

RWANDA / JUDGMENT

UMUJYI WA KIGALI v. SAHINKUYE N'ABANDI

RADAA 00011/2024/CA

COURT

Court of Appeal

DECIDED

25 October 2025

CASE / FILE NUMBER

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UMUJYI WA KIGALI v. SAHINKUYE N'ABANDI

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Text

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UMUJYI WA KIGALI v. SAHINKUYE N'ABANDI [Rwanda URUKIKO RW'UBUJURIRE – RADAA 00011/2024/CA (Ngagi, P.J.) 25 Ukwakira 2025] Amategeko agenga imiburanishirize y'imanza z'imbonezamubano – Ukureka ikirego – Kureka ikirego ni ukwiyambura ububasha bwo kuburana. Bijyana no kwiya mbura uburenganzira umuntu yari afite bwo gukomeza gukurikirana icyo kirego. Ukwemera k'undi muburanyi si ngombwa Amategeko agenga imiburanishirize y'imanza z'imbonezamubano – Ukureka ikirego – Ubujurire bwuririye ku bundi – Iyo ikirego cyaretswe ari ikirego cy'ubujurire, Ubujurire bwuririye kuri ubwo ntibusuzumwa mu mizi kuko ntacyo byaba bishingiyeho. Incamake y'ikibazo: Abantu batandukanye barimo SAHINKUYE Emmanuel, HABİYAREMYE Vedaste, HARINDIMANA Marc, IHORAHABONA Jean de Dieu, KALISA Jean Baptiste, MUNYANDEKWE Claver, NGIRUMUTWARE Jean Marie, UWIZEYE Jacqueline, MUNYESHURI David, NZABONIMPA Jean Pierre na HAKUZIMANA Théodole, basabwe n'Umujyi wa Kigali kwimurwa ku mpamvu z'inyungu rusange bakava aho bari batuye bakimukira mu nzu Umujyi wa Kigali wabubakiye nk'ingurane ikwiye umutungo wabo; ibyifuzo

by'Umujyi wa Kigali ntibyemewe na bese, kuko IHORAHABONA Jean de Dieu, KALISA Jean Baptiste, NGIRUMUTWARE Jean Marie na UWIZEYE Jaqueline bemeye kuyajyamo bakabisinyira ariko nyuma basaba guhabwa amafaranga nk'ingurane ikwiye. Ibi byatumye bese uko basabwaga kwimuka batanga ikirego mu Rukiko Rwisumbuye rwa Nyarugenge barusaba kuwutegeka kubaha amafaranga nk'ingurane ikwiye, indishyi zitandukanye n'igihembo cya Avoka n'amafaranga y'ikurikiranarubanza, hanyuma abarimo MUGUNGA, AHIMANA, NSHIMIYIMANA, TUYISHIME BAHATI na RUTAYISIRE bareka ibirego byabo. Urukiko Rwisumbuye rwa Nyarugenge rwaciye urubanza rwemeza ko ukureka ibirego kw'abareze nyuma bakareka ibirego byabo, rwemeza kandi ko abari basinyiye amazu bahabwa ayo mazu basinyiye ho ingurane, abasigaye nabo bahabwa amazu ho ingurane y'imitungo yabo babaruriwe. Abarimo Sahunkuye na bagenzi be bajuririye mu Rukiko Rukuru banenga Urukiko Rwisumbuye rwa Nyarugenge kuba rwaremeje ko bagomba guhabwa amazu nk'ingurane ikwiye kandi bo barashaka amafaranga y'ingurane ikwiye bakavuga kandi ko ayo mafaranga yabwirwa ku giciro kiri ku isoko, bavuga kandi ko kuba Umujyi wa Kigali waratinze kubaha ingurane ikwiye babisabira indishyi. Urukiko Rukuru rwaciye urubanza rwemeza ko imikirize y'imanza zijuririrwa ihindutse kuri bimwe, rwemerera Sahunkuye, Habiyaremye, Hakuzimana, Harindimana, Munyeshuri, Nzabonimpa, na Munyandekwe amafaranga nk'ingurane ikwiye, indishyi z'ubukererwe na 5% y'ihungabana., rwemeza ko abari basinyiye amazu nk'ingurane ikwiye bayagumana nkuko byemejwe mu rubanza rwajuririwe. Umujyi wa Kigali wajuririye mu Rukiko rw'Ubujurire, mu iburanisha ry'urubanza uvuga ko uretse ikirego ushingiyeye ku biteganywa n'ingingo ya 122 y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi.

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Abaregwa bavuga ko kureka ikirego bidasaba ko undi muburanyi abyemera, basaba Urukiko gutegeka Umujyi wa Kigali kubishyura amafaranga y'ikurikiranarubanza n'igihembo cya Avoka. Bamwe muri bo basaba Urukiko gusuzuma ubujurire bwuririye ku bw'Umujyi wa Kigali wari waratanze. Incamake y'icyemezo: 1. Kureka ikirego ni ukwiyambura ububasha bwo kuburana. Bijyana no kwiyambura uburenganzira umuntu yari afite bwo gukomeza gukurikirana icyo kirego. Ukwemera k'undi muburanyi si ngombwa.

- Iyo ikirego cyaretswe ari ikirego cy'ubujurire, Ubujurire bwuririye kuri ubwo ntibusuzumwa mu mizi kuko ntacyo byaba bishingiyeho. Ukureka ikirego kwemejwe. Amagarama ahwanye n'ibyakoze mu rubanza. Amategeko yashingiweho: Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, Ingingo ya 122. Nta manza zifashishijwe Urubanza I. IMITERERE Y'URUBANZA [1] UMUJYI WA KIGALI wifuje ko SAHINKUYE Emmanuel, HABIYAREMYE Vedaste, HARINDIMANA Marc, IHORAHABONA Jean de Dieu, KALISA Jean Baptiste, MUNYANDEKWE Claver, NGIRUMUTWARE Jean Marie, UWIZEYE Jacqueline, MUNYESHURI David, NZABONIMPA Jean Pierre na HAKUZIMANA Théodole bava ahantu bari batuye mu nyungu rusange, maze ububakira amazu wumva bakwimukiramo nk'ingurane ikwiye y'imitungo yabo, ariko ntibemeye kuyajyamo, usibye IHORAHABONA

Jean de Dieu, KALISA Jean Baptiste, NGIRUMUTWARE Jean Marie na UWIZEYE Jaqueline bemeye kuyajyamo bakabisinyira ariko nyuma bagasaba guhabwa amafaranga nk'ingurane ikwiye. Ibyo byatumye bose barega UMUJYI WA KIGALI mu Rukiko Rwisumbuye rwa Nyarugenge, barusaba kuwutegeka kubaha amafaranga nk'ingurane ikwiye, indishyi zitandukanye n'igihembo cya Avoka n'amafaranga y'ikurikiranarubanza. Naho MUGUNGA Pheneas, AHIMANA Faustin, NSHIMIYIMANA Ildephonse, TUYISHIME BAHATI na RUTAYISIRE Eugene baretse ibirego byabo. [2] Mu rubanza RAD 00003/2020/TGI/NYGE, CMB RAD 00002/2020/TGI/NYGE, CMB RAD 00004/2020/TGI/NYGE, CMB RAD 00149/2020/TGI/NYGE, CMB RAD 00157/2020/TGI/NYGE, CMB RAD 00174/2020/TGI/NYGE, CMB RAD 00207/2020/TGI/NYGE, CMB RAD 00030/2021/TGI/NYGE, CMB RAD 00031/2021/TGI/NYGE, CMB RAD 00024/2021/TGI/NYGE, CMB RAD

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00026/2021/TGI/NYGE, CMB RAD 00039/2021/TGI/NYGE, CMB RAD 00042/2021/TGI/NYGE, CMB RAD 00043/2021/TGI/NYGE, CMB RAD 00222/2020/TGI/NYGE, CMB RAD 00192/2020/TGI/NYGE, CMB RAD 00193/2020/TGI/NYGE, CMB RAD 00035/2021/TGI/NYGE, CMB RAD 00056/2021/TGI/NYGE, CMB RAD 00057/2021/TGI/NYGE, CMB RAD 00058/2021/TGI/NYGE, CMB RAD 00059/2021/TGI/NYGE, CMB RAD 00060/2021/TGI/NYGE, CMB RAD 00061/2021/TGI/NYGE, CMB RAD 00062/2021/TGI/NYGE na CMB RAD 00150/2020/TGI/NYGE rwaciwe n'Urukiko Rwisumbuye rwa Nyarugenge ku wa 1/11/2022, rwemeje ko MUGUNGA Pheneas, AHIMANA Faustin, NSHIMIYIMANA Ildephonse, TUYISHIME BAHATI

na RUTAYISIRE Eugene baretse ibirego byabo, ko ibirego bya KABERA Berchare, UWAMBAZA Beatha, NYIRAMWIZA Gloriose IHORABABONA Jean de Dieu, KALISA JEAN BAPTISTE, MBARUBUKEYE Athanase, NGIRUMUTWARE Jean Marie, UWIZEYE Jacqueline, SAHINKUYE Emmanuel, MUNYANDEKWE Claver, NTAKIRUTIMANA Gloriose, NZABONIMPA Jean Pierre, HABYARIMANA Vedaste, HABIYAREMYE Vedaste, MUNYANEZA Gaspard, HARINDIMANA Marc, NIYIBIZI Bernard, SHIKAMA Jean de Dieu, MUNYESHURI David, GATARI Fabrice na HAKUZIMANA Théodore baregamo UMUJYI WA KIGALI ibijyanye n'indishyi ikwiye mu mafaranga, hamwe n'izindi ndishyi zijyanye na byo nta shingiro bifite. [3] Urwo Rukiko rwemeje ko KABERA Berchare, UWAMBAZA Beatha, NYIRAMWIZA Gloriose IHORABABONA Jean de Dieu, KALISA Jean Baptiste, MBARUBUKEYE Athanase, NGIRUMUTWARE Jean Marie na UWIZEYE Jacqueline bahabwa inzu basinyiye mu masezerano y'ubwumvikane bagiranye n'UMUJYI WA KIGALI yo guhabwa inzu ho ingurane ikwiye ku mitungo yabo babaruriwe. Rutegeka ko SAHINKUYE Emmanuel, MUNYANDEKWE Claver, NTAKIRUTIMANA Gloriose, NZABONIMPA Jean Pierre, HABIYAREMYE Vedaste, MUNYANEZA Gaspard, HARINDIMANA Marc, NIYIBIZI Bernard, SHIKAMA Jean de Dieu, MUNYESHURI David, GATARI Fabrice na HAKUZIMANA Théodore bahabwa amazu ho ingurane y'imitungo yabo babaruriwe, ko kandi nta mafaranga y'igihembo cya Avoka n'ayikurikiranarubanza abarega bahawe muri urwo rubanza. Ruvuga ko amagarama yatanze muri urwo rubanza n'abarega aheze mu Isanduku ya Leta. [4] SAHINKUYE Emmanuel, HABIYAREMYE Vedaste, HARINDIMANA Marc, IHORAHABONA Jean de Dieu, KALISA Jean Baptiste, MUNYANDEKWE Claver, NGIRUMUTWARE Jean Marie, UWIZEYE

Jacqueline, MUNYESHURI David, NZABONIMPA Jean Pierre na HAKUZIMANA Théodore
bajuririye Urukiko Rukuru muri rusange batanga impamvu zikurikira:

- a. Kuba Urukiko Rwisumbuye rwa Nyarugenge: - rwaremeje ko bahabwa ingurane y'inzu kandi bo barifuzaga guhabwa amafaranga kandi ayo mafaranga bagomba guhabwa nk'ingurane ikwiye

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bakayahabwa ku giciro cyongeye kubarwa, ni ukuvuga igiciro gishya cy'umutungo ugomba gutangirwa ingurane; - rwaragombaga gutegeka Umujyi wa Kigali kubaha amafaranga ahwanye na 5% y'ihungabana ateganywa n'itegeko; - rwaranze gutanga amafaranga ahwanye na 5% y'ubukerererwe rushingiye ko ngo habayeho icyorezo cya Covid 19, nyamara Covid 19 yaraje igihe bagombaga kuba barishyuriweho cyararenze;

- b. Kuba bagomba guhabwa indishyi z'akababaro kubera ko Umujyi wa Kigali watinze gutanga indishyi ikwiye bigatera umubabaro ba nyiri mutungo;
- c. guhabwa amafaranga y'igihembo cya Avoka n'ikurikiranarubanza ndetse n'amagarama batahawe n'Urukiko Rwisumbuye rwa Nyarugenge, ndetse bagahabwa n'amafaranga y'igihembo cya Avoka n'ikurikiranarubanza batanze mu bujuriye, bakanasubizwa amagarama y'urubanza batanze mu bujuriye. [5] UMUJYI WA KIGALI wireguye uvuga ko impamvu z'ubujuriye zatanze nta shingiro zifite, kuko Urukiko Rwisumbuye rwa Nyarugenge nta makosa rwakoze, ko ku ruhande rwa SAHINKUYE Emmanuel, HABİYAREMYE Vedaste, HAKUZIMANA Théodole, HARINDIMANA Marc, MUNYESHURI David, NZABONIMPA Jean Paul na MUNYANDEKWE Claver badakwiye gusaba guhabwa ingurane ikwiye kubera kwimurwa kubw'inyungu rusange, kubera ko bari barubatswe mu kagari nta burenganzira bwo kubaka bafite, ko kandi bagenewe ingurane ikwiye y'inzu. Uvuga kandi ko kuri IHORAHABONA Jean de Dieu, KALISA Jean Baptiste, UWIZEYE Jacqueline na NGIRUMUTWARE Jean Marie, mu gika cy'103 cy'urubanza rwajuririwe, Urukiko Rwisumbuye rwa Nyarugenge rwemeje ko bose basinye amasezerano yo guhabwa ingurane ikwiye y'inzu, bityo ko bagomba kujya muri ayo mazu bemeye kandi ko ari na ko Urukiko rwajuririwe rukwiye kubyemeza. Uzoza uvuga ko n'indishyi zose basaba nta shingiro zifite. [6] Mu rubanza RADA 00064, 00065, 00070, 00071, 00072, 00073/2022/HC/KIG na RADA 00008, 00009, 00010/2023/HC/KIG rwaciye ku wa 29/04/2024, Urukiko Rukuru rwashingiye ku ngingo ya 34 y'Itegeko Nshinga rya Repubulika y'u Rwanda ivuga ko umutungo w'umuntu ari ntavogerwa, ku ngingo ya 21 y'Amasezerano Nyafurika yerekeye uburenganzira bw'abantu n'ibintu ivuga ko iyo habayeho kwangiza umutungo, kwimura abantu, banyiri mutungo bafite uburenganzira ku ndishyi zikwiye, no ku ngingo ya 35 n'ya 36 z'Itegeko No 32/2015 ryo ku wa 11/06/2015 ryerekeye kwimura abantu ku mpamvu z'inyungu rusange, ziteganywa ko ingurane ikwiye ishobora gutangwa mu mafaranga cyangwa se ubundi buryo bwumvikanyweho kandi ko iyi ngurane yishyurwa mu gihe kitarenze iminsi 120 uhereye igihe iyo ndishyi ikwiye yemerejweho n'Inama Njyanama ku rwego rw'Akarere cyangwa se rw'Umujyi wa Kigali. [7] Urukiko Rukuru rwemeje ko:

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- d. ubujurire bwa SAHINKUYE Emmanuel, HABİYAREMYE Vedaste, HAKUZIMANA Théodole, HARINDIMANA Marc, MUNYESHURI David, NZABONIMPA Jean Paul, MUNYANDEKWE Claver bufite ishingiro kuri bimwe;
- e. ubujurire bwa IHORAHABONA Jean De Dieu, KALISA Jean Baptiste, NGIRUMUTWARE Jean Marie, na UWIZEYE Jaqueline nta shingiro bufite;
- f. imikirize y'imanza zajuririwe ihindutse kuri bimwe;
- g. rutegeka UMUYI WA KIGALI guha: - Emmanuel SAHINKUYE ingurane ingana na 20.076.817 Frw, 5% y'indishyi z'ubukerererwe zingana na 1.003.841 Frw na 5% y'ihungabana angana na 1.003.841 Frw; - HABİYAREMYE Vedaste ingurane ingana na 19.877.946 Frw, 5% y'indishyi z'ubukerererwe angana na 993.841 Frw na 5% y'ihungabana angana na 993.841 Frw; - HAKUZIMANA Théodore ingurane ingana na 12.640.964 Frw, 5% y'indishyi z'ubukerererwe angana na 632.048 Frw, na 5% y'ihungabana angana na 632.048 Frw; - HARINDIMANA Marc ingurane ingana na 9.586.296 Frw, 5% y'indishyi z'ubukerererwe zingana na 479.315 Frw, na 5% y'ihungabana angana na 479.315 Frw; - MUNYESHURI David ingurane ingana na 8.008.493 Frw, 5% y'indishyi z'ubukerererwe zingana na 400.425 Frw na 5% y'ihungabana angana na 400.425 Frw; - NZABONIMPA Jean Paul ingurane ingana na 5.076.982 Frw, 5% y'indishyi y'ubukerererwe angana na 253.849 Frw na 5% y'ihungabana angana na 253.849 Frw; - MUNYANDEKWE Claver ingurane ingana na 17.753.590 Frw, 5% y'ubukerererwe angana na 887.680 Frw, na 5% y'ihungabana angana na 887.680 Frw.

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- h. Rwemeza ko IHORAHABONA Jean De Dieu, KALISA Jean Baptiste, NGIRUMUTWARE Jean Marie, na UWIZEYE Jaqueline bagumana inzu nk'ingurane ikwiye ku mitungo yabo nkuko byemejwe mu rubanza rwajuririwe;
- i. Rutegeka ko SAHINKUYE Emmanuel, HABİYAREMYE Vedaste, HAKUZIMANA Théodole, HARINDIMANA Marc, MUNYESHURI David, NZABONIMPA Jean Paul na MUNYANDEKWE Claver basubizwa n'Umuyi wa Kigali ingwate y'amagarama batanze mu rwego rwa mbere no mu bujurire, ahwanye 20.000 Frw buri umwe yatanze ku rwego rwa mbere, 40.000 Frw yatanze mu Rukiko Rukuru, naho amagarama yatanzwe na IHORAHABONA Jean de Dieu, KALISA Jean Baptiste, NGIRUMUTWARE Jean Marie na UWIZEYE Jaqueline ahwanye n'ibyakozwe mu rubanza. [8] UMUYI WA KIGALI wajuririye uru Rukiko, ubujurire bwawo bwandikwa kuri RADAA 00011/2024/CA. Urubanza rwahamagajwe ku wa 08/01/2025, ariko rwimurirwa ku wa 05/02/2025, kugira ngo UMUYI WA KIGALI ujye gukemura ikibazo mu bwumvikane, ku wa 27/05/2025, hashyirwaho umuhuza uzafasha ababuranyi mu nzira y'ubwumvikane, urubanza rwimurirwa ku wa 15/09/2025, ariko ubwumvikane ntibwakunda, urubanza rushyirwa ku wa 03/11/2025, uwo munsu uhagarariye UMUYI WA KIGALI ntiyitaba kuko yari arwaye, rwimurirwa ku wa 17/11/2025. [9] Urubanza rwaburanishijwe mu ruhame ku wa 17/11/2025, UMUYI WA KIGALI uhagarariwe na Me UMULISA Alice, SAHINKUYE

Emmanuel, HABİYAREMYE Vedaste, HARINDIMANA Marc, MUNYANDEKWE Claver, MUNYESHURI David bunganiwe na Me GUMUYISABE Augustin, UWIZEYE Jacqueline, IHORAHABONA Jean de Dieu, KALISA Jean Baptiste na NGIRUMUTWARE Jean Marie bunganiwe na Me NTIRENGANYA Seif Jean Bosco, HAKUZIMANA Théodole ahagarariwe na Me SHYAKA MASHAMI Emmanuel, naho NZABONIMPA Jean Pierre atitabye; Me GUMUYISABE Augustin avuga ko NZABONIMPA Jean Pierre yafashe inzu, urubanza ruburanishwa adahari kuko atagaragaje impamvu yatumye atitaba. [10] Ku wa 17/11/2025, uhagarariye UMUJYI WA KIGALI yavuze ko UMUJYI WA KIGALI ushingiyeye ku biteganywa n'ingingo ya 122 y'Itegeko N° 22/2018 ryo ku wa 29/04/2018, ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruza, iz'umurimo n'iz'ubutegetsi uretse ikirego RADAA 00011/2024/CA wari watanze muri uru Rukiko. [11] Abaregwa bavugaga ko kureka ikirego bidasaba ko undi muburanyi abyemera, bityo ko bashingiyeye ku biteganywa n'ingingo ya 124 y'Itegeko N° 22/2018 ryavuzwe haruguru basaba Urukiko rw'Ubujurire gutegeka UMUJYI WA KIGALI kubishyura amafaranga y'ikurikiranarubanza n'igihembo cya Avoka basaba. MUNYESHURI David na HABİYAREMYE Vedaste bongeraho ko bashingiyeye ku biteganywa n'ingingo ya 152 y'Itegeko N° 22/2018 ryavuzwe

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haruguru basaba Urukiko rw'Ubujurire kuzasuzuma ubujurire bwuririye ku bw'UMUJYI WA KIGALI bari batanze mu myanzuro yabo. [12] Urukiko rurasuzuma niba UMUJYI WA KIGALI wakwemererwa kureka ikirego wari watanze muri uru Rukiko, runasuzume ingaruka zabyo. II. IBIBAZO BIGIZE URUBANZA N'ISESENGURWA RYABYO

1. Kumenya niba UMUJYI WA KIGALI wakwemererwa kureka ikirego [13] Me UMULISA Alice avugaga ko UMUJYI WA KIGALI ahagarariye, ushingiyeye ku ngingo ya 122 y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruza, iz'umurimo n'iz'ubutegetsi, uretse ikirego cyawo gifite No RADAA 00011/2024/CA. [14] Abaregwa bavugaga ko kureka ikirego bidasaba ko undi muburanyi abyemera, ko bashingiyeye ku biteganywa n'ingingo ya 124 y'Itegeko N° 22/2018 ryavuzwe haruguru basaba Urukiko rw'Ubujurire gutegeka UMUJYI WA KIGALI kubishyura amafaranga y'ikurikiranarubanza n'igihembo cya Avoka basaba. Uko Urukiko rubibona [15] Ingingo ya 122 y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruza, iz'umurimo n'iz'ubutegetsi iteganya ibukurikira: “Kureka ikirego ni ukwiyambura ububasha bwo kuburana. Bijyana no kwiyambura uburenganzira umuntu yari afite bwo gukomeza gukurikirana icyo kirego. Ukwemera k'undi muburanyi si ngombwa”. [16] Nk'uko byibukijwe haruguru, mu iburanisha ryabaye ku wa 17/11/2025, Me UMULISA Alice yabwiye Urukiko ko UMUJYI WA KIGALI uretse ikirego cyawo gifite RADAA 00011/2024/CA; abaregwa nabo bavugaga ko kureka ikirego bidasaba ko undi muburanyi abyemera. [17] Hashingiyeye ku biteganywa n'ingingo ya 122 y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryavuzwe haruguru, Urukiko rurasanga nta cyabuza Umujyi wa Kigali kwemererwa ukureka ikirego RADAA 00011/2024/CA.

2. Kumenya niba amafaranga y'ikurikiranarubanza n'igihembo cya Avoka asabwa n'abaregwa afite ishingiro [18] Me GUMUYISABE Augustin wunganira SAHINKUYE Emmanuel, HABİYAREMYE Vedaste, HARINDIMANA Marc, MUNYANDEKWE Claver na MUNYESHURI David, avuga ko ashingiyeye ku biteganywa n'ingingo ya 124 y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryavuzwe haruguru ivuga ku ngaruka zo kureka ikirego no kureka urubanza, asaba Urukiko rw'Ubujurire gutegeka UMUYI WA KIGALI kwishyura buri wese mu bo yunganira 1.000.000 Frw y'igihembo cya Avoka na 500.000 Frw y'ikurikiranarubanza, kuri buri rwego. [19] MUNYESHURI David na HABİYAREMYE Vedaste bongeraho ko bashingiyeye ku biteganywa n'ingingo ya 152 y'Itegeko N° 22/2018 ryavuzwe haruguru basaba Urukiko

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rw'Ubujurire kuzasuzuma ubujurire bwuririye ku bw'UMUYI WA KIGALI bari batanze mu myanzuro yabo. [20] Me NTIRENGANYA Seif Jean Bosco wunganira UWIZEYE Jacqueline, IHORAHABONA Jean de Dieu, KALISA Jean Baptiste na NGIRUMUTWARE Jean Marie, avuga ko ashingiyeye ku biteganywa n'ingingo ya 124, igika cya 2, y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryavuzwe haruguru, asaba Urukiko rw'Ubujurire gutegeka Umuyi wa Kigali kwishyura buri wese mu bo yunganira 3.000.000 Frw akubiyemo igihembo cya Avoka n'ikurikiranarubanza, bose hamwe bagahabwa 12.000.000 Frw. [21] Me SHYAKA MASHAMI Emmanuel uhagarariye HAKUZIMANA Théodole asaba Urukiko rw'Ubujurire gutegeka Umuyi wa Kigali kwishyura HAKUZIMANA Théodole miliyoni eshatu n'igice (3,500,000 Frw) y'igihembo cya Avoka na miliyoni imwe (1,000,000 Frw) y'ikurikiranarubanza, kuko kuva urubanza rwatangira nta mafaranga y'ibyangiye ku rubanza bigeze bahabwa. [22] UMULISA Alice avuga ko ibijyanye n'amafaranga y'ikurikiranarubanza n'igihembo cya Avoka abaregwa basaba, abihariye Urukiko mu bushishozi bwari. Uko Urukiko rubibona [23] Nk'uko byagaragajwe haruguru, abaregwa basaba amafaranga y'ikurikiranarubanza n'igihembo cya Avoka yo kuva ku rwego rwa mbere kugeza kuri uru rwego. [24] Ingingo ya 124, igika cya kabiri, y'Itegeko No 22/2018 ryo ku wa 29/04/2018 ryibukijwe haruguru, iteganya ibikurikira: "Uretse ikirego cyangwa urubanza ashobora gucibwa amafaranga y'amagarama cyangwa igihembo cya Avoka n'andi yose yatanze n'uwo yari yareze mu gukurikirana urubanza". [25] Urukiko rushingiyeye ku ngingo ya 124 y'Itegeko No 22/2018 ryo ku wa 29/04/2018 yibukijwe haruguru, rurasanga abaregwa bagomba guhabwa amafaranga y'igihembo cya Avoka n'ikurikiranarubanza batakajwe bakurikirana uru rubanza kuri uru rwego, naho ayo batagenewe mu manza zabanje ntabwo bayasaba muri uru rubanza, kuko rutaburanishijwe mu mizi yarwo, kubera ko UMUYI WA KIGALI waretse ikirego wari watanze muri uru Rukiko. [26] Urukiko rw'Ubujurire mu bushishozi bwari rugeneye SAHINKUYE Emmanuel, HABİYAREMYE Vedaste, HARINDIMANA Marc, MUNYANDEKWE Claver na MUNYESHURI David, bose hamwe, 1.000.000 Frw y'igihembo cya Avoka, kandi buri wese UMUYI WA KIGALI ukamuha 150.000 Frw y'ikurikiranarubanza. [27] Urukiko rugeneye UWIZEYE Jacqueline, IHORAHABONA Jean de Dieu, KALISA Jean Baptiste na NGIRUMUTWARE Jean Marie, bose hamwe, 500.000 Frw y'igihembo cya Avoka, kandi buri wese UMUYI WA KIGALI ukamuha 150.000 Frw y'ikurikiranarubanza. Runageneye HAKUZIMANA Théodole 500.000 Frw y'igihembo cya Avoka na 150.000 Frw y'ikurikiranarubanza.

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[28] Ku byerekeye ibyo MUNYESHURI David na HABİYAREMYE Vedaste bavuga ko bashingiye ku biteganywa n'ingingo ya 152 y'Itegeko N° 22/2018 ryavuzwe haruguru, basaba Urukiko rw'Ubujurire kuzasuzuma ubujurire bwuririye ku bw'UMUJYI WA KIGALI bari batanze, aho basabaga ko ingurane yashingira ku biciro biri ku isoko, no kubyerekeye ubujuririre bwuririye ku bundi abandi baregwa nabo batanze mu myanzuro yabo, aho abahawe ingurane mu mafaranga basaba ko iyo ngurane ibarirwa ku biciro biri ku isoko, abahawe ingurane y'inzu bagasaba ingurane mu mafaranga, Urukiko rurasanga ubu bujuririre bwuririye ku bundi butagomba gusuzumwa, kuko bushingiye ku bujurire bw'iremezo bwatanzwe n'UMUJYI WA KIGALI. Kuba rero, UMUJYI WA KIGALI waretse ubujurire bwawo, birumvikane ko n'ubujurire bwuririye ku bw'UMUJYI WA KIGALI bwatanzwe n'abaregwa kuri uru rwego, butagomba gusuzumwa, kuko ntaho bushingiye (l'accessoire suit le principal). Ikindi, ingingo ya 152 y'Itegeko N° 22/2018 ryavuzwe haruguru, MUNYESHURI David na HABİYAREMYE Vedaste bashingiraho ikurikizwa iyo ubujurire bw'iremezo (appel principal) kwasuzumwe mu mizi yabwo. Kuba rero UMUJYI WA KIGALI waretse ubujurire bwawo, birumvikane ko n'ubujurire bubwuririyeho, butagomba gusuzumwa, kuko ntaho bwaba bushingiye. Ibi bivuze ko hagumyehe imikirize y'urubanza rujuririrwa RADA 00064, 00065, 00070, 00071, 00072, 00073/2022/HC/KIG na RADA 00008, 00009, 00010/2023/HC/KIG rwaciwe n'Urukiko Rukuru ku wa 29/04/2024. III. ICYEMEZO CY'URUKIKO [29] Rwemeye ukureka ikirego RADAA 00011/2024/CA byasabwe n'UMUJYI WA KIGALI. [30] Rutegetse UMUJYI WA KIGALI kwishyura SAHINKUYE Emmanuel, HABİYAREMYE Vedaste, HARINDIMANA Marc, MUNYANDEKWE Claver na MUNYESHURI David, bose hamwe, amafaranga miliyoni imwe (1.000.000 Frw) y'igihembo cya Avoka, no kwishyura buri wese, amafaranga ibihumbi ijana na mirongo itanu (150.000 Frw) y'ikurikiranarubanza. [31] Rutegetse UMUJYI WA KIGALI kwishyura UWIZEYE Jacqueline, IHORAHABONA Jean de Dieu, KALISA Jean Baptiste na NGIRUMUTWARE Jean Marie, bose hamwe, amafaranga ibihumbi magana atanu (500.000 Frw) y'igihembo cya Avoka, no kwishyura buri wese, amafaranga ibihumbi ijana na mirongo itanu (150.000 Frw) y'ikurikiranarubanza. [32] Rutegetse UMUJYI WA KIGALI kwishyura HAKUZIMANA Théodole ibihumbi magana atanu (500.000 Frw) y'igihembo cya Avoka n'amafaranga ibihumbi ijana na mirongo itanu (150.000 Frw) y'ikurikiranarubanza. [33] Ruvuze ko ingwate y'amagarama ihwanye n'ibyakozwe mu rubanza.

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