UBUSHINJACYAHA v. NKUBIRI N'ABANDI

[Rwanda URUKIKO RW' IKIRENGA – RPA 0234/08/CS (Havugiyaremye, P.J., Munyangeri na Kanyange, J.) 17 Ukwakira 2014]

Amategeko Mpanabyaha – Guhishira undi ibyibano – igihe igihano cy'ubugome gishobora guhanishwa icyaha gikomokaho ibintu byahishwe, uwahishe azahanishwa igihano itegeko ryageneye icyo cyaha cy'ubugome n'impamvu zacyo azaba yaramenye mu gihe cy'ubuhishe […] – Itegeko Teka n° 21/77 ryo kuwa 18/08/1977 rishyiraho igitabo cy'amategeko ahana, ingingo ya 431(4^0).

Amategeko agenga imiburanishirize y'imanza nshinjabyaha – Ibimenyetso bishinja – ubushinjacyaha […] nibwo bugomba gutanga ibimenyetso byemeza icyaha – Itegeko nº 30/2013 ryo kuwa 24/05/2013 ryerekeye imiburanishirize y'imanza z'inshinjabyaha, ingingo ya 85.

Amategeko Mpanabyaha – Imikoreshereze y'amategeko ahana – Amategeko ahana ntashobora gukoreshwa mu buryo butandukira, agomba gufatwa uko ateye – Itegeko Ngenga n° 01/2012/OL ryo kuwa 02/05/2012 Rishyiraho igitabo cy' amategeko ahana, ingingo ya 4.

Incamake y'ikibazo: Tubarimo, Nkubiri Mbyogo, Nsengiyumva na Uwimana François bakurikiranywe mu Rukiko Rukuru, Tubarimo Aloys ku cyaha cy' ubuhotozi n' ubujura bukoresheje intwaro, Nkubiri Mbyogo ku cyaha cy' ubujura bukoresheje intwaro naho Nsengiyumva Jean de Dieu na Uwimana François ku bufatanyacyaha mu buhotozi. Urukiko rwaciye urubanza rwemeza ko Tubarimo ahamwa n'ibyaha aregwa, rumuhanisha igifungo cya burundu cy'umwihariko, ko Nkubiri Mbyogo, Nsengiyumva na Uwimana badahamwa n'ibyaha bari bakurikiranyweho, rutegeka ko uko ari batatu bahita barekurwa.

Ubushinjacyaha bwajuririye urwo rubanza mu Rukiko rw'Ikirenga buvuga ko hirengagijwe ibimenyetso bishinja ibyaha abaregwa.Urubanza rwaburanishijwe abaregwa batitabye n'ubwo bari bagejejweho inyandiko zibatumira kuburana, urukiko rufata icyemezo cyo kuburanisha urubanza badahari

Incamake y'icyemezo: 1. Nkubiri Mbyogo agomba guhanishwa igifungo giteganyirijwe icyaha cy'ubujura bukoreshejwe intwaro cyakozwe kugira ngo ariya magare aboneke, ariko agahanwa hakurikijwe igitabo cy'amategeko gishya kuko aricyo giteganya ibihano byoroheje, bityo ahanishijwe igifungo cy'imyaka umunani.

2. Ubushinjacyaha ntibwabashije kugaragaza ibimenyetso bihamya icyaha Nsengiyumva ku buryo budashidikanywaho.

3. Amategeko ahana ntashobora gukoreshwa mu buryo butandukira, agomba gufatwa uko ateye; nta bubasha inkiko zifite bwo guca imanza ku buryo bugenekereje. Bityo kuba ibimenyetso Ubushinjacyaha buvuga ko byirengagijwe bidahamya icyaha Uwimana ku buryo budashidikanywaho, akomeje kugirwa umwere.

Ubujurire bw'Ubushinjacyaha bufite ishingiro ku bimwe.
Nkubiri Mbyogo ahamwa n'icyaha cyo guhishira undi ibyibano.
Ahanishijwe igifungo cy'imyaka umunani.
Rutegetse ko ahita afatwa agafungwa.
Nta gihindutse ku bireba Nsengiyumva na Uwimana.

Icyakabiri cy'amagarama giherereye kuri Nkubiri ikindi ku Isanduku ya Leta.

Amategeko yashingiweho:
Itegeko Ngenga n° 01/2012/OL ryo kuwa 02/05/2012 Rishyiraho igitabo cy'amategeko ahana, ingingo ya 4.
Itegeko nº 30/2013 ryo ku wa 24/05/2013 ryerekeye imiburanishirize y'imanza z'inshinjabyaha, ingingo ya 85
Itegeko Teka n° 21/77 ryo kuwa 18/08/1977 rishyiraho igitabo cy'amategeko ahana, ingingo za 82, 83 na 311.

Nta manza zifashishijwe.

Urubanza

I. IMITERERE Y'URUBANZA

[1] Tubarimo Aloys, Nkubiri Mbyogo, Nsengiyumva Jean de Dieu na Uwimana François bakurikiranyweho ibyaha byasobanuwe haruguru mu Rukiko Rukuru, ruca urubanza rwemeza ko Tubarimo ahamwa n'ibyaha aregwa, rumuhanisha igifungo cya burundu cy'umwihariko, rwemeza ko Nkubiri Mbyogo adahamwa n'icyaha cy'ubujura bukoreshejwe intwaro, ko Nsengiyumva na Uwimana nabo badahamwa n'ubufatanyacyaha mu buhotozi, rutegeka ko uko ari batatu bahita barekurwa.

[2] Kuri Nkubiri Mbyogo, Urukiko rwasobanuye ko mu nzego z'ikurikiranacyaha no mu Rukiko atemeye icyaha aregwa kandi na Tubarimo akaba ataramushinje, ko ahubwo yahishwe ko amagare yahabwaga na Tubarimo ngo agurishe yabaga yayibye abanyozi yahotoraga. Rwasobanuye kandi ko kuba bari basanzwe ari inshuti akamuha icyo kiraka cyo kujya amugurishiriza ayo magare no kuba yari azi ko nta mikoro Tubarimo yari afite yari gutuma arangura ayo magare, bidahagije kugira ngo abe yahamwa n'icyaha kuko byaba ari ugukeka, cyane cyane ko n'ubuhamya bw'abamushinja bwuzuyemo gukeka gusa.

[3] Rwasanze kandi icyaha cy'ubujura bw'amagare akurikiranyweho cyarakozwe nyuma y'ihotorwa ry'abanyozi ari nabo ba nyiri amagare, nyamara Ubushinjacyaha bukavuga ko nta kimenyetso bwashingiraho bumukurikiranaho icyaha cy'ubuhotozi bw'abo banyonzi, ko rero ntaho urukiko rwahera rwemeza ko yari azi ko Tubarimo yamburaga abanyonzi amagare amaze kubica, ko hari ugukeka kurengera uregwa.

[4] Kuri Nsengiyumva, rwasobanuye ko nawe Tubarimo atamushinja, ko icyashingiweho cy'uko yayobyaga uburari abuza abaje gucukura ahatabwe imirambo y'abicwaga, nabyo ari ugukeka kurengera uregwa kuko atabyemera akanavuga ko Umugenzacyaha yiyandikiye ibyo ashaka kandi ko yakubiswe inkoni nyinshi, ko kandi hibazwa uburyo yari azi ko Tubarimo yahotoraga abanyonzi akanabahamba mu byobo, ariko ntamenye ikimutera kubica aricyo kwiba amagare yabo, ngo nabyo abikurikiranweho, cyane cyane ko muri ibyo byobo hanatabwagamo imisego y'ayo magare n'ibiyaranga kugira ngo atazamenyekana.

[5] Kuri uwimana, urukiko rwasobanuye ko nawe Tubarimo atamushinja kuba yari azi ko ibyobo yacukuye byari ibyo gutamo abo yicaga cyangwa ngo avuge ko ibyo Uwimana yacukuye iwe aricyo byari bigamije, ko hari abatangabuhamya bemeje ko ibyo byobo byari ibyo guteramo insina kuko hari n'izari zimaze guterwa, ibyari bisigaye bikaba byari

bitegereje ko imvura igwa kugira ngo amazi abanze ajyemo. Rwasobanuye kandi ko inkweto za Uwimana zasanzwe kwa Tubarimo zahasigaye ubwo bahamufatiraga bamujyanye kuri polisi, ko n'ikoti ryahafatiwe atari irye nk'uko hari abatangabuhamya babyemeje.

[6] Ubushinjacyaha bwajuririye urwo rubanza mu Rukiko rw'Ikirenga buvuga ko hirengagijwe ibimenyetso bishinja ibyaha abaregwa.

[7] Urubanza rwaburanishijwe mu ruhame kuwa 15/09/2014, Ubushinjacyaha buhagarariwe na Munyaneza Nkwaya Eric, Nkubiri Mbyogo, Nsengiyumva na Uwimana batitabye n'ubwo bari bagejejweho inyandiko zibatumira kuburana, urukiko rufata icyemezo cyo kuburanisha urubanza badahari.

II. IKIBAZO KIRI MU RUBANZA N'ISESENGURWA RYACYO

Kumenya niba harirengagijwe ibimenyetso bishinja icyaha Nkubiri Mbyogo, Nsengiyumva na Uwimana.

● Kuri Nkubiri Mbyogo

[8] Uhagarariye Ubushinjacyaha avuga ko urukiko rwa mbere rwagaragarijwe ibimenyetso bihagije ariko ruvuga ko hari ugushidikanya ku cyaha aregwa, ko ibyo bimenyetso bigizwe no kuba ari we wagurishaga amagare Tubarimo yabaga yibye nk'uko bombi babyemera, ko n'ubwo Nkubiri avuga ko atari azi inkomoko y'ayo, Ubushinjacyaha bwagarageje ko iyo mvugo itafatwaho ukuri kuko yabanaga na Tubarimo buri gihe akaba yari azi ko nta mikoro afite yatuma arangura amagare; kuba nta gare na rimwe ryari rifite icyangomwa, nawe ubwe akaba avuga ko kubera iyo mpamvu yajyaga kuyagurisha nijoro, bivuze ko yari azi ko ari amibano; kuba Tubarimo ataramubwiraga igiciro atajya munsi ahubwo akaba ariwe ukishyiriraho, bisobanura ko yari azi ko ari amibano kuko iyo aba ayo Tubarimo aba yararanguye koko yari kujya amubwira igiciro atajya munsi; kuba hari abatangabuhamya bemeje ko yari azi bamwe muri ba nyiri amagare yagurishaga.

[9] Uhagarariye Ubushinjacyaha avuga kandi ko urukiko rwavuze ko Nkubiri atakurikiranywaho icyaha cy'ubujura mu gihe atakurikiranyweho icyaha cy'ubuhotozi, kandi nyamara yararezwe hashingiwe ku ngingo ya 257 y'Igitabo cy'amategeko ahana, ko uruhare rwe ari urwo kugurishiriza amagare Tubarimo kandi azi neza ko ari amibano, bikaba rero bitari ngombwa ko ahamwa n'icy'ubuhotozi kuko kuri buri cyaha harebwa uruhare umuntu yagize mu ikorwa ryacyo, ko rero kuba yari azi neza ko amagare Tubarimo amuha ngo agurishe ari amibano, akamuhishira ntamurege ahubwo akamufasha kurangiza igikorwa cye amugurishiriza ibyibano nawe akabikuramo inyungu, ahamwa n'icyaha cy'ubujura bukoreshejwe intwaro.

UKO URUKIKO RUBIBONA

[10] Nkubiri Mbyogo nawe ntahakana ko yagurishaga amagare yahabwaga na Tubarimo wabaga yayambuye abanyonzi nyuma yo kubica. N'ubwo umucamanza wa mbere yemeje ko Nkubiri yahishwaga inkomoko y'ayo magare, Uru rukiko rurasanga kuba ataramenye iby'iyicwa rya ba nyirayo, bidakuraho ariko ko yari azi ko ayo magare yari amibano kuko mu nyandikomvugo yakorewe mu Bushinjayaha yabyemeye aho yabisobanuye muri aya magambo: ''nanjye numvaga ko ibyo ari byo byose yabaga yayibye'', ''nari nzi ko ari umujura, numvaga yayibye', naho ku kibazo cyo kumenya niba yari azi ko acuruza ibyibano

naho yasubije ngo ''yego'', anabajijwe niba yarabajije Tubarimo aho ayakura, asubiza ko yamubwiye ko ayegura (arayiba), ko afite n'abahungu b'i Kinazi bayamuzanira.

[11] N'ubwo mu Rukiko Rukuru Nkubiri yavuze ko atari azi inkomoko y'amagare yahabwaga na Tubarimo, uyu nawe akavuga ko yamubwiraga ko yayaguraga i Gitarama, urukiko rurasanga izo mvugo zabo zivuguruzwa n'ibyo Nkubiri yiyemereye inshuro irenze imwe nk'uko byavuzwe haruguru. Kuba kandi Nkubiri yaraburanye mu Rukiko Rukuru avuga ko Tubarimo yamubwiye ko ayo magare yayaranguraga i Gitarama, uru Rukiko rurasanga atari ukuri kuko iyo aza kuba ayo yaranguraga koko aba yaramubwiye igiciro atagomba kujya munsi, nyamara mu nyandikomvugo yo mu Bushinjajyaha bigaragara ko Nkubiri ariwe washyiragaho ibiciro akurikije uko igare ryabaga rimeze: "Twari twaravuganye ko nagurisha igare ku mafaranga 20.000 azajya afatamo 2000Frw, ariko kuko ayo magare atari amwe, akambwira ko amwe yayagurishje ku giciro cyo hasi, nka 18.000Frw, 16.000Frw", ibi nabyo bikaba bishimangira ko Nkubiri yari azi inkomoko y'ayo magare.

[12] Kuba rero ayo magare Nkubiri yagurishaga yabaga yibwe kandi abizi, urukiko rurasanga agomba gukurikiranwa hashingiwe ku biteganywa n'ingingo ya 431 y'igitabo cy'amategeko ahana cyakoreshwaga ubwo icyaha cyakorwaga irebana no guhishira undi ibyibano aho kuba ingingo ya 257 y'icyo gitabo nk'uko Ubushinjacyaha bubiburanisha kuko iyo ngingo irebana no guhisha umuntu wakoze icyaha, cyangwa ushakishwa n'ubutabera cyangwa kumuhungisha, akaba ataricyo gikorwa Nkubiri yakoze.

[13] Ku birebana n'icyaha cyo guhishira undi ibyibano, umuhanga mu mategeko Kint Robert avuga ko bidahagije ko umuntu aba yakiriye ibintu azi ko byabonetse hakozwe icyaha, ko agomba no kuba yabyakiriye agamije kubivanamo inyungu cyangwa gufasha uwakoze icyaha cyangwa icyitso cye kubivanamo inyungu (*Pour être coupable de recel, il ne suffit pas d'avoir reçu sciemment des choses obtenues à l'aide d'une infraction, il faut qu'on les ait acceptées dans l'intention frauduleuse soit d'en profiter soi-meme, soit d'aider les auteurs et complices de l'infraction à en recueillir des avantages*).

[14] Ku birebana na Nkubiri, usibye no kuba yaragurishaga amagare agaha amafaranga avuyemo Tubarimo, nawe ubwe yabibonagamo inyungu kuko yemera ko Tubarimo yamuhaga kuri ayo mafaranga.

[15] Ku birebana n'ibihano, ingingo ya 431, igika cya 3 y'Igitabo cy'amategeko ahana iteganya ko "igihe igihano cy'ubugome gishobora guhanishwa icyaha gikomokaho ibintu byahishwe, uwahishe azahanishwa igihano itegeko ryageneye icyo cyaha cy'ubugome n'impamvu zacyo azaba yaramenye mu gihe cy'ubuhishe. Ariko kandi igihano cyo kwicwa kizasimbuzwa ku bahishe igifungo cya burundu''. Igika cya kane nacyo kiteganya ko '' Bazahanishwa ibyo bihano, abantu bazaba, kandi babizi, barabonye inyungu, ku buryo ubwo aribwo bwose, ituruka ku gikomoka ku cyaha cy'ubugome cyangwa ku cyaha gikomeye''.

[16] Hashingiwe kuri izo ngingo, urukiko rurasanga Nkubiri Mbyogo agomba guhanishwa igifungo giteganyirijwe icyaha cy'ubujura bukoreshejwe intwaro cyakozwe kugira ngo ariya magare aboneke, ariko agahanwa hakurikijwe igitabo cy'amategeko gishya kuko aricyo giteganya ibihano byoroheje (ingingo ya 305), bityo akaba ahanishijwe igifungo cy'imyaka umunani (8).

● Kuri Nsengiyumva Jean de Dieu

[17] Uhagarariye ubushinjacyaha avuga ko Nsengiyumva ashinjwa ubufatanyacyaha na Tubarimo mu cyaha cy'ubuhotozi hashingiwe ku ngingo ya 257 y'Igitabo cy'amategeko ahana, uruhare rwe rukaba ari uko yagerageje guhishira Tubarimo ubwo mu gikorwa cyo gutaburura imirambo y'abantu yishe, yayobyaga abari muri icyo gikorwa ababuza gutaburura ahari hahambwe abantu batatu abeshya ko hashyinguwe nyina wa Tubarimo, ko umucamanza yemeye imvugo ya Nsengiyumva y'uko ibyo yemeye mu Bugenzacyaha byatewe n'inkoni yahakubitiwe nyamara Ubushinjacyaha bwaragaragaje ko atigeze akubitwa kuko nta n'ikimenyetso yagaragaje, ko rero ibyo binyuranye n'ingingo ya 44 igika cya 3 y'Itegeko ryerekeye imiburanishirize y'imanza z'inshinjabyaha.

[18] Avuga kandi ko urukiko rwagaragarijwe imvugo za Nsengiyumva ariko ntirwaziha agaciro kandi yaremeye ko Tubarimo ari uwo mu muryango kandi ko yajyaga amusura iwabo akanabona ibyobo yacukuraga. Na none kandi ngo yemeye ko ubwo inzego z'ubuyobozi n'abaturage bashakishaga abantu bari batabwe muriibyo byobo, yababujije gucukura ahantu abeshya ko hashyinguwe nyina wa Tubarimo, kandi mu mvugo ze akaba yivuguruza kuko hari aho yavuze ko yari azi aho ashyinguye ubundi akavuga ko bamushyingura atari ahari, ko rero yari agamije kuyobya inzego kugira ngo abo abantu 3 bari bahashyinguwe batamenyekana.

[19] Yongeraho ko urukiko rwirengagije ibimenyetso bishingiye ku mvugo z'abatangabuhamya Mukaserire Espérance na Nkurunziza François bumviswe n'urukiko, bemeje ko Nsengiyumva yayobeje abari baje gushakisha imirambo y'abishwe.

UKO URUKIKO RUBIBONA

[20] Urukiko rurasanga iby'uko Nsengiyumva ari uwo mu muryango wa Tubarimo kandi akaba yaramusuraga, bitashingirwaho nk'ikimenyetso kimushinja ko bafatanyije kwica abanyozi mu rwego rwo kubambura amagare kuko nta gikorwa kimuhuza n'icyo cyaha Ubushinjacyaha bwagaragaje yaba yarakoze, mu gihe Tubarimo wemeye icyaha yasobanuye uburyo yazanaga abo banyonzi iwe abavanye aho bakorera akabazimanira nyuma akabakubita agafuni, muri ibyo bikorwa byose hakaba hataragaragajwe uruhare Nsengiyumva yaba yarabigizemo.

[21] Na none kandi, kuba Nsengiyumva yarabonaga ibinogo Tubarimo yacukuraga, nabyo si ikimenyetso kimushinja icyaha kuko ababajijwe bose barimo n'abayobozi b'inzego z'ibanze bemeje ko ibyo binogo babibonaga ariko akababwira ko ari ibyo avanamo icyondo cyo guhoma inzu, ubundi akavuga ko ari ibyo guteramo insina. Nsengiyumva nawe ubwo yabazwaga yavuze ko yabonaga ibyo binogo abivanamo icyondo cyo guhoma inzu ibindi akabiteramo insina, akaba ari nta kindi kimenyetso Ubushanjacyaha bwatanze cyerekana ko yashoboraga kumenya ibirenze iby'abandi bari bahaturiye babonye harimo n'abayobozi kuko na mushiki we babanaga mu rugo rumwe yavuze ko yabonaga abicukura ariko ntamenye igihe yashyiriyemo abantu.

[22] Ku birebana n'uko Nsengiyumva yabujije abantu gucukura ahabonetse imirambo y'abantu batatu avuga ko hahambwe nyina wa Tubarimo, Urukiko rurasanga ibyo koko yarabyemeye mu ibazwa rye mu nzego z'iperereza, akaba yaranasobanuye ko impamvu yabivuze ari uko afitanye amasano na Tubarimo kuko nyina ari nyirasenge wa Nsengiyumva witabye Imana, akaba yaraketse ko aho hantu ariho ashyinguye kuko hari indabo zikuze, icyo gisobanuro kikaba cyahabwa agaciro kuko yanasobanuye ko atari guhishira aho hantu kandi hari indi mirambo yari imaze gutabururwa kandi akaba yarafatanyije n'abandi gucukura.

[23] Hashingiwe ku bimaze gusobanurwa, urukiko rurasanga Ubushinjacyaha butarabashije kugaragaza ibimenyetso bihamya icyaha Nsengiyumva ku buryo budashidikanyaho nk'uko bubisabwa n'ingingo ya 85 y'itegeko ryerekeye imiburanishirize y'imanza z'inshinjabyaha iteganya ko *ubushinjacyaha (....) ari bwo bugomba gutanga ibimenyetso byemeza icyaha*, ibyo bushingiraho bikaba birimo gucyeka gusa.

● **Kuri Uwimana François**

[24] Uhagarariye Ubushinjacyaha avuga ko urukiko rwahanaguyeho icyaha Uwimana kandi nyamara hari ibimenyetso bimushinja bigizwe ahanini n'ubuhamya bw'ababajijwe n'ibintu byafatiriwe byabonetse ahakorewe icyaha birimo inkweto n'ikote bye, hakaba n'ibinogo yari yaracukuye bisa n'ibyo Tubarimo yashyiragamo abo yabaga amaze kwica, akaba yari yaranabujije ababyeyi be kuhagera, ko kandi ise umubyara yasobanuye ko yari inshuti ya Tubarimo bakaba barakundaga kugendana no gusurana bakanatirana imirima, anavuga ko icyobo cyasanzwe mu isambu yabo cyacukuwe na Uwimana kandi ko atari azi igihe yabikoreye.

[25] Akomeza avuga ko uwitwa Musafiri Ildephonse nawe yavuze ko ubwo kwa Tubarimo hatabururwaga imirambo, ari mubagiye gufata Uwimana kuko byavugwaga ko agendana na Tubarimo bakaba bashobora kuba barafatanyije kwica abantu, ko Sindikubwabo François nawe yavuze ko ari we wamenye mbere amakuru ko mu isambu ya Uwimana hacukuyemo ibyobo bimeze neza nk'ibyo kwa Tubarimo, akaba yaranemeje ko inkweto n'ikoti bya Uwimana byasanzwe kwa Tubarimo ari we wabijyanye mu buyobozi.

UKO URUKIKO RUBIBONA

[26] Mu bimenyetso Ubushinjacyaha buvuga ko byirengagijwe, hari inkweto n'ikoti byabonetse kwa Tubarimo buvuga ko ari ibya Uwimana, nyamara ku birebana n'izo nkweto Uwimana akaba yarasobanuye uburyo yazivanyemo baje kumufata, bigahura n'ibyemejwe na Musafili Ildephonse yazisigiye, wasobanuye ko yazifashije hasi munsi y'urugo kwa Tubarimo agiye gufasha abandi gutaburura imirambo nyuma ngo ntiyongere kuzitekerezaho. Ku birebana n'ikoti, Uwimana yavuze koatari irye, imvugo ye ikaba ihura n'ibyavuzwe na Nzabanita na Mbarushimana nabo bavuze ko iryo koti atari irya Uwimana.

[27] Ku birebana n'ibyobo Uwimana yari yaracukuye, ubwo yabazwaga yasobanuye ko byari ibyo guteramo insina ndetse muri kimwe akaba yari yaramaze kuyiteramo, kikaba cyaranacukuwe ntihagira ikindi kintu basangamo, naho mu byobo bitari bwaterwemo insina, nabyo ntacyo Ubushinjacyaha bwagaragaje kibihuza n'icyaha cy'ubuhotozi bwakorewe abantu bishwe kuko kuvuga ko bisa n'ibyo Tubarimo yari yaracukuye bidahagije mu kwemeza ko byacukuwe mu rwego rwo gushyiramo imirambo mu gihe itabonetsemo cyangwa ngo habonekemo ikindi kintu cyose kirebana n'abantu bishwe cyangwa amagare bambuwe nk'uko byagaragaye mu byobo byo kwa Tubarimo, kandi kugenekereza bikaba bitemewe mu manza z'inshinjabyaha nk'uko biteganywa n'ingingo ya 4 y'Igitabo cy'amategeko ahana ivuga ko "amategeko ahana adashobora gukoreshwa mu buryo butandukira, agomba gufatwa uko ateye; nta bubasha inkiko zifite bwo guca imanza ku buryo bugenekereje".

[28] Hashingiwe ku byasobanuwe byose, Urukiko rurasanga ibimenyetso Ubushinjacyaha buvuga ko byirengagijwe bidahamya icyaha Uwimana ku buryo budashidikanywaho, akaba akomeje kugirwa umwere.

III. ICYEMEZO CY'URUKIKO

[29] Rwemeje ko ubujurire bw'Ubushinjacyaha bufite ishingiro kuri bimwe;

[30] Rwemeje ko Nkubiri Mbyogo ahamwa n'icyaha cyo guhishira undi ibyibano;

[31] Rumuhanishije igifungo cy'imyaka umunani (8);

[32] Rutegetse ko ahita afatwa agafungwa;

[33] Rwemeje ko nta gihindutse ku bireba Nsengiyumva Jean de Dieu na Uwimana François;

[34] Rutegetse Nkubiri Mbyogo gutanga ½ cy'amagarama y'urubanza ikindi ½ kigaherera ku isanduka ya Leta.