RADIANT INSURANCE COMPANY Ltd v NAKABONYE

[Rwanda URUKIKO RUKURU – RCA 00075/2023/HC/KIG (Gatoni, P.J.) 11 Nyakanga 2024]

Amategeko agenga imanza z'imbonezamubano – Imanza z'indishyi – Indishyi zikomoka ku mpanuka zikozwe n'ibinyabiziga - Indishyi mbangamirabukungu zikomoka ku rupfu rwatewe n'impanuka yo mu muhanda zigenerwa gusa uwari utunzwe na nyakwigendera, wabitangiye ibimenyetso.

Incamake y'ikibazo: Uru rubanza rukomoka ku mpanuka yabaye ubwo imodoka yari ifite ubwishingizi muri Radiant Insurance Company Ltd (Radiant) yagongaga moto yari iriho abantu babiri umwe muri bo witwa Nambajimana ahita apfa. Ababyeyi be basabye umwishingizi ko yabaha indishyi ariko ntibumvikana bituma batanga ikirego mu Rukiko rwisumbuye rwa Nyarugenge rutegeka Radiant gutanga indishyi zitandukanye.

Ibonye itanyuzwe, Radiant yajuririye mu Rukiko Rukuru ivuga ko hatanzwe indishyi mbangamirabukungu kandi abazisabaga nta bimenyetso berekanaga. Urukiko rwakiriye ubwo bujurire maze hasuzumwa ikibazo cyo kumenya niba ababyeyi ba nyakwigendera bari bakwiye kugenerwa indishyi mbangamirabukungu.

Radiant ivuga ko Twizeyimana atigeze asezerana na Nakabonye kandi ntiyigeze agaragaza inyandiko yo kwemera umwana ngo bifatwe ko ari we se bityo akaba ataragombaga guhabwa indishyi. Ikomeza ivuga ko na Nakabonye, nyina wa nyakwigendera na we atagaragaza ibimenyetso by'uko yari atunzwe na nyakwigendera ku buryo habwa indishyi mbangamirabukungu. Abaregera indishyi bo basobanura ko kuba Twizeyimana atarasezeranye na Nakabonye bidakuraho ko ari we mubyeyi wa Nambajimana. Bakomeza bavuga ko umwana agomba guha ababyeyi be ibibatunga igihe babikeneye. Ibi rero bishimangirwa n'icyemezo cyatanzwe n'inzego z'ibanze kigaragaza ko ababyeyi ba nyakwigendera bari mu cyiciro cya mbere cy'ubudehe ndetse bakaba baranagaragaje icyemezco cy'umushahara nyakwigendera yahembwaga, bivuze ko ari we wabahaga ibibatunga nk'abantu b'abakennye. Radiant nta kimenyetso itanga kigaragaza ko Twizeyimana atari we se wa Nambajimana.

Incamake y'icyemezo: Indishyi mbangamirabukungu zikomoka ku rupfu rwatewe n'impanuka yo mu muhanda zigenerwa gusa uwari utunzwe na nyakwigendera, wabitangiye ibimenyetso bityo kuba hari icemezo kigaragaza ko ababyeyi ba nyakwigendera bari mu cyiciro cya mbere cy'ubudehe, bigaragaza ko ari we wari ubatunze.

Ubujurire bwatanzwe nta shingiro bufite.

Amategeko yashingiweho

Itegeko Nº 32/2016 ryo kuwa 28/08/2018 rigena abantu n'umuryango, ingingo ya 255;
Itegeko N° 062/2024 ryo ku wa 20/06/2024 rigenga ibimenyetso, ingingo ya 4.

Imanza zifashishijwe

RS/INJUST/RC 00018/2022/SC, SANLAM AG PLC v Niyonzima, rwaciwe n'Urukiko rw'Ikirenga ku wa 27/01/2023;

RS/INJUST/RC 00021/2022/SC, Mukagatare na SANLAM AG PLC rwaciwe n'Urukiko rw'Ikirenga ku wa 17/03/2024.

Urubanza

I.I MITERERERE Y'URUBANZA.

[1] Taliki ya 27/01/2023,Urukiko Rwisumbuye rwa Nyarugenge rwaciye urubanza RC 00351/2022/TGI/NYGE, Nakabonye Verononise,Twizeyimana Seleman, Dushimimana Dativa, Nizeyimana Enock,Manirambona Héritier, Niyitegeka Noël na Tuyishime Mireille nibo baregaga barega Radiant Insurance Company Ltd bayisaba indishyi kubera ko ikinyabiziga yari yarishingiye(TRUCK MERCEDES Benz RAD 256 I) cyagonze MOTO TVS VICTOR RG 781 A yari itwawe na Tuyizere Pacifique nawe wari utwaye Nambajimana John Peter (1991) wahise apfa ;ababyeyi be nibwo begereye Radiant Insurance Company Ltd bayisaba indishyi mu bwumvikane,ariko ntibyakunda,bituma bagana inkiko ;maze Urukiko Rwisumbuye rwa Nyarugenge rutegeka ko Radiant Insurance Company Ltd yishyura abaregaga amafaranga miliyoni cumi na zirindwi n'ibihumbi magana arindwi na mirongo inani n'umunani na magana atanu n'atatu (17.788.503 frw);

[2] Radiant Insurance Company Ltd ntiyanyuzwe n'imikirize y'urubanza irajurira; ivuga ko impamvu yajuriye ari izi zikurikira:

- Urukiko rwageneye indishyi bamwe mu baregaga mu gihe RADIANT yagaragazaga ko nta sano bafitanye na nyakwigendera Nambajimana John Peter;0791688421
- RADIANT isanga kandi ngo haratanzwe indishyi mbangamirabukungu aho abaregaga bavugaga ko bari batunzwe na nyakwigendera kandi nyamara nta bimenyetso berekanaga by'uburyo yari abatunzemo ahubwo urukiko rushingira ku nyandiko itavugisha ukuri biboneka ko yateguwe n'abarega mu nyungu zabo;
- RADIANT yari yagaragaje imanza zisa nk'urwaburanwaga zafashwemo ibyemezo byo kudatanga indishyi mbangamirabukungu kuko abaregaga batagaragazaga uburyo babaga batunzwemo na ba nyakwigendera, umucamanza akaba ataragize icyo azivugaho ahubwo atanga indishyi zidafitiwe ishingiro; RADIANT isaba ko amakosa yakozwe yakosorwa.

[3] Ibibazo bigomba gusuzumwa ni ukumenya niba urukiko rubanza rwari rukwiye gutegeka ko Twizerimana Seleman, Nizeyimana Enock, Manirambona Heritier, Tuyishime Mireille na Niyitegeka Noel badahabwa indishyi zikomoka ku mpanuka yahitanye Nambajimana John Peter.

II. ISESENGURA RY'IBIBAZO BIGIZE URUBANZA.

- **Kumenya niba urukiko rubanza rwari rukwiye gutegeka ko Twizerimana Seleman, Nizeyimana Enock, Manirambona Heritier, Tuyishime Mireille na Niyitegeka Noel badahabwa indishyi zikomoka ku mpanuka yahitanye Nambajimana John Peter**

[4] Me NDAYISABA Fidele uhagarariye RAIABT yahawe ijambo ngo avuge impamvu zatumye Ikigo ahagarariye kijurira avuga ko umucamanza yageneye indishyi Twizerimana Seleman, Nizeyimana Enock, Manirambona Heritier, Tuyishime Mireille na Niyitegeka Noel ko bahabwa indishyi zikomoka ku mpanuka yahitanye Nambajimana John Peter atagaragarijwe ko uyu Twizeyimana Seleman yemeye nyakwigendera mbere yuko yitaba Imana kandi mu myiregurire ya RADIANT yasobanuraga ko mu gusuzuma urutonde rw'abasaba indishyi isanga nyina wa nyakwigendera Nakabonye Voronise ari ingaragu nkuko icyemezo yahawe n'inzego z'ibanze kibyerekana, bivuze ko kuba nyina akiri ingaragu yamubyaranye n'umugabo utazwi kuko ngo nta n'inyandiko iri muri dossier igaragaza ko uwaba yaramubyaye yaba yaramwemeye mbere y'uko yitaba Imana cyangwa se ko haba harabayeho urubanza rutanzwe na nyakwigendera rusaba urukiko kwemeza uwaba yaramubyaye.

[5] Avuga ko abemerewe indishyi ari nyina wa nyakwigendera Nakabonye Voronise n'umuvandimwe wa nyakwigendera witwa Dushimimana Dative;naho abandi aribo Twizerimana Seleman nta kibyemeza kuko atagaragaza aho yaba yaramwemereye mbere y'uko yitaba Imana;ku bandi bagaragara ko barega aribo Nizeyimana Enock, Niyitegeka Noel, Tuyishime Mireille na Manirambona Heritier bene Twizerimana na MUKAZANINKA ngo ntaho bahuriye na nyakwigendera ku buryo bakwaka indishyi zikomoka ku rupfu rwe; Avuga ko ngo Abasabaga izi ndishyi bashingiraga ku byemezo by'amavuko gusa bisabiye mu nyungu zo kugira ngo bahabwe indishyi, mu gihe nta nyandiko yo kwemera umwana (acte de reconnaissance) yagaragarijwe urukiko nk'uko biteganywa n`amategeko; mu ngingo za ingingo ya 262,263,264;avuga ko nta mubyeyi wakwemera umwana wamaze kwitaba Imana nubwo amategeko atabyemera nabyo ngo ntabyakozwe na Twizerimana Seleman.

[6] Avuga ko Ibyo Twizerimana Seleman n`umuryango we wakoze byo gushakisha ibyemezo by`amavuko ntabwo umucamanza yagombaga kubyemera ndetse ngo anabishyigikize ingingo ya 3 y`Itegeko n°15/2004 ryo kuwa 12/6/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo ndetse n'iya 255 y`Itegeko n°32/2016 ryo kuwa 28/08/2016 rigenga abantu n'umuryango, nyamara ngo ibisobanuro by'izi ngingo ntabwo byari byujujwe n'abasabaga indishyi kuko batagaragaje inyandiko z`irangamimerere zavuzwe;Aha rero ngo RADIANT ikaba isanga umucamanza yarakoze ikosa ryo kwemeza ko Twizerimana Seleman n`abamukomokaho aribo Nizeyimana Enock, Manirambona Heritier, Tuyishime Mireille na Niyitegeka Noel bahabwa indishyi nk'abafitanye isano na nyakwigendera;ikindi ngo RADIANT yagaragaje umurongo wafashwe n`urukiko rw'Ikirenga mu rubanza RS/INJUST/RP 0000/2018/SC rwo kuwa 17/10/2019 ubushinjacyaha buburana na Mugabe Thomas alias Mabati na bagenzi be aho mu gika cya 58 urukiko rwagaragaje ko rusanga mu gihe hatakozwe inyandiko y'ivuka mu irangamimerere y'umuntu, hagakorwa urubanza rusimbura inyandiko y'ivuka, narwo rugomba gushingira ku makuru yizewe kandi adashidikanywaho;Uru rubanza rwashyikirijwe urukiko kugira ngo rugaragaze umurongo wafashwe kubyemezo by`irangamimerere ariko ntacyo yabivuzeho. Aha rero RADIANT igasaba urukiko rukuru gukosora amakosa yakozwe maze abahawe indishyi batazikwiye bakazivanirwaho.

[7] Me Bizimungu Bernard uhagarariye abaregwa avuga ko ibyo Radiant ivuga bitahabwa ishingiro ngo ibyo ivuga byo kwitwaza ko Twizeyimana Seremani atasezeranye na Nakabonye Veronise nyina wa nyakwigendera Nambajimana John Peter ntibivanaho ko ariwe wamubyaye, ubu Service y'IREMBO ifite records y'irangamimerere yose y'abanyarwanda, igisabwe ku irembo kikemezwa n'abakozi ba Leta babifitiye ububasha kiba gifite agaciro k'inyandiko mvaho, ntawe ufite ububasha bwo ku kivuguruza uko biboneye nta bimenyetso babitangiye cyangwa se ngo babiregere hemezwe ko ibyo byemezo ari ibihimbano;rero ngo kuba Nyakwigendera John Peter ibyangombwa bigaragaza ko se ari Twizerimana Seremani,bitanzwe n'abakozi ba Leta babifitiye ububasha, ndetse Dushimimana Dativa RADIANT yemera ngo kubera ko asangiye nyina na Nyakwigendera, kandi nawe akaba ari mwene Twizerimana Seremani na Nakabonye Veronise, ibi bivuga ko n'abandi bavandimwe babyawe na Twizerimana Seremani n'ubwo batavukana na nyakwigendera kuri nyina umwe na nyakwigendera ari abavandimwe ku maraso ya se bahuje bose se nk'uko ingingo ya 255 igika cya mbere y'itegeko no 32/2016 ryo kuwa 28/08/2018 rigena abantu n'umuryango;ngo kuvuga ngo umwana ntiyemerwa nyuma yo gupfa nta shingiro bifite, kuko uretse amagambo atagira gishigikira, ntibagaragaza ko aya masano yagaragajwe na systeme y'irembo yashyizwemo nyuma yo gupfa kwa nyakwigendera;ko imanza nyinshi zaciwe ku bindi bibazo bitari iki, ntibivuguruza inyandiko mvaho zatanzwe n'abakozi ba leta babifitiye ububasha ku masano y'uyu muryango, kubera ko icyo zaciriwe ntaho gihuriye n'ikibazo bafite uyu munsi.

Uko urukiko rubibona

[8] Urukiko rurasanga ingingo ya 4.1o y'itegeko n° 062/2024 ryo ku wa 20/06/2024 rigenga ibimenyetso ivuga ko urega cyangwa utanze ikibazo agaragaza ikimenyetso cy'ibyo aregera cyangwa asaba; Uwiregura agaragaza ikimenyetso gishyigikira ukwiregura kwe;icyakora, umucamanza cyangwa ukemura ikibazo ashobora gutegeka umuburanyi cyangwa umwe mu bafitanye ikibazo cyangwa undi muntu gutanga cyangwa kwerekana ikimenyetso afite;urukiko rukaba rusanga ibyo uhagarariye Radiant avuga ko nta masano Twizerimana Seleman,Nizeyimana Enock,Manirambona Heritier, Tuyishime Mireille na Niyitegeka Noel bafitanye na nyakwigendera nta shingiro byahabwa; Twizerimana Seleman ni umubyeyi wa nyakwigendera Nambajimana John Peter;ibyo kuvuga ko nta kimenyetso ko yamwemeye ngo anabikorere inyandiko nta shingiro byahabwa kubera ko Radiant itagaragaza ko uyu Twizerimana Seleman yamwanze;nta manza cyangwa ibindi bibazo byigeze biba hagati ya Twizerimana Seleman na Nakabonye bamubyaranye bijyanye n'umwana wabo nkeretse RADIANT abitangiye ibimenyetso;ni kimwe no kuri Nizeyimana Enock,Manirambona Heritier, Tuyishime Mireille na Niyitegeka Noel abo ni abavandimwe ba nyakwigendera Nambajimana nkuko bigaragazwa n'ibyemezo byatanzwe n'inzego za Leta zibifitiye ububasha;Radiant ikaba itarashoboye kuvuguruza ko Twizerimana atemeye umwana cyangwa ngo yerekane ko abandi atari abavandimwe ba nyakwigendera;urukiko rukaba rusanga iyi ngingo y'ubujurire RADIANT itanga nta shingiro ifite;ibyo ivuga ko urukiko ntirwashingiye ku manza zatanzwe,urukiko rukaba rusanga urubanza rutakuraho isano umuntu afitanye n'undi ndetse n'uburenganzira bwe;ikindi ni uko urubanza RS/INJUST/RP 0000/2018/SC rutagaragara muri systeme.

- **Gusuzuma niba urukiko ku rwego rwa mbere rwari rukwiye kugenera abaregaga (ababyeyi ba nyakwigendera) indishyi mbangamirabukungu.**

[9] Me Ndayisaba Fidele avuga ko abaregaga (ababyeyi ba nyakwigendera) basabaga indishyi mbangamirabukungu bavuga ko bari batunzwe na nyakwigendera, mu gihe RADIANT yo

yavugaga ko ku bw’ibanze abasaba indishyi harimo abatazemerewe, ikagaragaza ko abazemerewe ari nyina wa nyakwigendera Nakabonye Voronise ndetse na Dushimimana Dative umuvandimwe wa nyakwigendera; RADIANT yagaragazaga ko nabo batemerewe indishyi mbangamirabukungu kuko batagaragaza ibyo yabatungishaga n’uburyo yabatungagamo, dore ko inyandiko umucamanza avuga ko ashingiraho yo kuwa 17/03/2022 ari inyandiko itavugisha ukuri ngo biboneka ko iba yarateguwe n’abarega bakayishyikiriza inzego z’ibanze ngo yuzuzwe kandi byose bikorwa mu nyungu zo gushakisha indonke kumwishingizi; Ibi ngo kandi bigaragazwa n’uburyo iyo nyandiko yujujwemo, bigaragara ko itujujwe cyangwa ngo itegurwe n’urwego rwayishyizeho umukono.

[10] Avuga ko ibi kandi byagarutsweho n’abacamanza mu rukiko rw`Ikirenga mu rubanza RCAA 0049/14/CS rwo kuwa 25/11/2016 rwa SORAS Ltd iburana na Umuhoza Pacifique na bagenzi be. Ni nako kandi byategetswe mu manza nka RCA 00075/2020/HC/MUS rwo kuwa 30/3/2021 hagati ya RADIANT na Ndagijimana Emmanuel na bagenzi be, Urubanza RCA 00019/2021/HC/NYZ rwo kuwa 30/11/2021 RADIANT iburana na Niyomugabo Moise na bagenzi be, Urubanza RCA 00004/2022/HC/MUS rwo kuwa 19/9/2022 hagati ya RADIANT na Munyandekwe Jean de Dieu na bagenzi be, urubanza RC 00018/2021/TGI/NYBE rwo kuwa 25/9/2021 rwa Mukangango Clémentine na bagenzi be baburana na RADIANT;avuga ko izi manza zose zagaragarijwe umucamanza ariko ntacyo yazivuzeho.

[11] Avuga ko ngo Urukiko rw’Ikirenga narwo mu rubanza RS/INJUST/RC 00018/2022/SC rwo kuwa 27/01/2023 rwa Niyonzima Leonids na bagenzi be baburana na SANLAM mu bika byarwo bya 20,21 na 22 hasobanuwe neza ko abahabwa indishyi mbangamirabukungu bagomba kuba bagaragaza ibimenyetso by’uko bari batunzwe na nyakwigendera kandi ko n`uwabibahaga yari afite ubushobozi bwo kubibaha. Umuntu yanakwibaza ukuntu uwiyita ko ariwe se Twizerimana Selaman ubana n’umugore n’abana be mu karere ka GASABO nkuko biri mu myirondoro ye y’ikirego yahindukira agahuzwa na Nakabonye Veronise utuye mu karere ka Rutsiro maze bagatungirwa hamwe na Nambajimana John Peter maze n’abayobozi b’inzego z’ibanze bakavuga ko umuryango wa Twizerimana na Nakabonye bari mu cyiciro cya mbere cy’ubudehe kandi batabana dore ko batanashakanye; aha rero tukaba dusaba urukiko rujuririrwa ko indishyi mbangamirabukungu zatanzwe zivanwaho kuko ntacyo zishingiyeho.

[12] ME Bizimungu Bernard uahagarirye abaregera indisdhyi avuga ko ingingo ya 255 igika cya kabiri y’itegeko no 32/2016 ryo kuwa 28/08/2018 rigena abantu n’umuryango, iteganya ko :Umwana agomba guha agaciro ababyeyi be, kububaha no kubaha ibibatunga igihe babikeneye; avuga ko RADIANT ivuga ko ngo hatagaragajwe icyo nyakwigendera yatungishaga ababyeyi be bari mu cyiciro cya mbere cy’ubudehe ariko impamvu zikurikira ngo zigaragaza ko ibyo RADIANT ivuga ari ukwivugira gusa kubera izi mpamvu: iya mbere ni uko inzego zibanze zatanze icyemezo kigaragaza ko nyakwigendera ariwe wari utunze ababyeyi bari mu cyiciro cya mbere cy’ubudehe, byumvikana ko ari ba ntaho nikora bari bakeneye ubufasha; iya 2 ngo ni uko bashyize muri systeme ya iecms icyemezo cy’umushahara nyakwigendera yahembwaga nka mwarimu mu mashuri yisumbuye(176,189 frw ku kwezi); kuvuga ko icyo yabatungishaga kitagaragara ni ukwigiza nkana rero; iya gatatu ni uko ngo no mu bwumvikane indishyi mbangamira bukungu zari zabazwe, uretse ko zari zabazwe nabi aribyo byagombaga gukosorwa, zari zabariwe kuri SMIG ya frw 3000, urukiko rubarira ku mushahara nyakwigendera yahembwaga n’imyaka nyakwigendera yari asigaje ngo agere mu zabukuru kubera ko byari byagoretswe nkana;avuga ko ngo imanza RADIANT itanga ntizihuye n’iki kibazo, izi ndishyi hano ngo zishingiye ku ngingo

ya 4 y'itegeko no 41/2001 ryo kuwa 19/09/2001 ryerekeye itangwa ry'indishyi ku bahohotewe biturutse ku mpanuka zo ku mubiri bitewe n'ibinyabiziga.

[13] Avuga ko abafite uburenganzira ku buryo bwumvikana ko bari batunzwe n'uwahohotewe nibo bonyine bashobora guhabwa indishyi; Amafaranga ahabwa abafite uburenganzira bose hamwe ntagomba kurenga 2/3 by'umusaruro wavuzwe ukomoka ku murimo umuntu atahana, 1/3 gisigaye kigafatwa nk'amafaranga yo kwita kuwahohotewe ubwe ngo bigashingira kandi kungingo ya 22 y'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.

Uko Urukiko rubibona

[14] Urukiko rurasanga ingingo ya 255 igika cya kabiri y'itegeko No 32/2016 ryo kuwa 28/08/2018 rigena abantu n'umuryango, iteganya ko :Umwana agomba guha agaciro ababyeyi be, kububaha no kubaha ibibatunga igihe babikeneye;urukiko rurasanga Urukiko rw'ikirenga rwarasuzumye Ikibazo kijyanye no kumenya abafite uburenganzira (ayants droit) ni ukuvuga abana bafite imyaka y'ubukure, ababyeyi, abavandimwe bagomba guhabwa indishyi mbangamirabukungu mu gihe umuntu wabo yapfiriye mu mpanuka; Iki kibazo cyasubijwe n'Urukiko rw'Ikirenga mu rubanza RS/INJUST/RC 00018/2022/SC nyuma yo gusesengura ingingo ya 22 y'Iteka rya Perezida n°31/01 ryo ku wa 25/08/2003; Urukiko rw'ikirenga rwasanze kwishyura indishyi mbangamirabukungu zikomoka ku rupfu rwatewe n'impanuka yo mu muhanda zigenerwa gusa uwari atunzwe n'uwapfuye wabitangiye ibimenyetso, rusanga ibi ari nako byasobanuwe mu rubanza N° RCAA 0049/14/CS, aho rwasobanuye ko umuntu urengeje imyaka y'ubukure atavuga ko adashoboye kwitunga keretse agaragaje impamvu idasanzwe yatumaga umubyeyi we amutunga, akabitangira ibimenyetso bifatika nk'inyandiko zo kwa muganga zerekana niba afite ubumuga uburwayi cyangwa ikindi kibazo kidasanzwe cyatuma atibeshaho.

[15] Mu rubanza RS/INJUST/RC 00021/2022/SC, Urukiko rw'Ikirenga rwemeje ko bidahagije kwerekana ko hari amasano usaba indishyi z'ibangamirabukungu afitanye na nyakwigendera gusa,ko ahubwo agomba no gutanga ibimenyetso byerekana ko yari asanzwe ari mu nshingano ze kumutunga;ni nako byagenze muri uru rubanza rujuririwa aho mu gika cya 12 urukiko rwavuze ko Umunyamabanga Nshingwabikorwa w'Akagari ka Karambi, mu cyemezo cye cyo kuwa 17/03/2022, yemeza ko uriya nyakwigendera ariwe wari utunze umuryango we uri mu cyiciro cya mbere cy'ubudehe kandi udafite uko ubayeho, dore ko ngo nyakwigendera ariwe wenyine muri uwo muryango wakoreraga amafaranga; iki cyemezo ni ikimenyetso kigaragaza ko ababyeyi ba nyakwigendera Nambajimana John Peter ari we wabatungaga; ibyo Radiant ivuga ko kuba umugabo n'umugore badaturanye batahabwa indishyi mbangamirabukungu,ibyo ntibyahabwa ishingiro kubera ko ikigomba kumvikana ni uko kuba aba babyeyi bombi badashoboye kwibeshaho ariko bikagaragazwa ko bari babeshejweho n'umwana wabo bihagije; inyandiko yagaragajwe yo kuwa 17/03/2022, yemeza ko uriya nyakwigendera ariwe wari utunze umuryango we uri mu cyiciro cya mbere cy'ubudehe kandi udafite uko ubayeho;Radiant ntabwo igaragaza ko iriya nyandiko ari impimbano ngo ishobore guteshwa agaciro.

- **Kumenya niba ubujurire bwuririye ku bundi abaregwa batanga bwahabwa ishingiro.**

[16] Abaregwa batanze ikirego cyuririye ku cya Radiant basaba ko iyi yabaha indishyi zirimo igihembo cy'avoka cya 1,000,000 Frw n'ikurikiranarubanza ry'amafaranga 500,000 Frw kubera gushorwa mu manza amaherere; Radiant nayo ivuga ko isanga ubujurire bwuririye kubwabo butanzwe n'abaregwa nta shingiro byahabwa kuko kujurira ni uburenganzira bwayo bwo gusaba ko amakosa yakozwe akosorwa hakurikijwe amategeko;ko indishyi zisabwa zikaba zitatangwa kuko nta shingiro ryazo;urukiko rurasanga ubujurire bwuririye bwuririye ku bwa Radiant abaregwa batanze bufite ishingiro; niyo mpamvu Radiant igomba guha abaregwa ni ukuvuga Nakabonye Veronese n'abo baregwa hamwe indishyi zihwanye na Frw 300.000 ku rwego rw'ubujure,harimo Frw.250.000 y'igihembo cy'avoka na 50.000 y'ikurikirana rubanza.