

RWANDA / JUDGMENT

PLATEFORME COMPANY RWANDA Ltd v MUHITTIN ISILDAK

RCOMAA 00007/2025/CA

COURT

Court of Appeal

DECIDED

21 March 2025

CASE / FILE NUMBER

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PLATEFORME COMPANY RWANDA Ltd v MUHITTIN ISILDAK

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Text

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PLATEFORME COMPANY RWANDA Ltd v MUHITTIN ISILDAK [Rwanda URUKIKO RW'UBUJURIRE - RCOMAA 00007/2025/CA (Ngagi, P.J.) 21 Werurwe 2025] Amategeko agenga imiburanishirize y'imanza – Imanza z'ubucuruza – Kwemeza umwenda – Ifatirabwishyu - Ibirego bisaba kwemeza umwenda ukomoka ku gikorwa cy'ubucuruza no kwemeza ko ifatira ryakozwe rihinduka ifatirabwishyu biburanishwa mu buryo bw'ibirego byihutirwa, bivuze ko bijuririrwa mu minsi itarenze itatu (3) y'akazi. Incamake y'ikibazo: PLATEFORME COMPANY RWANDA Ltd yagiranye amasezerano y'ubukode bw'inzu yakoreregamo ibikorwa byayo na Muhittin Isildak aho bumvikanye ko yagombaga kuzajya yishyura Amadolari y'Amerika magana arindwi na mirongo itanu (USD 750) buri kwezi akaba yari amaze amezi icumi (10) atishyura. Muhittin yatanze ikirego mu Rukiko rw'Ubucuruza asaba ko ifatira ryakozwe n'umuhesha w'inkiko ryahinduka ifatirabwishyu. Urukiko rw'ubucuruza rwasanze ikirego gifite ishingiro rwemeza ko umwenda w'ubukode ungana n' ibihumbi mirongo irindwi na bitanu (75,000 USD) kandi ko ifatira ryakozwe rihinduka ifatirabwishyu. Uregwa yajuriye icyo cyemezo mu Rukiko

Rukuru rw'Ubucuruzi, rwemeza ko ubujurire budafite ishingiro ko n'imikirize y'urubanza rwajuririwe idahindutse. Yakomeje kujurira mu Rukiko rw'Ubujurire maze Muhittin atanga inzitizi yo kutakira ubujurire kuko bwatanzwe impitagihe. Hasuzumwe ikibazo cyo kumenya niba iyi nzitizi ifite ishingiro aho uwayitanze asobanura ko ikirego gishingiye ku ifatira ry'umwenda w'ubukode gisaba Urukiko kwemeza umwenda ndetse ko n'ifatira rihinduka ifatirabwishyu ari ibirego biburanishwa mu buryo bw'ibirego byihutirwa bityo ubujurire kuri ibyo byemezo bukaba bukorwa mu gihe cy' iminsi itarenze itatu (3) y'akazi uherye ku munsu icyemezo cyasomeweho cyangwa ababuranyi bakimenyeyeho. Uregwa we asobanura ko ubujurire kuri urwo rubanza butangwa mu gihe cy'iminsi 30 kandi akaba yarayubahirije kuko uru rubanza ruburanishwa mu mizi bityo akaba atari ikirego cyihutirwa. Incamake y'icyemezo: Ibirego bisaba kwemeza umwenda ukomoka ku gikorwa cy'ubucuruzi no kwemeza ko ifatira ryakozwe rihinduka ifatirabwishyu biburanishwa mu buryo bw'ibirego byihutirwa, bivuze ko bijuririrwa mu minsi itarenze itatu (3) y'akazi. Amategako yashingiweho: Itegeko No 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonerumunsi, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, ingingo ya 111, 188, 231, 232. Imanza zifashishijwe: RCOMAA 00040/2022/CA, BALTON CP na NEW CENTURY DEVELOPMENT Ltd, rwaciwe n'Urukiko rw'Ubujurire ku wa 23/09/2022.

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Urubanza: I. IMITERERE Y'URUBANZA [1] Muhittin Isildak 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. Asobanura ko yagerageje kwibutsa kenshi PLATEFORME COMPANY RWANDA Ltd kwishyura ariko ntiyagira icyo ibikoraho, 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. Asaba kandi guhabwa inyungu z'umwenda uregerwa n'amafaranga yatakajwe mu rubanza. [2] Muhittin Isildak yasobanuye kandi ko umwenda w'ubukode uregwa amubereyemo ungana n'amezi icumi (10 months) ahwanye na 75,000 USD azakomeza kubakwa kugeza urubanza rubaye ndakuka. [3] PLATEFORME COMPANY RWANDA Ltd yatanze inzitizi ivuga ko Urukiko rw'Ubucuruzi nta bubasha rufite bwo kuburanisha uru rubanza kuko ubereyemo umwenda agomba kunyura mu nzira isanzwe yo gutanga ikirego, kigatangizwa n'inama ntegururubanza. Ikindi ngo ni uko Umucamanza uburanisha ibirego byihutirwa adashobora kuburanisha urubanza rw'iremezo ngo yemeze umwenda ahubwo ko afata ibyemezo by'agateganyo mu gihe cy'ubwihutirwe; ko kandi kwemeza umwenda atari icyemezo cy'agateganyo ahubwo ari icyemezo cya burundu. Urukiko rwafashe icyemezo ko izo nzitizi ruvugako nta shingiro zifite. [4] PLATEFORME COMPANY RWANDA Ltd ivuga kandi ko urega ari umunyamahanga, bityo ko yategekwa gutanga ingwate itangwa n'abanyamahanga ishobora kuvamo ibyo yacibwa aramutse atsinze. Ikindi ngo ni uko nta

nyungu n'ububasha afite bwo kuregera Urukiko kuko umwenda asaba Urukiko kwemeza ukomoka ku masezerano y'ubukode atagaragaza ko umutungo ukodeshwa ari uwe ahubwo ko ari indonke ashaka. Ikomeza ivuga ko yakodesheje na Muhittin Isildak inyubako yo gukoreramo ubucuruzi bwayo, maze bumvikana ko azajya ayigaragariza inyandiko zose zirebana n'umutungo w'inyubako; ko n'ubwo Muhittin Isildak yamenyesheje PLATEFORME COMPANY RWANDA Ltd ko ubwishyu bw'ubukode butazakorwa mbere y'amezi atandatu (6 months), ko ku wa 01/01/2024 yohereje amasezerano y'ubukode bw'inzu aherekewe n'inyandiko zerekaranye n'uburengazira ku mutungo nk'uko byari byarumvikanweho kandi ko hatazabaho guhindura amasezerano mbere y'igihe cyavuzwe haruguru. Ivuga ko yatangiye kwishyura ubukode kandi ko ubwo imaze kwishyura bungana na 1.465.000 Frw arimo 1.065.000 Frw yakiriye kuri mobile money na 400.000 yakiriye mu ntoki ku matariki atandukanye. [5] Ikomeza ivuga ko n'ubwo yishyuye ubwo bukode, bagize ikibazo kuri numero za UPI zigaragaza nyir'umutungo ndetse babibaza urega akababwira ko ari we nyirawo. Ivuga na none ko nyuma yo kwishyura umuriro, basanze izina ryanditse muri système ya REG, ndetse baza gusanga

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umutungo ubaruye kuri UPI: 1/01/06/07/47 ari uwa Kamuzu ya Kigali, ikaba isanga ibyo bigaragaza ko Muhittin Isildak yakira ubukode bw'inzu mu buriganya. [6] Mu rubanza No RCOM 01630/2024/TC rwaciye 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. [7] PLATEFORME COMPANY RWANDA Ltd yajurirye Urukiko Rukuru rw'Ubucuruzi inenga Urukiko rw'Ubucuruzi ko rutubahirije ibiteganywa mu ngingo za 91, 9,10 na 24 z'Itegeko No 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, isaba urwo Rukiko gutegeka uregwa kugaruza amafaranga yahawe. Muhittin Isildak yireguye avuga ko ubujurire bwa

PLATEFORME COMPANY RWANDA Ltd nta shingiro bufite. [8] Mu rubanza No RCOMA 00737/2024/HCC rwaciwe ku wa 19/12/2024, Urukiko Rukuru rw'Ubucuruzi rwemeje ko ubujurire bwatanzwe na 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.

1 Ikigaragara ni uko nubwo kuri Kopi y'urubanza handitse ko urubanza rwasomwe ku wa 19/12/2024, ariko rwasomwe ku wa 20/12/2024 nk'uko bigaragazwa n'inyandiko-mvugo y'isomwa ry'urubanza, kandi ni nabyo bigaragara muri IECMS mu gice cyitwa "COURT SESSIONS".

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[9] PLATEFORME COMPANY RWANDA Ltd yajuririye uru Rukiko, ubujurire bwayo bwandikwa kuri No RCOMAA 00007/2025/CA. Urubanza rwaburanishijwe mu ruhamwe ku wa 05/03/2025, PLATEFORME COMPANY RWANDA Ltd ihagarariwe na Me Ditchou Tchounja Charles Claude Duplex, naho Muhittin Isildak ahagarariwe na Me Ndorimana Arnaud, haburanishwa inzitizi yo kutubahiriza ibihe byo kujurira yatanzwe n'uhagarariye Muhittin Isildak . II.ISESENGURA RY'IBIBAZO BIGIZE URUBANZA

1. Kumenya niba PLATEFORME COMPANY RWANDA Ltd yaratinze kujurira [10] Uhagarariye Muhittin Isildak avuga ko ikirego cy'ubujurire cyatanzwe na PLATEFORME COMPANY RWANDA Ltd kitagomba kwakirwa kuko yatinze kujurira. Asobanura ko ikirego gishingiye ku ifatira ry'umwenda w'ubukode gisaba Urukiko kwemeza umwenda ndetse ko n'ifatira rihinduka ifatirabwishyu biba ari ibirego biburanishwa mu buryo bw'ibirego byihutirwa nk'uko bivugwa mu gika cya 5 cy'ingingo ya 231 y'Itegeko No 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsu iteganya ko bene urwo rubanza ruburanishwa mu buryo bw'ikirego cyihutirwa, ko kandi ingingo ya 188, igika cya 2 y'Itegeko No 22/2018 rimaze kuvugwa, iteganya ko igihe cyo kujuririra icyemezo ari iminsi itarenze itatu (3) y'akazi uhereye ku munsu icyemezo cyasomeweho cyangwa ababuranyi bakimenyeyeho. [11] Akomeza asobanura ko urubanza rujuririrwa No RCOMA 00737/2024/HCC rwaciwe ku wa 19/12/2024, PLATEFORME COMPANY RWANDA Ltd ijurira ku wa 15/01/2025, hashize hafi ukwezi, ko ari nayo mpamvu Umwanditsi w'Urukiko rw'Ubujurire yari yanze kwakira ubujurire bwa PLATEFORME COMPANY RWANDA Ltd, aho mu cyemezo N° 0001/2025/GCA/COM cyo ku wa 16/01/2025, mu gika cya 5 yashingiye ku biteganywa n'ingingo ya 21 y'Itegeko No 22/2018 ryo ku wa 29/04/2018 ryavuzwe haruguru. Bityo ko ubujurire bwa PLATEFORME COMPANY RWANDA Ltd budakwiye kwakirwa kuko yatinze kujurira. [12] Uhagarariye PLATEFORME COMPANY RWANDA Ltd avuga ko urubanza rujuririrwa rwaciwe ku wa 19/12/2024, rujuririrwa ku wa 15/01/2025, ko rero ibihe byo kujurira byubahirijwe, kuko ubujurire bugomba gutangwa mu gihe cy'iminsi mirongo itatu, kuko urubanza yajuririye atari ikirego cyihutirwa (référé). Asobanura ko ashingiye ku ngingo ya 231, igika cya 4, y'Itegeko No 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsu, iteganya ko bene uru rubanza ruburanishwa mu

mizi, asanga bivuze ko atari ikirego cyihutirwa (référé). Bityo ko PLATEFORME COMPANY RWANDA Ltd yubahirije ibihe byo kujurira. UKO URUKIKO RUBIBONA [13] Ingingo ya 232 y'Itegeko No 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi iteganya ibikurikira: “Umuntu wese: 1° ufite urwandiko rw'ubucuruzi rutegeka urimo umwenda kwishyura; 2° ufite urwandiko rw'amasezerano y'ubwishyu; 3° ufite sheki itazigamiwe; 4° uberewemo umwenda ushingiyeye ku gikorwa cy'ubucuruzi; ashobora gusaba umuhesha w'inkiko gufatira ibintu

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by'umubereyemo umwenda amaze kugenzura agaciro k'inyandiko zavuzwe haruguru no guhanya ko umwenda utishyuriwe”. Igika cya kabiri cy'iyi ngingo, giteganya ko mu gihe kitarenze amasaha mirongo ine n'umunani (48), uberewemo umwenda agomba kandi kuba yagejeje ikirego cy'iremezo mu rukiko rubifitiye ububasha kugira ngo hemezwe umwenda aberewemo. Naho igika cya gatatu cy'iyi ngingo iteganya ko ifatira rivugwa mu gika cya 2 cy'iyi ngingo rigumaho, keretse iyo muri urwo rubanza uwafatiriwe asabye ko rivaho akabyemererwa n'urukiko. Urubanza rwa burundu ku kirego cy'iremezo rutuma ifatira rihinduka ifatirabwishyu iyo uwareze atsinze. Bene urwo rubanza ruburanishwa mu buryo bw'ibirego byihutirwa. [14] Ingingo ya 231, igika cya 1, n'icya 5 y'Itegeko No 22/2018 ryo ku wa 29/04/2018 ryavuzwe haruguru iteganya ibikurikira: “Iyo ukodesha inzu, umurima cyangwa ibindi bintu yanze kwishyura ubukode, nyir'umutungo ukodeshwa ashobora gusaba umuhesha w'inkiko gufatira ibintu byimukanwa, ibihingwa cyangwa ibindi biri muri uwo mutungo by'ukodesha ndetse n'ibyahakuwe atabyemeye. Urubanza rwa burundu ku kirego cy'iremezo rutuma ifatira rihinduka ifatirabwishyu iyo uwareze atsinze. Bene urwo rubanza ruburanishwa mu buryo bw'ikirego cyihutirwa”. [15] Ingingo ya 188, igika cya kabiri, y'Itegeko No 22/2018 ryo ku wa 29/04/2018 ryavuzwe haruguru itaganya ibikurikira: “Igihe cyo kujuririra icyemezo ni iminsi itarenze itatu (3) y'akazi uhereye ku munsu icyemezo cyasomeweho cyangwa ababuranyi bakimenyeyeho. Urubanza narwo rucibwa mu gihe kitarenze iminsi itatu (3) y'akazi”. [16] Mu rubanza No RCOMAA 00040/2022/CA rwaciye ku wa 23/09/2022, haburana BALTON CP na NEW CENTURY DEVELOPMENT Ltd, uru Rukiko rwasobanuye ko rusesenguye ingingo ya 188 y'Itegeko No 22/2018 ryo ku wa 29/04/2018 ryavuzwe haruguru rusanga yumvikanisha ko icyemezo ku kirego cyihutirwa kijuririrwa mu munsu itarenze itatu (3) y'akazi ibarwa kuva ku munsu icyemezo cyasomeweho cyangwa kuva ku munsu ababuranyi bakimenyeyeho. Mu yandi magambo iyi munsu itatu ibarwa kuva ku munsu icyemezo cyasomeweho ku baburanyi bari bahari mu iburanisha ry'urubanza cyangwa ikabarwa kuva ku munsu ababuranyi bamenyeshejwe icyemezo ku muburanyi utari uhari urubanza ruburanishwa. [17] Nk'uko byibukijwe haruguru, ingingo ya 231, n'iya 232 z'Itegeko N° 22/2018 ryo ku wa 29/4/2018 ryavuzwe haruguru, ziteganya ko ibirego bisaba kwemeza umwenda ukomoka ku gikorwa cy'ubucuruzi no kwemeza ko ifatira ryakozwe rihinduka ifatirabwishyu biburanishwa mu buryo bw'ibirego byihutirwa. Ibi bikaba byumvikanisha ko ibyo birego nubwo atari ibirego byihutirwa (référé), kuko nta kirego cy'iremezo biba bishamikiyeho, ariko nabyo biburanishwa, bigasomwa kandi bikajuririrwa mu bihe byagenewe ibirego byihutirwa. [18] Ku birebana n'uru rubanza, dosiye igaragaza ko

urubanza rujuririrwa No RCOMA 00737/2024/HCC rwasomwe ku wa 20/12/2024, PLATEFORME COMPANY RWANDA Ltd ijurira ku wa 15/01/2025. [19] Urukiko rushingiye ku biteganywa n'ingingo ya 188, igika cya 2, ndetse n'ingingo za 231 na 232 z'Itegeko N° 22/2018 ryo ku wa 29/4/2018 ryavuzwe haruguru, rusanga igihe cyo kujurira

2 Ikigaragara ni uko nubwo kuri Kopi y'urubanza handitse ko urubanza rwasomwe ku wa 19/12/2024, ariko rwasomwe ku wa 20/12/2024 nk'uko bigaragazwa n'inyandiko-mvugo y'isomwa ry'urubanza, kandi ni nabyo bigaragara muri IECMS mu gice cyitwa "COURT SESSIONS".

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cyaragombaga gutangira kubarwa ku wa 20/12/2024, umunsi icyemezo cyasomeweho, hakabarwa igihe cy'iminsi itatu y'akazi, bityo kuba tariki ya 20/10/2024 hari ku wa gatanu (Friday/Vendredi), birumvikana ko uhereye kuri uwo munsi, iminsi itatu y'akazi yuzuye ku wa kabiri (Tuesday/Mardi) tariki ya 24/12/2024, kuko ku wa 21/12/2024 no ku wa 21/12/2024, yari iminsi y'impera z'icyumweru, bikaba rero byumvikana ko itariki PLATEFORME COMPANY RWANDA Ltd itagombaga kurenza ari ku wa 24/12/2024, kugira ngo ibe yubahirije ibihe byo kujurira biteganywa n'amategeko. Kuba rero yarajuriye ku wa 15/01/2025, hashize hafi ukwezi, biragaragara ko itubahirije ibihe byo kujurira biteganywa n'Itegeko nk'uko byibukijwe haruguru, bityo ubujurire bwayo bukaba butagomba kwakirwa ngo busuzumwe kuko bwatanzwe impitagihe. [20] Ku byo uhagarariye PLATEFORME COMPANY RWANDA Ltd avuga ko uru rubanza atari ikirego cyihutirwa (référé), ahubwo ari urubanza rusanze, ko rero yubahirije ibihe byo kujurira, Urukiko rurasanga nta shingiro byahabwa, kuko ikibazo nyamukuru atari ukumenya ko ari ikirego cyihutirwa (référé), kuko atari cyo koko nk'uko byibukijwe haruguru, ahubwo ni ukumenya niba bene iki kirego kiburanishwa nk'ikirego gisanze, cyangwa nk'ikirego cyihutirwa. Urukiko rurasanga nk'uko biteganywa n'ingingo ya 231 n'ya 232, z'Itegeko N° 22/2018 ryo ku wa 29/4/2018 ryavuzwe haruguru, ibirego bisaba kwemeza umwenda ukomoka ku gikorwa cy'ubucuruzi no kwemeza ko ifatira ryakozwe rihinduka ifatirabwishyu biburanishwa mu buryo bw'ibirego byihutirwa, bivuze ko bijuririrwa mu bihe byagenewe ibirego byihutirwa, ni ukuvuga mu minsi itarenze itatu (3) y'akazi.

2. Kumenya niba amafaranga y'ikurikiranarubanza n'igihembo cya Avoka asabwa muri uru rubanza afite ishingiro [21] Uhagarariye Muhittin Isildak ashingiye ku ngingo 111 y'Itegeko No 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegets, no ku ngingo ya 26 y'Amabwiriza no 01/2014 agena ibihembo mbonera by'Abavoka, asaba Urukiko rw'Ubujurire gutegeka PLATEFORME COMPANY RWANDA Ltd guha Muhittin ISLIDAK amafaranga miliyoni enye (4.000.000 Frw), akubiyemo miliyoni eshatu (3,000,000 Frw) y'igihembo cya Avoka na miliyoni imwe (1.000.000 Frw) y'ikurikiranarubanza. [22] Uhagarariye PLATEFORME COMPANY RWANDA Ltd avuga ko amafaranga y'ibyagiye ku rubanza Muhittin ISLIDAK asaba asanga akabije, ko Urukiko rwazayasuzuma mu bishishozi bwarwo. UKO URUKIKO RUBIBONA [23] Ingingo ya 111 y'Itegeko No 22/2018 ryo ku wa 29/04/2018 ryavuzwe haruguru, iteganya ibikurikira: "Ikirego cy'amafaranga y'ikurikiranarubanza ni ikirego gishamikira ku kirego cy'iremezo

kigamije kwishyura ibyakoreshejwe mu rubanza. Ikirego cy'amafaranga y'ikurikiranarubanza kiburanishirizwa rimwe n'ikirego cy'iremezo. Gishobora kandi kwakirwa kikanaburanishwa n'uyo ikirego cy'iremezo cyaba kitakiriwe". [24] Urukiko rurasanga, kuba PLATEFORME COMPANY RWANDA Ltd yarajuririyeye uru Rukiko byaratumye Muhittin ISLIDAK ashaka Avoka wo kumuburanira, hashingiwe rero ku ngingo ya 111 y'Itegeko No 22/2018 ryo ku wa 29/04/2018 ryavuzwe haruguru, birumvikana ko amafaranga y'igihembo cya Avoka n'ay'ikurikiranarubanza Muhittin ISLIDAK asaba akwiye

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kuyahabwa, ariko ayo asaba ni menshi harebwe ibyakozwe ku rubanza; bityo mu bushishozi bwarwo rukaba rumugeneye ibihumbi magana atanu (500.000 Frw) y'igihembo cya Avoka n'ibihumbi magana abiri (200.000 Frw) y'ikurikiranarubanza, kuri uru rwego, agomba gutangwa na PLATEFORME COMPANY RWANDA Ltd. III. ICYEMEZO CY'URUKIKO [25] Rwemeje ko inzitizi yo kutubahiriza ibihe byo kujurira yatanzwe na Muhittin Isildak, ifite ishingiro. [26] Rwemeje ko ubujurire bwatanzwe na PLATEFORME COMPANY RWANDA Ltd butakiriwe kuko yatinze kujurira. [27] Rutegetse 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. [28] Ruvuze ko ingwate y'amagarama yatanzwe ihwanye n'ibyakozwe mu rubanza.

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CASE PAGE <https://chat.esheria.ai/case-law/rwanda/plateforme-company-rwanda-ltd-v-muhittin-isildak-leasedisputes-court-of-appeal-2025>

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