

RWANDA / JUDGMENT

UBUSHINJACYAHA v BUJIRIRI

RPAA01127/2024/CA

COURT

Court of Appeal

DECIDED

28 November 2025

CASE / FILE NUMBER

RPAA01127/2024/CA

Source: amategeko.gov.rw · Research copy typeset by Esheria. Not court-issued or certified.

UBUSHINJACYAHA v BUJIRIRI

- Source: Amategeko
- Section: Decisions (Judgements)
- Date: 2025-11-28
- Case/document no.: RPAA01127/2024/CA
- Collection: Court of Appeal

Text

Page 1

UBUSHINJACYAHA v BUJIRIRI [Rwanda URUKIKO RW'UBUJURIRE – RPAA01127/2024/CA (Gakwaya, P.J.) 28 Ugushyingo 2025] Amategeko agenga ibimenyetso – Ububuhamya – Ubuhamya mu nyandiko – ubuhamya bwakirwa n'Urukiko cyangwa n'Urwego rubifitiye ububasha, bugatangwa n'umutangabuhamya amaze kurahirira kuvugisha ukuri. Bityo, abakira n'abemeza inyandiko ihamya cyangwa inyandiko mpamo ni abakozi b'Akarere cyangwa b'Umurenge bafite ububasha bwa noteri; rero ubuhamya bwemewe ni bwatangiwe imbere y'Urukiko, Ubushinjacyaha, Ubugenzacyaha na noteri ubifitiye ububasha mu ifasi y'aho bwakorewe. Amategeko yerekeye imiburanishirize y'imanza Nshinjabyaha – Kujurira – Ingingo z'ubujurire – Uwajuriye ntashobora kugaruka (gusubiramo) gusa ku ngingo ze yaburanishije ku rwego rwa mbere, kandi zitarahawe ishingiro, atagaragaza amakosa Urukiko rwabanje rwaba rwarakoze ruzitesha agaciro n'uko ayo makosa agomba gukosorwa. Incamake y'ikibazo: Uru rubanza rwatangiye Ubushinjacyaha burega Bujiriri mu Rukiko mu Rukiko Rwisumbuye rwa Rusizi icyaha cy'ubwinjiracyaha bw'ubwicanyi, busaba ko cyamuhama, agahanishwa igihano cy'igifungo cy'imyaka 25 kuko we na bagenzi be, Mu ijoro ryo ku wa 24/7/2022 bateye umurobyi witwa Muganga mu kiyaga cya Kivu aho yari arimo kuroba isambaza, bashaka kumwambura ibikoresho

yarobeshaga, bamukubita uduhiri mu mutwe, bamutemesha umuhoro mu musaya bashaka kumwica, arabacika yinaga mu mazi, atabarwa n'abarobyi bagenzi be bamuvanamo, bamugejeje imusozi ababwira abashakaga kumwica, batangira gushakishwa, hafatwa Bujiriri gusa, bagenzi be baratoroka. Bujiriri yaburanye ahakana icyaha, asobanura ko asanzwe akora akazi ko gutwara abantu mu bwato bakamwishyura, ko abagabo babiri bahohoteye Muganga bamusabye kubatwara nk'abagenzi basanzwe, bageze mu Kivu hagati bayobya ubwato bamusanga aho yari arimo kuroba, abona batangiye kumukubita, aratabaza, Muganga yinaga mu mazi arahunga, abantu bamutabara atarapfa. Yireguye avuga kandi ko Muganga yanditse ibaruwa yemeza ko atari mu bamuhohoteye. Urukiko mu rubanza RP00367/2022/TGI/RSZ, rushingiye ku mvugo za Muganga watanze ikirego mu Bugenzacyaha avuga ko yiboneye Bujiriri mu bamuhohoteye, aba ari nawe umukubita ubuhiri mu mutwe, mugenzi we amukubita umuhoro mu musaya, rushingiye kandi ku mafoto ye agaragaza ko afite ibikomere mu mutwe, ku mvugo z'abatangabuhamya bamutabaye, rwasobanuye ko ibivugwa na Bujiriri nta shingiro bifite kuko atari kumwe n'abatangabuhamya igihe bamutabaraga, kandi bakaba bamuvuguruza, bityo ahamwa n'icyaha aregwa, rumuhanisha igihano cy'igifungo cy'imyaka 25. Bujiriri Pie yajuririye Urukiko Rukuru, Urugereko rwa Rusizi avuga ko Urukiko Rwisumbuye rwa Rusizi rwamuhamije icyaha ku buryo butumvikana bushingiye ku mvugo z'urega, kandi nyuma yaranditse inyandiko imushinjura, asaba kugirwa umwere kuko nta cyaha yakoze. Urukiko mu rubanza RPA00188/2023/HC/RSZ, rushingiye ku mvugo za Muganga, rwasobanuye ko ibivugwa na Bujiriri ko amushinjura mu nyandiko yanditse yo ku wa 9/10/2023 ataribyo kandi ko iyo nyandiko nta gaciro yahabwa, kuko atanga ikirego yemeje ko ariwe wamukubise ubuhiri mu mutwe, ko kandi ataje mu Rukiko ngo asobanure impamvu noneho amukura mu bamuhohoteye, ko ndetse uregwa nawe adahakana ko iryo joro atari kumwe nabo bagenzi be batorotse, rushingiye kandi ku mvugo z'abatangabuhamya bamutabaye, rwemeje ko nta gihindutse ku rubanza yajuririye. Bujiriri yajuririye Urukiko rw'Ubujurire, avuga ko Urukiko Rukuru rwamuhamije icyaha mu buryo budasobanutse, rwirengagije ibisobanuro byose yaruhaye bihamya ko nta cyaha yakoze kandi bishimangirwa n'inyandiko ya Muganga urega, imushinjura. Ubushinjacyaha buvuga ko ubujurire bwa Bujiriri nta shingiro bufite

Page 2

kuko ibaruwa yanditswe na Muganga, yayiburanishije, Urukuru Rukuru rurayisuzuma rwemeza ko nta gaciro yahabwa kubera ko atanga ikirego bwa mbere yamushinje kuba yari mu bamuhohoteye. Rusaba Urukiko gutegeka ko nta gihindutse ku rubanza yajuririye. Urukiko mu rubanza RPAA01127/2024/CA rwemeje ko ubujurire bwa Bujiriri nta shingiro bufite kuko atabasha kuvuguruza ibimenyetso byashingiweho n'Urukiko mu rubanza rujuririrwa. Incamake y'icyemezo: 1. ubuhamya bwakirwa n'Urukiko cyangwa n'Urwego rubifitiye ububasha, bugatangwa n'umutangabuhamya amaze kurahirira kuvugisha ukuri. Bityo, abakira n'abemeza inyandiko ihamya cyangwa inyandiko mpamo ni abakozi b'Akarere cyangwa b'Umurenge bafite ububasha bwa noteri; rero ubuhamya bwemewe ni ubwatangiwe imbere y'Urukiko, Ubushinjacyaha, Ubugenzacyaha na noteri ubifitiye ububasha mu ifasi y'aho bwakorewe. 2. Uwajuriye ntashobora kugaruka (gusubiramo) gusa ku ngingo ze yaburanishije ku rwego rwa

mbere, kandi zitarahawe ishingiro, atagaragaza amakosa Urukiko rwabanje rwaba rwarakoze ruzitesha agaciro n'uko ayo makosa agomba gukosorwa. Ubujurire nta shingiro bufite.

Amategako yashingiweho: Itegeko N° 062/2024 ryo ku wa 20/6/2024 rigenga ibimenyetso, ingingo ya 2, agace ka (cc), iya 50, agace ka mbere (1) n'ya 56 Itegeko N° 13 bis/2014 ryo ku wa 21/5/2024 rigenga umurimo w'ubunoteri nk'uko ryahinduwe kugeza ubu, ingingo ya 3, agace ka kane (4°) n'aka gatanu (5°) Imanza zifashishijwe: Urubanza RPAA00931/2024/CA haburana Ubushinjacyaha na Tuyizere Ramadhan rwaciwe n'Urukiko rw'Ubujurire ku wa 29/9/2025, Urubanza RPA/Gén 00001/2022/CA haburana Ubushinjacyaha na Mugimba Jean Baptiste rwaciwe n'Urukiko rw'Ubujurire ku wa 14/2/2025, Urubanza. I. IMITERERE Y'URUBANZA [1] Mu ijoro ryo ku wa 24/7/2022, Bujiriri Pie, Maniriho Claude n'undi bakunze kwita Witi bateye umurobyi witwa Muganga Théoneste mu kiyaga cya Kivu aho yari arimo kuroba isambaza, bashaka kumwambura ibikoresho yarobeshaga, bamukubita uduhiri mu mutwe, bamutemesha umuhoro mu musaya bashaka kumwica, arabacika yinaga mu mazi, atabarwa n'abarobyi bagenzi be bari bamwumvise ataka atabaza bamuvanamo, bamugejeje imusizi ababwira abashakaga kumwica, batangira gushakishwa, hafatwa Bujiriri Pie gusa, naho bagenzi be baratoroka. [2] Iperereza rirangiye, Ubushinjacyaha bwareze Bujiriri Pie mu Rukiko Rwisumbuye rwa Rusizi icyaha cy'ubwinjiracyaha bw'ubwicanyi, busaba ko cyamuhama, agahanishwa igihano cy'igifungo cy'imyaka 25, hashingiwe ku ngingo ya 21 n'ya 107 z'Itegeko N° 68/2018 ryo ku wa 30/8/2018 riteganyaye ibyaha n'ibihano muri rusange. [3] Bujiriri Pie yaburanye ahakana icyaha, asobanura ko asanzwe akora akazi ko gutwara abantu mu bwato bakamwishyura, ko abagabo babiri bahohoteye Muganga Théoneste bamusabye kubatwara nk'abagenzi basanzwe, bageze mu Kivu hagati bayobya ubwato bamusanga aho yari arimo kuroba, abona

Page 3

batangiye kumukubita, aratabaza, Muganga Théoneste yinaga mu mazi arahunga, abantu bamutabara atarapfa. Yireguye avuga kandi ko Muganga Théoneste yanditse ibaruwa yemeza ko atari mu bamuhohoteye. [4] Mu rubanza RP00367/2022/TGI/RSZ rwaciwe n'Urukiko Rwisumbuye rwa Rusizi ku wa 12/10/2023, rushingiye ku mvugo za Muganga Théoneste watanze ikirego mu Bugenzacyaha avuga ko yiboneye Bujiriri Pie mu bamuhohoteye, aba ari nawe umukubita ubuhiri mu mutwe, mugenzi we amukubita umuhoro mu musaya, rushingiye kandi ku mafoto ye agaragaza ko afite ibikomere mu mutwe, ku mvugo z'abatangabuhamya Gato Corneille na Byakatsi bakunze kwita Kayiranga bamutabaye, rwasobanuye ko ibivugwa na Bujiriri Pie ko atari mu bamuhohoteye, ahubwo ko yamutabariye atari ukuri kuko atari kumwe nabo batangabuhamya igihe bamutabaraga, kandi bakaba bamuvuguruza, ndetse akaba yaraje gufatirwa iwabo nyuma avuzwe na Muganga Théoneste, bityo ahamwa n'icyaha aregwa, rumuhanisha igihano cy'igifungo cy'imyaka 25. [5] Bujiriri Pie yajuririyeye Urukiko Rukuru, Urugereko rwa Rusizi avuga ko Urukiko Rwisumbuye rwa Rusizi rwamuhamije icyaha ku buryo butumvikana bushingiye ku mvugo z'urega, kandi nyuma yaranditse inyandiko imushinjura, asaba kugirwa umwere kuko nta cyaha yakoze. [6] Mu rubanza RPA00188/2023/HC/RSZ rwaciwe n'Urukiko Rukuru, Urugereko rwa Rusizi ku wa 24/10/2024, rushingiye ku mvugo za Muganga Théoneste, rwasobanuye ko ibivugwa na Bujiriri Pie ko amushinjura mu nyandiko yanditse yo ku

wa 9/10/2023 ataribyo kandi ko iyo nyandiko nta gaciro yahabwa, kuko atanga ikirego yemeje ko ariwe wamukubise ubuhiri mu mutwe, ko kandi ataje mu Rukiko ngo asobanure impamvu noneho amukura mu bamuhohoteye, ko ndetse uregwa nawe adahakana ko iryo joro atari kumwe nabo bagenzi be batorotse, mu bwato, rushingiye kandi ku mvugo z'abatangabuhamya bamutabaye, rwemeje ko nta gihindutse ku rubanza yajuririye. [7] Ku wa 28/10/2024, Bujiriri Pie yajuririye Urukiko rw'Ubujurire, avuga ko Urukiko Rukuru rwamuhamije icyaha mu buryo budasobanutse, rwirengagije ibisobanuro byose yaruhaye bihamya ko nta cyaha yakoze kandi bishimangirwa n'inyandiko ya Muganga Théoneste urega, imushinjura. Muri uwo mwanzuro, avuga ko ibindi bisobanuro azabitanga amaze gusoma dosiye. [8] Ku wa 23/11/2024, Bujiriri Pie yakoze undi mwanzuro, avuga ko Urukiko Rukuru rwamuhamije icyaha, rwirengagije ubuhamya bw'urega bumushinjura, asaba kurenganurwa. [9] Ubushinjacyaha buvuga ko ubujurire bwa Bujiriri Pie nta shingiro bukwiye guhabwa kuko ibaruwa aburanisha nk'ikimenyetso kimushinjura yanditswe na Muganga Théoneste, yayiburanishije mu bujurire bwa mbere, kandi Urukiko Rukuru rukaba rwarayisuzumye rwemeza ko nta gaciro yahabwa kubera ko atanga ikirego bwa mbere yamushinje kuba yari mu bamuhohoteye. Busoza rero busaba uru Rukiko gutegeka ko nta gihindutse ku rubanza yajuririye. [10] Urubanza rwahawe RPAA01127/2024/CA, ruburanishwa ku wa 11/11/2025, Bujiriri Pie yunganiwe na Me Ndwaniye Pierre Claver, Ubushinjacyaha buhagararariwe na Bunyoye Grâce, Umushinjacyaha ku rwego rw'Igihugu. [11] Hashingiwe ku myanzuro y'ababuranyi, ikibazo kizasuzumwa ni ukumenya niba Urukiko Rukuru rwarahamije Bujiriri Pie icyaha, rwirengagije ibisobanuro ubwe yaruhaye n'ibaruwa y'ubuhamya bw'urega bumushinjura, bihamya ko atari we wagikoze. II. IKIBAZO KIRI MU RUBANZA N'ISESENGURWA RYACYO

Page 4

Kumenya niba Urukiko Rukuru rwarahamije BUJIRIRI Pie icyaha rwirengagije ibisobanuro ubwe yaruhaye n'ibaruwa y'ubuhamya bw'urega MUGANGA Théonetse bumushinjura, byose bihamya ko nta ruhare yakigizemo [12] Bujiriri Pie avuga ko Urukiko Rukuru, Urugereko rwa Rusizi rwakoze amakosa yo kumuhamya icyaha cy'ubwinjiracyaha bw'ubwicanyi atagizemo uruhare, rwirengagije ibisobanuro bye by'uko yatwaye abantu mu bwato bari bumwishyure 200Frw, bageze mu mazi hagati abo bantu bayobya ubwato batangira kurwana n'abarobyi, avuza induru abantu baratabara, ibyo bisambo bigira ubwoba byiroha mu mazi birahunga, maze atwara abarobyi bari batabaye abageza mu ngo zabo, bukeye baza kumufata bamubaza ibyo bisambo yari atwaye, bibwira ko yari asanzwe aziranye nabo, ariko abahakanira ko atabazi, bamujyana muri RIB batekereza ko yabahishiriye, bamufunga bashaka ko yatanga amakuru, ariko mu by'ukuri nyuma baza kwandikira Urukiko Rukuru, Urugereko rwa Rusizi barumenyesha ko nta cyaha yakoze ko icyo bamushakagaho ari amakuru, bakaba barasanze ntabwo azi, nyamara urwo Rukiko rubirengaho rumuhamya icyaha, rutitaye kuri ubwo buhamya bukubiye mu nyandiko yanditswe na Muganga Théoneste wahohotewe, amushinjura, akaba asaba uru Rukiko kuyishingiraho rukemeza ko ari umwere. [13] Me Ndwaniye Pierre Claver, wunganira Bujiriri Pie, asaba uru Rukiko gushingira ku kimenyetso kimushinjura cy'ubuhamya bw'urega, kuko abo yari atwaye atari abazi, rukemeza ko ibyo Ubushinjacyaha bwatanze bumurega bitera gushidikanya

akagirwa umwere. [14] Ubushinjacyaha buvuga ko ibaruwa yanditswe na Muganga Théoneste, Bujiriri Pie asaba uru Rukiko gushingiraho rwemeza ko nta cyaha yakoze kuko amushinjura, yayiburanishije no mu Rukiko Rukuru, nyamara ruyisuzumye rwemeza ko nta gaciro ikwiye guhabwa kuko ibiyivugwamo bivuguruza ibyo Muganga Théoneste yavuze atanga ikirego bwa mbere, amushinja ko nawe yari mu bamuhohoteye, kandi ubu akaba adasobanura uburyo yaba yaramwibeshyeho, mu gihe n'abarobyi baje kumutabara bamurohora mu Kivu, babajijwe nk'abatangabuhamya nabo bemeje ko yababwiye ko mu bamuteye harimo na Bujiriri Pie, ko rero izi mvugo zabo nk'uko byemejwe mu manza zitandukanye zaciwe n'uru Rukiko rwabitanze umurongo zikwiye guhabwa agaciro, hakemezwa ko ubujurire bwe nta shingiro bufite. UKO URUKIKO RUBIBONA [15] Impaka kuri iyi ngingo zishingiye ku kumenya niba Urukiko Rukuru rwarakoze amakosa yo kudaha agaciro ibisobanuro bya Bujiriri Pie n'ubuhamya bukubiye mu nyandiko yanditswe n'urega amushinjura, bigatuma ahamwa n'icyaha atagizemo uruhare. [16] Nk'uko byemejwe mu rubanza RPAA00931/2024/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/9/2025, hasuzumwa ikibazo cyo kumenya agaciro ku buhamya bwanditse bwashyikirijwe Inkiko nk'ikimenyetso, rwasesenguriye hamwe ingingo ya 2, agace ka (cc)2, iya 50, agace ka mbere (1)3 n'ya

1 Mu manza nshinjabyaha, ibimenyetso byose, iyo byagiweho impaka bishobora gushingirwaho mu kwemeza ko uregwa yakoze icyaha, kandi ibyo bimenyetso bishobora no kuba imvugo z'abatangabuhamya, Urukiko rukaba arirwo rusuzuma niba ibyo bavuga byakwemerwa cyangwa ntibyemerwe. Urubanza RPAA 00692/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 20/1/2023, haburana Ubushinjacyaha na Ndayishimiye Jean Damascène. Urubanza RPAA 00198/2024/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 17/4/2025, haburana Ubushinjacyaha na Gatesi Hasina. (Igika cya 16). 2 "urwego rufite ububasha" bivuga urukiko cyangwa urwego rwakira ikibazo kiri mu bubasha bwari cyangwa rugifataho icyemezo, rushingiye ku bimenyetso. 3 Iyo ngingo iteganya ko "Ubuhamya butangwa umutangabuhamya ubwe ari imbere y'urwego rufite ububasha cyangwa atari imbere yarwo, hakoreshejwe uburyo bumugaragaza cyangwa butamugaragariza abatarebwa n'urubanza cyangwa ikibazo gisuzumwa".

Page 5

564 z'Itegeko N° 062/2024 ryo ku wa 20/6/2024 rigenga ibimenyetso, hamwe n'ingingo ya 3, agace ka kane (4°) n'aka gatanu (5°) y'Itegeko N° 13 bis/2014 ryo ku wa 21/5/2024 rigenga umurimo w'ubunoteri nk'uko ryahinduwe kugeza ubu, rwemeza ko ubuhamya bwakirwa n'Urukiko cyangwa n'Urwego rubifitiye ububasha, bugatangwa n'umutangabuhamya amaze kurahirira kuvugisha ukuri"; ko kandi ku rwego rw'Intara abakira n'abemeza inyandiko ihamya cyangwa inyandiko mpamo ari abakozi b'Akarere cyangwa b'Umurenge bafite ububasha bwa noteri; ko rero ubuhamya bwemewe ari ubwatangiwe imbere y'Urukiko, Ubushinjacyaha, Ubugenzacyaha na noteri ubifitiye ububasha mu ifasi y'aho bwakorewe. [17] Nk'uko byemejwe mu rubanza RPA/ Gén 00001/2022/CA rwaciwe ku wa 14/2/2025, uwajuriye ntashobora kugaruka (gusubiramo) gusa ku ngingo ze yaburanishije ku rwego rwa mbere, kandi zitarahawe ishingiro, atagaragaza amakosa Urukiko rwabanje rwaba rwarakoze ruzitesha agaciro n'uko ayo makosa agomba gukosorwa. [18] Nk'uko bigaragara mu gace ka cumi na kabiri (12) kugeza ku ka cumi n'umunani

(18) tw'urubanza rujuririrwa, Urukiko Rukuru rwasobanuye ko Muganga Théoneste yatanze ikirego avuga ko mu ijoro ryo ku wa 24/7/2022, Bujiriri Pie, Maniriho Claude na WITI bamusanze mu Kivu, Bujiriri Pie amukubita ubuhiri mu mutwe, Maniriho Claude amukubita umuhoro, yumvise arembye avuza induru, asimbukira mu Kivu, abandi barobyi bamusangamo baramutabara bamukuramo. [19] Urwo Rukiko rwasobanuye kandi ko umutangabuhamya Gato Corneille ari mu bamutabaye bamukura mu mazi, bamushyira mu bundi bwato, ibisambo birahunga biratatana, bita umupira wabyo, umuhoro n'inyundo, bagejeje Muganga Théoneste imusozi babona aho yakubiswe umupanga n'agafuni, nyuma Bujiriri Pie washirwaga mu majwi arafatwa. Rwasobanuye na none ko ibyo avuga ko urega amushinjura atari ukuri kuko atanga ikirego yamuvuze mu bamuhohoteye, ndetse aba ariwe umukubita ubuhiri mu mutwe, kandi nawe akaba adahakana ko iryo joro yari kumwe nabo bagenzi be, ko rero inyandiko yo ku wa 9/10/2023 yanditswe na Muganga Théoneste amushinjura, nta gaciro yahabwa kuko yamureze mu bashakaga kumwica, kandi akaba ataraje mu Rukiko ngo agaragaze impamvu noneho amukura mubo yari yareze, ko nta gihindutse ku mikirize y'urubanza yajuririye. [20] Nk'uko bigaragara Muganga Théoneste atanga ikirego mu Bugenzacyaha ku wa 25/7/2022, yavuze ko arega Bujiriri Pie kuba yaramukubise ubuhiri mu mutwe afatanyije n'abandi bantu 2 atazi, bavuzwe na Bujiriri Pie kuko ariwe bakorana, undi watorotse amutemesha umuhoro mu mutwe, undi amukubita ingashya ku kuboko kuravunika, bamusanze mu Kivu nijoro, bashaka kumwiba umuraga, abacikira mu mazi arahunga. [21] Ku wa 25/7/2022, Bujiriri Pie yabajijwe mu Bugenzacyaha, avuga ko mu ijoro ryo ku wa 24/7/2022, yari kumwe na Maniriho na Witi mu Kivu, basatira ubwato bwa Muganga Théoneste bashaka kumwambura imiraga, abona Maniriho ari kumutema, ahita amwambura umuhoro ugwa mu mazi, Witi ari kumukubita inkoni, Muganga Théoneste avuza induru ngo abantu bamutabare, ahita yinaga mu mazi arahunga, abantu bamukuramo bamugejeje imusozi, bo bahita biruka. Yasobanuye ko icyatumye batera Muganga Théoneste kwari ukugira ngo bamwibe imiraga, arabarwanya. Yavuze kandi ko impamvu yemeye kujyana na Maniriho na Witi kandi bari bafite imihoro n'inkoni bajya gukubita Muganga Théoneste, ari uko yabambukije bagahita bamufata ku ngufu bakamutegeka kujyana nabo. Yanavuze ko impamvu Muganga Théoneste yavugije induru nawe akiruka, ari uko yari kumwe nabagiye kwiba. Yashoje asaba imbabazi avuga ko atazongera gushukwa. [22] Urukiko rw'Ubujurire rurasanga kuri uru rwego rw'ubujurire bwa kabiri Bujiriri Pie anenga Urukiko kuba rwaramuhamije icyaha atakoze, bitewe n'uko rutahaye agaciro ibisobanuro bye, ndetse n'ubuhamya buri mu nyandiko Muganga Théoneste yanditse amushinjura, nyamara nk'uko byagaragajwe

4 Iyo ngingo iteganya ko " Mbere yo gutanga ubuhamya, umutangabuhamya usabwe kurahira arahirira kuvugisha ukuri agira ati: "Jyewe....., ndahiriye kuvugisha ukuri. Nindamuka mbeshye nzabihanirwe n'amategeko".

Page 6

haruguru, abazwa mu Bugenzacyaha, n'ubwo yavuze ko yashutswe, yiyemereye ko yari kumwe na bagenzi be 2, bamukubise bagamije kumwiba imiraga yarobeshaga, bumvise atatse abantu baje kumutabara, bose uko ari 3 bariruka barahunga, ndetse mu kirego cye, Muganga Théoneste yamushinje kuba ariwe wamukubise ubuhiri mu mutwe. Rurasanga rero ibyo yavugiyeye imbere

y'uru Rukiko ko atari mu bahohoteye Muganga Théoneste, ahubwo yari mu bamutabaye bitahabwa agaciro kuko ubwe yemeye ko yari kumwe n'abagenzi be bamukubita mu cyico bakoresheje ibintu bishobora kwica, ibi bikaba bishimangirwa n'imvugo Z'uwahohotewe, bityo ibyo avuga ko yahamijwe icyaha atakoze kuko hirengagijwe ibisobanuro bye, nta kuri kubirimo, ndetse iyi ngingo nta shingiro ifite. [23] Urukiko rw'Ubujurire rurasanga kandi uretse no kuba nk'uko bigaragajwe haruguru yari mu bakubise Muganga Théoneste bagamije kumwiba, ibaruwa uyu yanditse amushinjura nk'uko Urukiko Rukuru rwayigarutseho runasobanura impamvu idakwiye guhabwa agaciro, n'ubundi irebewe hamwe n'umurongo watanze ku bijyanye n'ubuhamya bwanditse, nta gaciro k'ikimenyetso ifite kuko uwayanditse myirondoro ye yuzuye yashyizeho, ndetse ntiyabikoreye imbere y'umukozi ubyemerewe, kandi ntiyanabanje kurahira mbere yo gutanga ubwo buhamya, uretse n'ibyo akaba ntiyanasobanuyemo impamvu noneho ashinjura uwo yari yareze mbere kugira uruhare mu kumuhohotera no kumwiba, byongeye na nyiri ubwite abazwa yiyemereye ko icyatumye bamutega akwari ukugira ngo bamwibe. [24] Uru Rukiko rurasanga kandi nk'uko bigaragara, uretse kuba Bujuriri Pie agaruka ku miburanire ye ya mbere itarahawe ishingiro, kuri uru rwego ntacyo anenga ibisobanuro yahawe ku myiregurire ye, ndetse no kucyo yita ikimenyetso cy'ubuhamya bwanditse bumushinjura, ngo agaragaze amakosa yakozwe n'uburyo yakosorwa, bityo impamvu ze z'ubujurire nta shingiro zifite. [25] Kubera impamvu zisobanuwe haruguru, ubujurire bwatanze na Bujuriri Pie nta shingiro bufite, nta n'igihindutse ku mikirize y'urubanza yajuririye. III. ICYEMEZO CY'URUKIKO [26] Rwemeje ko ubujurire bwatanze na Bujuriri Pie nta shingiro bufite ; [27] Rwemeje ko nta gihindutse ku mikirize y'urubanza RPA00188/2023/HC/RSZ rwaciwe n'Urukiko Rukuru, Urugereko rwa Rusizi ku wa 24/10/2024; [28] Rwemeje ko igihano cy'igifungo cy'imyaka makumyabiri n'itanu (25) yahanishijwe kigumyeho; [29] Rutegetse ko amagarama y'urubanza aherera ku Isanduku ya Leta.

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.amategeko.gov.rw/view/doc/10341/10888>

CASE PAGE <https://chat.esheria.ai/case-law/rwanda/bujiriri-pie-attemptedmurder-court-of-appeal-2025>

Prepared on 10 October 2026 · Esheria