RCC 11118

AMAJAMBO MAKURU MAKURU

Gucungera itunga ry'umwana – inama y'umuryango – ingingo yo gufuta ubuguzi – ingingo za 300; 301; 302; 303 CPF – ingingo zamaze kuba ntabanduka – isambuzwa – umwana w'impfuvyi arerwa i buse.

URUBANZA

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RCC 11118

SENTARE NTAHINYUZWA ISHASHE MU GISATA CA GASAMBURAMANZA YACIYE URUBANZA RUKURIKIRA :INTAHE Y'ICESE YO KU WA 28.07.2006.

UWITWARA :N. Evangéline : Aserukirwa n'umushingwamanza H. Guido.

UWITWARIRWA :HA. Modeste : Aserukirwa n'umushingwamanza NZ. Déo.

Twihweje urwandiko rw'italiki 26.02.2004 umushingwamanza H. Guido yashikanye mw'iyandikiro ry'imanza rya Sentare Ntahinyuzwa kw'igenekerezo rya 02.03.2004 asambuza kw'izina rya N. Evangéline urubanza RCA 4597 rwaciwe na Sentare Nkuru y'Igihugu yo mu Gisagara ca Bujumbura ku wa 30.08.2002 rukaba rwavuga ruti :

SENTARE ICA IMANZA IMBONA NKUBONE ABABURANYI BAHINYUZANYA :

ISHINZE KO :

- Yakiriye iyunguruzwa ry'urubanza nk'uko ryagizwe na N. Evangéline aserukirwa n'umushingwamanza Guido ariko isanze ridashemeye ;
- Umwana NI. Aniella ashikirijwe inasenge HA. Modeste abe amurera ;
- HA. Modeste ategerezwa gucungera itunga ry'uyo mwana, ku neza yiwe abifashijwemwo n'umuryango, gushika agere mu bigero aho azoca arishikira akavyirabira
- Amagarama atangwa na N. Evangéline »

Twihweje ko HA. Modeste yamenyeshejwe iryo sambuza ku wa 11.03.2004 biciye ku mushingwamanza NZ. Déogratias ;

Twihweje inyishu ku birego yashikirijwe n'uwo mushingwamanza nyene ku wa 08.04.2004 ;

Twihweje iciyumviro c'umucamanza w'iyi Sentare co ku wa 21.07.2004 hamwe n'icashikirijwe n'umushikirizamanza mukuru kw'igenekerezo rya 27.04.2005 ;

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Twihweje ingingo yafashwe n'umukuru wa Sentare Ntahinyuzwa ku wa 05.07.2005 yo kuburanisha urubanza mu ntahe y'icese yo ku wa 21.11. 2005 nk'uko yaciye imenyeshwa uwitwariwe ;

Twihweje ihamagarwa ry'urubanza kur'iyo sango aho ababuranyi bitavye bompi ariko uwitwariwe agasaba ko rwokwigizwa inyuma kugira arindire umushingwamanza wiwe rukaba rwaciye rushigwa ku wa 02.03.2006 ;

Twihweje ko kur'iyo sango igira kabiri, ababuranyi barengutse bompi bari kumwe n'abashingwamanza babo, bakaba baciye banoganza imburano zabo ; sentare imaze kunyurwa yaciye ifata urubanza mu mwiherero ariko ruhava rusubizwa mu ntahe y'icese yo ku wa 30.03.2006 kugira hasubirizwe abacamanza batakirangurira amabanga yabo mur'iyi Sentare ruca rusubizwa mu mwiherero none haciwe urukurikira :

Kubera ko urubanza RCA 4597 rusambuzwa rwamenyeshejwe N. Evangéline ku wa 07.01.2004 aca yitura Sentare Gasamburamanza abicishije ku mushingwamanza wiwe ku wa 02.03.2004 akiri mu ndagano ;

Kubera ko mu ngingo ya mbere yo gusambuza urubanza, umushingwamanza H. Guido ashingira ku rubanza RC 12913 rwamaze gutunganya icungerwa ry'ibisigi vy'umuhisi B. Sévérin hamwe n'irerwa ry'impfuvyi NI. Aniella vyakomorewe N. Evangéline ;

Ko rero urubanza rusambuzwa rutitayeho izo ngingo zamaze kuba ntabanduka ;

Kubera ko mu mvo igira kabiri, uwitwara avuga ko urubanza RCA 4597 rushimikiye ku mvo zihushanye zikongera zigahushana n'ingingo yarwo (dispositif) ;

Kubera ko amenyesha ko mu gihe Sentare ubwayo yemeje ko umuryango w'umuhisi B. Sévérin wamugenye kurera impfuvyi no gucungera ibisigi ikongera ikabona ko uburage bwo kurera impfuvyi HA. yitwaza butagira ifatiro, iyo Sentare yivuguruje mu kutitaho ivyo vyemezo ikisunga umugenzo w'ikirundi uvuga ko ''umwana w'impfuvyi arererwa ibuse '' kandi ingingo ya 304 y'amategeko agenga ingo n'abantu ategekanya ko mwen'abo

bana barerwa n'umuntu abafitiye urukundo no ku neza yabo ;

Ko rero Sentare yaciye kubiri n'iyo ngingo hamwe n'ivyo umuryango w'umuhisi B. wamaze gutunganya ;

Kubera ko ikirego ca nyuma ar'uko urubanza runebagurwa rutatanze imvo zigaragaza igituma HA. yorereshwa impfuvyi kandi umucamanza yariboneye ko mu rubanza RC 12913 yateshejwe ariko aranyaga inzu y'ico kibondo ;

Kubera ko umushingwamanza NZ. Déogratias aserukira HA. Modeste avuga ko mu rubanza RC 12913 hafashwe ingingo y'ugufuta ubuguzi bwagirwa ku nzu y'umwana iri kw'i Jabe Q.1 n°735 igacungerwa na N. Evangéline ariko uwu akaba atigeze arereshwa uwo mwana ;

Ko urubanza rw'umurezi rwihwejwe mu rundi rubanza ;

Kubera ko ku kirego gifatiye ku bihushane vyoba biri mu rubanza, uwitwariwe yishura ko N. ata burezi yigeze ahabwa, ko hariho urundi rupapuro rw'inama y'umuryango ruvuga ko HA. ariwe azorera umusengezana wiwe ;

Ko vyongeye mu gihe uwurera umwana agenwa n'umuvyeyi ashengeye ubwa nyuma bikaba bitabaye hanyuma inama y'umuryango ngo ntibigire umurezi aca atorwa n'umucamanza yisunze ingingo za 301 na 302 z'amategeko agenga ingo n'abantu ;

Kubera ko ku mvo ifatiye ku ngingo za 300 n'izikurikira z'igitabo c'amategeko agenga ingo n'abantu zitakurikijwe, uwitwariwe avuga ko umucamanza yaravye ineza y'umwana, ko naho yoba yashatse kugurisha inzu y'ico kibondo kugira ayikabe iyindi bitewe n'ugukumirana kwari mu tugari tumwe tumwe two mu gisagara ca Bujumbura bitabuza ko ahabwa ubwo burezi na Sentare yisunze ineza y'umurerwa ;

Kubera ko Sentare Gasamburamanza isanga ababuranyi bapfa uburezi bw'umwana NI. Aniella hamwe n'icungerwa ry'ibisigi vy'abavyeyi biwe aribo B. Sévérin na BA. NY. Marie-Josée ;

Kubera ko HA. Modeste, inasenge w'umwana yababazwa n'ingene ico kibondo coregwa na nyinabo N. Evangéline yisunze ''acte de notoriété''n°554/30866 yo ku wa 04.07.1997 hamwe n'urubanza RC 12913 rwo ku wa 29.12.2002 gurtyo akaba yaciye yitura ama Sentare ngo amukomorere uburezi bw'uwo mwana n'icungerwa vy'ibisigi vyiwe ;

Kubera ko umucamanza w'iyungururizo ataco yakemye iyo ''acte de notoriété'' hamwe n'urwo rubanza RC 12913 rwamaze kuba ntabanduka hanyuma aho kubishigikira agaca afatira ku mugenzo w'ikirundi w'uko ''umwana w'impfuvyi arerwa i buse'' wamaze guta agaciro hisunzwe ingingo ya 303 y'igitabu c'amategeko agenga ingo n'abantu ;

Ko rero hafatiwe kur'ivyo bihushane bigaragara mu mvo y'urubanza hamwe n'ingingo ya Sentare ikomorera uburezi bw'umwana NI. n'icungerwa ry'ibisigi vyiwe inasenge HA. ;

Kubera ko umucamanza ku bijanye n'ineza y'umwana yari kuraba amategeko yanditse asanzwe anatomoye gurtyo akareka kwishimikiza imigenzo y'ikirundi itagikurikizwa, ikanubahiriza urubanza rwamaze kuba ntabanduka hamwe n'iyo ''acte de notoriété'' itaravuguruzwa ;

na cane cane ko rusubiza itoto urundi rwamaze kuba ntabanduka kur'ivyo bibazo nyene (RC 12913) ;

Kubera izo mvo zose

Sentare Ntahinyuzwa, igisata ca Gasamburamanza ;

Yihweje ibwirizwa n°1/010 ryo ku wa 18.03.2005 ryerekeye ibwirizwa nshingiro rya Republika y'Uburundi ;

Yihweje ibwirizwa n°1/07 ryo ku wa 25.02.2005 ryerekeye iringanizwa rya Sentare Ntahinyuzwa ;

Yihweje ibwirizwa n°1/08 ryo ku wa 17.03.2005 ryerekeye iringanizwa ry'ama Sentare n'ububasha bwazo ;

Yihweje ibwirizwa n°1/010 ryo ku wa 13.05.2004 ryerekeye amategeko agenga imanza z'amatati ;

Yumvise iciyumviro canditse c'umushikirizamanza mukuru ;

Ic'imanza imbona nkubone ibanje kuva mu mwiherero w'abacamanza ;

ISHINZE KO :

- Yakiriye isambuzwa ry'urubanza RCA 4597 rwaciwe na Sentare Nkuru y'Igihugu yo mu Gisagara ca Bujumbura ku wa 30.08.2002 kandi isanze rishemeye ;

- Irasambuye rero urwo rubanza ;
- Irurungikiye iyo Sentare nyene ngo iruce ukundi gusha hashashe abandi bacamanza ;
- Iyi ngingo izokwandikwe mu bitabo vy'imanza vy'iyo sentare nyene hambavu y'urubanza rusambuwe ;
- Amagarama atangwa na HA. Modeste nayo ni 12.200 FBu.

Uko niko ruciwe kandi rusomwe i Bujumbura mu ntahe y'icese yo ku wa 28.07.2006. Hashashe umukuru w'intahe,abacamanza bafashijwe n'umushikirizamanza mukuru n'umwanditsi w'imanza.

KWIHWEZA URUBANZA

Uru rubanza rufise inkomoko ku rubanza rwari rwaciwe na Sentare Nkuru y'Igihugu ya Mairie ya Bujumbura hagati ya N.Evangeline na HA.Modeste .

Mu ntango ya vyose B.Sévérin yaritavye Imana asiga umwana wiwe NI.Aniella nivyo yari yaramurondereye Umuryango rero waciye ukorana uca ushinga ko ibisigi be no kurera NI.Anielle bizogirwa na HA.Modeste.

Uyo muhisi yari afise inzu kw' i Jabe maze iragurwa niho N.Evangeline yaca yitura Sentare ica irushira ku numero RC12913 muri rwo akaba yasaba ifutwa ry'ubwo buguzi.

N. Evangeline ntiyashimye urwaciwe aca ararwunguruza ruhabwa inomero RCA 4597 na yo Sentare y'iyungururizo isanga ibirego vyiwe atafatiro bifise maze ishinga ko umwana NI.Aniella ashikirijwe inasenge HA.Modeste, ngo abe ari we amurera yongere acungere itunga ry'uwo mwana.

N.Evangeline yaciye yitura gasamburamanza ngo isambure urwo rubanza ngo kuko :

- ingingo zishinga irerwa n'icungerwa ry'ibisigi, yamaze kuba ntabanduka.
- Ko rubanza RCA 4597 rushimikiye ku mvo zihushanye.
- Ko kandi urwo rubanza rutatanze imvo zigaragaza igituma HA.yorereshwa impfuvyi n'icungerwa ry'ibisigi bizomutunga.

Ku mvo yambere yo gusambuza urubanza ivuga ko urubanza RC12913 rwamaze kuba ntabanduka, HA.Modeste we, avugako urwo rubanza rwari rwerekeye gufuta ubuguzi ko ata rubanza rw'uburezi rwari mwo.

Urubanza RC12913 Sentare y'iyungururizo irukemye, nti yari guca iruhindura kandi ihejeje kugaragaza ko iyunguruzwa rya N. Evangeline ridashemeye muguca ishikiriza NI.Aniella inasenge HA.Modeste yishimikije imigenzo, kandi ingingo ya 304 CPF[1], itomora neza ko inama y'umuryango canke Sentare ibifitiye ububasha itora umuntu akuze afitiye impuhwe uyo mwana kandi akaba inyifato yiwe igaragaza ko uwo mwana azorerwa neza.

Birumvikana lero ko atakibanza c'imigenzo kiriho, ari naco gituma ku bwacu ico conyene cotuma urwo rubanza rusambuka.

Izindi mvo, mu gihe iya mbere imaze gutuma urubanza rwa Sentare y'iyungururizo rusambuka, ziza zisasira Sentare Ntahinyuzwa nico gituma yaciye ifata imigabo yo gusambura urwo rubanza.

[1] Article 304 CPF :
Le conseil de famille ou le tribunal compétent choisit une personne majeure portant intérêt au mineur et dont la moralité garantit la bonne éducation de celui-ci.