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Itegeko / Law / Loi

N° 027/2019 ryo ku wa 19/09/2019

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| <p><u>Akicro ka 3: Isubikagihano</u></p> | <p><u>Section 3: Suspension of a penalty</u></p> | <p><u>Section 3: Sursis</u></p> |
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| <u>Ingingo ya 255:</u> Amagarama y’urubanza ku rwego rwa mbere | <u>Article 255:</u> Court fees for a case tried at the first instance | <u>Article 255:</u> Frais de justice pour une affaire jugée au premier degré |
| <u>Ingingo ya 256:</u> Amagarama mu bujurire | <u>Article 256:</u> Court fees in case of appeal | <u>Article 256:</u> Frais de justice en cas d’appel |
| <u>Ingingo ya 257:</u> Gusonerwa gutanga ingwate y’amagarama igihe barega | <u>Article 257:</u> Exemption from depositing court fees when filing a case | <u>Article 257:</u> Dispense de la consignation des frais de justice en cas de la saisine de la juridiction |
| <u>Ingingo ya 258:</u> Kubara amagarama y’urukiko | <u>Article 258:</u> Calculation of court fees | <u>Article 258:</u> Calcul des frais de justice |
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| <u>Icyiciro cya 2:</u> Umubare w’amagarama y’urukiko | <u>Section 2:</u> Rate of court fees | <u>Section 2:</u> Tarif des frais de justice |
| <u>Ingingo ya 260:</u> Ikiguzi cy’inyandiko zitangwa n’inkiko | <u>Article 260:</u> Cost of documents served by courts | <u>Article 260:</u> Frais applicables aux actes de procédure |
| <u>INTERURO YA V:</u> INGINGO ZINYURANYE N’IZISOZA | <u>TITLE V:</u> MISCELLANEOUS AND FINAL PROVISIONS | <u>TITRE V:</u> DISPOSITIONS DIVERSES ET FINALES |
| <u>UMUTWE WA MBERE:</u> INGINGO ZINYURANYE | <u>CHAPTER ONE:</u> MISCELLANEOUS PROVISIONS | <u>CHAPITRE PREMIER :</u> DISPOSITIONS DIVERSES |
| <u>Ingingo ya 261:</u> Ibihe byashyizweho n’amategeko yerekeye imiburanishirize y’imanza z’inshinjabyaha | <u>Article 261:</u> Time limits provided under laws relating to criminal procedure | <u>Article 261:</u> Délais établis en matière de procédure pénale |
| <u>Ingingo ya 262:</u> Ibihe bibarwa mu minsi cyangwa mu masaha | <u>Article 262:</u> Time limits counted in days or hours | <u>Article 262:</u> Délais établis en jours ou en heures |

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| <p><u>Ingingo ya 263:</u> Ibarwa ry'ibihe byagenwe mu mezi no mu myaka</p> <p><u>Ingingo ya 264:</u> Ikurikizwa ry'amategeko y'imiburanishirize y'imanza mboneza mubano mu manza nshinjabyaha</p> <p><u>UMUTWE WA II: INGINGO ZISOZA</u></p> <p><u>Ingingo ya 265:</u> Itegurwa, isuzumwa n'itorwa by'iri tegeko</p> <p><u>Ingingo ya 266:</u> Ivanwaho ry'itegeko n'ingingo z'amategeko zinyuranyije n'iri tegeko</p> <p><u>Ingingo ya 267:</u> Igihe iri tegeko ritangira gukurikizwa</p> | <p><u>Article 263:</u> Counting periods fixed in months and years</p> <p><u>Article 264:</u> Applying civil procedure in criminal matters</p> <p><u>CHAPTER II: FINAL PROVISIONS</u></p> <p><u>Article 265:</u> Drafting, consideration and adoption of this Law</p> <p><u>Article 266:</u> Repealing provision</p> <p><u>Article 267:</u> Commencement</p> | <p><u>Article 263:</u> Computation des délais établis en mois et en années</p> <p><u>Article 264:</u> Application des règles de procédure civile en matière de procédure pénale</p> <p><u>CHAPITRE II: DISPOSITIONS FINALES</u></p> <p><u>Article 265:</u> Initiation, examen et adoption de la présente loi</p> <p><u>Article 266:</u> Disposition abrogatoire</p> <p><u>Article 267:</u> Entrée en vigueur</p> |
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| <p>ITEGEKO N° 027/2019 RYO KU WA 19/09/2019 RYEREKEYE IMIBURANISHIRIZE Y'IMANZA Z'INSHINJABYAHA</p> <p>Twebwe, KAGAME Paul, Perezida wa Repubulika;</p> <p>INTEKO ISHINGA AMATEGEKO YEMEJE, NONE NATWE DUHAMIJE, DUTANGAJE ITEGEKO RITEYE RITYA KANDI DUTEGETSE KO RYANDIKWA MU IGAZETI YA LETA YA REPUBULIKA Y'U RWANDA</p> <p>INTEKO ISHINGA AMATEGEKO:</p> <p>Umutwe w'Abadepite, mu nama yawo yo ku wa 26 Kamena 2019;</p> <p>Ishingiye ku Itegeko Nshinga rya Repubulika y'u Rwanda ryo mu 2003 ryavuguruwe mu 2015 cyane cyane mu ngingo zaryo, iya 14, iya 23, iya 24, iya 26, iya 29, iya 64, iya 68, iya 69, iya 70, iya 88, iya 90, iya 91, iya 106, iya 120 n'iya 176;</p> | <p>LAW N° 027/2019 OF 19/09/2019 RELATING TO THE CRIMINAL PROCEDURE</p> <p>We, KAGAME Paul, President of the Republic;</p> <p>THE PARLIAMENT HAS ADOPTED AND WE SANCTION, PROMULGATE THE FOLLOWING LAW AND ORDER IT BE PUBLISHED IN THE OFFICIAL GAZETTE OF THE REPUBLIC OF RWANDA</p> <p>THE PARLIAMENT:</p> <p>The Chamber of Deputies, in its session of 26 June 2019 ;</p> <p>Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015 especially in Articles 14, 23, 24, 26, 29, 64, 68, 69, 70, 88, 90, 91, 106,120 and 176;</p> | <p>LOI N° 027/2019 DU 19/09/2019 PORTANT PROCÉDURE PÉNALE</p> <p>Nous, KAGAME Paul, Président de la République ;</p> <p>LE PARLEMENT A ADOPTÉ ET NOUS SANCTIONNONS, PROMULGUONS LA LOI DONT LA TENEUR SUIT ET ORDONNONS QU'ELLE SOIT PUBLIÉE AU JOURNAL OFFICIEL DE LA RÉPUBLIQUE DU RWANDA</p> <p>LE PARLEMENT :</p> <p>La Chambre des Députés, en sa séance du 26 juin 2019;</p> <p>Vu la Constitution de la République du Rwanda de 2003 révisée en 2015, spécialement en ses articles 14, 23, 24, 26, 29, 64, 68, 69, 70, 88, 90, 91, 106,120 et 176 ;</p> |
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| <p>Isubiye ku Itegeko n° 30/2013 ryo kuwa 24/5/2013 ryerekeye imiburanishirize y’imanza z’inshinjabyaha;</p> <p>YEMEJE:</p> <p><u>INTERURO YA MBERE:</u> INGINGO RUSANGE</p> <p><u>UMUTWE WA MBERE:</u> INGINGO Z’IBANZE</p> <p><u>Ingingo ya mbere:</u> Icyo iri tegeko rigamije</p> <p>Iri tegeko rigenga ibikorwa by’iperereza, iby’ikurikiranacyaha, iby’iburanisha n’iby’irangiza ry’ibihano ku byaha biteganyijwe n’amategeko ahana.</p> <p><u>Ingingo ya 2:</u> Aho iri tegeko rikurikizwa</p> <p>Uretse iyo hari itegeko ribiteganya ukundi, amategeko y’imiburanishirize y’imanza z’inshinjabyaha akurikizwa mu Bugenzacyaha, mu Bushinjacyaha, mu Nkiko no mu nzego zishinzwe irangiza ry’ibihano.</p> | <p>Having reviewed Law n° 30/2013 of 24/5/2013 relating to the code of criminal procedure;</p> <p>ADOPTS:</p> <p><u>TITLE ONE:</u> GENERAL PROVISIONS</p> <p><u>CHAPTER ONE:</u> PRELIMINARY PROVISIONS</p> <p><u>Article One:</u> Purpose of this Law</p> <p>This Law governs acts of investigation, prosecution, trial and execution of penalties for offences provided for by criminal Law.</p> <p><u>Article 2:</u> Scope of application</p> <p>Unless otherwise provided by law, laws on criminal procedure apply during investigations, prosecution, in courts and in organs in charge of judgment execution.</p> | <p>Revu la Loi n° 30/2013 du 24/5/2013 portant code de procédure pénale ;</p> <p>ADOPTE :</p> <p><u>TITRE PREMIER :</u> DISPOSITIONS GÉNÉRALES</p> <p><u>CHAPITRE PREMIER :</u> DISPOSITIONS PRÉLIMINAIRES</p> <p><u>Article premier:</u> Objet de la présente loi</p> <p>La présente loi régit les actes d’enquête, d’instruction, de jugement et d’exécution des peines pour les infractions prévues par la loi pénale.</p> <p><u>Article 2:</u> Champ d’application de la présente loi</p> <p>Sauf disposition légale contraire, les lois sur la procédure pénale sont applicables par l’organe chargé d’enquête, l’organe de poursuite judiciaire, les juridictions et les organes ayant l’exécution des jugements dans leurs attributions.</p> |
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| <u>Ingingo ya 3: Ibisobanuro by'amagambo</u> | <u>Article 3: Definitions</u> | <u>Article 3: Définitions</u> |
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| <p>Muri iri tegeko amagambo akurikira afite ibisobanuro bikurikira:</p> <p>1° ikirego cy'ikurikiranacyaha: ikirego gitangwa mu izina rya rubanda, imbere y'inkiko ziburanisha imanza z'inshinjabyaha, kigamije guhana umuntu wakoze icyaha;</p> <p>2° ikirego cy'indishyi: ikirego gitangwa hagamijwe kwishyuza ibyangijwe n'icyaha. Icyo kirego kiba kigamije gusa gusaba indishyi. Gitangwa mu buryo buteganyijwe n'iri tegeko;</p> <p>3° ikurikiranacyaha: igikorwa cyose kigamije kuregera urukiko, guhamagaza ababuranyi no kwitaba urukiko, gutegura iburanisha ry'urubanza, kuburana kimwe no kwiyambaza inzira z'ubujurire;</p> <p>4° impamvu zikomeye zituma umuntu akekwa icyaha: ibyagezweho bihagije mu iperereza bituma bakeka ko umuntu ukurikiranywe ashobora kuba yarakoze icyaha;</p> | <p>In this Law, the following terms are defined as follows:</p> <p>1° criminal action: an action filed on behalf of the public before criminal courts and aimed at punishing the offender;</p> <p>2° civil action: an action filed to seek compensation for damages caused by the offence. The action solely intends to seek civil damages. It is instituted in accordance with procedures under this Law;</p> <p>3° prosecution: any act aimed at instituting legal proceedings in the court, summoning parties and appearing before court, preparing the hearing, litigating and using appeal procedures;</p> <p>4° serious grounds for suspecting a person of an offence: plausible investigation acts leading to the suspicion that the suspect has committed an offence;</p> | <p>Aux fins de la présente loi, les termes repris ci-après ont les significations suivantes:</p> <p>1° action publique: action exercée au nom de la société devant les juridictions pénales et visant à punir l'auteur de l'infraction;</p> <p>2° action civile: action exercée en vue de la réparation du dommage causé par une infraction. Cette action vise seulement à réclamer les dommages et intérêts. Elle est exercée dans les conditions prévues par la présente loi;</p> <p>3° acte de poursuite: tout acte visant à saisir une juridiction, convoquer les parties et comparaître devant une juridiction, préparer l'audience, plaider et exercer les voies de recours;</p> <p>4° indices sérieux faisant croire que la personne a commis l'infraction: raisons plausibles issues de l'instruction, de soupçonner que la personne poursuivie aurait commis l'infraction ;</p> |

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| <p>5° iperereza: igikorwa cyose kigamije gushakisha ibyaha, gukusanya ibimenyetso byaba ibishinja cyangwa ibishinjura kimwe n'igikorwa kigamije gusuzuma niba ushinjwa agomba gukurikiranwa cyangwa kudakurikiranwa;</p> <p>6° ufatiwe mu cyuho: umuntu ufashwe akora icyaha cyangwa amaze kugikora ako kanya;</p> <p>7° umutekano w'Igihugu: ingamba zifatwa n'Igihugu hagamijwe kukirinda, zikubiyemo gukumira no kurwanya ko cyaterwa biturutse imbere mu Gihugu cyangwa hanze yacyo n'ibindi bikorwa bishobora kugihungabanya;</p> <p>8° usa n'ufatiwe mu cyuho: umuntu rubanda ruha induru cyangwa uwo basanze afite intwari, ibikoresho, impapuro cyangwa ibindi bintu bituma akekweho ko ari we wakoze icyaha cyangwa yafashije uwagikoze, kandi hadashize umwanya icyaha gikozwe.</p> | <p>5° investigation: any act that aims at detecting offences, gathering evidence, whether of an incriminating or exculpatory nature and any act that aims at determining whether to prosecute or not to prosecute the suspect;</p> <p>6° a person caught red-handed: a person caught during the course of committing an offence or immediately after committing the offence;</p> <p>7° national security: any strategies applied by the State with objective of protecting the State including prevention of and fight against any inside or external aggression and any other acts that may threaten the State;</p> <p>8° a person presumed to be caught red-handed: a person being yelled at by the public or who the public finds with arms, instruments, documents or any other objects upon which he or she is suspected to be a perpetrator of an offence or an accomplice provided that it is soon after the offence.</p> | <p>5° instruction: tout acte visant à détecter les infractions, rassembler des preuves à charge ou à décharge et tout acte visant à examiner si le suspect doit ou non faire l'objet de poursuite;</p> <p>6° personne prise en flagrant délit : personne prise sur le fait ou immédiatement après avoir commis une infraction;</p> <p>7° sûreté nationale: mesures prises par le pays pour le maintien de sa sécurité y compris celles visant à prévenir et assurer la défense contre les attaques venant de l'intérieur ou de l'extérieur et tous les autres actes susceptibles de porter atteinte à la sûreté de l'État;</p> <p>8° personne réputée prise en flagrant délit: personne sujette à la clameur publique ou trouvée porteuse d'armes, d'instruments, papiers ou autres objets faisant présumer qu'elle est auteur ou complice, pourvu que ce soit dans un temps voisin de l'infraction.</p> |
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| UMUTWE WA II: IBIREGO BIKOMOKA KU CYAHA | CHAPTER II: ACTIONS ARISING FROM AN OFFENCE | CHAPITRE II: ACTIONS QUI NAISSENT DE L'INFRACTION |
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| <p>Icyiciro cya mbere: Ikirego cy'ikurikiranacyaha</p> | <p>Section One: Criminal action</p> | <p>Section première: Action publique</p> |
| <p>Ingingo ya 4: Ufite ububasha bwo gukurikirana ikirego cy'ikurikiranacyaha</p> | <p>Article 4: Competent authority to institute a criminal action</p> | <p>Article 4: Autorité habilitée à exercer l'action publique</p> |
| <p>Ikirego cy'ikurikiranacyaha gikurikiranwa n'ubushinjacyaha.</p> | <p>A criminal action is instituted by the public prosecution.</p> | <p>L'action publique est exercée par l'organe de poursuite judiciaire.</p> |
| <p>Icyakora, ikirego kivugwa mu gika cya mbere cy'iyi ngingo gishobora gukurikiranwa n'uwangirijwe, atanze ikirego imbere y'inkiko ziburanisha imanza z'inshinjabyaha atisunze ubushinjacyaha.</p> | <p>However, the action referred to in Paragraph One of this Article may be instituted by an aggrieved person by filing a suit in a criminal court by way of private prosecution.</p> | <p>Toutefois, l'action publique visée à l'alinéa premier du présent article peut être exercée par la personne lésée en saisissant une juridiction pénale par voie de citation directe.</p> |
| <p>Ingingo ya 5: Impamvu z'izima ry'ikirego cy'ikurikiranacyaha</p> | <p>Article 5: Grounds for termination of criminal action</p> | <p>Article 5: Causes de l'extinction de l'action publique</p> |
| <p>Ikirego cy'ikurikiranacyaha kizima kubera impamvu zikurikira:</p> | <p>The criminal action is terminated due to the following grounds:</p> | <p>L'action publique s'éteint par les causes suivantes:</p> |
| <p>1° iyo uwakoze icyaha apfuye;</p> | <p>1° death of the offender;</p> | <p>1° la mort de l'auteur de l'infraction;</p> |
| <p>2° mu gihe habaye ubusaze bw'icyaha;</p> | <p>2° expiry of prescriptive period of the offence;</p> | <p>2° la prescription de l'infraction;</p> |
| <p>3° iyo hatanzwe imbabazi z'itegeko;</p> | <p>3° if amnesty is granted;</p> | <p>3° l'amnistie;</p> |
| <p>4° iyo itegeko rivuyeho;</p> | <p>4° if a Law is repealed;</p> | <p>4° l'abrogation de la loi;</p> |

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| <p>5° mu gihe urubanza kuri icyo kirego ruciwe burundu.</p> <p>Ikirego cy'ikurikiranacyaha gishobora kandi kuzima kubera impamvu zikurikira:</p> <p>1° iyo ukurikiranyweho icyaha yemera gutanga ihazabu nta rubanza;</p> <p>2° mu gihe uwari wareze yemeye kureka ikirego igihe biteganywa n'amategeko.</p> <p><u>Ingingo ya 6: Isaza ry'ikirego cy'ikurikiranacyaha</u></p> <p>Uretse ibyaha bidasaza biteganywa n'amategeko, ikirego cy'ikurikiranacyaha ku bindi byaha gisaza:</p> <p>1° mu gihe cy'imyaka icumi (10) yuzuye ku byaha by'ubugome;</p> <p>2° mu gihe cy'imyaka itatu (3) yuzuye ku byaha bikomeye;</p> <p>3° mu gihe cy'umwaka umwe (1) wuzuye ku byaha byoroheje.</p> | <p>5° if a judgment on the action becomes final.</p> <p>The criminal action may also be terminated due to the following grounds:</p> <p>1° the suspect accepts to pay a fine without trial;</p> <p>2° the plaintiff accepts to withdraw the claim as may be specified by Law.</p> <p><u>Article 6: Prescription of a criminal action</u></p> <p>Except offences that are not subject to prescription as provided by Law, criminal action for other offences lapses:</p> <p>1° after a period of ten (10) years for felonies;</p> <p>2° after a period of three (3) years for misdemeanours;</p> <p>3° after a period of one (1) year for petty offences.</p> | <p>5° le jugement passé en force de chose jugée.</p> <p>L'action publique peut également être éteinte pour les causes suivantes:</p> <p>1° l'acceptation par le suspect de verser une amende transactionnelle;</p> <p>2° le désistement de plainte par le demandeur lorsque la loi le prévoit.</p> <p><u>Article 6: Prescription de l'action publique</u></p> <p>Sauf pour les infractions prévues par la loi comme imprescriptibles, l'action publique pour les autres infractions se prescrit:</p> <p>1° par dix (10) années révolues pour les crimes;</p> <p>2° par trois (3) années révolues pour les délits;</p> <p>3° par une (1) année révolue pour les contraventions.</p> |
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| <p><u>Ingingo ya 7: Igihe cyo gutangira kubarwa ubusaze bw'ikirego cy'ikurikiranacyaha</u></p> <p>Ubusaze bw'ikirego cy'ikurikiranacyaha butangira kubarwa guhera ku muni icyaha cyakoreweho iyo muri icyo gihe nta bikorwa by'iperereza cyangwa iby'ikurikiranacyaha byigeze bikorwa.</p> <p>Ku byerekeye ibyaha bikozwe ako kanya kandi bidakomeza, igihe cy'ubusaze bw'ikirego cy'ikurikiranacyaha gitangira kubarwa ku muni icyaha gikoreweho.</p> <p>Ku byerekeye ibyaha by'imaragihe, igihe cy'ubusaze bw'ikirego cy'ikurikiranacyaha gitangira kubarwa uherye igihe icyo gikorwa cyarangiriye.</p> <p>Ku byerekeye ibikorwa byinshi bigamije irangiza ry'umugambi wo gukora icyaha, igihe cy'ubusaze bw'ikirego cy'ikurikiranacyaha, gitangira kubarwa ku muni igikorwa cya nyuma kigize icyaha cyakoreweho.</p> <p><u>Ingingo ya 8: Ihagarikwa ry'ubusaze bw'ikirego cy'ikurikiranacyaha</u></p> <p>Ubusaze bw'ikirego cy'ikurikiranacyaha buhagarikwa n'ibikorwa by'iperereza cyangwa</p> | <p><u>Article 7: Time of commencement of the prescriptive period of a criminal action</u></p> <p>The prescriptive period for a criminal action starts to run from the date on which the offence was committed if during that time no investigation or prosecution was conducted.</p> <p>For instantaneous offences, the prescriptive period of a criminal action runs from the date on which the offence was committed.</p> <p>For continuing offences, the prescriptive period of a criminal action runs from the time of the cessation of such an act.</p> <p>As to several acts intended to fulfil the same criminal intent, the prescriptive period of a criminal action runs from the commission of the last act.</p> <p><u>Article 8: Interruption of the prescriptive period of a criminal action</u></p> <p>The prescriptive period of a criminal action is interrupted by conducting investigation or</p> | <p><u>Article 7: Début du délai de prescription d'une action publique</u></p> <p>La prescription de l'action publique court à partir du jour où le fait infractionnel a été commis si dans cet intervalle, il n'a été fait aucun acte d'instruction ou de poursuite.</p> <p>En matière d'infractions instantanées, la prescription de l'action publique court à partir du jour où l'infraction est commise.</p> <p>En matière d'infractions continues, la prescription de l'action publique court à partir du moment où cet acte a cessé.</p> <p>Lorsque plusieurs faits constituent l'exécution d'une même intention délictueuse, la prescription court à partir du jour où le dernier fait a été commis.</p> <p><u>Article 8: Interruption de la prescription de l'action publique</u></p> <p>La prescription de l'action publique est interrompue par tous les actes d'instruction ou</p> |
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| <p>by'ikurikiranacyaha, iyo bikozwe mu bihe biteganyijwe n'ingingo ya 6 y'iri tegeko.</p> <p>Niba hagati aho harabaye igikorwa cy'iperereza cyangwa cy'ikurikiranacyaha, ubusaze bw'ikirego cy'ikurikiranacyaha bwongera gutangira kubarwa kuva ku muni w'igikorwa cya nyuma cy'iperereza cyangwa cy'ikurikiranacyaha kuzageza aho igihe cyabiteganyirijwe kirangiriye.</p> <p>Ni na ko bigenda no ku bantu baba bararezwe basigaye badakorewe iryo perereza cyangwa ubundi bukurikirane bw'urubanza.</p> <p><u>Ingingo ya 9: Impamvu zituma habaho isubikwa ry'ubusaze bw'ikirego</u></p> <p>Ubusaze bw'ikirego cy'ikurikiranacyaha busubikwa igihe cyose iperereza cyangwa ikurikiranacyaha ribujijwe n'inkomyi ntarengwa, iturutse ku itegeko cyangwa ku nzitizi itigobotorwa.</p> <p>Iyo inzitizi ivuyeho, ubusaze bwari bwarasubitswe bukomeza kubarwa guhera ku muni iyo nzitizi yaviriyeho.</p> | <p>prosecution within the period provided for under Article 6 of this Law.</p> <p>If any investigation or prosecution is conducted during that period, the prescriptive period of a criminal action starts running again from the last investigation or prosecution act to the expiry of the prescribed prescriptive period.</p> <p>The same applies to the persons named in the complaint but who have not been subject to investigation or any other form of prosecution.</p> <p><u>Article 9: Grounds for suspension of the prescriptive period of an action</u></p> <p>The prescriptive period of a criminal action is suspended whenever investigation or prosecution is precluded by an inevitable obstacle arising from the Law or by an event of force majeure.</p> <p>When such an obstacle is removed, the prescriptive period which was suspended continues to run from the removal of the obstacle.</p> | <p>de poursuite menés dans les délais prévus à l'article 6 de la présente loi.</p> <p>Si un acte d'instruction ou de poursuite a été effectué dans cet intervalle, la prescription de l'action publique recommence à courir à compter du dernier acte d'instruction ou de poursuite jusqu'à la fin des délais de prescription prévus.</p> <p>Il en est de même à l'égard des personnes citées dans l'acte de plainte qui n'ont pas fait l'objet de cet acte d'instruction ou de poursuite.</p> <p><u>Article 9: Causes de suspension de la prescription de l'action</u></p> <p>La prescription de l'action publique est suspendue toutes les fois que l'instruction ou la poursuite est empêchée par un obstacle absolu provenant de la loi ou d'un cas de force majeure.</p> <p>Si cet obstacle est levé, la prescription jusqu'alors suspendue continue à courir à partir de la levée de l'obstacle.</p> |
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| <p><u>Icyiciro cya 2: Ikirego cy'indishyi</u></p> <p><u>Ingingo ya 10: Ufite ububasha bwo gutanga ikirego cy'indishyi</u></p> <p>Ikirego cy'indishyi gishobora gutangwa n'uwangirijwe n'icyaha wese. Ashobora kuba ari umuntu ku giti cye cyangwa ikigo gifite ubuzima gatozi, cyaba icya Leta cyangwa icy'abikorera cyangwa undi muntu ubyemererwa n'amategeko.</p> <p>Icyakora, imiryango iharanira kurengera abakorewe icyaha yemewe n'amategeko cyangwa inzego za Leta zihabwa ububasha n'itegeko, zishobora kurega mu mwanya we zimuburanira indishyi.</p> <p><u>Ingingo ya 11: Uregwa indishyi</u></p> <p>Indishyi zishobora kuregwa uwakoze icyaha, uwo bafatanyije gukora icyaha, icyitso cye kimwe n'utegetswe kuriha indishyi.</p> <p>Indishyi zishobora kandi gusabwa abazungura b'uwoze icyaha.</p> | <p><u>Section 2: Civil action</u></p> <p><u>Article 10: Person empowered to institute a civil action</u></p> <p>A civil action may be instituted by any person aggrieved by an offence. The person may be natural or legal, whether public or private or any other person authorised by Law.</p> <p>However, legally constituted organisations whose mission is to defend victims of offence or competent government institutions entrusted by Law may act on behalf of the victim to institute a civil action.</p> <p><u>Article 11: Person against whom a civil action is instituted</u></p> <p>A civil action can be instituted against the principal offender, co-offender, accomplice and any other person with civil liability.</p> <p>A civil action can also be instituted against the offender's heirs.</p> | <p><u>Section 2: Action civile</u></p> <p><u>Article 10: Personne habilitée à exercer l'action civile</u></p> <p>L'action civile peut être exercée par toute personne lésée par une infraction. Cette personne peut être physique ou morale de droit public ou privé ou toute autre personne habilitée par la loi.</p> <p>Toutefois, les organisations légalement constituées ayant pour objet la défense des droits des personnes victimes d'infraction ou les institutions publiques compétentes de par la loi peuvent exercer une action civile au nom de la victime.</p> <p><u>Article 11: Personne contre laquelle l'action civile est intentée</u></p> <p>L'action civile peut être exercée contre l'auteur de l'infraction, son co-auteur, son complice et la personne civilement responsable.</p> <p>L'action civile peut également être exercée contre les héritiers de l'auteur de l'infraction.</p> |
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| <p><u>Ingingo ya 12:</u> Gusaza kw'ikirego cy'indishyi</p> <p>Ikirego cy'indishyi zikomoka ku cyaha gisaza nyuma y'imyaka itanu (5) uhereye igihe icyaha cyakorewe.</p> <p>Icyakora, iyo igihe cy'ubusaze bw'ikirego cy'indishyi kigeze mbere y'ubusaze bw'ikirego cy'ikurikiranacyaha, ikirego cy'indishyi gisazira hamwe n'ikirego cy'ikurikiranacyaha.</p> | <p><u>Article 12:</u> Prescription of a civil action</p> <p>A civil action arising from a criminal offence prescribes after a period of five (5) years from the date on which the offence was committed.</p> <p>However, if the prescription of a civil action is due before the prescription of the criminal action, the civil action prescribes at the same time with the criminal action.</p> | <p><u>Article 12:</u> Prescription de l'action civile</p> <p>L'action civile née d'une infraction est prescrite après cinq (5) années à compter du jour où l'infraction a été commise.</p> <p>Toutefois, si la prescription de l'action civile est accomplie avant celle de l'action publique, l'action civile se prescrit en même temps que l'action publique.</p> |
| <p><u>Ingingo ya 13:</u> Ukudatanga ikirego cy'indishyi</p> <p>Ikirego cy'indishyi ntigishobora gutangwa imbere y'urukiko ruburanisha imanza z'inshinjabyaha iyo ikirego cy'ikurikiranacyaha cyashaje.</p> <p>Icyakora, iyo urukiko ruburanisha imanza z'inshinjabyaha rwaregawe n'ikirego cy'indishyi, rushobora gukomeza kukiburanisha n'ubwo bwose ikirego cy'ikurikiranacyaha cyaba cyarasaziye mu rukiko, ushinjwa yarapfuye, icyaha kitagihanwa n'itegeko cyangwa se harabayeho imbabazi z'itegeko.</p> | <p><u>Article 13:</u> Failure to institute a civil action</p> <p>A civil action cannot be instituted before a criminal court if the prescription period of the criminal action expired.</p> <p>However, if a civil action was instituted before a criminal court, the court may continue to hear the civil case even if the prescription period of the criminal action expired while the action was still pending in the court, the defendant died, the offence is no longer punishable under the Law or even if the amnesty was granted.</p> | <p><u>Article 13:</u> Non exercice de l'action civile</p> <p>L'action civile ne peut pas être intentée devant une juridiction pénale après l'expiration du délai de prescription de l'action publique.</p> <p>Toutefois, lorsque la juridiction pénale est aussi saisie de l'action civile, elle peut continuer à statuer sur l'action civile, nonobstant la prescription de l'action publique, la mort du prévenu, même si l'infraction n'est plus réprimée par la loi ou même si l'amnistie a été accordée.</p> |

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| <p><u>Ingingo ya 14: Kureka ikirego cy'indishyi</u></p> <p>Kureka ikirego cy'indishyi ntibihagarika ikurikiranacyaha.</p> <p><u>INTERURO YA II: IPEREREZA</u></p> <p><u>UMUTWE WA MBERE: IPEREREZA RY'UBUGENZACYAHA</u></p> <p><u>Ingingo ya 15: Imirimo y'Ubugenzacyaha</u></p> <p>Abagenzacyaha bakora imirimo yabo bagenzurwa kandi bagahabwa amabwiriza n'Ubushinjacyaha Bukuru ku bijyanye n'ibyaha bakurikiranye.</p> <p>Abagenzacyaha ba gisirikare bayoborwa mu kazi kabo kandi bakagenzurwa n'Umushinjacyaha Mukuru wa Gisirikare.</p> <p>Abagenzacyaha batari ab'umwuga bayoborwa mu kazi kabo kandi bakagenzurwa n'inzego zibakuriye mu kazi kabo. icyakora, iyo bakora imirimo y'Ubugenzacyaha, hakurikizwa ibivugwa muri iri tegeko.</p> | <p><u>Article 14: Waiver of a civil action</u></p> <p>The waiver of a civil action does not discontinue prosecution.</p> <p><u>TITLE II: INVESTIGATION</u></p> <p><u>CHAPTER ONE: INVESTIGATION OF THE ORGAN IN CHARGE OF INVESTIGATION</u></p> <p><u>Article 15: Functions of the organ in charge of investigation</u></p> <p>Investigators carry out their functions under the supervision and in accordance with the instructions of the National Public Prosecution Authority in respect to the offences under investigations.</p> <p>Military investigators work under the authority and supervision of the Military Prosecutor General.</p> <p>Non-career investigators work under the authority and supervision of the organs under the authority of which they are. However, if they are executing investigatory duties, provisions of this Law apply.</p> | <p><u>Article 14: Renonciation à l'action civile</u></p> <p>La renonciation à l'action civile n'arrête pas l'exercice de l'action publique.</p> <p><u>TITRE II : ENQUÊTE</u></p> <p><u>CHAPITRE PREMIER : ENQUÊTE PAR L'ORGANE CHARGE D'ENQUÊTE</u></p> <p><u>Article 15: Fonctions de l'organe chargé d'enquête</u></p> <p>Les enquêteurs exercent leurs fonctions sous la supervision et selon les instructions de l'Organe national de poursuite judiciaire en ce qui concerne les infractions faisant l'objet d'instruction.</p> <p>Les enquêteurs militaires exercent leurs fonctions sous la direction et la surveillance de l'Auditeur général militaire.</p> <p>Les enquêteurs non professionnels exercent leurs fonctions sous la direction et la supervision des organes sous l'autorité desquels ils sont placés. Toutefois, lorsqu'ils exercent les fonctions d'enquêteur, les dispositions de la présente loi sont applicables.</p> |
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| <p>Iteka rya Minisitiri ufite ubutabera mu nshingano ze rishobora guha umukozi w'urwego rwa Leta ububasha bw'ubugenzacyaha butari ubw'umwuga.</p> <p>Abagenzacyaha bakora gusa umurimo w'ubugenzacyaha ku byaha bashinzwe kugenza kandi byo mu ifasi yabo.</p> <p><u>Ingingo ya 16: Inshingano z'abagenzacyaha</u></p> <p>Mu kazi kabo k'iperereza, Abagenzacyaha bafite inshingano zikurikira:</p> <ol style="list-style-type: none"> 1° gushakisha ibyaha; 2° kwakira ibirego n'inyandiko zijyanye n'ibyaha; 3° gukusanya ibimenyetso bishinje n'ibishinjura; 4° gushakisha abakoze ibyaha, abafatanyije na bo n'ibytso byabo kugira ngo bakurikiranwe n'ubushinjacyaha. <p>Iyo akora iperereza, umugenzacyaha ashobora gufata no gufunga ukurikiranyweho icyaha mu buryo buteganywa n'iri tegeko.</p> | <p>An Order of the Minister in charge of justice may confer upon an officer of State organ the power of non-career investigator.</p> <p>Investigators discharge their investigatory duties only on offences falling under their authority and in their respective jurisdiction.</p> <p><u>Article 16: Responsibilities of investigators</u></p> <p>In their duties of investigation, investigators are responsible for:</p> <ol style="list-style-type: none"> 1° detecting offences; 2° receiving complaints and documents relating to offences; 3° gathering incriminating and exculpatory evidence; 4° searching for perpetrators of offences, their co-offenders and accomplices in order to be prosecuted by the public prosecution. <p>When conducting investigation, an investigator can move to the arrest or detention of a suspect in accordance with procedures under this Law.</p> | <p>Un arrêté du ministre ayant la justice dans ses attributions peut attribuer à un agent d'un organe de l'État la compétence d'enquêteur non professionnel.</p> <p>Les enquêteurs exercent la fonction d'enquête uniquement sur les infractions relevant de leur compétence et de leur ressort.</p> <p><u>Article 16: Attributions des enquêteurs</u></p> <p>Dans leurs fonctions d'enquête, les enquêteurs ont les attributions suivantes :</p> <ol style="list-style-type: none"> 1° constater les infractions ; 2° recevoir les plaintes et documents relatifs aux infractions ; 3° rassembler les preuves à charge et à décharge ; 4° rechercher les auteurs, leurs co-auteurs et complices pour que l'organe de poursuite judiciaire exerce la poursuite à leur encontre. <p>Lorsqu'il mène une enquête, un enquêteur peut procéder à l'arrestation ou à la détention d'un suspect dans les conditions prévues par la présente loi.</p> |
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| <p>Umugenzacyaha yandika inyandikomvugo yo gufata no gufunga akagera kopi ucyekwaho icyaha.</p> <p><u>Ingingo ya 17: Ububasha bwo gukora iperereza</u></p> <p>Iperereza rikorwa n’ubushinjacyaha bwifashishije ubugenzacyaha.</p> <p>Icyakora, iperereza ry’ibanze rikorwa n’ubugenzacyaha bubyibwirije, buregwe cyangwa bubitegetswe n’ubushinjacyaha.</p> <p>Iyo ubugenzacyaha buregwe bukanga kwakira ikirego cyangwa kugikorera iperereza nta mpamvu, uwari watanze ikirego ashobora guhita agitanga mu bushinjacyaha. Icyo gihe ubushinjacyaha nabwo bushobora gukora iperereza ry’ibanze, bumaze kureba niba koko ubugenzacyaha bwararegwe ntibugire icyo bukora ku kirego.</p> <p>Ubushinjacyaha bushobora kandi gukora iperereza ry’ibanze igihe busanze hari abagombaga gukorwaho iperereza rikaba ritarakozwe.</p> | <p>An investigator writes a statement of arrest and detention and reserves a copy to the suspect.</p> <p><u>Article 17: Powers to investigate</u></p> <p>Investigation is carried out by the public prosecution with assistance of the organ in charge of investigation.</p> <p>However, preliminary investigations are carried out by the organ in charge of investigations, on own motion, on complaint or under instructions of public prosecution.</p> <p>If the organ in charge of investigation is seized and rejects the complaint or refuses to conduct investigations without any justification, the claimant may directly file the complaint with the public prosecution. In that case, the public prosecution may conduct preliminary investigations after verifying whether the organ in charge of investigation was seized and failed to act.</p> <p>The public prosecution may also conduct preliminary investigations in case it believes there are subjects that had to be investigated but were not investigated.</p> | <p>Un enquêteur rédige un procès-verbal d’arrestation et de détention et réserve copie au suspect.</p> <p><u>Article 17: Pouvoir d’enquête</u></p> <p>L’enquête est effectuée par l’organe de poursuite judiciaire avec l’assistance de l’organe chargé d’enquête.</p> <p>Toutefois, l’enquête préliminaire est effectuée par l’organe chargé d’enquête de sa propre initiative, sur plainte ou sur instruction de l’organe de poursuite judiciaire.</p> <p>Lorsque l’organe chargé d’enquête est saisi d’une plainte et qu’il refuse de la recevoir ou de mener l’enquête sans motif valable, le plaignant peut saisir directement l’organe de poursuite judiciaire. Dans ce cas, l’organe de poursuite judiciaire peut mener l’enquête préliminaire après avoir vérifié si réellement l’organe chargé d’enquête a été saisi de la plainte et n’a rien fait.</p> <p>L’organe de poursuite judiciaire peut aussi mener une enquête préliminaire lorsqu’il constate qu’il n’y a pas eu d’enquête sur des personnes qui devaient en faire l’objet.</p> |
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| <p><u>Ingingo ya 18: Uburyo bwo kuregera Ubugenzacyaha</u></p> <p>Kuregera ubugenzacyaha bishobora gukorwa mu magambo cyangwa mu nyandiko.</p> <p>Iyo bikozwe mu magambo, ubugenzacyaha bugomba kubishyira mu nyandiko bigashyirwaho umukono cyangwa igikumwe n'uwatanze ikirego amaze kubisoma cyangwa kubisomerwa.</p> <p><u>Ingingo ya 19: Gufata neza ibimenyetso</u></p> <p>Umugenzacyaha agomba gufata neza ibimenyetso bishobora gusibangana n'ibindi byose byafasha kugaragaza ukuri.</p> <p>Umuntu wese utabifitiye ububasha abujijwe guhindura imiterere y'ahakorewe icyaha kimwe no kugira ibyo ahakura mu gihe cyose umugenzacyaha ataratangira imirimo y'iperereza.</p> <p>Icyakora, ku mpamvu z'umutekano n'izerekeranye no gutabara uwakorewe icyaha, bishobora kuba ngombwa guhindura imiterere y'ahakorewe icyaha cyangwa kugira bimwe mu bimenyetso bihakurwa.</p> | <p><u>Article 18: Procedure for filing a complaint with the organ in charge of investigation</u></p> <p>Filing a case with the organ in charge of investigation can be done either orally or in writing.</p> <p>If it is done orally, the organ in charge of investigation must put it in a written statement and the complainant affixes his/her signature or fingerprint on the statement after reading it or after the statement has been read for him or her.</p> <p><u>Article 19: Preserving evidence</u></p> <p>An investigator must preserve evidence that is likely to disappear and any material that may help in ascertaining the truth.</p> <p>Unauthorized person is prohibited from altering the condition of the scene of crime as well as removing any material from the scene before an investigator initiates investigations.</p> <p>However, for safety reasons or in order to rescue the victim of the offence, it may be necessary to alter the condition of the scene of crime or to remove certain pieces of evidence.</p> | <p><u>Article 18: Procédure de porter plainte à l'organe chargé d'enquête</u></p> <p>Le dépôt d'une plainte auprès de l'organe chargé d'enquête peut se faire oralement ou par écrit.</p> <p>S'il est fait oralement, l'organe chargé d'enquête doit le mettre par écrit et le plaignant doit apposer sa signature ou son empreinte digitale sur le procès-verbal après l'avoir lu lui-même ou après qu'il lui a été lu.</p> <p><u>Article 19: Conservation des preuves</u></p> <p>Un enquêteur doit veiller à la conservation des preuves susceptibles de disparaître et de tout ce qui peut servir à la manifestation de la vérité.</p> <p>Il est strictement interdit à toute personne non habilitée de modifier l'état des lieux de l'infraction et d'y effectuer des prélèvements quelconques avant que l'enquêteur ne commence l'enquête.</p> <p>Toutefois, pour des raisons de sécurité ou lorsque la victime a besoin de l'aide, la modification de l'état des lieux de l'infraction ou le prélèvement de quelques indices sur ces lieux peut être effectué.</p> |
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| <p><u>Ingingo ya 20:</u> Guhamagazwa n'umugenzacyaha</p> <p>Umuntu uhamagawe n'Umugenzacyaha ku mpamvu z'iperereza ategetswe kumwitaba. Iyo atamwitabye, ashobora kuzanwa ku gahato amaze kwerekwa urwandiko rumuzana ku gahato rushyirwaho umukono n'umushinjacyaha.</p> <p><u>Ingingo ya 21:</u> Ibigize inyandiko isoza iperereza ry'ibanze</p> <p>Inyandiko isoza iperereza ry'ibanze ry'Ubugenzacyaha igizwe n'ibi bikurikira:</p> <ul style="list-style-type: none"> 1° numero ya dosiye y'Ubugenzacyaha; 2° ingingo z'amategeko Umugenzacyaha ashingiraho yoherereza Ubushinjacyaha dosiye; 3° amazina y'Umugenzacyaha wakoze dosiye n'aho akorera; 4° umwirondoro w'wareze iyo ahari; 5° umwirondoro w'uregwa; 6° imyirondoro y'abatangabuhamya; | <p><u>Article 20:</u> Summons by an investigator</p> <p>A person summoned by an investigator for the purposes of investigation is required to appear. In case of failure to appear, he or she can be compelled to appear upon presenting to him or her of warrant signed by the prosecutor.</p> <p><u>Article 21:</u> Contents of the statement that concludes preliminary investigations</p> <p>The statement that concludes preliminary investigations consists of the following:</p> <ul style="list-style-type: none"> 1 ° the number of the investigation file; 2 ° legal provisions on which the investigator bases while submitting the file to the prosecution; 3 ° names of the investigator who prepared the file and his/her place of work; 4 ° identity of the plaintiff if applicable, 5 ° identity of the defendant; 6 ° identities of witnesses; | <p><u>Article 20:</u> Convocation par un enquêteur</p> <p>Une personne convoquée par un enquêteur à des fins d'enquête est tenue de comparaître. Si elle refuse de comparaître devant lui, elle peut y être contrainte par un mandat d'amener signé par l'officier de poursuite judiciaire délivré à son encontre.</p> <p><u>Article 21:</u> Contenu du document de clôture d'une enquête préliminaire</p> <p>Le document de clôture d'une enquête préliminaire comprend ce qui suit :</p> <ul style="list-style-type: none"> 1° le numéro du dossier de l'organe chargé d'enquête ; 2° les dispositions légales auxquelles l'enquêteur se réfère pour soumettre le dossier à l'organe de poursuite judiciaire ; 3° les noms et lieu de travail de l'enquêteur qui a instruit le dossier ; 4° l'identité du demandeur s'il y en a ; 5° l'identité du défendeur ; 6° l'identité des témoins ; |
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| <p>7° icyaha gikurikiranywe n'ingingo z'amategeko agihana;</p> <p>8° imikorere ya buri cyaha n'ibikorwa bikigize;</p> <p>9° ibimenyetso bigaragaza imikorere ya buri cyaha n'uruhare rwa buri wese mu bakekwa ;</p> <p>10° urutonde rw'ibyafatiriwe;</p> <p>11° impuguke ziyambajwe;</p> <p>12° umwanzuro w'Umugenzacyaha;</p> <p>13° urutonde rw'ibigize dosiye;</p> <p>14° indahiro y'umugenzacyaha iteye itya : “Ndahiye ko iyi nyandikomvugo ari ukuri » ;</p> <p>15° amazina y'umugenzacyaha n'umukono we.</p> | <p>7 ° the offence under prosecution and the legal provisions that punish it;</p> <p>8 ° how each offence was committed and its constituent elements;</p> <p>9 ° proof of commission of every offence and the role of every suspect in its commission;</p> <p>10 ° the list of seized property;</p> <p>11 ° consulted experts;</p> <p>12 ° conclusion of the investigator;</p> <p>13 ° list of items contained in the file;</p> <p>14 ° oath of the investigator worded as follows: “I swear that this record is authentic”;</p> <p>15 ° names and signature of the investigator.</p> | <p>7° l'infraction poursuivie et les dispositions pénales qui la répriment ;</p> <p>8° les circonstances de commission de chaque infraction et ses éléments constitutifs ;</p> <p>9° les preuves qui démontrent la commission de chaque infraction et le rôle de chaque suspect ;</p> <p>10° l'inventaire des biens saisis ;</p> <p>11° les experts consultés ;</p> <p>12° la conclusion de l'enquêteur ;</p> <p>13° la liste des éléments du dossier ;</p> <p>14° le serment de l'enquêteur libellé comme suit : « Je jure que ce procès-verbal est authentique » ;</p> <p>15° les noms et signature de l'enquêteur.</p> |
| <p><u>Ingingo ya 22: Kohereza dosiye</u></p> <p>Iyo iperereza rirangiye, Ubugenzacyaha buhita bushyikiriza dosiye Ubushinjacyaha.</p> | <p><u>Article 22: Submission of a case file</u></p> <p>After completion of the investigations, the organ in charge of investigations immediately submits the file to the public prosecution.</p> | <p><u>Article 22: Transmission du dossier</u></p> <p>Lorsque l'enquête est terminée, l'organe chargé d'enquête transmet immédiatement le dossier à l'organe de poursuite judiciaire.</p> |

| <p>UMUTWE WA II: IPEREREZA RY'UBUSHINJACYAHA</p> | <p>CHAPTER II: INVESTIGATION OF THE PUBLIC PROSECUTION</p> | <p>CHAPITRE II: ENQUÊTE PAR L'ORGANE DE POURSUITE JUDICIAIRE</p> |
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| <p>Ingingo ya 23: Abafite ububasha bwo gukurikirana ibyaha</p> | <p>Article 23: Persons who are competent to conduct prosecution</p> | <p>Article 23: Personnes compétentes pour exercer des poursuites</p> |
| <p>Gukurikirana icyaha imbere y'urukiko bikorwa n'Ubushinjacyaha. Icyakora uwakorewe icyaha ashobora kugukurikirana imbere y'urukiko mu bihe biteganywa n'amategeko.</p> | <p>Powers to prosecute before a court belong to the public prosecution. However, the victim of the offence may prosecute before the court as prescribed by Law.</p> | <p>L'exercice des poursuites devant une juridiction appartient à l'organe de poursuite judiciaire. Toutefois, la victime peut exercer la poursuite devant une juridiction dans les cas prévus par la loi.</p> |
| <p>Ingingo ya 24: Inshingano z'Umushinjacyaha wakiriye dosiye</p> | <p>Article 24: Obligations of a prosecutor upon receipt of the case file</p> | <p>Article 24: Attributions de l'Officier de Poursuite Judiciaire en charge du dossier</p> |
| <p>Iyo agejejweho dosiye, Umushinjacyaha ashobora:</p> | <p>When the prosecutor receives the file, he or she may:</p> | <p>Lorsqu'il reçoit le dossier, l'officier de poursuite judiciaire peut :</p> |
| <p>1° guhita aregera urukiko rubifitiye ububasha ukurikiranyweho icyaha iyo abona ko dosiye yuzuye;</p> | <p>1° immediately file the case of the suspect to a competent court if he or she believes that the file is complete;</p> | <p>1° saisir immédiatement la juridiction compétente du dossier du suspect s'il estime que le dossier est complet;</p> |
| <p>2° gufata icyemezo cyo gukora iperereza ry'inyongera iyo asanze ibimenyetso biri muri dosiye yashyikirijwe bidahagije;</p> | <p>2° decide to conduct additional investigations in case he or she believes that the evidence contained in the case file is insufficient;</p> | <p>2° procéder à une instruction supplémentaire s'il estime que les éléments de preuve contenus dans le dossier transmis sont insuffisants;</p> |
| <p>3° gutangiza imihango y'ubwumvikane hagati y'ukekwa icyaha n'uwakorewe icyaha iyo abona ko aribwo buryo bushobora kuriha uwangirijwe, kurangiza inkurikizi</p> | <p>3° initiate formalities for negotiations between the suspect and victim if he or she believes that it is the sole procedure to remedy the victim, nullify the consequences of the offence and</p> | <p>3° procéder à la procédure de négociation entre le suspect et la victime s'il estime qu'une telle mesure est la plus appropriée pour réparer le dommage, mettre fin aux conséquences de l'infraction et conduire à</p> |

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| <p>z'icyaha no gutuma uwakoze icyaha yisubiraho. Ubwo buryo ntibushobora gukurikizwa ku byaha bihanishwa igihano cy'igifungo kirenze imyaka ibiri (2). icyakora iyo ukurikiranyweho icyaha ari umwana, ubwumvikane bushobora gukorwa no ku byaha bihanishwa igihano cy'igifungo kitarenze imyaka itanu (5);</p> <p>4° guca ihazabu nta rubanza. Iyo hari uwakorewe icyaha ushobora gusaba indishyi, umushinjacyaha aramuhamagaza kugira ngo amwumvikanishe n'ukekwaho icyaha ku ngano y'indishyi zigomba gutangwa. Iyo badashoboye kumvikana uwakorewe icyaha aregera indishyi mu rukiko rubifitiye ububasha.</p> <p>5° gukora ubwumvikane bushingiye ku kwemera icyaha;</p> <p>6° gushyingura dosiye iyo abona ibigize icyaha bituzuye cyangwa ba nyir'ukugikora batarabashije kumenyekana cyangwa iyo asanga kubakurikirana atari ngombwa;</p> | <p>facilitate rehabilitation of the offender. The procedure does not apply to offences punishable with imprisonment exceeding two (2) years. However, when the suspect is a minor, the negotiation can also apply to the offences punishable by a maximum term of imprisonment of five (5) years;</p> <p>4° impose a fine without any proceedings. If there is a victim of the offence who may ask for compensation, the prosecutor summons him or her in order to help him or her negotiate with the suspect about the amount of the compensation. In case of disagreement, the victim of the offence files a claim of compensation to the competent court;</p> <p>5° to initiate plea bargaining;</p> <p>6° close the file if the prosecutor believes that the elements that constitute an offence are incomplete or if the perpetrators of the offence are unknown or if the prosecutor believes that prosecution is unnecessary;</p> | <p>la réhabilitation du coupable. Cette procédure n'est pas applicable en cas d'infractions passibles de plus de deux (2) ans d'emprisonnement. Toutefois, quand le suspect est un mineur, la négociation peut s'appliquer aux infractions punissables d'une peine maximale de cinq (5) ans ;</p> <p>4° procéder à une amende transactionnelle. S'il existe une victime de l'infraction qui peut demander une réparation, l'officier de poursuite judiciaire le convoque afin de l'aider à négocier avec le suspect sur le montant de la réparation à donner. En cas de désaccord, la victime saisit la juridiction compétente pour dommages et intérêts.</p> <p>5° initier la négociation de plaidoyer de culpabilité;</p> <p>6° classer sans suite le dossier si les éléments constitutifs de l'infraction ne sont pas suffisants ou si les auteurs n'ont pas été identifiés ou s'il estime la poursuite inopportune;</p> |
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| <p>7° kureka ukekwahe icyaha cyangwa kumureka no kumutegeka ibyo yubahiriza.</p> <p>Gushyingura dosiye bivugwa mu gace ka gatandatu (6) k'igika cya mbere ni icyemezo cy'ubutegetsi kidashobora kubuza ko iperereza ryakomeza mu gihe Ubushinjacyaha bubonye ibimenyetso bishinja iyo hagati aho nta busaze bw'ikirego cy'ukurikiranywe bwabaye. Icyo cyemezo kimenyeshwa uwakorewe icyaha n'ukekwaho icyaha mu gihe kitarenze iminsi mirongo itatu (30) kuva gifashwe.</p> <p><u>Ingingo ya 25: Ihazabu nta rubanza</u></p> <p>Ku cyaha cyose umushinjacyaha afitiye ububasha, iyo abona ko icyaha akurikiranywe gishobora guhanishwa ihazabu, Umushinjacyaha ashobora guhitishamo ukurikiranyweho icyaha kujya kumurega cyangwa gutanga ihazabu nta rubanza, idashobora kurenga ihazabu ihanitse yateganyijwe n'amategeko iramutse yongereweho inyongera yategetswe.</p> <p>Iyo ukurikiranyweho icyaha yemeye kwishyura ihazabu nta rubanza rubayeho, ntaba agukurikiranywe ku cyaha yakoze. Icyo cyemezo kimenyeshwa uwakorewe icyaha.</p> | <p>7° release the suspect or release him or her and instruct him or her to comply with a set of conditions.</p> <p>The closure of the file referred to under Item 6° of Paragraph One is an administrative decision, which cannot prejudice the continuation of investigations in case the public prosecution discovers any other incriminating evidence provided there is no prescription period of the offence in the meantime. The victim of the offence and the suspect must be informed of the decision within thirty (30) days from the day it is taken.</p> <p><u>Article 25: Fine without trial</u></p> <p>For any offence that falls within his/her competence, if the prosecutor considers that the offence may be punishable by a fine, he or she may ask the suspect to choose between being brought before the court or paying a fine without trial, which fine cannot exceed the maximum fine increased by any possible additional amount stipulated by Law.</p> <p>If the suspect decides to pay the fine without trial, the criminal action against the suspect is discontinued. The decision is notified to the victim.</p> | <p>7° libérer le suspect ou le libérer et lui imposer certaines conditions.</p> <p>Le classement sans suite du dossier visé au point 6° de l'alinéa premier est une mesure administrative qui n'interdit pas la reprise de l'instruction lorsque l'organe de poursuite judiciaire constate des éléments nouveaux à charge, si la prescription de l'action publique n'est pas encore intervenue. La victime de l'infraction et le prévenu doivent être informés de cette mesure endéans trente (30) jours de la prise de décision.</p> <p><u>Article 25: Amende transactionnelle</u></p> <p>Pour toute infraction relevant de sa compétence, si l'officier de poursuite judiciaire estime que l'infraction poursuivie peut être passible d'une amende, il peut inviter le suspect à choisir entre être traduit devant la justice ou à payer une amende transactionnelle qui ne peut dépasser le maximum de l'amende encourue augmentée éventuellement des décimes légaux.</p> <p>Si le suspect accepte de payer l'amende transactionnelle, l'action publique s'éteint. La décision est notifiée au prévenu.</p> |
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| <p>Kwishyura ihazabu ntibivuga kwemera icyaha.</p> <p><u>Ingingo ya 26: Ukumvikana kurebana no kwemera icyaha</u></p> <p>Iyo ukurikiranywe arangije kwisobanura ku byo aregwa, Umushinjacyaha ashobora kumusaba ko bagirana ubwumvikane akamufasha kubona amakuru yose akenewe mu ikurikirana ry'icyaha no kumenya abandi bantu bagize uruhare mu ikorwa ryacyo kandi na we akabigiramo inyungu ariko bitabangamiye imigendekere myiza y'ubutabera. Umushinjacyaha amusezeranya kugira ibyo amukorera ku birebana n'ibyo yamurega mu rukiko n'ibihano yamusabira.</p> <p>Mu gihe hagikorwa iperereza, ukurikiranywe wagiranye ubwumvikane n'Ubushinjacyaha ashobora gukurikiranwa ari hanze.</p> <p>Ubwumvikane ku birebana no kwemera icyaha ntibibuza uwakorewe icyaha kumenya amakuru kuri dosiye y'ikurikiranyaha no kugira uruhare mu gusobanura imikorere y'icyaha.</p> | <p>The payment of fine does not constitute admission of guilt.</p> <p><u>Article 26: Plea bargaining</u></p> <p>At the end of the suspect's interrogation, the prosecutor may propose a plea bargaining agreement whereby the suspect helps the prosecutor to obtain all the necessary information in the prosecution of the offence and to know other persons involved in the commission of the offence and in return of some benefits but without hindering good administration of justice. The prosecutor undertakes to make concessions to the suspect in relation to charges against him or her and the penalties that he or she may request.</p> <p>During investigations, a suspect who enters into plea bargaining with the prosecution may be prosecuted while free.</p> <p>Plea bargaining does not prevent the victim of the offence from getting information on the prosecution file and from contributing to the explanation on the commission of the offence.</p> | <p>Le paiement de l'amende transactionnelle n'implique pas la reconnaissance de culpabilité.</p> <p><u>Article 26: Négociation des plaidoyers de culpabilité</u></p> <p>À la fin de l'interrogatoire du suspect, l'officier de poursuite judiciaire peut lui proposer un accord de négociation des plaidoyers de culpabilité par lequel le suspect s'engage à l'aider à trouver toutes les informations nécessaires à la poursuite de l'infraction et à identifier d'autres personnes impliquées dans sa commission en contrepartie de certains avantages mais sans entraver une bonne administration de la justice. L'officier de poursuite judiciaire promet au suspect de lui faire des concessions sur les chefs d'accusation et les peines à requérir.</p> <p>Le suspect qui conclut un accord de négociation des plaidoyers de culpabilité avec l'organe de poursuite judiciaire peut bénéficier de la liberté pendant l'enquête.</p> <p>L'accord de négociation des plaidoyers de culpabilité n'empêche pas la victime de l'infraction d'être informé sur le dossier de poursuite et de contribuer à l'explication sur la commission de l'infraction.</p> |
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| <p><u>Ingingo ya 27: Inkurikizi z'ubwumvikane ku birebana no kwemera icyaha</u></p> <p>Iyo habayeho ubwumvikane ku birebana no kwemera icyaha, Ubushinjacyaha burega ushinjwa mu buryo bwumvikanyweho.</p> <p>Urukiko rushobora kwakira cyangwa kutakira ubwumvikane burebana no kwemera ariko ntirushobora kugira icyo rubihinduraho.</p> <p>Iyo ubwumvikane bwakiriwe, mu gufata icyemezo urukiko rwita ku bwumvikane bwakozwe hagati y'Ubushinjacyaha n'uregwa.</p> | <p><u>Article 27: Effects of plea bargaining</u></p> <p>In case of an agreement of plea bargaining, the public prosecution charges the suspect as agreed on by both parties.</p> <p>The court may admit or reject an agreement of plea bargaining but cannot alter the agreement.</p> <p>In case the agreement is admitted, the court, while taking a decision, considers the agreement on plea bargaining concluded between the public prosecution and the accused.</p> | <p><u>Article 27: Effets de la négociation de plaider de culpabilité</u></p> <p>En cas d'accord de négociation de plaider de culpabilité, l'organe de poursuite judiciaire accuse le prévenu selon l'accord conclu entre les deux parties.</p> <p>La juridiction peut recevoir ou ne pas recevoir un accord de négociation de plaider de culpabilité mais ne peut pas le modifier.</p> <p>Si l'accord de négociation de plaider de culpabilité est déclaré recevable, la juridiction prend en considération ses termes lors du délibéré.</p> |
| <p><u>Ingingo ya 28: Uburyo bukoreshwa mu guhamagaza ukekwa icyaha</u></p> <p>Umushinjacyaha ushinzwe gutegura dosiye ashobora guhamagaza ukurikiranyweho icyaha akoresheje rumwe mu nzandiko zikurikira:</p> <ul style="list-style-type: none"> 1° urwandiko ruhamagaza; 2° urwandiko rutumira; 3° urwandiko ruzana ku gahato; | <p><u>Article 28: Procedures for summoning a suspect</u></p> <p>A prosecutor in charge of case file preparation may summon a suspect by issuing one of the following documents:</p> <ul style="list-style-type: none"> 1° a summons; 2° a warrant to appear; 3° a warrant to bring by force; | <p><u>Article 28: Procédure de convocation du suspect</u></p> <p>L'officier de poursuite judiciaire en charge du dossier peut convoquer le suspect à l'aide de l'un des documents suivants :</p> <ul style="list-style-type: none"> 1° une convocation ; 2° un mandat de comparution ; 3° un mandat d'amener ; |

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| <p>Inzandiko zivugwa mu gika cya mbere cy'iyi ngingo zigira agaciro mu Gihugu hose.</p> <p>Umushinjacyaha ushinzwe gutegura dosiye ashobora kandi gusaba Umushinjacyaha Mukuru cyangwa Umushinjacyaha Mukuru wa Gisirikare, mu byerekeye abantu bakurikiranywe n'inkiko za gisirikare, gufatisha ukekwa icyaha uri hanze y'Igihugu hakoreshejwe urwandiko mpuzamahanga rwo gufata.</p> <p><u>Ingingo ya 29: Urwandiko ruhamagaza</u></p> <p>Urwandiko ruhamagaza ni ubutumire bwanditse bw'Umugenzacyaha cyangwa ubw'Umushinjacyaha buhabwa umuntu ubuvugwamo ngo azitabe Umushinjacyaha cyangwa Umugenzacyaha ku itariki n'isaha bivugwamo.</p> <p>Iyo bishoboka kandi bishobora gutangirwa ibimenyetso ko urwandiko ruhamagara rwagejwe k'uwo rureba, rushobora gukorwa hakoreshejwe uburyo bw'ikoranabuhanga.</p> | <p>Warrants referred to in Paragraph One of this Article are enforceable throughout the entire country.</p> <p>A prosecutor in charge of case file preparation may request the Prosecutor General or the Military Prosecutor General in case of persons prosecuted by military courts, to issue an international arrest warrant against a suspect who is in a foreign country.</p> <p><u>Article 29: Summons</u></p> <p>A summons is a written notice issued by an investigator or a prosecutor to a person mentioned therein requesting him or her to appear before a prosecutor or an investigator on a date and at time therein specified.</p> <p>If possible and where proof may be available that the summons has been duly issued to the concerned person, the summons may be served to the concerned person by means of information and communication technology.</p> | <p>Les mandats visés à l'alinéa premier du présent article sont exécutoires sur toute l'étendue du territoire national.</p> <p>L'officier de poursuite judiciaire en charge du dossier peut aussi demander au procureur général ou à l'auditeur général militaire, en ce qui concerne les personnes poursuivies par les juridictions militaires, de faire arrêter un prévenu sous mandat d'arrêt international se trouvant à l'étranger.</p> <p><u>Article 29: Convocation</u></p> <p>La convocation est une invitation écrite donnée par un enquêteur ou un officier de poursuite judiciaire à la personne y visée de se présenter devant lui aux date et heure indiquées.</p> <p>Dans la mesure du possible et lorsque l'on peut prouver que la convocation a été dûment reçue par la personne concernée, la convocation peut lui être signifiée en utilisant les moyens de technologie de l'information et de la communication.</p> |
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| <p><u>Ingingo ya 30: Urwandiko rutumira</u></p> <p>Urwandiko rutumira ni urwandiko rw'Umugenzacyaha cyangwa Umushinjacyaha rutegeka umuntu uruvugwamo kwitaba Umugenzacyaha cyangwa Umushinjacyaha ku itariki n'isaha bivugwamo.</p> <p>Urwandiko rutumira si inyandiko yo gufata cyangwa gufunga. Ni urwandiko rwohererezwa uwo bahamagaje hakoreshejwe ihamagara rivugwa mu ngingo ya 29 y'iri tegeko wanze kuryubahiriza kandi yararibonye.</p> <p>Urwandiko rutumira rwohererezwa ukekwa kuba yarakoze icyaha, ushinjwa cyangwa umutangabuhamy mu rubanza hatitawe ku buremere cyangwa ku bworohe by'icyaha.</p> <p><u>Ingingo ya 31: Urwandiko ruzana uregwa ku gahato</u></p> <p>Urwandiko ruzana uregwa ku gahato ni urwandiko rw'Umushinjacyaha, ruhabwa ingufu za Leta ngo ruzane umuntu ku gahato kubera ko akekwa icyaha, cyangwa se akaba yaranze kwitaba kandi yarahamagawe n'Umugenzacyaha cyangwa n'Umushinjacyaha mu buryo bwemewe n'amategeko.</p> | <p><u>Article 30: Warrant to appear</u></p> <p>A warrant to appear is a written notice issued by an investigator or a prosecutor to compel the person therein mentioned to appear before him or her on a date and at a time specified.</p> <p>A warrant to appear does not constitute an order of arrest or detention. It is rather a document issued to a person who does not appear after having received the summons provided for under Article 29 of this Law.</p> <p>A warrant to appear is issued to a suspect, an accused person or a witness in a case, irrespective of the gravity of the offence.</p> <p><u>Article 31: Warrant to bring by force</u></p> <p>A warrant to bring by force is a written order issued by a prosecutor to Law enforcement officers to bring by force a person who is suspected to have committed an offence or a person who refuses to appear after being legally summoned by an investigator or a prosecutor.</p> | <p><u>Article 30: Mandat de comparution</u></p> <p>Le mandat de comparution est un ordre écrit donné par un enquêteur ou un officier de poursuite judiciaire à la personne y visée, de se présenter devant lui aux date et heure indiquées.</p> <p>Le mandat de comparution ne constitue ni un titre d'arrestation ni un titre de détention. Il est décerné lorsque la personne qu'il vise n'a pas répondu à la convocation visée à l'article 29 de la présente loi après l'avoir reçue.</p> <p>Le mandat de comparution est décerné contre une personne suspectée d'avoir commis une infraction, un prévenu ou contre un témoin sans tenir compte de la gravité de l'infraction.</p> <p><u>Article 31: Mandat d'amener</u></p> <p>Le mandat d'amener est un ordre écrit d'un Officier de Poursuite judiciaire, exécuté par la force publique, de conduire devant lui le suspect ou la personne qui a refusé de comparaître après avoir été régulièrement convoquée par un enquêteur ou un Officier de Poursuite judiciaire.</p> |
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| <p>Urwandiko ruzana uregwa ku gahato ruramufatisha ariko ntirumufungisha. Rumara amezi atatu (3) uherye ku muni rwashyiriweho umukono.</p> <p>Iyo igihe kivugwa mu gika cya 2 cy'iyi ngingo gishize, urwandiko ruzana uregwa ku gahato ntiruba rucyubahirijwe, keretse iyo rwavuguruwe n'ugarutanzwe.</p> <p>Iyo uwatanzwe urwandiko ruzana uregwa ku gahato atabonetse kubera impamvu iyo ari yo yose, ruvugururwa n'umushinjacyaha uyobora ubushinjacyaha uwarutanzwe yakoreragamo.</p> <p>Urwandiko ruzana uregwa ku gahato rushobora kandi koherezwa, kugira ngo hashakishwe umuntu watorotse yari afunze.</p> <p>Iyo umuntu washakishwaga amaze gufatwa ahita ashakishwaga uwasabye ko afatwa. Iyo bidashobotse ko ashakishwaga ako kanya uwasabye ko afatwa, aba afungirwe by'agateganyo mu gihe kitarenze iminsi itanu (5) mu nzu yabigenewe iri aho Umugenzacyaha uri hafi ye akorerwa.</p> | <p>A warrant to bring by force is not an order of detention but rather an order to apprehend the suspect. A warrant to bring by force is valid for three (3) months from the date it is signed.</p> <p>If the period mentioned in Paragraph 2 of this Article expires, a warrant to bring by force ceases to be enforceable upon its expiry unless it is renewed by the issuing authority.</p> <p>If, for any reason whatsoever, the issuing authority is absent, the warrant to bring by force is renewed by the chief prosecutor of the operating area of the issuing authority.</p> <p>The warrant to bring by force can also be issued against any escaped detainee.</p> <p>If the wanted person is arrested, he or she is immediately brought before the officer who ordered the arrest. If he or she cannot be immediately brought before that officer, he or she is provisionally detained within a period not exceeding five (5) days in a relevant custody facility within the jurisdiction of the nearest investigator.</p> | <p>Le mandat d'amener est un titre d'arrestation et non de détention. Sa validité est de trois (3) mois comptés du jour de sa signature.</p> <p>Après l'expiration du délai mentionné à l'alinéa 2 du présent article, le mandat d'amener ne peut être mis à exécution sauf s'il est renouvelé par l'autorité dont il émane.</p> <p>En cas d'absence pour une raison quelconque de l'autorité d'émission, le mandat d'amener est renouvelé par le Procureur en chef assurant la direction de l'organe de poursuite judiciaire d'affectation de l'autorité qui l'a décerné.</p> <p>Le mandat d'amener peut également être lancé contre un détenu évadé.</p> <p>Lorsque la personne recherchée est arrêtée, elle est immédiatement présentée devant l'officier qui a requis son arrestation. En cas d'impossibilité de la présenter immédiatement devant cet officier, elle est provisoirement détenue pendant une période ne dépassant pas cinq (5) jours dans une maison d'arrêt appropriée située dans le ressort de l'enquêteur le plus proche.</p> |
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| <p><u>Ingingo ya 32: Ihamagarwari'umutangabuhamya</u></p> <p>Umushinjacyaha ahamagaza akoresheje inyandiko ihamagaza cyangwa itumira umuntu uwo ari we wese abona ko ashobora gutanga ibisobanuro bikenewe. Uwahamagajwe cyangwa uwatumiwe agenerwa kopi y'iyonyandiko.</p> <p>Abatangabuhamya bahamagazwa binyujijwe mu nzego z'ubuyobozi, hifashishijwe abahesha b'inkiko cyangwa se inzego z'umutekano. Bashobora ariko no kuza babyibwirije.</p> <p>Uwahamagawe mu buryo bwemewe n'amategeko ategetswe kwitaba.</p> <p><u>Ingingo ya 33: Urupapuro ruzana ku gahato umutangabuhamya wanze kwitaba</u></p> <p>Umushinjacyaha ashobora gutanga urupapuro ruzana ku gahato umutangabuhamya wanze kwitaba abyibwirije cyangwa abisabwe n'Umugenzacyaha.</p> <p>Umutangabuhamya wahamagawe mu buryo bwemewe n'amategeko ntiyitabe nta mpamvu yemewe cyangwa wanga gutanga ubuhamya kandi ari inshingano, ashobora gushyikirizwa</p> | <p><u>Article 32: Summoning a witness</u></p> <p>A prosecutor summons any person whose testimony he or she considers relevant to appear by issuing a summons or a warrant to appear. Any person so summoned is given a copy of such a document.</p> <p>Witnesses are summoned through administrative entities by court bailiffs or security organs. However, they may appear on their own initiative.</p> <p>Any person duly summoned must appear.</p> <p><u>Article 33: A warrant to bring by force issued against a witness who refuses to appear</u></p> <p>A prosecutor may issue a warrant to bring by force against any witness who refuses to appear on his/her own initiative or on the request of an investigator.</p> <p>A witness who is legally summoned and does not appear with no justifiable reason or refuses to testify when required to do so, may be brought before the court and face the penalties</p> | <p><u>Article 32: Convocation d'un témoin</u></p> <p>Un officier de poursuite judiciaire fait citer toute personne dont la déposition lui paraît utile, soit par convocation, soit par mandat de comparution. Une copie de cette citation est délivrée à la personne citée.</p> <p>Les témoins sont convoqués par le biais des autorités des entités administratives, à l'aide des huissiers ou des agents de la force publique. Toutefois, ils peuvent comparaître de leur propre initiative.</p> <p>La personne régulièrement citée doit comparaître.</p> <p><u>Article 33: Mandat d'amener contre un témoin défaillant</u></p> <p>Un officier de poursuite judiciaire peut décerner un mandat d'amener contre tout témoin défaillant soit d'office ou à la demande d'un enquêteur.</p> <p>Un témoin régulièrement cité qui, sans motif, ne comparaît pas ou refuse de témoigner lorsqu'il en est requis, peut être déféré devant le juge et être puni des peines prévues par la loi</p> |
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| <p>urukiko agahanishwa ibihano biteganyijwe mu itegeko riteganywa ibyaha n'ibihano muri rusange.</p> <p>Umutangabuhamya utitabye yarahamagawe bwa kabiri cyangwa yaroherejwe urupapuro rumuzana ku gahato ariko agatanga impamvu zemewe, ntahanwa.</p> <p>Iyo umutangabuhamya adashobora kwitaba Umushinjacyaha kubera impamvu izwi, Umushinjacyaha ajya kumubariza aho ari cyangwa agatuma ujya kubimukorera.</p> <p><u>Ingingo ya 34: Gukurirwaho igihano ku mutangabuhamya wahaniwe ko yanze kwitaba</u></p> <p>Umutangabuhamya wahaniwe ko yanze kwitaba, akongera guhamagarwa cyangwa yohererejwe urwandiko rumuzana ku gahato, akagaragaza impamvu nyakuri zamubujije kwitaba, ashobora gukurirwaho igihano yari yahanishijwe n'urukiko mbere.</p> <p><u>Ingingo ya 35: Urwandiko rw'Umushinjacyaha rufunga by'agateganyo</u></p> <p>Urwandiko rw'Umushinjacyaha rufunga by'agateganyo ni icyemezo cyo gufunga gishyirwaho umukono n'Umushinjacyaha mu</p> | <p>provided for by law determining offences and penalties in general.</p> <p>A witness who fails to appear after a second summons or a warrant to bring by force is issued does not face penalties if he or she has justifiable grounds.</p> <p>When a witness cannot appear before a prosecutor for legitimate reasons, the prosecutor interrogates the witness from the place of the witness or the prosecutor may delegate another person for that assignment.</p> <p><u>Article 34: Remission of penalty for a witness facing penalties for refusal to appear</u></p> <p>A witness sentenced for refusal to appear who is summoned once again or is subject to a warrant to bring by force and gives legitimate reasons for failure to appear, he or she may benefit from remission of the penalty previously imposed by the court.</p> <p><u>Article 35: Provisional arrest warrant issued by a prosecutor</u></p> <p>A provisional arrest warrant is an order of detention signed by a prosecutor in the course</p> | <p>déterminant les infractions et les peines en général.</p> <p>Un témoin qui ne comparaît pas sur une deuxième convocation ou sur mandat d'amener et donne des raisons fondées n'est pas punissable.</p> <p>Si le témoin cité est dans l'impossibilité de comparaître pour une raison légitime, l'officier de poursuite judiciaire se déplace pour l'entendre ou dépêche une autre personne pour procéder à l'audition.</p> <p><u>Article 34: Remise de peine pour un témoin condamné pour défaut de comparution</u></p> <p>Le témoin condamné pour défaut de comparution qui, sur une nouvelle convocation ou sur un mandat d'amener, donne un motif légitime de son défaut de comparution, peut bénéficier d'une remise de la peine précédemment lui infligée par la juridiction.</p> <p><u>Article 35: Mandat d'arrêt provisoire délivré par un officier de poursuite judiciaire</u></p> <p>Le mandat d'arrêt provisoire est un titre de détention signé par un officier de poursuite</p> |
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| <p>gihe cy'itegurarubanza, ukekwa icyaha amaze kumenyeshwa icyaha ashinjwa.</p> <p>Urwandiko rw'Umushinjacyaha rufunga by'agateganyo rugira agaciro k'iminsi itanu (5) idashobora kongerwa.</p> <p><u>Ingingo ya 36: Urwandiko mpuzamahanga rwo gufata</u></p> <p>Urwandiko mpuzamahanga rwo gufata ni icyemezo gishyirwaho umukono n'Umushinjacyaha Mukuru cyangwa Umushinjacyaha Mukuru wa Gisirikare kugira ngo hafatwe umuntu uri mu mahanga ukurikiranyweho icyaha cy'ubugome cyangwa icyaha gikomeye.</p> <p><u>Ingingo ya 37: Ishyirwa mu bikorwa ry'urwandiko ruzana ku gahato n'urwandiko rwo gufata</u></p> <p>Urwandiko ruzana ku gahato n'urwandiko rwo gufata zubahirizwa n'ushinzwe umutekano wese kandi zigomba kubanza kwerekwa abo zigenewe bakanazihereza kopi.</p> <p>Inyandiko yo kuzana ku gahato cyangwa gufata y'umwimerere cyangwa kopi yayo yohererezwa bidatinze ushinzwe kuyubahiriza.</p> | <p>of case file preparation after the suspect is informed of the charges against him or her.</p> <p>A provisional arrest warrant is valid for five (5) days non-renewable.</p> <p><u>Article 36: International arrest warrant</u></p> <p>An international arrest warrant is an order signed by the Prosecutor General or Military Prosecutor General issued against a person in a foreign country suspected of having committed a felony or a misdemeanour.</p> <p><u>Article 37: Enforcement of a warrant to bring by force and arrest warrant</u></p> <p>A warrant to bring by force and arrest warrant are enforced by any Law enforcement officer and must be shown to the persons against whom they are issued and such persons are given a copy of the warrant.</p> <p>The original or copy of a warrant to bring by force or an arrest warrant is immediately sent to the person responsible for its enforcement.</p> | <p>judiciaire au cours de l'instruction après l'inculpation du suspect.</p> <p>Le mandat d'arrêt provisoire est valable pour cinq (5) jours non renouvelables.</p> <p><u>Article 36: Mandat d'arrêt international</u></p> <p>Le mandat d'arrêt international est un titre signé par le Procureur général ou l'Auditeur général militaire pour arrêter une personne se trouvant à l'étranger, poursuivie pour crime ou délit.</p> <p><u>Article 37 : Exécution du mandat d'amener et du mandat d'arrêt</u></p> <p>Le mandat d'amener et le mandat d'arrêt sont exécutés par tout agent de la force publique et doivent être exhibés aux concernés à qui leur copie est réservée.</p> <p>L'original ou la copie du mandat d'amener ou du mandat d'arrêt est transmis sans délai à l'agent chargé de son exécution.</p> |
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| <p>Ingingo ya 38: Igenzura ry'itumanaho mu iperereza n'ikurikiranacyaha</p> <p>Mu iperereza n'ikurikiranacyaha, iyo kugira ngo ukuri ku byaha bifitanye isano n'umutekano w'Igihugu, ibyaha bya ruswa n'ibyaha byo kunyereza umutungo wa Leta bikurikiranwe kugaragare, abayobozi b'inze za Leta zishinzwe umutekano ziteganywa n'Itegeko Nshinga rya Repubulika y'u Rwanda, Urwego rw'Umuvunyi n'Urwego rw'Igihugu rushinzwe Ubugenzacyaha, bashobora, babihewe uruhushya rwarditswe n'Umushinjacyaha Mukuru kumva, kumenya no gufata mu majwi cyangwa mu mashusho inyandiko, interineti, ibiganiro, telegaramu, amakarita y'iposita, itumanaho ry'ubuhanga buhanitse n'ubundi buryo bwose bwo gutumanaho ku byaha bivugwa muri iyi ngingo igihe itumanaho ririmo gukorwa.</p> <p>Usaba icyemezo kivugwa mu gika cya mbere cy'iyi ngingo agomba kugaragariza Umushinjacyaha Mukuru isano iri hagati y'icyemezo cyo kuzamura itumanaho gisabwa n'icyaha gikurikiranwa.</p> | <p>Article 38: Interception of communication in investigations and prosecution</p> <p>During investigations and prosecutions and for purposes of ascertaining the truth on commission of offences against national security, offences of corruption and offences of embezzlement of State property, authorities of State security organs specified by the Constitution of the Republic of Rwanda, Office of the Ombudsman and Rwanda Investigation Bureau may, under written authorization issued by the Prosecutor General listen, understand and audio or video record documents, internet, discussions, telegram, postal cards, high tech communication and any other mode of communication on offences referred to in this Article during communication.</p> <p>The applicant for authorisation referred to under Paragraph One of this Article must clearly prove to the Prosecutor General the link between the requested authorization to intercept communication and the offence subject to prosecution.</p> | <p>Article 38: Interception des correspondances et des communications lors de l'enquête et poursuite</p> <p>Lors des procédures d'enquête et de poursuite et en vue de manifester la vérité pour une infraction contre la sûreté nationale, une infraction de corruption et une infraction de détournement des biens publics, les autorités des organes de sécurité prévus par la Constitution de la République du Rwanda, l'Office de l'Ombudsman et l'Office Rwandais d'Investigation peuvent, sur autorisation écrite du Procureur Général écouter, prendre connaissance et réaliser l'enregistrement audio et vidéo des documents, de l'internet, des conversations, des télégrammes, des cartes postales, du courrier électronique et de tous les autres moyens de communication en rapport avec les infractions mentionnées au présent article au moment de la transmission de cette correspondance.</p> <p>La personne qui demande l'autorisation visée à l'alinéa premier du présent article doit prouver au Procureur général le lien entre l'autorisation d'intercepter la communication et l'infraction poursuivie.</p> |
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| <p><u>Ingingo ya 39: icyemezo gitegeka kugenzura itumanaho no gufata inyandiko</u></p> <p>Icyemezo gitegeka kugenzura itumanaho no gufata inyandiko kigomba kuba cyanditse. icyemezo kigomba kubamo ibiranga ibigomba gufatirwa cyangwa imirongo igomba kugenzurwa no kugaragaza icyaha gituma biba ngombwa kunyura muri izo nzira. Gitangwa mu gihe kitarenze amasaha mironko ine n'umunani (48) uherye igihe Umushinjacyaha Mukuru yakiriye ubusabe bwo kugenzura itumanaho.</p> <p>Icyakora, iyo byihutirwa, Umushinjacyaha Mukuru ashobora gutanga mu magambo uruhushya rw'igenzura ry'itumanaho ariko icyemezo cyanditse kigatangwa mu gihe kitarenga amasaha makumyabiri n'ane (24).</p> <p>Icyemezo kivugwa muri iyi ngingo kigira agaciro k'amezi atatu (3) ashobora kongerwa inshuro imwe gusa.</p> <p><u>Ingingo ya 40: Inyandiko mvugo y'igenzura ry'itumanaho</u></p> <p>Urwego rwakoze igenzura ry'itumanaho rukora inyandiko mvugo y'iryo genzura. Iyo nyandiko mvugo yandikwamo gusa ibijyanye n'icyaha uwakorewe igenzura akurikiranyweho.</p> | <p><u>Article 39: Order for interception of communication and correspondences and note taking</u></p> <p>An order for interception of communications and correspondences must be in writing. The order must contain identification elements of items that must be seized or connections that must be intercepted and to indicate the offence that gives rise to use such a procedure. The order is issued within forty-eight (48) hours from the time the Prosecutor General receives the request for interception of communication.</p> <p>However, in case of urgency, the Prosecutor General may issue a verbal order authorizing interception of communication but the written order must be issued within a period not exceeding twenty-four (24) hours.</p> <p>The order mentioned in this Article is valid for a period of three (3) months renewable only once.</p> <p><u>Article 40: Statement of interception of communications and correspondences</u></p> <p>The organ conducting interception of communications and correspondences writes a related statement. Such a statement only includes details on the offence alleged against</p> | <p><u>Article 39: Ordonnance d'interception des communications et des correspondances et prise de note</u></p> <p>L'ordonnance d'interception des communications et des correspondances doit être écrite. Elle doit comporter les éléments d'identification de ce qui doit être saisi ou de la liaison à intercepter et l'infraction qui motive le recours à l'interception. Elle est délivrée endéans quarante-huit (48) heures à partir du moment où le Procureur Général a reçu la demande d'interception.</p> <p>Toutefois, en cas d'urgence, le Procureur général peut donner l'autorisation verbale de procéder à l'interception des communications et des correspondances mais l'ordonnance écrite doit être délivrée dans un délai de vingt-quatre (24) heures.</p> <p>L'ordonnance mentionnée au présent article est valable pour une durée de trois (3) mois renouvelable une seule fois.</p> <p><u>Article 40: Procès-verbal d'interception des communications et des correspondances</u></p> <p>L'organe qui intercepte les communications et les correspondances fait un procès-verbal y relatif. Le procès-verbal comprend exclusivement les détails se rapportant à</p> |
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| <p><u>Ingingo ya 41: Ibibujiwe gufatirwa cyangwa kugenzurwa</u></p> <p>Inyandiko cyangwa ubutumwa by'Umukuru w'Igihugu ntibishobora gufatirwa cyangwa se kugenzurwa.</p> <p><u>Ingingo ya 42: Ubufatanye mu iperereza</u></p> <p>Umushinjacyaha ushinzwe gutegura dosiye y'urubanza ashobora gutuma ku mushinjacyaha cyangwa se ku mugenzacyaha wo mu yindi fasi bafitemo ububasha kumukorera imirimo ya ngombwa abona ko yafasha mu gushyira ahagaragara ukuri. Ubwo bufatanye mu iperereza bugaragaza gusa ibikorwa byerekeranye n'icyaha gikurikiranywe.</p> <p>Umushinjacyaha ushinzwe gutegura dosiye y'urubanza ashobora kandi gusaba n'Umushinjacyaha wo mu kindi gihugu kumukorera imirimo ivugwa mu gika cya mbere cy'iyi ngingo abinyujije ku Mushinjacyaha Mukuru na we ubinyuza kuri Minisitiri ufite ububanyi n'amahanga mu nshingano ze, akagera kopi Minisitiri ufite ubutabera mu nshingano.</p> | <p>the person with respect to whom interception is conducted.</p> <p><u>Article 41: Prohibitions regarding seizure or interception</u></p> <p>Correspondence or messages of the Head of State are neither seized nor intercepted.</p> <p><u>Article 42: Assistance in investigation</u></p> <p>The prosecutor in charge of case file preparation may request another Prosecutor or an investigator from another jurisdiction to perform on his/her behalf acts he or she considers necessary for the ascertainment of the truth. The assistance in investigation only covers acts relating to the alleged offence.</p> <p>The Prosecutor in charge of case file preparation may also request a prosecutor in a foreign country to provide assistance by performing on his/her behalf the acts provided for under Paragraph One of this Article through the Prosecutor General who in turn submits the request through the Minister in charge of foreign affairs, and sends a copy to the Minister in charge of justice.</p> | <p>l'infraction alléguée contre la personne à l'égard de laquelle l'interception est effectuée.</p> <p><u>Article 41: Interdictions en matière de saisie ou d'interception</u></p> <p>Les correspondances ou messages du Chef de l'État ne peuvent être ni saisis ni interceptés.</p> <p><u>Article 42: Commission rogatoire</u></p> <p>L'officier de poursuite judiciaire en charge du dossier peut requérir par commission rogatoire un autre Officier de Poursuite judiciaire ou un enquêteur de procéder en son nom aux actes qu'il estime nécessaires dans les lieux où ils sont territorialement compétents. Cette commission rogatoire ne peut prescrire que des actes se rattachant à l'infraction visée.</p> <p>L'Officier de Poursuite judiciaire en charge du dossier peut aussi par commission rogatoire, requérir un Officier de Poursuite judiciaire étranger de procéder aux actes visés à l'alinéa premier du présent article sous couvert du Procureur général qui, à son tour, sollicite le sous-couvert du Ministre ayant les affaires étrangères dans ses attributions et donne copie au Ministre ayant la justice dans ses attributions.</p> |
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| <p>Umushinjacyaha Mukuru ashobora kandi guha Umushinjacyaha wo ku Rwego Rwisumbuye n'uwo ku Rwego rw'Ibanze uruhushya rwihariye rwo kujya mu yindi fasi gukorerayo imirimo y'iperereza.</p> <p>Ingingo ya 43: Ububasha bw'Umushinjacyaha Umugenzacyaha watumwe</p> <p>Umushinjacyaha cyangwa Umugenzacyaha watumwe gukora imirimo y'iperereza afite ububasha nk'ubw'Umushinjacyaha watumwe ku byo yatumwe gusa.</p> <p>UMUTWE WA III: IBIHURIWEHO N'UBUGENZACYAHA N'UBUSHINJACYAHA MU IPEREREZA</p> <p>Ingingo ya 44: Kugera aho icyaha cyakorewe</p> <p>Iyo Umugenzacyaha amenye ko icyaha cyakozwe, ashobora guhita ajya aho cyakorewe iyo bishoboka, akareba uburyo cyakozwemo.</p> | <p>The Prosecutor General may also give a prosecutor at the Intermediate and Primary level extra-territorial powers to conduct investigations.</p> <p>Article 43: Competence of a prosecutor or delegated investigator</p> <p>A prosecutor or an investigator delegated to provide assistance in the investigation has the same competence as that of the prosecutor who delegated him or her only in matters under limits of delegation.</p> <p>CHAPTER III: COMMON PROVISIONS ON INVESTIGATION BETWEEN THE ORGAN IN CHARGE OF INVESTIGATION AND THE PUBLIC PROSECUTION</p> <p>Article 44: Visiting the scene of crime</p> <p>If an investigator becomes aware of the commission of an offence, he or she may immediately visit the scene of crime if possible and take note of how the offence was committed.</p> | <p>Le Procureur général peut aussi donner à l'officier de poursuite judiciaire au niveau de Grande Instance et au niveau de Base une autorisation spéciale de se rendre dans un autre ressort pour y procéder à l'instruction.</p> <p>Article 43: Compétences d'un officier de poursuite judiciaire ou d'un enquêteur commis</p> <p>Un officier de poursuite judiciaire ou un enquêteur commis a les mêmes compétences que l'officier de poursuite judiciaire qui l'a commis dans les limites de la commission rogatoire.</p> <p>CHAPITRE III: DISPOSITIONS COMMUNES ENTRE L'ORGANE CHARGE D'ENQUÊTE ET L'ORGANE DE POURSUITE JUDICIAIRE LORS DE L'ACTE D'INSTRUCTION</p> <p>Article 44: Descente sur le lieu de l'infraction</p> <p>Dès qu'un enquêteur a connaissance de l'infraction, il peut immédiatement se rendre sur le lieu de l'infraction si possible et procéder à toutes constatations utiles sur la commission de l'infraction.</p> |
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| <p>Iyo icyaha cyakozwe ari icyaha cy'ubugome cyangwa gikomeye, umugenzacyaha wakimenyeshewe yihutira kukimenyeshya Ubushinjacyaha cyangwa urundi rwego cyangwa ikigo bimugenzura.</p> <p>Umushinjacyaha nawe ashobora kuja aho icyaha cyakorewe kugira ngo arebe uburyo cyakozwemo.</p> <p><u>Ingingo ya 45: Ibazwa</u></p> <p>Iyo ukekwa icyaha yitabye ku nshuro ya mbere, umugenzacyaha cyangwa umushinjacyaha abanza gusuzuma umwirondoro we, akanamumenyeshya ibyo akurikiranyweho n'icyo amategeko ateganywa bigashyirwa mu nyandikomvugo.</p> <p>Umugenzacyaha cyangwa umushinjacyaha abaza ukekwa icyaha kandi agashyira mu nyandikomvugo ibisobanuro bye. Ibazwa rikorwa mu rurimi ubazwa yumva neza.</p> <p>Umugenzacyaha cyangwa umushinjacyaha ashobora kandi kubaza umuntu wese akeka ko ashobora kugira ibisobanuro atanga no kumusaba gutanga ubuhamyama amaze kurahira mu buryo buteganywa mu ngingo ya 47 y'iri tegeko.</p> | <p>If the offence committed is a felony or a misdemeanour, the investigator informed of the offence immediately informs the public prosecution or any other organ or agency that supervises him or her.</p> <p>The prosecutor may also visit the scene of crime in order to see how the offence was committed.</p> <p><u>Article 45: Interrogation</u></p> <p>In case the suspect appears for the first time, the investigator or prosecutor verifies his/her personal particulars and informs him or her of the charges against him or her and their legal characterization and it is recorded in a statement.</p> <p>An investigator or prosecutor interrogates a suspect and makes a written record of the statement made by the suspect. Interrogation is conducted in the language the suspect understands well.</p> <p>The investigator or prosecutor may also interrogate any person presumed to have some clarification and requests him or her to give testimony under oath in the manner provided for under Article 47 of this Law.</p> | <p>Si l'infraction commise est un crime ou un délit, l'enquêteur qui en est avisé doit immédiatement informer l'organe de poursuite judiciaire ou toute autre autorité ou institution de supervision selon le cas.</p> <p>L'officier de poursuite judiciaire lui aussi peut se rendre sur le lieu de l'infraction pour constater la commission de l'infraction.</p> <p><u>Article 45: Interrogatoire</u></p> <p>Lors de la première comparution du suspect, l'enquêteur ou l'officier de poursuite judiciaire vérifie l'identité du suspect et lui fait connaître les charges qui pèsent contre lui et leur qualification légale et cela est consigné dans un procès-verbal.</p> <p>L'enquêteur ou l'officier de poursuite judiciaire interroge le suspect et recueille par écrit ses explications. L'interrogatoire se fait dans la langue que le suspect comprend bien.</p> <p>L'enquêteur ou l'officier de poursuite judiciaire peut également interroger toute personne présumée en état de donner des éclaircissements et lui demander de déposer sous serment dans les conditions prévues à l'article 47 de la présente loi.</p> |
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| <p>Umugenzacyaha cyangwa umushinjacyaha ashobora kandi kubuza uwo ari we wese kutarenga ahantu akena kandi byaba ngombwa, akamuhatira kuhaguma kugeza ibazwa ry'uwo muni rirangiye.</p> | <p>The investigator or prosecutor may also prevent any person from moving away from a specified area and, if necessary, compels him or her to stay in that area until the completion of the interrogation scheduled for the day concerned.</p> | <p>L'enquêteur ou l'officier de poursuite judiciaire peut aussi défendre à toute personne de s'éloigner des lieux qu'il détermine et, au besoin, la contraindre à y rester jusqu'à la clôture de l'interrogatoire prévu pour le jour concerné.</p> |
| <p>Iyo ibazwa rirangiye ukekwa icyaha cyangwa ubazwa agomba kumenyekanisha aho abarizwa. Amenyeshwa kandi ko agomba kujya amenyesha umugenzacyaha cyangwa umushinjacyaha ushinzwe iperereza, ihinduka ry'aho yabarizwaga. Iyo atabikoze, imenyeshwa ryose rikorewe aho yahoze abarizwa rifatwa nk'aho yarishyikirijwe. Iryo menyeshwa kimwe n'aho abarizwa bishyirwa mu nyandikomvugo.</p> | <p>At the end of interrogation, the suspect or interrogated person must disclose his/her residential address. He or she is informed that he or she is required to notify the investigator or prosecutor in charge of investigation of any change of residential address, failing which any notification sent to his/her former address is considered duly served on him or her. Such notification and the residential address are recorded in a statement.</p> | <p>À l'issue de l'interrogatoire, le suspect ou la personne interrogée doivent déclarer leur adresse de résidence. Ils sont informés qu'ils doivent informer l'enquêteur ou l'officier de poursuite judiciaire en charge de l'acte d'instruction, de tout changement d'adresse faute de quoi toute notification ou signification faite à la dernière adresse est réputée faite à leur personne. La notification et l'adresse de résidence sont consignées dans un procès-verbal.</p> |
| <p><u>Ingingo ya 46: Uburenganzira bw'ukekwa icyaha mu gihe cy'ibazwa</u></p> | <p><u>Article 46: Rights of the suspect during interrogation</u></p> | <p><u>Article 46: Droits du suspect lors de l'interrogatoire</u></p> |
| <p>Umugenzacyaha cyangwa Umushinjacyaha amenyesha ukekwa icyaha ko afite uburenganzira bwo kunganirwa no kuvugana n'umwunganira mu muhezo. Iryo menyeshwa rishyirwa mu nyandikomvugo.</p> | <p>An investigator or a prosecutor notifies the suspect of his/her right to legal counsel and to have private communication with him or her. The notification is recorded in a statement.</p> | <p>L'enquêteur ou l'officier de poursuite judiciaire informe le suspect de son droit d'être assisté et d'avoir une communication privée avec son avocat à huis clos. Cette notification doit être consignée dans un procès-verbal.</p> |
| <p>Iyo adashoboye gushaka umwunganira, Umugenzacyaha cyangwa Umushinjacyaha abimenyesha umukuru w'Urugaga rw'Abavoka kugira ngo amumugenere. Ugenewe umwavoka</p> | <p>If a suspect is unable to get a legal counsel, the investigator or the prosecutor informs the President of the Bar Association for him or her to assign a legal counsel to the suspect. The</p> | <p>Lorsque le suspect n'est pas capable de trouver un avocat, l'enquêteur ou l'officier de poursuite judiciaire en informe le Bâtonnier pour le lui désigner d'office. Celui à qui l'avocat est</p> |

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| <p>mu buryo buvugwa muri iki gika, ntashobora kumwanga atabigaragarije impamvu zikomeye.</p> <p>Iyo ukekwa icyaha ari umwana, agomba kuba ari kumwe n'umwunganira.</p> <p>Mu bushinjacyaha, umwavoka afite uburenganzira bwo kumenya ibikubiye muri dosiye.</p> <p><u>Ingingo ya 47: Indahiro y'abatangabuhamya</u></p> <p>Nyuma yo gutanga umwirondoro, abatangabuhamya bumvwa umwe umwe kandi ukekwa icyaha adahari, nyuma yo kurahira indahiro ikurikira ashize ukuboko kw'iburyo hejuru: "Jyewe ndahiriye kuvugisha ukuri. Nindamuka mbeshye nzabihanirwe n'amategeko".</p> <p>Umutangabuhamya wanze kurahira cyangwa wabeshye nyuma yo kurahirira kuvugisha ukuri ahanwa hakurikijwe ibihano biteganyijwe mu itegeko riteganyira ibyaha n'ibihano muri rusange.</p> <p>Ibisobanuro by'umutangabuhamya bikorerwa inyandikomvugo.</p> | <p>suspect who is assigned a legal counsel as provided for in this paragraph cannot refuse the counsel without substantial reasons.</p> <p>If the suspect is a child, he or she is entitled to a legal counsel.</p> <p>The legal counsel is allowed to consult the case file in Public Prosecution.</p> <p><u>Article 47: Witness oath</u></p> <p>After giving their particulars, witnesses are interrogated one by one without the presence of the suspect. With his/her right hand raised, the witness takes the following oath: "I..... swear to tell the truth. Should I fail to honour this oath, may I face the rigours of the Law".</p> <p>A witness who refuses to take the oath or lies after taking the oath to tell the truth is liable to the penalties as provided for by the Law determining offences and penalties in general.</p> <p>Statements made by a witness are recorded in a statement.</p> | <p>procuré de manière prévue par le présent alinéa ne peut pas le refuser sans présenter des raisons sérieuses.</p> <p>Lorsque le suspect est un mineur, il doit comparaître en présence d'un avocat.</p> <p>L'avocat est autorisé à consulter le contenu du dossier dans l'organe de poursuite judiciaire.</p> <p><u>Article 47: Serment des témoins</u></p> <p>Après avoir décliné leur identité, les témoins sont entendus un à un sans la présence de la personne poursuivie. Avec sa main droite en haut, le témoin prête serment en ces termes : «Moi je jure de dire la vérité. En cas de parjure, que je subisse les rigueurs de la loi ».</p> <p>Un témoin qui refuse de prêter serment ou ment après avoir prêté le serment de dire la vérité est puni des peines prévues par la loi déterminant les infractions et les peines en général.</p> <p>Les déclarations d'un témoin sont consignées dans un procès-verbal.</p> |
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| <p><u>Ingingo ya 48:</u> Ubuhamya bw'uwagize uruhare mu ikorwa ry'icyaha cyangwa uwakorewe icyaha</p> <p>Umuntu wese wagize uruhare mu ikorwa ry'icyaha cyangwa uwakorewe icyaha ashobora kumvwa nk'umutangabuhamya.</p> <p><u>Ingingo ya 49:</u> Ubuhamya bw'umwana</p> <p>Umwana utagejeje ku myaka cumi n'ine (14) yemerewe gutanga ubuhamya nk'umuntu mukuru.</p> <p>Umwana utagejeje ku myaka cumi n'ine (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.</p> <p><u>Ingingo ya 50:</u> Uburyo inyandikomvugo zikorwa</p> <p>Inyandikomvugo zigomba gukorwa nta bucucike bw'amagambo. Amagambo yahanaguwe n'ayagize ikindi akorwaho agomba kwemezwa n'Umugenzacyaha cyangwa Umushinjacyaha n'uwabajijwe. Iyo ayo magambo atemejwe n'Umugenzacyaha cyangwa Umushinjacyaha hamwe n'uwabajijwe nta gaciro ahabwa. Ni na ko</p> | <p><u>Article 48:</u> Testimony of a person having participated in the commission of an offence or a victim of offence</p> <p>Any person having participated in the commission of an offence or a victim of offence may be heard as a witness.</p> <p><u>Article 49:</u> Minor's testimony</p> <p>A minor aged under fourteen (14) years is qualified to testify as an adult.</p> <p>A minor aged under fourteen (14) years gives testimony without taking an oath but the court ruling cannot solely rely on his/her testimony. In that case, the testimony of the minor must be supported by other corroborative evidence.</p> <p><u>Article 50:</u> Modalities for writing a statement</p> <p>A statement must be written with enough spacing between lines and words. Struck out and altered words must be approved by the investigator or prosecutor and the person interrogated. Words that are not approved by the investigator or prosecutor and the person interrogated become invalid. The same applies to statements that are not duly signed.</p> | <p><u>Article 48:</u> Témoignage d'une personne ayant participé à la commission d'une infraction ou d'une victime d'infraction</p> <p>Toute personne ayant participé à la commission d'une infraction ou une victime d'infraction peut être entendue comme témoin.</p> <p><u>Article 49:</u> Témoignage d'un mineur</p> <p>Un mineur de moins de quatorze (14) ans a qualité de témoigner comme un majeur.</p> <p>Un mineur de moins de quatorze (14) ans donne son témoignage sans prestation de serment mais le jugement ne peut être fondé sur ce seul témoignage. Dans ce cas, le témoignage du mineur doit être corroboré par d'autres preuves.</p> <p><u>Article 50:</u> Modalités de rédaction d'un procès-verbal</p> <p>Le procès-verbal doit être rédigé en respectant les interlignes et les espaces entre les mots. Les ratures et les surcharges sont approuvées par l'enquêteur ou l'officier de poursuite judiciaire et la personne interrogée. Lorsque ces mots ne sont pas confirmés par l'enquêteur ou l'officier de poursuite judiciaire et la personne interrogée, ils deviennent nuls. Il en est de même des</p> |
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| <p>bigenda iyo inyandikomvugo zitariho imikono ya ngombwa.</p> <p><u>Ingingo ya 51: Gushyira umukono ku nyandikomvugo</u></p> <p>Buri rupapuro rw'inyandikomvugo rushyirwaho umukono n'Umugenzacyaha cyangwa Umushinjacyaha n'uwabajijwe. Uwabajijwe asabwa gusoma imvugo ye uko yanditswe nyuma akayishyiraho umukono cyangwa igikumwe iyo ayemeye. Iyo atazi gusoma, baramusomera.</p> <p>Iyo yanze cyangwa adashobora gushyiraho umukono cyangwa igikumwe, byandikwa mu nyandikomvugo.</p> <p><u>Ingingo ya 52: Ivuguruzanya</u></p> <p>Umugenzacyaha cyangwa Umushinjacyaha ushinzwe gutegura dosiye y'urubanza, abyibwirije cyangwa abisabwe ashobora gukoresha ivuguruzanya hagati y'abakekwaho icyaha ubwabo, hagati y'abatangabuhamya, hagati y'abakekwaho icyaha n'abatangabuhamya, hagati y'uwakorewe icyaha n'abatangabuhamya cyangwa hagati y'uwakoze icyaha n'uwagikorewe. Ivuguruzanya ryose rikorerwa inyandikomvugo.</p> | <p><u>Article 51: Signing the statement</u></p> <p>Each page of the statement is signed by the prosecutor or investigator and the person interrogated. The person interrogated is asked to read and sign or affix his/her fingerprint on his/her statement put in writing if he or she agrees to its contents. If he or she is unable to read, the statement is read to him or her.</p> <p>If he or she refuses or is unable to sign or affix his/her fingerprint, his/her refusal or inability is recorded in the statement.</p> <p><u>Article 52: Confrontation</u></p> <p>The investigator or prosecutor in charge of case file preparation, either on own initiative or upon request by any interested party may organize confrontation between the suspects themselves, between witnesses or between the suspect and witnesses, between the victim and witnesses or between the offender and the victim of the offence. Every confrontation is subject to a statement.</p> | <p>procès-verbaux qui ne sont pas régulièrement signés.</p> <p><u>Article 51: Signature du procès-verbal</u></p> <p>Chaque feuillet du procès-verbal est signé par l'enquêteur ou l'officier de poursuite judiciaire et par la personne interrogée. Cette dernière est alors invitée à lire sa déposition telle qu'elle vient d'être transcrite puis à la signer ou y apposer son empreinte digitale si elle accepte le contenu. Si la personne interrogée ne sait pas lire, lecture lui en est faite.</p> <p>Si la personne interrogée ne veut ou ne peut signer ou apposer son empreinte digitale, mention en est portée sur le procès-verbal.</p> <p><u>Article 52: Confrontation</u></p> <p>L'enquêteur ou l'officier de poursuite judiciaire en charge du dossier peut procéder à la confrontation entre suspects eux-mêmes, entre les témoins, entre les suspects et les témoins, entre la victime de l'infraction et les témoins ou entre l'auteur de l'infraction et la victime de l'infraction, soit de sa propre initiative, soit à la requête de toute personne intéressée. Toute confrontation est consignée dans un procès-verbal.</p> |
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| <p><u>Ingingo ya 53: Kubazwa cyangwa kuvuguruzanya mu buryo bwihutirwa</u></p> <p>Umugenzacyaha cyangwa umushinjacyaha ashobora guhita abaza cyangwa akoresha ivuguruzanya mu buryo bwihutirwa iyo hari impungenge z’uko ibimenyetso bishobora kuzimira. Inyandikomvugo isobanura impamvu z’uko kwihuta.</p> <p><u>Ingingo ya 54: Uburenganzira bw’uwakorewe icyaha mu ibazwa</u></p> <p>Mu rwego rwo kwirinda ibyahungabanya imibereho ye bwite, mu gihe cy’ibazwa ry’uwakorewe icyaha, hagomba kwitabwa cyane cyane kuri ibi bikurikira:</p> <ol style="list-style-type: none"> 1° kubazwa ari kumwe n’umuntu yizeye kandi yihitiyemo; 2° kumenyeshwa uburenganzira bwo kutagira icyo atangaza; 3° uburenganzira bwo kumenyeshwa ibyo amategeko amuteganyiriza; 4° uburenganzira bwo kutanyomozanya n’ukekwaho icyaha igihe uwagikorewe ari umwana utarageza ku myaka cumi n’umunani (18); | <p><u>Article 53: Urgent interrogation or confrontation</u></p> <p>The investigator or prosecutor may urgently conduct interrogation or confrontation if he or she has reason to believe that evidence can disappear. The causes of urgency are recorded in a statement.</p> <p><u>Article 54: Rights of the victim during interrogation</u></p> <p>To protect the victim’s privacy during interrogation, special attention must be paid to the following with respect to the victim:</p> <ol style="list-style-type: none"> 1° to be interrogated in the presence of a trusted person of his or her choice; 2° to be informed of his or her right to remain silent ; 3° his or her right to be informed about the legal provisions which concern him or her; 4° his or her right not to be confronted by the offender if he or she is a minor aged under eighteen(18) years; | <p><u>Article 53: Interrogatoire ou confrontation urgents</u></p> <p>L’enquêteur ou l’officier de poursuite judiciaire peut procéder d’urgence à l’interrogatoire ou à la confrontation s’il a des raisons de croire que les preuves peuvent disparaître. Le procès-verbal fait mention des causes d’urgence.</p> <p><u>Article 54: Droits de la victime lors de l’interrogatoire</u></p> <p>Pour sauvegarder la vie privée de la victime, on doit particulièrement considérer ce qui suit pendant l’interrogatoire :</p> <ol style="list-style-type: none"> 1° être interrogée en présence d’une personne de confiance de son choix ; 2° être informée de son droit au silence ; 3° son droit d’être informée sur les dispositions légales qui le concernent ; 4° son droit de ne pas être confrontée avec l’auteur de l’infraction lorsqu’elle est âgée de moins de dix-huit (18) ans ; |
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| <p>5° uburenganzira bwo kurindirwa ubuzima mu gihe yagaragaje impungenge cyangwa inzego zibishinzwe ubwazo zabonye ko ashobora kugira umutekano muke.</p> <p><u>Ingingo ya 55: Isaka</u></p> <p>Umugenzacyaha mu gihe asanga ibimenyetso akeneye bigizwe n'impapuro, inyandiko n'ibindi bintu bibitswe n'ukekwaho icyaha cyangwa se undi wese, ashobora kujya gusaka aho biherereye yitwaje uruhushya rwo gusaka ahabwa n'Ubushinjacyaha.</p> <p>Umushinjacyaha ushinzwe gutegura dosiye y'urubanza ashobora nawe kujya gusaka aho icyaha cyakorewe cyangwa ahandi hantu hose hashobora kuboneka ibimenyetso byatuma ukuri kujya ahagaragara. Umushinjacyaha ashobora gushinga iyo mirimo Umugenzacyaha.</p> <p>Iyo ari ukujya mu rugo, iyo mirimo ntishobora gukorwa mbere ya saa kumi n'ebiri za mu gitondo na nyuma ya saa kumi n'ebiri za nimugoroba.</p> <p>Icyakora, iyo ukekwa icyaha afatiwe mu cyuho cyangwa asa n'uwagifatiwemo,</p> | <p>5° his or her right to be protected if he or she expresses concern for his or her safety or if relevant organs consider that his or her safety may be compromised.</p> <p><u>Article 55: Search</u></p> <p>If an investigator finds that evidence required is made up of papers, documents and any other items held by the suspect or any other person, he or she may, with a search warrant from the public prosecution, search the place where such items are kept.</p> <p>The prosecutor in charge of case file preparation may also conduct a search at the scene of the offence or at any other place where any evidence necessary for the determination of the truth may be found. The prosecutor may assign such functions to the investigator.</p> <p>If a search is intended to be conducted in a home, it can neither be conducted before six (6) a.m. nor after six (6) p.m.</p> <p>However, if the suspect is caught red-handed or is presumed to have been caught red-handed,</p> | <p>5° son droit d'être protégée en cas d'inquiétude d'insécurité pour sa vie constatée par elle-même ou par les instances habilitées.</p> <p><u>Article 55: Perquisition</u></p> <p>Si un enquêteur constate que les preuves recherchées sont constituées de papiers, de documents ou autres pièces en la possession du suspect ou de toute autre personne, il peut, muni d'un mandat de perquisition émis par l'organe de poursuite judiciaire, procéder à des perquisitions aux endroits où ces objets se trouvent.</p> <p>L'officier de poursuite judiciaire en charge du dossier peut procéder à la perquisition du lieu de l'infraction ou de tout autre lieu où une preuve utile à la manifestation de la vérité peut être trouvée. L'officier de poursuite judiciaire peut confier ces fonctions à l'enquêteur.</p> <p>Lorsque la perquisition doit se faire dans une maison habitée, elle ne peut se faire ni avant six (6) heures ni après dix-huit heures.</p> <p>Toutefois, en cas de flagrant délit ou d'infraction réputée en flagrant délit, l'exigence pour</p> |
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| <p>ibijyanye no kwitwaza uruhushya rw'isaka ku mugenzacyaha cyangwa kubahiriza amasaha y'isaka bishobora kutubahirizwa. Buri gihe isaka rikorwa hari abahagarariye ubuyobozi bw'inzego z'banze bw'aho icyo gikorwa kibera.</p> <p>Gusaka bikorwa imbere y'ukekwa icyaha cyangwa se bene urugo. Iyo badahari ntibibuza isakwa gukorwa.</p> <p>Iyo Umugenzacyaha cyangwa Umushinjacyaha agomba gukora isaka mu biro by'umuntu ukora umwuga wihariye, arikora hari usakwa cyangwa uwo yahaye uburenganzira bwo kumuhagararira. Icyakora, iyo usakwa adahari kandi ntawe yahaye uburenganzira bwo kumuhagararira, nta kibuzwa isaka gukorwa.</p> <p>Iyo usakwa afite urugaga abarizwamo, iryo sakwa rikorwa hari uhagarariye urwo rugaga.</p> <p>Umugenzacyaha cyangwa Umushinjacyaha umaze gukora isaka akora inyandiko mvugo y'isaka.</p> | <p>the requirement for the investigator to obtain a search warrant or observe search hours may not be complied with. Search is always conducted in presence of the representatives of the local authorities of the place of search.</p> <p>The search is conducted in the presence of the suspect or household members. Their absence cannot prevent the conduct of search.</p> <p>If the investigator or prosecutor is required to search an office of a person with a private profession, the search is conducted in the presence of that person under search or his or her duly authorized representative. However, if the person under search is absent and he or she has no duly authorized representative, nothing prevents the search from being conducted.</p> <p>If the person under search is a member of a professional association, the search is conducted in the presence of the representative of the association.</p> <p>An investigator or a prosecutor who concludes any search is required to prepare a search statement.</p> | <p>l'enquêteur de se munir d'un mandat de perquisition ou de respecter les heures de perquisition peut ne pas être respectée. Dans tous les cas, la perquisition se fait en présence des représentants des autorités locales du lieu de la perquisition.</p> <p>La perquisition se fait en présence du suspect ou des membres du ménage. Mais leur absence n'empêche pas la perquisition.</p> <p>Si un enquêteur doit faire une perquisition dans un cabinet d'une personne exerçant une profession libérale, la perquisition se fait en présence de la personne concernée ou de son représentant dûment autorisé. Toutefois, l'absence du suspect et le fait qu'il n'a pas laissé de représentant n'empêchent pas la perquisition d'avoir lieu.</p> <p>Lorsque la personne perquisitionnée est un membre d'une organisation professionnelle, la perquisition se fait en présence d'un représentant de cette organisation.</p> <p>L'enquêteur ou l'officier de poursuite judiciaire qui vient de procéder à une perquisition dresse un procès-verbal de perquisition.</p> |
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| <p><u>Ingingo ya 56:</u> Gukoresha isaka ryo ku mubiri cyangwa mu mubiri</p> <p>Mu ishakisha ry'ibimenyetso, isaka ryo ku mubiri cyangwa mu mubiri rishobora gukoreshwa n'Umugenzacyaha cyangwa Umushinjacyaha yifashishije umuntu ubifitiye ubumenyi cyangwa akoresheje ikoranabuhanga ryabugenewe.</p> <p>Uretse igihe umuntu afatiwe mu cyuho, Umugenzacyaha cyangwa Umushinjacyaha ntashobora gukoresha isaka umuntu yambitswe ubusa cyangwa mu mubiri atabihereye uruhushya n'Umushinjacyaha uyobora urwego rw'ubushinjacyaha akoreramo. Iryo saka rikorwa na muganga wenyine.</p> <p>Umuntu ugomba gusakwa yambitswe ubusa cyangwa mu mubiri ashobora kwihitiramo umuherekeza w'umuganga, uwo bashyingiranywe cyangwa undi muntu wese mukuru yihitiyemo.</p> <p><u>Ingingo ya 57:</u> Ifatira n'itambamira ry'ibintu</p> <p>Umugenzacyaha cyangwa Umushinjacyaha ashobora gufatira ibintu cyangwa gutambamira umutungo utimukanwa aho byaba biri hose no mu buryo ubwo ari bwo bwose iyo bishobora kunyagwa mu buryo bwateganyijwe n'itegeko</p> | <p><u>Article 56:</u> Conducting body search or a body cavity search</p> <p>During evidence collection, an investigator or a prosecutor may conduct a body search or body cavity search of a suspect with the help of a qualified person or through appropriate technology.</p> <p>Unless the person is caught red-handed, an investigator or a prosecutor cannot conduct a strip-search or a body cavity search without prior authorisation of the Chief Prosecutor of the prosecution organ where he or she works. A strip-search or body cavity search is conducted exclusively by a medical doctor.</p> <p>A strip-search or a body cavity search subject may choose a medical doctor, his/her spouse or any other adult person to accompany him or her.</p> <p><u>Article 57:</u> Seizure and caveat of objects</p> <p>An investigator or a prosecutor may seize objects or put caveat on immovable asset wherever they are and in any way if the confiscation is carried out in accordance with the Law and such other items that may serve as</p> | <p><u>Article 56:</u> Ordonner une fouille corporelle ou des cavités corporelles</p> <p>Au cours de la collecte des preuves, l'enquêteur ou l'officier de poursuite judiciaire peut ordonner une fouille corporelle ou des cavités corporelles d'un suspect, avec l'assistance d'une personne qualifiée ou à l'aide de moyens électroniques appropriés.</p> <p>Sauf en cas d'une personne prise en flagrant délit, l'enquêteur ou l'officier de poursuite judiciaire ne doit pas ordonner une fouille corporelle à nu ou une fouille des cavités corporelles sans l'autorisation préalable du Procureur en Chef de l'organe de poursuite au niveau duquel il travaille. Cette fouille est faite exclusivement par un médecin.</p> <p>La personne devant faire objet de fouille à nu ou de fouille des cavités corporelles peut, de son choix, désigner un médecin, son conjoint ou toute autre personne adulte pour l'accompagner.</p> <p><u>Article 57:</u> Saisie et opposition des objets</p> <p>L'enquêteur ou l'officier de poursuite judiciaire peut procéder à la saisie des objets ou à l'opposition sur un bien immeuble en tout lieu où ils se trouvent et de toute manière que ce soit lorsqu'ils peuvent faire l'objet de confiscation</p> |
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| <p>n'ibindi byose bishobora kuba ibimenyetso bihamya cyangwa birengera uregwa.</p> <p>Umugenzacyaha cyangwa Umushinjacyaha ashobora kandi ku mpamvu z'iperereza ku cyaha cyakozwe cyangwa kuburizamo icyaha cyendaga gukorwa, gufatira amafaranga ari kuri konti, imigabane yo mu bucuruzi cyangwa inyungu zayo hagamijwe gushakisha ibimenyetso kuri icyo cyaha. Ifatira rivugwa muri iki gika, ntirishobora kurenza iminsi mirongo itatu (30) keretse mu gihe Umushinjacyaha yongereye icyo gihe indi minsi itarenze mirongo itatu (30).</p> | <p>incriminating or exculpatory evidence against the suspect.</p> <p>An investigator or a prosecutor may also, for the purpose of conducting investigation on committed offence or preventing the offence from being committed, freeze bank accounts, business shares or their interests in order to collect evidence on the offence. The seizure provided for under this Paragraph cannot exceed a period of thirty (30) days unless the prosecutor extends such a period to a maximum of additional thirty (30) days.</p> | <p>prévue par la loi et de tous les autres éléments qui peuvent servir de preuves à charge ou à décharge.</p> <p>Un enquêteur ou un officier de poursuite judiciaire peut aussi, pour des raisons d'acte d'instruction sur une infraction commise ou de prévention d'une infraction sur le point d'être commise, procéder à la saisie de frais sur un compte, des actions commerciales ou de leurs dividendes en vue de la recherche de preuves sur cette infraction. La saisie visée au présent alinéa ne peut dépasser trente (30) jours sauf lorsque l'officier de poursuite judiciaire renouvelle ce délai de trente (30) jours supplémentaires maximum.</p> |
| <p><u>Ingingo ya 58: Imicungire y'ibintu byafatiriwe</u></p> | <p><u>Article 58: Management of the seized property</u></p> | <p><u>Article 58: Gestion des biens saisis</u></p> |
| <p>Umugenzacyaha cyangwa Umushinjacyaha ufatiriye ibintu bifite aho bihuriye n'icyaha, agomba kwitwararika mu kubibika bigashyirwa mu bubiko bwabugenewe butuma bitononekara bikaba byanateza igihombo nyirabyo. Ibyafatiriwe byose bikorerwa inyandikomvugo isesengura ubwoko bwabyo bikanafotorwa.</p> | <p>An investigator or a prosecutor who seizes any property linked to the offence must preserve it in appropriate warehouse and keep it in a safe place to avoid any damage that may cause loss to the owner. Any seized property is subject to analytical statement in relation to the type of the property and photos of such a property must be taken.</p> | <p>Un enquêteur ou un officier de poursuite judiciaire qui saisit les biens ayant un rapport avec la commission de l'infraction doit les garder avec diligence et les garder dans un endroit sain pour ne pas être endommagés et causer une perte au propriétaire. Tous les biens saisis font l'objet d'un procès-verbal faisant mention de leur identification et sont photographiés.</p> |
| <p>Iyo ibintu byafatiriwe bishobora kwangirika, guta agaciro cyangwa kugira ingaruka mbi ku</p> | <p>If the property seized may become damages, depreciate or if the property may pose a serious</p> | <p>Lorsque les objets saisis sont périssables, susceptibles de se déprécier ou présentent un</p> |

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| <p>buzima bw'abantu, ku mutekano wabo cyangwa ku mutungo wabo, Umugenzacyaha cyangwa Umushinjacyaha ashobora, abyibwirije cyangwa abisabwe n'umuntu wese ubifitemo inyungu, guhita afata icyemezo abona ko ari ngombwa nko kubisubiza nyirabyo, kubibitsa, kubishinganisha, kubisenya cyangwa gufata ikindi cyemezo gikwiye. Abikorera inyandikomvugo, kopi yayo igashyikirizwa nyirabyo.</p> | <p>danger to people's health, safety or property, the investigator or the prosecutor may, on own initiative or upon request by any interested person, immediately take any necessary measures such as returning the property to owner, depositing or placing the property under suretyship, destroy the property or take any other appropriate measures. He or she records it in a written statement and reserves a copy of the statement to the owner of the property.</p> | <p>danger sérieux pour la santé ou la sécurité des personnes ou des biens, l'enquêteur ou l'officier de poursuite judiciaire peut immédiatement prendre une mesure qui s'impose soit d'office, soit à la demande de toute partie intéressée comme les remettre au propriétaire, sous la garde, en sûreté, les détruire ou prendre toute autre mesure utile. Il en rédige un procès-verbal et sa copie est remise au propriétaire.</p> |
| <p>Mu gihe icyemezo cyo gusubiza ibyafatiriwe cyafashwe ariko nyirabyo akabura cyangwa akarenza igihe cy'umwaka umwe (1) ataraza kubifata, Ubushinjacyaha bushobora gufata icyemezo cyo kubiteza cyamunara iyo bubona bishobora kwangirika, gusaza cyangwa guta agaciro, amafaranga avuyemo akabikwa mu isanduku ya Leta kugeza igihe nyirabyo abonekeye. Iyo abonetse amafaranga yakoreshejwe kuva icyemezo cyo kubirekura gifashwe kugeza bitejwe cyamunara avanwa mu yo asubizwa.</p> | <p>In case the decision to return the seized property to the owner is taken but the owner is un available or exceeds a period of one (1) year without taking the property, the public prosecution may, in case the prosecutor believes that the property may perish, expire or depreciate, auction the property and the proceeds thereof are kept in State treasury until the owner is available. If the owner is available, the expenses incurred from the time the decision to return the property to the owner was taken to the time the property was auctioned are deducted from the proceeds from the property.</p> | <p>Lorsque la décision de remettre les biens saisis à leur propriétaire est prise mais que ce dernier ne se présente pas pendant un (1) an, l'organe de poursuite judiciaire peut décider de leur vente aux enchères lorsque l'organe constate que lesdits biens peuvent être endommagés, périr ou se dévaluer et l'argent qui en résulte est déposé au Trésor public en attente du propriétaire. Lorsque ce dernier se présente, les dépenses encourues depuis la décision de remise des biens jusqu'au jour de la vente aux enchères sont déduites du montant lui remis.</p> |
| <p>Umugenzacyaha cyangwa Umushinjacyaha agena aho ibitasenywe bibikwa mu gihe hagitegerejwe iburanisha.</p> | <p>The investigator or prosecutor determines the place where non destroyed property is kept pending the hearing.</p> | <p>L'enquêteur ou l'officier de poursuite judiciaire détermine l'endroit où les objets non détruits sont gardés en attendant l'audience.</p> |

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| <p><u>Ingingo ya 59: Inyandikomvugo y’ifatira</u></p> <p>Inyandikomvugo y’ifatira ironдора ibyafatiriwe kandi ishyirwaho umukono n’uwari ubifite n’abatangabuhama yio bahari. Iyo uwari ubifite adahari cyangwa se adashobora cyangwa adashaka gushyira umukono ku nyandikomvugo y’ifatira byandikwa muri iyo nyandikomvugo uwari ubifite agahabwa kopi.</p> <p>Inyandikomvugo zose zakozwe mu ifatira kimwe n’imigereka yazo bishyirwa muri dosiye y’ukekwaho icyaha kopi yazo igahabwa nyirabyo.</p> <p><u>Ingingo ya 60: Uburenganzira bwo gusaka no kujya ahashobora kuboneka ibimenyetso</u></p> <p>Umushinjacyaha cyangwa Umugenzacyaha wahawe ububasha bwo gusaka no kujya ahashobora kuboneka ibimenyetso, agomba kwerekana ikarita y’akazi igifite agaciro n’urupapuro rumuha uburenganzira bwo gukora iyo mirimo rushyizweho umukono n’umuyobozi ubifitiye ububasha. Kopi y’urwo rwandiko ihabwa ukekwa icyaha iyo ahari na nyir’ahantu hagomba gusakwa.</p> | <p><u>Article 59: Statement of seizure</u></p> <p>A statement of seizure indicates details of the property seized and is signed by the person who held the property and witnesses, if any. If the person who held the property is unavailable, unable or refuses to sign the statement of seizure, it is mentioned in the statement and its copy given to the person who held the property.</p> <p>Any statements prepared during seizure as well as respective attachments are included in the file of the suspect and their copies are given to the owner of the property.</p> <p><u>Article 60: Authorization to search and visit any place where evidence may be found</u></p> <p>A prosecutor or an investigator vested with powers to conduct a search and to visit any place where evidence may be found must present a valid service card and a search warrant signed by the competent authority. A copy of the search warrant is given to the suspect if present and the owner of the premises to be searched.</p> | <p><u>Article 59: Procès-verbal de saisie</u></p> <p>Le procès-verbal de saisie décrit les objets saisis et est signé par le détenteur desdits objets et par les témoins, le cas échéant. Si le détenteur est absent ou s’il ne peut ou ne veut pas signer le procès-verbal de saisie, mention en est faite sur le procès-verbal dont une copie est donnée à celui qui était en possession de ces objets.</p> <p>Tous les procès-verbaux dressés au moment de la saisie et leurs annexes sont insérés au dossier du suspect et leurs copies sont données au propriétaire.</p> <p><u>Article 60: Autorisation de fouille et de faire des visites des lieux où l’on peut trouver des preuves</u></p> <p>L’officier de poursuite judiciaire ou l’enquêteur chargé d’une mission de perquisition et de visite des lieux où l’on peut trouver des preuves doit exhiber une carte de service valable et un mandat de perquisition signé par l’autorité compétente. Une copie du mandat de perquisition est donnée au prévenu s’il est présent et au propriétaire des lieux de perquisition.</p> |
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| <u>Ingingo ya 61: Urwandiko rwo gusaka</u> | <u>Article 61: Search warrant</u> | <u>Article 61: Mandat de perquisition</u> |
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| <p>Urwandiko rwo gusaka ni icyemezo gitangwa n'Ubushinjacyaha bitangiwe uruhushya n'aba bakurikira:</p> <ol style="list-style-type: none"> 1° Umushinjacyaha Mukuru; 2° Umushinjacyaha Mukuru wa Gisirikare ku bireba abasirikare n'uwo bafatanyije icyaha; 3° Umushinjacyaha ku Rwego rw'Igihugu; 4° Umushinjacyaha uyobora Ubushinjacyaha ku Rwego Rwisumbuye; 5° Umushinjacyaha ku Rwego rw'Ibanze. <p>Urwandiko ruvugwa mu gika cya mbere cy'iyi ngingo ruha ugomba kugishyira mu bikorwa uburenganzira bwo kujya ahantu hagenwe mu rwandiko, kugira ngo abe yatahura ibimenyetso cyangwa ibintu byagaragaza ukuri kw'icyaha n'ugikekwaho.</p> | <p>A search warrant is an authorization issued by the Public Prosecution upon authorization by:</p> <ol style="list-style-type: none"> 1° the Prosecutor General; 2° the Military Prosecutor General in case of members of the military or their co-offender; 3° a National Prosecutor; 4° a Chief Prosecutor at the Intermediate level; 5° a Prosecutor at the Primary level. <p>The warrant provided for under Paragraph One of this Article empowers the person in charge of its enforcement to enter any premises mentioned in the document to uncover evidence or items that may establish the truth in relation to the offence and the suspect.</p> | <p>Le mandat de perquisition est un document délivré par l'officier de poursuite judiciaire sur autorisation des personnes suivantes:</p> <ol style="list-style-type: none"> 1° le Procureur général; 2° l'Auditeur général militaire pour les infractions commises par des militaires et leurs co-auteurs; 3° un Procureur national; 4° un Procureur en Chef au niveau de Grande Instance; 5° un officier de poursuite judiciaire au niveau de Base. <p>Le mandat visé à l'alinéa premier du présent article donne pouvoir à l'officier chargé de la perquisition d'entrer dans tout lieu en vue d'y découvrir les indices ou objets permettant d'établir la réalité de l'infraction et du suspect.</p> |

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| <p><u>Ingingo ya 62: Kumenya ibikubiye mu nyandiko zishakishwa</u></p> <p>Iyo ari inyandiko zishakishwa, ububasha bwo kumenya ibikubiye muri izo nyandiko mbere yo kuzifatira bufitwe n’aba bakurikira:</p> <p>1° Umushinjacyaha utegura dosiye y’urubanza cyangwa se undi yabishinze;</p> <p>2° Umugenzacyaha.</p> | <p><u>Article 62: Knowing the contents of the search warrants</u></p> <p>If the search conducted is related to documents, the power to know the contents of such documents before they are seized is entrusted to the following:</p> <p>1° the Prosecutor in charge of case file preparation or any other person he or she delegates; and</p> <p>2° an investigator.</p> | <p><u>Article 62: Connaître le contenu des documents recherchés</u></p> <p>Lorsque la perquisition porte sur les documents, le pouvoir de connaître le contenu de ces documents avant de procéder à leur saisie appartient aux officiers suivants :</p> <p>1° un officier de poursuite judiciaire en charge du dossier ou toute autre personne qu’il délègue;</p> <p>2° un enquêteur.</p> |
| <p><u>Ingingo ya 63: Kubarura no gushyira ikimenyetso ku bintu byafatiriwe</u></p> <p>Ibintu byose n’inyandiko bishyizwe mu maboko y’Ubugenzacyaha cyangwa Ubushinjacyaha bihita bibarurwa kandi bigashyirwaho ikimenyetso kigaragaza ko byafatiriwe. Hafatirwa gusa ibintu n’inyandiko byafasha kugaragaza ukuri ku cyaha gikurikiranwa.</p> | <p><u>Article 63: Inventory and marking of the items seized</u></p> <p>Any item and document placed in the custody of the organ in charge of investigation or the public prosecution are immediately counted and marked with a sign indicating seizure. Only items and documents that may assist in the establishment of the truth on the offence under investigations are seized.</p> | <p><u>Article 63: Inventaire et placement d’un signe sur les biens saisis</u></p> <p>Tous les objets et documents placés entre les mains de l’organe chargé d’enquête ou de l’organe de poursuite judiciaire sont immédiatement inventoriés et marqués d’un signe indiquant qu’ils sont saisis. Seuls les documents et objets utiles à la manifestation de la vérité sont saisis.</p> |
| <p><u>Ingingo ya 64: Inyandikomvugo y’isura, isaka n’ifatira</u></p> <p>Umushinjacyaha cyangwa Umugenzacyaha umaze gusura ahantu, gusaka no gufatira abikorera inyandikomvugo, kopi yayo igahabwa abarebwa n’icyo gikorwa.</p> | <p><u>Article 64: Statement of visit, search and seizure</u></p> <p>A prosecutor or an investigator having visited the premises and conducted a search and seizure writes a statement and give a copy thereof to the concerned persons.</p> | <p><u>Article 64: Procès-verbal de visite, de perquisition et de saisie</u></p> <p>Un officier de poursuite judiciaire ou un enquêteur qui vient de réaliser la visite des lieux, la perquisition et la saisie en dresse le procès-verbal et donne copie aux personnes concernées.</p> |

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| <p>Ingingo ya 65: Gukurikirana ufatiwe mu cyuho, usa n'ufatiwe mu cyuho cyangwa uwemeye icyaha ku buryo budashidikanywa</p> <p>Mu gihe umuntu afatiwe mu cyuho cyangwa asa n'ufatiwe mu cyuho, umuntu wese ashobora, mu gihe nta mugenzacyaha uhari, gufata ukekwa icyaha, ako kanya agahita amushyikiriza Umugenzacyaha urushije abandi kuba hafi.</p> <p>Umugenzacyaha ushyikirijwe ufatiwe mu cyuho cyangwa usa n'ufatiwe mu cyuho ategetswe, mu gihe cy'amasaha mirongo irindwi n'abiri (72), kuba yarangije kumukorera dosiye akayishyikiriza Umushinjacyaha ubifitiye ububasha, uyu na we, mu gihe kitarenze iminsi itanu (5) kandi idashobora kongerwa akaba yafatiye umwanzuro iyo dosiye.</p> <p>Iyo Umushinjacyaha asanze agomba gukurikirana ushinjwa afunze by'agateganyo, aregera urukiko kandi akarusaba ko rutegeka ko ukurikiranywe aba afunzwe by'agateganyo kugeza igihe urubanza ruzaburanishwa mu mizi yarwo.</p> <p>Urukiko rutegetswe kuburanisha urwo rubanza mu mizi mu gihe kitarenze iminsi cumi n'itanu (15) rukimara kuregerwa dosiye nshinjabyaha</p> | <p>Article 65: Criminal proceedings against a person caught red-handed, presumed to have been caught red-handed or who pleads guilty unequivocally</p> <p>When a person caught red-handed or presumed to have been caught red-handed, any person may, in the absence of an investigator, immediately arrest and surrender him or her to the nearest investigator.</p> <p>The investigator to whom the person caught red-handed or presumed to have been caught red-handed is surrendered, is required, in a period not exceeding seventy-two (72) hours, to prepare the file and submit it to the competent prosecutor who decides on the file in a non-renewable period of five (5) days.</p> <p>If the prosecutor believes it is appropriate to prosecute a suspect while in provisional detention, the prosecutor petitions the court to order the suspect to be provisionally detained until the case is heard on its merits.</p> <p>The court is required to try the case on its merits within a period not exceeding fifteen (15) days from receipt of the criminal case file and the</p> | <p>Article 65: Poursuite contre un suspect pris en flagrant délit, réputé pris en flagrant délit ou en cas d'aveu sincère de culpabilité</p> <p>Si une personne est prise en flagrant délit ou réputée prise en flagrant délit, toute personne peut, en l'absence d'un enquêteur, l'arrêter et le conduire immédiatement devant l'enquêteur le plus proche.</p> <p>L'enquêteur devant lequel la personne prise en flagrant délit ou réputée prise en flagrant délit est traduite doit avoir terminé de constituer son dossier endéans soixante-douze (72) heures et le transmettre à l'officier de poursuite judiciaire compétent qui, à son tour, prend décision sur ce dossier endéans cinq (5) jours non renouvelables.</p> <p>Lorsque l'officier de poursuite judiciaire juge opportun de poursuivre le prévenu étant en situation de détention provisoire, il saisit la juridiction et lui demande d'ordonner sa mise en détention provisoire en attendant le jugement de l'affaire sur le fond.</p> <p>La juridiction est tenue de statuer sur le fond de l'affaire endéans quinze (15) jours à partir de la saisine du dossier pénal et prononcer le</p> |
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| <p>kandi rugasomwa mu gihe kitarenze iminsi itanu (5) kuva iburanishwa risojwe.</p> <p>Iyo ukekwa gukora icyaha acyiyemereye ku buryo budashidikanywaho, akurikiranwa hakurikijwe ibiteganywa mu gika cya 2, icya 3 n'icya 4 by'iyi ngingo kandi umucamanza waregwe urwo rubanza ashobora kugabanya ibihano byari biteganyijwe akurikije ibiteganywa n'itegeko ryerekeye ibyaha n'ibihano muri rusange.</p> <p>Mu gihe uwari wiyemereye icyaha ageze mu rukiko akagihakana, umucamanza ntaba agitegetswe guca urubanza mu minsi cumi n'itanu (15) iteganywa muri iyi ngingo.</p> <p>Ibihe bivugwa muri iyi ngingo ni nabyo bikurikizwa iyo habaye ubujurire.</p> <p><u>Ingingo ya 66: Gufata no gufunga</u></p> <p>Ukekwa icyaha akurikiranwa adafunze. Ashobora ariko gukurikiranwa afunze iyo hari impamvu zikomeye zituma akekwa icyaha amategeko ahanisha nibura igihano cy'igifungo cy'imyaka ibiri (2).</p> | <p>judgment is required to be pronounced within five (5) days of the closure of proceedings.</p> <p>In case the accused pleads guilty unequivocally, proceedings are conducted in accordance with Paragraphs 2, 3 and 4 of this Article and the judge seized in this case may reduce specified penalties in accordance with the provisions of the Law determining offences and penalties in general.</p> <p>In case a person had earlier confessed and later pleads not guilty before the court, the judge, in this case, is not obliged to adjudicate the case within fifteen (15) days provided for under this Article.</p> <p>The time limits referred to in this Article are respected in case of appeal.</p> <p><u>Article 66: Arrest and detention</u></p> <p>A suspect normally remains free during investigation. He or she may be held in provisional detention if there are sufficient grounds to believe that he or she committed an offence which is punishable with imprisonment for a term of at least two (2) years.</p> | <p>jugement dans les cinq (5) jours suivant la clôture des audiences.</p> <p>En cas d'aveu sincère du suspect, les dispositions des alinéas 2, 3 et 4 du présent article restent applicables à sa poursuite et le juge saisi du dossier peut réduire les peines suivant les dispositions de la loi déterminant les infractions et les peines en général.</p> <p>Lorsque l'accusé rejette son aveu devant la juridiction, le juge n'est plus tenu de rendre son jugement endéans quinze (15) jours prévus au présent article.</p> <p>Les délais mentionnés dans cet article sont aussi applicables en cas de recours.</p> <p><u>Article 66: Arrestation et détention</u></p> <p>Le prévenu reste libre pendant la période d'instruction. Il peut être mis en détention provisoire en cas d'indices sérieux qui portent à croire qu'il a commis une infraction punissable de deux (2) ans d'emprisonnement au moins.</p> |
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| <p>Icyakora, n'iyi igihano giteganyijwe kitageze ku myaka ibiri (2) ariko kitari muni y'amezi atandatu (6), Umugenzacyaha cyangwa Umushinjacyaha ashobora kuba afunze ukekwa icyaha iyo:</p> <p>1° atinya ko yatoroka ubutabera;</p> <p>2° umwirondoro we utazwi cyangwa ushidikanywaho;</p> <p>3° kuba amufunze mu gihe agitegereje icyemezo cy'umucamanza ari bwo buryo bwonyine bwo gutuma ukurikanywe adasibanganya ibimenyetso cyangwa se ngo yotse igitutu abatangabuhama n'abakorewe icyaha cyangwa se habaho ubwumvikane hagati y'abakurikanywe n'ibitso byabo ;</p> <p>4° iryo fungwa ari bwo buryo bwonyine bwo kurinda ukurikanywe, bwo gutuma inzego z'ubutabera zimubonera igihe zimukeneye, bwo gutuma icyaha gihagarara cyangwa se kitongera gusubirwamo.</p> <p>Mu gufata icyemezo cyo gufunga, Umugenzacyaha cyangwa Umushinjacyaha yita no ku zindi mpamvu, zaba izirebana</p> | <p>However, even if the penalty provided for is less than two (2) years but not less than six (6) months, the investigator or prosecutor may provisionally detain the suspect if:</p> <p>1° there is reason to believe that the suspect may evade justice;</p> <p>2° the identity of the suspect is unknown or doubtful;</p> <p>3° the provisional detention is the only way to prevent the suspect from disposing of evidence or exerting pressure on witnesses and victims or prevent collusion between the suspect and their accomplices;</p> <p>4° such detention is the only way to protect the accused, to ensure that the accused appears before judicial organs whenever required or to prevent the offence from continuing or reoccurring.</p> <p>The investigator or prosecutor, while taking the decision to detain, considers other circumstances related to the conduct and</p> | <p>Toutefois, même si la peine prévue est inférieure à deux ans mais toujours supérieure ou égale à six (6) mois, l'enquêteur ou l'officier de poursuite judiciaire peut mettre en état de détention provisoire le suspect si:</p> <p>1° il y a lieu de craindre qu'il puisse échapper à la justice;</p> <p>2° son identité est inconnue ou douteuse;</p> <p>3° la détention provisoire est l'unique moyen de conserver les preuves ou d'empêcher soit une pression sur les témoins et les victimes, soit une concertation frauduleuse entre le prévenu et les complices;</p> <p>4° la détention est l'unique moyen de protéger le prévenu, de garantir son maintien à la disposition de la justice, de mettre fin à l'infraction ou de prévenir sa répétition.</p> <p>En prenant la décision de détenir ; l'enquêteur ou l'officier de poursuite judiciaire prend en considération d'autres critères en relation avec</p> |
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| <p>n'imyifatire y'ukekwaho icyaha, ubwoko bw'icyaha n'uburemere bwacyo, cyangwa niba ikigamijwe mu gufunga ukekwa icyaha kidashobora kugerwaho hakoreshajwe ubundi buryo.</p> <p>Inyandikomvugo yo gufata no gufunga ukekwa icyaha cyangwa icyemezo cy'umushinjacyaha gifunga by'agateganyo kimara igihe cy'iminsi itanu (5) kidashobora kongerwa. Ukekwa icyaha agenerwa kopi.</p> <p>Iyo ukekwa icyaha afashwe, ariko mu rwego rw'iperereza Ubugenzacyaha cyangwa Ubushinjacyaha bugasanga nta mpamvu zikomeye zo gukera ko yakoze icyaha cyangwa ko yagerageje kugikora, ahita arekurwa. icyo cyemezo gishyirwa mu nyandiko ukurikiranyweho icyaha akagenerwa kopi.</p> <p><u>Ingingo ya 67: Gutegekwa ibigomba kubahirizwa mu gihe cy'iperereza</u></p> <p>Mu gihe cy'iperereza n'iyo haba hari impamvu zikomeye zo gukera ko umuntu yakoze icyaha cyangwa ko yagerageje kugikora, Umugenza cyaha cyangwa Umushinjacyaha bashobora kutamufunga bakamutegeka ibyo agomba kubahiriza.</p> | <p>behaviour of the suspect, the category and the gravity of the offence or whether the objective of detaining the suspect may not be achieved through any other means.</p> <p>A statement of arrest and detention of the suspect is valid for five (5) days which cannot be extended. A copy of such a statement is reserved to the suspect.</p> <p>A suspect who is arrested is immediately released if the organ in charge of investigation or the Public Prosecution finds in the course of investigation that there are no serious grounds for suspecting him or her of having committed or attempted to commit an offence. Such a decision is put in writing whose copy is reserved to the suspect.</p> <p><u>Article 67: Instruction to the suspect to comply with a set of conditions during investigation</u></p> <p>During investigation, the investigator or prosecutor may, even if he or she believes that there are serious grounds to suspect that the suspect committed or attempted to commit the offence, release a suspect but instruct him or her to comply with a set of conditions.</p> | <p>la conduite et le comportement du suspect, la catégorie et la gravité de l'infraction alléguée contre lui, et si le but poursuivi en le plaçant en détention ne peut être atteint par d'autres moyens.</p> <p>Le procès-verbal d'arrestation et de garde à vue du suspect est valable pendant une durée de cinq (5) jours qui ne peut pas être prolongée. Une copie de procès-verbal est réservée au prévenu.</p> <p>Si un suspect est arrêté et que l'organe chargé d'enquête ou l'officier de poursuite judiciaire constate au cours de l'instruction, qu'il n'existe pas d'indices sérieux faisant croire qu'il a commis ou tenté de commettre une infraction, il est immédiatement libéré. Cette décision est mise à écrit dont une copie est réservée au suspect.</p> <p><u>Article 67: Obligation de se conformer à certaines conditions au cours de l'acte d'instruction</u></p> <p>Au cours de l'acte d'instruction, l'enquêteur ou l'officier de poursuite judiciaire, même s'il est d'avis qu'il n'y a des indices sérieux de culpabilité du suspect ou de tentative de commission d'une infraction par ce dernier, peut libérer le suspect mais tout en lui obligeant de se conformer à certaines conditions.</p> |
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| <u>Ingingo ya 68: Uburenganzira bw'ukekwahe icyaha</u> | <u>Article 68: Rights of the suspect</u> | <u>Article 68: Droits du suspect</u> |
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| <p>Umuntu wese ufunzwe n'Ubugenzacyaha cyangwa Ubushinjacyaha agomba kumenyeshwa icyo afungiwe kimwe n'uburenganzira bwe burimo no kubimenyeshya umwunganira n'undi wese yashaka kubimenyeshya. Iryo menyeshya rishyirwa mu nyandikomvugo n'umugenzacyaha cyangwa umushinjacyaha akayishyiraho umukono hamwe n'ukekwahe icyaha.</p> | <p>Any person held in custody by the organ in charge of investigation or public prosecution must be notified of the charges against him or her and his or her rights including the right to inform his or her legal counsel or any other person of his or her choice. Such a notification is made in a statement signed by both the investigator and the suspect.</p> | <p>Toute personne placée en garde à vue par l'organe chargé d'enquête ou l'organe de poursuite judiciaire doit être notifiée du motif d'arrestation et de ses droits notamment celui d'en informer son avocat ou toute autre personne de son choix. Cette notification est consignée dans un procès-verbal signée à la fois par l'enquêteur et le suspect.</p> |
| <p>Umuntu wese ufunzwe n'Ubugenzacyaha cyangwa Ubushinjacyaha afite uburenganzira bwo kugira umwunganira no kuvugana nawe mu muhezo.</p> | <p>Any person held in custody by the organ in charge of investigation or the public prosecution has the right to a legal counsel and engage in private communication with him or her.</p> | <p>Toute personne placée en garde à vue par l'organe chargé d'enquête ou l'organe de poursuite judiciaire a le droit d'avoir un avocat et d'avoir une communication privée avec lui.</p> |
| <p>Umuntu wese ufunzwe yishakira umwunganira, akanemererwa kuvugana nawe mu muhezo. Iyo adashoboye kumwishakira, Umugenzacyaha cyangwa Umushinjacyaha abimenyeshya Umukuru w'Urugaga rw'abavoka kugira ngo amumugenere.</p> | <p>Any person held in custody has the right to seek a legal counsel of his or her choice and is allowed to have private communication with him or her. If he or she is unable to find a legal counsel, the investigator or the prosecutor informs the President of the Bar Association to assign a legal counsel to him or her.</p> | <p>Toute personne placée en garde à vue a le droit de chercher un avocat de son choix et de communiquer avec lui à huis clos. Lorsqu'elle n'est pas capable de chercher un avocat, l'enquêteur ou l'officier de poursuite judiciaire en informe le Bâtonnier pour le lui désigner d'office.</p> |
| <p>Umuntu ufunzwe n'Ubugenzacyaha cyangwa Ubushinjacyaha ugenewe umwavoka mu buryo buvugwa mu gika cya 3 cy'iyi ngingo ntashobora kumwanga atabigararije impamvu zikomeye.</p> | <p>Any person held in custody by the organ in charge of investigation or the public prosecution who is assigned a legal counsel in accordance with the provisions of Paragraph 3</p> | <p>Toute personne placée en garde à vue par l'organe chargé d'enquête ou l'officier de poursuite judiciaire à qui l'avocat est procuré conformément aux dispositions de l'alinéa 3 du</p> |

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| <p><u>Ingingo ya 69: Amazu afungirwamo</u></p> <p>Umuntu ufunzwe n'Ubugenzacyaha cyangwa n'Ubushinjacyaha ntashobora na rimwe gufungirwa muri gereza cyangwa se ahandi hantu hatari mu nzu yabigenewe iri mu ifasi y'aho Umugenzacyaha cyangwa Umushinjacyaha akorera cyangwa aho Umugenzacyaha cyangwa Umushinjacyaha wa gisirikare akorera iyo ukekwa icyaha ari umusirikare, uwo bafatanyije n'icyitso cye.</p> <p>Iteka rya Minisitiri ufite umutekano w'imbere mu gihugu mu nshingano ze rigena amazu Ubugenzacyaha cyangwa Ubushinjacyaha bufungiramo ukekwa icyaha. K'ukekwa icyaha ugomba gukurikiranwa n'Ubugenzacyaha bwa gisirikare, ayo mazu afungirwamo agenwa n'Iteka rya Minisitiri ufite ingabo mu nshingano ze.</p> <p><u>Ingingo ya 70: Kugenzura ukekwa icyaha hifashishijwe ikoranabuhanga</u></p> <p>Ukekwa icyaha ashobora kugenzurwa hifashishijwe ikoranabuhanga.</p> | <p>of this Article cannot refuse the counsel without justified reasons.</p> <p><u>Article 69: Detention facilities</u></p> <p>A detainee held by the organ in charge of investigation or the prosecution is in no way held in prison or in any place other than an appropriate place located within the jurisdiction of the investigator or the prosecutor, or of the investigator or the military prosecutor for members of the military, their co-offenders and accomplices.</p> <p>An Order of the Minister in charge of internal security determines the detention facilities in which the organ in charge of investigation or the prosecution detains a suspect. An Order of the Minister in charge of Defence Forces determines detention facilities in which the suspect investigated by the Military investigators is held.</p> <p><u>Article 70: Monitoring a suspect through technology</u></p> <p>A suspect may be monitored through technology.</p> | <p>présent article ne peut pas le refuser sans présenter des raisons sérieuses.</p> <p><u>Article 69: Maisons d'arrêt</u></p> <p>Une personne placée en garde à vue par l'organe chargé d'enquête ou par l'organe de poursuite ne peut en aucun cas être détenue dans une prison ou ailleurs que dans une maison d'arrêt appropriée située dans le ressort de l'enquêteur ou l'officier de poursuite judiciaire, ou de l'enquêteur ou l'officier de poursuite judiciaire militaire pour les militaires, leurs co-auteurs et complices.</p> <p>Un arrêté du Ministre ayant la sécurité intérieure dans ses attributions détermine les maisons d'arrêts pour les suspects détenus par l'organe chargé d'enquête ou l'organe de poursuite judiciaire. Pour le suspect poursuivi par les enquêteurs militaires, ces maisons sont déterminées par arrêté du Ministre ayant les forces de défense dans ses attributions.</p> <p><u>Article 70: Surveillance électronique du suspect</u></p> <p>Un suspect peut être placé sous surveillance électronique.</p> |
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| <p>Iteka rya Minisitiri ufite ubutabera mu nshingano ze rigena uburyo ukekwahe icyaha ashobora kugenzurwa hifashishijwe ikoranabuhanga.</p> <p><u>Ingingo ya 71: Iperereza ku mibereho y'ukekwaho icyaha</u></p> <p>Umugenzacyaha cyangwa Umushinjacyaha ukurikiranye dosiye ntiyita ku mikorere y'icyaha gusa. Ashobora no guperereza ku mibereho y'ukekwaho icyaha mu buzima busanzwe abaza ukekwahe icyaha, ababyeyi be, abakoresha n'abandi bese bashobora kumufasha kumenya imyitwarire ye mu buzima busanzwe akayihuza n'icyaha cyakozwe.</p> <p>Mu guperereza ku mibereho y'uregwa hashobora no kwifashishwa abahanga, icyemezo cy'indangabihano ndetse n'ibindi byose bishobora gutuma hamenyekana imyitwarire y'ukekwaho icyaha.</p> <p>Ibivuye mu iperereza bikorerwa inyandikomvugo, Umugenzacyaha cyangwa Umushinjacyaha agakora inyandiko isesenguye ivuga muri make imibereho y'ukekwaho icyaha ishyirwa muri dosiye.</p> | <p>An Order of the Minister in charge of justice determines the modalities through which a suspect may be monitored through technology.</p> <p><u>Article 71: Investigation on the background of the suspect</u></p> <p>An investigator or a prosecutor processing the file does not consider the commission of the offence only. He or she can also investigate on the background of the suspect by interrogating the suspect, his or her parents, employers and any other persons who may help the investigator to discover the conduct of the suspect in daily life and links the conduct to the offence committed.</p> <p>The investigator may also, during investigation on the background of the suspect, seek assistance from experts, refer to criminal record and any other factors that may reveal the conduct of the suspect.</p> <p>Investigation findings are subject to a statement and the investigator is required to prepare a brief and analytical document that describes the background of the suspect which is included in the file.</p> | <p>Un arrêté du Ministre ayant la Justice dans ses attributions détermine les modalités de surveillance électronique du suspect.</p> <p><u>Article 71: Enquête sur les antécédents du suspect</u></p> <p>Un enquêteur ou officier de poursuite judiciaire qui instruit le dossier ne se limite pas seulement aux circonstances de commission de l'infraction. Il doit aussi enquêter sur les conditions de vie normales du suspect en interrogeant le suspect, ses parents, employeurs et autres pouvant l'aider à comprendre ses comportements dans la vie habituelle et le mettre en rapport avec l'infraction commise.</p> <p>En enquêtant sur les antécédents du suspect, il est possible de faire recours aux experts, à l'extrait du casier judiciaire et autres moyens pouvant conduire à savoir la vérité sur le suspect.</p> <p>Les résultats de l'enquête sont actés dans un procès-verbal, l'enquêteur ou l'officier de poursuite judiciaire dresse un acte détaillé faisant mention brièvement des antécédents du suspect qui est inséré dans le dossier.</p> |
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| <u>Ingingo ya 72: Inyandikomvugo</u> | <u>Article 72: Statement</u> | <u>Article 72: Procès-verbal</u> |
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| <p>Mu gukora inyandikomvugo, Umugenzacyaha cyangwa Umushinjacyaha yibanda kuri ibi bikurikira:</p> | <p>The investigator or prosecutor, while preparing the statement, mainly focuses on the following:</p> | <p>En rédigeant le procès-verbal, l'enquêteur ou l'officier de poursuite judiciaire tient essentiellement compte de ce qui suit :</p> |
| <p>1° umwirondoro w'ubazwa;</p> | <p>1° the identity of the interrogated person;</p> | <p>1° l'identité de la personne interrogée ;</p> |
| <p>2° ubwoko bw'icyaha;</p> | <p>2° the nature of the offence;</p> | <p>2° la nature de l'infraction ;</p> |
| <p>3° igihe cyakorewe;</p> | <p>3° the time of the commission of the offence;</p> | <p>3° le temps de commission de l'infraction ;</p> |
| <p>4° ahantu cyakorewe;</p> | <p>4° the place of the commission of the offence;</p> | <p>4° le lieu de commission de l'infraction ;</p> |
| <p>5° uburyo cyakozwe;</p> | <p>5° circumstances in which the offence was committed;</p> | <p>5° les circonstances de l'infraction ;</p> |
| <p>6° ibimenyetso bishinja cyangwa bishinjura ukekwa ko yakoze icyaha;</p> | <p>6° evidence incriminating or exculpating the suspect;</p> | <p>6° les preuves à charge ou à décharge du suspect ;</p> |
| <p>7° imvugo y'abantu bari bahari bikorwa cyangwa bafite icyo babisobanuraho.</p> | <p>7° a statement of persons who were present during the commission of the offence or who have any clarifications.</p> | <p>7° les dépositions des personnes qui étaient présentes au moment de la commission de l'infraction ou des personnes qui auraient des renseignements à fournir.</p> |
| <p>Iyo ari inyandikomvugo y'ibazwa, Umugenzacyaha cyangwa Umushinjacyaha asaba uwabajijwe gusoma uko ibyo yavuze ariko byanditse nyuma akayishyiraho umukono cyangwa igikumwe iyo ayemeye. Iyo atazi</p> | <p>If it is an interrogation statement, the investigator or prosecutor asks the interrogated person to read the statement and verify whether what is written corresponds to what he or she said and signs or puts a fingerprint on it if he or</p> | <p>Lorsqu'il s'agit du procès-verbal d'audition, l'enquêteur ou l'officier de poursuite judiciaire demande à la personne interrogée de vérifier si ses propos ont été correctement notés dans le procès-verbal d'audition et de le signer ou d'y</p> |

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| <p>gusoma, Umugenzacyaha cyangwa Umushinjacyaha aramusomera.</p> <p>Iyo yanze cyangwa adashobora gushyiraho umukono cyangwa igikumwe, byandikwa mu nyandikomvugo.</p> <p>Amakosa agaragaye mu nyandikomvugo akosorwa binyuze mu nzira yo gukora inyandikomvugo y'inyongera.</p> <p>Inyandikomvugo irangizwa n'indahiro y'Umugenzacyaha cyangwa Umushinjacyaha yanditse ikurikira: “Ndahiye ko iyi nyandikomvugo ari ukuri”. Iyo nyandikomvugo igaragaza kandi igihe yakorewe, ahantu, izina n'umukono by'uwabajije.</p> <p>Iteka rya Minisitiri ufite ubutabera mu nshingano ze riteganya imiterere n'ibigize inyandikomvugo n'izindi nyandiko zikorwa n'ubugenzacyaha cyangwa ubushinjacyaha mu gihe cy'iperereza.</p> <p><u>Ingingo ya 73: Ibanga mu gihe cy'iperereza</u></p> <p>Usibye igihe itegeko ribiteganya ukundi, iperereza n'ishakwa ry'ibimenyetso bikorwa mu ibanga.</p> | <p>she so admits it. If the interrogated person does not know how to read, the investigator or prosecutor reads the statement to him or her.</p> <p>If he or she refuses or is unable to sign or to fingerprint on the statement, it is recorded in the statement.</p> <p>Errors identified in the statement are corrected by making an additional statement.</p> <p>A statement is concluded by the following written oath of the investigator or the prosecutor: “I hereby swear that this statement contains nothing but the truth”. The statement also indicates the time it was recorded, place, name and signature of the investigator.</p> <p>An Order of the Minister in charge of justice determines the format and content of the statement and other documents issued by the organ in charge of investigation or public prosecution during investigation.</p> <p><u>Article 73: Confidentiality during investigation</u></p> <p>Unless otherwise provided for by law, investigation and evidence collection are conducted in a confidential manner.</p> | <p>apposer son empreinte digitale s'il est satisfait du contenu. Si la personne interrogée ne sait pas lire, l'enquêteur ou l'officier de poursuite judiciaire lit pour son compte.</p> <p>Si la personne interrogée refuse ou est incapable de signer ou d'y apposer son empreinte digitale, ce détail est consigné dans le procès-verbal.</p> <p>Les erreurs constatées dans le procès-verbal sont rectifiées par voie d'établissement d'un procès-verbal additionnel.</p> <p>Le procès-verbal se conclut par le serment écrit de l'enquêteur ou de l'officier de poursuite judiciaire ainsi libellé : « Je jure que le présent procès-verbal est sincère ». Ce procès-verbal porte aussi l'heure, le lieu, le nom et la signature de la personne qui a interrogé.</p> <p>Un arrêté du ministre ayant la Justice dans ses attributions détermine la forme et le contenu du procès-verbal ainsi que d'autres documents dressés par l'enquêteur ou l'officier de poursuite judiciaire lors de l'instruction.</p> <p><u>Article 73: Caractère secret de l'instruction</u></p> <p>Sauf disposition contraire de la loi, la procédure au cours de l'enquête préliminaire et de l'instruction est secrète.</p> |
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| <p>Umuntu wese ufite uruhare ku murimo w'iperereza n'ishakwa ry'ibimenyetso ategetswe kugira ibanga ry'akazi.</p> | <p>Any person involved in investigation and evidence collection is bound by an obligation of professional secrecy.</p> | <p>Toute personne impliquée dans l'enquête préliminaire ou l'instruction est tenue au secret professionnel.</p> |
| <p>UMUTWE WA IV: IFUNGWA N'IFUNGURWA RY'AGATEGANYO RIKORWA N'UMUCAMANZA</p> | <p>CHAPTER IV: DETENTION AND PROVISIONAL RELEASE BY A JUDGE</p> | <p>CHAPITRE IV: DÉTENTION ET MISE EN LIBERTÉ PROVISOIRE PAR LE JUGE</p> |
| <p>Icyiciro cya mbere: Gutanga ikirego gisaba ifunga ry'agateganyo</p> | <p>Section One: Filing a case claiming for provisional detention</p> | <p>Section One: Introduire une demande de détention provisoire</p> |
| <p>Ingingo ya 74: Dosiye y'ubushinjacyaha ku ifunga ry'agateganyo</p> | <p>Article 74: Prosecution's case file on provisional detention</p> | <p>Article 74: Dossier de l'organe de poursuite judiciaire sur la détention provisoire</p> |
| <p>Iyo Ubushinjacyaha busanze ukekwa icyaha agomba gukurikiranwa afunzwe, butegura dosiye ishyikirizwa urukiko rubifitiye ububasha.</p> | <p>If the public prosecution decides to prosecute the suspect while in provisional detention, it prepares the case file and submits it to the competent court.</p> | <p>Lorsque l'organe de poursuite judiciaire confirme l'exercice de l'action publique contre le suspect en détention provisoire, il prépare le dossier et le soumet à la juridiction compétente.</p> |
| <p>Dosiye ishyikirizwa urukiko iba igizwe n'inyandiko zose z'iperereza kuva mu Bugenzacyaha kugeza mu Bushinjacyaha n'umwanzuro w'Ubushinjacyaha ukubiyemo ibi bikurikira:</p> | <p>The case file to be submitted to the court contains all the investigation records from the organ in charge of investigation to public prosecution as well as the public prosecution's conclusions providing the following:</p> | <p>Le dossier à soumettre à la juridiction comporte tous les documents de l'enquête à partir de l'organe chargé de l'enquête jusqu'à à l'organe de poursuite judiciaire ainsi que les conclusions de celui-ci indiquant ce qui suit :</p> |
| <p>1° numero ya dosiye;</p> <p>2° umwirondoro wuzuye w'ukekwaho icyaha;</p> <p>3° icyaha akekwa;</p> | <p>1° the file number;</p> <p>2° full particulars of the suspect;</p> <p>3° the alleged offence;</p> | <p>1° le numéro du dossier;</p> <p>2° l'identité complète du suspect;</p> <p>3° l'infraction alléguée;</p> |

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| <p>4° incamake y'imikorere y'icyaha muri rusange;</p> <p>5° impamvu zikomeye zituma akekwa icyaha kandi zisobanuye, buri yose ukwayo kandi mu buryo buri gikorwa gihuzwa n'ingingo y'itegeko rihana.</p> <p>Iyo abakekwaho icyaha ari benshi muri dosiye imwe, hagaragazwa imikorere y'icyaha muri rusange, uruhare rwa buri wese n'impamvu zikomeye zituma buri wese asabirwa gufungwa by'agateganyo.</p> <p><u>Ingingo ya 75: Kumenyesha ukekwa icyaha dosiye ku ifunga ry'agateganyo</u></p> <p>Iyo Ubushinjacyaha bushyikirije dosiye urukiko buhita buyigeza k'ukekwa icyaha n'umwunganira iyo amufite.</p> <p>Ukekwa icyaha afite uburenganzira bwo gukora umwanzuro wo kwiregura akawushyikiriza urukiko n'Ubushinjacyaha mu gihe kitarenze iminsi itanu (5) uhereye igihe yashyikirijwe dosiye.</p> | <p>4° brief description of the commission of offence;</p> <p>5° serious grounds for suspecting a person of an offence, separately justified and linked with the relevant penal provisions.</p> <p>If the offence was committed by several people, how the offence was committed in general, the role of everybody in the commission of the offence as well as serious grounds justifying the request for provisional detention for every suspect are indicated.</p> <p><u>Article 75: Notification of a case file on provisional detention to the suspect</u></p> <p>Upon submission of the case file to the court, the public prosecution immediately submits it to the suspect and his or her counsel, if any.</p> <p>The suspect has the right to prepare the defence submissions and submit them to the Prosecution in a period of five (5) days from the date on which the case file was served to him or her.</p> | <p>4° un résumé des circonstances de commission de l'infraction en général;</p> <p>5° les indices sérieux de culpabilité séparément motivés et liés aux dispositions pénales concernées.</p> <p>Si l'infraction est commise par plusieurs personnes, une description des circonstances de commission de l'infraction, le rôle de chaque personne ainsi que les indices sérieux motivant la demande d'ordonner la mise en détention provisoire sont indiqués.</p> <p><u>Article 75: Signification d'un dossier sur la détention provisoire au prévenu</u></p> <p>Lorsque l'organe de poursuite judiciaire soumet le dossier à la juridiction, il le fait immédiatement parvenir au prévenu et à son avocat, s'il y en a.</p> <p>Le prévenu a le droit de préparer les conclusions de la défense et les soumettre à l'organe de poursuite judiciaire dans les cinq (5) jours suivant le jour où le dossier lui est parvenu.</p> |
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| <p><u>Icyiciro cya 2: Kuburanisha ikirego ku ifunga n'ifungurwa ry'agateganyo</u></p> <p><u>Ingingo ya 76: Inshingano z'umucamanza mu isuzuma ry'ikirego ku ifungwa ry'agateganyo</u></p> <p>Umucamanza uburanisha ibirego by'ifunga ry'agateganyo afite inshingano zirimo ibi bikurikira:</p> <p>1° gusuzuma niba afite ububasha bwo kuburanisha ikirego cy'ifungwa ry'agateganyo yashyikirijwe;</p> <p>2° gusuzuma ko ibihe by'ifunga n'ubundi burenganzira bw'ukekwa icyaha bwubahirijwe mu gihe cy'iperereza;</p> <p>3° kureba niba ikirego cy'ikurikiranacyaha kitarazimye cyangwa ngo gisaze ku buryo bitari gutuma hatangwa urwandiko rufunga by'agateganyo;</p> <p>4° gusuzuma niba hari impamvu zikomeye zituma ushinjwa yafungwa by'agateganyo.</p> <p>5° gusuzuma niba harabaye ukumvikana kurebana no kwemera hagati y'Umushinjacyaha n'ukurikiranywe</p> | <p><u>Section 2: Hearing on provisional detention</u></p> <p><u>Article 76: Duties of a judge during hearing on provisional detention</u></p> <p>A judge who hears cases on provisional detention has the duties including the following:</p> <p>1° to verify whether he or she is competent to hear cases on provisional detention submitted to him or her;</p> <p>2° to verify whether the period of detention and other rights of the suspect have been respected during investigation;</p> <p>3° to examine whether there was no prescription or extinction of the criminal action to the extent that would not have led to issuance of provisional detention warrant;</p> <p>4° to examine whether there are serious grounds to justify provisional detention of the accused;</p> <p>5° to examine whether there was an agreement of plea bargaining between the prosecutor and the accused in order to consider it</p> | <p><u>Section 2: Audience sur la détention provisoire</u></p> <p><u>Article 76: Attributions du juge lors de l'audience sur la détention provisoire</u></p> <p>Le juge qui statue sur la détention provisoire a des attributions qui incluent ce qui suit :</p> <p>1° vérifier s'il est compétent pour statuer sur la plainte de détention provisoire dont il est saisi ;</p> <p>2° vérifier si les délais de détention ainsi que les autres droits du prévenu ont été respectés au cours de l'enquête ;</p> <p>3° vérifier s'il n'existe pas une cause d'extinction ou de prescription de l'action publique qui serait de nature à invalider la délivrance du mandat de détention provisoire ;</p> <p>4° vérifier s'il existe des indices sérieux justifiant la mise en détention provisoire du prévenu ;</p> <p>5° examiner s'il existe un accord de négociation des plaidoyers de culpabilité entre l'officier de poursuite judiciaire et</p> |
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| <p>kugira ngo abyiteho afata icyemezo ku ifunga ry'agateganyo;</p> <p>6° kwita ku mibereho n'ubuzima by'ukurikiranweho icyaha;</p> <p>7° gusuzuma izindi ngingo zikubiye mu myanzuro y'ababuranyi.</p> <p>Umucamanza ashobora guhindura inyito y'icyaha agafunga ukekwa, iyo abona ibikorwa bikigize bishobora gutuma habaho kwibeshya ku nyito yacyo. Icyakora, umucamanza ntashobora guhindura inyito y'icyaha iyo ibikorwa bikigize bihabanye n'inyito cyahawe. Muri icyo gihe, ukekwa icyaha ahita arekurwa.</p> <p><u>Ingingo ya 77: Igihe cy'iburanisha n'ifatwa ry'icyemezo ku kirego cy'ifunga n'ifungurwa ry'agateganyo</u></p> <p>Urukiko ruburanisha ikirego ku ifunga n'ifungurwa ry'agateganyo mu gihe kitarenze iminsi ibiri (2) y'akazi.</p> <p>Urukiko rufata icyemezo ku ifunga n'ifungura ry'agateganyo mu gihe kitarenze iminsi itatu (3) y'akazi iburanisha ripfundikiwe.</p> | <p>while taking a decision on provisional detention ;</p> <p>6° to consider the living conditions and the health of the accused person;</p> <p>7° to examine any other arguments contained in the submissions by the parties.</p> <p>The Judge may reclassify the offence and order detention of the suspect if elements of the offence can result in a mistake with regard to its characterization. However, the Judge cannot change the offence if its elements do not match with the classification it was assigned. In that case, the suspect is immediately released.</p> <p><u>Article 77: Time limits for Decision on provisional detention and release</u></p> <p>The court ruling on provisional detention conducts the hearing within two (2) working days.</p> <p>The court delivers a decision within three (3) working days of the closure of the hearing.</p> | <p>le prévenu afin de le prendre en considération lors de la prise de décision sur la détention provisoire ;</p> <p>6° considérer les conditions de vie et la santé du prévenu ;</p> <p>7° examiner tout autre argument contenu dans les conclusions des parties.</p> <p>Le juge peut requalifier l'infraction et ordonner la mise en détention du suspect si les éléments constitutifs de l'infraction peuvent occasionner l'erreur dans sa qualification. Toutefois, le juge ne peut pas requalifier l'infraction si les éléments constitutifs de cette infraction ne correspondent pas à la qualification qui lui a été donnée. Dans ce cas, le prévenu est immédiatement mis en liberté.</p> <p><u>Article 77: Délais de jugement sur la détention et la mise en liberté provisoires</u></p> <p>La juridiction tient une audience sur la détention provisoire endéans deux (2) jours ouvrables.</p> <p>La juridiction rend la décision endéans trois (3) jours ouvrables après la clôture de l'audience.</p> |
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| <p>Iyo ukurikiranyweho icyaha ari umwana uri hagati y'imyaka cumi n'ine (14) na cumi n'umunani (18) agomba kuba buri gihe ari kumwe n'umwunganira.</p> | <p>If the suspect is a minor aged between fourteen (14) and eighteen (18) years, he or she must necessarily be accompanied by a legal counsel.</p> | <p>Si le prévenu est un mineur qui est entre quatorze (14) ans et dix-huit (18) ans, il doit dans tous les cas être assisté par un avocat.</p> |
| <p><u>Ingingo ya 78:</u> Ibigomba kugaragara mu cyemezo ku ifunga n'ifungura ry'agateganyo</p> | <p><u>Article 78:</u> Contents of the judgment on provisional detention and release</p> | <p><u>Article 78:</u> Contenu du jugement sur la détention et la mise en liberté provisoires</p> |
| <p>Icyemezo ku ifunga n'ifungura ry'agateganyo kigaragaza ibi bikurikira:</p> | <p>A court judgment on provisional detention and release indicates the following:</p> | <p>Le jugement sur la détention et la mise en liberté provisoires indique ce qui suit:</p> |
| <p>1° numero y'icyemezo;</p> | <p>1° the number of the judgement;</p> | <p>1° le numéro du jugement ;</p> |
| <p>2° urukiko rwafashe icyemezo, aho cyafatiwe n'itariki cyafatiweho;</p> | <p>2° the court having heard the case, the place and date where the case was decided;</p> | <p>2° la juridiction qui l'a rendu, lieu et date du prononcé ;</p> |
| <p>3° umwirondoro wuzuye w'ababuranyi;</p> | <p>3° full particulars of parties;</p> | <p>3° l'identité complète des parties ;</p> |
| <p>4° imikorere y'icyaha muri rusange;</p> | <p>4° how the offence was committed in general;</p> | <p>4° les circonstances de commission de l'infraction en général ;</p> |
| <p>5° uruhare rwa buri wese mu mikorere y'icyaha iyo ari benshi;</p> | <p>5° the role of everybody if the offence is committed by several people;</p> | <p>5° le rôle de chaque partie si l'infraction est commise par plusieurs personnes ;</p> |
| <p>6° urutonde rw'impamvu zikomeye n'ibindi bibazo bigomba gusuzumwa kuri buri wese;</p> | <p>6° list of serious grounds and other issues that have to be considered for everyone;</p> | <p>6° la liste des indices sérieux et d'autres faits de l'affaire qu'il faut examiner pour chaque partie ;</p> |
| <p>7° isuzuma rya buri mpamvu na buri kibazo bigaragara mu miburanire ya buri muburanyi n'umwanzuro w'urukiko kuri</p> | <p>7° examination of each issue in the case indicating the submissions of each party</p> | <p>7° l'examen de chaque problème faisant état des moyens présentés par chaque partie et la</p> |

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| <p>huri mpamvu n'ikibazo hashingiwe ku byabaye no ku mategeko n'icyemezo kuri buri cyose;</p> <p>8° icyo urukiko rutegetse;</p> <p>9° ko rwaburanishijwe mu ruhame cyangwa mu muhezo kandi rugasomerwa mu ruhame;</p> <p>10° itariki n'ahantu urubanza rwaciriwe;</p> <p>11° izina cyangwa amazina y'abacamanza baruciye;</p> <p>12° amazina y'umwanditsi w'urukiko;</p> <p>13° ko isomwa ryasubitswe n'impamvu zabyo iyo ryabayeho.</p> | <p>and the conclusion of the court on each issue on the basis of fact and law;</p> <p>8° decision of the court;</p> <p>9° whether the hearing was conducted in public or in camera and whether the judgment was pronounced in public;</p> <p>10° the place where and date when the case was decided;</p> <p>11° names of judge or judges having heard the case;</p> <p>12° names of the court registrar;</p> <p>13° whether the pronouncement was postponed and reasons therefor.</p> | <p>décision de la juridiction eu égard aux fait et au droit ;</p> <p>8° la décision de la juridiction ;</p> <p>9° la publicité ou le huis-clos des audiences et le prononcé public ;</p> <p>10° le lieu et la date du prononcé;</p> <p>11° les noms du juge ou des juges ayant jugé l'affaire;</p> <p>12° les noms du greffier;</p> <p>13° si le prononcé a été reporté et les raisons de ce report.</p> |
| <p><u>Ingingo ya 79: Igihe icyemezo cy'ifungwa ry'agateganyo kimara</u></p> <p>Icyemezo cy'uko ukurikiranyweho icyaha aba afunzwe by'agateganyo kimara iminsi mironko itatu (30) habariwemo umunsi cyafashweho. Iyo iyo minsi irangiye, gishobora kongerwaho indi mironko itatu (30) bigakomeza gutyo. Kongera icyo gihe cy'iminsi mironko itatu (30) bigomba gutangirwa ibisobanuro by'icyakozwe mu minsi mironko itatu (30) ya mbere ku</p> | <p><u>Article 79: Duration of a provisional detention order</u></p> <p>The provisional detention order against a suspect is valid for thirty (30) days including the date on which it was rendered. The order is subject to renewal for more thirty (30) days on a continuous basis. The renewal of such thirty (30) days must be justified in relation to what was done in the previous thirty (30) days in</p> | <p><u>Article 79: Délai de validité de l'ordonnance de détention provisoire</u></p> <p>L'ordonnance de détention provisoire est valable pour trente (30) jours, y compris le jour où elle est rendue. A l'expiration de ce délai, elle peut être prolongée pour une nouvelle période de trente (30) jours et ainsi de suite. La demande de prolongation des trente (30) jours doit être justifiée par ce qui a été fait durant les trente (30) jours précédents eu égard à l'instruction et</p> |

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| <p>bijyanye n'iperereza n'ikigambiriwe gukorwa muri icyo gihe cy'inyongera gisabwa.</p> <p>Icyakora, ku byaha byoroheje, iyo igihe cy'iminsi mirongo itatu (30) kirangiye ntigishobora kongerwa. Ku byaha bikomeye, iyo minsi ntishobora kongerwa nyuma y'amezi atatu (3) umuntu afunzwe, na nyuma y'amezi atandatu (6) ku byaha by'ubugome. Iyo ibihe bivugwa muri iki gika birangiye dosiye idashyikirijwe urukiko, ufunzwe by'agateganyo ararekurwa agakurikiranwa ari hanze.</p> <p>Icyemezo cyongera ifungwa ry'agateganyo gifatwa n'Urukiko hakurikijwe uburyo n'ibihe biteganywa n'ingingo ya 77 y'iri tegeko.</p> <p>Icyemezo cyo gufungwa by'agateganyo cyangwa kongera igifungo bigomba gusobanura impamvu zabyo.</p> <p>Icyemezo cyo gufungura cyangwa kongera igihe cyo gufungwa by'agateganyo, gifatwa n'umucamanza uri hafi y'aho ukurikiranyweho icyaha afungiyeye amaze gusuzuma niba impamvu zatumye umucamanza wa mbere afata icyemezo cyo gufunga zigihari.</p> | <p>regard to the investigation and the objective of additional time requested.</p> <p>However, for petty offences, if the period of thirty (30) days expires, it is not renewed. For misdemeanours, the period cannot be renewed after three (3) months the person is in detention, and for felonies such a period cannot be renewed after six (6) months the person is in detention. If the time limits provided for under this Paragraph expire before the case file is submitted to the court, the suspect under provisional detention is granted provisional release.</p> <p>A court order for renewal of provisional detention is rendered by the court under the circumstances and time limits provided for under Article 77 of this Law.</p> <p>A court order for provisional detention or renewal of the provisional detention must be reasoned.</p> <p>A court order to release or renew provisional detention is rendered by the judge who is nearest to the place of detention of the accused after considering whether the grounds that led the previous judge to order detention are still valid.</p> | <p>aux actes planifiés au cours du délai additionnel demandé.</p> <p>Toutefois, à l'expiration du délai de trente (30) jours, la détention provisoire ne peut être prolongée pour les contraventions. Elle ne peut être prolongée au-delà de trois (3) mois pour les délits ou de six (6) mois pour les crimes. Si le dossier du prévenu n'est pas transmis à la juridiction dans les délais prévus par le présent alinéa, le prévenu est mis en liberté provisoire.</p> <p>L'ordonnance prorogeant la détention provisoire est rendue par la juridiction dans les conditions et les délais prévus à l'article 77 de la présente loi.</p> <p>L'ordonnance autorisant ou prorogeant la détention provisoire doit être motivée.</p> <p>L'ordonnance de mise en liberté ou de prorogation de la détention provisoire est rendue par le juge le plus proche du lieu de détention du prévenu, après avoir examiné si les raisons ayant motivé le premier juge à ordonner la détention sont toujours valides.</p> |
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| <p>Ifungwa ry'agateganyo rishobora no gutegekwa iyo ukurikiranyweho icyaha atubahirije ku bushake ibyo yategetswe n'urukiko.</p> <p><u>Icyiciro cya 3: Ifungurwa ry'agateganyo n'ingwate</u></p> <p><u>Ingingo ya 80: Gutegekwa ibigomba kubahirizwa</u></p> <p>Ku rwego rwose rw'ukurikiranacyaha, iyo hari impamvu zikomeye zituma umuntu akekwa icyaha, ukekwa icyaha ashobora kudafungwa agategekwa ibyo agomba kubahiriza. Bimwe mu byo ashobora gutegekwa ni ibi bikurikira:</p> <ol style="list-style-type: none"> 1° kuba mu karere k'aho uwamutegetse ibyo agomba kubahiriza akorera; 2° kubuzwa kujya cyangwa kutarenga ahantu hagenwe atabihereye uruhushya n'uwamutegetse ibyo agomba kubahiriza; 3° kutajya aha n'aha cyangwa kutaba ahantu ku gihe iki n'iki; | <p>Provisional detention may also be ordered if the accused deliberately failed to comply with conditions imposed on him or her by the court.</p> <p><u>Section 3: Provisional release and bail</u></p> <p><u>Article 80: Instruction to respect certain conditions</u></p> <p>If, at any stage of criminal proceedings, there are serious grounds for suspecting a person of an offence, the suspect may not be detained but may be instructed to adhere to certain requirements. Some of the requirements the suspect may be instructed to comply with are:</p> <ol style="list-style-type: none"> 1° to reside in a territorial jurisdiction of the authority who subjected him or her to certain conditions; 2° prohibition from going to or going beyond a prescribed area without prior authorization from the authority who subjected him or her to certain conditions; 3° to refrain from going to a given area or not to be in a given place at a given time; | <p>La détention provisoire peut également être ordonnée lorsque le prévenu se soustrait volontairement aux obligations imposées par la juridiction.</p> <p><u>Section 3: Liberté provisoire et caution</u></p> <p><u>Article 80: Mise sous contrôle judiciaire</u></p> <p>À chaque instance de la procédure, lorsqu'il y a des indices sérieux faisant croire qu'une personne a commis une infraction, le suspect peut ne pas être mis en détention mais placé sous contrôle judiciaire. Les obligations qui peuvent lui être imposées comprennent entre autres :</p> <ol style="list-style-type: none"> 1° habiter dans le ressort territorial de l'autorité qui l'a soumis au contrôle judiciaire ; 2° lui interdire d'aller à un certain endroit ou au-delà d'un certain rayon de la circonscription prescrite sans autorisation de l'autorité qui l'a soumis au contrôle judiciaire ; 3° ne pas se rendre dans un endroit déterminé ou ne pas s'y trouver à un moment déterminé; |
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| <p>4° kwitaba urwego rwagenwe mu bihe byagenwe;</p> <p>5° kwitaba igihe abitegetswe;</p> <p>6° gutanga ingwate;</p> <p>7° kugenzurwa hifashishijwe ikoranabuhanga;</p> <p>8° gushyikiriza ibyangombwa bye urwego rwagenwe.</p> | <p>4 ° to report to a specified authority in a prescribed period of time;</p> <p>5 ° to report whenever required to do so;</p> <p>6 ° to post bail;</p> <p>7 ° to be monitored through technology;</p> <p>8 ° to surrender his/her identification papers to a prescribed authority;</p> | <p>4 ° se présenter devant une autorité prescrite selon la périodicité prescrite ;</p> <p>5 ° comparaître lorsqu'il en est requis ;</p> <p>6 ° donner une caution ;</p> <p>7 ° être mis sous surveillance électronique ;</p> <p>8 ° remettre ses pièces d'identités à une autorité prescrite;</p> |
| <p>Icyemezo cy'umucamanza kigomba kugaragaza impamvu yashingiyeho arekura by'agateganyo ukurikiranyweho icyaha.</p> | <p>The order of the judge must indicate the grounds on which the judge based while approving provisional release of the suspect.</p> | <p>L'ordonnance du juge doit préciser des raisons sur lesquelles il s'est basé pour prononcer la mise en liberté provisoire du prévenu.</p> |
| <p>Ubushinjacyaha bugenzura ko ibyategetswe n'Urukiko byubahirijwe, byaba bitarakozwe bugasaba ko ukurikiranywe afungwa by'agateganyo.</p> | <p>The public prosecution verifies whether the conditions imposed by the court are observed and if not, the prosecution requires that the suspect be provisionally detained.</p> | <p>L'organe de poursuite judiciaire vérifie si les obligations imposées sont observées et en cas de manquement, demander au juge d'ordonner la détention provisoire du prévenu.</p> |
| <p>Nta muntu ugomba gutegekwa kwitaba ku mukozi wagenwe igihe kirenze amezi atandatu (6) ku byaha by'ubugome n'amezi arenze atatu (3) ku byaha bikomeye.</p> | <p>No person is ordered to report to a designated officer for a period exceeding six (6) months for felonies and for a period exceeding three (3) months for misdemeanours.</p> | <p>Nul ne peut être obligé de comparaître devant un agent désigné plus de six (6) mois pour les crimes et plus de trois (3) mois pour les délits.</p> |
| <p>Mu kugena neza uko ibigomba kubahirizwa bivugwa mu gika cya mbere cy'iyi ngingo bizakorwa, icyemezo cyo gufungurwa by'agateganyo gishobora kandi gutegeka gusa ko hazubahirizwa kimwe mu bivugwa.</p> | <p>For purposes of proper enforcement of the obligations provided under Paragraph One of this Article, the court order on provisional release may also instruct that only one condition among the mentioned ones be respected.</p> | <p>Pour la bonne mise en application des obligations visées à l'alinéa premier du présent article, la décision ordonnant la mise en liberté provisoire peut imposer une seule obligation parmi celles indiquées.</p> |

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| <p>Bisabwe n'umushinjacyaha cyangwa uwarekuwe by'agateganyo, umucamanza ashobora, igihe icyo ari cyo cyose, guhindura ibyo yategetse kugira ngo abihuze n'ibihe. Umucamanza ashobora kandi gutegeka ko ukurikiranywe yongera gufungwa niba bibaye ngombwa kubera impamvu nshya kandi zikomeye.</p> <p><u>Ingingo ya 81: Ingwate</u></p> <p>Ukekwa icyaha ashobora kurekurwa by'agateganyo hatanzwe ingwate byemejwe n'aba bakurikira:</p> <ol style="list-style-type: none"> 1° umugenzacyaha, ku cyaha cyoroheje no ku cyaha gikomeye; 2° umushinjacyaha, ku byaha byose bitangirwa ingwate hakurikijwe ibiteganywa n'iri tegeko; 3° umucamanza, ku byaha byavuzwe mu gace ka 2 mu rubanza ku ifungwa n'ifungurwa by'agateganyo n'igihe cyose urubanza rutarafundikirwa haba ku rwego rwa mbere cyangwa mu bujurire. | <p>The judge may at any time, upon request by the prosecutor or the suspect granted provisional release, modify the conditions imposed in order to adjust them to new circumstances. The Judge may, if necessary, due to new and serious circumstances order that the accused be re-detained.</p> <p><u>Article 81: Bail</u></p> <p>The suspect may be provisionally released on bail upon approval by:</p> <ol style="list-style-type: none"> 1 ° an investigator in case of a petty offence and a misdemeanour; 2 ° a Prosecutor, in case ofailable offences in accordance with the provisions of this Law; 3 ° a Judge, in case of offences referred to under Item 2 in a trial on provisional detention or release and at any time before the closing of hearing at the first instance or appeal. | <p>Le juge peut, à tout moment et sur requête de l'officier de poursuite judiciaire ou du prévenu mis en liberté provisoire, modifier les obligations imposées pour les adapter à des circonstances nouvelles. Il peut également révoquer la liberté provisoire si des circonstances nouvelles et graves rendent cette mesure nécessaire.</p> <p><u>Article 81 : Caution</u></p> <p>Le suspect peut être libéré sous caution sur autorisation des personnes suivantes :</p> <ol style="list-style-type: none"> 1 ° un enquêteur, en cas d'une contravention et d'un délit ; 2 ° un Officier de Poursuite Judiciaire, en cas d'infractions susceptible de caution conformément aux dispositions de la présente loi; 3 ° un Juge, en cas d'infractions visées au point 2° de l'audience de détention ou liberté provisoire et à tout moment avant la clôture des débats au premier degré ou en appel. |
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| <p>Ubifitiye ububasha ashobora kurekura ukekwa icyaha hatanzwe ingwate yonyine cyangwa ingwate igeretseho kimwe cyangwa byinshi mu bigomba kubahirizwa bivugwa mu ngingo ya 80 y'iri tegeko.</p> | <p>The competent authority may release the suspect on only bail or on bail with one or more conditions referred to under article 80 of this Law.</p> | <p>L'autorité compétente peut ordonner la mise en liberté provisoire du suspect sous caution seulement ou sous caution en plus de l'une ou plusieurs des obligations visées à l'article 80 de la présente loi.</p> |
| <p>Iyo ngwate ituma uyitanze yitaba urukiko kandi igatuma haboneka ubwishyu bw'ibyangijwe n'icyaha, ibintu bigomba gusubizwa, ihazabu n'amagarama y'urubanza, mu gihe icyaha kimuhamye.</p> | <p>The bail guarantees that the suspect will appear before the court and from which damages arising from the offence, property to be restituted, fines and court fees are deducted, if found guilty.</p> | <p>La caution garantit la comparution du suspect devant la juridiction et le paiement des dommages causés par l'infraction, des restitutions, des amendes et des frais de justice, s'il est reconnu coupable.</p> |
| <p><u>Ingingo ya 82: Ibyaha bitangirwa ingwate</u></p> | <p><u>Article 82: Offences subject to bail</u></p> | <p><u>Article 82: Infractions susceptibles de caution</u></p> |
| <p>Bitabangamiye ubushishozi bw'ufite ububasha bwo gufata icyemezo, ingwate ishobora gutangwa ku byaha byose.</p> | <p>Without prejudice to due diligence of the competent authority to take decision, bail may be deposited on all offences.</p> | <p>Sans préjudice du pouvoir discrétionnaire de l'autorité compétente, la caution est admise pour toutes les infractions.</p> |
| <p>Icyakora, ku byaha by'ubugome usabwa ingwate ategakwa kubahiriza ibindi biteganywa mu ngingo ya 80 y'iri tegeko.</p> | <p>However, for felonies, the suspect required to deposit a bail is ordered to comply with provisions of Article 80 of this Law.</p> | <p>Toutefois, pour les crimes, un suspect à qui une caution est exigée est tenu de se conformer aux dispositions de l'article 80 de la présente loi.</p> |
| <p><u>Ingingo ya 83: Ubwoko bw'ingwate n'aho ibikwa</u></p> | <p><u>Article 83: Types of bail and where it is deposited</u></p> | <p><u>Article 83 : Types de caution et lieu de dépôt</u></p> |
| <p>Ingwate ishobora kuba amafaranga, umutungo utimukanwa cyangwa kwishingirwa n'undi muntu.</p> | <p>Bail may be in form of cash, immovable property or guaranteed by a third party.</p> | <p>La caution peut être une somme d'argent, un bien immeuble ou une garantie d'un tiers.</p> |
| <p>Amafaramba atanzweho ingwate ashirwa kuri konti ifungurwa kandi igacungwa n'urwego rwemeje itangwa ry'ingwate.</p> | <p>The amount of money paid as bail is deposited into the account opened and managed by the authority that ordered bail.</p> | <p>Une somme d'argent payée à titre de caution est déposée sur un compte ouvert et géré par l'autorité ayant ordonné le dépôt d'une caution.</p> |

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| <p>Umutungo utimukanwa utanzweho ingwate mu buryo buvugwa muri iyi ngingo ufatwa nk'ushinganye mu buryo busanzwe bw'ishinganishamutungo.</p> | <p>The immovable property surrendered as bail in a manner mentioned in this article is considered as a guarantee in the normal procedure of property suretyship.</p> | <p>Le bien immeuble qui fait l'objet d'une caution de la manière mentionnée dans le présent article est considéré comme étant constitué en sureté dans la procédure normale de mise en sureté des biens.</p> |
| <p>Iyo umuntu yiyemeje kwishingira ko ukurikiranyweho icyaha atazatoroka ubutabera agamije ko akurikiranwa adafunze, agomba kuba ari inyangamugayo kandi afite ubushobozi bwo kuriha ibyangijwe n'icyaha igihe uwo yishingiye atabonetse.</p> | <p>If a person accepts to stand as a surety that the accused will not evade justice with intention to be prosecuted while free, the surety must be a person of integrity and have the capacity to pay for indemnification in case the accused fails to appear.</p> | <p>Lorsqu'une personne décide de se porter caution pour le prévenu garantissant que ce dernier ne va pas se soustraire à la justice en vue d'être poursuivi en étant en liberté, doit être une personne intègre et capable de rembourser les biens endommagés en cas d'impossibilité de retrouver l'accusé.</p> |
| <p>Ubwo bwishingire burangirana n'uko inzira z'ubujurire zisanze zirangiye. Iyo mu iburanisha ry'urubanza ku rwego rwa nyuma uwishingiye yaburanye ahari, niwe uryozwa ibijyanye n'urubanza byose.</p> | <p>The surety ends with the finalization of the normal appeal procedures. If the accused appeared in the trial proceedings at the last instance, he or she is responsible for all trial costs.</p> | <p>Cette caution prend fin avec la fin des voies de recours. Lorsqu'en dernière instance la personne sous caution a comparu en personne, c'est elle qui est responsable des coûts du procès.</p> |
| <p>Iyo muri iryo buranisha uwishingiye atabonetse agatsindwa urubanza, uwamwishingiye ashobora kuryozwa ibyategetswe kwishyurwa muri urwo rubanza kandi bitabaye ngombwa ko habaho urundi rubanza rubyemeza.</p> | <p>If the accused did not appear in such proceedings and he or she loses the case, the surety may be accountable for the damages caused by the offence as ordered in the proceedings without the need for another hearing to decide them.</p> | <p>Lorsqu'au cours du procès, l'accusé sous caution ne comparet pas et qu'il perd le procès, la caution peut être tenue responsable de la réparation du préjudice sans toutefois qu'un autre jugement en décide.</p> |
| <p>Umwishingizi yishyura ari uko umutungo w'uwo yishingiye utashoboye kuriha ubwishyu.</p> | <p>The surety pays if the property of the accused is unable to compensate for the damages.</p> | <p>La caution rembourse lorsque le patrimoine de la personne sous caution ne peut pas rembourser les biens endommagés.</p> |

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| <p><u>Ingingo ya 84: Kugena ingwate</u></p> <p>Ingwate igenwa hashingiwe ku gaciro k'ibyangijwe n'icyaha hitawe ku myitwarire myiza ukurikiranyweho icyaha azwiho n'ubuyobozi bw'ibanze bw'aho atuye kandi no kuba atarigeze akatirwa n'urukiko.</p> <p>Iyo ari ibyaha byerekeranye n'umutungo, ingwate igomba kuba ingana nibura n'inshuro ebyiri (2) z'agaciro k'ibyo akurikiranyweho.</p> <p>Ku bindi byaha, ingwate igenwa mu bushishozi bw'ufata icyemezo akurikije uburemere bw'icyaha cyakozwe n'umutungo w'ucibwa ingwate.</p> <p><u>Ingingo ya 85: Gusubiza ingwate</u></p> <p>Iyo ushinjwa atsinze cyangwa iyo dosiye ishyinguwe burundu, ingwate irasubizwa.</p> <p>Iyo ushinjwa atsinzwe, urukiko rugena imikoreshereze y'ingwate hakurikijwe ibiteganywa n'ingingo ya 81 y'iri tegeko.</p> | <p><u>Article 84: Determination of bail</u></p> <p>Bail is determined in consideration of the damages caused by the offence, the good conduct of the suspect attested by the local authority of his or her residence and on whether he or she has never been condemned by a court.</p> <p>If the offence is against property, bail must be at least double the value of the property which he or she is required to restitute.</p> <p>For other offences, bail is determined at the discretion of the competent authority in consideration of the gravity of the offence committed and the wealth of the guarantor.</p> <p><u>Article 85: Bail refund</u></p> <p>If the accused is not found guilty or if the file is finally closed, the bail is refunded.</p> <p>If the accused loses the case, the court decides on the use of the bail in accordance with the provisions of Article 81 of this Law.</p> | <p><u>Article 84 : Détermination de la caution</u></p> <p>Le montant de la caution est déterminé en considération des dommages causés par l'infraction, de la bonne conduite du prévenu attestée par l'autorité locale du lieu de sa résidence et du fait de ne jamais avoir été condamné par une juridiction.</p> <p>Pour les infractions contre la propriété, le montant de la caution doit être égal au moins au double de la valeur du bien à restituer.</p> <p>Pour d'autres infractions, le montant de la caution est déterminé à la discrétion de l'autorité compétente en fonction de la gravité de l'infraction et de la fortune du garant.</p> <p><u>Article 85: Restitution de la caution</u></p> <p>Lorsque l'accusé gagne le procès ou lorsque le dossier est classé sans suite, la caution est restituée.</p> <p>Lorsque l'accusé perd le procès, la juridiction détermine l'utilisation de la caution conformément aux dispositions de l'article 81 de la présente loi.</p> |
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| <p><u>Icyiciro cya 4: Ubujurire ku cyemezo cy'ifungwa n'ifungurwa by'agateganyo</u></p> <p><u>Ingingo ya 86: Urukiko rujuririrwa</u></p> <p>Icyemezo gifunga cyangwa gifungura by'agateganyo cyafashwe n'Urukiko rw'Ibanze kujuririrwa mu Rukiko Rwisumbuye.</p> <p>Icyemezo cy'Urukiko rwa Gisirikare kujuririrwa mu Rukiko Rukuru rwa Gisirikare.</p> <p>Icyemezo cyafashwe ku bujurire nticyongera kujuririrwa.</p> <p>Kujuririra icyemezo cyerekeranye n'ifungwa cyangwa ifungurwa by'agateganyo ntibibuza isuzumwa ry'urubanza mu mizi.</p> <p>Urukiko rwajuririwe ku bijyanye n'ifungwa cyangwa ifungurwa ry'agateganyo rusuzuma mu bujurire icyo kibazo nubwo urukiko rwaba rwararegwe urubanza mu mizi.</p> | <p><u>Section 4: Appealing against an order of provisional detention or provisional release</u></p> <p><u>Article 86: Court with which to file an appeal</u></p> <p>The appeal against a court order rendered by a Primary Court on provisional detention or release are filed with Intermediate Court.</p> <p>The appeal against an order rendered by the Military Court are filed with Military High Court.</p> <p>An order rendered on appeal is not subject to appeal.</p> <p>The appeal against an order of provisional detention or provisional release does not preclude the adjudication of the case on its merits.</p> <p>The court with which seized of an appeal against an order of provisional detention or provisional release examines the appeal even if the court seized of the case at first instance to hear it on merits.</p> | <p><u>Section 4: Appel contre l'ordonnance de détention provisoire ou de mise en liberté provisoire</u></p> <p><u>Article 86: Juridiction devant laquelle interjeter appel</u></p> <p>L'appel contre une ordonnance de détention ou de mise en liberté rendue par le Tribunal de Base est porté devant le Tribunal de Grande Instance.</p> <p>L'appel contre une ordonnance rendue par le Tribunal Militaire est porté devant la Haute Cour Militaire.</p> <p>La décision rendue en appel n'est pas susceptible d'appel.</p> <p>L'appel contre l'ordonnance de mise en détention provisoire ou de mise en liberté provisoire n'empêche pas de connaître l'affaire sur le fond.</p> <p>La juridiction saisie de l'appel contre une ordonnance de mise en détention provisoire ou en liberté provisoire doit l'examiner même si cette juridiction en est saisie au premier degré pour connaître l'affaire sur le fond.</p> |
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| <p><u>Ingingo ya 87:</u> Uburyo n’ibihe by’ubujurire ku cyemezo gifungwa cyangwa gifungura by’agateganyo</p> <p>Umuburanyi utishimiye icyemezo ku ifungwa n’ifungurwa ry’agateganyo ashobora kukijuririra mu gihe kitarenze iminsi itanu (5) ibarwa uhereye igihe yamenyesherejweho isomwa ryacyo.</p> <p>Ubujurire butangwa mu buryo bumwe n’ubwo gutanga ikirego ku ifungwa n’ifungurwa ry’agateganyo, bukaburanishwa kandi icyemezo kigafatwa mu bihe bimwe n’ibyo gutanga ikirego ku ifungwa n’ifungurwa ry’agateganyo.</p> | <p><u>Article 87:</u> Procedure and time limits for appealing against an order of provisional detention or provisional release</p> <p>The party not satisfied with an order of provisional detention or provisional release may appeal against it within five (5) days of notification of the judgment.</p> <p>The appeal against an order of provisional detention or provisional release is filed in the same way as for filing a case for provisional detention or provisional release.</p> | <p><u>Article 87 :</u> Procédure et délais d’interjeter appel contre une ordonnance de mise en détention ou en liberté provisoire</p> <p>La partie qui n’est pas satisfaite de l’ordonnance de mise en détention provisoire ou en liberté provisoire peut interjeter appel endéans cinq (5) jour de la notification du jugement.</p> <p>L’appel contre l’ordonnance de mise en détention ou en liberté provisoire se fait selon la même procédure que celle d’intenter une action en détention provisoire ou liberté provisoire.</p> |
| <p><u>Ingingo ya 88:</u> Ibikubiye mu mwanzuro w’ubujurire</p> <p>Ubujurire bukorwa mu buryo bw’umwanzuro utanga ikirego. Uwo mwanzuro ugaragaza nibura ibi bikurikira:</p> <p>1° umwirondoro wuzuye w’ujurira n’uw’uregwa mu bujurire;</p> <p>2° icyemezo kijuririrwa n’urukiko rwagifashe;</p> <p>3° urukiko rwajuririwe;</p> | <p><u>Article 88:</u> Contents of the appeal’s submission</p> <p>Appeal is filed in form of submission filing a case. The submission indicates at least the following:</p> <p>1° full particulars of the appellant and respondent;</p> <p>2° case appealed against and the court that heard the case;</p> <p>3° the court the appeal is referred to;</p> | <p><u>Article 88:</u> Contenu des conclusions d’appel</p> <p>L’appel est interjeté par voie de conclusion de dépôt d’une plainte. La conclusion fait mention au moins de ce qui suit :</p> <p>1° l’identification complète de l’appellant et de l’intimé;</p> <p>2° la décision attaquée et la juridiction qui l’a rendue;</p> <p>3° la juridiction d’appel saisie;</p> |

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| <p>4° imiterere y'ikibazo mu ncamake;</p> <p>5° urutonde rw'inenge z'icyemezo zisabirwa gukosorwa n'ibindi bibazo bigomba gusuzumwa;</p> <p>6° ibisobanuro kuri buri nenge cyangwa kuri buri kibazo bigaragaza amakosa yakozwe n'uburyo agomba gukosorwa hashingiwe ku mategeko n'ibimenyetso;</p> <p>7° ibisobanuro ku birego by'inyongera niba bihari;</p> <p>8° igisabwa urukiko muri rusange.</p> | <p>4° brief description of the case;</p> <p>5° a list of errors in the judgment and other issues which must be considered;</p> <p>6° details on each error or on each issue identifying errors to be corrected and the procedure to correct them in accordance with the law and evidence;</p> <p>7° details on additional claims if any;</p> <p>8° subject matter.</p> | <p>4° bref aperçu de l'affaire;</p> <p>5° la liste des vices du jugement et d'autres problèmes qu'on doit examiner;</p> <p>6° explications sur chaque vice ou sur chaque problème indiquant les vices à rectifier et la procédure de rectification sur base des lois et des preuves;</p> <p>7° explications sur les demandes additionnelles le cas échéant;</p> <p>8° objet.</p> |
| <p><u>Ingingo ya 89: Igumaho ry'icyemezo cy'urukiko cyafatiwe ukurikiranyweho icyaha</u></p> <p>Mu gihe cyagenewe ubujurire no mu gihe urukiko rwamaze kujuririrwa rutaraca urubanza, icyemezo cy'urukiko cyafatiwe ukurikiranyweho icyaha kigumaho mu gihe cyose hatarafatwa ikindi cyemezo kikivuguruza ku rwego rw'ubujurire.</p> | <p><u>Article 89: Upholding the status quo of the suspect</u></p> <p>During the period of appeal and before the appellate court rules on the case, the suspect continues to be in the same state as the court ordered, until the court, at the appeal level, decides otherwise.</p> | <p><u>Article 89 : Maintien du prévenu en état où l'ordonnance l'a placé</u></p> <p>Pendant le délai d'appel et, en cas d'appel, jusqu'à la décision de la juridiction d'appel, le prévenu est maintenu en l'état où l'ordonnance du juge l'a placé.</p> |

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| <p><u>Ingingo ya 90:</u> Kutongera gufunga uwari wafunguwe by'agateganyo</p> <p>Iyo ukurikiranyweho icyaha afatiwe icyemezo cyo kudafungwa by'agateganyo cyangwa icyo kutongererwa igihe cy'igifungo, ntashobora kongera gufungwa kubera cya cyaha yarezwe, keretse habonetse izindi mpamvu nshya kandi zikomeye zituma agomba gufungwa by'agateganyo.</p> <p><u>Ingingo ya 91:</u> Gusaba gufungurwa</p> <p>Iyo Ubushinjacyaha bwemeje ko nta mpamvu ihari ituma bukurikirana ushinjwa bugomba gusaba ko uwari ufunze by'agateganyo afungurwa.</p> <p>Umucamanza usuzuma ko ukurikiranyweho icyaha afungurwa agomba kuba yafashe icyemezo mu gihe cy'amasaha makumyabiri n'ane (24) uherye igihe urukiko rwashyikirijwe icyo kirego.</p> | <p><u>Article 90:</u> Prohibition of re-detention of person who has been provisionally released</p> <p>A suspect in respect of whom provisional detention or extension of provisional detention is not granted is not subject to another arrest warrant for the same offence, unless new and serious grounds justifying further detention emerge.</p> <p><u>Article 91:</u> Application for release</p> <p>If the public prosecution finds that there is no reason to prosecute the suspect held in provisional detention, it must apply for his or her release.</p> <p>The judge examining the application for release of the suspect must render a decision within twenty-four (24) hours after the court is seized of the application.</p> | <p><u>Article 90:</u> Interdiction de remise en détention provisoire de la personne mise en liberté provisoire</p> <p>Le prévenu à l'égard duquel la détention provisoire n'a pas été décidée ou prorogée ne peut pas faire l'objet d'un nouveau mandat d'arrêt du chef de la même infraction sauf en cas de nouveaux indices graves justifiant la mise en détention.</p> <p><u>Article 91:</u> Demande de mainlevée</p> <p>S'il n'y a plus de motif de poursuivre le prévenu, l'organe de poursuite judiciaire doit demander à la juridiction d'ordonner la mainlevée de la détention provisoire.</p> <p>Le juge examinant la demande de mise en liberté du prévenu doit rendre sa décision dans un délai de vingt-quatre (24) heures à compter du moment où la juridiction est saisie de la demande.</p> |
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| <p><u>INTERURO YA III: IKURIKIRANWA RY’USHINJWA MU NKIKO</u></p> <p><u>UMUTWE WA MBERE: GUKURIKIRANA USHINJWA KU RWEGO RWA MBERE</u></p> <p><u>Icyiciro cya mberere: Kuregera urukiko</u></p> <p><u>Ingingo ya 92: Kuregera urukiko bikozwe n’Ubushinjacyaha</u></p> <p>Iyo Ubushinjacyaha bwemeje gukurikirana ukekwa icyaha, bwohereza dosiye yuzuye mu rukiko rubifitiye ububasha.</p> <p>Ibigize dosiye ishyikirizwa urukiko ni ibi bikurikira:</p> <p>1° ibaruwa y’Ubushinjacyaha itanga ikirego;</p> <p>2° inyandiko ikubiyemo ikirego;</p> <p>3° urutonde rw’inyandiko zigize dosiye;</p> <p>4° inyandiko imenyeshya abaregera indishyi ko dosiye yaregewe urukiko iyo bahari;</p> | <p><u>TITLE III: PROSECUTION OF THE ACCUSED BEFORE THE COURTS</u></p> <p><u>CHAPTER ONE: PROSECUTION OF THE ACCUSED AT THE FIRST INSTANCE</u></p> <p><u>Section One: Filing a case before the court</u></p> <p><u>Article 92: Seizing a court by public prosecution</u></p> <p>If the public prosecution decides to prosecute an accused, it submits a complete case file to the competent court.</p> <p>The case file submitted to the court contains the following:</p> <p>1° the public prosecution’s statement submitting the claim;</p> <p>2° indictment;</p> <p>3° the list of documents that make up the case file;</p> <p>4° a statement notifying the civil parties, if any, that the claim was lodged to the court;</p> | <p><u>TITRE III : POURSUITE DE L’ACCUSÉ DEVANT LES JURIDICTIONS</u></p> <p><u>CHAPITRE PREMIER : POURSUITE DE L’ACCUSÉ AU PREMIER DEGRÉ</u></p> <p><u>Section première : Saisine de la juridiction</u></p> <p><u>Article 92 : Saisie d’une juridiction par l’organe de poursuite judiciaire</u></p> <p>Lorsque l’organe de poursuite judiciaire confirme l’exercice de l’action publique contre le suspect, l’organe soumet le dossier complet à la juridiction compétente.</p> <p>Le dossier soumis à la juridiction contient ce qui suit :</p> <p>1° une lettre de l’organe de poursuite judiciaire soumettant la plainte;</p> <p>2° un acte d’accusation;</p> <p>3° une liste des documents qui constituent le dossier ;</p> <p>4° un écrit qui communique le dossier soumis aux parties civiles s’il y en a ;</p> |
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| <p>5° urutonde rw'inyandiko ziri ku mugereka.</p> <p>Ubushinjacyaha bushobora kureka ikirego busanze bitakiri ngombwa kugukurikirana.</p> <p><u>Ingingo ya 93: Inyandiko ikubiyemo ikirego</u></p> <p>Mu gutegura inyandiko ikubiyemo ikirego umushinjacyaha yita kuri ibi bikurikira:</p> <p>1° umwirondoro w'abaregwa n'aho babarizwa, e-mail zabo na telefoni iyo babifite cyangwa iby'undi muntu ushobora kubamenyesha bo ubwabo bitangiye;</p> <p>2° imyifatire n'imibereho y'uregwa mu buzima busanzwe muri make;</p> <p>3° ibisobanuro ku nyito y'icyaha, itegeko rigihana n'aho yagikoreye;</p> <p>4° ibyerekeranye n'ububasha bw'urukiko ruregerwa;</p> <p>5° imikorere y'icyaha muri make;</p> | <p>5° the list of attached documents on the annex.</p> <p>The public prosecution may withdraw the case if it considers unnecessary to prosecute the accused.</p> <p><u>Article 93: Indictment</u></p> <p>A prosecutor is required to consider the following while preparing an indictment:</p> <p>1° particulars and domicile of the defendants, their e-mails and telephone numbers if they have them or the address of any other person whose name is given by the defendants who may inform them;</p> <p>2° conduct and a brief description of background of the defendant;</p> <p>3° details on the qualification of the offence, applicable law and place of commission of the offence;</p> <p>4° matters related to jurisdictional competence;</p> <p>5° brief description of the commission of the offence;</p> | <p>5° la liste des documents en annexe.</p> <p>L'organe de poursuite judiciaire peut se désister de son action lorsqu'il juge inopportun l'exercice de l'action.</p> <p><u>Article 93: Acte d'accusation</u></p> <p>Lors de la préparation de l'acte d'accusation, l'officier de poursuite judiciaire tient compte de ce qui suit:</p> <p>1° les noms, prénoms et adresses des prévenus, leurs propres adresses e-mails et numéros de téléphone ou ceux d'une autre personne qu'ils proposent et qui peut directement communiquer avec eux;</p> <p>2° une description brève du comportement et antécédents du prévenu;</p> <p>3° des explications sur la qualification de l'infraction, la loi qui la punit et le lieu où l'infraction a été commise ;</p> <p>4° les faits relatifs à la compétence de la juridiction saisie ;</p> <p>5° une brève description de la commission de l'infraction ;</p> |
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| <p>6° urutonde rw'ibyaha bikurikiranywe;</p> <p>7° ibisobanuro ku ruhare rwa buri wese mu bashinjwa ;</p> <p>8° ibikorwa bigize icyaha n'ibimenyetso byacyo;</p> <p>9° ibihano ubushinjacyaha busaba, amategeko bishingiyeho n'ishingiro ryabyo;</p> <p>10° urutonde rw'imigereka hakurikijwe ibiri muri dosiye ;</p> <p>11° urutonde rw'ibyafatiriwe n'ibimenyetso bibiranga;</p> <p>12° raporo zakozwe n'impuguke iyo zihari;</p> | <p>6 ° a list of offences under prosecution;</p> <p>7 ° details on the role of each party under prosecution;</p> <p>8 ° acts that constitute the offence and respective proof;</p> <p>9 ° penalties as proposed by the prosecution, applicable legal provisions and justifications;</p> <p>10 ° a list of attachments in consideration of contents of the case file;</p> <p>11 ° a list of seized properties and their evidence;</p> <p>12 ° reports prepared by experts, if any;</p> | <p>6 ° la liste des infractions poursuivies ;</p> <p>7 ° des explications sur le rôle de chaque prévenu ;</p> <p>8 ° les éléments constitutifs de l'infraction et les preuves ;</p> <p>9 ° les peines proposées par l'organe de poursuite judiciaire, leur base légale et leur fondement ;</p> <p>10 ° la liste des annexes, selon le contenu du dossier;</p> <p>11 ° l'inventaire des biens saisis et si possible et leurs preuves ;</p> <p>12 ° les rapports soumis par les experts, s'il y en a ;</p> |
| <p>Mu migereka hagomba kuba hagaragaramo kandi ibi bikurikira:</p> <p>1° inyandikomvugo y'ibazwa ry'uwakorewe icyaha abazwa niba yifuza kuzaregera indishyi;</p> | <p>The following are also required to be included on the attachments:</p> <p>1° a statement on interrogation of the victim of the offence on whether he/ she intends to apply for civil damages;</p> | <p>Les documents suivants doivent figurer en annexe :</p> <p>1° le procès-verbal de l'interrogatoire de la victime directe de l'infraction à qui on demande si elle a l'intention d'exercer l'action en réclamation de dommages et intérêts ;</p> |

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| <p>2° inyandikomvugo igaragaza ibyari byafatiriwe byarindishijwe naho byarindishijwe;</p> <p>3° inyandiko ikubiyemo ubwumvikane burebana no kwemera icyaha iyo ubwo bwumvikane bwabayeho.</p> <p>Ikirego kigomba gutangwa hifashishijwe ikoranabuhanga uretse igihe bidashoboka.</p> <p><u>Ingingo ya 94: Iyakirwa ry'imyanzuro yo kwiregura</u></p> <p>Imyanzuro yo kwiregura ikorwa mu gihe kitarenze iminsi mirongo itatu (30) kuva uregwa amenyeshywe ko yarezwe.</p> <p>Imyanzuro yo kwiregura ishyikirizwa umwanditsi w'urukiko rubifitiye ububasha, akagenzura ko yujuje ibisabwa mu ngingo ya 93 y'iri tegeko. Iryo genzura rikorwa ako kanya n'igisubizo kigatangwa ako kanya igihe cyose bishoboka. Uko byagenda kose, ubwanditsi bw'urukiko ntibushobora kurenza iminsi itatu (3) butaramenyeshya uregwa ko imyanzuro ye yakiriwe.</p> <p>Iyo umwanzuro woherejwe mu buryo bw'ikoranabuhanga umwanditsi w'urukiko agasanga wuzuye yemeza ko awakiriye muri ubwo buryo, bikamenyeshya ababuranyi bose.</p> | <p>2° a statement indicating the property that was seized under custody and the place of custody;</p> <p>3° a plea bargaining agreement, if any.</p> <p>With exception of where it is impossible, a claim must be lodged by use of technology.</p> <p><u>Article 94: Reception of defence submissions</u></p> <p>Defence submissions are prepared within thirty (30) days from the day the defendant is notified of the claim lodging.</p> <p>The defence submissions are submitted to the competent court registrar who verifies the requirements referred to in Article 93 of this Law. The verification is conducted immediately and the response is issued immediately where applicable. In any case, the court registry cannot exceed three (3) days without notifying the defendant of reception of his or her submissions.</p> <p>When the court registrar receives submissions sent by use of technology and finds them complete, he or she acknowledges receipt thereof and informs all parties.</p> | <p>2° le procès-verbal qui indique les biens saisis et gardés et l'endroit où ils sont gardés ;</p> <p>3° entente relative à la négociation de plaidoyer de culpabilité, s'il y en a.</p> <p>La plainte doit être déposée électroniquement sauf si cela s'avère impossible.</p> <p><u>Article 94: Réception des conclusions de la défense</u></p> <p>Les conclusions de la défense sont préparées endéans trente (30) jours de la notification de l'action.</p> <p>Les conclusions de la défense sont soumises au greffier de la juridiction compétente, qui vérifie si elles remplissent les conditions visées à l'article 93 de la présente loi. Cette évaluation ainsi que ses résultats sont accomplis immédiatement si possible. Dans tous les cas la greffe de la juridiction ne peut pas dépasser trois (3) jours sans avoir communiqué au prévenu que ses conclusions sont réceptionnées.</p> <p>Lorsque les conclusions sont soumises électroniquement et que le greffier constate que lesdites conclusions sont complètes, il confirme</p> |
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| <p>Iyo umwanzuro woherejwe hatifashishijwe ikoranabuhanga umwanditsi agasanga wuzuye awushyiraho umukono akanawuteraho kashi yemeza ko awakiriye n’itariki awakiriyeho; kopi yawo akayiha ababuranyi bose, naho umwimerere ukabikwa muri dosiye.</p> <p>Iyo umwanditsi asanze imyanzuro itujuje ibyangombwa arayakira akamenyesha uregwa mu nyandiko ibiburamo yabizana akayisimbuzza iya mbere. Iyo nyandiko iguma muri dosiye.</p> <p>Iyo hagize ibindi bimenyetso biboneka nyuma yuko ababuranyi bahanye imyanzuro kandi urubanza rutaraburanishwa, babihana mu nzira no mu buryo bwavuzwe haruguru.</p> <p><u>Ingingo ya 95: Kuregera urukiko bidakozwe n’Ubushinjacyaha</u></p> <p>Umuntu ku giti cye ashobora kuregera urukiko atisunze ubushinjacyaha mu bihe biteganywa n’iri tegeko.</p> | <p>When submissions are submitted by means other than the use of technology and the registrar finds them complete, he or she signs, stamps and dates them in acknowledgment of receipt and gives a copy to all parties while the original is kept in the file.</p> <p>In case the court registrar finds that the submissions do not comply with the requirements, he or she receives them and notifies the defendant in writing of the missing documents. When the defendant brings such documents, the court registrar replaces the previous file. The notification is retained in the file.</p> <p>In case of discovery of any other proof after the parties exchange submissions and before proceedings commence, they are required to exchange the submissions through procedures above.</p> <p><u>Article 95: Court’s initiative to take up a case</u></p> <p>An individual may bring a case before the court by way of private prosecution in the circumstances under this Law.</p> | <p>leur réception par la même voie et le notifie à toutes les parties.</p> <p>Lorsque les conclusions sont soumises par une voie autre qu’électronique, le greffier les signe, y appose un sceau et les date pour certifier leur réception et donne une copie à toutes les parties tandis que l’original est conservé dans le dossier.</p> <p>Lorsque le greffier constate que les conclusions sont incomplètes, il les réceptionne et notifie par écrit la personne qui les a soumises, des documents manquants. Lorsque la personne soumet les documents qui manquaient, le greffier remplace le dossier précédent. L’écrit mentionnant les documents manquants est conservé dans le dossier.</p> <p>Lorsque de nouveaux éléments de preuves apparaissent après l’échange de conclusions entre les parties et avant le début des audiences, ils sont communiqués de la manière ci-haut mentionnée.</p> <p><u>Article 95: Saisine d’office de la juridiction</u></p> <p>Une personne physique peut intenter une action par voie de citation directe dans les circonstances prévues par la présente loi.</p> |
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| <p>Urukiko rushobora kandi rubyibwirije kwiregera iyo hakoze icyaha mu gihe cy'iburanisha.</p> <p>Urukiko rushobora ndetse kuregerwa mu gihe rwohererejwe dosiye y'urubanza n'urundi rukiko.</p> <p><u>Icyiciro cya 2:</u> Uko ukurikiranyweho icyaha afatwa no gusaba gufungurwa by'agateganyo igihe urukiko rwaregewe mu mizi</p> <p><u>Ingingo ya 96:</u> Uko ukurikiranyweho icyaha afatwa iyo urukiko rwaregewe mu mizi</p> <p>Iyo urukiko ruregewe mu mizi ukurikiranyweho icyaha afunze, akomeza gufungwa kugeza igihe urubanza ruciriwe cyangwa rubitegetse ukundi. Iyo atari afunze cyangwa yarafunguwe by'agateganyo mbere y'uko urukiko rushyikirijwe ikirego cyo kuburanisha urubanza mu mizi, aburanishwa adafunze.</p> <p>Icyakora, mu gihe urukiko rwaregewe urubanza mu mizi, igifungo cy'agateganyo ntigishobora kurenga igihe cy'igifungo cyo hejuru giteganywa n'itegeko ku cyaha akurikiranyweho. Iyo icyo gihe kirangiye</p> | <p>The court may on its own initiative take up a case if an offence of contempt of court is committed.</p> <p>The court may take up a case when receiving a case file transferred by another court.</p> <p><u>Section 2:</u> Status of the accused and application for provisional release when the court is seized to hear the case on its merits</p> <p><u>Article 96:</u> Status of the accused when the court is seized to hear the case on its merits</p> <p>When the court is seized to hear the case on its merits while the accused is detained, the accused remains in detention until the judgment is pronounced or the court decides otherwise. If he or she was not in detention or was provisionally released before the court is seized to hear the case on its merits, he or she is tried while free.</p> <p>However, when the court is seized to hear the case on its merits, the period of provisional detention cannot exceed the maximum period of imprisonment provided by Law for the offence alleged against the accused. Once such a</p> | <p>La juridiction peut être saisie d'office en cas de délit d'audience.</p> <p>La juridiction peut aussi être saisie en cas de renvoi d'une affaire par une autre juridiction.</p> <p><u>Section 2 :</u> Situation du prévenu et la demande de mainlevée de la détention provisoire lorsque la juridiction est saisie pour connaître du fond de l'affaire</p> <p><u>Article 96 :</u> Situation du prévenu lorsque la juridiction est saisie pour connaître du fond de l'affaire</p> <p>Lorsque la juridiction est saisie pour connaître du fond de l'affaire au moment où le prévenu est en détention, il reste en détention jusqu'au moment du prononcé ou jusqu'à ce que la juridiction en décide autrement. Lorsqu'il n'était pas en détention ou lorsqu'il est en liberté avant que la juridiction ne soit saisie pour connaître du fond de l'affaire, il est jugé étant en liberté.</p> <p>Toutefois, lorsque la juridiction est saisie pour connaître du fond de l'affaire, la détention provisoire ne peut pas dépasser la durée d'emprisonnement maximale prévue par la loi pour l'infraction faisant l'objet de poursuite.</p> |
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| <p>ataracibwa urubanza, uwari ufunze ararekurwa akaburana adafunze.</p> | <p>deadline expires without the accused being tried, he or she is released and tried while free.</p> | <p>Passé ce délai sans être jugé, le prévenu est libéré et jugé étant en liberté.</p> |
| <p>Ukurikiranyweho icyaha ufunzwe by'agateganyo ashobora gusaba urukiko yarezwemo urubanza remezo gukuraho icyemezo kimufunga cyangwa ko afungurwa by'agateganyo.</p> | <p>The suspect held in provisional detention may petition the court seized of the initial claim against him or her to overturn the order of provisional detention or to order his or her provisional release.</p> | <p>Le prévenu en détention provisoire peut demander à la juridiction saisie de l'affaire principale d'ordonner la mainlevée de la détention provisoire ou la mise en liberté provisoire.</p> |
| <p>Urukiko ruca urubanza kuri icyo kirego gisaba ifungurwa ry'agateganyo mbere y'uko rusuzuma urubanza rwose mu mizi yarwo.</p> | <p>The court rules on the application for provisional release before hearing the case on its merits.</p> | <p>La juridiction statue sur la demande de mise en liberté provisoire avant de connaître du fond de l'affaire.</p> |
| <p>Ukurikiranyweho icyaha wafunzwe by'agateganyo n'icyemezo cy'urukiko ntashobora gufungurwa bidategetswe n'urukiko. Urubanza rucibwa mu buryo no mu bihe biteganyijwe mu ngingo ya 77 y'iri tegeko.</p> | <p>The suspect held in provisional detention following a court order is not released unless his or her release is ordered by the court. The court renders a decision in accordance with the provisions of Article 77 of this Law.</p> | <p>Le prévenu détenu provisoirement par ordonnance de la juridiction ne peut être libéré que sur ordonnance de la juridiction. La juridiction rend une décision conformément aux dispositions de l'article 77 de la présente loi.</p> |
| <p>Iyo urukiko rufunguye umuntu by'agateganyo, hakurikizwa ibiteganywa n'ingingo ya 80 n'ya 81 z'iri tegeko.</p> | <p>If the court orders provisional release, the provisions of Articles 80 and 81 of this Law apply.</p> | <p>Si la juridiction ordonne la mise en liberté provisoire, les dispositions des articles 80 et 81 de la présente loi s'appliquent.</p> |
| <p><u>Ingingo ya 97:</u> Gusaba kurekurwa by'agateganyo</p> | <p><u>Article 97:</u> Application for provisional release</p> | <p><u>Article 97:</u> Demande de mise en liberté provisoire</p> |
| <p>Ku byaha byose, ukurikiranyweho icyaha cyangwa umwunganira, ashobora gusaba urukiko kurekurwa by'agateganyo bitewe n'aho ikurikiranacyaha rigeze.</p> | <p>For any offence, a suspect or his or her legal counsel may apply to the court for provisional release depending on the stage of the proceedings.</p> | <p>Pour toutes les infractions, le prévenu ou son avocat peut demander à la juridiction la mise en liberté provisoire à toute étape de la procédure.</p> |

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| <p>Umucamanza afata icyemezo kuri iki kirego mu gihe kitarenze iminsi itanu (5). Iyo umucamanza uburanisha urubanza mu mizi yarwo ashyikirijwe inzitizi ku byerekeranye n'ifungurwa ry'agateganyo, ategetswe kubanza gufata icyemezo kuri icyo kibazo.</p> <p>Iyo ifungurwa ryemewe, ukurikiranywe ashobora gutegekwa ibyo agomba kubahiriza.</p> <p><u>Ingingo ya 98: Ihamagara mu rukiko</u></p> <p>Iyo dosiye igeze igihe cyo kuburanishwa, ababuranyi bahita baturirwa kuburana.</p> <p>Ihamagara rikorwa hakoreshejwe ikoranabuhanga, rigomba kugaragaza nibura uwarezwe, amazina ye, aho atuye, cyangwa aho acumbitse, icyo aregwa, urukiko agomba kwitaba, ahantu, umunsi n'isaha azitabiraho. Risobanura kandi niba ushinjwa agomba kwitaba ku giti cye, yunganiwe cyangwa ahagarariwe.</p> <p>Iyo gukoresha ikoranabuhanga bidashobotse, ihamagara rishyirwa aho uhamagarwa atuye hazwi mu Rwanda, rishyikirizwa uwahamagawe cyangwa rigashyirwa aho abarizwa.</p> | <p>The judge decides on such an application within five (5) days. If an objection is raised as to the provisional release, the judge hearing the case on the merits must first decide on the objection.</p> <p>If release is ordered, some conditions may be imposed on the accused.</p> <p><u>Article 98: Summons to appear before court</u></p> <p>In case the case file is due to be heard, parties are immediately summoned to appear in courts for proceedings.</p> <p>Summoning is done through technology and must at least indicate the names of the plaintiff, domicile or residence, charges, court before which he or she has to appear, venue, day and time to appear. It also indicates if the plaintiff must appear before court in person or represented.</p> <p>In case the use of technology is impossible, the summons is posted at the known domicile of the defendant in Rwanda and it is personally given to the defendant or served at his or her residence.</p> | <p>Le juge se prononce sur cette demande dans un délai ne dépassant pas cinq (5) jours. Lorsqu'une exception sur la mise en liberté provisoire est soulevée, le juge de fond doit sursoir à statuer pour se prononcer sur cette exception.</p> <p>Si la mise en liberté est ordonnée, le prévenu peut être soumis à certaines conditions.</p> <p><u>Article 98: Citation à comparaître devant la juridiction</u></p> <p>Lorsque la date fixée pour l'audience arrive, la citation à comparaître devant la juridiction est faite.</p> <p>La citation est faite électroniquement et doit indiquer au moins le nom, le prénom et le domicile ou la résidence de l'accusé, les charges pesant contre lui, la juridiction compétente, le lieu, le jour et l'heure de la comparution. Elle indique également si l'accusé doit comparaître en personne, assisté ou représenté.</p> <p>En cas d'impossibilité d'une citation électronique, la citation est faite au domicile ou résidence de l'assigné connu au Rwanda ou lui est personnellement remise.</p> |
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| <p>Iyo uhamagarwa adafite aho atuye hazwi mu Rwanda, ariko aho acumbitse hazwi, iryo hamagara rishyirwa aho acumbitse.</p> <p>Ihamagara ritangwa n'umuhesha w'inkiko cyangwa n'umwanditsi w'urukiko. Kopi yaryo ihabwa Umushinjacyaha, ushinjwa, uregera indishyi, ugomba kuriha indishyi cyangwa undi muntu wese wahamagawe.</p> <p>Iyo uhamagarwa atabonetse, iryo hamagara rishyikirizwa uwo bashakanye, uwo akorera, uwo bafitanye isano cyangwa ufitanye isano n'uwo bashakanye, cyangwa umukorera, baba aho atuye cyangwa aho acumbitse bafite nibura imyaka cumi n'itandatu (16) y'amavuko.</p> <p>Niba nta we ubonetse muri abo, rishyikirizwa Umunyamabanga Nshingwabikorwa w'Akagari atuyemo cyangwa acumbitsemo.</p> <p>Ihamagara rishobora kandi kumenyeshwa hoherejwe kopi yaryo iri mu ibahasha ishinganye mu iposita cyangwa ihawe intumwa izagaragaza icyemezo cy'uko nyiraryo yaribonye, kiriho itariki n'umukono w'uhamagawe cyangwa umwe mu bantu bavuzwe mu gika kibanziriza iki.</p> | <p>In case the defendant does not have any known domicile in Rwanda but with a known residence, the summons is served at his or her residence.</p> <p>The summons is served by a court bailiff or a court registrar. The copy of the summons is given to the Prosecutor, the accused, the person liable to pay damages or any other summoned person.</p> <p>In case of unavailability of the summoned person, the summons is served to his or her spouse, employer, next of kin, employee who live in his or her domicile or residence and are at least sixteen (16) years of age.</p> <p>In case none is available among those mentioned, the summons is given to the executive secretary of the cell of domicile or residence of the defendant.</p> <p>The summons may also be served by sending its copy in a sealed envelope in a registered mail or carried by a messenger who is required to indicate acknowledgment of receipt which bears the date and the signature of the summoned person or of one of the persons mentioned in the preceding Paragraph.</p> | <p>Lorsque la personne citée à comparaître n'a pas de domicile connu au Rwanda, mais que sa résidence est connue, la citation à comparaître est faite au lieu de résidence.</p> <p>La citation est notifiée par un huissier de justice ou par un greffier. Il réserve une copie à l'Officier de poursuite judiciaire, à l'accusé, à la personne civilement responsable ou à toute personne citée à comparaître.</p> <p>Lorsque la personne citée à comparaître n'est pas disponible la citation est laissée à son conjoint, son employeur, son familial ou le familial du conjoint, son employé résidant à son lieu de domicile ou de résidence, ayant au moins seize (16) ans.</p> <p>Lorsqu'aucune des personnes citées dans cet alinéa n'est disponible, la citation à comparaître est signifiée au Secrétaire exécutif de sa cellule de domicile ou résidence.</p> <p>La citation à comparaître peut aussi être signifiée en envoyant une copie dans une enveloppe scellée à la poste ou au mandataire qui prouvera que la personne citée l'a reçue par un écrit signé par la personne citée ou une des personnes mentionnées dans l'alinéa précédent.</p> |
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| <p>Ingingo ya 99: Uburyo bwo gukora imenyesharuhame</p> | <p>Article 99: Modalities of summons by public notice</p> | <p>Article 99: Modalités de citation par avis public</p> |
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| <p>Imenyesharuhame rikorwa mu buryo bwo kumanika kopi y’ihamagara ahantu hagaragara hagenwe n’Urukiko rwaregewe mu kibanza cyarwo, inyandukuro yayo mu magambo ahinnye ikamanikwa aho Inkiko Zisumbuye zose zikorera kandi ikamenyeshwa rubanda hakoreshejwe inzira yose urukiko rusanze iboneye mu gihe cy’amezi abiri (2).</p> | <p>Summons by public notice is made by posting a copy of the summons in a visible place on the court premises determined by the court seized of the case in addition to posting the extract of such summons at the seats of all Intermediate Courts and making it public using any other channel the court may deem appropriate within a period of two (2) months.</p> | <p>La citation par avis public se fait par affichage d’une copie de la citation à un endroit visible dans les locaux de la juridiction déterminé par la juridiction saisie avec affichage de l’extrait de la citation aux sièges de tous les Tribunaux de Grande Instance et est communiquée au public par tous les moyens que la juridiction considère nécessaire dans un délai de deux (2) mois.</p> |
| <p>Ibivugwa mu gika cya mbere cy’iyi ngingo bijyana no gutangaza icyemezo cya Perezida w’Urukiko gitegeka uwarezwe kwitaba Urukiko mu gihe giteganyijwe, akamenyeshwa ko kopi y’ikirego imutegereje mu bwanditsi bw’Urukiko.</p> | <p>Service of summons provided for under Paragraph One of this Article is accompanied by the publication of the order of the President of the Court compelling the accused to appear within the prescribed time limits and informing him or her that he or she is expected to collect a copy of the complaint from the court registry.</p> | <p>La signification de la citation visée à l’alinéa premier du présent article s’accompagne de la publication de l’ordonnance du Président de la juridiction enjoignant l’accusé de comparaître dans un délai lui imparti et l’informant que la copie de la requête se trouve au greffe de la juridiction.</p> |
| <p>Icyemezo gitangazwa mu kinyamakuru kimwe cya Leta, byaba ngombwa kikanatangazwa no mu kindi kinyamakuru cyigenga gisomwa na benshi cyagenwe na Perezida w’Urukiko.</p> | <p>The order is published in one state-owned newspaper and if necessary, in another independent newspaper with wide circulation determined by the President of the Court.</p> | <p>L’ordonnance est publiée dans un journal de l’État, et le cas échéant, dans un autre journal privé de grande distribution désigné par le Président de la juridiction.</p> |
| <p>Perezida w’Urukiko ashobora gutegeka ko itangazo rikorwa mu bundi buryo bubereye nko gukoresha radiyo, televiziyo cyangwa irindi koranabuhanga.</p> | <p>The President of the Court may order that the summons be published using any other appropriate means such as radio, television or any other electronic channel.</p> | <p>Le Président de la juridiction peut ordonner que la publication se fasse par tout autre moyen approprié notamment par l’annonce à la radio, à la télévision ou par tout autre procédé électronique.</p> |

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| <p>Itangazwa ry'icyemezo rikorwa mu Kinyarwanda. icyakora, rishobora gukorwa mu rundi rurimi rwemewe mu butegezi iyo bibaye ngombwa.</p> | <p>The order is published in Kinyarwanda. However, if necessary, its publication may be in another official language if necessary.</p> | <p>La publication de l'ordonnance est faite en Kinyarwanda. Toutefois, si les circonstances l'exigent, la publication peut se faire en une autre langue officielle.</p> |
| <p><u>Ingingo ya 100:</u> Ikimenyetso cy'imenyesharuhame</p> | <p><u>Article 100:</u> Proof of summons by public notice</p> | <p><u>Article 100:</u> Preuve d'une citation par avis public</p> |
| <p>Ikimenyetso cy'imenyesharuhame kigaragazwa na kopi y'urupapuro rw'ikinyamakuru cyaritangaje gishyirwa mu bwanditsi bw'urukiko.</p> | <p>Summons by public notice is evidenced by the deposit into the court registry of a copy of the page of the newspaper in which the summons was published.</p> | <p>La preuve d'une signification par avis public se fait par le dépôt au greffe d'un exemplaire de la page du journal dans lequel l'avis a été publié.</p> |
| <p><u>Ingingo ya 101:</u> Ihamagara ry'imiryango n'ibigo bifite ubuzima gatozi</p> | <p><u>Article 101:</u> Summons addressed to organisations and legal entities</p> | <p><u>Article 101:</u> Citation aux organisations et aux personnes morales</p> |
| <p>Imenyeshya ku miryango n'ibigo bifite ubuzima gatozi rikorwa hifashishijwe uburyo bw'ikoranabuhanga. Iyo bidashobotse, imenyeshya rikorerwa ku cyicaro gikuru cyabyo cyangwa aho ishami ryabyo rikorera.</p> | <p>The summons addressed to organizations and legal entities are served through electronic means. In case of impossibility to serve the summons electronically, the summons is served at their registered office or at any of their branch office.</p> | <p>La citation aux organisations et aux personnes morales est faite par voie électronique. En cas d'impossibilité de faire la citation par voie électronique, elle est faite à leur siège principal ou au siège de leur succursale.</p> |
| <p>Urwandiko ruhamagara rushyikirizwa ushinze kwakira amabaruwa.</p> | <p>The summons is given to the person responsible for receiving mails.</p> | <p>La citation est délivrée à la personne habilitée à recevoir le courrier.</p> |
| <p>Iyo aho iyo miryango n'ibigo bikorera hadashoboye kumenyekana hakoreshwa uburyo buteganywa mu ngingo ya 99 y'iri tegeko.</p> | <p>If the registered office of such organizations and legal entities is unknown, the summons is served in the manner provided for under Article 99 of this Law.</p> | <p>Lorsque le siège d'une organisation ou d'une personne morale n'est pas connu, il est procédé au mode de signification prévu à l'article 99 de la présente loi.</p> |

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| <p><u>Ingingo ya 102:</u> Guhamagara ufite aho aba cyangwa atuye hazwi cyangwa hatazwi mu mahanga</p> <p>Iyo uhamagawe adafite aho aba cyangwa aho atuye mu Rwanda, ariko afite aho aba hazwi mu mahanga, kopi y'ihamagara imanikwa ahabigenewe ku rukiko rugomba kuburanisha urwo rubanza n'ahandi hagenwe na rwo indi igahita yohererezwa uwahamagawe hifashishijwe ikoranabuhanga, inyujijwe mu iposita cyangwa bakayihira Minisitiri ufite Ububanyi n'Amahanga mu nshingano ze, agatanga icyemezo cy'uko ayibonye.</p> <p>Iyo uhamagarwa adafite aho aba cyangwa atuye hazwi, haba mu Rwanda cyangwa mu mahanga, kopi y'ihamagara imanikwa ahabigenewe ku rukiko rugomba kuburanisha urwo rubanza n'ahandi hagenwe na rwo, kandi inyandiko zihinye zikamenyeshwa rubanda hakoreshejwe inzira iyo ariyo yose urukiko rusanze iboneye.</p> <p><u>Ingingo ya 103:</u> Igihe cyo kwitaba k'ushinjwa cyangwa uryozwa indishyi</p> <p>Igihe cyo kwitaba k'ushinjwa cyangwa uriha indishyi, kingana n'iminsi umunani (8)</p> | <p><u>Article 102:</u> Summoning a person with known or unknown residence or domicile abroad</p> <p>If the summoned person has no residence or domicile in Rwanda but has a known residence abroad, a copy of the summons is posted on a notice board in the premises of the court which must hear the case and at any other place determined by the court, with another copy immediately sent to the summoned person through technology, the post office or through the Minister in charge of Foreign Affairs who then issues an acknowledgement of receipt.</p> <p>If the summoned person has unknown residence or domicile in Rwanda or abroad, a copy of the summons is posted on a notice board in the premises of the court which must hear the case and in any other place determined by the court, with extracts being made public using any other channel the court considers appropriate.</p> <p><u>Article 103:</u> Time limits for the appearance of the accused or the person liable for damages</p> <p>Time limits for the appearance of the accused or the person liable for damages is eight (8) days,</p> | <p><u>Article 102 :</u> Citation d'une personne avec résidence ou domicile connus ou non-connus à l'étranger</p> <p>Si la personne citée à comparaître n'a ni résidence ni domicile connus au Rwanda, mais a une résidence connue à l'étranger, une copie de la citation est affichée aux valves de la juridiction devant connaître de l'affaire et à tout autre endroit déterminé par elle, une autre copie est immédiatement expédiée à la personne citée, soit en la lui adressant directement par voie électronique, par poste ou en la transmettant avec accusé de réception, au ministre ayant les Affaires étrangères dans ses attributions.</p> <p>Si la personne citée à comparaître n'a ni résidence ni domicile connus au Rwanda ou à l'étranger, une copie de la citation est affichée aux valves de la juridiction qui doit connaître de l'affaire et à tout autre endroit déterminé par elle et des extraits sont portés à la connaissance du public par toute voie appropriée déterminée par la juridiction.</p> <p><u>Article 103:</u> Délai de comparution de l'accusé ou de la personne civilement responsable</p> <p>Le délai de comparution de l'accusé ou de la personne civilement responsable est de huit (8)</p> |
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| <p>hatabariwemo umunsi yaboneyeho ihamagara n'umunsi wo kwitaba.</p> <p>Igihe cyo kwitaba ku bantu badafite aho baba cyangwa batuye hazwi mu Rwanda cyangwa mu mahanga kingana n'amezi abiri (2).</p> <p>Iyo ihamagara rishyikirijwe umuntu udatuye kandi utaba mu Rwanda ariko akarishyikirizwa mu gihugu abamo, igihe cyo kwitaba kingana n'ukwezi kumwe (1). Urukiko rushobora kucyongera bibaye ngombwa.</p> <p><u>Ingingo ya 104: Kugabanya igihe cyo kwitaba</u></p> <p>Perezida w'urukiko, akoresheje icyemezo gisobanura impamvu kandi kigomba kumenyeshwa ushinjwa igihe ahabwa ihamagara cyangwa utegetswe kuriha indishyi, iyo ari ngombwa, ashobora kugabanya igihe cy'iminsi umunani (8) giteganywa mu gika cya mbere cy'ingingo ya 103 y'iri tegeko, iyo ushinjwa yakoze icyaha cyoroheje, yafatiwe mu cyuho, yemeye icyaha, cyangwa yahise yitaba n'izindi mpamvu zose urukiko rusanze ari ngombwa.</p> | <p>but excluding the date of receipt of the summons and that of appearance.</p> <p>Time limits for the appearance of persons who have no known residence or domicile in Rwanda or abroad is two (2) months.</p> <p>If the summons is served on a person in his or her country of residence while he or she neither domiciles nor resides in Rwanda, the time limit for appearance is one (1) month. The court may extend such time limit if deemed necessary.</p> <p><u>Article 104: Reduction of the period to appear</u></p> <p>The President of the Court may, by use of an order explaining reasons and which must be notified to the accused during summoning or to the person required to pay damages, if necessary, reduce the period of eight (8) days specified in paragraph one of Article 103 of this Law, if the accused committed a petty offence, caught red-handed, pleads guilty or if he or she immediately appeared and any other reasons the court may consider necessary.</p> | <p>jours sans compter le jour de la réception de la citation et le jour de comparution.</p> <p>Le délai de comparution des personnes qui n'ont ni résidence ni domicile connu au Rwanda ou à l'étranger est de deux (2) mois.</p> <p>Lorsque la personne n'a pas de domicile ou de résidence au Rwanda, le délai de comparution après citation faite à sa résidence à l'étranger est d'un (1) mois. S'il y a lieu, la juridiction peut proroger ce délai.</p> <p><u>Article 104: Réduction des délais de comparution</u></p> <p>Le Président de la juridiction, peut par ordonnance motivée et notifiée à l'accusé ou à la personne civilement responsable lors de la signification de la citation, abrégé le délai de huit (8) jours prévu à l'alinéa premier de l'article 103 de la présente loi si l'infraction commise est une contravention, en cas de flagrant délit, le prévenu est passé à l'aveu ou comparaît immédiatement, ou dans d'autres circonstances que la juridiction juge nécessaires.</p> |
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| <p><u>Ingingo ya 105:</u> Igihe cyo kwitaba ku ihamagara ryanyujijwe mu iposita, ryahawe intumwa cyangwa ryamanitswe ahabigenewe</p> <p>Iyo ihamagara ryanyujijwe mu iposita cyangwa ryahawe intumwa, igihe cyo kwitaba gitangira kubarwa ku itariki iposita cyangwa intumwa yarishyikirije nyir'ubwite.</p> <p>Iyo ihamagara ryamanitswe ahabigenewe ku rukiko n'ahandi rwagena, igihe cyo kwitaba gitangira kubarwa kuva ku itariki ryashyiriwe ahabigenewe ku rukiko.</p> <p><u>Ingingo ya 106:</u> Guhamagaza mu rubanza abafatanyije icyaha cyangwa ibyitso bataregewe urukiko</p> <p>Iyo urukiko rusanze hari impamvu zatuma hakekwa abandi bantu kuba barafatanyije gukora icyaha cyangwa se ari ibyitso by'ukurikiranyweho icyaha rurabahamagaza kugira ngo bagire ibisobanuro batanga muri urwo rubanza.</p> <p>Iyo abahamagawe mu rubanza batitabye, urukiko rutegeka Ubushinjacyaha kubazana ku ngufu za Leta.</p> | <p><u>Article 105:</u> Time limits for appearance in case of a summons by mail, by a messenger or by posting in an appropriate place</p> <p>If the summons is sent through the post office or a messenger, the time limits for appearance start from the date the post or messenger delivers it to the summoned person.</p> <p>If the summons is posted on a notice board in the court premises and at such other place as may be determined by the court, the time limits for appearance start from the date of the posting on the court premises.</p> <p><u>Article 106:</u> Summoning co-offenders or accomplices that were not brought before the court</p> <p>If the court believes that there are reasonable grounds to suspect co-offenders or accomplices in commission of an offence, the court summons them to provide any required details in the proceedings.</p> <p>If the person summoned does not appear, the court orders the public prosecution to compel that person to appear.</p> | <p><u>Article 105:</u> Délai de comparution si la citation est faite par poste, par un messenger ou par voie d'affichage</p> <p>Lorsque la citation est signifiée par la poste ou par messenger, le délai de comparution commence à courir à partir de la date où la poste ou le messenger délivre la citation à la personne citée.</p> <p>Lorsque la citation est faite par voie d'affichage aux valves de la juridiction et à tout autre endroit déterminé par elle, le délai de comparution commence à courir à partir de la date de l'affichage aux valves de la juridiction.</p> <p><u>Article 106:</u> Citation des coauteurs ou Complices qui ne sont pas portés devant la juridiction</p> <p>Lorsque la juridiction constate qu'il existe des indices faisant croire qu'il y a d'autres personnes qui ont participé à la commission de l'infraction comme coauteurs ou complices, la juridiction les cite à comparaître afin de donner des explications.</p> <p>Lorsque les personnes convoquées ne comparaissent pas, la juridiction ordonne à l'organe de poursuite judiciaire de les contraindre à comparaître.</p> |
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| <p>Iyo urukiko rumaze kubaza abahamagawe mu rubanza mu buryo buteganywa mu gika cya mbere n'icya 2 by'iyi ngingo rugasanga nta bimenyetso bituma bakekwaho icyaha rufata icyemezo cyo gukomeza iburanisha batongeye guhamagarwa mu rubanza.</p> <p>Iyo urukiko rusanze ibisobanuro batanze bidahagije kandi urukiko rugasanga hari ibimenyetso bibashinje icyaha, rutegeka Ubushinjacyaha gukora iperereza buhereye ku byagarajwe mu iburanisha kugira ngo bazashyikirizwe urukiko. Ubushinjacyaha butegetswe kandi kubahiriza icyo cyemezo cy'urukiko.</p> | <p>If the court examines the person summoned in the proceedings in the procedure provided for under Paragraphs One and 2 of this Article and discovers that the evidence is insufficient to convict the person, the court decides to proceed with the hearing without re-summoning them in proceedings.</p> <p>If the court believes that the details submitted are insufficient and that there is incriminating evidence, the court instructs the public prosecution to conduct investigations on the basis of findings in the court proceedings in order to take him or her to court. The public prosecution is also required to comply with the decision of the court.</p> | <p>Lorsque la juridiction, après avoir entendu les personnes citées conformément aux alinéas premier et 2 du présent article, constate qu'aucune charge ne pèse contre elles, elle poursuit l'instruction d'audience sans les citer à comparaître à nouveau.</p> <p>Lorsque la juridiction n'est pas satisfaite des explications des personnes citées et qu'elle constate qu'il existe des indices qui pèsent contre elles, elle ordonne à l'organe de poursuite judiciaire de procéder à l'instruction en se basant sur les éléments de l'audience, et les faire traduire devant la juridiction. L'organe de poursuite judiciaire est tenu de se conformer à la décision de la juridiction.</p> |
| <p><u>Icyiciro cya 3: Itangwa ry'ibimenyetso</u></p> | <p><u>Section 3: Production of evidence</u></p> | <p><u>Section 3: Administration de la preuve</u></p> |
| <p><u>Ingingo ya 107: Ibimenyetso byemeza icyaha</u></p> | <p><u>Article 107: Burden of proof</u></p> | <p><u>Article 107: Charge de la preuve</u></p> |
| <p>Ubushinjacyaha, uwakorewe icyaha cyangwa se abamufiteho uburenganzira iyo baregeye indishyi z'akababaro cyangwa biregeye umuburanyi, ni bo bagomba gutanga ibimenyetso byemeza icyaha.</p> <p>Ukurikiranyeho icyaha afatwa nk'umwere igihe cyose urubanza rutaramwemeza icyaha burundu. Iyo icyaha cyo kitaragarazwa,</p> | <p>The burden of proof is on the public prosecution or, in case of a claim for damages or private prosecution, on the victim of an offence or his or her rightful beneficiaries.</p> <p>An accused is always presumed innocent until proven guilty by a final court decision. An accused is not obliged to prove his or her</p> | <p>La charge de la preuve d'une infraction incombe à l'organe de poursuite judiciaire ou, en cas de constitution de partie civile ou de citation directe, à la victime ou à ses ayants droit.</p> <p>Le prévenu est présumé innocent tant que sa culpabilité n'est pas établie par une condamnation devenue définitive. Aussi</p> |

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| <p>ushinjwa ntagomba gutanga ibimenyetso byo kwiregura.</p> <p>Icyakora, iyo icyaha cyabonewe ibimenyetso bikigaragaza, ugukurikiranyweho 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.</p> <p>Uretse igihe itegeko ribiteganywa ukundi, ku byerekeranye n'itangwa ry'ibimenyetso hakurikizwa itegeko rijyanye n'itangwa ry'ibimenyetso.</p> <p><u>Ingingo ya 108: Ibishingirwaho mu gutanga ibimenyetso</u></p> <p>Ibimenyetso bishobora gushingira ku mpamvu zose z'ibyabaye n'ibyemejwe n'amategeko, abaturanyi bapfa kuba barabigiyeho impaka.</p> <p>Urukiko ruhamya ku buryo butavuguruzwa ko ibimenyetso byose bishinja cyangwa bishinjura ari byo kandi bishobora kwemerwa.</p> | <p>innocence unless his or her guilt has been established.</p> <p>However, where evidence to support the offence is presented, the accused or his or her legal counsel may present all the defences available to him or her, raise a plea of inadmissibility or show that the allegations against him or her do not constitute an offence or he or she is innocent and present all the facts challenging the veracity of incriminating evidence.</p> <p>Unless provided otherwise by Law, the production of evidence is made in accordance with the Law relating to the production of evidence.</p> <p><u>Article 108: Basis for the production of evidence</u></p> <p>Evidence is based on all the facts and legal considerations provided that parties are given an opportunity to present adversary arguments.</p> <p>The court decides at its discretion on the veracity and admissibility of incriminating or exculpatory evidence.</p> | <p>longtemps que sa culpabilité n'est pas établie, le prévenu n'est pas tenu de fournir la preuve de son innocence.</p> <p>Toutefois, lorsqu'un fait est suffisamment prouvé, le prévenu ou son avocat peut établir toutes les exceptions, fins de non-recevoir, causes de justification ou d'excuse ou toute preuve contraire.</p> <p>À moins que la présente loi n'en prévoie autrement, la production de la preuve se fait conformément à l'administration de la preuve</p> <p><u>Article 108: Établissement de la preuve</u></p> <p>La preuve peut être établie par tous les moyens de fait ou de droit pourvu qu'ils soient soumis aux débats contradictoires.</p> <p>La juridiction apprécie souverainement l'admissibilité et la pertinence de toute preuve à charge ou à décharge.</p> |
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| <p><u>Ingingo ya 109: Gushaka ibimenyetso</u></p> <p>Urukiko rubisabwe n’ubushinjacyaha cyangwa n’abaturanyi cyangwa se rubyibwirije, rushobora gutegeka gutanga ikimenyetso cyose rusanze ari cyo cyamara impaka.</p> <p>Mu iburanisha, urukiko rushobora kwishakira ibimenyetso bitagezweho n’ubushinjacyaha, urega, ushinjwa cyangwa ababahagarariye.</p> <p><u>Ingingo ya 110: Kwakira no gusuzuma ibimenyetso byatanze n’abaturanyi</u></p> <p>Igihe cyose, umucamanza agomba kwakira no gusuzuma ibimenyetso byose abaturanyi batanze bashinja cyangwa biregura, byo guhamya imvugo yabo.</p> <p><u>Ingingo ya 111: Ishidikanya rirengerashinjwa</u></p> <p>Gushidikanya birengera ushinjwa. Iyo urubanza rwakurikiranywe mu buryo bwose, nti hagire ibimenyetso nyakuri biboneka byemeza nta shiti abaturanyi ko ushinjwa yakozwe icyaha koko, bagomba kwemeza ko atsinze.</p> | <p><u>Article 109: Collection of evidence</u></p> <p>Upon request by the Prosecution or parties or on its own initiative, the court may order the production of any evidence which it deems conclusive.</p> <p>At the hearing, the court may itself collect evidence which has not been collected by the Prosecution, the plaintiff, the accused or their legal counsels.</p> <p><u>Article 110 Receiving and examining evidence produced by the parties</u></p> <p>The judge must in all cases receive and examine all incriminating or exculpatory evidence produced by the parties to support their arguments.</p> <p><u>Article 111: Benefit of doubt to the accused</u></p> <p>The benefit of doubt is given to the accused. If the proceedings conducted as completely as possible do not enable judges to find reliable evidence proving beyond reasonable doubt that the accused committed the offence, the judges order his or her acquittal.</p> | <p><u>Article 109 : Recherche des preuves</u></p> <p>La juridiction peut ordonner, à la requête de l’organe de poursuite judiciaire ou des parties, ou même d’office, l’administration de toute preuve qui lui paraît concluante.</p> <p>Lors de l’audience, la juridiction peut rechercher des preuves qui n’ont pas été produites par l’organe de poursuite judiciaire, le plaignant, le prévenu ou leurs avocats.</p> <p><u>Article 110 : Recevoir et examiner les preuves fournies par les parties</u></p> <p>Le juge doit dans tous les cas recevoir et examiner les preuves fournies par les parties pour soutenir leurs arguments.</p> <p><u>Article 111 : Bénéfice du doute pour l’accusé</u></p> <p>Le doute profite à l’accusé. Si une instruction aussi complète que possible n’est pas parvenue à lever le doute sur la culpabilité de l’accusé, celui-ci doit être acquitté.</p> |
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| <p><u>Icyiciro cya 4: Ikirego cy'indishyi zikomoka ku cyaha</u></p> <p><u>Ingingo ya 112: Urukiko rufite ububasha bwo kuburanisha ikirego cy'indishyi</u></p> <p>Uwangirijwe n'icyaha wifuzaga kuregera indishyi ashobora guhitamo kuregera urukiko ruburanisha imanza z'inshinjabyaha cyangwa urukiko ruburanisha imanza z'imbonezamubano.</p> <p>Icyakora, iyo yahisemo urukiko aregera, yaba urw'inshinjabyaha cyangwa urw'imbonezamubano, ntashobora guhindukira ngo atange na none ikirego cye mu rundi rukiko ku kirego kimwe.</p> <p><u>Ingingo ya 113: Kuburanisha ikirego cy'indishyi</u></p> <p>Ikirego cy'indishyi gitanzwe mu rukiko ruburanisha imanza z'inshinjabyaha gitangwa kandi kikaburanishwa hakurikijwe amategeko agenga imiburanishirize y'imanza z'imbonezamubano ziburanishwa mu mizi.</p> | <p><u>Section 4: Civil action arising from an offence</u></p> <p><u>Article 112: Competent court to try a civil action</u></p> <p>A person aggrieved by an offence who intends to apply for damages may either file an action in a criminal court or a civil court.</p> <p>However, once the aggrieved person chooses to file his or her action in one court, either criminal or civil, he or she cannot later file the same action in another court.</p> <p><u>Article 113: Trying a civil action</u></p> <p>When a civil action is instituted before a criminal court, the court hears such action in accordance with Laws governing civil procedure for cases heard on the merits.</p> | <p><u>Section 4 : Action civile née d'une infraction</u></p> <p><u>Article 112: La juridiction compétente pour juger une action civile</u></p> <p>La partie lésée par une infraction a le choix de porter son action civile, soit devant les juridictions pénales, soit devant les juridictions civiles.</p> <p>Toutefois, lorsque la victime a déjà saisi une juridiction, soit pénale ou civile, elle ne peut pas saisir une autre juridiction pour le même dommage.</p> <p><u>Article 113 : Jugement de l'action civile</u></p> <p>Lorsque l'action civile est intentée devant une juridiction pénale, les mesures d'instruction quant aux intérêts civils obéissent aux règles de la procédure civile pour les affaires entendues sur le fond.</p> |
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| <p>Ingingo ya 114: Gutandukanya ikirego cy'indishyi n'ikirego cy'ikurikiranacyaha</p> <p>Iyo ikirego cy'indishyi gitanzwe imbere y'urukiko ruburanisha imanza z'inshinjabyaha, rushobora, rubyibwirije cyangwa se rubisabwe n'umwe mu baburanyi, gutandukanya ikirego cy'indishyi n'icy'ikurikiranacyaha mu gihe ikirego cy'indishyi gishobora kubangamira cyangwa gutinza iburanisha ry'ikirego cy'ikurikiranacyaha.</p> <p>Icyemezo gitandukanya ikirego cy'indishyi n'ikirego cy'ikurikiranacyaha ni icyemezo cy'ubutegetsi gishobora gufatwa n'Umwanditsi w'Urukiko cyangwa umucamanza babyibwirije cyangwa babisabwe n'umwe mu baburanyi. Iyo gifashwe n'umwanditsi, icyo cyemezo gishobora guhindurwa bisabwe Perezida w'Urukiko, kigafatirwa umwanzuro mu gihe kitarenze amasaha mirongo ine n'umunani (48). Icyo gihe iburanisha rikomeza nyuma y'ifatwa ry'icyemezo.</p> <p>Iyo icyemezo cyo gutandukanya imanza gifashwe n'umucamanza mu gihe cy'iburanishwa, ntikijuririrwa.</p> <p>Icyakora, gutandukanya ikirego cy'indishyi n'ikirego cy'ikurikiranacyaha bwa mbere mu rwego rw'ubujurire ntibyemewe.</p> | <p>Article 114: Separating a civil action from a criminal action</p> <p>In case a civil action is filed before a criminal court, the court may, at its own initiative, or upon request by one of the parties, separate a civil action from the criminal case in case the civil action may prejudice or delay the trial of the criminal action.</p> <p>The decision to separate the civil action from the criminal action is an administrative decision which may be taken by a court registrar or a judge on own initiative or on request of one of the parties. The decision, upon application to the President of the Court, may be reversed within forty-eight (48) hours in case it is taken by the registrar. In that case, the proceedings continue after the decision is taken.</p> <p>A decision to separate cases taken by a judge during the hearing is not subject to appeal.</p> <p>However, separation of a civil action from a criminal action at first instance at appeal level is inadmissible.</p> | <p>Article 114: Disjonction de l'action civile et de l'action publique</p> <p>Lorsque l'action civile est intentée devant une juridiction pénale, la juridiction peut, soit d'office, soit à la demande de l'une des parties, disjoindre l'action civile de l'action publique lorsque l'action civile risque d'entraver ou retarder le cours de l'examen de l'action publique.</p> <p>L'ordonnance de séparation de l'action civile et de l'action publique est une décision administrative qui peut être prise par le greffier ou le juge de leur propre initiative ou à la demande d'une partie. Lorsque la décision est prise par le greffier, elle est susceptible de modification sur demande au Président de la juridiction, et la décision est prise endéans quarante-huit (48) heures. Dans ce cas, l'audience se poursuit après la prise de décision.</p> <p>Lorsque la décision de disjonction des actions est prise par un juge au cours de l'instance, elle ne peut pas faire l'objet d'appel.</p> <p>Toutefois, la disjonction de l'action civile et de l'action publique en appel en première instance n'est pas admise.</p> |
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| <p><u>Ingingo ya 115: Guhagarika iburanisha ry'ikirego cy'indishyi</u></p> <p>Urubanza rw'indishyi ruba ruhagaze kuburanishwa mu gihe cyose urubanza rw'inshinjabyaha rutaracibwa burundu, iyo ikirego cy'ikurikiranacyaha cyatanzwe mbere cyangwa mu gihe cy'iburanisha ry'ikirego cy'indishyi hakurikijwe ibiteganywa n'Itegeko rigena ububasha bw'inkiko.</p> <p><u>Ingingo ya 116: Igihe cyo kuregera indishyi</u></p> <p>Uwangirijwe n'icyaha ashobora kuregera urukiko rubifitiye ububasha kugira ngo arihwe ibye byononekaye, kuva igihe urukiko rushyikirijwe ikirego nshinjabyaha kugeza igihe iburanisha rirangiriye ku rwego rwa mbere. Urukiko rubimenyesha abarebwa n'urubanza.</p> <p><u>Ingingo ya 117: Kureka urubanza rw'indishyi rwisunze Ubushinjacyaha</u></p> <p>Uwangirijwe n'icyaha waregeye indishyi mu rubanza rw'inshinjabyaha, ashobora, igihe icyo ari cyo cyose, kureka urubanza mu gihe cyose iburanisha ritararangira. Ashobora kubikora mbere y'iburanisha cyangwa mu gihe cy'iburanisha.</p> | <p><u>Article 115: Suspension of proceedings in civil action</u></p> <p>Proceedings in civil action is suspended until the criminal case is finally adjudicated, if the criminal action was instituted before or in the course of civil proceedings in accordance with the provisions of the Law determining jurisdiction of courts.</p> <p><u>Article 116: Time to file a civil action</u></p> <p>A victim of an offence may file a civil action to a competent court in order to be indemnified, from the time when the court is seized with the criminal action to the time when the proceedings are closed at first instance. The court informs the concerned parties thereof.</p> <p><u>Article 117: Withdrawal of a civil action within criminal proceedings</u></p> <p>A person aggrieved by an offence who files a civil action within criminal proceedings may withdraw the action at any time until the closing of the proceedings. He or she may do so by giving notice before the hearing or in the course of the hearing.</p> | <p><u>Article 115: Suspension du jugement de l'action civile</u></p> <p>Le jugement de l'action civile est suspendu tant qu'il n'a pas été prononcé définitivement, si l'action publique est intentée avant ou pendant la poursuite de l'action civile conformément à la loi déterminant la compétence des juridictions.</p> <p><u>Article 116 : Moment d'intenter une action civile</u></p> <p>La partie lésée par une infraction peut porter son action en réparation du dommage devant la juridiction compétente en se constituant partie civile depuis la saisine de l'action publique par la juridiction jusqu'à la clôture des débats en première instance. La juridiction en avise les parties concernées.</p> <p><u>Article 117 : Désistement de l'action civile en cas de constitution de partie civile</u></p> <p>La partie lésée par une infraction qui s'est constituée partie civile peut se désister à tout moment jusqu'à la clôture des débats. Elle peut le faire par déclaration avant le début de l'audience ou à l'audience.</p> |
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| <p><u>Ingingo ya 118: Kuregera urukiko utisunze Ubushinjacyaha</u></p> <p>Uwakorewe icyaha ashobora kuregera urukiko atisunze ubushinjacyaha.</p> <p>Kuregera urukiko utisunze Ubushinjacyaha bikorwa mu kirego uwangirijwe n'icyaha atanga mu rukiko ruburanisha imanza z'inshinjabyaha agamije ko uwakoze icyaha, uwo bafatanyije cyangwa icyitso bahanwa kandi bagategekwa no kwishyura indishyi zihwanye n'ibyo bangije.</p> <p><u>Ingingo ya 119: Kugaragaza ibikorwa ushinjwa akurikiranyweho</u></p> <p>Uregeye urukiko atisunze Ubushinjacyaha agomba kugaragaza mu kirego cye ibikorwa ushinjwa akurikiranyweho kugira ngo azashobore gutegura neza kandi vuba urubanza rwe.</p> <p>Iyo hari impamvu nkomezacyaha, nazo zigomba kugaragara mu kirego kugira ngo ushinjwa azashobore kuzireguraho.</p> | <p><u>Article 118: Private prosecution</u></p> <p>A victim of an offence may initiate criminal proceedings by way of private prosecution.</p> <p>Private prosecution is carried out when the victim of an offence files a claim in a criminal court demanding that the offender, his or her co-offender or accomplice be punished and be ordered to pay damages proportional to the injury caused.</p> <p><u>Article 119: Identification of acts the accused is alleged to have committed</u></p> <p>A person who files an action by way of private prosecution must clearly indicate acts the defendant is accused to have committed to enable him or her to properly prepare his or her case expeditiously.</p> <p>Aggravating circumstances, if any, must also be indicated in the complaint to enable the accused to present his or her defence accordingly.</p> | <p><u>Article 118 : Citation directe</u></p> <p>La victime de l'infraction peut saisir la juridiction par voie de citation directe.</p> <p>La citation directe est une action intentée par la partie lésée par une infraction devant une juridiction pénale en vue de demander à la juridiction de prononcer des peines et ordonner la réparation proportionnelle au dommage subi contre l'auteur de l'infraction, son co-auteur ou complice.</p> <p><u>Article 119: Indication des faits pour lesquels le prévenu est poursuivi</u></p> <p>La citation directe indique de manière précise les faits pour lesquels l'accusé est poursuivi afin de lui permettre de mieux préparer sa défense en temps opportun.</p> <p>S'il existe des circonstances aggravantes, elles doivent également figurer dans la citation directe pour que le prévenu puisse présenter ses moyens de défense.</p> |
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| <p><u>Ingingo ya 120: Igihe umuntu aregera urukiko atisunze Ubushinjacyaha</u></p> <p>Kuregera urukiko utisunze Ubushinjacyaha bikorwa ari uko dosiye y'inshinjabyaha yashyinguwe burundu cyangwa se kubera ko hashize igihe cy'amezi atatu (3) ku byaha byoroheje n'amezi atandatu (6) ku byaha bikomeye cyangwa ku byaha by'ubugome, Ubushinjacyaha bushyikirijwe dosiye ntibuyifatire umwanzuro.</p> <p>Ibihe bivugwa mu gika cya mbere cy'iyi ngingo bitangira kubarwa guhera igihe icyo kirego cyagereye mu Bushinjacyaha, cyangwa kuva igihe dosiye yagereye mu Bushinjacyaha ivuye mu Bugenzacyaha. Urukiko rwaregewe rubimenyesha Ubushinjacyaha kandi butegetswe kuza muri urwo rubanza.</p> <p><u>Ingingo ya 121: Kureka ikirego cyatanzwe hatisunzwe Ubushinjacyaha</u></p> <p>Uwangirijwe n'icyaha waregeye urukiko atisunze ubushinjacyaha, ashobora, igihe icyo ari cyo cyose, kureka urubanza rwe kuva igihe aregeye kugeza igihe iburanisha rirangiriye, abikoreye mu iburanisha ry'urubanza cyangwa mu bwanditsi bw'urukiko rwaregewe. Iyo kureka urubanza bikorewe mu bwanditsi</p> | <p><u>Article 120: Filing a claim by way of private prosecution</u></p> <p>Filing a claim by way of private prosecution takes place when a criminal case file is finally closed without further action or when a period of three (3) months for petty offences and six (6) months for misdemeanours and felonies elapse after the public prosecution receives the file but without taking any action.</p> <p>The time limits provided for under Paragraph One of this Article are counted from the time the case is referred to the prosecution or from the time a criminal case file is forwarded to the public prosecution from the organ in charge of investigation. The court seized notifies the public prosecution with an obligation to get involved in the case.</p> <p><u>Article 121: Discontinuance of a claim submitted by way of private prosecution</u></p> <p>A victim of an offence who filed a case in a court by way of private prosecution may at any time, discontinue a claim from the time of filing the case to the time of closure of the proceedings by doing it in the court proceedings or in the registry of the court seized. If discontinuance of a claim is done in the court</p> | <p><u>Article 120 : Circonstances occasionnant la citation directe</u></p> <p>La citation directe intervient après classement sans suite du dossier lorsque trois (3) mois pour les contraventions et six (6) mois pour les délits et crimes s'écoulent après que l'organe de poursuite judiciaire ait reçu le dossier sans aucune action.</p> <p>Les délais prévus à l'alinéa premier du présent article commencent à courir du jour de dépôt de la plainte à l'organe de poursuite judiciaire ou de l'enregistrement du dossier pénal à l'organe de poursuite judiciaire transmis par l'organe chargé d'enquête. La juridiction saisie en fait notification à l'organe de poursuite judiciaire qui a l'obligation de participer à l'audience.</p> <p><u>Article 121 : Désistement de l'action civile en cas de citation directe</u></p> <p>La partie lésée par une infraction qui a engagé une action civile par la voie de citation directe peut se désister de cette action à tout moment jusqu'à la clôture des débats par déclaration à l'audience ou au greffe. Si la partie lésée se désiste par déclaration au greffe, le greffier en avise les parties intéressées.</p> |
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| <p>bw'urukiko, umwanditsi w'urukiko ni we ubimenyesha abarebwa n'urubanza.</p> <p>Icyakora, kureka ikirego cy'indishyi mu gihe uwangirijwe n'icyaha yaregeye urukiko atisunze Ubushinjacyaha ntibibuza gukomeza kuburanisha ikirego cy'ikurikiranacyaha.</p> <p><u>Ingingo ya 122:</u> Ikirego cy'indishyi zikomoka ku cyaha</p> <p>Uwangirijwe n'icyaha atiriwe aregera mu rukiko rumwe ikirego cy'indishyi n'icy'inshinjabyaha, ashobora guhita aregera urukiko ruburanisha imanza z'imbonezamubano asaba indishyi zishingiye ku bye byangijwe n'ibikorwa yakorewe.</p> <p>Iyo ikirego cy'indishyi kiburanishwa ukwacyo, kidashamikiye ku kirego cy'Ubushinjacyaha, ariko gishingiye kuri icyo cyaha, iburanisha ryacyo rikurikiza ibiteganywa n'itegeko rigena ububasha bw'inkiko.</p> | <p>registry, the court registrar has the obligation to notify the concerned parties.</p> <p>However, withdrawing the civil action when the victim of the offence filed the case with the court by way of private prosecution does not prevent continuation of the criminal action.</p> <p><u>Article 122:</u> Civil action arising from an offence</p> <p>A victim of an offence without filing a civil action and a criminal action in the same court may directly seize a civil court to claim for compensation for the damages caused by the acts committed against him or her.</p> <p>If a civil action is heard separately but when it arises from a criminal action, the hearing of the civil action is conducted in accordance with the provisions of the Law determining the jurisdiction of courts.</p> | <p>Toutefois, le désistement de l'action civile introduite par voie de citation directe n'empêche pas la poursuite de l'action publique.</p> <p><u>Article 122 :</u> Action civile découlant d'une infraction</p> <p>La partie lésée par une infraction, sans joindre son action civile à l'action publique, peut saisir directement une juridiction civile sur base de la responsabilité délictuelle.</p> <p>Lorsqu'une action civile est exercée séparément de l'action publique dont elle découle, la procédure d'audience suit les dispositions de la loi déterminant la compétence des juridictions.</p> |
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| <p><u>Icyiciro cya 5:</u> Kwitaba urukiko kw'abaturanyi</p> <p><u>Ingingo ya 123:</u> Kwitaba urukiko k'ukurikiranyweho icyaha</p> <p>Ukurikiranyweho icyaha agomba kwitaba urukiko ubwe ntawe umuhagarariye ku cyaha cy'ubugome.</p> <p>Icyakora, ku cyaha gikomeye ukurikiranweho icyaha ashobora guhagararirwa n'umwunganira iyo agaragaje impamvu zikomeye zimubuza kwitaba urukiko.</p> <p>Ku cyaha cyoroheje, ushinjwa ashobora guhagararirwa n'umwunganira, keretse iyo umucamanza ategutse ko agomba kuba ahibereye.</p> <p><u>Ingingo ya 124:</u> Kwitaba urukiko k'uregwa indishyi n'uziregera</p> <p>Uregwa indishyi n'uziregera bitaba urukiko ubwabo cyangwa bahagarariwe.</p> <p>Icyakora, mu gihe icyo ari cyo cyose, urukiko rushobora gutegeka ko umuburanyi yitaba ubwe.</p> | <p><u>Section 5:</u> Appearance of parties</p> <p><u>Article 123:</u> Appearance in person of the accused person</p> <p>A person accused to have committed a felony is required to appear in court in person.</p> <p>However, in case of a misdemeanour, the accused can appear through his or her legal counsel if he or she gives serious reasons preventing his or her personal appearance.</p> <p>In case of a petty offence, the accused can be represented by a legal counsel unless the judge orders that the accused appear in person.</p> <p><u>Article 124:</u> Appearance of a person liable for damages and claimant for damages</p> <p>The offender and the civil party appear before court in person or represented.</p> <p>However, a court can, at any time, order a party to appear in person.</p> | <p><u>Section 5:</u> Comparution des parties</p> <p><u>Article 123:</u> Comparution en personne du prévenu</p> <p>En matière de crime, le prévenu doit comparaître en personne.</p> <p>Toutefois, en cas de délit, le prévenu peut comparaître par l'intermédiaire de son avocat s'il présente des raisons sérieuses qui l'empêchent de comparaître en personne.</p> <p>En matière de contravention, l'accusé peut se faire représenter par son avocat à moins que le juge ne requière la comparution en personne.</p> <p><u>Article 124:</u> Comparution de la partie civilement responsable et de la partie civile</p> <p>La partie civilement responsable et la partie civile comparaissent en personne ou par représentation.</p> <p>Toutefois, la juridiction peut à tout moment ordonner la comparution en personne d'une partie au procès.</p> |
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| <p>Icyemezo gitegeka umuburanyi kwitaba ubwe n'umunsi azitabiraho, akimenyeshwa hakurikijwe amategeko y'imenyeshya.</p> <p><u>Icyiciro cya 6: Ibikorwa ntegururubanza</u></p> <p><u>Ingingo ya 125: Iburanisha ry'ibanze</u></p> <p>Iyo ibona bikenewe, inteko iburanisha imaze kubyumvikanaho na Perezida w'Urukiko ishobora kwemeza ko iburanisha ry'urubanza ryabanzirizwa n'iburanisha ry'ibanze, hakagenwa n'igihe rizabera.</p> <p>Iburanisha ry'ibanze ribera mu muhezo. Urukiko rutanga umurongo w'ibiza kuganirwaho muri iryo buranisha ry'ibanze. Rubikora nyuma yo kubyumvikanaho n'ababuranyi.</p> <p>Mu gihe cy'iburanisha ry'ibanze, urukiko rushobora gusuzuma ibijyanye n'iyakirwa ry'urubanza n'izindi nzitizi zishobora gutuma urubanza rudakomeza mu mizi cyangwa zikarukerereza.</p> <p>Bimwe mu bisuzumirwa mu iburanisha ry'ibanze ni ibi bikurikira:</p> <p>1° ibirebana n'ububasha, inyungu n'ubushobozi ;</p> | <p>An order that requires a party to appear in person and the date of appearance are notified in accordance with provisions on summons.</p> <p><u>Section 6: Pre-trial session</u></p> <p><u>Article 125: Preliminary hearing</u></p> <p>The panel can, if it considers it necessary, and after consultations with the President of the Court, confirm that the preliminary hearing precedes the trial of the case and determine the date of hearing.</p> <p>Preliminary hearing is conducted in camera. The court sets the agenda of the preliminary hearing. The court does this after consultations with the concerned parties.</p> <p>During preliminary hearing, the court can examine issues related to admission of the case and other incidental proceedings that can hinder or delay the trial on the merits.</p> <p>Matters that are examined in the preliminary hearing include:</p> <p>1° matters related to jurisdiction, interests and capacity;</p> | <p>La décision ordonnant la comparution en personne de la partie et la date de la comparution lui est signifiée conformément aux dispositions régissant la citation.</p> <p><u>Section 6: Procédure préalable au jugement</u></p> <p><u>Article 125: Audience préliminaire au procès</u></p> <p>En cas de besoin, le siège après consultation avec le Président de la juridiction, peut décider que le procès sera précédé par une audience préliminaire et décider de la date d'une telle audience.</p> <p>L'audience préliminaire est à huis-clos. La juridiction fixe les points à l'ordre du jour lors de cette audience préliminaire. La juridiction le fait après consultation des parties.</p> <p>Lors de l'audience préalable, la juridiction peut examiner les matières relatives à la recevabilité de la demande ainsi que d'autres exceptions pouvant conduire au non-examen au fond de l'affaire ou retarder l'examen de l'affaire.</p> <p>Certaines des matières examinées lors de l'audience préliminaire sont les suivantes :</p> <p>1° les matières relatives à la compétence, à l'intérêt et à la capacité ;</p> |
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| 2° ibirebana n'umutekano w'abatangabuhamya; | 2° matters on security of witnesses; | 2° les matières relatives à la sécurité des témoins ; |
| 3° ibirebana no gutandukanya cyangwa guhuza imanza; | 3° matters on separation or merger of cases; | 3° les matières relatives à la jonction ou disjonction des actions ; |
| 4° ibishingiye ku burenganzira bwo kunganirwa; | 4° matters based on the right to representation; | 4° les matières relatives au droit d'être représenté ; |
| 5° ibijyanye n'umubare w'abatangabuhamya, icyo bakeneweho n'aho baherereye n'uburyo buzakoreshwa mu kubumva; | 5° the number of witnesses, their role, their location and the means of application in their communication; | 5° les matières relatives au nombre des témoins, leur contribution, leur localisation et les moyens utilisés pour les entendre ; |
| 6° kwemeza abatangabuhamya bakwiye kurindirwa umutekano no gushyiraho ingamba zirindira umutekano ababyemerewe; | 6° confirming the witnesses that require protection and to put in place security strategies for the authorized parties; | 6° approuver les témoins qui nécessitent le renforcement de leur sécurité et établir pour eux des mesures de sécurité ; |
| 7° kwemeza umubare n'umwirondoro w'abatangabuhamya bazahamagazwa n'ubushinjacyaha n'abazahamagazwa n'uregwa; | 7° confirmation of the number and identity of witnesses expected to be summoned by the public prosecution and those to be summoned by the defendant; | 7° approuver le nombre et l'identité des témoins cités à comparaître par l'organe de poursuite judiciaire et ceux cités par le prévenu ; |
| 8° kwemeranya ku ngingo zigize urubanza, ibimenyetso bizishyigikira n'amategeko impande zombi zishingiraho kuri buri ngingo; | 8° to agree on arguments of the case, their supporting evidence and the legal provisions of both parties on each argument; | 8° se mettre en accord sur les dispositifs du jugement, leurs preuves et leur base légale ; |
| 9° kwemeranya ku ngengabihe y'uburyo urubanza ruzaburanishwa hashingiwe ku ngingo zigize urubanza; | 9° to agree on the schedules of the proceedings depending on the arguments of the case; | 9° se mettre en accord sur le calendrier des audiences selon les dispositifs du jugement ; |

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| <p>10° kwemeza igihe buri ruhande rusaba kuzakoresha mu gusobanura buri ngingo no kumva abatangabuhamya barwo;</p> <p>11° kubaza impande zombi igihe bumva urubanza mu mizi rukwiye gutangirira no kurangirira;</p> <p>12° kwakira ubuhamya bw’umuntu utazashobora kuboneka mu gihe cy’iburanisha, ubwo buhamya bushobora kandi gukorwa hifashishijwe uburyo bwo gufata amajwi n’amashusho;</p> <p>13° gufata ibindi byemezo bya ngombwa bizafasha mu migendekere myiza y’iburanisha.</p> | <p>10° to agree on the time each party will utilize in explaining every item and to hear its witnesses;</p> <p>11° to inquire from both parties the time when hearing the case in merits would commence and end;</p> <p>12° admission of testimony from the person who will not be present during the hearing and such testimony can also be recorded through audio-visual format;</p> <p>13° to take any other necessary decisions that are helpful in the smooth conduct of the hearing.</p> | <p>10° approuver le temps réclamé par chaque partie pour présenter son argument et entendre ses témoins ;</p> <p>11° interroger chaque partie sur leur préférence de temps quant au début et à la clôture du jugement sur le fond ;</p> <p>12° recevoir le témoignage d’une personne qui ne sera pas disponible durant les audiences, ce témoignage peut être entendu au moyen d’enregistrements vocaux ou de vidéos ;</p> <p>13° prendre d’autres décisions nécessaires pour le bon déroulement de l’audience.</p> |
| <p><u>Icyiciro cya 7: Iburanisha</u></p> <p><u>Ingingo ya 126: Amahame y’ingenzi agenga imanza z’inshinjabyaha</u></p> <p>Imanza z’inshinjabyaha zigomba gushingira ku mahame y’ingenzi akurikira:</p> <p>1° kubera mu ruhame;</p> | <p><u>Section 7: Conduct of the hearing</u></p> <p><u>Article 126: Guiding principles of criminal cases</u></p> <p>Criminal cases must adhere to the following substantial principles:</p> <p>1° being held in public;</p> | <p><u>Section 7: Déroulement de l’audience</u></p> <p><u>Article 126: Principes directeurs du procès pénal</u></p> <p>Les procès en matière pénale doivent respecter les principes essentiels suivants :</p> <p>1° être rendus en public ;</p> |

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| <p>2° kutabera no kutabogama;</p> <p>3° kubahiriza uburenganzira bwo kwiregura no kugira umwunganizi;</p> <p>4° kubahiriza ihame ry'ivuguruzanya no kureshyeshya uburenganzira bw'ababuranyi imbere y'amategeko;</p> <p>5° gushingira ku bimenyetso byashatswe mu buryo bwemewe n'amategeko no gucibwa mu gihe giteganywa n'amategeko kandi umuntu agacirwa urubanza mu rurimi yaburanishijwemo.</p> <p>Imihango y'ikurikiranabyaha ikorwa kandi ikarangizwa hakurikijwe ibiteganywa n'amategeko.</p> <p><u>Ingingo ya 127:</u> Uburyo urubanza ruburanishwa</p> <p>Iburanisha rikorwa mu buryo bukurikira:</p> <p>1° perezida w'inteko avuga ko iburanisha ritangiye;</p> <p>2° umwanditsi w'urukiko ahamagara ababuranyi, kandi agasoma ikirego cy'ibanze;</p> | <p>2° being fair and impartial;</p> <p>3° respect for the right to defence and to legal counsel;</p> <p>4° adversarial proceedings and equality of parties before the law;</p> <p>5° basing on evidence lawfully produced and being rendered within the time limits prescribed by Law in the language used in the pleading.</p> <p>The prosecution procedure is carried out and completed in accordance with law.</p> <p><u>Article 127:</u> Procedure for conducting the hearing</p> <p>The hearing is conducted in the following order:</p> <p>1° the president of the bench announces the commencement of the hearing;</p> <p>2° the court registrar calls upon the parties and reads out the initial charges;</p> | <p>2° être équitables et impartiaux;</p> <p>3° respecter les droits de défense et d'assistance par un avocat ;</p> <p>4° respecter le principe du contradictoire et de l'égalité des parties au procès devant la loi ;</p> <p>5° être fondés sur les preuves obtenues dans les voies légales et être rendus dans les délais prescrits par la loi et dans la langue des plaidoiries.</p> <p>Les procédures de poursuite pénale sont observées et menées à terme conformément à la loi.</p> <p><u>Article 127:</u> Modalités du déroulement de l'audience</p> <p>L'audience se déroule dans l'ordre suivant:</p> <p>1° le président du siège annonce le début de l'audience;</p> <p>2° le greffier appelle les parties en cause et énonce l'accusation initiale;</p> |
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| <p>3° umucamanza agezura imyirondoro y'ababuranyi, agasuzuma ko yuzuye, akayemeranyaho na bo;</p> | <p>3° the judge examines whether the identities of the parties are complete and agrees with the parties on their particulars;</p> | <p>3° le juge examine si les pièces d'identification des parties sont complètes et en convient avec les parties;</p> |
| <p>4° umucamanza agezura umwirondoro w'abatangabuhamyi iyo bahari, akabaza ababuranyi niba hari abadakwiye kwemerwa nk'abatangabuhamyi, akemeza abo ari bwumve, akabaheza, abatandukanyije;</p> | <p>4° the judge examines the identities of the witnesses, if present, and asks the parties if there are witnesses that are not accepted and confirms those who will be heard, puts them in private and separates them;</p> | <p>4° le juge examine les pièces d'identification des témoins s'il y en a, demande aux parties ceux qui peuvent être refusés, décide des témoins à entendre et les met à l'écart séparément ;</p> |
| <p>5° umucamanza asuzumira hamwe n'ababuranyi inzitizi ku rubanza zaba zitarakemuwe mu iburanisha ry'ibanze akazifataho icyemezo. Nta nzitizi zindi zakirwa uretse izishingiye ku mategeko ndemyagihugu zishobora kwakirwa igihe icyo aricyo cyose.</p> | <p>5° the judge together with the parties examines any incidentals that may have not been cleared in the preliminary hearing and takes a decision thereon. No any other incidentals are admitted unless those based on public order which can be admitted at any time;</p> | <p>5° le juge examine avec les parties s'il y a des exceptions non levées lors de l'audience préliminaire et prend une décision. Aucune autre exception n'est recevable sauf des exceptions d'ordre public qui sont recevables à tout moment de la procédure ;</p> |
| <p>6° iyo nta kibazo cy'inzitizi kigihari, umucamanza avuga mu magambo make ibikubiye mu myanzuro y'ababuranyi bombi, yarangiza akavuga ingingo zigize urubanza ziribusuzumwe n'uko zizakurikirana hakurikijwe uko byemeranyijwe mu iburanisha ry'ibanze;</p> | <p>6° in case there is no incidental, the judge describes briefly what constitutes submissions from parties and announces the main points of the case and the order in which they will be examined in accordance with what was agreed in the preliminary hearing;</p> | <p>6° lorsqu'il n'y a plus d'exception, le juge donne le résumé des conclusions des deux parties, puis les points du litige à examiner et leur ordre selon les modalités convenues lors de l'audience préalable ;</p> |
| <p>7° umucamanza asaba umushinjacyaha kugaragaza ibyo aburanisha n'ibimenyetso kuri buri ngingo ukwayo nk'uko gahunda y'iburanisha ibiteganyaga,</p> | <p>7° the judge asks the prosecutor to indicate the facts of the case and evidence on each point in accordance with the order</p> | <p>7° le juge demande à l'officier de poursuite judiciaire de fournir les faits de l'affaire et la preuve de la culpabilité de l'inculpé sur chaque point comme indiqué à</p> |

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| <p>byaba ngombwa akanahamagara abatangabuhamya ngo batange ubuhamya bwabo;</p> <p>8° ku rundi ruhande, umucamanza asaba ushinjwa n'abunganizi kwiregura kandi aho bikenewe abatangabuhamya bashinjura bagahabwa umwanya;</p> <p>9° umucamanza nyuma yibariza ubwe ibibazo buri ruhande;</p> <p>10° ababuranyi cyangwa abunganizi bashobora kubaza bavuguruzanya n'abatangabuhamya b'urundi ruhande. Aho biri ngombwa, umushinjicyaha cyangwa uregwa bashobora kongera kubaza ibibazo abatangabuhamya bahamagaje mu rukiko;</p> <p>11° umucamanza ashobora, igihe icyo ari cyo cyose mu gihe cy'itangwa ry'ibimenyetso n'ibazwa ry'abatangabuhamya, kubaza ibibazo bigamije kumufasha gusobanukirwa neza icyo ababuranyi bashatse kuvuga no gusuzuma neza niba ibimenyetso n'amategeko buri ruhande rusingiraho kuri buri kibazo kigize urubanza baburanisha byumvikanye neza kandi kimwe, haba ku baburanyi bose no ku mucamanza;</p> | <p>of the hearing, and if necessary, he calls upon the witnesses to testify;</p> <p>8° on the other side, the judge asks the defendant and defence counsels to present their defence and where necessary, the defence witnesses are given the opportunity as well;</p> <p>9° the judge himself or herself examines each party;</p> <p>10° parties or counsels can cross-examine witnesses of the other party. Where necessary, the prosecution or the defendant can re-examine the witnesses invited in the court;</p> <p>11° the judge can, at any time, during presentation of evidence and examination of witnesses ask questions that can assist him or her to understand the submissions of parties and to examine whether the evidence and their legal basis as presented by parties in regard to each point in the case are understood in a clear and similar manner, whether on the side of the judge as well as on the side of the parties;</p> | <p>l'ordre d'audience, et le cas échéant il fait appel aux témoins pour donner leurs témoignages ;</p> <p>8° le juge d'autre part demande à l'accusé et ses avocats de présenter leurs moyens de défense et les témoins de la défense sont entendus en cas de besoin;</p> <p>9° le juge interroge lui-même chaque partie ;</p> <p>10° les parties ou leurs avocats peuvent contre-interroger les témoins de l'autre partie. Le cas échéant, l'officier de poursuite judiciaire ou le défendeur peuvent interroger encore les témoins appelés devant la juridiction;</p> <p>11° le juge peut à tout moment de la remise des éléments de preuve et interrogation des témoins poser des questions visant à mieux comprendre les propos des parties et à examiner si les preuves et la base légale sur lesquelles chaque partie s'est fondée en rapport avec chaque élément de l'affaire ont été compris clairement et de la même manière, pour le juge et pour les parties;</p> |
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| <p>12° iyo hari abatangabuhama barabazwa umwe ukwe n'undi ukwe kandi bamaze kurahira. Iyo bibaye ngombwa bahabwa umwanya wo kunyomozanya mu maso y'ababuranyi cyangwa badahari iyo uko kuhaba byababuza kuvuga ukuri;</p> | <p>12° in case there are witnesses, they are examined on individual basis after taking oath. If necessary, they are given an opportunity to cross-examine each other in front of the parties or in absence of parties, if their presence can prejudice truth;</p> | <p>12° s'il y a des témoins, ils sont interrogés individuellement et après prestation de serment; le cas échéant le juge leur accorde du temps de se confronter devant les parties ou pas lorsqu'il trouve qu'ils ne diraient pas la vérité ;</p> |
| <p>13° ababuranyi bahabwa umwanya wo gusubiza ku buhama bwatanzwe, byaba ngombwa bakanyomozanya hagati yabo cyangwa bo n'abatangabuhama;</p> | <p>13° parties are given an opportunity to respond on the testimony, and where necessary, to cross-examine each other or between them and witnesses;</p> | <p>13° les parties ont l'occasion de réagir sur les témoignages donnés et peuvent se confronter entre elles ou avec les témoins ;</p> |
| <p>14° iyo arangije kumva ababuranyi ku ngingo zose zigize urubanza, umucamanza amenyesha ababuranyi ko iburanisha rirangiye, akababwira umunsi n'isaha urubanza ruzasomerwaho;</p> | <p>14° the judge, after hearing each party on all points of the case, declares the hearing closed and informs parties the date and time of pronouncement of the judgment;</p> | <p>14° après avoir entendu les parties sur tous les points de l'affaire, le juge annonce que les débats sont clos et les informe du jour et de l'heure du prononcé du jugement;</p> |
| <p>15° ababuranyi bashyira umukono ku nyandikomvugo y'iburanisha;</p> | <p>15° parties sign on the hearing minutes;</p> | <p>15° les parties signent le procès-verbal de l'audience ;</p> |
| <p>Igihe cyose, umucamanza yirinda kubaza ibibazo bigaragaza ko hari uruhande yaba abogamiyeho cyangwa kugaragaza aho urubanza rwerekeza igihe rutaracibwa.</p> | <p>A judge, at all times, refrain from engaging in questions that can demonstrate partiality or questions that can indicate the direction of the case before the final judgment.</p> | <p>Le juge se garde toujours de poser des questions qui feraient preuve de son penchant pour une partie ou de la tendance de la décision du jugement avant son prononcé.</p> |
| <p>Perezida w'inteko y'urukiko ni we uyobora iburanisha akanarisoza.</p> | <p>The presiding judge is responsible for conducting and closing the hearing.</p> | <p>Le président du siège dirige les débats et les clôt.</p> |

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| <p><u>Ingingo ya 128: Kuburanisha urubanza Uregwa cyangwa Ubushinjacyaha badahari</u></p> <p>Iyo uregwa atitabye nta mpamvu kandi yarahamagawe mu buryo bukurikije amategeko, urukiko ruburanisha adahari.</p> <p>Iyo Ubushinjacyaha butitabye ku nshuro ya mbere urubanza rurasubikwa. Iyo ubushinjacyaha butitabye ku nshuro ya kabiri nta mpamvu kandi ushinjwa afunzwe, urukiko rutegeka ko afungurwa, rukaburanisha urubanza Ubushinjacyaha budahari, uretse iyo akurikiranyweho icyaha cy'ubugome. Iyo inshuro eshatu (3) zikurikiranye, Ubushinjacyaha butitabye ku cyaha cy'ubugome, ushinjwa ararekurwa, iburanisha rikazakomeza adafunze n'iyo Ubushinjacyaha bwaba budahari.</p> <p><u>Ingingo ya 129: Inshuti y'urukiko mu iburanisha</u></p> <p>Umuntu cyangwa urwego bashobora kwemererwa gutanga imyanzuro nk'inshuti y'urukiko mu gihe bafite ubunararibonye bwafasha urukiko mu guca urubanza.</p> | <p><u>Article 128: Trial in absentia or in the absence of the public prosecution</u></p> <p>If a person duly summoned fails to appear without valid reasons, he or she is tried in absentia.</p> <p>If the public prosecution does not appear for the first time, the case is adjourned. If the public prosecution does not appear for the second time with no reason and when the defendant is in provisional detention, the court orders provisional release of the defendant and the case is heard in absentia of the public prosecution unless the defendant is accused of a felony. In case the public prosecution fails to appear for three (3) consecutive times in regard to a felony, the hearing continues while the defendant is free even in the absence of the public prosecution.</p> <p><u>Article 129: Amicus curiae</u></p> <p>A person or an organ can be authorized to provide submissions as amicus curiae if they have expertise that can assist the court in taking a decision on the case.</p> | <p><u>Article 128: Jugement par défaut ou en l'absence de l'organe de poursuite judiciaire</u></p> <p>Si la personne régulièrement citée ne comparait pas sans raison valable, elle est jugée par défaut.</p> <p>Si l'organe de poursuite judiciaire ne comparait pas pour la première fois, l'audience est ajournée. Si l'organe de poursuite judiciaire ne comparait pas pour la deuxième fois sans raison valable alors que l'accusé est en détention provisoire, la juridiction ordonne sa mise en liberté provisoire et statue sur l'affaire même en l'absence de l'organe de poursuite judiciaire sauf si l'accusé est poursuivi pour crime. Si, en cas de crime, l'organe de poursuite judiciaire ne comparait pas pour trois (3) fois consécutives, l'accusé est libéré et la procédure se poursuit l'accusé étant en liberté même en l'absence de l'organe de poursuite judiciaire.</p> <p><u>Article 129: Amicus curiae</u></p> <p>Un individu ou une institution peuvent être autorisés à soumettre des conclusions à une juridiction en qualité d'amicus curiae lorsqu'ils ont une expertise pouvant éclairer la juridiction pour rendre le jugement.</p> |
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| <p>Ubusabe bwo kuba inshuti y'urukiko bukorwa mu nyandiko yandikirwa perezida w'urukiko rubifitiye ububasha.</p> <p>Iyo nyandiko igomba kuba igaragaza umwirondoro urambuye hamwe n'inyandiko ishimangira ko usaba ntaho abogamiye mu rubanza, inyandiko y'ubunararibonye muri icyo gice, incamake y'ibintu usaba yasanze yatangaho umusanzu no kugaragaza n'ibisobanuro n'ishingiro byerekana uko umusanzu we uzafasha mu migendekere myiza y'ubutabera.</p> <p>Ubusabe bw'inshuti y'urukiko ntibwemerwa mu gihe nta musanzu atanga mu rubanza cyangwa hari impamvu igaragara y'uko yabogama.</p> <p>Urukiko rushobora, mu gihe bikenewe ku migendekere myiza y'urubanza, gutumiza ikigo cyangwa umuntu nk'inshuti y'urukiko gutanga amakuru, ubumenyi, n'ikindi icyo ari cyo cyose rukeneye.</p> <p><u>Ingingo ya 130:</u> Igihe n'aho iburanisha rikorerwa</p> <p>Iburanisha rikorerwa ku cyicaro cy'urukiko ku munsu rwagennye. Iyo bibaye ngombwa iburanisha rishobora kubera ahandi hantu hagenwa n'urukiko.</p> | <p>Application for being amicus curiae is done in writing and addressed to the president of the competent court.</p> <p>The application must indicate a detailed identity and the document indicating impartiality of the applicant, a document of expertise in the field, a brief description of issues in respect of which the applicant deems it necessary to provide assistance and justify the usefulness of his or her assistance in the effective delivery of justice;</p> <p>The application of the amicus curiae is rejected if the amicus curiae does not provide any assistance in the case or if there is a reasonable ground to indicate partiality.</p> <p>The court can, for purposes of smooth running of the case, invite a person or an organ as amicus curiae to provide any information, expertise or any other thing the court can consider necessary.</p> <p><u>Article 130:</u> Time and place for the conduct of hearing</p> <p>The hearing takes place at the seat of the court on the date set by the court. If necessary, the hearing can take place in such other place as can be determined by the court.</p> | <p>La demande de la qualité d'amicus curiae est faite par écrit et adressée au Président de la juridiction compétente.</p> <p>Cette demande doit donner l'identification complète et la déclaration que le demandeur est neutre, un document sur son expertise dans ce domaine, un résumé des faits au regard desquels la personne qui introduit la demande juge nécessaire d'apporter assistance et justifier le bien-fondé de son assistance quant à la bonne administration de la justice ;</p> <p>La demande d'amicus curiae n'est pas recevable lorsque l'amicus curiae n'apporte aucune contribution au procès ou qu'il peut être partial.</p> <p>La juridiction peut, en cas de besoin pour la bonne marche du procès, inviter une institution ou un individu comme amicus curiae pour donner des informations, une expertise ou toute autre chose dont elle a besoin.</p> <p><u>Article 130:</u> Lieu et date de l'audience</p> <p>L'audience se tient au siège de la juridiction, à la date fixée par ladite juridiction. L'audience peut, si nécessaire, se tenir dans un autre lieu fixé par la juridiction.</p> |
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| <p>Urukiko rushobora kandi kuburanisha no kumva abatangabuhamy hakoreshejwe uburyo bw'ikoranabuhanga.</p> <p><u>Ingingo ya 131: icyemezo cy'urukiko cyo kuburanisha mu muhezo</u></p> <p>Iburanisha rikorwa mu ruhame. icyakora, urukiko rushobora kwemeza ko iburanisha riba mu muhezo mu gihe ryabangamira umutekano cyangwa imico y'imbonezabupfura, n'igihe cyose umucamanza asanze ari ngombwa.</p> <p>Iyo umuhezo wemejwe, isomwa ry'ibyemezo ku nzitizi n'ingoboka, na ryo rishobora kuba mu muhezo.</p> <p>Urubanza rw'iremezo rusomerwa iteka mu ruhame.</p> <p><u>Ingingo ya 132: Ibyo umwanditsi w'urukiko yandika</u></p> <p>Umwanditsi w'urukiko yandika ibyerekeye imiburanishirize, umwironoro w'ababuranyi n'abatangabuhamy kandi akandika n'amagambo yabo y'ingenzi bakanabishyiraho umukono.</p> | <p>The court can also conduct hearings and hear witnesses through electronic means.</p> <p><u>Article 131: Order of the court to conduct hearing in camera</u></p> <p>Hearing is conducted in public. However, the court can decide to conduct the hearing in camera if the hearing can endanger public order or public morals and at any time the judge believes it is necessary.</p> <p>In case hearing in camera is decided, pronouncement of decisions on objections and incidental proceedings can also be conducted in camera.</p> <p>The judgment on merits is always pronounced in public.</p> <p><u>Article 132: Records by the court registrar</u></p> <p>The court registrar takes note of the proceedings, particulars of parties and witnesses as well as their key submissions and they affix their signature thereto.</p> | <p>La juridiction peut également entendre les parties ainsi que les témoins par des moyens technologiques.</p> <p><u>Article 131: Décision de la juridiction ordonnant le huis clos</u></p> <p>Les audiences sont publiques. Toutefois, la juridiction peut ordonner le huis clos si l'audience peut être dangereuse pour l'ordre public ou les bonnes mœurs et toutes les fois que le juge le trouve nécessaire.</p> <p>Lorsque la juridiction ordonne le huis clos, le prononcé des jugements sur les exceptions et incidents éventuels peut aussi être fait à huis clos.</p> <p>Le jugement sur le fond est toujours prononcé en audience publique.</p> <p><u>Article 132: Notes du greffier</u></p> <p>Le greffier tient note de la procédure à l'audience, de l'identification des parties et des témoins et de leurs principales déclarations et ils y apposent leurs signatures.</p> |
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| <p>Iyo bishoboka, ubundi buryo bw'ikoranabuhanga bushobora gukoreshwa kugira ngo hagaragazwe ibyavugiwe mu rukiko.</p> <p><u>Ingingo ya 133:</u> Imyifatire y'ufite ijambo mu gihe cy'iburanisha</p> <p>Mu migirire ye no mu magambo ye, ufite ijambo mu rubanza wese agomba kugirira ikinyabupfura abacamanza, abo baburana n'abantu bari aho.</p> <p>Ufite ijambo mu rubanza avuga ibyerekeye urubanza ntacyo yishisha ariko avugana icyubahiro gikwiye ubutabera kandi agasobanura neza ingingo ze kugira ngo abacamanza babashe kuzumva.</p> <p>Utandukiriye akavuga ibidahuye n'ikiburanwa cyangwa ugira ikinyabupfura gike, uyoboye iburanisha aramucyaha. Yakomeza cyangwa yavuga amagambo atarimo ikinyabupfura, akamucekesha akanya, akabigira mu buryo bwiza yirinda guhutaza umuburanyi cyangwa kumubabaza. Iyo atabyubahirije ahanwa hakurikijwe amategeko.</p> <p>Ibyo umucamanza ategutse byose byerekeye umutekano kugira ngo iburanisha rigende neza bihera ko bikurikizwa nk'uko yabitegetse.</p> | <p>Other electronic means can be used to record court proceedings, if possible.</p> <p><u>Article 133:</u> Conduct required of a person speaking at the hearing</p> <p>In his or her acts and words, any person speaking at the hearing must be respectful towards judges, adversarial parties and all other people present.</p> <p>A party who takes floor at the hearing speaks freely about matters relating to the case but with all due respect to justice and clarity to enable judges to easily understand his or her contentions.</p> <p>A party who diverts and speaks issues irrelevant to the subject matter or who demonstrates minimal politeness is called to order by the presiding judge. If the party persists or uses disrespectful language, the presiding judge silences the party for a moment in a polite way without assaulting or upsetting him or her. If the party refuses to comply, he or she is punished in accordance with the law.</p> <p>Any order of the judge meant to maintain order for the smooth running of the hearing is immediately executed as such.</p> | <p>D'autres moyens technologiques peuvent être utilisés afin de relater les propos de l'audience, le cas échéant.</p> <p><u>Article 133:</u> Comportement exigé de celui qui prend la parole pendant l'audience</p> <p>Dans ses actes et paroles, toute personne qui prend la parole pendant l'audience doit être respectueuse envers les juges, ses adversaires et le public.</p> <p>La personne qui prend la parole pendant l'audience parle librement mais avec tout le respect dû à la justice et toute la clarté nécessaire pour aider les juges à mieux comprendre ses prétentions.</p> <p>L'orateur qui s'écarte du sujet ou qui manque aux règles de bienséance, est ramené à l'ordre par le président du siège. Celui-ci, tout en évitant toute mesure d'intimidation ou de vexation, peut retirer momentanément la parole à l'orateur. Si l'orateur refuse d'obtempérer, il est puni conformément à la loi.</p> <p>Tout ce que le juge ordonne pour le maintien de l'ordre pour le bon déroulement de l'audience est exécuté immédiatement en tant que tel.</p> |
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| <p><u>Ingingo ya 134: Kwambara umwambaro uboneye mu rukiko</u></p> <p>Birabujijwe kwambara inyambaro ibangamiye icyubahiro kigomba Urukiko ahabera imirimo y'iburanisha.</p> <p>Amabwiriza ya Perezida w'Urukiko rw'Ikirenga agaragaza imyambarire ibujijwe mu iburanisha.</p> <p><u>Ingingo ya 135: Umutekano mu gihe cy'iburanisha</u></p> <p>Iyo mu rukiko cyangwa ahandi hose abacamanza baburanishiriza, umwe cyangwa benshi mu bantu bahari bateye urusaku, bagaragaje ko bagize icyo bashima cyangwa bagaya, bagatera cyangwa bakogezza imvururu mu buryo ubwo aribwo bwose, uyobora iburanisha arabacyaha, bakomeza akabirukana byaba ngombwa akitabaza inzego z'umutekano, bitabujije ibindi bihano biteganywa n'amategeko.</p> <p>Iyo imvururu zitewe n'umuburanyi, uyoboye iburanisha aramucyaha, akamumenyesha ko nakomeza amwirukana urubanza rugakomeza kuburanishwa nk'aho ahari. Iyo bamusohoye akanga, uyoboye iburanisha yitabaza ushinzwe umutekano akamusohora ku ngufu, bitabujije ibindi bihano biteganywa n'amategeko.</p> | <p><u>Article 134: Dress code that conforms to the honour of the court</u></p> <p>Any dress code that undermines the court honour during court proceedings is prohibited.</p> <p>Instructions of the President of the Supreme Court identifies prohibited dress code in the court hearing.</p> <p><u>Article 135: Order during the hearing</u></p> <p>In a court or in any other place where a public court hearing is held, if one or more persons present make noise, express approval or disapproval by causing or stirring up trouble in any way, the presiding judge calls them to order and expel them if they persist and, if necessary, seek intervention of law enforcement forces without prejudice to other penalties provided by law.</p> <p>If the person who causes trouble is a party to the proceedings, the presiding judge call him or her to order and warn him or her that if he or she persists, he or she will expel him or her and continue the hearing as if he or she is present. If he or she is expelled and refuses to leave the courtroom, the presiding judge seeks</p> | <p><u>Article 134: Habillement conforme à l'honneur dû à l'audience</u></p> <p>Il est interdit de porter des habits portant atteinte à l'honneur dû à l'audience.</p> <p>Les instructions du Président de la Cour Suprême déterminent le genre d'habillement interdit à l'audience.</p> <p><u>Article 135: Police d'audience</u></p> <p>Si, dans une juridiction ou tout autre lieu où se tient publiquement une audience d'une juridiction, une ou plusieurs personnes font du bruit en exprimant leur approbation ou désapprobation, causent ou encouragent le trouble de quelque manière que ce soit, le Président du siège les ramène à l'ordre et les expulse s'ils persistent et, si nécessaire, fait recours aux forces de l'ordre, sans préjudices d'autres sanctions prévues par la loi.</p> <p>Si la personne qui cause les troubles est partie au procès, le Président du siège la ramène à l'ordre et l'informe que si elle persiste, il l'expulsera et que le jugement sera réputé contradictoire. Si elle résiste à l'expulsion, le Président du siège fait recours aux forces de l'ordre qui l'expulsent</p> |
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| <p>Iyo imvururu zitewe n’umuntu ufite umurimo mu rukiko, hakurikizwa ibiteganyijwe mu gika cya mbere cy’iyi ngingo.</p> <p><u>Ingingo ya 136: Gufata amajwi n’amashusho mu iburanisha</u></p> <p>Uretse ababiherewe uburenganzira bwihariye na Perezida w’urukiko, undi wese ushaka gufata amajwi n’amashusho mu rukiko abikora mbere y’uko inteko iburanisha yinjira cyangwa nyuma iburanisha rishoje inteko y’urukiko imaze gusohoka mu cyumba cy’iburanisha.</p> <p>Icyakora, abashaka kugira icyo bandika kijyanye n’iburanisha bemerewe kwandika.</p> <p>Uburenganzira bwo gufata amajwi n’amashusho mu iburanisha busabwa mu nyandiko nibura mu gihe cy’amasaha mironko ine n’umunani (48) mbere y’iburanisha.</p> <p>Perezida w’urukiko afata icyemezo cyemera cyangwa cyimana uburenganzira bwo gufata amajwi n’amashusho mbere y’uko iburanisha ritangira amaze gusuzuma ko nta ngaruka</p> | <p>intervention of law enforcement forces to expel the party by force without prejudice to other penalties provided by the law.</p> <p>If the trouble is caused by a court employee, the provisions of Paragraph One of this Article apply.</p> <p><u>Article 136: Audio and visual recording in court hearing</u></p> <p>Except persons authorized by the President of the court, any other person who intends to take audio or visual records in the court does so before the panel of judges enters the court room or after the closure of hearing and after the panel of judges exits the court room.</p> <p>However, any person who intends to write anything relating to the hearing is authorized to do so.</p> <p>Authorisation to take audio or visual records in court hearing is applied for in writing at least forty eight (48) hours before the hearing.</p> <p>The President of the court takes a decision to accept or reject the application to take audio or visual records before the hearing after examining whether there are no consequences</p> | <p>de force sans préjudice d’autres sanctions prévues par la loi.</p> <p>Si le trouble est causé par un agent de la juridiction, l’alinéa premier du présent article s’applique.</p> <p><u>Article 136: Prise de sons et d’images à l’audience</u></p> <p>À l’exception des personnes ayant reçu l’autorisation spécifique du Président de la juridiction, toute autre personne désireuse de prendre des sons et des images à l’audience le fait avant l’entrée du siège dans la salle d’audience ou après la clôture des débats après la sortie des membres du siège.</p> <p>Toutefois, la prise de notes relatives à l’audience est permise.</p> <p>L’autorisation de prendre des sons et des images à l’audience est demandée par écrit quarante-huit (48) heures au moins avant l’audience.</p> <p>Le Président de la juridiction prend la décision accordant ou refusant l’autorisation de prise de sons ou d’images après avoir examiné que cela ne porte pas de conséquence contre les intérêts</p> |
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| <p>byagira ku nyungu z'ubutabera, umutekano w'Igihugu n'uw'abaturanyi n'umuco mbonezabupfura. icyo cyemezo kimenyeshwa uwasabye uburenganzira bwo gufata amajwi cyangwa amashusho mu iburanisha mbere y'uko iburanisha ritangira.</p> | <p>on justice, national security, security of the parties and public morals. The decision is notified to the applicant who requested authorisation to take audio or visual records before the beginning of hearing.</p> | <p>de la justice, la sécurité nationale et des parties et les bonnes mœurs. Cette décision est notifiée au requérant ayant demandé l'autorisation de prendre des enregistrements audio ou visuels avant le début de l'audience.</p> |
| <p><u>Ingingo ya 137: Kuburanisha ibyaha bikoze mu iburanisha</u></p> | <p><u>Article 137: Trial of offences of contempt of court</u></p> | <p><u>Article 137: Jugement des délits d'audience</u></p> |
| <p>Mu gihe cy'iburanisha iyo hakoze icyaha gihanishwa igihano kitarenga igifungo cy'imyaka itanu (5), urukiko rushobora guhera ko ruhana uwagikoze.</p> | <p>If a person commits an offence of contempt of court punishable with a maximum of imprisonment of five (5) years, the court can immediately sentence him or her.</p> | <p>Si le délit d'audience commis est punissable d'une peine d'emprisonnement de cinq (5) ans au maximum, la juridiction peut immédiatement condamner l'auteur.</p> |
| <p>Iyo icyo cyaha cyakozwe gihanishwa igifungo kirenze imyaka itanu (5), urukiko rumaze gufatisha uwagikoze no kwandika inyandikomvugo y'iby yakoze, rumwoherereza umushinjacyaha hamwe n'ibimenyetso bimushinja kugira ngo akurikiranwe.</p> | <p>If a person commits an offence of contempt of court punishable with imprisonment of more than five (5) years, the court, after ordering for his or her arrest and drawing up a statement of facts, produces him or her before a Prosecutor and submits incriminating evidence for prosecution.</p> | <p>Si le délit d'audience commis est punissable de plus de cinq (5) ans d'emprisonnement, la juridiction, après avoir fait arrêter l'auteur et dressé le procès-verbal des faits, le traduit devant l'Officier de Poursuite Judiciaire à qui elle transmet les pièces à conviction pour poursuite.</p> |
| <p><u>Icyiciro cya 8: Isomwa ry'urubanza</u></p> | <p><u>Section 8: Pronouncement of the judgement</u></p> | <p><u>Section 8: Prononcé du jugement</u></p> |
| <p><u>Ingingo ya 138: Igihe cyo gusoma urubanza</u></p> | <p><u>Article 138: Time for pronouncement of judgment</u></p> | <p><u>Article 138: Délai du prononcé du jugement</u></p> |
| <p>Urubanza rwose rugomba gusomwa rwanditse mu gihe kitarenze iminsi mirongo itatu (30) uherye igihe iburanisha ryasorejwe. Iyo bitabaye ibyo umucamanza cyangwa</p> | <p>Every judgment must be in writing and pronounced in a period not exceeding thirty (30) days from the day of closure of the hearing. In</p> | <p>Le jugement doit être rédigé et prononcé dans les trente (30) jours qui suivent la clôture des débats. Dans le cas contraire, les mesures</p> |

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| <p>abacamanza baruburanishije bafatirwa ibihano byerekeranye n’imytwarire mu kazi.</p> <p>Impamvu zatumye urubanza rudasomwa mu minsi mironko itatu (30) zigaragazwa muri kopi y’urubanza.</p> <p>Iyo umwe mu baburanyi atigeze amenyeshwa umunsi w’isomwa ry’urubanza cyangwa se ngo abe yarahagarariwe, amenyeshwa n’umwanditsi w’urukiko cyangwa umuhesha w’inkiko uko urubanza rwaciye hakurikijwe amategeko asanzwe agenga imenyeshya ry’inyandiko z’urukiko.</p> <p><u>Ingingo ya 139: Ibigomba kugaragara muri kopi y’urubanza</u></p> <p>Urubanza rugomba kugaragaza ibi bikurikira:</p> <ol style="list-style-type: none"> 1° numero y’urubanza; 2° urukiko rwaciye urubanza, aho rwasomewe n’itariki rwasomeweho; 3° umwirondoro wuzuye w’ababuranyi; 4° ikiburanwa; 5° imiterere y’urubanza; | <p>case of failure, a judge or judges who heard the case are subject to disciplinary measures.</p> <p>Reasons that led to failure of pronouncement of judgment within thirty (30) days are indicated in case judgment.</p> <p>In case one of the parties or his or her counsel was not informed of the day of pronouncement of the judgment, he or she is informed by the court registrar or court bailiff of how the case was decided in accordance with the usual regulations governing notification of court documents.</p> <p><u>Article 139: Contents of the judgment</u></p> <p>A court judgment must indicate the following:</p> <ol style="list-style-type: none"> 1° the number of the case; 2° the court that heard the case, place and date on which the judgment was pronounced; 3° complete identity of parties; 4° subject matter; 5° nature of the case; | <p>administratives sont prises à l’égard du juge ou des juges du siège.</p> <p>Les raisons ayant entraîné le non prononcé du jugement dans les trente (30) jours doivent apparaître dans l’expédition du jugement.</p> <p>Lorsqu’une des parties n’a pas été informée de la date du prononcé, ou qu’elle n’a pas été représentée, le greffier ou l’huissier de justice lui communique, selon les règles ordinaires de communication des actes judiciaires.</p> <p><u>Article 139: Contenu du jugement</u></p> <p>Le jugement doit indiquer ce qui suit :</p> <ol style="list-style-type: none"> 1° le numéro du jugement ; 2° la juridiction qui l’a rendu, lieu et date du prononcé ; 3° l’identité complète des parties ; 4° l’objet ; 5° les faits de l’affaire; |
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| 6° urutonde rw'ibibazo bigize urubanza; | 6° list of issues that constitute the case; | 6° la liste des problèmes de l'affaire; |
| 7° isuzuma rya buri kibazo rigaragaza imiburanire ya buri muburanyi n'umwanzuro w'urukiko kuri buri kibazo hashingiwe ku byabaye no ku mategeko; | 7° examination of each issue in the case indicating the submissions of each party and the decision of the court on each issue on the basis of fact and law; | 7° l'examen de chaque problème faisant état des moyens présentés par chaque partie et la décision de la juridiction eu égard aux faits et au droit; |
| 8° icyemezo cy'urukiko ko uregwa ari umwere cyangwa ko icyaha kimuhama; | 8° decision of the court whether the accused is innocent or guilty; | 8° la décision de la juridiction que l'accusé est innocent ou coupable; |
| 9° icyaha cyahamye ushinjwa iyo atagizwe umwere; | 9° the offence of which the party is convicted if he or she was not innocent; | 9° l'infraction dont l'accusé est coupable s'il n'est pas acquitté; |
| 10° ibihano byemejwe; | 10° awarded penalties; | 10° les peines prononcées; |
| 11° indishyi zigomba kurihwa niba zihari; | 11° damages that must be paid, if any; | 11° les condamnations civiles éventuelles; |
| 12° icyemezo cyafashwe ku bintu byafatiriwe; | 12° decision taken on the seized property; | 12° la décision prise pour les objets saisis ; |
| 13° ko ababuranyi bari bahari cyangwa batari bahari; | 13° whether parties were present or not; | 13° la présence ou l'absence des parties au procès ; |
| 14° ko rwaburanishijwe mu ruhame cyangwa mu muhezo kandi rugasomerwa mu ruhame; | 14° whether the hearing was conducted in public or in camera and whether the judgment was pronounced in public; | 14° la publicité ou le huis-clos des audiences et le prononcé en public ; |
| 15° itariki n'ahantu urubanza rwaciriwe; | 15° the date and place where the case was decided; | 15° le lieu et la date du prononcé ; |

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| <p>16° izina cyangwa amazina y'abacamanza baruciye;</p> <p>17° ko rukijijwe kandi rusomewe mu ruhame;</p> <p>18° ko isomwa ryasubitswe n'impamvu zabyo iyo ryabayeho;</p> <p>19° ko hari umucamanza utarahuje na bagenzi be mu icibwa ry'urubanza n'impamvu yashingiyeho mu magambo avunaguye;</p> <p>20° amazina y'umucamanza cyangwa ay'abacamanza baruburanishije;</p> <p>21° amazina y'umwanditsi w'urukiko.</p> | <p>16° the name or names of the judges who heard the case;</p> <p>17° whether it is decided and pronounced in public;</p> <p>18° whether pronouncement was postponed and reasons thereof;</p> <p>19° any dissenting opinion and reasons thereof in brief;</p> <p>20° names of judge or judges who heard the case;</p> <p>21° names of the court registrar.</p> | <p>16° le nom ou les noms des juges qui ont siégé;</p> <p>17° le jugement et le prononcé en public ;</p> <p>18° la remise du prononcé et les motifs ;</p> <p>19° l'opinion du juge dissident et ses motifs en bref ;</p> <p>20° les noms du juge ou des juges ayant jugé l'affaire ;</p> <p>21° les noms du greffier.</p> |
| <p>Mu gihe urubanza rwaciwe n'umucamanza urenze umwe, umucamanza cyangwa abacamanza batemera icyemezo cyafashwe na bagenzi babo, bashobora kwandika igitekerezo bashyigikiraga n'impamvu bashingiraho, kikagaragara mu rubanza inyuma y'imikono y'abagize inteko. Icyo gitekerezo ntigisomwa mu ruhame.</p> | <p>If the case was decided by more than one judge, any judge or judges who disagree with the decision taken by colleagues can attach their dissenting opinion and the reasons to the judgment and that opinion is written below signatures of the members of bench. The dissenting opinion is not read in public.</p> | <p>Si le jugement est rendu par plus d'un juge, le juge ou les juges dissidents peuvent mettre à l'écrit leur opinion et les raisons de cette dissidence et les faire attacher au jugement après les signatures des membres du siège. L'opinion dissidente n'est pas lue en public lors du prononcé.</p> |
| <p>Urubanza rushyirwaho umukono n'umucamanza cyangwa abacamanza baruburanishije n'umwanditsi w'urukiko wari uhari urubanza rusomwa.</p> | <p>The case is signed by the judge or judges who heard the case and the court registrar who was present during pronouncement.</p> | <p>Le jugement est signé par le juge ou les juges du siège ainsi que par le greffier présent au prononcé.</p> |

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| <p><u>Ingingo ya 140:</u> Iherezo ry'ingwate mu gihe ushinjwa agizwe umwere cyangwa ahamwe n'icyaha</p> <p>Iyo mu gihe cyo guca urubanza ushinjwa yari yararekuwe by'agateganyo atanze ingwate, akaza gutsinda, urukiko rutegeka kumusubiza ingwate ye, uretse kuyivanamo amagarama y'urubanza y'inyongera yatewe n'uko haba hari umuhango w'urubanza atitabiriye.</p> <p>Iyo ushinjwa atsinzwe, ingwate yose cyangwa igice cyayo ivanwamo ubwishyu bw'ibyangijwe n'icyaha, ibigomba gusubizwa, ihazabu n'amagarama y'urubanza.</p> <p><u>Ingingo ya 141:</u> Inshingano yo kugaragaza urukiko rufite ububasha bwo kuburanisha umuntu</p> <p>Urukiko rwaciye urubanza rw'uko rudafite ububasha bwo kuruburanisha, rugomba guhita rugaragariza ababuranyi urukiko rufite ububasha bwo kuruburanisha kandi rukohereza dosiye urwo rukiko.</p> | <p><u>Article 140:</u> Fate of bail in case of acquittal or conviction of the accused</p> <p>If the accused had been granted bail and is acquitted, the court orders that such bail be refunded to him or her after possible deduction of additional court fees incurred as a result of his or her absence in a court proceedings.</p> <p>If the accused is convicted, the bail in whole or in part is paid out for redress for the damages caused by the offence, restitutions, fines and court fees.</p> <p><u>Article 141:</u> Obligation of indicating the competent court</p> <p>If a court rules that it does not have jurisdiction to hear the case, it must immediately inform the accused of the court competent to hear the case and forward the case file to that court.</p> | <p><u>Article 140:</u> Sort de la caution en cas d'acquittement ou de condamnation de l'accusé</p> <p>Si l'accusé est acquitté alors qu'il avait bénéficié d'une mise en liberté provisoire sous caution, le jugement ordonne la restitution de la caution, sauf prélèvement des frais de justice supplémentaires occasionnés par son absence à un acte de procédure.</p> <p>Si l'accusé est condamné, le tout ou partie de la caution est versé pour le paiement de la réparation des dommages causés par l'infraction, des restitutions, des amendes et des frais de justice.</p> <p><u>Article 141:</u> Obligation d'indiquer la juridiction compétente</p> <p>La juridiction qui a rendu un jugement d'incompétence de connaître l'affaire doit indiquer à l'accusé la juridiction compétente pour connaître l'affaire et transférer le dossier à cette juridiction.</p> |
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| <p><u>Ingingo ya 142: Kumenyeshwa urubanza rwaciwe uregwa adahari</u></p> <p>Urubanza rwaciwe uregwa adahari arumenyeshwa mu buryo bumwe n'ubw'ihamagara.</p> <p><u>UMUTWE WA II: IMIBURANISHIRIZE YIHARIYE</u></p> <p><u>Icyiciro cya mbere: Iburanisha ku ifunga rinyuranyije n'amategeko</u></p> <p><u>Ingingo ya 143: Ifungwa rinyuranyije n'amategeko</u></p> <p>Ifungwa ryose rinyuranyije n'ibivugwa mu ngingo ya 66, iya 74 n'ya 79 z'iri tegeko riba ritemewe n'amategeko, urikoze arabihanirwa.</p> <p>Ifungwa ritemewe n'amategeko rivugwa mu gika cya mbere cy'iyi ngingo harimo :</p> <p>1° gufungira umuntu mu nzu itabigenewe;</p> <p>2° gufanga umuntu igihe kirenze icyateganyijwe n'inyandikomvugo zo gufata n'inyandiko zifunga by'agateganyo mbere y'urubanza;</p> | <p><u>Article 142: Notification of a judgment pronounced in absentia</u></p> <p>The defendant is notified of the judgment pronounced in absentia in procedures similar to procedures of serving summons.</p> <p><u>CHAPTER II: SPECIAL PROCEEDINGS</u></p> <p><u>Section One: Procedure for trying a case on unlawful detention</u></p> <p><u>Article 143: Unlawful detention</u></p> <p>Any detention in violation of provisions of Articles 66, 74 and 79 of this Law is unlawful and punishable.</p> <p>Unlawful detention provided under Paragraph One of this Article includes:</p> <p>1° detaining a person in an irrelevant facility;</p> <p>2° detaining a person for a period longer than the period specified in the arrest statement and in the provisional detention warrants;</p> | <p><u>Article 142: Signification d'un jugement rendu par défaut</u></p> <p>Le jugement rendu par défaut est signifié à l'accusé de la même façon que la citation à comparaître.</p> <p><u>CHAPITRE II: PROCÉDURES PARTICULIÈRES</u></p> <p><u>Section première: Procédure d'audience concernant la détention illégale</u></p> <p><u>Article 143: Détention illégale</u></p> <p>Toute détention en violation des dispositions des articles 66, 74 et 79 de la présente loi constitue une détention illégale et est punissable.</p> <p>La détention illégale visée à l'alinéa premier du présent article comprend :</p> <p>1° la détention dans un lieu autre qu'une maison d'arrêt appropriée ;</p> <p>2° la détention au-delà du délai prévu par les procès-verbaux d'arrestation et les mandats de détention provisoire ;</p> |
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| <p>3° gukomeza gufunga umuntu harafashwe icyemezo kitemera cyangwa kitongera ifungwa mbere y'urubanza, cyangwa cyemera ifungurwa ry'agateganyo;</p> <p>4° gukomeza gufunga umuntu harafashwe icyemezo kimugira umwere;</p> <p>5° gukomeza gufunga umuntu wahanishijwe ihazabu;</p> <p>6° gufunga uwasubikiwe igihano;</p> <p>7° gukomeza gufunga uwarangije igihano;</p> <p>8° gufungwa n'utabifitiye ububasha;</p> <p>9° gufungwa hadakurikijwe imihango y'ifata n'ifungwa ry'agateganyo.</p> | <p>3° continued detention of a person after a decision rejecting provisional detention or its extension or granting provisional release was taken;</p> <p>4° continued detention of a person after a decision of acquittal was taken;</p> <p>5° continued detention of a person who was punished by a fine;</p> <p>6° detaining a person whose sentence was suspended;</p> <p>7° continued detention of a person who served his or her sentence;</p> <p>8° being detained by an unauthorized person;</p> <p>9° detention that does not comply with formalities of arrest and provisional detention.</p> | <p>3° le maintien d'une personne en détention après une ordonnance refusant la détention provisoire ou sa prolongation ou autorisant la mise en liberté provisoire ;</p> <p>4° le maintien d'une personne en détention après une décision judiciaire d'acquittement;</p> <p>5° maintenir en détention une personne condamnée à une amende ;</p> <p>6° emprisonner une personne condamnée avec sursis ;</p> <p>7° maintenir en détention une personne qui a fini l'exécution de sa peine;</p> <p>8° être détenu par une personne non habilitée;</p> <p>9° être en détention en violation des procédures d'arrestation et de détention provisoire.</p> |
| <p><u>Ingingo ya 144: Uburyo bwo gutanga ikirego ku ifungwa rinyuranyije n'amategeko</u></p> <p>Utanga ikirego cy'uko afunze cyangwa afite umuntu ufunze mu buryo bunyuranye n'amategeko agitanga mu rukiko rufite ububasha bwo kuburanisha icyaha cyo gufunga binyuranyije n'amategeko ruri hafi y'aho</p> | <p><u>Article 144: Procedure for instituting a claim against unlawful detention</u></p> <p>Any person who files a case claiming of his or her illegal detention or that of a third party does so in the court competent to hear such a case which is near the place of detention, in accordance with the normal way of filing a direct case.</p> | <p><u>Article 144: Procédure d'intenter une action en justice contre une détention illégale</u></p> <p>La personne qui intente l'action en justice contre sa détention illégale ou celle d'une autre personne, le fait devant la juridiction compétente proche de son lieu de détention pour connaître cette affaire selon la procédure de la citation directe.</p> |

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| <p>afungiye mu buryo busanzwe nk'utanga ikirego atisunze ubushinjacyaha.</p> <p>Iki kirego kiburanishwa mu gihe cy'amasaha mirongo ine n'umunani (48) abarwa uherye igihe ikirego gitangiwe, icyemezo kigafatwa mu gihe cy'iminsi itarenze itanu (5). Iki kirego ntigitangirwa ingwate y'amagarama.</p> <p>Iyo kimaze kwandikwa mu gitabo cy'ibirego, Perezida w'urukiko akena inteko izaburanisha urwo rubanza, uwatanze ikirego agahamagarwa kugira ngo asobanure mu buryo burambuye ishingiro ry'ibikubiye mu myanzuro yashyikirije urukiko.</p> <p>Umucamanza uburanisha urubanza ruvugwa mu gika cya 2 cy'iyi ngingo, amaze kumva neza ibisobanuro by'urega n'ingingo aburanisha, ashobora gufata icyemezo cyo guhamagaza uregwa cyangwa kutamuhagaza.</p> <p>Iyo hafashwe icyemezo cy'uko uregwa ahamagazwa, yitaba ku giti cye cyangwa yunganiwe ari kumwe n'uwo aregwa ko afunze mu buryo bunyuranyije n'amategeko.</p> <p>Icyemezo kivugwa mu gika cya 4 cy'iyi ngingo kigaragaza impamvu uhamagajwe ahamagajwe, amategeko yishwe, umunsi w'iburanisha, kikanamutegeka kugeza ku rukiko imyanzuro</p> | <p>The claim is heard within forty eight (48) hours from the time the claim was instituted and the decision is taken within five (5) days. The claim is not subject to legal fees.</p> <p>The President of the Court, after the claim is registered, assigns a panel of judges to hear the case and the plaintiff is summoned to present in details the justifications of what is contained in submissions submitted to the Court.</p> <p>The judge who hears the case mentioned in Paragraph 2 of this Article, after understanding the submissions of the plaintiff and the legal provisions relating to the case, can or cannot summon the defendant.</p> <p>When the decision to summon the defendant is taken, the defendant appears as an individual or through his or her legal counsel together with the person he or she is accused to have been unlawfully detained.</p> <p>The decision referred to in Paragraph 4 of this Article provides justifications for summoning the defendant, errors of law and date of hearing and orders the defendant to submit to the court</p> | <p>L'action est jugée endéans quarante-huit (48) heures à partir du moment du dépôt de la plainte et la décision est prise endéans cinq (5) jours. Le dépôt en justice d'une telle plainte ne requiert pas le paiement de frais de justice.</p> <p>Après l'enregistrement de la plainte, le Président de la juridiction désigne la composition du siège, le plaignant est appelé à comparaître pour des éclaircissements sur le fondement du contenu de sa plainte à la juridiction.</p> <p>Le juge qui statue sur cette affaire visée à l'alinéa 2 du présent article, après avoir entendu les explications du plaignant et leur base juridique, peut décider d'appeler l'accusé ou pas.</p> <p>En cas de décision de comparution de l'accusé, celui-ci peut comparaître en personne ou assisté par un avocat en présence de la personne qu'il est accusé de détenir illégalement.</p> <p>La décision visée à l'alinéa 4 du présent article indique la raison de faire comparaître la personne qui comparaît, les dispositions légales violées et la date de l'audience et lui ordonne de</p> |
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| <p>ikubiyemo ibisobanuro ku byo aregwa bitarenze amasaha makumyabiri n'ane (24) mbere y'uko urubanza ruburanishwa.</p> | <p>defence submissions in a period not exceeding twenty four (24) hours before the hearing.</p> | <p>soumettre à la juridiction les explications sur les plaintes portées contre elle au moins vingt-quatre (24) heures avant la date de l'audience.</p> |
| <p>Haregwa uwafashe icyemezo kibujijwe cyangwa utafashe icyemezo gitegetswe, akaburanishwa nk'uko amategeko abiteganywa.</p> | <p>The person who took an illegal decision or who failed to take the required order is heard in accordance with law.</p> | <p>La personne qui a pris une décision interdite ou qui n'a pas pris une décision obligatoire est entendue conformément à la loi.</p> |
| <p>Ubushinjacyaha bugomba guhamagarwa muri bene izi manza.</p> | <p>The public prosecution must be summoned in such cases.</p> | <p>L'organe de poursuite judiciaire doit être cité à comparaître dans de telles affaires.</p> |
| <p><u>Ingingo ya 145: Icyemezo ku kirego cyo gufunga umuntu mu buryo bunyuranyije n'amategeko</u></p> | <p><u>Article 145: Decision on claim against unlawful detention</u></p> | <p><u>Article 145: Décision sur une action en justice contre la détention illégale</u></p> |
| <p>Nyuma yo kumva ibisobanuro rwahawe, urukiko rushobora gutegeka ko ufunzwe akomeza gufungwa cyangwa se ko afungurwa. Rushobora kandi no gutegeka ko ufunzwe afungurwa by'agateganyo rukamutegeka ariko kugira ibyo yubahiriza biteganyijwe mu ngingo ya 80 y'iri tegeko.</p> | <p>The court can, after considering the justifications provided, order for the retaining or release of the detainee. The court can also order for provisional release of the detainee and instruct him or her to comply with requirements specified in Article 80 of this Law.</p> | <p>Après avoir écouté les explications fournies, la juridiction peut ordonner que la personne détenue reste en prison ou qu'elle soit libérée. Elle peut également ordonner la mise en liberté provisoire assortie des obligations du contrôle judiciaire prévues par l'article 80 de la présente loi.</p> |
| <p>Iyo urukiko ruhamije uregwa icyaha cyo gufunga mu buryo bunyuranyije n'amategeko rumuhanisha ibihano biteganywa n'amategeko.</p> | <p>Where the court convicts the person who is accused of unlawful detention, it sentences him or her to the penalties provided for by the Law.</p> | <p>Lorsque la juridiction reconnaît coupable la personne accusée de la détention illégale, elle prononce contre cette personne, des peines prévues par la loi.</p> |
| <p>Icyo cyemezo gishobora kujuririrwa mu bihe biteganywa n'amategeko agenga imiburanishirize y'ifunga n'ifungurwa ry'agateganyo.</p> | <p>The court order can be subject to appeal within the time limits provided by the procedure on provisional detention and release.</p> | <p>Cette décision est susceptible d'appel dans les délais prévus par la procédure relative à la détention et à la liberté provisoire.</p> |

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| <p><u>Icyiciro cya 2: Ikurikirana ry’umwana ushinjwa icyaha</u></p> <p><u>Ingingo ya 146: Kwemeza ko ukurikiranywe akiri umwana</u></p> <p>Kumenya ko ukurikiranywe yari umwana bishingira ku gihe icyaha cyakorewe.</p> <p>Ukurikiranywe n’Ubushinjacyaha wakoze icyaha ari umwana aburanishwa n’urugereko ruburanisha abana n’ubwo bwose mu gihe cy’iburanisha yaba yaragejeje ku myaka y’ubukure.</p> <p><u>Ingingo ya 147: Gukurikirana umwana</u></p> <p>Umugenzacyaha cyangwa Umushinjacyaha ushinzwe dosiye akora ibishoboka byose n’iperereza rya ngombwa hagamijwe kugaragaza ukuri n’imiterere y’umwana n’icyakorwa kugira ngo agarurwe mu nzira nziza.</p> <p>Umugenzacyaha cyangwa umushinjacyaha akoresheje iperereza, ashakisha ibimenyetso byose byerekeye ubuzima bwe bwose ari ibyerekeye imiterere ye n’uko yabayeho, imyigire ye n’imyifatire ye ku ishuri n’uko yarezwe.</p> | <p><u>Section 2: Prosecution of a juvenile offender</u></p> <p><u>Article 146: Determination of minority of a juvenile offender</u></p> <p>The time of commission of an offence serves as the basis for the determination of the minority of a juvenile offender.</p> <p>A juvenile offender prosecuted by the public prosecution is tried by the specialised chamber for minors even if the trial is conducted after he or she attains the majority age.</p> <p><u>Article 147: Prosecuting a juvenile offender</u></p> <p>An investigator or a prosecutor in charge of the case file does everything possible and conducts the necessary investigations to establish the truth about the personality of the juvenile offender and identify appropriate means for his or her rehabilitation.</p> <p>The investigator or the prosecutor, through investigations, gathers all evidence concerning all the aspects of the minor’s life including character and history, educational background, school behaviour and conditions relating to upbringing of the child.</p> | <p><u>Section 2: Poursuite d’un mineur délinquant</u></p> <p><u>Article 146: Détermination de la minorité du mineur délinquant</u></p> <p>La minorité du mineur délinquant s’apprécie au moment de la commission de l’infraction.</p> <p>Le mineur délinquant poursuivi par l’organe de poursuite judiciaire est jugé par la chambre spécialisée pour mineurs même s’il a atteint la majorité au moment du jugement.</p> <p><u>Article 147: Poursuite d’un mineur délinquant</u></p> <p>L’enquêteur ou l’officier de poursuite judiciaire en charge du dossier fait tout ce qui est dans son pouvoir et effectue l’investigation nécessaire pour parvenir à la manifestation de la vérité sur la personnalité du mineur ainsi que des moyens appropriés à sa rééducation.</p> <p>L’enquêteur ou l’officier de poursuite judiciaire recueille, par une enquête, des renseignements sur tous les aspects de la vie du mineur y compris son caractère et les conditions dans lesquelles il a vécu, ses antécédents et son</p> |
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| <p>Umushinjacyaha ashobora gutegeka ko asuzumwa n’abaganga kandi bibaye ngombwa, agasuzumwa ku myitwarire ye. Umushinjacyaha yemeza ko umwana ashwirwa ahantu hashobora gutuma imyitwarire ye igororwa ku buryo asubizwa mu buzima busanzwe.</p> <p>Iyo bibaye ngombwa, Umushinjacyaha ashobora kwandika inzandiko zose za ngombwa zitumira abantu cyangwa gusaba inkiko gutegeka igenzura ry’imibereho y’umwana hubahirijwe amategeko asanzwe.</p> <p><u>Ingingo ya 148: Kuburanisha umwana n’uwo bakurikiranywe hamwe</u></p> <p>Umwana urengeje imyaka cumi n’ine (14) ariko utarageze ku myaka cumi n’umunani (18) y’amavuko acirwa urubanza hakurikijwe amategeko asanzwe.</p> <p>Urugereko ruburanisha abana ruca imanza rumaze kumva umwana, abatangabuhamy, ababyeyi, umuhagarariye cyangwa ushinzwe kumurera, Ubushinjacyaha n’Umwunganira. Ni na rwo kandi ruburanisha abo bafatanyije icyaha cyangwa ibyitso bye byujuje imyaka</p> | <p>A prosecutor can order a medical examination and, where applicable, require a psychological examination for the minor. The prosecutor decides to put the minor in a conducive atmosphere to enable the minor be rehabilitated for social reintegration.</p> <p>Where necessary, the prosecutor can issue all necessary warrants or order judicial supervision in compliance with rules of general law.</p> <p><u>Article 148: Trial of a minor and his or her co-accused</u></p> <p>A minor aged above fourteen (14) years but below eighteen (18) years is tried in accordance with rules of general law.</p> <p>A specialized chamber for minors adjudicates the case after hearing the minor, witnesses, his or her parents, guardian or custodian, the public prosecution and his or her legal counsel. It also tries his or her co-accused or accomplices having reached the age of majority, unless the law provides otherwise.</p> | <p>comportement scolaires ainsi que les conditions dans lesquelles il a été élevé.</p> <p>L’officier de poursuite judiciaire peut ordonner un examen médical et, si besoin est, ordonner un examen psychologique du mineur. L’officier de poursuite judiciaire décide le placement du mineur dans un environnement propice au redressement pour sa réintégration sociale.</p> <p>En cas de nécessité, l’officier de poursuite judiciaire peut décerner tout mandat utile ou prescrire le contrôle judiciaire en se conformant aux règles du droit commun.</p> <p><u>Article 148: Jugement d’un mineur et de son co-accusé</u></p> <p>Un mineur âgé de plus de quatorze (14) ans mais de moins de dix-huit (18) ans est jugé suivant la procédure prévue par les règles du droit commun.</p> <p>La chambre spécialisée pour mineurs statue après avoir entendu le mineur, les témoins, les parents, le tuteur ou le gardien, l’organe de poursuite judiciaire et son avocat. Elle juge aussi ses co-accusés ou complices majeurs, à moins que la loi n’en dispose autrement.</p> |
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| <p>y'ubukure keretse iyo itegeko ribiteganya ukundi.</p> <p><u>Ingingo ya 149:</u> Ifungwa ry'umwana ukurikiranyweho icyaha</p> <p>Umwana utarageza ku myaka cumi n'ine (14) y'amavuko ntakurikiranwa.</p> <p>Umwana ugejeje ku myaka cumi n'ine (14) y'amavuko arakurikiranwa ariko ntashobora gushyirwa mu mazu bafungiramo abantu bakuru bakurikiranyweho icyaha mu gihe na we agikurikiranyweho.</p> <p><u>Ingingo ya 150:</u> icyemezo gishobora gufatirwa umwana ukurikiranywe</p> <p>Ibikubiye mu ngingo ya 147 y'iri tegeko iyo bimaze gukorwa, Umushinjacyaha ashobora:</p> <p>1° kurekura umwana mu gihe asanga nta bimenyetso bifatika bimushinja icyaha akamushyikiriza ababyeyi be, abashinzwe kumurera cyangwa umwishingizi we;</p> <p>2° kumushyikiriza urukiko rubifitiye ububasha;</p> | <p><u>Article 149:</u> Detention of a minor under prosecution</p> <p>A minor aged below fourteen (14) years is not prosecuted.</p> <p>A juvenile offender aged fourteen (14) years is subject to prosecution but cannot be detained in the same detention facility as major suspects.</p> <p><u>Article 150:</u> Decision that can be taken against a juvenile offender</p> <p>After compliance with the procedure provided for under Article 147 of this Law, the prosecutor can:</p> <p>1° release the minor if he or she considers that there is no sufficient incriminating evidence against the child and return him or her to the parents, guardians or custodians;</p> <p>2° take the juvenile offender to a competent court;</p> | <p><u>Article 149:</u> Détention d'un mineur poursuivi pour infraction</p> <p>Un mineur de moins de quatorze (14) ans ne peut pas être poursuivi.</p> <p>Un mineur de quatorze (14) ans peut être poursuivi pour infraction mais ne peut pas être placé dans les mêmes maisons d'arrêt que des personnes adultes.</p> <p><u>Article 150:</u> Décision susceptible d'être prise à l'encontre d'un mineur délinquant</p> <p>Une fois que la procédure prévue à l'article 147 de la présente loi est accomplie, l'officier de poursuite judiciaire peut:</p> <p>1° libérer le mineur s'il estime que l'infraction n'est pas établie et le remettre à ses parents, à son tuteur ou à la personne qui en avait la garde ;</p> <p>2° traduire le mineur devant la juridiction compétente ;</p> |
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| <p>3° kumushyira mu kigo cya Leta cyabigenewe igihe ategereje icyemezo cy'urukiko.</p> <p><u>Ingingo ya 151:</u> Uburenganzira bwo kunganirwa</p> <p>Umwana ushinjwa agomba kugira umwunganira guhera mu bugenzacyaha kugeza mu rukiko. Iyo adashoboye kumubona cyangwa se ngo abamuhagarariye bamumubonere, Ubugenzacyaha cyangwa Ubushinjacyaha busaba Perezida w'Urugaga rw'Abavoka kumushyiraho.</p> <p>Iyo Ubushinjacyaha butabikoze, umucamanza asaba Perezida w'Urugaga rw'Abavoka kugena uwunganira umwana.</p> <p><u>Ingingo ya 152:</u> icyemezo gifashwe n'urugereko ruburanisha abana</p> <p>Bitewe n'ikirego rwashyikirijwe, urugereko ruburanisha abana rwemeza ibikorwa birinda umwana, ibimufasha, ibyo kumugenzura n'ibyo kumurera rubona bikwiye.</p> | <p>3° put the minor in a public centre intended for that purpose pending a court decision.</p> <p><u>Article 151:</u> Right to legal counsel</p> <p>A juvenile offender under prosecution must have a legal counsel from investigations stage to court proceedings. If the juvenile offender or his or her guardians are unable to access a legal counsel, the organ in charge of investigations or the public prosecution requests the President of the Bar Association to assign a legal counsel to the juvenile.</p> <p>If the public prosecution does not seek legal representation for the juvenile, the judge requests the President of the Bar Association to assign a legal counsel to the juvenile.</p> <p><u>Article 152:</u> Measure taken by the specialised chamber for minors</p> <p>A specialised chamber for minors, depending on the case filed, takes measures for the protection, assistance, supervision and education of the minor it considers appropriate.</p> | <p>3° placer le mineur dans un établissement de l'État prévu à cet effet en attendant la décision du juge.</p> <p><u>Article 151:</u> Droit à l'assistance judiciaire</p> <p>Le mineur poursuivi doit être assisté d'un avocat dès les premières enquêtes jusqu'au jugement. Lorsque le mineur ou ses représentants légaux ne sont pas en mesure d'avoir accès à un avocat, l'organe chargé d'enquête ou l'organe de poursuite judiciaire saisit le Bâtonnier pour en désigner d'office.</p> <p>Si l'organe de poursuite judiciaire ne parvient pas à le faire, le juge demande au Bâtonnier de déterminer l'avocat pour représenter le mineur.</p> <p><u>Article 152:</u> Mesure prise par la chambre spécialisée pour mineurs</p> <p>La chambre spécialisée pour mineurs prend, suivant le cas, les mesures de protection, d'assistance, de surveillance et d'éducation du mineur qui lui semblent appropriées.</p> |
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| <p><u>Ingingo ya 153: Ikirego gisaba indishyi umwana</u></p> <p>Ikirego gisaba indishyi umwana n’ugomba kuziriha gishyikirizwa urugereko ruburanisha abana.</p> <p>Iyo umwana umwe cyangwa benshi bakurikiranywe hamwe n’umuntu cyangwa n’abantu benshi bakuze, ikirego cy’indishyi gishyikirizwa urukiko rufite ububasha bwo kuburanisha abakuze. Muri icyo gihe, umwana ntaza mu iburanisha, ahubwo hajyayo umuhagarariye wemewe n’amategeko.</p> <p>Iyo umwana atihitiyemo umwunganira cyangwa ngo umuhagarariye amumuhitiremo, aramugenerwa.</p> <p><u>Icyiciro cya 3: Ikurikiranwa ry’icyaha cyakorewe ahatari mu ifasi ya Repubulika y’u Rwanda</u></p> <p><u>Ingingo ya 154: Ikurikiranwa ry’umunyarwanda wakoreye icyaha hanze y’ifasi ya Repubulika y’u Rwanda</u></p> <p>Umunyarwanda wakoreye icyaha cy’ubugome cyangwa gikomeye ahatari mu ifasi ya Repubulika y’u Rwanda ashobora gukurikiranwa no gucibwa urubanza n’inkiko z’u Rwanda hakurikijwe amategeko y’u</p> | <p><u>Article 153: Civil action against a minor</u></p> <p>A civil action against a minor and the person with civil responsibility over the minor is filed in the specialised chamber for minors.</p> <p>If one or several minors are jointly charged with one or several adults, a claim for damages is filed in the court competent to try adults. In that case, the minor does not appear in court in person and rather appears through his or her legally recognized representative.</p> <p>If a minor fails to choose for himself or herself a representative or if the guardian is unable to do so, the juvenile is assigned a legal counsel.</p> <p><u>Section 3: Prosecution of an offence committed outside the territory of the Republic of Rwanda</u></p> <p><u>Article 154: Prosecution of a Rwandan who commits an offence outside the territory of the Republic of Rwanda</u></p> <p>A Rwandan national who commits a felony or a misdemeanour outside the territory of the Republic of Rwanda, can be prosecuted and tried by Rwandan courts in accordance with the Rwandan laws as if the offence was committed</p> | <p><u>Article 153: Action civile intentée contre un mineur</u></p> <p>L’action civile intentée contre un mineur et la personne civilement responsable est portée devant la chambre spécialisée pour mineurs.</p> <p>Lorsqu’un ou plusieurs mineurs sont impliqués dans la même cause qu’une ou plusieurs personnes majeures, l’action civile est portée devant la juridiction compétente à l’égard des majeurs. Dans ce cas, le mineur comparaît par l’intermédiaire de son représentant légalement reconnu.</p> <p>Si le mineur ou son représentant légalement reconnu n’a pas choisi un avocat, celui-ci est désigné d’office.</p> <p><u>Section 3: Poursuite d’une infraction commise hors du territoire de la République du Rwanda</u></p> <p><u>Article 154: Poursuite d’un Rwandais qui a commis une infraction en dehors du territoire de la République du Rwanda</u></p> <p>Un Rwandais qui, hors du territoire de la République du Rwanda, s’est rendu coupable d’un crime ou d’un délit, peut être poursuivi et jugé par les juridictions rwandaises conformément à la législation rwandaise comme</p> |
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| <p>Rwanda nk'aho icyo cyaha cyakorewe mu Rwanda mu gihe icyo cyaha gihanwa n'itegeko ry'u Rwanda.</p> <p><u>Ingingo ya 155:</u> Ikurikirana ry'icyaha cy'ubugome cyangwa gikomeye cyakorewe mu mahanga</p> <p>Gukurikirana icyaha cy'ubugome cyangwa gikomeye cyakorewe mu mahanga, ntibishobora gutangira bidasabwe n'Ubushinjacyaha cyangwa abandi bantu babifitemo inyungu.</p> <p>Nta gukurikirana kundi kubaho, iyo ushinjwa agaragaza ko mu mahanga yaciriwe urubanza rudasubirwaho kandi yaba yaratsinzwe, ko yarangije igihano cyangwa ko yababariwe.</p> <p><u>Ingingo ya 156:</u> Ikurikiranwa ry'icyaha cyakorewe ahantu hatagira Igihugu kihategeka</p> <p>Gifatwa ko cyakorewe mu ifasi ya Repubulika y' u Rwanda, icyaha cyakozwe n'umunyarwanda cyangwa cyakorewe umunyarwanda, gikorewe ahantu hatagira Igihugu kihategeka cyangwa gikozwe n'umuntu uwo ari we wese uri mu bwato bw'u Rwanda kandi buri mu mazi atagira Igihugu kiyategeka cyangwa uri mu ndege ifite icyapa</p> | <p>on the Rwandan territory if such an offence is punishable under Rwandan law.</p> <p><u>Article 155:</u> Prosecution of a felony or a misdemeanour committed abroad</p> <p>The prosecution of a felony or misdemeanour committed abroad can only be instituted at the request of the public prosecution or any other interested persons.</p> <p>Prosecution cannot be instituted if the accused proves that he or she was subject to a final judgment delivered abroad and that in the event of conviction he or she served his or her sentence or was granted a pardon.</p> <p><u>Article 156:</u> Prosecuting an offence committed in no man's land</p> <p>An offence is considered to have been committed on the territory of the Republic of Rwanda if it is committed by or against a Rwandan national in no man's land or committed by any person on board a vessel flying the Rwanda flag and in waters in a no man's land or on board a Rwanda -registered aircraft in a no man's land.</p> | <p>si l'infraction avait été commise au Rwanda lorsque celle-ci est punie par la loi rwandaise.</p> <p><u>Article 155:</u> Poursuite d'un crime ou délit commis à l'étranger</p> <p>La poursuite d'un crime ou délit commis à l'étranger ne peut être déclenchée que sur demande de l'organe de poursuite judiciaire ou autres personnes intéressées.</p> <p>Il n'y a pas lieu de poursuivre lorsque l'accusé prouve qu'il a été poursuivi et que le jugement est coulé en force de chose jugée et qu'en cas de condamnation, il a servi la peine ou a été amnistié.</p> <p><u>Article 156:</u> Poursuite d'une infraction commise dans un lieu non soumis à la souveraineté d'un État</p> <p>Une infraction est réputée commise sur le territoire de la République du Rwanda lorsqu'elle est perpétrée par ou contre un citoyen rwandais dans un lieu non soumis à la souveraineté d'un État, ou commise par toute personne soit à bord d'un bateau battant pavillon rwandais et se trouvant dans des eaux non soumises à la souveraineté d'un État, soit à bord</p> |
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| <p>cy'u Rwanda, iyo iri mu ifasi itagira Igihugu kiyitegeka.</p> <p><u>Ingingo ya 157:</u> Ibyaha mpuzamahanga cyangwa birenga imipaka</p> <p>Inkiko z'u Rwanda zishobora gukurikirana no kuburanisha umuntu wese harimo n'umunyamahanga, imiryango n'ibigo bifite ubuzima gatozi bitari ibya Leta byo mu Rwanda cyangwa mu mahanga, bikurikiranyeho kuba byarakoreye mu ifasi ya Repubulika y'u Rwanda cyangwa mu mahanga ibyaha byo mu rwego mpuzamahanga cyangwa birenga imipaka y'ibihugu nk'uko biteganywa n'itegeko riteganywa ibyaha n'ibihano muri rusange.</p> <p><u>Ingingo ya 158:</u> Iburanisha ry'ibyaha mpuzamahanga cyangwa birenga imipaka</p> <p>Iyo Inkiko zo mu Rwanda ziburana ibyaha byavuzwe mu ngingo ya 157 y'iri tegeko, Perezida w'Urukiko rw'Ikirenga ashobora, mu nyungu z'ubutabera no kugira ngo imanza zo mu gihugu zidacibwa mu buryo bunyuranye n'izo mu mahanga ku bibazo biteye kimwe, abyibwirije cyangwa abisabwe n'ushinjwa, umwunganira cyangwa Ubushinjacyaha bwo mu Rwanda cyangwa ubwo mu mahanga,</p> | <p><u>Article 157:</u> International or transnational crimes</p> <p>Rwandan courts can prosecute and try any person, whether Rwandan or foreigner, a Rwandan or foreign non-governmental organisation or legal entity that commits, inside or outside the territory of the Republic of Rwanda, an international crime or a transnational crime as provided for by the Law determining offences and penalties in general.</p> <p><u>Article 158:</u> Proceedings for international or transnational crimes</p> <p>In case Rwandan courts try crimes provided for under Article 157 of this Law, the President of the Supreme Court can, in the interest of justice and for the sake of conforming proceedings to the international jurisprudence, seek upon own initiative or request by the accused, his or her legal counsel or by national or foreign public prosecution, judicial cooperation from the United Nations, any other international</p> | <p>d'un aéronef immatriculé au Rwanda, s'il se trouve sur un territoire non soumis à la souveraineté d'un État.</p> <p><u>Article 157:</u> Infractions à caractère international ou transnational</p> <p>Les juridictions rwandaises peuvent poursuivre et juger toute personne, qu'elle soit rwandaise ou étrangère, une organisation ou une personne morale non gouvernementale nationale ou étrangère, qui commet sur le territoire de la République du Rwanda ou d'un État étranger, une infraction à caractère international ou transnational tel que prévu par la loi déterminant les infractions et les peines en général.</p> <p><u>Article 158:</u> Procédures en matière d'infractions à caractère international ou transnational</p> <p>Lorsque les juridictions rwandaises statuent sur les affaires visées à l'article 157 de la présente loi et, dans l'intérêt général de la justice et dans le cadre de se conformer à la jurisprudence internationale, le Président de la Cour Suprême peut, de sa propre initiative ou à la demande de l'accusé, de son avocat ou de l'organe de poursuite rwandais ou étranger, demander la coopération des Nations Unies, de toute autre</p> |
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| <p>gusaba ubufatanye bw'Umuryango w'Abibumbye, ubw'undi muryango mpuzamahanga cyangwa ubw'Igihugu cy'amahanga, asaba ko hoherezwa abacamanza bo mu bindi bihugu kugira ngo bafatanye n'abo mu Rwanda kuburanisha imanza zisabirwa koherezwa mu Rwanda zerekeranye n'ibyaha byo mu rwego mpuzamahanga n'ibirenga imipaka byakorewe mu ifasi y'u Rwanda cyangwa mu mahanga bivugwa mu itegeko rigena ububasha bw'inkiko.</p> <p>Bene izo manza ziburanyishwa mu rwego rwa mbere no mu bujurire n'inteko y'abacamanza nibura batatu (3).</p> <p>Gusaba kohereza umucamanza wo mu kindi gihugu bikorwa hakoreshejwe inzira z'ubufatanye hagati y'ibihugu n'imiryango mpuzamahanga.</p> <p><u>Ingingo ya 159:</u> Ikurikiranwa ry'icyaha cyakorewe u Rwanda cyangwa umunyarwanda hanze y'ifasi ya Repubulika y'u Rwanda</p> <p>Umunyarwanda cyangwa umunyamahanga wakoreye icyaha cy'ubugome cyangwa gikomeye ahatari mu ifasi ya Repubulika y'u Rwanda ashobora gukurikiranwa no gucibwa urubanza n'inkiko z'u Rwanda hakurikijwe amategeko y'u Rwanda iyo uwakorewe icyaha</p> | <p>organisation or a foreign country by requesting them to send judges from other countries to Rwanda to sit alongside Rwandan judges to try cases of international and transnational crimes committed on the Rwandan territory or abroad, of which the transfer to Rwanda is sought and which are provided under the Law determining the jurisdiction of courts.</p> <p>Such cases are tried both at first instance and appeal level by a bench of at least three (3) judges.</p> <p>The request for a judge from a foreign country is made in accordance with cooperation procedure between countries and international organisations.</p> <p><u>Article 159:</u> Prosecution of an offence committed against Rwanda or against a Rwandan national outside the territory of the Republic of Rwanda</p> <p>A Rwandan national or a foreigner who commits a felony or a misdemeanour outside the territory of the Republic of Rwanda can be prosecuted and sentenced by Rwandan courts in accordance with the Rwandan laws if the offence is committed against Rwanda or a</p> | <p>organisation internationale ou pays étranger pour envoyer les juges des pays étrangers afin de siéger avec les juges du Rwanda dans les affaires relatives aux crimes à caractère international et transnational commis sur le territoire rwandais ou étranger ayant fait l'objet d'une demande de transfert au Rwanda et qui sont visés par la loi déterminant la compétence des juridictions.</p> <p>De telles affaires sont entendues au premier degré et en appel par un siège d'au moins trois (3) juges.</p> <p>La demande de faire venir un juge d'un pays étranger se fait conformément à la procédure de coopération entre les pays et organisations internationales.</p> <p><u>Article 159:</u> Poursuite d'une infraction commise contre le Rwanda ou contre un citoyen rwandais hors du territoire de la République du Rwanda</p> <p>Un citoyen rwandais ou un étranger qui commet un crime ou un délit hors du territoire de la République du Rwanda peut être poursuivi et jugé par les juridictions rwandaises conformément à la législation rwandaise si le crime ou le délit a été commis contre le Rwanda</p> |
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| <p>ari Igihugu cy'u Rwanda cyangwa umunyarwanda mu gihe icyaha cyakorwaga.</p> <p><u>Icyiciro cya 4:</u> Ikurikirana n'iburanisha ry'uwihishe cyangwa uwatorotse ubutabera</p> <p><u>Ingingo ya 160:</u> Ukurikiranywe wihishe cyangwa watorotse ubutabera</p> <p>Iyo ukurikiranyweho icyaha atashoboye gufatwa kuko yihishe cyangwa yatorotse ubutabera, yaba ari mu Rwanda cyangwa se mu mahanga, Ubushinjacyaha bumukorera dosiye bukayishyikiriza urukiko rubifitiye ububasha n'ubwo yaba atarabajijwe. Nyuma yo gushyikirizwa dosiye, urukiko rufata icyemezo kimutegeka kwitaba mu gihe cy'ukwezi kumwe (1), atakwitaba, hakomezwa ko yasuzuguye amategeko.</p> <p><u>Ingingo ya 161:</u> Itangazwa ry'icyemezo</p> <p>Mu gihe cy'iminsi umunani (8) icyemezo kivugwa mu ngingo ya 160 y'iri tegeko kimanikwa ahabigenewe ku rukiko rwagifashe kandi kigatangazwa mu gitangazamakuru cyemejwe n'urukiko.</p> | <p>Rwandan national at the time of the commission of the offence.</p> <p><u>Section 4:</u> Prosecution and trial of a fugitive suspect</p> <p><u>Article 160:</u> Fugitive suspect</p> <p>If the suspect, whether he or she is in Rwanda or in a foreign country, is not arrested because he or she hides or escapes justice, the public prosecution prepares a file for him or her and submits it to the competent court even if the suspect was not interrogated. After receiving the file, the court orders the accused to appear within one (1) month, failing which the court declares that he or she has disobeyed the law.</p> <p><u>Article 161:</u> Publication of the order</p> <p>The order provided for under Article 160 of this Law is, within a period of eight (8) days, posted in the appropriate place at the court which issued it and it is published in the newspaper determined by the court.</p> | <p>ou si la victime était de nationalité rwandaise lors de la commission de l'infraction.</p> <p><u>Section 4:</u> Poursuite et jugement d'un prévenu fugitif</p> <p><u>Article 160:</u> Prévenu fugitif</p> <p>Lorsque le prévenu n'a pas pu être arrêté parce qu'il s'est soustrait à la justice, qu'il soit au Rwanda ou dans un pays étranger, l'organe de poursuite judiciaire constitue pour lui un dossier et le soumet à la juridiction compétente même si le prévenu n'a pas été interrogé. Après avoir reçu le dossier, le juge ordonne à l'accusé de comparaître dans un (1) mois, faute de quoi il est déclaré rebelle à la loi.</p> <p><u>Article 161:</u> Publication de l'ordonnance</p> <p>L'ordonnance visée à l'article 160 de la présente loi est, dans un délai de huit (8) jours, affichée sur les valves de la juridiction qui l'a rendue dans un endroit approprié et est publiée au journal que la juridiction détermine.</p> |
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| <p><u>Ingingo ya 162: Gucira urubanza uwihishe cyangwa uwatorotse ubutabera</u></p> <p>Iyo igihe kivugwa mu ngingo ya 160 y'iri tegeko kitubahirijwe n'uwihishe cyangwa uwatorotse ubutabera, acirwa urubanza adahari.</p> <p>Urukiko ruca urubanza rushingiye ku myanzuro y'Ubushinjacyaha yonyine.</p> <p><u>Ingingo ya 163: Ukudahagararirwa mu rukiko k'uwatorotse cyangwa uwihishe ubutabera</u></p> <p>Ntawe ushobora guhagararira mu Rukiko uregwa watorotse cyangwa wihishe ubutabera.</p> <p><u>Ingingo ya 164: Kunyaga cyangwa gufatira umutungo w'uwatorotse cyangwa uwihishe ubutabera wahamwe n'icyaha</u></p> <p>Iyo icyaha gihamye uregwa watorotse cyangwa wihishe ubutabera, urukiko rugena uko umutungo we uzakoreshwa. Uwo mutungo ushobora kunyagwa cyangwa gufatirwa ugategwa cyamunara hakurikijwe amategeko abigenga kugira ngo uzavemo ubwishyu bw'abakorewe icyaha.</p> | <p><u>Article 162: Trial of a fugitive suspect</u></p> <p>If the fugitive suspect fails to respect the time limits provided for under Article 160 of this Law, he or she is tried in absentia.</p> <p>The court rules on the case based solely on the submissions of the public prosecution.</p> <p><u>Article 163: Non representation of a fugitive suspect</u></p> <p>No person can legally represent a fugitive suspect in the court.</p> <p><u>Article 164: Confiscation or seizure of the property of a convicted fugitive</u></p> <p>If the accused fugitive is found guilty, the court determines modalities for the management of his/her property. The property can be confiscated or seized and sold by auction in accordance with relevant laws, with the proceeds being used to pay for damages to the victims of the offence.</p> | <p><u>Article 162: Jugement du prévenu fugitif</u></p> <p>Lorsque le délai prévu à l'article 160 de la présente loi n'est pas respecté par le prévenu fugitif, il est procédé au jugement par contumace.</p> <p>La juridiction statue sur les seules conclusions de l'organe de poursuite judiciaire.</p> <p><u>Article 163: Non représentation du prévenu fugitif</u></p> <p>Aucun prévenu fugitif ne peut comparaître par l'intermédiaire de son représentant.</p> <p><u>Article 164 : Confiscation ou saisie des biens du condamné fugitif</u></p> <p>Si l'accusé fugitif est déclaré coupable, la juridiction détermine les modalités de gestion de son patrimoine. Le patrimoine peut être confisqué ou saisi et vendu aux enchères conformément aux lois en la matière, afin d'obtenir le paiement des dommages-intérêts pour les victimes de l'infraction.</p> |
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| <p><u>Ingingo ya 165: Gutangaza ingingo z’ingenzi z’urubanza</u></p> <p>Ingingo z’ingenzi z’urubanza zitangazwa ku rubuga rwa interineti rw’Urwego rw’ubucamanza, urw’Ubushinjacyaha Bukuru n’urw’Urwego rw’Igihugu rushinzwe Ubugenzacyaha, zikanamanikwa no ku rukiko rwaciye urubanza.</p> <p><u>Ingingo ya 166: Ukwamburwa uburenganzira mboneragihugu</u></p> <p>Guhera igihe imenyekanisha rivugwa mu ngingo ya 165 y’iri tegeko rimaze gukorwa, uwaciriwe urubanza yaratorotse cyangwa yarihishe ubutabera yamburwa uburenganzira mboneragihugu nk’uko biteganywa n’itegeko riteganywa ibyaha n’ibihano muri rusange.</p> <p><u>Ingingo ya 167: Ikurikirana ry’abaregwa hamwe n’uwatorotse cyangwa uwihishe ubutabera</u></p> <p>Nta na rimwe ikurikiranwa ry’uregwa yaratorotse cyangwa yarihishe ubutabera rihagarika cyangwa ritinza ikurikiranwa ry’abo baregwa hamwe bahari.</p> | <p><u>Article 165: Publication of the extract of the judgement</u></p> <p>The extract of the judgment is posted on the websites of the Judiciary, the Rwanda Public Prosecution Authority and the Rwanda Investigation Bureau and are posted at the notice board of the court that tried the case.</p> <p><u>Article 166: Loss of civil rights</u></p> <p>After the publication provided for under Article 165 of this Law is completed, a convicted fugitive is stripped of all civil rights as provided for under the law determining offences and penalties in general.</p> <p><u>Article 167: Prosecution of the co-accused of an accused fugitive</u></p> <p>The prosecution of the accused fugitive does not in any way whatsoever stay or delay the prosecution of his or her co-accused who are identified.</p> | <p><u>Article 165 : Publication de l’extrait de la décision</u></p> <p>L’extrait de la décision de condamnation est publié sur les sites web de l’organe judiciaire, de l’Organe national de poursuite judiciaire et de l’Office rwandais d’investigation et est affiché au tableau d’affichage de la juridiction qui a rendu la décision.</p> <p><u>Article 166 : Dégradation civique</u></p> <p>Après l’accomplissement des formalités de publicité prescrite par l’article 165 de la présente loi, le fugitif condamné est frappé de déchéance des droits civiques comme prévu par la loi déterminant les infractions et les peines en général.</p> <p><u>Article 167: Poursuite des co-accusés de l’accusé fugitif</u></p> <p>En aucun cas, la poursuite d’un accusé fugitif ne suspend ni ne retarde la poursuite de ses co-accusés présents.</p> |
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| <p>Ingingo ya 168: Kongera gukurikirana uwatorotse cyangwa uwihishe ubutabera</p> | <p>Article 168: Resumption of prosecution of a fugitive</p> | <p>Article 168: Renouvellement des poursuites d'un fugitif</p> |
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| <p>Iyo uwaciriwe urubanza yaratorotse cyangwa yarihishe ubutabera yishyikirije Ubugenzacyaha, Ubushinjacyaha cyangwa Ubuyobozi bwa Gereza cyangwa afashwe igihano kitarasaza, urubanza n'imihango yakozwe guhera ku cyemezo cyamutegekaga kwitaba kugeza urubanza ruciwe bita agaciro agakurikiranwa mu buryo busanzwe.</p> | <p>If a convicted fugitive surrenders himself or herself to the judicial police, the Public Prosecution or before the prison administration or if he or she is arrested before the penalty prescribes, the judgement and proceedings conducted from the time the fugitive was ordered to appear until the pronouncement of the judgment become void and the prosecution of the fugitive re-commences in accordance with the ordinary procedure.</p> | <p>Si l'accusé fugitif condamné se présente à la police judiciaire, à l'Organe National de Poursuite, à la Direction de la prison ou s'il est arrêté avant que la peine ne soit prescrite, le jugement et les procédures faites depuis l'ordonnance de sommation à comparaître jusqu'au prononcé du jugement sont anéantis de plein droit et il est poursuivi de nouveau suivant la procédure ordinaire.</p> |
| <p>Iyo urubanza rwari rwategetse ko umutungo we unyagwa ugahabwa Leta cyangwa se ufatirwa ruhindutse, arawusubizwa.</p> | <p>If the judgment that had ordered confiscation of his or her property for the benefit of the State or seizure of such property is altered, the property is given back to him or her.</p> | <p>Si la décision de la juridiction qui avait ordonné la confiscation de ses biens au profit de l'État ou la saisie desdits biens est réformée, il recouvre ces biens.</p> |
| <p>Iyo umutungo w'uwari warahamwe n'icyaha utejwe cyamunara, nyuma urubanza rwe rugasubirwamo akagirwa umwere, Leta imugenera indishyi zihwanye n'agaciro k'umutungo we.</p> | <p>If the property of the convicted person is sold by auction and the person is subsequently acquitted in retrial, the State pays him or her damages equal to the value of his or her property.</p> | <p>Lorsque les biens de la personne condamnée sont vendus aux enchères et qu'elle est, par la suite, acquittée grâce à une nouvelle procédure de jugement, l'État lui verse les dommages dont la valeur est égale à celles de ses biens.</p> |
| <p>Iyo urubanza rwahamije umuntu icyaha ruhindutse akagirwa umwere, abari barahawe indishyi barazisubiza.</p> | <p>If a person is acquitted in retrial of the case in which he or she was convicted, civil parties refund damages received.</p> | <p>Lorsqu'une personne est acquittée grâce à une nouvelle procédure de jugement, les parties civiles restituent les dommages-intérêts reçus.</p> |

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| <p><u>Ingingo ya 169:</u> Iburanisha rishya ry’uwari waratorotse cyangwa yarihishe ubutabera</p> <p>Ku birebana n’ibivugwa mu gika cya mbere cy’ingingo ya 168 y’iri tegeko, iyo ku mpamvu iyo ariyo yose, abatangabuhamy batashoboye kuza muri iryo buranisha rindi ritangijwe, ubuhamy bwabo bwanditse, n’ibisubizo byanditse by’abandi bashinjwa icyo cyaha nabo batashoboye kuza bisomwa mu iburanisha. Ni na ko bigenda ku zindi nyandiko zose za ngombwa kugira ngo ukuri kumenyekane.</p> <p><u>Icyiciro cya 5:</u> Ikurikiranwa ry’abantu bafite umwihariko mu kuburanishwa n’iry’abagize Inteko Ishinga Amategeko</p> <p><u>Akiciro ka mbere:</u> Ikurikiranwa ry’abantu bafite umwihariko mu kuburanishwa</p> <p><u>Ingingo ya 170:</u> Abagira umwihariko mu kuburanishwa</p> <p>Umugenzacyaha cyangwa umushinjacyaha uregwe cyangwa wiboneye icyaha gishinjwa Perezida wa Repubulika, Perezida wa Sena, Perezida w’Umutwe w’Abadepite, Perezida w’Urukiko rw’Ikirenga cyangwa Minisitiri w’Intebe, aherako yoherereza dosiye Umushinjacyaha Mukuru agakora ibikorwa</p> | <p><u>Article 169:</u> Retrial of a fugitive</p> <p>In the case provided for under Paragraph One of Article 168 of this Law, if for any reason witnesses fail to attend the new proceedings that are restarted, their written testimonies and written replies of other persons accused of the same offence who were not present during the hearing are read out in the hearing. The same applies to all other necessary documents required to establish the truth.</p> <p><u>Section 5:</u> Prosecution of persons with privilege of jurisdiction and that of Members of Parliament</p> <p><u>Sub-Section One:</u> Prosecution of persons with privilege of jurisdiction</p> <p><u>Article 170:</u> Persons with privilege of jurisdiction</p> <p>An investigator or a prosecutor who receives a complaint against or personally observes an offence committed by the President of the Republic, the President of the Senate, the Speaker of the Chamber of Deputies, the President of the Supreme Court or the Prime Minister, immediately transmits the case file to</p> | <p><u>Article 169 :</u> Nouveau jugement du fugitif</p> <p>Dans le cas prévu à l’alinéa premier de l’article 168 de la présente loi, si, pour quelque raison que ce soit, des témoins ne peuvent pas se présenter à la nouvelle audience, leurs dépositions écrites ou les réponses écrites des autres accusés de la même infraction absents sont lues à l’audience. Il en est de même de toutes les autres pièces qui sont jugées utiles à la manifestation de la vérité.</p> <p><u>Section 5:</u> Poursuite des personnes bénéficiant du privilège de juridiction et celle des membres du Parlement</p> <p><u>Sous-section première:</u> Poursuite des personnes bénéficiant du privilège de juridiction</p> <p><u>Article 170:</u> Personnes bénéficiant du privilège de juridiction</p> <p>L’enquêteur ou l’officier de poursuite judiciaire qui reçoit une plainte ou qui constate une infraction commise par le Président de la République, le Président du Sénat, le Président de la Chambre des Députés, le Président de la Cour Suprême ou le Premier Ministre, transmet le dossier au Procureur Général qui en assure</p> |
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| <p>by'iperereza. Umushinjacyaha Mukuru ni we ubwe ubakurikirana imbere y'Urukiko rw'Ikirenga ataboneka agasimburwa n'Umushinjacyaha Mukuru Wungirije.</p> <p>Icyakora, ibyitso by'abo bantu bishobora kubazwa n'umugenzacyaha cyangwa Umushinjacyaha mbere yo koherereza dosiye Umushinjacyaha Mukuru.</p> <p><u>Ingingo ya 171: Impamvu z'umwihariko mu kuburanishwa n'igihe zitangira kurebwa</u></p> <p>Umwihariko mu kuburanisha biberaho kurengera umurimo umuyobozi akora, ntibirengera umuntu ku giti cye.</p> <p>Iyo mu gihe cy'ikurikiranwa, ukurikiranyweho icyaha akiri ku mirimo ye, ku cyaha yakoze akiyiraho, agira umwihariko mu kumuburanisha.</p> <p>Iyo icyaha gikurikiranwa cyakozwe mbere y'uko nyir'ukugikora agira umwihariko mu kuburanishwa, mu gihe cy'ikurikiranwa akaba akora umurimo umuhesha kugira umwihariko, akurikiranwa kandi akaburanishwa afite umwihariko.</p> | <p>the Prosecutor General who conducts investigation. The Prosecutor General in person prosecutes them before the Supreme Court and in case of his or her absence, he or she is replaced by the Deputy Prosecutor General.</p> <p>However, accomplices of such persons can be interrogated by an investigator officer or a prosecutor before transmitting the case file to the Prosecutor General.</p> <p><u>Article 171: Grounds for the privilege of jurisdiction and time of consideration</u></p> <p>The privilege of jurisdiction serves to protect official responsibilities but not an individual.</p> <p>If a person holding the office is prosecuted for an offence committed while in the same office, he or she enjoys the privilege of jurisdiction.</p> <p>If a person is prosecuted for an offence committed before holding an office to which the privilege is attached, he or she enjoys the privilege of jurisdiction if he or she is prosecuted while holding such an office.</p> | <p>l'enquête. Le Procureur Général en fait personnellement la poursuite devant la Cour Suprême et en cas de son absence, il est remplacé par le Procureur général adjoint.</p> <p>Toutefois, les complices de ces personnalités peuvent être interrogés par l'enquêteur ou par l'Officier de poursuite judiciaire avant la transmission du dossier au Procureur général.</p> <p><u>Article 171 : Raisons d'être et moment de considération du privilège de juridiction</u></p> <p>Le privilège de juridiction sert à protéger la fonction et non l'individu.</p> <p>Si une personne en fonctions est poursuivie pour des faits commis au moment où elle exerce encore les mêmes fonctions, elle bénéficie du privilège de juridiction.</p> <p>Si la personne poursuivie pour des faits infractionnels commis au moment où elle n'avait pas encore le privilège de juridiction, elle bénéficie du privilège de juridiction si au moment des poursuites, elle occupe des fonctions protégées par ce privilège.</p> |
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| <p>Iyo nyirugukora icyaha yagikoze ari ku mirimo imuhesha umwihariko, agakurikiranwa atakiyiriho, atakaza kugira umwihariko.</p> <p><u>Akicro ka 2: Ikurikiranwa ry’abagize Inteko Ishinga Amategeko</u></p> <p><u>Ingingo ya 172: Uburyo bwo gukurikirana abagize Inteko Ishinga Amategeko</u></p> <p>Nta n’umwe mu bagize Inteko Ishinga Amategeko ukekwa icyaha cy’ubugome cyangwa gikomeye ushobora gukurikiranwa cyangwa gufatwa bidatangiwe uburenganzira n’Umutwe w’Inteko Ishinga Amategeko arimo binyujijwe mu nzira y’amatora ku bwiganze bwa bibiri bya gatatu (2/3) by’abitabiriye inama, keretse afatiwe mu cyuho akora icyaha cy’ubugome cyangwa yarakatiwe igihano ku buryo budasubirwaho.</p> <p>Umushinjacyaha Mukuru afite ububasha bwo gusaba Umutwe w’Inteko Ishinga Amategeko bireba uburenganzira bwo gukurikirana umwe mu bawugize. Ahabwa igisubizo mu gihe kitarenze iminsi cumi n’itanu (15) uhereye igihe Umutwe w’Inteko Ishinga Amategeko bireba wakiriye ubwo busabe. Iyo nta gisubizo ahawe nyuma y’iyo minsi, Umushinjacyaha Mukuru</p> | <p>If a person who no longer holds an office to which the privilege is attached is prosecuted for an offence committed while holding the same office, he or she loses the privilege of jurisdiction.</p> <p><u>ubsection 2: Prosecution of Members of Parliament</u></p> <p><u>Article 172: Procedure for prosecuting members of Parliament</u></p> <p>No member of the Parliament suspected of a felony or misdemeanour can be prosecuted or arrested without the authorisation of the respective Chamber of Parliament to which he or she belongs by voting with a majority of two thirds (2/3) of members present, except where the member of the Parliament is caught red-handed committing a felony or if he or she was definitively convicted.</p> <p>The Prosecutor General has the power to ask the concerned Chamber of Parliament for authorisation to prosecute one of its members. He or she receives the reply in a period not exceeding fifteen (15) days from the day the concerned chamber received the request. If no response is given within the period specified, the Prosecutor General notifies the President of</p> | <p>Si par contre l’autorité a commis les faits au moment où elle occupait des fonctions protégées par le privilège mais qu’au moment de poursuite elle n’occupe plus ces fonctions, elle perd le bénéfice du privilège de juridiction.</p> <p><u>Sous-section 2: Poursuite des membres du Parlement</u></p> <p><u>Article 172 : Procédure de poursuite des membres du Parlement</u></p> <p>Aucun membre du Parlement suspecté d’avoir commis un crime ou un délit ne peut être poursuivi ou arrêté que sur autorisation de la Chambre du Parlement dont il est membre procédant par élection à la majorité des deux tiers (2/3) des membres présents, sauf en cas de flagrant délit d’infraction de crime ou en cas de condamnation définitive.</p> <p>Le Procureur Général a le pouvoir de demander à la Chambre du Parlement concernée l’autorisation de poursuivre un de ses membres. Il reçoit la réponse endéans quinze (15) jours suivant la date de réception de cette demande par la chambre du Parlement. Passé ce délai sans réaction, le Procureur Général en informe par écrit le Président de la République qui prend la décision.</p> |
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| <p>abimenyasha Perezida wa Repubulika mu nyandiko akaba ariwe ufata icyemezo.</p> | <p>the Republic in writing who in turn takes a decision thereof.</p> | |
| <p><u>UMUTWE WA III: INZIRA ZO KUJURIRA</u></p> | <p><u>CHAPTER III: APPEAL PROCEDURE</u></p> | <p><u>CHAPITRE : VOIES DE RECOURS</u></p> |
| <p><u>Icyiciro cya mbere : Inzira zo kujurira zisanzwe</u></p> | <p><u>Section One: Ordinary appeal procedure</u></p> | <p><u>Section première : Voies de recours ordinaires</u></p> |
| <p><u>Akiciro ka mbere : Gusubirishamo urubanza rwaciwe uregwa adahari</u></p> | <p><u>Subsection One: Opposition of a case decided in absentia</u></p> | <p><u>Sous-section première : Opposition à un jugement rendu par défaut</u></p> |
| <p><u>Ingingo ya 173: Gusubirishamo urubanza rwaciwe uregwa adahari</u></p> | <p><u>Article 173: Opposition of a case decided in absentia</u></p> | <p><u>Article 173: Opposition à un jugement rendu par défaut</u></p> |
| <p>Gusubirishamo urubanza bigamije ko urubanza rwaciwe uregwa adahari rwongera kuburanishwa.</p> | <p>Opposition seeks to review of a case decided in absentia.</p> | <p>L'opposition permet le recours en révision d'un jugement rendu par défaut.</p> |
| <p>Gusaba ko urubanza rusubirishwamo bisabwa n'warezwe mu rukiko rwaciye urubanza rusabirwa gusubirishwamo. Bikorwa mu buryo bumwe n'ubwo gutanga ikirego.</p> | <p>Opposition is instituted by the accused in the court that decided in absentia the case subjected to a file for review. Opposition is instituted in the normal procedure of other complaints.</p> | <p>L'opposition est formée par l'accusé auprès de la juridiction qui a rendu par défaut le jugement faisant l'objet d'un recours en révision. Une personne qui forme opposition suit la voie normale d'exercer une action devant la juridiction.</p> |
| <p>Umwanzuro usaba ko urubanza rusubirishwamo ugomba kugaragaza impamvu zikomeye zatumye ubisaba ataboneka mu iburanisha ry'urubanza rusabirwa gusubirishwamo.</p> | <p>The submissions for opposition must indicate serious reasons that prevented the defendant from appearing.</p> | <p>Les conclusions d'opposition doivent indiquer les raisons graves ayant poussé la partie défaillante à ne pas comparaître.</p> |

| <u>Ingingo ya 174: Igihe cyo gusubirishamo urubanza</u> | <u>Article 174: Time limits for filing opposition</u> | <u>Article 174: Délai d'opposition</u> |
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| <p>Gusubirishamo urubanza bikorwa mu gihe kitarenze iminsi cumi n'itanu (15) uhereye igihe usaba gusubirishamo urubanza abimenyeye.</p> <p>Iyo nta bimenyetso bigaragaza ko uwaciriwe urubanza adahari yabonye imenyeshya, ashobora gusaba kurusubirishamo igihe cyose igihano kitarasaza cyangwa igihe cyose urubanza rutarangizwa ku byerekeye indishyi.</p> | <p>Opposition is filed in a period of fifteen (15) days from the date of notification of judgment.</p> <p>If there is no evidence that the person tried in absentia received the judgment, he or she can file for opposition at any time before prescription of the penalty and at any time before the execution of the judgment in relation to civil claims.</p> | <p>L'opposition est faite dans un délai de quinze (15) jours à compter du jour où le jugement lui est signifié.</p> <p>Si rien ne prouve que le jugement a été notifiée à la personne jugée, celle-ci peut faire opposition jusqu'à l'expiration des délais de prescription de la peine et jusqu'à l'exécution du jugement quant aux condamnations civiles.</p> |
| <u>Ingingo ya 175: Kwakira isubirishamo ry'urubanza</u> | <u>Article 175: Admissibility of an opposition</u> | <u>Article 175: Recevabilité de l'opposition</u> |
| <p>Gusubirishamo urubanza byemerwa gusa iyo uregwa utaritabye mbere agaragaje impamvu ikomeye yamubujije kwitaba.</p> <p>Urukiko rwaregwe rugena mu bushishozi bwarwo agaciro ruha impamvu itanzwe yatumye umuburanyi atitaba.</p> <p>Icyakora, uwakatiwe n'Inkiko Gacaca atari mu gihugu yemerewe gusaba gusubirishamo urubanza mu nkiko zibifitiye ububasha iyo ageze mu gihugu. Iyo yizanye ku bushake bwe, akurikiranwa adafunze kugeza hafashwe icyemezo.</p> | <p>Opposition is only admissible if the defendant who failed to appear gives a serious reason that prevented him or her from appearing.</p> <p>The court before which an opposition is filed has full discretion to determine whether the reason given for non-appearance is warranted.</p> <p>However, a person sentenced by Gacaca courts while abroad is authorized to file for opposition in competent courts when he or she returns in the country. If he or she returns voluntarily, he or she is prosecuted while free until the pronouncement of the judgment.</p> | <p>L'opposition n'est recevable que si la partie défaillante excipe une raison grave qui justifie sa défaillance antérieure.</p> <p>La juridiction saisie apprécie souverainement la cause de défaillance alléguée par la partie.</p> <p>Toutefois, une personne condamnée par les juridictions Gacaca étant à l'étranger a droit de demander l'opposition devant les juridictions compétentes à son retour dans le pays. Si elle retourne volontairement, elle est jugée étant libre jusqu'au prononcé du jugement.</p> |

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| <p><u>Ingingo ya 176:</u> Kwitaba k'wasubirishijemo urubanza</p> <p>Uwasabye ko urubanza rwaciwe adahari rusubirwamo ategetswe kwitaba ku giti cye, iyo mu rubanza rwaciwe adahari yari ategetswe kuba ahari, cyangwa igihe urubanza rwaciwe adahari rwategetse ko kugira ngo gusaba ko rusubirwamo byemerwe, nyir'ukubisaba agomba kurubonekamo.</p> | <p><u>Article 176:</u> Appearance of a person who files an opposition</p> <p>A person who files an opposition must appear in person, if he or she was ordered to do so in the judgment rendered in absentia or the judgment rendered in absentia ordered his or her personal appearance as a condition for admissibility of an opposition.</p> | <p><u>Article 176:</u> Comparution d'une personne qui a fait l'opposition</p> <p>Une personne qui a fait l'opposition est tenue de comparaître en personne dans le cas où elle y était déjà tenue dans le jugement par défaut ou lorsque le jugement par défaut en fait une condition de recevabilité de l'opposition.</p> |
| <p><u>Ingingo ya 177:</u> Kutitaba k'wasubirishijemo urubanza</p> <p>Iyo uwasabye ko urubanza rwaciwe adahari rusubirwamo yongeye kutitaba, kurubirishamo ntibiba bicyemewe keretse agaragaje impamvu ikomeye kandi idasanzwe yatumye ataboneka.</p> | <p><u>Article 177:</u> Non-appearance of a person who files an opposition</p> <p>If a person who files an opposition again fails to appear, such opposition becomes null, unless a serious and exceptional reason for his or her absence is given.</p> | <p><u>Article 177 :</u> Défaut d'une personne qui a fait l'opposition</p> <p>Si une personne qui a fait l'opposition ne comparait pas, l'opposition est non avenue sauf si des circonstances graves et exceptionnelles justifient son absence.</p> |
| <p><u>Ingingo ya 178:</u> Ihagarikwa ry'irangiza ry'urubanza igihe rwasubirishijemo</p> <p>Gusubirishamo urubanza rwaciwe uregwa adahari bihagarika irangiza ryarwo. icyakora urukiko rwaciye urubanza uregwa adahari, rushobora gutegeka mu gihe icyaha kimuhamye, ko ahita afatwa agafungwa n'ubwo bwose yasubirishamo urubanza.</p> | <p><u>Article 178:</u> Interruption of the execution of a judgment in respect of which an opposition was filed</p> <p>The execution of the judgment in respect of which an opposition is filed must be stayed. However, the court having rendered the judgment in the absence of the accused can order immediate arrest of the person found guilty even though he or she can file an opposition.</p> | <p><u>Article 178 :</u> Suspension de l'exécution du jugement à l'égard duquel une opposition a été formée</p> <p>L'exécution du jugement rendu par défaut en vertu duquel l'opposition est formée, doit être suspendue. Toutefois, la juridiction qui a rendu le jugement par défaut à l'égard de l'accusé peut ordonner l'arrestation immédiate de la personne reconnue coupable quand bien même elle peut se pourvoir en opposition.</p> |

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| <p>Urukiko rwaciye urubanza uregwa adahari rushobora kandi no gutegeka ko uwahamwe n'icyaha afatwa agafungwa iyo habonetse impamvu zikomeye kandi zidasanzwe.</p> | <p>The court can also order immediate arrest of the person found guilty when there are serious and exceptional reasons given to the court having rendered the judgment in the absence of the accused.</p> | <p>La juridiction peut également ordonner l'arrestation immédiate de la personne reconnue coupable lorsqu'il existe des raisons sérieuses et exceptionnelles présentées à la juridiction qui a rendu le jugement par défaut à l'égard de l'accusé.</p> |
| <p><u>Ingingo ya 179:</u> Inkurikizi zo kwemera gusubirishamo urubanza rwaciye uregwa adahari</p> | <p><u>Article 179:</u> Effects of the admissibility of opposition filed by an accused tried in absentia</p> | <p><u>Article 179:</u> Effets de la recevabilité de l'opposition formée par un accusé jugé par défaut</p> |
| <p>Iyo isubirishamo ry'urubanza rwaciye uregwa adahari ryemewe, urubanza rwaciye mbere nta gaciro ruba rugifite. Urukiko rwongera kuburanisha bundi bushya urubanza mu ngingo zarwo zose.</p> | <p>If an opposition filed by the accused tried in absentia becomes admissible, the judgment in absentia is revoked. The court retries the case in its entirety.</p> | <p>Lorsque l'opposition émane de l'accusé jugé par défaut et qu'elle est reçue, le jugement par défaut est anéanti. La juridiction statue à nouveau sur l'ensemble de l'affaire.</p> |
| <p>Iyo idosiye iregwamo abantu benshi bamwe bakitaba abandi ntibitabe, abaregwa bose barongerwa bagahamagarwa.</p> | <p>If the case file involves several persons, some of whom have appeared while others have not appeared, all the accused are summoned again.</p> | <p>Si l'affaire implique plusieurs personnes dont certaines ont comparu alors que d'autres n'ont pas comparu, tous les accusés sont convoqués de nouveau.</p> |
| <p><u>Akiciro ka 2:</u> Ubujurire</p> | <p><u>Subsection 2:</u> Appeal</p> | <p><u>Sous-section 2 :</u> Appel</p> |
| <p><u>Ingingo ya 180:</u> Uburenganzira bwo kujurira</p> | <p><u>Article 180:</u> Right to appeal</p> | <p><u>Article 180 :</u> Droit d'interjeter appel</p> |
| <p>Uburenganzira bwo kujurira bufitwe n'aba bakurikira:</p> | <p>The right to appeal is exercised by the following:</p> | <p>Le droit d'interjeter appel appartient :</p> |
| <p>1° uwahamwe n'icyaha;</p> | <p>1° a convicted person;</p> | <p>1° au condamné ;</p> |

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| <p>2° utegetswe kuriha;</p> <p>3° uwaregeye indishyi cyangwa abahawe indishyi batasabye ariko ku byerekeye indishyi gusa;</p> <p>4° Ubushinjacyaha.</p> <p>Uretse ubushinjacyaha, Ubujurire bw'abavugwa mu gika cya mbere cy'iyi ngingo bushobora gutangwa n'ababunganira cyangwa ababahagariye bemewe n'amategeko.</p> <p><u>Ingingo ya 181: Igihe cyo kujurira</u></p> <p>Kujurira bikorwa mu gihe kitarenga iminsi mirongo itatu (30) uherye ku itariki urubanza rwaciriweho ku muburanyi wari uhari cyangwa ahagarariwe igihe urubanza rwacibwaga. icyo gihe gikurikizwa kandi ku muburanyi wamenyeshejwe mu buryo bwemewe n'amategeko, umunsi urubanza ruzacibwaho ntaze cyangwa ngo yohereze umuhagararira.</p> <p>Kujurira bikorwa mu gihe cy'iminsi mirongo itatu (30) uherye ku itariki urubanza rwamenyesherejwe umuburanyi utari uhari igihe rwasomwaga.</p> | <p>2° a person liable for damages;</p> <p>3° a civil party or persons who were automatically awarded damages solely for their civil interests;</p> <p>4° the Public Prosecution.</p> <p>Except for the Public Prosecution, appeals of the persons under Paragraph One of this Article can be filed by their representatives or by their legal counsels.</p> <p><u>Article 181: Time limits for filing an appeal</u></p> <p>An appeal must be filed within a period of thirty (30) days from the pronouncement of the judgment with respect to a party that was present or represented at the pronouncement of the judgment. Such time limits also apply to a party duly notified of the date of judgment but fails to appear or to send a representative.</p> <p>An appeal is filed within a period of thirty (30) days from the date the judgment was notified to the party who was not present at the pronouncement.</p> | <p>2° à la personne déclarée civilement responsable ;</p> <p>3° à la partie civile ou les personnes auxquelles des dommages-intérêts ont été alloués d'office, quant à leurs intérêts civils seulement ;</p> <p>4° à l'Organe de poursuite judiciaire.</p> <p>À part l'Organe de poursuite judiciaire, les personnes visées à l'alinéa premier du présent article qui ont le droit d'interjeter appel peuvent le faire par l'intermédiaire de leurs avocats ou représentants légaux.</p> <p><u>Article 181 : Délai d'appel</u></p> <p>L'appel doit être interjeté dans les trente (30) jours à compter de la date du prononcé du jugement pour la partie qui était présente ou représentée au prononcé du jugement. Le même délai s'applique à la partie qui, ayant été légalement avisée du jour du prononcé, ne s'y est point présentée ni fait représenter.</p> <p>Le délai d'appel est de trente (30) jours à partir de la date de la signification du jugement à la personne qui n'était pas présente le jour du prononcé.</p> |
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| <p><u>Ingingo ya 182: Uburyo bwo kujurira</u></p> <p>Kujurira bikorwa mu buryo bumwe nk'ubwo gutanga ikirego.</p> <p><u>Ingingo ya 183: Ibikubiye mu mwanzuro w'ubujurire</u></p> <p>Ubujurire bukorwa mu buryo bw'umwanzuro utanga ikirego, ugaragaza ibi bikurikira:</p> <p>1° umwirondoro wuzuye w'ujurira n'uw'uregwa mu bujurire;</p> <p>2° urubanza rujuririwe n'urukiko rwaruciye;</p> <p>3° urukiko rwajuririwe;</p> <p>4° imiterere y'ikibazo mu ncamake;</p> <p>5° urutonde rw'inenge z'urubanza zisabirwa gukosorwa n'ibindi bibazo bigomba gusuzumwa;</p> <p>6° ibisobanuro kuri buri nenge cyangwa kuri buri kibazo bigaragaza amakosa yakozwe n'uburyo agomba gukosorwa hashingiwe ku mategeko n'ibimenyetso n'igisabwa urukiko;</p> | <p><u>Article 182: Appeal procedure</u></p> <p>An appeal is filed in the same procedure as filing a claim.</p> <p><u>Article 183: Content of written submission in support of appeal</u></p> <p>An appeal is filed in the form of a written submission instituting a claim indicating the following:</p> <p>1° full particulars of the appellant and the accused person on appeal;</p> <p>2° case under appeal and the court which rendered the judgement;</p> <p>3° court seized of the appeal;</p> <p>4° summary of facts;</p> <p>5° list of defaults of the judgement for which rectification is required and other issues to be considered;</p> <p>6° explanations for each default or issue showing the mistakes made and how they should be rectified in accordance with laws, evidence and court recommendation;</p> | <p><u>Article 182 : Modalités d'interjeter appel</u></p> <p>Les modalités d'interjeter appel sont semblables à celles d'exercer une action.</p> <p><u>Article 183 : Contenu de la conclusion d'appel</u></p> <p>Un appel est formulé sous forme d'une conclusion introductive d'instance indiquant ce qui suit :</p> <p>1° l'identification complète de l'appelant et de la personne accusée en appel ;</p> <p>2° l'affaire attaquée en appel et la juridiction qui a prononcé le jugement ;</p> <p>3° la juridiction saisie de l'appel ;</p> <p>4° le résumé des faits ;</p> <p>5° la liste des défauts du jugement pour lequel la rectification est requise et d'autres questions à examiner ;</p> <p>6° les explications pour chaque défaut ou problème montrant les erreurs commises et la façon dont elles doivent être corrigées conformément aux lois et aux preuves et les recommandations de la juridiction ;</p> |
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| <p>7° ibisobanuro ku birego by'inyongera mu gihe ibyo birego bihari.</p> <p><u>Ingingo ya 184: Gusubiza umwanzuro w'ubujurire</u></p> <p>Uregwa mu bujurire akora umwanzuro mu buryo bumwe n'uwajuriye.</p> <p>Umwanzuro wo kwiregura usubiza kuri buri kibazo hakurikijwe urutonde rw'ibibazo byagaragajwe n'uwajuriye n'ibyo asaba urukiko.</p> <p><u>Ingingo ya 185: Gufungurwa iyo habayeho ubujurire</u></p> <p>Uregwa wari ufunzwe, urukiko rukamugira umwere cyangwa rukemeza ko igifungo cyegisubikwa cyangwa rukamuca ihazabu yonyine, afungurwa ako kanya kabone n'iyi habayeho ubujurire, keretse iyo agifunguwe ikindi cyaha yamenyeshejwe kandi akurikiranyweho mu buryo buteganywa n'iri tegeko.</p> <p>Ni na ko bigenda k'uregwa wari ufunze, wakatiwe igihano cy'igifungo, mu gihe cyose icyo gifungo yakatiwe kiri muni cyangwa kingana n'igihe amaze afunze.</p> | <p>7° explanations on additional cases if any.</p> <p><u>Article 184: Reaction to the written submission in support of appeal</u></p> <p>The defendant on appeal prepares a written submission in the same manner as the appellant.</p> <p>The statement of defence addresses every issue according to the list of raised issues by the appellant and his or her requests to the court.</p> <p><u>Article 185: Release notwithstanding appeal</u></p> <p>The accused held in provisional detention who is acquitted or whose penalty has been suspended or who is only sentenced to pay a fine, is immediately released even if there was an appeal, unless he or she is held in detention for another charge of which he or she is informed and under prosecution in accordance with this Law.</p> <p>The same applies to the accused held in provisional detention sentenced to a term of imprisonment which is less than or equal to the time spent in provisional detention.</p> | <p>7° les explications sur les demandes additionnelles, le cas échéant.</p> <p><u>Article 184 : Réaction à la conclusion d'appel</u></p> <p>L'accusé en instance d'appel prépare une conclusion de la même manière que l'appelant.</p> <p>La défense répond à toutes les questions en fonction de la liste des questions soulevées par l'appelant et de ses requêtes à la juridiction.</p> <p><u>Article 185 : Libération nonobstant appel</u></p> <p>L'accusé qui, au moment du jugement, est en état de détention provisoire et qui est acquitté ou condamné à une peine assortie de sursis ou condamné seulement à une amende, est mis immédiatement en liberté, nonobstant appel, à moins qu'il ne soit détenu pour un autre chef d'infraction qui lui a été notifiée et pour lequel il est poursuivi conformément à la présente loi.</p> <p>Il en est de même de l'accusé en détention provisoire, lorsqu'il est condamné à une peine inférieure ou égale à la durée qu'il a passée en détention provisoire.</p> |
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| <p>Icyakora, Ubushinjacyaha bushobora, bumaze kujurira, gusaba Urukiko rwajuririwe ko ukurikiranyweho kimwe mu byaha bivugwa muri iyi ngingo kandi hari ibimenyetso bifatika ko gufungurwa kwe kwahungabanya umutekano rusange yongera gufungwa by'agateganyo kugeza igihe urubanza rwajuririwe ruciriwe.</p> | <p>However, the Public Prosecution can, after filing an appeal, petition the court seized at the appeal that the person prosecuted for any of the offences referred to in this Article with compelling evidence that his or her release can disrupt public order be held again in provisional detention until final judgement on appeal.</p> | <p>Néanmoins, l'Organe de poursuite judiciaire peut, après avoir interjeté appel, demander à la juridiction d'appel d'ordonner une nouvelle détention provisoire de l'accusé acquitté jusqu'à ce qu'il soit statué sur l'appel lorsqu'il est poursuivi pour l'un des crimes visés au présent article et s'il y a des preuves convaincantes que sa libération peut porter atteinte à l'ordre public.</p> |
| <p>Ibyo byaha ni ibi bikurikira:</p> <ul style="list-style-type: none"> 1° jenocide; 2° ibyaha byibasiye inyokomuntu; 3° ibyaha by'intambara; 4° ibyaha byo guhohotera umwana; 5° ibyaha bigamije guhungabanya umutekano w'Igihugu cyangwa w'ibindi bihugu; 6° ibyaha by'iterabwoba; 7° ibyaha byo kugambanira Igihugu n'ibyaha by'ubutasi. | <p>The offences are the following:</p> <ul style="list-style-type: none"> 1° genocide; 2° crimes against humanity; 3° war crimes; 4° violence against a minor; 5° crimes against national security or against security of other States; 6° crimes of terrorism; 7° crimes of treason and espionage. | <p>Ces crimes sont les suivants :</p> <ul style="list-style-type: none"> 1° génocide ; 2° crimes contre l'humanité ; 3° crimes de guerre ; 4° violences faites contre un enfant ; 5° crimes portant atteinte à la sûreté de l'État ou d'autres États ; 6° crimes de terrorisme ; 7° crimes de trahison ou d'espionnage. |
| <p>Ubushinjacyaha bubikora mu gihe kitarenze amasaha mirongo ine n'umunani (48) uhaye igihe urubanza rwasomeweho. Uko gusaba k'Ubushinjacyaha gufatwaho icyemezo n'Urukiko rwajuririwe mu gihe kitarenze</p> | <p>The Public Prosecution makes such a petition in a period of forty eight (48) hours from the date the judgment was pronounced. The court seized at the appeal decides on the petition of the</p> | <p>L'Organe de poursuite judiciaire formule la demande dans un délai de quarante-huit (48) heures à compter du jour du prononcé du jugement. La juridiction d'appel statue sur cette demande dans les quarante-huit (48) heures à</p> |

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| <p>amasaha mironko ine n’umunani (48), uherye umunsi n’isaha rwakiriweho.</p> <p><u>Ingingo ya 186: Uregwa uburana adafunze</u></p> <p>Iyo uregwa aburana adafunze, agakatiwa igihano cy’igifungo, akomeza kuburana adafunze iyo yajuriye icyo cyemezo.</p> <p>Icyakora, urukiko rushobora gutegeka ko uwakatiwe waburanye adafunze ahita afatwa agafungwa iyo Ubushinjacyaha bwabitangiye impamvu zumvikana kandi ababuranyi barazigiyeho impaka.</p> <p>Ku byerekeye ikirego cyihutirwa, urukiko rwajuriye rushobora gutegeka ko uregwa afungwa iyo habonetse impamvu zikomeye kandi zidasanzwe zagaragajwe n’Ubushinjacyaha.</p> <p><u>Ingingo ya 187: Gukomeza gufungwa iyo habaye ubujurire</u></p> <p>Uregwa wari ufunze mbere yo gucirwa urubanza rwategetse ko afungwa, akomeza gufungwa n’ubwo yaba yarajuriye. Icyakora urukiko rushobora kumufungura by’agateganyo iyo arugararije impamvu zikomeye kandi zidasanzwe mu buryo bw’ikirego cyihutirwa.</p> | <p>Public Prosecution within forty eight (48) hours from the date and time of receipt of the petition.</p> <p><u>Article 186: Accused tried while free</u></p> <p>If the accused who is free during the trial is sentenced to imprisonment, he or she remains free when he or she has filed an appeal against the judgement.</p> <p>However, the court can order his or her immediate arrest if the prosecution has provided sound reasons and parties have discussed such reasons.</p> <p>However, the court seized at appeal can order the detention of the accused if there are serious and exceptional reasons provided by the Public Prosecution regarding the summary proceeding.</p> <p><u>Article 187: Remaining in detention notwithstanding appeal</u></p> <p>The accused held in provisional detention before the detention judgement is rendered, remains in detention notwithstanding his or her appeal. However, the court can grant him or her provisional release on serious and exceptional grounds by summary proceedings.</p> | <p>compter du jour et de l’heure de la réception de la demande de l’Organe de poursuite judiciaire.</p> <p><u>Article 186 : Accusé jugé étant en liberté au moment du jugement</u></p> <p>L’accusé qui, au moment du jugement, est en état de liberté et est condamné à un emprisonnement, demeure en état de liberté en cas d’appel.</p> <p>Toutefois, la juridiction peut ordonner son arrestation immédiate si l’organe de poursuite judiciaire a donné des raisons valables et que les parties au procès ont débattu de ces raisons.</p> <p>Toutefois, la juridiction saisie en appel peut ordonner que l’accusé soit détenu s’il y a des circonstances graves et exceptionnelles présentées par l’Organe de poursuite judiciaire concernant le référé.</p> <p><u>Article 187: Demeurer en détention nonobstant appel</u></p> <p>L’accusé qui était en état de détention provisoire avant le jugement qui a ordonné sa détention demeure en détention même s’il fait appel. Toutefois, la juridiction peut lui accorder la liberté provisoire pour des motifs graves et exceptionnels par voie de référé.</p> |
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| <p><u>Ingingo ya 188: Inkurikizi z’ubujurire</u></p> <p>Uregwa ashobora kujuririra urubanza rwose cyangwa zimwe mu ngingo atishimiye imikirize yazo. Urukiko rwajuririwe ruburanisha gusa mu mbibi z’icyajuririwe.</p> <p>Iyo urubanza rujuririwe, irangizwa ryarwo riba rihagaritswe kugeza ku munsu igihe cyo kujurira kirangiriraho cyangwa niba umuntu yarajuriye, kugeza igihe hafatiwe icyemezo kuri ubwo bujurire.</p> <p>Kujuririra indishyi ntibihagarika irangiza ry’ibihano uwatsinzwe yakatiwe.</p> <p>Iyo uregwa yajuriye wenyine, urukiko rwajuririwe ntirushobora kongera igihano yari yagenewe mu rwego rwa mbere.</p> <p><u>Ingingo ya 189: Kureka ubujurire no gusiba ikirego cy’ubujurire</u></p> <p>Ubushinjacyaha bushobora kureka ikirego cy’ubujurire mu gihe busanga atari ngombwa gukurikirana uwo bwakekagaho icyaha.</p> | <p><u>Article 188: Effects of appeal</u></p> <p>The accused can appeal against the whole judgment or some points of judgment of which he or she is not satisfied. The court seized on appeal hears the case only within the limits of the point on appeal.</p> <p>When a judgment is appealed, its execution is stayed until the expiration of the time limits for appeal or, if the appeal is filed, until the decision on appeal is rendered.</p> <p>The appeal against the award of damages does not stay the execution of criminal convictions.</p> <p>If the accused is the only person having filed an appeal, the appellate court cannot increase the penalty imposed in the first instance.</p> <p><u>Article 189: Withdrawal and writing off an appeal</u></p> <p>The Public Prosecution can withdraw the appeal if it considers it unnecessary to prosecute the accused.</p> | <p><u>Article 188: Effets d’appel</u></p> <p>L’accusé peut interjeter appel contre tout le jugement ou certains points du jugement dont il n’est pas satisfait. La juridiction saisie en appel juge seulement dans les limites du point en appel.</p> <p>Lorsqu’un jugement fait l’objet d’appel, il est sursis à l’exécution du jugement jusqu’à l’expiration des délais d’appel ou, en cas d’appel, jusqu’à la décision sur cet appel.</p> <p>L’appel interjeté quant aux intérêts civils ne fait pas obstacle à l’exécution des condamnations pénales.</p> <p>Si l’appel est formulé par le seul accusé, la juridiction d’appel ne peut aggraver la condamnation imposée par la juridiction de première instance.</p> <p><u>Article 189 : Désistement et radiation de l’appel</u></p> <p>L’Organe de poursuite judiciaire peut se désister de son appel lorsqu’il juge inopportun l’exercice de l’action.</p> |
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| <p>Uwajuriye nawe ashobora kureka ikirego cye cy'ubujurire aho urubanza rwaba rugeze hose rufu gusa kuba rutarafundikirwa burundu.</p> <p>Ikirego cy'ubujurire gishobora gusibwa iyo uwajuriye atitabye urukiko nta mpamvu cyangwa se ikirego kimaze amezi atandatu (6) ataraza gusaba ko kiburanishwa nyuma yo kutitaba mu rubanza yahamagajwemo mu buryo bukurikije amategeko.</p> <p>Iyo bigaragaye ko habaye ubusaze bw'ikurikiranacyaha cyangwa se uwajuriye yisubiyeho akareka ubujurire bwe, Urukiko rwajuririwe ruca urubanza rwemeza ko hagumye imikirize y'urubanza rwajuririwe.</p> <p><u>Ingingo ya 190:</u> Ubujurire bw'indishyi mu gihe ushinjwa yagizwe umwere</p> <p>Uregera indishyi ajuririra urubanza rwaciwe ku byerekeranye n'indishyi gusa.</p> <p>Icyakora, kuba ushinjwa yagizwe umwere mu rwego rwa mbere ntibibuzwa uregera indishyi kuba yazijuririra mu rwego rw'ubujurire. Muri icyo gihe, iyo uregera indishyi ajuriye, urubanza rwose rwongera kuburanishwa hagasuzumwa aho indishyi zishingiye.</p> | <p>The appellant can at any stage of the proceedings withdraw his or her appeal until the proceedings are closed.</p> <p>An appeal can also be written off if the appellant fails to appear without valid reason or if the appellant fails to request for hearing within six (6) months of the filing of the appeal after failure to appear in a case he or she was summoned in a lawful procedure.</p> <p>In case of prescription of the criminal action or withdrawal of the appeal by the appellant, the court seized of the appeal confirms the appealed judgment.</p> <p><u>Article 190:</u> Appeal against the civil conviction in case of acquittal of the accused</p> <p>The party claiming for damages appeals only with respect to the civil conviction.</p> <p>However, the acquittal of the accused in the first instance is not an obstacle for the civil parties to seek damages on appeal. In that case, if the civil party appeals, the appellate court re-examines the entire case on the merits.</p> | <p>L'appelant peut se désister de son appel en tout état de cause aussi longtemps que les débats ne sont pas encore clos.</p> <p>L'appel peut aussi être radié si l'appelant ne comparait pas sans raison valable ou si une période de six (6) mois vient d'expirer sans qu'il ait demandé la fixation de l'affaire après son défaut de comparaître dans un jugement qui lui a été légalement signifié.</p> <p>La juridiction saisie de l'appel confirme le jugement rendu contre qui l'appel a été interjeté, si l'appel interjeté devient dans la suite sans objet en raison de la prescription de l'action publique ou du désistement d'appel par l'appelant.</p> <p><u>Article 190 :</u> Appel pour intérêts civils en cas d'acquiescement du prévenu</p> <p>La partie civile interjetée appel seulement pour ce qui concerne les intérêts civils.</p> <p>Toutefois, l'acquiescement du prévenu au premier degré ne constitue pas un obstacle à la poursuite de l'action civile en appel. Dans ce cas, lorsque la partie civile interjetée appel, la juridiction d'appel statue à nouveau sur l'ensemble de l'affaire.</p> |
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| <p><u>Ingingo ya 191:</u> Ubujurire bw’uregwa indishyi</p> <p>Uregwa indishyi ashobora kujuririra urubanza rwamutegetse kwishyura indishyi. Ubwo bujurire bureba gusa ibijyanye n’indishyi. Urubanza rwongera kuburanishwa mu mizi.</p> <p><u>Ingingo ya 192:</u> Gutesha agaciro urubanza rwakiriwe rugasuzumwa mu buryo bunyuranyije n’amategeko</p> <p>Iyo Urukiko rwajuririwe rusanze urubanza rwararegwe mu rwego rwa mbere mu buryo budakurikije amategeko cyangwa rwararegeye urukiko rudafite ububasha, nyamara urwo rukiko rukaba rwarafashe icyemezo cyo kurwakira kandi rutaragombaga kurwakira, urukiko rwajuririrwe rwakira ubwo bujurire, rukagaragaza ko urwo rubanza rwajuririwe rwari rwararegwe urukiko rwa mbere mu buryo bunyuranyije n’amategeko, rugatesha agaciro ibyemezo byose byashingiye kuri iryo kosa.</p> <p>Iyo ikosa rishingiye ku kibazo cy’ububasha bw’urukiko, urukiko rwajuririwe rwoherereza idosiye urukiko rubifitiye ububasha. Muri icyo gihe, iyo uregwa yari afunze akomeza gufungwa.</p> | <p><u>Article 191:</u> Appeal of the offender required to pay damages</p> <p>An offender can appeal against a judgment that ordered him or her to pay damages. His or her appeal is limited to civil matters. The case is re-tried on merits.</p> <p><u>Article 192:</u> Annulment of an admitted case considered through procedures contrary to the law</p> <p>In case the appellate court believes that the case decided at first instance through procedures contrary to the law or that the case was filed to a court that lacks appropriate jurisdiction, but the court at first instance decided to admit while it should not admit it, the court seized for appeal admits the appeal and indicate that the case subject to appeal was heard by the first instance court in procedures contrary to law, and annuls all decisions that are based on that error.</p> <p>If the error is due to lack of jurisdiction, the appealed court sends the file to the competent court. In this case, when the accused is in detention, he or she remains in detention.</p> | <p><u>Article 191:</u> Appel de la partie civilement responsable</p> <p>La partie civilement responsable peut interjeter appel contre la condamnation civile. Son appel porte uniquement sur les seuls intérêts civils et l’affaire est à nouveau jugée.</p> <p><u>Article 192:</u> Annulation d’une affaire reçue et examinée de façon irrégulière</p> <p>Lorsque la juridiction d’appel constate la saisine irrégulière ou l’incompétence de la juridiction du premier degré et que cette juridiction s’est déjà prononcée sur l’affaire alors qu’elle n’aurait pas dû, la juridiction d’appel déclare l’appel recevable et déclare que l’affaire en appel avait été portée devant une juridiction de façon irrégulière, puis elle annule toutes les décisions prises sur base de cette irrégularité.</p> <p>Si l’irrégularité est due à l’incompétence, la juridiction saisie en appel transmet le dossier à la juridiction compétente. Dans ce cas, lorsque l’accusé était en détention, il reste en détention.</p> |
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| <p>Iyo ikosa rishingiye ku yindi nenge ituma urubanza ruteshwa agaciro, uwaregwaga afunze arafungurwa, ubifitemo inyungu akaba yakongera akarega.</p> | <p>If the error is due to another default leading to annulment of judgment, the accused who was in detention is released and any interested person can file the case afresh.</p> | <p>Si l'irrégularité est due à un autre défaut conduisant à l'annulation du jugement, l'accusé qui était en détention est libéré et toute personne intéressée peut introduire une nouvelle demande.</p> |
| <p><u>Ingingo ya 193:</u> Gutegeka urukiko kuburanisha urubanza rwari rwanze kwakira</p> | <p><u>Article 193:</u> Ordering the court to try the case it refused to admit</p> | <p><u>Article 193:</u> Ordonner la juridiction à statuer sur une affaire qu'elle avait refusé de recevoir</p> |
| <p>Iyo urukiko rwajuririwe rusanze urubanza rwari rwaregewe mu buryo bukurikije amategeko urukiko rwaruciye ku rwego rubanza rukavuga ko rutakiriwe kandi rwaragombaga kwakirwa, Urukiko rwajuririwe rurarwakira, rukagaragaza ko rwagombaga kwakirwa ku rwego rwa mbere; rukarutesha agaciro maze rukarusubiza urukiko rwari rwaruciye kugira ngo ruruburanishe mu mizi, nta yindi ngwate y'amagarama itanzwe.</p> | <p>If the appellate court finds that the case was filed through procedures that comply with the law and the court that tried it at first instance declared that the case was not admitted when it was admissible, the appellate court admits the case and indicates that the case deserved admission at first instance; annuls it and re-submits it to the court that tried it in order to be heard on merits with no any other security on payment of court fees.</p> | <p>Lorsque la juridiction d'appel constate que la juridiction au premier degré avait été saisie de façon régulière, et la juridiction ayant connu de l'affaire déclare l'affaire irrecevable alors qu'elle devrait être recevable, la juridiction d'appel reçoit l'appel et déclare qu'elle devrait avoir été reçue au premier degré, annule le jugement et le renvoie à la juridiction du premier degré pour connaître du fond de l'affaire sans autre paiement de frais de justice.</p> |
| <p>Urukiko rwohererejwe uru rubanza ntirushobora kwanga kuruburanisha rwitwaje ko rwafashe icyemezo kuri iryo bura bubasha.</p> | <p>The court that receives such a case cannot refuse to hear the case on the pretext that it made a decision on the lack of jurisdiction.</p> | <p>La juridiction de renvoi ne peut pas déclarer l'affaire irrecevable sur motif qu'elle s'est déjà prononcé sur son incompétence.</p> |
| <p><u>Ingingo ya 194:</u> Kutiyambaza icyarimwe inzira ebyiri zo kujurira</p> | <p><u>Article 194:</u> Not using two appeal procedures at the same time</p> | <p><u>Article 194:</u> Ne pas recourir en même temps à deux voies de recours</p> |
| <p>Umuburanyi ntashobora, ku rubanza rumwe, kwiyambaza icyarimwe inzira y'ubujurire n'iyogusubirishamo urubanza. Inzira ya mbere</p> | <p>The appellant cannot use, in one case, the appeal and opposition procedures. The first chosen procedure entails the loss of the right to resort to the other procedure.</p> | <p>L'appelant ne peut pas, dans une affaire, utiliser l'appel et l'opposition. La première voie choisie entraîne la perte du droit au recours à l'autre procédure.</p> |

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| <p>yahisemo ituma atakaza uburenganzira yari afite bwo kwiyambaza indi nzira.</p> <p><u>Icyiciro cya 2: Inzira zo kujurira zidasanzwe</u></p> <p><u>Akiciro ka mbere: Gusubirishamo urubanza ingingo nshya</u></p> <p><u>Ingingo ya 195: Igisobanuro cyo gusubirishamo urubanza ingingo nshya</u></p> <p>Gusubirishamo urubanza ingingo nshya ni ugushaka ko urubanza rwaciwe burundu ruvanyaho rukongera gusuzumwa bundi bushya hubahirijwe impamvu ziteganywa n'iri tegeko.</p> <p><u>Ingingo ya 196: Abashobora gusubirishamo urubanza ingingo nshya</u></p> <p>Gusubirishamo urubanza ingingo nshya bishobora gukorwa n'aba bakurikira:</p> <p>1° ubushinjacyaha ;</p> <p>2° uwahamwe n'icyaha;</p> <p>3° uwaregeye indishyi.</p> <p>Iyo uwaciriwe urubanza cyangwa uwakorewe icyaha yapfuye, yazimiye cyangwa yabuze, gusaba gusubirishamo urubanza ingingo nshya</p> | <p><u>Section 2: Special appeal procedures</u></p> <p><u>Subsection One: Application for review</u></p> <p><u>Article 195: Definition of review</u></p> <p>Review means a procedure that aims to annul a judgment that has become final and re-try the case on the grounds provided under this Law.</p> <p><u>Article 196: Persons who can apply for review</u></p> <p>Application for review can be filed by the following:</p> <p>1° Public Prosecution;</p> <p>2° convicted person;</p> <p>3° a civil party.</p> <p>If the convict or the victim of the offence is dead, missing or has disappeared, the application for review can be filed by his or her</p> | <p><u>Section 2: Procédures d'appel spéciales</u></p> <p><u>Sous-section première : Recours en révision</u></p> <p><u>Article 195: Définition du recours en révision</u></p> <p>Le recours en révision est une procédure qui tend à rétracter une décision coulée en force de chose jugée pour qu'elle soit à nouveau jugée dans les conditions prévues par la présente loi.</p> <p><u>Article 196: Personnes qui peuvent exercer le recours en révision</u></p> <p>Le recours en révision peut être demandée par :</p> <p>1° l'Organe de poursuite judiciaire ;</p> <p>2° le coupable ;</p> <p>3° la partie civile.</p> <p>En cas de la mort, d'absence ou de disparition du condamné ou de la victime, la révision peut être demandée par son conjoint, son enfant, ses</p> |
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| <p>bishobora gukorwa n’uwo bashakanye, umwana we cyangwa abandi amategeko yemerera kumuzungura, uwo yaraze ibye, cyangwa uwo yasize ashinze ubwo butumwa.</p> <p><u>Ingingo ya 197: Impamvu zituma urubanza rusubirishwamo ingingo nshya</u></p> <p>Urubanza rushobora gusubirishwamo ingingo nshya kubera imwe mu mpamvu zikurikira:</p> <p>1° ushinjwa amaze gucirwa urubanza rw’uko yishe umuntu, hanyuma hakaboneka ibimenyetso bihagije byemeza ko uwo bakeka ko yishe atapfuye;</p> <p>2° bamaze gucirwa ushinjwa urubanza ku cyaha yashinjwaga, hakaboneka urundi rubanza nk’urwo rwahannye undi muntu kandi rumuhanira icyo cyaha, izo manza zombi zivuguruzanya zikaba zigaragaje ko umwe mu bakatiwe yarenganye;</p> <p>3° iyo habayeho ruswa muri urwo rubanza yemejwe n’urukiko kandi ikaba yaragize ingaruka ku mikirize yarwo;</p> <p>4° iyo haciwe urubanza bashingiye ku mpapuro, ku buhama cyangwa indahiro byaje kugaragara cyangwa</p> | <p>spouse, child or other legally recognized heirs or legatees or those who received from him or her explicit mission to apply for review.</p> <p><u>Article 197: Grounds for case review</u></p> <p>A case can be reviewed due to one of the following grounds:</p> <p>1° if a person convicted of homicide and later, sufficient evidence is discovered to confirm that the person the convict is alleged to have killed is alive;</p> <p>2° if, after the accused is convicted of an offence, and it is subsequently found that there is a judgment sentencing another person for the same offence, so that the contradiction between both judgments shows that one of the convicted persons is innocent;</p> <p>3° if the court finds that corruption was involved in the case and had effects on the judgment;</p> <p>4° if the judgment was rendered on the basis of documents, testimonies or oaths which later turn out to be or are</p> | <p>successors légaux, ses légataires ou par ceux qui ont reçu de lui la mission expresse d’exercer le recours en révision.</p> <p><u>Article 197: Causes d’ouverture du recours en révision</u></p> <p>Le recours en révision n’est ouvert que pour l’une des causes suivantes :</p> <p>1° lorsque, après la condamnation de l’accusé pour homicide, il est découvert de suffisantes preuves qui montrent que la prétendue victime n’est pas morte ;</p> <p>2° lorsque, après la condamnation de l’accusé, il est découvert un autre jugement condamnant une autre personne pour la même infraction, la contradiction entre les deux décisions faisant preuve de l’innocence de l’un ou de l’autre condamné;</p> <p>3° s’il y a eu corruption reconnue par la juridiction et qui a eu d’impact sur le jugement;</p> <p>4° si on a jugé sur des pièces, témoignages ou serments ultérieurement reconnus</p> |
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| <p>kwemezwa n’urukiko ko ari ibihimbano nyuma y’icibwa ry’urwo rubanza;</p> <p>5° iyo kuva aho urubanza ruciriwe, habonetse ikimenyetso gishya kimara impaka kigaragaza neza akarengane katewe n’urubanza rusabirwa gusubirwamo;</p> <p>6° iyo urubanza rushingiye ku byakozwe mu iburanisha bikozwe mu izina ry’umuntu utarigeze atanga ubwo bubasha mu buryo ubwo ari bwo bwose, cyangwa ngo yemere cyangwa yemeze ibyakozwe.</p> <p>Ikimenyetso gishya kivugwa mu gace ka 5° k’igika cya mbere cy’iyi ngingo, ni ikimenyetso umuburanyi atashoboraga kumenya ko cyaba gihari, akakibona nyuma cyangwa akaba atarabashaga kukigeraho igihe yaburanaga.</p> <p>Ikimenyetso n’iyo ari gishya gihabwa agaciro gusa iyo gishobora kuvuguruza ibyari byashingiweho mu ica ry’urubanza rusabirwa gusubirishwamo ingingo nshya.</p> <p>Ku bijyanye n’imanza zaciwe n’Inkiko Gacaca, gusubirishamo urubanza ingingo nshya byemerwa gusa iyo uwakatiwe urubanza yerekanye ko uwo yashinjwaga kwica akiriho.</p> | <p>subsequently declared false by the court after the judgment;</p> <p>5° if, after the judgment, new conclusive evidence sufficiently showing injustice caused by judgment subject to review is revealed;</p> <p>6° if the judgment is based on the proceedings conducted on behalf of a person who did not explicitly or implicitly grant permission to do so or prove or confirm such proceedings.</p> <p>The evidence referred to under item 5° of Paragraph One of this Article is such evidence that the party to the proceedings could not know its existence and that he or she discovered later on or evidence that he or she could not get during the proceedings.</p> <p>Even when evidence is new, it is taken into account only when it can contradict the basis for the ruling on the case for which review is applied.</p> <p>Regarding cases heard by a Gacaca Court, case review is accepted only if the convicted person identifies that the person he or she is alleged to have killed is a live.</p> | <p>ou judiciairement déclarés faux depuis le jugement;</p> <p>5° si, depuis le jugement, il a été découvert une nouvelle pièce décisive qui démontre à suffisance l’injustice du jugement attaqué;</p> <p>6° si la décision est fondée sur un acte de procédure accompli au nom d’une personne, sans qu’elle ait donné mandat exprès ou tacite à cette fin ou ratifié ou confirmé ce qui a été fait.</p> <p>La nouvelle pièce visée au point 5° de l’alinéa premier du présent article est une preuve telle que la partie au procès ne pouvait pas connaître et qu’elle a découvert plus tard ou preuve qu’elle ne pouvait pas atteindre au moment du procès.</p> <p>Même lorsque la preuve est nouvelle, elle n’est prise en compte que lorsqu’elle peut contredire le fondement de la décision sur l’affaire pour laquelle le recours en révision est requis.</p> <p>Concernant le jugement rendu par une juridiction Gacaca, le recours en révision est accepté seulement lorsque le condamné prouve</p> |
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| <p><u>Ingingo ya 198:</u> Urukiko ruburanisha ikirego cyo gusubirishamo urubanza ingingo nshya</p> <p>Gusubirishamo urubanza ingingo nshya bisabwa mu rukiko rwacye urubanza mu rwego rwa nyuma, rukaburanishwa n’inteko itararuburanishije mbere.</p> <p>Icyakora, urubanza rwaciwe n’urukiko Gacaca rusubirishwamo mu Rukiko rw’Ibanze.</p> <p><u>Ingingo ya 199:</u> Itangwa ry’ikirego gisaba gusubirishamo urubanza ingingo nshya</p> <p>Ikirego gisabira urubanza gusubirishwamo ingingo nshya gitangwa mu nzira zimwe nk’izubahirizwa mu gutanga ibindi birego.</p> <p>Ikirego gisabira urubanza rwaciwe burundu gusubirishwamo ingingo nshya ntabwo cyakirwa iyo cyerekeye urubanza rwabisabiwe mbere ku kimenyetso kimwe cyangwa ku mpamvu imwe.</p> | <p><u>Article 198:</u> Competent court to review the case</p> <p>Application for review of a case is lodged in the court that decided the case in the last instance and the case reviewed by a bench of judges that did not try it before.</p> <p>However, the case heard by a Gacaca Court is reviewed by a Primary Court.</p> <p><u>Article 199:</u> Filing an action for case review</p> <p>The action applying for case review is filed through the same procedure as other actions.</p> <p>The action applying for case review of a final judgement is not admitted in case it relates to a case for which review was applied on basis of same evidence or same grounds.</p> | <p>que la personne qu’il était accusé d’avoir tuée est vivante.</p> <p><u>Article 198 :</u> Juridiction compétente pour connaître du recours en révision</p> <p>Le recours en révision est porté devant la juridiction qui a rendu la décision attaquée en dernier ressort et le siège statuant sur ce recours doit être différent de celui qui l’a connu avant.</p> <p>Toutefois, le jugement rendu par une juridiction Gacaca est connu en révision par le Tribunal de Base.</p> <p><u>Article 199:</u> Ouverture d’un recours en révision</p> <p>Le recours en révision est intenté selon la même procédure que les autres actions.</p> <p>Le recours en révision d’une décision coulée en force de chose jugée n’est pas reçu au cas où il se rapporte à une affaire pour laquelle le recours en révision a été exercé sur base des mêmes éléments de preuve ou des mêmes motifs.</p> |
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| <p><u>Ingingo ya 200:</u> Kwakira ikirego gisaba gusubirishamo urubanza ingingo nshya</p> <p>Urukiko rwaregewe gusubirishamo urubanza ingingo nshya rubanza gusuzuma ibijyanye n'iyakirwa ry'ikirego, rukabifataho icyemezo.</p> <p>Iyo ikirego cyo gusubiramo urubanza kitakiriwe, urubanza rwa mbere rugumana agaciro karwo.</p> <p><u>Ingingo ya 201:</u> Irangizwa ry'urubanza mu gihe cyo gusubirishamo urubanza ingingo nshya</p> <p>Gusubirishamo urubanza ingingo nshya ntibirubuza kurangizwa, keretse iyo iryo rangizwa ryahagaritswe n'urukiko rwaregewe gusubirishamo urubanza ingingo nshya.</p> <p><u>Ingingo ya 202:</u> Ukutajuririrwa kw'icyemezo gifashwe mu gusubirishamo urubanza ingingo nshya</p> <p>Urubanza ruciwe ku kirego cyo gusubirishamo urubanza ingingo nshya, ntirwemera inzira z'ubujurire izo arizo zose uretse kurusubirishamo ku mpamvu z'akarengane.</p> | <p><u>Article 200:</u> Admissibility of case review</p> <p>The court seized for case review first considers conditions relating to case admissibility and decides on it.</p> <p>Where a case review is not admitted, the first judgment remains valid.</p> <p><u>Article 201:</u> Execution of a judgment during case review</p> <p>Case review does not prevent a judgment from being executed, unless the execution is suspended by the court seized for review.</p> <p><u>Article 202:</u> Impossibility of appeal for a ruling made on case review</p> <p>The judgment of case review does not allow any form of appeal except on grounds of injustice.</p> | <p><u>Article 200:</u> Recevabilité du recours en révision</p> <p>La juridiction saisie pour le recours en révision examine d'abord les conditions relatives à la recevabilité de l'affaire et elle y statue.</p> <p>Lorsqu'un recours en révision n'est pas admis, le premier jugement reste valable.</p> <p><u>Article 201:</u> Exécution d'un jugement pendant le recours en révision</p> <p>Le recours en révision n'empêche pas l'exécution d'un jugement à moins que l'exécution ne soit suspendue par la juridiction saisie pour révision.</p> <p><u>Article 202 :</u> Impossibilité de faire appel d'une décision rendue sur un recours en révision</p> <p>Le jugement d'un recours en révision ne permet aucune procédure d'appel sauf pour des motifs d'injustice.</p> |
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| <p><u>Ingingo ya 203: Igihe cyo gusubirishamo urubanza ingingo nshya</u></p> <p>Igihe ntarengwa cyo kuregera gusubirishamo urubanza ingingo nshya rwaciwe burundu ni amezi abiri (2) kuva igihe impamvu ituma urwo rubanza rusabirwa gusubirwamo yabonekeye.</p> <p><u>UMUTWE WA IV: KWIYAMBAZA ABASEMUZI, ABAHINDURA MU NDIMI, IMPUGUKE N'ABAGANGA</u></p> <p><u>Ingingo ya 204: Ururimi rw'urukiko</u></p> <p>Ururimi rw'urukiko ni Ikinyarwanda. icyakora, urukiko rushobora kuburanisha mu rundi rurimi rwemewe mu butegetsi. Umuburanyi ashobora kuburana mu rundi rurimi yumva neza urukiko rugashaka umusemuzi.</p> <p><u>Ingingo ya 205: Uhindura mu ndimi, impuguke, umusemuzi cyangwa umuganga</u></p> <p>Umuntu wese ubisabwe mu buryo bwemewe ashobora mu gihe nta mpamvu ibimubuza gutera inkunga nk'umusemuzi, uhindura mu ndimi, impuguke cyangwa umuganga.</p> | <p><u>Article 203: Time limit for application for review</u></p> <p>The application for review of a final judgement must be filed within two (2) months from the date the event giving rise to the application for review occurred.</p> <p><u>CHAPTER IV: USE OF INTERPRETERS, TRANSLATORS, EXPERTS AND MEDICAL DOCTORS</u></p> <p><u>Article 204: Language of the court</u></p> <p>The language of the court is Ikinyarwanda. However, the court can conduct the hearing in another official language. The party in proceedings can litigate in a language that he or she understands very well and the court seeks an interpreter.</p> <p><u>Article 205: Translator, expert, interpreter or medical doctor</u></p> <p>Any person duly requested to assist as an interpreter, a translator, an expert or a medical doctor can do so if there is nothing to prevent him or her from doing so.</p> | <p><u>Article 203 : Délai d'exercer le recours en révision</u></p> <p>Le délai de recours en révision du jugement coulé en force de chose jugée est de deux (2) mois à compter de la date de survenance de la cause d'ouverture.</p> <p><u>CHAPITRE IV: RECOURS AUX INTERPRÈTES, TRADUCTEURS, EXPERTS ET MÉDECINS</u></p> <p><u>Article 204: Langue de la juridiction</u></p> <p>La langue de la juridiction est l'Ikinyarwanda. Toutefois, la juridiction peut tenir l'audience dans une autre langue officielle. Une partie au procès peut plaider dans une langue qu'elle maîtrise et la juridiction cherche un interprète.</p> <p><u>Article 205: Traducteur, expert, interprète ou médecin</u></p> <p>Toute personne qui en est légalement requise est tenue de prêter assistance comme interprète, traducteur, expert ou médecin, si rien ne l'en empêche.</p> |
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| <p>Iyo uvugwa mu gika cya mbere cy'iyi ngingo atari umukozi wa Leta agenerwa igihembo gihwanye n'umurimo yakoze.</p> <p><u>Ingingo ya 206: Igenwa ry'amafaranga y'ibyakoreshejwe mu iburanisha</u></p> <p>Iteka rya Minisitiri ufite Ubutabera mu nshingano ze rigena uburyo amafaranga ahabwa abatangabuhamya, abaganga, abasemuzi n'abandi bahanga abarwa.</p> <p><u>Ingingo ya 207: Ibishingirwaho mu kugena amafaranga akoreshwa mu iburanisha</u></p> <p>Amafaranga ahabwa abatangabuhamya, abaganga, n'abandi bahanga agenwa n'inteko y'urukiko imaze kubona impapuro zikubiyemo ibi bikurikira:</p> <ol style="list-style-type: none"> 1° umunsi imirimo yasabiweho gukorwa n'izina ry'umucamanza wayisabye; 2° ubwoko bw'urubanza n'amazina y'abaturanyi; 3° ubwoko bw'imirimo, umunsi yakoreweho n'igihe yakozwemo, kimwe n'ibisobanuro byerekana umubare w'amafaranga yayitanzweho. | <p>If the person mentioned in Paragraph One of this Article is not a civil servant, he or she is entitled to remuneration proportional to his or her assistance.</p> <p><u>Article 206: Determination of trial costs</u></p> <p>An Order of the Minister in charge of justice determines the calculation of fees accorded to witnesses, medical doctors, interpreters and other experts.</p> <p><u>Article 207: Criteria for determining trial costs</u></p> <p>The fees accorded to witnesses, medical doctors and other experts are determined by the bench of judges upon reception of documents containing the following:</p> <ol style="list-style-type: none"> 1° the day of request for services and the judge who requested for the services; 2° the type of trial and names of parties in the proceedings; 3° the type of services, the date and period of service provision, as well as explanations of service costs. | <p>Si la personne requise n'est pas un agent de l'État, il lui est réservé une rémunération correspondant à sa prestation.</p> <p><u>Article 206 : Détermination des coûts du procès</u></p> <p>Un arrêté du Ministre ayant la justice dans ses attributions détermine le calcul des frais accordés aux témoins, médecins, interprètes et autres experts.</p> <p><u>Article 207: Critères de détermination des coûts du procès</u></p> <p>Les honoraires accordés aux témoins, médecins et autres experts sont déterminés par le siège des juges après avoir reçu les documents contenant ce qui suit :</p> <ol style="list-style-type: none"> 1° le jour de la demande de services et le juge qui a demandé les services ; 2° le type de procès et les noms des parties au procès ; 3° le type de services, la date et la période de prestation des services ainsi que des explications sur les coûts de service. |
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| <p>Urukiko rushobora mu gihe bibaye ngombwa gusaba ababuranyi gutanga amafaranga akenewe mu guhamba inzobere cyangwa umusemuzi cyangwa rukaba arirwo ruyatanga iyo arirwo rwishyiriyeho ukora iyo mirimo.</p> <p>Amafara ngwa avugwa mu gika cya mbere cy'iyi ngingo, ariyozwa umuburanyi watsinzwe. Iyo ukurikiranyweho icyaha atsinze, ayo mafaranga ariyozwa Leta.</p> <p><u>Ingingo ya 208:</u> Indahiro y'impuguke, umusemuzi, uhindura mu ndimi cyangwa umuganga</p> <p>Mbere yo gutangira imirimo ye, impuguke, umusemuzi, uhindura mu ndimi cyangwa umuganga, abanza kurahira muri aya magambo:</p> <p>«Jyewe....., ndahiriye ko nzakora umurimo nshinzwe ntacyo nirengagije, nkawukora uko ugomba gukorwa nta buhemu. Niba ntawukoze uko bikwiye nzabihanirwe n'amategeko.»</p> <p><u>Ingingo ya 209:</u> Gushyiraho umusemuzi, impuguke, uhindura mu ndimi cyangwa umuganga</p> <p>Umucamanza uyoboye urukiko akena, nyuma y'igenzura uhawe ububasha bwo kuba</p> | <p>The court can, if necessary, request the parties in the proceedings to pay the fees needed for remuneration of an expert or an interpreter or it can pay the fees if it appointed him or her.</p> <p>The fees referred to under Paragraph One of this Article are paid by the party found guilty. If the accused is acquitted, fees are paid out of the State Treasury.</p> <p><u>Article 208:</u> Oath of an expert, interpreter, translator or medical doctor</p> <p>Before commencing his or her duty to render assistance, an expert, interpreter, translator or medical doctor takes the following oath:</p> <p>“I....., do hereby swear to perform my duties as faithfully and professionally as possible and in good faith. Should I fail to do so, can I face the rigours of the law.”</p> <p><u>Article 209:</u> Appointment of an interpreter an expert, a translator or a medical doctor</p> <p>The President of the Court determines, after verification, a person appointed as an</p> | <p>La juridiction peut, si nécessaire, demander aux parties au procès de payer les honoraires nécessaires à la rémunération d'un expert ou d'un interprète ou elle peut payer les honoraires si elle l'a désigné.</p> <p>Les frais visés à l'alinéa premier du présent article sont payés par la partie reconnue coupable. Si l'accusé est acquitté, les frais sont mis à charge du Trésor Public.</p> <p><u>Article 208:</u> Serment d'un expert, traducteur, interprète ou médecin</p> <p>Avant de procéder aux actes de son assistance, un expert, un interprète, un traducteur ou un médecin prête serment en ces termes :</p> <p>“Moi je jure de remplir mes fonctions aussi fidèlement et professionnellement que possible et de bonne foi. En cas de parjure, que je subisse les rigueurs de la loi”.</p> <p><u>Article 209:</u> Désignation d'un interprète, expert, traducteur ou médecin</p> <p>Le Président de la juridiction nomme après contrôle la personne à qui la qualité d'interprète,</p> |
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| <p>umusemuze, impuguke, uhindura mu ndimi cyangwa umuganga. Ubwo bubasha ashobora kubuha kandi n’abakozi bo mu rukiko ayobora. Uhawe ubwo bubasha arahirira mu iburanisha indahiro ivugwa mu ngingo ya 208 y’iri tegeko.</p> <p>Iyo yarahiye iyo ndahiro, umusemuze, uhindura mu ndimi cyangwa indi mpuguke ntasabwa kongera kurahira muri urwo rubanza iyo bibaye ngombwa ko yongerera kugira icyo avuga.</p> <p><u>Ingingo ya 210: Ibisabwa impuguke na raporo itanga</u></p> <p>Usaba ubufasha bw’impuguke agomba gusobanura neza ibyo akeneye ko imukorera.</p> <p>Raporo itangwa n’impuguke igomba gutanga ibisobanuro birambuye kandi ibivugwa mu mvugo ya kinyamwuga ubusanzwe, bikagerageza kwandikwa mu mvugo yumvwa n’abantu bose.</p> <p>Impuguke, umusemuze, uhindura mu ndimi cyangwa umuganga agomba kandi gukora raporo akurikije umutimanama n’ubuhanga.</p> | <p>interpreter, an expert, a translator, or a doctor. The President can also delegate such powers to other members of staff of the Court under his or her supervision. The person given such powers takes oath provided in Article 208 of this Law.</p> <p>An interpreter, a translator or another expert who previously took oath does not take oath again if it is necessary for him or her to take the floor again.</p> <p><u>Article 210: Requirements for an expert and his or her report</u></p> <p>The person requesting for the assistance of an expert must clearly specify the items he or she expects from the expert.</p> <p>The report submitted by the expert must give details and the general professional technicalities must be written in a simple language.</p> <p>The expert, the interpreter, the translator or the medical doctor must make a report according to his or her conscience and expertise.</p> | <p>d’expert, de traducteur ou de médecin est conférée. Il peut également conférer cette qualité aux agents relevant de sa juridiction. Une personne à qui cette qualité est conférée prête le serment prévu à l’article 208 de la présente loi.</p> <p>Lorsqu’il est nécessaire de prendre la parole encore une fois, l’interprète, le traducteur ou un autre expert est dispensé du serment une fois qu’il l’a antérieurement prêté.</p> <p><u>Article 210: Conditions requises à un expert et son rapport</u></p> <p>La personne qui requiert une expertise doit expliquer clairement l’étendue de l’expertise requise.</p> <p>Le rapport transmis par l’expert doit donner des explications détaillées et traduire le message transmis en termes techniques dans des termes communs compréhensibles par tous.</p> <p>L’expert, l’interprète, le traducteur ou le médecin est tenu de faire un rapport selon sa conscience et son expertise.</p> |
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| <p><u>Ingingo ya 211: Kwakira ubuhamya bw'abandi bantu batari abakekwaho icyaha</u></p> <p>Impuguke ishobora kwakira ubuhamya bw'undi muntu utari ukekwoho icyaha kugira ngo buyibere ikimenyetso kiyifasha gutunganya imirimo yayo.</p> <p><u>Ingingo ya 212: Kuvuguruzanya kw'imyanzuro y'impuguke nyinshi</u></p> <p>Iyo hashyizweho impuguke nyinshi hanyuma imyanzuro yazo ikaza ivuguruzanya cyangwa se zimwe zifite ibyo zitumvikanaho n'izindi ku myanzuro rusange, buri wese atanga umwanzuro we cyangwa se agasobanura impamvu yatumye agira ibyo yifataho.</p> <p><u>Ingingo ya 213: Ihinyuza rya raporo y'impuguke</u></p> <p>Iyo umucamanza asanze hari impamvu zituma akemanga raporo y'impuguke, ategeka ko hakorwa igenzura rigamije kwerekana ukuri kwayo.</p> | <p><u>Article 211: Receiving testimony from people other than the suspect</u></p> <p>An expert can receive testimony from another person other than the suspect in order for the testimony to act as proof to assist in discharging his or her duties effectively.</p> <p><u>Article 212: Contradictory opinions of several experts</u></p> <p>If several experts are appointed and offer contradictory opinions or some of them make reservations to common opinions, each of them gives his or her opinion or gives reasons for his or her reservations.</p> <p><u>Article 213: Seeking a second opinion from another expert</u></p> <p>If a judge has reason to criticize an expert's report, he or she orders a second opinion.</p> | <p><u>Article 211: Recevoir les témoignages des personnes autres que les suspects</u></p> <p>Un expert peut recevoir le témoignage d'une personne autre que le suspect pour qu'il lui serve de preuve qui l'aide à mieux accomplir sa mission.</p> <p><u>Article 212: Contradiction entre les avis de plusieurs experts</u></p> <p>Lorsque plusieurs experts sont désignés et donnent des avis différents ou émettent des réserves sur des conclusions communes, chaque expert donne son opinion ou motive ses réserves.</p> <p><u>Article 213: Contre-expertise de l'opinion d'un expert</u></p> <p>Si le juge a des raisons de critiquer le rapport d'un expert, il ordonne une contre-expertise.</p> |
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| <p>INTERURO YA IV: IRANGIZWA RY'IMANZA</p> | <p>TITLE IV: EXECUTION OF JUDGMENTS</p> | <p>TITRE IV: EXÉCUTION DES JUGEMENTS ET ARRÊTS</p> |
| <p>UMUTWE WA MBERE: GUSHYIRA MU BIKORWA ICYEMEZO CY'URUKIKO</p> | <p>CHAPTER ONE: EXECUTION OF COURT DECISION</p> | <p>CHAPITRE PREMIER: EXÉCUTION DE LA DÉCISION JUDICIAIRE</p> |
| <p><u>Icyiciro cya mbere: Ingingo rusange</u></p> | <p><u>Section One: General provisions</u></p> | <p><u>Section première: Dispositions générales</u></p> |
| <p><u>Ingingo ya 214: Kurangiza urubanza</u></p> | <p><u>Article 214: Execution of judgments</u></p> | <p><u>Article 214: Exécution des jugements</u></p> |
| <p>Irangizwa ry'urubanza nshinjabyaha rikorwa iyo urubanza rwabaye ndakuka keretse urukiko rubigennye ukundi.</p> | <p>The execution of a criminal judgment is carried out when the judgment has become final unless the court decides otherwise.</p> | <p>L'exécution d'un jugement pénal se fait lorsque le jugement est réputé définitif à moins que la juridiction n'en décide autrement.</p> |
| <p>Umuntu ugiye kurangiza urubanza yitwaza inyandiko y'urukiko igaragaza icyemezo cyafashwe.</p> | <p>A person in charge of the execution of a judgment must have a court document indicating the decision taken.</p> | <p>Une personne chargée de l'exécution d'un jugement doit avoir un document de la juridiction portant la décision prise.</p> |
| <p><u>Ingingo ya 215: Kurangiza urubanza ku bushake</u></p> | <p><u>Article 215: Voluntary execution of a judgment</u></p> | <p><u>Article 215: Exécution volontaire d'un jugement</u></p> |
| <p>Umuntu ukatiwe igihano cy'igifungo cyangwa icy'imirimo y'inyungu rusange afite inshingano zo kukirangiza ubwe yishyikiriza aho agomba kukirangiriza.</p> | <p>A person sentenced to imprisonment or community service is responsible for executing the judgment by reporting himself or herself to the place of execution.</p> | <p>Une personne condamnée à l'emprisonnement ou aux travaux d'intérêt général est elle-même responsable de l'exécution du jugement en se rendant au lieu de l'exécution.</p> |
| <p>Kurangiza igihano ku bushake bigomba gukorwa mu minsi mironko itatu (30) urubanza rumaze kuba itegeko. Iyo atabikoze bifatwa nko kwigomeka ku buyobozi.</p> | <p>The voluntary execution of judgment must take place within thirty (30) days from the final court judgment. In case of non-execution, this is considered as insubordination to authorities.</p> | <p>L'exécution volontaire du jugement doit se faire endéans trente (30) jours du jugement coulé en force de chose jugée. En cas de non-exécution, ceci est considéré comme une insubordination aux autorités.</p> |

| Ingingo ya 216: Abashinzwe kurangiza imanza | Article 216: Persons responsible for the execution of judgments | Article 216 : Personnes chargées de l'exécution des jugements |
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| <p>Abashinzwe irangizwa ry'imanza ni aba bakurikira:</p> | <p>Persons responsible for monitoring the execution of judgments are the following :</p> | <p>Les personnes chargées du suivi de l'exécution des jugements sont les suivantes :</p> |
| <p>1° Urwego rw'Igihugu rushinzwe Ubugenzacyaha, Ubushinjacyaha cyangwa Polisi y'u Rwanda ku byerekeye igihano cy'igifungo n'igihano cy'umugereka;</p> | <p>1° Rwanda Investigation Bureau, the Public Prosecution or Rwanda National Police, in case of imprisonment penalty and additional penalty;</p> | <p>1° l'Office rwandais d'investigation, l'organe de poursuite judiciaire ou la Police Nationale du Rwanda en ce qui concerne la peine d'emprisonnement et la peine accessoire ;</p> |
| <p>2° Urwego rw'Igihugu rushinzwe Imfungwa n'Abagororwa, ku byerekeranye n'igihano cy'igifungo;</p> | <p>2° Rwanda Correctional Service, in case of imprisonment penalty;</p> | <p>2° le Service correctionnel du Rwanda, en ce qui concerne la peine d'emprisonnement ;</p> |
| <p>3° Polisi y'u Rwanda cyangwa abakozi bo mu nzego z'ibanze babihereye ububasha na Minisitiri ufite Ubutabera mu nshingano ze ku gihano cy'imirimo y'inyungu rusange;</p> | <p>3° Rwanda National Police or local Government officers empowered to do so by the Minister in charge of justice in case of sentence of community service;</p> | <p>3° la Police Nationale du Rwanda ou les autorités locales habilitées par le Ministre ayant la justice dans ses attributions en ce qui concerne la peine de travaux d'intérêt général ;</p> |
| <p>4° Umuhesha w'inkiko, ku byerekeye ihazabu cyangwa indishyi;</p> | <p>4° a court bailiff, in case of a fine or damages;</p> | <p>4° l'huissier de justice en ce qui concerne une amende et dommages-intérêts ;</p> |
| <p>5° umwanditsi w'urukiko ku byerekeye amafaranga y'ihazabu n'amagarama y'urukiko, iyo hari umutungo w'uwakatiwe uri mu maboko y'urukiko.</p> | <p>5° a court registrar with respect to the collection of fines and court fees, if the property of the sentenced person was placed under the jurisdiction of the court.</p> | <p>5° le greffier en ce qui concerne le recouvrement des amendes et des frais de justice, si un bien d'une personne condamnée a été placé entre les mains de la juridiction.</p> |

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| <p><u>Ingingo ya 217:</u> Kurekura uregwa uhanaguweho icyaha</p> <p>Bitabangamiye ibiteganywa mu gika cya 3 n'icya 4 by'ingingo ya 185 y'iri tegeko, uregwa uhanaguweho icyaha ahita arekurwa n'Umuyobozi wa Gereza agaragarijwe kopi y'urubanza.</p> <p>Iyo ibiteganywa mu gika cya mbere cy'iyi ngingo bitubahirijwe, uregwa akaguma muri gereza, umucamanza ashobora gufata ibyemezo biteganywa mu ngingo ya 143, iya 144 n'ya 145 z'iri tegeko.</p> <p><u>Ingingo ya 218:</u> Irangizwa ry'urubanza ry'agateganyo</p> <p>Irangizwa ry'urubanza ry'agateganyo rirabujijwe mu manza z'inshinjabyaha, keretse ku byerekeye gusubiza iby'abandi, gutanga indishyi z'akababaro cyangwa igihe itegeko ribiteganywa ukundi.</p> <p><u>Ingingo ya 219:</u> Urubanza rw'inshinjabyaha rwaciriwe mu mahanga</p> <p>Urubanza rw'inshinjabyaha rwaciriwe mu mahanga ku buryo ndakuka rushobora kurangirizwa mu Rwanda ku byerekeye ibihano bisabwe n'Ubushinjacyaha.</p> | <p><u>Article 217:</u> Release of an accused person who is acquitted</p> <p>Without prejudice to provisions of Paragraphs 3 and 4 of Article 185 of this Law, an accused who is acquitted is immediately released by the Prison Director upon presentation of a copy of judgment.</p> <p>If the provisions of Paragraph One of this Article are not enforced by retaining the acquitted person in prison, the judge can take measures provided for under Articles 143, 144 and 145 of this Law.</p> <p><u>Article 218:</u> Provisional execution of a judgment</p> <p>Provisional execution of a judgment is prohibited in criminal cases except in matters relating to the restitution of property or payment of damages or when otherwise provided by Law.</p> <p><u>Article 219:</u> Foreign criminal judgment</p> <p>A final foreign criminal judgment can be enforced in Rwanda with regard to penalties at the request of the Public Prosecution.</p> | <p><u>Article 217:</u> Libération d'un accusé acquitté</p> <p>Sans préjudice des dispositions des alinéas 3 et 4 de l'article 185 de la présente loi, l'accusé acquitté est immédiatement relâché par le Directeur de la prison sur présentation de la copie de jugement ou d'arrêt.</p> <p>Si les dispositions de l'alinéa premier du présent article ne sont pas respectées en maintenant la personne acquittée en détention, le juge peut ordonner les mesures prévues aux articles 143, 144 et 145 de la présente loi.</p> <p><u>Article 218:</u> Exécution provisoire d'un jugement</p> <p>L'exécution provisoire est interdite en matière pénale sauf en ce qui concerne les condamnations aux restitutions et aux dommages-intérêts ou lorsque la loi en dispose autrement.</p> <p><u>Article 219:</u> Jugement pénal rendu à l'étranger</p> <p>Un jugement pénal rendu à l'étranger coulé en force de chose jugée peut être exécuté au Rwanda eu égard aux peines sur demande de l'Organe de poursuite judiciaire.</p> |
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| <p>Urubanza rw'inshinjabyaha rwaciriwe mu mahanga ku buryo ndakuka rushobora kandi no kurangirizwa mu Rwanda bisabwe n'uwangirijwe n'icyaha iyo rwemeza indishyi zigomba kwishyurizwa mu ifasi ya Repubulika y'u Rwanda.</p> <p><u>Ingingo ya 220: Icyemezo cyo gusesa ikigo cyangwa umuryango byigenga bifite ubuzimagatozi</u></p> <p>Icyemezo gisesa ikigo cyangwa umuryango byigenga bifite ubuzimagatozi cyoherezwa umuyobozi ubifitiye ububasha kugira ngo akurikirane ibijyanye n'iseswa.</p> <p><u>Icyiciro cya 2: Igifungo</u></p> <p><u>Ingingo ya 221: Irangizwa ry'igihano cy'igifungo</u></p> <p>Igihano cy'igifungo kirangirizwa muri gereza.</p> <p><u>Ingingo ya 222: Ahafungirwa abagore n'abana</u></p> <p>Abagore n'abana bafungirwa mu bice byabugenewe muri gereza.</p> | <p>A final foreign criminal judgment can also be enforced in Rwanda upon request by the victim of the offence if it includes civil damages whose execution must take place on the territory of the Republic of Rwanda.</p> <p><u>Article 220: Decision of dissolution of a private institution or organisation with legal personality</u></p> <p>The decision to dissolve a private institution or organisation with legal personality is transmitted to the competent authority to proceed with the dissolution.</p> <p><u>Section 2: Imprisonment</u></p> <p><u>Article 221: Serving imprisonment penalty</u></p> <p>Imprisonment penalty is served in prison.</p> <p><u>Article 222: Detention facilities for women and minors</u></p> <p>Women and minors serve their imprisonment penalty in special cells reserved for them in prisons.</p> | <p>Le jugement pénal rendu à l'étranger coulé en force de chose jugée peut aussi être exécuté au Rwanda sur demande de la victime lorsque celui-ci a ordonné des dommages-intérêts à être payés sur le territoire de la République du Rwanda.</p> <p><u>Article 220: Décision de dissolution d'un établissement ou organisation privé doté de la personnalité juridique</u></p> <p>La décision de dissolution d'un établissement ou organisation privé doté de la personnalité juridique est transmise à l'autorité compétente pour faire le suivi de la dissolution.</p> <p><u>Section 2: Emprisonnement</u></p> <p><u>Article 221: Exécution de la peine d'emprisonnement</u></p> <p>La peine d'emprisonnement s'exécute dans un établissement pénitentiaire.</p> <p><u>Article 222: Lieu de détention des femmes et des mineurs</u></p> <p>Les femmes et les mineurs exécutent les peines d'emprisonnement dans des quartiers spéciaux des établissements pénitentiaires.</p> |
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| <u>Icyiciro cya 3: Ihazabu n'amagarama</u> | <u>Section 3: Fine and court fees</u> | <u>Section 3: Amende et frais de justice</u> |
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| <p><u>Ingingo ya 223: Kwishyura ihazabu n'amagarama y'urukiko</u></p> | <p><u>Article 223: Payment of fine and court fees</u></p> | <p><u>Article 223: Paiement d'amende et des frais de justice</u></p> |
| <p>Ihazabu ishyirwa mu isanduka ya Leta mu gihe kigenwa n'urukiko. Icyo gihe ntigishobora kurenga umwaka umwe (1) kuva urubanza rubaye ndakuka.</p> | <p>Fine is paid into the State Treasury within a period determined by the court. Such period cannot exceed one (1) year from the date of final judgment.</p> | <p>L'amende est versée dans le Trésor Public dans un délai fixé par la juridiction. Ce délai ne peut pas dépasser une (1) année à partir du jour où le jugement est réputé définitif.</p> |
| <p>Amagarama yishyurwa mu gihe kigenwa n'urukiko. Icyo gihe ntigishobora kurenga amezi atandatu (6) kuva urubanza rubaye ndakuka.</p> | <p>Court fees are paid within a period determined by the court. Such period cannot exceed six (6) months from the date of final judgment.</p> | <p>Les frais de justice sont versés dans un délai fixé par la juridiction. Ce délai ne peut pas dépasser six (6) mois à partir du jour où le jugement est réputé définitif.</p> |
| <p>Icyakora, kwishyura ihazabu n'amagarama y'urukiko bishobora gutegekwa urubanza rukimara gucibwa iyo ababuranyi bombi bahari cyangwa kuva igihe babimenyesherejwe iyo rwaciwe umuburanyi adahari, bakaba batinya ko uwakatiwe yabura mu irangiza ry'ibyo bihano.</p> | <p>However, the payment of fine and court fees can be ordered to be made immediately after pronouncement of the judgment if both parties are present or from the time of notification to parties when the judgment is pronounced in the absence of either party if there is a reason to fear that the convicted person can escape execution of the penalties.</p> | <p>Toutefois, le paiement de l'amende et des frais de justice peut être exigé dès le prononcé du jugement si les parties sont présentes ou dès sa signification, si les parties n'étaient pas présentes au jour du prononcé, lorsqu'il y a lieu de craindre que le condamné ne se soustraie à l'exécution des condamnations.</p> |
| <p>Kubera iyo mpamvu, umwanditsi w'urukiko asaba uwatsinzwe, mu nyandiko cyangwa mu ibaruwa ishinganywe mu iposita, kwishyura ihazabu n'amagarama mu gihe amutegetse.</p> | <p>In that case, the Court Registrar requests the convicted person either in writing or by registered mail to pay fine and court fees within the time limits he or she decides.</p> | <p>À cet effet, le greffier invite le condamné soit par écrit, soit par pli recommandé à la poste, à payer l'amende et les frais de justice dans le délai qu'il détermine.</p> |
| <p>Uwishyuye ihazabu n'amagarama ashirikiza umwanditsi w'urukiko icyemezo cy'uko yishyuye ibyo yategetswe.</p> | <p>The person who paid the fine and court fees submits to the court registrar the certificate of payment of the due fine or court fees.</p> | <p>La personne ayant payé l'amende et les frais de justice transmet au greffier l'attestation de paiement d'amende ou frais de justice dus.</p> |

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| <p><u>Ingingo ya 224:</u> Gutegeka kwishyura mu gihe cyemejwe</p> <p>Isomwa ry’urubanza rifatwa nko gutegeka kwishyura mu gihe cyagenwe n’urukiko iyo urubanza rwasomwe abaturanyi bombi bahari cyangwa guhera igihe rwamenyekanishirijwe iyo rwasomwe hari umuburanyi udahari.</p> <p>Iyo icyo gihe kirangiye uwatsinzwe atishyuye, hakoreshwa ingufu za Leta.</p> <p><u>Icyiciro cya 4:</u> Igihano cy’imirimo y’inyungu rusange</p> <p><u>Ingingo ya 225:</u> Uburyo igihano cy’imirimo y’inyungu rusange kirangizwa</p> <p>Iteka rya Perezida rigena uburyo bwo gukora igihano cy’imirimo y’inyungu rusange.</p> | <p><u>Article 224:</u> Injunction to pay within the prescribed time limits</p> <p>The pronouncement of a judgment in the presence of both parties or its notification when pronounced in the absence of either party is considered to be an injunction to pay within the time limits prescribed by the court.</p> <p>If the convicted person does not pay in the prescribed time limits, he or she is forced to pay.</p> <p><u>Section 4:</u> Penalty of community service</p> <p><u>Article 225:</u> Modalities for the execution of a penalty of community service</p> <p>A Presidential Order determines modalities for the execution of a penalty of community service.</p> | <p><u>Article 224:</u> Sommaton de payer dans le délai fixé</p> <p>Le prononcé du jugement si les parties sont présentes ou sa signification s’il y avait une partie absente au jour du prononcé, vaut sommation de payer dans le délai fixé.</p> <p>Si le condamné ne s’exécute pas dans le délai fixé, il est procédé à l’exécution forcée.</p> <p><u>Section 4:</u> Peine de travaux d’intérêt général</p> <p><u>Article 225:</u> Modalités d’exécution de la peine de travaux d’intérêt général</p> <p>Un arrêté présidentiel détermine les modalités d’exécution de la peine de travaux d’intérêt général.</p> |
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| <p>UMUTWE WA II: IMPAMVU ZIHAGARIKA IRANGIZA RY'IGIHANO N'IZIKURAHO IGIHANO</p> <p><u>Icyiciro cya mbere :</u> Impamvu zihagarika irangiza ry'igihano</p> <p><u>Ingingo ya 226:</u> Impamvu zihagarika irangiza ry'igihano</p> <p>Impamvu zihagarika irangiza ry'igihano ni izi zikurikira:</p> <ul style="list-style-type: none"> 1° imbabazi zitangwa na Perezida wa Repbulika; 2° ifungurwa ry'agateganyo; 3° isubikagihano. <p><u>Akicro ka mbere:</u> Imbabazi zitangwa na Perezida wa Repbulika</p> <p><u>Ingingo ya 227:</u> Ububasha bwa Perezida wa Repbulika bwo gutanga imbabazi</p> <p>Perezida wa Repbulika afite ububasha bwo gutanga imbabazi ku muntu wakatiwe burundu n'urukiko, abisabwe cyangwa abyibwirije,</p> | <p>CHAPTER II: GROUNDS FOR SUSPENSION OF THE EXECUTION OF A PENALTY AND REMOVAL OF A PENALTY</p> <p><u>Section One:</u> Grounds for suspension of the execution of penalty</p> <p><u>Article 226:</u> Grounds for suspension of the execution of penalty</p> <p>The grounds for suspension of the execution of the penalty are the following:</p> <ul style="list-style-type: none"> 1° presidential pardon; 2° release on parole; 3° suspension of the penalty. <p><u>Subsection One:</u> Presidential pardon</p> <p><u>Article 227:</u> Prerogative of pardon of the President of the Republic</p> <p>The President of the Republic has the prerogative of mercy for a convict sentenced by a final judgment, upon application or by his or</p> | <p>CHAPITRE II: CAUSES DE SUSPENSION DE L'EXÉCUTION DE LA PEINE ET D'EXTINCTION DE LA PEINE</p> <p><u>Section première:</u> Causes de suspension de l'exécution de la peine</p> <p><u>Article 226 :</u> Causes de suspension de l'exécution de la peine</p> <p>Les causes de suspension de l'exécution de la peine sont les suivantes :</p> <ul style="list-style-type: none"> 1° grâce présidentielle ; 2° libération conditionnelle ; 3° sursis. <p><u>Sous-section première:</u> Grâce présidentielle</p> <p><u>Article 227:</u> Pouvoir d'accorder la grâce présidentielle</p> <p>Le Président de la République a le pouvoir d'accorder la grâce à une personne condamnée définitivement, sur demande ou de son initiative, après consultation de la Cour Suprême.</p> |
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| <p>kandi amaze kugisha inama Urukiko rw'Ikirenga.</p> <p>Imbabazi zitangwa na Perezida wa Repubulika mu bushishozi bwe no ku nyungu rusange z'Igihugu.</p> <p>Imbabazi zitanzwe na Perezida wa Repubulika zivanaho ibihano byose cyangwa bimwe uwakatiwe yahawe cyangwa zikabisimbuza ibindi bihano byoroshye.</p> <p><u>Ingingo ya 228: Imbabazi zitangwa na Perezida wa Repubulika igihe abisabwe n'uwakatiwe igihano</u></p> <p>Gusaba imbabazi bikorwa n'uwakatiwe igihano cyangwa umuhagarariye mu buryo bwemewe n'amategeko. Usaba imbabazi agaragaza impamvu ashingiraho azisaba.</p> <p>Gusaba imbabazi bikorwa mu nyandiko yandikirwa Perezida wa Repubulika, inyujijwe ku buyobozi bw'Urwego rw'Igihugu rushinzwe imfungwa n'abagororwa iyo usaba imbabazi afunze, bikamenyeshwa Minisitiri ufite ubutabera mu nshingano ze.</p> <p>Iyo Umuyobozi w'Urwego rw'Igihugu rushinzwe imfungwa n'abagororwa amaze kubona urwandiko rusaba imbabazi, ahita akora</p> | <p>her own initiative, and after consultation with the Supreme Court.</p> <p>Presidential pardon is granted by the President of the Republic under his or her sole discretion and for public interest.</p> <p>Presidential pardon remits in whole or in part penalties imposed or commute them to less severe penalties.</p> <p><u>Article 228: Presidential pardon on application by a convicted person</u></p> <p>Application for presidential pardon is lodged by a convict or his or her representative following the procedure set by the law. The applicant for presidential pardon indicates reasons for such application.</p> <p>Application for presidential pardon is made in writing and addressed to the President of the Republic through the administration in charge of correctional services if the applicant is in prison, with a copy to the Minister in charge of justice.</p> <p>Upon reception of the application for presidential pardon by the Commissioner General of Rwanda Correctional Service, he or</p> | <p>La grâce présidentielle est exercée, discrétionnairement et pour le bien général, par le Président de la République.</p> <p>La grâce présidentielle consiste dans la remise totale ou partielle des peines prononcées ou dans leur commutation en d'autres peines moins graves .</p> <p><u>Article 228: Grâce présidentielle accordée sur demande du condamné</u></p> <p>Le recours en grâce présidentielle est formé par le condamné ou son représentant selon la forme prévue par la loi. Le requérant donne les motifs de sa demande de grâce.</p> <p>Le recours en grâce présidentielle est formé par voie de requête écrite adressée au Président de la République avec le sous couvert de la direction du Service correctionnel lorsque le condamné est emprisonné. Il réserve copie au Ministre ayant la justice dans ses attributions.</p> <p>Après avoir reçu la requête de grâce présidentielle, le Commissaire général du</p> |
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| <p>raporo iherekeza urwandiko rusaba igaragaza ibi bikurikira:</p> <p>1° umwirondoro w’usaba cyangwa usabirwa imbabazi;</p> <p>2° icyaha afungiwe;</p> <p>3° icyemezo cy’urukiko rwa nyuma rwamuhamije icyaha;</p> <p>4° igihe amaze mu gihano n’igihe gisigaye;</p> <p>5° imyitwarire ye muri gereza n’ibimenyetso bibigaragaza;</p> <p>6° inama y’urwego rw’Igihugu rushinzwe imfungwa n’abagororwa ku busabe bw’imbabazi za Perezida.</p> | <p>she immediately makes a report accompanying the application indicating the following:</p> <p>1° identification of the applicant or of the person for whom presidential pardon is applied;</p> <p>2° offence for which he or she was imprisoned;</p> <p>3° the decision of the court at the last instance that sentenced him or her;</p> <p>4° the period completed in serving the sentence and the remaining period;</p> <p>5° his or her conduct in the prison with supporting evidence;</p> <p>6° advice of Rwanda Correctional Service on the application for presidential pardon.</p> | <p>Service correctionnel du Rwanda fait un rapport accompagnant la demande indiquant ce qui suit :</p> <p>1° l’identification du requérant ou de la personne pour laquelle la grâce est demandée ;</p> <p>2° l’infraction pour laquelle elle est emprisonnée ;</p> <p>3° la décision de la juridiction du dernier degré l’ayant condamnée ;</p> <p>4° la période de la peine servie et celle qui reste ;</p> <p>5° son comportement dans la prison et les preuves à l’appui ;</p> <p>6° l’avis du Service correctionnel du Rwanda sur la requête de la grâce présidentielle.</p> |
| <p><u>Ingingo ya 229: Imbabazi rusange zitangwa na Perezida wa Repbulika</u></p> <p>Imbabazi rusange zitangwa na Perezida wa Repbulika zisabwa na Minisitri ufite ubutabera mu nshingano ze amaze kugaragaza impamvu ashingiraho.</p> | <p><u>Article 229: Collective pardon granted by the President of the Republic</u></p> <p>Collective pardon granted by the President of the Republic is requested by the Minister in charge of justice after presenting justifications.</p> | <p><u>Article 229: Grâce collective accordée par le Président de la République</u></p> <p>La grâce collective accordée par le Président de la République est demandée par le Ministre ayant la justice dans ses attributions après avoir présenté les motifs justifiant la demande.</p> |

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| <p>Ubusabe bwa Minisitiri ufite ubutabera mu nshingano ze bugomba guherekezwa na raporo y'umuyobozi mukuru w'urwego rw'Igihugu rushinzwe imfungwa n'abagororwa igaragaza:</p> <p>1° umwirondoro w'usabirwa imbabazi;</p> <p>2° icyaha usabirwa imbabazi afunguwe;</p> <p>3° icyemezo cy'urukiko rwa nyuma rwahamije icyaha usabirwa;</p> <p>4° igihe usabirwa imbabazi amaze mu gihano n'igihe gisigaye;</p> <p>5° imyitwarire muri gereza y'usabirwa n'ibimenyetso bibigaragaza;</p> <p>6° inama y'urwego rw'Igihugu rushinzwe imfungwa n'abagororwa ku busabe bw'imbabazi za Perezida.</p> | <p>The request of the Minister in charge of justice must be accompanied by a report of the Commissioner General of Rwanda Correctional service showing:</p> <p>1° identification of the person for whom pardon is applied;</p> <p>2° offence for which the person for whom pardon is applied was imprisoned;</p> <p>3° the decision of the court at the last instance that sentenced the person for whom pardon is applied;</p> <p>4° the period completed in serving the sentence and the remaining period;</p> <p>5° conduct in prison of the person for whom pardon is applied with supporting evidence;</p> <p>6° advice of Rwanda Correctional Service on the request of presidential pardon.</p> | <p>La demande du Ministre ayant la justice dans ses attributions doit être accompagnée du rapport du Commissaire général du Service correctionnel du Rwanda montrant :</p> <p>1° identification de la personne pour laquelle la grâce est demandée ;</p> <p>2° l'infraction pour laquelle la personne pour laquelle la grâce est demandée est incarcérée ;</p> <p>3° la décision de la juridiction en dernier ressort ayant condamné la personne pour laquelle la grâce est demandée ;</p> <p>4° la peine exécutée et la peine restante ;</p> <p>5° la conduite en prison de la personne pour laquelle la grâce est demandée et la preuve à l'appui ;</p> <p>6° conseil du Service correctionnel du Rwanda sur la demande de la grâce présidentielle.</p> |
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| <p><u>Ingingo ya 230:</u> Inyandiko ikoreshwa mu gutanga imbabazi zitangwa na Perezida wa Repubulika</p> <p>Imbabazi za Perezida zitangwa hakoreshejwe iteka rya Perezida.</p> <p><u>Ingingo ya 231:</u> Uburyo imbabazi zatanzwe na Perezida wa Repubulika zubahirizwa</p> <p>Imbabazi zitangwa na Perezida wa Repubulika zishobora gutangwa nta mabwiriza agomba kubahirizwa cyangwa hari amabwiriza uwagiriwe imbabazi agomba kubahiriza avuzwe mu cyemezo cyazo. Iyo ayo mabwiriza adakurikijwe, imbabazi ziharako zivanwaho kandi igihano kikarangizwa.</p> <p>Ubusaze bw'igihano buhagarara kubarwa hagati y'igihe uwahawe imbabazi yazimenyesherejwe n'igihe yazamburiwe.</p> | <p><u>Article 230:</u> Instrument through which presidential pardon is granted</p> <p>The presidential pardon is granted through a presidential order.</p> <p><u>Article 231:</u> Modalities for implementing presidential pardon</p> <p>Presidential pardon can be granted unconditionally or subject to conditions indicated in the decision. If the conditions are not complied with, presidential pardon is automatically revoked and execution of the penalty resumed.</p> <p>The prescriptive period of the penalty is suspended during the period between the notification of presidential pardon to the recipient and its revocation.</p> | <p><u>Article 230:</u> Instrument par lequel la grâce présidentielle est accordée</p> <p>La grâce présidentielle est accordée par voie d'arrêté présidentiel.</p> <p><u>Article 231:</u> Modalités d'exécution de la grâce présidentielle</p> <p>La grâce présidentielle peut être soumise ou non à des conditions qui sont énoncées dans la décision. Si ces conditions ne sont pas respectées, la révocation de la grâce présidentielle a lieu de plein droit et l'exécution de la condamnation reprend.</p> <p>La prescription de la peine est suspendue entre la notification de la grâce présidentielle et sa révocation.</p> |
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| <p>Akiciro ka 2: Ifungurwa ry'agateganyo ry'uwakatiwe</p> <p>Ingingo ya 232: Impamvu zishobora gutuma ufungurwa yemererwa gufungurwa by'agateganyo</p> <p>Uwakatiwe igihano kimwe cyangwa byinshi by'igifungo ashobora gufungurwa by'agateganyo kubera impamvu zikurikira:</p> <p>1° yagaragaje ibimenyetso bihagije by'ubwitonzi n'iyi agaragarwaho impamvu nyakuri zihamya ko azabana neza n'abandi;</p> <p>2° arwaye indwara ikomeye idashobora gukira, byemejwe n'umuganga wemewe na Leta;</p> <p>3° iyo yujuje igihe giteganywa n'ingingo ya 233 y'iri tegeko hakurikijwe ibyaha yahamijwe.</p> <p>Uwujuje impamvu imwe mu zivugwa mu gace ka 1° n'aka 2° tw'igika cya mbere cy'iyi ngingo agomba kuzuzwa n'impamvu ivugwa mu gace ka 3° kugira ngo yemererwe gusaba ifungurwa ry'agateganyo.</p> | <p>Subsection 2: Release on parole of the convicted person</p> <p>Article 232: Grounds for release on parole</p> <p>A person sentenced to one or several penalties of imprisonment can be granted release on parole on the following conditions:</p> <p>1° if he or she sufficiently demonstrates good behaviour and gives serious pledges of social rehabilitation;</p> <p>2° if he or she suffers from serious and incurable disease approved by a recognized medical doctor;</p> <p>3° if he or she has already served his or her penalty for a period of time provided for under Article 233 of this Law depending on the offences of which he or she was convicted.</p> <p>A person who satisfies any of the conditions provided for under items 1° and 2° of Paragraph One of this Article must also satisfy the condition provided under item 3° to be granted release on parole.</p> | <p>Sous-section 2: Libération conditionnelle du condamné</p> <p>Article 232: Conditions de libération conditionnelle</p> <p>La personne condamnée à une ou plusieurs peines d'emprisonnement peut bénéficier d'une libération conditionnelle dans les conditions suivantes:</p> <p>1° si elle a montré des preuves suffisantes de bonne conduite et qu'elle présente des gages sérieux de réadaptation sociale;</p> <p>2° si elle souffre d'une maladie grave incurable approuvée par un médecin agréé;</p> <p>3° si elle a déjà purgé sa peine pour une durée prévue à l'article 233 de la présente loi selon les infractions dont elle est reconnue coupable.</p> <p>La personne remplissant l'une des conditions visées aux points 1° et 2° de l'alinéa premier du présent article doit également remplir la condition visée au point 3° pour bénéficier de la libération conditionnelle.</p> |
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| <p><u>Ingingo ya 233:</u> Igihe cy'igifungo gisabwa usaba gufungurwa by'agateganyo</p> <p>Usaba gufungurwa by'agateganyo ashobora kubyemererwa mu bihe bikurikira:</p> <p>1° iyo yakatiwe igifungo kitarengeje imyaka itanu (5) akaba amaze gufungwa kimwe cya gatatu (1/3) cyayo;</p> <p>2° iyo yakatiwe igifungo kirengeje imyaka itanu (5) akaba amaze gufungwa bibiri bya gatatu (2/3) byayo;</p> <p>3° iyo yakatiwe igifungo cya burundu ntashobora gufungurwa by'agateganyo atarangije imyaka makumyabiri (20) y'igifungo.</p> | <p><u>Article 233:</u> Period of imprisonment to be completed before applying for release on parole</p> <p>The applicant can be granted release on parole under the following conditions:</p> <p>1° if he or she was sentenced to imprisonment for a term not exceeding five (5) years and has served at least one third (1/3) of the penalty;</p> <p>2° if he or she was sentenced to imprisonment for a term exceeding five (5) years and has served at least two-third (2/3) of the penalty;</p> <p>3° if he or she was sentenced to life imprisonment, he or she cannot benefit from release on parole unless he or she has served at least twenty (20) years of imprisonment.</p> | <p><u>Article 233:</u> Période d'emprisonnement à accomplir par la personne qui demande la libération conditionnelle</p> <p>La personne qui demande la libération conditionnelle peut l'obtenir sous les conditions suivantes:</p> <p>1° si elle a été condamnée à une peine d'emprisonnement ne dépassant pas cinq (5) ans et qu'elle vient de purger au moins un tiers (1/3) de cette peine;</p> <p>2° si elle a été condamnée à l'emprisonnement supérieure à cinq (5) ans et qu'elle vient de purger deux tiers (2/3) de cette peine;</p> <p>3° si elle a été condamnée à l'emprisonnement à perpétuité, elle ne peut pas bénéficier de la libération conditionnelle sans avoir purgé au moins vingt (20) ans d'emprisonnement.</p> |
| <p><u>Ingingo ya 234:</u> Uburyo bwo gusaba ifungurwa ry'agateganyo ry'uwakatiwe</p> <p>Ifungurwa ry'agateganyo ry'uwakatiwe risabwa Minisitiri ufite ubutabera mu nshingano ze, binyujijwe ku Muyobozi Mukuru w'Urwego rw'Igihugu rushinzwe imfungwa n'abagororwa.</p> | <p><u>Article 234:</u> Application procedure for release on parole</p> <p>A provisional release of a convicted person is requested to the Minister in charge of justice through the Commissioner General of Rwanda Correctional Service.</p> | <p><u>Article 234:</u> Mode de demande de libération conditionnelle</p> <p>La libération conditionnelle de la personne condamnée est demandée au Ministre ayant la justice dans ses attributions sous-couvert du Commissaire général du Service correctionnel du Rwanda.</p> |

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| <p>Nibura inshuro imwe mu mwaka, Umuyobozi Mukuru w'Urwego rw'Igihugu rushinzwe imfungwa n'abagororwa ashyikiriza Minisitiri ufite ubutabera mu nshingano ze urutonde rw'abasabye ifungurwa ry'agateganyo. Urwo rutonde rugomba kugaragaza ibi bikurikira:</p> | <p>At least once a year, the Commissioner General of Rwanda Correctional Service submits to the Minister in charge of justice the list of applicants for provisional release. The list must show the following:</p> | <p>Au moins une fois par an, le Commissaire général du Service correctionnel du Rwanda soumet au Ministre ayant la justice dans ses attributions une liste des personnes ayant demandé la libération conditionnelle. La liste doit indiquer ce qui suit :</p> |
| <p>1° umwirondoro w'usaba ifungurwa ry'agateganyo;</p> | <p>1 ° identification of the applicant for release on parole;</p> | <p>1° identification du requérant de la libération conditionnelle;</p> |
| <p>2° icyaha usaba afungiwe;</p> | <p>2 ° offence for which the applicant is incarcerated;</p> | <p>2° l'infraction pour laquelle le requérant est incarcéré;</p> |
| <p>3° icyemezo cy'urukiko rwa nyuma rwahamije usaba icyaha;</p> | <p>3 ° the decision of the court at the last instance that convicted him or her;</p> | <p>3° la décision de la juridiction en dernier ressort qui l'a condamnée ;</p> |
| <p>4° igihe usaba amaze mu gihano n'igihe gisigaye;</p> | <p>4 ° the sentence executed and the remainder;</p> | <p>4° la peine exécutée et la peine restante;</p> |
| <p>5° imyitwarire ye muri gereza n'ibimenyetso bibigaragaza;</p> | <p>5 ° his or her conduct in prison with supporting evidence;</p> | <p>5° la conduite du requérant en prison et la preuve à l'appui ;</p> |
| <p>6° andi makuru yose ya ngombwa.</p> | <p>6 ° any other necessary information.</p> | <p>6° toute autre information nécessaire.</p> |
| <p>Iteka rya Minisitiri ufite ubutabera mu nshingano ze ryemeza ifungurwa ry'agateganyo ry'uwakatiwe n'ibyo agomba kubahiriza.</p> | <p>An order of the Minister in charge of Justice approves the release on parole of a convicted person and conditions imposed to him or her.</p> | <p>Un arrêté du Ministre ayant la justice dans ses attributions approuve la libération conditionnelle d'un condamné ainsi que les conditions auxquelles il est tenu.</p> |
| <p>Icyemezo cy'ifungurwa ry'agateganyo ntikijuririrwa.</p> | <p>The decision on release on parole is not subject to appeal.</p> | <p>La décision de la libération conditionnelle ne fait pas l'objet de recours.</p> |

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| <p><u>Ingingo ya 235: Kwambura ifungurwa ry'agateganyo</u></p> <p>Minisitiri ufite ubutabera mu nshingano ze, abisabwe n'Ubushinjacyaha ashobora kwambura umuntu ifungurwa ry'agateganyo bitewe n'uko akatiwe igihano gishya, atitwaye neza ku buryo bugaragara, cyangwa atubahiriza ibyategetswe mu cyemezo cyamufunguye by'agateganyo.</p> <p>Mu gihe byihutirwa, kongera gufatwa k'uwahawe ifungurwa ry'agateganyo bishobora gutegekwa n'Ubushinjacyaha, bugaherako bubimenyesha Minisitiri ufite ubutabera mu nshingano ze.</p> <p><u>Ingingo ya 236: Ingaruka zo kwamburwa ifungurwa ry'agateganyo</u></p> <p>Uwambuwe ifungurwa ry'agateganyo agomba gufungirwa igihano cyose cyangwa igice cyacyo yari asigaje igihe ahabwa ifungurwa, giteranyije n'ikindi gihano cyose yaba yaraciwe nyuma.</p> <p><u>Ingingo ya 237: Gukomorerwa burundu ubwigenge</u></p> <p>Iyo nta kwamburwa ifungurwa ry'agateganyo kwabaye mu gihe kingana n'icy'igifungo</p> | <p><u>Article 235: Revocation of release on parole</u></p> <p>The Minister in charge of justice can, upon request by the Public Prosecution, revoke release on parole if the person is sentenced for another offence, shows gross misconduct or breaches conditions imposed by the order granting release on parole.</p> <p>In cases of emergency, the Public Prosecution can order that a person granted release on parole be re-arrested and immediately inform the Minister in charge of justice thereof.</p> <p><u>Article 236: Effects of revocation of release on parole</u></p> <p>A person whose release on parole is revoked must serve the whole or part of the remainder of the penalty to be served at the time of release on parole being combined with any other penalty that can have been subsequently imposed on him or her.</p> <p><u>Article 237: Full enjoyment of freedom</u></p> <p>If release on parole is not revoked before the expiry of a period equal to a remainder of the</p> | <p><u>Article 235: Révocation de la libération conditionnelle</u></p> <p>Le Ministre ayant la justice dans ses attributions peut, sur demande de l'Organe de poursuite judiciaire, révoquer la libération conditionnelle pour cause d'une nouvelle condamnation, d'inconduite notoire ou de non-soumission aux conditions énoncées dans la décision de mise en libération conditionnelle.</p> <p>En cas d'urgence, l'organe de poursuite judiciaire peut ordonner une nouvelle arrestation de la personne ayant bénéficié d'une libération conditionnelle et en informer immédiatement le Ministre ayant la justice dans ses attributions.</p> <p><u>Article 236: Effets de la révocation de la libération conditionnelle</u></p> <p>Le condamné doit servir tout ou partie de la peine qu'il lui restait à purger au moment de sa mise en liberté conditionnelle, cumulativement avec toute nouvelle peine qu'il aurait encourue.</p> <p><u>Article 237: Acquisition définitive de la liberté</u></p> <p>Si la révocation n'est pas intervenue avant l'expiration d'un délai égal au temps</p> |
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| <p>uwakatiwe yari ashigaje ku muni abonaho ifungurwa ry'agateganyo, akomorerwa burundu ubwigenge bwe. Muri icyo gihe, byitwa ko igihano cy'e kirangiye ku muni yafunguriweho by'agateganyo.</p> <p><u>Ingingo ya 238:</u> Ubusaze bw'ikurikiranabihano</p> <p>Mu gihe uwafunguwe by'agateganyo atigeze abyamburwa, ubusaze bw'ikurikiranabihano ntibubarwa.</p> <p><u>Akiciro ka 3:</u> Isubikagihano</p> <p><u>Ingingo ya 239:</u> Gusubika irangiza ry'ibihano</p> <p>Iyo uwakatiwe nta kindi gihano cy'igifungo kirenga amezi atandatu (6) yahanishijwe mbere, urukiko, rukoresheje icyemezo gisobanuriwe impamvu, rushobora gutegeka gusubika irangiza ry'ibihano byose cyangwa ibice byabyo by'iremezo cyangwa by'ingereka iyo igihano cy'iremezo cy'igifungo umuntu yakatiwe kitarenze imyaka itanu (5).</p> | <p>penalty to be served at the time of release on parole, the convicted person fully enjoys his or her freedom. In that case, the penalty is considered to be completed from the date release on parole was granted.</p> <p><u>Article 238:</u> Limitation period for the execution of penalties</p> <p>In case the release on parole has not been revoked, the limitation period for the enforcement of penalties is suspended.</p> <p><u>Section 3:</u> Suspension of a penalty</p> <p><u>Article 239:</u> Suspension of execution of penalties</p> <p>If the convicted person was not previously given another penalty of imprisonment exceeding six (6) months, the court can, through a justified order, suspend execution of all or part of the main or additional penalties imposed provided that the main penalty imposed does not exceed five (5) years.</p> | <p>d'incarcération que le condamné avait encore à servir lors de sa mise en liberté conditionnelle, la liberté définitive lui est acquise. Dans ce cas la peine est réputée terminée au jour de la libération conditionnelle.</p> <p><u>Article 238:</u> Prescription de l'exécution des peines</p> <p>Lorsque la libération conditionnelle n'a pas été révoquée, la prescription des peines ne court pas.</p> <p><u>Section 3:</u> Sursis</p> <p><u>Article 239:</u> Sursis à l'exécution des peines</p> <p>Si le condamné n'a pas fait l'objet d'une autre condamnation antérieure à un emprisonnement supérieur à six (6) mois, la juridiction peut, par décision motivée, ordonner par le même jugement, qu'il soit sursis à l'exécution de tout ou partie des peines principales ou accessoires qu'elle prononce, à condition que la peine d'emprisonnement principale prononcée n'excède pas cinq (5) ans.</p> |
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| <p><u>Ingingo ya 240:</u> Guta agaciro kw'igihano cyasubitswe</p> <p>Igihano gitanzwe kandi kigasubikwa gita agaciro, niba, mu gihe cyemejwe kandi kidashobora kujya hasi y'umwaka umwe no kurenga imyaka itanu (5), uwakatiwe atongeye gukurikiranwa kandi ngo akatirwe igihano ku cyaha gikomeye cyangwa cy'ubugome kuva ku muni icyemezo cyahagaritse irangiza ry'igihano kitagishoboye gusubirwaho.</p> <p>Iyo bitabaye bityo, ibihano byasubikiwe irangiza, n'ibyaciwe nyuma, biteranyirizwa hamwe, byose akabirangiza.</p> <p><u>Ingingo ya 241:</u> Ingaruka z'isubikagihano</p> <p>Isubikagihano ntribuza gutanga amagarama y'urubanza n'indishyi z'akababaro. Ntirinabuza kwamburwa uburenganzira umuntu abuzwa kubera igihano yahawe. Nyamara, ukwamburwa uburenganzira bivaho iyo igihano cyataye agaciro.</p> | <p><u>Article 240:</u> Suspended penalty considered null and void</p> <p>A suspended penalty is considered null and void if, within a prescribed period which is not less than one year and not more than five (5) years, the convicted person is not subsequently prosecuted and convicted of a felony or misdemeanour committed after the decision granting suspension of the enforcement of penalties has become final.</p> <p>Otherwise, penalties of which enforcement has been suspended and those subsequently imposed are combined and enforced.</p> <p><u>Article 241:</u> Effects of suspension of penalty</p> <p>Suspension of penalty does not prevent the payment of court fees and damages. Nor does it extend to the deprivation of rights as a result of conviction. However, deprivation of rights ceases to have effect on the date the offence becomes null and void.</p> | <p><u>Article 240:</u> Condamnation avec sursis considérée comme non avenue</p> <p>La condamnation prononcée avec sursis est considérée comme non avenue si, pendant le délai fixé par la décision et qui ne peut être inférieur à un an ni excéder cinq (5) ans, le condamné n'est pas de nouveau reconnu coupable d'un crime ou d'un délit commis postérieurement à la date à laquelle la décision accordant le sursis est devenue définitive.</p> <p>Dans le cas contraire, les peines pour lesquelles le sursis avait été accordé et celles qui font l'objet de la condamnation nouvelle sont cumulativement exécutées.</p> <p><u>Article 241:</u> Effets du sursis</p> <p>Le sursis ne s'étend pas au paiement des frais de justice et des dommages-intérêts. Elle ne s'étend pas non plus aux incapacités résultant de la condamnation. Toutefois, ces incapacités cessent d'avoir effet au jour où la condamnation est considérée comme non avenue.</p> |
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| <p><u>Icyiciro cya 2: Impamvu zikuraho igihano</u></p> <p><u>Akicro ka mbere: Imbabazi zitangwa n’itegeko</u></p> <p><u>Ingingo ya 242: Igisobanuro cy’imbabazi zitangwa n’itegeko</u></p> <p>Imbabazi zitangwa n’itegeko ni imbabazi zitangwa mu nyungu rusange ku byaha byakozwe mu gihe runaka.</p> <p>Imbabazi zitangwa n’itegeko, zisabwa na Guverinoma zikemezwa n’Inteko Ishinga Amategeko.</p> <p>Itegeko ritanga imbabazi ntirivuga amazina y’abantu bahawe imbabazi ahubwo rivuga ibyaha bibabariwe cyangwa icyiciro cy’abakoze icyaha kibabariwe.</p> <p><u>Ingingo ya 243: Inkurikizi z’imbabazi zitangwa n’itegeko</u></p> <p>Imbabazi zitanzwe n’itegeko zisibanganya icyaha. Iyo igihano cyaciwe, zikivanaho hamwe n’ingaruka zose z’icyaha.</p> <p>Icyakora, imbabazi zitangwa n’itegeko ntizibuza uwakatiwe gutanga indishyi</p> | <p><u>Section 2: Grounds for removal of a penalty</u></p> <p><u>Subsection One: Amnesty</u></p> <p><u>Article 242: Definition of amnesty</u></p> <p>Amnesty is a pardon granted in public interests in connection with offences which were committed in a given period.</p> <p>Amnesty is initiated by the Government and approved by the Parliament.</p> <p>An amnesty law does not list the names of individuals granted amnesty. It rather states offences or categories of persons subject to the amnesty.</p> <p><u>Article 243: Effects of amnesty</u></p> <p>Amnesty extinguishes criminal liability. It extinguishes penalty imposed and all the consequences of the offence.</p> <p>However, amnesty does not exempt the convicted person from payment of damages</p> | <p><u>Section 2: Causes de disparition de la condamnation</u></p> <p><u>Sous-section première: Amnistie</u></p> <p><u>Article 242: Définition de l’amnistie</u></p> <p>L’amnistie est une grâce accordée dans l’intérêt public concernant les infractions commises dans un temps donné.</p> <p>L’amnistie est initiée par le Gouvernement et approuvée par le Parlement.</p> <p>La loi d’amnistie ne cite pas les noms des personnes amnistiées. Elle indique plutôt les infractions ou la catégorie des personnes amnistiées.</p> <p><u>Article 243: Effets de l’amnistie</u></p> <p>L’amnistie éteint l’infraction. S’il y a eu condamnation, elle efface la condamnation pénale avec toutes les conséquences de l’infraction.</p> <p>Toutefois, l’amnistie ne dispense pas le condamné du paiement de dommages-intérêts</p> |
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| <p>zikomoka ku cyaha yategetswe n'icyemezo cy'urukiko kimukatira igihano. Ntizibuza kandi ko hatangwa ikirego cy'imbonezamubano gishingiye ku cyaha.</p> <p>Iyo hari impurirane mbonezamugambi y'ibyaha, uwakatiwe aba agiriwe imbabazi kuri byose iyo icyaha cyatangiwe imbabazi giteganyirijwe igihano kiruta cyangwa kingana n'ibindi byaha yakurikiranyweho, kabone n'aho abacamanza baba baraciye igihano gito bamaze kwemera impamvu zigabanya ububi bw'icyo cyaha.</p> <p>Iyo hari impurirane y'imbonezabyaha, imbabazi zireba icyaha cyatangiweho imbabazi gusa.</p> <p>Imbabazi z'itegeko ntizigira ingaruka ku gihano cyatanzwe mu rwego rw'akazi.</p> <p><u>Ingingo ya 244: Kugena ibigomba gukurikizwa mu gihe hatanzwe imbabazi</u></p> <p>Itegeko ritanga imbabazi rishobora kugena ibigomba gukurikizwa.</p> | <p>ordered by a court decision that sentenced him or her. It also does not prevent civil action based on offence.</p> <p>If there is ideal concurrence of offences, amnesty applies to concurrent offences, if the offence covered by amnesty is punishable with a penalty heavier than or equal to other penalties imposed even if the judges would have imposed a lesser penalty after accepting mitigating circumstances of the offence covered by amnesty.</p> <p>If there is real concurrence of offences, amnesty only applies to the offence covered by amnesty.</p> <p>Amnesty has no effect on administrative sanctions.</p> <p><u>Article 244: Amnesty subject to conditions</u></p> <p>An amnesty law can provide for conditions to be observed.</p> | <p>ordonné par le jugement de la juridiction qui l'a condamné. Elle n'empêche pas non plus l'action civile basée sur l'infraction.</p> <p>En cas de concours idéal d'infractions, le condamné est amnistié si l'infraction amnistiée par la loi comporte la peine la plus forte ou une peine égale à la peine prévue pour les autres infractions poursuivies, alors même que les juges auraient décidé une peine inférieure, après avoir accepté les circonstances atténuantes de cette infraction.</p> <p>En cas de concours matériel d'infractions, l'amnistie s'applique seulement à l'infraction amnistiée.</p> <p>L'amnistie n'a aucun effet sur les sanctions administratives.</p> <p><u>Article 244: Subordination de l'amnistie à des conditions</u></p> <p>La loi accordant l'amnistie peut déterminer des conditions à respecter.</p> |
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| <u>Akiciro ka 2: Ihanagurabusembwa</u> | <u>Subsection 2: Rehabilitation</u> | <u>Sous-section 2: Réhabilitation</u> |
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| <p><u>Ingingo ya 245:</u> Ushobora guhanagurwaho ubusembwa</p> | <p><u>Article 245:</u> Person who can be rehabilitated</p> | <p><u>Article 245:</u> Personne pouvant être réhabilitée</p> |
| <p>Uwakatiwe wese igihano ashobora guhanagurwaho ubusembwa.</p> | <p>Any person sentenced to a penalty can be rehabilitated.</p> | <p>Tout condamné à une peine peut être réhabilité.</p> |
| <p><u>Ingingo ya 246:</u> Igihe kigomba gushira kugira ngo hasabwe ihanagurabusembwa</p> | <p><u>Article 246:</u> Time required before applying for rehabilitation</p> | <p><u>Article 246:</u> Délai requis pour demander la réhabilitation</p> |
| <p>Ihanagurabusembwa rishobora gutangwa iyo hashize imyaka itanu (5) kandi niba muri icyo gihe uwakatiwe yarakomeje kugaragara ibimenyetso nyakuri by'imyifatire myiza.</p> | <p>Rehabilitation can be granted after five (5) years if during that time a convicted person has continuously and effectively demonstrated good behaviour.</p> | <p>La réhabilitation peut être accordée lorsqu'un délai de cinq (5) ans s'est écoulé et que pendant ce délai le condamné n'a pas cessé de donner des preuves réelles de bonne conduite.</p> |
| <p>Icyo gihe gitangira kubarwa:</p> | <p>Such time runs from:</p> | <p>Ce délai court:</p> |
| <p>1° kuva ku muni imikirize y'urubanza rumuhana rutagishoboye gusubirwaho k'uwakatiwe igihano cy'ihazabu cyangwa igihano cy'imirimo y'inyungu rusange;</p> | <p>1° the date the conviction becomes final for a person sentenced to a fine or to community service;</p> | <p>1° pour les condamnés à l'amende ou aux travaux d'intérêt général, du jour où la condamnation est devenue irrévocable ;</p> |
| <p>2° kuva ku muni yafunguriweho burundu cyangwa kuva ku muni yaboneyeho ifungurwa ry'agateganyo iyo atigeze aryamburwa k'uwakatiwe igihano cy'igifungo.</p> | <p>2° from the date of final release or that of release on parole that has not been revoked for the one sentenced to imprisonment.</p> | <p>2° du jour de la libération définitive ou du jour de la libération conditionnelle si celle-ci n'a pas été suivie de révocation pour une personne condamnée à une peine d'emprisonnement.</p> |
| <p>Ku byerekeye abasubiracyaha n'abarengeje igihe cyo gukurikiranwaho ibihano, igihe</p> | <p>For recidivists and convicted persons whose penalty is extinguished by prescription, such</p> | <p>Pour les récidivistes et les personnes dont la peine est éteinte par prescription, le délai est de</p> |

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| <p>kibarwa ni icy'inyaka icumi (10) kuva bafunguwe cyangwa kuva ku munsu igihe cyo kudashobora gukurikirana ibihano cyatangiriye.</p> <p><u>Ingingo ya 247:</u> Ibisabwa kugira ngo uwakatiwe ahabwe ihanagurabusembwa</p> <p>Uretse mu gihe igihano cyaba cyarashaje, uwakatiwe agomba kugaragaza ko yishyuye amagarama y'urubanza, ihazabu n'indishyi z'akababara cyangwa ko yabisonewe.</p> <p>Iyo uwakatiwe atabonye gihamya cy'uko yishyuye cyangwa yasonewe, agomba kwerekana ko atakibikurikiranyeho.</p> <p>Icyakora, iyo uwakatiwe agaragaza ko atishoboye akerekana icyemezo cyatanzwe n'ubuyobozi bubifitiye ububasha, ikaba ari yo mpamvu yatumye atishyura amafaranga yaciwe, ashobora guhabwa ihanagurabusembwa, n'aho yaba atatanze amafaranga cyangwa yaratanze igice.</p> <p><u>Ingingo ya 248:</u> Kwemeza umugabane usaba guhanagurwaho ubusembwa agomba kwishyura</p> <p>Iyo mu gihe buri muntu mu bakatiwe ashobora gukurikiranwa kuri byose, ariko usaba</p> | <p>time is ten (10) years from the date of release or from the start of the limitation period for the enforcement of penalties.</p> <p><u>Article 247:</u> Conditions for rehabilitation</p> <p>A convicted person must prove payment of court fees, fines and damages or an exemption from payment thereof, unless the limitation period for the execution of the judgment has expired.</p> <p>If the convicted person fails to prove payment or exemption, he or she must prove that there is no longer any payment claim against him or her.</p> <p>However, if the convicted person proves, upon presentation of a certificate of indigence issued by the relevant authority, that he or she is extremely poor so that he or she could not afford to pay pecuniary penalties, he or she can be granted rehabilitation whether pecuniary penalties are not paid or are paid in part.</p> <p><u>Article 248:</u> Determining the pecuniary amount to be paid by a person applying for rehabilitation</p> <p>In case there are persons who are jointly and severally liable, but the person applying for</p> | <p>dix (10) ans depuis la date de la libération ou début de la prescription des peines.</p> <p><u>Article 247:</u> Conditions de réhabilitation</p> <p>Le condamné doit, sauf le cas de prescription de la peine, justifier du paiement des frais de justice, de l'amende et des dommages et intérêts ou de la remise qui lui en a été faite.</p> <p>Si le condamné ne parvient pas à présenter la justification du paiement ou de l'exemption, il doit prouver qu'il n'existe plus aucune réclamation de paiement contre lui.</p> <p>Néanmoins, si le condamné justifie, sur présentation d'une attestation d'indigence délivrée par l'autorité compétente, qu'il est extrêmement pauvre à tel point qu'il ne peut se libérer des condamnations pécuniaires, il peut être réhabilité, même si ces condamnations n'ont pas été payées ou ont été payées en partie.</p> <p><u>Article 248:</u> Fixation de la part à payer par la partie qui demande la réhabilitation</p> <p>Si en cas de condamnation solidaire, la partie qui demande la réhabilitation ne peut pas payer la</p> |
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| <p>guhanagurwaho ubusembwa akaba adashobora kwishyura amafaranga yose yagenwe n'urukiko, urukiko rwemeza umugabane usaba agomba kwishyura.</p> | <p>rehabilitation cannot afford to pay the entire pecuniary amount ordered by the court, the court can determine the amount to be paid by the applicant.</p> | <p>totalité du montant de la condamnation, la juridiction fixe la part à payer par cette partie.</p> |
| <p><u>Ingingo ya 249:</u> Iherezo ry'amafaranga atarakiriwe n'uwayatsindiye</p> | <p><u>Article 249:</u> Disposal of the pecuniary amount that is not received by a person to whom it is awarded</p> | <p><u>Article 249:</u> Affectation de la somme d'argent qui n'est pas reçue par la partie à laquelle elle est accordée</p> |
| <p>Iyo nyir'ukurenganywa n'icyaha atabonetse, cyangwa yanze kwakira amafaranga amugenewe, ayo mafaranga abikwa mu isanduku ya Leta.</p> | <p>If the victim of an offence cannot be found or refuses to take the pecuniary amount awarded to him or her, such an amount is kept in the State Treasury.</p> | <p>Si la partie lésée ne peut être retrouvée ou si elle refuse de recevoir la somme lui accordée, celle-ci est consignée au Trésor Public.</p> |
| <p>Iyo uyagenewe ataje kuyatwara hakashira imyaka itanu (5), ayo mafaranga aguma mu isanduku ya Leta.</p> | <p>If the recipient party does not collect the money within five (5) years, the pecuniary amount devolves on the State Treasury.</p> | <p>Si la partie bénéficiaire ne se présente pas dans un délai de cinq (5) ans pour se faire attribuer la somme consignée, cette somme est acquise au Trésor Public.</p> |
| <p><u>Ingingo ya 250:</u> Gusaba ihanagurabusembwa</p> | <p><u>Article 250:</u> Applying for rehabilitation</p> | <p><u>Article 250:</u> Demande de réhabilitation</p> |
| <p>Uwakatiwe asaba ihanagurabusembwa abyandikiye Urukiko Rukuru cyangwa Urukiko Rukuru rwa Gisirikare ku manza zaciwe n'inkiko za Gisirikare. Uko gusaba kuvuga itariki nyayo y'imikirize y'urubanza yahaniwemo n'ahantu hose uwakatiwe yabayeye kuva afunguwe.</p> | <p>A convicted person applies for rehabilitation in writing to the High Court or the Military High Court for cases tried by military courts. The application specifies the date of conviction and all places where the convicted person has lived since the time of release.</p> | <p>Le condamné adresse la demande de réhabilitation par écrit à la Haute Cour ou à la Haute Cour Militaire pour les procès rendus par les juridictions militaires. Cette demande précise la date de la condamnation et les lieux où le condamné a résidé depuis sa libération.</p> |
| <p>Urukiko ruhita rwoherereza dosiye Ubushinjacyaha Bukuru cyangwa</p> | <p>The Court immediately forwards the application to the Public Prosecution or Military</p> | <p>La juridiction transmet immédiatement le dossier à l'Organe de poursuite judiciaire ou à</p> |

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| <p>Ubushinjacyaha bwa Gisirikare kugira ngo bugire icyo buvuga ku myifatire y'usaba ihanagurabusembwa. Ubushinjacyaha bugomba kuba bwatanze igitekerezo kuri ubwo busabe mu gihe kitarenze iminsi mirongo itatu (30) ibarwa kuva igihe bwakiriye dosiye.</p> <p>Urukiko Rukuru cyangwa Urukiko Rukuru rwa Gisirikare rufata icyemezo kuri ubwo busabe mu gihe cy'ukwezi kumwe (1) uherye igihe Ubushinjacyaha bwatangiye igitekerezo cyabwo.</p> <p><u>Ingingo ya 251: Icyemezo ku isabwa ry'ihanagurabusembwa</u></p> <p>Urukiko rumaze gusuzuma igitekerezo cy'Ubushinjacyaha no kumva uwasabye icyo abivugaho rushobora kumwemerera cyangwa kumwangira ihanagurabusembwa.</p> <p>Iyo isabwa rya mbere ritemewe kubera ko igihe giteganyijwe mu ngingo ya 246 y'iri tegeko kitubahirijwe, gusaba bundi bushya bitangira igihe cyagenwe gishize. Iyakora, igihe isabwa ry'ihanagurabusembwa ritemewe kubera izindi mpamvu, ntirishobora kongera gusabwa imyaka ibiri (2) itarangiye.</p> | <p>Prosecution for advice on the conduct of the person applying for rehabilitation. The Public Prosecution must provide advice on the application within thirty (30) days from reception of the file.</p> <p>The High Court or the Military High Court decides on the application within one (1) months from the date of advice of the prosecution.</p> <p><u>Article 251: Decision on the application for rehabilitation</u></p> <p>After considering the advice of the Public Prosecution and hearing the opinion of the applicant, the court can accept or reject the application for rehabilitation.</p> <p>If the first application is rejected due to non-observance of the time provided for in Article 246 of this Law, the application can be renewed only after the expiration of the prescribed period of time. However if the application for rehabilitation is rejected for other reasons, it is not re-submitted before the expiration of two (2) years.</p> | <p>l'Auditorat militaire qui se prononce sur la moralité du condamné requérant la réhabilitation. L'Organe de poursuite judiciaire doit donner son avis sur la demande endéans trente (30) jours de la réception du dossier.</p> <p>La Haute Cour ou la Haute Cour militaire statue sur la demande dans un (1) mois à compter de la date de l'avis de l'Organe de poursuite judiciaire.</p> <p><u>Article 251: Décision sur la demande de réhabilitation</u></p> <p>Après avoir examiné l'avis de l'Organe de poursuite judiciaire et entendu l'avis de la personne qui a fait la demande, la juridiction peut accepter ou rejeter la demande de réhabilitation.</p> <p>Si le rejet de la première demande a été motivé par le non-respect du délai prévu à l'article 246 de la présente loi, la demande ne peut être renouvelée qu'à l'expiration du délai prescrit. Toutefois, en cas de rejet de la demande de réhabilitation pour d'autres motifs, une nouvelle demande ne peut être formulée avant l'expiration d'un délai de deux (2) ans.</p> |
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| <p>Ingingo ya 252: Inkurikizi z'ihanagurabusembwa</p> <p>Ihanagurabusembwa rikuraho igihano n'inkurikizi zacyo zose.</p> <p>Ingingo ya 253: Gusesa ihanagurabusembwa</p> <p>Ihanagurabusembwa rikurwaho iyo uwari wararihawe ahanishijwe, mu myaka itanu (5) kuva ihanagurabusembwa ritanzwe, igifungo ku cyaha giteganyirijwe igihano cy'igifungo kingana cyangwa kirenga imyaka itanu (5).</p> <p>Ikuraho ry'ihanagurabusembwa ryemezwa n'urukiko rwaritanze ruregwe n'Ubushinjacyaha rumaze kumva uwari wararihawe.</p> <p>Iyo ihanagurabusembwa rikuweho, rifatwa nk'aho ritigeze ribaho.</p> | <p>Article 252: Effects of rehabilitation</p> <p>Rehabilitation extinguishes a penalty and all its consequences.</p> <p>Article 253: Revocation of rehabilitation</p> <p>Rehabilitation is automatically revoked if, within a period of five (5) years following the grant of rehabilitation, the person granted rehabilitation commits an offence punishable with imprisonment equal to or exceeding five (5) years.</p> <p>The revocation of rehabilitation is decided by the court which granted on the application of the Public Prosecution and after hearing the person who had been granted rehabilitation</p> <p>In case of revocation, rehabilitation is considered as never having been granted.</p> | <p>Article 252: Effets de la réhabilitation</p> <p>La réhabilitation efface la condamnation et toutes les conséquences qui en résultent.</p> <p>Article 253: Révocation de la réhabilitation</p> <p>La réhabilitation est révoquée de plein droit si le condamné réhabilité commet, dans les cinq (5) ans qui suivent l'octroi de la réhabilitation, une infraction passible d'un emprisonnement égal ou supérieur à cinq (5) ans.</p> <p>La juridiction qui a accordé la réhabilitation décide de sa révocation sur demande de l'Organe de poursuite judiciaire et après avoir entendu la personne à qui la réhabilitation avait été accordée.</p> <p>En cas de révocation, la réhabilitation est considérée comme n'ayant jamais été accordée.</p> |
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| <p>UMUTWE WA III: AMAGARAMA Y'URUKIKO</p> | <p>CHAPTER III: COURT FEES</p> | <p>CHAPITRE III: FRAIS DE JUSTICE</p> |
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| <p>Icyiciro cya mbere: Gutanga ingwate y'amagarama y'urukiko</p> | <p>Section One: Deposit of court fees</p> | <p>Section première: Consignation des frais de justice</p> |
| <p>Ingingo ya 254: Kugena no gutanga ingwate y'amagarama y'urukiko</p> | <p>Article 254: Determination and deposit of court fees</p> | <p>Article 254: Détermination et consignation des frais de justice</p> |
| <p>Ingwate y'amagarama igenwa n'Iteka rya Minisitiri ufite ubutabera mu nshingano ze. Ingwate y'amagarama itangwa mu bihe bikurikira:</p> | <p>The deposit of court fees is determined by an Order of the Minister in charge of justice. The court fees are deposited in the following cases:</p> | <p>La consignation des frais de justice est déterminée par arrêté du Ministre ayant la justice dans ses attributions. Les frais de justice sont consignés dans les cas suivants :</p> |
| <ul style="list-style-type: none"> 1° kuregera indishyi; 2° kuregera urukiko umuntu atisunze Ubushinjacyaha; 3° gusubirishamo urubanza; 4° kujurira; 5° gusubirishamo urubanza ingingo nshya. | <ul style="list-style-type: none"> 1° file a claim of damages; 2° file a case by way of private prosecution; 3° file an opposition; 4° file an appeal; 5° file an application for review. | <ul style="list-style-type: none"> 1° se constituer en partie civile; 2° faire la citation directe; 3° faire opposition ; 4° interjeter appel ; 5° faire recours en révision. |
| <p>Amagarama yaciwe n'Urukiko rw'Ibanze n'Urukiko Rwisumbuye ajya mu isanduku y'Akarere. Naho ayaciwe n'izindi nkiko akajya mu isanduku ya Leta.</p> | <p>Court fees charged by Primary or Intermediate Courts devolve on the District account. Court fees charged by other courts devolve on the State Treasury.</p> | <p>Les frais de justice exposés devant le Tribunal de Base ou le Tribunal de Grande Instance sont dus à la caisse du District. Les frais de justice exposés devant toute autre juridiction sont dus au Trésor Public.</p> |

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| <p>Iyo hari amafaranga agomba kwiyongera ku yatanzweho ingwate mbere, agenwa n'umucamanza.</p> <p><u>Ingingo ya 255: Amagarama y'urubanza ku rwego rwa mbere</u></p> <p>Iyo ushinjwa atsinze, amagarama y'urubanza aherera ku isanduku ya Leta. Ariko, iyo uwaregeye urukiko atsinze Ubushinjacyaha atsinzwe, ategakwa kuriha amagarama yose yatanzwe muri urwo rubanza. Naho iyo uwaregeye indishyi atsinzwe, ategakwa gutanga kimwe cya kabiri (1/2) cy'amagarama y'urubanza.</p> <p>Uregera indishyi waretse urubanza, yaba yararegeye urukiko yisunze cyangwa atsinze Ubushinjacyaha, ntatanga amagarama nyuma y'aho arekeye urubanza; ibyo ntibimubuza gucibwa indishyi z'akababaro zigenewe ushinjwa cyangwa utegetswe kuriha, niba ari ngombwa.</p> <p><u>Ingingo ya 256: Amagarama mu bujurire</u></p> <p>Iyo Ubushinjacyaha bwajuriye bwonyine, urubanza rwajuririwe ntiruhinduke, amagarama aherera mu isanduku ya Leta.</p> | <p>Additional court fees to be paid in order to supplement the amount previously deposited are determined by the judge.</p> <p><u>Article 255: Court fees for a case tried at the first instance</u></p> <p>If the accused is acquitted, court fees are paid out of the State Treasury. However, if a party who filed a claim by way of private prosecution loses the case, he or she is ordered to pay all the fees involved in the case. If a person who sued for damages in criminal proceedings loses the case, he or she is ordered to pay half (1/2) of the court fees.</p> <p>A civil party who withdraws a claim which was filed within the criminal proceedings or by way of private prosecution, is not required to pay court fees after withdrawal of the claim. However, this does not exempt him or her from being ordered to pay damages to the accused or to the person liable to pay damages, if necessary.</p> <p><u>Article 256: Court fees in case of appeal</u></p> <p>If an appeal is filed only by the Public Prosecution and the decision subjected to appeal is not altered, court fees are borne by the State Treasury.</p> | <p>Le montant des frais supplémentaires à payer pour compléter les frais de justice précédemment consignés est apprécié par le juge.</p> <p><u>Article 255: Frais de justice pour une affaire jugée au premier degré</u></p> <p>Si l'accusé est acquitté, les frais de justice sont mis à charge du Trésor Public. Toutefois, si la partie qui a saisi la juridiction par voie de citation directe perd le procès, il lui est ordonné de payer tous les frais afférents à ce procès. Si la partie civile s'est constituée perd le procès, elle est condamnée à la moitié (1/2) des frais de justice.</p> <p>La partie civile qui renonce à sa plainte introduite au moyen de procédure pénale ou de citation directe n'est pas tenue des frais postérieurs au désistement. Toutefois, le désistement n'empêche pas le paiement des dommages-intérêts dus au prévenu ou si nécessaire, à la partie civilement responsable.</p> <p><u>Article 256: Frais de justice en cas d'appel</u></p> <p>Lorsque, sur l'appel de l'Organe de poursuite judiciaire seul, le jugement appelé est confirmé, les frais d'appel sont mis à charge du trésor public.</p> |
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| <p>Iyo igihano cyatanzwe mu rubanza rwajuririwe kigabanyijwe, ushinjwa ahererezwaho igice cy'amagarama ariko akayasonerwa yose iyo aburana afunze.</p> <p>Iyo habayeho ubujurire ku byerekeranye n'indishyi gusa, amagarama yose aherera k'uwatsinzwe.</p> <p><u>Ingingo ya 257:</u> Gusonerwa gutanga ingwate y'amagarama igihe barega</p> <p>Aba bakurikira basonerwa gutanga ingwate y'amagarama igihe barega:</p> <p>1° abatishoboye, iyo berekanye icyemezo gitangwa n'inzego z'ubuyobozi zibifitiye ububasha;</p> <p>2° Leta y'u Rwanda, uretse ibigo byayo n'inzego zayo bifite ubuzima gatozi;</p> <p>3° abantu bafunzwe;</p> <p>4° abana bahagarariwe n'abatishoboye;</p> | <p>If the penalty imposed in case of a decision subjected to appeal is reduced, the accused bears part of the court fees but he or she is fully exempted from paying such fees if he or she is tried while in detention.</p> <p>When there is appeal concerning damages only, the losing party bears all the court fees.</p> <p><u>Article 257:</u> Exemption from depositing court fees when filing a case</p> <p>The following persons are exempted from depositing court fees when filing a case:</p> <p>1° indigent with a certificate issued by competent authority;</p> <p>2° Government of Rwanda with the exception of its institutions and organs with legal status;</p> <p>3° persons in prison;</p> <p>4° children represented by the indigent;</p> | <p>Lorsque la peine est réduite, le jugement appelé ne met à charge du condamné qu'une partie des frais mais il en est déchargé entièrement lorsqu'il est jugé étant en situation de détention.</p> <p>Lorsqu'il y a appel en cas de dommages-intérêts, la partie perdante supporte tous les frais de justice.</p> <p><u>Article 257:</u> Dispense de la consignation des frais de justice en cas de la saisine de la juridiction</p> <p>Les personnes suivantes sont dispensées de la consignation des frais de justice lorsqu'elles saisissent les juridictions:</p> <p>1° les indigents munis d'une attestation délivrée par l'autorité compétente;</p> <p>2° l'État Rwandais, à l'exception de ses établissements et organes dotés de la personnalité juridique;</p> <p>3° les détenus;</p> <p>4° les enfants représentés par les indigents ;</p> |
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| <p>5° abahagarariye abana baregeye indishyi mu manza z’ibyaha byerekeye gusambanya umwana.</p> <p>Abavugwa muri iyi ngingo basonewe gutanga amagarama, basonerwa no gucibwa amagarama iyo batsinzwe urubanza.</p> <p><u>Ingingo ya 258: Kubara amagarama y’urukiko</u></p> <p>Amagarama y’urukiko abarwa n’umwanditsi warwo. Iyo hari uwaregeye indishyi, iryo barwa rivuga amagarama agomba gufatwa ku ngwate yatanze n’agomba gucibwa uwatsinzwe. Iryo barwa ry’amagarama rigenzurwa na Perezida w’urukiko kandi akarishyiraho umukono.</p> <p><u>Ingingo ya 259: Amagarama afatwa</u></p> <p>Umwanditsi akura amagarama y’urukiko mu mafaranga yatanzweho ingwate nubwo uregera indishyi yaba azitsindiye. Uwatsinzwe yishyura uwatsinze amafaranga yafashwe ku ngwate yatanze.</p> <p>Icyakora, iyo uregera indishyi atari we wareze bwa mbere, ahubwo yarashamikiye ikibazo cye ku rubanza rwaregwe, amagarama acibwa ni</p> | <p>5° representatives of children who filed a claim of damages in proceedings related to child defilement.</p> <p>Persons provided for under this Article who do not pay court fees are also exempted from paying court fees when they lose the case.</p> <p><u>Article 258: Calculation of court fees</u></p> <p>The statement of court fees is prepared by the Court Registrar. If there is a civil party, the statement indicates fees to be deducted from court fees deposited by the civil party and the amount to be paid by the losing party. The statement of court fees is verified and signed by the President of the Court.</p> <p><u>Article 259: Court fees withheld</u></p> <p>The Court Registrar deducts court fees from the amount deposited even if the civil party wins the case. The losing party reimburses the winning party for the amount deducted from deposited fees.</p> <p>However, if the civil party did not initiate the case but his or her case emanates from proceedings already initiated, the court registrar</p> | <p>5° représentants des enfants qui se sont constitués en partie civile dans les procès en rapport avec le viol sur mineur.</p> <p>Les personnes visées au présent article qui sont dispensées de consigner les frais de justice sont également dispensées de payer les frais de justice lorsqu’elles perdent le procès.</p> <p><u>Article 258: Calcul des frais de justice</u></p> <p>L’état des frais de justice est dressé par le greffier. S’il y a une partie civile, cet état indique les frais à retenir sur les sommes consignées par la partie civile et ceux à percevoir contre le condamné. L’état des frais de justice est vérifié et signé par le Président de la juridiction.</p> <p><u>Article 259: Frais de justice retenus</u></p> <p>Le greffier retient les frais de justice sur la somme déposée par la partie civile même si celle-ci gagne le procès. Les frais ainsi retenus sont payés par la partie perdante.</p> <p>Toutefois, si la partie civile n’a pas initié l’instance mais s’est jointe à une procédure déjà engagée, les frais qui sont retenus par le greffier</p> |
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| <p>ayerekeye gusa ibyakozwe mu rubanza bisabwe na we.</p> <p><u>Icyiciro cya 2: Umubare w'amagarama y'urukiko</u></p> <p><u>Ingingo ya 260: Ikiguzi cy'inwandiko zitangwa n'inkiko</u></p> <p>Buri rupapuro rwa dosiye y'urukiko rurishyurwa iyo urusaba akeneye kurutwara.</p> <p>Iteka rya Minisitiri ufite ubutabera mu nshingano ze rigena ikiguzi cya buri rupapuro.</p> <p>Abasonerwa kwishyura ingwate y'amagarama, basonerwa no kwishyura inyandiko zivugwa muri iyi ngingo iyo bazikeneye. Minsi y'urwo rupapuro rutanzwe, bandikaho ko rutangiwe ubuntu, impamvu na gihamya cyabyo, kopi yabyo ikabikwa mu rukiko.</p> | <p>only deducts fees associated with those proceedings conducted upon his or her request.</p> <p><u>Section 2: Rate of court fees</u></p> <p><u>Article 260: Cost of documents served by courts</u></p> <p>Any page of court file is paid when the applicant wants to take it with him or her.</p> <p>An Order of the Minister in charge of justice determines the cost of each page.</p> <p>The persons exempted from paying the deposit of court fees are also exempted from paying the documents referred to in this Article when they need them. At the bottom of the issued page, it is written that it is issued free of charge, the reason for being issued free of charge and its proof, and the copy is kept in the court.</p> | <p>sont seulement ceux occasionnés par les actes faits à sa requête.</p> <p><u>Section 2: Tarif des frais de justice</u></p> <p><u>Article 260: Frais applicables aux actes de procédure</u></p> <p>Toute page du dossier est payée lorsque le requérant veut l'emporter.</p> <p>Un arrêté du Ministre ayant la justice dans ses attributions détermine le coût de chaque page.</p> <p>Les personnes exonérées du paiement des frais de justice sont également dispensées de payer les documents visés au présent article lorsqu'elles en ont besoin. Au bas de la page délivrée, il est écrit qu'elle est délivrée gratuitement, la raison de l'octroi gratuit et sa preuve, et la copie est conservée dans la juridiction.</p> |
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| <p><u>INTERURO YA V: INGINGO ZINYURANYE N'IZISOZA</u></p> <p><u>UMUTWE WA MBERE: INGINGO ZINYURANYE</u></p> <p><u>Ingingo ya 261: Ibihe byashyizweho n'amategeko yerekeye imiburanishirize y'imanza z'inshinjabyaha</u></p> <p>Uretse iyo itegeko ribivuga ukundi, ibihe byashyizweho n'amategeko yerekeye imiburanishirize y'imanza z'inshinjabyaha bikurikiza ibiteganyijwe muri uyu Mutwe.</p> <p><u>Ingingo ya 262: Ibihe bibarwa mu minsi cyangwa mu masaha</u></p> <p>Ibihe bibarwa mu minsi cyangwa mu masaha, bibarwa kuva saa sita z'ijoro kugeza saa sita z'ijoro z'umunsi ukurikiraho; ntabwo umunsi w'inwandiko cyangwa w'igikorwa bishingiyeho ubarirwamo, icyakora umunsi wa nyuma wabyo ubarirwamo wose.</p> <p>Nta gihe cyo kujurira gishobora kongerwa, bidatewe n'impamvu zikomeye kandi zidasanzwe, kugeza igihe zirangiriye.</p> | <p><u>TITLE V: MISCELLANEOUS AND FINAL PROVISIONS</u></p> <p><u>CHAPTER ONE: MISCELLANEOUS PROVISIONS</u></p> <p><u>Article 261: Time limits provided under laws relating to criminal procedure</u></p> <p>Unless otherwise provided by the law, the time limits provided for under laws relating to criminal procedure follow provisions specified under this Chapter.</p> <p><u>Article 262: Time limits counted in days or hours</u></p> <p>Time limits counted in days and hours are counted from midnight to midnight of the following day and do not include the day of the act or event from which they arise while they fully include the day on which they expire.</p> <p>The appeal period can in no way be extended, unless serious and exceptional reasons arise until they cease to exist.</p> | <p><u>TITRE V: DISPOSITIONS DIVERSES ET FINALES</u></p> <p><u>CHAPITRE PREMIER: DISPOSITIONS DIVERSES</u></p> <p><u>Article 261: Délais établis en matière de procédure pénale</u></p> <p>Sauf si la loi en dispose autrement, les délais établis en matière de procédure pénale sont soumis aux règles énoncées au présent chapitre.</p> <p><u>Article 262: Délais établis en jours ou en heures</u></p> <p>Les délais établis en jours ou en heures se comptent de minuit à minuit du jour suivant et ne comportent pas le jour de l'acte ou de l'événement qui leur donne cours, tandis qu'ils comprennent intégralement le jour de leur échéance.</p> <p>Nul délai de recours ne peut être prolongé, si ce n'est pour des circonstances graves et exceptionnelles et jusqu'à la cessation de l'empêchement.</p> |
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| <p>Iminsi y'ibiruhuko yemewe n'amategeko n'iminsi itari iy'akazi ibarirwa mu bihe byateganyijwe.</p> <p>Ariko, iyo umunsi wa nyuma w'igihe uhuye n'umunsi w'ikiruhuko cyangwa umunsi utari uw'akazi, igihe kirangira ku munsi w'akazi ukurikiraho.</p> <p><u>Ingingo ya 263:</u> Ibarwa ry'ibihe byagenwe mu mezi no mu myaka</p> <p>Ibihe bibarwa mu mezi no mu myaka, bibarwa bahereye ku munsi wa mbere bikarangirana n'umunsi ubanziriza uwa nyuma.</p> <p><u>Ingingo ya 264:</u> Ikurikizwa ry'amategeko y'imiburanishirize y'imanza mboneza mubano mu manza nshinjabyaha</p> <p>Ku bindi bidateganyijwe muri iri tegeko bijyanye n'imiburanishirize, hakurikizwa itegeko rigenga imiburanishirize y'imanza z'imbonezamubano, keretse mu gihe amahame ateganywa n'iryo tegeko adashobora gukoreshwa mu miburanishirize y'imanza nshinjabyaha.</p> | <p>Public holidays and non-working days are included in the prescribed time limits.</p> <p>However, when the last day of the time limits coincides with a public holiday or a non-working day, the time limits end on the next working day.</p> <p><u>Article 263:</u> Counting periods fixed in months and years</p> <p>The periods fixed in months and years are counted from the first day to the eve of the last day.</p> <p><u>Article 264:</u> Applying civil procedure in criminal matters</p> <p>All matters that are not provided for under this Law regarding procedure are handled in accordance with civil procedure rules, unless the civil procedure principles cannot be applicable in criminal matters.</p> | <p>Les jours fériés légaux et les jours chômés sont compris dans les délais prescrits.</p> <p>Toutefois, si le jour de l'échéance est un jour férié légal ou chômé, l'échéance du délai est reportée au plus prochain jour ouvrable.</p> <p><u>Article 263:</u> Computation des délais établis en mois et en années</p> <p>Les délais établis en mois et en années se comptent du premier jour à la veille du dernier jour.</p> <p><u>Article 264:</u> Application des règles de procédure civile en matière de procédure pénale</p> <p>Pour tout ce qui n'est pas prévu par la présente loi en matière de procédure, il est fait application des règles de procédure civile, à moins que les principes prévus par la procédure civile ne puissent pas s'appliquer en matière pénale.</p> |
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| <u>UMUTWE WA II: INGINGO ZISOZA</u> | <u>CHAPTER II: FINAL PROVISIONS</u> | <u>CHAPITRE II : DISPOSITIONS FINALES</u> |
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| <p><u>Ingingo ya 265:</u> Itegurwa, isuzumwa n'itorwa by'iri tegeko</p> <p>Iri tegeko ryateguwe, risuzumwa kandi ritorwa mu rurimi rw'Ikinyarwanda.</p> <p><u>Ingingo ya 266:</u> Ivanwaho ry'itegeko n'ingingo z'amategeko zinyuranyije n'iri tegeko</p> <p>Itegeko n° 30/2013 ryo kuwa 24/5/2013 ryerekeye imiburanishirize y'imanza z'inshinjabyaha n'ingingo zose z'amategeko abanziriza iri kandi zinyuranyije na ryo bivanyweho.</p> <p><u>Ingingo ya 267:</u> Igihe iri tegeko ritangira gukurikizwa</p> <p>Iri tegeko ritangira gukurikizwa ku munsu ritangarijweho mu Igazeti ya Leta ya Repubulika y'u Rwanda.</p> | <p><u>Article 265:</u> Drafting, consideration and adoption of this Law</p> <p>This Law was drafted, considered and adopted in Ikinyarwanda.</p> <p><u>Article 266:</u> Repealing provision</p> <p>Law n° 30/2013 of 24/5/2013 relating to the code of criminal procedure and all prior legal provisions contrary to this Law are repealed.</p> <p><u>Article 267:</u> Commencement</p> <p>This Law comes into force on the date of its publication in the Official Gazette of the Republic of Rwanda.</p> | <p><u>Article 265 :</u> Initiation, examen et adoption de la présente loi</p> <p>La présente loi a été initiée, examinée et adoptée en Ikinyarwanda.</p> <p><u>Article 266 :</u> Disposition abrogatoire</p> <p>La Loi n° 30/2013 du 24/5/2013 portant code de procédure pénale ainsi que toutes les dispositions légales antérieures contraires à la présente loi sont abrogées.</p> <p><u>Article 267:</u> Entrée en vigueur</p> <p>La présente loi entre en vigueur le jour de sa publication au Journal Officiel de la République du Rwanda.</p> |

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| <p>Kigali, ku wa 19/09/2019</p> <p>(sé)</p> <p>KAGAME Paul Perezida wa Repubulika</p> | <p>Kigali, on 19/09/2019</p> <p>(sé)</p> <p>KAGAME Paul President of the Republic</p> | <p>Kigali, le 19/09/2019</p> <p>(sé)</p> <p>KAGAME Paul Président de la République</p> |
| <p>(sé)</p> <p>Dr NGIRENTE Edouard Minisitiri w’Intebe</p> | <p>(sé)</p> <p>Dr NGIRENTE Edouard Prime Minister</p> | <p>(sé)</p> <p>Dr NGIRENTE Edouard Premier Ministre</p> |
| <p>Bibonywe kandi bishyizweho Ikirango cya Repubulika:</p> <p>(sé)</p> <p>BUSINGYE Johnston Minisitiri w’Ubutabera /Intumwa Nkuru ya Leta</p> | <p>Seen and sealed with the Seal of the Republic:</p> <p>(sé)</p> <p>BUSINGYE Johnston Minister of Justice /Attorney General</p> | <p>Vu et scellé du Sceau de la République:</p> <p>(sé)</p> <p>BUSINGYE Johnston Ministre de la Justice /Garde des Sceaux</p> |