Re BYIRINGIRO

[Rwanda URUKIKO RW'IKIRENGA– RS/INJUST/RC 00012/2018/SC (Kayitesi Z., P.J, Mutashya, na Kayitesi E., J.) 6 Gicurasi 2020]

Amategeko agenga abantu n'umuryango – Kwemeza umubyeyi – Ibimenyetso bishingirwaho – Inyandiko y'ivuka "acte de naissance" siyo yonyine igaragaza ko umuntu akomoka k`uwo yita umubyeyi we, ko mu gihe itabonetse, bishobora no kwemezwa n`ibisanzwe bizwi ko amukomokaho (possession d`état), bishatse kuvuga ko ubuhamya bw`abantu basanzwe babazi, abo mu muryango, imyitwarire n`imibanire y'uwo ufatwa ko ari umubyeyi n'umwana ijyanye no kumurera, kumugenera ibimutunga n'ibindi.

Incamake y'ikibazo: urubanza rwatangiriye mu Rukiko rw'Ibanze rwa Bwishyura. Aho Byiringiro alia Fils yatanze ikirego asba Urukiko kwemeza ko yabyawe na Rukundo, akamwandikwaho akanagira uburenganzira ku mutungo yasize. Aho avuga ko Rukundo yakundanye na nyina Nyiransbimana bakamubyarana, atriko ko batigeze babana nk'umugabo n'umugore ndetse ko atigeze anamwiyandikishaho; ko mugihe yavukaga Rukundo yaje guhemba nyina ndetse ko yakomeje kumufasha amuha ibimutunga, ko ngo nanyuma amaze gupfa, se wa Rukundo witwa Gatabazi yaje guha umurima Sekuru w'indezo ndetse ko hari n'inyandiko Gatabazi yanditse abyemera ko ari umwana w'umuhungu we. Mu guca urubanza Urukiko rwabajije Gatabazi n'umutanga buhamya ahakana ko Byiringiro atabyawe na Rukundo umuhungu we, ko umurima avuga yahaye sekuru wari uwishimwe ko inyandiko avuga zitamwemeraga. Urukiko rwaciye urubanza rwemeza ko ikirego cyatanzwe na Byiringiro nta shingiro gifite, kuko nta bimenyetso yarugaragarije byemeza ko yabyawe na Rukundo.

Byiringiro ntiyishimiye imikirize y'urubanza, ajuririra Urukiko Rwisumbuye rwa Karongi avuga ko Urukiko rwanze kumva abatangabuhamya yarushyikirije, no kuba rwarirengagije inyandiko zanditswe na Gatabazi Se wa Rukundo aho zigaragaza ko umuhungu we Rukundo yasize abyaye umwana bakunda kwita Fils. Urukiko rwaciye urubanza rwemeza ko ubujurire bwa Byiringiro nta shingiro bufite kuko hari icyemezo cy'amavuko cye kigaragaza ko ari mwene Munyarubuga Daniel (Sekuru), kandi icyo cyemezo kikaba ari inyandikomvaho, ibikivuzwemo hakaba ntawe ushobora kubihakana kuko bitigeze biregerwa mu rubanza nshinjabyaha ku cyaha cyo kubeshya mu nyandiko cyangwa ngo haregerwe ko iyo nyandiko ari inyandiko mpimbano, rushingiye kuri ibyo rwemeje ko Byiringiro nta bimenyetso bidashidikanywaho yatanze bigaragaza ko ari mwene Rukundo, rugumishaho imikirize y' urubanza rwaciwe n'Urukiko rw'Ibanze.

Byiringiro yaje gukosoza irangamimerere ahari handitse ko sekuru ariwe se babivanaho, ahita asubirishamo urubanza ingingo nshya ashingiye kuri urwo rubanza rukosora irangamimerere, ariko nabwo Urukiko rw'Isumbuye rwa Karongi rwemeza ko ikirego cye kitakiriwe ngo kuko ibimenyetso yatanze asubirishamo ingingo nshya Atari kamarampaka byerekana ko se koko ari Rukundo.

Byiringiro yahise ajyana ikirego ku Rwego rw'Umuvunyi asaba gusubirishamo urubanza rwe ku mpamvu z`akarengane katewe nuko mu mikirize yarwo, hari ibimenyetso byirengagijwe. Umuvunyi Mukuru yandikiye Perezida w'Urukiko rw'Ikirenga asaba ko urwo rubanza rwasubirwamo ku mpamvu z`akarengane, nawe yemeza ko urubanza rwongera kuburanishwa.

Byiringiro na Me Rubasha umwunganira bavuga ko akarengane kari mu rubanza rwaciwe n'Urukiko Rwisumbuye rwa Karongi aruko rwashingiye kuri ``attestation de naissance`` igaragaza ko Byiringiro ari mwene Munyarubuga kandi uwo ahubwo ari Sekuru ubyara Nyina,

rukemeza ko atari mwene Rukundo, ko ahubwo igishingirwaho hemezwa ko umuntu ari umwana wa kanaka, ari “*acte de naissance”* atari “*attestation de naissance*” kuko itari inyandikomvaho ivugwa mu itegeko. Me Rubasha akomeza avuga ko akarengane uwo aburanira yagiriwe aruko Urukiko Rwisumbuye rwa Karongi rwirengagije ibimenyetso bigizwe n’inyandiko barushyikirije zitandukanye, Gatabazi Se wa Rukundo yandikiye Maman Fils n`iyo yandikiye umukobwa we Nyirarukundo, zemeza ko Byiringiro ari umwana wa Rukundo.

Incamake y’icyemezo: 1. Inyandiko y’ivuka “*acte de naissance*” siyo yonyine igaragaza ko umuntu akomoka k`uwo yita umubyeyi we, ko mu gihe itabonetse, bishobora no kwemezwa n`ibisanzwe bizwi ko amukomokaho (*possession d`état*), bishatse kuvuga ko ubuhamya bw`abantu basanzwe babazi, abo mu muryango, imyitwarire n`imibanire y’uwo ufatwa ko ari umubyeyi n’umwana ijyanye no kumurera, kumugenera ibimutunga n’ibindi, bityo hashingiwe ku bimenyetso no kubuhamya bwatanze bikaba bigaragaza ko Rukundo ariwe se wa Byiringiro..

Gusubirishamo ku mpamvu z’akarengani bifiti ishingiro;
Imikirize y’urubanza rwsubirishijwemo ku mpamvu z’akarengane irahindutse.

Amategeko yashyimgiweho:
Itegeko Nº 42/1988 ryo ku wa 27/10/1988 rishyiraho interuro y’ibanze n’igitabo cya mbere cy’urwunge rw’amategeko mbonezamubano, ingingo ya 308

Nta manza zifashishijwe

Urubanza

I. IMITERERE Y’URUBANZA.

[1] Uwitwa Rukundo Prosper yapfuye mu mwaka wa 1994, nta mugore afite ndetse akaba nta n’umwana wari uzwi yasize, nyuma yaho, uwitwa Byiringiro Roger (bita Fils) yatanze ikirego mu Rukiko rw’Ibanze rwa Bwishyura arusaba kwemeza ko yabyawe na Rukundo Prosper, akamwandikwaho akanagira uburenganzira ku mutungo yasize.

[2] Mu iburanisha ry’ urwo rubanza Byiringiro Roger yavuze ko Nyina witwa Nyiransabimana Rosine (bita Mama Fils) yagiranye ubucuti na Rukundo Prosper hagati y’umwaka wa 1988 n’uwa 1989 nyuma baza kubyarana Rukundo Prosper, ariko bakaba batarigeze babana nk’umugabo n’umugore, ndetse na Rukundo Prosper akaba ataramwiyandikishijeho nka Se.

[3] Byiringiro Roger yavuze kandi ko mu gihe yavukaga, Rukundo Prosper yaje guhemba Nyina, ndetse mu gihe yari akiriho akaba yaramufashaga akamugurira imyenda, n’aho amariye gupfa Se wa Rukundo Prosper witwa Gatabazi Ephrem akaba yarahaye Sekuru ubyara Nyina Munyarubuga Daniel umurima w’indezo.

[4] Mu miburanire ye kandi Byiringiro Roger yavuze ko hari inyandiko Gatabazi Ephrem yagiye yandika aho yagaragazaga ko umuhungu we Rukundo Prosper yasize abyaye umwana bakunda kwita Fils, muri izo nyandiko hakaba harimo iyo ku wa 08/08/2003 yandikiye Nyina wa Rukundo Roger witwa Nyiransabimana Rosine amubwira ko amaze kubona irangamuntu ya

nyakwigendera Rukundo Prosper, ko yazagaruka bakabivuganaho ibintu bikazakurikiza amategeko, hakaba hari n'ibaruwa yo ku wa 03/02/2009 Gatabazi Ephrem yandikiye umukobwa we Nyirarukundo Espérance, amubwira ko ari kumwe na Fils umwana wabo na Rukundo Prosper, amusaba guha Fils nomero za telephone z'uwitwa Nshimiyimana Prosper kuko we atakizifite.

[5] Mu iburanisha ry'urwo rubanza, Gatabazi Ephrem yabajijwe nk'umutangabuhamya, avuga ko Rukundo Prosper atabyaye Byiringiro Roger, kandi ko yahaye Sekuru wa Byiringiro Roger witwa Munyarubuga Daniel umurima kubera ko yabaye umugaragu mwiza wa muramu we Gahigiro Salomon, naho inyandiko yandikiye Nyina wa Byiringiro Roger, ariwe mukobwa we, ikaba yari iyo kumusaba kujya mu Rukiko kugirango ibyo yamusabaga bizakurikize amategeko.

[6] Urukiko rw'Ibanze rwa Bwishyura rwaciye urubanza RC 114/13/TB/BWSHY ku wa 20/08/2013, rwemeza ko ikirego cyatanzwe na Byiringiro Roger nta shingiro gifite, kuko nta bimenyetso yarugaragarije byemeza ko yabyawe na Rukundo Prosper.

[7] Byiringiro Roger yajuriye urubanza mu Rukiko Rwisumbuye rwa Karongi avuga ko Urukiko rwanze kumva abatangabuhamya yarushyikirije, no kuba rwarirengagije inyandiko zanditswe na Gatabazi Ephrem Se wa Rukundo Prosper aho zigaragaza ko umuhungu we Rukundo yasize abyaye umwana bakunda kwita ''*Fils*''.

[8] Urukiko rwaciye urubanza RCA 0459/13/TGI/KGI ku wa 30/10/2013, rwemeza ko ubujurire bwa Byiringiro Roger nta shingiro bufite kuko hari icyemezo cy'amavuko (*attestation de naissance*) cye kigaragaza ko ari mwene Munyarubuga Daniel (Sekuru), kandi icyo cyemezo kikaba ari inyandikomvaho, ibikivuzwemo hakaba ntawe ushobora kubihakana kuko bitigeze biregerwa mu rubanza nshinjabyaha ku cyaha cyo kubeshya mu nyandiko cyangwa ngo haregerwe ko iyo nyandiko ari inyandiko mpimbano, rushingiye kuri ibyo rwemeje ko Byiringiro Roger nta bimenyetso bidashidikanywaho yatanze bigaragaza ko ari mwene Rukundo Prosper, rugumishaho imikirize y' urubanza RC 114/13/TB/BWSHY rwaciwe n'Urukiko rw'Ibanze rwa Bwishyura ku wa 20/08/2013.

[9] Byiringiro Roger yanatanze ikirego mu Rukiko Rwisumbuye rwa Karongi asaba gusubirishamo ingingo nshya urubanza RCA 0459/13/TGI/KGI, Urukiko rwaciye urubanza RCA 0143/14/TGI/KGI ku wa 25/09/2014, rwemeza ko ikirego cye kitakiriwe, rushingiye ku kuba ibimenyetso yatanze asubirishamo urubanza ingingo nshya atari ibimenyetso bya kamarampaka byerekana ko Se wa Byiringiro Roger ari Rukundo Prosper nk'uko abivuga.

[10] Byiringiro Roger yahiSe ajyana ikirego ku Rwego rw'Umuvunyi asaba gusubirishamo urubanza rwe ku mpamvu z`akarengane katewe nuko mu mikirize yarwo, hari ibimenyetso byirengagijwe. Umuvunyi Mukuru yandikiye Perezida w'Urukiko rw'Ikirenga asaba ko urwo rubanza RCA 0459/13/TGI/KGL rwaciwe ku wa 30/10/2013 rwasubirwamo ku mpamvu z`akarengane, nawe nyuma yo gusuzuma raporo y`Ubugenzuzi Bukuru, yemeza ko urubanza rwongera kuburanishwa.

[11] Urukiko rw'Ikirenga rwaburanishije uru rubanza ku wa 25/03/2019, Byiringiro Roger yitabye yunganiwe na Me Rubasha Ignace, aburana wenyine kuko ntawe arega muri uru rubanza.

II. IBIBAZO BIGIZE URUBANZA N'ISESENGURA RYABYO

Kumenya niba hari ibimenyetso byirengagijwe n'Urukiko bigaragaza ko Byiringiro Roger yabyawe na Rukundo Prosper.

[12] Byiringiro Roger yavuze ko akarengane yagiriwe n`inkiko katangiriye mu Rukiko rw'Ibanze rwa Bwishyura aho mu mikirize y`urubanza, rwanze kwemeza ko ari mwene Rukundo Prosper kandi ko kuva akibana na Sekuru Gatabazi Ephrem yaramubwiraga ko azamwandikisha kuri Se Rukundo Prosper banemeranya ko bazajya mu Rukiko bakabyemeza. Asobanura ko ubwo yiyambazaga Urukiko bamusabye kuzana uwo yita Sekuru (Ephrem Gatabazi), ariko ageze mu Rukiko abajijwe niba BYIRINGIRO Roger ari umwana w'umuhungu we Rukundo Prosper arabihakana, ko n`abandi batangabuhamya bo mu muryango yari yazanye Urukiko ntirwigeze rubabaza.

[13] Byiringiro Roger akomeza avuga ko mu Rukiko Rwisumbuye rwa Karongi banze kwemeza ko ari mwene Rukundo Prosper bashingiye ku kuba barasanze mu irangamimerere ye handitse ko abyarwa na Munyarubuga Daniel, ariko akaba yari yababwiye ko ari Sekuru ubyara Nyina wamwiyandikishijeho, anavuga ko yasubirishijemo ingingo nshya urubanza nyuma y'uko hemejwe ko yandukurwa kuri Sekuru ubyara Nyina, nabwo Urukiko ntirwabiha agaciro. Avuga ko n`Umuvunyi yaje mu iperereza abaza abantu, bemeza ko ari mwene Rukundo Prosper, banavuga ko mu gihe Rukundo Prosper yashyingurwaga Se Gatabazi Ephrem yavuze ko adahambanywe ikara, asize umwana.

[14] Byiringiro Roger asoza avuga ko ibindi bigaragaza ko Rukundo Prosper ari Se, aruko yajyaga amuha amasabune yo kumesa imyenda, ko iyo yabaga yarwaye yamuvuzaga, avuga ko kandi nta yindi gihamya uretSe kuba nyirubwite yarabyivugiraga, ko kuba Sekuru Gatabazi Ephrem amwihakana, bishingiye ku mitungo ya se ashaka kugumana.

[15] Me Rubasha Ignace wunganira Byiringiro Roger, avuga ko akarengane kari mu rubanza rwaciwe n'Urukiko Rwisumbuye rwa Karongi aruko rwashingiye kuri ``attestation de naissance`` igaragaza ko Byiringiro Roger ari mwene Munyarubuga Daniel kandi uwo ahubwo ari Sekuru ubyara Nyina, rukemeza ko atari mwene Rukundo Prosper, ko ahubwo igishingirwaho hemezwa ko umuntu ari umwana wa kanaka, ari ``acte de naissance`` atari ``attestation de naissance`` kuko itari inyandikomvaho ivugwa mu itegeko.

[16] Me Rubasha Ignace akomeza avuga ko akarengane uwo aburanira yagiriwe aruko Urukiko Rwisumbuye rwa Karongi rwirengagije ibimenyetso bigizwe n'inyandiko barushyikirije zitandukanye, Gatabazi Ephrem Se wa Rukundo Prosper yandikiye Maman Fils (Nyina wa Byiringiro n`iyo yandikiye umukobwa we Nyirarukundo Esperance, zemeza ko Byiringiro Roger ari umwana wa Rukundo Prosper. Asobanura avuga ko inyandiko yo ku wa 8/8/2003, Gatabazi yandikiye Nyina wa Rukundo Roger amwita ``Maman Fils``, agira ati: ``ku kibazo cyacu cyanone, maze kubona indangamuntu ya nyakwigendera (Prosper)[.............], nsanze ari uko wazagaruka tukabiganira, ibintu bikazakurikiza amategeko``.

[17] Avuga ko iyi baruwa ishimangirwa n`inyandiko yo ku wa 03/02/2009, Gatabazi Ephrem yandikiye umukobwa we Nyirarukundo Esperance, amubwira ko yari kumwe na Fils umwana wabo na Rukundo Prosper, ko yamusobanuriye ikibazo cye cyo mu ishyuli, ko asanga kibababaje, ko kandi yaha (Fils) numero za telefoni z`uwitwa Nshimiyimana maze akazivuganira n`umubyeyi we, ko we ntazo agifite.

[18] Me Rubasha Ignace avuga ko hari umurima w'indezo Gatabazi Ephrem ubyara Se yahaye Sekuru wa Byiringiro Roger ubyara Nyina, ndetse ubu akaba Byiringiro Roger awufite, kandi ko

kugeza ubu ntawigeze awumukuramo, ko ariko ucyanditSe kuri Sekuru Munyarubuga Daniel ubyara Nyina, ko ariko mu Rukiko Gatabazi Ephrem we yavuze ko yawuhaye uwo Sekuru ubyara Nyina kubera ko ngo yari umugaragu mwiza wa muramu we.

[19] Ku birebana n`impamvu ubutaka Byiringiro Roger yahawe bwanditSe kuri Sekuru ubyara Nyina witwa Munyarubuga Daniel kandi afite Nyina umubyara, avuga ko yarerewe kwa Sekuru ubyara Nyina, Nyina akaba yari yaragiye kurongorwa ahandi. Avuga ko ubwo butaka ari ubwe kuko n'agapapuro bwanditSeho, Gatabazi yakamuhaye, ko ariko ubwo yari agiye mu Rukiko gutanga ubuhamya, yamwihakanye ko atabyawe n'umuhungu we Rukundo Prosper.

UKO URUKIKO RUBIBONA

[20] Ingingo ya 308 y'Itegeko Nº 42/1988 ryo ku wa 27/10/1988 rishyiraho interuro y'ibanze n'igitabo cya mbere cy'urwunge rw'amategeko mbonezamubano ryakoreshwaga igihe urubanza rusabirwa gusubirishwamo ku mpamvu z'akarengane rwacibwaga, iteganya ko ``Iyo inyandiko y'amavuko ibuze, kwemeza ko umuntu akomoka k'uwo yita umubyeyi we bishobora kwemezwa hashingiwe ku kuba bisanzwe bizwi ko amukomokaho (*possession d'état*)``, naho iya 309 y'iryo tegeko yo igateganya ko ``kwemeza ko umuntu akomoka k'uwo yita umubyeyi we bishobora kwemezwa hashingiwe ku bimenyetso bigaragara byerekana neza isano bafitanye, birimo kuba abantu basanzwe bazi ko ari uwe, kuba abantu bo mu muryango nabo basanzwe bazi ko ari uwe, kuba Se w'umwana yaramufashe nk'uwe koko bikaba kandi byaragaragajwe n'uko yitaye kumurera, kumufata neza no kumugenera ibintu bye bwite n'ibindi.

[21] IseSengura ryizi ngingo zombi ryumvikanisha ko ``*acte de naissance*`` atariyo yonyine igaragaza ko umuntu akomoka k`uwo yita umubyeyi we, ko mu gihe itabonetse, bishobora no kwemezwa n`ibisanzwe bizwi ko amukomokaho (*possession d`état*), bishatse kuvuga ko ubuhamya bw`abantu basanzwe babazi, abo mu muryango, imyitwarire n`imibanire y`uwo ufatwa ko ari umubyeyi n`umwana ijyanye no kumurera, kumugenera ibimutunga n`ibindi.

[22] Dosiye y`urubanza igaragaza ko inyandiko ebyiri zanditswe na Gatabazi Ephrem Sekuru wa Byiringiro Roger, inyandiko yo ku wa 08/08/2003 yandikiye Nyina wa Byiringiro Nyiransabimana Rosine amubwira ko amaze kubona irangamuntu ya nyakwigendera (Prosper), ko yazagaruka bakabivuganaho ibintu bikazakurikiza amategeko.

[23] Dosiye y`urubanza igaragaza kandi indi nyandiko yo ku wa 03/02/2009, Gatabazi Ephrem yandikiye umukobwa we Nyirarukundo Espérance, amubwira muri aya magambo:``yari kumwe na Fils[1] umwana wabo na Rukundo Prosper, ko yamusobanuriye ikibazo cye cyo mu ishyuri, ko asanga kibababaje, ariko nawe ubwe azakimwibwirira, ko kandi yaha ``Fils`` numero za telefoni z`uwitwa Nshimiyimana maze akazivuganira n`umubyeyi we, ko we ntazo agifite''.

[24] Urukiko rusanga izi nyandiko zombi Gatabazi Ephrem Se wa Rukundo Prosper yarazandikiye abantu bafitanye isano yahafi n`umuryango wa Rukundo Prosper uvugwa ko ari Se wa Byiringiro Roger ndetse na Nyina umubyara ubwe, ndetse n`umuryango we, ari ikimenyetso kigaragaza ko umuryango wa Gatabazi wemera kandi wafataga Byiringiro Roger alias Fils ko ari umwana wabyawe n`umuhungu we nyakwigendera Rukundo Prosper, nkuko bigaragazwa n`ibikubiye mu ibaruwa ya mbere yo ku wa 8/8/2003, aho yandikiye Nyina wa Byiringiro Roger (Mama Fils) amumenyesha ko indangamuntu y`umuhungu we yabonetSe, akwiye kuzaza

[1] Fils niwe Byiringiro Roger

bakavugana, ibintu bikazakuriza amategeko, ibi bikaba nta kindi bisobanuye, uretSe ubushake yari afite bwo kwandikisha Byiringiro kuri Se nyakwigendera Rukundo Prosper aho aboneye indangamuntu ye, kuko ubundi Byiringiro Roger yari abaruye ananditse kuri Sekuru ubyara Nyina, uretse ko nyuma Nyina Nyiransabimana Rosine yaje kubikosoza, amwandukuza kuri Sekuru Munyarubuga Daniel biciye mu Rukiko nkuko bigaragazwa n`urubanza RC 051/14/TB/BWSHY rwaciwe ku wa 29/05/2014.

[25] Urukiko rusanga nanone kuba Byiringiro Roger yemewe mu muryango wa Gatabazi byemezwa n`ibikubiye mu ibaruwa yo ku wa 03/02/2009 Gatabazi Ephrem yandikiye Nyirarukundo Espérance umukobwa we, akaba na mushiki wa nyakwigendera Rukundo Prosper, aho amubwira ko yari kumwe na Fils umwana wabo na Rukundo Prosper, ko ababajwe nuko afite ikibazo mu ishuri, ko ariko Fils nawe ubwe azakimwibwirira, ko agirango azahe (Fils) numero za telefoni z`uwitwa Ruhamiriza (Se wabo), akazivuganira n`umubyeyi we (uyu ni Se wabo wa Fils), ko we ntazo agifite.

[26] Urukiko rusanga rero kuba, izi nyandiko zombi zigize ibimenyetso bigaragaza ko umuryango wa Rukundo Prosper usanzwe uzi ko Byiringiro ari umwana w`umuryango wabyawe na nyakwigendera Rukundo Prosper zarirengangijwe n`urukiko rubanza, nti ruzishingireho ngo rwemeze ko Byiringiro yabyawe na Rukundo Prosper, byaramuteye akarengane.

[27] [**27**]. Urukiko rusanga na none umurima w`indezo Gatabazi Ephrem yahaye Munyarubuga Daniel ubwo umukobwa we Nyiransabimana Rosine yaragiye kwerekana Byiringiro Roger kwa Gatabazi, nkuko byemejwe n`umutangabuhamya witwa Tumukunde Maurice, murumuna wa Rukundo Prosper kwa Se wabo, nabyo ari ikimenyetso cy`uko ari umwana wa Rukundo Prosper, kuba rero Gatabazi yarageze mu Rukiko akihakana umwana, avuga ko uwo murima atari indezo yahaye Sekuru ubyara Nyina ko ari ishimwe yamuhaye kubera ko yabereye muramu we umugaragu mwiza nta shingiro byagombaga guhabwa, kuko byumvikana ko atari impamvu ifite ireme.

[28] Urukiko rusanga kandi hari n`ubuhamya bwatangiwe mu Rukiko igihe cy`iburanisha aho abatangabuhamya batanzwe na Byiringiro Roger bemeje ko basanzwe bazi ko yabyawe na Rukundo Prosper kandi ko yamufataga nk`umwana we barimo uwitwa Ruhamiriza umuvandimwe wa Gatabazi wemeje ko Rukundo Prosper yapfuye asize umwana witwa Fils, ibi na Gatabazi ubwe akaba yarabyemeje igihe cyo gushyingura nyakwigendera, aho yavuze ko Rukundo Prosper adahambanywe ikara, asize umwana.

[29] Uru Rukiko rukaba rusanga ubu buhamya nabwo ari ikimenyetso cyagombaga kwitabwaho mu mikirize y`urubanza, cyane cyane ko nta ``acte de naissance`` yariho, hashingiwe ku biteganywa n`ingingo ya 308 y`Itegeko No 42/1988 ryo ku wa 27/10/1988 ryavuzwe haruguru ryakurikizwaga igihe ikirego cyatangwaga bwa mbere, ivuga ko iyo ``acte de naissance`` ibuze, kwemeza ko umuntu akomoka k`uwo yita umubyeyi we, bishobora kwemezwa hashingiwe ku kuba bisanzwe bizwi ko amukomokaho (*possession d'état*) nkuko bimeze kuri Byiringiro Roger, aho imvugo z`abatangabuhamya basanzwe bazi ko yabyawe na rukundo Prosper babyemeje mu rubanza rwasabiwe gusubirwamo, kuba imvugo zabo zarirengagijwe, bikaba bikaba ari kimwe mu byaramuteye akarengane.

[30] Urukiko rusanga hari ibimenyetso bihagije bimaze kugaragazwa byerekana ko neza isano Byiringiro Roger afitanye na Rukundo Prosper, birimo kuba abantu bo mu muryango we basanzwe bazi ko ari uwe, kuba baramufashe nk`uwabo, kumwitaho, kumugenera isambu n`ibindi ndetse, n`ubuhamya bumaze kuvugwa haruguru, byose bigaragaza ko Byiringiro Roger

ko akomoka kuri Rukundo Prosper, hashingiwe ku biteganywa n`ingingo ya 309 y`Itegeko N° 42/1988 ryo ku wa 27/10/1988 ryavuzwe haruguru. Ikirego cye cy`akarengane gifite ishingiro.

III. ICYEMEZO CY'URUKIKO

[31] Rwemeye ko ikirego gisaba gusubirishamo urubanza RCA 0459/13/TGI/KGI rwaciwe n`Urukiko Rwisumbuye rwa Karongi ku mpamvu z`akarengane, cyatanzwe na Byiringiro Roger ntawe arega, gifite ishingiro ;

[32] Rwemeje ko imikirize y'urubanza RCA 0459/13/TGI/KGI rwaciwe n'Urukiko Rwisumbuye rwa Karongi ku wa 30/10/2013 ivanyweho ;

[33] Rwemeje ko Byiringiro Roger ari mwene Rukundo Prosper kandi akaba agomba kumwandikwaho.