INTERSEC SECURITY COMPANY Ltd v. NSENGIYUMVA

[Rwanda URUKIKO RUKURU – RSOCA0120/15/HC/KIG (Murererehe, P.J.) 20 Ugushyingo 2015]

Amategeko agenga umurimo – Kwirukanwa muburyo bunyuranyije n'amategeko – Ikosa rikomeye – Byitwa kwirukanwa mu buryo bunyuranyije n'amategeko igihe umukoresha yirukanye umukozi kubera ikosa rikomeye ariko ntakurikize igihe giteganwa n'amategeko – Ikosa rikomeye ni ikosa ry'umukozi ryica inshingano ze mu kazi cyangwa mu mikoranire ye n'umukoresha kuburyo bituma umukozi atakwihanganirwa kuguma mu kazi mu gihe cy'integuza – Itegeko N°13/2009 ryo kuwa 27/05/2009 rigenga umurimo mu Rwanda, ingingo 1(21), 32.

Incamake y'ikibazo: Nsengiyumva yagiranye amasezerano y'akazi na Intersec Security Company Ltd yo gukora nka Training officer mumwaka wa 2010, uwo mukoresha we yaje ku mwirukana mu mwaka 2015 atamuhaye integuza yitwaje ko yakoze ikosa rikomeye ryo gushyiramo abakozi batatsinze ibizamini mu kazi.

Nsengiyumva yatanze ikirego mu Rukiko Rwisumbuye rwa Gasaboavuga ko yirukanwe mu buryo bunyuranyije n'amategeko maze urwo rukiko rwemeza ko ikirego cye gifite ishingiro rumugenera n'indishyi zinyuranye.

Intersec Security Company Ltd yajuririye Urukiko Rukuru ku mpamvu y'uko urukiko rubanza rwavuze ko Nsengiyumva yirukanywe hatubahirijwe amasaha 48 kandi baragaragaje ko habanje gukorwa iperereza, rumugenera indishyi zukwirukanwa mu buryo bunyuranije n'amategeko, imperekeza, integuza n'indishyi zo gusiragizwa mu manza kandi ataragombaga kubigenerwa kuko yirukaniwe ikosa rikomeye.

Nsengiyumva yiregura avuga ko igihe bavuga yakoreye iryo kosa yagumye mu kazi agakora iyo riza kuba ikosa rikomeye yari guhita yirukanwa naho kubijyanye n'indishyi yagenewe avuga ko zari ngombwa kuko urukiko rwari rwasanze yarirukanywe mu buryo budakurrikije amategeko, bityo akaba asaba ko urubanza rwajuririwe rugumaho. Nawe yatanze ubujurire bwuririye ku bundi avuga ko Urukiko rubanza rwibeshye mu giteranyo cy'indishyi rukamuha izituzuye, asaba ko yagenerwa n'amafaranga y'igihembo cy'avoka.

Kubijyanye no kwibeshya mu giteranyo cy'indishyi, Intersec Security Company Ltd ivuga ko nta shingiro bifite kubera ntazo yari akwiye ku generwa na mbere kuko yirukaniwe ikosa rikomeye, naho kubijyanye n'igihembo cy'avoka ivuga ko ariyo ikwiye icyo gihembo cy'avoka kuko yashowe mu manza.

Incamake y'icyemezo: 1. Ikosa rikomeye ni ikosa ry'umukozi ryica inshingano ze mu kazi cyangwa mu mikoranire ye n'umukoresha, kuburyo bituma umukozi atakwihanganirwa kuguma mu kazi mu gihe cy'integuza, kuba rero Nsengiyumva yarirukanywe kuwa 4/02/2015 amaze amezi arenga atatu akora, bigaragaza ko umukoresha atari yabifashe nk'ikosa rikomeye kuko ikosa rikomeye rihita rihagarika amasezerano hagati y'umukozi n'umukoresha mu gihe cya masaha 48 kuko gukorana biba bitagishobotse, bityo Nsengiyumva akaba yarirukanywe mu buryo bunyuranyije n'amategeko.

2. Mu gihe umukozi yirukanywe mu buryo bunyuranyije n'amategeko agenerwa indishyi zinyuranye harimo ni zo kwirukanywa mu buryo bunyuranyije n'amategeko.

3. Bigaragara ko habaye ho kwibeshya mu guteranya indishyi, bityo ibyo bikaba bigomba gukosorwa.

4. Amafaranga y'igihembo cy'avoka agenwa mu bushishozi bw'urukiko mu gihe umuburanyi ayo asaba ari ikirenga.

Ubujurire ntashingiro bufite;
Ubujurire bwuririye ku ubundi bufite ishingiro bufite;
Amagarama y'urubanza ahwanye n'ibyakozwe mu rubanza.

Amategeko yashingiweho:
Itegeko N°21/2012 ryo kuwa 14/06/2012 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, ingingo ya 9.
Itegeko N°13/2009 ryo kuwa 27/05/2009 rigenga umurimo mu Rwanda, ingingo ya 1(21) n'iya 32.
Itegeko ryo kuwa 30/07/1888 rigenga amasezerano cyangwa imirimo nshinganwa, ingingo ya 258.

Urubanza rwifashishijwe:
Euro Trade International Sarl v. Rwakirenga Pascal, RSOCAA0027/11/CS rwaciwe n'Urukiko rw'Ikirenga kuwa 13/3/2012.

Ibitekerezo bya bahanga:
J.Pélissier, A.Supiot et A.Jeammaud, Droit du Travail, 22 éd., Paris, 2004, p.612.

Urubanza

I. IMITERERE Y'URUBANZA

[1] Nsengiyumva avuga ko kuwa 17/3/2010 yagiranye amasezerano y'akazi na Intersec yo gukora nka Training officer iza kumwirukana mu 2015 itamuhaye integuza yitwaje ko yakoze ikosa rikomeye kandi ntaryabayeho. Mu urubanza RSOC0026/15/TGI/GSBO Urukiko Rwisumbuye rwa Gasabo rwemeje ko ikirego cya Nsengiyumva gifite ishingiro kuri bimwe, rwemeza ko yirukanywe mu buryo budakurikije amategeko rutegeka Intersec kumuha indishyi zose hamwe zihwanye na 2.401.800Frw no kumusubiza 50.000Frw y'amagarama yatanze.

[2] Intersec ntiyishimiye imikirize y'urwo rubanza irujuririra muri uru rukiko, Me Kayihura Didace na Me Kalimba bayihagarariye bavuga ko bajuriye kuko urukiko rwavuze ko Nsengiyumva yirukanywe hatubahirijwe amasaha 48 kandi baragaragaje ko habanje gukorwa iperereza, nuko Nsengiyumva yaragenewe indishyi zinyuranye kandi atarirukaniwe ubusa kuko yirukaniwe ikosa rikomeye.

[3] Me Kazayire uhagarariye Nsengiyumva avuga ko ubujurire bwayo butahabwa ishingiro kuko Nsengiyumva atari ashinzwe gukoresha ibizamini, we ko yari training officer kandi ko igihe bavuga yakoreye iryo kosa yagumya mu kazi agakora iyo riza kuba ikosa rikomeye yari guhita yirukanwa basaba ko urubanza rwajuririwe rwagumaho. Yakomeje

avuga ko nabo bafite bujurire bwuririye ku bwabo bw'uko urukiko rwibeshye mu giteranyo rukamuha indishyi zituzuye nuko yagenerwa amafaranga y'igihembo cy'avoka.

[4] Muri uru rubanza harasuzumwa ibibazo bijyanye:

Kuba urukiko rwaravuze ko Nsengiyumva yirukanywe hatubahirijwe amasaha 48 kandi baragaragaje ko habanje gukorwa iperereza;

Kuba Nsengiyumva yaragenewe indishyi zinyuranye kandi atarirukaniwe ubusa kuko yirukaniwe ikosa rikomeye;

Ubujurire bwuririye ku bundi:

Kuba urukiko rwaribeshye mu giteranyo rukamuha indishyi zituzuye.

Kumenya niba Nsengiyumva yagenerwa amafaranga y'igihembo cy'avoka.

II. ISESENGURA RY'IBIBAZO BIGIZE URUBANZA

Kuba urukiko rwaravuze ko Nsengiyumva yirukanywe hatubahirijwe amasaha 48 kandi baragaragaje ko habanje gukorwa iperereza.

[5] Me Kayihura Didace na Kalimba Daniel bavuga ko urukiko rwavuze ko amasaha 48 atubahirijwe kandi Komite yarakoze raporo kuwa 30/1/2015 ikagaragaza abakozi bakoze amakosa yo gushyiramo abakozi batatsinze ibizamini ishyikirizwa abayobozi ba Intersec nabo bafata icyemezo kuwa 3/2/2015 cyo kubirukana hanyuma kuwa 4/2/2015 Nsengiyumva arahagarikwa nyuma yo gukora iperereza ku ikosa rikomeye yari yakoze ryo ku *recruta* mu manyanga, urukiko rwirengagije ko iperereza ryakozwe kugirango babone bimenyetso bihamya koko ko yakiriye ruswa hanagaragazwe abantu Nsengiyumva yagiye ashyira mu kazi kandi ntamanota abibemerera bari bafite, ibyo bikaba bigize ikosa rikomeye bityo n'ibihe bikaba byarubahirijwe.

[6] Me Kazayire uhagarariye Nsengiyumva avuga ko Nsengiyumva atari ashinzwe gukoresha ibizamini, we ko yari *training officer* kandi kuvuga ko ikosa ryabonetse *le* 3 sibyo kuko urutonde rugaragaza ko yakoresheje amahugurwa mu kwa 10 kandi igihe bavuga yakoreye iryo kosa yagumye mu kazi arakora iyo riza kuba ikosa rikomeye yari guhita yirukanwa, iyo raporo bavuga ya komite yo kuwa 30/1/2015 nubwo mbere batayigaragaje nta nicyo yabamarira kuko ari ibyo bikoreye mu mipango yo kumwirukana, bityo ko iryo kosa ntaryabayeho n'iyo ryaba ryarabayeho kandi ibihe by'amasaha 48 bikaba bitarubahirijwe.

[7] Ingingo ya 32 y'Itegeko N°13/2009 ryo kuwa 27/05/2009 rigenga umurimo mu Rwanda iteganya ko "Iseswa ryose ry'amasezerano y'akazi y'igihe kitazwi, nta nteguza cyangwa se igihe cy'integuza kitarubahirijwe cyose, bituma uyasheshe aha undi indishyi y'amafaranga angana n'umushahara n'andi mashimwe yagombaga kubona mu gihe cy'integuza kitubahirijwe. Icyakora amasezerano y'akazi ashobora guseswa nta nteguza iyo habaye ikosa rikomeye ry'umwe mu bayagiranye. Icyo gihe umwe mu basezeranye abimenyesha undi mu masaha mirongo ine n'umunani (48)".

[8] Urukiko rusanga ama *liste* avugwa ko yashyizweho abataratsinze ikizamini yarakozwe kuwa 1/10/2014 ibyo akaba ari nabyo umukoresha avuga ko bigize ikosa rikomeye kuko Nsengiyumva yashyize kuri liste abatatsinze ikizamini ahawe ruswa, ariko nkuko byasobanuwe mu rwego rwa mbere Nsengiyumva yirukanywe kuwa 4/2/2015 amaze amezi arenze atatu akora, ibyo rero bigaragaza ko umukoresha ibyo atari yabifashe nk'ikosa

rikomeye kuko ikosa rikomeye rihita rihagarika amasezerano hagati y'umukozi n'umukoresha kuko gukorana biba bitagishobotse kwihanganirwa ibyo akaba ariko bisobanurwa n'abahanga "La faute grave (lourde) est un fait ou un ensemble de faits imputable au salarié qui constituent une violation des obligations découlant du contrat de travail ou des relations de travail d'une importance telle qu'elle rend impossible le maintien du salarié pendant la durée du préavis"[1]; ugenekereje bisobanura ko ikosa rikomeye ari ikosa ry'umukozi ryica inshingano ze mu kazi cyangwa mu mikoranire ye n'umukoresha kuburyo bituma umukozi atakwihanganirwa kuguma mu kazi mu gihe cy'integuza; ibyo kandi akaba ariko byanasobanuwe mu urubanza RSOCAA0027/11/CS rwaciwe n'Urukiko rw'Ikirenga aho urwo rukiko rwagaragaje ko ikosa rikomeye risobanurwa nk'ikosa rifite uburemere rituma imikoranire hagati y'umukozi n'umukoresha itagishobotse ikaba itakwihanganirwa kuburyo ihita ihagarara hadategerejwe ko amasezerano agera igihe yagombaga kurangirira[2].

[9] Kuba rero Intersec ivuga ko yirukanye Nsengiyumva kubera ikosa rikomeye mu kazi ariko akaba yarakomeje gukora ibyo bigaragaza ko batubahirije inzira ziteganywa n'amategeko mu gusesa amasezerano ye y'akazi kuko ikosa rikomeye rimenyeshwa uwarikoze mu masaha 48 ibyo ariko bikaba atariko byagenze kuri Nsengiyumva kuko we nyuma y'itariki ya 1/10/2014 y'igihe amaliste avugwa ko yayashyizeho abataratsinze akorewe, yakomeje gukora ibyo rero bigaragaza ko ubwo umukoresha atari yabifashe nk'ikosa rikomeye kuko ryo rihita risesa amasezerano y'akazi ariyo mpamvu rusanga amasezerano ye y'akazi yarahagaritswe mu buryo butakurikije amategeko.

[10] Abahagarariye Intersec bavuga ko batahise bahagarika Nsengiyumva kuko babanje gukora iperereza ryashojwe na *management meeting* yafashe icyemezo ko yakwirukanwa kuwa 3/2/2015 bakamwirukana kuwa 4/2/2015 ko basanga ibihe bya amasaha 48 byarubahirijwe.

[11] Urukiko rusanga ibyo abahagarariye Intersec bavuga bitahabwa ishingiro, ikosa rikomeye nkuko bisobanurwa n'abahanga n'ikosa rifite uburemere rituma imikoranire hagati y'umukozi n'umukoresha itagishobotse ikaba itakwihanganirwa kuburyo ihita ihagarara ibyo rero rusanga niba Intersec igihe yabibonaga niba byarayisabaga kubikoraho iperereza yagombaga kutarenza amasaha 48 ngo umukozi abimenyeshwe naho kumara amezi 3 arenga igashingira ko yari igikora iperereza ibyo rusanga bitashingirwaho ko ubwo byari bikiri ikosa rikomeye kuko bitubahirije uburyo buteganywa n'amategeko; ari naho hashimangirwa impamvu byitwa ikosa rikomeye nuko ari ikosa riba ribaye kuburyo umukoresha atakwihanganira gukomeza gukorana n'umukozi ariko niba Intersec yarakomeje gukorana na Nsengiyumva muri ayo mezi 3 arenga nuko bisobanura ko ibyo yari yakoze bitafashwe nk'ikosa rikomeye mu kazi (Faute Lourde), kuko amakosa yose mu kazi ataba ariko akomeye. Kuvuga kandi ko nyuma y'iperereza habayeho *management meeting* yafashe icyemezo ko yakwirukanwa kuwa 3/2/2015 bakamwirukana kuwa 4/2/2015 rusanga ibyo byaragombye kuba byarakozwe umukozi akigaragaraho iryo kosa rikomeye ariko kuba byarategereje icyo gihe cyose ntibabe banagaragaza ko niba iyo *management meeting* ariyo yagombaga kwemeza iryo kosa rikomeye ko baba baramuhagaritse by'agateganyo ngo bategereze iyo nama nayo itari kumara icyo gihe kingana gityo itarafata icyemezo; bityo rusanga izo mpamvu Intersec itanga zitahabwa ishingiro.

[1] J.Pélissier, A.Supiot et A.Jeammaud, Droit du Travail, 22 éd., Paris, 2004, p.612.

[2] Urukiko rw'Ikirenga, urubanza RSOCAA0027/11/CS, Euro Trade International Sarl mu izina ry'umuyobozi wayo v. Rwakirenga Pascal, p.6, 13/3/2012.

[12] Urukiko rero rusanga kubera izo mpamvu zose zasobanuwe haruguru niba Nsengiyumva yirukaniwe ikosa rikomeye hagombaga kubahirizwa amasaha 48 yo kurimenyeshwa kandi ibyo kuba bitarubahirijwe ariyo mpamvu afatwa nk'uwirukanywe mu buryo budakurikije amategeko rushingiye ku ibiteganywa n'ingingo ya 1, 21 y'Itegeko N°13/2009 ryo kuwa 27/05/2009 rigenga umurimo mu Rwanda iteganya ko kwirukanwa nta mpamvu n'uguhagarika amasezerano y'akazi bikozwe n'umukoresha nta mpamvu igaragara cyangwa hadakurikijwe uburyo bwateganyijwe n'amategeko.

[13] Abahagarariye Intersec bagarutse ku bijyanye n'iryo kosa rikomeye muri uru rubanza bavuga ko Nsengiyumva yirukaniwe ikosa rikomeye ryo gufata ruswa no guhimba inyandiko ubwo yakoreshaga ibizamini ababonye 0 akabashyira kuri *litse* y'abemerewe akazi. Nsengiyumva mu mwiregurire ye yaragaragaje ko akazi ke kari training officer ko atakoreshaga ibizamini.

[14] Urukiko rusanga nkuko amasezerano y'akazi ya Nsengiyumva abigaragaza yari training officer wigishaga abamaze guhabwa akazi, kuba rero bavuga ko yakoresheje ibizamini agashyira kuri liste abatatsinze ibyo rusanga ntakimenyetso Intersec ibitangira kuko izo mpapuro z'ibizamini z'abatsinzwe ntahagaragara ko Nsengiyumva ariwe wari wakoresheje ibyo bizamini akaba ndetse ari nta n'inyandiko y'ubuyobozi igaragaza ko ariwe wari washinzwe uwo murimo ngo bibe bisobanura ko ariwe wafashe abatsinzwe, mu gihe bigaragara ko mu kazi ke ibyo bitarimo. Kuvuga kandi ko mu ubuhamya bwe bwo kuwa 8/1/2015 yemeye ko yakoreshaga ibizamini ibyo bitandukanye n'ibyo bizamini Intersec ivuga kuko muri iyo nyandiko ye yagaragaje ko yari yatangiye training yabamaze guhabwa akazi abakoresheje ikizamini asanga harimo 18 batazi kwandika ibyo rero bitandukanye kuko atariwe watanze ikizamini gitanga akazi ahubwo we yatangaga training yabamaze gushyirwa ku urutonde rwabahawe akazi ari naho agaragaza ko yabibwiye *Deputy operations* wamubwiye ngo ari mu biki ko bamaze kwemererwa; ibyo rero bishimangira ko ntakimenyetso cyatanzwe kigaragaza ko Nsengiyumva ariwe waba warashyize kuri liste abatatsinze ikizamini kuko bitari no munshingano ze.

[15] Urukiko rusanga kandi kuvuga ko Nsengiyumva mu gushyira kuri *liste* abatatsinze ikizamini yabikoze yakiriye ruswa yanahimbye inyandiko rusanga ibyo nabyo ari ntakimenyetso Intersec ibitangira kibihamya cy'uburyo yaba yarakiriye iyo ruswa cyangwa buryo ki yahimbye inyandiko, dore ko no mu mabazwa ye yo kuwa 1/6/2015 yanabayeho yaramaze gusezererwa mu kazi atigeze yemera ibyo yabazwagwa na Intersec ko hari uwo yaba yarinjije mu kazi atujuje ibyangombwa cyangwa se ngo habe hari uwamuhaye ruswa kuko byose yabihakanye anagaragaza ko we atangaja abakozi ko hari komite ibishinzwe abakozi bamara kwanganjwa amadosiye yabo akinjizwa muri HR Officer ko we yasigaranaga gusa liste y'abemejwe na komite ishinzwe kwanganja ari nabo yakoreshaga training; kuba rero ntakimenyetso ibyo Intersec ivuga ibitangira bikaba bitahabwa ishingiro rushingiye ku ibiteganywa n'ingingo ya 9 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 urega agomba kugaragaza ibimenyetso by'ibyo aregera.

[16] Urukiko rusanga kandi ibyo bigize ikosa rikomeye Intersec ivuga byo kwakira ruswa no guhimba inyandiko ibyo ari ibyaha bihanwa n'amategeko mpanabyaha y'u Rwanda bakaba batagaragaza ko Nsengiyumva yaba yarakurikiranyweho ibyo byaha bikamuhama bityo ngo bibe byaherwaho nk'ikimenyetso gihamya ko iryo kosa rikomeye koko ryabayeho; kuba rero ntarubanza rwaba rwarabayeho rumuhamya ibyo byaha rusanga ibyo nabyo bishimangira ko ibyo byitwa ikosa rikomeye ari ntakibihamya.

[17] Urukiko rero rusanga uretse no kuba uburyo bwo kwirukana Nsengiyumva kubera ikosa rikomeye butarubahirijwe nkuko byasobanuwe haruguru kuko nyuma yuko havuzwe iryo kosa rikomeye yagumye mu kazi mu gihe kirenze amezi 3 ari naho haherewe hemezwa ko amasaha 48 atubahirijwe kandi runasanga n'ikitwa ikosa rikomeye Intersec yashingiyeho ntakimenyetso kirigaragaza nkuko byasobanuwe haruguru ariyo mpamvu ubujurire bwayo kuri iyi ngingo butahabwa ishigiro.

Kuba Nsengiyumva yaragenewe indishyi zinyuranye kandi atarirukaniwe ubusa kuko yirukaniwe ikosa rikomeye.

[18] Me Kayihura Didace na Kalimba Daniel bavuga ko Nsengiyumva yagenewe indishyi zo kwirukanwa mu buryo bunyuranije n'amategeko, imperekeza, integuza n'indishyi zo gusiragizwa mu manza kandi baragaragaje ko yirukaniwe ikosa rikomeye izo ndishyi akaba ataragombaga kuzihabwa.

[19] Me Kazayire uhagarariye Nsengiyumva avuga ko Nsengiyumva izo ndishyi zari ngombwa kuko urukiko rwari rwasanze yarirukanywe mu buryo budakurrikije amategeko.

[20] Urukiko rusanga indishyi zo kwirukanwa mu buryo bunyuranije n'amategeko, imperekeza, integuza n'indishyi zo gusiragizwa mu manza Nsengiyumva yagenewe zari zifite ishingiro kuko urukiko rwari rwasanze yarirukanywe mu buryo budakurikije amategeko kandi n'uru rukiko rwasanze bifite ishingiro bityo akaba yaragombaga guhabwa indishyi zijyanye n'iryo yirukanwa ziteganywa n'Itegeko ry'umurimo.

[21] Rusanga ku ibijyanye nuko yari yasabye indishyi zo kwirukanwa mu buryo bunyuranije n'amategeko za 450.000Frw urukiko rukamuha 1.200.000Frw zirenze izo yasabye, ibyo ataribyo mu mwanzuro we w'inyongera yagaragaza ko asaba indishyi za 1.813.800Frw nukuvuga zikubye inshuro 6 umushahara we ariko urukiko rumuha izikubye inshuro 4 za 1.209.200Frw, rusanga rero izo yahawe zarakurikije amategeko mu ngingo ya 33 y'Itegeko ry'umurimo ryavuzwe haruguru bityo ibyo bavuga bikaba bitahabwa ishingiro.

Ubujurire bwuririye ku bundi

Kuba urukiko rwaribeshye mu giteranyo rugaha Nsengiyumva indishyi zituzuye.

[22] Me Kazayire uhagarariye Nsengiyumva avuga urukiko rwibeshye mu giteranyo rumuha indishyi zituzuye akaba yaragombaga guhabwa 2.513.800Frw aho kuba 2.401.800Frw, ko byakosorwa.

[23] Me Kayihura Didace na Me Kalimba Daniel bavuga ko bitahabwa ishingiro kuko indishyi yagenewe mbere nta shingiro kuko yirukaniwe ikosa rikomeye.

[24] Urukiko rusanga ibyo Nsengiyumva avuga byahabwa ishingiro kuko indishyi zose yagenewe ari 1.209.200Frw zo kwirukanwa mu buryo bunyuranije n'amategeko, 302.300Frw y'imperekeza, 302.300Frw y'integuza na 700.000Frw y'indishyi z'ikurikiranarubanza n'igihembo cy'avoka yose hamwe uyateranyije aba 2.513.800Frw aho kuba 2.401.800Frw bigaragara ko urukiko rubanza rwibeshye mu guteranya bityo ibyo bikaba byakosorwa Nsengiyumva akaba agomba kugenerwa indishyi zose hamwe za 2.513.800Frw aho kuba 2.401.800Frw.

Kumenya niba Nsengiyumva yagenerwa amafaranga y'igihembo cy'avoka.

[25] Me Kazayire uhagarariye Nsengiyumva avuga ko yagenerwa igihembo cy'avoka cya 800.000Frw.

[26] Me Kayihura Didace na Me Kalimba Daniel bavuga ko indishyi zigomba Intersec kuko ariyo yashowe mu manza.

[27] Urukiko rusanga kuba rwasanze ubujurire bwa Intersec ntashingiro bufite kandi Nsengiyumva yarashatse umuburanira ariyo mpamvu rusanga ibyo asaba yabihabwa rushingiye ku ibiteganywa n'ingingo ya 258 y'urwunge rw'amategeko y'imbonezamubano igitabo cya gatatu iteganya ko igikorwa cyose cy'umuntu cyangirije undi gitegeka nyirugukora ikosa rigikomokaho kuriha ibyangiritse; ariko amafaranga asaba rusanga ari ikirenga ariyo mpamvu agomba guhabwa 500.000Frw y'igihembo cy'avoka cyo mu rwego rw'ubujurire agenwe mu bushishozi bw'urukiko.

III. ICYEMEZO CY'URUKIKO

[28] Rwemeje ko ubujurire bwa INTERSEC SECURITY COMPANY Ltd mw'izina ry'umuyobozi wayo budafite ishingiro.

[29] Rwemeje ko ubujurire bwuririye ku bundi bwa Nsengiyumva Ndekezi J.Damascene bufite ishingiro.

[30] Rwemeje ko urubanza rwajuririwe RSOC0026/15/TGI/GSBO ruhindutse kuri bimwe.

[31] Rutegetse ko indishyi zose hamwe Nsengiyumva Ndekezi J. Damascene agomba guhabwa ari 2.513.800Frw aho kuba 2.401.800Frw zari zemejwe mu rwego rwa mbere.

[32] Rutegetse INTERSEC SECURITY COMPANY guha Nsengiyumva Ndekezi J.Damascene 500.000Frw y'igihembo cy'avoka cyo mu rwego rw'ubujurire.

[33] Rwemeje ko amagarama y'urubanza ahwanye n'ibyakozwe mu urubanza.