# Re NDIZEYE

[Rwanda URUKIKO RUKURU,– RADA 00001/2022/HC/NYZ – (Ndagijimana, P.J.) 10 Mutarama 2023]

*Amategeko agenga imiburanishirize y'imanza z'ubutegetsi – Ikirego cyihutirwa – Ikirego cyihutirwa mu nyandiko nsobanurakirego itanzwe n'umuburanyi – Ni icyemezo gifatwa by'agateganyo, hari ibyo umucamanza ashaka kuramira, kikaba kigomba gutanga igisubizo ari uko gitanzwe ako kanya bidasabye ko habaho undi muburanyi ubanza kubimenyeshwa.*

**Incamake y'ikibazo**: Ndizeye na Mugenzi we bari Abayobozi muri koperative COTHENYA izakuzamo amakimbirane, mukuyakemura Ikigo cy'Igihugu gishinzwe amakoperative (RCA) gishingiye ku bugenzuzi bwari bwakozwe, kibandikira kibahagarika ku myanya barimo ndetse kinagena abagomba kuba babasimbuye. Batanze ikirego cyihutirwa mu nyandiko nsobanurakirego itanzwe n'umuburanyi mu Rukiko Rwisumbuye rwa Nyamagabe basaba ko icyo cyemezo kibahagarika mu nzego z'ubuyobozi bwa koperative gikurwaho, ariko Urukiko rwemeza ko ikirego cyabo kitagomba kwakirwa kuko rwasanze nta kihutirwa kirimo gikenewe kuramirwa mu buryo budasanzwe, ahubwo ko cyagombye kuba cyaratanzwe mu nzira z'ibirego bisanzwe.

Ndizeye yajuririye Urukiko Rukuru, Urugereko rwa Nyanza, avuga ko Umucamanza atahaye agaciro uburyo ikirego gisaba gukuraho icyemezo cy'ubutegetsi gitangwamo, ko kuvuga ko nta bwihutirwe kubera igihe gishize ahagaritswe atari ukuri, ko kuba hari ibyo Koperative yagombaga gusobanura bitari kuba impamvu yo kutakira ikirego. Akomeza avuga ko icyo yasabye ari ugukuraho icyemezo cy'ubuyobozi kubera ko uwo batakambiye atabasubije, ubutakambe bufatwa nk'aho bufite ishingiro, ko rero muri icyo kibazo nta mpaka zirimo. Avuga kandi ko basabye Urukiko kugira ibyo ruramira bijyanye no gusubizwa uburenganzira bwabo bambuwe burebana no kuba batorwa cyangwa bagatora, kandi itariki y'amatora ikaba yari isigaje iminsi icumi (10) ngo abe.

**Incamake y'icyemezo**: Ikirego cyihutirwa mu nyandiko nsobanurakirego itanzwe n'umuburanyi ni icyemezo gifatwa by'agateganyo, hari ibyo umucamanza ashaka kuramira, kikaba kigomba gutanga igisubizo ari uko gitanzwe ako kanya bidasabye ko habaho undi muburanyi ubanza kubimenyeshwa. Bityo, ikirego cya Ndizeye Martin Patrick nticyagombaga kwakirwa kubera ko nta kihutirwa kirimo gikenewe kuramirwa mu buryo budasanzwe, dore ko igikorwa cy'amatora batanga atari impamvu y'ubwihutirwe, we na mugenzi we bakaba bari bamaze igihe gisaga umwaka batari mu myanya basaba ko basubiramo ndetse hakaba hari amakimbirane ku buryo iki kirego cyagombye kuba cyaratanzwe mu nzira z'ibirego bisanzwe.

**Ubujurire nta shingiro bufite.**
**Imikirize y' urubanza rwaciwe n'Urukiko Rwisimbuye rwa Nyamagabe ntihindutse mu ngingo zayo zose.**
**Amagarama aherera ku isanduku ya Leta.**

**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 12, 178, 189 n'iya 190.

Itegeko N° 15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo, ingingo ya 3.

**Imanza zifashishijwe:**

NAEB na SINFOTEC Sarl, RADA 0025/12/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 25 Mata 2014.

**Inyandiko z'abahanga zifashishijwe:**
Serge Guinchard, Droit et pratique de la procédure civile, P.225 et 595.

## Urubanza

# I. IMITERERE Y'URUBANZA

[1] Uru rubanza rwatangiriye mu Rukiko Rwisumbuye rwa Nyamagabe harega Ndizeye Martin Patrick n' uwitwa Niyodusenga Jeriemie bahoze ari abanyamuryango ba Koperative y'abahinzi b'icyayi yitwa COOTHENYA ikorera mu Karere ka Nyaruguru bari no mu nzego z'Ubuyobozi bwayo, aho Ndizeye M. Patrick yari Perezida w'inama y'Ubugenzuzi naho mugenzi we akaba yari Umunyamabanga w'Inama y'Ubuyobozi, iyo Koperative iza kurangwamo amakimbirane, maze mu rwego rwo kuyarwanya no kuyakumira, Ikigo cy'Igihugu gishinzwe amakoperative(RCA) gishingiye ku bugenzuzi bwari bwakozwe, kibandikira kibahagarika ku myanya barimo ndetse kinagena abagomba kuba babasimbuye.

[2] Ndizeye Martin Patrick n'uwo mugenzi we baje gutanga ikirego cyihutirwa gitanzwe n'umuburanyi umwe basaba ko Urukiko rwavanaho icyemezo kibahagarika mu nzego z'ubuyobozi za COTHENYA kubera ko bavugaga ko ku wa 24/02/2022 hari hateganyijwe amatora y'abagize inzego za Koperative, barahagaritswe byari gutuma badashobora kuzitabira ayo matora nk' abafite uburenganzira ku kuba batorwa cyangwa batora, banasaba ko ayo matora yahagarikwa bakabanza gusubizwa uburenganzira bambuwe kubera ko ibyemezo byose bafatiwe binyuranyije n'amategeko, banasaba indishyi zinyuranye zirimo izo guteshwa icyizere n'iz'ikurikiranarubanza. Urwo Rukiko rumaze gusuzuma icyo kirego rwasanze kitagomba kwakirwa kuko rwasanze nta kihutirwa kirimo gikenewe kuramirwa mu buryo budasanzwe harebwe igihe kirenga umwaka gishize bahagaritswe n' uko rwasanze hari amakimbirane ikirego cyagombye kuba cyaratanzwe mu nzira z'ibirego bisanzwe.

[3] Ndizeye Patrick yajuririye urwo rubanza avuga ko Umucamanza atahaye agaciro uburyo ikirego gisaba gukuraho icyemezo cy' ubutegetsi gitangwamo, ko kuvuga ko nta bwihutirwe kubera igihe gishize ahagaritswe atari ukuri , ko kuba hari ibyo KOPERATIVE yagombaga gusobanura bitari kuba impamvu yo kutakira ikirego kubera ko Umucamanza yari afite ububasha bwo kubahamagara, ko Umucamanza atari gushingira ku nyandiko z'abahanga zinyuranye n' ibiteganywa n'Itegeko n'uko hari imanza zinyuranye zaciwe zemeza ko ikirego cyo gusaba gukuraho icyemezo cy'ubuyobozi kigomba gutangwa mu nyandiko nsobanurakirego itanzwe n' umuburanyi umwe.

Ikibazo gisuzumwa muri uru rubanza ni ukumenya niba hari impamvu ziregagijwe zari gutuma ikirego cyakirwa.

# II. ISESENGURA RY'IKIBAZO KIGIZE URUBANZA

### 1. Kumenya niba hari impamvu ziregagijwe zari gutuma ikirego cyakirwa

[4] Ndizeye Martin Patrick yibutsa ko, ku wa 27/2/2020 Ikigo cy'igihugu gishinzwe iterambere ry'amakoperative (RCA) cyabandikiye ibaruwa zibahagarika ku myanya y'ubuyobozi bari barimo muri koperative COOTHENYA , ko Ndizeye M. Patrick yandikiwe ibaruwa Réf:0168/SP/CIDM/2020/RCA imuhagarikika ku mwanya wa Perezida w'inama y'ubugenzuzi , ko muri izo baruwa zombi havugwamo ko bahagaritswe hashingiwe kuri raporo y'ubugenzuzi yakorewe koperative COOTHENYA ku wa 05/02/2020 no ku wa 11/02/2020 ,ko ubwo bugenzuzi bwari bugamije gucukumbura imvano y'ibibazo by'amakimbirane bimaze iminsi bivugwa hagati y'abayobozi ba COOTHENYA, maze zikavuga ko basanze ari umwe mu bahembera bakanakongeza ayo makimbirane.

[5] Asobanura ko iyo raporo y'ubwo bugenzuzi ntayo we azi kuko iyo hakozwe raporo imenyeshwa urwego cyangwa ikigo cyakorewe ubugenzuzi ndetse ikamenyeshwa n'abayikozweho cyangwa

abayivuzweho, ibyo kuyitangaza bigakorwa n'urwego rwayikoze imbere y'Inteko Rusange ya koperative, ko ibyo byose nta na kimwe cyakozwe, ko abaje gukora ubugenzuzi ubundi bagira urwego ruba rwabohereje akibaza abakoze ubwo bugenzuzi urwego rwabohereje urwo ari rwo kuko kuwa 5 na 11/02/2020 habaye inama yahuje izo nzego n'abantu barimo abakozi b'Akarere n'umukozi wa RCA bigaragazwa neza n'urutonde rwanditseho abayijemo handitseho ko ari abitabiriye inama ko atari abitabiriye ubugenzuzi kandi abari bahari batari bafite qualite y'abagenzuzi , ko hibazwa rero icyatumye RCA ifata iyo nama ikayita ubugenzuzi itagaragaza n'uwabukoze, bigaragara neza ko harabayemo ubugambanyi kugira ngo areganyanywe, ko RCA itigeze yubahiriza ibivugwamo muri politiki y'igihugu yerekeye amakoperative bijyanye n'uko amakimbirane akemurwa, ko rero n' iyo haba harabayeho n'amakosa usibye ko we ntayo abona kuko icyabaye ari ukutumva ibintu kimwe bisanzwe bibaho hose mu kazi ,asanga urwego rwafashe icyemezo cyo kumuhagarika arirwo RCA rutubahirije uko amategeko yagombaga gukurikirana (*procedure*) bityo Urukiko rukaba rukwiye gutegeka ko icyo cyemezo gikurwaho.

[6] Ndizeye Patrick akomeza avuga ko anenga urubanza rujuririrwa kubera ko Umucamanza atahaye agaciro uburyo ikirego gisaba gukuraho icyemezo cy'ubutegetsi gitangwamo, ko kuvuga ko nta bwihutirwe kubera igihe gishize ahagaritswe atari ukuri, ko kuba hari ibyo Koperative yagombaga gusobanura bitari kuba impamvu yo kutakira ikirego kubera ko Umucamanza yari afite ububasha bwo kubahamagara, ko Umucamanza atari gushingira ku nyandiko z' abahanga zinyuranye n' ibiteganywa n'Itegeko n' uko hari imanza zinyuranye zaciwe zemeza ko ikirego cyo gusaba gukuraho icyemezo cy'ubuyobozi kigomba gutangwa mu nyandiko nsobanurakirego itanzwe n' umuburanyi umwe.

[7] Asobanura ko Umucamanza wa mbere atahaye agaciro uburyo ikirego gisaba gukuraho icyemezo cy'ubuyobozi gitangwamo cyaba cyeruye cyangwa kiteruye , ko icyo yasabye ari ugukuraho icyemezo cy' ubuyobozi kubera ko uwo batakambiye atabasubije ubutakambe bufatwa nk'aho bufite ishingiro, ko rero muri icyo kibazo nta mpaka zirimo , ko bigaragara neza mu ngingo ya 189 y'Itegeko ryerekeye imiburanishirize y'imanza z'imbonezamubano , iz' ubucuruzi , iz'umurimo n'iz'ubutegetsi (CPCCSA) ko ikirego batanze kitari gutangwa nk'ibirego bisanzwe ahubwo cyari gutangwa mu nyandiko nsobanurakirego itanzwe n'umuburanyi umwe, ko kandi ashingiye ku biteganywa n'iyo ngingo basabye Urukiko kugira ibyo ruramira bijyanye no gusubizwa uburenganzira bwabo bambuwe burebana no kuba batorwa cyangwa bagatora, kandi itariki y'amatora ikaba yari isigaje iminsi icumi (10) ngo abe, ko kandi Urukiko Rwisumbuye rutari kuvuga ko rwasanze hari ibyo Koperative yagombaga gusobanura kuko ashingiye ku biteganywa n' ingingo ya 190 CPCCSA igaragaza neza ko Umucamanza afite ububasha bwo guhamagaza umuntu wese abona ko yagira ibyo asobanura muri icyo kirego, ko kuba Umucamanza ataramuhamagaye atari Ndizeye wabirenganiramo.

[8] Anavuga ko inyandiko z'umuhanga zashingiweho n'ingingo ya 189 CPCCSA ibyo zivuga ari ibisobanuro by'inyandiko nsobanurakirego atari imiburanishirize yayo, ko ubwo bwihutirwe butateganyijwe kuko itegeko ( ingingo ya 181 CPCCSA ) rivuga ko gutanga ikirego cy'utasubijwe uburenganzira bireba buri wese, ko kandi Umucamanza atagombaga gushingira icyemezo cye ku kuba hari ugomba kugira ibyo asobanura kandi yari yemerewe kumuhamagara ntabikore, ko ndese ku wa 08/04/2022 bagiranye amasezerano y'ubwumvikane na RCA yo gukuraho icyemezo yari yabafatiye kibahagarika mu nzego za COOTHENYA nabo bakareka ikirego bayirezemo mu Rukiko Rwisumbuye nyuma y'ayo masezerano Urukiko rwemera ubwumvikane bwabo ruca urubanza ruvuga ko baretse ikirego na byo bikaba byashingirwaho ku bireba COOTHENYA ku bindi agasaba ko hasuzumwa ibikubiye mu myanzuro ye, Urukiko rukavuga ko ikirego cye cyagombaga kwakirwa urubanza rujuririrwa rugahinduka kugirango asubizwe uburenganzira bwe.

## UKO URUKIKO RUBIBONA

[9] Ingingo 189 y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi iteganya ko inyandiko nsobanurakirego

itanzwe n'umuburanyi umwe ari uburyo budasanzwe bwo kuregera Umucamanza umusaba kugira ibyo aramira mu buryo bwihuse. Ibikubiye muri iyo nyandiko bigomba kandi kuba ari ibibazo bigaragara ko nta mpaka biteye ku buryo byaba ngombwa ko undi muburanyi ahamagarwa. Inyandiko nsobanurakirego itanzwe n'umuburanyi umwe ishobora gukoreshwa mu bibazo byose bisaba ko hafatwa icyemezo cyihuse bitari ngombwa ko habanza gutangwa ikirego cy'iremezo.

[10] Ingingo ya 3 y'itegeko Nº 15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo iteganya ko buri muburanyi agomba kugaragaza ukuri kw'ibyo aburana naho iya 12 y'Itegeko Nº 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi igateganya ko urega agomba kugaragaza ibimenyetso by'ibyo aregera, ko iyo abibuze uwarezwe atsinda. Ibijyanye n'inshingano y'urega y'uko ari we ugomba kugaragaza ukuri kw'ibyo aburana yabibura uwarezwe akamutsinda binahura n'ibyemejwe mu rubanza RADA 0025/12/CS rwo ku wa 25 Mata 2014 haburana NAEB na SINFOTEC Sarl[1].

[11] Mu kwemeza ko ikirego cya Ndizeye Martin Patrick kitagomba kwakirwa, Urukiko Rwisumbuye rwasobanuye ko nta kihutirwa kirimo gikenewe kuramirwa mu buryo budasanzwe, ko ibyo bishimangirwa n'uko uyu na mugenzi we bahagaritswe ku wa 27/02/2020, inteko rusange ibasimbuza ku wa 30/11/2020, baza gutakambira RCA ku wa 12/12/2021, umwaka umwe urenga uhereye igihe basimburijwe, maze rusanga kuba hari amatora yari ateganyijwe ku wa 24/02/2022, icyo gikorwa giteganyijwe kuba atari impamvu y'ubwihurirwe yari gutuma abarega batanga ikirego cyihutirwa nk'uko cyatanzwe kubera ko bari bamaze igihe gisaga umwaka batari mu myanya, ndetse baranasimbujwe, rwanasobanuye kandi ko ikindi gituma icyo kirego kidakwiriye kwakirwa ngo gisuzumwe mu mizi ari uko bigaragara ko hari amakimbirane ku buryo rusanga iki kirego cyagombye kuba cyaratanzwe mu nzira z'ibirego bisanzwe, noneho hakaregwa COPERATIVE ku makosa yaba yarakoze mu ihagarikwa ry'abarega.

[12] Ku bijyanye n'inenge y'uko Ndizeye Patrick yajuririye urwo rubanza avuga ko Umucamanza atahaye agaciro uburyo ikirego gisaba gukuraho icyemezo cy' ubutegetsi gitangwamo,uru Rukiko rusanga nta shingiro ibyo avuga byahabwa kubera ko ashingira ku biteganywa n'ingingo ya 178 y'Itegeko Nº 22/2018 ryo ku wa 29/04/2018 ryavuzwe[2] kuko yo isobanura ibijyanye n' iyakirwa ry'ikirego gisaba gukuraho icyemezo cy' Ubuyobozi cyeruye cyangwa kiteruye hakurikijwe ibihe byo gutakamba n' igihe ibisubizo bigomba kuba byabonetse n' ingaruka zo kutubahiriza ibyo bihe, ikaba iboneka mu gice kirebana n' imiburanishirize y' imanza z' ubutegetsi muri rusanga , kuba rero iyo ngingo ivuga ko icyo kirego gitangwa mu nyandikonsobanura kirego bikaba ubwabyo bitatesha agaciro ibindi biteganywa by'umwihariko n' ingingo ya 189 y'Itegeko No 22/2018 ryo ku wa 29/04/2018 ryavuzwe bishingiye cyane ku kuba Umucamanza ushyikirizwa bene ibyo birego agomba gusabwa kugira ibyo aramira mu buryo bwihuse nk' uko umutwe iyi ngingo ihererereyemo ugaragaza neza ko ari igice kirebana by' umwihariko imiburanishirize y'imanza zisaba ubwihutirwe bwihariye, kabone n' ubwo izo ngingo zombie ziboneka mu nteruro imwe irebana n' imiburanishirize yihariye.

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[1] Icyegeranyo cy'ibyemezo by'Inkiko, Vol.2, 2015, P. 3.

[2] Ingingo ya 178 y'Itegeko Nº 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi iteganya ko ikirego gisaba gukuraho icyemezo cy'umuyobozi cyakirwa iyo cyerekeye icyemezo cy'umuyobozi cyaba cyeruye cyangwa kiteruye. Mbere yo gutanga ikirego, unenga icyemezo cy'umuyobozi agomba kubanza gutakambira umuyobozi ufite ububasha bwisumbuye k' uwafashe icyemezo kinengwa. Umuyobozi utakambiwe agomba gusubiza ubwo butakambe mu gihe cy'ukwezi kumwe (1) kubarwa uhereye umunsi yabuboneyeho. Iyo adasubije, ubutakambe bufatwa nk'aho bufite ishingiro. Mu gihe uwatakambye atishimiye igisubizo yahawe, afite igihe cy'amezi atandatu (6) cyo kuregera Urukiko gitangira kubarwa kuva ku munsi yaboneyeho igisubizo. Iyo nta gisubizo yahawe kandi atasubijwe uburenganzira bwe, ashobora gusaba urukiko ruburanisha imanza z'ubutegetsi gutegeka ko uburenganzira bwe bwubahirizwa. Icyo kirego gitangwa mu gihe kitarenze ukwezi kumwe (1) mu buryo bw'inyandiko nsobanurakirego itanzwe n'umuburanyi umwe.

[13] Ku bijyanye n'uko Umucamanza wa mbere yari afite ububasha bwo gutumiza uregwa, uru Rukiko rusanga n'ubwo ingingo ya 190 y' Itegeko[3] Nº 22/2018 ryo ku wa 29/04/2018 ryavuzwe imuha ubwo bubasha ariko harebwe ibyasobanuwe ku rwego rwa mbere rusanga bifite ishingiro, kubera ko rusesenguye ibiteganywa n' iyo ngingo rubona bigaragaza ko Umucamanza ari we ureba niba ari ngombwa ko hatumizwa abo bireba bose ariko urega we akaba agomba gutanga ikirego yasuzumye neza ko ibikubiye muri iyo nyandiko ari ibibazo bigaragara ko nta mpaka biteye ku buryo byaba ngombwa ko undi muburanyi ahamagarwa hasesenguwe ibiteganywa 189 y'Itegeko Nº 22/2018 ryo ku wa 29/04/2018 ryavuzwe , binyuranye n' ibigaragara mu kirego cyatanzwe ku rwego rwa mbere aho urega asabamo indishyi z'akababaro zo guteshwa icyizere zingana na 80.000.000frw, amafaranga y'ikurikiranarubanza angana na 2000.000frw n'amafaranga y'ishimwe rya 2019 bari guhabwa angana na 200,000frw kandi ntawe yabiregaga, ibi rero bikaba byagaragariraga buri wese ko ari ikirego cyagombaga gutangwa ku buryo busanzwe nk' uko byasobanuwe ku rwego rwa mbere, kandi urwo Rukiko rufite ukuri.

[14] Ibisobanuwe mu gika kibanza bikaba binakuraho impamvu y'ubujurire ivuga ko hashingiwe ku nyandiko z'abahanga kandi hari Itegeko, kuko uretse n'uko mu rwego rw'amategeko bitabujijwe ko hifashishwa izo nyandiko mu kumvikanisha cyane icyo Itegeko rivuga risesengurwa nk'uko byakozwe ku rwego rwa mbere n'Umucamanza agaruka kuri izo nyandiko mu byo agamije harimo kugaragaza ko ikirego cyatanzwe mu nyandiko nsobanurakirego aho gutangwa mu birego bisanzwe nk'uko byasobanuwe n'uru Rukiko rusanga ibyavuzwe kuri urwo rwego nta nenge ibirimo aho Umucamanza yasobanuye agira ati : n'umuhanga mu mategeko Serge Guinchard, aho mu gitabo cye cyitwa *Droit et pratique de la procédure civile, P.595* avuga ku nyandiko nsobanurakirego itanzwe n'umuburanyi agira ati, "*l'ordonnance sur requête est une décision provisoire rendue non contradictoirement dans le cas où le réquerant est fondé à ne pas appeler la partie adverse"*, ugenekereje mu kinyarwanda bikaba bishaka kuvuga ko inyandiko nsobanurakirego itanzwe n'umuburanyi umwe ari icyemezo gifatwa by'agateganyo hatabanje kuvuguruzanya, igihe urega adahamagaje undi baburana, Serge Guinchard akomeza avuga muri icyo gitabo cye kuri page ya 225 ko hari ibintu bitatu bisabwa kugira ngo hasuzumwe icyo kirego, agira ati "*Trois conditions doivent être réunies pour que le président puisse statuer sur requête: qu'il y ait l'urgence, que la mesure n'ait qu'un caractère provisoire, que la mesure n'atteigne son résultat que si elle est accordée immédiatement et sans que la partie adverse ait été préalablement avertie"*. Ugenekereje mu kinyarwanda bigashaka kuvuga ko hari ibintu bitatu by'ingenzi bisabwa kugira ngo hasuzumwe ikirego ku nyandiko nsobanurakirego itanzwe n'umuburanyi umwe: icya mbere akaba ari ubwihutire, icya kabiri ni kuba icyemezo kigomba gufatwa kiba ari icy'agateganyo naho icya gatatu (3) akaba ari kuba icyemezo kigomba gutanga igisubizo ari uko gitanzwe ako kanya bidasabye ko habaho undi muburanyi ubanza kubimenyeshwa.

[15] Ku bijyanye no kuvuga ko nta bwihutirwe kubera igihe cyashize Ndizeye Martin Patrick ahagaritswe, uretse n'uko ibimaze gusobanurwa byose rusanga bihagije mu kugaragaza ko nta bwihutirwe bwari buhari muri rusange, uru Rukiko runashingiye by'umwihariko ku isesengura ry'ingingo z'amategeko zavuzwe n'uko ikirego cyari gitanze ku rwego rwa mbere, rusanga Urukiko Rwisumbuye nta kosa rwakoze rubyemeza gutyo kuko impamvu rwasobanuye zumvikana kubera ko kuba Ndizeye yaragaritswe ku wa 27/02/2020, inteko rusange ikamusimbuza ku ya 30/11/2020 agatambira RCA ku wa 12/12/2021 nyuma y'umwaka umwe urenga uhereye igihe yasimburijwe, amatora ateganyijwe ku wa 24/02/2022 , ayo matora atari yo yari gutuma Urukiko rwemeza ko hari ubwihutirwe kuko ikirego yatanze kivuga ko asaba kubanza gusubizwa uburenganzira yambuwe nk'aho hari ahandi yarimo kubukurikirana ku buryo byasabaga kuyahagarika mu gihe atari yabusubizwa, ndetse

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[3] Ingingo ya 190 y'Itegeko Nº 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi iteganya ko inyandiko nsobanurakirego itanzwe n'umuburanyi umwe itangwa hakurikijwe uburyo busanzwe bwo gutangamo ibirego. Umucamanza washyikirijwe ikirego, aragisuzuma, yasanga ari ngombwa ko ahamagaza uwagitanze n'abandi bose abona ko bashobora kuza muri icyo kibazo akabahamagaza. Agomba kubumva mu gihe kitarenze iminsi ibiri (2) ikirego gitanzwe. Guhamagaza abagomba kugira icyo bavuga muri icyo kibazo bikorwa n'umwanditsi w`urukiko hakurikijwe uburyo busanzwe bw'ihamagara ry'ababuranyi.

yaranasimbujwe asa nk’uwaretse ubwo burenganzira kuko uru Rukiko rutakwemera ko ubwihutirwe bwareberwa gusa ku kuba amatora yari yegereje, bwanareberwa ku kuba Ndizeye Martin Patrick usaba ko ahagarikwa kugirango asubizwe uburenganzira avuga ko yavukijwe hari ikindi yaba yarakoze mbere y’uko itariki y’ayo matora itangazwa nyuma y’igihe kirekire ahagaritswe.

[16] Ku byerekeranye n’ ibimenyetso bijyanye n’ uko ku wa 08/04/2022 Ndizeye Martin Patrick yaba yaraje kugirana amasezerano y’ubwumvikane na RCA yo gukuraho icyemezo yari yabafatiye n’inkurikizi z’ayo masezerano, rusanga atari ibimenyetso byirengagijwe muri uru rubanza rujuririrwa ku buryo rwabishingiraho mu kwemeza ko ikirego ku nyandiko nsobanurakirego itanzwe n’umuburanyi umwe cyagombaga kwakirwa, bityo abishatse akaba yabikoresha ahandi. Indishyi zisabwa zo zikaba ntacyo zasuzumwaho kuva rubona ikirego kitaragombaga kwakirwa ku rwego rwa mbere, bityo imikirize y’urubanza RAD 00002/2022/TGI/NYBE rwaciwe ku wa 01/03/2022 n’Urukiko Rwisimbuye rwa Nyamagabe ikaba itagomba guhinduka mu ngingo zayo zose.

## III. ICYEMEZO CY’URUKIKO

[17] Rwemeje ko ubujurire bwatanzwe na Ndizeye Martin Patrick nta shingiro bufite.

[18] Rutegetse ko imikirize y’urubanza RAD 00002/2022/TGI/NYBE rwaciwe ku wa 01/03/2022 n’ Urukiko Rwisimbuye rwa Nyamagabe idahindutse mu ngingo zayo zose.

[19] Rutegetse ko amafaranga yatanzweho ingwate mu kujurira ahwanye n‘ibyakozwe muri uru rubanza akaba aheze mu isanduku ya Leta.