

RWANDA / JUDGMENT

UBUSHINJACYAHA v. KARIKUMUTIMA

RPAA 01426/2024/CA

COURT

Court of Appeal

DECIDED

5 August 2025

CASE / FILE NUMBER

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UBUSHINJACYAHA v. KARIKUMUTIMA

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Text

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UBUSHINJACYAHA v. KARIKUMUTIMA [Rwanda URUKIKO RW'UBUJURIRE – RPAA 01426/2024/CA (Munyangeri, P.J.) 05 Kanama 2025] Amategeko agenga ibimenyetso – Ibimenyetso mu manza nshinjabyaha – 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 ari rwo rwemeza ko ibyo bimenyetso bishobora kwemerwa . Incamake y'ikibazo: Karikumutima yakurikiranyweho n'Ubushinjacyaha icyaha cyo gusambanya umwana, bumuregera Urukiko Rwisumbuye rwa Karongi busaba ko ahamwa n'icyaha agahanishwa igihano cy'igifungo cya burundu. Urwo Rukiko rwaciye urubanza rwemeza ko Karikumutima ahamwa n'icyaha, rumuhanisha igihano cy'igifungo cya burundu. Karikumutima yajuririye mu Rukiko Rukuru Urugereko rwa Rusizi avuga ko umugabo yakoreraga yamugeretseho icyaha kugira ngo atamuhemba amafaranga yari amurimo kuko ngo yari amubwiye ko ashaka gutaha, kandi ko ibyo yemereye mu Bugenzacyaha yabitewe n'uko yashyizweho iterabwoba abwirwa ko niyemera icyaha ari bufungurwe. Urukiko Rukuru Urugereko rwa Rusizi rwaciye urubanza rwemeza ko rwemeje ko ubujurire bwa Karikumutima Emmanuel nta shingiro bufite, ko imikirize y'urubanza rwajuririwe ihindutse ku

gihano gusa, rumuhanisha igifungo cy'imyaka cumi n'icyenda (19). Karikumutima atishimiye icyo cyemezo cy'Urukiko yajuririye mu Rukiko rw'Ubujurire avuga ko hatakozwe iperereza ngo hagaragazwe imibanire n'umuryango wasambanyirijwe umwana, ndetse akavugako abatanhgabuhamya bamushinja ari abafitanye isano nuwo mwana. Akavuga ko nubwo yaganyirijwe ibihano, ubundi yari kugirwa umwere. Ku rundi ruhande, Ubushinjacyaha buvuga ko ubujurire bwa Karikumutima budakwiye guhabwa ishingiro, ko hakwiye kugumaho imikirize y'urubanza rwajuririwe. Bukavuga kuba uregwa yaraburanye mu ifunga n'ifungurwa avuga ko yemera icyaha, ubwabyo ari ikimenyetso gihagije cyuko yakoze icyaha, naho ku bijyanye n'abatangabuhamya bafitanye isano n'umwana, buvuga ko umuntu wese yemerewe gutanga ubuhamya bw'ibyo yabonye, urwego rubifitiye ububasha akaba arirwo rwemeza agaciro ke. 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) ababuranyi bakaba barahawe uburyo bwo kuhaba ngo banyomozanye, kandi ko Urukiko ari rwo rwemeza ko ibyo bimenyetso bishobora kwemerwa. Ubujurire nta shingiro bufite. Amategeko yashingiweho:

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Itegeko N° 059/2023 ryo ku wa 04/12/2023 rihindura itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganyaga ibyaha n'ibihano muri rusange, Ingingo ya 14. Imanza zifashishijwe: RPAA 00206/2023/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 30/01/2025 haburana Ubushinjacyaha na Baziramwabo Fabien bita Museveni; RPAA 00299/2023/CA rwaciwe ku wa 29/04/2024 haburana Ubushinjacyaha na Hagenimana Erimeriki. Urubanza I. IMITERERE Y'URUBANZA [1] Ubushinjacyaha bwareze Karikumutima Emmanuel buvuga ko ubwo yakoraga akazi ko mu rugo mu mwaka wa 2022, yafashe umwana wo mu rugo yakoragamo wavutse mu 2019, aramucigatira amwitsiritaho kugeza asohoye kandi ko agifatwa yagejejwe mu Bugenzacyaha yemera ibyabaye. Bwasabye ko ahanishwa igifungo cya burundu. [2] Karikumutima Emmanuel yaburanye ahakana icyaha, avuga ko ibyo yemereye mu Bugenzacyaha yabitewe n'iterabwoba yashyizweho bamubwira ko niyemera icyaha ari bufungurwe. [3] Mu rubanza RP 00129/2022/TGI/KNG rwaciwe n'Urukiko Rwisumbuye rwa Karongi ku wa 27/06/2024, urwo Rukiko rushingiye ku ngingo ya 14 y'itegeko N° 059/2023 ryo ku wa 04/12/2023 rihindura itegeko N° 68/2018 ryo ku wa 30/08/2018 rigenga ibyaha n'ibihano muri rusange, ku ngingo ya 107 n'ya 108 z'itegeko N° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha, no ku murongo wafashwe n'Urukiko rw'Ikirenga mu rubanza RPAA 0010/06/CA-RPAA 0011/06/CSRPAA 0012/06/CS rwaciwe ku wa 18/07/2008 haburana Ubushinjacyaha na Sgt Ntaganira Eugène na bagenzi bwe, rwemeje ko Karikumutima Emmanuel ahamwe n'icyaha cyo gusambanya umwana, rumuhanisha igifungo cya burundu. [4] Karikumutima Emmanuel yajuririye urwo rubanza mu Rukiko Rukuru, Urugereko rwa Rusizi, avuga ko umugabo yakoreraga yamugeretseho icyaha kugira ngo atamuhemba amafaranga yari amurimo kuko ngo yari amubwiye ko ashaka gutaha, kandi ko ibyo yemereye mu Bugenzacyaha yabitewe n'uko yashyizweho iterabwoba abwirwa ko niyemera icyaha ari bufungurwe. [5] Ubushinjacyaha bwavuze ko kuba Karikumutima Emmanuel avuga ko ibyo yemereye mu nzego z'iperereza yabitewe n'iterabwoba bitahabwa ishingiro, igihano yahanishijwe ku rwego rwa

mbere kikagumaho, ko ariko mu bushishozi bw'Urukiko rwamugabanyiriza agahanishwa igihano giteganywa n'itegeko rishya rigenga ibyaha n'ibihano kuko ryo riteganywa ibihano bito. [6] Mu rubanza RPA 00122/2024/HC/RSZ rwaciwe n'Urukiko Rukuru, Urugereko rwa Rusizi ku wa 28/11/2024, urwo Rukiko rushingiye ku ngingo ya 2 n'ya 14 z'itegeko N° 059/2023 ryo ku wa 04/12/2023 rihindura itegeko N° 68/2018 ryo ku wa 30/08/2018 rigenga ibyaha n'ibihano muri rusange, ku mvugo z'abatangabuhamya bashinja Karikumutima Emmanuel, ku murongo

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wafashwe n'Urukiko rw'Ikirenga mu rubanza RPAA 0010/06/CS-RPAA 0011/06/CS-RPAA 0012/06/CS rwaciwe ku wa 18/07/2008 haburana Ubushinjacyaha na Sgt Ntaganira Eugène na bagenzi be, ku murongo wafashwe n'Urukiko rw'Ubujurire mu manza zitandukanye harimo urubanza RPAA 00202/2021/CA rwaciwe ku wa 22/07/2022 haburana Ubushinjacyaha na Nsengimana Alphonse bita Gatera; urubanza RPAA 00105/2023/CA rwaciwe ku wa 28/05/2024 haburana Ubushinjacyaha na Kayiranga Abubakar; urubanza RPAA 00501/2023/CA rwaciwe ku wa 30/05/2024 haburana Ubushinjacyaha na Mbahizimana Fabrice, rwemeje ko ubujurire bwa Karikumutima Emmanuel nta shingiro bufite, ko imikirize y'urubanza rwajuririwe ihindutse ku gihano gusa, rumuhanisha igifungo cy'imyaka cumi n'icyenda (19). [7] Ku wa 24/12/2024, Karikumutima Emmanuel yajuririye urwo rubanza mu Rukiko rw'Ubujurire, ubujurire bwe bwandikwa kuri RPAA 01426/2024/CA, maze nyuma y'imihango ntegururubanza yose, hemezwa ko ruzaburanishwa ku wa 09/07/2025. [8] Uwo munsu ababuranyi bitabye Urukiko, Ubushinjacyaha buhagarariwe na Sibomana Stanislas, Umushinjacyaha ku rwego rw'Igihugu, Karikumutima Emmanuel yunganiwe na Me Shema Gerald. [9] Mu myanzuro y'ubujurire no mu miburanire, Karikumutima Emmanuel n'umwunganira banenga Urukiko Rukuru, Urugereko rwa Rusizi kuba: -rutarakoze iperereza ngo rumenye imibanire ye n'umuryango w'umwana bivugwa ko yasambanyijwe, ngo aho yari amaze imyaka igera kuri ibiri abaragirira inka, bakaba bari barumvikanye ko buri mwaka bazajya bamuha ikimasa, bikarangira batamwishyuye; -nta kimenyetso cy'abahanga ba Rwanda Forensic Institute kigaragaza ko igitsina cye nk'umuntu w'imyaka makumyabiri n'ibiri (22) cyashoboraga kwinjira mu gitsina cy'umwana w'imyaka itatu (3), icy'uwo mwana nticyangirike mu buriywe bukomeye; - hatarafashwe amatembabuzi yo mu mura (vagin swap) w'uwo mwana ngo apimwe ahuzwe n'intanga za Karikumutima Emmanuel; -rwarirengagije ko abatangabuhamya bamushinja ari abafitanye isano n'uwo mwana kuko ashinjwa na se gusa, ndetse akaba nta buyobozi bw'inzego z'ibanze bwigeze bwemeza ko yamusambanyije. Basaza bavugaga ko n'ubwo Urukiko Rukuru, Urugereko rwa Rusizi rwamugabanyirije igihano, rwagombaga gukoresha ubushishozi bw'urukiko rwamugira umweme. [10] Uhagarariye Ubushinjacyaha avugaga ko ubujurire bwa Karikumutima Emmanuel budakwiye guhabwa ishingiro, ko hagumaho imikirize y'urubanza rwajuririwe. [11] Nyuma y'izo mpaka harasuzumwa ikibazo cyo kumenya niba Karikumutima Emmanuel yarahamijwe icyaha cyo gusambanya umwana kandi nta bimenyetso bishingiweho. II. ISESENGURA RY'IKIBAZO KIGIZE URUBANZA Kumenya niba ibimenyetso byashingiweho bitari bihagije kugira ngo Karikumutima Emmanuel ahamwe n'icyaha cyo gusambanya umwana

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- [12] Karikumutima Emmanuel n'umwunganira bavuga ko yahamijwe icyaha cyo gusambanya umwana kandi ataragikoze, Urukiko Rukuru, Urugereko rwa Rusizi rukaba rutarakoresheje ubushishozi ngo rukore iperereza ryimbitse, na cyane ko nta raporo y'abahanga ba Rwanda Forensic Institute yakozwe ngo bagaragaze ko igitsina cy'umuntu w'imyaka 22 gishobora kwinjira mu cy'umwana w'imyaka itatu (3) ngo icy'umwana kibure kwangirika mu buryo bukomeye, kandi ko umutangabuhamya umushinja ari se w'uwo mwana, bakaba bari banafitanye ibibazo bishingiye ku gihembo hagati y'umukozi n'umukoresha. Basaba ko hakubahirizwa ibiteganywa n'ingingo ya 107 n'ya 111 z'itegeko N° 027/2019 ryo ku wa 19/09/2018 ryerekeye imiburanishirize y'imanza z'inshinjabyaha, uru Rukiko rumugire umwere. [13] Uhagarariye Ubushinjacyaha avuga ko Karikumutima Emmanuel aburana ahindagura imvugo kuko mu Rukiko Rukuru, Urugereko rwa Rusizi yaburanye avuga ko umubyeyi w'umwana bivugwa ko yasambanyije yamugeretseho icyaha kugira ngo atamwishyura umushahara yari amaze imyaka ibiri akorera atamwishyura, naho ubu akaba aburanisha ko atamuhembye ikimasa yagombaga kujya amuhemba buri mwaka, ko rero iyi ngingo y'ubujurire idakwiye gusuzumwa kuko atigeze ayiburanisha mu nkiko zibanza. [14] Ku bijyanye no kuba Karikumutima Emmanuel n'umwunganira bavuga ko Urukiko rutitaye ku kumenya ko nta raporo ya Rwanda Forensic Institute yashyizwe ahagaragara ngo isobanure ko umuntu w'imyaka 22 ashobora kwinjiza igitsina cye mu cy'umwana w'imyaka itatu
- (3) nta komereke mu buryo bukomeye, Uhagarariye Ubushinjacyaha avuga ko ibisobanuro uregwa yitangiye mu Bugenzacyaha, mu Bushinjacyaha, imbere y'Urukiko rw'Ibanze ndetse n'Urukiko Rwisumbuye aburana ku ifunga n'ifungurwa ry'agateganyo bihagije kugira ngo abe yahamwa n'icyaha cyo gusambanya umwana, kandi ko atari ikimenyetso kamara ku buryo itabonetse yatuma uregwa agirwa umwere. [15] Ku bijyanye no kuba Karikumutima Emmanuel avuga ko Urukiko rutitaye ku kuba abamushinja ari abafitanye isano n'umwana bivugwa ko yasambanyije ngo kuko ashinjwa na se w'uwo mwana wenyine, uhagarariye Ubushinjacyaha avuga ko umuntu wese yemerewe gutanga ubuhamya bw'ibyo yabonye, urwego rubifitiye ububasha akaba ari rwo rumenya agaciro rumuha nk'uko biteganywa n'ingingo ya 51 n'ya 53 z'itegeko N° 062/2024 ryo ku wa 20/06/2024 rigenga ibimenyetso. Bityo ko kuba ise w'umwana ari we wabonye Karikumutima Emmanuel amukikiye arimo gukora ibikorwa by'ishimishamubiri, nta cyari kubuza Urukiko guha ubuhamya bwe agaciro. Uko Urukiko rubibona [16] Impaka kuri iyi ngingo zishingiye ku kumenya niba ibimenyetso byashingiweho bitari bihagije kugira ngo Karikumutima Emmanuel ahamwe n'icyaha cyo gusambanya umwana. [17] Ingingo ya 14 y'itegeko N° 059/2023 ryo ku wa 04/12/2023 rihindura itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganyaye ibyaha n'ibihano muri rusange iteganyaye ibikurikira: "Umuntu ukorera ku mwana kimwe mu bikorwa bishingiye ku gitsina bikurikira, aba akoze icyaha: (a) gushyira igitsina cy'umuntu mu gitsina, mu kibuno cyangwa mu kanwa by'umwana; (b) gushyira urungu urwo ari rwo rwose rw'umubiri w'umuntu mu gitsina cyangwa mu kibuno cy'umwana;

(c) gukora ikindi gikorwa cyose ku mubiri w'umwana hagamijwe ishimishamubiri.”

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[18] Ku byerekeye ibimenyetso mu manza n'itangwa ryabyo byafashweho umurongo mu rubanza RPAA 00206/2023/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 30/01/2025 haburana Ubushinjacyaha na Baziramwabo Fabien bita Museveni. Muri urwo rubanza, Urukiko 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 ari rwo rwemeza ko ibyo bimenyetso bishobora kwemerwa nk'uko biteganywa n'ingingo ya 87 y'itegeko N° 062/2024 ryo ku wa 20/06/2024 rigenga ibimenyetso1.” [19] Ikibazo kandi cyo kumenya niba kuba ukurikiranyweho icyaha yaracyemereye mu nzego z'iperereza hanyuma yagera imbere y'urukiko akagihakana ari impamvu yo gutesha agaciro ubuhamya yatanze yemera icyaha cyafashweho umurongo n'Urukiko rw'Ubujurire mu rubanza RPAA 00299/2023/CA rwaciwe ku wa 29/04/2024 haburana Ubushinjacyaha na Hagenimana Erimereki, aho rwasobanuye ko kwemera icyaha mu iperereza ukagihakana mu iburanisha, ubwabyo bidatesha agaciro uko kwemera2.” [20] Mu bimenyetso byashingiweho mu rubanza rujuririrwa harimo icyo kuba mu gihe Karikumutima Emmanuel yabazwaga mu nzego z'iperereza, yaremeye ko yafashe umwana bivugwa ko yasambanyije akamuterura, yarangiza agafungura risani y'ipantalo yari yambaye, agafata igitsina cye agatangira gushaka kukinjiza mu cy'umwana, ariko mu gihe yari atatangira kukinjizamo neza agahita amusohorera, amasohoro akagwa mu gitsina cy'umwana, hagati y'ibibero no ku nda, ise w'uwo mwana agahita ahinguka akimucigatiye mu maguru ye, yabona ko yamubonye agahita amushyira hasi. [21] Hari imvugo z'abatangabubamya bashinja Karikumutima Emmanuel harimo uwitwa Imanizabayo Jean d'Amour na Emerusenge Théophile bavuga ko ku wa 28/02/2022 saa tatu za mugitondo (9h00), Twambazimana Jean Claude, ise w'umwana bivugwa ko yawambanyijwe, yabahamagaye abamenyesha ko umukozi we witwa Karikumutima Emmanuel asambanyije umwana we, bajya iwe bahageze basanga umwana afite amasohoro ku nda, ku bibero bye byombi, no mu gitsina cye kandi acyoroshye agaragara nk'ayamugiyeho ako kanya. Bavuga kandi ko yamusambanyije amusanze mu gikari aho yarimo kwihagarika kuri pot y'abana, aramuterura amushyira ku bibero bye atangira gukuba igitsina cye ku bibero by'umwana, ku nda, no ku gitsina cye kugeza amusohoreyeho. [22] Mu rubanza RP 00129/2022/TGI/KNG rwaciwe n'Urukiko Rwisumbuye rwa Karongi ku wa 27/06/2024, mu gika cya 11, urwo rukiko rwagaragaje ko Karikumutima Emmanuel imbere y'Ubugenzacyaha yemeye icyaha ndetse anasobanura neza uko yagikoze, kandi ko imbere y'Urukiko aburana ku ifungwa n'ifungurwa ry'agateganyo nabwo yemeye icyaha mu magambo agira ati” Umwana nta bwo yangiritse kuko namusohoreyeho sinashyiramo igitsina. [23] Ku bijyanye no kuba Karikumutima Emmanuel n'umwunganira bavuga ko Urukiko Rukuru, Urugereko rwa Rusizi rwamuhamije icyaha rudakoze iperereza ryimbitse ngo rimenye uko yari abanye n'abakoresha be, uru Rukiko rurasanga mu gihe urukiko rubona ko ibimenyetso

1 Iyo ngingo y'itegeko iteganya ibikurikira: "Mu rubanza nshinjabyaha ikimenyetso gishingira ku mpamvu zose z'ibyabaye n'ibyemejwe n'amategoko, ababuranyi bapfa kuba barahawe umwana wo kubijyaho impaka." 2 Reba urubanza N° RPAA 00299/2023/CA rwo ku wa 29/04/2024, igika cya 20.

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rwashyikirijwe bihagije kugira ngo rufate icyemezo rwumva ko gitanga ubutabera, nta mpamvu yatuma rukora irindi perereza na cyane ko uko Karikumutima Emmanuel yari abanye n'ababyeyi b'umwana wasambanyijwe, nta cyo byahindura ku bikorwa yafatiwemo bifatwa nko gusambanya umwana kandi yemeye mu nzego zagaragajwe haruguru. Ibi na byo byafashweho umurongo mu rubanza RPAA 00502/2023/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 18/03/2025, haburama Ubushinjacyaha na Gakwerere Steven. Muri urwo rubanza, Urukiko rwasobanuye ko urukiko rudategatswe gukora iperereza cyangwa kubaza abatangabuhamya mu gihe rusanga ibimenyetso rwashyikirijwe bihagije kandi ababuranyi barabyisobanuyeho³. [24] Ku bijyanye no kuba Karikumutima Emmanuel n'umwunganira bavuga ko kuba abahanga ba Rwanda Forensic Institute batarakoze batarapimye amasohoro bivugwa ko yari ku mwana wasambanyijwe ngo bayahuze na ye hagamijwe kugaragaza koko niba ari we wamusambanyije, uru Rukiko rurasanga mu gihe Karikumutima Emmanuel yafatiwe mu cyuho arimo gukorera ishimishamubiri ku mwana ndetse hakaba hari ibimenyetso bimushinja harimo no kuba agifatwa n'inzego z'iperereza yaremeye ibikorwa yarimo akora, ibyo ubwabyo byari bihagije ngo hemezwe ko yakoze icyaha akurikiranyweho, bitabaye ngombwa kwiyambaza raporo y'abahanga nk'uko byafashweho umurongo n'uru Rukiko mu rubanza RPAA 00414/2024/CA rwaciwe ku wa 30/01/2025 haburana Ubushinjacyaha na Niyomukiza Samuel, aho Urukiko rw'Ubujurire rwasobanuye ko raporo ya muganga ishobora kuba kimwe mu bimenyetso byashingirwaho, ko ariko atari cyo kimenyetso nshinganwa kugira ngo urubanza rucibwe cyane cyane mu gihe uregwa abiyemerera kandi agasobanura neza inzira zose yanyuzemo kugira ngo abigereho⁴. [25] Ku bijyanye no kuba Karikumutima Emmanuel n'umwunganira bavuga ko yahamijwe icyaha hashingiwe ku buhamya bw'abafitanye isano n'umwana wasambanyijwe harimo n'ubwa se w'uwo mwana kandi butaragombaga gushingirwaho, uru Rukiko rurasanga nta shingiro bifite kuko nk'uko byasobanuwe mu rubanza RPAA 00485/2023/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 21/03/2025 haburana Ubushinjacyaha na Uriho Japhet, Urukiko rwasobanuye ko ibimenyetso byose birimo n'imvugo z'abatangabuhamya, bishobora gushingirwaho mu kwemeza ko uregwa yakoze icyaha, ko bipfa kuba byagiweho impaka. Urukiko rurasanga kandi nta cyari kubuza Urukiko rwaciye urubanza gushingira ku mvugo z'abatangabuhamya mu gihe ise w'umwana ari we waguye gituma Karikumutima Emmanuel arimo gusambanya uwo mwana bivuze ko yatanze ubuhamya bw'ibyo yiboneye, ndetse n'abaturanyi uwo mubyeyi yatabaje bakaba barageze aho icyaha cyakororwaga bagasanga hari ikimenyetso cy'amasohoro yari ku mwana cyari kitarasibangana, nabo ibyo bitanzeho ubuhamya bakaba barabyiboneye. [26] Urukiko rw'Ubujurire rurasanga ibisobanuro Karikumutima Emmanuel yitangiye ubwe mu nzego z'iperereza ndetse n'imbere y'Urukiko ubwo yaburanaga ku ifunga n'ifungurwa ry'agateganyo, ku buhamya bw'abatangabuhamya batabajwe na se w'umwana bemeje ko basanze umwana ariho

amasohoro ya vuba ku bibero, ku nda no ku gitsina cye, ibi ari ibimenyetso byemeza nta gushidikanya ko yakoze icyaha cyo gusambanya umwana akurikiranyweho. Bityo impamvu z'ubujurire yatanze zigamije kunenga ibimenyetso byashingiweho no kuba nta bindi byashatswe zikaba nta shingiro zifite kuko ibyashingiweho byihagije ubwabyo.

3 Reba urubanza N° RPAA 00502/2023/CA rwo ku wa 18/03/2025, igika cya 18. 4 Reba urubanza N° RPAA 00414/2024/CA rwo ku wa 30/01/2025, igika cya 17.

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[27] Ku birebana n'igihano Karikumutima Emmanuel yahanishijwe, imikirize y'urubanza rwajuririwe igaragaza ko Urukiko Rukuru, Urugereko rwa Rusizi rwamukuye ku gihano cy'igifungo cya burundu yari yahanishijwe n'Urukiko Rwisumbuye rwa Karongi, rumuhanisha igifungo cy'imyaka cumi n'icyenda (19), rushingiye ku mpamvu nyoroshyacyaha yo kuba ari ubwa mbere akurikiranwe mu butabera mu buryo buzwi, runabihuje n'uburemere bw'icyaha. [28] Urukiko rw'Ubujurire rurasanga mu rwego rwo guhuza imirongo rwagiye rufata mu manza zitandukanye hagamijwe gutanga ubutabera busa ku bibazo bisa, hari urubanza RPAA 00501/2023/CA rwaciwe ku wa 30/05/2024 haburana Ubushinjacyaha na Mbahizimana Fabrice, aho Mbahizimana Fabrice yahanishijwe igifungo cy'imyaka cumi n'itandatu (16) aho guhanishwa igifungo cya burundu yari yahanishijwe n'inkiko zibanza ku cyaha cyo gusambanya umwana w'imyaka itatu n'amezi atandatu (3 1/2) y'amavuko, rukaba rwaramugabanyirije igihano rushingiye ku mpamvu nyoroshyacyaha z'uko ari ubwa mbere akurikiranwe n'ubutabera mu buryo buzwi no kuba yarakoze icyaha ari mu kigero kiranywa n'ubushishozi buke kuko icyo gihe yari afite imyaka makumyabiri (20) y'amavuko. [29] No muri uru rubanza, Karikumutima Emmanuel yasambanyije umwana w'imyaka itatu (3) y'amavuko mu gihe we yari afite imyaka makumyabiri n'ibiri (22) y'amavuko. Uru Rukiko rukaba rusanga yaba umwana wasambanyijwe ndetse na Karikumutima Emmanuel bose bari mu kigero kimwe n'icyabavugwa mu rubanza RPAA 00501/2023/CA, bityo n'ubwo Urukiko Rukuru, Urugereko rwa Rusizi rwamugabanyirije igihano, akaba nta cyabuza uru Rukiko kongera kumugabanyiriza hashingiwe ku mpamvu nyoroshyacyaha y'uko yari asanzwe yitwara neza muri sosiyete, kuba yarakoze icyaha ari mu kigero kiranywa n'ubushishozi buke, ndetse bikanakorwa mu rwego rwo gutanga ibihano bisa ku bantu bakoze ibyaha bisa kandi bafite impamvu nyoroshyacyaha zisa, nk'uko byafashweho umurongo mu rubanza rwavuzwe haruguru, na we akaba yahanishwa igifungo cy'imyaka cumi n'itandatu (16). III. ICYEMEZO CY'URUKIKO [30] Rwemeje ko ubujurire bwa Karikumutima Emmanuel, nta shingiro bufite. [31] Rwemeje ko urubanza RPA 00122/2024/HC/RSZ rwaciwe n'Urukiko Rukuru, Urugereko rwa Rusizi ku wa 28/11/2024, ruhindutse ku byerekeye igihano. [32] Ruhanihije Karikumutima Emmanuel igifungo cy'imyaka cumi n'itandatu (16). [33] Ruvuze ko Karikumutima Emmanuel asonewe amagarama y'urubanza kubera ko aburana afunzwe.

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