

RWANDA / JUDGMENT

PLATEFORME COMPANY RWANDA Ltd v. D'OFFICE

RSA/RECT/RCOM 00001/2025/CA

COURT

Court of Appeal

DECIDED

19 May 2025

CASE / FILE NUMBER

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PLATEFORME COMPANY RWANDA Ltd v. D'OFFICE

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Text

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PLATEFORME COMPANY RWANDA Ltd v. D'OFFICE [Rwanda URUKIKO RW'UBUJURIRE – RSA/RECT/RCOM 00001/2025/CA (Ngagi, P.J.) 19 Gicurasi 2025] Amategeko agenga imiburanishirize y'imanza z'ubucuruzi – Gukosora ikosa ryo mu rubanza ryakozwe n'Urukiko – Urubanza rusobanura cyangwa rukosora urundi rwuzuzwa urubanza rwasabiwe gusobanurwa cyangwa gukosorwa, bivuze ko rudatandukanywa n'urubanza rukosozwa cyangwa rusobanurwa. Kudakosora ikosa riri mu rubanza rwakozwe n'Urukiko rigaragarira buri wese kandi ryibukijwe n'umuburanyi hitwajwe ko bitajuririwe ni ukudatanga ubutabera kandi ari iyo nshingano y'Urukiko, byaba ari uguteza akarengane mu rubanza no ugukungahaza nta mpamvu. Amategeko agenga imiburanishirize y'imanza z'ubucuruzi – Kuryozwa ibyakozwe n'Urukiko – Kuba Urukiko rwakoze ikosa mu mibare, bigatuma hatangwa ikirego gisaba gukusora iryo kosa, nta muburanyi ugomba kuryozwa ibyakozwe n'Urukiko, ariko nta n'ugomba guhabwa amafaranga yatakaje muri uru rubanza. Incamake y'ikibazo: MUHITTIN ISILDAK yatanze ikirego mu Rukiko rw'Ubucuruzi avuga ko yakodesheje inyubako ye na sosiyete PLATEFORME COMPANY RWANDA Ltd ku giciro

kingana n'Amadolari y'Amerika magana arindwi na mirongo itanu (USD 750) buri kwezi, ariko ko iyo sosiyete yanze kwishyura ku bushake mu gihe buri kwezi yakoraga ikinjiza amafaranga, ko umwenda w'ubukode uregwa amubereyemo ungana n'amezi icumi (10 months), bityo akaba asaba kwishyurwa uwo mwenda hamwe n'inyungu zawo. Urukiko rw'Ubucuruzi rwemeje ko PLATEFORME COMPANY RWANDA Ltd igomba kwishyura MUHITTIN ISILDAK umwenda ukomoka ku bukode bw'inzu ungana na 75,000 USD, rwemeza kandi ko ifatira ry'umutungo rihindutse ifatirabwishyu. PLATEFORME COMPANY RWANDA Ltd yajuririye Urukiko Rukuru rw'Ubucuruzi, narwo rwemeza ko ubujurire nta shingiro bufite, bityo ko imikirize y'urubanza rwaciwe n'Urukiko rw'Ubucuruzi, idahindutse. PLATEFORME COMPANY RWANDA Ltd yajuririye mu Rukiko rw'Ubujurire, ababuranyi basabwa kugerageza gukemura ikibazo mu bwumvikane, ariko nyuma yaho babwira Urukiko ko batashoboye guhura. Iburanisha ryarabaye, sosiyete PLATEFORME COMPANY RWANDA Ltd yiregura ivuga ko Urukiko Rukuru rw'Ubucuruzi rwanze gukosora urubanza RCOMA 00737/2024/HCC rwirengagije ibyo urega yasabaga agitanga ikirego mu Rukiko rw'Ubucuruzi aho yavugaga ko ubukode ari 750 USD ku kwezi, kandi ko amezi atarishyuwe ari 10 wakuba akaba 7500 USD, aho kuba 75000 USD nkuko byemejwe n'Urukiko, bityo isaba Urukiko kubikosora. MUHITTIN ISILDAK yiregura avuga ko ubujurire bwa PLATEFORME COMPANY RWANDA Ltd nta shingiro bufite, kuko inkiko zemeje ko hagomba gutangwa 75,000 USD.

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MUHITTIN ISILDAK asaba guhabwa na PLATEFORME COMPANY RWANDA Ltd amafaranga y'ikurikiranarubanza n'ay'igihembo cya Avoka. PLATEFORME COMPANY RWANDA Ltd ku rundi ruhande nayo isaba guhabwa amafaranga y'ikurikiranarubanza n'ay'igihembo cya Avoka maze agatangwa na MUHITTIN ISILDAK. Incamake y'icyemezo: 1. Urubanza rusobanura cyangwa rukosora urundi rwuzura urubanza rwasabiwe gusobanurwa cyangwa gukosorwa, bivuze ko rudatandukanywa n'urubanza rukosozwa cyangwa rusobanurwa. Kudakosora ikosa riri mu rubanza rwakozwe n'Urukiko rigaragarira buri wese kandi ryibukijwe n'umuburanyi hitwajwe ko bitajuririwe ni ukudatanga ubutabera kandi ari iyo nshingano y'Urukiko, byaba ari uguteza akarengane mu rubanza no ugukungahaza nta mpamvu.

2. Kuba Urukiko rwakoze ikosa mu mibare, bigatuma hatangwa ikirego gisaba gukosora iryo kosa, nta muburanyi ugomba kuryozwa ibyakozwe n'Urukiko, ariko nta n'ugomba guhabwa amafaranga yatakaje muri uru rubanza. Ubujurire bufite ishingiro.

Amategako yashingiweho: Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegets, ingingo ya 140. Imanza zifashishijwe: Urubanza RS/RECT/RCOM 00001/2022/CA rwa KINAZI CASSAVA PLANT Ltd rwaciwe n'Urukiko rw'Ubujurire ku wa 31/10/2022. Urubanza I. IMITERERE Y'URUBANZA [1] MUHITTIN ISILDAK yatanze ikirego mu Rukiko rw'Ubucuruzi avuga ko ku wa 01/01/2024 yakodesheje inyubako ye na PLATEFORME COMPANY RWANDA Ltd ku giciro kingana n'Amadolari y'Amerika magana arindwi na mirongo itanu (USD 750) buri kwezi, ariko ko iyo sosiyete yanze kwishyura ku bushake mu gihe buri kwezi yakoraga ikinjiza amafaranga, ko

umwenda w'ubukode uregwa amubereyemo ungana n'amezi icumi (10 months). Asobanura ko iyo sosiyete yagaragaje ibimenyetso by'uko ishaka kwambura burundu ubwo yashakaga kwimura ibikoresho rwihishwa, ndetse n'umushinga w'ubwumvikane yari yasabye ko bagirana ikanga kuwushyiraho umukono; ko ibyo byatumye MUHITTIN ISILDAK yiyambaza Abahesha b'inkiko bafatira ibikoresho by'aho yakodeshaga noneho atanga ikirego cyo kwemeza umwenda w'ubukode, anasaba ko iryo fatira ryahinduka ifatirabwishyu, ko umwenda w'ubukode uregwa amubereyemo ungana n'amezi icumi. Asaba kandi guhabwa inyungu z'umwenda uregerwa n'amafaranga yatakajwe mu rubanza.

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[2] Mu rubanza RCOM 01630/2024/TC rwaciwe ku wa 20/11/2024, Urukiko rw'Ubucuruzi rwemeje ko:

- inzitizi itangwa na PLATEFORME COMPANY RWANDA Ltd y'uko MUHITTIN ISILDAK abanza gutanga ingwate itangwa n'abanyamahanga, kandi ko nta bubasha n'inyungu byo kurega afite, nta shingiro zifite;
- ibirego byo kwiregura bya PLATEFORME COMPANY RWANDA Ltd bisaba gusesa amasezerano y'ubukode bw'inzu kubera ko nta bwumvikane bwabaye biturutse ku guhagararirwa kutuzuye, gusubizwa amafaranga yose yakiriwe na MUHITTIN ISILDAK, indishyi n'inyungu zikomoka ku kutubahiriza inshingano bikozwe n'Abahesha b'Inkiko b'Umwuga; bitakiriwe;
- ibivugwa na PLATEFORME COMPANY RWANDA Ltd ko amasezerano y'ubukode bw'inzu adafite agaciro bitewe n'uko MUHITTIN ISILDAK yakodesheje inzu atari nyirayo, nta shingiro bifite;
- umwenda ukomoka ku bukode bw'inzu PLATEFORME COMPANY RWANDA Ltd ibereyemo MUHITTIN ISILDAK ungana n'amadorali y'Amerika ibihumbi mirongo irindwi na bitanu (75,000 USD);
- PLATEFORME COMPANY RWANDA Ltd igomba kwishyura MUHITTIN ISILDAK umwenda ukomoka ku bukode bw'inzu ungana na 75,000 USD, amafaranga yatakaje muri uru rubanza angana na miliyoni imwe (1.000.000 Frw) y'igihembo cya Avoka n'ibihumbi ijana (100.000 Frw) y'ikurikiranarubanza;
- ifatira ry'umutungo wimukanwa w'utishyuye ubukode rigaragazwa n'inyandiko yo ku wa 30/10/2024 yakozwe n'Abahesha b'inkiko Me Fortunée Nyirabizeyimana na Me Shakila Liliane Nyirarugwiro rihindutse ifatirabwishyu;
- PLATEFORME COMPANY RWANDA Ltd igomba gusubiza MUHITTIN ISILDAK 20.000 Frw yatanzeho ingwate y'amagarama arega. [3] PLATEFORME COMPANY RWANDA Ltd yajuririye Urukiko Rukuru rw'Ubucuruzi, hanyuma mu rubanza RCOM 00737/2024/HCC rwaciwe ku wa 19/12/2024, urwo Rukiko rwemeza ko ubujurire bwatanze PLATEFORME COMPANY RWANDA Ltd, nta shingiro bufite, ko imikirize y'urubanza No RCOM 01630/2024/TC, rwaciwe

ku wa 20/11/2024, n'Urukiko rw'Ubucuruzi, idahindutse. Ruvuga ko amagarama aherera ku Isanduku ya Leta. [4] PLATEFORME COMPANY RWANDA Ltd yajuririye Urukiko rw'Ubujurire, mu rubanza RCOMAA 00007/2025/CA rwaciwe ku wa 21/03/2025, uru Rukiko rwemeje ko ubujurire bwatanzwe na PLATEFORME COMPANY RWANDA Ltd butakiriwe kuko yatinze kujurira. Rutegeka PLATEFORME COMPANY RWANDA Ltd kwishyura MUHITTIN ISILDAK amafaranga ibihumbi magana atanu (500.000 Frw) y'igihembo cya Avoka n'amafaranga ibihumbi magana abiri (200.000 Frw) y'ikurikiranarubanza, kuri uru rwego. [5] Hagati aho PLATEFORME COMPANY RWANDA Ltd yatanze ikirego mu Rukiko Rukuru rw'Ubucuruzi isaba urwo Rukiko gukosora no gusobanura icyemezo cyafashwe mu rubanza RCOMA 00737/2024/HCC, aho rwategetse PLATEFORME COMPANY RWANDA Ltd kwishyura 75,000 USD, kandi mu by'ukuri yaragombaga gutegeka PLATEFORME COMPANY RWANDA Ltd kwishyura 7.500 USD ahwanye n'amezi 10 y'ibirarane by'amafaranga y'ubukode.

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- [6] Mu rubanza RS/RECT/RCOM 00001/2025/HCC rwaciwe ku wa 07/02/2025, Urukiko Rukuru rw'Ubucuruzi rushingiye ku kuba PLATEFORME COMPANY RWANDA Ltd itarajuririye ingano y'umwenda, rwemeje ko ikirego cyayo nta shingiro gifite. [7] PLATEFORME COMPANY RWANDA Ltd yajuririye urwo rubanza muri uru Rukiko, ubujurire bwayo bwandikwa kuri RSA/RECT/RCOM 00001/2025/CA. Urubanza rwahamagajwe ku wa 05/05/2025, PLATEFORME COMPANY RWANDA Ltd ihagarariwe na Me Ngilinshuti Jean Bosco, naho MUHITTIN ISILDAK ahagarariwe na Me Ndorimana Arnaud. Uwo munsu urubanza rwimuriwe ku wa 12/05/2025, kugira ngo ababuranyi bajye kugerageza gukemura ikibazo mu bwumvikane. Ku wa 12/05/2025, ababuranyi babwira Urukiko ko batashoboye guhura, maze urubanza ruburanishwa mu ruhame PLATEFORME COMPANY RWANDA Ltd ihagarariwe nka mbere, naho MUHITTIN ISILDAK ahagarariwe na Me Ineza Jules Lambert. [8] Mu myanzuro no mu miburanire byayo, PLATEFORME COMPANY RWANDA Ltd ivuga ko Urukiko Rukuru rw'Ubucuruzi rwanze gukosora urubanza RCOMA 00737/2024/HCC rwirengagije ibyo urega yasabaga agitanga ikirego mu Rukiko rw'Ubucuruzi aho yavugaga ko ubukode ari 750 USD ku kwezi, kandi ko amezi atarishyuwe ari 10 wakuba akaba 7500 USD, aho kuba 75000 USD yemejwe n'Urukiko, ko rero kuba Urukiko rwaribeshye rwagombaga kubikosora. Isoza isaba amafaranga y'ikurikiranarubanza n'igihembo cya Avoka. MUHITTIN ISILDAK avuga ko ubujurire bwa PLATEFORME COMPANY RWANDA Ltd nta shingiro bufite, kuko Urukiko Rukuru rw'Ubucuruzi rwemeje ko nta kigomba gukosorwa mu rubanza No RCOMA 00737/2024/HCC. Asoza asaba amafaranga y'ikurikiranarubanza n'igihembo cya Avoka. [9] Hashingiwe ku bimaze kuvugwa mu gika kibanziriza iki, Urukiko rurasanga hagomba gusuzumwa ibibazo bikurikira:
- kumenya niba Urukiko Rukuru rw'Ubucuruzi rwaragombaga gukosora urubanza No RCOMA 00737/2024/HCC;

- kumenya niba amafaranga y'ikurikiranarubanza n'igihembo cya Avoka asabwa muri uru rubanza akwiye gutangwa. II. ISESENGURA RY'IBIBAZO BIGIZE URUBANZA
- a. Kumenya niba Urukiko Rukuru rw'Ubucuruzi rwaragombaga gukosora urubanza RCOMA 00737/2024/HCC [10] Uhagarariye PLATEFORME COMPANY RWANDA Ltd avuga ko Urukiko Rukuru rw'Ubucuruzi rwanze gukosora urubanza No RCOMA 00737/2024/HCC rwirengagije ibyo urega yasabaga agitanga ikirego mu Rukiko rw'Ubucuruzi aho yavugaga ko ubukode ari 750 USD ku kwezi, kandi ko amezi atarishyuwe ari 10 wakuba akaba 7,500 USD, aho kuba 75,000 USD yemejwe n'Urukiko, ko rero kuba Urukiko rwaribeshye rwagombaga kubikosora. Avuga kandi ko Urukiko Rukuru rw'Ubucuruzi mu kwanga gusobanura cyangwa se gukosora urubanza RCOMA 00737/2024/HCC rwashingiye ku ngingo za 140 na 156 z'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, PLATEFORME COMPANY RWANDA Ltd ikaba isanga izi ngingo zarasobanuwe

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nabi, cyane ko ingingo ya 140 y'Itegeko ryibukijwe haruguru yemerera Urukiko gukosora urubanza. [11] Asobanura ko MUHITTIN ISILDAK yatanze ikirego mu Rukiko rw'Ubucuruzi asaba kwemeza umwenda aberewemo na PLATEFORME COMPANY RWANDA Ltd n'uko ifatira rihinduka ifatirabwishyu, mu gusobanura ikirego cye (Ground of claim) avuga ko yakodesheje PLATEFORME COMPANY RWANDA Ltd ububiko bw'ibucuruzwa mu Karere ka Nyarugenge amasezerano bayakora mu kwezi kwa mbere/2024 bumvikana ko PLATEFORME izajya yishyura USD 750 ku kwezi hatarimo imisoro. Avuga kandi ko PLATEFORME itubahirije amasezerano bagiranye kugeza ubwo hatangwa ikirego ikaba itarishyura amezi 10 kandi akomeza kwiyongera kuzageza urubanza ruciwe, isaba ko uwo mwenda wakwemezwa ikishyurwa ibyo birarane. Mu gusobanura ikirego cye, akomeza avuga ko ibyo byatumye ku wa 28/10/2024, Umuhesha w'inkiko afatira ibintu bya PLATEFORME COMPANY RWANDA Ltd ko ari yo mpamvu atanze ikirego kugira ngo yishyurwe. [12] Asobanura kandi ko Urukiko rw'Ubucuruzi mu guca urubanza aho guca urubanza ku cyasabwe rwategetse ko PLATEFORME COMPANY RWANDA Ltd yishyura 75,000 USD aho kuba 7,500 USD. Ko kubera ko PLATEFORME COMPANY RWANDA Ltd yari ifite ibyo itemeranyaho n'Umucamanza yajuririyeho Urukiko Rukuru rw'Ubucuruzi kandi mubyo yasabye harimo no gukosorwa imibare hakemezwa ko ibirarane byishyurwa bingana na 7,500 USD aho kuba 75,000 USD, ibi bikaba byarasuzumwe mu Rukiko Rukuru rw'Ubucuruzi ku kibazo cya gatatu aho na MUHITTIN ISILDAK urega yemeraga ko umwenda yishyura ari 750 USD gukuba inshuro 10 avuga ko ariko byiyongereye ubu ari amezi 12. Urukiko Rukuru rw'Ubucuruzi mu gufata icyemezo mu gika cya 34-35 ruvuga ko igiciro cy'ubukode ari 750 USD ku kwezi ko kandi kuva 01/11/2024 ubukode bwabaye mu gihe cy'amezi 10 ruvuga ko igisuzumwa ari ukwemeza umwenda PLATEFORME COMPANY RWANDA Ltd ibereyemo MUHITTIN ISILDAK. Bityo ko ibyemejwe mu gika cya 34 ari byo byatumye PLATEFORME COMPANY RWANDA Ltd itanga ikirego cyo gukosoza kuko 750 USD gukuba inshuro 10 ari 7,500 USD atari 75,000 USD nk'uko byemejwe n'Urukiko rw'Ubucuruzi ndetse n'Urukiko Rukuru rw'Ubucuruzi rukabyemeza gutyo, ko kuba rero mu gika cya 11-12 cy'urubanza rukosora Urukiko rwaravuze ko rutabikosora ngo

kuko bitajuririwe rukaba rwarakoze ikosa kuko biboneka ko byajuririwe ko kandi byagombaga gukosorwa. [13] Akomeza asobanura ko PLATEFORME COMPANY RWANDA Ltd ishingira ku rubanza RCA 0002/09/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 09/09/2009, haburana Kabandana Venant na Médecins Sans Frontières Hollande aho Urukiko rw'Ikirenga rwari rwarakoze ikosa ku bijyanye no kubara amafaranga y'ubukode yagombaga kwishyura rukabikosora. Avuga kandi ko ibifatwa nk'amakosa akosorwa n'Urukiko byasobanuwe mu rubanza RS/RECT/RC 00001/2022/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 14/04/2022 aho mu gika cya 11 cy'urwo rubanza, Urukiko rwasobanuye ko amakosa akosorwa ari ayakozwe n'Umucamanza atari ayakozwe n'umuburanyi ariko ko habaho irengayobora nk'igihe Umucamanza yasubiye mu makosa yakozwe n'umuburanyi kandi yarashoboraga kuyabona akayakosora iyo agenzura neza. Bityo ko ku birebana n'uru rubanza byabonekaga ko habayeho kwibeshya kuko yaba urega yavugaga ko ibirarane aregera ari iby'amezi 10 kandi ko buri kwezi ari 750 USD, ko rero iyo Umucamanza agenzura neza yari kubona ko mu Rukiko rw'Ubucuruzi habayeho kwibeshya ku mibare akabikosora bitabaye ngombwa ko hagira ubijuririra.

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[14] Akomeza avuga ko ashingiye ku ihame rizwi mu mategeko rivuga ko Jus est ars boni et aequi (Le droit est l'art du juste et du bien) iri hame rikaba rivuga ko Umucamanza ashobora gufata icyemezo kiboneye kabone n'ubwo haba hari amategeko yirengagije rikaba ryarakoreshejwe mu rubanza RCOMAA 00002/1/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 23/10/2015, asanga kuba biboneka ko habayeho kwibeshya mu mibare n'ubwo bitaba byarajuririwe Urukiko rwaragombaga kubikosora kuko PLATEFORME COMPANY RWANDA Ltd yaba irenganye cyane iramutse yishyujwe 75,000 USD mu gihe n'urega ubwe atanga ikirego yavugaga ko ubwishyu asaba ari 7,500 USD, ko kuba rero yahabwa 75,000 USD kubera ukwibeshya k'Umucamanza bikaba byaba ari akarengane kuko yaba yikungahaje mu buryo bunyuranyije n'amategeko (Enrichissement sans cause légitime) cyangwa se akaba yakiriye ubwishyu budakwiye (paiement de l'indu). Bityo ko kuba inkiko zabyemera gutyo urubanza rukarangizwa nta butabera bwaba butanzwe, akaba ariyo mpamvu basaba Urukiko rw'Ubujurire gukosora amakosa yakozwe buri wese akabona ibyo agenewe. [15] Asoza avuga ko basaba ko urubanza RCOMA 00737/2024/HCC rukosorwa MUHITIN ISILDAK agahabwa amafaranga angana n'ubukode bw'inyubako yakodesheje PLATEFORME COMPANY RWANDA Ltd inshuro 10 bingana na 7500 USD nk'uko nawe yabisabaga kandi akaba ari nabyo byari mu masezerano. [16] Uhagarariye MUHITTIN ISILDAK avuga ko ubujurire bwa PLATEFORME COMPANY RWANDA Ltd nta shingiro bufite, kuko Urukiko Rukuru rw'Ubucuruzi rwemeje ko nta kigomba gukosorwa mu rubanza RCOMA 00737/2024/HCC. Asobanura ko inkiko zemeje ko hagomba gutangwa 75,000 USD kandi ko PLATEFORME COMPANY RWANDA Ltd yasabye ko bikosorwa, Urukiko Rukuru rw'Ubucuruzi rwemeza ko nta makosa arimo. UKO URUKIKO RUBIBONA [17] Ingingo ya 140, igika cya mbere, y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegets, iteganya ko urubanza rukosora urundi, rukosora gusa amakosa y'imyandikire. [18] Mu rubanza RS/RECT/RC 00003/2021/SC rwa Musefano

Juven, Urukiko rw'Ikirenga rwasanze iyi ngingo yumvikanisha ko gukosora amakosa y'inyandikire bitagomba kugira icyo bihindura ku cyemezo cyafashwe, ndetse ko hakosorwa amakosa yakozwe n'Urukiko aho gukosora amakosa yakozwe n'umuburanyi keretse mu gihe Urukiko rwasubiye mu makosa y'umuburanyi kandi byari gushoboka ko ruyabona rukayakosora iyo rugenzura neza¹. [19] Mu rubanza RS/RECT/RCOM 00001/2022/CA rwa KINAZI CASSAVA PLANT Ltd rwaciwe ku wa 31/10/2022, uru Rukiko rwasobanuye ko ibirego bisaba gukosora imyandikire y'icyo urukiko rwibeshyeho biburanishwa mu buryo nta gihindurwa ku byerekeranye n'uwatsinze urubanza, isobanurampamvu y'uko ibintu byagenze n'uko amategako abiteganyaga byemejwe n'Urukiko muri urwo rubanza rukosorwa, ko kandi urubanza rukosora urundi rwuzuzura urubanza rwasabiwe gukosorwa.

1 Reba igika cya 11 cy'urubanza RS/RECT/RC 00003/2021/SC rwaciwe ku wa 18/02/2022.

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[20] Ku birebana n'uru rubanza, dosiye igaragaza ko MUHITTIN ISILDAK yatanze ikirego mu Rukiko rw'Ubucuruzi avuga ko ku wa 01/01/2024, yakodesheje inyubako ye na PLATEFORME COMPANY RWANDA Ltd ku giciro kingana n'amadolari y'Amerika magana arindwi na mirongo itanu (750 USD) buri kwezi, ko umwenda w'ubukode uregwa amubereyemo ungana n'amezi icumi (10 months). Harimo n'amasezerano y'umukode (Lease Agreement/Contrat de location) yo ku wa 01/01/2024, yabaye hagati ya MUHITTIN ISILDAK na PLATEFORME COMPANY RWANDA Ltd. Mu ngingo ya 4, agace ka 1, y'ayo masezerano impande zombi zumvikanye ko amafaranga y'ubukode ya buri kwezi ari amadolari magana arindwi mirongo itanu (750 USD)². [21] Dosiye y'urubanza igaragaza ko mu gika cya 45 cy'urubanza RCOM 01630/2024/TC rwaciwe ku wa 20/11/2024, Urukiko rw'Ubucuruzi rwasobanuye ko mu masezerano y'ubukode yo ku wa 01/01/2024 ababurana muri uru rubanza bagiranye, igiciro cy'ubukode kingana na 750 USD ku kwezi, kandi ku wa 01/11/2024 uregwa akaba yarahaye urega inyandiko isesa ayo masezerano; byumvikanisha ko ubukode bwabaye mu gihe cy'amezi icumi (10 months) ahwanye na 75,000 USD. Mu cyemezo cyarwo rutegeka PLATEFORME COMPANY RWANDA Ltd kwishyura MUHITTIN ISILDAK umwenda ukomoka ku bukode bw'inzu ungana n'amadolari y'Amerika ibihumbi mirongo irindwi na bitanu (75,000 USD) aho kuba amadolari y'Amerika ibihumbi birindwi na magana tanu (750 USD x10)= 7,500 USD. [22] Dosiye igaragaza ko mu gika cya 34 cy'urubanza RCOMA 00737/2024/HCC rwaciwe ku wa 19/12/2024, Urukiko Rukuru rw'Ubucuruzi rwashingiye ku bikubiye mu gika cya 45 cy'urubanza rwaciwe RCOM 01630/2024/TC, aho Urukiko rw'Ubucuruzi rwemeje igiciro cy'ubukode kingana na 750 USD ku kwezi, kandi ko ubukode buregerwa ari ubw'amezi icumi (10 months), ariko rukibeshya mu mibare rukavuga ko ahwanye na 75,000 USD. Mu cyemezo cy'Urukiko Rukuru rw'Ubucuruzi rwemeje ko imikirize y'urubanza RCOM 01630/2024/TC, rwaciwe ku wa 20/11/2024 n'Urukiko rw'Ubucuruzi, idahindutse. Bivuze ko ibyemejwe mu rubanza RCOM 01630/2024/TC by'uko PLATEFORME COMPANY RWANDA Ltd igomba kwishyura MUHITTIN ISILDAK umwenda ukomoka ku bukode bw'inzu ungana na 75,000 USD aribyo byagumyeho. [23] Dosiye y'urubanza igaragaza ko PLATEFORME COMPANY RWANDA Ltd yasabye Urukiko Rukuru rw'Ubucuruzi gukosora no gusobanura

urubanza RCOMA 00737/2024/HCC, aho rwemeje ko igomba kwishyura MUHITTIN ISILDAK umwenda ukomoka ku bukode bw'inzu ungana na 75,000 USD, igasobanura ko habaye kubara nabi umwenda, aho kwandika 7,500 USD, handikwa 75,000 USD. [24] Imikirize y'urubanza rujuririrwa RS/RECT/RCOM 00001/2025/HCC, igaragaza ko Urukiko Rukuru rw'Ubucuruzi rwemeje ko ikirego cya PLATEFORME COMPANY RWANDA Ltd nta shingiro gifite kuko rutigeze ruregerwa ibijyanye n'ingano y'umwenda ngo rureke kubisuzuma. Bityo ko ibikubiye muri kopi y'urubanza RCOMA 00737/2024/HCC rwaciwe ku wa 19/12/2024 bidahindutse. [25] Urukiko rurasanga, nk'uko byagaragajwe haruguru, mu kubara umwenda w'ubukode PLATEFORME COMPANY RWANDA Ltd igomba kwishyura MUHITTIN ISILDAK habayeho

2 The rent payable per Month shall be 750 USD per Month. Rent is Payable for two Months in advance.

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kwibeshya mu mibare, kuko Urukiko rwemeje ko ubukode bwa buri kwezi ari amadolari y'Amerika magana arindwi mirongo itanu (750 USD) kandi ko amezi y'ubukode yishyuzwa ari amezi icumi (10 months), ariko rwandika ko umwenda w'ubukode ari amadolari y'Amerika ibihumbi mirongo irindwi na bitanu (75,000 USD), bikaba bigaragara ko harimo ikosa, kuko 750 USD X10 atari 75,000 USD, ahubwo ari 7,500 USD. [26] Urukiko rurasanga ibyerekeye gukosora ikosa ry'imibare ryakozwe n'Urukiko byarakozwe n'uru Rukiko mu rubanza RS/RECT/RCOM 00001/2022/CA rwibukijwe haruguru, aho rwemeje ko ahanditse ko KINAZI CASSAVA PLANT Ltd yishyura JBT CO. Ltd 164.838 USD y'umwenda hakosowe hakandikwa ko KINAZI CASSAVA PLANT Ltd yishyura JBT CO. Ltd 162.838 USD y'umwenda, ko urwo rubanza rwuzuzwa urubanza RCOMAA 00038/2022/CA- RCOMAA 00039/2022/CA. Ndetse no mu rubanza RSA/INTERT/RAD 00001/2025/CA-CMB RADA 00002/2025/CA, rwaciwe ku wa 24/03/2025, uru Rukiko rwemeje ko Urukiko Rukuru rwatanze ibisobanuro bitari byo mu rubanza RS/INTERT/RAD 00001/2025/HC/KIG rwaciwe ku wa 25/02/2025, hanyuma rusobanura urubanza RADA 00100/2023/HC/KIG na RADA 00101/2023/HC/KIG, kandi rwemeza ko urwo rubanza rwuzuzwa urubanza RADA 00100/2023/HC/KIG na RADA 00101/2023/HC/KIG rwaciwe n'Urukiko Rukuru ku wa 22/11/2024. [27] Urukiko rurasanga rero kuba bigaragarira buri wese ko habayeho kwibeshya mu kubara umwenda w'ubukode PLATEFORME COMPANY RWANDA Ltd igomba kwishyura MUHITTIN ISILDAK, birumvikana ko Urukiko Rukuru rw'Ubucuruzi rwagombaga gukosora iryo kosa ryakozwe, cyane ko ari inshingano y'Urukiko gutanga ubutabera. Bityo ibivugwa n'uhagarariye MUHITTIN ISILDAK ko ubujurire bwa PLATEFORME COMPANY RWANDA Ltd nta shingiro bufite kuko inkiko zemeje ko hagomba gutangwa 75,000 USD, nta shingiro bigomba guhabwa. [28] Urukiko rurasanga kandi bitumvikana uburyo MUHITTIN ISILDAK yakwishyurwa amadolari y'Amerika ibihumbi mirongo irindwi na bitanu (75,000 USD) hashingiye ku ikosa ry'imibare ryakozwe n'Urukiko kandi Umushingamategeko yarateganyije uburyo amakosa yakozwe mu rubanza akosorwa. Bityo kudakosora ikosa rigaragarira buri wese kandi ryibukijwe n'umuburanyi hitwajwe ko bitajuririwe byaba ari ukudatanga ubutabera kandi ari iyo nshingano y'Urukiko, byaba kandi ari uguteza akarengane mu rubanza. Byongeye kandi, byaba ari ugukungahaza

MUHITTIN ISILDAK nta mpamvu ishingiyeye ku mategeko. Bikaba rero byumvikana ko Urukiko Rukuru rw'Ubucuruzi rwakoze ikosa ryo kudakosora urubanza RCOMA 00737/2024/HCC. [29] Hashingiye ku bisobanuro byatanzwe haruguru, uru Rukiko rurasanga ikosa ry'imibare ryakozwe mu rubanza RCOMA 00737/2024/HCC, aho mu gika cya 34, Urukiko Rukuru rw'Ubucuruzi rwemeje ikosa ryakozwe n'Urukiko rw'Ubucuruzi ko 750 USD ukubye amezi icumi y'ubukode ahwanye na 75,000 USD, iryo kosa rigomba gukosorwa akaba 7,500 USD. Bityo umwenda w'ubukode PLATEFORME COMPANY RWANDA Ltd igomba kwishyura MUHITTIN ISILDAK ni amadolari y'Amerika ibihumbi birindwi na magana atanu (7,500 USD), aho kuba amadolari y'Amerika ibihumbi mirongo irindwi na bitanu (75,000 USD).

b.Kumenya niba amafaranga y'ikurikiranarubanza n'igihembo cya Avoka asabwa muri uru rubanza akwiye gutangwa

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[30] Uhagarariye MUHITTIN ISILDAK avuga ko uwo ahagarariye asaba amafaranga ibihumbi ijana (100,000 Frw) y'ikurikiranarubanza n'ibihumbi magana atanu (500,000 Frw) y'igihembo cya Avoka agatangwa na PLATEFORME COMPANY RWANDA Ltd. [31] Uhagarariye PLATEFORME COMPANY RWANDA Ltd avuga ko uwo ahagarariye asaba amafaranga ibihumbi magana atatu (300,000 Frw) y'ikurikiranarubanza miliyoni imwe (1,000,000 Frw) y'igihembo cya Avoka agatangwa na MUHITTIN ISILDAK. UKO URUKIKO RUBIBONA [32] Urukiko rurasanga, nk'uko byasobanuwe haruguru, urubanza rusobanura cyangwa rukosora urundi rwuzuzura urubanza rwasabiwe gusobanurwa cyangwa gukosorwa, bivuze ko rudatandukanywa n'urubanza rukosozwa cyangwa rusobanurwa. Kuba rero, Urukiko rwarakoze ikosa mu mibare, bigatuma hatangwa ikirego gisaba gukukora iryo kosa, birumvikana ko nta muburanyi ugomba kuryozwa ibyakozwe n'Urukiko, ariko nta n'ugomba guhabwa amafaranga yatakaje muri uru rubanza. Bityo nta mafaranga y'ikurikiranarubanza n'igihembo cya Avoka agomba gutangwa kuri uru rwego. III. ICYEMEZO CY'URUKIKO [33] Rwemeje ko ubujurire bwatanzwe na PLATEFORME COMPANY RWANDA Ltd bufite ishingiro. [34] Rwemeje ko urubanza RCOMA 00737/2024/HCC rwaciwe n'Urukiko Rukuru rw'Ubucuruzi ku wa 19/12/2024, rukosowe ku bijyanye n'ingano y'umwenda w'ubukode PLATEFORME COMPANY RWANDA Ltd igomba kwishyura MUHITTIN ISILDAK, akaba ari amadolari ibihumbi birindwi na magana atanu (7,500 USD), aho kuba amadolari ibihumbi mirongo irindwi na bitanu (75,000 USD). [35] Rwemeje ko uru rubanza rwuzuzura urubanza RCOMA 00737/2024/HCC rwaciwe n'Urukiko Rukuru rw'Ubucuruzi ku wa 19/12/2024.

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