

RWANDA / JUDGMENT

UBUSHINJACYAHA v MUSAFIRI

RPAA 00088/2024/CA

COURT

Court of Appeal

DECIDED

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UBUSHINJACYAHA v MUSAFIRI

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Text

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UBUSHINJACYAHA v MUSAFIRI [Rwanda URUKIKO RW'UBUJURIRE - RPAA 00088/2024/CA (Kanyange, P.J.) 24 Ukwakira 2025] Amategeko agenga imiburanishirize y'imanza – Ubujurire - Ingingo iyo ariyo yose itanzwe nyuma y'ibihe ntarengwa byo kujurira, uretse iyuzuza cyangwa isobanura iyatanzwe mu bihe byemewe byo kujurira, ntigomba kwakirwa. Amategeko agenga imiburanishirize y'imanza – Ubujurire - Mu gihe urubanza rukiburanishwa nta gihe ntarengwa cyo gutanga umwanzuro w'inyongera mu gihe uwo mwanzuro wuzuza cyangwa usobanura mu buryo bwimbitse impamvu zikubiye mu mwanzuro watanze hubahirijwe ibihe by'ubujurire. Incamake y'ikibazo: Musafiri yasanze abana babiri baragiye hafi y'umurima we w'ibigori, afata umwe w'umukobwa amujyana hirya mu gashyamba kumusambanya aho yamushyiraga urutoki mu gitsina. Haje kuza abantu babiri barimo uwitwa Mukamparirwa, barabibona, Musafiri arafatwa atangira gukurikiranwa. Mu bugenzacyaha, yemeye ko yasambanyije uwo mwana w'imyaka 11 akoresheje urutoki ariko ageze mu Rukiko Rwisumbuye rwa Gasbo aho yashinjwaga icyaha cyo gusambanya umwana, aburana ahakana icyaha avuga ko bitewe n'uko yasanze abo bana bamwoneshereza akabahana, byababaje umubyeyi wabo amurega icyaha cyo gukubita no gukomeretsa, ubugenzacyaha buza kugihindura nawe bumuhatira kubyemera. Urukiko rwasanze

imvugo ze nta shingiro zifite hashingiwe ku buhamya n'ibimenyetso byagaragajwe, rusanga ahamwa n'icyaha cyo gusambanya umwana, rumuhanisha igihano cy'igifungo cya burundu. Ku wa 27/04/2020 yanditse ibaruwa ajurira, ayigeza ku buyobozi bw'Igororero irakirwa ariko ntiyatanga umwanzuro, ahubwo awutanga ku wa 11/12/2023 bikoze n'umwunganizi we, ubujurire bwe ntibwakirwa kuko yarengeje ibihe byo kujurira. Yaje kujurira icyo cyemezo mu Rukiko rw'Ubujujire ariko na none mu kujurira atanga ingingo z'amategeko ntiyazisobanura uretse kuvuga ko Urukiko rwirengagije ibiteganwa n'amategeko, nyuma umwunganizi we aza gutanga umwanzuro w'inyongera uzisobanura. N'ubwo ubushinjacyaha bwari bwatanze inzitizi yo kutakira ubwo bujirire, urukiko rwasanze nta shingiro ifite rushingiye ku murongo uvuga ko ko "mu gihe urubanza rukiburanishwa nta gihe ntarengwa cyo gutanga umwanzuro w'inyongera mu gihe uwo mwanzuro wuzuzwa cyangwa usobanura mu buryo bwimbitse impamvu zikubiye mu mwanzuro watanze hubahirijwe ibihe by'ubujurire." Hasuzumwa ikibazo cyo kumenya niba ubujurire bwa Musafiri Placide bwaragombaga kwakirwa mu Rukiko Rukuru. Uregwa avuga ko yatanze ubujurire ku gihe nyuma ariko kuko yanditse ibaruwa yo kujurira ariko kubera ibihe bya COVID ntiyatanga imyanzuro isobanura ubujurire bwe. Ubushinjacya busobanura ko, igihe uregwa yatanga ibaruwa avuga ko ajuriye, kopi y'urubanza yari muri IECMS bityo ko nta mpamvu yari gutegereza gutanga imyanzuro isobanura ubujurire bwe nyuma y'imyaka 3. Inshamake y'icyemezo: Ingingo iyo ariyo yose itanzwe nyuma y'ibihwe ntarengwa byo kujurira, uretse iyuzuzwa cyangwa isobanura iyatanze mu bihe byemewe byo kujurira, ntigomba kwakirwa.

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Ubujujire, nta shingiro bufite. Nta mategeko yashingiweho Imanza zifashishijwe: RCOMAA 00071/2017/SC, Mbuto Aimable na BRD Ltd rwaciwe n'Urukiko rw'Ikirenga ku wa 26/10/2018; RPAA 00599/2021/CA, Ubushinjacyaha na Dusabimana Victoire, rwaciwe n'Urukiko rw'Ubujujire ku wa 17/03/2023; RPAA 00159/2024/CA, Ubushinjacyaha na Habimana Valens. rwaciwe n'Urukiko rw'Ubujujire ku wa 17/04/2025 Urubanza I. IMITERERE Y'URUBANZA [1] Uwifashije Immaculée yatanze ikirego mu Bugenzacyaha avuga ko ku wa 26/10/2018 Musafiri Placide yasambanyije umwana we w'umukobwa wari ufite imyaka cumi n'umwe (11) y'amavuko witwa M.S.1, asobanura ko uwo mwana yababwiye ko Musafiri Placide yamusanze aragiranye n'undi mwana, yitwaza ko bamwoneshereje abajyana mu ishyamba avuga ko agiye kubereka aho baragira, aza kubwira uwo mwana wundi ngo aje gutanga ihene zitona naho we amujyana mu gashyamba, akajya amushyira intoki mu gitsina, anamubwira ngo ashyushye igitsina cye kugeza arangije, aza gutabarwa na Mukamparirwa Françoise wari uhanyuze, haza n'undi mugabo bahita bajya kumufata aho yatemaga inkwi, atangira gukurikiranwa. [2] Nyuma y'iperereza, Ubushinjacyaha bwareze Musafiri Placide mu Rukiko Rwisumbuye rwa Gasabo bumukurikiranyeho icyaha cyo gusambanya umwana, bushingiye ku kuba mu Bugenzacyaha yaremeye ko yasambanyije M.S. akoresheje urutoki, ku mvugo y'uwo mwana n'imvugo z'abatangabuhamya, bumusabira igifungo cya burundu. [3] Mu wiregura, Musafiri Placide yahakanye icyaha, avuga ko yasanze abana baragiye ihene zamwoneye ibigori arabahana, nyina wa M.S. ntiyishimira igihano yamuhaye bituma amurega icyaha cyo gukubita no gukomeretsa ariko nyuma bagihindura icyo gusambanya

umwana, ko ibyo yavugiye mu Bugenzacyaha yabitewe n'agahato yashyizweho, kandi ko icyo yemeye ari uko yamukubise, ndetse ko atemera ubuhamya bwa Mukamparirwa Françoise kuko bashyingiranye n'iwabo w'uwo mwana, anasaba ko hasuzumwa neza uburyo raporo ya muganga yakozwe. [4] Mu rubanza N°RP 00896/2018/TGI/GSBO rwaciwe ku 23/04/2020, Urukiko rwemeje ko Musafiri Placide ahamwa n'icyaha cyo gusambanya umwana, rushingiye ku bimenyetso birimo imvugo z'uwo mwana wasobanuye uburyo yamusambanyije, zihura n'iza Musafiri Placide yakoreye mu Bugenzacyaha aho yavuze ko yasanze abana baragiye ihene zamwoneye ibigori arabahana, asigarana na M.S. amushyira urutoki mu gitsina agamije kumusambanya ariko ntirwinjiramo cyane, ndetse bigahura n'ibyo raporo ya muganga yagaragaje ko hari ibimenyetso

1 Izina ryahinwe kubera ko ari umwana

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bigaragaza ko M.S. yababaye mu gitsina bitewe n'uwashatse kumusambanya akoresheje intoki (probable tentative de viol sexuel sans pénétration avec léger traumatisme vaginal par les doigts), rumuhanisha igifungo cya burundu. [5] Musafiri Placide yajuririye urwo rubanza mu Rukiko Rukuru, avuga ko Urukiko rwa mbere rwashingiye ku mvugo z'abatangabuhamya zivuguruzanya na raporo ya muganga irimo gushidikanya, habaho kugenekereza no kwica amategeko, ko hanashingiwe kubyo yemeye mu Bugenzacyaha kandi yarabitewe n'agahato yashyizweho. [6] Ubushinjacyaha bwatanze inzitizi yo kutakira ubwo bujirire kuko bwatanze igihe giteganywa n'amategeko cyararenze, bitewe n'uko urubanza yajuririye rwaciwe ku wa 23/04/2020 arujuririra ku wa 27/04/2020 ariko ntiyatanga umwanzuro, ahubwo awutanga ku wa 11/12/2023 bikozwe n'umwunganizi we. [7] Musafiri Placide yasubije kuri iyo nzitizi avuga ko kutajurira mu gihe giteganywa n'amategeko byatewe n'uko mu Igororero abarizwamo bajurira bahereye igihe bamenyesherejwe ko kopi y'urubanza yageze muri IECMS. [8] Mu rubanza N°RPA 00606/2020/HC/KIG rwaciwe ku wa 18/01/2024, Urukiko rwasanze nta bimenyetso Musafiri Placide atanga bishyigikira imvugo ye y'uko aho bari mu Igororero bajurira bahereye ku munsu bamenyesherejwe ko kopi y'urubanza yageze muri system ya IECMS, kandi buri muburanyi agomba kugaragaza ukuri kw'ibyo aburana nk'uko biteganywa n'ingingo ya 3 y'Itegeko N°15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo, maze rwemeza ko ikirego cye cy'ubujirire kitakiriwe kuko yagitanze igihe amategeko ateganywa cyo kujurira cyararenze. [9] Musafiri Placide yajuririye Urukiko rw'Ubujirire, urubanza rwandikwa kuri No RPAA 00088/2024/CA, ruburanishwa mu ruhamwe ku wa 09/10/20252 yunganiwe na Me Uwizeyimana Vénuste, Ubushinjacyaha buhagarariwe na Uwanziga Lydia, Umushinjacyaha ku rwego rw'Igihugu. [10] Mu myanzuro y'ubujirire no mu miburanire, Musafiri Placide n'umwunganira banenga ibimenyetso byashingiweho mu rubanza rujuririrwa, bakanavuga ko habayeho kugenekereza n'iyicwa ry'amategeko mu buryo bukomeye, ko ubujirire bwe bwagombaga kwakirwa kuko kuba yatanze impamvu z'ubujirire akereye byatewe n'ibihe bya Covid-19, ko kandi n'ubwo mu mwanzuro yatanze ajurira atasobanuye neza ibirebana n'ubujirire bwe mu Rukiko Rukuru, byasobanuwe mu mwanzuro w'inyongera watanze n'umwunganizi we. [11] Uhagarariye Ubushinjacyaha avuga ko Musafiri Placide yajuririye ibijyanye n'imizi y'urubanza kandi atari byo byasuzumwe mu rubanza ajuririra kuko hasuzumwe ibirebana

n'iyakirwa ry'ubujurire bwe, ko kandi bigoye kuvuga ko icyo kibazo cyasobanuwe mu mwanzuro w'inyongera watanzwe n'umwunganizi we, kuko mu bujurire bwa Musafiri yavuze gusa ingingo y'itegeko irebana n'ubujurire. [12] Urukiko rwafashe icyemezo ko hazabanza gusuzumwa niba umwanzuro w'inyongera watanzwe n'umwunganizi wa Musafiri Placide wuzuza cyangwa usobanura uwatanzwe mbere,

2 Rwabanje kujya rwimurwa ku mpamvu zitandukanye

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rwasanga uwuzuza cyangwa uwusobanura rukabona gusuzuma niba ubujurire bwa Musafiri bwaragombaga kwakirwa mu Rukiko Rukuru. II. ISESENGURA RY'IBIBAZO BIGIZE URUBANZA 1) Kumenya niba umwanzuro w'inyongera watanzwe n'umwunganizi nyuma y'ibihe by'ubujurire wuzuza cyangwa usobanura umwanzuro watanzwe na Musafiri Placide ajurira [13] Uhagarariye Ubushinjacyaha avuga ko Musafiri Placide yajuriye anenga ibimenyetso Urukiko rwashingiyeho rumuhamya icyaha, no kuba hatarakozwe iperereza, kandi izo mpamvu zitarasuzumwe mu rubanza ajuririra, bitewe n'uko Urukiko rutinjiye mu mizi y'ikiburanwa kubera ko rwasanze yarajuriye atubahirije ibiteganywa n'ingingo ya 183 y'Itegeko N° 027/2019 ryo ku wa 19/09/2019 ryavuzwe haruguru, kuko yajuriye ntiyatanga ingingo z'ubujurire mu gihe giteganywa n'amategeko, azitanga impitagihe, bityo ko ari byo yagombaga kujuririra, agasobanura impamvu yatumye ajurira akerewe. [14] Avuga kandi ko atakwitwaza ko atari umunyamategeko kuko abajurira bose atari abanyamategeko, ko kandi n'ubwo mu mwanzuro yatanze ajurira yavuzemo ingingo ya 181 y'Itegeko N° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha, atasobanuye icyishwe icyo aricyo, ko rero ntawamenya icyo yashatse kuyivugisha n'ubwo koko ivuga iby'ibihe by'ubujurire, naho umwanzuro w'inyongera ukaba waragombaga kuza usobanura ibyo yavuze ajurira, kandi yawutanze haciyeho igihe kinini cyane, ko rero kuba atagaragaza inenge ziri mu rubanza ajuririra, ubujurire bwe bwakwagirwa ariko Urukiko rukemeza ko nta shingiro bufite nk'uko byatanzweho umurongo mu mu rubanza N° RPAA 00194/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/07/2022 haburana Ubushinjacyaha na Ndayishimiye Emmanuel alias Shema. [15] Musafiri Placide n'umwunganira bavuga ko ibivugwa n'Ubushinjacyaha nta shingiro bifite, kuko n'ubwo mu mwanzuro yatanze mbere atasobanuye neza impamvu z'ubujurire bitewe n'uko adasobanukiwe iby'amategeko, mu mwanzuro w'inyongera watanzwe n'umwunganira usobanura kandi wuzuza impamvu Musafiri Placide yatanze ajurira, yagaragaje ko ubujurire bwe bwagombaga kwakirwa, asobanura ingingo ya 181 y'Itegeko N° 027/2019 ryo ku wa 19/09/2019 ryavuzwe haruguru, Musafiri Placide yagaragaje ajurira, agaragaza ko mu Rukiko Rukuru yari yajuriye yubahirije ibihe biteganywa n'amategeko, kandi ko yajuririyemo urubanza mu ngingo zarwo zose. Naho urubanza N° RPAA 00194/2021/CA, ubushinjacyaha buvuga, rukaba rudahuye n'uru kuko Urukiko rw'Ubujurire rwasanze Ndayishimiye Emmanuel alias Shema waruburanyemo ntacyo anenga imanza zabanje kubera ko yatangiye kuburana ahakana icyaha ageze mu bujurire aracyemera. UKO URUKIKO RUBIBONA [16] Impaka kuri iki kibazo zishingiye ku kumenya niba imyanzuro y'inyongera yatanzwe n'umwunganizi nyuma y'ibihe by'ubujurire yuzuza cyangwa isobanura umwanzuro w'ubujurire Musafiri Placide yatanze.

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- [17] Ikibazo cy'agaciro gahabwa imyanzuro y'inyongera yatanzwe nyuma y'igihe cyo kujurira cyemewe n'amategeko, cyasesenguwe n'Urukiko rw'Ubujurire mu rubanza rubanziriza urundi N°RPAA 00599/2021/CA rwaciwe ku wa 17/03/2023 haburana Ubushinjacyaha na Dusabimana Victoire³, Urukiko rusobanura ko mu gihe urubanza rukiburanishwa nta gihe ntarengwa cyo gutanga umwanzuro w'inyongera mu gihe uwo mwanzuro wuzuza cyangwa usobanura mu buryo bwimbitse impamvu zikubiye mu mwanzuro watanzwe hubahirijwe ibihe by'ubujurire. [18] Nk'uko dosiye ibigaragaza, mu mwanzuro w'ubujurire wo ku wa 05/02/2024, Musafiri Placide yagaragaje ko anenga ibimenyetso byashingiweho mu kumuhamba icyaha, anavuga ko mu rubanza ajuririra habayeho kugenekereza no kwica amategeko mu buryo bukomeye, muri ayo mategeko avugamo ingingo ya 180 n'ya 181 z'Itegeko N° 027/2019 ryo ku wa 19/09/2019 ryavuzwe haruguru, zirebana n'uburenganzira bwo kujurira n'igihe ubujurire bugomba gukorwamo. [19] Naho mu mwanzuro w'inyongera watanzwe n'umwunganira ku wa 01/10/2025, ni ukuvuga nyuma y'igihe cyo kujurira giteganywa n'amategeko, yashingiye ku ngingo ya 181 y'Itegeko ryavuzwe haruguru asobanura ko ubujurire bwa Musafiri Placide bwagombaga kwakirwa mu Rukiko Rukuru kuko yajuriye mu bihe biteganyijwe n'amategeko, ajuririra urubanza mu ngingo zarwo zose, kubera ko yajuriye ku wa 27/04/2020, urubanza rwarasomwe ku wa 23/04/2020, bityo ko yajuriye iminsi 30 iteganyijwe n'Itegeko itararenga. [20] Urukiko rw'Ubujurire rurasanga, bigaragara ko mu mpamvu z'ubujurire Musafiri Placide yatanze, yaragaragaje ko mu rubanza ajuririra hirengagijwe amategeko ku buryo bukomeye maze muri ayo mategeko avugamo ingingo za 180 na 181 z'Itegeko N° 027/2019 ryo ku wa 19/09/2019 ryavuzwe haruguru, zirebana n'itangwa ry'ubujurire. N'ubwo yavuze izo ngingo gusa ntazisobanure, bigaragara ko mu mwanzuro w'inyongera umwunganira yasobanuye ayo mategeko anagaragaza ko ubujurire bwagombaga kwakirwa mu Rukiko Rukuru, bivuze rero ko uwo mwanzuro w'inyongera n'ubwo watanzwe igihe giteganywa n'Itegeko cyararenze, wuzuza kandi usobanura umwanzuro w'ubujurire Musafiri Placide yatanze mu gihe giteganywa n'amategeko, bityo hakaba nta cyabuza Urukiko gusuzuma ibiwukubiyemo, hagasuzumwa niba ubujurire bwa Musafiri bwagombaga kwakirwa mu Rukiko Rukuru.
- 2) Kumenya niba ubujurire bwa Musafiri Placide bwagombaga kwakirwa mu Rukiko Rukuru. [21] Musafiri Placide n'umwunganira bavuga ko mu Rukiko Rukuru yatanze ubujurire ku gihe kuko yajuriye ku wa 27/04/2020 urubanza rwaraciwe ku wa 23/04/2020, ajuririra urubanza mu ngingo zarwo zose hashingiwe ku ngingo ya 188, y'Itegeko N° 027/2019 ryo ku wa 19/09/2019 ryavuzwe haruguru iteganya ko ujurira ashobora kujuririra urubanza rwose cyangwa zimwe mu ngingo atishimiye, ariko ko kuba ataratanze impamvu z'ubujurire ku gihe byatewe n'uko atabashaga kubona kopi y'urubanza kubera ibihe bidasanzwe bya Covid-19, kuko yatangajwe ku wa 14/03/2020, bavuga ko urubanza ruzasomwe ku wa 26/03/2020 ariko ntirwasomwe kubera Covid-19, rusomwe ku wa 23/04/2020 ingamba zo kurwanya icyo cyorezo zatangiye gufatwa, yohereza umwanzuro w'inyongera ku wa 18/12/2023 bigendanye n'igihe yabonye kopi y'urubanza.

3 Reba igika cya 23 cy'urwo rubanza.

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[22] Musafiri Placide asobanura ko yafatiranye ajurira mu minsi 30 yemewe n'amategeko kugira ngo azabe atanga imyanzuro nyuma, kubera ko nk'umuntu utazi amategeko yumvaga kuba agaragaje ko ajuriye byari bihagije kuko aribyo yari ashoboye, ko ingamba zo kwirinda Covid-19 n'inzitizi bivuyeho aribwo yashoboye gukora umwanzuro w'inyongera, bitewe n'uko hari ikibazo cya system no kudashobora kujya gusoma dosiye mu bwanditsi bw'Igororero, ariko ko atigeze yandikira ubuyobozi bw'Igororero avuga iby'imbogamizi yagize kuko uwo muco utahaba. [23] Uhagarariye Ubushinjacyaha avuga ko ibyo Musafiri n'umwunganira bavuga bitahabwa agaciro, kuko nk'uko Urukiko Rukuru rwabisobanuye, urubanza yajuririraga rwaciwe ku wa 23/04/2020, yandika ibaruwa y'ubujurire ku wa 27/04/2020 avuga ko ajuririra urubanza N°RP 00896/2018/TGI/GSBO rwaciwe n'Urukiko Rwisumbuye rwa Gasabo, ko imyanzuro azaba ayohereza, kandi ko icyo gihe kopi yari iri muri dosiye, nyuma y'imyaka itatu aba aribwo atanga umwanzuro urimo ibyo anenga urubanza rwa mbere. [24] Avuga kandi ko ibivugwa n'umwunganira ko yajuririye urubanza rwose atari byo, kuko atari ko amategeko abiteganywa, ko rero nta kosa Urukiko Rukuru rwakoze, bityo ko kuba atagaragaza inenge ziri mu rubanza ajuririra n'uburyo zakosorwa nk'uko biteganywa n'ingingo ya 183 y'Itegeko N° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza nshinjabyaha⁴, hagomba kugumaho imikirize y'urubanza rujuririrwa⁵. UKO URUKIKO RUBIBONA [25] Impaka kuri iki kibazo zishingiye ku kumenya niba mu Rukiko Rukuru, Musafiri Placide yaratanze impamvu z'ubujurire yubahirije ibihe biteganywa n'amategeko, bikaba byari gutuma ubujurire bwe bwakirwa. [26] Ikibazo kirebana n'impamvu z'ubujurire zitanzwe nyuma y'ibihe byemewe byo kujurira cyatanzweho umurongo n'Urukiko rw'Ikirenga mu rubanza N° RCOMAA 00071/2017/SC rwaciwe ku wa 26/10/2018 haburana Mbuto Aimable na BRD Ltd, uwo murongo ukaba uvuga ko ingingo iyo ariyo yose itanzwe nyuma y'ibihe ntarengwa byo kujurira, uretse iyuzuza cyangwa isobanura iyatanzwe mu bihe byemewe byo kujurira, itagomba kwakirwa. Uyu murongo wanakurikijwe mu zindi manza uru Rukiko rwaciye, harimo urubanza N° RPAA 00159/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 17/04/2025, haburana Ubushinjacyaha na Habimana Valens. [27] Nk'uko dosiye ibigaragaza, urubanza N°RP 00896/2018/TGI/GSBO Musafiri Placide yajuririye mu Rukiko Rukuru, rwaciwe ku wa 23/04/2020, kopi ishyirwa muri dosiye (IECMS) uwo munsu, Musafiri Placide yandika ibaruwa y'ubujurire ku wa 27/04/2020 avuga ko ajuririye urwo rubanza, ariko ko imyanzuro azaba ayohereza, iyo baruwa yakirwa n'Ubuyobozi

4 Iyo ngingo iteganywa ko : “Ubujurire bukorwa mu buryo bw'umwanzuro utanga ikirego, ugaragaza ibi bikurikira: 1° umwirondoro wuzuye w'ujurira n'uw'uregwa mu bujurire; 2° urubanza rujuririwe n'urukiko rwaruciye; 3° urukiko rwajuririwe; 4° imiterere y'ikibazo mu ncamake; 5° urutonde rw'inenge z'urubanza zisabirwa gukosorwa n'ibindi bibazo bigomba gusuzumwa; 6° ibisobanuro kuri buri nenge cyangwa kuri buri kibazo bigaragaza amakosa yakozwe n'uburyo agomba gukosorwa hashingiye ku mategeko n'ibimenyetso n'igisabwa

urukiko; 7° ibisobanuro ku birego by'inyongera mu gihe ibyo birego bihari. 5 Abishingira ku murongo watanze mu rubanza N° RPAA 00194/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/07/2022 haburana Ubushinjacyaha na Ndayishimiye Emmanuel alias Shema.

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bw'Igororero rya Bugesera kuri icyo tariki, ubujurire bwoherezwaga mu Rukiko Rukuru ku wa 27/05/2020, naho umwanzuro w'inyongera ukubiyemo impamvu z'ubujurire awandika ku wa 18/12/2023, ushyirwa muri dosiye ku wa 21/12/2023, bivuze ko impamvu z'ubujurire yazitanze nyuma y'imyaka irenga itatu (3) uhereye igihe urubanza rwasomewe. [28] Urukiko rw'Ubujurire rurasanga, Musafiri Placide yatanze ubujurire bwe mu Rukiko Rukuru yubahirije igihe cy'iminsi 30 iteganywa n'ingingo ya 181 y'Itegeko N° 027/2019 ryo ku wa 19/09/2019 ryavuzwe haruguru, akaba rero yaragombaga no gutanga muri icyo gihe impamvu z'ubujurire bwe zisobanura icyo anenga urubanza ajuririra, agaragaza ukwibeshya kwakozwe n'Urukiko Rwisumbuye gushingiye ku mategeko cyangwa ku byabaye, keretse mu gihe yari kugaragariza Urukiko impamvu yumvikana yatumye atacyubahiriza, bityo impamvu z'ubujurire yatanze mu mwanzuro w'inyongera nyuma y'ibihe by'ubujurire (ku wa 18/12/2023) zikaba zitaragombaga kwakirwa ngo zisuzumwe nk'uko Urukiko Rukuru rwabyemeje hashingiwe ku murongo watanze mu rubanza rwavuzwe haruguru, cyane cyane ko ajurira ku wa 27/04/2020 nta mpamvu n'imwe y'ubujurire yatanze. [29] Ku bivugwa na Musafiri Placide ko gutanga impamvu z'ubujurire atinze byatewe n'uko yatinze kubona kopi y'urubanza kubera ibihe bya Covid 19, Urukiko rw'Ubujurire rurasanga bitahabwa ishingiro, kuko bigaragara ko yanditse ibaruwa y'ubujurire ku wa 27/04/2020, ubuyobozi bw'Igororero buyakira uwo munsu, bikaba bigaragaza ko nta mpamvu yari ihari ibuza ihererekanya ry'inyandiko mu Igororero abarizwamo, bityo nta n'icyari kubuza ubwo buyobozi kwakira n'impamvu z'ubujurire iyo azitanga ku gihe, ndetse ibihe bya Covid-19 na byo bikaba bitari kuba imbogamizi yo kutamenya imikiriye y'urubanza yajuririye binyuze ku buyobozi bw'Igororero nk'uko n'abandi babikora, kuko nta n'icyo agaragaza yaba yarakoze ngo bubimufashemo. Byongeye kandi Covid-19 yageze aho iragabanuka imirimo yongera gukorwa nk'uko bisanzwe n'abagororwa bongera kuburanira mu nkiko6, iyo mpamvu rero Musafiri Placide avuga akaba atari yo yatumye akererwa gutanga impamvu z'ubujurire bwe kumara igihe cy'imyaka itatu irenga, cyane cyane ko imbere y'uru Rukiko yivugiyeye ko kuba yari yanditse ibaruwa y'ubujurire yumvaga bihagije. [30] Hashingiywe ku bimaze gusobanurwa, Urukiko rw'Ubujurire rurasanga impamvu z'ubujurire Musafiri Placide yatanze mu Rukukiko Rukuru zitaragomba kwakirwa kuko yazitanze impitagihe, bityo hakaba hagomba kugumaho imikiriye y'urubanza rwajuririye, hakanagumaho igihano yahawe n'Urukiko Rwisumbuye rwa Gasabo. III. ICYEMEZO CY'URUKIKO [31] Rwemeje ko ubujurire bwatanze na Musafiri Placide nta shingiro bufite; [32] Rwemeje ko urubanza N°RPA 00606/2020/HC/KIG rwaciwe n'Urukiko Rukuru ku wa 18/01/2024, rugumanye agaciro mu ngingo zarwo zose;

6 Reba nk'ibaruwa Ubuyobozi bw'Urukiko rw'Ikirenga bwandikiye Komiseri Mukuru w'Amagereza ku wa 29/07/2022, ifite ref No 066/DCJ/2022, ibasaba kujya bazana abaregwa baburana bafunze kuburanira ku cyicaro cy'inkiko cyangwa ahandi inkiko zagennye

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[33] Rutegetse ko igifungo cya burundu Musafiri Placide yahanishijwe ku cyaha cyo gusambanya umwana, kigumyehe.

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