REPUBLIQUE DU BURUNDI
MINISTERE DE LA JUSTICE
COUR CONSTITUTIONNELLE

RCCB 45

Republique du Burundi
Au nom du peuple ...ndi
la cour constitutionnelle a rendu
l'arrêt suivant:

Sentre yubahiriza Ibwirizwa Nshingiro mu Burundi ishashe i Bujumbura iciye urubanza rukurikira :

Intahe y'icese yo kuwa 28/9/1994

Yihweje urwandiko rwo kw'igenekerezo rya 6 gitugutu 1993 uwitwa BARUTWA wo ku musozi Kavumu muri Komine Kanyosha yashikirije sentare yitwarira abantu bashika umunani harimwo abagabo, abagore n'abana babo kuko bamusohoye mw'itongo amazemwo imyaka mirongo indwi yose akaba yavukiye muri iryo tongo nyene ;

Ibonye yuko urwo rubanza rwashitse mw'iyandikiro ry'imanza ya sentare kw'igenekerezo rya 22 mukakaro 1994, maze rugahabwa n'inomero yarwo ;

Yihweje icegeranyo cashikirijwe n'umwe mu bacamanza ba sentare ku vyerekeye urwo rubanza ;

Ifatiye kukugene yihweje urwo rubanza kw'igenekerezo rya 30 nyandagaro 1994 ;

Yihweje cane cane intahe y'icese yo ku wa 20 nyakanga 1994, aho BARUTWA yarenguka imbere ya sentare kugira ngo yishure ku bibazo vyayo, sentare imaze kunyurwa yaciye ishira urubanza mu mwiherero kugira ice uru rukurikira ;

Kubera ko naho sentare iba yabonye ko ibikenewe vyose kugira urubanza rwandikwe biba vyakwiye idashoka yihweza ido n'ido ry'urwo rubanza ; ko ico sentare ibanza gusuzuma ari uko ifise ububasha bw'ukwihweza urwo rubanza, igatako ikaraba ko rukwiye n'ukwakirwa kugira ngo ibone kwihweza ido n'ido ryarwo ;

Kubera ko ingingo ya 151 y'ibwirizwa Nshingiro ku karongo kayo ka mbere, ivuga yuko sentare yubahiriza Ibwirizwa Nshingiro ifise ububasha bwo kwihweza ko amabwirizwa n'amategeko afatwa adaciye kubiri n'Ibwirizwa

Nshingiro, bisabwe n'Umukuru w'igihugu, Umushikiranganji wa mbere, Umukuru w'inama Nshingamateka, ica kane c'abagize inama Nshingamateka canke abo bose bavugwa mu ngingo ya 153 ;

Kubera ko ingingo ya 153 nayo ivuga ko umuntu uwo ari wese abikeneye, ishirahamwe iryo ari ryose ribikeneye canke abashikirizamanza, bashobora kwitura kuri sentare yubahiriza Ibwirizwa Nshingiro bakadoma ko urutoke ku mabwirizwa n'amategeko yoba yashinzwe biciye kubiri n'ibwirizwa Nshingiro. Bashobora kubigira mu kwishikirira bo nyene sentare yubahiriza Ibwirizwa Nshingiro, canke mu kubimenyesha abandi bacamanza mu gihe babonye ko urubanza bariko barabacira rushingiye ku ngingo y'ibwirizwa canke y'itegeko iciye kubiri n'Ibwirizwa Nshingiro. Muri ico gihe, ingingo yari igiye gufatwa ntiba igifashwe gushika sentare yubahiriza Ibwirizwa Nshingiro ifate ingingo yayo, mu minsi itarenga mirongo itatu ;

Kubera ko izo ngingo zisomekeranije arizo ziha ububasha sentare yubahiriza Ibwirizwa Nshingiro bwo guca urubanza mu gihe ibisabwe n'umuntu uwo ari wese abikeneye ariko ko uwo muntu mu kwitura kuri sentare aheza akadoma urutoke ku mabwirizwa canke amategeko yoba aciye kubiri n'Ibwirizwa Nshingiro ;

Kubera ko haba mu rwandiko rurimwo imburano ziwe, haba no mu ntahe y'icese BARUTWA ateretse sentare ibwirizwa canke itegeko yidogera ryoba riteye kubiri n'Ibwirizwa Nshingiro ;

Kubera ko mu rubanza rwiwe ico BARUTWA ashimikirako ari uko abantu bashika umunani bamusohoye mw'itongo ryiwe amazemwo imyaka mirongo indwi yose ;

Kubera ko sentare isanze urwo rubanza ari urwo gushinga mu ma sentare afise ububasha bw'uguca imanza z'ido n'ido zerekeye amatongo ; ko lero sentare yubahiriza Ibwirizwa Nshingiro ata bubasha ifise bwo guca imanza z'amatati asanzwe, ko imanza nk'izo zishikirizwa sentare zindi zibifitiye ububasha ;

BUBERA IZO MVO ZOSE

Sentare yubahiriza Ibwirizwa Nshingiro

Yihweje Ibwirizwa Nshingiro rya Republika y'Uburundi mu ngingo zayo za 151, akarongo ka mbere na 153 ;

Yihweje itegeko-bwirizwa n°1/08 ryo ku wa 14 ndamukiza 1992 ritegekanya uburyo sentare yubahiriza Ibwirizwa Nshingio iringanijwe n'ingene ikora hamwe n'ubuyo imanza zihwezwa ;

Yihweje amategeko agenga akazi kayo yo ku wa 12 nzero 1994 ;

Imaze gushira urubanza mu mwiherero w'abacamanza nkuko amategeko abivuga;

Ishinze ko idafise ububasha bwo guca urubanza nkuko rwashikirijwe n'umuburanyi BARUTWA;

Uko niko rucitse kandi rusomewe I Bujumbura mu ntahe y'icese yo ku wa 28/4/1994 yari ishashemwo Gervais RUBASHAMIHETO, umukuru w'intahe, Gervais GATUNANGE na Spès – Caritas NDIRONKEYE, abacamanza ba sentare, bafashijwe na BUSHURI Digne – Consolate, umwanditsi w'imanza.

Abacamanza ba sentare

Sé Gervais GATUNANGE

Sé Spès –Caritas NDIRONKEYE

Umukuru w'intahe

Sé Gervais RUBASHAMIHETO

Umwanditsi w'imanza

Sé Digne- Consolate BUSHURI

Délivré pour usage administrative

RÉPUBLIQUE DU BURUNDI

Pour copie conforme à l'original
Cour constitutionnelle
Bujumbura, ...20..........
le greffier de la cour constitutionnelle