

RWANDA / JUDGMENT

NZANIRA v POPPE

RS/INJUST/RC 00024/2022/SC

COURT

Supreme Court

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NZANIRA v POPPE

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Text

Page 1

NZANIRA v POPPE [Rwanda URUKIKO RW'IKIRENGA - RS/INJUST/RC 00024/2022/SC (Cyanzayire, P.J., Karimunda, Muhumuza, J.) 24 Gashyantare 2023] Amategeko agenga imiburanishirize y'imanza – Ububasha bw'inkiko – Gusaba ko urubanza rwaciriwe mu mahanga rurangirizwa mu Rwanda - Umucamanza waregewe ikirego gisaba ko urubanza rwaciriwe mu mahanga rurangirizwa mu Rwanda asuzuma niba icyemezo cyafashwe n'Urukiko rwo mu mahanga cyujuje ibivugwa mu ngingo ya 44 y'Itegeko N° 30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'inkiko mu Rwanda. Incamake y'ikibazo: Nzanira na Poppe bashakanye mu buryo bwemewe n'amategeko mu Bubiligi baza kubyarana abana babiri. Nyuma yatanze ikirego cy'ubutane muri Tribunal de Premiere Instance de Namur, La Première Chambre F du Tribunal Familial muri icyo gihugu mu gihe cyari kitaraburanishwa na Nzanira atangamo ikirego cyihutirwa asaba Urukiko kwemeza ko yahabwa abana akaba abarera no kuba yaba atandukanye na Poppe by'agateganyo. Poppe yaje gusaba kureka ikirego cy'ubutane aranabyemererwa ariko ikirego kiregera kwiregura cya Nzanira cyo kirakomeza. Urukiko mu rubanza N° 18/1665/A rwemeje ko ahabwa abana akaba abarera ndetse rumwemerera kudakomeza kubana n'umugore we. Nzanira na we nyuma y'igihe yaje kurega muri urwo Rukiko asaba ubutane mu rubanza N° 20/1494/A. Mu guca urwo rubanza,

Urukiko rwemeje ko ruhujwe n'izindi manza zabanje kuko zifitanye isano, rwemeza ko Nzanira na Poppe Honorine batanye, rwemeza ko ibyemezo byafashwe mu manza zabanje bitanyuranye n'ibyarwo bigumyeho, ndetse ko mu gihe cyose biri mu nyungu z'abana kandi byumvikanyweho na Nzanira na Poppe mu nyandiko, bashobora guhindura ibyemezo byafashwe ku bireba abana. Poppe yaje kuza mu Rwanda atanga ikirego cyo kwemeza ubutane mu Rukiko rw'Ibanze rwa Gasabo, kimaze kwakirwa anatanga n'ikindi kihutirwa cyuririye kuri icyo asaba ko yahabwa abana akaba abarera aza no kubyemererwa ariko nyuma Urukiko rwaje kwemeza ko nta bubasha rufite ku kirego cyo kwemeza ubutane. Nyuma yaho Nzanira yaregeye Urukiko Rukuru asaba ko imanza N° 18/1665/A na N° 2019/FA/626 zirangirizwa mu Rwanda (exéquat) agahabwa abana be, kuko umugore we yafashe abana babo ku buryo bwa kiboko akabazana mu Rwanda. Urukiko rwemeje ko imanza N° 18/1665/A na N° 2019/FA/626 zitarangirizwa mu Rwanda zonyine kuko Nzanira atabisabiye hamwe n'irangizwa ry'urubanza rwamuhaye ubutane rufite N° 20/1494/A, kandi bigaragara ko urwo rubanza rwahujwe n'izo manza zabanje. Yaje kongera kuregera Urukiko Rukuru asaba ko imanza N° 18/1665/A, na N° 2019/FA/626 ndetse n'urubanza rw'ubutane N° 20/1494/A zaciriwe mu Bubiligi zose zirangirizwa mu Rwanda ariko ikirego cye nticyahabwa ishingiro kuko izo manza zari iz'agateganyo, ibyemezo byafashwemo bikaba byarakuweho n'urubanza rw'ubutane. Urega yajuririye icyo cyemezo mu Rukiko rw'Ubujurire maze rwemeza ko igihindutse ari impamvu Urukiko Rukuru rwashingiyeho rufata icyemezo kuko ngo abana bari bakiri bato ku buryo batatandukanywa na nyina. Urega yaje kugana inzira z'akarengane maze urubanza rwe ruhabwa Urukiko rw'Ikirenga, mu kuruburanisha hasuzumwa ikibazo cyo kumenya niba imanza N° 18/1665/A, N° 2019/FA/626 n'urubanza N° 20/1494/A zaciwe n'Inkiko zo mu Bubiligi zarangirizwa mu Rwanda (Exéquat). Nzanira avuga ko imanza N° 18/1665/A, 2019/FA/626 na 20/1494/A zaciwe n'inkiko zo mu

Page 2

Bubiligi zisabirwa kurangirizwa mu Rwanda zujuje ibiteganywa n'ingingo ya 44 y'Itegeko N° 30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'Inkiko. Akomeza asobanura ko mu cyemezo cy'ubutane, Urukiko rwemeje ko izo manza zihujwe kandi ko ku bijyanye no kurera abana byahinduka mu gihe we na Poppe babyumvikanyeho mu nyandiko agasaba ko izo manza zarangirizwa mu Rwanda agahabwa abana akabarera. Uregwa asobanura ko kwemeza ko izo manza zirangirizwa mu Rwanda byaba binyuranyije n'amahame ashingiyeho n'amategeko y'u Rwanda yo kurengera inyungu z'abana kubera ko abo bana batigeze babana na Se igihe kirenze ibyumweru 3 ari nayo mpamvu yabazanye mu Rwanda kugira ngo abashe kubarera kuko Se, bitewe n'impamvu z'akazi, atabonekaga. Akomeza avuga ko kandi ibyemezo byahaga urega ububasha bwo kurera abana, byari ibyemezo by'agateganyo bikaba byarakuweho n'urubanza rw'ubutane. Incamake y'icyemezo: Umucamanza waregewe ikirego gisaba ko urubanza rwaciriwe mu mahanga rurangirizwa mu Rwanda asuzuma niba icyemezo cyafashwe n'Urukiko rwo mu mahanga cyujuje ibivugwa mu ngingo ya 44 y'Itegeko N° 30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'inkiko mu Rwanda bityo imanza N°18/1665/A, N° 2019/FA/626 na N° 20/1494/A zikaba zujuje ibiteganywa n'Itegeko zikaba rero zikwiye kurangirizwa mu Rwanda. Ikirego cyo gusubirishamo urubanza ku mpamvu z'akarengano gifite ishingiro. Amategeko yashingiyeho:

Itegeko N° 30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'Inkiko, ingingo ya 44; Itegeko N° 001/2020 ryo ku wa 02/02/2020 rihindura Itegeko N° 32/2016 ryo ku wa 28/08/2016 rigenga abantu n'umuryango, ingingo ya 18. Imanza zifashishijwe: RCOMA 0007/14/CS, Robert Mwangachuchu Hizi Eduard na Uwamurera Mwangachuchu; rwaciwe n'Urukiko rw'Ikirenga ku wa 10/11/2017; RCA 0006/13/CS, Hagengimana Athanase na Uwihoreye Dancille, rwaciwe n'Urukiko rw'Ikirenga ku wa 10/07/2015. Urubanza I. IMITERERE Y'URUBANZA [1] Poppe Honorine wari warashyingiranywe na Nzanira Gasherebuka David mu buryo bwemewe n'amategeko mu Bwami bw'Ububiligi, yareze asaba ubutane muri Tribunal de Premiere Instance de Namur, La Première Chambre F du Tribunal Familial muri icyo gihugu. Urubanza rwahawe n° 18/1665/A. Nzanira Gasherebuka David nawe yatanze ikirego kiregera kwiregura (demande reconventionnelle) asaba Urukiko gufata ibyemezo by'agateganyo byihutirwa bikurikira: gutegeka kutabana na Poppe Honorine (résider séparément), gutegeka ko Nzanira Gasherebuka David ahabwa inshingano za kibyezi ku bana babiri yabyaranye na Poppe Honorine, gutegeka ko abo bana babana na Se kandi akaba ari we ubafatira ubufasha bagenerwa na Leta.

Page 3

[2] Poppe Honorine yaje kureka urubanza rw'ubutane, Urukiko rubifataho icyemezo ku wa 27/03/2019 rumwemerera kureka urubanza rw'ubutane, ariko ruvuga ko urubanza ruzakomeza ku bijyanye n'ikirego kiregera kwiregura cya Nzanira Gasherebuka David. Ku wa 18/11/2019, Urukiko rwaciye urubanza N° 18/1665/A rwemeza ko ikirego cyatanzwe na Nzanira Gasherebuka David gifite ishingiro kuri bimwe, rumwemerera kutabana na Poppe Honorine (résider séparément), rubaha bombi inshingano zo kurera abana (autorité parentale), ariko rwemeza ko abana bazaba kwa Se aho asanzwe atuye, kandi akaba ari we uzajya ahabwa ubufasha bagenerwa na Leta (allocations familiales). [3] Poppe Honorine yajuririye urwo rubanza mu Rukiko rw'Ubujurire rwa Liège (Cour d'Appel de Liège) anasaba ko hasuzumwa ibijyanye n'ubutane. Urubanza ku bujurire rwahawe N° 2019/FA/626 rucibwa kuwa 25/11/2020, Urukiko rwemeza ko ikirego gishya cy'ubutane cya Poppe Honorine kitakiriwe, ko hagumyehe imikiriye y'urubanza rwajuririwe. Nyuma y'urwo rubanza, Nzanira Gasherebuka David yaje kuregera ubutane muri Tribunal de Premiere Instance de Namur, La Première Chambre F du Tribunal Familial, gihabwa N° 20/1494/A. Urubanza rwaciye ku wa 02/06/2021, Urukiko rwemeza ko uru rubanza ruhujwe n'izindi manza zabanje kuko zifitanye isano, rwemeza ko Nzanira Gasherebuka David na Poppe Honorine batanye (divorce), rutegeka uburyo bw'igabanamutungo, rwemeza ko ibyemezo byafashwe mu manza zabanje bitanyuranye n'ibyarwo bigumyehe, ndetse ko mu gihe cyose biri mu nyungu z'abana kandi byumvikanyweho na Nzanira Gasherebuka David na Poppe Honorine mu nyandiko, bashobora guhindura ibyemezo byafashwe ku bireba abana. [4] Ku wa 22/05/2019, Poppe Honorine yaregeye inkiko z'u Rwanda, asaba Urukiko rw'Ibanze rwa Gasabo kwemeza ubutane, urubanza rwandikwa kuri N° RC 00484/2019/TB/GSBO. Ikirego cy'ubutane kimaze kwakirwa, yatanze ikirego cyihutirwa cyuririye ku kirego cy'ubutane asaba ko hafatwa icyemezo cy'agateganyo cyihutirwa kimwemerera kurera abana no guhabwa indeho buri kwezi ingana na 150 Euros. Icyemezo ku kirego cyihutirwa cyafashwe

ku wa 201/06/2019, Urukiko rwemeza ko mu gihe hagitegerejwe icyemezo ndakuka ku kirego cy'iremezo cy'ubutane, Poppe Honorine yemerewe kurera abana, ko Nzanira Gasherebuka David agomba kujya amuha 150.000Frw y'indezo buri kwezi no kujya atanga ½ cy'amafaranga y'ishuri n'ibikoresho by'umwana wiga. Nzanira Gasherebuka David yajuririye iki cyemezo mu Rukiko Rwisumbuye rwa Gasabo, ariko rwemeza ko ubujurire bwe nta shingiro bufite. [5] Ku bijyanye n'ikirego cy'iremezo, Nzanira Gasherebuka David yatanze inzitizi y'iburabubasha bw'Urukiko, avuga ko we na Poppe Honorine bashingiranwe byemewe n'amategako mu Bubiligi, ko Poppe Honorine ari umubiligikazi kandi ko bahisemo gutura i Namur mu Bwami bw'Ububiligi, bityo ko inkiko z'Ubwami bw'Ububiligi arizo zifite ububasha bwo kuburanisha ikirego cy'ubutane kuko batigeze bakora régularisation du mariage mu Rwanda, ko atariho batuye, ko bigeze kuza mu Rwanda bazanwe no gutembera, igihe cyo gusubira mu Bubiligi kigeze, umugore amubwira ko hari ibyo agikora, ko yaba agiye we n'abana bakazamusangayo, hashyize igihe gito atungurwa no kumva ko umugore yatanze ikirego cy'ubutane mu Rwanda. [6] Urukiko rw'Ibanze rwa Gasabo rwaciye urubanza rw'ubutane ku wa 15/06/2020, rwemeza ko inzitizi y'iburabubasha bw'Urukiko yatanze na Nzanira Gasherebuka David ifite ishingiro, ko ikirego cya Poppe Honorine kitakiriwe. Poppe Honorine yajuririye mu Rukiko Rwisumbuye rwa Gasabo. Ubujurire bwanditswe kuri N° RCA 00085/2020/TGI/GSBO. Urubanza rwaciye ku

Page 4

wa 22/07/2020 Urukiko rwemeza ko ubujurire nta shingiro bufite. Poppe Honorine yajuririye Urukiko Rukuru. Urubanza N° RCAA 00018/2020/HC/KIG rucibwa ku wa 19/04/2021, Urukiko rwemeza ko ubujurire butakiriwe kubera ko butari mu bubasha bw'urwo. [7] Nyuma yaho Nzanira Gasherebuka David yaregeye Urukiko Rukuru i Kigali asaba ko rutegeka ko imanza N° 18/1665/A na N° 2019/FA/626 zirangirizwa mu Rwanda (exéquatur) agahabwa abana be, kuko umugore we Poppe Honorine yafashe abana babo ku buryo bwa kiboko akabazana mu Rwanda. Poppe Honorine yagobotse muri urwo rubanza, avuga ko izo manza Nzanira Gasherebuka David asaba ko zirangirizwa mu Rwanda, ari iz'agateganyo, bityo zidakwiriye kurangirizwa mu Rwanda. Ku wa 09/08/2021, Urukiko Rukuru rwaciye urubanza N° RC 00020/2021/HC/KIG, rushingiye ku ngingo ya 44, agace ka 2, y'Itegeko N° 30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'inkiko, rwemeza ko imanza N° 18/1665/A na N° 2019/FA/626 zitarangirizwa mu Rwanda zonyine kuko Nzanira Gasherebuka David atabisabiye hamwe n'irangizwa ry'urubanza rwamuhaye ubutane rufite N° 20/1494/A, kandi bigaragara ko urwo rubanza rwahujwe n'izo manza zabanje, akaba arirwo rwaciye burundu naho izindi zikaba zari iz'agateganyo. [8] Nzanira Gasherebuka David yajuririye urwo rubanza mu Rukiko rw'Ubujurire, ubujurire bwe buhabwa N° RCA 00003/2021/CA, maze mu icyibwa ryarwo ku wa 14/12/2021, urwo Rukiko narwo rushimangira ko imanza N° 18/1665/A na N° 2019/FA/626 zidashobora kurangirizwa mu Rwanda Nzanira Gasherebuka David atarabisabiye rimwe n'urubanza rw'ubutane N° 20/1494/A, kuko kuzirangiriza mu Rwanda zonyine byaba binyuranyije n'ingingo ya 44 y'Itegeko N° 30/2018 ryo ku wa 02/06/2018 ryavuzwe haruguru. [9] Nzanira Gasherebuka David yaje kongera kuregera Urukiko Rukuru asaba ko imanza N° 18/1665/A, na N° 2019/FA/626 ndetse n'urubanza rw'ubutane N° 20/1494/A zaciriwe mu Bubiligi zose

zirangirizwa mu Rwanda (Exéquat). Poppe Honorine yagobotse muri urwo rubanza, mu iburanisha atanga inzitizi yo kutakira ikirego avuga ko hari izindi manza N° RC 00020/2021/HC/KIG na N° RCA 00003/2021/CA zaciwe ku baburanyi bamwe ndetse no ku kiburanwa kimwe, kandi ko zabaye ndakuka. Iyo nzitizi ariko Urukiko rwayimye ishingiro, rushingiye ku kuba mu manza N° RC 00020/2021/HC/KIG na RCA 00003/2021/CA icyaburanwaga cyari ugusaba ko imanza N° 18/1665/A, na N° 2019/FA/626 zirangirizwa mu Rwanda, ko rero bitandukanye n'ikiburanwa mu rubanza N° RC 00038/2021/HC/KIG kuko ho ikiregerwa ari ugusaba ko imanza N° 18/1665/A, na N° 2019/FA/626 ndetse na N° 20/1494/A zirangirizwa mu Rwanda, ko mu manza zisabirwa kurangirizwa mu Rwanda hiyongereyemo urubanza rumwe, bityo ko ikiburanwa atari kimwe. [10] Ku wa 28/02/2022, Urukiko Rukuru rwaciye urubanza N° RC 00038/2021/HC/KIG, rwemeza ko ikirego cya Nzanira Gasherebuka David kidafite ishingiro, rwemeza ko ikirego cyo kugoboka cyatanze na Poppe Honorine gifite ishingiro kuri bimwe, rwemeza ko ibyemezo byafashwe mu rubanza N° 18/1665/A rwaciwe na “Tribunal de Première Instance de Namur, Division Namur, 1ère Chambre B, Tribunal de la Famille” kuwa 18/11/2019, n’ubujurire bw’urwo rubanza N° 2019/FA/626 rwaciwe na “Cour d’Appel de Liege, dixième Chambre Civil” kuwa 25/11/2020 ari ibyemezo by’agateganyo bidakwiye kurangirizwa mu Rwanda kuko byavanyweho n’ihuzwa ryazo mu rubanza N° 20/1494/A, rwemeza ko urubanza N° 20/1494/A rwaciwe na “Tribunal de Première instance de Namur, Division Namur, Famille – 1F” kuwa 02/06/2021

Page 5

rudakwiye kurangirizwa mu Rwanda ku byerekeye abana ba Nzanira Gasherebuka David na Poppe Honorine kuko ntacyo rwabavuzeho mu cyemezo cyarwo. [11] Icyo cyemezo Urukiko rwagishingiye ku kuba imanza N° 18/1665/A, na N° 2019/FA/626 zisabirwa kurangirizwa mu Rwanda zari imanza z’agateganyo, maze ruvuga ko ibyemezo byafashwemo byakuweho n’urubanza rw’ubutane N° 20/1494/A kuko arirwo rwaciwe burundu kandi ko zari zahurijwe hamwe muri urwo rubanza, bivugako izo manza zitagifite agaciro, bityo ko urubanza N° 20/1494/A arirwo rwonyine rukwiye gusuzumwa niba rwarangirizwa mu Rwanda. Ku bijyanye n’urubanza N° 20/1494/A, Urukiko Rukuru rwasobanuye ko iyo urebye mu icibwa ryarwo ku wa 02/06/2021 usanga Urukiko (Tribunal de Première instance de Namur, Division Namur, Famille 1F) ntacyo rwemeje ku bijyanye n’ugomba kurera abana no kubana nabo, ahubwo ko rwemeje ubutane hagati ya Nzanira Gasherebuka David na Poppe Honorine, ruvugako mu nyungu z’abana Nzanira Gasherebuka David na Poppe Honorine bashobora guhindura icyemezo cyerekeye abana ariko babyumvikanyeho. Bityo ko urubanza N° 20/1494/A, rutarangirizwa mu Rwanda ngo abana bamburwe ubarera ubu kandi nta cyemezo ndakuka cyafashwe muri urwo rubanza ku bibareba, dore ko rwanakuyeho imanza zavuzwe haruguru zari zarafashe ibyemezo by’agateganyo bireba abana. [12] Nzanira Gasherebuka David yajuririye urwo rubanza mu Rukiko rw’Ubugurire, avugako imikirize y’urubanza rwaciwe n’Urukiko Rukuru irimo urujijo (confusion), asaba Urukiko rw’Ubugurire kongera gusuzuma niba imanza yaregeye zitarangirizwa mu Rwanda, hashingiwe ku murongo watanze mu manza N° RC 00020/2021/HC/KIG na N° RCA 00003/2021/CA. Poppe Honorine nawe yatanze ubujurire bwuririye ku bundi avugako inzitizi yatanze mu Rukiko Rukuru zitahawe agaciro. [13] Mu rubanza N° RCA 00003/2022/CA rwaciwe kuwa 10/06/2022,

Urukiko rw'Ubujurire rwasanze inzitizi zari zatanze na Poppe Honorine n'ubundi nta gaciro zari zifite, rwemeza ko ubujurire bwa Nzanira Gasherebuka David bufite ishingiro kuri bimwe, ko imikirize y'urubanza rwajuririwe ihindutse gusa ku birebana n'impamvu zashingiweho, ko imanza N° 18/1665/A, N° 2019/FA/626 na N° 20/1494/A zitarangirizwa mu Rwanda kubera impamvu zikurikira: i) Ku birebana n'ibyo urubanza rusabirwa kurangirizwa mu Rwanda ruba rwujije nk'uko biteganywa n'ingingo ya 44 y'Itegeko n° 30/2018 ryo ku wa 02/06/2018 ryavuzwe haruguru, bigaragara ko imanza zisabirwa kurangirizwa mu Rwanda zaciwe burundu kuko nta muburanyi wagaragaje ko hari izindi nzira z'ubujurire ziyambajwe, hakaba ndetse nta wagaragaje ko izo manza zitujije ibisabwa n'amategeko y'Ububiligi, bikanagaragara ndetse ko uburenganzira bwo kwiregura bwubahirijwe hakurijwe ko n'Urukiko rwagiye rubyerekanwa, aho ruvuga ruti: "statuant contradictoirement", bisobanura ko rwahereye ku ivuguruzanya ry'ababuranyi; ii) Harebwe imyaka y'abo bana nkuko ivugwa mu rubanza N° 20/1494/A, aho rugaragaza ko uwitwa Charles yavutse ku wa 24/12/2015, uwitwa Adèle akaba yaravutse ku wa 20/01/2018, kwemeza ko muri icyo kigero barerwa na Se byaba ari ukudashyira imbere inyungu z'abo bana nk'uko biteganywa n'ingingo zikubiye mu masezerano mpuzamahanga u Rwanda rwemeje, zirebwe hamwe n'ingingo ya 243 y'Itegeko N° 32/2016 ryo ku wa 28/08/2016 rigenga abantu n'umuryango, kuko mu kigero barimo Umushingamategeko w'u Rwanda yasanze bakwiye kubana na nyina uretse mu gihe byaba bibangamiye inyungu zabo, kandi uko dosiye iteye nta kigaragariza urukiko ko

Page 6

kubana na nyina byabangamira inyungu zabo, kuko uhagarariye Poppe Honorine yabwiye Urukiko ko abana bameze neza kandi biga, Nzanira Gasherebuka David n'abamwunganira bakaba batarabivugurujwe; iii) N'ubwo ku birebana na Charles, bigaragara ko arengeje gato imyaka itandatu, ubwabyo bitaba impamvu yatuma atandukanywa na mushiki we bareranwe, kuko kubabuzwa kurererwa hamwe nabyo byaba ari ukwirengagiza inyungu zabo, bityo ibisabwa na Nzanira Gasherebuka David ko imanza N° 18/1665/A, N° 2019/FA/626 na N° 20/1494/A zirangirizwa mu Rwanda atabihabwa, kuko kubihabwa byaba binyuranye n'amahame ashingiweho n'amategeko y'u Rwanda nkuko bimaze gusobanurwa. [14] Nyuma y'icyemezo cy'Urukiko rw'Ubujurire, Nzanira Gasherebuka David yandikiye Perezida w'Urukiko rw'Ikirenga asaba ko urwo rubanza N° RCA 00003/2022/CA rwaciwe ku wa 10/06/2022 rwasubirwamo ku mpamvu z'akarengane. Avuga ko akarengane ke gashingiye ku kuba Urukiko rw'Ubujurire rwariyengagije amategeko n'ibimenyetso bigaragarira buri wese byemeza ko imanza N° 18/1665/A, N° 2019/FA/626 na N° 20/1494/A zaciwe n'inkiko zo mu Bubiligi zisabirwa kurangirizwa mu Rwanda zujije ibiteganywa n'ingingo ya 44 y'Itegeko N° 30/2018 ryo ku wa 02/06/2018 rigenga ububasha bw'Inkiko, runirengagiza ko ari rwo rwari rwatanze umurongo ko Nzanira Gasherebuka David atagombaga gusaba ko imanza N° 18/1665/A, na N° 2019/FA/626 zafashe ibyemezo by'agateganyo byerekeye abana zirangirizwa mu Rwanda zonyine atabisabiye hamwe n'urubanza N° 20/1494/A rw'ubutane. [15] Perezida w'Urukiko rw'Ikirenga, ashingiye kuri raporo yakozwe kuri urwo rubanza, yafashe icyemezo No 0191/CJ/2022 ateguka ko rwoherezwa mu Bwanditsi bw'Urukiko rw'Ikirenga kugira ngo ruzongere ruburanishwe. Iburanisha ry'urubanza ryashyizwe ku wa

23/01/2023 ribera mu ruhame, Nzanira Gasherebuka David yunganiwe na Me Nsengiyumva Niyondora na Me Nkeza Sempundu Clément naho Hoppe Honorine aburanirwa na Me Munyemana Remy. [16] Muri uru rubanza, ibibazo nyamukuru bigomba gusuzumwa akaba ari: a) Kumenya niba imanza N° 18/1665/A, N° 2019/FA/626 n'urubanza N° 20/1494/A zaciwe n'Inkiko zo mu Bubiligi zarangirizwa mu Rwanda (Exéquat). b) Kumenya niba indishyi zisabwa muri uru rubanza zifite ishingiro. II. IBIBAZO BIGIZE URUBANZA N'ISESENGURA RYABYO a) Kumenya niba imanza N° 18/1665/A, N° 2019/FA/626 n'urubanza N° 20/1494/A zaciwe n'Inkiko zo mu Bubiligi zarangirizwa mu Rwanda (Exéquat). [17] Nzanira Gasherebuka David n'abamwunganira bavuga ko imanza zasabiwe kurangirizwa mu Rwanda ari imanza zaciwe n'inkiko zo mu Bubiligi harimo urubanza rufite N° 20/1494/A rwatanze ubutane aho rwemeje ko ku bijyanye n'abana, ibyemejwe mu manza N° 18/1665/A na N° 2019/FA/626 ari byo bizakomeza kubahirizwa igihe cyose ibizikubiyemo bitaravuguruzwa. Bavuga ko mu rubanza N° RCA 00003/2022/CA rusubirishwamo ku mpamvu z'akarengane, Urukiko rw'Ubujurire, mu gika cya 65 rwemeje ko imanza zisabirwa kurangirizwa mu Rwanda zujuje ibiteganywa n'ingingo ya 44 y'Itegeko N° 30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'Inkiko ndetse ko mu gika cya 66 cy'urwo rubanza, urukiko rwiboneye ko ku birebana n'abana,

Page 7

imanza zavuzwe haruguru zemeje ko babana na Nzanira Gasherebuka David, akaba ari muri urwo rwego asaba ko zirangirizwa mu Rwanda kugira ngo abahabwe kuko ibindi byarangirijwe mu Bubiligi nk'uko yabisobanuye mu Rukiko Rukuru (igika cya 38) ndetse n'imbere y'Urukiko rw'Ubujurire. [18] Bakomeza bavuga ko mu gika cya 67 cy'urubanza rusabirwa gusubirwamo, Urukiko rw'Ubujurire rwagarutse ku myaka y'ubukure y'abana nk'impamvu ituma batahabwa se Nzanira Gasherebuka David, rwirengagije ko ikibazo cy'ugomba guhabwa abana ndetse n'inyungu zabo cyafashweho ibyemezo n'inkiko zo mu Bubiligi, kandi mu gufata ibyo byemezo zikaba zarasesenguye ibijyanye n'imyaka ndetse n'inyungu by'abana, bityo ko basanga gusuzuma ikibazo cy'umubyeyi ugomba guhabwa abana ari ugutandukira mu gihe urukiko rwari rwamaze kwemeza ko izo manza zisabirwa exéquat zujuje ibisabwa n'Itegeko kugira ngo zirangirizwe mu Rwanda. [19] Bavuga kandi ko, ku buryo butandukiriye n'ibiteganywa mu ngingo ya 44 y'Itegeko N° 30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'Inkiko, Urukiko rw'Ubujurire rwasuzumye ireme ry'ibyo byemezo byafashwe n'inkiko zo mu Bubiligi (pertinence), ndetse rurabihindura kandi atari cyo umucamanza wa exéquat asabwa gusuzuma; ko umucamanza wa exéquat adasabwa guhindura ibyemezo byafashwe n'inkiko zo mu mahanga, ahubwo asuzuma gusa niba inkiko, mu gufata ibyemezo zarubahirije ibiteganyijwe n'ingingo ya 44 y'Itegeko N° 30/2018 ryo ku wa 02/06/2018 rimaze kuvugwa, ko iyo ibikubiye muri iyo ngingo byubahirijwe, urukiko ruba rugomba kwemeza ko ibyategetswe muri izo manza birangirizwa mu Rwanda ntacyo rubihinduyeho cyangwa ngo rusuzume ireme ryabyo kuko ruba rutaregewe ku rwego rw'ubujurire imanza zisabirwa kurangirizwa mu Rwanda. [20] Bavuga ko iyo urukiko rwaregewe exéquat rusanze imanza zaciwe n'inkiko zo mu mahanga hari byo zitujwe mu biteganywa n'ingingo ya 44 y'Itegeko ryavuzwe, rwemeza ko zitagomba kurangirizwa mu Rwanda rudahinduye ibyo izo manza zategetse, ko n'iyi habaye kujuririra icyemezo cya exéquat,

igisuzumwa atari ireme ry'ibyo byemezo byafatiwe mu mahanga ahubwo hasuzumwa niba ku rwego rwa mbere umucamanza ataribeshye mu kwemeza ko ibyo byemezo byujuje cyangwa bitujuje ibisabwa n'amategeko kugira ngo birangirizwe mu Rwanda. [21] Nzanira Gasherebuka David n'abamwunganira basobanura ko kuvuga ko exéquatour idashoboka kuko umwe mu bana afite munsu y'inyaka itandatu y'amavuko, bisa no kubwira ababuranyi ko mu gihe uwo mwana muto azaba yujuje inyaka itandatu, uwashinzwe kubarera yazagaruka mu rukiko gusaba exéquatour, ibi bikaba bidashoboka kuko urubanza rwa exéquatour rwaciwe hagati y'ababuranyi bamwe, ku mpamvu zimwe rutakongeraga kuburanishwa kuko byaba binyuranyije n'ingingo ya 14 y'Itegeko ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'ubutegetsi, ko rero Urukiko rw'Ubujurire rutagombaga guha abana umubyeyi utarabahawe n'urukiko, kuko Nzanira Gasherebuka David ari we wabahawe. [22] Bavuga ko gushinga Se w'abana bakiri bato uburere bwabo atari umwihariko w'amategeko yo mu Bubiligi cyangwa umwihariko w'ibyemezo by'inkiko zo mu Bubiligi, ko icy'ingenzi ari uko inkiko zo mu Bubiligi zasobanuye ko kurerwa na nyina bibangamiye inyungu z'abo bana, ko no mu nkiko zo mu Rwanda ku kibazo gisa n'icyo hari aho abana bahawe Se ubabyara, urugero akaba ari urubanza N° RCA 0006/15/TGI/RBV aho Urukiko Rwisumbuye rwa Rubavu, rushingiye

Page 8

ku myitwarire ya nyina w'abana rwasanze batagomba guhabwa nyina, mu gihe cyose hari impungenge z'uko atabatoza imico myiza, bityo rwemeza ko abana barerwa na Se n'ubwo umukuru muri bo ari we wenyine wari wujuje inyaka itandatu; ndetse no mu rubanza N° RC 00770/2016/TB/KCY rwaje kujuririrwa rugahabwa N° RCA 00062/17/TGI/GSBO, abana bari batarageza ku myaka itandatu y'amavuko, ariko ko bahawe Se kubera imyitwarire idahwitse ya nyina. [23] Bavuga ko bashingiye ku bivugwa n'ingingo ya 3 y'Amasezerano y'Umuryango w'Abibumbye yerekeye uburenganzira bw'umwana yo ku wa 20 Ugushyingo 1989, yemejwe mu Rwanda n'Iteka rya Perezida N° 773/16 ryo ku wa 19 Nzeli 1991 n'ingingo ya 4 y'Amasezerano Nyafurika yerekeye uburenganzira n'imibereho myiza by'umwana yo ku wa 11 Kamena 1991 yemejwe mu Rwanda n'Iteka rya Perezida N° 11/01 ryo ku wa 30 Gicurasi 2001, Urukiko rw'Ubujurire rwagombaga kubona ko izo ngingo zubahirijwe mu manza zisabirwa kurangirizwa mu Rwanda, aho kugira ngo ruzikoreshe mu kwima Nzanira Gasherebuka David ubutabera. [24] Bavuga ko imanza zisabirwa kurangirizwa mu Rwanda zitanyuranyije n'ingingo ya 243 y'Itegeko N° 32/2016 ryo ku wa 28/08/2016 rigenga umuryango, ahubwo zubahirije ibikubiye mu irengayobora riteganywa n'iyi ngingo, uretse ko iyi ngingo atari yo iteganywa ibigomba kubahirizwa kugira ngo urubanza rwaciriwe mu mahanga rurangirizwe mu Rwanda. Ko rero nta gushidikanya ko Urukiko rw'Ubujurire rwirengagije amategeko n'ibimenyetso bigaragararira buri wese bikubiye mu mikirize y'imanza N°18/1665/A n'ubujurire bwatwaga N° 2019/FA/626 rwahurijwe hamwe n'urubanza rwafite N° 20/1494/A, kuko rutari kumara kwemeza ko ibiteganywa n'ingingo ya 44 y'Itegeko rigenga ububasha bw'Inkiko byubahirijwe, ngo rubirengeho rwemeze ko izo manza zitarangirizwa mu Rwanda rwitwaga ikibazo cy'inyungu z'abana cyaburanishijwe muri izo manza kigafatwaho icyemezo cyemewe n'ababuranyi bombi kuko ntawakijuririye. [25] Abunganira Nzanira Gasherebuka David bakomeza bavuga ko urubanza rw'ubutane rwemeje ibyemezo

birebana n'abana byari byarafashwe mu manza zihutirwa aho muri urwo rubanza bavuze ko ibyemezo byafashwe mbere bitabangamiye urwo rubanza bigumye, akaba ariyo mpamvu basaba ko imanza zose zaciriwe mu Bubiligi zarangirizwa mu Rwanda; ko ibyo abuburanira Poppe Honorine bavuga by'uko hari icyemezo cyafashwe ku bijyanye no kurangiriza izo manza mu Rwanda, ko kongera kubifataho icyemezo byatuma habaho ivuguruzanya ry'imanza nta shingiro bifite kuko iyo nzitizi yabyukijwe mu Rukiko rw'Ubujurire, urwo Rukiko rwemeza ko nta shingiro ifite, rero ikaba idashobora kongera gusuzumwa mu rubanza rusubirishwamo ku mpamvu z'akarengane kandi nta kirego cy'akarengane Poppe Honorine yigeze atanga. [26] Basoza bavuga ko imanza zo mu Bubiligi zaciwe mu buryo bwa burundu, ko Nzanira Gasherebuka David ataje mu Rwanda kugira ngo Urukiko rumuhe abana ahubwo yasabaga ko Inkiko zo mu Rwanda zasuzuma ko izo manza zujuje ibisabwa n'amategeko kugira ngo zirangirizwe mu Rwanda. [27] Me Munyaneza Remy, uburanira Poppe Honorine, avuga ko Urukiko rw'Ubujurire rutigeze rurengera mu nshingano zarwo mu gusuzuma ikibazo cy'inyungu z'abana cyashingiweho hemezwa ko bagomba kubana na nyina. Asobanura ko impamvu z'iki cyemezo zishingiye ku biteganywa n'ingingo ya 44 y'Itegeko rigena ububasha bw'Inkiko, ko Urukiko rwagaragaje ko ruramutse rwemeje ko imanza zaregwe zirangirizwa mu Rwanda byaba binyuranyije n'agace ka 1 k'iyi ingingo karebana no kuba zigomba kuba zitanyuranyije n'amategeko rusange

Page 9

ndemyagihugu n'amahame ashingiweho n'amategeko y'u Rwanda. Avuga ko mu bika bya 61 na 63 by'urubanza, Urukiko rw'Ubujurire rwasobanuye neza ko kurangiriza izo manza mu Rwanda byaba binyuranyije n'ihame rya "Best interest of the Child" (inyungu z'umwana), bityo akaba asanga ibivugwa na Nzanira Gasherebuka David nta shingiro bifite kuri iki kibazo. [28] Me Munyaneza Remy akomeza avuga ko ku kirego cyihutirwa haciwe imanza ebyiri, hakongera hakabaho urubanza rw'ubutane, izo manza ebyiri ku kirego cyihutirwa aba arizo zibanza gusabirwa kurangirizwa mu Rwanda, inkiko z'u Rwanda zemeza ko izo manza zitujye ibisabwa kugira ngo zirangirizwe mu Rwanda, ibyo byemezo bikaba byarabaye ndakuka, bivuze ko hadakwiye kongera kubaho urundi rubanza rusaba ko zirangirizwa mu Rwanda kuko bishobora gutera ivuguruzanya ry'imanza. Avuga kandi ko kwemeza ko urubanza N°18/1665/A, ubujurire bw'urubanza N° 2019/FA/626 n'urubanza N° 20/1494/A zirangirizwa mu Rwanda byaba binyuranyije n'amahame ashingiweho n'amategeko y'u Rwanda yo kurengera inyungu z'abana kubera ko abo bana batigeze babana na Se igihe kirenze ibyumweru 3 ari nayo mpamvu Poppe Honorine yabazanye mu Rwanda kugira ngo abashe kubarera kuko Se, bitewe n'impamvu z'akazi, atabonekaga. [29] Akomeza avuga ko n'ubwo Nzanira Gasherebuka David ariwe wakomeje gufata indezo igenewe abana ntacyo yigeze akora mu bijyanye n'uburere bwabo, bivuze ko Urukiko ruramutse rwemeje ko imanza zirangirizwa mu Rwanda, byaba binyuranyije n'inyungu z'abana kuko nk'uko biboneka mu gika cya 5 cy'urubanza rwaciwe n'Urukiko rwa Mbere rw'Iremezo rwa Namur bigaragara ko ibirebana n'ugomba kurera abana byari ibyemezo by'agateganyo ariyo mpamvu asanga byarakuweho n'urubanza rw'ubutane rwaciwe burundu. Avuga ko ibyo kuvuga ko mu rubanza rw'ubutane hemerejwemo ibyemezo by'agateganyo byafashwe mu manza zihutirwa atari byo kuko icyavuzwe ari antécédents bikaba bivuze ibikorwa bitavuze ibyemezo

nk'uko abarega babivuga, kuko hari hariho imanza zo mu kwezi kwa Mata n'izo mu kwezi kwa Nyakanga, bityo ukaba utamenya izo mu rubanza rw'ubutane bashatse kuvuga izo ari zo. [30] Asoza avuga ko hari Inkiko zo mu Bubiligi zahaye inshingano zo kubana n'abana Nzanira Gasherebuka David hakaba hari n'izindi manza zaciwe n'Inkiko zo mu Rwanda zahaye izo nshingano Poppe Honorine hakaba nta rundi rubanza rwigeze ruzikuraho hakibazwa rero ugomba guhabwa ubwo burenganzira. UKO URUKIKO RUBIBONA [31] Ingingo ya 44 y'Itegeko N° 30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'Inkiko, iteganya ko Urukiko Rukuru ruburanisha ibirego bisaba kurangiriza mu Rwanda imanza cyangwa ibyemezo byafashwe n'Inkiko zo mu mahanga. Isuzuma ry'urwo rubanza rikorwa harebwa: i) ko urubanza rwaciriwe mu mahanga rutanyuranyije n'amategeko rusange ndemyagihugu n'amahame ashingiweho n'amategeko y'u Rwanda; ii) ko urubanza rwaciwe burundu hakurikijwe amategeko y'igihugu rwaciriwemo; iii) ko kopi y'urubanza yujuje ibyangombwa byose byemeza ko ari impamo, hakurikijwe ayo mategeko; iv) ko uburenganzira bwo kwiregura bwubahirijwe.

Page 10

[32] Mu rubanza N° RCOMA 0007/14/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 10/11/2017, haburana Robert Mwangachuchu Hizi Eduard na Uwamurera Mwangachuchu, mu gika cyarwo cya 30, uru Rukiko rwibukije ko umucamanza waregwe ikirego gisaba ko urubanza rwaciriwe mu mahanga rurangirizwa mu Rwanda asuzuma niba icyemezo cyafashwe n'Urukiko rwo mu mahanga cyujuje ibivugwa mu ngingo ya 13 y'Itegeko Ngenga N° 06/2012 ryo ku wa 14/09/2012 rigena imiterere, imikorere n'ububasha by'Inkiko z'ubucuruze ryakurikizwaga icyo gihe¹. Mu rundi rubanza N° RCA 0006/13/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 10/07/2015, haburana Hagengimana Athanase na Uwihoreye Dancille, uru Rukiko rwasanze igisuzumwa mu rubanza rwaciriwe mu mahanga rusabirwa kurangirizwa mu Rwanda, ari ukureba gusa niba urubanza rwaciriwe mu mahanga rwujuje ibyateganywaga n'ingingo ya 91, igika cya 2 y'Itegeko Ngenga N° 51/08 ryo ku wa 09/09/2008 rigena imiterere, imikorere n'ububasha bw'Inkiko nk'uko ryari ryarahinduwe kandi ryarujwe kugeza ubwo urubanza rwacibwaga (Iyi ngingo ikaba yaragiye ikomeza kwandikwa uko yakabaye kugeza ku itegeko rikoreshe ubu aho yabaye ingingo ya 44 y'Itegeko N° 30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'inkiko mu Rwanda)². [33] Ku birebana n'uru rubanza, Urukiko rurasanga nk'uko biteganywa n'ingingo ya 44 y'Itegeko N° 30/2018 ryo ku wa 02/06/2018 ryavuzwe haruguru, imanza N°18/1665/A, N° 2019/FA/626 na N° 20/1494/A zisabirwa kurangirizwa mu Rwanda zaraciwe burundu kuko nta muburanyi wagaragaje ko hari izindi nzira z'ubujurire ziyambajwe, hakaba nta wagaragaje ko kopi y'izo manza zitujwe ibisabwa n'amategeko y'Ububiligi kugira ngo zibe impamo, bikanagaragara ndetse ko uburenganzira bwo kwiregura bwubahirijwe kuko nta muburanyi n'umwe wigeze uvuga ko atahawe umwanya wo kwiregura cyangwa se ko yafatiwe icyemezo atumviswe nk'uko amategeko abiteganyaga. [34] Urukiko rw'Ikirenga rurasanga ibivugwa n'abunganira Poppe Honorine ko ibirebana n'inyungu z'abana bitigeze bisuzumwa mu manza zisabirwa kurangirizwa mu Rwanda, bityo ko kwemera ko zirangirizwa mu Rwanda abana bagasubizwa Se byaba binyuranyije n'ihame ry'uko mu byemezo byose bifatwa bireba

umwana inyungu ze ari zo zigomba kubanza kurebwa nk'uko biteganywa n'ingingo 3 y'Amasezerano y'Umuryango w'Abibumbye yerekeye uburenganzira bw'umwana yo ku wa 20 Ugushyingo 19893, yemejwe n'Iteka rya Perezida N° 773/16 ryo ku wa 19 Nzeri 1991, atari byo. Koko rero, mu rubanza N° 18/1665/A, ibirebana n'inyungu z'abana Nzanira Gasherebuka David yabyaranye na Poppe Honorine byarasuzumwe, nk'uko bigaragara ku rupapuro rwa 7 rw'urwo rubanza, mu gice cya 5.3 kirebana na Domicile et hebergement/ garde des enfants. Muri urwo rubanza, Urukiko rwasobanuye ko kuba Poppe Honorine yiyemerera ko

1 Ibyateganywaga muri iyo ngingo bihura n'ibiteganywa n'ingino ya 44 y'Itegeko N° 02/2018 ryo ku wa 30/06/2018 rigena ububasha bw'Inkiko mu Rwanda. 2 Iyo ngingo yateganyaga ibi bikurikira: Urukiko Rukuru ruburanisha ibirego bisaba kurangiza mu Rwanda imanza cyangwa ibyemezo byafashwe n'Inkiko zo mu mahanga. Isuzumwa ry'urwo rubanza rikorwa harebwa ibi bikurikira: 1° ko urubanza rwaciriwe mu mahanga rutanyuranyije n'amategeko rusange ndemyagihugu n'amahame ashingiweho n'amategeko y'u Rwanda; 2° ko rwaciwe burundu hakurikijwe amategeko y'Igihugu rwaciriwemo; 3° ko kopi yarwo yujuje ibyangombwa byose byemeza ko ari impamo, hakurikijwe ayo mategeko; 4° ko uburenganzira bwo kwiregura bwubahirijwe. 3 Iyi ngingo teganya ko mu bikorwa byose bireba umwana, byaba ibifatwa n'inzego rusange cyangwa izigenge zirebana n'imibereho ya muntu, ibyemezo by'Inkiko, ibyemezo by'ubutegetsi cyangwa by'inzego zishyiraho amategeko, inyungu z'umwana nizo zisumba ibindi byose (In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration).

Page 11

bagiye mu Rwanda nk'umuryango mu rwego rwo kuruhuka by'igihe gito bagomba gusubira mu Bubiligi, ariko igihe cyo gusubirayo cyagera akanga gusubirayo, akanagumana abana mu Rwanda, akababuzabura uburenganzira bwo kuba mu buzima bari basanzwe bamenyereye, abatandukanya na Se, ababuzabura uburenganzira bwo guhura nawe ku buryo buhoraho, ko iyo myitwarire ye ituma hakemangwa ubushobozi afite bwo kurera abana (capacité éducative), maze rwemeza ko ku nyungu z'abana, bagomba guhabwa Se Nzanira Gasherebuka David bakabana nawe aho bari basanzwe baba i Lustin mu Bubiligi. [35] Urukiko rurasanga mu rubanza No 2019/FA/626 (ku rupapuro rwa 9- 10) rwaciwe n'Urukiko rw'Ubujurire rwa Liège, ku bujurire bwatanzwe na Poppe Honorine, Urukiko rwaravuze ko bigoye ko abana ku myaka yabo bajya kure ya nyina by'igihe kirekire ukurikije intera itandukanyije ababyeyi bombi, ariko ko rubona Poppe Honorine adatangira icyerekezo gihamye ku bijyanye n'inyungu z'abana n'imibereho yabo, ko hari impungenge ku bushobozi afite bwo kubarera, akaba yarabavukije imibereho bamenyereye, agahutaza inyungu za Se, kandi akaba atabasha kugaragaza ko yagumye mu Rwanda babyumvikanyeho, maze narwo rusanga rushyize ku munzani ibijyanye n'inyungu z'abana, bakwiye kurerwa na Nzanira Gasherebuka David. [36] Urukiko rurasanga kandi mu rubanza N° 20/1494/A rw'ubutane rwaciwe n'Urukiko rwa Mbere rw'Iremezo rwa Namur, Urukiko rwarahuye imanza zose zabanje4 ndetse ibyemezo byazifashwemo bigumishwaho5, ruvuga ko igihe cyose biri mu nyungu z'abana, Poppe Honorine na Nzanira Gasherebuka David bashobora

guhindura mu nyandiko ibyo byemezo, bikaba bigaragara ko ibirebana n'inyungu z'abana byasuzumwe ku buryo buhagije. Ibisobanuro byatanze mu manza za mbere (urubanza N°18/1665/A, n'urubanza N° 2019/FA/626), Urukiko rwa Mbere rw'Iremezo rwa Namur mu rubanza rw'ubutane (urubanza N° 20/1494/A) rwabigize ibyarwo, rubiheraho rwemeza ibyemezo byazifashwemo. Urukiko rurasanga rero ibyo bidashobora kongera kuburanishwa mu rubanza rugamije gusaba ko izo manza zirangirizwa mu Rwanda, kuko byaba bisa no kongera kubisuzuma ku rwego rw'ubujurire, bikaba byaba binyuranye n'igitekerezo kiri mu ngingo ya 44 y'Itegeko N° 30/2018 ryo ku wa 02/06/2018 ryavuzwe haruguru. [37] Urukiko rw'Ikirenga rurasanga ingingo ya 243 y'Itegeko N° 32/2016 ryo kuwa 28/08/2016 rigenga abantu n'umuryango, Urukiko rw'Ubujurire rwashingiyeho rwemeza ko izo manza zitarangirizwa mu Rwanda, yarahinduwe n' Itegeko N° 001/2020 ryo ku wa 02/02/2020, mu ngingo yaryo ya 18 isobanura ingaruka z'ubutane ku bana, hakurwamo ibijyanye n'imyaka y'abana nk'imwe mu mpamvu Urukiko rushingiraho rwemeza umubyeyi ugomba guhabwa kubarera. Iyo ngingo ahubwo iteganya ku bw'ibanze ko abana bahabwa uwatsindiye ubutane hitawe no ku nyungu zabo.6 [38] Urukiko rw'Ikirenga rushingiye kuri ibyo bisobanuro, rurasanga imanza N°18/1665/A, na N° 2019/FA/626 na N° 20/1494/A zaciwe n'Inkiko zo mu Bubiligi zujuje ibiteganywa n'ingingo

4 Pour des raisons évidentes de connexité, il y'a lieu de joindre, d'office, les causes opposant les mêmes parties inscrites sous les numeros de rôle 18/1665/A (Procédure introduite par requête du 08/10/2018 et 20/1494/A (procédure introduite par requête du 28/09/2020) 5 Confirme, pour autant que de besoin, les dispositions non contraires des jugements antérieurs. 6 Ingingo ya 18 iteganya ko "Abana bahabwa umubyeyi watsindiye ubutane. Undi mubyeyi asigarana uburenganzira bwo gusura abana, kubavugisha cyangwa gusurwa na bo. Mu ica ry'urubanza, umucamanza akena uburyo bukwiye kugira ngo ubwo burenganzira bwubahirizwe

Page 12

ya 44 y'Itegeko N° 30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'inkiko mu Rwanda, bityo zikaba zikwiye kurangirizwa mu Rwanda. b) Kumenya niba indishyi zisabwa muri uru rubanza zifite ishingiro. [39] Poppe Honorine avuga ko Nzanira Gasherebuka David akomeje kumushora mu manza zidafite ishingiro, bigatuma atakaza amafaranga ye harimo ay'ikurikiranarubanza n'ayo yishyura abavoka bamuburanira. Ku bw'izo n'pamvu akaba asaba Urukiko rw'Ikirenga ko rwazamutegeka kumwishyura amafaranga yose hamwe angana na miliyoni icumi (10.000.000 Frw). [40] Nzanira Gasherebuka David n'abamwunganira bavuga ko nta ndishyi akwiriye gusabwa na Poppe Honorine kuko uyu ari we wishoye mu manza. UKO URUKIKO RUBIBONA [41] Urukiko rurasanga indishyi Poppe Honorine asaba zijyanye no kuba agikomeza gushorwa mu manza, ntazo yahabwa kubera ko ntacyo atsindiye muri uru rubanza. III. ICYEMEZO CY'URUKIKO [42] Rwemeje ko ikirego cya Nzanira Gasherebuka David, gisaba gusubirishamo ku mpamvu z'akarengane urubanza N° RCA 00003/2022/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 10/06/2022, gifite ishingiro; [43] Rwemeje ko urubanza N° RCA 0003/2022/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 10/06/2022, ruhindutse; [44] Rwemeje ko urubanza N°18/1665/A, rwaciwe n'Urukiko rw'Umuryango rwa Namur ku wa 18/11/2019, urubanza N° 2019/FA/626 rwaciwe n'Urukiko rw'Ubujurire rwa Liège ku wa 25/11/2020, n'urubanza N° 20/1494/A rwaciwe n'Urukiko

rw'Umuryango rwa Namur ku wa 02/06/2021, zirangirizwa mu Rwanda.

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