

RWANDA / JUDGMENT

UBUSHINJACYAHA v NIYOMUGABO

RPAA 00229/2025/CA

COURT

Court of Appeal

DECIDED

30 October 2025

CASE / FILE NUMBER

RPAA 00229/2025/CA

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

UBUSHINJACYAHA v NIYOMUGABO

- Source: Amategeko
- Section: Decisions (Judgements)
- Date: 2025-10-30
- Case/document no.: RPAA 00229/2025/CA
- Collection: Court of Appeal

Text

Page 1

[Rwanda URUKIKO RW'UBUJURIRE - RPAA 00229/2025/CA (Rugabirwa, P.J.) 30 Ukwakira 2025]

ategeko agenga imanza z'inshinjabyaha – Igabanyagihano - Ukwemera icyaha - Ukwemera aha kugira agaciro gashobora gutuma uregwa agabanyirizwa igihano, ni ugukozwe byibura ere y'uko iburanisha ku rwego rwa mbere ripfundikirwa, kudashidikanywaho, kuba uwemera ragaza ko yumva uburemere bw'ibikorwa yemera n'ingaruka zabyo, abyicuza, abisabira abazi no kuba yiteguye gusubiza ibyo yangije uko abitegerejweho. ategeko agenga imanza z'inshinjabyaha – Igabanyagihano – Igihano cy'igifungo cya burundu o hari impamvu nyoroshyacyaha zemejwe n'Umucamanza, igihano cy'igifungo cya burundu hobora kugabanywa ariko ntikijye munsu y'igifungo cy'inyaka cumi n'itanu amake y'ikibazo: Niyomugabo yasanze Irambona aganira n'umukobwa ashaka gukubita uwo kobwa ariko Irambona aramwitambika amutera icyuma munsu y'ibere arapfa. Mu ibazwa rye bugenzacyaha, Niyomugabo yemeye ko yateye icyuma Irambona kuko yamwitambitse ashaka kubita umukobwa bari kumwe ariko ageze mu Rukiko Rwisumbuye rwa Gasabo ahakana icyaha ga ko Irambona yaguye kuri icyo cyuma kimujomba mu gatuza. Urukiko Rwisumbuye rwa sabo rwasanze uregwa ahamwa n'icyaha cy'ubwicanyi bumuhanisha igihano cy'igifungo cya undu. gwa yajuririye icyo cyemezo mu Rukiko Rukuru

asaba kugabanyirizwa igihano, urukiko mugabanyiriza igihano rumuhanisha igifungo cy'inyaka 15. Uyu yongeye kujuririra icyo mezo mu Rukiko rw'Ubujurire asaba kongera kugabanyirizwa, hasuzumwa ikibazo cyo menya niba yakongera kugabanyirizwa igihano. omugabo asobanura ko yemeye icyaha agifatwa kandi akaba asaba imbabazi kuko nta gambi yari afite wo kwica, agasaba ko yakongera kugabanyirizwa igihano. Ubushinjacyaha uga ko uregwa yemeye icyaha mu Bugenzacyaha ariko ageze mu Rukiko aragihakana bityo kwemera kwe kukaba kutaba impamvu yo kumugabanyiriza igihano. Ubushinjacyaha kandi obanura ko uregwa atakongera kugabanyirizwa hagendewe ku gihano cy'icyaha yakoze dore yagabanyirijwe bihagije. amake y'icyemezo: 1. Ukwemera icyaha kugira agaciro gashobora gutuma uregwa banyirizwa igihano, ni ugukozwe byibura mbere y'uko iburanisha ku rwego rwa mbere undikirwa, kudashidikanywaho, kuba uwemera agaragaza ko yumva uburemere bw'ibikorwa mera n'ingaruka zabyo, abyicuza, abisabira imbabazi no kuba yiteguye gusubiza ibyo yangije abitegerejweho. yo hari impamvu nyoroshyacyaha zemejwe n'Umucamanza, igihano cy'igifungo cya burundu hobora kugabanywa ariko ntikijye muni y'igifungo cy'inyaka cumi n'itanu.

Page 2

anza zifashishijwe: A 0129/10/CS rwaciwe n'urwo Rukiko ku wa 7/03/2014, haburana Ubushinjacyaha na Mpitabakana; A 0249/13/CS, Ubushinjacyaha na Nteziryayo, rwaciwe n'Urukiko rw'Ikirenga ku wa 25/11/2016; A 00060/2021/CA, Ubushinjacyaha na Nsabimana Callixte alias Sankara na bagenzi be rwaciwe n'Urukiko rw'Ubujurire ku wa 04/04/2022; AA 00144/2024/CA, Ubushinjacyaha na Habishaba rwaciwe n'Urukiko rw'Ubujurire ku wa 25/04/2025. Urubanza I. IMITERERE Y'URUBANZA Ubushinjacyaha bukurikiranyeho Niyomugabo Patrick icyaha cy'ubwicanyi kubera ko ku mu joro ryo ku wa 02/03/2024 yateye IRAMBONA icyuma muni y'ibere yitura hasi amuziza yamutesheje gukubita umukobwa wari kumwe na IRAMBONA, uyu yajyanwe ku Kigo erabuzima cya Ntarama, basanga yarangije gupfa. Niyomugabo Patrick yaburanye yemera aha ariko akavuga ko atari yakigambiriye, ko ahubwo nyakwigendera yishwe n'icyuma uyeho. Urukiko Rwisumbuye rwa Gasabo, rushingiye ku mvugo za Niyomugabo Patrick yakoreye Bugenzacyaha, mu Bushinjacyaha, aho yemeye ko yateye IRAMBONA icyuma mu rubavu i y'umutima, nubwo yageze mu Rukiko akavuga ko atari yagambiriye kumwica, kuko kwigendera yagwiriye icyo cyuma ubwo yamwitambikaga, ku mvugo z'abatangabuhamya mushinja baturiza ku kuba Niyomugabo Patrick yarasatiriye umukobwa witwa Chantal ashaka mukubita, naho IRAMBONA bari kumwe ashaka kujya kumukiza abajya hagati aribwo omugabo Patrick yahise asohora icyuma gifite ikirindi cy'umutuku akimukubita mu mutima, nyandikomvugo y'ibyo tubonye (PV de constant) igaragaza ko basanze IRAMBONA yapfuye we n'icyuma yatewe na raporo ya muganga igaragaza ko nyakwigendera yasanganywe igisebe unguye mu gituza yavuye amaraso menshi, rwaciye urubanza n° RP 00206/2024/TGI/GSBO ku 06/05/2024, rwemeza ko Niyomugabo Patrick ahamwe n'icyaha cy'ubwicanyi, rumuhanisha ungo cya burundu, rusobanura ko n'ubwo yemeye icyaha mu Nzego z'Iperereza, ariko ko eze imbere y'Urukiko aragihakana, no kuba yarakoranye icyaha ubugome bukabije. Niyomugabo Patrick yajuririye urwo rubanza mu Rukiko Rukuru, asaba kugabanyirizwa

Page 3

eze imbere y Urukiko rubanza akagihakana, akavuga ko atari yakigambiriye, rwaciye urubanza RPA 00832/2024/HC/KIG ku wa 24/01/2025, rwemeza ko urubanza rwajuririrwe ruhindutse a ku byerekeye igihano, ruhanisha Niyomugabo Patrick igifungo cy'imyaka 15. Niyomugabo Patrick yajuririye urwo rubanza mu Rukiko rw'Ubujurire, ubujurire bwe andikwa kuri n° RPAA 00229/2025/CA, urubanza rwaburanishijwe mu ruhame ku wa 10/2025, Niyomugabo Patrick yunganiwe na Me BYIRINGIRO KALISA, naho ushinjacyaha buhagarariwe na UWIZEYE Jean Marie, Umushinjacyaha ku rwego rw'Igihugu. Mu myanzuro no mu miburanire ye, Niyomugabo Patrick n'umwunganira, bavuga ko wiye kongera kugabanyirizwa ibihano kubera ko yemeye icyaha anagisabira imbabazi, kuba ari mbere aguye mu cyaha no kuba yaragikoze akiri muto, afite imyaka 21. Naho uhagarariye ushinjacyaha avuga ko Niyomugabo Patrick atakongera kugabanyirizwa ibihano kubera ko awe igihano gito (minimum) giteganyirijwe icyaha cy'ubwicanyi. Urukiko rwasuzumye ikibazo cyo kumenya niba Niyomugabo Patrick yakongera abanyirizwa ibihano kubera ko yemera icyaha akanagisabira imbabazi. II.ISESENGURA RY'IKIBAZO KIGIZE URUBANZA menya niba Niyomugabo Patrick yakongera kugabanyirizwa ibihano kubera ko mera icyaha akagisabira imbabazi. Niyomugabo Patrick n'umwunganira bavuga ko akwiye kongera kugabanyirizwa ibihano era ko yemeye icyaha anagisabira imbabazi kuva mu Nzego z'Iperereza kugera muri uru kiko, n'ubwo ku rwego rwa mbere yahuzaguritse ntiyacyemera neza, kuba ari ubwa mbere ye mu cyaha no kuba yakoze icyaha akiri muto kuko yari afite imyaka 21 y'amavuko, hanishwa igihano cy'imyaka 12 n'amezi 6 hashingiwe ku ngingo ya 2 (a) y'Itegeko N° 059/2023 ku wa 04/12/2023 rihindura itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganyanya ibyaha bihano muri rusange,aho kuba igifungo cy'imyaka 15 yahawe mbere. Uhagarariye Ubushinjacyaha avuga ko Niyomugabo Patrick atakongera kugabanyirizwa hano kubera ko yakigabanyirijwe bihagije ahanishwa igihano gito (minimum) cy'imyaka 15, guhanishwa igifungo cya burundu. UKO URUKIKO RUBIBONA

Page 4

meje impamvu nyoroshyacyaha, ashobora kugabanya igihano ku buryo bukurikira: (a) igifungo burundu gishobora kugabanywa ariko ntikijye muni y'igihano cy'igifungo cy'imyaka 15".] Mu rubanza n° RPA 00060/2021/CA rwaciye n'Urukiko rw'Ubujurire ku wa 04/04/2022 urana Ubushinjacyaha na Nsabimana Callixte alias Sankara na bagenzi be (igika cya 36), anzwe umurongo w'uko ukwemera icyaha kugira agaciro gashobora gutuma uregwa banyirizwa igihano, ari ugukozwe byibura mbere y'uko iburanisha ku rwego rwa mbere undikirwa, kudashidikanywaho, kuba uwemera agaragaza ko yumva uburemere bw'ibikorwa mera n'ingaruka zabyo, abyicuza, abisabira imbabazi no kuba yiteguye gusubiza ibyo yangije abitegerejweho.] Naho ikibazo cy'uko uregwa atakongera kugabanyirizwa ibihano, iyo mu bujurire Urukiko anga yarabigabanyirijwe bihagije, harebwe uburemere bw'icyaha n'uburyo icyaha kozwemo, cyatanzwemo umurongo n'Urukiko rw'Ikirenga mu rubanza n° RPA 0129/10/CS ciwe n'urwo Rukiko ku wa 7/03/2014, haburana Ubushinjacyaha na Mpitabakana. Uwo rongo ninawo wagiye ushingirwaho mu manza zaciwe n'Urukiko rw'Ikirenga nk'urubanza n° A 0249/13/CS rwaciye ku wa 25/11/2016, haburana Ubushinjacyaha na Nteziryayo, ndetse manza zaciwe

n'uru Rukiko nk'urubanza N° RPAA 00144/2024/CA, rwaciwe n'Urukiko Ubujurire ku wa 25/04/2025, Ubushinjacyaha buburana na Habishaba (igika cya 17).] Nk'uko bigaragarira mu gika cya 7 cy'urubanza n° RP 00206/2024/TGI/GSBO rwaciwe rwego rwa mbere, Niyomugabo Patrick atigeze yemera icyaha cy'ubwicanyi, kuko yasobanuye atateye IRAMBONA icyuma, ko ahubwo yakomerekejwe n'icyo cyuma igihe Niyomugabo rick yishikuzaga abantu batatu bamukubitaga.] Hashingiwe ku murongo watanzwe mu rubanza RPA 00060/2021/CA rw'Ubushinjacyaha Nsabimana Callixte rwavuzwe haruguru, Urukiko rw'Ubujurire rurasanga Niyomugabo Patrick kongera kugabanyirizwa ibihano hashingiwe ku mpamvu z'uko yemera icyaha akanagisabira babazi, kuko atigeze yemera icyaha cy'ubwicanyi ku rwego rwa mbere ngo anagisabire babazi nk'uko byatanzweho umurongo muri urwo rubanza, kubera ko yabeshye ko atateye kwigendera IRAMBONA icyuma, kandi yarakimuteye abishaka nk'uko yabyiyemereye mu genzacyaha n'imbere y'uru Rukiko.] Hashingiwe ku murongo watanzwe mu rubanza n° RPA 0129/10/CS rw'Ubushinjacyaha MPITABAKANA rwavuzwe haruguru, Urukiko rw'Ubujurire rurasanga kandi Niyomugabo rick atakongera kugabanyirizwa ibihano, kubera ko yabigabanyirijwe bihagije n'Urukiko kuru, rumuhanisha igifungo gito (minimum) cy'imyaka 15 giteganyirijwe icyaha cy'ubwicanyi urikijwe ibiteganywa n'ingingo ya 2 (a) y'Itegeko n° 059/2023 ryo ku wa 04/12/2023 ryavuzwe uguru, aho kuba igifungo cya burundu yari yahawe mbere.] Hashingiwe ku bisobanuro bimaze kuvugwa haruguru Urukiko rw'Ubujurire rurasanga

Page 5

] Rwemeje ko ubujurire bwa Niyomugabo Patrick nta shingiro bufite;] Rwemeje ko imikirize y'urubanza n° RPA 00832/2024/HC/KIG rwaciwe n'Urukiko kuru, ku wa 24/01/2025, idahindutse;] Rwemeje ko igifungo cy'imyaka cumi n'itanu (15) Niyomugabo Patrick yahanishijwe rwo Rukiko kigumyeho.

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/10389/10943>

CASE PAGE <https://chat.esheria.ai/case-law/rwanda/niyomugabo-patrick-mitigationofsentence-court-of-appeal-2025>

Prepared on 11 October 2026 · Esheria