

RWANDA / JUDGMENT

UBUSHINJACYAHA vs MURERAKURE

RPA 00036/2022/CA

COURT

Court of Appeal

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UBUSHINJACYAHA vs MURERAKURE

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Text

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UBUSHINJACYAHA vs MURERAKURE [Rwanda URUKIKO RW'UBUJURIRE – RPA 00036/2022/CA (Mukamurenzi., P.J.) 23 Mutarama 2025] Amategeko Mpanabyaha – Ibimenyetso – 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 barabigiyeho impaka, kuko Urukiko nirwo rwemeza ko ibyo bimenyetso bishobora kwemerwa. Amategeko mpanabyaha – impamvu nyoroshyacyaha – kugabanya igihano – Umucamanza w'ubujurire ku rwego urwo ari rwo rwose ashobora kugabanyiriza uregwa igihano hagamijwe gutanga igihano gihwanye n'uburemere bw'icyaha, n'ubwo impamvu z'ubujurire zaba zitahawe ishingiro Incamake y'ikibazo: Uru rubanza rwatangiye Ubushinjacyaha burega Murerakure mu Rukiko Rukuru, Urugereko rwiheriye ruburanisha ibyaha mpuzamahanga n'ibyambuka imbibi bumukurikiranyeho icyaha cyo gushakira inyungu mu mibonano mpuzabitsina y'undi n'icyo kuba icyitso mu gusambanya umwana. Busaba Urukiko ko rubimuhamya, rukamuhanisha igifungo cy' imyaka itanu (5) n'ihazabu y'amafaranga y'u Rwanda atari muni ya miliyoni eshanu (5.000.000Frw) ku cyaha cyo gushakira inyungu mu mibonano mpuzabitsina y'undi, naho ku cyaha cyo kuba icyitso mu cyaha cyo gusambanya umwana agahanishwa igifungo cy' imyaka

makumyabiri n'itanu (25). Murerakure yahakanye icyaha kuva mu ipereza kugera aburana mu Rukiko, avuga ko yumvaga abaturanyi be bavuga ko Uwamahoro wamukoreraga akazi ko mu rugo yazanaga abagabo batandukanye mu nzu, ko ariko nta ruhare yabigizemo. Urukiko mu rubanza RP00010/2021/HC/HCCIC rwasanze nta bimenyetso k kigaragaza ko Murerakure yakoze icyaha cyo gushakira inyungu mu mibonano mpuzabitsina y'undi, ariko ko hari ibimenyetso bimuhamya icyaha cyo kuba icyitso mu cyaha cyo gusambanya umwana, nko kuba kuba yaramenye ko Uwamahoro yarasambanyirizwaga iwe ariko ntabihagarike no ku mvugo z'abatangabuhamya, maze rumuhanisha igifungo cy'imyaka makumyabiri (20). Murerakure ntiyishimiye imikirize y'urwo rubanza, arujuririra mu Rukiko rw'Ubujurire, avuga ko icyo anenga urubanza rujuririrwa ari uko yagaragaje uko ibintu byagenze ariko Urukiko ntiwabiha agaciro, rumuhanisha igifungo cy'imyaka 20, rwirengagije ko atamenyaga ko Uwamahoro azana abagabo mu rugo adahari bakamusambanya, ko yabimenye abibwiwe na ny'ir'igipangu, ariko kuko hari mu gihe cya Covid ntiyabasha guhita amwohereza iwabo, ko rwanirengagije ubuhamya bumushinjura, rushingira ku mvugo zirimo urujijo z'abatangabuhamya bamushinja kuko batagaragaza abagabo bazaga gusambanya uwo mwana. Ubushinjacyaha buvuga ko ikirego cy'ubujurire cya Murerakure nta shingiro gifite, kuko hari ibimenyetso bigizwe n'inyandikomvugo z'abamushinja barimo umwana wasambanyijwe. Urukiko mu rubanza RPA00036/2022/CA, rwemeje ko Ubujurire bwa Murerakure nta shingiro bufite kuko imvugo z'abatangabuhamya nta rujijo rurimo kandi adatanga ibimenyetso bivuguruzwa ibyashyingiweho n'Urukiko Rukuru. Incamake y'icyemezo: Mu manza nshinjabyaha, ibimenyetso byose bishobora gushingirwaho mu gihe bigaragaza ukuri kw'ibyabaye (principe de la liberté de la preuve en matière pénale), abaturanyi bakaba barahawe uburyo bwo kuhaba ngo banyomozanye, kandi ko Urukiko arirwo rwemeza ko ibyo bimenyetso bishobora kwemerwa.

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Amategeko yashyingiweho: Itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange, ingingo ya 84 Imanza zifashishijwe: Urubanza RPAA 00692/2021/CA rwaciwe ku wa 20/01/2023 haburana Ubushinjacyaha na Ndayishimiye Jean Damascène, RPAA 00188/2024/CA rwaciwe ku wa 28/11/2024 haburana Muhimpundu Jean Paul. Urubanza RPAA 00039/2021/CA, haburana Ubushinjacyaha na Shakabatenda Jean de Dieu rwaciwe n'Urukiko rw'Ubujurire ku wa 02/07/2021; Urubanza RPAA 00473/2023/CA, haburana Ubushinjacyaha na Hagenimana Claude alias Bakame rwaciwe n'Urukiko rw'Ubujurire ku wa 22/11/2024. Urubanza RPAA 00361/2022/CA haburana Ubushinjacyaha na Nshimiyimana Alexis rwaciwe n'Urukiko rw'Ubujurire ku wa 18/03/2024. Urubanza I. IMITERERE Y'URUBANZA [1] Ku wa 26/02/2020, Murerakure Jeannette yavanye umwana witwa Uwamahoro Madeleine iwabo amuzana mu Muji wa Kigali kugira ngo ajye amukorera akazi ko mu rugo ku gihembo cy'amafaranga y'u Rwanda ibihumbi icumi (10.000Frw) ku kwezi. Abaturanyi babanaga mu rupangu, baketseko uwo mwana adakora akazi ko mu rugo gusa, ahubwo ko Murerakure Jeannette azana abagabo mu gipangu bakamusambanya, bakamuha amafaranga, maze umwe muribo bapangayi atanga ayo makuru abinyujije kuri Twitter, iperereza ritangira ubwo. [2] Iperereza rirangiye, Ubushinjacyaha bwaregeye Murerakure Jeannette Urukiko Rukuru, Urugereko rwihariye ruburanisha ibyaha

mpuzamahanga n'ibyambuka imbibibumukurikanyeho icyaha cyo gushakira inyungu mu mibonano mpuzabitsina y'undi n'icyo kuba icyitso mu gusambanya umwana, busaba ko byamuhama, ku cyaha cyo gushakira inyungu mu mibonano mpuzabitsina y'undi, agahanishwa igifungo cy' imyaka itanu (5) n'ihazabu y'amafaranga y'u Rwanda atari muni ya miliyoni eshanu (5.000.000Frw), naho ku cyaha cyo kuba icyitso mu cyaha cyo gusambanya umwana agahanishwa igifungo cy' imyaka makumyabiri n'itanu (25). [3] Murerakure Jeannette mu nzego zishinzwe iperereza n'ikurikiranacyaha, no mu Rukiko, yahakanye ibyaha aregwa, avuga ko yumvaga abaturanyi be bavugaga ko Uwamahoro Madeleine yazanaga abagabo batandukanye mu nzu, ko ariko nta ruhare yabigizemo. [4] Mu rubanza RP00010/2021/HC/HCCIC rwaciwe ku wa 19/10/2022, Urukiko Rukuru, Urugereko rwihariye ruburanisha ibyaha mpuzamahanga n'ibyaha byambuka imbibiri rwasanze nta kimenyetso kidashidikanywaho kigaragaza ko Murerakure Jeannette yakoze icyaha cyo gushakira inyungu mu mibonano mpuzabitsina y'undi, rusanga ariko ku birebana n'icyaha cyo kuba icyitso mu cyaha cyo gusambanya umwana, hari ibimenyetso bikurikira bihamya ko yakoze icyo cyaha birimo : Kuba yaramenye ko Uwamahoro Madeleine asambanyirizwa mu icumbi rye ntabihagarike nka nyir'urugo ; Kuba abazwa mu Bushinjacyaha yarivugiyeho ko yabwiye Uwamahoro Madeleine ko atazajya amuhemba ngo kuko nawe yinjiza abagabo ; Kuba hari abatangabuhamya bemeza ko Uwamahoro Madeleine yasambanyirizwaga mu nzu ya Murerakure Jeannette ; no ku mvugo y'umutangabuhamya Hategekimana Juvénal.

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Urukiko rushingiye kuri ibyo bimenyetso byose, rwemeje ko Murerakure Jeannette yabaye icyitso mu cyaha cyo gusambanya umwana, rumuhanisha igifungo cy' imyaka makumyabiri (20). [5] Murerakure Jeannette ntiyishimiye imikirize y'urubanza, ajuririra Urukiko rw'Ubujurire, urubanza ruhabwa RPA00036/2022/CA, ruburanishwa mu ruhamye ku itariki ya 08/01/2025, Murerakure Jeannette yunganiwe na Me Kagabo Théoneste, naho Ubushinjacyaha buhagarariwe na Rukaka Gallican, Umushinjacyaha ku rwego rw'Igihugu. [6] Mu mwanzuro w'ubujurire ndetse no mu miburanire ye, Murerakure Jeannette n'umwunganira bavugaga ko icyo banenga urubanza rujuririrwa ari uko yagaragaje uko ibintu byagenze ariko Urukiko ntirwabiha agaciro, rumuhanisha igifungo cy' imyaka 20, rwirengagije ko atamenyaga ko Uwamahoro Madeleine azana abagabo mu rugo adahari bakamusambanya, ko yabimenye abibwiwe na nyir'igipangu babagamo, nawe agatonganya uwo mwana ariko kuko hari mu gihe cya Covid ntiyabasha guhita amwohereza iwabo, ategereza ko ingendo zifungurwa, ko rwanirengagije ubuhamya bumushinjura, rushingira ku mvugo zirimo urujijo z'abatangabuhamya bamushinja kandi batagaragaza abagabo bazaga gusambanya uwo mwana. [7] Uhagarariye Ubushinjacyaha avugaga ko ikirego cy'ubujurire cya Murerakure Jeannette nta shingiro gifite, kuko hari ibimenyetso bigizwe n'inyandikomvugo z'abamushinja barimo umwana wasambanyijwe usobanura uburyo yazanaga abagabo mu rugo bakamusambanya, abatangabuhamya babanaga mu gipangu bamushinja kuzanaga abagabo n'abasore bagasangira inzoga n'Uwamahoro, bamara gusinda bakabasambanya bombi, ndetse na Murerakure Jeannette nawe akaba yiyemerera ko yari indaya. [8] Urukiko ruherereye kuri izo mpaka, rurasanga ikibazo gikwiye gusuzumwa ari ukumenya niba Murerakure Jeannette yarahamijwe icyaha cyo kuba icyitso mu cyaha cyo gusambanya umwana

hashingiwe ku bimenyetso bishidikanywaho. II. ISESENGURWA RY'IKIBAZO KIGIZE URUBANZA Kumenya niba MURERAKURE Jeannette yarahamijwe icyaha cyo kuba icyitso mu cyaha cyo gusambanya umwana hashingiwe ku bimenyetso bishidikanywaho. [9] Murerakure Jeannette n'umwunganira bavuga ko Urukiko Rukuru rwamuhamije icyaha rushingiye ku bimenyetso bishidikanywaho kandi yararugaragariye uko ibintu byagenze rukabyirengagiza. Basobanura ko yamenye ko Uwamahoro Madeleine asambanyirizwa mu nzu ye abibwiwe na ny'ir'igipangu babagamo ariko ntiyamwerekaga abamusambanya, ko nawe atari kubamenya kuko bazaga yagiye mu kazi, ko n'abaturanyi bamushinja nabo batigeze berekana abagabo bahazaga. Banavuga ko kubera akazi yakoraga ko muri restaurant atamenyaga ibikorera mu rugo rwe kuko yatahaga bwije, ko aho abimenyeye yamutonganyije amubaza impamvu yagize inzu ye iloji (lodge), ndetse ko atigeze amubwira ko atazajya amuhemba kubera ko yinjiza abagabo. [10] Bakomeza bavuga ko imvugo y'umutangabuhamya Mukampogazi Esther watanze amakuru kuri twitter aho kuyabwira inzego zishinzwe umutekano, avuga ko acuruza Uwamahoro itagombaga guhabwa ishingiro kuko ibyo yavuze nta bimenyetso yabitangiye kuko nawe yivugiraga ko yabibwiwe n'abandi, ko banafitanye ikibazo kiva ku kimina abereye perezidante; ko n'ubuhamya bwa Umulisa Justine na Karima Eugène butagomba gushingirwaho kuko Uwamahoro yivugiye ko atamucuruje, ko yasambanywaga adahari yagiye ku kazi, anavuga abamusambanyaga barimo abitwa Peter, Kibonge na Théogène batakurikanywe, ko ibyo bigaragaza akagambane yakorewe. [11] Basoba basaba ko Urukiko guha abaciro ubuhamya bumushinjura bwa Hategekimana Justin n'innyandiko ya Uwamahoro Madeleine yanditse amushinjura, maze agahabwa ubutabera akajya kwita ku bana batatu yasize kuko nta cyaha yakoze kuko nta n'ikimenyetso kigaragaza ko Uwamahoro Madeleine ari umwana udashobora kwitekerereza.

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[12] Uhagarariye Ubushinjacyaha avuga ko ikirego cy'ubujurire cya Murerakure Jeannette nta shingiro gifite, kuko Uwamahoro Madeleine abazwa mu Bugenzacyaha yamushinje kuzana abagabo mu rugo bakamusambanya, anamushinja kuba hari uwitwa Peter waje akarara amusambanya nyirabuja akamubwira ko amwishyura amafaranga ibihumbi cumi na bitanu (15.000Frw), ko hari n'umutangabuhamya Mukampogazi Esther watanze amakuru kuri Twitter, uvuga ko hari abagabo baza gusambanya Uwamahoro, kandi ko yabimenyesheje nyirabuja ntiyagira icyo akora, ko hari n'imvugo z'abatangabuhamya Umulisa Justice na Karimba Eugène babanaga mu gipangu bashinja Murerakure ko kuzana abagabo n'abasore bakanywa inzoga hamwe na Uwamahoro bamara gusinda bombi bakabasambanya. Asoza asaba ko hagumaho imikirize y'urubanza RP00010/2021/HC/HCCIC rwaciwe n'Urukiko Rukuru, urugereko ruburanisha ibyaha mpuzamahanga n'ibyaha byambuka imbibi. UKO URUKIKO RUBIBONA [13] Impaka kuri iyi ngingo zishingiye ku kumenya niba Urukiko rubanza rwarirengagije ibisobanuro bya Murerakure Jeannette, rukamuhamya icyaha cyo kuba icyitso ku cyaha cyo gusambanya umwana rushingiye ku mvugo z'abatangabuhamya batavugaga ukuri. [14] Mu rubanza RPAA00692/2021/CA rwaciwe ku wa 20/01/2023 haburana Ubushinjacyaha na Ndayishimiye Jean Damascène, Urukiko rw'Ubujurire rwasobanuye 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. Iri hame ryashingiweho no mu zindi manza zakurikiyeho zaciwe n'uru Rukiko, harimo urubanza RPAA00188/2024/CA rwaciwe ku wa 28/11/2024 haburana Muhimpundu Jean Paul. [15] Nk'uko bigaragara mu rubanza rwajuririwe RP00010/2021/HC/HCCIC, rwaciwe ku wa 19/10/2022, Urukiko Rukuru, Urugereko rwihariye ruburanisha ibyaha mpuzamahanga n'ibyambuka imbibi, rwahamije Murerakure Jeannette icyaha cyo kuba icyitso mu cyaha cyo gusambanya Uwamahoro Madeleine rushingiye ku bimenyetso bikurikira : Kuba Murerakure Jeannette yemera ko yumvise abantu babana mu gipangu bavuga ko Uwamahoro Madeleine asambanyirizwa mu icumbi rye, ntabihagarike nk'uwari nyirabuja cyangwa ngo yerekane ko atabishyigikiye, ahubwo agakomeza kubana nawe abizi neza ko ari umwana usambanyirizwa mu icumbi ; Kuba imyiregurire ya Murerakure Jeannette y'uko atamenyaga ko uwo mwana asambanyirizwaga mu icumbi rye ngo kuko yabaga yagiye ku kazi nta shingiro ifite, kuko atashoboye kuvuguruza ubuhamya bubimushinja, kandi nawe ubwe yemera ko hari igihe yabaga ari mu rugo kubera ko hari mu gihe cya "Guma mu rugo ; Kuba mu ibazwa rye mu Bugenzacyaha, Murerakure Jeannette yarivugiyeye ko yabwiye Uwamahoro Madeleine ko atazajya amuhemba kubera ko nawe yinjiza abagabo, byumvikanisha ko yemeye ko akomeza gusambanyirizwa mu icumbi rye ; Kuba imvugo z'abatangabuhamya Umulisa Justine na Kalimba Eugène babanaga mu gipangu kimwe, ndetse N'iz'uwamahoro Madeleine zuzuzanya, kuko baturiza ku kuba Murerakure Jeanette yarazanaga abagabo bakamusambanya, bakanasambanya Uwamahoro ; Kuba ubuhamya bwa Hategekimana Juvénal butamushinjura, kuko yemeje ko yageze mu gipangu Murerakure Jeannette n'abatangabuhamya bagaragajwe haruguru batuyemo inshuro zigera kuri eshatu aje gukemura ikibazo yari yagejejweho n'abapangayi bari bamubwiye ko Uwamahoro Madeleine ateza umutekano muke kubera abagabo bajyaga kumusambanyiriza kwa Murerakure Jeannette ;

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Raporo ya muganga wo mu bitaro bya Kacyiru yo ku wa 04/02/2022, igaragaraza ko Uwamahoro Madeleine yatakaje akarangabusugi ; icyemezo cy'amavuko cyatanzwe n'ubuyobozi bw'Umurenge wa Mata ku wa 08/02/2021 kigaragaza ko Uwamahoro yavutse ku wa 01/01/2004, bivuze ko ubwo yarasambanywaga yari afite imyaka cumi n'irindwi (17) y'amavuko. [16] Urukiko Rukuru rwanasanze ibyo avuga ko abatangabuhamya bamushinja icyaha kubera ibyo bapfa, nta shingiro bifite kuko atashoboye kubitangira ikimenyetso kibyemeza usibye kubivuga atyo gusa. [17] Urukiko rw'Ubujurire ruhuje imiburanire ye kuri uru rwego rw'ubujurire n'ibyo bimenyetso byashingiweho, rusanga ibyo Murerakure Jeannette avuga ko Urukiko Rukuru rwirengagije ibyo yarugaragariye by'uko atamenyaga ko Uwamahoro Madeleine asambanyirizwa mu rugo rwe n'uko imvugo z'abatangabuhamya zishidikanywaho nta shingiro bifite, kuko abatangabuhamya baturiza ku kuba mu gihe hari gahunda ya "guma mu rugo" kubera icyorezo cya Covid 19, mu nzu ya Murerakure Jeannette hazaga abagabo benshi n'abasore, bakanywa inzoga bamara

gusinda bakamusambanya, bakanasambanya Uwamahoro Madeleine, bamwe bakajya mu cyumba, abandi muri salon. Ibyo bavuga bakaba babihurizaho n'ibyasobanuwe n'Uwamahoro Madeleine ubwe abazwa mu Bugenzacyaha by'uko Murerakure Jeannette yazanaga abagabo mu nzu, bakanywa inzoga bagasinda, barangiza bakabasambanya n'uko yabonye ko abaturanyi be bashaka kumurega kuko bari bamaze kumenya ko amuha abagabo bamusambanya, yimutse aho bari batuye ku Kimironko, ajya gucumbika ahandi. [18] Urukiko rw'Ubujurire runasanga ibaruwa Uwamahoro Madeleine yandikiye Urukiko ku wa 12/10/2024 yo kurenganura Murerakure Jeannette, idatesha agaciro izo mvugo ze, kuko ibyo avuga abihurizaho n'abatangabuhamya bari baturanye mu gipangu, kandi akaba atagaragaza ko bo batavugisha ukuri. Bityo iyo baruwa ikaba itagomba guhabwa agaciro nk'ikimenyetso cyagira icyo gihindura ku rubanza rwaciwe n'Urukiko Rukuru kuko n'ibyo avuga ko yatewe ubwoba bituma atavugisha ukuri atabitangira ikimenyetso, naho ibyerekeye kumucuruza bikaba bitaramuhanye. [19] Naho ku birebana n'ibyo Murerakure Jeannette avuga ko Hategekimana Juvénal yatanze ubuhamya amushinjura, Urukiko rw'Ubujurire rusanga, nk'uko bigaragara mu gika cya 48 cy'urubanza rujuririrwa, ubuhamya bwe bwarasesenguwe, Urukiko Rukuru rusanga butamushinjura, kuko yagaragaje ko yagiye aho batuye mu gihe cya guma mu rugo inshuro zigera kuri ebyiri kubera ikibazo yabaga yagejejweho n'abaturanyi be kijyanye n'umutekano muke waterwaga n'abantu bazaga kwa Murerakure bazanywe no gusambanya umukozi we Uwamahoro Madeleine. Ubwo buhamya rero bukaba butamushinjura nk'uko abivuga, ahubwo ibyo avuga byuzuzanya n'ibivugwa n'abandi batangabuhamya babajijwe mu iperereza, kandi Hategekimana Juvénal akaba atari kumenya ibyaberaga muri icyo gipangu byose kuko atari ahatuye. Naho kuba yaravuze ko atazi iby'uko yaba yaracuruzaga Uwamahoro Madeleine byo birebana n'icyaha atahamijwe cyo gushakira inyungu mu mibonano mpuzabitsina y'undi. [20] Urukiko rw'Ubujurire runasanga ibyo bavuga ko umutangabuhamya Mukampogazi Esther watanze amakuru kuri twitter avuga ko acuruza Uwamahoro atagombaga gushingirwaho ngo kuko bafite ibyo bapfa, nabyo nta shingiro bifite kuko mu bimenyetso byashingiweho mu guhamya Murerakure Jeannete icyaha cyo kuba icyitso mu cyaha cyo gusambanya umwana uwo mutangabuhamya atari mu bashingiweho. [21] Urukiko rusanga na none ibivugwa na Murerakure Jeannette n'umwunganira ko nta kimenyetso cyagaragajwe cy'uko Uwamahoro Madeleine ari umwana koko udashobora kwitekerereza nabyo nta shingiro, kuko nk'uko byasobanuwe n'Urukiko Rukuru mu gika cya 49 cy'urubanza rujuririrwa, muri dosiye harimo icyemezo cy'amavuko cyatanzwe n'ubuyobozi bw'Umurenge wa Mata ku wa 08/02/2021 kigaragaza ko yavutse ku wa 01/01/2004, byumvikana ko mu gihe yasambanywaga yari akiri umwana utarageza ku myaka 18 kuko ubwo byamenyekanaga yari afite imyaka cumi n'irindwi (17) y'amavuko.

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[22] Urukiko rw'Ubujurire rurasanga rero ibimenyetso byashingiweho n'Urukiko Rukuru, Urugereko rwihariye ruburanisha ibyaha mpuzamahanga n'ibyambuka imbibi byuzuzanya kandi bidashidikanywaho, bityo hakaba nta kosa urwo rukiko rwakoze rubishingiraho rugahamya Murerakure Jeanentte icyaha cyo kuba icyitso mu cyaha cyo gusambanya umwana. [23] Urukiko rusanga ariko, n'ubwo ubujurire bwe nta shingiro bufite, nta kibuzza

ko hasuzumwa ibirebana n'igihano kugira ngo harebwe niba icyo yahanishijwe gihwanye n'uburemere bw'icyaha cyakozwe n'uburyo cyakozwemo nk'uko byatanzweho umurongo n'uru Rukiko mu rubanza RPAA00039/2021/CA rwaciwe ku wa 02/07/2021 haburana Ubushinjacyaha na Shakabatenda Jean de Dieu; ukaba waranakurikijwe no mu zindi manza zitandukanye zirimo nk'urubanza RPAA00473/2023/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/11/2024 Ubushinjacyaha buburana na Hagenimana Claude alias Bakame. [24] Nk'uko urubanza rujiririrwa rubigaragaza, mu kugena igihano Murerakure Jeannette yahanishijwe, Urukiko Rukuru rwashingiye ku buremere bw'icyaha cyo gusambanya umwana no ku ruhare yakigizemo yemera ko bamusambanyiriza mu icumbi rye abizi neza, rumuhanisha igifungo cy'imyaka 20. [25] Urukiko rw'Ubujurire rusanga, n'ubwo Murerakure Jeannette yahanishijwe igihano gito giteganyirizwa icyaha cyo gusambanya umwana, nta cyari kubuza Urukiko Rukuru gusuzuma ibijyanye n'impamvu nyoroshyacyaha, kuko dosiye igaragaraza ko ari ubwa mbere akurikiranyweho icyaha mu nkiko ku buryo buzwi, akaba yari afite imyaka 29 bigaragaza ko atari akuze cyane ku buryo bitabuza ko abona amahirwe yo kugabanyirizwa igihano, kuko imibireho yari abayemo y'uburaya igaragaza ko ari yo yatumye yemera ko n'umwana w'imyaka 17 asambanywa. [26] Mu manza ziheruka gucibwa n'uru Rukiko ku baregwa bahamije ibyaha byo gusambanya abana bisa n'icyo Murerakure Jeannette yabayemo icyitso, harimo nk'urubanza RPAA00361/2022/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 18/03/2024, haburana Ubushinjacyaha na Nshimiyimana Alexis. Muri urwo rubanza Nshimiyimana Alexis yaburanye ahakana icyaha aregwa cyo gusambanya umwana w'imyaka cumi n'itandatu (16) y'amavuko, we afite imyaka makumyabiri n'irindwi (27) y'amavuko, ariko agabanyirizwa igihano ahanishwa igifungo cy'imyaka cumi n'itanu (15) gisimbura igifungo cy'imyaka makumyabiri n'itanu (25) yahanishijwe mbere. [27] Kubera izo mpamvu, hanashingiye ku biteganywa n'ingingo ya 84 y'Itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange¹, Urukiko rusanga Murerakure Jeannette agomba guhanishwa igihano nk'icyo Nshimiyimana Alexis yahanishijwe kuko bigaragara ko ubusambanyi yabayemo icyitso bwakorerwaga umwana w'imyaka cumi n'irindwi (17) y'amavuko kandi nawe akaba atari akuze cyane kuko yari afite imyaka 29 y'amavuko ndetse kaba ari n'ubwa mbere akurikiranyweho icyaha mu nkiko. Bityo Uru Rukiko rukaba rumuhanishije igifungo cy'imyaka cumi n'itanu (15) gisimbura igifungo cy'imyaka 20 yari yahanishijwe mu rubanza rujuririrwa. III. ICYEMEZO CY'URUKIKO [28] Rwemeje ko ubujurire bwa Murerakure Jeannette nta shingiro bufite ; [29] Rwemeje ko imikirize y'urubanza RP00010/2021/HC/HCCIC, rwaciwe n'Urukiko Rukuru, Urugereko rwiheriye ruburanisha ibyaha mpuzamahanga n'ibyambuka imbibi ku wa 19/10/2022, ihindutse gusa ku birebana n'igihano ;

1 Ingingo ya 84 y'Itegeko No 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange iteganya ko icyitso kidahanwa kimwe n'uwakoze icyaha keretse igihe: 1o itegeko ribiteganya ukundi; 2o Umucamanza abona ko uruhare rw'icyitso mu gukora icyaha rungana cyangwa ruruta urw'uwakoze icyaha.

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[30] Rumuhanishije igifungo cy'imyaka cumi n'itanu (15) kubera guhamwa n'icyaha cyo kuba icyitso mu cyaha cyo gusambanya umwana ; [31] Rutegetse ko Murerakure Jeannette asonerwa amafaranga y'amagarama y'urubanza kubera ko afunzwe.

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