

RWANDA / JUDGMENT

UBUSHINJACYAHA v Mizero Eric

RPAA 00181/2021/CA

COURT

Court of Appeal

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UBUSHINJACYAHA v Mizero Eric

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Text

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UBUSHINJACYAHA v. MIZERO [Rwanda URUKIKO RW'UBUJURIRE – RPAA 00181/2021/CA (Kanyange, P.J.) 30 Ukuboza 2022] Amategeko agenga imanza nshinjabyaha – Impamvu nyoroshyacyaha – Kuba uregwa yarakoze icyaha aribwo akiva mu bwana byaba impamvu nyoroshyacyaha ituma uregwa agabanyirizwa igihano. Incamake y'ikibazo: Uru rubanza rwatangiriye mu Rukiko Rwisumbuye rwa Muhanga uregwa akurikiranywe ku cyaha cyo gusambanya umwana w' imyaka 16 y'amavuko, Ubushinjacyaha buvuga ko yasambanyije uwo mwana anamutera inda. Uregwa yaburanye ahakana icyaha aregwa, avuga ko ibyo bamushinja bitabayeho. Urwo Rukiko rwaciye urubanza nuko rwemeza ko uregwa ahamwe n'icyaha cyo gusambanya umwana, rumuhanisha igifungo cy'imyaka makumyabiri (20). Uregwa yajuriye mu Rukiko Rukuru, Urugereko rwa Nyanza avuga ko yemera icyaha kandi ko yemeranya n'Ubushinjacyaha ku birebana n'ibimenyetso byashingiweho mu kumuhamya icyaha, asaba kugabanyirizwa igihano akabona uko ajya kwita ku mwana wavutse, ariko nyuma yandika undi mwanzuro ahakana icyaha, asaba ko umwanzuro yatanze mbere wateshwa agaciro kuko uwawumwandikiye yamushutse, anasaba ko umwana wavutse bamwitirira yapimwa ADN kugira ngo ukuri kumenyekane. Urwo Rukiko narwo rwaciye urubanza nuko rwemeza ko ubujurire bwe

nta shingiro bufite, ko nta gihindutse ku mikirize y'urubanza yajuririye. Uregwa yarongeye ajurira mu Rukiko rw'Ubujurire avuga ko ku rwego rwa mbere n'urwa kabiri yaranzwe no guhakana icyaha ndetse asaba ko hakorwa ikizamini cya ADN, ariko ko kuri uru rwego yemera icyaha akanagisabira imbabazi, akaba yagabanyirizwa igihano hanitawe ko ari ubwa mbere agwa mu cyaha akaba yaragikoze asembuwe, kuko nta gahato yashyize kuri uwo mukobwa ahubwo ari we wazaga kumusura kenshi, kubera ko bari mu kigero kimwe bigana. Ubushinjacyaha bwo buvuga ko uregwa yaburanye atemera icyaha mu nkiko zabanje kuba ataremeye icyaha muri izo nkiko, akaba atajurira mu Rukiko rw'Ubujurire avuga ko noneho aje kucyemera kuko itaba impamvu y'ubujurire bitewe n'uko ingingo ya 183, 5° y'Itegeko ryerekeye imiburanishirize y'imanza z'inshinjabyaha iteganya ko ujurira agomba kwerekana inenge zigomba gukosorwa akavuga n'uburyo zakosorwa. Incamake y'icyemezo: Kuba uregwa yarakoze icyaha aribwo akiva mu bwana byaba impamvu nyoroshyacyaha ituma uregwa agabanyirizwa igihano, bityo kuba uregwa yari afite imyaka 19, icyo kigero cy'imyaka yari arimo kikaba cyashingirwaho mu kugena igihano. Urubanza ruhindutse gusa ku birebana n'igihano. Amategeko yashingiweho: Itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu, Ingingo ya 58 n'ya 59.

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Imanza zifashishijwe: Ubushinjacyaha v. Ndahayo, RPAA 00305/2021/CA rwaciwe n'Urukiko Rw'Ubujurire ku wa 25/03/2022. Ubushinjacyaha v. Bahati, RPAA 00407/2020/CA rwaciwe n'Urukiko Rw'Ubujurire ku wa 28/01/2022. Ubushinjacyaha v. Ndikubwayo, RPAA 00278/2020/CA rwaciwe n'Urukiko Rw'Ubujurire, ku wa 17/06/2022. Ubushinjacyaha v. Nsabimana alias Nsakara Et. Al., RPA 00060/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 04/04/2022. Urubanza I. IMITERERE Y'URUBANZA [1] Uru rubanza rwatangiriye mu Rukiko Rwisumbuye rwa Muhanga icyaha cyo gusambanya umwana w' imyaka 16 y'amavuko, buvuga ko ku wa 18/8/2018 no ku wa 29/12/2018, yasambanyije uwo mwana anamutera inda. Yaburanye ahakana icyaha aregwa, avuga ko ibyo bamushinja bitabayeho. Mu rubanza n° RP 00480/2019/TGI/MHG rwaciwe ku wa 18/07/2019, Urukiko Rwisumbuye rwa Muhanga rwemeje ko Mizero Eric ahamwa n'icyaha cyo gusambanya umwana, rumuhanisha igifungo cy'imyaka makumyabiri (20). [2] Mizero Eric yajuririye mu Rukiko Rukuru, Urugereko rwa Nyanza avuga ko yemera icyaha kandi ko yemeranya n'Ubushinjacyaha ku birebana n'ibimenyetso byashingiweho mu kumuhamya icyaha, asaba kugabanyirizwa igihano akabona uko ajya kwita ku mwana wavutse, ariko nyuma yandika undi mwanzuro ahakana icyaha, ko Urukiko rwashingiye ku buhamya bw'ibinyoma, asaba ko umwanzuro yatanze mbere wateshwa agaciro kuko uwawumwandikiye yamushutse, anasaba ko umwana wavutse bamwitirira yapimwa ADN kugira ngo ukuri kumenyekane. [3] Mu rubanza n° RPA 00772/2019/HC/NYZ rwaciwe ku wa 03/12/2020, Urukiko Rukuru, Urugereko rwa Nyanza rwemeje ko ubujurire bwa Mizero Eric nta shingiro bufite, ko nta gihindutse ku mikirize y'urubanza yajuririye. [4] Mizero Eric yajuririye Urukiko rw'Ubujurire avuga ko ku rwego rwa mbere n'urwa kabiri yaranzwe no guhakana icyaha ndetse asaba ko hakorwa ikizamini cya ADN, ariko ko kuri uru rwego yemera icyaha akanagisabira imbabazi, akaba yagabanyirizwa igihano hanitawe ko ari ubwa mbere agwa mu cyaha akaba yaragikoze asembuwe, kuko nta gahato

yashyize kuri uwo mukobwa ahubwo ari we wazaga kumusura kenshi, kubera ko bari mu kigero kimwe bigana. [5] Habanje gusuzumwa inzitizi y'iburabubasha bw'Urukiko rw'Ubujurire yatanze n'Ubushinjacyaha, ishingiyeye ku kuba Mizero Eric yaratsinzwe mu nkiko za mbere hashingiye ku mpamvu zimwe, mu cyemezo rwafashe ku wa 06/12/2022 rusanga iyo nzitizi nta shingiro ifite,

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iburanisha rikomeza ku wa 06/12/2022, Mizero Eric yunganirwa na Me Rugeyo Jean, Ubushinjacyaha buhagararaye na Habarurema Jean Pierre, Umushinjacyaha ku rwego rw'Igihugu. IKIBAZO KIRI MU RUBANZA N'ISESENGURWA RYACYO Kumenya niba Mizero Eric yagabanyirizwa igihano [6] Mizero Eric avuga ko yajuriye kugira ngo agabanyirizwe igihano kuko yemera icyaha kandi akaba ari ubwa mbere aguye mu cyaha. Asobanura ko yemera ko yasambanyije umukobwa bamurega ko ariko yibwiraga ko bangana bitewe n'uko biganaga akagira ngo bari mu kigero kimwe. Avuga ko ingaruka z'ibyo yakoze yamaze kuzibona haba kuri we no kuri uwo mukobwa, ariyo mpamvu yaje kwemera icyaha kugira ngo agabanyirizwe igihano kinini yahawe, kandi akaba asaba imbabazi z'uko atavugishije ukuri aho yanyuze hose. Mu mwanzuro w'ubujurire avuga kandi ko usibye kuba uko kwemera kwamubere impamvu nyoroshyacyaha, Urukiko rwanita ku mpamvu y'uko ari inshuro ya mbere akurikiranywe n'inkiko, ko kandi nk'uko Umucamanza wo ku rwego rwa mbere yabivuze, umukobwa yasambanyije bari mu kigero kimwe kuko biganaga, ko kandi nta gahato kabayeho ahubwo bitewe nuko yazaga kumusura kenshi akamuganiriza amwereka ibyo ashaka, yaguye mu mutego barasambana. [7] Me Rugeyo Jean avuga ko Mizero Eric kuva agifatwa yemeye icyaha ndetse no mu Rukiko RUKURU ajurira acyemera, ariko ko ubwo bamubwiraga ko umukobwa atwite yatangiye gushidikanya bituma asaba ko hakorwa DNA, ko rero atigeze ahakana igikorwa cyo gusambanya uwo mukobwa. [8] Avuga ko icyo anenga ari uko yahanishijwe igihano kiremereye, ko n'ubwo kitagabanywa kubere ukwemera icyaha hari izindi mpamvu zakwitabwaho kikagabanywa, harimo kuba ari ubwa mbere akurikiranwe n'inkiko no kuba uwo mukobwa barasaga n'abari mu kigero kimwe kuko biganaga, akaba yarahamusanze asibiye bituma yibwira ko anamuruta. [9] Avuga kandi ko igikorwa cyo gusambanya uwo mukobwa cyakozwe mu bihe bitandukanye, kimwe gikorwa hakurikizwa itegeko n° 01/2012/OL ryo ku wa 02/06/2012 rishyiraho igitabo cy'amategeko ahana ikindi gikorwa hakurikizwa Itegeko n° 30/2018 ryo ku wa 30/08/2018 riteganyaye ibyaha n'ibihano muri rusange, akaba asanga Itegeko ryagombaga gukurikizwa ari iryo muri 2012 kuko ari ryo ryateganyaga ibihano byoroheje. [10] Ku birebana no kugabanyirizwa igihano, asaba Urukiko kuzashingira ku ngingo ya 49 y'Itegeko n° 30/2018 ryo ku wa 30/08/2018 riteganyaye ibyaha n'ibihano muri rusange iteganyaye ibyo umucamanza ashingiraho mu kugena igihano, rukabihuza no kuba Mizero Eric ari ubwa mbere akurikiranywe n'inkiko, kuba yemera icyaha mu buryo budashidikanywaho no kuba umukobwa yasambanyije bari mu kigero cyenda kungana, maze akagabanyirizwa igihano kugeza muni y'igihano gito giteganywa n'itegeko hagendewe ku manza zitandukanye zagiye zicibwa harimo urubanza RS/INCOST/SPEC00003/2019/SC rwaciye ku wa 04/12/2019 n'Urukiko rw'Ikirenga no ku rubanza RPAA 00032/2119/CA rwaciye n'Urukiko rw'Ubujurire ku wa 28/02/2020 haburana Ubushinjacyaha na Nzafashwanimana Jean

de Dieu.

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[11] Uhagararaiye Ubushinjacyaha avuga ko ku birebana n'Itegeko rigomba gukurikizwa, asanga nubwo icyaha cyatangiyeye hakurikizwa Itegeko n° 01/2012/OL ryo ku wa 02/06/2012 rishyiraho igitabo cy'amategeko ahana kikanakomeza hakurikizwa Itegeko n° 30/2018 ryo ku wa 30/08/2018 riteganywa ibyaha n'ibihano muri rusange, Itegeko ryakoreshwa muri uru rubanza ari iri rya nyuma kuko ari ryo riteganywa ibihano byoroheje nk'uko byagiye byemezwa mu zindi manza. [12] Ku birebana no kwemera icyaha kwa Mizero Eric, avuga ko dosiye igaragaza ko mu Bugenzacyaha yemeye icyaha ariko ageze mu Bushinjacyaha aragihakana, no mu Rukiko Rwisumbuye rwa Muhanga aburana ahakana, ariko rusuzumye ibimenyetso rusanga icyaha kimuhama rumuhanisha igihano gito giteganywa n'itegeko kubera impamvu nyoroshiyacyaha. [13] Akomeza avuga ko Mizero Eric yajuriye mu Rukiko Rukuru, urugereko rwa Nyanza, ajurira avuga ko aje kwemera icyaha maze agabanyirizwe igihano ariko ageze mu iburanisha aragihakana, ko rero atahakanye icyaha kubera ikibazo cy'uko yateye umukobwa inda nk'uko umwunganira abivugaga kuko atari nacyo yari yarezwe; ko urwo Rukiko narwo rwashingiye ku bimenyetso byatanze rugumishaho imikirize y'urubanza rwari rwajuririye. [14] Asanga rero kuba ataremeye icyaha muri izo nkiko, atajurira mu Rukiko rw'Ubujurire avuga ko noneho aje kucyemera kuko itaba impamvu y'ubujurire bitewe n'uko ingingo ya 183, 5° y'Itegeko ryerekeye imiburanishirize y'imanza z'inshinjabyaha iteganywa ko ujurira agomba kwerekana inenge zigomba gukosorwa akavugaga n'uburyo zakosorwa, ko rero Mizero Eric waburanye ahakana icyaha ariko Urukiko rugashingira ku bimenyetso byatanze rukagumishaho imikirize y'urubanza rwa mbere, ibyo bitaba inenge y'uko atagabanyirijwe igihano ahubwo yemeranya n'icyemezo cy'Urukiko. Avuga ko ibimaze kuvugwa bihura n'umurongo watanze mu rubanza RPA/GEN00004/2019/CA rwaciye n'uru Rukiko ku wa 07/05/2021 haburana Ubushinjacyaha na Munyagishari Bernard ndetse n'urubanza RPAA 00028/2020/CA rwaciye ku wa 27/10/2021 haburana Ubushinjacyaha na Niyonagize Amos, aho Urukiko rwemeje ko ingingo y'ubujurire ijyanye no kwemera icyaha bwa mbere mu bujurire itakirwa. Avuga kandi ko kubera iyo ubujurire bwa Mizero Eric nta shingiro bufite, nta kindi Urukiko rwasuzuma kirebana no kugabanyirizwa igihano kuko rwaba rwivugurije. UKO URUKIKO RUBIBONA Ku birebana n'itegeko rigomba gukurikizwa [15] Ikibazo cy'Itegeko riteganywa ibihano byoroheje hagati y'Itegeko n° 01/2012/OL ryo ku wa 02/06/2012 rishyiraho igitabo cy'amategeko n'Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganywa ibyaha n'ibihano muri rusange, cyafashweho umurongo mu manza zitandukanye, Urukiko rwemeza ko Itegeko n° 68/2018 ryo ku wa 30/08/2018 ari ryo rigomba gukurikizwa ku cyaha cyo gusambanya umwana, akaba ari ryo rigomba gushingirwaho, bityo uwo murongo watanze ukaba unareba uru rubanza.1 Ku byerekeye igabanyagihano risabwa na Mizero Eric 1 Urubanza RPAA 00305/2021/CA rwaciye ku wa 25/03/2022 haburana Ubushinjacyaha na Ndahayo Ezéchiel; urubanza RPAA 00407/2020/CA rwaciye ku wa 28/01/2022 haburana Ubushinjacyaha na Bahati Claude; urubanza RPAA 00278/2020/CA rwaciye ku wa 17/06/2022

haburana Ubushinjacyaha na Nikubwayo Emmanuel.

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[16] Ku birebana n'impamvu nyoroshyacyaha, ingingo ya 58 y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganyaga ibyaha n'ibihano muri rusange nk'uko ryahinduwe kugeza ubu, iteganyaga ko umucamanza ubwe ari we ugena niba impamvu nyoroshyacyaha zemezwa n'umucamanza zahabwa agaciro. Ingingo ya 59 y'iryo tegeko iteganyaga zimwe mu mpamvu nyoroshyacyaha zemezwa n'umucamanza, harimo nk'iyi ushinjwa, mbere yo gukurikiranwa, yemeye icyaha akagisabira imbabazi uwo yakoreye icyaha n'umuryango nyarwanda mu buryo budashidikanywa (...), kuba mu ntangiriro z'iburanisha ku rwego rwa mbere, ushinjwa yireze akemera icyaha mu buryo budashidikanywa. [17] Ku birebana no kwemera icyaha, Urukiko rw'Ubujurire rwabisobanuye mu rubanza n° RPA 00060/2021/CA rwaciye ku wa 04/04/2022, aho rwavuze ko kugira ngo hemezwe ko ukurikiranweho icyaha acyemera, agomba kuba yarabikoze mu buryo budashidikanywaho igihe cy'iperereza cyangwa mu Rukiko ruburanisha mu mizi, ko byumvikanisha ko ibyavuzwe n'ukurikiranywe icyaha mu Bugenzacyaha no mu Bushinjacyaha yemera icyaha aregwa, agomba kubishimangira imbere y'Umucamanza uburanisha mu mizi, agaragaza ko agiye kuburana yemera icyaha aregwa, agasobanura mu buryo budashidikanywa uko cyakozwe, ko ariko mu gihe yisubiyeho akaburana ahakana icyaha bitabuza Umucamanza kubishingiraho. [18] Ibyemejwe muri urwo rubanza byumvikanisha ibintu bibiri by'ingenzi : uwemera icyaha agomba gusobanura mu buryo budashidikanywa uko icyaha cyakozwe, ko kandi ukwemera yakoreye mu nzego z'iperereza agomba kugushimangira imbere y'umucamanza uburanisha mu mizi. [19] Naho ku birebana no kwemera icyaha mu bujurire, Urukiko rw'Ubujurire rwabitanzeho umurongo mu rubanza n° RPAA 00048/2020/CA rwaciye ku wa 26/05/2022 haburana Ubushinjacyaha na Bimenyimana Jean Paul n'izindi nyinshi zaciye nyuma yarwo, uwo murongo akaba ari uko kwemera icyaha bwa mbere mu bujurire bitagirira akamaro uregwa kuko aba azanye ingingo nshya ataburanishije mu nkiko zibanza kandi Umucamanza w'ubujurire afite gusa inshingano yo gukosora amakosa yaba yarakozwe n'izo nkiko. [20] Ku birebana na Mizero Eric, dosiye igaragaza ko mu Bugenzacyaha yemeye icyaha anagisabira imbabazi, ageze mu Bushinjacyaha aragihakana, no mu Rukiko Rwisumbuye rwa Muhanga aburana ahakana icyaha anavuga ko ibyo yemeye mbere byatewe n'agahato yashyizweho. Bigaragara kandi ko nubwo mu Rukiko Rukuru, urugereko rwa Nyanza yari yajuriye avuga ko aje kwemera icyaha, yageze nyuma atanga undi mwanzuro ahakana icyaha anasaba ko umwanzuro yatanze mbere wateshwa agaciro. [21] Urukiko rurasanga rero hashingiwe ku murongo watanze n'uru Rukiko wibukijwe haruguru ku birebana no kwemera icyaha, Mizero Eric atafatwa ko yemeye icyaha kuko nubwo yari yatangiye acyemera mu Bugenzacyaha, uko kwemera atagukomeje aburana mu mizi, ahubwo bigaragara ko aje kucyemerera mu bujurire imbere y'uru Rukiko, bityo hashingiwe n'ubundi ku murongo watanze n'uru Rukiko ku birebana no kwemera icyaha mubujurire, nta kamaro uko kwemera kwamugirira kuko aba azanye ingingo nshya ataburanishije mu nkiko zibanza, mu gihe inshingano y'umucamanza wo kuri urwo rwego

ari iyo gukosora amakosa yaba 2 Urubanza n° RPA 00060/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 04/04/2022 haburana Ubushinjacyaha na Nsabimana Callixte alias Nsakara na bagenzi be, ibika bya 140-141

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yarakozwe n'inkiko za mbere, bivuze rero ko n'ibyo asaba ko yagabanyirizwa igihano kuko yemera icyaha nta shingiro bifite. [22] Urukiko rurasanga ariko nubwo impamvu yo kwemera icyaha itashyingirwaho nk'impamvu nyoroshyacyaha, nta cyabuza ko hasuzumwa izindi mpamvu yatanze kuko icyo agamije ari ukugabanyirizwa igihano yahanishijwe asanga kiremereye, mu mpamvu nyoroshyacyaha asaba ko zashyingirwaho, usibye ukwemera icyaha byamaze kugaragazwa ko kutamugirira akamaro, akaba anavuga ko ari ubwa mbere akurikiranywe n'inkiko ko kandi umukobwa yasambanyije bari mu kigero kimwe. [23] Urukiko rurasanga rero ibivugwa n'Ubushinjacyaha ko nta kindi kigomba kurebwa nyuma yo kwemeza ko impamvu y'ubujurire igamije kwemera icyaha itakiriwe, nta shingiro bifite, cyane cyane ko hashingiwe ku murongo watanze n'uru Rukiko, kuba kwemera icyaha bwa mbere mu bujurire bitaba impamvu nyoroshyacyaha bitabuza Urukiko kugabanyiriza igihano uregwa hagamijwe gutanga igihano gihwanye n'uburemera bw'icyaha³. Byongeye kandi, impamvu nyoroshyacyaha ntizishingira gusa ku kwemera icyaha ahubwo nk'uko ingingo ya 59 yavuzwe haruguru ibyumvikanisha, kwemera icyaha ni imwe mu mpamvu nyoroshyacyaha Umucamanza ashobora gushingiraho. [24] Ku kibazo cyo kumenya niba mu gihe hari impamvu nyoroshyacyaha, Urukiko rushobora kugabanya igihano kugeza muni y'igihano gito giteganywa n'Itegeko, nabyo Urukiko rw'Ubujurire rwabitanzeho umurongo mu rubanza n° RPAA 00032/2019/CA rwaciwe ku wa 28/02/2020 haburana Ubushinjacyaha na Nzafashwanimana Jean de Dieu, n'izindi zaciwe nyuma, zihuriza ku kuba iyo hari impamvu nyoroshyacyaha igihano gishobora kugabanywa kugeza muni y'igihano gito giteganywa n'itegeko iyo intera iri hagati y'igihano gito n'ikiri hejuru ari ndende, naho mu gihe iyo ntera ari nto umucamanza ashobora kugera muni y'igihano gito hitawe ku buremere bw'icyaha n'ingaruka cyateje. [25] Ku birebana na Mizero Eric, dosiye igaragaza ko Urukiko Rwisumbuye rwa MUhangana rwamuhanishije igifungo cy'imyaka 20, ni ukuvuga igihano gito giteganywa n'ingingo ya 133 y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganyaye ibyaha n'ibihano muri rusange, rubishingiye ku kuba Mizero Eric n'umukobwa yasambanyije bariganaga, bakora icyaha hatabayeho kiboko, ko kandi kuba bari mu kigero cy'imyaka yenda kungana bigoye kwemera uwaba yarashutse undi mu buryo bufatika, rusanga ibyo byaba impamvu nyoroshyacyaha kuri we. Mu bujurire, Urukiko Rukuru, urugereko rwa Nyanza rwagumishijeho imikirize y'urubanza rwa mbere kuko rwasanze ujurire bwa Mizero Eric bugamije guhakana icyaha nta shingiro bifite. [26] Urukiko rw'Ubujurire rurasanga koko Mizero Eric yarakoze icyaha cyo gusambanya umwana w'umukobwa w'imyaka 16 biganaga, mu gihe we yari afite imyaka 19, ni ukuvuga ko yari akiva mu bwana, bibakana binumvikana ko nubwo yamurushagaho imyaka, icyo kinyuranyo kitavanaho ko bafatwa nk'abari mu kigero kimwe cyane cyane ko biganaga, Mizero Eric abigenderaho yibwira ko bangana, bityo icyo kigero cy'imyaka yari arimo kikaba cyashyingirwaho mu kugena igihano, hanyongereyeho ko dosiye itagaragaza ko hari ubundi

3Reba urubanza RPAA 00069/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 28/07/2022

haburana Ubushinjacyaha na Nyiranzeyimana Odette; urubanza RPAA 00191/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 22/07/2022 haburana Ubushinjacyaha na Ndayishimiye Emmanuel.

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yigeze akurikiranwaho icyaha, bivuze ko yafatwa nk'uwari usanzwe yitwara neza muri sosiyete, bityo hashingiwe ku biteganywa n'ingingo ya 49 y'Itegeko n° 68/2018 ryo ku wa 30/08/2018 ryavuzwe haruguru iteganya ibyo umucamanza ashingiraho mu kugena igihano, no ku murongo watanze mu manza zavuzwe haruguru, cyane cyane urubanza RPAA 00032/2019/CA 00032/2019, Urukiko rurasanga igifungo cy'imyaka 20 Muzero Eric yahanishijwe cyagabanywa kugeza ku gifungo cy'imyaka icumi (10). [27] Kubera izo mpamvu zose, Urukiko rurasanga ubujurire bwa Muzero Eric bugamije kugabanyirizwa igihano kubera kwemera icyaha mu bujurire nta shingiro bufite, ariko imikirize y'urubanza rwajuririwe ikaba ihindutse ku birebana n'igihano kubera impamvu nyoroshyacyaha zindi zasobanuwe. III. ICYEMEZO CY'URUKIKO [28] Rwemeje ko ubujurire bwa Muzero Eric bugamije kugabanyirizwa igihano kubera kwemera icyaha kuri uru rwego nta shingiro bufite ; [29] Rwemeje ko urubanza rwajuririwe RPA 0772/2019/HC/NYZ rwaciwe n'Urukiko Rukuru, Urugereko rwa Nyanza ku wa 03/12/2020 ruhindutse gusa ku birebana n'igihano; [30] Rutegetse ko Muzero Eric ahanishijwe igifungo cy'imyaka icumi (10) ku cyaha cyo gusambanya umwana w'imyaka 16 y'amavuko yahamijwe muri urwo rubanza ; [31] Rutegetse ko amafaranga y'amagarama y'urubanza aherera ku Isanduku ya Leta kubera ko Muzero Eric afunze, akaba asonewe kuyatanga.

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