

RWANDA / JUDGMENT

UBUSHINJACYAHA vs HAKIZIMANA

RPAA00265/2023/CA

COURT

Court of Appeal

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UBUSHINJACYAHA vs HAKIZIMANA

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Text

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UBUSHINJACYAHA vs HAKIZIMANA [Rwanda URUKIKO RW'UBUJURIRE – RPAA00265/2023/CA (Kanyange, P.J.) 29 Gicurasi 2025] Amategeko yerekeye imiburanishirize y'imanza mpanabyaha – sinari mpari (Alibi)Uburanisha Sinari mpari (Alibi) niwe ugira inshingano yo kugaragaza ko atashoboraga gukora icyaha aregwa, kuko atari ari aho cyakorewe igihe cyakorwaga, icyo gihe Ubushinjacyaha nabwo bukaba bufite ishingano yo kugaragaza nta shiti ko ariwe wakoze icyaha aregwa, bugaragaza ko ibyo aburanisha atari ukuri kuko yari ahari igihe icyaha cyakorwaga. Amategeko agenga ibimenyetso – ibimenyetso mu manza nshinjabyaha – kuba ikirego cy'ubushinjacyaha kivuga isaha icyaha cyakoreweho itandukanye n'isaha Urukiko rwemeje ko icyaha yakorewe ntibyatesha agaciro ikirego mu gihe hari ibindi bimenyetso bigaragaza ko koko icyaha cyakozwe Incamake y'ikibazo: Ururubanza rwatangiye Ubushinjacyaha burega Hakizimana mu Rukiko Rwisumbuye rwa Nyagatare bumurega icyaha cyo gusambanya umwana yigishaga witwa M.S w'imyaka 15 bumusabira guhanishwa igifungo cy'imyaka makumyabiri n'itanu (25). Hakizimana yaburanye ahakana icyaha, avuga ko ntaho yigeze ahurira na M.S ku munsu bavuga ko yamusambanyirijeho. Urukiko mu rubanza RP01061/2021/TGI/NYG, rushingiye ku mvugo z'abatangabuhamya, kuri raporo ya muganga, Rwemeje ko ahamwe n'icyaha cyo

gusambanya umwana, rumuhanisha igifungo cy'imyaka makumyabiri (20). Hakizimana yajuriye mu Rukiko Rukuru, Urugereko rwa Rwamagana avuga ko ibimenyetso bimushinjura yatanze byirengagijwe, ko Urukiko rwashingiye ku mvugo z'abatangabuhamya zigaragaramo gushidikanya kandi zirimo urujijo, ko raporo ya muganga itagaragaza ko umwana yasambanyijwe, no kuba Urukiko Rwisumbuye rwaragenekereje mu kumuhamya icyaha, asaba kugirwa umwere. Ubushinjacyaha bwashubije ko ubujurire bwa Hakizimana nta shingiro bufite, kuko ibyo aburanisha bitavuguruzanya ibimenyetso byashingiweho mu rubanza rwa mbere, busaba ko hagumaho urubanza rwajuririwe. Urukiko mu rubanza RPA 01109/2021/HC/RWG, rushingiye ku bimenyetso bitandukanye biri muri dosiye, rwemeje ko impamvu z'ubujurire za Hakizimana nta shingiro zifite, rutegeka ko urubanza rujuririrwa rugumanye agaciro karwo. Hakizimana yatanze ubujurire bwa kabiri mu Rukiko rw'Ubujurire, avuga ko yajurijwe n'uko hari ibimenyetso yatanze bitasuzumwe, ko Urukiko mu rubanza rujuririrwa, rwashingiye ku buhamya bw'ibinyoma, burimo gushidikanya no kugenekereza, ndetse ko rwirengagiza ibyo raporo ya muganga yagaragaje. Ubushinjacyaha buvuga ko izo mpamvu z'ubujurire zidafite ishingiro, ko ahubwo Hakizimana atavuguruzanya ibimenyetso bwatanze bimuhamya icyaha akurikiranweho, kandi ko nta gushidikanya kuri mu rubanza ajuririra, busaba ko urubanza rujuririrwa rugumaho. Urukiko mu rubanza rwandikwa kuri RPAA00265/2023/CA rwemeje ko ubujurire bwa Hakizimana nta shingiro bufite kuko bimenyetso byashingiweho n'Urukiko mu rubanza rujuririrwa bitavuguruzanya kandi bidatera urujijijo. incamake y'icyemezo: 1. Uburanisha Sinari mpari (Alibi) ariwe ugira inshingano yo kugaragaza ko atashoboraga gukora icyaha aregwa, kuko atari ari aho cyakorewe igihe cyakorwaga, icyo gihe

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Ubushinjacyaha nabwo bukaba bufite inshingano yo kugaragaza nta shiti ko ariwe wakoze icyaha aregwa, bugaragaza ko ibyo aburanisha atari ukuri kuko yari ahari igihe icyaha cyakorwaga. 2. Mu manza nshinjabyaha, ibimenyetso byose bishobora gushingirwaho mu gihe bigaragaza ukuri kw'ibyabaye (principe de la liberté de la preuve en matière pénale) ababuranyi bakaba barahawe uburyo bwo kuhaba ngo banyomozanye, kandi ko Urukiko arirwo rwemeza ko ibyo bimenyetso bishobora kwemerwa.

3. kuba ikirego cy'ubushinjacyaha kivuga isaha icyaha cyakoreweho itandukanye n'isaha Urukiko rwemeje ko icyaha cyakorewe ntibyatesha agaciro ikirego mu gihe hari ibindi bimenyetso bigaragaza ko koko icyaha cyakozwe.
4. Urukiko ntirutegetswe byanze bikunze gukora iperereza igihe cyose umuburanyi abisabye mu gihe rwumva rwanyuzwe n'ibimenyetso rwashyikirijwe kandi n'ababuranyi bose barahawe umwanya uhagije wo kubyisobanuraho Amategeko yashingiweho: Itegeko N° 062/2024 ryo ku wa 20/06/2024 rigenga ibimenyetso, ingingo ya 4, 87 Imanza zifashishijwe: Urubanza RPAA00371/2020/CA, haburana Ubushinjacyaha na Sezikeye François rwaciwe n'Urukiko rw'Ubujurire ku wa 15/12/2022, (igika cya 12) Urubanza RPAA00692/2021/CA, haburana Ubushinjacyaha na Ndayishimiye Jean Damascène, rwaciwe n'Urukiko rw'Ubujurire ku wa 20/01/2023, Urubanza RPAA0117/07/CS, haburana Ubushinjacyaha na Sgt

Biziyaremye na Cpl Ngabonziza rwaciwe n'Urukiko rw'Ikirenga ku wa 17/07/2010, igika cya 14. Urubanza RPAA00508/2022/CA, haburana Ubushinjacyaha na Kanamugire Blaise n'undi rwaciwe ku wa 24/05/2024, igika cya 22. Urubanza RPAA 0101/09/CS, haburana Ubushinjacyaha na Nzajyibwami Emmanuel rwaciwe n'Urukiko rw'Ikirenga ku wa 09/03/2012 Urubanza. I. IMITERERE Y'URUBANZA [1] Hakizimana Yves wari umwalimu ku kigo cy'amashuri cya G.S. Ntoma yarezwe icyaha cyo gusambanya umwana w'umukobwa w'imyaka cumi n'itanu (15) y'amavuko wiswe M.S. mu manza zabanje wigaga kuri icyo kigo, bikavugwa ko cyakozwe ku matariki atandukanye bikamenyekana ku wa 24/06/2021 ubwo yajyanaga uwo mwana iwe akavuga ko yamusambanyije, amasaha yo gutaha ageze abandi bana batashye we ntiyataha, agera mu rugo atinze ababyeyi bamubajije aho yari ari ababwira ko yari kwa Hakizimana Yves kandi ko yamusambanyije ko kandi amaze kumusambanya inshuro 3, atangira gukurikiranwa. [2] Nyuma y'iperereza, Ubushinjacyaha bushingiye ku mvugo z'uwo mwana, ku mvugo za nyina, iz'abatangabuhamya na raporo ya muganga bwamureze mu Rukiko Rwisumbuye rwa Nyagatare bumukurikiranyeho icyaha cyo gusambanya umwana, bumusabira guhanishwa igifungo cy'imyaka makumyabiri n'itanu (25). [3] Hakizimana Yves yaburanye ahakana icyaha, avuga ko ku itariki ya 24/06/2021 bavugaga ko ariyo yasambanyijeho uwo mwana atigeze ahura nawe, kuko yiriwe ku kazi umunsi wose akavaho saa yine z'ijoro (22h00').

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- [4] Urukiko rwaciye urubanza RP01061/2021/TGI/NYG ku wa 23/06/2022, rusanga Hakizimana Yves yarakoze icyaha akurikiranweho kubera ko hari ibimenyetso bibyemeza bikurikira : Imvugo za M.S. umushinja ko ku wa 24/06/2021 bahuye atashye amujyana iwe amubwira ko agiye kumuha amanota y'ikizamini bakoze cy'icyongereza, bagezeyo aramugaburira arangije aramusambanya, kandi ko ari inshuro ya 3 yari abikoze ; Ubuhamya bwa Uwimana Clarisse wavuze ko umwana we (Gihozo Ange) wigana na M.S. yamubwiye ko Hakizimana Yves yajyaga amuvana ku ishuri akamwereka porono bakajyana mu rugo iwe, akagaruka yamwujuriye amanota ; Raporo ya muganga yo ku wa 25/06/2021 igaragaza ko akarangabusugi ka M.S. kacitse, ko mu gitsina cye hinjiramo intoki ebyiri, ko muganga yakoraga ku gitsina gato akababara (bivuze ko yari agifite ububabare bwo kuba yari amaze gusambanywa) no mu gitsina havamo ibintu by'umweru binuka ; Rwasanze ibyo avuga ko ku wa 24/06/2021 yiriwe mu kazi umunsi wose bitahabwa ishingiro kuko kuba yaririwe ku ishuri bitavanaho ko yagaruka mu rugo akamusambanya ari nabyo ashinjwa, ko n'ibyo avuga ko ubuhamya bwa nyina w'umwana butashingirwaho nta shingiro byahabwa kuko bufite ibindi bimenyetso bibushimangira, ko no kuba Uwimana Clarisse ari nyina wabo w'uwo mwana bitatuma ubuhamya bwe budashingirwaho kuko uwo ariwe wese ashobora kumvwa nk'umutangabuhamya mu rubanza apfa kuba ashobora kubara inkuru no kugaragaza ukuri ku byabaye1, ko kandi butabuzwa guhabwa agaciro no kuba yaravuze ibyo yabwiye kuko ubuhamya ari ibyavuzwe n'umuntu wabyibonye cyangwa wabyumvise ubwe ku byerekeye ikiburanwa2. Rwemeje rero ko ahamya n'icyaha cyo gusambanya umwana, rumuhanisha igifungo cy'imyaka makumyabiri (20). [5] Hakizimana Yves yajuriye mu Rukiko Rukuru,

Urugereko rwa Rwamagana avuga ko ibimenyetso yaburanishije agaragaza ko umunsi bavuga ko yasambanyije M.S yari yiriwe ku kazi kugeza sa yine y'ijoro byirengagijwe kandi byaratanzwe n'inzego za Leta, ko Urukiko rwashingiye ku mvugo z'abatangabuhamya zigaragaramo gushidikanya kandi zirimo urujijo, ko raporo ya muganga itagaragaza ko umwana yasambanyijwe, no kuba Urukiko Rwisumbuye rwaragenekereje mu kumuhamya icyaha, asaba kugirwa umwere. [6] Ubushinjacyaha bwashubije ko ubujurire bwa Hakizimana Yves nta shingiro bufite, kuko ibyo aburanisha bitavuguruza ibimenyetso byashingiweho mu rubanza rwa mbere, bigizwe n'ubuhamya butandukanye burimo ubwa nyina w'umwana wasambanyijwe, ubwa Uwimana Clarisse bwuzura ubwa Gihozo Ange n'ubwa M.S. na raporo ya muganga igaragaza ibimenyetso by'uko yasambanyijwe, naho inyandiko ashingiraho avuga ko uwo munsi yari yiriwe ku kazi zidasobanura ko atashoboraga gusohoka mu kigo, busaba ko hagumaho urubanza rwajuririwe. [7] Urukiko rwaciye urubanza RPA01109/2021/HC/RWG ku wa 12/05/2023, rusanga impamvu z'ubujurire bwa Hakizimana Yves nta shingiro zifite ku mpamvu zikurikira : Kuba avuga ko abamushinja batavugisha ukuri ariko akaba atavuguruza ubuhamya bwabo ngo agaragaze ko atari ukuri ; Kuba adahakana ko yahaye M.S. impapuro z'ibizamini yigiraho ; Kuba uwo mwana yaravuze ibimenyetso biri mu cyumba cye ari naho yamusambanyirije ; Kuba yarashatswe na mugenzi we bakorana ngo avugane na nyina w'uwo mwana wamushakaga kugira ngo amenye ko ari ku ishuri ubwo abandi bana bari batashye uwe ntatahane nabo, maze akamusubiza ko yamuhamagara kuri telefoni ye ;

1 Byateganywaga n'ingingo ya 63 igika cya mbere (1) n'icya gatatu (3) y'Itegeko N° 15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo 2 Ingingo ya 62 y'iryo tegeko

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kuba yemera ko uwo munsi yasohotse mu kigo agiye gufata imiti bari bamuzaniye yasabye uruhushya nyamara mu gitabo aburanisha hakaba nta hagaragara ko yigeze asaba urwo ruhushya ngo hanagaragare isaha yasohokeye n'iyi yagarukiye, bivuze ko amakuru ari muri icyo gitabo atari yo yashingirwaho mu kugaragaza ko ibyo avuga ari ukuri. Rwasanze ibyo arusaba ko rwategeka ko hakorwa isuzumwa rya DNA bitahabwa agaciro kuko atasobanuye impamvu yabyo n'abo ryakorwaho, ko rero kuba atarabashije kuvuguruza ibimenyetso byashingiweho n'Urukiko Rwisumbuye bimuhamya icyaha, hagomba kuguhamo imikirize y'urubanza rwajuririwe. [8] Hakizimana Yves yatanze ubujurire bwa kabiri mu Rukiko rw'Ubugurire, urubanza rwandikwa kuri RPAA00265/2023/CA ruburanishwa mu ruhame ku wa 01/04/2025 yunganiwe na Me Mbarushimana Dimitri, Ubushinjacyaha buhagarariwe na Ndagijimana Charles, Umushinjacyaha ku rwego rw'Igihugu, rwongera kuburanishwa ku wa 15/05/2025 humvwa abatangabuhamya, Hakizimana Yves yunganiwe nka mbere naho Ubushinjacyaha buhagarariwe na Butera Oscar Umushinjacyaha ku rwego rw'Igihugu. [9] Mu myanzuro y'ubujurire no mu miburanire, Hakizimana Yves n'umwunganira bavuga ko yajurijwe n'uko hari ibimenyetso yatanze bitasuzumwe, ko Urukiko rwashingiye ku buhamya bw'ibinyoma, burimo gushidikanya no kugenekereza, rushingira ku miterere y'urubanza ihinduwe ku birebana n'igihe (isaha) bivugwa ko icyaha cyakorewe, ndetse rwirengagiza ibyo raporo ya muganga yagaragaje. [10] Uhagarariye

Ubushinjacyaha avuga ko izo mpamvu z'ubujurire zidafite ishingiro, ko ahubwo Hakizimana Yves atavuguruza ibimenyetso bwatanze bimuhamya icyaha akurikiranweho, kandi ko nta gushidikanya kuri mu rubanza ajuririra, rukaba rugomba kugumaho. [11] Ibibazo bigomba gusuzumwa muri uru rubanza bijyanye no kumenya niba hari ibimenyetso Urukiko rutasuzumye, kumenya niba rwarashingiye ku miterere y'urubanza ihinduwe ku birebana n'igihe (isaha) bivugwa ko icyaha cyakorewe, kumenya niba rwarashingiye ku buhamya bw'ibinyoma burimo gushidikanya no kugenekereza, rukanirengagiza ibyo raporo ya muganga yagaragaje. II. ISESENGURA RY'IBIBAZO BIGIZE URUBANZA Kumenya niba hari ibimenyetso Urukiko rutasuzumye [12] Hakizimana Yves n'umwunganira bavuga ko Urukiko mu kumuhamya icyaha rutasuzumye ukuri kuri mu bimenyetso yarugaragarije bihamya ko ku wa 24/06/2021 yagiye ku kazi agatangira mu gitondo agasoza nimugoroba saa kumi n'imwe (17h00) kandi nk'uko amasaha y'akazi abigaragaza nta handi yigeze ajya, ibyo bimenyetso bikaba bigizwe : Inyandiko yo ku wa 29/10/2021 yanditswe n'Umuyobozi w'Ikigo cya G.S. Ntoma yemeza ko ku wa 24/06/2021 yiriwe ku kazi, ikaba igaragaza ko uwo munsu mu masaha y'akazi atageze aho icyaha cyabereye, kandi ko atari kugera iwe ngo agaruke kuko hari urugendo rw'ikilometero ; Ikayi abarimu basinyagamo batangiye banarangije akazi, igaragaza ko ku wa 24/06/2021 yageze ku kazi saa kumi n'ebiri n'iminota mirongo ine (06h40) akarangiza saa kumi n'imwe (17h00), ataha saa yine z'ijoro kuko yakomeje ibindi ashinzwe by'ikoranabuhanga (IT), iyo kayi ikaba igaragaza ko iyo mwarimu yinjiye mu kigo aje ku kazi asinya, yanasohoka agasinya, yaba agize ikibazo gituma ava ku kigo amasaha yo gusozwa akazi ku munsu atararangira nabwo agasinya akavugaga aho agiye, ibi bikemezwa n'ubuyobozi bw'ikigo, izi nyandiko zombi zikaba

3 Inyandukuro y'igitabo cyo kugera ku kazi

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zitandukanyijwe n'uko iya mbere yakozwe n'Umuyobozi w'Ikigo indi ari igitabo gisinywamo n'abahakora bese, kandi nta kindi kimenyetso cyatanze n'Ubushinjacyaha kibivuguruza; icyemezo cyatanze n'Ubuyobozi bw'Umurenge wa Matimba kigaragaza iperereza ryakozwe bisabwe n'Ubuyobozi bw'Ikigo yigishagaho, hari Ubuyobozi kuva ku Isibo kugera ku Kagari, ababajijwe bavugaga ko bamubonye mu gitondo ajya mu kazi naho mu masaha y'akazi batamubonye, kandi aho atuye ari mu Mudugudu, iki cyemezo kikaba cyemeza ko amakuru yatanze n'Ubuyobozi bw'Ikigo cya GS. Ntoma ari ukuri, ko n'ibyo bagaragaza ko atigeze ajyana M.S. iwe ngo amusambanye nabyo ari ukuri. Kuba Urukiko rutarakoze iperereza ku ishuri ngo habazwe abana biganaga na M.S. n'abarimu bamwigishaga ko yigeze abura mu ishuri uwo munsu, ngo ubwo buhamya bunyomoze ibyemejwe n'Ubuyobozi bw'Ikigo, bakanagaragaza uko yamusohoye mu kigo kizitiye hari abazamu n'abalimu akamujyana iwe nta muntu ubabonye, ko rero icyo Urukiko rwari kubona muri iryo perereza ari uko M.S. yize umunsu wose nta handi yagiye uretse kuba yaratahaye iwabo amasomo arangiye. Imvugo za nyina wa M.S. wavuze ko yagiye kumushakira iwe agasanga hakinze, ikaba ishimangira ko ibyo avugaga ko yiriwe ku ishuri ari ukuri, ko kandi yagombaga kumenyesha inzego z'ibanze hagakorwa raporo kuri icyo kibazo bitewe n'uko ari icyaha cyakororwaga umwana, bivuze ko atari kuhava ngo atahe atamenyesheje ubuyobozi, ariko inkiko zikaba zarabyirengagije. Imvugo za M.S. wavugiye mu Rukiko ko yageze

ku ishuri akahava bakajyana iwe, Gihozo Ange we akavuga ko M.S. yari mu ishuri agasohoka na ho nyina wa M.S. we akavuga ko yamenye ko M.S.ari kwa Hakizimana Yves ajya ku gipangu cye ntiyamubona, ko rero imvugo zabo zivuguruzanya ku bijyanye n'amasaha bigaragaza ko ari ikinyoma batabashije guhuza. [13] Uhagarariye Ubushinjacyaha avuga ko ibimenyetso Hakizimana Yves yaburanishije bigaragaza ko ku wa 24/06/2021 yiriwe ku kazi umunsi wose byasuzumwe, Urukiko rusanga bitavanaho ko M.S. yasambanyirijwe mu nzu iwe kuko yashoboraga kuva ku ishuri agasubiraye adasinye mu ikayi, bigaragazwa n'uko n'igihe yasohokaga agiye gufata imiti bari bamuzaniye atasinye, n'inyandiko y'umuyobozi ikaba ishingira ku bigaragara muri iyo kayi kuko ariyo igaragaza ko umukozi yageze ku kazi n'uko yahavuye, ariko ibyabaye hagati mu muni bitagaragaramo, ko rero yashoboraga gusohoka akajya gusambanya M.S. ntaho abyanditse, ndetse ko Urukiko Rukuru rwasobanuye mu gika cya 13 ko atarezwe guta akazi ahubwo yarezwe gusambanya umwana. [14] Avuga kandi ko nyina wa M.S. yari asanzwe afite amakuru ko Hakizimana Yves amusambanyiriza umwana, maze ku wa 24/06/2021 abajije undi mwana wari uvuye ku ishuri aho M.S. ari amubwira ko atize kandi ko atari mu kigo, ko ashobora kuba ari kwa Hakizimana Yves, aramushakisha ajya no kubaza mu baturanyi ba Hakizimana Yves, arebye ku gipangu abamo asanga gikinze abura uko yinjira, abajije umwarimu bakoranaga (Maniraguha Protogène) amubwira ko Hakizimana Yves atari ku kazi, ageze mu rugo abona M.S. araje amubajije aho yiriwe amubwira ko yari kwa Hakizimana Yves ndetse ko yamusambanyije, bikaba bigaragaza ko nyina wa M.S. yabuze uko agera ku nzu ya Hakizimana Yves kuko igipangu yabagamo cyari gifunze, kandi atari ku kazi nk'uko mu genzi we bakorana yabivuze. [15] Ku bijyanye n'iperereza, Uhagarariye Ubushinjacyaha avuga ko habajijwe umwana witwa Gihozo Ange wiganaga na M.S. wasobanuye ko uwo muni atize ari nawe wahaye amakuru nyina ko yageze ku ishuri akahava, ari nabyo M.S. yasobanuye ko yavuye ku ishuri agiye iwabo gufata ikaye, ahura na Hakizimana Yves amujyana iwe, bihura n'ibyavuzwe n'umwana watanze amakuru ko ubwo atari ku kigo ntawe n'iwabo bishoboka ko ari kwa Hakizimana Yves, ko rero byari kuba byiza iyo iperereza ryaguka bakabaza abalimu barimo n'umwalimu witwa Maniraguha Protogène wahamagawe na nyina wa M.S. amubaza ko ari ku ishuri, utarabajijwe kandi byari kuba byiza iyo abazwa.

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[16] Uhagarariye Ubushinjacyaha avuga na none ko aho Hakizimana Yves yabaga hari abantu bahatekeraga ariko batahahoraga, bigashimangirwa n'imvugo z'umwana wasobanuye ko amujyana iwe bwa mbere hari hari abantu, ariko kuri iyo nshuro nta bantu bari bahari, byumvikanisha ko amakuru inzego z'ibanze zahawe yashingiye ku bantu batari bahari, batazi ibyabaye, ikindi kigaragaza ko iyo raporo y'inzego z'ibanze itashingirwaho akaba ari ibisobanuro byatanze na nyina wa M.S. wavuze ko akimara kumenya ko atiriwe ku ishuri, ko bakeka ko ari kwa Hakizimana Yves, yageze hafi y'igipangu yabagamo abona gifunze abura uko yinjiramo akomeza kuhazera arambiwe aragenda, bivuze ko iyo haba abantu hafi yari kubabaza, kandi ko abana biga basimburana, Gihozo Ange we yari yize mu gitondo, atanga amakuru saa sita atashye. [17] Anavuga ko imvugo za M.S. yavugiye mu Rukiko zuzuzanya n'izo yavugiye mu Bugenzacyaha, ko rero icyaha cyakozwe mu masaha ya mbere

ya saa sita, ndetse muri ayo masaha ariho mwarimu Maniraguha Protogène yashatse Hakizimana Yves nyina wa M.S. ashaka kumuvugisha ntiyamubona, abajije mwarimu Ndindiriyimana Bosco amubwira ko yasohotse mu kigo, bivuze ko ayo masaha yasohotse ari nabwo yagiye gusambanya uwo mwana, bikagaragaza ko nta kuvuguruzanya ku masaha kurimo. [18] Uhagarariye Ubushinjacyaha avuga ko imvugo za nyina wa M.S. nazo zuzuzanya kuko yavuze ko yagiye gushaka umwana aramubura, aho aziye abemerera ko yari ari kwa Hakizimana Yves kandi ko yamusambanyije, na muganga amupimye arabyemeza, imvugo ze zikuzuzanya ibimenyetso byatanzwe mbere, naho kuba ataramenye igihe umwana yasohokeye kwa Hakizimana Yves bikaba bishoboka ko yari kumutorokesha ngo nyina atamubona. Avuga kandi ko imvugo za Gihozo Ange nazo zuzuzanya kuko avuga ko hari igihe M.S. yasohotse mu kigo, uyu nawe akavuga ko yasohotse, naho imvugo za Maniraguha Protogène n'ubwo avuga ko atamenye ko M.S. yasohotse, ariko yavuze ko yashatse Hakizimana Yves nyina wa M.S. ashaka kumuvugisha, asanga yasohotse mu kigo, ko rero inyandiko Hakizimana Yves aburanisha avuga ko atasohotse mu kigo zitavugaga ukuri. UKO URUKIKO RUBIBONA [19] Impaka kuri iki kibazo zishingiye ku kumenya niba Urukiko Rukuru rutarasuzumye ibimenyetso bigaragaza ko ku wa 24/06/2021 Hakizimana Yves yiriwe ku kazi umunsi wose, atasubiye mu rugo iwe mu masaha y'akazi ahavugwa ko hakorewe icyaha akurikiranweho. [20] Ikibazo cy'uregwa uburanisha ko atageze aho icyaha cyakorewe Urukiko rw'Ubujurire rwagitanzeho umurongo mu rubanza RPAA00371/2020/CA rwaciye ku wa 15/12/2022, haburana Ubushinjacyaha na Sezikeye François (igika cya 12) aho rwemeje ko: “uburanisha Sinari mpari (Alibi) ariwe ugira inshingano yo kugaragaza ko atashoboraga gukora icyaha aregwa, kuko atari ari aho cyakorewe igihe cyakorwaga, icyo gihe Ubushinjacyaha nabwo bukaba bufite inshingano yo kugaragaza nta shiti ko ariwe wakoze icyaha aregwa, bugaragaza ko ibyo aburanisha atari ukuri kuko yari ahari igihe icyaha cyakorwaga⁴”. [21] Nk'uko byibukijwe mu miterere y'uru rubanza, Urukiko Rukuru mu kwemeza ko Hakizimana Yves ahamwe n'icyaha cyo gusambanya umwana rwashingiye ku kuba ataravugurujwe ibimenyetso birimo kuba umwana yaragaragaje ibimenyetso biri mu cyumba araramo avuga ko ariho yamusambanyirije, kuba yarashatswe na mugenzi we bakoranaga ngo avugishe nyina w'uwo mwana ashaka kumenya ko ari ku ishuri abandi bana batashye we ntatahe, akamusubiza ko yamuhamagara kuri telefoni ye, kuba yemera ko yasohotse mu kigo uwo munsi agiye gufata imiti bari bamuzaniye yasabye uruhusa nyamara mu gitabo aburanisha ntaho bigaragara ko yasabye urwo ruhushya ngo hanagaragare isaha yasohokeye n'iyi yagarukiye, bivuze ko ibiri muri icyo gitabo bitagaragaza ko ibyo avuga ko atasohotse mu kigo ari ukuri

4 Uwo murongo watanze no mu zindi manza nyinshi zaciye n'Urukiko rw'Ubujurire zirimo n'Urubanza NoRPAA 00508/2022/CA rwaciye ku wa 24/05/2024, haburana Ubushinjacyaha na KANAMUGIRE Blaise n'undi (igika cya 22).

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[22] Urukiko rw'Ubujurire rurasanga, ibyo Hakizimana Yves n'umwunganira bavuga ko Urukiko rudasuzumye ikimenyetso cy'ikayi abarimu basinyagamo kigaragaza ko uwo muni yiriwe ku kazi umunsi wose, ko atigeze asohoka mu kigo mu masaha y'akazi, nta shingiro bifite, kuko nk'uko bigaragajwe mu gika kibanziriza iki, Urukiko rwarabisuzumye rugaragaza ko ibiri muri iyo kayi bitashyirwaho hemezwa ko atasohotse mu kigo umunsi wose, kuko yavuze ko hari igihe yasohotse agiye kuzana imiti ariko bikaba bitagaragara muri iyo kayi mu gihe nawe yemera ko n'uwasabaga uruhushya yasigaga yanditse ko asohotse, bityo rero usibye kugarura imiburanire yo mu rubanza rujirirwa, ntacyo anenga ibisobanuro byatanze n'Urukiko Rukuru binashyirye kubyo yivugiyemo. [23] Ku bijyanye n'inyandiko yo ku wa 29/10/2021 y'Umuyobozi w'Ikigo cya G.S. Ntoma yemeza ko ku wa 24/06/2021 Hakizimana Yves yiriwe ku kazi kuva gatangiyemo kugera gashoje, Urukiko rw'Ubujurire rurasanga koko iyo nyandiko ntacyo Urukiko Rukuru rwavuzweho, ahubwo rwashyirye ku ikayi yavuzwe haruguru abarimu basinyagamo batangiyemo akazi banakarangije, rusanga iyo kayi itashyirwaho hemezwa ko atigeze asohoka uwo muni kuko hari amakuru atagaragaraye y'igihe yasohotse agiye gufata imiti, kandi nk'uko bigaragara, mu kwandika iyo nyandiko Ubuyobozi bw'Ikigo bwashyirye kuri iyo kayi, bivuze rero ko n'ubwo iyo nyandiko yari gusuzumwaga bitari guhindura icyemezo cy'Urukiko cyo kudaha ishingiro imiburanire ya Hakizimana Yves y'uko ku wa 24/06/2021 atasohotse mu kigo nk'uko Ubuyobozi bw'Ikigo bwabyemeje kuko bwabashyirye ku makuru ari mu ikayi itagaragaza ukuri kose kw'ibyabaye. [24] Ku bijyanye no kuba Urukiko rutarakoze iperereza ku ishuri ngo rubaze abanyeshuri biganaga na M.S. n'abarimu bamwigishaga niba ku wa 24/06/2021 atarize, Urukiko rw'Ubujurire rurasanga mu rubanza rujirirwa ntaho Hakizimana Yves yigeze asaba ko hakorwa iperereza ku bantu avuga, usibye ko Urukiko rudategetswe byanze bikunze gukora iperereza igihe cyose umuburanyi abisabye mu gihe rwumva rwanyuzwe n'ibimenyetso rwashyikirijwe kandi n'ababuranyi bese barahawe umwanya uhagije wo kubabisobanuraho, mu bimenyetso rwari rufite byanashyirwaho hakaba harimo imvugo za M.S. wavuze ko yageze ku ishuri agasohoka mu kigo akajyana na Hakizimana Yves iwe mu rugo, ubuhamya bwa Gihozo Ange biganaga wavuze ko yasohotse mu ishuri amasaha yo gutaha atageze, n'ubuhamya bwa mwarimu Maniraguha Protégène wemeje ko ubwo nyina wa M.S. yamuhamagaraga kuri telefone ashakaga Hakizimana Yves, icyo gihe atari ari mu kigo. [25] Ku bijyanye n'icyemezo cyatanze n'Ubuyobozi bw'Umurenge wa Matimba ku wa 21/01/2022, bigaragara ko Umunyamabanga Nshingwabikorwa wacyanditse yavuze ko cyakozwe hashingiye ku buhamya bw'Ikigo cy'ishuri rya G.S. Ntoma, avuga ko bageze kuri icyo kigo bamaze kumenya ko umwarimu witwaga Hakizimana Yves afunze, basanga ku wa 24/06/2021 yaritabiriye akazi umunsi wose, uwo muyobozi w'Umurenge anemeza ko atagaragaye no mu Mudugudu aho atuye kuko abaturanye nawe bese bavuze ko bamubonye ajya mu kazi mu gitondo bongera kumubona abanyeshuri batashye saa kumi n'imwe z'umugoroba kandi ko uwo muni nta mukobwa babonye iwe. [26] u bivugwa na Hakizimana Yves n'umwunganira ko icyo cyemezo cyatanze n'Ubuyobozi bw'Umurenge wa Matimba kitasuzumwaga kandi kigaragaza ko kuri iyo tariki ya 24/06/2021 atasubiyemo mu rugo mu masaha

y'akazi, Urukiko rw'Ubujurire rurasanga, n'ubwo ntacyo Urukiko Rukuru rwakivuzeho, icyo cyemezo ubwacyo kitashingirwaho ngo hemezwe ko Hakizimana Yves atasubiye iwe mu masaha y'akazi cyane cyane ko umuyobozi wagikoze yavuze ko cyakozwe hashingiwe ku makuru yatanze n'Ubuyobozi bw'Ikigo cya G.S. Ntoma kandi bikaba byagaragaye ko n'ibyo ubwo buyobozi bwemeje buvuga ko Hakizimana Yves atasohotse mu kigo mu masaha y'akazi atari ukuri, ikindi kandi icyo cyemezo kikaba kitagaragaza abaturanyi ba Hakizimana Yves bavugwamo ko babajijwe abo aribo, ndetse bakaba baba bavuguruzanya na Hakizimana Yves kuko bavuga ko yagarutse iwe saa kumi n'imwe z'umugoroba mu gihe we avuga ko yatashye saa yine z'ijoro, bityo amakuru agaragaramo akaba atakwizerwa ko ari ukuri.

5 Uwo murongo watanze mu rubanza Urubanza RPAA0101/09/CS, rwaciye n'Urukiko rw'Ikirenga ku wa 09/03/2012 haburana Ubushinjacyaha na Nzajyibwami Emmanuel (igika cya 9), ukaba warakurikijwe no mu zindi manza nyinshi

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[27] Ku bijyanye n'invugo ya nyina wa M.S. wavuze ko yagiye kumushakira kwa Hakizimana Yves agasanga hakinze, we n'umwunganira bakavugaga ko ari ikimeneytso ko yiriwe ku ishuri, Urukiko rw'ubujurire rurasanga iyi mvugo ubwayo itashingirwaho ngo hemezwe ko Hakizimana Yves yiriwe ku ishuri umunsi wose kuko nk'uko byagaragajwe haruguru hari ibimenyetso byemeza ko yasohotse mu kigo amasomo atararangira atabashije kuvuguruzanya, kuba rero nyina wa M.S. yarageze iwe agasanga igipangu gikinze ntashobore kwinjiramo, nyuma akahava yagera mu rugo akabona umwana aratashye, ubwabyo bitemeza ko Hakizimana Yves atagarutse iwe mu masaha y'akazi. Naho kuba nta nzego z'ibanze nyina w'umwana yabimenyesheje, bigaragara ko uwo mubyeyi yasobanuye ko akimara kumenya ko umwana yasambanyijwe yitabaje inzego zibishinzwe zirimo Polisi na RIB, kuba atarabanye kujya mu nzego z'ibanze rero akaba atari inenge iri mu rubanza rujuririrwa. [28] Ku bijyanye n'ubuhamya bwa Gihozo Ange, invugo za M.S. n'iza nyina, Hakizimana avugaga ko zivuguruzanya ku bijyanye n'amasaha, Urukiko rw'Ubujurire rurasanga mu byo izo mvugo zabo zigaragaza harimo kuba M.S. yaravuze ko ku wa 24/06/2021 yasohotse mu kigo saa yine, Gihozo Ange we avugaga ko Hakizimana Yves na M.S. kuri icyo tariki bombi baje ku ishuri ariko amasaha yo gutaha agera badahari, ko amasaha yo kujya mu kiruhuko cya saa sita yenda kugera M.S. aribwo yasohotse mu ishuri aragenda ntiyagaruka, naho nyina wa M.S. avugaga ko yabonye saa sita igeze M.S. ntiyataha amenya amakuru ko ari kwa Hakizimana Yves atangira kumushakisha ajya no ku gipangu cye asanga hakinze abura uko yinjira arahaguma, ariko nyuma aza kuhava ageze mu rugo abona M.S. nawe araje, ababwira ibyamubayeho. [29] Urukiko rurasanga izi mvugo zabo zitavuguruzanya kuko zirebwe hamwe n'ubuhamya bwa mwarimu Maniraguha Protogène wavuze ko M.S. yari ari mu ishuri mugihe cya coaching ikorwa mbere y'uko amasomo atangira saa mbiri, ko ku isaha ibanziriza ikiruhuko cya saa sita ariho yarimo yigisha mu mwaka wa gatangatu (P.6) M.S. yigagamo ariko ko atitaye kumenya niba ahari kuko cyari igihe cyo kuzuzanya zo gukorera ibizamini bya Leta, naho Hakizimana Yves we yari yiriwe afasha abanyeshuri kuzuzanya izo forms, ko ariko igihe nyina wa M.S. yamuhamagaraga nko mu masaha ya saa sita n'igice hagana saa saba,

amubaza niba Hakizimana Yves ahari, yagiye kumureba mu biro bye umwarimu witwa Ndindiriyimana Bosco amubwira ko yasohotse mu kigo agiye gufata akantu bamwoherereje kuri courriel, yongeraga kumubona nko mu masaha ya saa munani zishyira saa cyenda. [30] Bigaragara rero ko icyo imvugo zabo zihurizaho ari uko M.S. yasohotse mu ishuri amasaha yo kujya mu kiruhuko cya saa sita yenda kugera nk'uko byavuzwe na Gihozo Ange, bigahura n'ibivugwa na M.S. wavuze ko asohoka hari nka saa yine ndetse n'ibyavuzwe na mwarimu Maniraguha Protogène ko ubwo yajyaga gushaka Hakizimana Yves agasanga yasohotse mu kigo hari nko mu masaha sita n'igice saa saba, bivuze ko ari muri ayo masaha nyina wa M.S. yari yamubuze, bikanahura n'ibyo Hakizimana Yves ubwe yivugiye abazwa, ko kuri iyo tariki ya 24/06/2021 yabyukiye ku kazi nk'uko bisanzwe ariko ahagana saa tanu (11h00) atuma umuntu ibinini abiha umumotari ajya kubifata ku muhanda, ukurikije rero uburyo ibintu byagenze, usanga imvugo zabo zuzuzanya kuko amasaha M.S. yasohotseho yegeranye n'ayo Hakizimana Yves yaviriye mu kigo ajya kureba imiti bari bamuzaniye, akaba kandi atarahise agaruka kuko iyo aba yaragarutse mwarimu Maniraguha Protogène atari kumubura ubwo nyina wa M.S. yamumubazaga kuri telefone. [31] Urukiko rw'Ubujurire rurasanga rero, imvugo zagaragajwe haruguru n'ubwo hari aho zidahuza ku bijyanye n'amasaha, ari utuntu duto tutazitesha agaciro cyane cyane ko igihe bazivugaga kwabaga ari ukugereranya isaha igikorwa runaka kivugwa cyabereyeho kuko birimo kuba batabaga biteguye ko bazabibazwa ngo barebe ku isaha igihe cya nyacyo buri gikorwa kirimo kuberaho, icya ngombwa akaba ari uko ireme ry'ibyo bavuga ridahinduka nk'uko byemejwe mu zindi manza, aho inkiko zemeje ko ukuvuguruzanya kw'abatangabuhamya ku tuntu duto bidatesha agaciro ireme ry'ubuhamya batanga⁶.

6 Uwo murongo watanze mu rubanza RPAA 0117/07/CS rwaciye n'Urukiko rw'Ikirenga ku wa 17/07/2010 haburana Ubushinjacyaha na Sgt Biziyaremye na Cpl Ngabonziza (igika cya 14) ushingirwaho no mu zindi manza nyinshi zaciye

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[32] Urukiko rw'Ubujurire rurasanga rero hashingiwe ku bimaze kugaragazwa haruguru, ibivugwa na Hakizimana Yves n'umwunganira ko ku wa 24/06/2021 yiriye ku kazi umunsi wose, ko atasubiye mu rugo iwe mu masaha y'akazi ahavugwa ko hakorewe icyaha akurikiranweho, bitahabwa ishingiro kuko nk'uko byagaragajwe haruguru yasohotse kandi amasaha umwana avuga ko bahuye akamujyana iwe ahura n'ayo nawe avuga ko yasohotseho agiye kuzana imiti kandi nta kimenyetso yatanze kigaragaza igihe yaba yaragarukiye mu kigo, bityo hashingiwe ku murongo watanze mu rubanza RPAA00371/2020/CA rwibukijwe haruguru, ibimenyetso bavuga bikaba bitavanaho ko yari iwe ubwo icyaha cyakorwaga. Kumenya niba Urukiko Rukuru rwarashingiye ku miterere y'ikirego yahinduwe n'Urukiko Rwisumbuye ku birebana n'igihe (isaha) bivugwa ko icyaha cyakorewe. [33] Hakizimana Yves n'umwunganira bavuga ko mu kumubaza icyaha, Urukiko Rukuru rwavuze ko icyemezo cyafashwe n'Urukiko Rwisumbuye rwa Nyagatare gifite agaciro, rwirengagije ko Ubushinjacyaha bwamureze kuvana umwana ku ishuri mu gitondo akamujyana iwe akamusambanya, agataha saa cyenda, naho Urukiko Rwisumbuye rwa Nyagatare

rugahindura imiterere y'ikirego cy'Ubushinjacyaha rukemeza ko umwana yasambanyijwe nyuma ya saa kumi n'imwe za nimugoroba (+17h00), nyina w'umwana nawe akavuga saa cyenda z'amanwa (15h00) aribwo yarimo amubaza aho yiriwe, ko rero mu kwemeza ko umwana yasambanyijwe nyuma ya saa kumi n'imwe, Urukiko Rukuru rwirengagije imiterere y'ikirego ihinduye, ntirwasuzuma iryo vuguruzanya ngo rumurenganure. [34] Uhagarariye Ubushinjacyaha avuga ko M.S. yavuze ko yavuye ku ishuri saa yine (10h00) agiye gushaka ikayi ahura na Hakizimana Yves amujyana iwe kumusambanya, ataha iwabo saa cyenda (15h00), kandi kuva M.S. yava ku ishuri ntiyongeye gusubira yo nk'uko byemejwe n'umwana biganaga witwa Gihozo Ange, ibi bikaba byumvikanisha ko icyo gihe yari kumwe na Hakizimana Yves amusambanya, ko rero icyaha cyakozwe mbere ya saa cyenda (15h00) aho kuba nyuma ya saa kumi n'imwe (17h00), kandi ko mu rubanza rwaciwe n'Urukiko Rukuru ntaho rwavuze isaha icyaha cyakoreweho. UKO URUKIKO RUBIBONA [35] Impaka kuri iki kibazo zishingiye ku kumenya niba Urukiko Rukuru rwarashingiye ku miterere y'ikirego yahinduwe n'Urukiko Rwisumbuye ku birebana n'igihe (isaha) bivugwa ko icyaha cyakorewe. [36] Ingingo ya 4 y'Itegeko N° 062/2024 ryo ku wa 20/06/2024 rigenga ibimenyetso iteganya ko: "Urega cyangwa utanze ikibazo agaragaza ikimenyetso cy'ibyo aregera cyangwa asaba [...]". [37] Ku bijyanye n'amasaha icyaha Hakizimana Yves akurikiranyweho cyakorewe, bigaragara ko Ubushinjacyaha butanga ikirego, bwavuze ko ku wa 24/06/2021 M.S. yabyutse ajya ku ishuri agezeyo ajyana na Hakizimana Yves iwe, abandi bana batashye we ntiyataha, agera iwabo saa cyenda (15h00) abwira ababyeyi be ko yari yagiye kwa Hakizimana Yves kandi ko yamusambanyije, naho Urukiko Rwisumbuye rwa Nyagatare, mu guca Urubanza rwo rwavuze ko icyo Hakizimana Yves ashinjwa ari uko yavanye M.S. ku ishuri amujyana iwe mu rugo aramusambanya nyuma ya saa kumi n'imwe z'umugoroba. Bigaragara na none ko Hakizimana Yves ajurira mu Rukiko Rukuru mu byo yanengaga harimo kuba Urukiko rwaraciye urubanza uko rutaregawe kuko Ubushinjacyaha burega bwavuze ko yavanye umwana ku ishuri amujyana iwe ataha saa cyenda kandi Urukiko Rwisumbuye rwaremeje ko umwana yasambanyijwe mbere ya saa kumi n'imwe (17h00), nyina wa M.S. nawe akavuga ko yageze

n'Urukiko rw'Ubujurire harimo urubanza RPA/GEN 00001/2022/CA rwaciwe ku wa 14/02/2025, Ubushinjacyaha buburana na MUGIMBA Jean-Baptiste (igika cya 69).

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mu rugo saa cyenda (15h00), bikaba bigaragara ko mu guca urubanza ntacyo Urukiko Rukuru rwavuze ku bijyanye n'iy mpamvu ijyanye n'amasaha icyaha cyakorewe. [38] Urukiko rw'Ubujurire rurasanga, n'ubwo ntacyo Urukiko Rukuru rwavuze kuri icyo kibazo cy'amasaha icyaha cyakorewe, mu isesengura ry'impamvu ya mbere y'ubujurire, Uru Rukiko rwasobanuye ko M.S. yavuze ko yavuye ku ishuri saa yine (10h00) za mu gitondo agahura na Hakizimana Yves akamujyana iwe, Gihozo Ange we avuga ko M.S. yasohotse mu ishuri mu masaha yegereje ikiruhuko cya saa sita (12h00), nyina wa M.S. nawe akavuga ko abandi bana batashye mu kiruhuko cya saa sita (12h00) we ntiyataha, bigahura n'ibyavuzwe na Hakizimana Yves ko yasohotse ajya kuzana imiti mu ma saa tanu (11h00), bishimangirwa n'imvugo za mwarimu

Maniraguha Protogène wavuze ko yamushatse nka saa sita n'igice (12h30) zishyira saa saba (13h00) agasanga atari mu kigo, ko yongeye kumubona nko mu masaa munani (14h00) hafi saa cyenda (15h00). [39] Urukiko rw'Ubujurire rurasanga rero imiterere y'ikirego ku birebana n'igihe icyaha cyakorewe itarahinduwe, kuko kuba Urukiko Rwisumbuye rutarahuje n'Ubushinjacyaha butanga ikirego ku masaha icyaha cyakoreweho, bidahindura ireme ry'igikorwa cyo gusambanya umwana Hakizimana Yves akurikiranweho bitewe n'uko atabashije gutanga ikimenyetso kigaragaza igihe yagarukiye mu kigo nyuma yo gusohoka agiye kuzana imiti, bikaba byumvikanisha ko amasaha avugwa ko Hakizimana Yves atari mu kigo na M.S. atari ku ishuri ntabe n'iwabo, ariyo yajyanyemo uwo mwana iwe mu rugo aramusambanya, cyane cyane ko nk'uko byasobanuwe haruguru amasaha ibintu byaberagaho yagiye agaragazwa n'ababajijwe mu rubanza bakayavuga mu buryo bugereranyije bitewe n'uko ntawari uzi ko azabazwa icyo kibazo. Kumenya niba Urukiko rwarashingiye ku buhamya bw'ibinyoma burimo gushidikanya no kugenekereza, rukanirengagiza ibyo raporo ya muganga yagaragaje [40] Hakizimana Yves n'umwunganira bavuga ko Urukiko Rukuru rwashingiye ku mvugo z'ibinyoma za M.S. wavuze ko yamusambanyirije iwe kandi yaririwe ku kazi nk'uko byemejwe n'ubuyobozi bikanashimangirwa na nyina wavuze ko yaje kumureba iwe bamaze kumubwira ko arimo kumusambanyiriza umwana ntahamusange, ko n'ubuhamya bwa Uwimana Clarisse butagombaga gushingirwaho kuko yavuze ibyo yabwiwe ngo n'umuntu uba i Kigali witwa Hakiza, ibyo bikaba binyuranyije n'ingingo ya 62 y'itegeko N°15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo⁷, ubuhamya bwa GIHOZO Ange nabwo bukaba butari gushingirwaho kuko M.S. yamubwiye ko aje iwe nawe abibwira nyina, ajya kuhamureba ntiyamubona, akaba atanahamya ko yabonye M.S. yinjira iwe. [41] Bavuga kandi ko imvugo za Gihozo Ange n'iza M.S. zivuguruzanya, kuko uwa mbere yavuze ko M.S. yagiye iwe (kwa Hakizimana Yves) saa kumi n'ebiri za mu gitondo, M.S. we avuga ko yageze ku ishuri saa moya za mugitondo ahava saa yine za mu gitondo, ko na none Gihozo Ange yavuze ko M.S. atigeze agera ku ishuri mu gihe uyu yavuze ko Hakizimana Yves yamukuye ku ishuri, Gihozo Ange anavuga ko impamvu M.S. yagize amanota 59 mu kizamini cy'icyongereza ari uko Hakizimana Yves yamukopeje, ariko M.S. we avuga ko atazi impamvu yamuhaye icyo kizamini kuko cyari cyaramaze gukorwa, kandi ko iyo ibizamini bya Leta byegereje abanyeshuri bahabwa ibizamini byose byakozwe bakabisubiramo, ndetse ko we nta somo abigisha ahubwo yari ashinzwe kwandika ibizamini, ko rero ubwo buhamya bwose butera urujijo kuko ari ibintu byavuzwe n'abantu bamwe bo mu muryango umwe bwakabaye bushyigikirwa n'ibindi bimenyetso hashingiwe ku ngingo ya 53 y'itegeko N°15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo ryagaragajwe haruguru. [42] Bavuga na none ko uwo muryango wari inshuti za Hakizimana Yves, ko rero ari ibisanzwe kuba M.S. yamenya ibiri mu cyumba cye kuko mu kwisanzurana n'uwo muryango yashoboraga

7 Iyo ngingo iteganya ko: "Ubuhamya ni ibivugwa mu rukiko bivuzwe n'umuntu wabibonye cyangwa wabyumvise ubwe ku byerekeye ikiburanwa".

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kwinjiramo, ko yari no kubibwirwa na se kuko yakundaga kuza iwe na mukuru wa M.S. bari inshuti, baza gushwana ari nabwo bahise bamurega, ndetse n'iyoyafuraga imyenda bayanikaga hanze ku buryo bashoboraga kuyibona, ko rero hari gukorwa inyandiko y'ubuyobozi igaragaza uko icyumba cyegisa kuko amashuka na couvrev-lit bavuga ko byari iwe, biba ahantu hose. [43] Hakizimana Yves n'umwunganira bavuga na none ko Urukiko rwirengagije raporo ya muganga rwemeza ko ivuga ko M.S. yasambanyijwe kandi ibizamini byose yakorewe nta kidasanzwe byagaragajwe (negatif cy'normal), nta n'igikomere afite ku gitsina, ko n'ibyo rwavuze ko muganga yakoraga ku gitsina cy'umwana akababara ntaho yabyemeje muri raporo yakozwe, naho kuba mu gitsina cyegisharavagamo ibintu by'umweru binuka bikaba byari gutuma bamupima nawe bakareba ko ari amasohoro ye, dore ko byari byoroshye kubona ibimenyetso kuko muganga yavuze ko umwana atigeze akaraba, bityo ko bitari bihagije kwemeza ko ari Hakizimana Yves wamusambanyije, kuko amasaha bavuga yasambanyijweho batari kumwe, kandi nta wamubonye amusambanya, ko kandi itariki iri kuri raporo ya muganga igaragaza ko yavutse kuri 31/10/2021. [44] Bavuga kandi ko kuba umwana adafite akarangabusugi bitavuze ko byatewe no gusambanywa kuko hari ibindi abahanga bavuga byagakuraho (siporo, kwishima, gutwara igare, imiterere y'aho utuye, kugendera ku ifarashi...)8 kandi muganga akaba ataragaragajwe icyabiteye, ndetse umwana akaba yarapimiwe igihe ku buryo hatari kubura ibimenyetso bimara impaka, nk'ibikomere, amasohoro n'ibindi byari gushingirwaho hemezwa ko yasambanyijwe; ko ikindi kigaragaza ko katakuweho no gusambanywa ari uko muri raporo ya muganga kuri Point yiswe: injury muganga yagaragajwe ko ari normal, bivuze ko nta gikomere yasanze mu gitsina cyegye, ko ndetse basabye ko bombi bapimwe DNA mu gihe ibimenyetso byari bitarasibangana ntibyakorwa, ko kandi muganga atari kubona ko umwana yasambanyijwe ngo areke kubivuga mu mwanzuro we. [45] Basanga Urukiko rw'Ubujurire rwashingira kuri byo byose rukemeza ko ari umwere hashingiwe ku ngingo ya 111 y'Itegeko N°027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha, ku murongo watanze mu rubanza RPAA0022/13/CS rwaciye ku wa 24/02/2017, haburana Ubushinjacyaha na Havugimana Viateur9, no ku byasobanuwe n'abahanga bavuze ko Umucamanza ariwe wemeza ko uregwa ari umwere mu gihe icyaha kitagaragaye neza10. [46] Uhagarariye Ubushinjacyaha avuga ko ibyo M.S. yabwiye nyina ko Hakizimana Yves yamusambanyije bitakwitwa ibinyoma kuko byari bimaze kumenyekana ko amusambanya ndetse uyu mwana akaba yarabisobanuye neza abazwa mu Bugenzacyaha, aho yavuze imiterere y'icyumba cya Hakizimana Yves kandi uyu akaba atarigeze abihakana, akavuga gusa ko uwamubwiye imiterere y'icyumba cyegye ari se, ariko ntiyagaragaza igihe se wa M.S. yaharyamiye, byumvikana ko uko umwana yabivuze ariko icyumba kimeze, akaba yaranavuze imiterere y'igitsina cyegye kandi nawe arabiyemera ariko ntiyasobanuye uburyo uwo mwana yabimenye. [47] Uhagarariye Ubushinjacyaha avuga na none ko ubuhamya bwa Uwimana Clarisse nta cyatuma budashingirwaho kuko yavuze ibyo yabwiye na Gihozo Ange ko Hakimana Yves asambanya M.S., bishimangirwa n'imvugo za M.S. n'ibindi bimenyetso, naho Hakiza bavuga wamuhaye amakuru akaba yarabaga hafi y'aho Hakizimana Yves yari atuye ariko akaba atarashoboye kuboneka ngo abazwe kuko nyuma yaje kujya i Kigali, ko rero kuba yaramuhaye amakuru na Gihozo Ange akabimubwira, nta gushidikanya biteye, ubuhamya bwe bukaba

bugomba guhabwa agaciro

8 Abishingira ku nyandiko y'umuhanga witwa Louise Morales-Brown 9 Muri urwo rubanza Urukiko rw'Ikirenga rwasobanuye ko: “mu gihe ibimenyetso biri muri dosiye bidashoboye gutuma Urukiko ruhamya nta shiti ko hari isano iri hagati y'imyitwarire y'uregwa n'imikorere y'icyaha akurikiranyweho, uregwa agomba kugirwa umwere nk'uko biteganywa n'itegeko”. 10 Abishingira ku nyandiko y'umuhanga mu mategeko Prof. RAPHAËL NYABIRUNGU MWENE SONGA Professeur Émérite et Doyen Honoraire de la Faculté de Droit de l'Université de Kinshasa et Avocat près la Cour de cassation et le conseil d'Etat, mu gitabo cye yise “TRAITÉ DE DROIT PÉNAL GÉNÉRAL

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hashingiwe ku murongo watanzwe mu rubanza RPA00032/2022/CA11, kandi nta n'icyamubuza gutanga ubuhamya n'ubwo ari nyina wabo wa M.S. hashingiwe ku ngingo ya 51 y'Itegeko N°062/2024 ryo ku wa 20/06/2024 rigenga ibimenyetso¹² no ku murongo watanzwe mu rubanza N° RPAA00623/2021/CA13. [48] Ku bijyanye n'ubuhamya bwa Gihozo Ange, Uhagarariye Ubushinjacyaha avuga ko ntaho bugaragara mu manza zaciwe, uretse ko Uwimana Clarisse yemeza ko ariwe wamubwiye ko Hakizimana Yves asambanya M.S. kandi byaje kugaragara ko ari ukuri, ko rero ubuhamya bwashingiweho butavuguruzanya ahubwo bwuzuzanya kuko buri wese yagiye avuga ibyo yabonye n'ibyo yumvise, ko n'ubwo M.S. na Gihozo Ange badahuriza ku masaha yaviriye ku ishuri ariko bahuriza ku kuba ku wa 24/06/2021 M.S. atarize ko kandi yari ari kwa Kizimana Yves, ko rero Gihozo Ange yahaye nyina wa M.S. amakuru ko ari kwa Hakizimana Yves, kuko ngo iyo babaga bagiye kuzuza form mu biro bya Hakizimana Yves abandi basohokaga M.S. agasigaramo akaza nyuma, ubundi agakunda kujya mu biro bye avuga ko ajyanye nimeru y'irangamuntu, nimeru ya telefone cyangwa gukosoza imyaka ye, kandi ko kuba batarahuje ibisubizo ku bibazo birimo n'amanota M.S. yagize, ntibigaragaza umugambi wo kumubeshyera kuko hatagaragazwa uko uwo mugambi wateguwe, ibyo kudahuza ku tuntu duto rero bikaba bitagaragaza akagambane kateguwe hashingiwe ku murongo watanzwe mu rubanza RPAA00450/2023/CA. [49] Ku birebana na raporo ya muganga, avuga ko mubyo yagaragaje harimo ko intoki 3 zashoboraga kwinjira mu gitsina cy'umwana, ko uwakoraga ku gitsina cye yababaraga (tenderness /very painful), n'akarangabusugi karacitse (Hymen Perforated), no mu gitsina havagamo ibintu by'umweru binuka (Discharge: foul smell vaginal discharge (whitish), bigaragaza ko Urukiko rwashingiye ku byanditse mu cyemezo cya muganga, kandi ko ibyagaragajwe na muganga byatewe n'uko umwana yasambanyijwe na Hakizimana Yves, kuko nta wundi muntu yavuze nta n'ubundi burwayi yari asanganwe, naho kuba Hakizimana Yves atarahise apimwa bikaba byaratewe n'uko icyaha cyakozwe ku wa 24/06/2021 agafatwa ku wa 25/06/2021, bivuze ko niyo apimwa nta kimenyetso cyari kuboneka ku mubiri we kuko yari yoze bikaba binagoranye kubona ikimenyetso ku gitsina gabo, ko rero asanga nta kindi cyangije akarangabusugi ka M.S. kitari ukuba yarasambanyijwe na Hakizimana Yves. [50] Uhagarariye Ubushinjacyaha avuga kandi ko Ubugenzacyaha bwari bwabaye ko hafatwa Vaginal swaps kugira ngo barebe niba hari amasohoro ari mu gitsina cy'uwo mwana yazifashishwa mu gupima DNA zari guhuzwa n'uregwa, ariko muganga wamusuzumye akaba ataragaragaje ko ari

amasohoro, nta n'ikigaragaza ko ibyo bintu binuka muganga yabonye yabifashe bikabikwa, ariko ko n'ubwo bitakozwe hari ibindi raporo yagaragaje, bityo kuba ibyo bintu bitarapimwe ngo bihuzwe na Hakizimana Yves bikaba bitaba ishingiro ry'uko M.S. atasambanyijwe, ahubwo hashingirwa ku bindi bimenyetso ndetse n'ibyo muganga yiboneye ku gitsina cy'uwo mwana no ku biteganywa n'ingingo ya 108 y'Itegeko N°027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha¹⁴, Urukiko rukemeza ko impamvu z'ubujurire bwa Hakizimana Yves nta n'imwe ifite ishingiro, hakagumaho imikirize y'urubanza rwajuririwe. UKO URUKIKO RUBIBONA

11 Urukiko rwasobanuye ko umutangabuhamya avuga ibyo yiboneye cyangwa ibyo yumvise. 12 Iteganya ko Umuntu wese ashobora gutanga ubuhamya imbere y'urwego rufite ububasha, keretse umuntu ufatwa nk'udashobora kuba umutangabuhamya. 13 Urukiko rwasobanuye ko kuba umutangabuhamya afitanye isano n'uwahohotewe cyangwa ari uwahohotewe ubwe, ubwabyo ntibitesha agaciro ubuhamya. 14 Iyo ngingo iteganya ko: "iteganya ko: "Ibimenyetso bishobora gushingira ku mpamvu zose z'ibyabaye n'ibyemejwe n'amategeko, ababuranyi bapfa kuba barabigiyeho impaka. Urukiko ruhamya ku buryo butavuguruzwa ko ibimenyetso byose bishinja cyangwa bishinjura ari byo kandi bishobora kwemerwa",

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[51] Impaka kuri iki kibazo zishingiye ku kumenya niba Urukiko rwarashingiye ku buhamya bw'ibinyoma burimo gushidikanya no kugenekereza, rukanirengagiza ibyagaragajwe na raporo ya muganga. [52] Ikibazo kirebana n'ibimenyetso mu manza n'itangwa ryabyo, cyasesenguwe mu rubanza RPAA00692/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 20/01/2023, haburana Ubushinjacyaha na Ndayishimiye Jean Damascène, Urukiko rusobanura ko mu manza nshinjabyaha, ibimenyetso byose bishobora gushingirwaho mu gihe bigaragaza ukuri kw'ibyabaye (principe de la liberté de la preuve en matière pénale) ababuranyi bakaba barahawe uburyo bwo kuhaba ngo banyomozanye, kandi ko Urukiko arirwo rwemeza ko ibyo bimenyetso bishobora kwemerwa. N'ubwo uyu murongo ushingiyeye ku isesengura ry'ingingo ya 119 y'Itegeko N° 15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo ryakurikizwaga urubanza rucibwa, ibyateganywaga n'iyi ngingo bihura n'ubundi n'ibiteganywa n'ingingo ya 87 y'Itegeko N°062/2024 ryo ku wa 20/06/2024 rigenga ibimenyetso rikurikizwa ubu¹⁵. [53] Nk'uko urubanza rwajuririwe rubigaragaza, Hakizimana Yves yahamijwe icyaha cyo gusambanya umwana hashingiwe ku mvugo za M.S., iza nyina, ubuhamya bwa Uwimana Clarisse na raporo ya muganga igaragaza ko ku gitsina cy'uwo mwana hababaraga, hashobora kwinjiramo intoki 3, havamo ibintu by'umweru binuka n'akarangabusugi karangiritse. [54] Ku bivugwa na Hakizimana Yves n'umwunganira ko imvugo za M.S ari ibinyoma, Urukiko rw'Ubujurire rurasanga nta shingiro bifite, kuko ukuri kw'ibyabaye mu mvugo ze kugaragarira mu kuba yarasobanuye ko yageze ku ishuri agasohoka mu kigo agahura na Hakizimana Yves, amujyana iwe aramusambanya, ntiyatahira rimwe n'abandi bana ababyeyi be baramubura, aho atahiye ababwira ko avuye kwa Hakizimana Yves kandi ko yamusambanyije, ibyo kuba yarageze ku ishuri agasohoka mu kigo bikaba byaremejwe

n'umwana biganaga witwa Gihozo Ange wavuze ko uwo munsu yageze ku ishuri ariko ntahagume kuko yamubwiye ko agiye kwa mwarimu Yves kuzana ikaramu, bigahuzwa n'uko Hakizimana Yves nawe yavuze ko uwo munsu yasohotse mu kigo agiye kuzana imiti, ibyo kuba uyu yarasohotse mu kigo bigashimangirwa n'ubuhamya bwa Maniraguha Protogène wemeje ko yagiye kumureba mu biro bye ntamubone bakamubwira ko yagiye hanze y'ikigo gufata akantu bamwoherereje. [55] Ku bijyanye n'ubuhamya bwa Uwimana Clarisse nabwo bavugaga ko butagombaga gushingirwaho kuko yavuze ibyo yabwiye, Urukiko rw'Ubujurire rurasanga nabyo nta shingiro bifite, kuko yasobanuye ko amakuru y'uko Hakizimana Yves asambanya M.S. yayahawe n'umwana we biganaga witwa Gihozo Ange wamubwiye ko uwo mwarimu yahamagaraga kenshi M.S. akamujyana mu biro bye, ko yanamujyanye mu gipangu abamo asangaye abantu amwicaza hanze akosora ikizamini, ibi bikaba bihura n'ibyo Hakizimana Yves yavuze abazwa ko uwo mwana yaje iwe ku wa 23/06/2021 ari mu kiruhuko cya saa sita azanye ikizamini cy'icyongereza ngo amufashe kugikosora, amufasha yicaye hanze hari n'abandi bantu, Uwimana Clarisse avugaga kandi ko ayo makuru yayahawe n'abantu babaga mu gipangu cy'aho Hakizimana Yves yari atuye barimo Hakiza uba i Kigali, bityo kuba kuba uwo mutangabuhamya yaravuze ibyo yumvise bikaba bitabuza ubuhamya bwe gushingirwaho kuko bushyigikiwe n'ibindi bimenyetso nk'uko byatanzweho umurongo mu rubanza RPAA/Gén 00002/2018/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 25/07/2023. [56] Ku bijyanye n'ubuhamya bwa Gihozo Ange bavugaga ko nabwo butashirwaho ngo kuko yabeshye nyina wa M.S. ko ari kwa Hakizimana Yves ariko yajyaye agasanga hakinze, kandi ko atamubonye yinjira iwe, Urukiko rw'Ubujurire rurasanga kuba Gihozo Ange atarabonye M.S. yinjira kwa Hakizimana Yves bitatuma ubuhamya bwe budashirwaho kuko yavuze ko M.S. yasohotse mu ishuri isaha yo gutaha itageze aragenda ntiyagaruka, bikaba byuzuzanya n'ibyavuzwe na M.S. ko

15 Iyo ngingo ivugaga ko mu rubanza nshinjabyaha ikimenyetso gishingira ku mpamvu zose z'ibyabaye n'ibyemejwe n'amategeko, ababuranyi bapfa kuba barahawe umwanya wo kubijyaho impaka.

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yasohotse mu kigo agiye iwabo kuzana ikayi ahura na Hakizimana Yves amujyana iwe, ndetse n'imvugo ya nyina wa M.S. wavuze ko isaha zo gutaha zageze M.S. we ntiyataha, abajije abana biganaga bamubwira ko atari mu kigo, kandi ko yavuye ku ishuri amasaha yo gutaha atageze. [57] Urukiko rw'Ubujurire rurasanga kandi imvugo za Gihozo Ange n'iza M.S. zitavuguruzanya kuko zose zihurira ku kuba M.S. uwo munsu yaragiye ku ishuri ahava isaha yo gutaha itageze kandi ntiyahita ajya iwabo, amasaha yo gutaha ageze abandi bana barataha we ntiyataha nyina atamubonye ajya kumushakisha, ageze ku gipangu Hakizimana Yves abamo asanga hakinze abura uko yinjiramo, kandi nk'uko byasobanuwe haruguru kuba nyina w'umwana yarasanze igipangu gikinze bikaba bitaba ikimenyetso kidashidikanywaho cy'uko Hakizimana Yves atageze iwe, ndetse no kuba Gihozo Ange avugaga ko Hakizimana Yves yamukopeje ikizamini cy'icyongereza kandi cyari cyaramaze gukorwa nabyo bitabuza imvugo zabo gushingirwaho kuko kuba zidahura ku tuntu duto harimo n'amasaha M.S. yaviriye ku ishuri, bitatuma ziteshwa

agaciro cyane cyane ko ukuvuguruzanya kw'abatangabuhamya ku tuntu duto mu rubanza, bidatesha agaciro ireme ry'ubuhamya bwabo¹⁶. [58] Ku bijyanye n'imiburanire ya Hakizimana Yves n'umwunganira y'uko M.S. atari kuyoberwa uko icyumba cye gisa kuko yafuraga imyenda akayanika hanze, ko na se wa M.S. yakundaga kuza iwe na mukuru w'uwo mukobwa bari inshuti, Urukiko rw'Ubujurire rurasanga itahabwa agaciro, uko Hakizimana Yves n'ubwo avuga ko M.S. yashoboraga kugera mu cyumba cye, abazwa yivugiye ko uwo mwana atarinjira mu nzu ye, ko inshuro imwe yahageze yicaye hanze, kandi ntagaragaza ko uwo munsu yasanze ibyo araramo byanitse, akaba rero atavuguruza ibyavuzwe na M.S. ko yahageze inshuro nyinshi harimo iyo yagiye ataha atamusambanyije ubundi amuha urufunguzo ngo agende afungure we aza amusanga mu nzu kuko hari abantu; n'ibyo avuga ko imiterere y'icyumba cye yayibwiwe na se nabyo bikaba bitahabwa agaciro kuko nta kimenyetso abitangira, naho iby'uko hatakozwe inyandiko y'ubuyobozi igaragaza uko icyumba cye giteye, akaba atarigeze abiburanisha mu rubanza rujuririrwa, ahubwo akaba atabasha kuvuguruza ibimenyetso byashingiweho n'Urukiko Rukuru birimo kuba umwana yari azi imiterere y'icyumba cye, ndetse no kuba umwana yaravuze ko asiramuye nawe akaba ariko yabyemeje, ko rero nta bundi buryo yari kumenyamo imiterere y'igitsina cye. [59] Ku bijyanye na raporo ya muganga bavuga ko yirengagijwe ngo kandi itagaragaza ko umwana yasambanyijwe, ko n'ibyo Urukiko rwavuze ko muganga yakoraga ku gitsina cy'umwana akababara ntaho yabyemeje, Urukiko rw'ubujurire rurasanga bitahabwa ishingiye kuko raporo ya muganga yagaragaje ko iyo wakoraga ku gitsina cye yababaraga (tenderness /very painful), ko rero ibyo bimenyetso, ubihuje n'imvugo za M.S. umushinja kumusambanya, imvugo z'abatangabuhamya no kuba we ubwe yaravuze ko uwo munsu yasohotse mu kigo, byumvikana ko uko kubabara ku gitsina bifitanye isano n'igikorwa cyo gusambanywa cyakozwe na Hakizimana Yves, cyane cyane ko umwana yasuzumwe hakiri kare, kandi akaba nta wundi yavuze ko yamusambanyije. [60] Ku bijyanye n'ibintu by'umweru binuka muganga yagaragaje ko byavaga mu gitsina cya M.S. Hakizimana Yves n'umwunganira bavuga ko bitasuzumwe ngo harebwe ko ari amasohoro ye kandi yarasabye ko hapimwe DNA ngo hagaragazwe isano ibyo bintu byavaga mu gitsina cy'uwo mwana bifitanye nawe ariko ntibikorwe, Urukiko rw'Ubujurire rurasanga, n'ubwo icyo kizamini kitakozwe n'ubundi nta cyo byajyaga kugaragaza kuko M.S. abazwa mu Bugenzacyaha yavuze ko Hakizimana Yves yamusambanyije akoresheje agakingirizo, naho kuba raporo ya muganga igaragaza ko M.S. yavutse ku wa 31/10/2021 bigaragara ko ari ikosa ry'imyandikire ritayitesha agaciro kuko icyemezo cye cy'amavuko kiri muri dosiye kigaragaza ko yavutse ku wa 11/10/2006. [61] Ku bijyanye no kuba umwana adafite akarangabusugi, Hakizimana Yves n'umwunganira bakavuga ko katakuweho no gusambanywa, ko hari ibindi byagakuraho, ndetse ko nta gikomere muganga yasanze mu gitsina cye, Urukiko rw'Ubujurire rurasanga ibindi basobanura byatuma

¹⁶ Ibi ni nako byemejwe mu rubanza RPAA0117/07/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 17/07/2010 haburana Ubushinjacyaha na Sgt Biziyaremye na Cpl Ngabonziza (igika cya 14).

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umwana atakaza akarangabusugi, nta shingiro bifite kuko bireberwa hamwe n'ibindi bimenyetso muganga yasanze ku mwana birimo kuba ku gitsina cye harababaraga, kandi bakaba batavuguruza ibimenyetso bishyigikira raporo ya muganga bigizwe n'impurirane yo kuba umwana yarasohotse mu ishuri amujyana iwe, kuba nawe yarasohotse mu kigo amasaha yo gutaha ataragera no kuba muganga yarabonye ibyo bimenyetso bya vuba ku gitsina cye, naho ibyo bavuga ko nta gikomere muganga yagaragaje bikaba bitavuze ko umwana atasambanyijwe kuko yanagaragaje ko yakoraga ku gitsina cye akababara, naho kuba muganga ataremeje ko umwana yasambanyijwe bikaba bitaba inenge kuri raporo ye kuko ataribwo yasabwe gukora ahubwo yasabwe kugaragaza ibimenyetso yasanze ku mwana, Urukiko rukabihuza n'ibiri muri dosiye akaba ari rwo rwemeza ko umwana yasambanyijwe. [62] Hashingiwe ku byasobanuwe byose, Urukiko rw'Ubujurire rurasanga ubujurire bwa Hakizimana Yves nta shingiro bufite, akaba akwiye gukomeza guhanishwa igifungo cy'imyaka makumyabiri (20) yahanishijwe n'Urukiko Rukuru, Urugereko rwa Rwamagana ku cyaha cyo gusambanya umwana w'umunyeshuri w'imyaka cumi n'itanu (15) ashinzwe kurera kandi we ari umuntu mukuru ufite imyaka mirongo itatu n'umwe (31). III. ICYEMEZO CY'URUKIKO [63] Rwemeje ko ubujurire bwa Hakizimana Yves nta shingiro bufite ; [64] Rwemeje ko imikirize y'urubanza RPA01109/2022/HC/RWG rwaciye n'Urukiko Rukuru, Urugereko rwa Rwamagana ku wa 12/05/2023, idahindutse, Hakizimana Yves agakomeza guhanishwa igifungo cy'imyaka makumyabiri (20); [65] Rutegetse ko amagarama y'urubanza aherera ku Isanduku ya Leta kuko Hakizimana Yves yajuriye afunze, akaba asonewe kuyatanga.

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