BOUMEDIENNE ABDALLAH v ISSA SALLEH

[Rwanda URUKIKO RUKURU – RCA 00060/2022/HC/RWG (Ruganzu, P.J.) 22 Ugushyingo 2022]

Amategeko agenga imiburanishirije y'imanza mbonezamubano – Gushinganisha – Gushinganisha umutungo – Kugira ngo umutungo w'umuntu ushinganishwe ni uko hagomba kuba hari ubwihutirwe kuburyo icyo cyemezo kidafashwe hari ibyakwangirika cyangwa se bikaba byatera igihombo kidasubirwaho, kandi ubisaba akaba agomba kugaragaza ko nyiri umutungo amubereyemo umwenda udashidikanywaho ugeze igihe cyo kwishyurwa cyangwa se ko uwo baburana agamije kurigisa umutungo mu rwego rwo kuburizamo irangiza ry'urubanza – Itegeko Nº22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza mbonezamubano, izubucuruzi, izumurimo n'Ubutegetsi, Ingingo 212.

Incamake y'ikibazo : Uru rubanza rwatangiriye mu Rukiko Rwisumbuye rwa Ngoma, Issa Salleh arega Boumedienne Abdallah mu kirego cyihutirwa asaba gushinganisha imitungo y'uregwa kubera gutinya ko yayigurisha, kandi akurikiranyweho icyaha cy'inyandikompimbano yakoresheje kugira ngo yigarurire umutungo wa se w'umurega abeshya ko bawuguze, muri icyo kirego nshinjabyaha, urega akaba yaratanzemo ikirego gisaba indishyi maze kubera gutinya ko Boumedienne n'umugore we bagurisha imitungo yabo kugira ngo bayirigise cyangwa bakayitangaho ingwate ngo bakajya mu gihugu cya Oman, kandi ari yo izavamo ubwishyu mu gihe yaramuka atsinzwe urubanza, akaba ariyo mpamvu asaba ko imitungo yanditse kuri Boumedienne Abdallah na Mukabanana, umugore we ifatirwa.

Boumedienne Abdallah yireguye avuga ko ikirego cya Issa Saleh nta shingiro gifite kuko ibiteganywa mu ngingo ya 212 CPCCSA nta na kimwe yujuje, ahubwo ubusabe bwe bukaba bugamije gusa kubangamira uburenganzira bwe ku mutungo we.

Urukiko, rwemeje mu rubanza RC00103/2022/TGI/NGOMA ko ikirego cya Issa Saleh nta shingiro gifite, rwemeza ko nta mpamvu zikwiye gutuma hafatwa icyemezo cyasabwe.

Issa Saleh, ntiyanyuwe n'imikirize yurwo rubanza arujurira mu Rukiko Rukuru avuga ko Urukiko Rwisumbuye rwemeje ko nta cyihutirwa gihari ndetse ko nta nibyo kuramirwa bihari, nyamara ngo hari impungenge ko umutungo Boumedienne Abdallah yabonye ku buriganya kuko yakoresheje inyandiko mpimbano, ushobora kuba wagurishwa kuko ibyo bise amasezerano y'ubugure, bishidikanywaho.

Boumedienne Abdallah mu kwiregura, avuga ko cyaba ikirego cyihutirwa ndetse n'icy'inshinjabyaha, byose bigamije kumubuza amahwemo n'ubwinyagamburiro mu mutungo yatsindiye abazungura ba Sultan. agasaba ko ubujurire butahabwa ishingiro ahubwo akagenerwa indishyi.

urukiko rwemeje mu rubanza RCA00060/2022/HC/RWG ko kuba urega atagaragaza ko Boumedienne Abdallah arimo kugurisha umutungo we agamije kuburizamo irangiza ry'urubanza, ntanagaraze ubwihutirwe buhari kuburyo uwo mutungo uramutse udashinganishijwe hari ibyakwangirika, ndetse ntanagaragaze ko umutungo uburanwa uramutse ugurishijwe Boumedienne Abdallah yabura ahandi akura indishyi, bityo akaba atashoboye kugaragaza ibimenyetso n'ukuri kw'ibyo aburana, n'ubujurire bukaba nta shingiro bufite.

Incamake y'icyemezo: Kugira ngo umutungo w'umuntu ushinganishwe ni uko hagomba kuba hari ubwihutirwe kuburyo icyo cyemezo kidafashwe hari ibyakwangirika cyangwa se bikaba byatera igihombo kidasubirwaho, kandi ubisaba akaba agomba kugaragaza ko nyiri umutungo amubereyemo

umwenda udashidikanywaho ugeze igihe cyo kwishyurwa cyangwa se ko uwo baburana agamije kurigisa umutungo mu rwego rwo kuburizamo irangiza ry'urubanza. Bityo usaba ko hafatwa icyemezo cyo gufatira umutungo kubera gusa urubanza rukiburanishwa ntashobora kubihabwa.

Ubujurire nta shingiro bufite.
Ubujurire bwuririye ku bundi bufite ishingiro kuri bimwe.

Amategeko yashingiweho:
Itegeko Nº22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza mbonezamubano, izubucuruzi, izumurimo n'Ubutegetsi, Ingingo ya 12, 110, 185, 212
Itegeko N° 15/2004 ryo ku wa 12/06/2004, ryerekeye ibimenyetso mu manza n'itangwa ryabyo, Ingingo ya 3

Imanza zifashishijwe:
Urubanza RCA 0008/10/CS rwa Mukamurenzi Diane na Akingeneye Jean de Dieu v. Karangwa Elise, rwaciwe n'Urukiko rw'Ikirenga kuwa 21/01/2011

Urubanza

I. IMITERERE Y'URUBANZA.

[1] Uru rubanza rwatangiriye mu Rukiko Rwisumbuye rwa Ngoma, ku kirego cyihutirwa kigamije gusaba gushinganisha imitungo UPI 5/01/05/02/85 na UPI 5/01/06/02/162 yanditse kuri Boumedienne Abdallah na Mukabanana Angelique kubera gutinya ko yayigurisha, cyatanzwe na Issa Saleh avuga ko Boumedienne Abdallah akurikiranyweho icyaha cy'inyandikompimbano yakoresheje kugira ngo yigarurire umutungo UPI 5/01/05/02/85 abeshya ko yawuguze na nyakwigendera Abdallah Saleh, ndetse iyo nyandikompimbano yakoresheje ikaba yaritiriwe Abdallah Saleh kandi atari iye, ubwayo kandi ikaba itujuje ubuziranenge bwo kwitwa amasezerano, byatumye abavandimwe bose n'urega arimo, barega Boumedienne Abdallah maze hakorwa dosiye ubushinjacyaha buyiregera urukiko ku cyaha cy'inyandikompimbano, kuri nomero y'urubanza RP00859/2022/TGI/NGOMA, muri icyo kirego akaba yaratanzemo ikirego gisaba indishyi maze kubera gutinya ko Boumedienne n'umugore we Mukabanana Angelique bagurisha imitungo yabo kugira ngo bayirigise cyangwa bakayitangaho ingwate ubundi bakigendera mu gihugu cya Oman, kandi ari yo izavamo ubwishyu mu gihe yaramuka atsinzwe urubanza, ariyo mpamvu asaba ko umutungo UPI 5/01/05/02/85 n'undi mutungo UPI 5/01/06/02/162 yanditse kuri Boumedienne Abdallah na Mukabanana Angelique ifatirwa.

[2] Boumedienne Abdallah n'umwunganira bireguye bavuga ko ikirego cya Issa Saleh nta shingiro gifite kuko ibiteganywa mu ngingo ya 212 CPCCSA nta na kimwe yujuje, ahubwo ubusabe bwe bukaba bugamije gusa kubangamira uburenganzira bwa Bumedienne ku mutungo we, iyi ngingo iteganya ko kugira ngo habeho ishinganisha ari uko ubisaba aberewemo umwenda udashidikanywaho kandi ugejeje igihe cyo kwishyurwa, nyamara nta mwenda Bumedienne abereyemo Issa, niba uhari yawugaragaza. Ishinganisha ribaho kandi ari uko utinya ko uwo baburana yarigisa umutungo we agamije kuburizamo irangiza ry'urubanza, nyamara nta rubanza ruhari Issa yatsinzemo Boumedienne rutegereje kurangizwa ku buryo yagira impungenge zo kubura ubwishyu mu gihe atarimo kuwutambamira.

[3] Urukiko Rwisumbuye rwa Ngoma rwaregewe, rumaze gusuzuma no gusesengura ibikubiye mu rubanza, rwemeje ko ikirego cya Issa Saleh nta shingiro gifite, rwemeza ko nta mpamvu zikwiye

gutuma hafatwa icyemezo cyasabwe, rwemeza ko amagarama angana na 20 000frw yatanze arega ahwanye n'ibyakozwe mu rubanza, rwemeza ko nta ndishyi zigenwe.

[4] Issa Saleh, ajuririra urubanza muri uru Rukiko, ashingiye ku igika cya 9 n'icya 10 by'urubanza rujuririrwa, aho urukiko rwemeje ko nta cyihutirwa n'ibyo kuramirwa byaba bihari, ariko ingingo ya 212 CPCCSA, ivuga ibihe bibiri bitandukanye: Gushinganisha umutungo ku muntu uberewemo umwenda ugeze igihe cyo kwishyurwa cyangwa utinya ko umutungo waburizwamo hagamijwe kuburizwamo irangiza ry'urubanza, nyamara hari impungenge ko umutungo Boumedienne Abdallah yabonye ku buriganya kuko yakoresheje inyandiko mpimbano, ushobora kuba wagurishwa kuko ibyo bise amasezerano y'ubugure, bishidikanywaho.

[5] Boumedienne Abdallah mu mwanzuro we wo kwiregura, avuga ko cyaba ikirego cyihutirwa ndetse n'icy'inshinjabyaha, byose bigamije kumubuza amahwemo n'ubwinyagamburiro mu mutungo yatsindiye abazungura ba Sultan kuva mu rukiko Rwisumbuye rwa Ngoma kugeza mu Rukiko rw'Ubujurire, urubanza rwamaze kuba itegeko RCA00018/2018/HC/RWG akaba arirwo rwabariye kuko barutsinzwe ndetse rwanamaze gushyirwa mu bikorwa, agasaba ko ubujurire butahabwa ishingiro ahubwo bakagenerwa indishyi bari baregeye mu rubanza rujuririrwa ndetse n'indishyi zo kuri uru rwego nkuko bikubiye mu mwanzuro batanze.

[6] Urubanza rwaburanishijwe mu ruhame kuwa 15/11/2022, Issa Saleh yunganiwe na Me Horanimana Jeanne d'Arc naho Boumedienne Abdallah ahagarariwe na Me Gashirabake Pascal Aboubakar.

Hakaba hakwiye gusuzumwa ibibazo bikurikira :

Kumenya niba hari ubwihutirwe buhari bwatuma umitungo UPI 5/01/05/02/85 na UPI 5/01/06/02/162 yanditse kuri BOUMEDIENNE Abdallah na MUKABANANA Angelique ishinganishwa.

Kumenya niba hari indishyi zikwiye gutangwa

II. IBIBAZO BIGIZE URUBANZA N'ISESENGURWA RYABYO.

a. Ku byerekeranye niba hari ubwihutirwe buhari bwatuma umitungo UPI 5/01/05/02/85 na UPI 5/01/06/02/162 yanditse kuri Boumedienne Abdallah na Mukabanana Angelique ishinganishwa.

[7] Me Horanimana Jeanne d'Arc wunganira Issa Saleh, avuga ko icyatumye bajurira kigaragara mu rubanza rujuririrwa igice cya 9 n'icya 10 aho urukiko rwemeje ko nta cyihutirwa n'ibyo kuramirwa byaba bihari, ariko ingingo ya 212 CPCCSA, ivuga ibihe bibiri bitandukanye: Gushinganisha umutungo ku muntu uberewemo umwenda ugeze igihe cyo kwishyurwa cyangwa utinya ko umutungo waburizwamo hagamijwe kuburizamo irangiza ry'urubanza, iki kiciro cya kabiri akaba aricyo cyatumye batanga iki kirego basaba ko umutungo uburanwa mu rubanza RP00859/2022/TGI/Ngoma arinarwo rubanza rushamikiweho, impungenge zihari ni uko umutungo yabonye ku buriganya kuko yakoreresheje inyandiko mpimbano, ushobora kuba wagurishwa kuko ibyo bise amasezerano y'ubugure, bishidikanywaho.

[8] bakomeza bavuga ko batanze ikirego kuko icyaha kimuhamye, byaba bivuze ko iby'ayo masezerano byateshwa agaciro, akaba ariyo mpamvu uwo mutungo ukwiye kuba wafatirwa, hakaba hari n'impungenge yuko yatangiye gushaka kugurisha, ikindi kandi ngo ni uko batanze ikirego cyo gusubirishamo urubanza ingingo nshya ikirego gifite RS/REV/RC00001/2022/HC/RWG, bagendeye ku bimenyetso bafite, uyu mutungo ushobora gusubiranwa na benewo, kandi ko banatanze ikirego

cyo gufatira umutungo we bwite kuko aramutse atsindiwe indishyi, niwo wazavamo ubwishyu mu gihe yaba adashoboye kwishyura ku neza, bagasanga urukiko rwarirengagije rero ingingo ya 212 CPCCSA, kuko hari impungenge z'uko wagurishwa.

[9] Basoza bavuga ko urukiko rwanirengagije ingingo ya 185 CPCCSA, ngo kuko ntacyo kuramira gihari, nyamara ibiramirwa byari bihari kuko kugeza uyu munsi, umutungo utimukanwa ugizwe n'inzu, iri mu butaka UPI: 5/01/05/02/85, Abdallah yari awutuyemo none akaba yarawimutsemo, kugira ngo abakomisiyoneri bajye babasha kuwusura, ikindi ni uko no mu myiregurire yabo bavuga ko bashaka kuwikenuza bawutangaho ingwate cyangwa bawugurisha, ubwo rero mu rwego rwo kwirinda imanza umutungo washinganishwa, ikindi ni uko ingingo ya 112 n'iya 185 CPCCSA, zisobanura ko n'ugifite urubanza rukiburanwa, yazifashisha agatanga ikirego, ariyo mpamvu basaba ko umutungo waba ushinganishijwe mu gihe bagitegereje ko urubanza rw'inshinjabyaha rucibwa burundu.

[10] Me Gashirabake Pascal Aboubakar, uhagarariye Boumedienne Abdallah avuga ko cyaba ikirego cyihutirwa ndetse n'icy'inshinjabyaha, byose bigamije kubuza Boumedienne Abdallah amahwemo n'ubwinyagamburiro mu mutungo yatsindiye abazungura ba Sultan kuva mu rukiko Rwisumbuye rwa Ngoma kugeza muri CA, urubanza rwamaze kuba itegeko RCA00018/2018/HC/RWG akaba arirwo rwabariye kuko barutsinzwe kandi rwanamaze gushyirwa mu bikorwa, ibyo bakoze byo kuvuga ko habayeho inyandiko mpimbano, ni iryo pfunwe ryo kutakira ibyemezo by'inkiko, ngo batanze ikirego cy'inshinjabyaha ngo bazabone impamvu yo gusubirishamo urubanza rwavuzwe haruguru ingingo nshya, urwo rubanza baregeyemo inyandiko mpimbano, ntabwo ruraburanishwa ngo rurangire, akaba ariho bishingikirije kuzakura impamvu y'ingingo nshya, akomeza avuga ko ibyo bita ubwihutire, bashingira ku ngingo ya 212 CPCCA ari nabyo TGI yashingiyeho icyemezo cyayo, icya mbere, hagomba kuba hari umwenda udashidikanywaho, ubu bashingiye ku gace kayo ka kabiri, aho bavuga ngo cyangwa se utinya ko umutungo warigiswa hagamijwe kuburizamo irangiza ry'urubanza, itegeko rivuga cyangwa se agamije kuburizamo n'urubanza, bivuze ko agace ka mbere nako katakuweho, akibaza urubanza rwaburizwamo irangiza niba ari uruhe? Ese ni urwa penal batazi uko ruzacibwa, urukiko ruzabone ko irangizarubanza ruvugwa, ari urubanza rushobora kurangira, ntabwo impungenge zashingira ku kitarabaho, runzanabone ko imitungo bashaka kugaruza, ari imitungo baburanye kandi barayitsindirwa mu nzego zose, ntabwo rero ibyo bavuga byavuka nyuma y'uko urubanza rurangijwe.

[11] Asoza avuga ko ku bijyanye no kumeya niba ari ryari ikirego cyihutirwa gitangwa, urukiko Rwisumbuye rwa Ngoma, rwagaragaje ko nta bwihutirwe buhari, mu myanzuro y'abarega bavuga ko iki cyemezo nta cyo kizahungabanyaho uregwa nyamara bikaba binyuranije n'ingingo ya 34 y'itegeko Nshinga, bakaba kandi batagaragaza ibimenyetso bigaragaza ko umutungo ugiye kugurishwa, kubw'ibyo basaba ko urubanza rw'urukiko Rwisumbuye rwagumana ishingiro muri byose.

UKO URUKIKO RUBIBONA

[12] Ingingo ya 212 y'itegeko Nº22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano (…) iteganya ko "gushinganisha umutungo : 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".

[13] Ingingo ya 185 y'itegeko Nº22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano (…), rimaze kuvugwa, yo igateganya ko" 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 bw'ihamagara. (…)".

[14] Urukiko rusesenguye ingingo zimaze kuvugwa, rusanga kugira ngo umutungo w'umuntu ushinganishwe ni uko hagomba kuba hari ubwihutirwe kuburyo icyo cyemezo kidafashwe hari ibyakwangirika cyangwa se bikaba byatera igihombo kidasubirwaho, kandi ubisaba akaba agomba kugaragaza ko nyiri umutungo amubereyemo umwenda udashidikanywaho ugeze igihe cyo kwishyurwa cyangwa se ko uwo baburana agamije kurigisa umutungo mu rwego rwo kuburizamo irangiza ry'urubanza.

[15] Rusanga rero muri uru rubanza, Issa Saleh yaratanze ikirego ashingiye kukuba atinya ko umuburanyi we Boumedienne Abdallah yarigisa umutungo UPI 5/01/05/02/85 na UPI 5/01/06/02/162 agamije kuburizamo irangiza ry'urubanza nshinjabyaha RP00859/2022/TGI/NGOMA akurikiranyweho kandi ashobora gucibwamo indishyi, akagaragaza ko hari impungenge ko Boumedienne Abdallah arimo kugurisha uwo mutungo.

[16] Rusanga ariko kuri uru rwego nubwo Issa Saleh abivuga gutyo, ari mumagambo gusa nta kimenyetso gifatika agaragariza urukiko cyerekana ko Boumedienne Abdallah afite umugambi wo kurigisa umutungo we agamije kuburizamo irangizwa ry'urubanza, kuvuga gusa ko arimo kugurisha umutungo we, urukiko rutabiheraho byonyine ngo rwemeze ko umutungo we ushinganishwa, bityo kuba nta kigaragaza ko Boumedienne Abdallah arimo kugurisha umutungo we agamije kuburizamo irangiza ry'urubanza, nta n'ubwihutirwe buhari kuburyo uwo mutungo uramutse udashinganishijwe hari ibyakwangirika, byongeye kandi akaba nanone atagaragaza ko uriya mutungo uramutse ugurishijwe Boumedienne Abdallah yabura ahandi akura indishyi ashobora gucibwa mu rubanza yarezwemo na Issa Saleh, akaba rero atashoboye kugaragaza ibimenyetso n'ukuri kw'ibyo aburana muri uru rubanza, nkuko biteganywa n'ingingo ya 3[1]y'itegeko N° 15/2004 ryo ku wa 12/06/2004, ryerekeye ibimenyetso mu manza n'itangwa ryabyo n'ingingo ya 12[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, nkuko ryahinduwe kugeza ubu.

[17] Urukiko rurasanga rero nta kosa rwaba rukoze kwanzura ko ikirego cyihuta cyatanzwe na Issa Saleh nta shingiro gifite kuko nta bwihutirwe ndetse nta n'icyo kuramira mu buryo bwihuse bihari ; bityo ubujurire bwe bukaba budakwiye guhabwa ishingiro.

b. Ku byerekeranye no kumenya niba hari indishyi zikwiye gutangwa muri uru rubanza.

[18] Me Gashirabake Pascal Aboubakar, avuga ko batanze ubujurire bwabo, bushingiye ku ndishyi basabye ariko urukiko ntirwazibaha, ruvuga ko nta ndishyi zatangwa nyamara indishyi zishingiye ku byakoreshejwe muri uru rubanza byagombaga gusubizwa muri uru rubanza kuko ntazindi manza bafitanye, urundi ni urw'inshinjabyaha kandi muri rwo nta ndishyi zisabwa, ko kandi igikorwa cy'umuntu wese cyangirije undi, nkuko biteganywa n'ingingo 110 CPPSA, yagombye kubyishyura, akomeza avuga ko umwunganzi w'urega, yabajijwe itegeko ryashingirwaho haregera indishyi mu rubaza penal umuntu aregwamo, ariko ntiyabigaragaza, naho raporo bavuga, ntaho ihuriye n'uru rubanza, asoza avuga ko hari n'ikirego gisaba kwiregura batanze urukiko rwazagisuzuma, bagahabwa indishyi.

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[1]Iyi gutanga gihamya y'ibimenyetso ngingo iteganya ko buri muburanyi agomba kugaragaza ukuri kw'ibyo aburana. Umucamanza ashobora nyamara gutegeka umuburanyi wese afite.

[2] Iyi ngingo iteganya ko urega agomba kugaragaza ibimenyetso by'ibyo aregera. Iyo abibuze, uwarezwe aratsinda, […].

[19] Me Horanimana Jeanne d'Arc wunganira urega, avuga ko indishyi zisabwa nta shingiro zahabwa kuko inyandiko mpimbano iregerwa ari iyo kuwa 2/02/2006 yakoreshejwe mu myaka itandukanye, aho forensic raboratory yagaragaje ko iyo signature ari impimbano, nibaramuka batsinze urubanza penal, bazaregere indishyi, abajijwe ingingo y'amategeko bashingiraho baregera indishyi, avuga ko bakwirengera ingaruka z'inyandiko mpimbano bakoze, asoza avuga ko nabo basaba indishyi zo gushorwa mu manza z'amaherere, bakishyurwa F500,000 y'avoka na F200,000 y'ikurikiranarubanza.

UKO URUKIKO RUBIBONA

[20] Ingingo ya 110 y'itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, nkuko ryahinduwe kugeza ubu, iteganya ko ikirego kiregera kwiregura ni igitangwa n'uregwa agamije gusaba ko urega agira ibyo acibwa muri urwo rubanza, […].

[21] Iyi ngingo yumvikanisha ko uregwa ashobora gutanga ikirego kigamije gusaba ko urega agira ibyo acibwa muri urwo rubanza,

[22] Hashingiwe kuri iyi ngingo imaze kuvugwa, urukiko rusanga ntacyarikubuza ko Boumedienne Abdallah ahabwa ibyo yasabaga gusubizwa bigizwe n'igihembo cy'Avoka ndetse n'ibyo yatakaje akurikirana urubanza ku rwego rwa mbere kimwe no kuri uru rwego, kuba akomeje gushorwa mu manza akwiye gusubizwa ibyo yatakaje akurikirana urubanza no kwishyura Avoka yafashe, gusa akabigenerwa mubushishozi bw'urukiko kuko amafaranga yasabye ari menshi.

[23] Rusanga rero Boumedienne Abdallah akwiye guhabwa igihembo cy'Avoka cyo ku rwego rwa mbere kingana n'amafaranga y'u Rwanda, ibihumbi magana atanu (500,000) n'icyo kuri uru rwego kingana n'amafaranga y'u Rwanda, ibihumbi magana abiri na mirongo itanu (250,000) ndetse n'ikurikiranarubanza ingana n'amafaranga y'u Rwanda, ibihumbi ijana (100,000) yo ku rwego rwa mbere n'ibihumbi mirongo itanu (50,000) yo kuri uru rwego, byose hamwe bikaba amafaranga y'u Rwanda, ibihumbi magana cyenda (900,000).

[24] Urukiko rurasanga uyu murongo ari nawo wafashwe n'urukiko rw'Ikirenga, mu rubanza RCA0008/10/CS rwaciwe kuwa 21/01/2011, Mukamurenzi Diane na Akingeneye Jean de Dieu baburana na Karangwa Elise, aho urukiko rwasanze indishyi zikomoka ku gukururwa mu manza ku maherere bazazisaba mu rubanza rw'iremezo, ariko amafaranga y'ikurikiranarubanza n'ay'igihembo cya Avoka, yo bayahabwa kuko hari ibyo bakoresheje n'umwanya bataye bakurikirana iby'urubanza kandi bakaba barifashije Avoka kuva urubanza rwatangira.

III. ICYEMEZO CY'URUKIKO

[25] Rwemeje kwakira ubujurire bwa Issa Saleh, ariko rubusuzumye rusanga nta shingiro bufite.

[26] Rwemeje ko ubujurire bwa Boumedienne Abdallah bufite ishingiro kuri bimwe.

[27] Rwemeje ko urubanza RC00103/2022/TGI/NGOMA, rwaciwe kuwa 04/10/2022, ruhindutse gusa kubyerekeranye n'indishyi.

[28] Rwemeje ko nta mpamvu ihari yatuma umutungo UPI 5/01/05/02/85 na UPI 5/01/06/02/162 yanditse kuri Boumedienne Abdallah na Mukabanana Angelique ushinganishwa.

[29] Rwemeje ko Issa Saleh akwiye kwishyura Boumedienne Abdallah ibyo yatakaje mu rubanza (inzego zombi), bigizwe n'igihembo cy'Avoka n'ikurikiranarubanza, bingana n'amafaranga y'u Rwanda, ibihumbi magana cyenda (900,000).

[30] Rutegetse Issa Saleh kwishyura Boumedienne Abdallah, ibyo yatakaje mu rubanza (inzego zombi), bigizwe n'igihembo cy'Avoka n'ikurikiranarubanza, bingana n'amafaranga y'u Rwanda, ibihumbi magana cyenda (900,000), ayo mafaranga yose atayatanga ku neza mu gihe kingana n'ukwezi kumwe (1), kuva aho uru rubanza rubereye ndakuka, akavanwa mu mutungo we ku ngufu za Leta.

[31] Rutegetse ko ingwate y'amagarama Issa Saleh yatanze arega, ihwanye n'ibyakozwe kuri uru rubanza, ikaba rero iheze mu isandu ya Leta.