KANTENGWA v AKAYEZU

[Rwanda URUKIKO RUKURU - RCA 00011/2022/HC/KIG (Nkusi, P.J) 24 Nyakanga 2024]

Amategeko agenga imiburanishirize y'imanza - Gutsindwa ku mpamvu zimwe – Ubujurire bwa kabiri - Gutsindwa ku mpamvu zimwe, bigenzurwa hashingiwe ku ngingo zatumye umuburanyi ajurira, niba izo ngingo arizo zagarutsweho mu bujrire kandi ko inkiko zombi zazishubijeho mu buryo bumwe, bigatuma ubujurire bwa kabiri butakirwa.

Incamake y'ikibazo: Kantengwa yakoranye amasezerano y'ubukode bw'inzu yo gucururizamo ya Akayezu ku mafaranga 900.000 ku kwezi yagombaga kwishyura mu ntangiro za buri kwezi. Yatanze amafaranga y'ibyangirika (caution) angana na 850.000 Frw. Kantengwa ngo ntiyaje gukorera muri iyo nzu kuko ubuyobozi bwaje kumuhagarika kubera ko iyo nyubako itari yemerewe gukorerwamo kuko yari icyubakwa bituma hashira amezi atatu atishyura ubukode. Akayezu, nyiri nzu yatanze ikirego mu Rukiko rw'Ibanze rwa Gasabo asaba ko yakwishyurwa ubukode, ikirego cye kirakirwa, Urukiko rwemeza ko Kantegwa agomba kwishyura ubukode bw'amezi atatu.

Nyuma yo kutanyurwa n'icyo cyemezo, Kantengwa yakijuririye mu Rukiko Rwisumbuye rwa Gasabo avuga ko urukiko rw'Ibanze rwategetse ko yishyura ubukode kandi rubona neza ko ubuyobozi bwahagaritse iyo nzu gukorerwamo kuko itari yujuje ibisabwa. Urukiko rwemeje ko ubujurire bwe nta shingiro bufite, akomeza mu Rukiko Rukuru.

Urukiko Rukuru rwakiriye ubwo bujurire maze rusuzuma ikibazo cyo kumenya niba ubujurire bwa kabiri bwa Kantengwa buri mu bubasha bwarwo.

Akayezu avuga ko ubujurire bwatanzwe budakwiye kwakirwa kuko ari ubwa kabiri kandi ujurira akaba yaragiye atsindwa ku mpamvu zimwe ndetse n'ikiburanwa kikaba kitarenze 7.543.333 Frw nkuko Kantengwa yabigaragaje yerekana agaciro k'ibyangijwe. Kantengwa asobanura ko inzitizi yatanzwe nta shingiro ifite kuko iyo icyaburanwe kitagenewe agaciro, agaciro kacyo kagomba kuba kari hejuri ya 50.000.000 Frw kandi bo ibyo bavuga byangijwe biturutse mu guhungabana ku bucuruzi bwe, nyuma yo kugenerwa agaciro biri hejuru yayo mafaranga. Akomeza avuga ko ku bivugwa na Akayezu bijyanye no gutsindwa kabiri ku mpamvu zimwe ko atari byo kuko ibyasuzumwe n'inkiko zombi bitandukanye.

Incamake y'icyemezo: Gutsindwa ku mpamvu zimwe, bigenzurwa hashingiwe ku ngingo zatumye umuburanyi ajurira, niba izo ngingo arizo zagarutsweho mu bujrire kandi ko inkiko zombi zazishubijeho mu buryo bumwe, bigatuma ubujurire bwa kabir butakirwa.

Ubujurire ntabwo bwakiriwe;
Urubanza Nº RCA 00129/2021/TGI/GSBO rugumanye agaciro karwo.

Amategeko yashingiweho:
Itegeko N°30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'inkiko, ingingo ya 46;
Itegeko Nº 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, ingingo ya 111.

Imanza zifashishijwe:

RCOMAA 0048/16/CS, RRA na SODAR Ltd, rwaciwe n'Urukiko rw'Ikirenga ku wa 19/05/2017;

RS/INJUST/RCOM 00003/2020/SC, SANLAM Plc na UNIVERSITY OF RWANDA rwaciwe n'Urukiko rw'Ikirenga ku wa 27/11/2020;

RS/INJUST/SPEC 00004/2020/SC, ASIIMWE Frank na Leta y'u Rwanda, rwaciwe n'Urukiko rw'Ikirenga ku wa 26/03/2021.

Urubanza

I. IMITERERE Y'URUBANZA

[1] Akayezu Rose urubanza yarutangije asaba urukiko rw'Ibanze rwa Gasabo gutegeka Kantengwa Odette kuva mu nzu yamukodesheje no kwishyura amafaranga y'ubukode yari agejejemo angana na 2.700.000 Frw. Asobanura ko Kantengwa yakomeje kuba mu nzu atayishyura kandi amasezerano y'ubukode bagiranye ateganyaga ko uko ukwezi gutangiye yagombaga kwishyura amafaranga y'ubukode yumvikanyweho mu masezerano angana na 900.000 Frw buri kwezi akaba hari hashize amezi atatu atishyura igihe yaregaga.

[2] Kantengwa Odette yireguye avuga ko nta mafaranga y'ubukode arimo kuko hari amafaranga 850.000Frw ya caution yari yaramuhaye kandi akaba atayahakana, ko impamvu atishyuye byatewe n'ubuyobozi bwamuhagaritse, ariko ko yemera iminsi 25 y'ukwezi kutarangiye kuko yishyuraga 900.000Frw ku kwezi yumvaga yabaha amafaranga 750.000Fr ariko akumva nayo bayakura muri caution y'amafaranga 850.000 Frw yamuhaye yinjira mu nzu.

[3] Ku wa 10/11/2021, Urukiko rwa rw'Ibanze rwa Gasabo rwaciye urubanza RC 00098/2020/TB/GSBO, rutegeka Kantengwa odette kwishyura Akayezu Rose 2.700.000 Frw y'ubukode y'amezi atatu, akamuha 500.000 Frws y'igihembo cy' avoka. Icyo cyemezo rukaba rwaragifashe nyuma yo gusesengura amasezerano impande zombi zagiranye, rugasanga nubwo Kantengwa Odette avuga ko kutishyura yabitewe n'Ubuyobozi bw'umurenge wa Kimironko bwahagaritse imirimo ye y'ubucuruzi, nyamara iyo atari impamvu yari gutuma atishyura amafaranga y'ubukode bw' inzu bw'amezi atamwishyuye kuko yagombaga kugaragariza Akayezu Rose impamvu atazamwishyurayo amezi atatu hanyuma bakabyumvikanaho nk'uko amasezerano bagiranye abiteganya.

[4] Ku kibazo cy'amafaranga Akayezu Rose asaba Urukiko gutegeka Kantengwa Odette kumwishyura, Urukiko rwasanze 200.000Frw y'amande Akayezu Rose avuga ko yaciwe, Kantengwa Odette atagomba kuyatanga kuko atabasha kugaragariza Urukiko niba amakosa yakozwe na Kantengwa Odette ariyo yatumye Akayezu Rose acibwa ayo amande uretse kubivuga mu magambo gusa. Rusanga 1.000.000 Frw yibyo Kantengwa Odette yangije, ndetse na 140.000 Frw yishyuwe umuhesha w'inkiko Akayezu Rose atagomba kuyahabwa, kuko atabasha kugaragariza Urukiko ishingiro ry'ayo mafaranga asaba dore ko atabasha kugaragaza ibyangijwe na Akayezu Rose kandi niba ariwe koko wabyangije; nanone Akayezu Rose akaba atabasha kugaragaza ikimenyetso kigaragaza koko niba 140.000Frw yarayishyuye Umuheshawinkiko, kandi nubwo yaba yaramwishyuye nta cyemeza yuko yayishyuye biturutse kuri Kantengwa Odette.

[5] Naho ku kibazo cy’amafaranga angana na 7.543.333 Kantengwa Odette asaba ko Akayezu Rose yamwishyura kubera igihombo yamuteje kubwo kumubuza imikorere igihe kinini kuva kuva 25/11/2019 kugeza kuya mbere 01/01/2020; Urukiko rwasanze ibyo Kantengwa Odette asaba nta shingiro bifite kuko atabasha kugaragariza Urukiko niba ayo mezi yose atakoze byaravuye ku mpamvu y‘amakosa ya Akayezu Rose.

[6] Kantengwa Odette ntiyanyuzwe n‘icyo cyemezo ajuririra mu Rukiko Rwisumbuye rwa Gasabo avuga ko Urukiko rwemeje ko agomba kwishyura ubukode bw'inzu kandi rubona neza ko Umurenge wa Kimironko wahagaritse inzu ya Akayezu Rose kuko yakorerwagamo itujuje ibisabwa kandi amategeko agenga amasezerano muri rusange ateganya ko umuntu yishyura service yahawe nanone kandi ko bitubahirije amasezerano impande zombi zagiranye kuko nayo ubwishyu butangwa na Kantengwa Odette ari ikiguzi cy'uko yabaye mu nzu ya Akayezu Rose, ariko bikaba bitumvikana uburyo Kantengwa Odette ariwe wirengera ingaruka zibyo atateje. Asaba kandi guhabwa 7.543.333Frw y’igihombo yagize mu gihe hari ibyangiritse byari muri frigo igihe inzu ya Akayezu Rose yakodeshaga yahagaritswe ndetse agahabwa n’igihembo cy'Avoka kuri uru rwego no ku rwego rwa mbere hamwe no guhabwa amagarama yatanze arega.

[7] Urukiko Rwisumbuye rwa Gasabo, rwaciye urubanza RCA 00129/2021/TGI/GSBO ku wa 28/07/2022, rwemeza ko ubujurire bwa Kantengwa Odette nta shingiro bufite, rwemeza ko urubanza RC 00098/2020/TB/GSBO rwaciwe n'urukiko rw'Ibanze rwa Gasabo ku wa 10/11/2021 rugumanye agaciro karwo. Iki cyemezo rukaba rwaragifashe nyuma yo gusuzuma amasezerano impande zombi zagiranye rugasanga nta kigaragaza ko ayo masezerano yaseshwe agomba kubahirizwa n’impande zombi zayagiranye nkuko byasobanuwe mu rubanza rujuririrwa ku buryo rubona nta makosa yakozwe muri urwo rubanza rwahindura. Rusanga kandi ku bijyanye nibyo Kantengwa odette asaba ko Akayezu Rose ategekwa kumwishyura 7.543.333 Frw y‘igihombo yamuteje nta shingiro bifite kuko ariwe wabaye nyirabayazana yo kudafungurwa kwa restaurant ye kuko atubahirije ibikubiye mu masezerano ku wa 13/11/2019 yo gusana icyobo cy’amazi cyagiritse kigatuma Umurenge wa Kimironko ufunga iyo nzu, bityo rusanga ntacyo rubona rwashingiraho ruhindura urubanza RC 00098/2020/TB/GSBO rwajuririwe rukaba rugumanye agaciro karwo.

[8] Kantengwa Odette ntiyanyuzwe n’imikirize y’urwo rubanza, ajuririra mu Rukiko Rukuru, avuga ko urukiko rwirengagije yuko Restaurant yahagaritswe gukora kubera yuko nyir‘inzu Akayezu Rose yananiwe kubahiriza inshingano ze nkanyirayo, kandi ko urukiko rutitaye ku gihombo yahuye nacyo, rukaba rwaramutegetse kwishyura ubukode rwirengagije ko yatanze caution. Ubwo bujurire bwa Kantengwa Odette bwahawe no RCAA00011/2022/HC/KIG urubanza rwagombaga kuburanishwa ku wa 14/05/2024, ariko Urukiko ruhabwa amakuru ko Akayezu Rose atakiriho yitabye Imana, rusubika iburanisha kugira ngo abazungura bahamagarwe aribo barukomeza, iburanisha ryimurirwa ku wa 28/06/2024. Kuri uwo munsi ababuranyi baritabye, Kantengwa Odette ahagarariwe na Me Bayingana Janvier na Me GARIYO Eric naho abazungura ba Akayezu Rose, aribo Nsengiyumva Jean Paul, Umuhoza Gakwaya Yvone na Gakwaya Jean Pierre bahagarariwe na Me Nyiraneza Marie Grace.

[9] Mu kuburana, abazungura ba Akayezu Rose batanze inzitizi yo kutakira ubujurire bwa Kantengwa Odette hagendewe ko ari ubujurire bwa kabiri, kandi ikiburanwa kikaba kitagejeje ku gaciro ka 50.000.000 Frw nk’uko bigaragara mu manza zabanje kuko haburanwaga amasezerano y’ubukode bw’inzu yabaye hagati ya Kantengwa na Akayezu. Bavuga ko indi mpamvu

bashingiraho basaba ko ubujurire bwa kabiri bwa Kantengwa Odette butakwakirwa ngo busuzumwe ari uko yatsinzwe kabiri mu nkiko zabanje ku mpamvu zimwe nk'uko nawe ubwe abyiyemerera.

II. IKIBAZO KIGIZE URUBANZA N'ISESENGURA RYACYO

Kumenya niba ubujurire bwa kabiri bwa Kantengwa Odette buri mu bubasha bw'urukiko.

[10] Me Nyiraneza Marie Grace ahagarariye abazungura ba Akayezu Rose avuga ko ubujurire bwa Kantengwa Odette ari ubujurire bwa kabili, ko butagomba kwakirwa kuko ikiburanwa kitagejeje ku gaciro ka 50.000.000 Frw nk'uko bigaragara mu manza zabanje, ko haburanwaga amasezerano y'ubukode bw'inzu yabaye hagati ya Kantengwa na Akayezu. Ko kuba Kantengwa Odette yaragaragaje ko agaciro k'ibyangijwe ari 7.543.333 Fr, bikaba bitumvikana ukuntu bagiye gukoresha igenagaciro, ndetse ko n'igenagaciro ryagaragajwe ari irya Company yitwa Kamiko General Business Ltd mu gihe amasezerano y'ubukode bw'inzu buburanwa muri uru rubanza yabaye hagati ya Akayezu Rose na Kantengwa Odette. Avuga kandi ko ubujurire bwa Kantengwa Odette butakwakirwa hashingiwe ko yatsinzwe kabiri mu nkiko zabanje ku mpamvu zimwe.

[11] Abahagarariye Kantengwa Odette bavuga ko inzitizi yo kutakira ubujurire bw'uwo bahagarariye nta shingiro ifite bashingira ku ngingo ya 46 y'itegeko ryo ku wa 02/06/2018 rigena ububasha bw'inkiko, mu gace kayo kavuga yuko iyo icyaburanwe kitagenewe agaciro mu mafaranga mu manza zabanje, kigomba kuba gifite agaciro nibura kangana na 50.000.000Frw kagenwe n'umuhanga iyo bibaye ngombwa, ko rero kuba ubucuruzi bwa Kantengwa Odette bwarahungabanyijwe bikamutera igihombo kirenga 54.000.000Frw kandi n'ubucuruzi bwa KAMIKO GENERAL BUSINESS RWANDA Ltd buhagarariwe na Kantengwa Odette bukaba bufite agaciro ka 83.930.000 Frw nk'uko raporo y'igenagaciro ibigaragaza. Ko rero uru rukiko rufite ububasha bwo kuburanisha ubu bujurire ku rwego rwa kabiri.

[12] Ku birebana no gutsindwa kabiri ku mpamvu zimwe, bavuga ko uwatanze inzitizi usibye kubivuga gusa, atagaragaza impamvu zisa zatsinze Kantengwa, ahubwo ko ibyasuzumwaga byari bitandukanye, ku rwego rwa mbere no ku rwego rwa kabili, issues zagiye zisuzumwa zikaba zitandukanye. Bavuga kandi ko babona ko uru rukiko rufite ububasha bwo kuburanisha uru rubanza hagendewe ku murongo wafashwe n'Urukiko Rwikirenga mu rubanza RS/INCONST/SPEC00004/2020/SC, aho rwemeje ko gutsindirwa k'umuburanyi ku mpamvu zimwe mu nkiko zabanje bitabuza ubujurire ku rwego rwa kabiri kwa kirwa ngo busuzumwe.

UKO URUKIKO RUBIBONA

[13] Ingingo ya 46, igika cya mbere, y'Itegeko N°30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'inkiko, iteganya ko:«Urukiko Rukuru ruburanisha kandi imanza z'imbonezamubano zajuririwe, zaciwe mu rwego rwa kabiri n'Urukiko Rwisumbuye, mu gihe izo manza: 6° zagenwemo n'urukiko indishyi zingana nibura na miliyoni mirongo itanu z'amafaranga y'u Rwanda (50.000.000 FRW) cyangwa zifite agaciro kagenwe n'umucamanza mu gihe habaye impaka kangana na miliyoni mirongo itanu z'amafaranga y'u Rwanda (50.000.000 FRW)». Mu gika cya kabiri cy'iyo ngingo, igateganya ko: ''Icyakora, ubujurire bwa kabiri ntibushobora

kwakirwa ku manza z'ababuranye bemera ibyo baregwa, cyangwa ku muburanyi watsinzwe mu nkiko zombi hashingiwe ku mpamvu zimwe». Naho mu gika cya gatatu, igateganya ko:«Iyo icyaburanwe kitagenewe agaciro mu mafaranga mu manza zabanje, kigomba kuba gifite agaciro nibura kangana na miliyoni mirongo itanu z'amafaranga y'u Rwanda (50.000.000 FRW) kagenwe n'umuhanga iyo bibaye ngombwa''.

[14] Ku birebana no gutsindwa ku mpamvu zimwe, Urukiko rw'Ikirenga n'Urukiko rw'Ubujurire zabitanzeho umurongo ku manza zinyuranye zaciye, nko mu rubanza rwa SODARA (igika cya 17); Urukiko rw'Ikirenga rwagaragaje ko impamvu zimwe zigomba kumvikana nk'ibisobanuro urukiko rwashingiyeho mu gufata icyemezo cyarwo rugendeye ku byabaye (motif de fait) no ku byo amategeko abiteganyaho (motiffs de droits). Naho mu gika cya 19 ruvuga ko mu gusuzuma ko umuburanyi yatsinzwe ku mpamvu zimwe hatarebwa niba ibimenyetso ababuranyi batanze ku rwego rwa mbere ari byo byatanzwe no mu rwego rw'ubujurire, ahubwo ko ikitabwaho ari ukureba niba ingingo zaburanweho mbere arizo zagarutsweho mu bujurire kandi ko inkiko zombi zazishubijeho mu buryo bumwe, cyane cyane hitabwa ku ngingo zirebana n'ikiburanwa mu buryo butaziguye aho kureba ingingo zose zasuzumwe[1]. Urwo rukiko rwabigarutseho kandi no mu rubanza SANLAM yaburanaga na UR, igika cya 28 aho rwavuze ko gutsindwa ku mpamvu zimwe, bigenzurwa hashingiwe ku ngingo zatumye umuburanyi ajurira, ndetse n'umwanzuro wazifashweho n'impamvu zashingiweho n'inkiko zombi[2].

[15] Naho mu rubanza rwatanzwe n'umuburanyi, Urukiko rw'Ikirenga rwasanze kuba ku mpamvu y'imigendekere myiza y'itangwa ry'ubutabera, umushingamategeko yarateganyije ko kugira ngo ubujurire bwa kabiri bwakirwe, uwajuriye agomba kuba ataratsinzwe ku mpamvu zimwe, bitamwambura uburenganzira ku butabera buboneye kuko aba yarahawe uburenganzira bwo kujuririra urubanza bwa mbere, kandi bukaba aribwo burenganzira ntayegayezwa adashobora kuvutswa, nubwo nabwo bushobora gushyirwaho imbibi hagamijwe intego ifite ireme. Urukiko rwanzuye rero ko kuba mu gusuzuma ubujurire bwa kabiri, Urukiko rugarukira gusa ku kureba ko umuburanyi yatsinzwe mu nkiko ebyiri zibanza ku mpamvu zimwe rudasuzumye niba izo mpamvu zikurikije amategeko bitabangamiye uburenganzira ku butabera buboneye[3].

[16] Ku birebana n'uru rubanza ikiburanwa gishingiye ku kuba Akayezu Rose yaratanze ikirego asaba urukiko gutegeka Kantengwa Odette kuva mu nzu ye no kwishyura amafaranga y'ubukode yaragejejemo. Urukiko rw'Ibanze mu gukiza urubanza, rwashingiye ku masezerano impande zombi zagiranye rusanga nta mpamvu Kantengwa Odette atakwishyura amafaranga y'ubukode yishyuzwa. Urukiko Rwisumbuye narwo rwasuzumye amasezerano impande zombi zagiranye narwo rusanga kuba ayo masezerano atarasheshwe, agomba kubahirizwa n'impande zombi zayagiranye nkuko byasobanuwe mu rubanza rujuririrwa ku buryo rubona nta makosa yakozwe muri urwo rubanza rwahindura. Ku birebana n'amafaranga Kantengwa odette asaba ko Akayezu Rose ategekwa kumwishyura angana na 7.543.333 y'igihombo yamuteje, Urukiko Rwisumbuye rwasanze ntacyo rubona rwashingiraho ruhindura urubanza rwajuririwe, ko urwo rubanza rugumanye agaciro karwo.

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[1] Urubanza RCOMAA 0048/16/CS haburana RRA na SODAR Ltd, rwaciwe ku wa 19/05/2017

[2] Urubanza RS/INJUST/RCOM 00003/2020/SC haburana SANLAM Plcna UNIVERSITY OF RWANDA rwaciwe ku wa 27/11/2020

[3] Urubanza RS/INJUST/SPEC 00004/2020/SC, haburana ASIIMWE Frank na Leta y'u Rwanda, rwaciwe ku wa 26/03/2021, igika cya 26.

[17] Urukiko rurasanga harebwe ko icyaregewe muri uru rubanza ari ugusaba kwishyurwa amafaranga y'ubukode impande zombi zemeranyijweho mu masezerano, ibisobanuro byibukijwe haruguru bigaragaza ko inkiko zombi zashingiye ku mpamvu y'uko Kantengwa Odette atubahirije amasezerano, zibiheraho zemeza ko agomba kwishyurwa 2.700.000 Frw y'ubukode y 'amezi atatu nk'uko biteganyijwe muri ayo masezerano. Inkiko zombi kandi zemeje ko Akayezu Rose atategekwa kwishyura Kantengwa Odette amafarangana 7.543.333 y'igihombo yamuteje kuko nta bimenyetso by'uruhare rwe kuri icyo gihombo.

[18] Urukiko rurasanga, harebwe ibisobanuro inkiko zombi zatanze, bigaragara ko Kantengwa Odette yatsinzwe ku mpamvu zimwe nk'uko uburanira abazungura ba Akayezu Rose abivuga, kuko ibivugwa n'ababuranira Kantengwa Odette ko ibyasuzumwe byari bitandukanye ku rwego rwa mbere no ku rwego rwa kabili nta kuri kurimo kuko ikiburanwa kitigeze gihinduka ndetse n'ibibazo byasuzumwe bikaba ari bimwe.

[19] Hashingiwe kuri ibyo bisobanuro, Urukiko rurasanga kuba Kantengwa Odette yaratsinzwe ku rwego rwa mbere n'urwa kabiri ku mpamvu zimwe, ubujurire bwe butari mu bubasha bw'Urukiko Rukuru, kandi ibyo bikaba bizitira uru rukiko kuba rwasuzuma ibindi bibazo byaburanishijwe muri uru rubanza.

Kumenya ishingiro ry'amafaranga y'ikurikiranarubanza n'igihembo cya Avoka

[20] Uhagarariye abazungura ba Akayezu Rose asaba urukiko gutegeka Kantengwa Odette kubaha 1.000.000Frw y'igihembo cya Avoka na 500.000Frw y'ikurikiranarubanza kubera gushorwa mu manza ku mpamvu z'amaherere.

[21] Uhagarariye Kantengwa Odette avuga ko amafaranga asabwa n'abazungura ba Akayezu Rose nta shingiro kuko ariwe ugomba kwirengera ibigendanye n'imanza yishoyemo.

UKO URUKIKO RUBIBONA

[22] Ingingo ya 111 y'Itegeko Nº 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi igira iti: 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.

[23] Urukiko rurasanga kuba abazungura ba Akayezu Rose bari bafite Avoka ubaburanira kandi bakaba barakurikiranye uru rubanza, bakwiye kugenerwa mu bushishozi bw'Urukiko igihembo cya Avoka kingana na 500.000Frw n'amafaranga y'ikurikiranarubanza angana na 300.000Frw.

III. ICYEMEZO CY'URUKIKO

[24] Rwemeje ko kutakira ubujurire bwa Kantengwa Odette kuko butari mu bubasha bw'Urukiko Rukuru;

[25] Rwemeje ko urubanza Nº RCA 00129/2021/TGI/GSBO rwaciwe n’Urukiko Rwisumbuye rwa Gasabo, ku wa 28/07/2022, rugumanye agaciro karwo;

[26] Rutegetse Kantengwa Odette guha abazungura ba Akayezu Rose aribo Nsengiyumva Jean Paul, Umuhoza Gakwaya Yvone na Gakwaya Jean Pierre 800.000Frw akubiyemo 500.000Frw y’igihembo cya Avoka na 300.000Frw y’ikurikiranarubanza.