

RWANDA / JUDGMENT

FENG ZHIGANG vs MUGIRANEZA N'UNDI

RC 00005/2024/SC

COURT

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FENG ZHIGANG vs MUGIRANEZA N'UNDI

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Text

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FENG ZHIGANG vs MUGIRANEZA N'UNDI [Rwanda URUKIKO RW'IKIRENGA – RC 00005/2024/SC (Hitiyaremye, P.J., Kazungu na Muhumuza J.) 10 Ukwakira 2025] Amategeko yerekeye ububasha bw'Inkiko – Ububasha bw'Urukiko rw'Ikirenga – kuvuguruzanya kw'imanza – Haba ukuvuguruzanya kw'imanza iyo hari ibyemezo bitandukanye by'inkiko bitagishoboye kujuririrwa kandi bidashobora kurangizwa icyarimwe, kugira ngo umenye ko imanza zivuguruzanya, ureba icyaburanwaga kigafatwaho icyemezo. Amategeko agenga ibimenyetso – inyandiko – inyandiko Mpamo – inyandiko mpamo ni inyandiko yakozwe cyangwa yakiranywe imihango yabugenewe n'umukozi wabiherewe ububasha ku rupapuro cyangwa hifashishijwe ubundi buryo bw'ikoranabuhanga, yanditse mu gihe arimo kuzuza inshingano ze mu ifasi akoreramo kandi ikaba ikubiyemo amakuru yiyandikiye ubwe cyangwa yahagazeho ibyo ahamya biba. Incamake y'Ikibazo: uru rubanza rwatangiye mu Rukiko Rwisumbuye rwa Nyarugenge asaba ko yamukorera ihererekanyamutungo (mutation) ku mutungo utimukanwa baguze ku wa 27/04/2018, ariko Mugiraneza yanga kumukorera ihererekanyamutungo. Urukiko mu rubanza RC00475/2020/TGI/NYGE rwemeje ko umutungo uburanwa wavuzwe haruguru ugomba kwandikwa kuri Feng Zhigang runategeka Mugiraneza indishyi z'amagarama, igihembo cya

Avoka n'izikurikirana rubanza. Uwitwa Ndayisaba (Kazungu) nawe yaje kurega Mugiraneza mu Rukiko Rwisumbuye rwa Nyarugenge asaba ko yategerwa kumukorera iherekanyamutungo (mutation) ry'ubutaka bumwe nk'ubwaguzwe na Feng Zhigang, maze Urukiko mu rubanza RC00532/2020/TGI/NYGE rwemeza ko ubwo butaka bwanditse kuri Mugiraneza bwandikwa kuri Ndayisaba (Kazungu), anacibwa indishyi. Izi manza zose zaburanishijwe Mugiraneza adahari. FENG Zhigang yatanze ikirego mu Rukiko rw'Ubujurire arusaba gukemura ikibazo cyo kuvuguruzanya kuri hagati y'ibyemezo byafashwe mu rubanza RC00475/2020/TGI/NYGE n'urubanza RC00532/2020/TGI/NYGE zaciwe ku rwego rwa nyuma, Urukiko rw'Ubujurire rwabanje gusuzuma inzitizi ijyanye no kumenya niba ikirego cya Feng Zhigang kitagomba kwakirwa kuberako atatanze ingwate itangwa n'abanyamahanga, Urukiko mu rubanza RC00002/2022/CA rwemeje ko nubwo Mugiraneza V asaba ko ikirego cya Feng Zhigang kitakirwa ariko inzitizi atanga ijyanye no gutanga ingwate itangwa n'abanyamahanga ntabwo ari inzitizi ituma ikirego kitakirwa ahubwo ni inzitizi igamije gusubikisha iburanisha ry'urubanza kugira ngo habanze hatangwe iyo ngwate. Bityo rwemeza ko iyo nzitizi nta shingiro ifite. Ku kibazo cyo kumenya niba ikirego cyatanze na Feng Zhigang ku ivuguruzanya hagati y'urubanza RC00475/2020/TGI/NYGE n'urubanza RC00532/2020/TGI/NYGE gikwiye kwakirwa, Urukiko rwemeje ko kitujye ibisabwa ikirego cyo kuvuguruzanya kugirango cyakirwe kuko urubanza RC00475/2020/TGI/NYGE rwajuririwe mu Rukiko Rukuru na Mugiraneza, ruza gusibwa, ariko Mugiraneza akaba yararubyukije, icyo kirego cye kikaba kitaraburanishwa. Bityo urwo rubanza ntiruraba Itegeko, nta nubwo rwagererwa mu kirego cy'imanza zivuguruzanya. Nyuma yuko Urukiko Rukuru rwemeje ko ikirego cyo kubyutsa urubanza cya Ndayisaba nta shingiro gifite, Feng Zhigang yongeye gutanga ikirego mu Rukiko rw'Ubujurire asaba gukemura ivuguruzanya ry'imanza RC00475/2020/TGI/NYGE na RC00532/2020/TGI/NYGE, narwo rwohereza urwo rubanza mu Rukiko rw'Ikirenga kuko arirwo rufite ububasha bwo kuburanisha ibyo birego hashingiwe ku murongo watanze mu rubanza RC0000/2023/SC rwaciwe ku wa 28/07/2023.

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Urukiko rw'ikirenga mu rubanza RC00005/2024/SC rwemeje ko ikirego cya FENG ZHIGANG gifite ishingiro, ko imanza ziregerwa ko zivuguruzanya. Rwemeza ko amasezerano y'ubugure izo manza zombi zishingiraho ateshejwe agaciro, ibintu bigasubira uko byari bimeze uko ayo masezerano yose akorwa. Mugiraneza agasubiza abo baguze amafaranga. Incamake y'icyemezo:

1. Haba ukuvuguruzanya kw'imanza iyo hari ibyemezo bitandukanye by'inkiko bitagishoboye kujuririrwa kandi bidashobora kurangizwa icyarimwe, kugira ngo umenye ko imanza zivuguruzanya, ureba icyaburanwaga kigafatwaho icyemezo. Bityo, ibyo byemezo biramutse bigumye, byagira ingaruka z'uko ababuranyi batabona ubutabera bakeneye.

2. Mu manza zivuguruzanya, Urubanza rwaciwe hirengangijwe amategeko cyangwa hadakurikijwe umurongo wari usanzwe uriho, ni rwo ruvanyaho hakagumaho urubanza Urukiko rwasanze rutanga ubutabera.

3. kugira ngo byemeze ko umutugo utimukanwa watanze, hagomba kubaho icyemezo cy'iyandikisha ry'ubutaka gitangwa n'umwanditsi w'impapuro mpamo z'ubutaka. bityo, kugira ngo uwo mwanditsi atange icyo cyemezo, agomba gushingira gusa ku masezerano yo kwegurira undi uwo mutungo yakozwe mu buryo bw'inyandiko mpamo. 4. inyandiko mpamo ni inyandiko yakozwe cyangwa yakiranywe imihango yabugenewe n'umukozi wabihereye ububasha ku rupapuro cyangwa hifashishijwe ubundi buryo bw'ikoranabuhanga, yanditse mu gihe arimo kuzuzwa inshingano ze mu ifasi akoreramo kandi ikaba ikubiyemo amakuru yiyandikiye ubwe cyangwa yahagazeho ibyo ahamya biba . Bityo, inyandiko yashyizweho umukono na Noteri yemeza imikono y'abayagiranye ntigira agaciro k'inyandiko mpamo, ahubwo ifatwa nk'inyandiko bwite . Amategeko yashingiweho: Iteka rya Minisitiri N° 002/2008 ryo ku wa 1/04/2008 rigena uburyo iyandikisha ry'ubutaka rikorwa, Imanza zifashishijwe: Urubanza RC 00003/2024/SC haburana Muberandinda Frédéric na Nsabimana Léonard n'abandi, rwaciwe n'Urukiko rw'Ikirenga ku wa 27/01/2025 Urubanza RC 00001/2023/SC, haburana Rutayisire Jean de Dieu na Mukankurikiyimana Béatrice n'abandi rwaciwe n'Urukiko rw'Ikirenga ku wa 22/12/2023, Urubanza RS/INJUST/RC 00003/2020/SC, haburana CIFTCI INANC na Nshimiyimana Yvon na Sebutinde Edouard rwaciwe n'Urukiko rw'Ikirenga ku wa 30/09/2021, Urubanza RS/INJUST/RC 00024/2018/SC, haburana Muhima Giovanni na Ngizweninshuti Albert rwaciwe n'Urukiko rw'Ikirenga ku wa 21/02/2020. Urubanza. I. IMITERERE Y'URUBANZA [1] Ku wa 27/04/2018, Mugiraneza Vincent yagurishije Feng Zhigang inzu iri mu kibanza UPI1/03/03/01/60 iherereye mu Mudugudu wa Kagunga, Akagari ka Kagunga, umurenge wa Gikondo, Akarere ka Kicukiro, Umujyi wa Kigali, hakorwa amasezerano mu buryo bw'inyandiko bwite, bumvikana ku kiguzi cya 14.000.000Frw ntihabaho ihererekanyamutungo. [2] Ku wa 14/10/2019, Mugiraneza Vincent yagurishije Ndayisaba Emmanuel ku nshuro ya kabiri inzu ivuzwe haruguru, nabwo hakorwa amasezerano mu buryo bw'inyandiko bwite, ariko imikono y'abayagiranye yemeze na Noteri. Ikiguzi cyumvikanyweho ni 25.000.000Frw, ariko nanone ntihakorwa ihererekanyamutungo.

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- [3] Feng Zhigang yareze Mugiraneza Vincent mu Rukiko Rwisumbuye rwa Nyarugenge arusaba kumutegeka kumukorera ihererekanyamutungo no kumwishyura indishyi mbonezamusaruro n'izo kumusiragiza mu nkiko ikirego cyandikwa kuri RC00475/2020/TGI/NYGE. [4] Ku wa 30/12/2020, Urukiko rwaciye urubanza rwemeza ko ikirego cye gifite ishingiro, rutegeka ko umutungo ufite UPI : 1/03/03/01/60 wandukurwa ku mazina ya Mugiraneza Vincent ukandikwa ku mazina ya Feng Zhigang. [5] Urukiko rwasobanuye ko yaguze uwo mutungo kandi yishyura ikiguzi cyawo, bityo akaba agomba kuwandikwaho. Rwategetse kandi Mugiraneza kwishyura Feng Zhigang igihembo cya Avoka kingana na 500.000Frw n'ingwate y'igarama ingana na 20.000Frw. [6] Ndayisaba Emmanuel Kazungu na we yareze Mugiraneza Vincent mu Rukiko Rwisumbuye rwa Nyarugenge, arusaba kumutegeka kumukorera ihererekanyamutungo, ikirego cye cyandikwa kuri RC00532/2020/TGI/NYGE. [7] Urubanza rwaciye ku wa 06/05/2021, Urukiko rwemeza ko ikirego gifite

ishingiro, rutegeka ko ubutaka bubaruye kuri UPI : 1/03/03/01/60 bwanditse kuri Mugiraneza Vincent bwandikwa noneho kuri Ndayisaba Emmanuel Kazungu, rumutegeka kwishyura Mugiraneza Vincent 1.000.0000Frw yari asigaye ku giciro cy'ubugure. [8] Mu gufata iki cyemezo Urukiko rwashingiye ku masezerano y'ubugure impande zombi zagiranye twabonye haruguru, ruvuga ko ari itegeko ku bayagiranye bagomba kubahiriza. Rwasobanuye kandi ko ubugure ari bumwe mu buryo butuma umuntu agira ubutaka bwe buteganyijwe mu ngingo ya 10 y'Itegeko N° 43/2013 ryo ku wa 16/06/2013 rigenga ubutaka mu Rwanda. [9] Ku wa 10/12/2024, Feng Zhigang yatanze ikirego mu Rukiko rw'Ubujurire asaba gukemura ivuguruzanya ry'imanza RC00475/2020/TGI/NYGE na RC00532/2020/TGI/NYGE, dosiye yoherezwa mu Rukiko rw'Ikirenga kuko arirwo rufite ububasha bwo kuburanisha ibyo birego hashingiwe ku murongo watanze mu rubanza RC0000/2023/SC rwaciwe ku wa 28/07/2023. [10] Urubanza rwaburanishijwe mu ruhamwe ku wa 09/09/2025, Feng Zhigang ahagarariwe na Me Ndoba Augustin, Ndayisaba Emmanuel Kazungu yunganiwe na Me Manishimwe Antoine, naho Mugiraneza Vincent atitabye ariko yarahamagawe mu buryo bukurikije amategeko, bityo aburanishwa adahari. [11] Muri uru rubanza, Urukiko rwasuzumye ibibazo bikurikira: Kumenya niba hari ivuguruzanya hagati y'imanza RC00475/2020/TGI/NYGE na RC00532/2020/TGI/NYGE ; Kumenya urubanza rugomba kuvanwaho; Gusuzuma ibijyanye n'indishyi zisabwa muri uru rubanza. II. ISESENGURWA RY'IBIBAZO BIGIZE URUBANZA Kumenya niba hari ivuguruzanya hagati y'imanza RC00475/2020/TGI/NYGE na RC00532/2020/TGI/NYGE [12] Me Ndoba Augustin uhagarariye Feng Zhigang avuga ko hari ivuguruzanya hagati y'imanza RC00475/2020/TGI/NYGE na RC00532/2020/TGI/NYGE, kuko zombi zategetse ko umutungo umwe uvugwa muri izi manza wandikwa ku bantu babiri batandukanye, bikaba bigaragarira buri wese ko zivuguruzanya.

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- [13] Asobanura ko ibishingirwaho kugira ngo umenye imanza zivuguruzanya byagaragajwe mu manza ebyiri: urubanza RCOM00011/2020/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 12/03/2021, , no mu rubanza RS/SPEC/0002/13/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 14/07/2017. Agaragaza ko mu rubanza rwaciwe n'Urukiko rw'Ubujurire, imanza zivuguruzanya ari izidashobora kujuririrwa mu nzira zisanze, kandi ibyemezo byazifashwemo bikaba bidashobora kurangizwa icyarimwe. Akomeza asobanura ko mu rubanza rwaciwe n'Urukiko rw'Ikirenga, imanza zivuguruzanya ari izabaye ndakuka, zafashwemo imyanzuro idashobora kurangizwa hatabayeho kuvuguruzanya hagati yayo. [14] Me Manishimwe Antoine wunganira Ndayisaba Emmanuel Kazungu avuga ko nta vuguruzanya riri hagati y'imanza ziregerwa kubera ko ababuranyi muri zo atari bamwe, ko amasezerano y'ubugure Feng Zhigang yagiranye na Mugiraneza Vincent nta gaciro yababwako kuko atakorewe imbere y'inzego zibifitiye ububasha, ko kandi mu nyandiko Mugiraneza Vincent yanditse ku wa 08/10/2022 yemeje ko ari we (Ndayisaba Emmanuel Kazungu) baguze umutungo uvugwa muri dosiye. Akomeza asobanura ko ubwo bugure bwashobotse kuko nta ngwate yari iwuriho ndetse nta tambamiramutungo ryariho. Asoza asaba ko urubanza RC00532/2020/TGI/NYGE rwagumaho kuko rushingiye ku bimenyetso bidashidikanywaho,

bityo agahabwa uburenganzira bwe. UKO URUKIKO RUBIBONA [15] Ipfundo ry'ikibazo gisuzumwa muri uru rubanza ni ukumenya niba hari ivuguruzanya riri hagati y'imanza ziregerwa ryemezwa n'umuburanyi umwe undi akarihakana. [16] Kugira ngo umuntu amenye ko imanza zivuguruzanya, byatanzweho umurongo mu manza zitandukanye zaciwe n'Urukiko rw'Ikirenga. [17] Mu rubanza RC00001/2023/SC rwaciwe ku wa 22/12/2023, haburana Rutayisire Jean de Dieu na Mukankurikiyimana Béatrice n'abandi, uru Rukiko rwemeje ko haba ukuvuguruzanya kw'imanza iyo hari ibyemezo bitandukanye by'inkiko bitagishoboye kujuririrwa kandi bidashobora kurangizwa icyarimwe; ibyo byemezo biramutse bigumye, byagira ingaruka z'uko ababuranyi batabona ubutabera bakeneye. Kugira ngo izo mpungenge ziveho, inkiko zaregawe ko hari imanza zivuguruzanya zigomba gusuzuma urubanza cyangwa imanza zikwiye kuvaho kugira ngo hubahirizwe uburenganzira bw'ababuranyi.2 [18] Mu rubanza RC00003/2024/SC rwaciwe ku wa 27/01/2025 haburana Muberandinda Frédéric na Nsabimana Léonard n'abandi, Urukiko rw'Ikirenga, rwifashishije umuhanga mu mategeko Albert FETTWEIS, rwavuze ko kugira ngo umenye ko imanza zivuguruzanya, ureba icyaburanwaga kigafatwaho icyemezo, ugasuzuma niba ikirego gishya kiramutse gihawe ishingiro byavuguruzanya icyemezo cyagifashweho mbere.3 [19] Dosiye ababuranyi bashyikirije Urukiko, igaragaza urubanza RC00475/2020/TGI/NYGE rwaciwe ku wa 30/12/2020, aho Urukiko Rwisumbuye rwa Nyarugenge rwategetse ko umutungo utimukanwa ubaruye kuri UPI : 1/03/03/01/60, wandukurwa ku mazina ya Mugiraneza Vincent, ukandikwa ku mazina ya Feng Zhigang wawuguze; hakaba n'urubanza RC00532/2020/TGI/Nyge rwaciwe ku wa 06/05/2021, aho urwo Rukiko rwategetse ko ubutaka bubaruye kuri UPI : 1/03/03/01/60 bwanditse kuri Mugiraneza Vincent bwandikwa kuri Ndayisaba Emmanuel Kazungu, kandi izo manza zombi zikaba zarabaye itegeko.

1 aha yiyambaza ingingo ya 23 y'Itegeko N° 27/2021 ryo ku wa 10/07/2021 rigenga ubutaka mu Rwanda, iteganya ko amasezerano y'ubugure bwemewe ari ayakorewe imbere ya Noteri mu by'ubutaka n'umurongo watanze kuri iki kibazo mu rubanza RS/INJUST/RC 00010/2019/SC 2 Reba paji 14, igika cya 28. 3 Reba paji 8, igika cya 25.

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[20] Hashingiwe ku bimaze kuvugwa haruguru, Urukiko rurasanga izo manza zivuguruzanya ku bijyanye n'ugomba kwandikwaho umutungo ubaruye kuri UPI : 1/03/03/01/60 wanditse kuri Mugiraneza Vincent, kuko Urukiko Rwisumbuye rwa Nyarugenge, rwategetse ko wandikwa ku bantu babiri batandukanye, zikaba zidashobora kurangizwa icyarimwe kandi zombi zarabaye itegeko. Kumenya urubanza rukwiriye kvanwaho. [21] Me Ndoba Augustin uhagarariye Feng Zhigang avuga ko urubanza RC00532/2020/TGI/NYGE rukwiye kvanwaho kuko arirwo rwaciwe nyuma, ko ariko Urukiko rubibonye ukundi, rukemeza ko amasezerano y'ubugure yose avugwa muri dosiye yateshwa agaciro n'imanza ziregerwa ziyakomokaho zigatashwa agaciro, Urukiko rwategeka Mugiraneza Vincent gusubiza Feng Zhigang ikiguzi yatanze kingana na 14.000.000Frw. [22] Me Manishimwe Antoine wunganira Ndayisaba Emmanuel Kazungu avuga ko amasezerano yabaye hagati ya Mugiraneza Vincent na Feng Zhigang yakozwe mu buryo bunyuranyije n'amategeko kuko yakozwe mu buryo

bw'inyandiko bwite, bityo ko urubanza RC00475/2020/TGI/NYGE rwayashingiyeho ari rwo rugomba kuvanwaho. [23] Avuga ko urubanza RC00532/2020/TGI/NYGE ari rwo rukwiye kugumaho kuko rwo rwashingiye ku masezerano bigaragara ko yakorewe imbere ya Noteri. Abajijwe niba Noteri uvugwa ari uw'ubutaka kandi bigaragara ko igihe amasezerano yakorwa ba Noteri b'ugutaka bigenga bari batarajyaho, yashubije ko atabimenya. Kuri icyo kibazo Ndayisaba Emmanuel Kazungu yashubije ko ari Noteri wigenga ariko atari uw'ubutaka. [24] Me Manishimwe Antoine arangiza avuga ko Urukiko rubibonye ukundi, rugasanga izo manza zombi zigomba kuvanwaho, rwazategeka ko ibintu bisubira uko byari bimeze mbere y'uko ubugure bwose bubaho. UKO URUKIKO RUBIBONA [25] Urukiko rurasanga ikibazo nyamukuru kigomba gusuzumwa kuri iyi ngingo ari ukumenya urubanza rukwiriye kuvanwaho hagati y'urubanza RC00475/2020/TGI/NYGE n'urubanza No RC 00532/2020/TGI/NYGE, nyuma yo gusanga zombi zivuguruzanya kuko zidashobora kurangirizwa icyarimwe. [26] Nk'uko byasobanuwe mu rubanza RC00001/2023/SC rwaciwe ku wa 22/12/2023, haburana Rutayisire Jean de Dieu na Mukankurikiyimana Béatrice n'abandi, urubanza rwaciwe hirengangijwe amategeko cyangwa hadakurikijwe umurongo wari usanzwe uriho, ni rwo ruvanwaho hakagumaho urubanza Urukiko rwasanze rutanga ubutabera⁴. [27] Ku birebana n'uru rubanza, hakaba hagomba gusuzumwa mu rwego rw'amategeko, agaciro k'amasezerano y'ubugure imanza ziregerwa ko zivuguruzanya zashingiyeho. [28] Mu rubanza RS/INJUST/RC 00003/2020/SC, rwaciwe ku wa 30/09/2021, haburana CIFTCI INANC na Nshimiyimana Yvon na Sebutinde Edouard, uru Rukiko rwemeje ko kugira ngo byemezwwe ko umutugo utimukanwa watanzwwe, hagomba kubaho icyemezo cy'iyandikisha ry'ubutaka gitangwa n'umwanditsi w'impapuro mpamo z'ubutaka, kandi kugira ngo uwo mwanditsi atange icyo cyemezo, akaba agomba gushingira gusa ku masezerano yo kwegurira undi uwo mutungo (ubutaka) yakozwe mu

4 Reba paji 19, igika cya 41 muri urwo rubanza.

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buryo bw'inyandiko mpamo. Ibi bikaba byumvikanisha ko amasezerano yakorwa mu bundi buryo butari ubwo nta gaciro yaba afite⁵. [29] Rwemeje kandi ko by'umwihariko ku birebana n'amasezerano y'ubugure bw'umutungo utimukanwa, kuba yakorwa mu bundi buryo hatagaragajwe amakuru ari ku ifishi y'umugereka w'Iteka rya Minisitiri N° 002/2008 ryo ku wa 1/04/2008 rigena uburyo iyandikisha ry'ubutaka rikorwa, na byo bigomba gufatwa nk'uburyo budakurikije amategeko, kubera ko muri iyo fishi hateganyijwe amakuru y'ingenzi atagomba kubura muri bene ayo masezerano. Muri ayo makuru harimo kuba muri ayo masezerano hagomba kugaragaramo ko hishyuwe amafaranga y'iherekanyamutungo, gitansi yayo ikayomekwaho. Harimo kandi amagambo yuzuzwa na Noteri w'ubutaka ahamya ibikubiye mu masezerano, mbere yo kuyashyiraho umukono⁶. [30] Nk'uko twabibonye mu gika cya mbere n'icya kabiri by'uru rubanza, amasezerano y'ubugure yakozwe hagati Feng Zhigang na Mugiraneza Vincent n'ayakozwe hagati ya Ndayisaba Emmanuel Kazungu na Mugiraneza Vincent, yombi yakozwe mu buryo bw'inyandiko bwite. By'umwihariko ku birebana n'amasezerano ya Ndayisaba Emmanuel Kazungu, kuba Noteri yaremeje imikono y'abayagiranye,

si cyo kiyahindura inyandiko mpamo. [31] Mu rubanza rwaciwe n'uru Rukiko haburana Muhima Giovanni na Ngizweninshuti Albert, Urukiko rwasanze inyandiko mpamo ari inyandiko yakozwe cyangwa yakiranywe imihango yabugenewe n'umukozi wabiherewe ububasha ku rupapuro cyangwa hifashishijwe ubundi buryo bw'ikoranabuhanga, yanditse mu gihe arimo kuzuza inshingano ze mu ifasi akoreramo kandi ikaba ikubiyemo amakuru yiyandikiye ubwe cyangwa yahagazeho ibyo ahamya biba. Bikaba byumvikanisha ko inyandiko yashyizweho umukono na Noteri yemeza imikono y'abayagiranye itagira agaciro k'inyandiko mpamo, ahubwo ifatwa nk'inyandiko bwite. [32] Hashingiwe ku bisobanuro bimaze gutangwa, Urukiko rurasanga amasezerano y'ubugure yombi yerekeye umutungo utimukanwa uvugwa muri iyi dosiye nta gaciro agomba guhabwa. Kubera iyo mpamvu imanza ziregerwa kuvuguruzanya zikaba zigomba kuvanwaho kuko zishingiye ku masezerano yakozwe mu buryo budakurikije amategeko ibintu bigasubira uko byari bimeze mbere y'amasezerano y'ubugure buri wese agasubirana ibyo yatanze nk'uko buri ruhande rubisaba. [33] Hashingiwe kuri ibi bisobanuro, Urukiko rusanga Mugiraneza Vincent agomba gusubiza amafaranga yakiriye. Ibi bivuze ko Mugiraneza Vincent agomba gusubiza Feng Zhigang 14.000.000Frw kuko ariyo agaragara mu nyandiko bise amasezerano y'ubugure ko ari yo yishyuye. Mugiraneza Vincent agomba kandi gusubiza Ndayisaba Emmanuel 24.000.000Frw agaragara ku nyandiko bise amasezerano y'ubugure bw'inzu y'agateganyo na we bigaragara ko ari yo yishyuye. Ku bijyanye n'indishyi zisabwa muri uru rubanza [34] Me NDOBA Augustin avuga ko Feng Zhigang asaba Urukiko gutegeka Mugiraneza Vincent kumwishyura indishyi z'akababaro zingana na 700.000Frw, igihembo cya Avoka kingana na 2.000.000Frw, amafaranga y'ikurikiranarubanza angana na 400.000Frw hamwe n'igarama ringana na 50.000Frw yishyuye atanga ikirego mu Rukiko rw'Ubujurire. Izi ndishyi asaba azishingira ku ngingo ya 111 y'Itegeko N° 22/2018 ryo ku wa 29/04/2018, ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi nk'uko ryahinduwe.

5 Reba paji 11, igika cya 24. 6 Reba paji 11, igika cya 32. 7 Reba paji 15, igika cya 26.

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[35] Ndayisaba Emmanuel Kazungu avuga ko ashingiye ku ngingo ya 111 ivuzwe haruguru, asaba Urukiko gutegeka Mugiraneza Vincent kumwishyura 2.000.000Frw y'ikurikiranarubanza kuko ari we wamushoye mu manza nta mpamvu. UKO URUKIKO RUBIBONA [36] Ku birebana n'amafaranga y'igihembo cya Avoka n'ay'ikurikiranarubanza, ndetse n'indishyi z'akababaro zasabwe na Feng Zhigang, Urukiko rusanga nta muburanyi n'umwe ukwiye kuyahabwa kuko bose batsinzwe urubanza. III. ICYEMEZO CY'URUKIKO [37] Rwemeje ko urubanza RC00475/2020/TGI/NYGE rwaciwe n'Urukiko Rwisumbuye rwa Nyarugenge ku wa 30/12/2020, n'urubanza RC00532/2020/TGI/NYGE rwaciwe n'Urukiko Rwisumbuye rwa Nyarugenge ku wa 06/05/2021 zivuguruzanya ; [38] Rutegetse ko urubanza RC00475/2020/TGI/NYGE rwaciwe n'Urukiko Rwisumbuye rwa Nyarugenge ku wa 30/12/2020, n'urubanza RC00532/2020/TGI/NYGE rwaciwe n'Urukiko Rwisumbuye rwa Nyarugenge ku wa 06/05/2021 zivanyweho ; [39] Rutegetse Mugiraneza Vincent gusubiza Feng Zhigang 14.000.000Frw ; [40] Rutegetse Mugiraneza Vincent gusubiza Ndayisaba Emmanuel 24.000.000Frw.

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