

RWANDA / JUDGMENT

UBUSHINJACYAHA v. BAZIRAMWABO ALIAS MUSEVENI

RPAA 00206/2023/CA

COURT

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UBUSHINJACYAHA v. BAZIRAMWABO ALIAS MUSEVENI

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Text

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UBUSHINJACYAHA v. BAZIRAMWABO ALIAS MUSEVENI [Rwanda URUKIKO RW'UBUJURIRE – RPAA 00206/2023/CA (Kanyange, P.J.) 30 Mutarama 2025] Amategeko agenga ibimenyetso – Ibimenyetso mu manza Nshinjabyaha – Principe de la liberté de la preuve en matière pénale – Mu manza nshinjabyaha, ibimenyetso byose bishobora gushingirwaho mu gihe bigaragaza ukuri kw'ibyabaye ababuranyi bakaba barahawe uburyo bwo kuhaba ngo banyomozanye, kandi Urukiko nirwo rwemeza ko ibyo bimenyetso bishobora kwemerwa. Incamake y'ikibazo: Baziramwabo Fabien alias Museveni yakurikiranyweho n'Ubushinjacyaha icyaha cyo gusambanya umwana ufite imyaka 17 nyuma y'iperereza bumuregera Urukiko Rwisumbuye rwa Musanze busaba ko ahamwa n'icyo cyaha, agahanishwa igihano cy'igifungo cy'imyaka 20. Urwo Rukiko rwaciye urubanza rwemeza ko Baziramwabo ahamwa n'icyaha rumuhanisha igifungo cy'imyaka makumyabiri (20). Baziramwabo atishimiye icyo cyemezo yakuririye mu Rukiko Rukuru Urugereko rwa Musanze avuga ko Urukiko rwamuhamije icyaha cyo gusambanya umwana kandi arengana. Urukiko Rukuru Urugereko rwa Musanze rwaciye urubanza rwemeza

ko ubujurire bwa Baziramwabo nta shingiro bufite, ko imikirize y'urubanza rwajuririwe idahindutse. Baziramwabo yajuririye mu Rukiko rw'Ubujurire avuga ko Urukiko rwamuhamije icyaha cyo gusambanya umwana rushingiye ku bimenyetso bitemeza ko ari we wagikoze. Ku rundi ruhande Ubushinjacyaha buvuga ko impamvu z'ubujurire bwa Baziramwabo zitahabwa ishingiro kuko mu manza nshinjabyaha ibimenyetso byose biba byemewe iyo byaburanweho ko kandi ibyashingiweho bihura na kamere y'ikiburanwa. Incamake y'icyemezo: Mu manza nshinjabyaha, ibimenyetso byose bishobora gushingirwaho mu gihe bigaragaza ukuri kw'ibyabaye (principe de la liberté de la preuve en matière pénale) ababuranyi bakaba barahawe uburyo bwo kuhaba ngo banyomozanye, kandi Urukiko nirwo rwemeza ko ibyo bimenyetso bishobora kwemerwa. Ubujurire nta shingiro bufite. Amategeko yashingiweho: Itegeko N°062/2024 ryo ku wa 20/06/2024 rigenga ibimenyetso, ingingo ya 87 Imanza zifashishijwe: RPAA 00692/2021/CA; Ubushinjacyaha vs Ndayishimiye Jean Damascène rwaciwe n'Urukiko rw'Ubujurire ku wa 20/01/2023. Urubanza

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I. IMITERERE Y'URUBANZA [1] Baziramwabo Fabien alias Museveni akurikiranweho icyaha cyo gusambanya umwana w'umukobwa w'imyaka cumi n'irindwi (17) wiswe M.D1 muri uru rubanza, inyandiko zigize dosiye zikagaragaza ko cyakozwe ku wa 20/01/2019 ubwo yahuraga n'uwo mwana mu masaha y'umugoroba akamwereka icyuma n'umuhoro yari afite akamubwira ko agomba kumusambanya byanze bikunze kandi akabikora, bimenyekanye atangira gukurikiranwa n'inzego z'iperereza. [2] Iperereza rirangiye, Ubushinjacyaha bwamureze mu Rukiko Rwisumbuye rwa Musanze bumukurikiranyeho icyaha cyo gusambanya umwana, bushingiye ku bimenyetso birimo imvugo za M.D, iz'umubyeyi we, iz'abatangabuhamya hamwe na raporo y'nzego z'ibanze, rumusabira igifungo cy'imyaka makumyabiri (20). [3] Baziramwabo Fabien yireguye ahakana icyo cyaha, avuga ko ibyo bamushinja ari ibinyoma ko ahubwo bamuziza ko ari gutera imbere, avuga kandi ko aho bavuga ko yasambanyirije uwo mwana ari hagati y'amazu ku buryo nta muntu wahasambanyiriza umwana w'imyaka 17. [4] Urukiko rwaciye urubanza RP 00355/2019/TGI/MUS ku wa 29/07/2020, rusanga hari ibimenyetso bitandukanye byemeza ko Baziramwabo Fabien yakoze icyaha akurikiranweho birimo imvugo z'umwana wasambanyijwe zuzuzwa n'iza nyina hamwe n'iz'abatangabuhamya, rusanga kandi kuba nta raporo ya muganga yagaragajwe bitabuza ko icyaha kimuhama kuko ari ikimenyetso cyunganira ibindi, cyane cyane imvugo y'umuganga wo ku Kigo nderabuzima cya Kinigi wasobanuye ko ubwo yari ku izamu ku wa 20/01/2019 bakiriye M.D waje avuga ko yasambanyijwe, barebye basanga koko mu gitsina cye havamo amaraso, bamuha ubutabazi bw'ibanze hanyuma bamwohereza ku bitaro bya Musanze muri service ya GBV, ko hari n'inyandiko y'icyo Kigo nderabuzima nayo yemeza ko M.D yahageze ikanavuga ubutabazi yakorewe, hakaba n'icyemezo kigaragaza ko M.D yari afite imyaka cumi n'irindwi (17) ubwo yasambanywaga. Rushingiye kuri ibyo byose, rwemeje ko Baziramwabo Fabien ahamwe n'icyaha cyo gusambanya umwana, rumuhanisha igifungo cy'imyaka makumyabiri (20). [5] Baziramwabo Fabien yajuririye mu Rukiko Rukuru, Urugereko rwa Musanze avuga ko Urukiko rwa mbere rwamuhamije icyaha cyo gusambanya umwana kandi arengana, ko yasobanuye ko uwo mugoroba atari aho bavuga ko yasambanyirije M.D kuko yari kuri hoteri

Singita, ko kandi nta raporo ya muganga yemeje ko uwo mukobwa yasambanyije, naho ibindi bimenyetso byashingiweho bikaba atari iby'ukuri. [6] Ubushinjacyaha bwashubije ko izo mpamvu z'ubujurire nta shingiro zifite, kuko Urukiko rwagaragaje ibimenyetso rwashingiyeho kandi bimuhamya icyaha akurikiranweho, ko n'iby'uko yari afite icyo apfa na M.D bitamushinjura kuko Urukiko arirwo ruha agaciro ibyo yavuze. [7] Urukiko rwaciye urubanza RPA 00545/2020/HC/MUS ku wa 12/01/2022, rusanga impamvu z'ubujurire bwa Baziramwabo Fabien nta shingiro zifite, kuko ibimenyetso byashingiweho ku rwego rwa mbere bimuhamya icyaha, bigizwe n'imvugo za M.D, ubuhamya bwa Maniriho Jean Damascène, Ubuhamya bw'umuforomokazi wo ku Kigo nderabuzima cya

1 Izina ryahinwe kuko ari umwana

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Kinigi n'inyandiko y'icyo Kigo, maze rwemeza ko ubujurire bwe nta shingiro bufite, ko imikirize y'urubanza rwajuririwe idahindutse. [8] Baziramwabo Fabien ntiyishimiye imikirize y'urubanza ajurira bwa kabiri mu Rukiko rw'Ubujurire, urubanza rwandikwa kuri RPAA 00206/2023/CA, ruhabwa itariki yo kuburanishwa yo ku wa 05/11/2024, uwo munsu ruburanishwa yunganiwe na Me Bigirinka Emmanuel, Ubushinjacyaha buhagarariwe na Ninahazwa Roselyne, Umushinjacyaha ku rwego rw'Igihugu. Nyuma yo kumva impamvu z'ubujurire bwa Baziramwabo Fabien, Urukiko rwasanze hari ibikenewe gusobanuzwa n'Ubushinjacyaha mu iperereza ry'inyongera, nyuma yo kurikora urubanza rwongera kuburanishwa ku wa 07/01/2025, Baziramwabo Fabien yunganiwe nka mbere naho Ubushinjacyaha buhagarariwe na Bunyoye Grâce. [9] Mu myanzuro y'ubujurire no mu miburanire, Baziramwabo Fabien n'umwunganira bavuga ko Urukiko rwamuhamije icyaha cyo gusambanya umwana rushingiye ku bimenyetso bitemeza ko ari we wagikoze, bigizwe n'ubuhamya bw'umuforomokazi, ko na raporo ya muganga yagaragajwe urubanza rugeze kuri uru rwego atari ikimenyetso kimushinja, naho ubuhamya bwa Maniriho Jean Damascène bwashingiweho bukaba buvuguruzanya n'imvugo za M.D, kandi ko hirengagijwe amakimbirane yari asanzwe afitanye n'uwo mukobwa. [10] Uhagarariye Ubushinjacyaha avuga ko izo mpamvu z'ubujurire zitahabwa agaciro, kuko raporo ya muganga yabonetse urubanza rugeze kuri uru rwego igaragaza ko M.D yasambanyijwe, ko kandi ibyo Maniriho Jean Damascène na M.D batavuze kimwe bitagize ireme ry'imvugo zabo, naho iby'amakimbirane Baziramwabo Fabien avuga akaba atabigaragariza ibimenyetso. [11] Muri uru rubanza harasuzumwa niba ibimenyetso byashingiweho hamwe na raporo ya muganga yagaragajwe kuri uru rwego atari ibimenyetso bishinja Baziramwabo Fabien kuba yarasambanyije M.D, hanasuzumwe niba Urukiko rwarirengagije amakimbirane bari bafitanye.

II. ISESENGURA RY'IBIBAZO BIRI MU RUBANZA

Kumenya niba ibimenyetso byashingiweho hamwe na raporo ya muganga yagaragajwe urubanza rugeze kuri uru rwego atari ibimenyetso bishinja Baziramwabo Fabien icyaha akurikiranweho [12] Baziramwabo Fabien n'umwunganira bavuga ko Urukiko rwamuhamije icyaha cyo gusambanya M.D rushingiye ku buhamya bw'umuforomokazi wo ku Kigo nderabuzima cya Kinigi kandi atari we washoboraga kwemeza ko uwo mwana yasambanyijwe ahubwo byemezwa

n'umuhanga wagombaga gupima uwo mwana n'uwo avuga ko yamusambanyije. Bavuga kandi ko n'ubwo urubanza rugeze kuri uru rwego habonetse raporo ya muganga ivuga ko uwo mwana yasambanyijwe, atari ikimenyetso kimushinja kuko itagaragaza ko yasambanyijwe na Baziramwabo Fabien. [13] Bavuga kandi ko Urukiko rwashingiye ku buhamya bwa Maniriho Jean Damascène no ku mvugo za M.D kandi bitera gushidikanya, kuko M.D yavuze ko Maniriho yageze aho Baziramwabo Fabien yamusambanyirije akamutabaza mu gihe Maniriho we yavuze ko yatunze itoroshi gusa Museveni akamubona, akaba ataravuze ko M.D yamutabaje cyangwa ngo avuge ko

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yabonye Baziramwabo Fabien amusambanya, ko ahubwo Maniriho yamubeshyeye bitewe n'uko ari musaza wa M.D. [14] Uhagarariye Ubushinjacyaha avuga ko ibyo Baziramwabo Fabien ashingiraho ubujurire bwe nta shingiro zifite, kuko mu manza nshinjabyaha ibimenyetso byose biba byemewe iyo byaburanweho ko kandi ibyashingiweho bihura na kamere y'ikiburanwa; ko ubuhamya bw'umuforomokazi wakiriye M.D ku Kigo nderabuzima cya Kinigi byunganirwa n'imvugo z'uwo mwana kuko yavuze ko yasambanyijwe na Baziramwabo Fabien, bikanunganirwa n'ubuhamya bwa Maniriho wavuze ko yabonye Baziramwabo Fabien aho M.D yasambanyirijwe akamutunga itoroshi, anavuga ko yamubwiye ko yasambanyije uwo mwana akamuha amafaranga, hakaba kandi na raporo yabonetse urubanza rugeze kuri uru rwego yemeza ko uwo mwana yasambanyijwe koko. [15] Avuga kandi ko nta gushidikanya kuri mu mvugo za Maniriho Jean Damascène n'iza M.D, kuko ibyo batavuze kimwe atari byo bigize ireme ry'ubuhamya bwabo, kuko kuba M.D yaravuze ko yatabaje undi akavuga ko atatabaje atari cyo kigomba kurebwa, cyane cyane ko uwo mutangabuhamya ashobora kuba yarabivuze gutyo atinya ko yakurikiranwaho kudatabara uwahohoterwaga, hakaba no kuba abantu batandukanye baremeje ko Baziramwabo Fabien asanzwe ari umuntu utinyitse ugendana umuhoro akanarangwa n'umuco wo gusambanya abakobwa. UKO URUKIKO RUBIBONA [16] Ubujurire bwa Baziramwabo Fabien bugamije kunenga ibimenyetso byashingiweho n'Urukiko Rukuru. [17] Ku byerekeye ibimenyetso mu manza n'itangwa ryabyo, byasesenguwe mu rubanza RPAA 00692/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 20/01/2023, haburana Ubushinjacyaha na Ndayishimiye Jean Damascène, Urukiko rusobanura ko mu manza nshinjabyaha, ibimenyetso byose bishobora gushingirwaho mu gihe bigaragaza ukuri kw'ibyabaye (principe de la liberté de la preuve en matière pénale) ababuranyi bakaba barahawe uburyo bwo kuhaba ngo banyomozanye, kandi ko Urukiko arirwo rwemeza ko ibyo bimenyetso bishobora kwemerwa. N'ubwo uyu murongo ushingiyeho ku isesengura ry'ingingo ya 119 y'Itegeko N° 15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo ryakurikizwaga urubanza rucibwa, ibyateganywaga n'iyi ngingo bihura n'ubundi n'ibiteganywa n'ingingo ya 87 y'Itegeko N°062/2024 ryo ku wa 20/06/2024 rigenga ibimenyetso rikurikizwa ubu2. [18] Ibimenyetso byashingiweho mu rubanza rujuririrwa bigizwe n'imvugo za M.D, ubuhamya bwa Maniriho Jean Damascène, ubuhamya bw'umuforomokazi wo ku Kigo nderabuzima cya Kinigi n'inyandiko yo kuri icyo Kigo. [19] Ku birebana n'imvugo za M.D, mu nyandikomvugo yakoreye mu Bugenzacyaha yasobanuye uburyo yari mu nzira ataha Museveni akamwirukaho afite icyuma n'umuhoro akamubwira ko agomba kuryamana nawe ko

kandi natabyemera amutemagura, ko ubwo

2 Iyo ngingo ivuga ko mu rubanza nshinjabyaha ikimenyetso gishingira ku mpamvu zose z'ibyabaye n'ibyemejwe n'amategeko, ababuranyi bapfa kuba barahawe umwanya wo kubijyaho impaka.

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yatangiraga kumuvanamo imyenda Maniriho yaje akabamurika n'itoroshi, Museveni agahita amubwira ngo areke kubamurika ko bari kuganira, ko yabwiye Maniriho ngo amutabare kuko Museveni agiye kumusambanya ariko uyu amubwira ko nahagera amutema, ahita ajya mu binyomoro asanzwe arinda hanyuma Baziramwabo amukubita hasi aramusambanya, ageze mu rugo abibwira nyina ahita amujyana kwa muganga. [20] Naho mu nyandikomvugo ya Maniriho Jean Damascène, yasobanuye ko ubwo yari agiye ku kazi ka nimugoroba ko kurinda ibinyomoro yageze ku ruzitiro rwabyo yikanga abantu bari bahagaze uruhande yarwo abamurikisha itoroshi, Baziramwabo ahita amubuza kubamurika, ahita yinjira mu ruzitiro ariko atamenye umuntu bari kumwe, ko nyuma yasubiye mu rugo ariko aza kugaruka aho ku murima w'ibinyomoro ahura na Baziramwabo amubaza uwo bari bari kumwe, amubwira ko ari Nyirabukara (niwe M.D) ko kandi bari bemeranyije amafaranga, nyuma ahamagarwa na nyina wa M.D amubwira ko Baziramwabo amusambanyije, anongeraho ko uyu asanzwe asambanya abakobwa n'abagore. [21] Muri dosiye harimo kandi ubuhamya bw'uwitwa Mujawamariya Josephine, umuforomokazi ku Kigo nderabuzima cya Kinigi, wasobanuye ko ku wa 20/01/2019 yakiriye M.D waje avuga ko yasambanyijwe, ko basanze mu gitsina cye hakomeretse hanavamo amaraso bamuha ubutabazi bw'ibanze nyuma bamwohereza ku bitaro bya Musanze, hakaba kandi n'inyandiko y'icyo Kigo nderabuzima nayo yemeza ko M.D yakiriwe kuri icyo kigo ikanavuga ubutabazi yahawe. [22] Urukiko rurasanga imvugo za M.D, ubuhamya bwa Maniriho Jean Damascène, ubuhamya bwa Mujawamariya Josephine n'inyandiko y'Ikigo nderabuzima cya Kinigi, byumvikanisha ko M.D yasambanyijwe mu mugoroba wo ku wa 20/01/2019 kuko bishimangirwa na raporo ya muganga yabonetse urubanza rugeze kuri uru rwego, ivuga ko M.D yari yakomeretse mu gitsina, mu mwanzuro ikavuga ko yari afite ibimenyetso by'uwo yasambanyijwe. [23] Ku bivugwa na Baziramwabo Fabien ko iyo raporo itagaragaza ko ari we wasambanyije M.D, Urukiko rurasanga n'ubundi ku birebana n'icyaha cyo gusambanya umwana, raporo ya muganga atari yo igaragaza uwamusambanyije ahubwo ari ikimenyetso Urukiko rurebera hamwe n'ibindi kugira ngo rwemeze niba uwaketseho gukora icyaha ari we koko wagikoze, kandi muri ibyo bimenyetso hari imvugo za M.D wabwiye nyina akigera mu rugo ko amaze gusambanywa na Baziramwabo Fabien nk'uko uwo mubyeyi nawe yabyemeje akanavuga ko M.D yari afite agapira yihanaguje kariho amaraso, imvugo z'uwo mwana zigashimangirwa n'ubuhamya bwa Maniriho, kuko n'ubwo atiboneye Baziramwabo amusambanya, bwumvikanisha ko yari aho uwo mwana yavuze ko yasambanyirijwe kuko banavuganye akamubuza kubamurika, na nyuma akamubwira ko yari kumwe n'uwo mwana (yise Nyirabukara). [24] Urukiko rurasanga kandi imvugo za M.D zongera zigashimangirwa n'ubuhamya bw'uhamwakiye ku Kigo nderabuzima cya Kinigi akimara guhohoterwa, kuko nawe yavuze ko yababwiye ko yasambanyijwe n'uwitwa Museveni, barebye basanga yakomeretse mu gitsina kandi aya amaraso, bivuze rero ko ibyo bimenyetso birebwe

hamwe byemeza ko ari Baziramwabo Fabien wamusambanyije. [25] Urukiko rurasanga na none nta gushidikanya kuri mu mvugo za M.D n'iza Maniriho, kuko kuba uwo mwana yaravuze ko yatabaje Maniriho amubwira ko Baziramwabo agiye

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kumusambanya naho undi akavuga ko atamutabaje, bitavanaho icyo izo mvugo zumvikanisha ari nacyo kigize ireme ry'iryo bavuze ku birebana n'ikiburanwa, cyo kuba mu mugoroba wo ku wa 20/01/2019, Baziramwabo Fabien yari aho M.D yavuze ko yasambanyirije. Naho ibyo Baziramwabo Fabien avuga by'uko Maniriho yamubeshyeye kubera ko ari musaza wa M.D, Urukiko rurasanga usibye kuba imyirondoro yabo itagaragaza ko ari abavandimwe, n'ayo masano yaba ahari ubwabyo ntibyatesha agaciro ubuhamya bwe kuko Urukiko ari rwo rubusuzuma rushingiye ku bumenyi bw'uwabutanze n'uburyo asobanura ibyo yabonye cyangwa yumvise, rukabigereranya n'ibindi bimenyetso nk'uko byatanzweho umurongo n'Urukiko rw'Ikirenga³.

Kumenya niba Urukiko rwarirengagije amakimbirane yari ahasanzwe [26] Baziramwabo Fabien n'umwunganira bavuga ko Urukiko rwirengagije amakimbirane yari ahasanzwe ashingiye ku kuba nyina wa M.D yaragurishije imitungo ajya mu Mutara, agarutse asaba ko bamwubakira maze babyanze havuka amakimbirane. [27] Uhagararaye Ubushinjacyaha avuga ko iyo mpamvu nayo nta shingiro ifite, kuko Baziramwabo atagaragaza ikimenyetso cy'ayo makimbirane, ko kandi n'ayo yaba ahari ataba impamvu yo gutesha agaciro ibimenyetso bimuhamya icyaha. UKO URUKIKO RUBIBONA [28] Urukiko rurasanga usibye kuba iby'ayo makimbirane Baziramwabo Fabien abivuga mu magambo gusa atagira gihamya, binagaragara ko mu nyandikomvugo yakorewe mu Bushinjacyaha yarivugiye ko ntacyo asanzwe apfa na M.D, bivuze ko iby'ayo makimbirane yabitekereje nyuma mu rwego rwo guhunga ibyo yakoze, cyane cyane ko n'impamvu atanga z'icyo ayo makimbirane yari ashingiye zitandukanye, kuko mu mwanzuro yatanze ajurira yavuze ko ashingiye ku kuba mama wa M.D yarashatse gufatanya isambu ye n'iya Baziramwabo ngo azigurishe agiye kwimukira mu Mutara, naho igihe cy'iburanisha avuga ko uwo mubyeyi yagurishije imitungo ye ajya mu Mutara, agarutse asaba ko bamwubakira maze babyanze havuka amakimbirane. [29] Hashingiwe ku byasobanuwe, Urukiko rurasanga impamvu z'ubujurire bwa Baziramwabo Fabien zigamije kunenga ibimenyetso byashingiweho nta shingiro zifite, kuko ibyo bimenyetso hamwe na raporo ya muganga yabonetse urubanza rugeze kuri uru rwego bigaragaza ukuri kw'ibyabaye, n'impamvu irebana n'amakimbirane avuga ko yari afitanye na M.D cyangwa umubyeyi we ikaba nta shingiro ifite nk'uko byasobanuwe. [30] Urukiko rurasanga ariko ku birebana n'igihano Baziramwabo Fabien yahanishijwe⁴, imikirize y'urubanza rwajuririwe igaragaza ko Urukiko Rukuru rwagumishijeho igifungo

3 Reba urubanza RPAA 0118/11/CS rwaciwe ku wa 13/11/2015 4 Ibyo kuba urukiko rwasuzuma ibirebana n'igihano uregwa yahawe n'ubwo ubujurire bwe nta shingiro bufite, Urukiko rw'Ubujurire rwabitanzeho umurongo mu rubanza RPAA 00039/2021/CA rwaciwe 02/07/2021 haburana Ubushinjacyaha na SHAKABATENDA Jean de Dieu, wakurikijwe no mu manza zaciwe vuba, nk'urubanza RPAA 00330/2022/CA rwaciwe ku wa 27/09/2024 haburana Ubushinjacyaha na BIGIRUMWAMI Jean de Dieu

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cy'imyaka makumyabiri (20) cyagenwe n'Urukiko Rwisumbuye hashingiwe ku kuba kiri mu rugero rw'ibihano (fourchette) Itegeko ryateganyije ku cyaha yakoze⁵, bikaba byumvikana ko usibye kuba icyo gihano aricyo Itegeko riteganyaho hatarabayeho gusuzuma niba ari cyo gikwiranye n'uburemere bw'icyaha yakoze, kuko n'ubwo hatakwirengagizwa ko ari icyaha gikomeye, umwirondoro we utagaragaza ko hari ikindi cyaha yigeze ahanirwa, bivuze ko ari ubwa mbere akurikiranwe mu nkiko mu buryo buzwi, iyo mpamvu rero ikaba yarashoboraga gushingirwaho agahabwa igihano kigabanyije. [31] Mu zindi manza zaciwe ku bantu barezwe icyaha gishaka gusa n'icyo Baziramwabo Fabien akurikiranweho, harimo urubanza RPAA 00246/2023//CA rwaciwe ku wa 20/12/2024 haburana Ubushinjacyaha na Ndorerayo Emmanuel n'abandi, wasambanyije umwana w'imyaka cumi n'iiridwi (17) we afite imyaka mirongo itatu (30), Urukiko rubyibwirije rukaba rwaramugabanyirije igihano rushingiye ku kuba ari ubwa mbere akurikiranweho icyaha mu buryo buzwi rumuhanisha igifungo cy'imyaka cumi n'ine (14); bityo kuba na Baziramwabo Fabien ari ubwa mbere akurikiranwe mu nkiko mu buryo buzwi kandi bombi bakaba barakoze icyaha bari mu kigero kimwe n'abana basambanyijwe bari mu kigero kimwe, bagombye kugabanyirizwa ibihano mu buryo bumwe, ariko bitewe n'uko Baziramwabo Fabien yari umugabo ufite umugore akaba yahabwa igihano gisumbyeho gato, cy'imyaka cumi n'itanu (15), bivuze ko urubanza rwajuririwe ruhindutse gusa ku birebana n'igihano yari yahanishijwe.

III. ICYEMEZO CY'URUKIKO [32] Rwemeje ko ubujurire bwa Baziramwabo Fabien nta shingiro bufite ; [33] Rwemeje ko imikirize y'urubanza RPA 00545/2020/HC/MUS rwaciwe n'Urukiko Rukuru, Urugereko rwa Musanze ku wa 12/01/2022, ihindutse gusa ku bijyanye n'igihano Baziramwabo Fabien yari yahanishijwe; [34] Ruhanishije Baziramwabo Fabien igifungo cy'imyaka cumi n'itanu (15) mu mwanya w'igifungo cy'imyaka makumyabiri (20) yari yahanishijwe; [35] Rutegetse ko amagarama y'urubanza aherera ku Isanduku ya Leta kuko Baziramwabo Fabien yajuriye afunze, akaba asonewe kuyatanga.

5 Igifungo kitari munsu y'imyaka 20 ariko kitarenze imyaka 25

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