ISHIMWE N'ABANDI v SGF

[Rwanda URUKIKO RUKURU - RCA 00023/2023/HC/NYZ (Badara, P.J.) 14 Gicurasi 2024]

Amategeko agenga imanza z'imbonezambunao – Impanuka zo mu muhanda – Indishyi – Ukora akazi ko gutwara abagenzi kuri moto - Amafaranga atahanwa ku munsi n'umuntu ukora akazi ko gutwara abantu kuri moto, hamaze kuvanwaho umusoro ku musaruro n'umusoro w'ipatanti, angana na 6.444 Frw

Incamake y'ikibazo: Uru rubanza rukomoka ku mpanuka yabaye ikozwe n'ikinyabiziga kitabashije kumenyekana ndetse n'uwari ugitwaye na we ntabashe kumenyekana maze ihitana uwitwa Sibomana ubwo yambukiranyaga umuhanda. Uwizeyimana n'abandi bavandimwe ba nyakwigendera batanze ikirego mu Rukiko Rwisumbuye rwa Nyamagabe basaba ko Ikigega Special Guarantee Fund (SGF) yabaha indishyi zitandukanye. Urukiko rwemeje ko bagenerwa indishyi zibariwe kuri SIMIG ya 3000 Frw ku munsi ariko abarega ntibanyurwa kuko bavugaga ko nyakwigendera yari umumotari ko atari akwiriye kubarirwa indishyi kuri ayo mafaranga.

Urukiko Rukuru rwakiriye ubwo bujurire maze rusuzuma ikibazo cyo kumenya uburyo indishyi z'ibangamirabukungu zisabwa na Uwizeyimana na bagenzi be zigomba kubarwa. Abaregera indishyi bavuga ko urukiko rwisumbuye mu kubara indishyi bashigiye kuri SMIG ya 3000 Frw ku munsi kandi nyakwigendera yarakoraga akazi ko gutwara abantu kuri moto nk'uko babitangiye ibimenyetso bityo indishyi basaba zikaba zigomba kubarwa hagendewe ku mafaranaga abakora akazi ko gutwara abagenzi kuri moto batahana ku munsi angana na 6444 Frw.

FGF ivuga ko nubwo abarega bagaragaza ikimenyetso ko Sibomana yabaga muri koperative y'abatwara abagenzi kuri moto byonyine bidahagije kuko akwiye no kugaragaza uko yatangaga imisoro. Akomeza avuga ko anakora impanuka yamuhitanye atari atwaye moto kuko yari mu muhanda agenda n'amaguru bityo indishyi zikaba zigomba kubarwa kuri SMIG.

Incamake y'icyemezo: Amafaranga atahanwa ku munsi n'umuntu ukora akazi ko gutwara abantu kuri moto, hamaze kuvanwaho umusoro ku musaruro n'umusoro w'ipatanti, angana na 6.444 Frw bityo indishyi mbangamirabukungu zitangwa muri uru rubanza zikaba zikwiye kubarirwa kuri ayo mafaranga.

Ubujurire bufite ishingiro kuri bimwe

Amategeko yashingiweho
Itegeko N° 41/2001 ryo ku wa ryerekeye imyishyurire yabangirijwe n'impanuka zitewe n'ibinyabiziga bigenzwa na moteri, ingingo ya 4, 21.

Imanza zifashishijwe
RS/INJUST/RC 00014/2022/SC rwaciwe n'urukiko rw'ikirenga kuwa 18/05/2023
Urubanza

I. IMITERERE Y'URUBANZA

[1] Tariki ya 19/09/2022 ahagana saa 02h45 bishyira saa 03h00 za mugicuku mu mudugudu wa Nyarutegeri, akagari ka Nyamigina, umurenge wa Tare, akarere ka Nyamagabe, imbere ya "zebra crossing" mu gasantere k'ahitwa Nkomero, habereye impanuka y'imodoka itarabashije kumenyekana ibirango byayo yari itwawe n'umushoferi nawe utaramenyekanye uwo ariwe kuko akimara gukora impanuka yahise atoroka akaba yaraturukaga mu muhanda uva Nyamagabe yerekeza i Rusizi ageze kuri centre ya Nkomero, agonga umunyamaguru wambukiranyaga umuhanda witwa Sibomana Joseph ahita apfa.

[2] Uwizeyimana Beatrice na bagenzi be basabye indishyi binyuze mu bwumvikane ariko ntibyashoboka bituma uhagarariye abarega atanga ikirego mu rukiko rwisumbuye rwa Nyamagabe asaba indishyi zitandukanye zikomoka kuri iyo mpanuka.

[3] Urubanza rwaburanishijwe Special Gurantee idahari kuko itigeze yitaba kandi itagaragaje impamvu yayibujije kwitaba.

[4] Mu rubanza RC 00041/2022/TGI/NYBE rwaciwe ku wa 22/06/2023 n'urukiko rwisumbuye rwa Nyamagabe rwemeje SPECIAL GURENTEE FUND kwishyura Uwizeyimana Beatrice 5.589.041 y'indishyi mbagamira bukungu na 1.080 000 frw y'indishyi mbangamira muco kwishyura kandi indishyi mbangamira muco zingana na 810.000frw kuri Nyirahabimana Dative, Uzayisenga Marie Jeanne, Ishimwe Elia, Ndayiragije Jean de Dieu buri wese, 810 000frw kuri Mukazera Thacienne na Kazasomaho Charles buri umwe, indishyi mbangamira muco zingana na 540.000frw ku bavandimwe ba nyakwigendera batanu (5) aribo Nsabimana Damascene, Nsengiyumva Alphonse, Murindahabi Marthazar, Mayira Michel na Nzaramba Moses buri umwe, amafaranga yakoreshejwe nyuma y'urupfu angana 381 160 frw na 750 000 y'ikurikirana rubanza akubiyemo igihembo cy'avoka cya 500.000frw, yose hamwe akaba ari 15.360.0201 frw. Rutegeka ko SPECIAL GUARENTEE FUND gusubiza Uwizeyimana Beatrice amafaranga ibihumbi makumyabiri (20 000frw) yatanzeho ingwate aregera urukiko.

[5] Mu gufata icyo cyemezo, urukiko rwashingiye ku Iteka rya Perezida No 31/01 ryo ku wa 25/08/2003 rishyiraho uburyo bwo kwishyura indishyi ku bubabare bw'umubiri buturutse ku mpanuka zitewe n'ibinyabiziga.

[6] Uwizeyimana Beatrice na bagenzi be bajuririye urukiko rukuru, urugereko rwa Nyanza, urubanza ruhabwa No RCA 00023/2023/HC/NYZ, ruburanishwa mu ruhame ku wa 15/04/2024, abajuriye bose baburanirwa na Me Sebibanza Elie naho SPECIAL GUARENTEE FUND ititabye kandi yarahamagawe mu buryo bukurikije amategeko bituma iburanishwa idahari.

[7] Mu myanzuro y'ubujurire no mu miburanire, Uhagarariye Uwizeyimana Beatrice na bagenzi be avuga ko Urukiko mu gika cya 8 kugeza ku gika cya 10, rwafashe icyemezo ko mu kubara indishyi mbangamirabukungu ko hagomba gushingirwa kuri SMIG ya 3000frw, rwirengagije ko Sibomana Joseph yakoraga akazi ko gutwara abagenzi kuri moto. Bagaragaje ibyemezo byerekana ko Sibomana Joseph ari umumotari ubarizwa muri cooperative yitwa COOMANYA ndetse banatanga icyemezo cya cooperative kigaragaza ko Sibomana Joseph yinjiza amafaranga 10,000frw ku munsi ariko urukiko ruranga rushingira kuri SMIG ya 3000frw. Mu gutanga ikirego, basabye ko indishyi mbangamirabukungu zabarwa hashingiwe ku 10,000frw

ariko hashingiwe kuri jurispridence y'urukiko rw'ikirenga bakaba basanga hakwiye gushingirwa ku musaruro ungana na 6,444frw ku munsi bityo bakaba basaba ko indishyi mbangamirabukungu zabarwa mu buryo bukurikira: 6.444 x30x12x17x2x3: 1 + (7%x17) = 12.005.260 FRW. Barasaba indishyi z'ikurikirana rubanza zingana na 300,000frw ndetse n'igihembo cy'avoka kingana na 500,000 frw.

[8] Uhagarariye SGF avuga ko kuba abasaba indishyi barabariwe indishyi mbonezamusaruro zishingiye ku mushahara muto wa 3,000 Frw asanga ari icyemezo gikwiye kandi gikurikije amategeko kubera impamvu zikurikira: Kuba afite icyemezo cy'uko yanditse muri cooperative gusa ntibihagije atagaragaza ko ako kazi yagakoraga bya buri munsi akanagaragaza aho yatangiye imisoro mu gihe cy'amezi 12 abanziriza impanuka. Ikindi akora impanuka nta n'ubwo yari atwaye moto yagendaga n'amaguru bityo akaba nta kintu na kimwe kigaragara cyashingirwaho bemeza ko yari umumotari. Cooperative ntabwo ari yo itanga icyemezo cy'umushahara kuko atari umukozi wayo ihemba ngo inagaragaze aho yamwishyuriraga imisoro. Uyu mushahara cooperative ivuga yinjizaga yawukuye he ko we nk'umunyamuryango wa cooperative yatangaga umusanzu wumvikanyweho n'abanyamuryango bayigize, ibirebana n'icyo bakoreye bikaba bitareba koperative abo bayigize baba barabibwiwe n'iki ko ari yo mafaranga akorera. Ibyo bavuze ku birebana n'icyo yinjizaga bigomba guhuzwa n'imenyekanisha mu isanduku y'ubwiteganyirize bw'abakozi niba yari umukozi w'iyo koperative cyangwa mu kigo cy'igihugu gishinzwe umusoro agaragaza umusoro yatangaga ku nyungu akura muri uwo mwuga we niba atari umukozi. Kiriya cyangombwa cyanatanzwe n'urwego rutabifitiye ububasha, bigaragara ko cyanatanzwe ku mpamvu yo kugisabiraho indishyi kuko cyatanzwe nyuma y'impanuka ku itariki ya 27/09/2022, kandi kikagaragaza ko yishyuye 3,000 Frw gusa mu mwaka wa 2023.

[9] Uhagarariye SGF avuga ko amafaranga 6,444 Frw uburanira abajuriye agaragaza muri kiriya cyemezo yafatiwe kuri uriya uvugwa muri iriya mpanuka, kandi yakoraga akazi gahoraho anishyura imisoro ku buryo buhoraho akaba yaranabigaragarije ibimenyetso. Ntabwo rero cyakwitwazwa no mu zindi manza zose ngo uwicaye kuri moto wese yitwe umumotari. Uretse kuba nta kimenyetso kigaragaza koko ko yari umumotari utwara moto ye kuko inyandikomvugo ya Polisi igaragaza ko yagonzwe agenda n'amaguru saa cyenda z'ijoro kandi ntaho bavuga ko basanze moto n'iyo yaba we ntabwo abamotari bose binjiza amafaranga angana, kuko badakorera hamwe, ngo batware moto zinganya gusaza, cyangwa ngo batware moto bose banganya uburyo bwo kuzishakisha amafaranga, agomba kugaragaza we ayo yinjizaga bitewe n'aho yakoreraga, ubuzima bwa moto n'izindi mpamvu zituma umusaruro umanuka cyangwa uzamuka kuri buri motari zikanatuma bigaragara ko abamotari bose batinjiza amafaranga angana. Ibyo kuvuga ko hari urubanza rwaciwe byarebaga urwo rubanza ariko ntibyashyirwa ku bamotari bose cyane ko muri urwo rubanza ntaho bavuga ko ari icyemezo gifashwe kireba abamotari bose. Ntabwo rero bananirwa kugaragaza umusaruro Sibomana Joseph yakuraga ku kazi ke ngo narangiza ajye kwisanisha n'abandi badahuje umurimo kuko kugenda kuri moto ni kimwe no kuyibyaza umusaruro ni ikindi. Atabashije kugaragaza umusaruro yinjizaga we ku giti cye yafatwa nk'utabasha kugaragaza uwo musaruro nk'uko itegeko ribiteganya bityo akabaririrwa ku mushahara muto (SMIG). Kubera iyo mpamvu SGF irasaba Urukiko Rukuru ko urubanza RC 0041/2021/TGI/NBYE rwaguma uko ruri ku birebana na SMIG ko ahubwo hakosorwa ibirebana n'igipimo cy'ibitsa kuko kuva uyu mwaka watangira nta narimwe cyigeze kijya kuri 7%. Uyu munsi kigeze kuri 9.700%. Bityo izo ndishyi zikabarwa mu buryo bukurikira: 3000 x 30 x 12x 17x2/3) : 1+ (9,799x17)= 4,591,441Frw. Amafaranga yatanzwe y'ibyakoreshejwe yasubirwamo hakabarwa gusa ayo yagaragarije ibimenyetso, akanacibwa amafaranga 1,000,000 Frw yo

gukomeza gushora SGF mu manza z'amaherere. Urukiko Rwisumbuye rwamubariye amafaranga adafite ibimenyetso bigaragaza ko baba barayakoresheje byongeye banabaramo amafaranga yo gukaraba kandi adateganywa mu ndishyi zigomba gutangwa, kuko Iteka rya Prezida rigena indishyi rivuga ubwoko bw'indishyi bigomba kubarwa rikanongeraho ko nta yandi mafaranga cyangwa ubwoko bw'indishyi bubarwa uretse ubuteganywa na ryo.

[10] Ibibazo bigiye gusuzumwa muri uru rubanza ni ibi bikurikira

- Kumenya uburyo indishyi z'ibangamirabukungu zisabwa na Uwizeyimana Beatrice na bagenzi be zigomba kubarwa.
- Kumenya niba hari amafaranga y'ibyakoreshejwe yatanzwe nta bimenyetso bigaragajwe.
- Kumenya niba hari izindi ndishyi zatangwa muri uru rubanza.

II. ISESENGURA RY'IBIBAZO BIGIZE URUBANZA

Kumenya uburyo indishyi z'ibangamirabukungu zisabwa na Uwizeyimana Beatrice na bagenzi be zigomba kubarwa.

[11] Uhagarariye Uwizeyimana Beatrice na bagenzi be avuga ko Urukiko mu gika cya 8 kugeza ku gika cya 10, rwafashe icyemezo ko mu kubara indishyi mbangamirabukungu ko hagomba gushingirwa kuri SMIG ya 3000frw, rwirengagije ko Sibomana Joseph yakoraga akazi ko gutwara abagenzi kuri moto. Bagaragaje ibyemezo byerekana ko Sibomana Joseph ari umumotari ubarizwa muri cooperative yitwa COOMANYA ndetse banatanga icyemezo cya cooperative kigaragaza ko Sibomana Joseph yinjiza amafaranga 10,000frw ku munsi ariko urukiko ruranga rushingira kuri SMIG ya 3000frw. Mu gutanga ikirego, basabye ko indishyi mbangamirabukungu zabarwa hashingiwe ku 10,000frw ariko hashingiwe kuri jurispridence y'urukiko rw'ikirenga bakaba basanga hakwiye gushingirwa ku musaruro ungana na 6,444frw ku munsi bityo bakaba basaba ko indishyi mbangamirabukungu zabarwa mu buryo bukurikira: 6.444 x30x12x17x2x3: 1 + (7%x17) = 12.005.260 FRW.

[12] Uhagarariye SGF avuga ko kuba abasaba indishyi barabariwe indishyi mbonezamusaruro zishingiye ku mushahara muto wa 3,000 Frw asanga ari icyemezo gikwiye kandi gikurikije amategeko kubera impamvu zikurikira: Kuba afite icyemezo cy'uko yanditse muri cooperative gusa ntibihagije atagaragaza ko ako kazi yagakoraga bya buri munsi akanagaragaza aho yatangiye imisoro mu gihe cy'amezi 12 abanziriza impanuka. Ikindi akora impanuka nta n'ubwo yari atwaye moto yagendaga n'amaguru bityo akaba nta kintu na kimwe kigaragara cyashingirwaho bemeza ko yari umumotari. Cooperative ntabwo ari yo itanga icyemezo cy'umushahara kuko atari umukozi wayo ihemba ngo inagaragaze aho yamwishyuriraga imisoro. Uyu mushahara cooperative ivuga yinjizaga yawukuye he ko we nk'umunyamuryango wa cooperative yatangaga umusanzu wumvikanyweho n'abanyamuryango bayigize, ibirebana n'icyo bakoreye bikaba bitareba koperative abo bayigize baba barabibwiwe n'iki ko ari yo mafaranga akorera. Ibyo bavuze ku

birebana n'icyo yinjizaga bigomba guhuzwa n'imenyekanisha mu isanduku y'ubwiteganyirize bw'abakozi niba yari umukozi w'iyo koperative cyangwa mu kigo cy'igihugu gishinzwe umusoro agaragaza umusoro yatangaga ku nyungu akura muri uwo mwuga we niba atari umukozi. Kiriya cyangombwa cyanatanzwe n'urwego rutabifitiye ububasha, bigaragara ko cyanatanzwe ku mpamvu yo kugisabiraho indishyi kuko cyatanzwe nyuma y'impanuka ku itariki ya 27/09/2022, kandi kikagaragaza ko yishyuye 3,000 Frw gusa mu mwaka wa 2023.

[13] Uhagarariye SGF avuga ko amafaranga 6,444 Frw uburanira abajuriye agaragaza muri kiriya cyemezo yafatiwe kuri uriya uvugwa muri iriya mpanuka, kandi yakoraga akazi gahoraho anishyura imisoro ku buryo buhoraho akaba yaranabigaragarije ibimenyetso. Ntabwo rero cyakwitwazwa no mu zindi manza zose ngo uwicaye kuri moto wese yitwe umumotari. Uretse kuba nta kimenyetso kigaragaza koko ko yari umumotari utwara moto ye kuko inyandikomvugo ya Polisi igaragaza ko yagonzwe agenda n'amaguru saa cyenda z'ijoro kandi ntaho bavuga ko basanze moto n'iyo yaba we ntabwo abamotari bose binjiza amafaranga angana, kuko badakorera hamwe, ngo batware moto zinganya gusaza, cyangwa ngo batware moto bose banganya uburyo bwo kuzishakisha amafaranga, agomba kugaragaza we ayo yinjizaga bitewe n'aho yakoreraga, ubuzima bwa moto n'izindi mpamvu zituma umusaruro umanuka cyangwa uzamuka kuri buri motari zikanatuma bigaragara ko abamotari bose batinjiza amafaranga angana. Ibyo kuvuga ko hari urubanza rwaciwe byarebaga urwo rubanza ariko ntibyashyirwa ku bamotari bose cyane ko muri urwo rubanza ntaho bavuga ko ari icyemezo gifashwe kireba abamotari bose. Ntabwo rero bananirwa kugaragaza umusaruro Sibomana Joseph yakuraga ku kazi ke ngo narangiza ajye kwisanisha n'abandi badahuje umurimo kuko kugenda kuri moto ni kimwe no kuyibyaza umusaruro ni ikindi. Atabashije kugaragaza umusaruro yinjizaga we ku giti cye yafatwa nk'utabasha kugaragaza uwo musaruro nk'uko itegeko ribiteganya bityo akabaririwa ku mushahara muto (SMIG). Kubera iyo mpamvu SGF irasaba Urukiko Rukuru ko urubanza RC 0041/2021/TGI/NBYE rwaguma uko ruri ku birebana na SMIG ko ahubwo hakosorwa ibirebana n'igipimo cy'ibitsa kuko kuva uyu mwaka watangira nta narimwe cyigeze kijya kuri 7%. Uyu munsi kigeze kuri 9.700%. Bityo izo ndishyi zikabarwa mu buryo bukurikira: 3000 x 30 x 12x 17x2/3) : 1+ (9,799x17)= 4,591,441Frw.

UKO URUKIKO RUBIBONA

[14] Impaka ziri muri uru rubanza zishingiye kumenya uburyo indishyi z'ibangamirabukungu zisabwa na Uwizeyimana Beatrice na bagenzi be zigomba kubarwa.

[15] Kuri iki kibazo, umurongo ugomba kugenderwaho ari uwatanzwe mu rubanza RS/INJUST/RC 00014/2022/SC rwaciwe n'urukiko rw'ikirenga kuwa 18/05/2023. Muri urwo rubanza, urukiko rwasanze amafaranga atahanwa ku mwaka n'umuntu utunze moto, hamaze kuvanwaho umusoro ku musaruro n'umusoro w'ipatanti, angana na 2.400.000 Frw - 72.000 Frw - 8.000 Frw = 2.320.000. Ni ukuvuga ko ku kwezi atahana 2.320.000 Frw: 12 = 193.333 Frw; naho ku munsi agatahana 193.333 Frw: 30 = 6.444 Frw

[16] Urukiko rurasanga muri uru rubanza hari ibimenyetso byatanzwe bigaragaza ko nyakwigendera yari umumotari birimo icyemezo y'umunyamuryango cyatanzwe na perezida wa

koperative kigaragaza ko Sibomana Joseph yari umunyamuryango wa koperative COOMONYA guhera mutarama 2013, akaba yarakoreshaga moto ifite plaque RC 311B, hari amasezerano yo kuwa 15/1/2022 yo gupatana iyo moto yakoreshaga yagiranye na Uzakunda Joseph ndetse akaba yari afite permis yo gutwara moto Categorie A. Rero nawe yabarirwa indishyi mbangamirabukungu hashingiwe ku murongo watanzwe n'Urukiko rw'Ikirenga, amafaranga yagenderwaho mu kubara indishyi akaba ari 6.444 FRW ku munsi, igipimo cy'ibitsa cya BNR cyari 9.638 % ubwo urukiko rwisumbuye rwa Nyamagabe rwacaga urubanza, imyaka ashigaje kubaho akora akaba ari 17. Indishyi mbangamirabukungu zingana na (6444 x30x 12 x 17 x 2/3): 1+(9.638 % x17) = 9.964.722 FRW.

[17] Urukiko rurasanga ibyo uhagarariye SGF avuga ko hatagenderwa ku rubanza rwaciwe n'urukiko rw'Ikirenga nta shingiro bifite kubera ko ibibazo bisa neza bigomba gukemurwa kimwe cyane ko n'ingingo ya 4 y'Itegeko N0 41/2001 ryo ku wa ryerekeye imyishyurire yabangirijwe n'impanuka zitewe n'ibinyabiziga bigenzwa na moteri kandi bigenda ku butaka ivuga ko iyo inyandiko mpamo zitabonetse ariko umwuga uwangirijwe akora ukaba uzwi neza indishyi zigenwa hakoreshejwe kugereranya umushahara w'umuntu ukora umwuga bimeze kimwe cyangwa ujya kumera kimwe n'uwo akora.

 Kumenya niba hari amafaranga y'ibyakoreshejwe yatanzwe nta bimenyetso bigaragajwe.

[18] Uhagarariye SGF asobanura ko Urukiko Rwisumbuye rwamubariye amafaranga adafite ibimenyetso bigaragaza ko baba barayakoresheje byongeye banabaramo amafaranga yo gukaraba kandi adateganywa mu ndishyi zigomba gutangwa, kuko Iteka rya Prezida rigena indishyi rivuga ubwoko bw'indishyi zigomba kubarwa rikanongeraho ko nta yandi mafaranga cyangwa ubwoko bw'indishyi bubarwa uretse ubuteganywa na ryo.

[19] Uhagarariye Uwizeyimana Beatrice na bagenzi be avuga ko izi ndishyi nta shingiro zifite.

[20] Ingingo ya 21 y'iteka rya Perezida ryavuzwe haruguru ivuga ko amafaranga atangwa ku wapfuye hamwe n'ayo gushyirwa mu bitaro yakoreshejwe mbere y'urupfu ndetse hamwe, igihe bibaye ngombwa, n'amafaranga yo gutwara umurambo, yose azishyurwa habanje kwerekanwa ibimenyetso bihamye, hakurikijwe uko biteye mu buryo bwumvikana. Ayo mafaranga azishyurwa abazaba bayatanze, mu rugero rutarenze inshuro cumi (10) umushahara muto ntarengwa wemewe n'amategeko.

[21] Urukiko rurasanga amafaranga yatanzwe n'urukiko rwisumbuye rwa Nyamagabe ari amafaranga yakoreshejwe ku bikorwa by'ingenzi mu muhango wo gushyingura kandi ayo mafaranga ntabwo akabije kuba ikirenga ugereranije n'aho ibiciro bigeze muri iki gihe bityo amafaranga yakoreshejwe mu gushyingura angana na 381 600 Frw yagumaho.

 Kumenya niba hari izindi ndishyi zatangwa muri uru rubanza.

[22] Uwizeyimana Beatrice na bagenzi be barasaba indishyi z'ikurikirana rubanza zingana na 300,000frw ndetse n'igihembo cy'avoka kingana na 500,000 frw.

[23] Uhagarariye SGF avuga ko amafaranga y'igihembo cya avoka basaba atari SGF yayamuha kuko yayireze adakwiriye kuyirega, kuko icyemezo cy'urukiko kirasobanutse ahubwo bari bamubariye n'ibyo adakwiriye. Ntabwo akwiriye no gutandukanya ikurikiranarubanza n'igihembo cya avoka kuko mu gihembo cy'avoka ikurikiranarubanza riba ririmo. Bityo ntiyasaba igihembo cy'avoka ngo ahindukire anasabe ikurikiranarubanza ku ruhande.

[24] Urukiko rurasanga Uwizeyimana Beatrice na bagenzi be bahabwa igihembo cy’avoka n’amafaranga y’ikurikiranarubanza angana n’ibihumbi magana atanu (500.000 FRW) kubera ko bashowe mu manza zitari ngombwa bituma bashaka avoka ubaburanira mu bujurire.

III. ICYEMEZO CY’URUKIKO

[25] Rwemeje ko ubujurire bwatanzwe na Uwizeyimana Beatrice na bagenzi be bufite ishingiro kuri bimwe;

[26] Rwemeje ko imikirize y’urubanza RC 00041/2022/TGI/NYBE rwaciwe n’urukiko rwisumbuye rwa Nyamagabe ihindutse ku ndishyi z’ibangamirabukungu no kuba hiyongereyeho igihembo cy’avoka;

[27] Rutegetse SPECIAL GURENTEE FUND kwishyura Uwizeyimana Beatrice indishyi z’ibangamirabukungu zingana na 9.964.722 FRW n’indishyi mbangamira muco 1.080 000frw, kwishyura indishyi mbangamira muco ku bana ba nyakwigendera zingana na 810.000 frw kuri buri wese aribo Nyirahabimana Dative, Uzayisenga Marie Jeanne, Ishimwe Elia, Ndayiragije Jean de Dieu, kwishyura ababyeyi ba nyakwigendera indishyi z’ibangangamira ku muco zingana 810.000 frw kuri buri wese aribo Mukazera Thacienne na Kazasomaho Charles, indishyi mbangamira muco zingana na 540.000frw kuri buri muvandimwe wa nyakwigendera aribo Nsabimana Damascene, Nsengiyumva Alphonse, Murindahabi Marthazar, Mayira Michel na Nzaramba Moses, kwishyura amafaranga yakoreshejwe nyuma y’urupfu angana 381.160 frw, amafaranga y’ikurikiranarubanza n’igihembo cy’avoka angana 1.250.000 FRW, gusubiza Uwizeyimana Beatrice amafaranga yatanzeho ingwate y’amagarama mu rukiko rwisumbuye no mu rukiko rukuru angana 60.000 FRW.