URUKIKO RWISUMBUYE RWA NYARUGENGE RURI I NYARUGENGE RUHABURANISHIRIZA IMANZA Z'IMBONEZAMUBANO MU RUHAME KU BIREGO BYIHUTIRWA, RUFASHE ICYEMEZO MU RUBANZA RC 00027/2018/TGI/NYGE NONE KUWA 2/2/2018 KU BURYO BUKURIKIRA

HABURANA

Urega: MAKUZA Lauren Thecle, mwene SASITA Claudien na MUTEGA Secondine, utuye mu Mujyi wa Kigali, akarere ka Kicukiro, umurenge wa Niboyi, akagari ka Niboyi, umudugudu wa Munini, akarere ka Kicukiro, Umujyi wa Kigali, yunganiwe na Me NTABWOBO Joseph.

Uregwa: NGABONZIZA Jean d'Amour, utuye mu Mujyi wa Kigali, akarere ka Kicukiro, umurenge wa Niboyi, akagari ka Niboyi, umudugudu wa Munini, akarere ka Kicukiro, Umujyi wa Kigali.

Ikiregerwa: Ikirego cyihutirwa gisaba gusuzuma niba imitungo itimukanwa ya NGABONZIZA Jean d'Amour igomba gufatirwa.

-Gusuzuma niba Ngabonziza Jean d'Amour agomba gusubiza Makuza inzu ye y'ubucuruzi akodesha mu gihe urubanza rw'iremezo rutaracibwa.

I.IMITERERE Y'URUBANZA

[1] **MAKUZA Lauren Thecle** wunganiwe na Me NTABWOBA Joseph yatanze ikirego cyihutirwa asaba ko uru rukiko ko rwategeka ko imitungo itimukanwa ya NGABONZIZA Jean d'Amour igomba gufatirwa, rukanategeka ko amusubiza inzu ye y'ubucuruzi yakodesheje, asabanura ko baburanye mu rukiko rw'Ibanze rwa Kagarama aho yasabaga urukiko gutegeka NGABONZIZA kubahiriza amasezerano bagiranye y'ubukode bw'inzu ye y'ubucuruzi, urukiko rukemeza ko ikirego cya MAKUZA Lauren Thecle gifite ishingiro, rutegeka NGABONZIZA Jean d'Amour kwishyura MAKUZA Lauren Thecle amezi yose amaze atamwishyura no kumusubiza inzu ye ariko aho gushyira mu bikorwa icyemezo cy'urukiko, NGABONZIZA Jean d'Amour yajuririye rubanza RC 00205/2017/TB/KGRMA muri uru rukiko, ariyo mpamvu batanze iki kirego kugirango abe avuye muri iyo nzu kuko uko akomeza gutinda kwishyura ideni rikomeza kwiyongera bikaba kandi byangiriza urega kuko nawe iyo nzu yayitanzeho ingwate muri banki bakamuha inguzanyo kandi bumvikanye ko azayishyura amafaranga avuye muri ubwo bukode, akaba asaba ko n'imitungo y'uregwa yafatirwa kuko yatangiye kuyigurisha hakaba hari impungenge ko yazabura ubwishyu.

[2] Urubanza rwaburanishijwe uregwa adahari ariko yaramenyeshejwe urubanza, asaba ko rwakwimurwa kubera uburwayi, ariko ku munsi rwimuriweho nabwo ntiyitaba nta n'impamvu yamenyesheje urukiko, urega asaba ko rwaburanishwa adahari.

Ikigomba gusuzumwa muri uru rubanza akaba ari ukureba icyo amategeko ateganya ku muburanyi wahamagawe ntiyitabe urukiko nta mpamvu, kureba niba NGABONZIZA yategekwa kuva mu nzu ya MAKUZA, umutungo we ugafatirwa mu gihe urubanza rw'iremezo baburana rutaracibwa.

II.ISESENGURA RY'IBIBAZO BIRI MU RUBANZA

1. Kumenya icyo amategeko ateganya ku muburanyi wahamagawe ntiyitabe urukiko

[3] MAKUZA Lauren Thecle wunganiwe na Me NTABWOBA Joseph yatanze ikirego cyihutirwa asaba ko uru rukiko ko rwategeka ko imitungo itimukanwa ya Ngabonziza Jean d'Amour igomba gufatirwa, rukanategeko ko amusubiza inzu ye y'ubucuruzi yakodesheje, mu gihe urubanza RCA00016/2018/TGI/NYGE rutaracibwa.

[4] NGABONZIZA yahamagajwe mu buryo bukurikije amategeko ariko ntiyitaba urukiko nta n'impamvu yarumenyesheje, urega asaba ko yaburanishwa adahari, urukiko rurabimwemerera rushingiye ku ngingo ya 59 y'Itegeko n° 21/2012 ryo kuwa 14/06/2012 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi iteganya ko "*Iyo mu iburanisha rya mbere uregwa atitabye nta mpamvu, urega ashobora gusaba ko urubanza rwimurirwa ku yindi tariki cyangwa se gusaba ko ruburanishwa uregwa adahari. Muri icyo gihe hasuzumwa imyanzuro y'urega kandi ikirego cye kikakirwa, kigahabwa ishingiro iyo gifite ireme kandi cyaratanzwe mu buryo no mu nzira bikurikije amategeko.*"

2. Kumenya niba NGABONZIZA yategekwa kuva mu nzu ya MAKUZA n'imitungo ye igafatirwa mu gihe urubanza rw'iremezo baburana rutaracibwa

[5] MAKUZA Lauren Thecle wunganiwe na Me NTABWOBA Joseph avuga ko NGABONZIZA Jean d'Amour yananiwe kubahiriza amaserano y'ubukode bw'inzu y'ubucuruzi bakodesheje, akaba amaze amezi arindwi (7) atishyura amafaranga y'ubukode kandi ariho hava ubwishyu bw'umwenda MAKUZA Lauren Thecle yafashe muri Bank yubaka iyo nzu; bivuze ko MAKUZA Lauren Thecle aramutse adasubijwe inzu ye vuba, umwenda NGABONZIZA Jean d'Amour afitiye MAKUZA Lauren Thecle wakomeza kwiyongera ndetse na Banki igakomeza kubara inyungu z'ubukererwe kugeza igihe yazagurisha iyi nzu kuko ari ingwate yayo, bityo akaba yategekwa kuba avuye muri iyo nzu mu gihe urubanza rw'iremezo baburana rutaracibwa.

[6] Urukiko rukaba rusanga mu gusuzuma iki kibazo cya MAKUZA, urukiko rugomba kubanza kureba ibiteganywa n'amategeko mu kuburanisha ibirego byihutirwa, rukaba rusanga ingingo ya 316 y'Itegeko n^{o} 21/2012 ryo kuwa 14/06/2012 ryavuzwe haruguru iteganya ko "Iyo hari ikirego cy' iremezo, ariko hagomba kugira icyemezwa by'agateganyo mu buryo bwihuta ku rubanza rwaregewe urukiko rutaraburanishwa, ikirego cyihutirwa gishyikirizwa umucamanza ushinzwe

kurangiza impaka zihutirwa w`aho zigomba gukemurirwa hakurikijwe uburyo busanzwe bw`ihamagara,' naho ingingo ya 320 y'iryo tegeko igateganya ko" *Umucamanza uburanisha ibirego byihutirwa afata icyemezo ku bibazo byose byihuta, ariko mu buryo butabangamiye urubanza rw'iremezo mu mizi yarwo";* urukiko rukaba rusanga kuba urega asaba ko NGABONZIZA yategekwa ku muvira mu nzu kuko iyo nzu nawe ariyo yakuragaho ubwishyu bwa banki kandi akaba asanga bidakozwe umwenda wakomeza kwiyongera banki ikaba yazaza guteza umutungo we cyamunara ngo yiyishyure, rubona ibyo avuga bifite ishingiro, ariko harebwe ko aricyo baburana nk'uko ikirego cyabo kibigaragaza kandi nawe akaba ariko abisobanura ko urukiko rubanza rwategetse NGABONZIZA kumuvira mu nzu, rusanga uru rukiko rutabitegeka mu kirego kihutirwa kuko rwaba rubangamiye rubanza rw'iremezo kandi bibujijwe mu ngingo ya 320 yavuzwe haruguru, ababuranyi bakaba bategereza urubanza rugacibwa.

3. Kumenya niba umutungo wa NGABONZIZA wafatirwa

[7] **MAKUZA Lauren Thecle** wunganiwe na Me NTABWOBA Joseph asaba urukiko ko rwategeka ko imitungo ya NGABONZIZA yafatirwa kuko umwenda amubereyemo ukomeje kwiyongera akaba afite impungenge ko yazabura ubwishyu.

[8] Urukiko rukaba rusanga uretse no kuba urega atagaragaza aho ashingira avuga ko NGABONZIZA yazabura ubwishyu igihe urubanza ruzaba rurangiye, rubona rutafatira imitungo itagaragajwe, ibyo asaba akaba rero atagaragaza aho abishingira rukaba ntaho rwahera rubitegeka.

III. ICYEMEZO CY'URUKIKO

[9] Rwemeye kwakira ikirego kihutirwa rwashyikirijwe na MAKUZA Lauren Thecle rugisuzumye rusanga nta shingiro gifite, ibyo asaba akaba atabyemerewe.

[10] Rutegetse ko amagarama yatanzeho ingwate arega angana n'amafaranga ibihumbi mirongo itanu (50.000Frw) aguma mu Isanduku ya Leta kuko ahwanye n'ibyakozwe mu rubanza.

NI UKO RUKIJIJWE KANDI RUSOMEWE MU RUHAME NONE KUWA 2/2/2018

Umucamanza	**Umwanditsi**
NYIRANSAGUYE Athanasie	**NDATIMANA Narcisse**
Sé	Sé

Byandukuwe nk'uko biri ku cyemezo cy'umwimerere

None kuwa……

N'umwanditsi……