

RWANDA / JUDGMENT

UBUSHINJACYAHA v. UWAYEZU

RPAA 00861/2024/CA

COURT

Court of Appeal

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UBUSHINJACYAHA v. UWAYEZU

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Text

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UBUSHINJACYAHA v. UWAYEZU [Rwanda URUKIKO RW'UBUJURIRE – RPAA 00861/2024/CA (Rutazana, P.J.) 29 Nzeri 2025] Amategeko agenga imanza z'inshinjabyaha – Ukutaryozwa icyaha – Uburwayi bwo mu mutwe – Uburwayi bwo mu mutwe butuma hatabaho uburyozwacyaha ni igihe ukurikiranywe afite uburwayi bwo mu mutwe uko bwaba bumeze kose, kuba ubwo burwayi butuma atakaza ubwenge bwe, kuba ubwo burwayi yari abufite mu gihe yakoraga ibikorwa akurikiranyweho, umuntu ufite uburwayi bwo mu mutwe butuma ataryozwa icyaha ni uwatakaje ubushobozi bwo kumva ibyo akora cyangwa ubwo kwiyobora mu bikorwa bye. Incamake y'ikibazo: Uwayezu Emmanuel yakurikiranyweho n'Ubushinjacyaha cyaha cy'ubwinjiracyaha bw'ubwicanyi, nyuma yuko aketsweho gutema Uwamahoro Beatrice n'umwana we yari ahetse witwa Uwase. Nyuma y'iperereza bumuregera Urukiko Rwisumbuye rwa Nyagatare busaba ko icyo cyaha kimuhama kwemeza agahanishwa igifungo cy'imyaka 25. Nyuma yuko uregwa aburanye ahakana icyaha, Urwo Rukiko rwaciye urubanza rwemeza ko ahamwa n'icyaha cy'ubwinjiracyaha bw'ubwicanyi, rutegeka ko ahanishwa igifungo cy'imyaka 2. Uregwa yajuririye icyo cyemezo mu Rukiko Rukuru, Urugereko rwa Rwamagana avuga ko yahamijwe icyaha cy'ubwinjiracyaha bw'ubwicanyi nyamara nta muntu wamubonye agikora kuko abanyerondo

baje kumufata nta muhoro bamusanganye ndetse n'abatangabuhamya bakaba baravuze ko babonye umuntu wambaye imyenda isa n'iyi ariko ko batamwiboneye; asaba kurenganurwa akajya kureba abana be kuko umugore we yapfuye. Urukiko Rukuru, Urugereko rwa Rwamagana rwaciye urubanza rwemeza ko nta shingiro bufite kuko nta nenge yagaragaje iri mu rubanza yajuririye. Uwayezu yajuririye mu Rukiko rw'Ubujurire avuga ko Urukiko Rukuru, Urugereko rwa Rwamagana rwamuhamije icyaha rwirengagije ikimenyetso yarushyikirije kigaragaza ko afite uburwayi bwo mu mutwe amaranye imyaka irenga 20, ngo dore ko no mu Igororero aho afungiyeye afata imiti y'ubwo burwayi; ko rero atagomba kuryozwa icyaha hashingiwe ku biteganwa mu ngingo ya 85 y'Itegeko N°68/2018 ryo ku wa 30/08/2018 riteganyaga ibyaha n'ibihano muri rusange. Ubushinjacyaha buvuga ko ubujurire nta shingiro bufite kuko uretse no kuba mu Rukiko Rukuru, Urugereko rwa Rwamagana nta kimenyetso na kimwe yatanze kigaragaza ko afite uburwayi bwo mu mutwe, inyandiko yakozwe n'ibitaro bya Rwamagana kuwa 25/2/2024 ashingiraho nk'ikimenyetso kuri uru rwego igaragaza uburwayi busanzwe budafite aho buhuriye n'uburwayi bwo mu mutwe. Urukiko rw'Ubujurire rwafashe icyemezo mbere yo yuko ruca urubanza mu mizi, rutegeka ko uregwa asuzumwa n'umuganga wo mu Bitaro by'indwara zo mu mutwe bya Ndera (Ndera Neuropsychiatric Teaching Hospital) kugira ngo agaragaze niba hari uburwayi bwo mu mutwe afite n'igihe yaba abumaranze; runategeka ko Ubushinjacyaha bukora iperereza ry'inyongera ku myitwarire Uwayezu Emmanuel yari afite mbere yo gukora icyaha akurikiranyweho no mu gihe cyakorewe.

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- [1] Raporo yakozwe na Dr. Ntirenganya Schadrack (Psychiatre) ukorera mu Bitaro bya Ndera Neuropsychiatric Teaching Hospital, yemeza ko Uwayezu Emmanuel afite uburwayi bwo mu mutwe bweruye bwitwa Schizophrénie, mu gihe iperereza ry'inyongera Ubushinjacyaha bwakoreye aho Uwayezu Emmanuel yari atuye ubwo icyaha akurikiranyweho cyakorwaga, ryagaragaje Uwayezu nk'umuntu wari igisare, ko iyo yanywaga inzoga yagendaga akubita abantu, kandi ko umugore we atarapfa babanaga nabi kubera amahane ye ndetse na nyina akaba yarimutse amuhunga kubera ayo mahane, ariko ko batabonaga ko ari umusazi. Incamake y'icyemezo: Uburwayi bwo mu mutwe butuma hatabaho uburyozwacyaha ni igihe ukurikiranywe afite uburwayi bwo mu mutwe uko bwaba bumeze kose, kuba ubwo burwayi butuma atakaza ubwenge bwe, kuba ubwo burwayi yari abufite mu gihe yakoraga ibikorwa akurikiranyweho, umuntu ufite uburwayi bwo mu mutwe butuma ataryozwa icyaha ni uwatakaje ubushobozi bwo kumva ibyo akora cyangwa ubwo kwiyobora mu bikorwa bye. Ubujurire bufite ishingiro. Nta mategeko yashingiweho Imanza zifashishijwe: RPA 0216/12/CS rwaciye n'Urukiko rw'Ikirenga ku wa 12/10/2018, haburana Ubushinjacyaha na Rutembesa Modeste; RPAA 00496/2023/CA; Ubushinjacyaha vs Uwiragiye Janvier alias Sharif rwaciye ku wa 28/03/2025. Urubanza I. IMITERERE Y'URUBANZA [2] Ku wa 31/05/2019 mu Mudugudu w'Umunanira, Akagari ka Mamfu, Umurenge wa Muhura, Akarere ka Gatsibo mu Ntara y'iburasirazuba, ubwo yari mu nzira ataha Uwamahoro Béatrice n'umwana witwa Uwase Kesia yari ahitse baratemwe, bikekwa ko byakozwe na Uwayezu Emmanuel, ahita afatwa atangira gukurikiranwa. [3] Iperereza rirangiye Ubushinjacyaha bwamureze mu

Rukiko Rwisumbuye rwa Nyagatare bumukurikiranyeho icyaha cy'ubwinjiracyaha bw'ubwicanyi, busaba Urukiko kwemeza ko kimuhama agahanishwa igifungo cy'imyaka 25. [4] Uwayezu Emmanuel yaburanye ahakana icyaha avuga ko Uwamahoro Béatrice n'umwana we bagiriwe nabi ariko ko ntaho yahuriye nabo ndetse ko atigeze agera aho batemewe; ko ahubwo hari abantu bafitanye amakimbirane na Uwamahoro Béatrice kuko yigeze kubarira ihene akaba akeka ko aribo bamugiriye nabi cyangwa se akaba yarituye hasi kuko yari yasinze. [5] Mu rubanza RP 00877/2019/TGI/NYG rwaciwe n'Urukiko Rwisumbuye rwa Nyagatare ku wa 25/11/2020 rwemeje ko Uwayezu Emmanuel ahamwa n'icyaha cy'ubwinjiracyaga

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bw'ubwicanyi, rutegeka ko ahanishwa igifungo cy'imyaka 25. Ibyo Urukiko rwabyemeje rushingiye ku bimenyetso n'impamvu bikurikira:

- a. imvugo y'umutangabuhamya witwa Uwambaye Françoise wemeza ko yari kumwe na Uwamahoro Béatrice n'umwana we mu kabari banywa, Uwayezu Emmanuel arahabasanga afite umufuka urimo umuhoro asaba Uwambaye Françoise kumugurira inzoga undi amubwira ko nta mafaranga afite, batashye arabakurikira hanyuma akura umuhoro mu mufuka ashaka kumutema, arawucenga ufata Uwamahoro Béatrice n'umwana we;
- b. imvugo z'abatangabuhamya bitwa Mukamfizi Provindence na Munyaneza Evariste bahamya ko batabaye bagasanga Uwamahoro Béatrice n'umwana we batemwe kandi bakababwira ko batemwe na Uwayezu Emmanuel;
- c. Raporo y'Akagari ka Mamfu ivugwamo ko Uwayezu Emmanuel ari we watemesheje Uwamahoro Béatrice n'umwana we umuhoro;
- d. ifoto iri muri dosiye igaragaza Uwamahoro Béatrice n'umwana we bafite ibipfuko kubera ibikomere batewe no gutemwa;
- e. kuba ubwo Uwayezu Emmanuel yabonaga Uwambaye Françoise na Uwamahoro Béatrice bari kumwe mu kabari bataha akabakurikira, hanyuma agafata umuhoro yari yitwaje ashaka kuwutemesha Uwambaye Françoise, uyu akawukwepa ugafata Uwamahoro Béatrice ku kaboko n'umwana we ukamutema ku gahanga, nta kindi yari agamije uretse kwica, kuba atarabigezeho bikaba atari ku bushake bwe. [6] Uwayezu Emmanuel yajuririye Urukiko Rukuru, Urugereko rwa Rwamagana avuga ko yahamijwe icyaha cy'ubwinjiracyaha bw'ubwicanyi nyamara nta muntu wamubonye agikora kuko abanyerondo baje kumufata nta muhoro bamusanganye ndetse n'abatangabuhamya bakaba baravuze ko babonye umuntu wambaye imyenda isa n'iye ariko ko batamwibonye; asaba kurenganurwa akajya kureba abana be kuko umugore we yapfuye. [7] Uhagarariye Ubushinjacyaha yavuze ko ubujurire bwa Uwayezu Emmanuel nta shingiro bufite kuko atabasha kuvuguruza ibimenyetso Urukiko rwashingiyeho rumuhamya n'icyaha. [8] Mu rubanza RPA 00127/2021/HC/RWG rwaciwe n'Urukiko Rukuru, Urugereko rwa Rwamagana ku wa 07/08/2024, rwemeje ko ubujurire bwa Uwayezu Emmanuel nta shingiro bufite kuko nta nenge yagaragaje iri mu

rubanza yajuririye. [9] Uwayezu Emmanuel yongeye kujurira mu Rukiko rw'Ubujurire, urubanza ruhabwa RPAA 00861/2024/CA, ruburanishwa mu ruhamu ku matariki atandukanye (ku wa 06/05/2025, ku wa 23/05/2025, ku wa 4/09/2025 no ku wa 12/09/2025), Uwayezu Emmanuel yunganiwe na Me Ngendakuriyo Céléstin naho Ubushinjacyaha buhagarariwe na Sibomana Stanislas. [10] Mu bujurire bwe Uwayezu Emmanuel n'umwunganira bavuga ko Urukiko Rukuru, Urugereko rwa Rwamagana rwamuhamije icyaha rwirengagije ikimenyetso yarushyikirije kigaragaza ko afite uburwayi bwo mu mutwe amaranze imyaka irenga 20, ngo dore ko no mu

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Igororero aho afungiyeye afata imiti y'ubwo burwayi; ko rero atagomba kuryozwa icyaha hashingiwe ku biteganwa mu ngingo ya 85 y'Itegeko N°68/2018 ryo ku wa 30/08/2018 riteganyaye ibyaha n'ibihano muri rusange. [11] Uhagarariye Ubushinjacyaha avugaga ko ubujurire bwa Uwayezu Emmanuel nta shingiro bufitte kuko uretse no kuba mu Rukiko Rukuru, Urugereko rwa Rwamagana nta kimenyetso na kimwe yatanze kigaragaza ko afite uburwayi bwo mu mutwe, inyandiko yakozwe n'ibitaro bya Rwamagana kuwa 25/2/2024 ashingiraho nk'ikimenyetso kuri uru rwego igaragaza uburwayi busanzwe budafite aho buhuriye n'uburwayi bwo mu mutwe. [12] Nyuma yo kubona imyitwarire ya Uwayezu Emmanuel mu iburanisha ryabaye ku matariki atandukanye, ku wa 04/09/2025 Urukiko rwafashe icyemezo kibanziriza icyo byavuye mu mizi, rutegeka ko Uwayezu Emmanuel asuzumwa n'umuganga wo mu Bitaro by'indwara zo mu mutwe bya Ndera (Ndera Neuropsychiatric Teaching Hospital) kugira ngo agaragaze niba hari uburwayi bwo mu mutwe afite n'igihe yaba abumaranze; runategeka ko Ubushinjacyaha bukora iperereza ry'inyongera ku myitwarire ya Uwayezu Emmanuel yari afite mbere yo gukora icyaha akurikiranyeho no mu gihe cyakorewe. [13] Ku wa 31/07/2025 uhagarariye Ubushinjacyaha yashyikirije Urukiko ibyavuye muri iryo perereza ry'inyongera, naho ku wa 03/09/2025 Urukiko rushyikirizwa Raporo yakozwe na Dr. Ntiringanya Schadrack (Psychiatre) ukorera mu Bitaro bya Ndera Neuropsychiatric Teaching Hospital, yemeza ko Uwayezu Emmanuel afite uburwayi bwo mu mutwe bweruye bwitwa Schizophrénie, ndetse mu iburanisha ryo ku wa 12/09/2025 uwo muganga aza gusobanurira Urukiko ibikubiye muri icyo raporo. [14] Hashingiwe ku byagaragajwe haruguru, Urukiko rurasuzuma ikibazo cyo kumenya niba Uwayezu Emmanuel atagomba kuryozwa icyaha cy'ubwinjiracyaha bw'ubwicanyi yahamijwe mu rubanza rwajuririye kuko afite uburwayi bwo mu mutwe. II. ISESENGURA RY'IBIBAZO BIGIZE URUBANZA Kumenya niba Uwayezu Emmanuel atagomba kuryozwa icyaha cy'ubwinjiracyaha bw'ubwicanyi yahamijwe mu rubanza rwajuririye kuko afite uburwayi bwo mu mutwe. [15] Mu myanzuro y'ubujurire ya Uwayezu Emmanuel no mu bisobanuro Me Ngendakuriyo Céléstin umwunganira yatanze mu myanzuro ye y'inyongera, bavugaga ko mu rubanza rwajuririye yahamijwe icyaha cy'ubwinjiracyaha bw'ubwicanyi hirengagijwe ibimenyetso yagaragaje byerekana ko yakozwe afite uburwayi bwo mu mutwe ndetse n'ubu akaba akibufite, bityo akaba adakwiriye kuryozwa icyo cyaha hashingiwe ku biteganwa 85 y'Itegeko N° 68/2018 ryo ku wa 30/08/2018 riteganyaye ibyaha n'ibihano muri rusange. [16] Basobanura ko yatangiye kwivuka ubwo burwayi bwo mu mutwe mu mwaka wa 2020 yivuriza mu Kigonderabuzima cya Muhura no mu bitaro bya Ndera,

ariko ko batashoboye kubona impapuro yivurijeho guhera icyo gihe kuko bisaba ko umurwayi aba azi ukwezi yivurijemo kandi Uwayezu Emmanuel akaba atabyibuka, ariko ko impapuro babonye zigaragaza ko yivuye ubwo burwayi guhera mu mwaka wa 2024.

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[17] Nyuma yo kubona ibikubiye muri Raporo yakozwe na Dr. Ntirenganya Schadrack (Psychiatre) ukorera mu Bitaro bya Ndera Neuropsychiatric Teaching no kumva ibisobanuro yatanze imbere y'Urukiko akemeza ko yasuzumye Uwayezu Emmanuel agasanga afite uburwayi bweruye bwo mu mutwe, Me Ngendakuriyo Céléstin yasabye Urukiko kubishingiraho rukemeza ko ubwo burwayi uwo yunganira yari asanzwe abufite n'igihe icyaha akurikiranyweho cyakorwaga, ashingiye ku kuba mu bisobanuro Dr. Ntirenganya Schadrack yatanze mu Rukiko yaravuze ko ubwo burwayi butangira ku myaka 18, bityo no ku bireba Uwayezu Emmanuel bukaba ari bwo bwatangiriye hanyuma ntagire umwitaho bigatuma bukomeza gukura; asaba Urukiko gushingira kuri izo pamvu zose rugatega ko uwo yunganira arekurwa agashyirwa mu bitaro byita ku bafite bene ubwo burwayi kugira ngo avurwe kuko agiye hanze atabona abamwitaho. [18] Mu gusubiza izo mpamvu z'ubujurire, uhagarariye Ubushinjacyaha avuga ko n'ubwo koko Raporo yavuzwe haruguru yakozwe na muganga wamusuzumye Uwayezu Emmanuel igaragaza ko afite uburwayi bwo mu mutwe, muri iyo raporo hatagaragajwe igihe bwatangiriye bityo Ubushinjacyaha bwo bukaba busanga ntabwo Uwayezu Emmanuel yari afite ubwo icyaha akurikiranyweho cyakorwaga, ko ahubwo bwamufashe ageze mu Igororero. [19] Uhagarariye Ubushinjacyaha avuga kandi ko no mu iperereza ry'inyongera bwakoreye aho Uwayezu Emmanuel yari atuye ubwo icyaha akurikiranyweho cyakorwaga, habajijwe abitwa Giraneza Charles na Maneko Gérard bakavuga ko bazi Uwayezu Emmanuel nk'umuntu wari igisare, ko iyo yanywaga inzoga yagendaga akubita abantu, kandi ko umugore we atarapfa babanaga nabi kubera amahane ye ndetse na nyina akaba yarimutse amuhunga kubera ayo mahane, ariko ko batabanaga ko ari umusazi. [20] Uhagarariye Ubushinjacyaha avuga ko ashingiye kuri ibyo bisobanuro byose asanga nta kigaragaza ko ubwo icyaha Uwayezu Emmanuel akurikiranyweho cyakorwaga yari afite uburwayi bwo mu mutwe, bityo hakaba nta mpamvu yatuma atakiryoza; avuga cyakora ko yarekurwa by'agateganyo agashyirwa mu bitaro byita ku bafite uburwayi nk'ubwo agakurikiranwa mu gihe kiri hagati y'amezi atandatu n'umwaka, hanyuma hakazatangwa raporo igaragaza uko ubuzima bwe bumeze, Urukiko rukabona gufata icyemezo. UKO URUKIKO RUBIBONA [21] Impaka ziri muri uru rubanza zishingiye ku kumenya niba Uwayezu Emmanuel atagomba kuryozwa icyaha cy'ubwinjiracyaha bw'ubwicanyi yahamijwe mu rubanza rwajuririwe kuko afite uburwayi bwo mu mutwe. [22] Ibirebana n'igihe habaho uburwayi bwo mu mutwe butuma ushinjwa ataryozwa icyaha byatanzweho umurongo mu rubanza RPA 0216/12/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 12/10/2018, haburana Ubushinjacyaha na Rutembesa Modeste. Muri urwo rubanza, Urukiko rw'Ikirenga rwasobanuye ko uburwayi bwo mu mutwe butuma hatabaho uburyozwacyaha ari igihe ukurikiranywe afite uburwayi bwo mu mutwe uko bwaba bumeze kose, kuba ubwo burwayi butuma atakaza ubwenge bwe, kuba ubwo burwayi yari abufite mu gihe yakoraga

ibikorwa akurikiranyweho, ko umuntu ufite uburwayi bwo mu mutwe butuma ataryozwa icyaha ari uwatakaje ubushobozi bwo kumva ibyo akora cyangwa ubwo kwiyobora mu bikorwa bye. Uyu murongo kandi wakomeje gukurikizwa no mu zindi manza zaciwe n'uru Rukiko, mu ziheruka

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gucibwa harimo nk'urubanza RPAA 00496/2023/CA rwaciwe ku wa 28/03/2025, haburana Ubushinjacyaha na Uwiragiye Janvier alias Sharif (igika cya 16). [23] Ku birebana n'uru rubanza, Raporo yo kuwa 18/09/2025 yakozwe na Dr. Ntirenganya Schadrack (Psychiatre) ukorera mu Bitaro by'indwara zo mu mutwe bya Ndera Neuropsychiatric Teaching igaragaza ko isuzuma ryakorewe Uwayezu Emmanuel nyuma y'uko agejejwe muri ibyo bitaro ku wa 06/08/2025, ryagaragaje ko afite afite uburwayi bwo mu mutwe bweruye bwitwa Schizophrénie, kandi ko ubwo burwayi bugira ingaruka ku mikorere y'ubwonko (affectant le fonctionnement du cerveau) kandi bugahindura imitekerereze, imyemerere n'uburyo bwo kubona ibintu (modifiant les pensées, croyances et perceptions). [24] Mu bisobanuro Dr. Ntirenganya Schadrack yatanze imbere y'Urukiko, yavuze ko umuntu ufite ubu burwayi arangwa n'ibimenyetso binyuranye birimo nko kubona amashusho abandi bantu batabona, kumva amajwi abandi bantu batumva, nk'amubwira ngo agendagende cyangwa ngo agirire nabi undi muntu ku buryo ushobora kubona akubise umuntu urushyi, kutambara cyangwa kwambara imyenda myinshi, gutwara ibipfurumba, kuba amarangamutima ye ahindagurika, kutagira ikimushimisha; kudakurikiza amategeko, n'ibindi. [25] Dr. Ntirenganya Schadrack kandi yabwiye Urukiko ko mu isuzuma ryakorewe Uwayezu Emmanuel nawe bamubonyeho bimwe muri ibyo bimenyetso, nko kwivugisha nk'aho hari abantu barimo kuvugana, kuvuga ibiterekeranye, kugira isuku nke ku mubiri, kudasinzira atabanje guhabwa imiti, kugendagenda no gukorakora ku bintu no gukuramo imyenda. Dr. Ntirenganya Schadrack yanabwiye Urukiko ko basanze ubwonko bwa Uwayezu Emmanuel budakora neza, banasanga afite inkovu igaragara mu mutwe, bivuze ko yigeze kugira ibikomere mu mutwe (traumatisme crânien) ariko batamenye icyabiteye, kandi ko ibi bikomere bishobora kuba imwe mu mpamvu zatera ubwo burwayi bwo mu mutwe; mu zindi mpamvu zabutera avuga ko harimo kubukomora ku babyeyi, ikoreshwa ry'ibiyobyabwenge, uburwayi bwa mugiga, n'ibindi. [26] Ku kibazo cyo kumenya igihe ubwo burwayi bwaba bwaratangiriye, Dr. Ntirenganya Schadrack yabwiye Urukiko ko mu isuzuma bakoze batashoboye kubimenya, ariko ko ikizwi ari uko muri rusange ubwo burwayi butangira ku myaka 18, kandi ko iyo umurwayi atabonye umukurikirana bukomeza gukura. Yanavuze ko nta yandi makuru babonye agaragaza ko Uwayezu Emmanuel yigeze kwivuriza muri ibyo bitaro mbere. [27] Ku kibazo cyo kumenya niba ubwo burwayi bwo mu mutwe Uwayezu Emmanuel afite bushobora gukira, Dr. Ntirenganya Schadrack yasobanuye ko ari uburwayi bwo mu mutwe bweruye budakira, ko umurwayi aba agomba gufata imiti hafi ubuzima bwe bwose kandi icyo imufasha ari ukugabanya ibimenyetso kuko nta muti ubaho ubuvura, umurwayi akaba adashobora kuzongera kugira ubuzima busanzwe. [28] Urukiko rw'Ubujurire, rushingiye ku byagaragajwe muri Raporo yavuzwe haruguru yakozwe na Dr. Ntirenganya Schadrack wasuzumye Uwayezu Emmanuel no ku bisobanuro yatanze mu iburanisha, rurasanga nta gushidikanya ko Uwayezu Emmanuel afite

uburwayi bweruye bwo mu mutwe (Schizophrénie), kandi ko ubwo burwayi bwagize ingaruka ku mikorere y'ubwonko bwe, ku mitekerereze ye ndetse no ku buryo abona ibintu, bikaba byumvikana ko bushobora gutuma akora ibikorwa atatekereje neza ndetse ntanamenye ingaruka zabyo.

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[29] N'ubwo muri icyo raporo hatagaragajwe igihe ubwo burwayi bwatangiriye, na Dr. Ntirenganya Schadrack mu bisobanuro yatanze imbere y'Urukiko akaba yaravuze ko batashoboye kubimenya, Urukiko rurasanga imyitwarire yagaragajwe haruguru Uwayezu Emmanuel yari asanzwe afite nk'uko Ubushinjacyaha bwabisobanuye bushingiye ku iperereza ry'inyongera bwakoreye aho yari atuye, y'uko yari umuntu w'igisare ugira amahane kandi ko icyo yanywaga inzoga yagendaga akubita abantu ku buryo umugore we atarapfa bari babanye nabi kubera ayo mahane na nyina akaba yari yarimutse akamuhunga kubera icyo myitwarire, irebwe hamwe n'ibimenyetso byavuzwe haruguru biranga ufite ubwo burwayi birimo nko kumva amajwi no kubona amashusho abandi batabona, harimo n'amajwi amubwira ngo agirire nabi abandi bantu, kugira amarangamutima ahindagurika, kudakurikiza amategeko, n'ibindi, hakanyongeraho ko Dr. Ntirenganya Shadrack yasobanuye ko bizwi ko muri rusange ubwo burwayi butangira ku myaka 18 umurwayi atakwitabwaho bugakomeza gukura, bituma Urukiko rusanga nta kirugaragariza nta shiti ko mu gihe icyaha Uwayezu Emmanuel akurikiranyweho cyakorwaga yari afite ubushobozi bwo gutekereza no kwitwara mu buryo bukwiriye ku buryo yari gukurikiranwaho icyaha, cyane cyane ko Dr. Ntirenganya Shadrack yanagaragaje ko basanze Uwayezu Emmanuel afite inkovu mu mutwe yatewe n'ibikomere yigeze kugira mu mutwe kandi ko iyi ari imwe mu mpamvu zishobora gutera ubwo burwayi bwo mu mutwe, kandi igihe yagiriye ibyo bikomere byo mu mutwe kikaba kitaramenyekanye. [30] Urukiko rushingiye ku bimaze gusobanurwa byose, rurasanga nta kirugaragariza nta shiti ko mu gihe icyaha Uwayezu Emmanuel akurikiranyweho cyakorwaga yari afite ubushobozi bwo kumva ibyo akora cyangwa ubwo kwiyobora mu bikorwa bya no gutekereza ku ngaruka zabyo bituma agira ubushake bwo gukora icyaha (mens rea), bityo rero akaba ataragombaga gukurikiranwa kuko nta kigaragaza ko ku bimureba ibigize icyaha byari byuzuye; hashingiwe kuri izo mpamvu zose, urubanza RPA 00127/2021/HC/RWG rwaciye n'Urukiko Rukuru, Urugereko rwa Rwamagana ku wa 07/08/2024 rukaba rugomba guhinduka mu ngingo zarwo zose, igihano cy'igifungo cy'imyaka 25 Uwayezu Emmanuel yahanishijwe kikavanwaho. [31] Urukiko rurasanga kandi kubera uburwayi bwo mu mutwe bweruye Uwayezu Emmanuel afite, bushobora gutuma akora ibikorwa atatekerejeho ntanamenye ingaruka zabyo harimo n'ibyavamo ibyaha, kandi hashingiwe ku byasobanuwe n'Ubushinjacyaha hakaba nta kigaragariza Urukiko ko hari abantu afite bamwitaho kuko ubuhagarariye yavuze ko umugore we yapfuye na nyina akaba yaramuhunze, ari ngombwa ko Ubushinjacyaha bumushyikiriza inzego zibishinzwe kugira ngo zishobore gukurikirana ubuzima bwe bwo mu mutwe. III. ICYEMEZO CY'URUKIKO [32] Rwemeje ko Uwayezu Emmanuel atagombaga gukurikiranwaho icyaha. [33] Rwemeje ko igihano cy'igifungo cy'imyaka makumyabiri n'itanu (25) Uwayezu Emmanuel yahanishijwe

mu rubanza 00127/2021/HC/RWG rwaciwe n'Urukiko Rukuru, Urugereko rwa Rwamagana, ku wa 07/08/2024 kivuyeho. [34] Rutegetse ko Uwayezu Emmanuel ahita arekurwa urubanza rukimara gusomwa, Ubushinjacyaha bukamushyikiriza inzego zibishinzwe kugira ngo zishobore gukurikirana ubuzima bwe bwo mu mutwe.

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[35] Rutegetse ko amagarama y'urubanza aherera ku isanduku ya Leta.

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