RCC 9801

AMAJAMBO MAKURU MAKURU

Commission y'ubugererwa – guhinyuza ibinyoma – gushinga akarimbi – gutanga procuration – imburano zo gusambuza urubanza – imvugo y'ivyabona – indagano zategekanijwe – ingingo yabaye ntabanduka – isambuza ridashemeye - itongo ry'ubugererwa – kunegura imvugo – kwicarira ikibazo – kwihagira ku nguvu – kwikukira kw'itongo – umugererwa – urubanza rw'intizo.

URUBANZA

- 1 -

RCC 9801

SENTARE NTAHINYUZWA, IGISATA CA GASAMBURAMANZA YACIYE URUBANZA RUKURIKIRA : INTAHE Y'ICESE YO KU WA 31.05.2005.

UWITWARA: N. Prudence : Umusozi Muremera, Komine Ngozi, Intara ya Ngozi.

UWITWARIRWA: NZ. Antoine.

Twihweje isambuza ryasabwe na N. Prudence ku rubanza RCA 4217 rwaciwe na Sentare Nkuru y'Igihugu ya Ngozi ku wa 10/8/2001 ruvuga ruti :

- yakiriye iyunguruzwa ry'urubanza nkuko ryagizwe na NZ. Antoine kandi ivuze ko rishemeye ;
- NZ. Antoine aratsindiye itongo N. yita iry'ubugererwa hamwe n'itongo ry'intizo ;
- amagarama atangwa na N. ;

Twihweje ko N. Prudence yamenyeshejwe urwo rubanza asambuza ku wa 3/9/2001 ;

Twihweje imburano zo gusambuza urubanza zashikanywe mw'iyandikiro ry'imanza rya Sentare Ntahinyuzwa ku wa 15/10/2001 ;

Twihweje ivyireguro vya NZ. Antoine vyo ku wa 23/11/2001 ;

Twihweje ko umucamanza wa Sentare Ntahinyuzwa n'umushikirizamanza mukuru wa Sentare Nkuru ikukira iyo Sentare batanze ivyiyumviro vyabo kur'uru rubanza ;

Twihweje ishingwa n'ihamagarwa ry'urubanza mu ntahe y'icese yo ku wa 18/11/2002 ; 30/1/2003 ; 14/4/2003 ; 23/6/2003 ; 16/10/2003 ; 23/1/2004 ; 6/5/2004 ; 27/9/2004 na 3/2/2005 ;

Twihweje iyi ntahe y'icese ya nyuma yo ku wa 3/2/2005, aho ababuranyi bari bitavye bompi na dosiye baburaniyeko i Ngozi yabonetse, bagashikiriza imburano zabo, urubanza rugaca rushirwa mu mwiherero w'abacamanza, kugira ngo hashingwe urukurikira :

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Kubera ko N. Prudence asambuza urubanza RCA 4217 yamenyeshejwe ku wa 3/9/2001, akaba yashikanye imburano zo kurusambuza mw'iyandikiro ry'imanza rya Sentare Ntahinyuzwa ku wa 15/10/2001 azanye na kopi y'urwo asambuza, agaca ashinga uwo munsi nyene ;

Ko urubanza yarushingishije mu ndagano zategekanijwe n'amategeko none akwiye kwakirwa ;

Kubera ko N. Prudence asambuza urubanza rwaciwe na Sentare Nkuru y'Igihugu ya Ngozi ku wa 10/8/2001, anegura ko rwacitse rwishimikije ibinyoma vya NZ. Antoine, yemeza ko ngo N. atari umugererwa wa se wiwe NI., ko ahubwo yari umugererwa wa K. ;

Kubera ko avuga ko ivyo binyoma bihinyuzwa n'urupapuro rw'amasezerano ariyo Acte de notoriété n° 453 rwo ku wa 31/7/1962 rwemeza ko BA. ari umugererwa wa NI. se wa NZ. ;

Ko mbere n'igihe commission y'ubugererwa yashinga akarimbi, kabagabura na shebuja NI., uwo NZ. yabona ;

Kubera ko N. Prudence yongera akanegura imvugo y'ivyabona B. na ND. bemeje ko yari umugererwa wa K. kandi muri Sentare y'Intango B. yari yemeje ko iryo tongo ari irya N. yaronse kubera yikukiye kwa NI. yongera yemeza ko ahariko haraburanwa hoba kwa N. ;

Ko rero Sentare yari ikwiye gutohoza ayo majambo y'ibinyoma y'icabona B. ateranya ;

Kubera ko arega kandi Sentare ko yaciye urubanza rw'intizo, kandi urwari rwaburanywe mu rubanza RC 2055 rwerekeye ubwatsi se wa NZ., ariwe NI., yoba yari yatije M. nyina wa N. mu 1941 ; ko ubwo bwatsi atemera ko ari

intizo, kuko nabwo nyene bwacungurwa n'umubindi w'inzoga ku mwaka imbere yuko ubugererwa buhava, none ngo akaba nabwo nyene yarabwikukiyemwo, kuko NI. nyene kuhamuha atigeze ahamwaka akiriho gushika yitabe Imana ;

Kubera ko NZ. Antoine nawe yiregura avuga ko itongo aburana, ataco risa risana n'iryo BA. se wa N. yikukiyemwo kwa NI. ;

Kubera ko avuga ko itongo aburanyako N., ari iryahora ari iry'umugererwa wa NZ. Joseph yitavye Imana, hanyuma kuko NI. ariwe yarirabira NB., M. nyina wa N. yarasavye aho arima kuriryo tongo, NI. aramutiza aho aba ararima, bumvikana ko azomutirurira aho ashakiye ;

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Kubera ko, aho hantu yatijijwe ariho ashaka kwihagira ku nguvu, ngo kandi na NI. yahamutijije akaba yapfuye amaze kumwitwarira mu gacimbiri, rukaba arirwo n'uno munsi rubandanya muri Sentare NB. ariwe atuma kumuburanira kuko atamwanya we yari afise (yatanze procuration) ;

Kubera ko Sentare Gasamburamanza imaze kwumviriza imburano isanga hariho ibintu bitari bike Sentare yaciye urubanza itabanje gutomokerwa neza ;

Kubera ko ikigaragara, aruko mu ntango haburanywe imanza zibiri RC 2055 rwerekeye intizo ya M. nyina wa N. rwacikiye muri Sentare y'Intango ya Ngozi ku wa 9/6/94 ruvuga ako gapande NI. yari yatije M., NZ. agatsinzweko ;

Kubera ko iyo ngingo yabaye ntabanduka kuko rutahavuye ngo rwunguruzwe mbere rukaba rwarakurikijwe kw'igenekerezo rya 10/11/1995 ;

Kubera ko hahavuye hashingwa urundi rubanza mur´iyo Sentare y'Intango ya Ngozi RC 2331 rwerekeye itongo ry'ubugererwa, N. mwene BA. avuga ko NZ. mwene NI. ariko aramuterako, kandi se atigeze arimusohoramwo ; ko yaryikukiyemwo kandi ko n'igihe yagurisha atawamufatiye, mbere na B. wo mu muryango kwa NZ. yamubereye icabona ;

Kubera ko urwo rubanza rwacitse rwemeza ko aho hantu baburana arikwa N. yahabaye kuva n'ubugererwa butarahava, kandi n'akarimbi kari mur´iryo tongo ata numwe kagaburira kuko hafiswe n'umuntu umwe ;

Kubera ko urubanza rwungurujwe ari uru nyene, mugabo Sentare ikaba muguca urubanza yavuze ko NZ. atsindiye itongo N. yita iry'ubugererwa hamwe n'itongo ry'intizo ;

Kubera ko nkuko twamaze kubivuga urubanza rwerekeye itongo canke ubwatsi bw'intizo rwamaze gucika (RC 2055) mbere ruranakurikizwa ;

Kubera ko ariko urubanza RC 2331 narwo ataho tubona ko rwoba rwerekeye aho N. avuga ko afitiye acte de notoriété avuga mu mburano ziwe zo gusambuza urubanza ;

Kubera ko na NZ. avuga ko aho amuburanyako ari irya NB. Joseph, N. agomba kwinyagira aryitiranya n'iryo yasohojweko kwa NI. ;

Kubera ko Sentare mu guca urubanza isa n'iyivanga ingingo zo ku manza zibiri (intizo n'ubugererwa), aho gutomora neza urubanza yashikirijwe ico rwerekeye icarico ;

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Kubera ko Sentare ikwiye gutomora neza itongo N. ariko aburana iry´ariryo, kuko hamwe womenga aburana iryo yikukiyemwo kwa NI., ahandi naho NZ. nawe avuga ko amuburanya kuryahora ari iry'umugererwa K. wa NB. Joseph ;

Kubera ko rero ico kibazo Sentare itacicariye ngo igitohoze imenye itongo riburanwa kuko biboneka ko vyose N. avyita ko ari ubugererwa bwo kwa NI., uwu nawe akaba yari yaramuretse akikukira mw'itongo ryarimwo umugererwa wiwe ;

Ko rero urubanza rukwiye gusambuka ;

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

Sentare Ntahinyuzwa igisata ca Gasamburamanza ;

Yihweje ibwirizwa n° 1/010 ryo ku wa 18 ntwarante 2005 riringaniza ibwirizwa nshingiro rya Republika y'Uburundi ;

Yihweje ibwirizwa n° 1/010 ryo ku wa 13 rusama 2004 ryerekeye amategeko agenga imanza z'amatati ;

Yihweje ibwirizwa n° 1/07 ryo ku wa 25 ruruhuma 2005 riringaniza Sentare Ntahinyuzwa ;

Yihweje itegeko n° 1/08 ryo ku wa 17 ntwarante 2005, ryerekeye iringanizwa rya Sentare n'ububasha bwazo ;

Ibanje gushira urubanza mu mwiherero w'abacamanza nkuko amategeko abivuga, ababuranyi bitavye bompi ;

Ishinze ko

- yakiriye isambuza ryasabwe na N. Prudence kandi isanze rishemeye ;
- Irasambuye urubanza RCA 4217 rwaciwe na Sentare Nkuru y'Igihugu ya Ngozi ku wa 10/8/2001 ;
- Irurungikiye iyo Sentare nyene ngo isubire kuruca hashashemwo abandi bacamanza ;

- Ivuze ko iyi ngingo yandikwa mu bitabu vy'imanza z'iyo Sentare hambavu y'urubanza rusambuwe ;
- Amagarama atangwa na NZ.

Uko niko ruciwe kandi rusomwe i Bujumbura mu ntahe y'icese yo ku wa 31/5/2005, hashashe umukuru w'intahe, abacamanza, bafashijwe n'umushikirizamanza mukuru hamwe n'umwandisti.

KWIHWEZA URUBANZA

Uru rubanza rusambuzwa rwaciwe na sentare Nkuru y'Igihugu ya Ngozi rwerekeye itongo. N. Prudence ntiyashimye urwaciwe aca lero asaba ko rusambuka kubera ibituma ashira mu mice gutatu.

1. Urubanza rwacitse rwishimikije ibinyoma vya NZ., N.Prudence avuga ko Sentare Nkuru y'Igihugu ya Ngozi yishimikije ibinyoma vy'uwo baburana yirengagije acte de notoriété yemeza ko BA. ari umugererwa wa NI. se wa NZ.

Aha ico twovuga, abacamanza ntibashoboye gutandukanya icatsi n'ururo kuko habonekamwo imanza zibiri. Ubwa mbere, urubanza rw'intizo y'itongo NZ. Yatsinzweko. Ubwa kabiri, urundi rubanza rwerekeye itongo ry'ubugererwa. Nico gituma n'uwusaba isambuzwa abivangatiranya, bigaca bigaragara ko Sentare Ntahinyuzwa yafashe ingingo nziza yo kurusambura, kugira Sentare yari yararuciye ubwa mbere, itandukanye ubwatsi bwerekeye intizo n'ubwerekeye ivy'ubugererwa, maze gurtyo abantu bose bamenye urubanza ruburanwa urwo arirwo, nayo ahandi ho, uru rubanza RCA 4217 rurashobora no gusubiza itoto RC 2055 rwari rwerekeye intizo.

Bica vyumvikana kandi ko atawokwirigwa ariga ibindi bituma vyatanzwe vyo gusambuza urubanza, mu gihe iyi mvo ya mbere idakwirikijwe neza na Sentare Nkuru y'Igihugu ya Ngozi.

Ico tutokwirengagiza kuvuga ni uko Sentare Ntahinyuzwa yamaze ikiringo c'imyaka itatu n'amezi umunani kugira ice uru rubanza, ivyo bikaba biha impigi bamwe bivugira ko ubutungane bwikwega mu kurangura imirimo. Nkako rwashitse muri Gasamburamanza kw'igenekerezo rya 15/10/2001 rugacika 31/05/2005.