

RWANDA / JUDGMENT

BUGWIZA vs NYIRABASINGA N'ABANDI

RCA 00064/2021/HC/KIG NA RCA 00099/2021/HC/KIG

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BUGWIZA vs NYIRABASINGA N'ABANDI

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Text**Page 1**

BUGWIZA vs NYIRABASINGA N'ABANDI [Rwanda URUKIKO RUKURO – RCA 00064/2021/HC/KIG NA RCA 00099/2021/HC/KIG (Hitimana, P.J.) 09 Nyakanga 2021] Amategeko agenga amasezerano – Ubugure bw'umutungo utimikanwa – Iyo umuntu aguze n'ugaragara nkaho ariwe nyir'umutungo (propriétaire apparent) ntabwo ubugure bwe buteshwa agaciro mu gihe yaguze nta buryarya kandi nuwagurishije ariwe nyirawo koko. Amategeko agenga imiburanishirize y'imanza mbonezamubano – Kugobokeshwa ku gahato – Iyo hari amasezerano menshi y'ubugure k'umutungo w'ubutaka, abaguze mbere bagobokeshwa gusa mu gihe amasezerano ya nyuma ateshejwe agaciro. Bityo iyo amasezerano ya nyuma atateshejwe agaciro nta mpamvu yo kubagobokeshwa kuko ntacyo Urukiko rwabategeka Kwishyura. Incamake y'ikibazo : Uru rubanza rwatangiye Nyirabasinga arega Bugwiza mu Rukiko Rwisumbuye rwa Gasabo asaba Urukiko kwemeza ko ahabwa umutungo we Bugwiza yigaruriye, gutesha agaciro amasezerano y'ubukode burambye kuruwo mutungo. Urubanza rwaburanishijwe Bugwiza adahari ariko yarahamagajwe ahatazwi, Urukiko rwemeza ko ikirego cya Nyirabasinga gifite ishingiro ; rutegeka ko Bugwiza agomba gusubiza Nyirabasinga umutungo we ugizwe n'inzu n'ikibanza

yubatseho, rutegeka ko icyangombwa cy'ubukode burambye cyuwo mutungo cyanditswe kuri Bugwiza giteshejwe agaciro kikandikwa kuri Nyirabasinga. Bugwiza yasubirishijemo urubanza avuga ko atigeze abura kuko bamushakiye aho atagomba kubarizwa, avuga ko yamenye imikirize y'urubanza abimenyeshejwe n'uhagarariye abahesha b'inkiko, Urukiko rwasanze Bugwiza atarigeze amenyeshwa iburanishwa ry'urubanza asubirishamo, bityo rwemeza kwakira ikirego cyo gusubirishamo urwo rubanza. Bugwiza yasobanuye ko yaguze inzu iburanwa na Munyamahoro, nawe akaba yari yarayiguze na Gaga. Avuga kandi ko inzu yaguze atariyo igihari kuko akimara kuyigura yahise asenya yubaka inshya. Avuga ko bitumvikana ukuntu Nyirabasinga yaje kuburana iyi nzu nyuma y'imyaka 26 kandi yarabaga mu Rwanda. Akaba asaba Urukiko, gutesha agaciro ibyangobwa by'inzu Nyirabasinga yahawe yitwaje urubanza yaburanye wenyine. Munyamahoro, Macyamura na Maniraho bagobokeshejwe muri urwo rubanza ariko ruburanishwa Maniraho atitabye. Urukiko rwemeje ko ikirego cya Nyirabasinga gifite ishingiro kuri bimwe ; rwemeza ko kugobokesha ku gahato Munyamahoro na Macyamura bifite ishingiro naho kugobokesha ku gahato Maniraho nta shingiro bifite ; rwemeza ko urubanza rwasubirishijwemo ruteshejwe agaciro ; rwemeza ko Nyirabasinga ahabwa amafaranga y'agaciro k'inzu yasize ahunga mu 1994 na y'agaciro k'ikibanza yubatseho. Rwemeza kandi ko amasezerano y'ubukode burambye k'umutungo uburanwa giteshejwe agaciro kikandikwa kuri Bugwiza. Bugwiza na Munyamahoro ntibishimiye imikirize y'uru rubanza, bayijuririra uru Rukiko Rukuru basaba gutesha agaciro imwe mu myanzuro y'urubanza rwajuririwe, banasaba ko Gaga na Nyirabarera bagobokeshwa muri urwo rubanza. Urukiko rwemeje ko kugobokesha Gaga na Nyirabarera nta shingiro bifite. Ku bijyanye n'amasezerano y'ubugure bw'ubutaka buburanwa, ya Bugwiza, Urukiko rwemeje ko budateshwa agaciro cyangwa agire indishyi abitangira kuko yaguze nugaragara nka nyir'ubutaka kandi ibyo ntabwo ari ikosa. Incamake y'icyemezo :1. Iyo hari amasezerano menshi y'ubugure k'umutungo w'ubutaka, abaguze mbere bagobokeshwa gusa mu gihe amasezerano ya nyuma ateshejwe agaciro. Bityo iyo amasezerano ya nyuma atateshejwe agaciro nta mpamvu yo kubagobokeshwa kuko ntacyo Urukiko rwabategeka Kwishyura. 2.Iyo umuntu aguze n'ugaragara nkaho ariwe nyir'umutungo (propriétaire apparent) ntabwo ubugure bwe buteshwa agaciro mu gihe yaguze nta buryarya kandi nuwagurishije ariwe nyirawo

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koko. Bityo, iyo hagaragaye umuntu uvuga ko umutungo wagurishijwe aruwe akwiye gukurikirana uwawugurishije akamuha indishyi zikomoka kuricyo gikorwa yamukoreye.

3. Amasezerano yakozwe mu buryo bunyuranyije n'amategeko araseswa, uwaguze agasubizwa amafaranga y'ikiguzi hiyongereyeho agaciro yongeye kuri uwo mutungo amaze kuwugura. Ntabwo ariko yategekwa gutanga indishyi zafatwa nk'ingurane kugirango awugumane. Bityo kuko uwaguze, yaguze n'ugaragara nka ny'irumutungo, amasezerano ntabwo yateswa agaciro, nta nubwo yategekwa gutanga izo ndishyi. Ubujurire bufite ishingiro kuri bimwe. Amategeko yashingiweho : Itegeko N° 32/2016 ryo ku wa 28/08/2016 rigenga abantu n'umuryango, Ingingo ya 61 na 84 Nta manza zifashishjwe. Urubanza I. IMITERERE Y'URUBANZA. [1] Uru rubanza rwatangiriye mu Rukiko Rwisumbuye rwa Gasabo, Nyirabasinga Génèreuse arega Bugwiza Marie Gloria, avuga ko yatanze ikirego arega

Bugwiza Marie Gloria kuba yarigaruriye umutungo we yari yarashakanye n'umugabo we ariko witabye Imana, uwo mutungo ukaba ugizwe n'inzu n'Ikibanza yubatseho biherereye mu Mudugudu w'Ingeri, Akagari ka Bibare, Umurenge wa Kimironko, Akarere ka Gasabo, agasaba urukiko kwemeza ko ahabwa umutungo we, gutesha agaciro icyemezo cy'umutungo UPI: 1/02/09/01/1573 cyanditswe kuri Bugwiza Marie Gloria, guhabwa indishyi mbonezamusaruro z'imyaka 25 amaze adafite umutungo we zingana na 25.000.000Frw no guhabwa amafaranga yatakaje awukurikirana angana na 200.000Frw, igihembo cy'Avoka kingana na 1.000.000frw n'indishyi zo gushorwa mu manza zingana na 5.000.000Frw. Akaba asobanura ko inzu aregera yari ayituyemo, mu mwaka wa 1994 aza guhungira mu Gihugu cya Congo, ahunguka mu 2012 agiye aho yari atuye asanga imitungo ye itandukanye yarigaruriwe n'abandi bantu imwe arayisubizwa ariko uwo aregera asanga utunzwe na Bugwiza Marie Gloria maze urwego rw'Umuvunyi rutanga inama ko bakumvikana bakabifashwamo n'Akarere, bitashoboka hakiyambazwa inkiko, ubwo ashaka uko yakumvikana na Bugwiza ariko birananirana. Urubanza rwaburanishijwe Bugwiza Marie Gloria adahari yarahamagajwe ahatazwi, rucibwa ku wa 13/03/2019, Urukiko Rwisumbuye rwa Gasabo rwemeza ko ikirego cya Nyirabasinga Genereuse gifite ishingiro; rwemeza kandi rutegeka ko Bugwiza Marie Gloria agomba gusubiza Nyirabasinga Genereuse umutungo we ugizwe n'inzu n'ikibanza yubatseho biherereye mu Mudugudu w'Ingeri, Akagari ka Bibare, Umurenge wa Kimironko, Akarere ka Gasabo, ubaruye kuri UPI: 1/02/09/01/1573; rwemeza kandi rutegeka ko icyangombwa cy'ubukode burambye cy'umutungo ugizwe n'inzu n'ikibanza yubatseho biherereye mu Mudugudu w'Ingeri, Akagari ka Bibare, Umurenge wa Kimironko, Akarere ka Gasabo, ubaruye kuri UPI 1/02/09/01/1573 cyanditswe kuri Bugwiza Marie Gloria giteshejwe agaciro, Umubitsi w'impapururompamo z'ubutaka akaba agomba kucyandika kuri Nyirabasinga Genereuse; rutegeka Bugwiza Marie Gloria kwishyura Nyirabasinga Genereuse indishyi z'igihembo cya Avocat zingana na 500.000frw n'indishyi z'ikurikiranarubanza zingana n'amafaranga 150.000frw; rutegeka Bugwiza Marie Gloria kwishyura amagarama y'urukiko angana n'amafaranga 50.000frw. [2] Bugwiza Marie Gloria ku wa 03/04/2020 yasubirishijemo urubanza avuga ko atigeze abura kuko bamushakiye aho atagomba kubarizwa, ndetse ko inzu bamubarijeho atari iye n'uwababwiye ko batazi aho aba akaba atamuzi kuko atari umupangayi we, avuga ko yamenye imikirize y'urubanza ku itariki ya 24/03/2020 abimenyeshejwe n'uhagarariye abahesha b'inkiko Balinda Anastase wamwoherereje urubanza RC00078/2018/TGI/GSBO kuri whatsapp, ku buryo

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akimara gusoma urwo rubanza yahise aregera Urukiko Rwisumbuye rwa Gasabo asubirishamo urubanza kuko rwaburanishijwe adahari kandi atarumenyeshejwe. [3] Urukiko Rwisumbuye rwasuzumye impamvu yatumye Bugwiza Marie Gloria ataza kuburana urubanza asubirishamo, rusanga bigaragara ko atigeze amenyeshwa iburanishwa ryarwo mu buryo bwemewe n'amategeko kuko assignation yajyanywe ku nzu itari iyo yari atuyemo; rusanga kandi yararusubirishijemo mu bihe biteganywa n'amategeko, ku wa 29/10/2020 ruca urubanza rubanziriza urundi rwakira ikirego cyo gusubirishamo urubanza RC00078/2018/TGI/GSBO

cyatanzwe na Bugwiza Marie Gloria; rwemeza ko urubanza RC00078/2018/TGI/GSBO Nyirabasinga Génèreuse yarezemo Bugwiza Marie Gloria rusubirwamo; rwemeza kwakira gusubirishamo urubanza, urubanza rwongera kuburanishwa. [4] Bugwiza Marie Gloria yasobanuye ko ku wa 28/07/2007 yaguze inzu iri mu Mudugudu w' Ingeri, Akagali ka Bibare, Umurenge wa Kimironko, Akarere ka Gasabo, Umujyi wa Kigali na Munyamahoro Seth, bagirana amasezerano, ayigura amafaranga y'u Rwanda Miliyoni cumi n'eshatu n'ibihumbi magana atanu (13,500,000frw); Munyamahoro Seth nawe akaba yari yarayiguze na John Gaga mu mwaka wa 2001, ayigura amafaranga y'u Rwanda miliyoni imwe (1,000,000frw) nawe bagirana amasezerano, ayigura ari ka annexe k'inzu nini John Gaga yabagamo kari mu kibanza gifite 20m kuri 40m. Ngo inzu we yaguze siyo igihari kuko akimara kuyigura yahise asenya ahindura inkuta n'amabati ashiraho amashya, akomeza kuyivugurura asenya ibyo abona bishaje, ahindura igisenge, ashiraho ikigezweho, ashiramo toilet ebyiri (2) na douche ebyiri (2), ngo inzu ye irahenze irengeje agaciro bayiha kuko irengeje agaciro ka 80.000.000frw, ko ayifiye ibyangombwa byose byemewe n'amategeko y'u Rwanda, akaba ayisorera, bikaba bitangaje ko Nyirabasinga yaje kuburana inzu ye nyuma y'imyaka 26 kandi yarabaga mu Rwanda. Avuga ko asaba Urukiko, gutesha agaciro ibyangombwa by'inzu Nyirabasinga yahawe yitwaje urubanza yaburanye wenyine, we adahari, atarigeze arumenyesha cyangwa ngo arumuhamagaremo, kwemeza ko inzu n'ikibanza irimo mu mudugudu w'Ingeli, Akagali ka Bibare, Umurenge wa Kimironko, Akarere ka Gasabo, Umujyi wa Kigali ko ari iye no kumuha indishyi z'akababaro zingana na 2.000.000Frw, iz'ikurikiranarubanza zingana na 14,000,000frw; igihembo cy'Avoka kingana na 1.000.000Frw n'indishyi mbonezamusaruro z'ubukode bw'inzu ye yakodeshwaga 250.000frw ku kwezi ikaba imaze amezi 12 barakuyemo abayikodeshaga yari yashyizemo, zikabarwa kuva ku wa 20/02/2020 kugeza aho urubanza ruzarangirira. [5] Mu rubanza hagobokeshejwemo Munyamahoro Seth na Macyamura Aaron na Maniraho Narcisse ariko urubanza ruburanishwa Maniraho Narcisse atitabye. Uhagarariye Munyamahoro Seth yasabye ko John Gaga agobokeshwa mu rubanza, kubera ko ahaburanwa ariwe wahamugurishije nawe ahagurisha Bugwiza Josephine. Uhagarariye Macyamura Aaron wagobokeshejwe avuga ko asaba kvanwa mu rubanza kuko nta nyungu arufitemo, ko ntaho ahuriye n'umutungo uburanwa. [6] Urukiko Rwisumbuye rwemeje ko kugobokesha Gaga John nta shingiro bifite kuko nta nyungu afite mu rubanza, rwemeza ko iburanisha rikomeza. [7] Urukiko Rwisumbuye rwemeje ko ikirego cya Nyirabasinga Genereuse gifite ishingiro kuri bimwe; rwemeza ko kugobokesha ku gahato Munyamahoro Seth na Macyamura Aaron bifite ishingiro naho kugobokesha ku gahato Maniraho Narcisse nta shingiro bifite; rwemeza ko urubanza RC 00078/2018/TGI/GSBO rwaciwe ku wa 13/03/2019 rwasubirishijwemo ruteshejwe agaciro n'uru rubanza; rwemeza ko Nyirabasinga Genereuse ahabwa amafaranga 500.000 Frw y'agaciro k'inzu yasize ahunga mu 1994 na 39.900.000 Frw y'agaciro k'ikibanza yari yubatseho gifite ubu nk'uko kagaragazwa na expertise, amafaranga yose uko ari 40.400.000 Frw y'agaciro k'inzu n'ikibanza akayahabwa na Bugwiza Marie Gloria afatanyije na Munyamahoro Seth; rwemeza ko Bugwiza Marie Gloria agumana umutungo uburanwa ugizwe n'inzu n'ikibanza yubatseho biherereye mu Mudugudu w'Ingeri, Akagari ka Bibare, Umurenge wa Kimironko,

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Akarere ka Gasabo, ubaruye kuri UPI:1/02/09/01/1573; rutegeka ko icyangombwa cy'ubukode burambye cy'umutungo ugizwe n'inzu n'ikibanza yubatseho biherereye mu Mudugudu w'Ingeri, Akagari ka Bibare, Umurenge wa Kimironko, Akarere ka Gasabo, ubaruye kuri UPI:1/02/09/01/1573 cyanditswe kuri Nyirabasinga Genereuse giteshejwe agaciro, Umubitsi w'impapuro mpamo z'ubutaka akaba agomba kucyandika kuri Bugwiza Marie Gloria; rutegeka Nyirabasinga Genereuse guha Bugwiza Marie Gloria, amafaranga miliyoni 2.000.000Frw y'indishyi z'akababaro n'amafaranga miliyoni 3.000.000Frw y'indishyi mbonezamusaruro, akamuha amafaranga yose hamwe miliyoni 5.000.000Frw; runategeka ko ingwate y'amagarama y'urubanza Nyirabasinga Genereuse na Bugwiza Marie Gloria batanze barega ihwanye n'ibyakozwe mu rubanza. [8] Bugwiza Marie Gloria na Munyamahoro Seth ntibishimiye imikirize y'uru rubanza, bayijuririra uru Rukiko Rukuru basaba uru Rukiko gutesha agaciro imwe mu myanzuro y'urubanza rwajuririwe, banasaba mu rubanza hagobokeshwa Gaga John na Nyirakarera Belancile. [9] Harasuzumwa niba ari ngombwa kugobokeshwa Gaga John na Nyirakarera Belancile. Harasuzumwa kandi niba amafaranga Bugwiza Marie Gloria na Munyamahoro Seth bategetswe guha Nyirabasinga Génèreuse yagumaho, hanasuzumwe n'indishyi zasabwe mu bujuriye bwuririye ku bundi.

II. ISESEGURA RY' IBBAZO BIGIZE URUBANZA 1.Gusuzuma niba Nyirabasinga yarashyingiranwe na Nshunguyinka Jean Bosco mu buryo bukurikije amategeko. [10] Bugwiza Marie Gloria avuga ko nta kigaragaza ko Nyirabasinga yashyingiranwe na Nshunguyinka Jean Bosco, ngo kuko atagaragaza icyemezo ko bashyingiranywe (acte de marriage), akaba asaba ko yagaragaza icyemezo nk'icyo. [11] Hakizimana Gerard wunganira Nyirabasinga Genereuse avuga ko usibye ko ari bishya ku rwego rw'ubujurire kandi n'amategeko ariko muri system harimo icyemezo cy'ishyingirwa (attestation de mariage). [12] Urukiko rurasanga ibyo Bugwiza Marie Gloria avuga, ko nta kimenyetso cyemewe n'amategeko Nyirabasinga agaragaza cyakwemeza ko yasezeranye na Nshunguyinka Jean Bosco mu buryo bukurikije amategeko, bifite ishingiro kubera ko nk'uko na Nyirabasinga Génèreuse n'umwunganira babyemera, ikimenyetso baburanisha, kigaragaza ko Nyirabasinga Génèreuse yasezeranye na Nshunguyinka Jean Bosco mu buryo bwemewe n'amategeko, ni icyemezo cyatanze n'Umunyamabanga Nshingwabikorwa w'Akagari ka Kinyaga ku wa 23/12/2013, cyemeza ko Nyirabasinga Génèreuse yasezeranye na Nshunguyinka Jean Bosco mu buryo bwemewe n'amategeko. Urukiko rurasanga ariko iki cyemezo kitafatwa nk'ikimenyetso kigaragaza ko Nyirabasinga Génèreuse yari yarasezeranye na Nshunguyinka Jean Bosco mu buryo bukurikije amategeko, kubera ko ingingo ya 61 y'itegeko N° 32/2016 ryo ku wa 28/08/2016 rigenga abantu n'umuryango iteganya ko "Irangamimerere y'abantu yemezwa kandi ikagaragazwa n'inyandiko z'irangamimerere, zandikwa ku buryo buteganywa n'iri tegeko. Yemezwa kandi ku buryo budasanze n'imanza zisimbura cyangwa zikosora izo nyandiko cyangwa n'imanza zerekeye irangamimerere", naho ingingo ya 85 y'itegeko rimaze kuvugwa ikaba igaragaza ko inyandiko z'irangamimerere zitangwa ku buryo bwa kopi cyangwa inyandiko igaragaza ingingo z'ingenzi z'inyandiko y'irangamimerere cyangwa urubanza mu gihe inyandiko y'irangamimerere idashobora kuboneka. [13] Urukiko rurasanga mu gihe urubanza rwari rutaracibwa, uhagarariye Nyirabasinga Génèreuse yagejeje ku Rukiko Rukuru urubanza RC

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Nyakanga 2021, mu iburanisha akaba yari yasabye uburenganzira bwo kuzashyira icyo kimenyetso kuri IECMS arabyemererwa, bityo kikaba kigomba gushingirwaho kuko nta muburanyi wagaragaje ko akeneye kugira icyo akivugaho ku buryo byatuma habaho gusubukura iburanisha. [14] Urukiko rurasanga hakurikijwe ibimenyetso Nyirabasinga Génèreuse yagaragaje nk'uko bimaze gusobanurwa, Nyirabasinga Génèreuse yashyingiranywe na Nshunguyinka Jean Bosco mu buryo bukurikije amategeko, bityo iyi ngingo y'ubujurire ya Bugwiza Marie Gloria nta shingiro ifite. 2.Gusuzuma niba Gaga John na Nyirakarera Belancile baragombaga kugobokeshwa mu rubanza rwajuririwe. [15] Me Rukarisha Philemon wunganira Munyamahoro Seth avuga ko ubusabe bwa Munyamahoro Seth bwo kwakira ubujurire bwe busaba kugobokeshwa uwamugurishije ubutaka witwa Gaga John bugomba guhabwa ishingiro nk'uko yari yabisabye mu rubanza RC00147/2020/TGI/GSBO. Ubwo busabe bushingiye kubiteganywa n'ingingo ya 115 n'ya 116 No 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegets. [16] Me Rukarisha Philemon wunganira Munyamahoro Seth avuga ko ubusabe bwa Munyamahoro Seth bwo kugobokeshwa Nyirakarera Belancille (nyirabukwe wa Nyirabasinga Génèreuse) nabwo bugomba guhabwa ishingiro kuko ariwe wagurishije kw'ikubitiro umutungo ufite UPI: 1/02/09/01/1573. Ubusabe bwa Munyamahoro Seth bwo kugobokeshwa Nyirakarera Belancille, buteganywa n'ingingo ya 115 n'ya 116 y'Itegeko No 22/2018 ryo ku wa 29/04/201 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegets. Urukiko rugomba kumutumiza, akirengera ingaruka zose, mu gihe yaba yarakoze amakosa. [17] Bugwiza Marie Gloria avuga ko Gaga na Nyirakarera bakwiye kugobokeshwa. Mu iburanisha, Bugwiza Marie Gloria yasobanuye ko ibyo kugobokeshwa Gaga John na Nyirakarera byatinza urubanza, kandi we akeneye ko urubanza rwaburanishwa vuba kubera ko yaturutse aho aba hanze aje kuburana uru rubanza. [18] Me Hakizimana Gerard wunganira Nyirabasinga avuga ko Urukiko rwasuzuma igobokeshwa rya Gaga John. Naho ku igobokeshwa rya Nyirakarera, Me Hakizimana Gerard wunganira Nyirabasinga avuga ko kugobokeshwa Nyirakarera, asanga ataringombwa kubera ko batemera ko ariwe wagurishije Gaga kuko nta kimenyetso kigaragaza ko ariwe wamugurishije. [19] Urukiko rurasanga Munyamahoro Seth n'umwunganira basaba ko Gaga John wamugurishije ubutaka, na Nyirakarera Belancille wabugurishije Gaga John bagobokeshwa mu rubanza. Ibyo Munyamahoro Seth asaba birumvikana, kuko mu gihe amasezerano yaba ateshejwe agaciro, ibintu bigomba gusubira uko byari bimeze, nawe akeneye ko igihombo yaryozwa na Bugwiza Marie Gloria yagurishije, nawe akiryoza Gaga John wamugurishije, uyu nawe akakiryoza Nyirakarera Belancille. Ariko ibyo byo kugobokeshwa Gaga John na Nyirakarera Belancille Urukiko rwabitegeka ari uko rusanze amasezerano y'ubugure akwiye guteshwa agaciro ubutaka bugahabwa Nyirabasinga Génèreuse. Mu gihe amasezerano y'ubugure ya Bugwiza Marie Gloria yaba adateshejwe agaciro, nta mpamvu yo kugobokeshwa Gaga John na Nyirakarera Belancile.

3.Gusuzuma niba uru rukiko rugomba gutesha agaciro imwe mu myanzuro y'urubanza rwajuririwe. [20] Bugwiza Marie Gloria avuga ko ibyo Urukiko Rwisumbuye rwa Gasabo rwemeje, ko Bugwiza Marie Gloria na Munyamahoro bishyura 40,400,000frw, asaba uru Rukiko kwemeza ko

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nta shingiro bifite. Arasaba Urukiko Rukuru kuvuga ko Marie Gloria Bugwiza na Munyamahoro Seth, ndetse na Gaga John ko baguze mu buryo no mu nzira zikurikije amategeko. Barasaba ko icyemezo cy'Urukiko Rwisumbuye rwa Gasabo gihinduka ku bijyanye n'uko Bugwiza Marie Gloria na Munyamahoro Seth bazaha Nyirabasinga miliyoni 40.400,000frw gihinduka, Urukiko Rukuru rukemeza ko nta shingiro gifite. Barasaba ko Urukiko rugobokesha ku gahato Maniriho Narcisse, kuko ariwe ufite inzu ya Bugwiza Marie Gloria. Avuga ko umwunganizi mu mategeko wa Nyirabasinga Genereuse ariwe Me Hakizimana Gerard avuga ko umutungo uburanwa Nyirabasinga Gererose awukomora kuri Nshunguyinka Jean Bosco wari umugabo we, nawe akaba yarawukomoye kwa se ariwe Sebukwe wa Nyirabasinga nk'uko byanditse muri raporo y'Akagali ka Bibare yatanze mu bimenyetso by'urubanza rujuririrwa, ariko ngo aha arasanga iyi mvugo itandukanye cyane n'umwanzuro yatanze mu rubanza rujuririrwa kuko mu nyandiko itanga ikirego yavugaga ko umutungo uburanwa awukomora kwa Sekuru w'uwo yiyitirira umugabo we nabyo batakwemeza neza kuko nta kimenyetso na kimwe abitangira, uretse raporo y'Akagali ka Bibare, raporo y'Umurenge wa Kimironko na raporo y'urwego rw'Umuvunyi, aho urega bamugiraga inama yo kugana inkiko kuko nta kimenyetso na kimwe afite kigaragaza inkomoko y'umutungo aregera. [21] Bugwiza Marie Gloria avuga ko mu by'ukuri umutungo uburanwa wahoze kuva na mbere ya 1994 ari igisigara cya Leta, ari nayo mpamvu nyuma ya 1994 abahatuye ubu bahawe ubutaka bwo kubakamo n'Umujyi wa Kigali. Avuga ko ikigaragaza uburiganya bwa Nyirabasinga kikanashimangira y'uko ibyo avuga ko umutungo ari uwe ni inyandiko zitandukanye yagiye atanga mu bimenyetso by'urubanza RC00078/TGI/2019/GSBO zigaragaza amanyanga n'impapuro mpimbano. Avuga ko igitangaje cyane ari uko uyu munsu umutungo we Nyirabasinga yawigaruriye ubu hakaba habamo abantu atazi bavuga ko bakodesha n'uwitwa Maniriho Narcisse uvuga ko yaguze iyo nzu na Nyirabasinga Genereuse. [22] Me Hakizimana Gerard wunganira Nyirabasinga Genereuse avuga ko ku bijyanye n'iyi ngingo y'ubujurire, kuba umutungo ari uwa Nyirabasinga Genereuse kandi agomba kuwugiraho uburenganzira amategeko amwemerera, basaba Urukiko rujuririrwa ko n'ubundi rwemeza ko umutungo ari uwa Nyirabasinga Genereuse. Naho ku kibazo cyo kuvuga ko wavuguruwe cyangwa se hari ibikorwa byawukozweho, asaba ko hakurikizwa amategeko ibikorwa Bugwiza Marie Gloria yakoze ku mutungo utari uwe ntibikurweho, ahubwo hakarebwa agaciro kabyo kuko ubu buryo nibwo bukurikije amategeko. Bivuze ko basaba ko inyubako ya Nyirabasinga yavuguruwe na Bugwiza ubu ikaba ifite agaciro ka 76,816,093frw habariwemo n'ubutaka, barasaba ko ibimaze kuvugwa haruguru Bugwiza yababwira 76,816,093frw havuyemo agaciro k'ubutaka kari kuri expertise ni ukuvuga 39,900,000frw hakavamo akaciro kagereranyije k'inzu nyirabasinga yasizemo ka 5,000,000frw hakavamo indishyi mboneza musaruro zabarwa kuva 2007 kugera 20/3/2020 ku kigereranyo cy'ubukode bwa 200,000frw ku kwezi ni ukuvuga imyaka 14 ihwanye

n'amezi 168 bigahwana n'amafranga 33,600,000frw. Muri make ni ukuvuga 76,816,093frw–78,500,000frw = -1,683,907 frw, bivuze ko aya mafranga 1,683,907 Frw ariyo Bugwiza yaha Nyirabasinga, yiyongera ku bikorwa yakoze ku nyubako ye. [23] Uhagarariye Nyirabasinga avuga ko asaba Urukiko kuzakora iperereza rukagera ku kiburanywa kugira ngo rumenye inkomoko y'umutungo uburanwa kandi akazazana n'umutangabuhamya bari bari baturanye ahashaka witwa Kamanzi Jean Marie Vianney. [24] Urukiko rurasanga muri iyi ngingo y'ubujurire, icyo Bugwiza Marie Gloria avuga, ni uko Urukiko Rwisumbuye rwemeje, mu rubanza rwajuririwe, ko umutungo we yaguze na Munyamahoro Seth, akavugurura, ari uwa Nyirabasinga Génèreuse, nyamara uyu nta bimenyetso abigaragarije, uretse kuvuga ko ibimenyetso bigaragaza ko umutungo ari uwe ari raporo y'Akagali ka Bibare, raporo y'Umurenge wa Kimironko na raporo y'urwego rw'Umuvunyi. Avuga ko inyandiko zitandukanye Nyirabasinga yagiye atanga mu bimenyetso by'urubanza RC00078/TGI/2019/GSBO zigaragaza amanyanga n'impapuro mpimbano.

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- [25] Urukiko rurasanga Nyirabasinga Genereuse asobanura ko yari atuye muri iyi nzu mu mwaka wa 1994, nyuma ngo yaje guhungira mu Gihugu cya Congo ahunguka mu 2012 agiye aho yaratuye asanga imitungo ye itandukanye yarigaruriwe nabandi bantu aza kugeza ikibazo cye kunzego zibanze, kubufatanye n'Urwego rw'Umuvunyi imitungo imwe arayihabwa indi ahabwa ingurane yayo ariko ugizwe n'inzu n'kibanza yubatseho biharereye mu Mudugudu w'Ingeri, Akagari ka Bibare, Umurenge wa Kimironko, Akarere ka Gasabo, utunzwe na Bugwiza Gloria urwego rw'umuvunyi rwatanze inama ko Nyirabasinga Genereuse yakumvikana na Bugwiza Gloria bakabifashwamo n'Akarere bitashoboka hakiyambazwa inkiko. [26] Urukiko rurasanga ikigaragara ni uko Urwego rw'Umuvunyi rwakurikiranye iki kibazo, kandi nk'uko Bugwiza Marie Gloria abivuga, Nyirabasinga Génèreuse ibivugwa muri iyi raporo arabyemera, kuko abishingiraho nk'ikimenyetso kigaragaza ko umutungo wari uwe n'umugabo we Nshunguyinka Jean Bosco.
- [27] Urukiko rurasanga raporo y'Urwego rw'Umuvunyi yo ku wa 29/12/2015 yatanzwe na Nyirabasinga Génèreuse atangira urubanza rwaburanishijwe Bugwiza Marie Gloria adahari, urubanza RC00078/2018/TGI/GSBO, igaragaza ko raporo zitandukanye Urwego rw'Umuvunyi rwashyikirijwe, zigaragaza ko umuryango wa Nyirabasinga Génèreuse (wari ugizwe n'abana n'umugabo we Nshunguyinka Jean Bosco witabye Imana na Nyirabukwe Nyirakarera Belancile) wari utuye nka gakondo muri iyo mitungo iherereye mu Murenge wa Kimironko, Akagari ka Bibare, Umudugudu w'Ingeli ariko aho bahungukiye bagasanga imitungo yabo ituwemo n'abantu batandukanye bafite ibyangombwa bya burundu by'ubutaka. Iyo raporo igaragaza ko mu makuru bahawe muri raporo y'Umurenge wa Kimironko, inzu imwe yasenywe, indi iravugururwa, ikaba ariyo yari ifitwe na Bugwiza Marie Gloria. Nyuma haje kuba inama y'abaturage, yakozwe ku bufatanye bw'Urwego rw'Umuvunyi n'Akarere ka Gasabo, hagaragajwe ko inzu Nyirabasinga Génèreuse yari atuyemo n'umuryango we bari batuyemo mbere y'uko bahungu ariyo itunzwe na Bugwiza Marie Gloria, utari muri iyi nama, n'abakodesha iyi nzu bakaba batari bahari. Ariko abari bahari basobanuye ko uyu mutungo wagurishijwe na Nyirakarera Belancile, uyu akaba ari nyirabukwe wa Nyirabasinga

Généreuse. [28] Urukiko rurasanga mu iburanisha ry'urubanza, Nyirabasinga Belancile asabwa kugaragaza ibimenyetso bigaragaza inkomoko y'ubu butaka buburanwa, yasobanuye ko ubundi ubutaka buburanwa bukomoka kuri sekuru w'umugabo we, uyu musaza akaba yari yarahaye ubu butaka umugabo we Nshunguyinka Jean Bosco. [29] Urukiko rurasanga ukurikije amakuru yatanze muri raporo yakozwe n'urwego rw'Umuvunyi, avuga ko ubu butaka Nyirabasinga Généreuse arega Bugwiza Marie Gloria bwagurishijwe na nyirabukwe Nyirakarera Bélancille, kandi na Nyirabasinga Généreuse n'ubwo avuga ko ubu butaka Nshunguyinka Jean Bosco yari yarabuhawe na Sekuru, nta kimenyetso Nyirabasinga Généreuse agaragaza cyakwemeza uru Rukiko ko ubutaka buburanwa koko umugabo we yari yarabuhawe na sekuru. Ahubwo nk'uko Bugwiza Marie Gloria abiburanisha, kandi nk'uko bigaragara muri Raporo y'Akagari ka Bibare isambu iherereyemo, raporo yo ku wa 02/04/2013, Nyirabasinga Généreuse icyo gihe yasobanuye ko isambu yasabaga yari isambu y'umugabo we, akaba yarubatse mu isambu y'iwabo yari igabanyijemo ibice bibiri, igice cya mbere ari icyabo, naho ikindi aricyo kwa sebwewe. Mu kuburana uru rubanza, Nyirabasinga ntagaragaza igice cyari icya Sebwewe, n'icyari icyabo, ahubwo bwose abukomatanyiriza hamwe nk'ubutaka bwari ubwe n'umugabo we. [30] Urukiko rurasanga kubera ibisobanuro bimaze gutangwa, ikigaragara ni uko Nyirakarera Bélancille, nyirabukwe wa Nyirabasinga Généreuse, akaba na nyina wa Nshunguyinka Jean Bosco umugabo we atagurishije ubutaka buburanywa nk'umunyamahanga udafite aho ahuriye nabwo, aribyo byakwitwaga kugurisha ikintu cy'undi, ahubwo yabugurishije nka nyirabwo, kuko bwari ubw'umuryango we, kubera ko Nyirabasinga Généreuse atagaragaza ko uyu Nshunguyinka Jean Bosco yari yarabuhaweho umunani nk'uko abivugaga, ahubwo akaba yaremeye ko iyi sambu igice

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kimwe cyari icy'umugabo we, ikindi ari icya sebwewe, kandi akaba atagaragaje ko aho Nyirakarera yagurishije hatari mu gice cye. [31] Urukiko rurasanga kandi kuba Nshunguyinka Jean Bosco na Nyirabasinga n'abana babo baratuye kuri ubu butaka, bukaza kugurishwa na Nyirakarera Belancile, ubuguze (GAGA John) nawe akabugurisha na Munyamahoro Seth, uyu akaba ariwe wabugurishije na Bugwiza Marie Gloria, kandi Gaga John na Munyamahoro Seth bakaba baragurishaga bafite ibyangombwa by'ubu butaka, ntabwo ubugure bwa Bugwiza Marie Gloria bwateshwa agaciro, kuko mu gihe yaguraga, yaguze n'uwagaragaraga nka nyir'ubutaka (propriétaire apparent), bityo gutesha agaciro ayo masezerano ibintu bigasubira uko byari bimeze mbere y'uko GAGA John agura, byaba biteje ikibazo abaguze (insécurité juridique) kandi nta makosa bakoze, nta n'ubundi buryo bashoboraga kumenya ko ubutaka atari ubwa Nyirakarera Belancile wabugurishije, mu gihe n'inzego zibanze zemeye ko abugurisha, GAGA John wabuguze agahabwa ibyangombwa, yabugurisha Munyamahoro Seth nawe agahabwa ibyangombwa, ndetse nawe yabugurisha, Bugwiza Marie Gloria agahabwa ibyangombwa, ntawe uragaragara ngo atambamire ubwo bugure. Ahubwo Nyirabasinga Généreuse niba yumva nyirabukwe Nyirakarera Belancile yaramugurishije ubutaka, uretse ko nta bimenyetso bidashidikanywaho yagaragaje, yamukurikirana akamuha indishyi z'icyo gikorwa yamukoreye. [32] Urukiko rurasanga uretse no kuba raporo y'Urwego rw'Umuvunyi igaragaza ko ubutaka

buburanywa bwagurishijwe na Nyirakarera Bélancile abugurisha Gaga John, iyo raporo inagaragaza ko hari ubutaka Gaga John yari afite bukomoka muri iyi sambu, yahawe n'Umujyi wa Kigali, kandi uyu Gaga John niwe wagurishije Munyamahoro Seth ubutaka buburanwa. Ntabwo Nyirabasinga Génèreuse agaragaza ko ubu butaka GAGA John yagurishije bwari butandukanye n'ubwo yahawe n'Umujyi wa Kigali.

[33] Urukiko rurasanga ibyo Urukiko Rwisumbuye rwa Gasabo rwari rwategetse, ko Nyirabasinga Genereuse ahabwa amafaranga 500.000Frw y'agaciro k'inzu yasize ahunga mu 1994 na 39.900.000Frw y'agaciro k'ikibanza yari yubatseho gifite ubu nk'uko kagaragazwa na expertise, amafaranga yose uko ari 40.400.000Frw y'agaciro k'inzu n'ikibanza akayahabwa na Bugwiza Marie Gloria afatanyije na Munyamahoro Seth, bigomba kuvaho, kuko inzu iburanwa n'ubutaka yubatseho ari ibyo Bugwiza Marie Gloria kubera impamvu zasobanuwe.

[34] Urukiko rurasanga ibyo Nyirabasinga Génèreuse asaba, ko hakurikizwa amategeko ibikorwa Bugwiza Marie Gloria yakoze ku mutungo utari uwe ntibikurweho, ahubwo hakarebwa agaciro kabyo ngo kuko ubu buryo aribwo bukurikije amategeko, agasaba ko inyubako ya Nyirabasinga yavuguruwe na Bugwiza ubu ikaba ifite agaciro ka 76,816,093frw habariwemo n'ubutaka, ko ibimaze kuvugwa haruguru Bugwiza yahabwa 76,816,093frw havuyemo agaciro k'ubutaka kari kuri expertise ni ukuvuga 39,900,000frw hakavamo agaciro kagereranyije k'inzu Nyirabasinga yasizemo ka 5,000,000frw hakavamo indishyi mboneza musaruro zabarwa kuva 2007 kugera 20/3/2020 ku kigereranyo cy'ubukode bwa 200,000frw ku kwezi ni ukuvuga imyaka 14 ihwanye n'amezi 168 bigahwana n'amafaranga 33,600,000frw, bivuga ko ngo ahubwo Bugwiza ariwe waha Nyirabasinga amafaranga 1,683,907Frw, nta shingiro bifite kubera ko nk'uko byasobanuwe, nta mpamvu ihari yatuma amasezerano y'ubugure ya Bugwiza Marie Gloria ateshwa agaciro, kuko Nyirabasinga Génèreuse atashoboye kugaragaza ko Nyirakarera Bérancile yagurishije umutungo utari uwe, cyane cyane ko ariwe wagaragaraga nka nyirawo, kuko Nyirabasinga Génèreuse yemera ko ubwo butaka bwari ubwa sekuru w'umugabo we, akaba atagaragaza ko sekuru yari yarabweguriye umugabo we nk'uko abivuga. 4.Gusuzuma niba hari ibyirengagijwe mu rubanza rwajuririwe

[35] Bugwiza Marie Gloria avuga ko Urukiko rwemeje ko Nyirabasinga Genereuse ahabwa amafaranga 500,000frw y'agaciro k'inzu yasize ahunga muri 1994 na miliyoni 39,900,000frw y'agaciro k'ikibanza yari yubatseho gifite ubu nk'uko kagaragazwa na Expertise. Amafaranga yose uko ari miliyoni 40,400,000frw y'agaciro k'inzu n'ikibanza akayahabwa na Marie Gloria

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Bugwiza afatanyije na Munyamahoro Seth, nyamara nta bimenyetso yerekana ko ubu butaka bwagurishijwe na Munyamahoro Seth atari yarabuguze na Gaga John kuko uyu John Gaga wagurishije Munyamahoro Seth ari nawe Bugwiza Marie Gloria yaguze nawe, nta hantu na hamwe uyu Nyirabasinga Genereuse yigeze agaragaza ko uwagurishije John Gaga atari nyir'ubutaka, ukibaza niba Nyirabukwe Nyirakarera Belancila yaragurishije ibitari ibye, impamvu yirirwaga agendana na Nyirabasinga mu manza baburana imitungo yabo ntagaragaze ko yamugurishirije ikibanza. Avuga kandi ko Bugwiza Marie Gloria atahabwa ikibanza kirimo inzu ngo atange n'ayo mafaranga nk'aho ari ingurane y'ibyo yashyizeho kandi Bugwiza Marie Gloria

yaraguze ikibanza kirimo inzu yubatswe na Munyamahoro Seth, akaba yaragaragaje inkomoko y'umutungo we, ariko Nyirabasinga we akaba aterekana ibimenyetso by'ubu butaka, uretse amagambo adafite ikimenyetso na kimwe. Mu byukuri kuba urukiko rwarasanze nta shingiro bifite kugobokesha John Gaga ngo kubera ko nta nyungu urukiko rubona afite mu rubanza, bishimangira ko John Gaga yaguze mu buryo bwemewe n'amategeko ntawe umurega. Bityo rero ngo ntiyari akwiye no gucibwa ayo mafaranga yavuzwe haruguru kubera ko nabo baguze mu buryo bwemewe n'amategeko. [36] Bugwiza Marie Claire avuga ko Urukiko rwirengagije ko Maniriho Narcisse ari ngombwa ko agobokeshwa kubera ko avuga ko yaguze inzu na Nyirabasinga akaba ashobora kuzatambamira uru rubanza ashingiye ku ngingo ya 115 y'itegeko No 22/2018 ryo kuwa 29/04/2018 CPCSCA mu gika cya mbere ivuga ko kugobokesha ku gahato umuburanyi mu rubanza bisabwa n'umuburanyi ushaka ko umuntu utari mu rubanza aruzanwamo kugira ngo nawe aburane hatwazatambamira imikirize yarwo. Avuga kandi ko Urukiko rwirengagije expertise y'inzu ya Macyamura Aaron Nyirabasinga yatanze mu rubanza RC00078/2018/TGI/GSBO n'inyandikomvugo y'urwo rubanza, aho Nyirabasinga yemezaga ko uwo mutungo wari uwe yabagamo muri 1994, agasobanura ko bahinduye urubaraza n'amarembo gusa, bityo kuba urukiko rwemeza ko Nyirabasinga Genereuse ahabwa 500,000 frw y'agaciro ngo k'inzu ngo yasize ahunga muri 1994 na 39,900,000frw y'agaciro n'ikibanza yari yubatseho nta shingiro bifite. Igitangaje ni uko baburana kuwa 03/03/2020 urukiko rwabategetse kuzana expertise y'umutungo Bugwiza yaguze, utandukanye cyane n'umutungo wa Macyamura Aaron, aho kuyireba ngo babone ko expertise y'umutungo we itandukanye cyane na Expertise y'umutungo wa Macyamura Nyirabasinga yavuze ko yabagamo muli 1994, ahubwo bakoresheje iyo expertise kureba agaciro k'ikibanza cye bategeka ko ako gaciro ka 39,900,000Frw k'ikibanza inzu ye yubatseho gahabwa Nyirabasinga. Urukiko ngo rwirengagije ko kuva Nyirabasinga yagaruka mu Rwanda mu mwaka wa 2012 kugezaho yigaruriye umutungo we muri 2020, hashize imyaka 8 Nyirabasinga atarigeze na rimwe arega Nyirabukwe kuba yaragurishije umutungo we, bikaba bitangaje ko nyuma y'imyaka 26 kuwa 03/03/2021 mu rubanza ajuririra, ariho Nyirabasinga yibutse kuvuga ko agiye kurega Nyirabukwe. Mu bimenyetso byose Nyirabasinga yatanze mu rubanza rujuririrwa birimo raporo y'Akagari ka Bibare, raporo y'Umurenge wa Kimironko, na Raporo y'urwego rw'umuvunyi, ibyanditseho byose iyo ubisomye usanga atari ibimenyetso bigaragaza inkomoko y'imitungo ya Nyirabasinga, ahubwo ize nze zamugiriyemo inama yo kugana inkiko agatanga ibimenyetso n'abatangabuhamya, nk'uko byanditse muri raporo y'Akagari ka Bibare [37] Me Hakizimana Gerard wunganira Nyirabasinga Genereuse avuga ko Urukiko rwagaragaje ko umutungo uburanwa ari umutungo gakondo ugizwe n'inzu n'ubutaka bya Nyirabasinga uwaba yarawugurishije wese akaba yaragurishije ibitari ibye, nta kimenyetso kivuguruzwa iby'Urukiko rwashingiyeho harimo amaraporo y'inzego z'ibanze kuva ku Kagari kugera ku rwego rw'umuvunyi aho rwanahamagaye abari batuye aho bakemeza ko inzu Bugwiza atuyemo yari iya Nyirabasinga, ibyo kugobokesha, ubisaba azasobanurira urukiko impamvu zabo agobokesha. Kuba umutungo ari uwa Nyirabasinga Genereuse kandi agomba kuwugiraho uburenganzira amategeko amwemerera, arasaba urukiko rujuririrwa ko n'ubundi rwemeza ko umutungo ari uwe, kuba waravugururwe cyangwa se hari ibikorwa byawukozweho; rero hakurikizwa amategeko ibikorwa yakoze ku mutungo utari uwe ntibikurweho hakarebwa agaciro kabyo kuko ubu buryo nibwo bukurikije amategeko.

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[38] Urukiko rurasanga Bugwiza Marie Gloria asobanura ko yategetswe gufatanya na Munyamahoro Seth guha Nyirabasinga Génèreuse amafaranga 500,000frw y'agaciro k'inzu yasize ahunga muri 1994 na miliyoni 39,900,000frw y'agaciro k'ikibanza yari yubatsheho gifite ubu nk'uko kagaragazwa na n'igenagaciro ryakozwe n'amafaranga yose uko ari miliyoni 40,400,000frw, ngo Urukiko Rwisumbuye rwategetse ko Bugwiza Marie Gloria yahabwa ikibanza kirimo inzu ari uko atanze aya mafaranga nk'aho ari ingurane y'ibyo yashyizeho, mu gihe Bugwiza Marie Gloria yaguze ikibanza kirimo inzu yubatswe na Munyamahoro Seth, akaba yaragaragaje inkomoko y'umutungo we, ariko Nyirabasinga we akaba aterekana ibimenyetso by'ubu butaka, uretse amagambo adafite ikimenyetso na kimwe. [39] Urukiko rurasanga nk'uko Bugwiza Marie Gloria abivuga, ntabwo Urukiko Rwisumbuye rwagombaga kumusaba gufatanya na Munyamahoro Seth gusubiza Nyirabasinga Génèreuse amafaranga 40,400,000Frw agizwe n'amafaranga 500,000frw y'agaciro k'inzu yasize ahunga muri 1994 na 39,900,000frw y'agaciro k'ikibanza, kandi Bugwiza yarawuguze na Munyamahoro Seth wari waramaze kuvugurura awufitiye n'ibyangombwa. Ahubwo iyo Urukiko Rwisumbuye rusanga Bugwiza Marie Gloria yaraguze mu buryo bunyuranyije n'amategeko, rwagombaga gutegeka ko amasezerano aseswa, agasubizwa amafaranga yaguze inzu na Munyamahoro Seth, hyongereyeho agaciro yongeye kuri uwo mutungo amaze kuwugura. Ariko nk'uko byasobanuwe, nta n'ubwo Nyirakarera Belancile yafatwa nk'uwagurishije umutungo utari uwe, mu gihe Nyirabasinga Génèreuse avuga ko uyu mutungo umugabo we yari yarawuhawe na sekuru nyamara akaba atabigaragariza ibimenyetso, ndetse akavuga ko igice kimwe cyari icy'umugabo we, ikindi ari icya sebukwe (raporo y'Akagari), byumvikana ko na Nyirakarera Belancile wagurishije ubutaka buburanwa yabikoze afite uburenganzira. [40] Urukiko rurasanga kubera impamvu zimaze gusobanurwa, amafaranga 40,400,000 agizwe n'amafaranga 500,000frw y'agaciro k'inzu yasize ahunga muri 1994 na 39,900,000frw y'agaciro k'ikibanza Bugwiza Marie Gloria yari yasabwe gufatanya na Munyamahoro Seth kuyasubiza Nyirabasinga Génèreuse, ntayo agomba kumuha

5.Gusuzuma niba Munyabuhoro Seth yakurwaho ubwishyu yategetswe kwishyura Nyirabasinga Genereuse afatanije na Bugwiza Marie Gloria. [41] Me Rukarishya Phillemon wunganira Munyamahoro Seth avuga ubusabe bwa Munyamahoro Seth bwo gukurirwaho ubwishyu bwa Nyirabasinga Gènèreuse bungana na 40.400.000frw bwategetswe mu rubanza RC00147/2020/TGI/GSBO afatanyije na Bugwiza Marie Gloria bugomba guhabwa ishingiro dore ko nawe yaguze na Gaga John, uvuga ko nawe abukomora kuri Nyirakarera Belancille ufitanye isano rya bugufi na Nyirabasinga Gènèreuse utarigeze avugisha ukuri. Kutavugisha ukuri binyuranyije n'ibiteganywa n'ingingo ya 3 y'Itegeko No 12/06/2004. Itegeko N° 15/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo. Nyirabasinga Gènèreuse yagombaga kugobokesha uwagurishije. [42] Me Hakizimana Gerard wunganira Nyirabasinga avuga ko ayo mafaranga bavuga ntabwo Nyirabasinga ayemera icyo asaba n'ugusubizwa umutungo we. Urukiko rusanze yasubizwa amafaranga, Nyirabasinga asanga ayo mafaranga yasubizwa na Bugwiza Marie Gloria wenyine kubera ko ariwe bareze kandi akaba ariwe wari utunze umutungo uburanwa. [43] Me Rukarishya Phillemon wunganira Munyamahoro Seth avuga ko kuba uwareze ariwe Nyirabasinga, kuba nawe

yiyeemerera ko Munyamahoro nta kintu agomba kubazwa ntacyo bibangamiye Munyamaho, gusa icyo yasabye ajuririra ni ugukuraho urubanza rwamutegetse gufatanya na Bugwiza Marie Gloria kandi uwo yari yaraguze nawe yaraguze nta buryarya (de bonne foi), akaba ariyo mpamvu yasabye ko hagobokeshwa Gaga ngo asobanure inkomoko y'umutungo yagurishije Munyamahoro. [44] Urukiko rurasanga ibyo Munyamahoro Seth n'umwunganira basaba, ko Urukiko Rukuru rwakuraho icyemezo cy'urukiko Rwisumbuye kimutegeka gufatanya na Bugwiza Marie Gloria

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bifite ishingiro kuko n'iyi Urukiko Rwisumbuye ruza gusanga amasezerano y'ubugure agomba guteshwa agaciro, ntabwo rwari gutegeka Munyamahoro Seth na Bugwiza Marie Gloria gufatanya kugira ibyo basubiza Nyirabasinga Belancile, kandi bese batarafatiye umutungo we icyarimwe. Ahubwo nk'uko byasobanuwe, Munyamahoro Seth yari gusubiza Bugwiza Marie Gloria amafaranga yamuhaye bagura, Munyamahoro Seth nawe agasubizwa amafaranga yatanze n'uwo baguze ariwe Gaga John, John Gaga agasubizwa na Nyirakarera, uwari nyir'ubutaka akabusubirana. Kuba rwahisemo ko umutungo uguma mu maboko ya Bugwiza Marie Gloria, ni ukuvuga ko rwasanze rutatesha agaciro amasezerano ye y'ubugure, ariyo mpamvu nta n'andi mafaranga bagombaga gusabwa gusubiza hejuru y'ayo batanze bagura, kuko nta mategeko byaba bishingiyeho. Bityo nk'uko byemejwe hasuzumwa ingingo nk'iyi y'ubujurire bwa Bugwiza Marie Gloria, amafaranga 40.400.000 Munyamahoro Seth yari yategetswe gufatanya na Bugwiza Marie Gloria guha Nyirabasinga Génèreuse, ntayo agomba kumuha

6. Gusuzuma niba ubujurire bwuririye kubundi bwa Nyirabasinga Genereuse bufite ishingiro. [45] Me Hakizimana Gerard wunganira Nyirabasinga Genereuse avuga ko atanze ubujurire bwuririye ku bundi. Avuga ko ibijyanye n'umutungo uburanwa, Nyirabasinga Genereuse asaba ibi bikurikira: Kuba umutungo ari uwa Nyirabasinga Genereuse kandi agomba kuwugiraho uburenganzira amategeko amwemerera, yasabaga urukiko rwajuririwe ko nubundi rwemeza ko umutungo ari uwe, kuba waravuguruwe cyangwa se hari ibikorwa byawukozweho; rero hakurikizwa amategeko ibikorwa yakoze kumutungo utari uwe ntibikurwaho hakarebwa agaciro kabyo kuko ubu buryo nibwo bukurikije amategeko, ibi baranabishingira ku itegeko No 03/2013/OL ryo kuwa 16/06/2013 Itegeko Ngenga rikuraho Itegeko Ngenga N° 08/2005 ryo kuwa 14/07/2005 rigena imikoreshereze n'imicungire y'ubutaka mu Rwanda Ingingo ya 35 igika cya 3, ivuga ko “Mu gihe i nyubako cyangwa se ibihingwa byashyizwe n'undi muntu ku butaka butari ubwe hadakurikijwe ibisabwa n'amategeko cyangwa amasezerano, nyir'ubutaka afite uburenganzira bwo gusaba uwabishyizeho kubikuraho bitabujije no gusaba impozamarira cyangwa indishyi mu gihe hari ibikorwa bye byangijwe”. Hari kandi icyemezo cy'inkiko (jurisprudence) iri kumwe n'ibaruwa ya Nyakubahwa Perezida w'Urukiko rw'Ikirenga yandikiye abacamanza kuwa 20/01/2015 ku birebana n'imanza z'imitungo itimukanwa; urwo rubanza RCAA0018/13/CS mu gace ka 28 urupapuro rwa cyenda, ruvuga ko “Urukiko rurasanga rero n'ubwo ingingo ya 35 igika cya 3 y'itegeko no 43/2013 ryo kuwa 16/6/2013 ryavuzwe haruguru itegenya ko uwubatswe ku butaka bw'abandi mu buryo butemewe yasabwa gukuraho inyubako ze, ndetse no kubiryorezwa indishyi z'impozamarira cyangwa iz'ibyo yangije, ibyo uwunganira Harerimana asaba ko

Sebukayire yakura inyubako ze kukibanza bitahabwa ishingiro mu gihe Sebukayire yafashe ubutaka kandi akabwubakaho nta buryarya nk'uko byasobanuwe mu gika cya 20, bityo inyubako ziri ku kibanza no 0672/GAS/KAC zikaba zikwiye kugumanwa na Harerimana Gaspard na Mukangwije Therese, ariko abashinzwe kubacungira umutungo bakazitangira indishyi zingana na miliyoni 33.589.068frw hashingiwe kugaciro k'igenegaciro ryakozwe na Harerimana Emmanuel kuko Sebukayire ntacyo yagaragaje kizivuguruza". Bivuze ko basaba ko inyubako ya Nyirabasinga yavuguruwe na Bugwiza ubu ikaba ifite agaciro ka 76,816,093frw habariwemo n'ubutaka, barasaba ko ibimaze kuvugwa haruguru Bugwiza yahabwa 76,816,093frw havuyemo agaciro k'ubutaka kari kuri expertise ni ukuvuga 39,900,000frw hakavamo agaciro kagereranyije k'inzu Nyirabasinga yasizemo ka 5,000,000frw, hakavamo indishyi mbonezamusaruro zabarwa kuva 2007 kugera 20/3/2020 ku kigereranyo cy'ubukode bwa 200,000frw ku kwezi ni ukuvuga imyaka 14 ihwanye n'amezi 168 bigahwana n'amafranga 33,600,000frw. Muru make nukuvuga 76,816,093frw-78,500,000frw- 1,683,907frw, bivuze ko aya mafranga Bugwiza yayaha Nyirabasinga.

[46] Uhagarariye Nyirabasinga Génèreuse avuga ko asaba kandi indishyi z'akababaro zihwanye na 2,000,000Frw zivugwa mu gika cya 38 zakurwaho kuko niwe wababajwe no kuba umutungo we ubyazwa umusaruro na Bugwiza, Nyirabasinga niwe ukwiye kugenerwa indishyi z'akababaro zihwanye na 5,000,000frw. Avuga kandi ko indinshyi mbonezamusaruro za

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3,000,000frw urukiko rwavuze mu gika cya 38 barasaba ko zavaho kuko umutungo yawuheshejwe n'urubanza RC00078/2018/TGI/GSBO ntaburiganya bwabayeho cyane ko Bugwiza yareze ashaka ko irangizwa ryarwo riteshwa agaciro akabitsindira mu rubanza RC00148/2020/TGI/GSBO rwaje no kujuririrwa rugahabwa RCA00155/2020/HC/KIG. [47] Uhagarariye Nyirabasinga asaba ko yagenerwa igihembo cya Avoka kingana n'amafaranga 3.000.000Frw kuko amaze kuburana imanza 5 kuri uyu mutungo aburanirwa na Avoka 4. Arasaba n'amafaranga y'ikurikiranarubanza ahwanye na 1,500,000Frw kuko iki kibazo yagikurikiranye mu nzego zitandukanye ndetse no mu nkiko. [48] Bugwiza Marie Gloria avuga ko ubujurire bwuririye ku bundi bwa Nyirabasinga nta shingiro bufite kubera ko ubutaka Urukiko rwategetse ko Bugwiza na Munyamahoro bazishyura, ntaho buhuriye n'umuryango wa Nyirabasinga na Nyirabukwe kuko ubwo butaka bwari ubwa Leta mbere ya 1994, ari nayo mpamvu nyuma ya 1994 bwatanzwe na MVK. [49] Urukiko rurasanga ibyo Nyirabasinga Génèreuse n'umwunganira basaba, ko inyubako ya Nyirabasinga yavuguruwe na Bugwiza ubu ikaba ifite agaciro ka 76,816,093frw habariwemo n'ubutaka, bagasaba ko ibimaze kuvugwa haruguru Bugwiza yahabwa 76,816,093frw havuyemo agaciro k'ubutaka kari kuri expertise ni ukuvuga 39,900,000frw hakavamo akaciro kagereranyije k'inzu Nyirabasinga yasizemo ka 5,000,000frw, hakavamo indishyi mbonezamusaruro zabarwa kuva 2007 kugera 20/3/2020 ku kigereranyo cy'ubukode bwa 200,000frw ku kwezi, ni ukuvuga imyaka 14 ihwanye n'amezi 168 bigahwana n'amafranga 33,600,000Frw bivuze ko muri make Bugwiza Marie Gloria ariwe waha Nyirabasinga Génèreuse amafaranga 1,683,907Frw, nta shingiro bifite. Nk'uko Bugwiza Marie Gloria abivuga, kandi bikaba byasobanuwe mu ngingo z'ubujurire zabanjirije iyi,

ntabwo Nyirabasinga Génèreuse yashoboye kugaragariza ko Nyirakarera Bélancile yagurishije ubutaka butari ubwe, ariyo mpamvu n'amasezerano y'ubugure ya Bugwiza Marie Gloria, waguze na Munyamahoro Seth, wari ufite ibyangombwa by'umutungo yagurishije, atateshwa agaciro kuko ataguze n'utari nyir'umutungo, kuko icyo gihe agura, Munyamahoro Seth niwe wari nyir'umutungo. Bityo nk'uko byasobanuwe, nta n'impamvu ihari yatuma agira amafaranga asubiza Nyirabasinga Génèreuse. [50] Urukiko rurasanga amafaranga y'indishyi z'akababaro, ay'ikurikiranarubanza n'ay'igihembo cya Avoka Nyirabasinga Génèreuse n'umwunganira basaba, ntayo bahabwa kubera ko ubujurire bwa Bugwiza Marie Gloria bufite ishingiro. Bityo nta kosa yakoreye Nyirabasinga Génèreuse ryatuma amuha izi ndishyi. [51] Urukiko rurasanga ibyo Nyirabasinga Génèreuse asaba ko indishyi mbonezamusaruro z'amafaranga 3.000.000Frw yategetswe guha Bugwiza Marie Gloria zakurwaho, nta shingiro bifite kuko ibyo avuga ko umutungo yari yawuhawe n'urubanza RC00078/2018/TGI/GSBO nta buriganya nta shingiro bifite kuko urwo rubanza rwari rwaciwe Bugwiza adahari yarusubirishijemo ruza kuvaho, bivuze ko n'ibyo Nyirabasinga Génèreuse yakiriye bishingiye kuri urwo rubanza yagombaga kubisubiza. Bityo iyi ngingo y'ubujurire bwuririye ku bundi ya Nyirabasinga Génèreuse nta shingiro ifite. 7. Gusuzuma niba ubujurire bwuririye ku bundi bwa Macyamura Aaron bufite ishingiro. [52] Me Nyungura Joseph Uhagarariye Macyamura Aaron avuga ko kuba Bugwiza Marie Gloria akomeje kumusiragiza mu nkiko ku buryo bw'amaherere, ashingiye ku biteganywa n'ingingo ya 154 y'itegeko ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, Macyamura Aaron arasaba Urukiko Rukuru rwajuririwe gutegeka Bugwiza kumuha indishyi zingana na 3.500.000Frw zikubiyemo 1.000.000Frw y'indishyi z'akababaro, amafaranga ibihumbi magana 500.00Frw y'ikurikiranarubanza, na 2.000.000Frw y'igihembo cya Avoka ku rwego rwa mbere no ku rwego rw'ubujurire. Ibi akaba abisaba Bugwiza Marie Gloria ngo kuko ariwe wamugobokesheje.

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[53] Bugwiza Marie Gloria avuga ko bitangaje kuba Macyamura Aron w' umuturanyi we yanga kuza mu Rukiko ngo asobanure neza uko expertize y'umutungo we ugizwe n'inzu n'ikibanza yubatsemo wakorewe expertise witwa ko ariwo uburanwa mu rubanza RC00078/2019/TGI/GASABO. Nta kuntu yari kubona expertise y'umutungo wa Macyamura mu rubanza yarezwemo bamubeshyera ko yigaruriye umutungo wa Nyirabasinga ngo no ku mugobokesha mu rubanza ngo aze asobanure uko byagenze. Ikindi ni uko ari umuvandimwe wa Munyamahoro Seth akaba yarasinye ku masezerano y'ubugure bw'inzu hagati ya Munyamahoro Seth na John Gaga. Aha arasanga indishyi asaba nta shingiro zahabwa kuko abari bakwiye kuzimuha ari abakoresheje expertize y'umutungo we bemeza ko ariwo babagamo muri 1994 ukaba ari nawo uburanwa nk'uko byanditse mu nyandiko mvugo y'urubanza RC00078/2019/TGI/GAABO avuze haruguru. Akaba asanga yakagaragaje n'ukuri kuko ari mu bashyize umukono ku masezerano y'ubugure hagati ya Munyamahoro Seth na John Gaga.

- [54] Urukiko rurasanga Macyamura Aaron avuga ko asaba Urukiko Rukuru rwajuririwe gutegeka Bugwiza Marie Gloria kumuha indishyi zingana na 3.500.000Frw zikubiyemo 1.000.000Frw y'indishyi z'akababaro, amafaranga ibihumbi magana 500.000Frw y'ikurikiranarubanza, na 2.000.000Frw y'igihembo cya Avoka ku rwego rwa mbere no ku rwego rw'ubujurire. Ibi akaba abisaba Bugwiza Marie Gloria ngo kuko ariwe wamugobokesheje. [55] Urukiko rurasanga nk'uko Macyamura Aaron abivuga, Bugwiza Marie Gloria niwe wamugobokesheje mu rubanza, kandi mu by'ukuri ntacyo amurega, kuko n'ibyo kuba inzu ye ariyo yakoreweho igenagaciro Nyirabasinga Génèreuse yabanje gushingiraho arega, byosobanuwe ko habaye kwibeshya, ko atariyo iregerwa. Bityo Bugwiza Marie Gloria yagombaga kureka urubanza rukaburanwa hagati ye na Nyirabasinga Génèreuse wamuregaga, ntagobokeshe mu rubanza Macyamura Aaron udafite aho ahuriye n'umutungo baburana, uretse kuba ari umuturanyi no kuba Nyirabasinga Génèreuse yaraburanishije igenagaciro ryakorewe ku nzu ye, aho kuburanisha iryakorewe ku nzu aburana na Bugwiza Marie Gloria. Ariko ibi byashoboraga no gusobanuka Bugwiza Marie Gloria atagobokesheje Macyamura Aaron ntacyo agiye kumurega, ahubwo akamuhamagaza mu rubanza nk'umutangabuhamya. Kuba yaramugobokesheje nk'umuburanyi mu rubanza, niwe ugomba kwishingira igihombo yatewe no gukurikirana urubanza.
- [56] Urukiko rurasanga ariko amafaranga 1.000.000Frw Macyamura Aaron asaba nk'indishyi z'akababaro zo kuba yaragobokeshejwe mu rubanza, ntayo yahabwa kubera ko kugobokeshwa mu rubanza nta kindi gihombo agaragaza byamuteje, uretse kuba yaragombye gutakaza amafaranga akurikirana urubanza ashaka na Avoka umwunganira. Urukiko rurasanga ariko amafaranga 500.000 Frw y'ikurikiranarubanza, na 2.000.000Frw y'igihembo cya Avoka ku rwego rwa mbere no ku rwego rw'ubujurire Macyamura asaba, ntiyayahabwa yose kubera ko ari menshi, akaba agenewe amafaranga 100.000Frw y'ikurikiranarubanza, n'amafaranga 750.000Frw y'igihembo cya Avoka kuri uru rwego n'urwarubanjirije. 8.Gusuzuma ishingiyo ry'ubusabe bwa Munyamahoro Seth bwo gutegekwa Nyirabasinga kumuha indishyi z'akababaro, igihembo cya Avoka ku nzego zombi n'amafaranga y'ikurikiranarubanza. [57] Me Rukarisha Philemon wunganira Munyamahoro Seth avuga ko ibisabwa na Munyamahoro Seth byo kumusuzumira ishyingiro ry'indishyi zivugwa zo gutegeka Nyirabasinga Génèreuse kumuha indishyi z'akababaro ka 2.000.000frw na 2.000.000frw akubiyemo igihembo cya Avoka cyo kurwego rwambere n'urwa kabiri n'amafaranga y'ikurikirana rubanza izishingiye kubiteganywa n'ingingo ya 111 y'Itegeko No 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi igira iti: "Ikirego cy'amafaranga y'ikurikiranarubanza ni ikirego gishamikira ku kirego cy'iremezo kigamije kwishyura ibyakoreshejwe mu rubanza "(...)". Izi ndishyi zisabwa harimo n'izo gushorwa mumanza na Nyirabasinga Génèreuse waruzi neza ko uwagurishije ubutaka ari

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nyirabukwe nyamara bikaba bigaragara ko ibyo kuregera amahugu babiziranyeho. Aha rero Urukiko ruregewe ruzabone ko indishyi zisabwa na Munyamahoro Seth agomba kuzihabwa. [58] Me Hakizimana avuga ko atari Nyirabasinga wamuzanye muri uru rubanza ndetse no ku rwego rubanza Nyirabasinga ntiyigeze amurega, bityo akaba nta ndishyi bakwiye kumusaba.

[59] Urukiko rurasanga Munyamahoro Seth asaba Urukiko gutegeka Nyirabasinga Gënëreuse kumuha indishyi z'akababaro z'amafaranga 2.000.000Frw na 2.000.000Frw akubiyemo igihembo cya Avoka cyo kurwego rwambere n'urwa kabiri n'ikurikiranarubanza. [60] Urukiko rurasanga amafaranga 2.000.000Frw y'indishyi z'akababaro Munyamahoro Seth asaba guhabwa na Nyirabasinga Gënëreuse, ntazo yahabwa kuko atagaragaza aho zishingiye. Kuba Nyirabasinga Gënëreuse yarareze, igihombo byateye Munyamahoro Seth ni uko yakurikiranye urubanza agatanga n'amafaranga y'igihembo cya Avoka, bityo oyo mafaranga y'igihembo cya Avoka n'ikurikiranarubanza niyo yasuzumwa. [61] Urukiko rurasanga ariko amafaranga 2.000.000Frw y'ikurikiranarubanza n'igihembo cya Avoka Munyamahoro Seth asaba, ntiyayabwa yose, kubera ko ari menshi, bityo akaba agenewe amafaranga 100.000Frw y'ikurikiranarubanza, n'amafaranga 750.000Frw y'igihembo cya Avoka. 9. Indishyi BUGWIZA Marie Gloria asaba. [62] Bugwiza Marie Gloria avuga ko ashingiye ku byo Munyamahoro Seth akomeje kuvuga ko Gaga John azagobokeshwa ku gahato nyuma y'imyaka makumyabiri muli 2001 baguze umutungo yamugurishije kandi abizi neza ko Gaga John yamugurishije mu buryo bwemewe n'amategeko ntawe uwumurega, ubu akaba ashaka ko habaho gushidikanya, ibyo bigatuma asaba ko Munyamahoro Seth amuha indishyi z'akababaro zingana n'igice cya 14,000,000frw ni ukuvuga 7,000,000frw z'indishyi z'ikurikirana rubanza kubera ko mu by'ukuri nta kintu na kimwe agobokeshereza John Gaga. [63] Bugwiza Marie Gloria avuga kandi ko asaba Urukiko ko rutegeka ko Macyamura Aaron ko yamuha indishyi z'akababaro zingana na 2,000,000frw (million ebyiri) kuba yararetse bagafotora umutungo w'inzu ye n'ikibanza yubatsemo bakabitanga mu rukiko bamurega bamubeshya ko ari umutungo we, bikamviramo guhuguzwa umutungo we.

[64] Bugwiza Marie Gloria asaba kandi ko Nyirabasinga amuha indishyi z'ikurikirana rubanza zingana na 14,000,000frw z'ikurikirana rubanza, indishyi mboneza musaruro n'iz'akababaro zingana na miliyoni 5,000,000 frw, indishyi zo gusana inzu ye yangiritse 1,000,000frw, ingendo 5,000frw, yose hamwe ni miliyoni 20,000,000frw. [65] Urukiko rurasanga indishyi Bugwiza Marie Gloria asaba Munyamahoro Seth, kubera ko yasabye ko Gaga John azagobokeshwa ku gahato, ibi akabisaba nyuma y'imyaka makumyabiri kuva mu mwaka wa 2001 baguze umutungo yamugurishije kandi abizi neza ko Gaga John yamugurishije mu buryo bwemewe n'amategeko ntuwumurega, ubu akaba ashaka ko habaho gushidikanya, ibyo akaba abisabira ko Munyamahoro Seth amuha indishyi z'akababaro zinanga n'igice cya 14,000 frw (1/2), ni ukuvuga 7,000,000 frw z'indishyi z'ikurikirana rubanza, nta shingiro bifite kuko nta gihombo Bugwiza Marie Gloria agaragaza yatewe no kuba Munyamahoro Seth yarasabye ko Gaga John agobokeshwa mu rubanza. Bwari uburenganzira bwe bwo kuba yagobokeshwa mu rubanza uwamugurishije umutungo, kugira ngo nagira ibyo acibwa nawe

asabe ko byishyurwa n'uwamugurishije, kimwe n'uko na Bugwiza Marie Gloria yamugobokesheje mu rubanza kubera ko ariwe wamugurishije. Munyamahoro Seth kandi icyo yakoze ni ugusaba Urukiko ko rugobokesha Gaga John, ibi uretse no kuba ari uburenganzira bwe, nta n'igihombo byateje Bugwiza Marie Gloria kubera ko byarangiye Gaga John atagobokeshejwe, bityo bikaba bitarakereje n'urubanza.

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- [66] Urukiko rurasanga amafaranga y'indishyi z'akababaro zingana na 2,000,000frw (million ebyiri) zo kuba Macyamura Aaron yararetse bagafotora umutungo w'inzu ye n'ikibanza yubatse mu bakabitanga mu rukiko bamurega bamubeshya ko ari umutungo we, bikamuviramo guhuguzwa umutungo we, Bugwiza Marie Gloria asaba guhabwa na Macyamura Aaron, ntazo yahabwa kubera ko ntacyo Macyamura Aaron yamureze, kandi siwe wakoresheje iryo genagaciro, kandi ntagaragaza n'igihombo byamuteye, kuko umurega asobanura ko yakoresheje igenagaciro ku nzu ya Macyamura kubera kwibishya.
- [67] Urukiko rurasanga amafaranga 14.000.000Frw y'ikurikiranarubanza Bugwiza Marie Gloria asaba Nyirabasinga Génèreuse, ntazo yahabwa kubera ko atagaragaza uburyo aya mafaranga yayakoresheje yose mu gukurikirana urubanza. Bityo akaba agenewe ahubwo amafaranga 200.000frw y'ikurikiranarubanza, agenwe mu bushishozi bw'Urukiko [68] Urukiko rurasanga amafaranga y'indishyi mbonezamusaruro n'iz'akababaro zingana na 5,000,000 frw Bugwiza Marie Gloria asaba, ntazo yahabwa kuko atagaragaza uburyo izi ndishyi mbonezamusaruro yazibazemo, akaba atanagaragaza aho akababaro asabira indishyi gashingiye. N'indishyi zo gusana inzu ye avuga ko yangiritse, zingana na 1,000,000frw, ntazo yahabwa kubera ko atagaragaza uburyo iyo nzu yangiritse ku buryo Urukiko rwabiheraho rumenya niba koko hari ibikenewe gusana. Amafanga y'ingendo 5,000frw akubiye mu ikurikiranarubanza, bityo akaba atayahabwa ukwayo kuko yagenewe amafaranga y'ikurikiranarubanza. III. ICYEMEZO CY'URUKIKO [69] Rwemeje ko ubujurire bwa Bugwiza Marie Gloria bufite ishingiye kuri bimwe. [70] Rwemeje ko ubujurire bwa Munyamahoro Seth bufite ishingiye. [71] Rwemeje ko ubujurire bwuririye ku bundi bwa Macyamura Aaron bufite ishingiye. [72] Rwemeje ko ubujurire bwuririye ku bundi bwa Nyirabasinga Génèreuse nta shingiye bufite. [73] Rwemeje ko imikirize y'urubanza rwajuririwe ihindutse kuri bimwe. [74] Rwemeje ko Bugwiza Marie Gloria agumana umutungo uburanwa ugizwe n'inzu n'ikibanza yubatseho biherereye mu Mudugudu w'Ingeri, Akagari ka Bibare, Umurenge wa Kimironko, Akarere ka Gasabo, ubaruye kuri UPI: 1/02/09/01/1573, nk'uko byari byemejwe mu rubanza rwajuririwe. [75] Rwemeje ko amafaranga 40.400.000Frw (agizwe n'amafaranga 500.000Frw y'agaciro k'inzu Nyirabasinga Génèreuse yasize ahunga mu mwaka wa 1994 n'amafaranga 39.900.000Frw y'agaciro k'ikibanza inzu yubatse) Bugwiza Marie Gloria na Munyamahoro Seth bari bategetswe gufatanywa guha Nyirabasinga Génèreuse ntayo bagomba kumuha kubera impamvu zasobanuwe. [76] Rwemeje ko amafaranga 2.000.000Frw ny'indishyi z'akababaro, n'amafaranga 3.000.000Frw y'indishyi mbonezamusaruro, Nyirabasinga Génèreuse yari yategetswe guha Bugwiza Marie Gloria mu rubanza rwajuririwe adahindutse. [77] Rutegetse Nyirabasinga Génèreuse guha Bugwiza Marie Gloria amafaranga 200.000Frw

y'ikurikiranarubanza kuri uru rwego, yiyongera ku mafaranga yari yategetswe kumuha mu rubanza rwajuririwe yasobanuwe mu gika kibanziriza iiki, akamusubiza n'amafaranga 40.000Frw yatanzeho ingwate y'amagarama kuri uru rwego.

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[78] Rutegetse Nyirabasinga Génèreuse guha Munyamahoro Seth amafaranga 100.000Frw y'ikurikiranarubanza, n'amafaranga 750.000Frw y'igihembo cya Avoka, akamusubiza n'amafaranga 40.000Frw yatanzeho ingwate y'amagarama kuri uru rwego. [79] Rutegetse Bugwiza Marie Gloria guha Macyamura Aaron amafaranga 100.000Frw y'ikurikiranarubanza, n'amafaranga 750.000 y'igihembo cya Avoka.

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