

REPUBURIKA Y'UBURUNDI



République du Burundi  
Au nom du peuple Burundi  
la cour constitutionnelle a rendu  
l'arrêt suivant:

SENTARE IJEJWE KWUBAHIRIZA IBWIRIZWA SHINGIRO

URUBANZA RCCB 430

**URUBANZA RCCB 430 RUCIWE NA SENTARE YUBAHIRIZA  
IBWIRIZWA SHINGIRO ISASA MU MANZA ZO GUCUNGERA KO  
IBWIRIZWA SHINGIRO HARIMWO N'AMASEZERANO YEREKFEYE  
AMATEKA NGENDERWAKO Y'IKIREMWA MUNTU YUBAHIRIZWA  
N'ABANTU, INZEGO ZA RETA, HAMWE N'IZINDI NZEGO**

Twihweje ikete ryoye ku wa 23.8.2024, aho NZITUNGA Joseph aserukira MUGANDA Louis yitura Sentare ijejwe kwubahiriza Ibwirizwa Shingiro asaba ko yotunganirizwa n'amasentare y'Igihugu avuga ko ariko arahonyanga uburenganzira bwiwe ahabwa n'Ibwirizwa Shingiro ry'Igihugu mu ngingo yaryo ya 38;

Twihweje ko iryo kete ryakiriwe mw'iyandikiro ry'imanza za Sentare ijejwe kwubahiriza Ibwirizwa Shingiro ku wa 02.9.2024 aho urwo rubanza rwaciye rwandikwa ku rutonde rw'imanza za Sentare ku numero RCCB 430 ;

Sentare yumvirije icegeranyo c'umwe mu bacamanza bayo;

Sentare imaze guca irya n'ino urubanza ku wa 30/9/2024 aho yaciye irushira mu mwiherero w'abacamanza kugira ngo iruce uku gukurikira:

### **1. Kw'ishingwa ry'urubanza**

Twihweje ko NZITUNGA Joseph aserukiye MUGANDA Louis yituye Sentare ijejwe kwubahiriza Ibwirizwa Shingiro ayisaba ko yotunganirizwa neza n'amasentare y'Igihugu hisunzwe ingingo ya 38 y'Ibwirizwa Shingiro;

Twihweje ko NZITUNGA Joseph aserukira MUGANDA Louis yashingishije urubanza muri ino Sentare ku wa 02.9.2024 rwakirwa mw'iyandikiro ry'imanza uyo musinyene ku numero RCCB 430;



Twihweje ko ibisabwa n'ingingo ya 27 agace ka 3 y'Ibwirizwa rigenga Sentare ijejwe kwubahiriza Ibwirizwa Shingiro n'ingingo ya 45 agace ka 5 y'Amategeko ngendegwako y'iyoye Sentare nyene zitegekanya ko iyoye Sentare yituwe n'umuntu ku giti ciwe canke ishirahamwe, Ubushikirizamanza, igice kimwe ca kane c'Abashingamateka canke c'Abakenguzamateka, Abubahwa bavugwa mu gace ka mbere ko bategerezwa kumenyeshwa urubanza; vyose vyarubahirijwe n'uwitwaye;

Twihweje kandi ko uwitwaye yubahirije ibisabwa n'ingingo ya 45 agace ka mbere y'amategeko ngendegwako ya Sentare ijejwe kwubahiriza Ibwirizwa Shingiro kubijanye n'iyakigwa ry'imanza itomora neza ko Sentare yitugwa hakoreshejwe urwandiko rushikirijwe umukuru wa Sentare rurimwo ibirego bisiguye neza;

Twihweje imanza zaciwe n'iyoye Sentare zijanye no gucungera ko Ibwirizwa Shingiro harimwo n'amasezerano yerekeye amateka ngenderwako y'ikiremwa muntu yubahirizwa n'abantu, inzego za Reta, hamwe n'izindi nzego;

Sentare isanze NZITUNGA Joseph aserukiye MUGANDA Louis yayituye hubahirijwe ibisabwa n'amategeko.

## 2. Ku bubasha bwa Sentare

Twihweje ko ingingo ya 234 agace ka mbere, akarongo ka 2, Sentare ijejwe kwubahiriza Ibwirizwa Shingiro ifise ububasha bwo "Gucungera ko Ibwirizwa Shingiro harimwo n'amasezerano yerekeye amateka ngenderwako y'ikiremwa muntu yubahirizwa n'abantu, inzego za Reta, hamwe n'izindi nzego";

Twihweje ko NZITUNGA Joseph aserukira MUGANDA Louis yituye Sentare ijejwe kwubahiriza Ibwirizwa Shingiro ataka ko amasentare y'Igihugu yayituye, ayo nayo akaba yoba atariko aramutunganiriza neza, ngo vyoba biciye kubiri n'ingingo ya 38 y'Ibwirizwa Shingiro ry'Igihugu c'Uburundi ivuga ko:"Umuntu wese, mu rubanza rwa Sentare canke rwo mu Ntwaro, arafise uburenganzira bwo kwumvirizwa bikwiye ata karenganyo kandi agacirwa urubanza mu kiringo gikwiye, cumvikana";

Twihweje ko ibirego uwitwaye yashikirije vyerekeye agateka ngenderwako ka zina muntu wese n'ak'umwenegihugu;

Twihweke ko Sentare yituwe ibifitiye ububasha ifatiye ku ngingo ya 234 agace ka mbere, akarongo ka 2.





### 3. Kw'iyakirwa ry'urubanza

Twihweje ko NZITUNGA Joseph aserukira MUGANDA Louis yituye Sentare ijejwe kwubahiriza Ibwirizwa Shingiro ataka ko amasentare y'Igihugu yayituye, ayo nayo akaba yoba atariko aramutunganiriza neza, ngo vyoba biciye kubiri n'ingingo ya 38 y'Ibwirizwa Shingiro ry'Igihugu c'Uburundi ivuga ko: "Umuntu wese, mu rubanza rwa Sentare canke rwo mu Ntwaro, arafise uburenganzira bwo kwumvirizwa bikwiye ata karenganyo kandi agacirwa urubanza mu kiringo gikwiye, cumvikana";

Twihweje ko ibirego NZITUNGA Joseph aserukiye MUGANDA Louis yashikirije iyi Sentare dusanga biriko biraburanishwa muri Sentare Ntahinyuzwa ishashe mu bisata vyayo vyose ku numero RTC 2069;

Twihweje ko umuntu yitura iyi Sentare aba afise inyungu mu rubanza ashingishije;

Twihweje ko NZITUNGA Joseph aserukira MUGANDA Louis aterekanye ingene inyungu ziri mu rubanza RTC 2069 zitubahirijwe na Sentare Ntahinyuzwa isanzwe iriko iraburanisha urwo rubanza;

Twihweje ko urubanza RCCB 430 rutokwakirwa n'iyi Sentare kumvo y'uko uwitwaye aterekanye inyungu arufisemwo.

### KURI IZO MVO ZOSE

Sentare ijejwe kwubahiriza Ibwirizwa Shingiro;

Twihweje Ibwirizwa Shingiro ry'Igihugu c'Uburundi;

Twihweje Ibwirizwa ryunganira Ibwirizwa Shingiro N°1/20 ryo ku wa 03.8.2019 ritunganya ibikorwa vya Sentare ijejwe kwubahiriza Ibwirizwa Shingiro n'ingene imanza ziburanishwa muri iyo Sentare;

Twihweje Itegeko ngenderwako ya Sentare ijejwe kwubahiriza Ibwirizwa Shingiro yo ku wa 03.8.2020;

Yisunze ibirego vya NZITUNGA Joseph aserukiye MUGANDA Louis;

Imaze gukura urubanza mu mwiherero w'abacamanza;

1. Ivuze ko ishingwa ry'urubanza ryubahirije amategeko;



2. Isanze ifise ububasha bwo kwihweza ibirego yashikirijwe;
3. Ishinze ko urubanza rutakiriwe;
4. Itegetse ko urubanza ruciwe rumenyeshwa uwitwaye rukongera rukandikwa mu Kinyamakuru c'ibitegekwa mu Burundi.

Uko niko ruciwe kandi rusomwe i Bujumbura mu Ntahe y'icese yo kuwa 30/9/2024 hashashe: Valentin BAGORIKUNDA: Umukuru wa Sentare, Emmanuel NTAHOMVUKIYE : Icegera c'Umukuru wa Sentare, Liboire NKURUNZIZA, Salvator NTIBAZONKIZA, Georges BIGIRIMANA na Jean Anastase HICUBURUNDI, Abacamanza ; bafashijwe na

HAKIZIMANA Célestin : Umwanditsi.

**Umukuru wa Sentare :**

Valentin BAGORIKUNDA

**Icegera c'Umukuru wa Sentare:**

Emmanuel NTAHOMVUKIYE / *se*

**Abacamanza :**

Liboire NKURUNZIZA / *se*

Jean Anastase HICUBURUNDI / *se*

Georges BIGIRIMANA / *se*

Salvator NTIBAZONKIZA / *se*

**Umwanditsi: HAKIZIMANA Célestin / *se***

