URUKIKO RWISUMBUYE RWA GASABO RURI GASABO RUHABURANISHIRIZA IMANZA Z'INSHINJABYAHA RUHAKIRIJE MU RUHAME URUBANZA RP 01323/2022/TGI/GSBO MU RWEGO RWA MBERE NONE KUWA 12/01/2023 MU BURYO BUKURIKIRA:

HABURANA:

UREGA: Ubushinjacyaha ku rwego Rwisumbuye rwa Gasabo

USHINJWA: Elias Xavier MUHAWENIMANA mwene Ndangiza na Nganyirende utuye mu mudugudu w'Umutekano, akagali ka Kamutwa, Umurenge wa Kacyiru, akarere ka Gasabo, MVK. TEL +250788422721.

ICYAHA ASHINJWA:, Guhimba, guhindura inyandiko cyangwa gukoresha inyandiko mpimbano, icyaha gitenywa kandi kigahanishwa n'ingingo ya 276,y'itegeko n°68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange.

I.IMITERERE Y'URUBANZA

1. Ubushinjacyaha buvuga ko uregwa Elias Xavier Muhawenimana ni umukozi w'irembo ,yahawe ikiraka na NSENGIYUMVA NGOGA Ernest cyo kumufasha servise yo guhindura izina aho yari afite mubyara we witwa Uwiringiyimana Sarah washakaga kwitwa Kalisa Sarah nibwo bumvikanye ibiciro maze Muhawenimana amwishyura amafaranga 70000frw azamubwira igazeti yasohotse, nibwo uregwa Elias Xavier Muhawenimana agiye kuri site ya MINIJUST ahasohokera amagazeti maze afata IGAZETE No 43 ryo kuwa 24/11/2022 arayi downloaging ajya ku rupapuro rwaryo rwa 26 igaragaza ko uwahinduriwe amazina ari AKIMANA Nusura wemerewe kwitwa UWASE Nusrath maze ahinduriramo amazina ya UWIRINGIYIMANA Sarah ko yemerewe kwitwa KALISA Sarah maze akora screenshort yohereza NSENGIYUMVA NGOGA Ernest amubwira ko akazi yamuhaye gatunganye, avuga ko yabikoze kuko yashakaga gutwara ayo mafaranga 70000frw ariko akimara gufatwa

yarayishyuye ari nayo mpamvu icyaha cyo kwambura ikintu cy'undi hakoreshejwe uburiganya atagikurikiranyweho, akaba akurikiranywe ku cyaha cy'inyandikompimbano, kubwo guhindura igazeti ya MINIJUST.

2. Uhagarariye ubushinjacyaha avugako bamushinja bashingiye kubimenyetso birimo imvugo z'uregwa wemeye icyaha, imvugo z'abatangabuhamya, igazeti yahinduwe, telephone yakoreshejwe icyaha, inyandiko ya minisitere y'ubutabera busoza bumusabira igihano cy'igifungo cy'imyaka irindwi (7 ans) n'ihazabu ya 3. 000.000frw.

3. Elias Xavier Muhawenimana yaburanye yeemera icyaha asaba imbabazi ko yasubikirwa ibihano akajya kwivuza ngo kuko afite redez- vous ya muganga.

- Muri uru rubanza Urukiko rurasuzuma ibibazo bikurikira:

A. Kumenya niba imvugo za Elias Xavier Muhawenimana wemeye icyaha , zunganiwe n' imvugo z'abatangabuhamya, igazeti yahinduwe, telephone yakoreshejwe icyaha, kimwe n' inyandiko ya minisitere y'ubutabera ari ibimenyetso byashingirwaho mu guhamya Elias Xavier Muhawenimana icyaha aregwa.

B. Kumenya niba ibihano Elias Xavier Muhawenimana yasabiwe n'ubushinjacyaha agomba kubihabwa.

II. <u>ISESENGURA RY' IBIBAZO BIGIZE URUBANZA</u>

A. Kumenya niba imvugo za Elias Xavier Muhawenimana wemeye icyaha , zunganiwe n' imvugo z'abatangabuhamya, igazeti yahinduwe, telephone yakoreshejwe icyaha, kimwe n' inyandiko ya minisitere y'ubutabera ari ibimenyetso byashingirwaho mu guhamya Elias Xavier Muhawenimana icyaha aregwa.

4. Uhagarariye ubushinjacyaha avuga ko ibimenyetso bushingiraho burega Elias Xavier Muhawenimana icyaha aregwa ; kuba hari inyandiko uregwa yahimbye aho yahinduye igazeti IGAZETE No 43 ryo kuwa 24/11/2022 yemereraga Akimana Nusura kwitwa Uwase Nusrath agasimbuza amazina akavuga ko ari igazeti yemerera Uwiringiyimana Sarah kwitwa kalisa Sarah maze agaha umukiriyawe igazeti yahinduwe. Kuba kandi hari Telephone y'uregwa yakoreyemo inyandikompimbano ndetse akanayikoresha yohereza screenshoot umukiriya we Muhayimana Elias .

5. Ubushinjacyaha buvuga ko kandi hari inyandiko ya Minisiteri y' ubutabera yagaragaje ko inyandiko MUHAWENIMANA Elias Xavier yohereje NSENGIYUMVA NGOGA Ernest ari impimbano kuko batigeze bayikora yahinduye ibyo bakoze. Kuba abatangabuhamya bitwa RWIGEMA Constantin na IYAKAREMYE Isaie bemeza ko uwo MUHAWENIMANA Elias Xavier yahawe 70.000 Frw na NSENGIYUMVA NGOGA Ernest ngo amwuzurize inyandiko zisaba guhinduriza mwishywa we amazina ntabikore ahubwo agokora Screen short agahindura indi gazette akuzuzamo amazina bari bamubwiye ndetse uwitwa IYAKAREMYE Isaie we akanemeza ko yabonye MUHAWENIMANA Elias Xavier yiruka ubwo bari baje kumufata bigaragaza koko ko icyo cyaha yagikoze .

6. Ubushinjacyaha buvuga ko hari IGAZETE No 43 ryo kuwa 24/11/2022 ku rupapuro rwaryo rwa 26 igaragaza ko uwahinduriwe amazina ari AKIMANA Nusura wemerewe kwitwa UWASE Nusrath atari UWIRINGIYIMANA Sarah wasabye guhinduza amazina akitwa KALISA Sarah.(igaragaza igazeti bahinduye uko yari yanditse).

7. Ubushinjacyaha buvuga ko kandi Uregwa yemera icyaha cy'inyandikompimbano ,aho yagaragaje ko yagiye ku rubuga rwa MINIJUSTrubaho amagazeti maze akuraho igazeti abonye yose na telephone maze arayihindura ashyiramo amazina yahawe n'umukiriya akora screenshoot na telephone maze yohereza umukiriya ko igazeti yasohotse kandi amubeshye akavuga ko ari uko amafaranga yari yamwishyuye yari yayakoresheje.

8. MUHAWENIMANA Elias Xavier yabwiye urukiko ko uko ubushinjacyaha bwabivuze ariko yabikoze ko yahinduye igazeti ngo kubera ko amafaranga yari yayakoreheje yose ariko ko yamaze kuyasubiza nyirayo.

UKO URUKIKO RUBIBONA

9. Ingingo ya 119 y'Itegeko Nº15/2004 ryo kuwa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo iteganya *ko mu manza nshinjabyaha, ibimenyetso bishingira ku mpamvu zose z'ibyabaye n'ibyemejwe n'amategeko, ababuranyi bapfa kuba barahawe uburyo bwo kuhaba ngo banyomozanye. Urukiko ruhamya ku buryo butavuguruzwa ko ibimenyetso byose birega cyangwa biregura ari byo kandi ko bishobora kwemerwa.* Iyo ngingo yumvikanisha ko ababuranyi bahabwa amahirwe yo kunyomozanya no kuvuguruzanya ku bimenyetso byose byatanzwe n'ubushinjacyaha bigaragaza ukuri kw'ibyaye byose. Urukiko rufata icyemezo mu bushishozi bwarwo mu iyakwakirwa ry'ibimenyetso byose byaba ibishinja cyangwa ibishinjura.

10. Ingingo ya 65 y' Itegeko nº15/2004 ryo kuwa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo iteganyako *ko Urukiko ni rwo rwonyine rupima ko imikirize y'abatangabuhamya ihuye n'ikiburanwa, ifite ingingo zikiranuye kandi ikaba ikwiye kwemerwa cyangwa guhakanwa. Ntirwitsitsa ku mubare w'abatangabuhamya. Rwita cyane cyane ku bumenyi bwabo bw'ibyabaye, no ku buryo babivuga uko byagenze nta cyo bihimbira.* Iyo ngingo yumvikanisha ko mu bimenyetso bishingirwaho n' umucamanza harimo n'abatangabuhamya, ubuhamya bwabo buhabwa agaciro hatitawe ku mubare wabo, ahubwo hitabwa k'ukuri kw'ibyo bavuga guhuje na kamere y'ikiburanwa. Nta cyabuza gushingira ku mvugo z'abatangabuhamya mu gihe ntawuzivuguruje.

11. Ingingo ya 2 y' Itegeko nº15/2004 ryo kuwa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo aho ivuga *Ikimenyetso cyo mu rubanza ni uburyo bukoreshwa kugira ngo ukuri kw' ibyabaye kugaragare*. Iyo ngingo yumvikanisha ko umucamanza ashingira no kubimenyetso biri murubanza kugirango agere kukuri.

12. ingingo ya 110 y'itegeko nº15/2004 ryo kuwa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo, iteganya ko ukwemera ari amagambo umuburanyi cyangwa umuhagarariye avugira mu rukiko agira ibyo yemera, ayo magambo atsindisha nyirayo.

13. Urukiko rurasanga MUHAWENIMANA Elias Xavier abazwa mu bugenzacyaha no mu Bushinjacyaha ndetse n'imbere mu rukiko yemeye icyaha ndetse anasobanura uburyo yagikoze, avuga ko yagiye ku rubuga rwa MINIJUSTrubaho amagazeti maze akuraho igazeti abonye yose na telephone maze arayihindura ashyiramo amazina yahawe n'umukiriya akora screenshoot na telephone maze yohereza umukiriya ko igazeti yasohotse kandi amubeshye akavuga ko ari uko amafaranga yari yamwishyuye yari yayakoresheje, uku kwemera icyaha kwe kukaba kwashingirwaho mukumuhamya icyaha aregwa.

14. Urukiko rurasanga imvugo ya MUHAWENIMANA Elias Xavier wemeye icyaha yarashimangiwe n'imvugo z'abatangabuhamya RWIGEMA Constantin na IYAKAREMYE Isaie bemeza ko uwo MUHAWENIMANA Elias Xavier yahawe 70.000 Frw na NSENGIYUMVA NGOGA Ernest ngo amwuzurize inyandiko zisaba guhinduriza mwishywa we amazina ntabikore ahubwo agokora Screen short agahindura indi gazette akuzuzamo amazina bari bamubwiye ndetse uwitwa IYAKAREMYE Isaie we akanemeza ko yabonye

MUHAWENIMANA Elias Xavier yiruka ubwo bari baje kumufata bigaragaza koko ko icyo cyaha yagikoze, rukaba rusanga izi mvugo zashingirwaho mukwemeza ko MUHAWENIMANA Elias Xavier yakoze icyaha aregwa.

15. Urukiko rurasanga kandi hari IGAZETE No 43 ryo kuwa 24/11/2022 ku rupapuro rwaryo rwa 26 igaragaza ko uwahinduriwe amazina ari AKIMANA Nusura wemerewe kwitwa UWASE Nusrath atari UWIRINGIYIMANA Sarah wasabye guhinduza amazina akitwa KALISA Sarah.(igaragaza igazeti bahinduye uko yari yanditse), kimwe na inyandiko ya Minisiteri y' ubutabera yagaragaje ko inyandiko MUHAWENIMANA Elias Xavier yohereje NSENGIYUMVA NGOGA Ernest ari impimbano kuko batigeze bayikora yahinduye ibyo bakoze, hari kandi Telephone y'uregwa yakoreyemo inyandikompimbano ndetse akanayikoresha yohereza screenshoot umukiriya we. Ibi nabyo bikaba ari ibindi bimenyetso bigaragaza ko MUHAWENIMANA Elias Xavier yakoze icyaha aregwa.

B. Kumenya niba ibihano MUHAWENIMANA Elias Xavier asabiwe n'ubushinjacyaha agomba kubihabwa

16. Ubushinjacyaha busabira MUHAWENIMANA Elias Xavier igihano cy'igifungo cy'imyaka irindwi n'ihazabu ya miliyoni eshatu (3.00.000 frw). MUHAWENIMANA Elias Xavier yasabye ko yahabwa igihano gito gishoboka kuko atagoye inzego z'ubutabera kandi ko icyo gihano cyasubikwa ngo kuko afite uburwayi bwa emoroyide afite rendez-vs yo kujya kubagwa kandi ko icyaha yakoze nta ngaruka cyateje kuko amafaranga yayasubije nyirayo.

17. Kuba MUHAWENIMANA Elias Xavier ahamwa n'icyaha cy guhimba, guhindura inyandiko cyangwa gukoresha inyandiko mpimbano'rukaba rusanga agomba kugihanirwa, bityo Urukiko, rushingiye ya 276 y'Itegeko nº 68/2018 ryo kuwa 30/08/2018 riteganya ibyaha n'ibihano muri rusange iteganyako *Umuntu wese uhimba cyangwa uhindura mu buryo ubwo ari bwo bwose inyandiko cyangwa ikindi kintu cyanditseho igitekerezo, ashyiraho umukono cyangwa igikumwe bitari byo, yonona inyandiko cyangwa imikono, asimbuza abantu abandi, ahimba amasezerano, imiterere y'ingingo zayo, igitegetswe gukorwa cyangwa, Iyo guhimba byakozwe n'umukozi wa Leta mu murimo ashinzwe cyangwa n'undi ushinzwe umurimo*

w'igihugu, igihano kiba igifungo kitari munsi y'imyaka irindwi (7) ariko kitarenze imyaka icumi (10) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni ebyiri (2.000.000 FRW) ariko atarenze miliyoni eshatu (3.000.000 FRW) cyangwa kimwe gusa muri ibyo bihano. MUHAWENIMANA Elias Xavier akaba ahanishijwe igihano cy'ihazabu y'amafaranga y'u Rwanda miliyoni eshatu (3.000.000 Frw).

18. Ariko Urukiko rurasanga kuba MUHAWENIMANA Elias Xavier ari ubwa mbere akurikiranywe n'inkiko akaba yaraburanye yemera icyaha ndetse asaba n'imbabazi, kandi mu gihe cyose yari akurikiranyweho ibyaha nta myitwarire mibi yamugaragayeho, kandi akaba yarasubije amafaranga yari yahawe izo zose zikaba ari impamvu nyoroshacyaha zatuma MUHAWENIMANA Elias Xavier agabanyirizwa ibihano, bityo hashingiwe ku ngingo ya 59 agace ka gatatu (3º) y'Itegeko nº 68/2018 ryo kuwa 30/08/2018 riteganya ibyaha n'ibihano muri rusange, MUHAWENIMANA Elias Xavier akaba ahanishijwe igihano cy'ihazabu y'amafaranga miliyoni ebyiri (2.000.000 frw).

III. <u>ICYEMEZO CY' URUKIKO.</u>

19. Rwemeje ko MUHAWENIMANA Elias Xavier ahamwa n'icyaha cyo guhimba, guhindura inyandiko cyangwa gukoresha inyandiko mpimbano.

20. Ruhanishije MUHAWENIMANA Elias Xavier igihano cy'ihazabu y'amafaranga miliyoni ebyiri (2.000.000 frw).

21. Rutegetse ko MUHAWENIMANA Elias Xavier asubizwa telephone yafatiriwe , computer na logiciel.

22. Ruvuze ko MUHAWENIMANA Elias Xavier asonewe gutanga amagarama y'uru rubanza kubera ko aburana afunzwe.

23. Rwibukije ababuranyi ko kujuririra uru rubanza bikorwa mu gihe cy'ukwezi kumwe kibarwa guhera urubanza rumaze gusomwa.

NI UKO RUKIJIJWE KANDI RUSOMEWE MU RUHAME NONE KUWA 12/01/2023.

<u>UMUCAMANZA</u>	<u>UMWANDITSI</u>
NYIRANDATIYE Françoise	UWIRINGIYIMANA Dative
Sé/	Sé/