Re MUZIMA

[Rwanda URUKIKO RW'IKIRENGA – RS/RECUS/RCOM 00002/2019/SC (Rugege, P.J., Rukundakuvuga na Kayitesi Z, J.) 15 Ugushyingo 2019]

Amategeko agenga imiburanishirize y'imanza z'ubucuruzi – Kwihana umucamanza – Kwihana umucamanza ntibyahabwa ishingiro iyo nta bimenyetso bifatika bibigaragaza , iyo kandi nta mpamvu n'imwe ifite aho ihuriye n'impamvu ziteganywa n'Itegeko – Impamvu z'ubwihane bw'umucamanza nk'uko ziteganywa n'itegeko si impamvu zituruka mu buryo urubanza rwaburanishijwe, ahubwo n' impamvu zishingiye ku byo umuburanyi yamenye mu mibanire cyangwa mu isano umucamanza asanzwe afitanye n'umuburanyi cyangwa azi ku rubanza, bishobora kugaragazwa bidashingiye ku miburanishirize y'urubanza, impamvu nk'izo zigomba kuba zifitiwe ibimenyetso bigaragara bidashingiye ku kugenekereza – Itegeko №22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, ingingo ya 18 iya 103 niya 107.

Incamake y'ikibazo: Uwitwa Muzima Rutikanga Frederick yareze Mutuyimana Clémentine hamwe n'Umwanditsi Mukuru muri RDB mu Urukiko rw'Ubucuruzi rwa Nyarugenge asaba gutesha agaciro inyandiko mvugo ya cyamunara no kwemeza ko ari we watsinze muri cyamunara, bityo akegukana uwo mutungo. Uru Rukiko rwemeje ko Muzima Rutikanga Frederick atsinzwe no kutagaragaza ibimenyetso by'ibyo aregera.

Muzima Rutikanga Frederick ntiyishimiye imikirize y'urubanza maze ajurira mu Rukiko Rukuru rw'Ubucuruzi.

Nyuma yaho, uwitwa Karigirwa Félicitée yatanze ikirego cyo gutambamira urubanza rwaciwe n'urukiko rukuru rw'ubucuruzi asaba yuko rwasuzuma bushyashya ibikubiye mu ngingo ya 6 n'iya 9 z'urwo rubanza avuga ko zakozwemo amakosa bikamutera igihombo, anasaba indishyi.

Mutuyimana Clémentine na Nambajimana François nabo batanze inzitizi yo kutakira ikirego bashingiye ku kuba cyarengeje igihe.

Urukiko Rukuru rw'Ubucuruzi rwemeje ko ubwigarike bwakozwe na Karigirwa Félicitée kuri Avoka we Me Hakizimana Albert kimwe n'ubwakozwe kuri Me Twagirumugabe Alexis nta shingiro bufite; rwemeje ko inzitizi yatanzwe na Mutuyimana Clémentine na Nambajimana François ifite ishingiro, ko ibyaburanishijwe na Me Hakizimana Albert na Me Twagirumugabe Alexis bahagarariye Karigirwa Félicitée bigumanye agaciro kabyo kandi ko ari byo bigenderwaho mu gufata icyemezo ku inzitizi, kandi ko ikirego cya Karigirwa Félicitée gitambamira urubanza RCOMA 00234/2016/CHC/HCC kitakiriwe.

Karigirwa Félicitée ntiyishimiye iyo mikirize y'Urubanza maze ayijuririra mu Rukiko rw'Ubujurire arusaba gusuzuma no gutesha agaciro ibyemezo byafashwe n'umucamanza ku bwigarike yakoze kuri Me Twagirumugabe Alexis no kuri Me Hakizimana Albert.

Hasigaye umunsi umwe ngo urubanze rusomwe, Muzima Frederick Rutikanga yihannye Umucamanza wayoboye inteko iburanisha, ari na we Perezida w'Urukiko rw'Ubujurire Karimunda Muyoboke Aimé, avuga ko uwo mucamanza aho kurwanya ruswa ahubwo akoresha ububasha afite nabi abigambiriye akirengagiza ukuri, akica amategeko agamije kugira uruhande

arengera ku mpanvu z’indonke, ubucuti, ikimenyane, kuvugirwamo, urukundo, cyangwa urwango afitiye undi ku mutima.

Incamake y’icyemezo: 1. Kwihana umucamanza ntibyahabwa ishingiro iyo nta bimenyetso bifatika bibigaragaza , n’impamvu n’imwe ifite aho ihuriye n’impamvu ziteganywa n’Itegeko.

2.Impamvu z’ubwihane bw’umucamanza nk’uko ziteganywa n’itegeko si impamvu zituruka mu buryo urubanza rwaburanishijwe, ahubwo n’ impamvu zishingiye ku byo umuburanyi yamenye mu mibanire cyangwa mu isano umucamanza asanzwe afitanye n’umuburanyi cyangwa azi ku rubanza, bishobora kugaragazwa bidashingiye ku miburanishirize y’urubanza, impamvu nk’izo zigomba kuba zifitiwe ibimenyetso bigaragara bidashingiye ku kugenekereza.

Ikirego cy’ubwihane bw’umucamanza nta shingiro.

Amategeko yashingiweho:
Itegeko No22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y’imanza z’imbonezamubano, iz’ubucuruzi, iz’umurimo n’iz’ubutegetsi, ingingo ya 18 iya 103 niya 107.

Nta manza zifashishijwe.

Urubanza

I. IMITERERE Y’URUBANZA

[1] Muzima Rutikanga Frederick yareze Mutuyimana Clémentine[1] n’Umwanditsi Mukuru muri RDB, mu Urukiko rw’Ubucuruzi rwa Nyarugenge asaba gutesha agaciro inyandiko mvugo ya cyamunara yo kuwa 07/08/2015 ku mutungo UPI: 1/02/04/01/1434 no kwemeza ko ari we watsinze muri cyamunara, bityo akegukana uwo mutungo kuko watanze igiciro kiri hejuru. Urwo rubanza rwahawe RCOM 1899/15/TC/NYGE, runagobokeshwamo Nambajimana François[2].

[2] Mu rubanza rwaciwe ku wa 31/03/2016, urwo Rukiko rwemeje ko Muzima Rutikanga Frederick atsinzwe no kutagaragaza ibimenyetso by’ibyo aregera, ategekwa guha Mutuyimana Clémentine na Nambajimana François amafaranga ibihumbi magana atanu (500.000frw) y’ndishyi z’ikurikiranarubanza n’igihembo cya Avoka kuri buri wese, ko kandi adakwiye gusubizwa 50.000frw yatanzeho ingwate y’amagarama.

[3] Muzima Rutikanga Frederick yarujuririye mu Rukiko Rukuru rw’Ubucuruzi ruhabwa RCOMA 00234/2016/CHC/HCC. Muri uru rukiko nabwo yaratsinzwe ategekwa guha Mutuyimana Clémentine na Nambajimana François amafaranga ibihumbi magana atanu (500.000frw) y’ndishyi z’ikurikiranarubanza n’igihembo cya Avoka kuri buri wese; runategeka

[1] Mutuyimana Clémentine niwe wari ushinzwe kugurisha ingwate
[2] Uyu Nambajimana François niwe wegukanye umutungo muri cyamunara

ko imikirize y’Urubanza RCOM 1899/15/TC/NYGE igumyeho, ko kandi igarama yatanze ajurira atarisubizwa.

[4] Nyuma Karigirwa Félicitée[3] yatanze ikirego cyo gutambamira urubanza RCOMA 00234/2016/CHC/HCC, cyandikwa kuri RCOMA 00443/2017/CHC/HCC asaba Urukiko gusuzuma bushyashya ibikubiye mu ngingo ya 6 n’iya 9 z’urwo rubanza ngo kuko zakozwemo amakosa bikamutera igihombo ndetse anasaba indishyi.

[5] Mutuyimana Clémentine na Nambajimana François batanze inzitizi yo kutakira ikirego bashingiye ku kuba cyarengeje igihe, banavuga ko impamvu zitangwa nta shingiro zifite basaba indishyi. Muzima Rutikanga Frederick we avuga ko ibisabwa na Karigirwa Felicitée byasuzumanwa ubwitonzi akarenganurwa, nawe asoza asaba indishyi. Umwanditsi Mukuru muri RDB nta myanzuro yakoze kandi yaramenyeshejwe urubanza.

[6] Urukiko rukaba rwarasabwaga gusuzuma ibi bikurikira:

- ikirego cyo gutambamira urubanza RCOMA 00234/2016/HCC kitagomba kwakirwa ku bwo kurenza igihe cyo gutambamira urubanza giteganywa n’amategeko;
- gusuzuma niba igika cya 6 n’icya 9 by’urubanza RCOMA 00234/2016/CHC byasuzumwa bundi bushya,
- gusuzuma niba indishyi zisabwa na buri ruhande zifite ishingiro.

[7] Kuwa 20/06/2018 Karigirwa Félicitée, mbere y’isomwa ry’iyo nzitizi yandikiye Urukiko arusaba guhagarika gufata icyemezo ku nzitizi yagombaga gusomwa kuwa 22/06/2018 kugira ngo haburanishwe urubanza rw’ubwigarike yakoze kuri Avoka wamuburaniraga witwaga Hakizimana Albert, hanyuma yongera kwigarika Me Twagirumugabe Alexis wamuburaniraga kuri ubwo bwigarike. Abo bombi baburanishijwe badahari hashingiwe ku myanzuro bashyize muri IECMS.

[8] Urukiko Rukuru rw’Ubucuruzi rwafashe icyemezo mu buryo bukurikira:

- rwemeje ko ubwigarike bwakozwe na Karigirwa Félicitée kuri Avoka we Me Hakizimana Albert kimwe n’ubwakozwe kuri Me Twagirumugabe Alexis nta shingiro bufite;
- rwemeje ko inzitizi yatanzwe na Mutuyimana Clémentine na Nambajimana François ifite ishingiro, ko ibyaburanishijwe na Me Hakizimana Albert na Me Twagirumugabe Alexis bahagarariye Karigirwa Félicitée mu iburanisha ryo kuwa 06/06/2018 n’iryo kuwa 10/10/2018 bigumanye agaciro kabyo kandi ko ari byo bigenderwaho mu gufata icyemezo ku nzitizi.
- Rwakijije ko ikirego cya Karigirwa Félicitée gitambamira urubanza RCOMA 00234/2016/CHC/HCC kitakiriwe;
- kwishyura Me Habimana Albert amafaranga 500.000 y’indishyi z’akababaro;

3 Uyu Karigirwa Félicitée niwe nyir’umutungo watejwe cyamunara

- kwishyura Mutuyimana Clémentine amafaranga 1.000.000 y'indishyi z'ikurikiranarubanza;
- kwishyura Nambajimana François amafaranga 1,000,000 y'indishyi zo gusiragizwa mu manza, iz'ikurikiranarubanza n'igihembo cya Avoka;

Runategeka ko amafaranga 75,000 y'amagarama Karigirwa Félicitée yatanze atambamira urubanza aherera ku isanduku ya Leta.

[9] Karigirwa Félicitée ntiyishimiye iyo mikirize y'Urubanza maze ayijuririra mu Rukiko rw'Ubujurire kuri RCOMAA 00014/2019/CA, arusaba ibi bikurikira:

- gusuzuma no gutesha agaciro ibyemezo byafashwe n'umucamanza ku bwigarike yakoze kuri Me Twagirumugabe Alexis no kuri Me Hakizimana Albert;
- gusuzuma inzitizi yatanzwe irebana n'igihe yatambamiyeho urubanza RCOMA 00234/2016/CHC/HCC;
- gusuzuma niba igika cya 6 n'icya 9 byubahirije amategeko
- gusuzuma ishingiro ry'indishyi yaciwe anasaba indishyi zitandukanye, ku ruhande rw'abaregwa nabo barazisaba.

[10] Urubanza rwahamagawe ku wa 29/10/2019 Karigirwa Félicitee yitabye ariko Avoka we, Me Cyubahiro David, atitabye; rwimurirwa kuwa 31/10/2019. Kuri uwo munsi, Me Zitoni Pierre Claver, Avoka wa Karigirwa Félicitée yatangiye asaba isubika ry'urubanza kubera ko atiteguye, ntiyabyemererwa. Muzima Rutikanga Frederick na we avuga ko Avoka we, Me Vuguziga Valérie, atateguye urubanza, ko Me Nsengimana Emmanuel ari we uruzi, bityo iburanisha ryimurirwa kuwa 01/11/2019.

[11] Kuri uwo munsi, Muzima Rutikanga Frederick yambuye ububasha Avoka we Me Nsengimana Emmanuel bwo kumwunganira. Nyuma yo kwibutsa ababuranyi ko uru rubanza rwimuwe inshuro eshatu no gusobanurira ababuranyi impamvu Avoka yateganyijwe mu Rukiko rw'Ubujurire no mu Rukiko rw'Ikirenga, kandi ko iyo umuburanyi yanze Avoka bitabuza urubanza kuburanishwa, Urukiko rwemeje ko rukomeza iburanisha Muzima Frederick, Rutikanga na Me Nsengimana Emmanuel wagombaga kumwunganira bagakurikirana urubanza bicaye kuko basanga Muzima Frederick Rutikanga adashaka kuburana yunganiwe, ibyo bikaba bivuze ko adashaka kuburana.

[12] Iburanisha ryarakomeje, rirapfundikirwa, Urukiko ruvuga ko urubanza ruzasomwa ku itariki ya 08/11/2019. Ku wa 07/11/2019, hasigaye umunsi umwe ngo urubanze rusomwe, Muzima Frederick Rutikanga yihannye Umucamanza wayoboye inteko iburanisha, ari na we Perezida w'Urukiko rw'Ubujurire Karimunda Muyoboke Aimé, ashingiye ku biteganywa mu ngingo ya 103-109 z'Itegeko N_o 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, avuga ko uwo mucamanza aho kurwanya ruswa ahubwo akoresha ububasha afite nabi abigambiriye akirengagiza ukuri, akica amategeko agamije kugira uruhande arengera ku mpanvu z'indonke, ubucuti, ikimenyane, kuvugirwamo, urukundo, cyangwa urwango afitiye undi ku mutima.

II. IMPAMVU Z'UBWIHANE ZATANZWE NA MUZIMA RUTIKANGA FREDERICK

a. Kumubuza uburenganzira bwo kwiregura no kwihutisha iburanisha agamije kumurenganya.

[13] Muzima Rutikanga Frederick avuga ko Umucamanza Karimunda Muyoboke yamwambuye ijambo akamubuza no kongera kuburana ubwo yari avuze ko asaba Urukiko guhagarika iburanisha hakabanza gusuzumwa ikibazo cy'amategeko anyuranije n'Itegeko Nshinga nk'uko biteganywa n'ingingo ya 74[4] y'itegeko rigena ububasha bw'inkiko, kubera ko bibangamiye uburenganzira bwe bwo kwiregura kandi ko yabikoze agambiriye kumunzinzika. Avuga ko yashaga kuregera ingingo z'amategeko zikurikira:

- ingingo zivuga ko mu Rukiko rw'Ikirenga no mu Rukiko rw'Ubujurire umuburanyi agomba kuba yunganiwe cyangwa ahagarariwe;
- n'indi ngingo ivuga ko icyemezo gifashwe ku bwihane kijuririrwa hamwe n'urubanza mu mizi, ko uburenganzira bwe bubangamiwe mu nyungu z'abandi (abo baburana).

[14] Avuga ko kuwa 25/09/2019 yandikiye Perezida w'Urukiko rw'Ubujurire, amubwira ko umutungo baburana uri ku isoko ugurishwa, ariko ko uko abibona umucamanza yamuzinzitse ntashake kumwumva kuko azi neza ko ibyo yakomojeho birebana n'amategeko anyuranije n'itegeko Nshinga bishobora gutinza igurishwa ry'uwo mutungo. Avuga ko ibyo bimwereka ko umucamanza afitanye imikoranire ya hafi na Nambajimana François n'abandi bifuza ko uwo mutungo wibwe wagurishwa buri umwe akibonera imigabane ye.

[15] Muzima Rutikanga Frederick akomeza avuga ko umucamanza yihutishije iburanisha ndetse agafata n'ibyemezo bibangamira ababunganira, ko urugero atanga ari uburyo Me Zitoni wunganiraga urega (Karigirwa Félicitée) yabangamiwe ku buryo yananiwe kurengera inyungu ze ku mugaragaro kandi ko icyari kigamijwe ari uko ibintu byakorwa vuba kugira ngo bitange inzira yihuse, ngo uwo mutungo wibwe ugurishwe.

b. Kutandika umuburanyi ku rutonde rw'abaregwa hagamijwe guhisha ukuri

[16] Muzima Rutikanga Frederick avuga ko Umucamanza Karimunda Muyoboke Aimé yirengagije ikibazo cyo kuba Me Twagirumugabe Alexis atari kuri *liste* y'abaregwa kandi Karigirwa Félicitée mu myanzuro ye yo gutanga ikirego avuga ko arega ubwigarike abantu babiri: Me Hakizimana Albert na Me Twagirumugabe Alexis, nyamara ngo mu cyemezo

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4 Ingingo ya 74, Itegeko N°30/2018 ryo ku wa 02/06/2018, Itegeko rigena ububasha bw'inkiko, iteganya ko "Iyo Ikibazo cy'itegeko rinyuranyije n'Itegeko Nshinga kivuka mu isuzuma ry'urubanza gitanzwe n'ababuranyi cyangwa urukiko rubyibwirije, mu iburanisha ry'urubanza mu nkiko zo hasi, izo nkiko zihita zihagarika iburanisha ry'urubanza rw'ibanze, zikohereza Urukiko rw'Ikirenga icyo kibazo kugira ngo rubanze rugifateho icyemezo." Icyakora, iyo urukiko rwo hasi rusanze ikirego cy'ibanze rwashyikirijwe kidakwiye kwakirwa ku zindi mpamvu zidafitanye isano n'icyo kibazo cyangwa se iyo umucamanza uburanisha icyo kirego cy'ibanze asanga igisubizo azahabwa kuri icyo kibazo nta ngaruka kizagira ku icibwa ry'urubanza, ntirutegetswe guhagarika iburanisha kugira ngo rubanze rutegereze icyemezo cy'Urukiko rw'Ikirenga. Icyo cyemezo cyo kudahagarika iburanisha kijuririrwa gusa hamwe n'urubanza rwose.

nº22/2019/COM/GCA ku iyakira ry'ubujurire ry'urubanza RCOMA 00443/2017/CHC/HCC, abakozi b'urukiko banze gushyira ku rutonde rw'abaregwa Me Twagirumugabe Alexis[5].

[17] Muzima Rutikanga Frederick avuga ko ikibazo kimaze kugaragara Karigirwa Félicitée yandikiye RG-CA amusaba ko yamwongeramo ariko ntiyabikora kugira ngo *issue* irebana na Me Twagirumugabe Alexis iburiremo kuko bidakozwe gutyo yahishura imikorere mibi iri mu rukiko harimo nibikorwa bigayitse byakozwe n'izindi nzego za Leta nka RDB n'ikigo cy'ubutaka. Avuga kandi ko yakurikiranye ashaka kumenya icyo Perezida w'Urukiko rw'Ubujurire abivugaho ariko akaba yaranze kumwakira kugeza aho yaje kumubonera mu rubanza ayoboye inteko iburanisha.

c. Kutubahiriza imigenzo y'iburanisha

[18] Muzima Frederick Rutikanga avuga ko Perezida w'inteko iburanisha yishe imigenzo ikurikizwa mu iburanisha ry'urubanza mu mizi kuko yahunze kubahiriza ibyo umushingamategeko yateganyije mu ingingo ya 72 (6),(7) CPCCSA[6][7] 2018, ngo akaba yarabikoze abigambiriye kuko yahungaga ikibazo kirebana n'inyandiko za cyamunara.

[19] Avuga ko umunsi w'iburanisha ikibazo cy'inyandiko za cyamunara bavuze ko bagihuza na *issues* zose, basaba Urukiko ko rwategeka RDB kuzibaha, ko bagaragarije Urukiko inyandiko zitandukanye bandikiye RDB bazisaba ntizibahe ariko rukicecekera aho gutegeka ko zitangwa. Avuga kandi ko hashingiwe ku kuba barazisabye igihe cy'iburanisha, akabona urukiko rwanze kubitegeka, asanga ibyo byarakozwe mu rwego rwo kurengera bamwe mu baburanyi, kuko iyo rusaba kuzigaragaza uburiganya bwakozwe bwari kumenyekana, bityo bikababahutaza.

d. Kwanga kugenzura ikimenyetso yatanze

[20] Muzima Frederick Rutikanga avuga ko akoresheje e-mail ye *muzima77@yahoo.com* yashyikirije ababuranyi bose ikimenyetso cyerekana ko yakoresheje umuhesha w'inkiko w'umwuga amenyesha Karigirwa Félicitée matolewa y'urubanza rwaje gutambamirwa; icyo kimenyetso akaba aricyo cyagomba kugaragaza igihe (Karigirwa Felicitée) yamenyeye imikirize y'urwo rubanza. Avuga kandi ko iyo email Me Hakizimana Albert nawe yayakiriye nk'abandi bose ariko akabyitwaramo nabi kuko icyo kimenyetso gifitiye inyungu uwamuhaye ubutumwa yanze kugishyira muri system y'urukiko ahubwo kigashyirwamo na Avoka uburanira Nambajimana François, nyamara uyu we akavuga ko urwo rwandiko ngo yaruvanye mu kigo cy'ubutaka. Ibyo nibyo uwajuriye yashingiyeho asaba ko urukiko rwagenzura iyo email ukuri kukajya ahagaragara, ariko iburanisha rikaba ryarapfundikiwe iyo *email* itagenzuwe.

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5 Me Twagirumugabe Alexis nyamara agaragara kuri copie y'icyemezo nº22/2019/COM/GCA ku rupapuro rwa kabiri hamwe na Me Hakizimana Albert nk'abigaritswe, bivuga ko nta kumuvangura kwabayeho.

6 Ingingo ya 72 CPCCSA igika cya 2 n'icya 6 iteganya ko "Perezida w'inteko y'urukiko ni we uyobora iburanisha akanarisoza … 6° asuzumira hamwe n'ababuranyi inzitizi ku rubanza, zaba zitarakemuwe mu nama ntegurarubanza, akazifataho icyemezo. Nta nzitizi zindi zakirwa uretse izishingiye ku mategeko ndemyagihugu zishobora kwakirwa igihe icyo ari cyo cyose; 7° iyo nta kibazo cy'inzitizi gihari cyangwa gisigaye, umucamanza avuga mu magambo make ibikubiye mu myanzuro y'ababuranyi bombi, yarangiza akavuga ingingo z'ingenzi urubanza rugomba gukemura akurikije ibyo yateguye, akabaza ababuranyi bombi ko bemera ko ari zo zikwiye gusuzumwa koko. Iyo basabye ko zuzuzwa, cyangwa ko zivugwa mu bundi buryo, umucamanza arabikosora kugeza igihe ibibazo bigize urubanza, ari na byo urukiko rugomba gufataho umwanzuro, ababuranyi bireba babyemeranyijweho;"

UKO URUKIKO RUBIBONA

[21] Ingingo ya 103 CPCCSA iteganya impamvu zo kwihana umucamanza; *Umucamanza bashobora kumwihana iyo:*

1° ubwe cyangwa uwo bashakanye n'abana babo, bafite inyungu bwite mu rubanza;

2° ubwe, cyangwa uwo bashakanye afitanye isano y'amaraso cyangwa yo gushyingiranwa ku buryo butaziguye cyangwa afitanye isano ku buryo buziguye kugeza ku gisanira cya kane n'umwe mu bagize inteko y'urukiko, n'umwe mu baburanyi, n'umwunganira cyangwa umuhagarariye;

3° umwe mu baburanyi agaragaje ishingiro ry'urwango afitanye n'umucamanza;

4° umwe mu baburanyi agaragaje ko umucamanza afitanye ubucuti bwihariye n'undi mu baburanyi cyangwa kuva aho urubanza rutangiriye, yarigeze kwakirwa mu buryo bwihariye n'umwe mu baburanyi ku mafaranga ye, cyangwa yaremeye impano ahawe n'umuburanyi;

5° yigeze kugira icyo avuga cyangwa agatanga inama kuri urwo rubanza mbere y'uko ruburanishwa;

6° yigeze kuba mu rubanza ari umucamanza, umwunzi, umushinjacyaha, umugenzacyaha, umuburanyi, umutangabuhamya, umusemuzi, inzobere cyangwa umukozi wo mu butegetsi bwa Leta;

7° habayeho urubanza rw'ishinjabyaha cyangwa rw'imbonezamubano, hagati y'umucamanza cyangwa uwo bashakanye, abafitanye n'umucamanza isano ishingiye ku maraso cyangwa ku gushyingirwa ku buryo butaziguye cyangwa ku buryo buziguye kugeza ku gisanira cya kane n'umwe mu baburana, uwo bashakanye cyangwa abo bafitanye isano ishingiye ku maraso cyangwa ku gushyingirwa ku buryo butaziguye cyangwa ku buryo buziguye kugeza ku gisanira cya kane.

[22] Urukiko rusanga mu mpamvu zose zitangwa na Muzima Rutikanga Frederick zo kwihana umucamanza, nta n'imwe ifite aho ihuriye n'impamvu ziteganywa n'Itegeko zimaze kuvugwa mu gika kibanziriza iki; ahubwo agaragaza ko atishimiye uburyo iburanisha ryagenze akaba aribyo yuririraho ashinja umucamanza ikimenyane n'ubucuti ku baburanyi bamwe n'urwango ku bandi, na we arimo, ariko nta bimenyetso bifatika abitangira.

[23] Urukiko rusanga impamvu z'ubwihane bw'umucamanza nk'uko ziteganywa n'itegeko ryavuzwe haruguru atari impamvu zituruka mu buryo urubanza rwaburanishijwe, ahubwo ari impamvu zishingiye ku byo umuburanyi yamenye mu mibanire cyangwa mu isano umucamanza asanzwe afitanye n'umuburanyi cyangwa azi ku rubanza, bishobora kugaragazwa bidashingiye ku miburanishirize y'urubanza. Urukiko rusanga kandi impamvu nk'izo zigomba kuba zifitiwe ibimenyetso bigaragara bidashingiye ku kugenekereza: "ngo ubwo umucamanza agize atya, nta yindi mpamvu yabimutera uretse iyi."

[24] Urukiko rusanga rero, ibibazo byagaragajwe na Muzima Rutikanga Frederick atari ibibazo bikemurwa no kwihana umucamanza; ahubwo ari ibibazo bikemurwa hifashishijwe inzira z'ubujurire ziteganywa n'amategeko. Bityo, ikirego cy'ubwihane yatanze kikaba nta shingiro gifite.

[25] Urukiko rusanga ahubwo mu miburanire ye, Rutikanga Muzima Frederick yararanzwe no kunaniza imigendekere myiza y'iburanisha nkana, nyamara akarenga akaba ariwe utaka akarengane. Ibyo bigaragazwa n'ingero zikurikira:

- Mu iburanisha ryo ku wa 29/10/2019 mu rubanza RCOMAA 00014/2019/CA, urubanza rwasubitswe kuko Karigirwa Félicitée yitabye ariko Avoka we atitabye, rukimurirwa kuwa 31/10/2019;
- Mu iburanisha ryo kuwa 31/10/2019, Avoka wa Karigirwa yasabye ko urubanza rwasubikwa kuko atiteguye Urukiko ruramwangira, maze Muzima Rutikanga Frederick ahita avuga ko Avoka we atateguye urubanza, ko Me Nsengimana Emmanuel ari we uruzi, iburanishwa ryimurirwa kuwa 01/11/2019 ;
- Kuri uwo munsi, Muzima Rutikanga Frederick yambuye ububasha Avoka we Me Nsengimana Emmanuel bwo kumwunganira, avuga ko ashaka kwiburanira kandi bitemewe mu Rukiko rw'Ubujurire.

[26] Urukiko rw'ikirenga rusanga imyitwarire nk'iyo ya Muzima Rutikanga Frederick nta kindi igamije uretse gutinza iburanisha, bityo akaba agomba guhanishwa ihazabu y'amafaranga 200.000 nk'uko biteganywa n'ingingo ya 107, igika cya 5 isomewe hamwe n'ingingo ya 18 z'tegeko N$_o$ 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi.

III. ICYEMEZO CY'URUKIKO

[27] Rwemeje ko ikirego cy'ubwihane cyatanzwe na Muzima Rutikanga Frederick nta shingiro gifite;

[28] Rutegetse Muzima Rutikanga Frederick gutanga ihazabu mbonezamubano y'amafaranga ibihumbi magana abiri y'u Rwanda (200.000frw).