

RWANDA / JUDGMENT

UBUSHINJACYAHA v. HABARUREMA

RPAA 00403/2025/CA

COURT

Court of Appeal

DECIDED

27 November 2025

CASE / FILE NUMBER

RPAA 00403/2025/CA

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UBUSHINJACYAHA v. HABARUREMA

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Text

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UBUSHINJACYAHA v. HABARUREMA [Rwanda URUKIKO RW'UBUJURIRE – RPAA 00403/2025/CA (Mukamurenzi, P.J.) 27 Ugushyingo 2025] Amategeko agenga imanza z'inshinjabyaha – Ibimenyetso – Mu manza nshinjabyaha, ibimenyetso byose, iyo byagiweho impaka bishobora gushingirwaho mu kwemeza ko uregwa yakoze icyaha (principe de la liberté de la preuve en matière pénale). Amategeko agenga imiburanishirize y'imanza z'inshinjabyaha – Kugabanya igihano – Nta cyabuza Urukiko kugabanyiriza igihano uregwa, hagamijwe gutanga igihano gihwanye n'uburemere bw'icyaha kabone n'ubwo impamvu z'ubujurire zaba zitahawe ishingiro. Incamake y'ikibazo: Habarurema Damascene yakurikiranyweho n'Ubushinjacyaha icyaha cyo gusambanya ku gahato umuntu ufite ubumuga bwo mu mutwe witwa Nyirasangwa Beatrice, bumuregera Urukiko Rwisumbuye rwa Gasabo. Uregwa yaburanye ahakana icyaha, ndetse anavuga ko yasabye ko uwahohotewe apimwa ngo umuganga w'inzobere agaragaze ko afite uburwayi bwo mu mutwe ariko atabikorewe. Urwo Rukiko rwaciye urubanza rwemeza uregwa ahamwa n'icyaha, rumuhanisha igifungo cy'imyaka 16 n'ihazabu ya 1.000.000 Frw. Rukaba rwarafashe iki cyemezo rushingiye ku mvugo ye yemera icyaha mu bugenzacyaha, ndetse no ku mvugo z'umutangabuhamya wemeza ko uwahohotewe asanzwe afite uburwayi ndetse arara ku

ibaraza ry'urugo baturanye, ko yumvishe atatse mu ijoro yajya kureba icyo abaye akabona Habarurema ari kumusambanya. Uregwa yajuririye mu Rukiko Rukuru avuga ko yahamijwe icyaha cyo gusambanya ku gahato umuntu ufite uburwayi bwo mu mutwe kandi uwo basambanye ari muzima, kandi ko babyumvikanyeho. Urukiko Rukuru rwaciye urubanza rwemeza ko ubujurire nta shingiro bufite, ko hagumaho imikirize y'urubanza rwaciwe n'Urukiko Rwisumbuye rwa Gasabo. Habarurema yajuririye mu Rukiko rw'Ubujurire avuga ko yahamijwe icyaha n'Urukiko Rukuru rushingiye ku kimenyetso gishidikanywaho cy'umutangabuhamya wavuze ko uwahohotewe afite uburwayi bwo mu mutwe kandi nta cyemezo cy'inzobere mu ndwara zo mu mutwe cyemeje ko ko koko afite ubwo burwayi; asaba ko Urukiko rubibonye ukundi, rwamugabanyiriza ibihano. Ku ruhande rw'Ubushinjacyaha buvuga ko impamvu z'ubujurire z'uregwa nta shingiro zifite, kuko abazwa mu Bugenzacyaha yiyemereye ko yasambanyije Nyirasangwa Béatrice ku gahato kandi yarumvaga bavuga ko arwaye mu mutwe, akaba rero ibyo avuga ko hagomba kugaragazwa icyemezo cya muganga w'inzobere kugira ngo byemezwe ko uwahohotewe arwaye mu mutwe, bitari ngombwa kuko bidakuraho ubuhamya bwatanzwe n'abamuzi, bagasobanura ko ntacyo akora, yirirwa azerera bwakwira akaryama hanze kw'ibaraza aho Habarurema yamusanze akamusambanya ku ngufu, ibyo bavuze bigashimangirwa n'ibyabonywe na muganga wamupimye, nabyo bikaba bitateshwa agaciro kuko ari muganga wemewe na Leta. Asaba ko igihano uregwa yahanishijwe cyagumaho kuko atabasha kuvuguruza ibimenyetso byashingiweho mu kumuhamya icyaha.

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Incamake y'icyemezo: 1. Mu manza nshinjabyaha, ibimenyetso byose, iyo byagiweho impaka bishobora gushingirwaho mu kwemeza ko uregwa yakoze icyaha (principe de la liberté de la preuve en matière pénale).

2. Nta cyabuza Urukiko kugabanyiriza igihano uregwa, hagamijwe gutanga igihano gihwanye n'uburemere bw'icyaha kabone n'ubwo impamvu z'ubujurire zaba zitahawe ishingiro. Ubujurire nta shingiro bufite. Amategeko yashingiweho: Itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganywa ibyaha n'ibihano muri rusange, Ingingo ya 134, igika cya 3; Itegeko N° 059/2023 ryo ku wa 04/12/2023 rihindura ingingo ya 60 y'itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganywa ibyaha n'ibihano muri rusange, Ingingo ya 2. Imanza zifashishijwe: RPAA 00692/2021/CA; Ubushinjacyaha vs Ndayishimiye Jean Damascène rwaciwe n'Urukiko rw'Ubujurire ku wa 20/01/2023; RPAA 00411/2023/CA; Ubushinjacyaha buburana vs Semugeshe Emmanuel rwaciwe n'Urukiko rw'Ubujurire ku wa 28/05/2025; RPAA 00039/2021/CA; Ubushinjacyaha vs Shakabatenda Jean de Dieu rwaciwe n'Urukiko rw'Ubujurire ku wa 02/07/2021; RPAA 01025/2024/CA; Ubushinjacyaha buburana vs Uwizeyimana Jean Claude rwaciwe n'Urukiko rw'Ubujurire ku wa 23/05/2025. Urubanza I. IMITERERE Y'URUBANZA [1] Habarurema Damascène akurikiranyweho kuba ubwo yari mu Mudugudu w'Akabande, Akagari ka Buhiza, Umurenge wa Jali yarasambanyije Nyirasangwa Béatrice ubana n'ubumuga bwo mu mutwe, amusanze aho yararaga ku ibaraza ry'inzu y'umuturage. [2] Nyuma y'iperereza, Ubushinjacyaha bwareze Habarurema Damascène mu Rukiko Rwisumbuye rwa Gasabo bumukurikiranyeho icyaha cyo gusambanya ku gahato umuntu

ufite ubumuga bwo mu mutwe, aburana ahakana icyaha avuga ko ubwo yavaga mu Murenge wa Jabana ajya i Jali yahuye na Nyirasangwa bagenda baganira maze bajya ku ibaraza aho biteguraga gukorera imibonano mpuzabitsina barabatesha. Yanavuze ko mu Bugenzacyaha yasabye ko yapimwa ntiyabyemererwa, yemera icyaha kubera ko inkoni zari zimurembeje. [3] Mu rubanza RP 01263/2020/TGI/GSBO rwaciwe ku wa 28/05/2021, Urukiko Rwisumbuye rwa Gasabo rwahamije Habarurema Damascène icyaha aregwa rushingiye ku kuba abazwa mu Bugenzacyaha no mu Bushinjacyaha yemeye ko yasambanye na Nyirasangwa Béatrice nubwo yagiye ahinduranya imvugo, no ku mvugo z'umutangabuhamya Uzamukunda Anuarite wamushinje ko yamwiboneye amusambanya, anemeza ko basanzwe bazi ko Nyirasangwa afite

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uburwayi bwo mu mutwe, ko yirirwa, akanarara kuri iryo baraza Habarurema yamusambanyirijeho, maze rumuhanisha igifungo cy'imyaka 16 n'ihazabu ya 1.000.000 Frw. [4] Habarurema Damascène yajuririye urwo rubanza mu Rukiko Rukuru, avuga ko yahamijwe icyaha cyo gusambanya ku gahato umuntu ufite uburwayi bwo mu mutwe kandi uwo basambanye ari muzima, kandi ko babyumvikanyeho. [5] Uhagarariye Ubushinjacyaha yavuze ko Habarurema Damascène yasambanyije umuntu ufite uburwayi bwo mu mutwe amusanze ku ibaraza aho yararaga, ny'irinzu akumva uwo mukobwa ataka, agatabara n'umuhungu we bakamwibonera ari kumusambanya, ko ibyo asaba ko hagaragazwa raporo ya muganga atari ngombwa kuko abantu bose bazi ko uwo yasambanyije arwaye mu mutwe, ko iyo aza kuba ari muzima kandi bumvikanye atari gutabaza, yasabye ko hagumaho icyemezo cyafashwe n'Urukiko Rwisumbuye. [6] Mu rubanza RPA 00955/2021/HC/KIG rwaciwe ku wa 11/03/2025, Urukiko Rukuru rwasanze ubujurire bwa Habarurema Damascène nta shingiro bufite, rwemeza ko icyaha cyo gusambanya umuntu ufite uburwayi bwo mu mutwe kimuhama kuko umutangabuhamya Uzamukunda Anuarite yemeza ko Nyirasangwa Béatrice arwara mu mutwe akaba arara no ku ibaraza ry'umuturanyi, ko n'uregwa abazwa mu Bugenzacyaha yemeye ko yasambanyije amusanze ku ibaraza aho yararaga, rwemeza ko hagumaho imikirize y'urubanza rwaciwe n'Urukiko Rwisumbuye rwa Gasabo. [7] Habarurema Damascène yajuririye urwo rubanza mu Rukiko rw'Ubujurire, urubanza ruhabwa RPAA 00403/2025/CA, iburanisha ribera mu ruhamye ku wa 11/11/2025, Habarurema Damascène yunganiwe na Me Musasangohe Illuminée, naho Ubushinjacyaha buhagarariwe na Uwizeye Jean Marie. [8] Mu myanzuro y'ubujurire no mu miburanire, Habarurema Damascène n'umwunganira bavuga ko Urukiko Rukuru rwirengajije amategeko, rushingira ku bimenyetso bishidikanywaho bigizwe n'imvugo z'umutangabuhamya Uzamukunda Anuarite wavuze ko Nyirabisangwa Béatrice arwaye mu mutwe, hatagaragajwe icyemezo cya muganga w'inzobere mu ndwara zo mu mutwe cyemeza ko afite ubwo burwayi na raporo y'inzego z'ibanze yemeza ko arwara mu mutwe ku buryo atabasha kubazwa no kwitangira ikirego. Banasabye ko Urukiko rubibonye ukundi, nta cyabuza ko agabanyirizwa ibihano. [9] Uhagarariye Ubushinjacyaha avuga ko basanga impamvu z'ubujurire za Habarurema Damascène nta shingiro zifite, kuko abazwa mu Bugenzacyaha yiyemereye ko yasambanyije Nyirasangwa Béatrice ku gahato kandi yarumvaga bavuga ko arwaye mu mutwe, akaba rero ibyo we

n'umwunganira bavuga ko hagomba kugaragazwa icyemezo cya muganga w'inzobere kugira ngo byemezwwe ko uwahohotewe arwaye mu mutwe, bitari ngombwa kuko bidakuraho ubuhamya bwatanze n'abamuzi, bagasobanura ko ntacyo akora, yirirwa azerera bwakwira akaryama hanze kw'ibaraza aho Habarurema yamusanze akamusambanya ku ngufu, ibyo bavuze bigashimangirwa n'ibyabonywe na muganga wamupimye, nabyo bikaba bitateshwa agaciro kuko ari muganga wemewe na Leta. Asaba ko igihano uregwa yahanishijwe cyagumaho kuko atabasha kuvuguruza ibimenyetso byashingiweho mu kumuhamya icyaha. [10] Muri uru rubanza harasuzumwa ibibazo bikurikira:

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- a) Kumenya niba Habarurema Damascène yarahamijwe icyaha cyo gusambanya ku gahato umuntu ufite uburwayi bwo mu mutwe nta bimenyetso bishingiweho;
- b) Kumenya niba Habarurema Damascène yagabanyirizwa igihano.

II. ISESENGURA RY'IBIBAZO BIGIZE URUBANZA

- 1) Kumenya niba Habarurema Damascène yarahamijwe icyaha cyo gusambanya umuntu ufite uburwayi bwo mu mutwe nta bimenyetso bidashidikanywaho bishingiweho [11]
Habarurema Damascène n'umwunganira bavuga ko Urukiko Rukuru rwakoze ikosa ryo kumuhamya icyaha aregwa rugashingira ku mvugo z'umutangabuhamya Uzamukunda Anuarite zirimo urujijo, nta cyemezo cya muganga gihamya ko Nyirabisangwa Béatrice, aregwa gusambanya, afite uburwayi bwo mu mutwe, ngo hanagaragazwe ikigero buriho cyangwa raporo y'inzego z'ibanze ishimangira ko afite ubwo burwayi. Bavuga ko ibyo umuganga wamusuzumye yabonye ko afite ikibazo mu mutwe, bitashingirwaho hemezwa ko afite ubwo burwayi kuko atari inzobere mu bijyanye n'indwara zo mu mutwe. [12] Basaba ko uru Rukiko ko rwakosora iryo kosa kuko Habarurema Damascène nta cyaha yakoze cyo gusambanya umuntu ufite uburwayi bwo mu mutwe, kuko ibyo bakoze bari babyumvikanyeho ubwo bavaga mu kabari saa sita z'ijoro, kandi hakaba nta cyemeza ko atabashaga kwitekerereza no kwitangira ikirego. [13] Ubushinjacyaha avuga ko ibyo bavuga nta shingiro bifite, kuko hari ibimenyetso batabasha kuvuguruza birimo ubuhamya bwatanze n'abantu bamuzi kandi bazi ko afite uburwayi bwo mu mutwe basobanuye ko ntacyo yakoraga, yirirwa azerera bwakwira akaryama hanze kw'ibaraza aho uregwa yamusanze akamusambanya ku ngufu. Anavuga ko Habarurema Damascène abazwa mu Bugenzacyaha nawe yiyemereye ko yasambanyije Nyirasangwa Béatrice ku gahato, amusanze ku ibaraza aho yaryamaga, kandi ko yumvaga bavuga ko arwaye mu mutwe, ibyo avuga ko atari abizi kandi ko bumvikanye nta shingiro bifite kuko iyo baba bumvikanye atari kuvuza induru. [14] Avuga kandi ko ibyo bavuga ko hagombaga icyemezo cy'inzobere y'indwara zo mu mutwe cyemeza ko arwaye na byo nta shingiro bifite, kuko n'umuganga wamupimye yemewe na Leta kandi mbere yo kumupima baravuganye yibonera ko afite ikibazo cyo mu mutwe, ibyo yabonye bikaba bitateshwa agaciro. UKO URUKIKO RUBIBONA [15] Impaka kuri iyi ngingo zishingiye ku kumenya niba Urukiko Rukuru rwakozwe ikosa ryo guhamya Habarurema Damascène icyaha cyo gusambanya umuntu ufite uburwayi bwo

mu mutwe nta cyemezo cya muganga w'inzobere kibihamya. [16] Ikibazo cy'ibimenyetso mu manza n'itangwa ryabyo cyasesenguwe mu rubanza RPAA 00692/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 20/01/2023, haburana Ubushinjacyaha na Ndayishimiye Jean Damascène¹. Muri urwo rubanza uru Rukiko rwasobanuye ko mu manza

1 Reba igika cya 18 cy'urwo rubanza

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nshinjabyaha, ibimenyetso byose, iyo byagiweho impaka bishobora gushingirwaho mu kwemeza ko uregwa yakozwe icyaha (principe de la liberté de la preuve en matière pénale) kandi ibyo ibimenyetso bishobora no kuba imvugo z'abatangabuhamya, urukiko rukaba arirwo rusuzuma niba ibyo bavuga byakwemerwa cyangwa ntibyemerwe. Uyu murongo wakurikijwe mu manza zitandukanye zaciwe n'uru Rukiko, mu ziheruka harimo nk'urubanza RPAA 00411/2023/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 28/05/2025, Ubushinjacyaha buburana na Semugeshi Emmanuel². [17] Nk'uko bigaragara mu gika cya 6 n'icya 7 by'Urubanza rujuririrwa, Urukiko Rukuru rwatesheje agaciro ubujurire bwa Habarurema Damascène kubera ko atabashije kuvuguruza ibimenyetso byashingiweho n'Urukiko Rwisumbuye bikurikira:

- a) imvugo y'umutangabuhamya Uzamukunda Anuarite wemeje ko Nyirasangwa Béatrice arwara mu mutwe kandi arara ku ibaraza ry'urugo bahana imbibi, ari naho Habarurema Damascène yamusanze akahamusambanyiriza, yamwumva ataka akajya kumutabara, agahamagara n'abashinzwe umutekano;
- b) imvugo ya Habarurema Damascène abazwa mu Bugenzacyaha aho yameye ko yasambanyije Nyirasangwa Béatrice ku gahato, amusanze ku ibaraza aho yararyamye mu ijoro. Urukiko Rukuru rwanasanze kuba nta raporo ya muganga yatanze igaragaraza ko Nyirasangwa arwaye mu mutwe bidahanaguraho Habarurema icyaha, kuko raporo ya muganga atari cyo kimenyetso cyonyine kigaragaza ukuri mu gihe nawe ubwe yabyiyemereye mu Bugenzacyaha ko yamusambanyije ku gahato amusanze aryamye ku ibaraza. [18] Mu bujurire bwe muri uru Rukiko, Habarurema Damascène yakomeje gutakamba avuga ko yahamijwe icyaha cyo gusambanya umuntu ufite uburwayi bwo mu mutwe nta bimenyetso bidashidikanywaho bishingiweho, abishingira ku kuba imvugo z'umutangabuhamya Uzamukunda Anuarite umushinja zitera urujijo, no kuba nta raporo ya muganga w'inzobere cyangwa raporo y'inze z'ibanze zatanze zemeza ko Nyirasangwa Béatrice afite uburwayi bwo mu mutwe. [19] Urukiko rw'Ubujurire rusesenguye ibimenyetso biri muri dosiye, rurasanga umutangabuhamya Uzamukunda Anuarite asobanura ko Nyirasangwa Béatrice nta bwenge yari afite, ko atabasha gusobanura ibyamubayeho, ko atagiraga aho aba kuko yararaga ku ibaraza, ndetse akahirirwa iyo yabaga atagiye gushaka abamuha ibiryo; yanavuze ko nka saa munani z'ijoro yumvise ataka, arimo no kurira, ajyana n'umuhungu we kumutabara, basanga Habarurema arimo kumusambanya. Habarurema Damascène nawe mu mvugo ze yemera ko yasambanyije Nyirasangwa Béatrice amusanze aryamye ku ibaraza ry'inzu yiyoroshe azi ko ari muzima, kubera ko yari yasinze aramusaba, aramusambanya abaturage aba aribo bamufata. Raporo ya muganga yakozwe na Dr Noah Mucyo ku wa

21/07/2020 mu rwego rwo kureba niba yasambanyijwe,

2 Reba igika cya 42 cy'urwo rubanza

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igaragaza ko mu byo yabonye harimo ko Nyirasangwa Béatrice yari afite ikibazo cyo mu mutwe (mental problem). [20] Urukiko rurasanga imvugo za Uzamukunda Anuarite z'uko Nyirasangwa Béatrice nta bwenge yari afite kuko atabashaga gusobanura ibyamubayeho, atagiraga aho aba, yararaga ku rubaraza rw'inzu, akahirirwa, bihujwe n'uko umuganga wamupimye yabonye ko afite ikibazo cyo mu mutwe, bishimangira ko Nyirasangwa Béatrice yari afite uburwayi bwo mu mutwe. [21] Urukiko rurasanga rero kuba Urukiko Rukuru rwaremeje ko afite uburwayi bwo mu mutwe nta cyemezo cy'umuganga w'inzobere mu ndwara zo mu mutwe gishingiweho, bidatesha agaciro ibimenyetso byavuzwe, kuko uretse n'uko ikimenyetso cy'inzobere atari kamara kugira ngo umucamanza ace urubanza³, muri uru rubanza harimo raporo ya muganga wasuzumye Nyirasangwa Béatrice wiboneye ko afite ikibazo cyo mu mutwe kandi ibyo yabonye bishimangira ibyavuzwe n'umutangabuhamya Uzamukunda Anuarite. [22] Urukiko rurasanga rero ibyo Habarurema Damascène avuga ko atari azi ko arwaye, ko yamusambanyije bumvikanye n'uko atari guhamwa n'icyaha aregwa nta cyemezo cya muganga w'inzobera mu ndwara zo mu mutwe gitanzwe nta shingiro bifite, kuko ibimenyetso byavuzwe bigaragaza ko yari afite uburwayi bwo mu mutwe, akaba yamufatiranye kubera ubwo burwayi amusanze aho yari aryamye ku ibaraza ry'inzu aramusambanya. [23] Hashingiwe ku bimaze gusobanurwa, Urukiko rusanga ubujurire bwa Habarurema Damascène kuri iyi ngingo nta shingiro bufite, kuko hari ibimenyetso bidashidikanywaho bigaragaza ko yakoze icyaha aregwa cyo gusambanya umuntu ufite uburwayi bwo mu mutwe.

- 2) Kumenya niba Habarurema Damascène yagabanyirizwa igihano [24] Habarurema Damascène n'umwunganira bavuga ko Urukiko rubibonye ukundi rugasanga ahamwa n'icyaha aregwa, rwamugabanyiriza igihano hashingiwe ku biteganywa n'ingingo ya 2 y'Itegeko N° 059/2023 ryo ku wa 04/12/2023 rihindura ingingo ya 60 y'itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange. [25] Uhagarariye Ubushinjacyaha avuga ko igihano cy'igifungo cy'imyaka 16 n'ihazabu ya 1.000.000 Frw Habarurema Damascène yahanishijwe cyagumaho kuko atabasha kuvuguruzanya ibimenyetso byashingiweho mu kumuhamya icyaha. UKO URUKIKO RUBIBONA [26] Ingingo ya 134, igika cya 3, y'Itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange nk'uko ryahinduwe, iteganya ibikurira : "Iyo gukoresha imibonano mpuzabitsina ku gahato byakozwe ku muntu ufite hejuru y'imyaka mirongo itandatu n'itanu (65), ku muntu ufite ubumuga cyangwa uburwayi butuma adashobora kwirwanaho, igihano kiba

3 Reba ibyemejwe mu manza zaciwe n'Urukiko rw'Ubujurire RPAA 00433/2022/CA rwaciwe ku wa 22/01/2024, Ubushinjacyaha buburana na AYINGENEYE BUTSURI François (igika cya 22), RPAA 00538/2022/CA, rwaciwe ku wa 18/03/2024 Ubushinjacyaha buburana na TWAGIRIMANA Issa (igika cya 20-21) n'izindi.

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igifungo kirenze imyaka cumi n'itanu (15) ariko kitageze ku myaka makumyabiri (20) n'ihazabu y'amafaranga y'u Rwanda atari muni ya miliyoni imwe (1.000.000 FRW) ariko atarenze miliyoni ebyiri (2.000.000 FRW)". [27] Naho ingingo ya 2 y'Itegeko n° 059/2023 ryo ku wa 04/12/2023 rihindura ingingo ya 60 y'itegeko n° 68/2018 ryo ku wa 30/08/2018 riteganya ibyaha n'ibihano muri rusange, iteganya ibikurikira : « Iyo umucamanza yemeje impamvu nyoroshyacyaha, ashobora kugabanya igihano ku buryo bukurikira: (...), b) igifungo kimara igihe kizwi kiva ku mezi 6 kuzamura gishobora kugabanywa, ariko ntikijye muni ya kimwe cya kabiri cy'igihano gito giteganyirijwe icyaha cyakozwe; (...), (d) igihano cy'ihazabu gishobora kugabanywa kugeza kuri kimwe cya kane cy'igihano cy'ihazabu gito giteganyirijwe icyaha cyakozwe. [28] Izi ngingo zumvikanisha ko umuntu wahamwe n'icyaha cyo gusambanya umuntu ufite ubumuga cyangwa uburwayi butuma adashobora kwirwanaho ahanishwa igifungo kirenze imyaka 15 ariko kitageze ku myaka 20 n'ihazabu ya 1.000.000 Frw ariko itarenze 2.000.000 Frw, ko iyo hari impamvu nyoroshyacyaha zemejwe n'umucamanza icyo gihano gishobora kugabanywa ariko ntikijye muni ya kimwe cya kabiri cy'imyaka 15, ihazabu nayo ikaba yagabanywa kugeza kuri kimwe cya kane cya cy'ihazabu ya 1.000.000 Frw. [29] Mu manza zitandukanye zaciwe n'Urukiko rw'Ubujurire zirimo urubanza Urubanza RPAA 00039/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 02/07/2021 haburana Ubushinjacyaha na Shakabatenda Jean de Dieu n'urubanza RPAA 01025/2024/CA, rwaciwe n'Urukiko rw'Ubujurire ku wa 23/05/2025 Ubushinjacyaha buburana na Uwizeyimana Jean Claude hemejwe ko nta cyabuza Urukiko kugabanyiriza igihano uregwa, hagamijwe gutanga igihano gihwanye n'uburemere bw'icyaha kabone n'ubwo impamvu z'ubujurire zaba zitahawe ishingiro. [30] Urukiko rw'Ubujurire rurasanga rero n'ubwo ubujurire bwa Habarurema Damascène nta shingiro bufite, ariko uru Rukiko rushingiye ku murongo wagaragajwe haruguru, kuba ari ubwa mbere akurikiranyweho icyaha, byamubera impamvu nyoroshyacyaha ituma igihano yahawe cyakongera kugabanywa kuko rusanga kiremereye ugereranyije n'ibiteganywa n'ingingo n'ingingo ya 2, agace ka b na d, y'Itegeko N° 059/2023 ryo ku wa 04/12/2023 yavuzwe ku byerekeye igabanyagihano iyo hari impamvu nyoroshyacyaha. [31] Kubera izo mpamvu, Urukiko rw'Ubujurire rurasanga Habarurema Damascène agomba kugabanyirijwe igihano cy'imyaka 16 n'ihazabu ya 1.000.000 Frw yari yahanishijwe mu rubanza rujuririrwa, agahanishwa igifungo cy'imyaka 9 n'ihazabu ya 500.000 Frw.

III. ICYEMEZO CY'URUKIKO [32] Rwemeje ko ubujurire bwa Habarurema Damascène nta shingiro bufite; [33] Rwemeje ko urubanza RPA 00955/2021/HC/KIG rwaciwe n'Urukiko Rukuru, ku wa 11/03/2025 ruhindutse ku byerekeye igihano; [34] Ruhanishije Habarurema Damascène igifungo cy'imyaka 9 n'ihazabu ya 500.000 Frw.

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Prepared on 9 October 2026 · Esheria