IBYAHA BIKORERWA URUSOBE RW'IBINYABUZIMA N'IBIDUKIKIJE MU MATEGEKO Y'U RWANDA

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PRESENTATION OUTLINE

1. Intangiriro
2. Ibyaha n'ibihano biteganyijwe mu Itegeko no 064/2021 of 14/10/2021 ryerekeye urusobe rw'ibinyabuzima
3. Ibyaha n'ibihano biteganyijwe mu itegeko no 48/2018 of 13/8/2018 ryerekeye ibidukikije
4. Amakosa n'ibihano byo mu rwego rw'ubutegetsi biteganyijwe mu Itegeko no 064/2021 of 14/10/2021 ryerekeye urusobe rw'ibinyabuzima
5. Amakosa n'ibihano byo mu rwego rw'ubutegetsi biteganyijwe mu itegeko no 48/2018 of 13/8/2018 ryerekeye ibidukikije

I. IRIBURIRO

1.IBISOBANURO BY'AMWE MU MAGAMBO YAKORESHEJWE MU ITEGEKO

- **Ikinyabuzima:** ubwoko bw'ibintu bifite ubuzima bishobora kubyarana hagati yabyo kandi ibyo bibyaye na byo bikaba byabyara harimo ikinyabuzima cyose, akanyabuzima kose cyangwa umuryango utandukanye n'ibi ukurikije aho ubarizwa;

- **Ikinyabuzima cyibasiwe**: ubwoko bw'ibinyabuzima gature bishobora gushiraho;

- **Ikinyabuzima cyibasiwe cyane:** ubwoko bw'ibinyabuzima gature byenda gushiraho;

- **Ikinyabuzima cy'icyaduka:** ikinyabuzima cyose cyitubura cyangwa gikwirakwira kikangiza ibidukiki

- **Ikinyabuzima cy'igicirirano**: ikinyabuzima kitari gature cyajyanywe ahantu hatari mu ndiri yacyo ku bushake bwa muntu cyangwa biturutse ku mpanuka.
- **Ikinyabuzima cyo mu gasozi**: inyamaswa n'ikimera byo mu

gasozi gature, ibindi binyabuzima bitabonwa n'amaso, ibice byabyo cyangwa ibibikomokaho biri mu ndiri yabyo ku butaka cyangwa mu mazi, hamwe n'ibinyabuzima byazanywe mu gihugu hakurikijwe ibiteganywa n'amategeko;

- **Igikanka:** inyamaswa yo mu gasozi ipfuye, igufwa, ihembe, iryinyo, umutonzi, inzara, ikinono, ubwoya, uruhu, ibaba, igi cyangwa ikindi gice kiramba cy'inyamaswa cyangwa ikiyikomokaho;

- **Ahantu hakomye:** ahantu hagaragajwe neza, habugenewe kandi hacungwa hagamijwe kubungabunga mu gihe kirekire ibidukikije n'indiri z'urusobe rw'ibinyabuzima zibishamikiyeho n'indangagaciro z'umuco;

Mu by'ukuri, ahantu harinzwe ni Pariki z'Igihugu n'ibindi byanya bikomye hakurikijwe amategeko yihariye

ICYITONDERRWA:

- Ku byerekeye Parike z'igihugu reba itegeko teka ryo mu 1934 D.L rishyiraho Pariki y'Ibirung, itegeko ryo mu 2005 rishyiraho Pariki ya Nyungwe, itegeko ryo mu 2016 rishyiraho Pariki ya Gishwati-Mukura n'Itegeko ryo mu 2019 rishyiraho Pariki y'Akagera
- Ku bijyanye n'indi byanya bikomye reba Iteka rya Minisitiri No 006/MINIRENA/2015 ryo kuwa 18/06/2015 ryerekeye icungwa ry'amashyamba ya Leta akomye ariko atagengwa n'amategeko yihariye ndetse n'iteka rya Minisitiri w'Intebe No006/03 of 30/01/2017 urutonde rw'ibishanga, ibibiranga, imbibe zabyo n'imikoreshereze yabyo

2. IBYICIRO BY'IBINYABUZIMA BYO MU GASOZI (ARTICLE 4 B.L)

Ibinyabuzima byo mu gasozi biri mu byiciro bitatu (3) bikurikira:

1° Icyiciro cya I kigizwe n'ibinyabuzima byibasiwe cyane, biri ku mugereka wa I w'iri tegeko;

2° Icyiciro cya II kigizwe n'ibinyabuzima byibasiwe, biri ku mugereka wa II w'iri tegeko;

3° icyiciro cya III kigizwe n'ibinyabuzima biregarega, biri ku mugereka wa III w'iri tegeko.

II.IBYAHA BITEGANYWA N'ITEGEKO N° 064/2021 RYO KUWA14/10/2021 RIGENGA URUSOBE RW'IBINYABUZIMA

A. IBYAHA BIKOREWE IBINYABUZIMA NDANGASANO BY'IBINYABUZIMA

ICYAHA:Gushimuta, gukomeretsa gutwara, kubuza amahwemo cyangwa korora inyamaswa yo mu gasozi-Ingingo ya 56

IGIHANO:

i) **Iyo icyaha cyakorewe inyamaswa yo mu gasozi iri ku mugereka wa III**- igifungo kitari munsi y'umwaka umwe (1) ariko kitarenze imyaka itatu (3) n'ihazabu y'amafaranga y'u Rwanda atari munsi y'ibihumbi magana atanu (500.000 FRW) ariko atarenze miliyoni imwe y'amafaranga y'u Rwanda (1.000.000 FRW).

i) **Iyo icyaha gikorewe ahantu hakomye**- igihano kiba igifungo kitari munsi y'imyaka itatu (3) ariko kitarenze imyaka itanu (5) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni imwe (1.000.000 FRW) ariko atarenze miliyoni eshanu z'amafaranga y'u Rwanda (5.000.000 FRW).

- **Iyo icyaha gikorewe inyamaswa iri mugereka wa I cyangwa uwa II-** igihano kiba igifungo kitari munsi y'imyaka itanu (5) ariko kitarenze imyaka icumi (10) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni eshanu (5.000.000 FRW) ariko atarenze miliyoni icumi z'amafaranga y'u Rwanda (10.000.000 FRW).

Ibikorwa bigize icyaha

- Gushimuta inyamaswa yo mu gasozi iri ku mugereka I, II cyangwa III
- Gukomeretsa inyamaswa yo mu gasozi iri ku mugereka I, II cyangwa III
- Gutwara inyamaswa yo mu gasozi iri ku mugereka I,II cyangwa III
- Kubuza amahwemo inyamaswa yo mu gasozi iri ku mugereka I, II cyangwa III
- Korora inyamaswa yo mungasozi iri ku mugereka I, II cyangwa III
- Kuba adafite uruhushya(bikurikizwa ku byavuzwe raruguru byose)

ICYAHA: Gutunga, guhererekanya,kugurisha, kugura cyangwa gukoresha inyamaswa yo mu gasozi- ingingo ya 57

IGIHANO:

i) **Iyo icyaha cyakorwe inyamaswa yo mu gasozi yashyizwe rutonde ku mugereka wa III:** Igifungo kitari munsi y'imyaka itatu (3) ariko kitarenze imyaka itanu (5) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni imwe (1.000.000 FRW) ariko atarenze miliyoni eshanu z'amafaranga y'u Rwanda (5.000.000 FRW).

ii) **Iyo icyaha cyakorwe inyamaswa yashyizwe ku rutonde ku mugereka wa I cyangwa uwa II:** igifungo kitari munsi y'imyaka itanu (5) ariko kitarenze imyaka icumi (10) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni eshanu (5.000.000 FRW) ariko atarenze miliyoni icumi z'amafaranga y'u Rwanda (10.000.000 FRW)..

Ibikorwa bigize icyaha

- Gutunga inyamaswa yo mu gasozi iri ku mugereka wa I, II cyangwa III
- Guhererekanya inyamaswa yo mu gasozi iri ku mugereka wa I, II cyangwa III
- Kugurisha inyamaswa yo mu gasozi iri ku mugereka wa I, II cyangwa III
- Kugura inyamnaswa yo mu gasozi iri ku mugereka wa I, II cyangwa III
- Gukoresha inyamaswa yo mu gasozi iri ku mugereka wa I, II cyangwa III
- Kuba adafite uruhushya(bikurikizwa ku byavuzwe raruguru byose)

ICYAHA: Gutwara cyangwa kwangiza igi cyangwa icyari by'inyamaswa yo mu gasozi- Ingingo ya 58

IGIHANO:

i) **Iyo icyaha cyakorewe inyamaswa iri ku rutonde ku mugereka wa III:** Igifungo kitari munsi y'amezi atandatu (6) ariko kitarenze imyaka ibiri (2) n'ihazabu y'amafaranga y'u Rwanda atari munsi y'ibihumbi magana atanu (500.000 FRW) ariko atarenze miliyoni imwe y'amafaranga y'u Rwanda (1.000.000 FRW).

ii) **Iyo icyaha cyakorewee inyanaswa iri ku rutonde ku mugereka wa I cyangwa wa II:**

Igihano kiba igifungo kitari munsi y'imyaka itatu (3) ariko kitarenze imyaka itanu (5) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni ebyiri (2.000.000 FRW) ariko atarenze miliyoni eshanu z'amafaranga y'u Rwanda (5.000.000 FRW).

Ibikorwa bigize icyaha

- Gutwarautwara igi cyangwa icyari by'inyamaswa yo mu gasozi iri ku rutonde-umugereka wa I,II cyangwa III
- Kwangiza igi cyangwa icyari by'inyamaswa yo mu gasozi iri ku mugereka wa I,II cyangwa IIII

ICYAHA: Gukura inyamaswa mu ndiri kamere yayo, kuyigirira nabi, cyangwa kuyizerereza- Ingingo ya 59

IGIHANO:

I) **Iyo icyaha cyakorewe inyamaswa iri ku rutonde ku mugereka wa III:** Igifungo kitari munsi y'amezi atandatu (6) ariko kitarenze imyaka ibiri (2) n'ihazabu y'amafaranga y'u Rwanda atari munsi y'ibihumbi magana atanu (500.000 FRW) ariko atarenze miliyoni imwe y'amafaranga y'u Rwanda (1.000.000 FRW).

II) **Iyo icyaha cyakorewe inyamaswa iri ku rutonde ku mugereka wa I cyangwa II:** Igifungo kitari munsi y'imyaka itatu (3) ariko kitarenze imyaka itanu (5) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni ebyiri (2.000.000 FRW) ariko atarenze miliyoni eshanu z'amafaranga y'u Rwanda (5.000.000 FRW).

Ibikorwa bigize icyaha

- Gukura mu ndiri yayo kamere inyamaswa iri ku rutonde ku mugereka wa I, II cyangwa III
- Kugirira nabi inyamaswa iri ku rutonde ku mugereka wa I, II cyangwa III
- Kuzereza inyamaswa iri ku rutonde ku mugereka wa I, II cyangwa III

ICYAHA: Gututira, gutema, kwangiza, gusarura, gukusanya, gutwara, kuzerereza, gukoresha, guhinga cyangwa gutubura ikimera cyangwa ibigikomokaho-Ingingo ya 60

IGIHANO:

i) **Iyo icyaha cyakorewe ikimera kiri ku rutonde ku mugereka wa III :** Igifungo kitari munsi y'umwaka umwe (1) ariko kitarenze imyaka itatu (3) n'ihazabu y'amafaranga y'u Rwanda atari munsi y'ibihumbi magana atanu (500.000 FRW) ariko atarenze miliyoni imwe y'amafaranga y'u Rwanda (1.000.000 FRW).

ii) **Iyo icyaha kivugwa murl (i) gikorewe ahantu hakomye**: Igihano kiba igifungo kitari munsi y'imyaka itatu (3) ariko kitarenze imyaka itanu (5) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni imwe (1.000.000 FRW) ariko atarenze miliyoni eshatu y'amafaranga y'u Rwanda (3.000.000 FRW).

iii) **Iyo icyaha cyakorewe ikimera kuri ku rutonde ku mugereka wa I cyangwa uwa II**: Igihano kiba igifungo kitari munsi y'imyaka itanu (5) ariko kitarenze imyaka irindwi (7) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni eshanu (5.000.000 FRW) ariko atarenze miliyoni zirindwi (7.000.0000Frw).

Ibikorwa bigize icyaha:

- Gututira ikimere kiri ku rutonde, ku mugereka wa I, II cyangwa III
  - Gutema ikimera kri ku rutonde, ku mugereka wa I, II cyabgwa III
  - Kwangiza ikimera kiri ku ritonde, ku mugereka wa I,II cyangwa III cyangwa ibigikomokaho
  - Usasura ikimera kiei ku rutonde, ku mgereka wa I, II cyangwa III cyangwa ibigikomokaho
  - Gukusanya ibimera biri ku rutonde, ku mugereka I,II cyangwa III cyangwa ibibikomokaho
  - Gutwara ikimera kiri ku rutonde ku kugereka wa I,II cyangwa III cyangwa ibigikomokaho
  - Kuzerera ikimera kiri ku ritonde, ku mugereka wa I,I cyangwa III cyangwa ibigikomokaho
  - Gukoresha ikimera kiri ku rutonde, ku mugereka I,II cyangwa III cyangwa ibigikomokaho
  - Guhinga ikimera kiri ku rutonde, ku mureka wa I, II cyangwa IIII
  - Gututbura ikimera kiri ku rutonde ku muegeka wa I, II cyangwa IIII

ICYAHA: Gutunga, guhererekanya, kugurisha cyangwa kugura ikimera- Ingingo ya 61

IGIHANO:

i) **Iyo ikimera kiri ku rutonde ku mugereka wa III**: Igifungo kitari munsi y'umwaka umwe (1) ariko kitarenze imyaka itatu (3) n'ihazabu y'amafaranga y'u Rwanda atari munsi y'ibihumbi magana atanu (500.000 FRW) ariko atarengeje miliyoni imwe (1.000.000).

ii) **Iyo ikimera kiri ku rutonde ku mugereka wa I or II** : Igihano kiba igifungo kitari munsi y'imyaka itanu (5) ariko kitarenze imyaka irindwi (7) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni eshanu (5.000.000 FRW) ariko atarenze miliyoni icumi (10.000.000 FRW).

Ibikorwa bigize icyaha:

- Gutunga ikimera kiri ku rutonde, ku mugereka wa I, II cyangwa III
  - Guhererekanya ikimera kiri ku rutonde, ku mugereka wa I, II cyangwa III
  - Kugurisha ikimera kiri ku rutonde, ku mugereka wa I, II cyangwa III
  - Kugura ikimera kiri ku rutonde , ku mugereka wa I, II cyangwa III

ICYAHA: Gutumiza mu mahanga ibinyabuzima ndangasano, kubihohereza, kubihohereza byari byarinjijwe mu gihugu cyangwa gutumiza mu mahanga ibinyabuzima biturutse mu Nyanja – Ingingo ya 62

IGIHANO:

i) **Iyo icyaha giko\we ku kinyabuzima giturutse mu Nyanja kiri ku rutonde ku mugereka wa III:** Igifungo kitari munsi y'imyaka itatu (3) ariko kitarenze imyaka itanu (5) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni imwe (1.000.000 FRW) ariko atarenze miliyoni eshanu z'amafaranga y'u Rwanda (5.000.000 FRW).

ii) **Iyo icyaha gikozwe ku kinyabuzima ndangasano cy'ikinyabuzima cyashyizwe ku rutonde ku mugereka wa I cyangwa uwa II:**
Igihano kiba igifungo kitari munsi y'imyaka itanu (5) ariko kitarenze imyaka icumi (10) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni eshanu (5.000.000 FRW) ariko atarenze miliyoni icumi z'amafaranga y'u Rwanda (10.000.000 FRW).

Ibikorwa bigize icyaha

- Gutumiza mu mahanga ikinyabuzima ndangasano cy'ikinyabuzima kiri ku rutonde, ku mugereka wa I, II cyangwa III
  - Kohereza mu mahanga ikinyabuzima ndangasano cy'ikinyabuzima kiri ku rutonde, ku mugereka wa I, II cyangwa III
  - Kohereza mu mahanga ikinyabuzima ndangasano cy'ikinyanuzima kiri ku rutonde ku mugeraka wa I, II cyangwa III cyari cyarinjijwe mu gihugu
  - Gutumiza mu mahanga ikinyabuzima giturutse mu Nyanja kiri ku rutonde ku mugereka wa III
  - Kuba adafite uruhushya rwemewe n'amategeko (ibi birrareba ibikorwa byose byavuzwe haruguru)

ICYAHA: Kunyuza mu gihugu cyangwa guhererekanya ikinyabuzima ndangasano cyashyizwe ku rutonde- Ingingo ya 63

IGIHANO:

Igifungo kitari munsi y'imyaka itatu (3) ariko kitarenze imyaka itanu (5) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni ebyiri (2.000.000 FRW) ariko atarenze miliyoni eshanu z'amafaranga y'u Rwanda (5.000.000 FRW).

Ibikorwa bigize icyaha

- Kunyuza mu gihugu cyangwa uhererekanya ikinyabuzima ndangasano cyashyizwe ku rutonde ruri ku mugereka wa III w'iri tegeko nta ruhushya aba
- Kunyuza mu gihugu ikinyabuzima ndangasano cyashyizwe ku rutonde, ku mugereka wa III
  - Guhererekanya ikinyabuzima ndangasano cyashyizwe ku rutonde ku mugeka wa III
  - Kuba nta ruhushya afite (birareba ibikorwa byose byavuzwe haruguru)

ICYAHA:Gutunga ikintu gikomoka ku binyabuzima ndangasano by'ibinyabuzima byashyizwe ku rutonde- Ingingo ya 64

IGIHANO:

Igifungo kitari munsi y'imyaka itanu (5) ariko kitarenze imyaka irindwi (7) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni eshanu (5.000.000 FRW) ariko atarenze miliyoni zirindwi z'amafaranga y'u Rwanda (7.000.000 FRW).

Ibikorwa bigize icyaha

- Gutunga ibintu bikomoka ku binyanbuzima ndangasano by'ibinyabuzima byashyizwe ku rutonde, ku mugereka wa I, II cyangwa III
  - Kuba adafite uruhushya

ICYAHA: Gucuruza ibikanka-Ingingo ya 65

IGIHANO

i) **Iyo icyaha gikozwe ku gikanka cy'ikinyabuzima ndangasano cy'ikinyabuzima cyashyizwe ku rutonde ku mugereka wa III-** igifungo kitari munsi y'imyaka itatu (3) ariko kitarenze imyaka itanu (5) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni imwe (1.000.000 FRW) ariko atarenze miliyoni eshanu z'amafaranga y'u Rwanda (5.000.000 FRW)

ii) **Iyo gikozwe ku gikanka cy'ikinyabuzima ndangasano cy'ikinyabuzima cyashyizwe ku rutonde ku mugereka wa I cyangwa uwa II :** Igihano kiba igifungo kitari munsi y'imyaka itanu (5) ariko kitarenze imyaka icumi (10) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni eshanu (5.000.000 FRW) ariko atarenze miliyoni icumi z'amafaranga y'u Rwanda (10.000.000 FRW

Ibikorwa bigize icyaha

- Gucuruza igikanka cy'ikinyabuzima ndangasano cy'ikinyabuzima cyashyizwe ku rutunde, ku mugereka wa I, II cyangwa III
  - Kuba adafite uruhushya

ICYAHA: Kutamenyekanisha cyangwa kudatanga igikanka cyangwa ikinyabuzima ndangasano- Ingingo ya 66

IGIHANO

I. **Igikanka cyangwa ikinyabuzima ndangasano cy'ikimera cyo mu gasozi kiri ku rutonde ku mugereka wa III:** Igifungo kitari munsi y'amezi atandatu (6) ariko kitarenze imyaka ibiri (2) n'ihazabu y'amafaranga y'u Rwanda atari munsi y'ibihumbi magana atanu (500.000 FRW) ariko atarenze miliyoni imwe (1.000.000 FRW).

II. **Igikanka cyangwa ikinyabuzima ndangasano cy'ibimera byo mu gasozi birinzwe biri ku mugereka wa I cyangwa uwa II:** Igihano kiba igifungo kitari munsi y'imyaka itatu (3) ariko kitarenze imyaka itanu (5) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni ebyiri (2.000.000 FRW) ariko atarenze miliyoni eshanu (5.000.000 FRW).

Ibikorwa bigize icyaha

- Kutamenyekanisha igikanka cyangwa ikinyabuzimana ndangasano cy'ikimera cyo mu gasozi kiri ku rutonde, ku mugereka wa I, II cyangwa III
- Kudatanga igikanka cyangwa ikinyabuzima ndagasano cy'ikimera kiri ku rutonde, ku mugereka wa I, II cyangwa III

ICYAHA: Gukora ikintu mu gikanka-Ingingo ya 67

IGIHANO:

i) **Iyo ikintu cyakozwe mu gikanka cy'ikinyabuzima ndangasano cy'ikinyabuzima cyashyizwe ku rutonde ku mugereka wa III:** Igifungo kitari munsi y'imyaka itatu (3) ariko kitarenze imyaka itanu (5) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni eshatu (3.000.000 FRW) ariko atarenze miliyoni eshanu (5.000.000 FRW).

ii) **Iyo ikintu cyakozwe mu gikanka cy'ikinyabuzima ndangasano cy'ikinyabuzima cyashyizwe ku rutonde, ku mugereka wa I cyangwa uwa II:**
Igihano kiba igifungo kitari munsi y'imyaka itanu (5) ariko kitarenze imyaka icumi (10) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni eshanu (5.000.000 FRW) ariko atarenze miliyoni icumi z'amafaranga y'u Rwanda (10.000.000 FRW)

Igikorwa kigize icyaha

Gukora ikintu mu gikanka cy’ikinyabuzima ndangasano cy’ikinyabuzima cyashyizwe ku rutonde I, II cyangwa III

ICYAHA: Kwinjiza cyangwa gukwirakwiza ibinyabuzima by'ibyaduka-Ingingo ya 68

IGIHANO:

i) **Iyo icyaha cyakorewe ahantu hadakomye:** Igifungo kitari munsi y'imyaka itatu (3) ariko kitarenze imyaka itanu (5) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni eshatu (3.000.000 FRW) ariko atarenze miliyoni eshanu z'amafaranga y'u Rwanda (5.000.000 FRW).

ii) **Iyo icyaha cyakorwe ahantu hakomye:** igifungo kitari munsi y'imyaka itanu (5) ariko kitarenze imyaka irindwi (7) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni eshanu (5.000.000 FRW) ariko atarenze miliyoni zirindwi z'amafaranga y'u Rwanda (7.000.000Frw).

Ibikorwa bigize icyaha

- Kwinjiza[mu gihugu] ibinyabuzima by'ibyaduka
  - Gukwirakwiza ibinyabuzima by'ibyaduka
  - Kuba aho icyaha cyabereye ari ahantu harinzwe (mu gihe ari ngombwa)

ICYAHA: Kwiba ubumenyi bujyanye n'umutungo kamere- Ingingo ya 69

IGIHANO:

i) **Iyo icyaha cyakozwe n'umuntu ku giti cye:** Igifungo kitari munsi y'imyaka itanu (5) ariko kitarenze imyaka icumi (10) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni makumyabiri (20.000.000 FRW) ariko atarenze miliyoni makumyabiri n'eshanu z'amafaranga y'u Rwanda (25.000.000 FRW).

ii) **Iyo icyaha cyakozwe n'ikigo cy'ubucuruzi:** igihano kiba ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni magana atanu (500.000.000 FRW) ariko atarenze miliyari imwe y'amafaranga y'u Rwanda (1.000.000.000 FRW).

Igikorwa kigize icyaha

Kwiba ubumenyi bujyanye n'umutungo kamere

ICYAHA: Kwinjiza, gutunga cyangwa gukoresha imiti ku nyamaswa cyangwa ku bimera byo mu gasozi nta ruhushya-Ingingo ya 70

IGIHANO:

Igifungo kitari munsi y'imyaka itanu (5) ariko kitarenze imyaka icumi (10) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni eshanu (5.000.000 FRW) ariko atarenze miliyoni icumi z'amafaranga y'u Rwanda (10.000.000 FRW).

Ibikorwa bigize icyaha

- Kwinjiza mu gihugu umuti ukoreshwa ku nyamaswa cyangwa ku bimera byo mu gasozi
  - Gutunga imiti ikoreshwa ku nyamaswa cyangwa ku bimera byo mu gasozi
  - Kuba uregwa nta ruhushya afite (birareba ibyavuzwe haruguru byose)

ICYAHA: Gutwika – Ingingo ya 71

IGIHANO:

i) **Iyo ikimera cyatwitswe kiri ahantu hakomye**: igifungo kitari munsi y'imyaka ibiri (2) ariko kitarenze imyaka itanu (5) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni imwe (1.000.000 FRW) ariko atarenze miliyoni eshatu z'amafaranga y'u Rwanda (3.000.000 FRW)

ii) **Iyo ikimera cyatwitswe kiri muri pariki y'Igihugu cyangwa mu cyanya kamere ntayegayezwa:** igihano kiba igifungo kitari munsi y'imyaka itanu (5) ariko kitarenze imyaka icumi (10) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni zirindwi (7.000.000 FRW) ariko atarenze miliyoni icumi z'amafaranga y'u Rwanda (10.000.000 FRW).

Igikorwa kigize icyaha

- Gutwika ikimera kiri ahantu hakomye
- Gutwika ikimera kiri muri pariki y'igihugu cyangwa mu cyanya kemere ntayeganyezwa

ICYAHA: Gukora ibikorwa by'ubucukuzi bw'amabuye y'agaciro na kariyeri ahantu hakomye- Ingingo ya 72

IGIHANO:

i) **Iyo icyaha cyakorewe ahantu hakomye:** igifungo kitari munsi y'umwaka umwe (1) ariko kitarenze imyaka itatu (3) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni eshanu (5.000.000 FRW) ariko atarenze miliyoni zirindwi z'amafaranga y'u Rwanda (7.000.000 FRW).

ii) **Iyo icyaha cyakorwe muri Pariki y'Igihugu cyangwa icyanya kamere ntayegayezwa:** igihano kiba igifungo kitari munsi y'imyaka itatu (3) ariko kitarenze imyaka itanu (5) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni zirindwi (7.000.000 FRW) ariko atarenze miliyoni icumi z'amafaranga y'u Rwanda (10.000.000 FRW).

Igikorwa kigize icyaha

- Gukora imirimo y'ubushakashatsi bw'amabuye y'agaciri ahantu hakomye
  - Gucukura amabuye y'agaciro ahantu hakomye
  - Kuba icyaha cyakorwe muri Pariki y'igihugu cyangwa icyanya kamere ntayegayezwa (iyo biri ngombwa)

ICYAHA: Guhinga cyangwa kwararika ahantu hakomye- Ingingo ya 73

IGIHANO:

Igifungo kitari munsi y'imyaka itatu (3) ariko kitarenze imyaka itanu (5) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni eshatu (3.000.000 FRW) ariko atarenze miliyoni eshanu z'amafaranga y'u Rwanda (5.000.000 FRW).

Ibikorwa bigize icyaha

- Guhinga ahantu hakomye
  - Kwararika ahantu hakomye

ICYAHA: Kwangiza cyangwa gukura mu cyanya gikomye ibintu kamere byo mu butaka, ibirango by'ibihe mbanzirizamateka, ibisigaratongo cyangwa ibirango by'amateka- Ingingo ya 74

IGIHANO

Igifungo kitari munsi y'imyaka ibiri (2) ariko kitarenze imyaka itanu (5) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni eshatu (3.000.000 FRW) ariko atarenze miliyoni eshanu (5.000.000 FRW).

Ibikorwa bigize icyaha

- Kwangiza ibintu kamere byo mu butaka, ibirango by'imbanzirizamateka, ibisigaratongo cyangwa ibirango by'amateka ahantu hakomye
- Gukura ibintu kamere byo mu butaka, ibirango by'imbanzirizamateka, ibisigaratongo cyangwa ibirango by'amateka ahantu hakomye

ICYAHA: Gusenya, guhindura cyangwa kwangiza indiri kamere y'ibinyabuzima byo mu gasozi- Ingingo ya 75

IGIHANO

Igifungo kitari munsi y'amezi atandatu (6) ariko kitarenze imyaka ibiri (2) n'ihazabu y'amafaranga y'u Rwanda atari munsi y'ibihumbi magana atanu (500.000 FRW) ariko atarenze miliyoni imwe (1.000.000 FRW).

Ibikorwa bigize icyaha

- Gusenya indiri kamere y'ibinyabuzima byo mu gasozi
  - Guhindura indiri kamere y;ibinyabuzima byo mu gasozi
  - Kwangiza indiri kamere y'ibinyabuzima byo mu gasozi
  - Kuba icyaha cyakorwe ahantu hakomye (birareba ibyavuzwe haruguru byose)

ICYAHA: Kwitwaza intwaro cyangwa ikindi kintu gikora nka yo ahantu hakomy- Ingingo ya 76

IGIHANO

Igifungo kitari munsi y'imyaka itatu (3) ariko kitarenze imyaka itanu (5) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni eshatu (3.000.000 FRW) ariko atarenze miliyoni eshanu (5.000.000 FRW).

Ibikorwa bigize icyaha

- Kwitwaza imbunda ahantu hakomye
- Kwitwaza amasasu ahantu hakomye
- Kwitwaza umuheto ahantu hakomye
- Kwitwaza umwambi ahantu hakomye
- Kwitwaza icumu ahantu hakomye
- Kwitwaza umutego ahantu hakomye
- Kwitwaza ikintu gisa n'imbunda, amasasu, umuheto, umwambi, icumu, umutego ahantu hakomye
- Kuba adafite uruhushya (birareba ibyavuzwe haruguru byose)

ICYAHA: Gucukura ibyatabwe mu butaka cyangwa gukora ubushakashatsi bw'ibyo mu butaka, gupfumura cyangwa kubaka ahantu hakomye-Ingingo ya 77

IGIHANO

I. **Iyo icyaha cyakorwe ahantu hakomye ariko atari muri pariki y'igihugu cyangwa mu cyanya gikomye ntayegayezwa :**Igifungo kitari munsi y'amezi atandatu (6) ariko kitarenze imyaka ibiri (2) n'ihazabu y'amafaranga y'u Rwanda atari munsi y'ibihumbi magana atanu (500.000 FRW) ariko atarenze miliyoni imwe (1.000.000 FRW)

II. **Iyo icyaha gikorewe muri pariki y'igihugu cyangwa mu cyanya gikomye ntayegayezwa:** Igihano kiba igifungo kitari munsi y'imyaka itatu (3) ariko kitarenze imyaka itanu (5) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni ebyiri (2.000.000 FRW) ariko atarenze miliyoni eshanu (5.000.000 FRW)

Ibikorwa bigize icyaha

- Gucukura ibyatabwe mu butaka
  - Gukora ubushakashatsi w'ibyo mu butaka ahantu hakomye
  - Gupfumura ahantu hakomye
  - Kubaka ahantu hakomye
  - Kamere y'hakorewe icyaha (ahantu hakomye ku buryo busanzwe, pariki y'Igihugu cyangwa icyanya gikomye ntayegayezwa)
  - Kuba nta ruhushya afite (birareba ibyavuzwe haruguru byose)

ICYAHA: Gukora ubushashatsi ahantu hakomye nta ruhushya-Ingingo ya 78

IGIHANO

i) **Iyo icyaha cyakorwe ahantu hakomye ariko atari muri pariki y'igihugu cyangwa mu cyanya gikomye ntayegayezwa** Igifungo kitari munsi y'amezi atandatu (6) ariko kitarenze imyaka ibiri (2) n'ihazabu y'amafaranga y'u Rwanda atari munsi y'ibihumbi magana atanu (500.000 FRW) ariko atarenze miliyoni imwe y'amafaranga y'u Rwanda (1.000.000 FRW).

ii) **Iyo icyaha gikorewe gikorewe muri pariki y'igihugu cyangwa mu cyanya gikomye ntayegayezwa:** Igihano kiba igifungo kitari munsi y'imyaka itatu (3) ariko kitarenze imyaka itanu (5) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni ebyiri (2.000.000 FRW) ariko atarenze miliyoni eshanu z'amafaranga y'u Rwanda (5.000.000 FRW).

Ibikorwa bigize icyaha

- Gukora ubushakashatsi ahantu hakomye
- Kamere y'hakorewe icyaha (ahantu hakomye ku buryo busanzwe, Pariki y'Igihugu cyangwa icyanya gikomye ntayegayezwa)
- Kuba nta ruhushya afite (birareba ibyavuzwe haruguru byose)

ICYAHA: Kugurutsa cyangwa kugusha indege ahantu hakomye-Ingingo ya 79

IGIHANO

Igifungo kitari munsi y'umwaka umwe (1) ariko kitarenze imyaka itatu (3) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni icumi (10.000.000 FRW) ariko atarenze miliyoni mirongo itatu (30.000.000 FRW).

Ibikorwa bigize icyaha

- Gutwarira indege ku butumburuke bwo hasi, hejuru y'ahantu hakomye
  - Kugusha indege ahantu hakomye nta rushya
- Kuba nta ruhushya afite (birareba ibimaze kuvugwa

ICYAHA: Guhumanya ahantu hakomye-Ingingo ya 80

IGIHANO

Igifungo kitari munsi y'imyaka itatu (3) ariko kitarenze imyaka itanu (5) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni eshatu (3.000.000 FRW) ariko atarenze miliyoni eshanu (5.000.000 FRW)

Ibikorwa bigize icyaha

- Kumena imyanda ahantu hakomye
  - Gusuka imyanda ahantu hakomye
  - Gutembesha imyanda ahantu hakomye
  - Kuba ibikorwa bivuzwe haruguru bikozwe mu buryo buhumanya

ICYAHA: Gutanga amakuru atari yo cyangwa ayobya-Ingingo ya 81

IGIHANO

Igifungo kitari munsi y'amezi atandatu (6) ariko kitarenze umwaka umwe (1) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni eshatu (3.000.000 FRW) ariko atarenze miliyoni eshanu (5.000.000 FRW).

Ibikorwa bigize icyaha

Gutanga amakuru atari yo cyangwa ayobya mu nyandiko isaba kwandikwa, isaba uruhushya cyangwa uburenganzira

ICYAHA: Kubangamira umukozi ubifitiye ububasha mu kazi ke- Ingingo ya 82

IGIHANO

Igifungo kitari munsi y'amezi atandatu (6) ariko kitarenze umwaka umwe (1) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni imwe (1.000.000 FRW) ariko atarenze miliyoni eshatu (3.000.000 FRW)

Ibikorwa bigize icyaha

Gutanga amakuru atari yo cyangwa ayobya mu nyandiko isaba kwandikwa, isaba uruhushya cyangwa uburenganzira

II. II.IBYAHA BITEGANYWA N'ITEGEKO **LAW N° 48/2018 OF 13/08/2018 RYEREKEYE IBIDUIKKIJE**

- **OFFENCE: Ubucuruzi, ubwikorezi no gucunga imyanda ihumanya-Ingingo ya-Ingingo ya 56**
- **IGIHANO**
  - Igifungo kitari munsi y'imyaka irindwi (7) ariko kitarenze imyaka icumi (10) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni ijana (100.000.000 FRW) ariko atarenze miliyoni magana abiri (200.000.000 FRW).

Ibikorwa bigize icyaha

- Kugura imyanda ishobora kubangamita ubuzima bw'abantu cyangwa ibidukikije
  - Kugurisha imyanda ishobora kubangamira ubuzima bw'abantu cyangwa ibidukikije
  - Gutumiza mu mahanga imyanda ishobora kubangamira ubuzima bw'abantu cyangwa ibidukikije
  - Gucisha mu gihugu imyanda ishobora kubangamira ubuzima bw'abantu cyangwa ibidukikije
  - Guhunika imyanda ishobora kubangamira ubuzima bw'abantu cyangwa ibidukikije
  - Kuzika mu mazi imyanda ishobora kubangamira ubuzima bw'abantu cyangwa ibidukikije
  - Gutaba imyanda ishobora kubangamira ubuzima bw'abantu cyangwa ibidukikije
  - Gutwika imyanda ishobora kubangamira ubuzima bw'abantu cyangwa ibidukikije
  - Gukoresha ubundi buryo bwatuma imyanda ihumanya ishyirwa ahantu kandi ishobora kubangamira ubuzima bw'abantu cyangwa ibidukikije-
  - Gushyira umukono ku masezerano amuhesha uburenganzira bw'ibyo bikorwa

ICYAHA: Gutumiza mu mahanga, kuzika mu mazi, gutaba, gutwika cyangwa gukoresha ubundi buryo bwatuma imyanda ibora- Ingingo ya 57

IGIHANO

Igifungo kitari munsi y'imyaka itatu (3) ariko kitarenze imyaka itanu (5) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni eshanu (5.000.000 FRW) ariko atarenze miliyoni icumi (10.000.000 FRW).

Ibikorwa bigize icyaha

- Gutumiza imyanda mu mahanga nta ruhushya
  - Kuzika imyanda mu mazi
  - Gutaba imyanda
  - Gutwika imyanda
  - Gukoresha ubundi buryo bwatuma imyanda iyongera ahantu hahehereye

ICYAHA: Guhiga, kugurisha, gukomeretsa cyangwa kwica inyamaswa yo mu bwoko bw'inyamaswa bukomye - Ingingo ya 58

IGIHANO

Igihano cy'igifungo kitari munsi y'imyaka itanu (5) ariko kitarenze imyaka irindwi (7) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni eshanu (5.000.000 FRW) ariko atarenze miliyoni zirindwi (7.000.000 FRW).

N.B:Iyi ngingo igomba gusomerwa hamwe n'ingingo ya 56 y'itegeko N° 064/2021 OF 14/10/2021 rigenga urusobe rw'ibinyabuzima ihana icyha cyo gushimuta, gukomeretsa gutwara, kubuza amahwemo cyangwa korora inyamaswa yo mu gasozi

Ibikorwa bigize icyaha

- Guhiga inyamaswa yo mu bwoko bukomye n’ibizikomokaho
- Kugurisha inyamaswa yo mu bwoko bukomye n’ibizikomokaho
- Gukomeretsa inyamaswa yo mu bwoko bukomye
- Kwica inyamaswa yo mu bwoko bukomye

ICYAHA: Kurandura cyangwa gutema ikimera gikomye- Ingingo ya 59

IGIHANO

Igifungo kitari munsi y'imyaka itatu (3) ariko kitarenze imyaka itanu (5) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni imwe (1.000.000 FRW) ariko atarenze miliyoni eshatu (3.000.000 FRW).

Ibikorwa bigize icyaha

- Gutuma ibimera bikomye bipfa
- Gusenya ibimera bikomye
- Gusarura ibimera bikomye
- Kwangiza ibimera bikomye

ICYAHA: Gushyira ku butaka buhehereye ubwoko bw'ibimera cyangwa inyamaswa utabiherewe uruhushya- Ingingo ya 60

IGIHANO

Igifungo kitari munsi y'imyaka itatu (3) ariko kitarenze imyaka itanu (5) n'ihazabu y'amafaranga y'u Rwanda atari munsi ya miliyoni imwe (1.000.000 FRW) ariko atarenze miliyoni eshatu (3.000.000 FRW).

Ibikorwa bigize icyaha

- Gushyira ahantu hahehereye ubwoko bw'imera buturutse mu gihugu cyangwa hanze yacyo
- Gushyira ahantu hahehereye ubwoko bw'inyamaswa buturutse mu gihugu cyangwa hanze yacyo
- Kuba adafite uruhushya (bireba ibyavuzwe haruguru byose)

B. AMAKOSA N’IBIHANO BYO MU RWEGO RW’UBUTEGETSI BITEGANYWA N’ITEGEKO N° 064/2021 OF 14/10/2021 RIGENGA URUSOBE RW’IBINYABUZIMA

C. AMAKOSA N’IBIHANO BYO MU RWEGO RW’UBUTEGETSI BITEGANYWA N’ITEGEKO N°48/2018 RYO KUWA 13/08/2018 RIGENGA IBIDUKIKIJE

V, DATA ON PROSECUTED AND ADJUDICATED CASES

Before November 11, 2021, wildlife end environmental offences were dealt with by using the law N°48/2018 of 13/08/2018 on environment.

As mentioned earlier, this law provided only for the following few offences :

- Trading, transportation and management of toxic waste
- Importing, immersing, burying, burning of waste or using any other means that cause their decomposition
- **Hunting, selling, injuring or killing a protected animal species**
- Uprooting or cutting a protected plant species

One of the key challenges that resulted from this law is that the list of prohibited acts were limited . For example the possession of a derivative of a protected species was not an offence.

Since November 11, 2021, a new law on biodiversity was published with great number of prohibited acts as mentioned above.

However, despite the publication of this new law, the analysis of prosecuted cases reveals that investigators and prosecutors had continued to rely only on the environmental law ignoring the new biodiversity law. As a result, prosecutors trend to

The following tables shows the wildlife related cases that were prosecuted and adjudicated since June 2018 to December 2022

PROSECUTED CASES

Year	Number of received cases	Number of cases filed to courts	Number of closed cases	Number of pending cases
2018-2019	27	16	11	0
2019-2020	27	24	3	0
2020-2021	35	29	6	0
2021-2022	44	36	8	0
2022-2023 (July,2022-December,2022)	17	6	7	4

ADJUDICATED CASES

Year	Number of decided cases	Number of cases were the conviction was secured	Number of cases where conviction were not secured	Conviction rate
2018-2019	7	5	2	71.4
2019-2020	20	19	1	95.0
2020-2021	25	23	2	92.0
2021-2022	33	30	3	91
2022-2023 (July, 2022 - 30December 2022)	12	12	0	100

VI. CASE STUDY ANALYSIS OF A WILDLIFE CRIME WITH OF TRANSNATIONAL NATURE

- Under Rwandan Criminal law, a transnational offence is an offence whose one of the constituent elements is accomplished outside Rwanda's borders (article 14 law determining offences and penalties).

- This analysis focuses on 4 issues:

✔ Summary of facts

✔ Allegations of parties

✔ Position of the Court

✔ Decision of the court

A.SUMMARY OF FACTS (Case no RP 00916/2019/TGI/NYGE)

- On 2 July 2019 around 9:00 pm, a young lady named Michelle Terblanche who was travelling from China to South Africa Via Kigali, was arrested in possession of six tortoises, three of them were already dead.
- The investigation findings showed that Michelle Terblanche was able to transport the six tortoises by hiding them in her belt and appeared as a pregnant woman. However she was discovered by scanners at Kigali International Airport.

B. ALLEGATIONS OF THE PARTIES

- According to the motion of defence counsel, Rwandan Courts were not competent to adjudicate this case because the act occurred in a plane coming from China going to South Africa. In addition to this, the accused should not be liable because there is no *Mens rea* or the intention to commit this crime.
- For the Public Prosecution, Rwandan Courts are competent on the basis of article 9 of the **Law Determining Offences and Penalties in General** which provides that an offence is considered to have been committed on the territory of Rwanda if at least one of the acts constituting one of its elements, namely *Mens rea, Actus reus* was accomplished in Rwanda and it is punishable by Rwandan laws.
- An offence is also considered to have been committed on the territory of Rwanda if it is committed by or against a Rwandan citizen in an area that is not subject to the sovereignty of any State or committed by any person on board of a vessel flying the flag of Rwanda and in waters which are not subject to the sovereignty of any State or on board of a Rwandan registered aircraft in the territory that is not subject to the sovereignty of any State.

Cont...

- The Public Prosecution further alleged that for this particular case, the accused had travelled in a Rwandan plane and was arrested on the Rwanda territory
- With regard to the Mens rea of the offence, the Public Prosecution alleged that it is proved by the fact that accused decided voluntarily to take the six tortoises from China to Kigali by hiding them in the belt knowing that they could die by suffocation .
- Furthermore, this constitutes a strict liability against the offender who knew that transfer of protected species (tortoises) need special permission according to the CITES provisions to which Rwanda is a party and according to the Rwandan laws (environmental law and the M.O determining protected animal species)

C. POSITION OF THE COURT

- The Court held that the accused had travelled in a Rwandan plane and was arrested on the territory of Rwanda; therefore, Rwandan Courts were competent to adjudicate her case for the acts committed while in the above mentioned plane, as well as on the territory of Rwanda.
- The Court also held that the fact that the tortoise is one of the protected animals according to CITES and according to the **M.O no 007/2008 establishing the list of protected animals and plant species**, their transfer from one place to another without permission; hiding them in an inappropriate way which resulted into the death of some of them, constitutes a moral element for the offence of transporting protected species for commercial purposes and causing the death of some of them.

D.DECISION OF THE COURT

Basing on the evidence produced by the Public Prosecution before the Court including the fact that :

- ✔ the accused was arrested in possession of six tortoises that she was transporting illegally from China to South Africa via Rwanda.
- ✔ the tortoises were hidden in the belt so that no one could realize that they were hidden there, as the accused appeared as a pregnant woman
- ✔ Three of the tortoises died as a result of suffocation because of an inappropriate way of transportation
- ✔ Tortoises are protected species as per the CITES as well as the Rwandan law (i.e M.O on protected animals and plant species)

Cont…

- Basing on:

✔ Article 58 of the **law n° 48 /2018 of 13/3/2018 on environmen**t which provides for the penalty of imprisonment for a term of not less than five (5) years and not more than seven(7) years and a fine not less than five million Rwandan francs (FRW 5,000,000) and not more than seven million Rwandan francs (FRW 7,000,000) against any person who **hunts, sells**, **injures** or **kills** a protected animal species and **products** thereof

✔ Article 200 (d) (i) of the East African Customs Management Act which provides that any person who acquires, has in his or her possession, conceals, or procures to be kept or goods which he or she knows, or ought to have known, to be restricted goods is liable to liable to a term of imprisonmentnot exceeding five years …..

CONT…

- The court convicted the accused and sentenced her to the penalty of five years and a fine of five millions.
- It further held that the penalty of imprisonment of 5 years is suspended within a period of 3 years because the accused is primary offender
- The court also ordered the confiscation of the 3 turtles which were still alive and was given to the Institution in charge of wildlife conservation [RDB]

E.OUR VIEW ON THE COURT's DECISION

- In our view, it is good that the court convicted the accused. However, considering the gravity of the offence and its consequences to the wildlife conservation, this penalty is very lenient and does not serve its purpose which could be retributive and deterrent (individually and in general).
- Similar situation occurs in the punishment of wildlife and environmental offences because of the mind-set of some judicial authorities [investigators, prosecutors, judges] who consider wildlife and environmental offences as administrative breaches which can be punished by a mere payment of fines.
- As a way forward to remediate this situation, there is a need to raise awareness and organise regular joint trainings- workshops for law enforcement officers on investigation, prosecution and adjudication of wildlife/environmental crimes.
- Additionally, there is a need to increase the mobilization of the community to participate in the fight against wildlife/environmental crimes through regular meetings, mass media, incentives….

F. WHAT ARE YOUR VIEWS ON THIS CASE

AND PROSPECTS/WAY FORWARD

1.STRENGTHS:

- Good political will to combat wildlife and environmental offences
- Effective legal and institutional framework
- Developed RRG on wildlife and environmental offences

2. CHALLENGES

- The new biodiversity law is not yet included in the IECMS and the electronic indictment
- Poor of community awareness on wildlife/environmental offences
- Insufficient knowledge of investigators, prosecutors and judges on wildlife/environmental offences
- Lack of inter-agency communication/cooperation on wildlife/environmental offences

3.WAYS FORWARDS

- Incorporate the B.L in the IECMS and in the electronic indictment
- Awareness campaigns through people's meeting and radio

VIII.CONCLUSION

- Although wildlife/environmental crimes are victimless, they have a negative impact on the whole community. Therefore, it is the duty for each and every member of the community to prevent them before they occur and fight against them. In this regard, the community members have to be mobilized in order to denounce such crimes whenever they occur.
- Moreover, in order to effectively investigate, prosecute and adjudicate environmental crimes, Law Enforcement Authorities who intervene in this process (investigators, prosecutors and judges) should be trained in wildlife/environmental offences.
- Finally, since in most cases of wildlife/ environmental crimes are trans- boundary there is need of cooperation between countries in order to track the entire criminal who commit crimes in one country and cross the border to sell the proceeds of crimes in another country or flee to escape the prosecution.

THANK YOU FOR YOUR ATTENTIONAND GBU