KABANGO v. LETA Y’U RWANDA

[Rwanda URUKIKO RW’IKIRENGA– RAD 00001/2019/SC– (Rugege, P.J., Cyanzayire, Rukundakuvuga, J.) 31 Gicurasi 2019]

Amategeko agenga imiburanishirize y’imanza z’ubutegetsi – Urubanza ruregwamo urwego rw’ubutegetsi rwa Leta rutarangije ibyategetswe n ‘urubanza – Minisiteri – Umuyobozi uhamagazwa – Hahamagazwa Minisitiri kuko niwe uhagarariye Minisiteri, agahuza imirimo yose ihakorerwa, akanabazwa ibigenda n’ibitagenda uko bikwiye muri Minisiteri ashinzwe – 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 184

Incamake y’ikibazo: Kabango yareze Leta y’u Rwanda mu Rukiko Rukuru avuga ko yamuvukije uburenganzira ku mutungo utimukanwa ugizwe n’ubutaka hamwe n’ibyo yabukoreyeho. Urukiko Rukuru rwemeje ko ikirego cye gifite ishingiro kuri bimwe maze agenerwa agaciro k’inzu yasize muri iyo sambu n’ indishyi zitandukanye.

Urega ntiyishimiye imikirize y’urubanza maze ajuririra mu Rukiko rw’Ikirenga, rwemeza ko ubujurire bwe bufite ishingiro, rutegeka Leta y’u Rwanda kumuha isambu yavukijwe cyangwa agahabwa agaciro kayo kabazwe hakurikijwe akari ku isoko ubu ngubu. Leta y’u Rwanda yasubirishijemo urubanza ingingo nshya, Urukiko rw’Ikirenga rwemeza ko ikirego kitakiriwe ko imikirize y’urubanza igumyeho.

Urega yongeye gutanga ikirego mu Rukiko rw’Ikirenga, asaba ko Minisitiri w’Ibidukikije ahamagazwa n’Urukiko rukamubaza impamvu atubahiriza icyemezo cyafashwe mu rubanza.

Leta y’u Rwanda yazamuye inzitizi y’ukutakira ikirego ivuga ko harezwe utagombaga kuregwa. Asobanura ko harezwe Minisitiri kandi hagombaga kuregwa Umunyamabanga Uhoraho muri Minisiteri kuko ariwe ushinzwe kwishyura, hakurikijwe ibiteganywa n'Itegeko Ngenga ryerekeye imari n'umutungo bya Leta.

Mu kwiregura, Uregwa avuga ko Umunyamabanga Uhoraho agengwa na Minisitiri, kandi inyandiko zose zikaba zaragiye zandikwa zikanasubizwa na Minisitiri ubwe, akaba atarigeze avuga ko nta bubasha afite.

Urukiko rwasanze inzitizi nta shingiro ifite maze urubanza rukomeza mu mizi, Uregwa avuga ko ishyirwa mu bikorwa ry’icyemezo ritagenze neza kubera ko atumvikanye na Minisiteri ku gaciro k’ubutaka agomba gusubizwa, bityo, icyo asaba ari uko Minisiteri irangiza urubanza uko rwaciwe, kuko kururangiza mu buryo rutaciwemo bagahindura ibyavuzwe n’Urukiko ari ukwanga kururangiza.

Intumwa ya Leta ivuga ko Minisitiri atigeze yanga kurangiza urubanza, ko icyabayeho ari impaka zijyanye n’uburyo urubanza rwarangizwa kuko aho yatsindiye harimo n’igishanga cya Leta, akaba ariyo mpamvu atahawe hegitari zose ukwo zategetswe mu rubanza.

Incamake y’icyemezo: 1**.** Mu rubanza ruregwamo Minisiteri itubahirije ibyategetswe mu rubanza, hahamagazwa Minisitiri kugirango yisobanure ku mpamvu zamubujije kubyubahiriza.

2. Kuba mu butaka Urukiko rwashatse gusubiza uwareze rwarabariyemo n’umutungo bwite wa Leta (ibishanga) udashobora gutungwa n’umuntu ku giti cye ni imbogamizi Minisiteri yagize mu kurangiza urubanza, bityo ntibyafatwa ko Minisitiri yanze kurangiza urubanza.

Inzitizi nta shingiro ifite.
Ikirego nta shingiro gifite.
Amagarama ahwanye ni byakozwe.

Amategeko yashingiweho:

Itegeko Ngenga Nº 12/2013 ryo kuwa 12/07/2013 ryerekeye imari n'umutungo bya Leta, ingingo ya 3, 11, 18,19, n'iya 21

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 3, n'iya 184

Iteka rya Minisitiri w'Intebe Nº 006/03 ryo ku wa 30/01/2017 rishyiraho urutonde rw'ibishanga, imiterere n'imbibi zabyo

Nta manza zifashishijwe

Urubanza

I IMITERERE Y'URUBANZA

[1] Uru rubanza rwatangiriye mu Rukiko Rukuru, Urugereko rwa Musanze, Kabango Antoine arega Leta y'u Rwanda kuba yaramuvukije uburenganzira ku mutungo utimukanwa ugizwe na hegitari 5 z'ubutaka, kimwe n'ibyo yari yarakoreyeho byose biherereye mu Karere ka Burera, byahawe Diyoseze ya Ruhengeri ubwo yari yarahunze. Urwo Rukiko rwaciye urubanza RAD 002/11/HC/MUS ku wa 04/04/2012, rwemeza ko ikirego cya Kabango Antoine gifite ishingiro kuri bimwe, ko atsindiye agaciro k'inzu yasize muri iyo sambu kangana na 4.529.015 Frw, ko agenewe indishyi z'akababaro zingana na 1.000.000 Frw n'igihembo cya Avoka kingana na 300.000 Frw, yose hamwe akaba 5.829.015 Frw.

[2] Kabango Antoine yajuriye mu Rukiko rw'Ikirenga, urubanza rwandikwa kuri RADA 0019/12/CS, rucibwa ku wa 29/09/2014. Urukiko rwemeje ko ubujurire bwa Kabango Antoine bufite ishingiro, rutegeka Leta y'u Rwanda kumuha isambu yavukijwe cyangwa agahabwa agaciro kayo kabazwe hakurikijwe akari ku isoko ubu ngubu. Rwategetse nanone Leta y'u Rwanda guha Kabango Antoine 7.329.015 Frw agizwe na 4.529.015 Frw y'agaciro k'inzu yari kuri ubwo butaka, 2.000.000 Frw y'indishyi z'akababaro, na 800.000 Frw akubiyemo ay'igihembo cya Avoka n'ay'ikurikiranarubanza.

[3] Leta y'u Rwanda yasubirishijemo urubanza ingingo nshya, urubanza rwandikwa kuri RS/REV/AD 0004/15/CS, rucibwa ku wa 22/09/2017. Urukiko rwemeje ko ikirego kitakiriwe, imikirize y'urubanza RADA 0019/12/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 26/09/2014 igumaho.

[4] Kabango Antoine yongeye gutanga ikirego mu Rukiko rw'Ikirenga ku wa 05/03/2019, asaba kubaza Minisitiri w'Ibidukikije impamvu atubahiriza icyemezo cyafashwe mu rubanza RADA 0019/12/CS rwaciwe ku wa 26/09/2014[1].

[1] Ashingira ku ngingo ya 184 y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 rya PCCSA iteganya ko ikirego kireba umuyobozi wanze kubahiriza ibyategetswe mu rubanza, gitangwa mu buryo bw'inyandiko nsobanurakirego itanzwe n'umuburanyi umwe

[5] Iburanisha ry'urubanza ryashyizwe ku wa 14/05/2019, ribera mu ruhame, Kabango Antoine yitabye kandi yunganiwe na Me Mutembe Protais, naho Leta y'u Rwanda yahamagajwe mu rubanza, ihagarariwe n'Intumwa ya Leta Me Batsinda Aline.

[6] Me Batsinda Aline mu izina rya Leta yavuze ko asanga ikirego cyatanzwe na Kabango Antoine kidakwiye kwakirwa kubera ko yareze uwo atagombaga kurega, iyi nzitizi ikaba ariyo ibanza gusuzumwa n'Urukiko.

II. IBIBAZO BIGIZE URUBANZA N'ISESENGURA RYABYO

1. Kumenya niba Kabango Antoine yarareze uwo atagomba kurega

[7] Me Batsinda Aline uburanira Leta y'u Rwanda avuga ko ikirego cyatanzwe na Kabango Antoine kidakwiye kwakirwa ngo gisuzumwe, kuko yareze uwo atagomba kurega. Asobanura ko Umunyamabanga Uhoraho muri Minisiteri ariwe ushinzwe kwishyura, hakurikijwe ibiteganywa n'ingingo ya 18, igika cya mbere, agace ka 9º n'iya 19 igika cya mbere, agace ka 5º z'Itegeko Ngenga Nº 12/2013 ryo kuwa 12/07/2013 ryerekeye imari n'umutungo bya Leta.

[8] Me Batsinda Aline asobanura kandi ko, kuba ikirego kitagomba kwakirwa kubera ko harezwe utagomba kuregwa, abishingira ku ngingo ya 3 y'Itegeko Nº 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi[2]

[9] Me Mutembe Protais uburanira Kabango Antoine avuga ko iyi nzitizi nta shingiro ifite, kuko Umunyamabanga Uhoraho agengwa na Minisitiri, kandi inyandiko zose zikaba zaragiye zandikwa zikanasubizwa na Minisitiri ubwe, akaba atarigeze avuga ko nta bubasha afite.

UKO URUKIKO RUBIBONA

[10] Intumwa Nkuru ya Leta ivuga ko hari hakwiye kuregwa Umunyamabanga Uhoraho, kuko ariwe ushinzwe gucunga imari n'umutungo. Urukiko rusanga ibyo ataribyo kuko Minisitiri ariwe uhagarariye Minisiteri, agahuza imirimo yose ihakorerwa, akanabazwa ibigenda n'ibitagenda uko bikwiye muri Minisiteri ashinzwe. Ku bijyanye n'imicungire y'imari n'umutungo by'umwihariko, Itegeko Ngenga Nº 12/2013/OL ryo ku wa 12/09/2013 ryerekeye Imari n'Umutungo bya Leta, risobanura neza uruhare rwa Minisitiri mu micungire y'imari n'umutungo.

[11] Ingingo ya 3,21º y' Itegeko Ngenga Nº 12/2013/OL ryo ku wa 12/09/2013 rimaze kuvugwa, isobanura uwitwa umuyobozi w'urwego rwa leta muri iryo Tegeko, ivuga ko ari umuyobozi uhuza imirimo yose y'urwego. Ku bireba Minisiteri, umuyobozi uhuza imirimo yose y'urwego ni Minisitiri nk'uko byavuzwe haruguru. Mu nshingano zihabwa umuyobozi w'urwego ziteganyijwe mu ngingo ya 21 y'Itegeko Ngenga ryavuzwe haruguru, harimo:

- Gutanga imirongo ya ngombwa ku byihutirwa bigomba guhabwa amafaranga mu mitegurire y'ingengo y'imari y'urwego ruri mu nshingano ze;
- Gutanga imirongo ngenderwaho mu kongera kugena ibyihutirwa mu ngengo y'imari bibaye ngombwa;

[22] Iyo ngingo igira iti: Ikirego cyakirwa mu rukiko iyo urega afite ububasha, inyungu n'ubushobozi byo kurega, keretse igihe itegeko ribiteganya ukundi.

- gukurikirana ikoreshwa ry'amafaranga ya Leta n'imicungire y'umutungo ufitwe n'inzego za Leta ziri mu nshingano ze;
- Guha umuyobozi mukuru ushinzwe gucunga imari ya leta[3] inama zerekeye ikoreshwa ry'amafaranga ya Leta.

[12] Hakurikijwe inshingano zimaze kuvugwa zihabwa Minisitiri nk' umuyobozi w'urwego, Urukiko rusanga afite uruhare rugaragara ku bijyanye n'imicungire y'imari n'umutungo; ndetse n'ibyo Umunyamabanga Uhoraho akora, akaba ariwe ubimuyoboramo. Ibyo binashimangirwa no kuba, igihe Inteko Ishinga Amategeko, Umutwe w'abadepite, ikeneye gusobanuza ibirebana na politiki, gahunda n'imikoreshereze y'ingengo y'imari ya Minisiteri, ihamagara Minisitiri n'Umunyamabanga Uhoraho nk'uko biteganyijwe mu ngingo ya 11, igika cya 4, y'Itegeko Ngenga Nº 12/2013/OL ryo ku wa 12/09/2013 ryavuzwe haruguru. Urukiko rusanga kandi, uruhare rwa Minisitiri rugaragarira mu mabaruwa yagiye yandika ku bijyanye n'irangizwa ry'urubanza ruvugwa mu kirego.

[13] Urukiko rurasanga, hashingiwe ku bisobanuro bimaze gutangwa, Umunyamabanga Uhoraho atariwe uregwa mu mwanya wa Minisitiri kugirango asobanure impamvu atashyize mu bikorwa icyemezo cy'Urukiko. Urukiko rurasanga rero inzitizi yatanzwe n'Intumwa ya Leta nta shingiro ifite.

2. **Kumenya niba Minisitiri w'Ibidukikije yaranze kubahiriza ibyategetswe mu rubanza, ku buryo yabibazwa hashingiwe ku biteganywa n'ingingo ya 184 y'Itegeko Nº 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi**

[14] Me Mutembe Protais wunganira Kabango Antoine avuga ko icyo asaba ari uko Minisiteri irangiza urubanza uko rwaciwe, kuko kururangiza mu buryo rutaciwemo bagahindura ibyavuzwe n'Urukiko ari ukwanga kururangiza.

[15] Kabango Antoine avuga ko ishyirwa mu bikorwa ry'icyemezo ritagenze neza kubera ko atumvikanye na Minisiteri y'Ibidukikije ku gaciro k'ubutaka agomba gusubizwa, aho we yavugaga ko ubutaka bufite agaciro ka 78.150.000 Frw, ashingiye ku igenegaciro yakoresheje; naho Minisiteri ikavuga ko agomba guhabwa 45.891.640 Frw ahwanye n'agaciro k'ubutaka bungana na hegitari 3,8037 (metero kare imwe ibariwe kuri 1.206,5Frw). Ikindi batumvikanyeho ni uko igenagaciro ryakozwe na Minisiteri ryerekana ko ubutaka bwe bungana na hegitari 3,8037, kandi urukiko rwaremeje ko bufite hegitari 5.

[16] Avuga ko icyo urubanza RADA 0019/12/CS rwemeje kigaragara neza muri "dispositif" yarwo mu gika cya 14, ahasabwa gukurikiza ibyavuzwe mu gika cya 12 bikurikira: "ibyo bigakorwa hashingiwe ku gaciro k'ubutaka (5 ha) n'inzu…, akaba akwiye gusubizwa isambu ye, cyangwa akagenerwa agaciro k'iyo sambu kabazwe hakurikijwe akari ku isoko ubu ngubu…". Avuga kandi ko yubahirije ibyasabwe n'Urukiko, akagaragaza agaciro ka hegitari 5 z'ubutaka hakurikijwe akari ku isoko, ashingiye kuri raporo y'Umugenagaciro yakozwe mu kwezi kwa 2/2015, ikerekana agaciro kangana na 78.150.000 Frw.

[17] Me Mutembe Protais avuga ko Minisiteri itagomba kurangiza urubanza ishingiye ku nyigo yikoreshereje ubwayo, kubera ko inyuranyije na "*dispositif*" yarwo, keretse ibanje gutanga ikindi

[3] Ingingo ya 18,9º y' Itegeko Ngenga Nº 12/2013/OL ryo ku wa 12/09/2013 ryerekeye Imari n'Umutungo bya Leta, iteganya ko umuyobozi mukuru ushinzwe gucunga imari ya leta muri Minisiteri ari Umunyamabanga Uhoraho.

kirego, urukiko rukaba ari rwo ruhindura ibyemejwe mbere. Avuga ko nta mpamvu n'imwe yatuma icyemezo cy'urukiko kitarangizwa uko cyafashwe.

[18] Me Batsinda Aline avuga ko Minisitiri atigeze yanga kurangiza urubanza, ko icyabayeho ari impaka zijyanye n'uburyo urubanza rwarangizwa. Avuga ko ikigaragaza ko Minisitiri atanze kurangiza urubanza, ari uko hari amafaranga yishyuwe binyuze kuri konti ya Kabango Antoine, hagendewe ku igenagaciro ryakoreshejwe na Minisiteri. Avuga kandi ko igenagaciro Kabango Antoine ashingiraho atariryo ryagombye kurebwa, kuko ritigeze ryemezwa n'Urukiko. Akomeza avuga ko nta mpamvu ihari yo kongera gutanga ikirego gishya mu gihe Kabango Antoine ubwe yahamagawe akabwirwa ibijyanye n'igenagaciro ryakozwe akaryemera, ndetse n' amafaranga akayemera kuko ariwe witangiye konti ye.

[19] Me Batsinda Aline avuga na none ko aho Kabango Antoine yatsindiye harimo n'igishanga cya Leta, akaba ariyo mpamvu atahawe hegitari 5. Avuga ko Minisiteri yasanze ubutaka bwa Kabango Antoine bufite hegitari 3.8067, ahandi akaba ari igishanga cya Kabaya-Kilimbi kiri ku rutonde rw'ibishanga rugenwa n'Iteka rya Minisitiri w'Intebe N° 006/03 ryo ku wa 30/01/2017 rishyiraho urutonde rw'ibishanga, imiterere n'imbibi zabyo, rikanagena uburyo ubwo butaka bukoreshwa.

[20] Me Mutembe Protais avuga ko ibyo Me Batsinda Aline aburanisha by'uko habayeho ubwumvikane ataribyo, kuko Kabango Antoine atigeze agirana ibiganiro na Minisiteri y'Ibidukikije, ngo yemere guhabwa 45.000.000 Frw.

UKO URUKIKO RUBIBONA

[21] Ingingo ya 184 y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, iteganya ko umuyobozi wanze kubahiriza ibyategetswe mu rubanza ashobora guhamagarwa mu rukiko rwafashe icyemezo kugirango yisobanure ku mpamvu zamubujije kubyubahiriza.

[22] Iyi ngingo yashingiweho na Kabango Antoine atanga ikirego, yakoreshwa mu gihe hari umuyobozi wanze kurangiza urubanza, atabigaragariza impamvu, bikaba ngombwa ko umuburanyi yiyambaza urukiko kugirango rusobanuze uwo muyobozi impamvu zituma atarangiza urubanza, rukaba rwamugenera n'igihano igihe rusanze impamvu atanga zidafite ishingiro.

[23] Nyamara nk'uko bigaragara, Minisitiri w'ibidukikije ntiyanze kurangiza urubanza ahubwo Minisiteri ayobora yagize imbogamizi zishingiye ku kuba mu butaka Urukiko rwashatse gusubiza Kabango, rwarabariyemo n'umutungo bwite wa Leta (ibishanga)[4] udashobora gutungwa n'umuntu ku giti cye nk'uko byasobanuwe mu ibaruwa nimero 0611/16.01 yo ku wa 09/05/2019[5]. Ibi Urukiko rw'Ikirenga rusanga bidatandukanye no kuba Urukiko rwagenera

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[4] Iteka rya Minisitiri w'Intebe No 006/03 ryo ku wa 30/01/2017.

[5] Muri iyo baruwa, Umunyamabanga Uhoraho muri Minisiteri y'Ibidukikije yamenyeshaga Minisiti w'Ubutabera /Intumwa Nkuru ya Leta imbogamizi bahuye nazo mu kurangiza urubanza. Avuga ko muri izo mbogamizi harimo kuba Urukiko rwarashingiye ku buso bw'ubutaka bwaburanywe bungana na hegitari 5, ariko ntirugene agaciro kabwo, bigatuma buri muburanyi akoresha igenagaciro rye ritandukanye n'iry'undi; no kuba hatarumvikanywe ku buso bw'ubutaka bubarirwaho. Iyi baruwa isobanura ko hegitari 5 zivugwa mu rubanza, ari nazo Kabango Antoine ashingiraho igenagaciro yatanze, zibariyemo ubutaka bw'igishanga cya Kabaya- Kilimbi

umuburanyi umutungo ukubiyemo uw'undi muntu utari mu rubanza hanyuma agatsimbarara ko agomba kuwuhabwa ngo kuko Urukiko rwabitegetse.

[24] Urukiko rusanga hari ibimenyetso byinshi bigaragaza ko Minisiteri y'Ibidukikije yagerageje kureba uko yarangiza urubanza. Muri byo harimo:

- Ibaruwa nimero 0134/16.01 yo ku wa 07/03/2018, Umunyamabanga Uhoraho muri Minisiteri y'Ubutaka n'Amashyamba yandikiye Kabango Antoine amumenyesha ko Minisiteri yemera kuba imwishyuye 7.329.015 Frw yatsindiye mu rubanza RADA 0019/12/CS, akubiyemo ay'agaciro k'inzu yari ku butaka, indishyi z'akababaro, igihembo cya Avoka n'ikurikiranarubanza. Yamumenyesheje kandi ko amafaranga y'agaciro k'ubutaka azayahabwa hamaze kuboneka ibizava mu igenagaciro mvuguruza.

- Ibaruwa nimero 0624/16.03 yo ku wa 01/10/2018, Umunyamabanga Uhoraho muri Minisiteri y'Ubutaka n'Amashyamba yandikiye Kabango Antoine amumenyesha ko amafaranga yagaragajwe n'igenagaciro ryakoreshejwe n'iyo Minisiteri ari 45.891.640 Frw, abariwe kuri hegitari 3.8037 aho kuba eshanu (5), ku gaciro kagezweho k'aho ubutaka buherereye, amusaba nimero ya konti yo kuyashyiraho.

- Ibaruwa nimero 1147/16.01 yo ku wa 04/12/2018, Minisitiri w'Ibidukikije yandikiye Kabango Antoine, asubiramo ibikubiye mu ibaruwa y'Umunyamabanga Uhoraho imaze kuvugwa, yongera kumusaba gutanga nimero ya konti yo gushyiraho amafaranga.

- Ibaruwa nimero 0010/16.03 yo ku wa 04/01/2019, Umunyamabanga Uhoraho muri Minisiteri y'Ibidukikije (yahoze ari iy'Ubutaka n'Amashyamba) yandikiye Kabango Antoine amusaba kuzana n'umugenegaciro we kugirango baganire kuri raporo zakozwe, banarebere hamwe uko ikibazo cyarangira.

- kuba Minisiteri y'ibidukikije yarashyize kuri konti ya Kabango Antoine 7.329.015 Frw ku wa 02/05/2018 na 45.891.640 Frw ku wa 03/04/2019 nk'uko bigaragazwa n'inyandiko Leta ikoresha yishyura (*Payment Order*) zashyikirijwe Urukiko; konti yashyizweho amafaranga ikaba yaratanzwe na Kabango Antoine mu ibaruwa yo ku wa 26/02/2019, yandikiye Minisitiri w'Ibidukikije, asubiza iyo ku wa 04/12/2018.

[25] Urukiko rurasanga ibibazo Kabango Antoine atumvikanaho na Minisiteri y'Ibidukikije mu irangiza ry'urubanza, bitakemuka binyuze mu nzira ziteganywa n'ingingo ya 184 y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryavuzwe haruguru, ahubwo bishobora gukemuka binyuze mu zindi nzira ziteganywa n'amategeko.

[26] Kubera izo mpamvu, Urukiko rurasanga, ikirego cyatanzwe na Kabango Antoine kigamije kubaza Minisitiri w'Ibidukikije impamvu atubahiriza icyemezo cyafashwe mu rubanza RADA 0019/12/CS, nta shingiro gifite.

3. Kumenya niba hari indishyi zagenerwa Leta y'u Rwanda

[27] Me Batsinda Aline avuga ko Kabango Antoine yashoye Leta y'u Rwanda mu manza, kandi azi neza ko yamaze kwishyurwa ku neza no ku bwumvikane; kuba agikomeje imanza bikaba bitera Leta igihombo agomba kwirengera, akabitangira indishyi zo gushorwa mu manza nta mpamvu n'iz'ikurikiranarubanza zingana na 2,000,000 Frw.

[28] Me Mutembe Protais uburanira Kabango Antoine we avuga ko indishyi zisabwa na Leta ari ugushinyagurira uwo aburanira no kumwigirizaho nkana, kuko icyo akurikiranye ari uburenganzira bwe, kandi akaba amaze imyaka irenga 10 akibukurikirana. Avuga ko uwo yunganira atagomba gucibwa indishyi kuko nta n'aho yazikura.

UKO URUKIKO RUBIBONA

[29] Urukiko rurasanga Kabango Antoine yari afite uburenganzira bwo kwiyambaza Urukiko mu gihe yumva hari inyungu ze zabangamiwe, bityo akaba adashobora kuryozwa indishyi zo gushora undi muburanyi mu manza nta mpamvu. Urukiko rurasanga kandi, nta kigaragaza ko hari icyo Leta y'u Rwanda yaba yaratakaje ikurikirana urubanza ku buryo yabihererwa indishyi, cyane ko iburanirwa n'abakozi bahemberwa ako kazi, kandi bakagenerwa n'ibindi bituma bagakora. Urukiko rurasanga rero, indishyi Leta y'u Rwanda isaba z'ikurikiranarubanza no gushorwa mu manza nta mpamvu, zingana na 2.000.000 Frw, itazigenerwa.

III ICYEMEZO CY 'URUKIKO

[30] Rwemeje ko inzitizi yatanzwe na Leta y'u Rwanda idafite ishingiro;

[31] Rwemeje ko ikirego cyatanzwe na Kabango Antoine, nta shingiro gifite;

[32] Rutegetse ko ingwate y'amagarama yatanzwe na Kabango Antoine ihwanye n'ibyakozwe mu rubanza.