

RWANDA / JUDGMENT

UBUSHINJACYAHA v HABINSHUTI

RLR V.4-2022

COURT

Supreme Court

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UBUSHINJACYAHA v HABINSHUTI

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Text

Page 1

UBUSHINJACYAHA v HABINSHUTI [Rwanda URUKIKO RW'IKIRENGA – RS/ INJUST/ RP 00001/2019/SC (Nyrinkwaya, P.J., Cyanzayire, Hitiyaremye, Rukundakuvuga na Muhumuza J.) 23 Ukuboza 2020] Amategeko agenga imiburanishirize y'imanza – Ubwigarike – Mu gihe umuburanyi agaragariye urukiko ko atavuga rumwe n'umwunganizi we urukiko rukabirengaho, afatwa nk'aho atari yunganiwe. Incamake y'ikibazo: Uru rubanza rwatangiriye mu Rukiko Rwisumbuye rwa Nyarugenge, Ubushinjacyaha burega Habinshuti icyaha cyo gusambanya umwana witwa U.H wari ufite imyaka 17 y'amavuko. Urwo rukiko rwaciye urubanza, rwemeza ko uregwa ahamwa n'icyaha, rumuhanisha igifungo cy'imyaka 10. Uregwa yajuririye Urukiko Rukuru, ruca urubanza rwemeza ko ubujurire bwe nta shingiro bufite. Uregwa yarongeye ajuririra Urukiko rw'Ikirenga, ubujurire bwe burakirwa mu ibanzirizasuzuma, nyuma y'ivugururwa ry'inzego z'ubucamanza n'amategeko agenga ububasha bw'inkiko, dosiye yoherezwa mu Rukiko rw'Ubujurire. Uru Rukiko rwemeje ko ubujurire bwe butari mu bubasha bw'arwo hashingiye rushingiye ku kuba mu rubanza rujuririrwa uregwa atarahawe igihano cy'igifungo cya burundu, akaba ataragaragaje ko habayemo kwica amategeko ku buryo bukomeye cyangwa ko hakoze amakosa mu buryo bukomeye byateye akarengane. Nyuma y'aho urwo

rubanza ruciriwe, uregwa yandikiye Perezida w'Urukiko rw'Ikirenga asaba ko rwasubirwamo ku mpamvu z'akarengane maze nyuma yo gusuzuma ikibazo yagejejweho, Perezida w'Urukiko rw'Ikirenga yemeza ko rwandikwa mu bitabo byabugenewe kugira ngo ruzongere ruburanishwe. Muri Uru Rukiko uregwa akaba yaraburanye avuga ko Urukiko rw'Ubujurire rutagombaga gusuzuma iyakirwa ry'ubujurire kubera ko bwoherejwe muri urwo rukiko bwaramaze kwakirwa mu Rukiko rw'Ikirenga kandi ko Urukiko rw'Ubujurire rwaciye urubanza uregwa yigaritsemo umwunganizi we rutabanje gusuzuma ibyerekeranye n'ubwo bwigarike. Ubushinjacyaha bwo baburanye buvuga ko nta kosa Urukiko rwakoze kuko rwahereye ku nzitizi yo kutakira ikirego yari yatanze n'Ubushinjacyaha kandi ko nubwo uregwa yigaritse umwunganizi we, yamwigaritse nta mpamvu agaragaje. Incamake y'icyemezo: 1. Mu gihe umuburanyi agaragarije urukiko ko atavugaga rumwe n'umwunganizi we urukiko rukabirengaho, afatwa nk'aho atari yunganiwe. Urubanza RPAA00342/2018/CA rwaciye n'Urukiko rw'Ubujurire ruvanyweho, rukaba rusimbuwe n'uru; Ubujurire bwa kabiri bwakozwe n'uregwa ntibugomba kwakirwa. Amategeko yashingiweho: Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuru, iz'umurimo n'iz'ubutegetsi, ingingo ya 85, igika cya 5

Page 2

Itegeko Ngenga N° 03/2012/OL ryo ku wa 13/06/2012 ryagengaga imiterere, imikorere n'ububasha by'Urukiko rw'Ikirenga, ingingo ya 28 n'ya 34. Itegeko N° 51/2009 ryo ku wa 09/09/2008 ryagengaga ububasha bw'inkiko, ingingo ya 178. Imanza zifashishijwe: Ubushinjacyaha na Uwinkindi, RPA 0020/14/CS rwaciye ku wa 04/04/2014, igika cya 13. Ubushinjacyaha na Uwinkindi, RPA/GEN/0004/16/CS rwaciye ku wa 14/10/2016, igika cya 21. Rutabayiro et al vs Mukamabano, RS/REV/INJUST/CIV 0023/16/CS, rwaciye n'Urukiko rw'Ikirenga ku wa 27/09/2019. Urubanza I. IMITERERE Y'URUBANZA [1] Uru rubanza rwatangiriye mu Rukiko Rwisumbuye rwa Nyarugenge, Ubushinjacyaha burega Habinshuti Eric icyaha cyo gusambanya umwana witwa U. H wari ufite imyaka 17 y'amavuko. [2] Ku wa 18/07/2017, urwo rukiko rwaciye urubanza RP00465/2016/TGI/NYGE, rwemeza ko Habinshuti Eric ahamwe n'icyaha aregwa, rumuhanisha igifungo cy'imyaka 10. [3] Habinshuti Eric yajuririye Urukiko Rukuru, ruca urubanza RPA00701/17/HC/KIG ku wa 30/11/2017, rwemeza ko ubujurire bwe nta shingiro bufite. [4] Habinshuti Eric yajuririye Urukiko rw'Ikirenga ku wa 20/12/2017, ubujurire bwe burakirwa mu ibanzirizasuzuma, nyuma y'ivugururwa ry'inzeho z'ubucamanza n'amategeko agenga ububasha bw'inkiko, dosiye yoherezwa mu Rukiko rw'Ubujurire. [5] Ku wa 07/11/2018, Urukiko rw'Ubujurire rwaciye urubanza RPAA00342/2018/CA, rwemeza ko ubujurire bwa Habinshuti Eric butari mu bubasha bw'urwo hashingiwe ku biteganywa n'ingingo ya 28, igice cya 2, agace ka 9, y'Itegeko Ngenga N° 03/2012/OL ryo ku wa 13/06/2012 rigenga imiterere, imikorere n'ububasha by'Urukiko rw'Ikirenga, rushingiye ku kuba mu rubanza rujuriyirwa Habinshuti Eric atarahawe igihano cy'igifungo cya burundu, akaba ataragaragaje ko habayemo kwica amategeko ku buryo bukomeye cyangwa ko hakozwe amakosa mu buryo bukomeye byataye akarengane. [6] Nyuma y'aho urwo rubanza ruciriwe, Habinshuti Eric yandikiye Perezida w'Urukiko rw'Ikirenga asaba ko rwasubirwamo ku mpamvu z'akarengane. [7] Nyuma yo gusuzuma ikibazo yagejejweho, Perezida w'Urukiko rw'Ikirenga yemeje ko rwandikwa mu bitabo byabugenewe kugira ngo ruzongere

ruburanishwe

1 Urukiko rw'Ikirenga rufite kandi ububasha bwo kuburanisha mu rwego rw'ubujurire imanza zaciwe ku rwego rwa kabiri n'Urukiko Rukuru, Urukiko Rukuru rw'Ubucuruzi cyangwa Urukiko Rukuru rwa Gisirikare, iyo izo manza zagenwemo igifungo kingana nibura n'imyaka icumi (10) mu gihe umucamanza w'ibanzirizasuzuma yasanze harabaye kwica amategeko mu buryo bukomeye cyangwa harakozwe amakosa mu buryo bukomeye yatumye habaho akarengane.

Page 3

- [8] Urubanza rwaburanishijwe mu ruhamwe ku wa 01/12/2020, mu buryo bwa video conference, Habinshuti Eric ari muri Gereza ya Mageragere aho afungiyeye, Me Habimana Emmanuel umwunganira ari mu rukiko naho Ubushinjacyaha buhagarariye na Munyaneza Nkwaya Eric. [9] Habinshuti Eric na Me Habimana Emmanuel umwunganira baburanye bavuga ko:
- Urukiko rw'Ubujurire rutagombaga gusuzuma iyakirwa ry'ubujurire kubera ko bwoherejwe gusuzumwa muri urwo rukiko bwaramaze kwakirwa mu Rukiko rw'Ikirenga;
 - Urukiko rw'Ubujurire rwacye urubanza Habinshuti Eric yigaritsemo umwunganizi we rutabanje gusuzuma ibyerekeranye n'ubwo bwigarikiye; [10] Ku birebana n'ikibazo cyo kumenya niba Urukiko rw'Ubujurire rutagombaga gusuzuma iyakirwa ry'ubujurire bwa Habinshuti Eric kubera ko bwoherejwe gusuzumwa muri urwo rukiko bwaramaze kwakirwa mu Rukiko rw'Ikirenga, Habinshuti Eric na Me Habimana Emmanuel umwunganira baburanye bavuga ko ubujurire bwe yabutanze hakoresheye Itegeko N° 03/2012/OL ryo ku wa 13/06/2012 rigena imiterere, imikorere n'ububasha by'Urukiko rw'Ikirenga ryateganyaga mu ngingo yaryo ya 28, igika cya 2, agace ka 9 ko rufite ububasha bwo kuburanisha mu rwego rwa kabiri imanza zatanzwemo igifungo kingana nibura n'imyaka 10, iyo umucamanza w'ibanzirizasuzuma asanze harabaye kwica amategeko mu buryo bukomeye cyangwa harakozwe amakosa mu buryo bukomeye byateye akarengane. [11] Bavuga kandi ko Urukiko rw'Ikirenga rwari rwarakiriyeye ikirego cye mu ibanzirizasuzuma, rwaramuhaye n'itariki yo kuburana, ko rero Urukiko rw'Ubujurire rwohererejwe urubanza nyuma y'ivugururwa ry'inkiko n'inzego z'ubucamanza rutari kuvuguruza Urukiko rw'Ikirenga ruvugaga ko rudafite ububasha bwo kuburanisha. [12] Uhagarariye Ubushinjacyaha yavuze ko nta kosa Urukiko rwakozwe kuko rwahereye ku nzitizi yo kutakira ikirego yari yatanze n'Ubushinjacyaha. [13] Nyuma yo kumva ababuranyi, Urukiko rwafatiye mu ntebe icyemezo gikurikira : i. Ingingo ya 178 y'Itegeko n° 51/2009 ryo ku wa 09/09/2008 ryagengaga ububasha bw'inkiko igihe Habinshuti Eric yajuriraga mu Rukiko rw'Ikirenga ryateganyaga ko amategeko agenga ububasha bwo kuburanisha imanza z'inshinyabwaho ari indemyagihugu. Urukiko rusanga ibi ubwabyo byumvikanisha ko ari inshingano y'inteko yashyikirijwe urubanza gusuzuma ibijyanye n'ububasha bwo kuburanisha. ii. Urukiko rurasanga icyemezo cyafashwe n'Umwanditsi Mukuru w'Urukiko rw'Ikirenga ku iyakirwa ry'ikirego hashingiwe ku bubasha yababwaga n'ingingo ya 34 y'Itegeko Ngenga N° 03/2012/OL ryo ku wa 13/06/2012 rigena imiterere, imikorere n'ububasha by'Urukiko rw'Ikirenga ryakurikizwaga igihe Habinshuti Eric yatagaga ubujurire bwe, atari icyemezo cy'ubucamanza cyubahirizwa uko cyakabaye

iyoyangirije inzira z'ubujurire, ahubwo ari icyemezo kijyanye n'imitunganyirize y'akazi k'inkiko gishobora kongera gusuzumwa n'inteko iburanisha urubanza.

Page 4

iii. Ibimaze kuvugwa bihuye n'umurongo wemejwe mu manza zitandukanye zaciwe n'uru rukiko², aho rwasobanuye ko kuba Umwanditsi Mukuru w'Urukiko yakiriye ikirego akacyandika mu gitabo cy'ibirego, bitabuza inteko iburanisha urubanza gusuzuma ibijyanye n'ububasha bw'urukiko n'ibijyanye n'iyakirwa ry'ikirego. iv. Hashingiwe kuri ibyo bisobanuro, Urukiko rurasanga nta cyabuzaga inteko y'Urukiko rw'Ubugurire yashyikirijwe urubanza gusuzuma iyakirwa ry'ubujurire no kurifataho icyemezo ikurikije amategeko yagengaga ububasha bw'Urukiko rw'Ikirenga igihe Habinshuti Eric yajuriraga muri urwo rukiko. [14] Ku birebana n'ikibazo cyo kumenya niba Urukiko rw'Ubugurire rwaraciye urubanza Habinshuti Eric yigaritsemu umwunganizi we rutabanje gusuzuma ibyerekeranye n'ubwo bwigarike, Habinshuti Eric yaburanye avuga ko avoka bari bamuhaye ngo amwunganire, ariwe Me Gatarayiha Simon, yaje kumureba bucya urubanza ruburanishwa ku wa 07/11/2018, amusaba ko areka ubujurire bwe ngo kuko abona nta karengane kari mu rubanza ajuririra, ntibabyumvikanaho, iburanisha ritangiye aramwihana abwira umucamanza ko batavuga rumwe, umucamanza ntiyita ku bwigarike yakoze, akomeza kuburanisha, ndetse afatira icyemezo mu ntebe cyo kutakira ubujurire bwe, gishingiye kubyo avoka yigaritse yavugiye mu iburanisha no kubyo yanditse mu myanzuro yashyize muri system, akaba rero asanga yararenganye kuko yapfukiranywe ntiyahabwa umwanya wo kuburana [15] Me Habimana Emmanuel yavuze ko ingingo ya 89, igika cya 4 y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi ivuga ko iyo umuburanyi yigaritse umwunganira, umucamanza ahagarika iburanisha akabanza gufata icyemezo ku bwigarike mbere y'uko urubanza rukomeza, kuba Urukiko rw'Ubugurire rutaritaye ku bwigarike bwakozwe na Habinshuti Eric, urubanza rugakomeza, ndetse avoka wigaritswe akabazwa n'ibyo yavuze bigashingirwaho, asanga ari akarengane kuko Habinshuti yimwe ubutabera ateganyirizwa n'amategeko. [16] Uhagarariye Ubushinjacyaha yavuze ko nubwo Habinshuti Eric yigaritse umwunganizi we, yamwigaritse nta mpamvu agaragaje. [17] Nyuma yo kumva ababuranyi, Urukiko rwafatiye mu ntebe icyemezo gikurikira: i. Ingingo ya 85, igika cya 5 y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi iteganya ko mu Rukiko rw'Ikirenga no mu Rukiko rw'Ubugurire nta muburanyi wemerewe kwiburanira atunganiwe na avoka. ii. Inyandikomvugo y'iburanisha ry'urubanza mu Rukiko rw'Ubugurire igaragaraza ko iburanisha rigitangira Habinshuti Eric yavuze ko atavuga rumwe na avoka yahawe ngo amwunganire ariko ko urwo rukiko rwakomeje iburanisha nk'aho ntacyabaye. iii. Iyo nyandikomvugo igaragaza kandi ko uwunganiraga Habinshuti Eric atuzuzanyaga na we mu myiregurire ye kuko yabwiye urukiko ko ubujurire bwe

2 Urubanza RPA0020/14/CS rwaciye ku wa 04/04/2014, haburana Ubushinjacyaha na Uwinkindi Jean, igika cya 13; urubanza RPA/GEN/0004/16/CS rwaciye ku wa 14/10/2016, haburana Ubushinjacyaha na Uwinkindi Jean, igika cya 21.

Page 5

bwa kabiri butujuje ibisabwa n'amategeko kugira ngo bwakirwe mu gihe Habinshuti Eric we yifuzaga ko bwakirwa bukaburanishwa. iv. Urukiko rusanga kuba Habinshuti Eric yaragaragaje ko atavuga rumwe n'uwamwunganiraga, ndetse n'uyu akabigaragaza mu miburanire ye, iburanisha rigakomeza hatitawe kuri uko kutavuga rumwe, byumvikanisha ko Habinshuti Eric yaburanye mu byukuri atunganiwe, bityo ko yavukijwe uburenganzira yemererwa n'amategeko bwo kunganirwa kandi mu Rukiko rw'Ubujurire no mu Rukiko rw'Ikirenga ari ihame ko umuntu aburana yunganiwe. v. Urukiko rwemeje ko icyemezo cyafashwe n'Urukiko rw'Ubujurire nta gaciro gifite, ko rero arirwo rugiyeye gusuzuma ibyagombaga gusuzumwa n'urwo rukiko, ruherereye ku kibazo cyo kumenya niba ubujurire bwa kabiri bwatanzwe na Habinshuti Eric mu Rukiko rw'Ikirenga bwaragombaga kwakirwa hakurikijwe ibiteganywa n'ingingo ya 28 y'Itegeko N° 03/2012/OL ryo ku wa 13/06/2012 rigena imiterere, imikorere n'ububasha by'Urukiko rw'Ikirenga ryakoreshwaga igihe yatangaga ubujurire bwe. II. IBIBAZO BIGIZE URUBANZA N'ISESENGURA RYABYO A. Kumenya niba ubujurire bwa kabiri bwatanzwe na Habinshuti Eric mu Rukiko rw'Ikirenga bwaragombaga kwakirwa. [18] Habinshuti Eric na Me Habimana Emmanuel umwunganira bavuga ko ubujurire bwe bwari mu bubasha bw'Urukiko rw'Ikirenga igihe yabutangaga hashingiwe ku ngingo ya 28, igika cya 2, agace ka 9 y'Itegeko N° 03/2012/OL ryo kuwa 13/06/2012 rigena imiterere, imikorere n'ububasha by'Urukiko rw'Ikirenga iteganywa ko ruvuye ububasha bwo kuburanisha mu rwego rwa kabiri imanza zatanzwemo igifungo kingana nibura n'imyaka 10, iyo habayemo kwica amategeko mu buryo bukomeye cyangwa hakozwemo amakosa mu buryo bukomeye yatumye habaho akarengane, ari nabyo byabaye mu rubanza rwaciye n'Urukiko Rukuru. [19] Bavuga ko amategeko yishwe mu buryo bukomeye, bigatuma Habinshuti Eric arengana, ari ingingo ya 9 y'Itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganywa ibyaha n'ibihano muri rusange, iteganywa ko ikintu cyitwa icyaha iyo habaye kugambirira n'ingingo ya 3 y'Itegeko N° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha, ibuza guca imanza ku buryo bugenekereje mu manza nshinjabyaha kuko Habinshuti Eric yahamijwe icyaha Ubushinjacyaha butagaragaje umugambi yagize wo gusambanya umwana, ndetse hashingiwe ku bimenyetso bigenekereje birimo icyemezo cya muganga, icyemezo cy'amavuko n'indagamuntu kandi atari ibimenyetso byizewe byemewe n'amategeko bishobora kugaragaza imyaka y'umuntu, ko rero ibiteganywa n'ingingo ya 28, igika cya 2, agace ka 9 y'Itegeko N° 03/2012/OL ryo ku wa 13/06/2012 rigena imiterere, imikorere n'ububasha by'Urukiko rw'Ikirenga byari byuzuye kugira ngo ikirego cye cyakirwe. [20] Uhagarariye Ubushinjacyaha avuga ko Habinshuti Eric na Me Habimana Emmanuel batagaragaza amategeko yishwe kandi ko Habinshuti Eric yemeraga icyaha, bivuze ko yemeraga ibimenyetso byashingiweho mu kumuhamya icyaha.

Page 6

[21] Ababuranyi basabwe guhuza ubujurire bwa Habinshuti Eric n'ibiteganywa mu ngingo ya 28, igika cya 5, y'Itegeko N° 03/2012/OL ryo ku wa 13/06/2012 ryavuzwe, Me Habimana Emmanuel avuga ko icyo gika batigeze bagisesengura, ko n'ubwo inkiko zose zemeje ko Habinshuti Eric atsinze ariko impamvu zashingiweho atari zimwe, ko buri rukiko rwakoze

isesengura ryarwo ritandukanye n'iry'urundi. Uhagarariye Ubushinjacyaha we avuga ko Habinshuti Eric yatsinzwe mu Rukiko Rwisumbuye no mu Rukiko Rukuru ku mpamvu zimwe kuko yemeraga icyaha bigahura n'ibindi bimenyetso byari byatanze, akaba rero asanga kubera iyo mpamvu ubujurire bwe bwa kabiri butari bukwiye kwakirwa. UKO URUKIKO RUBIBONA [22] Ingingo ya 28 y'Itegeko Ngenga N° 03/2012/OL ryo ku wa 13/06/2012 rigena imiterere, imikorere n'ububasha by'Urukiko rw'Ikirenga ryakurikizwaga Habinshuti Eric atanga ikirego iteganya mu gika cyayo cya kabiri, kuva mu gace ka mbere kugeza ku gace ka cyenda, impamvu zituma imanza zaciwe ku rwego rwa kabiri n'Urukiko Rukuru, Urukiko Rukuru rw'Ubucuruzi cyangwa Urukiko Rukuru rwa Gisirikare zijya mu bubasha bw'Urukiko rw'Ikirenga, mu gace kayo ka munani hakavugwamo kuba izo manza zaragenwemo igifungo kingana nibura n' imyaka icumi (10) mu gihe habayemo kwica amategeko mu buryo bukomeye cyangwa hakoze amakosa mu buryo bukomeye yatumye habaho akarengane. Nanone iyo ngingo iteganya mu gika cyayo cya gatanu ko (icyakora) urubanza umuburanyi yatsinzwe ku rwego rwa mbere n'urwa kabiri ku mpamvu zimwe rudashobora kujuririrwa mu Rukiko rw'Ikirenga. [23] Imyandikire y'iyi ngingo igaragaza ko ibiteganywa n'igika cya gatanu ari irengayobora ku biteganyijwe mu bika bikibanziriza, bivuze ko ubujurire butakirwa mu gihe bigaragara ko uwajuriye yatsinzwe mu rwego rwa mbere n'urwa kabiri ku mpamvu zimwe. [24] Ku birebana n'uru rubanza, bigaragara muri kopi y'urubanza rwaciwe n'Urukiko Rwisumbuye rwa Nyarugenge ko muri urwo rukiko Habinshuti Eric yatsinzwe hashingiwe ku mpamvu zikurikira:

- Kuba kuva mu Bugenzacyaha, yaremeye icyaha akanagisabira imbabazi;
- Kuba raporo ya muganga igaragaza ko U. H atwite;
- Kuba icyemezo cy'amavuko n'indangamuntu bya U. H bigaragaza ko yavutse ku wa 24/05/1999, bivuze ko Habinshuti Eric yamusambanyije atarageza ku myaka y'ubukure;
- Ku birebana n'imyireguriye ya Habinshuti Eric ko atari azi ko U.H. atarageza ku myaka 18, rwasanze bitahabwa agaciro kuko bari bamaranye ubushuti imyaka itatu yose, ku buryo atari kuyoberwa imyaka ye iyo abyitaho;
- Ku birebana n'imyiregurire ya Habinshuti Eric ko yasembuwe (provocation) na U.H. kuko yamusabye kumusura, rwasanze bidashoboka ko umwana asembura umuntu mukuru, cyane cyane ko nawe ubwe yivugira ko baryamanye inshuro eshatu zose kandi mu bihe bitandukanye. [25] Izo mpamvu ni nazo zakomeje gutsinda Habinshuti Eric mu Rukiko Rukuru kuko ntacyo rwazivugurujeho cyangwa ngo rugire ubundi busesenguzi rukora, ahubwo rushingiye ku mpamvu ze z'ubujurire, rwasobanuye ko kuba U.H. yamusabye kumusura bidasobanura ko

Page 7

yamusembuye, kandi ko kuba yaraburaga iminsi mike ngo akwize imyaka 18 bidakuraho ko yari akiri umwana. [26] Urukiko rurasanga rero ubujurire bwa kabiri bwa Habinshuti Eric butaragombaga kwakirwa mu Rukiko rw'Ikirenga kuko yatsinzwe mu rwego rwa mbere n'urwa

kabiri ku mpamvu zimwe. [27] Urukiko rusanga icyakora Habinshuti Eric, niba abona hari akarengane yagiriwe mu rubanza rwaciwe n'Urukiko Rukuru, agifite amahirwe yo gusaba ko urwo rubanza rusubirwamo ku mpamvu z'akarengane kuko ubu urwo rubanza aribwo rubaye ndakuka nk'uko uru Rukiko rwabitanzeho umurongo³. Apfa gusa kubahiriza ibyo amategeko ateganya, ni ukuvuga kwandikira Perezida w'Urukiko rw'Ubujurire⁴ amusaba ko urubanza rwaciwe n'Urukiko Rukuru rusubirwamo ku mpamvu z'akarengane mu gihe kitarenze iminsi mirongo itatu (30) ahereye igihe yamenyesherejwe imikirize y' uru rubanza⁵. III. ICYEMEZO CY'URUKIKO [28] Rwemeje ko urubanza RPAA00342/2018/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 7/11/2018 ruvanyweho, rukaba rusimbuwe n'uru ; [29] Rwemeje ko ubujurire bwa kabiri Habinshuti Eric yakoze mu Rukiko rw'Ikirenga butagombaga kwakirwa.

3 Reba urubanza RS/REV/INJUST/CIV 0023/16/CS, Rutabayiro et al vs Mukamabano rwaciwe n'Urukiko rw'Ikirenga ku wa 27/09/2019. 4 Ingingo ya 58 y'Itegeko n° 30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'inkiko, iteganya ko iyo umuburanyi abonye hari akarengane kagaragara mu rubanza rwe, yandikira Perezida w'Urukiko rukuriye urwaciye urubanza ku rwego rwa nyuma, akaba ariwe usuzuma ako karengane 5 Ingingo ya 56 y'Itegeko n° 30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'inkiko, iteganya ko iyo umuburanyi abonye hari akarengane kagaragara mu rubanza rwe, yandikira Perezida w'Urukiko rukuriye urwaciye urubanza ku rwego rwa nyuma, akaba ariwe usuzuma ako karengane. Ushaka ko urubanza rwe rusubirwamo ku mpamvu z'akarengane, abisaba urwego rubishinzwe mu nyandiko ikubiyemo impamvu ashingiraho mu gihe kitarenze iminsi mirongo itatu (30) uhereye ku munsu yamenyesherejwe imikirize yarwo

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