Rwanda Law Report

Imirongo irebana n'imiburanishirize z'imanza zisabirwa gusubirishhwamo ku mpamvu z'akarengane.

Imanza z'aciwe n'Urukiko rw'Ikirenga

2022

IMANZA

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RS/REV/INJUST/CIV 0023/16/CS, RUTABAYIRO N'ABANDI v MUKAKABANO

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Ababuranyi mu rubanza rusubirishamo urubanza ku mpamvu z'akarengane

Guhamagarwa mu rubanza

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RC0005/15/CS; KARANGWA v. MUKASHARANGABO N'ABANDI; Vol [2016] 2 RLR

Ababuranyi mu rubanza rusubirishamo urubanza ku mpamvu z'akarengane

N'ubwo Urwego rw'Umuvunyi arirwo rusaba Urukiko rw'Ikirenga gusubiramo urubanza ku mpamvu z'akarengane ariko igihe cyo kuburanisha bene ibyo birego, ababuranyi baguma ari ababuranye urubanza rusubirishwamo ku mpamvu z'akaregane ndetse ni nabo batanga imyanzuro yo kurega n'iyo kwiregura.

RS/INJUST/RC 00002/2021/SC; AKARERE KA KIREHE v SAHAM ASSURANCE RWANDA LTD (SANLAM ASSURANCES GÉNÉRALES Plc) N'ABANDI

Guhamagarwa mu rubanza

Guhamagarwa mu rubanza rusubirwamo ku mpamvu z'akarengane – Ababaye ababuranyi mu rubanza rusabirwa gusubirwamo ku mpamvu z'akarengane ariko batasabye ko rusubirwamo – Uwabaye umuburanyi mu rubanza rusabirwa gusubirwamo ku mpamvu z'akarengane ariko utigeze asaba ko rusubirwamo ku

mpamvu z'akarengane ntabwo yakuririra ku kirego cyatanzwe n'uwasubirishijemo urubanza ngo nawe asabe Urukiko gusuzuma ibyo atishimiyemo.

RS/REV/INJUST/CIV0011/16/CS; MUKAGIFUNDU N'UNDI v. UWAMARIYA N'UNDI; Vol [2020] 3 RLR

Guhamagaza ababuranyi

Ababuranyi bose barebwa n'urubanza rusabirwa gusubirishwamo ku impamvu z'akarengane bagomba guhamagazwa kabone n'ubwo bataba baranditse babisaba urwego rubishinzwe.

RS/INJUST/RC 00008/2019/SC; GAHIRE v MUKARUSHAKO NA BAGENZI

Gusaba kurenganurwa ku bitaragaragarijwe umucamanza mu rubanza rusabirwa gusubirwamo

Gusaba kurenganurwa ku bitaragaragarijwe umucamanza mu rubanza rusabirwa gusubirwamo ku mpamvu z'akarengane – Mu gusobanura aho akarengane kabo gashingiye, ababuranyi berekana ibimenyetso cyangwa amategeko byagaragarijwe urukiko mu rubanza basaba ko rusubirishwamo rukabyirengagiza kandi byari kubagirira akamaro – Ibyo umuburanyi atagaragarije umucamanza ngo amusabe kubisuzuma, ntashobora kuvuga ko yabimurenganyijeho.

RCOMAA 00001/2019/SC, NTEGEYE v. ECOBANK RWANDA LTD N'UNDI, Vol [2021] 4 RLR

Gusubirishamo urubanza ingingo nshya

Gusubirishamo urubanza ku mpamvu z'akarengane ni inzira idasanzwe idashobora gufungura izindi nzira z'ubujurire kuko ziba zararangiye – Urubanza rwaciwe ku kirego cyo gusubirishamo urubanza ku mpamvu z'akarengane ruba ari urwa nyuma ndetse ntirushobora gusubirishwamo ingingo nshya.

RS/INJUST/RSOC 00001/2018/SC; BANKI Y'ABATURAGE Y'U RWANDA v **UKWIBISHAKA**

Ibirego bitari mu byashingiweho hemezwa ko urubanza rukwiye gusubirwamo ku mpamvu z'akarengane

Uwareze yemerewe kugaragaza ingingo zose yarenganyijweho, kuko nk'uko rwabisobanuye mu manza zinyuranye icya ngombwa ari uko ikiregerwa mu rubanza rw'akarengane kitarenga imbibi z'icyaregewe mu ishingwa ry'urubanza ku rwego rwa mbere n'ibyaburanyweho mu rubanza rusabirwa gusubirishwamo ku mpamvu z'akarengane.

Umuburanyi utarasabye ko urubanza rusubirishwamo ku mpamvu z'akarengane

Umuburanyi utarasabye ko urubanza rusubirishwamo ku mpamvu z'akarengane, akurikije uburyo n'inzira biteganywan'itegeko, ntashobora kuririra ku kirego cyatanzwe n'uwasubirishijemo urubanza ngo na we asabe ko rwasuzuma ibyo yumva yarenganyijwemo.

RS/INJUST/RC 0001/2018/SC; VUNINGOMA v NARAME

Ibyemezo by'agateganyo

Ibyemezo byagateganyo ntibishobora kuburanishwa mu rwego rw'akarengane kuko ari ibyemezo Urukiko rushobora buri gihe gukuraho bisabwe n'ubifitemo inyungu mu buryo bw'ikirego gitanzwe n'umuburanyi umwe.

RS/RV/INJUST/AD0001/16/CS; AKARERE KA NYARUGENGE v. MUKANGEMANYI; Vol (2018) 1 RLR

Icyemezo cya Perezida w'Urukiko rw'Ikirenga

Icyemezo cya Perezida w'Urukiko rw'Ikirenga – Icyemezo cya Perezida w'Urukiko rw'Ikirenga gitegeka ko dosiye ivuye mu rwego rw'Umuvunyi yandikwa mu gitabo cy'ibirego, ntikibuza ko, mu iburanisha

ry'urubanza, haba izindi mpaka zishingiye ku bubasha bw'Urukiko ndetse no ku iyakirwa ry'ikirego, kandi inteko iburanisha ifite ububasha bwo gusuzuma niba ikirego cyaratanzwe mu rwego rw'Umuvunyi mu buryo bukurikije amategeko.

Kubanza kwiyambaza inzira z'ubujurire ziteganwa n'amategeko

Ingaruka zo kutiyambaza inzira z'ubujurire ziteganwa n'amategeko mbere yo gushyikiriza ikirego ku rwego rw'umuvunyi – Umuburanyi wari ufite uburenganzira bwo kwiyambaza izindi nzira z'ubujurire zisanzwe n'izidasanzwe ariko ntabikore mu gihe giteganyijwe n'amategeko ntiyemerewe gusaba ko urubanza yatsinzwe rusubirishwamo ku mpamvu z'akarengane.

RS/INJUST/RC 00011/2019/SC; MUKAMUSONI v NKUNDIMANA

Igihe cyo gusubirishamo urubanza ku mpamvu z'akarengane

Igihe cyo gusubirishamo urubanza ku mpamvu z'akarengane igihe urubanza rwajuririwe ariko ubwo ubujurire ntibwakirwe – Icyo gihe gitangira kubarwa uhereye igihe Urukiko rwajuririrwe rwafatiye icyemezo cy'ukutakira ubujurire, kabone n'ubwo urubanza rusabirwa gusubirwamo rwaba ari urwajuririwe.

Urubanza rushobora gusubirishwamo ku mpamvu z'akarengane

Urubanza rushobora gusubirishwamo ku mpamvu z'akarengane ni urubanza rwafashe icyemezo kirenganya umuburanyi – Urubanza rutakiriwe bifatwa ko rwarenganyije umuburanyi, iyo muri uko kutakirwa kwarwo ariho akarengane gashingiye.

Icyemezo cya Perezida w'Urukiko rw'Ikirenga

Inteko iburanisha ishobora kuvuguruza icyemezo cyafashwe na Perezida w'Urukiko rw'Ikirenga igihe hari impamvu zikomeye nko kwibeshya ku iyubahirizwa ry'ibihe – Izi mpamvu zikaba zigomba kuba ari impamvu zose zirebana n'imihango ndemyagihugu umucamanza uhawe guca urubanza agomba kureba iteka ko yubahirijwe.

Kugoboka ku bushake

Umuntu wese afite uburenganzira bwo kugoboka ku bushake mu rubanza rw'akarengane akurikije ibiteganywa n'amategeko.

RS/INJUST/RCOM00005/2018/SC; PRIME INSURANCE LTD v KANSIIME

Ikirego kiregera kwiregura

Kuririra ku kirego gisaba gusubirishamo urubanza ku mpamvu z'akarengane cyatanzwe n'uwo muburana ugira ibyo unenga urubanza – Umuburanyi wese ufite icyo anenga urubanza rwaciwe ku rwego rwa nyuma akabona harimo akarengane, yandikira Perezida w'Urukiko rukuriye urwaruciye, akaba ariwe usuzuma ako karengane, mu gihe ibi bitubahirijwe ikirego nticyakirwa ngo gisuzumwe kuko kiba kinyuranyije n'itegeko.

RS/INJUST/RC 00001/2021/SC; UMULINGA v NGIRINSHUTI NA MUBERUKA

Imbibi z'ikiburanwa

Kutaburanisha bwa mbere mu rwego rw'akarengane ikitaraburanyweho mu rubanza rusabirwa gusubirwamo ku mpamvu z'akarengane – Umuburanyi atashobora kuvuga ko yagize akarengane ku kibazo atigeze agaragariza Umucamanza ngo amusabe kugisuzuma.

Igihe cyo gushyikiriza ubusabe Urwego rw'Umuvunyi

Nubwo Umushingamategeko nta bihe yateganyije, igihe cy'iminsi 30 cyo gushyikiriza Perezida w'Urukiko ubusabe bwo gusubirishamo urubanza ku mpamvu

z’akarengane ni cyo cyakurikizwa habarwa ibihe byo gushyikiriza ubusabe Urwego rw’Umuvunyi, kugira ngo umuburanyi atabikorera igihe ashakiye.

RS/ INJUST/ RC 00007/2018/ SC; NDITIRIBAMBE v GATERA N’UNDI

Imbibi z’ikiburanwa

Ibyemejwe mu rundi rubanza rwaciwe ku rwego rwa nyuma, ntibishobora kuvuguruzwa binyuze mu nzira yo gusubirishamo ku mpamvu z’akarengane urubanza rutari mu ruhererekane rumwe narwo hashingiwe gusa ku kuba zifitanye isano.

Imbibi z’ikiburanwa

Ibirego bishya bitari mu murongo w’ibyaburanywe urubanza rugishingwa mu rwego rwa mbere cyangwa ingingo zitasuzumwe mu rubanza rusubirishwamo ntibyakirwa mu rubanza rwasabiwe gusuburwamo ku mpamvu y’akarengane.

RS/INJUST/RP 00001/2020/SC UBUSHINJACYAHA v MAGARA N’ABANDI

Imbibi z’ikiburanwa

Imbibi z’ikiburanwa mu rubanza rwasabiwe gusubirwamo ku mpamvu z’akarengane, zigenwa

n'icyaburanywe mu rwego rwa mbere, icyaburanywe mu rubanza rusabirwa gusubirwamo ku mpamvu z'akarengane, n'imyanzuro y'abasabye ko urubanza rusubirwamo bamaze kubyemererwa na Perezida w'Urukiko rw'Ikirenga.

Kutagira icyo usaba kandi utarakurikije ibyo amategeko ateganya mu gusubirishamo urubanza ku mpamvu z'akarengane

Inzira y'akarengane ni inzira idasanzwe yemerewe umuburanyi warenganyijwe ku buryo bugaragarira buri wese, abisabye mu buryo no mu nzira biteganywa n'amategeko, byemejwe n'inzego zibifitiye ububasha zimaze kubisuzuma, binyuranye nibikorwa muzindi nzira z'ubujurire. – Ababuranyi bataciye muri izo nzira ntibashobora guhabwa uburenganzira bwo kuririra ku isubirwamo ryasabwe n'abandi rikemerwa, ngo bagire ibyo basaba ko bihinduka ku rubanza batasabye ko rusubirwamo kuko ubwo burenganzira baba barabwibujije.

Guhindura icyemezo cyafatiwe abatarasabye gusubirishamo ku mpamvu z'akarengane.

Icyemezo cyafatiwe abatarasabye gusubirishamo ku mpamvu z'akarengane, bakuririra ku busabe bw'abandi, gishobora guhinduka gusa iyo urukiko rusanze hari ubusobekerane ku byerekeye imikorere y'icyaha bahuriyeho n'abasabye gusubirishamo ku mpamvu

z’akarengane, ku buryo icyemezo cyafatirwa abareze cyabagiraho ingaruka mu buryo bubafitiye inyungu.

Ihinduka ry’icyemezo cya Perezida w’Urukiko rw’Ikirenga

Kuba Perezida yemeje ko urubanza rusubirwamo ku mpamvu z’akarengane, ntibibuza inteko iburanisha gusuzuma ibibazo bidasanzwe, byumvikana nk’ibibazo ndemyagihugu, ikabifataho icyemezo.

RS/ INJUST/ RC 00004/2019/SC; HAVUGIMANA N’ABANDI v CANDALI

Imbibi z’ikiburanwa z’urubanza rwasabiwe gusubirishwamo ku mpamvu z’akarengane

Ibibazo bitasuzumwe mu rubanza rusabirwa gusubirwamo ku mpamvu z’akarengane ntibishobora gusuzumwa mu rubanza rwasabiwe gusubirishwamo ku mpamvu z’akarengane kuko umuburanyi atavuga ko yagize akarengane ku kibazo atigeze asaba Urukiko gusuzuma.

RS/INJUST/RAD 00002/2020/SC SEMAPONDO v RWASIMPENZI N’ABANDI

Inzitizi yatuma urubanza rutaburanishwa mu mizi

Iyo Perezida w'Urukiko rw'Ikirenga asuzumye raporo yashyikirijwe ku rubanza rw'akarengane, akemeza ko rwongera kuburanishwa, Urukiko ruburanisha urubanza mu mizi bundi bushya nta zindi nzitizi zitanzwe zatuma urubanza rutaburanishwa mu mizi uretse inzitizi ndemyagihugu.

RS/INJUST/RC 00002/2018/SC, UWIMANA v KAGITARE

Inzitizi ijyanye n'iburabusha ry'urega mu manza z'akarengane

Inzitizi ijyanye n'ububasha bw'urega mu manza z'akarengane ntishobora kwakirwa kuko imanza z'akarengane ziba zaraciwe burundu, bene izi nzitizi zikaba zidashobora kugarukwaho, keretse akarengane gashingiye kuri iyo nzitizi.

RS/INJUST/RC 00024/2018/SC; NGIZWENINSHUTI v MUHIMA; Vol RLR V. [2022] 1- RLR

Inzitizi

Inzitizi yabyukijwe mu rwego rwa mbere, igafatirwa umwanzuro ntigarukweho nk'impamvu y'ubujurire mu rubanza rwaciwe ku rwego rwa nyuma, ntishobora kongera kugarukwaho mu rwego rwo gusubirishamourubanza ku mpamvu z'akarengane.

RS/INJUST/RC00022/2018/SC; BUSORO v. BUSORO N'ABANDI

Inzitizi yatuma urubanza rutaburanishwa mu mizi

Inzitizi yatuma urubanza rutaburanishwa mu mizi kubw'itegeko ntabwo yakirwa ngo isuzumwe mw'iburanisha ry'ikirego gisaba gusubirishamo urubanza ku mpamvu z'akarengane kuko mbere yo kugira ngo Perezida w'Urukiko rw'Ikirenga afate icyemezo ko urubanza rusubirwamo ku mpamvu z'akarengane, ibyo byose byatuma urubanza rutasuzumwa mu mizi bibanza gusuzumwa n'inzego zibishinzwe. Cyeretse umuburanyi ashoboye kugaragaza impamvu idasanzwe nko kuba harabayeho kwibeshya ku bihe byo gutanga ikirego.

RS/INJUST/RCOM 00002/2020/SC; ROAD SOLUTIONS PAVEMENT PRODUCT v MAILCO LTD

Inzitizi yatanzwe mu Nkiko zibanza zikanafatwaho umwanzuro

Mu rubanza rujyanye no gusubirishamo ku mpamvu z'akarengane, inzitizi zatanzwe mu Nkiko zibanza zikanafatwaho umwanzuro, ntizongera kuzamurwa

cyeretse gusa iyo arizo akarengane gashingiyeho – Mu gihe haburanishwa urubanza rwasabiwe gusubirwamo ku mpamvu z'akarengane, ibyo umuburanyi yatsinzwemo ariko akaba atarigeze asaba ko byasuzumwa mu rwego rw'akarengane abinyujije mu nzira ziteganywa n'amategeko, ntibishobora kwakirwa ngo bisuzumwe

Imbibi z'ikiburanwa

Imbibi z'ikiburanwa z'urubanza rwasabiwe gusubirishwamo ku mpamvu z'akarengane – Mu gihe haburanishwa urubanza rwasabiwe gusubirwamo ku mpamvu z'akarengane, ibyo umuburanyi yatsinzwemo ariko akaba atarigeze asaba ko byasuzumwa mu rwego rw'akarengane abinyujije mu nzira ziteganywa n'amategeko, ntibishobora kwakirwa ngo bisuzumwe.

RS/REV/INJUST/RC 00009/2017/CS; NIYIGABA v NYIRARUKUNDO N'UNDI

Impamvu yateye akarengane

Urubanza rudashobora kurangizwa – Kuba hari kopi ebyiri zirimo ibyemezo bivuguruzanya mu rubanza rumwe ni impamvu y'akarengane gashingiye ku kuba urubanza rudashobora kurangizwa.

Gusuzuma ikirego mu mizi

Gusuzuma amakosa urukiko rwaba rwarakoze mu kutakira ubujurire bwa kabiri, niko gusuzuma ikirego mu mizi – Urukiko ntirushobora gusuzuma akaregane kavugwa mu rubanza rubanziriza urutarakiriwe mu bujurire bwa kabiri igihe nta karengane kari mu kutakira ubwo bujurire.

RS/INJUST/RC 00019/2018/SC; MUKARUGWIZA v NZAMUGURA N'ABANDI

Kubanza kwiyambaza inzira z'ubujurire zisanzwe n'iz'idasanzwe

Umuburanyi wibujije izindi nzira z'ubujurire zisanzwe n'izidasanzwe, ntiyemerewe gusubirishamo urubanza ku mpamvu z'akarengane.

RS/INJUST/RP 00005/2018/SC; UBUSHINJACYAHA v NSENGUMUREMYI N'ABANDI

Kugobokeshwa mu rubanza ku rwego rw'akarengane

Urukiko ruburanisha ikirego cy'akarengane rushobora kugobokesha umuntu wese rusanga ari ngombwa mu nyungu zogutanga ubutabera bwuzuye – Ukugobokeshwa mu rubanza ruburanishwa ku rwego rw'akarengane, ntaho kunyuranyije n`amategeko kuko iki kirego ari ikirego gisaba gusubirishamo ku mpamvu z'akarengane urubanza rwaciwe ku rwego rwa nyuma, akaba atari ubujurire busanzwe, kandi mu gihe Urukiko

ruburanisha ikirego cy`akarengane rushobora kugobokesha umuntu wese rusanga ari ngombwa mu nyungu zo gutanga ubutabera bwuzuye

RS/RECUS/RP 00002/2019/SC; Re. GABIRO

Kwihana umucamanza, Gutanga inama ku rubanza, Gufata ibyemezo by'ubuyobozi

Ibyemezo bifatwa mu rwego rwo gusubirishamo urubanza ku mpamvu z’akarengane mbere y’iyandikwa ry’ikirego bigomba gufatwa nk’irengayobora, bityo abafashe ibyemezo by’ubuyobozi ku karengane kavugwa n’umuburanyi ku rubanza rwabaye ndakuka, mbere y’uko ikibazo cye gishyikirizwa Urukiko kikandikwa nk’ikirego ntibibabuza kugira uruhare mu ica ry’imanza z’akarengane.

RS/INJUST/RC 00015/2017/SC; BIZIMANA v UWASE

Kutitaba kwababuranyi

Iyo mu kirego kigamije gusubirishamo urubanza ku mpamvu z’akarengane, nta muburanyi n’umwe witabye nyuma y’imihango yose y’ihamagara iteganywa n’itegeko, nk’uko bigenda mu nzira zindi z’imiburanishirize y’imanza, Urukiko rushobora kwimurira urubanza ku wundi munsi, cyangwa gusiba urubanza mu gihe bigaragarira urukiko ko ababuranyi badafite inyungu yo gukurikirana urubanza rwabo.

RS/REV/INJUST/CIV 0023/16/CS, RUTABAYIRO N'ABANDI v MUKAKABANO

Urubanza rushobora gusubirishwamo ku mpamvu z'akarengane

Urubanza rwaciwe ku rwego rwa nyuma – Gusubirishamo urubanza ku mpamvu z'akarengane –Iyo nta kosa Urukiko rwakoze mu kutakira ikirego, urubanza rwajuririrwaga ruba rubaye itegeko akaba ari rwo rufatwa nk'urwaciwe ku rwego rwa nyuma, biruhesha uburenganzira bwo kuba rwasubirwamo ku mpamvu z'akarengane.

Kubanza kwiyambaza inzira z'ubujurire zisanzwe n'iz'idasanzwe mu gihe giteganyijwe n'amategeko

Niyo umuburanyi yaba atirengagije inzira z'ubujurire, ariko izo akoze akazikora igihe giteganyijwe n'amategeko cyarenze, ntiyemerewe kwiyambaza inzira yo gusubirishamo urubanza ku mpamvu z'akarengane.

RS/INJUST/RC 00001/2020/SC UZAMUSHAKA v TESIRE

Kutagira icyo usaba kandi utarakurikije ibyo amategeko ateganya mu gusubirishamo urubanza ku mpamvu z'akarengane

Umuburanyi utarasabye ko urubanza rusubirishwamo ku mpamvu z'akarengane, akurikije uburyo n'inzira biteganywan'itegeko, ntashobora kuririra ku kirego cyatanzwe n'uwasubirishijemo urubanza ngo na we asabe ko rwasuzuma ibyo atishimiye muri urwo rubanza rusubirishwamo.

RS/REV/INJUST/CIV0005/14/CS; KAPERE v. IYAMUREMYE; Vol [2017] 2 RLR

Urubanzarwasubirishijwemo ingingo nshya

Ikirego cyo gusubirishamo urubanza ku mpamvu z'akarengane ni inzira y'ubujurire idasanzwe yihariye igamije gukosora amakosa yakozwe mu rubanza rwaciwe ku rwego rwa nyuma, bityo n'urubanza rwaciwe burundu nyuma yo gusubirishwamo ingingo nshya rurebwa n'iyo nzira idasanzwe

RS/INJUST/RC00023/2018/SC; IBYISI v KALISA

Ubujurire

Iyo urubanza rusubirishwamo ku mpamvu z'akarengane ari urubanza rushingiye ku kuba Urukiko rwaranze kwakira ubujurire hirengagijwe amategeko, Urukiko ruburanisha urubanza rwasabiwe gusubirishwamo rusuzuma iyo mpamvu rwasanga ifite ishingiro rugaca urubanza rubanziriza urundi rukemeza ko hirengagijwe amategeko hangwa kwakira ubujurire maze rukemeza ko

iburanisha rikomeza hasuzumwa ingingo z'ubujurire yari yaratanze muri urwo Rukiko.

RS/INJUST/RP 00002/2019/SC; UBUSHINJACYAHA V. HABIMANA

Gusuzuma ikirego mu mizi

Urubanza rutakiriwe mu bujurire bwa kabiri

Gusuzuma ikirego mu mizi – Gusuzuma amakosa urukiko rwaba rwarakoze mu kutakira ubujurire bwa kabiri, niko gusuzuma ikirego mu mizi – Urukiko ntirushobora gusuzuma akaregane kavugwa mu rubanza rubanziriza urutarakiriwe mu bujurire bwa kabiri igihe nta karengane kari mu kutakira ubwo bujurire.

Urubanza rushobora gusubirishwamo ku mpamvu z'akarengane ni urubanza rwafashe icyemezo kirenganya umuburanyi. Mu yandi magambo, urubanza rutakiriwe byafatwa ko rwarenganyije umuburanyi, iyo muri uko kutakirwa kwarwo ariho akarengane gashingiye. Ibyo bivuze ko iyo nta kosa urukiko rwakoze mu kutakira ikirego, urubanza rwajuririrwaga ruba rubaye itegeko bityo akaba ari narwo rufatwa nk'urwaciwe ku rwego rwa nyuma, bikanaruhesha uburenganzira bwo kuba rwasubirwamo ku mpamvu z'akarengane

RLR