

RWANDA / JUDGMENT

SAFARI NUNDI v IRADUKUNDA N'ABANDI

U RCA 00144/2022/HC/KIG

COURT

High Court

DECIDED

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SAFARI NUNDI v IRADUKUNDA N'ABANDI

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Text

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SAFARI N'UNDI v IRADUKUNDA N'ABANDI [Rwanda URUKIKO RUKURU - RCA 00144/2022/HC/KIG (Harerimana, P.J.) 28 Nyakanga 2023] Amategeko y'imanza mbonezamubano – Amasezerano - Ibyo abantu bumvikanye hagati yabo bibabera itegeko, bigomba kubahirizwa uko byumvikanweho kandi bishobora gukurwaho n'ubwumvikane bwabo bombi cyangwa se uko itegeko ribiteganywa. Incamake y'ikibazo: Uru rubanza rwatangiriye mu Rukiko Rwisumbuye rwa Nyarugenge aho abazungura ba Ingabire bahagarariwe na Iradukunda baregaga Safari na Uwambajimana ko batubahirije amasezerano bagiranye y'ubugure bw'inzu bituma ihererekanya ridashoboka bityo bagasaba ko yaseswa. Bavuga ko baguze inzu bakishyura igice kimwe hanyuma bumvikana ko mbere yo kwishyura igice gisigaye iyo nzu izabanza kuvanwa mu bugwate bwa Banki bigafasha ko hanakorwa ihererekanya mutungo. Nyuma y'igihe cyumvikanweho cyo kuba iyo nzu yavanwe mu bugwate, uwitwa Havyarimana na Uwingabire bayishyirishije mu itambama bavuga ko nabo bayiguze banga ko hakorwa ihererekanya. Mu iburanisha izo manza zarahujwe maze urukiko rwemeza ko Urukiko rwasanze amasezerano y'ubugure yaseswa, rutegeka ko abagurishije basubirana inzu yabo, bagasubiza abazungura ba Ingabire agaciro k'inzu. Abaregwa ntibishimiye imikirize bajurira mu rukiko rukuru rwakira ubujurire bwabo maze rusuzuma

ibibazo birimo icyo kumenya niba kumenya niba Safari na Uwambajimana barubahirije amasezerano bagiranye na Ingabire kandi niba ayo masezerano yaseswa. Abarega bavuga ko ihererekanya ritari gushoboka kubera itambama ryakozwe n' abagurishijwe, rinakorwa hatari hishyurwa igice cya nyuma, ko atari bo bishe amasezerano bagiranye na Ingabire. Bakomeza basaba ko urukiko rwakuraho itambama maze abaguze bagakorerwa ihererekanya mutungo nta yandi mananiza aho gutegeka ko amasezerano aseswa. Abaregwa basobanura ko itambama atari ryo ryatumye amasezerano atubahirizwa, ko byatewe no kutishyura Banki byakozwe n' abagurushije bigatuma harekerwa mu bugwate bityo bagasaba ko ayo masezerano yaseswa kuko atubahirijwe hagakurikizwa ibiyakubiyemo bijyanye no kudashyira mu bikorwa ibyemeranijweho. Incamake y'icyemezo: Ibyo abantu bumvikanye hagati yabo bibabera itegeko kandi bigomba kubahirizwa uko byumvikanweho kandi bishobora gukurwaho n'ubwumvikane bwabo bombi cyangwa se uko itegeko ribiteganyaga bityo nkuko babyumvikanyeho mu masezerano bagiranye bagura inzu kandi igihe cyumvikanyweho mu masezerano cyo gukorerwa ihererekanya kikaba cyararangiyeye ritabaye kuko abagurishije banze kuyikura mu bugwate, ibyo Safari na Uwambajemariya nta shingiro byahabwa kuko aribo batubahirije amasezerano. Ubujurire bwatanzwe bufite ishingiro kuri bimwe; Urubanza RC 00624/2021/TGI/NYGE ruhindutse gusa ku bijyanye n' amafaranga yemejwe ko agomba gusubizwa abazungura ba Ingabire. Amategeko yakoreshejwe:

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Itegeko N° 15/2004 ryo kuwa 12/6/2004 ryerekeye ibimenyetso mu manza n'itangwa, ingingo ya 110; Itegeko N° 45/2011 ryo kuwa 25/11/2011 rigenga amasezerano, ingingo ya 64. Nta manza zifashishijwe Urubanza I. IMITERERE Y' URUBANZA [1] Kuwa 18/6/2016, habaye amasezerano y'ubugure bw' umutungo utimukanwa ugizwe n' inzu iri mu ikibanza N° UPI 1/03/09/031714 iherereye mu Mudugudu wa Karama, Akagari ka Nyakabanda, Umurenge wa Niboye, Akarere ka Kicukiro, Umujyi wa Kigali ku mafaranga miliyoni cumi n' umunani n' ibihumbi Magana atanu (18 500 000 frw), akaba yarabaye hagati ya Safari Emmanuel, Uwambajimana Marie bagurisha inzu Ingabire Marie Claire. [2] Kuwa 23/2/2016, habaye amasezerano y'ubugure bw' inzu hagati ya Safari Emmanuel na Uwambajimana Marie bayigurisha Havyarimana Marie na Uwingabire Aisha ku mafaranga miliyoni ma- kumyabiri na zirindwi (27 000 000 frw). [3] Nyuma yaho ihererekanya ry'umutungo ritakunze, byatumye Ingabire Marie Claire aregera Urukiko Rwisumbuye ra Nyarugenge arusaba gutesha agaciro amasezerano n'ubugure, naho Havyarimana Marie na Uwingabire Aisha basaba gukorerwa ihererekanya. Imanza zombi zarahujwe. [4] Mu rubanza N° RC 00624/2021/TGI/NYGE rwaciwe kuwa 28/01/2022, Urukiko Rwisumbuye rwa Nyarugenge rushingiye ko hashize imyaka irenga itanu Ingabire Marie Claire atarakorerwa mutation y'iriya nzu yaguze ndetse na nyuma yaho apfiriye abazungura be bakaba batarakorerwa iyo mutation kugira ngo inzu ibandikweho, byongeye kandi Safari Emmanuel akaba atagaragaza ko inzitizi yatumye batabakorera ihererekanya yavuyeho ku buryo ryakorwa, Urukiko rwasanze amasezerano y'ubugure yaseswa, rutegeka ko abagurishije basubirana inzu yabo , bagasubiza abazungura ba Ingabire Marie Claire agaciro k'inzu; urwo Rukiko rushingiye ko Safari Emmanuel na Uwambajimana Marie bemera ko bagurishije Uwingabire Aisha na Havyarimana Ramia

Queen uhagarariwe na Havyarimana Alphonse inzu 2 zibaruye mu kibanza gifite UPI: UPI 1/03/09/03/714 giherereye Niboye, ku Kicukiro, byumvikana ko izo nzu bagurishije zitakiri umutungo wabo zikaba zigomba kubandukurwaho zikandikwa ku baziguze ariko hamaze gukurwaho itambama ryayishyizweho. [5] Safari Emmanuel na Uwambajimana Marie bajuririye uru Rukiko, ubujurire bwabo bwandikwa kuri kuri N° RCA 00144/2022/HC/KIG, urubanza ruburanishwa mu ruhamwe kuwa 11/7/2023, hitabye Safari Emmanuel yunganiwe na Shema Gakuba Charles na Me Uzabakiriho Irene, banahagarariye Uwambajimana Marie, Iradukunda mu izina rya Ingabire Marie Claire na Ishimwe Divine mu izina rya Ingabire Marie Claire bahagarariye na Se Rukundo Jean Bosco yunganiwe na Me Baziruwaha Jean Claude, Havyarimana Alphonse mu izina ry' umwana we Havyarimana Ramia na Uwingabire Aisha bahagarariye na Me Mujawayeze Anastasie.

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[6] Mu myanzuro yabo na no mu miburanire, Safari Emmanuel na Uwambajimana Marie banenga imikirize y' urubanza mu Rukiko Rwisumbuye bavuga ko urwo Rukiko rutitaye ku mpamvu yatumye ihererekanya ridashoboka ko ari itambama ryakozwe na Ingabire Marie Claire na Havyarimana Alphonse ko atari bo byaturutseho, ko rutari gutegeka ko amasezerano y'ubugure aseswa kubera bo, ko ihererekanya ryakorera Uwingabire na Havyarimana Alphonse mw'izina ry'umwana wabo Havyarimana Ramia Queen ariko atari ku makossa y'abagurishije kandi ibyo ntibitangirwe indishyi ku bagurishije kubera impamvu basobanuye hejuru, ko igenagaciro ryashingiweho ku rwego rwa mbere ritakomeza gushingirwaho kuko ritategiye n' Urukiko kandi agaciro k'umutungo kariyongereye. [7] Mu myanzuro no mu miburanire, Rukundo Jean Bosco uhagarariye Iradukunda Annick na Ishimwe Divine avuga ko amasezerano yaseswa kuko atubahirijwe nkuko biyateganijwemo, ko impamvu ihererekanya ritakunze ari uko umutungo wari ukiri mu bugwate, ko igenagaciro ryashingiweho ritashingirwa kuko agaciro k'umutungo kiyongereye. [8] Uwingabire Aisha avuga ko abaguze batavutse uburenganzira bwo kwandikwaho umutungo baguze ko n'itambama ryakozwe nyuma y'ubugure, ko abagurishije aribo batubahirije amasezerano y'ubugure, ko bagomba gutegekwa kuriha indishyi. Impande zombi zasabye indishyi z'akababaro n'amafaranga y'ibyakoreshejwe mu rubanza. [9] Urukiko rushingiye kuri izo mpaka, rusanga hakwiraye gusuzumwa ibibazo bikurikira: A. Kumenya niba Safari Emmanuel na Uwambajimana Marie barubahirije amasezerano bagiranye na Ingabire Marie Claire B. Kumenya niba amasezerano y'ubugure hagati ya Safari Emmanuel na Uwambajimana Marie na Ingabire Marie Claire ataseswa nkuko Urukiko Rwisumbuye rwabyemeje. C. Kumenya niba Uwingabire Aisha na Havyarimana Alphonse mw' izina ry' umwana wabo Havyarimana Rama Queen bakwandikwaho umutungo baguze. D. Kumenya niba indishyi zagenewe Havyarimana Marie na Uwingabire Aisha zidafite ishingiro. E. Kumenya niba igenagaciro ryashingiweho ku rwego rwa mbere ryakomeza gushingirwaho n'inkurikizi zabyo. F. Kumenya niba indishyi z'akababaro zisabwa zatangwa. G. Kumenya niba amafaranga y'ibyakoreshejwe mu rubanza asabwa n'impande zombi afite ishingiro. II. ISESENGURA RY'IBIBAZO BIGIZE URUBANZA A. Kumenya niba Safari Emmanuel na

Uwambajimana Marie barubahirije amasezerano bagiranye na Ingabire Marie Claire. [10] Mu myanzuro yo kujurira no mu miburanire, abahagarariye Safari Emmanuel na Uwambajimana Marie bavuga ko ihererekanya ritari gushoboka kubera itambama ryakozwe n' abagurishijwe, rinakorwa hatari hishyurwa igice cya nyuma, ko atari bo bishe amasezerano

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bagiranye na Ingabire Marie Claire. Kubijyanye n' ibaruwa yanditswe na Bank of Africa, ntabwo icyangombwa cyasabwe muri Bank ari cyo cyatumye ihererekanya ridakorwa kubera ko ribanzirizwa n' ibindi bikorwa birimo kugabanya ibibanza, kubikorera raporo na za fiche. Izo raporo zikorwa n' inzego adafiteho ububasha, ko icyo akora ari ugusaba, ko uwakoze raporo havutse amakosa yo kutagaragaza ubuso neza, basubiraye kuyikosora bituma igihe kiri mu masezerano kitubahirizwa, ko aho ikosorewe hahise hajyamo itambama. [11] Mu myanzuro no mu miburanire, abazungura ba Ingabire Marie Claire bahagarariye na Se Rukundo Jean Bosco bavuga ko itambama atari ryo ryatumye amasezerano atubahirizwa, ko byatewe no kutishyura Banki byakozwe n' abagurushije, bagasaba ko amasezerano yaseswa. UKO URUKIKO RUBIBONA [12] Ingingo ya 64 y'itegeko N° 45/2011 ryo kuwa 25/11/2011 rigenga amasezerano iteganya ko amasezerano akozwe ku buryo bukurikije amategeko aba itegeko ku bayagiranye. Ashobora guseswa ari uko babyumvikanyeho cyangwa ku mpamvu zemewe n'amategeko. Agomba kubahirizwa nta buriganya. [13] Iyo ngingo yumvikanisha ko ibyo abantu bumvikanye hagati yabo bibabera itegeko bikaba bigomba kubahirizwa uko byumvikanweho kandi ko bishobora gukurwaho n'ubwumvikane bwabo bombi cyangwa se uko itegeko ribiteganywa. [14] Dosiye y'urubanza ikubiyemo amasezerano yabaye hagati ya Ingabire Marie Claire na Safari Emmanuel hamwe n' umugore we Uwambajimana Marie aho bagurishaga Ingabire Marie Claire inzu, mu nshingano z'uwagurishije harimo gukura umutungo wagurishijwe mu bugwate, no gutandukanye ikibanza kigurishijwe n'icyo bifatanije kugira ngo mutation ibe yakozwe bitarenze kuwa 30/10/2016. [15] Dosiye y'urubanza ikubiyemo raporo y'ipimwa ry'ubutaka ryo kuwa 2/5/2017, ipimwa ry'imbibi rikaba ryarakozwe kuwa 28/4/2017. [16] Dosiye y' urubanza ikubiyemo inyandiko y'itambama ryakozwe na Ingabire Marie Claire kuwa 30/1/2017. [17] Dosiye y'urubanza irimo ibaruwa yo kuwa 24/10/2017, Uwambajimana Marie yandikiye Banki asaba kwandukuka ubugwate bw'iyi nzu. [18] Urukiko ruherereye ku itariki ihererekanya ryagombaga kuba ryakozwe yo kuwa 30/10/2016, n'igihe itambama ryabereye ryo kuwa 30/1/2017, rusanga Safari Emmanuel na Uwambajimana Marie batagaragaza ko iryo tambama ryakorewe ku mutungo bagurishije ariryo ryonyine ryabujije ihererekanya gukorwa kuko ryakozwe nyuma byongeye uwo mutungo ukaba wari ukiri mu bugwate kandi rikaba ritari bushoboke ukiri mu bugwate, bakaba batagaragaza ko iyubahirizwa ry' amasezerano ataribo ryaturutseho bityo kuba Urukiko Rwisumbuye rwa Nyarugenge rwaremeje ko ayo masezerano aseswa, Uru Rukiko rusanga nta kosa ryakozwe kuko aribyo byari bikubiye mu ngingo 7 y' amasezerano hagati yabo aho bemeranjwe ko ugurisha natubahiriza ibyo bemeranjwe ku mpamvu zimuturutseho, azasubiza uwaguze amafaranga ye hyongereyeho inyungu z'ubucyererwe za 10% zizajya zibarwa buri muni uhereye 1/11/2016.

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Kuba rero itambama ryarabaye nyuma y'icyo gihe rusanga iyubahirizwa ry'ibyo bumvikanye ryaraturutse ku bagurishije, bakaba rero batakwitwaza gusa itambama nk'impamvu yatumye ihererekanya ridashoboka nubwo naryo aho rigiriyemo ritari gutuma ihererekanya rikorwa. [19] Naho kuba Safari Emmanuel na Uwambajimana Marie mu myanzuro yabo bavuga ko kugabanya ubutaka byadindije ihererekanya kandi ko bitabaturutseho, ruhereye ko raporo y'ipimwa iri muri dosiye yakozwe kuwa 25/2/2017, iby'imbibi bikorwa kuwa 28/4/2017, n'ubundi icyo gihe bikaba bigaragara ko igihe bumvikaniye mu masezerano ko ihererekanya rizakorwa kikaba cyari cyarangiyeye rusanga batakwitwaza ibyo bavuga kuko bigaragara ko babikoze nyuma y'igihe bagombaga kuba barakoreye ihererekanya abo bagurishije ubutaka. Naho kuba bavuga ko bishyuye igice gisigaye nyuma, rusanga nta shingiro byahabwa dore ko abagurishije biyemereye ko nibarangiza kwakira amafaranga y' avance batangira gukura ibyangombwa mu bugwate kugira ngo mutation izabe yakozwe bitarenze kuwa 30/10/2016 nkuko amasezerano y'ubugure abigaragaza. B. Kumenya niba amasezerano y'ubugure hagati ya Safari Emmanuel, Uwambajimana Marie na Ingabire Marie Claire ataseswa nkuko Urukiko Rwisumbuye rwabyemeje. [20] Safari Emmanuel na Uwambajimana Marie bavuga ko Urukiko rwakuraho itambama maze abazungura ba Ingabire Marie Claire bagakorerwa ihererekanya nta yandi mananiza kuko Safari Emanuel na Uwambajimana Marie nta yindi mbogamizi bagaragazaga uretse iy'iryo tambama, ko rero Urukiko rutari rukwiriye gutegeka ko amasezerano y'ubugure aseswa ku makosa y'abagurishije mu gihe abakoze itambama aribo bananije ihererekanyamutungo. [21] Iradukunda Annick na ISHIMWE Divine mu izina rya Ingabire Marie Claire basaba ko amasezerano yaseswa. UKO URUKIKO RUBIBONA [22] Urukiko rusanga nkuko byasobanuwe mu bika bibanziriza iki, nta kosa Urukiko Rwisumbuye rwa Nyarugenge rwakoze mu gusesa amasezerano hagati ya Safari Emmanuel, Uwambajimana Marie na Ingabire Marie Claire kuko kuko igihe cyumvikanyweho mu masezerano cyo gukorerwa ihererekanya cyari cyarangiyeye nkuko byagaragajwe haruguru. C. Kumenya niba Uwingabire Aisha na Havyalimana Alphonse mw' izina ry' umwana wabo Havyalimana Rama Queen bakwandikwaho umutungo baguze. [23] Safari Emmanuel na Uwambajimana Marie bavuga ko bemera ko habaho ihererekanya kuri Uwingabire Aisha na Havyarimana Alphonse mw'izina ry'umwana wabo Havyalimana Ramia Queen. [24] Uwingabire Aisha na Havyarimana Alphonse mu izina ry'umwana wabo bavuga ko nabo uwo mutungo wakorerwa ihererekanya. UKO URUKIKO RUBIBONA

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[25] Ingingo ya 110 y' itegeko N° 15/2004 ryo kuwa 12/6/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo ivuga ko ukwiyemerera mu rubanza ari amagambo umuburanyi avugira mu Rukiko agira ibyo yemera ko atsindisha uwayavuze. [26] Iyo ngingo yavuzwe haruguru yumvikanisha ko amagambo umuburanyi avugira mu Rukiko afatwa nk'ikimenyetso kuri we. [27] Urukiko ruhereye ko Safari Emmanuel na Uwambajimana Marie biyemerera ko abo baguze bakwandikwaho umutungo babagurishije, rusanga nta cyabuza ko uwo mutungo ubandikwaho. Ibyo bigahura n' ibyo Urukiko Rwisumbuye rwa Nyarugenge rwari rwemeje

mu rubanza rujuririrwa. D. Kumenya niba indishyi Safari Emmanuel na Uwambajimana Marie bategetswe zitari zikwiriye. [28] Mu myanzuro yabo mu miburanire, Safari Emmanuel na Uwambajimana Marie basaba ko indishyi baciwe zakurwaho kuko atari bo batumye ihererekanya ridakorerwa ku gihe. [29] Iradukunda Annick ma Ishimwe Divine bavuga ko indishyi zigomba gutangwa kubera ko yabashoye mu manza. [30] Uwingabire Aisha avuga ko kubera amakosa ya Safari Emmanuel na Uwambajimana Marie yo kutubahiriza amasezerano y'ubugure bagiranye, bakirengagiza gukorera mutation abo baguze amazu aribo Uwingabire Aisha na Havyalimana Alphonse uhagarariye umwana we, byatumye bamara imyaka 6 nta burenganzira busesuye bafite ku mutungo baguze, ko basaba Urukiko gutegeka Safari Emmanuel n'uwo bashakanye kubaha indishyi. UKO URUKIKO RUBIBONA [31] Kuri iyi ngingo, Uru Rukiko rusanga rwemeranywa n'isesengura ryakozwe n' Urukiko Rwisumbuye mu gika cya 30 aho rwavuze ko Urukiko rurasanga Uwingabire Aisha na Havyarimana Alphonse mu izina ry'umwana we Uwingabire Ramia Queen baraburaniwe na avoka, bakaba bagomba guhabwa amafaranga ibihumbi magana atandatu (600.000 frw) y'igihembo cya avoka, ikurikiranarubanza n'igarama, bakayahabwa na Safari Emmanuel na Uwambajimana Marie. Ku birebana n'indishyi z'akababaro Urukiko rurasanga Uwingabire Aisha na Havyarimana Alphonse mu izina ry'umwana we Havyarimana Ramia Queen basaba, bagomba kuzihabwa hashingiwe ku ngingo ya 81 igika cya 2 y'itegeko n° 45/2011 ryo kuwa 25/11/2011 rigenga amasezerano iteganywa ko: Kwica igice cy'amasezerano bitanga uburenganzira ku ndishyi z'akababaro zishingiye gusa ku gice cy'inshingano zisigaye zo gukora igisabwa, bagahabwa izishingiye ku kuba batakorewe ihererekanya ry'ubutaka kuko inzu yo bayihawe, bityo bakaba bagomba guhabwa indishyi z'akababaro zingana n'amafaranga 200.000, bakazihabwa na Safari Emmanuel na Uwambajimana Marie. Bityo iyo mpamvu yabo y'ubujurire akaba ari nta shingiro ifite. E. Kumenya niba igenagaciro ryashingiweho ku mutungo waguzwe na Ingabire Marie Claire ari ryo ryakomeza gushingirwaho n'inkurizi zabyo.

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- [32] Safari Emmanuel na Uwambajimana Marie bavuga ko igenagaciro ryashingiweho ku rwego rwa mbere ritashingirwaho kuko ritategetswe n' Urukiko, ko nyuma yaho iyo nzu isaniwe ko ziyongereye agaciro kandi byakozwe n'uwagurishije bityo bakaba basaba ko atakwishyuzwa incuro ebyiri, kandi ko batemeranwa n'uburyo izo ndishyi zabazwe, ko zikwiriye guteshwa agaciro, ko iyo nzu abayigurishijwe bayimazemo imyaka irenga 8 batishyura ko niba bifuza ko amasezerano yaseswa ko bafata ubukode bwa buri kwezi bagakuba imyaka 8. [33] Iradukunda Annick na Ishimwe Divine, abazungura ba Ingabire Marie Claire bahagarariwe na Se Rukundo Jean Bosco bavuga ko basanga iryo genagaciro ryashingiweho ubu ritashingirwaho kubera ko kugeza ubu umutungo wiyongereye agaciro ahubwo hashingirwa ku ryakozwe tariki 05/10/2022 aho iyo nzu ifite agaciro ka miliyoni mironko ine n'esheshatu n'ibihumbi magana ane (46.400.000 Frws), ko iyo nzu ntacyo ibamariye kuko badashobora kuyitangaho ingwate muri Banki. UKO URUKIKO RUBIBONA [34] Ingingo ya 110 y' itegeko N° 15/2004 ryo kuwa 12/6/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo ivuga ko

ukwiyemerera mu rubanza ari amagambo umuburanyi avugira mu Rukiko agira ibyo yemera ko atsindisha uwayavuze. [35] Iyo ngingo yavuzwe haruguru yumvikanisha ko amagambo umuburanyi avugira mu Rukiko afatwa nk'ikimenyetso kuri we. [36] Urukiko ruhereye ko ababuranyi ku mpande zombi biyemerera ko agaciro umutungo uburanwa wahawe ku rwego rwa mbere katari gakwiriye, rusanga hagenderwa ku gaciro k'umutungo kavuzwe n' abaregwa mu nama ntegurarubanza nkuko kanagaragazwa n' igenagaciro Safari Emmanuel na Uwambajimana Marie bakaba batarigeze bakavuguruza. [37] Urukiko ruhereye ko agaciro k'umutungo uburanwa kagaragajwe ari miliyoni mirongo ine n' esheshatu n'ibihumbi magana ane (46 400 000 frw) nkuko igenagaciro ryakozwe kuwa 5/10/2022 ribigaragaza, rusanga ari ko gaciro gakwiriye gukurikizwa aho kuba miliyoni mirongo itatu n'imwe n'ibihumbi magana atatu (31 300 000 frw) y' agaciro k'inzu kashingiweho ku rwego rwa mbere. Bityo amafaranga Safari Emmanuel na Uwambajimana Marie bagomba gusubiza abazungura ba Ingabire Marie Claire yemejwe n' Urukiko Rwisumbuye rwa Nyarugenge akaba agomba guhinduka. [38] Uru Rukiko rusanga mu kugena amafaranga akwiriye gusubizwa abazungura ba Ingabire Marie Claire hagenderwa ku gaciro k'inzu ifite ubu, hakanarebwa igihe abazungura ba Ingabire Marie Claire bamaze bakoresha iyo nzu. [39] Nkuko Safari Emmanuel abivuga aho avuga ko inzu abaregwa bayiramaranye imyaka 8, nabo bakaba batarigeze babivuguruza, rusanga mu kubara amafaranga Safari Emmanuel na Uwambajimana Marie bakwiriye gusubiza abari baguze iyo nzu, yababwa ku buryo bukurikira: [40] Agaciro k'inzu ubu ni amafaranga miliyoni mirongo ine n'esheshatu n' ibihumbi magana ane (46 400 000 frw), amafaranga Ingabire Marie Claire yishyuye Safari Emmanuel na Uwambajimana Marie ni miliyoni cumi n'umunani n' ibihumbi magana atanu (18 500 000

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frw); ni ukuvuga ko ikinyuranyo kiri hagati y' agaciro k'inzu ubu n' amafaranga yishyuwe ni miliyoni makumyabiri na zirindwi n' ibihumbi magana acyenda (27 900 000 frw); Urukiko rusanga mu myaka 8 abazungura ba Ingabire Marie bamaranye iyo nzu rushyize mu gaciro rutavuga ko nta gikorwa kindi bakoze kuri iyo nzu harimo amasuku n'ibindi bikenera amafaranga , rukabiha agaciro ka miliyoni eshanu (5 000 000 frw) agenwe mu bushishozi. [41] Urukiko rero rusanga amafaranga Safari Emmanuel na Uwambajimana Marie bagomba gusubiza abaguze inzu ari ayo bishyuye angana na miliyoni cumi n' umunani n' ibihumbi magana atanu (18 500 000 frw) kongeraho ay'ibikorwa bashyize ku nzu mu gihe cy' imyaka 8 bayiramaranye angana na miliyoni eshenu (5 000 000 frw) bikaba miliyoni makumyabiri n'eshatu n'ibihumbi magana atanu (23 500 000 frw). Urukiko rusanga ikinyuranyo gisigaye ni ukuvuga hagati y' agaciro k'inzu n'ayo agomba gusubizwa ari amafaranga miliyoni makumyabiri n'ebiri n'ibihumbi magana acyenda (22 900 000 frw); Urukiko ruhereye ku gihe cy' imyaka 8 inzu abazungura ba Ingabire Marie Claire bayiramaranye, rukabihuza nayo mafaranga asigaye, rusanga ayo amafaranga ahwanye n' umusaruro abazungura ba Ingabire Marie Claire bakuye muri iyo inzu mu gihe cy' imyaka 8 ni ukuvuga amezi 96 aho buri kwezi ugereranije ari ibihumbi magana abiri mirongo itatu n'umunani n'ibihumbi magana atanu mirongo ine na bibiri (238 542 frw) y'umusaruro

bayikuragamo buri kwezi kuko uhereye aho iyo inzu iherereye n'uburyo igaragara mu mafoto ari mu igenagaciro rusanga ayo mafaranga n'ikigereranyo cya buri kwezi atari make; kuba rero yaba yarakodeshwaga cyangwa se ituwemo hari icyo yinjizaga muri cyo gihe cy'imyaka 8. [42] Hashingiwe kuri ibyo byose, Urukiko rusanga amafaranga angana na miliyoni mirongo itatu n'imwe n' ibihumbi magana atatu (31 300 000 frw) yemejwe n' Urukiko Rwisumbuye rwa Nyarugenge Safari Emmanuel na Uwambajimana Marie bagomba gusubiza abazungura ba Ingabire Marie Claire ahinduwe nkuko byasobanuwe haruguru akaba miliyoni makumyabiri n'eshatu n'ibihumbi magana atanu (23 500 000 frw). F). Kumenya niba indishyi z' akababaro zisabwa zatangwa [43] Safari Emmanuel na Uwambajimana Marie basaba ko bahabwa indishyi z' akababaro zingana na miliyoni eshanu (5 000 000 frw) kubera gusebywa no gushorwa mu manza ku maherere. Uwingabire avuga ko izo ndishyi basaba nta shingiro zifite, agasaba ko we na Havyarimana Alphonse bahabwa miliyoni eshanu (5000 000 frw) y'indishyi z' akababaro. UKO URUKIKO RUBIBONA [44] Urukiko ruherereye ko rwasanze Safari Emmanuel na Uwambajimana Marie hari uruhare bagize mu gutuma amasezerano atubahirizwa bigatuma aseswa nkuko byasobanuwe haruguru, rusanga indishyi z'akababaro basaba nta shingiro zifite. Ku bijyanye n' izisabwa na Uwingabire na Havyarimana Alphonse rusanga batagaragaza igihombo bagize kiyongera kuzo bagenewe ku rwego rwa mbere zingana n'ibihumbi magana abiri (200 000 frw). G. Kumenya niba amafaranga y' ibyakoreshejwe mu rubanza asabwa n' impande zombi afite ishingiro. [45] Safari Emmanuel na Uwambajimana Marie basaba ko bahabwa amafaranga miliyoni ebyiri (2 000 000 frw) y'igihembo cy'avoka mu Rukiko Rwisumbuye na miliyoni ebyiri (2 000

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000 frw) y'igihembo cy' avoka mu bujurire, bakanasubizwa ingwate y' igarama batanze kuri muburanyi wajuriye. Uwingabire Aisha agasaba ko yasubizwa ingwate y' igarama yatanze angana na 60 000 frw harimo ayo ku rwego rwa mbere n'urwisumbuye. [46] Urukiko ruherereye ko buri ruhande rufite ibyo rwatsindiwe, rusanga amafaranga y'ibyakoreshejwe mu rubanza asabwa na buri ruhande nta shingiro afite. III. ICYEMEZO CY'URUKIKO [47] Rwemeje ko ubujurire bwatanzwe na Safari Emmanuel na Uwambajimana Marie bufite ishingiro kuri bimwe. [48] Rwemeje ko urubanza RC 00624/2021/TGI/NYGE rwaciwe n' Urukiko Rwisumbuye rwa Nyarugenge kuwa 28/1/2022 ruhindutse gusa ku bijyanye n' amafaranga yemejwe ko Safari Emmanuel na Uwambajimana Marie bagomba gusubiza abazungura ba Ingabire Marie Claire aho kuba miliyoni mirongo itatu n'imwe n'ibihumbi magana atatu (31 300 000 frw), akaba miliyoni makumyabiri n' eshatu n' ibihumbi magana atanu (23 500 000 frw). [49] Rwemeje ko uru rubanza rurangizwa ku buryo bukurikira: [50] Rutegetse ko amasezerano y'ubugure bw'inzu iri mu kibanza UPI 1/03/09/03/714 giherereye mu mudugudu wa Karama, akagari ka Nyakabanda, umurenge wa Niboye, akarere ka Kicukiro, umujyi wa Kigali, yakozwe kuwa 18/06/2016 hagati ya Ingabire Marie Claire (ugura) na Safari Emmanuel na Uwambajimana Marie (abagurisha), asheshwe. [51] Rutegetse ko Safari Emmanuel na Uwambajimana Marie basubiranye inzu bari bagurishije Ingabire Marie Claire, bagaha abazungura ba Ingabire Marie Claire aribo Iradukunda Annick na ISHIMWE Divine amafaranga miliyoni makumyabiri n' eshatu n' ibihumbi magana

atanu (23 500 000 frw) yishyuwe hamwe n'ibikorwa byakozwe ku nzu, bagaha kandi bariya bazungura amafaranga yemejwe n' Urukiko Rwisumbuye angana n'ibihumbi magana atandatu (600 000 frw) y'igihembo cya avoka, ikurikiranarubanza n'igarama. [52] Rwemeje ko itambama ryashyizwe ku kibanza gifite UPI 1/03/09/03/714 giherereye mu mudugudu wa Karama, akagari ka Nyakabanda, umurenge wa Niboye, akarere ka Kicukiro, umujyi wa Kigali, rikurwaho. [53] Rutegetse ko amazu abiri (2) Uwingabire Aisha na Havyarimana Alphonse mu izina ry'umwana we Havyarimana Ramia Queen baguze na Safari Emmanuel na Uwambajimana Marie, ari mu kibanza gifite UPI 1/03/09/03/714 giherereye mu mudugudu wa Karama, akagari ka Nyakabanda, umurenge wa Niboye, akarere ka Kicukiro, umujyi wa Kigali, yandukurwa kuri Safari Emmanuel na Uwambajimana Marie akan- dikwa kuri Uwingabire Aisha na Havyarimana Ramia Queen. [54] Rutegetse Safari Emmanuel na Uwambajimana Marie guha Uwingabire Aisha na Havyarimana Alphonse mu izina ry'umwana we Havyarimana Ramia Queen amafaranga angana n'ibihumbi magana atan- datu (600 000 frw) y'igihembo cy' avoka, ikurikiranarubanza

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n'igarama n'amafaranga ibihumbi magana abiri (200 000 frw) y'indishyi z'akababaro, yose hamwe akaba ibihumbi magana inani (800 000 frw). [55] Rwemeje ko ingwate y'igarama yatanzwe ku mpande zombi ihwana n'ibyakozwe mu rubanza.

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