

RWANDA / JUDGMENT

UBUSHINJACYAHA vs DUKUZUMUREMYI

RPAA 00418/2023/CA

COURT

Court of Appeal

DECIDED

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RPAA 00418/2023/CA

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UBUSHINJACYAHA vs DUKUZUMUREMYI

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Text**Page 1**

IKIZA RY'URUBANZA N° RPAA 00418/2023/CA URUPAPURO RWA 1

URUKIKO RW'UBUJURIRE RURI I KIGALI, RUHABURANISHIRIZA IMANZA Z'INSHINJABYAHA, RUKIJIJE MU RUHAME URUBANZA N° RPAA 00418/2023/CA NONE KU WA 26/2/2025, MU BURYO BUKURIKIRA:

HABURANA: UBUSHINJACYAHA NA DUKUZUMUREMYI Célestin alias Rudomoro, mwene RUMASHANA Phillippe na NYIRABANYIGINYA Thérèse, wavutse mu mwaka wa 1984, atuye mu Mudugudu wa Kazuba, Akagari ka Gahondo, Umurenge wa Rurembo, Akarere ka Nyabihu, Intara y'Iburengerazuba. ICYAHA AKURIKIRANWEHO: Guta cyangwa gutererana umwana, icyaha giteganywa kandi kigahanishwa ingingo ya 36 y'Itegeko n° 71/2018 ryo ku wa 31/8/2018 ryerekeye kurengera umwana. IKIREGERWA: Kujuririra urubanza nO RPA 00958/2021/HC/MUS rwaciwe n'Urukiko Rukuru Urugereko rwa Musanze ku wa 27/6/2023.

I. IMITERERE Y'URUBANZA

- (1) Ku wa 4/11/2019 mu gihe cya nijoro, MANIZABAYO Claudine yafashe abana be, aribo UWIMBABAZI Dévotha w'imyaka itanu (5) y'amavuko na IRANZI Jackson w'imyaka ibiri n'igice (2 ½) abajyana ahantu hatazwi. Ku wa 6/11/2019, mu Mudugudu atuyemo, amenyekanye ko abo bana atakibafite, akaba yarabwiye inzego z'Ibanze ko yabajyanye kwa se ariwe DUKUZUMUREMYI Célestin alias Rudomoro, uyu abajijwe aho bari asubiza ko ntabo yabonye.
- (2) Iperereza rirangiye, Ubushinjacyaha bwareze DUKUZUMUREMYI Célestin alias Rudomoro na MANIZABAYO Claudine mu Rukiko Rwisumbuye rwa Rubavu icyaha cyo guta cyangwa gutererana umwana, busaba ko cyabahama bagahanishwa igihano cy'igifungo cya burundu.
- (3) MANIZABAYO Claudine yaburanye yemera icyaha aregwa, akavuga ko yabuze ubushobozi bwo kurera abo bana, maze abashyira se DUKUZUMUREMYI Célestin alias Rudomoro. DUKUZUMUREMYI Célestin alias Rudomoro we yaburanye ahakana icyaha, avuga ko nta cyari gutuma MANIZABAYO Claudine amuzanira abo bana kuko atababyaranye nawe.
- (4) Mu rubanza no RP 00751/2019/TGI/RBV rwaciwe n'Urukiko Rwisumbuye rwa Rubavu ku wa 11/11/2021, rushingiye ku kuba MANIZABAYO Claudine yemera icyaha, ndetse agashinja DUKUZUMUREMYI Célestin alias Rudomoro, ku mvugo

Page 2

IKIZA RY'URUBANZA N° RPAA 00418/2023/CA URUPAPURO RWA 2

z'umutangabuhamya TUYIZERE MUTONI no kuri raporo y'inzeho z'ibanze igaragaza ko abo bana baburiwe irengero, rwemeje ko abaregwa bahamwa n'icyaha cyo guta cyangwa gutererana umwana, ruhanisha DUKUZUMUREMYI Célestin alias Rudomoro igihano cy'igifungo cya burundu kuko atemeye icyaha, naho MANIZABAYO Claudine ahanishwa igihano cy'igifungo cy'imyaka irindwi (7) kuko yaburanye yemera icyaha.

- (5) MANIZABAYO Claudine na DUKUZUMUREMYI Célestin alias Rudomoro ntibishimiye imikirize y'urwo rubanza, bajuririra Urukiko Rukuru, Urugereko rwa Musanze. MANIZABAYO Claudine yajuriye asaba kongera kugabanyirizwa igihano yahawe kuko yemera icyaha. DUKUZUMUREMYI Célestin alias Rudomoro we yajuriye avuga ko nta bana yabyaranye na MANIZABAYO Claudine ku buryo yari kubamuzanira kandi atari abe, akaba asaba Urukiko kumurenganura.
- (6) Mu rubanza no RPA 00958/2021/HC/MUS rwaciwe ku wa 27/6/2023, Urukiko Rukuru, Urugereko rwa Musanze rwasobanuye ko MANIZABAYO Claudine adakwiye kongera kugabanyirizwa igihano kuko yakigabanyirijwe bihagije. Kuri DUKUZUMUREMYI Célestin alias Rudomoro, urwo Rukiko rushingiye ku kuba ashinjwa na MANIZABAYO Claudine ko ariwe yahaye abana, ibyo kandi akaba abishinjwa na TUYIZERE MUTONI, ku buhamya bw'umucungagereza witwa MUKABERA Spéciose yemeje ko yumvise DUKUZUMUREMYI Célestin alias Rudomoro abwira MANIZABAYO Claudine ko abo bana yabajyanye muri Uganda kwa mushiki we no kuri raporo y'inzeho z'ibanze igaragaza ko abo bana baburiwe

irengero, rwemeje ko ubujurire bwe nta shingiro bufite.

- (7) Ku wa 17/7/2023, DUKUZUMUREMYI Célestin alias Rudomoro yajuririyeye Urukiko rw'Ubugurire, avuga ko Urukiko Rukuru, Urugereko rwa Musanze rwamuhamije icyaha rushingiye ku byavuzwe n'Urukiko Rwisumbuye rwa Rubavu, nyamara urwo Rukiko rwarashingiye ku bimenyetso bitavugisha ukuri.
- (8) Mu mwanzuro wo ku wa 2/12/2024, ushimangira uwo ku wa 17/7/2023, DUKUZUMUREMYI Célestin alias Rudomoro, avuga ko Urukiko Rukuru, Urugereko rwa Musanze rwashingiye ku mvugo za MANIZABAYO Claudine zitavugisha ukuri kuko nta kimenyetso yagaragaje gishimangira ko babyaranye abo bana, ndetse ko yabamuzaniye. Avuga kandi ko uretse n'ibyo, imvugo ze zivuguruzanya ku bijyanye n'izimira ry'abo bana. Anenga na none Urukiko Rukuru kuba rwarashingiye ku mvugo z'Umukuru w'Umudugudu w'aho atuye, nyamara izo mvugo ntaho zigaragaza ko abana babasanze iwe, ko rero asaba kurenganurwa.
- (9) Ubushinjacyaha buvuga ko ibivugwa na DUKUZUMUREMYI Célestin alias Rudomoro, nta shingiro bikwiye guhabwa kuko ashinjwa na MANIZABAYO Claudine ndetse na TUYIZERE MUTONI, bese bakaba baremeje ko ariwe wahawe abo bana. Buvuga kandi ko kuba yaremeye ko hari igihe MANIZABAYO Claudine yamuzaniye abana avuga ko bababyaranye, kuba mu Bugenzacyaha MANIRAFASHA Jean Bosco na MUNYANTWARI Aloys baravuze ko DUKUZUMUREMYI Célestin alias Rudomoro na MANIZABAYO Claudine bahoraga mu manza ku kibazo cy'abo bana

Page 3

IKIZA RY'URUBANZA N° RPAA 00418/2023/CA URUPAPURO RWA 3

no kuba ashinjwa n'umucungagereza witwa MUKABERA Spéciose ko yamwumvise abwira MANIZABAYO Claudine ko abana bari muri Uganda kwa mushiki we, ibi byose ari ibimenyetso bishimangira ko afite uruhare kubyo aregwa.

- (10) Urubanza rwahawe n° RPAA 00418/2023/CA, ruburanishwa mu ruhamwe ku wa 4/2/2025, DUKUZUMUREMYI Célestin alias Rudomoro yunganiye na Me RWIMO Clotilde, Ubushinjacyaha buhagarariye na HABINEZA Jean Damascène, Umushinjacyaha ku rwego rw'Igihugu.
- (11) Hashingiye ku myanzuro n'imiburanire y'ababuranyi, ikibazo kizasuzumwa muri uru rubanza ni ukumenya niba DUKUZUMUREMYI Célestin alias Rudomoro yarahamijwe icyaha aregwa nk'umubyeyi w'abana batawe cyangwa batereranwe, ibisabwa n'Itegeko bitagaragajwe ndetse n'ibimenyetso byashingiweho bitizewe. II. IKIBAZO KIGIZE URUBANZA N'ISESENGURA RYACYO Kumenya niba DUKUZUMUREMYI Célestin alias Rudomoro yarahamijwe icyaha, ibisabwa n'Itegeko bitagaragajwe, ndetse n'ibimenyetso byashingiweho bitizewe ndetse bidashidikanywaho ku buryo adahamwa n'icyaha aregwa

- (12) DUKUZUMUREMYI Célestin alias Rudomoro, avuga ko yajuriye kubera ko Urukiko Rukuru, Urugereko rwa Musanze rwamuhamije icyaha cyo guta no gutererana umwana, nyamara nta kigaragaza ko abo bana bavugwa ari abe no kuba rwashingiye ku bimenyetso bitavugisha ukuri, nyamara nta kimenyetso kidashidikanywaho kigaragaza ko yahawe abo bana koko. Ku bijyanye no kuba nta kimenyetso kigaragaza ko abana bavugwa ko batawe cyangwa batereranwe ari aba DUKUZUMUREMYI Célestin alias Rudomoro
- (13) DUKUZUMUREMYI Célestin alias Rudomoro n'umwunganizi we, bavuga ko Urukiko Rukuru rwashingiye ku mvugo za MANIZABAYO Claudine z'uko yashyiriye abana Se (DUKUZUMUREMYI), nyamara nta kigaragaza ko DUKUZUMUREMYI Célestin alias Rudomoro ariwe wababyaye ku buryo yabamuzanira; ko mbere y'uko abana baburirwa irengero, hari haciye igihe MANIZABAYO Claudine abamuzaniye mu rugo abamwitirira biramutungura cyane, aribwo yitabazaga Ubuyobozi, maze MANIZABAYO Claudine agirwa inama yo gusubirana abana akaregera Urukiko, nyuma y'igihe gito abasubiranye baburirwa irengero.
- (14) Bavuga kandi ko Urukiko Rukuru rwashingiye ku mvugo z'Umukuru w'Umudugudu w'aho MANIZABAYO Claudine atuye, nyamara imvugo ze ntaho zigaragaza ko yigeze abonana DUKUZUMUREMYI Célestin alias Rudomoro na MANIZABAYO Claudine mu Mudugudu we cyangwa ngo zigaragaze ko bigeze bagirana ubushuti, kuko iyo baza kugirana ubushuti, ndetse bakagera n'aho babyarana abana babiri (2), hatari kubura umuntu n'umwe ubyemeza, ko rero DUKUZUMUREMYI Célestin alias Rudomoro, atari akwiye kuregwa icyaha cyo guta abana, kuko nta kigaragaza ko yababyaye.

Page 4

IKIZA RY'URUBANZA N° RPAA 00418/2023/CA URUPAPURO RWA 4

- (15) Ubushinjacyaha buvuga ko ibivugwa na DUKUZUMUREMYI Célestin alias Rudomoro nta shingiro bikwiye guhabwa, kuko abazwa yemeye ko hari igihe MANIZABAYO Claudine yamuzaniye abana akabasiga iwe avuga ko bababyaranye, maze inzego z'ibanze zikabagira inama yo kuregera Urukiko. Bukomeza buvuga ko n'ubwo nta kigaragaza ko abo bana ari aba DUKUZUMUREMYI Célestin alias Rudomoro, ibyo bitatuma ataryozwa uruhare rwe mu izimira ry'abo bana, ko ahubwo hahindurwa inyito y'icyaha, agahamwa n'icyaha cy'ubufatanyacyaha mu cyaha cyo guta cyangwa gutererana umwana, kuko yahoraga abatererana ndetse agahora mu manza ku kibazo cy'abo nk'uko byemejwe na MANIRAFASHA Jean Bosco na MUNYANTWARI Aloys. UKO URUKIKO RUBIBONA
- (16) Impaka ziri muri iki kibazo ni ukumenya niba DUKUZUMUREMYI Célestin alias Rudomoro yarahamijwe icyaha cyo guta abana aregwa, nyamara nta kimenyetso kigaragaza ko ari umubyeyi w'abo, ku buryo atashoboraga no kugikurikiranywaho.

- (17) Ingingo ya 36, igika cya mbere, y'Itegeko n° 71/2018 ryo ku wa 31/8/2018 ryerekeye kurengera umwana iteganya ko "Umubyeyi, umwishingizi cyangwa undi urera umwana mu buryo bwemewe n'amategeko uta umwana ahagaragara cyangwa umutererana, aba akoze icyaha. Iyo abihamijwe n'urukiko, ahanishwa igifungo kitari muni y'imyaka itatu (3) ariko kitarenze imyaka itanu (5) n'ihazabu y'amafaranga y'u Rwanda atari muni y'ibihumbi mirongo itanu (50.000 Frw) ariko atarenze ibihumbi ijana (100.000 Frw).
- (18) Isuzumwa ry'iyi ngingo yumvikanisha ko umuntu utari umubyeyi cyangwa utarera mu buryo bwemewe n'amategeko umwana watawe cyangwa watereranwe atashobora kuregwa icyaha cyo guta cyangwa gutererana umwana.
- (19) Mu bika bikurikira hagiye gusuzumwa niba hari ibimenyetso bihamya ko abana bavugwa muri uru rubanza ari aba DUKUZUMUREMYI Célestin alias Rudomoro.
- (20) Ingingo ya 46, igika cya mbere, y'Itegeko n° 71/2024 ryo ku wa 26/6/2024 rigenga abantu n'umuryango iteganya ko " Inkomoko ni isano iri hagati y'umwana na se cyangwa na nyina". Igika cyayo cya kabiri giteganya ko " Kuba umuntu akomoka kuri se cyangwa nyina bigaragazwa n'inyandiko y'ivuka. Icyakora, iyo inyandiko y'ivuka ibuze, kuba umuntu asanzwe azwiho ko akomoka ku bashyingiranywe birahagije kugira ngo byemezwe ko abakomokaho". Naho igika cyayo cya kane giteganya ko " Iyo inyandiko y'ivuka ibuze cyangwa uko umuntu asanzwe azwi bitabashije kumenyekana, kwemeza abo umuntu akomokaho bikorwa hakoreshejwe uburyo bwemewe n'amategeko".
- (21) Ingingo ya 48 y'Itegeko n° 71/2024 ryo ku wa 26/6/2024 ryavuzwe haruguru iteganya ko " Kwemeza se cyangwa nyina w'umwana wabyawe n'abatarashyingiranywe bigaragazwa n'ibi bikurikira:
- (a) imvugo cyangwa inyandiko yemera uwo mwana, bikorewe imbere y'umwanditsi

Page 5

IKIZA RY'URUBANZA N° RPAA 00418/2023/CA URUPAPURO RWA 5

w'irangamimerere;

- (b) gupima uturemangingo ndangasano bikozwe ku bwumvikane hagati y'abitirirwa kuba ababyeyi b'umwana;
- (c) gupima uturemangingo ndangasano bitegetswe n'urukiko;
- (d) urubanza rwemeza se cyangwa nyina w'umwana cyangwa kopi y'igitabo cy'irangamimerere cyanditswemo urwo rubanza".

- (22) Ingingo ya 100 y'Itegeko n° 71/2024 ryo ku wa 26/6/2024 ryavuzwe haruguru iteganya ko “ Irangamimerere ryemezwa kandi rikagaragazwa n'inyandiko z'irangamimerere zandikwa ku buryo buteganywa n'amategeko. Irangamimerere ryemezwa kandi ku buryo budasanze n'imanza zisimbura cyangwa zikosora izo nyandiko cyangwa n'imanza zerekeye irangamimerere”.
- (23) Isuzumira hamwe ry'izo ngingo rigaragaza ko mbere na mbere inkomoko (filiation) igaragazwa n'inyandiko y'ivuka cyangwa n'inyandiko z'irangamirere, ariko iyo izo nyandiko zibuze, rigaragazwa n'imanza zizisumbura nyuma yo kubishimangira mu Rukiko n'ibimenyetso bigizwe n'uko umuntu asanzwe azwi (possession of status- possession d'Etat) no gupima uturemangingo ndangasano.
- (24) Nk'uko bigaragara mu gace ka 14, aka 15, aka 16 n'aka 17 tw'urubanza rujuririrwa, Urukiko Rukuru, Urugereko rwa Musanze rwemeje ko DUKUZUMUREMYI Célestin alias Rudomoro yagize uruhare mu cyaha cyo guta cyangwa gutererana abana, rushingiye ku mvugo za MANIZABAYO Claudine wemeje ko yashyiriyeho abana uregwa, kuri raporo y'inzeho z'ibanze yo ku wa 16/5/2021 igaragaza ko abo bana baburiwe irengero, ku buhamya bwa TUYIZERE MUTONI aho nawe yemeje ko yumvise ko abana bahawe DUKUZUMUREMYI Célestin alias Rudomoro no ku buhamya bwa MUKABERA Spéciose wemeje ko yumvise uregwa abwira MANIZABAYO Claudine ko abana bari Uganda kwa mushiki we. Rwasobanuye kandi ko rushingiye ku mvugo za MANIZABAYO Claudine ko we na DUKUZUMUREMYI Célestin alias Rudomoro baramaranye imyaka igera ku munani, ngo zishimangirwa n'iz'umutangabuhamya BITIRIKI Boniface wavuze ko bari bazi ko bakundaga gusangira, ibivugwa n'uregwa ko nta hantu na hamwe yashoboraga guhurira na MANIZABAYO Claudine nta shingiro byahabwa kuko ari ugushaka guhunga icyaha.
- (25) Harebwe ibisobanuro byatanze n'Urukiko Rukuru, Urugereko rwa Musanze, Urukiko rw'Ubujurire rurasanga nk'uko byagenze mu rubanza rwaciye n'Urukiko rwabanje, ku rwego rw'ubujurire bwa mbere, urubanza rujuririrwa rutagaragajwe mu buryo bwemewe n'amategeko isano iri hagati ya DUKUZUMUREMYI Célestin alias Rudomoro n'abo bana kugira ngo ahamwe n'icyaha aregwa nk'umubyeyi wabo, ahubwo ni nk'aho rwemeje mu buryo buziguye ko ariwe wabyaranye na MANIZABAYO Claudine abo bana babiri, rushingiye gusa ku mvugo za MANIZABAYO Claudine na BITIRIKI Boniface.

Page 6

IKIZA RY'URUBANZA N° RPAA 00418/2023/CA URUPAPURO RWA 6

- (26) Hashingiwe ku byagaragajwe mu gace kabanziriza aka, Urukiko rw'Ubujurire rurasanga Urukiko Rukuru rwarakoze amakosa yo guhamya uregwa icyaha aregwa nk'umubyeyi w'abana, rutagaragajwe ikimenyetso kibishimangira, nyamara isano iri hagati y'umubyeyi n'umwana watawe cyangwa watereranwe ariyo ituma icyaha kibaho. Rurasanga kandi n'ubu, Ubushinjacyaha buvuga ko nta kimenyetso cyemewe n'amategeko gishimangira ko DUKUZUMUREMYI Célestin alias Rudomoro ari umubyeyi y'abo bana babiri bavugwa muri

uru rubanza.

- (27) Kubera izo mpamvu zose, Urukiko rw'Ubujurire rurasanga DUKUZUMUREMYI Célestin alias Rudomoro adashora guhamwa n'icyaha cyo guta cyangwa gutererana umwana nk'uwagikoze (auteur-offender), mu gihe ibikigize nko kuba umubyeyi w'abana batawe cyangwa batereranwe bitagaragajwe, bityo ibivugwa na DUKUZUMUREMYI Célestin alias Rudomoro ko atari gukurikiranywa icyo cyaha nk'uwagikoze kuko atari umubyeyi w'abo bana, bikaba bifite ishingiro.
- (28) Urukiko rw'Ubujurire ariko rugiyeye gusuzuma niba hari ibimenyetso bidashidikanywaho byatuma DUKUZUMUREMYI Célestin alias Rudomoro ahamwa n'icyo cyaha nk'umufatanyacyaha cyangwa icyitso cyacyo. Ku bijyanye no kuba Urukiko Rukuru rwarahamije icyaha DUKUZUMUREMYI Célestin alias Rudomoro rushingiye ku bimenyetso bishidikanywaho bitagaragaza ko agifitemo uruhare
- (29) Mu myanzuro no mu miburanire ye, DUKUZUMUREMYI Célestin alias Rudomoro n'umwunganizi we, bavuga ko yahamijwe icyaha, hashingiye ku mvugo za MANIZABAYO Claudine z'uko yashyiriyeho abana Se (DUKUZUMUREMYI), rushingira kuri raporo y'inzego z'ibanze, nyamara ibi bimenyetso bitagaragaza ko abo bana babamuhaye cyangwa ko babasanze iwe.
- (30) DUKUZUMUREMYI Célestin alias Rudomoro n'umwunganizi we bakomeza bavuga ko imvugo za MANIZABAYO Claudine ku bijyanye n'izimira ry'abo bana zivuguruzanya, kuko ku wa 6/11/2019 yavuze ko abana yabajanyeho kwa Se ko kandi yabibwiye Umuyobozi w'Umudugudu witwa BITIRIKI Boniface, nyamara uwo muyobozi akaba yarabihakanye, naho ku wa 7/11/2019 akavuye ku abana bibwe na Se ndetse umuhungu we witwa MUTONI TUYIZERE mu buhamya bwe akaba yaragaragaje ko MANIZABAYO Claudine yanze kumubwira aho abana bari, kuko yamubwiye ko atariwe umubyarira, ko usanga ibyo byose bihamya ko MANIZABAYO Claudine ariwe uzi aho abo bana bari.
- (31) Ku birebana n'ubuhamya bw'Umucungagereza MUKABERA Spéciose wavuze ko yamwumvise abwira MANIZABAYO Claudine ko abana bari muri Uganda kwa mushiki we, DUKUZUMUREMYI Célestin alias Rudomoro avuye ku nta kimenyetso kigaragaza ko izo mvugo yazivuze, ko kandi Ubushinjacyaha butakoze iperereza ngo hamenyekane niba koko afite umuvandime muri Uganda ko kandi afite abo bana.

Page 7

IKIZA RY'URUBANZA N° RPAA 00418/2023/CA URUPAPURO RWA 7

- (32) DUKUZUMUREMYI Célestin alias Rudomoro n'umwunganizi we basoma bavuye ku ibyongereye ari akagambane k'umugabo witwa KIGARAMA, kuko nyuma y'uko Ubuyobozi bumutegetse (KIGARAMA) kumusubiza igiti cyeye yari yatwaye, yamubwiriye mu ruhamya ko azamwemeza, ko kandi ibyo byose bimaze kuba aribwo MANIZABAYO Claudine utunzwe n'uwo mugabo yatangiye kumwitirira abo bana.

- (33) Ubushinjacyaha buvuga ko DUKUZUMUREMYI Célestin alias Rudomoro adakwiye kuvuga ko nta ruhare afite mu izimira ry'abo bana mu gihe ashinjwa na MANIZABAYO Claudine na TUYIZERE MUTONI, umwana wa MANIZABAYO Claudine.
- (34) Ku bijyanye n'ubuhamya bw'umucungagereza MUKABERA Spésiose, Ubushinjacyaha buvuga ko kuba hatarakozwe iperereza ngo hamenyekane niba DUKUZUMUREMYI Célestin alias Rudomoro afite umuvandimwe muri Uganda, bitabutesha agaciro, kuko icy'ingenzi kwari ukumenya ko MANIZABAYO Claudine yamuhaye abana, kandi hakaba hari ibimenyetso bimushinja ko yabahawe. UKO URUKIKO RUBIBONA
- (35) Impaka muri uru rubanza zishingiye ku kumenya niba DUKUZUMUREMYI Célestin alias Rudomoro yarahamijwe icyaha cyo guta abana, kandi nta kigaragaza ko yabashyikirijwe, hanyuma akabata cyangwa akabatererana.
- (36) Ingingo ya 2, agace ka kane (4°) n'aka gatanu (5°) y'Itegeko n° 68/2018 ryo ku wa 30/8/2018 riteganya ibyaha n'ibihano muri rusange, nk'uko ryahinduwe kugeza ubu ivuga ko umufatanyacyaha ni uwafatanyije ku buryo butaziguye n'uwakoze icyaha, naho icyitso ni umuntu wafashije uwakoze icyaha mu byagiteguye (....)".
- (37) Nk'uko byagaragajwe haruguru mu gace ka makumyabiri na kane (24) k'uru rubanza, Urukiko Rukuru, Urugereko rwa Musanze rwasobanuye ko rushingiye ku mvugo za MANIZABAYO Claudine, kuri raporo y'inze z'Ibanze yo ku wa 16/5/2021, ku buhamya bwa TUYIZERE MUTONI n'ubwa MUKABERA Spéciose, hakwiye kwemezwa ko DUKUZUMUREMYI Célestin alias Rudomoro yagize uruhare mu cyaha cyo guta cyangwa gutererana abana bavugwa muri uru rubanza.
- (38) Mu Bugenzacyaha no mu Bushinjacyaha, MANIZABAYO Claudine yasobanuye ko abana yabajyanye kwa se DUKUZUMUREMYI Célestin alias Rudomoro, ko nyuma yaje kubwirwa na MUKANSANGA Jacqueline ko yabonye abo bana kwa DUKUZUMUREMYI Célestin alias Rudomoro, bukeye arongera amubwira, ari kumwe na NYIRABANZI Léoncie, ko yababonye kwa BARYANA, ndetse na HARAGIRA yavuze ko yababonye kwa DUKUZUMUREMYI Célestin alias Rudomoro. Yasobanuye kandi ko mbere yabeshye ko yari yabasize ku mbuga, Se akabiba, ariko abisabira imbabazi.
- (39) Mu Bugenzacyaha no mu Bushinjacyaha, MUKANSANGA Jacqueline yasobanuye ko yabwiye MANIZABAYO Claudine ko yabonye abana batatu (3) ba

Page 8

IKIZA RY'URUBANZA N° RPAA 00418/2023/CA URUPAPURO RWA 8

DUKUZUMUREMYI Célestin alias Rudomoro bicaye ku mbuga. Yasobanuye kandi ko ubwo yahanyuraga, yabajije umugore wa DUKUZUMUREMYI Célestin alias Rudomoro niba nta bana MANIZABAYO Claudine yazanye aho, amusubiza ko ntabwo yabonye, ko ibyo kuba abana bari kwa BARYANA ntabwo yavuze.

- (40) HARAGIRIMANA Françoise nawe abazwa mu Bugenzacyaha no mu Bushinjacyaha, yasobanuye ko yahuye na MANIZABAYO Claudine, uyu amubwira ko abana yabishyiriye Se, DUKUZUMUREMYI Célestin alias Rudomoro, ko akimara kumubwira ayo makuru, yumvise agize impungenge z'abo bana kuko MANIZABAYO Claudine yakundaga kubaterera uwo yita ko ari Se, akavuga ko yabica, ko kandi agira umutima wa kinyamaswa kuko adakunda abana be, akomeza avuga ko yabajije MANIZABAYO Claudine niba yarajyanye abo bana abanje kubimenyesha Ubuyobozi, amusubiza ko atabumenyesheje.
- (41) TUYIZERE MUTONI, umwana wa MANIZABAYO Claudine, abazwa mu Bugenzacyaha, yasobanuye ko ubwo yavaga ku irondo, yasanze UWIMBABAZI Devotthe na IRANZI Jackson batari mu rugo, abajije murumuna we witwa NIYITEGEKA Placide aho bari, amusubiza ko mama we MANIZABAYO Claudine yabahurutuye mu nzu avuga ko abashyiriye Se DUKUZUMUREMYI Célestin alias Rudomoro; nawe abajije nyina aho abo bana bari, umusubiza ko atariwe umubyarira.
- (42) Raporo y'inzego z'Ibanze yo ku wa 16/5/2021 igaragaza ko nyuma y'uho Abayobozi bamenye ko MANIZABAYO Claudine yanjyanye abana ku wo yitaga ko ari Se, bagiye kumureba, arabyemera, nabo bagasaba Ubuyobozi bw'Umudugudu aho DUKUZUMUREMYI Célestin alias Rudomoro atuye kubafasha kumenya niba abo bana bariyo, barabahakanira, ariko ko nabo bakomeje kubashakisha ahantu hose bakababura.
- (43) Mu iburanisha ryo ku wa 14/6/2023, BITIRIKI Boniface, Umuyobozi w'Umudugudu w'aho uregwa atuye, yatanze ubuhamya avuga ko mu ijoro MANIZABAYO Claudine avuga ko yajyanyemo abana kwa Se, atigeze abimumenyesha nk'Umuyobozi, ko ahubwo yabimubwiye ku wa gatatu, kandi bivugwa ko abana yabajyanye ku wa mbere.
- (44) Muri iryo buranisha kandi, MANIZABAYO Claudine yavuze ko yumvise amakuru ko MBONARUZA, umugabo wa NYIRABIKARI Florence, na BIZIMANA aribo bakuye abana kwa DUKUZUMUREMYI Célestin alias Rudomoro babajyana muri Uganda, ko kandi ibyo kuba abana bari muri Uganda bizwi n'umucungagereza witwa MUKABERA Spéciose, kuko yiyumviye DUKUZUMUREMYI Célestin alias Rudomoro abivuga.
- (45) Abazwa mu Bushinjacyaha ku wa 21/6/2023, MUKABERA Spéciose, umucungagereza muri Gereza ya Musanze, yavuze ko umusi atibuka neza ari mu kazi ke, MANIZABAYO Claudine yasabye guhuzwa na DUKUZUMUREMYI Célestin alias Rudomoro wari uje kuburana avuye mu igororero rya Rubavu, maze abahagaragara iruhande, yumva MANIZABAYO Claudine abaza

Page 9

IKIZA RY'URUBANZA N° RPAA 00418/2023/CA URUPAPURO RWA 9

DUKUZUMUREMYI Célestin alias Rudomoro niba agihakana ko yamuhaye abana, maze amusubiza ko abana bari kwa mushiki we muri Uganda, ndetse ko igihe azagera mu Rukiko azabyemera.

- (46) Urukiko rw'Ubugurire rurasanga isuzuma ry'imvugo za MANIZABAYO Claudine rigaragaza ko afatwa yatangiye avuga ko abana be bavugwa muri uru rubanza bibwe n'uregwa, nyuma ahindura imvugo avuga ko ariwe wabashyiriyeye uregwa. Rigaragaza kandi ko ibyo yavuze ko MUKANSANGA Jacqueline na HARAGIRIMANA Françoise bamubwiye ko babonye abo bana mu rugo rw'uregwa ku wa 5/11/2019, atari ukuri kuko babihakanye bavuga ko ahubwo ariwe wababwiye ko yabahasize mu ijoro yo ku wa 4/11/2019. Rigaragaza na none ko ibyo ayavuze ko yamenyesheje Ubuyobozi ko yashyiriyeye abo bana uregwa atari ukuri kuko BITIRIKI Boniface, Umuyobozi w'Umudugudu aho uregwa atuye, yarabihakanye mu Rukiko, bikanashimangirwa na HARAGIRIMANA Françoise wemeje ko MANIZABAYO Claudine yamubwiye ko atigeze amenyesha Ubuyobozi.
- (47) Hashingiye ku byagaragajwe mu gace kabanziriza aka, Urukiko rw'Ubugurire rurasanga Urukiko Rukuru, Urugereko rwa Musanze rutari gushingira ku mvugo za MANIZABAYO Claudine kugira ngo rwemeze ko DUKUZUMUREMYI Célestin alias Rudomoro yagize uruhare mu izimira ry'abana bavugwa mu rubanza, ahubwo rwari kubona ko izo mvugo zitizewe kandi zitera ugushidikanya¹.
- (48) Ku birebana na raporo y'inze z'Ibanze yo ku wa 16/5/2021, Urukiko rw'Ubugurire rurasanga Urukiko Rukuru rutarasobanuye neza ibigaragaramo kuko iyo raporo igaragaza ko nyuma yo kumenya ko havugwa ko MANIZABAYO Claudine yajyanye abana kwa DUKUZUMUREMYI Célestin alias Rudomoro, Abayobozi b'Umudugudu wa Murungu bagiye kumubaza niba aribyo, arabyemera, ariko ntigaragaza ko ari MANIZABAYO Claudine wabamenyesheje ko ariho yabajyanye. Rurasanga kandi iyo raporo igaragaza ko abana bashatswe mu Mudugudu wa Murungu no mu rugo rw'uregwa, ariko aho hose barababuze.
- (49) Urukiko rw'Ubugurire rurasanga rero raporo y'inze z'Ibanze ivugwa atari ikimenyetso kigaragaza ko uregwa afite uruhare mu izimira ry'abana bavugwa mu rubanza, ahubwo igaragaza ku buryo budashidikanywaho ko abo bana batigeze bagera iwe mu rugo, bityo Urukiko Rukuru, Urugereko rwa Musanze rwakoze amakosa yo kwemeza ari ikimenyetso gishinja DUKUZUMUREMYI Célestin alias Rudomoro icyaha aregwa.
- (50) Ku birebana n'ubuhamya bwa TUYIZERE MUTONI, Urukiko rw'Ubugurire rurasanga Urukiko Rukuru rwamuvugishije ibyo atavuze kuko atigeze avuga ko MANIZABAYO Claudine yamubwiye ko yajyanye abo bana kwa DUKUZUMUREMYI Célestin alias Rudomoro, ahubwo yavuze ko MANIZABAYO Claudine yanze kumubwira aho yajyanye abo bana, ariko murumuna we NIYITEGEKA Placide niwe yamubwiye ko MANIZABAYO Claudine yabahurutuye mu nzu avuga ko abashyiriyeye Se

¹ Reba ubuhamya bwa MUKANSANGA Jacqueline, NYIRABANZI Leoncie na HARAGIRA, aho bese bavuze ko batazi ibura ry'abo bana nyamara MANIZABAYO yari yabatanzeho ikimenyetso.

DUKUZUMUREMYI Célestin alias Rudomoro. Rurasanga rero ubwo buhamya atari ikimemyetso kigaragaza uruhare rw'uregwa mu izimira ry'abana bavugwa mu rubanza, cyane ko butashimangirwa n'ikindi kimenyetso.

- (51) Ku bijyanye n'ubuhamya bwa MUKABERA Spéciose, Urukiko rw'Ubujurire rurasanga butera ugushidikanya mu kugaragaza uruhare rwa DUKUZUMUREMYI Célestin alias Rudomoro, kuko hashingiwe ku byagaragajwe haruguru, nta kindi kimenyetso gishimangira ko abo bana baba bageze iwe mu rugo, kugira ngo abone kubajyana ahandi.
- (52) Hashingiwe ku byagaragajwe byose haruguru, Urukiko rw'Ubujurire rurasanga nta kimenyetso kigaragaza mu buryo budashidikanywaho ko DUKUZUMUREMYI Célestin alias Rudomoro afite uruhare nk'umufatanyacyaha cyangwa icyitso cya MANIZABAYO Claudine mu izimira ry'abana bavugwa mu rubanza, bityo iyi ngingo y'ubujurire bwe ikiba ifite ishingiro.
- (53) Kubera izo mpamvu zose, Urukiko rw'Ubujurire rurasanga rurasanga Urukiko Rukuru rwakoze amakosa yo guhamya DUKUZUMUREMYI Célestin alias Rudomoro icyaha cyo guta no gutererana bana babiri ba MANIZABAYO Claudine kuko nta gikorwa cyagaragajwe kigaragaza ko yafatanyije ku buryo butaziguye na MANIBAZAYO Claudine cyangwa yamufashije guta cyangwa gutererana abana be babiri, bityo ubujurire bwe bukaba bufite ishingiro, akaba agomba kurekurwa uru rubanza rukimara gusomwa. III. ICYEMEZO CY'URUKIKO
- (54) Rwemeje ko ubujurire bwa DUKUZUMUREMYI Célestin alias Rudomoro bufite ishingiro.
- (55) Rwemeje ko urubanza no RPA 00958/2021/HC/MUS rwaciwe n'Urukiko Rukuru, Urugereko rwa Musanze ku wa 27/6/2023 ruhindutse kuri byose.
- (56) Rwemeje ko DUKUZUMUREMYI Célestin alias Rudomoro agizwe umwere, akaba agomba kurekurwa urubanza rukimara gusomwa.
- (57) Rutegetse ko amagarama y'urubanza aherera ku Isanduku ya Leta. RUKIJIJWE RUTYO KANDI RUSOMEWE MU RUHAME NONE KU WA 26/2/2025.

UMUHOZA Périne GAKWAYA Justin

Umwanditsi

Umucamanza Sé Sé

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