

RWANDA / JUDGMENT

UBUSHINJACYAHA v NKESHIYAREMYE

RPAA 00969/2024/CA

COURT

Court of Appeal

DECIDED

29 September 2025

CASE / FILE NUMBER

RPAA 00969/2024/CA

Source: amategeko.gov.rw · Research copy typeset by Esheria. Not court-issued or certified.

UBUSHINJACYAHA v NKESHIYAREMYE

- Source: Amategeko
- Section: Decisions (Judgements)
- Date: 2025-09-29
- Case/document no.: RPAA 00969/2024/CA
- Collection: Court of Appeal

Text

Page 1

UBUSHINJACYAHA v NKESHIYAREMYE [Rwanda URUKIKO RW'UBUJURIRE - RPAA 00969/2024/CA (Kanyange, P.J.) 29 Nzeri 2025] Amategeko agenga ibimenyetso mu manza z'inshinjabyaha – Ukwemerwa kw'ibimenyetso byose

- 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) kandi ibyo ibimenyetso bishobora no kuba imvugo z'abatangabuhamya, urukiko rukaba arirwo rusuzuma niba ibyo bavuga byakwemerwa cyangwa ntibyemerwe. Incamake y'ikibazo: Uwambayingabire n'umukobwa w'imyaka 13 wahawe izina rya U.B bagiye ku kiyaga cya Mugesera kurangura amafi, bahageze bahasanga Nkeshiyaremye. Nkeshiyaremye yatwaye uwo mwana w'umukobwa ngo ajye kumuha inanasi, amujyana mu nzu babikamo amafi aramusambanya, uwo mwana aza kubibwira nyina, amujyana kwa muganga Nkeshiyaremye na we arafatwa ngo hakorwe iperereza kuri icyo cyaha. Ubushinjacyaha bwatanze ikirego mu Rukiko Rwisumbuye rwa Ngoma rurega Nkeshiyaremye icya cyo gusambanya umwana uri muni y'imyaka 14 y'amavuko, aburana agihakana ariko urukiko ruza gusanga kimuhama, rumuhanisha igihano cy'igifungo cya

burundu. Uregwa yajuriririyeye icyo cyemezo mu Rukiko Rukuru avuga ko yemera ko uwo mwana yaje iwe ariko ko atariwe wamusambanyije dore ko nta batangabuhamya babibonye. Urukiko Rukuru rwasanze ibivugwa n'uregwa nta shingiro bifite kuko na we yiyemerera ko uwo mwana yaje iwe kandi akaba yarahageze ari muzima nk'uko bihamwe n'umubyeyi w'uwo mwana ahubwo avuyeyo akaba aribwo yaje avirirana nk'uko na raporo ya muganga ibigaragaza. Urukiko ariko rushingiye ku zindi manza nk'izo, rwasanze uregwa agomba guhanishwa igihano cy'igifungo cy'imyaka 17. Nkeshiyaremye yajuririyeye na none urwo rubanza mu Rukiko rw'Ubujurire, hasuzumwa ikibazo cyo kumenya niba Nkeshiyaremye Alexis yarahamijwe icyaha cyo gusambanya umwana hashingiwe ku bimenyetso birimo gushidikanya. Uyu asobanura ko inkiko zabanje zamuhamijwe icyaha zishingiye ku bimenyetso bitizewe kuko nta muntu wigeze amubona asambanya uwo mwana uretse gusa umubyeyi w'uwo mwana na we uvuga ibyo yabwiwe. Akomeza avuga ko n'ubwo raporo ya muganga igaragaza ko uwo mwana yasambanyijwe, nta gihamya cy'uko ari we wamusambanyije kuko muri raporo batagaragaza ko hari amasohoro muganga yaba yarasanze muri uwo mwana. Ubushinjacyaha buvuga ko ibivugwa n'uregwa nta shingiro bifite kuko kuba raporo ya muganga yemeza ko U.B. yasambanyijwe, umwana akaba avuga uwamusambanyije, kandi ibikorwa bikaba bigenda bikurikirana kuva umwana yava mu rugo kugeza icyaha gikorwa, n'abatangabuhamya bakaba baremeje ko yajyanye na Nkeshiyaremye Alexis mu gipangu bakamaramo igihe bari kumwe bonyine, bigaragaza ko ari we wamusambanyije kuko yavuyeyo agaragaza ibimenyetso byo gusambanywa. Incamake y'icyemezo: 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) kandi ibyo ibimenyetso bishobora no kuba imvugo z'abatangabuhamya, urukiko rukaba arirwo rusuzuma niba ibyo bavuga byakwemerwa cyangwa ntibyemerwe.

Page 2

Ubujurire, nta shingiro bufitwe. Nta mategeko yashingiweho Imanza zifashishijwe: RPAA 00692/2021/CA, Ubushinjacyaha na Ndayishimiye Jean Damascène rwaciye n'Urukiko rw'Ubujurire ku wa 20/01/2023; RPAA 01288/2024/CA, Ubushinjacyaha na Turikumwe Gilbert rwaciye n'Urukiko rw'Ubujurire ku wa 18/07/2025. Urubanza I. IMITERERE Y'URUBANZA [1] MUHAWENIMANA Clémentine yareze Nkeshiyaremye Alexis ko yasambanyije umwana we w'umukobwa witwa U.B.1 wari ufite imyaka 13 y'amavuko, avuga ko uwo mwana yababwiye ko byabaye ku wa 30/10/2019 ubwo yari yajyanye n'inshuti ye yitwa Uwambayingabire Jeannine ku kiyaga cya Mugesera gushaka amafi kuko bari basanzwe bayacuruza, bagezeyo bahasanga Nkeshiyaremye Alexis n'undi witwa Ndahimana Patrick, maze Uwambayingabire Jeannine abwira U.B. ngo agende Nkeshiyaremye Alexis amuhe inanasi, uyu amujyana mu nzu bashyiramo amafi bamaze kuroba, aramufungirana maze aramusambanya, ataha ava amaraso kandi agenda nabi, abibwira umubyeyi we amujyana kwa muganga, Nkeshiyaremye Alexis atangira gukurikiranwa. [2] Nyuma y'iperereza Ubushinjacyaha bwareze Nkeshiyaremye Alexis mu Rukiko Rwisumbuye rwa Ngoma icyaha cyo gusambanya umwana, bushingiye ku kuba nawe

yemera ko ku wa 30/10/2019 yahuye n'uwo mwana akamwinjiza mu gipangu, ku mvugo z'uwo mwana, iza nyina n'izabatangabuhamya hamwe na raporo ya muganga, bumusabira igifungo cya burundu. [3] Nkeshiyaremye Alexis yaburanye avuga ko atasambanyije U.B. nk'uko abiregwa, ko ahubwo uwo mwana yagiye kugura inanasi ntibumvikana kandi ko hari abantu benshi, ko yamuherekeje akamara amasaha abiri ariko ko atamusambanyije. [4] Mu rubanza N° RP 01092/2019/TGI/NGOMA rwaciwe ku wa 30/03/2021, Urukiko rwasanze Nkeshiyaremye Alexis ahamwa n'icyaha cyo gusambanya umwana uri munsu y'imyaka cumi n'ine (14) y'amavuko, rushingiye ku bimenyetso bigizwe n'imvugo z'uwo mwana wasobanuye ko amaze kumusambanya yavuye amaraso menshi, iz'umubyeyi we wavuze ko umwana yaje avirirana avuga ko Nkeshiyaremye Alexis yamusambanyije, na raporo ya muganga igaragaza ko umwana yageze kwa muganga avirirana, rumuhanisha igifungo cya burundu. [5] Nkeshiyaremye Alexis yajuririyeye urwo rubanza mu Rukiko Rukuru/ Urugereko rwa Rwamagana, avuga ko yahamijwe icyaha atakoze, kuko U.B. avuga ko yamusambanyirije mu gipangu agataka nyamara nta batangabuhamya bavuga ko batabaye, ariko ko yemera ko yaje iwe

1 Amazina arahinwe kubera kamere y'icyaha n'imyaka y'uwahohotewe.

Page 3

ari kumwe n'abandi, kandi ko n'ubwo raporo ya muganga yemeza ko uwo mwana yasambanyijwe itemeza ko ari we wabikoze. [6] Ubushinjacyaha bwashubije ko izo mpamvu nta shingiro zifite, kuko Nkeshiyaremye Alexis atabashije kuvuguruza ibimenyetso bimuhamya icyaha byashingiweho, birimo kuba nawe yemera ko yabonanye na U.B., raporo ya muganga igaragaza ko uwo mwana yavaga amaraso kubera gusambanywa, n'imvugo za nyina w'umwana wasobanuye ko umwana yavuye mu rugo ari muzima akagaruka avuga ko yasambanyijwe, asaba ko hagumaho imikirize y'urubanza rwajuririyeye. [7] Mu rubanza N° RPA 00521/2021/HC/RWG rwaciwe ku wa 30/08/2024, Urukiko Rukuru/Urugereko rwa Rwamagana, rwasanze Nkeshiyaremye Alexis atavuguruza ibimenyetso bimuhamya icyaha bigizwe no kuba yemera ko yabonanye na U.B. umunsi bivugwa ko yasambanyijwe, kuba uwo mwana yarabibwiye iwabo akigera mu rugo, kuba Ndahimana Patrick yaravuze ko Nkeshiyaremye yajyanye uwo mwana akagaruka atagenda neza no kuba raporo ya muganga igaragaza ko yasambanyijwe ndetse mu gitsina cye havamo amaraso. [8] Rwasanze ibyo avuga ko umwana atavugije induru bitamushinjura kuko bishobora guterwa n'uburyo yasambanyijwe cyangwa bigaterwa no kwanga kwivamo, ko n'ibyo avuga ko uwo mwana yaje iwe ari kumwe n'abandi bidakuraho ko yamusambanyije kuko Ndahimana Patrick na Uwambayingabire Jeannine bavuze ko hari igihe bagiye mu gipangu bonyine. Rwasanze na none imiburanire ye y'uko raporo ya muganga itagaragaza ko ari we wasambanyije uwo mwana nta shingiro ifite, kuko iyo raporo yunganirwa n'ibindi bimenyetso birimo imvugo z'uwo mwana no kuba abatangabuhamya bavuga ko hari igihe bajyanye mu gipangu bonyine, rusanga ariko akwiye kugabanyirizwa ibihano kuko ari ubwa mbere akurikiranweho icyaha, rumuhanisha igifungo cy'imyaka cumi n'irindwi (17). [9] Nkeshiyaremye Alexis yajuririyeye mu Rukiko rw'Ubujurire, urubanza ruhabwa N° RPAA 00969/2024/CA, iburanisha ribera mu ruhame ku wa 11/09/2025 Nkeshiyaremye Alexis yunganiye na Me Catherine A. Sebazungu, Ubushinjacyaha buhagarariye na HABINEZA Jean Damascène, Umushinjacyaha ku rwego rw'Igihugu. [10] Mu

myanzuro y'ubujurire no mu miburanire, Nkeshiyaremye Alexis n'umwunganira bavuga ko yajurijwe n'uko yahaniwe icyaha atakoze hashingiwe ku bimenyetso birimo gushidikanya. [11] Uhagarariye Ubushinjacyaha avuga ko izo mpamvu nta shingiro zifite, ko ahubwo Nkeshiyaremye Alexis atabasha kuvuguruza ibimenyetso byashingiweho n'Urukiko rumuhamya icyaha. [12] Ikibazo kigomba gusuzumwa muri uru rubanza n'icyo kumenya niba Nkeshiyaremye Alexis yarahamijwe icyaha cyo gusambanya umwana hashingiwe ku bimenyetso birimo gushidikanya.

II. ISESENGURA RY'IKIBAZO KIGIZE URUBANZA

Page 4

Kumenya niba Nkeshiyaremye Alexis yarahamijwe icyaha cyo gusambanya umwana hashingiwe ku bimenyetso birimo gushidikanya. [13] Nkeshiyaremye Alexis na Me Catherine A. Sebazungu umwunganira bavuga ko Urukiko rwamuhamije icyaha atakoze hashingiwe ku bimenyetso birimo gushidikanya kubera impamvu zikurikira: a) hashingiwe ku mvugo ya U.B. yuzuyemo gushidikanya kuko yavuze ko Nkeshiyaremye yamusambanyirije mu gipangu akavuze induru ariko abo muri icyo gipangu ntibabyumve ahubwo ngo agatabarwa na Jeaninne ndetse na Ndahimana bari bari ku muhanda, ko rero iyo mvugo nta gaciro yahabwa kuko iyo atabaza yari kumvwa n'abari aho hafi. b) ntiyari kumujyana mu gipangu kuko hari harimo abandi bantu benshi bari kumubona, ko ahubwo yaba yarahuye n'undi muntu akamusambanya kuko bari mu Murenge wa Karengye, uwo mwana ataha mu Murenge wa Nzige. c) Urukiko rwarebye ku ruhande rumwe rw'urega rwirengagiza ko Ndahimana Patrick yavuze ko nta nduru yumvise U.B. avuza, anavuga ko U.B. abeshya, nyamara U.B. avuga ko ari mu baturuye. d) U.B. avuga ko akimara kumusambanya yavugije induru Nkeshiyaremye agahunga, ahandi akavuga ko yabaherekeje we na Jeannine ari kumwe na Ndahimana, akaba rero atari guhunga ngo yongere agaruke abaherekeze cyangwa ngo ntahite amurega, ko uko kwivuguruza kugomba gutesha agaciro imvugo ye. e) kuba Urukiko rwarashingiye kuri raporo ya muganga kandi ibimenyetso igaragaza nta cyemeza ko ari we bikomokaho, ko rwashingiye ku kuba U.B. yaravaga amaraso kandi muganga ataravuze ko byatewe no gukomereka mu gitsina, runashingira ku kuba ivuga ko U.B. atari isugi kandi muganga ataravuze ko ari bwo akarangabusugi kari kakivaho kandi gakuweho no kumusambanya, cyane cyane ko abahanga bemeje ko akarangabusugi katavanwaho no gusambanywa gusa kuko hari n'abatakavukana, hakaba n'abo kivanaho. f) kuba U.B. avuga ko yamusambanyije ngo nta gakingirizo yambaye, ariko raporo ya muganga ikaba itagaragaza ko hari ibindi bimenyetso byamubonetseho (amasohoro, intanga...), bityo ko ubujurire bwe bwahabwa ishingiro akagirwa umwere. [14] Uhagarariye Ubushinjacyaha avuga ko impamvu z'ubujurire bwa Nkeshiyaremye Alexis nta shingiro zifite, kuko nubwo ahakana icyaha, yemera ko yabonanye na U.B. umunsi asambanywa bakavugana, U.B. nawe akavuga ko yamubwiye ngo aze ajye kumuha inanasi, mu bisobanuro bya Nkeshiyaremye Alexis mu Bugenzacyaha anavuga ko uwo mwana yamusabye 3000 Frw ariko abajijwe impamvu yayamusabaga ananirwa gutanga igisubizo cyumvikana. [15] Uhagarariye Ubushinjacyaha avuga kandi ko kuba U.B. yaravuze ko yavugije induru akumvwa gusa na Uwambayingabire Jeannine wari kure, uyu akavuga ko nta nduru yavugije, bishoboka ko U.B. yatabaje kuko raporo ya muganga igaragaza ko yavushijwe amaraso, bisobanuye ko yababaye. Naho kuba nta muntu wari mu gipangu wamwumvise bikaba

bishobora kuba byaratewe n'uko nta muntu wari hafi, kandi ko bisa nk'aho Uwambayingabire Jeannine na Ndahimana Patrick bari bazi uwo mugambi, kuko Jeannine yabwiye U.B. ngo ajyane na Alexis amuhe inanasi, bigaragaza ko yagize uruhare mu gutuma U.B. yemera kujyana na Alexis aho

Page 5

yamusambanyirije, ko ikindi kigaragaza ko U.B. na Uwambayingabire Jeannine bari baziranye kuri icyo gikorwa, ari uko U.B. yagishije inama Uwambayingabire Jeannine amubaza niba yabwira umubyeyi we ibyamubayeho akabimwemerera, maze U.B. yagera mu rugo agahita abibwira nyina, bityo kuba Jeannine yavugaga ko nta nduru yumvise bwaba ari uburyo bwo kwerekana ko atamenye ko icyaha cyabayeho kugira ngo atazabazwa uruhare yaba yarabigizemo. [16] Asobanura ko ikindi gishoboka ari uko U.B. yaba yaravuze ko yavugije induru kandi ntayo yavugije mu rwego rwo kwikura mu isoni, kuko ubwo yari amaze gusambanywa byagaragaye ko yari yananiwe cyane atabasha kugenda neza nk'uko byavuzwe na Ndahimana Patrick, kandi akaba yari yavuye amaraso mu gitsina ku buryo kubihisha bitari kumworohera. [17] Ku bijyanye na raporo ya muganga, uhagarariye Ubushinjacyaha avuga ibyo muganga yasabwe ari ugusuzuma no kugaragaza imiterere ya U.B. nyuma y'uko asambanyirijwe kandi bikaba byarakozwe icyaha kikimara kumenyekana, muganga agaragaza koko ko U.B. yasambanyijwe ndetse ko yari agifite amaraso mu gitsina, hakaba hari hasigaye guhuza iyo raporo n'ibindi bimenyetso kandi bikorwa n'inzego z'ubutabera, [18] Uhagarariye Ubushinjacyaha asoza avuga ko kuba raporo ya muganga yemeza ko U.B. yasambanyijwe, umwana akaba avuga uwamusambanyije kandi ibikorwa bikaba bigenda bikurikirana kuva umwana yava mu rugo kugeza icyaha gikorwa, n'abatangabuhamya bakaba baremeje ko yajyanye na Nkeshiyaremye Alexis mu gipangu bakamaramo igihe bari kumwe bonyine, imvugo zabo zikaba zarasesenguwe, zigahabwa agaciro hashingiwe ku ngingo ya 65 y'Itegeko N° 15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo2, bigaragaza nta gushidikanya ko Nkeshiyaremye Alexis yakoze icyaha cyo gusambanya umwana, bityo ko hakwiye kugumaho imikirize y'urubanza rwajuririwe. UKO URUKIKO RUBIBONA [19] Impaka kuri iki kibazo zishingiye ku kumenya niba Nkeshiyaremye Alexis yarahamijwe icyaha cyo gusambanya umwana hashingiwe ku bimenyetso birimo gushidikanya. [20] Ku byerekeranye n'ibimenyetso mu manza, mu rubanza N° RPAA 00692/2021/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 20/01/2023 haburana Ubushinjacyaha na Ndayishimiye Jean Damascène, hasesenguwe ingingo ya 119 y'Itegeko N° 15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo3, harebwe cyane cyane ku mwihariko w'imanza nshinjabyaha, maze 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) abaturanyi bakaba barahawe uburyo bwo kuhaba ngo banyomozanye, kandi ko urukiko arirwo rwemeza ko ibyo bimenyetso bishobora kwemerwa. Ibi byanashingiweho mu zindi manza zakurikiyeho zaciwe n'uru rukiko, harimo n'urubanza N° RPAA 01288/2024/CA,

2 Iyo ngingo iteganya ko: “Urukiko ari rwo rwonyine rupima ko imikirize y’abatangabuhamya ihuye n’ikiburanwa, ifite ingingo zikiranuye kandi ikaba ikwiye kwemerwa cyangwa guhakanwa. Ntirwitsitsa ku mubare w’abatangabuhamya”, bigashimangirwa n’imanza zitandukanye zabitanzeho umurongo nk’urubanza N° RPAA 0118/11/CS, rwaciwe ku wa 13/11/2015 rw’Ubushinjacyaha na Ngurinzira. 3 Iyo ngingo ihura n’ingingo ya 87 y’Itegeko n° 062/2024 ryo ku wa 20/06/2024 rigenga ibimenyetso.

Page 6

rwaciwe n’Urukiko rw’Ubujurire ku wa 18/07/2025, haburana Ubushinjacyaha na Turikumwe Gilbert. [21] Kugira ngo Nkeshiyaremye Alexis ahamwe n’icyaha cyo gusambanya umwana, Urukiko rwabishingiye ku kuba yaremeye ko yabonanye na U.B. umunsi yasambanyijweho, ku mvugo ya U.B. umushinja kumusambanya kandi akaba yarahise abivuga akigera mu rugo iwabo, ku buhamya bwa Ndahimana Patrick wari kumwe na Nkeshiyaremye Alexis, wavuze ko uyu yajyanye na U.B. akagaruka ameze nabi atagenda neza, na raporo ya muganga igaragaza ko U.B. yasambanyijwe ndetse mu gitsina cye havamo amaraso. [22] Ku birebana n’imvugo za U.B., mu nyandikomvugo yakorewe mu Bugenzacyaha yasobanuye ko yavuye iwabo nka saa cyenda z’amanywa ajyana na Uwambayingabire Jeannine ku kiyaga kuzana amafi, bahasanga Nkesha (Nkeshiyaremye Alexis), Uwambayingabire Jeannine aramubwira ngo agende uwo muhungu amuhe inanasi, bajyana mu nzu babikamo amafi, aramukingirana amukubita hasi amujya hejuru aramutsikamira aramusambanya, ababaye avuza induru, Uwambayingabire Jeannine aza kureba amubaza ikibaye amubwira ko Nkesha amusambanyije, undi aramubwira ngo bagende kuko nta bayobozi bahari ngo babibabwire na Nkesha yigendeye, bageze mu nzira amaraso atangira kuva cyane abibwira mugenzi we nawe aramubwira ngo atahe abibwire nyina, ageze arabivuga bahita bamujyana kwa muganga. [23] Naho mu nyandikomvugo ya Ndahimana Patrick mu Bugenzacyaha, yasobanuye ko U.B. na Jeannine bageze ku kiyaga nka saa kumi n’imwe z’umugoroba, aherekeza Jeannine naho U.B. asigarana na Nkeshiyaremye Alexis, babageraho bageze ku muhanda munini, ariko ko yabonaga U.B. ameze nabi yacitse intege kandi atagenda nk’uko yari asanzwe agenda, asiga arimo kubwira Nkesha ngo amutegere moto. [24] Urukiko rw’Ubujurire rurasanga ibyo Nkeshiyaremye Alexis n’umwunganira bavuga ko U.B. yivugurije ngo kuko yavuze ko yavugije induru Nkeshiyaremye Alexis agahunga, ahandi akavuga ko yabaherekeje, bitahabwa agaciro, kuko nk’uko inyandikomvugo ya U.B. ibigaragaza, ntaho yavuze ko yabaherekeje. [25] Ku birebana n’uko imvugo ya U.B. ishidikanywaho ngo kuko yavuze ko yavugije induru agatabarwa n’abari kure kandi hari abari bari hafi mu gipangu, Urukiko rw’Ubujurire rurasanga nabyo nta shingiro bifite, kuko uwo mwana yavuze ko yavugije induru agatabarwa na Jeannine, naho ibyo kuba ataravugije induru no kuba atari gutabarwa n’abari kure kandi hari abari hafi bikaba bitatesha agaciro imvugo ze, kuko ireme ry’ibyo yavuze ku birebana n’ikiburanwa rishingiye ku kuba ku mugoroba wo ku wa 30/10/2019, bari ku kiyaga, Nkeshiyaremye Alexis yaramujyanye mu gipangu aramusambanya, n’ubwo imbere y’uru Rukiko yahakanye ko atajyanye n’uwo mwana mu gipangu nyamara ubwo yabazwaga mu Bushinjacyaha no mu Rukiko rw’Ibanze rwa Nzige yavuze ko yari kumwe n’uwo mwana muri icyo gipangu ariko avuga ko hari harimo abandi bantu n’ubwo atagaragaje abo aribo, ndetse na Uwambayingabire

Jeannine akaba yaravuze ko Nkeshiyaremye Alexis yajyanye n'uwo mwana muri icyo gipangu kandi ko nawe yinjijemo ari kumwe na Ndahimana Patrick agiye kurebamo U.B. ngo batahe. [26] Ku bijyanye na raporo ya muganga Nkeshiyaremye Alexis n'umwunganira bavuga ko yashingiyeho kandi nta cyemeza ko ibimenyetso yagaragaje ari we bikomokaho, Urukiko rw'Ubujurire rurasanga n'ubundi ku birebana n'icyaha cyo gusambanya umwana, raporo ya

Page 7

muganga atari yo igaragaza uwamusambanyije ahubwo ari ikimenyetso Urukiko rurebera hamwe n'ibindi kugira ngo rwemeze niba uwaketsheho gukora icyaha ari we koko wagikoze, kandi muri ibyo bimenyetso hababa hari imvugo za U.B. wabwiye umubyeyi we akigera mu rugo ko yasambanyijwe na Nkeshiyaremye Alexis nk'uko uwo mubyeyi nawe yabyemeje akanavuga ko umwana yavaga cyane, imvugo z'uwo mwana zigashimangirwa n'ubuhamya bwa Ndahimana Patrick wavuze ko umwana yasigaranye na Nkeshiyaremye Alexis kandi ko yabagezeho abona ameze nabi atagenda neza. [27] Naho ku birebana n'ibyo Nkeshiyaremye Alexis anenga raporo ya muganga, Urukiko rw'Ubujurire rurasanga, bigaragara ko umwana yahise ajyanwa kwa muganga, amuzumye agaragaza ko yari yakomeretse mu gitsina havamo n'amaraso⁴, kandi nk'uko byagaragajwe haruguru, raporo ya muganga ikaba yarabeweho hamwe n'ibindi bimenyetso byavuzwe haruguru, kuko icyo kimenyetso gihuzwa n'ibindi kugira ngo Urukiko rubashe kumenya ukuri kw'ibyabaye. [28] Na none ibivugwa na Nkeshiyaremye Alexis ko U.B. yaba yarahuye n'undi muntu akamusambanya, Urukiko rw'Ubujurire rurasanga nta shingiro bifite kuko ari ukubikeka gusa, cyane cyane ko umwana ari we yavuze, kandi harebwe uburyo ibintu byakurikiranye kuva umwana avuye iwabo ajyanye na Jeannine ku kiyaga, bakahasanga Nkeshiyaremye Alexis nawe akaba atabihakana, akamujyana mu gipangu bagatindana, Ndahimana Patrick nawe akemeza ko yabonye U.B. atameze neza, agenda nabi, U.B. yagera iwabo akabwira umubyeyi we ko yamusambanyije, uyu nawe akavuga ko yamugezeho aya amaraso menshi agahita amujyana kwa muganga, raporo ku isuzuma rye ikagaragaza ko mu gitsina cye hari hakomeretse havamo amaraso, nta kuntu yaba yarasambanyijwe n'undi muntu utari Nkeshiyaremye Alexis. [29] Urukiko rw'Ubujurire rurasanga rero ibimenyetso byashingiyeho n'Urukiko Rukuru/Urugereko rwa Rwamagana mu guhamya Nkeshiyaremye Alexis icyaha cyo gusambanya umwana bidashidikanywaho nk'uko abivuga ahubwo bigaragaza ukuri kw'ibyabaye, bityo hakaba hagumyeho imikirize y'urubanza rwajuririwe n'igihano yahanishijwe, cyane cyane ko gikwiranye n'uburemere bw'icyaha yakoze. III. ICYEMEZO CY'URUKIKO [30] Rwemeje ko ubujurire bwatanzwe na Nkeshiyaremye Alexis nta shingiro bufite; [31] Rwemeje ko urubanza N°RPA 00521/2021/HC/RWG, rwaciwe n'Urukiko Rukuru/Urugereko rwa Rwamagana ku wa 30/08/2024 rugumanye agaciro mu ngingo zarwo zose; [32] Rutegetse ko igihano cy'igifungo cy'imyaka cumi n'irindwi (17) Nkeshiyaremye Alexis yahawe kigumyeho.

4 Perinium full of blood, blood clots on vulva, and active vaginal bleeding with laceration of the labia minora

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.amategeko.gov.rw/view/doc/10393/10947>

CASE PAGE <https://chat.esheria.ai/case-law/rwanda/ubushinjacyaha-v-nkeshiyaremye-2025>

Prepared on 9 October 2026 · Esheria