Urubanza RC 0493 /15/TGI/NYGE URUPAPURO RWA MBERE

URUKIKO RWISUMBUYE RWA NYARUGENGE, RUHABURANISHIRIZA IMANZA Z'IMBO NEZAMUBANO,RUKIJIJE URU RUBANZA MU RWEGO RWA MBERE MU BURYO BUKURIKIRA NONE KUWA 31/03/2016.

ABABURANYI:

UREGA: NTIMUGURA Cprien mwene Kalimumbali Daniel na Nyirabageni Erina, atuye mu mudugudu wa Nyabinombe,akagari ka Nzaratsi,Umurenge wa Murundi,akarere ka Karongi; Inytara y'Iburengerazuba; ahagarariwe na Maître NDIKUMANA Vincent.

UREGWA: MTN RWANDACELL MU IZINA RY'UMUYOBOZI WAYO ahagarariwe na Maître NIZEYIMANA Boniface.

UWAHATIWE KUGOBOKA: AKARERE KA KARONGI

IKIREGERWA: Gutegeka MTN RWANDACELL gukuraho umunara yashyize mu isambu ya NTIMUGURA Cprien no kumuha indishyi zinyuranye;

I. IMITERERE Y'URUBANZA.

1. NTIMUGURA arega Mtn Rwandacell,ayisaba ko yakura umunara yashyize mu butaka bwe itabanje kubisabira uburenganzira;akaba ngo yarabanje kuyandikira ayisaba ubukode irabyanga,ivuga ko yahawe n'Akarere ka Karongi;akaba asaba ko yamwishyura ubukode bw'imyaka 8 igize mu butaka bwe ni ukuvuga 200.000F x12x imyaka 8=19.200.000Frw,hamwe na F.2000.000 y'indishyi zo gusiragira kuko NTIMUGURA yasiragiye ahantu henshi asaba kurenganurwa,hamwe na F.500.000 y'igihembo cy'avoka;

2. Maître NIZEYIMANA Boniface yazamuye inzitizi avuga ko uru rukiko rudafte ububasha bwo kuburanisha urubanza,ashingiye ku ngingo ya 121 y' itegeko ngenga n°51/2008 ryo kuwa 09/09/2008 rigena imiterere, imikorere n'ububasha by'inkiko, Maître NDIKUMANA Vincent avuga ko ibyo mugenzi we avuga ataribyo kuko iyo ngingo ivuguruzwa n'iya 123,anasaba ko akarere ka Karongi kagobokeshwa kubera ko ariko kahaye Mtn Rwandacell ubutaka yubatsemo umunara;

3. Maître KAYIRANGA Rukumbi Bernard avuga ko,ibyo NTIMUGURA Cprien,asaba bitahabwa ishingiro kubera ko nta kimenyetso agaragaza ko ubutaka MTN Rwandacell yubatsemo ari ubwe,ko asanga hagombye kuba harabaye ihererekanya ry'ubutaka hagati y'akarere na MTN Rwandacell,cyangwa se ngo habe harabaye expropriation;akaba asanga ngo ubutaka bwa NTIMUGURA Cprien,ataribwo Akarere kahaye MTN Rwandacell,kuko ngo numero y'ikibanza NTIMUGURA Cprien yerekana yatanzwe nyuma;

4. Ibibazo bigomba gusuzumwa ni ukumenya niba uru rukiko rudafite ububasha bwo kuburanisha uru rubanza no kureba niba NTIMUGURA Cprien yahabwa indishyi asaba;

II. ISESENGURA RY'IKIBAZO KIGIZE URUBANZA.

►Kubyerekeranye no kumenya niba uru rukiko rudafite ububasha bwo kuburanisha uru rubanza.

5. Maître NIZEYIMANA Boniface yazamuye inzitizi avuga ko uru rukiko rudafite ububasha bwo kuburanisha urubanza,ashingiye ku ngingo ya 121 y' itegeko ngenga n°51/2008 ryo kuwa 09/09/2008 rigena imiterere, imikorere n'ububasha by'inkiko.

6. Maître NDIKUMANA Vincent avuga ko ibyo mugenzi we avuga ataribyo kuko iyo ngingo ivuguruzwa n'iya 123,anasaba ko akarere ka Karongi kagobokeshwa kubera ko ariko kahaye Mtn Rwandacell ubutaka yubatsemo umunara;

7. Urukiko rwariherereye ako kanya rusanga uru rukiko rufite ububasha bwo kuburanisha urubanza rushingiye ku ngingo ya 123 ivuga ko **imanza zerekeye amasosiyete y'ubucuruzi n'indi miryango ifite ubuzimagatozi itari iya Leta, ziburanishirizwa mu rukiko rwo mu ifasi irimo icyicaro cyabyo gikuru, cyangwa aho ikiburanwa kiri;**urukiko rwemeje ko urubanza rugomba gukomereza mu Rukiko Rwisumbuye rwa Nyarugenge;

►Kubyerekeranye no kumenya niba NTIMUGURA Cprien yahabwa indishyi asaba.

8. NTIMUGURA arega Mtn Rwandacell,ayisaba ko yakura umunara yashyize mu butaka bwe itabanje kubisabira uburenganzira;akaba ngo yarabanje kuyandikira ayisaba ubukode irabyanga ivuga ko yahawe n'Akarere ka Karongi;akaba asaba ko yamwishyura ubukode bw'imyaka 8 igize mu butaka bwe ni ukuvuga 200.000F x12ximyaka 8=19.200.000Frw, hamwe na F.2000.000 y'indishyi zo gusiragira kuko NTIMUGURA yasiragiye ahantu henshi asaba kurenganurwa,hamwe na F.500.000 y'igihembo cy'avoka.

9. Maître NIZEYIMANA Boniface yahawe ijambo avuga ko Ikigo ahagarariye ntacyo cyabazwa kuko cyahawe ubutaka n'akarere ka Karongi mu ibaruwa bayandikiye kuwa 12/11/2007, ko we asanga barahawe ubutaka bwo gushyiramo umunara,ko ntacyo MTN RWANDACELL yabazwa,ko NTIMUGURA Cprien ibyo abazwa yabibaza akarere;

10. Maître KAYIRANGA Rukumbi Bernard uhagarariye Akarere ka Karongi avuga ko, ibyo NTIMUGURA Cprien,asaba bitahabwa ishingiro kubera ko nta kimenyetso agaragaza ko ubutaka MTN Rwandacell yubatsemo ari ubwe,ko asanga hagombye kuba harabaye ihererekanya ry'ubutaka hagati y'akarere na MTN Rwandacell, cyangwa se ngo harabaye expropriation;akaba asanga ngo ubutaka bwa

NTIMUGURA Cprien,ataribwo ya Akarere kahaye MTN Rwandacell,kuko ngo aho hantu hatuye abaturage benshi,nta kigaragaza ko aho hantu ari aha Ntimugura,ko ndetse numero y'ikibanza NTIMUGURA Cprien yerekana yatanzwe nyuma;anavuga ko asaba urukiko kureba niba Akarere ka Karongi karagombaga guhatirwa kugoboka hashingiwe ku ngingo y'119 y'itegeko n° 21/2012 ryo kuwa 14/06/2012 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi,iz'umurimo n'iz'ubutegetsi;

11. Urukiko rurasanga taliki ya 12/11/2007,Ubuyobozi bw'Akarere ka Karongi bwarandikiye MTN RWANDACELL ibaruwa ibemera ikibanza Baranditse ngo**«Nshingiye ku ibaruwa yanyu yo kuwa 26/9/2007,idusaba ikibanza gifite metero 20 kuri 20,kiri ku musoziwa Nzaratsi, Umurenge wa Murundi,cyo gushyiramo I Byuma, by'itumanaho rikoresha telefoni zigendanwa(Mobile Base Station),nejewe no kubandikira mbamenyesha ko mucyemerewe,ndasaba rero kwegera ubuyobozi bw'akarere kugira ngo mugirane amasezerano y'ikoreshwa ryaho hantu mu rwego rwa kubangabunga ibidikikije no kwishyura imisoro cyangwa amahoro ateganywa n'itegeko rigena inkomoko y'imisoro n'amahoro byeguriwe Uturere n'imijyi»;**

12 Urukiko rushingiye ku nyandiko yo kuwa 10/5/2014 yakozwe n'ubuyobozi bw'ibanze bw' Umurenge wa Murundi,uhereye ku Mudugudu wa Nyamabuye,Akagari ka Nzaratsi n'Umurenge wa Murundi,bose bemeza ko ubutaka bushinzemo umunara wa MTN RWANDACELL ari ubwa NTIMUGURA Cprien;Urukiko rero rukaba rusanga ubutaka buriho umunara ari ubwa NTIMUGURA Cyprien;uyu akaba yaravogerewe mu mutungo we kandi umutungo w'umuntu ari ntavogerwa nkuko biteganywa n'ingingo ya 29 y'Itegeko Nshinga ivuga ko **Buri muntu afite uburenganzira ku mutungo bwite, waba uwe ku giti cye cyangwa uwo afatanyije n'abandi; Umutungo bwite, uw'umuntu ku giti cye cyangwa uwo asangiye n'abandi ntuvogerwa, Ntushobora guhungabanywa keretse ku mpamvu z'inyungu rusange mu bihe no mu buryo buteganywa n'amategeko kandi habanje gutangwa indishyi ikwiye;**

13. Ku bijyanye no guhabwa indishyi asaba no kumenya uwazitanga,urukiko rurasanga, akarere ka Karongi karatanze ibyabandi gatanga isambu ya NTIMUGURA Cyprien katabanje gukora ibijyanye no kumwimura(expropriation),MTN Rwandacell nayo ikaba itakwitwaza ko yahawe n'akarere,ariko nayo ntigaragaza icyemezo cy'uko umutungo ari uwayo;niba yarahawe n'Akarere,yagombye kugaragaza ikimenyetso ko ubutaka ari ubwayo,cyangwa ikagaragaza ko ubutaka ari ubw'akarere,aka nako ntikagaragaza ko ubutaka ari ubwako; aba bombi rero bakaba barahohoteye bikomeye NTIMUGURA Cyprien bakaba bagomba kumuha indishyi zikurikira:zigenwe mu bwitonzi bw'urukiko kuko izo basaba ari nyinshi cyane; Ubukode bw'umunara:100.000Frw*amezi12*imyaka 8=**F.9.600.000**+F.300.000 y'indishyi zo gusiragira na F.500.000 y'igihembo cy'avoka;yose hamwe ni 10.100.300Frw (miliyoni 10 ibihumbi ijana na magana atatu);aya mafaranga

bakayatanga bafatanyije kuri 50% buri wese ni ukuvuga ko MTN Rwandacell igomba gutanga **5.050.150F** n'akarere ka Karongi nako kagatanga angana nayo;

14. Uhagarariye Ntimugura Maître NDIKUMANA Vincent yasabye ko umunara wa MTN wakurwa mu isambu ya NTIMUGURA Cyprien,urukiko ruranga icyifuzo cye nta shingiro cyahabwa kubera ko umunara ni igikorwa cy'igihugu gifitiye abaturarwanda akamaro nawe arimo bikaba bitashoboka ko uva muri iyi sambu,ahubwo agombagushaka uburyo bagirana amasezerno y'ubukode;

III. ICYEMEZO CY'URUKIKO.

15. Rwemeye kwakira ikirego cyatanzwe na NTIMUGURA Cyprien rusanga gifite ishingiro
16. Rwemeje ko MTN Rwandacell n'Akarere ka Karongi bagomba kwishyura NTIMUGURA Cyprien bafatanije,bakamwishyura F.10.100.300Frw(miliyoni icumi, ibihumbi ijana na magana atatu),buri wese agatanga **5.050.150F**;
17. Rutegetse ko bamwishyura ayo mafaranga mu gihe cy'ukwezi kumwe,bitaba ibyo, akava mu byabo ku ngufu za leta;
18. Rubategetse kumusubiza bafatanyije F.50.000 yatanzeho ingwate arega,baka-yatanga ku neza mu gihe cy'ukwezi kumwe,bitaba ibyo,akava mu byabo ku ngufu za leta;

RUKIJIJWE RUTYO KANDI RUSOMEWE MU RUHAME NONE KUWA 31/03/2016.

UMUCAMANZA	UMWANDITSI
GATONI Néhémie	MUKAMUGEMA Immaculée
Sé	sé