HAVUGIMANA N'ABANDI v CANDALI

[Rwanda URUKIKO RW'IKIRENGA – RS/ INJUST/ RC 00004/2019/SC (Mukamulisa, P.J, Nyirinkwaya, Cyanzayire, Rukundakuvuga na Hitiyaremye, J.) 28 Nyakanga 2020]

Umuryango – Imicungire y'umutungo w'abashyingiranywe – Izungura – Ibarura ry'umutungo uzungurwa – Kuba hatarabaye ibarura ry'umutungo uzungurwa nyakwigendera akimara gupfa ntibivuze ko ibyo uwapfakaye yabonye byose nyuma y'urupfu rw'uwo bari barashyingiranywe bigomba kubarurwa mu mutungo uzungurwa (masse sucessorale), iyo ntakigaragaza nubwo yagaragaza ko bikomoka mu mutungo bari bafitanye na nyakwigendera.

Amategeko agenga imiburanishirize y'imanza zasabiwe gusubirwamo ku mpamvu z'akarengane – Imbibi z'ikiburanwa z'urubanza rwasabiwe gusubirishwamo ku mpamvu z'akarengane— Ibibazo bitasuzumwe mu rubanza rusabirwa gusubirwamo ku mpamvu z'akarengane ntibishobora gusuzumwa mu rubanza rwasabiwe gusubirishwamo ku mpamvu z'akarengane kuko umuburanyi atavuga ko yagize akarengane ku kibazo atigeze asaba Urukiko gusuzuma.

Incamake y'ikibazo: Urubanza rwatangiriye mu Rukiko Rwisumbuye rwa Gasabo harega Havugimana na Mukamana barega Candali basaba kuzungura umutungo wa se, rujuririrwa ubwa mbere mu Rukiko Rukuru, rujuririrwa ubwa kabiri mu Rukiko rw'Ikirenga aho urwo Rukiko rwemeje ko ½ cy'imitungo gihabwa Candali nk'umugore w'isezerano, igice gisigaye kikagabanywa hagati ya Havugimana, Mukamana, Umuhoza Aïsha na Iradukunda, ndetse ko ubugure bw'inzu bwabaye hagati ya Nyeshyaka na Candali nta gaciro bufite.

Candari yaje gusubirishamo urubanza ingingo nshya, muri uru rubanza hagobokamo Nyeshyaka Anastase avuga ko yaguze inzu iri mu kibanza nº 5411 giherereye mu Kagali ka Kagugu, Umurenge wa Kinyinya, yubakamo inzu, Candari yagaragaje ko hari umutungo ugomba kuvanwa mu mutungo uzungurwa kuko yawuguze nyuma umugabo we yarapfuye. Muri urwo rubanza Urukiko rw'Ikirenga rwemeje ko umutungo uzungurwa ugizwe gusa n'igipangu cy'amazu ari mu kibanza nº 2710, ko indi mitungo iburanwa itagomba kubarurwa mu mutungo uzungurwa, rutegeka abaregwa gusubiza Nyeshyaka inzu yaguze no kumwishyura amafaranga yavuye mu ubukode bwayo. Nyuma yicibwa ry'urubanza Candari yaje gusaba na none ko Urukiko rwasobanura rukanakosora urwo urubanza avuga ko Urukiko rwemeje ko amazu agomba kugabanywa hagati ye n'abandi bazungura ba Havugimana, ariko ntirwasobanura uburyo bagomba kugabana hagendewe ku ngano y'umugabane wa buri wese kuri uwo mutungo, asaba ko kw'Itegeko yahabwa ½ cy'umutungo uri muri icyo kibanza, igice gisigaye akakizungurana mu buryo bungana n'abana basizwe na Havugimana. Avuga kandi ko Iradukunda yategetswe kugira ibyo yishyura kandi atagaragara mu babaye ababuranyi mu rubanza, asaba ko byakosorwa. Urukiko rwaje kubyemera rukosora urubanza kuri ubwo buryo.

Mukamana, Havugimana na Umuhoza bandikiye Urwego rw'Umuvunyi basaba ko urubanza rwasubirishwamo ku mpamvu z'akarengane. Umuvunyi Mukuru yandikiye Perezida w'Urukiko rw'Ikirenga asaba ko urwo rubanza rusubirwamo ku mpamvu z'akarenfgane; Perezida w'Urukiko rw'Ikirenga yemeje ko rusubirwam, urubanza ruburanishwa n'Urukiko rw'Ikirenga.

Mu gusobanura akarenga bagiriwe, bavyga ko hari imitungo itaragaragajwe batabiranyeho nayo bifuza ko yayigaragaza ikaburanwaho ikajya mu mitungo bagomba kuzungura bakavuga ko basanga nta cyabuza ko iyo mitungo iburanwaho muri uru rubanza nubwo itaburanyweho mu manza zabanje, kuko imanza zaje mu karengane ziburanishwa bundi bushya.

Uregwa yisobanura ko imitungo itaraburanyweho mu manza zabanje kandi itavugwa muri raporo y'Urwego rw'Umuvunyi itaburanwaho muri uru rubanza kuko ari ikirego gishya kuri uru rwego.

Abarega nanone bavuga ko hari imitungo~~,~~ Urukiko rwavuze ko itajya mu bizungurwa kuko Uregwa yarayibonye nyuma y'urupfu rw'umugabo we kandi ko ~~,~~ uretse ko nta bimenyetso abitangira, igomba gufatwa nk'iyakomotse mu nyungu zabyawe n'umutungo bari bafatanyije, nayo igashyirwa mu

mutungo uzungurwa kuko nta yegeranya n’igabana ry’umutungo uzungurwa ryabaye nyuma y’urupfu rw’umugabo we, umutungo bari bafatanyije yarakomeje kuwucungira abazungura be, gucunga umutungo bikaba bisobanura no kuwubyaza umusaruro.

Uregwa yiregura avuga ko abarega batabasha kugaragaza ko imitungo bifuza kuzungura yasizwe na nyakwigendera kugira ngo ibe yajya mu mutungo uzungurwa, kandi ari ba bafite inshingano yo ko imitungo bifuza kuzungura yahoze mu mutungo wa nyakwigendera. Naho uwaguze uwo mutungo avuga ko ajya kugura yeretswe amasezerano y’ubukode burambye yanditseho Uregwa wenyine, nyuma basanga akomora umutungo kuri Mukamurangwa.

Kukibazo cyo kumenya niba Uregwa yari afite uburenganzira bwo kuzungura umugabo we, abarega bavuga ko hatagombaga gukurikizwa itegeko ryo muri 2016 ahubwpo hagombaga gukurikizwa itegeko ryo muri 1999 kuko itegeko ryagiyeho izungura ryaratangiye muri 2015 Itegeko rya 2016 ritarasohoka bityo hari gukurikizwa iryo muri 1999. Uregwa yisobanura avuga ko ataribyo kuko Itegeko rya 2016 ryashingiweho aribyo kuko urubanza rwasabiwe gusubirishwamo rwabaye Itegeko rya 2016 ryarasohotse.

Incamake y’icyemezo: 1. Kuba hatarabaye ibarura ry’umutungo uzungurwa nyakwigendera akimara gupfa ntibivuze ko ibyo uwapfakaye yabonye byose nyuma y’urupfu rw’uwo bari barashyingiranywe bigomba kubarurwa mu mutungo uzungurwa (masse sucessorale), iyo ntakigaragaza ko bikomoka mu mutungo bari bafitanye na nyakwigendera. Bityo Uregwa akaba agomba kugumana umutungo yabonye nyuma y’urupfurwa rw’umugabo we, uwo mutungo ukaba utagomba kubarirwa mu bigomba kuzungurwa.

2 Ibibazo bitasuzumwe mu rubanza rusabirwa gusubirwamo ku mpamvu z’akarengane ntibishobora gusuzumwa mu rubanza rwasabiwe gusubirishwamo ku mpamvu z’akarengane kuko umuburanyi atavuga ko yagize akarengane ku kibazo atigeze asaba Urukiko gusuzuma, bityo abasubirishijemo urubanza ku mpamvu z’akarengane ntibagomba kuregera bwa mbere umutungo utarigeze uregerwa na rimwe.

Ikirego gisaba gusubirishamo urubanza ku mpamvu z’akarengane gifite ishingiro kuri bimwe.
Imikirie y’urubanza rwasabiwe gusubirishwamo ihindutse kuri bimwe.

Amategeko yashingiweho:
Itegeko Nº 30/2018 ryo ku wa 02/06/2018 rigena ububasha bw’inkiko, inginga ya 63
Itegeko Nº 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y’imanza z’imbonezamubano, iz’ubucuruzi, iz’umurimo n’iz’ubutegetsi, inginga ya 12 agace ka 1
Itegeko Nº 27/2016 ryo ku wa 08/07/2016 rigenga imicungire y’umutungo w’abashyingiranwe impano n’izungura, ingingo za 100, 101, 103 na 104;
Itegeko Nº 22/99 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

Imanza zifashishijwe.
Urubanza RS/INJUST/RC 00024/2018/CS, Ngizweninshuti Albert na Muhima Giovanni rwaciwe n’Urukiko rw’Ikirenga ku wa 21/02/2020.
Urubanza RS/INJUST/RC 00007/2018/SC, Nditiribambe Samuel, Gatera Jason na Nyamaswa Faustin rwaciwe n’Urukiko rw’Ikirenga ku wa 13/03/2020.

Urubanza

I. IMITERERE Y’URUBANZA:

[1] Havugimana Célestin yapfuye ku wa 03/01/1999 asize abana bane, aribo Havugimana Emmanuel na Mukamana Mamique yabyaranye n'umugore we wa mbere wapfuye mu mwaka wa 1996, Shema Iradukunda Jean Luc yabyaranye na Candali Vérène bari barasezeranye ku wa 17/04/1997 mu buryo bw'ivangamutungo rusange, ndetse na Umuhoza Aisha wemejwe nk'umwana we n'urukiko ku wa 28/12/2012. Abo bana batatu batari aba Candali Vérène nibo baburana nawe muri uru rubanza. Hari n'abana babiri Candali Vérène yabyaranye na Bukuru Ananie, umugabo we wa mbere wapfuye mu mwaka wa 1993, ariko bo ntacyo barega muri uru rubanza.

[2] Ku wa 22/12/2012, Havugimana Emmanuel na Mukamana Mamique bareze Candali Vérène basaba kuzungura imitungo yasizwe n'ababyeyi babo. Imitungo ikigibwaho impaka aho urubanza rugeze ubu ni iyi ikurikira:

- Igipangu cy'amazu ari ku Gisozi mu kibanza nº UPI 1/02/04/02/2710 giherereye mu Mudugudu wa Kumukenke, Akagali ka Ruhango, Umurenge wa Gisozi (haruguru y'Urwibutso rwa Jenoside yakorewe Abatutsi);
- Inzu iri mu kibanza nº UPI 1/02/04/01/1587 cyahoze ari nº 837 giherereye mu Mudugudu wa Gasave, Akagali ka Musezero, Umurenge wa Gisozi (haruguru y'Agakinjiro); Inzu iri mu kibanza nº 5411 giherereye mu Mudugudu wa Kadobogo, Akagali ka Kagugu, Umurenge wa Kinyinya.

[3] Urubanza rwatangiriye mu Rukiko Rwisumbuye rwa Gasabo kuri RC 0406/12/TGI/GSBO, rujuririrwa ubwa mbere mu Rukiko Rukuru kuri RCA 0557/13/HC/KIG, kuri urwo rwego hagobokamo Umuhoza Aïsha, rujuririrwa ubwa kabiri mu Rukiko rw'Ikirenga kuri RCAA 0024/14/CS, uru rubanza rusubirishwamo ingingo nshya kuri RS/REV/RC 0002/15/CS-RS/INTERT/RC 00001/2017/SC, muri uru rubanza hagobokamo uwitwa Nyeshyaka Anastase avuga ko yaguze inzu iri mu kibanza nº 5411 giherereye mu Kagali ka Kagugu, Umurenge wa Kinyinya, yubakamo inzu.

[4] Mu rubanza RCAA 0024/14/CS rwaciwe ku wa 10/04/2015, Urukiko rw'Ikirenga rwemeje ko hashingiwe ku ngingo ya 70 y'Itegeko Nº 22/99 ryo ku wa 12/11/1999 ryerekeye imicungire y'umutungo w'abashyingiranywe, impano n'izungura, ½ cy'imitungo gihabwa Candali Vérène nk'umugore w'isezerano, igice gisigaye kikagabanywa hagati ya Havugimana Emmanuel, Mukamana Mamique, Umuhoza Aïsha na Iradukunda Jean Luc, ndetse ko ubugure bw'inzu bwabaye hagati ya Nyeshyaka Anastase na Candali Vérène kandi uyu ayisangiye n'abana ba Havugimana Célestin nta gaciro bufite.

[5] Mu rubanza RS/REV/RC 0002/15/CS rwaciwe ku wa 18/11/2016, Urukiko rw'Ikirenga rwemeje ko umutungo uzungurwa ugizwe gusa n'igipangu cy'amazu ari mu kibanza nº 2710 giherereye mu Mudugudu wa Kumukenke, Akagali ka Ruhango, Umurenge wa Gisozi, ko indi mitungo iburanwa itagomba kubarurwa mu mutungo uzungurwa, rutegeka Havugimana Emmanuel, Mukamana Mamique na Umuhoza Aïsha gusubiza Nyeshyaka Anastase inzu iri mu kibanza nº 5411 no kumwishyura 4.200.000 Frw y'ubukode bw'amazu, bagafatanya na Iradukunda Jean Luc kumuha 1.300.000 Frw akubiyemo indishyi z'akababaro, amafaranga y'ikurikiranarubanza n'igihembo cya Avoka.

[6] Ku birebana n'igipangu cy'amazu yubatse mu kibanza nº 2710, Urukiko rwasobanuye ko n'ubwo Candali Vérène avuga ko ikibanza yakiguze mbere y'uko ashakana na Havugimana Célestin, uwo mutungo ugomba kubarurwa mu mutungo uzungurwa n'abazungura ba Havugimana Célestin kuko yari yarashyingiranywe na Candali Vérène mu buryo bw'ivangamutungo rusange kandi nawe ubwe yemeye mu ibaruwa yandikiye Umunyamabanga Nshingwabikorwa w'Umurenge wa Gisozi ko Havugimana Célestin yasize umutungo ku Gisozi, yemeye kandi mu masezerano y'ubwumvikane yo ku wa 10/7/2014 yagiranye n'abana ba Bukuru Ananie n'abana ba Havugimana Célestin ko bazagabana umutungo uri muri icyo kibanza.

[7] Ku birebana n'ikibanza nº 1587 cyahoze gifite nº 837 n'inzu iri mu kibanza no 5411 byavanywe mu mutungo uzungurwa, Urukiko rwasanze Candali Vérène yerekana ibimenyetso bigaragaza ko iyo mitungo yayibonye nyuma y'urupfu rw'umugabo we, naho abarega nta bimenyetso batanga bigaragaza ko yari mu mutungo w'abashakanye cyangwa se ko ikomoka kuri uwo mutungo.

[8] Nyuma y'aho urwo rubanza RS/REV/RC 0002/15/CS ruciriwe, Candali Vérène yatanze ikirego gisaba kurusobanura no kurukosora, avuga ko Urukiko rwemeje ko amazu ari mu kibanza nº 2710 agomba kugabanywa hagati ye n'abandi bazungura ba Havugimana Célestin, ariko ntirwasobanura uburyo bagomba kugabana hagendewe ku ngano y'umugabane wa buri wese kuri uwo mutungo, asaba ko hashingirwa ku ngingo ya 76, igika cya 5, y'Itegeko Nº 27/2016 ryo ku wa 8/7/2016 rigenga imicungire y'umutungo w'abashyingiranywe, impano n'izungura, agahabwa ½ cy'umutungo uri muri icyo kibanza, igice gisigaye akakizungurana mu buryo bungana n'abana basizwe na Havugimana Célestin aribo Havugimana Emmanuel, Mukamana Mamique, Iradukunda Jean Luc na Umuhoza Aïsha. Avuga kandi ko Iradukunda Jean Luc yategetswe kugira ibyo yishyura kandi atagaragara mu babaye ababuranyi mu rubanza, asaba ko byakosorwa.

[9] Ku wa 30/6/2017, Urukiko rw'Ikirenga rwaciye urubanza RS/INTER/RC 00001/2017/SC, rwemeza ko ibyo rwemeje ku igabana ry'amazu ari mu kibanza nº 2710 bisobanura ko Candali Vérène n'abazungura bose ba Havugimana Célestin bagomba kugabana nk'uko biteganywa n'ingingo ya 76 n'iya 95 z'Itegeko Nº 27/2016 ryo ku wa 8/7/2016 rigenga imicungire y'umutungo w'abashyingiranywe, impano n'izungura. Rwemeje kandi ko Iradukunda Jean Luc avanwa mu bategetswe kugira ibyo bishyura mu rubanza kuko atarubayemo umuburanyi.

[10] Ku wa 31/01/2018, Mukamana Mamique, Havugimana Emmanuel na Umuhoza Aïsha bandikiye Urwego rw'Umuvunyi basaba ko urubanza RS/REV/RC 0002/15/CS-RS/INTERT/RC 00001/2017/SC rwasubirishwamo ku mpamvu z'akarengane. Akarengane kabo bagashingira ku kuba hari imitungo ibiri yavanywe mu mutungo uzungurwa kandi nta cyemeza ko Candari Vérène yayishatse nyuma y'urupfu rwa Havugimana Célestin cyangwa ko itavuye mu mutungo bari basangiye no ku kuba Candari Vérène yarongewe mu mubare w'abazungura ba Havugimana Célestin.

[11] Nyuma yo gusuzuma ikibazo yashyikirijwe, Umuvunyi Mukuru yandikiye Perezida w'Urukiko rw'Ikirenga amusaba ko urwo rubanza rwasubirwamo ku mpamvu z'akarengane. Perezida w'Urukiko rw'Ikirenga nawe nyuma yo gusuzuma ikibazo yagejejweho yemeje ko urwo rubanza rwandikwa mu bitabo by'ibirego kugira ngo ruzongere ruburanishwe.

[12] Urubanza rwaburanishijwe mu ruhame ku wa 30 Kamena 2020, Havugimana Emmanuel, Mukamana Mamique na Umuhoza Aisha bunganiwe na Me Nshuti Salim, Candali Vérène yunganiwe na Me Bayingana Janvier, abagobotse mu rubanza kuko baguze imitungo iburanwa nabo bunganiwe cyangwa bahagarariwe, Nyeshyaka Anastase ahagarariwe na Me Nizeyimana Léopold, Manzi Rugema Aimable yunganiwe na Me Shema Gakuba Charles hamwe na Me Sebukonoke Innocent, naho Kabandana Claver ahagarariwe na Me Nkurunziza Jean Pierre.

[13] Mbere yo kwinjira mu mizi y'urubanza, Candali Vérène yasabye ijambo, avuga ko yaje mu rukiko gusaba inyandiko zihamagaza abatangabuhamya, Ubwanditsi bumubwira ko Urukiko ari rwo ruzemeza niba bakwiye guhamagarwa, ari nayo mpamvu asaba ko rwabyemeza maze bagahamagarwa bakaza gusobanura uburyo yabonye imitungo iburanwa n'igihe yayiboneye. Avuga ko ku birebana n'ikibanza nº 1587 cyahoze ari nº 837, hahamagazwa abayobozi n'abaturage bari batuye aho gihereREye kuko bazi ko hari mu butaka bwa Leta abaturage bahimurwa mu mwaka wa 1996 kandi ko we ikibanza yagisabye mu mwaka wa 2004; naho ku birebana n'umutungo uri mu kibanza nº 5411, hagahamagazwa Mukamurangwa Immaculée na Rurangwa Bernard bawumugurishije.

[14] Kuri icyo kibazo, Me Bayingana Janvier umwunganira yavuze ko ibimenyetso byatanzwe na Candali Vérène bihagije ariko ko Urukiko rubibonye ukundi rwahamagaza abatangabuhamya, Me Nshuti Salim wunganira Havugimana Emmanuel, Mukamana Mamique na Umuhoza Aïsha nawe avuga ko asanga abatangabuhamya bavuzwe batari ngombwa, ko hakurikijwe ihame rya *hiérarchie des preuves*, harebwa inyandiko zatanzweho ibimenyetso.

[15] Urukiko rwamenyesheje ababuranyi ko ruzabanza kwumva imiburanire yabo no gusuzuma ibimenyetso byatanzwe na buri ruhande, rwasanga abatangabuhamya bakenewe bakazahamagarwa, rwasanga batari ngombwa urubanza rukazacibwa hashingiwe ku miburanire yabo n'ibimenyetso biri muri dosiye. Nyuma rwahaye ijambo ababuranyi kugira ngo bavuge ku kiburanwa nyir'izina.

[16] Ibibazo byagiweho impaka kandi byafatiweho icyemezo ni ibi bikurikira:

- Kumenya niba imitungo itaraburanyweho mu rubanza rusabirwa gusubirishwamo ku mpamvu z'akarengane yafatwaho icyemezo muri uru rubanza;
- Kumenya niba inzu iri mu kibanza nº UPI 1/02/04/01/1587 cyahoze ari nº 837 giherereye mu Mudugudu wa Gasave, Akagali ka Musezero, Umurenge wa Gisozi n'inzu iri mu kibanza nº UPI 1/02/10/03/5411, giherereye mu Mudugudu wa Kadobogo, Akagali ka Kagugu, Umurenge wa Kinyinya zigomba kubarwa mu mutungo uzungurwa (masse successorale);
- Kumenya niba Candali Vérène yari yemerewe kuzungura umugabo we;
- Indishyi zisabwa n'ababuranyi.

II. IBIBAZO BIGIZE URUBANZA N'ISESENGURA RYABYO

1. Kumenya niba imitungo itaraburanyweho mu rubanza Rusabirwa gusubirishwamo ku mpamvu z'akarengane Yafatwaho icyemezo muri uru rubanza

[17] Havugimana Emmanuel na Me Nshuti Salim umwunganira, akanunganira Mukamana Mamique na Umuhoza Aïsha, bavuga ko hari imitungo batari bazi, itaburanyweho mu rubanza rusabirwa gusubirishwamo ku mpamvu z'akarengane, basaba ko nayo yajya mu mutungo uzungurwa, Candali Vérène akayigaragaza bakayigabana. Bavuga ko iyo mitungo ari iyi ikurikira: ubutaka nº 1478 buri mu Mudugudu w'Inyamibwa, Akagali ka Kamukina, Umurenge wa Kimihurura, Akarere ka Gasabo; ubutaka nº 3740 buri mu Mudugudu wa Gatare, Akagali ka Kigarama, Umurenge wa Hindiro, Akarere ka Ngororero; ubutaka nº 2111 buherereye mu Karere ka Gasabo, Umurenge wa Gisozi, Akagali ka Ruhango, Umudugudu wa Kumukenke.

[18] Bavuga ko basanga nta cyabuza ko iyo mitungo iburanwaho muri uru rubanza nubwo itaburanyweho mu manza zabanje, kuko imanza zaje mu karengane ziburanishwa bundi bushya.

[19] Me Bayingana Janvier wunganira Candali Vérène avuga ko imitungo itaraburanyweho mu manza zabanje kandi itavugwa muri raporo y'Urwego rw'Umuvunyi itaburanwaho muri uru rubanza kuko ari ikirego gishya kuri uru rwego.

[20] Me Nkurunziza Jean Pierre uhagarariye Kabandana Claver avuga ko imitungo yagaragaye nyuma y'urubanza rusabirwa gusubirishwamo ku mpamvu z'akarengane yatangirwa ikirego ku rwego rwa mbere mu rukiko rubifitiye ububasha.

[21] Me Nizeyimana Léopold uhagarariye Nyeshyaka Anastase avuga ko igisuzumwa muri uru rubanza ari akarengane kabaye mu rubanza rusabirwa gusubirishwamo, ko rero imitungo itaraburanyweho muri urwo rubanza itaburanwaho kuko nta karengane gashobora kuyivugwaho kandi itaraburanweho.

[22] Me Shema Gakuba Charles wunganira Manzi Rugema Aimable avuga ko imitungo yagaragaye urubanza rusabirwa gusubirishwamo rwaraciwe itaburanwaho kuko yaba igiye kuburanwaho bwa mbere kuri uru rwego kandi bitari mu bubasha bw'uru rukiko kuburanisha imanza ku rwego rwa mbere.

[23] Nyuma yo gusuzuma imiburanire y'ababuranyi, Urukiko rwafatiye mu ntebe icyemezo gikurikira:

a. Ingingo ya 63 y' Itegeko nº 30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'inkiko iteganya ko Urukiko rushyikirijwe urubanza rusabirwa gusubirwamo ku mpamvu z'akarengane, rurusuzuma mu mizi bundi bushya abarubayemo ababuranyi bose bahamagajwe.

b. Urukiko rurasanga uburyo iyo ngingo y'itegeko igomba kumvikana byarasobanuwe mu manza zinyuranye[1], uwo murongo ukaba rero ugomba kubahirizwa kuko, nk'uko byibukijwe mu rubanza RS/INCONST/SPEC 00002/2019/SC rwaciwe ku wa 04/12/2019, mu gika cya 32-33, kubahiriza umurongo usanzweho mu gukemura ibibazo bisa (use of precedents) mu micire y'imanza ari ihame rigomba kubahirizwa.

c. Muri izo manza, Urukiko rwasobanuye ko kuba iyo ngingo iteganya ko urubanza rwaje mu karengane ruburanishwa bundi bushya bitavuga ko umuburanyi yakwitwaza iyo nzira kugira ngo abe yazana ibirego bishya bitari mu murongo w'ibyaregewe urubanza rugishingwa ku rwego rwa mbere cyangwa ingingo zitasuzumwe mu rubanza rusabirwa gusubirishwamo ku mpamvu z'akarengane kuko yaba avuye mu mbibi z'urwo rubanza, umuburanyi akaba atavuga ko yagize akarengane ku kibazo atigeze asaba Urukiko gusuzuma.

d. Ku birebana n'uru rubanza, abarega ubwabo bemera ko ubutaka basaba ko bushyirwa mu mutungo uzungurwa butigeze buburanwaho mu rubanza rusabirwa gusubirishwamo ku mpamvu z'akarengane, ko butari no mu mitungo baregeye urubanza rugishingwa ku rwego rwa mbere, Urukiko rukaba rusanga rero, hashingiwe ku murongo wafashwe ku birebana n'uburyo ingingo ya 63 y'Itegeko ryavuzwe rigena ububasha bw'inkiko igomba kumvikana, imitungo itaburanyweho mu rubanza rusabirwa gusubirishwamo ku mpamvu z'akarengane itasuzumwa ngo ifatweho icyemezo muri uru rubanza.

2. **Kumenya niba inzu iri mu kibanza Nº UPI 1/02/04/01/1587 cyahoze ari Nº 837 giherereye mu mudugudu wa gasave, akagali ka musezero, umurenge wa gisozi n'inzu iri mu kibanza Nº UPI 1/02/10/03/5411 giherereye mu mudugudu wa kadobogo, akagali ka kagugu, umurenge wa kinyinya zitaragombaga gukurwa mu mutungo uzungurwa (masse successorale)**

[24] Ku birebana n'inzu iri mu kibanza nº 1587 cyahoze ari nº 837, Havugimana Emmanuel avuga ko mu rubanza rusabirwa gusubirishwamo ku mpamvu z'akarengane, Urukiko rwemeje ko itari mu mutungo uzungurwa rushingiye ku mpamvu y'uko Candali Vérène agaragaza ko ikibanza yubatsemo yagisabye Umujyi wa Kigali ku wa 27/07/2004, nyuma y'urupfu rwa Havugimana Célestin, nyamara ifishi yashyikirije Urukiko nk'ikimenyetso cy'uko icyo kibanza yagisabye Umujyi wa Kigali igaragaramo options ebyili, iyo gusaba ikibanza n'iyo gusaba uburenganzira bwo kubaka. Bikaba bigaragara ko Candali Vérène yujuje iyo fishi nk'usaba uburenganzira bwo kubaka, ari nayo mpamvu yanditseho ko ikigamijwe ari ukubaka une maison d'habitation à moyen standing, nyuma y'aho akanakora régularisation de la parcelle nk'uko bigaragazwa na kitansi yo ku wa 12/01/2006.

[25] Avuga kandi ko mu gufata icyo cyemezo, Urukiko rwirengagije ibaruwa yo ku wa 20/08/2012, Candali Vérène yandikiye Umunyamabanga Nshingwabikorwa w'Umurenge wa Gisozi, aho yemera ko Havugimana Célestin yasize umutungo ku Gisozi, ndetse n'imvugo ye mu iburanisha

[1] Ingero ni urubanza RS/INJUST/RC 00024/2018/CS rwaciwe ku wa 21/02/2020, haburana Ngizweninshuti Albert na Muhima Giovanni n'urubanza RS/INJUST/RC 00007/2018/SC rwaciwe ku wa 13/03/2020, haburana Nditiribambe Samuel, Gatera Jason na Nyamaswa Faustin.

mu manza zabanje ko umutungo bari bafitanye ku Kimicanga yawugurishije kugira ngo avugurure amazu ari ku Gisozi, izi mvugo zombi zikaba zumvikanisha ko imitungo iri ku Gisozi ibarirwa mu mutungo uzungurwa.

[26] Akomeza avuga ko mu rwego rwo gushaka amakuru begereye Umujyi wa Kigali, bahageze ubohereza mu Karere ka Gasabo, nako kabohereza mu Kigo gishinzwe imicungire n'imikoreshereze y'ubutaka mu Rwanda, mu ibaruwa yo ku wa 07/01/2020, Umubitsi w'Impapurompamo z'Ubutaka ababwira ko batakwemeza ko Candali Vérène yahawe ubwo butaka n'Umujyi wa Kigali kuko nta dosiye yabwo bafite mu bubiko bwabo bw'amadosiye y'ubutaka, ko gusa yabwiyanditseho mu gihe cy'ibarura ry'ubutaka.

[27] Avuga kandi ko kwiyandikishaho ikintu no kugihabwa ari ibintu bibiri bitandukanye, ko kugira ngo urujijo ruveho, Candali Vérène yagombye kuba yaratanze ikimenyetso kigaragaza ko mbere yo guhabwa icyo kibanza cyari mu mutungo bwite w'Umujyi wa Kigali.

[28] Me Nshuti Salim umwunganira, akanunganira Mukamana Mamique na Umuhoza Aïsha asaba ko Urukiko rwashingira ku ibaruwa yo ku wa 28/01/2016, Umuyobozi w'Umujyi wa Kigali yandikiye Avoka wa Candari Vérène, Me Mudahogora Angelique, aho avuga ko atakwemeza ko uyu yasabye ikibanza nº 837 mu izina rye bwite cyangwa ahagarariye umuryango, rukemeza ko nta kigaragaza ko yahawe ikibanza kuko n'Umujyi wa Kigali utabyemeza, cyane ko Candali Vérène nawe ubwe aterekana ibaruwa yari yanditse n'ibyo yasabaga.

[29] Ku birebana n'inzu iri mu kibanza nº 5411, Havugimana Emmanuel avuga ko mu rubanza rusabirwa gusubirishwamo ku mpamvu z'akarengane, Urukiko rwemeje ko itari mu mutungo uzungurwa rushingiye ku mpamvu y'uko uwo mutungo Candali Vérène agaragaza ko yawubonye ku wa 08/07/2003, hashize imyaka itatu Havugimana Célestin apfuye, nyamara ibimenyetso atanga bigaragaza ko Mukamurangwa Immaculée yamuhaye iyo nzu amaze kunanirwa kumwishyura amafaranga yamugurije ayakuye ku nguzanyo yahawe ubwo yakoraga muri Croix Rouge y'u Rwanda n'andi yahawe n'umumisiyoneri basenganaga bidahagije mu gihe nta bimenyetso simusiga yatanze bigaragaza ko yahakoraga koko kandi ko yahawe iyo nguzanyo, ndetse ko iyo nzu yari isanzwe mu mutungo bwite wa Mukamurangwa Immaculée kandi ko bakoranye ihererekanya mutungo.

[30] Akomeza avuga ko Candali Vérène yagiye yivuguruza ku nkomoko y'uwo mutungo kuko mu iburanisha ry'urubanza mu Rukiko Rukuru yasobanuye ko yawuguze ku mafaranga yahawe n'umumisiyoneri nyuma y'urupfu rwa Havugimana Célestin, mu iburanisha ry'urubanza RCAA 0024/14/CS asobanura ko yawuhawe n'umuzungu witwa Jeff wari inshuti ye, amugiriye impuhwe kubera umwana w'uruhinja yari afite, mu iburanisha ry'urubanza RS/REV/RC 0002/15/CS ahindura imvugo ku nshuro ya gatatu, avuga ko ari ubwishyu yahawe na Mukamurangwa Immaculée amwishyura amafaranga yari yaramugurije agikora muri Croix Rouge y'u Rwanda, akaba asaba ko Urukiko rwashingira ku ngingo ya 104 y'Itegeko Nº 15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo, rukabona ko imvugo zivuguruzanya za Candali Vérène zigamije guhisha imitungo kugira ngo ayikubire.

[31] Ku birebana n'imitungo yombi, inzu iri mu kibanza nº 1587 cyahoze ari nº 837 n'inzu iri mu kibanza nº 5411, avuga ko n'iyo Candali Vérène yaba yarayibonye nyuma y'urupfu rwa Havugimana Célestin, uretse ko nta bimenyetso abitangira, igomba gufatwa nk'iyakomotse mu nyungu zabyawe n'umutungo bari bafatanyije, nayo igashyirwa mu mutungo uzungurwa kuko nta yegeranya n'igabana ry'umutungo uzungurwa ryabaye nyuma y'urupfu rwa Havugimana Célestin, umutungo bari bafatanyije Candali Vérène akaba yarakomeje kuwucunga awucungira abazungura be nk'uko biteganywa n'ingingo ya 70, agace ka mbere, y'Itegeko nº 22/99 ryo ku wa 12/11/1999, gucunga umutungo bikaba bisobanura no kuwubyaza umusaruro.

[32] Akomeza avuga ko imitungo Candali Vérène yaba yarabonye nyuma y'urupfu rwa Havugimana Célestin kugeza iyegeranya n'igabana ribaye ku wa 20/05/2015 rikozwe n'Umuhesha w'Inkiko Niyonshuti Iddi Ibrahim, ikwiye kwumvikana nk'iyakomotse mu mutungo uzungurwa, kuba yayigumana bikaba byaba ukwikungahaza nta mpamvu (*enrichissement sans cause*).

[33] Ku kibazo cyo kumenya inyungu zaba zarabyawe n'umutungo Havugimana Célestin yasize, avuga ko nubwo nta mibare ihari igaragaza uko Candali Vérène yagiye abyaza umusaruro umutungo yasigiwe na Havugimana Célestin, mu iburanisha ry'imanza zabanje yemeye ko yagurishije amazu bari bafite ku Kimicanga kugira ngo ajye kuvugurura no guteza imbere amazu yo ku Gisozi, ibi bikaba byumvikanisha ko imitungo yaba yarabonye nyuma y'urupfu rw'umugabo we yaba yaraguzwe muri ayo mafaranga yavanye mu igurishwa ry'ayo mazu, naho Havugimana Emmanuel akavuga ko na mbere y'uko agurishwa yakodeshwaga, ko rero imitungo Candali Vérène yaba yaraguze nyuma y'urupfu rw'umubyeyi wabo igomba gufatwa nk'iyaguzwe mu mafaranga yavanye mu bukode bw'amazu kuko nta kazi yari afite kamwinjiriza amafaranga.

[34] Ku kibazo cyo kumenya niba ayo mazu atarakorewe *expropriation* bakagabana amafaranga yayo, Havugimana Emmanuel yasubije ko yakozwe koko mu mwaka wa 2008 kandi ko bagabanye amafaranga yayo ariko ko mbere yaho guhera mu mwaka wa 1999 yakodeshwaga, ari Candali Vérène ucunga ayo mafaranga.

[35] Me Nshuti Salim na Havugimana Emmanuel basoza basaba ko hagumaho imikirize y'urubanza RCAA 0024/14/CS rwaciwe ku wa 10/04/2015, urubanza RS/REV/RC 0002/15/CS - RS/INTERT/RC 00001/2017/SC rukavanwaho, n'ibyakozwe mu irangiza ryarwo bigateshwa agaciro.

[36] Me Bayingana Janvier wunganira Candali Vérène avuga ko abarega batabasha kugaragaza ko imitungo bifuza kuzungura yasizwe na Havugimana Célestin kugira ngo ibe yajya mu mutungo uzungurwa, bagasaba Candali Vérène gutanga ibimenyetso bigaragaza ko iyo mitungo ari iye, nyamara Urukiko rw'Ikirenga rwarabisobanuye mu rubanza rusabirwa gusubirishwamo ko Candali Vérène atari we ufite inshingano yo gutanga ibimenyetso, ahubwo ko ari abarega bagomba kugaragaza ibimenyetso byerekana ko imitungo bifuza kuzungura yahoze mu mutungo wa Havugimana Célestin.

[37] Avuga kandi ko ibyo abarega bavuga ko Candali Vérène atagaragaza inkomoko y'imitungo iregerwa atari byo kuko mu rubanza rusabirwa gusubirishwamo yatanze ibimenyetso bya kamarampaka bigaragaza ko ntaho ihuriye n'iyasizwe na Havugimana Célestin, Urukiko narwo kuva mu gika cya 36 kugeza mu gika cya 54, nta kindi rwakoze kitari ugusuzuma impamvu iyo mitungo igomba kuvanwa mu mutungo uzungurwa.

[38] Ku bijyanye n'ibaruwa abarega batanzeho ikimenyetso yanditswe n'Umubitsi w'Impapurompamo z'Ubutaka, avuga ko ntacyo yabamarira kuko igaragaza gusa ko ubutaka bufite nº 1587 bwabaruwe kuri Candali Vérène, ko yabubaruje avuga ko yabuhawe na Leta, ko ubu bwanditse kuri Rugema Manzi Aimable na Mukamana Beatha, kandi ko batakwemeza ko Umujyi wa Kigali wigeze ubuha Candali Vérène kuko nta dosiye yabwo Ikigo gishinzwe imicungire n'imikoreshereze y'ubutaka mu Rwanda gifite, iyo nyandiko ikaba itagaragaza ko uwo mutungo wahoze mu mutungo wa Havugimana Célestin.

[39] Ku bijyanye n'ibaruwa Umuyobozi w'Umujyi wa Kigali yandikiye Me Mudahogora Angélique, avuga ko nayo ntacyo yamarira abarega kuko muri iyo baruwa atemeza ko ikibanza cyari icya Havugimana Célestin ngo Candali Vérène abone aho ahera yiregura, icyo uwo muyobozi yavuze akaba ari uko Candali Vérène yasabye ikibanza ku wa 27/07/2004, ariko ko atamenya niba yaragisabaga mu izina rye bwite cyangwa ahagarariye umuryango.

[40] Ku bijyanye n'ibaruwa Candali Vérène yandikiye Umunyamabanga Nshingwabikorwa w'Umurenge wa Gisozi, aho avuga ko Havugimana Célestin yari afite inzu ku Gisozi, avuga ko nta kwivuguruza kurimo kuko aho yavugaga atari aho baburana ubu, ahubwo ko ari inzu iri mu kibanza nº 2710 giherereye mu Mudugudu wa Kumukenke, Akagali ka Ruhango, Umurenge wa Gisozi, ababuranyi barangije kugabana.

[41] Ku bijyanye n'uko Candali Vérène yaba yarivuguruje ku nkomoko y'imitungo iburanwa mu maburanisha atandukanye, avuga ko atazi mu by'ukuri aho uruhande rurega rubikura, ndetse n'agaciro byahabwa kuko ntawamenya niba amagambo yavugiye mu iburanisha ku nkomoko y'ikibanza nº 5411 yaranditswe nk'uko yayavuze, cyane ko ibimenyetso byanditse bihari kandi byo bitavuguruzanya, hakaba hari n'abatangabuhamya bavuzwe haruguru babazwa Urukiko rusanze ari ngombwa.

[42] Ku bijyanye n'uko imitungo yabonetse nyuma y'urupfu rwa Havugimana Célestin kugeza iyegeranya n'igabana ribaye ku wa 20/05/2015 yafatwa nk'inyungu zabyawe n'umutungo Candali Vérène yari asangiye na Havugimana Célestin, bityo ikajya mu mutungo uzungurwa, Me Bayingana Janvier avuga ko uruhande rurega rutagaragaza neza icyo rushaka ko bireguraho, niba ari umutungo wasizwe na Havugimana Célestin cyangwa niba ari inyungu zabyajwe uwo mutungo.

[43] Akomeza avuga ko inshingano Candali Vérène yasigaranye umugabo we amaze gupfa kwari ugucunga umutungo bari bafitanye kandi ko yawucunze koko, igihe cy'izungura kigeze awushyikiriza abazungura, ko umutungo wose utabasha kubyazwa umusaruro, ko abarega bagombye kugaragaza uburyo umutungo baregera wabyajwe umusaruro ku buryo ujya mu mutungo uzungurwa.

[44] Candali Vérène avuga ko abarega baburanaga mbere bavuga ko atasabye ikibanza cyahoze ari nº 837, ahubwo ko yasabye ibyangombwa by'ikibanza, ko akwiye kugaragaza aho yasabiye ikibanza, ibyo bakaba barabisabaga kubera ko bari bazi ko inyandiko ze zose bazibye, bituma ajya ku biro by'Umujyi wa Kigali, ku bw'amahirwe ahasanga igitabo cyakirirwaho inyandiko, basanga yaranditse asaba ikibanza nk'uko bigaragazwa n'ikimenyetso bashyize muri IECMS.

[45] Me Nizeyimana Léopold uhagarariye Nyeshyaka Anastase avuga ko byagaragajwe mu rubanza rusabirwa gusubirishwamo ko inzu yaguze na Candali Vérène iri mu kibanza nº 5411 yari iye ku giti cye kuko yayiguze na Mukamurangwa Immaculée nyuma y'urupfu rw'umugabo we. Akomeza avuga ko Candali Vérène yari afite ubushobozi bwo kugura umutungo kuko yari umukozi muri Croix Rouge y'u Rwanda nk'uko bigaragazwa n'inyandiko ziri muri dosiye, ku buryo byakumvikana ko yari yemerewe guhabwa inguzanyo.

[46] Ku bijyanye no kuba Candali Vérène yaragiye yivuguruza ku nkomoko y'iyo nzu, avuga ko ntacyo babivugaho, ko icyo bareba ari uko Nyeshyaka Anastase ajya kugura yeretswe amasezerano y'ubukode burambye yanditseho Candali Vérène wenyine, nyuma basanga akomora umutungo kuri Mukamurangwa Immaculée, naho ku birebana no kuba Candali Vérène ataragaragaje ko iyo nzu yari mu mutungo bwite wa Mukamurangwa Immaculée, avuga ko uyu ari we waza kubihamya mu rukiko agaragaza inkomoko y'uwo mutungo.

[47] Ku bijyanye n'ibyo abarega bavuga ko Candali Vérène atagaragaza uko yakoranye ihererekanyamutungo na Mukamurangwa Immaculée, avuga ko icyo gihe ibyemezo by'umutungo byatangwaga n'inzego z'ibanze ku Kagali, ku Murenge no ku Karere kandi ko muri dosiye hari inyandiko zatanzwe n'izo nzego zigaragaza ko umutungo nº 948/11/73 waje kuba nº 5411 yawubonye ku wa 8/7/2003 hashize imyaka ine umugabo we apfuye.

[48] Akomeza avuga ko umutungo wabonetse nyuma y'urupfu rw'umwe mu bari barashakanye kandi hatagaragajwe ibimenyetso ko wakomotse ku nyungu z'ibyo uwapfakaye yacungiraga abazungura be utagomba kujya mu mutungo uzungurwa kuko byaba ari akarengane gakomeye.

[49] Manzi Rugema Aimable avuga ko ikibanza yakiguze harimo ka fondation gato abaturage bahaturiye barundagamo iyarara, ahagura miliyoni 12 nyuma yo kwerekwa inyandiko zo mu nzego z'ibanze kugera ku Karere zigaragaza ko ari aha Candali Vérène, bamaze gukora ihererekanya mutungo ahabwa ibyangombwa byose, arubaka, ashoramo amafaranga agera kuri miliyoni 100, akibaza impamvu abana ba Havugimana Célestin baretse akubaka, akagera aho yuzuza inzu ashoyemo ubuzima bwe bwose ntacyo baravuga kandi bari bakuru, nyuma akaba aribwo bamuzanira urubanza bamubwira ngo navemo, akaba asaba Urukiko ko atarenganwa mu mutungo we kuko yaguze ikibanza kandi yubatse nta buryarya (*de bonne foi*).

UKO URUKIKO RUBIBONA

[50] Ababuranyi bemeranywa ko amasezerano y'ivangamutungo rusange Havugimana Célestin yari afitanye na Candali Vérène yarangiranye n'urupfu rwe ku wa 03/01/1999, ikibazo gihari kikaba ari icyo kumenya niba imitungo iregerwa yaragombaga kubarwa mu mutungo uzungurwa kubera ko yasizwe na Havugimana Célestin cyangwa yakomotse ku mitungo yasize.

[51] Mu gusuzuma icyo kibazo, nta handi Urukiko rwahera usibye ku bimenyetso byatanzwe n'ababuranyi. Ku bijyanye n'amategeko yerekeye ibimenyetso mu manza n'itangwa ryabyo, ingingo ya 12, agace ka mbere y'Itegeko nº 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, mu gace kayo ka mbere iteganya ko "urega agomba kugaragaza ibimenyetso by'ibyo aregera. Iyo abibuze, uwarezwe aratsinda.

[52] Ku bijyanye n'inzu iri mu kibanza Nº 1587 cyahoze ari nº 837, abarega ntibahakana ko Candali Vérène yahagurishije mu mwaka wa 2011 ari ikibanza kitubatse usibye *fondation* ntoya yari irimo, ku buryo umutungo ukwiriye kwibazwaho niba ubarwa mu mutungo uzungurwa ari ikibanza na *fondation* yarimo, atari inzu ubwayo.

[53] Ku ruhande rw'abarega ibimenyetso batanga birebana n'ikibanza nº 1587 cyahoze ari nº 837 ni ibaruwa yo ku wa 20/08/2012, Candali Vérène yandikiye Umunyamabanga Nshingwabikorwa w'Umurenge wa Gisozi, aho yemera ko Havugimana Célestin yasize umutungo ku Gisozi; inyandiko yo ku wa 28/01/2016, Umuyobozi w'Umujyi wa Kigali yandikiye Avoka wa Candari Vérène, Me Mudahogora Angelique, aho avuga ko atakwemeza ko yasabye ikibanza mu izina rye bwite cyangwa ahagarariye umuryango; inyandiko yo ku wa 07/01/2020, Umubitsi w'Impapurompamo z'Ubutaka yandikiye Mukamana Mamique amubwira ko batakwemeza ko Candali Vérène yahawe ikibanza n'Umujyi wa Kigali; imvugo Candali Vérène yaba yaravugiye mu iburanisha ry'urubanza mu manza zabanje ko umutungo bari bafitanye n'umugabo we ku Kimicanga yawugurishije kugira ngo avugurure amazu ari ku Gisozi.

[54] Naho ku birebana n'inzu iri mu kibanza nº 5411, icyo bashingiraho ni imvugo za Candali Vérène bavuga ko zivuguruzanya ku nkomoko y'amafaranga yaguze uwo mutungo, ukwo kwivuguruza bakaba basanga ari ikimenyetso kigaragaza ko ahisha ukuri kugira ngo awikubire.

[55] Ku ruhande rwa Candali Vérène, ibimenyetso by'ingenzi ashingiraho ku birebana n'ikibanza nº 1587 cyahoze ari nº 837 ni:

- Ifishi yo ku wa 22/07/2004 yo gusaba ikibanza/gusaba ibyangombwa;
- Kitansi nº 59070/VK yo ku wa 12/01/2006 yishyuriyeho amafaranga ya nouveau contrat + *frais de régularisation*;
- Amasezerano y'ubukode burambye yo ku wa 07/09/2011 yanditswe mu mazina ye;
- *Acte de notoriété* yo ku wa 24/2/2011 igaragaza ko yishyuye 20.000 Frw ku mutungo ugizwe n'inzu ituzuye iri muri icyo kibanza;

- Ibaruwa yo ku wa 28/01/2016, Umuyobozi w'Umujyi wa Kigali yandikiye

Avoka we Me Mudahogora Angélique, aho avuga ko Candari Vérène yasabye ikibanza ku wa 27/07/2004;

- Kopi y'ikaye yandikwamo amabaruwa yakiriwe n'Umujyi wa Kigali yanditsemo ko ku itariki ya 27/07/2004, wakiriye inyandiko ye isaba ikibanza.

[56] Naho ibirebana n'inzu iri mu kibanza nº 5411 akaba ari:

- Inyandiko yo ku wa 07/06/2003 ya Mukamurangwa Immaculée yemera ko amubereyemo umwenda ungana na 3.500.000 Frw;

- Amasezerano y'ubwishyu yo ku wa 08/07/2003 yakoranye na Mukamurangwa Immaculée, ariho umukono w'abagabo batandukanye, na kashe y'Umurenge wa Kacyiru;

- Icyemezo cy'umutungo cyo ku wa 11/07/2003 cyashyizweho umukono n'abagize Komite Nyobozi y'Akagali ka Kiyovu n'Umuhuzabikorwa w'Umurenge wa Kagugu;

- Icyemezo cy'umutungo nº 948/17/07/2003 cyo ku wa 11/07/2003 cyashyizweho umukono n'Umuyobozi w'Akarere ka Gisozi;

- Amasezerano y'ubukode burambye yo ku wa 07/09/2011;

- Ibyemezo binyuranye by'akazi, bigaragaza ko yakoze muri Croix-Rouge y'u

Rwanda kuva ku wa 01/02/2001 kugeza ku wa 30/06/2009 nka *encadreur* muri *Maison de la Jeunesse Kacyiru*.

[57] Ku birebana n'ikibanza nº 1587 cyahoze ari nº 837 giherereye mu Mudugudu wa Gasave, Akagali ka Musezero, Umurenge wa Gisozi, iyo rusuzumye ibimenyetso byatanzwe n'abarega, Urukiko rusanga kuba Candali Vérène yarandikiye Umunyamabanga Nshingwabikorwa w'Umurenge wa Gisozi ku wa 20/08/2012 yemera ko Havugimana Célestin yasize umutungo ku Gisozi, no kuba mu maburanisha yabanje yaba yaremeye ko umutungo yari afitanye n'umugabo we ku Kimicanga yawugurishije kugira ngo avugurure amazu ari ku Gisozi, ntacyo byafasha kuko ku Gisozi Havugimana Célestin na Candali Vérène bari bahafite n'undi mutungo ugizwe n'igipangu cy'amazu kiri mu kibanza nº 2710, ababuranyi bagabanye harangizwa urubanza RCAA 0024/14/CS, hakaba nta kigaragaza ko atariwo mutungo yavugaga mu nyandiko yavuzwe cyangwa mu maburanisha yabanje.

[58] Ku bijyanye n'inyandiko yo ku wa 28/01/2016, Umuyobozi w'Umujyi wa Kigali yandikiye Me Mudahogora Angelique, Urukiko rurasanga kuba uwo muyobozi avuga ko atakwemeza ko Candali Vérène yasabye ikibanza mu izina rye bwite cyangwa ahagarariye umuryango, bitavanaho ibyo yemeza na none ko Candali Vérène yasabye ikibanza ku wa 27/07/2004, ibi bikaba byumvikanisha ko kuri iyo tariki atasabaga ibyangombwa nk'uko uruhande rurega rwatangiye rubiburanisha ruvuga ko yujuje Form ku wa 22/07/2004 nk'usaba uburenganzira bwo kubaka.

[59] Urukiko rurasanga kandi rutahera ku mvugo y'uwo muyobozi utemeza ko Candali Vérène yasabaga ikibanza mu izina rye bwite cyangwa ahagarariye umuryango ngo rwemeze ko atagisabaga mu izina rye bwite mu gihe amasezerano y'ubukode burambye yasohotse yanditse ku mazina ye, aho gusohoka yanditse ku mazina y'abagize umuryango niba ariwo yasabiraga, keretse bigaragaye ko habayeho kwibeshya mu kwandika amazina ya ny'ir'umutungo muri ayo masezerano, nyamara nta kigaragaza ko uko kwibeshya kwabayeho.

[60] Ku bijyanye n'inyandiko yo ku wa 07/01/2020 yanditswe n'Umubitsi w'Impapurompamo z'Ubutaka, Urukiko rurasanga kuba muri iyo nyandiko uwo muyobozi avuga ko batakwemeza ko Candali Vérène yahawe ikibanza n'Umujyi wa Kigali, ntacyo byafasha muri uru rubanza mu gihe

nawe ubwe yivugira ko impamvu atabyemeza ari uko nta dosiye y'icyo kibanza bafite mu bubiko bwabo bw'amadosiye y'ubutaka.

[61] Ku rundi ruhande, iyo rusuzumye ibimenyetso byatanzwe na Candali Vérène, Urukiko rurasanga ibyo avuga ko yasabye ikibanza ku wa 27/07/2004 bishimangirwa na form yujuje kuri iyo tariki, bikongera bigashimangirwa n'ibaruwa yavuzwe haruguru yanditswe n'Umuyobozi w'Umujyi wa Kigali yemeza ko yasabye ikibanza kuri iyo tariki, ndetse bikanashimangirwa n'ikimenyetso yazanye kuri uru rwego kigizwe n'ikaye yandikwamo amabaruwa yakiriwe n'Umujyi wa Kigali igaragaza ko kuri iyo tariki wakiriye inyandiko ye isaba ikibanza. Ibyo bimenyetso iyo birebewe hamwe bikaba bigaragaza, nk'uko byemejwe mu rubanza rusabirwa gusubirishwamo, ko Candali Vérène yasabye ikibanza nyuma y'urupfu rw'umugabo we.

[62] Ku bijyanye n'inzu iri mu kibanza no 5411 giherereye mu Mudugudu wa Kadobogo, Akagali ka Kagugu, Umurenge wa Kinyinya, iyo rusuzumye ibimenyetso byatanzwe n'abarega, Urukiko rusanga abarega banenga ibimenyetso byatanzwe na Candali Vérène agaragaza ko yayibonye ku wa 8/7/2003, hashize imyaka ine umugabo we apfuye, ariko bakaba batagaragaza ikimenyetso na kimwe gishyigikira imvugo yabo ko iyo nzu yasizwe na Havugimana Célestin cyangwa kinyomoza ibimenyetso byatanzwe na Candali Vérène bigaragaza ko iyo nzu yakomotse ku bwishyu yishyurwaga na Mukamurangwa Immaculée, birimo amasezerano y'ubwishyu yo ku wa 08/07/2003 yashyizweho umukono ku wa 14/07/2003 n'umuyobozi w'Umurenge wa Kacyiru, icyemezo cy'umutungo cyo ku wa 11/07/2003 kiriho umukono w'abayobozi banyuranye mu nzego z'ibanze mu Kagali, ku Murenge no ku Karere, ibyemezo by'akazi bigaragaza ko Candali Vérène yakoze muri Croix Rouge y'u Rwanda kuva ku wa 01/02/2001 kugeza ku wa 30/06/2009.

[63] Urukiko rurasanga kandi kuba nta kimenyetso abarega batanga gishyigikira imvugo yabo ko iyo nzu yari mu mutungo wasizwe na Havugimana Célestin kandi bafite inshingano zo gutanga ibimenyetso by'ibyo baregera nk'uko byasobanuwe mu rubanza rusabirwa guzubirishwamo ku mpamvu z'akarengane, ntaho rwahera ruha agaciro imvugo yabo.

[64] Ku bijyanye nanone n'ibyo abarega bavuga ko n'iyo ikibanza nº 1587 cyahoze ari nº 837 n'inzu iri mu kibanza n₀ 5411 byaba byarabonetse nyuma y'urupfu rwa Havugimana Célestin, iyo mitungo yafatwa nk'iyakomotse mu nyungu zabyawe n'umutungo yasize, Urukiko rurasanga, nk'uko byasobanuwe mu rubanza rusabirwa gusubirishwamo, kuba nyuma y'urupfu rwa Havugimana Célestin hatarabayeho iyegeranya n'igabana ry'umutungo uzungurwa, bitavuga ko umutungo wose uwapfakaye yabonye nyuma y'urupfu rw'umugabo we ugomba kubarurwa mu mutungo uzungurwa, nubwo agaragaza ko yawubonye nyuma, ibi bikaba byumvikana kuko amasezerano y'ivangamutungo rusange abashakanye bari bafitanye yarangiranye n'urupfu rwa Havugimana Célestin.

[65] Urukiko rurasanga ariko usibye kubivuga gusa abarega batagaragaza inyungu zaba zaravuye mu mitungo Candali Vérène yacungaga n'uburyo izo nyungu zakoreshejwe, nabo ubwabo bakaba bavuga ko nta mibare bafite yabigaragaza. Ku birebana n'ibyo bavuga ko imitungo iregerwa yaba yaraguzwe mu mafaranga Candali Vérène yavanye mu igurishwa ry'amazu 3 bari bafite ku Kimicanga, Urukiko rurasanga atari byo kuko ayo mazu yakorewe expropriation kandi byagaragajwe mu iburanisha ry'uru rubanza ko abagize umuryango bagabanye amafaranga yayo. Naho ku birebana n'ibyo bavuga ko imitungo iregerwa yaba yaraguzwe mu mafaranga Candali Vérène yavanaga mu bukode bw'ayo mazu atarakorerwa *expropriation*, Urukiko rurasanga ntaho rwahera rubisuzuma mu gihe nta bimenyetso batanga bigaragaza amafaranga yavanagamo, inyungu zaba zarabyawe n'ayo mafaranga n'ibyo yayakoresheje mu nyungu ze bwite.

[66] Urukiko rurasanga rero mu gihe Candali Vérène agaragaza ko yaguze iyo mitungo nyuma y'urupfu rwa Havugimana Célestin, abarega bakaba batagaragaza ko ikomoka mu nyungu zabyawe n'umutungo yasize, ikibanza nº 1587 cyahoze ari nº 837 giherereye mu Mudugudu wa Gasave, Akagali ka Musezero, Umurenge wa Gisozi n'inzu iri mu kibanza no 5411 giherereye mu Mudugudu

wa Kadobogo, Akagali ka Kagugu, Umurenge wa Kinyinya bitagomba kubarwa mu mutungo uzungurwa.

[67] Hashingiye ku bimaze kuvugwa, Urukiko rurasanga Nyeshyaka Anastase na Manzi Rugema Aimable bagobotse mu rubanza kugira ngo barengere uburenganzira bwabo kuri iyo mitungo baguze na Candali Vérène bagomba kuyigumana.

3. Kumenya niba candali vérène yari yemerewe kuzungura umugabo we

[68] Me Nshuti Salimu wunganira Havugimana Emmanuel, Mukamana Mamique na Umuhoza Aisha, avuga ko mu rubanza rusabirwa gusubirishwamo, mu kugabanya umutungo uzungirwa, Urukiko rwashingiye ku ngingo ya 76 y'Itegeko Nº 27/2016 ryo ku wa 08/07/2016 rigenga imicungire y'umutungo w'abashyingiranwe impano n'izungura, bituma Candali Vérène yongerwa mu mubare w'abazungura ba Havugimana Célestin, ibi bikaba byarabangamiye uburenganzira bw'abana be bahabwaga n'Itegeko nº 22/99 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.

[69] Asobanura ko mu gushingira ku Itegeko nº 27/2016 ryo ku wa 08/07/2016, Urukiko rwirengagije ibiteganywa n'ingingo ya 100, igika cya kabiri, 1° y'iryo tegeko, iteganya ko imanza ziri mu nkiko mbere y'uko iryo tegeko ritangira gukurikizwa, ziburanishwa hakurikijwe ibiteganywa n'Itegeko nº 22/99 ryo ku wa 12/11/1999 iyo ibiteganywa n'iryo tegeko rishya bibangamiye uburenganzira umwe mu baburanyi yahabwaga n'Itegeko Nº 22/99 ryo ku wa 12/11/1999.

[70] Avuga kandi ko kuzungura umutungo wa Havugimana Célestin bitakorwa hashingiwe ku ngingo ya 101 y'Itegeko nº 27/2016 iteganya ko: *"izungura ryafunguwe guhera taliki ya 1 ukwakira 1990 ariko igabana rikaba ritaraba rizakorwa hakurikijwe iri tegeko*" kuko igabana ry'uwo mutungo ryakozwe ku wa 20/05/2015, mbere y'uko iryo tegeko rijyaho, nk'uko bigaragazwa n'inyandiko yakozwe n'Umuhesha w'Inkiko Niyonshuti Iddi Ibrahim arangiza urubanza RCAA 0024/14/CS rwaciwe n'Urukiko rw'Ikirenga, n'indi nyandiko y'irangizarubanza yakozwe ku wa 27/07/2015 n'Umuhesha w'inkiko Nshuti Larissa ihesha Havugimana Emmanuel, Mukamana Mamique na Umuhoza Aisha inzu iri mu kibanza n° 5411/Kagugu, ariyo mpamvu asanga haragombaga gukoreshwa Itegeko Nº 22/99 ryo ku wa 12/11/1999.

[71] [71] Me Bayingana Janvier wunganira Candali Vérène avuga ko Itegeko Nº 27/2016 ryo ku wa 08/07/2016 aririyo rikwiye gukurikizwa muri uru rubanza kuko aririyo ryakurikizwaga igihe urubanza rwasubirishijemo urundi ingingo nshya rwari mu rukiko, naho Candali Vérène akavuga ko abarega batagaragaza niba ataragombaga kuzungura cyangwa niba yarahawe ibiruta umugabane yari kugenerwa.

UKO URUKIKO RUBIBONA

[72] Itegeko Nº 27/2016 ryo ku wa 08/07/2016 rigenga imicungire y'umutungo w'abashyingiranwe impano n'izungura ryasohotse mu Igazeti ya Leta ku wa 01/08/2016. Mu ngingo zaryo z'inzibacyuho n'izisoza hateganyijwe ko ritangira gukurikizwa umunsi ritangarijwe mu Igazeti ya Leta (ingingo ya 104), ko kandi guhera uwo munsi Itegeko Nº 22/99 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 n'izindi ngingo zose z'amategeko binyuranyije naryo bivanyweho (ingingo ya 103). Hateganyijwe na none ko rikurikizwa no ku izungura ryafunguwe guhera ku itariki ya 1 Ukwakira 1990 ariko igabana rikaba ritaraba (ingingo ya 101).

[73] Muri izo ngingo z'inzibacyuho n'izisoza, Umushingamategeko yateganyije uko bigomba kugenda ku bijyanye n'imanza zari zarashyikirijwe inkiko mbere y'uko iryo tegeko rishya ritangira

gukurikizwa. Mu gika cya 1 cy'ingingo ya 100 yateganyije ko imanza zose zari mu nkiko mbere y'uko iri tegeko ritangira gukurikizwa ziburanishwa hakurikijwe ibiteganywa n'iri tegeko ariko nta gihinduwe ku mihango y'iburanisha yakozwe. Mu gika cya 2 ariko yateganyije irengayobora kuri iryo hame ryo gukurikiza itegeko ririho (*la loi en vigueur*), ku mpamvu ebyiri, ku birebana n'uru rubanza hakaba hagiye kurebwa gusa impamvu ya mbere ikubiye mu gace ka mbere k'icyo gika ivuga ko imanza zari mu nkiko mbere y'uko iri tegeko ritangira gukurikizwa, ziburanishwa hakurikijwe ibiteganywa n'itegeko Nº 22/99 ryo ku wa 12/11/1999 iyo uburenganzira umwe mu baburanyi yahabwaga n'ibiteganywa n'iryo tegeko bubangamiwe n'ibiteganywa n'Itegeko Nº 27/2016 ryo ku wa 08/07/2016.

[74] Nk'uko bigaragara muri dosiye, urubanza RS/REV/RC 0002/15/CS rwari rukiburanishwa igihe Itegeko rigenga imicungire y'umutungo w'abashyingiranwe, impano n'izungura ryo ku wa 08/07/2016 ryatangazwaga. Ikibazo kigomba gusobanuka akaba ari icyo kumenya niba ibiteganywa n'iryo tegeko bibangamiye uburenganzira abarega bahabwaga n'Itegeko ryo ku wa 12/11/1999 ryaribanjirije, ku buryo igabana ry'umutungo uzungurwa ryagombaga gushingira kuri iri tegeko ryariho mbere, aho gushingira ku itegeko rishya ryarisimbuye.

[75] Iyo harebwe imikirize y'urwo rubanza, bigaragara ko igabana ry'umutungo uzungurwa ugizwe n'amazu yubatse mu kibanza n° 2710 giherereye mu Mudugudu wa Kumukenke, Akagali ka Ruhango, Umurenge wa Gisozi mu Karere ka Gasabo ryashingiye ku ngingo ya 76 y'Itegeko rigenga imicungire y'umutungo w'abashyingiranwe, impano n'izungura ryo ku wa 08/07/2016, bituma Candali Vérène ajya mu mubare w'abazungura ba Havugimana Célestin.

[76] N'ubwo mu rubanza hatagaragajwe agace k'ingingo ya 76 y'iryo tegeko kashingiweho, kuba harategetswe nta bindi bisobanuro ko Candali Vérène agabana umutungo uzungurwa n'abandi bazungura ba Havugimana Célestin, byumvikana ko ari agace ka 5, bityo ahabwa ½ cy'umutungo nk'uburenganzira akura ku masezerano y'ivangamutungo, ikindi ½ akakizungurana n'abana 4 basizwe n'umugabo we.

[77] Urukiko rurasanga kuba Itegeko rigenga imicungire y'umutungo w'abashyingiranwe, impano n'izungura ryo ku wa 08/07/2016, mu ngingo yaryo ya 76, 5º, ryarashyize Candali Vérène mu bazungura ba Havugimana Célestin akongera umubare w'abazungura mu gihe Itegeko ryo ku wa 12/11/1999 ritamushyiragamo, byumvikanisha ko iri tegeko ariryo ryagombaga gukurikizwa mu igabana ry'umutungo uzungurwa kuko irishya ribangamiye inyungu z'abarega.

[78] Urukiko rurasanga rero, ku bijyanye n'igabana ry'umutungo uzungurwa ugizwe n'amazu yubatse mu kibanza nº UPI 1/02/04/02/2710 giherereye mu Mudugudu wa Kumukenke, Akagali ka Ruhango, Umurenge wa Gisozi mu Karere ka Gasabo, Candali Vérène yarahawe umugabane uruta uwo yari kugenerwa kuko yashyizwe mu mubare w'abazungura ba Havugimana Célestin ataragombaga gushyirwamo, ahabwa umugabane ku gice cy'umutungo bagombaga kuzungura bonyine, akaba rero agomba gusubiza abarega umugabane yahawe ataragombaga kuwuhabwa. ibindi byakozwe mu irangiza ry'urubanza RS/REV/RC 0002/15/CS CS - RS/INTERT/RC 00001/2017/SC, birimo na cyamunara y'amazu ari mu kibanza nº 2710 giherereye mu Mudugudu wa Kumukenke, Akagali ka Ruhango, Umurenge wa Gisozi yaguzwe na Kabandana Claver, bikaba bigomba kugumana agaciro kabyo.

4. Kumenya ishingiro ry'indishyi zisabwa n'ababuranyi muri uru rubanza

[79] Havugimana Emmanuel na Me Nshuti Salim umwunganira akanunganira Mukamana Mamique n'Umuhoza Aïsha basaba ko Urukiko rwategeka Candali Vérène guha buri wese 1.000.000 Frw y'igihembo cy'Avoka na 300.000 Frw y'ikurikiranarubanza.

[80] Basaba kandi ko Nyeshyaka Anastase yasubiza abarega 4.200.000 Frw y'ubukode bw'amazu bategetswe kumuha mu rubanza rusabirwa gusubirishwamo ku mpamvu z'akarengane kubera

umwaka umwe amazu yamaze ari mu maboko yabo, akabaha na 12.600.000 Frw y'ubukode bw'ayo mazu kubera imyaka 3 ayamaranye.

[81] Me Bayingana Janvier avuga ko imitungo Havugimana Célestin yari afitanye na Candali Vérène yagabanyijwe abazungura be mu buryo bukurikije amategeko, ko rero nta ndishyi bakwiriye guhabwa.

[82] Akomeza avuga ko Candali Vérène akomeje gusiragizwa mu manza nta mpamvu, akaba asaba Urukiko gutegeka uruhande rurega kumusubiza 1.000.000 Frw y'ikurikiranarubanza na 2.000.000 Frw y'igihembo cy'Avoka.

[83] Me Nizeyimana Leopold asaba ko niba Candali Vérène atsinzwe, bikaba bigaragaye ko yagurishije Nyeshyaka Anastase azi ko aho agurishije atahatunze wenyine, yategekwa kumwishyura 2.000.000 Frw y'indishyi z'akababaro na 1.000.000 Frw y'igihembo cy'Avoka n'ikurikiranarubanza.

[84] Asaba kandi ko niba abarega aribo batsinzwe, bategekwa kumwishyura indishyi z'akababaro zingana na 1.000.000 Frw kuri buri muntu wareze, ubwo zikaba 3.000.000 Frw, bagafatanya kwishyura igihembo cya Avoka kingana na 1.000.000 Frw, uwayabona mbere akayatanga bagenzi be bakazayamusubiza.

[85] Me Shema Gakuba Charles asaba ko uruhande ruzatsindwa rwategekwa guha Rugema Manzi Aimable 1.000.000 Frw y'igihembo cy'Avoka, 1.000.000 Frw y'ikurikiranarubanza na 5.000.000 Frw y'indishyi z'akababaro.

UKO URUKIKO RUBIBONA

[86] Urukiko rurasanga nta ndishyi abarega bakwiye guha Candali Vérène kuko, nk'uko byasobanuwe mu rubanza rusabirwa gusubirishwamo, yashyizwe mu mubare w'abazungura ba Havugimana Célestin ataragombaga kujyamo, bituma ahabwa umugabane ku gice cy'umutungo abana be bagombaga kuzungura bonyine, kubera iyo mpamvu ahubwo akaba ariwe ugomba gutegekwa kubaha amafaranga y'ikurikiranarubanza n'igihembo cya Avoka kuko byabaye ngombwa ko bagira ibyo batakaza kugira ngo baburane uru rubanza kandi bunganirwe mu mategeko, bityo mu bushishozi bw'Urukiko, harebwe ibyakozwe mu rubanza, bakaba bagenewe bose hamwe 300.000 Frw y'ikurikiranarubanza na 500.000 Frw y'igihembo cya Avoka kuko bakurikiraniye hamwe urubanza n'uwababuraniye akaba yari umwe, ayo basaba akaba ari menshi kandi nta bisobanuro bayatangira.

[87] Urukiko rurasanga kandi nta mafaranga y'ubukode bw'amazu Nyeshyaka Anastase yategekwa gusubiza cyangwa guha abarega kuko ntacyo batsindiye ku birebana n'umutungo yaguze; Abarega nabo nta ndishyi z'akababaro bategekwa guha Nyeshyaka Anastase kuko nta bisobanuro azitangira.

[88] Urukiko rurasanga ariko abarega bagomba guha Nyeshyaka Anastase na Rugema Manzi Aimable amafaranga y'ikurikiranarubanza n'igihembo cya Avoka kuko aribo bareze basaba ko imitungo baguze na Candali Vérène ibarwa mu mutungo uzungurwa, bituma Nyeshyaka Anastase na Rugema Manzi Aimable bagoboka mu rubanza kugira ngo barengere uburenganzira bwabo kuri iyo mitungo, biba ngombwa ko bagira ibyo batakaza birimo gukurikirana urubanza no kwishyura ababunganira mu mategeko, ariko kubera ko ayo basaba ari menshi kandi nta bisobanuro bayatangira bakaba bagenewe 300.000 Frw y'ikurikiranarubanza na 500.000 Frw y'igihembo cya Avoka kuri buri wese.

III. ICYEMEZO CY'URUKIKO:

[89] Rwemeje ko ikirego cyatanzwe na Mukamana Mamique, Havugimana Emmanuel na Umuhoza Aïsha cyo gusubirishamo ku mpamvu z'akarengane urubanza RS/REV/RC 0002/15/CS CS - RS/INTERT/RC 00001/2017/SC gifite ishingiro kuri bimwe;

[90] Rwemeje ko imikirize y'urwo rubanza ihindutse ku birebana gusa n'umugabane Candali Vérène yahawe mu igabana ry'umutungo uzungurwa ugizwe n'amazu yubatse mu kibanza nº UPI 1/02/04/02/2710 giherereye mu Mudugudu wa Kumukenke, Akagali ka Ruhango, Umurenge wa Gisozi, Akarere ka Gasabo;

[91] Rwemeje ko imitungo Nyeshyaka Anastase na Manzi Rugema Aimable baguze na Candali Vérène itagomba kubarwa mu mutungo uzungurwa, bakaba bagomba kuyigumana; Kabandana Claver nawe akaba agomba kugumana inzu yaguze muri cyamunara harangizwa urubanza RS/REV/RC 0002/15/CS CS - RS/INTERT/RC 00001/2017/SC;

[92] Rutegetse Candali Vérène gusubiza abazungura ba Havugimana Célestin umugabane yagenewe ku gice cy'umutungo bagombaga kuzungura bonyine.

[93] Rumutegetse no kwishyura Mukamana Mamique, Havugimana Emmanuel na Umuhoza Aïsha 800.000 Frw y'ikurikiranarubanza n'igihembo cya Avoka;

[94] Rutegetse Mukamana Mamique, Havugimana Emmanuel na Umuhoza Aïsha guha Nyeshyaka Anastase na Rugema Manzi Aimable amafaranga y'ikurikiranarubanza n'igihembo cya Avoka angana na 800.000 kuri buri wese.