

NZITONDA v. COGEBANQUE Ltd N'ABANDI

[Rwanda URUKIKO RW'UBUJURIRE – RCOMAA 00012/2019/CA (Karimunda, P.J.) 09
Ukuboza 2019]

Amategeko agenga imiburanishirije y'imanza z'ubucuruzi –Ikirego cyerekeye gutesha agaciro cyamunara – Ikirego cyerekeye gutesha agaciro cyamunara kiburanishwa nk'ikirego cyihutirwa kidashamikiye ku kindi kuko aba ari ukurengera nyiri umutungo ndetse n'uwegukanye ingwate kugira ngo hatagira utezwa igihombo no gutinda kw'imanza mu nkiko – Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegets, ingingo ya 260.

Amategeko agenga imiburanishirije y'imanza z'ubucuruzi –Ikirego cyerekeye gutesha agaciro cyamunara – Ikirego gisaba guhagarika cyangwa gutesha agaciro cyamunara gishobora kujuririrwa bwa kabiri iyo cyujuje ibisabwa kuko aba ari ikirego cyigenga kidashamikiye ku kindi kirego cy'iremezo ariko kikajuririrwa mu gihe kitarenze iminsi itatu – Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegets ingingo ya 260.

Incamake y'ikibazo: Entreprise de Construction & Techniques d'Architecture (E.C.T.A) imaze gutsidira isoko ryo kubaka isoko rya kijyambere ku Mulindi yagiranye amasezerano y'inguzanyo na Cogebank Ltd, maze Nzitonda umuyobozi wayo ayibera umwishingizi, ayitangira n'ingwate. E.C.T.A ntiyubahirije ayo masezerano bituma iyo ngwate itezwa cyamunara.

Nzitonda yatanze ikirego mu Rukiko rw'Ubucuruzi asaba ko iyo cyamunara yateshwa agaciro kuko yakozwe mu buryo bunyuranyije n'amategeko. Urwo Rukiko rwaciye urubanza rwemeza ko igurishwa ry'ingwate muri cya munara ritubahirije amategeko rushingiye ku kuba Nzitonda atamenyeshejwe inyandiko ikubiyemo amabwiriza yo kugurisha ingwate muri cyamunara, ntiyashyikirijwe igenagaciro ry'umutungo we, ndetse ko Umwanditsi Mukuru ntiyubahirije iminsi irindwi itegenywa n'Amabwiriza y'Umwanditsi Mukuru agenga ibyerekeye cyamunara, bityo rutegeka Cogebank Ltd gusubiza Higiro waguze ingwate amafaranga yayiguze,, ko kandi Cogebank na Gashema bagomba guha Nzitonda indishyi zinyuranye.

Higiro na Gashema ntibishimiye imikirize y'urwo rubanza maze bajuririra mu Rukiko Rukuru rw'Ubucuruzi, aho Higiro yavugaga ko Urukiko rw'Ubucuruzi rwemeje ko Nzitonda atamenyeshejwe amabwiriza ya cyamunara kandi byarakozwe, ibijyanye no kumumenyesha igenagaciro ntaho biteganyijwe mu mategeko, naho kuba umwanditsi mukuru ataremeje cyamunara mu minsi 7 ikaba atari impamvu yo gusesa cyamunara asaba ko mu gihe hakwemezwa ko cyamunara iteshejwe agaciro, yasubizwa amafaranga yakoresheje avugurura inzu yaguze. Gashema we asaba urukiko ko rwasuzuma niba koko Nzitonda atamenyeshejwe amabwiriza, niba kubimumenyesha byari inshingano ze, asaba n' indishyi.

Urukiko Rukuru rw'Ubucuruzi rwasanze ubujurire bwa Higiro na Gashema bufite ishingiro bityo rwemeza ko cyamunara yakozwe mu buryo bukurikije amategeko.

Nzitonda yajuririye Urukiko rw'Ubujurire avuga ko urukiko rwirengagije ko atamenyeshejwe igenegaciro ryakozwe ku umutungo we, n'imihango yo kuwugurisha muri cyamunara ndetse n'umwanditsi mukuru ntiyubahirije ibiteganywa n'amategeko.

Higiyo yatanze inzitizi yo kutakira ubujurire kuko ubujurire bwa Nzitonda ari ubwa kabiri ku kirego kihutirwa kandi ikirego cyihutirwa kikaba kidashobora kujuririrwa kabiri kandi ko ubwo bujurire bwatanzwe impitagihe. Iyi nzitizi kandi akaba ayemeranyaho na Gashema.

Ku birebana n'inzitizi yatanzwe, Nzitonda (Uwajuriye) yiregura avuga ko ubujurire bwe budakomoka ku kirego kihutirwa kuko kuva urubanza rwatangira ruburanishwa mu buryo busanzwe akaba asanga rero ntampamvu yatuma ubujurire bwa kabiri butakwagirwa. Kubijyanye nuko ubujurire bwatanzwe impitagihe, avuga ko yakurikije ibihe bisanzwe by'ijurira, kandi asanga kuba ikirego yatanze ubwacyo atari ikirego cyihutirwa nta mpanvu y'uko ibihe by'ijurira bibarirwa ku bihe biteganyijwe ku manza zihutirwa

Incamake y'icyemezo: 1. Ikirego cyerekeye gutesha agaciro cyamunara kiburanishwa nk'ikirego cyihutirwa kidashamikiye ku kindi kuko aba ari ukurengera nyiri umutungo ndetse n'uwegukanye ingwate kugira ngo hatagira utezwa igihombo no gutinda kw'imanza mu nkiko.

2. Ikirego gisaba guhagarika cyangwa gutesha agaciro cyamunara gishobora kujuririrwa bwa kabiri iyo cyujuje ibisabwa kuko aba ari ikirego cyigenga kidashamikiye ku kindi kirego cy'iremezo ariko kikajuririrwa mu gihe kitarenze iminsi itatu

**Ubujurire ntibwakiriwe kuko bwatanzwe igihe cy'ubujurire cyararenze;
Amagarama y'urubanza aherereye k'uwajuriye.**

Amategeko yashingiweho:

Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi ingingo ya 21, 185, 188 na 260.

Nta manza zifashishijwe.

Urubanza

I. IMITERERE Y'IKIBAZO

[1] Entreprise de Construction & Techniques d'Architecture (E.C.T.A), Nzitonda Kiyengo abereye Umuyobozi, imaze gutsindira isoko ryo kubaka isoko rya kijyambere ku Mulindi, yagiranye amasezerano y'inguzanyo na COGEBANQUE Ltd, Nzitonda Kiyengo aba umwishingizi wa E.C.T.A, anatanga ingwate y'umutungo we uherereye mu mudugudu wa Bwiza, Akagari ka Kibaza, Umurenge wa Kacyiru, Akarere ka Gasabo, Umujyi wa Kigali, ubaruye kuri no UPI 1/02/07/03/1458. Byageze aho E.C.T.A ntiyubahiriza ibyo yari yumvikanyeho na COGEBANQUE Ltd, ingwate yatanzwe na Nzitonda Kiyengo itezwa cyamunara. Nzitonda Kiyengo yavuze ko cyamunara yakozwe mu buryo bunyuranyije n'amategeko, atanga ikirego mu Rukiko rw'Ubucuruzi rwa Nyarugenge asaba ko cyamunara iteshwa agaciro.

[2] Mu rubanza n° RC0M 01138/2017/TC/NYGE rwaciye ku wa 13/03/2018, Urukiko rw'Ubucuruzi rwa Nyarugenge rwasanze mu igurisha ry'ingwate hari amategeko atarubahirijwe, nko kuba Nzitonda Kiyengo ataramenyeshajwe inyandiko ikubiyemo amabwiriza yo kugurisha

ingwate ye muri cyamunara, kuba atarashyikirijwe igenagaciro (expertise) ry'umutungo we kandi ari uburenganzira ahabwa n'amategeko, no kuba mu kwemeza cyamunara, Umwanditsi Mukuru atarubahirije iminsi irindwi iteganywa mu mabwiriza agenga ibyerekeye gukodesha, kugurisha muri cyamunara ndetse no kwegukana ingwate, rwanzura ko cyamunara yo ku wa 24/02/2017 yakozwe hagurishwa umutungo wa Nzitonda Kiyengo, uri mu kibanza gifite N° UPI 1/02/07/03/1458 iteshejwe agaciro, rutegeka COGEBANQUE Ltd na GASHEMA Félicien gufatanywa kwishyura Nzitonda Kiyengo indishyi zingana na 1.850.000 Frw, COGEBANQUE Ltd ikishyura Higiro Martin 86.417.378 Frw akubiyemo amafaranga yaguze inzu muri cyamunara, inyungu, indishyi n'igarama, COGEBANQUE Ltd na Gashema Félicien bagafatanywa guha Higiro Martin indishyi zingana na 1.000.000 Frw.

[3] Higiro Martin na Gashema Félicien ntibishimiye imikirize y'urwo rubanza, bajuririra mu Rukiko Rukuru rw'Ubucuruzi, Higiro Martin avuga ko Urukiko rw'Ubucuruzi rwemeje ko Nzitonda Kiyengo atamenyeshejwe amabwiriza ya cyamunara kandi byarakozwe, ko kumumenyesha igenagaciro ntaho biteganywa n'amategeko, naho kuba Umwanditsi Mukuru ataremeje cyamunara mu minsi irindwi akaba atariyo yaba impamvu yatuma cyamunara iseswa, asaba ko mu gihe mu bujirire hakwemezwa ko cyamunara iteshejwe agaciro, yasubizwa amafaranga yakoresheje avugurura inzu yaguze. Gashema Félicien we asaba Urukiko gusuzuma niba Nzitonda Kiyengo atamenyeshejwe amabwiriza ya cyamunara koko, niba kubimumenyesha byari mu nshingano ze, asaza asaba indishyi.

[4] Ubujirire bwa Higiro Martin bwanditswe kuri RCOMA 00269/2018/CHC/HCC, ubwa Gashema Félicien bwandikwa kuri No RCOMA 00274/2018/CHC/HCC, mu kuburanisha, imanza zombi zahurijwe hamwe, urubanza rucibwa ku wa 18/09/2018, Urukiko Rukuru rw'Ubucuruzi rusanga inyandiko Nzitonda Kiyengo yitangiye igaragaza aho umugore we yasinyiye ko ashikirijwe "Approval of Selling Terms and Conditions" iri kumwe n'amabwiriza y'igurisha, akaba ataravuze ko hari ibyo atabonye kandi ko nta tegeko riteganywa ko Nzitonda Kiyengo yagombaga kumenyeshwa igenagaciro, kuba yaramenyeshwe inyandiko y'amabwiriza ya cyamunara igaragaramo n'agaciro k'umutungo bikaba bihagije, cyane cyane ko yari asanganywe igenagaciro yakoresheje atanga ingwate, ko kuba harashyizweho igihe cy'iminsi irindwi ngo Umwanditsi Mukuru yemeze cyamunara, hari hagamijwe ko uwaguze adahera mu gihirahiro kandi yamaze gutanga amafaranga ye yishyura umutungo waguzwe, rwanzura ko ubujirire bwa Gashema Félicien na Higiro Martin bufite ishingiro, ko cyamunara yakozwe ku mutungo wa Nzitonda Kiyengo yakurikije amategeko, ko icyemezo cyafashwe mu rubanza rwajuririwe gihindutse, ko indishyi zari zategetswe ku rwego rwa mbere zikuweho, rutegeka Nzitonda Kiyengo guha Gashema Félicien, Higiro Martin na COGEBANQUE Ltd buri wese indishyi zingana na 1.200.000 Frw, indishyi zose hamwe zikaba 3.600.000 Frw.

[5] Nzitonda Kiyengo ntiyishimiye imikirize y'urubanza, arujuririra mu Rukiko rw'Ubujirire avuga ko mu rubanza rujuriyirirwa hirengagijwe ko atamenyeshejwe igenagaciro ryahawe umutungo we n'imihango yo kuwugurisha muri cyamunara, Umwanditsi Mukuru akaba kandi atarubahirije ibiteganywa n'ingingo ya 16 y'Amabwiriza y'Umwanditsi Mukuru no. 03/2010/ORG yo ku wa 16/11/2010 by'uko Umwanditsi Mukuru yagombaga gukora raporo yemeza ibyakozwe n'ushinzwe kugurisha ingwate muri cyamunara n'ibiyikubiyemo mu gihe kitarenze iminsi irindwi.

[6] Urubanza rwaburanishijwe mu ruhamwe ku wa 03/12/2019, Nzitonda Kiyengo yunganiwe na Me Fonyo Munyamashara Patient afatanyije na Me Nkaka Kagobora Séraphin,

COGEBANQUE Ltd ihagarariwe na Me Kayitare Serge, Gashema Félicien ahagarariwe na Me Bikotwa Bruce, Higiroy Martin ahagarariwe na Me Ndahimana Jean Bosco, Umwanditsi Mukuru ahagarariwe na Me Nkusi Fred, habanza gusuzumwa inzitizi yo kutakira ubujurire yatanze na Higiroy Martin, wasabye ko ubujurire bwa Nzitonda Kiyengo butakwagirwa kuko ari ubujurire bwa kabiri ku kirego cyihutirwa kandi kidashobora kujuririrwa kabiri ndetse akaba yarabutanze igihe cy'ubujurire cyararenze.

II. IBIBAZO BIGIZE URUBANZA N'ISESENGURWA RYABYO

II.1. Kumenya niba ikirego gifite kamere y'ikirego cyihutirwa gishobora kujuririrwa ubwa kabiri.

[7] Higiroy Martin na Me Ndahimana Jean Bosco, umwunganira, bavuga ko ikirego nzitonda Kiyengo yatanze ari ikirego gisaba gutesha agaciro cyamunara kikaba kiburanishwa kandi kikajuririrwa nk'ikirego cyihutirwa nk'uko biteganywa n'ingingo ya 260 y'Itegeko no 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, ari nayo mpamvu mu Rukiko Rukuru rw'Ubucuruzi batigeze bakora inama ntegururubanza. Basobanura ko ubujurire bwa kabiri butemewe ku birego byihutirwa, ari naho bahera basaba uru Rukiko kwemeza ko ubujurire butari mu bubasha bwarwo.

[8] Me Bikotwa Bruce, uburanira Gashema Félicien, avuga ko asanga ikirego cyihutirwa kidashobora kujuririrwa bwa kabiri kuko byaba binyuranyije n'ibiteganywa n'ingingo ya 21 y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi.

[9] Me NKUSI Fred, uburanira Umwanditsi Mukuru na Me Kayitare Serge, uburanira COGEBANQUE Ltd, bavuga ko ntacyo bavuga kuri iyo nzitizi kuko ataribo bayitanze.

[10] Me Fonyo Munyamashara Patient, uburanira NZITONDA Kiyengo, avuga ko iki kirego kitari kuba cyihutirwa ngo kiburanishwe mu buryo busanzwe. Asobanura ko kuba batarakoreshejwe inama ntegururubanza bitatwe n'uko ikirego cyihutirwaga ahubwo ari uko ntabyari bitegenyijwe n'itegeko, ko mu Rukiko rw'Ubucuruzi hakorwaga iburanisha ry'ibanze (audience préliminaire) naho Urukiko Rukuru rugahita ruburanisha, ariyo mpamvu asanga nta mpamvu yatuma ubujurire bwa kabiri budatangwa ngo bwagirwe.

UKO URUKIKO RUBIBONA

[11] Ingingo ya 21, igika cya mbere, agace ka 6, y'Itegeko no 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi iteganywa ko « Umwanditsi w'Urukiko ntashobora kwandika ikirego mu gihe urega ... 6° atanze ubujurire bwa kabiri ku birego byihutirwa ... »

[12] Ingingo ya 185 y'Itegeko no 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi igira iti : “Iyo hari ikirego cy'iremezo, ariko hagomba kugira icyemezwa by'agateganyo mu buryo bwihuta ku rubanza rwaregewe urukiko rutaruburanishwa, ikirego cyihutirwa gishyikirizwa umucamanza ushinzwe

kurangiza impaka zihutirwa w'aho zigomba gukemurirwa hakurikijwe uburyo busanzwe bw'ihamagara. Ikirego cyihutirwa gitangwa mu buryo bumwe n'ubw'ikirego gisanzwe”.

[13] Ingingo ya 260, igika cya 5, y'Itegeko no 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsu iteganya ko «Guhagarika no gutesha agaciro cyamunara ku mitungo igurishwa hashingiwe ku cyemezo cyo kugurisha ingwate cyatanzwe n'Umwanditsi Mukuru, bisabwa Umwanditsi Mukuru. Umwanditsi Mukuru atanga igisubizo mu gihe kitarenze iminsi itatu (3) y'akazi. Iyo hari utishimiye igisubizo cy'Umwanditsi Mukuru cyangwa udahawe igisubizo mu gihe giteganywa muri iki gika, abatangira ikirego mu rukiko rw'ubucuruzi hakurikijwe ibivugwa muri iyi ngingo mu gihe kitarenze iminsi itanu (5) y'akazi uherye igihe yamenyeye icyo gisubizo. » Naho igika cya kane cy'iyi ngingo kikavugaga ko «Ibirego bivugwa muri iyi ngingo bitangwa kandi bikaburanishwa mu bihe by'ibirego byihutirwa. »

[14] Dosiye y'urubanza igaragaza ko ikirego cyatanzwe mu Rukiko rw'Ubucuruzi rwa Nyarugenge ku wa 15/06/2017 kwari «Gutesha agaciro cyamunara yo ku wa 24/02/2017», Nzitonda Kiyengo akaba yaravugaga ko COGEBANQUE Ltd yirengagije ukuri isaba ko inzu ye yo guturamo yari yatije E.C.T.A. nk'ingwate igurishwa muri cyamunara yabaye ku wa 24/02/2017, iyo cyamunara ikorwa hatubahirijwe amategeko n'imigenzo biyigenga, asaba ko iteshwa agaciro.

[15] Urukiko rusanga nubwo mu bisanzwe ikirego cyihutirwa kiba gishamikiye ku kindi kirego cy'iremezo, ikirego cyerekeye guhagarika cyangwa gutesha agaciro cyamunara nta kindi kirego cy'iremezo kiba gishamikiyeho, kuba umushingamategeko yaravuze mu ngingo ya 260, igika cya kane, y'Itegeko no 22/2018 ryo ku wa 29/04/2018 yibukijwe haruguru, ko icyo kirego gitangwa kandi kikaburanishwa mu bihe by'ibirego byihutirwa si uko yashakaga kucyambura cyangwa kugihindurira kamere yacyo yo kuba ubwacyo cyihagije, ahubwo icyari kigenderewe kwari ukurengera nyir'umutungo wagurishijwe utishimiye uburyo igurisha ryagenze ndetse n'uwawegukanye muri cyamunara kugirango hatagira utezwa igihombo no gutinda kw'imanza mu nkiko.

[16] Urukiko rurasanga mu gihe ikirego gisaba guhagarika cyangwa gutesha agaciro cyamunara muri kamere yacyo atari ikirego cyihutirwa ahubwo kiregerwa kandi kikaburanishwa mu bihe byashyirwaho ibirego byihutirwa nta kibuzwa ko gikorera ubujurire bwa kabiri, bityo nibyo Me Bikotwa Bruce avugaga ko kujurira bwa kabiri ku birego bisaba guhagarika cyangwa gutesha agaciro cyamunara bibujijwe n'ingingo ya 21, igika cya mbere, agace ka 6, y'Itegeko no 22/2018 ryo ku wa 29/04/2018 yibukijwe haruguru, bikaba nta shingiro bifite kuko ikibujijwe n'iyi ngingo ndetse cyongeye no kugarukwaho mu ngingo ya 188, igika cya 3, y'iryo tegeko¹ ari uko, iyo izo ngingo zisomewe hamwe n'ingingo ya 185 y'iryo tegeko,² zumvikanisha ko ikibujijwe kujuririrwa bwa kabiri ari ikirego cyihutirwa gishamikiye ku kindi kirego cy'iremezo.

II.2. Kumenya niba ubujurire bwaratanzwe impitagihe

¹ Ubujurire bw'ibyemezo byafashwe ku birego byihutirwa bushyikirizwa urukiko rwisumbuyeho kandi bijurirwa inshuro imwe gusa.”

² Iyo hari ikirego cy'iremezo, ariko hagomba kugira icyemezwa by'agateganyo mu buryo bwihuta ku rubanza rwaregwe urukiko rutaraburanishwa, ikirego cyihutirwa gishyikirizwa umucamanza ushinze kurangiza impaka zihutirwa w'aho zigomba w'aho zigomba gukemurirwa hakurikijwe uburyo busanzwe bw'ihamagara.”

[17] Higiyo Martin na Me Ndahimana Jean Bosco, umwunganira, bavuga ko urubanza rujurirwa rwaciwe ku wa 18/09/2018, Nzitonda Kiyengo arujuririra ku wa 15/10/2018, bivuze ko yarujuririye akurikije ibihe bibarwa ku kwezi nyamara hashingiwe ku biteganywa n'ingingo ya 188 n'ya 260, igika cya 4, y'Itegeko no 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegets, ataragombaga kurenza iminsi itatu y'akazi itangira kubarwa uherye umunsi urubanza rwasomeweho, ariyo mpamvu basaba uru Rukiko kwemeza ko ubujurire butakiriwe kuko bwatanzwe impitagihe.

[18] Me Bikotwa Bruce, uburanira Gashema Félicien, na Me Nkusi Fred, uburanira Umwanditsi Mukuru, bavuga ko ibyo Higiyo Martin n'umwunganira bavuga bifite ishingiro, basaba uru Rukiko kwemeza ko ubujurire butakiriwe.

[19] Me Kayitare Serge, uburanira COGEBANQUE Ltd, avuga ko nubwo ikirego gisaba guhagarika cyangwa gutesha agaciro cyamunara ari ikirego cyihariye kigomba kuregerwa no kujurirwa mu bihe biteganyijwe ku birego byihutirwa, nawe akaba asanga Nzitonda Kiyengo atarubahirije ibihe by'ijurira.

[20] Me Fonyo Munyamashara Patient na Me Nkaka Kagobora Séraphin, bunganira Nzitonda Kiyengo, bavuga ko mu Rukiko Rukuru rw'Ubucuruzi bajuriye hakurijwe ibihe bisanzwe by'ijurira, bakaba basanga mu gihe ikirego batanze ubwacyo atari ikirego cyihutirwa nta mpamvu y'uko ibihe by'ijurira bibarirwa ku bihe biteganyijwe ku manza zihutirwa.

UKO RUKIKO RUBIBONA

[21] Ingingo ya 188, igika cya 2, y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegets iteganya ko «Igihe cyo kujuririra icyemezo ni iminsi itarenze itatu (3) y'akazi uherye ku munsi icyemezo cyasomeweho cyangwa abaturanyi bakimenyeyeho. Urubanza narwo rucibwa mu gihe kitarenze iminsi itatu (3) y'akazi. »

[22] Dosiye y'urubanza igaragaza ko urubanza rujurirwa rwaciwe ku wa 18/09/2018, nyuma y'uko Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryavuzwe haruguru risohotse, bivuze ko iryo tegeko ariryo ryagombaga gukurikizwa ku rubanza rujurirwa, kuko rwajuririwe ku wa 15/10/2018.

[23] Urukiko rurasanga hagati yo ku wa 18/09/2018, urwo rubanza rucibwa no ku wa 15/10/2018, rujurirwa, hari hashize hafi iminsi 27, nyamara ingingo ya 188, igika cya 2, y'Itegeko no 22/2018 ryo ku wa 29/04/2019 yibukijwe haruguru ivuga ko «Igihe cyo kujuririra icyemezo [ari] iminsi itarenze itatu (3) y'akazi uherye ku munsi icyemezo cyasomeweho...», byumvikanisha ko Nzitonda Kiyengo yakabije gutinda kujurira kandi imbere y'uru Rukiko akaba atagaragaza impamvu itigobotorwa yaba yaramubujije kujurira mu bihe biteganywa n'itegeko, bityo ubujurire bwe bukaba budakwiye kwakirwa kuko bwatanzwe impitagihe.

III. ICYEMEZO CY'URUKIKO

[24] Rwemeje ko ubujurire bwa Nzitonda Kiyengo, butakiriwe kuko bwatanzwe igihe cy'ubujurire cyararenze;

[25] Rutegetse ko amagarama y'urubanza angana na 50.000 Frw aherera kuri Nzitonda Kiyengo.