

RWANDA / JUDGMENT

UBUSHINJACYAHA vs MUVUNYI ALIAS NTAMBARA

RPAA00544/2023/CA

COURT

Court of Appeal

DECIDED

25 September 2024

CASE / FILE NUMBER

RPAA00544/2023/CA

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UBUSHINJACYAHA vs MUVUNYI ALIAS NTAMBARA

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- Case/document no.: RPAA00544/2023/CA
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Text

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UBUSHINJACYAHA vs MUVUNYI CLAUDE ALIAS NTAMBARA [Rwanda URUKIKO RW'UBUJURIRE – RPAA00544/2023/CA (Nyirandabaruta., P.J.) 25 Nzeli 2024] Amategeko mpanabyaha – impamvu nyoroshyacyaha – kwemera icyaha – kugabanyirizwa ibihano – Ukwemera icyaha kugira agaciro gashobora gutuma uregwa agabanyirizwa igihano iyo gukozwe byibura mbere y'uko iburanisha ku rwego rwa mbere ripfundikirwa, kudashidikanywaho, kuba uwemera agaragaza ko yumva uburemere bw'ibikorwa yemera n'ingaruka zabyo, abyicuza, abisabira imbabazi no kuba yiteguye gusubiza ibyo yangije uko abitegerejweho. Amategeko mpanabyaha – impamvu nyoroshyacyaha – gukora icyaha bwa mbere – Ntawe ukwiye gusaba kugabanyirizwa igihano ku mpamvu y'uko aribwo bwa mbere yishe umuntu Incamake y'ikibazo: Uru rubanza rwatangiye Ubushinjacyaha burega mu Rukiko Rwisumbuye rwa Karongi Muvunyi, Ntawurikura, Nizeyimana, Habimana na Nzabandora icyaha cy'Ubwicanyi kuri Gasana kazindu umwe mu mpunzi z'abanyekongo baba mu nkambi ya Kiziba, bamwicira mu Mudugudu wa Kagabiro, Akagali ka Kagabiro, Umurenge wa Mubuga, Akarere ka Karongi. Muvunyi

yaburanye yemera icyaha anasaba guhindurirwa inyito y'icyaha, avuga ko icyaha yakoze ari icyo gukubita no gukomeretsa byateye urupfu. Bagenzi be baburana bahakana icyaha. Urukiko mu rubanza RP00191/2020/TGI/KNG, rushingiye ku bimenyetso bitandukanye biri muri dosiye no ku mvugo z'abatangabuhamya, rwemeje ko Muvunyi, Ntawurikura, Nizeyimana, Habimana alias Bunani, na Nzabandora bahamwa n'icyaha cy'ubwicanyi, buri wese ahanishwa igifungo cya burundu. Muvunyi, Ntawurikura, Nizeyimana, Habimana na Nzabandora bajuririye imikirize yurwo rubanza mu Rukiko Rukuru, Urugereko rwa Rusizi. Muvunyi yajuriye asaba guhindurirwa inyito y'icyaha, ikaba gukubita no gukomeretsa byateye urupfu, aho kwitwa ubwicanyi; abandi bavuga ko bahamijwe icyaha batakoze kandi Muvunyi wagikoze aciyemerera. Ubushinjacyaha buvuga ko izo mpamvu zitahabwa ishingiro kuko hari abatangabuhamya babashinja, asaba ko urubanza rwajuririwe rwagumana agaciro karwo. Urukiko mu rubanza RPA00161/2021/HC/RSZ, rushingiye nku ntware yakoreshejwe Gasana Kazindu yicwa n'igice cy'umubiri we cyakubiswe, rwasanze icyaha gihama Muvunyi ari Ubwicanyi, rwemeza ko ubujurire bwe nta shingiro bufite. Rwemeje kandi ko Ntawurikura, Nizeyimana, Habimana na Nzabandora badahamwa n'icyaha kuko ibimenyetso bibashinja bivuruzanya ndetse biteye gushidikanya kuko abatangabuhamya babashinja batavugaga bimwe ku byabaye. Muvunyi alias Ntambara yajuririye imikirize y'urwo rubanza mu Rukiko rw'Ubujurire, avugako noneho yemera icyaha cy'ubwicanyi, agasaba ko agabanyirizwa igihano kuko ari ubwa mbere akurikiranweho icyaha, agahabwa igihano gito kiri muni y'Igiteganywa n'itegeko. Ubushinjacyaha buvuga ko Muvunyi ataburanishwa bwa mbere mu bujurire bwa kabiri ingingo yo kwemera icyaha, aheraho asaba kugabanyirizwa igihano. Urukiko mu rubanza RPAA00544/2023/CA rwemeje ko ubujurire bwe nta shingiro bufite kuko atagaragaza icyo anenga urubanza ajuririra. Incamake y'icyemezo: 1. Ukwemera icyaha kugira agaciro gashobora gutuma uregwa agabanyirizwa igihano iyo gukozwe byibura mbere y'uko iburanisha ku rwego rwa mbere ripfundikirwa,

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kudashidikanywaho, kuba uwemera agaragaza ko yumva uburemere bw'ibikorwa yemera n'ingaruka zabyo, abyicuza, abisabira imbabazi no kuba yiteguye gusubiza ibyo yangije uko abitegerejweho. Bityo, iyo umuburanyi yemeye icyaha mu iburanisha rya mbere, mu bujurire bwa mbere akagihakana hanyuma akongera akacyemera mu bujurire bwa kabiri, ntiyabona inyungu z'uburana yemera icyaha kuko afatwa nkuwemeye icyaha bwa mbere mu bujurire bwa kabiri. 2. kwemera icyaha mu bujurire, ataracyemeye mu rubanza rujuriyirwa, ntibigirira uregwa akamaro, kuko aba azanye ingingo nshya itaraburanywe muri urwo rubanza kandi Urukiko rw'Ubujurire rufite gusa inshingano yo gukosora amakosa yaba yarakozwe mu rubanza rujuriyirwa. 3. Ntawe ukwiye gusaba kugabanyirizwa igihano ku mpamvu y'uko aribwo bwa mbere yishe umuntu. Bityo uretse igihe umuburanyi agaragaje ko yishe umuntu bimugwiririyemo ntabwo yasaba kugabanyirizwa igihano ku mpamvu yuko ari ubwambere akoze icyaha. Ubujurire nta shingiro bufite. Amategeko yashingiye: Itegeko N° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha nk'uko ryahinduwe kugeza ubu, Ingingo ya 183, agace ka 6 Imanza zifashishijwe: Urubanza RPA00060/2021/CA, haburana Ubushinjacyaha na NSABIMANA Callixte alias Sankara n'abandi, igika cya 136 rwaciye n'Urukiko rw'Ubujurire ku wa

04/04/2022 Urubanza RPAA 00048/2020/CA haburana Ubushinjacyaha na BIMENYIMANA Jean Paul rwaciwe n'Urukiko rw'Ubujurire ku wa 26/05/2022, igika cya 24; Urubanza RPAA 00734/2021/CA, haburana Ubushinjacyaha na NSENGIYUMVA Emmanuel rwaciwe n'Urukiko rw'Ubujurire ku wa 29/05/2024 igika cya 19 Urubanza. I. IMITERERE Y'URUBANZA [1] Kuwa 28/04/2020 nko mu gihe cya saa tanu (11h00) bari muri centeri ya Gataka, mu Mudugudu wa Kagabiro, Akagali ka Kagabiro, Umurenge wa Mubuga, Akarere ka Karongi intara y'Iburengerazuba, hishwe Gasana Kazindu Michel umwe mu mpunzi z'abanyekongo baba mu nkambi ya Kiziba mu Ntara y'Iburengerazuba bw'u Rwanda. Ubugenzacyaha bwaketse Muvunyi Claude alias Ntambara, Ntawurikura Frodouard, Nizeyimana Samuel, Habimana Emmanuel alias Bunani, na Nzabandora Gaspard, bushingiye ku mvugo z'abatangabuhamya batandukanye babonye bica Gasana Kazindu Michel. Mu ibazwa rye imbere y'Ubushinjacyaha, Muvunyi Claude yemeye icyaha aregwa cy'ubwicanyi naho abandi baragihakana. [2] Ubushinjacyaha bwabareze mu Rukiko Rwisumbuye rwa Karongi bose uko ari bane, rubakurikiranyeho icyaha cy'Ubwicanyi, buvuga ko Gasana kazindu Michel ari kumwe na bagenzi be batatu basohotse inkambi bajya mu giturage muri centeri ya Gataka guhaha, imvura igwa batarataha, bajya kugama muri butiki (boutique) y'uwitwa Uwituriye Clémentine, bahafata ibyo kunywa mu gihe bari barindiriyeye ko iyo mvura ihita, haza Muvunyi Claude wari usanzwe wokereza inyama (brochette) mu nkambi atangira kubanduranyaho abasaba ko na we bamuha kuri ibyo binyobwa byabo, batangira gushwana na we, bigera ubwo nyiri akabari amusohora, undi ahita anyarukira i wabo kuko hari nko muri metero eshanu (5) uvuye aho bari bugamye, azana icyuma ashaka kugitera izo mpunzi, baramufata barakimwambura, asubira mu rugo kuzana ikindi, ahuruza na Ntawurikura Frodouard, Nizeyimana

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Samuel, Habimana Emmanuel na Nzabandora Gaspard bahageze basanga abo basore b'impunzi bavuye mu kabari, barabakurikira, babirukaho, barabacika bafata Gasana Kazindu Michel kuko we yagendaga gahoro, batangira kumukubita ibibando yitura hasi bakomeza kumuhondagura, abatabaye bamujyanye kwa Muganga apfirayo. Muvunyi Claude yaburanye asaba guhindurirwa inyito y'icyaha, ko icyaha yakoze ari icyo gukubita no gukomeretsa byateye urupfu aho kuba ubwicanyi, bagenzi be baburana bahakana icyaha. [3] Mu rubanza RP00191/2020/TGI/KNG rwaciwe kuwa 30/03/2021, Urukiko Rwisumbuye rwa Karongi rushingiye ku mvugo z'abatangabuhamya, imvugo z'ababyeyi ba nyakwigendra, ukwiyemerera icyaha kwa Muvunyi Claude, raporo y'inzeho z'ibanze na raporo ya Muganga werekanye ko nyakwigendera yari afite ibesebe umubiri wose, rwemeje ko Muvunyi Claude, Ntawurikura Frodouard, Nizeyimana Samuel, Habimana Emmanuel alias Bunani, na Nzabandora Gaspard bahamwa n'icyaha cy'ubwicanyi, buri wese ahanishwa igifungo cya burundu. [4] Muvunyi Claude, Ntawurikura Frodouard, Nizeyimana Samuel, Habimana Emmanuel na Nzabandora Gaspard bajuririyeye imikirize y'urwo rubanza mu Rukiko Rukuru, Urugereko rwa Rusizi. Muvunyi Claude yajuriye asaba guhindurirwa inyito y'icyaha, ikaba gukubita no gukomeretsa byateye urupfu, aho kwitwa ubwicanyi; abandi bavuga ko bahamijwe icyaha batakoze kandi Muvunyi Claude wagikoze aciyemerera. Uhagarariye Ubushinjacyaha avuga ko izo mpamvu zitahabwa ishingiro kuko hari

abatangabuhamya bashinja abaregwa bagasobanura ko bakubise Gasana Kazindu Michel ubuhiri, asaba ko urubanza rwajuririwe rwagumana agaciro karwo. [5] Urukiko Rukuru, Urugereko rwa Rusizi rwaciye urubanza RPA00161/2021/HC/RSZ kuwa 20/12/2023, rushingiye nku ntwaro yakoreshejwe Gasana Kazindu Michel yicwa n'igice cy'umubiri we cyakubiswe, rwasanze icyaha gihama Muvunyi Claude ari Ubwicanyi, rwemeza ko ubujurire bwe nta shingiro bufite, ko igifungo cya burundu kigumyehe nk'uko byemejwe ku rwego rwa mbere. [6] Urwo Rukiko kandi rushingiye ko rwasanze ibimenyetso bishinja icyo cyaha Ntawurikura Frodouard, Nizeyimana Samuel, Habimana Emmanuel na Nzabandora Gaspard bivuruzanya ndetse biteye gushidikanya kuko abatangabuhamya babashinja batavuga bimwe ku byabaye, rwemeje ko nta bufatanyacyaha bwabayeho, ko ubujurire bwabo bufite ishingiro, bagomba kurekurwa urubanza rukimara gusomwa. [7] Muvunyi Claude alias Ntambara yajuririye imikirize y'urwo rubanza mu Rukiko rw'Ubujurire, urubanza ruhabwa RPAA00544/2023/CA, ruburanishwa mu ruhame ku itariki ya 06/09/2024, Muvunyi Claude alias Ntambara yunganiwe na Me Ruturwa Rumande Eron, naho Ubushinjacyaha buhagarariwe na Habineza Jean Damascène, Umushinjacyaha ku rwego rw'Igihugu. [8] Muvunyi Claude yashyikirije Urukiko umwanzuro we w'ubujurire wo kuwa 24/12/2023, avuga ko ibikorwa yakoze byagombye kuba byariswe icyaha cyo gukubita no gukomeretsa kandi ko yagombye kuba yaragabanyirijwe igihano kubera ko yemeye icyaha. Mu mwanzuro w'inyongera ku wa 21/01/2024 ndetse no mu miburanire ye, Muvunyi Claude n'Avoka umwunganira bavuga ko noneho yemera icyaha cy'ubwicanyi, ko umwanzuro wa nyuma ariwo aburanisha, usimbura uwatanzwe mbere, bagasaba ko agabanyirizwa igihano kuko ari ubwa mbere akurikiranweho icyaha, agahabwa igihano gito kiri muni y'igiteganywa n'itegeko. [9] Uhagarariye Ubushinjacyaha avuga ko Muvunyi Claude atagaragaza icyo anenga urubanza ajuririra kugira ngo inyito y'icyaha ibe yahindurwa cyangwa ngo agabanyirizwe ibihano, ikindi ko ataburanishwa bwa mbere mu bujurire bwa kabiri ku ngingo yo kwemera icyaha, ngo anabihereho asaba kugabanyirizwa igihano.

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[10] Urukiko ruherereye kuri icyo miburanire y'impande zombi, rurasanga igikwiye gusuzumwa ari ukumenya niba Muvunyi Claude yagabanyirizwa igihano. II. ISESENGURA RY'IKIBAZO KIGIZE URUBANZA

1. Kumenya niba MUVUNYI Claude yagabanyirizwa igihano [11] Muvunyi Claude alias Ntambara n'Avoka umwunganira bavuga ko yemera ibyo ashinyjwa n'Ubushinjacyaha byose, ko arikumwe n'abagenzi be Ntawurikura Frodouard, Nizeyimana Samuel, Habimana Emmanuel na Nzabandora Gaspard, Muvunyi Claude yakubise Gasana Kazindu Michel igiti mu mutwe yitura hasi arapfa. [12] Bavuga ko icyo cyaha yacyemeye kuva agifatwa n'ubwo bigaragara ko mu Rukiko Rukuru yaburanye asaba guhindurirwa inyito, atigeze ahakana kwica Gasana Kazindu Michel, ko urwo Rukiko rwirengagije ko Muvunyi Claude yireze akemera icyaha ndetse akanasaba imbabazi nkuko bigaragara mu gika cya gatandatu (6) mu rubanza rujuririrwa runirengagiza ko aribwo bwa mbere yari akurikiranweho icyo cyaha. [13] Bavuga ko nk'uko byemejwe mu rubanza RS/INCONST/SPEC 00003/2010/SC rwaciye n'Urukiko rw'Ikirenga ku wa 4/12/2019 n'urubanza RPAA00197/2021/CA rwaciye n'Urukiko

rw'Ubujurire ku wa 14/10/2022, nta cyabuza umucamanza kugabanya igihano, bityo gasaba Urukiko rw'Ubujurire kwita ku mpamvu nyoroshyacyaha zavuzwe haruguru zirengagijwe n'Urukiko Rukuru no kuba Muvunyi Claude yari asanzwe yitwara neza, rushingiye ku ngingo ya 49 na 59 z'Itegeko No 68/2018 ryo kuwa 30/08/2018 riteganya ibyaha n'ibihano muri rusange n'ingingo ya 2 y'Itegeko N° 059/2023 ryo ku wa 4/12/2023, rihindura Itegeko No 68/2018 ryo ku wa 30/08/2018 rimaze kuvugwa, rukamugabanyiriza igihano yahawe, rukamuhanisha igifungo cy'imyaka cumi n'itani (15). [14] Uhagarariye Ubushinjacyaha avuga ko Muvunyi Claude atagaragaza icyo anenga ibisobanuro byagaragajwe n'umucamanza wa mbere (mu rubanza ajuririra) werekanye ko ibikorwa yakoze bigize icyaha cy'ubwicanyi nk'uko byasobanuwe mu bika bya 17-22 by'urubanza rujuririrwa, ahagaragara ko Muvunyi Claude yakubise Gasana Kazindu Michel mu kicyo (bigaragazwa na raporo ya muganga n'amafoto y'umurambo we) inshuro nyinshi nk'uko na Muvunyi Claude yabyemeye ubwo yabazwaga mu Bushinjacyaha, anavuga ko yakomeje gukubita nyakwigndera n'igihe yari yamaze kwikubita hasi, ibyo byarangira bakamusiga aho bakigendera. [15] Akomeza avuga ko nk'uko biteganywa n'ingingo ya 183 y'Itegeko N° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza nshinjabyaha nk'uko ryahinduwe kugeza ubu, ujurira aba asabwa kugaragaza ibyo anenga urubanza ajurira n'ibimenyetso bishimangira izo nenge kugira ngo bikosorwe. [16] Asoza avuga ko kwemera icyaha mu bujurire bwa kabiri ntacyo byafasha Muvunyi Claude kuko urukiko rwajuririwe rwaba rusabwa kuburanisha cyangwa gusuzuma ikibazo gishya kitaburanywe mu rubanza rujuririrwa, bikaba bitandukanye n'ibitetanywa mu ngingo ya ya 183 y'Itegeko N° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza nshinjabyaha nk'uko ryahinduwe kugeza ubu; kandi nk'uko byatanzweho umurongo mu rubanza RPAA00048/2020/CA rw'Ubushinjacyaha na Bimenyimana Jean Paul, rwaciwe n'Urukiko rw'Ubujurire ku wa 26/05/2022) aho huru Rukiko rwemeje ko "Kwemera icyaha bwa mbere mu bujurire, ntibigirira 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". UKO URUKIKO RUBIBONA

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- [17] Muri uru rubanza harasuzumwa niba ukwemera icyaha kwa Muvunyi Claude bwa mbere bu bujurire bwa kabiri kwashingirwaho agabanyirizwa ibihano. [18] Ibijyanye no kwemera icyaha kugirira uregwa akamaro, uru Rukiko rwabitanzeho umurongo mu rubanza RPA00060/2021/CA rwaciwe ku wa 04/04/2022, haburana Ubushinjacyaha na Nsabimana Callixte alias Sankara n'abandi, (igika cya 136), aho rwavuze ko "Ukwemera icyaha kugira agaciro gashobora gutuma uregwa agabanyirizwa igihano iyo gukozwe byibura mbere y'uko iburanisha ku rwego rwa mbere ripfundikirwa, kudashidikanywaho, kuba uwemera agaragaza ko yumva uburemere bw'ibikorwa yemera n'ingaruka zabyo, abyicuza, abisabira imbabazi no kuba yiteguye gusubiza ibyo yangije uko abitegerejweho." Uyu murongo ni nawo wakoreshejwe mu rubanza rwavuzwe haruguru No RPAA00048/2020/CA rw'Ubushinjacyaha na Bimenyimana Jean Paul rwaciwe n'Urukiko rw'Ubujurire ku wa

26/05/2022 (igika cya 24), no mu zindi nyinshi¹. [19] Kubijyanye n'uru rubanza, dosiye igaragaza ko ku rwego rwa mbere, mu Rukiko Rwisumbuye rwa Karongi, mu rubanza RP00191/2020/TGI/KNG Muvunyi Claude yaburanye yemera icyaha ashinjwa cy'ubwicanyi, avuga ko yanyuze ku gasanteri ka Gataka, ajya mu kabari kugura icupa, yumva umugabo muri ako kabari ariwe Gasana Kazindu Michel avuga ko batamuha inzoga, batangira imidugararo, basohoka hanze amukubita kugera ubwo ataye ubwenge, Muvunyi Claude amaze kuzanzamuka asanga Gasana Kazindu Michel yagiye, afata igiti aramukurikira, amugezeho ahita akimukubita mu mutwe agwa hasi². [20] Mu Rukiko Rukuru Urugereko rwa Rusizi, Muvunyi Claude yajuririye icyaha cy'ubwicanyi yahamijwe n'urwo Rukiko, avuga ko icyaha yakoze ari icyo gukubita no gukomeretsa byateye Gasana Kazindu Michel urupfu, aho kuba ubwicanyi, asaba guhindurirwa inyito y'icyaha. Mu guca urubanza urwo Rukiko rumuhamya icyaha cy'ubwicanyi, rushingiye ku ntwaro yakoresheje yica Gasana Kazindu Michel n'igice cy'umubiri we yakubisweho (umutwe), rwanzura ko ubujurire bwe nta shingiro bufite, ko igifungo cya burundu yahanishijwe kigumye. [21] Ageze mu Rukiko rw'Ubujurire, Muvunyi Claude yarongeye yisubiraho aburana yemera icyaha cy'ubwicanyi nk'uko yacyemeye ku rwego rwa mbere. Nubwo ukwemera icyaha kugira agaciro gashobora gutuma uregwa agabanyirizwa igihano ari ugukozwe nibura mbere y'uko iburanisha ku rwego rwa mbere ripfundikirwa, kandi Muvunyi Claude akaba yaremeye [22] icyaha kuri urwo rwego, uko kwemera icyaha kwe yagutesheje agaciro mu bujurire bwa mbere kuko ho yaburanye avuga ko atishe umuntu (Gasana Kazindu Emmanuel) ahubwo yamukubise akanamukomeretsa bikamuviramo urupfu, agasaba guhindurirwa inyito y'icyaha, bivuze ko atemeraga ko yakoze icyaha cy'ubwicanyi. Ntabwo rero Muvunyi Claude yavugaga ko Urukiko Rukuru rwirengagije ko yemeye icyaha kuva agifatwa kandi yarageze mu bujurire bwa mbere akagihakana, imiburanire ye yemera icyaha yahise ita agaciro ubwo, kuza kucyemera kuri uru rwego rw'ubujurire bwa kabiri bikaba binyuranyije n'ibyo Itegeko riteganyaga, kukaba rero kutashingirwaho ngo agabanyirizwe igihano. [23] Urukiko rurasanga kandi nk'uko umurongo watanze mu rubanza rw'Ubushinjacyaha na Nsabimana Callixte alias Sankara na bagenzi be no mu zindi manza nyishyirwaga wagaragajwe haruguru mu gika cya [18] ubivuga, kwemera icyaha mu bujurire, ataracyemeye mu rubanza rujuririrwa, bitagira Muvunyi Claude akamaro, kuko azanywe ingingo nshya itaraburanywe muri urwo rubanza kandi Urukiko rw'Ubujurire rufite gusa inshingano yo gukosora amakosa yaba yarakozwe mu rubanza rujuririrwa. Ibi bisobanuye ko Urukiko Rukuru rutari gushigira ku kwemera icyaha kwa Muvunyi Claude kandi

1 Urubanza RPAA 00048/2020/CA haburana Ubushinjacyaha na BIMENYIMANA Jean Paul rwaciwe n'Urukiko rw'Ubujurire ku wa 26/05/2022 (igika cya 24); Urubanza RPAA 00734/2021/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/05/2024 Ubushinjacyaha buburana na NSENGIYUMVA Emmanuel (igika cya 19), etc. 2 Urubanza RPA00161/2021/HC/RSZ, rwaciwe n'Urukiko Rukuru, Urugereko rwa Rusizi kuwa 20/12/2023, Ubushinjacyaha na MUVUNYI Claude alias Ntambara hamwe na bandi, (Igika cya 11-12).

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atarigeze acyemera, ntabwo rero byafatwa nk'inenge muri urwo rubanza ajuririra, igomba gukosorwa n'uru Rukiko3. [24] Rurasanga kandi nta kosa Urukiko Rukuru rwakoze kuba rutaramugabanyirije igihano rushingiye ku mpamvu y'uko aribwo bwa mbere akoze icyaha cy'ubwicanyi, kuko n'iyi nshuro ya mbere itagombaga kubaho; ntawe ukwiye gusaba kugabanyirizwa igihano ku mpamvu y'uko aribwo bwa mbere yishe umuntu, keretse byibura agaragaje ko yamwishe bimugwirirye, kandi siko byagenze kuri Muvunyi Claude. [25] Rushingiye kuri ibyo bisobanuro, Urukiko rw'Ubujurire rurasanga Muvunyi Claude ntacyo anenga imikirize y'urubanza RPA00161/2021/HC/RSZ, rwaciwe n'Urukiko Rukuru, Urugereko rwa Rusizi kuwa 20/12/2023, bityo ubujurire bwe bukaba nta shingiro bufite. III. ICYEMEZO CY'URUKIKO [26] Rwemeje ko ubujurire bwa Muvunyi Claude alias Ntambara nta shingiro bufite. [27] Rwemeje ko nta gihindutse ku rubanza RPA00161/2021/HC/RSZ rwaciwe n'Urukiko Rukuru, Urugereko rwa Rusizi kuwa 20/12/2023, rukemeza ko Muvunyi Claude alias Ntambara ahanishwa igifungo cya burundu. [28] Rutegetse ko amagarama y'urubanza aherera ku Isanduku ya Leta.

3 Ingingo ya 183 y'Itegeko N° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha nk'uko ryahinduwe kugeza ubu, agace ka 60, ivuga ko umwanzuro w'ubujurire ugaragaza ibisobanuro kuri buri nenge cyangwa kuri buri kibazo bigaragaza amakosa yakozwe mu rubanza rujuririrwa n'uburyo agomba gukosorwa hashingiye ku mategeko n'ibimenyetso n'igisabwa urukiko.

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Prepared on 11 October 2026 · Esheria