UBUSHINJACYAHA v NTIRANDEKURA N'UNDI

[Rwanda URUKIKO RUKURU - RPA 00547/2020/HC/NYZ (Ndagijimana, P.J.) 06 Ukwakira 2022]

Amategeko agenga imanza z'inshinjabyaha – Igihano – Akamaro k'igihano ntikareberwa gusa kuburemere bw'icyaha cyakozwe ahubwo hakwiye no kwitabwa ku nyungu za rubanda harimo n'uwahohotewe mu gukumira ko icyo cyaha cyazasubira cyaba gisubiwemo n'uregwa cyangwa gikozwe n'undi ndetse hakitabwa no ku nyungu z'uregwa hagendewe ku mwihariko wa buri rubanza.

Incamake y'ikibazo: Urubanza rwatangiriye murukiko Rwisumbuye rwa Muhanga Ntirandekura Damascène na Mugiraneza Muneza Gaspard bakurikiranyweho icyaha cy'ubujura bukoresheje guca icyuho bukozwe mu ijoro, Ubushinjacyaha buvuga ko bagiye mu ijoro bacukura inzu bibamo ibintu bitandukanye n' uko Ntirandekura Damascène yabanye n'umwana w'imyaka cumi n' irindwi (17) y'amavuko nk'umugabo n'umugore aburana ahakana icyaha cy' ubujura ahanishwa igifungo cya burundu naho Mugiraneza Muneza Gaspard na we waburanye yemera icyaha ahanishwa igifungo cy'imyaka itatu (3) n'ihazabu ya miliyoni imwe (1.000.000 Frws). Abaregwa ntibishimiye icyemezo cy'Urukiko bajuririye urwo rubanza murukiko Rukuru Urugereko rwa Nyanza bavuga ko basaba kugabanyirizwa ibihano kubera kuburana bemera icyaha, naho kuri Mugiraneza Muneza Gaspard asaba ko hanarebwa niba yaraburanishijwe n' Urukiko rubifitiye ububasha nk' uko bisabwa n' Ubushinjacyaha.

Mu iburanisha mubujurire, Ubushinjacyaha buvuga ko busanga Mugiraneza Muneza yarashoboraga guhanishwa igifungo cy'imyaka ine (4) ko ariko yahanishijwe igihano cyo hasi , ko busanga adakwiye kugabanyirizwa hakagumaho igihano yahanishijwe ku rwego rwa mbere, ko kandi bunasanga yakagombye kuba yaraburanishijwe n'Urukiko rw'Ibanze kuko yakurikiranyweho icyaha cy'ubujura naho Ntirandekura agakurikiranwaho icyaha cy'ubujura no gusambanya umwana akaba we yaragombaga kuburanira mu Rukiko Rwisumbuye, ko Urukiko rwazabisuzuma kandi rusanze nta bubasha Urukiko rwamuburanishije rwari rufite Mugiraneza akaba yarekurwa.

Incamake y'icyemezo: Akamaro k'igihano ntikareberwa gusa kuburemere bw'icyaha cyakozwe ahubwo hakwiye no kwitabwa ku nyungu za rubanda harimo n'uwahohotewe mu gukumira ko icyo cyaha cyazasubira cyaba gisubiwemo n'uregwa cyangwa gikozwe n'undi ndetse hakitabwa no ku nyungu z'uregwa hagendewe ku mwihariko wa buri rubanza.

Ubujurire bufite ishingiro kuri bimwe,
Imikirize y' urubanza rujuririrwa ihindutse kubijyanye n' igihano cyagenewe Ntirandekura Damascène,
Imikirize y' urubanza rujuririrwa ivanyweho ku bireba Mugiraneza Gaspard bahimba Muneza kuko rwaburanishijwe n'urukiko rutabifitiye ububasha.

Amategeko yakoreshejwe:

Itegeko Nº 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha, ingingo ya 141 na 192.

Itegeko no 68/2018 ryo kuwa 30/08/2018 riteganya ibyaha n'ibihano muri rusange, ingingo ya 49, 60, 92 na 133.

Itegeko N°30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'inkiko, ingingo ya 26,

Itegeko n° 15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo, ingingo ya 110

Imanza zashingiweho:

Urubanza RPAA 0010/06/CS- RPAA 0011/06/CS –RPAA 0012/06/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 18/07/2008.

Urubanza RS/INCOST/SPEC/00003/2019/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 04/12/2019,
Urubanza RPAA 00032/2019/CA MP C/ Nzafashwanimana Jean de Dieu rwaciwe n'Urukiko rw'Ubujurire kuwa 28/02/2020.

Urubanza

I. IMITERERE Y'URUBANZA

[1] Ntirandekura Damascène na Mugiraneza Muneza Gaspard bakurikiranyweho icyaha cy'ubujura bukoresheje guca icyuho bukozwe mu ijoro, Ubushinjacyaha buvuga ko bagiye mu ijoro bacukura inzu bibamo ibintu bitandukanye n' uko Ntirandekura Damascène yabanye n'umwana w'imyaka cumi n' irindwi (17) y'amavuko nk'umugabo n'umugore aburana ahakana icyaha cy' ubujura ahanishwa igifungo cya burundu naho Mugiraneza Muneza Gaspard na we waburanye yemera icyaha aganishwa igifungo cy'imyaka itatu (3) n'ihazabu ya miliyoni imwe (1.000.000 Frws).

[2] Abaregwa bajuririye urwo rubanza bavuga ko basaba kugabanyirizwa igihano kuberakuburana bemera icyaha, naho kuri Mugiraneza Muneza Gaspard hakanarebwa niba yaraburanishijwe n' Urukiko rubifitiye ububasha nk' uko bisabwa n' Ubushinjacyaha.

[3] Ikibazo gisuzumwa muri uru rubanza ni ukumenya niba hari impamvu nyoroshyacyaha zatuma abaregwa bagabanyirizwa ibihano n' amategeko yashingirwaho.

II. ISESENGURA RY'IKIBAZO KIGIZE URUBANZA

a. Kumenya niba hari impamvu nyoroshyacyaha zatuma abaregwa bagabanyirizwa ibihano n' uko Mugiraneza Muneza Gaspard yaburanishijwe n' Urukiko rubifitiye ububasha

[4] Ntirandekura Damascène avuga ko yajuriye asaba Urukiko gusuzuma imikorere y' icyaha akurikiranyweho kuko acyemera agasaba imbabazi, agasaba kugabanyirizwa igihano cya burundu yahanishijwe kuko asanga ari kirekire, ko yaburanye ku rwego rwa mbere , akaba yarahakanaga icyaha cy' ubujura buciye icyuho yemera icyo gusambanya umwana byakurikiwe no kubana na we nk' umugabo n' umugore kuko avuga ko na n' ubu ari umugore we , ko iki cyaha cyanagaragaye ubwo yari afungiye icyaha cy' ubujura akaza kumusura, ko n' ubwo icyaha cyabayeho ariko nta ngaruka zikomeye cyateje kuko Muhoza Esther bari babanye neza nk' umugabo n' umugore n' umwana yari yarabyariye iwabo bafatanya kumurera, kubw' ibyo agasaba kugabanyirizwa igihano kuko anavuga ko Umuhoza bajya kubana yamushatse yarabyaye abona ari umuntu n' ubundi wabyaye ku buryo atari kumenya ko afite imyaka mike, ko asaba ko n' umwana yabyaye yapimishwa basanga bahuje amaraso agahanwa basanga batayahuje akarekurwa.

[5] Mugiraneza Gaspard bahimba Muneza avuga ko asaba uru Rukiko kugabanyirizwa ibihano cyangwa rukabisubika kuko yaburanye yemera icyaha asaba n' imbabazi Urukiko Rwisumbuye rwa Muhanga rurabyirengagiza.

[6] Ubushinjacyaha buvuga ko busanga Mugiraneza Muneza yarashoboraga guhanishwa igifungo cy'imyaka ine (4) ko ariko yahanishijwe igihano cyo hasi , ko busanga adakwiye kugabanyirizwa hakagumaho igihano yahanishijwe ku rwego rwa mbere, ko kandi bunasanga yakagombye kuba yaraburanishijwe n'Urukiko rw'Ibanze kuko yakurikiranyweho icyaha cy'ubujura naho Ntirandekura agakurikiranwaho icyaha cy'ubujura no gusambanya umwana akaba we yaragombaga kuburanira mu Rukiko Rwisumbuye , ko Urukiko rwazabisuzuma kandi rusanze nta bubasha Urukiko rwamuburanishije rwari rufite Mugiraneza akaba yarekurwa.

[7] Bukomeza buvuga ko Ntirandekura Damascène uvuga ko yahanishijwe igihano kirekire kandi yaraburanye yemera icyaha, ko busanga yagabanyirizwa igihano agahabwa igihano cy'imyaka 20 aho kuba

igifungo cya burundu, ko ibyaha bakurikiranyweho muri uru rubanza ntaho bihuriye, ko habayeho connexité idakwiriye, kuko Ntirandekura akurikiranywe ho ibyaha byombi wenyine, bityo ko Urukiko Rwisumbuye rwihaye ububasha ku bireba Mugiraneza kuko busanga haragombaga gukorwa dosiye ebyiri (2).

UKO URUKIKO RUBIBONA

b. Ku bireba Ntirandekura Damascène

[8] Ntirandekura Damascène aburana asaba kugabanyirizwa igihano yahanishijwe ku rwego rwa mbere yibanda ku cyaha cyo gusambanya mwana bigakurikirwa no kubana na we nk' umugabo n' umugore; ku bijyanye n' icyaha cy' ubujura, akaba ntacyo yigeze avuguruza ku byasobanuwe n' Urukiko Rwisumbuye bigaragara muri kopi y' urubanza rujuririrwa by' umwihariko mu bika bya 16-18 birimo kuba mu iperereza yaremeye icyo cyaha asaba imbabazi ko atazongera kwiba n' uko ari mu batoboye inzu y' uwitwa Pacifique bagatwara ibicuruzwa binyuranye n'amafaranga ko ndetse na bimwe mu byibwe babifatanywe.

[9] Rugasanga n' ubwo mu Rukiko yaje guhakana icyo cyaha, mu kumuhamya icyo cyaha Urukiko Rwisumbuye rwari rufite ukuri rushingira kuri izo mpamvu rwasobanuye muri ibyo bika no mu byemejwe mu rubanza RPAA 0010/06/CS- RPAA 0011/06/CS –RPAA 0012/06/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 18/07/2008 aho Urukiko rw' Ikirenga rwasanze kuba umuburanyi yarageze imbere y'Urukiko agahindura ibyo yavuze mu gihe cy'iperereza bitavuga byanze bikunze ko ari byo bigomba kwemerwa ngo ni uko byavugiwe imbere y'Urukiko, ahubwo ko Umucamanza afite ubushobozi bwo gushishoza no gusesengura akoresheje umutimanama we agaciro aha iryo hinduramvugo uko urwo Rukiko rwanavuze ko : "Umucamanza uburanisha urubanza mu mizi ni we ureba agaciro aha imvugo yiyemerera icyaha mu rwego rw' iperereza ifite, kabone n' iyo nyirayo yageze imbere y' Urukiko akayihindura[1]" rugaruka ku byavuzwe n' umuhanga mu mategeko Michel Franchimot.[2]

[10] Ku bijyanye n' impamvu z' ubujurire isaba kugabanyirizwa igihano kubera kwemera ko yasambanyije Muhoza Esther bigakurikirwa no kubana nk' umugore n' umugabo, rusanga uko kwemera icyaha ku buryo budashidikanywa kugomba kumubera impamvu nyoroshyacyaha akagabanyirizwa igihano, kukaba ariko kunamutsindisha hashingiwe ku biteganywa n'ingingo ya 110 y' Itegeko n° 15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo[3], ku bw' ibyo akaba agomba kugabanyirizwa igihano hashingiwe ku biteganywa n' ingingo ya 60 igika cya mbere agace ka 1o y'itegeko no 68/2018 ryo kuwa 30/08/2018 ryerekeye ibyaha n'ibihano muri rusanga nk'uko ryahinduwe kugeza ubu iteganya ko haseguriwe ibiteganywa n'ingingo ya 92 n'iya 133 z'iri tegeko, igihano cyo gufungwa burundu gishobora kugabanywa ariko ntikijye munsi y'imyaka makumyabiri n'itanu (25), iki gihano akaba ari cyo Ntirandekura Damascène yahanishwa aho kuba icya burundu yahanishijwe ku rwego rwa mbere.

[11] Urukiko rusanga ariko hari imanza zemeje ko Umucamanza ashobora kugabanya akajya munsi y'igihano gito giteganyijwe iyo hari impamvu nyoroshyacyaha. Muri izo manza hakaba harimo urubanza RS/INCOST/SPEC/00003/2019/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 04/12/2019 aho rwemeje ko ingingo ya 133 y'Itegeko no 68/2018 ryo ku wa 30/08/2018 ryavuzwe inyuranyije n'Itegeko Nshinga rya Repubulika y'u Rwanda kuko yateganyaga ko igifungo cya burundu kidashobora kugabanywa n'iyo haba hari impamvu nyoroshyacyaha.

---

[1] Reba imanza RPAA0010/06/CS, RPAA11/06/CS na RPAA 0012/06/CS; Urukiko rw' Ikirenga, icyegeranyo cy' ibyemezo by' Inkiko, igitabo cya mbere, n° 4, Mutarama, 2010, p.81, para.45.

[2] "*Le Juge du fond apprécie souverainement la sincerité d' un aveu fait par le prevenu au cours de l' instruction préparatoire, même quant cet aveu a été retracté devant le Juge".*, *FRANCHIMOT*, M., Procédure pénale Edi.Collection Scientifique de la faculté de Liège, 1989, p772.

[3] Ingingo ya 110 y' Itegeko n° 15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo iteganya ko: "Ukwiyemerera mu rubanza ni amagambo umuburanyi cyangwa umuhagarariye avugira mu rukiko agira ibyo yemera. Ayo magambo atsindisha uwayavuze. Ntibyemewe kuvana amagambo amwe mu yo yavuze ngo abe ari yo bamutsindisha adafatiwe hamwe nk'uko yayavuze. Uwemereye atyo mu rukiko ntabwo ashobora kwisubiraho keretse bigaragaye ko yemejwe n'uko yagirirwaga nabi cyangwa ko yibeshya ku cyabaye. Ntashoborakwisubiraho avuga ko yayobejwe no kwibeshya ku mategeko".

[12] Muri urwo rubanza, Urukiko rw'Ikirenga rwasanze kandi ibyo kutagabanya igihano bivuguruza ibiteganywa n'ingingo ya 49 y'Itegeko no 68/2018 ryo kuwa 30/08/2018 ryavuzwe by'uko Umucamanza atanga igihano akurikije uburemere bw'icyaha, ingaruka icyaha cyateye, impamvu zatumye agikora, uko uwagikoze yari asanzwe yitwara, imibereho ye bwite n'uburyo icyaha cyakozwemo. Runasanga rwaranagaragaje ko iyo Umucamanza aramutse atagabanyije igihano ububasha bwe buba bugarukira gusa ku kwemeza ko umuntu ahamwa n'icyaha naho ibishingirwaho mu kukigena akaba nta bubasha aba abifiteho. Urukiko rw'ikirenga rwanagaragaje ko kubuza Umucamanza gushingira ku mpamvu nyoroshyacyaha iyo zihari ngo abe yagabanya ibihano, binyuranye n'ihame ry'uko buri wese afite uburenganzira ku butabera buboneye ku birebana n'ibihano.[4]

[13] Urukiko rusanga uretse uru rubanza rwaciwe n'Urukiko rw'Ikirenga, hari n'urubanza rwaciwe n'Urukiko rw'Ubujurire rwemeza ko ibihano by'igihe na byo bishobora kugabanywa bikajya munsi y'igihano gito giteganyijwe mu gihe hari impamvu nyoroshyacyaha kuko rwasanze ingingo ya ingingo ya 60 igika cya mbere, agace ka kabiri(2) yavuzwe ibuza Urukiko kujya munsi y'igihano gito giteganyijwe mu gihe hari impamvu nyoroshyacyaha idakwiye gukoreshwa kuko inyuranye n'amahame y'ubutabera buboneye n'ubwigenge bw'umucamanza.[5]

[14] Urukiko runasanga akamaro k'igihano katareberwa gusa kuburemere bw'icyaha cyakozwe ahubwo hakwiye no kwitabwa ku nyungu za rubanda harimo n'uwahohotewe mu gukumira ko icyo cyaha cyazasubira cyaba gisubiwemo n'uregwa cyangwa gikozwe n'undi ndetse hakitabwa no ku nyungu z'uregwa hagendewe ku mwihariko wa buri rubanza; bityo rukaba rwagabanyiriza uregwa igihano iyo rusanga kwemera igihano giteganywa n'itegeko cyangwa cyatanzwe n'Urukiko rubanza byaba bitari mu nyungu z'ubutabera nk'uko byasobanuwe n'Urukiko rw'Ubujurire mu rubanza rwa Nzafashwanimana Jean de Dieu rwavuzwe rugendeye ku byemejwe mu rubanza State v, Homarede 1999 (2) SACR 319 (w),[6] runabigarukaho mu rubanza rwa Lt. Mutabazi Joël na bagenzi be.[7] Ibi birebana n'akamaro k'igihano ni na byo Urukiko rw'Ikirenga narwo rwagarutseho mu rubanza rwa BAHIRWE Geoffrey rwerekana ko Umucamanza abanza kureba igihano giteganywa n'Itegeko, yasanga hari impamvu zituma kigabanywa akabikora ashingiye ku mwihariko wa buri rubanza agamije gutanga igihano gikwiranye n'ubutabera.[8]

[15] Ibyo Ntirandekura Damascène avuga ko na n' ubu umwana yasambanyije ari umugore we ko n' ubwo icyaha cyabayeho ariko nta ngaruka zikomeye cyateje kuko Muhoza Esther bari babanye neza nk' umugabo n' umugore n' umwana yari yarabyariye iwabo bafatanya kumurera,ntibyakwemerwa nk' impamvu yatuma ahabwa igihano gito gishoboka nk' uko abisaba kuko ahubwo rusanga bigaragaza ko kuva yarasambanyije uwo mwana azi neza ko bibujijwe n' amategeko agakomeza kubana na we n' ubu akabyemeza nta kindi agamije uretse kumusambanya bigakurikirwa no kubana na we nk' umugabo n' umugore. Hashingiwe rero ku bimaze gusobanurwa rurasanga Ntirandekura Damascène yahanishwa igifungo cy'imyaka cumi (10).

c. Ku bireba Mugiraneza Gaspard bahimba Muneza

[16] Mu guhamya icyaha Mugiraneza Gaspard bahimba Muneza, Rwisumbuye rwasobanuye ko rusanga icyaha cy'ubujura bukoreshejwe guca icyuho bukozwe mu ijoro gihama Mugiraneza, bityo ko agomba kugihanirwa hashingiwe ku ngingo ya 167 y'Itegeko y'Itegeko no 68/2018 ryo ku wa 30/08/2018 rigena

---

[4] RS/INCONST/SPEC 00003/2019/SC KABASINGA Florida c/ Leta y'u Rwanda rwaciwe kuwa 04/12/2019.

[5] RPAA 00032/2019/CA MP C/ Nzafashwanimana Jean de Dieu rwaciwe n'Urukiko rw'Ubujurire kuwa 28/02/2020.

[6] "… The correct approach in excercising the discretion conferred upon the Court is the following : (1) the starting point is that a prescribed sentence must be imposed; (2) Only if the Court is satisfied that substantial and compelling circumstances exist, which justify the imposition of a lesser senstence may it do so; (3) Deciding whether substantial and compelling circumstances exist, each case must be decided on its own facts and the Court is required to look at all factors and consider them cumulatively; (4) If the Court concludes in a particular case that a minimum prescribed sentence is so disproportionate to the sentence is so disproportionate to the sentence which would have been appropriate, it is entitled to impose a lesser sentence", State v.Homareda 1999 (2) SACR 319 (W).

[7] RPA 00012/2019/CA MP C/ Lt Mutabazi Joël na bagenzi rwaciwe n'Urukiko rw'Ubujurire ku wa 21/11/2019, igika cya 22.

[8] RS/REV/INJUST/PEN 0001/17/CS-RP 0001/2017/SC BAHIRWE Geoffrey C/ MUKAGATOYA Marie rwaciwe n'Urukiko rw'Ikirenga kuwa 13/04/2017, igika cya 41.

ibyaha n'ibihano muri rusange uko ryahinduwe kuri bimwe kugeza ubu, rumuhanisha igifungo cy'imyaka itatu (3) n'ihazabu ya miliyoni imwe (1.000.000frw).

[17] Mu rubanza rujuririrwa, Urukiko Rwisumbuye rwasobanuye kandi ko ku cyaha cy'ubujura buciye icyuho bwakozwe mu ijoro giteganywa n'ingingo ya 165 na 166 kigahanishwa ingingo ya 167 z'Itegeko y'Itegeko no 68/2018 ryo ku wa 30/08/2018 rigena ibyaha n'ibihano muri rusange uko ryahinduwe kuri bimwe kugeza ubu iteganya igihano kitari munsi y'imyaka ibiri (2) ariko kitarenze imyaka ine (4) n'ihazabu itari munsi ya miliyoni imwe (1.000.000frw) ariko itarenze miliyoni ebyiri (2.000.000frw).

[18] Ingingo ya 26 y' Itegeko N°30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'inkiko ivugaku byaha biburanishwa n' Inkiko z' Ibanze iteganya ko Inkiko z'Ibanze ziburanisha ibyaha bikurikira: "1° ibyaha bihanishwa igihano cy'igifungo kitarengeje imyaka itanu (5), uretse ibyahariwe izindi nkiko…"

[19] Hashingiwe ku biteganywa n' iyi ngingo n' ibyasobanuwe n' Urukiko Rwisumbuye byavuzwe, rugasanga urwo Rukiko Rwisumbuye rwaraciye urubanza rudafitiye ububasha ku bireba Mugiraneza Gaspard bahimba Muneza kuko ibisobanuwe haruguru bigaragaza ko yari kuburanira mu Rukiko rw' Ibanze kubera ko icyaha akurikiranyweho gihanishwa igihano cy'igifungo kitarenze imyaka itanu (5) kiri mu bubasha bw' inkiko z' ibanze.

[20] Ingingo ya 192 y' Itegeko Nº 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha iteganya ko : "Iyo Urukiko rwajuririwe rusanze urubanza rwararegewe mu rwego rwa mbere mu buryo budakurikije amategeko cyangwa rwararegeye Urukiko rudafite ububasha, nyamara urwo Rukiko rukaba rwarafashe icyemezo cyo kurwakira kandi rutaragombaga kurwakira, Urukiko rwajuririrwe rwakira ubwo bujurire, rukagaragaza ko urwo rubanza rwajuririwe rwari rwararegewe Urukiko rwa mbere mu buryo bunyuranyije n'amategeko, rugatesha agaciro ibyemezo byose byashingiye kuri iryo kosa. Iyo ikosa rishingiye ku kibazo cy'ububasha bw'Urukiko, Urukiko rwajuririwe rwohereza idosiye Urukiko rubifitiye ububasha. Muri icyo gihe, iyo uregwa yari afunze akomeza gufungwa. Iyo ikosa rishingiye ku yindi nenge ituma urubanza ruteshwa agaciro, uwaregwaga afunze arafungurwa, ubifitemo inyungu akaba yakongera akarega".

[21] Ingingo ya 141 y' Itegeko Nº 027/2019 ryo ku wa 19/09/2019 rivuzwe ivuga ku nshingano yo kugaragaza Urukiko rufite ububasha bwo kuburanisha umuntu iteganya ko Urukiko rwaciye urubanza rw'uko rudafite ububasha bwo kuruburanisha, rugomba guhita rugaragariza ababuranyi Urukiko rufite ububasha bwo kuruburanisha kandi rukohereza dosiye urwo Rukiko.

[22] Rushingiye ku biteganywa n' izi ngingo no ku mugereka wa I w' Itegeko N°30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'Inkiko, kuri no 23 ugaragaza ko Umurenge wa MUSAMBIRA ahavugwa ko Mugiraneza Gaspard bahimba Muneza yakoreye icyaha uri mu ifasi y' Urukiko rw' Ibanze rwa Gacurabwenge, rugasanga urubanza rw'Ubushinjacyaha na Mugiraneza Gaspard bahimba Muneza rugomba koherezwa urwo Rukiko kugirango abe ari rwo ruruburanisha, agakomeza gufungwa nk' uko bivuzwe haruguru kubera ko ikosa ryakozwe rishingiye ku bubasha bw' Urukiko.

[23] Ku bw' ibyo imikirize y' urubanza RP 00500/2020/TGI/MHG rwaciwe ku wa 22/06/2020 n'Urukiko Rwisumbuye rwa Muhanga ikaba igomba guhinduka ku bijyanye n' igihano cyahanishijwe Ntirandekura kuko agomba guhanishwa igifungo cy' imyaka icumi (10) aho kuba igifungo cya burundu yahanishijwe ku rwego rwa mbere nk' uko byasobanuwe; urubanza rujuririrwa rukaba kandi rugomba kuvanwaho kubireba Mugiraneza Gaspard bahimba Muneza kubera ko yaburanishijwe anagenerwa igihano n' Urukiko rudafite ububasha, rukoherezwa Urukiko rw' Ibanze rwa Gacurabwenge rufite ububasha bwo kuruburanisha.

III. ICYEMEZO CY'URUKIKO

[24] Rwemeye ko ubujurire bwa Ntirandekura Damascène bufite ishingiro kuri bimwe.

[25] Rwemeje ko rudafite ububasha bwo kuburanisha ubujurire bwatanzwe na Mugiraneza Gaspard bahimba Muneza.

[26] Rwemeje ko Ntirandekura Damascène ahamwa n' icyaha cy' Ubujura bukoreshejwe guca icyuho bukozwe mu ijoro n' icyaha cyo gusambanya umwana bikurikiwe no kubana na we nk'umugabo n'umugore.

[27] Ruhanishije Ntirandekura Damascène igifungo cy' imyaka icumi (10).

[28] Rutegetse ko imikirize y' urubanza RP 00500/2020/TGI/MHG rwaciwe ku wa 22/06/2020 n'Urukiko Rwisumbuye rwa Muhanga rujuririrwa ihindutse kubijyanye n' igihano cyagenewe Ntirandekura Damascène.

[29] Rutegetse ko imikirize y' urubanza RP 00500/2020/TGI/MHG rwaciwe ku wa 22/06/2020 n'Urukiko Rwisumbuye rwa Muhanga rujuririrwa ivanyweho ku bireba Mugiraneza Gaspard bahimba Muneza.

[30] Rutegetse ko urubanza Ubushinjacyaha bwari bwareze Mugiraneza Gaspard bahimba Muneza rwohererezwa Urukiko rw' Ibanze rwa Gacurabwenge kugirango abe ari rwo ruruburanisha.

[31] Rutegetse ko amagarama y'uru rubanza ahererezwa mu isanduku ya Leta.