URUKIKO RW'IBANZE RWA KICUKIRO, RURI KU CYICARO CYARWO RUHABURANISHIRIZA IMANZA Z'IMBONEZAMUBANO KU RWEGO RWA MBERE, RUKIRIJE MU RUHAME URUBANZA RC 00497/2022/TB/KICU, NONE KUWA 09/11/2023 MU BURYO BUKURIKIRA:

ABABURANYI:

UREGA: **MUJAWAMARIYA Speciose** mwene NYAMINANI Leopord na MUKANKURUNZIZA Cecile wavutse 01/01/1987 utuye mu Mudugudu wa Kiruhura, Akagari ka Niboye, Umurenge wa Niboye, Akarere ka Kicukiro, Umujyi wa Kigali, ID: 1198770008482101 na Tel: (+250) 250787229189 email: mspeciose20@gmail.com

UREGWA: **MWESIGYE God** mwene RUBAREMA Athanase na MUKANKUBITO wavutse 01/01/1978, yavukiye Uganda, utuye mu Mudugudu wa Kiruhura, Akagari ka Niboye, Umurenge wa Niboye, Akarere ka Kicukiro, Umujyi wa Kigali.

IKIREGERWA: Ubutane

INCAMAKE Y'URUBANZA

*MUJAWAMARIYA Speciose yatanze ikirego mu **rukiko rw'ibanze rwa Kicukiro** asaba ko urukiko rumutandukanya na MWESIGYE God bari barasezeranye 29/11/2012. Akavuga ko impamvu asaba ubutane ari uko umugabo we bamaze kubana agatangira kumushyira ku **nkeke ndetse akamubwira ko azamwica, ibyo byakorewe raporo n' ubuyobozi bw'inzego** z'ibanze bugira inama Speciose bwo guhungisha amagara ye, nyuma yaho nibwo Mwesigye God yaje no guta urugo asiga MUJAWAMARIYA Speciose amaze kubyara umwana **w'umuhungu ariko agenda atamwiyandikishijeho**. Uregwa yamenyeshejwe ahatazwi ariko ntiyitaba iburanisha urubanza rucibwa adahari maze mu **isesengura ry'uru rubanza** urukiko rusanga hari impamvu z'**ubutane** rwemeza ko bombi batandukanye ku makosa ya Mwesigye God ruvuga ko umwana NTWALI MUGISHA akomeza kurerwa na nyina.*

I. IMITERERE Y'URUBANZA

[1] MUJAWAMARIYA Speciose yasezeranye na MWESIGYE God taliki ya 29/11/2012 basezeranira mu Murenge wa Nyarugunga mu Karere ka Kicukiro, mu mubano wabo avuga ko

babyaranye umwana 1 wavutse tariki 02/10/2013. Avuga ko muri uwo mwaka basezeraniyemo umugabo we yatangiye kumushyira ku nkeke akamukubita akanamubwira ko azamwica ataretse n'ihohoterwa rishingiye ku gitsina. Akaba ariho ashingira asaba urukiko kumuha ubutane no gutegeka ko umwana babyaranye witwa NTWALI MUGISHA akomeza kurerwa na mama we.

[2] MWESIGYE God yamenyeshejwe mu buryo no mu nzira bikurikije amategeko ndetse arahamagazwa ariko ntabwo yitabye. Kutitaba k'uregwa MUJAWAMARIYA Speciose yabajijwe icyo abivugaho, asaba ko urubanza rwaburanishwa uregwa adahari. Urukiko rushingira ku ngingo ya 56 y'itegeko no 22/2018 ryo kuwa 29/04/2018 ivuga ko ***"Iyo mu iburanisha uregwa atitabye nta mpamvu, urega ashobora gusaba ko urubanza rwimurirwa ku yindi tariki cyangwa gusaba ko ruburanishwa uregwa adahari, hasuzumwa imyanzuro yatanze".*** Urukiko rwafashe icyemezo cyo kuburanisha uru rubanza MWESIGYE God adahari kuko yemeyeshejwe mu buryo no mu nzira bikurikije amategeko.

[3] Ibibazo bigiye gusuzumwa muri uru rubanza bikaba ari ibi bikurikira: ***Kumenya niba hari impamvu ituma hatangwa ubutane hagati ya MUJAWAMARIYA Speciose na MWESIGYE God; Kumenya ibijyanye n'uburere n'uburenganzira bw'umwana mugihe haba hatanzwe ubutane.***

II. ISESENGURA RY'IBIBAZO BIGIZE URU RUBANZA

- ***Kumenya niba hari impamvu ituma hatangwa ubutane hagati ya MUJAWAMARIYA Speciose na MWESIGYE God.***

[4] Ingingo ya 3 y'itegeko n° 15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo iteganya ko: ***«Buri muburanyi agomba kugaragaza ukuri kw'ibyo aburana...».*** naho ingingo ya 12 y'itegeko n°22/2018 ryo kuwa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi ikavuga ko ***«urega agomba kugaragaza ibimenyetso by'ibyo aregera. Iyo abibuze, uwarezwe aratsinda».*** Izi ngingo zombi zumvikanisha ko buri muburanyi wese aba akwiye kugaragaza ibimenyetso ashingiraho ndetse uwareze akagaragaza ishingiro ry'ibyo aregera yabibura agatsindwa.

[5] Iburanishwa ry'uru rubanza ryabereye mu ruhame tariki 12/10/2023 MUJAWAMARIYA Speciose imbere y'urukiko yavuze ko ashingira kuba nyuma y'uko umugabo yamuhozaga ku nkeke yabiganirije imiryango igerageza kubunga ariko birananirana yagiye no mu buyobozi

bw'aho bari batuye bamukorera raporo ndetse bamugira inama yo guhungisha amagara ye kuko yabonaga ko ashobora no kuhasiga ubuzima. Mu mwaka wa 2013 nibwo MWESIGYE God yahise amuta aragenda kuva icyo gihe kugeza nubu ntiyongeye kumenya aho aherereye. Akaba ariyo mpamvu asaba ko urukiko rwamuha ubutane bwa burundu rushingiye ku makosa y'Umugabo.

✓ ***Uko urukiko rubibona***

[6] Ingingo ya 218 y'itegeko nº32/2016 ryo ku wa 28/08/2016 rigenga abantu n'umuryango iteganya ko ***"Buri wese mu bashyingiranywe ashobora gusaba gutana burundu kubera imwe mu mpamvu zikurikira: ubusambanyi; guta urugo nibura igihe cy'amezi cumi n'abiri (12) akurikirana; igihano cy'icyaha gisebeje; kwanga gutanga ibitunga urugo; guhoza undi ku nkeke; ihohoterwa rishingiye ku gitsina; kumara nibura imyaka ibiri (2) batabana ku bushake bwabo; kutabana mu gihe kirenze amezi cumi n'abiri (12) akurikirana uhereye igihe habereye ishyingirwa nta mpamvu zifite ishingiro zihari."***

[7] Urukiko rusanga impamvu MUJAWAMARIYA Speciose ashingiraho asaba ubutane ari uko MWESIGYE God yamuhozaga ku nkeke ibi bigashimangirwa na raporo y'ubuyobozi bw'inzego z'ibanze zo mu murenge wa Munyiginya, akagari ka Cyimbazi umudugudu wa Akabuye ari naho babanje gutura mbere y'uko bimukira mu murenge wa Niboye mu karere ka Kicukiro, iyo raporo ikaba yaravugwagamo ko bagerageje kuganiriza ababuranyi bombi umugabo akavuga ko adashaka kubana na MUJAWAMARIYA Speciose ndetse akababwira ko azamwica. Rushingiye kandi ku cyemezo cyatanzwe n'akagari ka Niboye aho batuye bwa nyuma yavugaga ko umugabo we MWESIGYE God yamutaye kuva mu mwaka wa 2013, izo mpamvu zo kuba yarahozwaga ku nkeke ndetse no kuba MWESIGYE God yarataye urugo hakaba hashize imyaka irega irindwi bikaba bituma hatangwa ubutane.

➢ ***Kumenya ibijyanye n'uburere n'uburenganzira bw'umwana mugihe haba hatanzwe ubutane.***

[8] MUJAWAMARIYA Speciose avuga ko yabyaranye na MWESIGYE God umwana witwa NTWALI MUGISHA, ariko ikigaragara ni uko umugabo we yaje guta urugo atanditsweho uyu mwana ndetse umwana mu kumwandikisha mu bitabo by'amavuko yanditswe kuri nyira gusa. Mu iburanishwa ry'uru rubanza Speciose abajijwe impamvu amazina ya se w'umwana atagaragara mu myirondoro ye asubiza ko MWESIGYE God yagiye amaze kumubyara akavuga ko impamvu umwana atanditswe kuri se ari uko igihe yajyaga kumwandikisha nta ndangamuntu ya se yari afite

akabura uko amwandikisha, nyuma itegeko risohotse ryemera ko umwana yakwandikwa ku mubyeyi uhari nibwo yamwiyandikishijeho wenyine.

✓ ***Uko urukiko rubibona***

[9] Ingingo ya 244 y'itegeko n°32/2016 ryo ku wa 28/08/2016 rigenga abantu n'umuryango iteganya ko ***"Hatitawe k'uwashinzwe kurera abana, ababyeyi babo bafite uburenganzira bwo kugenzura uko abana bafashwe n'uko barerwa. Bagomba kandi gutanga indezo hakurikijwe ubushobozi babifitiye".*** Urukiko rusanga muri uru rubanza umwana NTWALI MUGISHA azakomeza kurerwa na nyina MUJAWAMARIYA Speciose akamurera mu bushobozi bwe afite. Naho kukijyanye n'indezo yagenerwa n'ubundi burenganzira kuri se urukiko rukaba ntacyo rubivuzeho kuko ntawe ugomba kubisabwa no kumushingwa mugihe bitagaragara ko uyu MWESIGYE God ariwe se ndetse akaba ataranabonetse muri uru rubanza ngo agire icyo abivugaho.

III. <u>ICYEMEZO CY'URUKIKO</u>

[10] Rwemeje ko ikirego cyatanzwe na MUJAWAMARIYA Speciose gifite ishingiro;

[11] Rwemeje ko MUJAWAMARIYA Speciose na MWESIGYE God bari barasezeranye tariki 29/11/2012 mu murenge wa Nyarugunga batandukanye ku makosa ya MWESIGYE God;

[12] Rutegetse ko iki cyemezo cyandukurwa mu bitabo byabugenewe by'aho bashyingiriwe;

[13] Ruvuze ko nta ngwate y'amagarama yatanzwe hinjizwa iki kirego kuko MUJAWAMARIYA Speciose yagaragaje icyemezo cy'utishoboye;

[14] Rwibukije ko kujurira bikorwa mu gihe cy'iminsi mirongo itatu (30jrs) kuva umunsi uru rubanza rusomeweho.

NI UKO RUKIJIJWE KANDI RUSOMEWE MU RUHAME NONE KU WA 09/11/2023.

MUKAYIRERE Françoise
Sé
Umucamanza

MUKUNDWA Sandrine
Sé
Umwanditsi

URUKIKO RW'IBANZE RWA KICUKIRO

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