

RWANDA / JUDGMENT

Re UFITIKIREZI

RSA/INTERT/RC00001/2025/CA

COURT

Court of Appeal

DECIDED

18 August 2025

CASE / FILE NUMBER

RSA/INTERT/RC00001/2025/CA

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Re UFITIKIREZI

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Text

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Re UFITIKIREZI [Rwanda URUKIKO RW'UBUJURIRE – RSA/INTERT/RC00001/2025/Ca (Ngagi, P.J.) 18 Kanama 2025] Amategeko yerekeye imiburanishirize y'imanza Mbonezamubano – gusobanura cyangwa gukosora urubanza – Ikirego gisaba gusobanura urubanza kigomba kugaragaza icyibeshyweho; icyemejwe mu buryo butumvikana cyangwa mu buryo bushobora kumvikana mu buryo bunyuranye. Incamake y'ikibazo: Uru rubanza rwatangiye Mugabo na Ikirizamukwiheba barega Tuyisabe na Ufitikirezi mu Rukiko Rwisumbuye rwa Nyagatare, baregera inzu baguze, no gusesa amasezerano y'ubugure ku gice cy'ubutaka gifite UPI: 5/02/10/01/1585 bagurishije atari ubwabo (igisigara, ubutaka bwa Leta), ibikoresho byatijwe Tuyisabe n'umugore we Ufitikirezi byo mu kabari, anasaba indishyi zitandukanye. Urukiko mu rubanza RC00076/2023/TGI/NYG, rwemeza ibintu bitandukanye nk'uko bikubiye muri kopi y'urwo rubanza. Mugabo na Ikirizamukwiheba bajuririye Urukiko Rukuru, Urugereko rwa Rwamagana, narwo mu rubanza RCA00041/2024/HC/RWG/CMB RCA00049/2024/HC/RWG rwemeje ko imikirize y'urubanza RC00076/2021/TGI/NYG ihindutse ku bijyanye no kuba ikibanza kiri muri UPI : 5/02/10/01/1585 atari umutungo wa Mugabo na Ikirizamukwiheba , ko UPI: 5/02/10/01/1585 yinjira muri UPI: 5/02/10/01/1431 waraguzwe na Mugabo awugurishijwe na Tuyisabe afatanyije na Ufitikirezi,

bigaragaza ko Mugabo na Ikirizamukwiheba ari bo bagomba gukomeza gukoresha igice cya UPI: 5/02/10/01/1585 cyinjira mu butaka baguze ariko bakaba bagomba gukomeza gukoresha icyo gice bubahiriza ubuso bungana na sqm 820 baguze banazirikana ko Leta n'izakenera umutungo wayo bazahita bawuzibukira nta yandi mananiza. Nyuma y'rubanza rwaciwe n'Urukiko Rukuru, Ufitikirezi yatanze ikirego asaba gusobanura urwo rubanza rumaze kuvugwa, avuga ko mu cyemezo cy'Urukiko mu gika cya 54 Urukiko rutarasobanuye ko Mugabo na Ikirizamukwiheba batagomba gukomeza gukoresha ubutaka bwose bufite UPI: 5/02/10/01/1585, ahubwo bagomba gukomeza gukoresha gusa igice gito cy'ubutaka bufite UPI: 5/02/10/01/1585 cyinjira mu butaka bufite UPI 5/02/10/01/1431, ndetse ko rutanasanubanye ko igice gito cy'ubutaka, Mugabo Ernest na Ikirizamukwiheba Fortunée bagomba gukomeza gukoresha gikurwa kuri UPI: 5/02/10/01/1585 kigahuzwa na UPI: 5/02/10/01/1431 cyuzuzwa sqm 820 baguze kuko bavugaga ko zituzuye. Urukiko Rukuru Urugereko rwa Rwamagana mu rubanza RSA/INTERT/RC 00001/2025/HC/RWG, rwasanze ibyo Ufitikirezi avugaga ko bidasobanutse atari ukuri kandi ko ibyo asaba gusobanura ari ibintu bishya ashakaga ko bigaragara mu kirego gisobanura urubanza kandi bidashoboka. Rwemeza ko nta kidasobanutse mu rubanza yaregeye gusobanura. Ufitikirezi yajuririye mu Rukiko rw'Ubujurire, avugaga ko Urukiko Rukuru, Urugereko rwa Rwamagana, rwakoze ikosa mu kwemeza ko nta kigomba gusobanurwa mu rubanza RCA00041/2024/HC/RWG-CMB RCA00049/2024/HC/RWG kandi rudasobanutse. Urukiko mu rubanza RSA/INTERT/RC00001/2025/Ca rwemeje ko ubujurire bwa Masumbuko nta shingiro bufite kuko nta kidasobanutse mu rubanza rujuririrwa, rwemeje kandi ko ibintu bishya bitafatwaho umwanzuro mu rubanza rusobanura cyangwa rukosora urundi. Rwemeza ko Urukiko Rukuru nta kosa rwakoze mu rubanza rujuririrwa. Incamake y'icyemezo: Ikirego gisaba gusobanura urubanza kigomba kugaragaza icyibeshyeho; icyemejwe mu buryo butumvikana cyangwa mu buryo bushobora kumvikana mu buryo bunyuranye. Bityo, hasobanurwa ibyaciweho urubanza bitumvikana mu myandikire yarwo cyangwa bishobora

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kumvikana mu buryo bunyuranye bitera urujijo mu rubanza (...) kandi ko n'umuburanyi atakoresheya iyo nzira agamije gusa kunenga icyemezo kitamunyuze. Ubujurire nta shingiro bufite. Nta mategeko yashingiweho. Imanza zifashishijwe: Urubanza RS/INTER/CIV0001/14/CS, haburana Socobico Industries S.A. rwaciwe n'Urukiko rw'Ikirenga ku wa 20/06/2014, Urubanza RS/INTERT/RC 00001/2022/SC, haburana Ntagungira Jerome rwaciwe n'Urukiko rw'Ikirenga ku wa 18/11/2022 Inyandiko z'abahanga zifashishijwe: Albert FETTWEIS, Manuel de procédure civile, 2e édition, Liège, 1987, p. 259 Urubanza. I. MITERERE Y'URUBANZA [1] Mugabo Ernest na Ikirizamukwiheba Fortunée bagiranye na Tuyisabe Jean Nepo hamwe na Ufitikirezi Beatrice amasezerano y'ubugure bw'inzu yubatswe mu kibanza gifite UPI : 5/02/10/01/1585, gihereyeye mu Mudugudu wa Barija B, Akagari ka Barija, Umurenge wa Nyagatare, Akarere ka Nyagatare, Intara y'Iburasirazuba. [2] Nyuma yaho haje kuvuka ibibazo bituma baregaga Tuyisabe Jean Nepo hamwe na Ufitikirezi Beatrice mu Rukiko Rwisumbuye rwa Nyagatare, baregera iyo inzu baguze, no gusesa igice cy'amasezerano y'ubugure bw'ikibanza yo ku wa 15/05/2021, ku birebana n'igice cy'ubutaka gifite UPI: 5/02/10/01/1585 bagurishije atari ubwabo (igisigara, ubutaka bwa Leta),

ibikoresho byatijwe Tuyisabe Jean Nepo n'umugore we Ufitikirezi Beatrice byo mu kabari, ndetse n'indishyi z'ibyatakakajwe mu gukurikirana urubanza kuva mu nzego z'ibanze no mu rukiko. [3] Ku wa 21/05/2024, Urukiko Rwisumbuye rwa Nyagatare rwaciye urubanza RC00076/2023/TGI/NYG, rwemeza ibintu bitandukanye nk'uko bikubiye muri kopi y'urwo rubanza. [4] Mugabo Ernest na Ikirizamukwiheba Fortunée bajuririyeye Urukiko Rukuru, Urugereko rwa Rwamagana, ubujurire bwabo buhabwa RCA00041/2024/HC/RWG/CMB RCA00049/2024/HC/RWG. Mu byo urwo Rukiko rwemeje harimo ko imikirize y'urubanza RC00076/2021/TGI/NYG ihindutse ku bijyanye no kuba ikibanza kiri muri UPI : 5/02/10/01/1585 atari umutungo wa Mugabo Ernest na Ikirizamukwiheba Fortunée, ariko kuba UPI: 5/02/10/01/1585 yinjira muri UPI: 5/02/10/01/1431 kandi uyu mutungo umaze kuvugwa ukaba waraguzwe na Mugabo Ernest awugurishijwe na Tuyisabe Jean Nepo afatanyije na Ufitikirezi Beatrice, bigaragaza ko Mugabo Ernest na Ikirizamukwiheba Fortunée ari bo bagomba gukomeza gukoresha igice cya UPI: 5/02/10/01/1585 cyinjira mu butaka baguze ariko bakaba bagomba gukomeza gukoresha icyo gice bubahiriza ubuso bungana na sqm 820 baguze banazirikana ko Leta n'izakenera umutungo wayo bazihita bawuzibukira nta yandi mananiza. [5] Nyuma y'uko urubanza RCA00041/2024/HC/RWG/CMB RCA00049/2024/HC/RWG ruciye, Ufitikirezi Beatrice yatanze ikirego asaba gusobanura urwo rubanza rumaze kuvugwa, avuga ko mu cyemezo cy'Urukiko mu gika cya 54 hagaragayemo ibyo Urukiko rutasobanuye neza ngo byumvikane.

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Asobanura ko Urukiko rutarasobanuye ko Mugabo Ernest na Ikirizamukwiheba Fortunée batagomba gukomeza gukoresha ubutaka bwose bufite UPI: 5/02/10/01/1585, ahubwo bagomba gukomeza gukoresha gusa igice gito cy'ubutaka bufite UPI: 5/02/10/01/1585 cyinjira mu butaka bufite UPI 5/02/10/01/1431, ndetse ko rutasobanuye ko igice gito cy'ubutaka, Mugabo Ernest na Ikirizamukwiheba Fortunée bagomba gukomeza gukoresha gikurwa kuri UPI: 5/02/10/01/1585 kigahuzwa na UPI: 5/02/10/01/1431 cyuzuzwa sqm 820 baguze kuko bavugaga ko zituzuye. [6] Urubanza rwahawe RSA/INTERT/RC 00001/2025/HC/RWG ruburanishwa bitabaye ngombwa guhamagaza ababuranyi, rucibwa ku wa 07/07/2025. Muri urwo rubanza, Urukiko Rukuru, Urugereko rwa Rwamagana, rwasanze ibyo Ufitikirezi Beatrice avuga ko bidasobanutse atari ukuri kuko iyo urebye igika cya 54 usanga Urukiko rutarigeze rutegeka ko Mugabo Ernest na Ikirizamukwiheba Fortunée bagomba gukoresha ubutaka buurenze sqm 820 bakomora ku bugure bw'ubutaka baguze na Tuyisabe Jean Nepo afatanyije na Ufitikirezi Beatrice. Runasanga ibyo Ufitikirezi Beatrice avuga ko Urukiko rutasobanuye ko Mugabo Ernest na Ikirizamukwiheba Fortunée batagomba gukomeza gukoresha ubutaka bwose bufite UPI : 5/02/10/01/1585, atari ugusobanura urubanza, ahubwo ari ibintu bishya ashaka ko bigaragara mu kirego gisaba gusobanura urubanza kandi ibyo bikaba bidashoboka, hanyuma rwemeza ko nta kidasobanutse mu rubanza RCA00041/2024/HC/RWG-CMB RCA00049/2024/HC/RWG rwaciye n'Urukiko Rukuru, Urugereko rwa Rwamagana, ku wa 12/12/2024. [7] Ufitikirezi Beatrice yajuririyeye uru Rukiko, ubujurire bwe bwandikwa kuri RSA/INTERT/RC00001/2025/CA, iburanisha ryarwo rishyirwa ku wa 14/08/2025, ruburanishwa bitabaye ngombwa ko ababuranyi bahamagazwa hashingiwe ku biteganywa n'ingingo ya 1401 n'iya 190 , igika cya 2 z'Itegeko N° 22/2018 ryo ku wa 29/04/2018

ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuru, iz'umurimo n'iz'ubutegetsi [8] Ikibazo gisuzumwa n'icyo kumenya niba Urukiko Rukuru, Urugereko rwa Rwamagana, rwarakoze ikosa mu kwemeza ko nta kigomba gusobanurwa mu rubanza RCA00041/2024/HC/RWG- CMB RCA 00049/2024/HC/RWG. II. IKIBAZO KIGIZE URUBANZA N'ISESENGURA RYACYO Kumenya niba Urukiko Rukuru, Urugereko rwa Rwamagana, rwarakoze ikosa mu kwemeza ko nta kigomba gusobanurwa mu rubanza RCA00041/2024/HC/RWG-CMB RCA00049/2024/HC/RWG [9] Ufitikirezi Beatrice mu myanzuro ye avuga mu gika cya 10 cy'urubanza rujurirwa RSA/INTERT/RC 00001/2025/HC/RWG, Urukiko Rukuru, Urugereko rwa Rwamagana, rwavuze ko iyo urebye igika cya 54 cy'urubanza RCA00041/2024/HC/RWG- CMB RCA00049/2024/HC/RWG rwaciye n'Urukiko Rukuru, Urugereko rwa Rwamagana, ku wa 12/12/2024, rwasabiwe gusobanurwa usanga rutarigeze rutegeka ko Mugabo Ernest na Ikirizamukwiheba Fortunée bagomba gukoresha ubutaka burenze sqm 820 bakomora ku bugure bw'ubutaka baguze na Tuyisabe Jean Nepo afatanyije na Ufitikirezi Beatrice, nyamara icyumvikana mu byavuzwe mu gika cya 54 cy'urubanza RCA00041/2024/HC/RWG- CMB RCA00049/2024/HC/RWG rwasabiwe gusobanurwa, ari uko ikibanza kiri muri UPI: 5/02/10/01/1585 atari umutungo wa Mugabo Ernest na Ikirizamukwiheba Fortunée, usibye gusa kuba UPI: 5/02/10/01/1585 yinjira muri UPI 5/02/10/01/1431 kandi uyu mutungo umaze kuvugwa ukaba waraguzwe na Mugabo Ernest awugurishijwe na Tuyisabe Jean Nepo afatanyije na Ufitikirezi Beatrice, bigaragaza ko Mugabo Ernest na Ikirizamukwiheba Fortunée ari bo bagomba gukomeza gukoresha igice cya UPI: 5/02/10/01/1585 cyinjira mu butaka baguze kuko bagomba kugikoresha bubahiriza ubuso bungana na sqm 820 baguze.

1 Iyi ngingo iteganya ko iteganya ko “ikirego gikosora cyangwa gisobanura urubanza kiburanishwa nk'inyandiko nsobanurakirego itanzwe n'umuranyi umwe (...)”.

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[10] Asobanura kandi ko mu gihe Urukiko Rukuru, Urugereko rwa Rwamagana, rwavuze ko UPI: 5/02/10/01/1585 yinjira muri UPI 5/02/10/01/1431 kandi uyu mutungo umaze kuvugwa ukaba waraguzwe na Mugabo Ernest awugurishijwe na Tuyisabe Jean Nepo afatanyije na Ufitikirezi Beatrice, bigaragaza ko Mugabo Ernest na Ikirizamukwiheba Fortunée ari bo bagomba gukomeza gukoresha igice cya UPI: 5/02/10/01/1585 cyinjira mu butaka baguze, asanga rugomba gusobanura uko icyo gice kingana, ingano yacyo n'ubuso bwacyo kuko UPI: 5/02/10/01/1585 atari umutungo wabo kandi atari wo baguze, kuko bagomba gukomeza gukoresha icyo gice bubahiriza ubuso bungana na sqm 820 baguze. [11] Avuga kandi ko ibyo Urukiko Rukuru, Urugereko rwa Rwamagana, rwavuze mu gika cya 11 cy'urubanza rujurirwa ko ibyo Ufitikirezi Beatrice asaba atari ugusobanura urubanza, ahubwo ari ibintu bishya ashaka ko bigaragara mu kirego gisaba gusobanura urubanza kandi ibyo bikaba bidashoboka kuko ibyo bintu bitigeze bitegekwa mu rubanza rusabirwa gusobanurwa, asanga atari ibintu bishya, kuko kuba Urukiko rwasobanura urubanza rukagaragaza icyo gice n'ingano yacyo cyangwa ubuso bwacyo, hashingiwe ku bipimo rwagaragararijwe byafashwe n'ubifitiye ububasha, atari ibintu bishya. [12] Akomeza avuga ko hashingiwe ku bikubiye mu gika cya 10 cy'urubanza rujurirwa RSA/INTERT/RC 00001/2025/HC/RWG,

basaba Urukiko rw'Ubujurire gusobanura urwo rubanza, rukemeza ko igice gito cy'ubutaka Mugabo Ernest na Ikirizamukwiheba Fortunée bagomba gukomeza gukoresha gikurwa kuri UPI: 5/02/10/01/1585 kigahuzwa na UPI: 5/02/10/01/1431 cyuzuza sqm 820 baguze kuko bavuga ko zituzuye ariko ko batakoresha ikibanza cyose kiri muri UPI: 5/02/10/01/1585 kandi atari umutungo wa Mugabo Ernest na Ikirizamukwiheba Fortunée. Uko urukiko rubibona [13] Ibijyanye n'urubanza rusobanura urundi byatanzweho umurongo mu rubanza RS/INTER/CIV0001/14/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 20/06/2014, aho Urukiko rwasobanuye ko ikirego gisaba gusobanura urubanza kigomba kugaragaza icyibeshyweho; icyemejwe mu buryo butumvikana cyangwa mu buryo bushobora kumvikana mu buryo bunyuranye². Mu rubanza RS/INTERT/RC 00001/2022/SC rwaciwe ku wa 18/11/2022 rwatanze umurongo ko "hasobanurwa ibyaciweho urubanza bitumvikana mu myandikire yarwo cyangwa bishobora kumvikana mu buryo bunyuranye bitera urujijo mu rubanza (...) kandi ko n'umuburanyi atakoresha iyo nzira agamije gusa kunenga icyemezo kitamunyuze. [14] Umuhanga mu mategeko Albert FETTWEIS na we avuga ko mu gusobanura urubanza, Umucamanza atemerewe kugira icyo agabanya, yongera cyangwa ahindura ku burenganzira yamaze kwemeza. Agomba kwibanda gusa ku kumvikanisha ibyo yashatse kuvuga mu rubanza rusabirwa gusobanurwa atagize icyo aruhinduraho³. Agomba guhagarara ku cyemezo cy'ibanze yafashe agiha ishusho nziza arushaho ku cyumvikanisha ariko atagize icyo agihinduraho cyangwa acyongeraho⁴. [15] Nk'uko bigaragara mu rubanza RCA00041/2024/HC/RWG-CMB RCA00049/2024/HC/RWG rusabirwa gusobanurwa, mu gika cya 32, Urukiko Rukuru, Urugereko rwa Rwamagana, rwasanze nta mpaka zakagombye kubaho, kuko amasezerano y'ubugure bw'ikibanza yo ku wa 15/05/2021 ari muri dosiye asobanutse bitewe nuko ibipimo by'aho Ufitikirezi Beatrice na Tuyisabe Jean Nepo bagurishije Mugabo Ernest bihari kuko handitse ko bamugurishije ikibanza cyabo kibaruye kuri UPI:5/02/10/01/1431,

2 Reba RS/INTER/CIV0001/14/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 20/06/2014, haburana SOCOBICO INDUSTRIES S.A. 3 Le juge, en interprétant, ne peut étendre, restreindre ou modifier les droits qu'il a consacrés. Il doit se borner à fixer le sens et la portée des dispositions du jugement sans les dénaturer. Il doit maintenir sa décision initiale en lui donnant une forme meilleure sans pouvoir modifier ou compléter l'acte juridictionnel (Albert FETTWEIS, Manuel de procédure civile, 2e édition, Liège, 1987, p. 259). 4 Ibidem

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gifite ubuso bwa sqm 820, kiri mu Mudugudu wa Barija B, Akagari ka Barija bagaragaza imbibi zacyo ku mpande zose. [16] Mu gika 32 cy'urubanza RCA00041/2024/HC/RWG-CMB RCA00049/2024/HC/RWG, Urukiko Rukuru, Urugereko rwa Rwamagana, rwasanze na none kuba Mugabo Ernest na Ikirizamukwiheba Fortunée baraje gusanga aho baguze hinjira no mu kibanza kibaruye kuri UPI:5/02/10/01/1585 (igisigara cya Leta) kandi mu gihe cy'iburanisha bakaba barivugiye ko atari bo bonyine bari mu gisigara cya Leta ko hari n'abandi bari kuhakorera ko bemera kwirengera ingaruka zazababaho igihe Leta yazaza ikeneye ahantu hayo, Mugabo Ernest na Ikirizamukwiheba Fortunée bagomba gukomeza gukoresha inyubako zose ziri ku butaka

bufite sqm 820 baguze ziri kuri UPI:5/02/10/01/1431 kuko iki kibanza cyinjira mu kibanza UPI:5/02/10/01/1585 ariko bazirikana ko aho Leta izakenera gukoresha ubutaka bwayo bazemera kuzibukira igice k'ingana n'ubutaka bwayo bazaba barimo gukoresha ntayandi mananiza. [17] Urwo Rukiko, mu gika cya 54, rwemeje ko imikirize y'urubanza RC00076/2021/TG1/NYG ihindutse ku bijyanye no kuba ikibanza gifite UPI : 5/02/10/01/1585 atari umutungo wa Mugabo Ernest na Ikirizamukwiheba Fortunée, ariko kuba UPI: 5/02/10/01/1585 yinjira muri UPI 5/02/10/01/1431 kandi uyu mutungo umaze kuvugwa ukaba waraguzwe na Mugabo Ernest awugurishijwe na Tuyisabe Jean Nepo afatanyije na Ufitikirezi Beatrice, bigaragaza ko Mugabo Ernest na Ikirizamukwiheba Fortunée ari bo bagomba gukomeza gukoresha igice cya UPI: 5/02/10/01/1585 cyinjira mu butaka baguze ariko bakaba bagomba gukomeza gukoresha icyo gice bubahiriza ubuso bungana na sqm 820 baguze banazirikana ko Leta nizakenera umutungo wayo bazahita bawuzibukira nta yandi mananiza. [18] Nk'uko byasobanuwe haruguru, Ufitikirezi Beatrice yatanze ikirego asaba ko ibikubiye mu gika cya 54 cy'urubanza RCA00041/2024/HC/RWG-CMB RCA00049/2024/HC/RWG bisobanurwa, hanyuma mu rubanza RSA/INTERT/RC 00001/2025/HC/ RWG rwaciye ku wa 07/07/2025, mu gika cyarwo cya 10, Urukiko Rukuru, Urugereko rwa Rwamagana, rusanga ibyo Ufitikirezi Beatrice avuga ko bitasobanuwe n'urwo Rukiko atari ukuri, kuko mu gika cya 54 cy'urubanza rusabirwa gusobanurwa ntaho Urukiko rwigeze rutegeka ko Mugabo Ernest na Ikirizamukwiheba Fortunée bagomba gukoresha ubutaka burenze sqm 820 bakomora ku bugure bw'ubutaka baguze na Tuyisabe Jean Nepo afatanyije na Ufitikirezi Beatrice. [19] Rwasanze na none ibyo Ufitikirezi Beatrice avuga ko kidasobanutse ari uko Mugabo Ernest na Ikirizamukwiheba Fortunée batagomba gukomeza gukoresha ubutaka bwose bufite UPI: 5/02/10/01/1585 atari ugusobanura urubanza, ahubwo ari ibintu bishya ashaka ko bigaragara mu kirego gisaba gusobanura urubanza kandi ibyo bikaba bidashoboka kuko ibintu bitigeze bitegekwa mu rubanza rusabirwa gusobanurwa, bitategekwa mu kirego gisaba gusobanura urubanza, kuko nk'uko byasobanuwe izi manza ziza zuzuza imanza zisabirwa gukosorwa cyangwa gusobanurwa kandi nta gihindutse ku ireme ry'urubanza, bityo rukaba rusanga ruramutse rubitegetse nk'uko Ufitikirezi Beatrice abisaba byaba binyuranije n'ihame ry'uko mu kirego gisaba gukosora cyangwa gusobanura ibidasobanutse mu rubanza nta kigomba guhinduka ku mikirize y'urwo rubanza. [20] Urukiko rurasanga koko ntaho, mu rubanza RCA00041/2024/HC/ RWG-CMB RCA00049/2024/HC/RWG rwasabiwe gusobanurwa, Urukiko Rukuru, Urugereko rwa Rwamagana, rwigeze rutegeka ko Mugabo Ernest na Ikirizamukwiheba Fortunée bagomba gukoresha ubutaka burenze sqm 820 bakomora ku bugure bw'ubutaka baguze na Tuyisabe Jean Nepo afatanyije na Ufitikirezi Beatrice, ahubwo icyo rwemeje kandi uru Rukiko rukaba rusanga bisobanutse n'uko Mugabo Ernest na Ikirizamukwiheba Fortunée ari bo bagomba gukomeza gukoresha igice cy'ubutaka bufite UPI: 5/02/10/01/1585 cyinjira mu butaka baguze ariko bakaba bagomba gukomeza gukoresha icyo gice bubahiriza ubuso bungana na sqm 820 baguze banazirikana ko Leta nizakenera umutungo wayo bazihita bawuzibukira nta yandi mananiza. Urukiko rurasanga rero nk'uko Urukiko Rukuru, Urugereko rwa Rwamagana, rwabibonye, nta kidasobanutse mu rubanza RCA00041/2024/HC/RWG- CMB RCA00049/2024/HC/RWG kigomba gusobanurwa.

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[21] Ku byo Ufitikirezi Beatrice avuga ko Urukiko rutasobanuye ko Mugabo Ernest na Ikirizamukwiheba Fortunée batagomba gukomeza gukoresha ubutaka bwose bufite UPI: 5/02/10/01/158, kandi rukemeza ko igice gito cy'ubutaka Mugabo Ernest na Ikirizamukwiheba Fortunée bagomba gukomeza gukoresha gikurwa kuri UPI: 5/02/10/01/1585 kigahuzwa na UPI: 5/02/10/01/1431 kikuzuza sqm 820 baguze, Urukiko rurasanga ntaho bihuriye no gusobanuza urubanza, ahubwo nibyo yifuza ko byahinduka mu rubanza RCA00041/2024/HC/RWG- CMB RCA00049/2024/HC/RWG rusabirwa gusobanurwa, kandi bitemewe n'amategeko. [22] Hashingiwe ku bimaze gusobanurwa haruguru, Urukiko rurasanga nta kidasobanutse mu rubanza RCA00041/2024/HC/RWG-CMB RCA00049/2024/HC/RWG rwaciwe n'Urukiko Rukuru, Urugereko rwa Rwamagana ku wa 12/12/2024, bityo ubujurire bwatanzwe na Ufitikirezi Beatrice ku rubanza No RSA/INTERT/RC 00001/2025/HC/RWG, nta shingiro bufite. III. ICYEMEZO CY'URUKIKO [23] Rwemeje ko ubujurire bwa Ufitikirezi Beatrice nta shingiro bufite. [24] Rwemeje ko imikirize y'urubanza RSA/INTERT/RC 00001/2025/HC/RWG rwaciwe n'Urukiko Rukuru, Urugereko rwa Rwamagana, ku wa 07/07/2025, idahindutse. [25] Ruvuze ko amagarama y'urubanza aherera ku Isanduku ya Leta.

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