UBUSHINJACYAHA v SHAMSA N’UNDI

[Rwanda URUKIKO RW’UBUJURIRE – RPA 00018/2023/CA-CMB RPA 00003/2024/CA (Kaliwabo, P.J.) 11 Nyakanga 2024]

Amategeko yerekeye imiburanishirize y’imanza nshinjabyaha – Ubujurire – Kuburanisha ubujurire bw’uregwa adahari – 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 igihe aribyo biri mu nyungu z’ubutabera.

Incamake y’ikibazo: Uru rubanza rwatangiriye mu Rukiko Rukuru, Urugereko rwihariye ruburanisha ibyaha mpuzamahanga n’ibyambuka imbibe, Ubushinjacyaha bukurikiranye uwitwa Shamsa Said Hamed Al Sinawi ku cyaha cy'icuruzwa ry'abantu, bwanakurikiranye kandi uwitwa Nsabimana Selemani ku kuba icyitso mu cyaha cy'icuruzwa ry'abantu, no ku cyaha cyo guhimba, guhindura inyandiko cyangwa gukoresha inyandiko mpimbano. Abaregwa bakurikiranywe nyuma yuko hari bimwe mu bakorewe ibyaha babujijwe gukomeza urugendo bari bagiyemo mu Gihugu cya OMAN ubwo bari bageze ku Kibuga cy’indege i Kanombe, kubera gukeka ko bagiye gukorerwa icuruzwa ry’abantu. Mu gihe bakorwagaho iperereza, biza kumenyeka ko hari n’abandi bajyanywe mu buryo bumwe nabagarukiye ku kibuga cy’indege biza kugaragara ko bakorerwa ihohoterwa ndetse bakaba barambuwe ibyangombwa by’inzira, bituma bahabwa ubufasha bwo kugaruka mu Rwanda. Muri urwo rubanza kandi abakorewe ibyaha baregeye indishyi basaba Urukiko gutegeka abaregwa gufatanya kubishyura indishyi.

Urukiko Rukuru, Urugereko rwihariye ruburanisha ibyaha mpuzamahanga n’ibyambuka imbibe rwaciye urubanza rwemeza ko Shamsa Said Hamed Al Sinawi ahamwa n’icyaha cyo gucuruza abantu rumuhanisha igifungo cy’imyaka 10 no gutanga ihazabu ya 10,000,000Frw naho Nsabimana Selemani ahamwamwa no kuba icyitso mu cyaha cyo gucuruza abantu ndetse no gukora inyandiko mpimbano, ahanishwa igifungo cy’imyaka 8 no gutanga ihazabu ya 10.000.000Frw. Ku birebana n’indishyi zaregewe, Urukiko rwategetse ko abaregwa bafatanya kwishyura indishyi zinyuranye.

Abaregwa bajuririye imikirize y’urwo rubanza mu Rukiko Rw’Ubujurire, Shamsa Said Hamed Al Sinawi yajuriye avuga ko Urukiko rubanza rwamuhamije icyaha cy’icuruzwa ry’abantu rushingiye ku buhamya buvuguruzanya kandi ko rutahaye agaciro ibimenyetso bituruka kubaregwa ubwabo yarushyikirije. Asaba Urukiko kumugira umwere no kuvuga ko indishyi zatanzwe zivanyweho. Nsabimana Selemani we yajuriye avuga ko yahaniwe icyaha kitabayeho kuko abavugwa ko bahohotewe, bagiye gukora akazi mu Gihugu cya Oman ku bushake bwabo, ko adakwiye kuryozwa ko aba bananiranywe n’abakoresha babo ngo bifatwe nko kubacuruza. Avuga kandi ko, kuba yarasabwe na Shamsa Said Hamed Al Sinawi kumwandikira amasezerano y’akazi abarega bagiye bitwaje bitagize icyaha kuko uwabimusabye nawe abyemeza.

Mu bihe bitandukanye by’iburanisha ry’ubujurire, Shamsa na Nsabimana ntibigeze bitaba, bituma Urukiko rusuzuma ibirebana n’abashinjwa batitabye Urukiko kandi aribo bajuriye. Kuri iki kibazo Ubushinjacyaha bwasabye ko ikirego cyabo gisibwa hakurikijwe ibiteganywa mu gika cya 2 cy’ingingo ya 189 y’Itegeko N° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y’imanza z’inshinjabyaha. Naho abaregera indishyi basaba ko urubanza ruburanishwa abajuriye

badahari kuko babikoreye ubwende bashaka guhunga igihano, ko kandi nabo batanze ubujurire bwuririye ku bundi basaba indishyi ziyongereye ku zo bagenewe. Mu gusubiza ku mpamvu z'ubujurire, Ubushinjacyaha buvuga ko impamvu z'ubujurire zatanzwe na Shamsa Said Hamed Al Sinawi ari nazo yashingiyeho yiregura ku rwego rwa mbere kandi ko Urukiko rwazisubije akaba atagaragaza inenge iboneka mu isesengura ryakozwe, naho kuri Nsabimana Selemani buvuga ko nawe atagaragaza ikosa ryakozwe n'Urukiko rubanza ko rwasobanuye ubufasha bukomeye yahaye Shamsa Said Hamed Al Sinawi mu gikorwa cyo gucuruza abavuzwe muri uru rubanza, ko kandi Urukiko rwasesenguye amasezerano y'akazi yakozwe na Nsabimana, ubwe uvuga ko yayakoze abisabwe na Shamsa kandi Urukiko rwasanze ibiyavugwamo bitari ukuri.

Incamake y'icyemezo: 1. 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 igihe aribyo biri mu nyungu z'ubutabera.

2. Ibikorwa bigize icyaha cyo gucuruza abantu birondorwa mu ngingo ya 3 y'Itegeko Nº 51/2018 ryo ku wa 13/08/2018 ryerekeye gukumira, kurwanya no guhana icuruzwa ry'abantu no gushakira inyungu mu bandi, ntibigombera ko habaho isoko ry'abantu.

3. Kuba abaregera indishyi bavuga umubare w'indishyi buri wese asaba, ntibagaragaze ikosa n'uburyo Urukiko rubanza rwibeshye mu kugena izo bahawe nk'uko rwazisobanuye, Urukiko ntaho rwahera ruhindura imitekerereze y'Urukiko Rukuru mu gihe abaregera indishyi batagaragaza uburyo Urukiko rwaba rwarafashe ibintu uko bitari cyangwa ngo rube rwarakoresheje nabi ubushishozi bwarwo cyangwa ngo rube rwarakoresheje nabi itegeko rwashingiyeho; bityo indishyi z'akababaro buri wese yagenewe zikaba zigumyeho.

Ubujurire nta shingiro bufite;
Abaregwa bategetswe gufatanya kwishyura indishyi (in solidum).

Amategeko yashingiweho:

Itegeko Nº 062/2024 ryo ku wa 20/06/2024 rigenga ibimenyetso, Ingingo ya 89.

Itegeko N° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha, Ingingo ya 113 n'iya 183.

Itegeko Nº 51/2018 ryo ku wa 13/08/2018 ryerekeye gukumira, kurwanya no guhana icuruzwa ry'abantu no gushakira inyungu mu bandi, Ingingo ya 3.

Itegeko N° 22/2019 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, ingingo ya 111n'iya 152.

Amabwiriza N° 01/2014 agena ibihembo mbonera by'abavoka, Ingingo ya 34.

Itegeko Nº 15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo, Ingingo ya 121.

Imanza zifashishijwe:

Ubushinjacyaha vs Kamonyo Faustin, RPA 0073/09/CS rwaciye n'Urukiko Rw'Ikirenga ku wa 01/11/2013.

Urubanza

I. IMITERERE Y'URUBANZA

[1] Mu kwezi kwa Kamena 2022, abitwa MUKESHIMANA Liliane na KABATESI ZAWADI babujijwe gukomeza urugendo bari bagiyemo mu Gihugu cya OMAN ubwo bari bageze ku Kibuga cy'indege iKanombe, kubera gukeka ko bagiye gukorerwa icuruzwa ry'abantu. Mu gihe bakorwagaho iperereza, MUKESHIMANA Liliane yaje guha Ubugenzacyaha amakuru y'abanyarwandakazi bajyanywe muri Oman na Shamsa Said Hamed Al Sinawi, abo akaba ari UWERA Joséphine alias SIFA, UWINGENEYE Emelyne alias Miradji, UWIMANA Zaina na NDAMWEMEYE Immaculée. Iperereza ryakomereje kuri aba bantu biza kugaragara ko bakorerwa ihohoterwa ndetse bakaba barambuwe ibyangombwa by'inzira, bituma bahabwa ubufasha bwo kugaruka mu Rwanda naho SHAMSA Said Hamed Al Sinawi arafatwa akurikiranyweho icyaha cyo gucuruza abantu mu gihe NSABIMANA Selemani wamufashaga gushaka abakobwa yohereza mu mahanga yakurikiranyweho kuba icyitso mu cyaha cyavuzwe no gukora inyandiko mpimbano.

[2] Nyuma y'iperereza, Ubushinjacyaha bwaregeye SHAMSA Said Hamed Al Sinawi na NSABIMANA Selemani Urukiko Rukuru, Urugereko rwihariye ruburanisha ibyaha mpuzamahanga n'ibyambuka imbibe bubakurikiranyeho ibyaha byavuzwe haruguru, busaba ko SHAMSA Said Hamed Al Sinawi ahanishwa igifungo cy'imyaka makumyabiri n'itanu (25) n'ihazabu y'amafaranga y'u Rwanda miliyoni makumyabiri n'eshanu (25.000.000 Frw), naho NSABIMANA Selemani bumusabira guhanishwa igifungo cy'imyaka makumyabiri (20) n'ihazabu y'amafaranga y 'u Rwanda miliyoni makumyabiri (20.000.000 Frw).

[3] SHAMSA Said Hamed Al Sinawi yaburanye ahakana icyaha, avuga ko abamurega aribo baje kumusaba ko yabashakira akazi mu gihugu cya OMAN, ko yabahuje n'abakoresha kandi bakaba batarigeze bamugaragariza ko bafashwe nabi, ko ababishakaga bahinduraga abakoresha bakajya no mu bindi bihugu bifuza, bityo ko atagomba kuzira ineza yagiriye abaje bamusanga. Akomeza avuga ko mu gihe yumvaga abantu batangiye kumugambanira bamushinja ibinyoma, yakatishirije uwitwa UWIMANA Zaina itike y'indege ngo agaruke mu Rwanda, uyu amusubiza ko atareka akazi kuko abanye neza n'umukoresha we.

[4] NSABIMANA Selemani yaburanye ahakana ibyaha aregwa, avuga ko nta gikorwa na kimwe kigize icyaha cyagaragajwe n'Ubushinjacyaha, ko no mu mwanzuro wabwo, bwemeza ko UWERA Joselyne alias SIFA, UWINGENEYE Emelyne alias Miladji, UWIMANA Zaina na NDAMWEMEYE Immaculée, bagiye muri Oman gushaka akazi bakagahabwa, akaba atabona icyo bushingiraho bumukurikirana. Ku cyaha cyo gukora inyandiko mpimbano, avuga ko ntacyo yakoze kuko yakoze amasezerano abisabwe na SHAMSA Said Hamed Al Sinawi kandi uwo bayakoranye akaba atayahakana.

[5] UWERA Josephine, KABATESI Zawadi na NDAMWEMEYE Immaculée batanze ikirego cy'indishyi, bavuga ko bahuriye n'akaga gakabije muri Oman aho bajyanywe na SHAMSA Said Hamed Al Sinawi afatanyije na NSABIMANA Selemani, basaba Urukiko kubategeka gufatanya kubishyura indishyi z'akababaro zingana na 15.900.000Frw kuri NDAMWEMEYE

Immaculée, 16.850.000Frw kuri UWERA Joséphine, 14.320.000Frw kuri KABATESI Zawadi, 1.500.000Frw y' ikurikirana rubanza na 3.000.000Frw y'igihembo cya Avoka.

[6] Mu rubanza nº RP 00002/2023/HC/HCCIC rwaciwe ku wa 26/10/2023 , Urukiko Rukuru, rushingiye ku isaka ryakorewe murugo kwa SHAMSA Said Hamed Al Sinawi hagafatwa telefoni ye irimo inyandiko zitandukanye zigaragaza uburyo ari we washatse ibyangombwa n'ubundi buryo bwatuma abahohotewe bagera mu gihugu cya Oman ndetse kuri bamwe akabeshya inzego za Leta ko bagiye gutembera Dubai, rushingiye ku biganiro n'ubutumwa bugufi byabonetse muri telefoni ye byumvikanisha ko ari we washakiye abahohotewe ingo bajya gukoramo, agakomeza gukurikirana imikorere yabo no kubashyiraho iterabwoba ribibutsa ko nta byangombwa by'inzira bafite, rushingiye ku mvugo za SHAMSA mu bugenzacyaha yemera ko ariwe wafashije UWERA Josephine Sifa na bagenzi be kubahuza n'abakoresha babo muri Oman ndetse n'imvugo za NSABIMANA Selemani uvuga ko yatumwe na SHAMSA Said Hamed Al Sinawi ndetse ko yari asanzwe ari umukozi wa SHAMSA nk'uko messages n'ibiganiro birimo bibigaragaza, rushingiye ku buhamya bwatanzwe n'abahohotewe, rushingiye ku masezerano y'akazi NSABIMANA Selemani yakoranye na UWERA Josephine n'abagenzi be, atagaragaza imiterere y'akazi bari buzakore muri Oman, amasezerano yakozwe mu nyungu za SHAMSA ariko agahitamo ko akorwa n'uyu mukozi we, rushingiye ku buhamya butandukanye n'ibindi bimenyetso biboneka muri dosiye, rwahamije SHAMSA Said Hamed Al Sinawi icyaha cyo gucuruza abantu rumuhanisha igifungo cy'imyaka 10 no gutanga ihazabu ya 10,000,000Frw naho NSABIMANA Selemani ahamwamwa no kuba icyitso mu cyaha cyo gucuruza abantu ndetse no gukora inyandiko mpimbano, ahanishwa igifungo cy'imyaka 8 no gutanga ihazabu ya 10.000.000Frw.

[7] Ku birebana n'indishyi zaregewe, urukiko rwategetse SHAMSA Said Hamed Al Sinawi na NSABIMANA Selemani gufatanya kwishyura UWERA Josephine, Zawadi KABATESI na NDAMWEMEYE Immaculée indishyi zihwanye n'amafaranga y'u Rwanda miliyoni ebyiri (2.000.000 Frw) kuri buri wese, rubategeka nanone gufatanya kubishyura igihembo cya Avoka kingana n'amafaranga y'u Rwanda ibihumbi magana arindwi na mirongo itanu (750.000Frw) akubiyemo n'ay'ikurikiranarubanza.

[8] SHAMSA Said Hamed Al Sinawi yunganiwe na Me BARAHIRA Eric, yajuririye Urukiko rw'Ubujurire avuga ko Urukiko Rukuru rwamuhamije icyaha cy'icuruzwa ry'abantu rushingiye ku buhamya buvuguruzanya kandi ko rutahaye agaciro ibimenyetso bituruka kubaregwa ubwabo yarushyikirije, ko kandi Urukiko rwagennye indishyi zidafite aho zishingiye. Asaba Urukiko kumugira umwere no kuvuga ko indishyi zatanzwe zivanyweho.

[9] NSABIMANA Selemani yajuriye avuga ko yahaniwe icyaha kitabayeho kuko abavugwa ko bahohotewe, bagiye gukora akazi mu Gihugu cya Oman ku bushake bwabo, ko adakwiye kuryozwa ko aba bananiranywe n'abakoresha babo ngo bifatwe nko kubacuruza. Avuga kandi ko, kuba yarasabwe na SHAMSA Said Hamed Al Sinawi kumwandikira amasezerano y'akazi abarega bagiye bitwaje bitagize icyaha kuko uwabimusabye nawe abyemeza.

[10] Ubushinjacyaha buvuga ko impamvu z'ubujurire zatanzwe na SHAMSA Said Hamed Al Sinawi ari nazo yashingiyeho yiregura ku rwego rwa mbere kandi ko Urukiko rwazisubije akaba atagaragaza inenge iboneka mu isesengura ryakozwe, ko nta kwivuguruza kwabayeho mu mvugo z'abatangabuhamya ndetse n'abahohotewe mu kwemeza ko SHAMSA Said Hamed Al Sinawi

yagize uruhare mu cyaha ashinjwa kandi ko Urukiko rwashingiye no ku bindi bimenyetso birimo n'ibyafatiwe iwe mu rugo, busaba ko ubujurire bwe bwateshwa agaciro.

[11] Bukomeza buvuga ko kuri NSABIMANA Selemani, Urukiko, mu bika bya 55-57 by'urubanza rujuririrwa, rwasobanuye ubufasha bukomeye yahaye SHAMSA Said Hamed Al Sinawi mu gikorwa cyo gucuruza abavuzwe muri uru rubanza, ko kandi Urukiko rwasesenguye amasezerano y'akazi yakozwe na NSABIMANA, ubwe uvuga ko yayakoze abisabwe na SHAMSA, rugasanga ibiyavugwamo bitari ukuri, bityo ko nawe atagaragaza ikosa ryakozwe n'Urukiko rubanza, busaba ko ubujurire bwe bwateshwa agaciro.

[12] Abaregera indishyi buririye ku bujurire bw'abashinjwa, basaba ko bagenerwa indishyi bari basabye Urukiko rubanza kuko izo bagenewe zitajyanye n'igihombo ndetse n'umubabaro batejwe n'ibikorwa bakorewe.

[13] Ubujurirre bwahawe nº RPA 00018/2023/CA-CMB RPA 00003/2024/CA, ababuranyi bahamagazwa mu iburanisha ryo ku wa 06/6/2024, kuri uwo munsi Ubushinjacyaha bwitaba buhagarariwe na RUBERWA Bonaventure, Umushinjacyaha ku rwego rw'Igihugu, abaregera indishyi bitaba bunganiwe na Me KARANGWA Vincent naho SHAMSA Said Hamed Al Sinawi na NSABIMANA Selemani ntibitaba Urukiko, mu nyungu z'ubutabera iburanisha ryimurirwa ku wa 20/06/2024 kugira ngo abashinjwa ari nabo bajuriye bahabwe amahirwe yo kwitaba no gusobanura ubujurire bwabo.

[14] Mu iburanishwa ryo ku wa 20/06/2024 na none abashinjwa ntibitabye, Me BARAHIRA Eric, umwe mu bunganiye SHAMSA Said Hamed Al Sinawi mu gutanga ubujurire, yitaba avuga ko yabuze irengero ry'uwo yunganiraga, ko na Ambassade y'Igihugu SHAMSA akomokamo yamubwiye ko nta makuru ye ifite bityo ko ntacyo yavuga ku ibura rye ndetse akaba nta n'icyo yavuga ku ibura rya NSABIMANA Selemani kuko atigeze amwunganira.

[15] Ubushinjacyaha buhagarariwe na PN RUBERWA Bonaventure, bwavuze ko ibura ry'abashinjwa kandi aribo bajuriye rigaragaza ko nta nyungu bagifite mu bujurire batanze, asaba Urukiko gusiba ikirego cy'ubujurire hakurikijwe ibivugwa mu gika cya 2 cy'ingingo ya 189 y'Itegeko nº 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha.

[16] Abaregera indishyi bunganiwe na Me KARANGWA Vincent bavuze ko amakuru bafite aruko SHAMSA Said Hamed Al Sinawi yasubiye muri Oman ndetse akaba yaratangiye kwikuraho n'imitungo yari afite mu Rwanda naho NSABIMANA Selemani akaba nawe atakiboneka aho yari atuye. Basabye ko ubujurire bwabo bwateshwa agaciro, hagasuzumwa indishyi basabye.

[17] Urukiko rugiye gusuzuma ibijyanye no kutitaba kwa SHAMSA Said Hamed Al Sinawi na NSABIMANA Selemani kandi aribo bajuriye, ishingiro ry'ubujurire bwabo hakurikijwe imyanzuro batanze, runasuzume ishingiro ry'indishyi zisabwa na UWERA Josephine, KABATESI Zawadi na NDAMWEMEYE Immaculée.

II. ISESENGURWA RY'URUBANZA

A. Ku birebana n'abashinjwa batitabye Urukiko kandi aribo bajuriye

[18] Nyuma yo gutanga ubujurire bwabo ndetse bagahuzwa n'ibirego muri systeme ya IECMS, SHAMSA Said Hamed Al Sinawi na NSABIMANA Selemani ntibitabiriye iburanisha ngo basobanure ubujurire bwabo. Ubushinjacyaha bwasabye ko ikirego cyabo gisibwa hakurikijwe ibiteganywa mu gika cya 2 cy'ingingo ya 189 y'Itegeko n° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha[1]. Abaregera indishyi basabye ko urubanza ruburanishwa abajuriye badahari kuko babikoreye ubwende bashaka guhunga igihano, ko kandi nabo batanze ubujurire bwuririye ku bundi basaba indishyi ziyongereye ku zo bagenewe.

UKO URUKIKO RUBIBONA

[19] Ingingo ya 189 y'Itegeko n° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza nshinjabyaha, mu gika cyayo cya 3, iteganya ko ikirego cy'ubujurire gishobora gusibwa iyo uwajuriye atitabye urukiko nta mpamvu (…). Rurasanga, gusiba ikirego cy'uwajuriye ntiyitabe, ari 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.

[20] Urukiko rurasanga, ku kibazo nk'iki, Urukiko rw'Ikirenga, mu rubanza n° RPA 0073/09/CS rwaciye ku wa 01/11/2013 haburana Ubushinjacyaha na KAMONYO Faustin, rwaremeje kuburanisha ushinjwa adahari nyamara ariwe wajuriye, rusesengura imyanzuro ye y'ubujurire ruyihuza n'imyeregurire y'Ubushinjacyaha.

[21] Urukiko rurasanga ku birebana n'uru rubanza, kuburanisha urubanza aribyo biri mu nyungu z'ubutabera kugira ngo hasuzumwe ingingo abashinjwa bashingiyeho bajurira kandi n'ubujurire bwuririye ku bundi bwatanzwe n'abaregera indishyi bushobore gusuzumwa.

B. Ku birebana n'ubujurire bwa SHAMSA Said Hamed Al Sinawi

Kuba Urukiko rwaramuhamije icyaha rushingiye ku buhamya buvugugruzanya

[22] Mu mwanzuro w'Ubujurire SHAMSA Said Hamed Al Sinawi yakoze yunganiwe na Me BARAHIRA Eric, ushinjwa anenga ko Urukiko Rukuru rwamuhamije icyaha cyo gucuruza abantu rushingiye ku buhamya buvuguruzanya, ko UWERA na bagenzi be bamushinja ibinyoma ndetse imvugo bavugiye mu Bugenzacyaha bakaba barazivuguruje imbere ya noteri wikorera. Avuga kandi ko UWERA Josephine, KABATESI Zawadi na NDAMWEMEYE Immaculée bagiye gukora mu gihugu cya OMAN ku bushake bwabo, ko icyo yakoze ari ukubashakira akazi nk'uko bari babimusabye kandi ko Ubushinjacyaha butagaragaza inyungu bwite yari afite mu icuruzwa ry'abantu ashinjwa.

[23] SHAMSA Said Hamed Al Sinawi anenga kandi ko, mu gika cya 90 cy'urubanza rujuririrwa, Urukiko Rukuru rwanze nta mpamvu ibimenyetso bimushinjura bigizwe n'imvugo z'abavugwa ko bahohotewe, imvugo bakoreye imbere ya noteri wikorera, Urukiko rukaba rwaravuze ko bazivuze basezeraniwe ibihembo nyamara ntirwerekane ibimenyetso by'ibyo bihembo basezeraniwe.

[1] Iyi ngingo iteganya ko "Ikirego cy'ubujurire gishobora gusibwa iyo uwajuriye atitabye urukiko nta mpamvu (…)."

[24] Ubushinjacyaha bwasubije kuri iyi ngingo y'ubujurire buvuga ko SHAMSA Said Hamed Al Sinawi yayigaruye mu bujurire nk'uko yayiburanishije ku rwego rwa mbere, ko Urukiko Rukuru rwayisubije, uyu akaba atagaragaza icyo anenga ibisobanuro byatanzwe n'Urukiko. Bukomeza buvuga ko nta vuguruzanya riboneka mu mvugo z'abatangabuhamya, ko aba basobanuye uburyo bashutswe kujya muri OMAN babeshywe ko bagiye gukorera SHAMSA nyamara ari ukubacuruza ku bandi bantu babakoresheje imirimo y'imvune, ko abatangabuhamya barimo na HARERIMANA, umukozi wa SHAMSA Said Hamed Al Sinawi, basobanuye uburyo ari we wabareshyaga abizeza imirimo mu gihugu cya OMAN kandi ko ari we wabashakiye ibyangombwa akanabaha ticket ibajyana, ko uyu ari we wagenaga aho bajyanaga aho bakora, ko uyu yabambuye ibyangombwa by'inzira kugira ngo badashobora kuva aho bagiye, ibyo akaba aribyo Urukiko rwahaye agaciro nk'ibimenyetso kandi ko na SHAMSA Said Hamed Al Sinawi adahakana ko ari we wabafashije kugenda.

[25] Ubushinjacyaha bukomeza buvuga ko Urukiko rutashingiye gusa ku mvugo y'abatangabuhamya ahubwo bwanashingiye no ku bimenyetso by'amashusho n'amajwi byabonetse muri telefoni ya SHAMSA Said Hamed Al Sinawi, ibi bikaba byarunganiye ubuhamya bw'abahohotewe.

UKO URUKIKO RUBIBONA

[26] Ingingo ya 183 y'Itegeko n° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha, mu gace ka 5 n'aka 6, iteganya ko uwajuriye agomba kugaragaza urutonde rw'inenge ziboneka mu rubanza ajuririra ndetse n'ibisobanuro kuri buri kibazo n'inenge yagaragaje no kwerekana uburyo izi nenge zikosorwa.

[27] Urukiko rurasanga, mu gika cya 35 kugeza ku gika cya 43 cy'urubanza rujuririrwa, Urukiko Rukuru rwarasesenguye bihagije ibimenyetso bishinja SHAMSA Said Hamed Al Sinawi icyaha cyo gucuruza abantu, ibyo bimenyetso bikaba bigizwe n'uburyo uyu ari we wishyuye ibyangombwa byose by'urugendo harimo na ticket y'indege ivuga ko bagiye Oman kuwa 20/03/2022 bakazagaruka ku wa 20/04/2022 (mu gihe we yiregura avuga ko yari yabashakiyeyo akazi nyamara ibyangombwa byerekana ko bagiye gutembera). Ushinjwa ni we wagenaga aho abakobwa yohereje bajya gukora, ndetse bamwe akabatera ubwoba ko nagera Oman azabagarura, bivuze ko yari abafiteho ububasha. Muri telefoni ya SHAMSA Said Hamed Al Sinawi habonetsemo kopi za passports za Uwera Joséphine,Ndamwemeye Immaculée, Mukeshimana Liliane, Uwimana Zaina, Faida Sada, Iradukunda Fanny na Nyirarukundo Rachel, kopi ya international certificate of vaccination ya Uwera Joséphine, kopi ya Entry permit i Dubai ya Mukeshimana Liliane, kopi ya Viza ya Kabanyana Hasha, Mujawimana Shakila na Uwimana Claudine, kopi za Travel Insurance certificates za Mukeshimana Liliane na Ndamwemeye Immaculée, ibi byangombwa byose kandi akaba ari we wabyishyuriye igiciro, bivuze ko ari we watunganyije iby'urugendo rw'aba bose. Ubutumwa (sms) yohereje NSABIMANA Selemani, bugaragaza ko yari yarambuye aba bagore passports zabo kugira ngo badashobora kugaruka mu Rwanda.

[28] Urukiko rusanga nanone hari ubutumwa NSABIMANA yohereje SHAMSA amubwira ko abakozi yohereje muri Oman bazamwanduriza izina kubera kutumvikana n'abakoresha yabahaye, nawe agasubiza avuga ko nagerayo bamwe azabagarura (harimo uwitwa SIFA), ndetse

avuga ko uyu yagombye kugenza make kuko yageze Oman nta byangombwa bimugezayo, ibyo bigahuza nuko yamushakiye visa imujyana Dubai, akamugeza OMAN ku buryo budakurikije amategeko, ariyo mpamvu yumvaga amufiteho ububasha.

[29] Urukiko rwasanze, hari amasezerano y'umurimo yakozwe na NABIMANA Selemani abisabwe na SHAMSA kugira ngo byumvikane ko aba bakobwa n'abagore bagiye mu kazi, aya masezerano akaba atagaragaza imiterere y'akazi, bikaba nabyo byarafashwe nk'ikimenyetso cy'uburyo ushinjwa yashakaga inzira zihishira igikorwa cye cyo gucuruza abantu.

[30] Urukiko rurasanga, uretse no kuba ushinjwa atarashoboye kuvuguruza ibi bimenyetso byose, ingingo ye yo kuba abahohotewe baba barivuguruje, nta shingiro ifite kuko n'imbere y'Urukiko Rukuru bisobanuye, Urukiko rugasanga imvugo zabo zihuza n'ibimenyetso bifatika[2] birimo telefoni zafatiriwe mu rugo rwa SHAMSA hakumvikanamo amajwi n'ubutumwa birebana n'imibereho mibi abarega bashyizwemo mu gihugu cya OMAN n'uruhare SHAMSA yabigizemo; bityo Urukiko rukaba rutari rutegetswe guha agaciro imvugo bamwe muri bo bakoreye imbere ya noteri wikorera mu gihe rusanga izi mvugo zidahuza n'ibindi bimenyetso rwagaragarijwe.

[31] Urukiko, rushingiye ku bisobanuro bivuzwe haruguru, rurasanga nta kosa Urukiko Rukuru rwakoze mu guhamya SHAMSA Said Hamed Al Sinawi icyaha cyo gucuruza abantu kuko rwashingiye ku bimenyetso bifite ireme, bityo ubujurire bwe kuri iyi ngingo bukaba nta shingiro bufite.

C. Ku birebana n'ubujurire bwa NSABIMANA Selemani

[32] NSABIMANA Selemani yajuriye avuga ko mu bikorwa byakozwe nta gucuruza abantu kwabayeho, ko SHAMSA Said Hamed Al Sinawi yarangiye abantu akazi muri Oman bakajyayo bakagakora, ko kuba batarashoboye kumvikana n'abakoresha babo bitakwitwa gucuruza abantu. Avuga ko kuba yarasabwe na SHAMSA kumwandikira amasezerano y'umurimo bitamugira icyitso mu cyaha cyo gucuruza abantu.

[33] Avuga ko atagombaga kuregwa icyaha cy'inyandiko mpimbano kuko amasezerano yayakoze abisabwe na SHAMSA kandi uyu akaba atarigeze abihakana, ko atigeze asinyira SHAMSA, ahubwo we yasinye nk'umutangabuhamya (témoin), ko abo bayakoranye aribo bayisinyiye kandi ayo masezerano akaba ariyo yashingiweho bahabwa akazi muri Oman, akaba asanga nta nyandiko mpimbano yakoze.

[34] Ubushinjacya buvuga ko impamvu ye y'ubujurire ku cyaha cyo kuba icyitso mu cyaha cy'icuruzwa ry'abantu nta shingiro ifite kuko mu Bugenzacyaha yiyemereye ko ariwe wanditse amasezerano y'akazi hagati ya SHAMSA n'abagore yajyanye muri Oman ari we ubimusabye kandi ko yamenye ko bagezeyo batakoreshejwe na Shamsa nkuko byari byanditse mu masezerano. Ko usibye ibyo Nsabimana Selemani yiyemereye mu bugenzacyaha harimo n'ibindi bimenyetso bishingiye ku buhamya bwatanzwe n'ababajijwe ndetse n'ibyafatiriwe bigaragaza nta gushidikanya uruhare yagize mu ikorwa ry'icyaha yahamijwe n'Urukiko.

[2] Ingingo ya 89 (b) y'itegeko nº 062/2024 ryo ku wa 20/06/2024 rigenga ibimenyetso iteganya ko ikimenyetso gifatika gishobora gushingira ku kintu cyangwa ikimenyetso basanganye uregwa. Ibi ninabyo byateganywaga mu ngingo ya 121 y'Itegeko nº 15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo, itegeko ryariho uru rubanza rucibwa ku rwego rwa mbere.

[35] Ku bijyanye n'impamvu ye y'ubujurire ku cyaha cyo guhimba inyandiko, guhindura cyangwa kuyikoresha, Ubushinjacyaha busanga nayo nta shingiro ifite kuko mu rubanza rujuririrwa mu gika cya 61 umucamanza yasobanuye ibyashingiweho Urukiko ruhamya Nsabimana Selemani icyaha kandi Nsabimana nta kimenyetso yagaragaje mu myanzuro ye kivuguruza ibyashingiweho n'Urukiko.

UKO URUKIKO RUBIBONA

[36] Ingingo ya 183 y'Itegeko nº 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha, mu gace ka 5 n'aka 6, iteganya ko uwajuriye agomba kugaragaza urutonde rw'inenge ziboneka mu rubanza ajuririra ndetse n'ibisobanuro kuri buri kibazo n'inenge yagaragaje no kwerekana uburyo izi nenge zikosorwa.

[37] Urukiko rurasanga, mu gusobanura ubujurire bwe NSABIMANA Selemani yaragarutse ku ngingo yaburanishije ku rwego rwa mbere aho yavuze ko nta bikorwa bigaragaza ko habayeho ubucuruzi bw'abantu ahubwo ko abavugwa muri iyi dosiye bagiye mu kazi, ibibazo baba baragiriyeyo bikaba bidakwiye kwitiranywa no gucuruza abantu. Ajurira kandi avuga ko amasezerano aregwa nta kigaragaza ko ari amahimbano kuko atigeze asinya mu mwanya wa SHAMSA Said Hamed Al Sinawi kandi ko uyu adahakana ibyanditswemo ndetse n'abarebwa n'aya masezerano bakaba bemeza ko bageze Oman bagahabwa akazi hashingiwe kuri aya masezerano.

[38] Urukiko rurasanga, mu gika cya 55 kugeza ku gika cya 61 by'urubanza rujuririrwa, Urukiko Rukuru rwarasobanuye ingingo rwashingiyeho ruhamya NSABIMANA kuba icyitso cya SHAMSA mu cyaha cyo gucuruza abantu n'icyaha cyo gukora no gukoresha inyandiko mpimbano, uyu mu bujurire bwe akaba atagaragaza amakosa Urukiko rwakoze n'uburyo yakosorwa. By'umwihariko mu gika cya 55 cy'urubanza rujuririrwa, Urukiko rwasobanuye ko NSABIMANA yahimbye amasezerano y'akazi yitiriwe SHAMSA, aya masezerano akaba yarabaye imwe mu mpamvu z'uburiganya bwatumye UWERA Josephine alias SIFA, UWINGENEYE Emelyne alias Miradji, UWIMANA Zaina na NDAMWEMEYE Immaculée bemera kujya muri OMAN bazi ko bagiye gukorera SHAMSA nyamara bagezeyo bahabwa abandi bakoresha kandi bakoreshwa ubucakara, bityo ko NSABIMANA yatanze inkunga ya ngombwa mu cyaha SHAMSA yakoze cyo gucuruza abantu.

[39] Mu gika cya 57 cy'urubanza rujuririrwa, Urukiko rwasanze iperereza ryaragaragaje ko NSABIMANA yasanganywe amasezerano ya UWERA Josephine na UWIMANA Zaina yakozwe ku wa 19/02/2022, aya NDAMWEMEYE Immaculée, aya UWINGENEYE Emelyne, aya MUKESHIMANA Liliane n'aya KABATESI Zawadi yo ku wa 21/02/2022, bivuze ko yasanganywe amasezerano y'abagore bari bamaze kugera mu gihugu cya OMAN n'abatari bakagiye, ari nabo bafatiwe ku kibuga cy'indege cya Kanombe.

[40] Urukiko rurasanga iyi nkunga NSABIMANA yarayitanze ku buryo bugambiriwe kuko biboneka ko yabikoze inshuro zirenze imwe kandi ku buryo bumwe, aho yandikaga amasezerano nk'aho ari SHAMSA uyakoze ubwe n'ubwo uyu atari mu Rwanda kandi akaba ari we ubika kopi y'amasezerano.

[41] Urukiko rurasanga imvugo ya NSABIMANA yuko amasezerano yakoze atavuze gucuruza abantu ngo kuko nta soko ry'abantu ryagaragajwe, nta shingiro ifite kuko ibikorwa bigize icyaha cyo gucuruza abantu birondorwa mu ngingo ya 3 y'Itegeko Nº 51/2018 ryo ku wa 13/08/2018 ryerekeye gukumira, kurwanya no guhana icuruzwa ry'abantu no gushakira inyungu mu bandi[3], ibi bitagombera ko habaho isoko ry'abantu. Kuba Urukiko Rukuru rwahamije SHAMSA icyaha cyo gucuruza abantu rubishingiye ku bikorwa yakoze avana abagore n'abakobwa mu Rwanda akabajyana mu Gihugu cya OMAN avuga ko abashakirayo akazi nyamara agamije kubashakamo inyungu, uruhare rwa NSABIMANA rwo guhimba amasezerano yatumye SHAMSA ashobora kuvana abakobwa n'abagore mu Rwanda ababeshya ko bagiye kumukorera mu Gihugu cya OMAN nyamara ataribyo, uru ruhare nta kundi rwafatwa uretse kuba icyito cy'uwakoze icyaha cyo gucuruza abantu.

[42] Ku birebana n'icyaha cyo guhimba no kugoresha inyandiko mpimbano, Urukiko rurasanga ubujurire bwa NSABIMANA bugamije kugaragaza ko amasezerano, abo areba bayemera kandi ko yashingiweho mu guha akazi abagore n'abako areba, bityo ko nta cyahimbwe kiyabonekamo.

[43] Urukiko Rukuru, mu gika cya 60 n'icya 61, rwasobanuye aho rwashingiye ruhamya NSABIMANA icyaha cyo guhimba no gukoresha inyandiko mpimbano, aho rwasanze uyu yarakoze amasezerano y'akazi mu zina rya SHAMSA nyamara nta bubasha yabiherewe, uyu akaba yarashyize umukono ku masezerano avuga ko akozwe na SHAMSa azi neza ko atari we uyakoze.

[44] Urukiko rurasanga, kuba yemeranywa na SHAMSA ibikubiye muri aya masezerano bitamukuraho icyaha cyo guhimba inyandiko, kuko n'ubundi yahimbye amasezerano agamije gufasha SHAMSA mu mugambi we wo gucuruza abantu, aya masezerano kandi akaba yaratumye abakorewe icyaha bava mu Rwanda bazi ko bagiye gukorera SHAMSA, nyamara ubu bukaba bwari uburyo bwo kubarehereza kujya gukora imirimo y'ubucakara kandi bayikoreshejwe n'abandi bantu batavugwa muri aya masezerano.

[45] Urukiko rurasanga nta kosa Urukiko Rukuru rwakoze mu guhamya NSABIMANA icyaha cyo guhimba no gukoresha inyandiko mpimbano kuko rwabishingiye ku kimenyetso gifite ireme kandi na NSABIMANA adashobora kuvuguruza uretse kuvuga ko we yabaye umuhamya mu masezerano mu gihe nawe yemera ko aya masezerano ari we wayanditse ayitirira ko akozwe na SHAMSA, ibi akaba yarabikoze azi neza ko ari guhimba inyandiko.

[46] Urukiko, rushingiye ku bimaze gusobanurwa, rurasanga, ubujurire bwa NSABIMANA Selemani nta shingiro bufite.

D. Ku birebana n'ubujurire bushingiye ku ndishyi

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[3] Ingingo ya 3 y'Itegeko Nº 51/2018 ryo ku wa 13/08/2018 ryerekeye gukumira, kurwanya no guhana icuruzwa ry'abantu no gushakira inyungu mu bandi, mu gace kayo ka 6, irondora ibikorwa bigize icuruzwa ry'abantu aribyo:
(a) 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;
(b) igikorwa cyose gikozwe n'umuntu wese uha akazi, utwara, wimura, ucumbikira cyangwa wakira umwana hagamijwe kumushakiramo inyungu, niyo nta na bumwe mu buryo buvugwa mu gace ka (a) k'iki gika bwakoreshejwe.

[47] Mu mwanzuro we, Me BARAHIRA Eric wunganira SHAMSA Said Hamed Al Sinawi yajuriye avuga ko Urukiko rwagennye indishyi ntacyo ruzishingiyeho, ko abaziregera ubwabo basabye akazi kandi bakagahabwa ndetse bakagahemberwa, ko bivanye ku kazi kubwo gushakira indonke kuri SHAMSA wabahaye ubufasha, asaba ko izi ndishyi zavanwaho kubera ko nta gihombo abaziregera bagaragaza ko batejwe n'uwo bazirega.

[48] Me KARANGWA Vincent wunganira UWERA Josephine, NDAMWEMEYE Immaculée na KABATESI Zawadi, baregera indishyi, yasubije ubujurire bwa SHAMSA Said Hamed Al Sinawi avuga ko abo yunganira batagamije indonke kandi ko ikirego cyabo gishingiye ku cyaha cyo gucuruza abantu bakorewe n'ushinjwa. Avuga ko abaregera indishyi bagiranye amasezerano y'akazi na SHAMSA bigatuma bagenda bazi ko ari we bagiye gukorere kandi ko bazakora akazi gasanzwe ko mu rugo, ko bageze Oman bagategekwa gukorera abandi bantu badafitanye amasezerano kandi ko bakoreshejwe imirimo isa n'ubucakara, ko kandi Urukiko rwabisobanuye mu gika cya 35 cy'urubanza rujuririrwa.

[49] Abaregera indishyi buririye ku kirego cy'abashinjwa bavuga ko ku rwego rwa mbere bahawe indishyi nkeya bityo kubasaba uru Rukiko kugenera NDAMWEMEYE Immaculée indishyi zingana na 15.300.000Frw, kugenera UWERA Josephine indishyi zingana na 16.850.000Frw naho KABATESI Zawadi akagenerwa 14.320.000Frw. Abajuriye basabye kandi kugenerwa amafaranga 1.500.000 y'ikurikiranarubanza no guhabwa amafaranga 2.000.000 y'igihembo cya Avoka kuri uru rwego.

[50] SHAMSA Said Hamed Al Sinawi na NSABIMANA Selemani ntibigeze basubiza ubujurire bwuririye ku bundi bwatanzwe n'abaregera indishyi.

UKO URUKIKO RUBIBONA

Ku birebana n'ubujurire bwa SHAMSA Said Hamed Al Sinawi

[51] Ingingo ya 183 y'Itegeko no 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha iteganya ko uwajuriye agaragaza 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.

[52] Urukiko rurasanga, mu kugena indishyi, Urukiko Rukuru rwarahamije SHAMSA Said Hamed Al Sinawi icyaha cyo gucuruza abantu aribo NDAMWEMEYE Immaculée, UWERA Josephine na KABATESI Zawadi ndetse NSABIMANA ahamwa no kuba icyitso muri iki cyaha no guhimba no gukoresha inyandiko mpimbano. Nk'uko rwabisobanuye mu gika cya 88 cy'urubanza rujuririrwa, Urukiko Rukuru rwasanze hari ibikorwa bibi kandi bitesha agaciro byakorewe abaregera indishyi biturutse ku cyaha bakorewe na SHAMSA na NSABIMANA, ibi bikaba byarabateye umubabaro, bituma rubagenera indishyi mu bushishozi bwarwo. Kuba ubujurire bw'abashinjwa nta shingiro bwahawe, aba badashobora guhunga indishyi baciwe kuko icyaha cyo gucuruza umuntu no kumushakiramo inyungu ari icyaha gitesha umuntu agaciro kimugira ikintu gicuruzwa, ndetse no kuba UWERA, NDAMWEMEYE na KABATESI barakoreshejwe binyuranye n'ikiswe amasezerano hagati yabo na SHAMSA, bamwe muribo

bakamburwa ibyangombwa byabo by'inzira, ako ari akababaro bateje abaregeye indishyi, bityo ubujurire bwa SHAMSA kuri iyi ngingo bukaba nta shingiro bufite.

Ku birebana n'ubujurire bwuririye ku bundi bw'abaregera indishyi

[53] Ingingo ya 113 y'Itegeko no 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha, nk'uko ryahinduwe kugeza ubu, iteganya ko ikirego cy'indishyi gitanzwe mu rukiko ruburanisha imanza z'inshinjabyaha gitangwa kandi kikaburanishwa hakurikijwe amategeko agenga imiburanishirize y'imanza z'imbonezamubano ziburanishwa mu mizi.

[54] Ingingo ya 152 y'Itegeko no 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza mbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubucuruzi, mu gika cyayo cya 1, iteganya ko uregwa mu rukiko rujuririrwa ashobora na we kugira ibyo asaba yiregura.

[55] Urukiko rurasanga, nubwo ari uburenganzira bw'abaregera indishyi mu kuririra ku bujurire bw'abashinjwa nabo bagira ibyo basaba nk'uko byasobanuwe mu ngingo zivuzwe haruguru, nyamara kandi aba bafite inshingano yo kugaragaza amakosa yakozwe ku ngingo bajuririra no kwerekana uburyo yakosorwa nk'uko biteganywa mu ngingo ya 183 y'itegeko no 027/2019 ryavuzwe haruguru.

[56] Urukiko rurasanga uretse kuba abaregera indishyi bavuga umubare w'indishyi buri wese asaba, ntibagaragaza ikosa n'uburyo Urukiko rubanza rwibeshye mu kugena izo bahawe nk'uko rwazisobanuye mu gika cya 80 cy'urubanza rujuririrwa. Rurasanga, ntaho rwahera ruhindura imitekerereze y'Urukiko Rukuru mu gihe abaregera indishyi batagaragaza uburyo Urukiko rwaba rwarafashe ibintu uko bitari cyangwa ngo rube rwarakoresheje nabi ubushishozi bwarwo cyangwa ngo rube rwarakoresheje nabi itegeko rwashingiyeho; bityo indishyi z'akababaro buri wese yagenewe zikaba zigumyeho.

[57] Ku birebana n'amafaranga y'ikurikiranarubanza asabwa n'abaregera indishyi, Urukiko rurasanga ari uburenganzira bakomora mu ngingo ya 111 y'Itegeko no 22/2019 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, ingingo ivuga ko iki ari ikirego kigamije kwishyuza ibyakoreshejwe mu rubanza.

[58] Urukiko rurasanga, ubu bujurire bwaratumye UWERA, NDAMWEMEYE na KABATESI biyambaza umwunganizi mu mategeko, bakaba bakwiye guhabwa igihembo cya Avoka hakurikijwe Amabwiriza y'Umukuru w'Urugaga rw'Abavoka yo No 01/2014 yo ku wa 18/7/2014 agenga ibihembo mbonera by'abavoka. Rurasanga kuri uru rwego abaregera indishyi bakwiye guhabwa, amafaranga 1.000.000 y'igihembo cya Avoka hakurikijwe ingingo ya 34 y'amabwiriza y'Umukuru w'Urugagra rw'Abavoka yavuzwe muri iki gika kuko ayasabwe ari menshi cyane.

[59] Urukiko rurasanga kandi UWERA, NDAMWEMEYE na KABATESI nk'abantu baburanye bunganiwe, ubwabo baritabiriye iburanisha inshuro zose urubanza rwahamagaweho, bivuze ko bafite ibyo batakaje mu kwitaba no gukurikirana urubanza barezwemo mu bujurire, bakaba bakwiye guhabwa amafaranga y'ikurikirabarubanza. Rurasanga, nubwo bimeze bityo, amafaranga 1.500.000 y'ikurikiranarubanza basaba ari menshi kandi badasobanura uko abarwa, Urukiko rukaba rugeneye buri wese amafaranga 200.000, aya agatangwa na SHAMSA Said

Hamed Al Sinawi afatanyije na NSABIMANA Selemani kuko aribo bashoje urubanza ku rwego rw'ubujurire kandi ubujurire bwabo bukaba nta shinngiro bwahawe.

III. ICYEMEZO CY'URUKIKO

[60] Rwemeje ko ubujurire bwa SHAMSA Said Hamed Al Sinawi nta shingiro bufite;

[61] Rwemeje ko igihano cy'igifungo cy'imyaka icumi (10ans) n'ihazabu y'amafaranga miliyoni icumi (10.000.000Frw) SHAMSA Said Hamed Al Sinawi yahanishijwe ku cyaha cyo gucuruza abantu kigumyeho;

[62] Rwemeje ko ubujurire bwa NSABIMANA Selemani nta shingiro bufite.

[63] Rwemeje ko igihano cy'igifungo cy'imyaka umunani (8 ans) n'ihazabu y'amafaranga miliyoni icumi (10.000.000Frw) NSABIMANA Selemani yahanishijwe ku cyaha cyo kuba icyitso mu cyaha cyo gucuruza abantu n'icyaha cyo guhimba no gukoresha inyandiko mpimbano, kigumyeho.

[64] Rutegetse SHAMSA Said Hamed Al Sinawi gufatanya na NSABIMANA Selemani (in soludum) guha UWERA Josephine, NDAMWEMEYE Immaculée na KABATESI Zawadi amafaranga miliyoni imwe (1.000.000Frw) y'igihembo cya Avoka no kubaha amafaranga ibihumbi maganatandatu (600.000Frw) y'ikurikiranarubanza kuri uru rwego (ni ukuvuga 200.000Frw kuri buri wese), aya akiyongera ku ndishyi z'akababaro zingana n'amafaranga miliyoni esheshatu (6.000.000Frw) n'amafaranga y'ikurikiranarubanza 750.000Frw baciwe ku rwego rwa mbere.

[65] Rutegetse ko ingwate y'igarama yatanzwe na SHAMSA Said Hamed Al Sinawi na NSABIMANA Selemani ihera mu Isanduku ya Leta.