CABINET D'IBIRO BY'UMUHESHA W'INKIKO W'UMWUGA
PROFFESSIONAL BALIFF OFFICE
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INYANDIKO Y'UMUHESHA W'INKIKO W'UMWUGA IMENYESHA MURENZI THOMAS UBARIZWA AHATAZWI ICYEMEZO CY'URUKIKO RCA 00233/2024/TGI NYG NA RC 00215/2024/TB/NYG CYAFASHWE KUWA 31/10/2025(45,46,241CPCCSA)

Umwaka wa 2026 umunsi wa 15 w'Ukwezi kwa 09

Mbisabwe na Rosine MUKAZIBERA

Njyewe,Me BAYISENGE UMUTESI Josephine Umuhesha w'Inkiko w'Umwuga

Nshingiye ku kungingo ya 48 n'iya 49 z'itegeko N° 12/2013 ryo kuwa 22/03/2013 rigenga umurimo w'abahesha b'inkiko

Nshingiye ku itegeko N°025 ryo kuwa 12/05/2021 rihindura kandi ryuzuza itegeko N°22/2018 RYO KUWA 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano izubucuruzi iz'umurimo n'izubutegetsi cyane cyane mungingo zaryo za 45,46,na 241

Nshingiye ku nyandikompesha RCA 00233/2024/TGI NYG yo ku wa 31/10/2025 menyesheje TWAGIRAYEZU CHRISOPHE iyi nyandikompesha ubarizwa ahatazwi.;aho urukiko

Rwemeje ko ikirego cyatanzwe na MUKAZIBERA Rosine gifite ishingiro

Rwemeje ko TWAGIRAYEZU Christophe na MUKAZIBERA Rosine batandukanye burundu

Rwemeje ko Abana ASHIMWE Marvin Christopha na MUHINDE Hero Christophe baguma kurerwa na nyina MUKAZIBERA Rosine

Rwemeje ko umutungo ufite UPI 1/03/05/03/7394 na UPI 5/02/10/01/01/907 ko bagomba kuwugabana muburyo bungana.

Rutegeka ko Twagirayezu Christophe azajya atanga ibihumbi ijana

Iyi nyandiko ndetse n'icyemezo cy'urukiko mbitangaje kunkiko zose zisumbuye uko ari 12 ndetse mbitangaje no muri kimwe mubinyamakuru byandika

Me BAYISENGE UMUTESI JOSEPHINE

UMUHESHA W'inkiko w'umwuga .

URUKIKO RWISUMBUYE RWA NYAGATARE RURI I NYAGATARE RUHABURANISHIRIZA IMANZA Z'IMBONEZAMUBANO MURWEGO RW'UBUJURIRE RUCIYE MURUHAME URUBANZA RCA 00233/2024/TGI/NYG NONE KU WA 31/10/2025 MU BURYO BUKURIKIRA:

I.ABABURANYI.

UREGA: MUKAZIBERA Rosine, mwene NIZANE Francoise na SEZIBERA Deogratias, wavutse 01 Jan 1986, afite ID: 1198670031910018, Phone: +250783493264, abarizwa mu Rwanda, Eastern Province, Nyagatare, NYAGATARE, Barija, Kinihira, yunganiwe na Me HABYARIMANA Jean Baptiste ;

UREGWA: TWAGIRAYEZU Christophe, mwene Mukarubibioo na KARYANGO Pscal, wavutse 01 Jan 1985, afite ID: 1198580174786003, Phone: +250788576147, yavukiye mu Rwanda, Eastern Province, Kayonza, Kabarondo, Rusera, Rusera, abarizwa ZAMBIA- MUTENDERI – MAPOROTI, hatazwi neza ;

IKIREGO: Ubutane (kujuririra urubanza RC 00215/2024/TB/NYG rwaciwe n'Urukiko rwibanze rwa Nyagatare kuwa 07/11/2024) ;

II. IMITERERE Y'URUBANZA.

[1]. Uru rubanza rwatangiriye mu Rukiko rw'Ibanze rwa rwa Nyagatare kuwa 07/11/2024, aho MUKAZIBERA Rosine yareze TWAGIRAYEZU Christophe ubutane bwa burundu. Urukiko rw'Ibanze rwa Nyagatare murubanza rujuririrwa, rwemeje ko ubutane babuhawe, rubagabanya umutungo basangiye, runagena urera abana no gutanga indezo ;

[2]. MUKAZIBERA Rosine ntiyishimiye imikirize y'urubanza, ararujuririra avuga ko ubutane bwatangwa abwemera, ariko ngo Urukiko ntirwabagabanyije umutungo kuburyo bukwiye, ndetse no kuba rutaragenye indezo z'abana babyaranye. Avuga ko urukiko rwirengagije inyungu z'abana kandi aribo bagomba kwitabwaho. Asaba ko urukiko rujuririrwa rwabikosora ;

[3]. Umunsi w'iburanisha ry'urubanza ryo ku wa 15/10/2025, uregwa ntiyitaba urukiko kandi yarameneyshejwe muburyo bukurikije amategeko, uregwa asaba ko urubanza ruburanishwa uregwa adahari, Urukiko rurabimwemerera hashingiwe kungingo ya 56 CPCCSA, urubanza ruburanishwa uregwa adahari, maze hasuzumwa impamvu y'ubujurire:

- Gusuzuma impamvu z'ubujurire zishingiye kw'igabana ry'umutungo n'indezo y'abana ;

III. ISESENGURA RY'IKIBAZO KIGIZE INGINGO Y'UBUJURIRE.

1. Gusuzuma impamvu z'ubujurire zishingiye kw'igabana ry'umutungo n'indezo y'abana.

[4]. MUKAZIBERA Rosine yunganiwe na Me HABYARIMANA Jean Baptiste avuga ko atishimiye imikirize y'urubanza rujuririrwa ngo kuko urukiko rutagabanyije umitungo kuburyo bungana. Agasaba ko Umutungo w'ubutaka urimo n'inzu atuyemo ufite UPI: 5/02/10/01/907 uherereye mu mudugudu wa Kinihira, Akagari ka Barija, Umurenge wa Nyagatare, mu Karere ka Nyagatare, mu Ntara y'Iburasirazuba, yawurereramo abana ngo kuko umugabo yamutaye akanjya ZAMBIYA. Agasaba ko umutungo UPI: 5/02/10/01/907 wazagaburwa aruko abana bagejeje imyaka y'ubukure ;

[5]. MUKAZIBERA Rosine yunganiwe na Me HABYARIMANA Jean Baptiste avuga umutungo w'ubutaka ufite UPI:1/03/05/03/7394 uherereye mu mudugudu wa Cyarusagara, akagari ka Karama, Umurenge wa Kanombe, Akarere ka Kicukiro, Umujyi wa Kigali, agasaba ko yawegukana ngo kuko ariwe wawuguze umugabo we TWAGIRAYEZU Christophe yaramutaye ngo kuko arengeje imyaka itanu ataye urugo ;

[6]. MUKAZIBERA Rosine yunganiwe na Me HABYARIMANA Jean Baptiste avuga mugihe Urukiko rwabibona ukundi, uwo mutungo ufite UPI:1/03/05/03/7394 wagurishwa bakawugabana kuburyo bungana. Nyamara ngo uruhare rwa TWAGIRAYEZU Christophe rugaherezwa kubana nkindezo igomba kubarera ngo kuko yabataye, ubu hakaba hashize imyaka irenga itanu batazi iyo abarizwa, ngo uretse kumva ko ari NZAMBIYA kandi afite undi mugore ;

[7]. MUKAZIBERA Rosine yunganiwe na Me HABYARIMANA Jean Baptiste avuga ko yabyaranye na TWAGIRAYEZU Christophe abana babiri aribo ASHIMWE Mervin Christopher wavutse kuwa 02/09/2013 na MUHINDE Hero Christophe, wavutse kuwa 18/12/2016, agasaba Urukiko kwemeza ko umutungo ufite UPI:1/03/05/03/7394 wagurishwa bakawugabana n'umugabo we, uruhare rw'umugabo we rukagenwa nkindezo y'abana. Ashimangira ko ubutaka bufite UPI:1/03/05/03/7394 yabuguze amafaranga angana na 12.000.000 frw kuwa 21/01/2023 ;

UKO URUKIKO RUBIBONA.

[8]. Ingingo ya 156 y'itegeko No 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, itaganya ko "Urukiko rwajuririwe ruburanisha gusa ubujurire mu mbibi z'icyajuririwe. Urukiko rufata icyemezo ku ngingo zatumye uwatanze ubujurire ajurira cyangwa uwabwuririyeho na we akajurira". Iyingingo yumvikanisha ko ubujurire buburanishwa gusa mu mbibi z'icyajuririwe ;

[9]. Ingingo ya 12 al 1 y'itegeko no 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, iteganya ko: "Urega agomba kugaragaza ibimenyetso by'ibyo aregera. Iyo abibuze, uwarezwe aratsinda". Iyingingo yumvikanisha ko urega ariwe ugaragaza ibimenyetso by'ibyo aregera, byumvikane ko iyo abibuze atsindwa ;

[10]. Ingingo ya 242 y'Itegeko № 32/2016 ryo ku wa 28/08/2016 rigenga abantu n'umuryango iteganya ko "Ubutane busesa ishyingirwa n'amasezerano agenga imicungire y'umutungo w'abashyingiranywe kandi ko Igabana ry'umutungo rikorwa hakurikijwe amategeko abigenga.". Iyi ngingo yumvikanisha ko ubutane busesa imicungire y'umutungo ;

[11]. Ingingo ya 8 y'Itegeko №27/2016 ryo ku wa 08/07/2016 rigenga imicungire y'umutungo w'abashyingiranywe, impano n'izungura iteganya ko: "Iyo uburyo bw'ivangamutungo rusange busheshwe ku mpamvu z'ubutane cyangwa guhindura uburyo bw'imicungire y'umutungo, abari barashyingiranywe kuvanga umutungo bagabana ku buryo bungana cyangwa mu bundi buryo bumvikanye imitungo n'imyenda. Icyakora, urukiko rushobora gutegeka ko agaciro k'ibyangijwe n'umwe mu bashyingiranywe gakurwa mu mugabane we" Iyi ngingo yumvikanisha ko iyo habaye ubutane, umutungo ugaburwa kuburyo bungana ;

[12]. Ingingo ya 156 y'itegeko nº 71/2024 ryo ku wa 26/06/2024 rigenga abantu n'umuryango, iteganya ko "(1) Iyo ivangamutungo rusange riseshwe ku mpamvu z'ubutane cyangwa guhindura uburyo bw'imicungire y'umutungo, abari barashyingiranywe bagabana imitungo n'imyenda ku buryo bungana cyangwa ku bundi buryo bumvikanyeho", iyi ngingo yumvikanisha ko ivangamutungo rusange riseshwe abari barashyingiranywe bagabana imitungo n'imyenda ku buryo bungana ;

[13]. Ingingo ya 173 y'itegeko nº 71/2024 ryo ku wa 26/06/2024 rigenga abantu n'umuryango, iteganya ko "Uburyo bw'imicungire y'umutungo w'abashyingiranywe buseswa kubera imwe mu mpamvu zikurikira: (a) ubutane" iyi ngingo yumvikanisha ko uburyo bw'imicungire y'umutungo w'abashyingiranywe buseswa kubera ubutane ;

[14]. Ingingo ya 248 y'itegeko nº 71/2024 ryo ku wa 26/06/2024 rigenga abantu n'umuryango, iteganya ko "(1) Buri wese mu bashyingiranywe ashobora gusaba ubutane kubera imwe mu mpamvu zikurikira: (b) kuba umwe mu bashyingiranywe yarataye urugo nta mpamvu ifite ishingiro nibura mu gihe cy'amezi 12 akurikirana" iyi ngingo yumvikanisha ko guta urugo arimwe mumpamvu z'ubutane ;

[15]. Rusesenguye imvugo ya MUKAZIBERA Rosine ubutane yasabye yarabuhawe, nyamara akavuga ko atishimiye uburyo umutungo wagabuwe. Kuba MUKAZIBERA Rosine asaba ko

yakwegukana umutungo ufite UPI:1/03/05/03/7394 ngo kuko ariwe wawuguze, rusanze ntashingiro byahabwa kuko umutungo awusangiye na TWAGIRAYEZU Christophe kuko bari bafitanye amasezerano yo kuvanga umutungo ;

[16]. Rusesenguye imvugo ya MUKAZIBERA Rosine usaba ko umutungo UPI:1/03/05/03/7394 wagurishwa uruhare rwa TWAGIRAYEZU Christophe rugatangwa nkindezo y’abana, rusanze ntashingiro byahabwa kuko ingaruka z’ubutane kubashingiranwe, nukugabana umutungo kuburyo bungana, ababyeyi bakubahiriza inshingano zo kurera abana babo ;

[17]. Rusesenguye imvugo ya MUKAZIBERA Rosine n’ibimenyetso yarushikirije, rusanze MUKAZIBERA Rosine na TWAGIRAYEZU Christophe bafitanye umutungo ugizwe n’ubutaka bufite UPI: 5/02/10/01/907 n’ubufite UPI:1/03/05/03/7394. Bityo nkuko ingingo ya156 y’itegeko nº 71/2024 ryo ku wa 26/06/2024 rigenga abantu n’umuryango, ivuzwe haruguru ibitegenya, bagomba kuyigurisha bakayigabana kuburyo bungana ;

[18]. Rusanze MUKAZIBERA Rosine na TWAGIRAYEZU Christophe barabyaranye abana babiri aribo ASHIMWE Mervin Christopher wavutse kuwa 02/09/2013 na MUHINDE Hero Christophe, wavutse kuwa 18/12/2016, bagomba kurerwa na nyina MUKAZIBERA Rosine, dore ko ari nawe ubafite ;

[19]. Ingingo ya 270 y’itegeko nº 71/2024 ryo ku wa 26/06/2024 rigenga abantu n’umuryango, iteganya ko “ Ababyeyi batandukanye bafite uburenganzira bwo kugenzura uko abana bafashwe n’uko barerwa, hatitawe ku washinzwe kubarera. Bafite kandi inshingano yo gutanga indezo hakurikijwe ubushobozi bwabo.”

[20]. Ingingo ya 271 y’itegeko nº 71/2024 ryo ku wa 26/06/2024 rigenga abantu n’umuryango, iteganya ko “Ubutane bw’ababyeyi ntacyo bwambura abana mu byo amategeko cyangwa uburyo bw’imicungire y’umutungo w’abashyingiranywe abahera uburenganzira”

[21]. Ingingo ya 272 y’itegeko nº 71/2024 ryo ku wa 26/06/2024 rigenga abantu n’umuryango, iteganya ko “Igihe habaye ubutane, abana bakomeza kugira uburenganzira bwo kurerwa hifashishijwe umutungo w’ababyeyi babo. Umubyeyi ntashobora kwikuraho umutungo we wose iyo agifite inshingano yo gutanga indezo ku bana” ;

[22]. Rusanze kuba TWAGIRAYEZU Christophe yarabyaranye na MUKAZIBERA Rosine abana babiri aribo ASHIMWE Mervin Christopher wavutse kuwa 02/09/2013 na MUHINDE Hero Christophe wavutse kuwa 18/12/2016, TWAGIRAYEZU Christophe agomba gutanga indezo z’abana nkuko ingingo ya 270 y’itegeko nº 71/2024 ryo ku wa 26/06/2024 rigenga abantu n’umuryango, ivuzwe haruguru ibitegenya. Bityo TWAGIRAYEZU Christophe agatanga indezo ya buri kwezi kubana

bombi, ingana na 100.000 frw yo kurera abana be. Bityo imikirize y'urubanza rujuririrwa RC 00215/2024/TB/NYG rwaciwe n'Urukiko rwibanze rwa Nyagatare kuwa 07/11/2024 ihindutse kuri bimwe ;

IV. ICYEMEZO CY'URUKIKO.

[23]. Rwemeje kwakira no gusuzuma ubu bujurire kuko bwatanzwe muburyo bukurikije amategeko, busuzumwe rusanga budafite ishingiro kuri bimwe. Bityo imikirize r'urubanza rujuririrwa RC 00215/2024/TB/NYG rwaciwe n'Urukiko rwibanze rwa Nyagatare kuwa 07/11/2024 ihindutse kuri bimwe ;

[24]. Rwemeje ko amasezerano yo gushyingirwa yo kuwa 18/04/2013 yabaye hagati ya MUKAZIBERA Rosine na TWAGIRAYEZU Chrystophe asheshwe, bakaba batandukanye burundu, bikaba bigomba kwandikwa mu irangamimerere mu murenge wa Nyagatare ho mukarere ka Nyagatare aho bashyingiriwe ;

[25]. RWEMEJE ko abana ASHIMWE Mervin Christopher wavutse kuwa 02/09/2013 na MUHINDE Hero Christophe wavutse kuwa 18/12/2016 bagomba kurerwa na nyina MUKAZIBERA Rosine ;

[26]. Rutegetse ko MUKAZIBERA Rosine na TWAGIRAYEZU Chrystophe bagabana kuburyo bungana umutungo ugizwe n'ubutaka bufite UPI: 5/02/10/01/907 uherereye mu mudugudu wa Kinihira, Akagari ka Barija, Umurenge wa Nyagatare, mu Karere ka Nyagatare, mu Ntara y'Iburasirazuba n'ubufite UPI:1/03/05/03/7394 uherereye mu mudugudu wa Cyarusagara, akagari ka Karama, Umurenge wa Kanombe, Akarere ka Kicukiro, Umujyi wa Kigali, iyo mitungo igurishwa MUKAZIBERA Rosine na TWAGIRAYEZU Chrystophe bakayigabana kuburyo bungana amafaranga avuyemo ;

[27]. Rutegetse TWAGIRAYEZU Christophe gutanga indezo ya buri kwezi kubana bombi yabyaranye na MUKAZIBERA Rosine ingana n'amafaranga ibihumbi ijana y'amanyarwanda (100.000 frw) yo kurera abana be, akayatanga kuneza, mugihe giteganywa n'amategeko, atayatanga agakurwa mubye kungu za Leta ;

[28]. Rutegetse ko ingwate y'amagarama ujurira yatanze, ihwanye n'ibyarukozwemo, iheze mw'isanduku ya Leta ;

NUKO RUKIJIJWE KANDI RUSOMEWE MURUHAME NONE KUWA 31/10/2025.

UMUCAMANZA	UMWANDITSI.
MUNYAMAHORO Nzay Joseph	RWAMURIMA Diogene

SE SE