RCC 10020

AMAJAMBO MAKURU MAKURU

Gutanga inka yo kugombora itongo – isambuzwa ry'urubanza (ingingo ya mbere y'itegeko-bwirizwa n°1/51 ryo kuwa 23/7/1980 ryerekeye Gasamburamanza : niryo ryakora igihe c'isambuzwa rishemeye) – kwiyobagiza imanza zaheze – urubanza ruha umwe mu baburanyi ububasha bwo kuburana inka yiwe murundi rubanza.

URUBANZA

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RCC 10020

SENTARE NTAHINYUZWA ISHASHE MU GISATA CA GASAMBURAMANZA YACIYE URUBANZA RUKURIKIRA MU NTAHE Y'ICESE YO KU WA 28/4/2005.

UWITWAYE : M. Zacharie umusozi Ntarambo, Intara ya Kayanza.

UWITWARIWE : N. Bernard, NG., T. François umusozi Ntarambo, Intara ya Kayanza.

Twihweje ko M. yanditse asaba ko yosamburirwa urubanza RCA 4037 rwaciwe na Sentare Nkuru y'Igihugu ya Kayanza, ikaba yaruciye ivuga iti :

- yakiriye iyunguruzwa ry'urubanza nkuko ryagizwe na N. Bernard, NG. Casmir na T. François kandi isanze imburano zabo zishemeye mu mpande zose ;
- urubanza rwa Sentare y'Intango yo mu Kayanza rurahindutse mu ngingo zarwo zose : M. Zacharie arahebujwe ku nka arondera ;
- amagarama atangwa na M. Zacharie nayo ni 27.200 Fbu ;

Twihweje ko uwitwariwe yamenyeshejwe ibirego agatako agaca avyishura ;

Twihweje ko umucamanza n'umushikirizamanza batanze ivyiyumviro vyabo ;

Twihweje ko rwaciye ruhamagarwa mu ntahe y'icese yo ku wa 14/11/2003 aho rwaciye rusubizwa inyuma kugirango ababuranyi bazane procuration z'abo baserukira ;

Twihweje ko rwaciye rusubira guhamagarwa mu ntahe y'icese yo ku wa 23/2/2004 naho nyene rugaca rusubizwa ku yindi sango kugirango hatumweko idosiye yose baburaniyeko ;

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Twihweje ko rwasubiye guhamagarwa mu ntahe y'icese yo ku wa 3/6/2004 aho ababuranyi bitavye bompi kandi vyose bikwiye bagaca baburana imbonankubone, rugaca ruja mu mwiherero ;

Twihweje ko hari umucamanza yahamagawe n'ayandi mabanga, rugaca rero ruhamagarwa mu ntahe y'icese yo ku wa 13/12/2004 kugirango hasasemwo abacamanza bakwiye ; rukaba rwaciye rusubira mu mwiherero w'abacamanza kugirango hacibwe urukurikira :
Kubera ko uwitavye yari yamenyeshejwe urubanza RCA 4037 ku wa 24/1/2002, aca ashikana ivyankenerwa mw'iyandikiro rya Gasamburamanza ku wa 13/3/2002 ;

Ko rero yemerewe kuburana kuko akwije ibitegekanijwe n'amategeko ;

Kubera ko uwitwaye ashikiriza ido n'ido ry'ingene se K. yatanze inka yangendo agombora itongo umuganwa ND. yari yatanze MI. kuko bari bishe umuntu ; M. rero akaba arega Sentare ko itumvirije isura R. yari azi ijambo ryavuzwe bajanye inzoga iherekeje iyo nka ;

Kubera ko uwitwariwe nawe yishura avuga ido n'ido nyene ko itongo ari iry'umuryango kandi ryagombowe n'inka 4 zo mu muryango wa sekuru RU. ;

Ko rero ata nka bamufitiye kandi itongo naryo ari iry'umuryango wa RU. ;

Kubera ko kubwa Gasamburamanza dusomye imanza zagiye ziracibwa muri uwo muryango dusanga hariho urubanza RC 776/93 rwerekeye « itongo hamwe n'imyaba » ariko mu mvo zarwo Sentare ivuga imvo ko «M. adakwiye guhebeshwa iyo nka mu gihe uwitwariwe MI. yoboneka canke aboba bamukomokako kugira ayibishuze bo bene kugomborwa (cfr avant dernier attendu) ; »

Kubera ko M. yashingishije urubanza RC 97/95 akarwita urw'inka imwe ariko hakongera kuvurwamwo itongo kandi ryaba itongo yaba inka vyose akavyishuza umuryango abona aribo T., N. na NG. ariko MI. atarimwo kandi yari azi ivyo Sentare yari yavuze mu rubanza RC 776/93 ;

Kubera ko rero Sentare yari ikwiye kugira ico ivuze kuri urwo rubanza RC 776/93 cane cane kuvyo iyo Sentare yari yategetse M., agasa n'uwabirenzeko mu rubanza rushasha RC 974/95 yaciye ashinga ;

Ko rero iyo mvo yotuma urubanza rusambuka ;

Kubera ko uwitwaye arega Sentare ko itamwumvirije isura R. kandi yari yayitatse ;

Kubera ko dusomye urwaciwe dusanga Sentare ivuga iryo zina ariko ntivuge ivyo yasuye, ngo yongere igire ico ibivuzeko ;

Ko rero n'ico kirego nyene gituma urubanza rusambuka ;

K U B E R A I Z O M V O Z O S E :

Sentare Ntahinyuzwa igisata ca gasamburamanza ;

Yihweje ibwirizwa nshingiro rya Republika ry'Uburundi ;

Yihweje ibwirizwa n° 1/08 ryo ku wa 17 Ntwarante 2005 ryerekeye iringanizwa ry'amasentare n'ububasha bwazo ;

Yihweje ibwirizwa n° 1/07 ryo ku wa 25 Ruhuhuma 2005 ryerekeye iringanizwa rya Sentare Ntahinyuzwa ;

Imaze gushira urubanza mu mwiherero nkuko amategeko abivuga ;

Ishinze ko :

- yakiriye isambuzwa kandi isanze rishemeye ;
- Irasambuye urubanza RCA 4037 rwa Sentare Nkuru y'Igihugu ya Kayanza ;
- Irurungikiye iyo Sentare irusubiremwo hari abandi bacamanza ;
- Iyi ngingo izokwandikwa mu gitabo c'imanza z'iyo Sentare, iruhande y'urubanza rusambuwe ;
- Amagarama atangwa na M. Zacharie uko ari 11.400 FBu ;

Uko niko ruciwe kandi rusomwe i Bujumbura mu ntahe y'icese yo ku wa 28/4/05, hashashe umukuru w'intahe, abacamanza, bafashijwe n'umushikirizamanza mukuru hamwe n'umwanditsi w'imanza.

KWIHWEZA URUBANZA

M. Zacharie yituye Sentare Ntahinyuzwa irimwo Gasamburamanza yipfuza gusambuza urubanza RCA 4037 rwaciwe na Sentare Nkuru y'Igihugu ya Kayanza.

Sentare Ntahinyuzwa irimwo Gasamburamanza yasambuye urwo rubanza kuko Sentare y'iyungururizo yaciye urwo rubanza RCA 4037 itihweje imanza zagiye ziracika muri uwo muryango zamaze guhera zikaba zitungurujwe. Aha twovuga urubanza RC 776/93 mu mvo zagwo havugwa ko « M. adakwiye guhebeshwa iyo nka mugihe uwitwariwe Ml. yoboneka canke aboba bamukomokako kugira ayibishuze bo bene kugombogwa. »

Uwusambuza yituye Sentare Ntahinyuzwa irimwo Gasamburamanza mu gihe gitekanijwe n'amategeko ariko imburano yashikirije zari iz'ido n'ido ndetse n'uwusamburizwa nawe nyene ntaco bigeze bashikiriza Sentare Ntahinyuzwa irimwo Gasamburamanza cerekana ko Sentare yaciye urwo rubanza yoba yararenze itegeko canke umugenzo w'ikirundi.

Twovuga ko ababuranyi bagize neza mugushikiriza Sentare inzandiko zose canke imanza zose zerekana ko zifitaniye isano n'urwo basambuza. Vyatumye Sentare Ntahinyuzwa, ijejwe gucungera ko Sentare zose zo mu Burundi zikurikiza amategeko canke ko zubahiriza ndetse zikirinda gusubiza itoto imanza zaheze ubutagisubigwamwo, ishobora kubona ko hariho urubanza rwaheze ruha uburenganzira umwe mubaburanyi bwo kuburana inka yiwe.

Urwo rubanza mu gutanga uburenganzira rwarasiguye neza uwo uwusambuza ashobora kwitwarira kugirango amwishuze inka yiwe yatanzwe.

Mu bitwariwe rero ntanahamwe bigarara ko ari bene Ml. canke ko Ml wenyene ubwiwe yoba arimwo.

Nico gituma M. Zacharie, mu gihe yoba yitwariye abataribo adashobora kuronka iyo nka arondera kuko urubanza RC 776/93 ruradoma urutoke neza kubantu M. ashobora kurondera ko iyo nka.

Uru rubanza RCC 10020 rwaciwe na Sentare Ntahinyuzwa ishashemwo Gasamburamanza ntirwari rukwiye gusambuka mu gihe bitagaragaye ko M yitwaye mu buryo Sentare yaciye urubanza RC 776/93 yari yamutegetse kubikora ; n'ukuvuga mu kurondera iyo nka kuri bene kugombogwa gusa kuko Sentare ntiyamuhaye uburenganzira bwo kwitwarira umuryango wiwe wose iyo uva ukagera.

Iyo Sentare yari kurungika M. Zacharie kwitwarira gusa MI. Canke abamukomokako. Twovuga rero ko Sentare Ntahinyuzwa ishashemwo Gasamburamanza yasambuye urwo rubanza kugirango Sentare yaciye urubanza ibanze itohoze neza ko M. Zacharie yitwariye abo Sentare yari yamutegetse kwitwarira canke irabe ko yoba yitwariye abataribo.

Mu gihe yoba yitwariye abataribo Sentare ikamurungika kwitwara mu buryo yategetswe na Sentare yaciye urubanza RC 776/93 ariko inka yiwe yatanzwe ntigende akagirire kandi yarahawe uburenganzira bwo kuyisaba abagombowe.