

RWANDA / JUDGMENT

MUKANKUBANA vs NIRAGIRE N'ABANDI

RC 00001/2024/SC

COURT

Supreme Court

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MUKANKUBANA vs NIRAGIRE N'ABANDI

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Text

Page 1

MUKANKUBANA vs NIRAGIRE N'ABANDI [Rwanda URUKIKO RW'IKIRENGA - RC 00001/2024/SC (Cyanzayire, P.J., Kazungu, Kalihangabo, J.) 09 Mutarama 2026] Amategeko agena ububasha bw'Inkiko - imanza zivuguruzanya - Haba kuvuguruzanya kw'imanza iyo hari ibyemezo bitandukanye by'inkiko bitagishoboye kujuririrwa kandi bikaba bidashobora kurangizwa icyarimwe. Amategeko agena ububasha bw'Inkiko - imanza zivuguruzanya - kuvuguruzanya gushingiye ku rubanza rwaciwe mbere n'urwaciwe nyuma - Iyo ukuvuguruzanya gushingiye ku kuba hari urundi rubanza rwaciwe mbere ku mpamvu zimwe, ku kiburanwa kimwe, hagati y'ababuranyi bamwe kandi rwarabaye ndakuka (autorité de la chose jugée), hakurwaho urubanza rwa kabiri hakagumaho urwa mbere rwabaye ndakuka; Incamake y'ikibazo: Nyuma y'imanza zitandukanye zaburanywe hagati ya Mukankubana na Mukankusi hakagobokamo abandi benshi bafite aho bahuriye n'umutungo baburanaga, aho Mukankubana yasaba kugira uruhare ku mutungo uzungurwa wa Rwabuhungu akaba amubereye Sebukwe kuko yari yarashakanye na Makimbirane umuhungu we, Mukankubana yatanze ikirego mu Rukiko rw'Ikirenga asaba Urukiko gukemura ikibazo cy'ivuguruzanya hagati y'urubanza RC0888/13/TB/KCY rwaciwe ku wa 26/08/2013, rwemeje Umwanzuro w'Abunzi b'Akagari ka Kagugu wo ku wa 05/01/2011, n'urubanza

RCA00263/2022/HC/KIG- RCA00269/2022/HC/KIG rwaciwe n'Urukiko Rukuru ku wa 30/11/2023. Mukankubana avuga ko ivuguruzanya rishingiye ku kuba mu rubanza RCA00263/2022/HC/KIG- RCA00269/2022/HC/KIG Urukiko Rukuru rwaravuze ko ubutaka yatsindiye mu Bunzi ari ubufite UPI: 1/02/10/03/1688 kandi ko ntaho buhuriye n'ubufite UPI: 1/02/10/03/1685 bwaburanwaga muri urwo rubanza, nyamara mu Bunzi ubutaka yatsindiye burimo n'ubufite UPI: 1/02/10/03/1685. Niragire avuga ko ubutaka bufite UPI: 1/02/10/03/1685 abutunze mu buryo bwubahirije amategeko, naho abandi baregwa bakavuga ko nta vuguruzanya rihari kuko Mukankubana ubwe yaburanye mu rubanza asaba ko rukurwaho, avuga ko yatsindiye ubutaka bufite UPI: 1/02/10/03/1688, ubu bukaba butandukanye n'ubufite UPI: 1/02/10/03/1685. Urukiko mu rubanza RC00001/2024/SC, rwemeje ko hari ivuguruzanya hagati y'urubanza RC 0888/13/TB/KCY rwemeje umwanzuro w'Abunzi b'Akagari ka Kagugu wo ku wa 05/01/2011, n'urubanza RCA00263/2022/HC/KIG-RCA 00269/2022/HC/KIG kubera ko uru rubanza rwemeza ko ubutaka Mukankubana yatsindiye mu Bunzi ari ububaruye kuri UPI: 1/02/10/03/1688 gusa, kandi ubwo yatsindiye bufite ibipimo birenze ubwo. Bityo ko nta sano iri hagati ya UPI: 1/02/10/03/1685 na UPI: 1/02/10/03/1688. Rwemeje kandi ko hakwiye kvanwaho urubanza RCA00263/2022/HC/KIG- RCA00269/2022/HC/KIG hagasigaraho urubanza RC0888/13/TB/KCY rwemeje umwanzuro w'Abunzi b'Akagari ka Kagugu wo ku wa 05/01/2011. Incamake y'icyemezo: 1. Haba kuvuguruzanya kw'imanza iyo hari ibyemezo bitandukanye by'inkiko bitagishoboye kujuririrwa kandi bikaba bidashobora kurangizwa icyarimwe. Bityo, Iyo ibyo byemezo bitagishoboye kujuririrwa ndetse bikaba bidashobora no kurangizwa icyarimwe biramutse bigumyeho, byagira ingaruka z'uko ababuranyi batabona ubutabera bakeneye (déni de justice).

2. Iyo ukuvuguruzanya gushingiye ku kuba hari urundi rubanza rwaciwe mbere ku mpamvu zimwe, ku kiburanwa kimwe, hagati y'ababuranyi bamwe kandi rwarabaye ndakuka (autorité de la chose jugée), hakurwaho urubanza rwa kabiri hakagumaho urwa mbere rwabaye ndakuka; 3. Iyo ukuvuguruzanya gushingiye ku kuba hari imanza ebyiri zidashobora kubangikanywa (deux décisions inconciliables) kandi zidashobora kurangirizwa rimwe, hateshwa agaciro rumwe muri izo manza cyangwa zombi. Bityo, Urukiko rushingiye ku byagiye bikorwa n'izindi nkiko, rwagaragaje ko urubanza rukwiriye kvanwaho ari urwaciwe hirengangijwe amategeko cyangwa hadakurikijwe umurongo wari usanzwe uriho, hakagumaho urubanza Urukiko rwasanze rutanga ubutabera.

Page 2

Amategeko yashingiweho: Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegets, Ingingo ya 111 Imanza zifashishijwe: Urubanza RC00001/2023/SC haburana Rutayisire v Mukankurikiyimana n'abandi rwaciwe n'Urukiko rw'Ikirenga kuwa 22 Ukuboza 2023. Urubanza. I. IMITERERE Y'URUBANZA [1] Mukankubana Bernadette yareze Mukankusi Astérie imbere y'Inteko y'Abunzi b'Akagari ka Kagugu, amusaba kumuha umugabane umugabo we Makimbirane yagombaga guhabwa mu mutungo wa Se Rwabuhungu. Ku wa 05/01/2011, Inteko y'Abunzi yafashe umwanzuro Mukankusi Astérie atitabye, bemeza ko atsinzwe, maze bategeka ko umugabane ungana na metero 50 ku mutwe na metero 55 mu buhagarike, Makimbirane yagombaga guhabwa na Se Rwabuhungu,

uhabwa umuzungura wa Bizimana Matayo ariwe Mukankubana Bernadette, maze uwo mwanzuro uterwaho kashe mpuruza. [2] Mukankusi Astérie yaregeye uwo mwanzuro mu Rukiko rw'Ibanze rwa Kacyiru, asaba guhagarika irangizwa ryawo, avuga ko kashe mpuruza yatewe mu buryo budakurikije amategeko, maze mu rubanza RC0858/11/TB/KCY, Urukiko ruhagarika by'agateganyo irangizwa ry'uwo mwanzuro. [3] Mukankubana Bernadette yaregeye Urukiko rw'Ibanze rwa Kacyiru asaba gusubizwa uburenganzira busesuye ku isambu yatsindiye, maze mu rubanza RC0888/13/TB/KCY rwaciwe ku wa 26/08/2013, Urukiko rwemeza ko Umwanzuro w'Abunzi b'Akagari ka Kagugu wo ku wa 05/01/2011 usubiranye agaciro kawo, ruvanaho urubanza RC0858/11/TB/KCY.1 [4] Mukankusi Astérie yatanze ikirego mu Rukiko rw'Ibanze rwa Kacyiru arega Mukankubana Bernadette, asaba gusubirishamo urubanza RC0888/13/TB/KCY. Avuga ko impamvu yatumye asubirishamo urubanza ari uko atigeze amenya itariki yo kuburana. Mu rubanza RC1338/10/TB/KCY rwaciwe ku wa 22/11/2013, Urukiko rwasanze Mukankusi Astérie yahamagajwe mu buryo bukurikije amategeko, rwemeza ko ikirego yatanze nta shingiro gifite, rugumishaho urubanza RC0888/13/TB/KCY.2 [5] Ku wa 10/12/2013, Mukankubana Bernadette yashyizeho umuhesha w'Inkiko w'Umwuga arangiza urubanza RC0888/13/TB/KCY, hashyirwa mu bikorwa Umwanzuro w'Abunzi wo ku wa 05/11/2011 maze Mukankubana Bernadette ahabwa isambu ifite ibipimo n'ishusho biri ku gishushanyo Mbonera kiri ku mugereka w'Umwanzuro w'Abunzi urangizwa. Mukankusi Astérie ahabwa iminsi 15 guhera ku wa 10/12/2013 yo gukuraho inyubako yashyize muri iyo sambu.3 [6] Mukankubana Bernadette yatanze ikirego gitanzwe n'umuburanyi umwe, gisaba icyemezo (ordonnance) cyo gukuraho inyubako Mukankusi Astérie yashyize mu kibanza gifite UPI 1/02/10/03/1688 mu buryo bunyuranyije n'amategeko, Mukankusi Astérie arugobokeshwamo. Mu rubanza RC1201/14/TB/KCY rwaciwe ku wa 05/01/2015, Urukiko rwasanze inyubako zivugwa zubatse mu kibanza gifite UPI 1/02/10/03/1688,

1 Yaba mu rubanza No RC 0858/11/TB/KCY rwahagarikaga irangizwa ry'Icyemezo cy'Abunzi b'Akagari ka Kagugu wo ku wa 05/01/2011 ndetse no mu rubanza No RC 0888/13/TB/KCY rwaciwe ku wa 26/08/2013 rwarukuyeho, ntaho Urukiko rwagaragaje numero y'ikibanza MUKANKUBANA Bernadette agomba guhabwa. 2 Urubanza No RC 1338/10/TB/KCY rwaciwe ku wa 22/11/2013 rwajuririwe muri mu Rukiko Rwisumbuye rwa Gasabo, ruhabwa No RCA 462/13/TGI/GSBO, urubanza rucibwa ku wa 20/05/2014, ikirego nticyahabwa ishingiro. 3 Reba inyandiko mvugo y'irangizarubanza RC 0888/13/TB/KCY

Page 3

zaraburanywe mu rubanza RC0358/14/TGI/GSBO rwaciwe n'Urukiko Rwisumbuye rwa Gasabo ku wa 21/11/2014, Mukankusi Astérie yatsinzemo, rwemeza ko ikirego nta shingiro gifite. [7] Mukankubana Bernadette yasubirishijemo ingingo nshya urubanza RC1201/14/TB/KCY ikirego cyandikwa kuri RC0856/15/TB/KCY. Ku wa 22/09/2015, Urukiko rw'Ibanze rwa Kacyiru rwasanze urubanza RC0358/14/TGI/GSBO rwashingiweho rwari rwarajuririwe mu Rukiko Rukuru mu rubanza RCA0526/14/HC/KIG rwaciwe ku wa 30/06/2015, hakemezwa ko ikirego cya Mukankusi Astérie kitagombaga kwakirwa kuko yakoresheje ibyangombwa by'imitungo itari iye, ruvuga ko urubanza RC0358/14/TGI/GSBO ruvanyweho. Urukiko rwemeje kandi ko ikirego cyo gusubirishamo urubanza ingingo nshya gifite ishingiro, rwemeza ko inyubako zashyizwe mu

isambu ivugwa mu mwanzuro w'abunzi wo ku wa 05/01/2011 (UPI 1/02/10/03/1688) zikurwaho na Mukankusi Astérie, rutegeka Mukankusi Astérie kwishyura Mukankubana Bernadette indishyi zitandukanye. [8] Nshimiyimana Simon ahagarariye itsinda ry'abantu⁴, yareze Kantarama Florida ahagarariye Nyirabukwe Mukankubana Bernadette mu Bunzi b'Umurenge wa Kinyinya kubavogerera ubutaka akabuhinga kandi nta burenganzira abifitiye, nawe akavuga ko yabwatiwe na Nyirabukwe. Ku wa 21/05/2016, Abunzi bashingiye ku kuba abarega bafite ibyangombwa bya burundu, bategetse ko abarega bagomba guhabwa ubutaka bwabo, naho Kantarama Florida agahita ahagarika kubuhinga. [9] Mukankubana Bernadette na Kantarama Florida bareze Nyabyenda Ndayambaje Elias, Mutumwinka Aretha, Habatoni Penina, Ntahondereye Innocent, Mishako Emmanuel na Nshimiyimana Simon hagobokeshwamo Runezerwa Hakizimana na Mukankusi Astérie, asaba Urukiko rw'Ibanze rwa Kacyiru kubategeka kuva mu isambu bigabije kuko yayitsindiye. Mu rubanza RC00399/2016/TB/KCY – RC00324/2017/TB/KCY rwaciwe ku wa 21/08/2017, Urukiko rw'Ibanze rwa Kacyiru rwemeje ko ikirego cyatanzwe na Mukankubana Bernadette kitakiriwe, rwemeza ko ikirego cyatanzwe na Kantarama Florida cyakiriwe mu Nteko y'Abunzi kitaragombaga kwakirwa, rutegeka ko umwanzuro w'Abunzi b'Umurenge wa Kinyinya wo ku wa 21/05/2016 n'uw'Abunzi b'Akagari wari wajuririwe iteshejwe agaciro, rutegeka Mukankubana Bernadette guha abarezwe amafaranga y'igihembo cya Avoka n'ay'ikurikiranarubanza. [10] Mukankubana Bernadette yajuririye urubanza RC00399/2016/TB/KCY – RC00324/2017/TB/KCY mu Rukiko Rwisumbuye rwa Gasabo, urubanza ruhabwa RCA00060/2018/TGI/GSBO, ariko nyuma areka urubanza. [11] Ku wa 11/02/2016, Umuhesha w'Inkiko w'Umwuga Me Ngendahayo Jean D'Amour yakoze inyandikomvugo igaragaza ko gushyira mu bikorwa Umwanzuro w'Abunzi wo ku wa 05/01/2011, urubanza RC0888/13/TB/KCY, urubanza RCA0526/14/HC/KIG n'urubanza RC0856/15/TB/KCY Mukankubana Bernadette yatsindiye byananiranye kuko inzu iri mu kibanza gifite UPI 1/02/10/03/1687 ya Mukankusi Astérie ibaruye kuri Nyabyenda Elias Ndayambaje, akaba yarayimuhaye nyuma yo gutsindwa mu Bunzi. Agaragaza ko gusenya iyo nzu bidashoboka kuko Nyabyenda Elias Ndayambaje atabaye umuburanyi muri izo manza. [12] Yakomeje asobanura kandi ko n'ubwo iyo sambu ifite UPI: 1/02/10/03/1688 yanditse kuri Mukankusi Astérie ibaruye mu makimbirane, Mukankusi Astérie yabirenzeho akayituzamo abandi bantu bakurikira: Mutumwinka Aretha wanditse kuri UPI:1/02/10/03/1494, Mishako Emmanuel ubaruye kuri UPI: 1/02/10/03/1686, Nyabyenda Elias wanditse kuri UPI:1/2/10/03/1687, Abatoni Peninah wanditse kuri UPI:1/02/10/03/1496. Avuga kandi ko muri Master plan y'ikibanza UPI 1/02/10/03/1688 hanagaragaraho ikibanza gifite UPI:1/02/10/03/1685 na UPI: 1/02/10/03/1495. [13] Umuhesha w'Inkiko w'Umwuga Me Uwimana Bernard Ismael ashingiye ku manza zitandukanye zavuzwe haruguru, mu nyandikomvugo yo ku wa 13/12/2018, yavuze ko isambu ibaruwe kuri UPI 1/02/10/03/1688, iri mu Mudugudu wa Kagarama, Akagari ka Kagugu, Umurenge wa Kinyinya mu Karere ka

4 NSHIMIYIMANA Simon yari ahagarariye NTAHONDEREYE Innocent, NSHUTINZIZA Gilbert, RUNEZERWA, ABATONI, Mwesigye

Page 4

Gasabo ari iya Mukankubana Bernadette, ariko ko kuva yayitsindira atigeze ayiyandikishaho, yemeza ko ubwo butaka yabwandikwaho, bityo ibyangombwa bindi byatanze mbere bigateshwa agaciro5. [14] Niragire Placide nawe yareze Mukankubana Bernadette, avuga ko yaguze ikibanza gifite UPI: 1/02/10/03/1685 na Nshimiyimana Simeon ku wa 17/05/2018, akorerwa ihererekanya-mutungo na Mukeratabaro Jean Paul wari warakigurishije mbere, ikibanza kimwandikwaho we n'umugore we ndetse bahabwa n'uruhushya rwo kubaka no GAS/BP/2019/AAA1000 ku wa 17/07/2019; ariko ku wa 06/12/2021, akoresheje Umuhesha w'Inkiko w'Umwuga, Mukankubana Bernadette amwandikira amutegeka kuva mu mutungo we no gukuraho ibyo yashyizeho byose. [15] Mu rubanza RC00529/2021/TGI/GSBO, rwaciwe ku wa 13/05/2022, Urukiko Rwisumbuye rwa Gasabo rwemeje ko Mukankubana Bernadette ari we ufite uburenganzira ku butaka bufite UPI: 1/02/10/03/1685, rutegeka ko ubwo butaka bwandikwa kuri Niragire Placide na Umutoni Solange, ariko Nshimiyimana Simon agasubiza Mukankubana Bernadette agaciro kabwo kangana na 12.606.000Frw, no kumuha 300.000Frw y'ikurikirana rubanza na 1.000.000Frw y'igihembo cya Avoka, runategeka kandi Nshimiyimana Simon gusubiza Niragire Placide 20.000Frw yatanzeho ingwate y'amagarama arega. [16] Mukankubana Bernadette na Nshimiyimana Simon bajuririyeye imikirize y'urwo rubanza mu Rukiko Rukuru, avuga ko Urukiko Rwisumbuye rwa Gasabo rwemeje ko ari we ufite uburenganzira ku butaka bufite UPI: 1/02/10/03/1685, ariko rumwambura ububasha kuri uwo mutungo, rubuha Niragire Placide; asobanura ko Nshimiyimana Simon wategetswe kumuha ingurane ntaho ahuriye nawe, asaba Urukiko Rukuru gukosora iryo kosa, Niragire Placide akaba ari we wishyura ingurane mbere yo kwandikwaho uwo mutungo. [17] Nshimiyimana Simon nawe yajuriye asaba Urukiko Rukuru kumurenganura kuko ubutaka yagurishije Niragire Placide yari yarabuguze na Mukeratabaro Jean Paul, nawe abukomora kuri Mukankusi Astérie, anasaba ko Mukeratabaro Jean Paul, Mukaruziga Drocelle na Mukankusi Astérie bagobokeshejwe mu rubanza aribo bakwiye kugaragaza inkomoko y'ubwo butaka buburanwa, kuko ari bo babutunze mbere. [18] Ku wa 30/11/2023, Urukiko Rukuru rwaciye urubanza RCA00263/2022/HC/KIG na RCA00269/2022/HC/KIG, rwemeza ko umutungo uregerwa muri uru rubanza ufite UPI: 1/02/10/03/1685 utandukanye n'umutungo uvugwa na Mukankubana Bernadette ufite UPI: 1/02/10/03/1688, kandi ko atagaragaje aho awukomora, maze rutegeka ko umutungo ubaruye kuri UPI: 1/02/10/03/1685, ari uwa Niragire Placide akomora ku bugure bwe na Nshimiyimana Simon nawe wawuguze na Mukeratabaro Jean Paul wahoze ari nyirawo, rwemeza ko wandukurwa ku mazina ya Mukankubana Bernadette, ukandikwa kuri Niragire Placide. [19] Ku wa 21/03/2024, Mukankubana Bernadette yatanze ikirego mu Rukiko rw'Ikirenga asaba Urukiko gukemura ikibazo cy'ivuguruzanya hagati y'urubanza RC0888/13/TB/KCY rwaciwe ku wa 26/08/2013, rwemeje Umwanzuro w'Abunzi b'Akagari ka Kagugu wo ku wa 05/01/2011, n'urubanza RCA00263/2022/HC/KIG- RCA00269/2022/HC/KIG rwaciwe n'Urukiko Rukuru ku wa 30/11/2023, ikirego cye cyandikwa kuri RC00001/2024/SC. [20] Iburanisha mu ruhamwe ryabaye ku wa 11/11/2024, Mukankubana Bernadette ahagarariwe n'umwana we Musengimana Charles, uyu nawe yunganiwe na Me Uwitonze Jean Marie Vianney afatanyije na Me Kubwimana Pierre Céléstin ; naho Niragire Placide yunganiwe na Me Kaboyi Benoit, Nshimiyimana Simon ahagarariwe na Me Munyansanga Amina Gisèle. Muri uru rubanza hagobokeshejwemo

Mukeratabaro Jean Paul yunganiwe Me Rugeyo Jean, Mukaruziga Drocella ahagarariwe na Me Uzabakiriho Irené, Mukankusi Asterie ahagarariwe na Me Umugwaneza Diane.

5 UPI:1/02/10/03/1494 yari yanditse kuri Mutumwinka Aretha, UPI: 1/02/10/03/1686 yari yanditse kuri Mishako Emmanuel UPI:1/02/10/03/1685 yari yanditse kuri Mukeratabaro J. Paul, UPI:1/2/10/03/1687 yari yanditse kuri Nyabyenda Elias, UPI: 1/02/10/03/1688 yari yanditse kuri Mukankusi Asterie, UPI: 1/02/10/03/1495 yari yanditse kuri Uwimana Solange, UPI:1/02/10/03/1496 yari yanditse kuri Abatoni Peninah, bose baguze na Mukankusi Asterie wabutsindiwe.

Page 5

[21] Mukankubana Bernadette avuga ko ivuguruzanya rishingiye ku kuba mu rubanza RCA00263/2022/HC/KIG-RCA 00269/2022/HC/KIG Urukiko Rukuru rwaravuze ko ubutaka yatsindiye mu Bunzi ari ubufite UPI: 1/02/10/03/1688 kandi ko ntaho buhuriye n'ubufite UPI: 1/02/10/03/1685 bwaburanwaga muri urwo rubanza, nyamara mu Bunzi ubutaka yatsindiye burimo n'ubufite UPI: 1/02/10/03/1685. Niragire Placide avuga ko ubutaka bufite UPI: 1/02/10/03/1685 mu buryo bwubahirije amategeko, naho abanda baregwa bakavuga ko nta vuguruzanya rihari kuko Mukankubana Bernadette ubwe yaburanye mu rubanza asaba ko rukurwaho, avuga ko yatsindiye ubutaka bufite UPI: 1/02/10/03/1688, ubu bukaba butandukanye n'ubufite UPI: 1/02/10/03/1685. [22] Muri iryo buranisha, ababuranyi bagiye impaka ku bibazo bikurikira : Kumenya niba hari ukuvuguruzanya kuri hagati y'urubanza RC0888/13/TB/KCY rwaciwe n'Urukiko rw'Ibanze rwa Kacyiru ku wa 26/08/2013, rwemeje umwanzuro w'Abunzi b'Akagari ka Kagugu wo ku wa 05/01/2011, n'urubanza RCA00263/2022/HC/KIG-RCA00269/2022/HC/KIG rwaciwe n'Urukiko Rukuru ku wa 30/11/2023; Kumenya urubanza rukwiye gukurwaho n'ingaruka zabyo mu gihe byagaragara ko hari ivuguruzanya; Kumenya niba abasabye indishyi bakwiye kuzihabwa. [23] Muri iryo buranisha kandi, Urukiko rwasanze mbere yo gufata icyemezo ari ngombwa ko rubanza kugera aho ikiburanwa kiri ku itariki ababuranyi bazamenyeshwa. Urukiko rwemeje kandi ko Ikigo cy'Igihugu gishinzwe Ubutaka gitanga amakuru ndetse n'umucyo ku butaka buburanwa, maze iyo raporo itangwa ku kwa 02/12/2024. [24] Iburanisha mu ruhamye ryashyizwe ku wa 03/03/2025, 12h00', kugira ngo inteko ibanze ihinduke. [25] Ku wa 29/04/2025, Urukiko rw'Ikirenga rwageze aho ikiburanwa kiri, mu Mudugudu wa Kagarama, Akagari ka Kagugu, Umurenge wa Kinyinya Akarere ka Gasabo; ababuranyi bose bitabye kandi bunganiwe. Hari hitabye kandi abahesha b'inkiko b'umwuga bagaragaye mu nyandiko zivugwa muri uru rubanza aribo Me Ngororukunda Clément na Me Uwimana Bernard Ismaël. Urukiko kandi rwifashishije abakozi b'Ikigo cy'Igihugu gishinzwe Ubutaka, aribo Shyirambere Vincent na Mbonigaba Espoir; runumva n'abatangabuhamya batandukanye. [26] Igikorwa nyirizina cyatangiyeye Musengimana Charles, Niragire Placide, Mukankusi Astérie na Nyabuhoro Régine (umwe mu bunzi bari muri Komite y'Abunzi yagiye gupima ubutaka) berekana ubutaka bwaburanwaga mu mwanzuro w'Abunzi. [27] Ku wa 27/05/2025 Ikigo cy'Igihugu gishinzwe Ubutaka cyatanze raporo igaragaza ko ubuso bw'igishushanyo cyakozwe n'Abunzi bungana na 2.132 sqm, ubwerekanywe na Musengimana Charles, bungana na 2.797,70 sqm ;

ubwerekanywe na Mukankusi Astérie bungana na 304,19 sqm naho ubwerekanywe n'umwunzi bungana na 1.994,77 sqm. Iyo raporo yagaragaje kandi ko UPI : 1/02/10/03/1688 yari yarabaruwe mu mwaka wa 2011, ariko ibyangombwa byayo ntibyari byarahawe ba nyirabwo kuko hari harandikishijweho amakimbirane mu gihe cy'ibarura rusange ry'ubutaka. [28] Iburanisha mu rubame ryabaye ku wa 16/09/2025, ababuranyi bose bitabye bamwe bunganiwe abandi bahagarariwe ; maze Urukiko rukomeza iburanisha rwumva icyo ababuranyi bavuga kuri raporo y'iperereza ryo ku wa 29/04/2025. Iburanisha ryarapfundikiwe, ababuranyi bamenyeshwa ko urubanza ruzasomwa ku wa 24/10/2025, 09h30'. Mu gihe Urukiko rwari rwiherereye ngo ruce urubanza, rwasaze hari ibipimo bitagaragajwe muri raporo yatanze n'Ikigo cy'Igihugu gishinzwe Ubutaka, maze rusanga mu rwego rwo gutanga ubutabera ari ngombwa ko icyo Kigo kigaragaza igishushanyo cyerekana ibipimo Abunzi bashyize ku mugereka w'umwanzuro bafashe ku wa 05/01/2011, ugereranyije n'ubutaka buburanwa, hagapimwa haherewe ku mpera z'ubutaka bwagaragajwe ko bubaruye kuri UPI : 1/02/10/03/1688, kuko icyo gice cyo kitagibwaho impaka. Ku

Page 6

wa 05/11/2025, Ikigo cy'Igihugu gishinzwe Ubutaka cyakoze raporo kubyo cyari cyasabwe, maze iburanisha ryongera gupfundurwa ku wa 10/11/2027. II. IBIBAZO BIGIZE URUBANZA N'ISESENGURWA RYABYO Kumenya niba hari ukuvuguruzanya kuri hagati y'urubanza RC0888/13/TB/KCY rwaciwe n'Urukiko rw'Ibanze rwa Kacyiru ku wa 26/08/2013, rwemeje umwanzuro w'Abunzi b'Akagari ka Kagugu wo ku wa 05/01/2011, n'urubanza RCA00263/2022/HC/KIG-RCA 00269/2022/HC/KIG rwaciwe n'Urukiko Rukuru ku wa 30/11/2023 [29] Musengimana Charles na Me Uwitonze Jean Marie Vianney umwunganira bavuga ko ikibazo kiri muri uru rubanza gishingiye ku isambu umubeyi we yaburanye mu Nteko y'Abunzi b'Akagari ka Kagugu arega Mukankusi Astérie, maze ku wa 05/01/2011, Inteko y'Abunzi ikemeza ko Mukankusi Astérie agomba gutanga umugabane yigaruriye kuko wari warahawe Bizimana Matayo (Umuhungu wa Mukankubana Bernadette) igihe havugwaga amasengesho ya Se Makimbirane, bemeza ko iyo sambu ihabwa Mukankubana Bernadette. Bavuga ko n'urubanza RC0888/13/TB/KCY, rwemeje ko umwanzuro urangizwa. [30] Bavuga ko mu gihe iyo sambu yaburanwaga, ibyangombwa by'ubutaka byari bitaraboneka, Mukankusi Astérie amaze gutsindwa ayicamo ibibanza byinshi, bihabwa ibyangombwa, anabigurisha abantu batandukanye6 harimo n'ikibanza gifite UPI: 1/02/10/03/1685, ari nacyo kiburanwa ubu. Nyuma y'irangizwa ry'urubanza RC 0888/13/TB/KCY hamwe n'umwanzuro w'Abunzi, abari baraguze na Mukankusi Astérie bose bambuwe ibyangombwa by'ubutaka bari barahawe, maze byandikwa kuri Mukankubana Bernadette. [31] Bakomeza bavuga ko Niragire Placide wari waraguze umutungo ufite UPI: 1/02/10/03/1685 yaje gutanga ikirego mu Rukiko Rwisumbuye rwa Gasabo asaba Urukiko gutegeka Mukankubana Bernadette kurekura umutungo we, agobokesha Nshimiyimana Simon bawuguze, maze Urukiko rwemeza ko Mukankubana Bernadette ari we ufite uburenganzira kuri ubwo butaka, ariko rutegeka ko bwandikwa kuri Niragire Placide na Umutoni Solange, Nshimiyimana Simon agasubiza Mukankubana Bernadette agaciro kabwo kangana na 12.606.000Frw. [32] Basobanura

ko Mukankubana Bernadette yajuririye urwo rubanza kuko atashakaga ko ubwo butaka bwandikwa kuri Niragire Placide atarahabwa ingurane. Nshimiyimana Simon nawe ararujuririra, imanza zirahuzwa. Mu cyemezo cyarwo, Urukiko Rukuru rwemeje ko umutungo uregerwa ufite UPI: 1/02/10/03/1685 utandukanye n'umutungo ufite UPI: 1/02/10/03/1688, Mukankubana Bernadette avuga ko akomora ku manza zinyuranye zavuzwe haruguru, akaba atagaragaza aho awukomora, mu gihe Niragire Placide awukomora ku bugure bwe na Nshimiyimana Simon nawe wawuguze na Mukeratabaro Jean Paul wahoze ari nyirawo. Basaza basaba Urukiko rw'Ikirenga gukuraho urubanza RCA00263/2022/HC/KIG-RCA 00269/2022/HC/KIG kuko icyemezo cyarufashwemo kitari gikwiriye. [33] Uhagarariye Niragire Placide avuga ko, imanza7 urega avuga ko zivuguruzanya zasobanurwa n'abagobokeshejwe kuko uwo ahagarariye atazibayemo umuburanyi, yazimenyeye mu iburanisha ry'urubanza RC00529/2021/TGI/GSBO Mukankubana Bernadette azitanze nk'ikimenyetso gishimangira ko umutungo Niragire Placide yubatsemo ari uwe, amusaba gukuraho inyubako ze, agasigarana ubutaka bwe. Asaba Urukiko rw'Ikirenga kudakuraho urubanza RCA00263/2022/HC/KIG-RCA00269/2022/HC/KIG rwaciwe n'Urukiko Rukuru.

6 UPI: 1/02/10/03/1494, UPI: 1/2/10/03/1687, UPI: 1/02/10/03/1688, UPI: 1/02/10/03/1495, UPI: 1/02/10/03/1496, UPI: 1/02/10/03/1686 7 urubanza N° RC 0888/13/TB/KCY, umwanzuro w'Abunzi b'Akagali ka Kagugu wo ku wa 05/01/2011 n'urubanza N° RCA 00263/2022/HC/KIG-RCA 00269/2022/HC/KIG.

Page 7

[34] Uhagarariye Nshimiyimana Simon yasobanuye ko nta vuguruzanya riri hagati y'urubanza RC0888/13/TB/KCY n'Umwanzuro w'Abunzi b'Akagali ka Kagugu wo ku wa 05/01/2011 n'urubanza RCA00263/HC/KIG - RCA00269/HC/KIG kubera impamvu zikurikira : Umwanzuro w'Abunzi wo ku wa 05/01/2011 bawuburanye isambu yarakaswe ku wa 14/10/2010 ihabwa UPI: 1/02/10/03/1688 igaragaza n'imbibi zayo; Mu rubanza RC0856/15/TB/KCY, Mukankubana Bernadette ubwe yatanze ikirego avuga ko mu mwanzuro w'Abunzi wo ku wa 05/01/2011 yatsindiye isambu ifite UPI: 1/02/10/03/1688. Mu rubanza RCA0526/14/HC/KIG, Mukankubana Bernadette ubwe yatanze ikirego arega Mukankusi Astérie asaba Urukiko kumutegeka gukuraho ibibanza yometse ku isambu yatsindiye mu Bunzi, kandi muri ibyo bibanza yasabaga ko bikurwaho n'icyo kiburanwa gifite UPI: 1/02/10/03/1685 cyarimo, ibyo akaba asanga ari ikimenyetso kigaragaza ko ikibanza gifite UPI: 1/02/10/03/1685 kitari mu isambu yatsindiye mu Bunzi. Kuba bigaragara ko igishushanyo mbonera cyakozwe nyuma y'uko hafashwe icyemezo cy'Abunzi cyashyizweho umukono n'Abunzi batandukanye n'abafashe icyemezo kuko icyemezo cyafashwe n'abitwa Twagiramungu Tharcisse, Nduwayo Samuel na Niyonsenga Triphon mu gihe igishushanyo cyakozwe n'abitwa Nyabuhoro Regine, Hakizimana Celestin na Mukarubibi Immaculée, kikaba nta na kashe mpuruza ikiriho. [35] Asoza Asaba ko Urukiko rw'Ikirenga rwakwemeza ko urubanza RCA00263/2022/HC/KIG-RCA 00269/2022/HC/KIG rugumana agaciro karwo. [36] Uwunganira Mukeratabaro Jean Paul avuga ko uyu atakagombye kuzanwa muri uru rubanza kubera ko umutungo uburanwa, yawuguze na Mukaruziga Drocella kandi zimwe mu manza zivugwa ko

zivuguruzanya atazibayemo umuburanyi, akaba yumva ntacyo akwiye kuzibazwaho. [37] Uhagarariye Mukaruziga Drocella avuga ko asanga nta vuguruzanya riri muri izi manza. Asobanura ko mu rubanza RCA00263/2022/HC/KIG-RCA00269/2022/HC/KIG mu gika cya 26, Urukiko rwavuze ko umutungo uburanwa utandukanye n'umutungo ufite UPI: 1/02/10/03/1688 Mukankubana Bernadette yatsindiye mu Bunzi, kandi Niragire Placide agaragaza ko ufite UPI: 1/02/10/03/1685 yawuguze na Nshimiyimana Simon nawe uwukomora kuri Mukeratabaro Jean Paul nyirawo kugeza awugurisha mu mwaka wa 2018 ukanandikwa kuri Niragire Placide uwutunze ubu. [38] Uhagarariye Mukankusi Astérie avuga ko nta vuguruzanya riri muri izo manza, kuko mu rubanza RC0888/13/TB/KCY n'umwanzuro w'Abunzi wo ku wa 05/01/2011, haburanwaga umutungo ufite UPI: 1/02/10/03/1688, kandi uwo mutungo ukaba ntaho uhuriye n'umutungo uburanwa ubaruye kuri UPI: 1/02/10/03/16885 waburanywe mu rubanza RC00529/2021/TGI/GSBO hagati ya Niragire Placide na Mukankubana Bernadette. Avuga ko kuba icyaburanywe n'ababuranaga ntaho bihuriye, bivuze ko nta vuguruzanya rihari. [39] Asoza avuga ko igihe urega yatsindiraga ubutaka, ibyo bibanza byari byaramaze kugurishwa, ko ikindi kigaragaza ko ubutaka Mukankubana Bernadette yatsindiye atashoboraga kubwitiranya n'ubundi, ari uko bwari bwarabaruwe tariki ya 14/10/2010 buhabwa numero UPI: 1/02/10/03/1688; asobanura ko n'igishushanyo kigaragaza ingano y'ubutaka giteye urujijo kuko abunzi bagikoze atari bo bafashe icyemezo, kandi nta manza ebyiri z'abunzi zabayeho. UKO RUKIKO RUBIBONA [40] Ikibazo kigomba gusuzumwa muri uru rubanza, ni ukumenya niba urubanza RC0888/13/TB/KCY rwemeje umwanzuro w'Abunzi wo ku wa 05/01/2011 byemeje ko Mukankubana Bernadette ahabwa isambu ingana na metero 50 ku mutwe na metero 55 mu buhagarike hakurikijwe igishushanyo cyakozwe n'Abunzi,

Page 8

bivuguruzanya n'urubanza RCA00263/2022/HC/KIG-RCA00269/2022/HC/KIG rwaciye n'Urukiko Rukuru rwemeje ko umutungo ufite UPI: 1/02/10/03/1685 utandukanye n'umutungo Mukankubana Bernadette avuga ko yatsindiye ufite UPI: 1/02/10/03/1688. Mukankubana Bernadette avuga ko uru rubanza rumwambura uburenganzira ku butaka bufite UPI: 1/02/10/03/1685 kandi nabwo yarabutsindiye mu Bunzi. [41] Mu gusubiza iki kibazo, Urukiko rurasanga ari ngombwa kubanza gusuzuma isano iri hagati y'ubutaka bufite UPI: 1/02/10/03/1688 n'ubufite UPI: 1/02/10/03/1685, no kumenya niba koko ubutaka Mukankubana Bernadette yatsindiye mu Bunzi ari ubufite UPI: 1/02/10/03/1688, hanyuma rubone kureba niba hari ivuguruzanya hagati y'izo manza. Kumenya niba hari isano iri hagati y'ubutaka bufite UPI: 1/02/10/03/1685 n'ubufite UPI: 1/02/10/03/1688 [42] Mu rubanza RCA00263/2022/HC/KIG-RCA00269/2022/HC/KIG rwaciye n'Urukiko Rukuru ku wa 30/11/2023 Urukiko rwashingiye ku manza zitandukanye zagiye zicibwa ku mutungo uburanwa, rwemeza ko ubutaka Mukankubana Bernadette yaburanye akabutsindira ari ubufite UPI: 1/02/10/03/1688, aba ari ho rusingira ruvuga ko ubwo butaka ntaho buhuriye n'ubufite UPI: 1/02/10/03/1685. Mu iburanisha muri uru Rukiko kandi uhagarariye Mukankubana Bernadette avuga ko ubutaka batsindiye ari ubufite UPI: 1/02/10/03/1688 kandi akaba ari bwo bugaragara mu mwanzuro w'Abunzi, ariko Mukankusi

Asterie yagiye abugabanyamo izindi UPI zitandukanye. Ibi ni byo bigomba gusobanurwa neza hakavanwaho urujijo. [43] Raporo yatanze n'Ikigo cy'Igihugu gishinzwe Ubutaka yo ku wa 27/05/2025, igaragaza ko ubutaka buburanwa bwaburujwe ku wa 14/10/2010, bugahabwa UPI zitandukanye, izo UPI zikaba zigaragamo UPI: 1/02/10/03/1685 yabarujwe ikanandikwa kuri Mukeratabaro Jean Paul wari warabuguze, na UPI: 1/02/10/03/1688 yabarujwe na Mukankusi Asterie ariko ikandikishwaho amakimbirane mu gihe cy'ibarura na Mukankubana Bernadette. Iyo raporo ivuga ko ubutaka bufite UPI : 1/02/10/03/1688 butigeze buhindurirwa ubuso, kandi ko atari bwo bukomokaho cyangwa ngo bube bukomoka ku zindi UPI zabaruwe aho buherereye. Ibi bigaragaza rero ko nta sano iri hagati ya UPI : 1/02/10/03/1685 na UPI: 1/02/10/03/1688 yo kuba ubutaka bumwe bukomoka ku bundi, kuko bwombi bwabaruwe umunsi umwe kandi bukaburuzwa n'abantu batandukanye. Kumenya niba ubutaka Mukankubana Bernadette yatsindiye mu Bunzi ari ubufite UPI: 1/02/10/03/1688 [44] Ukurikije uko ibintu byagiye bikurikirana, Urukiko rusanga n'ubwo ubutaka buburanwa bwaburujwe ku wa 14/10/2010, umwanzuro w'Abunzi warafashwe nta UPI ziratangwa ku buryo icyo bagendeyeho ari aho beretswe n'umuburanyi, bakaba barahapimye bakoresheje intambwe. Uwo mwanzuro ugaragaza ko ubutaka Mukankubana Bernadette yeguriwe bufite ibipimo bya m 50 ku mutwe na m 55 ku buhagarike. Igishushanyo cyometse kuri uwo mwanzuro nacyo kikagaragaza ko ubwo butaka bufite ibipimo bya m 39 ku ruhande rwa Setariya ; m 39 ku ruhande ruherereyeho mutarambirwa ; m 52 ku ruhande ruherereyeho Nyiranziza na Nzabamwita ; na m 55 ku ruhande rw'inzira. N'ubwo icyo gishushanyo kitagaragaza ibipimo byose hakurikijwe uko giteye, biragaragara ko ubutaka Mukankubana Bernadette yatsindiye mu Bunzi bufite ubuso burenga Sqm 2.1328. [45] Urukiko rurasanga ubutaka bufite UPI: 1/02/10/03/1688 bwo bufite ubuso bwa Sqm 304.19 nk'uko bigaragazwa na raporo y'Ikigo cy'Igihugu gishinzwe Ubutaka yagarutseweho, bukaba bunafite imbibi zitandukanye n'izivugwa mu mwanzuro w'Abunzi zagaragajwe mu gika kibanziriza iki, uretse ku ruhande ruherereyeho Mutarambirwa, nabwo bukaba bufataho ibipimo bingana na m 19 gusa. Urukiko rurasanga rero ubutaka Mukankubana Bernadette yatsindiye mu bunzi atari ububaruye kuri UPI: 1/02/10/03/1688 bwonyine, ahubwo ari bumwe mu bwo yatsindiye.

8 Ibi bipimo bikurikije igishushanyo cy'Abunzi, ariko hakurikijwe ibipimo bigaragara mu mwanzuro ubwawo bya m 50 kuri M55, ubuso bwaba bungana na Sqm 2,750

Page 9

Kumenya niba hari ivuguruzanya hagati y'urubanza No RC 0888/13/TB/KCY rwaciwe n'Urukiko rw'Ibanze rwa Kacyiru ku wa 26/08/2013, rwemeje umwanzuro w'Abunzi b'Akagari ka Kagugu wo ku wa 05/01/2011, n'urubanza RCA00263/2022/HC/KIG-RCA 00269/2022/HC/KIG rwaciwe n'Urukiko Rukuru ku wa 30/11/2023 [46] Ibijyanye n'ivuguruzanya ry'imanza byatanze umurongo mu rubanza Rutayisire Jean de Dieu yaburanaga na Mukankurikiyimana Béatrice n'abandi. Urukiko rw'Ikirenga, rwifashishije abahanga mu mategeko batandukanye rwavuze ko: Haba kuvuguruzanya kw'imanza iyo hari ibyemezo bitandukanye by'inkiko bitagishoboye kujuririrwa kandi bikaba bidashobora kurangizwa icyarimwe; Iyo ibyo byemezo bitagishoboye kujuririrwa ndetse bikaba bidashobora no kurangizwa icyarimwe biramutse bigumye, byagira

ingaruka z'uko ababuranyi batabona ubutabera bakeneye (déni de justice); [47] Mukankubana Bernadette avuga ko ivuguruzanya rishingiye ku kuba mu rubanza RCA00263/2022/HC/KIG-RCA 00269/2022/HC/KIG Urukiko Rukuru rwaravuze ko ubutaka yatsindiye mu Bunzi ari ubufite UPI: 1/02/10/03/1688 kandi ko ntaho buhuriye n'ubufite UPI: 1/02/10/03/1685 bwaburanwaga muri urwo rubanza. [48] Nk'uko byagaragajwe haruguru, ubutaka bubaruye kuri izi UPI zombi buratandukanye kuko bwombi bwabaruwe kuri UPI bufite ubu kuva mu ntangiriro, hakaba nta bukomoka ku bundi. Ariko nk'uko byagaragajwe haruguru na none, ubutaka Mukankubana Bernadette yatsindiye mu Bunzi si ubufite UPI: 1/02/10/03/1688 bwonyine, kuko ubwo yatsindiye bufite ubuso burenga Sqm 2.132. Urukiko rurasanga mu guca urubanza, Urukiko rwaravuze ko ubutaka Mukankubana Bernadette yatsindiye mu Bunzi ari ubufite UPI: 1/02/10/03/1688 gusa, ibi rukaba rwarabyemeje rushingiye ku manza zitandukanye, aho Mukankubana Bernadette yaburanaga asaba ko Urukiko rutegeka Mukankusi Asterie gukuraho amazu yubatse ku butaka yatsindiye bufite UPI: 1/02/10/03/1688. [49] Izo manza Urukiko Rukuru rwashingiyeho ruvuga ko Mukankubana Bernadette ubwe yivugira ko ubutaka yatsindiye ari ubufite UPI: 1/02/10/03/1688 gusa ni urubanza RC1201/14/TB/KCY rwaciwe n'Urukiko rw'Ibanze rwa Kacyiru ku wa 05/01/2015, rwaje gukurwaho mu kurusubirishamo ingingo nshya n'urubanza No RC0856/15/TB/KCY rwaciwe n'urwo Rukiko ku wa 22/09/2015 ndetse n'urubanza RC00399/16/TB/KCY – RC00324/16/TB/KCY rwaciwe n'urwo Rukiko ku wa 21/08/2017. Rwashingiye kandi kuri raporo yakozwe n'Umuhesha w'inkiko w'umwuga Me Uwimana Bernard yo ku wa 28/08/2018 yiswe “inyandikomvugo yo guhamya uko ibintu biteye”, nayo ivuga ko isambu ya Mukankubana Bernadette ari ibaruye kuri UPI: 1/02/10/03/1688. [50] Urukiko rurasanga ibyo Urukiko Rukuru rwemeje atari ukuri ku mpamvu zikurikira: Mu rubanza RC1201/14/TB/KCY ikivugwamo ni uko inzu zasabirwaga gukurwaho ziri mu kibanza gifite UPI: 1/02/10/03/1688, ntaho Mukankubana Bernadette yigeze avuga ko ari ho yaburanye honyine; Mu rubanza No RC0856/15/TB/KCY, Urukiko ni rwo rwavuze ko Abunzi bemeje ko isambu ifite numero UPI: 1/02/10/03/1688 ari iya Mukankubana Bernadette (igika cya 3 n'icya 8), kandi ibi si byo, kuko nta nimeru y'ubutaka igaragara mu mwanzuro w'Abunzi. Uburanira Mukankubana Bernadette avuga gusa ko ikiburanwa ari inyubako ziri mu kibanza No 1688; Mu rubanza RC00399/16/TB/KCY – RC00324/16/TB/KCY ni ho hagaragara ko uburanira Mukankubana Bernadette yavuze ko icyaburanwaga mu Bunzi ari isambu ibaruye kuri 1688, gusa biragaragara ko atari azi izindi UPI zabaruwe kuri ubu butaka, kuko bamwe mu bo yaregaga bari bafite ubutaka bubaruye ku zindi UPI nka Mutumwinka Areta wari ufite UPI: 1/02/10/03/1494, na Abatoni Penina wari ufite UPI: 1/02/10/03/1495 na UPI: 1/02/10/03/1496;

Page 10

Muri raporo yakozwe n'Umuhesha w'inkiko w'umwuga Me Uwimana Bernard yo ku wa 28/08/2018 yiswe “inyandikomvugo yo guhamya uko ibintu biteye”, uyu Muhesha w'inkiko avuga ko Umwanzuro w'Abunzi uvuga ko Mukankusi agomba gutanga umugabane ugizwe n'isambu iri mu kibanza kibaruye kuri No 1688, ariko akavuga ibipimo bigaragara mu mwanzuro w'Abunzi, birenze kure iby'ubutaka bufite UPI: 1/02/10/03/1688, ndetse akanavuga ko ubwo butaka bugaragaraho ibyangombwa bitandukanye bigeze kuri birindwi. Ibi bigaragaza ko nawe atavugaga gusa ubutaka bufite UPI: 1/02/10/03/1688, ahubwo yavugaga ubufite ubuso yagaragarije

ibipimo. [51] Rurasanga ibi bigaragaramo ukwitiranya ubutaka bwaburanywe mu Bunzi n'ubufite UPI: 1/02/10/03/1688, uku kwibeshya kukaba kunagaragara mu byo abunganira Mukankubana Bernadette bavugiye imbere y'uru Rukiko. Rurasanga rero no mu rubanza RCA00263/2022/HC/KIG-RCA 00269/2022/HC/KIG harabayemo kwitiranya, maze Urukiko rugaca urubanza rwemeza ko icyaburanywe mu Bunzi ari UPI: 1/02/10/03/1688 kandi atari ko bimeze. [52] Hashingiwe ku bimaze gusobanurwa, Urukiko rurasanga hari ivuguruzanya hagati y'urubanza No RC 0888/13/TB/KCY rwaciwe n'Urukiko rw'Ibanze rwa Kacyiru ku wa 26/08/2013, rwemeje umwanzuro w'Abunzi b'Akagari ka Kagugu wo ku wa 05/01/2011, n'urubanza RCA00263/2022/HC/KIG-RCA 00269/2022/HC/KIG rwaciwe n'Urukiko Rukuru ku wa 30/11/2023, kubera ko uru rubanza rwemeza ko ubutaka Mukankubana Bernadette yatsindiye mu Bunzi ari ububaruye kuri UPI: 1/02/10/03/1688 gusa, kandi ubwo yatsindiye bufite ibipimo birenze ubwongubwo. Kumenya urubanza rukwiye gukurwaho n'ingaruka zabyo [53] Uhagarariye Mukankubana Bernadette avuga ko asanga Mukankubana Bernadette yagombye gusubizwa uburenganzira ku mutungo we cyangwa se Niragire Placide utuye muri uwo mutungo, akamusubiza agaciro k'ubutaka kagezweho uyu muni hakurikijwe itegeko rigena agaciro k'ubutaka maze agakurikirana uwabumugurishije. Urukiko ruramutse rubibonye ukundi, agaciro kakwishyurwa n'uwo ariwe wese rwasanga yaragize uruhare mu kumuvutsa umutungo we. [54] Uhagarariye Niragire Placide avuga ko mu gihe Urukiko rwasanga imanza zaregowe zivuguruzanya koko, umutungo uburanwa ari uwa Mukankubana Bernadette, rwafata icyemezo kitabangamira uburenganzira NIRAGIRE Placide afite ku mutungo yaguze nta buryarya nk'uko byatanzweho umurungo n'Urukiko rw'Ikirenga mu rubanza RCA0018/13/CS rwaciwe ku wa 24/12/2014 hagati ya Harerimana Gaspard na Sebukayire9 n'ibikorwa biwurimo (ubu bihagaze ku gaciro kangana n'amafaranga 62.400.000 nk'uko bigaragazwa na raporo y'umuhanga). Me Kaboyi Benoit avuga kandi ko Niragire Placide atategukwa gusubiza agaciro k'ubutaka kuko yaba agiye kwishyura inshuro ebyiri umutungo yaguze mu buryo bukurikije amateguko nk'uko byatanzweho umurungo n'Urukiko rw'Ikirenga w'uko ubugure bwemewe ku butaka ari ubukorewe imbere ya Noteri10. Asanga ahubwo uwategukwa kwishyura agaciro k'ubutaka ari uwaba yarabugurishije atabyemerewe. [55] Uhagarariye Nshimiyimana Simon avuga ko asanga Mukankubana Bernadette yarahawe ibyo yatsindiye mu Bunzi, byumvikana ko nta vuguruzanya riri hagati y'umwanzuro w'Abunzi n'urubanza rwaciwe n'Urukiko Rukuru, kandi ko uwo ahagarariye ntacyo yagombye kubazwa muri uru rubanza, kuko ibyo urega asaba byagombye kubazwa Mukeratabaro Jean Paul wamugurishije ubwo butaka.

9 Muri urwo rubanza, Urukiko rw'Ikirenga rwavuze ko uburenganzira ku butaka bushingira ku kuba nyirabwo yarabubonye ku bw'umuco, cyangwa se yarabuhawe n'urwego rubifitiye ububasha, cyangwa yarabuguze (igika cya 20). Rwavuze kandi ko ibyangombwa by'ubutaka bishobora guteshwa agaciro (igika cya 22). Rwavuze kandi ko uwatunze ubutaka nta buryarya ashobora kubusubiza ariko akishyurwa agaciro k'ibyo yabushyizeho (igika cya 28). 10 Reba urubanza N° RS/INJUST/RC 00010/2019/SC rwaciwe ku wa 25/09/2020, haburana TWIZERIMANA Theoneste vs MANIZABAYO Kennedy.

Page 11

- [56] Uwunganira Mukeratabaro Jean Paul avuga ko uyu atari akwiriye guhamagazwa muri uru rubanza kuko bigaragara ko umutungo yawugurishijwe na Nzeyimana François umugabo wa Mukaruziga Drocella, ko habaye hari icyo yabazwa, cyakagombye kubazwa uwamugurishije.
- [57] Uhagarariye Mukaruziga Drocella nawe avuga ko uwo ahagarariye yaguze ubutaka na Mukankusi Astérie wari nyirabwo, ahubwo ibyo urega asaba bigomba kubazwa uwamugurishije.
- [58] Uhagarariye Mukankusi Astérie avuga ko ntacyo uyu yakagombye kubazwa kuko umutungo yawugurishije mu buryo bukurikije amategeko. UKO URUKIKO RUBIBONA [59] Ku bijyanye no kumenya urubanza rugomba kvanwaho igihe hariho kuvuguruzanya, Urukiko rw'Ikirenga, rwasobanuye mu rubanza Rutayisire Jean de Dieu yaburanaga na Mukankurikiyimana Béatrice n'abandi rwagarutsweho haruguru, ko: Inkiko zaregewe ko hari imanza zivuguruzanya zigomba gusuzuma urubanza cyangwa imanza zikwiye kuvaho kugira ngo hubahirizwe uburenganzira bw'abaturanyi ; Iyo ukuvuguruzanya gushingiye ku kuba hari urundi rubanza rwaciwe mbere ku mpamvu zimwe, ku kiburanwa kimwe, hagati y'abaturanyi bamwe kandi rwarabaye ndakuka (autorité de la chose jugée), hakurwaho urubanza rwa kabiri hakagumaho urwa mbere rwabaye ndakuka ; Iyo ukuvuguruzanya gushingiye ku kuba hari imanza ebyiri zidashobora kubangikanywa (deux décisions inconciliables) kandi zidashobora kurangirizwa rimwe, hateshwa agaciro rumwe muri izo manza cyangwa zombi. Urukiko rushingiye ku byagiye bikorwa n'izindi nkiko, rwagaragaje ko urubanza rukwiriye kvanwaho ari urwaciwe hirengangijwe amategeko cyangwa hadakurikijwe umurongo wari usanzwe uriho, hakagumaho urubanza Urukiko rwasanze rutanga ubutabera. [60] Muri uru rubanza, Urukiko rurasanga hari urubanza RC0888/13/TB/KCY rwaciwe n'Urukiko rw'Ibanze rwa Kacyiru ku wa 26/08/2013 rwemeje umwanzuro w'Abunzi uvuga ingano y'ubutaka Mukankubana Bernadette yatsindiye wabaye itegeko kandi byombi byabaye itegeko, bivuguruzanya n'Urubanza RCA00263/2022/HC/KIG-RCA 00269/2022/HC/KIG rwavuze ko yatsindiye ubutaka bubaruye kuri UPI : 1/02/10/03/1688 gusa. Ibi biratuma habaho imanza ebyiri zidashobora kubangikanywa, hakaba hagomba kvanwaho rumwe muri zo rwaciwe hadakurikijwe amategeko, kugira ngo hatangwe ubutabera. [61] Nk'uko byagaragajwe mu gika cya C., urubanza RCA00263/2022/HC/KIG-RCA 00269/2022/HC/KIG rugaragaramo kutubahiriza amategeko kuko mu kwitiranya ibyo Mukankubana Bernadette yatsindiye mu mwanzuro w'Abunzi, rwamwambuye uburenganzira yari yarahawe n'urubanza RC0888/13/TB/KCY rwaciwe n'Urukiko rw'Ibanze rwa Kacyiru ku wa 26/08/2013. [62] Rurasanga hashingiye ku murongo watanze n'Urukiko rw'Ikirenga mu rubanza rwavuzwe haruguru, hakwiye kvanwaho urubanza RCA00263/2022/HC/KIG-RCA-00269/2022/HC/KIG rwaciwe n'Urukiko Rukuru ku wa 30/11/2023. [63] Urukiko rurasanga kandi hagomba kugumaho urubanza RC00529/2021/TGI/GSBO, rwaciwe n'Urukiko Rwisumbuye rwa Gasabo ku wa 13/05/2022. Kumenya niba abasabye indishyi bakwiye kuzihabwa [64] Uhagarariye Mukankubana Bernadette avuga ko uwo bazasanga ari nyirabayazana w'izi manza, yategekwa kwishyura uwo ahagarariye amafaranga y'ikurikiranarubanza n'igihembo cya Avoka angana na 3.000.000Frw.

Page 12

[65] Uhagarariye Niragire Placide avuga ko asaba Urukiko rw'Ikirenga gutegeka Mukankubana Bernadette kumwishyura amafaranga 1.500.000Frw y'ikurikiranarubanza n'igihembo cya Avoka. [66] Uhagarariye Nshimiyimana Simon avuga ko uwo ahagarariye asaba indishyi zo gushorwa mu manza zingana na 300.000Frw y'ikurikirana rubanza n'igihembo cya Avoka. [67] Uwunganira Mukeratabaro Jean Paul avuga ko asaba indishyi zo gushorwa mu manza zingana na 300.000Frw y'ikurikirana rubanza n'igihembo cya Avoka. [68] Uhagarariye Mukankusi Astérie avuga ko asaba urukiko gutegeka Mukankubana Bernadette gutanga amafaranga y'ikurikirana rubanza angana na 500.000Frw. [69] Uhagarariye Mukaruziga Drocella avuga ko uwo ahagarariye asaba Urukiko rw'Ikirenga gutegeka urega kumuha indishyi z'akababaro hamwe n'amafaranga y'ikurikirana rubanza angana na 400.000Frw yo kumushora mu manza zitari ngombwa. UKO URUKIKO RUBIBONA [70] Ingingo 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 iteganya ko ikirego cy'amafaranga y'ikurikiranarubanza ari ikirego gishamikira ku kirego cy'iremezo kigamije kwishyura ibyakoreshejwe mu rubanza. [71] Hashingiwe ku biteganywa n'iyi ngingo, Urukiko rurasanga Mukankubana Bernadette akwiye kugenerwa amafaranga y'igihembo cya Avoka n'ay'ikurikiranarubanza, akayahabwa na Niragire Placide, nshimiyimana Simon, Mukeratabaro Jean Paul, Mukankusi Astérie na Mukaruziga Drocella, ariko kuko ayo asaba ari menshi kandi atayasobanura, Urukiko rurasanga mu bushishozi bwarwo yagenerwa 1.000.000Frw y'igihembo cya Avoka na 500.000Frw y'ikurikiranarubanza. [72] Rurasanga amafaranga asabwa n'abandi baburanyi ari bo Niragire Placide, Nshimiyimana Simon, Mukeratabaro Jean Paul, Mukankusi Astérie na Mukaruziga Drocella batayahabwa kuko ntacyo batsindiye muri uru rubanza. III. ICYEMEZO CY'URUKIKO [73] Rwemeje ko ikirego cyatanze na Mukankubana Bernadette gisaba Urukiko gukemura ikibazo cy'ivuguruzanya ry'urubanza RC0888/13/TB/KCY rwaciwe n'Urukiko rw'Ibanze rwa Kacyiru ku wa 26/08/2013 rwemeje umwanzuro w'Abunzi b'Akagari ka Kagugu wo ku wa 05/01/2011 n'urubanza RCA00263/2022/HC/KIG-RCA 00269/2022/HC/KIG rwaciwe n'Urukiko Rukuru ku wa 30/11/2023, gifite ishingiro ; [74] Rwemeje ko urubanza RC0888/13/TB/KCY rwaciwe n'Urukiko rw'Ibanze rwa Kacyiru ku wa 26/08/2013 rwemeje umwanzuro w'Abunzi b'Akagari ka Kagugu wo ku wa 05/01/2011, ruvuguruzanya n'urubanza RCA00263/2022/HC/KIG-RCA00269/2022/HC/KIG rwaciwe n'Urukiko Rukuru ku wa 30/11/2023; [75] Rwemeje ko urubanza RCA00263/2022/HC/KIG-RCA 00269/2022/HC/KIG rwaciwe n'Urukiko Rukuru ku wa 30/11/2023 ruvuyeho. [76] Rutegetse ko urubanza RC0888/13/TB/KCY rwemeje umwanzuro w'Abunzi b'Akagari ka Kagugu wo ku wa 05/01/2011, n'urubanza RC00529/2021/TGI/GSBO rwaciwe n'Urukiko Rwisumbuye rwa Gasabo ku wa 13/05/2022, bigumanye agaciro kabyo;

Page 13

[77] Rutegetse Niragire Placide, Nshimiyimana Simon, Mukeratabaro Jean Paul, Mukankusi Astérie na Mukaruziga Drocella gufatanya kwishyura Mukankubana Bernadette 1.000.000Frw y'igihembo cya Avoka na 500.000Frw y'ikurikiranarubanza.

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