RCC 9807

AMAJAMBO MAKURU MAKURU

Intizo y'itongo ntikura - ingingo ya 630 CCL III – ingingo ya 1 y'itegeko-bwirizwa n°1/51 ryo kuwa 23/7/1980 ryerekeye Sentare Gasamburamanza – ingingo ya gatanu y'itegeko-bwirizwa n° 1/51 twamaze kuvuga aho hejuru – kuba mw'itongo imyaka myinshi - ingingo za 647 & 648 CCL III – ingingo ya 154 CPC – kwomorwa mw'itongo.

URUBANZA

- 1 -

RCC 9807

SENTARE NTAHINYUZWA IGISATA CA GASAMBURAMANZA YACIYE URUBANZA RUKURIKIRA :
INTAHE Y'ICESE YO KU WA 29 NDAMUKIZA 2005.

UWITWARA : M. Venant umusozi Kabiri, Komine Giteranyi, Intara ya Muyinga.

UWITWARIRWA : NY. Emmanuel aserukirwa n'umushingwamanza NZ. Déo.

Twihweje ikete M. Venant yandikiye umukuru wa Sentare Ntahinyuzwa ku wa 15/10/2001 akarishikana mw'iyandikiro ry'imanza ry'iyo Sentare nyene kw'igenekerezo rya 18/10/2001 asambuza urubanza RCA 948 rwaciwe na Sentare Nkuru y'Igihugu ya Muyinga ku wa 31/8/2001 rukaba ruvuga ruti :

Sentare ica imanza imbona nkubone ;

Ishinze ko :

- Yakiriye iyunguruzwa ry'urubanza nkuko ryagizwe na M. Venant ariko isanze imburano ziwe zidashemeye ;
- Hakomejwe urubanza rwaciwe na Sentare y'Intango ya Giteranyi ;
- Itumye iyo Sentare nyene kurukurikiza nkuko yaruciye ;
- Amagarama uko ari 6.600 FBu atangwa na M. mu ndagano y'iminsi umunani (8 jours) aharenze afatirwe ikiyaciye kigurishwe atangwe;

Twihweje ko NY. Emmanuel yamenyeshejwe ku wa 2/11/2001 iryo sambuzwa akanasabwa kwiregura nk'uko mbere yaciye abitunganya biciye ku mushingwamanza wiwe NZ. Déo ku wa 12/11/2001 ;

Twihweje ivyiyumviro vyashikirijwe n'umucamanza w'iyi Sentare n'umushikirizamanza mukuru ku magenekerezo ya 28/12/2001 na 5/4/2002 ;

Twihweje ko, aho aboneye ivyo vyiyumviro, umukuru wa Sentare yafashe ku wa 23/8/2002 ingingo n° RCC 9807 yokuburanisha urubanza mu ntahe y'icese yo ku wa 11/11/2002, habanje gutumwako ababuranyi nkuko iyo ngingo yaciye imenyeshwa uwuserukira uwitwariwe ;

Twihweje ihamagarwa ry'urubanza muri iyo ntahe y'icese aho ababuranyi basivye bompi rugaca rwungururizwa ku wa 27/1/2003 ;

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Twihweje ko urwo rubanza rwagiye rurahamagarwa ku magenekerezo ya 27/1/2003, 3/4/2003, 23/6/2003, 16/10/2003, 23/1/2004, 6/5/2004 na 27/9/2004 aho hose rukaba rwasubizwa inyuma cane cane n'uko ababuranyi batarenguka hanyuma n'idosiye RCA 948 yari yasabwe muri Sentare Nkuru y'Igihugu ya Muyinga itari bwaboneke;

Twihweje cane cane intahe y'icese ya nyuma yo ku wa 3/2/2005 aho hitavye umushingwamanza NZ. Déo aserukira uwitwariwe agasaba ko urubanza rucika naririya uwusambuza atigera arenguka Sentare imaze kumviriza iciyumviro c'umushikirizamanza mukuru yaciye inyurwa irushira mu mwiherero none iciye urukurikira :

Kubera ko urubanza RCA 948 rusambuzwa rwaciwe ku wa 31/8/2001 rumenyeshwa M. ku wa 8/10/2001 akaba nawe yaciye yirukira Gasamburamanza kw'igenekerezo rya 18/10/2001 akiri mu ndagano none yakiriwe ;

Kubera ko mukurusambuza M. Venant atangazwa n'ingene Sentare imukura mw'itongo rya se NB. Yohani barimwo kuva kuri Mwambutsa bakaba barimazemwo imyaka 64 ;

Kubera ko avuga ko barigiyemwo ari inyovu NY. Emmanuel ntiyagira ico avuze n'aho ubugererwa buhaviriye ntihagire ico asaba, hanyuma mu 1986 bakaba baratatiye akarimbi bakuzurizwa n'abashingantahe, ubu atariho bokomora umupfakazi n'abana ngo n'uko NB. atakiriho ;

Kubera ko umushingwamanza NZ. Déo, kw'izina ry'uwusamburizwa, yishura ko uwitwaye ashikiriza imburano z'ido n'ido zamaze kwihwezwa na Sentare y'Intango n'iy'iyungururizo, zumvirije n'amasura ;

Kubera ko arangiza avuga ko Sentare yagaragaje ko uwatijwe itongo atigera arigaba ngo ariganze ;

Kubera ko Sentare Gasamburamanza isanga M. ayisaba gusubira gutohoza ingene se NB. Yohani yabaye kuri iryo tongo riburanwa ikabona gurtyo kwemeza canke guhakana ko ari iryo yagabiwe na NY. ;

Kubera ko umucamanza yaciye hirya no hino urubanza, agatohoza inkomoko y'iryo tongo agasanga NY. yaritije NB. co kimwe mbere na mwene wabo MA. Etienne uwu we akaba yaramaze gusubiza aho yari yatijwe;

Kubera ko imyaka myinshi amaze mur'iryo tongo ataco imumarira kuko intizo idakura ari naco catumye Sentare ikomorera NY. Emmanuel umuheto wiwe nkuko yawugabiwe n'umutware NT. hanyuma M. gurtyo akabona gusubira kw'itongo ry'umuryango akomokako;

Kubera ko urubanza RCC. 9807 rwatohojwe bihagije ata mvo n'imwe ifashe yashikirijwe yotuma rusambuka ;

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

Sentare Ntahinyuzwa ishashe mu gisata ca Gasamburamanza ;

Yihweje ibwirizwa n° 1/010 ryo ku wa 18 Ntwarante 2005 rishiraho 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 Ruhuhuma 2005 riringaniza Sentare Ntahinyuzwa ;

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

Yumvise iciyumviro c'umushikirizamanza mukuru;

Ica imanza imbona nkubone ibanje kuva mu mwiherero w'abacamanza nkuko amategeko abishinga ;

Ishinze ko:

- Yakiriye isambuza ry'urubanza RCA 948 nkuko ryasabwe mu ndagano ariko isanze ridashemeye ;
- Irahakanye rero gusambura urwo rubanza;
- Iyi ngingo izokwandikwe mu bitabu vya Sentare Nkuru y'Igihugu ya Muyinga hambavu y'urubanza rudasambuwe ;
- Amagarama ageretswe kuri M. Venant nayo ni 18.600 FBu ;

Uko niko ruciwe kandi rusomwe i Bujumbura mu ntahe y'icese yo ku wa 29 Ndamukiza 2005, hashashe umukuru w'intahe, abacamanza, bafashijwe n'umushikirizamanza mukuru hamwe n'umwanditsi.

KWIHWEZA URUBANZA.

Urubanza RCC 9807 rwahakanye gusambura urubanza RCA 948 rwaciwe na Sentare Nkuru y'Igihugu ya Muyinga. Uru rusambuzwa rwerekeye itongo M. Vénant apfa na NY. Emmanuel.

M. Vénant yashikirije Sentare Ntahinyuzwa ishashemwo Gasamburamanza imburano ziwe kuwa 18/10/2001 asaba ko urubanza RCA 948 rwaciwe kuwa 31/8/2001, akaba yarumenyeshejwe kuwa 8/10/2001 rwosambuka, ariko urubanza ruhakana kurusambura rwagiye gucibwa kuwa 29/4/2005, haheze imyaka irenga ine yose.

Aha twokwizigira ko ibwirizwa n° 1/07 ryo ku wa 25 Ruhuhuma 2005 riringaniza Sentare Ntahinyuzwa rigiye gufasha ikintu kinini kugirango imanza zinyaruke gucibwa kandi uburyarya canke kugomba gutevya imanza kuveho.

Uwusambuza rero M. Vénant yituye Gasamburamanza avuga ko atangazwa n'ingene Sentare imukura mw'itongo bamazemwo imyaka irenga 64. NY. Emmanuel be n'umuryango wiwe ntaco bigeze bavuga kuva NB. se wa M. Vénant ashika muri iryo tongo ndetse n'igihe bakuriye ubugeregwa ntaco bigeze bamuvugisha.

Ico botegerezwa kumenya n'uko bakwiye kuraba ubwa mbere ingene bashitse muri iryo tongo, boba bahashitse bahagabiwe canke bari batijwe gusa canke ndetse bwari ubugererwa.

Umushingwamanza aburanira uwusamburizwa, yashikirije Sentare Ntahinyuzwa ishashemwo Gasamburamanza mu ntahe y'icese yo kuwa 3/2/2005, yarengutse wenyene, uwusambuza atarengutse, ko iryo tongo NB.

yarigiyemwo aritijwe. Ko rero intizo idakura kandi itegerezwa gusubira iyo yavuye.

Ariko, mubirego M. yanditse avuga ko NB. se wiwe yigeze gutatira akarimbi na NY. maze abashingahe akaba aribo baje kubuzuriza. None uwatijwe yoshora kuvuga ko ariko ararengegwa n'uwamutije gushika naho haza abagabo kubatatura canke nyene gutiza niwe yereka nyene gutizwa aho atijwe n'ingene hangana. Vyongeye iyo habaye ingorane z'uburimbi uwatijwe aterezwa guhamagara nyene kumutiza kugirango abe ariwe ahagarara k'urubibe rwiwe.

Sentare Ntahinyuzwa ishashemwo Gasamburamanza yasanze mubirego yashikirijwe na M. ata tegeko rivugwa ko Sentare y'iyungururizo yoba yararenze canke umugenzo w'ikirundi warenzwe. Ahubwo uwusambuza yasavye Sentare ko yosubira gutohoza ikamenya neza ingene iryo tongo ryoba ryarabonetse ko kwabaye ubugabire canke ubugeregwa canke ndetse ko kwoba kwari ugutiza gusa.
Sentare imaze kwumviriza uwusamburizwa naririya uwusambuza wewe yasa n'uwaruhevye kuko kumara imyaka ine yose atigeze aza kurunguruka urubanza yashingishije iyo rugeze, yasanze habaye gutiza itongo kandi n'uwundi yari yatirijwe hamwe na NB. vyagaragaye ko wewe yari yaramaze gusubiza itongo yatijwe.

Nk'uko bitegekanywa n'ingingo ya 625 na 630 abasigwa ba NB bategerezwa gusubiza amatongo yose batijwe.

Kuvyerekeye ingene uru rubanza RCC 9807 rwaciwe, umucamanza ntiyigeze yerekana mu kudoma urutoke kw'itegeko nyakuri yisunze muguca urubanza. Kuvuga ko igihe yari amaze mw'itongo ataco kimarira uwusambuza ntibihagije, naririya hariho abo bishoboka ko igihe bamaze mw'itongo arico cerekana ko bataba bakirisohogwamwo.

Umucamanza yari kwerekana ko yisunze itegeko iri canke ririya agatako akanarisigura kuko M. Vénant yibaza ko igihe ahamaze atankomanzi (de bonne foi) gishora gutuma aba yaregukiye iryo tongo.

Kuvuga ko Sentare itari gusubira gutohoza ngo imenye ingene NB. yashitse kuri iryo tongo atari igikorwa c'iyo Sentare birahushanye cane n'amategeko kuko nta Sentare yemerewe guca urubanza hatabaye itohoza rikwiriye naririya vyari gutuma hamenyekana ko NB. ataba akiva muri iryo tongo canke ko ikibazo c'igihe amaze muri iryo tongo ataco kimumarira koko.

Vyongeye ivyo Sentare yari yahakanye gukora n'ivyo yahavuye ikora mukumenya ko MA. Etienne batirijwe hamwe na NB. wewe yamaze gusubiza itongo yahawe. Bimaze kugaragara ko itongo NB. yarishitsemwo ari uko aritijwe, Sentare yafashe ingingo ibereye kuko intizo itegerezwa gusubira iyo yavuye.