UBUSHINJACYAHA v. MWEMA

[Rwanda URUKIKO RW'UBUJURIRE – RPA 00026/2019/CA (Kanyange, P.J., Tugireyezu na Umugwaneza J.) 06 Gicurasi 2022]

Amategeko agenga imanza nshinjabyaha – Icyaha cyo guteza imvururu cyangwa imidugararo muri rubanda – Kugira ngo umuntu ahanirwe ibyakorewe mu ruhame hagomba kugaragazwa umugambi (dol spécial) yari afite abikora.

Incamake y'ikibazo: Uru rubanza rwatangiriye mu Rukiko Rukuru, Urugereko rwa Rwamagana, uregwa akurikiranywe n'Ubushinjacyaha ku cyaha cyo guteza imvururu cyangwa imidugararo muri rubanda, busobanura ko ubwo yari mu kabari k'uwitwa Sibomana yabwiye abo bari kumwe ko ari ingabo ya Kayumba Nyamwasa, ko amushyigikiye, nabo abasaba kumushyigikira kuko we yiyemeje kuzamugwa inyuma, ngo anavuga ko aribo bateye muri Nyungwe. Uregwa yireguye avuga ko atemera icyaha aregwa. Urwo rukiko rwaciye urubanza, rwemeza ko uregwa ahamwa n'icyaha cyo guteza imvururu cyangwa imidugararo muri rubanda nyuma yo gusanga amagambo uregwa yavuze ku bushake bwe, azi neza ko ibyo avuga bishobora kugira ingaruka mbi ku baturage, nuko Urukiko rumuhanisha igifungo cy'imyaka icumi (10).

Uregwa yajuriye mu Rukiko rw'Ubujurire, avuga ko yajurijwe no kwemera icyaha mu buryo budashidikanywaho no gusaba kugabanyirizwa igihano, naho mu bisobanuro yatanze igihe cy'iburanisha, avuga ko atari azi ko amagambo yavuze ari icyaha kuko nta mugambi mubisha yari afite.

Ubushinjacyaha bwo bwaburanye buvuga ko imvugo z'uregwa ko nta mugambi mubisha yari afite, nta shingiro bifite, kuko amagambo yemera atari yo yarezwe, ko ayo ashinjwa ko yavuze asobanutse neza kuko yabwiraga abo bari kumwe ko ari ingabo ya Kayumba, ko amushyigikiye, abasaba nabo ko bamushyigikira kuko we yiyemeje kuzamugwa inyuma, ko kumushyigikira no gusaba abandi kumushyigikira kandi ari umuyobozi w'iterabwoba, byashoboraga guteza imvururu cyangwa imidugararo muri rubanda ndetse rukaba rwasubiranamo. Ubushinjacyaha bwongeraho ko amagambo uregwa ashinjwa yayavugiye mu ruhame, ayavuga ku bushake azi ko ashobora kugira izindi ngaruka, ko rero kuba Urukiko rwaramuhamije icyaha, nta kosa rwakoze.

Incamake y'icyemezo: 1**.** Kugira ngo umuntu ahanirwe ibyakorewe mu ruhame bivugwa mu ngingo ya 204 y'Itegeko Nº 68/2018 ryo ku wa 30/08/2018 ryavuzwe haruguru, hagomba kugaragazwa umugambi (dol spécial) yari afite abikora, ni ukuvuga ko hagomba kugaragazwa niba yari agamije kwangisha rubanda ubutegetsi buriho, cyangwa gutera imvururu mu baturage ashaka ko basubiranamo, cyangwa se gutera rubanda intugunda ashaka kubyutsa imidugararo muri Repubulika y'u Rwanda, bityo kuba hataragaragajwe icyo uregwa yari agamije akaba rero adahamwa n'icyaha giteganywa n'iyo ngingo.

Ubujurire bufite ishingiro.

Amategeko yakoreshejwe:

Itegeko Nº 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha, ingingo ya 107, igika cya mbere.

Itegeko Nº 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange, Ingingo ya 204.

Itegeko Nº 15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo, ingingo ya 119.

Nta manza zifashishijwe:
Ubushinjacyaha **v.** Hakizimana Jean Bosco, RPA 00034/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/04/2022.
Ubushinjacyaha v Nkuranyabahizi Balthelemie, RPA 00012/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/04/2022**.**

Urubanza

UBUSHINJACYAHA v. MBARUSHIYEZE

[1] MWEMA Twagira yarezwe n'Ubushinjacyasha mu Rukiko Rukuru, Urugereko rwa Rwamagana icyaha cyo guteza imvururu cyangwa imidugararo muri rubanda, busobanura ko ubwo yari mu kabari k'uwitwa SIBOMANA Thomas ku itariki ya 18/12/2018, yabwiye abo bari kumwe ko ari ingabo ya KAYUMBA Nyamwasa, ko amushyigikiye, nabo abasaba kumushyigikira kuko we yiyemeje kuzamugwa inyuma, anavuga ko aribo bateye muri Nyungwe.

[2] MWEMA Twagira yireguye avuga ko atemera icyaha aregwa, ko icyo yemera ari uko ubwo uwitwa KADURUDURU yavugaga ko hari abantu bane biciwe muri Nyungwe, we yahise avuga ko ubwo ababishe batari bambaye uniforme bashobora kuba bari bafite pistolet, anavuga ko bashobora kuba baraturutse i Burundi boherejwe na KAYUMBA Nyamwasa kuko ariho asigaye aba, ko ariko atigeze avuga ko ari ingabo ye cyangwa ko azamugwa inyuma.

[3] Urukiko rwaciye urubanza nº RP 00001/2019/HC/RWG ku wa 25/10/2019, rwemeza ko MWEMA Twagira ahamwa n'icyaha cyo guteza imvururu cyangwa imidugararo muri rubanda, rumuhanisha igifungo cy'imyaka icumi (10). Mu gufata icyo cyemezo, rwashingiye ku mvugo ya MBONIYAMBERE Jean Baptiste wari mu kabari, wavuze ko ubwo barimo baganira, MWEMA Twagira yavuze ko ari ingabo ya KAYUMBA Nyamwasa, ko yiyemeje kuzamugwa inyuma ko ndetse ari bo bateye muri Nyungwe ko kandi iyo mvugo ishimangirwa n'iya SIBOMANA Thomas nyiri akabare, wavuze ko yumvise MWEMA Twagira avuga ko abantu bateye muri Nyungwe ari ingabo za KAYUMBA Nyamwasa ko kandi bateye baturutse i Burundi aho asigaye aba, kandi MWEMA Twagira akaba atarabashije kuvuguruza izo mvugo, anemera ko ntacyo asanzwe apfa n'abo bagenzi be, bityo imvugo zabo zikaba zigomba guhabwa agaciro.

[4] Rwasanze rero hashingiwe ku biteganywa n'ingingo ya 204 y'Itegeko nº 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange, amagambo MWEMA Twagira yavuze ku bushake bwe, azi neza ko ibyo avuga bishobora kugira ingaruka mbi ku baturage cyane cyane ko yigeze kuba umupolisi kuva mu mwaka wa 2003 kugeza mu 2011, akayavugira mu ruhame kuko hari abantu batanu, agize icyaha cyo guteza imvururu cyangwa imidugararo muri rubanda.

[5] MWEMA Twagira yajuriye mu Rukiko rw'Ubujurire, mu mwanzuro w'ubujurire akaba avuga ko yajurijwe no kwemera icyaha mu buryo budashidikanywaho no gusaba kugabanyirizwa

igihano, naho mu bisobanuro yatanze igihe cy'iburanisha, avuga ko atari azi ko amagambo yavuze ari icyaha kuko nta mugambi mubisha yari afite, ko kandi atemera amagambo ashinjwa y'uko yavuze ko ari ingabo ya KAYUMBA Nyamwasa kandi azamugwa inyuma. Me RWABIGWI Augustin we avuga ko nubwo uwo yunganira avuga ko yemera icyaha, asanga amagambo yemera ko yavuze atagize icyaha, ko ariko mu gihe Urukiko rwabibona ukundi, rwamugabanyiriza igihano.

[6] Urubanza rwaburanishijwe mu ruhame ku wa 08/04/2022, MWEMA Twagira yunganirwa na Me RWABIGWI Augustin, Ubushinjacyaha buhagarariwe na NKUSI Faustin, Umushinjacyaha ku rwego rw'Igihugu.

[7] Muri ubu bujurire harasuzumwa niba amagambo MWEMA Twagira ashinjwa yarayavuze ko kandi agize icyaha cyo guteza imvururu cyangwa imidugararo muri rubanda, hanasuzumwe niba yagabanyirizwa igihano.

II. IBIBAZO BIRI MU RUBANZA N'ISESENGURWA RYABYO:

Kumenya niba amagambo MWEMA Twagira ashinjwa yarayavuze no kumenya niba agize icyaha cyo guteza imvururu cyangwa imidugararo muri rubanda

[8] Nubwo nta bisobanuro MWEMA Twagira yatanze mu mwanzuro w'ubujurire birebana n'amagambo yemera ko yavuze, imbere y'uru Rukiko yasobanuye ko ubwo bari mu kabari ka SIBOMANA Thomas bagiye impaka kuri KAYUMBA Nyamwasa, avuga ko ari umuntu w'umugabo warwaniraga ishyaka abasirikare, ibyo ngo akaba yarabishingiye ku byavugwaga n'abandi basirikare barimo n'umuvandimwe we wahoze ari umusirikare, ko SIBOMANA Thomas we ntacyo yabivuzeho naho uwitwa RUTABANA avuga ko amuzi neza kuko babanye; ko nyuma haje uwitwa KADURUDURU ababwira ko muri Nyungwe bishe abantu bane maze bitewe n'ibyo yari amaze iminsi yumva ko KAYUMBA Nyamwasa aba i Burundi, avuga ko bashobora kuba bishwe n'abantu baturutse i Burundi, ko nyuma yo kumva ibyo biganiro aribwo SIBOMANA Thomas yahise amwirukana muri ako kabari. Asobanura ko mu magambo ashinjwa ko yavuze, hari ayo yemera n'ayo atemera, ko atemera ko yavuze ko ari ingabo ya KAYUMBA Nyamwasa ko kandi azamugwa inyuma.

[9] Me RWABIGWI Augustin avuga ko amagambo MWEMA Twagira yavuze atagize icyaha yarezwe, kuko kuba yaravuze ko aziranye na KAYUMBA Nyamwasa atari icyaha, no kuba yaravuze ko yumvise amakuru ko abateye muri Nyungwe bafite aho bahuriye na KAYUMBA Nyamwasa, ari nko gutanga amakuru ariko nta kindi yari agamije, bivuze ko nta mugambi wo gukora icyaha yari afite.

[10] Uhagarariye Ubushinjacyaha avuga ko mu mwanzuro wa MWEMA Twagira ntacyo avuga ku magambo yemera ko yavuze usibye kuvuga ko yemera icyaha akagisabira imbabazi, ko n'ibivugwa n'umwunganira ko amagambo yemera ko yavuze atagize icyaha biteye urujijo, kuko ayo magambo yemera atari yo yarezwe.

[11] Asobanura ko hari amagambo agize icyaha yashingiweho n'Urukiko ariyo kuba yarabwiye abantu batatu bari kumwe mu kabari ko ari ingabo ya KAYUMBA Nyamwasa, ko amushyigikiye abasaba nabo kumushyigikira kuko ngo yiyemeje kuzamugwa inyuma, anavuga ko ari bo bateye

muri Nyungwe, ko kuba ayahakana akavuga ko uko yayavuze bitandukanye n'uko babimushinja, nta kimenyetso abitangira ahakana ibyo abo bari kumwe bamushinja.

[12] Ku bivugwa na MWEMA Twagira n'umwunganira ko nta mugambi mubisha yari afite, Ubushinjacyaha buvuga ko nta shingiro bifite, kuko amagambo yemera atari yo yarezwe, ko ayo ashinjwa ko yavuze asobanutse neza kuko yabwiraga abo bari kumwe ko ari ingabo ya KAYUMBA Nyamwasa, ko amushyigikiye, abasaba nabo ko bamushyigikira kuko we yiyemeje kuzamugwa inyuma, ko kumushyigikira no gusaba abandi kumushyigikira kandi ari umuyobozi w'iterabwoba, byashoboraga guteza imvururu cyangwa imidugararo muri rubanda ndetse rukaba rwasubiranamo. Anavuga ko amagambo MWEMA Twagira ashinjwa yayavugiye mu ruhame, ayavuga ku bushake azi ko ashobora kugira izindi ngaruka, ko rero kuba Urukiko rwaramuhamije icyaha, nta kosa rwakoze

UKO URUKIKO RUBIBONA

Ku birebana n'uko MWEMA Twagira atavuze amagambo ashinjwa

[13] Impaka kuri iyi ngingo y'ubujurire zishingiye ku kumenya niba MWEMA Twagira yaravuze amagambo ashinjwa ko agize icyaha cyo guteza imvururu cyangwa imidugararao muri rubanza giteganywa n'ingingo ya 204 y'Itegeko nº 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange. Avuga ko amagambo ashinjwa atayavuze n'ubwo hari ayo yemera ko yavugiye mu kabari yari arimo.

[14] Ku birebana n'ibimenyetso mu manza nshinjabyaha, ingingo ya 119 y'Itegeko nº 15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo, iteganya ko "mu manza nshinjabyaha, ibimenyetso bishingira ku mpamvu zose z'ibyabaye n'ibyemejwe n'amategeko, ababuranyi bapfa kuba barahawe uburyo bwo kuhaba ngo banyomozanye. Urukiko ruhamya ku buryo butavuguruzwa ko ibimenyetso byose birega cyangwa biregura ari byo kandi ko bishobora kwemerwa''.

[15] Nk'uko byibukijwe mu miterere y'uru rubanza, Urukiko Rukuru rwemeje ko MWEMA Twagira yavuze amagambo ashinjwa rubishingiye ku mvugo z'abo bari kumwe mu kabari ubwo yayavugaga, aribo MBONIYAMBERE Jean Baptiste na SIBOMANA Thomas, nyiri akabari.

[16] Mu nyandikomvugo ya MBONIYAMBERE Jean Baptiste mu Bugenzacyaha, yasobanuye ko yumvise MWEMA Twagira avuga ko ashyigikiye KAYUMBA Nyamwasa, ko azemera akamugwa inyuma, ngo ni ingabo ye, ko no muri Nyungwe bahateye, ko bahageze, aribwo nyiri akabare yahise amusohora. Bigaragara kandi ko mu nyandikomvugo ya SIBOMANA Thomas mu Bugenzacyaha, nawe yasobanuye ko MWEMA Twagira yaje avuga abantu barashwe bari mu modoka i Kitabi, ahita avuga ngo ''jyewe ndi KAYUMBA Nyamwasa, ngo ahubwo muze dushyigikire KAYUMBA Nyamwasa''. Yavuze kandi ko ubwo yavugaga ayo magambo yari yasinze.

[17] Bigaragara kandi ko mu nyandikomvugo yakorewe mu Bugenzacyaha, MWEMA Twagira yavuze ko ibyo aregwa atabyemera, ko ahubwo hari uwitwa KADURUDURU wateruye ikiganiro avuga ko muri Nyungwe haherutse gupfira abantu bane kandi bambaye civil, nawe ahita avuga ko

bishoboka ko bari bafite pistol ubwo nta myambaro ibaranga (uniform) bari bambaye, ko bashobora kuba bavuye mu nkambi z'abarundi, abandi bari aho bahita bavuga ko bashobora kuba bavuye mu gihugu cy'Uburundi , nawe ahita avuga ko bashobora kuba boherejwe na KAYUMBA Nyamwasa kuko ariho asigaye aba nk'uko yagiye abyumvana abantu mu kabari. Yasobanuye kandi ko ubwo baganiraga, ntacyo bari bagamije ahubwo uwitwa Shehe alias papa Bebe (niwe SIBOMANA Thomas) yavuze ko hari umuntu wo mu muryango wa KAYUMBA Nyamwasa wapfuye banga ko ashyingurwa mu Rwanda maze abari mu kabari babyuririraho. Uko ni nako yabisobanuye mu Bushinjacyaha.

[18] Urukiko rurasanga n'ubwo MWEMA Twagira ahakana amagambo aregwa ko yavuze, yemera ko hari ayo yavugiwe mu kabari ka SIBOMANA Thomas nawe ahari, akemera kandi ko aho mu kabari atari wenyine kuko hari n'abandi bumvise ibyahavugiwe, muri bo hakaba nyiri akabari SIBOMANA Thomas na MBONIYAMBERE Jean Baptiste wari muri ako kabari, basobanuye ibyo bumvanye MWEMA Twagira, n'ubwo batabivuga mu buryo bumwe.

[19] Urukiko rurasanga rero kuba abari kumwe na MWEMA Twagira mu kabari bamushinja ko yavuze amagambo ashinjwa, ari ikimenyetso gishobora gushingirwaho nkuko biteganywa n'ingingo ya 119 yavuzwe haruguru, kuko usibye kuvuga ko atavuze ayo magambo, nta kindi anenga kubyo abamushinja bavuze, bityo hakaba nta kosa Urukiko Rukuru rwakoze mu gushingira ku mvugo z'abo bamushinja rukemeza ko yavugiye ayo magambo mu ruhame kuko hari abantu batatu.

Ku birebana n'uko amagambo MWEMA Twagira yavuze atagize icyaha

[20] Impaka kuri iyi ngingo y'ubujurire zishingiye ku kumenya niba amagambo MWEMA Twagira yavuze agize icyaha cyo guteza imvururu cyangwa imidugararo muri rubanda giteganywa n'ingingo ya 204 y'Itegeko nº 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange. Avuga ko nta mugambi wo gukora icyaha yari afite kuko yavuze amagambo ntacyo agamije.

[21] Ku birebana n'ugomba gutanga ibimenyetso mu manza nshinjabyaha, ingingo ya 107, igika cya mbere, y'Itegeko nº 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha, iteganya ko:''Ubushinjacyaha, uwakorewe icyaha cyangwa se abamufiteho uburenganzira iyo baregeye indishyi z'akababaro cyangwa biregeye umuburanyi, ni bo bagomba gutanga ibimenyetso byemeza icyaha.''

[22] Ingingo ya 204 y'Itegeko Nº 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange irebana n'icyaha cyo guteza imvururu cyangwa imidugararo muri rubanda, iteganya ko:''Umuntu wese, mu ruhame, ukoresha imvugo, inyandiko z'ubwoko bwose, amashusho cyangwa ibimenyetso by'amoko yose, bimanitswe, bitanzwe, biguzwe cyangwa bigurishijwe cyangwa bitangajwe mu bundi buryo bwose, uwangisha rubanda ubutegetsi buriho, utera imvururu mu baturage ashaka ko basubiranamo cyangwa utera rubanda intugunda ashaka kubyutsa imidugararo muri Repubulika y'u Rwanda, aba akoze icyaha. Iyo abihamijwe n'Urukiko, ahanishwa igifungo kitari munsi y'imyaka icumi (10) ariko kitarenze imyaka cumi n'itanu (15).''

[23] Uburyo ingingo imaze kuvugwa igomba kumvukana, byasesenguwe mu zindi manza zaciwe n'uru Rukiko, harimo urubanza nº RPA 00034/2020/CA[1] na Nº RPA 00012/2020/CA[2], aho Urukiko rwasobanuye ko kugira ngo umuntu ahanirwe ibyakorewe mu ruhame bivugwa mu ngingo ya 204 y'Itegeko Nº 68/2018 ryo ku wa 30/08/2018 ryavuzwe haruguru, hagomba kugaragazwa umugambi (dol spécial) yari afite abikora, ni ukuvuga ko hagomba kugaragazwa niba yari agamije kwangisha rubanda ubutegetsi buriho, cyangwa gutera imvururu mu baturage ashaka ko basubiranamo, cyangwa se gutera rubanda intugunda ashaka kubyutsa imidugararo muri Repubulika y'u Rwanda. Urukiko rwasobanuye kandi ko hatagombera ko habaho impurirane y'iyo migambi yose, ko ahubwo umugambi umwe wihagije kugirango umuntu abe yakurikiranwaho icyaha cyo guteza imvururu cyangwa imidugararao muri rubanda.

[24] Ku birebana na MWEMA Twagira, imikirize y'urubanza rwajuririwe igaragaza ko mu guhuza amagambo yavuze n'ibiteganywa n'ingingo ya 204 , Urukiko Rukuru, Urugereko rwa Rwamagana rwasobanuye ko ayo magambo yayavuze ku bushake, azi neza ko ibyo avuga bishobora kugira ingaruka mbi ku baturage cyane cyane ko yigeze kuba umupolisi kuva mu mwaka wa 2003 kugeza mu 2011, kandi ayavugira mu ruhame kuko hari abantu batanu, usibye ko uru Rukiko rusanga uwo mubare utandukanye n'abari kumwe na MWEMA Twagira mu kabari yavugiyemo ayo magambo kuko bavuze ko bari batatu (3).

[25] Uru Rukiko rurasanga ariko hashingiwe ku isesengura ryakorewe ingingo ya 204 mu manza zavuzwe mu gika cya 22 zikagaragaza uko igomba kumvikana, bigaragara ko nta mugambi Urukiko Rukuru, Urugereko rwa Musanze, rwagaragaje MWEMA Twagira yari afite, niba wari uwo kwangisha rubanda ubutegetsi buriho cyangwa niba yari agamije gutera imvururu mu baturage ashaka ko basubiranamo, cyangwa se gutera rubanda intugunda ashaka kubyutsa imidugararo muri Repubulika y'u Rwanda, nk'uko binagaragara ko no mu kumushinja icyo cyaha, ntacyo Ubushinjacyaha bwagaragaje usibye kuvuga ko hari amagambo yavuze ko kandi yayavuze abishaka, mu gihe nyamara ibyo bidahagije kuko hagomba no kugaragazwa icyo yari agamije mu biteganywa n'ingingo ya 204 yavuzwe haruguru, kandi akaba ari bwo bufite inshingano zo kubigaragaza hashingiwe ku biteganywa n'ingingo ya 107 y'Itegeko nº 027/2019 ryo ku wa 19/09/2019 ryavuzwe haruguru, kuko ikimenyetso cyonyine gishingiye ku magambo yavuzwe kidahagije.

[26] Urukiko rurasanga kandi n'imbere y'uru Rukiko, ntacyo Ubushinjacyaha bwagaragaje ku birebana n'icyo MWEMA Twagira yari agamije mu biteganywa n'ingingo ya 204 yavuzwe haruguru, ngo bugaragaze niba yaravuze amagambo ashinjwa agamije kwangisha rubanda ubutegetsi buriho cyangwa gutera imvururu mu baturage ashaka ko basubiranamo, cyangwa se gutera rubanda intugunda ashaka kubyutsa imidugararo muri Repubulika y'u Rwanda mu gihe ari bwo bufite inshingano zo kubigaragaza nk'uko biteganywa n'ingingo ya 107 , kuko kuvuga ko yashoboraga guteza imvururu cyangwa imidugararo muri rubanda, ari cyo cyaha gihanwa, ariko kigahanwa mu gihe hagaragajwe ko uregwa yari afite nibura umugambi umwe mu ivugwa mu ngingo ya 204.

---

[1] Urubanza RPA 00034/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/04/2022, haburana Ubushinjacyaha na HAKIZIMANA Jean Bosco.
[2] Urubanza RPA 00012/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/04/2022, haburana Ubushinjacyaha na NKURANYABAHIZI Balthelemie.

[27] Uru Rukiko rurasanga rero mu gihe haba Ubushinjacyaha cyangwa Urukiko Rukuru, Urugereko rwa Rwamagana, ntawagaragaje ko mu kuvuga amagambo MWEMA Twagira ashinjwa, hari icyo yari agamije mu biteganwya n'ingingo ya 204 y'Itegeko nº 68/2018 ryo ku wa 30/08/2018 ryavuzwe haruguru, ndetse narwo rugasanga hasesenguwe ayo magambo uko yasubiwemo n'abayumvise nabo bayavuga mu buryo butari bumwe, bikanagaragara ko hari n'ibyo MWEMA Twagira yiyitiriraga bitari nabyo, nko kuvuga ko ari KAYUMBA NYAMWASA, ndetse akayavuga yasinze nk'uko nyiri akabari yayavugiyemo yabisobanuye mu ibazwa rye n'ubwo iyo itaba impamvu ikuraho uburyozwacyaha nk'uko biteganywa n'ingingo ya 85 y'Itegeko nº 68/2018 ryo ku wa 30/08/2018 ryavuzwe haruguru, ibyo byose bituma uru Rukiko narwo nta kirugaragariza ko yayavuze hari icyo agamije mu biteganywa n'ingingo ya 204 y'Itegeko rimaze kuvugwa, akaba rero adahamwa n'icyaha giteganywa n'iyo ngingo, bityo urubanza rwajuririwe rukaba ruhindutse

III. ICYEMEZO CY'URUKIKO

[28] Rwemeje ko ubujurire bwa MWEMA Twagira bufite ishingiro;

[29] Rwemeje ko imikirize y'urubanza RP 00001/2019/HC/RWG rwaciwe n'Urukiko Rukuru, Urugereko rwa Rwamagana, ku wa 25/10/2019, ihindutse;

[30] Rwemeje ko MWEMA Twagira adahamwa n'icyaha cyo guteza imvururu cyangwa imidugararo muri rubanza, bityo akaba agomba kurekurwa;

[31] Rwemejo ko amagarama y'urubanza aherera ku Isanduku ya Leta.