

RWANDA / JUDGMENT

REB v. LITTLE STEPS LTD

RS/INJUST/RCOM 00014/2024/SC

COURT

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REB v. LITTLE STEPS LTD

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Text

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REB v. LITTLE STEPS LTD [Rwanda URUKIKO RW'IKIRENGA – RS/INJUST/RCOM 00014/2024/SC (Mukamulisa, P.J., Kalihangabo na Kazungu, J.) 23 Mutarama 2026] Amategeko agenga amasoko ya Leta – Iseswa ry'amasezerano – Iseswa ry'amasezerano riturutse ku ikoresha ry'inyandiko mpimbano n'uburiganya – Kabone n'iy Urwego rutanga isoko n'upiganwa baba barababyemeranyijweho ukundi, iyo habayeho gutanga inyandiko zigoretse cyangwa zabonywe mu nzira z'uburiganya mu gupiganira isoko, iryo soko riraseswa rigahabwa uwakurikiragaho mu ipiganwa wujuje ibisabwa cyangwa hagatangwa irindi. Iyo ryari ryatangiye gushyirwa mu bikorwa amasezerano arishingiyeho araseswa. Incamake y'ikibazo: Little steps Ltd yatsindiye isoko ryatanze na REB ryo kugemura ibikoresho by'ikoranabuhanga mu mashuri atandukanye, iryo soko rikaba ryari rigizwe n'ibipande 2 (Lot 2&3), impande zombi zigirana amasezerano kuri lot 3 ku kiguzi kingana na 489.136 USD, Little step itanga ingwate zanditse kuri COGEBANQUE na BK ariko izi Banki ziza kumenyesha REB ko atarizo zazitanze, nyuma y'ibyo REB isesa amasezerano kuri lot 3 ndetse inatesha agaciro ipiganwa Little step yatsindiye kuri Lot 2, iyisaba kuyisubiza avansi ingana na 92.088.294 Frw yayihaye yo gutangira imirimo ariko ntiyabyemera, bituma REB iyirega mu Rukiko rw'Ubucuruzi isaba ko itegakwa kuyishyura iyi avansi n'indishyi.

Urukiko rw'Ubucuruzi rwaciye urubanza rwemeza ko REB itubahirije amasezerano yagiranye na Little Steps Ltd; ko ikirego kiregera kwiregura cya Little Steps Ltd gifite ishingiro; ko habayeho kwica amasezerano no kwambura isoko mu buryo butubahirije amategeko, ko Rwanda Education Board igomba kubitangira indishyi za 30.000.000 Frw. Rutegeka kandi ko REB idasubizwa avansi yatanze yo gutangira imirimo kuko ihwanye n'imirimo little steps yari imaze gukora, runayitegeka kwishyura indishyi zitandukanye. REB yajuririye mu Rukiko Rukuru rw'Ubucuruzi ivuga ko nta kosa ryakozwe mu iseswa ry'amasezerano kubera ko ingwate zatanze zari zagaragaye ko ari imfabusa, ivuga ko hiregangije ibiteganywa n'ingingo ya 93 y'itegeko N° 62/2018 ryo ku wa 25/08/2018 rigenga amasoko ya Leta, kandi ko yaciwe indishyi mu buryo butari bwo. Urukiko Rukuru rw'Ubucuruzi rwaciye urubanza rwemeza ko ubujurire nta shingiro bufite, ko hagumye imikirize y'urubanza rujuririrwa. REB yasabye ko urubanza rusubirwamo ku mpamvu z'akarengane irabyemererwa, urubanza ruburanishwa n'Urukiko rw'Ikirenga. Mu miburanire yayo mu rubanza rusubirwamo ku mpamvu z'akarengane ivuga ko Urukiko Rukuru rwirengagije ibiteganywa n'ingingo ya 93 y'Itegeko N° 62/2018 ryo ku wa 25/08/2018 rigenga amasoko ya Leta maze rwemeza ko amasezerano atagombaga guseswa, kandi nyamara uwatsindiye isoko yari yatanze ingwate z'imfabusa. Ivuga kandi ko inkiko zombi zibanza mu kwemeza ko amasezerano atagomba guseswa zashingiraga ku bwumvikane bwayo (REB) na Little Steps Ltd, bwo gusimbuza ingwate z'imfabusa inzima zatanze na MUA, ikavuga ko ibyo binyuranye n'ibiteganywa n'ingingo ya 93. Uregwa (Little step Ltd) avuga ko ingingo ya 93 yasobanuwe neza ndetse hanashingiwe no ku nyandiko z'abahanga, ivuga ko ikibazo cy'ingwate zabaye imfabusa cyakemutse ku bwumvikane

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bw'impane zombi, ko REB yiyambuye uburenganzira bwo gusesa amasezerano ikura mu ngingo ya 93 bityo ikirego cyayo kikaba nta shingiro gifite. Incamake y'icyemezo: Kabone n'iyi Urwego rutanga isoko n'upiganwa baba barababyemeranyijweho ukundi, iyo habayeho gutanga inyandiko zigoretse cyangwa zabonywe mu nzira z'uburiganya mu gupiganira isoko, iryo soko riraseswa rigahabwa uwakurikiragaho mu ipiganwa wujuje ibisabwa cyangwa hagatangwa irindi. Iyo ryari ryatangiye gushyirwa mu bikorwa amasezerano arishingiyeho araseswa.

Ikirego gifite ishingiro. Amategeko yashingiweho: Itegeko N° 62/2018 ryo ku wa 25/08/2018 rigenga amasoko ya Leta, Ingingo ya 93, Itegeko N° 45/2011 ryo ku wa 25/11/2011 ryerekeye amasezerano, Ingingo ya 64. Inyandiko z'abahanga zifashishijwe: René ROBAYE, Une histoire du droit civil, Louvain-La-Neuve, 1993, p.68 Urubanza I. IMITERERE Y'URUBANZA [1] Ku wa 22/06/2020, Rwanda Education Board yamenyesheje Little Steps Ltd ko yatsindiye ibibande 2 (Lot 2 na Lot 3) by'isoko yatanze RW-REB-147437GO-REB, ryo kugemura ibikoreshe by'ikoranabuhanga mu mashuri atandukanye. [2] Ku itariki ya 31/08/2020, Rwanda Education Board na Little Steps Ltd bagiranye amasezerano kuri Lot 3 ku kiguzi cya 489.136 USD, Little Steps Ltd itanga ingwate zanditseho COGEBANQUE na BK, ariko izi Banki zaje kumenyesha Rwanda Education Board ko atari zo zazitanze, bituma izifata nk'imfabusa kuko zitavugisha ukuri. Ku wa 12/01/2021, yasheshe amasezerano yerekeye Lot 3 inatesha agaciro ipiganwa Little Steps Ltd yatsindiye ku gipande cya Lot 2. Ku wa 16/02/2021, yasabye Little Steps Ltd kuyisubiza 92.088.294

Frw ya avansi yo gutangira imirimo yari yayihaye ariko ntiyabyemera. [3] Rwanda Education Board yareze Little Steps Ltd mu Rukiko rw'Ubucuruzi isaba ko itegukwa kuyishyura iyi avansi n'indishyi, ikirego gihabwa RCOM 00161/2022/TC. [4] Ku itariki ya 16/08/2022, Urukiko rwaciye urubanza mu buryo bukurikira:

1 Ingwate yitirirwaga COGEBANQUE yerekeye kurangiza imirimo /performance guarantee, iyitiriwa BK yerekeye avansi yo gutangira imirimo/advance payment guarantee.

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- a) Rwemeje ko Rwanda Education Board itubahirije amasezerano yagiranye na Little Steps Ltd; ko ikirego kiregera kwiregura cya Little Steps Ltd gifite ishingiro; ko habayeho kwica amasezerano no kwambura isoko mu buryo butubahirije amategeko, ko Rwanda Education Board igomba kubitangira indishyi za 30.000.000 Frw.
- b) Rwategetse ko Rwanda Education Board idasubizwa avansi yatanze kuko ihwanye n'ibyo Little Steps Ltd yatakaje byose ku isoko yatsindiye; ko Rwanda Education Board yishyura Little Steps Ltd 30.000.000 Frw y'indishyi zo kuvutswa amasoko yari yatsindiye na 5.000.000 Frw zo gushorwa mu manza. [5] Urukiko rwasobanuye ko nta mpamvu yo gusesa isoko yari ikiriho Little Steps Ltd imaze gukemura ikibazo cy'ingwate, izari imfabusa zigasimbuzwa indi ya MUA kandi Rwanda Education Board irabyemera. [6] Rwasobanuye ko Little Steps Ltd yashyize amasezerano mu bikorwa kuko yari yaguze computers muri avansi yahawe, amasezerano akaba atari guseswa kandi yatangiye gushyirwa mu bikorwa. Ahubwo Rwanda Education Board imaze gusesa amasezerano, yagombaga gusubiza Little Steps Ltd ingwate yayihaye (iya MUA). [7] Rwanda Education Board ntiyishimiye imikirize y'urubanza irujurira mu Rukiko Rukuru rw'Ubucuruzi ruhabwa RCOMA 00604/2022/HCC. Yajuriye ivuga ko Urukiko rwirengagije ingingo ya 93 y'itegeko N° 62/2018 ryo ku wa 25/08/2018 rigenga amasoko ya Leta, kuko nta kosa yakozwe mu iseswa ry'amasezerano kubera ko ingwate zatanzwe na Little Steps Ltd zari zagaragaye ko ari imfabusa; yavuze kandi ko yaciwe indishyi zo guheza Little Steps Ltd mu masoko ya Leta kandi atari yo yabikoze. [8] Little Steps Ltd yasubije kuri izi ngingo z'ubujurire bwa Rwanda Education Board ivuga ko nta shingiro zifite, ahubwo isaba ko indishyi yahawe mu rwego rwa mbere zakwiyongeraho 70.000.000 Frw. [9] Ku itariki ya 22/01/2024, Urukiko rwaciye urubanza rwemeza ko ubujurire bwa Rwanda Education Board nta shingiro bufite, ko kandi ubujurire bwuririye ku bundi bwa Little Steps Ltd nabwo nta shingiro bufite; rwemeza ko nta gihindutse ku rubanza rwa mbere. [10] Mu gufata iki cyemezo Urukiko rwasobanuye ko nyuma y'ubwumvikane, ku kibazo cy'ingwate zabaye imfabusa, Little Steps Ltd igatanga indi nshya Rwanda Education Board ikazemera, imikoranire igakomeza, bivuze ko yiyambuye uburenganzira bwo gusesa amasezerano ikura ku ngingo ya 93 iburanisha; ntabwo yari igishoboye kwisubiraho. [11] Ku wa 21/02/2024, Rwanda Education Board yandikiye Perezida w'Urukiko rw'Ubujurire isaba ko urubanza RCOMA 00604/2022/HCC, rwaciwe n'Urukiko Rukuru rw'Ubucuruzi ku itariki ya 22/01/2024, rwasubirwamo ku mpamvu z'akarengane. Amaze gusuzuma ubwo busabe, yandikiye Perezida w'Urukiko rw'Ikirenga avuga ko asanga urwo rubanza rwasubirwamo ku

mpamvu z'akarengane; nawe amaze gusuzuma raporo yarukozwemo, mu cyemezo N° 233/CJ/2024 cyo ku wa 13/11/2024, yemeje ko rugomba kongera kuburanishwa, ruhabwa RS/INJUST/RCOM 00014/2024/SC.

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- [12] Iburanisha ryabereye mu ruhamwe ku wa 08/12/2025. Ababuranyi baritabye Rwanda Education Board ihagarariwe n'Intumwa za Leta Me Habumuremyi Prosper na Me Kanimba Nadia Bell, naho Little Steps Ltd ihagarariwe na Batamuriza Grâce yunganiwe na Me Kimanuka John na Me Hakizimana Gerard, bajya impaka ku kibazo cyo kumenya niba ingingo ya 93 y'Itegeko N° 62/2018 ryo ku wa 25/08/2018 rigenga amasoko ya Leta, yarirengagijwe n'Urukiko Rukuru rw'Ubucuruzi n'icyo kumenya ishingiro ry'amafaranga y'ikurikiranarubanza n'ay'igihembo cya Avoka.

II. IBIBAZO BIGIZE URUBANZA N'ISESENGURWA RYABYO

- 1) Kumenya niba ingingo ya 93 y'Itegeko N° 62/2018 ryo ku wa 25/08/2018 rigenga amasoko ya Leta, yaba yarirengagijwe n'Urukiko Rukuru rw'Ubucuruzi. [13] Me Habumuremyi Prosper na Me Kanimba Nadia Bell, bahagarariye Rwanda Education Board bavuga ko Urukiko Rukuru rwirengagije ibiteganywa n'ingingo ya 93 y'Itegeko N° 62/2018 ryo ku wa 25/08/2018 rigenga amasoko ya Leta maze rwemeza ko amasezerano atagombaga guseswa, kandi nyamara uwatsindiye isoko yari yatanze ingwate z'imfabusa. [14] Bakomeza bavuga kandi ko Urukiko rutagombaga gukoresha ingingo ya 100 y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 rigenga imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, iteganya ko "Ntawe ushobora gusaba gutesha agaciro amasezerano kubera inenge afite kandi yarayirenzeho akayubahiriza", kuko Rwanda Education Board imaze gutahura ko ingwate yahawe ko ari imfabusa nta y'andi masezerano yagiranye n'uwo baburana, ko n'iyi bayakora yari kuba atubahirije amategeko, ko gusimbura ingwate ari igikorwa kitahabwa agaciro kuko binyuranye n'amategeko. [15] Abahagarariye Rwanda Education Board, bavuga kandi ko Inkiko zo hasi zitagombaga guha agaciro ubwumvikane bwayo na Little Steps Ltd, bwo gusimbuza ingwate z'imfabusa inzima kuko binyuranye n'ibiteganywa n'ingingo ya 93. [16] Me Hakizimana Gérard na mugenzi we Me Kimanuka John baburanira Little Steps Ltd, bavuga ko ingingo ya 93 yasesenguwe neza kuko Urukiko mu isesengura rwakoze rwifashishije andi mategeko n'inyandiko z'abahanga mu mategeko; ko ikibazo cy'ingwate zabaye imfabusa cyakemutse ku bwumvikane bw'impande zombi, icyo kivuyeho amasezerano arakomeza Lot 3 ntiyaseswa. Bashimangira ko Rwanda Education Board yiyambuye uburenganzira yahabwaga n'ingingo ya 93, bityo ko ikirego cyayo nta shingiro cyahabwa. [17] Bakomeza bavuga ko gusaba gusubiza avansi nta shingiro byahabwa, kuko yakoreshejwe mu gukora "commande", akaba ari nacyo cyatumye uruganda rutanga "samples" zahawe Rwanda Education Board, amasezerano aseswa mu gihe umukiriya wabo yari ategereje raporo ya

2 Ubwo bwumvikane bwagezweho mu nama yahuje Inama y'Ubutegetsi ya REB (CA) n'Ubuyobozi bwa Little Steps Ltd; muri iyo nama ingwate zatanze mbere (z'imfabusa) zaraciwe, zisimbuzwa inshya za MUA REB irazakira, amasezerano arakomeza (inama ntegururubanza p.17, \$12).

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2 kuri izo "samples". Bavuga ko bashyikirije Rwanda Education Board laptops, projecteurs, fash disk n'ibindi bikoreshe byaguzwe muri iyo avansi. [18] Batamuriza Grâce, uhagarariye Little Steps Ltd, asobanura ko yahemukiwe na consultant bakoranye wabashakiye ingwate z'impimbano, ko ariko Rwanda Education Board imaze kubibona bakoze inama bumvikana ko ashaka izindi ngwate arabikora kuko ibyangombwa by'ipiganwa bari babitanze mbere. Yasobanuye ndetse ko izo ngwate z'imfabusa zaciriwe aho mu nama ku buryo ubu zitaboneka. [19] Yakomeje asobanura ko kubera COVID 19 bitari byoroshye kubona uruganda rwakora ibikoreshe REB yifuzaga, ko ari yo mpamvu yatumye bishyura avansi ku ruganda. UKO URUKIKO RUBIBONA [20] Ingingo ya 93 y'itegeko N° 62/2018 ryo ku wa 25/08/2018 rigenga amasoko ya Leta iteganya ko "igihe cyose mbere y'uko amasezerano y'isoko atangira cyangwa arimo gushyirwa mu bikorwa, ata agaciro cyangwa agaseswa iyo byemejwe ko uwatsindiye isoko yakoresheje inyandiko zigoretse cyangwa yarazibonye mu nzira z'uburiganya. Igihe amasezerano y'isoko asheshwe bitaratangazwa, isoko rihabwa uwari ukurikiyeho byaba bidashoboka rikongera gupiganirwa". [21] Iyi ngingo yumvikanisha ko uwatsindiye isoko akoresheje inyandiko z'imfabusa ni ukuvuga zidafite agaciro mu mategeko, isoko yatsindiye ryarimo rishyirwa mu bikorwa riraseswa, ryaba ritarashyirwa mu bikorwa rigata agaciro. Iyo kandi isoko ritaye agaciro, rihabwa uwaje ku mwanya wa kabiri mu ipiganwa, bitashoboka rikongera gupiganirwa. [22] Ingingo ya 64, y'itegeko N° 45/2011 ryo ku wa 25/11/2011 ryerekeye amasezerano, iteganya ko amasezerano akoze mu buryo bukurikije amategeko aba itegeko ku bayagiranye (...). [23] Aka gace k'iyi ngingo kumvikanisha ko, mu rwego rw'amategeko, amasezerano agira agaciro nk'ak'itegeko, hagati y'abayagiranye, iyo ibyayasezeranywemo bitanyuranyije n'itegeko. [24] Ibi ni nabyo byandikwa n'umuhanga mu mategeko René ROBAYE mu gitabo Une histoire du droit civil, aho agira ati: "Thame ry'amasezerano-tegeko (...) rigomba kumvikana nk'ihame ritegeka abagiranye amasezerano kubahiriza uburenganzira kimwe n'inshingano biyakubiyemo, iyo ayo masezerano yubahirije ibisabwa kugira ngo agire agaciro, yubahirije indemyagihugu kandi n'ukwemera kwa buri wese ari ukuri". [25] Ibimaze gusobanurwa bigaragaza ko igihe habayeho gutanga inyandiko zigoretse cyangwa zabonywe mu nzira z'uburiganya mu gupiganira isoko, iryo soko riraseswa rigahabwa

3 « Le principe de la convention-loi (...) doit être entendu comme le principe en vertu duquel les parties au contrat sont liées par les droits et obligations qui en découlent, pour autant bien sûr que le contrat remplisse les conditions requises pour sa validité, qu'il ne soit pas contraire à l'ordre public et que le consentement soit réel. » (René ROBAYE, Une histoire du droit civil, Louvain-La-Neuve, 1993, p.68).

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uwakurikiragaho mu ipiganwa cyangwa hagatangwa irindi, ryaba ryari ryatangiye gushyirwa mu bikorwa amasezerano arishingiyeho agaseswa. Binagaragaza kandi ko amasezerano aba itegeko ku bayagiranye igihe yubahirije ibisabwa kugira ngo agire agaciro, yubahirije indemyagihugu kandi n'ukwemera kwa buri wese ari ukuri. [26] Ku bijyanye n'uru rubanza, Little Steps Ltd yemera ko nyuma yo gutsindira isoko muri REB yatanze ingwate ya avansi yo gutangira imirimo (advance payment guarantee N° 222910) yo ku wa 24/08/2020, yitirirwaga Banki ya Kigali ifite agaciro ka 95.088.038 Frw; n'indi yo kurangiza neza imirimo (performance guarantee N° 013/2020) yo ku wa 14/07/2020, ifite agaciro kangana na 52,131.6 USD yitirirwaga COGEBANQUE Plc. Yemera kandi ko izo ngwate zaje kwemezwa ko zitavugisha ukuri kuko ayo mabanki zitirirwaga yandikiye REB (COGEBANQUE Plc yanditse ku wa 07/10/2020, naho Banki ya Kigali nayo yandika ku wa ...) ayimenyeshya ko atari yo yatanze izo ngwate. [27] Urukiko rurasanga kuba ayo mabanki yaravuze ko atari yo yatanze izo ngwate, bigaragaza ko izo nyandiko (ingwate) zigoretse cyangwa zabonywe mu nzira z'uburiganya, ibyo bikaba bituma isoko zatanzwemo riteshwa agaciro, ndetse n'amasezerano arikomokaho akaba agomba guseswa nk'uko biteganywa n'ingingo ya 93 y'Itegeko rigenga amasoko ya Leta ryavuzweho haruguru. [28] Urukiko rusanga nyuma yo kubona ko Little Steps Ltd yakoresheje inyandiko z'imfabusa kuko zitavugisha ukuri, nta kindi urwego rwatanze isoko (Rwanda Education Board) rwari gukora uretse kubahiriza ibiteganywa n'ingingo ya 93, igatesha agaciro amasezerano yari yakozwe kuri Lot 3, hanyuma igasesa isoko ku byerekeye Lot 2; [29] Urukiko rurasanga ubwumvikane bwabaye hagati ya REB na Little Steps Ltd noneho hagatangwa ingwate nshya nzima, Little Steps Ltd ikaba ivuga ko bwakosoye amakosa yari yabaye nta gaciro bufite, kuko budateganywa mu ngingo ya 93 y'Itegeko rigenga amasoko ya Leta, kuko nk'uko byagaragajwe, iyo ngingo iteganywa igikorwa mu gihe habayeho gukoresha inyandiko zigoretse cyangwa zabonetse mu nzira z'uburiganya (guta agaciro cyangwa guseswa kw'amasezerano), ikaba nta yandi mahitamo iha urwego rutanga isoko (ni impératif). [30] Nyuma yo kwemeza ko nta kosa REB yakoze isesa amasezerano ajyanye na lot ya Gatatu, Urukiko rugomba gusuzuma ingaruka z'iryo seswa, kuko mu byo REB yaregeye harimo gusubizwa avansi ingana na 92.088.294 Frw, naho Little Steps yo ikavuga ko idakwiye kuyisubiza kuko yayikoresheje ikora commande ku ruganda ndetse ikongeraho 30.000.000 Frw kugira ngo ishobore kubona "samples". [31] Urukiko rurasanga iyo myiregurire idakwiye guhabwa ishingiro kuko atabashije kugaragaza ko, koko iyo avansi yayikoresheje n'ibyayivuyemo, cyane cyane ko nawe ubwe yemera ko ibyo yashyikirije REB ari samples gusa. [32] Urukiko rurasanga ariko ababuranyi bemeranya ko hari samples Little Steps Ltd yashyikirije REB nk'uko zigaragara ku rutonde rwazo ruri muri dosiye, zikaba zigomba gusubizwa Little Steps Ltd cyangwa igasubizwa agaciro kazo. icyakora, rurasanga Little Steps Ltd itarigeze igaragaza agaciro kazo, bityo ikaba itagahabwa, ahubwo yasubizwa izo samples.

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[33] Hakurikijwe ibimaze gusobanurwa, Urukiko rurasanga ingingo ya 93 y'itegeko N° 62/2018 ryo ku wa 25/08/2018 rigenga amasoko ya Leta itarubahirijwe mu gusesengura urubanza mu Rukiko Rukuru rw'Ubucuruzi, amasezerano y'isoko REB yagiranye na Little Steps Ltd ku wa

31/08/2020 akaba yaragombaga guseswa ku mpamvu z'uko yari ashingiye ku nyandiko zigoretse cyangwa zabonywe mu nzira z'uburiganya. Rurasanga kubera iyo mpamvu, Little Steps Ltd igomba gusubiza Rwanda Education Board 92.088.294 Frw ya avansi yo gutangira imirimo yayihaye, nayo igasubiza samples yahawe na Little Steps Ltd.

- 2) Ibyerekeye amafaranga y'ikurikiranarubanza n'ay'igihembo cya Avoka. [34] Me Kanimba Nadia Bell asaba Urukiko gutegeka Little Steps Ltd kwishyura Rwanda Education Board amafaranga y'ikurikiranarubanza angana na 2.000.000 Frw n'igihembo cya Avoka kingana na 3.000.000 Frw. [35] Abahagarariye Little Steps Ltd bavuga ko indishyi Rwanda Education Board isaba nta shingiro zahabwa; ahubwo basaba Urukiko ko rwategeka Rwanda Education Board guha umukiriya wabo amafaranga y'ikurikiranarubanza angana na 1.000.000 Frw n'igihembo cya Avoka kingana na 2.000.000 Frw. [36] Me Kanimba Nadia Bell avuga ko izi ndishyi zisabwa na Little Steps Ltd nta shingiro zahabwa. UKO URUKIKO RUBIBONA [37] Ingingo ya 111 y'itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegets, iteganya ko "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". [38] Urukiko rusanga iyi ngingo yemerera umuburanyi watsinze urubanza gusaba indishyi z'ibyo yakoresheje akurikirana urubanza. Rurasanga Rwanda Education Board ariyo itsinda urubanza, ikaba igomba guhabwa amafaranga y'igihembo cya Avoka angana na 1.000.000 Frw agenwe mu bushishozi bw'Urukiko, kuko ayo isaba 3.000.000 Frw akabije kuba ari menshi cyane kandi nta kimenyetso iyatangira; igomba guhabwa kandi n'amafaranga y'ikurikiranarubanza nayo agenwe mu bushishozi bw'Urukiko angana na 500.000 Frw, kuko ayo isaba 2.000.000 Frw nayo akabije kuba menshi cyane kandi nta bimenyetso iyagaragariza. III. ICYEMEZO CY'URUKIKO [39] Rwemeje ko ikirego cyatanzwe na Rwanda Education Board cyo gusubirishamo ku mpamvu z'akarengane urubanza RCOMA 00604/2022/HCC rwaciwe n'Urukiko Rukuru rw'Ubucuruzi ku wa 22/01/2024 gifite ishingiro; [40] Rwemeje ko urubanza RCOMA 00604/2022/HCC ruhindutse mu ngingo zarwo zose;

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- [41] Rutegetse Little Steps Ltd gusubiza Rwanda Education Board 92.088.294 Frw ya avansi yo gutangira imirimo yayihaye. [42] Rutegetse Little Steps Ltd kwishyura Rwanda Education Board igihembo cya Avoka kingana na 1.000.000 Frw n'amafaranga y'ikurikiranarubanza 500.000 Frw. [43] Rutegetse REB gusubiza samples yahawe na Little Steps Ltd.

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CASE PAGE <https://chat.esheria.ai/case-law/rwanda/rwanda-education-board-reb-v-little-steps-ltd-contracttermination-supreme-court-2026>

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