URUKIKO RUKURU, URUGEREKO RWIHARIYE RUBURANISHA IBYAHAMPUZAMAHANGA N'IBYAHA BYAMBUKA IMBIBI, RURI I KIGALI, RUBURANISHA KU RWEGO RWA MBERE IMANZA Z'INSHINJABYAHA, RUKIJIJE MU RUHAME URUBANZA RP 00021/2019/HC/HCCIC NONE KUWA 06/05/2021 MU BURYO BUKURIKIRA:

HABURANA

UBUSHINJACYAHA

na

1. **NTAMUHANGA Cassien alias Yan Joe Hadji** mwene NYIRAJANJA Raphaël na NYIRABAHASHYI Julienne, wavutse 1982 mu mudugudu wa Rubona, akagali ka Nyaburiba, Umurenge Jali, akarere ka Gasabo mu Mujyi wa Kigali, uburanishwa nk'uwatorotse ubutabera.
2. **NDAYIZERA Phocas alias Kazire** mwene Karamage Célestin na Kabanyana Thérèse, wavutse mu 1980, atuye mu mudugudu wa Munyinya, akagari ka Ruli, umurenge wa Shyogwe, akarere ka Muhanga, Intara y'Amajyepfo, umunyarwanda ufite Indangamuntu No 1198080030038109, email: ndayizera@yahoo.fr, Tel. 0788652536, arubatse, yunganirwa na Me NTARE Paul.
3. **KARANGWA Eliakim alias prof. Laborantin** mwene Renzaho Nathanaël na Mukampore Julienne , wavutse mu 1972, utuye mu mudugudu wa Byimana, akagari ka Gatare, umurenge wa Niboye, akarere ka Kicukiro, Umujyi wa Kigali, afite telephone 0788614593, ni Umunyarwanda, arubatse, afite indangamuntu no 1197280010420193, yunganirwa na Me MUNYAKAZI Edmond.
4. **NIYONKURU Emmanuel alias Elungu** mwene Byuma Juvenal na Mukagahima Marie, utuye mu mudugudu wa Kirehe, akagali ka Nyaruliba, umurenge wa Jali, Akarere ka Gasabo, Intara y' Umujyi wa Kigali, wavutse taliki 01/01/1994, afite telefone no 0782041664 ni umunyarwanda, akaba yarakoraga akazi k'ubuyedi muri EWSA.
5. **NIYIHOZA Patrick alias Nick** mwene Birushya Michel na Mukangira Thacienne, yavutse mu 1996, atuye mu mudugudu wa Kirehe, akagari ka Nyabuliba, umurenge wa Jali, akarere ka Gasabo, Umujyi wa Kigali, afite telephone 0785426688
6. **BYIRINGIRO Garno alias Lingo** mwene Kalisa Michel na Mukarusine Odetha, wavutse 1997, atuye mu mudugudu wa Nyabugogo, akagari ka Nyabugogo, umurenge wa Kigali, akarere ka Nyarugenge, Umujyi wa Kigali, afite indangamuntu ifite nimero 1199780009631024 , telephone no 0784731432.

7. **BIKORIMANA Bonheur alias Wax,** mwene Sebarame Samuel na Muhawenimana Jacqueline, wavutse mu 1995, atuye mu mudugudu wa Nyarurembo, akagari ka Nyabuliba, Umurenge wa Jali, akarere ka Gasabo, Umujyi wa Kigali, afite telefone no 0786935229
8. **BIZIMANA Terrance alias Razima** mwene Bicamumakuba na Mukandahayo Séraphine, wavutse mu 1996, atuye mu mudugudu wa Runyinya, akagari ka Nyamitanga, umurenge wa Jali, akarere ka Gasabo, Umujyi wa Kigali, afite telefone no 0725124736, afite indangamuntu nomero 1199680021230070.
9. **MUNYENSANGA Martin alias Corbeau Tinga** mwene Iyakaremye François na Nyiramajangwe Félicité, atuye mu mudugudu wa Rubona, akagari ka Nyabuliba, umurenge wa Jali, akarere ka Gasabo, Umujyi wa Kigali, wafunzwe imyaka 7 ku cyaha cya Jenoside, atunze telefone no 0781218883.
10. **MUSHIMIYIMANA Yves alias Venus** mwene na Mukarutwaza Emeritha, wavutse mu 1998, atuye mu mudugudu wa Byimana, akagari ka Nyabuliba, umurenge wa Jali, akarere ka Gasabo, Umujyi wa Kigali , atunze telefone no 0738660683.
11. **NSHIMIYUMUREMYI Jean Claude alias Kayima** mwene Munyankindi Cyprien na Mukakalisa Claudine, wavutse mu 1996, atuye mu mudugudu wa Rubona, akagari ka Nyabuliba, umurenge wa Jali, akarere ka Gasabo, Umujyi wa Kigali, afite telefone no 0726931133, afite indangamuntu ifite nº 1199680000788079.
12. **RUTAGANDA Bosco** mwene GAkwisi Vénant na Nyiramana Philomène, wavutse mu 1992, atuye mu mudugudu wa Mataba, akagari ka Nyabuliba, umurenge wa Jali, akarere ka Gasabo, Umujyi wa Kigali, afite telefone no 0780811862.
13. **SHIRAGAHINDA Erneste alias Shira** mwene Munana Jean de Dieu na Uwayisaba Eugénie, wavutse mu 1993, atuye mu mudugudu wa Gatare, akagari ka Nyamitanga, Umurenge wa Jali, akarere ka Gasabo, Umujyi wa Kigali, afite indangamuntu ifite nimero 1199380035852106, atunze telefone no 0725056126.
14. **UKURIKIYIMFURA Théoneste alias Sergent Kanguru** mwene Nkerabigwi Faustin na Bayihorere Espérance, wavutse mu 1984, atuye mu mudugudu wa Nyarurembo, akagari ka Nyabuliba, murenge wa Jali, akarere ka Gasabo, Umujyi wa Kigali, ufite telefone no 0724973188.

Ibyaha baregwa :

1. Gucura umugambi wo gukora icyaha cyo kugirira nabi ubutegetsi buriho cyangwa cyo kubuhirika hakoreshejwe intambara cyangwa izindi mbaraga zose.

2. Kugambana no gushishikariza abandi gukora igikorwa cy'iterabwoba.
3. Gucura umugambi wo gukoresha binyuranyije n'amategeko ikintu giturika cyangwa ikindi kintu gihumanya ahantu hakoreshwa na rubanda.

I. IMITERERE Y'URUBANZA

1. Muri uru rubanza haregwamo abantu batandukanye barimo NTAMUHANGA Cassien ukurikiranywe adahari kubera ko ubushinjacyaha buvuga ko ariwe wateguye gahunda yo gushakisha abazamufasha mu gikorwa cyo guhungabanya umutekano w'igihugu hakoreshejwe intambara cyangwa ubundi buryo bwose burimo gutega ibisasu ahantu hari ibikorwa remezo mu Mujyi wa Kigali, ko uyu yakoranye na NDAYIZERA Phocas wari umunyamakuru mu gushakisha uko bakora ibisasu n'abantu babafasha kuzabitega, ko ari no muri urwo rwego yiyambaje uwitwa KARANGWA ELiakim wari usanzwe afite ubumenyi mu by'ikoranabuhanga kugirango azakore "*system* " yo guturitsa ibyo bisasu hakoreshejwe telephone ngendanwa, yohererezwa amadolari arenga Magana atanu yo kugura ibikoresho no gukodesha inzu azakoreremo mu karere ka Muhanga ariko NDAYIZERA Phacas aza gufatanwa ibyo bisasu byo mu bwoko bwa *dynamite* (intambi) bitaraterwa na *system* yo kubituritsa itarakorwa.

2. Mu rubanza kandi harimo abantu ubushinjacyaha buvuga ko bashakishijwe na NTAMUHANGA Cassien kugirango bajyanwe mu gisirikare cy'umutwe wa *Rwandan National Congress* (RNC) abinyujiije k'uwitwa NIYIHOZA Patrick, wandikaga amazina na nomero z'indangamuntu zabo bakabaha andi mazina bazakoresha, wabahurizaga hamwe bagakorana inama na Ntamuhanga Cassien akababwira kureba ahari ibikorwa remezo kugira ngo bazahategе ibisasu n'uko nyuma yo kubitega bazahungira mu gihugu cya Uganda, nyuma bakajya gukorera imyitozo ya gisirikare mu gihugu cya Repubulika iharanira demokarasi ya Congo, anaha bamwe muri bo amafaranga yo gukodesha inzu babamo mu gihe bateguraga ibyo bikorwa. Mu gusobanura ikirego, ubushinjacyaha bukaba bwaragiye buhindura inyito y'ibyaha ariko buza gusabira ibihano abaregwa ku byaha byavuzwe.

3. Abaregwa bose bahakana ibyo ubushinjacyaha bubarega basobanura ko nta mugambi bigeze bagira wo kujya muri RNC cyangwa uwo kugirira nabi ubutegetsi buriho bategа ibisasu ku bikorwa remezo, ko ibyo bisasu ntabyo bafatanywe, ko nta systeme yo kubituritsa yakozwe, abandi bakavuga ko babandikaga mu rwego rwo kubashakira akazi, ko ibyo bemeye mu bugenzacyaha, mu bushinjacyaha cyangwa baburana ibirebana n'ifungwa n'ifungurwa ry'agateganyo babitewe n'agahato bashyizweho n'ubuzima bugoye barimo no gutinya guhindura ibyo bavuze mu rwego rwo kurengera ubuzima bwabo.

4. Ibibazo bisuzumwa muri uru rubanza ni ukumenya niba hari ibimenyetso byashingirwaho hemezwa ko abaregwa bakoze ibyaha bakurikiranyweho no kumenya niba imvugo zo mu iperereza abaregwa bahakanye baburana urubanza mu mizi zahabwa agaciro.

II. ISESENGURA RY'IBIBAZO BIGIZE URUBANZA

- ***Kumenya niba hari ibimenyetso byashingirwaho hemezwa ko abaregwa bakoze ibyaha bakurikiranyweho no kumenya niba imvugo zo mu iperereza abaregwa bahakanye baburana urubanza mu mizi zahabwa agaciro*.**

  - **Uko ubushinjacyaha busobanura ikirego cyabwo**

5. Ubushinjacyaha burega NTAMUHANGA Cassien nk'umuhuzabikorwa w'umugambi wo gutega no guturitsa ibisasu ku bikorwa remezo mu Mujyi wa Kigali, kuba yarashatse abantu banyuranye bakumufasha muri uwo mugambi, barimo Tembo wari kuzana ibisasu *(Dynamites*) akabishyikiriza NDAYIZERA Phacas wari wahawe inshingano zo gushaka umuntu wakora *wireless system* yo kubituritsa hakoreshejwe telephone igendanwa, uyu nawe ashaka uwitwa KARANGWA Eliakim usanzwe usanzwe akora ibintu by'ikoranabunga bya elegitoronike *[electronics].* Buvuga ko KARANGWA Eliakim yemeye kuyikora, anagaragaza ko yayikorera ku madorali igihumbi na magana atanu (1500 $), NTAMUHANGA Cassien amwoherereza 579,30 $ yo kugura ibikoresho, NDAYIZERA Phocas ashaka inzu i Muhanga KARANGWA Eliakimu azakoreramo iyo *system* bayishyura amafaranga ibihumbi mirongo irindwi (70.000 Fr) y'amezi abiri.

6. Bunavuga ko NTAMUHANGA Cassien yashakishije abantu bo gushyira muri RNC, banamufasha kureba ahantu hari ibikorwa remezo hazategwa ibisasu abinyujije ku witwa NIYIHOZA Patrick washakishije abasore cumi n'umwe (11), yandika amazina na nomero z'indangamuntu zabo arabimwohereza, bahabwa andi mazina bazakoresha, ko uyu yajyaga anabahuriza hamwe ahitwa kuri Chapelle i Jali bagakorana inama na NTAMUHANGA Cassien bakoresheje telefone ngendanwa akabaha inshingano zo kujya kureba ahari ibikorwa remezo kugira ngo bazahatege ibisasu, akanababwira kandi ko nyuma yo kubitega bazahungira mu gihugu cya Uganda, bagakomereza mu gihugu cya Repubulika iharanira demokarasi ya Congo aho bazakorera imyitozo ya gisirikare. Bunavuga NTAMUHANGA yagiye abohereza amafaranga bamwe aboherereza ibihumbi mirongo itandatu (60.000 Fr) yo gukodesha inzu yo kubamo ku Giticyinyoni.

7. Ubushinjacyaha buvuga kandi ko igihe bamwe muri abo basore bari batangiye gufatwa NTAMUHANGA Cassien yahaye NIYIHOZA Patrick alias Nick amabwiriza yo guhungisha abari batarafatwa, amubwira ko agomba kubategera imodoka bakerekeza i Nyagatare bahagera akababwira nomero ya pulaki y'imodoka izabajyana mu gihugu cya Uganda.

8. Ubushinjacyaha burega NDAYIZERA Phocas kuba ari we wavuganye na NTAMUHANGA Cassien amusaba gushaka umuntu uzakora *wireless system* izakoreshwa mu guturitsa ibisasu ahari ibikorwa remezo arabyemera, ashaka uwitwa KARANGWA Eliakim bafatanya gushaka ibikoresho mu madolari boherejwe na NTAMUHANGA Cassien byo gukora ibisasu byo gusenya ibikorwa remezo mu rwego rwo kwerekana ko nta mutekano uri mu Rwanda. Bunavuga ko ari nawe wakoze ubushakashatsi ku birebaba n'ibikoresho bizakoreshwa mu guturitsa ibisasu (*explosive local),* ko no kuwa 21/11/2018 yafashwe afite ibisasu bya *dynamites*.

9. Bunavuga ko NDAYIZERA Phocas ari we wari ukuriye gahunda bise Nyamanza "*operation Nyamanza*", akanungiriza NTAMUHANGA Cassien muri *High command ya operation Gasopo* bigaragazwa n'igishushanyo bakoze cy'uburyo bazashyira mu bikorwa gahunda yabo *"plan operation".*

10. Ubushinjacyaha buvuga ko KARANGWA Eliakim yemeye gukora *wireless system* yo guturitsa ibisasu, akora igishushanyo cyayo yise *Rock cemitex FGS6* gisobanura uburyo yateganyaga gukora iyo system, anagaragaza amafaranga bizatwara agera ku bihumbi cumi na bitanu by'amadorari y'Amerika (USD 15.000) babyoherereza NTAMUHANGA Cassien wavuze ko ari menshi ariko nyuma baza kwemeranya gukoresha amadorari y'Amerika igihumbi na magana atanu (1500 USD) maze KARANGWA Eliakim yemera kubakorera NTAMUHANGA amwoherereza USD 579,30$ nk'uko bigaragazwa n'inyandiko yo muri banki Dahabshiil yo kuwa 16/11/2018 yo kugura ibikoresho, gukodesha inzu no kugura ibyo kurya. Buvuga ko mu bikoresho yari yatangiye kugura birimo Multimeter, circuit integré, condansateur, diode, résistance na telefone, afatanyije na NDAYIZERA Phocas ashaka inzu i Muhanga yo gukoreramo iyo *system* anayishyura amafaranga ibihumbi mirongo irindwi (70 000 Frw).

11. Ubushinjacyaha burega kandi NIYIHOZA Patrick kuba yaravuganye na NTAMUHANGA Cassien wabaye umwarimu we mu mashuli abanza mu murenge wa Jali amuha inshingano zo gushaka abasore bo kohereza mu gisirikari cya RNC muri Repubulika iharanira demokarasi ya Congo banyuze muri Uganda. Buvuga ko yashatse abasore cumi n'umwe (11), abaka nomero z'indangamuntu zabo azohereza NTAMUHANGA Cassien, akajya abahuriza ahantu yari yarashatse i Jali mu ishyamba ahari umusaraba bita kuri chapelle, bagahabwa amabwiriza (*briefings)* na NTAMUHANGA Cassien akanabakoresha inama bose bamwumva bakoresheje telephone (*whatsapp call*), akabaha inshingano ababwira ko agiye kubashakira imirimo ariko ko mbere azabanza kubohereza mu gisirikare cya RNC muri Congo.

12. Bunavuga ko NTAMUHANGA Cassien amaze kumenya ko bamwe mubo NIYIHOZA Patrick yashatse batangiye gufatwa, yamuhaye amabwiriza yo guhungisha abari batarafatwa, akabategera imodoka bakerekeza i Nyagatare bagerayo akababwira nomero ya pulaki y'imodoka izabajyana mu gihugu cya Uganda.

13. Ubushinjacyaha buvuga nanone ko NIYONKURU Emmanuel alias Elungu, UKURIKIYIMFURA Théoneste alias Sergent Kanguru, BYIRINGIRO Garno alias Lingo, MUSHIMIYIMANA Yves Alias Venus, BIKORIMANA Bonheur alias Wax, SHIRAGAHINDA Ernest alias Shira, MUNYENSANGA Martin alias Tinka Corbo,

Bizimana Terrance alias Lazma, NSHIMYUMUREMYI Jean Claude alias Kayima na RUTAGANDA Bosco bamaze gukangurirwa kujya mu mutwe w'iterabwoba wa RNC ugamije guhungabanya umutekano w'u Rwanda no gusenya ibikorwa remezo, babyemeye, bakajya bitabira inama ziyobowe na NIYIHOZA Patrick alias Nick wabahuzaga na NTAMUHANGA Cassien akoresheje *whatsapp* akabaha amabwiriza y'ibyo bazakora birimo gushaka ahantu bazatega ibisasu hari bikorwa remezo.

14. Bukomeza buvuga ko kugira ngo NTAMUHANGA Cassien ajye ababonera hamwe yohereje NIYONKURU Emmanuel alias Elungu amafaranga ibihumbi mirongo itandatu (60.000 Frw) yo kubatunga no gukodesha inzu bazabamo ayanyujije mu buryo bwo kohererezanya amafaranga kuri telefone (*mobile money*), bakodesha inzu ku Giticyinyoni ahantu batazwi kugira ngo bajye bakora ibikorwa byabo ntawe ubakeka, banagura ibikoresho byo mu nzu kuko yari yababujije kugira icyo bavana iwabo, ko abakodesherejwe inzu NTAMUHANGA Cassien yabaheragamo inshingano zo gushaka ahazategwa ibisasu bitaga imizigo mu mvugo izimije ari NIYONKURU Emmanuel alias Elungu, UKURIKIYIMFURA Theoneste alias Sergent Kanguru, BYIRINGIRO Garno alias Lingo, MUSHIMIYIMANA Yves Alias Venus, BIKORIMANA Bonheur alias Wax. Bunavuga ko mu rwego rwo gushaka ahazategwa ibisasu, BYIRINGIRO Garno na MUSHIMIYIMANA bagiye ku ruganda rwa Nguvu ku Ruyenzi, ku Kimisagara kuri Maison des jeunes no ku kigo cy'amashuri kiri mu mudugudu wa Gacuriro naho NIYONKURU Emmanuel alias Elungu we ajya kuri cabine y'amashanyarazi hafi ya oprovia n'ibagiro rya Nyabugogo.

15. Buvuga kandi ko NTAMUHANGA Cassien yohereje BYIRINGIRO Garno alias Lingo amafaranga ibihumbi makumyabiri na bitanu (25.000 Frw) anyujijwe kuri nomero ya telefoni ifite nomero ya telefone 0726261559 yunganira ayari yoherejwe NIYONKURU Emmanuel alias Elungu. Buvuga kandi ko ibyo kujya mu mutwe w'iterabwoba wa RNC RUTAGANGA Bosco we yabishishikarijwe na UKURIKIYIMFURA Théoneste.

16. Ubushinjacyaha buvuga ko ibimenyetso bushingiraho birimo imvugo zabo zo mu iperereza aho bemeye ibyaha bakurikiranyweho n'ibyo bavuze mu rukiko baburana ibijyanye n'ifungwa n'ifungurwa ry'agateganyo, ibaganiro byo kuri *whatsapp*,

ibyafatiriwe birimo ibisasu n'ibikoresho byari gukoreshwa mu kubituritsa, raporo y'abahanga, ibiganiro kuri telefone n'izindi nyandiko zigaragaza gahunda bari bafite.

- **Imyiregurire y'abaregwa**

17. Abaregwa bose baburanye mu rukiko bahakana ibyaha baregwa bavuga ko kuba hari ibyo bemeye mu iperereza babitewe n'ihohoterwa bakorewe bituma bemera ibyo basabwaga byose kugira ngo barengere ubuzima bwabo.

18. NDAYIZERA Phocas n'umwunganira bavuga ko ku wa 21/11/2018 yafatiwe i Nyamirambo n'abantu atazi ubwo yari agiye kureba uwitwa James bari bagiye guhura kugira ngo bavugane ku mirimo ijyanye n'isuku n'isukura akora yari yabonye ku rubuga rwe, ko abamufashe bahise bamujyana i Remera bamubaza ku bintu bitandukanye birimo ibijyanye n'umwuga wew'ubunyamakuru akora, iby'isuku n'isukura, imishinga afitanye n'abandi bantu ku giti cyabo barimo KARANGWA Eliakim n'ibyo kuba aziranye na NTAMUHANGA Cassien.

19. Bavuga ko muri dosiye ye harimo ibintu biteye urujijo kuko igaragaza ko Ubugenzacyaha bwarangije dosiye ku wa 21/12/2018 buyishyikiriza Ubushinjacyaha ku wa 24/12/2018 ariko Ubushinjacyaha buregera Urukiko ibijyanye n'ifunga n'ifungurwa ry'agateganyo ku wa 11/12/2018kandi kuri iyi tariki dosiye yari itarava mu bugenzacyaha. Anavuga ko mu nyandiko itanga ikirego naho hagaragaramo urujijo kuko ubushinjacyaha bumurega gushaka abantu no kubagabanya imirimo ariko ntibugaraze abantu yashatse kuko buvuga ko uwabashatse ari NIYIHOZA Patrick n'uko ari NTAMUHANGA Cassien ubwe wabiheraga inshingano, abandi bantu batatu bashakwa na NIYONKURU Emmanuel.

20. Bavuga kandi ko ibivugwa n'ubushinjacyaha by'uko NDAYIZERA Phocas yakodesheje inzu i Muhanga yo guteguriramo ''wireless system''yari gukoreshwa mu guturitsa ibisasu bitabayeho kuko butagaragaza aho yakiriye amafaranga ayohererejwe na NTAMUHANGA Cassien, amasezerano y'ubukode cyangwa inyandiko igaragaza aho nyiri iyo nzu yakiriye amafaranga y'ubukode bwayo, ntibunagaragaze izina rya nyir' iyo nzu cyangwa inyandiko mvugoy'ibazwa rye.

21. Bakomeza bavuga ko ibyo ubushinjacyaha bumurega by'uko yari ashinzwe gushaka abantu bazakora ibisasu n'aho bizakorerwa bitumvikana kuko bunavuga ko yabifatanywe, ko n'ibyo buvuga ko bateguraga *wireless system* yo kuzakoresha baturitsa ibisasu nabyo atari byo kuko buvuga ko mu bikoresho bavuga ko bamufatanye hagaragaramo insinga kandi iyo system idakenera insinga.

22. Bavuga nanone ko ibiganiro byo kuri telefone *whatsapp chat* Ubushinjacyaha bwemeza ko ari ikiganiro NDAYIZERA Phocas yagiranye na NTAMUHANGA Cassienzitafatwa nk'ikimenyetso mu rubanza nshinjabyaha kubera ko butagaragaza uko zaje muri dosiye n'uwazizanyemo, hakaba nta n'ikigaragaza ko ibiganiro bizikubiyemo byabayeho koko, ko butanagaragaza telephone buvuga byakuwemo, hakaba nta n'umuhanga wemeje koibyo biganiro byakuwe muri telefone ya NDAYIZERA Phocas uretse ko hatanagaragazwa uburenganzira bwahawe umugenzacyaha bwo kwinjira muri telefone buvuga ko ari iye.

23. Banavuga ko NDAYIZERA Phocas atigeze yitabira inama zivugwa n'ubushinjacyaha ko zaberaga i Jali ahitwa kuri Chapelle akazihuriramo n'abo bareganwa, NTAMUHANGA Cassien akazibaheramo inshingano, ko nta gikorwa na kimwe, ubuhamya cyangwa ikindi kintu gifatika kimuhuza n'aho buvuga ko haberaga inama, kandi akaba atari n'umuyoboke wa *Rwandan National Congress* (RNC), akaba atari azi niba na NTAMUHANGA Cassien yari we. Banavuga ko nta bisasu bya dynamites, insinga na detonateri yafatanywe abihawe n'uwitwa Tembo kuko iyo biza kuba byo Tembo nawe aba yarafashwe agasobanura aho yabivanye n'aho yabijyanaga, ko nta n'ifoto cyangwa amashusho amwerekana afata ibyo bisasu, dore ko n'igihe yeretswe itangazamakuru ibyo berekanye yafatanywe atari byo byerekanwa muri iyi dosiye. Bavuga kandi ko ibyo Ndayizera Phocas yari yavuganye na KARANGWA Eliakim kumukorera ari ibijyanye n'umushinga wo gukora imashini ikora ifumbire no kuvomerera imyaka n'undi mushinga wo gushyira amatara ku magare atari ibyo guturitsa ibisasu nk'uko ubushinjacyaha bubivuga.

24. Basoza bavuga ko ku byerekeranye n'ikimenyetso cy'amajwi yafashwe kitashingirwaho kuko ayo majwi atafashwe mu buryo bukurikije amategeko, ko hatagarazwa telefone yakuweho, ko n'uburyo amajwi yumvikanamo asa nk'aho atafashwe mu buryo bwo kumviriza ahubwo ari ayafashwe n'umuntu wavugiraga kuri

telefone ubwe ari ahantu bafatira amajwi (studio). Ikindi kandi no muri icyo kiganiro NDAYIZERA Phocas akaba atavugwamo. Bongeraho ko raporo yakozwe n'abahanga bo mu ngabo z'igihugu itahabwa agaciro kuko bitiranya ibikoresho nka diode, circuit intégré cyangwa transistors kandi n'intambi zafatiriwe zikaba zitarazanywe mu rukiko, hakaba hatanerekanwa ko ibyo bikoresho byafatiriwe bihujwe na telefone byaturika.

25. KARANGWA Eliakim alias prof. Laborantin n'umwunganira bavuga ko atigeze avugana na NDAYIZERA Phocas ibyo gukora *wireless system* yo guturitsa ibisasu, ko n'ibikoresho bivugwa byafatiriwe ari ibyo yari asanzwe akoresha mu kazi ke. Basobanura ko kuwa 21/11/2018 yafatiwe aho asanzwe akorera ku Kicukiroashyikirizwa Ubugenzacyaha i Remera, bumubaza ku bijyanye n'imirimo akora n'abo bakorana abasobanurira ko afite *Company* yitwa Peace Light Ltd ikora ibikorwa by'ikorababuhanga, uburyo ikora n'ibyo amaze kugeraho birimo umushinga wo gushyira urumuri ku magare, uwo kuhira imyaka,uwo kurinda umutekano hakoreshejwe ikoranabuhangaryo kumenyesha abantu ko bagiye kwibwa, gukora imbabura zikoresha vidanje kandi ibyo akaba yarabiherewe ibikombe.

26. Banavuga ko yari afite n'abanyeshuri yigishaga iryo koranabuhanga ko ari yo mpamvu bamwitaga Prof. Laborantin, ko yamenyanye na NDAYIZERA Phocas ubwo yasurwaga na Minisitiri w'intebe ari kumwe n'abanyamakuru, ko yatunguwe no kumva abazwa ibirebana no kuba azi gukora ibisasubya *Dynamites* cyangwa niba azi abantu bazi kubikora, abasubiza ko ntabyo azi maze bahita bamubwira ko akorana na NDAYIZERA Phocas ubikora kandi ko nabimushinja ahita arekurwa.

27. Bakomeza bavuga ko ibyaha ubushinjacyaha burega KARANGWA Eliakim bubivuga mu buryo bukomatanyije kandi bitemewe mu rwego rw'amategeko, ko bugomba kugaragaza uruhare rwa buri wese mu bo bareganwa n'ibimenyetso bushingiraho, ko bugaragaza ko ibikorwa yakoze birimo gushaka inzu i Muhanga, kugura ibikoresho byo gukora *system* yo guturitsa ibisasu no kwakira amafaranga yo kugura ibikoresho yoherejwe na NTAMUHANGA Cassien.

28. Basobanura ko nta nzu yo gukoreramo ibisasu yakodeshejwe i Muhanga na KARANGWA Eliakim afatanyije na NDAYIZERA Phocas ahubwo inzu bakodesheje yari iyo gukoreramo imishinga bari bafitanye, ko kandi nta bushobozi cyangwa

ubumenyi afite bwo gukora ibisasu hakoreshejwe telefone zigendanwa kuko we *system* yakoze ari iyitwa '*Wireless Security System"* ikoreshwa mu kurinda umutekano w'ibintu ifunzehoikoresheje gutanga impuruza (*alarme*) ariko idahamagara, ko n'ubushinjacyaha nta bimenyetso bwatanze bigaragaza ko afite ubushobozi bwo gukora ituritsa ibisasu.

29. Banavuga ko ku birebana n'amadorali Magana atanu na mirongo irindwi n'icyenda n'amasantime mirongo itatu (579.30 $) yakiriye kuri Dahabshiil atayoherererejwe na NTAMUHANGA Cassien mu rwego rwo gukora system yo guturitsa ibisasu nk'uko ubushinjacyaha bubivuga butabitangira ikimenyetso ahubwo yayohererejwe n'umukiliya we w'umunyakenya witwa MUGUME Innocent akaba yari ayo gukoresha mu mushinga wo gukora imashini yuhira imyaka no gukora ifumbire, ko uwo munyakenya ari we bavuganaga abifashijwemo na NDAYIZERA Phocas wabahuje akajya amusemurira kuko we atazi icyongereza ndetse anamufasha kubona inzu i Muhanga yo gukoreramo uwo mushinga, ko n'icyegeranyo cy'ibikoresho byari bikenewe *(devis*) ubushinjacyaha buvuga cyari kijyanye no kugura ibikoresho by'uwo mushinga, kitari icy'ibikoresho byo gukora ibisasu, ko n'ibikoresho nka *Multimeter, Condensateur, Diode, Mother board* n'ibindi byafatiriwe byakuwe mu bubiko bw'ibikoresho asanzwe akoresha mu kazi ke ka buri munsi bikaba bidafite aho bihurira n'iyo system yo guturitsa ibisasu.

30. Bakomeza bavuga ko ubushinjacyaha bwivuguruza hamwe buvuga ko ibisasu byari guturuka hanze y'igihugu ndetse ko hari ibyo bafashe, ahandi bukavuga ko KARANGWA Eliakim yari kubikorera i Muhanga mu nzu yakodesheje, ko n'igishushano ROCK CEMITEX FGS6 ubushinjacyaha buvuga ko cyerekana uko yateganyaga gukoresha ibisasu atari byo kuko ari igishushanyo kiba kiri ku gikoresho bafatiriye muri ateliye ye cya *mother bord* biba byarakoranwe akaba atari KARANGWA Eliakim wabyanditseho, ko hakwitabazwa umuhanga akagaraza niba iyo *mother board* itandukanye n'izindi, akanerekana ko ishobora gukoreshwa mu gukora ibisasu (*dynamites*).

31. Bavuga na none ko ibyo ubushinjacyaha buvuga ko imvugo zizimije zirimo ibinini, imizigo, umuti zakoreshwaga mu biganiro biri kuri *whatsapp* zarimu mugambi wo

gukora ibisasu atari byo kuko ari ibisanzwe kuba abantu bashobora kugirana ibiganiro batebya ku buryo hari abakwibwira ko hari ibyo bahisha.

32. Banavuga kandi ko ibimenyetso ubushinjacyaha bushingiraho nta reme bifite kandi ko bivuguruzanya kuko ubushinjacyaha buvuga ko umugambi wo gukora ibyo bisasu wategurirwaga mu nama zaberaga kuri Chapelle i Jali buvuga ko ari ho abaregwa bose bemereye inshingano bahawe na NTAMUHANGA Cassien, banemera no kuzishyira mu bikorwa, ko uretse kubivuga mu magambo gusa nta kindi kimenyetso bugaragaza cyerekana ko KARANGWA Eliakim yaba yarigeze yitabira izo nama buvuga ko zaberaga i Jali cyangwa se ngo bugaragaze ko abantu b'i Jali buvuga ko bazitabiraga hari abo baziranye.

33. Basoza bavuga ko ikigaragaza ko *system* ye idahuye n'ibyo ubushinjacyaha buvuga ko yari iyo guturitsa ibisasu ari amabaruwa yagiye yandikira ubuyobozi amenyekanisha ibihangano bye hamwe n'ibyemezo yagiye ahabwa mu rwego rwo kumushimira, ko na raporo y'umuhanga itigeze igaragaza ko ibikoresho byafatiriwe mu biro bye harimo ibiturika, ko n'ibivugwa ko byafatanywe NDAYIZERA Phocas biturika byarimo n'imbarutso yabyo byumvikanisha ko nta mpamvu yari gutuma babimuzanira kuko imimerere yabyo idakoresha amashanyarazi.

34. NIYONKURU Emmanuel alias Elungu asobanura ko atakoze icyaha cyo kugirira nabi ubutegetsi buriho kuko nta ntwaro yafatanywe, ko n'inama zaberega i Jali bamurega ko yakoranye n'abantu icyenda (9) ubushinjacyaha buvuga ko zakoreshwaga kuri whatsapp bakumvira hamwe ijwi rya NTAMUHANGA Cassien atari byo kuko izo nama zivugwa ntazo yitabiriye, nta n'ijwi rye yigeze yumva, uretse ko n'aho i Jali kuri Chapelle haba hari abantu benshi baje kuhasengera, bikaba bitashoboka ko hakorerwa inama.

35. Akomeza avuga ko uwo bavuganye ari NIYIHOZA Patrick wamubwiye ko agiye kumurangira akazi amusubiza ko yabonye akandi ariko ko atari yamubwiye akazi ako ari ko, ko nyuma aribwo bamufashe bavuga ko we na Patrick bari bagiye kujya mu mitwe y'iterabwoba, ko ibyo ubushinjacyaha buvuga ko yakodesheje inzu ku Giticyinyoni atari byo kuko yabaga iwabo i Jali, ko nta n'amafaranga ibihumbi mirongo

itandatu (60.000 Frw) byo gukodesha iyo nzu azi cyangwa yakiriye kuko na telefone ye buvuga ko ayo mafaranga yoherejweho abamufashe ari bo bari bayifite.

36. Akomeza avuga ko ibyo ubushinjacyaha bumurega ko yagiye kureba ahazategwa ibisasu kuri cabine y'amashanyarazi mu Gatsata atari byo kuko yajyaga mu Gatsata mu rwego rw'akazi bakoraga ko gutwara imizigo, ko *smartphone* yayiguze kubera akazi yakoraga kugira ngo avugane na bagenzi, ko atari iyo kuvugana na NTAMUHANGA Cassien, ko yafashwe ayimaranye amezi arindwi (7). Anavuga ko n'ibyo gutegura bagenzi be kugira ngo bamenye aho bazatera ibisasu yari gushyikirizwa na NDAYIZERA Phocas atari byo kuko nawe batari baziranye.

37. NIYIHOZA Patrick alias Nick avuga ko ibyo yavuze bamutegetse kubikora, banamuteza igikumwe kandi azi kwandika, agasobanura ko NTAMUHANGA Cassien yamwandikiye kuri telephone nk'umuntu uvuka iwabo wanamwigishije mu mashuli abanza, amubaza amakuru amubwira ko atari meza kuko afite ikibazo cy'ubushomeri amubwira ko azamurangira akazi ndetse anamusaba gushaka abandi bana b'iwabo nabo badafite akazi nawe aza kubibwira NIYONKURU, MUSHIMIYIMANA Yves, RUTAGANDA , BYIRINGIRO Garno, SHIRAGAHINDA Erneste, BIZIMANA Terrance, abasaba nimero zabo za telefone ababwira ko hari umuntu ugiye kubaha akazi nawe yohereza NTAMUHANGA Cassien amazina na nimero za telephone zabo, ko ariko KWITONDA na BIKORIMANA ari abo bamwongereyemo atigeze avugana nabo.

38. Anavuga ko bigeze ku wa 21/11/2018, NTAMUHANGA Cassien yamubwiye ko umuntu uzabaha akazi ari umugande, ko bajya i Nyagatare bakahahurira ahageze abona inzego zishinzwe umutekano zimufata akiri mu modoka, ko ariko ko ibyo bavuganye ari ibyo birebana n'akazi ntaho bihuriye n'ibyo kujya mu mitwe y'iterabwoba cyangwa gutera ibisasu.

39. Avuga kandi ko abasore bavugwa ko yari yashatse kugira ngo abajyane mu mutwe w'iterabwoba atari byo kuko nta bushobozi yari abifitiye kandi ko batari basanzwe baziranye kuko amazina yabo yayabonye abazwa. Avuga nanone ko nta n'umutwe w'iterabwoba azi uyoborwa na NTAMUHANGA Cassien, ko ahubwo abo basore ari abo bari kujyana gukora akazi barangirwaga na NTAMUHANGA Cassien, ko afatwa ajya Nyagatare ari ako kazi yari agiye kubaza uko gateye nyuma akazagaruka

kubisobanurira bagenzi be ko atari ahunze nk'uko Ubushinjacyaha bubivuga, ko n'ibyo buvuga ko yashatse ahantu we na bagenzi be bazajya bahurira hitwa kuri Chapelle hari umusaraba atari byo kuko bitari gushoboka kuko kuhakorera inama bisaba uruhushya rwanditse ubushinjacyaha butagaragaza kandi hakaba hahora harinzwe ku manywa na nijoro, hakaba nta n'ikigaragaza ko iyo nama yabaye kuko nta raporo yayo.

40. Asoza asaba urukiko kumurenganura kuko ubushinjacyaha budashobora kugaragaza ibimenyetso bimuhamya ibyaha bumukurikiranyeho ahubwo bukamurega muri rusange aho kukagaragaza uruhare rwe mu ikorwa ry'ibyaha aregwa n'ibimenyetso byabyo.

41. BYIRINGIRO Garno alias Lingo avuga ko nta bushobozi afite bwo gukora ibyaha aregwa, ko nta kintu giturika cyangwa gihumanya yafatanywe kuko afatwa icyo yari afite ari telefone n'indangamuntu, ko nta n'inama yakoreshejwe na NIYIHOZA Patrick yitabiriye.

42. Akomeza asobanura ko NIYIHOZA Patrick yamubajije niba afite akazi amusubiza ko ntako, amusaba nomero ya telephone n'iz'indangamuntu, amwandika amubwira ko azamushakira akazi ko gushyira amazi mu mazu,ko batigeze bakorana i Gacuriro no ku Ruyenzi, ko uretse uyu undi azi mu bo baregwa hamwe ari MUSHIMIYIMANA Yves bari baturanye, bajyaga bakina umupira iwabo i Jali, ko yanagiye no kumusura mu nzu yari atuyemo ku Giti cy'inyoni ariko ko n'ubwo mu iperereza banditse ko yahabaga atari byo, ko mu minsi itatu yahabaye nta wundi muntu yahabonye, ko undi yari azi ari BIKORIMANA Bonheur nawe bakinanaga umupira .

43. Anavuga ko nta mafaranga ibihumbi makumyabiri na bitanu (25.000 Frw) yohererejwe na NTAMUHANGA Cassien, ko atamuzi aho amwumva ari ku ma radiyo, ko batigeze banavugana, ko mu iperereza bamubajije ababwira ko atazi ibye, kandi ko nta nama yigeze yitabira, ko atazi aho zaberaga, ko kuri *Chapelle* ari mu nzira banyuragamo bataha bava i Kigali, ko bitari gushoboka ko bahakorera inama ngo bibure kumenyekana, hakaba nta n'ikigaragaza ko izo nama zabayeho kuko nta nyandikomvugo yazo ubushinjacyaha bugaragaza.

44. Avuga kandi ko ibyo kujya kureba ahazategwa ibisasu ntabyo yakoze, ko ahubwo abazwa mu iperereza bafashe ahantu yakoreraga ibiraka bavuga ko ariho azajya gutera ibisasu, ko na NIYONKURU Emmanuel atamuzi, ko nta n'aho bigeze bakorana kimwe na BIZIMANA Terrance, ko mu iperereza yemeye ko abazi kubera gukubitwa, ko uyu atamuhuje na NIYIHOZA Patrick kuko bari basanzwe baziranye yiga mu kigo kiri haruguru y'iwabo ariko ko atazi niba yaravuganaga na NTAMUHANGA Cassien.

45. BIKORIMANA Bonheur alias Wax avuga ko nta bimenyetso ubushinjacyaha bushingiraho bumurega, agasobanura ko n'ubwo yasinye inyandikomvugo y'ibazwa rye ariko ko atigeze asoma ibiyikubiyemo, ko icyo yemera ari uko ari we warangiye MUSHIMIYIMANA Yves inzu yo guturama ari ko itari iyo gukoreramo ibyaha baregwa, ko yanayimurangiye nk'umuntu bakoranaga mu igaraji.

46. Akomeza avuga ko nta n'imbaraga afite zo kuba yahirika ubutegetsi, ko anasanga icyaha cy'ubwinjiracyaha bwo kugirira nabi ubutegetsi buriho no kubuhirika hakoreshejwe intambara cyangwa izindi mbaraga n'icyaha cyo gucura umugambi wo gukora icyo cyaha nta tandukanirizo ririmo, ko atari gucura umugambi wa guhirika ubutegetsi mu gihe ubushinjacyaha buvuga ko uwo mugambi wacuzwe na RNC.

47. Yongeraho ko nta muntu umushinja, ntawe ugaragaza ko bahuriye mu nama, ndetse n'urutonde rwakozwe na NIYIHOZA Patrick atarugaragaraho, hakaba hatanagarazwa ibimenyetso by'aho ahuriye n'abo bareganwa uretse amagambo gusa, ko kuba yaravuze ko MUSHIMIYIMANA Yves yendaga kujya mu gisirikare yabivuze kubera ubuzima yari arimo, ko atanamenye n'ibijyanye n'itegwa ry'ibisasu.

48. Avuga kandi ko ibikubiye mu nyandikomvugo ye by'uko yabwirwaga ibya NTAMAHANGA Cassien na BYIRINGIRO n'uko yumvaga amajwi ye yafashwe, atigeze abivuga kuko ntabyo BYIRINGIRO yigeze amubwira, akaba ataranamushishikarije kumva amajwi yafashwe ya NTAMUHANGA Cassien.

49. BIZIMANA Terrance alias Lazma avuga ko nta ngufu afite zo kuba yavanaho ubutegetsi buriho kuko nk'umuntu utarize utanafite amafaranga nta bushobozi yagira bwo gukuraho ubutegetsi, ko n'umugambi uvugwa wacuzwe na RNC adafite aho ahuriye nayo kuko atari umunyamuryango wayo, ko nta n'ibimenyetso ubushinjacyaha

bushingiraho bumurega ibyaha bumukurikiranyeho kuko n' inama buvuga ko zaberaga i Jali kuri Chapelle butagaragaza uruhare yazigizemo.

50. Akomeza avuga ko icyo yemeye ari uko NIYIHOZA Patrick yamwanditse amuha nomero za telephone n'iz'indangamuntu mu rwego rwo kumushakira akazi ko guhereza abufundi ariko aza gufatwa atarakabona, ko ibyo ubushinjacyaha buvuga ko yamwanditse ashaka kumwinjiza mu gisirikare cya NTAMUHANGA Cassien atari byo kuko atazi niba uyu afite igisirikare, ko atanamuzi, ntaho bahuriye yamwumvaga gusa kuri radiyo aca imigani, ko ibyo yemeye aburana mu rukiko ku ifungwa n'ifungurwa ry'agateganyo by'uko yari agiye mu gisirikare cya Ntamuhanga yabitegetswe n'abari bamufashe.

51. Anavugako ibyo bavuga ko NIYIHOZA Patrick yamuhaye amafaranga ibihumbi bitatu (3.000Frw) by'itike ntabyo azi, ko icyabaye ari uko yafashwe aherekeje SHIRAGAHINDA Ernest wari ufitanye gahunda na NIYIHOZA Patrick, afatitwa Nyabugogo inyuma y'inzu y'amashyirahamwe ategereje ko barangiza kuvugana.

52. MUNYENSANGA Martin alias Corbeau Tinga avuga ko ibyaha bitatu aregwa atabyemera kuko nta bushobozi cyangwa imbaraga zo kuba yahirika Leta, akavuga ko azi NIYIHOZA Patrick nk'umuturanyi we, ko yamwatse nomero z'irangamuntu amubwira ko agiye kumushakira akazi ariko afatwa atari yakageraho, ko ibyo gutera ibisasu atabizi, atanabirimo, ko atanagaragara ku rutonde rw'abantu ubushinjacyaha bwagaragaje ko biteguraga kubitera, ko n'inama ivugwa ko yabereye kuri Chapelle ntayo yamenye.

53. Akomeza avuga ko azi NTAMUHANGA Cassien kuko batuye mu mudugudu umwe bakaba baherukana mbere ya jenoside atarafungwa, aho afunguriwe asanga akora kuri Radiyo Ubuntu butangaje, ko atigeze avuganira nawe kuri telefone ya NIYONKURU Emmanuel, ko mu nyandiko z'iperereza hari aho bavuga ko ahubwo bavuganiye kuri telefone ya SHIRAGAHINDA Ernest. Avuga ko mu bo bareganwa abo azi ari NIYIHOZA Patrick, RUTAGANDA Bosco, UKURIKIYIMFURA Théoneste, akavuga ko umutwe wa RNC atawuzi, atigeze yifatanya nawo.

54. MUSHIMIYIMANA Yves alias Venus avuga ko atigeze aba umusirikare, akaba atanifuza guhemukira igihugu, ko inyandiko itanga ikirego igaragaza ko umugambi wacuzwe n'umutwe wa RNC kandi ko atayizi, atigeze anayijyamo. Asobanura ko ibyo aregwa bikomoka ku kuba yarahamagawe na NIYIHOZA Patrick amubwira ko hari umubosi (boss) ushaka kumurangira akazi nawe amubwira ko agashaka maze amusaba nimero z'indangamuntu na telefone ariko nyuma aza kukabona mu igaraji, ko kugeza afashwe Patrick atigeze amubwira niba akazi yamushakiraga karabonetse.

55. Anavuga ko amaze kubona ikiraka mu igaraji yakodesheje inzu y'ibihumbi cumi na bitatu (13.000 Frw) ku Giticyinyoni kugirango atazajya ataha i Jali buri munsi, ko iyo nzu yayibagamo wenyine uretse BYIRINGIRO Garno wigeze kuharara gatatu (3) kuko yari afite ikiraka ku Gisozi.Avuga kandi ko nta muntu yigeze ashishikariza gukora igikorwa cy'iterabwoba kuko iby'igisirikare atabizi, ko kandi ibyo ubushinjacyaha buvuga bijyanye no gutata ahazaterwa ibisasu aho bita kuri Maison des jeunes atari byo kuko yahajyaga agiye gutera umupira, ko n'ibyo buvuga ko yavunganaga na NTAMUHANGA Cassien nta gihamya bifitiwe n'inama buvuga ntayo yagiyemo, ko nawe yari afite smart phone ku buryo atari kwifashisha NIYIHOZA Patrick kugira ngo amugereho.

56. NSHIMYUMUREMYI Jean Claude alias Kayima avuga ko atari kwitabira inama kuri Chapelle kandi aho hantu harindwa n'inzego z'umutekano, ko nta n'umuntu wigeze amusaba kujya gutata, ko n'ibyo ubushinjacyaha buvuga ko yafatiwe i Nyagatare atorotse atari byo, ko NIYIHOZA Patrick yamubwiye ko hari umukire ushaka abakozi, amubwira ko ako kazi nikaboneka azamubwira, anamwaka nomero z'irangamuntu ariko ko nta muntu yamuhaye ngo bavugane, ko nyuma yahamagawe hakoreshejwe telephone ya Patrick bamubwira ko ka kazi kabonetse aramwitaba ageze mu Kirehe i Jali bahita bamufata bamwambika amapingu ariko ko abazwa mu iperereza atigeze avuga ko Patrick yari agiye kumushyira mu gisirikare muri Uganda kandi nawe ko atigeze amubwira ko agiye kumushyira mu gisiirikare. Anavuga ko NTAMUHANGA Cassien atamuzi, ko ahubwo afatwa bamuhaye impapuro azisinya atazi ibyanditseho, banamutegeka kugenda abisubiramo mu nzego zose.

57. RUTAGANDA Bosco ahakana ibyaha aregwa avugako atigeze ashakwa na NDAYIZERA Phocas, ko ahubwo yajyanye na NIYIHOZA Patrick gutabara mugenzi

we bakinanaga umupira w'amaguru, amubwira ko ashaka kumurangira akazi amusaba nomero z'indangamuntu n'iza telefone arazimuha ariko arinda ava mu biruhuko batongeye kubonana, ataranamurangira akazi.

58. Akomeza avuga ko nta magambo ajimije yakoresheje nk'uko ubushinjacyaha bubimushinja kuko ijambo "*match*" buvuga ko bakoreshaga bazimiza atari byo kuko ari ijambo risanzwe urubyiruko rukina rukoresha nawe akaba arikoresha nk'umukinnyi w'umupira w'amaguru ko ari muri ubwo buryo mugenzi we wiga muri IPRC yahamagaye amubwirako hari matchs zizaba, ko UKURIKIYIMFURA Théoneste atigeze amuhamagara amubwira ibya "*match*" uretse ko yamushimiye kubera ko yakinnye neza, ko atanamuzi uretse kumubona mu mafoto ya murumuna we naho MUNYENSANGA Martin amuzi gusa nk'umuntu washatse umukobwa baturanye ariko ko bombi batigeze bavugana ibirebana n'akazi.

59. Avuga kandi ko atigeze yitabira inama zivugwa ko zaberaga kuri Chappelle, ko nta n'amakuru yari afite kubyo kuzatega ibisasu kuko yategetswe kubivuga ubwo yabazwa mu bugenzacyaha bamutegeka kubisinya ndetse anabazwa mu bushinjacyaha ategekwa kudatandukira ngo avuguruze ibyo yavuze muri police, ko ababimutegetse bakomeje kumuherekeza no mu rukiko aburana ibijyanye n'ifungwa n'ifungurwa ry'agateganyo bamubwira kubisubiramo, ko bamufatiranye kubera ubujiji avuye ku ishuri.

60. SHIRAGAHINDA Erneste alias Shira avuga ko yahuriye na NIYIHOZA Patrick ku irembo iwabo avuye Nyabugogo gushaka indangamuntu kuko yari yarayitaye, baraganira amubwira ko akazi yari afite kahagaze nawe amubwira ko hari umuntu ugiye kumurangira akazi k'ubwubatsi yari asanzwe akora, amusaba kumusigira nomero y'indangamuntu n'iya telefone nawe arayimuha amubwira ko nikaboneka azamuhamagara, ko kuva icyo gihe batongeye kubonana, ko atari BYIRINGIRO wamuhuje na NIYIHOZA Patrick.

61. Akomeza avuga ko nta nama zerekeranye no gutera ibisasu no gusura aho bizaterwa zabereye kuri Chapelle yigeze ajyamo kuko ari ahantu hazitiye n'igipangu hanarinzwe, ko iyo bahakorera inama bari gufatwa. Anavuga ko NIYIHOZA Patrick atari we wari no kumuhuza na NTAMUHANGA Cassien kandi nawe yarashoboraga

kumwihamagarira kuko yari afite telephone, ko nta nimero ze yamwatse, ko nta n'ibya kode (code) ya gisirikare yigeze asobanuza BIZIMANA Terrance.

62. Asoza avugako n'ubwo ubushinjacyaha buvuga ko yafashwe ahunga ataribyo kuko yari ahamagawe na NIYIHOZA Patrick ngo bahurire Nyabugogo, ajya kumureba ari kumwe Terrance, bageze mu marembo ya Gare ya Nyabugoro bahura n'undi muhungu baramusuhuza we yambuka asanga Patrick amubwirako amaze kuvugana na Boss uri i Nyagatare, ko amubwiye ko amusangayo bagakorana amasezerano kugira ngo atazajya akora bubyizi, ko yateze imodoka ageze i Rwamagana baramufata bamukuramo, bamufatana itike ijya Nyagatare ariko mu mpapuro yasinye handitsemo ko yari agiye Uganda kandi ngo ataribyo kuko iyo aba ahunze yari kubibwira umuryango.

63. UKURIKIYIMFURA Théoneste alias Kanguru avuga ko nta muntu wamukanguriye kujya mu mutwe w'iterabwoba, ko NIYIHOZA Patrick yamwanditse amubwira ko agiye kumushakira akazi, afatwa ataramubwira ako kazi ako ari ko, ko nta byo kujya mu gisirikare yigeze amubwira. Anavuga ko ibyo gutera ibisasu ntacyo abiziho, ko na NTAMUHANGA Cassien yajyaga amwumva kuri radiyo kera akaba atarigeze amubona amaso ku maso, ko batanavuganye kuri telephone. Avuga kandi ko nta n'inama zabereye kuri Chapelle yajyanyemo na NIYIHOZA Patrick kuko naho hantu ntawahinjiraga kuko harinzwe.

64. Anavuga ko uretse kuba azi BYIRINGIRO Garno na BIKORIMANA mu buryo busanzwe ariko ntacyabahuzaga naho MUSHIMIYIMANA Yves we ntacyo amuziho kandi ko abo bose batigeze bahura ari kumwe na NIYIHOZA Patrick, ko n'iby'inzu yo ku Giti cy'inyoni ivugwa n'Ubushinjacyaha atayizi, atanigeze ayiraramo, ko na RUTAGANDA Bosco amuzi akina umupira w'amaguru, ko atazi aho yakuye ibyo yamuvuzeho kuko yari umunyeshuli we ari umupagasi, bakaba batarigeze bavugana ibijyanye na match ubushinjacyaha buvuga ko bavuganaga. Asoza avuga ko uretse kuba yemera ko NIYIHOZA Patrick yamwanditse ashaka kumurangira akazi, afatwa atarakamurangira ibindi bikubiye munyandikomvugo z'ibazwa rye mu iperereza atari ukuri, ko atazi aho ababyanditse babikuye.

65. NTAMUHANGA Cassien yahamagawe ahatazwi ariko ntiyaboneka mu rukiko kugira ngo yiregure ku byaha aregwa.

- **Uko urukiko rubibona**

66. Urukiko rusanga muri rusange abaregwa bose barabunye bahakana ibyaha baregwa bavuga ko ibyo bemeye mu iperereza babitewe n'agahato bashyizwe bituma babyemera mu rwego rwo kurengera ubuzima bwabo nyamara babazwa mu iperereza, banaburana ibijyanye n'ifungwa n'ifungurwa ry'agateganyo bari baremeye ibyo baregwa, bakanashinjanya hagati yabo.

1. Kuri NTAMUHANGA Cassien, NDAYIZERA Phocas na KARANGWA Eliakim.

67. NTAMUHANGA Cassien ashinjwa na NDAYIZERA Phocas haba mu ibazwa rye mu bugenzacyaha, mu bushinjacyaha no mu rukiko aburana ku bijyanye n'ifungwa n'ifungurwa ry'agateganyo yemeza ko bavuganye incuro nyinshi kuri telefone, bakanohererezanya ubutumwa kuri *whatsapp chat* amwizeza kuzamwishyura amafaranga ibihumbi ijana na mirongo inani (180.000Frw) yari yaramugurije. Rusanga yaranavuze ko muri uko kuvugana yamubajije niba yabona umuntu ushobora gukora *system* yo guturitsa ibisasu hakoreshejwe telefone igendanwa, arabimwemerera nawe ashaka uwitwa KARANGWA Eliakim wari usanzwe ari umutekinisiye mu bya *electronic* bari basanzwe baziranye kubera imishinga yari yarakozeho inkuru ubwo yakoraga nk'umunyamakuru wa radiyo ya BBC[1].

68. NDAYIZERA Phacas anashinja NTAMUHANGA Cassien kuba ari we wamuhuje n'uwitwa Tembo yagombaga gusanga ku kabari kari i Nyamirambo mu Mujyi wa Kigali kugirango amushyikirize za *dynamites* zagomba guhuzwa na *system* yo kuzituritsa, akanamuha amafaranga ibihumbi mirongo ine (40.000Frw) muyo yagombaga kumwishyura, kuwa 28/11/2018 ajya kumureba kuri ako kabari aramubona, aranamwibwira ariko undi ntiyagira icyo amuvugishya cyangwa amuha abibonye ahita yisohokera afatwa ageze hanze.

[1] British broadcasting corporation (BBC)

69. Yabavuze ko we na KARANGWA Eliakim ari bo bagaragaje ibikoresho bikenewe n'amafaranga byatwara kugira ngo hakorwe iyo *system* basanga agera kuri 15.000 $ babyohererereza NTAMUHANGA Cassien ariko ababwira ko ari menshi, nyuma baza kumvikana ko iyo *system* yakoreshwa 1.500 $, abanza kohererereza KARANGWA Eliakim 579.30 $ ayanyujije muri banki ya Dahabshiil, ko umubare w'ibanga n'inyandiko yoherejweho ari we yabyohererereje nawe abishyikiriza KARANGWA Eliakim kugira ngo ayabikuze. Rusanga yaranavuze ko muri ayo mafaranga KARANGWA yatangiye kuguramo ibikoresho byo gukora *system*, anishyura inzu amezi abiri ku mafaranga ibihumbi mirongo irindwi (70.000 Frw) yakodesheje mu karere ka Muhanga aho yari atuye ashyiramo intebe n'ameza, ko muri ayo mafaranga KARANGWA yamuhayemo ibihumbi mirongo inani (80.000 Frw).

70. Rusanga NDAYIZERA Phocas anashinja NTAMUHANGA ko muri uwo mugambi wo gutera ibisasu bari barateguye uburyo bw'imikorere nk'uko bigaragazwa n'igishushanyo cyerekana uburyo basumbana mu buyobozi n'ibyo bashinzwe aribyo bise "*operation Gasopo"* yari ikuriwe na NTAMUHANGA Cassien nawe akaba munsi ye akuriye icyo bise "*operation nyamanza*" nka *chief operator* yarahawe izina rya Kazire, ko harimo n'abandi bantu barimo Tembo wari kuzana *dynamites* na Elungu yari kuzashyikiriza zimaze gutunganywa na KARANGWA Eliakim.

71. Urukiko rusanga KARANGWA Eliakim abazwa mu bugenzacyaha, mu bushinjacyaha no mu rukiko aburana ku birebana n'ifungwa n'ifungurwa ry'agateganyo nawe yaremeje ko yavuganye na NTAMUHANGA Cassien ibirebana no gukora system ituritsa ibisasu hakoreshejwe telefone bavuganiye kuri telefone ya NDAYIZERA Phocas, ubwa mbere bari kuri sitade ya Muhanga, ubundi bari aho akorera mu karere ka Kicukiro, ko yamwohererereje *devis* y'ibikenewe bemeranywa ko yakoresha 1500 $, kuwa 17/11/2018 amwohererereza 579.30 $ yabikuje kuri banki ya Dahabshiil yohererejwe code na NDAYIZERA Phacas bamuha amafaranga ibihumbi Magana atanu na cumi na bibiri (512.000 Fr), atangira kuguramo ibikoresho birimo *multimeter, condensateur, diode, mother board* n'ibindi, anishyura inzu amafaranga ibihumbi mirongo irindwi (70.000 Frw) yari yashakishijwe na NDAYIZERA Phocas i Muhanga. Rusanga anavuga ko kuwa 20/11/2018 ari bwo yamenye ko uwo bavuganaga ari NTAMUHANGA Cassien abibwiwe na NDAYIZERA Phocas.

72. Runasanga ari NDAYIZARA Phocas, ari na KARANGWA Eliakim bemeza ko mu biganiro bagiranaga bakoreshaga imvugo zizimije nk'imizigo n'ibinini bashaka kuvuga ibisasu, umuganga bashaka kuvuga KARANGWA Eliakim, umurwayi bashaka kuvuga abazakira ibisasu; umuti wa kinyarwanda bashaka kuvuga ibisasu bikoreye ubwabo byaturitswa hakoreshwe ubumara bw'ikibiriti n'urupapuro naho umuti wa kizungu akaba ari ugukora *system* yo guturitsa *dynamites* hakoreshejwe telefone igendanwa.

73. Urukiko rusesenguye imvugo zo mu iperereza za NDAYIZERA Phocas n'iza KARANGWA Eliakim, rusanga n'ubwo baburanye urubanza mu mizi bahakana ibyaha baregwa ariko harebwe uburyo babazwa mu bugenzacyaha no mu bushinjacyaha, basobanuye uko gahunda yo guturitsa ibisasu by'intambi (*dynamites*) hakoreshejwe telefone igendanwa yateguwe na NTAMUHANGA Cassien akayigeza kuri NDAYIZERA Phocas washatse KARANGWA Eliakim kugira ngo abe ari we ukora *system* yo kubituritsa, uko KARANGWA yasobanuye uko yari kuzayikora, amafaranga yohererejwe anyujijwe kuri banki ya Dahabshiil akayabikuza ahawe umubare w'ibanga na NDAYIZERA Phocas, ibikoresho byo gukora iyo system byaguzwe, inzu yashatse i Muhanga afatanyije na NDAYIZERA Phocas yo guteguriramo izo ntambi (dynamites) yishyuye amafaranga ibihumbi mirongo irindwi (70.000 Frw) ndetse NDAYIZERA Phocas agafatwa agiye guhura n'uwitwa Tembo wari umuzaniye dynamite nk'uko abyiyemerera akanavuga ko nyuma yo kuzitunganya NTAMUHANGA yari yamubwiye ko azaziha uwitwa Elungu, rusanga ibi ari ibimenyetso bigaragaza ko NDAYIZERA Phocas na KARANGWA Eliakim bumvikanye na NTAMUHANGA Cassien ku mugambi wo gutega no guturitsa ibisasu bya dynamites.

74. Ibi bemeye mu iperereza bikaba bishimangirwa n'imiburanire yabo mu rukiko baburana ibijyanye n'ifungwa n'ifungurwa ry'agateganyo kuwa 17/12/2018 aho bemeye ibikorwa bakurikiranyweho banabisabira imbabazi nk'aho NDAYIZERA Phocas yaburanye avuga ko yemera ibyaha aregwa nk'uko yabyemeye mu bugenzacyaha no mu bushinjacyaha agasobanura ko yemeye gushukwa yifatanya n'abarwanya ubutegetsi, ko icyo akosora ku byo yari yaravuze ari uko atari we wohereje NTAMUHANGA Cassien ubutumwa ahubwo ari we wabumwohereje nawe abwohereza KARANGWA Eliakim, akanavuga ko yandikiye inzego nkuru z'igihugu asaba imbabazi yabitekerejeho bihagije, ko yarekurwa by'agateganyo kuko yatanze ibimenyetso byose bihagije anemera icyaha, binashimangirwa n'abari bamwunganiye

bagaragaza ko yarekurwa kuko yemera icyaha kandi akaba yaratanze amakuru yose ntacyo ahishe binatuma n'abandi bafatwa, ko anafunguwe yafasha kugaragaza abandi batarafatwa.

75. Rusanga na KARANGWA Eliakim aburana ibinjyanye n'ifungwa n'ifungurwa ry'agateganyo yaremeye icyaha akekwaho, anagisabira imbabazi asobanura ko atari azi icyo iyo *system* yari igamije, anavuga ko atagize ubushishozi bwo kumenya icyo izo ntambi zizakora, ko uretse kugura ibikoresho yari ataratangira kuyikora nk'uko yari yabisabwe. Runasanga yaranemeye ko yavuganye na NTAMUHANGA Cassien ahawe telefone na Phocas ariko ko icyo gihe atari azi uwo bavugana kuko yamumenye ku mugoroba bucya afatwa. Ibi nabyo bikaba byarashimangiwe n'uwamwunganiraga avuga ko icyaha aregwa gikomeye ariko ko yarekurwa agakurikiranwa adafunze kuko ari umuntu wagirira umuryango nyarwanda *(société*) akamaro.

76. Urukiko rusanga kandi ibyo bemeye babazwa mu iperereza binashimangirwa n'ubutumwa *(whatsapp chat*) NDAYIZERA Phocas, KARANGWA Eliakim n'uwitwa Yan, bavuga ubwabo mu nyandiko mvugo z'ibazwa ryabo ko ari NTAMUHANGA Cassien, bagiye bohererezanya bugaragaramo ubushakashatsi NDAYIZERA Phocas yakoze kuri *dynamites*, ibyo gushaka inzu yo gukoreramo *system* i Muhanga iri ahantu buri wese ahugira mu bye, ibirebana n'uburyo bakora ibisasu bakoresheje uburyo busanzwe bitaga umuti wa kinyarwanda, nk'uko babisobanuye mu iperereza, mu gihe intambi bari bategereje zari zitarabageraho, uko KARANGWA Eliakim yohererejwe 579.30 $ akabikuza 512 000 Frw kuri Dahabshiil ayohererejwe n'umuntu wari mu gihugu cya Uganda bigizwemo uruhare na NDAYIZERA wavuganaga na NTAMUHANGA Cassien wiyita Yan wari kuyohereza n'uko kuwa 21/11/2018 NDAYIZERA Phocas yagiye i Nyamirambo gufata icyo bitaga umuzigo, n'uko Yan yamubwiraga kujya kuwereka Laborantin ari we KARANGWA Eliakim kugira ngo amusobanurire niba ibyo bintu ari byo kugira ngo bashake ibindi.

77. Urukiko rusanga hari n'inyandiko mvugo y'ifatira yo kuwa 28/11/2018 yakorewe ku Kicukiro mu murenge wa Niboye igaragaza ko hari ibintu birimo *multimeter, condensateur, diode*, *mother board*, telefone ebyiri za Nokia n'ibindi KARANGWA Eliakim yafatanywe nayo akaba ari ikimenyetso kigaragaza ko hari ibintu yari yatangiye kugura mu rwego rwo gukora *system* yo guturitsa ibisasu bihura n'ibyo

yavuze abazwa mu iperereza yongera kubisubiramo aburana ibijyanye n'ifungwa n'ifungurwa ry'agateganyo.

78. Rusanga n'ubwo baburanye bahakana imvugo zabo zo mu iperereza bavuga ko ibyo bemeye babitewe no kurengera ubuzima bwabo, izo mvugo zabo zishyigikiwe n'ibiganiro bagiranye kuri telefone (*whatsapp chat*), inyandiko ya banki igaragaza amafaranga bohererejwe n'inyandikomvugo y'ifatira igaragaza ibikoresho byari byaguzwe na KARANGWA zigomba gushingirwaho nk'ibimenyetso bidashidikanywaho kuko zisobanura ku buryo bwumvikana uburyo bacuze umugambi wo kuzatega ibisasu. Byongeye kandi hakaba nta kigaragaza ko ibyo bemeye mu nyandikomvugo zabo babitewe n'uko bakorewe iyicarubozo.

79. Urukiko rurebye rero ibikorwa NDAYIZERA Phocas na KARANGWA Eliakim bemeye mu iperereza nk'uko byasobanuwe bijyanye n'uko bumvikanye na NTAMUHANGA Cassien gukora *system* yo guturitsa ibisasu bya *dynamites* hakoreshejwe telefone igendanwa, akohereza NDAYIZERA Phocas *dynamites* ariko agafatwa agiye kuzihabwa na Tembo, anobohereza amafaranga azakoreshwa mu gukora *system* yo kubituritsa, uko bari batangiye kugura ibikoresho, banakodesha inzu i Muhanga bazayikoreramo n'uko bari bumvikanye ko ibyo bisasu nibimara gutuganywa NDAYIZERA Phocas azabishyikiriza uwo NTAMUHANGA Cassien yari yamubwiye witwa Elungu kugira ngo bizategwe ahari ibikorwa remezo, rusanga baracuze umugambi wo guturitsa ibisasu mu Mujyi wa Kigali ahantu hatandukanye hari ibikorwa remezo.

80. Kuba urukiko rwashingira ku mvugo zo mu iperereza mu gihe mu rukiko uregwa ahakana ibyo yari yemeye mbere bihura n'ibyemejwe mu manza zitandukanye zaciwe n'Urukiko rw'Ikirenga nko mu rubanza RPA 0041/06/CS rwo kuwa 09/04/2010 ubushinjacyaha bwaburanaga na MUKASHEMA Anne Marie na bagenzi be n'urubanza RPA 0010/06/CS-RPA 0011/06/CS-RPA 0012/06/CS-RPA 0012/06/CS rwo ku tariki ya 18/07/2008 rwa Sgt NTAGANIRA Eugène alias Barabasi na bagenzi rusobanura ko kuba uregwa ahinduye imvugo ageze imbere y'urukiko ubwabyo atari impamvu ihagije yatuma ibyo yavuze mbere biteshwa agaciro mu gihe aterekanye ko yabivuze bidaturutse ku bushake bwe, ko ahubwo umucamanza uburanisha ariwe

ufite ububasha n'ubushobozi bwo gushishoza no gusesengura akoresheje umutima nama we, ukuri kuri mu mvugo zihakanywe na nyirazo n'agaciro yaziha, anakurikije uburyo icyaha cyakozwemo[2]. Ibi akaba ari nabyo abahanga mu by'amategeko nka Michel FRANCHIMONT[3] bashimangira.

81. Urukiko rugasanga rero imiburanire ya NDAYIZERA Phocas na KARANGWA Eliakim y'uko nta gahunda yo gutega ibisasu bigeze bakorana na NTAMUHANGA Cassien, ko nta nama bigeze bajyamo yateguriwemo iyo gahunda, ko nta n'ubushobozi bari bafite bwo gukora *wireless system* yo guturitsa ibisasu, ko n'amafaranga bohererejwe ndetse n'inzu yakodeshejwe i Muhanga bitari bijyanye n'uwo mugambi n'uko ibyo bemeye mu iperereza babitewe n'iyicarubozo bakorewe, nta shingiro ifite kubera ko, nk'uko byasobanuwe hari ibimenyetso bigaragaza ko bagiranye ubwumvikane na NTAMUHANGA Cassien bugamije gutega no guturitsa ibisasu hakoreshejwe telefone zigendanwa.

82. Rusanga ibyo KARANGWA Eliakim yavuze abazwa mu iperereza ko yemeye gukora wireless system yo guturitsa ibisasu hakoreshejwe telephone igendanwa atazi icyo bigamije, nta shingiro bifite kuko usesenguye imvugo ze zigaragaza ko yari azi gahunda barimo kubera ko ubwe abazwa mu iperereza yavuze ko bakoreshaga imvugo zizimije nk'umuti wa kinyarwanda bashaka kuvuga gukora ibisasu bidakoreshejwe ikoranabuhanga mu kubituritsa mbere y'uko za dynamites zibageraho akaba atari gukoresha izo mvugo mu gihe ntacyo yahishaga. Ikindi kandi mu butumwa bohererezanya kuri whatsapp hagaragaramo aho yabwiraga NDAYIZERA Phocas gushaka inzu yo gukodesha i Muhanga ahantu buri wese yita ku bye avuga ko atabikorera ku Kicukiro aho asanzwe akorera, ibi bikagaragaza ko atashakaga ko ibyo azahakorera bimenyekana.

83. Urukiko rusanga n'ibyo avuga ko atari azi ko uwo bavuganaga kuri telefone ari NTAMUHANGA Cassien n'uko uwo bari bafitanye wanamwohereje amafaranga ari umunyakenya witwa Mugume nabyo nta shingiro bifite, kubera ko nk'uko

[2] Urubanza RP 0041/06/CS MP C/ MUKASHEMA Anne Marie na bagenzi be rwaciwe n'Urukiko rw'Ikirenga kuwa 04/04/2010.

[3]Le juge du fond apprécie souverainement la sincérite d'un aveu fait par le prévenu au cours de l'instruction préparatoire , même quand cet aveu a été ultérieurement rétracté devant le tribunal)" V° Michel FRANCHIMONT, Manuel de Procédure Pénale, Ed. Scientifique de la Faculté de Droit de Liège, 1989, p. 772 .

byasobanuwe bigaragara ko uwo bavuganaga wese bari mu mugambi wo gutega ibisasu uretse nawe ko hari aho yemera ko yamenye ko ari NTAMUHANGA Cassien mbere y'uko afatwa. Byongeye kandi hakaba nta kigaragaza ko amadolari yayohererejwe n'umunyakenya witwa Mugume kuko umubare w'ibanga wo kuyabikuza yawuhawe na NDAYIZERA wari wawohererejwe n'uwitwa Yan ari we NTAMUHANGA Cassien nk'uko babyivugiye.

84. Rusanga inyandikomvugo y'ifatira yo kuwa 21/11/2018 ubushinjacyaha bushingiraho nk'ikimenyetso kigaragaza ko NDAYIZERA Phocas yafatanywe *Explosives Emulsion* zirindwi, amasinga abiri (*detonating wires*) iy'umutuku n'iy'umukara, *detonating Cape* eshatu itashingirwaho hemezwa ko ari NDAYIZERA Phacas wafatanywe ibyo bintu kuko ubushinjacyaha buvuga ko yafatiwe i Nyamirambo agiye kureba uwitwa Tembo wari ubimuzaniye ariko iyo nyandikomvugo ikaba igaragaza ko atari ho yakorewe ahubwo igaragaza ko yakorewe ku Kimuhurura. Ibi bigashimangirwa n'uko na NDAYIZERA Phocas mu nyandikomvugo ze mu iperereza yaremeye ko yari agiye kubifata ariko afatwa uwo yari agiye kureba atarabimuha. Bityo n'ubwo inyandiko y'abahanga bo mu ngabo z'u Rwanda yo kuwa 30/01/2020 igaragaza ko ibyo bikoresho byafatiriwe bihagije kuba byakora ikintu giturika mu buryo butunguranye kandi ko ibyo bikoresho bitaboneka ku isoko, ko kubitunga bisaba uruhushya rwihariye[4] ariko ikaba itashingirwaho hemezwa ko ibyo bintu byasuzumwe n'abahanga ari NDAYIZERA Phocas wabifatanywe.

85. urukiko rushingiye ku biteganywa n'ingingo ya 123[5] n'iya 124[6] z'Itegeko nº15/2004 ryo 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo, rusanga n'ibimenyetso by'amajwi bigizwe na *audio* enye (4) byatanzwe n'ubushinjacyaha buvuga ko ari ibiganiro NTAMUHANGA Cassien yagiranye n'uwitwa Tembo

[4] All components necessary to create an improvised explosive device (IED) or an explosive charge are present and functional. The explosives items found cannot be brought on the local market and requires a special clearance to handle them.

[5] Ingingo ya 123 y'Itegeko nº15/2004 ryo 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo ivuga ko : "Mu gihe umuntu, ikintu, cyangwa ibimenyetso bigaragaza ibyakozwe atari byo bishyikirijwe urukiko ngo rubyitegereze, amashusho cyangwa amafoto abyerekana agomba kuba agaragaza ntacyo ahinduye ishusho byari bifite igihe ibiburanwa mu rubanza byabaga.
Ni na cyo gisabwa kugira ngo amajwi yafashwe hakoreshejwe uburyo bwo kumviriza atangweho ikimenyetso "

[6] Ingingo ya 124 y'Itegeko nº15/2004 ryo 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo ivuga ko : "Kugira ngo bigaragare ko nta cyahinduwe, hagomba ubuhamya bw'umuntu wafashe ubwe amajwi cyangwa wafashe amafoto ari agenda cyangwa atagenda, cyangwa washushanyije ku buryo ubwo ari bwo bwose, cyangwa uwari ahari ibyo bikorwa".

bigaragaza umugambi bari bafite wo gushaka ibisasu muri Congo cyangwa i Burundi bakabizana mu Rwanda bakabigeza ku bazabitega, uburyo yamucishijeho amafaranga yoherereza abari mu Rwanda n'ivugwamo ibyo gutorokesha bamwe mu baregwa no kumenyesha ko harimo ababuze n'uko uwitwa Kazire ariwe Phocas NDAYIZERA w'umunyamakuru wa BBC we batazamuvugamo kuko byakozwe n'ikinyamakuru akorera, rusanga ayo majwi yafashwe atashingirwaho nk'ikimenyetso kuko hatagaragazwa niba ari aya NTAMUHANGA Cassien na Tembo koko, telefone yakuweho, uwayafashe cyangwa umuntu wari uhari afatwa.

2. NIYIHOZA Patrick n'abavuga ko yabanditse mu rwego rwo kubashakira akazi

86. Muri rusange NIYIHOZA Patrick aburana yemeye ko yavuganye na NTAMUHANGA Cassien amusaba kumushakira abandi basore b'iwabo badafite akazi kugira ngo azakabarangire, nawe arabashaka ababwira ko hari umuntu ugiye ku kabarangira akazi. NIYONKURU Emmanuel, BYIRINGIRO Garno, MUSHIMIYIMANA Yves, UKURIKIYIMFURA Théoneste, SHIRAGAHINDA Erneste, BIZIMANA Terrance, MUNYENSANGA Martin, NSHIMYUMUREMYI Jean Claude na RUTAGANDA Bosco nabo bemera ko banditswe na NIYIHOZA Patrick abizeza ko hari umuntu uzabaha akazi naho BIKORIMANA Wax Bonheur akemera ko hari abo yashakiye inzu yo kubamo ku Giticyinyoni. Rusanga bose bahakana ibyo bemeye mu iperereza bavuga ko babyemeye kubera kurengera ubuzima bwabo bitewe n'imibereho barimo.

87. Urukiko rusanga mu byo bavuze mu iperereza n'igihe baburanaga ibijyanye n'ifungwa n'ifungurwa ry'agateganyo : NIYIHOZA Patrick abazwa mu bugenzacyaha kuwa 27/11/2018 yaremeye ko yasabwe na NTAMUHANGA Cassien gushakisha abasore bo guha akazi ko yashakishije abasore cumi n'umwe ari bo NIYONKURU Emmanuel, BYIRINGIRO Garno, MUSHIMIYIMANA Yves, NDAYISHIMIYE Clément, UKURIKIYIMFURA Théoneste, SHIRAGAHINDA Erneste, BIZIMANA Terrance, MUNYENSANGA Martin, BINTUNIMANA Jules, KWITONDA Alex na NSHIMIYIMANA Jean Claude, akandika amazina yabo na nomero z'indangamuntu zabo yarangiza akabimwoherereza. Rusanga yaranavuze komu kwezi kwa gatandatu 2018 yamubajijeakazi yabasezeranyije amubwira ko azabajyana mu gisirikare muri Congo banyuze muri Uganda, ko bigeze mu ku kwezi kwa cumi 2018, NIYONKURU

Emmanuel yamubwiwe ko NTAMUHANGA yavuze ko hari ibisasu bitaga imizigo mu mvugo izimije ashaka kuzabaha n'uko yabasabye kuzashaka aho bazabitega.

88. Runasanga yaremeye ko kuwa 21/11/2018 nyuma y'uko amenye ko UKURIKIYIMFURA Théoneste yafashwe yandikiye NTAMUHANGA Cassien amubaza impamvu we atamufashe nawe amusubiza amubwira ko atari we ko ahubwo niba afite amafaranga yategera n'abandi bakajya Nyagatare aho bari gusanga umuntu witwa Columbus wari kubajyana muri Uganda, afatwa ageze i Gatsibo, ko abo yari yamaze gutegera ari BIZIMANA Terrance, SHIRAGAHINDA Erneste na NSHIMIYIMANA Jean Claude kandi ko gahunda bari bafite kwari ukujya mu gisirikare muri Congo baciye Uganda nk'uko bari babisabwe na NTAMUHANGA Cassien.

89. Rusanga yaranavuze ko ibijyanye no kwakira ibisasu, aho byari kuva n'ubwoko bwabyo atari abizi ahubwo byari bizwi na NIYONKURU Emmanuel na bagenzi be kuko NTAMUHANGA yari yarababujije kongera kumubwira ibanga ryabo.Yemera ko bahuriraga i Jali kuri Chapelle ari abantu umunani (8) barimo abo bareganwa, bakavugana na NTAMUHANGA Cassien bitaga Haji kandi ko abo yanditse yabahaga amazina y'amahimbano bazajya bakoresha, ko telephone yakoreshaga abahamagara yari ifite nomero +31687527462.

90. Rusanga NIYIHOZA Patrick abazwa mu bushinjacyaha kuwa 07/12/2018 yarongeye gusubira mu byo yari yaravuze abazwa mu bugenzacyaha, aburana ibijyanye n'ifungwa n'ifungurwa ry'agateganyo kuwa 17/12/2018 nabwo yemeye ibyo akekwaho avuga ko yabyemeye mu nzego zose kuva agifatwa aho yabajijwe uko yari agiye kwifatanya n'umutwe w'iterabwoba.

91. Rusanga NIYONKURU Emmanuel nawe abazwa mu bugenzacyaha kuwa 23/11/2018 yaremeye ko NIYIHOZA Patrick yamusabye nomero z'indangamuntu n'iza telefone nyuma amwoherereza kode ifite nomero 0148 n'izina rya Elungu amubwira ko ari ibyo azajya akoresha mu kazi, anamubwira ko hari igihe NTAMUHANGA Cassien azamuhamagara, asobanura ko hashize nk'icyumweru NIYIHOZA Patrick yabakoranyirije kuri Chapelle mu Gatsata ari nk'abantu icumi (10) barimo BYIRINGIRO Garno, MUSHIMIYIMANA Yves, SHIRAGAHINDA Ernest, KWITONDA Alex, NSHIMYUMUREMYI, NDAYISHIMIYE Clément na BURIGA, ko

MUNYENSANGA Martin yagomba kuza ariko ntiyaza, ahamagaye NTAMUHANGA Cassien ashyira telefone mu ijwi riranguruye ku buryo bose bumva, ko nyuma we yakomeje kujya avugana na NTAMUHANGA akamubaza uko abandi bameze, anamusaba kujya avugana na MUNYENSANGA Corbeau.

92. Rusanga yaranemeye ko hari ubwo bari kwa MUNYENSANGA, NTAMUHANGA Cassien arabahamagara ababwira ko ashaka ko bakoresha imizigo ashaka kuvuga ibisasu, ko kuva ubwo batangiye gupanga uburyo bazajya babijyana ku bigega bya lisansi, kuri parikingi ya Nyacyonga ugana Rusine, ku bigega bya Karuruma na Gatsata ariko bakamubwira ko bagiyeyo bagasanga bidashoboka nyamara ntaho bagiye, ko yanageze aho abasaba kujya kubishyira ahari ibyuma by'amashanyarazi (*transformateurs*) kubera ko yari yamenye ko akora mu kigo cy'amashanyarazi n'amazi cya EWSA ariko bakomeza kumubwira ko bagishakisha aho bazabishyira nyuma ababwira kuzishakira aho babishyira.

93. Rusanga NIYONKURU Emmanuel yaranemeye ko NTAMUHANGA Cassien yamwoherereje amafaranga ibihumbi makumyabiri (20.000 Fr) kuri telefone kugirango bazajye babasha kuvugana, ko yanamusabye gushaka abo Patrick yari yarashatse kugira ngo abe aribo bazajyana ibyo bisasu bitaga imizigo, nawe ashaka BYIRINGIRO Garno, MUSHIMIYIMANA Yves na UKURIKIYIMFURA Théoneste arabibabwira barabyemera, NTAMUHANGA ahita yohereza ibihumbi mirongo itandatu (60 000 Fr) yo gukodesha inzu, kugura ibiryo n'utundi dukoresho, uko ari bane (4) bashaka inzu ku Giti cy'inyonibamazemo amezi abiri (2), ko mbere y'uko bafatwa NTAMUHANGA Cassien yari yababwiye ko bitegura mu mezi atatu (3) ari bwo imizigo izabageraho ariko ko batari bazi uzabizana kuko yari yarababwiye ko uzabituritsa ahari, ko akazi kabo ari ukubitereka barangiza bagahungira mu gihugu cya Uganda bagakomereza mu gisirikare ariko ko atigeze ababwira ubwoko bw'ibisasu kuko yavugaga ko ari ibintu bitagoranye akabaha urugero ko ari nka radiyo bajya kuhatereka, ko ikigamijwe ari uguhungabanya umutekano wa Leta.

94. Rusanga hari n'aho yemera ko BYIRINGIRO Garno na MUSHIMIYIMANA Yves bagiye ku ruganda rukora inzoga yitwa Nguvu rwo ku Ruyenzi, kuri *Maison des Jeunes Kimisagara* no ku kigo cy'amashuli kiri mu mudugudu wa Gacuriro, we asura

Nyabugogo ku ibagiro no kuri kabine y'amashanyarazi ihari barangije baha NTAMUHANGA Cassien raporo.

95. Rusanga NIYONKURU Emmanuel abazwa mu bushinjacyaha kuwa 07/12/2018 yarongeye gusubira mu byo yari yemeye abazwa mu bugenzacyaha, yongera no kubyemera asaba imbabazi ubwo yaburanaga ibijyanye n'ifungwa n'ifungurwa ry'agateganyo.

96. BYIRINGIRO Garno nawe abazwa mu bugenzacyaha kuwa 29/11/2018 yemeye ibyo aregwa by'uko nyuma yo kwandikwa na BIZIMANA Terrance amubwira ko hari aho bakura amafaranga, bahuye na NIYIHOZA amubwira ko ari ugukora akazi ka gisirikare hanze y'igihugu anamuha izina rya Lingo n'irya Lazima ryo guha Bizimana, ko nyuma yavuganye n'umuntu kuri telefone yaje kumenya ko ari NTAMUHANGA Cassien abibwiwe na MUSHIMIYIMANA Yvesubwo bari mu nzu yari yabakodeshereje ku Giti cy'inyoni. Yanemeye ko yakomeje kujya avugana na NTAMUHANGA Cassien, ko yabohererezaga amafaranga yo kwishyura inzu n'ayo kubatunga n'uko yababwiye gushakisha ahantu hari za "*transfo*" z'umuriro n'ibigo bya Leta akazabohereza umuntu uzabafasha kuhatega ibisasu.

97. Rusanga abazwa mu bushinjacyaha kuwa 07/12/2018 nabwo yarasubiyemo ibyo yari yaravuze abazwa mu bugenzacyaha, yongera no kubyemera mu rukiko aburana ibirebana n'ifungwa n'ifungurwa ry'agateganyo.

98. Rusanga BIKORIMANA Wax Bonheur we abazwa mu bugenzacyaha kuwa 25/11/2018 yaravuze ko icyo yemeye ari uko yarangiye MUSHIMIYIMANA Yves bakoranaga mu igarajeinzu yo gukodesha aho yabaga ku Giti cy'inyoni, ko ibindi byo kuba bari bagiye kujya mu gisirikare cya NTAMUHANGA n'ibyo kureba ahazategwa ibisasu yabibwirwaga na BYIRINGIRIO Garno na MUSHIMIYIMANA Yves banamwumvishaga amajwi bavugana na Cassien ariko ko atagiye mu mugambi wabo. Rusanga anabazwa kuwa 27/12/2018 n'Ubushinjacyaha nabwo yarasubiye mu byo yari yaravuze mu bugenzacyaha yongera no kubisubiramo ubwo yaburanaga ibijyanye n'ifungwa n'ifungurwa ry'agateganyo aho yemeye ko icyo yakoze ari ukurangira abantu bane inzu yo kubamo bisanzwe ariko ko atari azi umugambi wabo.

99. Runasanga BIZIMANA Terrance abazwa mu bugenzacyaha kuwa 30/11/2018 yaremeye ko ari NIYIHOZA Patrick wamubwiye ko ashaka ko ajya mu gisirikarae cya NTAMUHANGA Cassien, amuha amazina ye na nomero y'indangamuntu nyuma amuzanira izina rya 044 B Lazima ryo kuzajya akoresha n'uko ategereza igihe NTAMUHANGA azamuhamagarira, ko bigeze kuwa 21/11/2018 NIYIHOZA Patrick yamuhamagaye amubwira ko bahurira Nyabugogo ahageze amuha amafaranga ibihumbi bitatu (3 000 Frw) y'itiki yo kujya Nyagatare, anamubwira ko ibindi abimenya ahageze aza gufatwa ataragera yo. Yanemeje ko nta gahunda yo gutega ibisasu yigeze amenyeshwa, ko atigeze avugana na NTAMUHANGA Cassien ari kumwe na bagenzi be kuko yavuganaga gusa na NIYIHOZA Patrick.

100. Rusanga anabazwa mu bushinjacyaha kuwa 7/12/2018 yarasubiye mu byo yavuze abazwa mu bugenzacyaha, akanongeraho ko NIYIHOZA Patrick yari yaramusabye gushaka abandi kugira ngo bazagende ari benshi maze abwira BYIRINGIRO Garno nawe wabwiye SHIRAGAHINDA Erneste , aburana ku bijyanye n'ifungwa n'ufungurwa yemera ibyaha akekwaho abisabira imbabazi.

101. Urukiko rusanga MUNYENSANGA Martin alias abazwa mu bugenzacyaha kuwa 30/11/2018 nawe yemeye ko ari NIYIHOZA Patrick wamubwiye ko hari umuntu ushaka kubaha akazi, amwaka nomero z'indangamuntu arazimuha, ko hashize icyumweru haje uwitwa SHIRAGAHINDA amuha telefone kugira ngo avugane na NTAMUHANGA Cassien wamubwiye ko ashaka kumuha misiyo yo kujya kuneka ku bigega bya lisansi byo mu Gatsata n'iby'i Jabana, uburyo amakamyo aba aparitse nawe amwemerera ko azajyayo ariko ntiyahajya, ko muri gahunda yo gutega ibisasu NTAMUHANGA Cassien yari yaramuhaye izina rya 053B Tinga aribwiwe na Patrick NIYIHOZA, ko muri iyo gahunda abo yabonye bari kumwe ari NIYIHOZA Patrick, NIYONKURU Emmanuel, UKURIKIYIMFURA Théoneste bita Sergent na SHIRAGAHINDA .

102. Rusanga abazwa mu bushinjacyaha kuwa 07/12/2018 yaravuzeko atemera kuba yaragiye mu nama yabereye kuri Chapelle, ko ibirebana no guturitsa ibisasu yivuganiye na NTAMUHANGA Cassien kuri telefone ya NIYONKURU Emmanuel amubwira ibyo kujya kuneka uko imodoka ziba ziparitse ku bigega ariko ko atagiye yo, ko ibyo kujya mu gisirikare yabibwiwe na NIYIHOZA Patrick mu kwezi kwa cumi.

Rusanga aburana ibirebana n'ifungwa n'ifungurwa ry'agateganyo yaravuze ko yemera ibyo akekwaho anabisabira imbabazi avuga aho yari yasabwe kujya kuneka ariko ko atagiyeyo.

103. Urukiko rusanga MUSHIMIYIMANA Yves abazwa mu bugenzacyaha kuwa 30/11/2018 nawe yaremeye ko hari ubwo yumvaga NIYONKURU Emmanuel na NIYIHOZA Patrick bavugana na NTAMUHANGA Cassien kuri telefone bose bumva ibyo avuga ariko we ku giti cye bakaba batarigeze bavugana, ko ari nabo yahaga gahunda kugiranga bajye bazibagezaho, ko muri gahunda yari yabahaye harimo gushaka aho bazashyira ibisasu hirya no hino mu Mujyi wa Kigali, ko we NIYONKURU Emmanuel yari yaramubwiye kuzabishyira kuri Maison des jeunes yo ku Kimisagara, naho BYIRINGIRO Garno akaba yari kujya kubishyira i Gacuriro ahantu hari kabine y'amashanyarazino, ku Ruyenzi ahari uruganda rwa Nguvu naho NIYONKURU Emmanuel yari gutega igisasu hafi ya OPROVIA ahari ibagiro rya Nyabugogo, UKURIKIYIMFURA Théoneste we yari atarabona aho azagishyira.

104. Yanavuze ko we, NIYONKURU Emmanuel, BYIRINGIRO Garno na UKURIKIYIMFURA Théoneste alias Sergent Kanguru bakodesherejwe inzu ku Giti cy'inyoni bishyuye mu mafaranga ibihumbi mirongo itandatu (60.000 Fr) yoherejwe na NTAMUHANGA Cassien banaguramo udukoresho tw'ibanze, ko yanababwiye ko gahunda yo gutega ibisasu nirangira hari aho azabajyana, ko ubwa kabiri yohereje amafaranga ibihumbi makumyabiri na bitanu (25.000 Fr) ayanyuza kuri BYIRINGIRO Garno naho andi ibihumbi mirongo itatu (30.000 Frw) anyuzwa kuri NIYONKURU Emmanuel wacungaga amafaranga yose yaboherezaga kuko yari umuyobozi. Rusanga yaranavuze ko izina rya Venus yarihawe na NIYIHOZA Patrick amubwira ko NTAMUHANGA Cassien naramuka amuhamagaye atazamuhamagara mu mazina ye kandi ko uko boherezaga nomero z'indangamuntu yahitaga abaha amazina.

105. Rusanga abazwa mu Bushinjacyaha kuwa 07/12/2018 yorongeye gusubiramo ibyo yari yaravuze mu bugenzacyaha, anaburana ibijyanye n'ifungwa n'ifungurwa ry'agateganyo yemera ibyaha akurikiranyweho anabisabira imbabazi.

106. Rusanga na NSHIMYUMUREMYI Jean Claude abazwa mu bugenzacyaha kuwa 30/11/2018 yaravuze ko NIYIHOZA Patrick ariwe wamuhamagaye amusaba

nomero z'irangamuntu amubwira ko agiye kumushyira mu gisirikare muri Uganda, ko yanagiye mu nama imwe yabereye mu murenge wa Jali ahitwa kuri Chapelle ahahurira na NIYONKURU Emmanuel, Kwitonda Alex, NIYIHOZA Patrick, ko abandi atabibuka ariko ko bageraga ku bantu umunani (8), ko muri iyo nama banamuhaye irindi zina rya Kayima na code 015B bamubwira ko ari aya gisirikare, banabasaba kugira amatelefone manini kugira ngo ajye ababona kuri whatsapp ariko ko atari azi uwo bazavugana ko yiyandikisha ari uko NIYIHOZA yari yaramubwiye ko azabonamo amafaranga aruta ay'ikiyende.

107. Abazwa mu bushinjacyaha kuwa 7/12/2018 yongeye gusubiramo ibyo yari yaravuze mu bugenzacyaha, no mu rukiko aburana ibijyanye n'ifungwa n'ifungurwa ry'agateganyo avuga ko yemera ibyo akurikiranyweho akabisabira imbabazi anenga NIYIHOZA Patrick wamenye ko ari igisirikare cya Ntamuhanga Cassien ntabimubwire.

108. RUTAGANDA Bosco nawe abazwa mu bugenzacyaha kuwa 30/11/2018 yavuze ko UKURIKIYIMFURA Theoneste alias Sergent Kanguru ari we wamubwiye ko NIYIHOZA Patrick ari kwandika abantu bazajya gukorera *boss*, amubajiije uwo ari we ntiyamumubwira, asubira ku ishuli ariko amusigira nomero ze za telefone n'iz'indangamuntu, anamubwira ko azamuha izina azajya yitwa muri ako kazi. Hari n'aho avuga ko ubwo yari ku ishuli yahamagarwaga na UKURIKIYIMFURA Théoneste na MUNYENSANGA Martin bamubwira ko hari ibyo bazavugana aje mu kiruhuko birimo imyiteguro na "match" bazimiza bashaka kuvuga imyiteguro y'ukuntu bazajya Uganda, yanavuze ko baje kumubwira ko boss bakorera ari NTAMUHANGA Cassien, bamubwira ko atari akazi ahubwo bazajya mu myitozo ya gisirikare, ko ibindi NTAMUHANGA Cassien azabibasobanurira bamaze kwambuka bageze Uganda, ko umugambi wo guhungabanya umutekano mu Rwanda ntawo yari azi.

109. Mu ibazwa rye mu bushinjacyaha kuwa 07/12/2008, yahakanye ko nta nama yagiyemo yabereye i Jali kuko yari ku ishuli ategura ibizami, ko n'ibyo gutega ibisasu ntabyo yamenye, ko bamwandika bamubwiraga ko ari akazi azakora mu gihugu cya Uganda nyuma yo kurangiza ikizamini cya Leta, ko uwamubwiye ko ari igisirikare ari UKURIKIYIMFURA Théoneste wanamuhamagaraga amubwira ko bafite "match" bisobanura inama ariko ko ntayo yitabiriye. Rusanga aburana ibijyanye n'ifungwa n'ifungurwa ry'agateganyo yaravuze ko yemera ibyaha akurikiranyweho

akanabisabira imbabazi kuko yatanze nimero z'irangamuntu azi ko ari akazi kandi ko atamerewe neza kubera ko yatanze amakuru.

110. Urukiko rusanga SHIRAGAHINDA Erneste abazwa mu bugenzacyaha kuwa 30/11/2018 yaravuze ko BYIRINGIRO Garno yamubajije niba agishaka kujya mu gisirikare nawe amubwira ko yabisabye ariko bamubwira ko abandi bagiye, amubwira ko ashobora kumujyana mu gisirikare cyo hanze y'igihugu, kugira ngo amwemeze ko bishoboka amwereka kode n'amazina y'abandi bantu yari afite barimo BIZIMANA Terrrance, NIYIHOZA Patrick, Yves na Clément n'undi atibuka, ko kugirango amenye ko ibyo BYIRINGIRO yamubwiye ari byo yabajije BIZIMANA nawe amubwira ko ari byo koko bagiye kujya mu gisirikare hanze ariko ko amakuru arenze ayo yayabaza Patrick, ko yagiye kumureba amubwira ko gahunda idapangirwa kuri telefone ko azajya amuhamagara akamubwira aho bazajya bahurira, amwaka nomero z'indangamuntu, yongera kumuhamagara amubwira ko bahurira ku ishuli i Jali kuri Chapelle, bahahurira ari abantu icyenda (9), bavuga ko abandi batabonetse, NIYIHOZA avugana na NTAMUHANGA Cassien wamusabye ko amuha umwe mu bari aho bakavugana, amuha uwitwa Clément ariko kuko yajijinganyaga kubera ko yari yasinze Patrick amwambura telefone ayihereza Byiringiro ngo abe ari we bavugana, ko ari Yves wamubwiye ko uwo bavuganaga ari NTAMUHANGA Cassien, ko nyuma yashatse nomero ze kugira ngo amwibarize ibijyanye n'ako kazi barazimwima.

111. Yanavuze ko we na BIZIMANA Terrance bibazaga impamvu abandi bakodesherejwe inzu bakabona ibintu byose bakeneye ari ko bo ntacyo bababwiraga, ko gahunda yo gutera ibisasu ntayo yari azi ariko ko BYIRINGIRO Garno yigeze kumubwira ko bajyana kureba uruganda rukora inzoga yakoragamo hirya ya Kinyoni ngo kuko hari umusirikare uzaza kurureba akarutwika nawe amubwira ko ibyo bintu bizamukoraho, anamubwira ko bagenzi be bafite ibindi bakora, ko we yanamubwiye ko niba atari igisirikare bamwemereye ibindi azabivamo.

112. Rusanga abazwa mu Bushinjacyaha kuwa 07/12/2018 yarasubiyemo ibyo yari yaravuze abazwa mu bugenzacyaha, aburana mu rukiko ibijyanye n'ifungwa n'ifungurwa ry'agateganyo yavuze ko yemera ibyo yari yaravuze, abisabira imbabazi avuga ko yavugishije ukuri kwari kumurimo kuva afatirwa mu nzira, ko Patrick

yamushyizeho iterabwoba amubwira ko naramuka abivuyemo ko we n'umuryango we bazicwa.

113. Rusanga UKURIKIYIMFURA Théoneste we abazwa mu bugenzacyaha kuwa 29/11/2018 yavuze ko Patrick yamubwiye ko afite umubosi (boss) w'umunyakenya wubakisha ushaka gutanga akazi, amubwira ko icyihutirwa ari ugutanga nomero z'indangamuntu no kumufotora, ko agumye kumubaza iby'akazi yamubwiye ko umubosi yamubwiraga ari NTAMUHANGA Cassien, amubaza akazi azabaha ariko uwo munsi ntiyahita akamubwira ahubwo amubwira ko hari bagenzi be bazagafatanya barimo BYIRINGIRO Garno, NIYONKURU, Yves Venus, ko yongeye guhura na Patrick amubwira ko izina rye ry'akazi ryabonetse ari Kanguru anamusobanurira ko ari ukuzajya mu mitwe yitwara gisirikare hanze ariko ko atamubwiye igihugu icyo ari cyo, ko andi makuru azajya ayahabwa n'abasore bakodeshereza ku Kinyoni. Rusanga anavuga ko yahagiye yakirwa na Byiringiro Garno asanga afite telefone ya NTAMUHANGA Cassien ahita amuhamagara ngo abe ari we umwibwirira uko akazi gateye ariko telefone iranga, ko amakuru yo kujya mu gisirikare hanze y'igihugu Byiringiro Garno yamuhaye yahuye n'ayo yari yarahawe na Patrick.

114. Yanavuze ko yakomeje akazi yakoraga kuri City tower naho Patrick we akomeza guhuza Garno, Ringo, Yves na Venus na Erungu Niyonkuru akabagezaho gahunda yahawe na Cassien, bakajya bamuhamagara bamubwira ko "boss" amukenera ntaboneke, akabasubiza ko ava ku kazi bwije, ko rimwe yagiye kubareba ku Giticyinyoni ahasanga Garno wenyine ahamagara NTAMUHANGA Cassien arabahuza amubaza niba ibintu azohereza barateguye aho bazabishyira, Garno amusobanurira ko ari ibisasu bimeze nk'uturadiyo, ko hari umuntu uzoherezwa na NTAMUHANGA Cassien uzajya arambika igisasu aho bamweretse, ko yabwiye Byiringiro ko ako kazi kamukomereye mu gitondo azinduka ajya ku kazi ke ntiyongera gutekereza aho gutega ibisasu kugeza afashwe. Yavuze kandi ko ibyo bisasu NTAMUHANGA yari kubyohereza biturutse hanze bikazana n'umutekinisiye wo kubitega, yamara kubitega akabategera bakajya hanze y'igihugu kuko yari yaraporogaramye muri *computer* uburyo azabituritsa batakiri mu Rwanda, ko bo misiyo bari bafite ari iyo gushaka ahantu hazaterekwa ibisasu hagendanye n'amashanyarazi na cabine kuri sitasiyo za lisansi, ko ari byo yabwiwe na Byiringiro Garno. Yanavuze ko uretse iminsi ibiri yabasanze ku Giticyinyoni, nta wundi munsi

yigeze ahura nabo ariko ko bo bahuraga incuro nyinshi bahujwe na Patrick wari ushinzwe gushaka abantu bo gushyira muri ibyo bikorwa(*recrutement)*.

115. Rusanga UKURIKIYIMFURA abazwa mu bushinjacyaha kuwa 07/12/2018yarasubiyemo ibyo yari yaravuze mu Bugenzacyaha ariko yongeraho ko amaze kuvugana na NTAMUHANGA Cassien yasanze akazi yamubwiye ko gutega ibisasu bimeze nka radiyo kanyuranye n'ako Patrick yari yamubwiye ko azagahabwa n'umuntu wubakisha w'umunyakenya. Aburana mu rukiko ibijyanye n'ifungwa n'ifungurwa ry'agateganyo yavuze ko yemera ibyo aregwa akanabisabira imbabazi ko icyo yongera kubyo yavuze mu bushinjacyaha no mu bugenzacyaha ari uko yavuganye na NTAMUHANGA Cassien kandi ko Patrick ari we yahaye nomero z'irangamuntu aranamufotora, ko bavugaga ko bazahabwa akazi n'umunyakenya.

116. Urukiko rusesenguye imvugo za NIYIHOZA Patrick, NIYONKURU Emmanuel, BYIRINGIRO Garno, MUNYENSANGA Martin na MUSHIMIYIMANA Yves, rusanga ibyo bemeye mu iperereza, bongera no kubyemera baburana ibijyanye n'ifungwa n'ifungurwa ry'agateganyo banabisabira imbabazi by'uko NTAMUHANGA Cassien yabasabye gushaka ahantu hari ibikorwa remezo barabyemera, bajya kuhareba n'uko yabohererezaga amafaranga yo gukodesha inzu no kubatunga ari ibimenyetso bidashidikanywaho bigaragaza ko bumvikanye na NTAMUHANGA Cassien ku mugambi we wo gutega ibisasu ahari ibikorwa remezo mu Mujyi wa Kigali.

117. Rugasanga rero imiburanire yabo yo guhakana ibyo baregwa by'uko bumvikanye na NTAMUHANGA Cassien kuri gahunda yo gutega ibisasu babyemeye mu iperereza babitewe n'agahato bashyizweho no kurengera ubuzima bwabo nta shingiro ifite kubera ko NIYIHOZA Patrick aburana urubanza mu mizi yemeye ko hari abasore yashatse abisabwe na NTAMUHANGA Cassien nabo bemera ko ari uko byagenze ndetse NIYONKURU Emmanuel, BYIRINGIRO Garno, MUSHIMIYIMANA Yves na MUNYENSANGA Martin babazwa mu iperereza bakaba barahurije ku kuba baravuganye na NTAMUHANGA Cassien ibijyanye no gutega ibisasu ahari ibikorwa remezo n'uko yabishyuriye inzu ku Giticyinyoni yo kubamo, akanabagurira ibibatunga.

118. Byongeye kandi ibyo bemeye bishimangirwa n'uko hagati yabo bagenda bashinjanya nk'aho UKURIKIYIMFURA Théoneste avuga ko yamenye ko gahunda barimo yari iyo gutega ibisasu n'uko NIYIHOZA Patrick ari we wahuzaga BYIRINGIRO Garino alias Lingo, MUSHIMIYIMANA Yves alias Venus na NIYONKURU Emmanuel alias Elungu. MUSHIMIYIMANA Yves nawe abazwa mu ipereza akaba yaravuze ko NTAMUHANGA Cassien yavuganaga na NIYIHOZA Patrick na NIYONKURU Emmanuel, ko ari nabo yahaga gahunda kugira ngo bazibagezeho, agashinja NIYONKURU Emmanuel kuba ariwe wamubwiye aho azashyira igisasu, anabibwira BYIRINGIRO Garno, ko nawe hari aho yagombaga kubishyira. Runasanga NDAYIZERA Phocas abazwa mu iperereza nawe yaravuze ko NTAMUHANGA Cassien yari yaramubwiye ko *dynamites* nizimara gutunganywa na KARANGWA azasizishyikiriza Elungu, urukiko rugasanga iryo zina ari iryari ryarahawe NIYONKURU Emmanuel.

119. Urukiko rusanga uretse ibyo MUNYENSANGA Martin yemeye ko yavuganye na NTAMUHANGA Cassien by'uko yagombaga gushaka ahazategwa ibisasu akabyemera ariko ntajyeyo, anashinjwa na NIYONKURU Emmanuel wavuze ko hari ubwo bari kwa MUNYENSANGA, NTAMUHANGA Cassien arabahamagara ababwira ko ashaka ko bakoresha imizigo ashaka kuvuga ibisasu, ko kuva ubwo batangiye gupanga uburyo bazajya babijyana ku bigega bya lisansi, kuri parikingi ya Nyacyonga ugana Rusine n'ahandi, hakaba n'aho NIYONKURU Emmanuel yemeza ko NTAMUHANGA Cassien yari yaramusabye kuzajya avugana na MUNYENSANGA.

120. Urukiko rugasanga ibisasu bivugwa byari gutegwa ku bikorwa remezo ari ibyo NTAMUHUNGA Cassien yari yoherereje NDAYIZERA Phocas, wari kubishyikiraza NIYONKURU Emmanuel wari warahawe izina rya Elungu nyuma y'uko KARANGWA Eliakim amaze gukora *system* y'uburyo byaturitswa batabyegereye nk'uko bishimangirwa n'imvugo za UKURIKIYIMFURA Théoneste wavuze ko yabwiwe na BYIRINGIRO Garno ko ibyo bisasu NTAMUHANGA Cassien yari kubyohereza biturutse hanze bikazana n'umutekinisiye wo kubitega, yamara kubitega akabategera imodoka bakajya hanze y'igihugu kuko yari yaraporogaramye muri mudasobwa uburyo azabituritsa batakiri mu Rwanda, ko bo misiyo bari bafite ari iyo gushaka ahantu hazaterekwa ibisasu hagendanye n'amashanyarazi na kuri sitasiyo za lisansi.

121. Urukiko rurebye ariko ibimenyetso bishingirwaho haregwa BIKORIMANA Wax Bonheur, RUTAGANDA Bosco, BIZIMANA Terrance, NSHIMYUMUREMYI Jean Claude, SHIRAGAHINDA Erneste na UKURIKIYIMFURA Théoneste, rusanga bitagaragaza mu buryo budashidikanywaho uruhare bagize mu byaha baregwa kuko kubireba BIKORIMANA Wax Bonheur bitagaragaza ko yari mu mugambi wa NTAMUHANGA Cassien wo gutega ibisasu ku bikorwa remezo cyangwa ari mu banditswe na NIYIHOZA Patrick abisabwe na NTAMUHANGA cyane cyane ko kuva mu iperereza kugera aburana mu rukiko icyo yemeye ari uko yarangiye MUSHIMIYIMANA Yves inzu nk'umuntu bari basanzwe bakorana, hakaba nta n'umushinja kuba hari ibindi bikorwa mu byo bakurikiranyweho bakoranye.

122. Rusanga na RUTANGANDA Bosco n'ubwo yanditswe mu bari gushakirwa akazi na NIYIHOZA Patrick ariko ikigaragara ari uko atari azi ko ari ukumushyira mu mugambi wo guhugabanya umutekano hategwa ibisasu ku bikorwa remezo kuko kuva mu iperereza kugeza aburana mu rukiko urubanza mu mizi yahakanye ibyo kuba yari azi umugambi wa NTAMUHANGA Cassien wo gutega ibisasu, hakaba nta n'umushinja ko yagize uruhare muri ibyo bikorwa.

123. Rusanga nanone nubwo BIZIMANA Terrance, NSHIMYUMUREMYI Jean Claude na SHIRAGAHINDA Erneste banditswe na NIYIHOZA Patrick ababwira ko agiye kubashakira akazi, bakanitabira inama zabereye i Jali kuri Chapelle ariko, rusesenguye imiburanire yabo n'imvugo zabo zo mu iperereza n'ibyo bavuze baburana ibijyanye n'ifungwa n'ifungurwa ry'agateganyo, rusanga nta kimenyetso kigaragaza ko bari muri gahunda yo gutega ibisasu ku bikorwa remezo, hakaba nta n'ikigaragaza ko igihe bandikwaga na NIYIHOZA Patrick yabasobanuriye ko akazi yababwiraga ari ako kujya mu gisirikare hanze y'igihugu, hakaba nta n'ikigaragaza ko hari imikoranire yihariye bagiranye na NTAMUHANGA Cassien haba mu kuvugana cyangwa kwandikirana ndetse mu bo bareganwa hakaba ntawe ubashinja ko bari muri gahunda yo gutega ibisasu.

124. Urukiko rusanga nubwo UKURIKIYIMFURA Théoneste nawe yanditswe na NIYIHOZA Patrick amubwira ko ari ukujya mu mitwe yitwara gisirikare ariko urukiko rurasanga nta ruhare yagize mu mugambi wo gutega ibisasu kuko ikigaragara mu mvugo ze ari uko yakomeje gushakisha amakuru gusa, abwirwa na BYIRINGIRO

Garno ko akazi NTAMUHANGA Cassien abasaba gukora ari ugutega ibisasu ariko ko iyo gahunda atayemeye kubera ko avuga ko uyu amaze kubimusobanurira we yamubwiye ko ako kazi kamukomereye arigendera akomeza gukora akazi yakoraga. Iby'uko atabyemeye bishimangirwa n'imvugo zo mu Bugenzacyaha za MUSHIMIYIMANA Yves agaragaza aho NIYONKURU Emmanuwel yababwiraga kuzashyira ibisasu n'uko UKURIKIYIMFURA Théoneste atahawe aho azagishyira. Rugasanga rero nubwo NIYONKURU Emmanuel abazwa mu iperereza yavuze ko UKURIKIYIMFURA Théoneste yari mu bo yari yarashatse bo kuzatega ibisasu bitaga imizigo ariko ikigaragaza ko atabyemeye ari uko we ntaho yamuhaye ho kuzabitega nk'uko yabikoze ku bandi.

125. Bityo hashingiwe ku biteganywa n'ingingo ya 111 y'Itegeko Nº 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha iteganya ko gushidikanya biregera ushinjwa[7], urukiko rurasanga BIKORIMANA Wax Bonheur, BIZIMANA Terrance, NSHIMYUMUREMYI Jean Claude, SHIRAGAHINDA Erneste, RUTAGANDA Bosco n'UKURIKIYIMFURA Théoneste badahamwa n'ibyaha baregwa

126. Urukiko rurasanga ibyo ubushinjacyaha buvuga ko abanditswe na NIYIHOZA Patrick abisabwe na NTAMUHANGA Cassien byari mu rwego rwo kubohereza mu myitozo y'igisirikare cya RNC cyangwa icya NTAMUHANGA muri Repubulika iharanira demokarasi ya Congo cyangwa mu mitwe y'iterabwoba ntaho urukiko rwabishingira rubyemeza kuko Ubushinjacyaha butasobanuye neza ku buryo budashidikanywaho ko icyo gisirikare bari kujyanwamo ari icya RNC koko cyangwa ngo basobanure imutwe y'iterabwoba bari kujyamo iyo ari yo. Kuba kandi hari abafashwe berekeza i Nyagatare ubwabyo bikaba bitaba ikimenyetso kigaragaza byanze bikunze ko aho bari bagiye ari muri icyo gisirikare cyangwa muri iyo mitwe y'iterabwoba.

127. Urukiko runasanga n'ibyo ubushinjacyaha buvuga ko NIYIHOZA Patrick yahurizaga hamwe bamwe mu baregwa i Jali ahitwa kuri Chapelle bagakora inama kuri telephone bahabwa inshingano na NTAMUHANGA Cassien zo kujya gushaka

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[7]Ingingo ya 111 y'Itegeko Nº 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha ivuga 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.

amakuru y'ahazategwa ibisasu nabyo nta kimenyetso kibigaragaza kuko harebwe imvugo zo mu iperereza z'abaregwa nta kigaragaza ko ubwo bari muri izo nama hari ibyo NTAMUHANGA yabasabye gukora cyane cyane ko hari n'abavuga ko batamenye ko ari we bavuganaga ahubwo izo mvugo zabo zikaba zigaragaza ko hari abo yagiye yihamagarira akabagezaho iyo gahunda irebana no gutega ibisasu nka NIYONKURU Emmanuel wasobanuye ko yamusabye gushaka mubasore bari baranditswe mbere na NIYIHOZA.

128. Urukiko rurebye ibikorwa byakozwe na NTAMUHANGA Cassien, NDAYIZERA Phocas, KARANGWA Eliakim, NIYIHOZA Patrick, NIYONKURU Emmanuel, BYIRINGIRO Garno, MUSHIMIYIMANA Yves na MUNYENSANGA Martin, rusanga bigize icyaha cyo gucura umugambi wo gukoresha binyuranyije n'amategeko ikintu giturika ahantu hakoreshwa na rubanda n'icyaha cyo kugambana gukora igikorwa cy'iterabwoba. Rusanga ariko nta kimenyetso kigaragaza ko hari uwashishikarije abandi gukora iterabwoba kuko ibikorwa byakozwe byari ari ibyo kugambana bumvikana uko hazakorwa *system* yo guturitsa ibisasu by'intambi hakoreshejwe telefone igendanwa no gushakisha amakuru y'aho bazabitega.

129. Hashingiwe ku biteganywa n'ingingo ya 2 4º y'Itegeko nº 46/2018 ryo ku wa 13/08/2018 ryavuzwe, rusanga badahamwa n'icyaha cyo gucura umugambi wo kugirira nabi ubutegetsi buriho cyangwa kubuhirika hakoreshejwe intambara cyangwa izindi mbaraga zose giteganywa n'ingingo ya 202 y'Itegeko Nº68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange kuko ibyo byaha bibahama byihariye kandi bikaba byarakozwe mu mugambi wo gukora iterabwoba harebwe uburyo bateganyaga gutega ibisasu ahantu hahurira abantu benshi, nko kuri za kabine z'amashanyarazi, ku bigega bya lisansi n'ahandi bigaragaza ko nta kindi bari bagamijwe uretse gukanga no gutera ubwoba rubanda.

130. Icyaha cyo gucura umugambi wo gukoresha binyuranyije n'amategeko ikintu giturika ahantu hakoreshwa na rubanda giteganywa n'ingingo ya 24 y'Itegeko nº 46/2018 ryo ku wa 13/08/2018 ryerekeye kurwanya iterabwoba[8] n'iya 20 y'Itegeko

[8] Ingingo ya 24 y'Itegeko nº 46/2018 ryo ku wa 13/08/2018 ryerekeye kurwanya iterabwoba ivuga ko : "Umuntu utanga, utega, ujugunya cyangwa uturitsa ikintu giturika cyangwa ikindi kintu gihumanya, mu buryo bunyuranyije n'amategeko ahantu hakoreshwa na rubanda, agamije igikorwa cy'iterabwoba, aba akoze icyaha. Iyo abihamijwe

Nº68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange iteganya ko gucura umugambi wo gukora icyaha ari ubwumvikane hagati y'abantu babiri (2) cyangwa benshi bugamije gukora icyaha, cyakorwa n'umwe cyangwa benshi muri bo n'uko gucura umugambi wo gukora icyaha bihanishwa igihano giteganyirijwe icyaha cyacuriwe umugambi naho ingingo ya 2 agace ka 1º na 5º y'Itegeko nº 46/2018 ryo ku wa 13/08/2018 ryavuzwe igasobanura icyo ahantu hakoreshwa na rubanda aho ari ho n'ikintu giturika icyo ari cyo.

131. Rusanga ibyerekeranye no guhana abakora iterabwoba hakoreshejwe ibisasu biturika binateganywa n'Amasezerano Mpuzamahanga yerekeranye no guhana abakora iterabwoba rikoreshwa ibisasu biturikana ingufu yemejwe n'inama Rusange y'Umuryango w'abibumbye kuwa 15/12/1997, anemezwa burundu n'Iteka rya Perezida nº 40/01 ryo kuwa 14/04/2002.

132. Rusanga icyaha cy'ubugambanyi no gushishikariza gukora iterabwoba giteganywa n'ingingo ya 20 y'Itegeko nº 46/2018 ryo ku wa 13/08/2018 ryerekeye kurwanya iterabwoba. Urukiko rusesenguye ibiteganywa n'iyi ngingo rusanga ihana umuntu ukoze ubugambanyi mu buryo buziguye cyangwa butaziguye mu gukora ibikorwa by'iterabwoba. Runasanga ubugambanyi ari ubwumvikane bukozwe hagati y'abantu barenze umwe kugira ngo bakore kimwe mu bikorwa by'iterabwoba, bakanumvikana ku buryo buzakoreshwa bagikora nk'uko byasobanuwe mu rubanza rwaciwe n'urugereko rw'ubujurire rw'urukiko rwihareye rwo muri Liban[9].

- **Ibyerekeranye n'ibihano**

133. Ubushinjacyaha busaba ko NTAMUHANGA Cassien, NDAYIZERA Phocas, KARANGWA Eliakim, NIYIHOZA Patrick, NIYONKURU Emmanuel, BYIRINGIRO Garno, BIKORIMANA Wax Bonheur, BIZIMANA Terrance MUNYENSANGA Martin, MUSHIMIYIMANA Yves, NSHIMYUMUREMYI Jean Claude, SHIRAGAHINDA Erneste, UKURIKIYIMFURA Théoneste na RUTAGANDA Bosco bahamwa n'ibyaha bakurikiranyweho, buri wese agahanishwa igifungo cya burundu giteganyirijwe icyaha

n'urukiko, ahanishwa igifungo kitari munsi y'imyaka makumyabiri (20) ariko kitarenze imyaka makumyabiri n'itanu (25)".

[9] STL-17-07/1/AC/R176 bis du 18/10/2017 de la Chambre d'appel du Tribunal spécial pour le Liban, p.85 & 86.

kiremereye kurusha ibindi mu byo baregwa aricyo cyo gucura umugambi wo kugirira nabi ubutegetsi buriho cyangwa kubuhirika hakoreshejwe intambara cyangwa izindi mbaraga zose kubera ko ibyaha bakurikiranyweho bigize impurirane y'imbonezamugambi nk'uko biteganywa ingingo ya 62 y'Itegeko nº 68/2018 ryo kuwa 30/08/2018 riteganya ibyaha n'ibihano muri rusange.

134. Bugasobanura ko igihano basaba bagishingira ku byemejwe mu rubanza rwa MUSHAYADI Deo rwaciwe n'Urukiko rw'Ikirenga no ku nyandiko z'abahanga mu mategeko aho bagaragaza ko n'ubwo ibikorwa byaba bitarateje umuntu akaga kari kagenderewe bitatuma ibikorwa byakozwe bigabanyirizwa ubukana cyangwa uburemere, ko kuba ibisasu abaregwa bari bagamije gutega no guturitsa mu rwego rwo kwica abantu no kwangiza ibikorwa remezo, bitaraturikijwe ngo biteze ako kaga, bitambura namba ubukana n'ububi bw'ibyaha baregwa.

135. Abaregwa bitabye urukiko bavuze ko bagomba kugirwa abere kubera ko ubushinjacyaha butagaragaje ibimenyetso by'ibyaha bubarega. NTAMUHANGA Cassien we ntiyitabye urukiko kugira ngo agire icyo avuga ku bihano yasabiwe.

- **Uko urukiko rubibona**

136. Urukiko rusanga nk'uko byasobanuwe NTAMUHANGA Cassien, NDAYIZERA Phocas, KARANGWA Eliakim, NIYIHOZA Patrick, NIYONKURU Emmanuel, BYIRINGIRO Garno, MUSHIMIYIMANA Yves na MUNYENSANGA Martin bahamwa n'icyaha cyo gucura umugambi wo gukoresha binyuranyije n'amategeko ikintu giturika ahantu hakoreshwa na rubanda n'icyaha cyo kugambana gukora igikorwa cy'iterabwoba. Urukiko rusanga ibyo byaha bigize impurirane y'imbonezamugambi kuko byakozwe mu mugambi umwe wo gukora iterabwoba hategwa ibisasu ahari ibikorwa remezo.

137. Urukiko rusanga ingingo ya 24 igika cya 2 y'Itegeko nº 46/2018 ryo ku wa 13/08/2018 ryavuzwe ihanisha igifungo kitari munsi y'imyaka makumyabiri (20) ariko kitarenze imyaka makumyabiri n'itanu (25) umuntu uhamwe n'icyaha cyo gukoresha binyuranyije n'amategeko ikintu giturika ahantu hakoreshwa na rubanda naho iya 20 yaryo igahanisha ibihano nk'ibyo umuntu wahamwe n'icyaha cyo kugambana gukora

igikowa cy'iterabwoba. Bityo kuba NTAMUHANGA Cassien, NDAYIZERA Phocas, KARANGWA Eliakim, NIYIHOZA Patrick, NIYONKURU Emmanuel, BYIRINGIRO Garno, MUSHIMIYIMANA Yves na MUNYENSANGA Martin bahamwa n'ibyo byaha byombi bigize impurirane mbonezamugambi, hashingiwe ku biteganywaga n'ingingo ya 62 igika cya mbere y'Itegeko nº68/2018 ryo kuwa 30/08/2018 riteganya ibyaha n'ibihano muri rusange buri wese akaba yagombaga guhanishwa igifungo kitari munsi y'imyaka makumyabiri (20) ariko kitarenze imyaka makumyabiri n'itanu (25) kubera ko ibihano biteganyijwe n'itegeko kuri ibyo byaha byombi bingana[10].

138. Rugasanga nubwo ingingo ya 60 igika cya mbere agace ka kabiri y'Itegeko nº 68/2018 ryo kuwa 30/08/2018 ryavuzwe ibuza umucamanza gutanga igihano kiri munsi y'igihano gito ntaregwa giteganyirijwe icyaha cyakozwe mu gihe hari impamvu nyoroshyacyaha ariko urukiko rusanga NDAYIZERA Phocas, KARANGWA Eliakim, NIYIHOZA Patrick, NIYONKURU Emmanuel, BYIRINGIRO Garno, MUSHIMIYIMANA Yves na MUNYENSANGA Martin bakwiye kugabanyirizwa igihano kuko rusanga ibyaha bibahama byari bikiri ku rwego rwo gucura umugambi, hakaba nta n'ingaruka zikomeye byateye. Ikindi kandi kuba hari intera nto hagati y'igifungo cy'imyaka makumyabiri (20) n'igifungo cy'imyaka makumyabiri n'itanu (25), rusanga kutajya munsi y'igihano gito giteganyijwe kandi hari impamvu nyoroshyacyaha binyuranye n'amahame y'ubutabera buboneye n'ubwigenge bw'umucamanza. Bityo rero bakaba bahanishwa igifungo cy'imyaka icumi (10).

139. Urukiko rusanga ibyo kugabanya igihano mu gihe hari impamvu nyoroshyacyaha kandi nta ntera nini iri hagati y'igihano gito n'ikiri hejuru rubishingira ku byemejwe mu rubanza rw'ubushinjacyaha na NZAFASHWANIMANA Jean de Dieu rwaciwe n'urukiko rw'ubujurire[11] rushingiye ku rubanza RS/INCONST/SPEC 00003/2019/SC rwo ku wa 04/12/2019 rwaciwe n'Urukiko rw'Ikirenga aho rwasanze kutagabanya ibihano bito biteganyijwe n'itegeko byagira ishingiro gusa iyo intera iri hagati y'igihano gito n'ikiri hejuru ari ndende naho mu gihe iyo ntera ari nto ubwabyo

[10]Ingingo ya 62 igika cya 1 y'Itegeko nº 68/2018 ryo kuwa 30/08/2018 riteganya ibyaha n'ibihano muri rusange ivuga ko : "Mu gihe cy'impurirane mbonezamugambi ivugwa mu gace ka mbere k'igika cya 3 cy'ingingo ya 61 y'iri tegeko, umucamanza atanga ibihano byateganyirijwe icyaha kirushije ibindi gukomera" naho iya 61 igika cya 3 1º ikavuga ko : "Impurirane mbonezamugambi ibaho iyo: 1 º igikorwa kimwe ubwacyo gikubiyemo ibyaha byinshi".
[11]RPAA 00032/2019/CA MP C/ NZAFASHWANIMANA Jean de Dieu rwaciwe n'Urukiko rw'Ubujurire kuwa 28/02/2020, igika cya 18.

bibuza guhuza igihano n'icyaha cyakozwe, inyungu z'uwahohotewe, iza rubanda n'iz'uregwa n'uko ingingo ya ingingo ya 60 igika cya mbere, agace ka kabiri(2) yavuzwe ibuza urukiko kujya munsi y'igihano gito giteganyijwe mu gihe hari impamvu nyoroshyacyaha idakwiye gukoreshwa kuko inyuranye n'amahame y'ubutabera buboneye n'ubwigenge bw'umucamanza.

140. Rusanga NTAMUHANGA Cassien we atagomba kugabanyirizwa igihano kuko ari we watangije ubugambanyi bwo gukora iterabwoba hakoreshejwe gutega no guturitsa ibisasu ahantu hakoreshwa na rubanda, akaba agomba guhanishwa igihano cy'igifungo cy'imyaka makumyabiri n'itanu (25).

141. Runasanga BIKORIMANA Wax Bonheur, BIZIMANA Terrance, NSHIMYUMUREMYI Jean Claude, SHIRAGAHINDA Erneste, RUTAGANDA Bosco n'UKURIKIYIMFURA Théoneste bo badahamwa n'ibyaha baregwa.

III. ICYEMEZO CY'URUKIKO

142. Rwemeje ko NTAMUHANGA Cassien, NDAYIZERA Phocas, KARANGWA Eliakim, NIYIHOZA Patrick, NIYONKURU Emmanuel, BYIRINGIRO Garno, MUSHIMIYIMANA Yves na MUNYENSANGA Martin bahamwa n'icyaha cyo gucura umugambi wo gukoresha binyuranyije n'amategeko ikintu giturika ahantu hakoreshwa na rubanda n'icyaha cy' ubugambanyi bwo gukora igikorwa cy'iterabwoba.

143. Rwemeje ko badahamwa n'icyaha cyo gucura umugambi wo kugirira nabi ubutegetsi buriho cyangwa kubuhirika hakoreshejwe intambara cyangwa izindi mbaraga zose.

144. Ruhanishije NTAMUHANGA Cassien igifungo cy'imyaka makumyabiri n'itanu (25).

145. Ruhanishije NDAYIZERA Phocas, KARANGWA Eliakim, NIYIHOZA Patrick, NIYONKURU Emmanuel, BYIRINGIRO Garno, MUSHIMIYIMANA Yves na MUNYENSANGA Martin buri wese igifungo cy'imyaka icumi (10).

146. Rwemeje ko BIKORIMANA Wax Bonheur, BIZIMANA Terrance, NSHIMYUMUREMYI Jean Claude, SHIRAGAHINDA Erneste, RUTAGANDA Bosco n'UKURIKIYIMFURA Theoneste badahamwa n'ibyaha baregwa.

147. Rutegetse ko bahita barekurwa urubanza rukimara gusomwa.

148. Ruvuze ko abahamwe n'ibyaha basonewe amagarama kuko baburana bafunze.

149. Rwibukije ko kujurira bikorwa mu gihe kitarenze iminsi mirongo itatu (30) uhereye igihe urubanza ruciriweho.

NI UKO RUKIJIJWE KANDI RUSOMEWE MU RUHAME NONE KUWA 06/05/2021.

Sé/
Perezida
MUHIMA Antoine

Sé/	**Sé/**
Umucamanza	**Umucamanza**
NDAGIJIMANA Eugène	**MUKAMURENZI Béatrice**

Sé/
Umwanditsi w'urukiko
NSENGIMANA Boniface