TRAFIPRO LTD v. MICHAEL

[Rwanda URUKIKO RW'UBUJURIRE – RCOMAA 00014/2020/CA – (Mukandamage, P.J., Ngagi na Umugwaneza, J.) 14 Nyakanga 2020]

Amategeko agenga imiburanishirize y'imanza z'ubucuruzi – Irangiza ry'urubanza ry'agateganyo – Umuburanyi wemereye imbere y'urukiko umwemda w'uwo awubereyemo, ntashobora gusaba urukiko rwajurirwe ko nta rangizarubanza ryari gutangwa ashingiye ko uwo mwenda ukomoka kubikoresho byometswe ku nyubako kandi ataribyo byaburanwaga.

Incamake y'ikibazo. Michael FIETZEK yareze TRAFIPRO Ltd mu rukiko rw'Ubucuruzi rwa Nyarugenge na EASTERN HOPE, avuga ko yagiranye na TRAFIPRO amasezerano y'ubukode by'inyubako bw'imyaka 15; iza kuhagurisha Eastern Hope igihe cy'amasezerano kitararangira.

Mu kirego cye yasabaga ko amasezerano yagiranye na TRAFIPRO Ltd yagumana agaciro kugeza igihe bari barumvikanye, no gusubizwa ibikoresho yari yarashyize ku nyubako yagurishijwe EASTERN HOPE.

Urukiko rw'Ubucuruzi rwa Nyarugenge rwemeje ko ko amasezerano y'ubukode hagati ya TRAFIPRO Ltd na Michael FIETZEK atakurikizwa, kuko yasheshwe impande zombi zibyumvikanyeho, rutegeka TRAFIPRO Ltd guha Michael FIETZEK 47.148.183 Frw ahwanye na kimwe cya gatatu (1/3) cy'agaciro k'ibyashyizwe ku nyubako.

Michael FIETZEK yajuriye mu Rukiko Rukuru rw'Ubucuruzi asaba ko yakwemererwa gutwara ibikoresho bye nk' uko impande zombi zabyumvikanyeho no gusuzuma ingano y'indishyi z'ibikoresho yagombye kujyana, asaba n'irangizarubanza ry'agateganyo ku mwenda ungana na 24.221.533 Frw.

Urukiko Rukuru rw'Ubucuruzi rwemeje ko ubujurire bwa Michael FIETZEK bufite ishingiro kuri bimwe, ko icyemezo cyafashwe mu rubanza rwajuririwe gihindutse ku bijyanye n'ingano y'indishyi zigomba gutangwa na TRAFIPRO Ltd, ko TRAFIPRO Ltd igomba guha Michael FIETZEK agaciro k'ibyo yashyize ku nyubako kangana na 141.444.550 Frw, ikamuha 1.000.000 Frw y'igihembo cya Avoka, 200.000 Frw y'ikurikiranarubanza, ikamusubiza 40.000 Frw y'igarama yatanze mu bujurire na 50.000 Frw y'igarama yari yategetswe kumusubiza ku rwego rwa mbere, runategeka ko ku bwishyu bwa 141.444.550 Frw hakurwamo 24.221.533 Frw agakorerwaho irangizarubanza ry'agateganyo.

Urukiko Rukuru rw' Ubucuruzi rwategetse kandi TRAFIPRO Ltd kwishyura EASTERN HOPE 200.000 Frw z'ikurikiranarubanza na 500.000 Frw y'igihembo cya Avoka yagenewe ku rwego rwa mbere aho kuzihabwa na Michael FIETZEK, hiyongereyeho indishyi zigenwe mu bujurire zingana na 200.000 Frw yo gushorwa mu manza no kuzikurikirana, hamwe na 500.000 Frw y'igihembo cya Avoka, yose hamwe akaba 1.400.000 Frw.

TRAFIPRO Ltd yajuriye mu Rukiko rw'Ubujurire, nyuma itanga n'ikiregо gisaba uru Rukiko kuvanaho irangizarubanza ry'agateganyo ryategetswe n'Urukiko Rukuru rw'Ubucuruzi ivuga ko ryategetswe mu buryo bunyuranyije n'amategeko ngo kuko ryategetswe ku bintu bifatwa nk'aho bitimukanwa kuko aribyo byometswe ku nyubako uwarezwe mu bujurire yakodeshaga. Uwarezwe mu bujurire yavuze ko irangizarubanza ryatanzwe mu buryo bukurikije amategeko kuko

icyarangirizwaho urubanza ari umwenda uwajuriye yemeye aburana mu Rukiko Rukuru rw'Ubucuruzi kandi bikaba byemewe n'amategeko.

Incamake y'icyemezo: irangizarubanza ry'agateganyo ryatanzwe n'Urukiko Rukuru rw'Ubucuruzi ryaratanzwe mu buryo bukurikije amategeko, kuko TRAFIPRO Ltd yemeye mu rubanza ko yakwishyura 24.221.533 Frw y'agaciro k'ibikoresho Michael FIETZEK yashyize ku nyubako zayo agomba gusubizwa.

Ubujurire nta shingiro bufite.
Ubujurire bwuririye ku bundi bufite ishingiro.
Irangiza rubanza ry'agateganyo rigumyeho.
Amagarama ahwanye n'ibyakozwe mu rubanza.

Amategeko yashingiweho:
Itegeko No 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, Ingingo ya 237.

Nta manza zifashishijwe.

Urubanza

IMITERERE Y'URUBANZA

[1] Urubanza rwatangiriye mu Rukiko rw'Ubucuruzi rwa Nyarugenge, Michael FIETZEK arega TRAFIPRO Ltd na Eastern Hope, avuga ko ku wa 28/12/2007 yagiranye na TRAFIPRO amasezerano y'ubukode by'inyubako bw'imyaka 15 yatangiye kubahirizwa ku wa 01/07/2008, ariko bitewe nuko Akarere ka Nyarugenge kari kasabye TRAFIPRO Ltd kubaka inyubako ijyanye n'igishushanyombonera cy'Umujyi wa Kigali, kakabaha n'integuza yo kuba batangiye kubaka, byatumye ku wa 24/11/2014, TRAFIPRO Ltd iha Michael FIETZEK integuza y'amezi atandatu (6) yagiye yongerwa kugeza ubwo TRAFIPRO imenyesha Michael FIETZEK ko inyubako zayo yazigurishije Eastern Hope, bityo ko ari yo agomba kujya yishyura amafaranga y'ubukode, bituma Michael FIETZEK atanga ikirego mu Rukiko rw'Ubucuruzi rwa Nyarugenge asaba ko amasezerano yagiranye na TRAFIPRO Ltd yagumana agaciro kugeza igihe bari barumvikanye, no gusubizwa ibikoresho yari yarashyize ku nyubako yagurishijwe Eastern Hope.

[2] Mu rubanza n° RCOM 00653/2018/TC/NYGE rwaciwe ku wa 28/01/2019 n'Urukiko rw'Ubucuruzi, urwo Rukiko rwemeje ko amasezerano y'ubukode hagati ya TRAFIPRO Ltd na Michael FIETZEK atakurikizwa, kuko yasheshwe impande zombi zibyumvikanyeho, rutegeka TRAFIPRO Ltd guha Michael FIETZEK 47.148.183 Frw ahwanye na kimwe cya gatatu (1/3) cy'agaciro k'ibyashyizwe ku nyubako, ikamusubiza na 50.000 Frw y'igarama, runategeka Michael FIETZEK guha Eastern Hope 200.000 Frw y'indishyi zo gushorwa mu manza na 500.000 Frw y'igihembo cya Avoka.

[3] Michael FIETZEK yajuriye mu Rukiko Rukuru rw'Ubucuruzi asaba ko yakwemererwa gutwara ibikoresho bye nk' uko impande zombi zabyumvikanyeho no gusuzuma ingano y'indishyi

z’ibikoresho yagombye kujyana, asaba n’irangizarubanza ry’agateganyo ku mwenda ungana na 24.221.533 Frw.

[4] Mu rubanza nº RCOMA 00193/2019/HCC rwaciwe ku wa 24/12/2019, Urukiko Rukuru rw’Ubucuruzi rwemeje ko ubujurire bwa Michael FIETZEK bufite ishingiro kuri bimwe, ko icyemezo cyafashwe mu rubanza rwajuririwe gihindutse ku bijyanye n’ingano y’indishyi zigomba gutangwa na TRAFIPRO Ltd, ko TRAFIPRO Ltd igomba guha Michael FIETZEK agaciro k’ibyo yashyize ku nyubako kangana na 141.444.550 Frw, ikamuha 1.000.000 Frw y’igihembo cya Avoka, 200.000 Frw y’ikurikiranarubanza, ikamusubiza 40.000 Frw y’igarama yatanze mu bujurire na 50.000 Frw y’igarama yari yategetswe kumusubiza ku rwego rwa mbere, runategeka ko ku bwishyu bwa 141.444.550 Frw hakurwamo 24.221.533 Frw agakorerwaho irangizarubanza ry’agateganyo.

[5] Urukiko Rukuru rw’ Ubucuruzi rwategetse kandi TRAFIPRO Ltd kwishyura Eastern Hope 200.000 Frw z’ikurikiranarubanza na 500.000 Frw y’igihembo cya Avoka yagenewe ku rwego rwa mbere aho kuzihabwa na Michael FIETZEK, hiyongereyeho indishyi zigenwe mu bujurire zingana na 200.000 Frw yo gushorwa mu manza no kuzikurikirana, hamwe na 500.000 Frw y’igihembo cya Avoka, yose hamwe akaba 1.400.000 Frw.

[6] TRAFIPRO Ltd yajuririye urwo rubanza mu Rukiko rw’Ubujurire ruhabwa nº RCOMAA 00004/2020/CA, nyuma itanga n’ikirego gisaba uru Rukiko kuvanaho irangizarubanza ry’agateganyo ryategetswe n’Urukiko Rukuru rw’Ubucuruzi, kuko ryategetswe mu buryo bunyuranyije n’amategeko, ikirego cyayo gihabwa nº RCOMAA 00014/2020/CA.

[7] Iburanisha ry’urubanza ryashyizwe ku wa 03/06/2020, uwo munsi ntirwaburanishwa bitewe nuko Me Munyandamutsa Jean Pierre yari afite urundi rubanza kandi n’abahagarariye Michael FIETZEK bari batarahuzwa n’ikirego, rwimurirwa ku wa 07/07/2020 ari nawo munsi urubanza rwaburanishirijweho mu ruhame ababuranyi bitabye, TRAFIPRO Ltd ihagarariwe na Me Munyandamutsa Jean Pierre, naho Michael FIETZEK ahagarariwe na Me Bugondo Natacha.

II. IBIBAZO BIGIZE URU RUBANZA N’ISESENGURA RYABYO

a. Ku byerekeye iyakirwa ry’ikirego cya TRAFIPRO Ltd

[8] Uhagarariye TRAFIPRO Ltd avuga ko TRAFIPRO Ltd yajuririye urubanza nº RCOMA 00193/2019/HCC rwaciwe n’Urukiko Rukuru rw’Ubucuruzi, ko ikirego cyayo cyo guhagarika irangizarubanza ry’agateganyo muri uru Rukiko rwajuririwe gishingiye ku biteganywa n’ingingo ya 239 y’ Itegeko nº 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y’ imanza z’imbonezamubano, iz’ubucuruzi, iz’umurimo n’iz’ubutegetsi.

[9] Uhagarariye Michael FIETZEK avuga ko uru Rukiko rukwiye kwakira ikirego cyatanzwe na TRAFIPRO Ltd, ariko rukemeza ko nta shingiro gifite.

UKO URUKIKO RUBIBONA

[10] Ingingo ya 239 y'Itegeko No 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi iteganya ko: "Guharika irangizarubanza by'agateganyo rihagarikwa mu rukiko rwajuririwe iyo:
1° ryatanzwe mu nzira zinyuranije n'amategeko; (...).

Ikirego gisaba guhagarika irangizarubanza by'agateganyo mu rukiko rwajuririwe bitangwa kandi bikaburanishwa mu bihe biteganwa ku kirego cyihutirwa. (...).

[11] Urukiko rurasanga TRAFIPRO Ltd yarajuririye urubanza n° RCOMA 00193/2019/HCC ikirego gihabwa n° RCOMAA 00014/2020/CA, kikaba kitaraburanishwa, bityo ikirego TRAFIPRO Ltd yatanze isaba guhagarika irangizarubanza by'agateganyo ryategetswe mu rubanza rwajuririwe, gikwiye kwakirwa, kuko cyatanzwe mu buryo bukurikije ibiteganywa n'ingingo yibukijwe haruguru.

b. Kumenya niba mu rubanza Rukuru rw'Ubucuruzi rwarategetse irangizarubanza ry'agateganyo , Urukiko mu buryo bunyuranyije n'amategeko

[12] Uhagarariye TRAFIPRO Ltd avuga ko irangizarubanza ry'agateganyo ryatanzwe n'Urukiko Rukuru rw'Ubucuruzi ritagombaga gutangwa hashingiwe ku biteganywa n'ingingo ya 235, agace ka 3, k'Itegeko N˚22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi ivuga ko irangiza rubanza ry'agateganyo ribujijwe mu byerekeye ibintu bitimukanwa, iyo ari byo biburanwa, ko ariko asanga baburana ibikoresho Michael FIETZEK yashyize ku nyubako yakodeshaga na TRAFIPRO asigaye, ubwomekane (immeuble par incorporation), nubwo ikiburanwa ari amafaranga y'ubukode yari bifatwa nk' ibitimukanwa kubera ubwomekane (immeuble par incorporation) bityo irangizarubanza ryategetswe n'Urukiko Rukuru rw'Ubucuruzi rikaba rinyuranyije n'amategeko, kuko rirebana n'ibintu bitimukanwa, rw'ubujurire kurivanaho.

[13] Akomeza avuga ko TRAFIPRO Ltd yemeraga gutanga 24.221.533 Frw igereranyije n'igihe Michael FIETZEK yari asigaje gukorera mu nyubako yayo, ariko ko ayo mafaranga yemeye atari umwenda Michael FIETZEK yagurije TRAFIPRO Ltd ku buryo yemera igice cyawo, ahubwo ko ari agaciro k'ibikoresho yashyize ku nzu yakodeshaga, kandi ko ibyo TRAFIPRO Ltd yemeye yabyemeye ubwo bari mu mishyikirano kandi byaragiye binanirana bagana inkiko, ibyavugiwe mu mishyikirano bikaba rero bidakwiye kuzanwa mu Rukiko. Avuga kandi ko nta gihombo gikabije Michael FIETZEK yagize, kuko ahantu haburanwa akihakorera, kandi mu rubanza bakaba bazagaragaza n'ibijyanye n'ubusaze, bityo bakaba basanga nta mpamvu n'imwe ihari yari gutuma hatangwa irangizarubanza ry'agateganyo yiyemeje kwishyura 24.221.533 Frw Michael FIETZEK, ku bijyanye n'agaciro yari yagennye ku bikororesho byashoboraga gukurwaho (*matériaux récupérables*) mu gihe ubukode bwarangiraga mbere y'igihe cyari cyaremeranyijweho, Urukiko Rukuru rw'Ubucuruzi rwabihereyeho rufata uriya mubare nk'umwenda, bityo rutegeka ko ayo mafaranga TRAFIPRO Ltd yemera yonyine yakorerwaho irangizarubanza ry'agateganyo, ko kandi iryo rangizarubanza ry'agateganyo ritagombye gufatwa nk'irizakorerwa ku nyubako cyangwa ku mutungo utimukanwa.

[14] Me Bugondo Natacha, uhagarariye Michael FIETZEK avuga ko bityo irangizarubanza ryategetswe n'Urukiko Rukuru rw'Ubucuruzi rikaba rinyuranyije n'amategeko, kuko rirebana n'ibintu bitimukanwa, akaba asaba Urukiko rw'Ubujurire kurivanaho. Avuga na none ko

abagenagaciro bagaragaje ko agaciro k'ibyo Michael FIETZEK yongereye ku nyubako yakodeshaga karenze 100.000.000 Frw, akaba asanga irangizarubanza ry'agateganyo ritanyuranyije n'amategeko, Michael FIETZEK yagize igihombo kubera ko amasezerano y'ubukode mashya yikubye kabiri.

UKO URUKIKO RUBIBONA

[15] Ingingo ya 237 y'Itegeko No 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi iteganya ko "Irangizwa ry'agateganyo ryemezwa n'urukiko rubyibwirije, ndetse nta ngwate, iyo:
1° ikimenyetso cy'ikiburanwa ari inyandikomvaho;

2° ikiburanwa ari umwenda wemewe mu rubanza".

[16] Dosiye y'urubanza igaragaza ko mu gika cya 37 cy'urubanza rwaciwe n'Urukiko Rukuru rw'Ubucuruzi, ubwo TRAFIPRO Ltd yisobanuraga ku ngano y'indishyi zagombaga gusimbura ibikoresho Michael FIETZEK yagombaga gusubizwa, yavuze ko yemera guha Michael FIETZEK 24.221.533 Frw angana na kimwe cya gatatu (1/3) cy'agaciro k'ibyo yashyize ku nyubako yakodeshaga n'igihe cy'imyaka itanu (5) yari asigaje kugira ngo amasezerano arangire.

[17] Mu gika cya 55 cy'urubanza rujuririrwa, Urukiko Rukuru rw'Ubucuruzi rwasobanuye ko ikiburanwa ari uguha Michael FIETZEK ibikoresho yashyize ku nyubako yakodeshaga ya TRAFIPRO Ltd, nk'uko impande zombi zari zabyumvikanyeho, cyangwa guhabwa agaciro kabyo, ariko rusanga gutanga agaciro k'ibyo bikoresho ari byo bikemura ikibazo, kuko inyubako TRAFIPRO Ltd yamaze kuyigurisha, kandi hakaba hari ikibazo cy'uko impande zombi zitigeze zumvikana ku ngano y'agaciro k'ibikoresho igomba gutangwa, ko kuba mu mafaranga y'ibyo bikoresho TRAFIPRO Ltd yishyuzwa yemera kwishyura gusa 24.221.533 Frw, bivuze ko ari wo mwenda TRAFIPRO Ltd yemera kwishyura, bityo ko ukwiye no kurangirizwaho urubanza by'agateganyo nk'uko biteganywa n'ingingo ya 237 y'Itegeko N°22/2018 ryo ku wa 22/2018 ryavuzwe haruguru.

[18] Ku birebana n'ibivugwa n'uburanira TRAFIPRO Ltd ko icyaburanwe mu manza zabanje ari umutungo utimukanwa, ko atari umwenda, Urukiko rurasanga nta shingiro bifite, kubera ko, nk'uko Urukiko Rukuru kandi ko rw'Ubucuruzi rwabisobanuye, runashingiye ku miburanire y'impande zombi, icyaburanwe si umutungo utimukanwa, ahubwo ni agaciro k'ibikoresho Michael FIETZEK yashyize ku nyubako agomba gusubizwa.

[19] Urukiko rurasanga kandi ibyo uhagarariye TRAFIRPO Ltd aburanisha avuga ko itigeze yemera mu rubanza kwishyura Michael FIETZEK 24.221.533 Frw y'ibikoresho byashyizwe ku nyubako yayo, ko ari ibyari byavugiwe mu mishyikirano, yaje kunanirana bakiyambaza inkiko, ku buryo bitari bikwiye kuzanwa mu nkiko, nta kuri kurimo, kuko bigaragara ko ubwo yaburanaga imbere y'Urukiko Rukuru rw'Ubucuruzi, TRAFIPRO Ltd yemeraga gusubiza Michael FIETZEK kimwe cya gatatu (1/3) cy'ibyo yakoresheje ku nyubako kingana na 24.221.533 Frw n'igihe yari isigaje kubamo, nk'uko bigaragara mu gika cya 37 cy'urubanza rujuririrwa, aha akaba ari naho Urukiko rwahereye rwemeza ko ayo mafaranga yemereye imbere yarwo yafatwa nk'umwenda yemera, maze akarangirizaho urubanza by'agateganyo.

[20] Urukiko rurasanga na none ibivugwa n'uhagarariye TRAFIPRO Ltd ko nta gihombo gikabije rwemeje irangizarubanza ry'agateganyo bisabwe na Michael FIETZEK avuga ko hari umwenda TRAFIPRO Ltd yemera, ntabwo rero rwabishingiye ku kuba hari igihombo Michael FIETZEK yavugaga ko yaterwa no kutarangiza urubanza by'agateganyo.

[21] Hashingiwe rero ku ngingo z'amategeko zavuzwe haruguru no ku bimaze gusobanurwa, Urukiko rurasanga irangizarubanza ry'agateganyo ryatanzwe n'Urukiko Rukuru rw'Ubucuruzi ryaratanzwe mu buryo bukurikije amategeko, kuko TRAFIPRO Ltd yemeye mu rubanza ko yakwishyura 24.221.533 Frw y'agaciro k'ibikoresho Michael FIETZEK yashyize ku nyubako zayo agomba gusubizwa, bityo ikirego cyayo nta shingiro gifite.

c. Ku byerekeye amafaranga y'ikurukiranarubanza n'igihembo cya Avoka asabwa na Michael FIETZEK

[22] Uhagarariye Michael FIETZEK avuga ko TRAFIPRO Ltd ikomeje kumushora mu manza z'amaherere, bityo akaba asaba 1.000.000 Frw y'ikurikiranarubanza na 500.000 Frw y'igihembo cya Avoka. Michael FIETZEK yagize, kuko ahantu haburanwa akihakorera, nabyo nta shingiro byahabwa, kuko nk'uko bigaragara mu rubanza No RCOMA 00193/2019/HCC, Urukiko Rukuru rw'Ubucuruzi

[23] Uhagarariye TRAFIPRO Ltd avuga ko ayo mafaranga asabwa na Michael FIETZEK ntaho ashingiye, kuko nta kimenyetso yayatangiye, kandi nta masezerano agaragaza yakoranye n'umuhagarariye.

UKO URUKIKO RUBIBONA.

[24] Ingingo ya 111 y'Itegeko No 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, iteganya ko "Ikirego cy'amafaranga y'ikurikiranarubanza ni ikirego gishamikira ku kirego cy'iremezo kigamije kwishyuza ibyakoreshejwe mu rubanza. Ikirego cy'amafaranga y'ikurikiranarubanza kiburanishwa rimwe n'ikirego cy'iremezo. Gishobora kandi kwakirwa kikaburanishwa n'iyo ikirego cy'iremezo cyaba kitakiriwe.

[25] Ku birebana n'amafaranga y'igihembo cya Avoka n'ay'ikurikiranarubanza asabwa na Michael FIETZEK, Urukiko rurasanga, n'ubwo umuhagarariye atagaragaje ikimenyetso cy'amasezerano ari hagati yabo arebana n'ibyo agombwa kw'ikurikirana ry'ububanza, ariko kuba Michael FIETZEK yarazanywe mu rubanza muri uru Rukiko na TRAFIPRO Ltd, kandi bikaba bigaragara ko byabaye ngombwa ko ashaka Avoka wo kumuhagararira, ndetse akaba yakoresheje amafaranga kugira ngo akurikirane urwo rubanza kuri uru rwego, nta cyabuza ko agenerwa ayo mafaranga, ariko akaba atagenerwa umubare w'ayo asaba, kuko atagaragaza ko ari yo koko yagiye kuri uru rubanza, ahubwo harebwe imirimo yakozwe kuri uru rubanza, kuri uru rwego, akagenerwa mu bushishozi bw'Urukiko 500.000 Frw y'igihembo cya Avoka na 200.000 Frw y'ikurikiranarubanza, yose hamwe akaba 700.000 Frw.

III. ICYEMEZO CY'URUKIKO

[26] Rwemeje kwakira ikirego cyatanzwe na TRAFIPRO Ltd, kuko cyatanzwe mu buryo bukurikije amategeko, ariko nta shingiro gifite;

[27] Rwemeje kwakira ikirego cy'ibyagiye ku rubanza cyatanzwe na Michael FIETZEK, ko kandi gifite ishingiro;

[28] Rutegetse ko irangizarubanza ry'agateganyo ryategetswe n' Urukiko Rukuru rw'Ubucuruzi mu rubanza nº RCOMA 00193/2019/HCC rwaciwe ku wa 24/12/2019 rigumyeho;

[29] Rutegetse TRAFIPRO Ltd kwishyura Michael FIETZEK 500.000 Frw y'igihembo cya Avoka na 200.000 Frw y'ikurikiranarubanza yose hamwe akaba 700.000 Frw;

[30] Ruvuze ko amafaranga TRAFIPRO Ltd yatanze y'amagarama ahwanye n'ibyakozwe mu rubanza.