

RWANDA / JUDGMENT

UBUSHINJACYAHA v. MBONIMPAYE

RPA 0193/12/CS

COURT

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UBUSHINJACYAHA v. MBONIMPAYE

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Text

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UBUSHINJACYAHA v. MBONIMPAYE [Rwanda URUKIKO RW'IKIRENGA – RPA 0193/12/CS (Mukanyundo, PJ, Rugabirwa na Nyirandabaruta, J.) 22/7/2016] Amategeko agenga ibimenyetso – Inshingano yo gutanga ibimenyetso – Ntawavuga ko yarafite indwara yo mu mutwe mu gihe yakoraga icyaha, mu gihe atabitangira ibimenyetso – Itegeko N° 15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso n'itangwa ryabyo, ingingo ya 3. Indishyi – Kongera indishyi zatanzwe – Ntacyabuza ko indishyi zatanzwe zongerwa mu gihe zidahuye n'ingaruka z'icyaha – Igitabo cy'urwunge rw'amategeko mbonezamubano, ingingo ya 258. Incamake y'ikibazo: Uregwa yakurikiranywe mu Rukiko Rukuru, urugereko rwa Nyanza ku cyaha cy'ubwicanyi yakoze ubwo yarohaga umwana w'imyaka 16 mu mugezi wa Mwogo. Urukiko rwemeje ko ahamwa n'icyaha cy'ubwicanyi, rumuhanisha igifungo cya burundu, runamutegeka guha uwaregeye indishyi 500.000 Frw y'indishyi z'akababaro na 78.000 Frw y'ikurikiranarubanza, yose hamwe akaba 578.000 Frw. Yajuririye urwo rubanza mu Rukiko rw'Ikirenga avuga ko akwiye kugabanyirizwa igihano kiremereye yahawe mbere kuko yakoze icyaha bitewe n'uburwayi bwo mu mutwe yari afite icyo gihe. Ubushinjacyaha buvuga ko uregwa atagabanyirizwa igihano kubera ko atemera icyaha ngo anagisabire imbabazi kuko avuga ko yagikoze bitewe n'uburwayi bwo mu mutwe,

nyamara atari ukuri kuko nta cyemezo cya muganga yatanze kigaragaza ko yari arwaye iyo ndwara mbere y'uko akora icyo cyaha ku wa 28/01/2011, ko kuba atarigeze yivuka iyo ndwara kwa muganga wemewe na Leta bikwiye gufatwa ko yari muzima igihe yakoraga icyaha, bivuze ko yagikoze abishaka. Incamake y'icyemezo: 1. Ibimenyetso biri muri dosiye bigaragaza ko uregwa yakozwe icyaha ari muzima, bityo imvugo ye y'uko yakozwe icyaha bitewe n'uburwayi bwo mu mutwe, nta shingiro ifite kuko igamije guhunga icyaha yakozwe, bivuze rero ko atari ngombwa gukora iperereza asaba cyangwa gutegeka ko ajya gupimwa n'abaganga kugira ngo bemeze ko ari umusazi, ahubwo akaba agomba guhanirwa icyaha cy'ubwicanyi yakozwe.

2. Indishyi zagenwe ku rwego rwa mbere ni nke ugereranyije n'ingaruka icyaha cyateye. Bityo zigomba kongerwa. Ubujurire bufite ishingiro. Uregwa agizwe umwere, agomba guhita arekurwa. Amagarama aherereye ku isanduku ya Leta. Amategeko yashingiweho: Itegeko N° 15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso n'itangwa ryabyo, ingingo za 3,65 na 119

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Itegeko-Teka N° 21/77 ryo ku wa 18/08/1977 rishyiraho Igitabo cy'amategeko ahana, ingingo ya 311 Imanza zifashishijwe: RPA 0125/07/CS rwaciwe ku wa 02/07/2010, Ubushinjacyaha buburana na Nyirahabimana Eliyada na bagenzi be, RPA 0134/07/CS rwaciwe ku wa 29/08/2008, Ubushinjacyaha buburana na Uwimana Faustin na bagenzi be, RPA 0144/05/CS rwaciwe ku wa 25/08/2006, Ubushinjacyaha buburana na Ntawumenyumunsi Drocella na mugenzi we Inyandiko z'abahanga Droit Pénal Spécial, 4 ème Edition, Edition Cujas, Paris, 2006, p.34-35.p I. IMITERERE Y'URUBANZA [1] Uru rubanza rwatangiriye mu Rukiko Rukuru, Urugereko rwa Nyanza, Ubushinjacyaha burega Mbonimpaye Nicodème kuba ku wa 28/01/2011, mu gihe cya saa munani z'amanya, yarishe Minani Daniel, umwana w'imyaka 16 y'amavuko, amuroshye mu mugezi wa Mwogo. Busobanura ko Mbonimpaye Nicodème yageze kuri uwo mugezi ahasanga abana bitwa Nshimiyimana Régis, Ndagijimana Pacifique na Minani Daniel, baramuseka ko agiye koga yambaye ubusa, bituma yambuka uwo mugezi, abasanga hakurya yawo, atangira gukubita Nshimiyimana Régis, noneho Minani Daniel wari mukuru muribo aza kumubaza impamvu arimo gukubita mugenzi wabo, Mbonimpaye Nicodème areka Nshimiyimana Régis yakubitaga, afata Minani Daniel, amuzirika umugozi mu ijosi no ku maboko, arangije, amuroha muri urwo ruzi kugeza ubu umurambo we ukaba utaraboneka. [2] Urwo Rukiko rwaciye urubanza n° RP 0019/11/HC/NYA ku wa 27/07/2012, rwemeza ko Mbonimpaye Nicodème ahamwa n'icyaha cy'ubwicanyi, rumuhanisha igifungo cya burundu, rumutegeka guha Niyonagira Euphrasie, uregera indishyi, 500.000 Frw y'indishyi z'akababaro na 78.000 Frw y'ikurikiranarubanza, yose hamwe akaba 578.000 Frw. [3] Mbonimpaye Nicodème yajuririye urwo rubanza mu Rukiko rw'Ikirenga avuga ko akwiye kugabanyirizwa igihano kiremereye yahawe mbere kuko yakozwe icyaha bitewe n'uburwayi bwo mu mutwe yari afite icyo gihe. [4] Urubanza rwaburanishijwe mu ruhamwe ku wa 20/06/2016, Mbonimpaye Nicodème yunganiwe na Me Mukandera Clotilde, Niyonagira Euphrasie, uregera indishyi, yunganiwe na Me Mukarusine Agnès, naho Ubushinjacyaha buhagarariwe na Ntawangundi Béatrice, Umushinjacyaha ku rwego rw'Igihugu. II. IBIBAZO BIRI MU RUBANZA N'ISESENGURWA RYABYO:

1. Kumenya niba MBONIMPAYE Nicodème ataryozwa icyaha cy'ubwicanyi yakoze kubera ko yari umusazi igihe yakoraga icyo cyaha

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- [5] Mbonimpaye Nicodème avuga ko Urukiko rw'Ikirenga rukwiye kumugabanyiriza igihano kirekire yahawe n'Urukiko Rukuru, Urugereko rwa Nyanza, kubera ko yakoze icyaha bitewe n'uburwayi bwo mu mutwe yari afite icyo gihe. Asobanura ko mbere y'uko akora icyo cyaha ku wa 28/01/2011, yari yaraye atwitse ibikoresho byo mu rugo umugore we yatahanye, bituma abaturage bamubohesha imigozi, ariko ko yayiciye, bakamwirukaho bagamije kongera kumuboha kugira ngo atagira ikindi kintu yangiza, nyamara yica uwo mwana, kandi we yarashakaga guhunga abamwirukankanaga gusa. [6] Avuga kandi ko impamvu adafite impapuro zo kwa muganga wemewe na Leta zigaragaza ko yivuye iyo ndwara yo mu mutwe, ari uko yayivurije ku muvuzi wa gakondo, kandi ko impamvu arimo kuburana akanasubiza neza ibibazo abajijwe n'uru Rukiko byatewe n'uko yorohewe. Yongeraho ko iyo Urukiko Rukuru rujya gukora iperereza rukabaza ababyeyi be, abavandimwe be, umugore we n'abaturage batuye mu Mudugudu w'iwabo, bari kwemeza ko yari asanzwe afite ikibazo cyo mu mutwe kuko hari igihe yirukankaga akabura. [7] Me Mukandera Clotilde umwunganira avuga ko Mbonimpaye Nicodème yakoze icyaha arwaye indwara yo mu mutwe kubera ko hari igihe yirukankaga akabura, ko kuba atarivuye ku muganga wemewe na Leta, ari uko atari umusazi icyo gihe, ariko ko igihe uru Rukiko rushidikanyije kuri ubwo burwayi, rwategeka ko apimwa n'abaganga ba Leta babifitiye ububasha kuko uburwayi bwe buteye urujijo bitewe n'uko igihe kimwe agaragara nk'umuntu muzima, ikindi gihe akagaragara nk'umusazi, kuko igihe Mbonimpaye Nicodème yabazwaga mu nzego z'iperereza, hari aho yemeraga ko arwaye indwara yo mu mutwe, ubundi akavuga ko atayirwaye, mbese ko igisubizo atanga giterwa n'uko yaramutse. [8] Avuga kandi ko mu gihe Urukiko rw'Ikirenga rwakora iperereza rukabaza abatangabuhamya barimo Renzaho Tharcisse, Ndabashimiye Gérard, Niyonsaba Cécilia, umugore we kuko yakoze icyaha amaze umwaka umwe arongoye, Bayingana, Nsengiyumva Matiyasi na Athanase bahimba Mbwigire, bose bakwemeza ko Mbonimpaye Nicodème yakoze icyaha amaze guca imigozi yari yaboheshejwe, kandi ko abo batangabuhamya batigeze bamenya iby'urubanza rwe, kuko iyo bajya kurumenya bakanaboneka baba baraje gutanga ubwo buhamya. [9] Uhagarariye Ubushinjacyaha avuga ko Mbonimpaye atagabanyirizwa igihano kubera ko atemera icyaha ngo anagisabire imbabazi kuko avuga ko yagikoze bitewe n'uburwayi bwo mu mutwe, nyamara atari ukuri kuko nta cyemezo cya muganga yatanze kigaragaza ko yari arwaye iyo ndwara mbere y'uko akora icyo cyaha ku wa 28/01/2011, ko kuba atarigeze yivuka iyo ndwara kwa muganga wemewe na Leta bikwiye gufatwa ko yari muzima igihe yakoraga icyaha, bivuze ko yagikoze abishaka bitewe n'uburakari yagize ubwo yumvaga abana bamuseka ko agiye koga yambaye ubusa, ndetse ko n'ubwo ubu yapimwa n'abaganga bakwemeza ko ari umusazi, ntacyo byamumarira muri uru rubanza kuko igihe yakoraga icyaha yari muzima. [10] Avuga ko ikindi kigaragaza ko Mbonimpaye yari muzima igihe yakoraga icyaha, ari uko mu Bugenzacyaha yasobanuye neza uko ibikorwa bigize icyaha byagenze kubera ko yavuze

ko atakoze icyaha, ko ahubwo yakoze kuri nyakwigendera amukanga bituma agwa mu mazi, kandi ko yiyemereye ko icyo gihe yari afite ikiziriko yamuziritse mbere y'uko amuroha

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mu ruzi, akanibuka uburyo yabanaga n'umugore we, nyamara umusazi akaba adashobora kwibuka ibikorwa yakoze yasaze. [11] Avuga na none ko indi mpamvu ituma Mbonimpaye atagabanyirizwa igihano, ari ubugome bukabije yakoranye icyaha n'ingaruka zikomeye cyateje umuryango wa nyakwigendera kuko umurambo w'uwo mwana utari waboneka kugeza ubu. Yongeraho ko Urukiko rw'Ikirenga rutakora iperereza Mbonimpaye Nicodème n'umwunganira basaba kubera ko atari abaturage bajya bemeza ko umuntu arwaye indwara y'ibisazi, ko ahubwo byemezwa n'abaganga ba Leta babifitiye ububasha. [12] Me Mukarusine Agnès uhagarariye Niyonagira Euphrasie, nyina wa nyakwigendera uregera indishyi, avuga ko igihe Mbonimpaye yicaga Minani Daniel amuroshye mu ruzi, atari arwaye indwara yo mu mutwe nk'uko abivugaga kuko nta kigaragaza ko mbere y'uko akora icyo cyaha yivuzaga iyo ndwara kwa muganga, ko ahubwo ibimenyetso bigaragaza ko yari muzima icyo gihe, birimo kuba abana baramusetse ko agiye koga yambaye ubusa agahita arakara, kandi ko uwo mujinya utaterwa n'uburwayi bwo mu mutwe, kuba akimara gukora icyaha, abaturage baratabaye bagasanga yihishe mu rufunzo, kuba igihe uregwa yabazwaga bwa mbere mu Bugenzacyaha, yarabeshye ko umwana yamwiyatse akagwa mu mazi, kuba yaraburanye wenyine ku rwego rwa mbere akanisubiriza ibibazo yabazwaga icyo gihe nk'utekereza neza, no kuba aribwo yari akirongora muri iyo minsi. [13] Avuga ko ahubwo impamvu Mbonimpaye ahakana icyaha, ari ukugira ngo ahunge ingaruka zacyo n'igihano kiremereye yahawe, nyamara yagombye kucyemera akanagisabira imbabazi, aho kurushya Ubutabera abusaba kujya kumusuzumisha kwa muganga kandi ari muzima. Uko urukiko rubibona [14] Ku bijyanye n'icyaha cy'ubwicanyi, ingingo ya 311 y'Itegeko-Teka n° 21/77 ryo kuwa 18/08/1977 rishyiraho Igitabo cy'amategeko ahana ryakurikizwaga igihe icyaha cyakorwaga, iteganya ko "Kwica umuntu ubishaka byitwa ubwicanyi". [15] Ku birebana n'ubushake bwo kwica, abahanga mu mategeko bitwa Jean Pradel na Michel Danti-Juan mu gitabo cyabo bise "Droit Pénal Spécial", basobanura ko ubushake bwo kwica ari kimwe mu bigize icyaha cy'ubwicanyi, kandi ko mu manza zaciwe n'abacamanza bagiye bemeza ko ubwo bushake bushobora kugaragazwa n'uburyo icyaha cyakozwemo, nko kuba uregwa yari azi neza ko igikorwa cye gishobora kwica umuntu, no kuba yari azi neza ko ubwo bwicanyi bushobora kugerwaho. 1 « L'élément intentionnel du meurtre consiste dans la volonté de causer la mort (animus necandi). Aussi les juges vont-ils déduire cette intention des circonstances (...). La connaissance de l'effet mortel d'un acte volontaire vaut intention de tuer. Pour la jurisprudence, l'intention résulte non seulement de la volonté d'obtenir le résultant, mais aussi de la connaissance quasi certaine du résultat », par Jean Pradel et Michel Danti-Juan, "Droit Pénal Spécial, 4 ème Edition, Edition Cujas, Paris, 2006, p.34-35.p

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[16] Ku birebana n'ibimenyetso mu manza nshinjabyaha, ingingo ya 119 y'Itegeko n° 15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo, iteganya ko : «mu manza nshinjabyaha ibimenyetso mu manza bishingira ku mpamvu zose z'ibyabaye n'ibyemejwe n'amategeko, ababuranyi bapfa kuba barahawe uburyo bwo kuhaba ngo banyomozanye», naho ingingo ya 65 y'iryo Tegeko, igateganya "Urukiko ni rwo rwonyine rupima ko imikirize y'abatangabuhamya ihuye n'ikiburanwa, ifite ingingo zikiranuye kandi ikaba ikwiye kwemerwa cyangwa guhakanwa...». Na none ingingo ya 3 y'iryo Tegeko, igateganya ko "Buri muburanyi agomba kugaragaza ukuri kw'ibyo aburana". [17] Dosiye y'urubanza igaragaza ko imbere y'uru Rukiko, Mbonimpaye Nicodème yemeye ko yishe Minani Daniel amuroshye mu mugezi wa Mwogo, ariko akavuga ko atari afite ubushake bwo kumwica, ko ahubwo byatewe n'uburwayi bwo mu mutwe yari afite icyo gihe ngo bikaba bigaragazwa n'uko mbere y'uko akora icyo cyaha yari yabanje gutwika ibikoresho byo mu rugo rwe umugore we yari yaratahanye, kandi ko yakozwe icyaha igihe yahungaga abantu bamwirukankagaho bashaka kongera kumubohesha imigozi kugira ngo atagira ikindi kintu yangiza. [18] Hashingiwe ku ngingo ya 3 y'Itegeko n° 15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo, Urukiko rurasanga imvugo ya Mbonimpaye Nicodème y'uko yishe Minani Daniel bitewe n'uburwayi bwo mu mutwe nta shingiro ifite, kuko nta kimenyetso abitangira kubera ko nta cyemezo cya muganga cyangwa icyemezo cy'Ubuyobozi bubifitiye ububasha kigaragaza ko yari umusazi igihe yakoraga icyo cyaha. [19] Urukiko rurasanga ikindi kimenyetso kigaragaza ko Mbonimpaye Nicodème atari umusazi igihe yakoraga icyaha, ari uko haba mu nzego z'iperereza cyangwa mu Nkiko zose yaburaniyemo, atigeze ashinjurwa n'ababyeyi be, abavandimwe be, umugore we, Ubuyobozi cyangwa abaturage bw'aho atuye. [20] Urukiko rurasanga, ahubwo ibimenyetso bigaragaza ko Mbonimpaye Nicodème yakozwe icyaha cy'ubwicanyi ari muzima, ni ukuvuga abishaka ari uko: Mu nyandikomvugo yakorewe mu Bugenzacyaha no mu Bushinjacyaha ku wa 31/01/2011 no ku wa 03/02/2011, Mbonimpaye Nicodème atemeraga ko yakozwe icyaha abitewe n'ibisazi, ahubwo yavugaga ko ari abandi bamwita umusazi kuko yari afitanye ikibazo n'umuryango we. Mbonimpaye akimara gukora icyaha yahise ajya kwihisha mu rufunzo ubwo yumvaga abana Nshimiyimana Régis na Ndagijimana Pacifique batabaza ko yishe mugenzi wabo amuroshye mu ruzi, ndetse akaba arinaho abaturage batabaye bamusanze icyo gihe nk'uko abishinjwa na Ndagijimana Pacifique w'imyaka 14 wari kumwe na nyakwigendera icyo gihe bikanashimangirwa n'umutangabuhamya witwa Ndagijimana Joël mu nyandikomvugo abo bombi bakorewe mu Bugenzacyaha ku wa 01/02/2011, nyamara umusazi akaba adashobora kujya kwihisha akimara gukora icyaha kuko ataba azi ko yagikoze, iyo myifatire y'umusazi yo kudashobora gukenguza ikaba ariyo ijya ituma ataryozwa ingaruka z'icyaha yakozwe hashingiwe ku

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ngingo ya 70 y'Itegeko-Teka n° 21/77 ryo ku wa 18/08/1977 ryavuzwe haruguru, iteganya ko nta buryozwa-cyaha bubaho ku wakoze icyaha ari umusazi². Mu nyandikomvugo ze zavuzwe haruguru, Mbonimpaye Nicodème yemera ko yageze kuri urwo ruzi akahasanga abana barimo boga akaniyemerera ko hari umwana yakozeho agira ngo yambuke ararohama. Ikindi n'uko Ndagijimana Pacifique (C 11- C12) amushinja kuba yaranigishije Minani Daniel umugozi yari yitwaje igihe yazaga koga, kandi Mbonimpaye nawe akaba mu Bugenzacyaha (C 17) yaremeye ko yari afite ikiziriko igihe yakoraga icyaha, uko kwibuka ibyabaye n'uko byagenze bigaragaza kandi ko yari muzima igihe yakoraga icyaha. Mbonimpaye Nicodème yarakajwe n'uko abana barimo nyakwigendera bamusetse ko agiye koga yambaye ubusa, bigatuma yambuka uruzi akajya kubakubita, ndetse bikaba byaranatumye aroha nyakwigendera mu ruzi nk'uko abishinjwa na Ndagijimana Pacifique (C11-C12) bikanashimangirwa n'abatangabuhamya barimo Ndagijimana Joël (C 13-C14) na Niyibaho Jeannette (C10), ari ikindi kimenyetso kigaragaza ko igihe Mbonimpaye yakoraga icyaha yari muzima kuko umusazi atarakazwa n'uko bamusetse ko yambaye ubusa kuko ataba azi ko anabwambaye. Mbonimpaye Nicodème yarakoze icyaha amaze umwaka umwe arongoye nk'uko umwunganira abivuga bikanashimangirwa n'umutangabuhamya witwa Niyibaho Jeannette, bigaragaza na none ko uregwa atari asanzwe ari umusazi kuko nta mukobwa wari kwemera kurongorwa n'umusazi wagiye ahagaragara. Raporo yo ku wa 30/01/2011 yatanze n'Umunyamabanga Nshingwabikorwa w'Akagari ka Kadaho ishinja Mbonimpaye Nicodème kuba yarafashe Minani Daniel akamushyiramo umugozi mu ijosi, yarangiza, agahita amuta mu ruzi, kandi ko yashyikirijwe Polisi yo mu Murenge wa Cyabakamyi kugira ngo imukurikirane kuri icyo cyaha yakoze. Iyo raporo nayo igaragaza ko uregwa yakoze icyaha ari muzima kuko iyo ajya kuba umusazi icyo gihe, uwo Muyobozi aba yarabivuze muri iyo raporo ye. [21] Urukiko rurasanga ibimenyetso birondowe haruguru biri muri dosiye bigaragaza ko Mbonimpaye Nicodème yakoze icyaha ari muzima, bityo imvugo ye y'uko yakoze icyaha bitewe n'uburwayi bwo mu mutwe, nta shingiro ifite kuko igamije guhunga icyaha yakoze, bivuze rero ko atari ngombwa gukora iperereza asaba cyangwa gutegeka ko ajya gupimwa n'abaganga kugira ngo bemeze ko ari umusazi, ahubwo akaba agomba guhanirwa icyaha cy'ubwicanyi yakoze.

2. Kumenya niba ubujurire bwuririye ku bundi bwatanzwe na Niyonagira Euphrasie, uregera indishyi, bufite ishingiro [22] Uburanira Niyonagira Euphrasie, uregera indishyi, avuga ko hashingiwe ku ngingo ya 258 y'Igitabo cya gatatu cy'urwunge rw'amategeko y'imbonezamubano, iteganya ko uwakoze ikosa aryozwa ibyo yangije, Mbonimpaye Nicodème akwiye kumuha 3.000.000 Frw 2 Ingingo ya 70 y'Itegeko-Teka n° 21/77 ryo ku wa 18/08/1977 rishyiraho Igitabo cy'amategeko ahana ryakurikizwaga igihe icyaha cyakorwaga, iteganya ko "Nta buryozwa-cyaha bubaho ku mushinjwa wari urwaye ibisazi mu gihe yakoraga icyaha (...)".

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y'indishyi z'akababaro, aho kuba 500.000 Frw yagenewe mbere kuko ari nkeya cyane harebwe uburyo yamwiciye umwana urupfu rw'agashinyaguro amuroshye mu ruzi, kandi ko akababaro yateje umuryango we gakomeje kwiyongera kubera ko umurambo wa nyakwigendera utaraboneka kugeze ubu. Avuga kandi ko ayo mafaranga agomba kwiyongera kuri 78.000 Frw y'ikurikiranarubanza yagenewe mbere, yose hamwe akaba 3.078.000 Frw. [23] Mbonimpaye Nicodème n'umwunganira bavuga ko Niyonagira Euphrasie yahamana indishyi yagenewe ku rwego rwa mbere mu gihe uru Rukiko rwakwemeza ko yakoze icyaha ari muzima. Uko urukiko rubibona [24] Ingingo ya 258 y'Igitabo cya gatatu cy'urwunge rw'amategako y'imbonezamubano, iteganya ko "Igikorwa cyose cy'umuntu cyangirije undi gitegeka nyirugukora ikosa rigikomokaho kuriha ibyangiritse". [25] Hashingiwe kuri iyo ngingo, Urukiko rurasanga amafaranga 500.000 y'indishyi z'akababaro Niyonagira Euphrasie yagenewe n'Urukiko Rukuru, Urugereko rwa Nyanza, ari make cyane uyagereranyije n'agahinda yatewe n'ubwicanyi butunguranye kandi bukoranye ubugome bukabije bwakorewe umwana we kandi umurambo we ukaba utaraboneka kugeza ubu kugira ngo ushyingurwe, bityo akaba agenewe miliyoni ebyiri (2.000.000 Frw)3 y'indishyi z'akababaro agenwe n'urukiko mu bushishozi bwarwo kuko ayo asaba ari menshi. [26] Urukiko rurasanga kandi izo ndishyi z'akababaro zigomba kwiyongera kuri 78.000Frw y'ikurikiranarubanza yagenewe ku rwego rwa mbere, yose hamwe akaba 2.078.000Frw. III. ICYEMEZO CY'URUKIKO [27] Rwemeje ko ubujurire bwa Mbonimpaye Nicodème nta shingiro bufite. [28] Ruvuze ko imikirize y'urubanza n° RP 0019/11/HC/NYA rwaciwe n'Urukiko Rukuru, Urugereko rwa Nyanza, ku wa 27/07/2012, idahindutse usibye ku birebana n'indishyi z'akababaro ziyongereye. [29] Rutegetse Mbonimpaye Nicodème guha Niyonagira Euphrasie 2.078.000Frw y'indishyi z'akababaro n'ay'ikurikiranarubanza. [30] Rutegetse ko amagarama y'urubanza aherera mu Isanduku ya Leta kuko uregwa afunze. 3 Mu manza nyinshi zaciwe n'uru Rukiko zirimo urubanza n° RPA 0125/07/CS rwaciwe ku wa 02/07/2010, Ubushinjacyaha buburana na Nyirahabimana Eliyada na bagenzi be, urubanza n° RPA 0134/07/CS rwaciwe ku wa 29/08/2008, Ubushinjacyaha buburana na Uwimana Faustin na bagenzi be, n'urubanza n° RPA 0144/05/CS rwaciwe ku wa 25/08/2006, Ubushinjacyaha buburana na Ntawumenyumunsi Drocella na mugenzi we, hemejwe ko indishyi z'akababaro zagenwe ku rwego rwa mbere ari nkeya cyane harebwe akababaro abaregera indishyi bagize, maze zirongerwa.

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