

RWANDA / JUDGMENT

SANLAM v NYIRIGIRA

RCA 00159/2021/HC/KIG

COURT

High Court

DECIDED

17 January 2023

CASE / FILE NUMBER

RCA 00159/2021/HC/KIG

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SANLAM v NYIRIGIRA

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- Date: 2023-01-17
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Text

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SANLAM v NYIRIGIRA [Rwanda URUKIKO RUKURU – RCA 00159/2021/HC/KIG (Karangwa, P.J.) 17 Mutarama 2023] Amategeko y’imanza mbonezamubano – Imanza zikomoka ku mpanuka – Indishyi – Indishyi z’ibangamiraburambe ku muntu uri mu kiruhuko cy’iz’abukuru - Kuba umuntu asanzwe akora, bisobanuye ko aba afite umurimo uzwi asanzwe akora kandi agaragariza ibimenyetso. Kuba rero umuntu ari mu kiruhuko cy’izabukuru, ntiyafatwa nk’usanzwe akora. Incamake y’ikibazo: Nyirimana avuga ko ubwo yari ari I Nyamirambo yambuka umuhanda moto ifite ubwishingizi bwa SANLAM Ag Ltd yamugonze, iyo mpanuka imusigira ubumuga bungana na 34%. Avuga ko yasabye SANLAM Ag Ltd ko bakumvikana ku ndishyi ariko ntibyashoboka ahitamo kuregera urukiko ngo rumugenere indishyi z’akababaro, iz’imbarangamira buranga, iz’ibangamira ry’uburambe mu kazi, iz’ubumuga bw’igihe gito, n’amafaranga yo kwivuza butuma aregera Urukiko. Urukiko Rwisumbuye rwa Nyarugenge rwakiriye icyo kirego rutegeka uregwa kwishyura Nyirigira indishyi zitandukanye. Uregwa ntiyishimiye imikirize y’urubanza arujuririra mu Rukiko rukuru avuga ko urukiko rwatanze indishyi z’ibangamira ry’uburambe mu kazi kandi bo basanga zitari zikwiye gutangwa kuko zihabwa umuntu wari ugikora. Urukiko rurukuru rwakiriye ubwo bujuriye hanyuma rusuzuma ingingo zirimo iyo kumenya niba indishyi

z'ibangamiraburambe ku kazi Nyirigira yari kuzihabwa kandi afite imyaka y'ikiruhuko k'izabukuru. SANLAM Ag Ltd ivuga ko urukiko rwatanze indishyi z'ibangamiraburambe ku kazi kandi zitari zikwiye gutangwa, kuko zihabwa umuntu wari ugikora, Nyirigira ngo yarageze muzabukuru kuko afite imyaka 65, bityo akaba atakiri mu kigero cy'abakora, bahabwa izo ndishyi. Nyirigira we asobanura ko icyo umuntu urengeje imyaka 65 adahabwa ari indishyi mbangamirabukungu gusa, naho izindi ngo ntacyo amategeko yigeze azivugaho. Akomeza avuga ko ari umucuruzi n'ubu agikomeje ubucuruzi akaba asanga urukiko rutarishe amategeko. Incamake y'icyemezo: Kuba umuntu asanzwe akora, bisobanuye ko aba afite umurimo uzwi asanzwe akora kandi agaragariza ibimenyetso. Kuba rero umuntu ari mukiruhuko cy'izabukuru, ntiyafatwa nk'usanzwe akora. Na none kandi indishyi z'ibangamira burambe mu kazi zirimo ibice bibiri: ikirebana n'uwatakaje amahirwe yari kuzakura ku murimo, n'ikirebana n'utakaza amahirwe ari mu murimo. Umuntu uri mu kiruhuko cy'izabukuru rero, nta gice na kimwe yaba arimo muri ibi bice byombi bibiri. Bityo indishyi Nyirigira yahawe zijyanye n'ibangamira ry'uburambe kandi ari mu kiruhuko cy'izabukuru zivanyweho, ntizigomba kubarirwa muzu agomba guhabwa na Sanlam Ag Plc. Ikirego cy'ubujurire gifite ishingiro ku ngingo imwe; Amafaranga y'indishyi z'ibangamira burambe mu kazi 540.000 frw, Nyirigira yahawe ku rwego rwa mbere avanyweho. Amategeko yashingiweho:

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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 111, 154; Iteka rya Perezida No 31/01 ryo ku wa 25/08/2003 rishyiraho uburyo bwo kwishyura indishyi ku bubabare bw'umubiri buturutse ku mpanuka zitewe n'ibinyabiziga, ingingo ya 13, 19. Nta manza zifashishijwe Inyandiko z'abahanga zifashishijwe: Maître Thibault Lorin, Le préjudice de carrière: Perte de gains professionnels futurs ou incidence professionnelle? Les deux mots capitaines, publié le 21 octobre 2021, sur le cite <https://www.cabinet-avocode.fr/>, consulté le 17/01/2023. Urubanza I.IMITERERERE Y'URUBANZA [1] Urubanza rwatangiriye mu Rukiko Rwisumbuye rwa Nyarugenge, Nyirigira Musa Félicien arega Sanlam indishyi zikomoka ku mpanuka, asobanura ko kuwa 06/05/2017 saa 19h00 ari i Nyamirambo, Moto TVS Victor ifite plaque RC 368Q ifite ubwishingizi muri Soras AG Ltd yahindutse Sanlam Ag Ltd yari itwawe na Dusengumuremyi Donatien wamanukaga ava kuri Stade ya Nyamirambo ageze kuri Cosmos, ubwo yambukiranyaga umuhanda, ngo yaramugonze arakomereka cyane, asigarana ubumuga buhoraho bwa 34% nk'uko inyandiko za muganga zibigaragaza. [2] Yavuze ko yasabye Sanlam Ag Plc ko bakumvikana ku ndishyi ariko ntibyashoboka ahitamo kuregera urukiko ngo rumugenere indishyi z'akababaro, iz'imbangamira buranga, iz'ibangamira ry'uburambe mu kazi, iz'ubumuga bw'igihe gito, amafaranga yo kwivuka angana 1,829,594, ay'urugendo 1,156,000 frw, ay'amafunguro 700,000 frw, ayaguzwe dossier n'ibyemezo bitandukanye byasabwe n'umwishingizi w'ikinyabiziga 7,200 frw, ay'ikurikiranarubanza 1,000,000 frw hamwe n'igihembo cya Avoka kingana na 20% y'agaciro k'amafaranga yose aregerwa; [3] Sanlam AG PLC yireguye ivuga ko uregera indishyi yagize amananiza yumva ko ibyo asaba byose yabihabwa yirengagiza ko mu bwumvikane buri ruhande rugira icyo rwigomwa, akomeza gutsimbarara kuri SMIG ya

3000frw n'iminsi 30 mu gihe Sanlam AG PLC yo yemega kumubarira kuri SMIG ya 2500 frw n'iminsi 26, ndetse akaba arinabyo isaba ko bishingirwaho mu kubara indishyi. Naho indishyi z'ibangamira buranga ko ntazo akwiye guhabwa kuko nta kicio ubumuga bwe burimo yagaragaje, indishyi mbangamira burambe ku kazi nazo ko atazihabwa kuko atari akiriki mu kigero cy'abakora (age actif) kuko yari afite imyaka 65 y'amavuko, nta mwuga (carriere) iyo mpanuka yabangamiye ngo abe yarahagaritse kubwayo, ko indishyi z'ubumuga bw'igihe gito nta shingiro ryazo kuko atakiri mu myaka y'abakora, akaba ntacyo agaragaza zaba zishingiyeho kuko atagaragaza umushahara we yaba yaratakaje muri icyo gihe cy'impanuka, ko nta declaration za RSSB cyangwa z'umukoresha we ko yavukijwe uwo mushahara ku bw'impanuka, ko amafaranga yo kwivuzza Sanlam AG Plc yemera kwishyura ayagaragarijwe ibimenyetso (factures zatanze na muganga) ko ku bijyanye n'ayo avugaga

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yishyuye abarwaza be, SANLAM isanga nta shingiro afite kuko nta kigaragaza ko abamurwaje yabishyuye (facture ya IBM n'amasezerano bagiranye), ko ku birebana n'amafaranga y'amafunguro nta shingiro yababwira kuko nta gihamba ko yayakoresheje (facture zayo za IBM), ko amafaranga yaguzwe dosiye n'ibyemezo angana 7200frw Sanlam yemera kuyishyura, ko mu mafaranga y'ingendo harimo gukubya urukiko rukaba rwamugenera 50,000frw ajyanye n'ibicio by'ingendo z'icyo gihe. Avugaga kandi ko ku birebana n'igihembo cya Avoka ibisabwa n'urega bitahabwa ishingiriro ahubwo agahabwa amafaranga 500.000. [4] Urukiko Rwisumbuye rwa Nyarugenge rwaciye urubanza rwemera kwakira ikirego cy'indishyi cya Nyirigira Félicien Mussa rugisuzumye rusanga gifite ishingiro; rutegeka Sanlam AG PLC mu izina ry'umuyobozi wayo kwishyura Nyirigira Félicien Mussa indishyi zose hamwe zingana na miliyoni imwe n'ibihumbi magana cyenda na mirongo irindwi na bibiri (1,972,000 frw), rutegeka Sanlam AG PLC mu izina ry'umuyobozi wayo kumwishyura kandi amafaranga ibihumbi magana inani na mirongo inani na birindwi na magana cyenda (887.900 frw); rutegeka Sanlam AG PLC mu izina ry'umuyobozi wayo kumwishyura kandi amafaranga ibihumbi magana atandatu na makumyabiri (620.000Frw) y'igihembo cy'avoka, ikurikiranarubanza n'igarama; rutegeka Sanlam AG PLC mu izina ry'umuyobozi wayo guha Nyirigira Félicien Mussa amafaranga yose hamwe angana na miliyoni ebyiri ibihumbi magana ane na mirongo irindwi n'icyenda n'amafaranga magana cyenda (2.479.900 frw). [5] Kuwa 20/05/2021, uru rubanza rwakosowe n'urubanza RS/RECT/RC 00026/2021/TGI/NYGE rwemeje ko ikirego cya NYIRIGIRA Musa Félicien rugisuzumye rusanga gifite ishingiro; ko hari amakosa y'imyandikire mu rubanza RC 00379/2020/TGI/NYGE rwaciye kuwa 07/05/2021; ko mu gika cya 15 cy'urubanza RC 00379/2020/TGI/NYGE rwaciye kuwa 07/05/2021 ahanditse: Rutegetse SANLAM AG PLC mu izina ry'umuyobozi wayo kwishyura NYIRIGIRA Musa Félicien indishyi zose hamwe zingana na miliyoni imwe n'ibihumbi magana cyenda na mirongo irindwi na bibiri (972.000 frw), hakosowe hakandikwa: Rutegetse SANLAM AG PLC mu izina ry'umuyobozi wayo kwishyura NYIRIGIRA Musa Félicien indishyi zose hamwe zingana n'amafaranga ibihumbi magana cyenda na mirongo irindwi na bibiri (972.000 frw); ko mu gika cya 16 cy'urubanza RC 00379/2020/TGI/NYGE rwaciye kuwa 07/05/2021, ahanditse: Rutegetse SANLAM AG PLC mu izina ry'umuyobozi wayo kwishyura NYIRIGIRA Musa Félicien amafaranga

ibihumbi magana inani na mirongo inani na birindwi na magana cyenda (887.900 frw) hakosowe hakandikwa: Rutegetse SANLAM AG PLC mu izina ry'umuyobozi wayo kwishyura NYIRIGIRA Musa Félicien: 175.900 frw + 8200 frw+680.000 frw+50.000 frw = 914.100 frw (amafaranga ibihumbi magana cyenda na cumi na bine n'ijana); Rwemeje ko mu gika cya 18 cy'urubanza RC 00379/2020/TGI/NYGE rwaciwe kuwa 07/05/2021, ahanditse: Rutegetse SANLAM AG PLC mu izina ry'umuyobozi wayo guha NYIRIGIRA Musa Félicien amafaranga yose hamwe angana na miliyoni ebyiri ibihumbi magana ane na mirongo irindwi n'icyenda n'amafaranga magana cyenda (2.479.900 frw), hakosowe ko hakandikwa: Rutegetse SANLAM AG PLC mu izina ry'umuyobozi wayo guha NYIRIGIRA Musa Félicien amafaranga yose hamwe angana na miliyoni ebyiri ibihumbi magana atanu na bitandatu n'ijana (2.506.100 frw); Rutegetse ko uru rubanza rwuzuza urubanza RC 00379/2020/TGI/NYGE rwaciwe kuwa 07/05/2021. [6] Sanlam AG PLC ntiyishimiye imikuriza y'urubanza ijurira ikirego gihabwa no RCA 00159/2021/HC/KIG.

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[7] Me Kamali uhagarariye Sanlam AG Plc avuga ko uwo ahagarariye yajurijwe nuko mu rubanza rujuririrwa bagaragaje ko amafaranga y'umurwaza adateganyijwe n'itegeko rijyanye n'imyishyuririre y'indishyi zikomoka ku mpanuka zatewe n'ikinyabiziga, bityo k'uruhande rwa Sanlam AG Plc basaba ko ayo mafaranga yishyurwe 680.000, Urukiko Rukuru rwayatesha agaciro rukemeza ko atarakwiye. Ikindi ngo nuko urukiko rwatanze indishyi z'ibangamira ry'uburambe mu kazi kandi bo basanga zitari zikwiye gutangwa, kuko zihabwa umuntu wari ugikora, uwageye indishyi ngo afite imyaka 65, akaba atakiri mu kigero cy'abakora, bityo izo ndishyi ngo ntiya azikwiye. [8] Me Mbonimpaye Elias uhagarariye Nyirigira Félicien Moussa avuga ko izi ndishyi zivugwa ari izaho uwo ahagarariye akorera ubugorarangango "kinesitherapy", icyabayeho nuko urukiko rwibeshye rwandika izina ry'ivuriro ko ariryo ryitwa "kurwaza umurwayi", ntabwo ari indishyi zatanze. Akomeza avuga ko icyo umuntu urengeje imyaka 65 adahabwa ari indishyi mbangamirabukungu gusa, naho izindi ngo ntacyo amategako yigeze azivugaho. Uwo ahagarariye ngo ni umucuruzi n'ubu akomeje ubucuruzi, ngo bakaba basanga urukiko rutarishe amategako, nta cyabuza ko ahabwa indishyi cyokora ngo basanga nizo yagenewe ari nke ugereranyije nizo yari yasabye bakaba basaba ko amafaranga amaze gutanga y'ubugororangingo yayahabwa. Ibibazo byasuzumwe mu rubanza: - Kumenya niba amafaranga yishyurwe 680.000 ari ay'umurwaza no kumenya niba atarakwiye gutangwa; - Kumenya niba indishyi z'ibangamiraburambe ku kazi Nyirigira Félicien Moussa yari kuzihabwa kandi afite imyaka y'ikiruhuko k'izabukuru; - Ibyerekeranye n'ishingiro ry'indishyi zasabwe ku rwego rw'ubujurire; II.ISESENGURA RY'IBIBAZO BIGIZE URUBANZA: A. Kumenya niba amafaranga yishyurwe 680.000 ari ay'umurwaza no kumenya niba atarakwiye gutangwa; [9] Me Kamali uhagarariye Sanlam AG Plc avuga ko uwo ahagarariye yajurijwe nuko mu rubanza rujuririrwa bagaragaje ko amafaranga y'umurwaza adateganyijwe n'itegeko rijyanye n'imyishyuririre y'indishyi zikomoka ku mpanuka zitewe n'ikinyabiziga, ko iby'amasezerano yabaye hagati y'abantu n'abandi urukiko rutabishingiraho ngo rwemeze ko bikwiye gufatwa nk'ukuri, kuko hashobora kubamo fraude, k'uruhande rwa Sanlam AG Plc ngo bakaba basaba ko ayo mafaranga yishyurwe

umurwaza 680.000frw, Urukiko Rukuru rwayatesha agaciro rukemeza ko atarakwiye, kuko ntaho ateganyijwe n'itegeko ndetse akaba ataratangiwe n'ibimenyetso. [10] Me Mbonimpaye Elias uhagarariye Nyirigira Félicien Moussa avuga ko izi ndishyi zivugwa ari izaho uwo ahagarariye akorera ubugorarangiryo, icyabayeho aruko urukiko rwibeshye rwandika izina ry'ivuriro ryitwa “kurwaza umurwayi”, ko izina ry'ivuriro atari indishyi zatanze, kuko izo ndishyijyanye n'amafaranga ya Kinesitherapy. Uko urukiko rubibona:

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- [11] Ingingo ya 13 y'iteka rya Perezida No 31/01 ryo ku wa 25/08/2003 rishyiraho uburyo bwo kwishyura indishyi ku bubabare bw'umubiri buturutse ku mpanuka zitewe n'ibinyabiziga ivuga ko Amafaranga yo kwivuza, yo gushyirwa mu bitaro, yo kugura imiti, yo gutwarwa mu modoka itwara abarwayi, yo kongera kumenyereza umubiri, yo kugorora ingingo, y'ibyuma bikoreshewa, y'insimburangingo n'ay'ingendo zo kujya kwivuza arihwa n'uwateje impanuka cyangwa umwishingizi we, hakurikijwe ibiciro biriho mu Rwanda. Agomba kwishyurwa n'abo bombi, bamaze kubona inzandiko zibihamya, mu kwezi kw'iyakirwa ry'izo nyandiko. [12] Rusanga mu rubanza rujuririrwa mu gika cya cumi na kabiri [12], urukiko rwarasanze mu ndishyi z'ibyakoreshejwe na Nyirigira Félicien Moussa muko agomba gusubizwa hagendewe ku bimenyetso yatanze no mu bushishozi bw'urukiko harimo amafaranga 680.000 yishyurwe abarwaza kuko ariyo yagaragarije ibimenyetso. [13] Rusanga aya mafaranga 680.000 ariyo ajyibwaho impaka aho Sanlam AG Plc ivuga ko yagenewe abarwaza kandi adateganywa n'itegeko naho ku ruhande rwa Nyirigira Félicien Moussa bo bakavugaga ko ayo mafaranga ari ay'ubugororangingo: “kinesitherapy”, naho amafaranga yiswe Kurwaza umurwayi ko byumviswe nabi kuko ayo mafaranga ari ay'ubugororangingo naho “Kurwaza abarwayi” ari izina ry'ivuriro yakoreshegamo Kinesitherapy; [14] Rusanga dosiye igaragaza factures z'amafaranga ya Kine Nyirigira Felicien Moussa yagiye yishyura ku matariki atandukanye, kuri izi factures hagaragara kashi irimo amagambo agira ati: “Ifumba y'ubuzima” ku gice cyo hejuru no “Kurwaza abarwayi”, ku gice cyo hepfo. [15] Rusanga aya mafaranga 680.000 atarishyurwe abarwaza, nkuko urukiko rwabisobanuye ku rwego rwa mbere, ahubwo ayo mafaranga yari ay'ubugororangingo dore ko anayasaba Nyirigira Felicien Moussa yayabariraga mu mafaranga yatanze yivuza. Bityo rero kuba Nyirigira Felicien Moussa agaragaza ko ayo mafaranga yishyurwe ubugororangingo kandi itegeko rikaba ryemera ko atangwa igihe agaragarizwa ibimenyetso agomba kuyasubizwa nk'uko n'urukiko mu rubanza rujuririrwa rwabibonye. B. Kumenya niba indishyi z'ibangamiraburamba ku kazi Nyirigira Felicien Moussa yari kuzihabwa kandi afite imyaka y'ikiruhuko k'izabukuru; [16] Me Kamali uhagarariye Sanlam AG Plc avuga ko uwo ahagarariye yajurijwe nuko mu rubanza rujuririrwa urukiko rwatanze indishyi z'ibangamiraburamba ku kazi kandi bo basanga zitari zikwiye gutangwa, kuko zihabwa umuntu wari ugikora, Nyirigira Felicien Moussa ngo yarageze muzabukuru (passion) kuko afite imyaka 65, bityo akaba atakiri mu kigero cy'abakora, bahabwa izo ndishyi ngo bakaba basaba urukiko rwajuririrwe kuzitesha agaciro. [17] Me Mbonimpaye Elias uhagarariye Nyirigira Félicien Moussa avuga ko batemeranwa na Sanlam Ag Plc kuko icyo umuntu

urengeje imyaka 65 adahabwa ari indishyi mbangamirabukungu gusa, naho izindi ngo ntacyo amategeko yigeze azivugaho. Ikindi ngo nuko uwo ahagarariye ari umucuruzi n'ubu agikomeje ubucuruzi, ngo bakaba basanga urukiko rutarishe amategeko, nta cyabuza ko uwo ahagarariye ahabwa izo ndishyi cyokora ngo basanga nizo yagenewe ari nke ugereranyije nizo yari yasabye.

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Uko urukiko rubibona: [18] Ingingo ya 19 y'iteka rya Perezida No 31/01 ryo ku wa 25/08/2003 rishyiraho uburyo bwo kwishyura indishyi ku bubabare bw'umubiri buturutse ku mpanuka zitewe n'ibinyabiziga ivuga ko Ibangamira ry'uburambe mu gutakaza uburambe mu kazi ku muntu wari usanzwe akora, "soit de la perte de carrière subie par une personne déjà engagé dans la vie active" (...), Ku wa kabiri, ayo mafaranga agarukira gusa ku mezi atandatu y'umusaruro abazwe kandi atarengeje inshuro 30 umushahara w'umwaka muto ntarengwa wemewe n'amategeko. [19] Urukiko rusanga kuba umuntu asanzwe akora "vie active", bisobanuye ko aba afite umurimo uzwi asanzwe akora kandi agaragariza ibimenyetso. Kuba rero umuntu ari mukiruhuko cy'izabukuru uyu muntu ntiyafatwa nk'usanzwe akora "vie active". Na none kandi usanga izi ndishyi z'ibangamira burambe mu kazi « préjudice de carrière », zirimo ibice bibiri, ikirebana n'uwatakaje, amahirwe yari kuzakura ku murimo "la perte de chance de gains professionnels futurs", n'ikirebana n'utakaza amahirwe ari mu murimo "soit via l'incidence professionnelle".² Umuntu uri mu kiruhuko cy'izabukuru rukabona nta gice na kimwe yaba arimo muri ibi bice byombi bibiri. Bityo indishyi Nyirigira Félicien Moussa yahawe zijyanye n'ibangamira ry'uburambe kandi ari mu kiruhuko cy'izabukuru zivanyweho, ntizigomba kubarirwa muho agomba guhabwa na Sanlam Ag Plc. C. Ibyerekeranye n'ishingiro ry'indishyi zasabwe ku rwego rw'ubujurire; [20] Me Mbonimpaye Elias uhagarariye Nyirigira Félicien Moussa avuga ko batanga ubujurire bwuririye ku bundi, bujyanye no gusaba indishyi z'amafaranga yo kwivuza 3,240,000 kuko uwo ahagarariye agikorera ubugororangingo, ibimenyetso byazo ngo akaba ari factures bashyize muri dosiye. Ndetse ngo bakaba basaba ko Urukiko rutegeka Sanlam Ag Plc kumuha indishyi z'akababaro kubera gushorwa mu manza ku maherere zingana n'amafaranga 2,000,000, ay'ikurikiranarubanza angana na 1,000,000 hamwe n'igihembo cy'Avoka kingana n'amafaranga 2,000,000 ku rwego rw'ubujurire. [21] Me Kamali uburanira Sanlam Ag Plc avuga ko ibimenyetso bitatanzwe mu nama ntegururubanza bitahabwa agaciro, kandi urukiko rwasuzuma ubuziranange bwabyo, kuko atari facture za IBM ngo harebwa niba zaratanze n'ivuriro ryemewe, naho indishyi zisabwe ngo urukiko rwabagenera izingana n'amafaranga 300,000. Amafaranga yikurikiranarubanza basaba angana na 1,000,000, ngo basanga nta shingiro yababwira kuko ibyo bajuririrye bifite inshingiro. Ikindi ngo nuko urubanza ruri ku rwego 2, ngo basanga niyo urukiko rwabibona ukundi hatangwa 1/2 k'igihembo cya Avoka kingana na 250,000frw. Uko urukiko rubibona: [22] Ingingo ya 111 y'itegeko No 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi ivuga ko Ikirego 1 Période de, la vie pendant laquelle la majorité du temps est occupée par la vie professionnelle et le travail, in https://fr.wiktionary.org/wiki/vie_active, consulté le 17/01/2023. 2 Maître Thibault Lorin, Le préjudice de carrière: Perte de gains

professionnels futurs ou incidence professionnelle? Les deux mon capitaine, publié le 21 octobre 2021, sur le cite <https://www.cabinet-avocode.fr/>, consulté le 17/01/2023.

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cy'amafaranga y'ikurikiranarubanza ni ikirego gishamikira ku kirego cy'iremezo kigamije kwishyuza ibyakoreshejwe mu rubanza. Ikirego cy'amafaranga y'ikurikiranarubanza kiburanishirizwa rimwe n'ikirego cy'iremezo. Gishobora kandi kwakirwa kikanaburanishwa n'iyo ikirego cy'iremezo cyaba kitakiriwe. [23] Urukiko rushingiye ku ngingo ya 154 y'itegeko No 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi ivuga ko ku rwego rw'ubujurire ntihashobora gutangirwa ikirego gishya keretse kuregera guhwanya imyenda, cyangwa gutanga ikirego cyo kwiregura ku kirego cy'ibanze cyatanzwe mu rukiko rw'ubujurire. icyakora, ababuranyi bashobora kwaka inyungu, ibyishyuwe ku bukode n'ibindi bintu by'inyongera byabonetse kuva aho urubanza rwaciriwe n'indishyi z'igihombo umuburanyi yagize kuva urubanza ruciwe. [24] Hashingiye ku ngingo ya 13 y'iteka rya Perezida No 31/01 ryo ku wa 25/08/2003 rishyiraho uburyo bwo kwishyura indishyi ku bubabare bw'umubiri buturutse ku mpanuka zitewe n'ibinyabiziga. [25] Rusanga Sanlam Ag Plc igomba guha Nyirigira Félicien Moussa Ltd amafaranga yo kugorora ingingo 3,240,000 Frw kuko n'ubu agikorera ubugororangingo, naho ibyo iburanisha ko Factures zatanzwe zitahabwa ishingiro, kuko atari iza IBM si impamvu yatuma izatanzwe zidahabwa ishingiro, mu gihe itavuguruza ko icyo gikorwa cyo kugorora ingingo Nyirigira Félicien Moussa Ltd atagikorewe koko. [26] Rusanga Sanlam Ag Plc igomba guha na none Nyirigira Félicien Moussa Ltd amafaranga 700,000 akubiyemo ikurikirana rubanza n'igihembo cya Avoka ku rwego rw'ubujurire akaba agenwe mu bushishozi bw'urukiko kuko asabwa ari ikirenga. III.ICYEMEZO CY'URUKIKO: [27] Rwemeje ko ikirego cy'ubujurire urukiko rwashyikirijwe na Sanlam AG Plc gifite ishingiro ku ngingo imwe. [28] Rwemeje ko ikirego cy'ubujurire bwuririye ku bundi nacyo gifite ishingiro kuri bimwe. [29] Rwemeje amafaranga y'indishyi z'ibangamira burambe mu kazi 540.000 frw, Nyirigira Félicien Moussa Ltd yahawe ku rwego rwa mbere avanyweho. [30] Rwemeje ko Sanlam izaha Nyirigira Félicien Moussa Ltd amafaranga yo kugorora ingingo 3,240,000 Frw, n'amafaranga 700,000 akubiyemo ikurikirana rubanza n'igihembo cya Avoka ku rwego rw'ubujurire. [31] Rutegetse ko urubanza RC 00379/2020/TGI/NYGE rwaciwe n'Urukiko Rwisumbuye rwa Nyarugenge kuwa 07/05/2021 ruhindutse kuri bimwe. [32] Rutegetse ko ingwate y'amagarama ihwanye n'imirimo yakozwe n'urukiko.

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Prepared on 11 October 2026 · Esheria