

## **Re RWAMUCYO (IKIREGO KIGAMIJE GUSESA AMATORA)**

[Rwanda URUKIKO RW'IKIRENGA – RS/SPEC/0001/13/CS (Rugege, P.J., Kayitesi Zayinabo, Mugenzi, Mutashya, Mukanyundo, Kayitesi Rusera, Hatangimbabazi, Kanyange na Mukandamage, J.) 26 Nzeri 2013]

*Amategeko agenga amatora– Inzira zo gutangamo ibirego byerekeranye n'impaka zivuka mu matora ay'abagize Inteko Ishinga Amategeko – Ubusumbane bw'amategeko – Amabwiriza anyuranyije n'Itegeko Ngenga cyangwa Itegeko – Inkiko zikurikiza amateka cyangwa amabwiriza iyo atanyuranyije n'Itegeko Nshinga n'andi mategeko – Kutabanza gushyikiriza ikirego Komisiyo y'amatora mu gihe bidateganyijwe n'andi mategeko – Itegeko Nshinga rya Repubulika y'u Rwanda ryo kuwa 04/06/2004 nkuko ryavuguruwe kugeza ubu, ingingo ya 141(3) – Itegeko Ngenga n°03/2012/OL ryo kuwa 13/06/2012 rigena imiterere, imikorere, n'ububasha by'Urukiko rw'Ikirenga, ingigo za: 65, 66, 67 na 68.*

*Uburenganzira bwo kwiyamamaza – Impamvu yo gusesa amatora – Gukoresha ubutumwa bugufi mu kwiyamamaza ubwabyo ntibubujijwe – Ikosa riboneka harebwe uburyo bwakoreshejwe, icyo buvuga n'igihe butangiwe – Itegeko N° 27/2010 ryo kuwa 19/06/2010 rigenga amatora nk'uko ryahinduwe kandi ryujijwe kugeza ubu, ingigo za:29 bis,30.*

*Amategeko agenga ibimenyetso – Urega afite inshingano yo gutanga ibimenyetso, iyo abibuze aratsindwa.*

**Incamake y'ikibazo:** Tariki ya 18/09/2013 Komisiyo y'Igihugu y'Amatora yakoresheje amatora ku mwanya w'Umudepite uhagarariye abafite ubumuga. Abari biyamamaje kuri uwo mwanya bari babiri gusa, umwe muri bo ntiyashimye uko amatora yakozwe avuga ko uwo bari bayahanganyemo yakoresheje umwanya yari afite nk'umuyobozi w'Inama y'Igihugu y'Abafite Ubumuga mu nyungu ze bwite, akoresha Umunyamabanga Nshingwabikorwa w'Inama y'Igihugu y'Abafite Ubumuga kugirango amwamamaze, ndetse ngo hari n'ubutumwa bugufi yoherezaga inteko itora ngo imutore hakaba n'amafaranga yahaye inteko itora, kubera izo mpamvu zose yatanze ikirego mu Rukiko rw'Ikirenga asaba ko aseswa hakabaho kuyasubiramo.

Mu mwanzuro watanze n'uwari watsinze amatora avuga ko ikirego cyatanze mu nzira zidateganyijwe n'ingingo ya 82 y'Amabwiriza ya Komisiyo y'Igihugu y'Amatora, iteganya ko iyo havutse ibibazo mu gihe cyo kwiyamamaza bigomba kubanza gushyikirizwa Komisiyo mbere y'uko haregerwa inzego z'ubutabera zibifitiye ububasha, akaba asaba Urukiko kutakira ikirego.

**Incamake y'icyemezo:** 1. Iyakirwa ry'ikirego ntirashingirwa ku mabwiriza ya Komisiyo y'Igihugu y'Amatora N° 03/2013 yo kuwa 23/07/2013 agenga amatora y'abagize Inteko Ishinga Amategeko, Umutwe w'Abadepite kuko anyuranyije n'Itegeko Ngenga N° 03/2012/OL ryo kuwa 13/06/2012 rigena imiterere, imikorere, n'ububasha by'Urukiko rw'Ikirenga n'Itegeko N° 27/2010 ryo kuwa 19/06/2010 rigenga amatora nk'uko ryahinduwe kandi ryujijwe kugeza ubu kuko yo ntaho ategenyaga ko bene icyo kirego kigomba kubanza gushyikirizwa Komisiyo y'Igihugu y'Amatora mbere yo kuregera Inkiko kandi ingingo yi 141 y'Itegeko nshinga ivuga ko inkiko zikurikiza amateka cyangwa amabwiriza iyo atanyuranyije n'Itegeko Nshinga n'andi mategeko bityo iri Tegeko Ngenga akaba ari naryo

rikwiye gushingirwaho kandi kuba urega yarubahirije igihe cy'amasaha 48 giteganyijwe mu ngingo ya 67 yaryo, ikirego kikaba gikwiye kwakirwa.

2. Uwareze nta kimenyetso yatanze kigaragaza ko uwatsinze amatora yakoresheje umwanya afite mu nyungu ze bwite n'icy'uko hari amafaranga yahawe inteko itora kugira ngo atorwe. Urega afite inshingano yo kugeza ku Rukiko ibimenyetso, iyo abibuze aratsindwa bityo amatora akaba atagomba guseswa.

**Ikirego nta shingiro gifite.  
Amatora ntasheshwe.**

**Amategeko yashingiweho:**

Itegeko nshinga rya Repubulika y'u Rwanda ryo kuwa 04/06/2004 nkuko ryavuguruwe kugeza ubu, ingingoza: 93, 141, 145(5).

Itegeko ngenga n° 03/2012/OL ryo kuwa 13/06/2012 rigena imiterere, imikorere, n'ububashaby'Urukiko rw'Ikirenga, ingingo za: 67, 71-79.

Itegeko n° 27/2010 ryo kuwa 19/06/2010 rigenga amatora, ingingo ya 29 bis, 30.

Amabwiriza ya komisiyo y'igihugu y'amatora, ingingo za 80, 82.

**Nta manza zifashishijwe.**

## **Urubanza**

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

[1] Ku itariki ya 18/09/2013, Komisiyo y'Igihugu y'Amatora yakoresheje amatora ku mwanya w'Umudepite uhagarariye abafite ubumuga<sup>1</sup>. Bamwe mu bakandida biyamamaje kuri uwo mwanya ni Rusiha Gastone na Rwamucyo Gisaza Séverin. Kuri uwo muni, Komisiyo y'Igihugu y'Amatora yatangaje by'agateganyo ko Rusiha Gastone ariwe watsindiye uwo mwanya w'Umudepite uhagarariye abafite ubumuga. Ku itariki ya 20/09/2013, Rwamucyo Gisaza Séverin yatanze ikirego mu Rukiko w'Ikirenga kijuririra ibyavuye mu matora yabaye kuwa 18/09/2013 ku mwanya w'umudepite uhagarariye abafite ubumuga, asaba ko amatora yaseswa agasubirwamo.

[2] Nk'uko Itegeko Ngenga n°03/2012/OL ryo ku wa 13/06/2012 rigena imiterere, imikorere, n'ububasha by'Urukiko rw'Ikirenga mu ngingo yaryo ya 66 ribiteganywa, ku wa mbere tariki ya 23/09/2013, Perezida w'Urukiko rw'Ikirenga yandikiye Minisitiri ufite amatora mu nshingano ze na Perezida wa Komisiyo y'Igihugu y'Amatora, abamenyesha ko Urukiko rw'Ikirenga rwashyikirijwe ikirego na Rwamucyo Gisaza Séverin asaba ko amatora yabaye ku wa 18/09/2013 ku mwanya w'Umudepite uhagarariye abafite ubumuga yaseswa, amatora agasubirwamo bushyashya. Ku muni ukurikiyeho, Komisiyo y'Igihugu y'Amatora na Rusiha Gastone bahamagawe mu bwanditsi bw'Urukiko rw'Ikirenga bahabwa imyanzuro ikubiyemo ikirego cyatanzwe na Rwamucyo Gisaza Séverin, basabwa kugira icyo bakivugaho mu nyandiko.

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<sup>1</sup> Reba ingingo ya 76, 4° y'Itegeko Nshinga "... Umute w'Abadepite ugizwe n'Abadepite 80 bakurikira : ..... umwe uturwa n'inama y'igihugu y'abantu bafite ubumuga"

[3] Ku itariki ya 25/09/2013, Urukiko rw'Ikirenga rwakiriye imyanzuro yatanzwe n'Intumwa ya Leta, Me Rubango Epimaque igaragaza icyo Komisiyo y'Igihugu y'Amatora ivuga ku kirego cyatanzwe na Rwamucyo Gisaza Séverin. Urukiko rw'Ikirenga rwanakiriye kandi imyanzuro yatanzwe na Rusiha Gastone igaragaza icyo avuga kuri icyo kirego.

[4] Iburanisha ry'urubanza ryashyizwe ku itariki ya 25/09/2013, saa cyenda z'amanya. Nkuko biteganywa n'ingingo ya 71 y'Itegeko Ngenga n° 03/2012/OL ryo ku wa 13/06/2012 rigena imiterere, imikorere, n'ububasha by'Urukiko rw'Ikirenga, iburanisha ry'urubanza ryabereye mu ruhame, Urukiko ruburanisha rushingiye ku nyandiko gusa. Isomwa ry'urubanza ryashyizwe ku itariki ya 26/09/2013.

## **II. IBIBAZO BIRI MU RUBANZA N'ISESENGURA RYABYO**

**A.Kumenya niba ikirego cyatanzwe na Rwamucyo Gisaza Séverin kitagomba kwakirwa kuko atabanje kukigeza kuri Komisiyo y'Igihugu y'Amatora.**

[5] Mu nyandiko itanga ikirego mu Rukiko rw'Ikirenga, Rwamucyo Gisaza Séverin avuga ko ikirego yagishyikirije Urukiko ashingiye ku ngingo ya 145 y'Itegeko Nshinga iha ububasha Urukiko rw'Ikirenga bwo guca imanza zerekeye amatora y'abagize Inteko Ishinga Amategeko.

[6] Mu mwanzuro we, yisobanura ku kirego cyatanzwe na Rwamucyo Gisaza Séverin, Rusiha Gastone asaba Urukiko kutakira ikirego kuko uwagitanze atabanje kukigeza kuri Komisiyo y'Igihugu y'Amatora nk'uko biteganywa n'ingingo ya 82 y'Amabwiriza ya Komisiyo y'Igihugu y'Amatora N° 03/2013 yo kuwa 23/07/2013 agenga amatora y'abagize Inteko Ishinga Amategeko, Umutwe w'Abadepite.

## **UKO URUKIKO RUBIBONA**

[7] Ingingo ya 145, 5° y'Itegeko Nshinga ivuga ko Urukiko rw'Ikirenga rushinzwe by'umwihariko guca imanza zerekeye amatora ya Perezida wa Repubulika, ay'abagize Inteko Ishinga Amategeko, n'aya referandumu. Iyi ngingo y'Itegeko Nshinga igaragaza ko Urukiko rw'Ikirenga rwahawe ububasha bwo kuburanisha imanza zerekeye amatora y'abagize Inteko Ishinga Amategeko, yunganirwa n'andi mategeko asobanura mu buryo burambuye uko iki kirego gitangwa, abafite uburenganzira bwo kugitanga n'uko kiburanishwa mu Rukiko rw'Ikirenga.

[8] Ingingo ya 82 y'Amabwiriza ya Komisiyo y'Igihugu y'Amatora n° 03/2013 yo kuwa 23/07/2013 agenga amatora y'abagize Inteko Ishinga Amategeko, Umutwe w'Abadepite, yo ivuga ko iyo havutse ibibazo mu gihe cyo kwiyamamaza, Abakandida bagomba kwiyambaza urwego rwa Komisiyo y'Igihugu y'Amatora, ibyo bibazo byaba bidakemutse hakaregerwa inzego z'ubutabera zibifitiye ububasha.

[9] Nubwo ingingo ya 82 y'Amabwiriza ya Komisiyo y'Igihugu y'Amatora ivugwa mu gika kibanziriza iki, iteganya ko iyo havutse ibibazo mu gihe cyo kwiyamamaza bigomba kubanza gushyikirizwa Komisiyo mbere yuko haregerwa inzego z'ubutabera zibifitiye ububasha, Itegeko Ngenga n°03/2012/OL ryo ku wa 13/06/2012 rigena imiterere, imikorere, n'ububasha by'Urukiko rw'Ikirenga ryo ntiriteganywa ko ikirego cyerekeranye n'impaka zivuka mu bikorwa by'amatora kubanza gushyikirizwa Komisiyo y'Igihugu y'Amatora mbere yuko gitangwa mu Rukiko rw'Ikirenga.

[10] Ingingo ya 67 y'iryo Tegeko Ngenga ivuga ko iyo hari impaka ku bijyanye n'iyandikwa ry'abakandida ku mwanya wa Perezida wa Repubulika cyangwa uw'abagize Inteko Ishinga Amategeko, cyangwa se ku mihango y'amatora n'uburyo amatora yakozwemo yaba aya Perezida wa Repubulika, ay'abagize Inteko Ishinga Amategeko kimwe n'aya Referendumu, ababifitiye uburenganzira bavuzwe mu ngingo ya 66<sup>2</sup> y'iri Tegeko Ngenga baregera Urukiko rw'Ikirenga basaba kvanaho icyemezo kibabangamiye cyangwa gusesa amatora yakozwe bitewe n'ikibazo icyo ari cyo cyose mu gihe kitarenze amasaha mirongo ine n'umunani (48) uhereye igihe ilisiti y'abakandida itangarijwe cyangwa igihe ibyavuye mu matora byatangarijweho by'agateganyo. Iyi ngingo igaragaza ko Urukiko rw'Ikirenga rufite ububasha bwo kuburanisha ikirego cyerekeranye n'impaka zivuka mu bikorwa by'amatora, ikanagena uburyo icyo kirego gitangwamo. Iyo ngingo y'Itegeko Ngenga niteganyanya ko mbere yo gutanga ikirego kibanza gushyikirizwa Komisiyo y'Igihugu y'Amatora.

[11] Uretse Itegeko Ngenga rigena imiterere, imikorere, n'ububasha by'Urukiko rw'Ikirenga, n'Itegeko n° 27/2010 ryo kuwa 19/06/2010 rigenga amatora nkuko ryahinduwe kandi ryujijwe kugeza ubu, rigena kuwa ku ngingo yaryo ya 71 kugeza kuya 79 inzira ikurikizwa mu manza zirebana n'amatora ya referandumu, aya Perezida wa Repubulika, n'ay'abagize Inteko Ishinga Amategeko, iri Tegeko Ngenga naryo, nta na hamwe rivuga ko ibirego muri izi manza bibanza kugezwa kuri Komisiyo y'Igihugu y'Amatora mbere yuko bitangwa mu Rukiko.

[12] Ingingo ya 93 y'Itegeko Nshinga rya Repubulika y'u Rwanda ryo kuwa 04/06/2003 nk'uko ryavugururwe kugeza ubu igena uburyo amategeko atorwamo n'ubusumbane bwayo. Mu gika cya nyuma cy'iyi ngingo, harimo ko nta na rimwe itegeko ngenga rivuguruzwa Itegeko Nshinga, nta nubwo itegeko risanzwe cyangwa itegeko teka rivuguruzwa itegeko ngenga, cyangwa se ngo iteka cyangwa amabwiriza bivuguruzwe itegeko. Iyi ngingo kandi yuzuzwa n'iya 141, igika cya gatatu ivuga ko Inkiko zikurikiza amateka cyangwa amabwiriza iyo atanyuranyije n'Itegeko Nshinga n'andi mategeko. Urukiko rw'Ikirenga rushingiye kuri izi ngingo, rusanga iyakirwa ry'ikirego rwashyikirijwe na Rwamucyo Gisaza Séverin rigomba gushingira ku Itegeko Ngenga n° 03/2012/OL ryo kuwa 13/06/2012 rigena imiterere, imikorere, n'ububasha by'Urukiko rw'Ikirenga aho gushingira ku ngingo ya 80 y'amabwiriza ya Komisiyo y'Igihugu y'Amatora N° 03/2013 yo kuwa 23/07/2013 agenga amatora y'abagize Inteko Ishinga Amategeko, Umutwe w'Abadepite.

[13] Rwamucyo Gisaza Séverin yatanze ikirego igihe cy'amasaha 48 kivugwa mu ngingo 67 y'Itegeko Ngenga N° 03/2012/OL ryo kuwa 13/06/2012 rigena imiterere, imikorere, n'ububasha by'Urukiko rw'Ikirenga kitararangira kuko yagitanze ku itariki 20/09/2013. Bikaba bitari ngombwa ko abanza kugeza icyo kirego kuri Komisiyo y'Igihugu y'Amatora. Urukiko rw'Ikirenga rukaba rusanga yatanze ikirego anyuze mu nzira ziteganywa n'amategeko, bityo ikirego yatanze kikaba gikwiye kwakirwa.

**B. Kumenya niba hari impamvu amatora yabaye ku itariki ya 18/09/2013 ku mwanya w'Umudepite uhagarariye abafite ubumuga akwiye guseswa.**

[14] Rwamucyo Gisaza Séverin watanze ikirego asaba ko amatora ku mwanya w'Umudepite uhagarariye abafite ubumuga yabaye kuwa 18/09/2013 yaseswa kubera ko Rusiha Gastone watangajwe by'agateganyo ko ariwe watsinze kuri uwo mwanya, yatsinze

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<sup>2</sup> Ingingo ya 66 ivuga iti “uburenganzira bwo kuregera Urukiko rw'Ikirenga buhariwe buri mwenegihugu wese, buri mukandida, buri mutwe wa Politiki, cyangwa Komisiyo y'Igihugu y'Amatora.....”

hakoreshejwe umwanya abayobozi bafite mu nyungu zabo bwite bagatanga “briefing” ndetse ngo hakaba haranabonetse ruswa ikabije.

[15] Rwamucyo Gisaza Séverin avuga ko Rusiha Gastone yakoresheje umwanya afite mu nyungu ze bwite nk’umuyobozi w’Inama y’Igihugu y’Abafite Ubumuga, anakoresha Ndayisaba Emmanuel, Umunyamabanga Nshingwabikorwa w’Inama y’Igihugu y’Abafite ubumuga kugirango amwamamaze. Akomeza avuga ko Ndayisaba Emmanuel yahamagaye abahuzabikorwa b’Inama y’Igihugu y’Abafite ubumuga b’Intara y’Amajyaruguru, Intara y’Amajyepfo n’Umujyi wa Kigali ababwira ko bagomba gushyigikira no kwamamaza Rusiha Gastone.

[16] Akomeza avuga ko hari na sms zoherejwe n’abo bahuzabikorwa zisaba inteko itora, gutora Rusiha Gastone. Ko kandi icyo gikorwa cyaranzwe na ruswa yagaragajwe na cheque yahawe Sekamonyo Venuste ingana na 500.000 FRW yahawe abari bagize inteko itora hakoreshejwe MTN mobile money na TIGO Cash.

[17] Intumwa ya Leta, Me Rubango Epimaque uhagarariye Komisiyo y’Igihugu y’Amatora, yavuze ko ibyo Rwamucyo Gisaza Séverin yavuze nta bimenyetso yabitangiye, akaba asanga gahunda yo kwiyamamaza kw’abakandida bafite ubumuga yagenze neza, nta gikorwa kinyuranije n’ingingo ya 80 y’Amabwiriza ya Komisiyo y’Igihugu y’Amatora cyabayeho, cyane cyane ko nta n’ikirego Komisiyo yakiriye muri urwo rwego.

[18] Rusiha Gastone avuga ko Rwamucyo Gisaza Séverin atigeze agaragaza ibikorwa binyuranije n’amategeko byaba byarakozwe na Ndayisaba Emmanuel amwamamaza, ko na sms nk’uburyo bw’itumanaho zitabujijwe n’amategeko mu gikorwa cyo kwiyamamaza. Rusiha Gastone avuga kandi ko atigeze asaba Ndayisaba Emmanuel kumwamamaza. Ku byerekeye cheque, Rusiha Gastone avuga ko ntayo yigeze aha abamutoye kandi n’uwareze nta kimenyetso abitangira.

[19] Rusiha Gastone avuga na none ko atigeze akoresha umwanya w’ubuyobozi bw’Inama y’Igihugu y’Abafite ubumuga kuko igihe amatora yabaga yari yarahagaritse imirimo ye kuri uwo mwanya by’agateganyo.

## **UKO URUKIKO RUBIBONA**

[20] Rwamucyo Gisaza Séverin avuga ko uburyo Rusiha Gastone yakoresheje yiyamaza butanyuze mu nzira zikurikije amategeko. Amabwiriza ya Komisiyo y’Igihugu y’Amatora mu ngingo yayo ya 80 ateganya uko kwiyamamaza kw’abakandida bafite ubumuga bikorwa, Itegeko N° 27/2010 ryo kuwa 19/06/2010 rigenga amatora nkuko ryahinduwe kandi ryujijwe kugeza ubu, mu ngingo yaryo ya 30 ryo ryerekana ibibujijwe mu gihe cyo kwiyamamaza.

[21] Ingingo ya 80 y’Amabwiriza ya Komisiyo y’Igihugu y’Amatora n° 03/2013 yo kuwa 23/07/2013 agenga amatora y’abagize Inteko Ishinga Amategeko, Umutwe w’Abadepite igira iti “Abakandida ku mwanya w’Umudepite ufite ubumuga biyamamaza ku munsu w’itora imbere y’abagize Inteko itora, bahurizwa hamwe ku rwego rw’Igihugu ahagenwa na Komisiyo y’Igihugu y’Amatora. Ariko mbere y’umunsu w’itora, Umukandida ubyifuje ashobora gutegura gahunda ye yihariye yo kwiyamamaza imbere y’abagize inteko itora, akayimenyeshya mu nyandiko ubuyobozi bw’Akarere k’aho yifuza kwiyamamariza hasigaye nibura amasaha makumyabiri n’ane (24) kugira ngo yiyamamaze. Ishami rya Komisiyo y’Igihugu y’Amatora ku rwego rw’Akarere ry’ aho ashaka kwiyamamariza rigenerwa kopi

kugira ngo rishobore gukurikirana ukwiyamamaza kw'Abakandida". Iyi ngingo igaragaza ku buryo busobanutse uko Abakandida ku mwanya w'Umudepite ufite ubumuga biyamamaza. icyo Rwamucyo Gisaza Séverin avuga ko kitagenze nkuko iyi ngingo ibiteganyaga, n'uko haba harabayeho kwiyamamaza no kwamamaza Rusiha Gastone mbere y'uko abagize Inteko itora, bahurizwa hamwe ku rwego rw'Igihugu ahagenwe na Komisiyo y'Igihugu y'Amatora.

[22] Urukiko rusanga imvugo ya Rwamucyo Gisaza Séverin yuko Ndayisaba Emmanuel, Umunyamabanga Nshingwabikorwa w'Inama y'Igihugu y'Abafite ubumuga yahamagaye abahuzabikorwa b'Inama y'Igihugu y'Abafite ubumuga b'Intara y'Amajyaruguru, iy'Amajyepfo n'Umujyi wa Kigali mbere yuko inteko itora ihurizwa hamwe, akabasaba gutora no gutoresha Rusiha Gastone rutayishingiraho rwemeza ko kwamamaza Rusiha Gastone byatangiyemo mbere y'igihe kivugwa mu ngingo ya 80 y'Amabwiriza ivugwa mu gika kibanziriza iki, kuko uretse kubivuga nta kimenyetso na kimwe yigeze ageza ku Rukiko kigaragaza ko ibyo bintu byabayeho.

[23] Kubirebana no kuba Rusiha Gastone yarakoresheje umwanya afite mu nyungu ze bwite nk'umuyobozi w'Inama y'Igihugu y'Abafite Ubumuga akiyamamaza mbere yuko abagize Inteko itora, bahurizwa hamwe ku rwego rw'Igihugu ahagenwe na Komisiyo y'Igihugu y'Amatora, Urukiko rurasanga uretse kubivuga gusa nta kimenyetso na kimwe gitangwa na Rwamucyo Gisaza Séverin kigaragaza ukuri kw'ibyo avuga. Uretse nibyo kandi, ku itariki ya 22/08/2013, Rusiha Gastone yandikiye Visi Perezida w'Inama y'Igihugu y'Abafite ubumuga amumenyesha ko ahagaritse by'agateganyo imirimo yo kuba Perezida w'iyi Nama.

[24] Ku birebana n'ibyo Rwamucyo Gisaza Séverin avuga ko hari sms zaba zaroherejwe inteko itora, bigomba gusuzumwa hagendewe ku biteganywa n'amategeko. Ingingo ya 29 bis y'Itegeko N° 27/2010 ryo kuwa 19/06/2010 rigenga amatora nkuko ryahinduwe kandi ryujijwe kugeza ubu, igira iti "mu matora yose, umukandida afite uburenganzira bwo kumanika ibimwamamaza no gukoresha ibindi byose bimwamamaza.....". Ingingo ya 30 y'iri Tegeko yo ikagira iti "birabujijwe mu gihe cyo kwiyamamaza cyangwa kwamamaza gukora ibintu bikurikira hagamijwe guhindura cyangwa kugerageza guhindura imitekerereze by'ugomba gutora: Gukoresha umutungo wa Leta aho waba uri hose mu buryo bunyuranyije n'amategeko; Gutuka cyangwa gusebya mu buryo ubwo aribwo bwose undi mukandida; Gushingira ku ivangura iryo ariryo ryose n'amacakubiri"

[25] Urukiko rurasanga, hashingiwe ku bivugwa mu ngingo zivugwa mu gika kibanziriza iki, gukoresha sms mu kwiyamamaza no kwamamaza ubwabyo bitabujijwe, ahubwo ikibazo gishobora kuba uburyo izo sms zikoreshejwe, icyo zivugwa n'igihe zitangiwe. Kubirebana n'uru rubanza, sms zatanze na Rwamucyo Gisaza nk'ikimenyetso, ntizisobanutse. Ni izo yohererejwe nyuma y'amatora, ntabwo ari izakoreshejwe mu kwiyamamaza cyangwa mu kwamamaza Rusiha Gastone. Ntabwo zigaragaza ko Rusiha Gastone yatowe ku gahato, n'uwaba yarabigizemo uruhare. Zigaragaza gusa imvugo zitagize icyo zisobanuye nko kuvuga ngo "byananiranye, barashakaga ko turobinga so wanyu RG, ariko twifashe turindiriyemo ibyo mu kazu", "hari iturufu ije ngo nadatorwa arivumbura, ngibyo aho byavuye", "pole badukozeho nyine".

[26] Kubirebana na ruswa yaba yaratanze binyuze kuri cheque ya 500.000 FRW Rwamucyo Gisaza Séverin avuga ko yahawe Sekamonyo Venuste ngo ahabwe abagize inteko itora, iyo cheque ntabwo yigeze yerekwa Urukiko. Uretse nibyo, ntabwo Rwamucyo Gisaza Séverin atanga andi makuru kuri iyo cheque nka Banki yari kwifashishwa mu kubikuzwa iyo cheque, numero zayo, ndetse n'uwayitanze, n'ikimenyetso cyuko ayo

amafaranga yari guhabwa abagize inteko itora. Ibi byose byari gufasha Urukiko gusuzuma icyo kimenyetso avuga.

[27] Urukiko rurasanga byaba gukoresha umwanya umuntu afite mu nyungu ze bwite, na cheque ya 500.000 FRW Rwamucyo Gisaza Séverin avuga ko yari igenewe inteko itora, nta kimenyetso na kimwe uwareze abitangira. Naho kubirebana n'ibyo asaba ko Urukiko rwamushakira, Urukiko rurasanga amakuru yarushyikirije adahagije ku buryo byarworohera kumenya uwohereje amafaranga n'uwayoherejwe, n'impamvu ayo mafaranga yoherejwe. Ikindi kandi, uwareze niwe ufite inshingano yo kugeza ku Rukiko ibimenyetso. Iyo abibuze aratsindwa.

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

[28] Urukiko rw'Ikirenga rwemeye kwakira ikirego rwashyikirijwe na Rwamucyo Gisaza Séverin.

[29] Rwemeje ko icyo kirego kidafite ishingiro.

[30] Rwemeje ko amatora yabaye ku itariki 18/09/2013 ku mwanya w'uhabarariye abafite ubumuga mu Nteko Ishinga Amategeko adasheshwe.