

RWANDA / JUDGMENT

# GASORE N'ABANDI vs KURADUSHIME N'ABANDI

RSA/INTERT/RC 00001/2024/CA

COURT

Court of Appeal

DECIDED

29 September 2025

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RSA/INTERT/RC 00001/2024/CA

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## GASORE N'ABANDI vs KURADUSHIME N'ABANDI

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### Text

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GASORE N'ABANDI vs KURADUSHIME N'ABANDI [Rwanda URUKIKO RW'UBUJURIRE – RSA/INTERT/RC 00001/2024/CA (Ngagi, P.J.) 29 Nzeli 2025] Amategeko agenga imiburanishirize y'imanza Mbonezamubano – kujurira – gukosoza cyangwa gusobanura urubanza – kuba Itegeko ryarateganyije ko ubujurire ku rubanza rusobanura cyangwa rukosora urundi bukorerwa rimwe n'urubanza rwasabiwe gukosorwa, ntibyakumvikana nk'uburenganzira bwahabwa uwabuze kujuririra igihe urubanza rw'ibanze, ngo bumubere icyuho cyo kurujuririra nyuma y'ibihe biteganywa n'itegeko, abinyujije mu kubanza kurusabira gusobanurwa cyangwa gukosorwa. Incamake y'ikibazo: Uru rubanza rwatangiye Gasore n'abamwe mu bavandimwe be baregera Kuradushime mu Rukiko Rwisumbuye rwa Musanze basaba kuzungura imitungo ya se Serugendo na nyina Ahobantegeye kuko abandi bavandimwe babo barimo Kuradushime n'abandi bayikubiye mu buryo bw'uburiganya, abasaba ko bayigabana ku neza barabyanga, asaba Urukio kubatega ko bayigabana ku buryo bungana. Urukiko mu rubanza RC00152/2020/TGI/MUS rwemeje ko ikirego cya Gasore nta shingiro gifite, ko imirima itandatu (6) n'inzu byaregewe muri uru rubanza

byazunguwe, rutegeka Gasore gutanga amafaranga y'igihembo cya Avoka. Gasore yajuririye icyo cyemezo mu Rukiko Rukuru, muri uru Rukiko hanagobokamo abandi bavandimwe babo batatu (3) bavukana kuri se gusa bahagarariwe na Niyitegeka, bavuga ko na bo ari bene Serugendo, ko imitungo iburanwa bagomba kuyizungura ku ruhande rwa se.Urukiko mu rubanza RCA00024/2022/HC/MUS rwemeje ko, ubujurire bwa Gasore bufite ishingiro, ko imitungo iburanwa igabanwa ku buryo bungana ku bazungura ba Serugendo n'Ahobantegeye naho abo bavukana kuri Serugendo gusa bazungura kuri 50% ku ruhande rwa se Serugendo. Rwemeza ko imitungo iburanwa, izungurwa igomba kugurishwa abazungura bakagabana amafaranga avuyemo ku buryo bwubahirije amategeko. Umuhoya, Nyirabisabo na Ndayisaba batambamiye urubanza RCA00024/2022/HC/MUS, bavuga ko nabo ari abazungura ba Serugendo n' Ahobantegeye. Bavuga kandi ko rwatesheje agaciro impano ndetse n'intekeshwa Ahobantegeye yatanze mbere yuko apfa kandi atari cyo cyaregewe. Basoba basaba indishyi zitandukanye. Ababuranyi barimo Gasore n'abandi baburanye mu rubanza rutambamirwa bavuze ko ikirego Umuhoya na bagenzi be cyahabwa ishingiro ku bijyanye n'uko nabo ari abazungura ba Serugendo Abuduruheri na Ahobantegeye. Ku bijyanye no kumenya niba impano bahawe zarateshejwe agaciro kandi atari cyo cyaregewe, Sebagenzi n'abandi, bavuze ko buri wese yagumana ibyo yahawe. Urukiko mu rubanza RCA00007/2023/HC/MUS rwemeje ko, ikirego cya Umuhoya na bagenzi be, gifite ishingiro kuri bimwe; rwemeza ko nabo bajya mu bazungura ba Serugendo na Ahobantegeye, kandi ko abahawe imitungo bayigumana, rwemeza ko nta ndishyi zitanzwe. Nyuma yizo manza ndetse n'urubanza RCA00007/2023/HC/MUS rubaye Itegeko, Gasore yatanze ikirego mu Rukiko Rukuru, Urugereko rwa Musanze, arusaba kurusobanura, kuko rutagaragaje UPI z'imitungo yiswe ingarigari zigomba kugabanywa abazungura ku ruhande rwa Gasore, arusaba kugaragaza ingarigari zigomba kugabanywa abazungura ba Serugendo na Ahobantegeye. Urukiko mu rubanza RS/INTERT/RC00003/2024/HC/MUS, rwemeje ko ikirego cya Gasore gisaba gusobanura UPI z'ingarigari nta shingiro gifite, ko aho Ahobantegeye yari atuye mbere y'uko apfa, ari

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ingarigari zigomba kugabanwa mu buryo bwashobanuwe mu rubanza RCA00007/2023/HC/MUS rusobanuzwa. Nyuma yaha Gasore, Niyitegeka, Tuyishimire na Uwamariya bajuririye urubanza RCA00007/2023/HC/MUS rwaciwe n'Urukiko Rukuru, Urugereko rwa Musanze, ku wa 30/07/2024, rwasobanuwe n'urubanza RS/INTERT/RC00003/2024/HC/MUS rwaciwe ku wa 30/10/2024. Urukiko Rwabanye gusuzuma inzitizi yo kutakira ubujurire yatanzwe n'abaregwa, uretse Ndayisaba, kuko bwatanzwe impitagihe. Bavuga kandi ko mu gihe Urukiko rwasanga ubujurire bwakwirwa rwanasuzuma inzitizi y'iburabubasha rishingiye ku gaciro k'ikiburwanwa, kuko igenagaciro ry'ikiburanwa ryatanzwe kuva urubanza rutangiye rigaragaza ko umutungo uburanwa ufite agaciro ka 28,822,500Frw. Abajuriye bireguye kuri iyi nzitizi bavuga ko ubujurire bwabo bukwiye kwakirwa kuko Amategeko yemera ko urubanza rwasobanuwe rujuririrwa hamwe n'urubanza rw'iremezo nubwo rwaba rwararengeje igihe cyo kujuririrwa. Bavuga kandi ko inzitizi y'iburabubasha ishingiyeye ku gaciro k'ikiburanwa nta shingiro ifite, kuko igenagaciro ryakozwe mbere y'uko bajurira rigaragaza ko umutungo uburanwa ufite agaciro ka 88.027.428Frw Urukiko

mu rubanza RSA/INTERT/RC00001/2024/CA, rwemeje ko inzitizi yo kutakira ubujurire ifite ishingiro, kuko gukosora urubanza cyangwa kurusobanura atari inzira Umushingamategeko yahaye umuburanyi imuhesha uburenganzira bwo kujuririra urubanza rw'iremezo rwarengeje igihe cyo kujuririrwa. Cyereka ubwo bujurire bushingiye gusa ku cyemezo cyafashwe ku byerekeye gusobanura cyangwa gukosoza urubanza. Incamake y'icyemezo: kuba Itegeko ryarateganyije ko ubujurire ku rubanza rusobanura cyangwa rukosora urundi bukorerwa rimwe n'urubanza rwasabiwe gukosorwa, ntibyakumvikana nk'uburenganzira bwahabwa uwabuze kujuririra igihe urubanza rw'ibanze, ngo bumubere icyuho cyo kurujuririra nyuma y'ibihe biteganywa n'itegeko, abinyujije mu kubanza kurusabira gusobanurwa cyangwa gukosorwa. Inzitizi yo kutakira ikirego cy'ubujurire ifite ishingiro kuko bajuriye impitagihe. Amategeko yashingiweho:

Itegeko No 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi Ingingo ya 140, igika cya 2, 148 Imanza zifashishijwe: Urubanza RCAA0002/15/CS, haburana Mukarushakiro Gloriose n'abandi baburanye na Gahire Athanase, rwaciwe n'Urukiko rw'Ikirenga ku wa 20/01/2017, Urubanza. I. IMITERERE Y'URUBANZA [1] Gasore Jean de Dieu avuga ko umubyeyi we Serugendo Abuduruheli yapfuye mu mwaka wa 1991, naho nyina Ahobantegeye Mwamini apfa mu mwaka wa 2017, asiga imitungo yari afite nk'ingarigari igizwe n'umutungo ubaruye kuri UPI: 5265 w'ikibanza kirimo inzu yari atuyemo, gihereye mu Mudugudu wa Rugeshi, Akagari ka Bukinanyana, Umurenge wa Cyuve, igitari n'inzu ikodeshwa kibaruye kuri N°7689 iherereye mu Mudugudu wa Rugeshi, Akagari ka Bukinanyana, Umurenge wa Cyuve, uwitwa Kuradusenge Ruth yiyanditseho umuryango wose utabizi mu mwaka wa 2011, umurima w'ahantu bita mu matongo ufite UPI: 881 na wo wanditswe kuri Kuradusenge Ruth batabizi mu mwaka wa 2011,

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umurima uri ku Karwasa- Kavumu ubaruye kuri N°2394 /MUS-GAC- Kavumu (Succession Ahobantegeye Mwamini), umurima N° 7893 Mus/Muh, uherereye Cyabararika, Muhoza, Musanze (Succession Ahobantegeye Mwamini), n'umurima ufite N° 818/Mus/Cyuve uherereye mu gahobobo (succesion Ahobantegeye Mwamini). [2] Avuga kandi ko kuva Ahobantegeye Mwamini yapfa, iyo mitungo yose abavandimwe be Kuradushime Marie Blanche, Mugisha Jean Claude, Mbarushimana Jean Bosco, Mwizeneza Emile na Sebagenzi Jean bayikubiye mu buryo bw'uburiganya, yabasaba ko bayigabana ku neza bakabyanga, kuri ubu bakaba bayibyaza umusaruro bonyine. Ibyo byatumye aregera urwo Rukiko arusaba gutegeka ko bagabana iyo mirima uko ari itandatu (6) n'amazu abiri (2) yasizwe n'ababyeyi babo ku buyo bungana nk'uko amategeko abiteganywa. [3] Mu rubanza RC00152/2020/TGI/MUS rwaciwe n'Urukiko Rwisumbuye rwa Musanze ku wa 10/02/2022, urwo Rukiko rwemeje ko ikirego cya Gasore Jean de Dieu nta shingiro gifite, ko imirima itandatu (6) n'inzu byaregawe muri uru rubanza byazunguwe, rutegeka Gasore Jean de Dieu gutanga 500.000 Frw y'igihembo cya Avoka. [4] Gasore Jean de Dieu yajuririye icyo cyemezo mu Rukiko Rukuru, Urugereko rwa Musanze, bene se batatu (3) bahuriye kuri se gusa ari bo: Niyitegeka Jean Marie Vianney, Tuyishime Aliavan1, na Uwamariya Justine bagoboka muri urwo rubanza ku bushake, bavuga ko na bo ari bene Serugendo, imitungo

Ahobantegeye Mwamini yari yarasigaranye yari ayifiteho uruhare rwa 50% naho indi 50% ikaba uruhare rwa se Serugendo, bityo bakaba bagomba kumuzungura kuri urwo ruhare rwe. [5] Mu rubanza RCA00024/2022/HC/MUS rwaciwe n'Urukiko Rukuru, Urugereko rwa Musanze, ku wa 29/11/2023, rwemeje ko: Imitungo ikurikira, ari na yo iburanwa muri uru rubanza ari yo igomba kuzungurwa n'abazungura ba Serugendo N'ahobantegeye Mwamini, bakayigabana ku buryo buringaniye, nta vangura iryo ari ryo ryose: UPI:4/03102/01/881 (umurima), uri Rugeshi-Bukinanyana-Cyuve- Musanze; UPI:4/03102/01/818 (umurima), uri Rugeshi-Bukinanyana-Cyuve- Musanze; UPI: 4/03102/01/2394 (umurima), uri Kavumu-Karwasa-Gacaca-Musanze; UPI: 4/03102/01/7893 (umurima), uri Gatata-Cyabararika-Muhoza- Musanze; UPI: 4/03/02101/5265(umurima urimo inzu), uri Rugeshi-Bukinanyana- Cyuve-Musanze; UPI:4/03/02101/7689(umurima urimo inzu), uri Rugeshi- Bukinanyana Cyuve-Musanze; Abazungura ba Serugendo na Ahobantegeye Mwamini ari Gasore Jean de Dieu, Kuradushime Marie Blanche, Mugisha Jean Claude, Mbarushimana Jean Bosco, Mwiseneza Emile na Sebagenzi Jean; Abazungura ba Serugendo gusa ari Niyitegeka Jean Marie Vianney, Tuyishime Aliavan na Uwamariya Justine ; Abazungura ba Serugendo na Ahobantegeye Mwamini nk'uko amazina yabo yagaragajwe haruguru bagomba kuzungura ku mpande zombi, kuri 50% y'imitungo iburanwa (izungurwa) ya nyina Ahobantegeye Mwamini na 50% ya se Serugendo ;

1 Nubwo mu manza zabanje hari ahanditse Aryvan ahandi Alyvan, ndetse no muri sisitemu hakaba handitse Aryvani, ariko izina rye nyakuri ni TUYISHIMIRE Aliavan nk'uko bigaragazwa na kopi y'indangamuntu yashyize muri dosiye.

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Abazungura ba Serugendo gusa nk'uko amazina yabo yagaragajwe haruguru, bagomba kugabana n'abazungura ba Serugendo n'Ahobantegeye Mwamini uruhare rwa se Serugendo rungana na 50% y'imitungo iburanwa, bakagabana mu buryo buringaniye ; Iyo mitungo yose izungurwa igomba kugurishwa hanyuma abazungura bakagabana amafaranga avuyemo ku buryo bwubahirije amategeko ; Kuradushime Marie Blanche na bagenzi be bafatanyaga kwishyura Gasore Jean de Dieu 750.000Frw y'igihembo cya Avoka ku rwego rwa mbere no mu bujurire, 60.000Frw y'igarama yatanze ku rwego rwa mbere no mu bujurire na 50.000Frw y'ikurikiranarubanza ; Kuradushime Marie Blanche na bagenzi be bafatanyaga kwishyura Niyitegeka Jean Marie Vianney na bagenzi be 40.000Frw y'ingwate ry'igarama batanze, 500.000Frw y'igihembo cya Avoka 30.000Frw y'ikurikiranarubanza ; Kuradushime Marie Blanche na bagenzi be bafatanyaga kwishyura Niyitegeka Jean Marie Vianney na bagenzi be 40.000Frw y'ingwate ry'igarama batanze, 500.000Frw y'igihembo cya Avoka na 30.000 Frw y'ikurikiranarubanza ; Urubanza RC00152/2020/ TGI/MUS rwaciwe n'Urukiko Rwisumbuye rwa Musanze ku wa 10/02/2022 ruhindutse. [6] Umuhaha Alice, Nyirabisabo Jacqueline na Ndayisaba Célestin batambamiye urubanza RCA00024/2022/HC/MUS, bavugaga ko nabo ari abazungura ba Serugendo n'Ahobantegeye Mwamini nk'uko bigaragazwa n'inyandiko y'umuryango yo ku wa 29/9/2019 igaragaza urutondo rw'abazungura, ko rero Urukiko rwanyuranyije n'ingingo ya 15 y'Itegeko Nshinga, ivugaga ko abantu bose bareshya imbere y'amategeko, ko amategeko abarengera ku buryo bumwe. Bavugaga kandi ko rwatesheje agaciro impano ndetse n'intekeshwa Ahobantegeye yari yatanze mbere

yuko apfa kandi atari cyo cyaregewe rwirengagije ibiteganywa n'ingingo ya 10 y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbenezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, iteganya ko umucamanza aca urubanza ku cyasabwe cyose kandi kuri icyo cyonyine. Basoza basaba indishyi zitandukanye. [7] Ababuranyi barimo Gasore Jean de Dieu, Mwiseneza Emile, Niyitegeka Jean Marie Vianney, Tuyishimire Aliavan, Uwamariya Justice na Mugisha Jean Claude bese basabye Urukiko ko ikirego cyo gutambamira urubanza cyatanzwe na Umuhuza Alice na bagenzi be cyahabwa ishingiro ku bijyanye n'uko nabo ari abazungura ba Serugendo Abuduruheri na Ahobantegeye Mwamini. Ku bijyanye no kumenya niba impano bahawe zarateshejwe agaciro kandi atari cyo cyaregewe, Sebagenzi Jean, Kuradushime Marie Blanche na Barushimana Jean Bosco bavuga ko hari ibyakozwe na nyakwigendera atanga iminani kandi ko abahawe bashize ibikorwa byabo mu mitungo bahawe ko buri wese yagumana ibyo yahawe. [8] Mu rubanza RCA00007/2023/HC/MUS rwaciwe n'Urukiko Rukuru, Urugereko rwa Musanze, ku wa 30/07/2024, rwemeje ko : Ikirego cyatanzwe na Umuhuza Alice, Nyirabisabo Jacqueline na Ndayisaba Celestin gifite ishingiro kuri bimwe ; Abazungura ba Serugendo Abuduruheri na Ahobantegeye Mwamini ari Gasore Jean de Dieu, Kuradushime Marie Grâce, Mugisha Jean Claude, Mbarushimana Jean Bosco, Mwiseneza Emile, Sebagenzi Jean, Umuhuza Alice, Nyirabisabo Jacqueline na Ndayisaba Célestin ; Abazungura ba Serugendo gusa ari Niyitegeka Jean Marie Vianney, Tuyishime Aliavan na Uwamariya Justine ; Abazungura bavugwa muri uru rubanza bagumana imitungo bahawe n'abayibahaye ;

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Ingarigari zasizwe na Serugendo Abuduruheri na Ahobantegeye Mwamini zigurishwa zikagabanwa mu buryo bwasobanuwe muri uru rubanza ; Nta ndishyi zigomba gutangwa muri uru rubanza; Imikirize y'urubanza RCA 00024/2022/HC/MUS rwaciwe ku wa 29/11/2023 rwatambamiwe hano ruhindutse kuri bimwe ; Amagarama y'urubanza Umuhuza Alice, Nyirabisabo Jacqueline na Ndayisaba Celestin batanzeho ingwate barega ahwanye n'ibyakozwe muri urwo rubanza. [9] Nyuma y'uko urubanza RCA00007/2023/HC/MUS rubaye Itegeko, Gasore Jean de Dieu yatanze ikirego mu Rukiko Rukuru, Urugereko rwa Musanze, arusaba kurusobanura, kuko yashatse Umuhesha w'inkiko w'umwuga witwa Me Nyirandayambaje Médiatrice ngo arurangize, ariko yajya kubishyira mu bikorwa agahura n'imbogamizi z'uko mu cyemezo cyarwo Urukiko Rukuru, Urugereko rwa Musanze, rutagaragaje UPI z'imitungo yiswe ingarigari zigomba kugabanywa abazungura ku ruhande rwa Gasore Jean de Dieu, nk'uko bigaragara mu nyandiko yo ku wa 17/09/2024, bityo arusaba kugaragaza ingarigari zigomba kugabanywa abazungura ba Serugendo Abuduruheri na Ahobantegeye Mwamini. [10] Mu rubanza RS/INTERT/RC 00003/2024/HC/MUS rwaciwe ku wa 30/10/2024, Urukiko Rukuru, Urugereko rwa Musanze, rwemeje ko ikirego cya GASORE Jean de Dieu gisaba gusobanura numero iranga (UPI) ingarigari nta shingiro gifite, ko ingarigari zivugwa mu rubanza ari aho Ahobantegeye Mwamini yari atuye mbere y'uko apfa, hatitawe ku waba warahiyandikishijeho nyuma ; ko ingarigari zigomba kugabanwa mu buryo bwasobanuwe mu rubanza RCA00007/2023/HC/MUS rwaciwe ku wa 30/07/2024. [11] Gasore Jean de Dieu, Niyitegeka Jean Marie Vianney, Tuyishimire Aliavan na Uwamariya Justine bajuririye urubanza RCA00007/2023/HC/MUS rwaciwe

n'Urukiko Rukuru, Urugereko rwa Musanze, ku wa 30/07/2024, rwasobanuwe n'urubanza RS/INTERT/RC 00003/2024/HC/MUS rwaciwe n'urwo Rukiko ku wa 30/10/2024 mu Rukiko rw'Ubujurire, ubujurire bwabo bwandikwa kuri RSA/INTERT/RC 00001/2024/CA. [12] Urubanza rwahamagajwe ku wa 08/09/2025, uwo munsu Urukiko rushishikariza ababuranyi gukemura ikibazo bafitanye mu bwumvikane, maze urubanza rwimurirwa ku wa 19/09/2025, kugira ngo ababuranyi bajye kumvikana. Ku wa 09/09/2025, Me Kanyarugano Cassien, mu izina rya Mugisha Jean Claude, Mwiseneza Emile, Sebagenzi Jean, Mbarushimana Jean Bosco, Kuradushime Marie Blanche N'umuhoza Alice yandikiye abarega, ko abo ahagarariye betemera ubwumvikane ; ku wa 15/09/2025, bashyira muri dosiye iyo nyandiko yo kwanga ubwumvikane. [13] Ku wa 19/09/2025, urubanza ruburanishwa mu ruhamwe, Gasore Jean de Dieu, Niyitegeka Jean Marie Vianney, Tuyishimire Aliavan bunganiwe na Me Mbarushimana Dominique akanahagararira Uwamariya Justine; Umuhoza Alice yunganiwe na Me Nsengimana Faustin akanahagararira Nyirabisabo Jacqueline; Ndayisaba Célestin ahagarariwe na Me Musasangohe Illuminée; Kuradushime Marie Blanche, Mwiseneza Emile na Sebagenzi Jean bunganiwe na Me Kanyarugano Cassien akanahagararira Mbarushimana Jean Bosco, naho Mugisha Jean Claude yunganiwe na Me Dusabimana Théophile. [14] Abaregwa, uretse Ndayisaba Célestin, batanze inzitizi yo kutakira ubujurire bwa Gasore Jean de Dieu, Niyitegeka Jean Marie Vianney, Tuyishimire Aliavan na Uwamariya Justine, kuko bwatanzwe impitagihe. Bavuga kandi ko mu gihe Urukiko rwasanga ubujurire bwakwirwa rwanasuzuma inzitizi y'iburabubasha rishingiye ku gaciro k'ikiburwanwa, kuko igenagaciro ry'ikiburwanwa ryatanzwe kuva urubanza rutangiye rigaragaza ko umutungo uburanwa ufite agaciro ka 28,822,500Frw kakaba katageze kuri 75,000,000Frw ziteganywa n'Itegeko.

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[15] Mu gusubiza iyi ngingo, abajuriye bavuze ko ubujurire bwabo bukwiye kwakirwa kuko ingingo ya 140, igika cya nyuma, y'Itegeko No 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi yemera ko urubanza rwasobanuwe rujuriyirwa hamwe n'urubanza rw'iremezo nubwo rwaba rwararengeje igihe cyo kujuriyirwa. Bavuga kandi ko inzitizi y'iburabubasha nta shingiro ifite, kuko igenagaciro ryakozwe mbere y'uko bajurira rigaragaza ko umutungo uburanwa ufite agaciro ka 88.027.428Frw. II. IBIBAZO BIGIZE URUBANZA n'ISESENGURA RYABYO Kumanya niba ubujurire bwa Gasore Jean de Dieu, Niyitegeka Jean Marie Vianney, Tuyishimire Aliavan na Uwamariya Justine bwaratanzwe mu gihe gikurikije amategeko [16] Kuradushime Marie Blanche, Mbarushimana Jean Bosco, Mwiseneza Emile, Sebagenzi Jean, Mugisha Jean Claude, Umuhoza Alice na Nyirabisabo Jacqueline basaba Urukiko ko ubujurire bwatanzwe na Gasore Jean de Dieu na bagenzi be butakirwa kuko bajuriye barakerewe. [17] Basobanura ko urubanza rukosora cyangwa rusobanuza rwuzuzwa urwo rusobanura cyangwa rukosora, ko ingingo 140 y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryavuzwe haruguru, uhagarariye abajuriye ashingiraho ayisobanura nabi, kuko iyo urebye ingingo z'ubujurire (issues) usanga ubu bujurire bwabo bureba urubanza rwose, kandi iyi ngingo ivuga gusa ku cyemezo cyafashwe ku byerekeye ikosorwa cyangwa isobanura

ry'urubanza. Bavuga ko Gasore Jean de Dieu, Niyitegeka Jean Marie Vianney, Tuyishimire Aliavan na Uwamariya Justine bagombaga kujuririra urubanza RCA00007/2023/HC/MUS mu gihe cy'ukwezi kumwe (1), ibyo basaba ubu bakaba baragombaga kubisaba muri ubwo bujurire, ariko ko batajuriye mu gihe gikurikije amategeko. [18] Bavuga kandi ko kujuririra urubanza rw'iremezo binyuze mu nzira yo kurusobanura cyangwa kurukosora, bishoboka mu gihe mu kurusobanura cyangwa mu kurukosora hahindutse icyemezo cyari cyafashwe mu rubanza rukosorwa cyangwa rusobanura, kandi ubujurire bukaba bushingiye gusa ku cyemezo cyafashwe ku byerekeye ikosorwa cyangwa isobanura ry'urubanza, ariko ko atariko bimeze muri uru rubanza, kuko mu bika bya 5-6 by'urubanza RS/INTERT/RC 00003/2024/HC/MUS rusobanura urubanza RCA00007/2023/HC/MUS, Urukiko rwavuze ko ntacyo gusobanura. Bityo ko kuba Urukiko mu gusobanura urubanza RCA00007/2023/HC/MUS ntacyo rwaruhinduyeho, basanga ubujurire bwabo budakwiye kwakirwa, cyane ko bigaragara ko bagiye gusobanura urwo rubanza nk'uburyo bwo gushaka inzira yo kuzarujuririra. [19] Gasore Jean de Dieu, Niyitegeka Jean Marie Vianney, Tuyishimire Aliavan na Uwamariya Justine bashingiye ku ngingo ya 140 y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryavuzwe haruguru, igika cya nyuma igira iti: "Iyo urubanza rw'iremezo rwarengeje igihe cyo kujuririrwa, kurukosora cyangwa kurusobanura bishobora gutuma rujurirwa, mu gihe ubujurire bushingiye gusa ku cyemezo cyafashwe ku byerekeye ikosorwa cyangwa isobanura ry'urubanza", bavuga ko Gasore Jean de Dieu na bagenzi be, bajuriye mu bihe biteganywa n'amategeko, kuko urubanza rusobanurwa rujuririrwa hamwe n'urubanza rw'iremezo, bityo ko utishimiye uko Urukiko rwabisobanuye ashobora kurujurirana n'urubanza rw'iremezo (principal). [20] Basobanura ko mu gusobanura urubanza basabye Urukiko kugaragaza ingarigari na UPI zazo, maze mu gika cya 10 cy'urubanza RS/INTERT/RC00003/2024/HC/MUS rusobanura ko ingarigari zigomba kugabanwa ari aho Ahobantegeye Mwamini yari atuye, mu gihe urubanza rw'iremezo rwari rwarategetse ko bajya kugabana ingarigari zose yasize, ko rero ibisobanuro rwatanze byahinduye ibikubiye mu gika cya 47 cy'urubanza RCA00007/2023/HC/MUS, aho rwari rwaremeje ko ingarigari zasizwe na Serugendo Abuduraheli na Ahobantegeye Mwamini zigurishwa zikagabanwa mu buryo bwashobanuwe muri urwo rubanza. Bityo ko bubahirije ibihe byo kujurira nubwo bajuririye urubanza rw'iremezo mu kwezi kwa 11 rwaraciwe mu kwezi kwa 7.

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[21] Uhagarariye Ndayisaba Célestin, avuga ko ashingiye ku ngingo ya 140, igika cya nyuma, y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryibukijwe haruguru, asanga ubujurire bugomba kwakirwa. Asobanura ko urubanza rusobanura urw'iremezo rwasobanuye gusa ingarigari, ko ari nabyo byajuririwe, kuko kuba haba harasabwe n'indishyi ari ngaruka (accessoire), bityo ko ashingiye kuri iyo ngingo, asanga ubujurire bugomba kwakirwa.

Uko Urukiko rubibona [22] Ingingo ya 140, igika cya 2, y'Itegeko No 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi iteganya ibikurikira : "Urubanza rusobanura cyangwa rukosora urundi rwuzuza urubanza rwasabiwe gusobanurwa cyangwa gukosorwa. Rushobora kujuririrwa rwonyine

cyangwa hamwe n'urubanza rw'iremezo mu gihe imanza zombi zishobora kujuririrwa.” Mu gika cya nyuma iteganya ibikurikira : “Iyo urubanza rw'iremezo rwarengeje igihe cyo kujuririrwa, kurukosora cyangwa kurusobanura bishobora gutuma rujurirwa, mu gihe ubujurire bushingiye gusa ku cyemezo cyafashwe ku byerekeye ikosorwa cyangwa isobanura ry'urubanza.” [23] Urukiko rusesenguye ibimaze kuvugwa haruguru, rusanga kuba Itegeko ryarateganyije ko urubanza rusobanura cyangwa rukosora urundi rushobora kujuririrwa rwonyine, ko iyo urubanza rw'iremezo rwarengeje igihe cyo kujuririrwa, kurukosora cyangwa kurusobanura bishobora gutuma rujuririrwa, mu gihe ubujurire bushingiye gusa ku cyemezo cyafashwe ku byerekeye ikosorwa cyangwa isobanura ry'urubanza. [24] Ibi birasa n'ibyo Urukiko rw'Ikirenga rwasobanuye mu rubanza no RCAA0002/15/CS rwaciwe ku wa 20/01/2017, Mukarushakiro Gloriose n'abandi baburanye na Gahire Athanase, aho rwasobanuye ko kuba Itegeko ryarateganyije ko ubujurire ku rubanza rusobanura cyangwa rukosora urundi bukorerwa rimwe n'urubanza rwasabiwe gukosorwa, bitakumvikana nk'uburenganzira bwahabwa uwabuze kujuririra igihe urubanza rw'ibanze, ngo bumubere icyuho cyo kurujuririra nyuma y'ibihe biteganywa n'itegeko, abinyujije mu kubanza kurusabira gusobanurwa cyangwa gukosorwa2. [25] Ku birebana n'uru rubanza, dosiye igaragaza ko Gasore Jean de Dieu, Niyitegeka Jean Marie Vianney, Tuyishimire Aliavan na Uwamariya Justine bajuriye ku wa 26/11/2024, bajuririra urubanza RCA00007/2023/HC/MUS rwaciwe ku wa 30/07/2024 n'Urukiko Rukuru, Urugereko rwa Musanze, rusobanurwa n'urwo Rukiko kuri RS/INTERT/RC 00003/2024/HC/MUS rwaciwe ku wa 30/10/2024 nk'uko bigaragara muri sisitemu mu gice cyiswe “General information”. Igaragaza kandi ko mu rubanza RS/INTERT/RC 00003/2024/HC/MUS rusobanura urubanza RCA00007/2023/HC/MUS, Urukiko Rukuru, Urugereko rwa Musanze, rwemeje ko ikirego cya Gasore Jean de Dieu gisaba gusobanura numero iranga (UPI) y'ingarigari nta shingiro gifite, ko ingarigari zivugwa muri uru rubanza ari aho Ahobantegeye Mwamini yari atuye mbere y'uko apfa hatitawe k'uwaba warahiyandikishijeho nyuma. [26] Dosiye igaragaza na none ko ubujurire bwa Gasore Jean de Dieu na bagenzi be bushingiye ku rubanza RCA00007/2023/HC/MUS kuko batanze impamvu z'ubujurire zikurikira :

2 Aha Urukiko rw'Ikirenga rwasobanuraga ingingo ya 154, igika cya 2 n'icya 3 y'Itegeko No 21/2012 ryo ku wa 14/06/2012 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegets, yateganyaga ko urubanza rusobanura cyangwa rukosora urundi rwuzuzwa urubanza rwasabiwe gusobanurwa cyangwa gukosorwa, rudashobora kujuririrwa rwonyine bidakorewe rimwe n'urubanza rw'iremezo, kandi ko igihe cy'ubujurire kuri izo manza zombi gitangira kubarwa uherye ku muni w'isomwa ry'urubanza rusobanura cyangwa rukosora urundi.

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Kuba Urukiko Rukuru, Urugereko rwa Musanze, rwarakiriye urubanza RCA00007/2023/HC/MUS rukaruburanisha mu mizi kandi rutari rukurikije amategeko ; Kuba harabayeho kwitiranya ingarigari zasizwe n'ababyeyi n'iminane Ahobantegeye Mwamini yapfuye yarahaye abana be ; Kuba Urukiko mu rubanza RCA00007/2023/HC/MUS rwarafashe icyemezo ku ngingo zazamuwe na bamwe mu baregwa nk'aho bari mu bujurire rukaziha n'ishingiro ; Gutegeka Sebagenzi Jean

na bagenzi be bareganwa hamwe guha Gasore Jean de Dieu na bagenzi be bafatanyije kujurira indishyi zingana na 7.290.000Frw akubiyemo ay'indishyi z'akababaro, ay'ikurikiranarubanza, ayishyuwe ku igenagaciro n'igarama batanze bajurira. [27] Urukiko rurasanga ibikubiye mu gika kibanziriza iki, bigaragaza ko ubujurire bwa Gasore Jean de Dieu na bagenzi be budashingiye ku cyemezo cyafashwe ku byerekeye gusobanura urubanza, ahubwo bushingiye ku rubanza RCA00007/2023/HC/MUS ari rwo rubanza rw'iremezo, kandi ibyo binyuranye n'ibiteganywa n'ingingo ya 140, igika cya nyuma, y'Itegeko No 22/2018 ryo ku wa 29/04/2018 ryibukijwe haruguru. Kuba rero, urubanza RCA00007/2023/HC/MUS rwaraciwe ku wa wa 30/07/2024, bagatanga ubujurire ku wa 26/11/2024, hashize hafi amezi ane, Urukiko rurasanga baratinze kujuririra, kuko ingingo ya 148, igika cya 1, y'Itegeko No 22/2018 ryo ku wa 29/04/2018 ryavuzwe haruguru, iteganya ko igihe ntarengwa cyo kujurira ari ukwezi kumwe (1) gitangira kubarwa kuva ku munsu umuburanyi yamenyeyeho ko urubanza rwasomwe. [28] Urukiko rurasanga impamvu z'ubujurire za Gasore Jean de Dieu, Niyitegeka Jean Marie Vianney, Tuyishimire Aliavan na Uwamariya Justine zitagaragaza aho zihurira n'ibyemejwe n'Urukiko Rukuru, Urugereko rwa Musanze, mu rubanza RS/INTERT/RC 00003/2024/HC/MUS rusobanura urubanza no RCA00007/2023/HC/MUS, ahubwo zirebana n'urubanza rw'iremezo RCA00007/2023/HC/MUS, bityo ibyo bavuga ko ubujurire bwabo bushingiye ku cyemezo cyafashwe mu rubanza RS/INTERT/RC00003/2024/HC/MUS, nta shingiro bifite. Kuba rero ubujurire bwa Gasore Jean de Dieu na bagenzi be bwaratanzwe impitagihe, bukaba butagomba kwakirwa, rurasanga bitakiri ngombwa gusuzuma inzitizi y'iburabubasha bw'uru Rukiko ishingiyeye ku gaciro k'ikiburanwa. Kumenya niba amafaranga y'ikurikiranarubanza n'igihembo cya Avoka asabwa muri uru rubanza afite ishingiro [29] Kuradushime Marie Blanche, Mbarushimana Jean Bosco, Mwiseneza Emile, Sebagenzi Jean na Mugisha Jean Claude basaba Urukiko w'Ubujurire indishyi z'akababaro, iz'ikurikiranarubanza n'igihembo cya Avoka zose hamwe zingana na miliyoni eshatu (3.000.000Frw), kuko bahora mu nkiko bigatuma batagira icyo bamarira imiryango yabo, bakaba baranashatse Avoka wo kubaburanira. [30] Umuhoza Alice na Nyirabisabo Jacqueline basaba Urukiko rw'Ubujurire gutegeka abajuriye gufatanya kubasubiza amafaranga ibihumbi magana atanu (500.000Frw) y'igihembo cya Avoka n'amafaranga ibihumbi magana atanu (500.000Frw) y'ikurikiranarubanza. [31] Gasore Jean de Dieu, Niyitegeka Jean Marie Vianney, Tuyishimire Aliavan na Uwamariya Justine biregura ku ndishyi zisabwa bavuga ko nta shingiro zifite. Uko Urukiko rubibona [32] Ingingo ya 111 y'Itegeko No 22/2018 ryo ku wa 29/04/2018 ryavuzwe haruguru, iteganya ibikurikira : "Ikirego cy'amafaranga y'ikurikiranarubanza ni ikirego gishamikira ku kirego cy'iremezo kigamije kwishyuza ibyakoreshejwe mu rubanza. Ikirego cy'amafaranga y'ikurikiranarubanza kiburanishirizwa rimwe n'ikirego cy'iremezo. Gishobora kandi kwakirwa kikanaburanishwa n'iyi ikirego cy'iremezo cyaba kitakiriwe".

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[33] Muri rubanza, Kuradushime Marie Blanche, Mbarushimana Jean Bosco, Mwiseneza Emile, Sebagenzi Jean na Mugisha Jean Claude basaba Urukiko w'Ubujurire kubagenera amafaranga y'igihembo cya Abavoka bababuranaye. [34] Urukiko rurasanga, kuba inzitizi yatanze na Kuradushime Marie Blanche, Mbarushimana Jean Bosco, Mwiseneza Emile,

Sebagenzi Jean, Mugisha Jean Claude, Umuhoza Alice na Nyirabisabo Jacqueline yahawe ishingiro, bakwiye guhabwa amafaranga y'igihembo cya Abavoka bababuraniye; bityo mu bushishozi bwarwo, rusanga Gasore Jean de Dieu, Niyitegeka Jean Marie Vianney, Tuyishimire Aliavan na Uwamariya Justine bagomba gufatanya guha Kuradushime Marie Blanche, Mbarushimana Jean Bosco, Mwiseneza Emile, Sebagenzi Jean na Mugisha Jean Claude, bose hamwe, amafaranga ibihumbi magana atanu (500,000Frw) y'igihembo cya Avoka, no guha Umuhoza Alice na Nyirabisabo Jacqueline amafaranga ibihumbi magana atanu (500,000Frw) y'igihembo cya Avoka, kuri uru rwego. III. ICYEMEZO CY'URUKIKO [35] Rwemeje ko inzitizi yo kutubahiriza ibihe byo kujurira yatanzwe na Kuradushime Marie Blanche, Mbarushimana Jean Bosco, Mwiseneza Emile, Sebagenzi Jean, Mugisha Jean Claude, Umuhoza Alice na Nyirabisabo Jacqueline, ifite ishingiro. [36] Rwemeje ko ubujurire bwatanzwe na Gasore Jean de Dieu, Niyitegeka Jean Marie Vianney, Tuyishimire Aliavan na Uwamariya Justine butakiriwe kuko batinze kujurira. [37] Rutegetse Gasore Jean de Dieu, Niyitegeka Jean Marie Vianney, Tuyishimire Aliavan na Uwamariya Justine gufatanya guha Kuradushime Marie Blanche, Mbarushimana Jean Bosco, Mwiseneza Emile, Sebagenzi Jean na Mugisha Jean Claude, bose hamwe, amafaranga ibihumbi magana atanu (500,000 Frw) y'igihembo cya Avoka, no guha Umuhoza Alice na Nyirabisabo Jacqueline, bose hamwe, amafaranga ibihumbi magana atanu (500,000Frw) y'igihembo cya Avoka, kuri uru rwego. [38] Ruvuze ko ingwate y'amagarama yatanzwe ihwanye n'ibyakozwe mu rubanza.

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