

RWANDA / JUDGMENT

UBUSHINJACYAHA v HARERIMANA

RPAA 00120/2024/CA

COURT

Court of Appeal

DECIDED

25 August 2024

CASE / FILE NUMBER

RPAA 00120/2024/CA

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

UBUSHINJACYAHA v HARERIMANA

- Source: Amategeko
- Section: Decisions (Judgements)
- Date: 2024-08-25
- Case/document no.: RPAA 00120/2024/CA
- Collection: Court of Appeal

Text

Page 1

UBUSHINJACYAHA v HARERIMANA [Rwanda URUKIKO RW'UBUJURIRE – RPAA 00120/2024/CA (Rugabirwa, P.J.) 25 Nzeri 2024] Amategeko agenga imanza nshinjabyaha – Impamvu nyoroshyacyaha – Kwemera icyaha – Kwemera icyaha gushobora kugirira ushinjwa akamaro ni ugukozwe nibura iburanisha ku rwego rwa mbere ritarapfundikirwa. Amategeko yerekeye imanza nshinjabyaha – Ubwinjiracyaha – Kugira ngo habeho ubwinjiracyaha kandi buhanwe, ni ngombwa ko haba habayeho ibikorwa biboneka kandi bidashidikanywaho mu rwego rwo gutangira gushyira mu bikorwa umugambi wo gukora icyaha, hanyuma ibyo bikorwa bigakomwa mu nkokora n'impamvu zidaturutse kuri ba nyiri ukubikora. Amategeko agenga imanza nshinjabyaha – Umugambi wo kwica – Umugambi wo kwica ugaragazwa n'icyakoreshejwe (intwara ishobora kwica) mu gukubita no ku gice cy'umubiri cyakubiswe (mu cyico). Incamake y'ikibazo: Uru rubanza rwatangiriye mu Rukiko Rwisumbuye rwa Gasabo Ubushinjacyaha bukurikiranye Harerimana ku cyaha cyo gukubita no gukomeretsa buvuga ko yakubise umugore we witwa Niyigena isuka mu mutwe amumena igufwa ryo mu mutwe amuziza ko yagabanyije ijwi (volume) rya radio yacurangaga, mu gihe nyamara umugore we yari yarigabanyije kuko yumvaga ririmo kumusakuriza cyane n'ijoro aryamye, no kuba yari yabanje gusaba umugabo we ko

yarigabanya akabyanga, ahubwo akaryongera kugeza arirangije. Harerimana yemeye icyaha cyo gukubita no gukomeretsa, asobanura ko yakomerekeje umugore we akoresheje isuka abitewe n'ubusinzi kuko yacurangaga radiyo, ariko umugore we akayicomokora, bigeze aho barashwana, amukomeretsa akoresheje isuka kuko yamusunitse ayikubitaho iramukomeretsa. Urwo Rukiko rwaciye urubanza rwemeza ko uregwa ahamwa n'icyaha cy'ubwinjiracyaha bw'ubwicanyi, aho kuba gukubita no gukomeretsa, kuko yakubise umugore we isuka mu mutwe (mu cyico), bigaragara ko yashakaga kumwica, rumuhanisha igihano cy'igifungo cy'imyaka makumyabiri n'itanu (25). Uregwa yajuririyeye urwo rubanza mu Rukiko Rukuru avuga ko yahamijwe icyaha cy'ubwinjiracyaha bw'ubwicanyi atakoze, ko ahubwo akwiye kugabanyirizwa ibihano kubera ko yemera icyaha cyo gukubita no gukomeretsa kuko yasunitse umugore we bitewe n'ubusinzi yikubita kw'isuka iramukomeretsa, ariko ko atashakaga kumwica. Urwo Rukiko narwo rwaciye urubanza rwemeza ko urubanza rwajuririye rudahindutse, ko igihano cy'igifungo yahanishijwe mbere kigumye. Uregwa yajuririyeye na none urwo rubanza mu Rukiko rw'Ubujurire avuga ko yarezwe icyaha cyo gukubita no gukomeretsa, ariko ko Urukiko Rukuru rwamuhamije icyaha cy'ubwinjiracyaha bw'ubwicanyi atakoze, kubera ko nta mugambi yari afite wo kwica umugore we kuko bari basanzwe babanye neza mu gihe cy'amezi icyenda (9) yose bari kumwe kandi nta yandi makimbirane bari bafitanye, ko ahubwo yacuranze radiyo yazamuye ijwi ryayo ryose, ariko umugore we arayizimye, bigeze ku nshuro ya gatatu, abitewe n'ubusinzi, yasunitse umugore we agwira isuka n'ibindi bikoresho bimukomeretsa igisebe gito yavuye kirakira. Avuga kandi ko asanga atarakoze icyaha cy'ubwinjiracyaha bw'ubwicanyi yahamijwe, kuko atakubise umugore we isuka mu mutwe agamije kumwica, ko ahubwo yakoze icyaha cyo gukubita no gukomeretsa.

Page 2

Ubushinjacyaha bwo bwaburanye buvuye ko Harerimana yakoze icyaha cy'ubwinjiracyaha bw'ubwicanyi nk'uko byemejwe n'Urukiko Rukuru, kubera ko yari afite ubushake bwo kwica umugore we kuko batonganye hanyuma ajya gufata isuka (intwari yakondo yica) muri salon asanga umugore mu buriri ayimukubita mu mutwe (mu cyico) akoresheje imbaraga nyinshi ku buryo yamumennye igufwa ryo mu mutwe (rwagati), ko kandi yahise ahunga aziko yamwishe. Incamake y'icyemezo: 1. Kwemera icyaha gushobora kugirira ushinjwa akamaro ni ugukozwe nibura iburanisha ku rwego rwa mbere ritarapfundikirwa. Bityo Harerimana ntiyagabanyirizwa ibihano hashingiwe ku mpamvu nyoroshyacyaha ijyanye no kwemera icyaha no kugisabira imbabazi kuko atigeze yemera icyaha cy'ubwinjiracyaha bw'ubwicanyi mu buryo budashidikanywaho ngo anagisabire imbabazi kuva ku rwego rwa mbere.

2. Kugira ngo habeho ubwinjiracyaha kandi buhanwe, ni ngombwa ko haba habayeho ibikorwa biboneka kandi bidashidikanywaho mu rwego rwo gutangira gushyira mu bikorwa umugambi wo gukora icyaha, hanyuma ibyo bikorwa bigakomwa mu nkokora n'impamvu zidaturutse kuri ba nyiri ukubikora. Bityo kuba Harerimana yarafashe isuka akayikubita umugore we mu mutwe kandi azi neza ko ari mu cyico akamumena igufwa ryawo ritwikira ubwonko mu gice cy'imbere ku gahanga akavirirana amaraso menshi, bigaragaza ko yari afite ubushake bwo kwica umugore we, ariko akaba atarawugezeho bitewe n'uko umugore we yaviriranye amaraso menshi mu mutwe, bigatuma ahunga azi ko yamwishe, ariko ku

bw'amahirwe ntiyapfa, bivuzeko yakoze icyaha cy'ubwinjiracyaha bw'ubwicanyi nk'uko byemejwe n'Urukiko Rukuru, aho kuba icyaha cyo gukubita no gukomeretsa bidaturutse ku bushake nk'uko abivuga.

3. Umugambi wo kwica ugaragazwa n'icyakoreshejwe (intwari ishobora kwica) mu gukubita no ku gice cy'umubiri cyakubiswe (mu cyico). Ubujurire bufite ishingiro kuri bimwe; Urubanza ruhindutse gusa kubirebana n'igihano. Amategeko yashingiweho: Itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganyira ibyaha n'ibihano muri rusange, Ingingo ya 21n'ya 60. Imanza zifashishijwe: Ubushinjacyaha vs. Maniriho, RPA0082/11/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 22/04/2016. Ubushinjacyaha vs. Uwamurengeye, RPAA 0110/10/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 31/01/2014. Ubushinjacyaha vs. Murwanashyaka Siniri, RPAA 00218/2022/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 30/05/2023. Ubushinjacyaha vs. Bimenyimana, RPAA 00048/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 26/05/2022.

Page 3

Inyandiko z'abahanga: Likulia Bolongo, Droit Pénal Spécial Zaïrois, Paris, LGDJ, T1, 1985, p.52.

Urubanza I. IMITERERE Y'URUBANZA [1] Ubushinjacyaha bwakurikiranyeho Harerimana Edouard icyaha cyo gukubita no gukomeretsa kubera ko ku wa 27/10/2019, yakubise umugore we witwa Niyigena Antoinette isuka mu mutwe amumena igufwa ryo mu mutwe amuziza ko yagabanyije ijwi (volume) rya radio yacurangaga, mu gihe nyamara umugore we yari yarigabanyije kuko yumvaga ririmo kumusakuriza cyane n'ijoro aryamye, no kuba yari yabanje gusaba umugabo we ko yarigabanyije akabyanga, ahubwo akaryongera kugeza arirangije. Harerimana Edouard yemeye icyaha cyo gukubita no gukomeretsa, asobanura ko yakomerekeje umugore we akoresheje isuka abitewe n'ubusinzi kuko yacurangaga radiyo, ariko umugore we akayicomokora, bigeze ku nshuro ya gatatu, barashwana, amukomeretsa akoresheje isuka kuko yamusunitse ayikubitaho iramukomeretsa. [2] Urukiko Rwisumbuye rwa Gasabo rwaregewe rushingiye ku mvugo za Harerimana Edouard wemeye bimwe mubigize icyaha cyo gukubita no gukomeretsa, ku mvugo z'abatangabuhamba bamushinja nk'uko zashimangiye na raporo ya muganga, ndetse na raporo y'Inzego z'Ibanze, rwaciye urubanza n° RP 01558/2019/TGI/GSBO ku wa 21/02/2020, rwemeza ko Harerimana Edouard ahamwe n'icyaha cy'ubwinjiracyaha bw'ubwicanyi, aho kuba gukubita no gukomeretsa, kuko yakubise umugore we isuka mu mutwe(mu cyico), bigaragara ko yashakaga kumwica, rumuhanisha igifungo cy'inyaka makumyabiri n'itanu (25). [3] Harerimana Edouard yajuririye urwo rubanza mu Rukiko Rukuru avuga ko yahamijwe icyaha cy'ubwinjiracyaha bw'ubwicanyi atakoze, ko ahubwo akwiye kugabanyirizwa ibihano kubera ko yemera icyaha cyo gukubita no gukomeretsa kuko yasunitse umugore we bitewe n'ubusinzi yikubita kw'isuka iramukomeretsa, ariko ko atashakaga kumwica kuko nta kindi kibazo bari basanzwe bafitanye mu gihe cy'amezi icyenda yose bari bamaranye. Naho uhagarariye Ubushinjacyaha avuga ko Harerimana Edouard atagabanyirizwa ibihano kubera ko atemera icyaha cy'ubwinjiracyaha bw'ubwicanyi yahamijwe ubwo yakubitaga umugore we isuka mu mutwe (mu cyico) akamenagura igufwa ryawo akamusiga aviririrana, agahunga. [4]

Urukiko Rukuru rwasesenguye bimenyetso byashingiweho ku rwego rwa mbere, ruca urubanza n° RPA 00500/2020/HC/KIG ku wa 21/12/2023, rwemeza ko urubanza rwajuririwe rudahindutse, ko igifungo cy'imyaka makumyabiri n'itanu (25) Harerimana Edouard yahanishijwe kigumyeho. [5] Harerimana Edouard yajuririye na none urwo rubanza mu Rukiko rw'Ubujurire, ubujurire bwe buhabwa n° RPAA 00120/2024/CA, urubanza ruburanishwa mu ruhamye ku wa 09/09/2024, Harerimana Edouard, yunganiwe na Me Nsanzineza Aimable, naho Ubushinjacyaha buhagarariye na Bunyoye Grâce, Umushinjacyaha ku rwego rw'Igihugu.

Page 4

[6] Mu myanzuro no mu miburanire, Harerimana Edouard n'umwunganira bavuga ko yakoze icyaha cyo gukubita no gukomeretsa bidaturutse ku bushake, bityo ko akwiye kugabanyirizwa ibihano kubera ko acyemera akanagisabira imbabazi, ariko ko atakoze icyaha cy'ubwinjiracyaha bw'ubwicanyi yahamijwe, kuko nta mugambi wo kwica umugore we yari afite kubera ko yamutabarije akimara gukomereka. Naho uhagarariye Ubushinjacyaha avuga ko Harerimana Edouard atagabanyirizwa ibihano kuko atemera icyaha cy'ubwinjiracyaha bw'ubwicanyi yahamijwe ku rwego rwa mbere. [7] Urukiko ruhereye kuri izo mpaka, rurasanga ibibazo bikwiye gusuzumwa muri uru rubanza, ari icyo kumenya niba Urukiko Rukuru rwarakoze ikosa mu guhamya Harerimana Edouard icyaha cy'ubwinjiracyaha bw'ubwicanyi, no kumenya niba yagabanyirizwa ibihano. II. ISESENGURA RY'IKIBAZO KIGIZE URUBANZA

1. Kumenya niba Urukiko Rukuru rwarakoze ikosa mu guhamya Harerimana Edouard icyaha cy'ubwinjiracyaha bw'ubwicanyi. [8] Harerimana Edouard n'umwunganira bavuga ko yarezwe icyaha cyo gukubita no gukomeretsa, ariko ko Urukiko Rukuru rwamuhamije icyaha cy'ubwinjiracyaha bw'ubwicanyi atakoze, kubera ko nta mugambi yari afite wo kwica umugore we kuko bari basanzwe babanye neza mu gihe cy'amezi icyenda (9) yose bari kumwe kandi nta yandi makimbirane bari bafitanye, ko ahubwo yacuranze radiyo yazamuye ijwi ryayo ryose, ariko umugore we arayizimya, bigeze ku nshuro ya gatatu, abitewe n'ubusinzi, yasunitse umugore we agwira isuka n'ibindi bikoresho bimukomeretsa igisebe gito yavuye kirakira. [9] Me Nsanzineza Aimable, umwunganira, asobanura ko ahereye ku gisobanuro cy'ubwinjiracyaha cy'uko buhanwa iyo umugambi wo gukora icyaha wagaragajwe n'ibikorwa biboneka, ariko byahagaritswe n'impamvu zidakomoka ku bushake bwa nyir'ugukora icyaha, asanga Harerimana Edouard atarakoze icyaha cy'ubwinjiracyaha bw'ubwicanyi yahamijwe, kuko atakubise umugore we isuka mu mutwe agamije kumwica, kubera ko abagabo babiri bari bavanye mu kabari bari bicaye hanze y'inzu, batigeze babona ayimukubita mu mutwe, kandi ko uregwa atigeze agira umugambi wo kwica umugore we, ko iyo awugira yari kumwica kuko nta cyamubujije kuwutsotsoba, ko ahubwo yakoze icyaha cyo gukubita no gukomeretsa kubera ko yamutabarije akimara gukomereka. [10] Uhagarariye Ubushinjacyaha avuga ko Harerimana Edouard yakoze icyaha cy'ubwinjiracyaha bw'ubwicanyi nk'uko byemejwe n'Urukiko Rukuru, kubera ko yari afite ubushake bwo kwica umugore we kuko batonganye hanyuma ajya gufata isuka (intwari yakondo yica) muri salon asanga umugore mu buriri ayimukubita mu mutwe (mu cyico) akoresheje imbaraga nyinshi

ku buryo yamumennye igufwa ryo mu mutwe (rwagati) bituma agira igisebe ku kigero cya 90% nk'uko raporo ya muganga ibigaragaza, noneho Harerimana Edouard abonye aviriranye amaraso menshi, ahita ahunga azi ko yamwishe kuko umutangabuhamya Uwiragiye Jean Claude yasobanuye ko yumvise ikintu gikubise akeka ko Harerimana Edouard akubise umugore we ahita atabara, ariko ko atasanze Harerimana Edouard mu rugo rwe, ko ahubwo yasanze yahunze, abatabaye bajyana umugore we kwa muganga. Avuga kandi ko ikigaragaza ko Harerimana Edouard yakoze icyaha yahamijwe, ari uko yahamagaye Tuyishimire Ruth,

Page 5

umuvandimwe w'umugore we, inshuro nyinshi amubwira ngo natabare kuko ngo no gupfa yapfa, ubundi akamubwira ngo byabaye, uretse ko atamubwiraga ibyabaye ibyo aribyo. UKO URUKIKO RUBIBONA [11] Ikibazo kirebana n'ubwinjiracyaha buhanirwa cyasobanuwe mu rubanza n° RPA0082/11/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 22/04/2016, haburana Ubushinjacyaha na Maniriho na bagenzi, aho rwasobanuye ko «kugira ngo habeho ubwinjiracyaha kandi buhanwe, ni ngombwa ko haba habayeho ibikorwa biboneka kandi bidashidikanywaho mu rwego rwo gutangira gushyira mu bikorwa umugambi wo gukora icyaha, hanyuma ibyo bikorwa bigakomwa mu nkokora n'impamvu zidaturutse kuri ba nyiri ukubikora»¹. [12] Naho ikibazo cyerekeranye no kumenya niba uregwa yari afite umugambi wo kwica cyatanzweho umurongo mu rubanza n° RPAA 0110/10/CS rwaciwe ku wa 31/01/2014, haburana Ubushinjacyaha na Uwamurengeye, aho Urukiko rw'Ikirenga rwasobanuye ko umugambi wo kwica ugaragazwa n'icyakoreshejwe (intwaro ishobora kwica) mu gukubita no ku gice cy'umubiri cyakubiswe (mu cyico). Uwo murongo ninawo wakomeje gukurikizwa mu manza zaciwe n'Urukiko rw'Ubujurire nk'urubanza N° RPAA 00218/2022/CA rwaciwe ku wa 30/05/2023 haburana Ubushinjacyaha na Murwanashyaka Siniri Théoneste (igika cya 14). [13] Hari na none umuhanga mu mategeko witwa Likulia Bolongo, mu gitabo cye yise “Droit Pénal Spécial Zaïrois”, wasobanuye ko ubushake bwo kwica bushobora kugaragazwan'intwaro yakoreshejwe, no ku gice cy'umubiri cyibasiwe nko mu mutwe (mu cyico), no mu mutima². [14] Nk'uko bigaragarira mu bika bya 11 na 12 by'urubanza rwajuririwe muri uru Rukiko, Urukiko Rukuru rwasanze Harerimana Edouard atarakoze icyaha cyo gukubita no gukomeretsa ku bushake yemeye akanagisabira imbabazi, ko ahubwo yakoze icyaha cy'ubwinjiracyaha bw'ubwicanyi kubera ko yakubise umugore we isuka mu mutwe (mu cyico) akamumena igufwa ryo mu mutwe (mu cyico) ku rwego abaganga babibarira ku gipimo cy'ubumuga bungana na 90%, kandi ko nyuma y'aho atamujyanye kwa muganga, ko ahubwo yahisemo guhunga nk'uko abishinjwa n'umugore we n'abatangabuhamya batabaye umugore we bakamujyana kwa muganga, bikaba byumvikana ko atamusunitse nk'uko abivuga. [15] Urukiko rw'Ubujurire rurasanga, kuba nyuma y'intonganya Harerimana Edouard yagiranye n'umugore we zishingiye ku kuba yaracurangaga radiyo yahejeje ijwi (volume) ryayo n'ijoro, naho umugore we akarigabanya kuko yumvaga irimo imusakuriza cyane, yarafashe isuka agasanga umugore we ku buriri akamubwira ko ari bumwereke, akayimukubita mu mutwe kandi azi neza ko ari mu cyico akamumena igufwa ryawo ritwikira ubwonko mu gice cy'imbere ku gahanga akavirirana amaraso menshi nk'uko abishinjwa n'umugore we bigashimangirwa na raporo ya muganga yo ku wa 15/11/2019, agahita ahunga, nkuko byemejwe n'abatangabuhamya batabaye umugore we

bakamujyana kwa muganga barimo Uwiragiye Jean Claude na Misago

1 Icyegeranyo cy'ibyemezo by'Inkiko, V.1 [2017] RLR, P.133. 2 « L'intention homicide peut résulter, soit de l'arme employée (...) telle qu'une arme à feu, comme un revolver (...), une flèche, un gros morceau de bois, un couteau pointu, une machette, soit de l'endroit où le coup a été porté, par exemple l'abdomen, la tête, la poitrine, le poumon, le coeur, soit du degré de la violence ou de sa gravité, soit en fin de l'état physique de la victime..... », par Likulia Bolongo, Droit Pénal Spécial Zaïrois, Paris, LGDJ, T1, 1985, p.52.

Page 6

Grégoire, nk'uko binavugwa muri raporo y'Ubuyobozi bw'Umudugudu wa Gisharara yo ku wa 07/11/2019, ku buryo abaganga bamuvuye iryo gupfa babanje kurisukura no kurikuraho ibice byangiritse no kongera kuryegeranya nk'uko bivugwa muri raporo ya muganga, bigaragaza ko Harerimana Edouard yari afite ubushake bwo kwica umugore we, ariko akaba atarawugezeho bitewe n'uko umugore we yaviriranye amaraso menshi mu mutwe, bigatuma ahunga azi ko yamwishe, ariko ku bw'amahirwe ntiyapfa, kuko yatabawe na Uwiragiye Jean Claude akamujyana kwa muganga n'ijoro, bigaragara ko Harerimana Edouard yakoze icyaha cy'ubwinjiracyaha bw'ubwicanyi nk'uko byemejwe n'Urukiko Rukuru, aho kuba icyaha cyo gukubita no gukomeretsa bidaturutse ku bushake nk'uko babivuga, bityo ibivugwa na Harerimana Edouard by'uko yasunitse umugore we agakomeretswa n'isuka n'ibindi bikoresho yikubiseho nta shingiro bifite, kuko nta bimenyetso abitangira uretse kubivuga mu magambo gusa.

2. Kumenya niba Harerimana Edouard yagabanyirizwa ibihano [16] Harerimana Edouard n'umwunganira bavuga ko akwiye kugabanyirizwa ibihano kugira ngo ajye komora umugore we igisebe cyo mu mutima, kubera ko yemeye icyaha cyo gukubita no gukomeretsa bidaturutse ku bushake akanagisabira imbabazi, no kuba yaratabarije umugore we akimara gukomeretsa bigatuma ajyanwa kwa muganga akavurwa agakira igisebe cyo k'umubiri. [17] Bavuga kandi ko mu kugabanyiriza Harerimana Edouard ibihano hakwifashishwa urubanza RPA 0059/14/HC/RSZ rw'Ubushinjacyaha na Nyiramugisha wari warezwe mu Rukiko Rwisumbuye rwa Rusizi, icyaha cyo guta umwana ariko rumuhamya icyaha cy'ubwinjiracyaha bwo kwihekura, rumuhanisha igifungo cy'imyaka 20 kubera ko yemeye icyaha akanagisabira imbabazi, ko yajuririye Urukiko Rukuru, Urugereko rwa Rusizi, ubujurire bwe ntibwakirwa, ko yongeye kujuririra Urukiko rw'Ubujurire, rumuhanisha igifungo cy'imyaka 10. [18] Uhagarariye Ubushinjacyaha avuga ko Harerimana Edouard atagabanyirizwa ibihano kubera ko atigeze yemera icyaha cy'ubwinjiracyaha bw'ubwicanyi mu buryo budashidikanywaho, kuko atasunitse umugore we ngo yikubite ku isuka imukomeretse mu mutwe rwagati kariya kageni, ko ahubwo yayimukubise mu mutwe agamije kumwica nk'uko byemejwe n'Urukiko Rukuru. UKO URUKIKO RUBIBONA [19] Ingingo ya 21, igika cya 3, y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganyaye ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu, iteganyaye ko "Ubwinjiracyaha bw'icyaha cy'ubugome cyangwa icyaha gikomeye buhanishwa kimwe cya kabiri (1/2) cy'igihano giteganyirijwe icyo cyaha. Ku cyaha gihanishwa igifungo cya burundu,

ubwinjiracyaha buhanishwa igihano cy'igifungo kingana n'imyaka makumyabiri n'itanu (25)". [20] Naho ingingo ya 2, agace ka (b) y'Itegeko n° 059/2023 ryo ku wa 04/12/2023 rihindura Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganyanya ibyaha n'ibihano muri rusange, iteganyanya ko "Ingingo ya 60 y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganyanya ibyaha n'ibihano muri rusange, ihinduwe ku buryo bukurikira: "Iyo umucamanza yemeje impamvu nyoroshyacyaha, ashobora kugabanya igihano ku buryo bukurikira: igifungo kimara igihe kizwi kiva ku mezi 6 kuzamura gishobora kugabanywa, ariko ntikijye munsu ya kimwe cya kabiri cy'igihano gito giteganyirijwe icyaha cyakozwe".

Page 7

[21] Urukiko rw'Ubujurire rurasanga Harerimana Edouard atagabanyirizwa ibihano hashingiwe ku mpamvu nyoroshyacyaha ijyanye no kwemera icyaha no kugisabira imbabazi kuko atigeze yemera icyaha cy'ubwinjiracyaha bw'ubwicanyi mu buryo budashidikanywaho ngo anagisabire imbabazi kuva ku rwego rwa mbere nk'uko byatanzweho umurongo mu rubanza n° RPAA 00048/2020/CA rwaciwe n'uru Rukiko ku wa 26/05/2022, mu gika cya 24, haburana Ubushinjacyaha na Bimenyimana Jean Paul, aho rwasobanuye ko ukwemera icyaha gushobora kugirira ushinjwa akamaro ari ugukozwe nibura iburanisha ku rwego rwa mbere ritarapfundikirwa, kuko Harerimana Edouard abeshya ko yasunitse umugore we agakomeretswa mu mutwe n'isuka n'ibindi bikoresho yikubiseho, kandi ariwe wayimukubise mu mutwe ikamumena igufwa ryawo nk'uko byasobanuwe haruguru. [22] Urukiko rw'Ubujurire rurasanga ariko, kuba ari ubwa mbere Harerimana Edouard akoze icyaha, bikwiye kumubera impamvu nyoroshyacyaha ituma agabanyirizwa igihano, agahanishwa igifungo cy'imyaka cumi n'ibiri (12) n'amezi atandatu (6), aho kuba igifungo cy'imyaka makumyabiri n'itanu (25) yahawe mbere, bityo imikirize y'urubanza rwajuririwe ikaba igomba guhinduka gusa ku birebana n'igihano uregwa ahanishijwe. III. ICYEMEZO CY'URUKIKO [23] Rwemeje ko ubujurire bwa Harerimana Edouard bufite ishingiro kuri bimwe. [24] Ruvuze ko imikirize y'urubanza n° RPA 00500/2020/HC/KIG rwaciwe n'Urukiko Rukuru ku wa 21/12/2023, ihindutse gusa ku birebana n'igihano Harerimana Edouard ahanishijwe. [25] Ruhanishije Harerimana Edouard igifungo cy'imyaka cumi n'ibiri (12) n'amezi atandatu (6). [26] Rutegetse ko amagarama y'uru rubanza 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/8530/8864>

CASE PAGE <https://chat.esheria.ai/case-law/rwanda/harerimana-edouard-Attemptedmurder-court-of-appeal-2024--6a3ea5233b1caa9129818976>

Prepared on 13 October 2026 · Esheria