

UBUSHINJACYAHA v. GATERA

[Rwanda URUKIKO RW'IKIRENGA – RPA0084/10/CS (Mutashya, P.J., Gakwaya na Hitiyaremye, J.) 9 Gicurasi 2014]

Amategeko agenga imiburanishirize y'imanza nshinjabyaha – Ugushidikanya – Ugushidikanya birengera ushinjwa [...] – Itegeko n° 30/2013 ryo kuwa 24/5/2013 ryerekeye imiburanishirize y'imanza z'inshinjabyaha, ingingo ya 165.

Incamake y'ikibazo: Uregwa yakurikiranywe mu Rukiko rwa Mbere rw'Iremezo rwa Byumba, ku cyaha cy'ubuhotozi bwakorewe Mpagazahayo w'imyaka 12, Urukiko rwemeza ko ahamwa n'icyaha aregwa, rumuhanisha kwicwa. Nyuma y'ivugururwa ry'inzego z'ubutabera, urubanza rwoherejwe mu Rukiko rw'Ikirenga kuko arirwo rufite ububasha bwo kuburanisha icyo cyaha ku rwego rw'ubujurire, hashingiwe ku mategeko mashya yagenaga ububasha bw'Inkiko.

Uregwa yari yajuriye avuga ko Urukiko rwa Mbere rw'Iremezo rwa Byumba rwamuniganye ijambo, ntirwumve ibyo yari yateguye kwireguzwa, rukima agaciro iperereza risesuye yasabye ko ryakorwa mu gihe amategeko abimuhera uburenganzira. Ubushinjacyaha buvuga ko ingingo z'ubujurire z' uregwa nta shingiro zifite kubera ko atigeze aniganwa ijambo, ko yahawe rugari akisobanura ku cyaha aregwa, naho kuba Urukiko rwa Mbere rw'Iremezo rwa Byumba rutarakoze iperereza asobanura ko ritari ngombwa mu gihe ibimenyetso Ubushinjacyaha bwatanze byari bihagije, Urukiko kandi rukaba rutitsitsa ku bwinshi bw'abatanga buhamya kugira ngo rumenye ukuri.

Incamake y'icyemezo: Nta kimenyetso nyakuri kiboneka cyemeza nta shiti ko uregwa yishe koko nyakwigendera Mpagazahayo, ahubwo ababajijwe bivuguruzwa ku mikorere y'icyaha ndetse no ku ntwaro yakoreshejwe, bityo kuko gushindikanya birengera ushinjwa, agizwe umwere ku cyaha yari akurikiranyweho.

Ubujurire bufite ishingiro.

**Uregwa agizwe umwere akaba agomba guhita arekurwa.
Amagarama y'uru rubanza aherereye ku Isanduku ya Leta.**

Amategeko yashingiweho:

Itegeko n° 15/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo, ingingo ya 119.
Itegeko n° 30/2013 ryo kuwa 24/5/2013 ryerekeye imiburanishirize y'imanza z'inshinjabyaha, ingingo ya 165.

Nta manza zifashishijwe.

Urubanza

I. IMITERERE Y'URUBANZA

[1] Uru rubanza rwatangiriye mu Rukiko rwa Mbere rw'Iremezo rwa Byumba, Ubushinjacyaha bukurikiranyeho Gatera Célestin icyaha cy'ubuhotozi bwakorewe

Mpagazahayo w'inyaka 12 kuwa 6/8/1998, amutemye mu mutwe, hagati ya saa munani na saa cyenda z'anywa. Urwo Rukiko rwemeje ko Gatera Célestin ahamwa n'icyaha aregwa, rumuhanisha kwicwa no gutanga amagarama y'urubanza angana na 7.300Frw.

[2] Gatera Célestin ntiyishimiye imikirize y'urwo rubanza arujurira mu Rukiko rw'Ubujurire rwa Kigali, nyuma y'ivugururwa ry'Ubucamanza ryo muri 2004, urubanza rwimurirwa mu Rukiko Rukuru, rusanga rutaburanisha icyaha cy'ubuhotozi ku rwego rw'ubujurire, rurwohereza mu Rukiko rw'Ikirenga kuko arirwo rufite ububasha bwo kuburanisha icyo cyaha ku rwego rw'ubujurire, hashingiwe ku mategeko mashya yagenaga ububasha bw'Inkiko.

[3] Gatera Célestin yajuriye avuga ko Urukiko rwa Mbere rw'Iremezo rwa Byumba rwamuniganye ijambo, ntirwumve ibyo yari yateguye kwireguzwa, rukima agaciro iperereza risesuye yasabye ko ryakorwa mu gihe amategeko abimuhera uburenganzira.

[4] Iburanisha ry'urubanza ryabaye kuwa 17/3/2014, Gatera Célestin yunganiwe na Me Nsengumuremyi Senglo Louis naho Ubushinjacyaha buhagarariwe na Mutayoba Alphonse, Umushinjacyaha ku rwego rw'Igihugu. Urukiko rw'Ikirenga ruributsa ko ku tariki ya 10/2/2014, rwasubitse urubanza kugira ngo Ubushinjacyaha buhabwe umwanya wo kubanza gukora iperereza kuri abo bantu bavugwa na Gatera Célestin ko baba bazi aho yari ubwo icyaha cyakorwaga.

II. IKIBAZO KIGIZE URUBANZA N'ISESENGURWA RYACYO

Kumenya niba hari ibimenyetso bifatika bihamya Gatera Célestin icyaha akurikiranyweho.

[5] Gatera Célestin n'umwunganira bavuze ko impamvu zamuteye kujurira ari uko yaniganwe ijambo agahanishwa kwicwa hatitawe ku bisobanuro yari yateguye no kuba Urukiko rwa Mbere rw'Iremezo rwa Byumba rutarakoze iperereza risesuye ngo rumenye uburyo nyakwigendera yapfuyemo kuko afite abatangabuhamya bamushinjura, bazi ko igihe umwana yicwaga atari ahari, ariko bakaba batarabajijwe, ahubwo Urukiko rugashingira kubamushinja gusa.

[6] Me Nsengumuremyi Senglo Louis, wunganira Gatera Célestin, asobanura ko ababajijwe bavuze ko Gatera Célestin yakoresheje umuhoro atema uwo mwana, ariko akaba ntawigeze avuga ko yamubonye, akaba yarasabye iperereza risesuye aho kwambikwa amaraso atamennye. Naho kuberekeye ko hari umushinja ko yamubonye atema uwo mwana, undi akamushinja ko yamubonye umuhoro uriho amaraso, Gatera Célestin yavuze ko ari ibinyoma kuko ntawigeze amufatira mu cyuhu, ahubwo ko ari akagambane ko kumuca kugira ngo bazabone uko bagabana ibya nyina kuko abo bamushinja kimwe n'umubyeyi wa nyakwigendera bose baburanye akabatsinda.

[7] Ubushinjacyaha buvuga ko ingingo z'ubujurire za Gatera Célestin nta shingiro zifite kubera ko atigeze aniganwa ijambo, ko yahawe rugari akisobanura ku cyaha aregwa, naho kuba Urukiko rwa Mbere rw'Iremezo rwa Byumba rutarakoze iperereza asobanura ko ritari ngombwa mu gihe ibimenyetso Ubushinjacyaha bwatanze byari bihagije, Urukiko kandi rukaba rutitsitsa ku bwinshi bw'abatanga buhamya kugira ngo rumenye ukuri.

[8] Ku byavuye mu iperereza, Ubushinjacyaha buvuga ko Uزابakiriho, Nkubiri Cyprien na Mutabaruka Jean bose bavuze ko bumvishe ko Gatera Célestin ariwe wishe uwo mwana, kandi ko bahuriza ku kuba yaramwicishije “fer à béton”, ibyo bigahura n’ibyo muganga yemeje. Naho Bitangisaka Célestin, we yavuze ko Gatera Célestin yari afite imyitwarire mibi kandi ko yabanaga nabi na Ntawuruhunga Evariste, Se w’umwana wishwe. Kayijuka François yavuze ko ari Gatera Célestin wishe uwo mwana, cyakora ko ibyo avuga ari ibyo yumvanye abamubonye amanuka mu bisambu aha aho uwo mwana yiciwe. Naho Nyirabega Julie akamushinja ko umunsi uwo mwana yicwa, Gatera Célestin yanyuze iwe, amubitsa isuka, amubwira ko agiye kuvumba ariko ko ari bukore akantu, kandi ko akimara kuhava aribwo yumvise induru bavuga ko umwana yishwe, cyakora ubwo buhamya bwe bugatandukana n’ubwo yatanze mbere mu Bushinjacyaha kuwa 11/8/1998 kuko yari yavuze ko Gatera Célestin yamunyuzeho gusa afite umuhoro yerekeza muri Selire Nyagasozi aho umwana yaguye.

[9] Ubushinjacyaha busoza ku byavuye mu iperereza, buvuga ko hari abandi batangabuhamya batabajijwe nk’uwitwa Karasira kuko yapfuye, Mutaboba kuko yari yagiye kwa muganga naho Ntawuruhunga Evariste, Se w’umwana, akaba afunze, abandi bo bakaba barimutse, batakiba muri uwo Murenge.

[10] Me Nsengumuremyi Senglo Louis, wunganira Gatera Célestin, avuga ko muri iryo perereza nta n’umwe mu babajijwe wemeje ko yabonye Gatera Célestin yica uwo mwana, ko bose bavuze ko babyumvise, ahubwo ko igishya kirimo ari uko mbere babazwa, bavugaga ko uriya mwana yishwe n’umuhoro ariko ubu bakaba bavuga ko yicishijwe “fer à béton”, mu gihe muganga yavuze ko ari “un objet pesant, non un objet tranchant”. Avuga kandi ko Nyirabega Julie yavuze ko bamubikije umupanga ubundi akigarura agusha ku myitwarire ya Gatera Célestin nyamara imyitwarire atariyo ivuga ko umuntu yakoze icyaha kandi akaba adasobanura akantu yamubwiye arakora ako ari ko.

[11] Naho ku buhamya bwa Nkubiri Cyprien, Me Nsengumuremyi Senglo Louis yibajije umwana avuga wari munsi y’intumbi uwo ariwe, naho ubwa Mutabaruka Jean uvuga ko yumvishe ko umwana bamwicishije “fer à béton”, avuga ko atumva uko iyo “fer à béton” ije kimwe n’ibyo kuvuga ko bamwiciye mu mugongo, bityo iryo perereza akaba adashobora kuryemera kuko rituzuye ko ahubwo akibeshya, cyane cyane ko iryari ryasabwe ari irishinja n’irishinjura habazwa abo Gatera Célestin yari kumwe nabo mu masaha icyaha cyakoreweho none bakaba batarabajijwe.

[12] Me Nsengumuremyi Senglo Louis akomeza avuga ko kuba mu iperereza ryakozwe bavuga ko nyakwigendera yicishijwe “fer à béton” ubundi bakavuga umuhoro bihabanye cyane kandi bivuguruzanya, kimwe no kuba Nyirabega Julie avuga ko yamubonye yihitira gusa, ubundi akavuga ko yamubikije umupanga, ko kuba bavuga ko uwo mwana yari afite imyaka 12 ubundi bakavuga ko yiciwe mu mugongo bamuhetse, ubwo buhamya bwose burimo ugushidikanya kurengera uregwa, ariyo mpamvu asaba ko Gatera Célestin yarekurwa hashingiwe ku ngingo ya 118 n’iya 165 z’Itegeko n° 30/2013 ryo kuwa 24/5/2013 ryerekeye imburanishirize y’imanza z’inshinjabyaha kuko amaze igihe afunzwe by’agateganyo.

[13] Gatera Célestin avuga ko ibintu bamushinja ari ibintu bishingiye ku nzangano atabona uko asobanura, ko ababajijwe bamushinja ibinyoma bakekeranya, cyane ko ntawe uhamya ko yamubonye, bakaba bamuziza ko bashatse kwica umudamu ngo bamubeshyere yimuke aho atuye, kandi ko baburanye bakabafunga, aho baviriyemo bamuhigira ko bazashirwa ahavuye, abo baburanye akaba ari Uزابakiriho, Mutabaruka Jean, Kayijuka François na Nkubiri Cyprien.

[14] Gatera Célestin akomeza avuga ko umuntu bamurega yapfuye adahari, kuko yari yagiye mu muganda, ko Nyirabega Julie uvuga ko yasize isuka iwe agiye kuvumba ari ukubeshya ahubwo ko yabivugishijwe n'inkoni yakubiswe kubera uriya mwana yari yaguye hafi y'iwe. Naho kubyerekeye amakimbirane yari afitanye na Ntawuruhunga Evariste akomoka ku kuba yaramwiciye inkoko, avuga ko ibyo bitari gutuma akora ibyo bintu, ko inkoko ze zapfuye koko, agiye kuzirya abatwage bamubwira ko Ntawuruhunga Evariste yazisize umuti.

[15] Ubushinjacyaha buvuga ko Gatera Célestin atagaragaza ibimenyetso by'izo nzangano, kandi ko bidashoboka ko agasozi kose kamwanga, naho kuba hatarabajijwe abamushinjura, yasobanuye ko babajije abo babashije kubona. Bwongeraho ko Urukiko rwa Mbere rw'Iremezo rwa Byumba rwamuhamije icyaha rushingiye ku buhamya bwa Mukamazimpaka Eugénie na Mukabugingo Chantal, bese bakaba barahuriye ku kintu kimwe cy'uko wa mwana yicishijwe umuhoro ndetse Mukamazimpaka Eugénie we akomeza ko yamubonye amutema, naho Kaberuka Jean akavuga ko yamubonye afite umuhoro uriho amaraso kandi afite ubwoba.

UKO URUKIKO RUBIBONA

[16] Ingingo ya 119 y'Itegeko n° 15/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo iteganya ko "Mu manza nshinjabyaha, ibimenyetso bishingira ku mpamvu zose z'ibyabaye n'ibyemejwe n'amategeko, abaturanyi bapfa kuba barahawe uburyo bwo kuhaba ngo banyomazanye. Urukiko ruhamya ku buryo butavuguruzwa ko ibimenyetso byose birega cyangwa biregura aribyo kandi ko bishobora kwemerwa".

[17] Urukiko rw'Ikirenga rusanga Ntawuruhunga Evariste (Se w'umwana wishwe), abazwa mu Bugenzacyaha kuwa 12/8/1998 yaravuze ko Gatera Célestin ariwe wamwiciye umwana akoresheje umuhoro n'ibuye yamukubise mu mutwe, avuga ko n'umugore wa Nsanzineza Etienne witwa Mukabugingo Chantal hamwe n'undi witwa Mukamazimpaka Eugénie bamubonye yica umwana yarangiza akiruka afite umuhoro. Ageze mu Bushinjacyaha yavuze ko ababonye Gatera Célestin yihishahisha mu bihuru ari Nkubiri Cyprien, Nsanzineza Etienne n'umugore we witwa Mukabugingo Chantal na Nyirabega Julie. Yakomeje avuga ko Uwitwa Nkubiri Cyprien ntaho ahuriye n'urupfu rw'umwana we kuko ariwe wamuhurije kandi ko bari birirwanye basangira inzoga bakanatahana, ko amaze kumenya ibyabaye yamuhurije ataregera mu rugo.

[18] Urukiko rw'Ikirenga rusanga Mukamazimpaka Eugénie (utuye hafi yaho icyaha cyabereye), abazwa mu Bugenzacyaha yaravuze ko umwana wa Ntawuruhunga Evariste yishwe ubwo yari ashiriyeye nyina umwana ngo yonke, ko uwo mwana yanyuze imbere y'iwe ahagana saa munani, ageze nko muri 100 m uvuye aho atuye, abona Gatera Célestin amukurikiye afite umuhoro, ageze imbere ahita amukubita umuhoro, ahita yiruka. Avuga ko Gatera Célestin yaje kugera aho umwana yiciwe nyuma y'abandi kandi ko yari asanzwe arangwa n'ubugome ndetse akaba yari asanzwe avuga ko azica umuntu akamutwerera Selire Nyagasozi.

[19] Urukiko rw'Ikirenga rusanga Mukabugingo Chantal, abazwa mu Bugenzacyaha kuwa 11/8/1998, yaravuze ko amaze kumva induru, yerekeje aho iyo nduru yavugiraga, ahura na Gatera Célestin ahita amukubita igitsiburira cy'umuhoro asa n'ufite ubwoba yiruka avuga ngo nta mugore ukwiye guhurura, akomeza yerekeza iwabo. Yakomeje asobanura ko Gatera Célestin yahoraga avuga ko Ntawuruhunga Evariste yamuririyeye inkoko ariko ko azazizira.

[20] Urukiko rw'Ikirenga rusanga Kaberuka Jean, abazwa mu Bugenzacyaha kuwa 12/8/1998 nawe yaravuze ko ubwo yari atabaye mu bambere amaze kumva induru, yahuye na Gatera Célestin asa n'uvuye mu gihuru abona asa n'ufite ubwoba, afashe umuhoro ku gatwe kawo hariho amaraso, amubonye arirukanka ajya mu rugo kwa nyina, agaruka abandira bese bahageze, akavuga ko uwo mwana yishwe n'icyuma bamuteye mu mutwe kimeze nk'umuhoro kuko umutwe wari wajanjaguritse kandi ko Gatera Célestin yahageze akavuga ko uwishwe uwo mwana yamuhamije.

[21] Urukiko rw'Ikirenga rusanga Nyirabega Julie, abazwa mu Bugenzacyaha kuwa 11/8/1998, yaravuze ko umunsi umwana yicwaho, Gatera Célestin yamunyuzeho afite umuhoro ahagana saa saba, hashize nk'iminota 30 yumva induru ituruka Nyamyatano ivuga ko uwo mwana yiciwe imbere yo kwa Mukamazimpaka mu gahuru kari iruhande rw'inzira. Yakomeje avuga ko Gatera Célestin yari yarirukanywe n'Ubuyobozi bwa Segiteri kuko mbere y'intambara yari yenda kwica nyina akoresheje inkota, abaturage barahurira bamwohereza i Bibare aho atuye, akaba yarageraga i Nyagasozi nk'umujura. Yavuze ko ntacyo azi Gatera Célestin yapfaga na Ntawuruhunga Evariste kuko atari aturanye nabo. Mu iperereza ryakozwe n'Ubushinjacyaha kuwa 11/03/2014, Nyirabega Julie yavuze ko umunsi uwo mwana yicwaho, Gatera Célestin yanyuze iwe amubitsa isuka amubwira ko agiye kuvumba ariko ko ari bukore akantu, kandi ko akimara kuhava aribwo yumvise bavuga ko umwana yishwe, ahageze asanga barimo gukubita abantu, aravuga ngo abantu barimo gukubitwa kandi uwabikoze yigaramiye. Yanavuze ko Gatera Célestin yari asanzwe afite imyitwarira mibi, buri gihe avuga ko azica nyina ibinyuma Remera bimuzire.

[22] Urukiko rw'Ikirenga rusanga Nkubiri Cyprien, abazwa mu Bushinjacyaha kuwa 29/10/1998 yaravuze ko uwo mwana yishwe mu gihe yarimo asangira inzoga na se Ntawuruhunga Evariste. Yavuze ko avuye kunywa inzoga yatahanye na Nsanzineza Etienne na Ngwabije, ageze mu rugo arakaraba, agize ngo arajya kureba umuntu uzamurangurira inzoga, agiye kumva yumva induru iravuze, ajya kureba ibibaye, ahageze ahasanga Nyumbakumi. Yavuze ko Ntawuruhunga Evariste batatahanye kuko we n'umugore we babanje gusigara aho, nabo baza babakurikiye. Yakomeje avuga ko yaje gufatanwa na bagenzi be bagera kuri 11 bakekwaho icyo cyaha, ariko nyuma baza kurekurwa hasigaramo Gatera Célestin wenyine. Yavuze ko ntacyo apfaga na Gatera Célestin ndetse nta n'icyo bapfana. Mu iperereza ryakozwe n'Ubushinjacyaha kuwa 11/03/2014, Nkubiri Cyprien yavuze ko Gatera Célestin yari asanzwe afitanye amakimbirane na Ntawuruhunga Evariste (Se w'umwana wishwe) akomoka ku kuba ngo Ntawuruhunga Evariste yamurogeye inkoko zigapfaga akoresheje umuti batera ikawa, ibyo bikaba ngo aribyo byabaye intandaro yo kumwicira umwana amwihimuraho. Yavuze ko Gatera Célestin yari asanzwe afite imyitwarire mibi ndetse anywa n'ibiyobyabwenge. Yavuze ko bahuruye bagasanga intumbi iri hejuru y'undi mwana wari umushyiriyeye nyina.

[23] Urukiko rw'Ikirenga rusanga Nsanzineza Etienne, abazwa mu Bushinjacyaha kuwa 29/10/1998, yaravuze ko uwo mwana yishwe mu gihe yarimo asangira inzoga n'abantu benshi, Ntawuruhunga Evariste nawe aza kuhabasanga, bababwiye ko inzoga ishize, we, Nkubiri Cyprien na Ngwabije barataha, bageze imuhira bumva Ntawuruhunga Evariste aravuze induru, avuga ko yari aje abakurikiye kuko inzira zitari zimwe, bahuruye basanga Ntawuruhunga Evariste n'umugore we aribo bavuze induru. Akomeza avuga ko uwo mwana yaguye hafi yo kwa Ndaberetse, icyo gihe akaba yari mu nzu kuko atumva neza.

[24] Urukiko rurasanga Urukiko rwa Mbere rw'Iremezo rwa Byumba rwarahamije Gatera Célestin icyaha rushingiye ku mvugo za Mukamazimpaka Eugénie, iza Mukabugingo Chantal, iza Kaberuka Jean hamwe niza Nyirabega Julie, nyamara Mukamazimpaka Eugénie

ari we wenyine wavuze ko yabonye Gatera Célestin arimo gukubita umupanga mu mutwe umwana wa Ntawuruhunga Evariste kandi icyo gihe yari ahetswe n'undi mwana mu mugongo, ariko bikaba bitumvikana ukuntu uwo mwana atabajijwe. Bigaragara nanone mu nyandiko-mvugo y'ibazwa rya Nsanzineza Etienne ryo kuwa 29/10/2008 imbere y'Umushinjacyaha ko uyu mutangabuhamya yavuze ko igihe icyaha cyakorwaga, Mukamazimpaka Eugénie yari mu nzu iwe kandi ko nta kintu yashoboye kumva ku byabaye, bitewe nuko yapfuye amatwi akaba atumva neza, Urukiko rukaba rusanga bitumvikana ukuntu yabonye Gatera Célestin akubita umupanga umwana wishwe, cyane ko na raporo ya Muganga wasuzumye umurambo we ivuga ko yicishijwe ikintu kiremereye, "le nommé Mpagazahayo est mort d'un traumatisme crânien avec fracture des os pariétaux et frontal occasionnée par un coup d'un objet pesant qu'il aurait reçu au niveau de la tête", bikaba rero byumvikana ko icyakoreshejwe atari umupanga nk'uko Mukamazimpaka Eugénie yabivuze kuko wo ari intwari ifite ubugi, ikaba ikoreshejwe itema aho kujanjagura.

[25] Uretse ibyo dosiye y'urubanza igaragaza ko Mukamazimpaka Eugénie nawe yafashwe agafungwa umwana akimara gupfa tariki ya 06/08/1998, hamwe na Gatera Célestin, bombi baregwa urupfu rw'umwana wa Ntawuruhunga Evariste, ariko igitangaje ni uko nyuma y'iminsi itanu yose, ni ukuvuga tariki ya 11/08/1998, ariho yabwiye Umugenzacyaha ko yabonye Gatera Célestin yica uriya mwana.

[26] Ku bijyanye n'imikorere y'icyaha, Urukiko rw'Ikirenga rurasanga Kaberuka Jean, Mukabugingo Chantal na Nyirabega Julie bavuga ko babonye Gatera Célestin akimara gukora iryo bara, ngo arimo agerageza kwihishahisha ashaka uburyo yacika kandi ngo afite umupanga uriho amaraso mu ntoki, ibi nabyo bivuguruzwa na raporo ya muganga yavuzwe mu bika bibanza yerekana ko umwana yicishijwe ikintu kiremereye, ko umuhoro abatangabuhamya bamaze kuvugwa bavuga ko babonye Gatera Célestin afite ntawabayeho, ko ahubwo hari ukwivuguruzwa gukubijwe ku ntware yakoreshejwe mu kwica uriya mwana kuko abatangabuhamya babajijwe mbere n'inzego z'iperereza bavuga ko hakoreshejwe umuhoro, mu gihe ababajijwe n'Ubushinjacyaha bitegetswe n'uru Rukiko bemeje ko umwana yicishijwe "fer à béton", uretse ko izi ntware zombi nta n'imwe iremereye nkuko byemejwe na raporo ya Muganga. Rurasanga kandi ikindi kitakwireragizwa ari uko abatangabuhamya babajijwe urubanza rugeze hagati, bese bavuga ko ibyo bavuze ari ibyo bumvise abandi bavuga, ndetse bamwe bakavuga ko Gatera Célestin ari wishwe uriya mwana kubera ko ngo yari asanzwe afite imyitwarire mibi, benshi bamufata nk'ikihebe kandi akaba yari afitanye amakimbirane na Ntawuruhunga Evariste, se w'umwana wishwe.

[27] Hasesenguwe nanone ibyavuye mu ibazwa ryakorewe mu Bugenzacyaha, mu Bushinjacyaha ndetse n'ibikubiye mu iperereza ryakozwe n'Ubushinjacyaha bubitegetswe n'Urukiko ryabaye kuwa 11/03/2014, Urukiko rw'Ikirenga rurasanga uruhare rwa Gatera Célestin mu iyicwa ry'umwana wa Ntawuruhunga Evariste rushidikanywaho, nta kimenyetso nyakuri kiboneka cyemeza nta shiti ko Gatera Célestin yishe koko nyakwigendera Mpagazahayo, ahubwo ko ababajijwe bivuguruzwa ku mikorere y'icyaha ndetse no ku ntware yakoreshejwe mu kwica nyakwigendera Mpagazahayo, bityo hakurikijwe ingingo ya 165 y'Itegeko n° 30/2013 ryo kuwa 24/05/2013 ryerekeye imiburamushirize y'imanza z'inshinjabyaha iteganya ko "Gushindikanya birengera ushinjwa. Iyo urubanza rwakurikiranywe mu buryo bwose, ntihagire ibimenyetso nyakuri kiboneka byemeza nta shiti abacamanza ko ushinjwa yakoze icyaha koko, bagomba kwemeza ko atsinze", icyo cyaha akaba agomba kugihanagurwaho.

III. ICYEMEZO CY'URUKIKO

[28] Rwemeje ko ubujurire bwa Gatera Célestin bufite ishingiro;

[29] Rwemeje ko imikirize y'urubanza n° RP 516/XXI/99/BY-R.M.P 13508/S3/CT/RRP rwaciwe n'Urukiko rwa Mbere rw'Iremezo rwa Byumba kuwa 14/06/2001 rujuririrwa, ihindutse kuri byose;

[30] Rwemeje ko Gatera Célestin ahanaguweho icyaha, akaba agomba kurekurwa uru rubanza rukimara gusomwa.

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