REPUBULIKA Y'U RWANDA

URUKIKO: TB KAMEMBE

P.O.B: …………………

INYANDIKO IMENYESHA IMIKIRIZE Y'URUBANZA URUBANZA RWACIRIWE UMUNTU WIHISHE CYANGWA WATOROTSE UBUTABERA.

Umwaka w'Ibihumbi bibili na makumyabili na gatatu, umunsi wa 13, ukwezi kwa Mata.

Twebwe NSHIMIYIMANA Theophile, Umwanditsi Mukuru w'Urukiko rw'Ibanze rwa KAMEMBE;

Tumaze kubona urubanza RP 00228/2022/TB/KMB Ubushinjacyaha ku rwego rw'Ibanze rwa Kamembe bwaregagamo abitwa: Elizafani NIYONSABA, KWIZERA Jean de Dieu, NZASABAMUNGU Philiminin, Philbert NTIHINYURWA na Valens RUKUNDO icyaha cyo Kwiba bifite impamvu nkomezacyaha; rwaciwe kuwa 11/042022;

Tumaze kubona ko muri urwo rubanza uwitwa KWIZERA Jean de Dieu yakuriranwaga nk'uwatorotse cyangwa uwihishe ubutabera;

Dushingiye ku ngingo 165 y'itegeko N° 027/2019 ryo kuwa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha ivuga ko Ingingo z'ingenzi z'urubanza Rwaciriwe uwatorotse cyangwa wihishe ubutabera zitangazwa ku rubuga rwa interineti rw'Urwego rw'ubucamanza, urw'Ubushinjacyaha Bukuru n'urw'Urwego rw'Igihugu rushinzwe Ubugenzacyaha, zikanamanikwa no ku rukiko rwaciye urubanza;

DUTANGAJE ingingo z'ingenzi z'urwo rubanza RP 00228/2022/TB/KMB mu buryo bukurikira:

URUKIKO RW'IBANZE RWA KAMEMBE, RURI I KAMEMBE KU CYICARO CYARWO, RUHABURANISHIRIZA IMANZA Z'INSHINJABYAHA KU RWEGO RWA MBERE, RUHAKIRIJE MU RUHAME URUBANZA RP 00228/2022/TB/KMB NONE KUWA 11/04/2023 MU BURYO BUKURIKIRA:

HABURANA:

UREGA: UBUSHINJACYAHA ku Rwego rw'Ibanze buhagarariwe na MUTATSINEZA Evanys

na

ABAREGWA:

1. NIYONSABA Elizaphan mwene Ndagijimana Gaston na Nyirahakizimana Jacqueline, wavutse mu 1997 mu mudugudu wa Gisovu, akagari ka Gatereri, umurenge wa Butare, akarere ka Rusizi, intara y'Uburengerazuba; atuye mu mudugudu wa Ntwari, akagari ka Cyangugu, umurenge wa Kamembe, akarere ka Rusizi, intara y'Uburengerazuba; ni umunyarwanda; akora akazi k'ubusekirite; ntacyo atunze; ni ingaragu; nta cyaha arahanirwa n'inkiko bizwi.

2. RUKUNDO Valens mwene Sezibera Athanase na Mukandutiye Philomene, wavutse mu 1986 mu mudugudu wa Kaninda, akagari ka Gahungeri, umurenge wa Gitambi, akarere ka Rusizi, intara y'Uburengerazuba; atuye mu mudugudu wa Rwihene, akagari ka Cyingwa, umurenge wa Gitambi, akarere ka Rusizi, intara y'Uburengerazuba; ni umunyarwanda; ni umu DASSO; ntacyo atunze; yashakanye na Tuyisenge Pheline; nta cyaha arahanirwa n'inkiko bizwi; akurikiranywe afungiye muri gereza ya Rusizi.

3. NTIHINYURWA Philibert mwene Ngirumpatse Alex na Nyirahabyarimana Marceline, wavutse mu 1990 mu mudugudu wa Karama, akagari ka Gatereri, umurenge wa Butare, akarere ka Rusizi, intara y'Uburengerazuba; niho atuye kandi abarizwa; ni umunyarwanda; ntacyo akora cyizwi ariko yari umu DASSO; ntacyo atunze; ni ingaragu; nta cyaha arahanirwa n'inkiko bizwi; akurikiranywe afungiye muri gereza ya Rusizi.

4. NZASABAMUNGU Philimini mwene Bwanza Laurent na Nyirahitimana Veronise, wavutse mu 1988 mu mudugudu wa Mizibira, akagari ka Nyabintare, umurenge wa Nyakabuye, akarere ka Rusizi, intara y'Uburengerazuba; niho atuye kandi abarizwa; ni umunyarwanda; ni umucuruzi; ntacyo atunze; yashakanye na Uwingabire Jeannette; nta cyaha arahanirwa n'inkiko bizwi; akurikiranywe afungiye muri gereza ya Rusizi.

5. KWIZERA Jean de Dieu mwene Ndorimana Donatien na Ayinkamiye Kajuru, wavutse mu 1995 mu kagari ka Rwenje, umurenge wa Nkombo, akarere ka Rusizi, intara y'Uburengerazuba; niho atuye kandi abarizwa; yari umu DASSO; nta cyaha

arahanirwa n'inkiko bizwi; afite ikarita ndangamuntu No 1199580033243095; akurikiranwa nk'uwatorotse cyangwa uwihishe ubutabera.

ICYAHA BAREGWA: Kwiba bifite impamvu nkomezacyaha; icyaha giteganywa kandi kigahanishwa ingingo ya 167 y'itegeko N° 68/2018 ryo kuwa 30/08/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu.

I. IMITERERE Y'URUBANZA

[1] Akarere ka Rusizi gafite inzu yubatse imbere ya Stade ya Rusizi mu mudugudu wa Ntwari, akagari ka Cyangugu mu murenge wa Kamembe yari ibitswemo ibintu bitandukanye birimo amakarito y'itabi ryo mu bwoko bwa Filter Star na Primier Filter bivugwa ko ryari ryarafashwe kubera gucuruzwa mu buryo bunyuranyije n'amategeko ikaba yararindwaga n'aba DASSO bagendaga basimburana, muribo hakaba harimo Rukundo Valens, Ntihinyurwa Philibert, Kwizera Jean de Dieu, Tuyishime Pontien na Nzirorera Theoneste al. Pasteur, Rukundo Valens we akaba ari no muri iyo nzu acumbitse.

[2] Ku itariki ya 05/07/2022 uwitwa Nzasabamungu Filimini utuye mu murenge wa Nyakabuye yafatanye amafaride 115 y'itabi ryo mu bwoko bwa Filter Start n'amafaride 42 y'itabi ryo mu bwoko bwa Primier Filter, ubwo yabazwaga mu bugenzacyaha yiregura avuga ko iryo tabi yariguze mu kwezi kwa 06/2022 ariguriye umu DASSO witwa Philbert wo mu murenge wa Butare mu karere ka Rusizi ku mafaranga agera ku 700.000 Frw.

[3] Aba DASSO bitwa Tuyishime Pontien na Nzirorera Theoneste al. Pasteur nabo baje gutanga amakuru bavuga ko mu ijoro ryo kuwa 18/07/2022 babwiwe n'umusekirite witwa Nzasabamungu Elizaphan urinda kuri TUBURA[1] ko kuva mu kwezi kwa 03/2022 uwo musekirite n'aba DASSO Rukundo Valens, Kwizera Jean de Dieu na Ntihinyurwa Philibert bajya biba itabi riri muri iyo stock y'akarere ka Rusizi kandi ko bacurishije urufunguzo bahafunguza iyo bagiye kuryiba, bituma hagenzurwa niba koko iryo tabi ryaribwe, muri ubwo bugenzuzi bigaragara ko hari amakarito 65 yari arimo itabi rya Filter Star n'amakarito 8 yari arimo itabi rya Filter Primier arimo ubusa naho amafaride y'itabi yarakuwemo ariko basanga ntaho iyo nzu yaciwemo icyuho.

[4] DASSO Rukundo Valens na Niyonsaba Elizaphan wakoraga akazi k'ubusekirite kuri TUBURA barafashwe, Niyonsaba Elizaphan asanganwa urufunguzo rukingura iserire y'iyo stock y'akarere ka Rusizi yakuwemo iryo tabi ndetse na Nzasabamungu Philimini wafatanywe itabi nawe arafungwa naho DASSO Kwizera Jean de Dieu na DASSO Ntihinyurwa Philbert ntibongera kuboneka barashakishwa barabura.

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[1] Aho bita kuri TUBURA ni amazu yegeranye n'iyo stock y'akararere ka Rusizi avugwa ko abikwamo imyaka n'ifumbire.

[5] Abo bose uko ari batanu (5) Ubushinjacyaha bwabaregeye urukiko bubakurikiranyeho icyaha cyo kwiba bifite impamvu nkomezacyaha bushingiye ku kuba Nzasabamungu Philimini yarafatanywe itabi ryo mu bwoko bw'iryibwe muri iyo stock y'akarere ka Rusizi kandi akaba avuga ko yariguriye Ntihinyurwa Philibert wari usanzwe ari mu ba DASSO baharinda, ku buhamya bwa Tuyishime Pontien na Nzirorera Theoneste bemeje ko bahawe amakuru na Niyonsaba Elizaphan y'uburyo biba iryo tabi kandi uyu Niyonsaba akaba yarasanganywe urufunguzo rufungura iyo stock.

[6] Mu mukubarega icyo cyaha Ubushinjacyaha bushingira kandi ku mvugo Niyonsaba Elizaphan yavugiye mu bugenzacyaha aho yasobanuye ko mu ijoro ryo kuwa 18/07/2022 yari kumwe na Tuyishime Pontien, Nzirorera Pasteur na Rukundo Valens bari kuvuga ku bijyanye n'iyibwa ry'iryo tabi ndetse no kuba Rukundo Valens ubusanzwe anacumbika muri iyo nzu iryo tabi ribikwamo, bunashingira nanone ku kuba Ntihinyurwa Philibert na Kwizera Jean de Dieu barabonye iperereza ritangiye bagahita batoroka ; busaba ko buri wese yahanishwa igifungo cy'imyaka ine (4) n'ihazabu y'amafaranga y'u Rwanda 2.000.000 Frw.

[7] NIYONSABA Elizaphan ahakana icyaha ashinjwa akemera ko ibikubiye mu nyandikomvugo ye mu bugenzacyaha ari ko yabivuze, ariko akavuga ko ibyo Tuyishime Pontien na Nzirorera Theoneste al. Pasteur bavuga ko yababwiye ari ukumubeshyera kuko atanigeze ashyika kuri iyo stock kuri iyo tariki ngo uretse ko bavuganiye nabo iruhande rwayo ku muhanda ubwo yari ahanyuze yigiriye ku kazi kuri TUBURA, ngo naho urufunguzo yasanganywe ni urw'ingufuri akingisha aho acumbika rwatanzwe na nyir'inzu; agasaba kurenganurwa.

[8] RUKUNDO Valens ahakana icyaha ashinjwa akavuga ko uburyo iryo tabi ryibwemo ntacyo abiziho ngo kuko atanarara aho ngaho buri gihe n'ubwo bwose ubusanzwe ariho acumbika; agasaba kurenganurwa.

[9] NZASABAMUNGU Philimini nawe ahakana icyaha ashinjwa akavuga ko yaguriye Ntihinyurwa Philibert iryo tabi atazi ko ari iryibano, agasaba kurenganurwa.

[10] NTIHINYURWA Philibert wari warezwe nk'uwatorotse cyangwa uwihishe ubutabera yaje gufatwa, akorerwa dosiye ishyikirizwa urukiko, mu miburanire ye nawe ahakana icyaha ashinjwa avuga ko nta tabi yigeze agurisha na Nzasabamungu Philimini, ngo naho kuba yari yarabuze byatewe n'uko yavuye ku kazi ahita arwara uburyayi bujya butuma ata ubwenge ku buryo atamenyaga aho ari, ngo aho abugaruriye asanga akarere karamwandikiye ibaruwa imwirukana ahita ava iwabo mu murenge wa Butare yigira i Kigali aho yavuye ajya gukora akazi mu Bugesera; agasaba kurenganurwa.

[11] KWIZERA Jean de Dieu warezwe nk'uwatorotse ubutabera ntiyitabye urukiko urubanza ruburanishwa adahari.

[12] Urubanza rwabereye mu ruhame Niyonsaba Elizaphan na Ntihinyurwa Philbert biburanira, Rukundo Valens yunganiwe na Me MUHIMANYI Philippe na Me NZAYIRAMYA Felix wamwunganiye ku munsi wa kabiri w'iburanisha naho Nzasabamungu Philimini yunganiwe na Me MUHIRWA Innocent, hakaba kandi haranabajijwe abatangabuhamya barimo uwitwa Ndahiro Jonas ucumbikiye Niyonsaba Elizaphan, Tuyishime Pontien, Nzirorera Theoneste al. Pasteur na Habyarimana Samuel wakoranaga na Niyonsaba Elizaphan kuri TUBURA ndetse hanakorwa iperereza aho Niyonsaba acumbitse hagamijwe kureba niba koko urufunguzo yasanganywa ari urw'ingufuri ihakinga.

II. ICYEMEZO CY'URUKIKO

[13] RWEMEJE ko ikirego cy'Ubushinjacyaha gifite ishingiro kuri bimwe;

[14] RWEMEJE ko Niyonsaba Elizaphan, Ntihinyurwa Philibert na Kwizera Jean de Dieu bahamwa n'icyaha cyo kwiba bifite impamvu nkomezacyaha;

[15] RWEMEJE ko Nzasabamungu Philimini adahamwa n'icyaha cyo kwiba bifite impamvu nkomezacyaha ahubwo ko ahamwa n'icyaha cyo kubona inyungu, ku buryo ubwo ari bwo bwose, ituruka ku kintu cyahishwe gikomoka ku cyaha cy'ubugome cyangwa gikomeye;

[16] RWEMEJE ko Rukundo Valens adahamwa n'icyaha cyo kwiba bifite impamvu nkomezacyaha;

[17] RUHANISHIJE Niyonsaba Elizaphan igihano cy'igifungo cy'imyaka ibiri (2) n'amezi arindwi (7);

[18] RUHANISHIJE Ntihinyurwa Philibert igihano cy'igifungo cy'imyaka itatu (3) n'amezi atandatu (6) n'ihazabu y'amafaranga y'u Rwanda angana na miliyoni ebyiri (2.000.000 Frw);

[19] RUHANISHIJE Kwizera Jean de Dieu igihano cy'igifungo cy'imyaka ine (4) n'ihazabu y'amafaranga y'u Rwanda angana na miliyoni ebyiri (2.000.000 Frw);

[20] RUHANISHIJE Nzasabamungu Philimini igihano cy'igifungo cy'umwaka umwe (1) gisubitse mu gihe kingana n'umwaka umwe (1) n'ihazabu y'amafaranga y'u Rwanda ibihumbi ijana (100.000 Frw);

[21] RUTEGETSE Ntihinyurwa Philibert, Kwizera Jean de Dieu na Nzasabamungu Philimini gushyira mu isanduku ya Leta amafaranga y'ihazabu bahanishijwe mu gihe kitarenze amezi ane (4) uru rubanza rubaye ndakuka;

RUKIKO RW'IBANZE RWA KAMEMBE

[22] RUTEGETSE ko Rukundo Valens na Nzasabamungu Philimini bahita barekurwa uru rubanza rukimara gusomwa;

[23] RUTEGETSE Kwizera Jean de Dieu gushyira mu isanduku ya Leta amafaranga ibihumbi bibiri (2.000 Frw) angana na kimwe cya gatanu (1/5) cy'amagarama y'uru rubanza angana na 10.000 Frw rukimara kuba ndakuka;

[24] RUTEGETSE ko amafaranga 8.000 Frw y'amagarama y'uru rubanza aherera ku isanduku ya Leta;

[25] RUTEGETSE ko ingingo z'ingenzi z'uru rubanza zitangazwa ku rubuga rwa interineti rw'Urwego rw'Ubucamanza, urw'Ubushinjacyaha Bukuru n'urw'Urwego rw'Igihugu rushinzwe Ubugenzacyaha, zikanamanikwa no kuri uru Rukiko rw'Ibanze rwa Kamembe.

NI UKO URU RUBANZA RUKIJIJWE KANDI RUSOMEWE MU RUHAME NONE KUWA 11/04/2023.

UMUCAMANZA
KAREKEZI Gaspard
/sé/

UMWANDITSI
NSHIMIYIMANA Theophile
/sé/

Bikorewe i Kamembe kuwa 13/04/2023

URUKIKO RW'IBANZE RWA KAMEMBE

NSHIMIYIMANA Theophile
Umwanditsi Mukuru mu Rukiko rw'Ibanze rwa Kamembe