REPUBULIKA Y'U RWANDA

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IMIRONGO YATANZWE MU MANZA ZACIWE N'URUKIKO RW'UBUJURIRE MU KWEZI KWA NZERI, 2022

Nº 2

IMIRONGO YATANZWE MU MANZA ZACIWE N'URUKIKO RW'UBUJURIRE MU KWEZI KWA NZERI 2022

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

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

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

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

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

Turabashimiye.

RUKUNDAKUVUGA François Régis

Perezida w'Urukiko rw'Ubujurire

I. IRIBURIRO

Aka gatabo gakubiyemo imirongo yatanzwe n'Urukiko rw'Ubujurire mu kwezi kwa Nzeri 2022 iri mu byiciro bikurikira:

- **IMANZA NSHINJABYAHA**

1. Icyaha cyo gusambanya umwana n'icyaha cyo gukoresha undi imibonano mpuzabitsina ku gahato (Umurongo 1)
2. Icyaha cy'ubwicanyi (Imirongo 3)
3. Icyaha cy'ikoresha ritemewe ry'ibiyobyabwenge n'urusobe rw'imiti ikoreshwa nkabyo (imirongo 3)
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- **IBIREGO MBONEZAMUBANO**

1. Impaka zivutse mu irangiza ry'urubanza (Umurongo 1)
2. Kutubahiriza amasezerano (Imirongo 3)

- **IMANZA ZASHINGIYE KU MIRONGO IMENYEREWE**

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II. IMANZA NSHINJABYAHA

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

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

Urubanza rwasuzumwe: Urubanza RPAA 00099/2021/CA rwaciwe ku wa 23/09/2022 haburana Ubushinjacyaha na MWENEDATA Jacques (Igika cya 14)

Ibibazo byasuzumwe: Ese impamvu z'ubujurire zatanzwe mu myanzuro y'inyongera nyuma y'ibihe byo kujurira zagirira akamaro uregwa?

Ingingo y'itegeko umurongo ushingiyeho:

✓ Ingingo ya 181, igika cya 1, y'Itegeko N° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza nshinjabyaha iteganya ibikurikira: «Kujurira bikorwa mu gihe cy'iminsi mirongo itatu (30) uhereye ku itariki urubanza rwaciriweho ku muburnayi wari uhari cyangwa ahagarariwe igihe urubanza rwacibwaga (…)».

✓ Ingingo ya 183, agace ka gatanu n'aka gatandatu, y'iryo tegeko yongeraho ibi: "Ubujurire bukorwa mu buryo bw'umwanzuro utanga ikirego, ugaragaza ibi bikurikira: (…) *5° urutonde rw'inenge z'urubanza zisabirwa gukosorwa n'ibindi bibazo bigomba gusuzumwa, 6° ibisobanuro kuri buri nenge cyangwa kuri buri kibazo bigaragaza amakosa yakozwe n'uburyo agomba gukosorwa, hashingiwe ku mategeko n'ibimenyetso n'igisabwa Urukiko".*

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

Imvano y'ikibazo: MWENEDATA Jacques yahamijwe n'Urukiko Rwisumbuye rwa Muhanga icyaha cyo gusambanya umwana w'imyaka 17 y'amavuko, rumuhanisha igifungo cy'imyaka 25, mu bujurire Urukiko Rukuru rumugabanyiriza igihano ahanishwa igifungo cy'imyaka 20. Uregwa yajuriye bwa kabiri mu Rukiko rw'Ubujurire agaragaza ibyo atishimiye, nyuma y'ibihe by'ubujurire umwunganizi we atanga umwanzuro w'inyongera ugaragaza impamvu nshya z'ubujurire. Urukiko rushingiye ku biteganywa n'itegeko mu ngingo zavuzwe haruguru no ku mirongo yatanzwe mu manza zitandukanye rwemeza ko impamvu z'ubujurire zatanzwe nyuma y'ibihe by'ubujurire zitakirwa ngo zisuzumwe.

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

Izindi manza zafashwemo uyu murongo

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

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

- Urubanza Nº RPAA 00328/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 11/06/2021 haburana Ubushinjacyaha na NSABUKUNZE Emmanuel (igika cya 24-26)

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

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

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

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

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

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

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

2. ICYAHA CY'UBWICANYI

1. Imanza Nshinjabyaha - inzitizi y'uregera indishyi mu rubanza – uregera indishyi yemerewe kubyutsa inzitizi ndemyagihugu y'iburabubasha mu iburanisha mu gihe abifitemo inyungu.

Urubanza rwasuzumwe: Urubanza Nº RPAA 00204/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/09/2022, haburana Ubushinjacyaha na MUGISHA Drake n'undi (Igika cya 14).

Ibibazo byasuzumwe: Ese uregera indishyi afite ububasha bwo kubyutsa inzitizi y'indemyagihugu mu manza Nshinjabyaha?

Ingingo y'itegeko umurongo ushingiyeho: Ingingo ya 2, agace ka 7°, y'Itegeko Nº 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza

z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi iteganya ko *"ububasha bw'umuburanyi, ari uburenganzira umuntu ahabwa n'amategeko akabukoresha arengera inyungu iyi n'iyi mu Rukiko cyangwa yumvikanisha ibyo asaba cyangwa arwanya ibisabwa n'undi".* Iya 84 y'iryo Tegeko, iteganya ko "*Umuburanyi agomba kugaragaza mu myanzuro cyangwa mu nama ntegurarubanza inzitizi cyangwa impamvu ituma ikirego kitakirwa, haseguriwe ibiteganywa n'amategeko ndemyagihugu*".

Imvano y'ikibazo: Urukiko Rwisumbuye n'Urukiko Rukuru zahamije MUGISHA Drake icyaha cyo kwica uwo bashyingiranwe, ahanishwa igifungo cya burundu. Uregwa yajuriye bwa kabiri mu Rukiko rw'Ubujurire maze uregera indishyi witwa MURARA Ponsiane Arthur atanga inzitizi asaba ko ikirego kitakwakirwa kuko kitari mu bubasha bw'Urukiko rw'Ubujurire kuko Uregwa yatsinzwe ku mpamvu zimwe mu Nkiko zabanje.

MUGISHA Drake n'abamwunganira bisobanuye kuri iyo nzitizi bavuga ko MURARA Ponsiane Arthur, uregera indishyi, atemerewe kubyutsa inzitizi y'iburabubasha mu Rukiko rusuzuma ubujurire bwa MUGISHA Drake ko ahubwo Ubushinjacyaha nk'umuburanyi w'ibanze muri urwo rubanza ariwe ubifitiye ububasha, ko nk'uregera indishyi icyo yemeresswe gusa ari ugutanga ibitekerezo ku kirego cy'ikurikiranacyaha cyatanzwe n'Ubushinjacyaha akacyuririraho asaba indishyi; ko nawe yabyemererwa gusa ari uko yatanze ikirego atisunze Ubushinjacyaha (citation directe). Urukiko rw'Ubujurire rushingiye ku biteganywa n'amategeko yavuzwe haruguru, rwasanze uregera indishyi, afite ububasha bwo kubyutsa iyo nzitizi ndemyagihugu mu gihe abifitemo inyungu.

Umurongo uhuriweho n'izindi manza: Uregera indishyi, afite ububasha bwo kubyutsa inzitizi ndemyagihugu y'iburabubasha mu Rukiko ruburanisha imanza Nshinjabyaha mu gihe abifitemo inyungu.

2. Inyito y'icyaha – kutabuzwa guhindura inyito y'icyaha – igihe icyo aricyo cyose Umucamanza afite uburenganzira n'inshingano bwo guhuza inyito y'icyaha n'ibikorwa bigize icyaha.

Urubanza rwasuzumwe: Urubanza Nº RPAA 00333/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 19/9/2022 haburana Ubushinjacyaha na DUKUZUMUREMYI (Igika cya 16)

Ibibazo byasuzumwe: Ese Urukiko rwajuririwe rufite ububasha bwo guhindura inyito y'icyaha uregwa akurikiranyweho?

Imvano y'ikibazo: DUKUZUMUREMYI yahamijwe n'Urukiko Rwisumbuye ndetse n'Urukiko Rukuru icyaha cyo gukubita no gukomeretsa byateye urupfu. Uregwa yajuriye bwa kabiri asaba kugabanyirizwa igihano kuko ibyo yahawe biremereye (…) Ubushinjacyaha nabwo busaba Urukiko rw'Ubujurire gusuzuma niba uregwa atarakwiye guhamywa icyaha cy'ubwicanyi aho kuba gukomeretsa byateteye urupfu. Urukiko rw'Ubujurire rwasanze inyito y'icyaha ikwiye guhinduka uregwa agahamwa n'icyaha cy'ubwicanyi, rushingiye ku kuba yarakubise nyina mu cyico akoresheje ikintu gishobora kwica, aho kuba icyaha cyo gukubita no gukomeretsa byateye urupfu yahamijwe n'Inkiko zabanje.

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

Izindi manza zafashwemo uyu murongo:

- Urubanza Nº RS/INJUST/Pen 00004/2017/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 23/02/2018, haburana Ubushinjacyaha na MUKARUYANGE Athanasie (igika cya 18).

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

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

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

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

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

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

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

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

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

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

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

Imvano y'ikibazo: DUKUZUMUREMYI yahamijwe n'Urukiko Rwisumbuye ndetse n'Urukiko Rukuru icyaha cyo gukubita no gukomeretsa byateye urupfu. Uregwa yajuriye bwa kabiri asaba kugabanyirizwa igihano kuko ibyo yahawe biremereye (…) Ubushinjacyaha nabwo busaba Urukiko rw'Ubujurire gusuzuma niba uregwa adakwiye guhamywa icyaha cy'ubwicanyi aho kuba gukomeretsa byateteye urupfu yahamijwe n'Inkiko zabanje. Urukiko rw'Ubujurire rwasanze inyito y'icyaha ikwiye guhinduka uregwa agahamwa n'icyaha cy'ubwicanyi, **rushingiye ku kuba yarakubise nyina mu cyico akoresheje ikintu gishobora kwica,** aho kuba icyaha cyo gukubita no gukomeretsa undi ku bushake byateye urupfu yahamijwe n'Inkiko zabanje.

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

Izindi manza zafashwemo uyu murongo:

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

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

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

- ❖ Urubanza N° RPAA 00357/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/04/2022 haburana Ubushinjacyaha na HABIYAMBERE Justin.
- ❖ Urubanza N° RPAA 00012/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 27/04/2022 haburana Ubushinjacyaha na NAHIMANA Daniel.
- ❖ Urubanza N° RPAA 00220/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 30/05/2022 haburana Ubushinjacyaha na NZATUMABO Edouard.

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

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

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

1. Kujurira – gutangira kubara ibihe by'ubujurire – umuburanyi utaritabiriye isomwa ry'urubanza - umuburanyi wari uhibereye cyangwa wari uhagarariwe urubanza rupfundikirwa ibihe byo kujurira bitangira kubarwa haherewe ku gihe urubanza rwaciriwe.

Urubanza rwasuzumwe: Urubanza N° RPAA 00060/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/09/2022, haburana Ubushinjacyaha na GAKOZA Eugene (Igika cya 19).

Ibibazo byasuzumwe: Ese ibihe by'ubujurire k'umuburanyi utaritabiriye isomwa ry'urubanza ariko rwarapfundikiwe ahari, byatangira kubarwa ku gihe avuga yarumenyesherejwe?

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

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

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

Izindi manza zafashwemo uyu murongo:

- Urubanza Nº RPA 0022/14/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 23/03/2018 haburana Ubushinjacyaha na BOGERE Barige (igika cya 12).

- Icyemezo cy'Urukiko rw'Ikirenga mu rubanza rubanziriza urundi Nº RS/INJUST/RCOM 00003/2019/SC cyafashwe mu iburanisha ryo ku wa 14/09/2020 haburana Access Bank na SOTIRU Ltd.

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

2. Kujuririra Urubanza – kongera ibihe byo kujurira – impamvu zikomeye kandi zidasanzwe - impamvu ya Gumamurugo kubera ibihe bya COVID - 19 ni impamvu ikomeye kandi idasanzwe ituma umuburanyi yongererwa ibihe yagombaga kujuririramo.

Urubanza rwasuzumwe: Urubanza Nº RPAA 00022/2021/CA, rwaciwe ku wa 29/07/2022 haburana Ubushinjacyaha na UWAMBAJIMANA Grâce.

Ikibazo cyasuzumwe: Ese Guma mu rugo kubera ibihe bya COVID - 19 ni impamvu ikomeye kandi idasanzwe yatuma ufunze yongererwa igihe cy'ubujurire gisanzwe?

Ingingo umurongo ushingiyeho:

- ✓ Ingingo ya 181, igika cya mbere, y'Itegeko nº 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha iteganya ko "*Kujurira bikorwa mu gihe kitarenga iminsi mirongo itatu (30) uhereye ku itariki urubanza rwaciriweho ku muburanyi wari uhari cyangwa ahagarariwe igihe urubanza rwacibwaga. Icyo gihe gikurikizwa kandi ku muburanyi wamenyeshejwe mu buryo bwemewe n'amategeko, umunsi urubanza ruzacibwaho ntaze cyangwa ngo yohereze umuhagararira*".

- ✓ Naho ingingo ya 262, igika cya 2, y'Itegeko nº 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha ikagaragaza ko igihe cyo kujurira kidashobora kongerwa **keretse mu gihe byatewe n'impamvu zikomeye kandi zidasanzwe, ko muri icyo gihe, igihe cyo kujurira cyongerwa kugeza igihe izo mpamvu zirangiriye"**.

Imvano y'ikibazo: *UWAMBAJIMANA Grâce yahamijwe n'Urukiko Rwisumbuye icyaha cyo kubika no gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi, rumuhanisha igifungo cya burundu n'ihazabu ya 20.000.000 Frw. Yajuririye Urukiko Rukuru rusanga akwiye kugabanyirizwa igihano rumuhanisha igifungo cy'imyaka 25 n'ihazabu ya 20.000.000 Frw.*

UWAMBAJIMANA Grâce yajuriye bwa kabiri mu Rukiko rw'Ubujurire, Ubushinjacyaha butanga inzitizi yo kutakira ubujurire kuko yabutanze impitagihe. Uwajuriye yagaragaje ko impamvu yatumye ajurira akerewe ari ukubera impamvu ya Gumamurugo. Nyuma yo gusuzuma no kugereranya ibihe uwajuriye yagombaga kujuririra n'ibihe avuga ko byari ibya Gumamurugo, Urukiko rwasanze igihe cy'ubujurire cya UWAMBAJIMANA Grâce kigomba kongerwaho iminsi 15 ya Gumamurugo ivugwa mu byemezo by'inama y'Abaminisitiri, rusanga atarajuriye impitagihe.

Umurongo uhuriweho n'izindi manza: Impamvu ya Guma mu rugo kubera ibihe bya COVID - 19 ni impamvu ikomeye kandi idasanzwe ibuza umuburanyi kujurira mu gihe ntarengwa giteganyijwe n'amategeko ku buryo atafatwa nk'uwatinze kujurira, ahubwo yongererwa ibihe yagombaga kujuririramo.

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

Urubanza rwasuzumwe: Urubanza Nº RPAA 00022/2021/CA, rwaciwe ku wa 29/07/2022 haburana Ubushinjacyaha na UWAMBAJIMANA Grâce (igika cya 53 na 54)

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

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

Imvano y'ikibazo: *UWAMBAJIMANA Grâce yahamijwe n'Urukiko Rwisumbuye icyaha cyo kubika no gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi, rumuhanisha igifungo cya burundu n'ihazabu ya 20.000.000 Frw. Yajuririye Urukiko Rukuru rusanga akwiye kugabanyirizwa igihano rumuhanisha igifungo cy'imyaka 25 n'ihazabu ya 20.000.000 Frw.*

UWAMBAJIMANA Grâce yajuriye bwa kabiri mu Rukiko rw'Ubujurire, asaba kongera kugabanyirizwa, urukiko rushingiye ku mategeko yavuzwe haruguru no ku manza zitandukanye rusanga nta cyabuza Urukiko rwajuririwe kongera kugabanya igihano mu gihe rusanga igihano cyatanzwe n'urukiko rubanza kitaragabanyijwe mu buryo buhagije ubirebeye hamwe n'uburemere bw'icyaha cyakozwe, rumuhanisha igifungo cy'imyaka 15 n'ihazabu ya 10.000.000 Frw.

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

Izindi manza zafashwemo uyu murongo:

- ❖ Urubanza n° RPAA 00406/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/10/2021, haburana Ubushinjacyaha na NAHAYO Ignace (igika cya 22).

- ❖ Urubanza n° RPA 00060/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 04/04/2022 haburana Ubushinjacyaha na Nsabimana n'abandi (igika cya 254).

- ❖ Urubanza RPAA 00027/2021/CA rwaciwe ku wa 15/07/2022 haburana Ubushinjacyaha na SHAKUBONE Reverien (Igika cya 27 na 29).

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

4. GUHITA UFATWA UGAFUNGWA (Arrestation immédiate)

1. Ifunga ry'agateganyo - guhita ufatwa ugafungwa – impamvu zishingirwaho - guhita ufatwa ugafungwa ntibishobora gushingira kuri za mpamvu zari zashingiweho mu ifungwa n'ifungurwa ry'agateganyo.

Urubanza rwasuzumwe: Urubanza N° RPA 00034/2022/CA, rwaciwe rwaciwe n'Urukiko rw'Ubujurire ku wa 19/9/2022 haburana Ubushinjacyaha na SHUJUN SUN n'abandi.

Ikibazo cyasuzumwe: Ese guhita ufatwa ugafungwa bishobora gushingira ku mpamvu zari zashingiweho mu hihe cy'ifungwa n'ifungurwa ry'agateganyo urukiko rwemejemo ko ukurikiranywe akurikiranwa adafunze?

Ingingo umurongo ushingiyeho: Ingingo ya 90 y'itegeko n° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha iteganya ko *"Iyo ukurikiranyweho icyaha afatiwe icyemezo cyo kudafungwa by'agateganyo cyangwa icyo kutongererwa igihe cy'igifungo, ntashobora kongera gufungwa kubera cya cyaha yarezwe, keretse habonetse izindi mpamvu nshya*

kandi zikomeye zituma agomba gufungwa by'agateganyo". Ingingo ya 186 ikongeraho ko: "*Iyo uregwa aburana adafunze, agakatirwa igihano cy'igifungo, akomeza kuburana adafunze iyo yajuririye icyo cyemezo. Icyakora, urukiko rushobora gutegeka ko uwakatiwe waburanye adafunze ahita afatwa agafungwa iyo Ubushinjacyaha bwabitangiye impamvu zumvikana kandi ababuranyi barazigiyeho impaka.*"

Imvano y'umurongo: Mu rubanza RP 00504/2021/TGI/KNG, rwaciwe n'Urukiko Rwisumbuye, rwahamije SHUJUN Sun na RENZAHO Alexis icyaha cy'iyicarubozo maze ruhanisha SHUJUN Sun igifungo cy'imyaka 20 naho RENZAHO Alexis rumuhanisha igifungo cy'imyaka 12. Urukiko kandi rwanategetse ko bahita bafatwa bagafungwa kabone n'iyo urubanza rwajuririrwa, rubishingiye ku cyifuzo cy'Ubushinjacyaha. SHUJUN Sun na RENZAHO Alexis bajuririye urwo rubanza mu Rukiko Rukuru, buri wese anatanga ikirego kihutirwa muri urwo Rukiko asaba ko icyemezo gitegeka ko bahita bafatwa bagafungwa kabone n'ubwo bajurira, cyavanwaho kuko kinyuranyije n'amategeko. Urukiko Rukuru rwemeje ko ubujurire bwabo ku kirego kihutirwa nta shingiro gifite.

SHUJUN Sun na RENZAHO Alexis bakoze ubujurire bwa kabiri mu Rukiko rw'Ubujurire basaba gukuraho icyemezo gitegeka ko bahita bafatwa bagafungwa, nyuma yo gusesengura impamvu zashingiweho n'Urukiko n'izitangwa n'Ubushinjacyaha kuri iyi ngingo rusanga nta mpamvu nshya zagaragajwe zitandukanye n'izari zarashingiweho abaregwa bafungurwa by'agateganyo zatuma abaregwa bongera bagafungwa kabone n'ubwo bajurira. Rutegeka ko SHUJUN Sun na RENZAHO Alexis barekurwa, bagakurikiranwa badafunzwe.

Umurongo: Guhita ufatwa ugafungwa ntibishobora gushingira ku mpamvu zari zashingiweho mu ifungwa n'ifungurwa ry'agateganyo ahubwo bishingira ku mpamvu nshya iyo hari ibimenyetso bishobora gutuma ugira impungenge ko uregwa ashobora gutoroka.

Inyandiko z'abahanga:

- Michel Franchimot, Ann Jacobs an Adren Masset, Manuel de Procédure Pénale, 4édition 2012, pg 726. «... *Les cours et les tribunaux peuvent ordonner l'arrestation* immédiate *sur requisition du ministère public, s'il ya lieu de craindre que le prévenu ou l'accusé ne tente de se soustraire à l'exécution de sa peine. Seul le risque de fuite doit être pris en consideration. La décision doit être motivée sur ce point.* »

- Henri-D. BOSLY DAMIEN VANDERMEERSCH, droit de la procedure penale, 2e éd 2001, Pg 706 « *lorsque la juriduction condamne le prévenu ou l'accusé comparaissant libre à un emprisonment principal d'un an ou à un peine plus grave, san sursis, elle peut ordonner son arrestation immédiate s'il ya lieu de craindre qu'il ne tente de se soustraire à lexécution de la peine.* »

III. IMANZA MBONEZAMUBANO

1. IMPAKA ZIVUTSE MU IRANGIZA RY'URUBANZA

1. Irangiza ry'urubanza - impaka zishingiye ku irangiza ry'urubanza - ikigaragaza ko mu rubanza harimo impaka zishingiye ku irangiza ryarwo – icyemezo cyafashwe ku kiburanwa kigomba kuba giteye impaka mu irangizwa ryacyo.

Urubanza rwasuzumwe: Urubanza N° RCOM 00007/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/01/2022 haburana BHAVANI ELECTRICALS PVT Ltd na ENERGY UTILITY CORPORATION Ltd (EUCL)

Ibibazo byasuzumwe: Ni iki kigaragaza ko hari impaka zishingiye ku irangizwa ry'urubanza?

Imvano y'ikibazo: MICON REAL LINE Ltd na BHAVANI ELECTRICALS PVT Ltd zagiranye amasezerano na EUCL yo kuzana no gushinga kuri substation ya Mont Kigali *"Transformer 20 MVA"* n'ibikoresho bijyanye na yo. Ayo masezerano ntiyubahirijwe bituma MICON REAL LINE Ltd na BHAVANI ELECTRICALS PVT

Ltd zirega ENERGY UTILITY CORPORATION Ltd (EUCL) mu Rukiko rw'Ubucuruzi, zirusaba gutegeka EUCL kubishyura 947.809.83 USD y'agaciro k'isoko kubera ko yatinze kwemeza imirimo bakoraga, bituma bakoresha igihe kirenze icyari giteganyijwe. Nyuma y'imanza zitandukanye zabaye kuri iki kibazo, icyemezo cya nyuma cyafashwe n'Urukiko rw'Ubujurire mu rubanza N° N° RCOMAA 00036/2019/CA; rutegeka EUCL gusubiza MICON REAL LINE Ltd-BHAVANI ELECTRICALS PVT Ltd 162.880 USD, 2.677.980 Frw na 28.856 *Rupees*.

Nyuma y'uko urubanza rubaye itegeko EUCL yarangije urubanza ku neza ishyira kuri konti ya MICON REAL LINE Ltd, ubwishyu bwose yategetswe n'Urukiko. MICON REAL LINE Ltd na BHAVANI ELECTRICALS PVT Ltd zikoresheje umuhesha w'inkiko zasabye EUCL kwishyura zinamugaragariza konti amafaranga azashyirwaho ariko EUCL ivuga ko yamaze kwishyura ku neza. BHAVANI ELECTRICALS PVT Ltd yatanze ikirego mu Rukiko rw'Ubujurire isaba gukemura impaka zavutse mu irangizwa ry'urubanza N° RCOMAA 00036/2019/CA, ivuga ko urubanza rwaburanywe na MICON REAL LINE Ltd na BHAVANI ELECTRICALS PVT Ltd (Company ebyiri) ariko ubwishyu bugashyirwa kuri konti ya BHAVANI ELECTRICALS PVT kandi binyuranyije n'itegeko umuhesha w'inkiko yari yatanze.

Urukiko rw'Ubujurire nyuma yo gusanga nta n'umwe mu baburanyi washoboye kurugaragariza agace k'icyemezo cy'urubanza katumvikana uburyo karangizwa ndetse nta n'uwarugaragaje ko hari agace kacyo yumva mu buryo butandukanye n'ubwa mugenzi we, rwemeje ko gushyira mu bikorwa icyemezo cy'Urukiko nta mpaka biteye, kuko kuba ubwishyu bwarashyizwe kuri konti ya MICON REAL LINE Ltd yonyine, bitafatwa ko ari impaka zavutse mu kurangiza urubanza, cyane cyane ko BHAVANI ELECTRICALS PVT Ltd yagaragaje ubwayo amasezerano yagiranye na MICON REAL LINE Ltd arebana n'uburyo ayo masosiyete azagabana ubwishyu mu gihe EUCL izaba yashyize mu bikorwa ibyo yategetswe n'Urukiko.

Umurongo uhuriweho n'izindi manza: kugirango bifatwe ko hari impaka zishingiye ku irangiza ry'urubanza cyemezo cyafashwe ku kiburanwa kigomba kuba giteye impaka mu irangizwa ryacyo.

2. KUTUBAHIRIZA AMASEZERANO

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

Urubanza rwasuzumwe: Urubanza Nº RCAA 00012/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/07/2022 haburana NSENGIYUMVA Thiery na MANISHIMWE François n'abandi.

Ibibazo byasuzumwe: Ese impamvu ituma ubujurire bwa kabiri butakirwa ishingiye ku itegeko ritariho isobanuye iki?

Ingingo y'itegeko umurongo ushingiyeho: Ingingo ya 52, igika cya 2, agace ka 3°, y'Itegeko n°30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'Inkiko, iteganya ko: *"Urukiko rw'Ubujurire rufite kandi ububasha bwo kuburanisha mu rwego rw'ubujurire bwa kabiri imanza zaciwe n'Urukiko Rukuru, Urukiko Rukuru rw'Ubucuruzi n'Urukiko Rukuru rwa Gisirikare, iyo izo manza: (…) 3°, zashingiye ku itegeko ritariho, ingingo z'amategeko zitakiriho cyangwa zaciwe n'Urukiko rutabifitiye ububasha"*.

Imvano y'ikibazo: *Urukiko Rukuru rwanze kwakira ubujurire bwatanzwe na NSENGIYUMVA Thiery kuko bwatanzwe impitagihe hashingiwe ku ngingo ya 277 y'Itegeko n°22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi iteganya ko «Ku bihe byagenwe mu mezi no mu mwaka, bibarwa kuva ku itariki ibanza kugeza ku munsi ubanziriza itariki ya nyuma igikorwa kigomba kurangiriraho».*

NSENGIYUMVA Thierry yajuriye bwa kabiri mu Rukiko rw'Ubujurire avuga ko Urukiko Rukuru rwaciye urubanza rushingiye ku itegeko ritariho, ko rwatekerereje Umushingamategeko rugasobanura ingingo ya 275, 276 na 277 y'Itegeko

N°22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi uko bitari, kuko rwemeje ko mu kubara ibihe bibarwa mu minsi no kubara ibihe bibarwa mu mezi no mu mwaka harimo itandukaniro. Urukiko rw'Ubujurire rwasanze ikirego cya NSENGIYUMVA Thiery kitari mu bubasha bw'Urukiko rw'Ubujurire rushingiye ku gisobanuro cyatanzwe n'Urukiko rw'Ikirenga ku bijyanye n'Itegeko ritariho.

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

Izindi manza zafashwemo uyu murongo:

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

- Urubanza N° RCAA 00006/2022/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 09/09/2022 haburana IRAMIRO CLINIC na KAMBALI BIGISHIRO (Igika cya 18)

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

2. Ivuguruzanya ry'imanza – igihe bifatwa ko imanza zivuguruzanya – bifatwa ko imanza zivuguruzanya iyo zigera ku myanzuro itandukanye ku kiburanwa kimwe kandi zombi zararangije inzira z'ubujurire.

Urubanza rwasuzumwe: Urubanza N° RC 00004/2021/CA rwaciwe ku wa 28/09/2022, haburana NTAWIZERA Jean Baptiste na MUDAFIRU MURENZI n'abandi.

Ibibazo byasuzumwe: Ni ryari bifatwa ko imanza zivuguruzanya?

Ingingo y'itegeko umurongo ushingiyeho:

✓ Itegeko ntiriteganya Urukiko rufite ububasha bwo gusuzuma ibirego bijyanye n'ivuguruzanya ry'imanza, ntirinateganya ibyo urubanza ruregerwa kuvuguruzanya n'urundi cyangwa se n'izindi rugomba kuba rwujuje kugira ngo icyo kirego cyakirwe.

✓ Urubanza N° RC 0008/2017/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 28 Nzeri 2018 haburana NDAYISENGA na MUHOZA rwemeje ko ibibazo birebana no kuvuguruzanya kw'imanza zaciwe ku rwego rwa nyuma, bikemurwa n'Urukiko rw'Ubujurire.

Imvano y'ikibazo: Mu rubanza N° RC 00380/2019/TGI/NYGE, Urukiko Rwisumbuye rwemeje ko NTAWIZERA Jean Baptiste yakwandikwaho inzu ifite UPI: 1/03/07/05/119 yaguze na MUGIRANEZA Vincent rushingiye ku masezerano y'ubugure rwagaragarijwe n'uregwa aho yavugaga ko yanze kumukorera ihererekanya.

Mu rubanza N° RC 01021/2018/TGI/NYGE Urukiko Rwisumbuye rwongeye kwemeza ko uwitwa MURENZI MUDAFIRU nawe yandikwaho inzu ifite UPI: 1/03/07/05/119 yaguze na MUGIRANEZA Vincent rushingiye ku masezerano y'ubugure rwagaragarijwe n'uregwa aho yavugaga ko baguze akanga kumukorera ihererekanya. Izi manza zose zaburanishijwe MUGIRANEZA Vincent adahari ariko yarahamagajwe mu buryo bukurikije amategeko. NTAWIZERA Jean Baptiste yaje gutanga ikirego cy'inyandiko nsobanirakirego itanzwe n'umuburanyi umwe mu Rukiko rw'Ubujurire, asaba gukemura ikibazo cy'ivuguruzanya ry'imanza zavuzwe haruguru. Muri uru rubanza hagobotsemo MUGIRANEZA Vincent hanagobokamo abantu batandukanye bagaragaza ko bafite inyungu kuri uyu mutungo.

MUGIRANEZA Vincent yagaragarije Urukiko ko aho amenyesherejwe imikirize y'urubanza N° RC 00380/2019/TGI/NYGE yarujuririye mu Rukiko Rukuru, ikirego kirakirwa ariko kikaba kitaraburanishwa (…), Ibi bituma Urukiko

rw'Ubujurire rusanga ikirego kidakwiye kwakirwa kuko urubanza rushobora kuregerwa ko ruvuguruzanya n'urundi cyangwa izindi ari urutagishoboye kujuririrwa hakoreshejwe inzira zisanzwe z'ubujurire.

Umurongo uhuriweho n'izindi manza: Urubanza ruregerwa kuvuguruzanya n'urundi cyangwa n'izindi igihe ibyemezo byazifashwemo bidashobora kurangirizwa icyarimwe (kuko bitandukanye ku kiburanwa kimwe) kandi zikaba zitagishoboye kujuririrwa.

Izindi manza zafashwemo uyu murongo:

- Urubanza Nº RC 00008/2020/CA rwaciwe ku wa 11/6/2021 haburana SAKINDI Célestin na Me NGENDAHAYO Jean d'Amour.

Ibitabo by'abahanga:

- Serge Guinchard, Droit et pratique de la procédure civile, 8e éd., Paris, Dalloz, 2014, p. 1661. «*Il faut, et il suffit, que les deux décisions soient inconciliables entre elles, c'est-à-dire que leur exécution simultanée soit impossible, et qu'aucune d'elles ne soit susceptible d'un recours ordinaire*»

- Jacques Boré, La cassation en matière civile, Paris, Dalloz, 1997, p. 440. "*Les décisions doivent contenir des dispositions inconciliables, il ne suffit pas qu'il y ait contradiction entre les motifs des deux décisions. Il est nécessaire que les deux décisions soient inconciliables dans leur execution*".

3. Ikirego cyihutirwa – ibarwa ry'ibihe mu kujuririra ikirego cyihutirwa –umunsi igikora cyakoreweho ntukurwamo, ahubwo uwo munsi nawo ubarirwamo.

Urubanza rwasuzumwe: Urubanza Nº RCOMAA 00040/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 23/09/2022 haburana BALTON CP, NEW CENTURY DEVELOPMENT Ltd (NCD Ltd) (igika cya 18).

Ikibazo byasuzumwe: Ese ibihe byo kujurira ku kirego cyihutirwa bitangira kubarwa ryari?

Ingingo y'itegeko umurongo ushingiyeho:

✓ Ingingo ya 188, igika cya kabiri, y'iryo Tegeko iteganya ko: "Igihe cyo kujuririra icyemezo cyafashwe *ku birego byihutirwa ari iminsi itarenze itatu (3) y'akazi **uhereye ku munsi icyemezo cyasomeweho cyangwa ababuranyi bakimenyeyeho**. Urubanza narwo rucibwa mu gihe kitarenze iminsi itatu (3) y'akazi".*

Imvano y'ikibazo:

BALTON CP yagiranye amasezerano na NEW CENTURY DEVELOPMENT LTD (NCD Ltd), yo kugemura ibikoresho bya BMS System of Kigali Marriot. BALTON CP ivuga ko yubahirije inshingano zayo, ariko ko NCD Ltd itubahirije amasezerano bagiranye ikaba iyisigayemo umwenda wa 61.000 USD. BALTON CP yatanze ikirego mu Rukiko rw'Ubucuruzi isaba Urukiko kwemeza ko NCD Ltd iyifitiye umwenda w'ubucuruzi ungana na 61.000 USD yanze kwishyura ku neza, irusaba kandi kwemeza ko ifatira ryakoze ku wa 07/01/2022 rihinduka ifatirabwishyu.

Urukiko rw'Ubucuruzi rwategetse NCD Ltd kwishyura BARTON CP 61.000 USD y'umwenda remezo na 27.517 USD y'inyungu zawo, runategeka ko ifatira rya konti N° 100002146341 iri muri Bank of Kigali Plc ya NCD Ltd ryakozwe tariki ya 07/01/2022 rihunduka ifatirabwishyu ku mwenda wa 61.000 USD, runayitegeka kwishyura BALTON CP amafaranga y'igihembo cya Avoka n'ay'ikurikiranarubanza. NCD Ltd yajuririye Urukiko Rukuru rw'Ubucuruzi rwemeza ko Urukiko rw'Ubucuruzi rutagombaga kwakira ikirego cyatanzwe na BALTON CP, kuko rwaregewe mu buryo budakurikije amategeko; rwemeza ko urubanza rwaciwe n'Urukiko rw'Ubucuruzi ruvuyeho.

BALTON CP yajuriye bwa kabiri mu Rukiko rw'ubujurire, NCD Ltd itanga inzitizi yo kutakira ikirego ivuga ko urega atubahirije igihe cy'iminsi 3 y'ubujurire iteganywa n'itegeko mu kujuririra ibirego byihutirwa. Impaka zagiwe mu rubanza ni ukumenya niba igihe cy'iminsi 3 kivugwa cyabarwa hashingiwe ku

biteganywa n'ibarwa ry'ibihe bibarwa mu minsi giteganyijwe mu ngingo ya 275 y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 (aho mu kubara ibihe hatabarirwamo umunsi igikorwa cyabereyeho) cyangwa niba hashingirwa ku biteganywa mu ngingo ya 188 y'iryo tegeko (Aho ibihe bibarwa haherewe ku munsi igikorwa cyakoreweho). Urukiko rw'Ubujurire rushingiye ku biteganywa n'ingingo yavuzwe haruguru no ku manza zatanze umurongo kuri iki kibazo rwemeza ko ikirego cyatanzwe na BALTON CP kitagomba kwakirwa kuko itubahirije igihe cy'iminsi 3 y'ubujurire ku birego byihutirwa.

Umurongo uhuriweho n'izindi manza: Mu kubara ibihe byo kujuririra icyemezo cyafashwe ku kirego cyihutirwa ntihakurikizwa uburyo bwo kubara ibihe buteganywa mu ngingo ya 275 y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 hakurwamo umunsi igikora cyakoreweho, ahubwo umunsi igikorwa cyakoreweho nawo urabarwa nk'uko biteganywa mu ngingo ya 188 y'iryo Tegeko.

Izindi manza zafashwemo uyu murongo:

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

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

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

Urubanza ruyoboye izindi (Leading case): Ni Urubanza N° RCOMAA 00031/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 25/8/2020, haburana

SOTRAPROMETAL Ltd na BANQUE POPULAIRE DU RWANDA Ltd hamwe n'Umwanditsi Mukuru muri RDB kuko arirwo rwaciwe mbere kuri uyu murongo.

IV. IMANZA ZASHINGIYE KU MIRONGO IMENYEREWE

1. Umwana utarageza ku myaka 14 - kudahatirwa gutanga igifungo cya burundu - kwemera impamvu nyoroshyacyaha

Urubanza rwasuzumwe: Urubanza N° RPAA 00389/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 16/09/2022 haburana Ubushinjacyaha na NDAYIZEYE Maurice.

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

Ingingo y'itegeko umurongo ushingiyeho : Ingingo ya 4 Itegeko N° 69/2019 ryo ku wa 08/11/2019 rihindura Itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange iteganya ko Umuntu wese ukorera ku mwana kimwe mu bikorwa bishingiye ku gitsina bikurikira, aba akoze icyaha:

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

2° (…)

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

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

nyoroshyacyaha, kanyuranyije n'ingingo ya 29, n'iya 151 z'Itegeko Nshinga; ako gace kakaba nta gaciro gafite.

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

Izindi manza zafashwemo uyu murongo:

❖ Urubanza Nº RPAA 00291/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/04/2022 haburana Ubushinjacyaha na ABAYISENGA Joseph.

❖ Urubanza Nº RPAA 00046/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/07/2022 haburana Ubushinjacyaha na HARAGIRIMANA Jean Paul (Igika cya 18).

❖ Urubanza Nº RPAA 00241/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/09/2022, haburana Ubushinjacyaha na NIYITANGA Emmanuel.

❖ Urubanza Nº RPAA 00013/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/09/2022, haburana Ubushinjacyaha na NIYOMUKIZA Jean de la Croix.

❖ Urubanza Nº RPAA 00376/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/09/2022, haburana Ubushinjacyaha na NKUNZIMANA Théophile.

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

2. Impamvu nyoroshyacyaha - kutabuzwa gutanga igihano kiri munsi y'igihano gito giteganywa n'itegeko

Urubanza rwasuzumwe: Urubanza N° RPAA 00038/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 23/09/2022 haburana Ubushinjacyaha na BENIMANA Jean Pierre.

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

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

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

2º (…)

(…) Iyo abihamijwe n'Urukiko, ahanishwa igifungo kitari munsi y'imyaka makumyabiri **(20) ariko kitarenze imyaka makumyabiri n'itanu (25).**

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

Izindi manza zafashwemo uyu murongo:

- Urubanza Nº RPAA 00032/2019/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 28/02/2020 haburana Ubushinjacyaha na NZAFASHWANIMANA Jean de Dieu (igika cya 18).

- ❖ Urubanza N° RPAA 00013/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 31/12/2021 haburana Ubushinjacyaha na HABIYAKARE Olivier. (igika cya 22).

- ❖ Urubanza N° RPAA 00384/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/10/2021 haburana Ubushinjacyaha na NSENGIYAREMYE Jean Paul. (igika cya 25).

- ❖ Urubanza N° RPAA 00205/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 12/11/2021 haburana Ubushinjacyaha na BARAKAGWIRA Gilbert.

- ❖ Urubanza N° RPAA 00174/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 18/03/2022 haburana Ubushinjacyaha na DUSABIMANA Vivens.

- ❖ Urubanza N° RPAA 00171/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 27/04/2022 haburana Ubushinjacyaha na MUTSINZI Jean Pierre.

- ❖ Urubanza N° RPAA 00283/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/04/2022 haburana Ubushinjacyaha na NZAMURAMBAHO David.

- ❖ Urubanza N° RPAA 00167/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 25/03/2022 haburana Ubushinjacyaha na KWIZERA Etienne.

- ❖ Urubanza N° RPAA 00641/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 21/01/2022 rw'Ubushinacyaha na UWIMANA Emile.

- ❖ Urubanza N° RPAA 00105/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 30/09/2021, haburana UWIMANA Pascal n'Ubushinjacyaha.

- ❖ Urubanza N° RPAA 00434/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 15/07/2022 haburana Ubushinjacyaha na TUYISHIME Moise.

- ❖ Urubanza N° RPAA 00039/2021/CA rwaciwe ku wa 02/07/2021 haburana Ubushinjacyaha na SHAKABATENDA Jean de Dieu.

- ❖ Urubanza N° RPAA 00031/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 28/10/2021 haburana Ubushinjacyaha na BAHATI Françoise. (igika cya 42)
- ❖ Urubanza N° RPAA 00269/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 20/05/2020 haburana Ubushinjacyaha na DUSENGIMANA Martin.
- ❖ Urubanza N° RPAA 00118/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 20/05/2022 haburana Ubushinjacyaha na MUKANTAMBARA Benitha.
- ❖ Urubanza N° RPAA 00202/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 20/05/2022, haburana Ubushinjacyaha na HAVUGIMANA Valens.
- ❖ Urubvanza N° RPAA 00225/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 19/07/2022 Ubushinjacyaha buburana na UKWISHAKA Claude (igika cya 31)
- ❖ Urubanza N° RPAA 00091/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 19/07/2022 haburana Ubushinjacyaha na HAKIZIMANA Gilbert, (Igika cya 32).
- ❖ Urubanza N° RPAA 00273/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 15/07/2022 haburana Ubushinjacyaha na MUBARAKA Eduine (Igika cya 19).
- ❖ Urubanza RPAA 00131/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/07/2022 haburana Ubushinjacyaha na UWAYEZU Damien.
- ❖ Urubanza N° RPAA 00491/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 08/08/2022 haburana Ubushinjacyaha na NIYONKURU Eric.
- ❖ Urubanza N° RPAA 00115/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 16/09/2022 haburana Ubushinjacyaha na NTEZIRYAYO Daniel.
- ❖ Urubanza N° RPAA 00309/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 16/09/2022 haburana Ubushinjacyaha na IRADUKUNDA Daniel.

- Urubanza Nº RPAA 00092/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 12/08/2022 haburana Ubushinjacyaha na MUGABEKAZI Sandrine.

- Urubanza Nº RPAA 00441/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/09/2022 haburana Ubushinjacyaha na NIYONIZEYE Théoneste.

- Urubanza Nº RPAA 00411/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/7/2022 haburana Ubushinjacyaha na NIYONKURU Radjabu.

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

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

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

Urubanza rwasuzumwe: Urubanza rwasuzumwe: Urubanza Nº RPAA 00072/2021/CA rwaciwe n'Urukiko rKw'ubujurire 23/09/2022 haburana UBushinjacyaha na HAKIZIMANA Issa (Igika cya 18).

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

Ingingo y'itegeko umurongo ushingiyeho: Ingingo ya 59, agace ka mbere 1˚ n'aka 3˚, y'Itegeko n˚ 68/2018 ryo ku wa 30/8/2018 riteganya ibyaha n'ibihano

muri rusange; Mu gace kayo ka mbere (1˚), iyo ngingo iteganya ko: *"Umucamanza ashobora kugabanya ibihano nk'iyo ushinjwa, mbere yo gukurikiranwa, yemeye icyaha akagisabira imbabazi uwo yakoreye icyaha n'umuryango nyarwanda mu buryo budashidikanywaho, akicuza kandi akishyura ibyo yangije nk'uko bari babimutegerejeho''*. Agace kayo ka gatatu (3˚) iteganya ko*: "Umucamanza ashobora kugabanya ibihano nk'iyo ushinjwa, mu ntangiriro z'iburanisha ku rwego rwa mbere, ushinjwa yireze akemera icyaha mu buryo budashidikanywaho.*

Umurongo uhuriweho n'izindi manza: Ukwemera icyaha kugira agaciro gashobora gutuma uregwa agabanyirizwa igihano iyo gukozwe byibura mbere y'uko iburanisha ku rwego rwa mbere ripfundikirwa, kudashidikanywaho, kuba uwemera agaragaza ko yumva uburemere bw'ibikorwa yemera n'ingaruka zabyo, abyicuza, abisabira imbabazi no kuba yiteguye gusubiza ibyo yangije uko abitegerejweho.

Izindi manza zafashwemo uyu murongo:

- Urubanza Nº RPA 00060/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa haburana Ubushinjacyaha na Nsabimana n'abandi, (igika cya 136).
- Urubanza Nº RPA 0343/10/CS haburana Ubushinjacyaha na MPIRANYA Boniface rwaciwe n'Urukiko rw'Ikirenga ku wa 27/02/2015. (igika cya 13).
- Urubanza Nº RPAA 00080/2021/CA, rwaciwe ku wa 29/07/2022 haburana Ubushinjacyaha na HABIMANA Samson alias Moussa (Igika cya 46).

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

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

Urubanza rwasuzumwe: Urubanza Nº RPAA 00235/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 19/9/2022 haburana HABIMANA Clément n'Ubushinjacyaha.

Ibibazo byasuzumwe: Ukwemera icyaha bwa mbere mu bujurire byaba impamvu nyoroshyacyaha yagirira akamaro uregwa?

Ingingo y'itegeko umurongo ushingiyeho:

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

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

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

Izindi manza zafashwemo uyu murongo

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

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

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

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

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

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

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

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

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

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

- ❖ Urubanza Nº RPAA 00323/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 20/05/2022 haburana Ubushinjacyaha na NDINABO Eric.
- ❖ Urubanza Nº RPAA 00213/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 20/05/2022, haburana Ubushinjacyaha na HARERIMANA Deo.
- ❖ Urubanza Nº RPAA 00357/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/04/2022, haburana Ubushinjacyaha na HABIYAMBERE Justin.
- ❖ Urubanza Nº RPAA 00165/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 30/05/2022, haburana Ubushinjacyaha na HATUNGIMANA Théogène.
- ❖ Urubanza Nº RPAA 00249/2021/CA rwaciwe ku wa 29/07/2022 haburana Ubushinjacyaha na BARIBANE Réverien.
- ❖ Urubanza RPAA 00048/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/07/2022 haburana Ubushinjacyaha na MUNYEMANA Eric alias Nyinya (Igika cya 22).

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

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

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

✓ Urubanza N° RPA 0246/09/CS haburana Ubushinjacyaha na Mukankusi Victoire rwaciwe ku wa 14/12/2012.

✓ Urubanza N° RPAA 0024/14/CS rwaciwe ku wa 19/05/2017 haburana Ubushinjacyaha na RURAMUGARUYE Eric.

✓ Urubanza N° RPAA 00194/2021/CA rwaciwe ku wa 22/07/2022 haburana Ubushinjacyaha na NDAYISHIMIYE Emmanuel alias Shema (igika cya 18) Aho muri izi manza hari haremejwe ko: **«nta gihe ntarengwa cyo kwemera icyaha nk'impamvu nyoroshyacyaha».**

5. Kwemera impamvu nyoroshyacyaha - kutagabanya igihano - Urukiko ntirutegetswe kugabanya igihano n'iyo rwaba rwemeye impamvu nyorashyacyaha.

Urubanza rwasuzumwe: Urubanza RPAA 00406/2021/CA rwaciwe ku wa 23/9/2022 haburana Ubushinjacyaha na HARINDINTWARI Félix (Igika cya 22).

Ibibazo byasuzumwe: Ese igihe cyose iyo hari impamvu nyoroshyacyaha Urukiko rutegetswe kuyishingiraho rugabanyiriza uregwa ibihano?

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

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

Izindi manza zafashwemo uyu murongo

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

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

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

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

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

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

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

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

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

- ❖ Urubanza N° RPAA 00353/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/07/2022 haburana Ubushinjacyaha na BIRIMIMANA Jean Bosco (igika cya 19).

- ❖ Urubanza N° RPAA 00362/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 19/07/2022 haburana Ubushinjacyaha na MUKAKINANI Claudine (igika cya 27).

- ❖ Urubanza RPAA 00312/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/07/2022 haburana Ubushinjacyaha na MBONABUCYA Donatien (Igika cya 20).

- ❖ Urubanza N° RPAA 00221/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 19/9/2022 haburana Ubushinjacyaha na TURIMUBYIZA Jean Népo.

- ❖ Urubanza RPAA 00427/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/09/2022 haburana Ubushinjacyaha na NDAYISABA Innocent alias Papa Dreke (Igika cya 22).

Urubanza ruyoboye izindi (Leading case): Urubanza ruyoboye izindi ni urubanza N° RPAA 0021/14/CS- N° RPAA 0022/14/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 13/10/2017 haburana Ubushinjacyaha na UZABAKIRIHO (kuko arirwo rwaciwe nyuma rucibwa n'Urukiko rw'Ikirenga kandi rukaba rwaratoranyijwe rukanatangazwa mu cyegeranyo cy'ibyemezo by'Inkiko nk'Urutanga umurongo kuri iki kibazo ({2018} 4 RLR).

6. Kugabanya igihano - ingaruka z'igihano - Ntawakwitwaza ingaruka icyaha yakoze cyangwa igihano cyacyo bimugiraho ngo abigire impamvu ituma asaba kugabanyirizwa igihano mu bujurire.

Urubanza rwasuzumwe: Urubanza N° RPAA 00427/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/09/2022 haburana Ubushinjacyaha na NDAYISABA Innocent alias Papa Dreke (Igika cya 23).

Ikibazo cyasuzumwe: Ese uregwa yashingira ku ngaruka z'icyaha yakoze cyangwa igihano cyacyo ngo asabe kugabanyirizwa igihano mu bujurire?

Umurongo uhuriweho n'izindi manza: Ntawakwitwaza ingaruka icyaha yakoze cyangwa igihano cyacyo bimugiraho ngo abigire impamvu ituma asaba kugabanyirizwa igihano mu bujurire.

Izindi manza zafashwemo uyu murongo

- ❖ Uubanza Nº RPA0129/10/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 07/03/2014 haburana Ubushinjacyaha na MPITABAKANA (igika cya 16).

- ❖ Urubanza Nº RPAA 00270/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/07/2022 haburana Ubushinjacyaha na HABAKURAMA Côme. (Igika cya 23).

- ❖ Urubanza Nº RPAA 00080/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/07/2022 haburana Ubushinjacyaha na HABIMANA Samson alias Moussa. (igika cya 48).

- ❖ Urubanza Nº RPAA 00092/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 12/08/2022 haburana Ubushinjacyaha na MUGABEKAZI Sandrine.

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

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

Urubanza rwasuzumwe: Urubanza Nº RPAA 00035/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 23/09/2022, haburana Ubushinjacyaha na ABAYISENGA Pascal (Igika cya 32).

Ibibazo byasuzumwe: Ese ugushidikanya mu rubanza kwagirira akamaro uregwa?

Ingingo y'itegeko umurongo ushingiyeho: Ingingo ya 111 y'Itegeko nº 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha, iteganya ko: ''Gushidikanya birengera ushinjwa. Iyo urubanza rwakurikiranywe mu buryo bwose, ntihagire ibimenyetso *nyakuri biboneka byemeza nta shiti abacamanza ko ushinjwa yakoze icyaha koko, bagomba kwemeza ko atsinze.*

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

Izindi manza zafashwemo uyu murongo:

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

- Urubanza Nº RPAA0297/11/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 24/3/2016 haburana Ubushinjacyaha na RUZINDANA, Vol [2016] 4 RLR.

- Urubanza Nº RPAA0048/12/CS, rwaciwe n'Urukiko rw'Ikirenga ku wa 6/05/2016 haburana Ubushinjacyaha na NSANZINTWALI, Vol [2017] 2 RLR.

- Urubanza Nº RPAA 00064/2018/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 13/09/2019 haburana Ubushinjacyaha na NSANZUMUHIRE Jean Baptiste (Igika cya 24).

- Urubanza Nº RPAA 00007/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/07/2022, haburana Ubushinjacyaha na MBONIMANA Thierry (Igika cya 31).

- ❖ Urubanza Nº RPAA 00131/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/07/2022 haburana Ubushinjacyaha na UWITIJE J. Damascene (Igika cya 28).

- ❖ Urubanza Nº RPAA 00232/2020/CA- CMB RPAA 00041/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/09/2022 haburana Ubushinjacyaha na MBADUKO Daniel na INGABIRE Eugenie.

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

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

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

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

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

Izindi manza zafashwemo uyu murongo

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

- Urubanza N° RPAA 0029/13/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 10/02/2017 haburana Ubushinjacyaha na HABIMANA Aimable alias Gahinja.

- Urubanza N° RPAA 00091/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 19/07/2022 haburana Ubushinjacyaha na Hakizimana Gilbert (Igika cya 24).

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

- Urubanza N° RPAA 00202/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/07/2022 haburana NSENGIMANA Alphonse bita Gatera (Igika cya 16).

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

Urubanza ruyoboye izindi (Leading case): Ni Urubanza N° RPA 0010/ 06/CS - RPA 0011/06/CS - RPA 0012/06/CS, rwaciwe n'Urukiko rw'Ikirenga ku wa 18/07/2008, haburana Ubushinjacyaha na Sgt NTAGANIRA na bagenzi be kuko arirwo rwanyuma rwaciwe mbere n'Urukiko rw'Ikirenga rukanatangazwa.

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

Urubanza rwasuzumwe: Urubanza N° RPAA 00204/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/09/2022, haburana Ubushinjacyaha na MUGISHA Drake

Ibibazo byasuzumwe: Ni ryari bivugwa ko umuburanyi yatsinzwe ku mpamvumvu zimwe?

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

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

Izindi manza zafashwemo uyu murongo:

- ❖ Urubanza Nº RC/INJUST/RCOM 00002/2020/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 25/09/2020 haburana Road Solution Pavements Product Vs Mailco Ltd (igika cya 24).
- ❖ Urubanza Nº RS/INCOST/SPEC 00004/2020/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 26/03/2021 haburana ASIIMWE Frank na Leta y'u Rwanda (igika cya 29).
- ❖ Urubanza Nº RCOMAA 0038/16/CS-RCOMAA 0033/2016/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 21/04/2017 haburana Bank of Kigali Ltd na MULISA KANA Martin (igika cya 21).
- ❖ Urubanza Nº RCOMAA 0048/16/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 19/05/2017, haburana RRA na SODAR Ltd (igika cya 18).
- ❖ Urubanza Nº RS/INJUST/RCOM 00003/2020/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 27/11/2020 haburana UNIVERSITY OF RWANDA (UR) na SANLAM Assurance Générales Plc (igika cya 23).

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

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

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

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

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

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

10. Kongera kugabanya igihano mu bujurire - Urukiko rushobora kongera kugabanya cyangwa ntirugabanye igihano mu bujurire harebwe uburemere bw'icyaha n'uburyo icyaha cyakozwemo.

Urubanza rwasuzumwe: Urubanza Nº RPAA 00095/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 23/09/2022 haburana Ubushinjacyaha na NKUNDIYIMFURA Janvier (Igika cya 22)

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

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

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

Izindi manza zafashwemo uyu murongo

- Urubanza Nº RPA 0249/13/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 25/11/2016 haburana Ubushinjacyaha na NTEZIRYAYO Emmanuel (Icyegeranyo cy'ibyemezo by'inkiko, V.2, Mata, 2018, p.120-121).
- Urubanza Nº RPAA 0083/12/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 17/06/2016, haburana Ubushinjacyaha na MUBERUKA Gracien (Igika 12).
- Urubanza Nº RPA0047/11/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 27/03/2015 haburana Ubushinjacyaha na NSHUTIRAKIZA Narcisse (igika cya 14-16).

- Urubanza Nº RPA 0129/10/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 7/03/2014, Ubushinjacyaha buburana na MPITABAKANA (Icyegeranyo cy'ibyemezo by'inkiko, V. 2, Ukwakira 2014. p.127.).
- Urubanza Nº RPA 00071/2018/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 07/06/2019 haburana Ubushinjacyaha na NDORIMANA Emmanuel n'abandi (igika cya 14).
- Urubanza Nº RPAA 00195/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 27/05/2022 haburana Ubushinjacyaha na AYIRWANDA Emmanuel.
- Urubanza RPAA 00087/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 27/05/2022 haburana Ubushinjacyaha na HAGABIMANA Emmanuel.
- Urubanza Nº RPAA 00170/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 30/05/2022 haburana Ubushinjacyaha na MUSHUMBA NGABIRANO.
- Urubanza Nº RPAA 00398/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 20/05/2022 haburana Ubushinjacyaha na NDIKUBWIMANA Marc.
- Urubanza Nº RPAA 00351/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 19/04/2022 haburana Ubushinjacyaha na NGERAGEZE KARAMIRA.
- Urubanza Nº RPAA 00174/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 06/05/2022 haburana Ubushinjacyaha na NGEZAHAYO JMV n'abandi.
- Urubanza Nº RPAA 00244/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 19/04/2022 haburana Ubushinjacyah na NKOMEZA Etienne.
- Urubanza Nº RPAA 00363/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/04/2022, haburana Ubushinjacyaha na SIBOMANA Damascène.
- Urubanza Nº RPAA 00366/2020/CA – CMB Nº RPAA 00196/2021/CA haburana TWAGIRAYEZU Jullien alias Mafene na RUKUNDO Julliet.

- ❖ Urubanza Nº RPAA 00230/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 13/5/2022 haburana Ubushinjacyaha na Minani François.
- ❖ Urubanza Nº RPAA 00360/2020/CA rwaciwe ku wa 28/04/2022 haburana MBARUSHIYEZE Theoneste.
- ❖ Urubanza Nº RPAA 00157/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 28/07/2022 haburana Ubushinjacyaha na BAGIRUWUBUSA Jean Nepomuscène.

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

V. ITANGWA RY'IBIHANO

1. Imanza zagabanyije igihano

	ICYAHA: GUSAMBANYA UMWANA/ GUKORESHA UNDI IMIBONANO MPUZABITSINA KU GAHATO				
S/N	**Urubanza**	**Ababuranyi**	**Impamvu**	**Igihano giteganyirijwe n'itegeko**	**Igihano cyatanzwe**
1.	N° RPAA 00013/2021/ CA rwaciwe ku wa 29/09/2022	NIYOMUKIZA Jean de la Croix na UBUSHINJA CYAHA	Impamvu Urukiko rwashingiyeho ni **ukuba ari ubwa mbere akoze icyaha no kuba aribwo yari akiva mu bwana** afite imyaka 20.	*Ingingo ya 133 y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu, iteganya ko uwahamwe n'icyaha cyo gusambanya umwana uri munsi y'imyaka cumi n'ine (14), igihano kiba igifungo cya burundu*	Yahanishijwe igifungo cy'imyaka 11 aho kuba igifungo cya burundu yari yarahanishijwe n'Urukiko rubanza ku bwo gusambanya umwana w'imyaka 7
2.	N° RPAA 00241/2020/ CA rwaciwe ku wa 29/07/2022	NIYITANGA Emmanuel na UBUSHINJA CYAHA	Impamvu Urukiko rwashingiyeho ni **ukuba ari ubwa mbere akoze icyaha no kuba aribwo yari akiva mu bwana** afite imyaka 19.	**Idem**	Yahanishijwe igifungo cy'imyaka 10 aho kuba igifungo cya burundu yari yarahanishijwe n'Urukiko rubanza ku bwo gusambanya umwana w'imyaka 9
3.	N° RPA 00376/2020/ CA rwaciwe ku wa 29/09/2022	NKUNZIMANA Théophile na UBUSHINJA CYAHA	Impamvu Urukiko rwashingiyeho ni **ukuba ari ubwa mbere akoze icyaha no kuba aribwo yari akiva mu bwana** afite imyaka 21.	**Idem**	Yahanishijwe igifungo cy'imyaka 12 aho kuba igifungo cya burundu yari yarahanishijwe n'Urukiko rubanza ku bwo gusambanya umwana w'imyaka 7
4.	N° RPAA 00389/2021/ CA rwaciwe ku wa 16/09/2022	NDAYIZEYE Maurice na UBUSHINJA CYAHA	Impamvu Urukiko rwashingiyeho ni **ukuba ari ubwa mbere akoze icyaha no kuba aribwo yari akiva mu bwana** afite imyaka 21.	*Idem*	Yahanishijwe igifungo cy'imyaka 15 aho kuba igifungo cy'imyaka 25 yahawe ku rwego rubanza ku ubwo

					gusambanya umwana w'imyaka 10.
5.	N° RPAA 00198/2020/ CA rwaciwe ku wa 29/07/2022	HARERIMANA Jérôme na UBUSHINJACYAHA	Impamvu Urukiko rwashingiyeho ni **ukuba aribwo yari akiva mu bwana** afite imyaka 18 kandi **nta cyaha yakurikiranyweho mu buryo buzwi.**	*Idem*	Yahanishijwe igifungo cy'imyaka 25 aho kuba igifungo cya burundu yari yarahanishijwe n'Urukiko rubanza ku bwo gusambanya umwana w'imyaka 4.
6.	N° RPAA 00411/2020/ CA rwaciwe ku wa 29/07/2022,	NIYONKURU Radjabu na UBUSHINJACYAHA	Impamvu Urukiko rwashingiyeho ni **ukuba ari ubwa mbere akoze icyaha no kuba aribwo yari akiva mu bwana** afite imyaka 20.	*Idem*	Yahanishijwe igifungo cy'imyaka 10 aho kuba igifungo cya burundu yari yarahanishijwe n'Urukiko rubanza ku bwo gusambanya umwana w'imyaka 9.
7.	N° RPAA 00441/2020/ CA rwaciwe ku wa 29/09/2022	NIYONIZEYE Théoneste alias Mahame na UBUSHINJACYAHA	Impamvu Urukiko rwashingiyeho ni **ukuba ari ubwa mbere akoze icyaha**, no **kuba atari asanze ari umunyarugomo**	*Ingingo ya 133 y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu,iteganya ko uwahamwe n'icyaha cyo gusambanya umwana ahanishwa igifungo kitari munsi y'imyaka makumyabiri (20) ariko kitarenze imyaka makumyabiri n'itanu (25).*	Yahanishijwe igifungo cy'imyaka 10 n'ihazabu ya 1,000,000 frw aho kuba igifungo cy'imyaka 20 n'ihazabu ya 2.000.000 Frw a yari yarahanishijwe n'Urukiko rubanza
8.	N° RPAA 00309/2021/ CA rwaciwe	IRADUKUNDA Daniel na UBUSHINJACYAHA	Impamvu Urukiko rwashingiyeho ni uko **asanzwe afite imyitwarire myiza no kuba aribwo yari**	*Idem*	Yahanishijwe igifungo cy'imyaka 10 aho kuba igifungo cy'imyaka 20 yahawe ku rwego rubanza ku ubwo

	ku wa 16/09/2022		**akiva mu bwana** afite imyaka 20.		gusambanya umwana w'imyaka 15.
9.	N° RPAA 00491/2021/ CA, rwaciwe ku wa 08/08/2022	NIYONKURU Eric na UBUSHINJA CYAHA	Impamvu Urukiko rwashingiyeho ni **ukuba aribwo yari akiva mu bwana** afite imyaka 18, **nta cyaha yakurikiranyweho mu buryo buzwi no kuba atari asanze ari umunyarugomo**	*Idem*	Yahanishijwe igifungo cy'imyaka 6 aho kuba igifungo cy'imyaka 10 yari yarahanishijwe n'Urukiko rubanza ku bwo gusambanya umwana w'imyaka 16 bakanabana nk'umugabo n'umugore.
10.	N° RPAA 00115/2021/ CA rwaciwe ku wa 16/09/2022.	NTEZIRYAYO Daniel na UBUSHINJA CYAHA	Urukiko rwagabanyije igihano rushingiye ku **kuba yaremeye icyaha mu buryo budashidikanywaho kuva yatangira gukurikiranwa, no kuba ari ubwa mbere yari akoze icyaha, nta yindi myitwarire mibi yigeze imugaragazwaho**	*Idem*	Yahanishijwe igifungo cy'imyaka 10 aho kuba igifungo cy'imyaka 20 yari yarahanishijwe n'Urukiko rubanza ku bwo gusambanya umwana w'imyaka 16 bakanabana nk'umugabo n'umugore.
	ICYAHA CY'UBWICANYI				
1	N° RPAA 00186/2021/ CA rwaciwe ku wa 29/09/2022	MUKERANGA BO Emmanuel na UBUSHINJA CYAHA	Urukiko rwashingiye ku mpamvu nyoroshyacyaha ijyanye no **kuba icyaha nta ngaruka zikomeye cyateje.**	*Ingingo ya 107 n'iya 21 y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu, zisomewe hamwe ; ubwinjiracyaha ku cyaha cy'ubwicanyi buhanishwa igihano cy'igifungo kingana n'imyaka 25.*	Yahanishijwe igifungo cy''imyaka 20, aho kuba igifungo cy'imyaka 25 yahawe ku rwego rwo hasi.
N/S	**IKORESHA RITEMEWE RY'IBIYOBYABWENGE N'URUSOBE RW'IMITI IKORESHWA NKABYO**				

1.	N° RPAA 00092/2021/ CA rwaciwe ku wa 12 /08/2022	MUGABEKAZI Sandrine, na UBUSHINJACYAHA	Impamvu nyoroshyacyaha Urukiko rwashingiyeho ni iyo **kuba yaremeye icyaha kuva agifatwa** cyo *gutunda no kubika udupfunyika 106 tw'urumogi*	*Ingingo ya 263, igika cya gatatu (3), agace ka mbere (1), y'Itegeko n° 68/2018 ryo ku wa 30/8/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu, iteganya ko icyaha cyo* ***gutunda no kubika*** *ibiyobyabwenge bihambaye bihanishwa igifungo cya burundu n'ihazabu y'amafaranga arenze 20.000.000 Frw, ariko atarenze 30.000.000 Frw*	Yahanishijwe **igifungo cy''imyaka 15 n'ihazabu ya 5.000.000** Frw aho kuba igifungo cy'imyaka 20 n'ihazabu ya 10.000.000 Frw yahawe ku rwego rwo hasi.
2.	N° RPAA 00022/2021/ CA rwaciwe 29/07/2022	UWAMBAJIMANA Grâce na UBUSHINJACYAHA	Impamvu nyoroshyacyaha Urukiko rwashingiyeho ni iyo **kuba yaremeye icyaha kuva agifatwa, aho yafatanywe udupfunyika 3 tw'urumogi.**	*Ingingo ya 263, igika cya gatatu (3), agace ka mbere (1), y'Itegeko n° 68/2018 ryo ku wa 30/8/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu, iteganya ko icyaha cyo* ***gucuruza no kubika*** *ibiyobyabwenge bihambaye bihanishwa igifungo cya burundu n'ihazabu y'amafaranga arenze 20.000.000 Frw, ariko atarenze 30.000.000 Frw*	Yahanishijwe **igifungo cy''imyaka 15 n'ihazabu ya 10.000.000** Frw aho kuba igifungo cy'imyaka 25 n'ihazabu ya 20.000.000 Frw yahawe ku rwego rwo hasi.
3.	N° RPAA 00095/2021/ CA rwaciwe	NKUNDIYIMFURA Janvier na	Impamvu nyoroshyacyaha Urukiko rwashingiyeho ni iyo **kuba yaremeye icyaha kuva agifatwa no kuba** ari **ubwa**	Idem	Yahanishijwe **igifungo cy''imyaka 16 n'ihazabu ya 15.000.000** Frw aho kuba igifungo cy'imyaka 20

	ku wa 23/09/2022	UBUSHINJA CYAHA	**mbere yari akurikiranwe n'inkiko** mu buryo buzwi, **aho yafatanywe udupfunyika 35 tw'urumogi.**		n'ihazabu ya 20.000.000 Frw yahawe ku rwego rwo hasi.
4.	N° RPAA 00038/2021/ CA rwaciwe ku wa 23/09/2022	BENIMANA Jean Pierre na UBUSHINJA CYAHA	Impamvu nyoroshyacyaha Urukiko rwashingiyeho ni iyo **kuba yaremeye icyaha kuva agifatwa no kuba** ari **ubwa mbere yari akurikiranwe n'inkiko** mu buryo buzwi**, aho yafatanywe udupfunyika 85 tw'urumogi.**	*Ingingo ya 263, igika cya gatatu (3), agace ka mbere (1), y'Itegeko n° 68/2018 ryo ku wa 30/8/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu, iteganya ko icyaha cyo* ***gucuruza*** *ibiyobyabwenge bihambaye bihanishwa igifungo cya burundu n'ihazabu y'amafaranga arenze 20.000.000 Frw, ariko atarenze 30.000.000 Frw*	Yahanishijwe **igifungo cy''imyaka 20 n'ihazabu ya 15.000.000** Frw aho kuba igifungo cy'imyaka 25 n'ihazabu ya 20.000.000 Frw yahawe ku rwego rwo hasi.

2. **Imanza zagumishijeho igihano cyari cyatanzwe**

	ICYAHA: GUSAMBANYA UMWANA/ GUKORESHA UNDI IMIBONANO MPUZABITSINA KU GAHATO				
S/N	**Urubanza/**	**Haburana**	**Impamvu**	**igihano giteganyirijwe n'itegeko**	**Igihano cyatanzwe**
1.	N° RPAA 00009/2021/CA rwaciwe ku wa 16/09/2022	MUGENZI Samuel na UBUSHINJACYAHA	Urukiko ntirwahaye agaciro impamvu ze z'ubujurire kuko uwajuriye **atashoboye kuvuguruza bimenyetso urukiko rubanza rwashingiyeho rumuhamya icyaha ntanagaragaze ukuri kw'ibyo avuga.**	*Ingingo ya 133 y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu, iteganya ko uwahamwe n'icyaha cyo gusambanya umwana uri munsi y'imyaka cumi n'ine (14), igihano kiba igifungo cya burundu*	Urukiko rw'Ubujurire rwemeje ko **igifungo cy'imyaka 20**, yahanishijwe n'Urukiko rubanza kidahindutse, kubwo gusambanya umwana w'imyaka 10.

2.	N° RPAA 00103/2021/CA rwaciwe ku wa 29/09/2022,	NDAHIMANA Valens na UBUSHINJACYAHA	Urukiko ntirwahaye agaciro impamvu ze z'ubujurire kuko uwajuriye **atashoboye kuvuguruza ibimenyetso bimuhamya icyaha byashingiweho mu manza za mbere.**	*Idem*	Urukiko rw'Ubujurire rwemeje ko **igifungo cy'imyaka 20**, yahanishijwe n'Urukiko rubanza kidahindutse, kubwo gusambanya umwana w'imyaka 7.
3.	N° RPAA 00072/2021/CA rwaciwe ku wa 23/09/2022	HAKIZIMANA Issa na UBUSHINJACYAHA	Urukiko ntirwahaye agaciro **impamvu ze z'ubujurire zijyanye n'uko uwo yasambanyije bari mu kigero kimwe** (Umwana yari afite imyaka 17 we afite 26) **n'ukwemera icyaha kwe kukaba kutarahawe ishingiro kuko atacyemeye mu buryo budashidikanywaho.**	*Ingingo ya 133 y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu,iteganya ko uwahamwe n'icyaha cyo gusambanya umwana ahanishwa igifungo kitari munsi y'imyaka makumyabiri (20) ariko kitarenze imyaka makumyabiri n'itanu (25).*	Urukiko rw'Ubujurire rwemeje ko **igifungo cy'imyaka 20**, yahanishijwe n'Urukiko rubanza kidahindutse, kubwo gusambanya umwana w'imyaka 17 akamutera inda.
4.	N° RPAA 00099/2021/CA rwaciwe ku wa 23/09/2022	MWENEDATA Jacques na UBUSHINJACYAHA	Urukiko rwagumishijeho igihano yahawe kuko impamvu z'ubujurire yatanze yaziretse mu iburanisha asaba kugabanyirizwa igihano nk'uko yabigaragaje mu mwanzuro w'inyongera watanzwe nyuma y'ibihe by'ubujurire utarahawe ishingiro n'Urukiko.	Idem	Urukiko rw'Ubujurire rwemeje ko **igifungo cy'imyaka 20**, yahanishijwe n'Urukiko rubanza kidahindutse, kubwo gusambanya umwana w'imyaka 17 akamutera inda.
5.	N° RPAA 00079/2021/CA rwaciwe ku wa 27/09/2022	FASHAHO Simon na UBUSHINJACYAHA	Urukiko rwagumishijeho igihano yahawe **kuko icyo yahanishijwe n'Inkiko zibanza aricyo gikwiranye n'uburemere bw'icyaha yakoze.**	Idem	Urukiko rw'Ubujurire rwemeje ko **igifungo cy'imyaka 20**, yahanishijwe n'Urukiko rubanza kidahindutse, kubwo gusambanya

					umwana w'imyaka 17 akamutera inda.
	ICYAHA CY'UBWICANYI				
1.	N° RPAA 00154/2021/CA rwaciwe ku wa 23/9/2022	MUSONERA André, na UBUSHINJACYAHA	Urukiko ntirwahaye agaciro impamvu ze z'ubujurire kuko uwajuriye **atashoboye kuvuguruza ibimenyetso bimuhamya icyaha byashingiweho mu manza za mbere.**	Ingingo ya 121 y'Itegeko n° 68/2018 ryo ku wa 30/8/2018 iteganya ko icyaha cyo Gukubita no gukomeretsa byateye urupfu, igihano kiba igifungo kitari munsi y'imyaka 15 ariko kitarenze imyaka 20 n'ihazabu ya 5.000.000 Frw ariko atarenze 7.000.000 Frw.	Urukiko rw'Ubujurire rwemeje ko igifungo cy'imyaka 15 n'ihazabu ya 5,000,000 Frw, yahanishijwe n'Urukiko rubanza bidahindutse.
2.	N° RPAA 00333/2021/CA rwaciwe ku wa 19/9/2022	DUKUZUMUREMYI na UBUSHINJACYAHA	Urukiko rwagumishijeho igihano yahawe bitewe **n'imbaraga yakoresheje mu gukubita** umubyeyi umubyara, **bikanagaragaza uburemere bw'icyaha yakoze, ndetse n'ingaruka cyateje**.	*Idem*	Urukiko rw'Ubujurire rwemeje ko igifungo cy'imyaka 20 n'ihazabu ya 7,000,000 Frw, yahanishijwe n'Urukiko rubanza bidahindutse.
3.	N° RPAA 00306/2021/CA rwaciwe ku wa 29/09/2022	RURANGWA Samuel na UBUSHINJACYAHA	Urukiko rwasanze ukwemera icyaha kwe kutuzuye **bitewe n'uko atavugisha ukuri** ku **mikorere y'icyaha** n'impamvu yamuteye gukubira mu cyico (mu mpyiko) bikamuviramo gupfa	*Idem*	Urukiko rw'Ubujurire rwemeje ko **igifungo cy'imyaka 15 n'ihazabu ya 5,000,000 Frw**, yahanishijwe n'Urukiko rubanza bidahindutse.
4.	N° RPAA 00172/2021/CA rwaciwe ku wa 23/9/2022	MUTABAZI David na UBUSHINJACYAHA	Urukiko rwasanze igihano yahawe n'urukiko rubanza **gikwiranye n'icyaha yakoze, bitewe n'uburemere bw'icyaha**	Ingingo ya 21 n'iya 107 z'Itegeko n° 68/2018 ryo ku wa 30/8/2018 iteganya ko icyaha cy'Ubwinjiracyaha bw'ubwicanyi	Urukiko rw'Ubujurire rwemeje ko **igifungo cy'imyaka 25**, yahanishijwe n'Urukiko rubanza kidahindutse.

			yahamijwe, n'ubugome bukabije yagikoranye.	gihanishwa igifungo cy'igihano cy'igifungo kingana n'imyaka 25.	
5.	N° RPAA 00221/2021/CA rwaciwe ku wa 19/9/2022	TURIMUBYIZA Jean Népo na UBUSHINJACYAHA	Urukiko rwasanze igihano yahawe n'urukiko rubanza gikwiranye n'icyaha yakoze, bitewe n'uburemere bw'icyaha yahamijwe, n'ubugome bukabije yagikoranye, yica umugore we amunize kugeza apfuye.	*Ingingo ya 107 y'Itegeko n° 68/2018 ryo ku wa 30/08/2018* riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu*, iteganya ko icyaha cy'ubwicanyi gihanishwa igihano cy'igifungo cya* burundu.	Urukiko rw'Ubujurire rwemeje ko **igifungo cya burundu** yari yarahawe n'urukiko rubanza kidahindutse.
6.	N° RPAA 00427/2020/CA rwaciwe ku wa 29/09/2022	NDAYISABA Innocent alias Papa Dreke na UBUSHINJACYAHA	Urukiko rwasanze **atagaragaza inenge ziri mu rubanza yajuririye** bityo ko nta n'icyo Urukiko rwajuririwe rwakosora, ko ahubwo hakwiye kugumaho imikirize y'urubanza rwajuririwe.	*Idem*	Urukiko rw'Ubujurire rwemeje ko **igifungo cya burundu** yari yarahawe n'urukiko rubanza kidahindutse.
7.	N° RPAA 00406/2021/CA rwaciwe ku wa 23/9/2022	HARINDINTWARI Félix na UBUSHINJACYAHA	Urukiko rwasanze igihano yahawe n'urukiko rubanza **gikwiranye n'icyaha yakoze, bitewe n'uburemere bw'icyaha yahamijwe, n'ubugome bukabije yagikoranye.**	Ingingo ya 107 y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu, iteganya ko icyaha cy'ubwicanyi gihanishwa igihano cy'igifungo cya burundu ariko iyo hari impamvu nyoroshyacyaha **igihano cyo gufungwa burundu gishobora kugabanywa ariko ntikijye munsi y'imyaka 25.**	Urukiko rw'Ubujurire rwemeje ko **igifungo cy'imyaka 25**, yahanishijwe n'Urukiko rubanza kidahindutse.
	IKORESHA RITEMEWE RY'IBIYOBYABWENGE N'URUSOBE RW'IMITI IKORESHWA NKABYO				
S/N	**Urubanza**	**Ababurany i**	**Impamvu**	**Igihano giteganyirijwe n'itegeko**	**Igihano cyatanzwe**

1	N° RPAA 00053/2021/CA rwaciwe ku wa 23/09/2022	UKIRIWABO Amur na UBUSHINJACYAHA	Urukiko ntirwahaye agaciro impamvu ze z'ubujurire kuko uwajuriye **atashoboye kuvuguruza bimenyetso urukiko rubanza rwashingiyeho rumuhamya icyaha**	*Ingingo ya 263, igika cya gatatu (3), agace ka mbere (1), y'Itegeko n° 68/2018 ryo ku wa 30/8/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu, iteganya ko icyaha cyo **gucuruza, guha undi no kubika** ibiyobyabwenge bihambaye bihanishwa igifungo cya burundu n'ihazabu y'amafaranga arenze 20.000.000 Frw, ariko atarenze 30.000.000 Frw.*	Urukiko rw'Ubujurire rwemeje ko **igifungo cy'imyaka 25 n'ihazabu ya 20,000,000 Frw**, yahanishijwe n'Urukiko rubanza bidahindutse.
2	N° RPAA 00060/2021/CA rwaciwe ku wa **27/09/2022**	GAKOZA Eugène na **UBUSHINJACYAHA**	Urukiko rw'Ubujurire rwagumishijeho igihano yahawe kuko **ubujurire bwe bwatanzwe impitagihe**	*Idem*	**Igifungo cy'imyaka 25 n'ihazabu ya 5,000,000 Frw**, yahanishijwe n'Urukiko rubanza cyahamyeho
3	No RPAA 00229/2021/CA **rwaciwe ku wa 23/09/2022**	NTAGANDA Théogène na **UBUSHINJACYAHA**	Urukiko ntirwahaye agaciro impamvu ze z'ubujurire zijyanye n'uko ***icyaha yakoze nta ngaruka zikomeye cyateje, rusanga*** *nta shingiro byahabwa* ***kuko*** **yari yamaze kujya mu ruhererekane (network) rw'abakwirakwiza n'abacuruza urumogi.**	*Idem*	Urukiko rw'Ubujurire rwemeje ko **igifungo cy'imyaka 20 n'ihazabu ya 20,000,000 Frw**, yahanishijwe n'Urukiko rubanza bidahindutse.
4	N° RPAA 00065/2021/CA rwaciwe ku wa 16/09/2022.	MUKAMUKIZA Alice na UBUSHINJACYAHA	Urukiko ntirwahaye agaciro impamvu ze z'ubujurire zijyanye n'uko ***icyaha yakoze nta ngaruka zikomeye cyateje, rusanga ahubwo*** icyaha yakoze cyaragize ingaruka zikomeye ku	*Idem*	Urukiko rw'Ubujurire rwemeje ko **igifungo cy'imyaka 20 n'ihazabu ya 20,000,000 Frw**, yahanishijwe n'Urukiko rubanza bidahindutse.

			bantu batari bake bacurujweho ibiyobyabwenge (…)		
	ICYAHA: GUCURUZA ABANTU				
1	N° RPA 00022/2020/CA, rwaciwe ku wa 08/08/2022.	NIBIGIRA Aisha na UBUSHINJACYAHA	Urukiko rwasanze **icyaha yakoze cyarateje ingaruka zikomeye** kuko hari abantu yamaze gucuruza bityo igihano yahawe bikwiranye n'**uburemere bw'icyaha yakoze n'ingaruka cyateje**.	Gucuruza abantu, icyaha giteganywa kandi kigahanishwa ingingo ya ingingo ya 3, agace ka 6 n'iya 18 z'Itegeko nº 51/2018 ryo ku wa 13/08/2018 ryerekeye gukumira, kurwanya no guhana icuruzwa ry'abantu no gushakira inyungu ku bandi, **igihano kiba igifungo kitari munsi y'imyaka 20 ariko kitarenze imyaka 25 n'ihazabu ya itari munsi ya 20.000.000 Frw**	Urukiko rw'Ubujurire rwemeje ko **igifungo cy'imyaka 20 n'ihazabu ya 20,000,000 Frw**, yahanishijwe n'Urukiko rubanza bidahindutse.

VI. UMWANZURO

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

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

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

By'umwihariko, twongeye kwibutsa Ababuranyi (Abavoka, Abashinjacyaha) baburanira mu Rukiko rw'Ubujurire ko mbere yo gukora umwanzuro ugenewe uru rukiko, bakwiye kujya iteka bareba niba ikibazo kigibwaho impaka kitarigeze kibonerwa igisubizo mu manza zabanje, bifashishije izi nyandiko.

Ni muri ubwo buryo, twese dufatanyije, tuzagenda dushimangira intego yo gutanga ubutabera bumwe ku bibazo bisa no kwirinda kubogama ku mpamvu iyo ari yo yose.

Murakoze.

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