URUKIKO RWISUMBUYE RWA NYARUGENGE, RUFASHE ICYEMEZO MU RUBANZA RC 00295/2016/TGI/NYGE NONE KU WA 22 MATA 2016 KU BURYO BUKURIKIRA :

HABURANA :

UREGA : Utazirubanda Guido mwene Utazirubanda Cléophas na Mukankusi Fébronie wavutse mu 1960, ubarizwa mu Mudugudu w'Urumuri mu Kagali ka Rukiri ya I mu Murenge wa Remera mu Karere ka Gasabo mu Mujyi wa Kigali, ahagarariwe na Me Busogi Cikoma Emmanuel.

UREGWA : -

IKIREGERWA : kwandikwaho ubutaka buri mu kibanza nº1035 cyahoze ari 1178 kiri Rukiri – Remera – Gasabo - MV Kigali

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1. Uru rubanza rurerekana imiterere yarwo igizwe n'uko ikibazo giteye, hamwe n'ingingo z'ababuranyi kuri buri ruhande ndetse n'inzitizi zishobora kuba zibyukijwe n'ababuranyi cyangwa n'urukiko rubyibwirije (I), iyo miterere y'urubanza, ni yo iherwaho hasesengurwa ibibazo by'amategeko biri mu rubanza kugira ngo buri kibazo gifatweho ibyemezo (II), nyuma bigasozwa n'icyemezo cy'urukiko (III).

I. IMITERERE Y'URUBANZA

2. Utazirubanda yunganiwe na Me Busogi Emmanuel yatanze inyandiko y'ikirego cy'umuburanyi umwe (requête unilatérale) asaba ko urukiko rutegeka ko yandikwaho ubutaka, mu iburanisha, abajijwe utuma butamwandikwaho avuga ko ari Ikigo cy'Igihugu cy'Ubutaka

3. Akaba rero ari ngombwa gusesengura ibibazo by'amategeko biri mu rubanza kugira ngo hafatwe ibyemezo bikwiye

II.ISESENGURA RY'IBIBAZO BY'AMATEGEKO BIRI MU RUBANZA

- ***Ikibazo cy'amategeko gisuzumwa ni ukumenya niba ikirego cyumvikanisha ihangana (caractère contradictoire) gikwiye gutangwa nka "requête unilatérale" ku buryo cyasuzumwa***

4. Mu iburanisha ku wa 14/04/2016, urega abajijwe kuki yaregeye urukiko ruburanisha imanza z'imbonezamubano yasubije ko basanze ikirego ari imbonezamubano, abajijwe utuma ikibanza kitandikwa ku urega asubiza ko ari Ikigo cy'Igihugu gishinzwe ubutaka

5. Nta wireguye kuko hatanzwe ikirego cy'inyandiko nsobanurakirego itagira uwo irega

UKO URUKIKO RUBIBONA

6. Mu zindi manza hemejwe ko kabone nubwo ari ihame ko ikirego cy'imbonezamubano ari icy'ababuranyi, bitabuza urukiko gusuzuma ibijyanye n'imitangire yacyo mu buryo gikwiye kumvikana, kuko ni na byo bitanga inzira yo kugisuzuma cyangwa kutagisuzuma, n'uburyo kiramutse gisuzumwe, ibyemezo bya ngombwa bigifatwaho. Ibi ni byo bituma urukiko rushobora guha icyerekezo ikirego, byaba ngombwa rukakivuga ukundi gutandukanye n'uko ababuranyi bagitanze ariko bidahinduye uko ikiregerwa gikwiye kumvikana[1].

7. Kuba rero urega yivugira ko impamvu "mutation" yifuza idakorwa ari uko Ikigo cy'igihugu cy'Ubutaka/RNRA kitemera kuyikora, birumvikanisha ko hari undi muntu uteye imbogamizi ngo urega akorerwe "mutation" yifuza. Uyu muntu rero yakabaye yarahamagawe mu rubanza hagamijwe kwisobanura ku mpamvu atemera ko iyi "mutation" ikorwa. Bikanumvikanisha ko urukiko rudakwiye kugira icyo rwemeza igihe cyose uyu muntu atarezwe ngo yisobanure kuko bihabanye n'imitangire ikwiye y'ubutabera. Nyamara kandi nta bubasha rufite bwo kwitumiriza umuburanyi mu gihe nyir'ubwite atamutumije.

8. Uburemere bwo kuba iki kirego cyagombye kuba kirega utemera ko "mutation" iba, bugaragazwa n'inyandiko zinyuranye zirimo ibaruwa ifite ref 208/18.04.081 yo ku wa 24/1/1997 yanditswe na Minisitiri w'Imirimo ya Leta icyo gihe, ibaruwa ifite ref nº1208/16.03/RNRA/02K yo ku wa 02/1/2012 yanditswe n'Umubitsi wungirije w'impapurompamo z'Ubutaka, amabaruwa ifite ref 3933/07.0102/2012

[1] Nko mu cyemezo RCA 0198/15/TGI/NYGE Kazenga & crts, cyo ku wa 28/9/2015, para 7-16. Icyemezo RC 0570/15/TGI/NYGE Umutesi & crts, cyo ku wa 28/9/2015, para 9-11. Icyemezo RC 0818/15/TGI/NYGE cyo ku wa 22/12/2015, para 8-13 na para 17-25. Urubanza RCA 0229/15/TGI/NYGE Mukankubito c/ Hindu Mandal Rwanda rwaciwe ku wa 19/2/2016, para 5-12

yo ku wa 22/11/2012 n'indi iri kuri C22, zanditswe n'Abayobozi b'Akarere ka Gasabo, izi nyandiko zikaba zihuriza ku kutemerera Utazirubanda kwandikwaho ikibanza asaba. Ibi rero byumvikanisha ko iki kirego cyagombye kuba gifite uwo kirega bagahanganira mu rubanza (caractère contradictoire), bityo rero kuba atarahamagajwe kikaba cyaratanzwe binyuranyije n'ingingo ya 324 y'Itegeko nº21/2012 ryo ku wa 14/06/2012 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, kikaba kidakwiye kwakirwa.

III.ICYEMEZO CY'URUKIKO

9. Rwemeje ko ikirego cya Utazirubanda Guido kidasuzumwe.

NI UKO BYEMEJWE KANDI BISOMEWE MU RUHAME NONE N'INTEKO Y'URUKIKO, IGIZWE NA MBARUSHIMANA M. Laetitia, UMUCAMANZA, NA NDATIMANA Narcisse, UMWANDITSI

INTEKO

UMUCAMANZA	**UMWANDITSI**
MBARUSHIMANA M.Laetitia	**NDATIMANA Narcisse**
SE/	**SE/**