UBUSHINJACYAHA v. MUKASHEMA N'UNDI

[Rwanda URUKIKO RW'IKIRENGA – RPA0176/11/CS (Mukamulisa, P.J., Munyangeri na Nyirandabaruta, J.) 16 Ukwakira 2015]

Amategeko Mpanabyaha – Kwemera icyaha – Guhindura imvugo k'uregwa – Umucamanza uburanisha urubanza mu mizi niwe wemeza ko ibyo uregwa yemeye mu gihe cy'iperereza ari ukuri kudashidikanywaho n'iyo yakwisubiraho mu rukiko akagira ibyo ahindura cyangwa ahakana ku byo yari yavuze mbere.

Amategeko Mpanabyaha – Kugabanyirizwa igihano – Icyaha gikoranywe ubugome bukabije – Gukorana icyaha ubugome bukabije ni impamvu yatuma igihano kitagabanywa.

Amategeko agenga imiburanishirize y'imanza Nshinjabyaha – Ibazwa ry'uwakoze icyaha – Ukurikiranyweho icyaha kandi ufite amakuru yagitangaho ashobora kubazwa ntibifatwe nkaho ari umutangabuhamya.

Incamake y'ikibazo: Mukashema na Bihimana bakurikiranywe n'Ubushinjacyaha kuba barafatanyije guhotora Sibomana Etienne wari umugabo wa Mukashema Janvière. Mukashema Janvière abazwa mu Bugenzacyaha no mu Bushinjacyaha yemeye ko bamwishe bafatanyije na Bihimana bari basanzwe basambana, ndetse ko bafatanyije gukora icyaha kugira ngo nyuma y'urupfu rw'umugabo we bazibanire nk'umugabo n'umugore. Imbere y'Urukiko, Mukashema yahinduye imvugo, avuga noneho ko yishe umugabo we ari wenyine, nyuma ahamagara Bihimana ngo amufashe guhisha umurambo. Bihimana we kuva yafatwa yahakanye icyaha.

Urukiko Rukuru, ku cyicaro cyarwo i Kigali, rwaciye urubanza rwemeza ko abaregwa bahamwa n'ubufatanyacyaha mu cyaha cy'ubuhotozi, ruhanisha buri wese igifungo cya burundu. Mukashema yajuririye urwo rubanza mu Rukiko rw'Ikirenga avuga ko yahanishijwe igihano kirekire kandi yaraburanye yemera icyaha. Anavuga ko impamvu mu Rukiko yivuguruje agahindura imvugo ku birebana n'imikorere y'icyaha ari uko ari bwo bwa mbere yari aburanye, ariko ko imvugo aha agaciro ari izo yavugiye mu Bugenzacyaha, ko kandi yiteguye gusobanura neza imikorere y'icyaha. Bihimana we, avuga ko icyamuteye kujurira ari uko yahamijwe icyaha atakoze, akaba yifuza kurenganurwa.

Uhagarariye Ubushinjacyaha we avuga ko ubujurire bwa Mukashema nta shingiro bufite kuko impamvu yo kwemera icyaha yayiburanishije mbere, usibye ko yaje guhindura imvugo, bityo kubera uburyo avuga ibintu bitandukanye n'ibyo yemeye mbere, ukwemera icyaha kwe kutahabwa agaciro. Kubirebana na Bihimana, avuga ko ingingo z'ubujurire ze nta shingiro zifite kuko Urukiko Rukuru rwasobanuye impamvu rwashingiyeho rumuhamya icyaha, akaba atabasha kuzivuguruza kuko nta kintu gishya azana mu bujurire.

Incamake y'icyemezo: 1. Umucamanza uburanisha urubanza mu mizi niwe wemeza ko ibyo uregwa yemeye mu gihe cy'iperereza ari ukuri kudashidikanywaho n'iyo yakwisubiraho mu rukiko akagira ibyo ahindura cyangwa ahakana ku byo yari yavuze mbere. Bityo Mukashema ntakwiye kugabanyirizwa ibihano kuko ibyo yavuze nyuma ageze mu nkiko atari ukuri kuko binyuranye ku buryo bugaragara n'ibyo yavuze mbere igihe cy'iperereza, hakaniyongeraho ko mu mwanzuro we w'ubujurire, yasobanuye ko imvugo aha agaciro ari izo yakoreye muri Polisi, ubu akaba atagaragaza ko hari icyo anenga izo mvugo.

2. Gukorana icyaha ubugome bukabijeni impamvu yo kutagabanyirizwa ibihano. Harebwe ubugome Mukashema yakoranye icyaha cyo kwiyicira umugabo, n'uburyo yakoze ibishoboka ngo kitamenyekana, ntakwiye kugabanyirizwa igihano..

3. Ukurikiranyweho icyaha kandi ufite amakuru yagitangaho ashobora kubazwa ntibifatwe nkaho ari umutangabuhamya. Bityo, ibisabwa na Bihimana bijyanye no gutesha agaciro imvugo za Mukashema ubwo yabazwaga mu Bugenzacyaha no mu Bushinjacyaha kuko yabajijwe nk'umutangabuhamya kandi aregwa, nta shingiro bifite, kuko atabajijwe nk'umutangabuhamya ahubwo yabajijwe nk'ukurikiranyweho icyaha kandi ufite amakuru yagitangaho cyane cyane ko yanemeye uruhare rwe.

Ubujurire bw'abaregwa nta shingiro bufite.
Urubanza rwajuririwe ntiruhindutse.
Amagarama aherereye ku isanduku ya Leta.

Amategeko yashingiweho:
Itegeko Nº30/2013 ryo kuwa 24/5/2013 ryerekeye imiburanshirize y'imanza z'inshinjabyaha, ingingo ya 86(2).
Itegeko - teka Nº21/77 ryo kuwa 18/08/1977 rishyiraho Igitabo cy'amategeko ahana, ingingo ya 82 n'íya 83.

Nta manza zifashishijwe.

Inyandiko z'abahanga:
Michel Franchimont, Ann Jacobs na Adrien Masset, "Manuel de procédure pénale", Edition du Jeune Barreau de Liège, 1989, p.772.

Urubanza

I. IMITERERE Y'URUBANZA

[1] Ubushinjacyaha bwakurikiranye Mukashema Janvière na Bihimana Jean Baptiste kuba barafatanyije guhotora Sibomana Etienne wari umugabo wa Mukashema Janvière. Mukashema Janvière abazwa mu Bugenzacyaha no mu Bushinjacyaha yemeye ko yishe umugabo amutemesheje umuhoro mu mutwe inshuro eshatu, ko kandi yafatanyije kumwica na Bihimana Jean Baptiste wajombaguye umushyo nyakwingendera anamukuramo amaso, barangije kumwica umurambo bawutaba mu musarani wo kwa Mukashema utari ugikoreshwa, ariko nyuma barawimura bawuta mu ishyamba bagamije kugira ngo batazafatwa. Anavuga ko yari asanzwe asambana na Bihimana, ndetse ko bafatanyije gukora icyaha kugira ngo nyuma y'urupfu rw'umugabo we bazibanire nk'umugabo n'umugore. Cyokora Mukashema yageze mu Rukiko ahindura imvugo, avuga noneho ko yishe umugabo we ari wenyine, nyuma ahamagara Bihimana ngo amufashe guhisha umurambo. Bihimana we kuva yafatwa yahakanye icyaha.

[2] Iperereza rirangiye Ubushinjacyaha bwareze Mukashema na Bihimana mu Rukiko Rukuru, i Kigali, ruca urubanza rwemeza ko abaregwa bahamwa n'ubufatanyacyaha mu cyaha cy'ubuhotozi, ruhanisha buri wese igifungo cya burundu.

[3] Mukashema Janvière yajuririye urwo rubanza mu Rukiko rw'Ikirenga avuga ko yahanishijwe igihano kirekire kandi yaraburanye yemera icyaha. Anavuga ko impamvu mu Rukiko yivuguruje agahindura imvugo ku birebana n'imikorere y'icyaha ari uko ari bwo bwa mbere yari aburanye, ariko ko imvugo aha agaciro ari izo yavugiye mu Bugenzacyaha, ko kandi yiteguye gusobanura neza imikorere y'icyaha.

[4] Bihimana we avuga ko icyamuteye kujurira ari uko yahamijwe icyaha atakoze, akaba yifuza kurenganurwa.

[5] Iburanisha ry'urubanza ryabereye mu ruhame kuwa 07/09/2015, Mukashema Janvière yunganiwe na Me Rutagengwa Mukiga, Bihimana yunganiwe na Me Rwimo Clotilde, Ubushinjacyaha buhagarariwe na Mukunzi Faustin, Umushinjacyaha ku rwego rw'Igihugu.

II. IBIBAZO BIRI MU RUBANZA N'ISESENGURWA RYABYO

1. Kumenya niba ukwemera icyaha kwakozwe na Mukashema kwamubera impamvu yo kugabanyirizwa igihano.

[6] Mukashema avuga ko icyatumye ajurira ari ko yaburanye yemera icyaha akanagisabira imbabazi ariko akaba yarahanishijwe igihano kirekire adashobora kurangiza, indi mpamvu ikaba iy'uko hari amagambo yavuze mbere ariko ntiyayasobanura neza kubera ko bwari ubwa mbere aburanye, ubu akaba yifuza kugaragaza ukuri kuzuye.

[7] Akomeza avuga ko icyaha cyatewe n'uko amaze kubyarana kabiri n'umugabo we yamutaye maze agasanga umugore wa mukuru we, bituma yahukana, nyuma umugabo aza kumucyura ari kumwe na Bihimana wari usanzwe ari inshuti ye (y'umugabo). Yongeraho ko umunsi icyaha kiba yari yajyanye n'umugabo ku isoko agiye kugurisha ingurube, bavuyeyo banyura mu kabari, aza kuhasiga umugabo ajya mu rugo guteka, aho umugabo atahiye aza amubwira nabi amubaza impamvu ibyo yatetse bitarashya, aranamukubita, nawe kubera inzoga yari yanyoye ahita agira umujinya aramutemagura.

[8] Akomeza avuga ko bigeze nijoro yagiye guhamagara Bihimana ngo aze amufashe kumushyingura cyangwa kumuta mu ishyamba, undi araza ajombagura nyakwigendera ibyuma anamukuramo amaso, nyuma yaho bashyingura umurambo mu musarani wabo (wo kwa Mukashema), ariko hashize icyumweru uwo murambo bawukura aho wari uri kubera ko hari ku nzira, bajya kuwuta mu ishyamba bawukurura. Anavuga ko bimuye umurambo bagira ngo hatazagira undi muntu umenya ibyabaye kuko ari bo bonyine bari babizi. Asoza asaba kugabanyirizwa ibihano akajya kurera abana be.

[9] Me Rutagengwa Mukiga avuga ko icyaha Mukashema yemeye cyo kwiyicira umugabo cyamugwiririye, ko batanga guhanwa, ahubwo ko asaba kugabanyirizwa igihano kubera uko kwemera icyaha hashingiwe ku ngingo ya 35 y'Itegeko ryerekeye imiburanishirize y'imanza z'inshinjabyaha no ku ngingo ya 82 na 83 z'Igitabo cy'amategeko ahana cyakurikizwaga igihe icyaha kiba, ndetse mu kumugenera igihano Urukiko rukazirikana ko amaze imyaka 10 afunze.

[10] Uhagarariye Ubushinjacyaha avuga ko ubujurire bwa Mukashema nta shingiro bufite kuko impamvu yo kwemera icyaha yayiburanishije mbere, usibye ko abazwa mbere yemeye ko yishe umugabo we afatanyije na Bihimana, none ubu akaba avuga ko yahuruje Bihimana umugabo yamaze gupfa, ariko akavuga ko Bihimana yaje akamutera ibyuma akanamuvanamo amaso.

[11] Asanga kubera uburyo Mukashema avuga ibintu bitandukanye n'ibyo yemeye mbere, ukwemera icyaha kwe kutahabwa agaciro hashingiwe ku ngingo ya 82 y'Igitabo cy'amategeko ahana ibyaha cyakurikizwaga, cyangwa iya 35 y'Itegeko ryerekeye imiburanishirize y'imanza z'inshinjabyaha.

[12] Yongeraho ko Urukiko Rukuru, mu gika cya 23 cy'urubanza, rwasobanuye impamvu rutahaye agaciro ukwemera icyaha kwa Mukashema kuko rwasobanuye ko ashaka gukuraho icyaha Bihimana. Asanga kuba nyakwigendera Sibomana yarabwiye nabi Mukashema atari byo byari gutuma amwica cyangwa ngo ajombagurwe ibyuma anakurwemo amaso nyuma yo kwicwa.

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[13] Ingingo ya 82 y'Itegeko-Teka N°21/77 ryo kuwa 18/08/1977 rishyiraho Igitabo cy'amategeko ahana cyakurikizwaga igihe icyaha Mukashema aregwa cyakorwaga, iteganya ko umucamanza ubwe ari we uha agaciro impamvu zigabanya ubugizi bwa nabi bw'uwakoze icyaha, ko kandi kwemeza impamvu zigabanya ububi bw'icyaha bigomba gusobanurwa; naho ingingo ya 83 y'icyo gitabo igateganya uburyo ibihano biteganyirijwe icyaha bihinduka cyangwa bikagabanywa.

[14] Isesengura ry'ingingo zimaze kuvugwa haruguru, ryumvikanisha neza ko umucamanza mu bushishozi bwe, ari we usuzuma niba hari impamvu zituma uregwa akwiye kugabanyirizwa igihano.

[15] Nk'uko byavuzwe haruguru, ubujurire bwa Mukashema bugamije gusa kugabanyirizwa igihano hashingiwe ku mpamvu y'uko avuga ko Urukiko rubanza rutakigabanyije kandi yaremeye icyaha mu nzego zose yanyuzemo.

[16] Urukiko rusanga ukwemera icyaha gukozwe n'uregwa gushobora kumubera impamvu ituma agabanyirizwa ibihano nk'uko ingingo zavuzwe mu gika cya 13 zibivuga, ari ukwakozwe mu buryo budasubirwaho, akagaragaza ukuri kwose ntacyo akinga Urukiko.

[17] Ibimaze kuvugwa bihura kandi n'ibisobanuro bitangwa n'abahanga mu by'amategeko barimo Michel Franchimont, Ann Jacobs na Adrien Masset, mu gitabo cyabo cyitwa ″Manuel de procédure pénale″, Edition du Jeune Barreau de Liège, 1989, ku rupapuro rwa 772, ahavugwa ko mu manza nshinjabyaha, umucamanza uburanisha urubanza mu mizi ari we wemeza ko ibyo uregwa yemeye mu gihe cy'iperereza ari ukuri kudashidikanywaho n'iyo uregwa yakwisubiraho mu rukiko akagira ibyo ahindura cyangwa ahakana ku byo yari yavuze mbere (L'appréciation de la sincérité d'un aveu en matière répressive relève du pouvoir souverain du juge du fond...Le juge de fond apprécie souverainement la sincérité d'un aveu fait par le prévenu au cours de l'instruction préparatoire, même quand cet aveu a été ultérieurement rétracté devant le tribunal).

[18] Nyamara nk'uko Urukiko Rukuru rwabisobanuye, n'ubwo Mukashema avuga ko yemera icyaha akabishingiraho asaba kugabanyirizwa igihano, ikigaragara ni uko mu bisobanuro yatanze igihe yabazwaga mu Bugenzacyaha kuwa 16/04/2005 no kuwa 19/04/2005, hamwe no mu Bushinjacyaha kuwa 25/04/2005, yavuze uburyo yafatanyije na Bihimana kwica umugabo we, ko we yatemye nyakwigendera mu mutwe akoresheje umuhoro, naho Bihimana akamujombagura ibyuma (umushyo) mu mbavu anamukuramo amaso ayata mu musarane, ndetse ko nyuma y'icyaha bafatanyije guhisha umurambo kuko

babanje kuwutaba munsi y'urugo, nyuma banafatanya kuwuhakura bajya kuwuta mu ishyamba. Muri ibyo bisobanuro kandi, Mukashema yavuze ko we na Bihimana bajyaga basambana, ndetse ko bari bafite umugambi wo kuzabana.

[19] Ariko ageze mu Rukiko Rukuru, Mukashema yahinduye imvugo, avuga noneho ko ari we wiyiciye umugabo amutemesheje umuhoro, nyuma ajya gutabaza Bihimana ngo amufashe guhisha umurambo. Ibyo bisobanuro ni nabyo yongeye gusubiramo muri uru Rukiko.

[20] Ku bijyanye no kugabanyirizwa ibihano, mu rubanza rwajuririwe, Urukiko Rukuru rwasobanuye ko Mukashema adakwiye kubigabanyirizwa kuko atavugisha ukuri ahubwo akaba agerageza gukingira ikibaba Bihimana, n'uru Rukiko rukaba rusanga ibyo yavuze nyuma ageze mu nkiko atari ukuri kuko binyuranye ku buryo bugaragara n'ibyo yavuze mbere igihe cy'iperereza, hakaniyongeraho ko mu mwanzuro we w'ubujurire, Mukashema yasobanuye ko imvugo aha agaciro ari izo yakoreye muri Polisi, ubu akaba atagaragaza ko hari icyo anenga izo mvugo.

[21] By'umwihariko ku bijyanye n'ibyo Mukashema yavugiye muri uru Rukiko, ntibyumvikana uburyo Bihimana yaba yarahurujwe na Mukashema nk'inshuti y'umuryango, kandi akaza nyakwigendera Sibomana yarangije gupfa, ariko akajombagura ibyuma umurambo ndetse akawukuramo amaso akayajugunya mu musarani. Ikigaragarira Urukiko ahubwo ni uko bombi bafatanyije kwica Sibomana, nyuma bagerageza guhisha umurambo baza no kuwimura bawujyana mu ishyamba bagamije gusibanganya ibimenyetso by'icyaha bakoze, nk'uko kandi n'Urukiko Rukuru rwabisobanuye.

[22] Kubera ibimaze gusobanurwa, hanarebwe ubugome icyaha cyo kwiyicira umugabo cyakoranwe, n'uburyo yakoze ibishoboka ngo kitamenyekana, uru Rukiko rusanga Mukashema adakwiye kugabanyirizwa igihano, akaba agomba kuguma ku gihano yahawe n'Urukiko Rukuru.

2. Kumenya niba Bihimana yarahamijwe icyaha arengana akaba akwiye kurenganurwa.

[23] Bihimana avuga ko icyatumye ajurira ari uko Urukiko Rukuru rwamuhamije icyaha atigeze akora, ko nta n'ibimenyetso rwashingiyeho bigaragaza ko koko yafatanyije na Mukashema guhotora umugabo we.

[24] Me Rwimo Clotilde avuga ko Bihimana yahamijwe icyaha hashingiwe ku mvugo ya Mukashema umushinja ko bafatanyije mu cyaha bahamijwe, nyamara ko Urukiko rutabanje gusuzuma niba ibyo Mukashema amushinja ari ukuri kuko yasobanuye ko imvugo ye yo mu iburanisha ari yo yahabwa agaciro.

[25] Akomeza asobanura ko mu Bugenzacyaha Mukashema yavuze ko umugabo we yishwe no gutemaguzwa umuhoro inshuro eshatu ari we (Mukashema umutemye), ageze mu Bushinjacyaha avuga ko yafatanyije na Bihimana, byahuzwa n'ibyo yagiye avuga mu nkiko bikagaragara ko ibyo avuga bidahura n'ibyo yasobanuye mbere igihe cy'iperereza, ko rero yivuguruza nk'uko n'Urukiko Rukuru rwabisobanuye; ibyo byose bigatuma haba ugushidikanya kugomba kurengera Bihimana hashingiwe ku ngingo ya 153 y'Itegeko ryerekeye imiburanishirize y'imanza z'inshinjabyaha ryakurikizwaga.

[26] Anongeraho ko ubucuti bukabije Mukashema yavuze ko yari afitanye na Bihimana ntabwabayeho kuko Bihimana abuhakana, kandi Mukashema ubuvuga akaba atabitangira ibimenyetso. Anasanga bitumvikana uburyo Mukashema yiyambaje Bihimana nk'inshuti

y'umuryango mu ma saa sita z'ijoro, ko rero hashingiwe ku ngingo ya 59 y'itegeko ryerekeye imiburanishirize y'imanza z'inshinjabyaha ryakurikizwaga, ivuga ko ushinjwa atagomba kuba umutangabuhamya, Bihimana akwiye kurenganurwa akagirwa umwere kubera ko Ubushinjacyaha butatanze ibimenyetso byuzuye bimushinja.

[27] Uhagarariye Ubushinjacyaha avuga ko ingingo z'ubujurire za Bihimana nta shingiro zifite kuko Urukiko Rukuru rwasobanuye impamvu rwashingiyeho rumuhamya icyaha, akaba atabasha kuzivuguruza kuko nta kintu gishya azana mu bujurire.

[28] Anavuga ko ibyo uburanira Bihimana asaba ko imvugo za Mukashema zitahabwa agaciro hashingiwe ku ngingo ya 59 y'Itegeko ryerekeye imiburanishirize y'imanza z'inshinjabyaha ryakurikizwaga nabyo nta shingiro bifite, kubera ko iyo ngingo yavuguruwe n'iya 57 y'Itegeko rishya ryerekeye imiburanishirize y'imanza z'inshinjabyaha ko kandi Mukashema atigeze abazwa nk'umutangabuhamya nk'uko iyo ngingo ibivuga. Anasaba Urukiko ko mu gusuzuma agaciro k'ibimenyetso byatanzwe, rwashingira ku ngingo ya 86 y'Itegeko rishya ryavuzwe ryerekeye imiburanishirize y'imanza z'inshinjabyaha.

[29] Uhagarariye Ubushinjacyaha yongeraho ko n'ubwo Bihimana ahakana kuba yari umusambane wa Mukashema, imvugo ye itandukanye n'ibyo Mukashema yasobanuye mbere, ndetse ko hanarebwa ubuhamya bw'abaturanyi be bemeje ko Bihimana na Mukashema bajyaga basambana, ko rero ibyo bavuze bigomba guhabwa agaciro hashingiwe ku ngingo ya 65 y'Itegeko ryerekeye ibimenyetso mu manza n'itangwa ryabyo, kubera ko bavuze ibyo bazi neza ku bijyanye n'ubucuti bwari hagati ya Bihimana na Mukashema.

[30] Asoza asaba Urukiko kuzasuzuma imvugo ya Mukashema mu Bugenzacyaha no mu Bushinjacyaha ikanahuzwa n'ibyemejwe n'abatangabuhamya, kuko byose bigaragaza ko Bihimana yafatanyije na Mukashema gukora icyaha.

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[31] Ingingo ya 86, igika cya 2, y'Itegeko Nº30/2013 ryo kuwa 24/5/2013 ryerekeye imiburanshirize y'imanza z'inshinjabyaha[1] ivuga ko: "Urukiko ruhamya ku buryo butavuguruzwa ko ibimenyetso byose bishinja cyangwa bishinjura ari byo kandi ko bishobora kwemerwa".

[32] N'ubwo mu bujurire bwe Bihimana akomeje guhakana icyaha nk'uko yagihakanye mu Rukiko Rukuru, uru Rukiko rushingiye ku bisobanuro byatanzwe haruguru ku bijyanye na Mukashema, rusanga ubujurire bwa Bihimana nta shingiro bufite kuko Mukashema yasobanuye mbere ku buryo busobanutse uko bafatanyije kwica umugabo we, ndetse nk'uko byavuzwe haruguru, muri ibyo bisobanuro anagaragaza ko yajyaga asambana na Bihimana, ko kandi bifuzaga kuzabana, nanone akavuga ko icyo yapfaga n'umugabo we Sibomana ari uko yari afite inshoreke yitwa Mukandoli Athanasie, ndetse ko ku rundi ruhande Bihimana nawe atumvikanaga na Sibomana kubera ko uyu yari yarinjiye Mukandoli Athanasie wari warabanje kwinjirwa na Bihimana.

[33] Byongeye kandi, mu bisobanuro bye, Mukashema yavuze ko umugambi we na Bihimana wo kwica Sibomana bari bawumaranye nk'amezi agera kuri atanu.

[1] Iyo ngingo ihura n'iya 45 y'Itegeko Nº13/2004 ryo ku wa 17/5/2004 ryerekeye imiburanishirize y'imanza z'inshinjabyaha nk'uko ryujujwe kandi ryahinduwe, ryakurikizwaga igihe icyaha cyakorwaga.

[34] Urukiko iyo rusuzumye ibisobanuro Mukashema yagiye atanga nk'uko byagaragajwe, rusanga Mukashema na Bihimana baragambiriye kuva mbere kwica nyakwigendera Sibomana, ndetse bamaze kumwica bafatanya gukora ibishoboka byose ngo bahishe ibimenyetso by'icyaha; kubera iyo mpamvu rukaba rusanga nta gushidikanya ku ruhare rwa Bihimana mu cyaha yahamijwe n'Urukiko Rukuru.

[35] Urukiko rusanga nanone ibisabwa n'uwunganira Bihimana bijyanye no gutesha agaciro imvugo za Mukashema ubwo yabazwaga mu Bugenzacyaha no mu Bushinjacyaha hashingiwe ku ngingo ya 59 y'Itegeko Nº13/2004 ryo kuwa 17/5/2004 ryerekeye imiburanishirize y'imanza z'inshinjabyaha ryakurikizwaga igihe icyaha cyakorwaga[2], nta shingiro ifite, kuko Mukashema atabajijwe nk'umutangabuhamya nk'uko iyo ngingo yabiteganyaga, ahubwo yabajijwe nk'ukurikiranweho icyaha kandi ufite amakuru yagitangaho cyane cyane ko yanemeye uruhare rwe.

III. ICYEMEZO CY'URUKIKO

[36] Rwemeje ko ubujurire bwa Mukashema Janvière na Bihimana Jean Baptiste nta shingiro bufite;

[37] Rwemeje ko imikirize y'urubanza RPA0069/10/HC/KIG rwaciwe kuwa 16/6/2011 n'Urukiko Rukuru, i Kigali, idahindutse;

[38] Ruvuze ko amagarama y'urubanza aherera ku Isanduku ya Leta.

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[2] Ivuga itya: "Abantu Ubushinjacyaha bufiteho ibimenyetso byo kuba baragize uruhare mu ikorwa ry'icyaha ntibashobora kwumvwa nk'abatangabuhamya".