

RWANDA / JUDGMENT

RUKUNDO v. MUHONGERWA

RS/INJUST/RC 00005/2022/HC/KIG

COURT

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RUKUNDO v. MUHONGERWA

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Text

Page 1

RUKUNDO v. MUHONGERWA [Rwanda URUKIKO RUKURU – RS/INJUST/RC 00005/2022/HC/KIG (Gatete, P.J., Kankindi na Maneza, J.) 09 Gashyantare 2024] Amategeko agenga umuryango – Ubutane – Gutandukana ku mpamvu zuko imibanire y’abashyingiranywe itagishobotse – Mu gihe ababuranyi bemeranywa gutandukana ku mpamvu zuko imibanire yabo itagishobotse, Urukiko ruba rushobora gutanga ubutane nk’umuti (Divorce- remède) rutitaye k’ufite ikosa. Incamake y’ikibazo: Rukundo na Muhongerwa bari barashyingiranywe mu mwaka wa 2005, nyuma y’imyaka 12 babana, Rukundo yatanze ikirego mu Rukiko rw’Ibanze gisaba gutandukana burundu ashingiye ku mpamvu y’uko umugore yamuhozaga ku nkeke, ariko akivugira ko izo nkeke zatumye ahunga urugo. Urukiko rw’Ibanze rwemeje ko hatangwa ubutane bwa burundu hagati ya Rukundo na Muhongerwa rushingiye ko batakibana, ko abashyingiranywe batubahirije amategeko y’imibanire y’abashyingiranywe, rwemeza ko ubutane butangwa ku makosa ya Rukundo wataye urugo. Muhongerwa Annualite yajuririye urwo rubanza mu Rukiko Rwisumbuye avuga ko Urukiko rw’Ibanze rwashingiye ku kuba ngo Rukundo yarataye urugo nyamara iyi mpamvu nta n’umwe mu baburanyi wayiburanishije, bivuze ko urukiko rwishakiye impamvu rwashingiyeho rutanga ubutane kandi rutari umuburanyi mu rubanza rw’abashakanye,

ko kuba Urukiko rw'Ibanze rutarashingiye ubutane ku nkeke Rukundo yavugaga mu itangwa ry'ikirego cye ari uko rwasanze izo nkeke ntazabayeho; bityo, ko rwagombaga kwemeza ko ubutane budatanzwe kuko nta nkeke Muhongerwa yashyize kuri Rukundo nk'uko rwari rwabibonye. Urukiko rwajuririwe rwasuzumye impamvu z'ubujurire, rwemeza ko impamvu y'itangwa ry'ubutane ishingiyeye ku kuba umugabo Rukundo yaba yarataye urugo bitigeze biburanwaho muri urwo rukiko ndetse ko n'uwagakwiye gutanga iyo mpamvu, we atigeze asaba ubutane cyangwa ngo ayiburanishe, cyane cyane ko we atemeraga n'uko hatangwa ubutane, rwemeza ko nta butane bwa burundu butanzwe; bityo, ruhindura imikirize y'Urukiko rw'Ibanze. Rukundo yasabye ko urubanza RCA 00086/2019/TGI/GSBO rwasubirwamo ku mpamvu z'akarengane arabyemererwa urubanza ruburanishwa n'Urukiko Rukuru, avuga ko hari ibimenyetso byirengagijwe n'Urukiko byemeza ko yahozwaga ku nkeke nk'impamvu y'ubutane ndetse bikaba byaramuteye kuva mu rugo kugirango hirindwe ikibi gishobora kuzaba ariko ibyo bidakwiye gufatwa nko guta urugo. Ku rundi ruhande, Muhongerwa avuga ko bahabwa ubutane kuko imibanire yabo bombi itagishobotse. Incamake y'icyemezo: Mu gihe ababuranyi bemeranywa gutandukana ku mpamvu zuko imibanire yabo itagishobotse, Urukiko ruba rushobora gutanga ubutane nk'umuti (Divorce- remède) rutitaye k'ufite ikosa. Ikirego cyo gusubirishamo urubanza ku mpamvu z'akarengane gifite ishingiro.

Page 2

Amategeko yashingiweho: Itegeko N° 32/2016 ryo ku wa 28/08/2016 rigenga abantu n'umuryango, ingingo ya 207 Nta manza zifashishijwe

Urubanza I. IMITERERE Y'URUBANZA [1] Muhongerwa Annuarite yashakanye byemewe n'amategeko na Rukundo Lhin Pierre kuwa 20/05/2005 mu Murenge wa Ndera, mu Karere ka Gasabo, bahitamo ivangamutungo rusange nk'uburyo bwo gucunga umutungo w'abashakanye, baza kubyarana abana batatu aribo Rukundo Lhin Venessa, Rukundo Lhin Valentia na Rukundo Lhin Valery, ariko imibanire yabo ntiyajyenda maze Rukundo Lhin Pierre atanga ikirego cy'ubutane mu Rukiko rw'Ibanze rwa Gasabo cyandikwa kuri numero RC 00117/2018/TB/GAS; kuwa 21/02/2019 urwo Rukiko rwaciye urubanza rwemeza ko habaye ubutane bwa burundu hagati ya Rukundo Lhin Pierre na Muhongerwa Annuarite, amasezerano yabo yo gushyingirwa akaba asheshwe; rutegeka ko iki cyemezo cyandukurwa mu bitabo by'irangamimerere by'aho Rukundo Lhin Pierre na Muhongerwa Annuarite bashyingiriwe kuva ku munsu urubanza rubaye ndakuka; Rutegeka ko abana batatu bafitanye aribo Rukundo Lhin Venessa, Rukundo Lhin Valentia na Rukundo Lhin Valery bakomeza kurerwa na Muhongerwa Annuarite kuko n'ubundi ariwe usanzwe ubafite; Rutegeka ko Rukundo Lhin Pierre agumana uburenganzira bwo gusura no gusurwa n'abana be mu gihe cyose abakeneye cyane mu biruhuko, Rutegeteka ko Rukundo Lhin Pierre atanga indezo y'amafaranga ibihumbi ijana na mirongo itanu (150.000frws) buri kwezi igenewe abana batatu bavuzwe; Rutegeteka ko Rukundo Lhin Pierre na Muhongerwa Annuarite bagabana iduka bafitanye buri wese akajyana ibihumbi magana atanu by'amafaranga y'u Rwanda, Rutegeka ko buri wese yishyura amafaranga y'ikimuna yafashe mu mazina ye. [2] Muhongerwa Annuarite yajuriye urwo rubanza mu Rukiko Rwisumbuye rwa Gasabo ruhabwa numero RCA 00086/2019/TGI/GSBO, aho yavugaga ko asanga nta mpamvu zihari zatuma ubutane

butangwa. Kuwa 12/02/2020, urwo Rukiko rwemeje ko ubujurire bwa Muhongerwa Annuarite bufite ishingiye; rutegeka ko urubanza urubanza RC 00117/2018/TB/GAS rwaciwe kuwa 21/02/2019 rwajuririwe ruhindutse mu ngingo zarwo zose, ko nta butane butanzwe muri uru rubanza, ko amagarama y'urubanza yatanze mu kujurira ahuye n'ibyakozwe mu rubanza. [3] Rukundo LHIN Pierre yandikiye urwego rw'Umuvunyi asaba gusubirishamo urubanza RCA 00086/2019/TGI/GSBO ku mpamvu z'akarengane, maze ku wa 19/03/2021 Urwego rw'Umuvunyi rwandikira Perezida w'Urukiko rw'Ikirenga rusaba ko urwo rubanza rusubirwamo ku mpamvu z'akarengane kuko hari amategeko n'ibimenyetso Urukiko rwirengagije; kuwa 29/04/2022, Perezida w'Urukiko rw'Ikirenga yafashe icyemezo N° 058/CJ/2022 cyo gusubirishamo ku mpamvu z'akarengane urubanza RCA 00086/2019/TGI/GSBO rwaciwe

Page 3

n'Urukiko Rwisumbuye rwa Gasabo ku wa 12/02/2020, ateguka ko rwongera kuburanishwa; ko urwo rubanza rwoherezwa mu Rukiko Rukuru, rukandikwa mu bitabo byabugenewe kugira ngo arirwo ruzaruburanisha. Mu Rukiko Rukuru, icyo kirego cyanditswe kuri numero RS/INJUST/RC 00005/2022/HC/KIG. [4] Mu myanzuro ye, Rukundo LHIN Pierre yunganiwe na Me Bangamwabo Octave avuga ko asanga nta mpamvu Urukiko Rwisumbuye rwanze kubaha ubutane ku makosa ya Muhongerwa Anuarite; ariko mu iburanisha avuga ko bahabwa ubutane kuko imibanire yabo itagishobotse. [5] Mu myanzuro ya Muhongerwa Annuarite yunganiwe na Me Mudahogora Angeliqwe avuga ko mu manza baburanye mbere yumvaga nta mpamvu zatuma bahabwa ubutane ariko ngo muri uru rubanza asanga imibanire yabo itagishobotse maze yemera ko bahabwa ubutane. [6] Ibibazo bigomba gusuzumwa muri uru rubanza ni ibi bikurikira: I. Kumenya niba hari impamvu yatuma Rukundo Lhin Pierre na Muhongerwa Annuarite bahabwa ubutane. II. Kumenya ibijyanye n'inshingano za buri mubyeyi ku bana babo. III. Kumenya uburyo ababuranyi bagomba kugabana umutungo bashakanye cyangwa bafitanye. II. ISESENGURA RY'IBIBAZO BIGIZE URUBANZA I. Kumenya niba hari impamvu yatuma Rukundo Lhin Pierre na Muhongerwa Annuarite bahabwa ubutane. [7] Rukundo Lhin Pierre yunganiwe na Me Bangamwabo Octave avuga ko Muhongerwa Anuarite yahozaga ku nkeke Rukundo Lhin Pierre, ko yandikiye umuyobozi ushinze imyitwarire mu muryango wa FPR Inkotanyi mu Karere ka Rwamagana amubeshyera ko amugirira nabi, ngo ibi byose yaragamiye kumwirukanisha ku kazi yari afite ka Leta, ko icyo gihe inzego z'ibanze zavuze ko ibibazo byabo bimaze igihe kirekire, ko hari na bimwe by'urugomo Muhongerwa Anuarite yamukoreraga nko kumutuka, kumusuzugura n'ibindi byose bigamiye kumuhoza ku nkeke byatumye aha mu rugo akajya kuba wenyine ndetse ko hari n'ibimenyetso bigaragazwa na raporo z'Akagali. Uhagarariye Rukundo Lhin Pierre avuga ko Rukundo Lhin Pierre amaze kubona ko umugore we amuhuza ku nkeke ndetse bishobora kubara ibibazo bikomeye yahisemo kujya kuba wenyine, ko atari guta urugo ahubwo ari ukugira ngo akumire ikibi cyazaba, ngo akaba yaragiye muri 2018 bivuzeko hashize imyaka irenga ine batabana nk'uko raporo z'Akagali zibigaragaza. Mu iburanisha, Rukundo Lhin Pierre yunganiwe na Me Bangamwabo Octave avuga ko asanga aho ibintu bigeze bahabwa ubutane kuko imibanire yabo itagishobotse. [8] Muhongerwa Anuarite yunganiwe na Me Mudahogora Angeliqwe bagiye bagaragaza ko nta mpamvu ihari yatuma Rukundo LHIN Pierre na Muhongerwa Annuarite

bahabwa ubutane, ko ndetse no mu rubanza RC 00235/2022/TB/GSBO aho Rukundo Rhin Pierre yaregaga Muhongerwa ikirego cy'ubutane bwa burundu, ngo ku wa 02/06/2022, yanditsemo ko aretse ikirego. Mu iburanisha, Muhongerwa Anuarite yunganiwe na Me Mudahogora Angelique bavuga ko aho bigeze basanga bahabwa ubutane kuko imibanire yabo itagishotse.

Page 4

UKO URUKIKO RUBIBONA [9] Ingingo ya 207 y'Itegeko N° 32/2016 ryo ku wa 28/08/2016 rigenga abantu n'umuryango ivuga iti: "Ugushyingirwa biha abashyingiranywe uburyo bwo gushinga umuryango ndemyabuzima, kukanabaha itegeko ryo kubana"; iyi ngingo yumvikanisha ko mu gihe abashyingiranywe batubahirije inshingano yo kubana biturutse kubwumvikane buke bagiranye cyangwa amakimbirane, baba banyuranije n'itegeko bikaba bigaragara ko imibanire yabo iba itagishobotse. [10] Mu rubanza RCA 00086/2019/TGI/GSBO igika cya 71, Urukiko Rwisumbuye rwasobanuye ko rutatanga ubutane kuri Muhongerwa Anuarite na Rukundo LHIN Pierre kuko ngo kuba Rukundo LHIN Pierre yaba yarataye urugo akaba atakwitwaza amakosa ye ngo aze gusaba ubutane kuko nta mpamvu ifite ishingiro yagaragaje yatumye aruta. [11] Uru Rukiko rusanga mu iburanisha ry'uru rubanza, ababuranyi bombi baremeranijwe ko bemera ubutane ku mpamvu z'uko imibanire yabo itagishobotse; akaba gutanga ubutane kubera ko imibanire y'abashyingiranywe itagishobotse byashimangiye n'abahanga mu mategeko ALAIN Duelz na Ntampaka Charles; mu nyandiko ya ALAIN Duelz yavuze ko umucamanza mu gutanga ubutane atagomba kureba gusa niba umwe mu bashyingiranywe yarishe inshingano ikomoka ku ishyingirwa, ko icyo agomba kureba ari ukwerekana ko kubana kw'abashyingiranywe kutagishobotse², naho mu nyandiko ya Ntampaka Charles yavuze k'ubutane nk'umuti (Divorce-remède) aho yasobanuye ko: ukubana kw'abashyingiranwe gushobora kunanirana, umucamanaza akurikije impamvu ziteganyijwe n'itegeko akabona ko kutabana no kwangirika kudasubirwaho kw'amasezerano y'abashyingiranwe, akena ingaruka atitaye k'ufite ikosa³; Urukiko rurasanga rero ku birebana n'aba baburanyi muri uru rubanza, inshingano z'abashyingiranywe zitagishoboka kuri bo, kuko hashize imyaka myinshi batabana, nta n'umwe wagize ubushake bwo gushaka undi ngo bongere babane; bikaba bigaragara ko urukundo, ugukenerana n'ugushakana hagati yabo nta

1 Urukiko rwajuririwe rusesenguye ibivugwa n'ababuranyi, rusanga Urukiko rubanza rwaremeje ko RUKUNDO na MUHONGERWA batandukana ku mpamvu zo guta urugo kwa Rukundo nyamara ibyo akaba ntawabiburanishije uretse imvugo z'abatangabuhamya bavugaga ko bamaze amezi umunani batabana kandi ayo mezi akaba atari yo ateganywa mu ngingo yavuzwe haruguru byongeye kandi MUHONGERWA akaba nta butane yasabye ngo bityo habe harebwa amakosa y'umugabo hatangwa ubutane kuko utakora amakosa ngo uyahereho usaba gutandukana ari nawe wayakoze, RUKUNDO yatanze ikirego cy'ubutane avuga ko umugore we amuhozza ku nkeke agashingira ku mvugo z'abayobozi b'umudugudu nyamara abo bayobozi b'umudugudu mu mvugo zabo aho babajijwe ntibagaragaza inkeke MUHONGERWA ashyira kuri RUKUNDO uretse kuvuga ko bahorana amakimbirane ntibagaragaza nyirabayazana w'ayo makimbirane, ibyo byose rero bigatuma iyo mpamvu y'ubutane itahabwa ishingiro kuko no mu rwego rwa mbere batigeze bayashingiraho batanga ubutane ahubwo bashingiye ku guta urugo kwa RUKUNDO

kutanaburanishijwe babiheraho batanga ubutane kandi ari nyirugusaba ubutane warutaye, umugore akaba atarigeze asaba ko batana ku bw'ayo makosa akaba atanemera ko byabayeho kuko avuga ko batangiye kuburana afite uruhinja atari gutwita atabana n'umugabo, kuba n'ubu yaba yarataye urugo akaba atakwitwaza amakosa ye ngo aze gusaba ubutane kuko nta mpamvu ifite ishingiro yagaragaje yatumye aruta. 2 ALAIN Ducloux; Le droit du divorce, 3e éd., 2002: "Le juge n'est amené à rechercher la violation par tel époux d'une obligation essentielle du mariage mais à constater l'échec de communauté de vie que ce mariage tendait à établir. La désunion est irremédiable dès qu'il apparaît que l'un des conjoints a perdu toute affection et qu'il renonce irrévocablement à toute forme de communauté de vie". 3 NTAMPAKA Charles a, droit de personnes et de la famille; p 117: la communauté conjugale peut aboutir à un échec, le juge, suivant les conditions spécifiées dans la loi constate l'échec et la destruction irremédiable du mariage, il détermine les effets indépendamment de toute notion de faute.

Page 5

bigihari ndetse nta n'ibishoboka; bityo bakaba bakwiye guhabwa ubutane kuko kubana kwabo kutagishobotse. II. Kumenya ibijyanye n'inshingano za buri mubyeyi ku bana babo. [12] Mu myanzuro no mu iburanisha, Rukundo LHIN Pierre yunganiwe na Me Bangamwabo Octave avuga ko we na Muhongerwa Annuarite babyaranye abana batatu aribo Rukundo Ntaganira Lhin Valery wavutse le 11/09/2017, Rukundo Lhin Valantia wavutse 6/8/2008 na Rukundo Lhin Vanessa wavutse le 31/05/2006, ko mu nshingano kuri abo bana yemeye kubarihira amashuri, kubishyurira amafaranga y'ingendo zo kujya no kuva ku ishuli ndetse no kubavuzza. Avuga kandi ko nta kimenyetso cy'umushahara we Muhongerwa atanga kuburyo amusaba indezo, ngo asanga yakora izo nshingano yemeye na Muhongerwa akakora izindi zisigaye; rero ko mugihe Muhongerwa yaba akomeje kwifuza indezo yagaragaza ikimenyetso cy'uwo mushahara avuga kandi bakanagabana kwishyura amashuri y'abana hashingiwe ku kimenyetso cy'umushahara azagaragaza. [13] Mu iburanisha, Muhongerwa Annuarite yunganiwe na Me Mudahogora Angélique avuga ko yemera ko ariwe warera aba bana babo ndetse ko yemera n'inshingano zo kubaha ibyo kurya no kubambika nk'uko asanzwe abikora; ariko ngo kuko ibyo Rukundo ategutse atajya abikora ngo arasaba indezo ya 800.000Frw buri kwezi cyane ko afite umushahara uhagije, asabwa kuzashyira muri dosiye ikimenyetso cy'uyu mushahara, ashyiramo icyemezo gitangwa na RSSB(Rwanda Social Security Board) kigaragaza amafaranga amenyekanishwa muri RSSB. Muhongerwa Annuarite yunganiwe na Me Mudahogora Angélique anavugaga kandi ko nawe mu bikorwa bya "Forever" akoramo ngo ntabwo ajya abura nka 200.000Frw buri kwezi. Muhongerwa avuga ko nabona ikimenyetso cy'umushahara wa Rukundo kuko azi ko uri hejuru, ngo azemera ko yahabwa indezo maze bagafatanyaga kwishyura amafaranga y'ishuri ry'abana. UKO URUKIKO RUBIBONA [14] Ingingo ya 244 y'Itegeko N° 32/2016 ryo ku wa 28/08/2016 rigenga abantu n'umuryango ivuga iti: "Hatitawe k'uwashinzwe kurera abana, ababyeyi babo bafite uburenganzira bwo kugenzura uko abana bafashwe n'uko barerwa. Bagomba kandi gutanga indezo hakurikijwe ubushobozi babifitiye". [15] Uru rukiko rusanga ababuranyi barumvikanye ko abana bazarerwa na nyina Muhongerwa Annuarite; bakaba rero bakwiye kugabana inshinganzo kuri aba bana mu buryo bukurikira: - Kwishyura amashuri n'ingendo zo kujya no kuva ku ishuli:

Rukundo Pierre na Muhongerwa Anuarite bazagabana inshingano ku buryo bungana; Kuvuza abana: bizakorwa na Rukundo Pierre; Kwambara: bizakorwa na Muhongerwa Anuarite. [16] Kubijyane no n'ibitunga abana (kurya), uru Rukiko rusanga Rukundo Pierre na Muhongerwa Anuarite bazagabana inshingano ku buryo bungana; kuko Muhongerwa Pierre uvuga ko asaba indezo ya 800.000Frw kuko ngo Rukundo Pierre ahembwa 1.364.250Frw atanze inyandiko ya RSSB, uru Rukiko rusanga iyi nyandiko ya RSSB atari ikimenyetso kigaragaraza umushahara w'umukozi uhembwa ku buryo Urukiko rwabishingiraho kandi Rukundo Pierre akaba atagaragaza umushahara yaba ahembwa, bityo akaba indezo Muhongerwa yasabye za 800.000Frw ntaho Urukiko rwahera ruzitanga; ndetse uru Rukiko rusanga Muhongerwa nawe agaragaza ko

Page 6

hari ubucuruzi bwa “Forever” ajya akora kandi ko atabura 200.000Frw buri kwezi ariko akaba atabisobanuye neza kuburyo rwabigenderaho rugena uruhare rwe mu gutanga ibitunga urugo; akaba rero bigoranye kuba Urukiko hari umubare w'amafaranga y'indezo yasabwa buri ruhande hashingiwe ku kuba batagaragaza neza amafaranga binjiza buri kwezi; akaba rero mu bushishozi bw'Urukiko rusanga abana batatu harimo umwe ubana na nyina murugo naho abandi babiri bakaba biga bacumbikiwe ku ishuli (boarding) bakwiye gutungwa n'amafaranga 300.000Frw buri kwezi; akaba Muhongerwa Anuarite agomba gutanga uruhare rwe rwa 150.000Frw buri kwezi ndetse na Rukundo Lhin Pierre agatanga 150.000Frw buri kwezi. Rukundo akayaha Muhongerwa Anuarite uzaba ari kurera aba bana; akaba uru Rukiko rusanga aba baburanyi bombi bagomba gutanga ibitunga aba bana babo mu buryo bungana.

III. Kumenya uburyo ababuranyi bagomba kugabana umutungo bashakanye cyangwa bafitanye. [17] Rukundo Lhin Pierre yunganiwe na Me Bangamwabo Octave avuga ko Rukundo Lhin Pierre na Muhongerwa Anuarite bafitanye umutungo utimukanwa ufite UPI :1/03/08/03/1736 uherereye mu Mudugudu Kabeza, Akagari Gako, Umurenge Masaka, Akarere ka Kicukiro; ko bagomba kuwugurisha amafaranga avuyemo bakayagabana kuko bawushakanye kandi bakaba barashyingiranwe mu buryo bwemewe n'amategeko ivangamutungo rusange. [18] Muhongerwa Annuaritte yunganiwe na Me Mudahogora Angeliqwe avuga ko iyo nzu itagurishwa ahubwo ko ariwe wayisigaramo akarereramo abo bana kugirango bagire umutekano. UKO URUKIKO RUBIBONA; [19] Ingingo ya 242 y'Itegeko N° 32/2016 ryo ku wa 28/08/2016 rigenga abantu n'umuryango ivuga iti:” Ubutane busesa ishyingirwa n'amasezerano agenga imicungire y'umutungo w'abashyingiranywe. Igabana ry'umutungo rikorwa hakurikijwe amategeko abigenga”. [20] Umurongo watanze mu rubanza RS/INJUST/RC 00002/2018/SC haburana Uwimana Marine vs Kagitare Dancille rwaciwe kuwa 21/02/2020, mu gika cya 23 na 244; umurongo n'uko Urubanza rw'ubutane nirwo runagaragaza uburyo abari barashyingiranywe bagabana umutungo bari basangiye, ariko mu gihe hari imitungo itaragaragajwe igihe cy'urwo rubanza, nta kibuzwa ko igihe imenyekaniye, ubifitemo inyungu yabiregera Urukiko kugira ngo nayo igabanwe. Bitabaye bityo, uwo mutungo wakwiharirwa n'umwe mu bari barashyingiranywe.

4 [23] Ingingo ya 8 y'Itegeko N° 27/2016 ryo ku wa 08/07/2016 rigenga imicungire y'umutungo w'abashyingiranywe, impano n'izungura, iteganya ko "iyuburyo bw'ivangamutungo rusange busheshwe ku mpamvu z'ubutane cyangwa guhindura uburyo bw'imicungire y'umutungo, abari barashyingiranywe kuvanga umutungo bagabana ku buryo bungana cyangwa mu bundi buryo bumvikanye imitungo n'imyenda..."

[24] Iyi ngingo yumvikanisha ko iyo habaye urubanza rw'ubutane ku bashyingiranywe, uburyo bw'ivangamutungo basezeranye uba busheshwe, bakagabana mu buryo bungana cyangwa mu bundi buryo bumvikanyeho imitungo. Urubanza rw'ubutane nirwo runagaragaza uburyo abari barashyingiranywe bagabana umutungo bari basangiye, ariko mu gihe hari imitungo itaragaragajwe igihe cy'urwo rubanza, nta kibuka ko igihe imenyekaniye, ubifitemo inyungu yabiregera Urukiko kugira ngo nayo igabanwe. Bitabaye bityo, uwo mutungo wakwiharirwa n'umwe mu bari barashyingiranywe, bikaba binyuranye n'ibiteganywa mu ngingo ya 8 y'Itegeko No 27/2016 ryo ku wa 08/07/2016 ryavuzwe haruguru.

Page 7

[21] Uru rukiko rusanga inzu ababuranyi bafitanye ifite UPI: 1/03/08/03/1736 iherereye Kabeza, Gako, Masaka, Kicukiro bagomba kuyigabana mu buryo bungana. Akaba uru Rukiko rusanga ababuranyi, ku bushake bwabo, mbere yo kuba bagurisha muri cyamunara, umwe muri bo ushobora kwishyura undi kimwe cya kabiri cy'igiciro yayegukana yose. III. ICYEMEZO CY'URUKIKO [22] Rwemeje ko ikirego cya Rukundo Lhin Pierre cyo gusubirishamo urubanza RCA 00086/2019/TGI/GSBO ku mpamvu z'akarengane gifite ishingiro. [23] Rwemeje ko urubanza RCA 00086/2019/TGI/GSBO rwaciye n'Urukiko Rwisumbuye rwa Gasabo ku wa 12/02/2020 rwasubirishijwemo ku mpamvu z'akarengane, ruhindutse. [24] Rwemeje ko Muhongerwa Anuarite na Rukundo Lhin Pierre bahawe ubutane bwa burundu ku mpamvu z'uko imibanire yabo itagishobotse. [25] Rwemeje ko abana ba Muhongerwa Anuarite na Rukundo Lhin Pierre aribo Rukundo Ntaganira Lhin Valery wavutse le 11/09/2017, Rukundo Lhin Valantia wavutse 06/08/2008 na Rukundo Lhin Vanessa wavutse le 31/05/2006 barerwa na nyina Muhongerwa Anuarite naho ise Rukundo Lhin Pierre akaba afite uburenganzira bwo kubasura. [26] Rwemeje ko Rukundo na Muhongerwa bagabana inshingano mu buryo bukurikira:- Kwishyura amashuri y'abana n'amafaranga y'urugendo yo kujya no kuva ku ishuli: bombi bazagabana inshingano ku buryo bungana; -Kurya: Rukundo na Muhongerwa bazagabana inshingano ku buryo bungana buri umwe atanga indezo ya 150.000Frw ; Kuvuza abana: bizakorwa na Rukundo naho kwambara bizakorwa na Muhongerwa Anuarite. [27] Rwemeje ko umutungo utimukanwa bafitanye uri muri UPI : 1/03/08/03/1736 uherereye Kabeza, Gako, Masaka, Kicukiro; bagomba kuwugabana mu buryo bungana. [28] Rutegetse ko amagarama y'urubanza aherera mu isanduku ya Leta.

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