

RWANDA / JUDGMENT

AGATABO GASOBANURA IMIBURANISHIRIZE Y'IMANZA Z'AKARENGANE 2022

COURT
Supreme Court

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AGATABO GASOBANURA IMIBURANISHIRIZE Y'IMANZA Z'AKARENGANE 2022

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REPUBULIKA Y'U RWANDA URUKIKO RW'IKIRENGA

IMIBURANISHIRIZE Y'IMANZA ZISABIRWA GUSUBIRISHWAMO KU MPAMVU Z'AKARENGANE

Kigali, Kanama 2022

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5 I. IJAMBO RY' IBANZE Bantu mwese mugana inkiko, tunejejwe no kubagezaho agatabo gakubiyemo iby'ingenzi bigomba kwitabwaho mu gusaba ko imanza zisubirishwamo ku mpamvu z'akarengane, inzira ikurikizwa n'uko bene izo manza ziburanishwa. Mu iburanisha ry'imanza zisubirishwamo ku mpamvu z'akarengane, haboneka imbogamizi kuko amategeko akena imiburanishirize y'imanza z'imbonezamubano cyangwa imanza z'inshinjabyaha asanzweho adakemura ibibazo byose bishobora kuvuka mu miburanishirize y'izi manza. Ibi byatumye havuka ibibazo byinshi byibazwa n'ababuranyi bigatuma Urukiko rw'Ikirenga rugenda rubitangaho umurongo, hagamijwe gutanga umucyo no gusobanura uko ingingo iyi n'iyi y'itegeko iba igomba kumvikana mu rwego rw'imiburanishirize iboneye. N'ubwo hari imirongo yagiye ifatwa, ntibyabujije ko mu manza zitandukanye ibyo bibazo bikomeza kugenda bigaruka, ahanini bigaterwa no kuba ababuranyi baba batazi imirongo yafashwe n'Urukiko rw'Ikirenga ku kibazo gisa nk'icyo bafite. Twasanze rero ari byiza gutangaza iyo mirongo no gusobanura ibihe ikorehwamo nk'uko biboneka muri aka gatabo.

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6 Turizera ko kazafasha Abacamanza baburanisha bene izi manza hamwe n'abanditsi bategura imiburanishirize. Kazafasha kandi ababuranyi n'ababunganira mu mategeko bifuza kumenya no guharanira uburenganzira bwabo muri rusange, kuko bazarushaho gusobanukirwa igihe bikwiye gukoresha iyi nzira n'uko ikoresheya, mu gihe basanga imanza baburanye kugeza ku rwego rwa nyuma zitarabarenganuye. Mugire amahoro. Dr NTEZILYAYO Faustin Perezida w'Urukiko rw'Ikirenga

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7 II. IRIBURIRO Gusubirishamo imanza ku mpamvu z'akarengane ni inzira idasanzwe y'ubujurire yashyizwe mu mategeko y'u Rwanda guhera mu mwaka wa 2012 hagamijwe kurwanya akarengane gashobora kuboneka mu manza zaciwe ku rwego rwa nyuma. Iyi nzira idasanzwe u Rwanda rwahisemo iha urubuga Urukiko rw'Ikirenga rwo kugenzura, gukosora, kuboneza no guhuza imyumvire n'imicire y'imanza ku bibazo by'amategeko mu nkiko zose. Iyi nzira kandi ikoresheya bisabwe n'umuburanyi iyo urubanza rwaciwe burundu, hanyuma akagaragaza nibura imwe mu mpamvu ziteganywa n'ingingo ya 55 y'Itegeko n° 30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'inkiko kandi atarirengagije izindi nzira z'ubujurire zisanzwe n'izidasanzwe ziteganywa n'Itegeko n° 22/2018 ryo ku wa 28/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsu no mu Itegeko n° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha cyangwa se bisabwe n'Ubugenzuzi Bukuru bw'Inkiko ku karengane bwiboneye mu rubanza. Iyi nzira yabanje guteganywa mu Itegeko Ngenga n° 03/2012/OL ryo ku wa 13/06/2012 rigena imiterere, imikorere n'ububasha bw'Urukiko rw'Ikirenga ryo mu 2012, ishyirwa mu bubasha bwihariye bw'Urukiko rw'Ikirenga

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8 rwonyine. Muri iryo Tegeko Ngenga byari biteganyijwe ko umuburanyi wujuje ibisabwa yashoboraga kugeza ubusabe bwe ku Rwego rw'Umuvunyi, rwasanga yararenganye rugasaba Perezida w'Urukiko rw'Ikirenga kubisuzuma, na we akabisuzuma yifashishije raporo y'Ubugenzuzi Bukuru bw'Inkiko, akemeza ko rwongera kuburanishwa cyangwa se ko nta karengane kaba karugaragamo, rukarangirira aho. Mu ivugurura ry'amategeko ryo mu mwaka wa 2018, ububasha bwari bufitwe n'Urwego rw'Umuvunyi bwahawe abayobozi b'inkiko zikuriye izacye urubanza ruvugwamo akarengane, ariko Urwego rw'Umuvunyi rugumana ububasha bwo kuba bwabisaba Perezida w'Urukiko rw'Ikirenga, igihe umuburanyi arugaragariye ko na Perezida w'Urukiko yari yashyikirije ikibazo atamurenganuye; bityo ubusabe bwe bugakurikira inzira nk'iyari isanzwe. icyakora, ubusabe bwo gusubirishamo urubanza ku mpamvu z'akarengane ku manza zaciwe n'Urukiko rw'Ubugenzuzi bwo bushyikirizwa Perezida w'Urukiko rw'Ikirenga, icyemezo afashe kikaba kidashobora kujyanwa ku Rwego rw'Umuvunyi. Aha twakwibutsa ko imanza zaciwe n'Urukiko rw'Ikirenga zo zidashobora gusubirwamo ku mpamvu z'akarengane. 1 1 Reba ingingo ya 50 y'Itegeko n° 012/2018 ryo ku wa 04/04/2018 rigena imitunganyirize n'imikorere

y'ubutegetsi bw'ubucamanza.

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9 Yaba Itegeko Ngenga n° 03/2012/OL ryo ku wa 13/06/2012 rigena imiterere, imikorere n'ububasha bw'Urukiko rw'Ikirenga, yaba n'Itegeko n° 30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'inkiko, nta na rimwe ryigeze rigaragaza mu buryo burambuye ibirebana n'imiburanishirize ya bene ibi birego. Byongeye, iyi nzira ntigaragara mu Itegeko rirebana n'imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi ndetse no mu Itegeko n° 027/2019 ryo ku wa 19/09/2019 ryerekeye imiburanishirize y'imanza nshinjabyaha. Urukiko rw'Ikirenga, mu byemezo byarwo, nirwo rwagiye rutanga imirongo igomba kubahirizwa mu iburanisha rya bene izo manza. Iyi nyandiko igamije gufasha abacamanza kimwe n'abagana inkiko kumenya uko bene izo manza ziburanishwa n'ibigomba kwitabwaho, ishingiyeye ku mirongo y'ingenzi yatanze n'Urukiko rw'Ikirenga mu manza zisabirwa gusubirwamo ku mpamvu z'akarengane ku bibazo byerekeranye n'imiburanishirize yazo. Igamije kandi gufasha abacamanza n'abandi bakozi b'inkiko ku nzego zose kugira imyumvire imwe no guhuza imikorere haba mu gutegura imanza, kuziburanisha no kuzica, buri wese kubimureba.

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10 Aka gatabo kanditswe nk'imfashanyigisho yafasha mu gusubiza ibibazo bishobora kwibazwa n'ushaka gukoresha iyi nzira, umwanditsi cyangwa umushakashatsi uhawe gutegura urubanza nk'uru cyangwa umucamanza uhawe kuruburanisha. Ibyo bibazo bikubiye mu bice bitatu by'ingenzi:

- impamvu zishingirwaho mu gusuzuma iyakira ry'ikibazo 2 cyangwa ikirego 3 gisaba gusubirishamo imanza ku mpamvu z'akarengane;
- ababuranyi muri bene izi manza;
- inzira ikurikizwa mu gutanga bene ibi birego. Iyi nyandiko irita gusa kuri ibi bibazo byavuzwe haruguru hifashishijwe zimwe mu manza zaciye n'Urukiko rw'Ikirenga. Haranifashishwa n'amwe mu mategeko yibukijwe haruguru. 2 Byitwa ikibazo iyo gishyikirijwe umuyobozi ugomba gusuzuma ko kirimu akarengane 3 icyari ikibazo gihinduka ikirego iyo gishyikirijwe urukiko ruzakiburanisha, urega agasabwa gutanga imyanzuro igisobanura.

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11 III. IMPAMVU ZISHINGIRWAHO MU GUSUZUMA IYAKIRA RY'IBIBAZO BISABA GUSUBIRISHAMO IMANZA KU MPAMVU Z'AKARENGANE Nk'uko byibukijwe haruguru, gusubirishamo imanza ku mpamvu z'akarengane, ni inzira y'ubujurire idasanzwe kandi yihariye. Yemerwa ku rubanza rwarangije izindi nzira zishoboka zisanzwe n'izidasanzwe. Birumvikana ko kugira ngo iyo nzira yemerwe, hagomba kuba hari impamvu idasanzwe ituma iyo nzira

ifungurwa. Iyo itabonetse, ntifungurwa. Ingingo ya 55 y'Itegeko n° 30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'inkiko iteganya ibikurikira: “Urubanza rwaciwe ku rwego rwa nyuma rushobora gusubirwamo ku mpamvu z'akarengane kubera imwe mu mpamvu zikurikira:

1. Iyo hari ibimenyetso simusiga bigaragaza ruswa, ikimenyane cyangwa icyenewabo, byagize ingaruka ku mikirize y'urubanza bikaba bitarigeze bimenywa n'uwatsinzwe mu gihe cy'iburana;
2. Iyo mu icibwa ry'urubanza hirengagijwe amategeko cyangwa ibimenyetso bigaragarira buri wese;
3. Iyo urubanza rudashobora kurangizwa hakurikije imikirize yarwo.

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12 Icyakora, umuburanyi wari ufite uburenganzira bwo kwiambaza izindi nzira z'ubujurire zisanzwe n'izidasanzwe ariko ntabikore mu gihe giteganyijwe n'amategeko ntiyemerewe gusaba ko urubanza yatsinzwe rusubirishwamo ku mpamvu z'akarengane, keretse akarengane kabonywe n'Ubugenzuzi Bukuru bw'Inkiko. Iyi ngingo igaragaza impamvu eshatu (3) zitabwaho kugira ngo iyi nzira yo gusubirishwamo ku mpamvu z'akarengane ishoboke. Izi mpamvu ni nazo zavugwaga mu Itegeko Ngenga n° 03/2012/OL ryo ku wa 13/06/2012 ryavuzwe hejuru, kandi ntizikomatanywa. Mu yandi magambo, impamvu imwe muri izi zivuzwe irihagije kugira ngo iyi nzira ifungurwe.

3.1. Ruswa, ikimenyane cyangwa icyenewabo byagize ingaruka ku rubanza Impamvu ya mbere yatuma urubanza rusubirwamo ku mpamvu y'akarengane ni igihe hari ibimenyetso simusiga bigaragaza ruswa, ikimenyane cyangwa icyenewabo byagize ingaruka ku icibwa ry'urubanza. Si ugukeka ko habaye ruswa cyangwa ikimenyane, ahubwo ubivuga agomba kuba abifitiye ibimenyetso kandi simusiga. Bivuze ko ari ibimenyetso bidashidikanywaho.

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13 3.1.1. Ibimenyetso bigaragaza ruswa ni nk'ibihe? Ruswa si ukuyivuga gusa cyangwa kuba uyikeka. Ahubwo ubivuga aba agomba kubigaragaza. Twavuga nko kugaragaza urubanza rwa ruswa yarezwe umucamanza kandi ikamuhama. Nyiri urubanza rwagaragayemo ruswa, ashobora gusaba ko urubanza rwe rusubirwamo. Icyo gihe ariko aba asabwa noneho kugaragaza ko iyo ruswa yagize ingaruka ku rubanza rwe. Bivuze ko iyo atabashije kwerekana iyo ngaruka, urubanza rwe rudasubirwamo ku mpamvu z'akarengane. Kugeza ubu nta rubanza rurasubirwamo hashingiwe kuri iyi mpamvu. 3.1.2. Ikimenyane cyangwa icyenewabo byo bigaragazwa n'iki? Umucamanza agomba kuba agaragarira ababuranyi nk'udafite aho abogamiye. Itegeko riteganya impamvu umucamanza ashobora kwikura mu rubanza cyangwa se ashobora kuba yakwihanwa iyo atarwikuyemo. 4 Ibyo, ni nko kwerekana ko umucamanza yaciye urubanza ubundi yagakwiye kuba yarikuyemo kubera isano afitanye n'abo yaciriye urubanza. Ishobora kuba isano y'amaraso, ubucuti cyangwa urwango afitanye n'umwe mu baburanyi, 4 Reba ingingo ya 103 n'ya 104 z'Itegeko n° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruza, iz'umurimo n'iz'ubutegetsi.

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14 cyangwa indi mpamvu iteganywa n'amategeko imubuza kuburanisha urubanza, nyamara akabirengaho akababuranisha. Ibi ariko byagombye kuba bitari bizwi mbere n'ushaka kubikoresha, kuko n'ubundi bisanzwe ari impamvu yo kwihana umucamanza mu iburanisha. Atarabikoze kandi yari asanzwe azi izo mpamvu, ubundi yakagombye kutakirwa kuko nabyo biri mu nzira zisanze ziteganyijwe n'amategeko yivukije ubwe. 5 Iyi mpamvu nayo, ntikunze kuboneka, mu mpamvu zishingirwaho mu gusaba ko urubanza rusubirwamo ku mpamvu z'akarengane. 3.2. Kwirengagiza amategeko cyangwa ibimenyetso bigaragarira buri wese Impamvu ya kabiri ituma urubanza rushobora gusubirwamo ku mpamvu z'akarengane ishingirwaho mu kwakira ibirego ni igihe umuburanyi agaragaje ko habayeho, mu icibwa ry'urubanza rwe, kwirengagiza amategeko cyangwa ibimenyetso bigaragarira buri wese. Iyi mpamvu niyo ikunda gukoreshwa cyane n'abandika basaba ko urubanza rwabo rusubirishwamo ku mpamvu z'akarengane, nyamara akenshi ugasanga bayitiranya n'impamvu z'ubujurire busanzwe. Kutemeranya n'urukiko ku myumvire y'itegeko cyangwa y'ikimenyetso runaka n'uburyo cyasesenguwe, 5 Reba ibivugwa mu gika cya nyuma cy'ingingo ya 55, y'itegeko rigena ububasha bw'inkiko ryavuzwe hejuru.

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15 ubwabyo ni impamvu y'ubujurire iyo bushoboka, ariko si impamvu ituma urubanza rusubirwamo ku mpamvu z'akarengane keretse iyo igisobanuro cyangwa agaciro byahawe binyuranye n'ukuri cyangwa birimo amakosa ku buryo bugaragarira buri wese. 3.2.1 Kwirengagiza amategeko bigaragarira buri wese bivuze iki? Usaba gusubirishamo urubanza ku mpamvu z'akarengane agomba kugaragaza ko hari itegeko runaka ryamurengeye cyangwa ko hari igisobanuro runaka iryo tegeko ryahawe mu rubanza rwatanze umurongo (jurisprudence) urukiko rutifashishije ngo abone ubutabera, kandi bigaragarira buri wese ko ari ryo ryagombaga kwifashishwa mu bihe nk'ibyo; ibyo bikaba byarateye akarengane kagaragarira buri wese. 3.2.2. Kwirengagiza ibimenyetso bivuze iki? Usaba gusubirishamo urubanza ku mpamvu z'akarengane agomba kugaragaza ko ibyo bimenyetso byari bihari ariko urukiko rukaba rutarabibonye cyangwa rutarabyitayeho. Nyamara iyo ruza kubiha agaciro byari gutuma urubanza rucibwa ukundi akarenganurwa.

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16 3.2.3. Ibimenyetso bigaragarira buri wese bivuga iki? Ingingo 55 y'Itegeko n° 30/2018 ryo ku wa 02/06/2018 ryavuzwe haruguru, isobanura ko ibimenyetso bivugwa ko byirengagijwe bigomba kuba bigaragarira buri wese. Si impamvu isaba icukumburwa. Ibyo bimenyetso bigomba kuba koko byari bihari ku buryo budashidikanywaho ariko urukiko ntirugire icyo rubivugaho kandi bigaragara ko iyo byitabwaho byari kumurengeye. Iyo urukiko rwasuzumye ikimenyetso ariko ntirugihe agaciro uwareze yifuza ko gihabwa, ubwabyo ntibiba impamvu ituma urubanza rusubirwamo ku mpamvu z'akarengane. Keretse urega abashije kugaragaza ko ikimenyetso nk'icyo cyigeze guhabwa agaciro yifuza ko gihabwa, mu rubanza rwabitanzeho umurongo ku

buryo budashidikanywaho. Ibi byumvikanisha neza ko atari ikimenyetso icyo ari cyo cyose gituma ubusabe bwakirwa, ahubwo icyo kimenyetso kigomba kuba cyari guhindura imicire y'urubanza iyo kiza kwitabwaho kuba kitaritaweho bikaba byarateye akarengane bigaragarira buri wese. Ibi ni nako bimeze ku itegeko rivugwa ko ryirengagijwe nk'uko byagarutseweho hejuru.

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17 3.3. Urubanza rudashobora kurangizwa Impamvu ya gatatu nayo ituma urubanza rushobora gusabirwa gusubirishwamo ku mpamvu z'akarengane ni urubanza rudashobora kurangizwa. Usaba ko urubanza rusubirwamo aba agomba kwerekana ko koko urubanza rwaciwe rudashobora kurangizwa. 3.3.1 Ni ryari bavuga ko urubanza rudashobora kurangizwa? Urubanza rudashobora kurangizwa ni nk'urubanza rwafashwemo ibyemezo byivuguruza cyangwa ruciye ku buryo ikiburanwa mu rubanza gitandukana n'ibigaragarira ababuranyi cyangwa ugomba kurangiza urubanza. Ibi bigaragara nko mu manza z'amasambu, iyo basanze imbibi z'ikiburanwa zinjira mu masambu y'abandi batabaye ababuranyi. Binagaragara iyo mu ica ry'urubanza harimo ingingo zivuguruzanya, cyane nk'imanza mu bujuriye zivuga ko urubanza rwajuririwe ruhindutse kuri bimwe, ariko wareba ibyahindutse, ugasanga bifite ibintu bivuguruzanya n'ibiri mu rubanza rwaciwe mbere, kandi byo bitarahinduwe. Mu kurangiza urubanza kandi, hari igihe ugiye kururangiza uko rwanditse asanga rushobora kubyara ibibazo birenze ibyo rwari rugiyе gukemura. Ibi byose, kimwe n'indi mpamvu umuhesha w'inkiko ashobora kugaragaza yatumye yemeza ko urubanza rudashobora kurangizwa, nibyo biherwaho,

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18 hemezwa ko urubanza uru n'uru rwasubirwamo kubera ko rudashobora kurangizwa uko rwaciwe. Umuburanyi, mbere yo kwitabaza inzira yo gusubirishamo urubanza ku mpamvu z'akarengane, agomba kubanza kureba niba nta yindi nzira yakoreshe igakemura ikibazo gituma urubanza rwe rutabasha kurangizwa, nko gusobanura urubanza cyangwa kurukosora, impaka zivutse mu irangizwa ry'imanza cyangwa kuba urubanza rwasubirishwamo ingingo nshya. Inzira yo gusubirishamo urubanza ku mpamvu z'akarengane ni inzira ikoreshwa igihe nta yindi nzira y'ubujurire isanzwe cyangwa idasanzwe cyangwa se iyo kurukosora mu bundi buryo ishoboka kandi nyamara rukirimo akarengane kagaragarira buri wese. 3.3.2 Ni inde ugaragaza ko urubanza rudashobora kurangizwa? Kuvuga ko urubanza rudashobora kurangizwa bigaragazwa n'inyandiko y'Umuhesha w'inkiko isobanura uburyo urubanza rudashobora kurangizwa n'impamvu ashingiraho avuga ko rutarangizwa uko rwaciwe. icyakora, hari n'igihe ukurikije imikirize y'urubanza, biba bigaragarira buri wese ko rudashobora kurangizwa. icyo gihe ntibiba bikiri ngombwa ko umuburanyi abanza kwiyambaza Umuhesha w'inkiko. Aba agomba ariko kuzirikana ko ariwe ubazwa gusobanura uburyo urubanza rudashobora kurangizwa mu buryo bugaragarira buri wese akanabitangira ibimenyetso.

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19 3.4. Kwiambura uburenganzira bwo kwiambaza iyi nzira Ingingo ya 55 y'Itegeko n° 30/2018 ryo ku wa 02/06/2018 ryavuzwe haruguru itanga impamvu 3 ari nazo twagarutseho mu bika bibanza. Nyamara igika gisoza cy'iyi ngingo gitanga irengayobora. icyo gika kigira giti: “Icyakora umuburanyi wari ufite uburenganzira bwo kwiambaza izindi nzira z'ubujurire zisanze n'izidasanzwe ariko ntabwo mu gihe giteganyijwe n'amategeko ntiyemerewe gusaba ko urubanza yatsinzwe rusubirishwamo ku mpamvu z'akarengane”. Ibi bivuze ko atari igihe cyose ababuranyi bemerewe kwiambaza inzira yo gusubirishamo urubanza ku mpamvu z'akarengane. 3.4.1 Ni ryari umuburanyi atakaza uburenganzira bwo kuba yasaba gusubirishamo urubanza ku mpamvu z'akarengane? Umuburanyi atakaza uburenganzira bwo gusaba ko urubanza rwe rusubirwamo ku mpamvu z'akarengane iyo yirengagije kunyura mu nzira z'ubujurire zisanze n'izidasanzwe ziteganywa n'amategeko, yarabikoze impitagihe cyangwa akaba yarabikoze mu buryo budakurikije amategeko. 3.4.2 Kurangiza inzira z'ubujurire bivuze iki? Kugira ngo umuburanyi agire uburenganzira bwo gusubirishamo urubanza ku mpamvu z'akarengane agomba kuba yararangije inzira z'ubujurire zindi.

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20 Ariko si ukuzirangiza by'umuhango gusa. Urukiko rw'Ikirenga rwabisobanuye muri aya amagambo: “Uru Rukiko rusanga uburenganzira burengerwa n'itegeko ku muburanyi wagize akarengane mu rubanza ari uburenganzira bw'uwagerageje inzira z'ubujurire ariko akazikora mu buryo bukurikije amategeko; bityo igikorwa cyo kuba warajuriye ubwacyo, icyo gihesha umuburanyi uburenganzira bwo gusubirishamo urubanza ku mpamvu z'akarengane”. 6 Mu yandi magambo, iyo bigaragaye ko umuburanyi hari izindi nzira yirengagije cyangwa yarazitabajye impitagihe 7 bigatuma urubanza rwe rutakirwa mu bujurire yari yemerewe n'itegeko, atakaza amahirwe yo gusaba ko urubanza rwe rusubirwamo ku mpamvu z'akarengane. 3.4.3 Bigenda bite iyo inzira y'ubujurire yiyambajwe n'umuburanyi itakiriwe? Inzira z'ubujurire zivugwa aha zigomba kurangira kugira ngo umuburanyi yemererwe gusubirishamo urubanza ku mpamvu z'akarengane ni :

- ubujurire busanzwe kuko aribwo butuma urubanza ruba itegeko iyo burangiye
- gusubirishamo urubanza ingingo nshya kuko ariyo nzira iba ishoboka ku rubanza rwabaye itegeko 6 Reba urubanza n° RS/REV/INJUST/CIV 0023/16/CS rwaciye ku wa 27/09/2019 rwa Rutabayiru na bagenzi be baburana na Mukamabano. 7 Ibidem.

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21 kandi yiyambazwa n'abarubayemo ababuranyi. Umuburanyi ashobora ariko kwiambaza izo nzira ikirego cye nticyakirwe. Urukiko rw'Ikirenga rwasobanuye uko bigenda icyo gihe, runabitangaho umurongo ku buryo bukurikira: 3.4.3.1. Ku byerekeye ubujurire bwa kabiri Iyo Urukiko rwanze kwakira ubujurire bwa kabiri kandi muri uko kutakirwa akaba ariho amakosa ashingiye, urwo rubanza nirwo umuburanyi asaba ko rusubirwamo ku mpamvu z'akarengane, 8

Iyo Urukiko rwanze kwakira ubujurire bwa kabiri kandi rukaba nta makosa rwakoze muri uko kutarwakira, nyamara umuburanyi akumva urubanza yajuriraga rwaramurenganyije, aba agifite amahirwe yo kuba arirwo asubirishamo ku mpamvu z'akarengane kuko aribwo ruba rubaye itegeko. 9 8 Reba urubanza n° RS/REV/INJUST/CIV 0023/16/CS rwaciwe ku wa 27/09/2019 haburana Rutabayiru et al vs Mukamabano Charlotte n'urubanza n° RS/INJUST/RP 00001/2019/SC haburana Ubushinjacyaha na Habinshuti Eric, rwaciwe n'Urukiko rw'Ikirenga ku wa 23/12/2020. 9 Reba urubanza n° RS/REV/INJUST/CIV 0011/2019/SC rwaciwe ku wa 12/02/2021 haburana Mukamusoni Petronille na Nkundimana Edson.

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22 Aha twakwibutsa ko atari ngombwa ko umuburanyi abanza kwiambaza inzira y'ubujurire bwa kabiri kugira ngo agire uburenganzira bwo gusaba ko urubanza rwe rusubirwamo ku mpamvu z'akarengane, cyane cyane iyo abona ko nta mpamvu n'imwe yujuje mu zo itegeko riteganywa kugira ngo ubujurire bwa kabiri bwakirwe. icyo gihe aba yemeye ko urubanza yatsinzwe mu bujurire bwa mbere rubaye ndakuka bityo bikamuhesha uburenganzira bwo kwiambaza inzira y'akarengane, keretse iyo hari impamvu igaragarira buri wese mu ziteganywa n'itegeko (nko kuba urubanza rwarasomwe n'inteko itaruburanishije, rwaraciwe n'inteko itubahirije umubare ugenwa n'amategeko, rutaruburanishijwe mu ruhame kandi nta muhezo wategetswe, rwarashingiye ku itegeko ritariho, ingingo z'amategeko zitakiriho cyangwa rwaraciwe n'urukiko rutabifitiye ububasha, ...) yivukije kandi yashoboraga kumuhesha uburenganzira bwo kujuririra bwa kabiri urubanza rwe. 3.4.3.2. Ku byerekeye gusubirishamo urubanza ingingo nshya Iyo umuburanyi abona afite impamvu yatuma urubanza rwe rusubirishwamo ingingo nshya, niyo nzira abanza gukoresha kugira ngo arenganurwe. Igihe ariko asanga atujuje ibisabwa ngo asabe gusubirishamo urubanza ingingo nshya, ashobora gusaba ko urubanza rwe rusubirwamo ku mpamvu z'akarengane iyo yujuje ibisabwa.

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23 Gusa ntiyemerewe gukoresha iza nzira zombi icyarimwe. Iyo umuburanyi ahisemo inzira yo gusubirishamo urubanza ingingo nshya ariko ikirego cy'ntacyakirwe, kandi muri uko kutakirwa akaba ariho akarengane avuga gashingiye, umuburanyi aba afite uburenganzira bwo gusubirishamo urwo rubanza ku mpamvu z'akarengane. icyakora, iyo mu kutarwakira nta kosa Urukiko rwakoze, uwo umuburanyi nta mahirwe aba agifite yo gusubirishamo ku mpamvu z'akarengane rwa rubanza yari yasabiye ko rusubirishwamo ingingo nshya, keretse asanze ibihe bitaramurengana kuko urwo rubanza ruba rwarabaye itegeko mbere y'uko agerageza gusaba ko rusubirishwamo ingingo nshya. 10 Biraza kugarukwaho mu gice cya III cyo kumenya urubanza rusabirwa gusubirwamo ku mpamvu z'akarengane n'uko ibihe bibarwa muri bene izi manza. 10 Reba urubanza n° RS/INJUST/RAD 00006/2018/SC haburana Akarere ka Ngoma, mu izina ry'Umuyobozi wako na MUNYANEZA Jean Bosco, rwaciwe ku wa 21/06/2019, igika cya 19.

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24 IV. ABABURANYI MU MANZA ZISUBIRWAMO KU MPAMVU Z'AKARENGANE Ingingo ya 63 y'Itegeko n° 30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'inkiko iteganya ibikurikira: "Iyo Urukiko rw'Ikirenga cyangwa urundi rukiko Perezida w'Urukiko rw'Ikirenga agena rushyikirijwe urubanza rusabirwa gusubirwamo ku mpamvu z'akarengane, rurusuzuma mu mizi bundi bushya abarubayemo ababuranyi bose bahamagajwe". Iyi ngingo itegeka ko abarubayemo ababuranyi bose bongera guhamagazwa. Birumvikana niba abantu baburanaga urubanza, hakaboneka impamvu ituma rusubirwamo ku mpamvu z'akarengane, ni ngombwa ko bahamagazwa kuko urwo rubanza ruba rushobora guhindurwa. Abaruburanye rero baba bagomba kugira icyo baruvugaho mu iburanisha, mbere y'uko Urukiko rufata icyemezo. Ariko se iyo hari umuburanyi utaragaragaje ko arufitemo inyungu, na we yahatirwa kwitaba urwo rubanza? Ese uwarezwe na we yagira uburenganzira bwo kugira ibyo asaba yuririye ku kirego cyatanze n'undi? Ibi nibyo bituma hasuzumwa inshingano n'uburenganzira bw'ababuranyi mu bika bikurikira, hanarebwa niba izi manza hagira abazigobokamo ku bushake cyangwa abazigobokeshwamo ku gahato.

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25 4.1. Uburenganzira n'inshingano z'ababuranyi basanzwe Ingingo ya 29 y'Itegeko Nshinga rya Repubulika y'u Rwanda ryo muri 2003 ryavugururwe muri 2015 iteganya ko buri muntu wese afite uburenganzira ku butabera buboneye. Ni muri urwo rwego amategeko agenga imiburanishirize y'imanza asobanura mu buryo burambuye ibyo umuburanyi agomba n'ibyo agombwa kugira ngo ubwo burenganzira bwubahirizwe. 4.1.1. Uburenganzira n'inshingano z'urega

1. Urega ni nde ? Mu rubanza rusaba ko urubanza rwaciwe burundu rusubirwamo ku mpamvu z'akarengane, urega ni uwabaye umuburanyi mu rubanza rusabirwa gusubirwamo ku mpamvu z'akarengane wanditse abisaba, nk'uko biteganywa mu ngingo za 58 - 62 z'Itegeko n° 30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'inkiko, maze nyuma yo kubyemererwa agakora imyanzuro isobanura akarengane ke mu gihe yabisabwemo.
2. Uburenganzira bw'urega Uburenganzira bw'urega mu manza zisubirishwamo ku mpamvu z'akarengane ntibutandukanye n'ubw'umuburanyi urega mu zindi nzira.

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26 Ingingo ya 4 y'itegeko rigena imiburanishirize y'imanza mbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, urega afite uburenganzira bwo :

- kurega ;
- guhagarika ikirego cye igihe cyose urubanza rutarasomwa cyangwa ngo kizime ku bw'itegeko ;

- ashobora no kumvikana n'uwo baburana igihe cyose urubanza rutarasomwa. Ibi ariko ntibibuza ko na nyuma y'icibwa ry'urubanza ababuranyi ubwabo bashobora guhitamo uko barangiza ikibazo bafitanye n'ubwo byaba binyuranye n'icyemezo cy'urukiko.
- 3. Inshingano z'urega Mu manza zisubirishwamo ku mpamvu z'akarengane, urega afite inshingano yo kubahiriza inzira zisaba ko urubanza rusubirwamo nk'uko biteganywa n'ingingo ya 58. Iyo nzira ni:
 - kwandikira Perezida w'Urukiko rwisumbuye ku rwacye urubanza asaba ko rusubirwamo ku mpamvu z'akarengane akoresheje ikoranabuhanga (sobanuzainkiko);
 - kumugaragariza byibura imwe mu mpamvu ziteganywa mu ngingo ya 55 y'Itegeko rigena ububasha bw'inkiko nk'uko byasobanuwe haruguru ;

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- kubahiriza ibihe biteganywa n'itegeko: ni ukuvuga iminsi mirongo itatu (30) ibarwa kuva igihe yamenyeye imikirize y'urubanza avuga ko rwamurenganyije. Icyakora iyo gusubirishamo urubanza byatewe n'uko urubanza rusabirwa gusubirishwamo rudashobora kurangizwa, bikemezwa n'Umuhesha w'inkiko ibyo bihe bitangira kubarwa kuva ku muni uwo Muhesha w'inkiko yagaragarije impamvu urwo rubanza rudashobora kurangizwa nk'uko biteganywa n'ingingo ya 56 y'Itegeko n° 30/2018 ryo kuwa 02/06/2018 rimaze kuvugwa.
- 4. Bigenda bite iyo ubusabe bw'urega bwemewe. Iyo ubusabe bwo gusubirishamo urubanza ku mpamvu z'akarengane bwemewe, urubanza rukoherezwa mu Rukiko rugomba kurusubiramo, urega arabimenyeshwa, akaba afite inshingano yo kuba yatanze imyanzuro ye mu ikoranabuhanga (IECMS), kandi akayuzuzwa uko bikwiye, hakurikijwe uburyo busanzwe bw'imyandikire y'imyanzuro nk'uko biteganywa n'ingingo ya 23 y'Itegeko n° 22/2018 ryo ku wa 28/04/2018 ryerekeye imiburanishirize y'imanza mbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegets. Imyanzuro ivugwa aha, si uguterura ibyo yandikiye Perezida w'Urukiko agaragaza akarengane yagiriwe, ahubwo ikiba gisabwa ni uko umuburanyi uvuga ko yagiriwe akarengane,

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28 kuko aribwo aba ahawe uburenganzira bwo kuburana, aba agomba gutanga imyanzuro noneho igaragaza uburenganzira afite ku byo aburana, akaba yarabuvukijwe mu manza zabanje kandi atavuye mu mbibi z'ikiburanwa. Ibirebana n'impamvu zo gusubirishamo urubanza ku mpamvu z'akarengane biba byaravuzweho mu iyakira ry'ikirego, si ngombwa kubigarukaho kuko biba byarasuzumwe na Perezida w'urukiko nk'uko byasobanuwe haruguru. Bishobora kugarukwaho gusa iyo uregwa agaragaje impamvu ndemyagihugu yo kutakira icyo kirego. 11 Biragarukwaho nyuma.

5. Ibindi bisabwa urega Mu Rukiko rw'Ubujurire kimwe no mu Rukiko rw'Ikirenga, urega asabwa no kumenyesha urukiko avoka uzamuhagararira cyangwa uzamwunganira. Urega kandi asabwa kwitabira ubwe inama ntegururubanza iyo bishoboka, cyangwa agaha uburenganzira bwanditse umuhagarariye bwo kuba yatangiza inzira y'ubwumvikane mu rukiko. 12 11 Reba urubanza n° RS/INJUST/RP 00001/2020/SC rwa Magara na bagenzi be, urubanza rubanziriza urundi rwaciwe ku wa 23/12/2020 cyangwa urubanza n° RS/ REV/ INJUST/CIV 0011/2019/SC rwaciwe ku wa 12/02/2021 haburana Mukamu- soni Petronille na Nkundimana Edson. 12 Ibi biteganywa n'ingingo ya 28, igika cya nyuma cy'Itegeko n0 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsu.

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29 4.1.2. Uburenganzira n'inshingano by'uregwa

1. Uburenganzira bw'uregwa Uregwa afite uburenganzira buteganywa mu ngingo ya 5 y'Itegeko N° 22/2018 ryo ku wa 28/04/2018 ryavuzwe haruguru:
 - Ashobora kwemera ikirego igihe cyose urubanza rutarasomwa;
 - Gusaba kumvikana n'uwo baburana igihe cyose urubanza rutarasomwa. Uburenganzira bwe, nk'uko byavuzwe haruguru, ntibutandukanye n'undi uregwa urubanza rugitangira cyangwa mu bujurire.
2. Inshingano z'uregwa Uregwa afite inshingano zikurikira:
 - kwiregura asubiza kuri buri ngingo igize urubanza yatanze n'urega kandi akabikora mu gihe kitarenze ukwezi abonye imyanzuro y'urega;
 - Iyo afite inzitizi agomba kuzigaragaza muri iyo myanzuro kandi akazisobanura, kugira ngo mugenzi we na we abashe kuzisobanuraho.
 - Asabwa na we kwitabira inama ntegururubanza ubwe (ariko yunganiwe mu nkiko bisabwamo), cyangwa agatanga uburenganzira bwanditse k'umuhagarariye, bumwemerera kuba yatangiza inzira y'ubwumvikane.

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3. Ese uregwa mu rubanza rusubirishwamo ku mpamvu y'akarengane, ashobora kuzamura inzitizi yo kutakira ikirego (fin de non-recevoir)? Mu manza zisubirishwamo ku mpamvu z'akarengane, nta nzitizi yakirwa keretse igihe umuburanyi ashoboye kugaragaza impamvu ndemyagihugu nko kuba harabayeho kwibeshya ku bihe byo gutanga ikirego. Ibi byasobanuwe mu manza zinyuranye. 13

4. Ese uregwa ashobora kuririra ku busabe bw'umurega na we akagaragaza akarengane ke yagiriwe mu rubanza rusubirwamo ku mpamvu z'akarengane? Mu manza zisabirwa gusubirwamo ku mpamvu z'akarengane, uregwa ntashobora kuririra ku busabe bw'uwamureze, ngo abe yazana ingingo nshya mu rubanza aregwamo niba atarabisabye anyuze mu nzira ziteganywa mu ngingo ya 58 y'Itegeko rigena ububasha bw'inkiko yavuzwe haruguru. Ibi Urukiko rw'Ikirenga rwabisobanuye mu rubanza n° RS/INJUST/RCOM 00002/2020/SC rwaciwe ku wa 25/09/2020, aho rwagize ruti "ikirego kigamije kwiregura gishingiye ku byo umuburanyi yatsinzweho mu rubanza rusabirwa gusubirwamo ku mpamvu z'akarengane rwabaye itegeko, 13 Reba urubanza rubanziriza urundi n° RS/INJUST/RP 00001/2020/SC haburana Ubushinjacyaha, Magara na bagenzi be, rwaciwe ku wa 23/12/2020; urubanza n° RS/REV/INJUST/CIV 0011/2019/SC haburana Mukamusoni Petronille na Nkundima- na Edson, rwaciwe ku wa 12/02/2021 na RS/INJUST/RC 00022/2018/SC haburana Mugunga Busoro Desire na Busoro Gervais, Twagirayezu Ildephonse, Mukankombe Chartine, rwaciwe ku wa 28/06/2019.

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31 ariko akaba atarigeze asaba ko byasuzumwa mu rwego rw'akarengane abinyujije mu nzira ziteganywa n'amategeko; icyo kirego ntacyakirwa ngo gisuzumwe". 14 Uyu murongo ni nawo ugaragara no mu zindi manza zitandukanye. 15

5. Kutazana ingingo zitaburanishijwe mu manza zisabirwa gusubirwamo ku mpamvu z'akarengane Ababuranyi ntibemerewe kuzana mu karengane ibibazo bitigeze biburanishwa mu nkiko zibanza. Uyu murongo ugaragara mu manza zitandukanye zaciwe n'Urukiko rw'Ikirenga, nko mu rubanza n° RS/INJUST/ RC 00004/2019/SC rwaciwe ku wa 28/07/2020, aho Urukiko rwasobanuye ko "ibibazo bitaburanyweho mu rubanza rusabirwa gusubirwamo ku mpamvu z'akarengane bidashobora gusuzumwa mu rwego rw'akarengane, kuko umuburanyi atavuga ko yagize akarengane ku kibazo atigeze asaba Urukiko gusuzuma". 16 14 Reba urubanza n° RS/INJUST/RCOM 00002/2020/SC haburana MAILCO Ltd na Road Solutions Pavement Products rwaciwe ku wa 25/09/2020, igika cya 70. 15 Reba urubanza n° RS/INJUST/RCOM 00005/2018/SC rwaciwe ku wa 12/06/2020, haburana PRIME Insurance Ltd na KANSIIME James, urubanza n° RS/ INJUST/RC 00002/2018/SC rwaciwe ku wa 21/02/2020 haburana Uwimana Marine na Kagitare Dancile, igika cya 12; urubanza n° RS/INJUST/RAD 00003/2018/SC rwaciwe ku wa 17/07/2020 haburana MUJAWAMARIYA Claire, DUSABEYEZU Jeanne na NYIRANDIKUBWIMANA Marie Goretti, Ikigo cy'Igihugu gishinzwe imicungire n'imikoreshereze y'ubutaka, n'urubanza n° RS/INJUST/RC 00005/2019/CS rwaiwe ku wa 26/03/2021, haburana Karambizi Balthazar na Niyibizi Irene na Mukamusoni Petronille, igika cya 17. 16 Reba urubanza n° RS/ INJUST/RC 00004/2019/SC haburana Vèrene CANDALI et al., rwaciwe n'Urukiko rw'Ikirenga 28/07/2020, igika cya 23, urubanza n° RS/ INJUST/RC 00024/2018/CS rwaciwe ku wa 21/02/2020, haburana Ngizweninshuti Albert na Muhima Giovanni n'urubanza n° RS/INJUST/RC 00007/2018/SC rwaciwe ku wa 13/03/2020, haburana Nditiribambe Samuel, Gatera Jason na Nyamaswa Faustin.

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32 6. Bigenda bite iyo mu rubanza rufite ababuranyi benshi (barega hamwe cyangwa baregwa hamwe), bamwe basabye ko urubanza rusubirwamo ku mpamvu z'akarengane, abandi ntibabikore? Urubanza ruburanishwa ku bireba ubusabe bw'ababisabye gusa. 17 Abatarabisabye bitaba urukiko nk'ababuranyi, ariko ntibashobora kuririra ku busabe bwa bagenzi babo ngo nabo bagire icyo basaba. 6.1.Ni kuki ababuranyi bose bahamagarwa mu manza zisabirwa gusubirwamo ku mpamvu z'akarengane, kandi ntacyo bemerewe gusaba urukiko? Ababuranyi mu rubanza rusabirwa gusubirwamo ku mpamvu z'akarengane bose baruhamagarwamo, Urukiko rushobora kugira icyo rubabaza cyafasha mu micire y'urubanza rusubirishwamo cyangwa nabo bakaba bagira amakuru batanga. Ariko abatarasabye ko rusubirwamo mu nzira ziteganywa n'amategeko bakaba badashobora gusaba ko urwo rubanza ruhinduka ku byerekeye ibyemezo bari bafatiwe keretse rusanze hari ubusobekerane bw'ibiburanwa ku buryo rudashobora gufata icyemezo ku busabe bw'abasabye ko urubanza rusubirwamo bitagize ingaruka ku byemezo byafatiwe abatarabisabye, kandi ku buryo bubafitiye inyungu. 18 17 Reba urubanza rubanziriza urundi n° RS/INJUST/RP 00001/2020/SC haburana Ubushinjacyaha, Magara na bagenzi be, rwaciwe ku wa 23/12/2020. 18 Reba urubanza rubanziriza urundi n° RS/INJUST/RP 00001/2020/SC haburana Ubushinjacyaha, Magara na bagenzi be, rwaciwe ku wa 23/12/2020, igika cya 43.

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33 Muri iki cyemezo humvikanamo ingingo ebyiri zo kwitaho:

- a) Kugira ngo utarasabye ko urubanza rwe rusubirwamo ku mpamvu z'akarengane agire icyo agenerwa mu rubanza, hagomba kugaragara ubusobekerane (indivisibilité/ indivisibility) ku buryo bidashoboka ko icyemezo cyafatiwe uwasabye ko urubanza ruhinduka kitagira ingaruka ku cyemezo cyari cyarafatiwe utarasabye ko urubanza ruhinduka.
- b) Ibikosorwa biba biri mu nyungu ze. Bivuze ko utarasabye ko urubanza rusubirwamo ku mpamvu z'akarengane adashobora kugirwaho ingaruka mbi n'urubanza rwasubiwemo ku mpamvu z'akarengane ugereranyije n'ibihano, indishyi cyangwa gusubiza ibirenze ibyo yari yategetswe mu rubanza we atari yasabye ko rusubirwamo kandi atari we uregwa. 6.2 Umuburanyi utarasabye ko urubanza rusubirwamo aba afite izihe nshingano? Umuburanyi utarasabye ko urubanza rwe rusubirwamo ku mpamvu z'akarengane afite inshingano yo kwitaba urukiko kuko rushobora kugira ibyo rumubaza byarufasha guca urubanza uko bikwiye.

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34 6.3 Ese ashobora gusaba mu rubanza amafaranga y'ikurikiranarubanza n'igihembo cy'avoka? Nta cyemezo cy'urukiko kirafatwa kuri icyo kibazo, ariko kuba batarega, hakaba nta n'ubarega, byumvikana ko ibirebana n'ikurikiranarubanza batabisabwa. Cyakora bashobora kubisaba. 4.2. Kugobokeshwa mu manza z'akarengane Mu manza z'akarengane, kugoboka ku bushake cyangwa

ku gahato birashoboka ndetse no mu Rukiko rw'Ikirenga biremewe. 4.2.1. Kugoboka ku bushake 1. Kugoboka mu rubanza bisobanuye iki? Nk'uko biteganywa n'ingingo ya 113 y'Itegeko n° 22/2018 ryo ku wa 28/04/2018 ryavuzwe haruguru: "Kugoboka mu rubanza ni ugusaba kuba umuburanyi cyangwa kugirwa we mu rubanza ataregeye cyangwa atarezwemo". 2. Ni ibiki bisabwa ushaka kugoboka ku bushake? Kimwe no mu manza zisanzwe, usaba kugoboka ku bushake mu rubanza atarezwemo, asabwa kugaragaza mu myanzuro inyungu ye bwite kandi itaziguye.

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35 Ibi nibyo byemejwe mu rubanza RS/INJUST/RC 00011/2019/SC rwaciwe n'Urukiko rw'Ikirenga, ko umuntu wese afite uburenganzira bwo kugoboka ku bushake mu rubanza rw'akarengane akurikije ibiteganywa n'ingingo ya 113 na 114 z'itegeko rigena imiburanishirize ryavuzwe haruguru. 19 4.2.2. Kugobokeshwa ku gahato 1. Bigenda bite iyo mu rubanza rw'akarengane usanze ikiburanwa kiri mu maboko y'undi muntu? Ingingo ya 116 y'Itegeko N° 22/2018 ryo ku wa 28/04/2018 ryavuzwe haruguru iteganya ko: "Kugobokeshwa umuntu ku gahato ntibishoboka mu Rukiko rw'Ubujurire no mu Rukiko rw'Ikirenga". N'ubwo bimeze bityo ariko, Urukiko rw'Ikirenga rwasanze umuntu ashobora kugobokeshwa mu rubanza rusubirwamo ku mpamvu z'akarengane, iyo basanze ari bwo buryo bwiza bwo gutanga ubutabera bwuzuye. 20 Urukiko rwabanje gusobanura ko imanza zisubirishwamo ku mpamvu z'akarengane atari imanza ziburanishwa ku rwego rw'ubujurire, ko ahubwo izo manza ziba zaraciwe ku rwego rwa nyuma (inzira zisanzwe n'izidasanzwe ziba zararangiyeye). 19 Reba icyemezo cy'Urukiko cyafashwe mu iburanisha ryo ku wa 13/01/2021 mu rubanza n° RS/INJUST/RC 00011/2019/SC haburana Mukamusoni Petronille na bagenzi be. 20 Reba urubanza rubanziriza urundi n° RS/INJUST/RP 00005/2018/SC haburana Ubushinjacyaha na Nsengumuremyi Richard na bagenzi be, rwaciwe ku wa 31/01/2019.

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36 Urukiko rwakomeje ruvuga ko, mu rwego rwo kurangiza akarengane kagaragaye mu rubanza, ntacyabuza igobokeshwa ry'umuntu wese ufite aho ahuriye n'urwo rubanza haba ku isano iziguye cyangwa itaziguye (lien direct ou indirect), bityo rukaburanishwa ababuranyi bose bahari, abarubayemo n'abagomba kurubamo, kugira ngo nyuma y'icibwa ryarwo hatazagira ikindi kibazo kivuka kirushamikiyeho kandi intandaro yacyo aribwo yashoboraga kugaragara. 21 Ibi bivuze ko utarabaye umuburanyi mu manza zabanje, ashobora kuzanwa mu rubanza rusubirishwamo ku mpamvu y'akarengane, igihe Urukiko rusanga ari byo byatanga ubutabera bwuzuye. Ibi bikorwa cyane cyane, iyo mu iburanisha cyangwa mu nama ntegururubanza bigaragaye ko ikiburanwa cyarangije kuva mu maboko y'ababuranyi basanzwe, kikajya mu maboko y'undi muntu utarabaye umuburanyi. Koko rero, ntibyaba byumvikana ko Urukiko rufata icyemezo ku mutungo uri mu maboko y'umuntu kandi atarumviswe. Kumuzana mu rubanza rero biba bigamije kumva icyo avuga ku mutungo uburanwa uri mu maboko ye, kumenya inkomoko yawo no kumenya uko byagenda igihe basanze akwiye kuwusubiza kandi yari yarawubonye nta buryarya. 21 Reba igika cya 31 cy'urubanza n° RS/INJUST/RP 00005/2018/SC haburana Ubushinjacyaha na Nsengumuremyi Richard na bagenzi be, rwaciwe ku wa 31/01/2019.

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37 Ikiba kigamijwe ni ukurengera n'inyungu z'uyu ugobokeshwa ku gahato, aho kuzisanga urukiko rwarategetse ko umutungo yibwiraga ko ari uwe, uhabwa undi muntu, kandi we atarahawe n'amahirwe yo kumvwa, ngo anagaragaze ibitekerezo bye. 2. Hari inshingano n'uburenganzira uwagobotse cyangwa ugobokeshejwe mu rubanza afite? Uwagobotse ku bushake akabyemererwa kimwe n'uwagobokeshejwe ku gahato baba bahindutse ababuranyi mu rubanza, banafite inshingano n'uburenganzira nk'ubw'abandi baburanyi twabonye haruguru. 3. Ese uwagobotse mu rubanza rusabirwa gusubirwamo ku mpamvu z'akarengane akabyangirwa, ashobora kugoboka mu rubanza rusuzuma akarengane? Iyo umuntu yasabye kugoboka mu rubanza ariko ntabyemererwe, ntashobora kurugarukamo nk'umuburanyi mu rwego rwo gusubirishamo urubanza ku mpamvu z'akarengane, kuko aba atarigeze yemererwa kuba umuburanyi mu rubanza rusabirwa gusubirwamo ku mpamvu z'akarengane. 22 Bityo no mu rubanza rusubirwamo ku mpamvu z'akarengane ntashobora kuba umuburanyi, keretse iyo uko kutemererwa kugoboka ariho akarengane gashingiye, akaba ari na we wasabye ko rusubirwamo ku mpamvu z'akarengane. 22 Reba urubanza n° RS / I N J U S T / R C O M 0 0 0 0 5 / 2 0 2 0 / S C rwa BPR ATLAS MARA Plc na Nkusi Evariste, rwaciwe ku wa 27/11/2020.

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38 V. UKO IKIREGO GISABA GUSUBIRISHAMO URUBANZA KU MPAMVU Z'AKARENGANE GITANGWA Mu manza zisabirwa gusubirwamo ku mpamvu z'akarengane, kumenya inzira igomba gukurikizwa no kumenya neza urubanza rushobora gusabirwa gusubirwamo ni ngombwa cyane. 5.1. Inzira ikurikizwa mu gusaba ko urubanza rusubirwamo ku mpamvu z'akarengane Itegeko no 30/2018 ryo ku wa 29/04/2018 rigena ububasha bw'inkiko kuva ku ngingo ya 56 kugera 64 riteganyaga uburyo uwifuza ko urubanza rwe rusubirwamo ku mpamvu z'akarengane abikoramo. 5.1.1 Uregerwa gusuzuma ko urubanza rurimo akarengane Uretse ku byerekeye akarengane kabonywe n'ubugenzuzi bw'inkiko, urega asabwa kwandikira Perezida w'Urukiko rwisumbuye ku rwacye urubanza. Ibi bisaba ko urega agomba no kumenya uko inkiko zirutana. Niyo mpamvu akenshi umuburanyi aba asabwa kwiambaza abanyamategeko babihugukiwe kugira ngo bamufashe cyangwa bamugire inama.

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39 5.1.2. Uko usaba ko urubanza rwe rusubirwamo yohereza ubusabe bwe Usaba ko urubanza rwe rusubirwamo ku mpamvu z'akarengane wandikiye Perezida w'Urukiko wavuzwe mu gika kibanziriza iki, ubusabe bwe abwohereza hifashishijwe ikoranabuhanga ryabugenewe, ari naho ahererwa amakuru arebana n'ubusabe bwe kugera igihe bwakiriwe cyangwa butakiriwe. 5.1.3. Bigenda bite iyo Perezida w'urukiko amaze kwakira ubusabe? Perezida w'urukiko usuzuma ubwo busabe ni we umenya niba koko urwo rubanza hari impamvu zatumye rusubirwamo ku mpamvu z'akarengane. Iyo asanze ntazo, abimenyesha uwareze. Iyo abona hari impamvu zatumye urubanza rusubirwamo, abimenyesha Perezida w'Urukiko rw'Ikirenga akamusaba ko urwo rubanza rusubirwamo ku mpamvu z'akarengane. Raporo ya Perezida w'Urukiko ntishyirwa muri

dosiye ya IECMS. 5.1.4. Bigenda bite iyo Perezida w' Urukiko waregewe avuze ko nta karengane urega yakorewe? Iyo Perezida w'Urukiko rwasuzumye ku rwego rwa mbere ko harimo akarengane agaragaje ko nta karengane karimo, umuburanyi ashobora kwandikira Urwego rw'Umuvunyi kugira ngo rurebe niba koko nta karengane karimo.

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40 Ibyo abikora mu gihe kitarenze iminsi 30 23 ibarwa uhereye ku italiki yamenyesherejweho ko ubusabe bwe butakiriwe na Perezida w'Urukiko yari yabisabye. Iyo urwo rwego rusanze nta karengane karimo, narwo rubimenyesha umuburanyi, ubusabe bwe bukagarukira aho. Iyo ariko Urwego rw'Umuvunyi rusanze harabayeho kwibeshya kuri Perezida wari wasuzumye ibirebana n'akarengane, rwandikira Perezida w'Urukiko rw'Ikirenga, rumusaba ko urwo rubanza rwasubirwamo, akaba ari we ufata icyemezo cya nyuma yifashishije raporo yakozwe n'Ubugenzuzi Bukuru bw'Inkiko. icyakora, iyo urubanza rusabirwa gusubirishwamo ku mpamvu z'akarengane rwaciwe n'Urukiko rw'Ubujurire, ubusabe bw'ushaka ko urubanza rwe rusubirwamo ku mpamvu z'akarengane bushyikirizwa Perezida w'Urukiko rw'Ikirenga kandi icyemezo afashe ntigishobora gusuzumwa n'Urwego rw'Umuvunyi. Urubanza ruciwe n'Urukiko rw'Ikirenga rwo ntirusabirwa gusubirwamo kuko rudashobora gusubirwamo ku mpamvu z'akarengane (ingingo ya 50 y'Itegeko n° 012/2018 ryo ku wa 04/04/2018 rigena imitunganyirize n'imikorere y'Ubutegetsi bw'Ubucamanza). 23 Reba urubanza rubanziriza urundi RS/INJUST/RC 00001/2021/SC rwaciwe kuwa 08/10/2021 haburana Umuringa Consilde na Ngirinshuti Michel na bagenzi be, igika cya 17.

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41 5.2 Kumenya urubanza rusabirwa gusubirwamo ku mpamvu z'akarengane Nk'uko twabibonye hejuru, urubanza rushobora gusabirwa gusubirishwamo ku mpamvu z'akarengane ni urwaciwe ku rwego rwa nyuma. 5.2.1 Urubanza rwaciwe ku rwego rwa nyuma bivuze iki? N'ubwo Umushingamategeko atabisobanuye, ibyemezo by'Urukiko rw'Ikirenga kuri iyi ngingo bimaze kuba byinshi bisobanura uko urubanza rwaciwe ku rwego rwa nyuma, ari narwo ruregerwa gusubirwamo ku mpamvu y'akarengane, rugomba kumvikana. Urukiko rw'Ikirenga rwasobanuye ko urubanza rusabirwa gusubirwamo ku mpamvu z'akarengane ari urubanza rwafashe icyemezo kirenganya umuburanyi 24 kandi nta yindi nzira y'ubujurire ishoboka. Muri rusange, ni urubanza rwaciwe mu mizi, ariko igihe urukiko rwafashe icyemezo cyo kutakira ikirego/ ubujurire (décision d'irrecevabilité), icyo cyemezo gishobora gusabirwa gusubirwamo iyo uko kutakira ikirego/ubujurire ari byo akarengane gashingiyeho. 25 24 Reba urubanza n° RS/REV/INJUST/CIV 0023/16/CS rwaciwe ku wa 27/09/2019 haburana Rutabayiru et al vs Mukamabano Charlotte, igika cya 28. Muri urwo rubanza, urukiko rwagize ruti "...bikaba byumvikana ko urubanza rushobora gusubirishwamo ku mpamvu z'akarengane ari urubanza rwafashe icyemezo kirenganya umuburanyi. Mu yandi magambo, urubanza rutakiriwe byafatwa ko rwarenganyije umuburanyi, iyo muri uko kutakirwa kwarwo ariho akarengane gashingiye." 25 Reba urubanza n° RS/INJUST/RCOM 00003/2020/SC haburana SANLAM Assurance générale Plc na UNIVERSITY OF RWANDA, rwaciwe ku wa 27/11/2020.

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42 Akenshi, usanga umuburanyi avuga urubanza rutakiriye ubujurire ari narwo asabira gusubirwamo ariko yajya gusobanura akarengane yagiriwe, agasobanura ako yagiriwe mu rubanza rwarubanjirije. Ni ukuvuga urwo yajuririraga, nyamara atarirwo yasabiye gusubirwamo ku mpamvu z'akarengane. Ibi bigira ingaruka mu miburanire ye, kuko Urukiko rw'Ikirenga rwagaragaje ko ruburanisha urubanza rwaregewe. Iyo rero urubanza rwaregewe mu karengane ari urutarakiriye ubujurire bwa nyuma, kugira ngo Urukiko rwinjire mu mizi y'urubanza, ruba rugomba kubanza kureba niba hari amakosa urukiko rubanza rwakoze mu kutakira ubujurire. Mu yandi magambo iyo urubanza rutakiriye ubujurire rwakozwemo amakosa mu kutakira ubujurire, ni narwo ruba rugomba gusabirwa gusubirwamo ku mpamvu z'akarengane. Icyo gihe urukiko rwaregewe mu karengane, iyo rusanze koko harabaye amakosa muri uko kutakira ubujurire, rwemeza ko habaye amakosa, rukavuga ko urubanza rwagombaga kwakirwa, hanyuma rukaburanisha mu mizi rwa rubanza rwari rwajuririwe. 26 Icyo gihe urukiko rwaregewe akarengane, rwitwara nk'uruburanisha ubujurire bwa kabiri, bivuze ko rukurikiza amategeko agenga ubujurire aho gukoresha agenga gusubirishamo urubanza ku mpamvu akarengane.²⁷ 26 Reba urubanza n° RS/INJUST/RCOM 00003/2020/SC haburana SANLAM Assurance générale Plc na UNIVERSITY OF RWANDA, rwaciwe ku wa 27/11/2020. 27 Reba rubanza n° RS/INJUST/RP 00001/2019/SC haburana Ubushinjacyaha na Habinshuti Eric, rwaciwe n'Urukiko rw'Ikirenga ku wa 23/12/2020 n'urubanza rubanzi- riza urundi n° RS/INJUST/RC 00023/2018/SC haburana IBYISI Augustin et al., rwaciwe ku wa 31/01/2020.

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43 Naho, iyo urega yajuririye urubanza ntirwakirwe kandi muri uko kutakirwa hakaba nta kosa urukiko rwakoze, urega aba agifite amahirwe yo gusaba gusubirishamo rwa rubanza (yari yagerageje kujuririra) yandikira Perezida w'urukiko rwisumbuye ku rwaruciyeye; ni ukuvuga Perezida wa rwa rukiko rutakiriye ubujurire bwe. 28 5.2.2 Kuburanisha mu rwego rwo gusubirishamo urubanza ku mpamvu z'akarengane, ku manza ziburanishwa n'inkiko ku rwego rwa mbere n'urwa nyuma Ku rubanza rwaciwe n'urukiko rw'ibanze, rukanga kwakira urubanza rwavuye mu Nteko y'Abunzi kandi nyamara rwaragombaga kurwakira kimwe n'Urukiko Rukuru rw'Ubucuruzi rwanze kwakira imyanzuro y'ubukemurampaka, urukiko ruruburanisha mu rwego rwo gusubirishamo urubanza ku mpamvu z'akarengane, ruvuga ko urubanza rwagombaga kwakirwa, rukiwara nk'aho ruburanisha ku rwego rwa mbere. 29 Naho iyo urukiko rwakiriye urubanza ruvuye mu Nteko y'Abunzi cyangwa mu bakemurampaka rutaragombaga kurwakira, urukiko ruruburanisha mu rwego rwo gusubirishamo urubanza ku mpamvu z'akarengane rurukuraho, ababifitemo inyungu bakaba batangira urubanza bundi bushya hakurikijwe amategeko abigenga. 28 Reba urubanza n° RS/REV/INJUST/CIV 0023/16/CS haburana Rutabayiru et al, rwaciwe ku wa 27/09/2019 rwavuzwe haruguru. Uyu mu rongo ni nawo wafashwe mu rubanza n° RS/INJUST/RP 00001/2019/SC haburana Ubushinjacyaha na Habinshuti Eric, rwaciwe n'Urukiko rw'Ikirenga ku wa 23/12/2020, mu gika cya 27. 29 Reba urubanza rubanziriza urundi n° RS/INJUST/RC 00023/2018/SC haburana IBYISI Augustin et al., rwaciwe ku wa 31/01/2020.

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44 5.2.3 Ingaruka zo kutamenya urubanza rushobora gusabirwa gusubirwamo ku mpamvu z'akarengane Bikunze kugaragara ko urega avuga mu kirego kimwe imanza ebyiri icyarimwe; ni ukuvuga urwafashe icyemezo cyo kutakira ubujurire, n'urwaciwe mu mizi (urwajuririrwaga), yajya gusobanura akarengane avuga yagiriwe, akivugira ku rwaciwe mu mizi kandi ataranyuze mu nzira yagomba gucamo atanga ubusabe bwe (aho kwandikira Perezida w'urukiko rwisumbuye ku rwaciye urubanza mu mizi, akandikira Perezida w'urukiko rwisumbuye ku rwafashe icyemezo cyo kutakira ubujurire). Ingaruka yo kutamenya urubanza aregera ni ukutakirwa kw'ikirego cye. 30 Ingaruka zishobora no kuba kutagira ishingiro ku ikirego cye, mu gihe aregeye akarengane mu rubanza runaka, yajya kugasobanura akavuga ibireba urundi rubanza ataregeye. 31 5.3. Imbibu z'ikiburanwa mu manza zisubirishwamo ku mpamvu y'akarengane Ubusanzwe imbibu z'ikiburanwa zigenwa n'ibisabwa n'umuburanyi hamwe n'ibisubizo by'uregwa harimo n'ibirego biregera kwiregura iyo bihari. 30 Reba urubanza n° RS/INJUST/RCOM 0003/2020/SC rwaciwe ku wa 27/11/2020 haburana Sanlam Assurance generales Plc na University of Rwanda. 31 Reba urubanza n° R S / I N J U S T / R C O M 0 0 0 0 5 / 2 0 2 0 / S C rwa BPR ATLAS MARA Plc na Nkusi Evariste, rwaciwe ku wa 27/11/2020.

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45 Mu rwego rw'ubujurire, imbibu zigaragazwa n'icyo ujurira anenga imikirize y'urubanza ajuririra hamwe n'ibisubizo by'uwarezwe mu bujurire harimo n'ubujurire bwuririye ku bundi iyo buhari. Ni nako bigenda ahanini (mutatis mutandis) no mu zindi nzira z'ubujurire. Imbibu z'ikiburanwa zigaragarira mu myanzuro y'impande zombi, igashimangirwa burundu mu nama ntegururubanza, mu manza iteganyijwemo. 32 Ibi nyamara ntibibuza impaka zikunze kuvuka ku mbibu z'ikiburanwa mu manza zisabirwa gusubirwamo ku mpamvu z'akarengane. Ni kenshi, usanga umuburanyi agerageje kwagura imbibu z'ikiburanwa. Hari ababuranyi babikora nkana, ariko hari n'abandi babikora bumva ko ariko byakagombye kugenda, cyane cyane iyo hari icyo bari baribagiwe kuburana mu rubanza basaba ko rusubirwamo. Ingingo ya 63 y'Itegeko no 30/2018 ryo ku wa 29/04/2018 ryamaze kuvugwa hejuru, igira iti: "Iyo Urukiko rw'Ikirenga cyangwa urundi rukiko Perezida w'Urukiko rw'Ikirenga akena rushyikirijwe urubanza rusabirwa gusubirwamo ku mpamvu z'akarengane, rurusuzuma mu mizi bundi bushya abarubayemo ababuranyi bose bahamagajwe". 32 Reba ingingo za 6 al 1 ; 150, 151 y'Itegeko n° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi.

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46 5.4. Imizi y'urubanza bivuze iki? Ubusanzwe urubanza ruvugwa ko rwaburanishijwe mu mizi, iyo urukiko rwarenze inzitizi zose, rukaburanisha ikiregerwa. Mu manza z'akarengane, imizi ni icyateje akarengane. Hari igihe urubanza rutangirira ku nzitizi yo kutakira urubanza (fin de non recevoir), zituma urukiko rutabasha kwinjira mu kiburanwa kandi zikaba zishobora kujuririrwa zonyine kugera no ku rwego rwa nyuma. Urubanza nk'uru ruba rushobora kuburanishwa mu

rwego rwo gusubirishamo urubanza ku mpamvu z'akarengane kuko nyine ruba rwaciwe ku rwego rwa nyuma. Ikibazo kivuka nyuma yo gusanga koko, imanza zaciwe zirimo akarengane, zikaba zikwiye gukosorwa. Ese umucamanza abyitwaramo ate? Akuraho izo manza akaruburanisha noneho ku kiregerwa? Cyangwa akuraho izo manza akarwoherereza urukiko rwagombaga kuba rwararuburanishije? icyemezo cy'umucamanza gishingira ku miterere y'ikibazo yashyikirijwe: 5.4.1 Imanza zaje mu rwego rwo gusubirishamo urubanza ku mpamvu z'akarengane kuko urukiko rwanze kwakira inzitizi yo kutakira ikirego Iyo urubanza rwaburanwe gusa ku nzitizi yo kutakira ikirego kuva urubanza rugishingwa kugera ku rwego rwa nyuma, mu bujurire bwa nyuma inzitizi yo kutakira ikirego ikaba itarakiriwe, icyo cyemezo kigasabirwa gusubirwamo

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47 ku mpamvu z'akarengane, bikagaragara ko iyo nzitizi yagombaga kwakirwa, nta rubanza ruba rukiriho. Iyo ariko bigaragaye ko iyo nzitizi itagombaga kwakirwa koko, urubanza ku kirego cyari cyatanze mu rwego rwa mbere ruburanishwa noneho mu mizi n'urukiko rwari rwaregewe. Ni ukuvuga Urukiko rwari rwaremeje ko rudashobora kwakira ikirego kandi mu by'ukuri rwaragombaga kucyakira. 5.4.2 Imanza zaregewe mu rwego rwo gusubirishamo urubanza ku mpamvu z'akarengane ku nzitizi zatangiwe bwa mbere mu bujurire Iyo hari inzitizi yatanze bwa mbere mu bujurire, ishobora gutuma urubanza rwajurirwe ruvanyaho hakurikijwe ibiteganywa n'ingingo ya 158 y'Itegeko n0 22/2018 ryo ku wa 28/04/2018 yerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, urubanza rwaciwe n'urukiko rutabifitiye ububasha, cyangwa ikirego cyari cyaratanze mu buryo budakurikije amategeko, hanyuma iyo nzitizi ntiyakirwe, icyemezo cyo kutayakira kikaba aricyo kiregerwa mu rwego rwo gusubirishamo imanza ku mpamvu z'akarengane, urukiko rwaregewe kurusubirishamo ku mpamvu z'akarengane rugasanga koko iyo nzitizi itaragombaga kwakirwa, imanza zaciwe mbere zigumaho. Iyo bigaragaye ko iyo nzitizi yagombaga kwakirwa, imanza zose zari zaciwe mbere zibiyirengagije zivanwaho, ikirego kikazongera gutangwa bundi bushya.

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48 5.4.3 Imanza zaregewe mu rwego rwo gusubirishamo urubanza ku mpamvu z'akarengane, ku nkiko ziyambuye ububasha Iyo urukiko rwaregewe ku rwego rwa mbere ruvuye ko nta bubasha rufite, icyo cyemezo kikajuririrwa, mu bujurire kikagumaho, urega ashobora gusaba ko icyo cyemezo (urwo rubanza) gisubirwamo ku mpamvu z'akarengane. Iyo urukiko rwaregewe gusubirishamo urubanza mu rwego rw'akarengane rusanze koko urukiko rwaregewe rutari rufite ububasha, ibyemezo byari byafashwe mbere bigumana agaciro kabyo. Iyo ariko rusanze urukiko rwari rwaregewe mbere rwari rufite ububasha, urukiko rwaregewe gusubirishamo urubanza mu rwego rwo gusubirishamo urubanza ku mpamvu z'akarengane, rutesha agaciro ibyemezo byari byafashwe mbere, urubanza rugasubira mu rukiko rwari rwaregewe mbere, rukaburanishwa mu mizi. 33 5.5. Kuburana mu mizi bundi bushya bivuze iki? Kuri iyi ngingo, Urukiko rw'Ikirenga rwasobanuye ko iyo urubanza rwemewe gusubirishwamo ku mpamvu z'akarengane, uwareze yemerewe kugaragaza ingingo zose yareganyijweho, icyangombwa akaba ari uko ikiregerwa mu

rubanza rusubirwamo ku mpamvu z'akarengane kitarenga imbibi z'icyaregewe mu ishingwa ry'urubanza ku rwego rwa mbere n'ibyaburanyweho mu rubanza rusabirwa gusubirishwamo. 34 Reba ingingo ya 158 y'Itegeko n° 0 22/2018 ryo ku wa 28/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsu yavuzwe hejuru. 34 Reba urubanza rubanziriza urundi n° RS/INJUST/RSOC 00001/2018/SC haburana Banki y'abaturage na Ukwibishaka Alexis rwaciye ku wa 25/09/2020, urubanza

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49 Urukiko rw'Ikirenga rwasobanuye kandi ko "kuburanisha urubanza mu mizi bundi bushya bidakwiye kumvikana nko kwirengagiza ko hari izindi manza zabaye mbere y'uko ruregerwa akarengane, ko ahubwo imbago z'ikiburanwa zigomba kureberwa mu byaburanwe ku rwego rwa mbere kuko aribyo fatizo rya byose, ariko kuko ibirego bimwe hari ubwo bigenda bitakara mu nzira z'ubujurire ku bushake bw'ababuranyi, zikongera kureberwa no ku byaburanwe mu rubanza rusabirwa gusubirwamo ku mpamvu z'akarengane. 35 Ni no muri urwo rwego rwasobanuye ko inzitizi umuburanyi atajuririyeho bityo ikaba itaraburanywe mu rubanza rwasabiwe gusubirwamo idashobora kongera kugarukwaho mu rubanza rusubirishwamo ku mpamvu z'akarengane. 36 Ku byerekeye ibijya bivugwa na bamwe mu baburanyi ko hagomba kuburanwa ibyari byarashyizwe mu busabe bwo gusubiramo urubanza ku mpamvu z'akarengane, Urukiko rw'Ikirenga rwibukije ko ubwo busabe atari yo myanzuro, RS/INJUST/RC 00024/2018/SC haburana NGIZWENINSHUTI Albert na MUHIMA Giovanni, rwaciye ku wa 21/02/2020 n'urubanza RS/INJUST/RC 00007/2018/SC rwa Nditiribambe Samuel na bagenzi be, rwaciye ku wa 13/03/2020. 35 Reba urubanza n° RS/INJUST/RC 00007/2018/SC rwa Nditiribambe Samuel na bagenzi be rwaciye kuwa 13/03/2020 rumaze kuvugwa. 36 Reba urubanza n° RS/INJUST/RC 00024/2018/SC rwa NGIZWENINSHUTI Albert na MUHIMA Giovanni, igika cya 21 rwavuzwe haruguru. Ibi ni nabyo byagarutseho mu rubanza n° RS/INJUST/RP 00001/2020/SC rwa Magara John na bagenzi be, igika cya 40, rwavuzwe hejuru kimwe no mu rubanza n° RS/INJUST/RC 00002/2018/SC rwa Uwimana Marine vs Kagitare Dancille (igika cya 12) rwaciye kuwa 21/02/2020, urubanza n° RS/INJUST/RCOM 00002/2020/SC rwa MAILCO vs Road Solutions Pavement Products, igika cya 16, rwaciye ku wa 29/09/2020, n'urubanza N0 RS/ INJUST/RAD 00003/2018/SC rwa Mujawamariya Claire, Dusabeyezu Jeanne na Marie Goretti Nyirandikubwimana, rwaciye ku wa 17/07/2020.

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50 ko ahubwo iyo bumaze kwemerwa, umuburanyi urega aba yemerewe noneho kugaragaza mu buryo busesuye uburenganzira aharanira mu mwanzuro we, apfa kutajya hanze y'imbibi zivugwa mu gika kibanziriza iki. 37 5.6. Ibarwa ry'ibihe byo gusubirishamo urubanza ku mpamvu z'akarengane Ingingo ya 56 y'Itegeko no 30/2018 ryo ku wa 29/04/2018 ryibukijwe haruguru iteganya ibikurikira: "Ushaka ko urubanza rwe rusubirwamo ku mpamvu z'akarengane, abisaba urwego rubishinzwe mu nyandiko ikubiyemo impamvu ashingiraho mu gihe kitarenze iminsi mirongo itatu (30) uhereye ku munsu yamenyesherejwe imikirize yarwo. icyakora, iyo ari ugusubirishamo urubanza kubera impamvu iteganyijwe mu gace ka 3 k'ingingo ya 55 y'iri tegeko,

igihe kivugwa muri iyi ngingo gishobora gutangira kubarwa guhera igihe byagaragaye ko urwo rubanza rudashobora kurangizwa byemejwe n'inyandiko y'umuhesha w'inkiko". Iyi ngingo yumvikanisha neza ko umuburanyi asabwa kuba yatanze ubusabe bwe mu minsi 30 ibarwa uherye igihe yamenyeye imikirize y'urubanza. Ikibazo kiba aha ni ukumenya umunsi iyi minsi itangirira 37 Reba urubanza rubanziriza urundi n° RS/INJUST/RSOC 00001/2018/SC rwa BPR na Ukwibishaka Alexis rwaciwe ku wa 25/09/2020 twavuze haruguru.

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51 kubarwa. Ingingo ya 275 y'itegeko rigena imiburanishirize y'imanza ryavuzwe haruguru, iteganya ko ibarwa ry'ibihe bibarwa mu minsi cyangwa amasaha bibarwa umunsi ku munsu, n'isaha ku isaha hakurikijwe igihe bimara kandi umunsi igikorwa cyakoreweho ntubarwemo, ahubwo habarwa umunsi wa nyuma kigomba kurangiriraho. Ingingo ya 276, yo yongeraho ko mu kubara iyo minsi, iminsi y'ikiruhuko yemewe n'iy'impera z'icyumweru itabarwa. Umunsi wa nyuma iyo uguye muri iyo itabarwa, uwo munsu wongerwaho ku munsu wa mbere w'akazi. Iyi ngingo ubwayo nta kibazo iteye. Gusa umuburanyi asabwa gusobanukirwa n'ijambo "kuva ku munsu yamenyesherejweho". Mu manza umuburanyi yaburanye akanamenyeshwa umunsi w'isomwa, ibyo bihe bitangira kubarwa ku munsu urubanza rwasomeweho. Ariko ku manza zasomwe ku munsu ababuranyi batamenyeshwe mu buryo bwemewe n'amategeko, ibihe bibarwa uherye igihe umuburanyi yaboneyeho kopi y'urwo rubanza cyangwa umunsi kopi y'urubanza yashyiriwe mu ikoranabuhanga. 38

38 Reba icyemezo cy'Urukiko rw'Ikirenga mu rubanza rubanziriza urundi No RS/INJUST/ RCOM 00003/2019/SC rwa Access Bank na Sotiru Ltd, cyafashwe mu iburanisha ryo ku wa 14/09/2020.

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52 Nk'uko byasobanuwe, umuburanyi ashobora gukora inzira zijurira zisanze n'izidasanze ariko ubujurire bwe ntibwakirwe. Nk'uko byasobanuwe kandi, izo manza zitakiriye ubujurire sizo asabira ko zisubirwamo iyo akarengane ke atariho gashingiye. Ikibazo kibazwa na bamwe, ni ukumenya niba iyo agiye kuregera urubanza rwamuteje akarengane aba agifite ibihe byo gusaba kurubirishamo ku mpamvu z'akarengane. 5.6.1 Imanza zajuririye ariko ntizakirwe mu bujurire bwa kabiri Mu manza zaciwe n'Urukiko rw'Ikirenga, rwasobanuye ko iyo icyaregwe mu rwego rwo gusubirishamo urubanza ku mpamvu z'akarengane ari icyemezo cyo kutakira ubujurire, urukiko rwaregwe akarengane rukagaragaza ko urukiko rwajuririye rwakoze ikosa, rutesha agaciro urwo rubanza, akaba arirwo rusuzuma ibyagombaga gusuzumwa n'urwo rukiko. 39 Iyo rusanze urwo rubanza rwajuririye rutaragombaga kwakirwa, ruvuga ko ubwo bujurire butagombaga kwakirwa. Urega ariko aba agifite ubushobozi n'iminsi 30 (kuva urubanza ku bujurire bwa kabiri rusomwe) bwo kuba yasaba ko rwa rubanza rwajuririye noneho rwasabirwa gusubirwamo ku mpamvu z'akarengane, kuko aribwo ruba rukiba itegeko. 40 39 Reba urubanza n° RS/INJUST/RP 00001/2019/SC haburana Ubushinjacyaha na Habinshuti Eric, rwaciwe n'Urukiko rw'Ikirenga ku wa 23/12/2020, mu gika cya 17, v. 40 Ibidem. wanareba n'urubanza urubanza n° RS/REV/INJUST/CIV 00011/2019/SC rwa MUKAMUSONI Pétronille na NKUNDIMANA

Edison rwaciwe n'Urukiko rw'Ikirenga ku wa 12/02/2021.

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53 Ibi bivuze ko iyo umuburanyi abonye ko urubanza rwe rutakiriwe mu rwego rw'ubujurire bwa kabiri kandi nta kosa urukiko rwajuririwe rwakoze mu kutakira ubwo bujurire, aba afite iminsi mirongo itatu (30) yo gusaba ko urubanza rwajuririrwaga rusubirwamo ku mpamvu z'akarengane. Iyo ariko atabikoze, agahitamo kuregera urubanza rutakiriye ubujurire bwe kandi nta kosa urwo rukiko rwakoze, agira ikibazo cy'uko ikirego cye kitazakirwa mu rwego rwo gusubirishamo imanza ku mpamvu z'akarengane. 41 Ashobora ariko na nyuma yo kubona igisubizo kuri urwo rwego, kuregera urubanza nyakuri (urwaciye urubanza mu mizi ku rwego rwa nyuma), niba agifite ibihe byo kubikora. Ibihe kuri bene uru rubanza, bibarwa uherye igihe urubanza rwanze kwakira ubujurire bwa kabiri rwacibwaga, kuko aricyo gihe urwo rubanza yaba agiye kuregera rwabereye itegeko. 42 41 Reba urubanza n° RS/INJUST/RCOM 0003/2020/SC rwaciwe ku wa 27/11/2020 haburana Sanlam Assurance generales Plc na University of Rwanda cyangwa urubanza RS / I N J U S T / R C O M 0 0 0 0 5 / 2 0 2 0 / S C rwa BPR ATLAS MARA Plc na Nkusi Evariste, rwaciwe ku wa 27/11/2020. 42 Reba urubanza n° RS/REV/INJUST/CIV 0023/16/CS rwa Rutabayiro na bagenzi be na Mukamabano rwaciwe n'Urukiko rw'Ikirenga ku wa 27/09/2019, igika cya 28.

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54 5.6.2 Imanza zasubirishijwemo ingingo nshya Ku bijyanye n'imanza zasabiwe gusubirishwamo ingingo nshya ariko ikirego nticyakirwe, nyuma hagasabwa ko zisubirishwamo ku mpamvu z'akarengane, Urukiko rw'Ikirenga rwemeje ko ibihe byo gusubirishamo urubanza ku mpamvu z'akarengane bitareberwa igihe urubanza rutakiriye ikirego rwaciriwe, ahubwo bireberwa igihe urubanza rwari rwasabiwe gusubirwamo rwaciriwe, kuko icyo gihe aribwo ruba rwarabaye itegeko. 43 Ibi bitandukanye n'igihe harebwa ubujurire butakiriwe, kuko urubanza rwajuririwe ruhinduka itegeko nyuma y'uko ubujurire bwa kabiri butakiriwe. icyakora, iyo umuburanyi abona akarengane muri icyo cyemezo cyo kutakira ikirego cyo gusubirishamo urubanza ingingo nshya, akaba aricyo asaba ko cyasubirwamo ku mpamvu z'akarengane, icyo gihe harebwa igihe icyo cyemezo cyafatiwe cyangwa yakimenyesherejweho niba yaragombaga kukimenyeshwa. Ni nako bigenda, iyo akarengane aregera avuga ko katejwe n'urubanza rwasubirishijwemo ingingo nshya. 43 Reba urubanza n° RS/INJUST/RAD 00006/2018/SC haburana Akarere ka Ngoma, mu izina ry'Umuyobozi wako na MUNYANEZA Jean Bosco, rwaciwe ku wa 21/06/2019, igika cya 19.

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55 5.6.3 Imanza zaciwe mbere y'uko Itegeko no 30/2018 ryo ku wa 29/04/2018 ritangira gukurikizwa Mbere y'uko Itegeko no 30/2018 ryo ku wa 02/06/2018 ryavuzwe haruguru ritangazwa, nta gihe ntarengwa umuburanyi yahabwaga cyo kuba yaregera gusubirishamo urubanza ku mpamvu z'akarengane. Aho iri tegeko ritangarijwe, riza riha umuburanyi igihe cy'iminsi mirongo itatu (30), kugira ngo abe yarangiye gusaba, niba abyifuza, gusubirishamo

urubanza ku mpamvu z'akarengane. Ariko iri tegeko ntacyo ryavuze mu ngingo z'inzubacyuho ku manza zaciwe mbere y'uko iri tegeko ritangazwa. Mu rubanza n° RS/INJUST/RAD 00006/2018/SC rwaciwe ku wa 21/06/2019, Urukiko rw'Ikirenga rwemeje ko kuva aho Itegeko no 30/2018 ryo ku wa 02/06/2018 ritangarijwe rigashyiraho igihe cyo gusubirishamo urubanza ku mpamvu z'akarengane, icyo gihe kigomba guhitwa cyubahirizwa no ku manza zari zaraciwe mbere, kigatangira kubarwa uherye ku munsu Itegeko ryatangarijweho, ari nabwo ababuranyi bamenye ko hari ibihe ntarengwa biteganywa n'itegeko, aho kubarwa kuva igihe ababuranyi bamenyesherejwe imikirize y'urubanza. 44USO 44 Reba urubanza n° RS/INJUST/RAD 00006/2018/SC haburana Akarere ka Ngoma, mu izina ry'Umuyobozi wako na MUNYANEZA Jean Bosco, rwaciwe ku wa 21/06/2019 rwavuzwe.

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56 VI. UMUSOZO Mu kwanzura, twakwibutsa ko gusubirishamo urubanza ku mpamvu z'akarengane bikorwa mu byiciro bibiri. icyiciro cya mbere ni ikibanziriza itangwa ry'ikirego mu Rukiko. Iki cyiciro gitangira igihe umuburanyi yandikiye Perezida w'Urukiko bireba, 45 kitarangira igihe ubusabe bwe bwanzwe cyangwa bwemewe n'urwego bireba, Perezida w'Urukiko rw'Ikirenga akagenda Urukiko rukwiye kuruburanisha. Ibyemezo bifatwa muri icyo cyiciro byose ni ibyemezo by'ubuyobozi bishobora guhindurwa mu buryo buteganyijwe n'amategeko. Ibyemezo Perezida w'Urukiko rw'Ikirenga afashe muri urwo rwego, byaba ibishingiye ku rubanza rwaciwe n'Urukiko rw'Ubujurire, byaba ibiturutse mu zindi nkiko byabanye guca inzira yose ntibigarukwaho. 46 icyakora, nk'uko ari ibyemezo by'ubuyobozi nyine, kandi muri kamere yabyo umuyobozi wabifashe akaba ashobora kubisubiraho igihe asanze yaribeshye, na Perezida w'Urukiko rw'Ikirenga nta kimubuza kuba yasubira ku byemezo yafashe abyibwirije cyangwa abisabwe agasanga bifite ishingiro. 45 Nk'uko twabibonye, cyera yandikiraga urwego rw'Umuvunyi. 46 Ingingo ya 58 y'Itegeko n° 30/2018 ryo ku wa 29/04/2018, ivuga ko icyemezo cya Perezida w'Urukiko rw'Ikirenga afashe ku isuzuma ry'akarengane abari ndakuka, nta rundi rwego rubisuzuma.

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57 icyiciro cya kabiri cy'inzira y'ibirego bisaba gusubirishamo urubanza ku mpamvu z'akarengane gitangira ikirego kimaze gushyikirizwa urukiko rugomba kukuburanisha, umuburanyi agasabwa gutanga imyanzuro. Ikibazo kivuka aha, ni ukumenya igihe urukiko ruba ruregwe: niba ruregerwa n'icyemezo cya Perezida w'Urukiko rw'Ikirenga cyangwa niba bifatwa ko Urukiko ruregwe iyo umuburanyi atanze imyanzuro isobanura ikirego cye. Urukiko rw'Ikirenga rwakemuye izo mpaka ku muburanyi wanze gutanga imyanzuro ye nyuma yo kwemererwa ko urubanza rusubirwamo, rwemeza ko inteko iburanisha ari yo irusiba aho kwemeza ko rusibwa n'ubwanditsi nk'uko bisanzwe bigenda iyo hari umuburanyi utujuje ibyo ategewe; ruba runemeje rutyo ko urukiko ruba ruregwe iyo Perezida w'Urukiko rw'Ikirenga agennye ko urubanza rusubirwamo ku mpamvu z'akarengane. 47 Iyo urukiko rwakiriye icyemezo cya Perezida gisaba ko urubanza rusubirwamo, Ubwanditsi bw'Urukiko busaba umuburanyi wasabye ko urubanza rwe rusubirwamo ku mpamvu z'akarengane gutanga imyanzuro ye

akoresheje ikoranabuhanga ryabigenewe (IECMS) rukamuha n'igihe ntarengwa agomba kuba yayitanze. Iyo umuburanyi amaze kuyitanga uregwa asabwa kuba yasubije iyo myanzuro mu gihe na we aba yahawe. Ibindi bigakurikira gahunda 47 Reba inyandikomvugo y'Inama Rusange yo ku wa 15/05/2020.

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58 y'imiburanishirize y'ibirego bisanzwe kugeza urubanza ruciwe hitabwa ku mwihariko w'ibi birego wagaragajwe muri iyi nyandiko. Birumvikana ko iyi nyandiko itamarayo ibibazo byose byagaragaye cyangwa bishobora kugaragara mu miburanishirize y'imanza zisaba gusubirwamo ku mpamvu z'akarengane, ariko icy'ingenzi ni uko abayisoma basobanukirwa uko ibibazo byinshi bajyaga bibaza bikemurwa. Kutamenya cyangwa kutumva ibintu kimwe byajyaga bituma haba guhuzagurika, gushoza imanza zitari ngombwa, gutwara umwanya w'ababuranyi n'amafaranga ku manza zimwe na zimwe zidashobora kugira aho zibageza, bizagabanuka. Turizera ko Abavoka bazasoma iyi nyandiko bazagira uruhare rukomeye mu kumenyesha ababuranyi imanza badakwiriye kwirirwa baregera inkiko, tukanizera ko inkiko zizashobora gutanga ubutabera kimwe ku bibazo bisa hakurikijwe imirongo yatanze n'Urukiko rw'Ikirenga yagarutsweho muri iyi nyandiko. Iyi nyandiko si iya nyuma, ahubwo ibimburiye izindi ziza zisobanura imirongo ifatwa n'Urukiko rw'Ikirenga tunakangurira Abacamanza n'abandi bakozi b'inkiko n'Abavoka by'umwihariko kujya bagaragaza ibibazo bifuza ko bitangwaho umurongo. Ubutabera bwihuse kandi bunoze no kurwanya akarengane bikomeze kutubera intumbe twese twerekejeho umutima, maze dufatanyije twese, duharanire kubaka igihugu kigendera ku mategeko.

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59 IFISHI YUZUZA N'USABA KO URUBANZA RUSUBIRWAMO KU MPAMVU Z'AKARENGANE I. AMAKURU Y'IBANZE ATUMA UBUSABE BUSHOBORA GUSUZUMWA 1 Amazina y'usaba kurenganurwa 2 Amazina y'umwunganira cyangwa umuhagarariye 3 Uwo/abo baburana 4 Numero y'urubanza asabira gusubirwamo 5 Urukiko rwaciye urubanza rusabirwa gusubirwamo 6 Itariki urubanza rwaciriweho 7 Itariki kopi y'urubanza yashyiriwe muri IECMS 8 Itariki yasabiyeho ko rusubirwamo 9 Garagaza ko nta yindi nzira y'ubujurire busanzwe cyangwa budasanze yari isigaye washoboraga kwifashisha ngo urenganurwe

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60 II. IMPAMVU ASHINGIRAHU ASABA KO URUBANZA RUSUBIRWAMO KU MPAMVU Z'AKARENGANE Ni iyihe mpamvu muri izi zikurikira ushingiraho usaba ko urubanza rusubirwamo ku mpamvu z'akarengane (uzuza YEGO cyangwa OYA) YEGO OYA 1 Kuba rwarabayemo ruswa, ikimenyane cyangwa icyenewabo 2 Kuba rwarabayemo kwirengagiza amategeko bigatuma habaho akarengane kagaragarira buri wese 3 Kuba harabayemo kwirengagiza ibimenyetso bigatuma habaho akarengane kagaragarira buri wese 4 Kuba urubanza rudashobora kurangizwa

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61 Ibisobanuro birambuye ku mpamvu z'akarengane (subiza gusa ku harebana n'impamvu ikureba). Ruswa, ikimenyane cyangwa icyenewabo Niba rwarabayemo ruswa, ikimenyane cyangwa icyene wabo, garagaza ibimenyetso nk'urubanza ruhamya umucamanza ruswa, cg icyemezo cy'Inama nkuru y'ubucamanza Garagaza ko wabimenye nyuma y'icibwa ry'urubanza kandi akaba aribyo byatumye urenganywa Kwirengagiza amategeko Niba rwarabayemo kwirengagiza amategeko: vuga ayo ari yo n'uburyo yari gutuma urenganurwa ariko ntibyitabweho Niba ari itegeko ryahawe igisobanuro kitaricyo: garagaza icyo wita ko ari cyo gisobanuro gikwiye n'urubanza rwaciwe mbere (precedent) ubishingiraho cg ikindi cyose washingiyeho utanga icyo gisobanuro

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62 Kwirengagiza ibimenyetso Niba hari ibimenyetso byirengagijwe: vuga ibyo ari byo, unagaragaze aho wari wabivuze (mu myanzuro, mu nyandikomvugo y'iburanisha cyangwa muri kopi y'urubanza) ariko ntibyitabweho n'uburyo byatumye urengana Niba ari ikimenyetso kitahawe agaciro gakwiye: garagaza ako cyagombaga guhabwa n'urubanza rwaciwe mbere (precedent) ubishingiraho Urubanza rudashobora kurangizwa Garagaza impamvu wemeza ko rudashobora kurangizwa Niba waragerageje kururangiza bikananirana: garagaza inyandikomvugo y'umuhesha w'inkiko ibyemeza

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63 Ndahamya ntabeshya ko ibyo nujuje muri iyi nyandiko isaba ko urubanza rusubirwamo ku mpamvu z'akarengane, ari ukuri. (umukono) Izina ry'utanze ikirego : Izina ry'umwunganira cyangwa umuhagarariye : NB: • IYI NYANDIKO ISHYIRWA KU MUGEREKA (MURI "ATTACHMENT") MURI SOBANUZAINKIKO; IGASIMBURA IMYANZURO YASHYIRWAGAMO. • IMYANZURO IRAMBUYE ITANGWA IYO USABA KURENGANURWA YEMEREWE KO URUBANZA RWE RUSUBIRWAMO KU MPAMVU Z'AKARENGANE.

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64 ICYEMEZO KU KIBAZO CY'AKARENGANE I. AMAKURU Y'IBANZE ATUMA UBUSABE BUSHOBORA GUSUZUMWA 1 WEB/NO 2 Amazina y'usaba kurenganurwa 3 Amazina y'umwunganira cyangwa umuhagarariye 4 Uwo/abo baburana 5 Numero y'urubanza asabira gusubirwamo 6 Urukiko rwaciye urubanza rusabirwa gusubirwamo 7 Itariki urubanza rwaciriweho 8 Itariki kopi y'urubanza yashyiriwe muri IECMS 9 Itariki yasabiyeho ko rusubirwamo 10 Kuba nta yindi nzira y'ubujurire busanzwe cyangwa budasanzwe yari isigaye yashoboraga kwifashisha ngo arenganurwe 11 Icyemezo cy'umuyobozi ku mpamvu zatuma ubusabe budasuzumwa

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65 Impamvu ashingiraho asaba ko urubanza rusubirwamo ku mpamvu z'akarengane Ni iyihe mpamvu muri izi zikurikira ashingiraho asaba ko urubanza rusubirwamo ku mpamvu z'akarengane (uzuza YEGO cyangwa OYA) YEGO OYA 1. Kuba rwarabayemo ruswa, ikimenyane cyangwa icyenewabo 2. Kuba rwarabayemo kwirengagiza amategeko bigatuma habaho akarengane kagaragarira buri wese 3. Kuba harabayemo kwirengagiza ibimenyetso bigatuma habaho akarengane kagaragarira buri wese 4. Kuba urubanza rudashobora kurangizwa

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66 II. IBISOBANURO BIRAMBUYE KU MPAMVU Z'AKARENGANE IBISUBIZO BY'UMUYOBOZI KU MPAMVU ZATANZWE Ruswa, ikimenyane cyangwa icyene wabo Ibimenyetso atanga bigaragaza ko rwabayemo ruswa, ikimenyane cyangwa icyene wabo, bikagira ingaruka ku mikirize y'urubanza Uko umuyobozi abibona R/.....

..... R/.....
 Uburyo asobanura ko yabimenye nyuma y'icibwa ry'urubanza kandi akaba aribyo byatumye arenganywa Uko umuyobozi abibona R/.....

..... R/.....
 Kwirengagiza amategeko Amategeko avuga ko yirengagijwe bigatuma arengana Uko umuyobozi abi- bona R/
 R/.....

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67 Itegeko/amategeko avuga ko yahawe igisobanuro kitaricyo; igisobanuro avuga ko aricyo gikwiye n'ikimenyetso kigaragarira buri wese abishingiraho nk'urubanza rwaciye mbere (precedent) cyangwa ikindi Uko umuyobozi abibona R/

.....

 Kwirengagiza ibimenyetso Ibimenyetso avuga ko byirengagijwe

n'aho yari yabivuze (mu myanzuro, mu nyandikomvugo y'iburanisha cyangwa muri kopi y'urubanza) ariko ntibyitabweho n'uburyo byatumye urengana Uko umuyobozi abibona R/

.....
..... R/.....
.....

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68 Ikimenyetso avuga ko kitahawe agaciro gakwiye, ako avuga ko cyagombaga guhabwa n'ikimenyetso kigaragarira buri wese abishingiraho nk'urubanza rwaciwe mbere (precedent) cyangwa ikindi Uko umuyobozi abibona R/

..... R/.....

..... Urubanza rudashobora kurangizwa Garagaza impamvu yemeza ko rudashobora kurangizwa Uko umuyobozi abi- bona R/

..... R/.....

..... Niba yaragerageje kururangiza bikananirana: garagaza inyandikomvugo y'umuhesha w'inkiko ibyemeza Uko umuyobozi abibona R/.....

..... R/.....
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69 I. UMWANZURO RUSANGE

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.....

..... Bikorewe i

ku wa.../.../.../ Izina
n'umukono by'umuyobozi ufashe icyemezo

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71 P.O Box: 2197 Kigali E-mail: www.judiciary.gov.rw Facebook: Supreme Court of Rwanda
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