URUKIKO RWISUMBUYE RWA NYARUGENGE RURI I NYARUGENGE RUHABURANISHIRIZA IMANZA Z'IMBONEZAMUBANO RUCIYE MU RUHAME URUBANZA RC 00608/2016/TGI/NYGE NONE KUWA 01/06/2017 MU BURYO BUKURIKIRA:

ABABURANYI

UREGA:

HABIMANA Aléxis mwene HABIMANA Enéas na NYIRAMANYENZI Emeliana, utuye mu Mudugudu wa Rusisiro, Akagari ka Rugarama, Umurenge wa Nyamirambo, Akarere ka Nyarugenge, Umujyi wa Kigali, ufite *téléphone* +250788426762 na *e-mail*: habalexis2016@gmail.com.

UREGWA:

KABAGWIRA Valérie, utuye mu Mudugudu wa Rusisiro, Akagari ka Rugarama, Umurenge wa Nyamirambo, Akarere ka Nyarugenge, Umujyi wa Kigali.

IKIREGERWA:

Gusaba ko KABAGWIRA Valérie wagurishije umutungo wanjye yakurikiranwa.

UWAGOBOKESHEJWE MU RUBANZA:

MUHAWENIMANA Ezéchiel mwene BUZIZI Isaïe na NYIRANTURO, wavutse mu 1979, utuye mu Mudugudu wa Rusisiro, Akagari ka Rugarama, Umurenge wa Nyamirambo, Akarere ka Nyarugenge, Umujyi wa Kigali.

I. IMITERERE Y'URUBANZA

1. Kuwa 21/04/2011 KABAGWIRA Valérie na HABIMANA Aléxis bagiranye amasezerano y'ubugure bw'igice cy'inzu y'ubucuruzi ku kiguzi cya miliyoni imwe n'ibihumbi magana inani (1.800.000) y'u Rwanda, bikavugwa ko nyuma KABAGWIRA Valérie yayigurishije na MUHAWENIMANA Ezéchiel, ibyo akaba aribyo byatumye HABIMANA Aléxis aregera Urukiko asaba gusubizwa umutungo we, 1.296.000 frw y'indishyi mbangamirabukungu, 4.800.000 frw y'indishyi mbonezamusaruro, 1.948.000 frw yo kuvugurura iyo nzu, 1.000.000 frw y'indishyi z'akababaro, 500.000 frw y'igihembo cya Avoka na 200.000 frw yo gukurikirana urubanza.

2. KABAGWIRA Valérie yatanze inzitizi yo kutakira ikirego avuga ko ikirego cya HABIMANA Aléxis kidakwiye kwakirwa, ko cyaburanishijwe n'Abunzi, bakemeza amafaranga agomba gusubizwa HABIMANA Aléxis akanga kuyafata, akuririra ku kirego cya HABIMANA Aléxis, agasaba ko amuha

1.500.000 frw y'indishyi z'akababaro, 200.000 frw yo gukurikirana urubanza na 1.000.000 frw y'igihembo cya Avoka.

3. Urubanza rwaburanishirijwe mu ruhame tariki ya 09/05/2017 HABIMANA Aléxis ahagarariwe na Me RWABUHIHI Godefroid, KABAGWIRA Valérie aburanirwa na Me RUHANGA NSENGIMANA Prince, MUHAWENIMANA Ezéchiel yiburanira.

4. Muri uru rubanza hakwiye gusuzumwa ibibazo bikurikira:

A. Kumenya niba ikirego cya HABIMANA Aléxis cyarasuzumwe na Komite y'Abunzi kuburyo kitakwakirwa.

B. Kumenya niba HABIMANA Aléxis yasubizwa umutungo wagurishijwe na KABAGWIRA Valérie mu gihe yemeye ikiguzi yari yaramuhaye.

C. Kumenya ishingiro ry'indishyi zisabwa n'ababuranyi.

II. <u>ISESENGURA RY'IBIBAZO BIGIZE URUBANZA</u>

A. Kumenya niba ikirego cya HABIMANA Aléxis cyarasuzumwe na Komite y'Abunzi ku buryo kitakwakirwa

5. Me RUHANGA NSENGIMANA Prince uburanira KABAGWIRA Valérie yavuze ko ikirego cya HABIMANA Aléxis kidakwiye kwakirwa, ko cyaburanywe mu Bunzi, Me RWABUHIHI Godefroid uburanira HABIMANA Aléxis akavuga ko Abunzi b'Umurenge bakuyeho umwanzuro w'Abunzi b'Akagari bavuga ko baburanishije urubanza badafitiye ububasha.

6. Urukiko rurasanga hari umwanzuro w'Abunzi b'Akagari ka Rugarama wo kuwa 12/02/2015 ku kibazo HABIMANA Aléxis yaregagamo KABAGWIRA Valérie asaba ko amusubiza amafaranga angana na 1.948.000 frw yakoresheje mu gusana inzu n'inyungu zayo zingana na 1.052.000 frw.

7. Urukiko rurasanga Inteko y'Abunzi b'Akagari ka Rugarama yaranzuye ko KABAGWIRA Valérie aha HABIMANA Aléxis 371.525 frw y'ibikorwa yakoze kuri iyo nzu, ariko uwo mwanzuro waje gukurwaho n'Abunzi b'Umurenge wa Nyamirambo bavuga ko baburanishije ikirego badafitiye ububasha, bityo rero rukaba ntaho rwahera ruvuga ko ikirego cya HABIMANA Aléxis kidakwiye kwakirwa nk'uko biteganywa n'ingingo za 2, 11 na 77 z'Itegeko N° 21/2012 ryo kuwa 14/06/2012 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi nk'uko rahinduwe kandi rikuzuzwa kugeza ubu.

B. Kumenya niba HABIMANA Aléxis yasubizwa umutungo wagurishijwe na KABAGWIRA Valerie mu gihe yemeye ikiguzi yari yaramuhaye

8. Me RWABUHIHI Godefroid uburanira HABIMANA Aléxis yavuze ko KABAGWIRA Valérie agomba gusubiza HABIMANA Aléxis inzu yamugurishije akongera kuyigurisha MUHAWENIMANA Ezéchiel, naho Me RUHANGA NSENGIMANA Prince uburanira KABAGWIRA Valérie akavuga ko nta shingiro ryabyo kubera ko yemeye gusubizwa amafaranga y'ikiguzi agakubitiraho no kuregera Inteko y'Abunzi b'Akagari ka Rugarama igafata umwanzuro ko asubizwa amafaranga akanga kuyafata.

9. Ingingo za 8, 33 na 263 z'Itegeko ryo kuwa 30 Nyakanga 1888 rishyiraho urwunge rw'amategeko y'imbonezamubano [igitabo cya gatatu:] ibyerekeye imirimo nshinganwa cyangwa amasezerano zateganyaga ko: ***«Ibyangombwa by'iremezo kugira ngo amasezerano agire agaciro ni bine (4) aribyo ukwiyemerera kw'ugomba inshingano, ubushobozi bwo gukora isezerano, ikintu kidashidikanywa ari nacyo remezo ry'isezerano, impamvu itanyuranye n'amategeko muri iyo nshingano. Amasezerano akozwe ku buryo bukurikije amategeko, aba itegeko ku bayagiranye. Ashobora guseswa ari uko babyumvikanyeho cyangwa ku mpamvu zemewe n'amategeko. Agomba kwubahirizwa nta buryarya. Igurisha ni amasezerano atuma umwe yiyemeza gutanga ikintu naho undi akishyura igiciro cyemeranijwe. Ashobora gukorwa mu nyandiko-mvaho cyangwa se mu nyandiko bwite».***

10. Urukiko rurasanga tariki ya 21/04/2011 KABAGWIRA Valérie yaragurishije igice cy'inzu HABIMANA Aléxis ku giciro cya miliyoni imwe n'ibihumbi magana inani (1.800.000) y'u Rwanda, iyo nzu ikaba yari igizwe n'icyumba na *salon* uturutse ku muhanda, ikindi cyumba kikaba cyararebaga inyuma na *salon* yayo, iyo nzu KABAGWIRA Valérie akaba yarongeye kuyigurisha MUHAWENIMANA Ezéchiel.

11. Urukiko rurasanga nyuma yo kugurisha HABIMANA Aléxis umutungo wavuzwe hejuru (inzu), KABAGWIRA Valérie yongeye kuwugurisha MUHAWENIMANA Ezéchiel nk'uko nawe aburana abyemeza, bityo rero bikumvikana ko yagurishije umutungo utari uwe kuko wari waramaze kuba uwa HABIMANA Aléxis. Ariko kandi, kuba HABIMANA Aléxis yaremeye gusubizwa ikiguzi yari yarahaye KABAGWIRA Valérie, bigaragara ko yemeraga ko ayo masezerano bagiranye aseswa, ku bwibyo rero akaba adashobora gusubizwa uwo mutungo kandi yarakiriye ikiguzi yari yarawutanzeho akacyemera.

C. Ku ndishyi n'andi mafaranga bisabwa n'ababuranyi

12. Me RWABUHIHI Godefroid uburanira HABIMANA Aléxis yasabye ko KABAGWIRA Valérie amuha 1.296.000 frw y'indishyi mbangamirabukungu, 4.800.000 frw y'indishyi mboneza musaruro, 1.948.000 frw yo kuvugurura inzu, 1.000.000 frw y'indishyi z'akababaro, 500.000 frw y'igihembo cya Avoka na 200.000 frw yo gukurikirana urubanza.

13. Me RUHANGA NSENGIYUMVA Prince uburanira KABAGWIRA Valérie yavuze ko indishyi zisabwa na HABIMANA Aléxis zidakwiye guhabwa agaciro, agasaba ko ahubwo HABIMANA Aléxis aha KABAGWIRA Valérie, 1.500.000 frw y'indishyi z'akababaro, 200.000 frw yo gukurikirana urubanza na 1.000.000 frw y'igihembo cya Avoka.

14. Ingingo ya 162 y'Itegeko N° 45/2011 ryo kuwa 25/11/2011 rigenga amasezerano iteganya ko:« ***Itegeko ryo kuwa 30/07/1888 ryerekeye imirimo nshinganwa cyangwa amasezerano rikomeza gukurikizwa ku bijyanye n'inshingano zidashingiye ku masezerano, amasezerano yihariye, uburyozwe bw'amakosa, ubuzime, mu gihe amategeko yihariye abigenga atarashyirwaho***», naho ingingo ya 258 y'Itegeko ryo kuwa 30 Nyakanga 1988 ry'urwunge rw'amategeko y'imbonezamubano [igitabo cya gatatu:] ibyerekeye imirimo nshinganwa cyangwa amasezerano igateganya ko: ***«Igikorwa cyose cy'umuntu cyangirije undi gitegeka nyirugukora ikos;a rigikomokaho kuriha ibyangiritse (…)».***

15. Urukiko rurasanga KABAGWIRA Valérie yarakoze ikosa ryo kugurisha inzu yari yaragurishije HABIMANA Aléxis, bityo akaba adakwiye guhabwa indishyi n'amafaranga asaba, ahubwo ikosa yakoze akaba akwiye kuritangira indishyi, agaha HABIMANA Aléxis ibihumbi ijana (100.000) y'u Rwanda y'indishyi z'akababaro kuko asabwa ari menshi kandi hatagaragazwa aho ashingiye; akanamusubiza 1.948.000 frw yakoresheje asana inzu nyuma yo kuyigura nk'uko byagaragajwe n'umwubatsi wayubatse; naho ku ndishyi mbonezamusaruro n'indishyi mbangamirabukungu zisabwa na HABIMANA Aléxis, akaba adakwiye kuzihabwa kubera ko nyuma yo kugurisha inzu, KABAGWIRA Valérie yamusubije amafaranga y'ikiguzi yari yaramuhaye akacyemera; nho ku mafaranga y'igihembo cya Avoka, KABAGWIRA Valérie akaba akwiye kumuha amafaranga ibihumbi magana atanu (500.000) y'u Rwanda, ibihumbi mirongo itanu (50.000) y'u Rwanda yo gukurikirana urubanza no kumusubiza amafaranga ibihumbi mirongo itanu (50.000) y'u Rwanda yatanzwe na HABIMANA Aléxis aregera Urukiko.

III. ICYEMEZO CY'URUKIKO

16. Rwemeje ko ikirego cya HABIMANA Aléxis gifite ishingiro.

17. Rutegetse KABAGWIRA Valérie guha HABIMANA Aléxis 1.948.000 frw yo gusana inzu, 100.000 frw y'indishyi z'akababaro, 50.000 frw yo gukurikirana urubanza na 500.000 frw y'igihemo cya Avoka.

18. Rutegetse KABAGWIRA Valérie gusubiza HABIMANA Aléxis amafaranga ibihumbi mirongo itanu (50.000) y'u Rwanda yatanze aregera Urukiko, atayatanga mu minsi umunani (8) kuva urubanza rubaye ndaguka agakurwa mu mutungo we ku ngufu za Leta.

RUKIJIJWE RUTYO KANDI RUSOMEWE MU RUHAME NONE KUWA 01/06/2017, RUGIZWE NA HAKUZIMANA Jean Damascène: UMUCAMANZA, AFASHIJWE NA AYINKAMIYE Shemsa: UMWANDITSI W'URUKIKO.

(Sé)	(Sé)
HAKUZIMANA Jean Damascène	**AYINKAMIYE Shemsa**
UMUCAMANZA	**UMWANDITSI**

Iyi kopi ihuye n'inyandiko y'umwimerere
Bikorewe i Nyarugenge kuwa……/……../……..……
Umwanditsi w'Urukiko:……