagire imbata, ko ndetse jenoside yakorewe Abatutsi mu 1994 ari igikangisho, akanayigereranya n'ubundi bwicanyi avuga ko bukorerwa abaturage.

30. Buvuga ko urupfu rw'umuntu rutagereranywa na jenoside yakorewe Abatutsi mu 1994, kandi ko Leta yarwanyije jenoside itagambirira kurimbura Abatutsi cyangwa ngo ifate umututsi nk'umwanzi wayo, ko ibi nabyo ari ugupfobya jenoside no kugabanya uburemere bwayo, ko izi mvugo zitesha agaciro jenoside zikanagabanya uburemere bwayo, ko ndetse ziyobya rubanda ku myumvire, ku buremere no ku ngaruka jenoside yagize ku banyarwanda.

31. Buvuga nanone ko imvugo uregwa yireguza yuko nk'uwacitse ku icumu rya jenoside adashobora kuregwa gupfobya jenoside nta shingiro yahabwa kuko buri wese ashobora gukurikiranywaho iki cyaha, kandi ko no kuba abavandimwe be baba barazize jenoside yakorewe Abatutsi ubwabyo bitaba impamvu yatuma atayipfobya.

32. Ibimenyetso Ubushinjacyaha bushingiraho ni ibiganiro by'amajwi n'amashusho uregwa yakoreye kuri 'Youtube chanel' ye ku wa 31 Mutarama 2021, ku wa 10 Gashyantare 2021 no ku wa 15 Gashyantare 2021, no kuba mu ibazwa rye mu Bugenzacyaha no mu Bushinjacyaha, ndetse no mu

iburanisha ku ifungwa rye ry'agateganyo, yariyemereye amagambo aregwa. Bwashoje busaba ko uregwa ahamwa n'icyaha akanagihanirwa.

33. IDAMANGE IRYAMUGWIZA Yvonne wanze kwitaba Urukiko kugira ngo yiregure ku byaha aregwa, mu Bugenzacyaha no mu Bushinjacyaha yireguye avuga ko atapfobya jenoside kandi yarayirokotse, anavuga ko ibyo yavuze ariko we abyumva[13].

✓ *Uko Urukiko rubibona*

34. Ingingo ya 6, igika cya 1, y'itegeko nº 59/2018 ryo ku wa 22/8/2018 ryerekeranye n'icyaha cy'ingengabitekerezo ya jenoside n'ibyaha bifitanye isano na yo iteganya ko ''*Umuntu, ugaragariza mu ruhame kandi ku bushake, imyitwarire igamije: 1º kugabanya uburemere cyangwa ingaruka za jenoside; 2º koroshya uburyo jenoside yakozwemo; 3º kugaragaza imibare itariyo y'abazize Jenoside; aba akoze icyaha*''.

35. Rusanga uregwa, mu kiganiro cy'amajwi n'amashusho yakoreye mu ruhame[14] kuri Youtube chanel ye kuwa 31 Mutarama 2021 yise ''*Abanyarwanda turambiwe gufatirwaho imyanzuro idahwitse*'', yavuze ko jenoside yakorewe Abatutsi mu 1994 ari iturufu, kandi ko Leta y'u Rwanda icuruza jenoside, aho yabivuze muri aya magambo "*Corona ni iturufu isimbuye iturufu ya jenoside….usanga iturufu ya jenoside mu Rwanda yarabaye iturufu, jenoside jenoside, jenoside yakorewe Abatutsi. Inzibutso bakazisura, amadevise agatambuka, mu Rwanda ni jenoside yakorewe abatutsi, imibiri y'abacu igacuruzwa nyamara twe aba rescapés tumeze nk'abasigajwe inyuma*

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[13] Inyandikomvugo y'ibazwa rye mu Bugenzacyaha tariki ya 20/02/2021 no mu Bushinjacyaha tariki ya 25/03/2021 ziri muri dosiye y'Ubushinjacyaha.

[14] Ingingo ya 2 y'itegeko nº 59/2018 ryo ku wa 22/8/2018 ryerekeranye n'icyaha cy'ingengabitekerezo ya jenoside n'ibyaha bifitanye isano na yo iteganya ko ''Muri iri tegeko, "uruhame" ni ahantu hateraniye abantu barenze babiri (2). Ibikorwa bikurikira na byo bifatwa nk'ibikorewe mu ruhame: 1º ibitangajwe ku rubuga nkoranyabuhanga; 2º ibitangajwe ku rubuga nkoranyambaga; 3º ibitangajwe mu bitangazamakuru; 4º ubutumwa bwohererejwe umuntu; 5º amajwi yafashwe hakoreshejwe ibyuma byabugenewe ibyo ari byo byose cyangwa amashusho yafashwe hakoreshejwe icyuma gifata amashusho agenda; 6º ibindi byose bitangajwe hifashishijwe ikoranabuhanga mu itangazabumenyi n'itumanaho''.

n'amateka ntawe utwitayeho"[15]; Urukiko rukaba rusanga izi mvugo zigaragaza gupfobya jenoside yakorewe Abatutsi mu 1994 kuko zigabanya uburemere n'ingaruka byayo aho zerekana ko jenoside ari igicuruzwa cyavamo inyungu nyamara jenoside ni umutwaro kuri Leta kuko yasize ingaruka zikomeye mu buzima bwose bw'Igihugu, ni amateka agomba guhora avugwa kugira ngo haharanirwe ko itazongera kubaho, kandi inkunga ihawe urwibutso n'abarusura ikoreshwa mu gufata neza inzibutso nk'uko ingingo ya 14 y'itegeko nº 15/2016 ryo ku wa 02/05/2016 rigenga umuhango wo kwibuka jenoside yakorewe abatutsi, imitunganyirize n'imicungire by'inzibutso za jenoside yakorewe abatutsi ibiteganya.

36. Rusanga imyiregurire ya IDAMANGE IRYAMUGWIZA Yvonne yuko adashobora gukora icyaha cyo gupfobya jenoside ngo kubera ko yayirokotse, no kuba hari abavandimwe be yamutwaye, nta shingiro ifite kuko kuba yaba yararokotse jenoside, hakaba hari n'abavandimwe be bayizize, ubwabyo atari impamvu yatuma atayipfobya kuko umuntu uwo ariwe wese ashobora gukurikiranywaho iki cyaha cyo gupfobya jenoside nk'uko ingingo ya 6 y'itegeko nº 59/2018 ryo ku wa 22/8/2018 ryerekeranye n'icyaha cy'ingengabitekerezo ya jenoside n'ibyaha bifitanye isano na yo ibiteganya, kandi itegeko rirengera abantu bose, rikanahana buri wese unyuranyije naryo nk'uko n'Itegeko Nshinga rya Repubulika y'u Rwanda ryo mu 2003 nk'uko ryavuguruwe mu 2015 ribiteganya mu ngingo yaryo ya 15 aho igira iti "*Abantu bose barareshya imbere y'amategeko, itegeko ribarengera ku buryo bumwe*".

37. Kuba rero IDAMANGE IRYAMUGWIZA Yvonne yaragaragaje mu ruhame imyitwarire n'ibikorwa bigamije kugabanya uburemere n'ingaruka bya jenoside yakorewe Abatutsi mu 1994, nk'uko byagaragajwe haruguru, Urukiko rurasanga ahamwa n'icyaha cyo gupfobya jenoside, bityo akaba agomba kugihanirwa.

[15] Byumvikana tariki ya 31/01/2021 ku munota wa mirongo ine n'ine n'amasegonda mirongo ine n'ane (00.44.44).

- *Ku cyaha cyo gutesha agaciro urwibutso rwa jenoside cyangwa ahashyinguye imibiri y'abazize jenoside*

  - ✓ *Icyo Ubushinjacyaha buvuga*

38. Ubushinjacyaha buvuga ko uregwa nk'umuntu wari usobanukiwe jenoside icyo ari cyo, uburemere bwayo n'ingaruka yagize ku muryango nyarwanda, yumvikanye kuri Youtube chanel ye avuga ko inzibutso za jenoside zisurwa, imibiri y'abishwe igacuruzwa mu nzibutso, amadevise akinjira, ko Leta itondeka imibiri mu nzibutso nk'isukari bacuruza, ko izi mvugo ze zigamije gutesha agaciro ahashyinguye imibiri y'abazize jenoside n'iyi mibiri ubwayo mu gihe ayifata nk'ibicuruzwa.

39. Ibimenyetso Ubushinjacyaha bushingiraho ni ibiganiro by'amajwi n'amashusho uregwa yakoreye kuri Youtube chanel ye ku wa 31 Mutarama 2021, ku wa 10 Gashyantare 2021 no ku wa 15 Gashyantare 2021, no kuba mu ibazwa rye mu Bugenzacyaha no mu Bushinjacyaha, ndetse no mu iburanisha ku ifungwa rye ry'agateganyo, yariyemereye amagambo aregwa. Bwashoje busaba ko uregwa ahamwa n'iki cyaha akanagihanirwa.

40. IDAMANGE IRYAMUGWIZA Yvonne wanze kwitaba Urukiko kugira ngo yiregure ku byaha aregwa, mu Bugenzacyaha no mu Bushinjacyaha yireguye avuga ko atatesha agaciro ibimenyetso bya jenoside, anavuga ko ibyo yavuze ariko we abyumva.

  - ✓ *Uko Urukiko rubibona*

41. Ingingo ya 10 y'itegeko nº 59/2018 ryo ku wa 22/8/2018 ryerekeranye n'icyaha cy'ingengabitekerezo ya jenoside n'ibyaha bifitanye isano na yo iteganya ko "*Umuntu ukora ku bushake kimwe mu bikorwa bikurikira: 1º gusenya cyangwa konona urwibutso rwa jenoside cyangwa ahashyinguye imibiri y'abazize jenoside; 2º gusenya cyangwa konona ibimenyetso by'urwibutso rwa jenocide cyangwa ahashyinguye imibiri y'abazize jenoside; 3º gutesha agaciro*

urwibutso rwa jenoside cyangwa ahashyinguye imibiri y'abazize jenoside; aba akoze icyaha''.

42. Rusanga mu kiganiro uregwa yakoreye kuri Youtube chanel ye ku wa 15 Gashyantare 2021 yise *"Ijwi ry'impanda",* yaravuze ko Leta icuruza imibiri y'abazize jenoside yakorewe Abatutsi mu 1994, kandi ko kuba imibiri y'abazize jenoside iri mu nzibutso ari ukubashinyagurira ngo kuko yatondetswe nk'ibicuruzwa muri butiki; akaba yaranongeyeho ati *"kuba naravuze ngo bakoresha iturufu ya jenoside kandi bacuruza imibiri y'abacu, icyo nabeshye ni iki?",* nk'uko no mu ibazwa rye mu Bugenzacyaha no mu Bushinjacyaha yaniyemereye ko izi mvugo ari ize.

43. Rusanga izi mvugo za IDAMANGE IRYAMUGWIZA Yvonne zitesha agaciro inzibutso za jenoside yakorewe Abatutsi mu 1994 n'imibiri y'abazize jenoside izirimo kuko agereranya inzibutso n'iduka ricururizwamo, n'imibiri y'abazize jenoside akayigereranya n'ibicuruzwa bitondetswe muri butiki, nyamara inzibutso za jenoside yakorewe Abatutsi ari ahantu hashyinguwe imibiri y'abazize jenoside yakorewe Abatutsi[16], hari na bimwe mu bimenyetso bya jenoside yakorewe Abatutsi nk'uko ingingo ya 2, 7º y'itegeko nº 15/2016 ryo ku wa 02/05/2016 rigenga umuhango wo kwibuka jenoside yakorewe abatutsi, imitunganyirize n'imicungire by'inzibutso za jenoside yakorewe abatutsi ibiteganya, kandi uburyo imibiri ibitswe mu nzibutso bukaba buteganyijwe mu iteka rya Minisitiri nº 16/MOJ/AG/19 ryo ku wa 09/9/2019 ryerekeranye no kwibuka jenoside yakorewe Abatutsi, aho mu ngingo yaryo ya 24, 5⁰ na 22⁰ ivuga ku bigize inyubako y'urwibutso rwa jenoside yakorewe Abatutsi ku rwego rw'Igihugu, no mu ngingo yaryo ya 26, 5⁰ na 20⁰ ivuga ku bigize inyubako y'urwibutso rwa jenoside yakorewe Abatutsi ruri mu mahanga, biteganyijwe ko mu bigize inyubako y'urwibutso rwa jenoside hagomba kuba hari n'ahabikwa ibimenyetso bya jenoside yakorewe Abatutsi birimo imibiri

[16] Mu rubanza RPA 0255/12/CS rw'Ubushinjacyaha na INGABIRE Victoire Umuhoza rwaciwe ku wa 12 Ukuboza 2013, mu gika cya 387, Urukiko rw'Ikirenga rwasobanuye ko urwibutso kimwe n'izindi nzibutso za jenoside zo ku isi, bimwe mu byo zigamije ni ukugira ngo amateka kuri jenoside yabaye ajye ahora yibukwa, mu rwego rwo guha agaciro no kunamira abakorewe iyo jenoside, kandi abazigana bakabona umwanya wo kuzirikana ububi n'ingaruka za jenoside.. .

y'abazize jenoside yakorewe Abatutsi ibungabunzwe ku buryo bwa gihanga kandi burambye, hakaba hagomba kuba harimo n'imva.

44. Rusanga rero igereranya IDAMANGE IRYAMUGWIZA Yvonne akorera inzibutso za Jenoside yakorewe Abatutsi n'iduka ricururizwamo, n'imibiri akayigereranya n'ibicuruzwa bitondetswe muri butiki agendeye ku buryo inyubako z'inzibutso zubatse n'uburyo ibimenyetso bya jenoside bigizwe n'imibiri y'abazize jenoside bibitswemo, bigize icyaha cyo gutesha agaciro urwibutso rwa jenoside n'imibiri y'abazize jenoside yakorewe Abatutsi mu 1994, bityo akaba agomba kugihanirwa.

- *Ku bijyanye n'icyaha cyo gutambamira ishyirwa mu bikorwa ry'imirimo y'Igihugu*

  - ✓ *Icyo Ubushinjacyaha bwavuze*

45. Ubushinjacyaha bwavuze ko IDAMANGE IRYAMUGWIZA Yvonne yakumiriye abashinzwe umutekano bagenzwa n'isaka ryatangiwe uburenganzira n'urwego rubifitiye ububasha, akubita kandi akomeretsa abashinzwe umutekano mu kuburizamo umurimo wategetswe, abikora azi neza ko ari igikorwa gihanwa n'itegeko.

46. Bwavuze ko ibi byakozwe ubwo uregwa yangaga gukingurira abashinzwe umutekano, abavugiriza induru, abatera amacupa banyweragamo inzoga n'abo bari kumwe, bigera aho akomeretsa umwe muri bo, ko ndetse abashinzwe umutekano bamaze kwinjira mu nzu, uregwa yanze gukingura urugi rwinjira ku rubaraza rw'igorofa yari ariho, kugeza ubwo nyiri nzu yaje aramwinginga, abona gukingura; bukaba busaba ko uregwa ahanirwa iki cyaha.

  - ✓ *Uko Urukiko rubibona*

47. Ingingo ya 231 y'itegeko nº 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu iteganya ko

‘‘Umuntu wese, ku bw’urugomo, ubuza imirimo yategetswe cyangwa yemewe n’ubuyobozi bubigenewe gukorwa, aba akoze icyaha’’.

48. Urukiko rusanga Ubushinjacyaha burega IDAMANGE IRYAMUGWIZA Yvonne kuba yaratambamiye imirimo y’Urwego rw’Ubugenzacyaha bwashakaga kugera mu rugo rwe, yanga kubukingurira, arabutuka, aranaburwanya. Uregwa we mu Bugenzacyaha[17] yireguye avuga ko abagenzacyaha bageze iwe ntiyashobora kumenya ko ari bo cyane ko nta mpapuro bamweretse zibaha uburenganzira bwo kuza gusaka iwe.

49. Rusanga mu buhamya bwatanzwe na AIP Sylvere, PC Gakwerere Godefrey na PC Gashumba Emmanuel[18], bamwe mu Bagenzacyaha bari mu kazi ko gusaka mu rugo rw’uregwa, bavuga ko bageze kwa IDAMANGE IRYAMUGWIZA Yvonne saa kumi z’umugoroba (16hoo), bababwira ikibagenza ariko ntibashaka kubyumva, barabarwanya, barabatuka, banakomeretsa umwe muri bo witwa Karekezi Silas.

50. Rusanga hagendewe kuri ubu buhamya, imvugo uregwa yireguza avuga ko yanze ko abagenzacyaha binjira iwe bitewe n’uko batimenyekanishije nta shingiro yahabwa, kuko abagenzacyaha bageze iwe butarira, barimo n’abambaye imyenda ibaranga, banamwibwira ko ari bo, ku buryo atari kubayoberwa.

51. Rusanga na none mu myiregurire y’uregwa nta kibi cyangwa ihohotera agaragaza yaba yarakorewe n’aba bagenzacyaha ku buryo yari kubarwanya yirengera, bityo igikorwa cya kiboko yakoze abuza abagenzacyaha gukora umurimo bashinzwe kigize icyaha cyo kwigomeka ku buyobozi giteganywa n’ingingo ya 230 y’itegeko nº 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n’ibihano muri rusange nk’uko ryahinduwe kugeza ubu iteganya ko “Umuntu wese urwanya ku buryo ubwo ari bwo bwose, unanirana bya kiboko, usagarira cyangwa ukoresha ibikangisho bikorewe abayobozi cyangwa abakozi ba Leta cyangwa abikorera,

[17] Inyandikomvugo y’uregwa mu Bugenzacyaha yo ku wa 20/02/2021 iri muri dosiye y’Ubushinjacyaha.
[18] Inyandikomvugo y’ubuhamya bwatanze ku wa 19/02/2021 buri muri dosiye y’Ubushinjacyaha,

abashinzwe umutekano mu gihe bubahiriza amategeko, amabwiriza, ibyemezo by'ubutegetsi cyangwa ibyemezo by'urukiko, aba akoze icyaha cyo kwigomeka ku buyobozi aho kuba gutambambira ishyirwa mu bikorwa ry'imirimo y'Igihugu yategetswe, kuko nta mirimo y'indi yabujije gukorwa uretse kubangamira abashinzwe iperereza bari mu kazi kabo.

52. Rusanga, kugira habeho icyaha cyo kwigomeka ku buyobozi Urukiko rusesa imanza rw'Ubufaransa rwarasobanuye ko hagomba kubaho igikorwa cyo gutambamira cyangwa gushaka kubuza ubifitiye ububasha gukora akazi ke kabone nubwo yaba atakomerekejwe ku mubiri[19]. Bityo kuba IDAMANGE IRYAMUGWIZA Yvonne yararwanyije abagenzacyaha bari mu murimo wabo yanga kubakingurira, abatuka ndetse anabatera amacupa yakoremekeje umwe muri bo, ari imyitwarire igize icyaha cyo kwigomeka ku buyobozi kandi agomba guhanirwa.

- *Ku bijyanye n'icyaha cyo gutanga sheki itazigamiwe*

    - ✓ *Icyo Ubushinjacyaha bwavuze*

53. Ubushinjacyaha bwavuze ko tariki ya 26 Ugushyingo 2018 IDAMANGE IRYAMUGWIZA Yvonne yahaye uwitwa Nsabimana Emmanuel sheki ya UNGUKA Bank Ltd ifite nº 20300574650018, amwishyura amafaranga ibihumbi magana ane (400.000 Frw) y'ubukode, Nsabimana Emmanuel ayijyanye kuyibikuza kuwa 27 Ugushyingo 2018 asanga nta mafaranga ari kuri konti.

54. Bwavuze ko mu ibazwa ry'uregwa mu Bugenzacyaha, yemera ko iyi sheki ari we wayitanze, ko ariko aya mafaranga yayishyuye kashi ndetse ko atakurikiranwaho iki cyaha kuko habayeho ubusaze bw'ikuriranacyaha nta shingiro byahabwa kuko iyo ajya kuba yarishyuye atari kongera kuyatangira

[19] « Le délit de rébellion est caractérisé par tout acte de résistance active à l'intervention de personnes dépositaires de l'autorité publique, même si celles-ci ne subissent pas d'atteinte physique, »; Cass. crim., 23 janv. 2018, n° 16-87.017, biri kuri https://www.doctrine.fr/d/CASS/2018/JURITEXT000036635265.

sheki ko n'ubusaze kuri iki cyaha butabayeho kuko cyakozwe mu mwaka wa 2018. Bityo iki cyaha yakoze akaba yagihanirwa.

✓ *Uko urukiko rubibona*

55. Ingingo ya 3 y'itegeko nº 47/2018 ryerekeye uburyo bw'imyishyuranire rihindura itegeko nº 03/2010 ryo ku wa 26/02/2010 nk'uko ryahinduwe kugeza ubu iteganya ko « Umuntu wese: 1 º utanga sheki itazigamiwe abizi; 2 º ku bw'uburiganya ubikuza amafaranga ye yose cyangwa igice cyayo cyangwa ubuza umufitiye amafaranga kwishyura, nyuma yo gutanga sheki, atarayitambamiye bitewe n'uko yatakaye, cyangwa yibwe cyangwa uwahawe sheki atarahombye cyangwa atarambuwe ububasha bwo kwakira amafaranga; 3 º utanga sheki yahawe n'undi azi ko itazigamiwe cyangwa azi ko amafaranga arimo atakwishyura umwenda; aba akoze icyaha.

56. Urukiko rusanga Ubushinjacyaha burega IDAMANGE IRYAMUGWIZA Yvonne kuba tariki ya 26 Ugushyingo 2018 yarahaye uwitwa Nsabimana Emmanuel sheki itazigamiwe. Uregwa ntahakana kuba yaratanze iyi sheki, uretse ko avuga ko nyuma yo kuyitanga yaje guha Nsabimana Emmanuel aya mafaranga, anahabwa inyemezabwishyu adashobora kubona ubu, akanavuga ko nubwo atari kuba yarishyuye aya mafaranga atari no gukurikiranwaho iki cyaha kuko cyashaje.

57. Urukiko rusanga ibyo uregwa avuga ko yishyuye Nsabimana Emmanuel umwenda w'amafaranga ibihumbi magana ane (400.000 Frw) yari yatangiye iyi sheki nta shingiro byahabwa kuko atagaragaza ikimenyetso cyabyo, cyane ko Nsabimana Emmanuel atari kuregera sheki itazigamiwe nyuma yo kwishyurwa.

58. Rusanga, ku bijyanye no kuba uregwa atari gukurikiranywaho iki cyaha kuko habaye ubusaze bw'ikurikiranacyaha na byo nta shingiro byahabwa kuko hashingiwe ku ngingo ya 6 y'itegeko nº 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha, iki cyaha kiri mu byaha bikomeye gisaza mu gihe cy'imyaka itatu (3). Bityo, kuba

sheki itazigamiwe yaratanzwe tariki ya 26 Ugushyingo 2018, ikurikiranacyaha rigatangira mu kwezi kwa Gashyantare 2021, bigaragara ko imyaka itatu (3) yari itararangira. Bityo, IDAMANGE IRYAMUGWIZA Yvonne akaba akwiye guhanirwa iki cyaha.

- **Ku bijyanye n'igihano**

59. Ubushinjacyaha bwasabiye IDAMANGE IRYAMUGWIZA Yvonne igihano cy'igifungo cy'imyaka cumi n'ine (14 ans) ku cyaha cyo guteza imvururu cyangwa imidugararo muri rubanda, igihano cy'igifumgo cy'imyaka irindwi (7 ans) n'ihazabu ya miliyoni imwe y'amafaranga y'u Rwanda (1.000.000 Frw) ku cyaha cyo gupfobya jenoside, igihano cy'igifungo cy'imyaka irindwi (7 ans) n'ihazabu y'amafaranga y'u Rwanda miliyoni imwe (1.000.000Frw) ku cyaha cyo gutesha agaciro urwibutso rwa jenoside cyangwa ahashyinguye imibiri y'abazize jenoside, igihano cy'igifumgo cy'imyaka ine (4 ans) n'ihazabu y'amafaranga y'u Rwanda miliyoni ebyiri (2.000.000 Frw) ku cyaha cyo gutangaza amakuru y'ibihuha hakoreshejwe ikoranabuhanga, igihano cy'igifungo cy'umwaka umwe (une année) n'ihazabu y'amafaranga y'u Rwanda miliyoni imwe (1.000.000 Frw) ku cyaha cyo kwigomeka ku buyobozi, igihano cy'igifungo cy'imyaka itatu (3ans) n'ihazabu y'amafaranga y'u Rwanda miliyoni n'ibihumbi magana (1.200.000 Frw) ku cyaha cyo gutanga sheki itazigamiwe, buvuga ko kubera ko ibyaha IDAMANGE IRYAMUGWIZA Yvonne akurikiranyweho bigize impurirane mbonezabyaha nk'uko biteganywa n'ingingo ya 61-62 y'itegeko nº 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange, IDAMANGE IRYAMUGWIZA Yvonne yahanishwa igihano cy'igifungo cy'imyaka mirongo itatu (30 ans) n'ihazabu y'amafaranga y'u Rwanda miliyoni esheshatu (6.000.000 Frw).

- ✓ *Uko urukiko rubibona*

60. Ingingo 49 y'itegeko nº 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.

61. Rusanga nk'uko byagaragajwe hejuru, IDAMANGE IRYAMUGWIZA Yvonne ahamwa n'ibyaha byo guteza imvururu cyangwa imidugararo muri rubanda, gupfobya genoside, gutesha agaciro urwibutso rwa jenoside cyangwa ahashyinguye imibiri y'abazize jenoside, gutangaza amakuru y'ibihuha hakoreshejwe ikoranabuhanga, kwigomeka ku buyobozi no gutanga sheki itazigamiwe.

62. Rusanga ibyaha byo guteza imvururu cyangwa imidugararo muri rubanda, gupfobya genoside, gutesha agaciro urwibutso rwa jenoside cyangwa ahashyinguye imibiri y'abazize jenoside, gutangaza amakuru y'ibihuha hakoreshejwe ikoranabuhanga byarakozwe mu buryo bw'impurirane mbonezamugambi nk'uko biteganywa mu ngingo ya 61, igika cya 3 agace ka 1 º y'itegeko nº 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange iteganya ko impurirane mbonezamugambi ibaho iyo: igikorwa kimwe ubwacyo gikubiyemo ibyaha byinshi; naho ibyaha byo kwigomeka ku buyobozi no gutanga sheki itazigamiwe bikaba byarakozwe mu buryo bw'impurirane mbonezabyaha nk'uko biteganywa mu ngingo ya 61, igika cya 4 iteganya ko impurirane mbonezabyaha ibaho iyo ibikorwa bitandukanye ubwabyo byakozwe bikurikirana kandi bikabyara ibyaha bidafitanye isano.

63. Rusanga ku byaha uregwa yakoze mu buryo bw'impurirane mbonezamugambi, icyaha cyo guteza imvururu cyangwa imidugararo muri rubanda gihanishwa igifungo kitari munsi y'imyaka icumi (10) ariko kitarenze imyaka cumi n'itanu (15) nk'uko biteganywa n'ingingo ya 204 y'itegeko nº 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri

rusange, icyo gupfobya genoside gihanishishwa igifungo kitari munsi y'imyaka itanu (5) ariko kitarenze imyaka irindwi (7) n'ihazabu y'amafaranga y'u Rwanda atari munsi y'ibihumbi magana atanu (500.000 FRW) ariko atarenze miliyoni imwe (1.000.000 FRW) nk'uko biteganywa n'ingingo ya 6 y'itegeko nº 59/2018 ryo ku wa 22/8/2018 ryerekeranye n'icyaha cy'ingengabitekerezo ya jenoside n'ibyaha bifitanye isano na yo, icyo gutesha agaciro urwibutso rwa jenoside cyangwa ahashyinguye imibiri y'abazize jenoside gihanishwa igifungo kitari munsi y'imyaka icumi (10) ariko kitarenze imyaka cumi n'itanu (15) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni imwe (1.000.000 FRW) ariko atarenze miliyoni ebyiri (2.000.000 FRW) nk'uko biteganywa n'ingingo ya 6 y'itegeko nº 59/2018 ryo ku wa 22/8/2018 ryerekeranye n'icyaha cy'ingengabitekerezo ya jenoside n'ibyaha bifitanye isano na yo n'icyo gutangaza amakuru y'ibihuha hakoreshejwe ikoranabuhanga gihanishwa igifungo kitari munsi y'imyaka itatu (3) ariko kitarenze imyaka itanu (5) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni imwe (1.000.000 FRW) ariko atarenze miliyoni eshatu (3.000.000 FRW) nk'uko biteganywa n'ingingo ya 39 y'itegeko no 60/2018 ryo ku wa 22/8/2018 ryerekeye gukumira no guhana ibyaha bikoreshejwe ikoranabuhanga.

64. Rusanga IDAMANGE IRYAMUGWIZA Yvonne agomba guhanishwa ibihano byateganyirijwe icyaha cyo gutesha agaciro urwibutso rwa jenoside cyangwa ahashyinguye imibiri y'abazize jenoside hashingiwe ku ngingo ya 62 igika cya mbere y'itegeko riteganya ibyaha n'ibihano ryagaragajwe hejuru iteganya ko mu gihe cy'impurirane y'imbonezamugambi umucamanza atanga ibihano byateganyirijwe icyaha kirushije ibindi gukomera, kuko nubwo kinganya igihano cy'igifungo n'icyaha cyo guteza imvururu cyangwa imidugararo muri rubanda, ni ukuvuga igihano cy'imyaka icumi (10) ariko kitarenze imyaka cumi n'itanu (15), ku cyaha gutesha agaciro urwibutso rwa jenoside cyangwa ahashyinguye imibiri y'abazize jenoside hiyongeraho n'ihazabu itari munsi ya miliyoni imwe (1.000.000 FRW) ariko atarenze miliyoni ebyiri (2.000.000 FRW).

65. Rusanga mu byaha byakozwe mu buryo bw'impurirane y'imbonezabyaha, icyaha cyo kwigomeka ku buyobozi gihanishwa igifungo kitari munsi y'amezi atandatu (6) ariko kitarenze umwaka umwe (1) nk'uko biteganywa n'ingingo ya 230 y'itegeko nº 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange naho icyo gutanga sheki itazigamiwe gihanishwa igifungo kitari munsi y'imyaka ibiri (2) ariko kitarenze imyaka itanu (5) n'ihazabu y'amafaranga y'u Rwanda yikubye inshuro zitari mu nsi y'eshanu (5) ariko zitarenge icumi (10) z'agaciro k'amafaranga ari kuri iyi sheki.

66. Rusanga kuri ibi byaha byakozwe mu buryo bw'impurirane y'imbonezabyaha IDAMANGE IRYAMUGWIZA Yvonne yagombye guhanwa hashingiwe hashingiwe ku ngingo ya 62,2^{0} y'itegeko riteganya ibyaha n'ibihano muri rusange ryagaragajwe hejuru iteganya ko mu gihe cy'impurirane mbonezabyaha, umucamanza atanga ibihano kuri buri cyaha maze akabiteranya ariko igiteranyo cy'ibihano by'igifungo kimara igihe kizwi ntigishora kurenga inshuro ebyiri (2) z'urwego ntarengwa rw'igihano kirushije ibindi gukomera. Bityo igiteranyo cy'ibihano by'igifungo yagombye guhabwa ntibigomba kurenga ebyiri (2) z'urwego rw'igihano giteganyirijwe icyaha gutanga sheki itazigamiwe, ni ukuvuga igifungo cy'imyaka icumi (10).

67. Rusanga kuba IDAMANGE IRYAMUGWIZA Yvonne yarakoze ibyaha bimwe mu buryo bw'impurirane y'imbonezabyaha, ibindi akabikora mu buryo by'impurirane y'imbonezamugambi, kandi ibihano yagahawe ku byaha yakoze mu buryo bw'impurirane y'imbonezamugambi ari cyo kiri hejuru y'icyo yagahawe ku mpurirane y'imbonezabyaha, agomba guhanishwa igihano cy'igifungo cy'imyaka cumi n'itanu (15) n'ihazabu y'amafaranga y'u Rwanda miliyoni ebyiri (2.000.000 FRW).

III. **ICYEMEZO CY'URUKIKO**.

68. Rwemeje ko ikirego cy'Ubushinjacyaha gifite ishingiro.

69. Rwemeje IDAMANGE IRYAMURWIZA Yvonne ahamwa n'ibyaha byo guteza imvururu cyangwa imidugararo muri rubanda, gupfobya genoside, gutesha agaciro urwibutso rwa jenoside cyangwa ahashyinguye imibiri y'abazize jenoside, gutangaza amakuru y'ibihuha hakoreshejwe ikoranabuhanga, kwigomeka ku buyobozi no gutanga sheki itazigamiwe.

70. Rumuhanishije igifungo cy'imyaka cumi n'itanu (15) n'ihazabu y'amafaranga y'u Rwanda ya miliyoni ebyiri (2.000.000 FRW).

71. Rutegetse ko IDAMANGE IRYAMURWIZA Yvonne asonewe igarama kuko afunzwe.

NI UKO RUKIJIJWE KANDI RUSOMEWE MU RUHAME NONE KU WA 30/09/2021.

INTEKO Y'URUKIKO:

Sé/	Sé/	Sé/
NGABIRE Blaise	KANYEGERI N.Timothée	NSANZIMANA Fidele
Umucamanza	**Perezida**	**Umucamanza**

Sé/

NSENGIMANA Boniface

Umwanditsi