MBARUSHIMANA v. NKUNDABANYANGA

[Rwanda URUKIKO RW'IKIRENGA – RCAA00022/2016/SC-RCAA 0022/16/CS (Mugenzi P.J., Nyirandabaruta na Kanyange, J.) 03 Nyakanga 2018]

Ububasha bw'inkiko – Isambu – Inkiko z'Ibanze ziburanisha ku rwego rwa mbere imanza zerekeye amasambu n'amatungo n'izungura kuri ibyo bintu – Itegeko Ngenga Nº51/2008 ryo ku wa 09/09/2008 rigena imiterere, imikorere n'ububasha bw'inkiko, ingingo ya 67.

Ububasha bw'inkiko – Isesengura ry'amategeko – Ingingo ya 27,3º y'Itegeko Nº30/2018 ryo ku wa 02/06/2018 igomba kuzuzwa ko Inkiko z'Ibanze ziburanisha ku rwego rwa mbere, imanza zerekeye umutungo utimukanwa ugizwe n'ubutaka bugenewe ubuhinzi n'ubworozi zirengeje agaciro ka miliyoni eshatu

Incamake y'ikibazo: Nkundabanyanga yatanze ikirego mu Rukiko Rwisumbuye rwa Nyarugenge asaba gukuraho amasezerano y'ubukode burambye afite Nº1020/KIC/GAT yahawe Mbarushimana ku isambu avuga ko yasigiwe n'umugabo we Birushyabagabo w'itababye Imana yavugaga ko mu mwaka wa 2007 yagiye kwivuza muri Kenya agarutse asanga iyo isambu Mbarushimana yayibarujeho kandi atari nyiri umutungo, nubwo bwose Nkundabanyanga ariwe ukorera muriyo sambu

Urwo rukiko rwaciye urubanza rwemeza ko isambu iburanwa ari iya Nkundabanyanga kuko afite abahamya bemeza ko iyo sambu ari iya Birushyabagabo wari umugabo wa Nkundabanyanga hanyuma rutegeka ko icyangombwa cy'ubutaka cy'amasezerano y'ubukode burambye kuri iyo sambu cyabaruwe kuri Mbarushimana kivanyweho. Runategeka Mbarushimana kwishyura Nkundabanyanga amafaranga y'ikurikiranarubanza n'igihembo cy'Avoka

Mbarushimana ntiyishimiye imikirize y'urwo rubanza ajurira mu rukiko rukuru narwo ruca urubanza rwemeza ko ubujurire bwe nta shingiro bufite, rumutegeka guha Nkundabanyanga amafaranga y'igihembo cya Avoka.

Mbarushimana ntiyishimiye nanone imikirize y'urwo rubanza ajurira mu Rukiko rw'Ikirenga asaba ko hasuzumwa niba Urukiko Rwisumbuye rwa Nyarugenge rwari rufite ububasha bwo kuburanisha ikirego cya Nkundabanyanga, yanasabye Urukiko ko rusuzuma niba uwo baburana afite ububasha n'inyungu byo gutanga ikirego. SENCO Ltd nayo yagobotse muri uru rubanza

Nkundabanyanga yatanze inzitizi y'iburabubasha bw'Urukiko rw'Ikirenga ruyisuzumye rusanga nta shingiro ifite. Urukiko kandi rwanze ukugoboka kwa Senco Ltd kuko itubahirije icyemezo cy'urukiko cyayicaga ihazabu kandi rwari rwemeje ko izaburana ari uko igaragaje ko yayishyuye.

Mbarushimana avuga ko ukurikije ko ikiburanwa ari ubutaka bw'ubuhinzi n'ibiteganyijwe n'itegeko ry'ububasha bw'inkiko Nº51/2008/OL ryo ku wa 09/09/2008 nkuko ryahinduwe kugeza ubu imanza zerekeye umutungo w'ubutaka ziburanishwa n'inkiko z'ibanze, bityo ngo kuba inkiko zombi zaraburanishije urubanza zidafitiye ububasha, ibyemezo zafashe byateshwa agaciro ibintu bigasubira uko byari bimeze.

Nkundabanyanga avuga ko ibivugwa n'uwo baburana nta shingiro bifite kuko atigeze atanga inzitizi y'iburabusha imbere y'Urukiko rw'Isumbuye.ko yayitanze mu Rukiko Rukuru ntiruyihe

agaciro kuko rwasobanuye ko hataburanwe isambu ahubwo haregewe gukuraho amasezerano y'ubukode burambye yahawe utari nyiri umutungo.

Incamake y'icyemezo:1. Mu kumenya icyaregewe, ntabwo hashingirwa gusa ku buryo cyanditse, ahubwo hagomba no kurebwa ibisabwa na buri buburanyi bigaragazwa n'inyandiko itanga ikirego n'imyanzuro yo kwiregura, nubwo rero inyandiko itanga ikirego mu Rukiko Rwisumbuye igaragaza ko haregewe gutesha agaciro amasezerano y'ubukode burambye yahawe Mbarushimana utari nyiri umutungo, ariko icyari kigamijwe ari ugusaba Urukiko kwemeza ko uwo mutungo ari uwa Nkundabanyanga. Bityo, kuba ikiregerwa ari isambu, ikirego cyagombaga gutangwa mu Rukiko rw'Ibanze ku rwego rwa mbere Bityo urubanza rwaciwe n'Urukiko Rwisumbuye rwa Nyarugenge kimwe n'urwarushingiyeho mu bujurire rwaciwe n'Urukiko Rukuru, zigomba kuvaho kuko zaciwe n'inkiko zitabifitiye ububasha.

2. Igingo ya 27,3º y'Itegeko Nº30/2018 ryo ku wa 02/06/2018 igomba kuzuzwa mu buryo bukurikira: Inkiko z'Ibanze ziburanisha ku rwego rwa mbere, Imanza zerekeye umutungo utimukanwa ugizwe n'ubutaka bugenewe ubuhinzi n'ubworozi zirengeje agaciro ka miliyoni eshatu.

3. Indishyi nsimburamubyizi ntizitangwa mu gihe uzisaba atagaragaza ko urubanza aburana rwamuvukije umusaruro yagombaga kubona.

4. Indishyi z'akababaro ntizitangwa mu gihe uzisaba atagaragaza ikosa ry'uziregwa.

Ubujurire bufite ishingiro.
Urubanza rwaciwe n'inkiko zibanza ruvanyweho kuko rwaciwe n'inkiko zitabifitiye ububasha.

Amategeko yashingiweho:

Itegeko Nº22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi. Ingingo ya 6 niya 158.

Itegeko Nº30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'inkiko, ingingo ya 27.

Itegeko Nº37/2016 ryo ku wa 08/09/2016 rigena imitunganyirize, ifasi, ububasha n'imikorere bya Komite y'Abunzi, ingingo ya 10.

Itegeko Ngenga Nº51/2008 ryo ku wa 09/09/2008 rigena imiterere, imikorere n'ububasha bw'inkiko, ingingo ya 67.

Itegeko-teka ryo ku wa 30 Nyakanga 1888, rigenga amasezerano cyangwa imirimo nshinganwa, ingingo ya 258.

Nta manza zifashishijwe.

Inyandiko zabahanga zifashishijwe.

J.F Perrin, Les règles d'interprétation-Principes communément admis par les jurisdictions, Note bibliographique de Marie Malaurie, in Revue Internationale de Droit Comparé, 1990, 42-3, P.1054

Urubanza

I. IMITERERE Y'URUBANZA

[1] Nkundabanyanga Eugénie yatanze ikirego mu Rukiko Rwisumbuye rwa Nyarugenge, arusaba gukuraho amasezerano y'ubukode burambye Nº1020/KIC/GAT kuko yahawe Mbarushimana Jean Pierre utari nyiri umutungo, ko ahubwo iyo sambu ari iyo yasigiwe n'umugabo we Birushyabagabo witabye Imana. Avuga ko mu mwaka wa 2007, yagiye kwivuza muri Kenya, agarutse asanga Mbarushimana Jean Pierre yaribarujeho iyo sambu n'ubwo ari we (Nkundabanyanga) uyikoreramo kugeza ubu.

[2] Mu rubanza RC0055/15/TGI/NYGE rwaciwe ku wa 11/06/2015, Urukiko rwasanze kuba Nkundabanyanga Eugénie yerekana ko isambu ari iye ashingiye ku nyandikomvugo y'Ubuyobozi bw'Akagari ka Nyanza, aho abaturage basobanuye ko bazi ko iyo sambu ari iya Birushyabagabo wari umugabo we, bigaragaza ko isambu yabaruwe kuri Nº1020/KIC/GAT ari iya Nkundabanyanga, ko rero icyangombwa cy'ubutaka cy'amasezerano y'ubukode burambye kuri iyo sambu cyabaruwe kuri Mbarushimana Jean Pierre kivanyweho, runamutegeka kwishyura Nkundabanyanga 500.000Frw y'ikurikiranarubanza n'igihembo cy'Avoka.

[3] Mbarushimana Jean Pierre yajuririye mu Rukiko Rukuru, ruca urubanza RCA0393/15/HC/KIG ku wa 29/01/2015, rwemeza ko ubujurire bwe budafite ishingiro, rumutegeka guha Nkundabanyanga 500.000Frw y'igihembo cya Avoka.

[4] Mbarushimana Jean Pierre yajuriye mu Rukiko rw'Ikirenga avuga ko hasuzumwa niba urukiko Rwisumbuye rwa Nyarugenge rwari rufite ububasha bwo kuburanisha ikirego cya Nkundabanyanga, hakanasuzumwa niba uwo baburana afite ububasha n'inyungu byo gutanga ikirego mu gihe atabaho mu rwego rw'amategeko. SENCO Ltd yagobotse mu rubanza kuri uru rwego.

[5] Mbere yo gusuzuma iby'igoboka rya SENCO LTD, habanje gusuzumwa inzitizi y'iburabubasha bw'Urukiko rw'Ikirenga yatanzwe na Nkundabanyanga Eugénie, mu cyemezo cyo ku wa 17/12/2017, Urukiko rwemeza ko iyo nzitizi nta shingiro ifite.

[6] Urubanza mu mizi rwaburanishijwe mu ruhame ku wa 29/05/2018, Mbarushimana Jean Pierre ahagarariwe na Me Habimana Adolphe, Nkundabanyanga Eugénie ahagarariwe na Me Gatera Kalisa Evariste, SENCO Ltd ihagarariwe na Karangwa Charles yunganiwe na Me Ntirenganya Seifu Jean Bosco.

[7] Nyuma yo kubona ko SENCO Ltd itubahirije icyemezo cy'Urukiko cyo ku wa 06/02/2018 cyayiciye ihazabu ya 100.00Frw rukanemeza ko izaburana ari uko igaragaje ko yayishyuye ndetse n'uwunganira Karangwa Charles akabwira Urukiko ko yamugiriye inama yo kuyishyura aho gushingira ku biteganywa n'Itegeko ryasohotse nyuma y'icyemezo cy'Urukiko,[1] Urukiko rwafatiye icyemezo mu ntebe cyo kutemerera SENCO Ltd kuburana urubanza nk'umuntu wifuje kurugobokamo, iburanisha rikomeza itarimo.

[1] SENCO Ltd yanditse ivuga ko hashingiwe ku ngingo ya 119 y'Itegeko nº 22/2018 ryo ku wa 29/04/2018 rigena imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, ihazabu yaciwe yashyirwa kubyo izacibwa n'Urukiko mu rubanza, niba bizabaho.

II. IBIBAZO BIRI MU RUBANZA N'ISESENGURA RYABYO

a. Kumenya niba Urukiko Rwisumbuye rwa Nyarugenge rutari rufite ububasha bwo kuburanisha ikirego cya Nkundabanyanga

[8] Uburanira Mbarushimana Jean Pierre avuga ko uru rubanza rwerekeye umutungo w'ubutaka buhingwa nk'uko icyangombwa cyabwo kibigaragaza, kandi ingingo ya 67 y'Itegeko Ngenga Nº01/2015/OL ryo ku wa 05/05/2015 rihindura kandi ryuzuza Itegeko Ngenga Nº51/2008/OL ryo ku wa 09/09/2008 rigena imiterere, imikorere n'ububasha by'inkiko iteganya ko imanza zerekeye umutungo w'ubutaka ziburanishwa n'inkiko z'ibanze, naho iya 128 y'iryo tegeko ikavuga ko imanza zerekeye umutungo utimukanwa ziregerwa mu rukiko rw'aho ibyo bintu biri.

[9] Avuga ko Urukiko Rukuru rwasobanuye ko rufite ububasha kuko haburanwa gutesha agaciro amasezerano y'ubukode burambye, nyamara imikirize y'Urubanza igaragaza ko umucamanza yanditse ko haburanwa isambu, ko rero kuba inkiko zombi zaraburanishije urubanza zidafitiye ububasha, ibyemezo zafashe byateshwa agaciro ibintu bigasubira uko byari bimeze.

[10] Uburanira Nkundabanyanga Eugenie avuga ko ibivugwa n'uwo baburana nta shingiro bifite kuko inzitizi y'iburabubasha bw'Urukiko Rwisumbuye atigeze ayitanga muri urwo Rukiko, ko yayitanze mu Rukiko Rukuru, rukagaragaza ko hataburanwe isambu ahubwo haregewe gukuraho amasezerano y'ubukode burambye yahawe utari nyiri umutungo, ko rero ikiburanwa atari isambu kuko iri mu maboko y'uwo aburanira, akaba ashaka kuyiherwa icyangombwa kuko cyanditse kuri Mbarushimana Jean Pierre. Avuga kandi ko hari urubanza nshinjabyaha (RP0475/14/TB/KGM) rugaragaza ko hagurishijwe umutungo wa Nkundabanyanga Eugénie bikozwe n'abakobwa be, uwo mutungo wagurishijwe ukaba uri mu masezerano basaba ko avanwaho, ko kandi hashingiwe ku ngingo ya 78 y'Itegeko Ngenga Nº01/2015/OL ryo ku wa 05/05/2015 ryavuzwe haruguru, Urukiko Rwisumbuye ari rwo rufite ububasha bwo kuburanisha bene ibyo bibazo.

UKO URUKIKO RUBIBONA

[11] Imikirize y'urubanza rwajuririwe igaragaza ko mu kwemeza ko Urukiko Rwisumbuye rwari rufite ububasha bwo kuburanisha uru rubanza, Urukiko Rukuru rwabishingiye ku mpamvu y'uko hataburanwe isambu ahubwo haburanwe gukuraho amasezerano y'ubukode burambye yahawe utari nyiri umutungo.

[12] Urukiko rurasanga ariko n'ubwo inyandiko itanga ikirego mu Rukiko Rwisumbuye igaragaza ko haregewe gutesha agaciro amasezerano y'ubukode burambye yahawe Mbarushimana Jean Pierre utari nyiri umutungo, icyari kigamijwe ari ugusaba Urukiko kwemeza ko uwo mutungo ari uwa Nkundabanyanga Eugénie nk'uko bigaragara mu byo yasabye urukiko,[2] ndetse bikaba bigaragara ko mu mikirize y'urubanza rwaciwe n'Urukiko Rwisumbuye

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[2] Kwemeza ko isambu ibaruwe ku masezerano y'ubukode burambye Nº1020/KIC/GAT ari iya Nkundabanyanga Eugénie no gutegeka ko imwandikwaho

kimwe n'Urukiko Rukuru, zashingiye ku bimenyetso bigaragaza ko isambu Mbarushimana Jean Pierre yaherewe amasezerano y'ubukode burambye ari iya Nkundabanyanga Eugénie.

[13] Urukiko rurasanga rero mu kumenya icyaregewe, hatashingirwa gusa ku buryo cyanditse, ahubwo hagomba kurebwa ibisabwa na buri muburanyi nk'uko ingingo ya 6 y'Itegeko Nº22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi,[3] bigaragazwa n'inyandiko itanga ikirego n'imyanzuro yo kwiregura, bikaba byagaragajwe haruguru ko icyo Nkundabanyanga Eugénie yari agamije arega, ari uko hemezwa ko isambu ari iye, ni ukuvuga kwemeza uburenganzira ayifiteho kuko n'ubwo avuga ko ari we uyitunze, ubwo burenganzira atabufite mu gihe nta cya ngombwa cyayo afite, bikaba kandi ari nabyo byumvikana kuko nyuma yo kubona ubwo burenganzira, ari bwo yasaba kwandikwaho iyo sambu.

[14] Urukiko rurasanga rero, kuba ikiregerwa ari isambu, ikirego cyaragombaga gutangwa mu Rukiko rw'Ibanze hashingiwe ku biteganywa n'ingingo ya 67 y'Itegeko Ngenga Nº51/2008 ryo ku wa 09/09/2008 rigena imiterere, imikorere n'ububasha bw'inkiko ryakurikizwaga ubwo cyatangwaga,[4] ivuga ko Inkiko z'Ibanze ziburanisha ku rwego rwa mbere imanza zerekeye amasambu n'amatungo n'izungura kuri ibyo bintu, bityo hashingiwe ku biteganywa n'ingingo ya 158, igika cya mbere, y'Itegeko Nº22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi,[5] urubanza rwaciwe n'Urukiko Rwisumbuye rwa Nyarugenge kimwe n'urwarushingiyeho mu bujurire rwaciwe n'Urukiko Rukuru, zigomba kuvaho kuko zaciwe n'inkiko zitabifitiye ububasha, bikaba atari ngombwa gusuzuma indi ngingo y'ubujurire irebana n'ububasha n'inyungu bya Nkundabanyanga Eugénie, ahubwo hasuzumwa indishyi zisabwa na Mbarushimana Jean Pierre.

[15] Ku byerekeye ububasha bushya bw'inkiko hakurikijwe Itegeko Nº30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'inkiko, ingingo ya 27,3º ivuga ko Inkiko z'Ibanze ziburanisha ku rwego rwa mbere, "Imanza zerekeye umutungo utimukanwa utari ubutaka bugenewe ubuhinzi n'ubworozi, urengeje agaciro ka miliyoni eshatu z'amafaranga y'u Rwanda (3.000.000Frw) ariko katarengeje miliyoni makumyabiri (20.000.000Frw) n'izungura kuri uwo mutungo kimwe n'impaka ziri hagati y'uwahawe amasezerano y'ubukode burambye n'uwiyita nyir'umutungo ariko utayafite".

[16] Imyandikire y'ingingo imaze kuvugwa ntituma humvikana vuba icyifuzo cy'Umushingamategeko ku bijyanye n'ububasha bw'Inkiko bushingiye ku mutungo utimukanwa, bikaba rero ari ngombwa ko hakorwa isesengura kugira ngo ibiteganyijwe muri iyo ngingo byumvikane, hazirikanwa ko, mu mahame agenga isesengura ry'Itegeko, hashyirwa imbere imyumvire ishingiye ku buryo ryumvikana mu myandikire, ariko hirindwa ko

[3] Ihura n'ingingo ya 4 y'Itegeko ryakoreshwaga ikirego gitangwa ku rwego rwa mbere.
[4] Cyatanzwe ku wa 04/12/2014.
[5] Iyo Urukiko rwajuririwe rusanze urubanza rwararegewe ku rwego rwa mbere mu buryo budakurikije amategeko cyangwa rwararegewe urukiko rudafite ububasha, nyamara urwo rukiko rukaba rwarafashe icyemezo cyo kurwakira kandi rutaragombaga kurwakira, urukiko rwajuririwe rwakira ubwo bujurire, rukagaragaza ko urwo rubanza rwajuririwe rwari rwararegewe urukiko rwa mbere mu buryo bunyuranije n'amategeko, rugatesha agaciro ibyemezo byose byashingiye kuri iryo kosa; ubifitemo inyungu akaba yakongera agatanga ikirego bundi bushya.

ryavanwamo imyumvire inyuranye cyangwa ivuguruza icyari kigamijwe n'Umushingamategeko.[6]

[17] Muri icyo cyerekezo cy'isesengura ry'ingingo ya 27 yavuzwe haruguru, Urukiko rurasanga bitakumvikana na busa ko Umushingamategeko yaba yarashatse ko imitungo itimukanwa igenewe ubuhinzi n'ubworozi yavanwa mu bubasha bw'Inkiko z'Ibanze, ahanini ari zo zegeranye nayo mu bwinshi bwayo mu gihugu, zikaba ari nazo zari zisanzwe zifite ububasha bwo kuburanisha imanza zerekeye umutungo w'ubutaka,[7] bityo isesengura rikwiye rikaba ari iryumvikanisha ko imanza zerekeye ubutaka bugenewe ubuhinzi n'ubworozi ziri mu bubasha bw'Inkiko z'Ibanze hatitawe ku gaciro, haseguriwe ububasha bwagenewe Komite y'Abunzi ku mutungo utarengeje agaciro ka 3.000.000Frw mu manza z'imbonezamubano nk'uko biteganywa n'ingingo ya 10 y'Itegeko Nº37/2016 ryo ku wa 08/09/2016 rigena imitunganyirize, ifasi, ububasha n'imikorere bya Komite y'Abunzi.

[18] Urukiko rurasanga hakurikijwe iryo sesengura ingingo ya 27,3º y'Itegeko Nº30/2018 ryo ku wa 02/06/2018 igomba kumvikana mu buryo bukurikira:

> Inkiko z'Ibanze ziburanisha ku rwego rwa mbere:
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> - Imanza zerekeye umutungo utimukanwa, utari ubutaka bugenewe ubuhinzi n'ubworozi, urengeje agaciro ka miliyoni eshatu z'amafaranga y'u Rwanda (3.000.000Frw) ariko katarengeje miliyono makumyabiri (20.000.000Frw) n'izungura kuri uwo mutungo kimwe n'impaka ziri hagati y'uwahawe amasezerano y'ubukode burambye n'uwiyita nyir'umutungo ariko utayafite;
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> - Imanza zerekeye umutungo utimukanwa ugizwe n'ubutaka bugenewe ubuhinzi n'ubworozi zirengeje agaciro ka miliyoni eshatu z'amafaranga y'URwanda (3.000.000Frw).

[19] Urukiko rurasanga rero ku birebana n'uru rubanza haburanwamo isambu (ubutaka bwagenewe ubuhinzi) kandi bukaba bufite agaciro karenze 3.000.000Frw nk'uko byemejwe n'uru Rukiko hasuzumwa ububasha bwarwo, Ububasha ku rwego rwa mbere bufitwe n'Urukiko rw'Ibanze, bityo hashingiwe ku biteganywa n'ingingo ya 158 y'Itegeko Nº22/2018 ryo ku wa 29/04/2018 ryavuzwe haruguru, ufite inyungu akaba ariho ashobora kongera gutanga ikirego.

b. Ku birebana n'indishyi zisabwa

[20] Uburanira Mbarushimana Jean Pierre amusabira 50.000Frw y'insimburamubyizi ku munsi mu gihe cy'iminsi 30, ni ukuvuga 1.500.000Frw, 5.000.000Frw y'indishyi z'akababaro kubera guhangayikishwa n'imanza, 1.000.000Frw y'igihembo cya Avoka kuri uru rwego na 500.000Frw mu nkiko zabanje.

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[6] La lettre l'emporte sur l'esprit de la loi, mais elle peut être écartée si son application conduit à des résultats déraisonnables (Cour de cassation belge) ou "insoutenables qui contrediraient la véritable intention du Législateur" (tribunal Fédéral Suisse des assurances): J.F Perrin, Les règles d'interprétation-Principes communément admis par les jurisdictions, Note bibliographique de Marie Malaurie, in Revue Internationale de Droit Comparé, 1990, 42-3, P1054.

[7] Ingingo ya 67, 2º y'Itegeko Ngenga Nº01/2015/OL ryo ku wa 05/05/2015 rihindura kandi ryuzuza Itegeko Ngenga Nº51/2008/OL ryo ku wa 09/09/2008 rigena imiterere, imikorere n'ububasha by'inkiko, yateganyaga ko Inkiko z'ibanze ziburanisha ku rwego rwa mbere imanza zerekeye umutungo w'ubutaka.

[21] Uburanira Nkundabanyanga Eugénie avuga ko nta ndishyi yacibwa kuko yaregeye ibye, ko ahubwo ari we wahabwa 1.500.000Frw y'igihembo cya Avoka n'ikurikiranarubanza kuri uru rwego.

UKO URUKIKO RUBIBONA

[22] Urukiko rurasanga indishyi nsimburamubyizi Mbarushimana Jean Pierre asaba atazigenerwa kuko atagaragaza uburyo urubanza aburana rwamuvukije umusaruro yagombaga kubona mu gihe cy'ukwezi, n'indishyi z'akababaro asaba nazo akaba atazigenerwa kuko atagaragaza ikosa Nkundabanyanga Eugénie yakoze usibye kumurega akurikiranye uburenganzira bwe, kandi ingingo ya 258 y'Igitabo cya gatatu cy'Urwunge rw'amategeko mbonezamubano yumvikanisha ko indishyi zitangwa ari uko hagaragajwe ikosa ry'uziregwa.

[23] Ku birebana n'amafaranga y'igihembo cya Avoka, Urukiko rurasanga Mbarushimana Jean Pierre yayagenerwa kuko byabaye ngombwa ko agira ibyo yishyura uwamuburaniye, mu bushishozi bw'Urukiko akaba agenewe 500.000Frw kuri uru rwego kuko 1.000.000Frw asaba ari ikirenga, na 500.000Frw yo mu Rukiko Rukuru aho yatanze inzitizi y'iburabubasha bw'Urukiko Rwisumbuye ntihabwe ishingiro, nayo akaba agenwe mu bushishozi bw'Urukiko kuko 1.000.000Frw yasabaga ari menshi, yose akaba 1.000.000Frw.

III. ICYEMEZO CY'URUKIKO

[24] Rwemeje ko ubujurire bwa Mbarushimana Jean Pierre bufite ishingiro;

[25] Rwemeje ko urubanza rwaciwe n'Urukiko Rwisumbuye rwa Nyarugenge kimwe n'urwarushingiyeho mu bujurire rwaciwe n'Urukiko Rukuru, zivanyweho kuko zaciwe n'inkiko zitabifitiye ububasha;

[26] Ruvuze ko ufite inyungu ashobora kongera kuregera urukiko rubifitiye ububasha;

[27] Rutegetse Nkundabanyanga Eugénie guha Mbarushimana Jean Pierre 1.000.000Frw y'igihembo cya Avoka kuri uru rwego no mu Rukiko Rukuru;

[28] Rutegetse Nkundabanyanga Eugénie gutanga amagarama y'urubanza.