

RWANDA / JUDGMENT

UBUSHINJACYAHA v. HATEGEKIMANA N'ABANDI

RPAA 00210/2018/CA , CMB RP00001/2019/CA

COURT

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UBUSHINJACYAHA v. HATEGEKIMANA N'ABANDI

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UBUSHINJACYAHA v. HATEGEKIMANA N'ABANDI [Rwanda URUKIKO RW'UBUJURIRE – RPAA 00210/2018/CA, CMB RP00001/2019/CA (Kaliwabo, P.J.) 9 Kamena 2019] Amategeko agenga ibimenyetso – Kwemera icyaha – Kwemera icyaha ntibibuza icukumburwa ry'ibimenyetso bikozwe n'Urukiko nubwo uko kwemera icyaha bihuye n'imvugo z'Ubushinjacyaha. Incamake y'ikibazo: Urubanza rwatangiriye mu Rukiko Rwisumbuye rwa Gicumbi haregwa Hategekimana, Ntahorugiye, Nshimiyimana na Ndayisaba; baregwa icyaha cyo kwica se wa Hategekimana witwa Gapira. Urukiko rw'Isumbuye rwafashe icyemezo rubahamya icyaha rubakatira igifungo cya burundu. Abaregwa bose bajurirye Urukiko Rukuru rugabanya igihano kuri Ntahorugiye kubera ko yemeye icyaha rumuha igifungo cy'imyaka 10 naho abandi rukomeza rugumishaho igifungo cya burundu. Hategekima, Nshimiyimana na Ndayisaba bajuririrye Urukiko rw'Ikirenga, urubanza rwimurirwa mu Rukiko rw'Ubujurire rumaze kujyaho. Nshimiyimana na Ndayisaba baburanye bemera icyaha bavuga ko uruhare rwabo rugarukira kuguterura umurambo gusa

ariko nta ruhare bagize mu kwica Gapira, bityo bakaba basaba ko bagabanyirizwa ibihano kuko bemera icyaha. Naho Hategekimana nawe yajuriye avuga ko icyaha ashinzwa cyukwica se ari cyo Ntahorugiye yamuhimbiye ariko nyuma aza kumushyigura. Yasabye ko imvugo za bamushinja harimo nabo baregana zateshwa agaciro kuko ziromu kwivuguruza. Ubushinjacyaha bukaba bwemeza imvugo za Nshimiyimana na Ndayisaba zishinja Hategekimana, busaba ko bakwiye kugabanirizwa ibihano kuko bemera icyaha naho Hategekimana akagumishirizwaho igihano yari yari yahawe. Incamake y'icyemezo: 1. Kwemera icyaha ntibibuza icukumburwa ry'ibimenyetso bikozwe n'Urukiko nubwo uko kwemera icyaha bihuye n'imvugo z'Ubushinjacyaha, bityo mu icukumburwa ry'ibimenyetso urukiko rusanga uruhare rwa Nshimiyimana na Ndayisaba ntrugarukira gusa kuguterura umurambo ahubwo barafatanije icyaha na Hategekimana cy'ukwica Gapira, bityo bakaba batagomba kugabanyirizwa bihano kuko kwemera icyaha bakoze byagaragaye ko ibyo bavuze atari ukuri. Ubujurire nta shingiro bufite. Amategeko yashyigirwaho: Itegeko No 15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo, ingingo ya 104 n'ya 108 Nta manza zifashishijwe. Urubanza I. IMITERERE Y'URUBANZA

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Uru rubanza rwatangiriye mu Rukiko Rwisumbuye rwa Gicumbi, Hategekimana Celestin akurikiranyweho kuba ku wa 30/3/2014 yarafatanyije na Ntahorugiye, Nshimiyimana na Ndayisenga Jean Bosco kwica uwitwa Gapira Aloys, umubyeyi wa Hategekimana Celestin hanyuma bakamumanika mu giti kugira ngo bifatwe ko yiyahuye.

Abashinjwa bose bafashwe bahakana icyaha uretse Ntahorugiye wemeye kandi agashinja bagenzi be bavugwa muri iyi dosiye, asobanura ko Gapira Aloys yazize indagu z'abapfumu babwiye Hategekimana ko azabona urubyaro ari uko Gapira apfuye, Ntahorugiye akaba yaragiye ahindura imvugo uko yabazwaga mu nzego zitandukanye.

Mu rubanza RP 0102/14/TGI/GIC rwaciwe kuwa 29/10/2014, Urukiko rwahamije icyaha Ntahorugiye rushingiye ku mvugo ye yavugiye mu nama y'abaturage, naho kuri Hategekimana, Nshimiyimana na Ndayisenga rubahamya icyaha rushingiye ku mvugo ya Ntahorugiye n'iy'abatangabuhamya barimo Nyinawumuntu na Simparingoma bamwumvise ashinja abo bafatanyije kwica Gapira Aloys. Aba bose Urukiko rwabahanishije igifungo cya burundu.

Abashinjwa bose bajuririye Urukiko Rukuru, Ntahorugiye avuga ko icyo yemera ari uko yateruye ku murambo wa Gapira abitegetswe na Hategekimana wanamuhaye amafaranga ibihumbi bitanu, ko umurambo yawusanganye Hategekimana, Nshimiyimana, Ndayisenga na Rufigi, aba ngo akaba yarabashinjuye kubera ko bamubwiye ko bazamugirira nabi, asaba kugabanyirizwa ibihano kuko yemera icyaha.

Nshimiyimana na Ndayisenga bajuriye bavuga ko Ntahorugiye wari wabashinje yageze aho akabashinjura avuga ko yafatanyije na Rufigi kwica Gapira, bityo ko bagombye kugirwa abere, naho Hategekimana ajurira avuga ko Urukiko rwirengagije kubaza umugore we Uwimana Angeline na se wabo Gasinzigwa bari guhamya ko batigeze bajya mu bapfumu, ko Ntahorugiye

amushinja ibinyoma abibwirijwe n'umunyamabanga nshingwabikorwa w'Umurenge batuyemo, wanzanze ko umurambo upimwa, naho abandi batangabuhamya ngo bakaba basubiramo ibyo bumvanye Ntahorugiye umushinja ibinyoma.

Urukiko Rukuru, mu rubanza RPA 0007/15/HC/KIG, rwemeje ko Ntahorugiye ahanishwa igihano cy'igifungo cy'inyuma cumi n'itanu kubera ko aburana yemera icyaha, naho Ndayisenga Jean Bosco, Nshimiyimana Jean Claude, na Hategekimana Celestin bagumishwa ku gifungo cya burundu, hashingiwe ku buhamya bwa Ntahorugiye na Nyinawumuntu.

Mu bihe bitandukanye, Hategekimana Celestin, Ndayisenga Jean Bosco na Nshimiyimana Jean Claude bajuririywe Urukiko rw'Ikirenga, ibirego byabo bishyirwa mu bubasha bw'Urukiko rw'Ubujurire kandi bihurizwa hamwe, hakurikijwe ingingo ya 52 n'ya 105 z'Itegeko No 30/2018 ryo ku wa 02/06/2018 ryerekeye ububasha bw'inkiko.

Nshimiyimana Jean Claude na Ndayisenga Jean Bosco bajuriye bavuga bemera icyaha cyo kuba barahamagajwe na Hategekimana Celestin ababwira ko agiye kubaha ikiraka hanyuma bagasanga ari uguterura umurambo wa Gapira Aloys basanganye Hategekimana na Rufigi ndetse na Ntahorugiye akaza kubasanga abafasha, ko basaba kugabanyirizwa igihano, naho urupfu rwa Gapira Aloys rukaba rwabazwa Hategekimana na Rufigi basanganywe umurambo.

Hategekimana Celestin we yajuriye avuga ko nta hantu ahurira n'urupfu rw'umubyeyi we, ko abamushinja bamubeshyera kuko atari kwica Gapira ngo agombere kujya gushaka abo kumuteruza umurambo, ko abemera kuba barateruye umurambo ari nabo bagombye kubazwa

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urupfu rwa Gapira. Ajurira avuga kandi ko Ntahorugiye yaranzwe no kwivuguruzwa, bityo ko ataba ikimenyetso kimushinja kuko nta kuri avugisha.

Ubushinjacyaha, nyuma yo kubyutsa inzitizi yo kutakira ubujurire bwa Nshimiyimana na Ndayisenga igatashyirwa agaciro, bwaburanye bwemeza imvugo ya Nshimiyimana Jean Claude na Ndayisenga Jean Bosco, imvugo ishinje Hategekimana Celestin na Rufigi kuba aribo bishe Gapira Aloys naho abandi bakaba barahawe akazi ko kujyana umurambo mu ishyamba kugira ngo bifatwe ko yiyahuye, busaba ko Hategekimana Celestin yagumishwa ku gifungo cya burundu naho Nshimiyimana Jean Claude, Ndayisenga Jean Bosco bakagabanyirizwa igihano kuko baburana bemera icyaha. Iburanisha ry'uru rubanza ryabaye ku matariki atandukanye, ubwa nyuma rikaba ryarabaye kuwa 18/6/2019, Hategekimana yunganiwe na Me Amani Jean de Dieu, Ndayisenga Jean Bosco yunganiwe na Me Mukabibi Fatuma, Nshimiyimana Jean Claude yunganiwe na Me Nyabagabo Felicien naho Ubushinjacyaha buhagarariwe na Harindintwari Come, umushinjacyaha ku rwego rw'Igihugu - Muri uru rubanza harasuzumwa imvugo ya Ndayisenga Jean Bosco na Nshimiyimana Jean Claude bemera icyaha cyo guhisha umurambo no kumenya ko yashingirwaho bagabanyirizwa igihano, hasuzumwe kandi ibimenyetso Hategekimana avuga ko bimushinjura ku rupfu rwa Gapira Aloys. II. ISESENGURA

RY'URUBANZA.

- a. Ku byerekeye icyaha cyo guhishira umurambo Nshimiyimana na Ndayisenga baburana bemera.

Nshimiyimana JClaude yasobanuye ubujurire bwe avuga ko mu ijoro ryo kuwa 29/03/2014 Hategekimana yaje kumubyutsa iwe amubwira ko amufitiye akazi ko kwikorera kanyanga, ko uyu yageze kwa Hategekimana agasanga umurambo w'umuntu mu gikoni agategekwa kuwuhambira ku giti, ko nyuma y'umwanya muto Hategekimana yagiye kubyutsa Ndayisenga nawe akaza abasanga, bagategekwa kujyana umurambo mu ishyamba. Nshimiyimana yavuze kandi ko bageze mu nzira bakananirwa, aribwo Hategekimana yagiye kuzana Ntahorugiye wabafashije umurambo bakawugeza mu ishyamba ry'uwitwa Mukahigiro mu mudugudu wa Bushara ho mu Kagari ka Bushara, ko barambitse umurambo bagahabwa buri wese igihembo cye (we ngo yahawe 3000Frw), babwirwa kugenda kandi bagaceceka, ngo Hategekimana na Rufigi basigaranye umurambo nibo bagomba kuba barawumanitse mu giti. Nshimiyimana avuga ko asaba imbabazi kuba ataratanze amakuru ku gihe, ko yagabanyirizwa igihano kuko nta ruhare yagize mu rupfu rwa Gapira Aloys, ko uruhare rwe rugarukira mu guterura umurambo bawuhisha.

Me Nyabagabo Felicien umwunganira yavuze ko Nshimiyimana ugaragaje uruhare rwe yagabanyirizwa ibihano kuko yateruye umurambo ku itegeko rya Hategekimana na Rufigi, ko aba bose baturanye ku buryo Hategekimana yabiyambarije icyarimwe ababwira ko agiye kubaha akazi.

Ndayisenga J. Bosco nawe asobanura ubujurire bwe avuga ko yamagawe na Hategekimana amuvanye iwe mu rugo (mu ijoro) amubwira ngo aze amufashe guterura kanyanga, ko yageze kwa Hategekimana Celestin akahasanga Rufigi na Nshimiyimana bakanywa inzoga, nyuma ngo Hategekimana na Rufigi bakamuhata gufatanya na Nshimiyimana guterura umurambo wa Gapira

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Aloys. Akomeza avuga ko bageze imbere mu gashyamba, umurambo ukabananira, aribwo Hategekimana yaje kwiambaza Ntahorugiye, waje kubafasha guterura kugeza aho yabaretse bashyira umurambo, bakabwirwa ko uzaramuka avuze iby'iyi nkuru azicwa, ngo buri wese yahise ataha iwe, bucya bumva ko umurambo wa Gapira Aloys wabonetse umanyitswe mu giti, ko atabazwa ibyurupfu rwa Gapira kuko atabizi.

Me Mukabibi Fatuma umwunganira avuga ko Ndayisenga yahanirwa icyaha yemera cyo guhisha umurambo wa Gapira, ko icyo kumwica nta ruhare yakigizemo.

Ubushinjacyaha buvuga ko, nubwo Nshimiyimana Jean Claude na Ndayisenga Jean Bosco, mu nkiko zibanza bahishe ukuri, ko kuri ubu imvugo zabo zihuza n'izo Ntahorugiye yavuze agifatwa, ko uruhare rwabo kimwe na Ntahorugiye rwabaye urwo guterura umurambo wa Gapira Aloys naho urupfu rwe rukaba rwabazwa Hategekimana na Rwibandira alias Rufigi, bo basanganywe umurambo.

b. Ku byerekeye Hategekimana Celestin uvuga ko ashinjwa ibinyoma.

Hategekimana Celestin yajuriye avuga ko icyaha ashinjwa yagihimbiwe na Ntahorugiye watangiye amushinja ariko nyuma ngo akaza kumushinjura mu nyandiko no mu majwi yafatiwe muri gereza, ko abatangabuhamya barimo Nyinawumuntu bari bavuze ibyo bumvanye Ntahorugiye, bityo ko imvugo zabo zateshwa agaciro kuko uwo zikomokaho yazivugurujye. Avuga kandi ko Ntahorugiye yamushinje kukagambane k'Umunyamabanga Nshingwabikorwa w'Umurenge wa Shangasha wananze ko umurambo upimwa ngo hamenyekane icyishe Gapira Aloys.

Hategekimana Celestin asobanura kandi ko Nshimiyimana na Ndayisenga bagiye umugambi wo kumubeshyera muri uru Rukiko, ko atashoboraga kwica umuntu hanyuma ngo agende abyutsa buri muntu, aho batuye hatandukanye, ashaka abikorera umurambo. Yasabye Urukiko ko rwatesha agaciro imvugo zabo kuko bivuguruzanya ku bijyanye n'aho basanze umurambo, aho umwe avuga ko yawusanze mu gikoni cya Hategekimana naho undi akavuga ko yawusanze ku ngarani mu gikari, ko kandi abantu bazima batari kuza gukora akazi ko kwikorera umurambo w'umuntu batazi aho yiciwe, ku mafaranga angana n'ayo bavuga (3.000Fr).

Me Amani Jean de Dieu umwunganira avuga ko, ubuhamya bwa Ntahorugiye budashobora kuba ikimenyetso gishinja Hategekimana kuko imvugo ze zaranzwe no kwivuguruzanya aho yabarijwe hose kugeza aho yanditse inzandiko zimushinjura ndetse akigamba mu majwi yafatiwe muri gereza ko yabeshyeye Hategekimana. Yavuze kandi ko ubuhamya bwa Mukanziga na Simparingoma bushingiye ku mvugo bumvanye Ntahorugiye wenyine kandi bigaragara ko yivuguruzanya.

Urukiko rwashatse kumenya ukuri ku mvugo zivuguruzanyaga za Ntahorugiye, uyu atumizwa mu Rukiko asobanura uburyo yategetswe na Hategekimana gutwara umurambo wa Gapira Aloys agahabwa igihembo cy'amafaranga 5000 kandi akabwirwa kutagira icyo avuga, ko yagiye yivuguruzanya kubera iterabwoba yashyizweho na Hategekimana wamubwiraga ko nawe azapfa, ko muri gereza Hategekimana yagambanye n'umukozi wa gereza akandika inyandiko mu izina rye (rya Ntahorugiye) imushinjura, nyamara ko nawe yayivugurujye.

Ku cyifuzo cya Hategekimana, Uwimana Angelique, umugore babana ku buryo budahuje n'amategeko, yabajijwe aho Hategekimana yari ku mugoroba wo kuwa 29/03/2014 avuga ko uyu atigeze aha mu rugo, ko kuri uwo muni Ndayisenga na Nshimiyimana batigeze bagera aho

Hategekimana acururiza, ko urupfu rwa gapira nabo barumenye mu gitondo cyo kuwa 30/03/2014 bahurujwe kimwe n'abandi.

Ubushinjacyaha bwashyize ku mvugo ya Ntahorugiye ishinja Hategekimana Celestin yahabwa agaciro kuko uyu yamushinje rugikubita (mu nama y'abaturage), ko n'ubwo Ntahorugiye yaje kwivuguruzanya abashyamba, nyamara ko mu Rukiko Rukuru yasubiye mu mvugo ye imushinje, kuri ubu iyi mvugo akaba ayihurizaho na Ndayisenga na Nshimiyimana, bityo ko urupfu rwa Gapira rukwiye kubazwa Hategekimana Celestin.

Ubushinjacyaha buvuye kuri kandi ko mu iperereza bwikoreye kuri uru rwego, bwabonye ko abashinje bese muri iyi dosiye ari abantu batuye hamwe ku buryo kubabyutsa mu ijoro bidasaba urugendo rururira uva ku nzu imwe ujya ku yindi, ko abantu babajijwe mu iperereza basobanuye ko uburyo basanze umurambo umunitse mu giti nyamara ibirenge bikora hasi byerekana ko Gapira Aloys atyahuye, ko ahubwo abamwishe ari nabo bamumanitse mu giti. UKO URUKIKO RUBIBONA

Urukiko rurasanga, isesengura ry'imiburanire y'abajuriye muri uru rubanza igomba gusesengurirwa hamwe ku buryo butuma urubanza rwumvikana neza. Urukiko rurasanga, urupfu rwa Gapira Aloys rukimenyekanaga, mu nama yahuye akagari ka Shangasha n'aka Nyabubare, Ntahorugiye yarasobanuye ku buryo burambuye uburyo mu ijoro ryo kuwa 29/03/2014, we na Hategekimana, Rwibandira alias Ruzizi, Ndayisenga Jean Bosco na Nshimiyimana J. Claude bajyanye umurambo wa Gapira Aloys mu ishyamba ndetse akanasobanura icyo Gapira yazize kijyanye n'abapfumu baraguriye Hategekimana ko azabona urubaro aruko Gapira apfuye (cote 7,8,11).

Urukiko rurasanga, amagambo Ntahorugiye yivuye mu nama y'abaturage, bamwe muri abo baturage, mu ibazwa rya bo nk'abatangabuhamya, barimo Simparingoma (cote 29-30) na Mukanziga (cote 25-27) barayagarutseho ku buryo buhuza n'imvugo ya Ntahorugiye.

Urukiko rurasanga, imvugo ya Ndayisenga Jean Bosco na Nshimiyimana J. Claude, muri uru Rukiko ihuza n'ya Ntahorugiye ku bijyanye no kuba Hategekimana, Rwibandira alias Ruzizi, Ndayisenga Jean Bosco na Nshimiyimana J. Claude na Ntahorugiye aribo batwaye Gapira Aloys mu ishyamba, aho umurambo we wabonetse umanyitse mu giti.

Dosiye y'urubanza iragaragaza ko mu ibazwa rya Hategekimana ryo kuwa 15/05/2014 mu Bugenzacyaha, uyu yavuze ko ntacyo apfa na Ntahorugiye na Ndayisenga na Nshimiyimana kandi ko hagize umushinje urupfu rwa Gapira ntacyo yakongeraho.

Ku kibazo cyo kumenya niba Hategekimana n'umugore we bataragiye mu bapfumu, mu ibazwa rye na none, mu Bugenzacyaha, Hategekimana yasubije muri aya magambo "nagiye kuragura urubaro kuko maze imyaka 6 umupfumu yahaye umugore imiti yo kumuzingura" (cote 6). Naho Uwimana Angeline abajijwe kuri iki kibazo, avuye ku nta bapfumu bagiyemo, ko ahubwo bagiyemo mu banyamasengesho kandi ko nta miti yahawe. Kuri iyi ngingo, Hategekimana yaje guhindura imvugo mu Rukiko avuye ku atagiye mu bapfumu, ko ahubwo ari umuvuzi wa gihanga kandi ko yajyanyeyo na se wabo Gasinzigwa nawe wavuzaga umukobwa we, ndetse ngo uyu akaba

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yarabyaye. Iyi mvugo yo kujya mu bapfumu na Ntahorugiye akaba yarayigarutse ho mu ibazwa rye (cote 8).

Dosiye y'urubanza igaragaza kandi ko, Mukanziga Alice (cote 28) na Simparingoma Jean Batiste (cote 31), mu gihe imodoka ya polisi yari itwaye Hategekimana, biyumviye Uwimana Angelique (umugore wa Hategekimana) yiruka ku modoka avuga ngo: “mumutwaye tutabyaye kandi igihe cyari iki”. Uwimana Angelique abajijwe kuri aya magambo asubiza ko yabivuze kuko bari batwaye umugabo mu gihe bari bagishakisha urubyaro. Urukiko mu bushishozi bwatwawe rukaba rwumva iyi mvugo, mu gisobanuro cy'uko ibyo bari basabwe gukora n'umupfumu byo kwica GAPIRA Aloys kugira ngo babone urubyaro, byari byagezweho.

Urukiko rurasanga, n'ubwo Ntahorugiye yagiye arangwa no kwivuguruzwa, ariko ko imvugo yavugiye mu nama y'abaturage ivugisha ukuri ku birebana no kuba na Hategekimana yari mu bantu bajyanye Gapira mu ishyamba kumumanika, kuko ayihurizaho n'abo bafatanyije (Ndayisenga na Nshimiyimana), kandi ko n'impamvu y'urupfu yashotse avuga (indagu z'abapfumu) ihuza no kuba Hategekimana yemera ko yagiye mu bapfumu araguzwa urubyaro, naho Uwimana akababazwa n'uko umugabo bamufunze kandi igihe cyari kigeze cyo kubona urubyaro, imvugo Urukiko rusanisha n'urupfu rwa Gapira rwari rwategewe n'umupfumu.

Urukiko rurasanga imvugo ya Hategekimana yuko Ntahorugiye yamushinje ibinyoma ku kagambane k'Umunyamabanga Nshingwabikorwa w'Umurenge ngo wanze ko umurambo upimwe, iyi mvugo nta shingiro ifite kuko dosiye y'urubanza igaragaza ko umurambo wa Gapira wapimwe na Dr Muhairwe Fred kuwa 01/04/2014 aho ku ikubitiro haketswe ko yaba yariyahuye ariko muganga agatanga inama ko iperereza rikomeza (cote 43), bityo ko nta mpamvu yo kwikoma uyu muyobozi w'Umurenge udafite icyo apfa na Hategekimana Celestin.

Urukiko rurasanga ikimenyetso cy'amajwi Hategekimana aburanisha yuko Ntahorugiye yamushinje, nta gaciro cyahabwa kuko, uretse no kuba Ntahorugiye ayahakana, nyamara n'uburyo yafatiwe muri gereza nta muyobozi ubitangiye uruhushya, no kuba atarapimwe ngo byemezwe ko ari amajwi ya Ntahorugiye, bituma kitafatwaho ukuri.

Urukiko rurasanga, Ndayisenga na Nshimiyimana biyemerera ko bafatanyije na Hategekimana, Rwibandira na Ntahorugiye gutwara Gapira mu ishyamba aho yabonetse yapfuye, imvugo bahurizaho na Ntahorugiye wabyemeye rugikubita, imvugo yabo ikwiye kuba ikimenyetso kibashinja. Binyuranye n'uko Ubushinjacyaha bubivuga, Urukiko rurasanga uruhare rwabo rutaragarukiye ku gutwara umurambo, kuko mu gucukumbura iyi dosiye, rusanga Hategekimana atarashoboraga kujya kubyutsa abantu bikorera umurambo, mu bihe bitandukanye, ngo nibagera iwe babanze kunywa kanyanga (bicaranye umurambo batishe) ngo babure kugira amakenga y'inkurikizi yabyo. Uretse no kuba Hategekimana na Rwibandira batari kwica ngo bakenere ubufasha gusa mu guterura umurambo, nta nubwo bari guhabwa akazi ko kujyana umurambo ngo bave mu ishyamba badashoje igikorwa cyo kuwumanika nk'uko ari byo byari bigambiriwe.

Urukiko rurasanga, nta kosa Urukiko Rukuru rwakoze mu guhamya Hategekimana Celestin, Ndayisenga Jean Bosco na Nshimiyimana J. Claude urupfu rwa Gapira Aloys kuko ibimenyetso bigaragaza ko aribo (bafatanyije na Ntahorugiye utarajuriye) bamujyanye mu ishyamba aho yabonetse yapfuye (kandi koko uburyo yari aziritse n'umugozi ukweze nyamara ibirenge bikora hasi nk'ushaka gupfukama, bigaragaza ko ibyabaye atari ukwiyahura), icukumbura ry'ibimenyetso rikaba ryerekana ko aribo bamwishe. Ibi Urukiko rurabishingira ku ngingo ya 104 y'Itegeko No 15/2004

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ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo ivuga ko ibimenyetso bicukumbuye ari ingingo amategeko cyangwa Urukiko bisesengura bishingiye ku kintu kizwi kugira ngo hagaragazwe ikizazwi, ndetse n'ingingo ya 108 y'iri Tegeko igira iti: ibimenyetso bicukumbuwe no gusesengura urubanza ni ibimenyetso bitacukumbuwe n'amategeko, bicukumburwa n'ubwenge n'ubushishozi bw'abacamanza.

Urukiko rurasanga nta gikwiye guhinduka ku mikirize y'urubanza RPA 0007/15/HC/KIG rwaciwe n'Urukiko Rukuru ku wa 12/01/2017, igifungo cya burundu Hategekimana Celestin, Nshimiyimana J. Claude na Ndayisenga Jean Bosco bahanishijwe kubera kwica Gapira Aloys kikaba kigomba kugumaho. III. ICYEMEZO CY'URUKIKO

Rwemeje ko ubujurire bwa Hategekimana Celestin, Nshimiyimana J. Claude na Ndayisenga Jean Bosco, nta shingiro bufite.

Rwemeje ko imikirize y'urubanza RPA 0007/15/HC/KIG rwaciwe n'Urukiko Rukuru ku wa 12/01/2017 igumyeho.

Rutegetse ko igifungo cya burundu Hategekimana Celestin, Nshimiyimana J. Claude na Ndayisenga Jean Bosco bahanishijwe kigumyeho.

Rutegetse ko abashinjwa basonerwa amagarama y'urubanza kuko baburana bafunzwe.

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