NDAHIMANA N’UNDI v MUSONI N’UNDI

[Rwanda URUKIKO RW’UBUJURIRE – RCAA 00006/2020/CA (Munyangeri, P.J., Kamere na Gakwaya, J.) 30 Ukwakira 2020]

Amategeko agenga imanza mbonezamubano – Cyamunara – Itangazwa rya cyamunara ku mutungo utimukanwa – Ibijyanye no gutangaza cyamunara, ahagomba kumanikwa itangazo cyangwa se ibijyanye n’ibihe ni ndemyagihugu – Umutungo wafatiriwe ntushobora kugurishwa muri cyamunara mbere y’iminsi itanu (5) cyamunara itangajwe – Kutabyubahiriza ni impamvu yatuma igikorwa cyakozwe cyangwa icyemezo cyafashwe giteshwa agaciro – Itegeko N° 22/2018 ryo ku wa 29/42018 ryerekeye imiburanishirize y’imanza z’imbonezamubano, iz’ubucuruzi, iz’umurimo n’iz’ubutegetsi, ingingo ya 253.

Incamake y’ikibazo: Umuhesha w’Inkiko w’Umwuga witwa Musoni yagurishije muri cyamunara umutungo ubaruye kuri n° UPI 1/02/08/02/574 wa Ndahimana na Kansayire mu rwego rwo gushyira mu bikorwa umwanzuro n° 2017-2018/89 w’Ikigo Mpuzamahanga cy’Ubukemurampaka cya Kigali, ndetse n’urubanza n° RCOMA 00417/2019/CHC rwaciwe n’Urukiko Rukuru rw’Ubucuruzi ku wa 8/11/2019, umutungo wegukanwa n’uwitwa Mutabazi kuri 105.000.000 Frw.

Ndahimana na Kansayire bahise baregera Urukiko rw’Ibanze rwa Kicukiro basaba gutesha agaciro iyo cyamunara yabaye tariki 21/2/2020, kuko yakozwe mu buryo bunyuranyije n’amategeko, bavuga ko Umuhesha w’Inkiko w’Umwuga Musoni atubahirije amategeko agenga ishinganisha, ifatira n’itangazwa rya cyamunara, ko igenagaciro ryakozwe ritamenyeshejwe nyiri umutungo, ndetse ko ku munsi wa cyamunara, hari abantu bahejwe biturutse ku muhesha w’Inkiko hagamijwe gutesha agaciro umutungo wagombaga gutezwa cyamunara.

Mu rubanza n° RC 00160/2020/TB/KIC, urukiko rw’Ibanze rwa Kicukiro rwemeje ko ikirego cya Ndahimana na Kansayire Christiane gifite ishingiro, ko cyamunara yakozwe mu buryo bunyuranyije n’amategeko iteshwa agaciro.

Musoni ntiyishimiye imikirize y’urubanza, arujuririra mu Urukiko Rwisumbuye rwa Nyarugenge, avuga ko Urukiko rw’Ibanze rwatesheje agaciro cyamunara rushingiye ku mpamvu zitari zo, Mutabazi François Xavier agoboka mu rubanza ku bushake nk’uwari waguze umutungo muri cyamunara, maze mu rubanza n° RCA 00120/2020/TGI/NYGE, Urukiko Rwisumbuye rwa Nyarugenge ruhindura urubanza rwajuririwe mu ngingo zarwo zose, bituma Ndahimana na Kansayire bongera kujuririra Urukiko Rukuru, mubyo basabaga, harimo gusuzuma ibihe byo gutangaza cyamunara bitubahirijwe.

Mu rubanza n° RCAA 00007/2020/HC/KIG, Urukiko Rukuru rwemeje ko ubujurire bwa Ndahimana na Kansayire nta shingiro bufite, rwemeza ko urubanza rwajuririwe rudahindutse kuko cyamunara yakurikije amategeko.

Ndahimana na Kansayire basubirishijemo urubanza n° RCAA 00007/2020/HC/KIG ku mpamvu z’akarengane, Perezida w’Urukiko rw’Ikirenga yemeza ko urwo rubanza rusubirwamo, rukaburanishwa n’Urukiko rw’Ubujurire.

Ndahimana Emmanuel na Kansayire Christiane mu gusaba ko urubanza rusubirwamo, bavuga ko impamvu zigaragaza akarengane ari uko nka ba nyiri umutungo, batamenyeshejwe igenagaciro

ry’umutungo, ko hari abantu bahejwe muri cyamunara, ko cyamunara yakozwe hatubahirijwe igihe cy’iminsi itanu giteganywa n’amategeko, kandi ko inzu yatejwe cyamunara hadakozwe igenegaciro rihamye kandi rishingiye ku mategeko na professional ethics.

Incamake y’icyemezo: 1. Ku birebana n’umutungo utimukanwa, ibijyanye no gutangaza cyamunara, ahagomba kumanikwa itangazo cyangwa se ibijyanye n’ibihe ni ndemyagihugu. Umutungo wafatiriwe ntushobora kugurishwa muri cyamunara mbere y’iminsi itanu (5) cyamunara itangajwe. Kutabyubahiriza ni impamvu yatuma igikorwa cyakozwe cyangwa icyemezo cyafashwe giteshwa agaciro.

2. Mu kubara ibihe, hashingirwa ku ngingo ya 253 y’Itegeko n° 22/2018 ryo ku wa 29/2/2018 ryerekeye imiburanishirize y’imanza z’imbonezamubano, iz’ubucuruzi, iz’umurimo n’iz’ubutegetsi, mu gika cya 3, iteganya ibihe byihariye ku bijyanye na cyamunara aho gushingira ku ngingo ya 275 y’iryo tegeko iteganya ibihe muri rusange.

Ikirego gisubirishamo urubanza ku mpamvu z’akarengane gifite ishingiro ku ngingo zimwe.
Amagarama y’urubanza aherereye ku isanduku ya Leta

Amategeko yashingiweho:
Itegeko No 22/2018 ryo ku wa 29/4/2018 ryerekeye imiburanishirize y’imanza z’imbonezamubano, iz’ubucuruzi, iz’umurimo n’iz’ubutegetsi, ingingo ya 34, iya 39, igika cya 1, iya 96, iya 252, igika cya 1, iya 253, igika cya 3, iya 274 n’iya 275, igika cya 2.
Itegeko n° 17/2010 ryo ku wa 12/5/2010 rishyiraho kandi rikagena imikorere y’umwuga w’igenagaciro ku mutungo utimukanwa mu Rwanda, ingingo ya 27 n’iya 36.

Nta manza zifashishijwe.

Urubanza.

I. IMITERERE Y’URUBANZA

[1] Ku wa 21 Gashyantare 2020, Umuhesha w’Inkiko w’Umwuga witwa Musoni Godfrey, yagurishije muri cyamunara umutungo ubaruye kuri n° UPI 1/02/08/02/574, wa Ndahimana Emmanuel na Kansayire Christiane mu rwego rwo gushyira mu bikorwa umwanzuro n° 2017-2018/89 w’Ikigo Mpuzamahanga cy’Ubukemurampaka cya Kigali, wo ku wa 17/4/2019, ndetse n’urubanza n° RCOMA 00417/2019/CHC rwaciwe n’Urukiko Rukuru rw’Ubucuruzi ku wa 8/11/2019, maze umutungo wegukanwa n’uwitwa Mutabazi François Xavier, atanze 105.000.000 Frw.

[2] Ndahimana Emmanuel na Kansayire Christiane baregeye Urukiko rw’Ibanze rwa Kicukiro basaba gutesha agaciro cyamunara yo ku wa 21/2/2020, kuko yakozwe mu buryo bunyuranyije n’amategeko, bavuga ko Umuhesha w’Inkiko w’Umwuga Musoni Godfrey, atubahirije amategeko agenga ishinganisha, ifatira n’itangazwa rya cyamunara, ko igenagaciro

ryakozwe ritamenyeshejwe nyiri umutungo, ndetse ko ku munsi wa cyamunara, afatanyije n'abandi bantu bari babyumvikanyeho, Umuhesha w'inkiko yateje akavuyo bamwe mu bari baje muri cyamunara barahezwa, hagamijwe gutesha agaciro umutungo wagombaga gutezwa cyamunara, ko rero ikwiye guseswa.

[3] Mu rubanza n° RC 00160/2020/TB/KICU rwo ku wa 8/5/2020, Urukiko rw'Ibanze rwa Kicukiro rwemeje ko ikirego cya Ndahimana Emmanuel na Kansayire Christiane gifite ishingiro, ko cyamunara yo ku wa 21/2/2020 yakozwe mu buryo bunyuranyije n'amategeko, ikaba iteshejwe agaciro.

[4] Musoni Godfrey yajuririye Urukiko Rwisumbuye rwa Nyarugenge, avuga ko Urukiko rw'Ibanze rwatesheje agaciro cyamunara rushingiye ku mpamvu zitari zo, Mutabazi François Xavier agoboka mu rubanza ku bushake nk'uwari waguze umutungo muri cyamunara. Mu rubanza n° RCA 00120/2020/TGI/NYGE rwo ku wa 1/6/2020, Urukiko Rwisumbuye rwa Nyarugenge rwemeje ko ubujurire bufite ishingiro, ko no kugoboka mu rubanza kwa Mutabazi François Xavier gufite ishingiro, ruvuga ko urubanza rujuririrwa ruhindutse mu ngingo zarwo zose.

[5] Ndahimana Emmanuel na Kansayire Christiane bajuririye Urukiko Rukuru, bavuga ko Murengerantwari Robert na Ngabonzima Théophile bari baje mu ipiganwa ariko ko bahejwe, ko batigeze bamenyeshwa igenagaciro ry'umutungo kandi ko n'ibihe byo gutangaza cyamunara bitubahirijwe. Mu rubanza n° RCAA 00007/2020/HC/KIG rwo ku wa 8/7/2020, Urukiko Rukuru rwemeje ko ubujurire bwa Ndahimana Emmanuel na Kansayire Christiane nta shingiro bufite, ko urubanza rujuririrwa rudahindutse.

[6] Ndahimana Emmanuel na Kansayire Christiane basubirishijemo urubanza n° RCAA 00007/2020/HC/KIG ku mpamvu z'akarengane, maze mu cyemezo n° 015/CJ/2020 cyo ku wa 4/8/2020, cyo gusubirishamo ku mpamvu z'akarengane urubanza rwaciwe ku rwego rwa nyuma, Perezida w'Urukiko rw'Ikirenga yemeza ko urwo rubanza rusubirwamo, rukaburanishwa n'Urukiko rw'Ubujurire.

[7] Ndahimana Emmanuel na Kansayire Christiane mu gusaba ko urubanza rusubirwamo, bavuga ko impamvu zigaragaza akarengane ari uko nka ba nyiri umutungo, batamenyeshejwe igenagaciro ry'umutungo, ko hari abantu bahejwe muri cyamunara, ko cyamunara yakozwe hatubahirijwe igihe cy'iminsi itanu giteganywa n'amategeko, kandi ko inzu yatejwe cyamunara hadakozwe igenegaciro rihamye kandi rishingiye ku mategeko na professional ethics.

[8] Musoni Godfrey yatanze inzitizi mu rubanza avuga ko impamvu abarega batanga bavuga ko habaye akarengane ari nazo bagiye bagaragaza mu nkiko zabanje, zikaba zarasuzumwe, kandi ko zidahura n'ibiteganywa mu ngingo ya 55 y'Itegeko n° 30/2018 ryo ku wa 2/6/2018 rigena ububasha bw'inkiko. Nyuma yo gusuzuma iyo nzitizi, mu rubanza rubanziriza urundi n° RC 00006/2020/CA rwo ku wa 3/9/2020, Urukiko rw'Ubujurire rwemeje ko inzitizi nta shingiro ifite, rwemeza ko iburanisha ry'urubanza mu mizi rizakomeza ku wa 1/10/2020.

[9] Iburanisha ry'urubanza mu mizi ryakomeje ku wa 1/10/2020, Ndahimana Emmanuel na Kansayire Christiane bahagarariwe na Me Tite Niyibizi na Me Twizeyimana Théophile, Musoni Godfrey yunganiwe na Me Mugabo Samuel naho Mutabazi François Xavier yunganiwe na Me

Ingezi Félix na Me Nsengiyumva François, uwo munsi iburanisha rirapfundikirwa, hemezwa ko ruzasomwa ku wa 30/10/2020.

II. IBIBAZO BIRI MU RUBANZA N'ISESENGURWA RYABYO

A. Kumenya niba Ndahimana Emmanuel na Kansayire Christiane bataramenyeshejwe igenagaciro ry'umutungo wabo mbere y'uko utezwa cyamunara

[10] Me Twizeyimana Théophile, uburanira Ndahimana Emmanuel na Kansayire Christiane, avuga ko ingingo ya 252 y'Itegeko n° 22/2018 ryo ku wa 29/4/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi yirengagijwe, ko iyi ngingo ivuga ko igenagaciro rimenyeshwa nyir'umutungo ariko ko mu nyandiko y'Umuhesha w'Inkiko yo ku wa 10/2/2020, handitsemo ko ryamenyeshejwe uwitwa Kanzayire Christiane, nyamara nyir'umutungo yitwa Kansayire, ko rero uwo ari undi muntu.

[11] Me Twizeyimana Théophile avuga kandi ko kuba mu nyandiko y'Umuhesha w'Inkiko harimo ikosa, ryagombaga kubanza gukosorwa, nk'uko iyo urubanza rurimo ikosa rubanza gukosorwa kugira ngo rurangizwe, ko mu kwambura umutungo nyirawo, Umushingamategeko yagaragaje ibigomba kugenderwaho, bitagomba kwirengagizwa.

[12] Me Niyibizi Tite, nawe uburanira Ndahimana Emmanuel na Kansayire Christiane, avuga ko ingingo ya 33 y'Itegeko n° 22/2018 ryo ku wa 29/4/2018 ryavuzwe hauruguru, iteganya uburyo imenyesha rikorwa n'uburyo ritangwa, ko iyo ugenewe imenyesha atabonetse, rihabwa undi muntu basanze mu rugo iwe ariko bakagaragaza isano bafitanye kandi ko gukoresha ikoranabuhanga mu kumenyesha byemewe gusa ku Banditsi b'inkiko.

[13] Musoni Godfrey avuga ko yari asanzwe afite nomero ya telefone ya Ndahimana Emmanuel, ko yamuhamagaye akamubwira ko afite igenagaciro ashaka kumushyikiriza, ageze ku kazi asanga adahari, ariko ahasanga ushinzwe kuharinda (umusekirite), amubwira ko Ndahimana Emmanuel adahari, ariko ko hari umugore we, ko yamumenyesha, ko iryo genagaciro yarimenyesheje umugore wa Ndahimana Emmanuel n'ubwo yanze kuryakira kandi ko kwibeshya ku izina Kansayire byatewe n'uko izina Kanzayire ariryo rimenyerewe. Avuga ko yanandikiye Ndahimana Emmanuel ubutumwa bugufi, akaba agomba kugaragaza niba iyo telefone yabwoherejeho atari iye.

[14] Musoni Godfrey yasobanuye kandi ko ajya gutanga sms yabitewe no kwirinda ko Ndahimana Emmanuel yamunaniza kuko atigeze amuha amahirwe yo kubonana nawe ngo amumenyeshe, ko izo mpaka z'ubutumwa bugufi (sms) zanakemurwa na MTN ikerekana ko bwageze kuri Ndahimana Emmanuel n'ubwo atasubije.

[15] Me Mugabo Samuel, wunganira Musoni Godfrey, avuga ko Umuhesha w'Inkiko yamenyesheje umugore wa Ndahimana Emmanuel kandi ko nawe yamwandikiye ubutumwa bugufi amubwira ko igenagaciro arisigiye umugore we, ko iyo asanga atarisize nk'uko yari yabimumenyesheje mu butumwa bugufi yamwandikiye, yari gukurikirana akabaza Umuhesha w'Inkiko iryo genagaciro. Akomeza avuga ko iryo menyesha ryari rihagije, ko ibyo kuvuga ko yamenyesheje umuntu utari we, atari byo kuko kwibeshya ku nyuguti ya ''s'' hakandikwa ''z'', bitabuza urubanza kurangizwa nk'uko n'izindi nkiko zabibonye.

[16] Me Nsengiyumva François, uhagarariye Mutabazi François Xavier, avuga ko habaye ikosa ry'imyandikire ritateza ikibazo, ko rishobora gukosorwa nk'uko biteganywa n'ingingo ya 96 y'Itegeko n° 22/2018 ryo ku wa 29/4/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, ko icyari gikenewe ari ukugaragaza ko yageze kwa Ndahimana Emmanuel akamenyesha uwo yahasanze, ariwe mugore we.

[17] Me Ingenzi Félix, nawe uhagarariye Mutabazi François Xavier, avuga ko harebwa icyari kigamijwe kandi ko Umuhesha w'Inkiko atayobye, ko aho yagiye yari ahazi, ko uhakana igikorwa yakoze (acte d'huissier) yagaragaza ko hari undi muntu ujya kwitiranywa n'umugore wa Ndahimana Emmanuel utuye aho hafi, kandi ko ikoranabuhanga ryemewe bikaba bizwi ko n'ubutumwa bugufi (sms) busanzwe bukoreshwa.

UKO URUKIKO RUBIBONA

[18] Ingingo ya 252, igika cya mbere, y'Itegeko n° 22/2018 ryo ku wa 29/4/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi iteganya ko '' *Umuhesha w'inkiko umaze gukora inyandikomvugo y'ifatirabwishyu, akoresha igenagaciro ry'imitungo yafatiriwe mu gihe kitarenze iminsi cumi n'itanu (15) yifashishije impuguke ahawe n'Urugaga rw'abakora umwuga w'igenagaciro, raporo y'igenagaciro akayishyikiriza nyir'umutungo ufatiriwe n'uberewemo umwenda, akagenera kopi umunyamabanga nshingwabikorwa w'Akagari uherereyemo. Iyo raporo y'igenagaciro itangazwa ku rubuga rw'imanza zirangizwa''.*

[19] Ingingo ya 96 y'Itegeko n° 22/2018 ryo ku wa 29/4/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi iteganya ko '*' Inyandiko ntishobora gufatwa nk'aho nta gaciro ifite kubera inenge y'imyandikire keretse mu bihe bikurikira: 1° iyo biteganyijwe n'itegeko ku buryo budashidikanywa; 2° iyo hari umuhango simusiga cyangwa w'indemyagihugu utubahirijwe; 3° iyo umuburanyi ubisaba agaragaje icyo bimwangiriza''.*

[20] Dosiye y'uru rubanza igaragaza ko nyuma y'umwanzuro n° 2017-2018/89 w' Ikigo Mpuzamahanga cy'Ubukemurampaka cya Kigali (KIAC), wo ku wa 17/4/2017 n'urubanza n° RCOMA 00417/2019/CHC rwaciwe n'Urukiko Rukuru rw'Ubucuruzi ku wa 8/11/2019, hatangiye inzira zo guteza cyamunara umutungo wa Ndahimana Emmanuel na Kansayire Christiane ugizwe n'inzu, kugira ngo Aguka Ventures SDC yari afitiye umwenda yishyurwe.

[21] Urukiko rw'Ubujurire rurasanga nk'uko biteganywa n'ingingo ya 252 y'Itegeko n° 22/2018 ryo ku wa 29/4/2018 ryavuzwe huruguru, mbere yo guteza cyamunara umutungo, Umuhesha w'Inkiko agomba kubanza kumenyesha nyir'umutungo ufatiriwe n'uberewemo umwenda raporo y'igenagaciro ry'umutungo ugiye kugurishwa, akagenera kopi Umunyamabanga Nshingwabikorwa w'Akagari uherereyemo.

[22] Urukiko rw'Ubujurire rurasanga kandi nk'uko bigaragara ku nyandiko yo ku wa 10/2/2020, y'Umuhesha w'Inkiko Musoni Godfrey ubwo yajyaga kumenyesha igenagaciro Ndahimana Emmanuel, yaranditse ko ageze aho Ndahimana Emmanuel atuye Kimihurura, ko abonanye n'umugore we Kanzayire Christiane, ko amusigiye kopi y'inyandiko imenyesha na

kopi y'igenagaciro (expertise), ariko ko yanze kubisinya, ko yabanje guhamagara Ndahimana Emmanuel akanga ko babonana, ahitamo kujya iwe mu rugo Kimihurura.

[23] Urukiko rw'Ubujurire rurasanga n'ubwo Ndahimana Emmanuel na Kansayire Christiane bavuga ko batigeze bamenyeshwa igenagaciro kuko uwamenyeshejwe ari undi muntu witwa Kanzayire, ko umugore we ari Kansayire, ibyo bavuga nta shingiro bifite kuko bigaragara ko habayeho ikosa ry'imyandikire ku nyuguti imwe igize izina rya Kansayire, ryashoboraga gukosorwa, kandi iyo nyandiko imenyesha ikaba igaragaza neza ko nyir'umutungo ari Ndahimana Emmanuel umugabo we, ikanagaragaza nomero y'umutungo wakorewe igenagaciro badahakana ko ariwo wari umutungo wabo, n'ibindi bivugwa muri iyo nyandiko imenyesha bikaba ari ibiberekeye. Byongeye kandi ntibahakana ko Kansayire Christiane yayakiriye, ndetse bakaba baritabiriye icyamunara ku wa 21/2/2020.

[24] Urukiko rw'Ubujurire rurasanga kuba harabayeho kwibeshya ku izina ry'uwashyikirijwe imenyesha ry'igenagaciro, aho kwandikwa Kansayire hakandikwa Kanzayire, bitari ikosa ryatesha agaciro umuhango wakozwe, wo guteza cyamunara, ngo hanavugwe ko ibyakozwe binyuranyije n'ingingo ya 34 y'Itegeko n° 22/2018 ryo ku wa 29/4/2018 ryavuzwe haruguru, ko nta menyesha ryabayeho, rukaba rusanga imenyesha ry'igenagaciro ry'umutungo ryarakozwe nk'uko biteganywa n'ingingo ya 39, igika cya mbere, y'Itegeko n° 22/2018 ryo ku wa 29/4/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi[1] .

[25] Urukiko rw'Ubujurire rurasanga kandi uretse n'ibyo, Ndahimana Emmanuel na Kansayire Christiane batagaragaza icyo iryo kosa ryabayeho, handikwa Kanzayire aho kwandika Kansayire, ryabangirije, nk'uko biteganywa n'ingingo ya 96 y'Itegeko n° 22/2018 ryo ku wa 29/4/2018 ryavuzwe haruguru.

[26] Ku birebana n'ubutumwa bugufi Umuhesha w'Inkiko Musoni Godfrey yandikiye Ndahimana Emmanuel, Urukiko rw'Ubujurire rurasanga icyari kigambiriwe abumwoherereza, ari ukumenyesha ko yasigiye igenagaciro ry'umutungo umugore we, bityo ubwo butumwa bugufi ubwabwo bukaba butafatwa nk'imenyesha ry'igenagaciro rivugwa mu ngingo ya 252 y'Itegeko n° 22/2018 ryo ku wa 29/4/2018 ryavuzwe haruguru, kuko yamumenyeshaga ko iryo menyesha ryakozwe, bityo rero ibyo Ndahimana Emmanuel na Kansayire Christiane bavuga ko yamenyeshejwe hifashishijwe ikoranabuhanga mu buryo butaribwo, bikaba nta shingiro bifite.

[27] Kubera izo mpamvu zose, Urukiko rw'Ubujurire rurasanga iyi mpamvu Ndahimana Emmanuel na Kansayire Christiane batanga basaba ko cyamunara yateshwa agaciro, nta shingiro ifite.

B. Kumenya niba cyamunara yarakozwe hashingiwe ku igenagaciro rigenekereje

[28] Ndahimana Emmanuel na Kansayire Christiane n'ababunganira bavuga ko inzu yabo yatejwe cyamunara mu buryo bw'uburiganya hagati y'Umuhesha w'Inkiko w'Umwuga

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[1] Ingingo ya 39, igika cya mbere, iteganya ko ''Ihamagara rikorwa n'umwanditsi w'urukiko mu buryo bw'ikoranabuhanga kuri aderesi yatanzwe n'umuburanyi cyangwa iyo asanzwe abarizwaho. Iyo uburyo bw'ikoranabuhanga budashobotse, urwandiko ruhamagara rutangwa n'umuhesha w'inkiko rugahabwa umuburanyi ubwe, yabura rugashyirwa iwe mu rugo cyangwa mu icumbi rye, rugashyikirizwa umuntu uhaba ufite nibura imyaka cumi n'itandatu (16) y'amavuko''.

n'Umugenagaciro kuko atigeze agera kuri iyo nzu nk'uko yabyivugiye, ko yavuze ko amakuru yayakuye mu baturanyi, ayigenera agaciro agenekereje, ko bashingiye ku biteganywa mu ngingo ya 34 y'Itegeko Nshinga rya Repubulika y'u Rwanda ryo mu mwaka wa 2003 nk'uko ryavuguruwe kugeza ubu, ivuga ko buri muntu afite uburenganzira ku mutungo bwite, waba uwe ku giti cye cyangwa uwo asangiye n'abandi, kandi ko uwo mutungo utavogerwa basaba ko cyamunara yateshwa agaciro.

[29] Me Niyibizi Tite, uburanira Ndahimana Emmanuel na Kansayire Christiane, avuga ko umugenagaciro ubwe yavuze ko arebeye inzu inyuma atamenya ibyumba birimo, ariko ko abona yaba ifite ibyumba bitanu kandi ko atazi ibikoresho biyubatse, ariko ko yarenze akavuga ko inzu ifite agaciro ka 139.000.000 Frw, ko ibyo bitari byaregewe kuko iryo genagaciro ritamenyeshejwe ba nyir'umutungo. Akomeza avuga ko ingingo ya 27 na 28 z'Itegeko rishyiraho kandi rikagena imikorere y'umwuga w'igenagaciro zitubahirijwe n'Urukiko Rukuru rw'Ubucuruzi, ko rweretswe igenagaciro ryatanzwe na Ndahimana Emmanuel rigaragaza ko inzu ifite agaciro ka 204.000.000 Frw ariko ntirubihe agaciro, ko rwirengagije kuba izo raporo z'igenagaciro zombi zari zitandukanye.

[30] Musoni Godefrey avuga ko ashingiye ku ngingo ya 252 y'Itegeko n° 22/2018 ryo ku wa 29/4/2018 ryavuzwe haruguru, asanga nyiri inzu yari afite uburenganzira bwo gukoresha raporo y'igenagaciro inyomoza iya mbere kugira ngo amakosa akosorwe, ko we ntaho ahuriye n'Umugenagaciro kandi ko hari uburyo abagenagaciro baboneka, ko bisabwa Urugaga rw'Abagenagaciro. Avuga kandi ko impamvu Urukiko Rukuru rw'Ubucuruzi rutatinze ku bijyanye n'igenagaciro ari uko rwasanze Ndahimana Emmanuel yaramenyeshejwe igenagaciro mu buryo bukurikije amategeko ariko ntagire icyo abikoraho, ko iyo batemera ibyakozwe bari gukoresha igenagaciro mvuguruza.

[31] Me Mugabo Samuel, wunganira Musoni Godfrey, avuga ko umugenagaciro yinjiye mu gipangu ariko ntiyinjire mu nzu, ariko ko yagaragaje uburyo yifashishije agena agaciro k'uwo mutungo. Avuga ko n'ubwo iby'igenagaciro bitagakwiye kubazwa Umuhesha w'Inkiko (Huissier) kuko atariwe urikora, abarega bivuguruza kuko bavuga ko batamenye igenagaciro bakarenga bakavuga ko inzu yabo yateshejwe agaciro, nyamara batarigeze bakoresha raporo ivuguruza. Avuga kandi ko Umugenagaciro yafotoye inzu akaba yaranasobanuye ko yakoresheje uburyo bwo kugereranya agaciro k'inzu n'izindi ziri aho hafi.

[32] Me Ingenzi Félix, uhagarariye Mutabazi François Xavier, avuga ko aho yanditse ibitekerezo (comments), umugenagaciro yagize ati: " *during site visit, the owner refused the valuer and bailiff to move inside for details informations''*, ko bigaragaza ko Ndahimana Emmanuel yari azi ibirimo gukorwa kuko raporo ivuguruza (contre-expertise) yakoresheje yakozwe ku wa 9/2/2020, mu gihe raporo y'igenagaciro yashingiweho muri cyamunara yakozwe mbere ho iminsi itatu (3), ko ibyo bivuze ko yabitse raporo ivuguruza kugira ngo azayikoreshe mu kuburana cyamunara kuko yari azi neza ibirimo kuba.

UKO URUKIKO RUBIBONA

[33] Ingingo ya 252, igika cya mbere, y'Itegeko n° 22/2018 ryo ku wa 29/4/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi iteganya ko *''Umuhesha w'inkiko umaze gukora inyandikomvugo y'ifatirabwishyu, akoresha*

igenagaciro ry'imitungo yafatiriwe mu gihe kitarenze iminsi cumi n'itanu (15) yifashishije impuguke ahawe n'Urugaga rw'abakora umwuga w'igenagaciro, raporo y'igenagaciro akayishyikiriza nyir'umutungo ufatiriwe n'uberewemo umwenda, akagenera kopi umunyamabanga nshingwabikorwa w'Akagari uherereyemo. Iyo raporo y'igenagaciro itangazwa ku rubuga rw'imanza zirangizwa''. Mu gika cya kabiri igira iti: '*'Uwishyuza n'uwishyuzwa bafite uburenganzira bwo kunyomoza igenagaciro ryakozwe bifashishije impuguke bahawe n'Urugaga rw'Abagenagaciro. Iyo habayeho impaka, Umuhesha w'inkiko yemeza igiciro mpuzandengo gishingiye ku gaciro katanzwe n'abagenagaciro bose''.*

[34] Ingingo ya 27 y'Itegeko n° 17/2010 ryo ku wa 12/5/2010 rishyiraho kandi rikagena imikorere y'umwuga w'igenagaciro ku mutungo utimukanwa mu Rwanda igira iti: ''Kuri buri bwoko bw'igenagaciro, umugenagaciro akoresha uburyo bumwe cyangwa bwinshi buteganywa n'iri tegeko cyangwa ubundi buryo bwemejwe n'Urwego. Umugenagaciro ahitamo uburyo bwiza kugira ngo hagenwe agaciro gakwiye kari ku isoko ku mutungo utimukanwa''.

[35] Ingingo ya 36 y'Itegeko n° 17/2010 ryo ku wa 12/5/2010 ryavuzwe haruguru iteganya ko *'' Mu gihe habaye kutemeranya ku igenagaciro ry'umutungo utimukanwa, ukeka ko yarenganye ashyikiriza ikirego cye Urwego. Icyo gihe Urwego rushyiraho abandi bagenagaciro bemewe bagakoresha uburyo bushya bw'igenagaciro. Iyo impaka zidakemutse, ikirego gishyikirizwa urukiko rubifitiye ububasha''.*

[36] Dosiye y'urubanza igaragaza ko hari raporo y'umugenagaciro Kayinamura Wilson, yo ku wa 8/2/2020, ari nayo yashingiweho umutungo utezwa cyamunara, igaragaza ko agaciro k'umutungo kari ku isoko (market value) ari 139.957.500 Frw, agaciro gatangwa n'ibigo by'ubwishingizi (Insurance value) ari 103.732.500 Frw naho agaciro k'icyamunara (forced sell value) ikaba 97.970.250 Frw. Iyi raporo igaragaza kandi ko hari ibyo Umugenagaciro atabashije kugeraho kuko atabonye uburenganzira bumwemerera kwinjira, nko ku birebana n'ibyongereye agaciro ubutaka (improvements), aho yavuze ko ubwo butaka buriho inzu yo guturamo iri mu kibanza gifite ubuso bwa metero kare mirongo itatu (30 spm) n'ubwo ibipimo bitizewe neza kuko batabonye uburyo bwo kwinjiramo ngo bamenye amakuru yose (*the land is improved with residential house with buildable area measured 30 square meters though the measurements are not accurate due to inadequate access to data collection), kuri bimwe mu bigize inzu ubwayo (Main house), aho yavuze ko agaciro k'igisenge katazwi kuko batabashije kubona uburyo bwo kureba uko kimeze(ceiling: valuer could not be allowed to see inside to see the ceiling type), inkuta (walls: the informations got from neighbours is that outsides walls are made of burnt briks, plastered, rendered and painted with quality colour however inside is just assumed to be finished like outside), igice cyo hasi cy'inzu (floor: valuer could not be allowed to see inside to know floor finish type but seing outside on verrand gives idea that inside floor finish is ceramic tiles) n'ibirebana n'ibyumba birimo (accommodation details).*

[37] Muri dosiye kandi hagaragara irindi genagaciro ryakozwe n'Umugenagaciro witwa Habagusenga Eric, wavuze ko ryakozwe bisabwe na Ndahimana Emmanuel na Kansayire Christiane ku wa 9/2/2020, raporo yaryo ikaba igaragaza ko umutungo ufite agaciro kari ku isoko (open market value) kangana na 206.500.000 Frw naho agaciro ka cyamunara (forced sell value) kakaba 144.600.000 Frw.

[38] Urukiko rw'Ubujurire rurasanga Umugenagaciro Kayinamura Wilson yaragaragaje muri raporo y'igenagaciro ye, ku rupapuro rwa kabiri, ko uwo mutungo ugizwe n'inyubako igezweho iherereye Kimihurura hafi ya Sundowner, ifite imbuga nini igizwe n'ubusitani n'umwanya wagenewe imodoka, izitiye n'urukuta rwiza kandi ifite amarembo yubatse neza. Yagaragaje ko ubwo bahasuraga we n'Umuhesha w'Inkiko, nyir'umutungo atabemereye kwinjira mo imbere kugira ngo bamenye ibindi bigize iyo nyubako (the property is modern bulding built in prime location of Kimihurura near Sundowner, it has big compound with garden and car parking, good fencing wall with nice gate. However during sit visit owner refused the valuer and bailiff to move inside for internal detailed information).

[39] Urukiko rw'Ubujurire rurasanga Umugenagaciro Kayinamura Wilson yaragaragaje kandi muri raporo y'igenagaciro yakoze, ko hari ibice bigize umutungo yakoreraga igenagaciro atabashije kumenya uko byubatse, ibibyubatse n'agaciro kabyo nyakuri, kuko atahawe uburyo bwo kubigeraho ngo abirebe, we akavuga ko yakoresheje ubundi buryo bwo kugena ibiciro buteganywa n'itegeko, aribwo gusimbuza ibiciro ibindi, mu kugena agaciro k'inyubako n'uburyo bwo kugereranya ibiciro k'igurisha ku bibanza bisa, mu kugena agaciro k'ubutaka (*Two methods of evaluation has been used for valuing the subjected property; the replacement cost method of valuation has been used for valuing building and sales comparable method based on sales of recent similar plots for land in the neighborhood).*

[40] Urukiko rw'Ubujurire rurasanga nk'uko ingingo ya 27 y'Itegeko n°17/2010 ryo ku wa 12/5/2010 ryavuzwe haruguru ibiteganya, umugenagaciro ashobora gukoresha uburyo bumwe cyangwa bwinshi buteganywa n'iri tegeko cyangwa ubundi buryo bwemejwe n'Urwego, ko ahitamo uburyo bwiza kugira ngo hagenwe agaciro gakwiye kari ku isoko, bityo ku birebana n'uru rubanza, kuba Umuhesha w'Inkiko Musoni Godfrey atarageze mu nzu ya Ndahimana Emmanuel na Kansayire Christiane yakoreye igenagaciro, ntibyafatwa ko igenagaciro yakoze ari irihimbano nk'uko babivuga, kuko yagaragaje ko nyuma y'uko bo bamwangiye kuba yakwinjira muri iyo nzu ngo abashe kurikora, yakoresheje ubundi buryo bwemewe n'amategeko nk'uko yabisobanuye, bityo ibyo bavuga bikaba bitahabwa agaciro.

[41] Uretse n'ibyo kandi, Urukiko rw'Ubujurire rurasanga kuba umugenagaciro atarinjiye mu nzu kugira ngo amenye ibiyubatse n'agaciro kabyo, nk'uko bivugwa na Ndahimana Emmanuel na kansayire Christiane bagamije kugaragaza ko uwo mugenagaciro yahaye umutungo wabo agaciro agenekereje, ari ukubera ko ba nyir'umutungo bari bamwangiye kugera mu nzu, nk'uko byagaragajwe mu gace ka mirongo itatu n'icyenda (39) k'urubanza, ndetse Ndahimana Emmanuel na Kansayire Christiane bakaba badahakana ko ari ko byagenze.

[42] Urukiko rw'Ubujurire rurasanga nanone nk'uko byagaragajwe mu isuzuma ry'ikibazo kibanziriza iki, Ndahimana Emmanuel na Kansayire Christiane bamenyeshejwe igenagaciro ry'umutungo wabo mbere yo gutezwa cyamunara, kandi nk'uko ingingo ya 252, igika cya kabiri, y'Itegeko n° 22/2018 ryo ku wa 29/4/2018 ryavuzwe haruguru n'ingingo ya 36 y'Itegeko n° 17/2010 ryo ku wa 12/5/2010 ryavuzwe haruguru zibiteganya, Uwishyuza n'uwishyuzwa bafite uburenganzira bwo kunyomoza igenagaciro ryakozwe bifashishije impuguke bahawe n'Urugaga rw'Abagenagaciro. Iyo habayeho impaka, Umuhesha w'inkiko yemeza igiciro mpuzandengo gishingiye ku gaciro katanzwe n'abagenagaciro bose, bityo kuba baramenyeshejwe igenagaciro ry'umutungo wabo wagombaga gutezwa cyamunara ariko ntibarinyomoze, ntibavuga ko igenagaciro ryakozwe bataryemera kuko uburenganzira bari bafite bwo kuba bagaragaza irindi

ryakwifashishwa hagenwa igiciro cyagenderwaho, batigeze babukoresha ku mpamvu zitaturutse ku Muhesha w'Inkiko.

[43] Ku birebana n'ibyo Ndahimana Emmanuel na Kansayire Christiane bavuga ko inkiko zirengagije irindi genagaciro zeretswe rigaragaza ko inzu ifite agaciro ka 204.000.000 Frw, Urukiko rw'Ubujurire rurasanga nta shingiro bifite kuko batagaragaza ko iryo genagaciro barigaragaje mbere yo guteza cyamunara Umuhesha w'inkiko ntabihe agaciro, kuba bararigaragarije inkiko cyamunara yaramaze kuba kandi batari barigeze barigaragaza mbere, amakosa ntiyakwitirirwa Umuhesha w'inkiko.

[44] Kubera izo mpamvu zose zimaze gusobanurwa, Urukiko rw'Ubujurire rurasanga ibivugwa na Ndahimana Emmanuel na Kansayire Christiane kuri iki kibazo, nta shingiro bifite.

C. Kumenya niba cyamunara yarabaye hatubahirijwe iminsi itanu yo gutangaza cyamunara

[45] Ababuranira Ndahimana Emmanuel na Kansayire Christiane bavuga ko hari ahantu hatanu hagomba gutangarizwa cyamunara: urubuga, nyir'umutungo, ugomba kwishyurwa, Umunyamabanga Nshingwabikorwa w'Akagali, ikinyamakuru cyandika, radiyo na televiziyo, ko amatangazo yo ku Kagali, radiyo na televiziyo yatanzwe ku wa 17/2/2020. Bavuga ko hashingiwe ku ngingo ya 275 y'Itegeko n°22/2018 ryo ku wa 29/4/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, umunsi wa mbere wo gutangaza cyamunara wari ku wa 18/2/2020, kuko umunsi wa mbere w'igikorwa utabarwa, ko rero ku wa 21/2/2020, hari hashize iminsi ine, cyamunara ikaba itashoboraga gukorwa ku wa 21/2/2020, ko Urukiko Rukuru rw'Ubucuruzi rwirengagije ingingo ya 275 y'Itegeko ryavuzwe haruguru, rukavuga ko iminsi yo gutangaza cyamunara yubahirijwe.

[46] Ababuranira Ndahimana Emmanuel na Kansayire Christiane bavuga kandi ko mu rubanza n° RCOMAA 00064/2019/CA, hasobanuwe umumaro wo gutangaza cyamunara, ko ibyerekeye gutangaza cyamunara ari umuhango ndemyagihugu, ko Urukiko rugomba kubyibwiriza n'ubwo ababuranyi baba batabigaragaje. Bavuga ko impamvu mu kubara badahera ku wa 14/2/2020, ahubwo bagahera ku wa 17/2/2020, ari uko ku Kagali, kuri radio Flash na Flash Televizion itangazo ryahanyujijwe ku wa 17/2/220, kandi aho ariho hatuma abapiganwa baba benshi kuko nyir'umutungo atigurira. Bongeraho kandi ko ingingo ya 95 y'Itegeko Nshinga rya Repubulika y'u Rwanda nk'uko ryavuguruwe kugeza ubu, igaragaza uko amategeko asumbana, ko mu kubara iminsi harebwa itegeko aho kureba uko Urukiko rwo rubibona.

[47] Me Mugabo Samuel, wunganira Musoni Godfrey, avuga ko ku wa 14/2/2020 itangazo rya cyamunara ryanyuze mu kinyamakuru ''Umuryango'' kandi ko amatangazo agamije kumenyesha rubanda kandi ko bamenyeshejwe, ko mu rubanza rw'uwitwa Kayumba Godfrey, Urukiko rwemeje ko iryo itangazo rinyuze mu kinyamakuru biba bikurikije amategeko, ko ingingo ya 274 y'Itegeko n° 22/2018 ryo ku wa 29/4/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, ivuga ko mu gihe itegeko ribiteganya ukundi, aribwo ibiteganyijwe mu buryo rusange bidashingirwaho.

[48] Me Mugabo Samuel akomeza avuga ko ahantu hatanu hose hubahirijwe mu kumenyesha, ko mu kinyamakuru no kuri nyir'umutungo yahashyize amatangazo ku wa 14/2/2020, ko ahandi yahashyize amatangazo ku wa 17/2/2020 harimo no ku rugaga rw'abahesha b'inkiko, ko ahantu

hatanu hateganywa n’itegeko atari ngombwa ko hose hacishwa amatangazo, ko hamwe muriho haba hahagije. Avuga ko itangazo rigira agaciro uhereye igihe radiyo yarivugiyeho, ko acte d’Huissier igira agaciro uhereye igihe yayikoreye. Akomeza asobanura ko ingingo ya 49,171,188 n’iya 149 z’Itegeko ryerekeye imiburanishirize y’imanza z’imbonezamubano, iz’ubucuruzi, iz’umurimo n’iz’ubutegetsi, zose zigaragaza ko haherwa ku munsi igikorwa cyakoreweho, ko hari irengayobora ku byerekeye kubara ibihe hatarebwe umunsi igikorwa cyakoreweho, ariko ko mu bisanzwe ariwo munsi uherwaho.

[49] Me Nsengimana François, uhagarariye Mutabazi François Xavier, avuga ko ashingiye ku bijyanye no kumenyesha ku birego byihutirwa (assignation en référé), gutambamira urubanza (tierce opposition), kujurira (appel), gusaba gukuraho icyemezo (recours en annulation), hose babara umunsi igikorwa cyamenyesherejweho, ko mu gika cya 19 cy’urubanza rwavuzwe, Urukiko rwatanze umurongo ko umunsi itangazo ryatangarijwe mu kinyamakuru nawo ubarwa, ko rero Urukiko rutakwivuguruza. Akomeza avuga ko umuhanga mu mategeko Serge GUINCHARD, mu gitabo cye ku rupapuro rwa 452, avuga ko umunsi igikorwa cy’Umuhesha w’Inkiko (Huissier) cyakozweho ugomba gutandukanywa n’umunsi igikorwa cyamenyeshejweho rubanda, ko rero umunsi w’igikorwa n’umunsi igikorwa (acte) cyatangarijwe bitakwitiranywa, ko Urukiko rwabona ko umunsi igikorwa cyatangarijweho ugomba kubarwa. Asobanura ko igikorwa cy’Umuhesha (acte d’Huissier) cyakozwe ku wa 14/2/2020 ariko ko uwo munsi nta kibazo gihari, ariko ko ku wa 17/2/2020 ariwo munsi waherwaho kuko ariwo munsi igikorwa (acte) cyamenyeshejwe.

[50] Me Ingenzi Félix, uhagarariye Mutabazi François Xavier, avuga ko ingingo ya 49 y’Itegeko n° 22/2018 ryo ku wa 29/42018 ryerekeye imiburanishirize y’imanza z’imbonezamubano, iz’ubucuruzi, iz’umurimo n’iz’ubutegetsi, igaragaza uko babara iminsi kuri ihamagara (assignation) ariko kandi ko ingingo ya 275 itayivuguruza kandi ko n’ubwo haba harimo ikibazo harebwa umurongo Urukiko rwatanze.

UKO URUKIKO RUBIBONA

[51] Ingingo ya 253, igika cya gatatu (3) y’Itegeko n° 22/2018 ryo ku wa 29/42018 ryerekeye imiburanishirize y’imanza z’imbonezamubano, iz’ubucuruzi, iz’umurimo n’iz’ubutegetsi, igira iti:’’ *Iyo ari umutungo utimukanwa itangazo rya cyamunara rimanikwa ku Biro by’Akagali k’aho uwo mutungo uherereye. Ibintu byafatiriwe ntibishobora kugurishwa muri cyamunara mbere y’iminsi itanu (5) cyamunara itangajwe’’*.

[52] Ingingo ya 274 y’Itegeko n° 22/2018 ryo ku wa 29/42018 ryavuzwe haruguru iteganya ko ‘‘ ***Usibye mu gihe itegeko ryaba ribiteganya ukundi,*** *ibihe byagenwe mu manza z’imbonezamubano, iz’ubucuruzi, iz’umurimo n’iz’ubutegetsi bikurikiza amategeko avugwa muri uyu mutwe’’.*

[53] Ingingo ya 275, igika cya kabiri (2) y’Itegeko n° 22/2018 ryo ku wa 29/42018 ryavuzwe haruguru igira iti:’’ *Ku bihe bibarwa mu minsi cyangwa mu masaha, bibarwa umunsi ku munsi, n’isaha ku isaha hakurikijwe igihe bimara kandi umunsi igikorwa cyakoreweho ntubarwamo, ahubwo habarwa umunsi wa nyuma kigomba kurangiriraho’’.*

[54] Dosiye y'uru rubanza igaragaza ko itangazo rya cyamunara isabirwa guteshwa agaciro, ryashyikirijwe Ubuyobozi bw'Akagali ka Kimihurura ku wa 17/2/2020, rishyikirizwa Ubuyobozi bwa TV/Radio Flash ku wa 17/2/2020, rinyuzwa mu Kinyamakuru "Umuryango" ku wa 14/2/2020, ndetse rimenyeshwa nyir'umutungo ku wa 14/2/2020, rihawe umukozi ukorera Ndahimana Emmanuel, ibi ababuranyi bombi bakaba babyemeranywaho, icyo batumvikanaho akaba ari igihe cyaherwaho habarwa niba iminsi itanu iteganywa n'itegeko yarubahirijwe.

[55] Urukiko rw'Ubujurire rurasanga Umushingamategeko ajya gushyiraho uburyo cyamunara igomba gutangazwamo nk'uko buteganywa mu ngingo ya 253 y'Itegeko n° 22/2018 ryo ku wa 29/4/2018 ryavuzwe haruguru, ari uko yabonye ari ngombwa, mu rwego rwo kumenyesha nyir'umutungo ibigiye kuba ku mutungo we, kumenyesha abandi baba bafite inyungu mu kurengera uwo mutungo, kumenyesha uberewemo umwenda wasabye ko uwo mutungo ugurishwa, abandi nyir'umutungo yaba abereyemo imyenda, abaguzi cyangwa uwo ariwe wese ufite icyo yabaza kuri uwo mutungo, ko washyizwe ku isoko kugira ngo habanze hishyurwe umwenda.

[56] Urukiko rw'Ubujurire rurasanga mu gihe Umushingamategeko yabonye ko, ku birebana n'umutungo utimukanwa, ku buryo bw'umwihariko, ari ngombwa ko itangazo rya cyamunara rimanikwa ku Biro by'Akagali k'aho uwo mutungo uherereye, kandi ko ibintu byafatiriwe bidashobora kugurishwa muri cyamunara mbere y'iminsi itanu (5) cyamunara itangajwe, ni na ngombwa ko byubahirizwa, bityo kuko ari indemyagihugu, kutabyubahiriza bikaba ari impamvu yatuma igikorwa cyakozwe cyangwa icyemezo cyafashwe giteshwa agaciro.

[57] Urukiko rw'Ubujurire rurasanga ku birebana n'uru rubanza, inyandikomvugo ya cyamunara, igaragaza ko cyamunara yabaye ku wa 21/2/2020; uhereye igihe itangazo ryashyikirijwe Ubuyobozi bw'Akagali ka Kimihurura umutungo uherereyemo ku wa 17/2/2020, kugeza igihe cyamunara yabereye ku wa 21/2/2020 nk'uko inyandikomvugo ya cyamunara ibigaragaza, usanga harimo igihe cy'iminsi itanu (5), nyamara igika cya gatatu (3) cy'ingingo ya 253 y'Itegeko n° 22/2018 ryo ku wa 29/2/2018 ryavuzwe haruguru, cyumvikanisha ko cyamunara idashobora kuba mbere y'iminsi itanu (5) itangazwa ryayo ribaye, bivuze ko cyamunara igomba kuba nyuma y'iminsi itanu (5) ikurikira imenyesha rya cyamunara, iyo minsi ikaba yaragombaga kurangira ku wa 22/2/2020, kuko nk'uko igika cya gatatu cy'ingingo ya 253 kibyumvikanisha, umunsi cyamunara yatangajweho utabarwa (17/2/2020), ibarwa rikaba ritangira umunsi ukurikiraho, ni ukuvuga ku wa 18/2/2020, rikarangira ku wa 22/2/2020, cyamunara ikaba nyuma y'iyo tariki.

[58] Urukiko rw'Ubujurire rurasanga hashingiwe ku bimaze kuvugwa mu gace kabanziriza aka, ingingo ya 275 y'Itegeko n° 22/2018 ryo ku wa 29/2/2018 ryavuzwe haruguru itakoreshwa muri uru rubanza, kuko mu gika cya 3 cy'ingingo ya 253 y'iri tegeko rimaze kuvugwa, by'umwihariko, Umushingamategeko yateganyije uko ibihe by'iminsi itanu (5) bivugwa muri iyo ngingo bigomba kubarwa.

[59] Hashingiwe ku bimaze gusobanurwa byose, Urukiko rw'Ubujurire rurasanga iyi mpamvu yatanzwe na Ndahimana Emmanuel na Kansayire Christiane ifite ishingiro kuko iminsi yo gutangaza cyamunara itubahirijwe, bityo cyamunara yakozwe nyuma y'ayo makosa ikaba ikwiye guteshwa agaciro.

D. Kumenya niba hari abantu bahejwe muri cyamunara bigatuma itaba mu mucyo, akaba ari impamvu y'uko yateshwa agaciro

[60] Me Twizeyimana Théophile na Me Niyibizi Tite baburanira Ndahimana Emmanuel na Kansayire Christiane bavuga ko ingingo ya 255 y'Itegeko n°22/2018 ryo ku wa 29/4/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano itubahirijwe, ko kandi cyamunara itabaye mu mucyo kuko hari abantu bahejwe bigatuma umutungo watezwaga cyamunara utegukanywe n'uwari watanze amafaranga menshi. Bavuga ko Umuhesha w'Inkiko Musoni Godfrey yateje urugomo ku buryo abari bazanye amafaranga menshi, nka Ngabonziza Théophile watangaga 160.000.000 Frw nk'uko bigaragara ku rutonde rw'abapiganwe ruri mu nyandiko yo ku wa 28/05/2020, yakuwe ku rutonde rw'abapiganwaga naho Murengerantwali Robert agakubitwa n'abakomisiyoneri batatu, banafunzwe. Bavuga ko ibyo byose yabikoze afite umugambi wo guteza cyamunara umutungo ku giciro cyo hasi cyane, ko muri uko guteza urugomo byababaye ngombwa ko bajya gutanga ikirego kuri RIB ya Kimihurura, we akomeza cyamunara ku buryo batemeranyijweho ngo bayisinye nka ba nyir'umutungo, nyuma y'icyo kirego aba aribwo haboneka ubuhamya bugaragaza uko byagenze, na raporo y'Umuhesha w'Inkiko ubwayo ikaba igaragaza ko hapiganwe abantu babiri, umwe agatanga 180.000.000 Frw undi 105.000.000 Frw, ariko ko uwatanze make ari we wegukanye cyamunara bavuga ko uwari watanze menshi yabuze amafaranga.

[61] Ababuranira Ndahimana Emmanuel na Kansayire Christiane bavuga kandi ko hari umutangabuhamya witwa Ngabonziza Théophile wakoreye inyandiko imbere ya noteri agaragaza ko yatanze 160.000.000 Frw agasibwa ku rutonde, akanasubizwa chèque ye, ko iyo nyandiko yakorewe imbere ya noteri yakozwe hagamijwe gukora inyandiko yizewe, imbere y'umuntu ufite ububasha bwo kwemeza ibintu byabaye, ko batamuzanye imbere y'Urukiko kuko Urukiko rwabanje rutigeze rugira icyo ruvuga ku buhamya bwari bwatanzwe ngo rubwemere cyangwa rubuhakane, ko rutagize n'icyo ruvuga kuri Murengerantwari Robert witabiriye cyamunara agakubitwa. Bakomeza nanone bavuga ko abatangabuhamya Mudenge na Sibomana bavuze ko Niyonzima Jean de Dieu wari watanze amafaranga menshi akaza kuvamo yari umukomisiyoneri wari waherekeje abapiganwa, ko ikigaragaza ko yari umukomisiyoneri wari waje mu mugambi wo gutuma cyamunara itagenda neza, ari izo mvugo z'abatangabuhamya no kuba amaze gutanga ibiciro yaravuze ko nta mafaranga afite, nyamara muri raporo y'Umuhesha w'inkiko, avuga ko yakuyemo Kansayire Christiane kuko atari afite amafaranga ahagije, hakaba hibazwa impamvu kuri Niyonzima Jean de Dieu nawe hatabanje kurebwa amafaranga afite, ko iyo cyamunara iza gukorwa hifashishijwe ikoranabuhanga hari kubamo umucyo.

[62] Musoni Godfrey avuga ko ibyo abarega bavuga ari ukumuharabika bagamije gushaka icyabarengera ngo cyamunara iteshwe agaciro, agasobanura ko impamvu Ngabonziza Théophile yakuwe ku rutonde ari uko yateje akavuyo ashaka kwica cyamunara kuko yaje kurwana n'abandi bantu, biba ngombwa ko abasohora mu gipangu kugira ngo cyamunara igende neza, ko ibyerekeranye n'amafaranga abarega bavuga ko yatanze mu ipiganwa, atari byo kuko basohowe mbere y'uko ipiganwa ritangira. Avuga nanone ko Umuhesha w'Inkiko aba agomba gukora akazi ke neza nta mbogamizi kuko ariwe uyobora imihango yose ijyanye na cyamunara, ko niba hari abarwanye, hatagaragazwa ko we hari uwo yakubise cyangwa uwo yarwanye nawe, kandi ko ibyo ari ibyaha bikurikiranwa n'inzego z'Ubugenzacyaha.

[63] Musoni Godfrey avuga nanone ko Iteka rya Minisitiri rivuga ku ikoreshwa ry'ikoranabuhanga ryasohotse ku wa 12/5/2020, amabwiriza arishyira mu bikorwa asohoka ku wa 5/8/2020, ko rero ibyabaye mbere yaho bitashoboraga gukorerwa mu ikoranabuhanga. Ku byerekeye abakomisiyoneri, avuga ko kwiyandikisha no gupiganwa bitandukanye, ko muri cyamunara hazamo n'abakomisiyoneri, kandi ko mu baribaje kwica cyamunara harimo na Kansayire Christiane, ariko ko we yaje gusubirana chèque. Akomeza asobanura ko muri izo mvururu yasohoye abantu hakinjira abari banditswe gusa, ko hapiganwe abantu babiri, Mutabazi François Xavier watanze 105.000.000 Frw na Niyonzima Jean de Dieu watanze 180.000.000 Frw, ariko ko uyu wari wavuze menshi yasabwe kwishyura akavuga ko nta mafaranga afite, bigakorerwa inyandikomvugo yasinyweho n'abatangabuhamya, ko icyagombaga gukurikiraho ari ugukurikiza ingingo ya 255 (6°) y'Itegeko ryerekeye imiburanishirize y'imanza z'imbonezamubano, ko amafaranga ya Mutabazi François Xavier, yari ageze kuri 75% y'agaciro fatizo, ari nayo mpamvu yegukanye ingwate, kandi ko gukoresha iyi ngingo byashobokaga n'ubwo cyamunara itakorewe mu ikoranabuhanga.

[64] Musoni Godfrey akomeza avuga ko ku bantu baje gupiganwa muri cyamunara, batabanza guterefona kuri banki kugira ngo bamenye niba bafite amafaranga kuri konti, ko icyitonderwa cyarebaga Kansayire Christiane kuko mbere yo gutangaza cyamunara basabye abatsinzwe kwishyura uwatsinze, ko ari muri ubwo buryo we yatanze sheki ariko amenyeshwa ko ibaye itazigamiye byazamugiraho ingaruka, ahita ayikuramo.

[65] Me Mugabo Samuel, umwunganira, avuga ko ibyerekeye gukora cyamunara hifashishijwe ikoranabuhanga byari gutegereza Iteka rya Minisitiri, kandi ko ryagiyeho muri Gicurasi 2020, cyamunara yarabaye muri Gashyantare 2020, kandi ko ingingo ya 10 y'iryo Teka ivuga ko inyandiko mpesha zatangiye gukoreshwa mbere yaryo zikomeza uko zatangiye.

[66] Me Mugabo Samuel avuga nanone ko Ngabonziza Théophile nta nyungu afite muri uru rubanza kandi ko Urukiko rusanze yari afite 160.000.000 Frw kuri konti ye igihe cyamunara yakorwaga, cyamunara yazateshwa agaciro. Avuga nanone ko inyandiko ya Noteri itigeze igaragazwa mu nkiko zabanje kandi ko yemeza ibyabaye ahari, ko atakwemeza ibyabereye muri cyamunara atabayemo, naho ku byerekeye gukubitwa, avuga ko ikirego cyo gukubitwa kitarezwe Musoni Godfrey, ko ntaho ahuriye nabyo.

[67] Mutabazi François Xavier avuga ko ariwe watsinze cyamunara, ko yayitabiriye nyuma yo kumva itangazo kuri radiyo, akajya no kurifotora ku Kagali, ku wa 21/2/2020 ajya ahabera cyamunara, ko bamaze kwiyandikisha hari abantu babiri barwanye, Umuhesha w'Inkiko avuga ko bashaka kumwicira akazi, abakura ku rutonde, asohora abantu mu gipangu, ahamagara abari ku rutonde aba aribo binjira. Avuga ko uwitwa Murengerantwari Robert atazwi, ko byashoboka ko atanabaho akaba ari izina ryazanywe muri cyamunara kugira ngo ihagarare.

[68] Mutabazi François Xavier avuga kandi ko Umuhesha w'Inkiko yasabye Ndahimana Emmanuel na Kansayire Christine kwishyura mbere ya cyamunara, Kansayire Christiane ahita atanga chèque ya BK, ariko amubwira ko niba itazigamiye izabateza ibibazo, ko cyamunara yakomeje bakagereka amafaranga, Umuhesha w'Inkiko abara iminota itanu, irangiye yemeza ko uwagereste 180.000.000 Frw ariwe uyegukanye, abikorera inyandiko, nyuma uwari umaze gutsindira cyamunara avuga ko ayo mafaranga atayabona uwo munsi, Umuhesha w'Inkiko amusaba kwishyura, ahita yishyura, ko cyamunara yakozwe mu buryo bukurikije amategeko.

[69] Me Nsengimana François avuga ko mu gika cya cumi na rimwe (11), Urukiko Rukuru rwavuze ko ubushobozi bwa Ngabonziza Théophile na Niyonzima Jean de Dieu butagaragarijwe ibimenyetso kandi ko batabitangiye ikirego, ko rero bitafatwa nk'ikimenyetso muri uru rubanza kuko abavugwa batarufitemo inyungu.

[70] Ingingo ya 3 y'Itegeko n°15/2004 ryo ku wa 12/6/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo, iteganya ko '' Buri muburanyi agomba kugaragaza ukuri kw'ibyo aburana''.

[71] Ingingo ya 10 y'Iteka rya Minisitiri n° 05/MOJ/AG/20 ryo ku wa 12/5/2020 ryerekeye inyandiko y'inyandikompesha hakoreshejwe ikoranabuhanga, igira iti:'' *Inyandikompesha zatangiye kurangizwa mbere y'uko iri teka ritangazwa, zikomeza kurangizwa hadakoreshejwe uburyo bw'ikoranabuhanga bukoreshwa mu kurangiza inyandikompesha''.*

[72] Muri dosiye y'uru rubanza, hagaragara ubuhamya bw'uwitwa Ngabonziza Théophile yatangiye imbere ya Noteri ku wa 28/5/2020, avuga ko yitabiriye cyamunara y'umutungo wa Ndahimana Emmanuel na Kansayire Christiane, yiyandikisha ku rutonde rw'abapiganwa, aranapiganwa, atanga 160.000.000 Frw, ariko ko akimara kuvuga ayo mafaranga bahise bamusiba, anasubizwa sheki ye n'Umuhesha w'Inkiko amubwira ko yishe cyamunara. Hari kandi ibaruwa y'uwitwa Murengerantwa Robert yandikiye Umuyobozi wa RIB amusaba kurenganurwa kuko yakubiswe n'aba komisiyoneri, barimo Irambona Jules, Mudaheranwa Yussuf, Niyonzima Jean Bosco, Jotham n'Umuhesha w'Inkiko Musoni Godfrey.

[73] Muri dosiye y'uru rubanza kandi, hagaragara imvugo ya Sibomana, mu Bugenzacyaha, ubwo yari yarezwe kuba mu bakubise Murengerantwari Robert, aho avuga ko atigeze akubitwa, ahubwo ko habayeho gusiganira sheki hagati ya Murengerantwari Robert n'Umuhesha w'Inkiko kuko we yashakaga gutanga sheki itanditse mu mazina ye; naho uwitwa Mudenge Keneth avuga ko icyo yabonye ari uko Murengerantwari Robert yirukankanye uwitwa Mukeshimana Mathieu (Kagofero), ko atongeye kumubona, ahubwo ko yasubiye mu gipangu, nyuma aza kubona uwitwa Iradukunda (Gasongo) na Byiringiro barwanira telefoni, ababajije nyirayo bamubwira ko ari iya Murengerantwari Robert, arayibaka, ayiha uwitwa Philemon, ko nyuma uwitwa Ngabonziza Théophile yatonganye na Iradukunda (Gasongo) bagashwana cyane, bagasa n'abateje akavuyo, Umuhesha w'Inkiko ahita abasiba ku rutonde rw'abapiganwa.

[74] Urukiko rw'Ubujurire rurasanga ibyo Ndahimana Emmanuel na Kansayire Christiane bavuga ko muri cyamunara ingingo ya 255 y'Itegeko n° 22/2018 ryo ku wa 19/4/2018 itubahirijwe, ko hatakoreshejwe ikoranabuhanga, nta shingiro bifite, kuko n'ubwo iyo ngingo iteganya ko cyamunara ikorwa hakoreshejwe ikoranabuhanga, mu gika cya nyuma cyayo iteganya ko Iteka rya Minisitiri ufite ubutabera mu nshingano ze rigena imikoreshereze y'urubuga rw'imanza zirangizwa hakoreshejwe ikoranabuhanga n'ubundi buryo bukoreshwa mu gihe uburyo bw'ikoranabuhanga butabasha gukora kubera impamvu zitandukanye, bityo mu gihe iryo Teka ritari ryagasohotse ubwo cyamunara yakorwaga kuko ryasohotse mu Igazeti ya Leta n° spécial yo ku wa 12/5/2020, Umuhesha w'Inkiko nta makosa yakoze mu kudakoresha ikoranabuhanga, cyane ko n'ingingo ya 10 y'Iteka n° 05/MOJ/AG/20 ryo ku wa 12/5/2020 ryerekeye irangizwa ry'inyandiko mpesha hakoreshejwe ikoranabuhanga ryavuzwe haruguru, iteganya uko bigenda ku nyandiko mpesha zatangiye kurangizwa mbere y'uko ritangira gukoreshwa.

[75] Urukiko rw'Ubujurire rurasanga kandi ibyo Ndahimana Emmanuel na Kansayire Christiane bavuga ko Umuhesha w'Inkiko yateje akavuyo, bigatuma Murengerantwari Robert nawe wari witabiriye ipiganwa akubitwa, nta shingiro bifite, kuko uretse kubivuga gusa, nta bimenyetso babitangira, kuko uwitwa Mudenge Keneth abazwa mu Bugenzacyaha yavuze ko atigeze abona Murengerantwari Robert akubitwa, ko yamubonye gusa yirukankana uwitwa Kagofero nyuma ntiyongera kumubona, Sibomana Joseph nawe akavuga icyo yabonye ari uko yateraga amahane ashaka ko bakira sheki itanditse mu mazina ye. Kuba kandi yaragiye gutanga ikirego muri RIB ntibyaba impamvu yashingirwaho hemezwa ko Umuhesha w'inkiko yateje akavuyo, dore ko atanagaragaza ko hari urubanza rwamuhamije icyaha.

[76] Ku birebana na Ngabonziza Théophile bavuga ko yirukanywe muri cyamunara kandi yari yatanze igiciro kiri hejuru, cya 160.000.000 Frw, Urukiko rw'Ubujurire rurasanga, nabyo nta bimenyetso babigaragariza, kuko abatangabuhamya bemeza ko akimara gushyamirana na mugenzi we, Umuhesha w'Inkiko Musoni Godfrey yamukuye ku rutonde, kandi icyo gihe bakaba batari bagatanze ibiciro ngo bapiganwe, bityo rero hakaba nta kigaragaza ko yakuwe mu ipiganwa kuko yari atanze amafaranga menshi hagamijwe ko umutungo ugurishwa ku giciro gito. Kuba kandi hari uwitwa Niyonzima Jean de Dieu wari watanze igiciro cya 180.000.000 Frw, kandi we akaba atarakuwemo, ahubwo agakurwamo no kuba yaravuze ko atabona ayo mafaranga uwo munsi, bigaragaza ko ibyo bavuga ko Umuhesha w'Inkiko yari afite umugambi wo guteza cyamunara ku giciro gito nta shingiro bifite.

[77] Urukiko rw'Ubujurire rurasanga kandi kuba Ngabonziza Théophile yarakoreye inyandiko kwa Noteri bidahagije ngo ifatwe nk'ikimenyetso cy'uko yahejwe muri cyamunara, kuko uretse no kuba ibyo yavugaga Noteri atabihagazeho, muri iyo nyandiko ntiyigeze agaragaza impamvu n'imwe Umuhesha w'Inkiko yaba yaramubwiye yatumye amukura ku rutonde, kandi nyamara byaraturutse ku makimbirane yari

[78] Ku birebana n'ibyo abarega bavuga ko hakwibazwa impamvu kuri Kansayire Christiane babanje kumenya niba afite amafaranga kuri konti, ariko kuri Ngabonziza Théophile ntibabanze kubireba, ko ibyo byerekana ko yari yaje kwica cyamunara, Urukiko rw'Ubujurire rurasanga ibyo bavuga nta shingiro bifte, kuko Umuhesha w'Inkiko Musoni Godfrey asobanura ko mbere ya cyamunara yari yabanje kubaza Kansayire Christiane na Ndahimana Emmanuel niba bakwishyura amafaranga basabwa ntibabishobora, bityo kuba yarabonye agiye gupiganwa akamubaza niba afite amafaranga kuri konti, akaba nta makosa yakoze.

[79] Kubera impamvu zose zimaze gusobanurwa, Urukiko rw'Ubujurire rurasanga ibyo abarega bavuga ko hari abahejwe muri cyamunara kugira ngo umutungo ugurishwe ku giciro gito, nta shingiro bifite.

[80] Hashingiwe ku byagaragajwe byose ku bibazo byasuzumwe muri uru rubanza, Urukiko rw'Ubujurire rurasanga, kuba bigaragara ko umutungo wa Ndahimana Emmanuel na Kansayire Christiane wagurishijwe muri cyamunara mu buryo bunyuranyije n'amategeko kuko ibihe byo kuyitangaza bitubahirijwe, cyamunara ikwiye guteshwa agaciro, ibintu bigasubira uko byari biri uwo mutungo utaragurishwa.

E. Kumenya niba ababuranyi bakwiye amafaranga y'ikurikiranarubanza n'igihembo cya Avoka basaba

[81] Kansayire Christiane na Ndahimana Emmanuel bavuga ko Umuhesha w’Inkiko Musoni Godfrey yateje mu cyamunara inzu yabo mu nzira zidakurikije amategeko bituma biyambaza inkiko, ko urubanza ubu rugeze ku rwego rwa kane kuko rwatangiriye mu Rukiko rw'Ibanze rukaba rugeze no mu Rukiko rw'Ubujurire kandi ko muri izo manza zose bishyuye ba Avoka bo kubafasha kuburana, bikaba byarabateje igihombo, bityo ko basaba ko Musoni Godfrey yategekwa kubishyura 5.000.000 Frw y’igihembo cya Avoka no gusiragizwa mu manza.

[82] Mutabazi François Xavier avuga ko abarega bakomeje kumuzana mu nkiko bigatuma bitabaza abanyamategeko, ibyo bikaba byaramuteye igihombo cyiyongera ku cyo kuba yaratanze 105.000.000 Frw muri cyamunara yagombye kuba abyara inyungu kuko ari umucuruzi, ko rero asaba uru Rukiko gutegeka abarega Ndahimana Emmanuel na Kansayire Christine kumwishyura 3.000.000 Frw y'igihembo cya Avoka harimo n’ay'ikurikiranarubanza angana na 500.0000 kuri uru rwego.

UKO URUKIKO RUBIBONA

[83] Ingingo ya 111 y’Itegeko n° 22/2018 ryo ku wa 29/4/2018 ryerekeye imiburanishirize y’imanza z’imbonezamubano, iz’ubucuruzi, iz’umurimo n’iz’ubutegetsi iteganya ko’’ *Ikirego cy’amafaranga y’ikurikiranarubanza ni ikirego gishamikira ku kirego cy’iremezo kigamije kwishyuza ibyakoreshejwe mu rubanza. Ikirego cy’amafaranga y’ikurikiranarubanza kiburanishirizwa rimwe n’ikirego cy’iremezo. Gishobora kandi kwakirwa kikanaburanishwa n’iyo ikirego cy’iremezo cyaba kitakiriwe’’.*

[84] Urukiko rw’Ubujurire rurasanga amafaranga y’igihembo cya Avoka asabwa na Ndahimana Emmanuel na Kansayire Christiane bakwiye kuyahabwa kuko muri uru rubanza baburanye bahagarariwe na Avoka, kandi bakaba bagomba kumwishyura, ariko kuko batagaragaza ko ayo basaba ariyo yagendeye kuri uru rubanza, bakaba bahabwa gusa 500.000 Frw y’igihembo cya Avoka, bakayahawa na Musoni Godfrey wagurishije umutungo muri cyamunara mu buryo budakurikije amategeko. Ku birebana n’amafaranga yo gusiragizwa mu manza basaba, Urukiko rw’Ubujurire rurasanga yo ntayo bagenerwa kuko aribo baregeye uru rubanza.

[85] Urukiko rw’Ubujurire rurasanga kandi amafaranga y’ikurikiranarubanza n’igihembo cya Avoka Mutabazi François Xavier asaba guhabwa na Ndahimana Emmanuel na Kansayire Christiane, adakwiye kuyahabwa, kuko abo ayasaba batsinda urubanza kandi bikaba byari uburenganzira bwabo kuregera Urukiko barusaba kurenganurwa.

III. ICYEMEZO RY’URUKIKO

[86] Rwemeje ko ikirego cyo gusubirishamo urubanza n° RCAA 00007/2020/HC/KIG rwaciwe n’Urukiko Rukuru ku wa 8/7/2020, ku mpamvu z’akarengane, cyatanzwe na Ndahimana Emmanuel na Kansayire Christiane, gifite ishingiro;

[87] Rwemeje ko cyamunara yo ku wa 21/2/2020, ku mutungo ubaruye kuri n° UPI 1/02/08/02/574 wa Ndahimana Emmanuel na Kansayire Christiane, yakozwe mu buryo budakurikije amategeko, ikaba iteshejwe agaciro;

[88] Rutegetse ko ibintu bisubira uko byari bimeze mbere ya cyamunara, Mutabazi François agasubizwa amafaranga y’u Rwanda miliyoni ijana n’eshanu (105.000.000 Frw) yari yatanze agura muri cyamunara;

[89] Rutegetse Musoni Godfrey kwishyura Ndahimana Emmanuel na Kansayire Christiane amafaranga y’u Rwanda ibihumbi magana atanu (500.000 Frw) y’igihembo cya Avoka; 90. Rutegetse Musoni Godfrey kwishyura amagarama y’uru rubanza ahwanye n’ amafaranga y’u Rwanda ibihumbi mirongo itanu (50.000 Frw).