

RWANDA / JUDGMENT

MUHOZI v. SN BRUSSELS AIRLINES

RCOMA 0209/14/HCC

COURT

Commercial High Court

DECIDED

16 May 2014

CASE / FILE NUMBER

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MUHOZI v. SN BRUSSELS AIRLINES

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Text

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MUHOZI v. SN BRUSSELS AIRLINES [Rwanda URUKIKKO RW'IKIRENGA -- RCOMA 0209/14/HCC (Nsengiyunva, P.J., , J.) 16 Gicurasi 2014] Amategeko agenga imiburanishirize y'imanza z'imbonezamubano – Indishyi zikomoka kw'ibura y'imizigo ku byerekeye ubwikorezi bwo mu kirere – Buri muburanyi agomba kugaragaza ukuri kw'ibyo avuga. Umuburanyi ntiyasaba indishyi zituruka kw'ibura y'imizigo no kwishyura ibyatakaye mu ndege mu gihe atagaragaje inyandiko imenyeshya ko hari imizigo yabuze –Itegeko n° 15/2004 ryo kuwa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo, ingingo ya 3,Itegeko n°21/2012 ryo kuwa 14/06/2014 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, ingingo ya 168. Amasezerano mpuzamahanga – Indishyi zituruka mu gukoreza abagenzi ku byerekeye ubwikorezi bwo mu kirere – Indishyi zitandukanye– Umwikorezi ntiyaryozwa indishyi zituruka ku gukoreza abangezi mu gihe yagaragaje ko yakoze ibishoboka byose ngo hatabaho ubukererwe, n'ubwo nta bimenyetso mu buryo bwa tekini bigaragaza ko yakoze uko ashoboye kugirango abagenzi badakererwa – Amasezerano ya Montréal yo kuwa 28/05/1999 yerekeye guhuza amategeko amwe yerekeye ubwikorezi mpuzamahanga bwo mu kirere, ingingo ya 19. Amategeko agenga imiburanishirize y'imanza z'imbonezamubano – Gusaba

irangizwa ry' urubanza by'agateganyo – Irangizwa ry'urubanza by'agateganyo ryemezwa n'urukiko iyo ikiburanwa mu rubanza ari umwenda, kandi uregwa akaba awemera – Itegeko n° 21/2012 ryo kuwa 14/06/2012 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, ingingo ya 212. Incamake y'Ikibazo: Muhozi Jean Luc yareze SN Brussels Airlines mu Rukiko rw'Ubucuruzi rwa Nyarugenge asaba indishyi zikomoka ku kuba urugendo rwe rwavaga i kigali rujya i bruxelles rwatinze, n'imizigo ye irabura. Uru Rukiko rwemeza ko ikirego cy'ekidafite ishingiro. Muhoza Jean Luc yajuririye Urukiko Rukuru rw'Ubucuruzi kuko mu rwego rwa mbere urukiko rwavuze ko nta bimenyetso yagaragaje avuga ko mu mizigo ye habuze ibintu. Avuga ko yagaragaje inyandiko (boarding pass) igaragaza ko aya i Kigali yari afite imizigo ipima ibiro 45, bageze i kampala, kubera ko indege yagize ikibazo itashoboye kugera i bruxelles, icumbikira abagenzi i kampala, ashubijwe imizigo ye asanga hasigaye ibiro 29. Abahagarariye Muhozi bavuga ko akwiye guhabwa indishyi z'imizigo yatakaye, indishyi z'impozamarira, iz'imbonezamusaruro, hamwe n'igihembo cya avoka. Basabye yuko urubanza rwarangizwa ibyagateganyo. Abahagarariye SN Brussels bavuga ko Muhoza nta ndishyi akwiriye guhabwa kuko nta kosa yakorewe. Kubyerekeye kumenya niba imizigo ya Muhozi yaragabanutse iri mu maboko ya SN Brussels, abahagarariye Muhozi bavuga ko yajuririye kuko mu rwego rwa mbere, Urukiko rutamuhaye indishyi z'uko umuzigo we wagabanutse, ruvuga ko nta bimenyetso yagaragaje byerekana ko mu mizigo ye habuze ibintu. Abahagarariye SN Brussels bavuga ko ntaho ihuriye n'igabanuka ry'umuzigo wa Muhozi kubera ko nta nyandiko ibimenyeshya (declaration de perte) yakozwe. Ku byerekeye kudakora ibishoboka byose kwa SN Brussels kugira ngo abagenzi badakorerwa, abahagarariye Muhozi bavuga ko yajuririye kuko mu rwego rwa mbere, Urukiko rwavuze ko SN

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Brussels yari ifite inshingano zo kugaragaza ko yakozwe ibishoboka byose kugirango indege itagira ikibazo, ariko ntiyamugenera indishyi kandi nta kimenyetso kiri mu rwego rwa tekini yagaragaje ko yakozwe ibishoboka byose kugirango adacyererwa. Uhagarariye SN Brussels avuga ko urukiko rutivugurujye kuko mu myanzuro ya Muhoza, yemera ko indege yagize ikibazo cya tekini, kandi ko yashakije abagenzi indi ndege ikanabacumbikira muri hotel igihe cyose uburyo bwo kugendamo bwari butaraboneka. Ku byerekeye indishyi z'akababaro, iz'imbonezamusaruro, iz'imbonezamubano, n'iz'ikurikiranarubanza, abahagarariye Muhoza bavuga ko mu rwego rwa mbere, urukiko rwavuze ko yahawe 600 Euro kandi ntayo yahawe, ko kubera kumukererera akwiriye guhabwa indishyi z'akababaro, iz'imbonezamusaruro, hamwe n'igihembo cy'avoka. Abahagarariye SN Brussels bavuga ko nta ndishyi Muhoza akwiriye kuko nta kosa yakorewe. Incamake y'icyemezo: 1. N'ubwo mu rwego rw'ubujurire umugenzi watwawe mu ndege yashyikirije Urukiko inyandiko igaragaza (boarding pass) ibiro umuzigo we warufite ahaguruka i Kigali, umwikorezi ntiyaryozwa indishyi zikomoka kw'ibura y'imizigo mu gihe nta nyandiko yakozwe imenyasha (declaration de perte) ko umuzigo wagabanutse iri mu maboko y'umwikorezi.

2. Kuba umwikorezi yaracumbikiye muri hotel abagenzi yari itwaye , akabashakira iyindi ndege yo kubatwara, bigaragaza ko yagize igohombo kinini abatanga ho amafaranga, akaba yarakoze uko ashoboye kugirango abagenzi badakererwa. Bityo nta ndishyi zitandukanye yaryozwa, n'ubwo nta bimenyetso byo mu rwego rwa tekiniiki yagaragarije urukiko byerekana ko yakoze ibishoboka byose ngo indege itagira ikibazo.
3. Kuba nta ndishyi zitandukanye umwikorezi agomba kwishyura uwo yatwaye mu ndege, kandi ikiburanwa muri uru rubanza akaba atari umwenda, bivuze ko nta rangizwa ry'urubanza by'agateganyo ryabaho. Ubujurire nta shingiro bufite; Nta ndishyi Muhoza yahabwa zirebana n'imizigo ye yagabanutse; Urubanza ntirurangizwa by'agateganyo; Imikirize y'urubanza RCOM 0046/14/TC/Nyge ntihindutse. Amategeko yakoreshejwe: Itegeko n° 15/2004 ryo kuwa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo, ingingo ya 3, Itegeko n° 21/2012 ryo kuwa 14/06/2014 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, ingingo ya 168, Amasezerano ya Montréal yo kuwa 28/05/1999 yerekeye guhuza amategeko amwe yerekeye ubwikorezi mpuzamahanga bwo mu kirere, ingingo ya 19. Nta manza zifashishijwe:

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Urubanza I. IMITERERE Y'URUBANZA [1] Kuwa 14/03/2014 Urukiko rw'Ubucuruzi rwa Nyarugenge rwaciye urubanza RCom 0046/14/TC/Nyge Muhozi Jean Luc aregamo SN BRUSSELS AIRLINES KIGALI asaba indishyi zikomoka ku kuba yaratindiye urugendo rwavaga i Kigali rujya i Bruxelles n'imizigo ye irabura, rwemeza ko ikirego cye nta shingiro gifite, rumutegeka kwishyura SN BRUSSELS AIRLINES KIGALI amadorari 1.000 ahwanye na Frw 670.890 no kwishyura Frw 4.900 y'amagarama y'urubanza. Kuwa 11/04/2014 MUHOZI Jean Luc yajuririye Urukiko Rukuru rw'Ubucuruzi, ubujurire bwe bwandikwa kuri nimeron R.ComA 0209/14/HCC. Kuwa 30/04/2014 haba mu ruhamwe iburanisha, MUHOZI Jean Luc ahagarariwe na Maître NYIRINGABO Théoneste na Maître KAREGA Blaise Pascal, SN BRUSSELS AIRLINES ihagarariwe na Maître NIZEYIMANA Boniface na Maître MBONYINSHUTI Camarade. Maître NYIRINGABO Théoneste na Maître KAREGA Blaise Pascal bavuga ko MUHOZI Jean Luc yajuriye kuko mu rwego rwa mbere urukiko rwavuze ko nta bimenyetso yagaragaje ko mu mizigo ye habuze ibintu, yaragaragaje inyandiko (boarding pass) y'imizigo ivuga ko ava i Kigali kuwa 11/05/2013 yari afite ibiro 45 bageze i Kampala indege ntiyakomeza i Bruxelles, SN BRUSSELS AIRLINES KIGALI ijya gucumbikira abagenzi, kuwa 14/05/2013 ashubijwe imizigo asanga hasigaye ibiro 29 kandi nabwo ntibabona indege, bituma kuwa 16/05/2013 yongera mu mizigo ye ibintu yari yatwaye mu ntoki, ibiro biba 35, kandi yarugaragarije imyemezabuguzi z'ibyo yari yaguze. Maître NYIRINGABO Théoneste na Maître KAREGA Blaise Pascal bavuga ko MUHOZI Jean Luc yajuriye kuko urukiko rwavuze ko hakurikijwe ingingo ya 19 y'amasezerano mpuzamahanga yabereye Montréal ku byerekeye ubwikorezi bw'indege SN BRUSSELS AIRLINES ifite inshingano zo kugaragaza ko yakoze ibishoboka byose kugira ngo ikibazo indege yagize kitabaho adakererwa iminsi igera kuri itanu, yemeza ko nta bimenyetso biri mu rwego rwa tekiniiki yagaragaje, arangije ntiyamugenera indishyi. Maître NYIRINGABO Théoneste na Maître KAREGA Blaise Pascal bavuga ko MUHOZI Jean Luc yajuriye kuko urukiko rwavuze ko yahawe Euro 600 ntayo yahawe ari amagambo ya SN

BRUSSELS AIRLINES. Maître NYIRINGABO Théoneste na Maître KAREGA Blaise Pascal bavuga ko MUHOZI Jean Luc akwiriye guhabwa indishyi z'imizigo yatakaye, indishyi mpozamarira, mbonezamusaruro, iz'ibyo yakoresheje n'igihembo cya avoka kandi urubanza rukarangizwa by'agateganyo. Maître NIZEYIMANA Boniface avuga ko ntaho SN BRUSSELS AIRLINES ihuriye n'igabanuka ry'umuzigo wa MUHOZI Jean Luc kubera ko nta nyandiko imenyeshya ko ryabaye yakoze (déclaration de perte) kandi kuba yarongereye ibintu mu muzigo we byerekana ko yawicungiraga, akaba yarashoboraga no kubikuramo. Maître NIZEYIMANA Boniface avuga ko urukiko rutivugurujye kuko MUHOZI Jean Luc na we mu myanzuro ye yemera ko indege yagize ikibazo cya tekini umupilote afata icyemezo cyo kugwa Entebbe (Kampala) kandi SN BRUSSELS AIRLINES yakoze ibyo yasabwaga byose n'amasezerano ya Montréal ishakira abagenzi indi ndege ibageza aho bajyaga kandi inabacumbikira muri hoteli igihe cyose uburyo bwo kugendamo bwari butaraboneka cyane ko na MUHOZI Jean Luc yemera ko ingamba zafatwaga ariko bigahinduka ku munota wa nyuma ku mpamvu zitayiturutseho. Maître NIZEYIMANA Boniface avuga ko MUHOZI Jean Luc atigeze ahakana ko atahawe Euro 600 ariko atarabayonye yayasaba akayahabwa kandi ariya euro atavugaga ko ari indishyi kubera amakosa ahubwo abagenzi bayemerewe mu kugira ngo andi masosiyete atabaturwaga. Maître NIZEYIMANA Boniface avuga ko nta ndishyi MUHOZI Jean Luc akwiriye kuko nta kosa SN

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BRUSSELS AIRLINES yamukoreye, ko imusaba ko mu rwego rw'ubujurire ayishyura indishyi z'ikurikiranarubanza n'igihembo cya avoka zingana n'idorari rimwe ariko indishyi yategetswe mu rwego rwa mbere zikagumaho. Maître NYIRINGABO Théoneste na Maître KAREGA Blaise Pascal bavuga ko ari Entebbe (Kampala) MUHOZI Jean atamenyesheje ko imizigo ye yagabanutse kubera ko SN BRUSSELS AIRLINES yamubwiye ko azabikorera i Bruxelles ageze asanga abakozi bayo bari mu myigaragambyo ntibyashoboka kubikora ahubwo imubwira ko yitegereye gari ya moshi ikazamusubiza amafaranga y'itike nyuma. [2] Ibibazo urukiko rugomba gusuzuma muri uru rubanza ni ibi bikurikira :

- Niba imizigo ya MUHOZI Jean Luc yaragabanutse iri mu maboko ya SN BRUSSELS AIRLINES, ikaba igomba kumwishyura agaciro kayo ;
 - Niba SN BRUSSELS AIRLINES itarakoze ibishoboka byose ngo idakerereze MUHOZI Jean Luc ;
 - Niba MUHOZI Jean Luc akwiriye indishyi z'akababaro, mbonezamusaruro n'ibyo yakoresheje n'ikurikiranarubanza ;
 - Niba urubanza rwarangizwa by'agateganyo. II. ISESENGURA RY'IBIBAZO BISUZUMWA MU RUBANZA
1. Ku byerekeye kugabanuka kw'imizigo iri mu maboko ya SN BRUSSELS AIRLINES no kwishyura ibyatakaye. [3] Ingingo ya 3 y'Itegeko n° 15/2004 ryo kuwa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo iteganywa ko buri muburanyi agomba kugaragaza ukuri kw'ibyo avuga. Ingingo ya 168 y'Itegeko n° 21/2012 ryo kuwa 14/06/2014 ryerekeye

imiburanishirize y'imanza z'imbonezamubano, iz'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi iteganya ko bitabujijwe mu rwego rw'ubujurire gutanga ibimenyetso bishya bitaburanishijwe mu rwego rwa mbere. [4] Maître NYIRINGABO Théoneste na Maître KAREGA Blaise Pascal bavuga ko MUHOZI Jean Luc yajuriye kuko mu rwego rwa mbere urukiko rutamuhaye indishyi z'umuzigo we wagabanutse ruvuga ko nta bimenyetso yagaragaje ko mu mizigo ye habuze ibintu yaragaragaje inyandiko (boarding pass) y'imizigo ivuga ko aya i Kigali kuwa 11/05/2013 yari afite ibiro 45 bageze i Kampala indege ntiyakomeza i Bruxelles, SN BRUSSELS AIRLINES KIGALI ijya gucumbikira abagenzi muri hoteli, kuwa 14/05/2013 ashubijwe imizigo asanga hasigaye ibiro 29 kandi nabwo ntibabona indege, bituma kuwa 16/05/2013 yongera mu mizigo ye ibintu yari yatwaye mu ntoki, ibiro biba 35, kandi yarugaragarije imyemezabuguzi z'ibyo yari yaguze.

- [5] Maître NIZEYIMANA Boniface avuga ko ntaho SN BRUSSELS AIRLINES ihuriye n'igabanuka ry'umuzigo wa MUHOZI Jean Luc kubera ko nta nyandiko imenyeshya ko ryabaye yakoze (déclaration de perte) kandi kuba yarongereye ibintu mu muzigo we byerekana ko yawicungiraga, akaba yarashoboraga no kubikuramo.

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- [6] Maître NYIRINGABO Théoneste na Maître KAREGA Blaise Pascal bavuga ko ari Entebbe (Kampala) MUHOZI Jean atamenyesheje ko imizigo ye yagabanutse kubera ko SN BRUSSELS AIRLINES yamubwiye ko azabikorera i Bruxelles ageze asanga abakozi bayo bari mu myigaragambyo ntibyashoboka kubikora ahubwo imubwira ko yitegereza gari ya moshi ikazamusubiza amafaranga y'itike nyuma. [7]Urukiko rusanga Urukiko rw'Ubucuruzi rwa Nyarugenge rwarasanze SN BRUSSELS AIRLINES itaryozwa igabanuka ry'umuzigo wa MUHOZI Jean Luc kuko nta ruhare yagize mu igabanuka ryawo kubera ko ataragaragarije boarding pass igaragaza ko igihe yinjiraga mu ndege umuzigo we warufite ibiro 45 (kopi y'urubanza agace ka 13), bityo rukaba nta kosa rwakoze kuko inyandiko y'ibarura ry'ibiri muri dosiye igaragaza boarding pass yo kuwa 15/05/2013 iriho ibiro 29 n'iyi kuwa 16/05/2013 iriho ibiro 35. [8]Urukiko rusanga n'ubwo mu rwego rw'ubujurire MUHOZI Jean Luc yarushyikirije boarding pass yo kuwa 11/05/2013 iriho ko ahaguruka i Kigali umuzigo we warufite ibiro 45 bitagaragaza ko wagabanutse kuwa 15/05/2013 ugira ibiro 29 SN BRUSSELS AIRLINES ibigizemo uruhare kubera ko ntacyemeza ko kuwa 11/05/2013 atawufashe akawujyana muri hoteli aho yacumbikiwe, akawugarura kuwa 15/05/2013 wagabanutse cyane ko abamuhagarariye bivugira ko kuwa 15/05/2013 yawujyanye kuri hoteli yongeramo ibindi bintu kandi email yatanzwe n'abamuhagarariye yo kuwa 14/05/2013 yasabaga abagenzi bajya i Bruxelles bafite imizigo batahawe kubimenyesha bakoresheje email ntiyabikora, bityo akaba nta ndishyi yahabwa z'umuzigo wagabanutse kuko nta ruhare SN BRUSSELS AIRLINES yabigizemo.

2. Ku byerekeye kudakora ibishoboka byose ngo abagenzi badakerererwa

- [9] Ingingo ya 19 y'amasezerano ya Montréal yo kuwa 28/05/1999 yerekeye guhuza amategeko amwe yerekeye ubwikorezi mpuzamahanga bwo mu kirere (Convention pour l'unification de certaines règles relatives au transport aérien international signée le 28 mai 1999 à Montréal) iteganya ko umwikorezi aryoze indishyi zituruka ku gukerereza abagenzi, ariko ataziryoze iyo agaragaje ko we, abakozi be n'intumwa ze bakoze ibishoboka byose kugira ngo hatabaho ubukererwe.
- [10] Maître NYIRINGABO Théoneste na Maître KAREGA Blaise Pascal bavuga ko MUHOZI Jean Luc yajuriye kuko mu rwego rwa mbere urukiko rwavuze ko hakurikijwe ingingo ya 19 y'amasezerano mpuzamahanga yabereye Montréal ku byerekeye ubwikorezi bw'indege SN BRUSSELS AIRLINES ifite inshingano zo kugaragaza ko yakoze ibishoboka byose kugira ngo ikibazo indege yagize kitabaho adakererwa iminsi igera kuri itanu ari i Kampala, arangije ntiyamugenera indishyi kandi nta kimenyetso SN BRUSSELS AIRLINES yagaragaje ko yakoze ibishoboka byose ntiyakererwa kuko n'ingamba yafashe kuwa 14/05/2013 no kuwa 15/05/2013 zitubahirijwe bakagenda bagarukira ku kibuga cy'indege kandi mu gika cya 7 yavuze ko nta bimenyetso biri mu rwego rwa tekiniiki yagaragaje.
- [11] Maître NIZEYIMANA Boniface avuga ko urukiko rutivugurije kuko MUHOZI Jean Luc na we mu myanzuro ye yemera ko indege yagize ikibazo cya tekiniiki umupilote afata icyemezo cyo kugwa Entebbe (Kampala) kandi SN BRUSSELS AIRLINES yakoze ibyo yasabwaga byose n'amasezerano ya Montréal ishakira abagenzi indi ndege ibageza aho bajyaga kandi inabacumbikira muri hoteli igihe cyose uburyo bwo kugendamo bwari butaraboneka cyane ko na

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MUHOZI Jean Luc yemera ko ingamba zafatwaga ariko bigahinduka ku munota wa nyuma ku mpamvu zitayiturutseho.

- [12] Urukiko rusanga Urukiko rw'Ubucuruzi rwa Nyarugenge rwarasanze kuba SN BRUSSELS AIRLINES yaracumbikiye abagenzi yari itwaye muri Imperial Group of Hotels Ltd bigaragaza ko indege yagize ikibazo gikomeye kuko yagize igihombo kinini itari kwemera ko kiba iyo igira ubushobozi n'ubwo nta bimenyetso byo mu rwego rwa tekiniiki yarugaragariye ko yakoze ibishoboka ngo indege yo kugira ikibazo ariko n'urega na we ntiyagaragaje ko uregwa yanze gufata ingamba zo gukumira ikibazo (kopi y'urubanza agace ka 7).
- [13] Urukiko rurasanga SN BRUSSELS AIRLINES yakoze ibishoboka byose kugira ngo abagenzi barimo MUHOZI Jean Luc bava i Kigali kuwa 11/05/2013 baja i Bruxelles badakererwa kugera i Bruxelles kubera ko indege yagize ikibazo nk'uko na MUHOZI Jean Luc abyivugira mu nyandiko y'ikirego gitangiza urubanza ko yagize ibibazo bya tekiniiki umupilote afata icyemezo cyo kugwa Entebbe SN BRUSSELS AIRLINES irabacumbikira kandi nyuma y'aho igererageza kubashakira indege iza kuboneka kuwa 16/05/2013 nk'uko n'abahagarariye MUHOZI Jean Luc babyivugira, ikaba iyo idakora ibishoboka byose ngo adakerererwa itari kwemera kumutangaho amadorari ya amerika arenga 364 nk'uko agaragazwa

n'inyemezabuguzi za Imperial Group of Hotels Ltd ifite uburyo yagendamo kandi yarishyuye itike ya amayero 182 nk'uko inyandiko yayo ibigaragaza arutwa n'ayo yatanzweho.

3. Ku byerekeye kwishyura indishyi z'akababaro, mbonezamusaruro n'ibyakoresheje n'ikurikiranarubanza

[14] Ingingo ya 19 y'amasezerano ya Montréal yo kuwa 28/05/1999 yerekeye guhuza amategako amwe yerekeye ubwikorezi mpuzamahanga bwo mu kirere (Convention pour l'unification de certaines règles relatives au transport aérien international signée le 28 mai 1999 à Montréal) iteganya ko umwikorezi aryozwa indishyi zituruka ku gukorereza abagenzi, ariko ataziryoze iyo agaragaje ko we, abakozi be n'intumwa bakoze ibishoboka byose kugira ngo hatabaho ubukererwe. Ingingo ya 258 y'igitabo cya mbere cy'urwunge rw'amategako y'imbonezamubano ibyerekeye imirimo nshinganwa cyangwa amasezerano iteganya ko igikorwa cyose cy'umuntu cyangirije undi gitegeka nyirugukora ikosa rigikomokaho kuriha ibyangiritse. Ingingo ya 167 y'Itegeko n° 21/2012 ryo kuwa 14/06/2014 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'imbonezamubano, iz'ubucuruza, iz'umurimo n'iz'ubutegetsi iteganya ko uregwa mu rukiko rujuririrwa ashobora na we kujurira yuririye ku bujurire bw'urega mbere y'iburanisha cyangwa mu iburanisha, iya 168 iteganya ko bibujijwe mu rwego rw'ubujurire kuregera ikirego gishya.

[15] Maître NYIRINGABO Théoneste na Maître KAREGA Blaise Pascal bavuga ko MUHOZI Jean Luc yajuriye kuko mu rwego rwa mbere urukiko rwavuze ko yahawe Euro 600 ntayo yahawe ari amagambo ya SN BRUSSELS AIRLINES, ko kubera kumukererereza akwiriye guhabwa indishyi z'akababaro, mbonezamusaruro, iz'ibyo yakoresheje n'igihembo cya avoka.

[16] Maître NIZEYIMANA Boniface avuga ko MUHOZI Jean Luc atigeze ahakana ko atahawe Euro 600 ariko atarabayonye yayasaba akayahabwa kandi ariya euro atavuga ko ari indishyi kubera amakosa ahubwo abagenzi bayemerewe mu kugira ngo andi masosiyete atabatwara.

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[17] Maître NIZEYIMANA Boniface avuga ko nta ndishyi MUHOZI Jean Luc akwiriye kuko nta kosa SN BRUSSELS AIRLINES yamukoreye, ko imusaba ko mu rwego rw'ubujurire ayishyura indishyi z'ikurikiranarubanza n'igihembo cya avoka zingana n'idorari rimwe ariko indishyi yategetswe mu rwego rwa mbere zikagumaho.

[18] Urukiko rusanga nta ndishyi MUHOZI Jean Luc akwiriye kuko rwasanze SN BRUSSELS AIRLINES yarakoze ibishoboka byose kugira ngo abagenzi barimo we bava i Kigali kuwa 11/05/2013 baja i Bruxelles badakererewe nk'uko n'Urukiko rw'Ubucuruza rwa Nyarugenge rwabisanze, rusanga kandi ikirego cyo gusaba guhabwa amayero 600 kitakwakirwa kuko ari gishya mu bujuririre kubera ko mu nyandiko ye itangiza ikirego mu rwego rwa mbere yavugaga ko ayo mayero atayemera (que la proposition de la défenderesse de dédommager en fonction de 600 euro doit être déclarée nulle).

- [19] Urukiko rusanga mu rwego rw'ubujurire MUHOZI Jean Luc agomba kwishyura SN BRUSSELS AIRLINES idorari rimwe ry'amerika ry'indishyi z'ikurikiranarubanza n'igihembo cya avoka nk'uko byasabwe n'uyihagarariye kuko kujurira kwe kwatumye yiyambaza avoka.
4. Ku byerekeye kurangiza urubanza by'agateganyo
- [20] Ingingo ya 212 y'Itegeko n° 21/2012 ryo kuwa 14/06/2012 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi iteganya ko irangizarubanza ry'agateganyo ryemezwa iyo ikimenyetso cy'ikiburanwa ari inyandikomvaho cyangwa ikiburanwa ari umwenda wemewe mu rubanza n'uregwa.
- [21] Maître NYIRINGABO Théoneste na Maître KAREGA Blaise Pascal bavuga ko MUHOZI Jean Luc asaba ko urubanza rurangizwa by'agateganyo.
- [22] Urukiko rusanga urubanza rutarangizwa by'agateganyo kuko rwasanze nta ndishyi SN BRUSSELS AIRLINES igomba kwishyura MUHOZI Jean Luc. III. ICYEMEZO CY'URUKIKO
- [23] RWEMEYE kwakira ubujurire bwatanzwe na MUHOZI Jean Luc ariko rwemeje ko nta shingiro bufite. [24]RWEMEJE ko nta kigaragaza ko umuzigo MUHOZI Jean Luc yahagurukanye i Kigali kuwa 11/05/2013 upima ibiro 45 wagabanutse kuwa 15/05/2013 ugira ibiro 29 SN BRUSSELS AIRLINES ibigizemo uruhare, ko nta ndishyi yahabwa z'umuzigo wagabanutse.
- [25] RWEMEJE ko nyuma y'uko indege yagize ikibazo umupilote afata icyemezo cyo kugwa Entebbe SN BRUSSELS AIRLINES yakoze ibishoboka byose kugira ngo abagenzi barimo MUHOZI Jean Luc bava i Kigali kuwa 11/05/2013 bajya i Bruxelles badakererwa, iza kubajyana kuwa 16/05/2013.
- [26] RWEMEJE ko nta ndishyi MUHOZI Jean Luc akwiriye kwishyurwa na SN BRUSSELS AIRLINES, ko ahubwo agomba kuyishyura mu rwego rw'ubujurire idorari rimwe ry'amerika ry'indishyi z'ikurikiranarubanza n'igihembo cya avoka.

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- [27] RWEMEJE ko urubanza rutarangizwa by'agateganyo.
- [28] RWEMEJE ko imikirize y'urubanza R.Com 0046/14/TC/Nyge idahindutse uretse indishyi z'ikurikiranarubanza n'igihembo cya avoka ziyongereyeho mu rwego rw'ubujurire.
- [29] RUTEGETSE ko mu rwego rw'ubujurire MUHOZI Jean Luc yishyura SN BRUSSELS AIRLINES idorari rimwe ry'amerika ry'indishyi z'ikurikiranarubanza n'igihembo cya avoka.
- [30] RUTEGETSE ko ingwate y'amagarama y'urubanza yatanze na MUHOZI Jean Luc ihwanye n'ibyakoze mu rubanza.
- [31] RUTEGETSE ko imikirize y'urubanza R.Com 0046/14/TC/Nyge idahindutse uretse indishyi z'ikurikiranarubanza n'igihembo cya avoka ziyongereyeho mu rwego rw'ubujurire.

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