

RWANDA / JUDGMENT

UBUSHINJACYAHA vs NIYONSABA ALIAS KING FIRE N'UNDI.

RPAA00416/2024/CA

COURT

Court of Appeal

DECIDED

17 April 2025

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UBUSHINJACYAHA vs NIYONSABA ALIAS KING FIRE N'UNDI.

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Text

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UBUSHINJACYAHA vs NIYONSABA ALIAS KING FIRE N'UNDI. [Rwanda URUKIKO RW'UBUJURIRE – RPAA00416/2024/CA (Rukundakuvuga, P.J.) 17 Mata 2025] Amategeko mpanabyaha – ubujurire bwa kabiri – impamvu nshya z'imiburanire mu bujurire bwa kabiri – Ntabwo umuburanyi yavuga ko yareganye ku mpamvu agaragaje bwa mbere mu bujurire bwa kabiri kandi atarigeze azigaragaza mu nkiko z'abanje. Amategeko agenga ibimenyetso – ibimenyetso bya gihanga – Nta kosa Urukiko ruba rukoze rushingiye ku bimenyetso bya gihanga kandi umuburanyi adashobora kubivuguruzwa. Incamake y'ikibazo: Uru rubanza rwatangiye Iranzi atanga ikirego mu Bugenzacyaha asaba ko bwakurikirana Niyonsaba Alias KING Fire kuba yaramusambanyirije umwana. Nyuma y'iperereza dosiye yashyikirijwe Ubushinjacyaha nabwo bumurega mu Rukiko Rwisumbuye rwa Rusizi bumukurikiranyeho icyaha cyo gusambanya umwana utaruzuzwa imyaka 14 y'amavuko, bumusabira igifungo cya burundu. Niyonsaba Alias King Fire yaburanye ahakana icyaha. Urukiko mu rubanza RP00346/2020/TGI/RSZ, rwasanze Niyonsaba alias King Fire ahamwa n'icyaha cyo gusambanya I.P; rumuhanisha igifungo cya

burundu, rushingiye ku imvugo z'abatangabuhamya harimo n'iyuwahohotewe, Raporo ya muganga ndtse na raporo ya Rwanda Forensic Laboratory yemeje ko amasohoro yasanze ku gitsina cy'umwana ari aya Niyonsaba alias King Fire. Naho Iranzi waregeye indishyi, Urukiko rutegeka ko yishyurwa izingana na Miliyoni eshatu (3,000,000Frws). Niyonsaba alias King Fire ntiyishimiye imikirize y'urwo rubanza, ajuririra Urukiko Rukuru/Urugereko rwa Rusizi avuga ko yiyemeje kwemera icyaha mu bujurire akaba asaba kugabanyirizwa igihano, ariko mu gihe cy'iburanisha yisubiraho avuga ko icyaha cyo gusambanya umwana aregwa kitabayeho ahubwo abamurega bamuhimbiye ibimenyetso bigaragaza ko hari masohoro ye mu myenda y'umwana. Urukiko mu rubanza RPA00024/2022/HC/RSZ rwasanze n'ubwo Niyonsaba alias King Fire ahakana icyaha ariko yarakemeye mu mwanzuro w'ubujurire, ko kuba yarageze mu iburanisha akisubiraho akagihakana bidakuraho ko yari yiyemereye mu nyandiko ko yasambanyije I.P. Rwasanze ariko n'ubwo atemera icyaha yagabanyirizwa ibihano hashingiwe ku zindi mpamvu nyoroshyacyaha, rumuhanisha igifungo cy'imyaka makumyabiri n'itanu (25), rwemeza ko nta gihindutse ku bigendanye n'indishyi kuko zitajuririwe. Niyonsaba Alias King Fire yongeye kujurira mu Rukiko rw'Ubujurire, avuga ko Inkiko zibanza zamuhamije icyaha atakoze cyo gusambanya I.P nta bimenyetso zishingiyeho. Asaba ko yarenganurwa kuko harimo gushidikanya. uregera indishyi, Iranzi Olive mu izina ry'umwana we I.P yasabye Urukiko kutagira icyo ruhindura ku ndishyi za miriyoni eshatu (3 000 000frw) zagenwe mu nkiko zibanza. Uhagarariye Ubushinjacyaha avuga ko impamvu z'ubujurire za Niyonsaba nta shingiro zifite kuko ibimenyetso byose byashingiweho n'inkiko zombi mu kumuhamya icyaha cyo gusambanya umwana byerekana nta gushidikanya ko icyaha yahamijwe yagikoze. Urukiko mu rubanza RPAA00416/2024/CA, rwemeje ko ubujurire bwe nta shingiro bufite. Rutegeka uregwa kwisyura amafaranga y'igihembo cya avoka uregera indishyi. Incamake y'icyemezo: 1. Ntabwo umuburanyi yavugaga ko yarenganye ku mpamvu agaragaje bwa mbere mu bujurire bwa kabiri kandi atarigeze azigaragaza mu nkiko z'abanye. Bityo kuvugaga bwa mbere mu bujurire bwa kabiri ko haricyo upfa n'uwahohotewe, ntabwo byahabwaga ishingiro utarabivuze mbere.

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2. Nta kosa Urukiko ruba rukozwe rushingiye ku bimenyetso bya gihanga kandi umuburanyi adashobora kubivuguruzwa. Amategeko yashyigirweho: Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, Ingingo ya 111 Nta manza zifashishijwe. Urubanza. I. IMITERERE Y'URUBANZA [1] Kuwa 22/09/2020 mu masaha ya sa munani n'igice z'amanywa (14h30) ubwo imvura yari irimo kugwa ari nyinshi, umwana w'umukobwa witwa I. P1 yinjiye muri salon de coiffure y'uwitwa Niyonsaba François alias King Fire amuhamagaye ngo aze atware telephone nyina yasize ahacometse. Muri icyo nzu nta wundi muntu wari uri mu, ariko ku ruhande hakaba hari abantu babonye uwo mwana yinjiramo, maze babonye atinzemo kandi bisanzwe bivugwa ko, Niyonsaba François alias King Fire ajya asambanyirizamo abana, bagira impungenge z'uko uwo mwana nawe yaba yamusambanyije. Uwo mwana asohotse abari aho bamubajije icyo yamaragamo yanga kubabwira ariruka, bababwirira nyina witwa Iranzi Olive, amubajije icyo yamaragaye avugaga ko yagiye kugama King Fire

amujyana mu cyumba amuryamisha ku buriri amwambura imyenda aramusambanya amubuza gutaka, hanyuma amuha ibiceri 300 amubwira ko avuga ko ari sekuru wabimuhaye. [2] Kuwa 23/09/2020, Iranzi Olive yatanze ikirego mu Bugenzacyaha asaba ko bwakurikirana Niyonsaba François Alias KING Fire kuba yaramusambanyirije umwana. Kuwa 24/09/2025 Niyonsaba François Alias KING Fire yarafashwe ashikirizwa ubugenzacyaha. Nyuma y'iperereza Ubushinjacyaha bwamureze mu Rukiko Rwisumbuye rwa Rusizi bumukurikiranyeho icyaha cyo gusambanya umwana utaruzuzwa imyaka 14 y'amavuko, bumusabira igifungo cya burundu. Niyonsaba François Alias KING Fire yaburanye ahakana icyaha. [3] Mu rubanza RP00346/2020/TGI/RSZ, rwaciwe ku wa 19/01/2022, Urukiko Rwisumbuye rwa Rusizi rwasanze Niyonsaba François alias King Fire ahamwa n'icyaha cyo gusambanya I.P; rumuhanisha igifungo cya burundu, rushingiye ku mpamvu zikurikira : Imvugo z'umutangabuhamya Mukamazimpaka Anathalie wabonye umwana ari mu nzu wenyine hamwe n'uregwa akamubaza icyo umwana ahamara akamubwira ko yaje kwiyogoshesha; umwana yasohokamo akabona atogoshe; Imvugo z'umutangabuhamya Nayigiziki Bernard nawe uvuga ko yabonye uwo mwana asohoka mu nzu ndetse bamubaza icyo yamaragamo akiruka, bakihutira kumenyesha nyina aho umwana yari ari kandi uregwa akaba yari asanzwe akekwoho gusambanyiriza abana mu nzu yogosheramo; Imvugo za I.P wasambanyijwe wasobanuye ko King Fire yamusambanyije yarangiza akamuha 300frw ngo ataza kubivuga; Raporo ya muganga wasuzumye umwana akimara gusambanywa, igaragaza ko ku gitsina cye hariho udukomere dutoya, hari n'amasohoro yamugaragayeho, bigaragaza ko habayeho gusambanywa ariko hatabayeho ukwinjira ku igitsina cy'umugabo mu cy'umwana (Confirmed Occurrence of Sexual Intercourse without penetration, Child Sexual Abuse) ;

1 Izina ryahawe umwana wahohotewe kubwo kumurindira umutekano.

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Kuba raporo ya Rwanda Forensic Laboratory yaremeje ko amasohoro yasanze ku gitsina cy'umwana ari aya Niyonsaba François alias King Fire. [4] Muri urwo rubanza kandi Iranzi Olive waregeye indishyi mu izina ry'umwana we I. P, Urukiko mu bushishozi bwawo rwamugeneye indishyi zingana na Miliyoni eshatu (3,000,000Frws) zikubiyemo n'igihembo cy'Avoka. [5] Niyonsaba François alias King Fire ntiyishimiye imikirize y'urubanza, ajuririra Urukiko Rukuru/Urugereko rwa Rusizi avuga ko yiyemeje kwemera icyaha mu bujurire akaba asaba kugabanyirizwa igihano, ariko aza kwisubiraho igihe cy'iburanisha aburana avuga ko icyaha cyo gusambanya umwana aregwa kitabayeho, ko amaze kugezwa kuri RIB yasabye ko umwana yafatwa agapimwa, nyuma y'uko apimwe basanze umwana afite akarangabusugi; abamuregaga babonye bigenze gutyo, bifashishije Me Michel abafasha guhimba ibimenyetso by'uko baje kubona amasohoro mu myenda y'umwana. [6] Mu rubanza RPA00024/2022/HC/RSZ rwaciwe ku wa 30/05/2024, Urukiko Rukuru/Urugereko rwa Rusizi rwasanze n'ubwo Niyonsaba François Alias KING Fire ahakana icyaha ariko yarakemeye mu mwanzuro w'ubujurire, ko kuba yarageze mu iburanisha akisubiraho akagihakana bidakuraho ko yari yiyemereye mu nyandiko ko yasambanyije I.P., ko kandi ibimenyetso byashingiweho n'Urukiko Rwisumbuye rwa Rusizi nabyo

byemeza nta shiti ko icyaha ashinjwa kimuhama. Rwasanze ariko n'ubwo atemera icyaha yagabanyirizwa ibihano hashingiwe ku zindi mpamvu nyoroshyacyaha, rumuhanisha igifungo cy'imyaka makumyabiri n'itanu (25), rwemeza ko nta gihindutse ku bigendanye n'indishyi kuko zitajuririwe. [7] Niyonsaba François Alias King Fire yongeye kujurira mu Rukiko rw'Ubujurire, urubanza rwe ruhabwa RPAA00416/2024/CA, iburanisha mu ruhamye rishyirwa ku wa 03/04/2025. Uwo munsu ugeze Niyonsaba François Alias King Fire yitaba yunganiwe na Me Ndwaniye Pierre Claver, naho Ubushinjacyaha buhagarariwe na Habimana Jean Cabin, Umushinjacyaha ku rwego rw'Igihugu. [8] Mu bujurire bwe Niyonsaba François Alias King Fire avuga ko Inkiko zibanza zamuhamije icyaha atakoze cyo gusambaya I.P nta bimenyetso zishingiyeho bikimuhamya nta shiti. Asaba ko yarenganurwa kuko harimo gushidikanya kandi bikaba birengera ushinjwa. [9] Me Habanimfura Michel uhagarariye uregera indishyi, Iranzi Olive mu izina ry'umwana we I.P yasabye Urukiko kutagira icyo ruhindura ku ndishyi za miriyoni eshatu (3 000 000Frw) zagenwe mu nkiko zibanza, kuko uregwa atazijuririye. Asaba ko ariko zakwiyongeraho ibihumbi magana arindwi (700 000frw) y'igihembo cy'Avoka muri uru rubanza. [10] Uhagarariye Ubushinjacyaha avuga ko impamvu z'ubujurire za Niyonsaba François nta shingiro zifite kuko ibimenyetso byose byashingiyeho n'inkiko zombi mu kumuhamya icyaha cyo gusambanya umwana byerekana nta gushidikanya ko icyaha yahamijwe yagikoze. [11] Muri uru rubanza harasuzumwa ibibazo ibikurikira : Kumenya niba hari inenge ziri mu bimenyetso Urukiko rwashingiyeho ruhamya Niyonsaba François Alias King Fire, icyaha cyo gusambanya umwana. Ibyerekeye igihembo cya avoka wunganira uregera indishyi. II. ISESENGURA RY'IBIBAZO BIGIZE URUBANZA

- a. Kumenya niba hari inenge ziri mu bimenyetso Urukiko rwashingiyeho ruhamya Niyonsaba François Alias King Fire, icyaha cyo gusambanya umwana.

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[12] Niyonsaba François Alias King Fire avuga ko asaba kurenganurwa kuko Inkiko zibanza zamuhamije icyaha cyo gusambaya I.P nta bimenyetso zishingiyeho bikimuhamya nta shiti. Avuga ko Urukiko rwamuhamije icyaha rushingiye kuri raporo y'ikigo nderabuzima cya Ruvumbu igaragaza ko umwana yari afite amasohoro mu myenda ye, nyamara ibyo atari byo kuko Ibitaro bya Kibogora byo byemeje ko umwana atasambanyijwe kuko afite akarangabusugi, bityo akaba yibaza niba ikigo nderabuzima cyavuguruza ibitaro Bikuru. Avuga ko kuva mu Bugezacyaha yasabaga ko yajyanwa kwa muganga i Kigali gupimwa, ariko ngo yaje kujyanwayo bitinze nyuma y'amezi atatu hapimwa amasohoro ye wenyine uwo mwana adahari, ngo bavuga ko ayo masohoro ye bayahuza n'ari mu myenda y'umwana, ko ibyo by'amasohoro ntabyabayeho ari ibinyoma, ko yarinze akatirwa nta gikozwe bituma aharenganira. Akavuga ko asanga harirengagijwe ingingo ya 762 y'Itegeko N° 15/2004 ryo kuwa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo. [13] Niyonsaba François Alias King Fire avuga kandi ko Umwana abazwa mu Bugenzacyaha yavuze ko amafaranga 300 bivugwa ko ariwe wayamuhaye atari byo kuko uwo mwana yasobanuye ko yayahawe na nyirakuru akamutegeka kuvuga ko ari uregwa wayamuhaye. Asobanura ko impamvu bamubeshyera ari uko yabenze umukobwa wabo bakaba bari bafite impungenge ko azabishyuzwa inkwano ze yabahaye. Yongeraho ko ndetse hirengagijwe ko umunsi bavuga

yakoreyeho icyaha, ku isaha ivugwa, atari ahari yari yagiye kogosha aho bita mu Kirombozi, ikindi ngo ntiyari kurarikira umwana ungana atyo kandi aribwo yari akirongora. [14] Akomeza avuga ko mu Rukiko Rukuru/Urugereko rwa Rusizi bavuze ko yemeye icyaha nyamara atari byo, kuko ntacyo yigeze yemera, ari ukumubeshyera. Avuga ko Inkiko zibanza zirengagije ko gushidikanya birengera ushinjwa nk'uko biteganywa n'Ingingo ya 111 y'Itegeko N° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha, ko ndetse hirengagijwe n'umurongo watanzwe n'Urukiko rw'Ubujurire mu manza zitandukanye zirimo urubanza RPAA00329/2022/CA, rwaciwe kuwa 31/10/2023, haburana Ubushinjacyaha na Ndungutse Jean Claude bita KAWINGI, avuga ko muri urwo rubanza Uregwa yagizwe umweme kuko ibimenyetso byashyingiweho bitagaragazaga ku buryo budashidikanywaho ko yakoze icyaha. Asoza asaba ko yagirwa umweme kuko nta cyaha yakoze. [15] Me Ndwanaye Pierre Claver umwunganira we avuga ko Urukiko rwashingira kubyo uregwa yivugira by'uko nta cyaha yakoze ndetse ko n'ibya raporo ya Muganga we ntacyo yayivugaho kuko nayo uregwa atayemera. Agasaba ko Urukiko rwazashingira ku ngingo ya 2(b) y'itegeko N°059/2023 ryo kuwa 4/12/2023, rihindura itegeko N°068/2018 ryo kuwa 30/08/2018 riteganyaga ibyaha n'ibihano muri rusange, maze mu bushishozi bwarwo rukamugenera ibiteganywa n'amategeko, asaba ko hanashingirwa no ku murongo watanzwe mu rubanza RPAA00032/2019/CA, rwaciwe kuwa 28/02/2020 haburana ubushinjacyaha na Nzafashwanimana Jean de Dieu igika cya 18. [16] Uhagarariye Ubushinjacyaha avuga ko impamvu z'ubujurire za Niyonsaba François nta shingiro zifite kuko ibimenyetso byose byashyingiweho n'inkiko zombi mu kumuhamya icyaha cyo gusambanya umwana byerekana ko yagikoze kandi ibyo bimemyetso byose nta na kimwe yigeze abasha kuvuguruza haba mu gihe yaburanaga mu Nkiko zombi no muri uru Rukiko rw'Ubujurire. Ibyo bikaba binyuranyije n'ibiteganywa n'ingingo ya 1073 y'Itegeko N° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza nshinjabyaha nk'uko ryahinduwe kugeza ubu. Avuga ko kuba atemeranya n'Urukiko ku buryo rwasesenguye ibimenyetso rwashyikirijwe, ibyo bitakwitwa inenge iri mu rubanza.

2 Iyo ngingo igira iti: «Ubuhamya bw'abahanga ni ubugamije guha urukiko ibisobanuro bishingiye ku bumenyi kimwe n'umwanzuro urenze ubumenyi busanzwe bw'umucamanza mu kazi ke bitewe n'uko ibiburanwa bishingiye ku buhanga bwihariye». 3 Ingingo ya 107 y'Itegeko N° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha nk'uko ryahinduwe kugeza ubu iteganyaga ko: "iyi icyaha cyabonewe ibimenyetso bikigaragaza, ugukurikiranyweho cyangwa umwunganira ashobora kwerekana impamvu zose yireguza, zerekana ko ikirego kitakwemerwa, zihamya ko icyo aregwa atari icyaha cyangwa se ko ari umweme n'izindi mpamvu zose zivuguruza izimuhamya icyo cyaha. Uwajuriye akaba akwiye kugaragaza impamvu zigaragaza ko nta cyaha yakoze".

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[17] Uhagarariye Ubushinjacyaha kandi avuga ko urukiko ari rwo ruhamya ku buryo butavuguruzwa ko ibimenyetso byose biregura cyangwa biregura ari byo kandi bishobora kwemerwa. Kuba Urukiko rwarahaye agaciro ibimenyetso byatanzwe n'Ubushinjacyaha

bishingiye ku buhamya no kuri raporo z'abahanga, nta kosa rwakoze ahubwo ari ububasha ruhabwa n'Itegeko, ko rero atakagombye kuba avuga ko raporo ari impimbano kandi nawe yemera neza ko yapimwe ndetse n'amasohoro yasanze ku mwana agapimwa hakemezwa ko ahura n'aye. Ibyo bikaba byaratanze umurongo n'Urukiko rw'Ikirenga mu rubanza RPAA 0101/09/CS rwo kuwa 09/03/20124. UKO URUKIKO RUBIBONA [18] Kuri iki kibazo impaka zishingiye ku kumenya niba hari inenge ziri mu bimenyetso byashingiweho n'inkiko zibanza mu kwemeza ko Niyonsaba François Alias King Fire ahamywe n'icyaha cyo gusambanya umwana. [19] Icyaha Niyonsaba François Alias King Fire aregwa bivugwa ko cyakozwe ku wa 22/09/2020. Uwo munsu I.P yajyanwe ku bitaro bya Kibogora, maze raporo ya muganga yemeza ko ku gitsina cyeye hariho udukomere dutoya (small laceration observed), ko hafashwe ibipimo bizifashishwa mu gupima DNA (DNA sample done), maze yemeza ko uwo mwana yakoreweho ibikorwa by'imibonano mpuzabitsina bitarimo kwinjiza igitsina mu cyeye (confirmed occurrence of sexual intercourse without penetration). Ku wa 09/10/2020 abahanga ba RFL bapimye ibimenyetso byafashwe mu myanya ndangagistina ya I.P (Vaginal Swabs) byaturutse ku bitaro bya Kibogora maze bemeza ko harimo amasohoro. Muri raporo yabo bavugaga ko ibyo bimenyetso byafashwe kandi bikabikwa neza kugira ngo hazapimwe DNA. Mu gihe urubanza rwaburanishwaga ku rwego rwa mbere, bisabwe n'Urukiko, Ubushinjacyaha bwashyize abahanga ba RFL gupima Niyonsaba François Alias King Fire kugirango hasuzumwe niba hari isano riri hagati ye n'ibipimo byafashwe kuri I.P, maze muri raporo yabo yo ku wa 27/07/2021 bagaragaza ko ibyo bipimo bihura na DNA ya Niyonsaba François Alias King Fire. [20] Urukiko Rwisumbuye rwa Rusizi ndetse n'Urukiko Rukuru/Urugereko rwa Rusizi zishingiye kuri ibi bimenyetso by'abahanga ndetse no ku bindi bimenyetso birimo imvugo z'abatangabuhamya zahamije Niyonsaba François Alias King Fire icyaha cyo gusambanya umwana I.P. Uru Rukiko rusanga nta kosa izi Nkiko zakozwe kuko ibi bimenyetso by'abahanga bigaragaza nta shiti ko Niyonsaba François Alias King Fire ari we wasambanyije I.P, naho ibyo avugaga ko raporo ya RFL itashingirwaho kuko yasabye ko I.P yazanwa kwa muganga bagapimirwa hamwe, ntibikorwe, nta shingiro bifite kuko adahakana ko we yapimwe na RFL naho uyu mwana agapimwa n'ibitaro bya Kibogora kandi ko ibipimo byafashwe icyaha kikigikorwa aribyo byagereranyijwe n'ibye. Ibyo avugaga ko hari raporo yavuze ko umwana atasambanyijwe nabyo sibyo kuko muganga yagaragaje ko n'ubwo agifite akarangabusugi, ibizamini yakorewe byagaragaje ko yakoreweho ibikorwa byo guhuza ibitsina hatabayeho kukinjiza mu gitsina cyeye. [21] Ku bijyanye n'ibyo Niyonsaba François Alias King Fire avugaga ko umwana abazwa mu Bugenzacyaha yavuze ko atari we wamuhaye amafaranga 300, ko yayahawe na nyirakuru akamutegeka kuvuga ko ari uregwa wayamuhaye, Urukiko rusanga ibyo avugaga atari ukuri kubera impamvu zikurikira : Ku wa 20/09/2020 mu kiganiro umwana I.P yagiranye n'uwitwaga Kalisa Brian umugenzacyaha wakoreraga kuri Isange One Stop Center ku bitaro bya Kibogora, yaravuze ati : « nagiye kugama imvura ahantu akorera ku gasalon anjyana mu cyumba anyambura imyenda aransambanya arangije ampereza amafaranga 300frw » ; Uyu mwana yasobanuriye nyina ko ayo mafaranga 300 ari uregwa wayamuhaye ariko amubwira ko aza kuvuga ko yayahawe na Sekuru.

4 Reba icyegeranyo cy'ibyemezo by'inkiko, igitabo N015, ukwakira 2012, p.38.

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- [22] Ku byerekeye impamvu ashingiraho yemeza ko bamubeshyera, akavuga ko yabenze umukobwa wabo bakaba bari bafite impungenge ko azabishyuzwa inkwano, no kuba umunsi bavugaga yakoreyeho icyaha, ku isaha ivugwa, atari ahari yari yagiye kogosha aho bita mu Kirombozi, uru Rukiko rusanga uretse kuba ibyo avugaga nta bimenyetso abitangira, n'iyi urebye mu manza zabanje ndetse no mu nyandiko mvugo y'ibazwa ry'uregwa agifatwa nta hantu na hamwe yigeze avugaga ikibazo cy'uko afite icyo apfa n'abamurega kijyanye no kuba yarababengeye umukobwa, ndetse ntaho yigeze avugaga ko atari ari ahakorewe icyaha. Ahubwo mu ibazwa rye mu Bugenzacyaha yivugiyeye ko umwana I.P yaje kugumana n'abandi bana, imvura ihise abo bana barataha hasigara I.P wenyine kuko yari ategereje telephone ya maman we kandi we akaba yari yagiye koga, asobanura ko avuyeyo ari bwo yamuhaye telephone arataha. Urukiko rusanga rero imvugo yiregura azizanye bwa mbere mu bujurire bwa Kabiri bityo akaba adashobora kunenga inkiko zabanje kuba zarirengagije impamvu atigeze aburanisha, ndetse uru Rukiko rusanga izo mvugo nta shingiro zifite kuko uretse no kuba nta bimenyetso azitangira, nta n'ubwo zivuguruzwa ibimenyetso bya gihanga inkiko zashingiyeho zimuhamya icyaha cyo gusambanya I.P. [23] Urukiko rw'Ubujurire rushingiye kuri ibi bisobanuro rurasanga nta kosa Urukiko Rukuru/Urugereko rwa Rusizi rwakoze mu kwemeza ko Niyonsaba François Alias King Fire ahamwe n'icyaha cyo gusambanya I. P w'imyaka 8, bityo ubujurire bwe bukaba nta shingiro bufite.
- b. Ibyerekeye igihembo cya avoka wunganira uregera indishyi. [24] Me Habanimfura Michel uhagarariye uregera indishyi, Iranzi Olive mu izina ry'umwana we I.P yasabye Urukiko kutagira icyo ruhindura ku ndishyi za miriyoni eshatu (3,000,000frw) zagenwe mu nkiko zibanza, kuko uregwa atazijuririyeye. Asaba ko ariko zakwiyongeraho ibihumbi magana arindwi (700,000frw) y'igihembo cy'Avoka muri uru rubanza. [25] Niyonsaba François Alias King Fire n'umwunganizi we bo bavugaga ko nta ndishyi zigomba gutangwa kuko nta cyaha yakozwe, ikindi kandi avugaga ko nta bushobozi afite, ko n'inzu yabagamo yayirihirwaga na compassion. Bityo ko mu gihe Urukiko rwabibona ukundi rwakoresha ubushishozi bwawo. UKO URUKIKO RUBIBONA [26] Ingingo ya 111 y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezambano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi yemerera umuburanyi kwishyura uwatsinzwe amafaranga y'ikurikiranarubanza agamije kugaruza ibyakoreshejwe mu rubanza. [27] Niyonsaba François Alias King Fire ni we wajuriye muri uru Rukiko asaba kugirwa umwere ariko mu bujurire bwe ntiyagira icyo avugaga ku ndishyi yaciwe. Iranzi Olive waregeye indishyi mu izina ry'umwana we wahohotewe yaje mu rubanza mu bujurire mu rwego rwo gukurikirana urubanza, anashaka Avoka umuburanira. [28] Urukiko rurasanga iyo Niyonsaba François Alias King Fire atajurira Iranzi Olive atari kwiriwa ashaka umwavoka wo kumuhagararira, bityo kuba ubujurire bwe nta shingiro bwahawe nk'uko byasobanuwe haruguru, akaba agomba kwishyura amafaranga y'igihembo cya avoka waburaniye uregera indishyi kuri uru rwego. Rusanga ariko ibihumbi magana arindwi (700,000Frw) uregera indishyi asaba ari

umurengera, bityo mu bushishozi bw'Urukiko akaba agenewe ibihumbi magana atanu (500,000frw) kuri uru rwego. III. ICYEMEZO CY'URUKIKO [29] Rwemeje ko ubujurire bwa Niyonsaba François Alias King Fire nta shingiro bufite ;

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[30] Rwemeje ko urubanza RPA00024/2022/HC/RSZ rwaciwe ku wa 30/05/2024 n'Urukiko Rukuru/Urugereko rwa Rusizi rugumanye agaciro karwo ; [31] Rutegetse Niyonsaba François Alias King Fire kwishyura Iranzi Olive waregeye indishyi mu izina ry'umwana we wahohotwe amafaranga ibihumbi magana atanu (500,000Frw) y'igihembo cya Avoka kuri uru rwego, yiyongera kuri miliyoni eshatu (3,000,000Frw) yari yagenewe mu rubanza rujuririrwa ; [32] Rutegetse ko Niyonsaba François Alias King Fire asonewe amagarama y'urubanza kuko aburana afunze.

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