NSANZABERA v. BARIGANZA N'ABANDI

[Rwanda URUKIKO RW'IKIRENGA – RCAA0006/15/CS (Kanyange, P.J., Mukandamage na Ngagi, J.) 10 Gashyantare 2017]

Amategeko agenga ububasha bw'Inkiko – Ububasha bw'Urukiko rw'Ikirenga – Igenwa ry'agaciro k'ikiburanwa – Ububasha bw'urukiko ntibushingira ku gaciro k'ibyagenewe buri muburanyi ahubwo harebwa akagenewe ikiburanwa – Itegeko Ngenga Nº03/2012/OL ryo ku wa 13/06/2012 rigena imiterere, imikorere n'ububasha by'Urukiko rw'Ikirenga, ingingo ya 28(7).

Amategeko agenga umuryango – Izungura – Itegeko ryashingirwagaho mu izungurwa ry'umugore mbere y'ishyiryaho ry'Itegeko Nº22/99 ryo ku wa 12/11/1999 ryuzuza Igitabo cya mbere cy'urwunge rw'amategeko mbonezamubano kandi rishyiraho igice cya gatanu cyerekeye imicungire y'umutungo w'abashyingiranywe, impano n'izungura – Na mbere y'iryo tegeko nta cyabuzaga umwana w'umukobwa kuzungura kuko, Itegeko Nshinga rya Repubulika y'u Rwanda ryo mu mwaka wa 1962, Itegeko Nshinga rya Repubulika y'u Rwanda ryo ku wa 20/12/1978 ndetse no mu Itegeko Nshinga ryo ku wa 10/06/1991, yemeraga ko abantu bose bangana imbere y'amategeko hatitawe ku bwoko, ku ibara ry'umubiri, ku nkomoko, ku gitsina, ku idini (…).

Amategeko agenga umuryango – Izungura – Umugabane w'uburushyi – Kuba umwana w'umukobwa yaragenewe igiseke nk'umugabane w'uburushyi ntibivanaho uburenganzira bwo kuzungura abo akomokaho.

Incamake y'ikibazo: Bariganza na Muhawenimana bareze sekuru ariwe Nsanzabera mu Rukiko Rwisumbuye rwa Rubavu bavuga ko yavanze umutungo yashakanye na nyirakuru Bugenimana witabye Imana n'uw'umugore mushya Mukansoneye, batabanjekuzungura nyirakuru, kuko yagombaga gufata ½ cy'umutungo bashakanye ikindi ½ kikabahereraho.

Urukiko Rwisumbuye rwemeje ko ikirego cyabo nta shigiro gifite kuko nta burenganzira bafite bwo kuzungura umutungo wasizwe na nyirakuru Bugenimamawari warashakanye na Nsanzabera kandi ataribo buzukurube bonyine ndetse ko kubaNsanzabera akiriho abarega nta burenganzira bwo kumuzungura bafite kuko izungura ritangira umuntu amaze gupfa, maze rubategeka kwishyura igihembo cy'Avoka n'indishyi z'akababaro.

Bariganza na Muhawenimana bajuriye mu Rukiko Rukuru, urugereko rwa Musanze, rwemeza ko ubujurire bwabo bufite ishingiro kuko Bugenimana yitabye Imana asize abana babiri aribo Uwamahoro na Mukangoboka, hanyuma Nsanzabera nawe akongera agashaka kandi akaba nta mwana wa Bugenimana akirera, maze rutegeka ko abujuriye bazungura ¼ cy'umutungo wa Nsanzabera na Bugenimanana mu mwanya w'umubyeyi wabo Uwamahoro kuko aribo bareze bonyine.

Nsanzabera yajuririye mu Rukiko rw'Ikirenga avuga ko Urukiko Rukuru, Urugereko rwa Musanze, rwemeje izungura ridashingiye ku Itegeko ryariho ubwo Uwamahoro yitabaga Imana ku wa 19/09/1999, ko kandi rwirengagije ko yihaye akanagurisha umutungo we ndetse ko yari yaramugeneye umugabane w'uburushyi wafatwaga nk'izungura mu muco w'icyo gihe.

Mbere y'uko iburanisha ritangira mu mizi,Urukiko rw'Ikirenga rwabanje gusuzuma inzitizi y'iburabubasha yatanzwe na Bariganza na Muhawenimana bavuga ko agaciro k'icyajuririwe katageze kuri 50.000.000Frw ateganwa n'itegeko maze rwemeza ko rufite ububasha.

Bariganza na Muhawenimana biregura bavuga ko hatashingiwe ku itegeko ritariho, kuko nk'uko bigaragara muri dosiye y'urubanzaUwamahoro yitabye Imana kuwa 05/07/2011 kandi itegeko ryashingiweho rikaba ari iryo mu mwaka wa 1999. Bakomeza bavuga kokuba yanahawe umugabane w'uburushyi bitavanaho uburenganzira bwo kuzungura.

Bariganza na Muhawenimana batanze ubujurire bwuririye ku bundi basaba guhabwa amafaranga y'ikurikiranarubanza; ayo kubasiragiragiza mu manza n'igihembo cy'Avoka naho Nsanzabera avuga ko indishyi basaba nta shingiro zifite ahubwo ariwe ukwiye kugenerwa indishyi zo kumusiragiza mu manza.

Incamake y'icyemezo:1. Ububasha bw'urukiko ntibushingira ku gaciro k'ibyagenewe buri muburanyi ahubwo harebwa akahawe ikiburanwa. Bityo kuba agaciro k'ikiburanwa kangana 70.000.000Frw nk'uko byemejwe n'Urukiko Rukuru, Urukiko rw'Ikirenga rufite ububasha bwo kuburanisha ubujurire bwa Nsanzabera kuko karenze 50.000.000Frw ateganywa n'itegeko.

2. Mbere y'uko Itegeko Nº22/99 ryo ku wa 12/11/1999 ryuzuza Igitabo cya mbere cy'urwunge rw'amategeko mbonezamubano kandi rishyiraho igice cya gatanu cyerekeye imicungire y'umutungo w'abashyingiranywe, impano n'izungura rijyaho, nta cyabuzaga ko umwana w'umukobwa azungura ababyeyi be kuko, Itegeko Nshinga rya Repubulika y'u Rwanda ryo mu mwaka wa 1962, Itegeko Nshinga rya Repubulika y'u Rwanda ryo ku wa 20/12/1978 ndetse no mu Itegeko Nshinga ryo ku wa 10/06/1991, yemeraga ko abantu bose bangana imbere y'amategeko hatitawe ku bwoko, ku ibara ry'umubiri, ku nkomoko, ku gitsina, ku idini (…), bityo kuvuga ko Uwamahoro Béatrice nta burenganzira yari afite bwo kuzungura umubyeyi we ngo kuko ari umubobwa, bikaba nta shingiro bifite.

3. Kuba izungura rya Bugenimana ritarabaye kugeza igihe abazungura be Bariganza na Muhawenimana batangiye ikirego mu mwaka wa 2013, Itegeko Nº22/99 ryo ku wa 12/11/1999 ryuzuza Igitabo cya mbere cy'urwunge rw'amategeko mbonezamubano kandi rishyiraho igice cya gatanu cyerekeye imicungire y'umutungo w'abashyingiranywe, impano n'izunguraryariho igihe ikirego cyatangiwe niryo ryagomba gukurikizwa.

4. Kuba umwana w'umukobwa yaragenewe igiseke nk'umugabane w'uburushyi ntibivanaho uburenganzira bwo kuzungura abo akomokaho, bityo Bariganza na Muhawenimana bafite uburenganzira bwo kuzungura mu mwanya wa Uwamahoro ku uruhare akomora ku mubyeyi we Bugenimana kabone n'ubwo yaba yarahawe igiseke na se.

5. Abarezwe bagenewe mu bushishozi bw'Urukiko amafaranga y'igihembo cy'Avoka n'ikurikiranarubanza kukobiyambaje Avoka kugirango ababuranire kandi bakaba baragize ibyo batanga mu gukurikirana urubanza.

Ubujurire nta shingiro bufite.
Urubanza rwajuriririwe ntiruhindutse.

Amategeko yashingiweho:

Itegeko Ngenga Nº03/2012/OL ryo ku wa 13/06/2012 rigena imiterere, imikorere n'ububasha by'Urukiko rw'Ikirenga, ingingo ya 28(7).

Itegeko Nº22/99 ryo ku wa 12/11/1999 ryuzuza Igitabo cya mbere cy'urwunge rw'amategeko mbonezamubano kandi rishyiraho igice cya gatanu cyerekeye imicungire y'umutungo w'abashyingiranywe, impano n'izungura, ingingo ya 50 n'iya 70.

Nta manza zifashishijwe.

Urubanza

I. IMITERERE Y'URUBANZA

[1] Bariganza Evangile na Muhawenimana Jean de Dieu ni abuzukuru ba Nsanzabera Vincent Ibrahim na Bugenimana Xavérine witabye Imana mu mwaka wa 1986, bakaba barabyawe n'umukobwa wabo Uwamahoro Béatrice nawe witabye Imana mu mwaka wa 2001. Nyuma y'uko Bugenimana Xavérine yitabye Imana, Nsanzabera yashatse undi mugore witwa Mukansoneye Amina CéciIe.

[1] Bariganza Evangile na Muhawenimana Jean de Dieu bareze Nsanzabera Vincent Ibrahim mu Rukiko Rwisumbuye rwa Rubavu bavuga ko ashaka kuvanga umutungo yashakanye na Bugenimana Xavérine n'uw'umugore mushya, kandi batarazungura nyirakuru, ko ahubwo yagombye gufata ½ cy'umutungo yashakanye na Bugenimana Xavérine, ikindi ½ kigaherera kuri Bariganza Evangile na MuhawenimanaJean de Dieu.

[2] Urukiko rwaciye urubanza RC0164/013/TGI/RBV ku wa 06/03/2014, rwemeza ko ikirego cya Bariganza Evangile na Muhawenimana Jean de Dieu nta shingiro gifite, ko nta burenganzira bafite bwo kuzungura umutungo wasizwe na nyirakuru Bugenimama Xavérine wari warashakanye na Nsanzabera Vincent Ibrahim, rubategeka kwishyura Nsanzabera 300.000Frw y'igihembo cy'Avoka n'indishyi z'akababaro. Icyo cyemezo rwagishingiye ku mpamvu y'uko atari bo buzukuru bonyine bakomoka kuri Bugenimana Xavérine kuko yabyaye abakobwa babiri kandi abuzukuru bafite uburenganzira bungana bwo kuzungura umutungo w'abo bakomokaho ku buryo bungana nk'uko biteganywa n'ingingo ya 50 y'Itegeko Nº22/99 ryo ku wa 12/11/1999 ryuzuza Igitabo cya mbere cy'urwunge rw'amategeko mbonezamubano kandi rishyiraho igice cya gatanu cyerekeye imicungire y'umutungo w'abashyingiranywe, impano n'izungura. Rwasobanuye kandi ko mu gihe Nsanzabera Vincent Ibrahim akiriho, abarega nta burenganzira bafite bwo kumuzungura kuko izungura ritangira umuntu amaze gupfa.

[3] Bariganza Evangile na Muhawenimana Jean de Dieu bajuririye mu Rukiko Rukuru, Urugereko rwa Musanze, ruca urubanza RCA0032/14/HC/MUS ku wa 20/01/2015, rwemeza ko ubujurire bwabo bufite ishingiro, ko bazungura ¼ cy'agaciro k'umutungo ugizwe n'inzu iri mu kibanza Nº666/RUB/GIS.

[4] Icyo cyemezo, Urukiko Rukuru rwagishingiye ku mpamvu y'uko kuba Bugenimana Xavérine yaritabye Imana asize abana babiri (Uwamahoro na Mukangoboka), Nsanzabera Vincent Ibrahim akongera agashaka kandi akaba nta mwana wa Bugenimana Xavérine akirera, hashingiwe ku ngingo ya 70 y'Itegeko Nº22/99 ryavuzwe haruguru, Bariganza Evangile na Muhawenimana Jean de Dieu mu mwanya wa Uwamahoro Béatrice, na Mukangoboka (kuko nta kigaragaza ko atakiriho), ari bo bagomba kuzungura ½ cy'agaciro k'umutungo ugizwe n'inzu iri mu kibanza Nº666/RUB/GIS kuko Nsanzabera Vincent Ibrahim yivugiye ko yubatswe mu mwaka wa 1965, Bugenimana Xavérine ari umugore we.

[5] Rwasobanuye kandi ko Bariganza Evangile na Muhawenimana Jean de Dieu, mu mwanya w'umubyeyi wabo Uwamahoro Béatrice ndetse na Mukangoboka, bagomba na none kugabana mu buryo bungana ½ cy'umutungo wavuzwe haruguru, ikindi ½ kigatwarwa na Nsanzabera Vincent Ibrahim, ariko kubera ko Bariganza Evangile na Muhawenimana Jean de Dieu ari bo bonyine bareze, bakaba bagomba kuzungura gusa ¼ cy'agaciro k'inzu yavuzwe haruguru. Rwasanze kandi ibyo Nsanzabera Vincent Ibrahim avuga ko batagomba kuzungura

ubwa kabiri ngo kuko nyina (Uwamahoro Béatrice) yamugurishirije umurima, nta shingiro bifite kuko uretse kubivuga, nta bimenyetso yabigaragarije.

[1] Nsanzabera Vincent Ibrahim yajuririye mu Rukiko rw'Ikirenga avuga ko Urukiko Rukuru, Urugereko rwa Musanze, rwemeje izungura ridashingiye ku Itegeko ryariho ubwo Uwamahoro Béatrice yitabaga Imana ku wa 19/09/1999, ko kandi rwirengagije ko yihaye akanagurisha umutungo wa Nsanzabera Vincent Ibrahim ubwo yari mu buhungiro mu gihugu cya Uganda.

[2] Urubanza rwaburanishijwe mu ruhame ku wa 10/01/2017, Nsanzabera Vincent Ibrahim aburanirwa n'umuhungu we Mupole Ahmed nawe yunganiwe na Me Habonimana Jean-Baptiste, Bariganza Evangile yunganiwe na Me Ngabo Claude anahagarariye Muhawenimana Jean de Dieu.

[3] Habanje gusuzumwa inzitizi y'iburabubasha bw'uru Rukiko yatanzwe n'abaregwa mu bujurire, ishingiye ku ngingo ya 28, agace ka karindwi, y'Itegeko Ngenga Nº03/2012/OL ryo ku wa 13/06/2012 rigena imiterere, imikorere n'ububasha by'Urukiko rw'Ikirenga ngo kuko umutungo uburanwa wagenewe agaciro ka 70.000.000Frw ariko Bariganza Evangile na Muhawenimana Jean de Dieu bagenerwa ¼ cy'ako gaciro, ari nacyo cyajuririwe muri uru Rukiko kandi kikaba kitageze kuri 50.000.000Frw ateganywa n'ingingo imaze kuvugwa.

[4] Ababuranira Nsanzabera Vincent Ibrahim bireguye bavuga ko ubujurire buri mu bubasha bw'uru Rukiko kuko abo baburana ari bo bashyizeho agaciro k'ikiburanwa ka 70.000.000Frw n'ubwo karenze ayo mafaranga, ko kandi hatarebwa ¼ cy'agaciro mu kugena ububasha bw'Urukiko kuko Nsanzabera Vincent Ibrahim yajuririye umutungo wose kuko asanga n'icyo ¼ cy'agaciro kawo abaregwa batagikwiye kuko batagomba kuzungura.

[5] Urukiko rwafatiye icyemezo mu ntebe kuri iyo nzitizi, rusanga hashingiwe ku ngingo ya 28, igika cya kabiri, agace ka 7º y'Itegeko Ngenga Nº03/2012/OL ryo ku wa 13/06/2012 rigena imiterere, imikorere n'ububasha by'Urukiko rw'Ikirenga, iteganya ko "Urukikorw'Ikirenga rufite ububasha bwo kuburanisha mu rwego rw'ubujurire imanza zaciwe ku rwego rwa kabiri n'Urukiko Rukuru (…), iyo izo manza zagenwemo n'urukiko indishyi zingana nibura na miliyoni mirongo itanu z'amafaranga y'u Rwanda (50.000.000Frw) cyangwa se zifite agaciro kagenwe n'umucamanza igihe habaye impaka, kangana nibura n'amafaranga y'u Rwanda miliyoni mirongo itanu (50.000.000Frw)", agaciro k'ikiburanwa katagomba gushingira kubyagenewe buri muburanyi ahubwo kareberwa ku kiburanwa ari cyo inzu n'ikibanza yubatsemo bifite agaciro ka 70.000.000Frw nk'uko kemejwe n'Urukiko Rukuru, bityo rwemeza ko ubujurire bwa Nsanzabera Vincent Ibrahim buri mu bubasha bwarwo.

[6] Iburanisha ryakomeje hasuzumwa impamvu z'ubujurire za Nsanzabera Vincent Ibrahim.

II. IBIBAZO BIRI MU RUBANZA N'ISESENGURA RYABYO

1. Kumenya niba Urukiko Rukuru, Urugereko rwa Musanze, rwarashingiye kuItegeko ritariho ubwo Uwamahoro Béatrice yitabaga Imana no kumenya niba yari yarahawe umugabane we.

[7] Ababuranira Nsanzabera Vincent Ibrahim bavuga ko umucamanza yaciye urubanza ashingiye ku Itegeko Nº22/99 ryo ku wa 12/11/1999 ryuzuza Igitabo cya mbere cy'urwunge

rw'amategeko mbonezamubano kandi rishyiraho igice cya gatanu cyerekeye imicungire y'umutungo w'abashyingiranywe, impano n'izungura, kandi Uwamahoro Béatrice ushaka kuzungura Nsanzabera, yaritabye Imana ku wa 19/09/1999, bivuze ko iryo Tegeko ritariho icyo gihe, ko ahubwo mu mwaka wa 1992 Nsanzabera Vincent Ibrahim, ashingiye ku muco, yamuhaye isambu iri i Cyuve/Musanze, amwemerera kwiharika igice cy'ikibanza ariko mbere y'uko yitaba Imana akaba yarayigurishije n'uwitwa Mukagatare.

[8] Bavuga kandi ko Uwamahoro Béatrice yabonye umugabane w'uburushyi (abandi bita igiseke), bikaba ari nk'izungura hagendewe ku muco wagenderwagaho icyo gihe aho umubyeyi w'umugabo yatangaga umutungo we kandi Uwamahoro Béatrice akaba yarawuhawe, ko rero umutungo usigaye ari uwa Nsanzabera Vincent Ibrahim afatanyije n'umugore we.

[9] Me Ngabo Jean-Baptiste na Bariganza Evangile bavuga ko hatashingiwe ku Itegeko ritariho ubwo Uwamahoro Béatrice yitabaga Imana nk'uko abo baburana babivuga kuko "attestation de décès" iri muri dosiye igaragaza ko yitabye Imana ku wa 05/07/2011 kandi icyo gihe Itegeko Nº22/99 ryo ku wa 12/11/1999 ryavuzwe haruguru ryarakurikizwaga, bivuze ko izungura hagati y'abakobwa n'abahungu ryari ryemewe.

[10] Basobanura kandi ko na mbere y'Itegeko rimaze kuvugwa, abakobwa bazunguraga bitewe n'ubushake bw'ababyeyi babo, ko kandi Bariganza Evangile na Muhawenimana Jean de Dieu basabye kuzungura nyuma y'uko sekuru yari amaze kuzana undi mugore akamwandikaho umutungo wose, bakaba basaba umugabane wasizwe na nyirakuru Bugenimana Xavérine kuko kugeza ubu atigeze azungurwa.

[11] Ku byerekeye ikibanza ababuranira Nsanzabera Vincent Ibrahim bavuga ko yari yarahaye Uwamahoro Béatrice, bavuga ko atari ukuri kuko yanamureze mu Rukiko avuga ko yakihaye, aratsindwa kubera ko yivugiraga ko ari impano yahaye umukobwa we, nyuma aregera ko yamuzunguye nabwo aratsindwa, ko kandi izungura ritari kuba ku mwana umwe.

[12] Bavuga kandi ko n'ubwo Uwamahoro Béatrice yaba yarahawe igiseke cyangwa umunani nk'uko abo baburana babivuga, bitavanaho uburenganzira bwe bwo kuzungura umubyeyi we.

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[13] Nk'uko byibukijwe haruguru, Urukiko Rukuru, urugereko rwa Musanze, rwashingiye ku ngingo ya 70 y'Itegeko Nº22/99 ryo ku wa 12/11/1999 ryuzuza Igitabo cya mbere cy'urwunge rw'amategeko mbonezamubano kandi rishyiraho igice cya gatanu cyerekeye imicungire y'umutungo w'abashyingiranywe, impano n'izungura ryakurikizwaga urubanza rucibwa, iteganya uburyo abashyingiranywe bafitanye amasezerano y'ivangamutungo bazungurwa, aho agace ka karindwi gateganya ko "Iyo nta mwanawa nyakwigendera uwapfakaye akirera, akongera gushaka, atwara ½ cy'umutungo wose, ikindi ½ gihabwa abazungura ba nyakwigendera".

[14] Urukiko rurasanga mu miburanire ya Nsanzabera Vincent Ibrahim, adahakana ko yari asangiye na Bugenimana Xavérine umutungo Bariganza Evangile na Muhawenimana Jean de Dieu basaba kugiraho uruhare, akaba atanahakana ko nta mwana yabyaranye na Bugenimana Xavérine akirera, kandi akaba yarongeye gukora amasezerano yo gushyingirwa na Mukansoneye Amina Cécile ku wa 16/03/2013 nk'uko icyemezo cyayo kiri muri dosiye

kibigaragaza, bityo akaba ari nta mpamvu umucamanza atashoboraga gushingira ku Itegeko Nº22/99 ryo ku wa 12/11/1999 ryavuzwe haruguru, kuko n'ubwo umubyeyi wa Bariganza Evangile na Muhawenimana Jean de Dieu yaba yaritabye Imana mbere y'uko iryo Tegeko ritangira gukoreshwa, hagendewe ko yitabye Imana ku wa 19/09/1999 (usibye ko muri dosiye harimo ikindi cyemezo kivuga ko yitabye Imana ku wa 05/07/2011), bitavanaho ko izungura rya Bugenimana Xavérine, ryatangiye akimara kwitaba Imana mu mwaka wa 1986 (ouverture de la succession), ritigeze rishyirwa mu bikorwa kuko umutungo yari asangiye na Nsanzabera Vincent Ibrahim ari we wawucungaga kugeza ubu.

[15] Mu gihe rero Nsanzabera Vincent Ibrahim yari yongeye gushyingiranwa n'undi mugore mu mwaka wa 2013, ari nabwo Bariganza Evangile na Muhawenimana Jean de Dieu batangiye ikirego, byumvikana ko hagombaga gushingirwa ku Itegeko ryakurikizwaga icyo kirego gitangwa kuko uruhare rwa Bugenimana Xavérine ku mutungo yari asangiye na Nsanzabera Vincent Ibrahim rutari rwarazunguwe kugeza icyo gihe. Byongeyekandi, usibye ko Itegeko Nº22/99 ryo ku wa 12/11/1999 ryavuzweharuguru, riteganya mu buryo bweruye ko abana b'abakobwa n'abahungu bazungura mu buryo bungana (ingingo ya 50), na mbere y'aho nta cyabuzaga ko umwana w'umukobwa azungura ababyeyi be kuko kuva mu mwaka wa 1962, Itegeko Nshinga rya Repubulika y'u Rwanda ryemeraga ko abantu bose bangana imbere y'amategeko hatitawe ku bwoko, ku ibara ry'umubiri, ku nkomoko, <u>ku gitsina</u>, ku idini (…), ibyo bibaka ari nako byemejwe mu Itegeko Nshinga rya Repubulika y'u Rwanda ryo ku wa 20/12/1978 ndetse no mu Itegeko Nshinga ryo ku wa 10/06/1991, bityo kuvuga ko Uwamahoro Béatrice nta burenganzira yari afite bwo kuzungura umubyeyi we ngo kuko ari umubobwa, bikaba nta shingiro bifite.

[16] Ku birebana n'uko Uwamahoro Béatrice yaba yaragenewe igiseke cyangwa umugabane w'uburushyi nk'uko ababuranira Nsanzabera Vincent Ibrahim babivuga, Urukiko rurasanga bitavanaho uburenganzira bwo kuzungura umubyeyi we nk'uko byavuzwe haruguru, kuko ibyo yaba yarahawe bitarebana n'uruhare rwa Bugenimana Xavérine ku mutungo yari asangiye na Nsanzabera Vincent Ibrahim, nk'abari barashyingiranywe.

[17] Hashingiwe ku byasobanuwe haruguru, Urukiko rurasanga impamvu y'ubujurire ya Nsanzabera Vincent Ibrahim nta shingiro ifite, bityo imikirize y'urubanza rwajuririwe ikaba igomba kugumaho.

2. Kumenya ishingiro ry'indishyi zasabwe mu bujurire bwuririye ku bundi.

[18] Mu bujurire bwuririye ku bundi, Bariganza Evangile na Muhawenimana Jean de Dieu basaba 2.000.000Frw y'igihembo cy'Avoka, 1.000.000Frw y'ikurikiranarubanza na1.000.000Frw yo kubasiragiza mu manza.

[19] Uburanira Nsanzabera avuga ko indishyi zisabwa nta shingiro zifite kuko nta bimenyetso abazisaba bagaragaje, harimo amasezerano bagiranye n'Avoka ubaburanira, ikimenyetso cy'uko bagiye batanga amafaranga mu gukurikirana urubanza, ko na 1.000.000Frw yo gushorwa mu manza ari menshi, ahubwo agereranyije yaba 100.000Frw. Asanga ahubwo abaregwa mu bujurire bategekwa guha Nsanzabera Vincent Ibrahim 2.000.000Frw kubera kumusiragiza mu manza.

UKO URUKIKO RUBIBONA

[20] Urukiko rurasanga amafaranga y'igihembo cy'Avoka n'ikurikiranarubanza abarezwe mu bujurire basaba afite ishingiro kuko bagombye kwiyambaza Avoka kugira ngo ababuranire kandi bakaba baragize ibyo batanga mu gukurikirana urubanza, arikoingano y'ayo basaba ikaba ari ikirenga, ahubwo mu bushishozi bw'urukiko bakaba bagenewe 700.000Frw, naho amafaranga yo kubasiragiza mu manza bakaba batayagenerwa kuko usibye kuba Nsanzabera Vincent Ibrahim yarajuriye nk'uko abyemererwa n'amategeko, ntibagaragaza ubundi buryo yaba yarabasiragije.

[21] Ku birebana na 2.000.000Frw asabwa na Nsanzabera Vincent Ibrahim kubera kumusiragiza mu manza, Urukiko rurasanga atayagenerwa kuko ubujurire bwe nta shingiro bufite.

III. ICYEMEZO CY'URUKIKO

[22] Rwemeje ko ubujurire bwa Nsanzabera Vincent Ibrahim nta shingiro bufite;

[23] Rwemeje ko ubujurire bwuririye ku bundi bwa Bariganza Evangile na Muhawenimana Jean de Dieu bufite ishingiro kuri bimwe;

[24] Rutegetse Nsanzabera Vincent Ibrahim guha Bariganza Evangile na Muhawenimana Jean de Dieu 700.000Frw y'igihembo cy'Avoka n'ikurikiranarubanza kuri uru rwego;

Rwemeje ko imikirize y'urubanza RCA0032/14/HC/MUS rwaciwe n'Urukiko Rukuru, Urugereko rwa Musanze, ku wa 20/01/2015 idahindutse;