

## UBUSHINJACYAHA v. MUREKATETE

[Rwanda URUKIKO RW'UBUJURIRE - RPAA 00019/2021/CA – (Kaliwabo, P.J.) 26 Kamena 2021]

*Amategeko ateganya ibyaha n'ibihano – icyaha cyo gucuruza ibiyobyabwenge – Igikorwa cyo gucuruza ibiyobyabwenge - Igikorwa cyo gucuruza ntikireberwa ku kuba hari presence physique y'umuguzi, ahubwo birahagije kuba ugurisha afite ibicuruzwa kandi bigenewe umuguzi wese ubishaka.*

*Amategeko ateganya ibyaha n'ibihano – Ibyiciro by'ibiyobyabwenge – Urumogi rubarizwa mucyiciro cy'ibiyobyabwenge bihambaye – Agaciro k'icyiciro cy'ibiyobyabwenge cyashizwe ho nyuma yo gukora icyaha – Muguhana, Urukiko ntirwashingira ku kuba urumogi rubarirwa mu biyobyabwenge bihambaye mugihe ibyiciro by'ibiyobyabwenge byashyizweho nyuma yuko ushinjwa akora icyaha, kandi uburemere bw'ibihano bukaba bugira uruhare rukomeye mu mahitamo y'umuntu igihe akora icyaha, azi neza n'igihano kimutegereje.*

*Amategeko ateganya ibyaha n'ibihano – icyuho mu itegeko – Iyo hari icyuho mu itegeko harebwa icyungukira ushinjwa.*

**Incamake y'ikibazo:** Ubushinjacyaha bwareze Murekatete Immaculée na Munyakabera Jean de Dieu icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi buvuga ko Murekatete Immaculée yafatanwe udupfunyika 597 tw'urumogi iwe murugo bivugwa ko yari aruzaniwe na Munyakabera Jean de Dieu. Mu Rukiko Rwisumbuye rwa Gicumbi, Murekatete Immaculée yemeye icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi abisabira imbabazi no kugabanyirizwa ibihano naho Munyakabera Jean de Dieu yahakanye icyaha avuga ko ntaho ahuriye n'ibiyobyabwenge byafatiwe kwa Murekatete Immaculée, ko we yari yaje kumusura nk'umuvandimwe. Urukiko rushingiye kubimenyetso rwashikirijwe rwahamije Murekatete Immaculée icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi, rumuhanisha igifungo cya burundu n'ihazabu ya 20.000.000Frw, naho Munyakabera Jean de Dieu agirwa umwere.

Murekatete Immaculée yajuririye Urukiko Rukuru avuga ko Urukiko Rwisumbuye rwa Gicumbi rwaramuhaye ibihano birebire kandi yaraburanye yemera icyaha, asaba kugabanyirizwa ibihano ndetse bikanasubikwa, agacibwa ihazabu ihwanye n'ubushobozi bwe. Urukiko Rukuru rwahaye agaciro ukwemera icyaha kwa Murekatete Immaculée, rumukura ku gifungo cya burundu rumuhanisha igifungo cy'imyaka 25 n'ihazabu ya 20.000.000 frw.

Murekatete Immaculée, ntiyishimiye imikirize yajuririye Urukiko rw'Ubujurire anenga urubanza rwo mu Rukiko Rukuru kuba rutaramugabanyirije ibihano ku buryo bugaragara kandi yaraburanye yemera icyaha, kuba yarahawe ibihano hashingiwe ku itegeko ritanga ibihano biremereye kandi icyaha cyarakozwe hakurikizwa itegeko ryoroheje, yasabye ko yagabanyirizwa ibihano kuko yasize abana bakiri bato batagira gikurikirana akomeza avuga ko atigeze acuruza ibiyobyabwenge uretse kubifatanwa bityo ko aricyo cyaha yaha yahanirwa. Mu iburanisha ubushinjacyaha bwavuze ko Murekatete yafatanye udupfunyika 597 tw'urumogi kandi ko yemeye ko yarucuruzaga, ariko kuba yarakoze icyaha mbere y'uko Iteka rya Ministiri rishyira ibiyobyabwenge mu byiciro risohoka, ngo akaba yahanishwa ibihano bito aribyo imyaka 7 n'ihazabu ya 5,000,000Frw bukomeza buvuga ko mu nzego z'iperereza no mu nkiko zibanza Murekatete Immaculée yasobanuye neza ko urumogi yafatanye yaruguze agamije kurucuruza, ibyo bikaba bihagije guhanirwa gucuruza kabone nubwo nta muntu waba yari yakaje kugura.

**Incamake y'icyemezo:** 1. Igikorwa cyo gucuruza ntikireberwa ku kuba hari presence physique y'umuguzi, ahubwo birahagije kuba ugurisha afite ibicuruzwa kandi bigenewe umuguzi wese

ubishaka. Bityo imvugo ya Murekatete y'uko nta gikorwa kigize icyaha cyo gucuruza ibiyobyabwenge kubera ko nta muntu polisi yasanze agura urumogi iwe nta shingiro ifite.

2. Muguhana, Urukiko ntirwasingira ku kuba urumogi rubarirwa mu biyobyabwenge bihambaye mugihe ibyiciro by'ibiyobyabwenge byashyizweho nyuma yuko ushinjwa akora icyaha, kandi uburemere bw'ibihano bukaba bugira uruhare rukomeye mu mahitamo y'umuntu igihe akora icyaha, azi neza n'igihano kimutegereje. Bityo mu kugenera uregwa igihano ntibyari bikwiye ko inkiko zishingira ku kuba urumogi rubarirwa mu biyobyabwenge bihambaye.

3. Iyo hari icyuho mu itegeko harebwa icyungukira ushinjwa. Bityo uregwa agomba guhanishwa ibihano byateganyiriwe ibiyobyabwenge byo mu rwego rworoheje kabone nubwo urumogi ruri mu rwego ruhambaye.

**Ubujurire bufite ishingiro kuri bimwe,  
Urubanza rujurirwa ruhindutse kubijyanye n'igihano.**

**Amategeko yashingiwe ho:**

Itegeko n°69/2019 ryo ku wa 08/11/2019 rihindura itegeko n°68/2018 ryo ku wa 30/08/2018 riteganyira ibyaha n'ibihano muri rusange

Itegeko N°68/2018 ryo ku wa 30/08/2018 riteganyira ibyaha n'ibihano muri rusange

Itegeko n°15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo

Iteka rya minisitiri N°001/MoH/2019 ryo ku wa 04/03/2019 rigena urutonde rw'ibiyobyabwenge n'ibyiciro byabyo

**Nta manza zifashishijwe.**

## **Urubanza**

### **I. IMITERERE Y'URUBANZA**

[1] Ubushinjacyaha bwareze Murekatete Immaculée na Munyakabera Jean de Dieu icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi aho kuwa 26/12/2018 MUREKATETE Immaculée ari iwe mu rugo yafatanwe udupfunyika 597 tw' urumogi bivugwa ko yari aruzaniwe na Munyakabera Jean de Dieu. Bari mu nzego z'iperereza Murekatete Immaculée yemeye icyaha naho Munyakabera Jean de Dieu aragihakana.

[2] Mu Rukiko Rwisumbuye rwa Gicumbi, Murekatete Immaculée yemeye icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi abisabira imbabazi no kugabanyirizwa ibihano. Munyakabera Jean de Dieu yahakanye icyaha avuga ko ntaho ahuriye n'ibiyobyabwenge byafatiwe kwa Murekatete Immaculée, ko we yari yaje kumusura nk'umuvandimwe. Urukiko, rwaciye urubanza RP 00023/2019/TGI/GIC ku wa 22/05/2019, rushingiye ku bimenyetso rwashyikirijwe n'Ubushinjacyaha n'imiburanire y'abaregwa, ruhamya Murekatete Immaculée icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi, rumuhanisha igifungo cya burundu n'ihazabu ya 20.000.000 frw, naho Muryakabera Jean de Dieu agirwa umwere.

[3] Murekatete Immaculée yajuririye Urukiko Rukuru anenga kuba Urukiko Rwisumbuye rwa Gicumbi rwaramuhaye ibihano birebire kandi yaraburanye yemera icyaha, asaba kugabanyirizwa ibihano ndetse bikanasubikwa, agacibwa ihazabu ihwanye n'ubushobozi bwe. Ubushinjacyaha bwavuze ko ibihano Murekatete Immaculée yahawe bihuje n'ibiteganywa n'itegeko, ariko ko kuba yaraburanye yemera icyaha yagabanyirizwa igihano hashingiwe ku

ngingo ya 60 y'Itegeko n°68/2018 ryo ku wa 30/08/2018 riteganywa ibyaha n'ibihano muri rusange, agahanishwa igifungo cy'imyaka 25 n'ihazabu ya 20.000.000frw.

[4] Urukiko Rukuru rwaciye urubanza RPA 01060/2019/HC/KIG ku wa 29/05/2020, ruha agaciro ukwemera icyaha kwa Murekatete Immaculée, rumukura ku gifungo cya burundu rumuhanisha igifungo cy'imyaka 25 n'ihazabu ya 20.000.000 frw.

[5] Murekatete Immaculée, mu mwanzuro we, yajuririye Urukiko rw'Ubujurire anenga urubanza rwo mu Rukiko Rukuru kuba rutaramugabanyirije ibihano ku buryo bugaragara kandi yaraburanye yemera icyaha, kuba yarahawe ibihano hashingiwe ku itegeko ritanga ibihano biremereye kandi icyaha cyarakozwe hakurikizwa itegeko ryoroheje, yasabye ko yagabanyirizwa ibihano kuko yasize abana bakiri bato batagira gikurikirana.

[6] Me Rugeyo Jean umwunganira, yasabye ko Murekatete Immaculée yahanirwa gufatanwa urumogi kuko nta gikorwa cy'ubucuruzi yafatiwemo bityo ngo agahanishwa igifungo cy'umwaka umwe. Mu miburanire ye Murekatete Immaculée nawe yavuze ko atigeze acuruza ibiyobyabwenge uretse kubifatanwa bityo ko aricyo yaha yahanirwa. Mu miburanire ye Murekatete ntiyigeze asobanura uburyo yahanishijwe itegeko ritanga ibihano biremereye kandi hari iriteganywa ibihano byoroheje, ariyo mpamvu Urukiko ntacyo ruyivugaho.

[7] Ubushinjacyaha bwavuze ko Murekatete yafatanywe udupfunyika 597 tw'urumogi kandi ko yemeye ko yarucuruzaga, ariko kuba yarakoze icyaha mbere y'uko Iteka rya Ministiri rishyira ibiyobyabwenge mu byiciro risohoka, ngo akaba yahinishwa ibihano bito aribyo imyaka 7 n'ihazabu ya 5.000.000Frw.

[8] Mu iburanisha ryo kuwa 31/05/2021, Murekatete Immaculée yitabye yunganiwe na Me Rugeyo Jean naho Ubushinjacyaha buhagarariwe na Gakwerere Javan, Umushinjacyaha ku rwego rw'Igihugu.

[9] Muri uru rubanza Urukiko rurasuzuma niba ibikorwa byakozwe na Murekatete Immaculée bigize icyaha cyo gufatanwa cyangwa icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi no kumenya niba yagabanyirizwa ibihano akanasubikirwa.

## **II. ISESENGURA RY'URUBANZA**

### **1. Kumenya niba ibikorwa byakozwe na Murekatete Immaculée bigize icyaha cyo gufatanwa cyangwa gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi**

[10] Murekatete Immaculée, mu mwanzuro we w'ubujurire wo ku wa 30/06/2020 yajuririye avuga ko Urukiko Rukuru rutamugabanyirije ibihano ku buryo buhagije kandi yaraburanye yemera icyaha, ko ari bwo yari agitangira ibikorwa byo gucuruza urumogi kubera ubuzima bubi bw'impunzi no kuba arera abana 5 wenyine kubera ko umugabo we afunzwe, asaba kugabanyirizwa ibihano kubera kwemera icyaha no kuba abana be badafite kirengera kandi akaba ari impunzi mu Gihugu kitari icye. Yavuze kandi ko yahanwe hashingiwe ku itegeko ritanga ibihano biremereye kandi yarakoze icyaha hakurikizwa itegeko ritanga ibihano bito.

[11] Me Rugeyo Jean wunganira Murekatete Immaculée yavuze ko uyu yafashwe yemera ibikorwa byo gufatanwa urumogi ariko ngo ahanirwa gucuruza ibiyobyabwenge kandi atarigeze afatwa agurisha uwo ariwe wese, bityo ko Urukiko rugomba kubikosora agahanirwa icyaha cyo gufatanwa ibiyobyabwenge. Ibi ninabyo Murekatete nawe yaburanishije avuga ko atigeze acuruza urumogi, ko yafatanwe urumogi ataragurisha, atanazi n'uko abigenza.

[12] Ubushinjacyaha bwavuze ko mu nzego z'iperereza no mu nkiko zibanza Murekatete Immaculée yasobanuye neza ko urumogi yafatanywe yaruguze agamije kurucuruza, ibyo bikaba

bihagije guhanirwa gucuruza kabone nubwo nta muntu waba yari yakaje kugura. Bwasobanuye kandi ko imvugo ya Murekatete yemera icyaha ishimangirwa n'umutangabuhamya Munyaneza David watanze amakuru ko Murekatete Immaculee yari asanzwe abicuruza ko yafashwe kubera amakuru yamutanzweho babonye uwamuzaniye igikapu kirimo urumogi, bityo ko icyaha yakoze n'amakuru y'urumuzanira babonye aje iwe n'igikapu bahita batanga amakuru.

[13] Ubushinjacyaha bwasobanuye ko nubwo Murekatete Immaculéé ahinduye imvugo akaba ahakana icyaha bityo n'igabanyagihano asaba akaba atarikwiye kuko ntaho rishingiye, ko ariko mu kugena igihano Urukiko rukwiriye kwita ku kuba yarakoze icyaha mbere yuko Iteka rya Minisitiri rishyira urumogi mu biyobyabwenge bihambaye ritangazwa<sup>1</sup> ryaje nyuma yuko akoze icyaha, busaba ko Urukiko rwamuhanisha ibihano byagenewe icyaha cyo gucuruza ibiyobyabwenge byo mu rwego rworoheje kuko iki cyuho kigomba kungukira ushinjwa, bityo busaba ko yahanishwa igifungo cy'imyaka 7.

## UKO URUKIKO RUBIBONA

[14] Ingingo ya 11 y'itegeko n°69/2019 ryo ku wa 08/11/2019 rihindura itegeko n°68/2018 ryo ku wa 30/08/2018 riteganyira ibyaha n'ibihano muri rusange ivuga ko ingingo ya 263 y'itegeko n°68/2018 ryo ku wa 30/08/2018 riteganyira ibyaha n'ibihano muri rusange ihindurwe ku buryo bukurikira: “Umuntu wese ufatanwa, urya, unywa, witera, uhumeka cyangwa wisiga mu buryo ubwo aribwo bwose ibiyobyabwenge cyangwa rusobe rw'imiti ikoresha nka byo, aba akoze icyaha. Umuntu wese uhamijwe n'urukiko gukora ibikorwa bivugwa mu gika cya mbere cy'iyi ngingo, ahanishwa igifungo kitari muni y'umwaka umwe (1) ariko kitarenze imyaka ibiri (2) cyangwa imirimo y'inyungu rusange. Umuntu wese ukora, uHINGA, uhindura, utunda, ubika, uha undi, ugurisha mu gihugu ibiyobyabwenge cyangwa urusobe rw'imiti ikoresha 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; 2 ° igifungo kitari muni y'imyaka makumyabiri (20) ariko kitarenze imyaka makumyabiri n'itanu (25) n'ihazabu y'amafaranga y'u Rwanda atari muni ya miliyoni cumi n'eshanu (15.000.000 FRW) ariko atarenze miliyoni makumyabiri (20.000.000 FRW) kubyerekeye ibiyobyabwenge bikomeye; 3 ° igifungo kitari muni y'imyaka irindwi (7) ariko kitarenze imyaka icumi (10) n'ihazabu y'amafaranga y'u Rwanda atari muni ya miliyoni eshanu (5.000.000 FRW) ariko atageze kuri miliyoni icumi (10.000.000 FRW) ku byerekeye ibiyobyabwenge byoroheje.

[15] Ingingo ya ya 110 y'itegeko n°15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo ivuga ko ukwiyeemerera mu rubanza ari amagambo umuburanyi cyangwa umuhagarariye avugiye mu Rukiko agira ibyo yemera. Ayo magambo atsindisha uwayavuze. Uwemereye atyo mu rukiko ntabwo ashobora kwisubiraho keretse bigaragaye ko yemejwe n'uko yagiriwaga nabi cyangwa ko yibeshya ku cyabaye. Ntashobora kwisubiraho avuga ko yayobejwe no kwibeshya ku mategeko.

[16] Urukiko rurasanga mu miburanire ye mu Rukiko Rwisumbuye Murekatete Immaculéé yariyemereye ko yari amaze amezi 2 acuruza urumogi akaba yarabitewe n'imibereho mibi yo mu nkambi, ko yabikoraga aziko ari icyaha ari gukora, akaba yarajuririye Urukiko Rukuru agirango agabanyirizwe ibihano biremereye yari yahawe, ndetse Urukiko Rukuru rukaba rwarabishingiyeho rumuhanisha igifungo cy'imyaka 25 mu mwanya w'igifungo cya burundu yari yahawe ku rwego rwa mbere.

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<sup>1</sup>Itegeko n° 68/2018 riteganyira icyaha cyo gucuruza ibiyobyabwenge ryatangajwe ku wa 30/08/2018, naho MUREKATETE Immaculéé yakoze icyaha ashinjwa ku wa 26/12/2018 mu gihe Iteka rya Minisitiri rishyira ibiyobyabwenge mu byiciro ryatangajwe ku wa 11/03/2019.

[17] Urukiko rurasanga mu mwanzuro we utanga ubujurire wo ku wa 30/06/2020, Murekatete Immaculée yarajuriye yemera icyaha cyo kuba ibiyobyabwenge yafatanywe byari ibyo gucuruza ngo nubwo yafashwe nta mukiliya arabihaho, ndetse akaba yarasobanuye ko yabitewe n'ubuzima bubu bw'impunzi yarimo no kuba yifasha kurera abana 5 kuko umugabo we afunzwe, bityo imiburanire ya Murekatete Immaculée na Me Rugeyo Jean kuri uru rwego yo kuba yahanirwa icyaha cyo gufatanwa, ikaba nta shingiro ifite kuko nta kimenyetso kivuguruzwa ibyo yiyemereye nta gahato kandi akaba atahindura imvugo uko abyishakiye.<sup>2</sup>

[18] Urukiko rurasanga imvugo y'uwunganira Murekatete ko nta muntu polisi yasanze agura urumogi bityo ko nta gikorwa kigize icyaha cyo gucuruza ibiyobyabwenge Murekatete ashinjwa, iyi mvugo nta shingiro ifite kuko igikorwa cyo gucuruza kitareberwa ku kuba hari presence physique y'umuguzi, ahubwo bihagije kuba ugurisha afite ibicuruzwa kandi bigenewe umuguzi wese ubishaka. Murekatete uvuga ko yari afite umugambi wo kugurisha ariko nta muguzi polisi yamusanganye, imvugo ye irashimangira imvugo zatanze mu bushinjacyaha, kandi Urukiko rukaba rubona ko atari umugambi gusa yari afite ahubwo yari mu gikorwa cyo gucuruza kabone nubwa nta muguzi wari uhari igihe polisi yamugeragaho.

[19] Urukiko rurasanga rero ntaho rwahera ruhindura inyito y'icyaha Murekatete Immaculée yakozwe kuko imvugo ze n'iz'abatangabuhamba zimushinja icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi ndetse n'inyandikomvugo y'ifatira igaragaza ko bamusanganye iwe udupfunyika 597 tw'urumogi yari afite gahunda yo kugurisha bityo icyaha yakozwe akaba ari ukugurisha urumogi akaba aricyo akwiriye gukomeza guhanirwa.

[20] Urukiko rurasanga Murekatete Immaculée impamvu y'ubujurire yatanze mu mwanzuro we w'ubujurire yo kugabanyirizwa ibihano kubw'impamvu nyoroshyacyaha yo kwemera icyaha itagifite agaciro kuko mu iburanisha mu Rukiko rw'Ubujujire yahinduye imiburanire ashingiye ku mwanzuro w'inyogera asaba ko yahindurirwa inyito y'icyaha agahanirwa gufatanwa ikiyobyabwenge cy'urumogi aho guhanirwa gucuruza.

[21] Urukiko Rwisumbuye mu kugenera Murekatete Immaculée igihano rwashingiye ku kuba Iteka rya minisitiri N°001/MoH/2019 ryo ku wa 04/03/2019 rigena urutonde rw'ibiyobyabwenge n'ibyiciro byabyo rushyira urumogi mu biyobyabwenge bihambaye bituma ahanishwa igihano cy'igifungo cya burundu, naho Urukiko Rukuru narwo rwagendeye muri uwo murongo, rwamugabanyirije igihano rushingiye ku kuba yaremeye icyaha.

[22] Urukiko rurasanga, nubwo Murekatete Immaculée yakozwe icyaha cyo gucuruza ibiyobyabwenge byo mu bwoko bw'urumogi, icyaha cyari gisanze gihanwa n'ingingo ya 263 y'Itegeko n° 68/2018 ryavuzwe haruguru, nyamara kandi ntiyarazi ko kiri mu cyiciro cy'ibiyobyabwenge bihambaye bihanishwa igifungo cya burundu kuko Iteka rya Minisitiri rigena ibyiciro by'ibiyobyabwenge ryatangajwe ku wa 11/03/2019 ryaje risimbura Iteka rya minisitiri N°20/35 ryo ku wa 09/06/2015 naryo ryemezaga ko urumogi ari ikiyobyabwenge ariko ritagena icyiciro rurimo.

[23] Urukiko rurasanga, nk'uko n'Ubushinjacyaha bubiburanisha, mu kugenera Murekatete Immaculée igihano bitari bikwiye ko inkiko zishingira ku kuba urumogi rubarirwa mu biyobyabwenge bihambaye kuko ibi byiciro byashyizweho nyuma yuko akora icyaha, kandi uburemere bw'ibihano bukaba bugira uruhare rukomeye mu mahitamo y'umuntu igihe akora icyaha, azi neza n'igihano kimutegereje.

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<sup>2</sup> Ingingo ya 110 y'itegeko n°15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo ivuga ko Uwemereye atyo mu rukiko ntabwo ashobora kwisubiraho keretse bigaragaye ko yemejwe n'uko yagirirwaga nabi cyangwa ko yibeshya ku cyabaye. Ntashobora kwisubiraho avuga ko yayobejwe no kwibeshya ku mategeko.

[24] Urukiko rurasanga Murekatete Immaculée agomba guhanishwa ibihano byateganyiriwe ibiyobyabwenge byo mu rwego rworoheje kabone nubwo urumogi ruri mu rwego ruhambaye kuko mu gihe hari icyuho mu Itegeko, harebwa icyungukira ushinjwa.

[25] Urukiko rukaba rusanga nk'uko biteganywa mu ngingo ya 263 y'Itegeko n°68/2018 ryo kuwa 30/08/2018 riteganywa ibyaha n'ibihano muri rusange mu gace kayo ka 3 nk'uko yahinduwe n'ingingo ya 11 y'Itegeko n°69/2019 ryo kuwa 30/11/2019, igihano kitari muni y'inyaka irindwi (7) ariko kitarenze imyaka icumi (10) n'ihazabu y'amafaranga y'u Rwanda atari muni ya miliyoni eshanu (5.000.000 FRW) ariko atageze kuri miliyoni icumi (10.000.000 FRW) aricyo gihano giteganyirizwa ibiyobyabwenge byoroheje.

[26] Urukiko rurasanga, nk'uko byasabwe n'Ubushinjacyaha, Murekatete Immaculée agomba guhanishwa igifungo cy'inyaka 7 n'ihazabu y'amafaranga miliyoni eshanu (5.000.000Frw), igabanyagihano akaba arihawe kubw'itegeko nk'uko byasobanuwe haruguru.

## **2. Gusuzuma niba MUREKATETE Immaculee yasubikirwa ibihano**

[27] Murekatete Immaculée yavuze ko yasize abana batanu b'indahekana batagira gikurikirana kuko na se w'abana afunzwe, asaba ko yasubikirwa agasanga abana kuko bari bonyine nta wundi muntu bari kumwe uretse abaturanyi, kandi ko yumvise ko inkambi igiye kwimurwa akaba afite impungenge ku merekezo y'abana.

[28] Ubushinjacya kwasobanuye ko isubikagihano ridashoboka kubera igihano kirenze imyaka itanu Murekatete Immaculée yasabiwe kandi ko ibyo arisabira ari ingaruka z'icyaha yakoze agomba no guhanirwa.

## **UKO URUKIKO RUBIBONA**

[29] Ingingo ya 64 y'itegeko n°68/2018 ryo kuwa 30/08/2018 riteganywa ibyaha n'ibihano muri rusange ivuga ko isubikagihano ari icyemezo cy'urukiko gihagarika irangizarubanza ku gihano itegeko riteganyirizwa igifungo kitarengeje imyaka itanu (5) rikaba ritangwa hashingiwe ku buremere bw'icyaha.

[30] Urukiko rurasanga, uretse no kuba Murekatete Immaculée uhanishijwe igifungo kirenze imyaka itanu adashobora guhabwa isubikagihano, nyamara kandi impamvu atanga zo kuba yarashize abana bari bonyine ni ingaruka yagombye kuba yaratekerejeho mbere yo gukora icyaha, imwe mu ngaruka y'igihano cy'igifungo ikaba aruko uhanwe aba atagishoboye kwita ku muryango we. Nubwo bibabaje, gufungwa k'umubyeyi bigira ingaruka ku muryango we, ariyo mpamvu uhanwe agomba kubivanamo isomo ry'ubuzima bwe nyuma yo kurangiza igihano ariko n'abandi babyeyi bikababera inyigisho ituma birinda gukora icyaha n'ingaruka zacyo.

## **III. ICYEMEZO CY'URUKIKO**

[31] Rwemeje ko ubujurire bwa Murekatete Immaculée bufite ishingiro kuri bimwe;

[32] Rwemeje ko urubanza RPA 01060/2019/HC/KIG rwaciwe n'Urukiko Rukuru kuwa 23/06/2020 ruhindutse kubijyane n'igihano;

[33] Rwemeje ko Murekatete Immaculée ahanishwa igihano cy'igifungo cy'inyaka 7 n'ihazabu y'amafaranga miliyoni eshanu (5.000.000 frw);

[34] Rutegetse ko Murekatete Immaculee asonerwa amagarama y'Urukiko kuko aburana afunzwe.