UBUSHINJACYAHA v KALINIJABO

[Rwanda URUKIKO RW'UBUJURIRE – RPAA 00025/2020/CA (Umugwaneza, P.J.) 27 Mutarama 2022]

Amategeko agenga ibimenyetso – Ibimenyetso mu manza nshinjabyaha – Mu manza nshinjabyaha, ibimenyetso byose byemewe n'amategeko bishobora gushingirwaho mu guhamya cyangwa mu guhanaguraho icyaha ugikurikiranyweho, kandi umucamanza niwe ubiha ishingiro rikwiye.

Incamake y'ikibazo: Uru rubanza rwatangiriye mu Rukiko Rwisumbuye rwa Nyagatare, Ubushinjacyaha bukurikiranye uregwa ku cyaha cy'ubwinjiracyaha bw'ubwicanyi ku mwana we witwa Bizimana Romeo Blaise n'ubwicanyi ku mugore witwa Nyiraneza Christine (uyu mugore niwe babyaranye uwo mwana). Yakurikiranywe nyuma yuko habonetse umurambo w'umugore witwa Nyiraneza Christine wari wambitswe ubusa wateraguwe ibyuma mw'ijosi no mu mutwe, ndetse kuri iyo tariki mu gishanga kiri hagati ya Gatsibo na Kayonza ahitwa Nyamarebe mu Murenge wa Kiramuruzi mu rukerera hatoragurwa umwana urembye ariko akibasha kuvuga amagambo make, yakomeretse mu mutwe ndetse no mw'ijosi hari ibisare, hakekwa Karinijabo Innocent Alias Kaguta ku mpamvu z'uko mbere y'uko Nyiraneza Christine yicwa yahagurukiye kwa Karangara i Rwamagana afite gahunda yo guhura na Karinijabo Innocent Alias Kaguta, bagahurira i Kayonza ku mpamvu zo kuvuza uwo mwana babyaranye. Uregwa yaburanye ahakana ibyaha aregwa avuga ko imvugo Ubushinjacyaha bushingiraho z'abatangabuhamya n'ibyafatiriwe birimo "tapis" z'imodoka ndetse n'imvugo z'umwana nta shingiro bifite, ko ahubwo yagirwa umwere, urwo Rukiko rwaciye urubanza rwemeza ko icyaha cy'ubwinjiracyaha bw'ubwicanyi ndetse n'icy'ubwicanyi bimuhama, rumuhanisha igihano cy'igifungo cya burundu.

Uregwa ntiyishimiye imikirize y'urubanza, ajuririra mu Rukiko Rukuru, Urugereko rwa Rwamagana avuga ko yasabye ko hakorwa iperereza ariko ntibyakorwa ahubwo iperereza rikorwa ku ruhande rumwe. Urwo Rukiko rwaciye urubanza rwemeza ko ubujurire bwe nta shingiro bufite.

Uregwa yarongeye ajuririra mu Rukiko rw'Ubujurire, avuga ko Urukiko Rukuru, Urugereko rwa Rwamagana rwagumishijeho igihano cy'igifungo cya burundu rushingiye ku buhamya bw'umwana ufite imyaka ine (4) kandi bitemewe n'amategeko no kuba rwarahaye agaciro ubuhamya bwatanzwe n'abavandimwe ba nyakwigendera kandi batari bahari.

Ubushinjacyaha bwo buvuga ko nta kibuza urukiko guca urubanza rushingiye ku buhamya bw'umwana kandi ko nta tegeko rihari ribuza umuntu wese gutanga ubuhamya bw'ibyo yumvise cyangwa ngo abafitanye isano babe bazitirwa mu gutanga ubuhamya.

Incamake y'icyemezo: 1. Mu manza nshinjabyaha, ibimenyetso byose byemewe n'amategeko bishobora gushingirwaho mu guhamya cyangwa mu guhanaguraho icyaha ugikurikiranyweho, kandi umucamanza niwe ubiha ishingiro rikwiye.

Ubujurire nta shingiro bufite.

Amategeko yashingiweho:

Itegeko N°15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo, Ingingo ya 63 n'iya 119.
Itegeko N°027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha, ingingo ya 45, agace ka 3 n'iya 107, igika cya 3

Nta manza zifashishijwe.

Urubanza

I. IMITERERE Y'URUBANZA

[1] Uru rubanza rwatangiriye mu Rukiko Rwisumbuye rwa Nyagatare, Ubushinjacyaha burega Karinijabo Innocent Alias Kaguta icyaha cy'ubwinjiracyaha bw'ubwicanyi ku mwana we witwa Bizimana Romeo Blaise n'ubwicanyi ku mugore witwa Nyiraneza Christine (uyu mugore niwe babyaranye uwo mwana).

[2] Ubushinjacyaha buvuga ko ku itariki ya 2/10/2018, mu Mudugudu wa Myatano, Akagari k'Urugarama, Umurenge wa Gahini, Akarere ka Kayonza habonetse umurambo w'umugore witwa Nyiraneza Christine wari wambitswe ubusa wateraguwe ibyuma mw'ijosi no mu mutwe, ndetse kuri iyo tariki mu gishanga kiri hagati ya Gatsibo na Kayonza ahitwa Nyamarebe mu Murenge wa Kiramuruzi mu rukerera hatoragurwa umwana urembye ariko akibasha kuvuga amagambo make, yakomeretse mu mutwe ndetse no mw'ijosi hari ibisare, hakekwa Karinijabo Innocent Alias Kaguta ku mpamvu z'uko mbere y'uko Nyiraneza Christine yicwa yahagurukiye kwa Karangara i Rwamagana afite gahunda yo guhura na Karinijabo Innocent Alias Kaguta, bagahurira i Kayonza ku mpamvu zo kuvuza uwo mwana babyaranye.

[3] Karinijabo Innocent Alias Kaguta yaburanye ahakana ibyaha aregwa avuga ko imvugo Ubushinjacyaha bushingiraho z'abatangabuhamya n'ibyafatiriwe birimo "tapis" z'imodoka ndetse n'imvugo z'umwana nta shingiro bifite, ko ahubwo yagirwa umwere.

[4] Ku wa 18/04/2019, Urukiko Rwisumbuye rwa Nyagatare rwaciye urubanza RP 00579/2018/TGI/NYG, maze rushingiye ku bimenyetso bigizwe n'imvugo z'abatangabuhamya (Cyanzayire Valentine, Bicamumpaka Pierre, umwana watoraguwe Bizimana Romeo Blaise) no kuba nyakwigendera yarahamagaranye na Karinijabo Innocent Alias Kaguta inshuro nyinshi kuri telephone igendanwa mbere y'uko yicwa, rwemeza ko icyaha Karinijabo Innocent Alias Kaguta akurikiranyweho cy'ubwinjiracyaha bw'ubwicanyi ndetse n'icy'ubwicanyi bimuhama, rumuhanisha igihano cy'igifungo cya burundu.

[5] Karinijabo Innocent Alias Kaguta ntiyishimiye imikirize y'urubanza, ajuririra mu Rukiko Rukuru, Urugereko rwa Rwamagana avuga ko yasabye ko hakorwa iperereza kubo bakorana (abashoferi), ku bayobozi be mu kazi, k'umukoresha we no kubanamba yogesherejemo imodoka, ariko ntibyakorwa ahubwo iperereza rikorwa ku ruhande rumwe, urukiko rumuhamya icyaha rushingiye ku mvugo z'abatangabuhamya, imvugo z'umwana, n'imvugo z'urega, kandi ko iyo usuzumye neza usanga izo mvugo zose zigenda zihindagurika, ahandi ugasanga ntakizirimo gifatika cyatuma hacyekwa ko yaba yari mubahitanye Nyiraneza Christine.

[6] Ku wa 21/11/2019, Urukiko Rukuru, Urugereko rwa Rwamagana rwaciye urubanza nºRPA 00356/2019/HC/RWG, rwemeza ko ubujurire bwa Karinijabo Innocent Alias Kaguta nta shingiro bufite, ko imikirize y'urubanza nºRP 00579/2018/TGI/NYG rwajuririwe idahindutse mu ngingo zarwo zose.

[7] Karinijabo Innocent Alias Kaguta ntiyishimiye imikirize y'urubanza, ajuririra mu Rukiko rw'Ubujurire, avuga ko Urukiko Rukuru, Urugereko rwa Rwamagana rwagumishijeho igihano cy'igifungo cya burundu rushingiye ku buhamya bw'umwana ufite imyaka ine (4) kandi bitemewe n'amategeko no kuba rwarahaye agaciro ubuhamya bwatanzwe n'abavandimwe ba nyakwigendera kandi batari bahari ubwo Nyiraneza Christine yicwaga ; asaba Urukiko rw'Ubujurire kumugira umwere kuko yahamijwe ibyaha atakoze.

[8] Iburanisha ry'urubanza mu ruhame ryabaye ku wa 10/01/2022, ababuranyi bose bitabye, Ubushinjacyaha buhagarariwe na PN Habimana Jean Cabin, naho Karinijabo Innocent Alias Kaguta yunganiwe na Me Munyandamutsa Jean Pierre, isomwa ry'urubanza rishyirwa ku wa 27/01/2022, ari nawo munsi rusomeweho.

II. IBIBAZO BIRI MU RUBANZA N'ISESENGURWA RYABYO

Kumenya niba Karinijabo Innocent Alias Kaguta yarahamijwe icyaha cy'ubwicanyi n'icy'ubwinjiracyaha mu bwicanyi hashingiwe ku bimenyetso bishidikanywaho n'ibitemewe n'amategeko.

[9] Mu mwanzuro w'ubujurire ndetse no mu miburanire yabo imbere y'urukiko, Karinijabo Innocent Alias Kaguta n'umwunganira Me Munyandamutsa Jean Pierre bavuga ko mu kumuhamya icyaha, Urukiko Rukuru, Urugereko rwa Rwamagana, rwashingiye ku buhamya bw'umwana w'imyaka ine (4) y'amavuko (Bizimana Remeo Blaise) udashobora gusobanura neza ibyabaye, cyane ko ingingo ya 63 y'Itegeko 15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo[1] itemera ko umwana wo muri icyo kigero atanga ubuhamya, ndetse ko ibyo Bizimana Remeo Blaise yavuze nk'ubuhamya yabitojwe n'ababifitemo inyungu, ngo kuko umutangabuhamya utarabajijwe witwa Gombaniro yatanze ubuhamya avuga ko yiyumviye ubwe Cyanzayire Valentine atoza uriya mwana ibyo avuga kuri Karinijabo Innocent Alias Kaguta.

[10] Bavuga kandi ko Urukiko Rukuru, Urugereko rwa Rwamagana rwashingiye ku buhamya bw'abavandimwe ba nyakwigendera aribo Cyanzayire Valentine na bigirimana Pierre Alias Dubai kandi batari bahari ubwo nyakwigendera yapfaga ntirwakora iperereza, ndetse ubuhamya batanze bakaba barabubwiwe na Bizimana Remeo Blaise mu gihe ubuhamya bwe budakwiye gufatwaho ukuri ukurikije imyaka yari afite.

[11] Bakomeza bavuga ko ubuhamya bwashigiweho mu icibwa ry'urubanza bushidikanywaho cyane cyane nk'ibyavuzwe na Bicamumpaka Pierre wemeza ko yateganye imodoka na nyakwigendera, ibi bikaba bitagaragaza ko igihe Nyiraneza Christine yicwaga yari ahari, dore ko

[1] Uwo ari we wese ashobora kumvwa nk'umutangabuhamya mu rukiko keretse abantu badafite ubushobozi bwo kuba abatangabuhamya mu nkiko. Abafatwa nk'abadashobora kuba abatangabuhamya mu nkiko ni abantu batabasha kubara inkuru y'uko ibintu byagenze baramutse batanzweho abatangabuhamya. Abana batarengeje imyaka 14 kimwe n'abantu bakuru badafite ubushobozi bemerewe gutanga ubuhamya mu nkiko batarahiye iyo babasha kubara inkuru y'uko byagenze ariko ubuhamya bwabo bugomba kunganirwa n'ibindi bimenyetso.

mu buhamya yatanze ntaho yigeze avuga ko yabonye Nyiraneza Christine ari kumwe na Karinijabo Innocent Alias Kaguta, mu gihe ahubwo hari abantu barimo umugore wa Karinijabo Innocent Alias Kaguta, umumotari wamutwaraga ndetse n'aho yasigaga imodoka mu kinamba bose bazi uburyo Karinijabo Innocent Alias Kaguta yatashyemo uwo munsi, bikaba bitari gushoboka ko abyuka igicuku ngo ajye gukora kiriya cyaha, kuko kuva aho atuye n'aho icyaha cyakorewe harimo ibirometero byinshi.

[12] Basoza bavuga ko nta mpamvu yari gutuma Kalinijabo Innocent Alias Kaguta yica umugore we babyaranye kuko nta makimbirane bari bafitanye, dore ko umwana yavutse akamwiyandikishaho mu irangamimerere; bityo dosiye ikaba igaragaramo ugushidikanya nk'uko biteganywa n'ingingo ya 111 y'Itegeko nº 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha[2], ndetse n'iya 29 y'Itegeko Nshinga rya Repubulika y'u Rwanda ryo muri 2003 ryavuguruwe muri 2015[3].

[13] Ku bijyanye n'ubuhamya bwatanzwe na Bizimana Remeo Blaise, Ubushinjacyaha bwiregura buvuga ko nta kibuza urukiko guca urubanza rushingiye ku buhamya bw'umwana[4], byongeye kandi, umwana Bizimana Romeo Blaise yateganye imodoka na nyina Nyiraneza Christine bagiye kureba papa we Kalinijabo Innocent Alias Kaguta, akaba yari ahari ubwo Nyiraneza Christine yicwaga, akaba yarasobanuye ko papa we Kalinijabo Innocent Alias Kaguta yabanje kumuha umugati. Bukomeza buvuga ko Bizimana Romeo Blaise yumviswe n'urukiko mu gihe cy'iburanisha maze bigaragara ko yakomeje kuvuga ibyo yari yaravuze mu Bugenzacyaha no mu Bushinjacyaha, akaba atarigeze ahindura imvugo; ibyo bikaba bigaragazaneza ko ibyo yabwiye Urukiko ari ibyamubayeho we na nyina. Ibi kandi binashimangirwa n'uko kandi yari amuzi neza, afite ubushobozi bwo kumutandukanya n'abandi bantu, kuko mu gika cya 17 cy'urubanza rujuririrwa yabashije gutandukanya papa wo ku bwato (sekuru) na papa wo ku modoka (Kalinijabo Innocent Alias Kaguta wari usanzwe ari umushoferi), ndetse mu gihe cy'iburanisha Urukiko rwamubajije niba bazana papa we akamusuhuza, ahita abyanga, ararira, avuga ko adashaka kumubona kuko ari umugome, kuko yamubabaje cyane.

[14] Ku bijyanye n'ubuhamya burimo ugushidikanya bwatanzwe n'abavandimwe ba nyakwigendera, ndetse na Bicamumpaka Pierre wavuze ko yateganye imodoka na nyakwigendera, Ubushinjacyaha buvuga ko nta tegeko rihari ribuza umuntu wese gutanga ubuhamya bw'ibyo yumvise cyangwa ngo abafitanye isano babe bazitirwa mu gutanga ubuhamya nk'uko biteganywa n'ingingo ya 63 y'Itegeko No15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo[5]. Bukomeza buvuga kandi ko mu icibwa ry'urubanza ubuhamya bwa Bicamumpaka Pierre butashingiweho bwonyine kuko bwahujwe n'ibindi bimenyetso byatanzwe, kandi bikaba byaragaragaye ko nyakwigendera Nyiraneza Christine yishwe ubwo yajyaga

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[2] Gushidikanya birengera ushinjwa. Iyo urubanza rwakurikiranywe mu buryo bwose, ntihagire ibimenyetso nyakuri biboneka byemeza nta shiti abacamanza ko ushinjwa yakoze icyaha koko, bagomba kwemeza ko atsinze.

[3] Buri muntu wese afite uburenganzira ku butabera buboneye, burimo uburenganzira bwo kutaryozwa icyaha atakoze; uburyozwacyaha ni gatozi ku wakoze icyaha,,,,

[4] Ingingo ya 49 y'Itegeko nº027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha, iteganya ko Umwana utagejeje ku myaka 14 yemerewe gutanga ubuhamya nk'umuntu mukuru. Umwana utagejeje ku myaka cumi 14 yumvwa atagombye kurahira ariko icyemezo cy'urukiko ntigishobora gushingira kuri ubwo buhamya bwonyine. Muri ibyo bihe, ubuhamya bw'umwana, bugomba gushyigikirwa n'ibindi bimenyetso

[5] Uwo ari we wese ashobora kumvwa nk'umutangabuhamya mu Rukiko keretse abantu batabifitiye ubushobozi bwo kuba abatangabuhamya mu rukiko, kandi abafatwa nk'abadashobora kuba abatangabuhamya mu nkiko ari bantu batabasha kubara inkuru y'uko ibintu byagenze baramutse batanzweho abatangabuhamya.

guhurira na Karinijabo Innocent Alias Kaguta i Kayonza, akaba yarateganye imodoka na Bicamumpaka Pierre, bityo ko nta cyabuza urukiko guhuza ubwo buhamya n'ibindi bimenyetso byavuye mu iperereza rwagaragarijwe, cyane ko nta kintu na kimwe cyabuza Umugenzacyaha gukusanya ibimenyetso byose yabonye mu iperereza[6], kandi ko iyo Urukiko rusanze ibyo bimenyetso bihura na kamere y'ikiburanwa nta mpamvu n'imwe yarubuza kubisesengura, rwasanga bifite ireme rukabishingiraho mu guca urubanza.

UKO URUKIKO RUBIBONA

[15] Dosiye y'urubanza igaragaza ko ubujurire bwa Karinijabo Innocent Alias Kaguta bugamije kunenga ibimenyetso byose Urukiko Rukuru, Urugereko rwa Rwamagana rwashingiyeho mu kumuhamya icyaha cy'ubwicanyi bwo kwica uwo babyaranye umwana Nyiraneza Christine, n'ubwinjiracyaha mu cyaha cy'ubwicanyi ku mwana babyaranye Bizimana Romeo Blaise, aburana avuga ko bishidikanywaho, naho Ubushinjyacyaha bukaburana buvuga ko ibimenyetso byashingiweho bigizwe n'ubuhamya, byuzuzanya kandi bihagije mu kumuhamya icyaha.

[16] Ingingo ya 119 y'Itegeko n°15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo iteganya ko, "Mu manza nshinjabyaha, ibimenyetso bishingira ku mpamvu zose z'ibyabaye n'ibyemejwe n'amategeko, ababuranyi bapfa kuba barahawe uburyo bwo kuhaba ngo banyomozanye. Urukiko ruhamya ku buryo butavuguruzwa ko ibimenyetso byose birega cyangwa biregura ari byo kandi ko bishobora kwemerwa", naho iya 107, igika cya 3 y'Itegeko n°027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha irebana n'ibimenyetso byemeza ushinjwa icyaha, iteganya ko, "Icyakora, iyo icyaha cyabonewe ibimenyetso bikigaragaza, ugikurikiranyweho cyangwa umwunganira ashobora kwerekana impamvu zose yireguza, zerekana ko ikirego kitakwemerwa, zihamya ko icyo aregwa atari icyaha cyangwa se ko ari umwere n'izindi mpamvu zose zivuguruza izimuhamya icyo cyaha".

[17] Isesengurwa ry'izo ngingo z'amategeko ryumvikanisha neza ko mu manza nshinjabyaha, ibimenyetso byose byemewe n'amategeko bishobora gushingirwaho mu guhamya cyangwa mu guhanaguraho icyaha ugikurikiranyweho, kandi ko umucamanza ariwe ubiha ishingiro rikwiye. Ikindi cyumvikana muri izi ngingo nuko iyo hari ibimenyetso bihamya icyaha, ugikurikiranyweho afite inshingano zo kubivuguruza.

[18] Dosiye y'urubanza igaragaza ko mukugumishaho imikirize y'urubanza nºRP 00579/2018/TGI/NYG rwemeje ko Karinijabo Innocent Alias Kaguta ahamwa n'icyaha cy'ubwicanyi n'icy'ubwinjiracyaha mu bwicanyi, Urukiko Rukuru, Urugereko rwa Rwamagana rwasuzumye ibimenyetso yanengaga bigizwe n'imvugo z'abatangabuhamya (Bizimana Romeo Blaise, Cyanzayire Valentine, Bicamumpaka Pierre) narwo rusanga ibyaha bimuhama bituma rugumishaho imikirize y'urubanza nºRP 00579/2018/TGI/NYG rwaciwe n'Urukiko Rwisumbuye rwa Nyagatare; muri uru Rukiko rero Karinijabo Innocent Alias Kaguta akaba agomba kugaragaza ko ibyo bimenyetso inkiko zombi zashingiyeho bitamuhamya icyaha.

[6] Ingingo ya 16 y'Itegeko nº027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha, iteganya ko mu kazi kabo k'iperereza, Abagenzacyaha bafite inshingano zo gushakisha ibyaha; kwakira ibirego n'inyandiko zijyanye n'ibyaha; gukusanya ibimenyetso bishinja n'ibishinjura; ,…

[19] Ku birebana n'ubuhamya bwatanzwe na Bizimana Romeo Blaise, Karinijabo Innocent Alias Kaguta aburana avuga ko umwana we Bizimana Romeo Blaise yari muto ku buryo atari gusobanura neza ibyo yaba yarabonye, kandi ko ngo ataramuzi neza kuburyo yamumenya mw'ijoro bicaga nyina nawe bakamukomeretsa bakamuta wenyine baziko yapfuye. Uru Rukiko rurasanga Karinijabo Innocent Alias Kaguta anenga urubanza rujuririrwa kuko kimwe n'Urukiko Rwisumbuye rwa Nyagatare, Urukiko Rukuru, Urugereko rwa Rwamagana rwaciye urubanza rushingiye k'ubuhamya bwa Bizimana Romeo Blaise wari ufite imyaka ine n'igice (4.6) kandi amategeko atamwemerera gutanga ubuhamya; ibi ariko sibyo kuko mu icibwa ry'urubanza ubuhamya bwatanzwe na Bizimana Romeo Blaise butashingiweho bwonyine, ahubwo bwahujwe n'ibindi bimenyetso ndetse n'imvugo z'abandi batangabuhamya batandukanye basobanuye uburyo nyakwigendera Nyiraneza Christine yateze imodoka agiye kureba Karinijabo Innocent Alias Kaguta mbere y'uko yicwa.

[20] Ku byerekeranye n'ubuhamya bwatanzwe n'abatangabuhamya b'uruhande rumwe nk'uko Karinijabo Innocent Alias Kaguta aburana abivuga, urukiko rurasanga ataribyo kuko mu rwego rwo gushaka ibimenyetso ku byaha byakozwe hari abandi batangabuhamya babajijwe barimo, Mushimiyimana Valentine (umugore wa Karinijabo Innocent Alias Kaguta babana) mu iburanisha mu Rukiko Rwisumbuye rwa Nyagatare wabajijwe agasobanura ko yari asanzwe azi Bizimana Romeo Blaise (ibi bikaba bitandukanye n'ibyavuzwe na Karinijabo Innocent Alias Kaguta ko umugore we atari abizi), Bicamumpaka Pierre (umugore we ni umuvandimwe wa Nyiraneza Christine) wateganye imodoka na nyakwigendera amusanze kwa Karangara akamubwira ko agiye gusura abantu i Kayonza ndetse na Uwiragiye Eric wabikurije nyakwigendera amafaranga yari yohererejwe na Karinijabo Innocent Alias Kaguta, bose barabajijwe basobanura uburyo babonanyemo na nyakwigendera Nyiraneza Christine n'umwana we.

[21] Urukiko rurasanga kandi Karinijabo Innocent Alias Kaguta atagaragaza icyo yaba apfa n'abatangabuhamya babajijwe uretse kunenga gusa ko ari abo ku ruhande rwa nyakwigendera nubwo ataribyo nk'uko byasobanuwe haruguru, ndetse muri bose nta numwe wigeze avuga ko yamubonye yica nyakwigendera Nyiraneza Christine ahubwo basobanuye uburyo nyakwigendera yateze imodoka afite gahunda yo kubonana na Karinijabo Innocent Alias Kaguta, urukiko rukabihuza n'ibindi bimenyetso rwagaragarijwe; ndetse ibyakozwe bikaba bitanabujijwe mu manza z'inshinjabyaha kuko umuntu wese ushobora gusobanura imikorere y'icyaha ashobora kubazwa nk'uko biteganywa n'ingingo ya 45, agace ka 3 y'Itegeko n°027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha iteganya ko "Umugenzacyaha cyangwa Umushinjacyaha ashobora kubaza umuntu wese akeka ko ashobora kugira ibisobanuro atanga no kumusaba gutanga ubuhamya amaze kurahira mu buryo buteganywa mu ngingo ya 47 y'iryo tegeko"; ibi kandi bikaba bikanashimangirwa n'ibiteganywa mu ngingo ya 63 y'Itegeko n°15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo iteganya ko "uwo ari we wese ashobora kumvwa nk'umutangabuhamya mu rukiko keretse abantu badafite ubushobozi bwo kuba abatangabuhamya mu nkiko".

[22] Iby'uko Inkiko zombi zitakoze irindi perereza kandi Karinijabo Innocent Alias Kaguta yararisabye, urukiko rurasanga ibimenyetso byatanzwe n'Ubushinjacyaha bigizwe n'ubuhamya bwa Bizimana Romeo Blaise ndetse n'ibyagaragariye mw'iburanisha ry'Urukiko Rukuru ryo ku wa 03/10/2019 ubwo Urukiko rwabazaga Bizimana Romeo Blaise niba bazana Se Karinijabo Innocent Alias Kaguta akamusuhuza, akababara akaza no kurira, isesengurwa ryabyo byose rikaba rihagije kugira ngo Karinijabo Innocent Alias Kaguta ahamwe n'icyaha; bityo n'uru Rukiko

rukaba rusanga atari ngombwa ko hagira irindi perereza rikorwa kuko rusanga ntacyo ryarumarira, cyane ko abo yifuza ko bahamagarwa mu rindi perereza batatahanye nawe kandi nta nubwo bari bahari igihe nyakwigendera Nyiraneza Christine yicwaga na Bizimana Romeo Blaise agakomeretswa hamije kumwica, ngo babe bagira ibindi bisobanuro batanga.

[23] Ku byerekeranye n'ubuhamya bushidikanywaho, Urukiko rw'Ubujurire rurasanga usibye kuba Karinijabo Innocent Alias Kaguta uvuga ko ubuhamya bw'umwana Bizimana Romeo Blaise wamushinje budakwiye gushingirwaho kuko ari muto (nyamara itegeko ribwemera iyo bushimangiwe n'ibindi bimenyetso), no kuvuga ko abatanze ubuhamya ari abo k'uruhande rumwe (hafi yabose ni abavandimwe ba nyakwigendera Nyiraneza Christine) kandi batari bahari yicwa, no kuvuga ko we yiriwe mu kazi akavugana na Nyiraneza Christine amwohereza amafaranga yo kuvuza umwana akaba yaraniriwe mu kazi yarangiza akogesha imodoka agataha, nta bimenyetso atanga bivuguruza ibimuhamya icyaha.

[24] Hashingiwe ku bisobanuro byagaragajwe byose no ku ngingo z'amategeko zavuzwe haruguru, Uru Rukiko rurasanga nta makosa Urukiko Rukuru Urugereko rwa Rwamagana rwakoze mu kwemeza ko Karinijabo Innocent Alias Kaguta ahamwa n'icyaha cy'ubwicanyi kuri nyakwigendera Nyiraneza Christine n'icy'ubwinjiracyaha mu bwicanyi ku mwana we Bizimina Romeo Blaise kuko rwasanze ibimenyetso bihagije kumuhamya icyaha, ndetse n'uru Rukiko rukaba rusanga bihagije nkuko rwabigaragaje.

III. ICYEMEZO CY'URUKIKO

[25] Rwemeje ko ubujurire bwa Karinijabo Innocent Alias Kaguta nta shingiro bufite ;

[26] Rwemeje ko imikirize y'urubanza RPA 00356/2019/HC/RWG rwaciwe n'Urukiko Rukuru, Urugereko rwa Rwamagana ku wa 21/11/2019, idahindutse ;

[27] Rwemeje ko amagarama y'urubanza aherera ku isanduku ya Leta.