NIYIRERA v QATAR AIRWAYS

[Rwanda URUKIKO RW'UBUCURUZI – RCOM 00719/2019/TC (RWIGEMA, P.J.) 8 Nyakanga 2019

Amategeko agenga amasezerano y'ubwikorezi – Ubwikorezi bwo mu ndege– Kubahiriza ibiri mu masezerano –. Umwikorezi w'umwuga utagejeje umugenzi aho yajyaga ategetswe gusubiza umugenzi igiciro cy'itike yari yaguze ashobora kandi guhabwa indishyi zikomoka ku kukutubahiriza amasezerano y'ubwikorezi.

Incamake y'ikibazo: Muri uru rubanza Niyirera yareze Qatar Airways kutubahiriza amasezerano y'ubwikorezi bagiranye avuga ko yaguze itike y'indege muri iyi Sosiyete aho yagombaga kumuvana i Kigali ikamugeza i Shanghai mu Bushinwa aciye i Doha muri Qatar, nyamara ntimugezeyo kuko yageze I Doha igasanga indi ndege yagombaga kumukomezanya yagiye, aho kugirango iyi sosiyete ikore ibishoboka ngo agere i Shanghai mu Bushinwa nkuko amasezerano yavugaga ahubwo agarurwa I Kigali bituma agura indi tike ndetse anakererwa amasomo bityo akaba asaba gusubizwa ibyo yatakaje byose nk'uko amategeko abiteganya.

Qatar Airways yo ivuga ko kuba itaragejeje Niyirera I Shanghai mu Bushinwa nkuko byari bikubiye mu masezerano byatewe nuko indege yagize ikibazo cya tekinike bigatuma itinda mu nzira bityo ikagera I Doha itinze bityo indege yagombaga kuhamukura bagasanga yagiye. Kubigendanye n'itiki yaguze, Qatar Airways ivuga ko ikimara kubona urugendo rudakunze yasabye Niyirera nomero ya konti ngo imwishyure ariko ntiyayitanga, bityo ikavuga ko yemera kumusubiza igiciro cy'itiki yari yaguze ariko ibindi asaba bikaba nta shingiro byahabwa ngo kuko bakoze ibishoboka byose ngo agere aho yagombaga kujya ariko bikananirana ku mpamvu bavuga ko zitabaturutse ho.

Incamake y'icyemezo: 1. Umwikorezi w'umwuga utagejeje umugenzi aho yajyaga ategetswe gusubiza umugenzi igiciro cy'itike yari yaguze ashobora kandi guhabwa indishyi zikomoka ku kukutubahiriza amasezerano y'ubwikorezi Uretse gusa mu gihe hari impamvu ikomeye kandi itigobotorwa yabaye ho, bityo Qatar itegetswe gusubizaNiyirera amafaranga y'itike y'indege ndetse hiyongereyeko n'indishyi.

Ikirego gifite ishingiro
Uregwa agomba gusubiza amagarama urega yatanze.

Amategeko yashingiweho

Amasezerano mpuzamahanga ajyanye n'ubwikorezi mu ndege yashyiriweho umukono I Montreal mu 1999. Ingingo ya 19, Iya 22 agace ka 1

Itegeko N°.45/2011 ryo kuwa 25/11/2011 rigenga amasezerano. Ingingo ya 64
Itegeko N° 15/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo. Ingingo za 2, 3 na 4

Amanza zashingiweho

URCAA0009/14/CS rwaciwe n'Urukiko rw'Ikirenga haburana Habiyakare na Gahongayire n'undi

RS/INJUST/RCOM00001/2017/SC rwaciwe n'Urukiko rw'Ikirenga haburana Sebahizi na Equity Bank Rwanda Ltd.

RCOM 02577/2018/TC rwaciwe n'Urukiko rw'Ubucuruzi haburana Me Valéry Musore Gakunzi na Kenya Airways PLC,

RCOM 02586/2018/TC rwaciwe n'Urukiko rw'Ubucuruzi haburana Jeanne d'Arc UMUTESI na Kenya Airways PLC.

Urubanza

I. IMITERERE Y'URUBANZA

[1] Niyirera Hakim yaguze itike y'indege ya Qatar Airways imuvana i Kigali ikamugeza i Shanghai mu Bushinwa aciye i Doha muri Qatar. Indege yamukuye i Kigali yageze i Doha itinze, isanga indi ndege yagombaga kumugeza Shanghai yafunze imiryango, bityo Qatar Airways imwohereza ahitwa Maldive ngo ahafate indi ndege imujyana Shanghai.

[2] Niyirera yageze i Maldive yangirwa kujyanwa Shanghai ku mpamvu abari aho bavugaga ko afite visa y'u Bushinwa y'impimbano, bityo bamugarura i Doha, aho Qatar Airways yamukuye imugarura i Kigali. Nyuma Niyirera yaguze indi tike imujyana mu Bushinwa aho yari agiye kwiga kugira ngo akomeze urugendo

[3] Niyirera arega Qatar Airways kutubahiriza amasezerano y'ubwikorezi bagiranye kuko itamugejeje aho yajyaga, bigatuma agura indi tike, bityo agasaba gusubizwa amafaranga y'itike y'indege yari yaguze, guhabwa indishyi mbonezamusaruro, iz'akababaro no gusubizwa amafaranga y'ikurikiranarubanza n'igihembo cya avoka.

[4] Qatar Airways ivuga ko nyuma yo gusabwa gusubiza ikiguzi cy'itike Niyirera yari yaguze, yamusabye nomero ya konti ngo imwishyure ariko ntiyayitanga, bityo ikavuga ko akwiye gusubizwa amadolari yari yishyuye itike ariko indishyi asaba nta shingiro zifite.

[5] Muri uru rubanza, urukiko rurasuzuma:

- Niba Niyirera akwiye gusubizwa gusa ikiguzi cy'itike y'indege yari yaguze;
- Niba Niyirera akwiye guhabwa indishyi mbonezamusaruro n'iz'akababaro;
- Indishyi y'ikurikiranarubanza n'igihembo cya avoka.

II. ISESENGURA RY'URUBANZA

- **Gusuzuma niba Niyirera akwiye gusubizwa gusa ikiguzi cy'itike y'indege yari yaguze**

[6] Me. Uwiragiye Jeanine Ibtisam uhagarariye Niyirera Hakim avuga ko uwo yaguze itike y'indege ya Qatar Airways yagombaga kumuvana i Kigali ikamugeza i Shangái mu Bushinwa aciye i Doha muri Qatar. Akomeza avuga ko indege yamukuye i Kigali yageze i Doha itinze, isanga indi ndege yagombaga kumugeza Shangái yafunze imiryango, bityo Qatar Airways

imwohereza ahitwa Maldive ngo ahafate indi ndege imujyana Shanghai ariko ageze i Maldive yangirwa kujyanwa Shanghai ku mpamvu abari aho bavugaga ko afite visa y'u Bushinwa y'impimbano, bamugumishaho amasaha ane nyuma yayo bahitamo kumusubiza Doha.

[7] Uwiragiye akomeza avuga ko Niyirera yagaruwe i Doha, aho kujyanwa i Shanghái yari agiye, agarurwa i Kigali, ahageze agura indi tike imujyana mu Bushinwa kugira ngo akomeze urugendo amasomo ye atamucika. Akomeza avuga ko Qatar Airways itubahirije amasezerano y'ubwikorezi yagiranye na Niyirera kuko itamugejeje aho yajyaga, nyamara yari ifite inshingano zo kuhamugeza (*Obligation de resultat*), bityo ko itabasha guhunga iyo nshingano, ibyo akabishimangiza urubanza RCOMA0007/10/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 06/05/2011, agasaba ko Qatar Airways itegekwa gusubiza Niyirera ikiguzi cy'itike y'indege yari yaguze hamwe n'indishyi zitandukanye zo kwica amasezerano

[8] Kabarega Ngabo Robert uhagarariye Qatar Airways avuga ko indege yayo yavuye i Kigali, yanyuze Salalah igira ikibazo cya techniques bituma itinda kugera Doha. Akomeza avuga ko igeze i, abakozi ba Qatar Airways bamushakiye indi ndege imugeza Maldives kugira ngo ahafate indi ndege ya China Eastern Airlines imugeza Shanghái ariko abakozi bayo banga kumutwara bavuga ko Visa ye y'Ubushinwa ari impimbano (*fake*).

[9] Me. Kabarega akomeza avuga ko Qatar Airways ntako itakoze kugira ngo Niyirera abone indege imugeza Shangai mu Bushinwa ariko China Eastern Airlines yanga kumutwara, ko nyuma yo gusabwa kumusubiza ikiguzi cy'itike yari yaguze, Qatar Airways yamusabye nomero ya konti ye ngo imwishyure ariko ntiyayitanga, bityo kuba atarishyurwa byaturutse kuri we, ko Qatar Airways yemera kumusubiza iyo tike gusa

Uko urukiko rubibona

[10] Ingingo ya 110 y' Itegeko N° 15/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo mu gika cyayo cya mbere n'icya kabiri ivuga iti: Ukwiyemerera mu rubanza ni amagambo umuburanyi cyangwa umuhagarariye avugira mu rukiko agira ibyo yemera. Ayo magambo atsindisha uwayavuze.

[11] Urukiko rushingiye kuri iyi ngingo imaze kuvugwa, rurasanga Qatar Airways yiyemerera gusubiza Niyirera amadolari yari yaguze itike y'indege yagombaga kumutwara Shanghái nk'uko Me. Kabarega abivuga, bigashimangirwa n'ubutumwa bwa "email" Qatar Airways yohereje Uwiragiye Ibtisam Jeanine kuri *uibtisam@yahoo.com* yemera kwishyura ayo madolari 574.85USD[1] bityo Qatar Airways ikaba itegetswe gusubiza Niyirera Hakim amadorali y'Amerika magana atanu mirongo irindwi n'ane n'ibice mirongo inani na bitanu (574.85USD) y'ikiguzi cy'itike y'indege yari yaguze.

[12] Rurasanga kandi nk'uko ababuranyi bose babyiyemerera Niyirera ataragejejwe na Qatar Airways mu Bushinwa aho yari agiye, nyuma yo kumukerereza agasanga indi ndege ya Qatar i Doha yafunze imiryango, bityo akaba agomba kubiherwa indishyi.

[1]Case Reference: CAS-986523-T8S 2F3 CRM:0005000002463.

[13] Ibi kandi bishimangirwa n'ingingo ya 19 y'amasezerano ajyanye n'iby'ubwikorezi mpuzamahanga mu ndege yashyiriweho umukono i Montreal kuwa 28/05/1999[2] kuko Qatar Airways itafashe ingamba zose zashobokaga ngo irinde Niyirera igihombo cyangwa kugira ibyo yangirizwa. Nyuma yo kumukerereza agasanga indege yayo yafunze imiryango ndetse na nyuma yo kugarurwa i Doha avanwe i Maldive, bikaba byarashobokaga ko Qatar Airways ikomeza urugendo rwe ikamujyana i Shanghai aho yagombaga kumugeza, aho kumugarura aho yari avuye i Kigali. Kubw'iyi impamvu uretse kumusubiza gusa igiciro yari yaguze itike y'indege, ikaba igomba no kumuriha ibyo yamwangirije nk'uko biteganywa n'iyi ngingo ndetse n'ingingo ya 258 y'igitabo cya gatatu cy'Urwunge rw'amategeko y'imbonezamubano kigena ibyerekeye imirimo nshinganwa cyangwa amasezerano ibiteganya[3]

- **Gusuzuma niba Niyirera akwiye guhabwa indishyi mbonezamusaruro n'iz'akababaro**

[14] Me. Uwiragiye ashingiye ku masezerano mpuzamahanga ya Varsovie ndetse n'urubanza RCOMA0054/10/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 18/03/2011 avuga ko umwikorezi aryozwa indishyi iyo atagaragaje ko yakoze ibishooka kugira ngo akumire ingaruka z'ibyakwangirika, bityo agasaba ko Qatar Airways itegekwa kuriha Niyirera indishyi mbonezamusaruro zingana na 1,000,000Frw n'indishyi z'akababaro zihwanye na 4,000,000Frw.

[15] Akomeza asobanura ko Niyirera nk'umwana w'umunyeshuri (w'imyaka 22) wari utarakora ingendo hanze y'igihugu, kutagezwa aho yari agiye byamuteye ihungabana n'akababaro, ajyanwa aho atazi (i Maldives), ahura n'ibibazo bikomeye byo kuriha icumbi ndetse n'ibimutunga mu buryo buruhanije kuko bitari byiteguwe, nyuma y'aho agarurwa i Kigali bituma akomeza gucyererwa amasomo ye, kuko yagombaga kujya kwiga mu Bushinwa, agura indi tike ya kabiri kugira ngo adakomeza gucyererwa

[16] Me. Kabarega avuga ko Qatar Airways ntako itakoze kugira ngo Niyirera abone indenge imugeza Shanghai mu Bushinwa, ko indishyi mbonezamusaruro asaba nta shingiro zifite kuko ari umunyeshuri akaba nta cyo yinjiza ndetse n'indishyi z'akababaro asaba zikaba nta shingiro zifite kuko n'iyo yababara umuntu adashobora gupima uko akababaro ke kangana.

Uko Urukiko rubibona

- Kubijyanye n'indishyi mbonezamusaruro

[17] Ingingo ya 64 y`Itegeko N°.45/2011 ryo kuwa 25/11/2011 rigenga amasezerano igira iti: "Amasezerano akozwe ku buryo bukurikije amategeko aba itegeko ku bayagiranye. Ashobora guseswa ari uko babyunvikanyeho cyangwa ku mpamvu zemewe n`amategeko. Agomba kubahirizwa nta buriganya. Ibi bikubikubiye muri iyi ngingo kandi n'ihame mpuzamahanga rya "pacta sunt servanda."[4] Urukiko rurasanga Niyirera yarahagurutse i Kigali asezeranye na Qatar Airways kumugeza Shanghai mu Bushinwa mu rugendo rw'indege yayo QR 0870 rwo kuwa 01

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[2] « The carrier is liable for damage occasioned by delay in the carriage by air of passengers, baggage or cargo. Nevertheless, the carrier shall not be liable for damage occasioned by delay if it proves that it and its servants and agents took all measures that could reasonably be required to avoid the damage or that it was impossible for it or them to take such measures. »

[3] *"Igikorwa cyose cy'umuntu cyangirije undi, gitegeka nyir'ugukora ikosa rigikomokaho kuriha ibyangiritse."*

[4]« A similar principle can be found in the contract law of many domestic legal traditions throughout the globe » http://www.judicialmonitor.org/archive_0908/generalprinciples.html, 7/07/ 2019

Ugushyingo 2018. Rurasanga nk'uko ababuranyi bose babyiyemerera Niyirera ataragejejwe na Qatar Airways mu Bushinwa aho yari agiye, bityo Qatar Airways ikaba itarubahirije inshingano yari ifite zo kugeza umugenzi aho basezeranye (*Obligation de resultat*).

[18] Ingingo ya 137 y'Itegeko rimaze kuvugwa ivuga ko "Uruhande rwarenganyijwe rufite uburenganzira bwo kubona indishyi zitanzwe n'urundi ruhande rutubahirije ibisabwa mu masezerano, Urukiko rushingiye kuri iyi ngingo, rusanga Niyirera yararenganyijwe kuko atagejejwe i Shanghai, bityo akaba afite uburenganzira bwo kubona indishyi zitanzwe na Qatar Airways itarubahirije ibisabwa mu masezerano y'ubwikorezi byo kugeza umugenzi aho agiye

[19] Rurasanga kandi uretse kutagezwa aho agiye, kuba Niyirera atarasubijwe 574.85USD yari yishyuye amaze kuyasaba, nabyo byaramurenganyije, bityo Qatar Airways ikaba ikwiye kubitangira indishyi kuko itubahirije inshingano zayo zo gusubiza Niyirera ayo madolari mu gihe icyo yari yishyuriwe kitakozwe (Urugendo rugera mu Bushinwa).

[20] Ingingo ya 144 y'Itegeko rigenga amasezerano ryavuvuzwe haruguru ivuga ko Iyo kwica amasezerano birebana no kutishyura amafaranga cyangwa kudakora igisabwa gishobora kubarwa mu mafaranga azwi cyangwa ashobora kumenyekana, inyungu zibarwa uhereye igihe igisabwa cyagombaga gukorwa., Urukiko rurasanga kwica amasezerano y'urugendo birebana kandi no kutishyura Niyirera amafaranga (*money*) y'igiciro cy'itike y'indege ya Qatar Airways yasabye kumusubizwa kuva kuwa 6 Ugushyingo 2018, iyo sosiyete y'indege ikemera kuyamusubiza kuwa 23 Werurwe 2019. Rurasanga nubwo Niyirera ari umunyeshuri yaragize igihombo cyo kudakoresha 574.85USD yari akwiye gusubizwa kuko iyo ayasubizwa, aba yarayakoresheje ibindi bimufitiye inyungu nko kongera kuyagura indi ticket y'indege adatanze andi madolari cyangwa kuyarekera muri banki akamubyarira inyungu.

[21] Rurasanga kutamusubiza ayo madolari, Qatar Airways ikayagumana kugeza itariki 23/03/2019 (ubwo yemeraga kuyamusubiza), ibyo byarateje Niyirera igihombo nk'uko bimaze gusobanurwa, bityo akaba agomba kubiherwa inyungu zibariwe ku gipimo cy'ibitsa kingana 6.361% ku mwaka (nk'uko cyemejwe na BNR mu kwezi kwa 11/2018[5]) zibazwe mu gihe cy'iminsi 138 kuva 6/11/2018 kugeza kuwa 23/03/2019. Uyu murongo akaba ari nawo watanzwe n'Urukiko rw'Ikirenga mu manza RCAA0009/14/CS NA RS/INJUST/RCOM00001/2017/SC aho abagombwaga amafaranga bahawe indishyi zo gutinda kuyahabwa zibariwe ku gipimo cy'ibitsa[6]

[22] Urukiko rushingiye kubimaze kuvugwa, rurasanga kuba Qatar Airways yaramaze iminsi 138 itaremera gusubiza Niyirera amadolari ye ngo ayakoreshe, igomba kubitangira inyungu cyangwa n'indishyi mbonezamusaruro zingana na madolari y'Amerika cumi n'ane (14 Usd) abazwe mu buryo bukurikira: 574.85Usd × 6.361% = 36.566 Usd (ku mwaka),÷ iminsi 360 = 0.101..Usd (ku munsi) X iminsi 138 = 14 Usd

- Kubijyanye n'indishyi z'akababaro

[5]''Taux moyen d'intérêt débiteur, 6/11/2018,'' https://www.bnr.rw/browse-in/financial-market/money-marketinterest-rates/monthly-interest-rates/. 7/07/ 2019.

[6] Urubanza RCAA0009/14/CS rwaciwe n'Urukiko rw'Ikirenga kuwa 21 Nyakanga 2017 haburana Habiyakare na Gahongayire n'undi (2), igika cya 26 ; Urubanza RS/INJUST/RCOM00001/2017/SC rwaciwe kuwa 26 Mutarama 2018 haburana Sebahizi na Equity Bank Rwanda Ltd, igika cya 34.

[23] Ingingo ya 81 y'Itegeko rigenga amasezerano ryavuzwe haruguru, ivuga ko Kwica amasezerano yose bitanga uburenganzira ku ndishyi z'akababaro zishingiye ku nshingano zo gukora igisabwa zitararangira.

[24] Urukiko rurasanga kwica amasezerano y'ubwikorezi (*transport*), byarahungabanyije Niyirera cyane kuko kutagezwa i Shanghai (aho yari yaguze itike y'indege ya Qatar Airways yagombaga kumugeza), ahubwo agacishwa i Maldives (ahantu atari atazi, atari yateganyije no kujya icyo gihe) akahamara amasaha ane ari mu gihirahiro, nyuma y'ayo agasubizwa i Doha (muri Qatar), aho gukomeza urugendo rumugeza aho yari kujya, Qatar Airways ikamugarura i Kigali, bigatuma agura itike y'indege ya kabiri atari yateganyije mbere imujyana mu Bushinwa, akagerayo acyererewe nyuma y'uko itike ya mbere yari yaguze imubereye impfabusa ku mpamvu z'uko indege ya mbere yari yamujyanye ya Qatar Airways yatinze kugera i Doha ivuye i Kigali.

[25] Rurasanga ibimaze kuvugwa byose uretse guhungabanya Niyirera mu buryo bukungu akoresha amafaranga atari yateganyije gukoresha mu rugendo, no guhungabanywa mu buryo bw'igihe atagezwa aho yagombaga kujyanwa ahubwo akagarurwa i Kigali, yaranahunganye mu buryo bw'imyumvire (*moral prejudice/ pain*) ndetse akanashinjwa Visa y'impimbano nyamara itari yo kuko nta rwego rubishinzwe rwabyemeje, bityo kubw'izo mpamvu zose akaba agomba kubiherwa indishyi z'akababaro

[26] Kubijyanye n'indishyi akwiye guhabwa, Urukiko rurasanga mu zindi manza nk'uru, urugero: urubanza no. C-83/10 rwa Sousa Rodríguez n'abagenzi be barezemo Air France SA, Urukiko rw'ubutabera rw'umuryango w'Ubumwe bw'uburayi (*The Court of Justice of the European Union* (CJEU)[7]rwaremeje ko, umugenzi ashobora no kongerwa indishyi (*non-material damage*) zikomoka ku kuba ikigo cy'indege cy'itarubahirije amasezerano y'ubwikorezi bwo mu kirere. Mu zindi manza RCOM 02577/2018/TC na RCOM 02586/2018/TC zaciwe n'uru rukiko (rw'Ubucuruzi) uwaregwaga ariwe Kenya Airways Plc yategetswe kuriha abarega indishyi z'akababaro ziri mu kigero cya miriyoni eshatu (3,000,000Frw), nyamara harabayeho gusa kubacyerereza urugendo mu gihe cy'amasaha makumyabiri n'imwe (21h)[8]

[27] Ingingo ya 22 y'Amasezerano mpuzamahanga ya Montreal yavuzwe haruguru, mu gika cy'ayo cya mbere iteganya ko mu gihe umugenzi acyererejwe ashobora kurihwa indishyi zihwanye na *Special Drawing Rights* (SDRs) 4 150[9]aya akaba yariyongereye kugeza ubu akaba asigaye ageze kuri 4694 SDRs ku mugenzi[10] Urukiko rukurikije amakuru atangwa na IMF, rurasanga ku itariki 5/07/2019, SDR1 yari ihwanye na 1.38 US$,[11] kugeza ubu SDR1 ikaba ihwanye

[7] 'The meaning of 'further compensation', used in Article 12 of Regulation No 261/2004, must be interpreted to the effect that it allows the national court to award compensation, under the conditions provided for by the Convention for the unification of certain rules for international carriage by air or national law, for damage, including nonmaterial damage, arising from breach of a contract of carriage by air.' Court of Justice of the European Union (CJEU), ruling on the The Case C-83/10, paragaraph 2

[8] Urubanza RCOM 02577/2018/TC rwaciwe kuwa 27/03/2019 haburana Me Valéry Musore Gakunzi na Kenya Airways PLC, igika cya 33; RCOM 02586/2018/TC rwaciwe kuwa 01/03/2019 haburana Jeanne d'Arc Umutesi na Kenya Airways PLC, igika cya 35

[9] Article 22, Montreal Convention 1999. Ratified by Rwanda on 20th/10/15 and came into force 19th/12/15.

[10] 10Reba urubuga https://skyrefund.com/en/blog/montreal-convention-international-flights, rwasuwe 08/07/2019.

[11] Reba urubuga https://www.imf.org/external/np/fin/data/rms_sdrv.aspx, rwasuwe 05/07/2019

n'amafaranga y'uRwanda 1,265.77Frw[12] bityo indishyi zikwiye umugenzi wakererejwe zikaba zishobora kungana na 4 150 SDRs X 1,265.77 = 5,252,945.5 Frw.

[28] Rurasanga muri uru rubanza Niyirera asaba indishyi zihwanye n'amafaranga miriyoni enye (4.000.000Frw), bityo akaba akwiye kuzihabwa kuko uretse kuba Qatar Airways yaramucyerereje (agasanga indege yari kumutwara mu rugendo QR 0870 rwavaga i Doha rujya Shanghai mu Bushinwa yafunze imiryango), icyo kigo cy'indege cyanamuhangayikishije kimucisha i Maldives, asubizwa i Doha muri Qatar ndetse agarurwa i Kigali atageze aho yasezenye na Qatar Airways kumugeza (*Destination place*). Kubw'iyi mpamvu indishyi z'akababaro asaba zikaba zifite ishingiro.

- **Gusuzuma indishyi n'igihembo cya avoka.**

[29] Me. Uwiragiye avuga ko Qatar Airways itabashije gukemura ikibazo mbere bikaba ngombwa ko Niyirera aregera urukiko, bityo agasaba ko yishyurwa amafaranga y'ikurikiranarubanza angana n'ibihumbi magana abiri (200,000Frw) n'amafaranga y'igihembo cya avoka angana na miliyoni imwe (1,000,000 Frw).

[30] Me. Kabarega avuga ko Niyirera yanze gutanga nomero za konti ye ngo Qatar Airways imisubize amadolari yari yaguze tike y'indege ya mbere, bityo agasanga nta ndishyi akwiye guhabwa.

Uko urukiko rubibona

[31] Ingingo ya 258 y'igitabo cya gatatu cy'Urwunge rw'amategeko y'imbonezamubano kigena ibyerekeye imirimo nshinganwa cyangwa amasezerano ivuga ko Igikorwa cyose cy'umuntu cyangirije undi, gitegeka nyir'ugukora ikosa rigikomokaho kuriha ibyangiritse.

[32] Urukiko rurasanga igikorwa cya Qatar Airways cyo kwica amasezerano y'urugendo yagiranye na Niyirera cyaramwangirije kigatuma aregera uru rubanza, bityo hashingiye ku ngingo imaze kuvugwa haruguru, Qatar Airways ikaba itegetswe kumuriha ibihumbi ijana (100,000Frw) y'indishyi z'ikurikiranarubanza n'ibihumbi magana arindwi (700,000Frw) y'igihembo cya avoka, ikanamusubiza ibihumbi makumyabiri (20,000Frw) yatanzeho ingwate y'amagarama.

III. ICYEMEZO CY'URUKIKO

[33] Rwemeje ko ikirego RCOM 00719/2019/TC cya Niyirera Hakim gifite ishingiro.

[34] Rutegetse Qatar Airways gusubiza Niyirera Hakim amadorali y'Amerika magana atanu mirongo irindwi n'ane n'ibice mirongo inani na bitanu (574.85USD) y'ikiguzi cy'itike y'indege yari yaguze.

[12] https://www.google.com/search?q=sdr+value&oq=Sdr+Value&aqs=chrome.0.0l6.4344j0j8&sourceid=chrome &ie=UTF-8. rwasuwe 08/07/2019

[35] Rutegetse Qatar Airways kuriha Niyirera Hakim amadolari y’Amerika cumi n’ane (14USD) y’inyungu (indishyi mbonezamusaruro) z’igihombo yamuteje cyo gutinda kumusubiza amadolari ye.

[36] Rutegetse Qatar Airways kuriha Niyirera Hakim miriyoni enye (4,000,000Frw) z’amafaranga y’indishyi z’akababaro.

[37] Rutegetse Qatar Airways kwishyura Niyirera Hakim ibihumbi magana inani (800,000Frw) y’indishyi z’ikurikiranarubanza n’igihembo cya avoka.

[38] Rutegetse Qatar Airways gusubiza Niyirera Hakim ibihumbi makumyabiri (20.000Frw) yatanzeho ingwate y’amagarama.