URUKIKO RWISUMBUYE RWA NYARUGENGE, RUKIJIJE URUBANZA RCA 0073/15/TGI/NYGE NONE KU WA 29 MATA 2016 KU BURYO BUKURIKIRA :

HABURANA :

UREGA : Muhimpundu Triphine mwene Kaguge Jean an Nyiramushi Elisabeth wavutse mu 19- ubarizwa mu Mudugudu wa - mu Kagali ka Remera mu Murenge wa Kimironko mu Karere ka Gasabo mu Mujyi wa Kigali, c/o tel 0788504247 cyangwa 0788470559

ABAREGWA :

1) Mukandutiye Jeanne mwene Bigirimana Michel na Zaninka wavutse mu 19- ubarizwa mu Mudugudu wa Gikuyu mu Kagali ka Nyarurenzi mu Murenge wa Mageragere mu Karere ka Nyarugenge mu Mujyi wa Kigali, tel 0785565816 cyangwa 0788514887

2) Murekatete Consolee mwene Bigirimana Michel na Zaninka wavutse mu 19- ubarizwa mu Mudugudu wa Gikuyu mu Kagali ka Nyarurenzi mu Murenge wa Mageragere mu Karere ka Nyarugenge mu Mujyi wa Kigali

3) Mukamana Jacqueline mwene Karegeya na Zaninka wavutse mu 1964 ubarizwa mu Mudugudu wa Mutanda mu Kagali ka Mutanda mu Murenge wa Cyabingo mu Karere ka Gakenke mu Ntara y'Amajyaruguru. tel 0785565816 cyangwa 0788514887

IKIREGERWA: kujuririra urubanza RC 0136/12/TB/NYBO rwaciwe n'Urukiko rw'Ibanze rwa Nyamirambo ku wa 13/03/2015 (Mukandutiye n'abavandimwe be baregeye gutesha agaciro amasezerano y'ubugure bw'isambu ya Nyakwigendera Bigirimana n'indishyi zinyuranye)

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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 babyukije, cyangwa se izo urukiko rubyutsa 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. Mukandutiye yareze Muhimpundu mu Rukiko rw'Ibanze arega murumuna we Murekatete na Muhimpundu, asaba ko ubugure hagati ya murumuna we na Mukamana na Muhimpundu ku isambu basigiwe na Bigirimana ifitwe na Muhimpundu bwateshwa agaciro. Mukamana yagobotse mu rubanza nk'umuvandimwe wa Mukandutiye na Mukamana basangiye nyina gusa.

3. Mukandutiye yareze avuga ko se Bigirimana Michel yasize isambu iri I Nyarurenzi mu Murenge wa Mageragere, muri 1994 baza guhunga bagarutse bayisangamo Muhimpundu, bamusabye kubavira mu isambu akavuga ko yayiguze na Murekatete 45 000 rwf, Mukandutiye yakurikiranye ikibazo mu Buyobozi asaba ko ayo masezerano atahabwa agaciro, maze ku wa 29/4/2002 hari abaturage Mukandutiye na Muhimpundu bemeranya ko Muhimpundu yishyura 300 000 rwf ariko na yo ntiyayishyura. Mukandutiye yaregeye Urukiko rwa Kanto ya Butamwa rufata icyemezo mu rubanza RC 199/02 ku wa 6/4/2004 rwiyambura ububasha kuko icyo gihe isambu yaregerwaga Muhimpundu yari yarayishakiye "fiche cadastrale" urukiko rwa Kanto rukaba rutari rwemerewe n'amategeko kuburanisha ubutaka bufitiwe inyandikompamo (titre de prorpiété).

4. Mukandutiye yarakomeje aregera Abunzi b'Akagari ka Nyarurenzi, abatangabuhamya bakomeje kuvuga ko ibikorwa bya Bigirimana byari muri iyo sambu birimo inzu 2 n'ibihingwa bigizwe n'imbuto n'ibiti bitandukanye, bihwanye hafi na 3 000 000 rwf, bituma Abunzi bemeza ko Muhimpundu agumana isambu akishyura 2 900 000 rwf akayaha Mukandutiye, ibi Abunzi bakaba barabyemeje batya ku mpamvu y'uko batari bemerewe gufata ibyemezo ku gaciro karenze 3 000 000 rwf. Mukandutiye avuga ko Abunzi b'Umurenge bajuririwe bemeje ko Abunzi b'Akagari baburanishije ababuranyi batari mu ifasi imwe y'Akagari kuko Mukandutiye atuye muri Nyarurenzi mu Murenge wa Mageragere mu Karere ka Nyarugenge, na ho Muhimpundu akaba atuye ku Kimironko mu Karere ka Gasabo, ari na yo mpamvu yahisemo kuregera Urukiko rw'Ibanze.

5. Urukiko rw'Ibanze rwa Nyamirambo rwaciye urubanza RC 0136/12/TB/NYBO ruvuga ko amasezerano y'ubugure bw'iyo sambu ku mafaranga 45 000 rwf Muhimpundu yagiranye na Murekatete yasimbuwe n'andi Muhimpundu yagiranye na Mukandutiye imbere y'Abaturage ku wa 29/04/2002 ku giciro cya 300 000 rwf, ariko na yo ruvuga ko asheshwe ku mpamvu y'uko Muhimpundu atishyuye igiciro cy'iyo sambu bari bumvikanye kuri 300 000 rwf, rwemeza ko Muhimpundu

asubiza isambu kandi akishyura 2 000 000 rwf y'indishyi mbonezamusaruro kubera igihe yayimazemo.

6. Muhimpundu yajuriye avuga ko amasezerano hagati ya Muhimpundu na Murekatete urukiko rwemeje ko yabayeho ariko ruyima agaciro bikaba bidakwiye. Ingingo ya 3 y'Itegeko nº45/2011 rigenga amasezerano ikaba itakurikizwa kuko amasezerano urukiko rwise ayo ku wa 29/4/2002, ahubwo ari ayo ku wa 30/7/2002, ariko cyane cyane ko impande zombi zitigeze ziyashyiraho umukono, bityo akaba adashobora gusimbura aya mbere hashingiwe ku ngingo ya 44 ya ririya tegeko. Bityo amasezerano yo ku wa 30/07/2002 akaba atarasimbuye ayo ku wa 02/4/2000. Indi mpamvu y'ubujurire akaba ari uko ingingo ya 82 al2 y'itegeko ryavuzwe itakurikizwa kuko nta masezerano yabaye hagati ya Muhimpundu na Mukandutiye. Indi mpamvu akaba y'ubujurire ari ukuba Muhimpundu amaranye isambu imyaka 13 ari uko yari ayitunze mu buryo bukurikije amategeko. Indi mpamvu y'ubujurire ikaba ari uko urukiko rusanze isambu yasubizwa bene Bigirimana, Muhimpundu yasubizwa agaciro k'ibyo yashyizemo, akaba yiteguye gushaka "expert" wo kubiha agaciro. Muhimpundu yasabye kandi kugenerwa indishyi zinyuranye.

7. Abaregwa mu bujurire bavuga ko Muhimpundu yashenye inyubako z'iwabo zarimo akuramo n'ibihingwa nkondabutaka byarimo, birimo ishyamba n'ibiti by'imbuto, ahubwo muri iyo sambu ateramo urutoki, ariko bakaba bumva batagereranya ngo bamenye agaciro k'ibyabo yasanzemo akabikuramo, ari n'agaciro k'urutoki yateyemo. Bakaba kandi bumva batiteguye gusubiza agaciro k'urutoki kuko Muhimpundu na we hari ibyabo yakuyemo birimo inyubako n'ishyamba ndetse n'ibiti bavuze. Bakaba na bo basaba indishyi.

8. Uru rubanza rwagaragayemo inzitizi n'ingoboka. Iyerekeye kuburanisha umwe mu baregwa adahari. Iyerekeye kureba niba ikiburanwa hari umwanzuro w'Abunzi wagifashweho. Hagaragayemo kandi gusagarira umuhanga wahawe inshingano zo gupima isambu.

9. Akaba rero ari ngombwa gusesengura ibibazo by'amategeko biri mu rubanza kugira ngo buri kibazo gifatweho icyemezo.

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

10. Ibibazo by'amategeko bisuzumwa ni ibi bikurikira :

1) *Ibyerekeye inzitizi yo kuburanisha umwe mu baburanyi adahari*

2) *Ibyerekeye inzitizi yo kuba hari umwanzuro w'Abunzi wafashwe ku kiburanwa ku buryo wabaye itegeko, ndetse n'inzitizi yo kuba ubujurire bw'urubanza rwatangiriye mu Bunzi butasuzumwa mu Rukiko rwisumbuye*

3) *Kumenya niba hari ubugure bw'isambu bwakozwe, n'ingaruka bifite ku byerekeye kuyigumana cyangwa kuyisubiza hitawe ku byayikozwemo byagaragajwe n'umuhanga, hakanarebwa uko uyu muhanga yakwishyurwa*

4) *Kureba ibyerekeye indishyi*

5) *Ibyerekeye kwishyura ihazabu yo gukerereza urubanza ku bwo gusagarira umuhanga washyizweho nk'intumwa y'urukiko*

1) Ibyerekeye inzitizi yo kuburanisha umwe mu baburanyi adahari

11. Uru rubanza kuva rutangiriye mu Rukiko rw'Ibanze, rwakomeje kuburanishwa Murekatete adahari nk'uko bigaragara mu iburanisha ryo ku wa 20/10/2014 ari bwo hafashwe icyemezo kimuhamagara nk'udafite aho abarizwa hazwi. Ibyo kandi no mu Rukiko rwajuririwe biza kugaragara nk'uko biboneka iyo urebye ihamagara ryakozwe ku wa 8/5/2015 rihamagara Murekatete kwitaba urukiko ku wa 4/6/2015, Umuhesha w'Inkiko akaba yaremeje ko Murekatete bakeka ko aba za Rutongo ariko bidashoboka kumenya aho aherereye bigatuma ku wa 26/6/2015 hafatwa icyemezo cya Perezida w'Urukiko kimuhamagaza nk'utagira aho abarizwa hazwi. Ibi byose hakurikijwe ingingo za 28 al1, 34 al1, na al2, al3 na al6, 39 na 40 z'Itegeko nº21/2012 ryo ku wa 14/6/2012 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi.

2) Ibyerekeye inzitizi yo kuba hari umwanzuro w'Abunzi wafashwe ku kiburanwa ku buryo wabaye itegeko, ndetse n'inzitizi yo kuba ubujurire bw'urubanza rwatangiriye mu Bunzi butasuzumwa mu Rukiko rwisumbuye

12. Abahagarariye uwajuriye bavuga ko urubanza rwahereye mu Nteko y'Abunzi, icyemezo cyabo kikaba cyarabaye Itegeko, ikindi akaba ari uko Urukiko rw'Ibanze

rwa Nyamirambo rwaciye urubanza rukaba rujuririrwa mu Rukiko rwisumbuye kandi bitagombye kwakirwa,

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13. Urukiko rukabona ko Mukandutiye yasobanuye ko Abunzi b'Akagari ka Nyarurenzi bari bemeje ko Muhimpundu yishyura Mukandutiye 2 900 000 rwf, ariko Abunzi b'Umurenge wa Mageragere bajuririwe baza kubona ko ikiburanwa gifite agaciro karenze Ubushobozi itegeko riha Abunzi nk'uko babifashe mu cyemezo cyabo kigaragaraho amazina : Nkotanyi Viateur, Benimana Jean de Dieu na Muhongatete Rosa. Ikindi kandi, Urukiko rwaregewe mbere, rwaje kubona ko Abunzi b'Akagari ka Nyarurenzi baburanishije abantu badatuye mu Kagari kamwe nk'uko bigaragara mu rubanza rwajuririwe RC 0136/12/TB/NYBO mu gika cya 5. Ahangaha uru rukiko rukaba rubona ko nubwo urukiko rwaregewe mbere rutabitinzeho, ariko ntirwahaye agaciro uriya mwanzuro kubera iriya mpamvu. Izi mpamvu zombie rero, zituma uriya mwanzuro w'Abunzi b'Akagari ka Nyarurenzi wo ku wa 2/12/2010, utagira agaciro ngo ushyirwe mu bikorwa.

3) Kumenya niba hari ubugure bw'isambu bwakozwe, n'ingaruka bifite ku byerekeye kuyigumana cyangwa kuyisubiza hitawe ku byayikozwemo byagaragajwe n'umuhanga, hakanarebwa uko uyu muhanga yakwishyurwa

14. Muhimpundu yajuriye avuga ko amasezerano yabaye hagati ye na Murekatete urukiko rwemeje ko yabaye ariko ruyima agaciro. Ingingo ya 3 y'Itegeko nº45/2011 rigenga amasezerano ikaba itakurikizwa kuko amasezerano urukiko rwise ayo ku wa 29/4/2002 ahubwo ari ayo ku wa 30/7/2002 ariko cyane cyane ko impande zombi zitigeze ziyashyiraho umukono, bityo akaba adashobora gusimbura aya mbere hashingiwe ku ngingo ya 44 ya ririya tegeko. Bityo amasezerano yo ku wa 30/07/2002 akaba atarasimbuye ayo ku wa 02/04/2000. Indi mpamvu y'ubujurire akaba ari uko ingingo ya 82 al2 y'itegeko ryavuzwe itakurikizwa kuko nta masezerano yabaye hagati ya Muhimpundu na Mukandutiye. Ajurira kandi avuga ko kuba Muhimpundu amaranye isambu imyaka 13 yari ayitunze mu buryo bukurikije amategeko. Anavuga kandi ko urukiko rusanze isambu yasubizwa bene Bigirimana, Muhimpundu yasubizwa agaciro k'ibyo yashyizemo akaba yiteguye gushaka "expert" wo kubiha agaciro

15. Mukandutiye na Mukamana bavuga ko amasezerano yose yateshwa agaciro, ko bifuza gusubizwa isambu yabo ifite hafi agaciro ka 40 000 000 rwf, ko Muhimpundu yabaha indishyi kubera igihe amaranye iyo sambu, kandi ko Muhimpundu yashenye inyubako z'iwabo zarimo akuramo n'ibihingwa nkondabutaka byarimo birimo ishyamba n'ibiti by'imbuto, ahubwo muri iyo sambu ateramo urutoki ariko bakaba bumva batagereranya ngo bamenye ari agaciro k'ibyabo yasanzemo akabikuramo, ari n'agaciro k'urutoki yateyemo, bakaba kandi bumva batiteguye gusubiza agaciro k'urutoki kuko Muhimpundu na we hari ibyabo yakuyemo birimo inyubako n'ishyamba ndetse n'ibiti bavuze, urwo rutoki kandi akaba yararuteye azi neza ko iyo sambu iri mu kibazo. Bakaba basaba indishyi.

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16. Ku byerekeye amasezerano yaba yarakozwe kuri iyi sambu ku buryo yagira agaciro, amasezerano yavuzwe yabaye hagati ya Muhimpundu na Murekatete nta mpamvu uru rukiko rubona yagira agaciro. Ibyo ku mpamvu ya mbere y'uko nta kigaragaza ko yabayeho, kuko mu rubanza RC 199/02 kuri p.2 RUMAZE KUMVA ya 1 n'iya 2, Murekatete ntiyemera ko ayo masezerano y'ubugure yabayeho, uretse kuba Muhimpundu na Mukandutiye ari bo babivuga gusa, nta n'undi muntu wemeza ko yabayeho. Ibi bigashimangirwa n'uko mu Nyandiko yo ku wa 29/4/2002 yakorewe imbere y'abaturage, havugwa ko ngo ubu bugure bwakozwe nta muyobozi, nta n'umutangabuhamya ubizi.

17. Bikanagaragara no mu Mwanzuro w'Abunzi b'Akagari ka Nyarurenzi, kuri p.3, indi mvugo ya Muhimpundu ko yumvikanye na Murekatete igiciro cya 45 000 rwf ariko akamuha igice kingana na 15 000 rwf. Mu gihe abatangabuhamya mu Bunzi babona na 45 000 rwf aramutse yaratanzwe atari igiciro gihwanye n'agaciro k'isambu n'ibiyirimo, bikumvikana ko igiciro cya 45 000 rwf ari gito kuko bigaragara ko abatangabuhamya batanze inama zitandukanye ku biciro by'iyo sambu, bamwe bavuga 1 500 000 rwf , abandi bakavuga 3 000 000 rwf, kugeza ubwo hemejwe igiciro cya 2 900 000 rwf ngo hatabaho kurenga ku gaciro ka 3 000 000 rwf ku bubasha Itegeko ryemeraga icyo gihe. Ibi ni ibyumvikanisha ko amafaranga 45 000 rwf cyangwa 15 000 rwf ari make cyane ku buryo umuntu utekereza neza, mu mwanya wa Murekatete, cyangwa n'undi wese waba agamije kugurisha iriya sambu, uko ivugwa n'abayizi nk'uko babigaragaje mu Bunzi, atakora ubwo bugure ku giciro gito bigeze hariya.

18. Ibi byose rero bituma uru rukiko rubona ko nta hakwiye guherwa ngo hemezwe ko amasezerano hagati ya Muhimpundu na Murekatete y'ubugure bw'iyi sambu yabayeho. Birumvikana rero ko isambu Muhimpundu yayigiyemo gutyo gusa nta gisobanuro cyumvikana kibimuhera uburenganzira. Ibi rero birakuraho icyemezo Urukiko rwaregewe mbere rwafashe ruvuga ko amasezerano hagati ya Murekatete na Muhimpundu yasimbuwe n'andi, ibi akaba atari ko bikwiye kumvikana kuko ayo masezerano nta kigaragaza ko yigeze abaho.

19. Abaye yaranabayeho kandi, yakwamburwa agaciro n'uko Murekatete yaba yarakoze amasezerano ku mutungo w'umuryango kandi abo bawuhuriyeho (Mukandutiye na Mukamana) batabyemera. Iyi "défaut de consentement" na yo igatuma ayo masezerano ata agaciro, bityo igikwiye ari uko hafatwa ko nta masezerano y'ubugure hagati ya Muhimpundu na Murekatete yabayeho.

20. Ku byerekeye icyo Urukiko rwaregewe mbere rwise amasezerano yo ku wa 29/4/2002 imbere y'Abaturage nk'uko inyandiko ibigaragaza, aho hemejwe ko Muhimpundu yishyura Mukandutiye 300 000 rwf. Ibi urukiko rwabitesheje agaciro kuko kiriya giciro cya 300 000 rwf kitishyuwe kuva 2002 kugeza ku wa 13/3/2015 ubwo urukiko rwabitesheje agaciro rwacaga urubanza rwajuririwe. Ni ukuvuga ko hashize imyaka 13 Muhimpundu yaremeye kwishyura 300 000 rwf kuri iriya sambu ariko ntiyayishyura. Gusa, uru rukiko rukaba rusanga ariya atari amasezerano ahubwo ari icyemezo cy'Ubuyobozi n'Abaturage cyari cyafashwe mu buryo bwo kugerageza guhuza impande zombi. Kandi na byo Muhimpundu ntiyabyubahirije kuko itariki yari yahawe yo ku wa 30/7/2002 yageze ikanarenga cyane ntiyigere yubahiriza kiriya cyemezo cy'Abaturage. Ni cyo cyumvikanisha impamvu Mukandutiye yakomeje kugeza ikibazo cye ku zindi nzego. Birumvikana rero ku Muhimpundu yafashe isambu nta mpamvu ibisobanura yumvikana, nyuma akomeza kugora abayimurega kugeza ubu.

21. Ikindi kandi, ababuranyi bamaze guha urukiko buri wese expertise yakoresheje ku bipimo n'agaciro by'isambu bitandukanye, uruhande rw'abashaka gusubizwa isambu ubuso ari 21 780 m^2 agaciro kayo ari 43 560 000 rwf, na ho uruhande rw'ufite isambu ubuso ari 14 400 m^2, ku gaciro ka 197 004 500 rwf, bikagaragara ko bitandukanye cyane kandi bakaba bataranashoboye kumvikana ku mu expert umwe waha agaciro isambu, byabaye ngombwa ko ku matariki ya 22/12016 na 14/2/2016, urukiko rufata icyemezo cyo gushyirahao umuhanga (expert) wo gupima no guha agaciro isambu iburanwa n'ibiyirimo. Mu byo yagaragaje muri expertise yo ku wa 1/4/2016, harimo urutoki rufite agaciro ka 15 232 000 rwf.

Mu gihe uru rutoki rutigeze rugaragazwa n'abatangabuhamya cyangwa abaturage bazi iyo sambu kuva kera bagaragaye mu nyandiko y'Inama y'Abaturage yo ku wa 29/4/2002, n'Umwanzuro w'Abunzi wo ku wa 2/12/2010, nta na hamwe havugwa ko hari urutoki ruri muri iriya sambu. Havuzwe inzu 2 zari iza Bigirimana, ibiti bisanzwe n'iby'imbuto n'ibihingwa byarimo ariko ruriya rutoki ntirwigeze ruvugwa mbere. Ibi byumvikanisha ko ruriya rutoki, Muhimpundu yaruteye nyuma kandi azi neza ko isambu irimo iburanwa.

22. Ingaruka z'ibi byose rero ni uko Muhimpundu asubiza isambu y'abandi agakuramo ibikorwa bye, ibyo hashingiwe ku ngingo ya 35 al3 y'Itegeko nº43/2013 ryo kuwa 16/06/2013 rigenga ubutaka mu Rwanda ivuga ko ***"Mu gihe inyubako cyangwa se ibihingwa byashyizwe n'undi muntu ku butaka butari ubwe hadakurikijwe ibisabwa n'amategeko cyangwa amasezerano, nyir'ubutaka afite uburenganzira bwo gusaba uwabishyizeho kubikuraho bitabujije no gusaba impozamarira cyangwa indishyi mu gihe hari ibikorwa bye byangijwe"*** Dore ko ari na byo yahisemo mu iburanisha ku wa 18/4/2016 nk'uko Abunganizi bamuhagarariye ari bo Me Uwase na Me Ruberwa Silas babigaragaje. Bityo rero asubize Mukandutiye na Mukamana na Murekatete isambu basigiwe na Bigirimana na Zaninka, Muhimpundu akuremo ibikorwa bye byose "expertise" yagaragaje birimo urutoki, ibinyomoro, inyanya, akabikora bitarenze igihe kiri buvugwe hasi

23. Kuba kandi byarabaye ngombwa ko hitabazwa umuhanga (expert), dore ko n'uwajuriye yari yabyifuje nk'uko bigaragara mu mwanzuro we ujuririra urubanza wo ku wa 9/4/2015 kuri p.3, hari facture yatanzwe n'umuhanga igaragaza 454 223 rwf kuri expertise yakozwe yo ku wa 1/4/2016. Aya agomba kwishyurwa na Muhimpundu akayashyikiriza umuhanga. Akishyurwa bidategereje izindi nzira zo kujuririra uru rubanza izo ari zo zose.

4) Ibyerekeye indishyi

24. Muhimpundu yajuriye avuga ko yagenerwa indishyi z'akababaro zingana na 1 250 000 rwf, iz'ikurikiranarubanza zingana na 700 000 rwf, n'igihembo cya avoka kingana na 1 000 000 rwf

25. Abaregwa mu bujurire bavuga ko basaba indishyi bari baranasabye mu kirego cyabo kuva na mbere zihwanye n'indishyi mbonezamusaruro 13 000 000 rwf,

kubera imyaka amaze muri iyo sambu bakababari kubabarayibyaje umusaruro, indishyi z'ikurikiranarubanza n'igihembo cya Avoka zihwanye na 1 000 000 rwf

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26. Mukandutiye na bagenzi be basiragiye kuri iyi sambu igihe kinini kandi ahantu henshi, Muhimpundu yagombye kuba yarayibasubije kuva mbere hose batarasiragira mu nkiko. Ni ikosa akwiye gutangir aindishyi nk'uko biteganywa n'ingingo ya 258 CC L III ivuga ko igikorwa cy'umuntu cyangirije undi cyangwa kikamutera kugira ibyo atakaza, kiba ikosa kandi kigatuma uwatakaje abiherwa indishyi na nyir'ugukora iryo kosa. Muhimpundu abahe rero ndishyi zingana na 500 000 rwf y'igihembo cya Avoka wababuraniye mu rwego rw'Ibanze, hamwe na 300 000 rwf ikurikiranarubanza agenwe mu bushishozi b'urukiko kuko 500 000 rwf basabye ari menshi cyane. Indishyi mbonezamusaruro bagenerwa 3 000 000 rwf agenwe mu bushishozi bw'urukiko. Indishyi zose hamwe ni 3 800 000 rwf

5) Ibyerekeye kwishyura ihazabu yo gukerereza urubanza nk'ingaruka yo gusagarira umuhanga washyizweho nk'intumwa y'urukiko

27. Hari kandi icyemezo cyafashwe n'urukiko ku wa 22/1/2016 gishyiraho umuhanga Bazina Yves, igihe yari agiye gupima isambu yasagariwe n'abantu boherejwe na Muhimpundu ngo bamubuze gukora umurimo wo guha isambu agaciro nk'uko yari yabihawemo inshingano n'urukiko, ibyo uyu muhanga akaba abigaragaza mu ibaruwa ye yo ku wa 4/2/2016. Iyi baruwa urukiko rukaba ruyifataho ukuri kuko nta mpamvu rubona yari gutuma uyu muhanga beshyera Muhimpundu. Ibi bikaba byarakerereje urubanza kuko byabaye ngombwa ko Perezida w'Urukiko yandikira Umurenge wa Mageragere ngo habeho ubufasha ku mutekano ngo inshingano urukiko rwahaye umuhanga zibashe gushyirwa mu bikorwa, nk'uko bigaragara mu ibaruwa Ref 006/16/TGI/NYGE yo ku wa 10/2/2016.

28. Hashingiwe rero ku ngingo ya 15 y'Itegeko nº21/2012 ryo ku wa 14/6/2012 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, Muhimpundu agomba kubitangira ihazabu mbonezamubano ingana na 200 000 rwf akayishyura uru rubanza rugisomwa, kabone nubwo rwashyirwa mu zindi nzira z'ubujurire izo ari zo zose. Ibi uru rukiko rukaba rubyemeje hanitawe ku bivugwa mu ngingo ya 9 al7 y'Amabwiriza nº002/2015 yo kuwa 18/05/2015 ya Perezida w'Urukiko rw'Ikirenga agenga imiburanishirize

y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, aho ivuga ko ***iyo umuburanyi aciwe ihazabu mbonezamubano (…) iyo hazabu ishyirwa mu byo acibwa n'urukiko mu rubanza rw'iremezo, (…)***

III.ICYEMEZO CY'URUKIKO

29. Rwemeje ko ubujurire bwa Muhimpundu Triphine buburiwe ishingiro

30. Rwemeje ko Muhimpundu yishyura 454 223 rwf umuhanga wakoze igenagaciro y'isambu iburanwa bidategereje inzira y'ubujurire iyo ari yo yose kuri uru rubanza

31. Rwemeje ko Muhimpundu asubiza isambu iburanwa amaze kurandura urutoki, ibinyomoro n'inyanya yahinzemo nyuma yo gusarura ibimaze kwera, ibyo byose akabikora mu gihe kitarenze amezi 6 kuva uru rubanza rusomwe.

32. Rwemeje ko yishyura ihazabu yo gukerereza urubanza ihwanye na 200 000 rwf akayishyura uru rubanza rugisomwa, bidategereje ko rushyirwa mu zindi nzira z'ubujurire izo ari zo zose

33. Rwemeje ko Muhimpundu aha Mukandutiye na bagenzi be indishyi zihwanye na 3 800 000 rwf nk'uko byasobanuwe.

NI UKO RUKIJIJWE KANDI RUSOMEWE MU RUHAME NONE N'INTEKO Y'URUKIKO IGIZWE NA MBARUSHIMANA Marie-Laetitia, UMUCAMANZA, NA N.NDATIYE Françoise, UMWANDITSI.

INTEKO

UMUCAMANZA	**UMWANDITSI**
MBARUSHIMANA M.Laetitia	**N.NDATIYE Françoise**
SE/	**SE/**