Repubulika y'u Rwanda

Ubutegetsi bw'Ubucamanza

ICYEGERANYO CY'IMIRONGO YAFASHWE MU MANZA ZACIWE N'URUKIKO RW'UBUJURIRE

NYAKANGA 2022 - KAMENA 2025

URUKIKO RW'UBUJURIRE **VOLUME I**

Kigali, Nzeri 2025

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IJAMBO RY'IBANZE

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 icyegeranyo gikubiyemo imirongo yatanzwe n'Urukiko rw'Ubujurire kuva muri Nyakanga 2022 kugeza Kamena 2025, yasohotse mu dutabo (booklets) makumyabiri na dutandatu (26) twatangajwe muri iyi myaka itatu ishize.

Aka gatabo kazorohereza Ababuranyi (Abavoka, Abashinjacyaha), abacamanza n'abashakashatsi mu nkiko kubona imirongo bifashisha bitabasabye gushakisha mu dutabo twose twasohotse. Basabwe rero 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

INTANGIRIRO

Iki cyegeranyo gikubiyemo imirongo yatanzwe n'Urukiko rw'Ubujurire mu manza zikubiye mu byiciro bikurikira : Imanza z'imbonezamubano, iz'ubwishingizi, iz'umurimo, iz'ubutegetsi, iz'ubucuruzi, iz'inshinjabyaha, n'izindi ziboneka mu ngeri zitandukanye. Kuri buri cyiciro hagaragazwa urubanza rwatanze umurongo, ikibazo cyasuzumwemo, umurongo watanzwe mu rwego rwo kugikemura, amategeko yasesenguwe, kimwe n'imanza zaciwe zimaze kugendera kuri uwo murongo ; haba hari uwahinduwe nabyo bikagaragazwa.

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I. IMANZA MBONEZAMUBANO

I.1. Ububasha bw'Inkiko

Ibisobanuro:
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I.1.1. Ubukemurampaka – Inshingano z'Urukiko Rukuru rw'Ubucuruzi ni ukureba ko icyemezo cy'ubukemurampaka gikurikije amategeko – Icyemezo cyarwo ntikijuririrwa.

Ingingo ya 82, igika cya 4 n'icya 5, y'Itegeko N°30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'inkiko iteganya ibikurikira : "*Urukiko Rukuru rw'Ubucuruzi ruburanisha kandi imanza zigamije gusuzuma niba ibyemezo byafashwe n'abakemurampaka byubahirije amategeko. Imanza ziciwe n'Urukiko Rukuru rw'Ubucuruzi ku byemezo byavuzwe mu gika cya 4 cy'iyi ngingo ntizijuririrwa.*"

Umurongo watanzwe : Ntabwo Urukiko Rukuru rw'Ubucuruzi ari Urukiko rujuririrwamo icyemezo cy'Ubukemurampaka umwe mu bagannye inzira y'ubukemurampaka atishyimiye, ahubwo rushinzwe gusuzuma niba icyemezo cy'ubukemurampaka cyubahirije amategeko, cyaba kitayubahirije rukagitesha agaciro, cyaba kiyubahirije kikagumana agaciro kacyo. Icyemezo cyafashwe n'Urukiko Rukuru rw'Ubucuruzi ntikijuririrwa.

Urubanza rwatanze umurongo : Urubanza N° RCOMA 00004/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 13/12/2024, GUARDSMARK Ltd iburana na RWIRANGA Florin n'undi (igika cya 16).

I.1.2 Ikiburanwa gifite agaciro gato – imanza z'ubucuruzi zitarengeje 5,000,000 Frw ziregerwa inkiko z'ibanze iyo urega yifuje ko ziburanishwa hakurikijwe imiburanishirize y'ibirego by'agaciro gato.

Ingingo ya 196, iya 197, and n'iya 201 z'Itegeko n ° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi iteganya zibikurikira : "*urubanza rushingiye ku kiburanwa gifite agaciro gato ni urubanza rugizwe n'ikiburanwa cy'iremezo kitarengeje miliyoni eshanu z'amafaranga y'u Rwanda (5.000.000 frws) hatabariwemo inyungu n'amafaranga y'ikurikiranarubanza.* ***Imiburanishirize iteganyijwe muri uyu mutwe yubahirizwa gusa iyo urega ari byo ahisemo****. Haseguriwe ibiteganyijwe n'andi mategeko, Inkiko z'ibanze ziburanisha imanza z'imbonezamubano zerekeranye n'imitungo yimukanwa n'itimukanwa zitari mu bubasha bwa komite y'abunzi* ***n'imanza z'ubucuruzi*** *zishingiye ku kiburanwa gifite agaciro gato, mu gihe cyose ikiburanwa cy'iremezo gifite agaciro katarengeje miliyoni eshanu (5.000.000) z'amafaranga y'u Rwanda*".

Umurongo watanzwe: Itegeko n° 30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'Inkiko, riha umuburanyi uburenganzira bwo kuregera Urukiko rw'Ubucuruzi cyangwa Urukiko rw'Ibanze mu gihe ikiburanwa gifite agaciro katarengeje miliyoni eshanu (5.000.000 Frw). Mu gihe umuburanyi ahisemo kuregera Urukiko rw'Ibanze, aba anahisemo kuburanishwa hakurikijwe imiburanishirize y'ibirego bishingiye ku kiburanwa gifite agaciro gato, bitaba ibyo akaregera Urukiko rw'Ubucuruzi.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RS/INJUST/RCOM 00003/2019/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 08/05/2020, NTEZIRYAYO Vianney na MUKABIDERI Esther baburana na NYIRANSENGIMANA Madeleine.

❖ Urubanza N° 00001/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/09/2023, MTN RWANDACELL Ltd iburana na MUSANA UWIMANA Serge na MUKUNDE Athanase (igika cya 17).

I.1.3. Urukiko rutasuzumye ikibazo mu mizi sirwo ruregerwa ugusubirishamo urubanza ingingo nshya

Ingingo ya 195 y'Itegeko N° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza nshinjabyaha igira iti: "*gusubirishamo urubanza ingingo nshya ni ugushaka ko urubanza rwaciwe burundu ruvanwaho rukongera gusuzumwa bundi bushya hubahirijwe impamvu ziteganywa n'iri tegeko*"; naho ingingo ya 198 y'iryo tegeko igateganya, mu gika cyayo cya mbere, ko "*gusubirishamo urubanza ingingo nshya bisabwa mu rukiko rwaciye urubanza mu rwego rwa nyuma…*".

Umurongo watanzwe Umuburanyi wifuza ko urubanza rwe rusubirishwamo ingingo nshya abisaba mu rukiko rwaruciye bwa nyuma mu mizi.

Urubanza rwatanze umurongo: Urubanza N° RS/REV/RP 00061/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 15/04/2025, TWAGIRIMANA Philémon (igika cya 15).

I.2. Ububasha bw'Urukiko rw'Ubujurire

Ibisobanuro:

Imirongo yatanzwe muri iki cyiciro irebana n'Ububasha bw'Urukiko rw'Ubujurire buteganyijwe mu ngingo ya Ingingo ya 52 y'Itegeko N° 30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'inkiko, haba mu bujurire bwa kabiri cyangwa mu bujurire bwa mbere.

I.2.1. Ubujurire bwa kabiri

I.2.1.1. Iyo uwareze yagombaga kwiyambaza ubukemurampaka ntabikore, ahubwo akaregera inkiko, ntiyahindukira ngo avuge ko inkiko zitari zifite ububasha bwo kumuburanisha

Ingingo ya 52, igika cya 2, 3°, y'Itegeko no 30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'inkiko iteganya ibikurikira: "*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"*****.**

Umurongo watanzwe: Kuba umuburanyi yarahisemo kwiyambura uburenganzira bwo kwiyambaza ubukemurampaka akaregera inkiko, uwarezwe nawe yari asanzwe azi ayo masezerano agahitamo kudasaba Urukiko kuboherereza mu Bukemurampaka, bivuze ko bahisemo mu buryo buteruye (tacitement) guhindura amasezerano bari bagiranye mbere ku byerekeranye n'uburyo bwo gukemura amakimbirane ashingiye ku masezerano bagiranye bagahitamo kuburanishwa n'inkiko. Bityo akaba nta wahindukira ngo avuge ko yaburanishijwe n'Urukiko rutabifitiye ububasha.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RCOMA 0090 /13/ CS, rwaciwe n'Urukiko rw'Ikirenga ku wa 28/03/ 2014 PUBLICELL SARL iburana na MTN RWANDACELLSARL (igika cya 10).

❖ Urubanza N° RCOMAA 00107/2022/CA CMB RCOMAA 00108/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/05/2023, MUKERAMIRIMO CONSTRUCTION Ltd aburana QUALITY CONSTRUCTION Ltd n'abandi (igika cya 36-37).

❖ Urubanza N° RS/INJUST/RCOM 00008/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/02/2025, MG INVESTMENT COMPANY Ltd iburana na MOUNT MERU SOYCO Ltd (igika cya 43-44).

❖ Urubanza N° RCOMAA 00041/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 11/04/2025, EASTINCO Ltd iburana na Daniel Lee HOGAN (igika cya 22).

I.2.1.2. Igisobanuro cy'itegeko ritariho

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 ibikurikira: *"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*".

Umurongo watanzwe: 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*).

Imanza 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 00012/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/07/2022 haburana NSENGIYUMVA Thiery na MANISHIMWE François n'abandi.

❖ Urubanza N° RCAA 00006/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 9/09/2022 haburana IRAMIRO CLINIC na KAMBALI BIGISHIRO.

❖ Urubanza N° RCOMAA 00109/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 23/03/2023 haburana UJM CONSULTANCY AND PARTNERS Ltd na KABIRIGI Willy (igika cya 18-19).

❖ Urubanza N° RCOMAA 00004/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/09/2024, haburana AKARERE KA RUTSIRO na ENTREPRISE ECORU Ltd (igika cya 14).

❖ Urubanza N° RPAA/ECON 00003/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/03/2025, haburana Ubushinjacyaha na HABYARIMANA Athanase (igika cya 16-17).

❖ Urubanza N° RPAA 00472/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/04/2025, haburana Ubushinjacyaha na NSHIMIYIMANA Théoneste n'undi (igika cya 20).

I.2.1.3. Gushingira ku itegeko ritariho ntibireberwa mu myandikire y'itegeko rivugwa gusa, ahubwo hanagenzurwa ko icyo iryo tegeko ryavugaga nacyo cyavanwe mu mategeko agenderwaho ubu

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 ibikurikira: *"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*".

Umurongo watanzwe: Mu kuvuga ko urubanza rwashingiye ku itegeko ryavuyeho rushobora kujuririrwa bwa kabiri, Umushingamategeko ntiyari agamije kurengera inyuguti y'itegeko ahubwo yashakaga ko ibikubiye (contenu) mu itegeko ryavuyeho cyangwa bitigeze binateganywa n'itegeko bitaba ishingiro ryo kurenganya umuburanyi.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00004/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/09/2021 haburana Ubushinjacyaha na NYIRAMUTESI NYIRABATONI Xaverine, SABUNE GWIZA Vénantie aregera indishyi.

❖ Urubanza N° RCAA 00030/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 13/11/2023 haburana GUARANTY TRUST BANK RWANDA Plc na BAZAMBANZA Théoneste (igika cya 14).

❖ Urubanza N° RPAA 00167/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/12/2023, Ubushinjacyaha na HAYTHEM Ahmed Ali barega BASHEER Mohammed Ghaleb n'undi (igika cya 29).

I.2.1.4. Kudakurikiza amategeko mu guca urubanza ntibifatwa nko gushingira ku itegeko ritariho

Ingingo ya 52, igika cya kabiri (2), agace ka gatatu (3°), y'Itegeko n° 30/2018 ryo ku wa 2/6/2018 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 zashingiye ku itegeko ritariho**, ingingo z'amategeko zitakiriho cyangwa zaciwe n'urukiko rutabifitiye ububasha''. Naho agace ka cyenda (9°) cy'igika cya kabiri (2) cy'ingingo ya 52 gateganya 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 zagenwemo igifungo kingana nibura n'imyaka cumi n'itanu (15). Mu manza nshinjabyaha igihano cy'igifungo cyagenewe ni cyo cyonyine gishingirwaho mu kugena ububasha bw'Urukiko rw'Ubujurire''.*

Umurongo watanzwe : Kutubahiriza ibiteganywa n'amategeko ntibyafatwa nko gushingira ku itegeko ritariho ngo bitume ubujurire bwa kabiri bwakirwa.

Izindi manza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00322-00323/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 26/4/2023 haburana Ubushinjacyaha na RENZAHO Alexis n'undi (igika cya 32).

❖ Urubanza N° RPAA 00472/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/4/2025 haburana Ubushinjacyaha na NSHIMIYIMANA Théoneste n'undi (igika cya 21,31).

I.2.1.5. Amakosa yakozwe mu micire y'urubanza ku bijyanye n'imihango y'iburanisha, ntiyafatwa nk'aho urukiko rwaciye urubanza rutabifitiye ububasha

✓ Ingingo ya 52 igika cya 2 y'Itegeko N° 30/2018 ryo ku wa 02/06/2018 rigena Ububasha bw'Inkiko iteganya ibikurikira: *"Urukiko rw'Ubujurire rufite 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° ...zaciwe n'urukiko rutabifitiye ububasha".*

✓ Ingingo ya 82 nayo y'iryo tegeko, iteganya mu gika cyayo cya nyuma, ko *Urukiko Rukuru rw'Ubucuruzi ruburanisha mu rwego rw'Ubujurire imanza zaciwe mu rwego rwa mbere n'Inkiko z'Ubucuruzi.*

Umurongo watanzwe: Kuba hari amakosa yakorwa mu iburanisha ry'urubanza nko kuba urukiko rwaca urubanza rudafashe icyemezo kuri bimwe mu byo umuburanyi yasabye cyangwa ntirubihe agaciro, kuba hari ibyo urukiko rwafataho icyemezo ababuranyi batabigiyeho impaka, ntaho bihuriye no kuvuga ko urwo rubanza rwaba rwaciwe n'urukiko rudafite ububasha mu buryo buteganywa n'ingingo ya 52 yavuzwe haruguru. Bene ayo makosa aba ashobora gukosorwa binyuze mu zindi nzira ziteganywa n'amategeko kandi zihuye na kamere yayo, ariko ntiyakosorwa binyuze mu nzira yo kuvuga ko urukiko rwaciye urubanza rutari rufite ububasha.

Urubanza rwatanze umurongo : Urubanza N° RCOMAA 00016/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 16/04/2024, MBONIGABA Régis aburana na LETSHEGO RWANDA Ltd (igika cya 20, 23).

I.2.1.6. Igisobanuro cy'urubanza rwasomwe n'umucamanza utararuburanishije

✓ Ingingo ya 52 igika cya 2 y'Itegeko N° 30/2018 ryo ku wa 02/06/2018 rigena Ububasha bw'Inkiko iteganya ibikurikira : "Urukiko rw'Ubujurire rufite 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 : 6°...zasomwe n'umucamanza utaraziburanishije".

✓ Ingingo ya 82 nayo y'iryo tegeko, iteganya mu gika cyayo cya nyuma, ko Urukiko Rukuru rw'Ubucuruzi ruburanisha mu rwego rw'Ubujurire imanza zaciwe mu rwego rwa mbere n'Inkiko z'Ubucuruzi.

Umurongo watanzwe : Ibijyanye n'impamvu yo kuba urubanza rwarasomwe n'umucamanza utararuburanishije, bikwiriye kumvikana nko kuba urubanza rwahabwa umucamanza akaruburanisha hanyuma byagera igihe cyo kurusoma rugasomwa n'undi mucamanza utari wawundi waruburanishije.

Urubanza rwatanze umurongo : Urubanza N° RCOMAA 00016/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 16/04/2024, MBONIGABA Régis aburana na LETSHEGO RWANDA Ltd (igika cya 20, 23).

I.2.1.7. Imanza zaciwe hashingiwe ku bimenyetso, inyandiko cyangwa imyanzuro byatanzwe nyuma yo gupfundikira urubanza – izo nyandiko zigomba kuba zarashingiweho mu ica ry'urubanza

Ingingo ya 52, igika cya 2 agace ka 4° y'Itegeko n°30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'Inkiko iteganya ibikurikira: *"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: (…) 4° zaciwe hashingiwe ku kimenyetso, inyandiko cyangwa imyanzuro byatanzwe nyuma yo gupfundikira urubanza kandi hatabayeho gusubukura iburanisha"*.

Umurongo watanzwe mu rubanza: Kugira ngo ubujurire bwa kabiri bushingiye ku manza zaciwe hashingiwe ku kimenyetso, inyandiko cyangwa imyanzuro byatanzwe nyuma yo gupfundikira urubanza bwakirwe, hagomba kuba hari ikimenyetso, inyandiko cyangwa imyanzuro byatanzwe nyuma yo gupfundikira urubanza, kandi bikaba byarashingiweho n'Urukiko.

Imanza zafashwemo uyu murongo :

❖ Urubanza N° RCOMAA 00064/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/10/2022 haburana AFRICABET CO. Ltd na EXCELLENT INVESTMENT COMPANY Ltd (EIC Ltd) (igika cya 17).

❖ Urubanza N° RPAA 00351/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/06/2023 haburana Ubushinjacyaha na BIBERABAGABO Jean Bosco n'undi (igika cya 41).

❖ Urubanza rubanziriza urundi N° RCOMAA 00046/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/03/2024, RUTEMBESA Darius n'abandi baburana na PC TEXTILES Ltd (igika cya 16-23).

❖ Urubanza rubanziriza urundi N° RPAA 00437/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/11/2024, Ubushinjacyaha buburana na RUMONGI Longin (igika cya 45).

❖ Urubanza rubanziriza urundi N° RCOMAA 00090/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/02/2024, SINDAYIGAYA Moïse aburana n'Umuryango APE RUGUNGA (igika cya 17).

I.2.1.8. Agaciro k'ikiburanwa – ntihashingirwa ku gaciro umuburanyi yigeneye ubwe

Ingingo ya 52, igika cya 2, agace ka 8 y'Itegeko n° 30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'Inkiko iteganya ibi bikurikira: "*Urukiko rw'Ubujurire ruburanisha mu rwego rw'ubujurire bwa kabiri imanza zaciwe n'Urukiko Rukuru, Urukiko Rukuru rw'Ubucuruzi, n'Urukiko Rukuru rwa Gisirikare iyo izo manza zagenwemo n'Urukiko indishyi zingana nibura na miliyoni mirongo irindwi n'eshanu z'amafaranga y'u Rwanda (75.000.000Frw cyangwa zifite agaciro kagenwe n'umucamanza mu gihe habaye impaka kangana na miliyoni mirongo irindwi n'eshanu z'amafaranga y'u Rwanda (75.000.000 Frw).*"

Umurongo watanzwe: Iyo hari indishyi zagenwe mu rubanza nizo zigomba gushingirwaho, naho byaba ngombwa ko hashingirwa ku gaciro k'ikiburanwa hakarebwa agaciro kemejwe n'urukiko nyuma y'impaka z'ababuranyi, haba nta gaciro kagenwe n'inkiko hagashingirwa ku kagenwe n'umuhanga iyo bibaye gombwa. Ntabwo iyakirwa ry'ubujurire bwa kabiri rishingirwa ku gaciro umuburanyi yigeneye ubwe.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RCOMAA 00035/2022/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 13/06/2023 haburana Akarere ka Gicumbi na WOORD GROUP LTD (igika cya 15).

❖ Urubanza N° RCOMAA 00027/2023/CA, rwaciwe mu rubanza rubanziriza urundi n'Urukiko rw'Ubujurire ku wa 9/8/2023 haburana DRAGON SUPPLY Ltd na KAJANGWE Joseph n'abandi (igika cya 17).

❖ Urubanza N° RCAA 00019/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 15/02/2024 haburana Abazungura ba AYIRWANDA Sophie na SEZIBERA Jean Nathan n'undi (igika cya 11).

❖ Urubanza N° RCAA 00019/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/06/2024 haburana BANK OF KIGALI Plc na MUTARA ENTERPRISES Ltd (igika cya 12).

❖ Urubanza rubanziriza urundi N° RCOMAA 00051/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/03/2024, NIWEMUGENI Francine aburana na RWANDA REVENUE AUTHORITY n'abandi (igika cya 22).

❖ Urubanza N° RCAA 00019/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/05/2024 haburana DELIVERANCE CHURCH RWANDA na SHOWERS OF BLESSINGS CHURCH n'undi (igika cya 27).

❖ Urubanza N° RCOMAA 00006/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/09/2024 haburana RUSIMBI Gilbert na BPR BANK RWANDA Plc (igika cya 20).

❖ Urubanza N° RCOMAA 00017/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/11/2024, TRUST FOR SUSTAINABLE GROUP Ltd iburana na RUGAMBWA Celse (igika cya 43).

❖ Urubanza N° RADAA 00017/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 13/12/2024, KAYINAMURA Egide iburana na RWANDA REVENUE AUTHORITY (RRA) (igika cya 13-14).

❖ Urubanza N° RADAA 00013/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 13/12/2024, MUNGU AKONKWA Déo iburana na RWANDA REVENUE AUTHORITY (RRA) (igika cya 16-17).

❖ Urubanza N° RCOMAA 00036/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/12/2024 haburana LETA Y'U RWANDA/MINAGRI na ECOBANK RWANDA PLC (ECOBANK) (igika cya 25).

I.2.1.9. Hashingirwa ku gaciro k'indishyi zagenwe mu rubanza rujuririrwa, aho kuba izagenwe mu rubanza rwo ku rwego rwa mbere

Ingingo ya 52, igika cya 2, agace ka 8°, y'Itegeko n°30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'inkiko igira iti: *"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 zagenwemo n'urukiko indishyi zingana nibura na miliyoni mirongo irindwi n'eshanu z'amafaranga y'u Rwanda (75.000.000 Frw) cyangwa zifite agaciro kagenwe n'umucamanza mu gihe habaye impaka kangana na miliyoni mirongo irindwi n'eshanu z'amafaranga y'u Rwanda (75.000.000 Frw)".*

Umurongo watanzwe : Indishyi zatanzwe mu rubanza rwajuririwe ni zo zirebwa mu kumenya niba Urukiko rw'Ubujurire rufite ububasha bwo kuburanisha ubujurire bwa kabiri.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RSOCAA 00004/2018/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 09/11/2018, GEORGE NIHAL BOPEARATCHY uburana na KARONGI TEA FACTORY Ltd (igika cya 39).

❖ Urubanza N° RCAA 00015/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/9/2024, haburana NYIRANDABARUTA Spéciose Kibonge na CHINA ROAD AND BRIDGE CORPORATION (CRBC) Ltd (igika cya 20).

❖ Urubanza N° RCOMAA 00024/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/11/2024/CA, haburana WHITEFIELD INVESTMENT COMPANY Ltd na THOMAS ET PIRON GRANDS LACS Ltd n'abandi (igika cya 20).

I.2.1.10. Hashingirwa ku ndishyi zagenwe mu rubanza rujuririrwa ujurira yategetswe kwishyura ubwe, aho kuba agaciro k'amafaranga aburanwa cyangwa amafaranga abandi bategetswe kwishyura.

Ingingo ya 52, igika cya 2, agace ka 8, y'Itegeko N°30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'inkiko iteganya ibikurikira: *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: 8° zagenwemo n'urukiko indishyi zingana nibura na miliyoni mirongo irindwi n'eshanu z'amafaranga y'u Rwanda (75.000.000 Frw) cyangwa zifite agaciro kagenwe n'umucamanza mu gihe habaye impaka kangana na miliyoni mirongo irindwi n'eshanu z'amafaranga y'u Rwanda (75.000.000 Frw).*

Umurongo watanzwe: Indishyi zagenwe mu rubanza rujuririrwa zishingirwaho hagenwa ububasha bw'Urukiko mu bujurire bwa kabiri ni izajuririwe, ni ukuvuga izitarishimiwe bigatuma haba ubujurire bwa kabiri, aho kuba agaciro k'amasezerano y'isoko ryose yemejwe n'urukiko cyangwa igiteranyo cy'indishyi zose zagenwe mu rubanza rujuririrwa zaba izajuririwe n'izitajuririwe zagenewe abandi baburanyi.

Urubanza rwatanze umurongo: Urubanza N° RCOMAA 00009/2024/CA, rwaciwe mu rubanza rubanziriza urundi n'Urukiko rw'Ubujurire ku wa 29/11/2024 haburana MUTABAZI Steven na LETA Y'U RWANDA/MINADEF n'abandi (igika cya 26-28).

I.2.1.11. Agaciro k'ikiburanwa katanzwe mu kirego ntigashobora kuvuguruzwa n'igenagaciro ryashyizwe nyuma muri dosiye ntirigibweho impaka.

Ingingo ya 52, igika cya 2 agace ka 8° y'Itegeko n° 30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'Inkiko, iteganya ibikurikira: *"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: (…) 8° iyo izo manza zagenwemo n'Urukiko indishyi zingana nibura na miliyoni mirongo irindwi n'eshanu z'amafaranga y'u Rwanda (75.000.000 Frw) cyangwa zifite agaciro kagenwe n'umucamanza mu gihe habaye impaka kangana nibura na miliyoni mirongo irindwi n'eshanu z'amafaranga y'u Rwanda (75.000.000 Frw)".*

Umurongo watanzwe mu rubanza: Mu gihe agaciro k'ikiburanwa kari kazwi n'impande zombi ziburana mu itangwa ry'ikirego, igenagaciro ryashyizwe muri dosiye ariko ntirigibweho impaka n'ababuranyi, ntiryashingirwaho mu kugena ububasha bw'Urukiko mu bujurire bwa kabiri.

Urubanza rwatanze umurongo: Urubanza N° RCAA 00014/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/10/2022 haburana BIHIBINDI Françoise n'abandi baburana na MAJYAMBERE Jean Claude n'abandi (igika cya 19)

I.2.2. Gutsindwa ku mpamvu zimwe – hagereranywa impamvu zashingiweho ibyemezo byafashwe mu nkiko zombi hafatiwe ku ngingo zajuririwe

Ingingo y'itegeko umurongo ushingiyeho: Ingingo ya 52, igika cya 3, y'Itegeko N° 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 watanzwe : 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.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° 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 N° 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 N° 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 N° RCOMAA 0048/16/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 19/05/2017, haburana RRA na SODAR Ltd (igika cya 18).

❖ Urubanza N° 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 N° 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 N° 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 N°, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/02/2025, UMUJYI WA KIGALI uburana na FIRST CLEANING COMPANY Ltd (igika cya 15-16).

❖ Urubanza N° RCAA 00014/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 15/04/2025, KALISA Jean de Dieu n'abandi baburana na MUKAMUNANA Annonciata (igika cya 20-21).

❖ (…)

I.2.3. Ikiburanwa kidashobora kugenerwa agaciro mu mafaranga nticyakirwa mu bujurire bwa kabiri

Umurongo watanzwe: Ikirego gisaba kuzahura ubucuruzi bwa sosiyete nta gaciro mu mafaranga kiba gifite. Ubujurire bwa kabiri ntibwakirwa iyo ikiburanwa kidashobora kugenerwa agaciro.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RCOMAA 00046/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 05/03/2021, haburana FARAJA HOTEL Ltd na COGEBANQUE Plc (igika cya 17).

❖ Urubanza N° RCOMAA 00025/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 04/11/2022, RICHARDSTONE GENERAL TRADING Ltd iburana na COGEBANQUE Plc. (igika cya 16).

❖ Urubanza N° RCOMA 00038/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 19/10/2023 METAFOAM Ltd iburana na EQUITY BANK RWANDA Plc na HABATU MINING COMPANY Ltd (igika cya 16).

❖ Urubanza N° RCOMAA 00029/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 15/11/2024, EDECON CONSULTANTS Ltd iburana na AB BANK RWANDA Plc n'abandi (igika cya 16-17).

I.3. Imiburanishirize y'imanza

Ibisobanuro:

Muri iki cyiciro hakubiyemo imirongo yatanzwe mu manza zitandukanye zaciwe n'Urukiko rw'Ubujurire cyangwa Urukiko rw'Ikirenga ku bibazo bitandukanye byagiweho impaka, birebana n'imiburanishirize y'imanza.

I.3.1. <u>Gutanga ikirego</u>

I.3.1.1. Kugira ngo ikirego cyakirwe urega agomba kuba afite inyungu itaziguye (direct) kandi bwite (personnel)

Ingingo ya 114 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 ibijyanye no kugoboka ku bushake, igira iti : *"Ushaka kuburana mu rubanza ataregeye cyangwa atarezwemo abikora mu buryo bwo kuregera inkiko kandi agatanga ingwate y'amagarama. Kugira ngo ikirego cye cyakirwe, ugoboka ku bushake agomba kugaragaza inyungu yemewe n'amategeko, itaziguye kandi ye bwite."*

Umurongo watanzwe : Inyungu urega agomba kuba afite kugira ngo ikirego cye cyakirwe, ni itaziguye (direct) kandi bwite (personnel), ku buryo rero urega abyemererwa gusa, ari uko inyungu zibangamiwe ari ize bwite, kandi n'icyemezo cyazafatwa n'Urukiko ari we ubwe cyagirira akamaro.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RC 0002/16/CS, rwaciwe n'Urukiko rw'Ikirenga ku wa 27/01/2017, haburana NYIRAROMBA na NGIRINSHUTI (igika cya 19).

❖ Urubanza N° RCOMAA 00044/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 05/07/2024, VINTAGES WINES AND LIQUORS Ltd iburana na Me KARASIRA Colette Ratifa n'abandi (igika cya 23).

I.3.1.2. Nta muntu ufite uburenganzira bwo kubangamira ukurikirana icye, uretse ufite icyo bagihuriyeho

Ingingo ya 3, 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 ibikurikira: *"Ikirego cyakirwa mu rukiko iyo urega afite ububasha, inyungu n'ubushobozi byo kurega, keretse igihe itegeko ribiteganya ukundi"*. Ingingo ya 2, agace ka 7, y'iryo tegeko 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."*

Umurongo watanzwe: Igihe umuburanyi afite uburenganzira akurikirana mu kintu runaka, nta wundi wakabaye amubangamira mu kugikurikirana, uretse ufite icyo bagihuriyeho mu buryo bw'amasezerano cyangwa ubundi buteganywa n'amategeko.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RCAA 00027/2022/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 27/02/2023 China Road and Bridge Corporation Ltd iburana na NYIRANDABARUTA Spéciose Kibonge hamwe n'Akarere ka Kirehe.

❖ Urubanza N° RCOMA 00008/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 31/07/2023 Prime Economic Zone (PEZ) Co Ltd aburana na MUBILIGI Paul (igika cya 38).

I.3.2. Kutitaba Urukiko

I.3.2.1. Iyo uwareze atitabye Urukiko nta mpamvu, uregwa afite uburenganzira bwo gusibisha ikirego yarezwe cyangwa kukiburanaho uwamureze adahari- Iyo rusibwe ruri mu bujurire hagumaho icyemezo cyafashwe mu rubanza rujuririrwa

Ingingo ya 54 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 ibikurikira *"iyo urega atitabye Urukiko nta mpamvu, uregwa ashobora gusaba ko urubanza rusibwa cyangwa agasaba ko ruburanishwa mu mizi yarwo, urubanza ruciwe rukazafatwa nk'aho rwaburanishijwe ababuranyi bahari, keretse iyo Urukiko, ku nyungu z'ubutabera, rusanze ari ngombwa ko urubanza rwimurirwa ku yindi tariki kugira ngo urega yongere ahamagarwe. Iyo urubanza rusibwe, icyo cyemezo kiba kivanyeho urubanza, n'amagarama yatanzwe yose agaherera k'urega".*

Umurongo watanzwe: Ni uburenganzira bw'uregwa iyo umurega atitabye Urukiko bwo guhitamo hagati yo gusibisha ikirego yarezwe no kukiburanaho uwamureze adahari kandi agafatwa nk'uhari. Ibijyanye no kwimura iburanisha kugira ngo urega yongere ahamagarwe ni icyemezo cyaturuka gusa ku bushishozi bw'Urukiko iyo rusanga ari byo biri mu nyungu z'ubutabera. Iyo Urubanza rusibwe ruri ku rwego rw'ubujurire, hasigaraho imikirize y'urubanza rwari rwajuririwe, mbese ibintu bigasubira nk'aho ubwo bujurire butigeze bubaho.

Urubanza rwatanze umurongo: Urubanza N° RCAA 00003/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/02/2025, Georges NSANGIRA NSENGIMANA ntawe arega, haragobotse KADODO BIHIRE Samuel (igika cya 13).

I.3.3. Kureka ikirego

I.3.3.1. Uretse ikirego arabyemererwa, ariko agategekwa kwishyura ibyagiye ku rubanza

Ingingo ya 122 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 ibikurikira : *"Kureka ikirego ni ukwiyambura ububasha bwo kuburana. Bijyana no kwiyambura uburenganzira umuntu yari afite bwo gukomeza gukurikirana icyo kirego. Ukwemera k'undi muburanyi si ngombwa".*

Ingingo ya 124 y'Itegeko ryavuzwe haruguru iteganya ibikurikira : "Kureka ikirego no kureka urubanza bituma ibintu bisubira uko byari bimeze ku mpande zombi mbere y'uko urukiko ruregerwa. Uretse ikirego cyangwa urubanza ashobora gucibwa amafaranga y'amagarama cyangwa igihembo cya Avoka n'andi yose yatanzwe n'uwo yari yareze mu gukurikirana urubanza".

Umurongo watanzwe : Mu gihe umuburanyi aretse ikirego mu Rukiko yari yararegeye, urwo Rukiko cyangwa se undi muburanyi ntibashobora kubimwangira, kuri urwo rwego nta kindi

Urukiko rwemerewe kuburanishaho no gufataho icyemezo uretse gusa ibirebana n'ibyagiye kuri icyo kirego yatangiije byerekeranye n'amafaranga y'ikurikiranarubanza n'igihembo cya Avoka byasabwa n'abandi baburanaga n'umuburanyi waretse ikirego.

Urubanza rwatanze umurongo : Urubanza N° RS/INJUST/RCOM 00006/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/9/2024, haburana BANK OF KIGALI Plc na GATE HILLS ESTATE Ltd (igika cya 19).

I.3.4. Inzitizi mu rubanza

I.3.4.1. Umuburanyi utishimiye icyemezo cyafashwe n'Umwanditsi mu nama ntegurarubanza ku nzitizi ntakijuririre kwa Perezida w'Urukiko, ntashobora kugarura iyo nzitizi mu nteko iburanisha

Ingingo ya 92 y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, igika cya 5, iteganya ibikurikira : "*Umuburanyi utishimiye icyemezo cy'umwanditsi ku ngwate itangwa n'abanyamahanga ashobora kukijuririra mu gihe kitarenze amasaha 48 kwa Perezida w'urukiko, akagifataho icyemezo mu rwego rw'ubuyobozi. Ubwo bujurire butuma inama ntegurarubanza iba isubitswe kugeza igihe icyemezo gifatiwe*".

Umurongo watanzwe : Umuburanyi wirengagije kujuririra kwa Perezida w'urukiko icyemezo cy'Umwanditsi ku nzitizi y'ingwate itangwa n'abanyamahanga, ntiyemerewe kugarura iyo nzitizi imbere y'inteko iburanisha.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RCOMAA 00007/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/11/2022 haburana MUA INSURANCE RWANDA Ltd na VILLAGE HEALTH WORKS (VHW), ROKO CONSTRUCTION RWANDA Ltd (igika cya 24).

❖ Urubanza N° RC 00002/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/03/2023 FENG Zhigang aburana na NDAYISABA Emmanuel n'undi (igika cya 11).

I.3.4.2 Umucamanza usimbuye undi mu rubanza akomereza aho urubanza rwari rugeze – ibyemezo byafashwe bihamaho uretse ibinyuranyije n'amategeko

Ingingo ya 74 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 ibikurikira : "*Iyo umucamanza cyangwa umwe mu bacamanza batangiye urubanza adashoboye kurukomeza kubera impamvu zinyuranye, asimburwa n'undi mucamanza byemejwe na Perezida w'Urukiko bireba. Icyo gihe, iburanisha rikomereza aho ryari rigeze, kandi ibyemezo byafashwe mu rubanza bikagumana agaciro kabyo. Icyakora iyo asanze hari ibyakozwe binyuranyije n'amategeko, hashobora gufatwa icyemezo cyo gutangira iburanisha bundi bushya cyangwa kugira ibihindurwa, hamaze kumvwa ababuranyi, hagasobanurwa impamvu. Umuburanyi utishimiye icyo cyemezo, ashobora kukijuririra hamwe n'urubanza mu mizi*".

Umurongo watanzwe : Mu gihe umucamanza ugiye mu rubanza rwatangiwe n'undi waruvuyemo kubera impamvu zitandukanye, akomereza aho urubanza rwari rugeze kandi ntashobora guhindura ibyemezo yafashe, keretse iyo asanze hari ibyakozwe (actes accomplis) binyuranyije n'amategeko.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RCOMAA 00019/2020/CA rwaciwe Urukiko rw'Ubujurire ku wa 11/12/2020 haburana UBURIYEMUYE Jean Damascène na NSHMIYIMANA Anaclet n'abandi (igika cya 19).

❖ Urubanza N° RPAA 00039/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 10/11/2023, Bank of Kigali Plc iburana na HARELIMANA RWEMA Emery n'abandi (igika cya 20).

I.3.4.3. Utarabaye umuburanyi mu rubanza rwabanje ntashobora kuba umuburanyi bwa mbere mu bujurire bwa kabiri

✓ Ingingo ya 7, y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, agace ka 7 iteganya ibikurikira : « *Ububasha bw'umuburanyi ni uburenganzira umuntu ahabwa n'amategeko akabukoresha arengera inyungu iyi n'iyi mu rukiko cyangwa yumvikanisha ibyo asaba cyangwa arwanya ibisabwa n'undi* ».

Umurongo watanzwe : Umuburanyi utarigeze uba umuburanyi mu rubanza rwajuririwe ndetse n'urwarubanjirije, ntagomba kuba umuburanyi bwa mbere mu bujurire bwa kabiri.

Urubanza rwatanze umurongo: Urubanza N° RCOMAA 00028/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/11/2022 haburana BLUE1 Ltd na STAR AFRICA MEDIA Co. Ltd na GAHUNGA Onesme (igika cya 22).

I.3.4.4. Icyemezo gifashwe ku nzitizi kidatuma urubanza rurangira ntigishobora kujuririrwa cyonyine

✓ Ingingo ya 1 y'itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi nk'uko ryahinduwe kugeza ubu itegeko ko: "*iri tegeko ari ryo rigenga imiburanishirize y'izindi manza mu gihe nta yandi mategeko yihariye agenga iyo miburanishirize keretse mu gihe ibiteganywa n'iri tegeko bidashobora gukoreshwa mu zindi manza*".

✓ Ingingo ya 129 igika cya 2 n'icya gatatu y'itegeko rivuzwe haruguru iteganya ko: "*Icyemezo gifashwe ku mpamvu zituma ikirego kitakirwa gishobora kujuririrwa cyonyine mu gihe icyo cyemezo gifashwe gituma iburanisha rirangirira aho. Iyo icyo cyemezo gifashwe kitabuza urubanza gukomeza mu mizi, kukijuririra bikorerwa hamwe n'urubanza rw'iremezo*".

Umurongo watanzwe mu rubanza: Icyemezo gifashwe ku nzitizi gishobora kujuririrwa cyonyine mu gihe icyo cyemezo gituma iburanisha rirangirira aho; naho mu gihe icyo cyemezo kitabuza urubanza gukomeza mu mizi, umuburanyi utakishimiye agira gusa uburenganzira bwo kuzakijuririra hamwe n'urubanza rw'iremezo.

Imanza zafashwemo uyu murongo :

❖ Urubanza N° RS/INCONST/SPEC 00006/2023/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 23/05/2025, Dr Baribwira Cyprien aburana na Leta y'u Rwanda (igika cya 82).

❖ Urubanza N° RPA/ECON 00001/2025/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/06/2025, Ubushinjacyaha buburana na NGABONZIZA Ephreim (igika cya 23).

I.3.5. <u>Kwihana umucamanza</u>

I.3.5.1. Impamvu z'ubwihane bw'umucamanza si impamvu zituruka ku buryo urubanza rwaburanishijwe – ni impamvu zishingiye ku byo umuburanyi yamenye mu mibanire cyangwa mu isano umucamanza asanzwe afitanye n'umuburanyi cyangwa azi ku rubanza

Ingingo ya 103 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: '*Umucammanza bashobora kumwihana iyo: « Ingingo ya 103 CPCCSA iteganya ko 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 »*

Umurongo watanzwe: Impamvu z'ubwihane bw'umucamanza ziteganywa n'ingingo ya 103 y'itegeko no 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi si impamvu zituruka mu buryo urubanza rwaburanishijwe, ahubwo ni 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.

Izindi manza zafashe uyu murongo:

❖ Urubanza N°RS/RECUS/RCOM 00002/2019/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 15/11/2019, ku bwihane bwatanzwe na Rutikanga Frederic (igika cya 23).

❖ Urubanza N° RS/RECUS/RC 00003/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/01/2023, ku bwihane bwatanzwe na RUBANGURA Denys (igika cya 7-8).

❖ Urubanza N° RS/RECUS/RC 00001/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 14/04/2023, ku bwihane bwatanzwe na DUSABE Esther (igika cya 6).

❖ Urubanza N° RS/RECUS/RCOMAA 00002/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/12/2023, ku bwihane bwatanzwe na KARAGIRE YARAMBA Jean Baptiste (igika cya 11).

❖ Urubanza N° RC 00002/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 24/06/2024, ku bwihane bwatanzwe na UWAMWEZI Marie Claire (igika cya 11).

❖ Urubanza N° RS/RECUS/RP/GEN 00001/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 04/06/2024, ku bwihane bwatanzwe na MBARUSHIMANA KUNDA Emmanuel (igika cya 12).

I.3.5.2. Kuba umucamanza uburanisha urubanza rw'iremezo yaraburanishije urubanza ku kirego cyihutirwa ntibyaba impamvu yo kumwihana

Ingingo ya 103 (6°) 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: *Umucammanza bashobora kumwihana iyo: «6° yigeze kuba mu rubanza ari umucamanza, umwunzi, umushinjacyaha, umugenzacyaha, umuburanyi, umutangabuhamya, umusemuzi, inzobere cyangwa umukozi wo mu butegetsi bwa Leta»*

Umurongo watanzwe: kuba umucamanza uburanisha urubanza rw'iremezo yaraburanishije urubanza ku kirego cyihutirwa ntibishobora kwitiranywa n'ibivugwa mu ngingo ya 103, 6° PCCSA kuko ibiburanwa muri izo manza zombi ntaho bihuriye, bikaba bidashobora kuba impamvu y'ubwihane bw'umucamanza.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RS/RECUS/RCOM 00001/2023/SC rwaciwe n'Urukiko rw'ikirenga ku wa 12/05/2023 ku bwihane bwatanzwe na DUNIA Bakarani Faustin (igika cya 12).

❖ Urubanza N° RC 00004/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 24/04/2023, ku bwihane bwatanzwe na VALOIS Jean Felix (igika cya 6).

I.3.5.3. Urwango rutuma umucananza yihanwa si urushingiye ku isesengura rigenekereje umuburanyi yikorera ubwe ahereye ku migendekere y'urubanza

Ingingo ya 103 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 : '*Umucammanza bashobora kumwihana iyo : « umwe mu baburanyi agaragaje ishingiro ry'urwango afitanye n'umucamanza »*

Umurongo watanzwe : Urwango rutuma umucamanza yihanwa mu rubanza ntabwo ari urwango rushingiye ku byo umuburanyi yibwira ashingiye ku migendekere y'urubanza, ntirushobora gushingira kandi ku isesengura rigenekereje umuburanyi yikorera ; ahubwo

rugomba kuba ari urusanzweho na mbere y'uko urubanza ruba, kandi uruvuga akanabigaragariza ibimenyetso.

Izindi manza zafashe uyu murongo:

❖ Urubanza N°RS/RECUS/RCOM 00002/2019/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 15/11/2019, ku bwihane bwatanzwe na Rutikanga Frederic (igika cya 23).

❖ Urubanza N° RS/RECUS/RC 00003/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/01/2023, ku bwihane bwatanzwe na RUBANGURA Denys (igika cya 7-8).

I.3.6. Ibirego byihutirwa

I.3.6.1. Haba hari ubwihutire mu gihe cyose icyemezo kizafatwa gishobora kuzabangamira inyungu z'uwareze

Ingingo ya 185, igika cya 1, 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 ibikurikira: *"Iyo hari ikirego cy'iremezo, ariko hagomba kugira icyemezwa by'agateganyo mu buryo bwihuta ku rubanza rwaregewe urukiko rutaraburanishwa, ikirego cyihutirwa gishyikirizwa umucamanza ushinzwe kurangiza impaka zihutirwa w'aho zigomba gukemurirwa hakurikijwe uburyo busanzwe bw'ihamagara". rwaciwe*

Ibyanditswe n'umuhanga : Serges Guinchard et alii, Procédure civile, 4ème Edition, Dalloz, 2015, P. 160, para. 297). *"(….de façon générale, on peut dire qu'il y a urgence toutes les fois qu'un retard dans la décision qui doit être prise serait de nature à compromettre les intérêts du demandeur ou à mettre en péril les intérêts d'une partie. Mais l'urgence est une notion floue qui ne répond pas aux critères précis. C'est une notion de fait dont l'appréciation relève du pouvoir souverain des juges de fond, ou plutôt en l'espèce des juges du provisoire […]"*

Umurongo watanzwe: Ibirego byihutirwa bigomba kuba byujuje ibintu bitatu by'ingenzi ari byo: gukorwa mu buryo bwihuse cyane kugira ngo bigire icyo biramira ku buryo bitinze haba igihombo kitagira igaruriro, icyemezo kigomba kuba ari icy'agateganyo kandi ntikigomba kubangamira urubanza rw'iremezo mu mizi yarwo. Haba hari ubwihutire mu gihe cyose icyemezo kizafatwa gishobora kuzabangamira inyungu z'uwareze. Ubwihutire bwemezwa mu bushishozi bw'umucamanza bitewe n'imiterere y'urubanza.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RC 00002/2016/CS - RC 0003/16/CS, rwaciwe n'Urukiko rw'Ikirenga ku wa 14/10/2016 haburana KAYITSINGA Aléxis, KANYAMIBWA Immaculée na NSANGINEZA Céléstin.

❖ Urubanza N° RCOMA 00003/2017/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 14/07/2017 NKUNDABANYANGA Eugénie na KARANGWA Charles baburana na BES & SUPPLY.

❖ Urubanza N° RADA 00002/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/02/2024 SOCIETE GENERALE DE FABRICATION DES MATERIAUX DE CONSTRUCTION (SOGEFAMAC Ltd) iburana na RUZIMA Prosper n'undi (igika cya 11).

❖ Urubanza N° RCOM 00001/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/06/2024 NEXTGEN DEVELOPERS Ltd iburana na NFCS Ltd n'undi (igika cya 17).

❖ Urubanza N° RCOM 00002/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 09/08/2024 Radiant Insurance Company Ltd iburana na GAFARANGA Ismaël n'undi (igika cya 15).

❖ Urubanza N° RCOMA 00008/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/11/2024, NDAHIRO Samson aburana na SRI SAR Motors Ltd n'undi (igika cya 13).

❖ Urubanza N° RCOM 00001/2025/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/03/2025, NYABYENDA Emmanuel aburana na BONANZA INVESTMENT COMPANY LTD (igika cya 16-17).

I.3.6.2. Byitwa ko hari ubwihutire iyo kutabwemeza hari icyo byakwangiza

Ingingo ya 185 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 ibikurikira: *"iyo hari ikirego cy'iremezo ariko hagomba kugira icyemezwa by'agateganyo mu buryo bwihuta ku rubanza rwaregewe urukiko rutaraburanishwa, ikirego cyihutirwa gishyikirizwa umucamanza ushinzwe kurangiza impaka zihutirwa [….]".*

Umurongo watanzwe: Ubwihutire bugaragazwa n'imiterere y'ikibazo, ku gihe umucamanza agomba gufatira icyemezo, hakarebwa kandi niba kutemeza ubwihutire cyangwa kureka ibintu uko bimeze hari icyo byangije.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RAD 0003/16/CS-RAD 0004/16/CS, rwaciwe n'Urukiko rw'Ikirenga ku wa 17/06/2016, haburana NSABIMANA Norbert na NDAYISENGA Paterne, hagobokeshwa CONSTRUCTION BC Ltd.

❖ Urubanza N° RCA 00011/2023/CA, rwaciwe n'Urukiko rw'Ikirenga ku wa 18/10/2023, MUTIMURA Benjamin n'undi baburana na EYA NCHAMA Blondine UWIMANA (igika cya 22).

❖ Urubanza N° RCA 00007/2023/CA-RCA 00008/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/09/2023 BONANE Jean Claude aburana na MUKANSANGA Verena n'abandi (igika cya 21).

I.3.6.3. Umuburanyi uregwa mu rubanza ntiyemerewe gutanga ikirego cyihutirwa

Umurongo watanzwe: Iyo umuburanyi atariwe watangije urubanza rw'iremezo ntaba yemerewe gutanga ikirego cyihutirwa. Iyo urukiko rukoze ikosa rukakira icyo kirego, urukiko rwajuririwe rutesha agaciro urwo rubanza.

Imanza zafashwemo uyu murongo:

❖ Urubanza n° RCOM 0011/13/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 10/01/2013, haburana Ben Benzinge na Natural Resources Development Rwanda Ltd, (igika cya 15).

❖ Urubanza N° RCOMA 00006/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 23/05/2022, haburana NZIRORERA Cyprien na MUHIMPUNDU Rosine. (igika cya 23).

❖ Urubanza N° RCOM 00004/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 14/07/2023, haburana Entreprise MUHAMYANKAKA Vanuste na Wild Urban International Development Ltd, (igika cya 15,16).

❖ Urubanza N° RCOMA 00004/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 16/02/2024 haburana LIFE GOAL COMPANY Ltd na NIYONSABA Edouard, (igika cya 17,18).

❖ Urubanza N° RCA 00013/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 10/01/2025 haburana RWIGEMA Joséphine na MAZIMPAKA Christian (igika cya 18).

I.3.7. <u>Kugoboka mu rubanza</u>

I.3.7.1. Umuburanyi wagobotse mu rubanza rugeze mu bujurire ntiyemerewe kurujuririra mu gihe urubanza yagobotsemo rudashobora kongera kujuririrwa

Ingingo ya mbere y'Itegeko N° 22/2018 ryo ku wa 29/04/2028 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi iteganya ibikurikira: "*Iri tegeko rigenga imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi. Ni na ryo rigenga imiburanishirize y'izindi manza mu gihe nta yandi mategeko yihariye agenga iyo miburanishirize keretse mu gihe ibiteganywa n'iri tegeko bidashobora gukoreshwa mu zindi manza.*"

Ingingo ya 116 y'iryo tegeko, igateganya ibikurikira: K*abone n'aho urubanza rwaba ruciwe ku rwego rwa nyuma, umuburanyi ugobokeshejwe ku gahato ku rwego rw'ubujurire yemerewe kujuririra urubanza yagobokeshejwemo inshuro imwe iyo hari ibyo yaciwe*".

Umurongo watanzwe : Umuburanyi ugobokeshejwe mu rubanza ku gahato ku rwego rw'ubujurire yemerewe kujuririra urubanza yagobokeshejwemo inshuro imwe iyo hari ibyo yaciwe, kabone n'aho urubanza rwaba ruciwe ku rwego rwa nyuma, kuko aba yashyizwe mu rubanza atabishaka. Uyu mwihariko ariko ntureba umuburanyi wagobotse mu rubanza ku bushake kuko we aba yiyemeje gufatira urubanza yagobotsemo aho rugeze; bityo urwo rubanza rwaba rushobora kujuririrwa akaba nawe ubwo burenganzira abufite, rwaba rudashobora kujuririrwa nawe akaba ntabwo afite.

Urubanza rwatanze umurongo : Urubanza N° RPAA/ECON 00002/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/03/2024, Ubushinjacyaha buburana na UWAMURERA Phoebe hahamagajwe KAGANZI Nicholas n'undi (igika cya 23).

I.3.7.2. Uwagobotse mu rubanza ntiyemerewe kuzamura ikibazo kidafitanye isano n'ikiburanwa mu rubanza rugobokwamo

Ingingo ya 114, igika cya 2, 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

ibikurikira « Kugira *ngo ikirego cyakirwe, ugoboka ku bushake agomba kugaragaza inyungu yemewe n'amategeko, itaziguye kandi ye bwite ».*

Umurongo watanzwe : Inyungu z'umuburanyi ugoboka mu rubanza zigaragarira mu kuba yabasha no kurutambamira mu gihe yaba atarabashije kurugobokamo. Umuburanyi wagobotse ntashobora kuzana mu rubanza ikibazo kidafitanye isano n'ikiburanwa hagati y'ababuranyi bari barusanzwemo.

Urubanza rwasuzumwe : Urubanza rubanziriza urundi N° RCOMAA 00114/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/9/2023, haburana NFCS Ltd na NEXTGEN DEVELOPERS Ltd n'undi (igika cya 33).

I.3.8. <u>Ibimenyetso mu manza</u>

I.3.8.1. Umuburanyi utanze ikirego afite inshingano yo gutanga ibimenyeyso

Ingingo ya 3 y'Itegeko n°15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo iteganya ibikurikira: *"Buri muburanyi agomba kugaragaza ukuri kw'ibyo aburana"*

Ingingo ya 12, igika cya 1, 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 ibikurikira: *"Urega agomba kugaragaza ibimenyetso by'ibyo aregera. Iyo abibuze, uwarezwe aratsinda.*

Umurongo watanzwe: Umuburanyi utanze ikirego mu Rukiko aba afite inshingano ikomeye yo kugaragaza ibimenyetso bihamya nta shiti ko ibyo aregera ari ukuri, iyo atabashije kubigaragaza, ikirego cye nta shingiro gihabwa.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RS/INJUST/RC 00007/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/10/2023 haburana KARUMUHINZI Baudoux Claire na NYIRAKAZIGA Kabeja Anne Marie.

❖ Urubanza N° RCAA 00007/2023/CA-RCAA 00008/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/12/2023, BUGABO Jean Pierre n'undi baburana na MUSABWASONI Asthérie n'abandi.

❖ Urubanza N° RS/INJUST/RC 00030/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 31/11/2023, CODENYA MULTISERVICES Ltd iburana na MUNYAKARAMBI Charles n'undi (igika cya 31).

❖ Urubanza N° RS/INJUST/RC 00011/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/01/2024, ISHIMWE Samuel aburana na KABALISA Jacqueline (igika cya 18).

❖ Urubanza N° RS/INJUST/RC 00008/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/01/2024, NTAGANIRA Cyrille aburana na GASHUMBA Emile na bagenzi be (igika cya 20).

❖ Urubanza N° RS/INJUST/RAD 00005/2023/CA, rwaciwe mu rubanza rubanziriza urundi n'Urukiko rw'Ubujurire ku wa 16/02/2024 MUSEVENI Sinèse n'undi barega GIHANA Samson (igika cya 21).

❖ Urubanza N° RS/INJUST/RC 00038/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 16/02/2024, MUKASHEFU Jacqueline n'abandi baburana na SANLAM AG Plc (igika cya 18).

❖ Urubanza N° RCA 00001, 00009/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/03/2024, MUKAMANA Béatrice n'undi baburana na NDAHIMANA Jean Bosco (igika cya 46).

❖ Urubanza N° RS/INJUST/RSOC 00018/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/03/2024, ICYIMANIZANYE Marie Chantal aburana na BPR Bank Rwanda Plc (igika cya 37).

❖ Urubanza N° RCOMA 00005/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/11/2024, GAHIGA Ange aburana na NGEZI Marie-Therese KARITESA GAHIGA (igika cya 14).

❖ Urubanza N° RCOMAA 00039/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/12/2024, SOMDIAM Ltd aburana na INTERTRADE WAREHOUSE Ltd (igika cya 27).

❖ Urubanza N° RCOMAA 00083/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 14/03/2025 BANK OF KIGALI Plc iburana na NKUNDIMANA Fidèle n'undi (igika cya 29).

❖ Urubanza N° RADA 00012/2024/CA- RADA 00001/2025/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/03/2025 NIYOYITA Hussein Zoubair aburana na Leta y'u Rwanda (Minisiteri y'Ubuzima/MINISANTE) (igika cya 30,36).

❖ Urubanza N° RCAA 00038/2022/CA & CMB RCAA 00015/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/03/2025, MUKANDAYAMBAJE Aline aburana na BUDEYI Jean Bosco n'abandi (igika cya 33).

❖ Urubanza N° RCOMAA 00053/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/03/2025, ENTREPRISE D'ADDUCTION D'EAU ET DE CONSTRUCTION (EADECO) iburana n' AKARERE KA GATSIBO (igika cya 53)

I.3.8.2. Ikiburanwa kireberwa mu myanzuro y'ababuranyi bose – umucamanza ntashobora guca urubanza ku kitagaragajwe mu myanzuro

Ingingo ya 10 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 ibikurikira : *"Umucamanza aca urubanza ku cyasabwe cyose kandi kuri icyo cyonyine"*. Iya 6 y'iryo Tegeko nayo igateganya ko *"ikiburanwa kigenwa n'ibisabwa na buri muburanyi. Ibisabwa bigaragarira mu myanzuro iregera urukiko n'imyanzuro yo kwiregura, bigashimangirwa burundu mu nama ntegurarubanza ku manza iteganyijwemo. […]"*.

Umurongo watanzwe : Ikiburanwa kireberwa mu myanzuro y'ababuranyi bose, kandi umucamanza aca urubanza ku byasabwe muri icyo kiburanwa gusa. Umucamanza ntashobora guca urubanza ku kitasabwe mu myanzuro.

Imanza zafashwemo uyu murongo :

❖ Urubanza N° RADAA 00003/2024/CA-RADAA 00004/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 14/06/2024, Umujyi wa Kigali uburana na GATETE Polycarpe (igika cya 39).

❖ Urubanza N° RCOMAA 00020/2024/CA- RCOMAA 00021/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/06/2024, BANK OF KIGALI Plc iburana na NSEKUYE Jacques (igika cya 21).

I.3.9. Gukosoza cyangwa gusobanuza urubanza

I.3.9.1. Hakosorwa amakosa yakozwe n'umucamanza, si ayakozwe n'umuburanyi kandi gukosora urubanza ntibigomba kugira icyo bihindura ku cyemezo cyafashwe

Ingingo ya 140, igika cya 1, 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 ibikurikira: *"Ikirego gikosora cyangwa gisobanura urubanza kiburanishwa nk'inyandiko nsobanurakirego itanzwe n'umuburanyi umwe. Urubanza rukosora urundi, rukosora gusa amakosa y'imyandikire".*

Umurongo watanzwe: Gukosora amakosa y'imyandikire ntibigomba kugira icyo bihindura ku cyemezo cyafashwe, amakosa akosorwa ni ayakozwe n'umucamanza, si ayakozwe n'umuburanyi. Hashobora ariko kubaho irengayobora nk'igihe umucamanza yasubiye mu makosa yakozwe n'umuburanyi kandi yashoboraga kuyabona iyo agenzura neza.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RS/RECT/RC 00003/2021/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 18/02/2022, haburana MUSEFANO Juvens (igika cya 11).

❖ Urubanza N° RCOMA 00010/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 14/12/2022, MUGENI Josiane aburana na INGABIRE Aliane n'abandi.

❖ Urubanza N° RS/RECT/RC 00001/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/09/2024, haburana MUGIRANEZA Eric (igika cya 8).

❖ Urubanza N° RCOMA 00003/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/08/2024, harega NZIHAHIRA Donati (igika cya 12).

I.3.9.2. Utarabaye umuburanyi mu rubanza ntashobora kurusobanuza cyangwa kurukosoza

Ingingo ya 140, igika cya 2, 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 *urubanza rusobanura cyangwa rukosora urundi rwuzuza urubanza rwasabiwe gusobanurwa cyangwa gukosorwa. Ingingo ya 139 y'iryo Tegeko iteganya ko ibirego bivugwa mu ngingo ya 138 y'iri Tegeko (ni ukuvuga ibirego bisaba gusobanura cyangwa gukosora amakosa ari mu rubanza) bitangwa hakurikijwe uburyo busanzwe mu gutanga ibirego.*

Umurongo watanzwe : Ububasha bwo gusobanuza cyangwa gukosoza urubanza bufitwe n'uwabaye umuburanyi muri urwo rubanza. Undi wabisaba aba afite inshingano yo kugaragaza aho akura ububasha bwo gusobanuza cyangwa gukosoza urubanza atabayemo umuburanyi. Mu gihe atabashije kubigaragaza ikirego cye nticyakirwa kubera kubura ububasha bwo kurega.

Urubanza rwatanze umurongo : Urubanza N° RSOCAA 00005/2018/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 11/01/2024 harega Sonarwa Life Assurance Company Limited (igika cya 8).

I.3.9.3. Gusobanuza urubanza si ukunenga imikirize yarwo - Hasobanurwa ibyaciweho urubanza byaba bitumvikana neza.

Ingingo ya 140, igika cya 1, 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 "*Ikirego gikosora cyangwa gisobanura urubanza kiburanishwa nk'inyandiko nsobanurakirego itanzwe n'umuranyi umwe. Urubanza rukosora urundi, rukosora gusa amakosa y'imyandikire*".

Umurongo watanzwe : Hasobanurwa ibyaciweho urubanza bitumvikana mu myandikire yarwo cyangwa bishobora kumvikana mu buryo bunyuranye bitera urujijo mu rubanza. Umuburanyi ntagomba gukoresha inzira yo gusobanuza urubanza agamije gusa kunenga icyemezo kitamunyuze.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RS/INTERT/RC 00001/2022/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 18/11/2022, haburana haburana NTAGUNGIRA Jérôme (igika cya 11-12).

❖ Urubanza N° RSA/RECT/RC 00003/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/02/2024, harega NKUNDABANYANGA Jean Claude (igika cya 33,35).

I.3.9.4. Iyo hagaragaye ikosa mu ngingo z'urubanza zitajuririwe, rikosorwa n'urukiko rwazifasheho icyemezo

Ingingo ya 138 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 ibirego bisaba gukosora amakosa ari mu rubanza biregerwa urukiko rwaciye urwo rubanza.*

Umurongo watanzwe : Umuburanyi ushaka gusaba ko hakosorwa ikosa riri mu rubanza, abisaba mu Rukiko rwasuzumye ingingo igaragaramo iryo kosa rukanayifataho icyemezo ku rwego rwa nyuma.

Urubanza rwatanze umurongo : Urubanza N° RSA/RECT/RCOM 00001/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/11/2024, harega NEXTGEN DEVELOPERS Ltd (igika cya 13).

I.3.9.5. Kwibagirwa gusuzuma impamvu y'ubujurire yaburanyweho ntibyitwa amakosa y'imyandikire

Umurongo watanzwe : Ntibyakwitwa amakosa y'imyandikire mu gihe umucamanza yibagiwe gusuzuma impamvu y'ubujurire kandi yaraburanweho. Byitwa amakosa y'imyandikire nk'iyo hari

ibyo umucamanza yibagiwe gushyira mu gice cy'icyemezo cy'Urukiko (dispositif) kandi yari yabifasheho icyemezo mu gice cy'ibisobanuro (motivation).

Imanza zafashwemo uyu murongo:

❖ Urubanza rukosora urundi N° RS/RECT/RP 00002/2022/SC rwaciwe ku wa 17/06/2022 haburana BARIGIRA Isaac & NGENDABANYIKA Vincent (igika cya 9).

❖ Urubanza N° RPAA 00704/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 09/06/2023 haburana Ubushinjacyaha na HAKIZIMANA Jean Claude (igika cya 28).

I.3.10. <u>Kujuririra urubanza</u>

I.3.10.1. Iyo Urukiko rwajuririwe rusanze ku rwego rubanza Urukiko rwararegewe mu buryo bunyuranyije n'amategeko rutesha gaciro urwo rubanza

Ingingo ya 158, igika cya 1, 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 ibikurikira: "*Iyo Urukiko rwajuririwe rusanze urubanza rwararegewe mu rwego rwa mbere mu buryo budakurikije amategeko cyangwa rwararegeye urukiko rudafite ububasha, nyamara urwo rukiko rukaba rwarafashe icyemezo cyo kurwakira kandi rutaragombaga kurwakira, urukiko rwajuririrwe rwakira ubwo bujurire, rukagaragaza ko urwo rubanza rwajuririwe rwari rwararegewe urukiko rwa mbere mu buryo bunyuranyije n'amategeko, rugatesha agaciro ibyemezo byose byashingiye kuri iryo kosa; ubifitemo inyungu akaba yakongera agatanga ikirego bundi bushya*".

Umurongo watanzwe: Urukiko rwajuririwe iyo rusanze urubanza rujuririrwa rutaragombaga kwakirwa ku rwego rwa mbere, rufata icyemezo kuri iyo ngingo gusa, rugasobanura uburyo ikirego kitagombaga kwakirwa, rugatesha agaciro urubanza rwakiriye icyo kirego, ubifitemo inyungu akaba yakongera akarega.

Imanza zafashwemo uyu murongo:

❖ Urubanza rubanziriza urundi N° RCOMAA 00105/2022/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 21/06/2024, NZIZERA Alexandre aburana na SIVILI Fulgence n'abandi

❖ Urubanza N° RCAA 00047/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 14/03/2025, RWIYAMIRIRA David Martin aburana na KUBWIMANA Patrick n'abandi (igika cya 22).

I.3.10.2. Kujurira cyangwa kuburana urubanza rwatangijwe n'uwapfuye ntibikorwa mu izina rye – bikorwa mu izina ry'abazungura

✓ Ingingo ya 2, agace ka (w) y'Itegeko N° 71/2024 ryo ku wa 26/06/2024 rigenga abantu n'umuryango ivuga ko «*ubuzimagatozi bw'umuntu bivuga ububasha umuntu agira bwo kugira uburenganzira n'inshingano kuva akivuka kugeza apfuye*". Naho ingingo ya 14 y'iryo Tegeko ivuga ko "*Urupfu rurangiza ubuzimagatozi bw'umuntu*".

✓ Ingingo ya 121, igika 1 y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi nk'uko

ryahinduwe kugeza ubu ivuga ko "*Iyo iburanisha ry'urubanza ritarapfundikirwa, urukiko rukamenya ko habonetse inzitizi yo guhindura irangamimerere, kuva ku mirimo cyangwa urupfu rw'umuburanyi, umuburanyi usigaye agaragariza urukiko abafite ububasha bwo kurukomeza rukabahamagara, rukurikije amategeko yerekeye ihamagara*". Ingingo ya 3 y'iryo Tegeko ivuga ko "*Ikirego cyakirwa mu rukiko iyo urega afite ububasha, inyungu n'ubushobozi byo kurega, keretse igihe itegeko ribiteganya ukundi*".

Umurongo watanzwe: Umuntu agira ububasha, uburenganzira n'inshingano igihe akiriho gusa, iyo apfuye arabitakaza. Umuntu wapfuye ntaba agishoboye kuregera Urukiko (droit d'intenter une action devant une jurisdiction) cyangwa kuburana urubanza ahubwo iyo yarutangiye rukomezwa n'abazungura be. Ibyo bivuze ko n'iyo bibaye ngombwa kujurira, umuzungura waje gukomeza urubanza ari na we ujurira, ibyo akabikora mu mazina no munyungu ze bwite aho kubikora mu izina rya nyakwigendera. Iyo ubujurire butanzwe mu izina rya nyakwigendera ubujurire ntibwakirwa.

Urubanza rwatanze umurongo : Urubanza rubanziriza urundi N° RP 00004/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/11/2024, Ubushinjacyaha buburana na MUREKEZI Guy n'undi, IRTO Mattia n'undi baregera indishyi (igika cya 15).

I.3.11. Kubara ibihe by'ubujurire

I.3.11.1. Mu bihe bibarwa mu mezi no mu mwaka, iyo Itariki ya nyuma yo kujurira ihuriranye n'umunsi w'ikiruhuko - umunsi wo kujurira uba umunsi ukurikira w'akazi

✓ Ingingo ya 148 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 ibikurikira : "*Igihe ntarengwa cyo kujurira ni ukwezi kumwe (1) gitangira kubarwa kuva ku munsi umuburanyi yamenyeyeho ko urubanza rwasomwe* ". Naho ingingo ya 276 yaryo igateganya ko : « *Iminsi y'ikiruhuko yemewe n'iminsi y'impera y'icyumweru ntabwo ibarwa mu kubara ibihe bivugwa mu ngingo ya 275*[1]*, Nyamara, iyo umunsi igikorwa kigomba kurangiriraho ari umunsi w`ikiruhuko, icyo gihe cyongerwaho umunsi ukurikira w'akazi* ».

Umurongo watanzwe : Mu bihe bibarwa mu mezi no mu mwaka, iyo itariki ya nyuma yo kujurira ihuriranye n'umunsi w'ikiruhuko (cyangwa impera z'icyumweru), icyo gihe kigomba kubarwa hongeweho umunsi ukurikira w'akazi.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RADAA 0012/12/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 14/06/2013, haburana Akarere ka Gatsibo na NTEZIRIZAZA Adrien

❖ 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).

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[1]Iyi ngingo iteganya ko : « Ku bihe bibarwa mu minsi cyangwa mu masaha, bibarwa umunsi ku munsi, n'isaha ku isaha hakurikijwe igihe bimara kandi umunsi igikorwa cyakoreweho ntubarwamo, ahubwo habarwa umunsi wa nyuma kigomba kurangiriraho ».

❖ 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 N° RCOMAA 00025/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 04/11/2022 haburana RICHARDSTONE GENERAL TRADING na COGEBANQUE Plc (igika cya 14 - 15).

❖ Urubanza N° RADAA 00018/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 13/02/2022, NYIRINKINDI Amiel aburana na ENERGY DEVELOPMENT CORPORATION LIMITED (EDCL) (igika cya 20).

I.3.11.2. Itariki ifatwa ko yajuririweho ni iyagaragarijweho impamvu z'ubujurire mu mwanzuro.

Ingingo ya 148 igika cya mbere 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 ibikurikira: *Igihe ntarengwa cyo kujurira ni ukwezi kumwe (1) gitangira kubarwa kuva ku munsi umuburanyi yamenyeyeho ko urubanza rwasomwe*, iya 150 agace ka 5 y'iryo tegeko iteganya ko *Ubujurire bukorwa mu buryo bw'umwanzuro utanga ikirego, ugaragaza urutonde rw'inenge z'urubanza zisabirwa gukosorwa n'ibindi bibazo bigomba gusuzumwa".*

Umurongo watanzwe: Kujurira ni ukugaragaza inenge cyangwa amakosa uvuga ko biri mu rubanza ujuririra ushaka ko bikosorwa. Umuburanyi wagaragaza gusa muri IECMS ko ajuriye, akabikora ku munsi ntarengwa wo kujurira ariko ntagaragaze inenge cyangwa amakosa biri mu rubanza ajuririra, ahubwo akazabigaragaza nyuma, ntibifatwa ko yajuriye, ahubwo itariki ikwiriye gufatwa ko yajuririyeho ni iyo yagaragarijeho inenge cyangwa amakosa ashaka ko bikosorwa.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RCOMAA 00022/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 12/02/2021 haburana BARCO TRADING LTD, MIG LTD na Rujugiro A. Tribert.

❖ Urubanza N° RCAA 00026/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/01/2024, DEDERI Saidati aburana na NIWEMUGENI Zabibu (igika cya 23).

I.3.11.3. Iyo urubanza rwapfundikiwe umuburanyi ahari, ajurira bitarenze itariki ibanziriza iy'urubanza ajuririra rwasomeweho y'ukwezi gukurikira

Ingingo ya 148, igika cya 1 n'icya 2, y'Itegeko ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi iteganya ibikurikira: "*Igihe ntarengwa cyo kujurira ni ukwezi kumwe (1) gitangira kubarwa kuva ku munsi umuburanyi yamenyeyeho ko urubanza rwasomwe. Umuburanyi wari uhari iburanisha ripfundikirwa, n'iyo yaba atari ahari umunsi w'isomwa ry'urubanza, afatwa nk'uwamenye igihe urubanza rwasomewe*".

Ingingo ya 277 y'Iryo Tegeko iteganya ibikurikira: "*Ku bihe byagenwe mu mezi no mu mwaka, bibarwa kuva ku itariki ibanza kugeza ku munsi ubanziriza itariki ya nyuma igikorwa kigomba*

kurangiriraho". Naho ingingo ya 129, igika cya 1 n'icya 2 y'iryo Tegeko iteganya ibikurikira: *"Impamvu ituma ikirego kitakirwa igaragazwa mu myanzuro yo kwiregura. Iyo ari indemyagihugu, nko kurenza igihe cyo kujurira, kutagira ububasha, ubushobozi cyangwa inyungu byo kurega, ishobora kubyutswa n'umuburanyi cyangwa urukiko rubyibwirije igihe icyo ari cyo cyose".*

Umurongo watanzwe: Umuburanyi wari uhari urubanza rupfundikirwa agomba kujurira bitarenze itariki ibanziriza iy'urubanza ajuririra rwasomeweho y'ukwezi gukurikira uko urubanza rwasomeweho, yaba atabyubahirije ikirego cye cy'ubujurire nticyakirwe.

Imanza zafashwemo uyu murongo:

❖ Urubanza rubanziriza urundi N° RS/INJUST/RCOM 00006/2020/SC, rwaciwe n'Urukiko rw'Ikirenga ku 18/03/2022, haburana UBURIYEMUYE Jean Damascène na HOME BASKET SACCO Kimironko n'undi (igika cya 24).

❖ Urubanza N° RADAA 00018/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 13/02/2022, NYIRINKINDI Amiel aburana na ENERGY DEVELOPMENT CORPORATION LIMITED (EDCL) (igika cya 19).

I.3.11.4. Ibirego byihutirwa bijuririrwa mu gihe kitarenze iminsi itatu (3) ibarwa uhereye igihe kopi y'urubanza yashyiriwe muri IECMS

✓ 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*".

✓ Ingingo ya 260 y'Itegeko N° 22/2018 ryo ku wa 29/4/2018 ryavuzwe haruguru, yerekeye ibirego bisaba guhagarika no gutesha agaciro cyamunara, iteganya, mu gika cyayo cya 5, ko ***« bene ibyo birego bitangwa kandi bikaburanishwa mu bihe by'ibirego byihutirwa ».***

✓ Ingingo ya 275 nayo y'Itegeko N° 22/2018 ryavuzwe haruguru iteganya ko *« ku bihe bibarwa mu minsi cyangwa mu masaha, bibarwa umunsi ku munsi, n'isaha ku isaha hakurikijwe igihe bimara kandi umunsi igikorwa cyakoreweho ntubarwamo, ahubwo habarwa umunsi wa nyuma kigomba kurangiriraho ».*

Umurongo watanzwe : Icyemezo cyafashwe ku kirego cyihutirwa kijuririrwa mu gihe kitarenze iminsi 3 ibarwa uhereye ku itariki kopi y'urubanza yashyiriwe muri IECMS, ibyo bihe bikabarwa mu buryo buteganywa mu ngingo ya 275 y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryavuzwe haruguru.

Urubanza rwatanze umurongo : Urubanza Rubanziriza urundi N° RS/INJUST/RCOM 00006/2023/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 15/11/2024 BIMENYIMANA Innocent aburana na NDERERIMANA Gédéon.

N.B: Uyu murongo wasimbuye uwari waratanzwe mu manza zitandukanye zaciwe n'Urukiko rw'Ubujurire wateganyaga ibikurikira :

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.

Imanza wari waratanzwemo:

❖ 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 N° 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).

❖ Urubanza N° RCOMAA 00043/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 19/11/2024, UWANTEGE Louise aburana na NIYONSHUTI Iddi Ibrahim n'abandi (igika cya 23).

❖ Urubanza N° RCOMAA 00079/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 16/12/2024, FURAHA Eugène aburana na MUVUNYI Serge (igika cya 14).

❖ Urubanza N° RCOMA 00009/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 16/12/2024, KOPERATIVE GIRA AMATA KOGIAGI iburana na Me NIWENSHUTI NZARAMBA Valens n'undi (igika cya 15).

❖ Urubanza N° RCOMAA 00069/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/03/2025, BAMUHONGERWA Dahlia aburana na EUROCORP Ltd (igika cya 47).

I.3.11.5. Gutesha agaciro cyamunara bijuririrwa mu gihe kitarenze iminsi itatu (3), bikaburanishwa mu buryo bw'ibirego byihutirwa

Ingingo ya 185, igika cya mbere, 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 ibikurikira: "*Iyo hari ikirego cy'iremezo, ariko hagomba kugira icyemezwa by'agateganyo mu buryo bwihuta ku rubanza rwaregewe urukiko rutaraburanishwa, ikirego cyihutirwa gishyikirizwa umucamanza ushinzwe kurangiza impaka zihutirwa w'aho zigomba gukemurirwa hakurikijwe uburyo busanzwe bw'ihamagara, ingingo ya 188, igika cya 2 iteganya ko kujurira bikorwa mu minsi itarenze itatu (3) y'akazi uhereye ku munsi icyemezo cyasomeweho cyangwa ababuranyi bakimenyeyeho.*".

Ingingo ya 260, igika cya 5, 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 *«Guhagarika no gutesha agaciro cyamunara ku mitungo igurishwa hashingiwe ku cyemezo cyo kugurisha ingwate cyatanzwe n'Umwanditsi Mukuru, bisabwa Umwanditsi Mukuru. Umwanditsi Mukuru atanga igisubizo mu gihe kitarenze iminsi itatu (3) y'akazi. Iyo hari utishimiye igisubizo cy'Umwanditsi Mukuru cyangwa udahawe igisubizo mu gihe giteganywa muri iki gika, abitangira ikirego mu rukiko rw'ubucuruzi hakurikijwe ibivugwa muri iyi ngingo mu gihe kitarenze iminsi itanu (5) y'akazi uhereye igihe yamenyeye icyo gisubizo»* Naho igika cya kane cy'iyo ngingo kikavuga ko ***«Ibirego bivugwa muri iyi ngingo bitangwa kandi bikaburanishwa mu bihe by'ibirego byihutirwa.***

Umurongo watanzwe : Kuba itegeko ryaravuze ko ibirego bisaba guhagarika cyangwa gutesha agaciro cyamunara bitangwa kandi bikaburanishwa mu bihe by'ibirego byihutirwa, si uko umushingamategeko yashatse kubyambura cyangwa guhindura kamere yabyo y'uko ari ibirego bisanzwe, ahubwo icyari kigenderewe ni ukurengera nyir'umutungo wagurishijwe ndetse n'uwawegukanye kugira ngo hatagira utezwa igihombo no gutinda kw'imanza mu nkiko. Ikirego gisaba guhagarika cyangwa gutesha agaciro cyamunara gishobora kujuririrwa bwa kabiri iyo cyujuje ibisabwa kuko aba ari ikirego cyigenga kidashamikiye ku kindi kirego cy'iremezo ariko kikajuririrwa mu gihe kitarenze iminsi itatu.

Imanza zafashwemo uyu murongo

❖ Urubanza N° RCOMAA 0031/2016/SC-RCOMAA 00036/16/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 06/04/2018, haburana BK Ltd na HABIMANA Védaste

❖ Urubanza N° RCOMAA 00012/2019/CA, rwaciwe ku wa 09/12/2019 NZITONDA Kiyengo aburanamo na COGEBANQUE Ltd, HIGIRO Martin, Umwanditsi Mukuru muri RDB na GASHEMA Félicien, (igika cya 15 n'icya 16)

❖ Urubanza N° RCOMAA 00058/2022/CA, rwaciwe ku wa 22/07/2022 haburana MANUMETAL Ltd na TEDMER INT TRADE CO Ltd (Igika cya 16)

❖ Urubanza N° RCOMAA 00045/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 15/03/2024 haburana MURIMA Fred na UWIZEYE Gisele n'undi (Igika cya 29).

I.3.12. Ubujurire bwuririye ku bundi

I.3.12.1. Uwahamagajwe mu rubanza atajuririye kandi utarebwa n'impamvu z'ubujurire yemerewe gusa kuzamura ikibazo kidafitanye isano n'impamvu z'ubujurire iyo agamije kubungabunga inyungu ze mu rubanza rwajuririwe.

Ingingo ya 155 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 ibikurikira: *"Ikirego cy'ubujurire cyakiriwe gituma ikibazo gisubira uko cyari kimeze mbere y'uko gicibwaho urubanza rujuririrwa,* ***ariko ku ngingo zajuririwe gusa****"*. Naho ingingo ya 153 y'iryo tegeko ikongeraho ibikurikira: *"Iyo bamwe mu baburanyi bajuriye abandi ntibajurire, ntibibuza ko bose bahamagarwa mu rubanza rw'ubujurire. Muri icyo gihe, abatarezwe mu bujurire bashobora gusaba ijambo bagamije kurengera inyungu zabo. Bashobora kandi kuririra ku bujurire bakagira ibyo basaba kimwe n'uko bashobora gutakaza bimwe mu byo bari baragenewe mu rubanza rwajuririwe"*.

Umurongo watanzwe: Urubanza rw'ubujurire ruburanishwa gusa mu mbibi z'icyajuririwe, rugashobora kwagurwa gusa cyangwa kujya hanze y'imbago zacyo iyo ibyo biburanwa mu bujurire hari icyo byahungabanya ku nyungu z'umwe (cyangwa bamwe) mu ruhande ruhanganye n'uwajuriye. Icyo gihe gusa, nibwo uwahamagajwe mu rubanza rujuririrwa ariko atarebwa n'ibiruburanwamo ahabwa ijambo kugira ngo arengere inyungu ze ndetse akaba yagira n'ibyo asaba byuririye ku rubanza akuruwemo kandi atarajuriye. Igihe ntacyo aryozwa n'uwo ariwe wese mu mpande zihanganye mu bujurire, inyungu ze muri urwo rubanza ziguma kuba uko zari ziri mu rubanza rujuririrwa kuko kutajurira kwe bisigira impaka gusa abarebwa n'ingingo zajuririwe.

Imanza zafashwemo uyu murongo:

❖ Urubanza rubanziriza urundi N° RCOMAA 00114/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 15/9/2023, haburana NFCS Ltd na NEXTGEN DEVELOPERS Ltd n'undi (igika cya 11).

❖ Urubanza rubanziriza urundi N° RPAA 00449/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/12/2023, Ubushinjacyaha buburana na SINAMENYE Daniel, UWIZERA Mariane n'abandi baregera indishyi (igika cya 15, 18).

❖ Urubanza N° RCOMAA 00051/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/05/2024, NIWEMUGENI Francine aburana na RWANDA REVENUE AUTHORITY n'abandi (igika cya 61).

❖ Urubanza N° RS/INJUST/RSOC 00011/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 24/01/2025, HABIMANA Hassan aburana na JALI TRANSPORT Ltd (igika cya 18).

❖ Urubanza N° RPAA 00130/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/02/2025 Ubushinjacyaha buburana na NIBAYAVUGE Jean d'Amour (igika cya 28-29).

❖ Urubanza N° RPAA 00298/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/02/2025 Ubushinjacyaha buburana na IMANIRANKUNDA Ernest bita NKUNDA (igika cya 31).

I.3.12.2. Ingingo y'ubujurire bwuririye ku bundi iterekeranye n'ubujurire bw'iremezo (appel principal) ntiyakirwa

Ingingo ya 155 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 ibikurikira : *"Ikirego cy'ubujurire cyakiriwe gituma ikibazo gisubira uko cyari kimeze mbere y'uko gicibwaho urubanza rujuririrwa,* ***ariko ku ngingo zajuririwe gusa****"*. Ingingo ya 152, igika cya mbere n'icya 2, y'Itegeko rivuzwe haruguru, iteganya ibikurikira : *"Uregwa mu rukiko rujuririrwa ashobora na we kugira ibyo asaba yiregura. Ubujurire bwuririye ku bundi bukorwa n'uwarezwe mu bujurire bwerekeye ku wajuriye cyangwa ku bandi barezwe mu bujurire."*

Umurongo watanzwe : Urubanza rw'ubujurire ruburanishwa gusa mu mbibi z'icyajuririwe, ingingo y'ubujurire bwuririye ku bundi iterekeranye n'ubujurire bw'iremezo (appel principal) ndetse yatanzwe igihe giteganywa n'amategeko cyo kujurira cyararenze, ntabwo igomba kwakirwa ngo isuzumwe.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RS/INJUST/RSOC 00011/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 24/01/2025, HABIMANA Hassan aburana na JALI TRANSPORT Ltd (igika cya 18).

❖ Urubanza N° RCOMAA 00013/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/02/2025, OVERSEAS LOGISTICS & GENERAL SERVICES Ltd iburana na IGNITE POWER RWANDA Ltd (igika cya 52).

I.3.13. Gutambamira urubanza

I.3.13.1. Ushobora gutambamira urubanza ni utararubayemo umuburanyi, atararutumiwemo kandi yari arufitemo inyungu

Ingingo ya 161, igika cya 1 n'icya 2, 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 ibikurikira: *"Gutambamira urubanza ni ugushaka ko ruvanwaho cyangwa ruhindurwa bisabwe n'umuntu utararuburanye. Gutambamira urubanza bireba gusa, bitewe n'uwabisabye, ingingo zasuzumwe anenga, kugira ngo hasuzumwe bundi bushya uko byagenze n'uko amategeko abiteganya."*

Ingingo ya 162, igika cya 1, y'iryo Tegeko iteganya ibikurikira: *"Umuntu utareze cyangwa ngo aregwe mu rubanza ariko arufitemo inyungu, ashobora gutambamira urwo rubanza rumurenganya ashaka ko rusubirwamo iyo, ari we cyangwa ari n'abo ahagarariye nta warutumiwemo."*

Umurongo watanzwe: Ushobora gutambamira urubanza ni utararubayemo nk'urega cyangwa nk'uregwa, kandi we ubwe cyangwa abo ahagarariye bakaba batarigeze barutumirwamo, nyamara arufitemo inyungu. Mu gutambamira urubanza, Urukiko rusuzuma niba ingingo uwatambamiye urubanza anenga zigomba gutuma urubanza rutambamirwa ruvaho cyangwa niba zigomba gutuma ruhinduka, bitewe n'ibyo agaragaza byamurenganyije mu rubanza rutambamirwa.

Imanza zafashwemo uyu murongo:

❖ Urubanza rubanziriza urundi N° RS/INJUST/RCOM 00006/2020/SC, rwaciwe n'Urukiko rw'Ikirenga ku 18/03/2022, haburana UBURIYEMUYE Jean Damascène na HOME BASKET SACCO Kimironko n'undi (igika cya 24).

❖ Urubanza N° RCA 00001/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/02/2025, KABANDA Benjamin aburana na DEVELOPMENT BANK OF RWANDA Plc (BRD) n'undi (igika cya 17).

I.3.14. Gusubirishamo urubanza ingingo nshya

I.3.14.1. Ikimenyetso gishya ni ikimenyetso umuburanyi atashoboraga kumenya ko gihari igihe yaburanaga, akakibona nyuma - Gihabwa agaciro iyo gishobora kuvuguruza ibyari byashingiweho mu ica ry'urubanza

Ingingo y'Itegeko umurongo ushingiyeho: Ingingo ya 197, agace ka 5°, y'Itegeko n° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha, iteganya ibikurikira: "*Urubanza rushobora gusubirishwamo ingingo nshya kubera imwe mu mpamvu zikurikira: (…) 5° iyo kuva aho urubanza ruciriwe, habonetse ikimenyetso gishya kimara impaka kigaragaza neza akarengane katewe n'urubanza rusabirwa gusubirwamo*".

Ingingo ya 170, agace ka 3°, y'Itegeko no 22/2018 ryo ku w 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi iteganya ibikurikira: "*Urubanza rushobora gusubirishwamo ingingo nshya iyo kuva aho urubanza ruciriwe, habonetse ikimenyetso gishya kimara impaka kigaragaza neza akarengane katewe n'urubanza rusabirwa gusubirwamo;". Naho igika kibanziriza icya nyuma cy'iyo ngingo kigateganya iikurikira: "…Haseguriwe ibivugwa mu gace ka gatatu (3) k'iyi ngingo, ikimenyetso gishya ni ikimenyetso umuburanyi atashoboraga kumenya ko cyaba gihari, akakibona nyuma cyangwa akaba atarabashaga kukigeraho igihe yaburanaga.*

Umurongo watanzwe: Ikimenyetso gishya ni ikimenyetso umuburanyi atashoboraga kumenya ko cyaba gihari, akakibona nyuma cyangwa akaba atarabashaga kukigeraho igihe yaburanaga, kandi ko n'iyo ari gishya gihabwa agaciro gusa iyo gishobora kuvuguruza ibyari byashingiweho mu ica ry'urubanza rusabirwa gusubirishwamo ingingo nshya.

Imanza zatanzwemo uyu murongo:

- Urubanza n° RS/REV/CIV 0001/15/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 21/04/2017 haburana NYAMASWA Ephron na MUKAMUSONI Astérie (igika cya 22).

- Urubanza n° RS/REV/RIV 0002/12/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 18/01/2019, haburana MULINDAHABI Fidèle na ATRACO (igika cya 29).

- Urubanza n° RS/REV/RCOM 00001/2018/SC rwaciwe n'Urukiko rw'ikirenga ku wa 24/07/2020, haburana SHEMA Charles na I & M BANK RWANDA Plc n'abandi (igika cya 21).

- Urubanza N° RS/REV/RC 00001/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 11/10/2022 haburana NGOGA Placide na MUKANGOGA Marie Louise n'abandi (igika cya 20-23).

- Urubanza N° RP 00001/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 6/07/2023, Ubushinjacyaha buburana na KABURERE Gérard (igika cya 30-31).

- Urubanza N° RS/REV/RP 00007/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/12/2023 haburana Ubushinjacyaha na NGABO Faustin (igika cya 15).

- Urubanza N° RS/REV/RP 00001/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/12/2023 haburana Ubushinjacyaha na KANANI Célestin (igika cya 20).

❖ Urubanza N° RS/REV/RP 00005/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/02/2024 haburana Ubushinjacyaha na MBARUSHIMANA Olivier (igika cya 20-22).

❖ Urubanza N° RS/REV/RP 00003/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 05/03/2024 haburana Ubushinjacyaha na SEBUHINJA Innocent (igika cya 16-18).

❖ Urubanza N° 00001/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 05/03/2024 haburana Ubushinjacyaha na SIBOMANA Augustin (igika cya 21-23).

❖ Urubanza N° RS/REV/RP 00003/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/03/2024 haburana Ubushinjacyaha na CYIZA Simon (igika cya 31).

❖ Urubanza N° RP 00001/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/03/2024 haburana Ubushinjacyaha na NIYONSENGA Dieudonné (igika cya 23,33,41).

❖ Urubanza N° RS/REV/RP 00006/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 26/04/2024 haburana Ubushinjacyaha na URAYENEZA Ramadhan (igika cya 9).

❖ Urubanza N° 00001/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/09/2024 haburana Ubushinjacyaha na MUBARAKA Eduine (igika cya 17-18).

❖ Urubanza N° RS/REV/RCOM 00001/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/09/2024 haburana HABIMANA Bonaventure na RRA (igika cya 24-25).

❖ Urubanza N° RPAA 00004/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/09/2024 haburana Ubushinjacyaha na UWIDUHAYE Bernard (igika cya 21).

❖ Urubanza N° RS/REV/RCOM 00002/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/11/2024 haburana BHARAT HEAVY ELECTRICALS Ltd na RWANDA REVENUE AUTHORITY (RRA) (igika cya 24-25).

❖ Urubanza N° RCOMAA 00089/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/12/2024, AFRICANA BUFFALO Ltd iburana na Rwanda Revenue Authority (RRA) (igika cya 24).

❖ Urubanza N° RS/REV/RP 00044/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 31/01/2025, Ubushinjacyaha buburana na NYANDWI Pascal alias Conseiller (igika cya 13).

❖ Urubanza N° RS/REV/RP 00002/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/02/2025, Ubushinjacyaha buburana na TWIZEYIMANA Jean Bosco alias SECYUGU (igika cya 21-23).

❖ Urubanza N° RS/REV/RP 00055/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/02/2025, Ubushinjacyaha buburana na NTAKIRUTIMANA Martin (igika cya 17).

❖ Urubanza N° RS/REV/RP 00047/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 13/02/2025, Ubushinjacyaha buburana na NDASIRA Augustin (igika cya 12-13).

❖ Urubanza N° RS/REV/RP 00037/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/02/2025, Ubushinjacyaha buburana na HAKORIMANA Jean Baptiste (igika cya 16).

❖ Urubanza N° RS/REV/RP 00054/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/02/2025, Ubushinjacyaha buburana na NTAWUMENYUMUNSI Amani (igika cya 16).

- ❖ Urubanza N° RS/REV/RP 00053/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/02/2025, Ubushinjacyaha buburana na SIBOMANA TWAHA Antoine (igika cya 16).
- ❖ Urubanza N° RS/REV/RP 00003/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/02/2025, Ubushinjacyaha buburana na Sgt AHISHAKIYE Cassien (igika cya 13).
- ❖ Urubanza N° RS/REV/RP 00013/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/03/2025, Ubushinjacyaha buburana na NSENGIMANA Théoneste (igika cya 18).
- ❖ Urubanza N° RS/REV/RP 00046/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 14/03/2025, Ubushinjacyaha buburana na SHUMBUSHO VUGUZIGA (igika cya 18).
- ❖ Urubanza N° RS/REV/RP 00059/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/03/2025, Ubushinjacyaha buburana na NDAZIGARUYE Jean Bosco (igika cya 21-23).
- ❖ Urubanza N° RS/REV/RP 00043/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/03/2025, Ubushinjacyaha buburana na HAKORIMANA Emmanuel (igika cya 14).
- ❖ Urubanza N° RS/REV/RP 00001/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 07/03/2025, Ubushinjacyaha buburana na BENIMANA Jean Pierre (igika cya 14-15).
- ❖ Urubanza N° RS/REV/RP 00076/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/03/2025, Ubushinjacyaha buburana na HABAKURAMA Modeste (igika cya 18-20).
- ❖ Urubanza N° RS/REV/RP 00035/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 03/04/2025, Ubushinjacyaha buburana na MUTABAZI Innocent (igika cya 14-15).
- ❖ Urubanza N° RS/REV/RP 00004/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/05/2025, Ubushinjacyaha buburana na HABUMUGISHA Hamza (igika cya 16).

I.3.14.2. Ikimenyetso kibonetse nyuma y'icibwa ry'urubanza ariko amakuru agikubiyemo yaraburanishijwe mu rubanza rusubirishwamo ntibyatuma gifatwa n'ikimenyetso gishya

Ingingo ya 197, agace ka 5°, y'Itegeko n° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha, iteganya ibikurikira: *"Urubanza rushobora gusubirishwamo ingingo nshya kubera imwe mu mpamvu zikurikira: (…) 5° iyo kuva aho urubanza ruciriwe, habonetse ikimenyetso gishya kimara impaka kigaragaza neza akarengane katewe n'urubanza rusabirwa gusubirwamo".*

Ingingo ya 170, agace ka 3°, y'Itegeko no 22/2018 ryo ku w 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi iteganya ibikurikira: *"Urubanza rushobora gusubirishwamo ingingo nshya iyo kuva aho urubanza ruciriwe, habonetse ikimenyetso gishya kimara impaka kigaragaza neza akarengane katewe n'urubanza rusabirwa gusubirwamo;". Naho igika kibanziriza icya nyuma cy'iyo ngingo kigateganya iikurikira: "…Haseguriwe ibivugwa mu gace ka gatatu (3) k'iyi ngingo, ikimenyetso gishya ni ikimenyetso umuburanyi atashoboraga kumenya ko cyaba gihari, akakibona nyuma cyangwa akaba atarabashaga kukigeraho igihe yaburanaga.*

Umurongo watanzwe: Ikimenyetso gishya ni ikimenyetso umuburanyi atashoboraga kumenya ko cyaba gihari, akakibona nyuma cyangwa akaba atarabashaga kukigeraho igihe yaburanaga. Iyo hari ikindi kimenyetso ayo makuru yari akubiyemo kabone n'ubwo cyo cyaba kitarigeze kimenyekana ariko amakuru agikubiyemo akaba yaragiweho impaka mu rubanza rusabirwa gusubirishwamo ingingo nshya, ntigishobora gufatwa nk'ikimenyetso gishya mu buryo buteganyijwe n'ingingo ya 170 y'itegeko no 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi cyangwa iya 197 y'itegeko 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha.

Urubanza rwatanze umurongo: Urubanza N° RS/REV/RP 00062/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/02/2025, Ubushinjacyaha buburana na TWAHIRWA Aimable (igika cya 16-18).

I.3.14.3. Ikimenyetso cyari gihari cyangwa cyashoboraga gushakwa kikaboneka nticyafatwa nk'ikimenyetso gishya

Ingingo ya 170, igika cya mbere, agace ka gatatu, 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 ibikurikira: "*Urubanza rushobora gusubirwamo ingingo nshya iyo, kuva aho urubanza ruciriwe, habonetse ikimenyetso gishya kimara impaka kigaragaza neza akarengane katewe n'urubanza rusabirwa gusubirwamo.*"

Umurongo watanzwe mu rubanza: Ikimenyetso cyashoboraga kwifashishwa urubanza rutaraba itegeko ntigishobora gukoreshwa nk'ikimenyetso cyatuma urubanza rusubirishwamo ingingo nshya, icyo kimenyetso kandi kigomba kuba ari kamarampaka ku buryo cyashoboraga gutuma umucamanza afata icyemezo gitandukanye n'icyo yafashe.

Imanza zafashwemo uyu murongo:

❖ Urubanza n° RS/REV/RCOM 00001/2018/SC rwaciwe n'Urukiko rw'ikirenga ku wa 24/07/2020, haburana SHEMA Charles na I & M BANK RWANDA Plc n'abandi (igika cya 21).

❖ Urubanza n° RS/REV/RIV 0002/12/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 18/01/2019, haburana MULINDAHABI Fidèle na ATRACO (igika cya 29).

❖ Urubanza n° RS/REV/CIV 0001/15/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 21/04/2017 haburana NYAMASWA Ephron na MUKAMUSONI Astérie (igika cya 22).

❖ Urubanza N° RS/REV/RC 00001/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 11/10/2022 haburana NGOGA Placide na MUKANGOGA Marie Louise n'abandi (igika cya 20-23).

I.3.15. Kubahiriza umurongo watanzwe (Stare decisis)

I.3.15.1. Umucamanza ategetswe kubahiriza umurongo watanzwe n'inkiko zimukuriye, uw'Urukiko arimo cyangwa uwo yatanze mu manza yaciye

Umurungo uhuriweho n'izindi manza: Umucamanza ategetswe kubahiriza umurongo watanzwe n'inkiko zimukuriye, uw'Urukiko arimo cyangwa uwo yatanze mu manza yaciye ku bibazo bisa n'icyo agomba gucyemura (stare decisis), guhindura uwo murongo bishobora gukorwa gusa n'Urukiko rwisumbuye ku rwaciye urubanza cyangwa urwo rukiko ubwarwo. Iyo nta byabaye, Urukiko rugomba kugendera ku murongo usanzweho.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RS/INCONST/SPEC 00004/2019/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 04/12/2019, haburana URUGAGA RW'ABAVOKA (igika cya 36).

❖ Urubanza N° RS/CLR/SPEC 00001/2021/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 18/2/2022, haburana GLIHD (Great Lakes Initiative for Human Rights Development) na Leta y'u Rwanda (igika cya 36-39).

❖ Urubanza N° RPA 00060/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 04/04/2022 haburana Ubushinjacyaha na Nsabimana Callixte alias Sankara n'abandi, (igika cya 52-55).

❖ Urubanza N° RP 00002/2022/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 07/10/2022 haburana Ubushinjacyaha na BADO Bede (igika cya 15, 17).

❖ Urubanza N° RPAA 00273/2020/CA-CMB RPAA 00339/2020/CA-CMB RPAA 00349/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/04/2023, Ubushinjacyaha buburana na MAHIRWE Ephrem alias Alpha n'abandi (igika cya 47).

❖ Urubanza N° RP/ECON 00001/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 26/07/2023, Ubushinjacyaha buburana na BAGAMBIKI Robert n'undi (igika cya 20 -21).

❖ Urubanza N° RP/ECON RP 00004/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 11/12/2023, Ubushinjacyaha buburana na NTAMWEMEZI Jean Baptiste (igika cya 16).

❖ Urubanza N° RP/ECON RP/ECON 00005/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 11/12/2023, Ubushinjacyaha buburana na MUSHOBEKWA Mussa (igika cya 18).

I.3.16. Kudasubira kubyaburanyweho

I.3.16.1. Umuburanyi ntiyemerewe gutangiza urubanza ku kiburanwa cyafashweho icyemezo ku rwego rwa nyuma

Ingingo ya 14 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 ibikurikira: *"Urubanza rwaciwe ku rwego rwa nyuma ntirushobora kongera kuburanishwa bundi bushya ku mpamvu zimwe no ku kiburanwa kimwe hagati y'ababuranyi bamwe baburana ikirego kimwe."*

Umurongo watanzwe: Urubanza rwaciwe ku rwego rwa nyuma ni urubanza rutakijuririrwa. Urubanza rutangijwe bundi bushya mu gihe icyo umuburanyi aregera cyangwa icyo asaba cyafashweho icyemezo mu rubanza rwaciwe ku rwego rwa nyuma, kandi ababuranyi ari bamwe ntirwakirwa.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RS/REV/INJUST/CIV 0009/14/CS rwaciwe n'Urukiko rw'Ikirenga ku 14/9/2018, MUKARWEGO n'abandi baburana na NGIRIYABANDI (igika cya 26).

❖ Urubanza N° RCOMAA 00086/2018/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 27/09/2019, haburana DROSOCECO na MININTCO Ltd.

❖ Urubanza N° RADAA 00012/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku 28/5/2021, KARURANGA aburana na MUGABO n'abandi.

❖ Urubanza N° RS/INJUST/RC 00027/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/11/2023, NYIRABAZUNGU Marie Jeanne n'abandi baburana na UKAM PROPERTIES Ltd n'abandi (igika cya 33).

I.3.17. <u>Urubanza rwo mu mahanga rurangirizwa mu Rwanda (Exequatur)</u>

I.3.17.1. Hasuzumwa gusa niba icyemezo cyafashwe n'Urukiko rwo mu mahanga cyujuje ibiteganywa n'ingingo ya 82 y'itegeko rigena ububasha bw'inkiko

Ingingo ya 82, y'Itegeko N° 30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'inkiko, iteganya ko « *Urukiko Rukuru rw'Ubucuruzi ruburanisha ku rwego rwa mbere ibirego bisaba kurangiriza mu Rwanda ibyemezo n'imanza z'ubucuruzi, iz'imari, iz'imisoro n'amahoro byafashwe n'inkiko zo mu mahanga. Isuzumwa ry'ibyo birego rikorwa harebwa ibi bikurikira : 1° ko urubanza rwaciriwe mu mahanga rutanyuranyije n'amategeko rusange ndemyagihugu n'amahame ashingiweho n'amategeko y'u Rwanda ; 2° ko rwaciwe burundu hakurikijwe amategeko y'igihugu rwaciriwemo ; 3° ko kopi yarwo yujuje ibyangombwa byose byemeza ko ari impamo, hakurikijwe amategeko y'Igihugu urubanza rwaciriwemo* ».

Umurongo watanzwe : Umucamanza waregewe ikirego gisaba ko urubanza rwaciriwe mu mahanga rurangirizwa mu Rwanda asuzuma gusa niba icyemezo cyafashwe n'Urukiko rwo mu mahanga cyujuje ibivugwa mu ngingo ya 82 y'itegeko rigena ububasha bw'inkiko ryagaragajwe haruguru.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RCOMA 0007/14/CS, rwaciwe n'Urukiko rw'Ikirenga ku wa 10/11/2017, haburana Robert Sussman na MWANGACUCU Hizi Edouard na UMUBERA Mwangachuchu warugobotsemo (igika cya 30).

❖ Urubanza N° RS/INJUST/RC 00024/2022/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 24/02/2023, haburana NZANIRA Gasherebuka David na POPPE Honorine (igika cya 32).

❖ Urubanza N° RCOMA 00007/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/11/2024, haburana KIYIMBA John Fred Freeman (igika cya 13).

I.3.17.2. Ikirego cyo gutambamira urubanza rwa exequatur ntigishobora gutangwa mu buryo bw'inyandiko nsobanurakirego itanzwe n'umuburanyi umwe.

Ingingo ya 189 y'Itegeko No 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo, n'ibutegetsi iteganya ko :" Inyandiko nsobanurakirego itanzwe n'umuburanyi umwe ni uburyo budasanzwe bwo kuregera umucamanza umusaba kugira ibyo aramira mu buryo bwihuse. Ibikubiye muri iyo nyandiko bigomba kuba kandi ari ibibazo bigaragara ko **nta mpaka biteye** ku buryo byaba ngombwa ko undi muburanyi ahamagarwa. Inyandiko nsobanurakirego itanzwe n'umuburanyi umwe ishobora gukoreshwa mu bibazo byose bisaba ko hafatwa icyemezo cyihuse bitari ngombwa ko habanza gutangwa ikirego cy'iremezo".

Ingingo ya 44 y'Itegeko no 30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'inkiko, iteganya ububasha bw'Urukiko Rukuru ku rwego rwa mbere bwo kwakira ibirego by'irangizwa ry'imanza n'ibyemezo by'inkiko n'inyandiko mpamo byafatiwe mu mahanga igira iti : "*Urukiko Rukuru ruburanisha ibirego bisaba kurangiriza mu Rwanda imanza cyangwa ibyemezo byafashwe n'Inkiko zo mu mahanga. Isuzumwa ry'urwo rubanza rikorwa harebwa ibi bikurikira :* 1° Ko urubanza rwaciriwe mu mahanga rutanyuranyije n'amategeko rusange ndemyagihugu n'amahame ashingiweho n'amategeko y'u Rwanda ; 2° Ko urubanza rwaciwe burundu hakurikijwe amategeko y'igihugu rwaciriwemo ; 3° Ko kopi y'urubanza yujuje ibyangombwa byose byemeza ko ari impamo, hakurikijwe ayo mategeko ; 4° Ko uburenganzira bwo kwiregura bwubahirijwe".

Umurongo watanzwe : Ikirego gitanzwe mu buryo bw'inyandiko nsobanurakirego itanzwe n'umuburanyi umwe kigomba kuba nta mpaka giteza kandi kigamije gukemura ikibazo cyihutirwa kugira ngo kigire ibyo kiramira. Bene icyo kirego gishoboka mu bibazo byose bisaba ko hafatwa icyemezo cyihuse bitabaye ngombwa ko habanza gutangwa ikirego cy'iremezo.

Kugira ngo ikirego cya *exequatur* gifatwe nk'inyandiko nsobanurakirego itanzwe n'umuburanyi umwe biterwa n'igisabwa : ni igihe nta mpaka zirimo, kandi kigamije gukemura ikibazo cyihutirwa kugira ngo kigire ibyo kiramira.

Ikirego gitambamira Urubanza ntigishobora gutangwa mu buryo bw'inyandiko nsobanurakirego itanzwe n'umuburanyi umwe kuko ikiba kigamijwe ari ukuvanaho cyangwa guhindura urubanza umuntu ubisaba ataburanye, bikaba byumvikanisha impaka hagati y'uwatsinze urubanza mbere n'uwifuza ko ruvanwaho cyangwa ko ruhindurwa.

Urubanza rwatanze umurongo : Urubanza N° RCA 00004/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/02/2025, haburana na JOHN MANASSE MUVUNYI (igika cya 15, 19).

I.4. Amasezerano

Ibisobanuro:

Muri iki cyiciro hakubiyemo imirongo yafashwe mu manza zitandukanye zagiye impaka ku bijyanye n'amasezerano. Izo manza zigaragaza imirongo yafashwe ku bwoko bw'amasezerano butandukanye n'ingaruka zo kutayubahiriza.

I.4.1. Kutubahiriza amaserano

I.4.1.1. Utubahirije amasezerano Urukiko rushobora kumutegeka gusubiza ibyo yakiriye biyakomokaho, hiyongereyeho inyungu cyangwa indishyi

Ingingo ya 4 y'Itegeko N°062/2024 ryo ku wa 20/06/2024 rigenga ibimenyetso iteganya ko *"urega cyangwa utanze ikibazo agaragaza ikimenyetso cy'ibyo aregera cyangwa asaba. Uwiregura agaragaza ikimenyetso gishyigikira ukwiregura kwe. Icyakora, umucamanza cyangwa ukemura ikibazo ashobora gutegeka umuburanyi cyangwa umwe mu bafitanye ikibazo cyangwa undi muntu gutanga cyangwa kwerekana ikimenyetso afite".*

Ingingo ya 64 y'Itegeko N° 45/2011 ryo ku wa 25/11/2011 rigenga amasezerano iteganya ko *"amasezerano akozwe ku buryo bukurikije amategeko aba itegeko ku bayagiranye. Ashobora guseswa ari uko babyumvikanyeho cyangwa ku mpamvu zemewe n'amategeko. Agomba kubahirizwa nta buriganya".*

Ingingo ya 80, igika cya 2, y'Itegeko N° 45/2011 ryo ku wa 25/11/2011 rimaze kwibutswa itegeganya ko *"iyo igihe cyo gukora ibisabwa mu masezerano kigeze, kutabikora bifatwa nko kwica amasezerano".*

Umurongo watanzwe: Buri wese mu bagiranye amasezerano aba afite inshingano zo kuyubahiriza ku bimureba, atabikora akaba yishe amasezerano; Urukiko rwaregewe rukaba rushobora kumutegeka gusubiza ibyo yaba yarakiriye ku bw'ayo masezerano hiyongereyeho n'inyungu cyangwa indishyi.

Urubanza rwatanze umurongo: Urubanza N° RCOMAA 00013/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/02/2025, OVERSEAS LOGISTICS & GENERAL SERVICES Ltd iburana na IGNITE POWER RWANDA Ltd (igika cya 35).

I.4.1.2. Mu masezerano magirirane nta ruhande rwahatira urundi gusohoza inshingano mu gihe narwo rutasohoje ibirureba

✓ Ingingo ya 84 y'Itegeko N° 45/2011 ryo ku wa 25/11/2011 ryerekeye amasezerano iteganya ibikurikira: *"Uruhande rumwe ntirushobora gusaba urundi ruhande kurangiza inshingano zarwo rutabanje gukora ibyo rwasabwaga by'ingenzi mu gihe hari inshingano magirirane".*

✓ Ingingo ya 70 y'iri Tegeko iteganya ibikurikira: "*Buri ruhande rufite inshingano yo kurangiza amasezerano nta buriganya kandi rukarangwa n'imikorere myiza yemerwa ku bagiranye amasezerano".*

Umurongo watanzwe: Mu masezerano magirirane buri ruhande rufite inshingano yo korohereza urundi gusohoza inshingano zarwo, kandi nta ruhande rwahatira urundi gusohoza inshingano mu gihe narwo rutakoze ibirureba.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RCOMAA 00041/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/05/2024, UMUJYI WA KIGALI uburana na MELOHOLDINGS Ltd (igika cya 26).

❖ Urubanza N° RCOMAA 00005/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/06/2024, HEAVEN CONSTRUCTION AND SUPPLY Ltd, iburana na NILETRAC RWANDA Ltd. (Igika cya 23).

I.4.1.3. Iyo hatubahirijwe igice cy'inshingano urukiko rutanga indishyi zihwanye n'inyungu yari itegerejwe zibazwe mu bushishozi bwarwo rushingiye ku ngano y'igice cyari gisigaje gukorwa

✓ Ingingo ya 137 y'Itegeko n° 45/2011 ryo ku wa 25/11/2011 rigenga amasezerano iteganya ibikurikira: "*Uruhande rwarenganyijwe rufite uburenganzira bwo kubona indishyi zitanzwe n'urundi ruhande rutubahirije ibisabwa mu masezerano, keretse iyo ikirego kigamije kubona indishyi cyahagaritswe cyangwa cyaravuyeho*".

✓ Ingingo ya 81, igika cya 2, y' Itegeko n° 45/2011 ryavuzwe haruguru iteganya ibikurikira: "*Kwica igice cy'amasezerano bitanga uburenganzira ku ndishyi z'akababaro zishingiye gusa ku gice cy'inshingano zisigaye zo gukora igisabwa.*"

✓ Ingingo ya 135, agace ka mbere, y'Itegeko N° 45/2011 ryavuzwe haruguru iteganya ibikurikira: "*Inyungu z'uwahawe isezeranya zitangirwa indishyi ni izi zikurikira: 1° inyungu yari itegerejwe, ari yo nyungu yo kubona urwunguko ruturuka ku masezerano nk'uko yayiteganyaga iyo amasezerano aza kubahirizwa; (…).*"

Umurongo watanzwe: Iyo habayeho kwica amasezerano, uruhande rwarenganyijwe rufite uburenganzira ku ndishyi cyangwa se inyungu rwari rutegereje kubona iyo amasezerano yubahirizwa, kandi ko iyo ari igice cy'inshingano cyari gisigaye gukorwa, Urukiko rugena izo nyungu mu bushishozi bwarwo rushingiye kuri icyo gice cyari gisigaye kugira ngo hatabaho ukwikungahaza mu buryo budakwiriye (enrichissement sans cause).

Urubanza N° RCOMAA 00041/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/05/2024, UMUJYI WA KIGALI uburana na MELOHOLDINGS Ltd (igika cya 63).

I.4.1.4. Iyo Urukiko rusanze mu masezerano impande zombi zagiranye harimo akarengane, ntirugena ubundi buryo yarangizwamo ahubwo rutegeka ko atarangizwa, rugafata icyemezo ku ngaruka zabyo

ingingo ya 9 y'Itegeko No 45/2011 ryo ku wa 25/11/2011 rigenga amasezerano iteganya ko: "*Kugira ngo amasezerano akorwe, ukwemera k'uruhande rumwe kugomba guhura n'ukwemera k'urundi ruhande*". Naho iya 73 y'iryo Tegeko iteganya ko: "*Iyo amasezerano cyangwa ingingo zayo birimo kubangamira uburenganzira bw'uruhande rumwe igihe amasezerano yakorwaga, uruhande rubangamiwe rushobora gusaba urukiko kwanga ko amasezerano arangizwa cyangwa*

kwemeza ko harangizwa ibisigaye ku masezerano hatarimo ingingo zirimo kubangamira uruhande rumwe".

Umurongo watanzwe : Amasezerano ni ingaruka zo kwemera kw'impande zombi. Agomba kurangizwa cyangwa gushyirwa mu bikorwa mu gihe atabangamira cyangwa atarenganya urundi ruhande. Mu gihe bigaragaye ko harimo akarengane, ikigomba gukorwa ntabwo ari ukugena ubundi buryo yarangizwa butandukanye n'ibyo impande zombi zumvikanye mu masezerano, ahubwo ni ugutegeka ko atarangizwa hakarebwa ingaruka zikomoka ku kutarangizwa kwayo

Urubanza rwatanze umurongo: Urubanza N° RCAA 00003/2021/CA-RCAA 00004/2021/CA rwaciwe ku wa 15/07/2022 haburana KAMURASE Laurent, Succession HABIMANA ihagarariwe na KARIGIRWA Félicité, MUZIMA Rutikanga Frederick n'abandi (igika cya 39).

I.4.1.5. Impamvu ntarengwa itunguranye (force majeure) ishobora gutuma uregwa akurirwaho inshingano ni idashobora guhagarikwa, idaturutse ku bagiranye amasezerano kandi itunguranye

Ingingo ya 92 y'Itegeko N° 45/2011 ryo ku wa 25/11/2011 rigenga amasezerano iteganya ko: *"Iyo uruhande rumwe rudashobora gukora ibisabwa mu masezerano ku mpamvu zitaruturutseho kubera ko habuze ikintu amasezerano yari ashingiyeho cyangwa indi mpamvu ntarengwa itunguranye, inshingano y'urwo ruhande yo gukora ibisabwa ivaho, keretse iyo uko ibintu bimeze bibigaragaza ukundi".*

Umurongo watanzwe : Impamvu ntarengwa itunguranye (force majeure) igomba kuba ari impamvu koko ntarengwa kandi akaba nta wayihagarika (irresistible), idaturutse ku ruhande ruri mu masezerano (extérieure) kandi ikaba ari impamvu itunguranye (imprévisible).

Imanza zafashwemo uyu murongo :

❖ Urubanza N° RCOMAA 00037/2018/CA- RCOMAA 00023/2018/SC, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/02/2019, haburana RWANDA TEA TRADING Ltd na GT BANK (igika cya 23)

❖ Urubanza N° RADA 00005/2018/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 05/10/2018, Umujyi wa Kigali uburana na MACO MUSONI (igika cya 21).

❖ Urubanza N° RCOMAA 00059/2018/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 18/04/2019, MURORUNKWERE n'undi baburana na DEVELOPMENT BANK OF RWANDA LTD (BRD) (igika cya 35-48).

❖ Urubanza N° RS/INJUST/RCOM 00002/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 08/03/2024, KIBOGORA Raymond n'undi baburana na BRD Plc (Igika cya 17).

I.4.1.6. Umuntu utarabaye mu masezerano y'ubugure ntafite ububasha bwo gusaba ko ateshwa agaciro

Umurongo watanzwe: Ufite ububasha bwo kuregera gutesha agaciro amasezerano y'ubugure ni uwaguze; uvuga ko ari nyir'ikintu cyagurishijwe atabizi ashobora gutanga ikirego kigamije kugaruza ibye gusa. (action en revendication).

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RS/INJUST/RC 00003/2022/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 05/05/2023 HAKIZIMANA Jean Bosco yarezemo MUNYANEZA Fabien na NTAKIRUTINKA Béatrice hagobokamo KABERA Fidèle.

❖ Urubanza N° RCAA 00045/2016/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 24/05/2019 MUKARUHANGA Alexia arega NYIRAHABIMANA Emertha, hakagobokamo KOLD HANSEN Jesper.

❖ Urubanza N° RS/INJUST/RC 00007/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/06/2023 haburana KARUMUHINZI Baudoux Claire na NYIRAKAZIGA Kabeja Anne Marie (igika cya 41).

I.4.2. Amasezerano yo kwikiranura

I.4.2.1. Amasezerano yo kwikiranura agira agaciro nk'ak'urubanza rwaciwe ku buryo budasubirwaho mu rwego rwa nyuma

Umurongo watanzwe : Kwikiranura ni amasezerano atuma abayagiranye bakemura impaka zavutse cyangwa birinda izishobora kuvuka hagati yabo. Mu biranga amasezerano yo kwikiranura harimo kuba akozwe mu buryo bw'inyandiko, no kuba agira agaciro nk'ak'urubanza rwaciwe ku buryo budasubirwaho mu rwego rwa nyuma.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RCOMAA 0020/16/CS, rwaciwe n'Urukiko rw'Ikirenga ku wa 21/10/2016, SORAS Assurances Generales Ltd iburana na TROMEA Ltd.

❖ Urubanza N° RCAA 00030/2018/CA, rwaciwe n'Urukiko rw'Ikirenga ku wa 28/02/2020, Rwasibo Bernard aburana na Rwasibo Jean Bosco.

❖ Urubanza N° RCOMAA 00056/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 19/04/2024, MVUYEKURE François aburana na RWANDA AGRICULTURE BOARD (RAB) (igika cya 15).

I.4.2.2. Ibyemeranyijweho mu masezerano yo kwikiranura ntibyakongera kuburanishwaho

✓ Ingingo ya 241, igika cya 1, y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi isobanura inyandikompesha icyo ari cyo. *Mu gika cya 2, igatanga urutonde rw'izo nyandiko harimo **n'amasezerano yo kwikiranura yakorewe imbere ya noteri (...)".***

✓ Ingingo ya 14 y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryavuzwe haruguru, iteganya ko *"Urubanza rwaciwe ku rwego rwa nyuma rudashobora kongera kuburanishwa bundi bushya ku mpamvu zimwe no ku kiburanwa kimwe hagati y'ababuranyi bamwe baburana ikirego kimwe".*

Umurongo watanzwe: Ibyafashweho icyemezo mu manza zaciwe ku rwego rwa nyuma n'ibyemeranyijweho mu masezerano yo kwikiranura yakorewe imbere ya noteri ntabwo byongera kuburanishwa bushya mu gihe impamvu ari zimwe, ikiburanwa ari kimwe n'ababuranyi ari bamwe.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RCAA 00030/2018/CA, rwaciwe n'Urukiko rw'ubujurire ku wa 28/02/2020, RWASIBO Bernard aburana na RWASIBO Jean Bosco (igika cya 21).

❖ Urubanza N° RS/INJUST/RCOM 00018/2022/CA, rwaciwe n'Urukiko rw'ubujurire ku wa 29/05/2023, CLUB HOUSE LA PALISSE HOTELS Ltd iburana na MUKERAMIRIMO CONSTRUCTION Ltd (igika cya 23).

I.4.3. Amasezerano y'imbonezamubano n'ay'ubucuruzi

I.4.3.1. Amasezerano yitwa ay'imbonezamubano ni igihe cyose adafite impamvu y'ubucuruzi

Umurongo watanzwe : Amasezerano yitwa ay'imbonezamubano iyo adafite impamvu (objet) y'ubucuruzi, kandi abayagiranye bakaba atari abacuruzi ; naho amasezerano y'ubucuruzi agaragazwa n'uko afite impamvu y'ubucuruzi, kandi akaba yabaye hagati y'abacuruzi cyangwa hagati y'umucuruzi n'undi utariwe kandi agamije igikorwa cy'ubucuruzi.

❖ **Urubanza rwatanze umurongo :** Urubanza N° RCAA 00023/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 23/02/2023 NZATUNGA Ruvuguta Emmanuel aburana na MASTAKI MUHASHA Justin (igika cya 13).

I.4.4. Igihombo

I.4.4.1. Igihombo ntikibarwa mu buryo bugenekereje gitangirwa ibimenyetso

Umurongo watanzwe : Igihombo ntikibarwa mu buryo bugenekereje ahubwo kiba kigomba gutangirwa ibimenyetso.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RS/INJUST/RAD 00002/2022/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 17/02/2023, haburana MHAYIMANA Isaïe n'Urugaga rw'Abavoka (igika cya 61).

❖ Urubanza N° RCOMAA 00044/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 13/12/2024, ATX TECHNOLOGY Ltd ibirana na EDCL Ltd (igika cya 31).

❖ Urubanza N° RCOMAA 00002/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 15/11/2024, HORIZON EXPRESS Ltd ibirana na SAMIRA SAIF AMUR AL MARHOOBI n'abandi (igika cya 40).

❖ Urubanza N° RS/INJUST/RCOM 00014/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 31/01/2025, FORCES DEVELOPMENT COOPERATIVE (FODECO) ibirana na KIMENYI Jean n'undi (igika cya 50).

I.4.4.2. Umuranyi wagize igihombo agasaba Urukiko kugenerwa indishyi ziri ku ijanisha rito ugereranyije n'iryo rusanzwe rutanga ; agenerwa izo yasabye

Umurongo watanzwe : Iyo Urukiko rusanze rugomba gutanga indishyi ku muburanyi watewe igihombo no kutishyurirwa igihe, ariko uwo muburanyi yarasabye kubarirwa izo ndishyi ku

ijanisha riri hasi y'iryo Urukiko rusanzwe ruzibariraho, ruzimubarira ku ijanisha yisabiye kuko rutaha umuburanyi ibirenze ibyo yarusabye.

Urubanza rwatanze umurongo : Urubanza N° RCOMAA 00025/2023/CA- CMB RCOMAA 00026/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/12/2023 GENERAL CONTRACTORS AND CIVIL ENGINEERING Ltd (GCC Engineering Ltd iburana na NPD Ltd (igika cya 49).

I.5. Umutungo Utimukanwa

Ibisobanuro:

Muri iki cyiciro hakubiyemo imirongo yafashwe mu manza zitandukanye zagiye impaka ku bijyanye n'amasezerano ku mu mutungo utimukanwa cyangwa igabana ryawo.

VI.5.1. Amasezerano y'ubugure bw'umutungo utimukanwa

I.5.1.1. Amasezerano y'ubugure bw'ubutaka yakozwe mu buryo bw'inyandikompamo niyo agira agaciro.

✓ *Ingingo* ya 23 y'Itegeko n° 27/2021, ryo ku wa 10/06/2021 rigenga ubutaka, iteganya ko : *"Amasezerano y'ihererekanya ry'uburenganzira ku butaka akorwa mu nyandiko ishyirwaho umukono n'abahererekanya uburenganzira ku butaka, akemezwa kandi agahamywa n'umukono wa noteri w'ubutaka cyangwa undi munoteri ubihererwa uburenganzira n'umubitsi mukuru w'inyandikompamo z'ubutaka."*

Umurongo watanzwe : Amasezerano y'ubugure bw'ubutaka yakozwe mu buryo bw'inyandikompamo niyo agira agaciro. Uwaguze hakozwe amasezerano mu buryo bw'inyandiko bwite, ubugure bwe buba ari imfabusa.

Imanza zafashwemo uyu murongo:

❖ Urubanza n° RS/INJUST/RC 00010/2019/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 25/09/2020, haburana TWIZERIMANA Théoneste na MANIZABAYO Kennedy, hagobokeshwa HAFASHIMANA Elias. (igika cya 23, 27).

❖ Urubanza N° RS/INJUST/RC 00004 /2020/SC rwaciwe ku itariki ya 09/04/2021 haburana NSANZIMANA Wilson na GACUNGA Esperance n'abandi.

❖ Urubanza n° RS/INJUST/RC 00003/2020/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 30/09/2021, CIFTCI iburana na NSHIMIYIMANA n'Undi. (igika cya 24).

❖ Urubanza n° RS/INJUST/RC 00014/2021/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 13/05/2022, MUKANDORI aburana na KAYITESI. (igika cya 31).

❖ Urubanza n° RS/INJUST/RC 00012/2021/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 22/10/2022, NSENGIYUMVA aburana na NTAGUNGIRA n'Abandi. (igika cya 31).

❖ Urubanza n° RCAA00010/2022/CA CMB RCAA 00017/2022/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 30/01/2023, RUHUMURIZA aburana na NYIRABIHOGO n'Abandi. (igika cya 40).

❖ Urubanza N° RCAA 00021/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/02/2023 MAMBO Kalisa Charles aburana na RUTAGENGWA Georges n'abandi (igika cya 26).

❖ Urubanza N° RCAA 00002/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 24/11/2023 NGABONZIZA M. Alphonse n'undi baburana na KAZOZA RUSHAGO Justin (igika cya 30).

❖ Urubanza N° RS/INJUST/RC 00005/2023/CA - CMB RS/INJUST/RC 00001/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/03/2024 MUNYARUKATO Eric n'undi baburana na MUTUYEYEZU Jean Bosco (igika cya 21).

❖ Urubanza N° RCAA 00003/2024/CA-RCAA 00004/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 26/04/2024 MUDATSIKIRA Valens n'undi baburana na HABIMANA Jean Marie Vianney n'undi (igika cya 26-27).

❖ Urubanza N° RS/INJUST/RC 00025/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/09/2024, UWIZEYE Louise n'undi baburana na MUREREYIMANA Déoclens (igika cya 28-30).

VI.5.2. Gusubiza agaciro k'umutungo utimukanwa

I.5.2.1. Iyo Urukiko rusanze umuburanyi agomba gusubizwa agaciro k'umutungo wavukijwe nyirawo, asubizwa agaciro umutungo ugezeho urubanza rucibwa

Umurongo watanzwe: Ihame ryo kudahungabanywa mu mutungo waguzwe ryishingirwa n'uwagurishije. Iyo Urukiko rusanze umuburanyi agomba gusubizwa agaciro k'umutungo wavukijwe nyirawo, rutegeka ko asubizwa agaciro umutungo ugezeho urubanza rucibwa.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RS/INJUST/RC 00007/2020/SC rwaciwe n'Urukiko rw'Ikirenga ku 10/12/2021, TWAGIRAYEZU Alice na bagenzi be baburana na TWAGIRAYEZU Albert na UMUMARANYOTA Agnès (igika cya 41-42).

❖ Urubanza N° RS/INJUST/RC 00002/2022/SC rwaciwe n'Urukiko rw'Ikirenga ku 22/07/2022, BANKI NKURU Y'U RWANDA (BNR) na NGEZAHOGUHORA Ildephonse na INGABIRE Jacqueline (igika cya 38).

❖ Urubanza N° RS/INJUST/RC 00027/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/11/2023, NYIRABAZUNGU Marie Jeanne n'abandi baburana na UKAM PROPERTIES Ltd n'abandi (igika cya 64).

❖ Urubanza N° RADAA 00009/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/12/2023, ALPHA PALACE Ltd iburana na AKARERE ka KARONGI (igika cya 19).

I.5.2.2. Umuburanyi utsindiye umutungo yari yaravukijwe ku maherere asubiza agaciro k'ibyongeweho n'uwari uwutunze

Umurongo watanzwe mu rubanza: Umuntu utunze umutungo adafiteho uburenganzira, bikaba ngombwa ko awusubiza nyirawo w'ukuri kandi hari ibyo yongeyeho biwongerera agaciro, ibyo byongeweho abisubizwa na nyir'umutungo kabone n'ubwo yaba yarawubonye mu buryarya kugira ngo hatabaho ukwikungahaza nta mpamvu k'ugomba kuwusubizwa.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RCAA 00031/2016/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 25/09/2019, haburana NISHIMWE Claudine n'undi na MUGANGA Joseph (igika cya 38).

❖ Urubanza N° RS/INJUST/RC 00003/2019/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 06/03/2020, haburana MUKAMAZIMPAKA Thacienne na MUHIRWA n'undi.

❖ Urubanza N° RS/INJUST/RC 00003/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/06/2023 haburana RWASABAHIZI Peter na RWAMPUNGA Emmanuel n'undi (igika cya 45).

VI.5.3. Kuba nyir'umutungo utimukanwa

I.5.3.1. Icyemezo cy'ubukode burambye bw'ubutaka si ikimenyetso gihagije kigaragaza ko ugifite ariwe nyirabwo

Umurongo watanzwe : Uwakwiyandikishaho ubutaka aterekanye uko yabubonye muri bumwe mu buryo buteganyijwe n'amategeko, yaba abikoze mu buryo bunyuranyije n'amategeko, bityo ibyangombwa yahabwa, ubwabyo akaba atari byo bituma abugiraho uburenganzira, kubera ko bishobora guteshwa agaciro hagize ugaragaza ko ubwo butaka ari we nyirabwo.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RCAA 0018/13/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 24/12/2014 haburana HARERIMANA Emmanuel na SEBUKAYIRE Tharcisse (igika cya 20).

❖ Urubanza N° RS/INJUST/RC 00002/2018/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 21/2/2020 haburana UWIMANA Marine na KAGITARE Dancille.

❖ Urubanza N° RS/INJUST/RAD 00003/2018/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 17/07/2020 haburana MUJAWAMARIYA Claire, n'undi na NYIRANDIKUBWIMANA Marie Goretti n'abandi.

❖ Urubanza N° RS/INJUST/RC 00036/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 26/05/2023, haburana UZAMUKUNDA Jeanne na SAWASAWA Jules n'abandi (igika cya 36).

❖ Urubanza N° RS/INJUST/RC 00036/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 26/05/2023 haburana Ubushinjacyaha na UZAMUKUNDA Jeanne (igika cya 36).

❖ Urubanza N° RS/INJUST/RC 00003/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/06/2023 haburana RWASABAHIZI Peter na RWAMPUNGA Emmanuel n'undi (igika cya 38).

❖ Urubanza N° RS/INJUST/RC 00007/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/10/2023 haburana KARUMUHINZI Baudoux Claire na NYIRAKAZIGA Kabeja Anne Marie (igika cya 31).

❖ Urubanza N° RCAA 00018/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/01/2025 haburana DUSHIMIMANA Blaise na UFITINGABIRE Béatrice (igika cya 22).

❖ Urubanza N° RCAA 00032/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 31/01/2025 haburana AYINKAMIYE Antoine na KASINE Ingrid Alexandra n'abandi (igika cya 68).

I.5.3.2. Uvuga ko ari nyir'umutungo utimukanwa atawanditseho agomba kugaragaza ibimenyetso bihagije bigaragaza aho awukomora

✓ Ingingo ya 17, igika cya mbere, y'Itegeko N° 27/2021 ryo ku wa 10/06/2021 rigenga ubutaka iteganya ibikurikira : "*Umuntu afite inshingano yo kwandikisha ubutaka atunze*". Ingingo ya 18, igika cya mbere, y'iryo Tegeko iteganya ibikurikira : "*Icyemezo cy'iyandikishwa*

ry'ubutaka ni kopi y'umwimerere ya rejisitiri y'ubutaka iriho umukono w'umubitsi w'inyandikompamo z'ubutaka. Gishobora gutangwa mu buryo bw'ikoranabuhanga cyangwa mu buryo bw'impapuro". Mu gika cya kabiri iteganya ibikurikira : "*Icyemezo cy'iyandikishwa ry'ubutaka ni ikimenyetso ntashidikanywaho cy'uburenganzira ku butaka igihe cyose ubufite yabubonye mu buryo bukurikije amategeko.*"

✓ Ingingo ya 19, igika cya mbere, y'iryo Tegeko iteganya ibikurikira : "*Icyemezo cy'iyandikishwa ry'ubutaka, ibyanditswe muri rejisitiri y'ubutaka n'izindi nyandiko zerekeye uburenganzira ku butaka zemejwe n'umubitsi w'inyandikompamo z'ubutaka ni ukuri mpamo kandi bikoreshwa gusa ku mpamvu zemewe n'amategeko". Mu gika cya kabiri ivuga ibikurikira : "Icyakora, ibivugwa mu gika cya mbere cy'iyi ngingo bitakaza agaciro iyo bigaragaye ko bidashingiye ku kuri.*"

Umurongo watanzwe : Ikigaragaza ko ubutaka cyangwa umutungo utimukanwa ari uw'umuntu runaka ni uko agomba kuba afite icyemezo cy'iyandikisha ry'ubutaka kimwanditseho, ibicyanditseho bifatwa nk'ukuri. Uvuga ko ubutaka cyangwa umutungo utimukanwa wanditse ku wundi muntu ari uwe, afite inshingano ikomeye yo kugaragaza ibimenyetso bidashidikanywaho kandi by'ukuri byerekana uburyo ubwo butaka cyangwa uwo mutungo utimukanwa ari uwe koko n'aho awukomora, ku buryo ibyo bimenyetso bishingirwaho hateshwa agaciro icyangombwa cy'ubutaka.

Urubanza rwatanze umurongo : Urubanza N° RCAA 00007/2023/CA-RCAA 00008/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/12/2023, BUGABO Jean Pierre n'undi baburana na MUSABWASONI Asthérie n'abandi (igika cya 22).

VI.5.4. Gushinganisha umutungo w'undi

I.5.4.1. Usaba gushinganisha umutungo w'undi agaragaza ibimenyetso by'uko nyir'uwo mutungo amubereyemo umwenda udashidikanywaho cyangwa ashobora kuwurigisa

Ingingo ya 212 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 ibikurikira: *"Umuntu uberewemo umwenda udashidikanywaho kandi ugejeje igihe cyo kwishyurwa cyangwa se utinya ko uwo baburana yarigisa umutungo we agamije kuburizamo irangiza ry'urubanza, ashobora gusaba urukiko rwaregewe ko umutungo w'uwo baburana ushinganishwa cyangwa hagatangwa ingwate y'amafaranga ingana n'agaciro k'ikiburanwa kugeza igihe urubanza rw'iremezo rubaye ndakuka cyangwa ababuranyi bahisemo kurangiza ikibazo mu bwumvikane. Icyo kirego gitangwa kandi kigafatirwa umwanzuro mu buryo bw'ibirego byihutirwa".*

Umurongo watanzwe: Umuburanyi usaba gushinganisha umutungo w'undi afite inshingano zo kugaragaza ibimenyetso byerekana ko amufitiye umwenda udashidikanywaho, ugejeje igihe cyo kwishyurwa cyangwa ibyerekana ko uwo baburana ashobora kurigisa umutungo.

Urubanza rwatanze umurongo: Urubanza N° RCA 00005/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/06/2023, NDAHIMANA Ildephonse aburana RWAGASANA John (igika cya 19).

II IMANZA Z'UBWISHINGIZI

Ibisobanuro:

Muri iki cyiciro hakubiyemo imirongo yafashwe n'Urukiko rw'Ubujurire cyangwa Urukiko rw'Ikirenga ku bijyanye n'ibarwa ry'indishyi zitandukanye zigenerwa uwahohotewe n'impanuka zitewe n'ibinyabiziga n'ibimenyetso bishingirwaho kugira ngo izo ndishyi zitangwe.

II.1.Indishyi z'ibangamirabukungu

II.1.1. Indishyi z'ibangamirabukungu - uwahohotewe n'impanuka utatakaje akazi yari asanzwe akora ndetse n'umushahara yahembwaga.

✓ Ingingo ya 5 y'Itegeko No 41/2001 ryo ku wa 19/09/2001 ryerekeye imyishyurire y'abangirijwe n'impanuka zitewe z'ibinyabiziga bigenzwa na moteri kandi bigenda ku butaka, iteganya ibi bikurikira : *"iyo impanuka yateye ubumuga uwangirijwe bumubuza gukora akazi burundu, agomba guhabwa amafaranga y'indishyi kubera ubusembwa ku mubiri, guhungabana mu bwenge bwe cyangwa ingaruka bifite ku nyungu yavanaga ku mwuga we atagishoboye gukora kubera ubumuga. Iyo ngingo igakomeza ivuga ko indishyi zigenwa hakurikijwe iteka rya Perezida wa Repubulika"*

Umurongo watanzwe : Gushyira ku ijanisha ubumuga umuntu yatewe n'impanuka bigamije guha agaciro ingaruka impanuka yamugizeho no kugaragaza ikigero cyazo, kuko n'ubwo atatakaza ubushobozi bwe bwose, ubumuga buhoraho bwagaragajwe n'umuganga ubifitiye ububasha buba bufite icyo buhungabanya ku buzima umuntu yari asanzwe abaho. Ikigenderwaho mu kumugenera indishyi z'ibangamirabukungu si uko umuntu yasubiye ku kazi gusa cyangwa atagasubiyeho, ahubwo ni ibyo umubiri we watakaje n'ingaruka bimugiraho mu mibereho ye no mu bushobozi afite bwo kurangiza inshingano ze. Ubumuga buhoraho bwose bugomba gutangirwa indishyi zingana n'uko bungana.

Imanza zafashwemo uyu murongo :

❖ Urubanza N° RS/INJUST/RC 00007/2023/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 05/04/2024, Radiant Insurance Company Ltd iburana na MUKANEZA Clarisse.

❖ Urubanza N° RS/INJUST/RC/ 00004/2023/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 12/04/2024 haburana Radiant Insurance Company Ltd na MUREKATETE Denyse.

❖ Urubanza N° RCAA 00006/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 06/05/2024, MUSABYIMANA Albert aburana na RADIANT INSURANCE COMPANY Ltd (igika cya 28).

❖ Urubanza N° RS/INJUST/RC 00019/2024/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 17/04/2025, MUKARUHUNGA NYIRANGERI Ange aburana na RADIANT INSURANCE Company Ltd (igika cya 21).

❖ Urubanza N° RS/INJUST/RC 00015/2024/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 30/05/2025, MIREMBE Jackline aburana na Radiant Insurance Company Ltd (igika cya 22-24).

II.1.2 Abafite uburenganzira (ayants droit) bemerewe guhabwa indishyi mbangamirabukungu mu gihe umuntu wabo yapfiriye mu mpanuka.

Umurongo watanzwe: Kwishyura indishyi mbangamirabukungu zikomoka ku rupfu rwatewe n'impanuka yo mu muhanda zigenerwa gusa uwari atunzwe n'uwapfuye wabitangiye ibimenyetso. Ntibihagije kwerekana ko hari amasano usaba indishyi z'ibangamirabukungu afitanye na nyakwigendera gusa, ahubwo agomba no gutanga ibimenyetso byerekana ko yari asanzwe ari mu nshingano ze kumutunga.

Imanza zafashwemo uyu murongo:

❖ Urubanza RS/INJUST/RC 00018/2022/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 27/01/2023, NIYONZIMA Léonidas n'abandi baburana na Sanlam Assurance Générales Plc (Sanlam AG Plc) (igika cya 16-23)

❖ Urubanza N° RCAA 0049/14/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 25/11/2016, haburana SORAS, Umuhoza Pacifique n'abandi.

❖ Urubanza N° RS/INJUST/RC 00021/2022/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 17/03/2023, MUKAGATARE Régine n'abandi baburana na SANLAM AG Plc (igika cya 27).

II.1.3. Kumenya uburyo indishyi mbangamirabukungu zibarwa ku muntu wahitanywe n'impanuka adafite umushahara uzwi.

Ingingo ya 22, igika cya 3, y'Iteka rya Perezida n° 31/01 ryo ku wa 25/08/2003 rishyiraho uburyo bwo kwishyura indishyi ku bubabare bw'umubiri buturutse ku mpanuka zitewe n'ibinyabiziga iteganya ibikurikira: "*Iyo uwahohotewe nta murimo n'umwe ushingiye ku mwuga yakoraga, cyangwa se yakoraga gusa imirimo yo mu rugo, cyangwa iyo abafite uburenganzira be badashobora kumenya neza umusaruro we nyakuri ukomoka ku murimo, itangwa ry'indishyi rizakorwa bahereye ku misaruro itagaragara ikurikira:*

- kuva ku myaka 0 kugeza 16: ntacyo;

- hejuru y'imyaka 16: 1 x umushahara w'umwaka muto ntarengwa wemewe n'amategeko. …".

Igika cya 4 cy'iyo ngingo, giteganya ko "Indishyi izatangwa nk'uko bikorwa mu gutanga amafaranga (capital) hakurikijwe uburyo bukurikira: Umusaruro w'umwaka umuntu atahana w'uwahohotewe x umubare w'imyaka ashigaje kubaho akora X 2/3 1 + (igipimo cy'ibitsa x umubare w'imyaka yo kwibeshaho).

Umurongo watanzwe: Umuntu wahitanwe n'impanuka afite hejuru y'imyaka 16 y'amavuko ariko akaba adafite akazi kazwi, indishyi mbangamirabukungu zibarwa hagendewe ku mushahara w'umwaka muto ntarengwa wemewe n'amategeko, hanyuma zikabarwa hakurikijwe uburyo (formule) buteganywa mu gika cya 4 cy'Ingingo ya 22, y'Iteka rya Perezida n° 31/01 ryo ku wa 25/08/2003.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RS/INJUST/RC 00013/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/11/2023 haburana MUKADEMOKARASI Clémentine na SANLAM AG Plc (igika cya 32).

❖ Urubanza N° RS/INJUST/RC 00038/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 16/02/2024 haburana MUKASHEFU Jacqueline na bagenzi be na SANLAM AG Plc (igika cya 34).

II.1.4 Indishyi mbangamirabukungu – ikimenyetso cyatanzwe n'inzego z'ibanze kigaragaza ko nyakwigendera ariwe wari utunze umubyeyi

Umurongo watanzwe : Ntibihagije kuvuga gusa ko hari isano usaba indishyi mbangamirabukungu afitanye n'uwapfuye. Kugira ngo umubyeyi asabe indishyi z'ibangamirabukungu kubera urupfu rw'umwana we, agomba gutanga ibimenyetso byerekana ko ariwe wari umutunze. Inyandiko yatanzwe n'ubuyobozi bw'inzego z'ibanze sicyo kimenyetso gihamya ko uregera indishyi yahabwaga ibimutunga mu buryo buhoraho (*régulièrement*) na nyakwigendera, mu gihe idaherekejwe n'ibimenyetso bifatika. Hari igihe inyandiko yatanzwe n'ubuyobozi bw'inzego z'ibanze ishobora kuba yihagije ubwayo nk'ikimenyetso kigaragaza ko nyakwigendera ariwe wari utunze usaba indishyi, mu gihe yakozwe hashingiwe ku buhamya bwatangiwe mu nteko y'abaturage y'aho aba.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RS/INJUST/RC 00005/2023/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 12/07/2024 haburana RADIANT INSURANCE COMPANY Ltd na MUKABERA Françine (igika cya 22).

❖ Urubanza N° RS/INJUST/RC 00013/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/9/2024, haburana SANLAM AG Plc na TUYISHIME Illuminata n'undi (igika cya 18-20).

❖ Urubanza N° RS/INJUST/RC 00023/2024/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 11/04/2025, NZAJYIBWAMI Valens n'undi baburana na SANLAM AG Plc (igika cya 26-27).

II.1.5 Kubarira indishyi mbangamirabukungu uwahohotewe n'impanuka wagize ubumuga butageze kuri 30% afite umushahara uzwi.

Umurongo watanzwe: Uwahohotewe n'impanuka wagize ubumuga buhoraho buri munsi ya 30% agomba guhabwa indishyi z'ibangamirabukungu zigenwa hakurikijwe agaciro kagereranyije, kabarwa hagendewe ku mushahara w'umwaka muto ntarengwa wemewe n'amategeko (SMIG)

Urubanza rwatanze umurongo:

❖ Urubanza RS/INJUST/RC 00026/2022/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 24/04/2023 RUBAYIZA Jean Paul aburana na SONARWA General Insurance Company Ltd (igika cya 22-28).

II.2.Indishyi zigenerwa abakora umwuga bigengaho bagize impanuka

II.2.1. Uburyo bwo kubara indishyi zigenerwa abakora umwuga bigengaho wo gutwara abantu kuri moto.

- **Umurongo watanzwe:** Abantu bakora imirimo bigengaho bagomba kwerekana inyandiko mpamo zerekana inyungu bakuye ku mwuga wabo mu gihe cy'amezi 12 yabanjirije impanuka.
- Iyo inyandiko cyangwa ibindi bimenyetso byerekana inyungu ukora umwuga wo gutwara abantu kuri moto yakuye mu mwuga we mu gihe cy'amezi 12 yabanjirije impanuka zitabonetse, harebwa umusaruro mbumbe (brut) abandi bakora umurimo nk'uwe binjiza ku mwaka, ukaba ariwo ushingirwaho mu kugena umusaruro fatizo waherwaho mu kumubarira indishyi z'ibangamirabukungu.
- Igicuruzo (umusaruro mbumbe) cyemejwe n'Ikigo cy'Igihugu cy'imisoro n'amahôro, giherwaho mu kubara umusoro ku bakora umwuga wo gutwara abantu kuri moto ni 2.400.000 Frw ku mwaka; mu kubara indishyi z'ibangamirabukungu hakaba harebwa umusaruro w'umwaka umuntu atahana (net), ni ukuvuga hamaze kuvanwamo umusoro.
- Umusaruro abakora umwuga wo gutwara abantu kuri moto batahana ku mwaka, hamaze kuvanwamo umusoro ku musaruro ungana na 72.000 Frw n'umusoro w'ipatanti ungana na 8.000 Frw, ni 2.320.000 Frw (bihwanye na 2.400.000 Frw-72.000 Frw-8.000 Frw); bivuze ko ku munsi batahana 6.444 Frw.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RS/INJUST/RC 00009/2022/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 18/05/2023 haburana SANLAM AG Plc na UWIHANGANYE Jean (igika cya 16-28).

❖ Urubanza N° RS/INJUST/RC 00014/2022/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 18/05/2023 haburana KWIZERA Eric na Radiant Insurance Company Ltd, (igika cya 20-28).

❖ Urubanza N° RS/INJUST/RC 00011/2022/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 08/03/2024 haburana SANLAM AG Plc na RUTAYISIRE Faustin (igika cya 28-29)

❖ Urubanza N° RS/INJUST/RC 00012/2022/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 23/02/2024 haburana SANLAM AG Plc na KAYIRANGA Gad n'abandi, (igika cya 23-27).

II.3.Kugenerwa indishyi z'igihe gito ku wagize ubumuga buhoraho

II.3.1 Uwahohotewe n'impanuka akagira ubumuga buhoraho ashobora no kugenerwa indishyi z'ubumuga bw'igihe gito agira akimara gukora impanuka

Umurongo watanzwe: Ubumuga bw'igihe gito bureberwa igihe butaratangira kugaragara neza (avant consolidation), mu gihe ubumuga buhoraho bureberwa kuva igihe bwatangiye kugaragara neza (après consolidation), kimwe ntigishobora kwitiranywa n'ikindi cyangwa ngo kimwe gisimbure ikindi, ahubwo ikigaragara ari uko umushingamategeko yashatse ko ibyo bihe byombi byitabwaho mu kugenera indishyi z'ibangamirabukungu uwahohotewe mu mpanuka.

Urubanza rwatanze umurongo:

❖ Urubanza N° RS/INJUST/RC 00011/2022/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 08/03/2024 haburana SANLAM AG Plc na RUTAYISIRE Faustin, igika cya 38-39.

II.4.Impanuka yatewe n'igare

II.4.1 Kumenya niba ikigo cy'ubwishingizi cyaryozwa impanuka yatewe n'igare

Umurongo watanzwe: Icyishingirwa ni ibyago byatejwe n'ikinyabiziga cyishingiwe. Kugira ngo umwishingizi yishyurire uwo yishingiye, ni ngombwa ko habanza kugaragazwa ko uwishingiwe ari we wateje ibyago, uwangirijwe akaba ari we ufite inshingano zo kubigaragaza.

Urubanza rwatanze umurongo:

❖ Urubanza N° RS/INJUST/RC 00003/2023/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 16/02/2024, SANLAM AG PLC iburana na NZAMWITAKUZE Thérèse.

II.5.Abatarebwa n'amasezerano y'ubwishingire mu gihe batayagaragajwemo mu buryo bwihariye

II.5.1 Abahohotewe n'impanuka bishyurwa hashingiwe ku ngingo ya 4 y'Itegeko-Teka n° 32/75 ryo ku wa 7/6/1975 n'abishyurwa hashingiwe ku Iteka rya Perezida N° 31/01 ryo ku wa 25/08/2003.

✓ Ingingo ya 4 y'Itegeko-Teka n° 32/75 ryo ku wa 7/6/1975 ryerekeye ubwishingizi butegetswe ku buryozwe ku birebana n'ibinyabiziga, iteganya ibikurikira: "*Abashobora kubuzwa inyungu z'ubwishingizi harimo: 1. umushoferi w'ikinyabiziga cyateje igihombo (dommage), uwafashe ubwishingizi; 2. uwashakanye n'abavugwa haruguru ndetse n'ababakomokaho ku buryo butaziguye ariko batuye munzu imwe kandi bitabwaho n'abo bamaze kuvugwa; 3. abantu barengerwa n'amategeko yihariye ku kuriha ibyangijwe n'impanuka*".

✓ Ingingo ya 24 y'Iteka rya Perezida N° 31/01 ryo ku wa 25/08/2003 rishyiraho uburyo bwo kwishyura indishyi ku bubabare bw'umubiri buturutse ku mpanuka zitewe n'ibinyabiziga iteganya ibikurikira : "*Abahohotewe cyangwa abafite uburenganzira ku bahohotewe biturutse ku mpanuka zitewe n'ibinyabiziga nta burenganzira bafite ku yandi mafaranga, ayo ari yo yose y'indishyi y'umubiri, uretse amafaranga ateganywa n'iri Teka rya Perezida*".

Umurongo watanzwe: Ku muntu utavugwa mu ngingo ya 4 y'Itegeko-Teka N° 32/75 ryo ku wa 07/06/1975 ryerekeye ubwishingizi butegetswe ku buryozwe ku birebana n'ibinyabiziga, indishyi zikomoka ku mpanuka yo muhanda yatewe n'ikinyabiziga zibarwa hashingiwe ku biteganywa n'Iteka rya Perezida n° 31/01 ryo ku wa 25/08/2003 rishyiraho uburyo bwo kwishyura indishyi ku bubabare bw'umubiri buturutse ku mpanuka zitewe n'ibinyabiziga, aho gushingira ku masezerano y'ubwishingizi yihariye yakozwe hagati ya nyir'ikinyabiziga na sosiyete y'ubwishingizi.

Urubanza rwatanze umurongo : Urubanza N° RS/INJUST/RC 00013/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 15/9/2023, MUKADEMOKARASI Clémentine n'abandi baburana na SANLAM AG Plc (igika cya 22).

II.6.Impanuka yatumye uwahohotewe akuramo inda

II.6.1. Indishyi zigenerwa uwahohotewe n'impanuka yo mu muhanda igatuma akuramo inda

Umurongo watanzwe: Mu gihe Itegeko n° 41/2001 ryo ku wa 19/09/2001 ryerekeye imyishyurire y'abangirijwe n'impanuka zitewe n'ibinyabiziga bigenzwa na moteri kandi bigendera ku butaka n'Iteka rya Perezida n° 31/01 ryo ku wa 25/08/2003 rishyiraho uburyo bwo kwishyura indishyi ku bubabare bw'umubiri buturutse ku mpanuka zitewe n'ibinyabiziga, zitateganyije uburyo indishyi z'akabaro zigenwa mu gihe habaye impanuka itejwe n'ikinyabiziga gifite moteri yatumye inda ivamo, nta kibuza ko izo ndishyi zitangwa hashingiwe ku mategeko rusange (droit commun) cyangwa amahame rusange y'amategeko (principes généraux de droit).

Urubanza rwatanze umurongo : Urubanza N° RS/INJUST/RC 00024/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 15/11/2024 haburana SANLAM AG Plc na NYIRANEZA n'abandi (igika cya 24).

II.7.Gutandukanya impanuka y'akazi n'impanuka yo mu muhanda

II.7.1 Impanuka yo mu muhanda ikorewe ahanyuranye n'aho umuntu akorera ; idakorewe mu nzira imujyana aho ataha cyangwa imuvana aho ataha imujyana ku kazi, ntifatwa nk'impanuka y'akazi

✓ Ingingo ya 13 y'itegeko n° 06/2003 ryo ku wa 22/03/2003 rihindura kandi ryuzuza Itegeko Teka ryo ku wa 22/08/1974 rigena imitunganyirize y'ikigo cy'ubwiteganyirize, iteganya ibikurikira : *"Ifatwa nk'impanuka y'akazi, impanuka ibaye ku mukozi mu gihe cy'urugendo ruva aho abarizwa, aho asanzwe afatira amafunguro rugana aho akorera cyangwa aho ahemberwa cyangwa asubira ahavuzwe, (vice-versa), iyo urwo rugendo rutaciwemo no kujya ahandi mu nyungu bwite z'umukozi kandi idashingiye ku kazi. Aho umuntu abarizwa havugwa muri iyi ngingo hashobora kuba aho aba h'ibanze (résidence principale) n'ahandi ashobora kuba (résidence secondaire), ariko hakaba hagomba kuba hazwi kandi hahamye (stable), n'igihe amafaranga yakoreshejwe mu rugendo yishyuwe n'umukoresha we".*

✓ Ingingo ya 4, agace ka 3, y'Itegeko- Teka N° 32/75 rigena ubwishingire butegetswe ku buryozwe butewe n'ibigenzwa ku butaka iteganya ibikurikira : *"Bashobora kuvanwa mu bwishingire : Abantu barindwa n'amategeko ari ukwayo mu byerekeye indishyi zitewe n'ibyago by'akazi, keretse iyo abo bantu bahisemo gukurikirana indishyi ku wushingiwe".*

Umurongo watanzwe : Ifatwa nk'impanuka y'akazi impanuka umukozi yagize ari mu rugendo rwishyuwe n'umukoresha, iyo agize ava aho abarizwa ajya aho akorera cyangwa ava aho akorera ajya aho abarizwa, ariko akaba atahagaritse urwo rugendo ku mpamvu ze bwite zidafitanye isano n'umurimo akora. Aho umukozi abarizwa ni ahantu umukozi ataha buri munsi uko avuye aho akorera. Iyo impanuka ibaye mu buryo budahuye n'ubumaze kuvugwa, uburyozwe buba ku mwishingizi w'ikinyabiziga umukozi yakoreyemo impanuka.

Urubanza rwatanze umurongo : Urubanza N° RS/INJUST/RC 00004/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 14/9/2023, MULINDAHABI Félix aburana na SANLAM AG Plc (igika cya 25).

II.8.Impanuka yakomerekeje umukozi ukora ku kinyabiziga

II.8.1 Uwakoze impanuka ari ku kazi mu modoka ahoraho ahabwa indishyi hashingiwe ku masezerano yihariye nyir'imodoka yagiranye n'ikigo cy'ubwishingizi

✓ Ingingo ya 4, agace ka 3, y'Itegeko- Teka N° 32/75 rigena ubwishingire butegetswe ku buryozwe butewe n'ibigenzwa ku butaka, bifite moteri, nk'uko ryahinduwe, iteganya ibikurikira : "*Bashobora kuvanwa mu bwishingire : … Abantu barindwa n'amategeko ari ukwayo mu byerekeye indishyi zitewe n'ibyago by'akazi, keretse iyo abo bantu bahisemo gukurikirana indishyi ku wushingiwe*".

Umurongo watanzwe : Uwakoze impanuka ari mu kazi ku modoka yakomerekeyemo, agomba guhabwa indishyi zishingiye ku masezerano y'ubwishingizi yihariye nyir'imodoka yagiranye n'ikigo cy'ubwishingizi. Amategeko yihariye avugwa muri iyi ngingo ni asanzwe arengera abakozi arimo ay'ubwiteganyirize bw'abakozi cyangwa ubundi bwishingizi bwabafatirwa n'umukoresha wabo.

Imanza zatanze uyu murongo:

❖ Urubanza N° RS/INJUST/RC00008/2024/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 17/01/2025, NZAYIKORERA Jeanne na bagenzi be baburana na SANLAM AG PLC (igika cya 34).

❖ Urubanza N° RS/INJUST/RC00013/2024/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 20/06/2025, KAMALI Léonard na bagenzi be baburana na RADIANT INSURANCE COMPANY LTD (igika cya 16).

❖ Urubanza N° RS/INJUST/RC 00021/2024/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 11/07/2025, SEBYUJE Cyprien aburana na SANLAM AG Plc n'undi (igika cya 18).

II.9.Uburenganzira bwo gukurikirana uwishingiwe (action récursoire/recovery action) n'ubwo bwo gusimbura uwishingiwe mu gukurikirana abandi batumye umwishingizi yishyura (action subrogatoire/subrogatoty action)

II.9.1 Uburenganzira bwo gukurikirana uwishingiwe ntibwabaho igihe ibyago byatewe n'undi, atabizi cyangwa yarenze ku mabwiriza ye

✓ Ingingo *ya 11 y'Itegeko-Teka N°32/75 ryo kuwa 07/08/1975 ryerekeye ubwishingire butegetswe ku buryozwe butewe n'ibigenzwa ku butaka bifite moteri iteganya ibi bikurikira : "Nta mpamvu n'imwe yataye agaciro, igira icyo izigama cyangwa itagikurikizwa bitewe n'itegeko cyangwa amasezerano uwishingiye yakwitwaza ku wangirijwe. Uwishingiye ashobora kwiteganyiriza uburenganzira bwo gukurikirana uwakoze amasezerano y'ubwishingire cyangwa se, byaba bibaye ngombwa, uwishingiwe utari uwakoze amasezerano, mu gihe itegeko cyangwa amasezerano y'ubwishingire yaba amwemerera kwanga cyangwa kugabanya ibyo agomba gukora*".

Umurongo watanzwe: Uburenganzira bwo gukurikirana uwishingiwe (action récursoire/recovery action) ntibushobora kubaho igihe uwishingiwe agaragaje ko ibyago byabaye byatejwe n'undi utari we ubwe, kandi ko byabaye atabizi cyangwa uwabikoze yarenze ku mabwiriza ye.

II.9.2 Umwishingizi wishyuye uwahohotewe n'impanuka mu mwanya w'uwafashe ubwishingizi afite uburenganzira bwo gukurikirana uwateje impanuka

✓ Ingingo *ya 32, igika cya 1 y'Itegeko-Teka N° 20/75 ryo kuwa 20/6/1975 ryerekeye ubwishingire yo iteganya ko "Uwishingiye wishyuye indishyi z'ubwishingire, asimbura uwo yishingiye, mu rugero rw'indishyi yatanze, mu byerekeye uburenganzira no gukurikirana abandi bantu batumye yishyura kubera ibikorwa byabo".*

Umurongo watanzwe : Uburenganzira bwo gusimbura uwishingiwe mu gukurikirana abandi batumye umwishingizi yishyura (action subrogatoire/subrogatoty action) ni uburenganzira umwishingizi afite bwo gukurikirana uwateje impanuka mu kigwi cy'uwishingiwe, ubu burenganzira abugira nyuma y'uko yishyuye uwishingiwe wahohotewe.

Urubanza rwatanze umurongo: Urubanza N° RS/INJUST/RC 00004/2024/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 25/04/2025, RADIANT INSURANCE COMPANY Ltd iburana na TUYIGANE Jean Paul (igika cya 23,28,29).

II.10. Uburyozwe buturutse ku ikosa rikozwe nkana (faute intentionnelle)

II.10.1 Uburyozwe bwishingirwa - ni ubukomoka ku gikorwa cyakoranwe cyangwa kitakoranwe ubushake bigatuma uwakoze ikosa yishyuzwa

✓ Ingingo ya 3 y'Itegeko-Teka No 32/75 ryo ku wa 07/08/1975 ryerekeye ubwishingizi butegetswe ku buryozwe butewe n'ibigenzwa ku butaka bifite moteri, nk'uko ryahinduwe n'Itegeko No 02/2002 ryo ku wa 17/01/2002, iteganya mu gika cyayo cya mbere ko « *ubwishingizi bugomba kwishingira uburyozwe (la responsabilité civile) bwa nyir'ikinyabiziga, ubw'ugifite n'ubw'ugitwaye wese, uretse igihe cyaba gifitwe n'uwakibye cyangwa uwacyambuye ku ngufu* ».

Umurongo watanzwe : Uburyozwe (responsabilité civile/civil liability) bubaho biturutse ku gikorwa cyakoranywe ubushake cyangwa kitakoranywe ubushake, bigatuma uwakoze ikosa agomba kwishyura iby'abandi byangijwe ; ubwo buryozwe bukaba bwishingirwa.

II.10.2 Uburyozwe butishingirwa ni ubuturutse ku ikosa rikozwe nkana ry'uwishingiwe - rifatwa nk'iryakozwe nkana mu gihe bigaragara ko uwarikoze yari afite umugambi wo kwangiza

✓ Ingingo ya 11 y'Itegeko–Teka No 20/75 ryo ku wa 20/06/1975 ryerekeye ubwishingizi muri rusange nk'uko ryahinduwe yo iteganya ibi bikurikira : "*Uwishingira yishingira ibyaba ku wishingiwe byateganyijwe mu masezerano. Yishingira ibyaba (risques) bitewe n'impamvu zitunguranye (cas fortuits), n'ibyaba bitewe n'ikosa (faute) ry'uwishingiwe, keretse iyo byateganyijwe ukundi. N'ubwo nta ngingo yaba ibivuguruza, uwishingira ntashobora kwishingira ibyaba bitewe n'ikosa rikozwe nkana (faute intentionnelle) n'uwishingiwe* ».

Umurongo watanzwe : Uburyozwe butishingirwa, ni ubuturutse ku ikosa rikozwe nkana (faute intentionnelle) ry'uwishingiwe, iryo kosa rikaba rikorwa hagambiriwe kwangiza.

Nubwo umuntu yaba yakoze ikosa abizi, rifatwa nk'iryakozwe nkana mu gihe gusa bigaragara ko uwarikoze yari afite umugambi wo kwangiza. Ikiranga ikosa rikozwe nkana, ni ukugambirira kwangiza, aho kuba gusa ubushake bwo gukora igikorwa cyangije ;

II.10.3 Kutishyura indishyi kubera ikosa ryakozwe – umwishingizi agomba gutanga ibimenyetso bigaragaza ko uwishingiwe yakoze ikosa agambiriye kwangiza

Umurongo watanzwe : Kugira ngo umwishingizi areke kwishyura ashingiye ku ngingo y'amategeko cyangwa y'amasezerano ibuza kwishingira ikosa ryakowe nkana, agomba gutanga ibimenyetso bigaragaza ko uwishingiwe yakoze ikosa agambiriye kwangiza.

Umurongo uvuzwe mu gika kibanziriza iki, uhindura uwatanzwe mu rubanza N° RS/INJUST/RC 00002/2021/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 30/12/2021, Akarere ka Kirehe kaburana na SAHAM Assurance Rwanda Ltd yahindutse SANLAM Assurances Générales Plc, abazungura ba Gatashya Ezra n'abandi ; uwo murongo ukaba waravugaga ko **umwishingizi ataryozwa amakosa uwishingiwe yakoze abizi kandi abishaka.**

II.10.4 Ikosa rituma uwangirijwe adahabwa indishyi ni iryabaye ryonyine intandaro y'impanuka n'iry'uwangirijwe yakoze nkana

✓ Ingingo ya 2 y'Itegeko No 41/2001 ryo ku wa 19/09/2001 ryerekeye imyishyurire y'abangirijwe n'impanuka zitewe n'ibinyabiziga bigenzwa na moteri kandi bigenda ku butaka iteganya ibi bikurikira : *"indishyi zivugwa kuva ku ngingo ya 4 kugeza ku ya 10 z'iri Tegeko zigabanywa hakurikijwe uruhare uwangirijwe yagize mu mpanuka yabaye. Ikosa ry'uwangirijwe ntirimwemerera uruhare ku ndishyi cyangwa abafite uburenganzira ku bintu bye"*.

Umurongo watanzwe : Ikosa rituma uwangirijwe adahabwa indishyi ni iryabaye intandaro y'impanuka ryonyine (ni ukuvuga ku kigero cya 100%), kimwe n'iryo uwangirijwe yakoze nkana agambiriye ibyago byamubayeho.

Urubanza rwatanze umurongo : Urubanza N° RS/INJUST/RC 00005/2024/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 28/03/2025, SANLAM AG Plc iburana na BIZIMANA Védaste (igika cya 36,46).

II.11. Kwishyura amafaranga y'ibyakoreshejwe kwa muganga no gushyingura uwahohotewe n'impanuka

II.11.1 Kwishyura ibyakoreshejwe kwa mu muganga no gushyingura uwahohotewe n'impanuka – hishyurwa ibiri ngombwa n'amafaranga acishije mu gaciro bigenwe mu bushishozi bw'urukiko

✓ Ingingo ya 21 y'Iteka rya Perezida N° 31/01 ryo ku wa 25/08/2003 rishyiraho uburyo bwo kwishyura indishyi ku bubabare bw'umubiri buturutse ku mpanuka zitewe n'ibinyabiziga,

iteganya ibi bikurikira : *« Amafaranga atangwa ku wapfuye hamwe n'ayo gushyirwa mu bitaro yakoreshejwe mbere y'urupfu ndetse hamwe, igihe bibaye ngombwa, n'amafaranga yo gutwara umurambo yose azishyurwa habanje kwerekanwa ibimenyetso bihamye, hakurikijwe uko biteye mu buryo bwumvikana. Ayo mafaranga azishyurwa abazaba bayatanze mu rugero rutarenze inshuro icumi, umushahara muto ntarengwa wemewe n'amategeko ».*

Umurongo watanzwe : Amafaranga y'ibyakoreshejwe kwa muganga no gushyingura uwahohotewe n'impanuka, umwishingizi yishyura ; ni amafaranga acishije mu gaciro kandi ya ngombwa. Bisuzumwa mu bushishozi bw'Urukiko.

Imanza zatanze uyu murongo:

❖ Urubanza N° RS/INJUST/RC 00007/2024/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 17/01/2025, SONARWA General Insurance Company Ltd iburana na GASANA Alexis na bagenzi be (igika cya 34,35).

II.12. Indishyi z'ibangamira ry'uburambe mu kazi

II.12.1. Indishyi z'ibangamira ry'uburambe mu kazi zigamije kuriha ingaruka zitandukanye umuntu yatewe n'impanuka ku mwuga

✓ Ingingo ya 19 y'Iteka rya Perezida No 31/01 ryo ku wa 25/08/2003 rishyiraho uburyo bwo kwishyura indishyi ku bubabare bw'umubiri buturutse ku mpanuka zitewe n'ibinyabiziga, *iteganya indishyi z'ibangamira ry'uburambe mu kazi ku byiciro bibiri ari byo : a) Gutakaza amahirwe y'akazi ku munyeshyuri wo mu mashuri yisumbuye, ay'imyuga, aya kaminuza cyangwa andi angana nayo ; b) Gutakaza uburambe mu kazi ku muntu wari usanzwe akora*

Umurongo watanzwe : Indishyi z'ibangamira ry'uburambe mu kazi ni indishyi zishingiye ku ngaruka z'impanuka ku mwuga, zigamije kuriha ingaruka z'impanuka umuntu yagize zishobora kumugabanyiriza agaciro ku isoko ry'umurimo, zikariha imvune asigaye agira mu gukora umurimo yari asanganywe cyangwa undi yakora (pénibilité), zikanariha kuba byarabaye ngombwa ko ahindura akazi cyangwa kuba yabura amahirwe yo kuzamurwa mu ntera kubera impanuka yagize.

Imanza zatanze uyu murongo:

❖ Urubanza N° RS/INJUST/RC 00004/2023/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 12/04/2024, RADIANT INSURANCE COMPANY Ltd iburana na MUREKATETE Denyse (igika cya 36,37).

❖ Urubanza N° RS/INJUST/RC 00019/2024/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 17/04/2025, MUKARUHUNGA NYIRANGERI Ange aburana na RADIANT INSURANCE Company Ltd (igika cya 29).

❖ Urubanza N° RS/INJUST/RC 00015/2024/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 30/05/2025, MIREMBE Jackline aburana na Radiant Insurance Company Ltd (igika cya 34).

II.12.2. Indishyi z'ibangamira ry'uburambe mu kazi - zigenerwa uwari ufite akazi igihe yakoraga impanuka

✓ Ingingo ya 19 y'Iteka rya Perezida No 31/01 ryo ku wa 25/08/2003 rishyiraho uburyo bwo kwishyura indishyi ku bubabare bw'umubiri buturutse ku mpanuka zitewe n'ibinyabiziga, *iteganya indishyi z'ibangamira ry'uburambe mu kazi ku byiciro bibiri ari byo : a) Gutakaza amahirwe y'akazi ku munyeshyuri wo mu mashuri yisumbuye, ay'imyuga, aya kaminuza cyangwa andi angana nayo ; b) Gutakaza uburambe mu kazi ku muntu wari usanzwe akora*

Umurongo watanzwe : Kugira ngo usaba indishyi z'ibangamira ry'uburambe mu kazi ashobore kuzigenerwa, agomba kugaragaza ko koko hari akazi yari afite ako ari ko kose, ndetse n'ingaruka impanuka yamugizeho yatumye agatakaza, agahindura, agakora mu buryo buvunanye cyangwa ko yaba atagishoboye kuzamurwa mu ntera.

Imanza zatanze uyu murongo:

❖ Urubanza N° RS/INJUST/RC 00010/2021/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 02/12/2022, Prime Insurance Company Ltd iburana na UWIMANIMPAYE Jean Claude (igika cya 27).

❖ Urubanza N° RS/INJUST/RC 00006/2024/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 14/03/2024, SANLAM ASSURANCES GENERALES Plc iburana na NDAYISABA Mathieu (igika cya 24).

II.13. Indishyi z'ibangamira ry'uburanga

II.13.1. Iyo umuganga aterekanye ko hari ibangamira ry'uburanga uwahohotewe yaba yaragize kuko atabisabwe Urukiko rusaba ko abikora

Ingingo ya 19 y'Iteka rya Perezida n° 31/01 ryo ku wa 25/08/2003 rishyiraho uburyo bwo kwishyura indishyi ku bubabare bw'umubiri buturutse ku mpanuka zitewe n'ibinyabiziga, ku birebana n'ibangamira ry'uburanga, iteganya ko iryo bangamira kwa muganga bazarigereranya bakurikije ikigereranyo cy'inzego 6 kandi ritangirwe indishyi ku buryo bukurikira :

✓ Urwego rwa 1 (iryoroshye cyane) : 5% by'umushahara w'umwaka muto ntarengwa wemewe n'amategeko ;

✓ Urwego rwa 2 (iryoroshye) : 10% by'umushahara w'umwaka muto ntarengwa wemewe n'amategeko ;

✓ Urwego rwa 3 (iricishije bugufi) : 20% by'umushahara w'umwaka muto ntarengwa wemewe n'amategeko ;

✓ Urwego rwa 4 (iriciriritse) : 40% by'umushahara w'umwaka muto ntarengwa wemewe n'amategeko ;

✓ Urwego rwa 5 (irikomeye) : 100% by'umushahara w'umwaka muto ntarengwa wemewe n'amategeko ;

✓ Urwego rwa 6 (irikomeye cyane) : 150% by'umushahara w'umwaka muto ntarengwa wemewe n'amategeko.

Umurongo watanzwe : Kuba muganga atarerekanye ko hari ibangamira ry'uburanga ryabayeho, ntibivuze ko ritabayeho koko, ahubwo ni uko aba atarasabwe kuryerekana. Iyo umuganga atasabwe kwerekana ibangamira ry'uburanga uwahohotewe n'impanuka yaba yaragize, Urukiko rurabimusaba.

Imanza zatanze uyu murongo:

❖ Urubanza N° RS/INJUST/RC 00012/2022/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 02/02/2024, MUKAKIMENYI Marie Claire iburana na SANLAM AG Plc (igika cya 51-52).

II.14. Kwivuza k'uwahohotewe n'impanuka

II.14.1. Uwahohotewe n'impanuka ashobora kwivuza ku giti cye, nyuma akazasaba uwateje impanuka cyangwa uwamwishingiye kumusubiza amafaranga yivuje yaba atabishoboye agasaba kavuzwa

✓ Ingingo ya 3 y'Itegeko n° 41/2001 ryo ku wa 19/09/2001 ryerekeye imyishyurire y'abangirijwe n'impanuka zitewe n'ibinyabiziga bigenzwa na moteri kandi bigenda ku butaka, iteganya ko : « *uwangirijwe n'impanuka itamuviriyemo urupfu afite uburenganzira bwo kuvuzwa cyangwa gusubizwa amafaranga yatanze yivuza n'ayo yaguze imiti kubera uburwayi yatewe n'iyo mpanuka. […]»*

✓ Ingingo ya 13, igika cya mbere, y'Iteka rya Perezida n° 31/01 ryo ku wa 25/08/2003 rishyiraho uburyo bwo kwishyura indishyi ku bubabare bw'umubiri buturutse ku mpanuka zitewe n'ibinyabiziga, iteganya ko : «*amafaranga yo kwivuza, yo gushyirwa mu bitaro, yo kugura imiti, yo gutwarwa mu modoka itwara abarwayi, yo kongera kumenyereza umubiri, yo kugorora ingingo, y'ibyuma bikoreshwa, y'insimburangingo n'ay'ingendo zo kujya kwivuza arihwa n'uwateje impanuka cyangwa umwishingizi we, hakurikijwe ibiciro biriho mu Rwanda. Agomba kwishyurwa n'abo bombi, bamaze kubona inzandiko zibihamya, mu kwezi kw'iyakirwa ry'izo nyandiko* ».

Umurongo watanzwe : Uwangijwe n'impanuka ntimuviremo urupfu afite uburenganzira bwo kuvuzwa n'uwateje impanuka cyangwa uwamwishigiye. Uwahohotewe ufite ubushobozi ashobora kwivuza ku giti cye, noneho nyuma akazasaba uwateje impanuka cyangwa uwamwishingiye kumusubiza amafaranga yatanze yivuza hamaze gutangwa ibimenyetso bigaragaza amafaranga y'ikiguzi yatanzwe kuri ubwo buvuzi, mu gihe yaba nta bushobozi afite agasaba abo bombi kumuvuza.

Imanza zatanze uyu murongo:

❖ Urubanza N° RS/INJUST/RC 00012/2022/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 02/02/2024, MUKAKIMENYI Marie Claire iburana na SANLAM AG Plc (igika cya 28).

III IMANZA Z'UMURIMO

Ibisobanuro:

Muri iki cyiciro hakubiyemo imirongo yafashwe n'Urukiko rw'Ubujurire cyangwa Urukiko rw'Ikirenga ku bijyanye n'ibibazo bitandukanye by'umurimo byagiweho impaka.

III.1. Gusesa amasezerano binyuranyije n'amategeko

III.1.1 Imyitwarire mibi y'umukozi

Ingingo ya 27, y'Itegeko N° 66/2018 ryo ku wa 30/08/2018 rigenga umurimo mu Rwanda iteganya ibikurikira: *"Amasezerano y'umurimo y'igihe kitazwi ashobora guseswa n'umwe mu bayagiranye bitewe n'impamvu zifite ishingiro"*.

Umurongo watanzwe mu rubanza: Imyitwarire y'umukozi, by'umwihariko amakosa yakora mu rwego rw'akazi, ni imwe mu mpamvu zumvikana zishobora gutuma amasezerano y'akazi aseswa.

Imanza zafashwemo uyu murongo

❖ Urubanza N° RS/INJUST/RSOC 00001/2019/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 31/01/2020 haburana NIWEMUGENI Jeannette na KCB Bank Rwanda Plc (igika cya 35).

❖ Urubanza N° RS/INJUST/RSOC 00018/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/03/2024, ICYIMANIZANYE Marie Chantal aburana na BPR Bank Rwanda Plc (igika cya 19).

III.1.2 Impamvu idasobanutse n'uburyo budakurikije amategeko

Ingingo ya 3, agace ka 17° y'Itegeko n° 66/2018 ryo ku wa 30/08/2018 rigenga umurimo mu Rwanda isobanura *"kwirukanwa nta mpamvu" (licenciement abusif) aho ivuga ko ari "Gusesa amasezerano y'umurimo bikozwe n'umukoresha nta mpamvu ifite ishingiro cyangwa bidakurikije uburyo buteganywa n'amategeko"*.

Umurongo watanzwe : Umukoresha wiyemeje gusesa amasezerano y'umurimo afitanye n'umukozi aba agomba kugira impamvu isobanutse ibimuteye kandi akubahiriza icyo amategeko ateganya ku birebana n'inzira bikorwamo. Iyo atabikoze muri ubwo buryo byitwa kwirukana umukozi nta mpamvu. Iyo umukoresha yirukanye umukozi nta mpamvu ategekwa kwishyura indishyi ziteganywa n'itegeko.

Imanza zafashwemo uyu murongo

❖ Urubanza N° RSOCAA 0003/15/CS rwaciwe n'Urukiko rw'ikirengfa ku wa 05/05/2016, RUGENERA Marc aburana na SORAS Assurances Générales Ltd (SORAS AG).

❖ Urubanza N° RS/INJUST/RSOC 00005/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/12/2023 haburana KAYITESI Joselyne na ADEPR.

❖ Urubanza N° RS/INJUST/RSOC 00020/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 26/03/2024, BIGIRIMANA Tharcisse aburana na VIVO ENERGY RWANDA Ltd (igika cya 24).

❖ Urubanza N° RS/INJUST/RSOC 00004/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/03/2024, DUSABE Richard na LA GALETTE Ltd (Igika cya 21).

❖ Urubanza N° RS/INJUST/RSOC 00014/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 19/07/2024, EAR Diyoseze ya Shyira na UWINGABIYE Monique (Igika cya 24)

❖ Urubanza N° RS/INJUST/RSOC 00014/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 17/01/2025, GROUPE SCOLAIRE ADB-NYARUTARAMA iburana na IBYIMANABIRIZANA Albert (Igika cya 31)

III.1.3. Guhindura amasezerano y'umurimo bitemeranyijweho

Igitabo cy'Umuhanga: Paul Henri ANTOMATTEI, Droit du Travail, LGDJ, page 223: *En présence du refus du salarié, l'employeur ne saurait imposer la modification proposée. Le salarié est fondé à exiger la poursuite du contrat aux conditions initiales. L'employeur ne peut que poursuivre le contrat de travail aux conditions initiales ou diligenter une procédure de licenciement. Le licenciement doit reposer sur une cause réelle et serieuse qui ne réside pas dans le refus du salarié qui est un droit. C'est le motif de la proposition de la modification qui constitue la cause réelle et serieuse du licenciement d'un salarié ayant refusé une proposition de modification de son contrat de travail.*

Umurongo watanzwe: Mu gihe habayeho guhindura amasezerano y'umurimo umukozi yarasanganywe akanga gusinya amashya, muri icyo gihe umukoresha aba afite uburenganzira bwo gusesa amasezerano yari asanzwe apfa gusa kubikora mu buryo bukurikije amategeko. Kwanga gusinya amasezerano mashya sibyo bireberwaho niba amasezerano yasheshwe hashingiwe ku mpamvu yumvikana, ahubwo impamvu yumvikana ireberwa ku mpamvu yatumye amasezerano yari asanzweho ahindurwa.

Urubanza rwatanze umurongo : Urubanza N° RS/INJUST/RSOC 00014/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 19/07/2024, EAR Diyoseze ya Shyira na UWINGABIYE Monique (igika cya 30).

III.1.4. Ikosa rikomeye.

Ingingo ya 3, agace ka 7, y'Itegeko N° 66/2018 ryo ku wa 30/08/2018 rigenga umurimo mu Rwanda isobanura ikosa rikomeye mu magambo akurikira : *ikosa rikozwe n'umukozi, hashingiwe ku buremere by'icyakozwe, ikitakozwe, imyitwarire, uburyo ryakozwemo cyangwa ingaruka ryateje ku buryo umukoresha aba atagishoboye gukomeza kumukoresha."*

Umurongo watanzwe : Ikosa rikomeye ni ikosa ritihanganirwa (faute inéxcusable), rifite uburemere bwihariye, rikomoka ku gukora cyangwa kwanga gukora ku bushake, ugikora cyangwa uwanga kugikora azi neza ingaruka zabyo kandi nta gisobanuro abifitiye.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RADA 00003/2019/CA, rwaciwe n'Urukiko rw'Ikirenga ku wa 12/06/2020 haburana Leta y'u Rwanda / Minisiteri y'Ubucuruzi n'Inganda na NDAHAYO Pascal (igika cya 29).

❖ Urubanza N° RS/INJUST/RSOC 00003/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/12/2023, KAYITABA Mukunde Eugénie iburana na WOMEN FOR WOMEN INTERNATIONAL (igika cya 28).

III.1.5. Guta akazi kubera gufungwa

Ingingo ya 25, 3° y'itegeko N° 66/2018 ryo ku wa 30/08/2018 rigenga umurimo mu Rwanda iteganya ko "*amasezerano y'akazi asubikwa iyo umukozi afunzwe by'agateganyo mu gihe kitarenze amezi atandatu (6)*."

Umurongo watanzwe : Umukoresha ntiyakwirukana umukozi kubera impamvu yo guta akazi kandi igihe umukoresha avuga ko yagatayemo yarakimaze afunzwe ntabashe kubimumenyesha mu gihe akimara gufungurwa yihutiye kumenyesha umukoresha we ibyamubayeho.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RS/REV/INJUST/RAD 00005/2018/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 15/03/2019, haburana Umujyi wa Kigali na NDAKENGERWA GASANA Aimable (igika cya 24).

❖ Urubanza N° RS/INJUST/RSOC 00002/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 13/12/2024, MUGANGA Eugénie aburana na HÔPITAL LA CROIX DU SUD (igika cya 22).

III.1.6. Igihe cy'integuza cyangwa ingurane mu mafaranga

Umurongo watanzwe : Mu gihe cy'integuza umukozi aba ari mu kazi, ariko umukoresha ashobora gusaba umukozi kutaza mu kazi mu gihe cy'integuza, ahubwo akamugenera ingurane mu mafaranga.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RS/INJUST/RSOC 00001/2019/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 31/01/2020 haburana NIWEMUGENI Jeannette na KCB Bank Rwanda Plc.

❖ Urubanza N° RS/INJUST/RSOC 00015/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/04/2024, NSENGIYUMVA François aburana na GUARANTY TRUST BANK RWANDA Plc (GT BANK RWANDA Plc) (igika cya 46).

❖ Urubanza N° RS/INJUST/RSOC 00004/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 18/12/2024, RWANDEKEYE Théoneste aburana na ULTIMATE FORESTS COMPANY Ltd (igika cya 33).

❖ Urubanza N° RS/INJUST/RSOC 00001/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/01/2025, haburana DUSHIMIMANA Jonathan na ASA MICROFINANCE Plc (igika cya 35).

III.1.7. Amafaranga abarirwaho indishyi z'umukozi wasezerewe binyuranyije n'amategeko.

Ingingo ya 33, igika cya mbere, y'Itegeko N° 13/2009 ryo ku wa 27/05/2009 ryakoreshwaga mu gihe umukozi yirukanwaga iteganya ibikurikira: "*Iseswa ryose ry'amasezerano y'akazi rinyuranyije n'amategeko rishobora gutuma hatangwa indishyi z'akababaro. Indishyi z'akababaro zihabwa umukozi wirukanwe binyuranije n'amategeko ntizishobora kujya munsi y'umushahara w'amezi atatu (3), ariko kandi ntizishobora kurenza amezi atandatu (6). Ibi ntibibuza itangwa ry' imperekeza umukozi yari asanzwe afiteho uburenganzira.*"

Umurongo watanzwe: Amafaranga umukozi wasezerewe ahabwa ni ahwanye n'umushahara atahana mu ntoki (salaire net) aho kuba umushahara mbumbe (salaire brut).

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RS/INJUST/RSOC 00001/2019/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 31/01/2020 haburana NIWEMUGENI Jeannette na KCB Bank Rwanda Plc (igika cya 35).

❖ Urubanza N° RS/INJUST/RSOC 00003/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/12/2023, KAYITABA Mukunde Eugénie iburana na WOMEN FOR WOMEN INTERNATIONAL (igika cya 47).

❖ Urubanza N° RS/INJUST/RSOC 00004/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 18/12/2024, RWANDEKEYE Théoneste aburana na ULTIMATE FORESTS COMPANY Ltd (igika cya 41).

❖ Urubanza N° RS/INJUST/RSOC 00001/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/01/2025, haburana DUSHIMIMANA Jonathan na ASA MICROFINANCE Plc (igika cya 32).

III.2. Gutandukanya Umukozi wa nyakabyizi n'umukozi ugengwa n'amasezerano y'umurimo atanditse.

Ingingo ya mbere, agace ka 33, y'Itegeko N° 13/2009 ryo ku wa 27/05/2009, iteganya ibikurikira : "*umukozi uhoraho ari umukozi uhabwa akazi mu gihe kizwi cyangwa kitazwi ariko umaze nibura amezi atandatu akurikiranye akorera umukoresha umwe, naho mu gace ka 34° igateganya ko umukozi wa nyakabyizi ari umukozi ukoreshwa umunsi ku munsi*".

Ingingo ya 15, igika cya mbere, y'Itegeko N° 13/2009 ryo ku wa 27/05/2009 ryibukijwe haruguru iteganya ibikurikira : "*Amasezerano y'akazi ashobora kuba ayanditse cyangwa atanditse. Akorwa ku buryo bunogeye bene kuyagirana ku mpande zombi. Gihamya y'amasezerano ishobora kuba uburyo bwose bubonetse*"

Umurongo watanzwe : Nubwo umukozi nta masezerano yanditse yaba afitanye n'umukoresha we, ariko amaze nibura igihe kigeze ku mezi atandatu yikurikiranye kandi mu buryo buhoraho amukorera, agomba gufatwa nk'umukozi ugengwa n'amasezerano kuko bihita byumvikana ko bayafitanye ariko atanditse. Kugira ngo byemezwe ko umukozi atari nyakabyizi, agomba kugaragaza ibimenyetso byerekana ko yakoze koko mu gihe cy'amezi atandatu mu buryo buhoraho.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RS/INJUST/RSOC 00005/2022/SC rwaciwe n'Urukiko rw'Ikirenga ku 14/04/2023, NAYITURIKI Redemptus aburana na Hayton Ltd. (igika cya 23).

❖ Urubanza N° RS/INJUST/RSOC 00008/2022/SC rwaciwe n'Urukiko rw'Ikirenga ku 14/04/2023, UWIZEYIMANA Naphtal aburana na Hayton Ltd. (igika cya 22).

❖ Urubanza N° RS/INJUST/RSOC 00006/2022/SC rwaciwe n'Urukiko rw'Ikirenga ku 14/04/2023, NSENGIYUMVA Ismaël aburana na Hayton Ltd. (igika cya 23).

❖ Urubanza N° RS/INJUST/RSOC 00019/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 18/01/2024, NISHIMWE Françoise aburana HORIZON CONSTRUCTION Ltd (igika cya 17).

❖ Urubanza N° RS/INJUST/RSOC 00020/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 26/03/2024, BIGIRIMANA Tharcisse aburana na VIVO ENERGY RWANDA Ltd (igika cya 17).

III.3. Guteganyirizwa muri RSSB k'umukozi nyakabyizi cyangwa umukozi ukora mu buryo bw'imirimo idashingiye ku masezerano y'akazi yanditse (secteur informel)

Umurongo watanzwe: Uko byagenda kose, buri mukozi agomba gutangirwa imisanzu y'ubwiteganyirize kabone n'ubwo yaba akora mu buryo bw'imirimo idashingiye ku masezerano y'akazi yanditse (secteur informel) cyangwa mu gihe yaba akora imirimo igihe gito.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RS/INJUST/RSOC 00005/2022/SC rwaciwe n'Urukiko rw'Ikirenga ku 14/04/2023, NAYITURIKI Redemptus aburana na Hayton Ltd. (igika cya 36).

❖ Urubanza N° RS/INJUST/RSOC 00008/2022/SC rwaciwe n'Urukiko rw'Ikirenga ku 14/04/2023, UWIZEYIMANA Naphtal aburana na Hayton Ltd. (igika cya 35).

❖ Urubanza N° RS/INJUST/RSOC 00006/2022/SC rwaciwe n'Urukiko rw'Ikirenga ku 14/04/2023, NSENGIYUMVA Ismaël aburana na Hayton Ltd. (igika cya 36).

❖ Urubanza N° RS/INJUST/RSOC 00019/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 18/01/2024, NISHIMWE Françoise aburana HORIZON CONSTRUCTION Ltd (igika cya 32).

III.4. Gusezerera umukozi kubera impamvu z'ubukungu

III.4.1 Kumenyesha umugenzuzi w'umurimo urutonde rw'abakozi bagomba gusezererwa kubera impamvu z'ubukungu mbere y'uko basezererwa

Umurongo watanzwe: Umugenzuzi w'umurimo agomba kumenyeshwa urutonde rw'abagomba gusezererwa kubera impamvu z'ubukungu mbere y'uko abakozi basezererwa, agahabwa umwanya wo kugenzura niba koko abari kuri urwo rutonde ari bo bagomba gusezererwa, kandi niba rwarakozwe hubahirijwe ibyo amategeko asaba.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RSOCAA 0014/12/CS, rwaciwe n' Urukiko rw'Ikirenga ku wa 18/01/2013 haburana MUSONI wa RWIHIMBA Désiré na Banki ya Kigali Ltd (igika cya 28).

❖ Urubanza N° RS/INJUST/RSOC 00009/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/04/2023 haburana UWINEZA Alliance na UNGUKA BANK Plc (igika cya 37- 40).

❖ Urubanza N° RS/INJUST/RSOC 00011/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/04/2023 haburana NYIRABWIZA Justine na UNGUKA BANK Plc (igika cya 27).

❖ Urubanza N° RS/INJUST/RSOC 00010/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 24/11/2023 haburana MUKANDAYISENGA Gentille na UNGUKA BANK Plc (igika cya 16).

❖ Urubanza N° RS/INJUST/RSOC 00005/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/12/2023 haburana KAYITESI Joselyne na ADEPR (igika cya 18).

❖ Urubanza N° RS/INJUST/RSOC 00021/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/12/2023, GASORE Louis n'abandi baburana na MAGERWA Ltd (igika cya 36-37).

❖ Urubanza N° RS/INJUST/RSOC 00004/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 18/12/2024, RWANDEKEYE Théoneste aburana na ULTIMATE FORESTS COMPANY Ltd (igika cya 24).

❖ Urubanza N° RS/INJUST/RSOC 00008/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/03/2025, TUMWESIGE Dinah aburana na EAR Diocèse de Byumba (igika cya 19-20).

III.4.2 Ubushobozi bw'umukozi usezererwa bureberwa ku isuzumabushobozi asanganywe - si ku bizami bishya ahabwa

Ingingo ya 21 igika cya 3 n'icya 4 y'Itegeko n° 66/2018 ryo ku wa 30/08/2018 rigenga umurimo mu Rwanda, iteganya ibi bikurikira: *"Umukoresha, nyuma yo kubigaragariza abahagarariye abakozi mu kigo, ashobora gusezerera umukozi umwe cyangwa benshi bitewe no guhuza imirimo isa, kuvanaho cyangwa kuvugurura imikorere y'ikigo kubera impamvu z'ubukungu cyangwa guhindura ikoranabuhanga ryakoreshwaga hagamijwe kugira ngo ikigo kirusheho guhigana kandi akabimenyesha mu nyandiko umugenzuzi w'umurimo ubifitiye ububasha. Iyo umukoresha asezereye umukozi umwe cyangwa benshi kubera impamvu zivugwa mu gika cya 3 cy'iyi ngingo, ashyira ku rutonde abakozi bateganywa gusezererwa hakurikijwe ubushobozi ku murimo, amashuri, uburambe muri icyo kigo n'umubare w'abantu bemewe n'amategeko buri mukozi atunze".*

✓ Ingingo ya 29 y'iryo Tegeko yo igateganya ko "*Integuza igomba kumenyeshwa mu nyandiko uruhande ireba hakagaragazwa n'impamvu zituma amasezerano aseswa. Mu gihe cy'integuza, umukoresha n'umukozi bagomba kubahiriza ibyo bumvikanyeho".*

Umurongo watanzwe: Iyo habonetse impamvu z'ubukungu cyangwa iza tekiniki zituma umukozi asubikirwa burundu amasezerano y'umurimo, umukoresha ashingiye ku bushobozi ku murimo amuziho, amashuri, uburambe muri icyo kigo n'umubare w'abantu bemewe n'amategeko atunze, abonye atagishoboye gukomezanya na we muri icyo kigo, amuteguza mu nyandiko kuva ku murimo, mu rwego rwo kubahiriza ibyo bari bumvikanye mu masezerano bagiranye bitagishobotse, bagasezeranaho ku neza. Ubushobozi bw'umukozi bureberwa ku isuzuma bushobozi asanganywe ntihashingirwa ku bizamini bishya ahawe.

Imanza zafashwemo uyu murongo:

Urubanza N° RS/INJUST/RSOC 00013/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/05/2024, SONARWA LIFE Ltd aburana na GAKUMI GAKUBA Diane (igika cya 46).

III.4.3 Igisobanuro cy'isubika ry'amasezerano y'umurimo n'ibimenyetso by'uko ryabaye

Ingingo ya 18 y'Itegeko n° 66/2018 ryo ku wa 30/08/2018 rigenga umurimo mu Rwanda iteganya ibi bikurikira: "*Isubikwa ry'amasezerano y'umurimo ribaho mu gihe amasezerano adasheshwe ariko abayagiranye bahagarika zimwe cyangwa zose mu nshingano bari bafite. Inshingano buri ruhande rusigarana zigomba kuba ziteganywa n'iri tegeko cyangwa zumvikanyweho n'impande zombi. Amasezerano y'umurimo asubikwa kubera imwe mu mpamvu zikurikira:*

[….] 4° Ikigo gihagaritse imirimo yacyo by'igihe gito bitewe n'impamvu z'ubukungu cyangwa za tekiniki;

[…] Izindi mpamvu z'isubikwa ry'amasezerano y'umurimo zigenwa binyuze mu masezerano y'umurimo, amategeko ngengamikorere y'ikigo, cyangwa amasezerano rusange.

Umurongo watanzwe: Isubikwa ry'amasezerano ntirigomba kwitiranywa n'iseswa ryayo. Mu gihe amasezerano y'umurimo asubitswe ayo masezerano aba agikomeje kubaho ahubwo hagahagarikwa gusa, zimwe cyangwa se zose mu nshingano z'abayagiranye, mu gihe impamvu ziriteye zitari muziteganywa mu ngingo ya 18 y'Itegeko rigenga umurimo ryibukijwe haruguru, ziba zigomba nibura kuba zagaragarizwa ikimenyetso cy'uko zabanje kumvikanwaho hagati y'umukozi n'umukoresha mu buryo bwihariye bw'amasezerano y'umurimo impande zombi zagiranye cyangwa se mu buryo rusange bw'amategeko ngengamikorere y'ikigo umukozi akoramo cyangwa se mu masezerano rusange agenga abakozi bose b'icyo kigo.

Urubanza rwatanze umurongo : Urubanza N° RS/INJUST/RSOC 00007/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 07/06/2024, ZIRIMWABAGABO Daniel aburana na BRIOCHE Ltd (igika cya 31).

III.4.4. Igihe isubikwa ry'amasezerano y'umurimo rimara rigahinduka iseswa ry'amasezerano n'ingaruka zabyo

Ingingo ya 21 igika cya 1 n'icya 2 y'Itegeko n° 66/2018 ryo ku wa 30/08/2018 rigenga umurimo mu Rwanda, iteganya ibi bikurikira: *"Mu gihe habayeho isubikwa ry'amasezerano y'umurimo mu gihe gito kubera impamvu z'ubukungu cyangwa iza tekiniki, umukozi ntashobora gushyirwa mu gihe cyo kudakora ku mpamvu z'imirimo mike inshuro imwe (1) cyangwa nyinshi mu gihe kirenze iminsi mirongo cyenda (90) mu mwaka umwe (1).*

Iyo igihe kivugwa mu gika cya mbere cy'iyi ngingo kirenze, bifatwa nk'aho umukozi yasezerewe agahabwa imperekeza ziteganywa n'iri tegeko".

Umurongo watanzwe: Iyo impamvu y'ubukungu cyangwa iya tekiniki yatumye hasubikwa amasezerano ikomeje kubaho bikarenza igihe cy'iminsi mirongo cyenda (90) mu mwaka umwe, icyari isubikwa ry'amasezerano gihita gihinduka iseswa ryayo ku bw'itegeko, bigafatwa ko umukozi bireba yasezerewe uhereye ku munsi w'isubikwa ry'amasezerano y'umurimo, kandi ku birebana n'uko gusezererwa kwe umukoresha akaba nta zindi ndishyi asabwa kubimuhera uretse gusa kumuha imperekeza ziteganywa n'itegeko rigenga umurimo mu Rwanda.

Urubanza rwatanze umurongo : Urubanza rwasuzumwe : Urubanza N° RS/INJUST/RSOC 00007/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 07/06/2024, ZIRIMWABAGABO Daniel aburana na BRIOCHE Ltd (igika cya 33).

III.4.5. Imperekeza zihabwa umukozi usezerewe kubera iseswa ry'amasezerano y'umurimo

Ingingo ya 31 y'Itegeko n° 66/2018 ryo ku wa 30/08/2018 rigenga umurimo mu Rwanda, iteganya ibi bikurikira: *"Bitabangamiye izindi ngingo ziteganyijwe muri iri tegeko, gusesa amasezerano y'umurimo kubera impamvu z'ubukungu, iz'ikoranabuhanga cyangwa iz'uburwayi ku mukozi umaze nibura amezi cumi n'abiri (12) akora nta guhagarika, bituma umukoresha amuha imperekeza zo gusezererwa ku kazi.*

Uretse ingingo z'amasezerano rusange cyangwa iz'amasezerano yihariye y'umurimo zibereye umukozi, imperekeza zitangwa kubera gusezererwa, ntizishobora kujya munsi ya:

1° inshuro ebyiri (2) z'umushahara mpuzandengo w'ukwezi ku mukozi ufite uburambe buri munsi y'imyaka itanu (5) mu kigo kimwe;".

2° inshuro eshatu (3) z'umushahara mpuzandengo w'ukwezi ku mukozi ufite uburambe buhera ku myaka itanu (5) kugeza ku icumi (10) mu kigo kimwe;
3° inshuro enye (4) z'umushahara mpuzandengo w'ukwezi ku mukozi ufite uburambe buri hejuru y'imyaka icumi (10) kugeza kuri cumi n'itanu (15) mu kigo kimwe;

4° inshuro eshanu (5) z'umushahara mpuzandengo w'ukwezi ku mukozi ufite uburambe buri hejuru y'imyaka cumi n'itanu (15) kugeza".

Umushahara mpuzandengo w'ukwezi uboneka bagabanya na cumi na kabiri (12) igiteranyo cy'imishahara umukozi yahembwe mu mezi cumi n'abiri (12) ya nyuma y'akazi, hatabariwemo amafaranga ahabwa umukozi mu rwego rwo kumworohereza akazi. Kwishyurwa imperekeza bigomba gukorwa mu gihe kitarenze iminsi irindwi (7) y'akazi umukozi asezerewe.

Umurongo watanzwe: Ku mukozi usezerewe kubera iseswa ry'amasezerano y'umurimo ritewe n'impamvu z'ubukungu; iyo amasezerano rusange cyangwa se amasezerano ye y'umurimo adateganya imperekeza ziruta iziteganyijwe mu ngingo ya 31 y'itegeko rigenga umurimo, umukoresha we ategekwa kumuha imperekeza ziteganywa muri iyo ngingo, zibariwe ku mushahara we mpuzandengo w'ukwezi. Umushahara mpuzandengo ku kwezi ubarirwa ku giteranyo cy'umushahara yahembwe (salaire net) mu gihe cy'amezi 12 ya nyuma y'akazi, kandi umukozi akaba agomba kuba yishyuwe ayo mafaranga y'imperekeza bitarenze iminsi 7 y'akazi ibazwe uhereye igihe umukozi yamenyesherejweho isezererwa rye.

Urubanza rwatanze umurongo : Urubanza N° RS/INJUST/RSOC 00007/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 07/06/2024, ZIRIMWABAGABO Daniel aburana na BRIOCHE Ltd (igika cya 36).

III.5. Ibarwa ry'ubuzime ku burenganzira bwo gukurikirana umushahara

III.5.1. Uko ubuzime bubarwa

➢ Ubuzime cyangwa ubusaze bwo gukurikirana imishahara bubarwa nk'ubusaze bw'ubundi burenganzira bwite cyangwa uburenganzira ku bintu;

III.5.2. Igihe butangirira kubarwa

➢ Igihe cy'ubuzime bw'iyishyurwa ry'imishahara gitangira kubarwa guhera umunsi umukozi yagombaga guhemberwaho cyangwa igihe ufite uburenganzira yamenyeye cyangwa yashoboraga kumenya impamvu zatuma abukurikirana;

III.5.3. Ubuzime ntibuhagarikwa n'ibaruwa isaba kwishyurwa umushahara kuko itari muzateganyijwe n'itegeko

➢ Impamvu zishobora guhagarika ubuzime (interruption de prescription) zigenwa mu buryo bufunze (limitativement) n'itegeko rigenga umurimo mu Rwanda ku buryo nta yindi mpamvu yemerwa;

➢ Ubuzime ntibuhagarikwa n'ibaruwa isaba kwishyurwa umushahara yohererejwe umukoresha.

Urubanza rwatanze umurongo:

❖ Urubanza n° RS/INJUST/RSOC 00001/2024/SC rwaciwe ku wa 29/11/2024 haburana RWAGASORE Richard na BPR Bank Rwanda Plc.

Umurongo uvuzwe haruguru usimbura uwari waratanzwe mu rubanza N° RS/INJUST/RSOC 00001/2022/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 08/07/2022, SONARWA Life Assurance Company Ltd iburana na RUGINA Jason. Uwo murongo wagiraga uti: ***Ubuzime bw'imishahara ntibugomba gutangira kubarwa guhera igihe umukozi yatangiye ikirego ku Mugenzuzi w'Umurimo, ahubwo bubarwa buhereye igihe umukozi yatangiye kwandikira umukoresha we yishyuza, umukoresha ntahakane uburenganzira umukozi yishyuza kugeza amusezereye mu buryo bunyuranyije n'amategeko.***

IV IMANZA Z'UBUTEGETSI

Ibisobanuro:

Muri iki cyiciro hakubiyemo imirongo yafashwe n'Urukiko rw'Ubujurire cyangwa Urukiko rw'Ikirenga ku bijyanye n'ibibazo bitandukanye by'ubutegetsi byaba ibijyanye n'abakozi bayo cyangwa ibyemezo bifatwa n'abayobozi.

IV.1. Ingaruka zo kudasubizwa n'umuyobozi watakambiwe

IV.1.1 Ibihe byo kuregera urukiko iyo habaye gutakamba birenze inshuro imwe

Ingingo ya 178, igika cya 2 kugeza ku cya 5, 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 ibikurikira: "*Mbere yo gutanga ikirego, unenga icyemezo cy'umuyobozi agomba kubanza gutakambira umuyobozi ufite ububasha bwisumbuye k'uwafashe icyemezo kinengwa. Umuyobozi utakambiwe agomba gusubiza ubwo butakambe mu gihe cy'ukwezi kumwe (1) kubarwa uhereye umunsi yabuboneyeho. Iyo adasubije, ubutakambe bufatwa nk'aho bufite ishingiro. Mu gihe uwatakambye atishimiye igisubizo yahawe, afite igihe cy'amezi atandatu (6) cyo kuregera urukiko gitangira kubarwa kuva ku munsi yaboneyeho igisubizo. Iyo nta gisubizo yahawe kandi atasubijwe uburenganzira bwe, ashobora gusaba urukiko ruburanisha imanza z'ubutegetsi gutegeka ko uburenganzira bwe bwubahirizwa. Icyo kirego gitangwa mu gihe kitarenze ukwezi kumwe (1) mu buryo bw'inyandiko nsobanurakirego itanzwe n'umuburanyi umwe.*" Naho ingingo ya 83, igika cya 4 y'iri Tegeko iteganya ko mu mpamvu zituma ikirego kitakirwa harimo kurenza igihe cyo kurega.

Umurongo watanzwe : Uwatakambiye icyemezo cy'ubuyobozi inshuro irenze imwe, ibihe byo kuregera Urukiko bibarwa uhereye igihe itakamba rya mbere ryakorewe. Mu gihe atubahirije ibyo bihe byo kuregera Urukiko, ikirego cye nticyakirwa.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RADA 0029/11/CS, rwaciwe n'Urukiko rw'Ikirenga ku wa 16/05/2014, haburana GAKWAYA Emmanuel na UNR.

❖ Urubanza N° RADA 00007/2018/CA, rwaciwe n'Urukiko rw'Ikirenga ku wa 09/11/2018, haburana KARAMUTSA Gerard na Leta y'u Rwanda

❖ Urubanza N° RADA 00005/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 13/12/2024, ABUNZUBUMWE Ltd iburana na LETA Y'U RWANDA (MINISITERI Y'IBIDUKIKIJE) (igika cya 15,16).

IV.1.2. Kutanga kwakira ikirego hitwajwe ko hari impaka ku bijyanye n'icyo umuburanyi yasabye umuyobozi

Ingingo ya 178, igika cya 1, icya 3 n'icya 5, y'Itegeko No 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi yari iriho uru rubanza rutangira kuburanshwa; iteganya ibikurikira: "*Ikirego gisaba gukuraho icyemezo cy'umuyobozi cyakirwa iyo cyerekeye icyemezo cy'umuyobozi cyaba cyeruye cyangwa kiteruye. Umuyobozi utakambiwe agomba gusubiza ubwo butakambe mu gihe cy'ukwezi kumwe (1) kubarwa uhereye umunsi yabuboneyeho. Iyo adasubije, ubutakambe bufatwa nk'aho bufite ishingiro. Iyo nta gisubizo yahawe kandi atasubijwe uburenganzira bwe, ashobora gusaba urukiko ruburanisha*

imanza z'ubutegetsi gutegeka ko uburenganzira bwe bwubahirizwa. Icyo kirego gitangwa mu gihe kitarenze ukwezi kumwe (1) mu buryo bw'inyandiko nsobanurakirego itanzwe n'umuburanyi umwe."

Ingingo ya 190, igika cya 1 n'icya 2, y'iryo Tegeko iteganya ibikurikira: "Inyandiko nsobanurakirego itanzwe n'umuburanyi umwe itangwa hakurikijwe uburyo busanzwe bwo gutangamo ibirego. Umucamanza washyikirijwe ikirego, aragisuzuma, yasanga ari ngombwa ko ahamagaza uwagitanze n'abandi bose abona ko bashobora kuza muri icyo kibazo akabahamagaza. Agomba kubumva mu gihe kitarenze iminsi ibiri (2) ikirego gitanzwe."

Umurongo watanzwe: Uwatakambiye icyemezo cy'ubuyobozi cyeruye cyangwa kiteruye ntasubizwe, kandi atasubijwe uburenganzira bwe, ashobora gutanga ikirego cy'inyandiko nsobanurakirego itanzwe n'umuburanyi umwe asaba Urukiko ko uburenganzira bwe bwubahirizwa. Umucamanza washyikirijwe icyo kirego iyo asanze ari ngombwa ko ahamagaza uwagitanze n'abandi bose abona ko bashobora kuza muri icyo kibazo arabahamagaza, akabumva.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RADA 00004/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 04/12/2020, haburana MUSEVENI Sinèse.

❖ Urubanza N° RS/INJUST/RAD 00005/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 16/02/2024 MUSEVENI Sinèse n'undi barega GIHANA Samson (igika cya 16).

IV.1.3 Kudasubizwa n'umuyobozi ku gihe ku cyemezo cyatakambiwe ntibyafatwa buri gihe nko kwemererwa

Ingingo ya 178, igika cya 3 n'icya 5, 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 *Umuyobozi utakambiwe agomba gusubiza ubwo butakambe mu gihe cy'ukwezi kumwe (1) kubarwa uhereye umunsi yabuboneyeho. Iyo adasubije, ubutakambe bufatwa nk'aho bufite ishingiro… Iyo nta gisubizo (uwatakambye) yahawe kandi atasubijwe uburenganzira bwe, ashobora gusaba urukiko ruburanisha imanza z'ubutegetsi gutegeka ko uburenganzira bwe bwubahirizwa. Icyo kirego gitangwa mu gihe kitarenze ukwezi kumwe (1) mu buryo bw'inyandiko nsobanurakirego itanzwe n'umuburanyi umwe.*

Umirongo watanzwe: Nubwo ingingo ya 178, igika cya 3 n'icya 5 y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi nta rengayobora yateganyije ku ihame rya "silence vaut acceptation", ntibivuze ko kudasubiza bikwiye gufatwa nko kwemerera uwatakambye ibyo yasabaga yaba abifitiye uburenganzira cyangwa ntabwo abifitiye cyangwa se bitanashoboka ko abugira.

Irengayobora ni ngombwa ku ihame rya "silence vaut acceptation", rikaba ryagena ubwoko bw'ibyemezo aho kudasubizwa bifatwa nko kwemererwa, ibisigaye byose bigafatwa ko utasubijwe aba yahakaniwe cyangwa kugena ubwoko bw'ibyemezo aho kudasubizwa bifatwa nko guhakanirwa noneho ku bindi byemezo byose bisigaye uwatakambye yaba adasubijwe agafatwa ko yemerewe ibyo yasabaga.

Ibyemezo bidakwiye gukoresha ihame "silence vaut acceptation ni ibyemezo bijyanye: 1° n'umutekano w'igihugu, umutekano cyangwa ituze rusange rya rubanda, ukwishyira no kwizana kw'abaturage, uburenganzira buteganywa n'Itegeko Nshinga cyangwa andi mategeko

ashyiraho uburenganzira bw'ibanze; 2° Ibijyanye n'inshingano z'igihugu ku rwego rw'Akarere cyangwa mpuzamahanga; 3° Ibijyanye no kwishyura cyangwa kwishyuza amafaranga Urwego rwa Leta; 4° Ibitareba uburenganzira bwite bw'uwatakambye; 5° Ibyo amategeko cyangwa amabwiriza abigenga asanzwe ateganya ko kudasubizwa ari uguhakanirwa; 6° Ibijyanye no gutakambira cyangwa kujuririra ibyemezo by'Ubuyobozi bitemerera umuntu ibyo yasabaga); 7° Ibijyanye n'imikoranire hagati y'urwego rw'ubuyobozi n'abakozi barwo; 8° Ibijyanye n'inyandiko cyangwa ibyangombwa bitangwa n'inzego z'ubuyobozi.

Urubanza rwatanze umurongo:

❖ Urubanza N° RS/INJUST/RAD 00003/2022/SC, rwaciwe n'Urukiko rw'Ikirenga 14/04/2023, harega RUKUNDO Innocent, hagobokeshejwe Urugaga rw'Abavoka mu Rwanda (igika cya 28).

IV.1.4. Umukozi wa Leta utakambye ntasubizwe cyangwa ntasubizwe ku gihe, ntibimuhesha uburenganzira kubyo yatakambiye

Umurongo watanzwe: Kudasubizwa cyangwa kudasubizwa mu gihe giteganywa n'amategeko ku mukozi wa Leta ugengwa na sitati rusange y'abakozi ba Leta ubwabyo ntibimuhesha uburenganzira ku byo yatakambiraga, ahubwo bimufungurira inzira yo kuregera Urukiko rubifitiye ububasha, agaragaza ishingiro ry'uburenganzira yaharaniraga mu itakamba rye kugira ngo Urukiko rubisuzume.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RS/INJUST/RAD 00004/2022/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 03/02/2023, KANYARUKATO Augustin aburana n'Akarere ka Musanze (igika cya 33).

❖ Urubanza N° RS/INJUST/RAD 00003/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 31/10/2023, Rwanda Social Security Board (RSSB) iburana na Komisiyo y'Igihugu Ishinzwe Abakozi ba Leta na BISANGWA Jean de Dieu (igika cya 25).

IV.2. Kwirukanwa ku kazi ku mpamvu zinyuranyije n'amategeko

IV.2.1 Ibarwa ry'indishyi zihabwa umukozi wa Leta

Umurongo watanzwe: Iyo umukozi wa Leta yaregeye gutesha agaciro icyemezo cyo kwirukanwa mu buryo budakurikije amategeko, Urukiko rugasanga icyo kirego gifite ishingiro, rumugenera indishyi zibarwa ku rugero rw'umushahara umukozi yahembwe bwa nyuma, zikabarwa guhera igihe yahagarikiwe kugeza urubanza rusomwe, hagendewe ku mushahara yatahanaga mu ntoki (net salary).

Imanza zatanzwemo uyu murongo:

❖ Urubanza N° RS/INJUST/RAD 00001/2021/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 22/06/2022 haburana KATABARWA Richard na Akarere ka Nyaruguru.

❖ Urubanza N° RADA 0006/12/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 04/01/2013 haburana Leta y'u Rwanda na NDAHINDURWA Kimenyi Jéremie.

IV.2.2. Kwishyura lumpsum umukozi wa Leta

Umurongo watanzwe: Lumpsum iri mu mafaranga agomba kubarirwa mu ndishyi umukozi wa Leta akwiye, mu gihe bigaragara ko yasezerewe ku kazi mu buryo bunyuranije n'amategeko. Ibarwa hashingiwe ku masezerano yagiranye na Leta n'igihe yari asigaje ngo arangire.

Imanza zatanzwemo uyu murongo:

❖ Urubanza N° RS/INJUST/RAD 00001/2021/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 22/06/2022 haburana KATABARWA Richard na Akarere ka Nyaruguru.

❖ Urubanza N° RADA 0003/14/CS, rwaciwe n'Urukiko rw'Ikirenga ku wa 17/02/2017, Dr. KAREMANGINGO Charles aburana na Leta y'u Rwanda.

IV.2.3. Ibitagenerwa umukozi wa Leta usezerewe mu kazi

Umurongo watanzwe: Itegeko rishyiraho sitati rusange igenga abakozi ba Leta ntiriteganya amafaranga y'integuza n'imperekeza, kandi iryo tegeko ntiriteganya ko Leta y'u Rwanda igomba guha umukozi wayo ugengwa na Sitati urangije akazi icyemezo cy'uko yayikoreye cyangwa ishobora gusabwa indishyi z'akababaro mu gihe itagitanze.

Nta mafaranga nsimburakiruhuko umukozi atafashe cyangwa uburenganzira umukozi aba agifite bwo kugifata mu gihe atashoboye kugaragaza ko atashoboye gufata ikiruhuko kubera impamvu z'akazi cyangwa uburwayi.

Imanza zafashwemo uyu murongo:

❖ Urubanza rubanziriza urundi N° RADA 0003/14/CS, rwaciwe n'Urukiko rw'Ikirenga ku wa 17/02/2016, Dr KAREMANGINGO Charles aburana Leta y'u Rwanda (MINEDUC) (igika cya 47,48, 56).

❖ Urubanza N° RS/INJUST/RSOC 00017/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/02/2025, NYANDWI Fulgence aburana na RWANDA SOCIAL SECURITY BOARD (RSSB) (igika cya 56).

IV.2.4. Kugaragaza ibisabwa kuri buri mwanya w'umurimo mbere yo gukora ivugurura ritera impinduka ku myanya y'imirimo

✓ Ingingo ya 40, agace ka 3, y'Itegeko No 86/2013 ryo ku wa 11/09/2013 rishyiraho Sitati rusange igenga abakozi ba Leta ryakurikizwaga igihe umuburanyi muri uru rubanza yasezererwaga nta mpaka mu bakozi ba Leta, yateganyaga ibikurikira: *"Umukozi wa Leta ahagarikwa by'agateganyo ku murimo kubera impamvu zikurikira: 3° iyo umurimo umukozi yakoraga uvanywe ku mbonerahamwe y'imirimo agishakirwa akandi kazi cyangwa ibisabwa ku mwanya yari ariho bihindutse akaba atabyujuje"*.

✓ Ingingo ya 4, agace ka 4, y'Iteka rya Perezida N°144/01 ryo ku wa 13/04/2017 rigena uburyo bwo gushaka, gushyiraho no gushyira mu myanya abakozi ba Leta ryakurikizwaga ubwo umukozi yasezererwaga nta mpaka mu bakozi ba Leta iteganya ibikurikira: *"Gutanga umurimo mu butegetsi bwa Leta bikorwa gusa iyo hubahirijwe ibisabwa bikurikira: 4° umwanya w'umurimo ushakirwa umukozi wakorewe inshingano zawo zemejwe n'urwego rubifitiye ububasha."* Iya ya 29, igika cya mbere, y'iryo Teka iteganya ibikurikira: *"Iyo habayeho ivugurura ry'inzego za Leta*

cyangwa urwego rumwe bigatera impinduka ku myanya y'imirimo cyangwa ibisabwa ku myanya y'imirimo, abari basanzwe ari abakozi b'urwego rwavuguruwe bimurirwa mu rwego rushya mu gihe bujuje ibisabwa ku myanya y'imirimo kandi bakaba bafite amanota ahagije mu isuzumabushobozi."

Umurongo watanzwe: Iyo habayeho ivugurura rigatera impinduka ku myanya y'imirimo cyangwa rigatera impinduka ku bisabwa ku myanya y'imirimo yari iriho; ni ngombwa ko ibisabwa kuri buri mwanya w'umurimo (Job profiles) bigaragazwa kandi bikaba byaremejwe n'Urwego rubifitiye ububasha, kugira ngo ari byo urwo rwego rushingiraho rushyira umukozi runaka mu mwanya cyangwa rumuhagarika by'agateganyo mu gihe rukimushakira undi mwanya.

Urubanza rwatanze umurongo: Urubanza rubanziriza urundi N° RADA 00001/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 19/10/2023, haburana NZARAMYIMANA Alphonse na LETA Y'U RWANDA (igika cya 22).

IV.3. Kubara ibihe by'ubusaze bw'ikosa ryakozwe mu kazi ka Leta

Ingingo ya 39, igika cya 1 n'icya 2, y'Iteka rya Perezida No 65/01 ryo ku wa 04/03/2014 rigena uburyo bwo gutanga ibihano ku bakozi ba Leta bakoze amakosa mu kazi iteganya ibikurikira: *"Iyo ikosa ridahanwe hagashira umwaka umwe (1) ku ikosa rihanishwa igihano cyo mu rwego rwa mbere, cyangwa imyaka ibiri (2) ku ikosa rihanishwa igihano cyo mu rwego rwa kabiri, iryo kosa ntiriba rigihanwe. Igihe kivugwa mu gika cya mbere cy'iyi ngingo gitangira kubarwa uhereye igihe umuyobozi ubifitiye ububasha yamenyeye iryo kosa".*

Umurongo watanzwe: Ikosa rihanishwa igihano cyo mu rwego rwa mbere rihanwa mu gihe kitarenze umwaka umwe ubarwa kuva igihe umuyobozi ubifitiye ububasha yamenyeye iryo kosa, naho ikosa rihanishwa igihano cyo mu rwego rwa kabiri rihanwa mu gihe kitarenze imyaka ibiri ibarwa kuva igihe umuyobozi ubifitiye ububasha yamenyeye iryo kosa. Ntabwo kubara igihe cy'ubusaze bw'ikosa ryakozwe mu kazi bishingira ku munsi ikosa ryakozweho, ahubwo bishingira ku munsi umuyobozi ubifitiye ububasha yamenyeye iryo kosa.

Urubanza rwatanze umurongo: Urubanza N° RADA 00012/2024/CA- RADA 00001/2025/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/03/2025 NIYOYITA Hussein Zoubair aburana na Leta y'u Rwanda (Minisiteri y'Ubuzima/MINISANTE) (igika cya 56).

IV.4. Kwimura abantu ku bw'inyungu rusange – iyishyurwa ry'indishyi ikwiye mu gihe uwimurwa n'uwimura bumvikanye

✓ Ingingo ya 6, igika cya mbere n'icya kabiri y'Itegeko n° 32/2015 ryo ku wa 11/06/2015 ryerekeye kwimura abantu ku mpamvu z'inyungu rusange iteganya ko "*Umuntu utangije igikorwa kigamije gushyira mu bikorwa ibishushanyombonera by'imitunganyirize n'imikoreshereze y'ubutaka agomba kubanza kumvikana na ba nyir'imitungo y'aho umushinga uzakorerwa. Iyo ubwo bwumvikane butabayeho, imihango ijyanye no kwimura abantu ku mpamvu z'inyungu rusange irakurikizwa bisabwe n'urwego rwimura n'uwatangije umushinga kandi hitabwa ku nyungu z'uwimurwa*".

✓ Ingingo ya 32, igika cya mbere y'itegeko rivuzwe haruguru iteganya ko *"Mu gihe nyir'ubutaka cyangwa nyir'ibikorwa byabukoreweho yemeye agaciro kagenwe n'abagenagaciro ashyira umukono cyangwa igikumwe ku nyandiko zabugenewe z'indishyi ikwiye yemejwe".*

- ✓ Ingingo ya 36, igika cya mbere n'icya kabiri y'iryo tegeko igateganya ko "*Indishyi ikwiye yemejwe yishyurwa mu gihe kitarenze iminsi ijana na makumyabiri (120) uhereye igihe iyo ndishyi ikwiye yemejwe n'Inama Njyanama ku rwego rw'Akarere, ku rwego rw'Umujyi wa Kigali cyangwa Minisiteri bireba. Iyo igihe kivugwa mu gika cya mbere cy'iyi ngingo kirenze, iyimurwa riba ritaye agaciro keretse uwimurwa n'uwimura babyumvikanyeho.*"

Umurongo watanzwe: Iyo impande zirebwa no kwimura no kwimurwa ku mpamvu z'inyungu rusange zemeranyije ku gaciro k'umutungo w'uwimurwa, ugomba gutangirwa indishyi ikwiye nta yindi mihango irebana no kwemeza agaciro k'umutungo ikozwe. Mu gihe iyo mihango ikomeje, ubwishyu bw'indishyi ikwiye ku mutungo w'uwimurwa bugomba gutangwa mu gihe kitarenze iminsi ijana na makumyabiri (120) uhereye igihe Inama Njyanama ku rwego rw'Akarere, ku rwego rw'Umujyi wa Kigali cyangwa Minisiteri bireba yemereje raporo y'igenagaciro yakozwe n'abagenagaciro b'urwego rwimura, iyo minsi yarenga hadatanzwe indishyi ikwiye, iyimurwa rigata agaciro uretse igihe uwimurwa n'uwimura babyumvikanyeho.

Urubanza rwatanze umurongo: Urubanza N° RADAA 00013/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 24/01/2025, RUZIBIZA Gilles aburana na WASAC Ltd (igika cya 23).

V IMANZA Z'UBUCURUZI

Ibisobanuro:

Muri iki cyiciro hakubiyemo imirongo yafashwe n'Urukiko rw'Ubujurire cyangwa Urukiko rw'Ikirenga ku bijyanye n'ibibazo bitandukanye by'ubucuruzi. Iyo mirongo ikubiyemo ijyanye na Sosiyete z'ubucuruzi, cyamunara, amasoko ya Leta, izahura ry'ubucuruzi…

V.1. Banki n'abakiliya bazo

V.1.1. Kubikuza amafaranga y'undi ku burangare bwa banki – iyo Banki irabiryozwa

Umurongo watanzwe: Iyo banki yagize uburangare kuri konti y'umukiriya hakabikuzwaho amafaranga atabitangiye uburenganzira, iyo banki yishyura umukiliya ikikurikiranira uwo yahaye amafaranga.

Imanza zatanzwemo uyu murongo:

❖ Urubanza N° RS/INJUST/RCOM 00014/2022/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 31/03/2023, MUGWANEZA Carine Sandrine aburana na Bank of Kigali Plc. (Igika cya 47).

❖ Urubanza n° RCOMAA 00058/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 27/02/2023, haburana GT BANK RWANDA Plc na KCB BANK RWANDA Plc, (igika cya 36).

V.1.2. Umutungo wafatiriwe mu maboko ya Banki iyo iwurekuye bitatangiwe uburenganzira, banki irabiryozwa

Umurongo watanzwe: Umutungo wafatiriwe ntiwarekurwa hadashingiwe ku cyemezo cy'urukiko, bityo uwarekuye umutungo wafatiriwe mu buryo budakurikije amategeko yirengera ingaruka yabyo maze akabiryozwa.

Imanza zatanzwemo uyu murongo:

❖ Urubanza N° RCOMA 00058/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 27/02/2023, GUARANTY TRUST BANK RWANDA Plc (GT BANK RWANDA Plc) iburana na KCB BANK RWANDA Plc (igika cya 34-36).

V.1.3. Iyo ikiguzi cya cyamunara kidakwije ubwishyu, banki ikomeza kubara inyungu ariko zitarenga umwenda shingiro

Ingingo ya 24, igika cya kabiri, y'Amabwiriza Rusange n° 12/2017 yo ku wa 23/11/2017 ku ishyirwa mu byiciro ry'imyenda no guteganya ingoboka, iteganya ko: *"Banki ishobora gutangiza inzira (zo kwishyuza) zabamo no kugurisha ingwate igihe umwenda utangiye kutishyurwa neza" naho* Ingingo ya 7, igika cya kabiri, yayo mabwiriza, iteganya ko: *"inyungu zose ku myenda itishyurwa neza zabariwe mbere mu mutungo ariko ntizakirwe zigomba guhindurwa kandi zikandikwa kuri konti y'inyungu zahagaze kugeza igihe zishyuriwe n'uwasabye umwenda".*

Ingingo ya 112 - 2° y'Itegeko n° 47/2017 ryo ku wa 23/9/2017 rigena imitunganyirize y'imirimo y'amabanki, iteganya ko*: "inyungu amabanki yishyuza ku nguzanyo zitishyuwe zitagomba kurenza umwenda shingiro utarishyuwe igihe inguzanyo yageraga mu rwego rwo kutishyurwa".*

Umurongo watanzwe : Inyungu ku nguzanyo banki ziha abakiliya bazo zikomeza kubarwa kugeza umwenda wose wishyuwe, icy'ingenzi akaba ari uko inyungu banki zishobora kwishyuza zitagomba kurenga umwenda shingiro wagaragajwe igihe inguzanyo yageraga mu rwego rwo kutishyurwa.

Imanza zafashwemo uyu murongo

❖ Urubanza N° RS/INJUST/RCOM 00008/2021/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 25/02/2022, haburana SIMACO Ltd na I&M Bank Rwanda Plc (igika cya 42 - 46).

❖ Urubanza N° RS/INJUST/RCOM 00010/2022/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 15/12/2023, haburana UNGUKA Bank Plc na NDAGIJIMANA Théoneste.

❖ Urubanza N° RCOMAA 00002/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 26/03/2024, NDANGIZI John aburana na UNGUKA BANK Plc (yahindutse LOLC UNGUKA Finance Plc) (Igika cya 42).

❖ Urubanza N° RCOMAA 00036/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/04/2024, ZUBACX Ltd baburana na OGARU CONSTRUCTION AND CONSULTANTS Ltd (igika cya 26,28,29,31,32).

❖ Urubanza N° RCOMAA 00021/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/06/2024, NZATUNGA Ruvuguta Emmanuel n'undi baburana na BPR Bank Rwanda Plc (Igika cya 33).

Urubanza N° RCOMAA 00019/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/01/2025, GUARANTY TRUST BANK RWANDA Plc iburana na MUSEKERA Emmanuel n'abandi (igika cya 30).

V.1.4. Iyo ikiguzi cy'ingwate kidashobora kuvamo ubwishyu – ubwishyu bushakirwa mu yindi mitungo y'ugomba kwishyura

Umurongo watanzwe : Nta mpamvu yatuma uwahawe umwenda adategekwa kwishyura umwenda wasigaye nyuma yo kugurisha ingwate muri cyamunara mu gihe atagaragaza ko yawishyuye. Mu gihe ingwate iguzwe amafaranga make atakwishyura umwenda wose, ubwishyu bushakirwa mu yindi mitungo y'ubereyemo Banki umwenda.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RCOMAA 00079/2016/SC-RCOMAA 0085/16/CS, rwaciwe n'Urukiko rw'Ikirenga ku wa 30/11/2017, EQUITY BANK RWANDA Ltd iburana na BARAWIGIRIRA Issa na bagenzi be (igika cya 30).

❖ Urubanza N° RCOMA 00008/2021/CA, rwaciwe n'Urukiko rw'Ikirenga ku wa 10/06/2022, haburana Bank of Kigali Plc na MUSABYIMANA Spéciose (igika cya 20).

❖ Urubanza N° RCOMAA 00021/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/06/2024, NZATUNGA Ruvuguta Emmanuel n'undi baburana na BPR Bank Rwanda Plc (igika cya 19-20).

V.2. Sosiyete z'ubucuruzi

V.2.1. Kuryoza abanyamigabane cyangwa abayobozi ba sosiyete amakosa ya sosiyete (lifting the veil of the corporation)

Ingingo ya 24 y'Itegeko N° 007/2021 ryo ku wa 05/02/2021 rigenga amasosiyete y'ubucuruzi iteganya ibikurikira: "*Isosiyete ishinzwe hakurikijwe iri tegeko igira ubuzimagatozi butandukanye n'ubw'abanyamigabane bayo. Isosiyete ishinzwe hakurikijwe iri tegeko iba yihariye ku giti cyayo*

kandi ikagira uburenganzira n'inshingano bitandukanye n'iby'abanyamigabane cyangwa abanyamuryango bayo." Iya 92 y'iryo tegeko yo iteganya ko: *"Urukiko rushobora kurenga uburyozwe bushingiye ku migabane kugira ngo umunyamugabane aryozwe inshingano za sosiyete, iyo rusanze uwo munyamugabane yarakoresheje nabi icyiciro cya sosiyete agamije uburiganya cyangwa kwica amategeko cyangwa yarafashe nabi umutungo wa sosiyete nk'aho ari umutungo w'abantu ku giti cyabo".*

Umurongo watanzwe: Ihame ni uko isosiyete ishinzwe hakurikijwe amategeko iba yihariye ku giti cyayo kandi ikagira uburenganzira n'inshingano bitandukanye n'iby'abanyamigabane cyangwa abayobozi bayo. Icyakora urukiko rushobora kwirengangiza itandukaniro riri hagati y'ubuzimagatozi bwa sosiyete n'ubw'abanyamigabane cyangwa abayobozi bayo, kugira ngo abayobozi cyangwa abanyamigabane baryozwe ibikorwa bya sosiyete nk'aho ari ibyabo (piercing the corporate veil/ lifting the veil of the corporation), iyo rusanze uwo munyamigabane yarakoresheje nabi imiterere ya sosiyete agamije uburiganya cyangwa kwica amategeko cyangwa yarafashe umutungo wa sosiyete nk'aho ari umutungo w'abantu ku giti cyabo.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RCOMAA0056/2016/SC-RCOMAA 0061/16/CS, rwaciwe n'Urukiko rw'Ikirenga ku wa 14/07/2017, TWAGIRAMUNGU Vénuste aburana n'Ikigo cy'Imisoro n'Amahoro. (igika cya 22).

❖ Urubanza N° RCOMAA00040/2016/CS, rwaciwe n'Urukiko rw'Ikirenga ku wa 22/12/2017, MUNYAMPUNDU n'undi baburana n'Ikigo cy'Imisoro n'Amahoro (RRA)

❖ Urubanza N° RS/INJUST/RCOM 00009/2021/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 29/04/2022, LETSHEGO RWANDA Ltd iburana na UMUBYEYI.

❖ Urubanza N° RCOMAA 00110/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 16/10/2023 RWANDA TRADING COMPANY Ltd iburana na RUSENYI COFFEE GROWERS Ltd na UWIMANA Jeannine (igika cya 24).

❖ Urubanza N° RCOMAA 00035/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/03/2025 Roger Martyn SHAW n'abandi baburana na KAZINA Balimba Joseph (igika cya 54).

V.3. Gutesha agaciro cyamunara

V.3.1. Kwandira Umwanditsi Mukuru mbere yo kuregera urukiko

Ingingo ya 260 igika cya nyuma, 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 ibikurikira: "...*Guhagarika no gutesha agaciro cyamunara ku mitungo igurishwa hashingiwe ku cyemezo cyo kugurisha ingwate cyatanzwe n'Umwanditsi Mukuru, bisabwa Umwanditsi Mukuru. Umwanditsi Mukuru atanga igisubizo mu gihe kitarenze iminsi itatu (3) y'akazi. Iyo hari utishimiye igisubizo cy'Umwanditsi Mukuru cyangwa udahawe igisubizo mu gihe giteganywa muri iki gika, abitangira ikirego mu rukiko rw'ubucuruzi hakurikijwe ibivugwa muri iyi ngingo mu gihe kitarenze iminsi itanu (5) y'akazi uhereye igihe yamenyeye icyo gisubizo"*

Umurongo watanzwe: Mbere yo kuregera Urukiko, gusaba guhagarika no gutesha agaciro cyamunara ku mitungo igurishwa hashingiwe ku cyemezo cyo kugurisha ingwate cyatanzwe n'Umwanditsi Mukuru bisabwa Umwanditsi Mukuru. Uwo mugenzo uramutse udakozwe, ikirego nticyakirwa ngo gisuzumwe mu Rukiko, kandi Urukiko rw'Ubucuruzi nirwo rufite ububasha bwo gusuzuma bene ibi birego.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RCOMAA 00027/2023/CA, rwaciwe mu rubanza rubanziriza urundi n'Urukiko rw'Ubujurire ku wa 9/8/2023 haburana DRAGON SUPPLY Ltd na KAJANGWE Joseph n'abandi (igika cya 23).

❖ Urubanza N° RCOM 00006/2023/CA, rwaciwe mu rubanza rubanziriza urundi n'Urukiko rw'Ubujurire ku wa 11/8/2023 haburana METAFOAM LTD na EQUITY BANK RWANDA PLC (igika cya 17).

V.3.2. Ibarwa ry'ibihe byo kuregera Umwanditsi Mukuru no kuregera urukiko

✓ Ingingo ya 10 (39 bis) y'Amabwiriza y'Umwanditsi Mukuru n° 002/2021/0rg yo ku wa 29/06/2021 ahindura Amabwiriza y'Umwanditsi Mukuru n° 001/2020/org yo ku wa 12/05/2020 agenga ibyerekeye gucunga, gukodesha, kugurisha mu cyamunara, no kwegukana ingwate iteganya ibikurikira: "... *Ubifitemo inyungu ufite icyo anenga cyamunara cyangwa imigendekere yayo, ashobora, mu minsi itanu (5) uhereye ku munsi yakiriyeho raporo ya cyamunara, gusaba mu nyandiko Umwanditsi Mukuru ko asuzuma inenge yagaragajwe akayifataho icyemezo gikwiye. Usaba agenera kopi uwashinzwe gucunga ingwate.*"

✓ Ingingo ya 260 igika cya 5, 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 ibikurikira: "… *Guhagarika no gutesha agaciro cyamunara ku mitungo igurishwa hashingiwe ku cyemezo cyo kugurisha ingwate cyatanzwe n'Umwanditsi Mukuru, bisabwa Umwanditsi Mukuru. Umwanditsi Mukuru atanga igisubizo mu gihe kitarenze iminsi itatu (3) y'akazi. Iyo hari utishimiye igisubizo cy'Umwanditsi Mukuru cyangwa udahawe igisubizo mu gihe giteganywa muri iki gika, abitangira ikirego mu Rukiko rw'Ubucuruzi hakurikijwe ibivugwa muri iyi ngingo, mu gihe kitarenze iminsi itanu (5) y'akazi uhereye igihe yamenyeye icyo gisubizo.*"

Umurongo watanzwe: Ibihe byo kuregera Umwanditsi Mukuru k'ufite icyo anenga cyamunara yakozwe bikorwa mu gihe cy'iminsi itanu (5) bibarwa mu buryo bw'iminsi ikurikirana uhereye ku munsi raporo ya cyamunara yakiriweho. Mu gihe Umwanditsi Mukuru yasabwe gutesha agaciro cyamunara ntasubize mu bihe biteganywa n'amategeko, kuregera Urukiko bitangira kubarwa uhereye ku gihe ntarengwa cy'iminsi itatu yari afite cyo gusubiza.

Urubanza rwatanze umurongo: Urubanza N° RCOMAA 00090/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 14/10/2022 haburana Me MUHIRE Samuel na Banque Populaire du Rwanda Plc n'abandi.

V.3.3. Kutubahiriza igihe mu itangazwa rya cyamunara

Umurongo watanzwe: Gutangaza cyamunara si umuhango gusa, ahubwo ni uburyo bwo kumenyesha nyir'umutungo, abandi bantu baba bafite inyungu mu kuwurengera, abo

ny'irumutungo yaba abereyemo imyenda, abaguzi cyangwa uwo ariwe wese ufite icyo yabaza kuri uwo mutungo, ko washyizwe ku isoko kugira ngo habanze hishyurwe umwenda runaka. Mu gihe ibihe byateganyijwe byo gutangaza cyamunara bitubahirijwe, abo bose baba bambuwe uburenganzira bwabo.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RCOMAA 00064/2019/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 03/10/2019, haburana Kayumba Godfrey na SIMACO Ltd, RDB na SAFARI (igika cya 23).

❖ Urubanza N° RCOMAA 00028/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/10/2023, AMAJYAMBERE INDUSTRY CO Ltd iburana na Valerien MUNYANEZA na COMPAGNIE GENERALE DE BANQUE Plc (igika cya 57).

V.3.4. Kutubahirizwa umubare w'ibinyamakuru cyamunara igomba gutangazwamo

✓ Ingingo ya 253, igika cya 1, icya 2 n'icya 3 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 ibikurikira: *itangazo rya cyamunara rishyirwa ku rubuga rw'imanza zirangizwa, hariho ifoto y'umutungo ugurishwa n'icyemezo gihamya ko nyir'umutungo. Rigomba kandi gushyikirizwa nyir'umutungo ugurishwa, ugomba kwishyurwa, Umunyamabanga nshingwabikorwa w'Akagari k'aho umutungo uherereye, rikanatangazwa kuri Radio cyangwa Televiziyo n'ikinyamakuru cyandika bikorera mu Rwanda kandi ko iyo ari umutungo utimukanwa itangazo rya cyamunara rimanikwa ku Biro by'Akagali k'aho uwo mutungo uherereye;*

✓ Ingingo ya 2 igika cya 6 n'icya 7 y'Amabwiriza y'Umwanditsi Mukuru n° 002/2021/ORG yo ku wa 29/06/2021 ahindura Amabwiriza y'Umwanditsi Mukuru no 001/2020/ORG yo ku wa 12/05/2020 agenga ibyerekeye gucunga, gukodesha, kugurisha mu cyamunara, *iteganya ibikurikira: "Iyo cyamunara ikorwa binyuze mu buryo bw'ikoranabuhanga itarangiye kubera ko nta bapiganwa babonetse cyangwa igiciro gisumba ibindi cyatanzwe mu cyamunara cyanzwe n'uwahawe ingwate, uwatanze ingwate, cyangwa nyir'umutungo watanzweho ingwate ipiganwa rirakomeza. Ushinzwe gucunga ingwate atangaza ikomeza ry'ipiganwa mu gihe cy'amasaha makumyabiri n'ane (24) abarwa uhereye 1° ku isaha uburyo bw'ikoranabuhanga bwagaragaje ko nta bapiganwa babonetse; 2° ku isaha igiciro gisumba ibindi cyatanzwe mu cyamunara cyangiweho."*

Umurongo watanzwe: Mu gihe itangazwa rya cyamunara ritakozwe mu kinyamakuru kimwe cyangwa byinshi mu byateganyijwe n'itegeko cyangwa rikaba ryarakozwe ariko rigakorwa nabi cyangwa rigakorwa impitagihe, ni impamvu yo gutesha agaciro cyamunara kuko riba ritatangajwe nk'uko amategeko abiteganya.

Urubanza rwatanze umurongo: Urubanza N° RCOMAA 00028/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/10/2023, AMAJYAMBERE INDUSTRY CO Ltd iburana na Valerien MUNYANEZA na COMPAGNIE GENERALE DE BANQUE Plc (igika cya 59).

V.3.5. Uwashinzwe kugurisha ingwate ntagetswe kumenyesha amatangazo ya cyamunara nyir'umutungo ugurishwa ahubwo amumenyesha amabwiriza y'igurisha

✓ Ingingo ya 26, y'Amabwiriza y'Umwanditsi Mukuru N° 001/2020/org yo ku wa 12/05/2020 agenga ibyerekeye gucunga, gukodesha, kugurisha mu cyamunara, no kwegukana ingwate, nk'uko yahinduwe kugeza ubu "*iteganya ko ushinzwe gucunga ingwate ategura inyandiko y'amabwiriza y'igurisha mu cyamunara ikubiyemo nibura amakuru akurikira: nimero y'umutungo wagwatirijwe, aho uherereye, ubuso bwawo, kuwugaragaza uko uri, agaciro kawo kari ku isoko kagenwe n'umugenagaciro w'umutungo utimukanwa wemewe, itariki cyamunara izaberaho, aho izabera n'isaha izatangiriraho, ingengabihe y'uburyo cyamunara zizakurikirana mu gihe habayeho iyimura rya cyamunara, amakuru ya konti izakoreshwa mu kubika ibivuye muri cyamunara, ingwate y'ipiganwa, uko amafaranga azava mu ngwate igurishwa azakoreshwa hakurikijwe urutonde rw'uko ibigomba kwishyurwa bikurikirana, andi makuru uwashinzwe gucunga ingwate abona ari ngombwa.*"

✓ Ingingo ya 29 y'Amabwiriza y'Umwanditsi Mukuru N° 001/2020/org yo ku wa 12/05/2020 amaze kuvugwa haruguru iteganya ko "*Ushinzwe gucunga ingwate amenyekanisha igurisha mu cyamunara nibura iminsi icumi (10) mbere y'umunsi wa cyamunara kuri radiyo cyangwa televiziyo no mu kinyamakuru cyandikirwa mu icapiro cyangwa gikorera kuri interineti bikorera mu Rwanda. Iyo minsi ibarwa uhereye ku munsi ukurikira uwo cyamunara yatangarijweho habariwemo umunsi cyamunara izaberaho*".

✓ Ingingo ya 253 y'Itegeko N° 22/2018 ryo ku wa 29/4/2018 ryekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umulimo n'iz'ubutegetsi iteganya ibikurikira: "*Itangazo rya cyamunara rishyirwa ku rubuga rw'imanza zirangizwa, hariho ifoto y'umutungo ugurishwa n'icyemezo gihamya ko nyir'umutungo. **Rigomba kandi gushyikirizwa nyir'umutungo ugurishwa**, ugomba kwishyurwa, umunyamabanga nshingwabikorwa w'Akagari k'aho umutungo uherereye, rikanatangazwa kuri Radio cyangwa Televiziyo n'ikinyamakuru cyandika bikorera mu Rwanda*".

Umurongo watanzwe: Ibijyanye n'ubugwate ku mutungo utimukanwa, uburyo uwahawe ingwate yitabaza iyo atishyuwe, n'ibijyanye no kugurisha mu cyamunara cyangwa kwegukana ingwate ku mutungo utimukanwa watanzweho ingwate mu gihe uwatanze ingwate atishyuye, bigengwa n'Itegeko ryerekeye ubugwate ku mutungo utimukanwa, n'Amabwiriza y'Umwanditsi Mukuru arishyira mu bikorwa, agenga ibyerekeye gucunga, gukodesha no kugurisha mu cyamunara no kwegukana ingwate byavuzwe haruguru, aho kuba ingingo ya 253 y'Itegeko N° 22/2018 ryo ku wa 29/4/2018 ryekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umulimo n'iz'ubutegetsi, kuko n'ubwo iyi ngingo nayo iteganya ibijyanye n'itangazwa rya cyamunara, Itegeko iherereyemo ryerekeye imiburanishirize y'imanza muri rusange.

Uwashinzwe gucunga ingwate ntategetswe gushyikiriza nyir'umutungo ugurishwa amatangazo ya cyamunara ; ahubwo amumenyesha amabwiriza y'igurisha akubiyemo ingengabihe y'uburyo cyamunara zizakurikirana mu gihe habayeho iyimura rya cyamunara akanubahiriza itangazwa ryayo riteganywa mu ngingo ya 29 y'Amabwiriza y'Umwanditsi Mukuru N° 001/2020/ORG yo ku wa 12/05/2020.

Urubanza rwatanze umurongo: Urubanza N° RCOMAA 00071/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/11/2024 haburana MUKAMURENZI Annet n'abandi baburana na POSADA PLUS Ltd (igika cya 34).

V.3.6. Igenagaciro rimaze igihe rikozwe n'itangazwa rya cyamunara mu kinyamakuru gitandukanye n'icyavuzwe mu mabwiriza y'igurisha

✓ Ingingo ya 26, igika cya mbere, agace ka 5°, y'Amabwiriza y'Umwanditsi Mukuru N° 001/2020/org yo ku wa 12/05/2020 agenga ibyerekeye gucunga, gukodesha, kugurisha mu cyamunara, no kwegukana ingwate, iteganya ko "*mu makuru akubiye mu Nyandiko y'Amabwiriza y'igurisha mu cyamunara itegurwa n'ushinzwe gucunga ingwate harimo agaciro kari ku isoko k'umutungo kagenwe n'umugenagaciro w'umutungo utimukanwa wemewe*".

✓ Ingingo ya 27, igika cya mbere, agace ka 2°, y'Amabwiriza y'Umwanditsi mukuru N° 001/2020/org yo ku wa 12/05/2020 amaze kuvugwa haruguru iteganya ko "*inyandiko y'Amabwiriza y'igurisha mu cyamunara iherekezwa na kopi ya raporo y'igenagaciro ry'umutungo ryakozwe igihe cyo kugurisha ingwate mu cyamunara n'umugenagaciro w'imitungo itimukanwa wemewe kandi ryamenyeshejwe uwatanze ingwate na nyir'umutungo watanzweho ingwate iyo atandukanye n'uwatanze ingwate.*"

✓ Ingingo ya 28 y'ayo Mabwiriza yo igira iti : (…) "*Iyo uwatanze ingwate cyangwa nyir'umutungo iyo anyuranye n'uwatanze ingwate atishimiye igenagaciro ryakozwe n'umugenagaciro wemewe arinyomoza yifashishije umugenagaciro ahawe n'Urugaga rw'Abakora Umwuga w'igenagaciro ku mutungo utimukanwa mu Rwanda. Igenagaciro rinyomoza rishyikirizwa ushinzwe gucunga ingwate mu gihe kitarenze iminsi icumi (10) ibarwa uhereye ku munsi ukurikira uwo urinyomoza yarimenyesherejweho ariko habariwemo umunsi wa nyuma wo kuba yarishyikirije uwashinzwe gucunga ingwate*" (…).

Umurongo watanzwe : Mu byo uwashinzwe gucunga ingwate washyizweho n'Umwanditsi Mukuru agomba kwitwararika mu gihe cyo gutegura ibijyanye na cyamunara, ni uko umutungo ugurishwa ugomba gukorerwa igenagaciro, rikozwe igihe cyo kuwugurisha, rikagaragaza agaciro kawo kari ku isoko kagenwe n'umugenagaciro wemewe. Ako gaciro niko gaherwaho n'abapiganwa mu gutanga ibiciro, nk'igiciro fatizo mu gihe cyo kuwugurisha mu cyamunara.

Nubwo uwatanze ingwate cyangwa nyir'umutungo utishimiye igenagaciro ryakozwe arinyomoza mu gihe kitarenze iminsi 10 ibarwa uhereye ku munsi ukurikira uwo yarimenyesherejweho ; ntibikuraho inshingano z'ibanze z'uwashinzwe gucunga ingwate, nk'umunyamwuga, zo gushingira ku igenagaciro rijyanye n'igihe kandi rikozwe igihe cya cyamunara.

Gutangaza cyamunara mu kinyamakuru gitandukanye n'icyavuzwe mu mabwiriza y'igurisha ni impamvu ituma Urukiko ruyitesha agaciro.

Urubanza rwatanze umurongo: Urubanza N° RCOMAA 00058/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 14/10/2024 haburana ECOBANK RWANDA Plc na RUSEKAMPUNZI KABERA Edgar n'undi (igika cya 22,26).

V.4. Imisoro

V.4.1. Ubwikorezi busonewe TVA

➢ **Umurongo watanzwe:** Ubwikorezi busonewe TVA ni ubukorwa n'abantu bakora umwuga w'ibanze wo gutwara ibintu (professionnels du transport);

➢ Ubwikorezi bukorwa mu rwego rwo gukwirakwiza ibicuruzwa n'iyo bwaba bukorwa n'uwabiherewe uruhushya ariko atari wo murimo w'ibanze, bufatwa nka serivisi yunganira (accessoire) icyo gikorwa cy'ibanze cyo gukwirakwiza ibicuruzwa. Iyo icyo gikorwa cy'ibanze kidasonewe TVA, n'ubwo bwikorezi ntibuyisonerwa

Imanza zatanzwemo uyu murongo:

❖ Urubanza n° RS/INJUST/RCOM 00016/2022/SC rwaciwe ku wa 22/12/2023 haburana SUGIRA LTD na RRA.

❖ Urubanza n° RS/INJUST/RCOM 00017/2022/SC rwaciwe ku wa 22/12/2023 haburana SRDS LTD n'Ikigo cy'Imisoro n'Amahoro (Rwanda Revenue Authority-RRA).

V.4.2. Uwakoze icyaha giteganywa n'Itegeko rigenga za Gasutamo z'Umuryango wa Afurika y'Iburasirazuba ahanwa na komiseri wa za gasutamo iyo yemera icyaha

✓ Ingingo ya 199, igika cya 2, agace ka (iii), y'Itegeko rigenga za Gasutamo z'Umuryango wa Afurika y'Iburasirazuba (The East African Community Customs Management Act, 2004) "*iteganya ko utwaye magendu aba akoze icyaha ahanirwa kandi ikinyabiziga cyakoreshejwe mu bwikorezi bwayo kigafatirwa hamwe n'ibyo cyari gitwaye*".

✓ *Ingingo ya 219 y'iryo tegeko igateganya ko "mu gihe Komiseri wa za Gasutamo afite ibimenyetso by'uko umusoreshwa yakoze icyaha giteganywa n'iri tegeko ashobora kurangiza ikibazo mu bwumvikane mu gihe umusoreshwa yemera icyaha. Iya 220 y'iryo tegeko igateganya ko mu gihe umusoreshwa atemera icyaha, ikurikiranacyaha rikorwa mu Rukiko rufite ububasha bwo guhamya umuntu icyaha akurikiranyweho no gutanga ibihano biteganyijwe".*

Umurongo watanzwe: Komiseri wa za Gasutamo afite ububasha bwo guhana umusoreshwa wakoze icyaha giteganywa n'Itegeko rigenga za Gasutamo z'Umuryango wa Afurika y'Iburasirazuba, ariko ubwo bubasha abukoresha gusa iyo umusoreshwa yemeye icyaha ashinjwa akabikora mu buryo bwateganyijwe, mu gihe iyo atacyemeye ahanwa iyo abanje kugikurikiranwaho no kugihamwa n'inkiko zifite ububasha bwo kuburanisha ibyaha no gutanga ibihano.

Imanza zafashwemo uyu murongo:

❖ Urubanza N°RCOMA 047/10/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 29/07/2011, Ikigo cy'Imisoro n'Amahoro kiburana na MUNYANEZA Evariste (igika cya 13).

❖ Urubanza N°RCOMA 0084/11/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 22/03/2013, AUTOEXPRESS SARL iburana na RWANDA REVENUE AUTHORITY (RRA) (igika cya 13-15).

V.4.3. Iyo Leta yatsinzwe urubanza yishyura umusoro ufatirwa ku masoko ya Leta (withholding tax) utarishyuwe, n'iyo waba utaraburanwe mu rubanza rurangizwa

✓ Ingingo ya 184 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: "*Umuyobozi wanze kubahiriza ibyategetswe mu rubanza ashobora guhamagarwa mu rukiko rwafashe icyemezo kugira ngo yisobanure ku mpamvu zamubujije kubyubahiriza, bisabwe n'umuburanyi ubifitemo inyungu*".

✓ *Ingingo ya 62 y'itegeko n° 016/2018 ryo ku wa 13/04/2018 rishyiraho imisoro ku musaruro ryakoreshwaga ubwo RHA yafatiraga umusoro yateganyaga ko "Umusoro ufatirwa ku masoko ya Leta ucibwa ku gipimo cya gatatu ku ijana (3%) ku mafaranga y'inyemezabuguzi hatarimo umusoro ku nyongeragaciro (VAT), ugakatwa mu iyishyura ry'ababonye amasoko ya Leta. Icyakora, ubwishyu ku masoko ya Leta bufatirwaho umusoro wa cumi na gatanu ku ijana (15%) iyo uwishyurwa atanditse mu Buyobozi bw'Imisoro cyangwa yiyandikishije ariko akaba adafite imenyekanisha riheruka ry'umusoro ku nyungu. Umusoro ufatirwa ku bwishyu bukorewe umuntu wanditse mu Buyobozi bw'Imisoro ukurwa mu musoro ku nyungu mu gihe cy'imenyekanisha n'iyishyurwa ryawo.".*

Umurongo watanzwe : Uwatsinzwe urubanza yubahiriza inshingano zijyanye no kwishyura umusoro ufatirwa ku masoko ya Leta (withholding tax) utarishyuwe nubwo waba utavugwa mu rubanza rurangizwa.

❖ **Urubanza rwatanze umurongo :** Urubanza N° RCOM 00006/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 16/12/2022 LUXIN INVEST Ltd na LINARCH CONSULTANTS Ltd baburana na NSANZINEZA Noël, Umuyobozi wa Rwanda Housing Authority (igika cya 40).

V.5. Iyishyurwa ry'inyungu

V.5.1. Kwica amasezerano birebana no kutishyura amafaranga bihesha urundi ruhande uburenganzira bwo guhabwa inyungu.

Ingingo ya 144 y'Itegeko n° 45/2011 ryo ku wa 25/11/2011 rigenga amasezerano iteganya ibikurikira: "*Iyo kwica amasezerano birebana no kutishyura amafaranga cyangwa kudakora igisabwa gishobora kubarwa mu mafaranga azwi cyangwa ashobora kumenyekana, inyungu zibarwa uhereye igihe igisabwa cyagombaga gukorwa hakuwemo ibyo uruhande rwishe amasezerano rufiteho uburenganzira*".

Umurongo watanzwe: Kwica amasezerano birebana no kutishyura amafaranga cyangwa kudakora igisabwa ariko gishobora kubarwa mu mafaranga, bihesha urundi ruhande uburenganzira bwo guhabwa inyungu.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RCOMAA 00045/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/11/2022, haburana SPERANZA GROUP Ltd na V-PLUS GLASS INDUSTRIES Ltd. (igika cya 71).

❖ Urubanza N° RS/INJUST/RCOM 00003/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 31/10/2023, haburana FORWARD ENTREPRISES Ltd na UNIVERSITY OF RWANDA. (igika cya 23).

❖ Urubanza N° RCOMAA 00031/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/10/2023 AKARERE KA RUSIZI kaburana na EGECONI na ERCOF Ltd (igika cya 37).

❖ Urubanza N° RCOMAA 00025/2023/CA- CMB RCOMAA 00026/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/12/2023 GENERAL CONTRACTORS AND CIVIL ENGINEERING Ltd (GCC Engineering Ltd iburana na NPD Ltd (igika cya 46).

❖ Urubanza N° RS/INJUST/RCOM 00013/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 17/02/2025, haburana MUKAGATARI Jacqueline n'Akarere ka Gisagara (igika cya 38-40).

❖ Urubanza N° RCOMAA 00035/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/03/2025 Roger Martyn SHAW n'abandi baburana na KAZINA Balimba Joseph (igika cya 70).

V.5.2. Iyo hategetswe kwishyura inyungu hishyurwa inyungu zibariwe ku kigereranyo cy'inyungu ku nguzanyo (taux moyen de prêt/ average lending rate) kigaragagara ku rubaga rwa Banki Nkuru y'u Rwanda

Umurongo watanzwe: Mu gihe Urukiko rusanze umuburanyi agomba gusubizwa ikiguzi cyatanzwe hamwe n'inyungu; inyungu zigomba kubarirwa ku kigereranyo cy'inyungu ku nguzanyo (taux moyen de prêt/ average lending rate) kigaragagara mu nyandiko yitwa Interest Rate Structure gitangazwa na Banki Nkuru y'u Rwanda ku rubuga rwayo www.bnr.rw/browse-in/financial-market/money-market-interest-rates/monthly-interest-rates

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RS/INJUST/RCOM 00014/2022/SC rwaciwe n'Urukiko rw'Ikirenga ku 31/03/2023, MUGWANEZA Carine Sandrine aburana na Bank of Kigali Plc. (igika cya 54-55).

❖ Urubanza N° RS/INJUST/RC 00027/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/11/2023, NYIRABAZUNGU Marie Jeanne n'abandi baburana na UKAM PROPERTIES Ltd n'abandi (igika cya 70-71).

❖ Urubanza N° RCOMAA 00025/2023/CA- CMB RCOMAA 00026/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/12/2023 GENERAL CONTRACTORS AND CIVIL ENGINEERING Ltd (GCC Engineering Ltd iburana na NPD Ltd (igika cya 49).

❖ Urubanza N° RS/INJUST/RCOM 00011/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 18/01/2024, FUNDIRA Léon aburana na MUTABARUKA Cécile n'undi hagobokeshwa VINE PHARMACY Ltd (igika cya 59).

❖ Urubanza N° RS/INJUST/RC 00005/2023/CA - CMB RS/INJUST/RC 00001/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/03/2024 MUNYARUKATO Eric n'undi baburana na MUTUYEYEZU Jean Bosco (igika cya 30).

❖ Urubanza N° RS/INJUST/RCOM 00013/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 17/02/2025, haburana MUKAGATARI Jacqueline n'Akarere ka Gisagara (igika cya 42).

❖ Urubanza N° RCOMAA 00035/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/03/2025 Roger Martyn SHAW n'abandi baburana na KAZINA Balimba Joseph (igika cya 78).

V.6. Amasoko ya Leta

V.6.1. Kutubahiriza igihe cy'ishyirwa mu bikorwa ry'amasezerano nta mpamvu bishobora gutuma urundi ruhande ruyasesa

Umurongo watanzwe: Uruhande rutubahirije igihe cyo gushyira mu bikorwa ibikubiye mu masezerano nta mpamvu yumvikana rufatwa nk'urwishe amasezerano, ku buryo urundi ruhande rushobora kuyasesa.

Urubanza rwatanze umurongo: Urubanza N° RCOMAA 00053/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/03/2025, ENTREPRISE D'ADDUCTION D'EAU ET DE CONSTRUCTION (EADECO) iburana n' AKARERE KA GATSIBO (igika cya 26).

V.6.2. Umwishingizi watanze ingwate yo kurangiza neza isoko ntiyemerewe gushyiraho impamvu zituma Urwego rwatanze isoko rudafatira ingwate rwahawe

Umurongo watanzwe : Urwego rutanga isoko ntirutegereza icyemezo kizafatwa ku mpaka zijyanye no kutubahirizwa kw'amasezerano y'isoko ngo rubone gusaba ingwate. Banki cyangwa Ikigo cy'Imari cyatanze ingwate gifite inshingano zo guhita kirekura ingwate mu minsi icumi uhereye umunsi cyakiriyeho ibaruwa iyisaba kandi uwahawe isoko ndetse n'uwatanze ingwate nta wemewe gushyiraho impamvu zigomba gutuma Urwego rwatanze isoko rudafatira ingwate rwahawe.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RCOMAA 0021/14/CS, rwaciwe n'Urukiko rw'Ikirenga ku wa 30/09/2016, Akarere ka Nyaruguru kaburana na SONARWA General Insurance Company Ltd (igika cya 9).

❖ Urubanza N° RCOMA 00009/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 24/05/2024, MANUMETAL Ltd iburana na UNIVERSITY OF RWANDA (UR) n'undi (igika cya 23, 40).

V.6.3. Uwahawe isoko akosora amakosa yagaragaye mu mirimo yamaze kwakirwa by'agateganyo

✓ Ingingo ya 156, igika cya 1 y'Itegeko N°62/2018 ryo ku wa 25/08/2018 ryagengaga amasoko ya Leta, ryakurikizwaga ubwo ikirego cyatangwaga ku rwego rwa mbere, iteganya ibikurikira: "*Uwatsindiye isoko yishingira uburyozwe bw'amakosa yakoze mu gihe cy'ishyirwa mu bikorwa ry'amasezerano*". Mu gika cya 2, iteganya ibikurikira: "*Igihe cyose abisabwe n'urwego rutanga isoko, uwatsindiye isoko akosora, ku mafaranga ye, ikosa ryose ryagaragaye mu mirimo ye*. Mu gika cya 3, iteganya ko: *Icyakora, ntashobora kuryozwa ibitakozwe n'ibihombo byatewe n'uko: 1° urwego rutanga isoko rutakurikije inama zatanzwe n'uwatsindiye isoko; 2° urwego rutanga isoko rwategetse uwatsindiye isoko gushyira mu bikorwa amabwiriza batabyemeranyaho cyangwa uwatsindiye isoko yagaragajeho impungenge; 3° urwego rutanga isoko, abaruhagarariye, abakozi barwo cyangwa impuguke zarwo bashyize mu bikorwa nabi imyanzuro yatanzwe n'uwatsindiye isoko*".

✓ Ingingo ya 124 y'Itegeko N°62/2018 ryo ku wa 25/08/2018 ryivuzwe haruguru iteganya ibikurikira: *"Uretse igihe igitabo cyerekana uburyo ipiganwa rikorwa kibiteganya ukundi, igihe cy'ubwishingire ku mirimo kigomba kuba umwaka umwe (1) uhereye umunsi iyakirwa ry'agateganyo ry'imirimo ryabereyeho."*

Umurongo watanzwe : Amakosa yagaragaye mu mirimo yakozwe n'uwatsindiye isoko mu gihe cy'umwaka uhereye igihe imirimo yakiriwe by'agateganyo niwe ufite inshingano zo kuyakosora, uretse ibitakozwe n'ibihombo yagaragaje ko byatewe n'urwego rutanga isoko. Uwatsindiye isoko niwe ufite inshingano zo kugaragaza ko ibitakozwe cyangwa ibihombo byabayeho byatewe n'uko urwego rutanga isoko rutubahirije inama yaruhaye, ko ibyo rumusaba gushyira mu bikorwa impande zombi zitabyumvikanyeho, ndetse ko urwo rwego rwashyize mu bikorwa nabi imyanzuro yaruhaye.

Urubanza rwatanze umurongo : Urubanza N° RCOMAA 00053/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 19/04/2024, ECOMEM Company Ltd iburana na RWANDA AGRICULTURE BOARD (RAB) (igika cya 21).

V.7. Izahura ry'ubucuruzi

V.7.1. Itangizwa ry'ikurikirana ry'igihombo risubika imanza ziregwamo ubereyemo abandi imyenda

✓ Ingingo ya 11, igika cya mbere, y'iryo tegeko ivuga ko "*uhereye ku itariki y'itangizwa ry'ikurikirana ry'igihombo; gutangiza cyangwa gukomeza ibirego by'umuntu ubwe cyangwa uburyo bw'ikurikirana bureba ibintu by'ubereyemo abandi imyenda hamwe n'uburenganzira, inshingano cyangwa uburyozwe by'ubereyemo abandi imyenda biba bisubitswe*".

✓ Ingingo ya 12, igika cya mbere, y'itegeko n° 075/2021 ryo ku wa 06/12/2021 rimaze kuvugwa iteganya ko *"Uburenganzira bw'ababerewemo imyenda bishingiwe kimwe n'abafite uburenganzira bw'ifatira ntibusubikwa n'itangiza ry'urubanza rw'ikurikirana n'irangiza ry'imanza ziturutse ku gihombo." Mu gika cyayo cya kabiri igira iti "Ariko iyo urimo umwenda agaragaje ko afite ubushake bwo gutanga gahunda y'izahura hamwe n'ikirego cye, imyenda yose harimo n'imyenda ifite ingwate hamwe n'uburenganzira bw'ifatira birasubikwa uhereye ku munsi w'ubusabe"*.

Umurongo watanzwe : Kuva ku itariki y'itangizwa ry'ikurikirana ry'igihombo, gutangiza cyangwa gukomeza ibirego by'umuntu ubwe cyangwa uburyo bw'ikurikirana bureba ibintu by'ubereyemo abandi imyenda biba bisubitswe, uretse ku myenda ifite ingwate cyangwa mu gihe uberewemo umwenda yasaba gukurirwaho isubikwa akabyemererwa.

Urubanza rwatanze umurongo : Urubanza rubanziriza urundi N° RCOMAA 00083/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 19/09/2023, ZJ CONSTRUCTION COMPANY Ltd aburana na WORKERS AFFORDABLE PROPERTIES (WAP) Ltd n'abandi (igika cya 26).

V.7.2. Isubika ryo gukurikirana umwenda wishingiwe rivaho iyo hashize amezi atandatu urukiko rutarafata icyemezo cyo gutangiza izahura

Ingingo ya 12 y'Itegeko N° 075/2021 ryo ku wa 06/12/2021 ryerekeye igihombo, iteganya ibijyanye n'isubika ryo gukurikirana umwenda ufite ingwate, mu magambo akurikira :

“Uburenganzira bw’ababerewemo imyenda bishingiwe kimwe n’abafite uburenganzira bw’ifatira ntibusubikwa n’itangiza ry’urubanza rw’ikurikirana n’irangiza ry’imanza ziturutse ku gihombo. Ariko iyo urimo umwenda agaragaje ko afite ubushake bwo gutanga gahunda y’izahura hamwe n'ikirego cye, imyenda yose harimo n’imyenda ifite ingwate hamwe n’uburenganzira bw’ifatira birasubikwa uhereye ku munsi w’ubusabe. Urimo umwenda agomba gutanga gahunda y’izahura mu rukiko mu gihe kitarenze amezi atatu (3) uhereye ku itariki yo gutangiza urubanza. Igihe cy’isubika gitangwa ntigishobora kurenza amezi atandatu (6) harimo n’amezi atatu (3) yo gutanga gahunda y’izahura. Iyo igihe kivugwa mu gika cya 4 cy’iyi ngingo kirangiye urukiko rutarafata icyemezo ku busabe, uberewemo umwenda wishingiwe ahita agira uburenganzira ku ngwate hakurikijwe amategeko abigenga. Uberewemo umwenda ashobora gusaba ko yakurirwaho isubikwa mu gihe agaragaje impamvu yumvikana.”

Umurongo watanzwe : Uburenganzira bwo gukurikirana umwenda wishingiwe bukomeza gusubikwa iyo mu gihe kitarenze amezi atandatu abarwa guhera urimo umwenda atanze ikirego, urukiko rwemeje gutangiza izahura ry’ubucuruzi. Naho iyo rutemeje gutangiza izahura, impamvu y’isubika ry’ubwo burenganzira iba itakiriho, bigatuma uberewemo umwenda ufite ingwate asubirana uburenganzira bwo kuyegukana hakurikijwe amategeko abigenga.

Urubanza rwatanze umurongo : Urubanza N° RCOMAA 00044/2023/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 05/07/2024, VINTAGES WINES AND LIQUORS Ltd iburana na Me KARASIRA Colette Ratifa n’abandi (igika cya 43).

VI IBINDI BIBAZO BYASUZUMWE MU MANZA ZITANDUKANYE

VI.1. Kwiyambaza umuhanga si kamara iyo Urukiko ubwarwo rushobora kugera ku mwanzuro ukenewe

Umurongo watanzwe: Ibikorwa n'abahanga biba bigamije gufasha urukiko gusobanukirwa n'ibibazo biri mu rubanza bisaba ubumenyi cyangwa inararibonye byihariye abacamanza badafite. Icyakora, Urukiko mu bushishozi bwarwo nirwo rwemeza ko ari ngombwa gushingira icyemezo cyarwo ku bitekerezo cyangwa raporo z'abahanga. Iyo Urukiko ubwarwo rushobora kugera ku mwanzuro ukenewe rutiyambaje umuhanga, icyo gihe ntibiba bikiri ngombwa kumwiyambaza cyangwa gushingira ku bitekerezo bye cyangwa raporo ye.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RS/INJUST/RCOM 00001/2020/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 19/11/2021, KANYWABAHIZI Charles aburana na MICROFINANCE INKINGI Ltd.

❖ Urubanza N° RCOMAA 00028/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/10/2023, AMAJYAMBERE INDUSTRY CO Ltd iburana na Valerien MUNYANEZA na COMPAGNIE GENERALE DE BANQUE Plc (igika cya 33).

❖ Urubanza N° RCOMAA 00012/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 14/02/2025, KALINDA Valens aburana na TRADEMET SA (igika cya 57).

VI.2. Umuntu wese yemerewe guhabwa sitati y'ubuhunzi iyo bigaragaye ko kuguma mu gihugu cye byari gushyira ubuzima bwe mu kaga

Ingingo ya 7 y'Itegeko n°13 ter/2014 ryo ku wa 21/05/2014 ryerekeye impunzi iteganya ko kugira ngo umuntu yemererwe ubuhungiro hashingirwa ku bikurikira: *1°gutinya gutotezwa kubera ubwoko bwe, idini rye, ubwenegihugu bwe, itsinda ry'abantu arimo, umuryango akomokamo cyangwa ibitekerezo bye binyuranyije n'imiyoborere y'igihugu abereye umwenegihugu, bityo kubera gutinya ntabe yashobora kwitabaza icyo gihugu ngo kimurinde; 2°kujya gushaka ubuhungiro hanze y'igihugu akomokamo cyangwa abereye umwenegihugu kubera ko igitero cyagabwemo, igihugu kigaruriwe cyangwa gitegekwa n'abanyamahanga cyangwa se kubera izindi mpamvu zikomeye zahungabanyije umutekano wacyo, cyangwa mu karere kamwe kacyo.*

Umurongo watanzwe : Mu gihe umuntu yahunze igihugu cye yari asanzwe atuyemo, ashobora gusaba ubuhungiro mu gihugu arimo akaba yabuhabwa mu gihe bigaragaye ko koko iyo aguma aho hantu ubuzima bwe bwari gushyirwa mu kaga.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RADA 00002/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/02/2024 harega UWAJENEZA Solange (igika cya 17).

❖ Urubanza N° RADA 00004/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 12/04/2024 harega NIYONZIMA Gaston (igika cya 18).

VI.3. Ingaruka z'ubutane – kwita ku bana – umwe mu babyeyi wishyuriye abana ibiri mu nshingano z'uwo batandukanye arabisubizwa

Umurongo watanzwe: Iyo umubyeyi ubana n'umwana (custodian parent) atanze amafaranga arenga uruhare rwe mu yo agomba gutanga, afite uburenganzira bwo kuyasubizwa n'undi mubyeyi w'umwana wagombaga kuba warayatanze. Umubyeyi wamenye ko hari undi muntu urimo gukora ibiri mu nshingano ze, ntamubuze kuzikora, bifatwa nk'umwenda amubereyemo agomba kwishyura udakomoka ku masezerano, ahubwo ukomoka ku nshingano atakoze zigakorwa n'undi.

Urubanza rwatanze umurongo: Urubanza N° RCAA 00025/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/12/2023, MURENZI RUKATA Mark aburana na RWIGAMBA Molly (igika cya 39-41).

VI.4. Impaka zishingiye ku irangiza ry'urubanza

Umurongo watanzwe: Kugira ngo bifatwe ko hari impaka zishingiye ku irangiza ry'urubanza, icyemezo cyafashwe ku kiburanwa kigomba kuba giteye impaka mu irangizwa ryacyo.

Urubanza rwatanze umurongo: 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).

VI.5. Ibimenyetso bishingirwaho mu kugaragaza ukubana nk'umugabo n'umugore batarasezeranye

Ingingo ya 39 y'itegeko n° 59/2008 ryo ku wa 10/09/2008 y'Itegeko n° 59 ryo ku wa 10/09/2008 rikumira kandi rikarinda ihohoterwa iryo ariryo ryose rishingiye ku gitsina, iteganya ko: "*Ababanaga nk'umugore n'umugabo batashyingiranywe mu buryo buteganywa n'amategeko, bashyingirwa hakurikije ihame ry'ubushyingiranywe bw'umugabo umwe n'umugore umwe. Mu gihe umwe mu barebwa n'ibivugwa mu gika kibanziriza iki, yabanaga n'abagore cyangwa n'abagabo benshi, abanza kugabana ku buryo bungana na buri wese mu bo babanaga, umutungo bari bafitanye cyangwa bahahanye mbere y'uko ashyingirwa. Igabana ry'umutungo rivugwa mu gika cya 2 cy'iyi ngingo ntirivutsa abana babyaranye uburenganzira bahabwa n'amategeko*".

Umurongo watanzwe: Ntibisaba ibimenyetso byihariye, mu kugaragaza imibanire y'abagabo n'abagore batashakanye mu buryo bwemewe n'amategeko, ahubwo uburyo bwose bushoboka kugira ngo bugaragaze ko umugore n'umugabo babanye bwashingirwaho mu gufata icyemezo.

Izindi manza zafashe uyu murongo:

❖ Urubanza N° RCAA 0014/15/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 01/12/2017, haburana MUTONI K. Jackline na NIWENSHUTI Aloys na MUKAMBUGUJE Alodie (igika cya 30).

❖ Urubanza N° RCAA 0029/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 18/05/2023, KANOBANA Eddy aburana na Lt Col DUKUZE Betty (igika cya 35).

VI.6. Ababana nk'umugabo n'umugore batarasezeranye bagabana umutungo bafitanye cyangwa bashakanye iyo bahagaritse kubana

Ingingo ya 39 y'itegeko n° 59/2008 ryo ku wa 10/09/2008 y'Itegeko n° 59 ryo ku wa 10/09/2008 rikumira kandi rikarinda ihohoterwa iryo ariryo ryose rishingiye ku gitsina, iteganya ko: "*Ababanaga nk'umugore n'umugabo batashyingiranywe mu buryo buteganywa n'amategeko, bashyingirwa hakurikije ihame ry'ubushyingiranywe bw'umugabo umwe n'umugore umwe. Mu gihe umwe mu barebwa n'ibivugwa mu gika kibanziriza iki, yabanaga n'abagore cyangwa n'abagabo benshi, abanza kugabana ku buryo bungana na buri wese mu bo babanaga, umutungo bari bafitanye cyangwa bahahanye mbere y'uko ashyingirwa. Igabana ry'umutungo rivugwa mu gika cya 2 cy'iyi ngingo ntirivutsa abana babyaranye uburenganzira bahabwa n'amategeko*".

Umurongo watanzwe: Mu gihe ababanaga nk'umugabo n'umugore batarashyingiranywe bahagaritse kubana, kugira ngo bagabane umutungo, ni uko bagomba kuba bawufitanye cyangwa barawushakanye. Amagambo «bawufitanye» cyangwa «barawushakanye» ntavuga ko buri wese agomba kugaragaza ingano (quantité) y'ibyo yakoze kugira ngo umutungo ubeho cyangwa ngo yerekane ibyo yawushyizeho kugira ngo wiyongere agaciro, ahubwo uwo mutungo ugomba kuba warabonetse muri cya gihe kidashidikanywaho bombi babanaga. Icya ngombwa ni uko muri iyo mibanire buri wese aba yaragize ibyo akora byagize uruhare mu guteza imbere urugo.

Izindi manza zafashe uyu murongo:

❖ Urubanza N° RS/Inconst/Pen.0003/10/CS, rwaciwe n'Urukiko rw'Ikirenga ku wa 07/01/2011 GATERA Johnson aburana na KABARISA Teddy (igika cya 15).

❖ Urubanza N° RCAA 0022/13/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 25/07/2014, NGANGARE John aburana na MUKANKURANGA Grace (igika cya 24).

❖ Urubanza N° RS/REV/INJUST/CIV 0007/15/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 04/12/2015, NYIRAKAMANA Marciana n'abandi baregagamo MUKASHARANGABO Eugénie n'abandi

❖ Urubanza N° RCAA 0048/14/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 11/03/2016, AHISHAKIYE Jean aburana na NAMAGABIRA Vénantie (igika cya 26-27).

❖ Urubanza N° RCAA 0014/15/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 01/12/2017, haburana MUTONI K. Jackline na NIWENSHUTI Aloys na MUKAMBUGUJE Alodie (igika cya 33).

❖ Urubanza N° RS/INJUST/RC 00001/2022/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 15/11/2019, Haburana MBESIGYE Marguerite, MUKANGWIJE Espérance na NIYODUSENGA Anaclet (igika cya 31).

❖ Urubanza N° RCAA 00011/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 17/03/2022, NTAKIRUTIMANA Jeannette aburana na KAYIRANGWA Denyse na KAZAROHO Jean Bosco (igika cya 78).

❖ Urubanza N° RCAA 00029/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 18/05/2023, KANOBANA Eddy aburana na Lt Col DUKUZE Betty (igika cya 43).

VII IMANZA Z'INSHINJABYAHA

VII.1. Ububasha bw'inkiko

VII.1.1. Icyaha cy'iterabwoba gikozwe mu buryo bwambuka imbi kiburanishwa ku rwego rwa mbere n'Urugereko rwihariye rw'Urukiko Rukuru ruburanisha ibyaha mpuzamahanga n'ibyambuka imbibi

✓ Ingingo ya 39, agace ka 3° y'Itegeko N° 30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'inkiko nk'uko ryahinduwe kugeza ubu, ivuga ko "*Urukiko Rukuru rufite ububasha bwo kuburanisha mu rwego rwa mbere ibyaha byakozwe n'abasiviri, uretse abana, bikurikira : (…) 3° ibyaha by'iterabwoba*".

✓ Ingingo ya 42, igika cya 2, agace ka 1° y'iryo Tegeko rimaze kuvugwa mu gika kibanziriza iki, ivuga ko "*Urugereko rwihariye rw'Urukiko Rukuru rufite kandi ububasha bwo kuburanisha umuntu wese, harimo n'abanyamahanga, imiryango cyangwa amashyirahamwe bitari ibya Leta byo mu Rwanda cyangwa mu mahanga, bikurikiranyweho kuba byarakoreye mu ifasi y'u Rwanda cyangwa mu mahanga ibyaha byo mu rwego mpuzamahanga cyangwa birenga imipaka y'ibihugu bikurikira : 1° ibyaha by'iterabwoba (…)*".

✓ Ingingo ya 14, igika cya 3 y'Itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange ryavuzwe haruguru, isobanura ibyaha mpuzamahanga n'ibyaha byambuka imbi, ivuga ko : " *(…) Icyaha cyambuka imbibi iyo kimwe mu bikorwa bikigize gikorewe hanze y'imipaka y'u Rwanda*".

Umurongo watanzwe : Icyaha cy'iterabwoba gikozwe mu buryo bwambuka imbi, ni ukuvuga igihe bimwe mu bikorwa bikigize bikorewe hanze y'imipaka y'u Rwanda, nicyo kiburanishwa ku rwego rwa mbere n'Urugereko rwihariye rw'Urukiko Rukuru ruburanisha ibyaha mpuzamahanga n'ibyambuka imbibi, naho ibindi byaha by'iterabwoba biburanishwa n'Urukiko Rukuru.

Urubanza rwatanze umurongo : Urubanza N° RPA 00045/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/01/2025, Ubushinjacyaha buburana na SENDEGEYA Alexis na bagenzi be (igika cya 32).

VII.1.2. Urukiko rwaciye urubanza bwa nyuma ni Urukiko rwinjiye mu mizi y'urubanza

Umurongo watanzwe Urukiko rwaciye urubanza bwa nyuma rugomba kumvikana nk'urukiko rwinjiye mu mizi y'urubanza ku buryo budasubirwaho rugakemura ikibazo cyaburanwaga, rukanagira ibyo rutegeka bigomba kubahirizwa mu irangizwa ryarwo.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RC 0001/14/CS, rwaciwe n'Urukiko rw'Ikirenga ku wa 12/09/2014, haburana DELTA PETROLEUM Ltd na NSENGIYUMVA n'abandi.

❖ Urubanza N° RS/REV/RP 00061/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 15/04/2025, TWAGIRIMANA Philémon (igika cya 14).

VII.2. Imiburanishirize y'imanza

Ibisobanuro:

Muri iki cyiciro hakubiyemo imirongo yafashwe n'Urukiko rw'Ubujurire cyangwa Urukiko rw'Ikirenga mu manza nshinjabyaha, irebana n'imiburanishirize y'imanza nshinjabyaha.

VII.2.1. Kujuririra urubanza

VII.2.1.1. Uwajuriye afite inshingano yo kugaragaza ukwibeshya kwakozwe n'Urukiko rubanza kwatumye rucibwa nabi

✓ Ingingo ya 183, agace ka gatanu n'aka gatandatu y'itegeko y'itegeko n° 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*".

✓ Ingingo ya 150, agace ka 5 n'aka 6, 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 ibikurikira: "*Ubujurire bukorwa mu buryo bw'umwanzuro utanga ikirego, ugaragaza; 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 4 y'Itegeko N°062/2024 ryo ku wa 20/06/2024 rigenga ibimenyetso : *Iteganya ko urega cyangwa utanze ikibazo agaragaza ikimenyetso cy'ibyo aregera cyangwa asaba. Uwiregura agaragaza ikimenyetso gishyigikira ukwiregura kwe. Icyakora, umucamanza cyangwa ukemura ikibazo ashobora gutegeka umuburanyi cyangwa umwe mu bafitanye ikibazo cyangwa undi muntu gutanga cyangwa kwerekana ikimenyetso afite.*

Umurongo watanzwe : Uwajuriye afite inshingano yo kugaragaza ukwibeshya kwakozwe n'Urukiko rubanza gushingiye ku mategeko cyangwa ku byabaye kwatumye urubanza rujuririrwa rucibwa nabi cyangwa kwatuma ruta agaciro. Iyo atabikoze ubwo bujurire burakirwa, urukiko rukemeza ko nta shingiro bufite.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00194/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/07/2022 haburana Ubushinjacyaha na NDAYISHIMIYE Emmanuel alias Shema (igika cya 18)

❖ Urubanza N° RPAA 00616/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/11/2022 haburana Ubushinjacyaha na NSANZUWERA Aphrodis (igika cya 23).

❖ Urubanza N° RCOMAA 00007/2024/CA CMB RCOMAA 00008/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/01/2025, RWANDA REVENUE AUTHORITY (RRA) iburana IHS RWANDA Ltd (igika cya 21).

❖ Urubanza N° RCOMAA 00105/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 11/04/2025, NZIZERA Alexandre aburana na SIVILI Fulgence n'abandi (igika cya 66).

❖ Urubanza N° RPAA 00212/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/04/2025, Ubushinjacyaha buburana na HAKIZIMANA Abdul (igika cya 19).

❖ Urubanza N° RPAA 00371/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 23/05/2025, Ubushinjacyaha buburana na SIMBANDUMWE Etienne (igika cya 18).

❖ (…)

VII.2.1.2. Impamvu y'ubujurire ishingiye ku kuba hararegewe impamvu itaraburanweho mu rubanza rujuririrwa - si impamvu ituma ubujurire butakirwa, ahubwo ni impamvu ituma ubujurire budahabwa ishingiro

Umurongo watanzwe :

Ibiburanwa mu rwego rw'ubujurire biba bigomba kuba byari byaburanweho mu rukiko rubanza. Impamvu itaraburanyweho mu rubanza rujuririrwa ntiyasuzumwa ku rwego rw'ubujurire kuko itafatwa nk'inenge iri mu rubanza cyangwa ikosa ryakozwe n'Urukiko rubanza ku buryo byashingirwaho biba impamvu y'ubujurire.

Kuba uregwa yarajuririye impamvu itaraburanweho si impamvu ituma ubujurire bwe butakirwa, ahubwo iba impamvu ituma ubujurire budahabwa ishingiro hakagumishwaho imikirize y'urubanza rwajuririwe.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00024/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/07/2022, haburana Ubushinjacyaha na MUKAYISENGA.

❖ Urubanza N° RPAA 00024/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/07/2022, haburana Ubushinjacyaha na MUKAYISENGA.

❖ Urubanza N° RPAA 00507/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 19/12/2024 haburana Ubushinjacyaha na NTAGANZWA David (igika cya 21,23).

❖ Urubanza N° RPAA 00522/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 31/01/2025 haburana Ubushinjacyaha na MUPENZI Jean Bosco n'undi (igika cya 21,45).

❖ Urubanza N° RPAA 00888/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/05/2025 haburana Ubushinjacyaha na UWAMAHORO Claire (igika cya 22).

VII.2.1.3. Impamvu ya Guma mu rugo kubera ibihe bya COVID - 19 ni impamvu ikomeye ituma ibihe byo kujurira byongerwa

✓ Ingingo ya 181, igika cya mbere, y'Itegeko n° 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 n° 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".**

Umurongo watanzwe : 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.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00022/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/07/2022 haburana Ubushinjacyaha na UWAMBAJIMANA Grâce.

❖ Urubanza N° RPAA 00274/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/09/2024 haburana Ubushinjacyaha na MANIRAGABA Oscar (igika cya 18).

VII.2.1.4. Kureka ubujurire - uwajuriye ashobora kureka ubujurire bwe mu buryo bweruye, ndetse no mu gihe cy'iburanisha ry'urubanza

✓ Ingingo ya 189, igika cya 2, y'Itegeko n° 027/2019 ryo kuwa 19/09/2019 ryerekeye imiburanishirize z'imanza z'inshinjabyaha nk'uko ryahinduwe kugeza ubu, iteganya ko : *"Uwajuriye ashobora kureka ikirego cye cy'ubujurire aho urubanza rwaba rugeze hose, rupfa gusa kuba rutarapfundikirwa burundu"*.

Ibyanditswe n'umuhanga:

M. FRANCHIMONT et alii, Manuel de Procédure Pénale, 4e édition Larcier 2012, p.1045 : (…) « Seul le prévenu peut se désister de son appel sur l'action publique. Dans l'un et l'autre cas, le désistement doit être exprès et ne peut se présumer, mais aucune forme spéciale n'est requise. Il doit être confirmé par l'appelant lors de sa comparution et décrété par la jurisdiction, (…) »

Umurongo watanzwe : Mu manza z'inshinjabyaha nta buryo bwihariye ukureka ikirego cy'ubujurire bikorwamo, ariko uregwa wajuriye ushaka kureka ubujurire bwe abikora mu buryo bweruye, kandi akanabivuga mu gihe cy'iburanisha ry'urubanza.

Urubanza rwatanze umurongo : Urubanza N° RPAA/GEN 00002/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/02/2025 Ubushinjacyaha buburana na Capt ABAYISENGA Janvier (igika cya 16).

VII.2.1.5. Urukiko rushobora guhitamo kuburanisha ikirego cy'uwajuriye utitabye, rushingiye ku myanzuro y'ababuranyi

✓ Ingingo ya 189 igika cya 3 y'Itegeko n° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza nshinjabyaha, iteganya ko *"ikirego cy'ubujurire gishobora gusibwa iyo uwajuriye atitabye urukiko nta mpamvu (…)."*

Umurongo watanzwe : Mu manza nshinjabyaha gusiba ikirego cy'uwajuriye ntiyitabe, ni kimwe mu mahitamo Urukiko rushobora gufata, bivuze ko rushobora no guhitamo ko ikirego kiburanishwa rushingiye ku bisobanuro bikubiye mu myanzuro y'ubujurire n'uburyo abandi baburanyi biregura.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPA 0073/09/CS, rwaciwe n'Urukiko rw'Ubujurire ku wa 01/11/2013, Ubushinjacyaha buburana na KAMONYO Faustin.

❖ Urubanza N° RPA 00018/2023/CA-CMB RPA 00003/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 11/07/2024, Ubushinjacyaha buburana na SHAMSA SAID HAMED AL SINAWI n'abandi (igika cya 19-20).

VII.2.1.6. Iyo uwajuriye apfuye mbere y'icibwa ry'urubanza aregwamo mu bujurire haba ubuzime bw'ikurikiranacyaha

✓ Ingingo ya 5, igika cya mbere, agace ka 1°, y'Itegeko n° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha nk'uko ryahinduwe, iteganya ibikurikira : « ikirego *cy'ikurikiranacyaha kizima iyo uwakoze icyaha apfuye* ».

Umurongo uhuriweho : Mu gihe uregwa apfuye nyuma y'uko urubanza rujuririwe, urukiko rwajuririwe rugomba kuvuga gusa ko habayeho ubuzime bw'ikurikiranacyaha.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00272/2021/CA, rwaciwe ku wa 02/06/2022 Ubushinjacyaha buburana na BAYAVUGE Omar (igika cya 10).

❖ Urubanza N° RPAA 00177/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 07/03/2024, Ubushinjacyaha buburana na RUSASURA Uzziel (igika cya 10).

❖ Urubanza N° RS/REV/RP 00004/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/04/2024, Ubushinjacyaha buburana na UWIRINGIYE Franco (igika cya 15)

❖ Urubanza N° RPAA 00076/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/11/2024, Ubushinjacyaha buburana na NGABONZIZA Richard (igika cya 14-15).

VII.2.1.7. Urubanza rwajuririwe rutarakiriwe kandi rwaragombaga kwakirwa – Urukiko rutesha agaciro urwo rubanza rukohereza dosiye urukiko rutari rwarwakiriye kugira ngo ruruburanishe mu mizi

Ingingo ya 193, igika cya 1, 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 ibikurikira: Iyo urukiko rwajuririwe rusanze urubanza rwari rwaregewe mu buryo bukurikije amategeko urukiko rwaruciye ku rwego rubanza rukavuga ko rutakiriwe kandi rwaragombaga kwakirwa, Urukiko rwajuririwe rurarwakira, rukagaragaza ko rwagombaga kwakirwa ku rwego rwa mbere; rukarutesha agaciro maze rukarusubiza urukiko rwari rwaruciye kugira ngo ruruburanishe mu mizi, nta yindi ngwate y'amagarama itanzwe.

Umurongo uhuriweho n'izindi manza : Iyo urukiko rwajuririwe rusanze urubanza rujuririrwa rutarakiriwe kandi rwaragombaga kwakirwa, rutesha agaciro urubanza rwajuririrwe rukohereza dosiye urukiko rutari rwarwakiriye kugira ngo ruruburanishe mu mizi yarwo.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00060/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 16/01/2025, haburana Ubushinjacyaha na BAKUNDUKIZE NIYONSABA bahimba Mudori (igika cya 20).

❖ Urubanza N° RPAA 00326/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/04/2025, haburana Ubushinjacyaha na NDUWIMANA Abdul (igika cya 20).

❖ Urubanza N° RPAA 00300/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 23/05/2025 haburana Ubushinjacyaha na USENGIMANA Jonas (igika cya 24).

❖ Urubanza N° RPAA 00382/2025/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/05/2025 haburana Ubushinjacyaha na BUGINGO Adolphe (igika cya 20).

VII.2.2. Ibihe by'ubujurire

VII.2.2.1. Umuburanyi utaritabiriye isomwa ry'urubanza ariko rwarapfundikiwe ahari ajurira mu gihe kitarenze iminsi mirongo itatu (30) uherewe ku itariki urubanza rwaciriwe

✓ Ingingo ya 181, igika cya mbere, y'Itegeko N° 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 »*

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.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPA 0022/14/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 23/03/2018 haburana Ubushinjacyaha na BOGERE Barige (igika cya 12).

❖ Urubanza n° RPA 0245/09/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 25/03/2011 haburana Ubushinjacyaha na BIZAVUGAMUNGU

❖ Urubanza N° RPAA 0003/14/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 27/04/2018, haburana Ubushinjacyaha na HAKIZIMANA Jean Claude.

❖ Urubanza N° RS/REV/RCOM 00005/2017/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 04/12/2019 Dunia Bakarani Faustin aburana na Majyambere Silas n'abandi (igika cya 36).

❖ Icyemezo cy'Urukiko rw'Ikirenga mu rubanza rubanziriza urundi N° RS/INJUST/RCOM 00003/2019/SC cyafashwe mu iburanisha ryo ku wa 14/09/2020 haburana Access Bank na SOTIRU Ltd.

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

❖ Urubanza N° RPAA 00155/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/11/2022, haburana Ubushinjacyaha na NDAYISENGA Védaste (igika cya 10).

❖ Urubanza N° RPAA 00530/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/01/2024 haburana Ubushinjacyaha na HABYARIMANA Pierre (igika cya 18).

❖ Urubanza N° RPAA 00786/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/03/2025 haburana Ubushinjacyaha na UMUTONIWASE Diane (igika cya 12).

❖ Urubanza N° RPAA 00326/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/04/2025 haburana Ubushinjacyaha na NDUWIMANA Abdul (igika cya 16).

❖ Urubanza N° RPAA 00300/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 23/05/2025 haburana Ubushinjacyaha na USENGIMANA Jonas (igika cya 17).

❖ (…)

VII.2.2.2. Impamvu y'ubujurire itanzwe mu myanzuro y'inyongera nyuma y'igihe cy'ubujurire ntiyakirwa uretse iyuzuza cyangwa isobanura iyatanzwe mu gihe

✓ Ingingo ya 181, igika cya 1 y'Itegeko n°027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza nshinjabyaha ivuga ko: *«igihe cyo kujurira ari iminsi 30 ibarwa kuva ku munsi urubanza rwaciriweho ku muburanyi wari uhari cyangwa ahagarariwe igihe urubanza rwacibwaga».*

✓ Ingingo ya 183, agace ka gatanu n'aka gatandatu y'itegeko y'itegeko N° 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*".

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

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

Imanza zafashwemo uyu murongo:

❖ Urubanza rubanziriza urundi N° RCOMAA 00071/2017/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 26/10/2018 haburana MBUTO Aimable na BRD (igika cya 22).

❖ Urubanza N° RPA/GEN 00004/2019/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 07/05/2021 haburana Ubushinjacyaha na MUNYAGISHARI Bernard (igika cya 66).

❖ Urubanza N° RPAA 00328/2020/CA rwaciwe n'Urukiko rw'Ubujurire haburana Ubushinjacyaha na NSABUKUNZE Emmanuel (igika cya 24-26).

❖ Urubanza N° RPAA 00386/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 11/06/2020 haburana Ubushinjacyaha na MUSHINZIMANA Daniel (igika cya 16).

❖ Urubanza N° RCOMAA 00019/2020/CA rwaciwe Urukiko rw'Ubujurire ku wa 11/12/2020 haburana UBURIYEMUYE Jean Damascène na NSHMIYIMANA Anaclet n'abandi.

❖ Urubanza N° RPAA 00513/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/01/2025, haburana Ubushinjacyaha na NGENDAHIMANA Patrice (igika cya 17).

❖ Urubanza N° RCOMAA 00105/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 11/04/2025, NZIZERA Alexandre aburana na SIVILI Fulgence n'abandi (igika cya 20,44).

❖ Urubanza N° RPAA 00159/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 17/04/2025, haburana Ubushinjacyaha na HABIMANA Valens (igika cya 15).

❖ Urubanza N° RPAA 00436/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/05/2025, haburana Ubushinjacyaha na NSENGUMUREMYI Jacques (igika cya 24).

❖ Urubanza N° RPAA 00436/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/05/2025, haburana Ubushinjacyaha na RUKUNDO Elia (igika cya 18).

❖ (…)

VII.2.2.3. Inyandiko mvugo y'isomwa ry'urubanza yashyizwe kuri IECMS impitagihe - igihe cyo kujurira gitangira kubarwa ku itariki yashyiriweho

✓ Ingingo ya 181, igika cya mbere, y'Itegeko N° 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 »*

Umurongo watanzwe : Iyo umuburanyi yamenyeshejwe mu buryo bukurikije amategeko igihe urubanza ruzasomerwa ariko inyandikomvugo y'isomwa ry'urubanza ntishyirwe muri dosiye (IECMS) umunsi ababuranyi bamenyeshejwe ko ariwo urubanza ruzasomerwaho, ahubwo igashyirwamo nyuma, iyo tariki yashyiriwe muri dosiye niyo yaherwaho mu kubara igihe cyo kujurira aho kuba itariki urubanza rwasomeweho.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00487/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 17/02/2023 haburana Ubushinjacyaha na ZIKAMABAHARI Edouard (igika cya 10).

❖ Urubanza N° Urubanza N° RPAA 00452/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 24/02/2023 haburana Ubushinjacyaha na MUNYAMBONEZA Jacques, (igika cya 16).

VII.2.2.4. Umuburanyi wajuriye atarabona kopi y'urubanza agomba gutanga imyanzuro y'ubujurire bitarenze iminsi 30 kopi ishyizwe muri IECMS

Umurongo watanzwe: Umuburanyi agomba gutanga impamvu z'ubujurire cyangwa kugaragaza inenge ziri mu rubanza rujuririrwa mu bihe by'ubujurire biteganywa n'Itegeko. Umuburanyi wajuriye atarabona kopi y'urubanza, agomba gutanga imyanzuro y'ubujurire nibura mu gihe cy'iminsi 30 nyuma y'uko kopi ishyizwe muri IECMS.

Imanza zafashwemo uyu murongo:

❖ Urubanza rubanziriza urundi N° RPA 00047/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 09/06/2023, haburana Ubushinjacyaha na Rtd Maj HABIBU Mudathiru alias MUSSA na bagenzi be (igika cya 35).

❖ Urubanza N° RPAA 00008/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/12/2023 haburana Ubushinjacyaha na HABYARIMANA Jonathan (igika cya 17).

❖ Urubanza N° RPAA 00024/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 18/03/2024 haburana Ubushinjacyaha na HABAGUHIRWA Jean Pierre (igika cya 15).

❖ Urubanza N° RPAA 00208/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/06/2024 haburana Ubushinjacyaha na KABANDA Sadi (igika cya 18).

❖ Urubanza N° RPAA 00141/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/03/2025, haburana Ubushinjacyaha na HABANABAKIZE Eric (igika cya 16).

❖ Urubanza N° RCOMAA 00105/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 11/04/2025, NZIZERA Alexandre aburana na SIVILI Fulgence n'abandi (igika cya 25-26).

❖ Urubanza N° RPAA 00404/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/04/2025, haburana Ubushinjacyaha na ABIZERA Théoneste (igika cya 16).

❖ Urubanza N° RPAA 00436/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/05/2025, haburana Ubushinjacyaha na RUKUNDO Elia (igika cya 19).

VII.2.2.5. Umuburanyi ajurira ku gihe cyateganyijwe, nubwo yaba atarabona kopi y'urubanza

✓ Ingingo ya 181, igika cya mbere, y'Itegeko n° 027/2019 ryerekeye imiburanishirize y'imanza nshinjabyaha iteganya ibikurikira: ''*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*''.

✓ Ingingo ya 129, igika cya mbere n'icya kabiri, y'Itegeko n° 22/2018 ryo ku wa 29/4/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi iteganya ko '' *Impamvu ituma ikirego kitakwakirwa igaragazwa mu myanzuro yo kwiregura. Iyo ari indemyagihugu, nko kurenza igihe cyo kujurira, kutagira ububasha, ubushobozi cyangwa inyungu byo kurega, ishobora kubyutswa n'umuburanyi cyangwa urukiko rubyibwirije igihe icyo aricyo cyose*''. Ingingo ya 278 y'iryo Tegeko iteganya ko: "*Igihe umuburanyi yakererewe kwiyambaza inzira z'ubujurire bitewe n'impamvu zikomeye zitunguranye kandi zidaturutse ku bushake bwe, igihe cyo kujurira kirongerwa kugeza igihe izo mpamvu zirangiriye*''

Umurongo watanzwe : Umuburanyi agomba kujurira mu gihe cy'iminsi 30 kabone n'ubwo kopi yaba itarashyirwa muri IECMS. Icyakora muri icyo gihe ashobora kugaragaza ko ajuriye, akazatanga ibisobanuro birambuye kopi imaze gushyirwa muri IECMS.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00412/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/02/2024 Ubushinjacyaha buburana na MANIRAFASHA Etienne (igika cya 14).

❖ Urubanza N° RPA 00101/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 16/02/2024 Ubushinjacyaha buburana na HAFASHIMANA Bonmari (igika cya 16).

VII.2.2.6. Umuburanyi wasomewe urubanza ari muri kasho ibihe by'ubujurire bitangira kubarwa uhereye igihe yagerejwe mu igororero

Umurongo watanzwe : Abagororwa bajurira babifashijwemo n'Ubuyobozi bw'amagororero baba barimo. Uburana afunze wasomewe urubanza akiri muri kasho (mu Bushinjacyaha), agatinda kugezwa mu igororero, ibihe by'ubujurire bitangira kubarwa uhereye igihe yagerejwe mu igororero.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00477/2023/CA, rwaciwe n'Urukiko rw'Ikirenga ku wa 21/06/2024, Ubushinjacyaha buburana na NYANDWI Innocent (igika cya 14).

❖ Urubanza N° RPAA 00471/2023/CA, rwaciwe n'Urukiko rw'Ikirenga ku wa 28/06/2024, Ubushinjacyaha buburana na NZEYIMANA Emmanuel (igika cya 14).

❖ Urubanza N° RPAA 00482/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/06/2024, Ubushinjacyaha bububurana na IRADUKUNDA Soteri (igika cya 19).

VII.2.2.7. Itariki igaragaza igihe cy'ubujurire k'uburana afunze ni iyo Gereza yemerejeho ko yakiriye ubujurire bw'umugororwa

✓ Ingingo ya 181, igika cya 1 y'Itegeko n°027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza nshinjabyaha iteganya ko: *« igihe cyo kujurira ari iminsi 30 ibarwa kuva ku munsi urubanza rwaciriweho ku muburanyi wari uhari cyangwa ahagarariwe igihe urubanza rwacibwaga »*

Umurongo watanzwe : Mu manza nshinjabyaha itariki igomba gufatwa ko ari iy'ubujurire ku bakurikiranwe bafunze ni iyo Gereza yemerejeho ko yakiriye ubujurire bw'umugororwa, aho kuba itariki yandikiyeho ibaruwa ijurira.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00558/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 27/01/2023 haburana Ubushinjacyaha na HABIMANA Francois (igika cya 18).

❖ Urubanza N° RPAA 00724/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 30/03/2023 haburana Ubushinjacyaha na MUTABAZI Augustin (igika cya 13).

❖ Urubanza N° RPAA 00261/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 18/05/2023 haburana Ubushinjacyaha na NZIRORERA (igika cya 15).

VII.2.3. Uregwa wafatiwe mu cyuho

VII.2.3.1. Isakwa ryo ku mubiri ry'ufatiwe mu cyuho rishobora gukorwa n'umupolisi cyangwa n'Umugenzacyaha, bitabaye ngombwa kubisabira uruhushya

✓ Ingingo ya 55, igika cya kane (4), y'Itegeko n° 027/2019 ryo ku wa 19/9/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha iteganya ko *"iyo ukekwaho icyaha afatiwe mu cyuho cyangwa asa n'uwagifatiwemo, ibijyanye no kwitwaza uruhushya rw'isaka ku mugenzacyaha cyangwa kubahiriza amasaha y'isaka bishobora kutubahirizwa. Buri gihe isaka rikorwa hari abahagarariye ubuyobozi bw'inzego z'ibanze bw'aho icyo gikorwa kibera"*.

✓ Ingingo ya 56 igika cya mbere y'Itegeko n° 027/2019 ryo ku wa 19/9/2019 ryavuzwe haruguru kigateganya ko "*mu ishakisha ry'ibimenyetso, isaka ryo ku mubiri cyangwa mu mubiri rishobora gukoreshwa n'Umugenzacyaha cyangwa Umushinjacyaha yifashishije umuntu ubifitiye ubumenyi cyangwa akoresheje ikoranabuhanga ryabugenewe. Igika cyayo cya kabiri kigateganya ko uretse igihe umuntu afatiwe mu cyuho, Umugenzacyaha cyangwa Umushinjacyaha adashobora gukoresha isaka umuntu yambitswe ubusa cyangwa mu mubiri atabiherewe uruhushya n'Umushinjacyaha uyobora urwego rw'Ubushinjacyaha akoreramo. Iryo saka rikorwa na muganga wenyine*''.

Umurongo watanzwe : Igihe ukekwaho icyaha afatiwe mu cyuho, ashobora gukorerwaho isaka ryo ku mubiri, ni ukuvuga kumukoraho ku mubiri, kureba mu myenda yambaye, mu mifuka no mu gikapu atwaye, iryo saka rikaba rishobora gukorwa n'umupolisi usanzwe cyangwa n'Umugenzacyaha, bitari ngombwa ko baba bafite uruhushya rwo kurikora.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00224/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 24/2/2023, Ubushinjacyaha buburana na RUTAYISIRE Aubin (igika cya 21).

❖ Urubanza N° RPAA 00224/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/03/2025, Ubushinjacyaha buburana na NTEZIRIZAZA SHADADI (igika cya 19).

❖ Urubanza N° RPAA 00031/2025/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 26/02/2025 Ubushinjacyaha buburana na BUSORO Henry Claude (igika cya 20).

VII.2.3.2. Mu gihe ukekwaho icyaha afatiwe mu cyuho ibijyanye no kwitwaza uruhushya rw'isaka ku Mugenzacyaha cyangwa kubahiriza amasaha y'isaka bishobora kutubahirizwa

✓ Ingingo ya 55, igika cya 1, 2 icya 3 n'icya 4 y'Itegeko N° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha iteganya ko Umugenzacyaha mu gihe asanga ibimenyetso akeneye bigizwe n'impapuro, inyandiko n'ibindi bintu bibitswe n'ukekwaho icyaha cyangwa se undi wese, ashobora kujya gusaka aho biherereye yitwaje uruhushya rwo gusaka ahabwa n'Ubushinjacyaha. Umushinjacyaha ushinzwe gutegura dosiye y'urubanza ashobora nawe kujya gusaka aho icyaha cyakorewe cyangwa ahandi hantu hose hashobora kuboneka ibimenyetso byatuma ukuri kujya ahagaragara. Umushinjacyaha ashobora gushinga iyo mirimo Umugenzacyaha. **Iyo ari ukujya mu rugo, iyo mirimo ntishobora gukorwa mbere ya saa kumi n'ebyiri za mu gitondo na nyuma ya saa kumi n'ebyiri za nimugoroba.** Iyo ukekwaho icyaha afatiwe mu cyuho cyangwa asa n'uwagifatiwemo, ibijyanye no kwitwaza uruhushya rw'isaka ku Mugenzacyaha cyangwa kubahiriza amasaha y'isaka bishobora kutubahirizwa. Buri gihe isaka rikorwa hari abahagarariye ubuyobozi bw'inzego z'Ibanze bw'aho icyo gikorwa kibera.

Umurongo watanzwe : Ihame ni uko iyo imirimo ijyanye no gusaka isaba kujya mu rugo, idashobora gukorwa mbere ya saa kumi n'ebyiri za mu gitondo na nyuma ya saa kumi n'ebyiri za nimugoroba, ariko mu gihe ukekwaho icyaha afatiwe mu cyuho cyangwa asa n'uwagifatiwemo, ibijyanye no kwitwaza uruhushya rw'isaka ku Mugenzacyaha cyangwa kubahiriza amasaha y'isaka bishobora kutubahirizwa.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00224/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 24/2/2023, Ubushinjacyaha buburana na RUTAYISIRE Aubin (igika cya 21).

❖ Urubanza N° RPAA 00359/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/02/2025, ubushinjacyaha buburana na UWIDUHAYE Nadina (igika cya 42).

VII.2.4. Iburanishwa ry'uregwa

VII.2.4.1. Ibikorwa bigize icyaha bidakubiye mu nyandiko y'Ubushinjacyaha itanga ikirego ntibibarwa mu byo akurikiranweho

✓ Ingingo ya 29 (1), (a) y'Itegeko Nshinga rya Repubulika y'u Rwanda iteganya ko *"buri muntu afite uburenganzira ku butabera buboneye burimo kumenyeshwa imiterere n'impamvu z'icyaha akurikiranyweho, kwiregura no kunganirwa"*.

✓ Ingingo ya 14, 3 (a) y'Amasezerano Mpuzamahanga yerekeye Uburenganzira mu by'Imbonezamubano no mu bya Politiki, yemejwe n'Itegeko- Teka n° 08/75 ryo ku wa 12 Gashyantare 1975 ateganya ko *"uregwa afite uburenganzira bwo kumenyeshwa bidatinze, mu rurimi yumva kandi mu magambo arambuye, imiterere n'ishingiro ry'ibyo aregwa"*.

✓ Ingingo ya 93 y'Itegeko n° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha nk'uko ryahinduwe kugeza ubu, iteganya ko *"bimwe mu bigomba kugaragara mu nyandiko itanga ikirego ari ibisobanuro ku nyito y'icyaha, itegeko rigihana n'aho yagikoreye (3°) n'ibikorwa bigize icyaha n'ibimenyetso byacyo (8°)"*.

Imirongo yatanzwe :

1. Kumenyeshwa ibigize icyaha aregwa no kubyisobanuraho, ni uburenganzira ku butabera buboneye uregwa aba afite kandi bukaba bugomba kubahirizwa kuva agikorwaho iperereza.

2. Inyandiko itanga ikirego igomba kurondora ku buryo bwumvikana, butaziguye, inyito y'icyaha Ubushinjacyaha bukurikiranyeho uregwa, ibikorwa bigize icyaha n'ibimenyetso bushingiraho bumurega.

3. Iyo Urukiko ruburanishije uregwa ku bikorwa bigize icyaha bidakubiye mu nyandiko itanga ikirego, biba ari ikosa ry'Urukiko rigomba gukosorwa kuko binyuranyije n'ubutabera buboneye umuburanyi yemererwa n'Itegeko Nshinga n'andi mategeko.

Urubanza rwatanze umurongo : Urubanza N° RPA/GEN 00005/2021/CA – CBM RPA/GEN 00006/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 13/12/2024, Ubushinjacyaha buburana na IYAMUREMYE Jean Claude bita NZINGA (igika cya 24,26,29).

VII.2.4.2. Imanza zifitanye isano zitari ku rwego rumwe rw'iburanisha ntizishobora guhuzwa kugirango ziburanishirizwe hamwe

✓ Ingingo ya 29, agace ka 3°, y'Itegeko Nshinga rya Repubulika y'u Rwanda, iteganya ko *"Buri muntu wese afite uburenganzira ku butabera buboneye, burimo uburenganzira bwo kuburanira imbere y'urukiko rubifitiye ububasha"*.

✓ *Ingingo ya 14, igika cya 5, y'Amasezerano Mpuzamahanga yerekeye uburenganzira mu by'imbonezamubano no mu bya politiki (International Covenant on Civil and Political Rights),*

igaragaza uburenganzira bwo kuburanira imbere y'urukiko rubifitiye ububasha n'uburenganzira bwo kujurira nka bimwe mu bigize uburenganzira ku butabera buboneye. (Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

✓ Ingingo ya 99, igika cya 2 y'Itegeko n° 30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'Inkiko, iteganya ibikurikira: *"Imanza zidahuje kamere cyangwa zitari ku rwego rumwe rw'iburanisha ntizishobora guhurizwa mu rubanza rumwe kugira ngo ziburanishirizwe hamwe".*

***Inyandiko z'abahanga* :** Serge Guinchard, Droit processual : Droit commun et droit compare du procès equitable, 4ème Ed. Dalloz, 2007, page 420. *« Le droit d'accès à un tribunal est l'une des deux expressions du droit à un recours. Le droit au recours est le droit de toute personne de pouvoir contester une mesure prise à son encontre, devant une instance investie d'un pouvoir de réformation de cette mesure et/ou de réparation de ses conséquences dommageables ».*

Imirongo yatanzwe :

Bumwe mu butabera buboneye umuburanyi afite ni ukuburanira imbere y'Urukiko rubifitiye ububasha, no kujuririra urukiko rwisumbuye ku rwo yaburaniyemo asaba guhindura, gukosa amakosa cyangwa inenge ziri mu cyemezo yafatiwe ku rwego rwa mbere atishimiye. Igihe hagomba guhuzwa imanza ; izidahuje kamere n'izitari ku rwego rumwe ntizishobora guhuzwa kugira ngo ziburanishirizwe hamwe. Iyo ayo makosa akozwe urubanza ruteshwa agaciro, izo manza zikoherezwa mu nkiko zifite ububasha bwo kuziburanisha.

Urubanza rwatanze umurongo : Urubanza N° RPAA 00188/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/12/2023, Ubushinjacyaha buburana na MVUYEKURE Willy alias Munyarubega na NKURANGA Edouard (igika cya 36).

VII.2.5. Ifungurwa ry'agateganyo

VII.2.5.1. Ibirego bisaba gufungurwa by'agateganyo ni ibirego byihutirwa byemerewe kujuririrwa ukwabyo

✓ Ingingo ya 187 y'Itegeko n° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha iteganya ibikurikira : *"Uregwa wari ufunze mbere yo gucirwa urubanza rwategetse ko afungwa, akomeza gufungwa n'ubwo yaba yarajuriye. Icyakora urukiko rushobora kumufungura by'agateganyo iyo arugaragarije impamvu zikomeye kandi zidasanzwe mu buryo bw'ikirego cyihutirwa".*

✓ Ingingo ya 188 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 *"igihe cyo kujuririra icyemezo ni 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. Ubujurire bw'ibyemezo byafashwe ku birego byihutirwa bushyikirizwa, urukiko rwisumbuyeho kandi bijuririrwa inshuro imwe gusa".*

Umurongo watanzwe : Ibirego bisaba gufungurwa by'agateganyo ni ibirego byihutirwa byemerewe kujuririrwa ukwabyo hatabanje gutegereza ko urubanza mu mizi rucibwa ngo zijuririrwe hamwe aho kuba urubanza rushamikiye ku rundi rugomba byanga bikunze gutegereza icibwa ry'urubanza mu mizi kugira ngo zijuririrwe hamwe n'urubanza rw'iremezo.

Imanza zafashwemo uyu murongo

❖ Urubanza N° RPA/GEN 00001/2019/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 09/08/2019, Ubushinjacyaha buburana na TWAGIRAMUNGU Jean.

❖ Urubanza N° RPAA 00011/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 11/04/2024, Ubushinjacyaha buburana na SINGIRANKABO Gaspard.

❖ Urubanza N° RPA/ ECON 00001/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 12/03/2024, Ubushinjacyaha buburana na NSENGIYUMVA Julien (Igika cya 25-26).

N.B : uyu murongo ukuraho uwatanzwe mu manza zikurikira :

❖ Urubanza N° RPA 00010/ 2018/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 12/07/2019, Ubushinjacyaha buburana na SEMAHORO MUSABWA na bagenzi be (igika cya 17) n'Urubanza N° RPA 00002/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 09/07/2021, Ubushinjacyaha na MUTUYIMANA Jean Damascène na bagenzi be, aho zahurizaga ku murongo ukurikira: **Kujuririra icyemezo ku nzitizi isaba gufungurwa by'agateganyo ntibitandukanywa n'ubujurire bw'urubanza rw'iremezo, ahubwo bikorerwa rimwe imbere y'Urukiko rwajuririwe, icyakora mu gusuzuma ubwo bujurire, Urukiko rwajuririwe rubanza gufata icyemezo kuri iyo nzitizi mbere yo gukomeza urubanza mu mizi.**

VII.2.5.2. Guhita ufatwa ugafungwa ntibishobora gushingira ku mpamvu zari zashingiweho mu ifungwa n'ifungurwa ry'agateganyo

✓ 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.*"

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 une 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. »*

Umurongo watanzwe: 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.

Imanza zafashwemo uyu murongo :

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

❖ Urubanza N° RP 00006/2024/CA, rwaciwe rwaciwe n'Urukiko rw'Ubujurire ku wa 09/08/2024 haburana Ubushinjacyaha na NSABIMANA Eugène (igika cya 14).

VII.2.6. Inziti mu rubanza

VII.2.6.1. Uregera indishyi afite ububasha bwo kubyutsa inzitizi ndemyagihugu mu manza Nshinjabyaha

✓ Ingingo ya 2, agace ka 7°, 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 "*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*".

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

Urubanza rwatanze umurongo: Urubanza N° RPAA 00204/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/09/2022, haburana Ubushinjacyaha na MUGISHA Drake n'undi (Igika cya 14).

VII.2.6.2. Iteka rya Minisitiri risobanura itegeko risohotse hashize igihe itegeko risobanurwa ririho, rishobora kugenga ibikorwa byakozwe mbere y'uko iryo Teka ritangazwa mu Igazeti ya Leta

Umurongo watanzwe: Iteka rya Minisitiri rifite kamere y'Itegeko risobanura irindi rifatwa nk'igice cy'iryo tegeko, rikaba rigomba gusubira inyuma (effet rétroactif), rigakurikizwa kuva umunsi itegeko ryasobanuye ryatangajwe mu Igazete ya Leta.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00036/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 23/09/2022 haburana Ubushinjacyaha na URAYENEZA Cyriaque (igika cya 25)

❖ Urubanza N° RPAA 0085/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 18/11/2022, haburana Ubushinjacyaha na INGABIRE Suzuki (igika cya 22).

❖ Urubanza N° RPAA 00031/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 28/10/2022, haburana Ubushinjacyaha na BAHATI Françoise

❖ Urubanza RPAA 00049/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 23/09/2022 haburana Ubushinjacyaha na UWASE Farida (igika cya 28).

❖ Urubanza N° RPAA 00556/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/01/2023 haburana Ubushinjacyaha na IRADUKUNDA Pacifique (igika cya 10).

❖ Urubanza N° RPAA 00413/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 17/03/2023 haburana Ubushinjacyaha na BANGAMWABO Jean Baptiste (igika cya 14).

❖ Urubanza N° RPAA 00577/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 17/03/2023 haburana Ubushinjacyaha na MBARUSHIMANA Saidi (igika cya 15).

❖ Urubanza N° RPAA 00290/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/04/2024 haburana Ubushinjacyaha na Livinus OKECHUKWU (igika cya 21-23).

VII.2.7. Kudashingira ku murongo wavuyeho

VII.2.7.1. Umurongo ntushobora gushingira ku itegeko ryahindutse

Umurongo watanzwe: Umurongo wari uriho ntushobora gukurikizwa mu gihe itegeko wari ushingiyeho ryavuyeho cyangwa ryahinduwe.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00048/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 26/05/2022, haburana Ubushinjacyaha na BIMENYIMANA Jean Paul (igika cya 25-26).

❖ Urubanza N° RPAA 00367/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/12/2023 haburana Ubushinjacyaha TWAGIRUMUKIZA Innocent Réponse (igika cya 19).

❖ Urubanza N° RPAA 00006/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/12/2023 haburana Ubushinjacyaha na BAHATI Emmanuel (igika cya 35).

❖ Urubanza N° RPAA 00611/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/12/2023 haburana Ubushinjacyaha na MAHORO Jolie (igika cya 27).

❖ Urubanza N° RPAA 00113/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/12/2023 haburana Ubushinjacyaha na NDENGEYABAGABO Jean Pierre (igika cya 21).

❖ Urubanza N° RPAA 00157/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/12/2023 haburana Ubushinjacyaha na MUNYARIBANJE Vincent (igika cya 25).

❖ Urubanza N° RPAA 00784/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 11/04/2025, haburana Ubushinjacyaha na NSANZUWERA Patrick (igika cya 17).

❖ Urubanza N° RPAA 00194/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/04/2025, haburana Ubushinjacyaha na NIYONSABA Patrick (igika cya 17).

❖ Urubanza N° RPAA 00193/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/04/2025, haburana Ubushinjacyaha na NZABAKIRIRA Théophile (igika cya 18).

❖ Urubanza N° RPAA 00832/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 17/04/2025 haburana Ubushinjacyaha na BAMUREKE Fred (igika cya 17).

❖ Urubanza N° RPAA 00987/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 16/05/2025 Ubushinjacyaha buburana na KABAYIZA Jean Paul (igika cya 19).

❖ Urubanza N° RPAA 00383/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/05/2025 Ubushinjacyaha buburana na MUKANDINDA Pétronille (igika cya 19).

❖ Urubanza N° RPAA 00843/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/05/2025 haburana Ubushinjacyaha na HABUMUGISHA Alexis (igika cya 32).

VII.2.8. Guhindura inyito y'icyaha

VII.2.8.1. Urukiko rufite uburenganzira bwo guhindura inyito y'icyaha aho urubanza rwaba rugeze hose

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.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RS/INJUST/RP 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° RPA 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° RPAA 00444/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 28/11/2022 haburana Ubushinjacyaha na NDAYISHIMIYE Eric na BIZIMANA Boniface (igika cya 24).

❖ Urubanza N° RPAA 00795/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/04/2025 Ubushinjacyaha buburana na NTEGEREJIMANA Emmanuel (igika cya 15).

❖ Urubanza N° RPAA 00496/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/03/2025, haburana Ubushinjacyaha na UWIRAGIYE Janvier alias Sharif (igika cya 33).

❖ Urubanza N° RPAA 00443/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/04/2025 Ubushinjacyaha buburana na HAKIZIYAREMYE Moise (igika cya 24).

❖ Urubanza N° RPAA 00527/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/05/2025 Ubushinjacyaha buburana na SINDAMBIWE RUZIRAMPUHWE Amos (igika cya 14).

❖ Urubanza N° RPAA 00354/2025/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/05/2025 Ubushinjacyaha buburana na MUSONI Peter (igika cya 21).

VII.2.8.2. Guhindura inyito y'icyaha ni impamvu ndemyagihugu ishobora kubyutswa aho urubanza rwaba rugeze hose

Umurongo watanzwe : Guhindurirwa inyito y'icyaha ni impamvu ndemyagihugu ishobora kubyutswa aho urubanza rwaba rugeze hose, yaba ibyukijwe n'umuburanyi cyangwa n'umucamanza abyibwirije ikakirwa.

Imanza zafashwemo uyu murongo :

❖ Urubanza N° RPAA 00225/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 24/05/2022, Ubushinjacyaha buburana na TUYISHIMIRE (igika cya 13).

❖ Urubanza N° RPAA 00204/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/05/2025, Ubushinjacyaha buburana na SENYANA BUNANE n'undi (igika cya 19).

VII.2.8.3. Guhindura inyito y'icyaha ntibituma urukiko ruremereza igihano cy'uregwa mu bujurire mu gihe Ubushinjacyaha butajuriye

✓ Ingingo ya 29 y'Itegeko Nshinga agace ka *d) iteganya kudakurikiranwa, kudafatwa, kudafungwa cyangwa kudahanirwa ibyo yakoze cyangwa atakoze, iyo amategeko y'Igihugu cyangwa amategeko mpuzamahanga atabifataga nk'icyaha igihe byakorwaga. Ibyaha n'ibihano bijyanye na byo biteganywa n'amategeko".*

✓ Ingingo ya 188, igika cya 4, y'Itegeko n° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha iteganya ibikurikira: *"Iyo uregwa yajuriye wenyine, urukiko rwajuririwe ntirushobora kongera igihano yari yagenewe mu rwego rwa mbere."*

Umurongo watanzwe: Nta cyabuza umucamanza wo mu rukiko rwajuririwe guhindura inyito y'icyaha kabone n'ubwo iyo nyito yaba ikwiye guhanishwa igihano kiruta icyo uregwa yari yarahanishijwe mbere, ariko hakazirikanwa ko iyo uregwa ariwe wajuriye wenyine, urukiko rwajuririwe rudashobora kumwongera igihano yahawe mu rubanza rwajuririwe, ahubwo hagumaho icyo gihano cyangwa kikagabanywa. Mu gihe mu rubanza rwajuririwe urukiko rwahinduye inyito y'icyaha rukongerera igihano uregwa biba ari ikibazo ndemyagihugu. Umucamanza cyangwa undi wese akaba ashobora kubibyutsa abyibwirije, aho urubanza rwaba rugeze hose.

Urubanza rwatanze umurongo: Urubanza N° RPAA 00424/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 31/01/2025, Ubushinjacyaha buburana na NKUNDIMANA Emmanuel bita Kibamba (igika cya 34).

VII.3. Igenwa ry'ibihano

Ibisobanuro:

Muri iki cyiciro hakubiyemo imirongo yafashwe n'Urukiko rw'Ubujurire cyangwa Urukiko rw'Ikirenga mu manza nshinjabyaha, irebana n'itangwa ry'ibihano n'ibishingirwaho n'Urukiko mu kugabanya, kugumishaho cyagwa kugabanyiriza igihano uregwa.

VII.3.1. Kwemera icyaha

VII.3.1.1. Ukwemera icyaha kugirira akamaro uregwa kwatuma agabanyirizwa igihano ni ugukozwe byibura mbere y'uko iburanisha ku rwego rwa mbere ripfundikirwa

✓ 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 iteganya ibikurikira: (1°) *"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''*. (3°) *"Umucamanza ashobora kugabanya ibihano nk'iyo ushinjwa, mu ntangiriro z'iburanisha ku rwego rwa mbere, ushinjwa yireze akemera icyaha mu buryo budashidikanywaho"*.

Umurongo watanzwe: 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.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPA 0343/10/CS haburana Ubushinjacyaha na MPIRANYA Boniface rwaciwe n'Urukiko rw'Ikirenga ku wa 27/02/2015. (igika cya 13).

❖ Urubanza N° RPA 00060/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 04/04/2022 haburana Ubushinjacyaha na Nsabimana Callixte alias Sankara n'abandi, (igika cya 136).

❖ Urubanza N° RPAA 00080/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/07/2022 haburana Ubushinjacyaha na HABIMANA Samson alias Moussa (igika cya 46).

❖ Urubanza N° RPAA 00217/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/10/2022 haburana Ubushinjacyaha na MANIRAGUHA Sylvestre (igika cya 15).

❖ Urubanza N° RPAA 00852/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/04/2025 Ubushinjacyaha buburana na BARAKAGIRA Thomas (igika cya 16).

❖ Urubanza N° RPAA 00144/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/04/2025 Ubushinjacyaha buburana na HABISHABA (igika cya 15).

❖ Urubanza N° RPAA 00398/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/05/2025, haburana Ubushinjacyaha na NTAHONDI Saidi (igika cya 15).

❖ Urubanza N° RPAA 00204/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/05/2025, Ubushinjacyaha buburana na SENYANA BUNANE n'undi (igika cya 31).

❖ Urubanza N° RPAA 00411/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/05/2025, Ubushinjacyaha buburana na SEMUGESHI Emmanuel (igika cya 32).

VII.3.1.2. Agaciro k'imvugo z'umuburanyi uhakana icyaha yemeye mu iperereza kemezwa n'umucamanza

Umurongo watanzwe : Umucamanza uburanisha urubanza mu mizi niwe ureba agaciro imvugo y'uwiyemerera icyaha mu rwego rw'iperereza ifite, kabone n'iyo nyirayo yageze imbere y'Urukiko akayihindura.

Imanza zafashwemo uyu murongo:

❖ 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 (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 (igika cya 16).

❖ Urubanza N° 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 00762/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/03/2025 Ubushinjacyaha buburana na NDUNGUTSE Djihad (igika cya 33).

❖ Urubanza N° RPAA 00189/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/04/2025 Ubushinjacyaha buburana na NYANDWI Shaban (igika cya 17).

❖ Urubanza N° RPAA 00198/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 17/04/2025 Ubushinjacyaha buburana na GATESI Hasina (igika cya 17).

❖ Urubanza N° RPAA 01025/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 23/05/2025 Ubushinjacyaha buburana na UWIZEYIMANA Jean Claude (igika cya 21).

❖ Urubanza N° RPAA 00336/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/05/2024 haburana Ubushinjacyaha na NSHIMIYIMANA Samuel (igika cya 32).

VII.3.1.3. Guhakana icyaha umuburanyi yemeye mu iperereza ubwabyo ntibitesha ukwemera kwe agaciro

Umurongo watanzwe : Ntabwo ari buri gihe ko uregwa wemeye icyaha mu nzego z'iperereza yagera imbere y'Urukiko akagihakana aribyo bihabwa agaciro, cyangwa ngo byanze bikunze hagaragazwe ibindi bimenyetso, ahubwo umucamanza afite ububasha bwo gusuzumana ubushishozi no guha agaciro izo mvugo z'uregwa wemeye icyaha, harebwe ibikorwa aregwa, igihe asanga uko kwemera kudashidikanywaho, akabiha agaciro ashingiye ku mutima nama we (intime conviction).

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00224/2022/CA rwaciwe n'urukikoukiko ku wa 24/2/2023, haburana Ubushinjacyaha na RUTAYISIRE Aubin (igika cya 46-48).

❖ Urubanza RPAA 00523/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 17/3/2023 haburana Ubushinjacyaha na MANIRIHO Jacques (igika cya 26).

❖ Urubanza RPAA 00110/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 23/05/2023 haburana Ubushinjacyaha na MUJYARUGAMBA Norbert (igika cya 25).

❖ Urubanza N° RPAA 00184/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/09/2023 haburana Ubushinjacyaha na NSHIMYUMUKIZA Jean d'Amour (igika cya 21).

❖ Urubanza N° RPAA 00282/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 23/11/2023 haburana Ubushinjacyaha na TUYISENGE Obed (igika cya 22).

❖ Urubanza N° RPAA 00347/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/11/2023 haburana Ubushinjacyaha na SIBORUREMA Benoît bita Elyse (igika cya 24).

❖ Urubanza N° RPAA 00392/202O/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/12/2023 haburana Ubushinjacyaha na MBONIMANA Jérôme (igika cya 18).

❖ Urubanza N° RPAA 00513/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/12/2023 haburana Ubushinjacyaha na NSANZUMUHIRE Innocent alias Kavutse (igika cya 18).

❖ Urubanza N° RPAA 00180/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/12/2023 haburana Ubushinjacyaha na NGARAMBE Vianney (igika cya 18).

❖ Urubanza N° RPA 00035/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 23/02/2024 haburana Ubushinjacyaha na NSENGIYUMVA Moussa (igika cya 12).

❖ Urubanza N° RPAA 00480/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 26/02/2025 haburana Ubushinjacyaha na TWIZEYIMANA Jean De Dieu (igika cya 18).

VII.3.1.4. Ukwemera icyaha k'uregwa mu Bugenzacyaha si ikimenyetso cyihagije cyemeza ko ahamwa n'icyo cyaha

Umurongo watanzwe : Kuba uregwa yemera icyaha byonyine si ikimenyetso cyihagije kugira ngo byemezwe ko ukuri kwabonetse, ahubwo ni ikimenyetso mu bindi, kigira akamaro iyo giherekejwe n'ibindi bimenyetso bihuje n'ikiburanwa.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 0057/15/CS rwaciwe ku wa 11/05/2018 haburana Ubushinjacyaha na NDIKUBWAYO.

❖ Urubanza N° RPAA 0066/15/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 04/01/2019 haburana Ubushinjacyaha na DUSABIMANA Jeannette (igika cya 31-33).

❖ Urubanza N° RPA0229/10/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 19/09/2014 haburana Ubushinjacyaha na NYIRAHABIMANA Espérance

❖ Urubanza N° RPA0042/14/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 02/06/2017 haburana Ubushinjacyaha na NDUNGUTSE Deo.

❖ Urubanza N° RPAA00053/2019/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 24/04/2020 haburana Ubushinjacyaha na MUKESHIMANA Vincent.

❖ Urubanza N° N° RPAA 00329/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/10/2022 haburana Ubushinjacyaha na NIYONKURU Amani (igika cya 17 na 19).

❖ Urubanza N° RPAA 00055/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 31/10/2022, haburana Ubushinjacyaha na NIYONZIMA Adrien (Igika cya 24).

❖ Urubanza N° RPAA 00366/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 31/01/2023 haburana Ubushinjacyaha na HAFASHIMANA Odance (igika cya 22).

❖ Urubanza N° RPAA 00670/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/03/2023 haburana Ubushinjacyaha na NSHIMIRYAYO Ange (igika cya 19).

VII.3.2. Kugabanya igihano

VII.3.2.1. Nta cyabuza Urukiko kugabanyiriza igihano uregwa, n'ubwo impamvu z'ubujurire zaba zitahawe ishingiro

✓ 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: Nta cyabuza Urukiko kugabanyiriza igihano uregwa, hagamijwe gutanga igihano gihwanye n'uburemere bw'icyaha kabone n'ubwo impamvu z'ubujurire zaba zitahawe ishingiro.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00039/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 02/07/2021 haburana Ubushinjacyaha na SHAKABATENDA Jean de Dieu.

❖ Urubanza N° RPAA 00194/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/07/2022 haburana Ubushinjacyaha na NDAYISHIMIYE Emmanuel alias Shema.

❖ Urubanza N° RPAA 00069/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 28/07/2022 haburana Ubushinjacyaha na NYIRANZEYIMANA Odette.

❖ Urubanza N° RPAA 00441/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 21/10/2022 haburana Ubushinjacyaha na NKUBANA Samuel (igika cya 23).

❖ Urubanza N° RPAA 00181/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/04/2025 Ubushinjacyaha buburana na TWIZERANE Alphonse (igika cya 16).

❖ Urubanza N° RPAA 00012/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/04/2025, haburana Ubushinjacyaha na UMUBYEYI Yvette (igika cya 25).

❖ Urubanza N° RPAA 00722/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 16/05/2025 Ubushinjacyaha buburana na MUSHINZIMANA Jean Pierre (igika cya 26).

❖ Urubanza N° RPAA 00859/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 23/05/2025 Ubushinjacyaha buburana na JYAMUBANDI Abbas (igika cya 23).

❖ Urubanza N° RPAA 01025/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 23/05/2025 Ubushinjacyaha buburana na UWIZEYIMANA Jean Claude (igika cya 28).

❖ (…)

VII.3.2.2. Kwemera icyaha bwa mbere mu bujurire ntibigirira akamaro uregwa

✓ 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 iteganya ko (1°) "*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*''. (3°) "*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 n° 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.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPA GEN 00004/2019/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 07/05/2021 haburana Ubushinjacyaha na MUNYAGISHALI Bernard (igika cya 70).

❖ Urubanza N° RPAA 00028/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 27/10/2021 haburana Ubushinjacyaha na NIYONAGIZE Amos (igika cya 14).

❖ Urubanza N° RPAA 00074/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 21/01/2022 haburana Ubushinjacyaha na BISUBIREHO Egide (igika cya 17).

❖ Urubanza N° RPAA 00135/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 28/01/2022 haburana Ubushinjacyaha na NDAYIZEYE William (igika cya 19).

❖ Urubanza N° RPAA 00266/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 17/05/2022 haburana Ubushinjacyaha na BARAKAGIRA.

❖ Urubanza N° RPAA 00168/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/04/2022 haburana Ubushinjacyaha na MANZI Fred.

❖ Urubanza N° RPAA 00135/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 30/04/2021 haburana Ubushinjacyaha na HABYARIMANA Evariste (ibika bya 16-20).

❖ Urubanza N° RPAA 00048/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 26/05/2022, haburana Ubushinjacyaha na BIMENYIMANA Jean Paul.

❖ Urubanza N° RPAA 00054/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 11/06/2021, haburana Ubushinjacyaha na MAFETERI SAFARI Eric (igika cya 25).

❖ Urubanza N° RPAA 00402/2022/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 27/05/2022 haburana Ubushinjacyaha na NDAHAYO Aimable.

❖ Urubanza N° RPAA 00323/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 20/05/2022 haburana Ubushinjacyaha na NDINABO Eric.

❖ Urubanza N° RPAA 00213/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 20/05/2022, haburana Ubushinjacyaha na HARERIMANA Deo.

❖ Urubanza N° RPAA 00357/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/04/2022, haburana Ubushinjacyaha na HABIYAMBERE Justin.

❖ Urubanza N° RPAA 00165/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 30/05/2022, haburana Ubushinjacyaha na HATUNGIMANA Théogène.

❖ Urubanza N° RPAA 00249/2021/CA rwaciwe ku wa 29/07/2022 haburana Ubushinjacyaha na BARIBANE Réverien.

❖ Urubanza N° RPAA 00781/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 17/04/2025 Ubushinjacyaha buburana DEMOKARASI Paul (igika cya 17).

❖ Urubanza N° RPAA 00073/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/04/2025 Ubushinjacyaha buburana na HAVUGAMUNGU Evariste (igika cya 32).

❖ Urubanza N° RPAA 00859/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 23/05/2025 Ubushinjacyaha buburana na JYAMUBANDI Abbas (igika cya 15).

VII.3.2.3. Urukiko rushobora kongera kugabanya igihano mu bujurire mu gihe rusanze kitagabanyijwe bihagije mu Rukiko rubanza

✓ 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 watanzwe: 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.

Imanza 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 N° RPAA 00027/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 15/07/2022 haburana Ubushinjacyaha na SHAKUBONE Reverien (igika cya 27 na 29).

❖ Urubanza N° RPAA 00022/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/07/2022 haburana Ubushinjacyaha na UWAMBAJIMANA Grâce (igika cya 53 na 54)

❖ Urubanza N° RPAA 00256/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/11/2022 haburana Ubushinjacyaha na UWAMARIYA Diane (igika cya 18 na 19).

❖ Urubanza N° RPAA 00097/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 18/11/2022 haburana Ubushinjacyaha na MUSA Christian (igika cya 19 na 20)

❖ Urubanza N° RPAA 00120/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 18/11/2022 haburana Ubushinjacyaha na MUSA Christian (igika cya 26)

❖ Urubanza N° RPAA 00183/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/11/2022 haburana Ubushinjacyaha na NSENGIYAREMYE Jérémie (igika cya 18)

❖ Urubanza N° RPAA 00454/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/01/2025 haburana Ubushinjacyaha na HABIHIRWE Daniel (igika cya 23).

❖ Urubanza N° RPAA 00821/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/03/2025 haburana Ubushinjacyaha na NDATIMANA Eric (igika cya 15).

❖ Urubanza N° RPAA 00479/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 14/03/2025 Ubushinjacyaha buburana na NIYOMUKIZA Eric (igika cya 12).

❖ Urubanza N° RPAA 00655/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/05/2025 Ubushinjacyaha buburana na IMANISHIMWE MUTONI (igika cya 16).

❖ Urubanza N° RPAA 00059/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/05/2025 Ubushinjacyaha buburana na AHISHAKIYE Théoneste (igika cya 15).

VII.3.2.4. Urukiko ntirubujijwe kugabanyiriza igihano uregwa wakoze isubiracyaha

✓ Ingingo ya 49 y'Itegeko N° 68/2018 ryo kuwa 30/08/2018 riteganya ibyaha n'ibihano muri rusange Iteganya ibikurikira: *"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. Iyo hari impurirane z'impamvu zashingirwaho, umucamanza agomba kwita ku rutonde rukurikira mu kugena igihano: 1° impamvu nkomezacyaha; 2° impamvu nyoroshyacyaha"*.

✓ Ingingo ya 52 igika cya 3 y'Itegeko N° 68/2018 ryo kuwa 30/08/2018 riteganya ibyaha n'ibihano muri rusange iteganya ibikurikira: *"Umuntu wese ugaragaweho isubiracyaha ahanishwa igihano ntarengwa cyateganyijwe n'itegeko kandi icyo gihano gishobora kongerwa kugeza ku nshuro ebyiri zacyo"*.

Umurongo watanzwe: Kuba hari isubiracyaha nk'impamvu yongera ububi bw'icyaha (nkomezacyaha), aho ugaragaweho isubiracyaha ahanishwa igihano ntarengwa (maximum) cyateganyijwe n'itegeko kandi gishobora kongerwa kugeza ku nshuro ebyiri; ibi ntibyabuza ko uregwa wagabanyirijwe igihano mu rubanza rujuririrwa, ashobora kongera kukigabanyirizwa hashingiwe ku mpamvu nyoroshyacyaha.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00782/2021/CA, rwaciwe ku wa 24/03/2023 haburana Ubushinjacyaha na SIBOMANA Ali (igika cya 21).

❖ Urubanza N° RPAA 00711/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 14/04/2023, haburana Ubushinjacyaha na NYIRIMANA Christophe (igika cya 46).

❖ Urubanza N° RPAA 00041/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 26/05/2023 haburana Ubushinjacyaha na IRADUKUNDA Epimaque (igika cya 24).

❖ Urubanza N° RPAA 00666/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 15/09/2023 haburana Ubushinjacyaha na INGABIRE Alphonsine Biji (igika cya 20-21).

❖ Urubanza N° RPAA 00204/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 26/10/2023 haburana Ubushinjacyaha na BUGINGO Charles (igika cya 16).

❖ Urubanza N° RPAA 00556/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/10/2023 haburana Ubushinjacyaha na HARINDINTWALI Gaspard (igika cya 12).

❖ Urubanza N° RPAA 00385/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 18/03/2025, haburana Ubushinjacyaha na MANIRAKIZA Jean Bosco (igika cya 47).

❖ Urubanza N° RPAA 00722/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 16/05/2025 Ubushinjacyaha buburana na MUSHINZIMANA Jean Pierre (igika cya 27).

VII.3.2.5. Nta mwihariko itegeko rishyira ku cyaha runaka ku buryo kitagabanywa

✓ 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».*

✓ Iya 58 y'iryo tegeko iteganya ibikurikira: *"Umucamanza ubwe [ari] we ugena niba impamvu nyoroshyacyaha zemezwa n'Umucamanza zahabwa agaciro. Kwemeza impamvu nyoroshyacyaha abisobanura mu cyemezo cy'Urukiko".*

Umurongo watanzwe: Umucamanza, mu gutanga igihano, areba imibereho y'uwakoze icyaha mbere yo kugikora, igihe yagikoraga na nyuma yo kugikora, akazihuza n'uko icyaha cyakozwe, uburemere bwacyo n'ingaruka cyateye muri sosiyete, ndetse afite uburenganzira bwo kugenera ukurikiranywe, impamvu nyoroshyacyaha n'ubwo icyaha aregwa cyaba ari icyaha cy'ubugome (crime) cyangwa icyaha gikomeye (délit), kuko nta mwihariko Itegeko ryashyize ku cyaha runaka.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPA 00060/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 04/04/2022 haburana Ubushinjacyaha na Nsabimana Callixte alias Sankara n'abandi, (igika cya 186).

❖ Urubanza N° RPA 00001/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 14/02/2025, Ubushinjacyaha buburana na MUGIMBA Jean-Baptiste (igika cya 145).

❖ Urubanza N° RPAA 00755/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/03/2025 Ubushinjacyaha buburana na NSENGIMANA Damien (igika cya 15).

VII.3.2.6. Usaba kugabanyirizwa igihano mu bujurire ntabyemererwa iyo cyagabanyijwe bihagije mu rukiko rubanza

✓ 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.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° 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 N° 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 N° RPAA 0083/12/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 17/06/2016, haburana Ubushinjacyaha na MUBERUKA Gracien (Igika 12).

❖ Urubanza N° RPA0047/11/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 27/03/2015 haburana Ubushinjacyaha na NSHUTIRAKIZA Narcisse (igika cya 14-16).

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

❖ Urubanza N° RPAA 00220/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 17/04/2025 haburana Ubushinjacyaha na MUKESHIMANA Védaste (igika cya 15).

❖ Urubanza N° RPAA 00766/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 11/04/2025 Ubushinjacyaha buburana na BIZIMANA Innocent (igika cya 30).

❖ Urubanza N° RPAA 00189/2025/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 11/04/2025 Ubushinjacyaha buburana na IMANIZABAYO Dieudonné (igika cya 16).

❖ Urubanza N° RPAA 00224/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/05/2025 haburana Ubushinjacyaha na NYIRANDIMUBANZI Florida n'undi (igika cya 19).

❖ Urubanza N° RPAA 00165/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/05/2025, Ubushinjacyaha buburana na UWIMANA Faida (igika cya 12).

❖ (…)

VII.3.2.7. Urukiko ntirutegetswe kugabanya igihano n'iyo hari impamvu nyoroshyacyaha

✓ 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 n'iyo hari impamvu nyoroshyacyaha, ahubwo rugena igihano mu bushishozi bwarwo rurebye imikorere y'icyaha uregwa akurikiranyweho cyangwa uburyo cyakozwemo.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° 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, n° 8, Mutarama 2011, page 21-22).

❖ Urubanza N° RPAA 0021/14/CS-N° 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 N° RPAA 0024/14/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 19/05/2017, haburana Ubushinjacyaha na RURAMUGARUYE Eric (igika cya 15).

❖ Urubanza N° RPA 0255/13/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 21/04/2017, haburana Ubushinjacyaha na UWIZEYE Eustache (igika cya 16).

❖ Urubanza N° RPA 0246/09/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 14/12/2012 haburana Ubushinjacyaha na MUKANKUSI Victoire.

❖ 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.

❖ Urubanza N° RPA 0047/11/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 27/03/2015, haburana Ubushinjacyaha na NSHUTIRAKIZA Narcisse.

❖ Urubanza RPA 0021/12/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 26/02/2016, haburana Ubushinjacyaha na GASANA Yussuf,

❖ Urubanza RPA 0188/11/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 12/06/2015, haburana Ubushinjacyaha na DUSABE Françoise.

❖ Urubanza N° RPAA 00381/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 18/03/2022, haburana Ubushinjacyaha na MUSANGAMFURA.

❖ Urubanza N° 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 00401/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 31/10/2022 haburana Ubushinjacyaha na MUTUYIMANA Emmanuel ISAGO Thadée (igika cya 15-16).

❖ Urubanza N° RPAA 00478/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/03/2025 Ubushinjacyaha buburana na HAKIZIMANA SCHADRACK (igika cya 26).

❖ Urubanza N° RPAA 00798/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/03/2025 Ubushinjacyaha buburana na MBARUSHIMANA Eric (igika cya 15).

❖ Urubanza N° RPAA 00774/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/03/2025 Ubushinjacyaha buburana na NSHIMIYIMANA Emmanuel (igika cya 15).

❖ Urubanza N° RPAA 00453/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/03/2025 Ubushinjacyaha buburana na HABIYAKARE Jean-Paul (igika cya 33).

❖ Urubanza N° RPAA 00848/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/05/2025 Ubushinjacyaha buburana na KANYABIKARI Augustin (igika cya 16).

❖ Urubanza N° RPAA 00974/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/05/2025 Ubushinjacyaha buburana na RWABUHUNGU Jeremie (igika cya 23).

VII.3.2.8. Ingaruka z'icyaha uregwa akurikiranyweho ntiyazitwaza ngo asabe kugabanyirizwa igihano

Umurongo watanzwe : Ntawakwitwaza ingaruka mbi z'icyaha ngo asabe kukigabanyirizwa igihano mu bujurire.

Imanza zafashwemo uyu murongo:

❖ Uubanza N° RPA0129/10/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 07/03/2014 haburana Ubushinjacyaha na MPITABAKANA (igika cya 16).

❖ Urubanza N° RPAA 00270/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/07/2022 haburana Ubushinjacyaha na HABAKURAMA Côme. (igika cya 23).

❖ Urubanza N° 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 N° RPAA 00092/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 12/08/2022 haburana Ubushinjacyaha na MUGABEKAZI Sandrine.

❖ 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).

❖ Urubanza N° RPAA 00479/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 17/11/2023 haburana Ubushinjacyaha na TUYISHIME Fils Ahmed (igika cya 18). (igika cya 22).

❖ Urubanza N° RPAA 00611/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/12/2023 haburana Ubushinjacyaha na MAHORO Jolie (igika cya 22).

❖ Urubanza N° RPAA 00282/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 14/02/2025 Ubushinjacyaha buburana na HIRWA Délice (igika cya 18).

❖ Urubanza N° RPAA 00200/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/05/2025 Ubushinjacyaha buburana na UWOMPORANSANGA Cécile (igika cya 27).

❖ Urubanza N° RPAA 00320/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/05/2025 haburana Ubushinjacyaha na BUTERA Xavier (igika cya 22).

VII.3.2.9. Iyo hari itegeko rishya risohotse riteganya ibihano byoroheje niryo rishingirwaho ugereranyije n'iryariho icyaha gikorwa

✓ Ingingo ya 6 y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu, iteganya ko *''Mu gihe hari amategeko ahana, rimwe ryariho mu gihe icyaha cyakorwaga, irindi ryagiyeho nyuma y'uko icyaha gikorwa, ariko urubanza rutaracibwa burundu, itegeko rishya ni ryo rikurikizwa iyo riteganya igihano cyoroheje''*.

Umurongo watanzwe : Iyo hari amategeko abiri, rimwe ryariho icyaha gikorwa n'irindi ryasohotse nyuma kandi urubanza rukiburanishwa, icyaha cyakozwe gihanishwa itegeko ryariho igihe cyakorwaga, keretse iyo itegeko rishya ari ryo riteganya ibihano byoroheje.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00251/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/02/2024 haburana Ubushinjacyaha na NTAKIRUTIMANA Damien. (igika cya 14).

❖ Urubanza N° RPAA 00624/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/02/2024 haburana Ubushinjacyaha na NIYIBIZI Anicet. (igika cya 17).

❖ Urubanza N° RPAA 00107/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/02/2024 Ubushinjacyaha buburana na UWIMANA Jackson (igika cya 40).

VII.3.2.10. Uregwa ntahanishwa igihano gito buri gihe nubwo itegeko rishya ryaba riteganya ibihano bito, ahubwo urukiko rugabanya igihano mu bushishozi bwarwo mu mbago z'iryo tegeko rishya

✓ Ingingo ya 60, agace ka b), y'Itegeko no 68/2018 ryo ku wa 30/8/2018 riteganya ibyaha n'ibihano muri rusange, nk'uko ryahinduwe ubu n'ingingo ya 2 y'Itegeko n° 059/2023 ryo ku wa 4/12/2023 Iteganya ko « *Iyo Umucamanza yemeje impamvu nyoroshyacyaha, igihano kimara igihe kizwi kiva ku mezi 6 kuzamura gishobora kugabanywa, ariko ntikijye munsi ya kimwe cya kabiri cy'igihano gito giteganyirijwe icyaha cyakozwe''. d)* « *Igihano cy'ihazabu gishobora kugabanywa kugeza kuri kimwe cya kane cy'igihano cy'ihazabu gito giteganyirijwe icyaha cyakozwe* ».

✓ Ingingo ya 6 y'Itegeko n° 68/2018 ryo ku wa 30/8/2018 ryavuzwe haruguru Iteganya ko *"Mu gihe hari amategeko ahana, rimwe ryariho mu gihe icyaha cyakorwaga, irindi ryaratangajwe nyuma y'uko icyaha gikorwa, ariko urubanza rutaracibwa burundu, itegeko rishya ni ryo rikurikizwa iyo riteganya igihano cyoroheje''*.

Umurongo watanzwe: Ihame mu mategeko ni uko mu manza nshinjabyaha Urukiko rukurikiza itegeko ryorohereza uregwa, ariko ku birebana n'igabanya ry'igihano kubera impamvu nyoroshyacyaha, n'ubwo itegeko rishya ryaba riteganya igihano cyoroheje, Urukiko ntiruhita rumuha igihano gito giteganyijwe mu itegeko rishya, ahubwo rugabanya igihano mu bushishozi bwarwo rurebye uburemere bw'icyaha, ndetse n'ingaruka zacyo, rugatanga igihano gikwiranye n'icyaha cyakozwe, mu mbago z'igihano giteganywa n'itegeko rishya.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00752/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/02/2024 harega NDAYAMBAJE Eugène (igika cya 20).

❖ Urubanza N° RPA 00488/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/03/2024 Ubushinjacyaha buburana na TURIKUMWE David alias BARIKUMWENDE. (igika cya 18).

❖ Urubanza N° RPA 00672/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/03/2024 rw'Ubushinjacyaha na BIRINDABAGABO Innocent (igika cya 20).

❖ Urubanza N° RPAA 00176/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/04/2024 Ubushinjacyaha buburana na MUHAWENIMANA Jeannette (igika cya 18).

❖ Urubanza N° RPA RPAA 00537/2021/CA-CMB 00538/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 19/04/2024 Ubushinjacyaha buburana na UWITONZE Jean n'undi (igika cya 18).

❖ Urubanza N° RPAA 00043/2023/CA – CMB RPAA 00097/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 31/05/2024 haburana Ubushinjacyaha na MWUMVANEZA Jean Pierre n'undi (igika cya 40).

❖ Urubanza N° RPAA 00199/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/06/2024 rw'Ubushinjacyaha na NIYIGENABYOSE Ezechiel (igika cya 23).

❖ Urubanza N° RPA 00002/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/11/2024, haburana Ubushinjacyaha na NTIRENGANYA Jean Damascène (igika cya 24).

❖ Urubanza N° RPAA 00139/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/11/2024 haburana Ubushinjacyaha na IRADUKUNDA Samuel (igika cya 17).

❖ Urubanza N° RPAA 00594/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 26/02/2025 haburana Ubushinjacyaha na UWAYEZU Claudette (igika cya 15).

Urubanza N° RPAA 00452/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/03/2025 haburana Ubushinjacyaha na NTEZIRYAYO Siméon (igika cya 16).

Urubanza N° RPAA 00874/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 16/05/2025 haburana Ubushinjacyaha na KAYUMBA Jean Baptiste (igika cya 15).

VII.3.2.11. Umucamanza ku rwego urwo arirwo rwose yemerewe gutanga igihano kijyanye n'uburemere bw'icyaha ariko akazirikana ko yahindura gusa igihano cyatanzwe mu rukiko rubanza abanje kugaragaza amakosa rwakoze mu igena ryacyo

Umurongo watanzwe: Iyo abaregwa nta kindi banenga urubanza rwajuririwe uretse kuvuga gusa ko batagabanyirijwe bihagije, buri mucamanza ku rwego urwo arirwo rwose, yemerewe gutanga igihano mu bushishozi bwe kijyanye n'uburemere bw'icyaha ndetse n'ingaruka zacyo ariko ko mu bujurire, Umucamanza agomba kuzirikana ko yemerewe gusa guhindura igihano cyatanzwe mu Rukiko rubanza, ari uko amaze kugaragaza ko urwo Rukiko rwaba rwarakoresheje itegeko cyangwa ubushishozi bwarwo nabi mu gutanga icyo gihano.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPA 00060/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 04/04/2022 haburana Ubushinjacyaha na Nsabimana Callixte alias Sankara n'abandi, (igika cya 252-254).

❖ Urubanza N° RPAA 00486/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/01/2023, haburana Ubushinjacyaha na MANIRIHO Cyprien alias BUREGEYA (igika cya 14).

❖ Urubanza N° RPAA 00132/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/01/2023, haburana Ubushinjacyaha na NTIRENGANYA Emmanuel (igika cya 14).

❖ Urubanza N° RPAA 00809/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/03/2025 haburana Ubushinjacyaha na NGEZENUBWO Dany (igika cya 32).

❖ Urubanza N° RPAA 00048/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/04/2025 Ubushinjacyaha buburana NGAMIJE Augustin (igika cya 16).

❖ Urubanza N° RPAA 00185/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/04/2025 Ubushinjacyaha buburana UWIZEYIMANA Emmanuel (igika cya 13).

❖ Urubanza N° RPAA 00320/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/05/2025 haburana Ubushinjacyaha na BUTERA Xavier (igika cya 17).

❖ Urubanza N° RPAA 00587/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 23/05/2025 haburana Ubushinjacyaha na RWAGAHUNGU Emmanuel (igika cya 16).

❖ …)

VII.3.2.12. Iyo hari impamvu nyoroshyacyaha icyaha gihanishwa igifungo cya burundu gishobora kugabanywa ariko ntikijye munsi y'imyaka 15.

✓ Ingingo ya 4 y'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 ibikurikira: *"iyo umuntu mukuru asambanyije umwana bigakurikirwa no kumugira umugabo cyangwa umugore, igihano kiba igifungo cya burundu".*

✓ Ingingo ya 107 y'Itegeko N° 68/2018 ryo kuwa 30/08/2018 riteganya ibyaha n‟ibihano muri rusange, iteganya ko: *‟Umuntu wica undi abishaka, aba akoze icyaha. Iyo abihamijwe n'Urukiko, ahanishwa igihano cy‟igifungo cya burundu"*

✓ Ingingo ya 2, (a) y'itegeko n° 59/2023 ryo ku wa 04/12/2023 rihindura ingingo ya 60 y'itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange, iteganya ko *"Iyo umucamanza yemeje impamvu nyoroshyacyaha, igifungo cya burundu gishobora kugabanywa ariko ntikijye munsi y'igihano cy'igifungo cy'imyaka 15".*

✓ *(…)*

Umurongo watanzwe : Iyo hari impamvu nyoroshyacyaha zemejwe n'umucamanza igihano cy'igifungo cya burundu gishobora kugabanywa ariko ntikijye munsi y'igifungo cy'imyaka cumi n'itanu (15).

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00076/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/01/2025, haburana Ubushinjacyaha na BURINDWI Jean Bosco (igika cya 18).

❖ Urubanza N° RPAA 00773/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/01/2025 haburana Ubushinjacyaha na Gato Emmanuel (igika cya 26).

❖ Urubanza N° RPAA 00466/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 24/01/2025, haburana Ubushinjacyaha na SHUMBUSHO Evase (igika cya 16).

❖ Urubanza N° RPAA 00295/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/01/2025, haburana Ubushinjacyaha na IRADUKUNDA Diane (igika cya 15).

❖ Urubanza N° RPAA 00347/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/01/2025, haburana Ubushinjacyaha na MUHIRWA Elisé (igika cya 15).

❖ Urubanza N° RPAA 00298/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/01/2025 haburana Ubushinjacyaha na KAMANA Faustin (igika cya 18-19).

❖ Urubanza N° RPAA 00740/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 24/01/2025 haburana Ubushinjacyaha na KWISANGA BUSINGE Marie Angelo (igika cya 27).

❖ Urubanza N° RPAA 00391/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 17/04/2025 Ubushinjacyaha buburana na NTAMAKIRIRO Ezechiel (igika cya 14).

❖ Urubanza N° RPAA 00043/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/04/2025 Ubushinjacyaha buburana na RUKUNDO (igika cya 17).

❖ Urubanza N° RPAA 00832/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 17/04/2025 haburana Ubushinjacyaha na BAMUREKE Fred (igika cya 16).

❖ Urubanza N° RPAA 00843/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/05/2025 haburana Ubushinjacyaha na HABUMUGISHA Alexis (igika cya 30).

❖ Urubanza N° RPAA 00843/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/05/2025 haburana Ubushinjacyaha na HABUMUGISHA Alexis (igika cya 30).

VII.3.2.13. Iyo hari impamvu nyoroshyacyaha icyaha gihanishwa igifungo cya burundu n'ihazabu gishobora kugabanywa ariko ntikijye munsi y'imyaka 15 n'ihazabu ntijye munsi ya ¼ y'ihazabu nto iteganyijwe.

✓ Ingingo ya 11 igika cya 3 (1°) y'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 ibikurikira : *"Umuntu wese ukora, uhinga, uhindura, utunda, ubika, uha undi, ugurisha mu gihugu ibiyobyabwenge cyangwa urusobe rw'imiti ikoreshwa nka byo mu buryo bunyuranije n'amategeko, aba akoze icyaha. Iyo abihamijwe n'urukiko ahanishwa : 1 °* ***igifungo cya burundu n'ihazabu y'amafaranga y'u Rwanda arenze miliyoni makumyabiri (20.000.000 FRW) ariko atarenze miliyoni mirongo itatu (30.000.000 FRW)*** *ku byerekeye ibiyobyabwenge bihambaye".*

✓ Ingingo ya 2, (a) na (d) y'itegeko n° 59/2023 ryo ku wa 04/12/2023 rihindura ingingo ya 60 y'itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange,

iteganya ko “(a) *Iyo umucamanza yemeje impamvu nyoroshyacyaha, igifungo cya burundu gishobora kugabanywa ariko ntikijye munsi y’igihano cy’igifungo cy’imyaka 15”.*

(d) igihano cy’ihazabu gishobora kugabanywa kugeza kuri kimwe cya kane cy’igihano cy’ihazabu gito giteganyirijwe icyaha cyakozwe ;

✓ *(…)*

Umurongo watanzwe : Iyo hari impamvu nyoroshyacyaha zemejwe n’umucamanza icyaha gihanishwa igihano cy’igifungo cya burundu n’ihazabu, icyo gihano gishobora kugabanywa ariko ntikijye munsi y’igifungo cy’imyaka cumi n’itanu (15) n’ihazabu ikaba yagabanywa ariko ntige munsi ya kimwe cya kane cy’ihazabu nto iteganyirijwe icyaha cyakazwe.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00538/2024/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 21/01/2025 haburana Ubushinjacyaha na CYUZUZO Jean Claude (igika cya 12).

❖ Urubanza N° RPAA 00333/2024/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 28/01/2025, haburana Ubushinjacyaha na NGIRINSHUTI Emmanuel (igika cya 15).

❖ Urubanza N° RPAA 00441/2024/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 24/01/2025 haburana Ubushinjacyaha na NIYOMBABAZI Anitha (igika cya 17).

❖ Urubanza N° RPAA 00209/2024/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 17/04/2025, haburana Ubushinjacyaha na BYIRINGIRO Emmanuel (igika cya 13).

❖ Urubanza N° RPAA 00154/2024/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 17/04/2025, haburana Ubushinjacyaha na DUSABE Jean Damascène (igika cya 13).

❖ Urubanza N° RPAA 00487/2024/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 28/03/2025 haburana Ubushinjacyaha na IRANKUNDA Samson (igika cya 27).

❖ Urubanza N° RPAA 00826/2024/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 17/04/2025 haburana Ubushinjacyaha na KAMUHANDA Jean Bosco (igika cya 22).

❖ Urubanza N° RPAA 00028/2024/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 28/03/2025 haburana Ubushinjacyaha na HABIMANA Jean de Dieu n’undi (igika cya 35).

❖ Urubanza N° RPAA 00796/2024/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 17/04/2025 haburana Ubushinjacyaha na NIYIZURUGERO Steven (igika cya 20).

❖ Urubanza N° RPAA 00827/2024/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 17/04/2025 haburana Ubushinjacyaha na NIYONKURU Egide (igika cya 22).

❖ Urubanza N° RPAA 00758/2024/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 11/04/2025 haburana Ubushinjacyaha na NGAYABERURA Emmanuel (igika cya 17).

❖ Urubanza N° RPAA 00769/2024/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 27/05/2025, haburana Ubushinjacyaha na BIZABARIMANA Cléophas (igika cya 30).

❖ Urubanza N° RPAA 00527/2024/CA, rwaciwe n’Urukiko rw’Ubujurire ku wa 22/05/2025 Ubushinjacyaha buburana na SINDAMBIWE RUZIRAMPUHWE Amos (igika cya 24).

❖ Urubanza N° RPAA 00885/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 16/05/2025 Ubushinjacyaha buburana na NSHIMIYIMANA Eric (igika cya 18).

VII.3.2.14. Si ngombwa gusuzuma impamvu z'igabanyagihano kandi uregwa yarahawe igihano gito gishoboka giteganywa n'itegeko

Ingingo ya 4 y'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 ibikurikira : *"iyo umuntu mukuru asambanyije umwana bigakurikirwa no kumugira umugabo cyangwa umugore, igihano kiba igifungo cya burundu"*.

Ingingo ya 107 y'Itegeko N° 68/2018 ryo kuwa 30/08/2018 riteganya ibyaha n‟ibihano muri rusange, iteganya ko : *‟Umuntu wica undi abishaka, aba akoze icyaha. Iyo abihamijwe n'Urukiko, ahanishwa igihano cy‟igifungo cya burundu"*

Ingingo ya 2, (a) y'itegeko n° 59/2023 ryo ku wa 04/12/2023 rihindura ingingo ya 60 y'itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange, iteganya ko *"Iyo umucamanza yemeje impamvu nyoroshyacyaha, igifungo cya burundu gishobora kugabanywa ariko ntikijye munsi y'igihano cy'igifungo cy'imyaka 15".(…)*

Umurongo uhuriweho n'izindi manza : Ku bushake bw'Umushingamategeko byateganyijwe ko uwakoze icyaha gihanishwa igihano cy'igifungo cya burundu, igihe hemejwe impamvu nyoroshyacyaha, ntashobora kugabanyirizwa igihano cy'igifu ngo kijye munsi y'imyaka cumi itanu (15), kuko aricyo gihano gito giteganywa n'Itegeko. Mu gihe uregwa yahawe igihano cy'igifungo gito Itegeko riteganya, nta mpamvu yo gusuzuma niba impamvu nyoroshyacyaha agaragaza zashingirwaho ngo yongere kugabanyirizwa igihano.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00747/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 23/05/2025, haburana Ubushinjacyaha na CYUBAHIRO Jean-Petit (Peth) (igika cya 16).

❖ Urubanza N° RPAA 00840/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 23/05/2025, haburana Ubushinjacyaha na MUKAMUHIRWA Stéphanie (igika cya 15).

❖ Urubanza N° RPAA 00218/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 23/05/2025, haburana Ubushinjacyaha na MURORUNKWERE Claudine (igika cya 17).

❖ Urubanza N° RPAA 00197/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 23/05/2025, haburana Ubushinjacyaha na NDAGIJIMANA Claude (igika cya 17,19).

❖ Urubanza N° RPAA 00902/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 23/05/2025 Ubushinjacyaha buburana na SIBOMANA Jean-Baptiste (igika cya 31).

❖ Urubanza N° RPAA 00643/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/05/2025 haburana Ubushinjacyaha na AYINKAMIYE Kellen (igika cya 31,33).

VII.3.2.15. Iyo hari impamvu nyoroshyacyaha, icyaha cyo gusambanya umwana bigakurikirwa no kumugira umugabo cyangwa umugore gishobora kugabanywa ariko ntikijye munsi y'imyaka 15.

✓ Ingingo ya 4 y'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 ibikurikira : *"iyo umuntu mukuru asambanyije umwana bigakurikirwa no kumugira umugabo cyangwa umugore, igihano kiba igifungo cya burundu"*

✓ Ingingo ya 2, (a) y'itegeko n° 59/2023 ryo ku wa 04/12/2023 rihindura ingingo ya 60 y'itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange, iteganya ko *"Iyo umucamanza yemeje impamvu nyoroshyacyaha, igifungo cya burundu gishobora kugabanywa ariko ntikijye munsi y'igihano cy'igifungo cy'imyaka 15".*

Umurongo watanzwe : Icyaha cyo gusambanya umwana, cyakurikiwe no kubana nawe nk'umugabo cyangwa umugore, gihanishwa igifungo cya burundu, ariko haba habonetse impamvu nyoroshyacyaha zemejwe n'umucamanza, igihano kikaba cyagabanywa ku buryo kitajya munsi y'igifungo cy'imyaka cumi n'itanu.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00054/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 19/12/2024, haburana Ubushinjacyaha na BIKORIMANA Jean Paul (igika cya 13).

❖ Urubanza N° RPAA 00052/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 19/12/2024, haburana Ubushinjacyaha na BIHOYIKI Jean (igika cya 14).

❖ Urubanza N° RPAA 00116/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 19/12/2024 Ubushinjacyaha buburana na NGIRENTE Jean Bosco (igika cya 14).

❖ Urubanza N° RPAA 00068/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/02/2025, Ubushinjacyaha buburana na MINANI Damien (igika cya 19).

❖ Urubanza N° RPAA 00474/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/02/2025, Ubushinjacyaha buburana na AKIMANA Damien (igika cya 12).

❖ Urubanza N° RPAA 00727/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 14/03/2025, Ubushinjacyaha buburana na HARERIMANA Joseph (igika cya 14).

❖ Urubanza N° RPAA 00055/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/03/2025, Ubushinjacyaha buburana na MANIZABAYO Patrick (igika cya 24).

❖ Urubanza N° RPAA 00335/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 14/03/2025, Ubushinjacyaha buburana na MISIGARO (igika cya 15-16).

❖ Urubanza N° RPAA 00746/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/03/2025, Ubushinjacyaha buburana na MUGIRANEZA Vénuste Steven (igika cya 12).

❖ Urubanza N° RPAA 00232/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 14/03/2025, Ubushinjacyaha buburana na BUTOYA Garçon (igika cya 16).

❖ Urubanza N° RPAA 00845/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/04/2025 haburana Ubushinjacyaha IRAKOZE Cédrick (igika cya 16).

❖ Urubanza N° RPAA 00325/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 16/05/2025, Ubushinjacyaha buburana na SIBOMANA Rafiki (igika cya 17).

VII.3.2.16. Kuzamura igihano cyari cyatanzwe kubera impamvu nyoroshyacyaha bigomba gushingira ku buremere bwihariye bwagaragarijwe urukiko

✓ Ingingo ya 49 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. Iyo hari impurirane z'impamvu zashingirwaho, umucamanza agomba kwita ku rutonde rukurikira mu kugena igihano: 1° impamvu nkomezacyaha; 2° impamvu nyoroshyacyaha."

✓ Ingingo ya 58 y'iryo Tegeko yo igateganya ko *"Umucamanza ubwe ari we ugena niba impamvu nyoroshyacyaha zemezwa n'umucamanza zahabwa agaciro. Kwemeza impamvu nyoroshyacyaha bigomba gusobanurwa mu cyemezo cy'urukiko."*

Umurongo watanzwe : Impamvu nyoroshyacyaha zigenwa n'Urukiko mu bushishozi bwarwo. Kuzamura igihano cyatanzwe bigomba gushingira ku mpamvu zishingiye ku buremere bwihariye bwagaragajwe.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPA/GEN 0001/15/CS, rwaciwe n'Urukiko rw'Ikirenga ku wa 22/03/2019, haburana Ubushinjacyaha na BANDORA Charles.

❖ Urubanza N° RPA/GEN 00005/2021/CA – CBM RPA/GEN 00006/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 13/12/2024, Ubushinjacyaha buburana na IYAMUREMYE Jean Claude bita NZINGA (igika cya 144).

VII.3.3. Ugushidikanya mu rubanza

VII.3.3.1. Ugushidikanya kurengera ushinjwa akagirwa umwere

✓ Ingingo ya 111 y'Itegeko n° 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.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPA0084/10/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 9/05/2014 haburana Ubushinjacyaha na GATERA, Vol [2015] 4 RLR.

❖ Urubanza N° RPAA0297/11/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 24/3/2016 haburana Ubushinjacyaha na RUZINDANA, Vol [2016] 4 RLR.

❖ Urubanza N° RPAA0048/12/CS, rwaciwe n'Urukiko rw'Ikirenga ku wa 6/05/2016 haburana Ubushinjacyaha na NSANZINTWALI, Vol [2017] 2 RLR.

❖ Urubanza N° RPAA 00064/2018/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 13/09/2019 haburana Ubushinjacyaha na NSANZUMUHIRE Jean Baptiste (igika cya 24).

❖ Urubanza N° RPAA 00007/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/07/2022, haburana Ubushinjacyaha na MBONIMANA Thierry (igika cya 31).

❖ Urubanza N° RPAA 00131/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/07/2022 haburana Ubushinjacyaha na UWITIJE J. Damascene (igika cya 28).

❖ Urubanza N° RPAA 00318/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/11/2024 haburana Ubushinjacyaha na BIRASA Jean Claude (igika cya 33).

❖ Urubanza N° RPAA 00434/2023/CA - CMB RPAA 00353/2023/CA - CMB RPAA 00366/2023/CA - CMB 00435/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/11/2024, Ubushinjacyaha buburana na MAZINA Déogratias alias Gasongo n'abandi (igika cya 36).

❖ Urubanza N° RPAA 00536/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/11/2024 Ubushinjacyaha buburana na NSHOGOZA Emmanuel (igika cya 18).

❖ Urubanza N° RPAA 00340/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/12/2024 Ubushinjacyaha buburana na NDIZIHIWE Fabrice n'undi (igika cya 39).

VII.3.4. Ubusembure

VII.3.4.1. Habaho ubusembure iyo uwakorewe icyaha ariwe wabanje gusagarira uwakimukoreye bikamutera guhita akora icyaha akurikiranweho

✓ Ingingo ya 56 y'Itegeko n° 68/2018 ryo ku wa 30/8/2018 riteganya ibyaha n'ibihano muri rusange iteganya ko *"Igihe habaye ubusembure, umucamanza agaragaza mu cyemezo cy'urukiko ingingo zerekana ko imyitwarire y'uwakorewe icyaha ari yo yatumye icyo cyaha gikorwa"*.

Umurongo watanzwe : Ubusembure bwumvikana nk'impamvu ngabanyagihano igizwe no kuba uwakoze icyaha yarabitewe n'uko yari yabanje gukorerwa igikorwa kimubabaza gikomeye kandi kimurenganya.

Habaho ubusembure igihe hari ibikorwa ukurikiranyweho icyaha yakorewe n'uwakorewe icyaha (victime), bituma ako kanya amukorera icyaha aregwa.

Ni ishingano y'uregwa uburanisha ubusembure kubwireguza no kubutangira ibimenyetso ; umucamanza akaba afite ishingano yo kubusuzuma mu gihe abisabwa n'uregwa mu buryo bweruye kandi bwumvikana.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA038/15/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 15/09/2017 haburana Ubushinjacyaha na Sezikeye Emmanuel.

❖ Urubanza N° RPA0154/13/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 08/12/2017 haburana Ubushinjacyaha na Habyarimana Festus (igika cya 51).

❖ Urubanza N° RPAA 00019/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/03/2023, haburana Ubushinjacyaha na MUNYABARENZI Cyrille (Igika cya 7).

❖ Urubanza N° RPAA 00431/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 16/10/2023, haburana Ubushinjacyaha na NIYONZIMA Alphonse alias Washington (igika cya 18).

❖ Urubanza N° RPAA 00345/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/02/2024, haburana Ubushinjacyaha na BIRORIMANA Célestin (igika cya 15).

❖ Urubanza N° RPAA 00829/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/03/2025 Ubushinjacyaha buburana na NGIRUWONSANGA Emmanuel (igika cya 26).

❖ Urubanza N° RPAA 00280/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 18/03/2025 Ubushinjacyaha buburana na NZABAKIRA Eric (igika cya 13).

❖ Urubanza N° RPAA 00443/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/04/2025 Ubushinjacyaha buburana na HAKIZIYAREMYE Moise (igika cya 14).

❖ Urubanza N° RPAA 00361/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/05/2025 Ubushinjacyaha buburana na NDABAZI Evariste (igika cya 25).

❖ Urubanza N° RPAA 00200/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/05/2025 Ubushinjacyaha buburana na UWOMPORANSANGA Cécile (igika cya 14).

VII.3.4.2. Ntibifatwa nk'ubusembure iyo igikorwa cy'ubusembure cyakozwe hagashira umwanya, hakabona gukorwa icyaha gikurikiranwe

✓ Ingingo ya 56 y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange iteganya ko: *"Igihe habaye ubusembure, umucamanza agaragaza mu cyemezo cy'urukiko ingingo zerekana ko imyitwarire y'uwakorewe icyaha ari yo yatumye icyo cyaha gikorwa"*.

Umurongo watanzwe : Igikorwa cy'uwasembuwe ni igisubirizaho ako kanya (instantanéité), hatabayemo gufata igihe cyo gutegura icyo agiye gukora.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPA 0150/08/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 30/04/2010, haburana Ubushinjacyaha na Pte SENZIRA Jean Claude. (igika cya 21).

❖ Urubanza N° RPAA 00060/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/02/2024 haburana Ubushinjacyaha na TUMUKUNDE Patrick alias KIGINGI (igika cya 16).

VII.3.5. Ubwijiracyaha buhanirwa

VII.3.5.1. Ubwinjiracyaha buhanirwa iyo umugambi wo gukora icyaha udashidikanywaho, ikorwa ry'icyaha rikaburizwamo n'impamvu idaturutse ku bushake bw'ushinjwa

✓ *Ingingo ya 21 igika cya mbere, y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 rigena ibyaha n'ibihano muri rusange, iteganya ibikurikira: "Ubwinjiracyaha buhanirwa iyo umugambi wo gukora icyaha wagaragajwe n'igikorwa kimwe cyangwa byinshi biboneka, bidashidikanywaho, by'intangiriro y'icyaha biganisha ku ikorwa ryacyo, nyuma bigahagarikwa, bikabuzwa kugera ku cyifuzo cyangwa bikazitirwa n'impamvu zidakomoka ku bushake bwa nyir'ugukora icyaha"*.

Umurongo watanzwe: Ubwinjiracyaha buhanirwa ari uko umugambi wo gukora icyaha udashidikanywaho, ugaragajwe n'ibikorwa biboneka by'intangiriro y'icyaha kandi ikorwa ry'icyaha rikaburizwamo n'impamvu idaturutse ku bushake bw'ushinjwa kubukora.

Urubanza rwatanze umurongo: Urubanza N° RPAA 00098/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 06/01/2023 haburana Ubushinjacyaha na Cpl SHYAKA Védaste n'undi (igika cya 26).

VII.3.6. Kutaremereza igihano cy'uregwa wajuriye wenyine

VII.3.6.1. Igihano cy'ihazabu kitatanzwe mu rubanza rwajuririwe ntigishobora kongerwa mu bihano bitangwa mu bujurire hagamijwe gukosora ayo makosa iyo Ubushinjacyaha butabijuririye

✓ *Ingingo* ya 188, igika cya 4, y'Itegeko n° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha iteganya ibikurikira: *"Iyo uregwa yajuriye wenyine, urukiko rwajuririwe ntirushobora kongera igihano yari yagenewe mu rwego rwa mbere"*.

Umurongo watanzwe : Nubwo kuba urukiko rubanza rutaratanze igihano cy'ihazabu ari ikosa rwakoze ariko urukiko rwajuririwe ntirushobora kongera igihano cy'ihazabu ku gihano cy'igifungo uregwa yahanishijwe mbere, mu gihe Ubushinjacyaha butajuriye.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00436/2024/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 21/01/2025 haburana Ubushinjacyaha na BIKORIMANA Jean Baptiste (igika cya 16).

❖ Urubanza N° RPAA 00510/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 19/02/2025 Ubushinjacyaha buburana na NTAKIRUTIMANA Wellars (igika cya 25).

VII.3.7. Isubikagihano

VII.3.7.1. Isubikagihano ritangwa mu bushishozi bw'urukiko hitawe ku gihano cyatanzwe, imibereho y'uregwa n'uburemere bw'icyaha yakoze

✓ Ingingo ya 3 y'Itegeko n° 059/2023 ryo ku wa 04/12/2023 rihindura Itegeko n° 68/2018 ryo ku wa 30/08/2018 rigena ibyaha n'ibihano muri rusange iteganya ko *"Iyo uwakatiwe nta kindi gihano cy'igifungo kirenga amezi 6 yahanishijwe mbere, urukiko, rukoresheje icyemezo gisobanura impamvu, rushobora gutegeka gusubika irangiza ry'igihano cyose cyangwa igice cy'igihano cy'iremezo cyangwa cy'ingereka, iyo igihano cy'iremezo cy'igifungo umuntu yakatiwe kitarenze imyaka 5 (…)."*

Umurongo watanzwe: Isubikagihano ni uburyo igihano cy'igifungo cyategetswe n'umucamanza gikwiye kurangizwa. Umucamanza ashobora kuritanga no mu gihe uwahamwe n'icyaha atarisabye, ni ukuvuga aritanga mu bushishozi bwe, hitawe ku gihano yahaye uregwa, imibereho ye bwite no ku buremere bw'icyaha yakoze.

Imanza zafashwemo uyu murongo:

Urubanza n° RPA 00060/2021/CA rwaciwe n'Urukiko rw'Ikirenga ku wa 04/04/2022 haburana Ubushinjacyaha na NSABIMANA Callixte alias Sankara na bagenzi be (igika cya 330).

Urubanza N° RPA 00009/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/04/2024 Ubushinjacyaha buburana na UWIMANIMPAYE Japhet (igika cya 18).

VII.3.7.2. Isubikagihano rishobora gutangwa ku gihano cyose cyangwa igice cyacyo, haba igihano cy'iremezo (igifungo, ihazabu n'imirimo y'inyungu rusange) cyangwa igihano cy'ingereka.

✓ *Ingingo* ya 64, agace ka 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 ''*Iyo uwakatiwe nta kindi gihano cy'igifungo kirenga amezi 6 yahanishijwe mbere, urukiko rukoresheje icyemezo gisobanura impamvu, rushobora gutegeka gusubika irangiza ry'igihano cyose cyangwa igice cy'igihano cy'iremezo cyangwa cy'ingereka, iyo igihano cy'iremezo cy'igifungo umuntu yakatiwe kitarenze imyaka itanu (5)*''. Mu gace kayo ka 2 (c), iteganya ko ''*Icyemezo cy'Urukiko gishobora gutegeka isubika ry'igihano cy'igifungo cyose cyangwa igice cyacyo, iry'ihazabu yose cyangwa igice cyayo*''.

Umurongo watanzwe : Urukiko rutanze isubikagihano rushobora gutegeka ihagarika ry'irangizarubanza ku gihano cyose cyangwa igice cyacyo, haba igihano cy'iremezo (igifungo, ihazabu n'imirimo y'inyungu rusange) cyangwa igihano cy'ingereka, iyo rwakatiye ukurikiranywaho icyaha igihano cy'igifungo kitarenze imyaka itanu (5).

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00237/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 24/01/2025 haburana Ubushinjacyaha na MUKUNZI Jean de Dieu (igika cya 31).

❖ Urubanza N° RPAA 00419/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/01/2025 haburana Ubushinjacyaha na RUZINDANA Jean de Dieu (igika cya 16).

❖ Urubanza N° RPAA 00305/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 31/01/2025 Ubushinjacyaha buburana NSHIMIYIMANA Evariste (igika cya 16).

❖ Urubanza N° RPAA 00252/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 14/02/2025 Ubushinjacyaha buburana na DUSHIMIMANA Vincent (igika cya 26).

❖ Urubanza N° RPAA 00293/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 26/02/2025, Ubushinjacyaha buburana na TWISUNGEMUNGU Jeannette (igika cya 44).

❖ Urubanza N° RPAA 01059/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 26/02/2025 Ubushinjacyaha buburana na ITANGUKWISHAKA Wellars n'undi (igika cya 23).

❖ Urubanza N° RPAA 00474/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/02/2025, Ubushinjacyaha buburana na AKIMANA Damien (igika cya 13).

❖ Urubanza N° RPAA 00902/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 23/05/2025 Ubushinjacyaha buburana na SIBOMANA Jean-Baptiste (igika cya 33).

VII.4. Ibimenyetso mu manza

Ibisobanuro:

Muri iki cyiciro hakubiyemo imirongo yafashwe n'Urukiko rw'Ubujurire cyangwa Urukiko rw'Ikirenga, irebana n'ibimenyetso mu manza nshinjabyaha.

VII.4.1. Imvugo z'abatangabuhamya

VII.4.1.1. Abatangabuhamya bafite icyo bapfa n'uregwa ntibabujijwe gutanga ubuhamya, bugasuzumwa n'Urukiko

Umurongo watanzwe : Nubwo abatangabuhamya babajijwe baba bafite icyo bapfa n'abaregwa, ibyo ntibyafatwa nk'umuziro kuribo utuma batabazwa, icy'ingenzi ni uko imvugo yabo itapfa kwemerwa cyangwa ngo ihakanwe itabanje gusuzumwa n'Urukiko.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 0117/07/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 17/09/2010 haburana Cpl NGABONZIZA Faustin na Sgt BIZIYAREMYE Jean Baptiste (igika cya 8).

❖ Urubanza N° RPAA 00120/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 26/05/2023 haburana ubushinjacyaha na GAHIGI Anastase (igika cya 17).

❖ Urubanza N° RPA 00028/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 19/04/2024 haburana ubushinjacyaha na NIKWIGIZE Innocent (igika cya 16).

❖ Urubanza N° RPAA 00098/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 26/04/2024 Ubushinjacyaha buburana na TUGIRINSHUTI Alexis bahimba Kamugi (igika cya 19).

❖ Urubanza N° RPA 00037/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/05/2024 Ubushinjacyaha buburana na NDUHIRABANDI Isaïe (igika cya 16).

❖ Urubanza N° RPAA 00244/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 04/10/2024 haburana Ubushinjacyaha na BYIRINGIRO Innocent alias Bizuru n'abandi (igika cya 54).

❖ Urubanza N° RPAA 00114/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/12/2024, haburana Ubushinjacyaha na MANZI Godefrey (igika cya 34).

❖ Urubanza N° RPAA 00308/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/12/2024, haburana Ubushinjacyaha na NDAYIKENGURUTSE Chinwa Gervais (igika cya 28).

❖ Urubanza N° RPAA 00074/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/12/2024, haburana Ubushinjacyaha na MUTAGANDA Théogène (igika cya 31).

❖ Urubanza N° RPA 00018/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 14/03/2025, haburana Ubushinjacyaha na NTIBIBUKA Olivier (igika cya 17).

❖ Urubanza N° RPAA 00428/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 14/03/2025, haburana Ubushinjacyaha na MUNYANEZA TEGEJO (igika cya 18).

❖ Urubanza N° RPAA 00626/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/03/2025, haburana Ubushinjacyaha na NDAHIMANA Simon (igika cya 17).

❖ Urubanza N° RPAA 00502/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 18/03/2025, haburana Ubushinjacyaha na GAKWERERE Steven bita Nyinya (igika cya 17).

❖ Urubanza N° RPAA 00058/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/05/2024 haburana Ubushinjacyaha na NKIZEMENSHI Innocent (igika cya 29).

❖ Urubanza N° RPAA/GEN 00001/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/05/2025, Ubushinjacyaha buburana na MUNYAKAYANZA Jean de Dieu (igika cya 52).

VII.4.1.2. Urukiko nirwo rusuzuma ireme ry'ubuhamya butanzwe n'uwakorewe icyaha n'abafitanye isano nawe

Umurongo watanzwe: Kuba umutangabuhamya afitanye isano n'uwahohotewe cyangwa ari uwahohotewe ubwe, ubwabyo ntibitesha agaciro ubuhamya. Urukiko nirwo rusuzuma ireme ry'ubuhamya rushingiye ku bumenyi bw'ababutanga n'uburyo basobanura ibyo biboneye cyangwa bumvise, rukabigereranya n'ibindi bimenyetso.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA0118/11/CS, rwaciwe n'Urukiko rw'Ikirenga ku wa 13/11/2015 haburana Ubushinjacyaha na NGURINZIRA, (igika cya 13 Vol [2017] 1 RLR)

❖ Urubanza N° RPAA0059/08/CS, rwaciwe n'Urukiko rw'Ikirenga ku wa 19/11/2010 haburana Ubushinjacyaha na Nshimiyimana Alexis n'abandi.

❖ Urubanza N° RPAA 00268/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/07/2022 rw'Ubushinjacyaha na NTAKIRUTIMANA Martin (igika cya 35)

❖ Urubanza N° RPAA 00422/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/1/2023 haburana Ubushinjacyaha na RUTINDUKA Charles (igika cya 25).

❖ Urubanza N° RPAA 00754/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 24/04/2023 haburana Ubushinjacyaha na IRADUKUNDA Jean Marie Vianney (igika cya 25).

❖ Urubanza N° RPAA 00646/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/06/2023 haburana Ubushinjacyaha na NDAYAMBAJE Emmanuel (igika cya 36).

❖ Urubanza N° RPAA 00247/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/09/2023 haburana Ubushinjacyaha na KANAMUGIRE Justin (igika cya 20).

❖ Urubanza N° RPAA 00270/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/09/2023 haburana Ubushinjacyaha na NTAWIZERA Jean Paul (igika cya 22).

❖ Urubanza N° RPAA 00359/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 26/10/2023 haburana Ubushinjacyaha na BIZIYAREMYE Vedaste (igika cya 27).

❖ Urubanza N° RPAA 00330/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/09/2024 Ubushinjacyaha buburana na BIGIRUMWAMI Jean de Dieu bita Eric (igika cya 23).

❖ Urubanza N° RPAA 00323/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/12/2024 Ubushinjacyaha buburana na TUYAMBAZE Donat (igika cya 23).

❖ Urubanza N° RPAA 00409/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/01/2025 haburana Ubushinjacyaha na NKURUNZIZA Debrande (igika cya 41).

❖ Urubanza N° RPAA 00522/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 31/01/2025 haburana Ubushinjacyaha na MUPENZI Jean Bosco n'undi (igika cya 18,45).

❖ Urubanza N° RPAA 00224/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/05/2025 haburana Ubushinjacyaha na NYIRANDIMUBANZI Florida n'undi (igika cya 28).

❖ Urubanza N° RPAA 00336/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/05/2024 haburana Ubushinjacyaha na NSHIMIYIMANA Samuel (igika cya 34).

VII.4.1.3. Ukuvuguruzanya kw'abatangabuhamya ku tuntu duto ntibitesha agaciro ireme ry'ubuhamya batanga

Umurongo watanzwe: Ukuvuguruzanya kw'abatangabuhamya ku tuntu duto mu rubanza, ntibitesha agaciro ireme ry'ubuhamya batanga.

Imanza zatanzwemo uyu murongo:

❖ Case no. ICTR-01-72-T, The Prosecutor v. SIMON BIKINDI, 2 December 2008, page 12, paragraph 32.

❖ Case no. ICTR 2000-55c-T, Le Procureur c/ Ildephonse Nizeyimana, du 02 Juin 2012, p. 94, para 289.

❖ Urubanza n° RPAA 0117/07/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 17/07/2010 haburana Ubushinjacyaha na Sgt BIZIYAREMYE na Cpl NGABONZIZA (igika cya 14).

❖ Urubanza n° RPA/GEN 00004/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 08/04/2022 haburana Ubushinjacyaha na BIRINDABAGO Jean Paul (igika cya 125).

❖ Urubanza N° RPA/GEN 00001/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 03/03/2023 haburana Ubushinjacyaha na NTAGANZWA Ladislas (igika cya 27, 29).

❖ Urubanza N° RPAA 00141/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 31/05/2023 haburana Ubushinjacyaha na NTEGAMAHEREZO Ryamukuru (igika cya 33).

❖ Urubanza N° RPAA 00646/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/06/2023 haburana Ubushinjacyaha na NDAYAMBAJE Emmanuel (igika cya 33).

❖ Urubanza N° RPAA/GEN 00012/2019/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/12/2024, haburana Ubushinjacyaha na RURIBIKIYE NTIBARIKURE Emmanuel n'abandi (igika cya 73).

❖ Urubanza N° RPA 00045/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/01/2025, Ubushinjacyaha buburana na SENDEGEYA Alexis na bagenzi be (igika cya 84).

❖ Urubanza N° RPAA 00546/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 19/03/2025, haburana Ubushinjacyaha na MBIHONGE Jean (igika cya 25).

❖ Urubanza N° RPAA/GEN 00001/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/05/2025, Ubushinjacyaha buburana na MUNYAKAYANZA Jean de Dieu (igika cya 30).

❖ (…)

VII.4.1.4. Urukiko ntirutegetswe gukora iperereza cyangwa kubaza abatangabuhamya uko rubisabwe n'umuburanyi

Umurongo watanzwe : Urukiko ntirutegetswe gukora iperereza cyangwa se kubaza abatangabuhamya igihe cyose bisabwe n'umuburanyi iyo rwumva ibimenyetso rwashyikirijwe bihagije kandi n'ababuranyi bahawe umwanya wo kubyisobanuraho.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 0101/09/CS, rwaciwe n'Urukiko rw'Ikirenga ku wa 09/03/2012 haburana Ubushinjacyaha na NZAJYIBWAMI Emmanuel (igika cya 9).

❖ Urubanza N° RPAA 00445/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/12/2023 haburana Ubushinjacyaha na NTEGAMAHEREZO Paul (igika cya 21).

❖ Urubanza N° RPA 00035/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 23/02/2024 haburana Ubushinjacyaha na NSENGIYUMVA Moussa (igika cya 22).

❖ Urubanza N° RPA 00059/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 23/02/2024 haburana Ubushinjacyaha na BAHATI HAVUGIYAREMYE Athanase (igika cya 18).

❖ Urubanza N° RPAA 00321/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/04/2025, haburana Ubushinjacyaha na NIZEYIMANA Seleman (igika cya 27).

❖ Urubanza N° RPAA 00423/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/04/2025, haburana Ubushinjacyaha na MUHOZI James (igika cya 15).

❖ Urubanza N° RPAA 00371/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 23/05/2025, Ubushinjacyaha buburana na SIMBANDUMWE Etienne (igika cya 18).

VII.4.1.5. Mu manza nshinjabyaha, ibimenyetso byose biremerwa, bipfa kuba byagiweho impaka

Umurongo watanzwe: Mu manza nshinjabyaha, ibimenyetso byose, iyo byagiweho impaka bishobora gushingirwaho mu kwemeza ko uregwa yakoze icyaha (principe de la liberté de la preuve en matière pénale) kandi ibyo ibimenyetso bishobora no kuba imvugo z'abatangabuhamya, urukiko rukaba arirwo rusuzuma niba ibyo bavuga byakwemerwa cyangwa ntibyemerwe.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00692/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/01/2023 Ubushinjacyaha buburana na NDAYISHIMIYE Jean Damascène (igika cya 18).

❖ Urubanza N° RPAA 00044/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/12/2023 Ubushinjacyaha buburana na MIGAMBI Vianney (igika cya 20).

❖ Urubanza N° RS/INJUST/RP 00009/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 19/1/2024 Ubushinjacyaha buburana na UWAMAHORO Nadia (igika cya 26).

❖ Urubanza N° RPAA 00499/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 31/1/2024 Ubushinjacyaha buburana na NSHUTI Jackson alias Gentil (igika cya 16).

❖ Urubanza N° RPAA 00581/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/01/2024 Ubushinjacyaha buburana na Pte NTAWUHIGANAYO Narcisse (igika cya 33).

❖ Urubanza N° RPAA 00160/2024/CA-CMB RPAA 00161/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/04/2025 Ubushinjacyaha buburana na AYINKAMIYE Cécile n'undi (igika cya 24).

❖ Urubanza N° RPAA 00148/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/04/2025 Ubushinjacyaha buburana na NGABONZIZA Fidèle (igika cya 23).

❖ Urubanza N° RPAA 00198/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 17/04/2025 Ubushinjacyaha buburana na GATESI Hasina (igika cya 16).

❖ Urubanza N° RPAA 00041/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/05/2024 haburana Ubushinjacyaha na NTABANGANYIMANA Jean Bosco (igika cya 20).

❖ Urubanza N° RPAA 00411/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/05/2025, Ubushinjacyaha buburana na SEMUGESHI Emmanuel (igika cya 42).

❖ (…)

VII.4.1.6. Urukiko ntirubujijwe gushingira ku mvugo z'umuntu umwe n'iyo yaba yarabaye umuburanyi mu rubanza

Ingingo ya 53 y'Itegeko N° 062/2024 ryo ku wa 20/06/2024 rigenga ibimenyetso, yahinduye ingingo ya 65 y'Itegeko N° 15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo, ivuga ko: *"Urwego rufite ububasha rusuzuma ukwemerwa cyangwa ukutemerwa n'agaciro by'ikimenyetso gishingiye ku buhamya. Ntirwita ku mubare w'abatangabuhamya, ahubwo rwita cyane ku bumenyi bw'ibyabaye no ku budakemwa bw'ubuhamya batanga"*.

Ingingo ya 48 y'itegeko N° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha nk'uko ryavuguruwe kugeza ubu, iteganya ko *"umuntu wese wagize uruhare mu ikorwa ry'icyaha cyangwa uwakorewe icyaha ashobora kumvwa nk'umutangabuhamya"*.

Umurongo watanzwe mu rubanza: Imvugo cyangwa ubuhamya by'umuntu wese (ufite ubushobozi) bishobora kumvwa kandi bigashingirwaho mu rubanza hatitawe ko ari imvugo y'umuntu umwe kabone n'iyo yaba yarabaye umuburanyi muri urwo rubanza. Apfa gusa kuba afite amakuru ahagije ku birebana n'ingingo igibwaho impaka.

Imanza zafashwemo uyu murongo :

❖ Urubanza N° RPA 0176/11/CS, rwaciwe n'Urukiko rw'Ikirenga ku wa 16/10/2015 haburana Ubushinjacyaha na MUKASHEMA na BIHIMANA (igika cya 17).

❖ Urubanza N° RPAA 00450/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 26/04/2024, Ubushinjacyaha buburana na MUHABWAZINA Odette (igika cya 28).

❖ Urubanza N° RPA 00016/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/03/2024, Ubushinjacyaha buburana na ABAYISENGA Vénant na bagenzi be (igika cya 152).

❖ Urubanza N° RPAA 00146/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/06/2024 haburana Ubushinjacyaha na NIYITANGA Eric n'abandi (igika cya 52).

❖ Urubanza N° RPAA 00146/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/06/2024 haburana Ubushinjacyaha na NIYITANGA Eric n'abandi (igika cya 34).

❖ Urubanza N° RPA 00103/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 14/02/2025, Ubushinjacyaha buburana na MUTIGANDA Thierry na bagenzi be (igika cya 47).

❖ Urubanza N° RPAA/GEN 00001/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/05/2025, Ubushinjacyaha buburana na MUNYAKAYANZA Jean de Dieu (igika cya 16).

VII.4.1.7. Si ngombwa ko imvugo abatangabuhamya bavugiye mu iperereza bongera kuzisubiramo igihe cy'iburanisha ngo zibone gushingirwaho

Umurongo watanzwe : Umucamanza uburanisha urubanza mu mizi ashobora gushingira ku bimenyetso byabonetse mu iperereza bitabaye ngombwa ko abatangabuhamya babajijwe igihe cy'iperereza bongera gusubira mu mvugo zabo igihe cy'iburanisha.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA/GEN 00008/2019/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 28/2/2020, haburana Ubushinjacyaha na HABYARIMANA Jean. (igika cya 36).

❖ Urubanza N° RPA 00035/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 23/02/2024 haburana Ubushinjacyaha na NSENGIYUMVA Moussa (igika cya 22).

❖ Urubanza N° RPA 00059/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 23/02/2024 haburana Ubushinjacyaha na BAHATI HAVUGIYAREMYE Athanase (igika cya 18).

❖ Urubanza N° RPA 00032/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 19/04/2024 haburana Ubushinjacyaha na MUTARAMBIRWA Théobald (igika cya 26).

❖ Urubanza N° RPA 00013/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/11/2024 haburana Ubushinjacyaha na BIZINDAVYI ISSA (igika cya 20).

❖ Urubanza N° RPAA 00088/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 19/12/2024 haburana Ubushinjacyaha na HABINTWARI Samson (igika cya 19).

❖ Urubanza N° RPAA/GEN 00012/2019/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/12/2024, haburana Ubushinjacyaha na RURIBIKIYE NTIBARIKURE Emmanuel n'abandi (igika cya 120).

Ibyanditswe n'umuhanga : Michel FRANCHIMONT, Ann JACOBS et Adrien MASSET, Manuel de Procédure Pénale, Larcier, Liège, Belgique, 2012, p.758. *"Le caractère contradictoire de la procédure permet, certes, aux parties de contredire et discuter les éléments recueillis au cours de la phase préliminaire du procès pénal, mais (…) le juge du fond peut fonder sa conviction sur des éléments de l'information et de l'instruction qui ont été recueillis non contradictoirement et qui ne doivent pas nécessairement être repris oralement et contradictoirement à l'audience".*

VII.4.1.8. Urukiko rushobora gushingira ku bimenyetso biziguye cyangwa bishingiye ku mabwire iyo bishyigikiwe n'ibindi bituma byizerwa

Umurongo watanzwe : Mu rukiko umutangabuhamya avuga ibyo yiboneye cyangwa ibyo yumvise mu buryo butaziguye, ariko urukiko ni rwo rwonyine rusuzuma mu bushishozi bwarwo icyizere cyangwa ireme bukwiye guhabwa. Harebwe ububasha bw'Urukiko bwo gusuzuma mu bwigenge no mu bushishozi bwarwo ibimenyetso byose rwashyikirijwe, n'intego y'amategeko y'ibimenyetso (objectif du droit de la preuve) yo gushakisha ukuri, inkiko zemera ibimenyetso biziguye (preuve indirecte) cyangwa ibimenyetso bishingiye ku mabwire (preuve par ouï-dire) iyo bishyigikiwe n'ibindi bimenyetso bituma byizerwa.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA/Gén 00002/2018/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/7/2023 Ubushinjacyaha buburana na TWAHIRWA François (igika cya 68).

❖ Urubanza N° RPAA 00399/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/09/2023 Ubushinjacyaha buburana na MUTUYIMANA Félicien (igika cya 23).

❖ Urubanza N° RPAA 00383/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 26/10/2023 Ubushinjacyaha buburana na NSHIMIYIMANA Martin (igika cya 21).

❖ Urubanza RS/INJUST/RP 00007/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 24/11/2023 haburana Ubushinjacyaha na NTURANYENABO Jean Chrysostome (igika cya 41).

❖ Urubanza N° RPAA 00109/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/11/2023 Ubushinjacyaha buburana na NSENGIMANA Théoneste (igika cya 26).

❖ Urubanza N° RPAA 00375/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/11/2023 Ubushinjacyaha buburana na NSENGIMANA MUGWANEZA Eric Patrice (igika cya 22).

❖ Urubanza N° RPA 00045/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/01/2025, Ubushinjacyaha buburana na SENDEGEYA Alexis na bagenzi be (igika cya 85).

❖ Urubanza N° RPAA 00363/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/03/2025, Ubushinjacyaha buburana na MBARUBUKEYE Mathias alias Kijeberi (igika cya 32).

❖ Urubanza N° RPA 00005/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 14/03/2025 haburana Ubushinjacyaha na RUBAYIZA Jean-Baptiste (igika cya 14).

VII.4.1.9. Ubuhamya bushingiye ku mvugo z'umwana utarageza ku myaka 14 bushingirwaho iyo bushyigikiwe n'ibindi bimenyetso

Umurongo watanzwe: Ubuhamya butanzwe n'umwana utarageza ku myaka 14 y'amavuko buremewe, ntasabwa kurahira mbere yo kubutanga ariko kugira ngo inkiko zibushingireho hagomba kuba hari ibindi bimenyetso bibushimangira.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 0133/10/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 07/11/2014 haburana Ubushinjacyaha na MVUYEKURE (igika cya 17)

- ❖ Urubanza N° RPAA 00405/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 17/10/201 haburana Ubushinjacyaha na NIZEYIMANA Jean Pierre (igika cya 31)
- ❖ Urubanza N° RPAA 00146/2018/CArwaciwe n'Urukiko rw'Ubujurire ku wa 28/01/2022 haburana Ubushinjacyaha na UWAMAHORO Martin (igika cya 22)
- ❖ Urubanza RPAA 00107/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 11/11/2022 haburana Ubushinjacyaha na NIYONSABA Félix (Igika cya 27)
- ❖ Urubanza N° RPAA 00545/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/1/2023 haburana Ubushinjacyaha na MUGISHA Prince alias Kadogo (Igika cya 29-30).
- ❖ Urubanza N° RPAA 00026/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/03/2023 haburana Ubushinjacyaha na NTIVUGURUZWA Jean Leonard (Igika cya 17).
- ❖ Urubanza N° RPAA 00041/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/04/2023 haburana Ubushinjacyaha na MUGIRANEZA Gérard (Igika cya 38).
- ❖ Urubanza N° RPAA 00052/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/01/2024 haburana Ubushinjacyaha na NIRINGIYIMANA Lambert (Igika cya 20).
- ❖ Urubanza N° RPAA 00574/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 24/05/2024 haburana Ubushinjacyaha na NKORERIMANA Benjamin (Igika cya 27).
- ❖ Urubanza N° RPAA 00428/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 14/03/2025, haburana Ubushinjacyaha na MUNYANEZA TEGEJO (igika cya 21).

VII.4.2. Inshingano zo gutanga ibimenyetso

VII.4.2.1. Urega niwe utanga ibimenyetso, ariko uregwa niwe ugaragaza ibimenyetso bibivuguruza, bitavanyeho ko urukiko rushobora gutegeka uwo ariwe wese mu baburanyi gutanga ibimenyetso.

Ingingo ya 4 agace ka mbere y' itegeko n° 062/2024 ryo ku wa 20/06/2024 rigenga ibimenyetso iteganya ko "*Urega cyangwa utanze ikibazo agaragaza ikimenyetso cy'ibyo aregera cyangwa asaba. Uwiregura agaragaza ikimenyetso gishyigikira ukwiregura kwe. Icyakora, umucamanza cyangwa ukemura ikibazo ashobora gutegeka umuburanyi cyangwa umwe mu bafitanye ikibazo cyangwa undi muntu gutanga cyangwa kwerekana ikimenyetso afite.*''

Umurongo watanzwe : Uwatanze ikirego cyangwa uzamuye ikibazo mu rubanza afite inshingano yo kubitangira ibimenyetso, iyo atanze ibyo bimenyetso uwo baburana nawe afite inshingano zo gutanga ibibivuguruza yireguza. Icyakora umucamanza ashobora gutegeka umwe mu baburanyi cyangwa undi wese kuba yagaragaza ikimenyetso runaka iyo bigaragaye ko ariwe ugifite.

Urubanza rwatanze umurongo : Urubanza N° RPAA 00606/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/02/2025 Ubushinjacyaha buburana na NIYONZIMA Fulgence bita papa Hope (igika cya 16).

VII.4.2.2. Uburanisha sinari mpari (alibi) aba afite inshingano yo kugaragaza gusa ko atashoboraga gukora icyaha aregwa kuko atari aho cyakorewe, naho Ubushinjacyaha bukagira inshingano zo kuvuguruza ibyo avuga no kugaragaza ko yakoze icyaha

Umurongo watanzwe : Uburanisha sinari mpari *(alibi)* niwe ugira inshingano yo kugaragaza ko atashoboraga gukora icyaha aregwa, kuko atari ari aho cyakorewe igihe cyakorwaga. Ubushinjacyaha nabwo bukagira ishingano yo kugaragaza bidashidikanywaho ko ariwe wakoze icyo cyaha, kandi ko ibyo aburanisha atari ukuri kuko yari ahari igihe icyaha cyakorwaga.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00371/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 15/12/2022, haburana Ubushinjacyaha na SEZIKEYE François (igika cya 12).

❖ Urubanza N° RPAA 00681/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 24/3/2023, haburana Ubushinjacyaha na HATEGEKIMANA Célestin (igika cya 16).

❖ Urubanza N° RPAA 00317/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 25/01/2024 haburana Ubushinjacyaha na NSENGIYUMVA Innocent (igika cya 35).

❖ Urubanza N° RPAA 00508/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 24/05/2024 haburana Ubushinjacyaha na KANAMUGIRE Blaise n'undi (igika cya 22).

❖ Urubanza N° RPAA 00586/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/05/2024 haburana Ubushinjacyaha na BANTEZIMINSI Jean Baptiste alias Habineza Joseph (igika cya 19).

❖ Urubanza N° RPAA 00251/2021/CA-00386/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 03/07/2024 haburana Ubushinjacyaha na KAYINAMURA Télésphore alias Maso (igika cya 28).

❖ Urubanza N° RPAA 00244/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/09/2024 Ubushinjacyaha buburana na Maj. MUDAHERANWA Godfrey alias KIRIKIRI (igika cya 26).

❖ Urubanza N° RPAA 00664/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 26/07/2024 Ubushinjacyaha buburana na LIBAKWE Aboubacar Elysée (igika cya 23).

❖ Urubanza N° RPA/GEN 00001/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 31/07/2024 haburana Ubushinjacyaha na TWAGIRAYEZU Wenceslas (igika cya 10).

❖ Urubanza N° RPA/GEN 00001/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 31/07/2024 haburana Ubushinjacyaha na TWAGIRAYEZU Wenceslas (igika cya 10).

❖ Urubanza N° RPAA 00265/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/05/2024 haburana Ubushinjacyaha na HAKIZIMANA Yves (igika cya 20).

VII.4.3. Guhamya uregwa icyaha

VII.4.3.1. Umucamanza ahamya uregwa icyaha iyo nyuma y'isesengura ry'ibimenyetso asanga nta wundi mwanzuro wagerwaho uretse uwo kumuhamya icyaha

Umurongo watanzwe : Kugira ngo Umucamanza afate icyemezo gihamya icyaha, agomba kuba afite ibimenyetso bihamya nta gushidikanya (preuves à conviction au-delà de tout doute raisonnable) ko ushinjwa ariwe wakoze icyaha. Umucamanza agomba gusesengurana ubushishozi uruhurirane rw'ibimenyetso, agahamya ushinjwa icyaha mu gihe gusa asanga nta wundi mwanzuro wagerwaho n'isesengura yakoze uretse iryo gusanisha uwakoze icyaha n'icyaha cyakozwe.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00737/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 16/12/2022, haburana Ubushinjacyaha na UWAYISABA HABIMANA Antoine (igika cya 16-17).

❖ Urubanza N° RPAA 00249/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/12/2024, haburana BAZIMAZIKI Gratien (igika cya 15).

❖ Urubanza N° RPAA 00793/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 24/01/2025, haburana NYIRANSABIMANA Josiane (igika cya 17).

❖ Urubanza N° RPAA 00368/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/02/2025, haburana NTAGANDA Moïse (igika cya 25).

❖ Urubanza N° RPAA 00379/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/03/2025, haburana HITIYAREMYE Pierre alias Kimasa (igika cya 20).

❖ Urubanza N° RPAA 00949/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/04/2025, Ubushinjacyaha buburana na HABIYAMBERE Phocas (igika cya 22).

❖ Urubanza N° RPAA 00217/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 15/05/2025, haburana NDAHIMANA Félix n'undi (igika cya 16).

❖ Urubanza N° RPAA 00389/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/05/2025, haburana NSENGIYUMVA Sam (igika cya 20).

❖ Urubanza N° RPAA 01014/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/05/2025, haburana NTAKIRUTIMANA alias Bebi (igika cya 18).

Ibyanditswe n'umuhanga: "Le juge ne peut déclarer un prévenu coupable que s'il a acquis l'intime conviction de sa culpabilité au-delà de tout doute raisonnable sur la base d'éléments de preuve qui lui ont été régulièrement produits et soumis à la contradiction et qu'il apprécie souverainement. (…) Certes, la jurisprudence n'interdit pas au juge de tirer une preuve d'un ensemble d'éléments convergents, même si ces éléments pris isolément ne fournissent pas une certitude suffisante. Mais encore faut-il s'assurer que ce résultat n'est atteint qu'au terme d'un raisonnement rigoureux basé sur la logique du raisonnable. En tout état de cause, le juge ne peut déclarer une personne coupable que s'il considère que la preuve de sa culpabilité a été rapportée au-delà de tout doute raisonnable", Henri-D. Bosly et Damien Vandermeersch, Droit de la Procédure Pénale, 2è éd., La Charte, 2001, Bruxelles, PP. 929-930.

VII.4.3.2. Uburwayi bwo mu mutwe butera ihungabana ariko budatuma umuntu atakaza ubushobozi bwo gushaka no kwigenzura ntibuba impamvu yo kudakurikiranwa ngo ahanirwe icyaha yakoze

Ingingo ya 85 y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganya byaha n'ibihano muri rusange iteganya ko : ''*Nta buryozwacyaha bubaho iyo 1° ushinjwa ari umwana utarageza ku myaka cumi n'ine (14) ; 2° ushinjwa yari afite uburwayi bwo mu mutwe mu gihe yakoraga icyaha. Uwitesheje ubwenge yabishatse mu gihe cyo gukora icyaha aryozwa icyaha yakoze n'ubwo yaba yaritesheje ubwenge atagambiriye gukora icyaha*''.

Umurongo watanzwe : Uburwayi bwo mu mutwe butuma hatabaho uburyozwacyaha ni igihe ukurikiranywe aba afite uburwayi bwo mu mutwe uko bwaba bumeze kose, kuba ubwo burwayi butuma atakaza ubwenge bwe, kuba ubwo burwayi yari abufite mu gihe yakoraga ibikorwa akurikiranyweho, butuma atakaza ubushobozi bwo kumva ibyo akora cyangwa ubwo kwiyobora mu bikorwa bye. Uburwayi bwo mu mutwe butera ihungabana ariko budatuma umuntu atakaza ubushobozi bwo gushaka no kwigenzura ntibwaba impamvu yo kudakurikiranwa ngo ahanirwe icyaha yakoze.

Izindi manza zafashwemo uyu murongo:

❖ Urubanza N° RPA 0216/12/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 12/10/2018, haburana Ubushinjacyaha na RUTEMBESA Modeste.

❖ Urubanza RPAA 00010/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 24/04/2023 haburana Ubushinjacyaha na BIGARUKA Jean Claude (igika cya 18).

❖ Urubanza RPA 00223/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/06/2023 haburana Ubushinjacyaha na NSHIMIYIMANA Vincent alias SINDIKUBWABO (igika cya 25).

❖ Urubanza RPAA 00027/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 24/01/2025, haburana Ubushinjacyaha na MURAGIJIMANA Eric (igika cya 15).

❖ Urubanza RPAA 00496/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/03/2025, haburana Ubushinjacyaha na UWIRAGIYE Janvier alias Sharif (igika cya 16).

VII.4.3.3. Urukiko ntirutegetswe gusuzuma buri cyose, uko cyavuzwe n'ababuranyi

Umurongo watanzwe: Urubanza rugomba gusubiza ku buryo bweruye cyangwa butaziguye ku byasabwe byose n'ababuranyi, ku nzitizi batanze no ku mpaka (impamvu) bagaragaje, ariko ntirutegetswe gusuzuma imwe ku yindi muzo bagaragaje zose, icyagombwa ni uko mu rubanza rwaciwe hagaragaramo impamvu zatumye ibyasabwe, inzitizi zatanzwe n'impaka (impamvu) zagaragajwe bitahawe agaciro.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPA 00001/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 14/02/2025, Ubushinjacyaha buburana na MUGIMBA Jean-Baptiste (igika cya 36).

❖ Urubanza N° RPAA 00354/2024/CA-CMB 00378/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/03/2025, haburana Ubushinjacyaha na NTABANGANYIMANA Zawadi (igika cya 45).

Inyandiko z'abahanga:

✓ *"La décision doit répondre explicitement ou implicitement à toutes les demandes, les exceptions et les moyens, formulés par les parties et le ministère public. Le juge ne doit toutefois pas les examiner un à un: il suffit que de l'ensemble de la décision apparaissent les raisons pour lesquelles la demande, le moyen ou l'exception a été rejeté'', Michel Franchimont, Ann Jacobs et Adrien Masset, Manuel de procédure pénale, 2e édition, Larcier, Bruxelles, 2006, P. 722".*

✓ *"Attendu que si le juge du fond doit répondre à tout chef de demande, à toute défense et à toute exception présentée par l'une des parties, il n'est pas tenu de rencontrer en termes exprès les*

arguments ou allégations de pur fait; que les décisions sont suffisamment et légalement motivées si elles opposent à ces arguments ou allégations une appréciation de fait dont résulte leur défaut de fondement'', Cass., 27 février 1939, Pas., 1939, I, p.101 in Michel Franchimont, Ann Jacobs et Adrien Masset, idem.

VII.4.4. Icyaha cyo gusambanya umwana

VII.4.4.1. Raporo ya muganga si kamara kugira ngo urukiko ruce urubanza – Ishobora kuba kimwe mu bimenyetso

Umurongo watanzwe: Ikimenyetso cya "*expertise médicale*" (raporo ya muganga) gishobora kuba kimwe mu bimenyetso ariko sicyo nshinganwa Urukiko rushingiraho kugira ngo ruce urubanza cyane cyane mu gihe uwakoze icyaha abyiyemerera kandi agasobanura inzira zose yanyuzemo kugirango abigereho. N'iyo "*expertise médicale*" yaba ihari ntiboha umucamanza ku buryo agomba kuyigenderaho byanze bikunze.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00591/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/01/2024, Ubushinjacyaha buburana na NSHIMIYIMANA Eric (igika cya 27).

❖ Urubanza N° RPAA 00433/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/01/2024, Ubushinjacyaha buburana na AYINGENEYE BUTSURI François (igika cya 22).

❖ Urubanza N° RPAA 00212/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/03/2024 haburana Ubushinjacyaha na UWAJYIWABO Nzabandora Mayonde (igika cya 22).

❖ Urubanza N° RPAA 00538/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 18/03/2024 Ubushinjacyaha buburana na TWAGIRIMANA Issa (igika cya 20-21).

❖ Urubanza N° RPAA 00630/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/05/2024 Ubushinjacyaha buburana na KAREMA John (igika cya 19).

❖ Urubanza N° RPAA 00253/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/06/2024 Ubushinjacyaha buburana na NDACYAYISENGA Aimable (igika cya 29).

❖ Urubanza N° RPAA 00629/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/06/2024 haburana Ubushinjacyaha na MUTARAGA Zanora (igika cya 27).

❖ Urubanza N° RPAA 00609/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/09/2024 haburana Ubushinjacyaha na NDAYAMBAJE Jean Bosco (igika cya 36).

❖ Urubanza N° RPAA 00537/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/09/2024 haburana Ubushinjacyaha na MBARUSHIMANA Yangu (igika cya 29).

❖ Urubanza N° RPAA 00414/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/01/2025 haburana Ubushinjacyaha na NIYOMUKIZA Samuel (igika cya 17).

VII.4.4.2. Raporo ya muganga igaragaza ko akarangabusugi k'umwana wasambanyijwe ari kazima si ikimenyetso cy'uko umwana atasambanyijwe

Ingingo ya 133, igika cya mbere, y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu, 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°gushyira urugingo urwo arirwo rwose rw'umubiri w'umuntu mu gitsina cyangwa mu kibuno cy'umwana; 3°gukora ikindi gikorwa cyose ku mubiri w'umwana hagamije ishimishamubiri (..)".

Umurongo watanzwe: Kuba umwana yasanganwa akarangabusugi kazima, ubwabyo byonyine si ikimenyetso cy'uko hatabayeho igikorwa cyo kumusambanya.

Imanza zafashwemo uyu murongo:

- ❖ Urubanza n° RS/INJUST/RP 00003/2019/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 28/01/2022 haburana Ubushinjacyaha na NIYONSABA Eric, (igika cya 23)
- ❖ Urubanza N° RPAA 00634/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 31/03/2023 haburana Ubushinjacyaha na MACUMI Joseph (igika cya 18).
- ❖ Urubanza N° RPAA 00029/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 19/04/2024 Ubushinjacyaha buburana na NSIGAYE Gasigwa (igika cya 29).
- ❖ Urubanza N° RPAA 00473/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 31/01/2024, haburana Ubushinjacyaha na NIYOMWUNGERI Theophile (igika cya 22).
- ❖ Urubanza N° RPAA 00400/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/01/2025 Ubushinjacyaha buburana na RUKUNDO Jean Claude (igika cya 38).
- ❖ Urubanza N° RPAA 00591/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 26/02/2025 Ubushinjacyaha buburana na AKOYIREMEYE Celine (igika cya 23).

VII.4.4.3. Inyandiko y'ivuka (acte de naissance) y'umwana itanzwe n'Umwanditsi w'irangamimerere niyo igaragaza imyaka y'umwana wasambanyijwe

- ✓ Ingingo ya 66, agace ka mbere (1°), y'Itegeko n° 32/2016 ryo ku wa 28/08/2016 rigenga abantu n'umuryango, iteganya ko *"Inshingano z'umwanditsi w'irangamimerere ni ugukora inyandiko z'irangamimerere zerekeranye n'ibyo amenyeshwa, kuzikosora no gutanga kopi zazo"*

Umurongo watanzwe : Inyandiko y'ivuga *(acte de naissance)* itanzwe n'Umwanditsi w'irangamimerere w'aho umwana yavukiye cyangwa se w'aho ababyeyi be baba cyangwa batuye niyo ishingirwaho habarwa imyaka umwana yari afite igihe yasambanywaga. Mu gihe itabashije kuboneka hatangwa urubanza ruyisimbura *(jugement supplétif)* cyangwa ruyikosora *(jugement rectificatif)*.

Imanza zafashwemo uyu murongo:

- ❖ Urubanza N° RPAA 00309/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 16/09/2022 haburana Ubushinjacyaha na IRADUKUNDA Daniel (igika cya 22).

❖ Urubanza N° RPAA 00662/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 28/10/2022 haburana Ubushinjacyaha na BANGINEZA Jean Claude (igika cya 22).

❖ Urubanza N° RPAA 00140/2022/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/02/2024 rw'Ubushinjacyaha na TWAGIRIMANA Enock (igika cya 9).

❖ Urubanza N° RPAA 00517/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/03/2024 rw'Ubushinjacyaha na HAKORIMANA Emmanuel (igika cya 14).

❖ Urubanza N° RPAA 00348/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/05/2024 rw'Ubushinjacyaha na TURIKUNKIKO Egide (igika cya 17).

❖ Urubanza N° RPAA 00177/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/05/2024 haburana Ubushinjacyaha na NSABIMANA Jean Claude (Igika cya 19).

❖ Urubanza N° RPAA 00182/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/06/2024 haburana Ubushinjacyaha na NKURUNZIZA Silas (igika cya 18).

❖ Urubanza N° RPAA 00409/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/01/2025 haburana Ubushinjacyaha na NKURUNZIZA Debrande (igika cya 15).

❖ Urubanza N° RPAA 00486/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 26/02/2025 haburana Ubushinjacyaha na NYAMWASA Myasiro Thaddée (igika cya 17).

❖ Urubanza N° RPAA 00391/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 17/04/2025 haburana Ubushinjacyaha na BUCYANAYANDI Jean de Dieu (igika cya 18).

❖ Urubanza N° RPAA 00336/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/05/2025 haburana Ubushinjacyaha na NSHIMIYIMANA Samuel (igika cya 35).

VII.4.4.4. Nta rwitwazo na rumwe rushobora gusobanura icyatumye umuntu asambanya umwana ku buryo byamuviramo kudahanwa

✓ *Ingingo* ya 14 y'itegeko n° 059/2023 ryo ku wa 04/12/2023 rihindura Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange iteganya ibikurikira: (1) Umuntu ukorera ku mwana kimwe mu bikorwa bishingiye ku gitsina bikurikira, aba akoze icyaha: "(a)gushyira igitsina cy'umuntu mu gitsina, mu kibuno cyangwa mu kanwa by'umwana; (b)gushyira urugingo urwo ari rwo rwose rw'umubiri w'umuntu mu gitsina cyangwa mu kibuno cy'umwana; (c) gukora ikindi gikorwa cyose ku mubiri w'umwana hagamijwe ishimishamubiri. (…)".

Umurongo watanzwe : Ukoreye ku mwana kimwe mu bikorwa biteganywa n'ingingo ya 14 y'itegeko n° 059/2023 ryo ku wa 04/12/2023 rihindura Itegeko n° 68/2018 ryo ku wa 30/08/2018 aba akoze icyaha cyo gusambanya umwana kandi nta rwitwazo na rumwe rushobora gusobanura icyatumye umuntu asambanya umwana ku buryo byamuviramo kudahanwa.

Urubanza rwatanze umurongo : Urubanza N° RPAA 00055/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/03/2025, Ubushinjacyaha buburana na MANIZABAYO Patrick (igika cya 18).

VII.4.4.5. Kwireguza ko nta bwandu bwa Sida uregwa yateye umwana wasambanyijwe ntacyo bimumarira kuko iyo ndwara itandura buri uko habaye imibonano mpuzabitsina

Umurongo watanzwe: Si ngombwa buri gihe ko uregwa ufite ubwandu bwa Sida agakorana imibonano mpuzabitsina n'undi amutera byanze bikunze iyo ndwara, kandi kubiburanisha ntacyo bimarira uregwa kuko aba adakurikiranyweho icyaha cyo kuba yaranduje iyo ndwara uwo yasambanyije ahubwo akurikiranyweho icyo kumusambanya.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00020/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/01/2022 haburana Ubushinjacyaha na SINDIHOKUBWAYO Théodomir (igika cya 38).

❖ Urubanza N° RPAA 00142/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/12/2023 haburana Ubushinjacyaha na NTAKIRUTIMANA Pierre (igika cya 17).

❖ Urubanza N° RPAA 00435/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/01/2024 haburana Ubushinjacyaha na IBYIMANIGIRA Déo (igika cya 31).

VII.4.5. Icyaha cyo gukora inyandiko itavugisha ukuri

VII.4.5.1. Habaho inyandiko itavugisha ukuri iyo icyo igamije kitagerwaho mu buryo busanzwe hadakoreshejwe uburiganya

Umurongo watanzwe : Nta mugambi w'uburiganya (intention frauduleuse) wabaho mu gihe hatagaragara icyo ubwo buriganya bwamarira ubukora. Uburiganya mu gukora inyandiko itavugisha ukuri bugaragarira mu gukora inyandiko igamije guhesha umuntu inyungu/uburenganzira atashoboraga kubona mu buryo busanzwe, akaba yabibona gusa ari uko ahimbye iyo nyandiko.

Imanza zafashwemo uyu murongo :

❖ Urubanza N° RS/INJUST/RP 00008/2018/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 28/02/2020, Ubushinjacyaha buburana na BEZA Kevin na bagenzi be.

❖ Urubanza N° RS/INJUST/RP 00003/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/04/2025, HANGANIMANA Hesron n'abandi (igika cya 27).

VII.4.6. Icyaha cy'ubwicanyi cyateye urupfu n'icyo gukubita no gukomeretsa ku bushake

VII.4.6.1. Umugambi wo gukubita ugamije kwica usuzumirwa mu cyakoreshejwe mu gukubita no kugice cy'umubiri cyakubiswe

✓ Ingingo ya 107 y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange iteganya ko: *Umuntu wica undi abishaka, aba akoze icyaha. Iyo abihamijwe n'urukiko, ahanishwa igihano cy'igifungo cya burundu.*

✓ Ingingo ya 121 y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange iteganya ko: *Umuntu, abishaka, ukomeretsa undi, umukubita cyangwa umusagarira ku buryo bwa kiboko bubabaje aba akoze icyaha (…) Iyo gukubita cyangwa gukomeretsa byateye*

urupfu, igihano kiba igifungo kitari munsi y'imyaka 10 ariko kitarenze imyaka 20 n'ihazabu itari munsi ya 3.000.000 FRW ariko itarenze 5.000.000 FRW."

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).

Imanza zafashwemo uyu murongo:

❖ Urubanza N° 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 N° 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 N° RPAA 00001/2019/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 6/5/2020, haburana Ubushinjacyaha na KANANI Eugène.

❖ Urubanza N° 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 00829/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/03/2025 Ubushinjacyaha buburana na NGIRUWONSANGA Emmanuel (igika cya 17).

❖ Urubanza N° RPAA 00383/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/02/2025 Ubushinjacyaha buburana na MURINDWA Martin bita Rivani (igika cya 14).

❖ Urubanza N° RPAA 00854/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/04/2025 Ubushinjacyaha buburana na MUHAYIMANA Dismas (igika cya 13).

❖ Urubanza N° RPAA 00361/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/05/2025 Ubushinjacyaha buburana na NDABAZI Evariste (igika cya 17).

❖ Urubanza N° RPAA 00974/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/05/2025 Ubushinjacyaha buburana na RWABUHUNGU Jeremie (igika cya 12).

❖ (…)

VII.4.6.2. Itandukaniro bw'icyaha cy'ubwicanyi budaturutse ku bushake n'icyaha cyo gukubita cyangwa gukomeretsa byateye urupfu – bitandukanira ku bushake bwo gukora igikorwa kibujijwe bigatera urupfu no ku mugambi wo gukora icyo gikorwa

✓ *Ingingo ya 111 y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange iteganya ibikurikira : "Umuntu wica undi bw'ububuraburyo, uburangare, ubushishozi buke, umwete muke, kudakurikiza amabwiriza cyangwa ubundi buteshuke bwose ariko adafite umugambi wo kumwica, aba akoze icyaha. Iyo abihamijwe n'urukiko ahanishwa igifungo kitari munsi y'amezi atandatu (6) ariko kitarenze imyaka ibiri (2) n'ihazabu y'amafaranga atari munsi*

y'ibihumbi magana atanu (500.000 FRW) ariko atarenze miliyoni ebyiri (2.000.000 FRW) cyangwa kimwe gusa muri ibyo bihano".

✓ *Ingingo ya 121 igika cya mbere n'icya gatanu y'iryo tegeko iteganya ibikurikira: "Umuntu wese, abishaka, ukomeretsa undi, umukubita cyangwa umusagarira ku buryo bwa kiboko bubabaje aba akoze icyaha. (…) Iyo gukubita cyangwa gukomeretsa byateye urupfu, igihano kiba igifungo kitari munsi y'imyaka cumi n'itanu (15) ariko kitarenze imyaka makumyabiri (20) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni eshanu (5.000.000 FRW) ariko atarenze miliyoni zirindwi (7.000.000 FRW)".*

Umurongo watanzwe: Itandukaniro riri hagati y'icyaha cy'ubwicanyi budaturutse ku bushake n'icyo gukubita cyangwa gukomeretsa byateye urupfu ni uko icyaha cy'ubwicanyi budaturutse ku bushake ukiregwa nta bushake bwo gukora igikorwa kibujijwe aba yagize n'ubwo ibikorwa bye bigira ingaruka zitera urupfu; mu gihe ikindi, ukiregwa aba yagize ubushake bwo gukora ibikorwa bibujijwe bikaza kuvamo urupfu ariko ataricyo cyari kigamijwe.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00114/2022/CA, rwaciwe n'Urukiko rw'ubujurire ku wa 27/01/2023 haburana Ubushinjacyaha na NDAYAMBAJE Felicien (igika cya 13).

❖ Urubanza N° RPAA 00262/2022/CA, rwaciwe ku wa 18/05/2023 haburana Ubushinjacyaha na NTIBARUTAYE Guillaume (igika cya 13).

VII.4.6.3. Uri mu gihiriri cy'abahamwe n'icyaha cyo gukubita, gukomeretsa no kwica afatwa nk'uwagifatanyije nabo

Umurongo watanzwe: Ku cyaha cyakozwe n'igihiriri cy'abantu benshi bayobowe n'uburakari, cyane cyane icyaha cyo gukubita no gukomeretsa ndetse no kwica, si ngombwa ko ugikurikiranweho aba nawe yafashe intwaro ngo ateme cyangwa ngo akubite kugira ngo aryozwe icyo cyaha, apfa gusa kuba yari muri iyo mbaga kandi icyaha kikaba cyakozwe.

Imanza zafashwemo uyu murongo:

❖ Urubanza n° RPA 0121/07/CS rwaciwe n'Urukiko rw'ikirenga ku wa 18/04/2008, Ubushinjacyaha buburana na MUNYAMPUNDU na MUVUNYI Edouard (igika cya 24-26).

❖ Urubanza RPAA 00033/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/3/2023 haburana Ubushinjacyaha na NTITENGUHA Théoneste (igika cya 13).

❖ Urubanza RPAA 00116/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/05/2024 haburana Ubushinjacyaha na HAKIZIMANA Emmanuel (igika cya 14).

❖ Urubanza RPAA 00019/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/09/2024 haburana Ubushinjacyaha na KIGENZA Charles bita Toto (igika cya 16).

❖ Urubanza N° RPAA 00582/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/02/2025 Ubushinjacyaha buburana na NYIRAMINANI Julienne (igika cya 40).

VII.4.7. Icyaha cya Jenoside

VII.4.7.1. Ubushake bwo gucura umugambi (Conspiration) wa jenoside n'uw'icyaha cya jenoside ni bumwe – ntibusaba umugambi wihariye

✓ Ingingo ya 20 y'Itegeko n° 68/2018 ryo ku wa 30/8/2018 riteganya ibyaha n'ibihano muri rusange iteganya ko '' *Gucura umugambi wo gukora icyaha ari ubwumvikane hagati y'abantu babiri (2) cyangwa benshi bugamije gukora icyaha cyakorwa n'umwe cyangwa benshi muri bo''*.

✓ Ingingo ya 91 y'iryo Tegeko ivuga ko : *''icyaha cya jenoside ari ukwica abantu, kubatera ubumuga bw'umubiri cyangwa bwo mu mutwe, kubashyira ubigambiriye mu mibereho ishobora gutuma barimbuka bose cyangwa harimbuka igice cyabo, gufata ibyemezo bibabuza kubyara no kubambura ku ngufu urubyaro rwabo ukaruha abandi bantu badahuje, bikozwe bigambiriwe, bigamije kurimbura abantu bose cyangwa bamwe muri bo, bahuriye ku bwenegihugu, ku bwoko, ku ibara ry'uruhu cyangwa ku idini, bazira icyo bari cyo, haba mu bihe bisanzwe cyangwa mu bihe by'intambara''.nk'icyaha igihe byakorwaga. Ibyaha n'ibihano bijyanye na byo biteganywa n'amategeko."*

✓ *Ingingo* ya 93, agace ka mbere (1°), y'iryo Tegeko iteganya ko *bitabangamiye ibiteganywa n'izindi ngingo z'iri tegeko ku byerekeye ubwinjiracyaha, gucura umugambi wo gukora icyaha n'ubufatanyacyaha, gucura umugambi wo gukora jenoside bihanishwa ibihano biteganyirijwe icyaha cya jenoside."*

Umurongo watanzwe: Gucura umugambi wo gukora jenoside bifatwa nk'icyaha cya jenoside ku buryo ubushake bwihariye bwo gukora ibyo byaha byombi ari bumwe, bivuze ko ubwumvikane hagati y'abantu babiri (2) cyangwa benshi bwo gukora jenoside buba bugamije kurimbura abantu bose cyangwa bamwe, bahuriye ku bwenegihugu, ku bwoko, ku ibara ry'uruhu cyangwa ku idini, bazira icyo bari cyo, byakorwa n'umwe cyangwa benshi muri bo.

Imanza zatanze umurongo:

❖ Urubanza N° RPA 00001/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 14/02/2025, Ubushinjacyaha buburana na MUGIMBA Jean-Baptiste (igika cya 109).

❖ Case n° ICTR-96-13-T, The Prosecutor v. MUSEMA Alfred, 16 November 2001, para192.

❖ Case no. ICTR 99-52-A, The Prosecutor v. NAHIMANA Ferdinand, 28 Nov 2007, para 894.

VII.4.7.2. Ubushake bwo kuba icyitso muri jenoside bugaragarira mu bikorwa byo gufasha, guhagarikira cyangwa gushuka nkana undi muntu gukora jenoside

Umurongo watanzwe : Ubushake bwo kuba icyitso muri jenoside bugaragara mu gihe uregwa kuba icyitso mu cyaha cya jenoside yafashije cyangwa yahagarikiye cyangwa yashutse, azi icyo abigiriye kandi abishaka, undi muntu cyangwa abandi bantu gukora jenoside, azi neza ko uwo muntu cyangwa abo bantu barimo gukora jenoside, n'ubwo uregwa yaba atari afite umugambi wo kurimbura abantu bose cyangwa bamwe muri bo, bahuriye ku bwenegihugu, ku bwoko, ku ibara ry'uruhu cyangwa idini, bazira icyo baricyo.

Imanza zatanze umurongo :

❖ Urubanza N° RPA 00001/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 14/02/2025, Ubushinjacyaha buburana na MUGIMBA Jean-Baptiste (igika cya 116).

❖ Urubanza n° ICTR-96-4-T rwaciwe n'Urukiko Mpanabyaha Mpuzamahanga rwashyiriweho u Rwanda ku wa 2/9/1998, Ubushinjacyaha buburana na AKAYEZU Jean-Paul (igika cya 545).

VII.4.8. Icyaha cy'iterabwoba

VII.4.8.1. Igisobanuro cy'igikorwa cy'iterabwoba

✓ Ingingo ya 2, agace ka 4, y'Itegeko N° 46/2018 ryo ku wa 13/08/2018 ryerekeye kurwanya iterabwoba isobanura ko igikorwa cy'iterabwoba ari: a) *igikorwa cyose cyagambiriwe kinyuranyije n'amategeko mpanabyaha gishobora kubangamira ubuzima, umutekano, umudendezo, gukomeretsa bikomeye cyangwa guteza urupfu rw'umuntu uwo ari we wese, umubare runaka cyangwa itsinda ry'abantu cyangwa cyangiza cyangwa gishobora kwangiza umutungo wa Leta cyangwa uw'umuntu ku giti cye, umutungo kamere, ibidukikije cyangwa umurage ndangamuco, gikozwe hagamijwe:*

i) gukanga, gutera ubwoba, gukoresha ku ngufu, guhatira cyangwa gutera Leta, umuryango, urwego, abaturage cyangwa icyiciro runaka cyabo gukora cyangwa kudakora igikorwa icyo ari cyo cyose, gufata cyangwa kureka umurongo runaka cyangwa kugendera ku mahame runaka; ii) kubuza imirimo ya Leta igenewe abaturage, itangwa rya serivisi za ngombwa ku baturage gukomeza uko bisanzwe cyangwa guteza imidugararo; iii) guteza ubwigomeke ku butegetsi mu gihugu;".

✓ *Agace ka 11 k'iyo ngingo kavuga ko umutwe w'iterabwoba ari itsinda ry'abantu rikorera kuri gahunda, kandi rifite umugambi wo gukora ibikorwa by'iterabwoba.*

Umurongo watanzwe mu rubanza: Igikorwa cy'iterabwoba ni igikorwa cyose cyagambiriwe kandi cyateguriwe uburyo n'inzira kizakorwamo mu mugambi wo kugirira nabi abantu n'ibyabo hatitawe ku itandukaniro iryo ari ryo ryose ku bo kigamije kugiraho ingaruka. Igikorwa cyagambiriwe kivugwa mu ngingo ya 2, agace ka 4, y'Itegeko N° 46/2018 ryo ku wa 13/08/2018 kigomba kugaragarira mu byagezweho mu ikorwa ry'icyaha birebewe hamwe n'impamvu n'uburyo byateguwe, ni ukuvuga ko igihanwa atari umugambi gusa udafite ibikorwa biwugaragaza.

Imanza zafashwemo uyu murongo :

❖ Urubanza N° RPA 00012/2019/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/11/2019 haburana Ubushinjacyaha na Lt MUTABAZI Joël na bagenzi be

❖ Urubanza N° RPA 00060/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 04/04/2022 haburana Ubushinjacyaha na NSABIMANA Callixte alias Sankara na bagenzi be (igika cya 97).

VII.4.8.2. Nta bwinjiracyaha bwo kuba mu mutwe w'iterabwoba bwabaho kuko gukora igikorwa kimwe mu bigize icyo cyaha ubwacyo icyaha kiba cyatsotsobwe

✓ Ingingo ya 18 y'Itegeko n° 46/2018 ryo ku wa 13/08/2018 ryekeye kurwanya iterabwoba iteganya ko *"Umuntu uba cyangwa wemera kuba mu mutwe w'iterabwoba cyangwa ugira uruhare*

mu bikorwa by'umutwe w'iterabwoba cyangwa ukora ikintu cyose cyongerera ubushobozi undi mutwe w'iterabwoba, aba akoze icyaha…".

✓ Ingingo ya 21 igika cya 1 y'Itegeko n° 68/2018 ryo ku wa 30/8/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu iteganya ibikurikira: *"Ubwinjiracyaha buhanirwa iyo umugambi wo gukora icyaha wagaragajwe n'igikorwa kimwe cyangwa byinshi biboneka, bidashidikanywa by'intangiriro y'icyaha biganisha ku ikorwa ryacyo, nyuma bigahagarikwa, bikabuzwa kugera ku cyifuzo cyangwa bikazitirwa n'impamvu zidakomoka ku bushake bwa nyir'ugukora icyaha".*

Umurongo watanzwe: Ubwinjiracyaha bubaho mu gihe ibikorwa biboneka, bidashidikanywaho by'intangiriro y'icyaha biganisha ku ikorwa ryacyo, biba byahagaritswe cyangwa byabujijwe kugera ku cyifuzo cyangwa byazitiwe n'impamvu idakomoka ku bushake bwa nyir'ugukora icyaha, mu gihe icyaha cyo kuba mu mutwe w'iterabwoba, yaba umuntu wamaze kwinjira mu mutwe w'iterabwoba, yaba uwamaze kwemera kuwinjiramo cyangwa uwatangiye kuwugiramo uruhare cyangwa ukora ikintu cyose kiwongerera ubushobozi aba yamaze gukora icyaha (infraction consommée). Nta bwinjiracyaha bwo kuba mu mutwe w'iterabwoba bwabaho kuko gukora igikorwa kimwe mu bigize icyo cyaha ubwacyo icyaha kiba cyatsotsobwe.

Urubanza rwatanze umurongo: Urubanza N° RPA 00103/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 14/02/2025, Ubushinjacyaha buburana na MUTIGANDA Thierry na bagenzi be (igika cya 63).

VII.4.9. Icyaha cyo kurema umutwe w'ingabo utemewe cyangwa kuwujyamo

VII.4.9.1. Uruhushya rwo gutangiza iperereza ku cyaha cyo kurema umutwe w'ingabo utemewe rutangwa n'Umushinjacyaha Mukuru ku giti cye ku musirikare rugatangwa n'Umushinjacyaha Mukuru wa Gisirikare

✓ Ingingo ya 200, igika cya nyuma, y'Itegeko no 68/2018 ryo ku wa 30/8/2018 riteganya ibyaha n'ibihano muri rusange iteganya ibikurikira: *'' Ibyaha bivugwa mu gika cya mbere n'icya kabiri (2) by'iyi ngingo: (Kurema umutwe w'ingabo utemewe cyangwa kuwujyamo) bikurikiranwa biregewe cyangwa bitangiwe uruhushya n'Umushinjacyaha Mukuru cyangwa Umushinjacyaha Mukuru wa Gisirikare bitewe n'uwakoze icyaha".*

Umurongo watanzwe :

1.Kugira ngo hatangizwe iperereza ku muntu wese ukekwaho kuba yarakoze icyaha cyo kurema umutwe w'ingabo utemewe cyangwa wawugiyemo ; Ubugenzacyaha cyangwa Umushinjacyaha uwo ariwe wese abisabira uruhushya Umushinjacyaha Mukuru. Umuturage usanzwe ukekwaho kuba yarakoze icyo cyaha, uruhushya rutangwa n'Umushinjacyaha Mukuru ku giti cye, ku musirikare rugatangwa n'Umushinjacyaha Mukuru wa Gisirikare ku giti cye, mu gihe bidashoboka rugatangwa n'ababungirije ku giti cyabo.

2.Iyo Urukiko rubanza rwaburanishije ukekwaho kuba yarakoze icyaha cyo kurema umutwe w'ingabo utemewe cyangwa wawugiyemo kandi yarakurikiranywe Umushinjacyaha Mukuru atabitangiye uburenganzira, urukiko rwajuririwe rutesha agaciro urubanza rwajuririwe, rugategeka ko ukekwa arekurwa, hakubahirizwa ibiteganywa n'itegeko.

Urubanza rwatanze umurongo : Urubanza N° RPAA 00029/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 23/02/2024, Ubushinjacyaha buburana na HABINEZA Olivier (igika cya 13).

VII.4.10. Kuregwa icyaha cyo kurema umutwe w'abagizi ba nabi n'icyo kuba mu mutwe wemejwe n'urukiko ko ari uw'iterabwoba

VII.4.10.1. Abaregwa ntibashobora gukurikiranwaho icyarimwe icyaha cyo kurema umutwe w'abagizi ba nabi n'icyo kuba mu mutwe w'iterabwoba – inyito y'icyaha yoroheje iburizwamo n'iremereye.

Umurongo watanzwe mu rubanza : Abaregwa ntibashobora guhamwa n'icyaha cyo kurema umutwe w'abagizi ba nabi, mu gihe bari mu mutwe wemejwe kuba uw'iterabwoba, ugamije ibikorwa by'iterabwoba ahubwo inyito y'icyaha yoroheje iburizwamo n'ikomeye.

Imanza zafashwemo uyu murongo :

❖ Urubanza N° RPA 00012/2019/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 11/03/2022, Ubushinjacyaha buburana na HATANGISHAKA Gasore na bagenzi be.

❖ Urubanza N° RPA 00060/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 04/04/2022 haburana Ubushinjacyaha na NSABIMANA Callixte alias Sankara na bagenzi be (igika cya 65-66).

❖ Urubanza N° RPA 00004/2022/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 13/05/2022 haburana Ubushinjacyaha na NKAKA Ignace alias La Forge Fils Bazeye na NSEKANABO Jean Pierre alias Kamara Abega (igika cya 30-31).

❖ Urubanza N° RPA 00047/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 14/03/2024, Ubushinjacyaha buburana na Maj (Rtd) MUDATHIRU Habib alias Mussa na bagenzi be (igika cya 179-180).

❖ Urubanza N° RPA 00016/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/03/2024, Ubushinjacyaha buburana na ABAYISENGA Vénant na bagenzi be (igika cya 217-218).

❖ Urubanza N° RPA 00103/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 14/02/2025, Ubushinjacyaha buburana na MUTIGANDA Thierry na bagenzi be (igika cya 37).

❖ Urubanza N° RPA 00045/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/01/2025, Ubushinjacyaha buburana na SENDEGEYA Alexis na bagenzi be (igika cya 18).

VII.4.11. Icyaha cy'icuruzwa ry'abantu no gushakira inyungu ku bandi

VII.4.11.1. Ibikorwa bigize icyaha cy'icuruzwa ry'abantu

✓ Ingingo ya 3 y'Itegeko n° 51/2018 ryo ku wa 13/8/2018 ryerekeye gukumira, kurwanya no guhana icuruzwa ry'abantu no gushakira inyungu ku bandi, agace kayo ka kane (4°a) iteganya ko *ugushakira inyungu mu wundi ari ugukoresha undi imirimo y'agahato, ubucakara n'ibindi bikorwa bifitanye isano n'ubucakara, haba mu Rwanda cyangwa mu mahanga. Agace kayo ka gatandatu (6°a) gateganya ko icuruzwa ry'abantu bisobanura igikorwa cyose gikozwe n'umuntu hagamijwe gushaka inyungu, uha cyangwa ushakira undi akazi, utwara, wimura, uhisha cyangwa*

wakira undi muntu; hakoreshejwe ibikangisho, imbaraga cyangwa ubundi buryo bwose bw'agahato, ishimuta, uburiganya, ubushukanyi, kumubonerana kubera ububasha umufiteho cyangwa kubera ko ari umunyantege nke, gutanga cyangwa kwakira ubwishyu cyangwa inyungu kugira ngo umuntu ufite ububasha ku wundi muntu yemere. Naho agace kayo ka karindwi (7° a, b, c na d) dusobanura ko icuruzwa ry'abantu ryambukiranya imipaka bisobanura, icyaha cy'icuruzwa ry'abantu gikorewe mu bihugu birenze kimwe, mu gihugu kimwe ariko iyo ibikorwa by'ingenzi byo kugitegura, gucura umugambi wo kugikora, kukiyobora no kukigenzura byakorewe mu kindi gihugu; mu gihugu kimwe ariko kigizwemo uruhare n'itsinda ry'abagizi ba nabi bagaragayeho gukorera ibyaha mu bihugu birenze kimwe; mu gihugu kimwe ariko ingaruka zacyo zikagera mu kindi gihugu (…..)''.

Umurongo watanzwe: Kugira ngo uregwa ahamwe n'icyaha cy'icuruzwa ry'abantu agomba kuba yarakoze kimwe mu bikorwa cyangwa byose bikurikira; guha cyangwa gushakira undi akazi, gutwara, kwimura, guhisha cyangwa kwakira undi muntu, akoresheje ibikangisho, imbaraga, ubundi buryo bwose bw'agahato, ishimuta, uburiganya, ubushukanyi, kubonerana umuntu kubera ububasha umufiteho, kubonerana umunyantege nke, gutanga cyangwa kwakira ubwishyu cyangwa inyungu kugira ngo umuntu ufite ububasha ku wundi yemere, agamije gushaka inyungu, ni ukuvuga agamije kumukoresha imirimo y'agahato, ubucakara, ubugwate mu kwishyura umwenda, nk'umuja cyangwa umugaragu, kumubanisha ku gahato nk'umugabo n'umugore, kumuhatira gutwara inda cyangwa kuyitwarira undi, kumukoresha mu gusabiriza, kubera umubyeyi umwana atabyaye, kumwakira mu muryango cyangwa kumwishingira ashaka kumugira umucakara, kumukoresha mu gusabiriza, guca ingingo z'umubiri cyangwa ibice by'umubiri w'undi n'ibindi bikorwa byose byo gushakira inyungu mu wundi muntu biteganywa n'amategeko.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPA 00014/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 31/05/2022, Ubushinjacyaha buburana na MUSABYIMANA Joselyne (igika cya 38).

❖ Urubanza N° RPA 00001/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/03/2024 Ubushinjacyaha buburana na MUHINYUZA Justin alias Kid Gaju (igika cya 21).

❖ Urubanza N° RPA 00044/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 26/04/2024 Ubushinjacyaha buburana na UWIMFASHIJE Lidivine (igika cya 18).

❖ Urubanza N° RPA 00013/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/05/2024 Ubushinjacyaha buburana na MUREKATETE Justine (igika cya 18).

❖ Urubanza N° RPA 00001/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/02/2025 Ubushinjacyaha buburana na HAKIZIMANA Jean Claude alias NTAWIREMA (igika cya 16).

VII.4.11.2. Kubyaza umuntu inyungu mu cyaha cyo gucuruza abantu – guhamwa n'icyo cyaha ntibisaba ko intego iba yagezweho

Umurongo watanzwe: Mu gikorwa cyo kubyaza umuntu inyungu mu cyaha cyo gucuruza abantu singombwa ko intego iba yagezweho, icy'ingenzi ni uko hagaragazwa icyari kigamijwe mu ikorwa ry'icyo gikorwa, kuko igihanwa ari icyari kigambiriwe, ni ukuvuga kubyaza umuntu inyungu zitemewe, aho kuba icyagezweho.

Imanza zatanzwemo uyu murongo:

❖ Urubanza N° RPA 0035/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/04/2022 haburana Ubushinjacyaha na KABURERE Gérard.

❖ Urubanza N° RPA 00003/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/12/2023 haburana Ubushinjacyaha na NZEYIMANA Pascal Abedi alias BUCUMI (igika cya 13).

❖ Urubanza N° RPA 00017/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/12/2023 haburana Ubushinjacyaha na HAVYARIMANA Innocent (igika cya 15-16).

VII.4.12. Icyaha cy'ikoreshwa ritemewe ry'ibiyobyabwenge

VII.4.12.1. Gutunda ibiyobyabwenge ni ugukura ibiyobyabwenge ahantu ubijyana ahandi

✓ Ingingo ya 11 y'Itegeko n° 69/2019 ryo ku wa 08/11/2019 yahinduye ingingo 263 y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange iteganya ibikurikira: "*(...) Umuntu wese ukora, uhinga, uhindura, **utunda**, ubika, uha undi, ugurisha mu gihugu ibiyobyabwenge cyangwa urusobe rw'imiti ikoreshwa nka byo mu buryo bunyuranyije n'amategeko, aba akoze icyaha. Iyo abihamijwe n'urukiko ahanishwa: 1 ° igifungo cya burundu n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni makumyabiri (20.000.000 Frw) ariko atarenze miliyoni mirongo itatu (30.000.000 Frw), ku byerekeye ibiyobyabwenge bihambaye. (…)*".

Umurongo watanzwe: Gutunda ibiyobyabwenge ni ugukura ibiyobyabwenge ahantu ukabijyana ahandi. Icyo cyaha kigizwe n'igikorwa cyo gukura ibiyobyabwenge ahantu ubijyana ahandi (élément materiel), naho ubushake bwo gukora icyaha (élément moral) bukaba bugizwe no kuba uwatunze ibiyobyabwenge azi neza ko atwaye urumogi ndetse akaba yari asanzwe azi ko gutwara urumogi ari icyaha kandi icyakozwe akaba ari igikorwa giteganywa kandi kigahanwa n'ingingo y'amategeko (élément légal).

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00052/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/07/2022 haburana Ubushinjacyaha na UWIRINGIYE Franco (igika cya 27-30).

❖ Urubanza N° RPAA 00298/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/12/2023 haburana Ubushinjacyaha na MUSHIMIYIMANA Emmanuel (igika cya 27).

❖ Urubanza N° RPAA 00582/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/12/2023, Ubushinjacyaha na NDAGIJIMANA Issa (igika cya 19).

❖ Urubanza N° RPAA 00488/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/02/2024, Ubushinjacyaha na MUTABAZI Innocent (igika cya 20).

❖ Urubanza N° RPAA 00738/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/04/2025 Ubushinjacyaha buburana na UWAYEZU Félicien (igika cya 17).

❖ Urubanza N° RPAA 00766/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 11/04/2025 Ubushinjacyaha buburana na BIZIMANA Innocent (igika cya 19).

❖ Urubanza N° RPAA 00725/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/03/2025 Ubushinjacyaha buburana na DUSENGIMANA Valens (igika cya 15).

❖ (…)

VII.4.12.2. Amagambo arebana no gufatanwa, gukora, guhinga, guhindura, gutunda, kubika ibiyobyabwenge agomba kumvikana hakurikijwe ingano y'ibiyobyabwenge n'ikigiye gukoreshwa ibiyobyabwenge uregwa yarafatanwe, bigashingirwaho mu gutanga ibihano

✓ Ingingo ya 263, igika cya mbere n'icya kabiri, y'Itegeko n° 68/2018 ryo ku wa 30/8018 riteganya ibyaha n'ibihano muri rusange iteganya ko ''*Umuntu wese ufatanwa, urya, unywa, witera, uhumeka cyangwa wisiga mu buryo ubwo aribwo bwose ibiyobyabwenge cyangwa urusobe rw'imiti ikoreshwa nka byo, aba akoze icyaha. Umuntu wese uhamijwe n'urukiko gukora ibikorwa bivugwa mu gika cya mbere cy'iyi ngingo, ahanishwa igifungo kitari munsi y'umwaka umwe (1) ariko kitarenze imyaka ibiri (2) cyangwa imirimo y'inyungu rusange*''.

✓ Ingingo ya 263, igika cya gatatu, y'iryo tegeko iteganya *ko "Umuntu wese ukora, uhinga, uhindura, utunda, ubika, uha undi, ugurisha mu gihugu ibiyobyabwenge cyangwa urusobe rw'imiti ikoreshwa nka byo mu buryo bunyuranyije n'amategeko, aba akoze icyaha. Iyo abihamijwe n'urukiko ahanishwa igifungo cya burundu n'ihazabu y'amafaranga y'u Rwanda arenze miliyoni makumyabiri (20.000.000 Frw) ariko atarenze miliyoni mirongo itatu (30.000.000 Frw) ku byerekeye ibiyobyabwenge bihambaye"*.

Umurongo watanzwe: Amagambo arebana no gufatanwa (avugwa mu gika cya mbere cy'ingingo ya 263), gukora, guhinga, guhindura, gutunda, kubika (avugwa mu gika cya 3 cy'iyo ngingo) agomba kumvikana hakurikijwe ingano y'ibiyobyabwenge n'ikigiye gukoreshwa ibiyobyabwenge uregwa yarafatanwe, yakoze, yahinze, yahinduye, yatunze, yabitse maze byagaragara ko kuri buri gikorwa muri ibyo ikigamijwe ari ukubikoresha ku giti cye (simple drug possession) uregwa agahabwa ibihano bito ariko byagaragara ko ingano y'ibiyobyabwenge yafatanwe ari nini bikaba byashingirwaho hemezwa ko ataribyo gukoresha ku giti cye ahubwo ikigamijwe ari ugucuruza cyangwa gukwirakwiza (drugs trafficking/drug distribution) ibiyobyabwenge uregwa agahabwa igihano kiremereye.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00408/2020/CA rwaciye n'Urukiko rw'Ubujurire ku wa 27/06/2022 haburana Ubushinjacyaha na NIYITEGEKA Augustin (igika cya 14-18).

❖ Urubanza N° RPAA 00132/2021/CA rwaciye n'Urukiko rw'Ubujurire ku wa 15/07/2022 haburana Ubushinjacyaha na UYISENGA Théogène (igika cya 17-18).

❖ Urubanza N° RPAA 00428/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 17/2/2023 haburana Ubushinjacyaha na IRAKIZA Eric (igika cya 23).

❖ Urubanza N° RPAA 00358/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 17/02/2023 haburana Ubushinjacyaha na MINANI Florent (igika cya 14).

❖ Urubanza N° RPAA 00656/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/03/2023 haburana Ubushinjacyaha na NIYIGENA Jean Claude (igika cya 15).

- ❖ Urubanza N° RPAA 00496/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/03/2025, haburana Ubushinjacyaha na UWIRAGIYE Janvier alias Sharif (igika cya 26).
- ❖ Urubanza N° RPAA 00809/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/03/2025 haburana Ubushinjacyaha na NGEZENUBWO Dany (igika cya 16).
- ❖ Urubanza N° RPAA 00738/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/04/2025 Ubushinjacyaha buburana na UWAYEZU Félicien (igika cya 18).
- ❖ Urubanza N° RPAA 00624/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/05/2025 Ubushinjacyaha buburana na KAYITARE Jean de Dieu (igika cya 17).
- ❖ Urubanza N° RPAA 00867/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 15/05/2025 Ubushinjacyaha buburana na HAKIZIMANA Jean Claude (igika cya 17).
- ❖ Urubanza N° RPAA 00323/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/05/2025 haburana Ubushinjacyaha na NZAYISENGA Robert n'undi (igika cya 26).
- ❖ (…)

VII.4.12.3. Uregwa wafatanwe ingano nto y'urumogi yahinze yatunze cyangwa yabitse, afatwa nk'uwari ugamije kubyikoreshereza agahabwa ibihano bito

Umurongo watanzwe: Iyo nta bimenyetso bigaragaza ko uregwa yarafatanwe ingano nto y'ibiyobyabwenge yahinze, yatunze cyangwa yabitse yari agamije kubikwirakwiza no kubigurisha, afatwa nk'uwari ugamije kubyikoreshereza (simple drug possession) aho kubicuruza no kubikwirakwiza (drug trafficking /drug distribution), agahabwa ibihano bito.

Imanza zafashwemo uyu murongo:

- ❖ Urubanza RPAA 00147/2022/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 17/06/2022 haburana Ubushinjacyaha na BUTERA Gedeon (igika cya 19, 20).
- ❖ Urubanza N° RPAA 00132/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 15/07/2022 haburana Ubushinjacyaha na UYISENGA Théogène alias Rasta.
- ❖ Urubanza N° RPAA 00200/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/07/2022 haburana Ubushinjacyaha na HAKIZIMANA Eric (igika cya 33).
- ❖ Urubanza N° RPAA 00532/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 14/04/2023 haburana ubushinjacyaha na MUNYENTWARI Cyprien (igika cya 18).
- ❖ Urubanza N° RPAA 00743/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 06/04/2023, haburana Ubushinjacyaha na NGEZAHIMANA Adrien (igika cya 25).
- ❖ Urubanza N° RPAA 00266/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 12/05/2023, haburana Ubushinjacyaha na RUTEMBESA Abudulkalim (igika cya 34).
- ❖ Urubanza N° RPAA 00033/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 26/05/2023 haburana ubushinjacyaha na MPIRIKANYI Jean Damascène (igika cya 17).
- ❖ Urubanza N° RPAA 00542/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/12/2023 haburana ubushinjacyaha na UWIRINGIYIMANA Emmanuel (igika cya 18-19).

❖ Urubanza N° RPAA 00116/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/06/2023 haburana ubushinjacyaha na NTIHABOSE Innocent (igika cya 16).

❖ Urubanza N° RPAA 00124/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 19/12/2024, haburana Ubushinjacyaha na BARAMPAMA Joseph (igika cya 19-20).

❖ Urubanza N° RPAA 00445/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/02/2024, haburana Ubushinjacyaha na HATEGEKIMANA Jean Bosco alias KIGABO n'undi (igika cya 36).

❖ Urubanza N° RPAA 00410/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 14/02/2025 haburana Ubushinjacyaha na ZIRIMWABANYAZI Yagenda (igika cya 21).

❖ Urubanza N° RPAA 00118/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 21/03/2025 haburana Ubushinjacyaha na KARANGWA alias Ephrem HABYARIMANA (igika cya 15).

VII.4.12.4. Ingano nto y'ibiyobyabwenge uregwa yafatanwe ishobora kuba impamvu y'igihano gito

Umurongo uhuriwe n'izindi manza: Urukiko rushobora kugabanya igihano rushingiye ku ngano y'ibiyobyabwenge ushinjwa yatunze cyangwa yacuruje, mu rwego rwo guhuza igihano n'uburemere bw'icyaha (Principe de la proportionnalité de la peine à l'infraction).

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00039/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 02/07/2021 haburana Ubushinjacyaha na SHAKABATENDA Jean de Dieu.

❖ Urubanza N° RPAA 00293/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 15/07/2022 haburana Ubushinjacyaha na Murindahabi Jean de Dieu (Igika cya 35).

❖ Urubanza N° RPAA 00408/2020/CA rwaciye n'Urukiko rw'Ubujurire ku wa 27/06/2022 haburana Ubushinjacyaha na NIYITEGEKA Augustin.

❖ Urubanza N° RPAA 00132/2021/CA rwaciye n'Urukiko rw'Ubujurire ku wa 15/07/2022 haburana Ubushinjacyaha na UYISENGA Théogène.

❖ Urubanza N° RPAA 00499/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/07/2022 haburana Ubushinjacyaha na MBARUSHIMANA Damascène (Igika cya 26).

❖ Urubanza N° RPAA 00307/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/1/2023 haburana Ubushinjacyaha na MUTIMURA Félix (igika cya 21).

❖ Urubanza N° RPAA 00304/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/1/2023 haburana Ubushinjacyaha na MUSABYIMANA Aboubakar (igika cya 19).

❖ Urubanza N° Urubanza N° 00550/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 17/02/2023 haburana Ubushinjacyaha na HABINEZA Frederick (igika cya 51).

❖ Urubanza N° RPAA 00618/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 24/03/2023, haburana Ubushinjacyaha na MUKANDORI Josephine (igika cya 26).

❖ Urubanza N° RPAA 00598/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 31/03/2023, haburana Ubushinjacyaha na MUNEZERO Emmanuel (igika cya 30).

❖ Urubanza N° RPAA 00742/2021/CA-CMB RPAA 00778/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 18/05/2023, Ubushinjacyaha buburana na NTABABO Said na HAKUNDIMANA Jean Pierre bita Petit Claude (igika cya 15).

VII.4.12.5. Umuntu ntagirwa umucuruzi w'ibiyobyabwenge no kuba hari abaguzi babonetse aho acururiza – apfa gusa kuba yiteguye kuba yabiha ubikeneye

Umurongo imanza zihuriyeho: Umuntu ntagirwa umucuruzi w'ibiyobyabwenge no kuba hari abaguzi babonetse aho acururiza, ahubwo igihe cyose afite ibicuruzwa kandi yiteguye kubiha umuntu wese umugana ashaka ibyo agurisha, aba ari umucuruzi w'ibiyobyabwenge.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00293/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 15/07/2022 haburana Ubushinjacyaha na Murindahabi Jean de Dieu (igika cya 30)

❖ 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 00466/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 27/01/2023 haburana Ubushinjacyaha na NSENGIYAREMYE Elie (Igika cya 12).

❖ Urubanza N° RPAA 00354/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 31/01/2023 haburana Ubushinjacyaha na TWIZERIMANA Cyprien (igika cya 21).

❖ Urubanza N° RPAA 00028/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/03/2025 haburana Ubushinjacyaha na HABIMANA Jean de Dieu n'undi (igika cya 20).

❖ Urubanza N° RPAA 00214/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/04/2025 haburana Ubushinjacyaha na MUSHYITSI Félix (igika cya 23).

❖ Urubanza N° RPAA 00173/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/04/2025 Ubushinjacyaha buburana na MPONZEZE Eric (igika cya 27).

❖ Urubanza N° RPAA 00816/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 22/05/2025 Ubushinjacyaha buburana na NSHIZIRUNGU alias Lambert Patrick n'undi (igika cya 16).

❖ Urubanza N° RPAA 00224/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/05/2025 haburana Ubushinjacyaha na NYIRANDIMUBANZI Florida n'undi (igika cya 29).

VII.4.12.6. Gufatanwa ibiyobyabwenge bisobanuye kubisanganwa mu buryo ubwo aribwo bwose

✓ Ingingo ya ya 11, igika cya mbere, y'Itegeko n° 69/2019 ryo ku wa 08/11/2019 yahinduye ingingo ya 263 y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange, iteganya ko *"Umuntu wese ufatanwa, urya, unywa, witera, uhumeka cyangwa wisiga mu buryo ubwo aribwo bwose ibiyobyabwenge cyangwa urusobe rw'imiti ikoreshwa nka byo, aba akoze icyaha". Naho mu gika cyayo cya 2, igateganya ko "Umuntu wese uhamijwe n'urukiko gukora ibikorwa bivugwa mu gika cya mbere cy'iyi ngingo, ahanishwa igifungo kitari munsi y'umwaka umwe (1) ariko kitarenze imyaka ibiri (2) cyangwa imirimo y'inyungu rusange".*

Umurongo watanzwe : Ijambo gufatanwa risobanuye "gufatwa ufite", rikaba rikwiye kumvikanisha ko ari ugusanganwa haba mu mufuka, haba mu ntoki, haba mu rugo cyangwa ahandi hantu ukurikiranyweho icyaha yari afite ibiyobyabwenge cyangwa indi miti ikoreshwa nkabyo ubwo yafatwaga.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00132/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 15/07/2022, Ubushinjacyaha buburana na UYISENGA Théogène alias Rasta (igika cya 20).

❖ Urubanza N° RPAA 00462/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/03/2025 Ubushinjacyaha buburana na HABYARIMANA Innocent (igika cya 32).

VII.4.12.7. Ingaruka z'icyaha cyo gutunda no gucuruza ibiyobyabwenge ntizireberwa ku munsi ushinjwa afatiweho

Umurongo watanzwe: Ingaruka z'icyaha cyo gutunda no gucuruza ibiyobyabwenge ntizikwiye kureberwa ku munsi ushinjwa afatiwe mu cyaha ngo byumvikane ko ziburijwemo, kuko uburemere bw'iki cyaha busobanurwa no kuba ibiyobyabwenge binyanyagira mu bantu benshi bikabyara uruhererekane rw'ibyaha. Umuntu wese wiyemeje kujya mu runana rw'ababikwirakwiza aba arebwa n'ingaruka z'ibiyobyabwenge bibangamiye ubuzima bw'ababikoresha.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 000164/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 17/06/2022, haburana Ubushinjacyaha na IYUMUREMYI Faustin (igika cya 28).

❖ Urubanza RPAA 00739/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 24/03/2023, haburana Ubushinjacyaha na SAFARI Callixte (igika cya 23, 24)

❖ Urubanza N° RPAA RPAA 00076/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 06/04/2023, haburana Ubushinjacyaha na GIRUKWAYO Boniface (igika cya 15).

❖ Urubanza N° RPAA 00044/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 6/04/2023, haburana Ubushinjacyaha na UWIMANA Bernardin (igika cya 19).

❖ Urubanza N° RPAA 00711/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 14/04/2023, haburana Ubushinjacyaha na NYIRIMANA Christophe (igika cya 38).

❖ Urubanza N° RPAA 00711/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 14/04/2023, haburana Ubushinjacyaha na NYIRIMANA Christophe (igika cya 45).

❖ Urubanza N° RPAA 00526/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 06/04/2023, haburana Ubushinjacyaha na KWIZERA Bosco (igika cya 12).

❖ Urubanza N° RPAA 00708/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 26/05/2023, haburana Ubushinjacyaha na TWAGIRAYEZU Vital (igika cya 17).

❖ Urubanza N° RPAA 00742/2021/CA-CMB RPAA 00778/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 18/05/2023, Ubushinjacyaha buburana na NTABABO Said na HAKUNDIMANA Jean Pierre bita Petit Claude (igika cya 37).

VII.4.12.8. Uregwa wafashwe abagarira Urumogi n'iyo nta bimenyetso bigaragaza ko ariwe waruteye, afatwa nk'umuhinzi w'Urumogi

Umurongo watanzwe : Kubagarira ibiyobyabwenge (byo mu bwoko bw'urumogi) byimejeje mu murima w'uregwa ntiyabishingiraho asaba kudakurikiranwaho icyaha cyo guhinga urumogi mu gihe bigaragajwe ko n'ubwo rwimejeje kandi atari we waruteye, yarubagariye, akarufata neza agamije kugira ku ntego ye.

Urubanza rwatanze umurongo : Urubanza N° RPAA 00132/2021/CA, rwaciwe ku wa 15/07/2022 rw'Ubushinjacyaha na UYISENGA Théogène alias Rasta.

VII.4.13. Icyaha cyo guta cyangwa gutererana umwana

VII.4.13.1. Icyaha cyo guta cyangwa gutererana umwana ntigishobora kuregwa utari umubyeyi w'umwana cyangwa umurera byemewe n'amategeko

✓ *Ingingo ya 36, igika cya mbere, y'Itegeko n° 71/2018 ryo ku wa 31/8/2018 ryerekeye* kurengera umwana iteganya ko "*Umubyeyi, umwishingizi cyangwa undi urera umwana mu buryo bwemewe n'amategeko uta umwana ahagaragara cyangwa umutererana, aba akoze icyaha. Iyo abihamijwe n'urukiko, ahanishwa igifungo kitari munsi y'imyaka itatu (3) ariko kitarenze imyaka itanu (5) n'ihazabu y'amafaranga y'u Rwanda atari munsi y'ibihumbi mirongo itanu (50.000 Frw) ariko atarenze ibihumbi ijana (100.000 Frw).*"

Umurongo watanzwe : Umuntu utari umubyeyi cyangwa utarera mu buryo bwemewe n'amategeko umwana watawe cyangwa watereranwe ntashobora kuregwa icyaha cyo guta cyangwa gutererana umwana.

Urubanza rwatanze umurongo : Urubanza N° RPAA 00418/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 26/02/2025 Ubushinjacyaha buburana na DUKUZUMUREMYI Célestin alias Rudomoro (igika cya 18).

VII.4.14. Icyaha cyo kwihekura

VII.4.14.1. Impamvu yo kubura ubwenge bitewe n'inkurikizi zo kubyara cyangwa guhembera ntibikigize kimwe mu bisabwa ngo habeho inyito y'icyaha cyo kwihekura

✓ Ingingo ya 8 y'Itegeko N° 059/2023 ryo ku wa 04/12/2023 rihindura Itegeko n° 68/2018 ryo kuwa 30/08/2018 riteganya ibyaha n'ibihano muri rusange, iteganya ko "*Umuntu wishe umwana yabyaye utarengeje amezi 12 aba akoze icyaha cyo kwihekura Iyo abihamijwe n'urukiko, ahanishwa igifungo cya burundu. Icyakora, iyo umugore wahamwe n'icyaha cyo kwihekura yabitewe n'ihungabana yagize nyuma yo kubyara cyangwa igihe yonsa byemejwe n'umuganga cyangwa umuhanga mu by'imitekerereze wemewe na Leta, ahanishwa igifungo kitari munsi y'amezi 6 ariko kitarenze imyaka 2''*.

Umurongo watanzwe : Icyaha cyo kwihekura ntikikiri umwihariko w'umugore gusa, ahubwo hakurikijwe ingingo y'itegeko rivuzwe mu gika kibanziriza iki, umuntu wese (umugabo cyangwa umugore) wishe umwana yibyariye utarengeje amezi 12 y'ubukure, aba akoze icyaha cyo kwihekura. Impamvu yo kubura ubwenge bitewe n'inkurikizi zo kubyara cyangwa guhembera ntibikigize kimwe mu bisabwa ngo habeho inyito y'icyaha cyo kwihekura, ahubwo ibi bishobora gusa kuba impamvu nyoroshyacyaha ku mugore wahamwe n'icyaha cyo kwihekura.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPAA 00376/2022/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 17/01/2024, haburana Ubushinjacyaha na NYIRANTAKAZARIMARA Joselyne (igika cya 18).

❖ Urubanza N° RPAA 00108/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/12/2024, ubushinjacyaha buburana na BUNTUBWAYO Marie Grâce (igika cya 20-21).

N.B: Umurongo uvuzwe haruguru usimbira ibyemejwe mu rubanza **N° RPAA 00447/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/11/2024, haburana Ubushinjacyaha na MUKATURATSINZE Françoise (igika cya 17, 23) a**ho rwari rwemeje ko mu gihe hatabaye ihungabana uregwa ahamwa n'icyaha cy'ubwicanyi aho kwihekura.

VII.4.15. Icyaha cy'iyicarubozo

VII.4.15.1. Ukora icyaha cy'iyicarubozo ntaba agamije kwica ugikorerwa ahubwo aba agamije kugera ku bikorwa bigize icyaha akoresheje uburyo butera ububabare ugikorerwa

✓ *Ingingo* ya 112 y'tegeko N° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu iteganta ibikurikira: "*Iyicarubozo risobanura igikorwa icyo ari cyo cyose gitera uburibwe cyangwa ububabare haba ku mubiri cyangwa ku bwenge, gikorewe umuntu ku bushake hagamijwe kumushakaho amakuru cyangwa kuyashaka ku wundi muntu cyangwa ukwemera icyaha, kumuryoza igikorwa yakoze cyangwa cyakozwe n'undi muntu cyangwa akekwaho kuba yarakoze, cyangwa kumukangisha cyangwa kumuhatira we ubwe cyangwa undi muntu, cyangwa kubera impamvu iyo ariyo yose ishingiye ku ivangura iryo ari ryo ryose.*"

Umurongo watanzwe : Ukora icyaha cy'iyicarubozo icya mbere aba agambiriye si ukwica ugikorerwa, ahubwo aba agamije kugera ku bikorwa binyuranye bivugwa muri iyo ngingo, akoresheje uburyo ubwo ari bwo bwose butera uburibwe cyangwa ububabare ugikorerwa, haba ku mubiri cyangwa ku bwenge.

Urubanza rwatanze umurongo : Urubanza N° RPAA 01297/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/02/2025 Ubushinjacyaha buburana na NIYOYITA Fabien (igika cya 17).

VII.4.16. Icyaha cy'ubujura bukoresheje intwaro

VII.4.16.1. Kugira ngo uwibye ahamwe n'icyaha cy'ubujura bukoresheje intwaro agomba kuba yari yitwaje igikoresho icyo ari cyo cyose, imbunda, icyuma cyangwa ikindi kintu cyose cyamufasha gukora icyo cyaha

✓ Ingingo ya 165, igika cya 20, y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange uko ryahinduwe kugeza ubu iteganya ko "*kwiba witwaje intwaro bisobanuye kwiba witwaje igikoresho icyo ari cyo cyose, imbunda, icyuma cyangwa ikindi kintu cyose gitema, gitobora cyangwa gisekura, gishobora kwica, gukomeretsa cyangwa gukubitishwa kigaragara cyangwa gihishe cyangwa kibonetse hafi y'aho icyaha cyakorewe*". Naho ingingo ya ingingo ya 170 y'iryo tegeko ivuga ko *Umuntu wese wiba akoresheje intwaro, aba akoze icyaha cyo kwiba hakoreshejwe intwaro*".

Umurongo watanzwe : Kugira ngo umuntu yitwe ko yakoze icyaha cyo kwiba hakoreshejwe intwaro, uwiba agomba kuba yari yitwaje igikoresho icyo ari cyo cyose, imbunda, icyuma cyangwa ikindi kintu cyose gitema, gitobora cyangwa gisekura, gishobora kwica, gukomeretsa cyangwa gukubitishwa kigaragara cyangwa gihishe cyangwa kibonetse hafi y'aho icyaha cyakorewe.

Imanza zatanze umurongo : Urubanza N° RPAA 00521/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/01/2025 haburana Ubushinjacyaha na NSENGIYUMVA Vianney bita KIDERI (igika cya 16).

Urubanza N° RPAA 00248/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/03/2025 haburana Ubushinjacyaha na Michael SULULU MARUGIRA n'undi (igika cya 24).

VII.4.17. Icyaha cyo kwigwizaho umutungo

VII.4.17.1. Uhamwa n'icyaha cyo kwigwizaho umutungo ni umukozi wese ufite umutungo urenze uwo akwiye kuba afite, adashobora kugaragaza inkomoko yawo yemewe n'amategeko

✓ *Ingingo* ya 636 y'Itegeko Ngenga n° 01/2012/OL ryo ku wa 02/05/2012 ryashyiragaho Igitabo cy'amategeko ahana, yashingiweho abashinjwa bahanwa yateganyaga ibikurikira: "*Umukozi wa Leta cyangwa undi muntu wese wigwizaho umutungo adashobora kugaragaza aho yawukomoye binyuze mu kuri kandi byemewe n‟amategeko, ahanishwa igifungo kuva ku myaka ibiri (2) kugeza ku myaka itanu (5) n‟ihazabu y‟amafaranga y‟u Rwanda yikubye inshuro kuva kuri ebyiri (2) kugeza ku icumi (10) z‟agaciro k‟umutungo adashobora kugaragaza aho yawukomoye mu buryo bwemewe n‟amategeko*"**.**

Umurongo watanzwe: Kugira ngo habeho icyaha cyo kwigwizaho umutungo, ni uko umukozi wa Leta cyangwa se undi muntu aba afite umutungo urenze uwo akwiye kuba afite hakurikijwe ubushobozi afite, kandi adashobora kugaragaza ko yawukomoye mu nzira zinyuze mu kuri kandi zemewe n'amategeko.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RS/INJUST/RP 00003/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 18/06/2021, haburana Ubushinjacyaha ku Rwego rw'Umuvunyi na MUGISHA David Livingstone na MBOWA Festo.

❖ Urubanza N° RS/INJUST/RP 00002/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/01/2023 haburana Ubushinjacyaha na BYIRINGIRO Appolinaire (igika cya 69).

VII.4.18. Icyaha cyo kurema umutwe w'abagizi ba nabi

VII.4.18.1. Bifatwa ko habayeho icyaha cyo kurema umutwe w'abagizi ba nabi iyo washinzwe ugamije gukora ibyaha kandi ko ibyaha abaregwa bashinjwa biri mu ntego rusange zawo

✓ Ingingo ya 681 y'Itegeko Ngenga n° 01/2012/OL ryo ku wa 02/05/2012 ryashyiragaho Igitabo cy'amategeko ahana, yashingiweho abashinjwa bahanwa yateganyaga ibikurikira: *''kurema umutwe, ugamije kugirira nabi abantu cyangwa ibyabo, hatitawe ku mubare w'abawugize cyangwa igihe uzamara, ugamije kugirira nabi abantu cyangwa ibyabo, ni icyaha cy'ubugome ''*, iya 682 y'iri tegeko, igateganya ibikurikira: *''Umuntu wese urema umutwe w'abagizi ba nabi, uwutunganya, uwoshya abandi kuwujyamo cyangwa umuyobozi wawo, ahanishwa igifungo kirenze imyaka itanu (5) kugeza ku myaka irindwi (7)"*.

Umurongo watanzwe: Kugira ngo abashinjwa bahamwe n'icyaha cyo kurema umutwe w'abagizi ba nabi bagomba kuba barashinze umutwe ugamije gukora ibyaha, Ubushinjacyaha bukaba bufite inshingano yo gutanga ibimenyetso byerekana ko icyaha bakurikiranyweho kiri mu ntego rusange z'uwo mutwe.

Urubanza rwatanze umurongo: Urubanza N° RPAA 00098/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 06/01/2023 haburana Ubushinjacyaha na Cpl SHYAKA Védaste n'undi (igika cya 38).

VII.4.19. Icyaha cyo gutanga sheki itazigamiye

VII.4.19.1. Bifatwa ko habayeho icyaha cyo gutanga sheki itazigamiye iyo uwayihawe agiye kuyibikuza ku tariki yanditseho agasanga nta mafaranga ariho

✓ *Ingingo ya 373 (10) y'Itegeko Ngenga N° 01/2012/OL ryo ku wa 02/05/2012 rishyiraho igitabo cy'amategeko ahana iteganya ko: ''Umuntu wese:1° utanga, abizi, sheki itazigamiwe; 2° ubikuza amafaranga ye yose cyangwa igice cyayo cyangwa ubuza ku bw'uburiganya umufitiye amafaranga kwishyura, nyuma yo gutanga sheki, atarayitambamiye bitewe n'uko yatakaye, yangiritse cyangwa yibwe cyangwa uwahawe sheki atarahombye cyangwa atarambuwe ububasha bwo kwakira amafaranga;3° utanga sheki yari yarahawe n'undi azi ko itazigamiwe cyangwa azi ko amafaranga arimo atakwishyura umwenda cyangwa azi ko amafaranga adashobora kubikuzwa;4° wemera, abizi neza, kwakira sheki itanzwe mu buryo buteganyijwe mu gace ka 1°, aka 2° n'aka 3° tw'iki gika; ahanishwa igifungo kuva ku myaka ibiri (2) kugeza ku myaka itanu (5) n'ihazabu y'amafaranga y'u Rwanda yikubye inshuro kuva kuri eshanu (5) kugeza ku icumi (10) z'agaciro k'amafaranga ari kuri iyo sheki." Ibi bihura n'ibihano biteganywa mu ngingo ya 126 y'Itegeko No 060/2021 ryo ku wa 14/10/2021 rigenga inyandiko zishobora gucuruzwa.*

Umurongo watanzwe: Utanze asheke aba yizeza uwo ayihaye kuzishyurwa igihe kiri kuri sheki kigeze, kuba cyagera agasaba kwishyurwa akabura ubwishyu kuri konti sheki ibikuzwaho, bigaragaza ko aba yahawe sheki itazigamiwe.

Urubanza rwatanze umurongo: Urubanza N° RS/INJUST/RP 00005/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 26/06/2025 haburana Ubushinjacyaha na KINYOGOTE Cyrille (igika cya 41).

VII.5. Indishyi zikomoka ku cyaha

VII.5.1. Umukoresha ashobora gucibwa indishyi zikomoka ku cyaha cyakozwe n'umukozi we.

Umurongo watanzwe: Mu kirego cy'indishyi uwangirijwe ashobora gutanga ikirego asaba indishyi z'ibyangijwe n'icyo cyaha, akazikurikirana k'uwakoze icyaha, icyitso cye cyangwa abategetswe kwishyura indishyi aribo: umubyeyi igihe ari umwana wakoze icyaha, umukoresha igihe icyaha cyakozwe n'umukozi mu nyungu z'akazi yakoraga cyangwa umwishingizi igihe uwo yishingiye yangirije abandi. Mu guca urubanza rusaba indishyi zikomoka ku cyaha cyakozwe n'umukozi, inkiko zigomba kureba niba igikorwa cyakozwe n'umukozi cyari gifitanye isano n'akazi ke cyangwa n'inshingano ze. Umukoresha aryozwa izo ndishyi igihe umukozi yarimo arangiza inshingano ze kabone n'iyo yazirangiza nabi.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RPA 0210/10/CS rwaciwe Urukiko rw'Ikirenga ku wa 18/07/2014 haburana Ubushinjacyaha na MUNYANKUMBURWA Valens.

❖ Urubanza N° RPAA 00039/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 10/11/2023, Bank of Kigali Plc iburana na HARELIMANA RWEMA Emery n'abandi (igika cya 44).

VII.5.2. Indishyi z'akababaro zikomoka ku cyaha cyangwa ku ikosa zigenwa mu bushishozi bw'Urukiko

Umurongo watanzwe : Iyo Urukiko rusanze uregera indishyi z'akababaro zikomoka ku cyaha cyangwa ku ikosa byakorewe umuntu akwiye kuzihabwa, ruzigena mu bushishozi bwarwo.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RCAA 00073/2018/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 19/07/2019, NYIRABATESI Laurence aburana n'Ibitaro byitiriwe Umwami Fayisali (King Faisal Hospital) (igika cya 37).

❖ Urubanza N° RCAA 00008/2020/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/06/2021, haburana NDIZEYE Alphonse na KIBUNGO Medical Center (igika cya 25).

❖ Urubanza N° RS/INJUST/RC 00003/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/9/2024, haburana NSANZUBUHORO Justin na NYAMASWA Rukundo Emmanuel (igika cya 39).

VIII IMANZA ZASUBIRISHIJWEMO KU MPAMVU Z'AKARENGANE

Ibisobanuro:

Muri iki cyiciro hakubiyemo imirongo yafashwe n'Urukiko rw'Ubujurire cyangwa Urukiko rw'Ikirenga irebana n'imiburanishirize y'imanza zasubirishijwemo ku mpamvu z'akarengane.

VIII.1. Habaho kwirengagiza amategeko n'ibimenyetso bigaragarira buri wese, iyo amakosa yakozwe ari amakosa agaragara ku buryo butagibwaho impaka

Umurongo watanzwe : Uvuga ko yarenganye aba agomba kugaragariza Urukiko ko hari ikimenyetso yarugaragarije mu rubanza rusabirwa gusubirwamo rukakirengagiza. Iyo ikimenyetso cyasuzumwe n'Urukiko ntirugihe agaciro uwareze yifuza ko gihabwa, ubwabyo ntibiba impamvu ituma urubanza rusubirwamo ku mpamvu z'akarengane, keretse abashije kugaragaza ko ikimenyetso nk'icyo kigeze guhabwa agaciro yifuza ko gihabwa, mu rubanza rwabitanzeho umurongo ku buryo budashidikanywaho. Habaho kwirengagiza amategeko n'ibimenyetso bigaragarira buri wese, iyo amakosa yaba yarakozwe ari amakosa agaragara ku buryo butagibwaho impaka nk'impamvu yatuma urubanza rusubirwamo. Ntibyakwitiranywa n'impamvu z'ubujurire busanzwe aho umuburanyi, bitewe n'uko abyumva, ashobora kugaragaza ko atemeranya n'ibisobanuro by'umucamanza.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RS/INJUST/RC 00011/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/3/2022, haburana Ubushinjacyaha, Radiant na KABUNDI Joseph (igika cya 22).

❖ Urubanza N° RS/INJUST/RP 00011/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/12/2023, Ubushinjacyaha buburana AHOBANTEGEYE Charlotte (igika cya 24).

❖ Urubanza N° RS/INJUST/RP 00005/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/12/2023 Ubushinjacyaha buburana na BADO Bede (igika cya 25).

❖ Urubanza N° RS/INJUST/RP 00009/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 19/1/2024 Ubushinjacyaha buburana na UWAMAHORO Nadia (igika cya 26).

❖ Urubanza N° RS/INJUST/RP/ECON 00004/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 19/1/2024 Ubushinjacyaha n' ITORERO INKURU NZIZA baburana na KAGUMYA Alfred n'undi (igika cya 21).

VIII.2. Ibibazo bitasuzumwe mu rubanza rusubirishwamo ku mpamvu z'akarengane ntibishobora gusuzumwa mu rwego rw'akarengane

Umurongo watanzwe: Ibibazo bitaburanweho mu rubanza rusabirwa gusubirwamo ku mpamvu z'akarengane ntibishobora gusuzumwa mu rwego rw'akarengane, kuko umuburanyi atavuga ko yagize akarengane ku kibazo atigeze asaba Urukiko gusuzuma.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RS/INJUST/RC 00024/2018/CS, rwaciwe n'Urukiko rw'Ikirenga ku wa 21/02/2020, haburana Ngizweninshuti Albert na Muhima Giovanni.

❖ Urubanza N° RS/INJUST/RC 00007/2018/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 13/03/2020, haburana Nditiribambe Samuel, Gatera Jason na Nyamaswa Faustin.

❖ Urubanza N° RS/INJUST/RC00004/2019/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 28/07/2020, haburana Havugimana Emmanuel, Mukamana Mamique na Candali Vérène n'abandi barugobotsemo. (igika cya 23).

❖ Urubanza N° RS/ INJUST/RC 00004/2019/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 28/07/2020, MUKAMANA Mamique n'abandi baburana na KABANDANA Claver

❖ Urubanza N° RS/INJUST/RC 00008/2019/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 21/11/2021, GAHIRE Athanase aburana na MUKARUSHAKO na bagenzi be.

❖ Urubanza N° RS/INJUST/RC 00001/2021/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 17/12/2021, UMULINGA aburana na NGIRINSHUTI NA MUBERUKA.

❖ Urubanza N° RS/INJUST/RC 00022/2022/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 01/03/2024, SANLAM Assurance Générales Plc iburana na IMPANOYIMANA Epaphrace n'undi (igika cya 24-25).

❖ Urubanza N° RS/INJUST/RP 00004/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/07/2022 haburana Ubushinjacyaha na HABIMANA Jean Alexis na bagenzi be.

❖ Urubanza N° RS/INJUST/RP 00002/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/01/2023 haburana Ubushinjacyaha na BYIRINGIRO Appolinaire (igika cya 26).

❖ Urubanza N° RS/INJUST/RC 00007/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/06/2023 haburana KARUMUHINZI Baudoux Claire na NYIRAKAZIGA Kabeja Anne Marie (igika cya 44).

❖ Urubanza N° RS/INJUST/RCOM 00006/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/03/2024, KASIRE Emmanuel aburana na BPR Bank Rwanda Plc n'abandi (igika cya 24,26).

❖ Urubanza N° RS/INJUST/RSOC 00013/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 30/05/2024, SONARWA LIFE Ltd aburana na GAKUMI GAKUBA Diane (igika cya 46).

❖ Urubanza N° RS/INJUST/RSOC 00008/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/03/2025, TUMWESIGE Dinah aburana na EAR Diocèse de Byumba (igika cya 51,57).

❖ Urubanza N° RS/INJUSṬ/RP 00002/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/05/2025, HITIMANA Hubert aburana n'Ubushinjacyaha (igika cya 58).

❖ (…)

VIII.3. Iyo Urukiko rwaburanishije ku nzitizi rugafata icyemezo mu mizi, Urukiko rusubirishamo urubanza rukuraho urwo rubanza rukaburanisha mu mizi impamvu z'ubujurire zari zatanzwe

✓ Ingingo ya 11 agace ka 1 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 "*Umucamanza adashobora gushingira icyemezo cye ku bitagaragajwe mu iburanisha.*"

✓ Ingingo ya 76 y'itegeko n° 22/2018 ryo ku wa 29/04/2018 rivuzwe haruguru iteganya ibikurikira: *"Umwanditsi w'urukiko akora inyandikomvugo y'iburanisha ikubiyemo ibyavuzwe mu rubanza kimwe n'ibyarukozwemo bifitanye isano narwo, uretse mu gihe iburanisha ryakozwe hari uburyo bwo gufata amajwi n'amashusho. Inyandikomvugo y'iburanisha igaragaza: 6° ibyavuzwe na buri muburanyi kuri buri kibazo kigize urubanza n'ibyemezo by'inteko byafatiwe mu iburanisha."*

✓ Ingingo ya 136 y'iryo tegeko n° 22/2018 ryo ku wa 29/04/2018 y'iryo tegeko iteganya ko *"Kopi y'urubanza ruciwe igizwe n'ibi bikurikira: 7° isuzuma rya buri kibazo rigaragaza imiburanire ya buri muburanyi n'umwanzuro w'urukiko kuri buri kibazo hashingiwe ku byabaye no ku mategeko"*.

Umurongo watanzwe: Umucamanza ntashobora gufata icyemezo ku ngingo zitavuzwe mu iburanisha ngo zigibweho impaka n'impande zose ziri mu rubanza, imiburanire ya buri mu buranyi igizwe n'ibyo yavugiye mu iburanisha mu gihe yitabye n'ibyo yashyize mu myanzuro ye, kandi ibyavugiwe mu rubanza kimwe n'ibyarukozwemo bifitanye isano na rwo bikaba bigomba kugaragara mu nyandikomvugo y'iburanisha. Iyo Urukiko rusanze mu rubanza rusubirishwamo ku mpamvu z'akarengane Urukiko rwaraburanishije ku nzitizi yari yatanzwe ariko rukarenga rugafata icyemezo mu mizi, Urukiko rusubirishamo urubanza rukuraho urwo rubanza rukaburanisha mu mizi impamvu z'ubujurire zari zatanzwe.

Imanza zafashwemo uyu murongo:

❖ Urubanza rubanziriza urundi N° RS/INJUST/RAD 00002/2023/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 01/03/2024, NYIRASAFARI Gaudentia aburana n'UMUJYI WA KIGALI n'abandi (igika cya 21-24,29).

❖ Urubanza rubanziriza urundi N° RS/INJUST/RCOM 00006/2020/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 08/10/2021, UBURIYEMUYE Jean Damascène aburana na HOME BASKET SACCO Kimironko n'undi (igika cya 23-24).

❖ Urubanza N° RS/INJUST/RCOM 00008/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/02/2025, MG INVESTMENT COMPANY Ltd iburana na MOUNT MERU SOYCO Ltd (igika cya 23,28,35).

VIII.4. Umuburanyi utari mu basabye ko urubanza rusubirwamo ntiyagira ibyo asaba yuririye ku busabe bw'undi

Umurongo watanzwe : Kuba umuburanyi atarigeze asaba ko urubanza rusubirwamo ku mpamvu z'akarengane, n'ubwo mu gusesengura imicire y'urwo rubanza, urukiko rwasanga hari aho yarenganyijwe, ntirushobora kugira icyo rumugenera.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RS/INJUST/RSOC 00004/2024/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 04/10/2024, haburana KARANGWA John na ADPR, (igika cya 28).

❖ Urubanza N° RS/INJUST/RCOM 00005/2019/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 30/11/2022, haburana Kigali Ceramica & Furniture Ltd na Guaranty Trust Bank (Rwanda) Plc, (igika cya 45).

❖ Urubanza RS/INJUST/RC 00009/2022/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 18/05/2023, haburana SANLAM AG Plc na UWIHANGANYE Jean, (igika cya 29).

❖ Urubanza N° RS/INJUST/RCOM 00005/2022/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 20/10/2023, haburana Akarere ka Gicumbi na BES & SUPPLY Ltd, hagobotse SANLAM AG Plc n'abandi (igika cya 39).

❖ Urubanza N° RS/ INJUST/ RCOM 00014/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 31/01/2025, FORCES DEVELOPMENT COOPERATIVE (FODECO) ibirana na KIMENYI Jean n'undi (igika cya 52).

VIII.5. Umuburanyi ufunze wemerewe ko urubanza rwe rusubirwamo ku mpamvu z'akarengane ararekurwa bitabaye ngombwa kubisaba Urukiko

✓ Ingingo ya 64 y'Itegeko N° 30/2018 ryo ku wa 02/06/2018 rigena ububasha bw 'Inkiko iteganya ko: *"Gusaba ko urubanza rwaciwe ku rwego rwa nyuma rusubirwamo ku mpamvu z'akarengane ntibihagarika irangiza ry'urubanza.* ***Icyakora, iyo Perezida w'Urukiko rw'Ikirenga yemeje ko urubanza rwongera kuburanishwa ku mpamvu z'akarengane ariko rutararangizwa, irangizwa ryarwo rihita rihagarara kabone n'iyo imihango yo kururangiza yaba yaratangiye".***

Umurongo: Iyo umuburanyi ufunze yemerewe ko urubanza rwe rusubirwamo ku mpamvu z'akarengane, ararekurwa bitabaye ngombwa kubisaba Urukiko.

Imanza zafashwemo uyu murongo:

❖ Urubanza RP 00003/2018/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 29/10/2018, haburana Ubushinjacyaha na NIYITEGEKA Emmanuel.

❖ Urubanza N° RP 00002/2022/CA, rwaciwe rwaciwe n'Urukiko rw'Ubujurire ku wa 07/10/2022 haburana Ubushinjacyaha na BADO Bede (igika cya 23).

❖ Urubanza N° RP/ECON 00001/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 26/07/2023, Ubushinjacyaha buburana na BAGAMBIKI Robert n'undi (igika cya 18-19).

❖ Urubanza N° RP 00003/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 06/10/2023, Ubushinjacyaha buburana na HITIMANA Hubert (igika cya 12).

❖ Urubanza N° RP/ECON RP 00004/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 11/12/2023, Ubushinjacyaha buburana na NTAMWEMEZI Jean Baptiste (igika cya 14-15).

❖ Urubanza N° RP/ECON 00004/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/12/2023, Ubushinjacyaha buburana na BIMENYIMANA Samuel (igika cya 13).

❖ Urubanza N° RP 00005/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/12/2023, Ubushinjacyaha buburana na NDAGIJIMANA Emmanuel (igika cya 13).

❖ Urubanza N° RP/ECON RP/ECON 00005/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 11/12/2023, Ubushinjacyaha buburana na MUSHOBEKWA Mussa (igika cya 16-17).

❖ Urubanza N° RP 00003/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 10/05/2024, Ubushinjacyaha buburana na NSENGIMANA Didace (igika cya 13).

❖ Urubanza N° RP/ECON 00001/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 16/08/2024, Ubushinjacyaha buburana na NDAGIJIMANA Emmanuel n'abandi (igika cya 14-15).

❖ Urubanza N° RP 00009/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 25/11/2024, Ubushinjacyaha buburana na NSABIMANA Marcel (igika cya 13).

VIII.6. Umuburanyi aretse ikirego cyo gusubirishamo urubanza ku mpamvu z'akarengane abyemererwa nta mpaka akaba ashobora gutegekwa kuriha ibyahoreshejwe ku rubanza

✓ Ingingo ya 122 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 ibikurikira : *"Kureka ikirego ni ukwiyambura ububasha bwo kuburana. Bijyana no kwiyambura uburenganzira umuntu yari afite bwo gukomeza gukurikirana icyo kirego. Ukwemera k'undi muburanyi si ngombwa".*

✓ Ingingo *ya 124 y'Itegeko ryavuzwe haruguru iteganya ibikurikira: "Kureka ikirego no kureka urubanza bituma ibintu bisubira uko byari bimeze ku mpande zombi mbere y'uko urukiko ruregerwa. Uretse ikirego cyangwa urubanza ashobora gucibwa amafaranga y'amagarama cyangwa igihembo cya Avoka n'andi yose yatanzwe n'uwo yari yareze mu gukurikirana urubanza".*

Umurongo watanzwe : Iyo uwatanze ikirego cyo gusubirishamo urubanza ku mpamvu z'akarenane akiretse, aba agomba kubyemererwa nta mpaka, hakagumaho imikirize y'urubanza rwasubirishijwemo ku mpamvu z'akarengane, kandi akaba adashobora kwemererwa kugarura icyo kirego. Aba kandi ashobora gucibwa amafaranga y'ibyagiye ku rubanza, igihe abo baburana babisabye. Igihe batabisabye, Urukiko rwaregewe rwemeza gusa ko kureka ikirego byemewe; ko kandi birangije burundu impaka zari mu kirego bari bashyikirije urukiko rwaregewe.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RS/INJUST/RCOM 00006/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/9/2024, haburana BANK OF KIGALI Plc na GATE HILLS ESTATE Ltd (igika cya 19).

❖ Urubanza N° RS/INJUST/RP 00003/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 27/9/2024, KARONGOZI Abdoul Mohamed aburana n'Ubushinjacyaha, MUKAYIRANGA Béatrice n'abandi baregera indishyi (igika cya 12).

VIII.7. Urubanza rutakiriwe kandi rwaragombaga kwakirwa – Ntirusubizwayo hasi ahubwo rusuzumwa mu mizi

✓ Ingingo ya 63 y'Itegeko N°30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'inkiko iteganya ibikurikira: *"Iyo Urukiko rw'Ikirenga cyangwa urundi rukiko Perezida w'Urukiko rw'Ikirenga agena rushyikirijwe urubanza rusabirwa gusubirwamo ku mpamvu z'akarengane, rurusuzuma mu mizi bundi bushya abarubayemo ababuranyi bose bahamagajwe."*

Umurongo watanzwe: Iyo urubanza rusubirishwamo ku mpamvu z'akarengane ari urubanza rushingiye ku kuba Urukiko rwaranze kwakira ubujurire hirengagijwe amategeko, Urukiko ruburanisha urubanza rwasabiwe gusubirishwamo rusuzuma iyo mpamvu rwasanga ifite ishingiro rugaca urubanza rubanziriza urundi rukemeza ko hirengagijwe amategeko hangwa kwakira ubujurire maze rukemeza ko iburanisha rikomeza hasuzumwa ingingo z'ubujurire yari yaratanze muri urwo Rukiko.

Imanza zafashwemo uyu murongo:

❖ Urubanza rubanziriza urundi N° RS/INJUST/RCOM 00007/2021/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 29/04/2022, SIKUBWABO aburana na RDB n'abandi (igika cya 35).

❖ Urubanza N° RS/INJUST/RC 00027/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/11/2023, NYIRABAZUNGU Marie Jeanne n'abandi baburana na UKAM PROPERTIES Ltd n'abandi (igika cya 41).

❖ Urubanza N° RS/INJUST/RAD 00005/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 16/02/2024 MUSEVENI Sinèse n'undi barega GIHANA Samson (igika cya 21).

VIII.8. Urukiko rwaregewe mu buryo bunyuranyije n'amategeko rukakira ikirego ntibikosorwe mu bujurire – Urukiko rusubirishamo urubanza ku mpamvu z'akarengane rutesha agaciro izo manza

Umurongo watanzwe: Urukiko rusubirishamo urubanza ku mpamvu z'akarengane iyo rusanze urubanza rujuririrwa rutaragombaga kwakirwa ku rwego rwa mbere, ayo makossa ntanakosorwe ku rwego rw'ubujurire, rufata icyemezo kuri iyo ngingo gusa, rugasobanura uburyo ikirego kitagombaga kwakirwa, rugatesha agaciro izo manza zombie zabanje, ibintu bigasubizwa uko byari bimeze mbere y'uko ikirego gitangwa.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RS/INJUST/RSOC 00009/2022/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 16/02/2024, RWANDA ANGLICAN CAPITAL INVESTMENTS Ltd (RACI Ltd) iburana na UWIRAGIYE Faustin (igika cya 37).

VIII.9. Umuburanyi ashobora kugobokeshwa bwa mbere mu rubanza ruburanishwa ku rwego rwo gusubirishamo urubanza ku mpamvu z'akarengane

Umurongo watanzwe: Kugobokesha umuburanyi mu rubanza rusubirishwamo ku mpamvu z'akarengane biremewe. Mu rwego rwo kurangiza akarengane kagaragaye mu rubanza, ntacyabuza igobokesha ry'umuntu wese ufite aho ahuriye n'urwo rubanza haba ku isano iziguye cyangwa itaziguye (lien direct ou indirect), bityo rukaburanishwa ababuranyi bose bahari, abarubayemo n'abagomba kurubamo, kugira ngo nyuma y'icibwa ryarwo hatazagira ikindi kibazo kivuka kirushamikiyeho kandi intandaro yacyo aribwo yashoboraga kugaragara.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RS/INJUST/RP 00005/2018/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 31/01/2019, ubushinjacyaha buburana na NSENGUMUREMYI Richard na bagenzi be (igika cya 31).

❖ Urubanza N° RS/INJUST/RCOM 00011/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 18/01/2024, FUNDIRA Léon aburana na MUTABARUKA Cécile n'undi hagobokeshwa VINE PHARMACY Ltd (igika cya 18).

VIII.10. Ntibyemewe kujuririra icyemezo cyo kusobanura cyangwa gukosora urubanza rwasubirishijwemo ku mpamvu z'akarengane

✓ Ingingo ya 53, igika cya 4, y'Itegeko N°30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'inkiko iteganya ibikurikira: *"Imanza zasubiwemo ku mpamvu z'akarengane ntizishobora kongera kujuririrwa."* Ingingo ya 140, igika cya kabiri, and 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 ibikurikira: *"Urubanza rusobanura cyangwa rukosora urundi rwuzuza urubanza rwasabiwe gusobanurwa cyangwa gukosorwa. Rushobora kujuririrwa rwonyine cyangwa hamwe n'urubanza rw'iremezo mu gihe imanza zombi zishobora kujuririrwa."*

Umurongo watanzwe: Ni ihame ko nta yindi nzira y'ubujurire ishoboka ku rubanza rwasubiwemo ku mpamvu z'akarengane kandi n'urubanza rusobanuza cyangwa rukosoza urubanza rwasubiwemo ku mpamvu z'akarengane narwo nta yindi nzira y'ubujurire rushobora gukorerwa, kuko ruba rwuzuza cyangwa rubaye rumwe n'urubanza rwaciwe ku mpamvu z'akarengane kandi bene urwo rubanza, Umushingamategeko yateganije ko nta rundi rukiko rwongera kurusuzuma kuko inzira yo gusubirishamo urubanza ku mpamvu z'akarengane ari inziri idasanzwe.

Urubanza rwatanze umurongo: Urubanza rubanziriza urundi N° RSA/RECT/RC 00002/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 19/10/2023, haburana TORERO Boniface na TWAGIRAMUNGU Vincent (igika cya 13).

VIII.11. Urubanza rwagaragayemo akarengane rwaramaze kurangizwa - urutsinze yemerewe gusubizwa amafaranga yari yatanze mu irangiza ryarwo

Umurongo watanzwe : Iyo Urukiko rusanze urubanza rwasubirishijwemo ku mpamvu z'akarengane harabayemo akarengane koko, kandi rwaramaze kurangizwa; uwarusubirishijemo asubizwa amafaranga yatanzwe mu irangiza ryarwo.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RS/INJUST/RSOC 00011/2022/CA, rwaciwe n'Urukiko rw'ubujurire ku wa 20/04/2023, haburana NYIRABWIZA Justine na UNGUKA BANK Plc (igika cya 60).

❖ Urubanza N° RS/INJUST/RC 00011/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/09/2023 haburana Me NSABIMANA Jean Damascène na MUSABYIMANA Martin n'abandi (igika cya 40).

VIII.12. Kuba umucamanza yarafashe icyemezo cy'ubutegetsi ku karengane kavugwa n'umuburanyi si impamvu yo kumwihana.

✓ Ingingo ya 103 igika cya gatanu, 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 ibikurikira: "...*Umucamanza bashobora kumwihana iyo yigeze kugira icyo avuga cyangwa agatanga inama kuri urwo rubanza mbere y'uko ruburanishwa.*"

Umurongo watanzwe: Umucamanza washyikirijwe ikibazo n'umuburanyi cyo gusuzuma niba urubanza rwe rurimo akarengane akagifatira umwanzuro, ntibimuvanaho inshingano zo kuzasuzuma urubanza mu mizi rusubirishwamo ku mpamvu z'akarengane mu gihe azaba yahawe kuruburanisha.

Imanza zafashwemo uyu murongo:

❖ Urubanza N° RS/RECUS/RP 00002/2019/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 15/10/2019 ku bwihane bwatanzwe na GABIRO David (igika cya 6).

❖ Urubanza N° RS/RECUS/RC 00002/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 15/09/2023 ku bwihane bwatanzwe na NIYONZIMA Phocas (igika cya 4-5).

VIII.13. Urukiko rushobora kugabanyiriza igihano uregwa nubwo impamvu zo gusubirishamo nta shingiro zahabwa

✓ Ingingo *ya 49 y'Itegeko N° 68/2018 ryo kuwa 30/08/2018 riteganya ibyaha n'ibihano muri rusange ivuga 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 watanzwe : Urukiko rubyibwirije rushobora gushingira ku mpamvu nyoroshyacyaha rukagabanyiriza igihano uwasubirishijemo urubanza ku mpamvu z'akarengane nubwo impamvu yashingiyeho asubirishamo nta shingiro zahawe.

Imanza zafashwemo uyu murongo:

❖ Urubanza RS/INJUST/RP 00003/2019/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 28/01/2022 haburana Ubushinjacyaha na NIYONSABA Eric (igika cya 78).

❖ Urubanza RS/INJUST/RP 00002/2022/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 17/3/2023 haburana Ubushinjacyaha na NYIRAZANINKA Béatrice (igika cya 32).

VIII.14. Uwasanze atujuje ibisabwa ngo asabe ko urubanza rwe rusubirishwemo ingingo nshya ntibyamubuza gusaba ko urubanza rwe rusubirishwamo ku mpamvu z'akarengane

Umurongo watanzwe : Igihe umuburanyi abona atujuje ibisabwa kugira ngo asabe gusubirishamo urubanza ingingo nshya, nta kimubuza gusaba ko urubanza rwe rusubirwamo ku mpamvu z'akarengane, apfa kudakoresha izo nzira zombi icyarimwe.

Imanza zafashwemo uyu murongo:

❖ Urubanza RS/INJUST/RC 00017/2022/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 26/04/2024, MUHOZI Steven aburana na UWASE Angélique n'undi (igika cya 12).

IX. 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 ikubiye mu dutabo makumyabiri na dutandatu (26) twagiye dutangazwa. Nk'uko biteganywa n'itegeko, muzi ko Urukiko rw'Ubujurire ari rwo 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 ikubiye 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 cy'ibyemezo by'inkiko. Ariko, kuko mu Cyegeranyo hasohokamo imanza nke kandi kigasohoka rimwe mu gihembwe, 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 iyi 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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