

RWANDA / JUDGMENT

DR MUKABATSINDA N'ABANDI v. DR MUKANDOLI KANKWANZI

RS/INJUST/RCOM 00009/2024/SC

COURT

Supreme Court

DECIDED

9 May 2025

CASE / FILE NUMBER

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DR MUKABATSINDA N'ABANDI v. DR MUKANDOLI KANKWANZI

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Text

Page 1

DR MUKABATSINDA N'ABANDI v. DR MUKANDOLI KANKWANZI [Rwanda URUKIKO RW'IKIRENGA – RS/INJUST/RCOM 00009/2024/SC (Hitiyaremye, P.J., Cyanzayire na Kazungu, J.) 09 Gicurasi 2025] Amategeko agenga ubukemurampaka – Kugira igihindurwa cyangwa congerwa mu mwanzuro – Urega mu Bukemurampaka yemerewe kuba yagira ibyo ahindura cyangwa yongerwa mu myanzuro, uretse igihe abiyambaje ubukemurampaka babyemeranyijwe ukundi. Amategeko agenga ubukemurampaka – Inshingano y'abakemurampaka – uretse ibibazo bizwi byashyikirijwe abakemurampaka, aba bafite n'ububasha bwo gusuzuma no gukemura ibindi bibazo bahura nabyo kugirango bace urubanza, kabone nubwo amasezerano y'ubukemurampaka ntacyo abivugaho. Incamake y'ikibazo: Dr Mukabatsinda Constance, Dr Munyarugamba Protais, Dr Mudereva Godelieve, Dr Kanimba Vincent na Dr Mukandoli Kankwanzi Alphonsine bashinze sosiyete bakoreramo umurimo wabo w'ubuvuzi, bayita KIGALI CITIZENS POLYCLINIC Ltd; bagiranye kandi amasezerano yanditse agenga uburenganzira bwabo n'inshingano muri KCP, nko ku byerekeye igihembo buri munyamigabane azajya ahembwa cyangwa uburyo bwo gukemura

impaka zaturuka kuri ayo masezerano, bahitamo ubukemurampaka. KCP ntiyahise itangira gukora kubera ko ibikoresho byari bitaraboneka, ariko buri munyamibagane wayo ibyo bikaba bitaramubujije gukora ibiri muri specialite ye. KCP yagiranye amasezerano y'umurimo na Dr Mukandoli Kankwanzi agamije kugira ngo KCP ibone ibigo by'ubwishingizi ikorana nabyo no kugirango abanyamigabane bayo babone ubwishingizi bwo kwivuka (assurance médicale), ariko nyuma aza (Dr Mukandoli Kankwanzi) kuyasesa avuga ko impamvu yayo yarangiye none akaba abona akoreshwa mu zindi nyungu; ko we azakomeza kugengwa n'amasezerano y'abanyamigabane. Ubuyobozi bwa KCP bwamwandikiye ibaruwa bumubwira ko atakiri umukozi wayo, ko azakomeza kuba umunyamigabane wayo, akaba azajya atumirwa mu nama y'Abanyamigabane n'iy'Ubutegetsi, ko kandi azajya abona inyungu akomora ku migabane ye (dividendes). Ibi byatumye Dr Mukandoli Kankwanzi atanga ikirego mu Rukiko rw'Ubucuruza arusaba guhagarika by'agateganyo ibyemezo yafatiye; mu guca urubanza urwo Rukiko rwemeza ko ibyo byemezo bihagaritswe kugera igihe urubanza mu mizi rwo mu Bukemurampaka ruzacirirwa. Inteko y'ubukemurampaka yafashe icyemezo ku kirego cya Dr Mukandoli Kankwanzi, ivuga ko Abaregwa bishe amasezerano y'abanyamigabane ba KCP ; bafatanywa kwishyura Dr Mukandoli Kankwanzi Alphonsine indishyi zihwanye na 10.000.000 Frw bishe amasezerano y'abanyamigabane yo ku wa 06/01/2015; ko ibyemezo byari byarafatiye Dr Mukandoli Kankwanzi Alphonsine byahagaritswe by'agateganyo n'Urukiko rw'Ubucuruza bivanyweho ; ko Abaregwa bafatanywa kwishyura Dr Mukandoli Kankwanzi igihembo cya Avoka kingana na 3.000.000 Frw na 2.350.000 Frw yatanze mu bukemurampaka. Abaregwa (Dr Mukabatsinda na bagenzi be) ntibishimiye icyo cyemezo, bakijuririra mu Rukiko Rukuru rw'Ubucuruza basaba ko kivanwaho kuko cyafashwe mu buryo bunyuranyije

Page 2

n'amategeko, mu gihe Dr Mukandoli Kankwanzi Alphonsine we yavugaga ko cyafashwe mu buryo bukurikije amategeko. Urwo Rukiko rwaciye urubanza rwemeza ko ubujurire nta shingiro bufite, ko icyemezo cyajuririwe kigumye, ko kandi Dr Mukabatsinda Constance, Dr Munyarugamba Protais, Dr Mudereva Godelive na Dr Kanimba Vincent bagomba gufatanywa kwishyura Dr Mukandoli Kankwanzi Alphonsine indishyi zingana na 500.000 Frw y'igihembo cya Avoka. Dr Mukabatsinda na bagenzi be bandikiye Perezida w'Urukiko rw'Ubujurire basaba ko urwo rubanza rusubirwamo ku mpamvu z'akarengane, nawe amaze gusuzuma ubwo busabe, yandikira Perezida w'Urukiko rw'Ikirenga, nawe yemeza ko urwo rubanza rusubirwamo ku mpamvu z'akarengane hasuzumwa ikibazo cyo kumenya niba icyemezo cy'Inteko y'Ubukemurampaka ad hoc N° 001/NC/2023 cyo ku wa 05/07/2023 cyarafashwe mu buryo bunyuranyije n'amategeko hamwe n'ibijyanye n'indishyi. Dr Mukabatsinda na bagenzi be bavugaga ko Dr Mukandoli Kankwanzi Alphonsine yahinduye ikirego cye kuko mu myanzuro y'inyongera ye yongeyemo ibirego bishya bitari bisanzwe mu nyandiko y'ubutumwa, avugaga ko gukora imyanzuro y'inyongera babyemeranyijeho ariko bitavuze guhindura ikirego. Ko ko Inteko y'ubukemurampaka yagombaga gutegura indi nyandiko y'ubutumwa (nshya) impande zose zikayiganiraho zikayumvikanaho, ariko yemeje ko abanyamigabane bane bishe amasezerano ya shareholders' agreement, kandi ibyo bitari biri mu biburanwa byemeranyijweho. Dr Mukandoli Kankwanzi

avuga ko atahinduye ikirego kuko icyo yasabaga mu myanzuro itangiza urubanza kwari ukubahiriza amasezerano bagiranye kuko yabonaga batabikora. Ko kandi ingingo ya 35 y'Itegeko ryerekeye ubukemurampaka abarega baburanisha basanga yarubahirijwe kuko mu nyandiko y'ubutumwa basinye bateganyijemo ko hazakorwa imyanzuro y'inyongera. Abarega kandi bavuga ko Inteko y'ubukemurampaka yavanyeho icyemezo cya KCP kandi yari yavanywe muri dosiye kuko yo itasinye amasezerano y'ubukemurampaka, irangije irakibitirira bibatera igihombo kuko baciwe indishyi, bavuga kandi ko batahawe umwanya wo kwiregura kandi ari uburenganzira bemererwa n'itegeko, bityo basaba ko icyemezo cy'ubukemurampaka kivanwaho. Dr Mukandoli Kankwanzi avuga ko icyemezo cy'Inteko nkemurampaka cyubahirije amategeko kuko cyafashwe ku byemejwe mu nyandiko y'ubutumwa, kandi utarumviswe niwe wagombye kubiregera, naho abarega babonye umwanya wo kuburana kuri byose. Bavuga kandi ko impamvu zituma icyemezo cy'ubukemurampaka kivaho ari izikubiye mu ngingo ya 47 y'Itegeko ryavuzwe haruguru, bakaba basanga Urukiko Rukuru rw'Ubucuruzi rwarasuzumye icyo cyemezo ruyishingiyeho. Incamake y'icyemezo: 1. Urega mu Bukemurampaka yemerewe kuba yagira ibyo ahindura cyangwa yongera mu myanzuro, uretse igihe abiyambaje ubukemurampaka babyemeranyijwe ukundi.

2. Hagendewe ku isesengura ry'ibyumvikanyweho mu masezerano y'ubukemurampaka, uretse ibibazo bizwi byashyikirijwe abakemurampaka, aba bafite n'ububasha bwo gusuzuma no gukemura ibindi bibazo bahura nabyo kugirango bace urubanza, kabone nubwo amasezerano y'ubukemurampaka ntacyo abivugaho.

Page 3

Ikirego nta shingiro gifite. Amategeko yashingiweho: Itegeko No 005/2008 ryo ku wa 14/02/2008 ryerekeye ubukemurampaka n'ubwunzi mu bibazo by'ubucuruzi, ingingo ya 6 n'ya 35. Nta manza zifashishijwe Inyandiko z'abahanga: Jacqueline Linsmeau, *L'arbitrage volontaire en droit privé belge*, Bruxelles, Bruylant, 1991, p.105).

Urubanza I. IMITERERE Y'URUBANZA [1] Ku itariki ya 15/07/2014, Dr Mukabatsinda Constance, Dr Munyarugamba Protais, Dr Mudereva Godelieve, Dr Kanimba Vincent na Dr Mukandoli Kankwanzi Alphonsine bashinze sosiyete bakoreramo umurimo wabo w'ubuvuzi, bayita KIGALI CITIZENS POLYCLINIC Ltd (KCP muri uru rubanza). [2] Ku itariki ya 06/01/2015, aba banyamigabane bagiranye kandi amasezerano yanditse agenga uburenganzira bwabo n'inshingano muri KCP, nko ku byerekeye igihembo buri munyamigabane azajya ahembwa cyangwa uburyo bwo gukemura impaka zaturuka kuri ayo masezerano, aha bakaba barahisemo ubukemurampaka. [3] Abanyamigabane bose bemeranya ko KCP imaze gushingwa itahise ikora kuko itari ifite ibikoresho, bagombye kubishaka binyuze mu nguzanyo ya banki. Hagati aho ariko buri muganga yakoze imirimo yo muri spécialité ye akoresheje uburyo bwariho. [4] Ku matariki ya 30/06/2016 na 01/06/2019, Dr Mukandoli Kankwanzi Alphonsine yagiranye na KCP amasezerano y'umurimo, asobanura ariko ko aya masezerano icyo yari agamije kwari ukugira ngo KCP ibone ibigo by'ubwishingizi ikorana nabyo no kugirango abanyamigabane bayo babone ubwishingizi bwo kwivuza (assurance médicale)¹. [5] Dr Mukandoli Kankwanzi Alphonsine yasheshe amasezerano y'umurimo ye ya nyuma avuga ko impamvu yayo yarangiye none akaba

abona akoreshwa mu zindi nyungu ; yongeyeho ko we azakomeza kugengwa n'amasezerano y'abanyamigabane. Ku wa 27/12/2021, Inama y'Ubutegetsu ya KCP yasuzumye iryo seswa ry'amasezerano y'umurimo, iraryakira hanyuma isaba ubuyobozi bwa KCP gushyira mu bikorwa uwo mwanzuro.

1 Ibaruwa ya Dr Mukandoli Kankwanzi Alphonsine yo ku wa 21/12/2021.

Page 4

[6] Mu ibaruwa yayo yo ku itariki ya 05/01/2022, KCP yamenyesheje Dr Mukandoli Kankwanzi Alphonsine ko atakiri umukozi wayo, iboneraho kumusaba gusubiza ibikoresho byayo byose yakoresheje n'ibindi bintu bya company ; guhagarika gukoresha impapuro cyangwa ibirango bya KCP adahawe uruhushya ; gukora ihererekanyabubasha mu mirimo ye yose yari afite muri KCP ; guhagarika kugaragara nk'umuganga mu nyubako za KCP. Muri icyo baruwa KCP yamumenyesheje ko azakomeza kuba umunyamigabane wayo, akaba azajya atumirwa mu nama y'Abanyamigabane n'iy'Ubutegetsu, ko kandi azajya abona inyungu akomora ku migabane ye (dividendes). [7] Dr Mukandoli Kankwanzi Alphonsine ntabwo yishimiye ibyemezo yafatiwe bikubiye mu ibaruwa yandikiwe na KCP tubonye hejuru, kuko birenze kwakira ubwegure bwe, asanga ahubwo bimuvutsa uburenganzira afite nk'umunyamigabane. Kubera icyo mpamvu yareze KCP mu Rukiko rw'Ubucuruzi asaba guhagarika by'agateganyo ibyo byemezo, ikirego cyandikwa kuri RCOM 00059/2022/TCI. Ku itariki ya 25/01/2022, Urukiko rw'Ubucuruzi rwaciye urwo rubanza, ruhagarika by'agateganyo ibyemezo byamufatiwe kugeza icyihe urubanza mu mizi ruciriwe. Urwo rubanza mu mizi ruvugwa akaba ari urwo Dr Mukandoli Kankwanzi Alphonsine yareze KCP na bagenzi be mu bukemurampaka (07/03/2023)3. [8] Inyandiko y'ubutumwa yakozwe ku wa 16/05/2023, igaragaza ibi bikurikira4:

A. Ibyasabwaga na Dr Mukandoli Kankwanzi Alphonsine: i. Gutegeka abaregwa gufatanywa kumwishyura 255.376.730 Frw aturuka kuri 60% y'umusaruro we kuva mu kwezi kwa 07/2016 kugeza mu kwa 02/2023 ; ii. Gukuraho ibyemezo yafatiwe na KCP bigahagarikwa by'agateganyo n'Urukiko rw'Ubucuruzi ; iii. Igihombo kingana na 72.352.177 Frw yatewe no kudashyira mu bikorwa icyemezo cy'Urukiko cyahagaritse by'agateganyo ibyemezo yafatiwe ; iv. Indishyi zerekeye ikurikiranarubanza n'igihembo cya Avoka.

B. Ibyasabwaga na Dr Mukabatsinda Constance, Dr Munyarugamba Protais, Dr Mudereva Godelieve na Dr Kanimba Vincent : i. Kwemeza ko ingingo ya 5 y'amasezerano y'abanyamigabane inyuranyije n'amategako, bityo ikaba itashingirwaho na Dr Mukandoli Kankwanzi Alphonsine mu gusaba amafaranga atahawe ; ii. Kwemeza ko Dr Mukandoli Kankwanzi Alphonsine yasubiye mu kazi ku buryo ibyo asaba abifite, bityo ko icyemezo yari yarafatiwe na KCP kitakiriho ;

2 RCOM 00059/2022/TC. 3 Inyandiko y'ubutumwa p.8. 4 Inyandiko y'ubutumwa p. 11-13.

Page 5

iii. Kwemeza ko indishyi zo kudashyira mu bikorwa icyemezo cy'Urukiko cyahagaritse by'agateganyo ibyemezo byari byafashwe na KCP nta shingiro zifite kuko zitaregerwa mu bukemurampaka ; iv. Kwemeza ko indishyi zo kudashyira mu bikorwa ihagarikwa ry'agateganyo zikomeza kubarwa nta shingiro bifite ; v. Kwemeza ko indishyi z'ikurikiranarubanza nta shingiro zifite kuko Dr Mukandoli Kankwanzi Alphonsine ariwe wakuruye imanza. [9] Ibibazo byumvikanyweho n'ababuranyi byagombaga gusuzumwa no gusubizwa n'inteko y'ubukemurampaka kugirango ibakiranure ni ibi : 1. Gutegeka abaregwa (mu bukemurampaka) gufatanya kwishyura Dr Mukandoli Kankwanzi Alphonsine 255.376.730 Frw ; gukuraho burundu icyemezo cya KCP kimuhagarika ; 2. Gutegeka abaregwa gufatanya kwishyura Dr Mukandoli Kankwanzi Alphonsine indishyi zingana na 72.352.177 Frw zo kudashyira mu bikorwa icyemezo cy'Urukiko rw'Ubucuruzi gihagarika by'agateganyo ibyemezo yari yafatiwe na KCP, izo ndishyi zigakomeza kubarwa kugeza igihe inteko nkemurampaka iciriye urubanza ; 3. Gutegeka abaregwa gufatanya kwishyura igihembo cya Avoka kingana na 5.000.000 Frw ; 4. Gutegeka Dr Mukandoli Kankwanzi Alphonsine kwishyura abaregwa indishyi zo kubashora mu manza zingana na 20.000.000 Frw hamwe n'igihembo cya Avoka kingana na 6.000.000 Frw. [10] Ku itariki ya 05/07/2023, Inteko y'Ubukemurampaka yaciye urubanza yemeza ko : a. Abaregwa bishe amasezerano y'abanyamigabane ba KCP ; b. Abaregwa bafatanye kwishyura Dr Mukandoli Kankwanzi Alphonsine indishyi zihwanye na 10.000.000 Frw bishe amasezerano y'abanyamigabane yo ku wa 06/01/2015 ; c. Ibyemezo byari byarafatiwe Dr Mukandoli Kankwanzi Alphonsine byahagaritswe by'agateganyo n'Urukiko rw'Ubucuruzi bivanyweho ; d. Abaregwa bafatanye kwishyura Dr Mukandoli Kankwanzi igihembo cya Avoka kingana na 3.000.000 Frw na 2.350.000 Frw yatanze mu bukemurampaka. [11] Dr Mukabatsinda Constance, Dr Munyarugamba Protais, Dr Mudereva na Dr Kanimba Vincent bajuririyemo icyo cyemezo cy'Inteko y'Ubukemurampaka mu Rukiko Rukuru rw'Ubucuruzi, ikirego gihabwa RCOM00026/2023/HCC, basaba ko kivanwaho kuko cyafashwe mu buryo bunyuranyije n'amategeko, mu gihe Dr Mukandoli Kankwanzi Alphonsine we yavugaga ko cyafashwe mu buryo bukurikije amategeko. [12] Ku itariki ya 31/05/2024, Urukiko Rukuru rw'Ubucuruzi rwaciye urubanza rwemeza ko ubujurire nta shingiro bufite, ko icyemezo cyajuririye kigumyeho, ko kandi Dr Mukabatsinda Constance, Dr Munyarugamba Protais, Dr Mudereva Godelive na Dr Kanimba Vincent bagomba

Page 6

gufatanye kwishyura Dr Mukandoli Kankwanzi Alphonsine indishyi zingana na 500.000 Frw y'igihembo cya Avoka. [13] Urukiko rwasobanuye ko ntaho icyemezo cy'ubukemurampaka kinyuranyije n'amategeko, ndetse ko nta kimenyetso abajuriye bagaragaje cyerekana ko ibigikubiyemo byahimbwe n'umukemurampaka. [14] Ku itariki ya 24/06/2024, Dr Mukabatsinda Constance, Dr Munyarugamba Protais, Dr Mudereva Godelive na Dr Kanimba Vincent bandikiye Perezida w'Urukiko rw'Ubujurire basaba gusubirishamo ku mpamvu z'akarengane urubanza RCOM 00026/2023/HCC rwaciye n'Urukiko Rukuru rw'Ubucuruzi. Perezida w'Urukiko rw'Ubujurire yakoreye raporo Perezida w'Urukiko rw'Ikirenga amusaba ko urwo rubanza rwasubirwamo, amaze kuyisuzuma nawe yemeza ko rugomba kongera kuburanishwa,

rwandikwa kuri RS/INJUST/RCOM 00009/2024/SC. [15] Urubanza rwaburanishijwe mu ruhame ku wa 11/03/2025, Dr Mukabatsinda Constance, Dr Munyarugamba Protais, Dr Mudereva Godelieve na Dr Kanimba Vincent bahagarariwe na Me Nsengiyumva Viateur, Me Mukamazimpaka Hilarie na Me Kayigire François ; Dr Mukandoli Kankwanzi Alphonsine yunganiwe na Me Rukangira Emmanuel na Me Buzayire Angèle. [16] Dr Mukandoli Kankwanzi Alphonsine n'abamwunganira batanze inzitizi bavuga ko abarega barengeje ibihe byo gusubirishamo urubanza ku mpamvu z'akarengane kuko icyemezo cy'ubukemurampaka kiregerwa cyafashwe ku wa 05/07/2023. Urukiko rwafatiye mu ntebe icyemezo kuri iyi nzitizi, rwemeza ko idafite ishingiro, ruburanisha urubanza mu mizi hasuzumwa niba icyemezo cy'Inteko y'Ubukemurampaka ad hoc N° 001/NC/2023 cyo ku wa 05/07/2023 cyarafashwe mu buryo bunyuranyije n'amategeko hamwe n'ibijyanye n'indishyi.

II. IBIBAZO BIGIZE URUBANZA N'ISESENGURA RYABYO

1. Kumenya niba icyemezo cy'Inteko y'Ubukemurampaka ad hoc N° 001/NC/2023 cyo ku wa 05/07/2023 cyarafashwe mu buryo bunyuranyije n'amategeko [17] Me Nsengiyumva Viateur, Me Mukamazimpaka Hilarie na Me Kayigire François bahagariye Dr Mukabatsinda Constance na bagenzi be, bavuga ko icyemezo cyaregewe cyafashwe mu buryo bunyuranyije n'amategeko kuko :
 - i. Cyafashwe ku bibazo bitateganyijwe mu masezerano y'ubukemurampaka ; ii. Inteko y'ubukemurampaka yanze gutanga inyandiko y'iburanisha mu bukemurampaka ;

Page 7

iii. Inteko y'ubukemurampaka yashingiye ku kimenyetso cyatanzwe nyuma yo gupfundikira iburanisha hatabaye kuripfundura ngo ababuranyi bose bagire icyo bakivugaho ; iv. Inteko y'ubukemurampaka yafashe icyemezo kireba umuntu utarabaye umuburanyi mu rubanza.

- a) Ku bijyane no kuba icyemezo cyarafashwe ku bibazo bitateganyijwe mu masezerano y'ubukemurampaka [18] Me Nsengiyumva Viateur, Me Mukamazimpaka Hilarie na Me Kayigire François bahagariye Dr Mukabatsinda Constance na bagenzi be bavuga ko Dr Mukandoli Kankwanzi Alphonsine yahinduye ikirego cye kuko mu myanzuro y'inyongera ye yongeyemo ibirego bishya bitari bisanzwe mu nyandiko y'ubutumwa : i. Mu nyandiko y'ubutumwa icya mbere Dr Mukandoli Kankwanzi Alphonsine yasabaga cyari ikijyanye na remuneration ya 60% y'ibyo yinjizaga muri department yo kuvura amenyo, ariko mu myanzuro y'inyongera, byaje byitwa kutubahiriza amasezerano y'abanyamigabane uko yakabaye, abisabira indishyi zingana na 50.000.000 Frw ; ii. Mu nyandiko y'ubutumwa, ikibazo cya 2 cyari ikijyanye no gukuraho burundu icyemezo cya KCP cyo guhagarika uburenganzira butandukanye bwa Dr Mukandoli Kankwanzi Alphonsine muri KCP, ariko mu myanzuro y'inyongera byaje byitwa gukuraho icyemezo cy'abanyamigabane bakaba n'abagize inama y'ubutegetsi ya KCP ; iii. Mu nyandiko y'ubutumwa, ikibazo cya 3 cyari cyerekeranye n'indishyi zatewe no kudashyira mu bikorwa icyemezo cy'Urukiko cyo guhagarika icyemezo cya KCP, gusuzuma indishyi zasabwe no gutegeka abaregwa gusubiza

Dr Mukandoli Kankwanzi Alphonsine amafaranga ye yose nk'umunyamigabane, ariko mu mwanzuro w'inyongera, yavuze ko icyo asaba ari ugutegeka abanyamigabane bane, kumusubiza amafaranga yose yatanze kubera uru rubanza harimo n'ibihembo by'Abavoka yose angana na 10.000.000 Frw. [19] Basobanura ko gukora imyanzuro y'inyongera bari babyemeranyijweho, ariko ko bitavuze guhindura ikirego kuko bibujijwe n'ingingo ya 35 y'Itegeko N° 005/2008 ryo ku wa 14/02/2008 ryerekeye ubukemurampaka n'ubwunzi mu bibazo by'ubucuruzi ndetse n'ingingo ya 6 y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegets. Bavuga kandi ko Inteko y'ubukemurampaka yagombaga gutegura indi nyandiko y'ubutumwa (nshya) impande zose zikayiganiraho zikayumvikanaho, ariko yemeje ko abanyamigabane bane bishe amasezerano ya shareholders' agreement, kandi ibyo bitari biri mu biburanwa byemeranyijweho. [20] Dr Mukandoli Kankwanzi Alphonsine na Me Rukangira Emmanuel na Me Buzayire Angèle bamwunganira bavuga ko batemera ibyo abarega bavuga, ko atahinduye ikirego kuko icyo yasabaga mu myanzuro itangiza urubanza kwari ukubahiriza amasezerano bagiranye kuko yabonaga batabikora. Basobanura ko bumvikanye ko nyuma y'inzitizi yerekeye kuvana mu

Page 8

rubanza KCP, ababuranyi bazakora imyanzuro y'inyongera ku mizi y'urubanza ndetse n'ufite ibindi bimenyetso bimufasha yemerewe kubitanga, ko kandi bose babikoze. Basobanura bavuga kuri bo ingingo ya 35 y'Itegeko ryerekeye ubukemurampaka abarega baburanisha basanga yarubahirijwe kuko mu nyandiko y'ubutumwa basinye bateganyijemo ko hazakorwa imyanzuro y'inyongera. [21] Bavuga ko basaba Urukiko kuzibanda kuri points 67, 31, 73, 75, 79, na 11 za acte de mission, rukareba ibyari byemeranyijweho, ndetse na 96 aho bavuze ko niba nta muburanyi ugira icyo anenga bizafatwa nk'aho ababuranyi bose bemeye ibikubiye muri acte de mission, ndetse rukazareba na point ya 50, 51 na 66 zo mu cyemezo cy'Umukemurampaka. Banasaba Urukiko kuzashingira ku ngingo ya 6 y'Itegeko ryerekeye ubukemurampaka, iteganya ko ufite icyo atishimiye ku migendekere y'ubukemurampaka, afite uburenganzira bwo kubigaragaza, kandi ko iyo atabikoze, bifatwa nk'aho yemeye ibyakozwe byose. Uko Urukiko rubibona [22] Ingingo ya 35, igika cya 2, y'Itegeko No 005/2008 ryo ku wa 14/02/2008 ryerekeye ubukemurampaka n'ubwunzi mu bibazo by'ubucuruzi iteganya ibikurikira: «Uretse igihe abiyambaje ubukemurampaka babyemeranyijweho ukundi, uwiambaje ubukemurampaka wese ashobora guhindura cyangwa kugira ibyo yongerera mu mwanzuro wo gutanga ikirego cye cyangwa mu mwanzuro wo kwiregura, mu gihe cy'isuzumwa ry'ikirego, keretse Inteko y'Abakemurampaka isanze atari byiza kwemera uko guhindura hakurijwe ubukererwe bw'ibihindurwa cyangwa ibyongerwamo». [23] Ingingo ya 6 y'Itegeko No 005/2008 ryo ku wa 14/02/2008 rimaze kuvugwa, iteganya ko «Umwe mu biyambaje ubukemurampaka uzi neza ko hari ingingo muri iri tegeko abiyambaje ubukemurampaka bashobora kwirengagiza, cyangwa se ko hari ibisabwa n'amasezerano y'ubukemurampaka byirengagijwe, ariko we agakomeza ubukemurampaka atagaragaje ibyo anenga hatabayeho gukererwa cyangwa niba hari igihe ntarengwa cyateganyijwe akabigaragaza muri icyo gihe, ubwo afatwa nk'uwaretse uburenganzira

bwe bwo kugaragaza ibyo atemera mu bukemurampaka». [24] Dosiye y'urubanza igaragaza ko mu nyandiko y'ubutumwa abarega muri uru rubanza aribo baregwaga mu Bukemurampaka, bari bemeranyije na Dr Mukandoli Kankwanzi Alphonsine kuzakora imyanzuro y'inyongera nyuma y'uko icyemezo ku nzitizi ijyanye n'uko KCP yava mu rubanza kizaba kimaze gufatwa, kandi mu gihe urubanza mu Bukemurampaka rwaraburanishwaga, abaregwaga ntibigeze bavuga ko hari ibirego bishya byaje, ahubwo babivuga mu gihe cy'ubujurire bw'icyemezo mu Rukiko Rukuru rw'Ubucuruzi. [25] Urukiko rusanga kandi uretse no kuba abaregwaga mu Bukemurampaka bataragaragaje ikibazo cy'uko hari ibyongewe mu myanzuro bavuga ko bihindura ikirego, n'ingingo ya 35 y'Itegeko N° 005/2008 ryo ku wa 14/02/2008 ryavuzwe haruguru, yemerera urega mu Bukemurampaka kuba yagira ibyo ahindura cyangwa yongera mu myanzuro, uretse igihe baba babyemeranyijwe ukundi, nyamara abahagarariye abarega muri uru rubanza ntibigeze bagaragaza niba hari ibyo baba baremeranyijweho ukundi nk'uko iyo ngingo ibiteganyaga byari gutuma Dr Mukandoli Kankwanzi Alphonsine atagira ibyo ahindura cyangwa yongera mu myanzuro ye.

Page 9

- [26] Urukiko rushingiye ku ngingo zavuzwe no ku bisobanoro bimaze gutangwa, rurasanga kuba Dr Mukandoli Kankwanzi Alphonsine yaragize ibyo ahindura cyangwa yongera mu myanzuro ye mu Bukemurampaka bitafatwa nk'aho icyemezo cyafashwe ku bitateganyijwe mu masezerano y'ubukemurampaka, bityo iyi mpamvu y'akarengane ikaba idafite ishingiro.
- b) Ku bijyanye no kudatanga inyandiko y'iburanisha [27] Me Nsengiyumva Viateur, Me Mukamazimpaka Hilarie na Me Kayigire François bahagariye Dr Mukabatsinda Constance na bagenzi be bavuga ko nta nyandikomvugo y'iburanisha yakozwe kuko bayisabye ntibayihabwe, nyamara iteganyijwe n'ingingo ya 77 y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, ko kandi iyi ngingo ari ndemyagihugu ku buryo kubura kwayo ari inenge ikomeye igomba gutuma icyemezo cy'ubukemurampaka kivanwaho. Basoza bavuga ko Urukiko Rukuru rw'Ubucuruzi ntacyo rwashingiyeho mu kuvuga ko icyemezo cyaregowe kirimu imiburanire yabo. [28] Dr Mukandoli Kankwanzi Alphonsine na Me Rukangira Emmanuel na Me Buzayire Angèle bamwunganira bavuga ko mu nyandiko y'ubutumwa bumvikanye uko itumanaho mu rubanza rwabo rizakorwa (communication) yaba hagati y'ababuranyi, yaba hagati yabo n'Inteko y'ubukemurampaka, ko bari gukoresha imeri (e-mail). Basoza bavuga ko gusaba inyandikomvugo y'iburanisha icyemezo cy'ubukemurampaka cyarasohotse ari impitagihe, kuko igihe baburanaga ku nzitizi basabye inyandikomvugo y'iburanisha ryayo barayihabwe. Uko Urukiko rubibona [29] Muri uru rubanza bigaragara ko Dr Mukabatsinda Constance yandikiye Umukemurampaka ku wa 12/06/2023 amusaba ko yabaha inyandiko mvugo y'iburanisha ryo ku wa 31/05/2023 (ku bijyanye n'inzitizi), ariko nta kigaragaza ko Dr Mukabatsinda Constance na bagenzi be bigeze basaba inyandiko mvugo y'iburanisha ryo ku wa 20/06/2023 irebana n'urubanza mu mizi, uretse kubivuga gusa. [30] Urukiko rusanga kuba batarasabye inyandiko mvugo y'iburanisha cyangwa kuba batarayihawe ariko bakaba baramenyeshajwe icyemezo cy'Inteko

y'ubukemurampaka gikubiyemo imiburanire yabo, kandi n'Itegeko No 005/2008 ryo ku wa 14/02/2008 ryerekeye ubukemurampaka n'ubwunzi mu bibazo by'ubucuruzi rikaba ntaho rivuga ibijyanye n'inyandiko mvugo y'iburanisha, kutayisaba kwabo cyangwa kutayihabwa bitanyuranyije n'iryo tegeko, kuko iyi nyandiko mvugo y'iburanisha itari mu mpamvu z'ubujurire ziteganywa n'ingingo ya 475 yaryo, zituma icyemezo cy'umukemurampaka kivanwaho.

5 Ingingo ya 47 y'Itegeko No 005/2008 ryo ku wa 14/02/2008 ryerekeye ubukemurampaka n'ubwunzi mu bibazo by'ubucuruzi, yerekeye impamvu zishingirwaho mu kujurira, iteganya ko «Imyanzuro yafashwe hakoreshejwe ubukemurampaka ishobora kvanwaho n'urukiko ruvugwa mu ngingo ya 8 y'iri tegeko igihe gusa: 1° uwiambaje ubukemurampaka usaba iryo vanwaho atanze ibimenyetso ko: a) uwo bagiranye amasezerano ateganya ubukemurampaka avugwa mu ngingo ya 9 atari abifitiye ubushobozi; cyangwa ayo masezerano nta gaciro afite hakurikijwe itegeko abiyambaje ubukemurampaka bashingiyeho bayakora, cyangwa iyo iryo tegeko ritateganyijwe, hakurikijwe amategeko y'u Rwanda; b) atamenyeshejwe uko bikwiye ishyirwaho ry'umukemurampaka cyangwa imigendekere y'ubukemurampaka, cyangwa ko atashoboye kubona uburyo bwo kwiregura kubera impamvu runaka;

- c) imyanzuro yafashwe ishingiywe ku kibazo kitateganyijwe mu masezerano cyangwa kitari mu ngingo ziteganywa mu

Page 10

- c) Ku bijyanye no gushingira icyemezo ku bimenyetso byatanze nyuma y'ipfundikirwa ry'urubanza hatabaye gupfundura iburanisha [31] Me Nsengiyumva Viateur, Me Mukamazimpaka Hilarie na Me Kayigire François bahagariye Dr Mukabatsinda Constance na bagenzi be bavuga ko Dr Mukandoli yahaye Inteko y'ubukemurampaka inyandikomvugo y'inama y'ubutegetsi ya KCP yo ku itariki ya 27/12/2021 nyuma y'iburanisha, basanga Inteko itari guca urubanza iyishingiyeho itabanje gufungura iburanisha, kugirango ababuranyi bagire icyo babivugaho nk'uko biteganywa n'ingingo ya 75 y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi. [32] Bakomeza basobanura ko iri pfundurwa ryari ngombwa kuko Inteko y'ubukemurampaka ivuga ko yasanze ibaruwa y'Umuyobozi Mukuru wa KCP, ishyira mu bikorwa isezera rya Dr Mukandoli Kankwanzi Alphonsine, yari ikubiyemo ibyemezo birenze ibyafashwe n'Inama y'Ubutegetsi. [33] Dr Mukandoli Kankwanzi Alphonsine, Me Rukangira Emmanuel na Me Buzayire Angèle bamwunganira bavuga ko iyi nyandikomvugo ivugwa atari ikimenyetso gishya yahaye Inteko y'ubukemurampaka, kuko yavuzweho mu iburanisha ryo ku wa 20/06/2023, ko kandi abaregwa bayivuzeho mu myanzuro yabo y'inyongera nabo batanze ku wa 27/06/2023. [34] Basobanura ko ku itariki ya 29/06/2023, yahaye abaregwa imyanzuro ye y'inyongera n'ibimenyetso, ko iyo babona inyungu zabo zibangamiwe nabyo bari kubivuga bakoresheje bwa buryo bw'itumanaho bwumvikanyweho, hashingiwe ku ngingo ya 6 y'Itegeko N° 005/2008 ryo ku wa 14/02/2008 ryerekeye ubukemurampaka n'ubwunzi mu bibazo by'ubucuruzi. [35] Basoba bavuga ko

batumva impamvu abarega bashingira ibirego byabo ku ngingo zitandukanye z'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegets, bavuga ko zaba zitarubahirijwe kandi urubanza rwabo rwari mu bukemurampaka bugengwa n'amategeko yihariye uretse igihe yaba ntacyo ateganya. Uko Urukiko rubibona [36] Ingingo ya 6 y'Itegeko No 005/2008 ryo ku wa 14/02/2008 ryerekeye ubukemurampaka n'ubwunzi mu bibazo by'ubucuruzi, iteganya ko «Umwe mu biyambaje ubukemurampaka uzi neza ko hari ingingo muri iri tegeko abiyambaje ubukemurampaka bashobora kwirengagiza,

masezerano y'ubukemurampaka cyangwa ikubiyemo ibyemezo birenze ibiteganyijwe mu masezerano ku buryo bwo gukiranurwa n'abakemurampaka, nyamara ku buryo, niba imyanzuro y'imikurizwe yerekeranye n'ibibazo byashyikirijwe Inteko y'Abakemurampaka iramutse itandukanyijwe n'ibitarashyikirijwe Inteko, haseswa gusa igice cy'imikurizwe gifata imyanzuro ku bibazo bitashyikirijwe inteko; d) imiterere y'Inteko y'Abakemurampaka cyangwa imiburanishirize bitakurikije amasezerano ababuranyi bagiranye, mu gihe ariko ayo masezerano atanyuranye n'ibiteganywa n'ingingo z'iri tegeko abagiranye amasezerano badashobora kwirengagiza, cyangwa, ayo masezerano abaye adahari, iyo miterere n'imiburanishirize bitarakurikije iri tegeko; 2° urukiko ruramutse rusanze ko : a) ikiburanwa kidashobora gukemurwa hakoreshejwe ubukemurampaka hakurikijwe amategeko y'u Rwanda; b) urubanza rwaciwe runyuranye n'amategeko ndemyagihugu ya Repubulika y'u Rwanda».

Page 11

cyangwa se ko hari ibisabwa n'amasezerano y'ubukemurampaka byirengagijwe, ariko we agakomeza ubukemurampaka atagaragaje ibyo anenga, hatabayeho gukererwa cyangwa niba hari igihe ntarengwa cyateganyijwe akabigaragaza muri icyo gihe, ubwo afatwa nk'uwaretse uburenganzira bwe bwo kugaragaza ibyo atemera mu bukemurampaka». [37] Mu gika cya 96 cy'inyandiko y'ubutumwa, ababuranyi impande zombi bemeranyije ko bemeye kumenyesha ako kanya inteko y'ubukemurampaka ibibazo baba bagize ku bijyanye n'uburyo ubukemurampaka bugenda, ko niba ntakivuzwe ako kanya bizafatwa nk'aho nta kibazo gihari. Mu gika cya 97, urega yamenyesheje ko azatanga imyanzuro y'inyongera n'ibindi bimenyetso cyangwa se ibindi bisobanuro ku mizi y'urubanza (...). [38] Urukiko rusanga mu nyandiko y'ubutumwa, ababuranyi ku mpande zombi baremeranyije ko urega azatanga ibindi bimenyetso, inyandiko bavuga yo ku wa 27/12/2021 ishikirwa muri dosiye n'urega. Rusanga iyo nyandiko imaze kugera muri dosiye nyuma y'iburanisha, Dr Mukabatsinda Constance na bagenzi be batarigeze bagaragaza ko bayifiteho ikibazo, cyangwa ko bifuzwa ko iburanisha rifungurwa mbere y'uko urubanza rucibwa, cyane ko nabo badahakana ko hari ibyo bashyize muri dosiye nyuma y'iburanisha ry'urubanza. [39] Urukiko rushingiye ku ngingo zavuzwe no ku bisobanuro byatanze, rusanga ibyo ababuranyi bakoze babyemeranyijweho kandi abaregwaga bakaba bataragaragaje ko babifiteho ikibazo mbere y'uko icyemezo cy'Umukemurampaka gisomwa, bitafatwa nk'aho icyo cyamezo cyafashwe mu buryo bunyuranyije n'amategeko.

- d) Ku bijyanye no gucirwa urubanza utumviswe [40] Me Nsengiyumva Viateur, Me Mukamazimpaka Hilarie na Me Kayigire François bahagariye Dr Mukabatsinda Constance na bagenzi be, bavuga ko Inteko y'ubukemurampaka yavanyeho icyemezo cya KCP kandi yari yavanywe muri dosiye kuko yo itasinye amasezerano y'ubukemurampaka, irangije irakibitirira bibatera igihombo kuko baciwe indishyi. [41] Basobanura ko uburenganzira bwabo bwo kwiregura buteganywa n'ingingo ya 13 y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi butubahirijwe; ndetse n'ingingo ya 47, 1°, c) na 47, 2°, b) y'Itegeko N° 005/2008 ryo ku wa 14/02/2008 ryerekeye ubukemurampaka n'ubwunzi, iteganya ko icyemezo cy'ubukemurampaka gishobora kuvanwaho iyo cyafashwe ku kibazo kitateganyijwe mu masezerano y'ubukemurampaka cyangwa se kitari mu bibazo abayagiranye bateganyaga ko bizakemurwa nabwo, n'igihe icyemezo cy'ubukemurampaka kinyuranye n'amategeko ndemyagihugu, itubahirijwe. [42] Dr Mukandoli Kankwanzi Alphonsine na Me Rukangira Emmanuel na Me Buzayire Angèle bamwunganira bavuga ko icyemezo cy'Inteko nkemurampaka cyubahirije amategeko kuko cyafashwe ku byemejwe mu nyandiko y'ubutumwa, kandi utarumviswe niwe wagombye kubiregera, naho abarega babonye umwanya wo kuburana kuri byose.

6 Icyemezo ku nzitizi y'iburabubasha yatanze n'uregwa wa mbere, cyo ku wa 07/06/2023.

Page 12

- [43] Basoje bavuga ko impamvu zituma icyemezo cy'ubukemurampaka kivaho ari izikubiye mu ngingo ya 47 y'Itegeko ryavuzwe haruguru, bakaba basanga Urukiko Rukuru rw'Ubucuruzi rwarasuzumye icyo cyemezo ruyishingiyeho. Uko Urukiko rubibona [44] Dosiye y'urubanza igaragaza ko Dr Mukandoli Kankwanzi Alphonsine, nk'umwe mu banyamigabane ba KCP ndetse akaba n'umwe mu bagize Inama y'Ubutegetsi yayo, yari yaragiranye nayo amasezerano y'umurimo ku wa 01/06/2019, maze ku wa 21/12/2021 yandika ibaruwa ayasesa; ku wa 27/12/2021, Inama y'Ubutegetsi ya KCP yemera ubwegure bwe, isaba ubuyobozi bwayo gushyira mu bikorwa icyo cyemezo; ku wa 05/01/2022, KCP ihagarariwe na Dr Mukabatsinda Constance yandikira Dr Mukandoli Kankwanzi Alphonsine imumenyesha ko atakiri umukozi wayo inamusaba gusubiza ibikoresho yakorehaga mu murimo we; kutazongera gukoresha ibintu biriho ibiranga KCP atabihereye uburenganzira; gutegura ihererekanyabubasha mu mirimo yose yari ashinzwe muri KCP no kutazongera kugaragara mu nyubako ya KCP nk'umuganga atabihereye uburenganzira. [45] Urukiko rusanga mu bibazo Inteko y'Ubukemurampaka yagombaga gukemura harimo no kuvanaho burundu ibi byemezo, nk'uko bigaragara mu nyandiko y'ubutumwa igika cya 81, kandi impande zose zarabisinyiye. Byongeye kandi abarega muri uru rubanza bagize umwanya wo kubyisobanuraho. Ndetse niyo iki kibazo kitaza guteganywa mu nyandiko y'ubutumwa, Urukiko ruributsa ibyandikwa n'impuguke mu Bukemurampaka, urugero Jacqueline Linsmeau, uvuga ko hagendewe ku isesengura ry'ibyumvikanyweho [mu masezerano y'ubukemurampaka], uretse ibibazo bizwi byashyikirijwe abakemurampaka, aba bafite n'ububasha bwo gusuzuma no gukemura ibindi bibazo bahura nabyo kugirango bace

urubanza, kabone nubwo amasezerano y'ubukemurampaka ntacyo abivugaho⁷. Bityo, Urukiko rukaba rusanga impamvu isuzumwa aha itahabwa ishingiro. Umwanzuro rusange [46] Urukiko rushingiye ku ngingo z'amategeko zavuzwe haruguru no ku bisobanuro byatanzwe, rusanga icyemezo cy'Umukemurampaka ad hoc N°001/NC/2023 cyo ku wa 05/07/2023 ntaho kinyuranyije n'amategeko, bityo hakaba nta karengane kari mu rubanza No RCOM 00026/2023/HCC rwaciwe n'Urukiko Rukuru rw'Ubucuruzi ku wa 31/05/2024.

2. Kumenya ishingiro ry'indishyi zisabwa muri uru rubanza [47] Me Nsengiyumva Viateur, Me Mukamazimpaka Hilarie na Me Kayigire François bahagariye Dr Mukabatsinda Constance na bagenzi be bavuga ko mugenzi wabo Dr Mukandoli yabasiragije mu nkiko bakaba babisabira indishyi z'akababaro zingana na 20.000.000Frw, ko izi ndishyi zisimbura 10.000.000 Frw z'igihombo bari basabye mbere.

7 « Il faut admettre, par interprétation de la volonté des parties, qu'en plus des questions qui leur sont expressément posées, les arbitres ont le pouvoir, même dans le silence du compromis, de résoudre toutes celles qui sont indispensables pour la solution du litige » (Jacqueline Linsmeau, L'arbitrage volontaire en droit privé belge, Bruxelles, Bruylant, 1991, p.105).

Page 13

- [48] Basaba kandi : 6.000.000 Frw y'igihembo cy'Abavoka (2.000.000 Frw kuri buri mu Avoka); 2.000.000 Frw y'ikurikiranarubanza; indishyi z'akababaro zingana na 20.000.000 Frw; 2.195.000 Frw batanze mu bukemurampaka; gutegeka uregwa kubasubiza amafaranga angana na 5.939.190 Frw bari bamuhaye barangiza urubanza. [49] Basaza bavuga ko indishyi n'andi mafaranga babisabye hashingiwe ku ngingo za 9 na 111 y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi n'ingingo ya 34 y'amabwiriza agenga ibihembo mbonera by'abavoka. [50] Dr Mukandoli Kankwanzi Alphonsine, Me Rukangira Emmanuel na Me Buzayire Angèle bamwunganira bavuga ko indishyi zose zisabwa n'abasubirishijemo urubanza ku mpamvu z'akarengane nta shingiro zikwiye guhabwa. Bakavuga ko hashingiwe ku ngingo ya 111 y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, asaba Urukiko guteka abarega bose kwishyura amafaranga y'igihembo cy'Avoka angana na 5.000.000 Frw na 10.000.000 Frw yo guhora asiragizwa mu manza ku maherere. Uko Urukiko rubibona [51] Urukiko rusanga indishyi Dr Mukabatsinda Constance na bagenzi be basaba ntazo bahabwa kuko batsindwa urubanza. [52] Ku birebana n'amafaranga y'igihembo cy'Avoka asabwa na Dr Mukandoli Kankwanzi Alphonsine kuri uru rwego, Urukiko rurasanga agomba kuyahabwa kuko ariwe utsinda urubanza kandi akaba yaraburanye yunganiwe n'Abavoka, ariko kuko ayo yaka ari menshi, mu bushishozi bw'Urukiko akaba agenewe 500.000 Frw. [53] Ku bijyanye n'indishyi zo gusiragizwa mu manza ku maherere Dr Mukandoli Kankwanzi Alphonsine asaba, Urukiko rusanga atagomba kuzigenerwa kuko abarega bari bakurikiranye ibyo babonaga ari uburenganzira bwabo.

III. ICYEMEZO CY'URUKIKO [54] Rwemeje ko ikirego cya Dr Mukabatsinda Constance, Dr Munyarugamba Protais, Dr Mudereva Godelieve na Dr Kanimba Vincent gisaba gusubirishamo ku mpamvu z'akarengane urubanza RCOM 00026/2023/HCC, rwaciwe n'Urukiko Rukuru rw'Ubucuruzi ku wa 31/05/2024, nta shingiro gifite ; [55] Rwemeje ko hagumyeho imikirize y'urubanza RCOM 00026/2023/HCC, rwaciwe n'Urukiko Rukuru rw'Ubucuruzi ku wa 31/05/2024 ; [56] Rutegetse Dr Mukabatsinda Constance, Dr Munyarugamba Protais, Dr Mudereva Godelieve na Dr Kanimba Vincent gufatanya kwishyura Dr Mukandoli Kankwanzi Alphonsine 500.000 Frw y'igihembo cy'Avoka.

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