

RWANDA / JUDGMENT

UJENGE RWANDA LTD N'ABANDI v. ECOBANK RWANDA PLC N'ABANDI

RCOM 00001/2024/SC

COURT

Supreme Court

DECIDED

23 January 2026

CASE / FILE NUMBER

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UJENGE RWANDA LTD N'ABANDI v. ECOBANK RWANDA PLC N'ABANDI

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Text

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UJENGE RWANDA LTD N'ABANDI v. ECOBANK RWANDA PLC N'ABANDI [Rwanda URUKIKO RW'IKIRENGA – RCOM 00001/2024/SC (Mukantaganzwa, P.J., Muhumuza na Kalihangabo, J.) 23 Mutarama 2026] Amategeko agenga imiburanishirize y'imanza z'imbonezamubano – Ukuvuguruzanya kw'imanza – Bimwe mu bishingirwaho kugira ngo hemezwe ko imanza zivuguruzanya harimo kuba ibyemezo bitandukanye by'inkiko bitagishoboye kujuririrwa kandi bikaba bidashobora kurangizwa icyarimwe, no kuba ibyo byemezo biramutse bigumyeho, byagira ingaruka z'uho ababuranyi batabona ubutabera bakeneye (déni de justice). Incamake y'ikibazo: UJENGE RWANDA Ltd mu mwaka wa 2010 yakoze umushinga wo kubaka amazu asangiwe, iwukora mu byiciro 2 aho icya mbere cyari kigizwe n'amazi 32 yo guturamo n'andi y'ubucuruzi, icyiciro cya 2 cyigizwe n'amazu 108 yo guturamo n'andi y'ubucuruzi. Yatangiye uwo mushinga ikoresha amafaranga yabaguzi aho babonaga inzu izamuwe bakishyura hanyuma bakazayegukana irangiye; nyuma yaho igihe cya mbere kirangiriye, mu mwaka wa 2012 n'uwa 2013 ECOBANK RWANDA Plc na SHELTER AFRIQUE zemeye gutera inkunga uwo mushinga mu

rwego rwo kuwagura, ziha UJENGE RWANDA Ltd inguzanyo ingana 8 500 000 USD, nayo ibaha ingwate y'ubutaka bwubatseho ayo mazu. Bamwe mu batanze amafaranga yabo yo kugura amazu batanze ikiko mu Nkiko z'ubucuruzi basaba guhabwa amazu baguze, imanza ziracibwa, bamwe barazihabwa, abandi ntibazihabwa kubera ko inkiko zasanze izo nzu ari ingwate ya ECOBANK na SHELTER AFRIQUE. Abatsinzwe bajuririye mu Rukiko rw'ubujurire, mu guca urubanza rwemeza ko abaguze amazu nyuma y'uko atangwaho ingwate muri Banki batayahabwa, naho abayaguze mbere y'uko atangwaho ingwate bayegurirwa. UJENGE, Sebatigita Patrick na Manirakiza Katia batanze ikirego mu Rukiko rw'Ikirenga, barusaba gukemura ikibazo cy'ivuguruzanya hagati y'imanza zaciwe n'Urukiko rw'Ubucuruzi, izaciwe n'Urukiko Rukuru rw'Ubucuruzi n'urubanza rwaciwe n'Urukiko rw'Ubujurire, bavuga ko inkiko z'ubucuruzi zemeje ko abaguze bafite uburenganzira ku nzu zabo, hanyuma Urukiko Rukuru rw'Ubucuruzi rwo rwemeza ko ubugure bw'abantu batandukanye budafite agaciro kuko umutungo uri mu bugwate, hanyuma Urukiko rw'Ubujurire rwo rwemeza ko ubugure bwabaye mu cyiciro cya mbere aribwo bufite agaciro abaguze icyo gihe bahabwa amazu yabo. Abarega bakavuga ko rero irangizwa ry'izo manza kuba rikomwa mu nkokora na ECOBANK yitambika, ariho bahera bavuga ko muri izo manza harimo ivuguruzanya. Abaregwa bavuga ko hari umurongo watanze n'Urukiko rw'Ikirenga mu rubanza RC 00001/2023/SC rwaciwe ku wa 22/12/2023, haburana Rutayisire na Mukankurikiyimana n'abandi usobanura ko habaho ukuvuguruzanya kw'imanza "iyi hari ibyemezo bitandukanye by'inkiko bitagishoboye kujuririrwa kandi bidashobora kurangizwa icyarimwe, bitewe n'uko hari urubanza rwaciwe mbere ku mpamvu zimwe, ku kiburanwa kimwe, hagati y'ababuranyi bamwe kandi rwabaye ndakuka (autorité de la chose jugée);cyangwa se hari imanza ebyiri zidashobora kubangikanywa (deux décisions inconciliables) kandi zidashobora kurangizwa rimwe. Bavuga ko uwi murongo udahuje n'imiterere y'urubanza, ko ababuranyi batari bamwe mu manza zo mu

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nkiko z'ubucuruzi no mu Urukiko rw'Ubujurire, ko kandi kuba izo manza zaciwe zishobora kubangikanwa no kurangizwa rimwe, ibyo bituma nta kuvuguruzanya kuzirimo kuko zatanze uburenganzira ku bantu batandukanye. Incamake y'icyemezo: Bimwe mu bishingirwaho kugira ngo hemezwe ko imanza zivuguruzanya harimo kuba ibyemezo bitandukanye by'inkiko bitagishoboye kujuririrwa kandi bikaba bidashobora kurangizwa icyarimwe, no kuba ibyo byemezo biramutse bigumye, byagira ingaruka z'uko ababuranyi batabona ubutabera bakeneye (déni de justice). Ikirego nta shingiro gifite. Nta mategeko yashingiweho Imanza zifashishijwe: RC 00001/2023/SC; RUTAYISIRE Jean de Dieu aburana vs MUKANKURIKIYIMANA Béatrice na bagenzi be rwaciwe n'Urukiko rw'Ikirenga ku wa 22/12/2023; RC 00002/2023/SC; NYIRANDIHANO Madeleine vs NEMEYABAHIZI Jean Baptiste rwaciwe n'Urukiko rw'Ikirenga ku wa 03/05/2024; RC 00003/2024/SC; rwaciwe ku wa 17/01/2025 Urubanza I. IMITERERE Y'URUBANZA [1] Abarega muri uru rubanza batanze ikirego basaba uru Rukiko gukemura ikibazo cy'ivuguruzanya ry'imanza zitandukanye1 zikomoka ku mushinga wo kubaka amazu asangiwe watangijwe mu mwaka wa 2010 na UJENGE RWANDA Ltd (yitwa "UJENGE" muri uru rubanza) ihagarariwe n'umuyobozi wayo Sebatigita Patrick. [2] Uwo mushinga wari ugizwe n'ibyiciro bibiri; icyiciro cya mbere cyari kigizwe n'amazu 32 yo guturamo hamwe n'andi mazu

y'ubucuruze. icyiciro cya kabiri cyagombaga kuba kigizwe n'amazu 108 nayo yo guturamo hamwe n'andi mazu y'ubucuruze. Inyubako yatangijwe n'amafaranga yatanze n'abaguzi ubwabo bagendaga bishyura uko inyubako yagendaga izamuka bagamije kwegurirwa amazu igihe yari kuba arangiye, bigakorwa hubahirijwe amategeko agenga umutungo usangiye.

[3] ECOBANK RWANDA Plc (yitwa "ECOBANK" muri uru rubanza) yaje mu mushinga muri 2012 igice cya mbere cy'inyubako cyarangiye, naho SHELTER AFRIQUE yo iwuzamo muri 2013; izo Banki zemeye guha UJENGE inguzanyo ya 8.500.000 USD, bituma umushinga

1 Izo manza zifite numero zikurikira: RCOM 1484/TC/NYGE, rwa GASENGAYIRE Rutanga Febronie, RCOM 0306/15/TC/NYGE, rwa KAGINA Yves, RCOM 01219/2016/TC/NYGE, rwa UWICYEZE Rose, RCOM 1618/15/TC/NYGE, rwa GASHAGAZA Léon na UWASE Sonia, RCOM 00143/2016/TC/NYGE, rwa BITENYO Bienfait, RCOM 1497/14/TC/NYGE rwa RUTANGA Jeanne, na RCOM 0724/15/TC/NYGE, rwa NGENDAHAYO Ingrid na KAKANA Camille

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waguka. Nkuko bigaragazwa n'amasezerano yiswe common terms agreement, iyo nyubako (ibyiciro byombi) yagombaga kurangira itwaye angana na 12.558.017 USD, hashingiwe k'ubufatanye bw'abo bafatanyabikorwa. Kugira ngo abafatanyabikorwa ba UJENGE bavuzwe haruguru bemere kwinjira muri uwo mushinga, ECOBANK na SHELTER AFRIQUE bahawe ingwate y'ubutaka bwubatsheho ayo mazu. [4] Bamwe mu batanze amafaranga yabo mu kugura ayo mazu, batanze ibirego mu nkiko z'ubucuruze basaba guhabwa amazu baguze, imanza ziracibwa, bamwe barazihabwa, abandi ntibazihabwa kubera ko inkiko zasanze izo nzu ari ingwate ya ECOBANK na SHELTER AFRIQUE. [5] Abatsinzwe muri izo manza bajurirye ibyemezo byafashwe n'inkiko, urubanza rwa nyuma (RCOMAA 00024/2018/CA) rucibwa n'Urukiko rw'Ubujurire ku wa 22/10/2021, rwemeza ko abaguze amazu nyuma y'uko atangwaho ingwate muri Banki batayahabwa, naho abayaguze mbere y'uko atangwaho ingwate bayegurirwa. [6] Nyuma y'icibwa ry'urubanza RCOMAA 00024/2018/CA rwavuzwe haruguru, UJENGE, Sebatigita Patrick na Manirakiza Katia batanze ikirego mu Rukiko rw'Ikirenga, barusaba gukemura ikibazo cy'ivuguruzanya hagati y'imanza zaciwe n'Urukiko rw'Ubucuruze, izaciwe n'Urukiko Rukuru rw'Ubucuruze n'urubanza rwaciwe n'Urukiko rw'Ubujurire; ikirego gihabwa numero RC 00001/2024/SC. [7] Iburanisha ry'uru rubanza ryabereye mu ruhame ku wa 03/06/2025, UJENGE, Sebatigita Patrick na Manirakiza Katia bahagarariwe na Me Niyondora Nsengiyumva, Rutanga Jeanne na bagenzi be uko ari abantu 20 bahagarariwe na Me Rwabusaza Thierry, SHELTER AFRIQUE ihagarariwe na Me Uwizeyimana Jean Baptiste, ECOBANK ihagarariwe na Me Turatsinze Emmanuel. Muri iryo buranisha PALM ESTATE OWNERS Ltd ihagarariwe na Mutabingwa Alloys, yaje mu iburanisha isaba kwemererwa kugoboka ku bushake mu rubanza, uyihagarariye asobanura ko ubusabe bwayo bushingiye kubiteganywa n'ingingo ya 114, igika cya 2, y'itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruze, iz'umurimo n'iz'ubutegetsi, kuko abanyamuryango ba PALM ESTATE OWNERS Ltd bafite inyungu zitaziguye nk'abasangiye amazu muri iyo Estate. [8] Urukiko rwasuzumye ubusabe bwa PALM ESTATE OWNERS Ltd rusanga itujuje ibisabwa kugira ngo

umuburanyi yemererwe kugoboka ku bushake mu rubanza atabayemo umuburanyi, rufata icyemezo mu rubanza rubanziriza urundi, ko ubusabe bwo kugoboka ku bushake mu rubanza bwatanzwe na PALM ESTATE OWNERS Ltd nta shingiro bufite. [9] Iburanisha ry'urubanza mu mizi ryashyizwe ku wa 17/09/2025, ribera mu ruhamwe, abarega bahagarariwe na Me Niyondora Nsengiyumva, naho abaregwa bahagarariwe na Me Thierry Rwabusaza, ECOBANK ihagarariwe na Me Turatsinze Emmanuel, naho SHELTER AFRIQUE ihagarariwe na Me Mutabazi Celestin. Kuri uwo munsu hasuzumwe ibibazo bigize urubanza bikurikira:

- 1) Kumenya niba hari ivuguruzanya riri hagati y'urubanza RCOMAA 00042/2018/CA n'imanza zitandukanye zemeje ko abaguzi bahabwa amazu yabo nk'uko zagaragajwe;

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- 2) Kumenya urubanza rwavanwaho mu gihe hemejwe ko hari imanza zivuguruzanya;
- 3) Gusuzuma ibijyanye n'indishyi zisabwa n'ababuranyi

II. ISESENGURWA RY'IBIBAZO BIGIZE URUBANZA

- 1) Kumenya niba hari ivuguruzanya riri hagati y'urubanza RCOMAA 00042/2018/CA n'imanza zitandukanye zemeje ko abaguzi bahabwa amazu yabo; [10] Me Niyondora Nsengiyumva uhagarariye abarega avuga ko Urukiko Rukuru rw'Ubucuruzi, rwemeje ko ubugure bw'abantu batandukanye baguze amazu muri Palm Estate nta gaciro bufite ngo kuko baguze umutungo Banki zahawe ingwate. Ubu bugwate buvugwa ni ubwatanzwe k'ubutaka bwubutseho amazu yose ari mu nyubako ya Palme Estate; nyamara mu cyiciro kindi cy'imanza, inkiko zaremeje ko abaguze bahabwa amazu yabo nta condition. [11] Avuga ko mu gika cya 221 cy'urubanza RCOMAA 00042/2018/CA, Urukiko rw'ubujurire rwemeje ko urubanza rwaciwe n'Urukiko Rukuru rw'Ubucuruzi ruhindutse ku birebana na Musabe Edwige, Kayitesi Viviane, Nyirimihigo Jean-Marie Vianney na Murekatete Laetitia (wasimbuye Ruzindana Jérémie), ko batarebwa n'ubugwate buvugwa muri urwo rubanza, ko bagomba guhabwa amazu baguze. [12] Akomeza avuga ko no mu manza zaciwe n'inkiko z'ubucuruzi, izo inkiko zemeje ko ababuranyi bahabwa amazu yabo, ko imiburanire ya ECOBANK ishingiyeye ku bugwate itahawe ishingiro. Asobanura ko mu kurangiza izi manza, ECOBANK yitambitse, ishingiyeye ku rubanza RCOMAA 00042/2018/CA, ikavuga ko ubutaka bwahozze bubaruye kuri UPI: 01/02/10/03/5313 ari ingwate yayo, bituma irangizwa ry'izo manza rikomwa mu nkokora. Avuga ko aha ari ho ivuguruzanya ry'izo manza rigaragarira. [13] Me Rwabusaza Thierry uhagarariye Musabe Edwige na bagenzi be, avuga ko aho ivuguruzanya rigaragarira ari uko mu manza zaciwe n'inkiko z'ubucuruzi hemejwe ko ubugure bw'abaguze amazu bavugwa muri izo manza bufite ishingiro; ariko nyuma, urubanza RCOMAA 00042/2018/CA rwaciwe n'Urukiko rw'Ubujurire rwavuguruye imanza zabaye itegeko. [14] Yongeraho ko mu mikirize y'urubanza RCOMAA 00042/2018/CA rumaze kuvugwa, Urukiko rwahaye agaciro ubugwate bwa Banki rwirengagije ko abaturage baguze mbere y'uko Banki zinjira mu mushinga nk'uko nazo zibiyemerera mu ibaruwa yo ku wa 08/08/2012 Avuga nanone ko muri urwo rubanza Urukiko rw'Ubujurire rwahaye

uburenganzira abaturage bane, abandi rurabubambura kandi baraguze mu buryo bumwe. [15] Abahagarariye ECOBANK na SHELTER AFRIQUE, bavuga ko hari umurongo watanze n'Urukiko rw'Ikirenga mu rubanza RC 00001/2023/SC rwaciwe ku wa 22/12/2023, haburana Rutayisire na Mukankurikiyimana n'abandi usobanura ko habaho ukuvuguruzanya kw'imanza "iyo hari ibyemezo bitandukanye by'inkiko bitagishoboye kujuririrwa kandi bidashobora kurangizwa icyarimwe, bitewe n'uko hari urubanza rwaciwe mbere ku mpamvu zimwe, ku kiburanwa kimwe, hagati y'ababuranyi bamwe kandi rwabaye ndakuka (autorité de la chose jugée);cyangwa se hari imanza ebyiri zidashobora kubangikanywa (deux decisions inconciliables)

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kandi zidashobora kurangirizwa rimwe." Bavuga ko ibi iyo babihuje n'imiterere y'uru rubanza, basanga nta kuvuguruzanya kuri muri izi manza. [16] Basobanura ko umurongo umaze kuvugwa haruguru wumvikanisha ko kimwe mu bishingirwaho mu kugena ukuvuguruzanya kw'imanza, harimo kuba imanza zivugwa ko zivuguruzanya zaraburanywe n'ababuranyi bamwe; ariko ku bijyanye n'uru rubanza bikaba atari ko bimeze, kuko ababaye ababuranyi mu manza zaciwe n'Urukiko rw'Ubucuruzi atari bo baburanyi mu rubanza RCOMAA 00042/2018/CA. [17] Bavuga ko ikindi cyumvikana muri uwo murongo ari uko imanza zivugwa ko zivuguruzanya zigomba kuba zidashobora kubangikanywa no kurangirizwa rimwe, nyamara akaba atari ko bimeze ku manza abarega bavuga ko zivuguruzanya kuko zo zishobora kubangikana no kurangirizwa rimwe hashingiwe ku kuba Urukiko rw'Ubucuruzi hamwe n'Urukiko rw'Ubujurire zemeje uburenganzira ku bantu baguze mazu mbere y'ubugwate bwabaye hagati ya UJENGE na ECOBANK. [18] Bakomeza bavuga ko mu rubanza rwaciwe n'Urukiko rw'Ubujurire hemejwe ko abantu, baguze amazu nyuma yiyandikishwa ry'ingwate, amasezerano y'ubugure bwabo nta gaciro afite kuko UJENGE yayabagurishije mu buriganya, itabimenyesheje ECOBANK nk'ufite uburenganzira ku ngwate. Bavuga ibyo Urukiko rwemeje ari nabyo biteganywa n'ingingo ya 7 y'itegeko N° 10/2009 ryo ku wa 14/05/2009 ryerekeye ubugwate ku mutungo utimukanwa nk'uko ryahinduwe. [19] Basoza bavuga ko bashingiye ku bimaze gusobanurwa haruguru, basanga imanza ziregerwa ko zivuguruzanya, zishobora kurangirizwa rimwe no kubangikana. Bongeraho ko izo manza zidahuriye ku kiburanwa kimwe ku buryo mu manza zabanje haba hari umuntu wagenewe inzu hanyuma akaza kuyamburwa mu rubanza RCOMAA 00042/2018/CA ku buryo kurangiza izo manza bitakunda; bityo ko nta mpamvu yatuma urubanza rwaciwe n'Urukiko rw'Ubujurire ruvanywaho cyane ko bemera ko umuntu wese watsindiye inzu mu rubanza azayihabwa nta mananiza. URUKIKO RUBIBONA [20] Ikibazo kiri muri uru rubanza kijyanye no kumenya niba urubanza rwaciwe n'Urukiko rw'Ubujurire ruvuguruzanya n'imanza zaciwe n'Urukiko rw'Ubucuruzi ku buryo zitarangizwa. [21] Me Niyondora Nsengiyumva uhagarariye abarega avuga ko imanza zivugwa muri uru rubanza zitarangizwa kubera ko nyuma y'uko ziciwe zikaba itegeko, mu gihe cyo kuzirangiza ECOBANK yitambitse ishingiyeye ku rubanza RCOMAA 00042/2018/CA, ivuga ko ubutaka buriho amazu aburanwa ari ingwate yayo, bituma irangizwa ryazo ridashyirwa mu bikorwa. [22] Me Rwabusaza Thierry uhagararaye Musabe Edwige na bagenzi be, avuga ko nawe asanga imanza zavuzwe haruguru zivuguruzanya ku buryo

zitarangizwa kubera ko umutungo zigomba kurangirizwaho ari ingwate ya ECOBANK. [23] Abahagarariye ECOBANK na SHELTER AFRIQUE bavuga ko nta cyabuza ko izo manza zarangizwa kuko hashingiwe ku mirongo yatanzwe n'uru Rukiko igaragaza ibishingirwaho mu

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kumenya niba hari ukuvuguruzanya kw'imanza, birimo imiterere y'urubanza, basanga nta kuvuguruzanya guhari. [24] Ibirego byerekeranye n'ivuguruzanya ry'imanza byafashweho icyemezo n'uru Rukiko mu manza zitandukanye²; muri izo manza Urukiko rwagaragaje ibishingirwaho kugira ngo hemezwe ko imanza zivuguruzanya. Bimwe muri ibyo bikaba ari ibi bikurikira:

- i. Habaho ukuvuguruzanya kw'imanza iyo hari ibyemezo bitandukanye by'inkiko bitagishoboye kujuririrwa kandi bikaba bidashobora kurangizwa icyarimwe;
- ii. Kuba ibyo byemezo biramutse bigumye, byagira ingaruka z'uko ababuranyi batabona ubutabera bakeneye (déni de justice); [25] Muri dosiye y'urubanza hagaragaramo imanza zabaye itegeko, abarega bavuga ko zivuguruzanya n'urubanza RCOMAA 00042/2018/CA rwaciwe n'Urukiko rw'Ubujurire. Ababuranye izo manza baregaga UJENGE basaba ko bahabwa amazu baguze, baranayatsindira. Izo manza ni izi zikurikira: i. Urubanza RCOM 1484/TC/NYGE, rwa Gasengayire Rutanga Febronie. Uyu yatsindiye inzu no 106; ii. Urubanza RCOM 0306/15/TC/NYGE, rwa Kagina Yves. Uyu yatsindiye inzu no 401; iii. Urubanza RCOM 01219/2016/TC/NYGE, rwa Uwicyeze Rose. Uyu yatsindiye inzu no 102; iv. Urubanza RCOM 1618/15/TC/NYGE, rwa Gashagaza Léon na UWASE Sonia. Aba batsindiye inzu no 403; v. Urubanza RCOM 00143/2016/TC/NYGE, rwa Bitenyo Bienfait. Uyu yatsindiye inzu no 207; vi. Urubanza RCOM 1497/14/TC/NYGE, rwa Rutanga rwa Jeanne. Uyu yatsindiye inzu no 307; vii. Urubanza RCOM 0724/15/TC/NYGE rwa Ngendahayo Ingrid na Kakana Camille bahagarariye n'umubyeyi wabo Kakana Laetitia. Aba batsindiye inzu no 203. [26] Muri izi manza zigaragajwe haruguru izajururiwe mu Rukiko Rukuru rw'Ubucuruzi ni urubanza RCOM 1497/14/TC/NYGE, rwa Rutanga Jeanne n'urubanza RCOM 0724/15/TC/NYGE rwa Ngendahayo Ingrid na Kakana Camille bahagarariye n'umubyeyi wabo Kakana Laetitia, ariko nta cyahindutse mu bujurire, hagumishijweho imikirize yazo mu Rukiko rw'Ubucuruzi, bahamana inzu batsindiye.

2 Urubanza N° RC 00001/2023/SC rwaciwe ku wa 22/12/2023, RUTAYISIRE Jean de Dieu aburana na MUKANKURIKIYIMANA Béatrice na bagenzi be, urubanza No RC 00002/2023/SC rwaciwe ku wa 03/05/2024, haburana NYIRANDIHANO Madeleine na NEMEYABAHIZI Jean Baptiste; ndetse n'urubanza N° RC 00003/2024/SC rwaciwe ku wa 17/01/2025,

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[27] Mu rubanza RCOMAA 00042/2018/CA rwaciwe n'Urukiko rw'Ubujurire abarega bavuga ko ruvuguruzanya n'imanza zavuzwe haruguru, abarubayemo ababuranyi ni Uwase Sonia, Mubiligi, CENTURY REAL ESTATE Ltd, Musabe Edwige, Uwera Sandra, Kayitesi Viviane, Kajangwe Alain, Nyakira Brenda, ARAIRE Alexandre, Benimana Béatrice, Murekatete

Laetitia na Nyirimihigo Jean-Marie Vianney, baburana na ECOBANK, SHELTER Afrique, UJENGU, Sebatigita Patrick na Manirakiza Katia basaba Urukiko gutegeka ko bahabwa amazu baguze na UJENGU; mu bajuriye, Urukiko rwemeje ko abitwa Ruzindana Jeremie (wasimbuye Murekatete Letitia), Nyirimihigo Jean Marie Vianney, Musabe Edwige na Kayitesi Viviane, ari bo bonyine bahabwa inzu buri wese yaguze, kuko rwasanze ubugure bwarabaye mbere y'uko uwo mutungo utangwaho ingwate; abandira Urukiko rwemeza ko batayahabwa kuko rwasanze amazu baguze yatanze ingwate mbere y'uko bayagura. Muri urwo rubanza kandi abantu baburanye imanza zagaragajwe haruguru mu gika cya 25, ntibagaragayemo nk'ababuranyi. [28] Ibigaragajwe haruguru byerekana ko ababuranyi mu manza abarega bavuga ko zivuguruzanya atari bamwe, ikiburanwa atari kimwe, kandi ko buri muburanyi watsinze urubanza yahawe inzu itandukanye n'iya mugenzi we. [29] Hashingiwe kuri ibi bisobanuro, Urukiko rurasanga mu mpamvu zasobanuwe mu mirongo yatanze n'uru Rukiko zishingirwaho hemezwa ko imanza zivuguruzanya nta n'imwe igaragara mu manza abarega bavuga ko zivuguruzanya n'urubanza rwaciye n'Urukiko rw'Ubujurire; bityo hakaba ntakizibuka kurangizwa, cyane cyane ko na ECOBANK na SHELTER AFRIQUE zarezwe kubangamira irangizwa ryazo zemera ko nta cyabuzwa ishyirwa mu bikorwa ry'ibyemezo by'inkiko. [30] Ku byerekeranye n'ikibazo cyo kumenya urubanza rwavanwaho mu gihe hemejwe ko hari imanza zivuguruzanya, Urukiko rurasanga nta mpamvu yo kugisuzuma kuko rusanga nta vuguruzanya ry'imanza rihari.

- 2) Gusuzuma ibijyanye n'indishyi. [31] Me Niyondora Nsengiyumva uhagarariye UJENGU, Sebatigita Patrick na Manirakiza Katia, avuga ko indishyi basaba zishingiye ku bikorwa byose byakozwe na ECOBANK na SHELTER AFRIQUE kuko zirengagije ko ubugure bw'amazu buzwi kandi zikaba zaratanze inguzanyo zizi neza ko ayo mazu azubakirwa kugurishwa, bityo ko guhindukira zikitwaza uburenganzira ku ngwate nkaho ubugure bw'abantu 32 zitari zibuzi, byafatwa nk'uburiganya no gukomeza gushyira UJENGU mu kibazo gituma ibyo yemeye bitubahirizwa; ko abarega bese babisabira indishyi z'ikurikiranarubanza zingana na 1.000.000 Frw hamwe na 4.000.000 Frw y'igihembo cya Avoka; yose hamwe akaba 5.000.000 Frw. [32] Me Rwabusaza Thierry uhagarariye Musabe Edwige ba bagenzi be, avuga ko iki kibazo cy'ivuguruzanya ry'imanza cyatumye abaregwa badahabwa amazu baguze nyuma y'imanza zitandukanye bagiye bashorwamo, imyaka ikaba irenze icumi batarahabwa amazu baguze kandi umutungo w'umuntu ari ntavogerwa; bityo ko kuba ECOBANK na SHELTER AFRIQUE zarakomeje kuvogera uburenganzira bwabo, buri muburanyi, uko ari 20, Urukiko rwamugenera 1.000.000 Frw y'igihembo cya Avoka na 500.000 Frw y'ikurikiranarubanza, agatangwa na ECOBANK na SHELTER AFRIQUE.

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- [33] Abahagarariye ECOBANK na SHELTER AFRIQUE bavuga ko indishyi zisabwa n'abarega nta shingiro zifite kuko ari bo bishoye mu manza zitari ngombwa bagamije guhunga inshingano zo kwishyura umwenda bafitiye izo banki, ndetse no kuzihuguza uburenganzira ku bugwate bazihaye mu buryo bukurikije amategeko; ko ari bo nyirabayazana w'ikibazo, bakaba bakwiye kwirengera ingaruka z'imanza bishoyemo. [34] ECOBANK na SHELTER AFRIQUE

batanze ibirego biregera kwiregura, babishingiye ku ngingo ya 111 y'Itegeko No 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsu. SHELTER AFRIQUE ivuga ko kuba abarega baratumye iregwa muri uru rubanza bigatuma yishyura igihembo cya Avoka n'amafaranga y'ikurikiranarubanza kugira ngo irengere inyungu zayo, isaba Urukiko kubatega kuyisubiza 5.000.000 Frw y'igihembo cya Avoka na 600.000 Frw y'ikurikiranarubanza; ECOBANK yo isaba ko abarega bayishyura 2.000.000 Frw y'igihembo cya Avoka na 1.000.000 Frw y'ikurikiranarubanza. [35] Me Nsengiyumva Niyondora avuga ko indishyi zisabwa na ECOBANK na SHELTER AFRIQUE nta shingiro zifite kuko izo Banki zaje mu mushinga abaguzi bamaze kwishyura arenga 80%. Ikindi ngo ni uko zari zizi ko ubugure bwabayeho kandi ari cyo amazu yari agenewe; ndetse UJENGE ikaba itari ibujijwe kuyagurisha; kuba haraciwe imanza zivuguruzanya bikaba ngombwa kwiambaza Urukiko rw'Ikirenga bikaba atari ikosa ry'abarega ku buryo babitangira indishyi. UKO URUKIKO RUBIBONA [36] 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'ubutegetsu iteganya ko ikirego cy'amafaranga y'ikurikiranarubanza ari ikirego gishamikira ku kirego cy'iremezo kigamije kwishyura ibyakoreshejwe mu rubanza. [37] Urukiko rurasanga indishyi zisabwa n'abarega ntazo bahabwa kuko ntacyo batsindiye mu rubanza [38] Urukiko rurasanga kandi indishyi zisabwa na Musabe Edwige, na bagenzi be bazisaba SHELTER AFRIQUE na ECOBANK nta shingiro zifite kuko abo bazisaba atari bo babazanye mu rubanza. [39] Urukiko rurasanga ahubwo indishyi zisabwa na ECOBANK na SHELTER AFRIQUE bakwiye kuzihabwa hashingiwe ku kuba barashowe mu manza nta mpamvu, ariko kuba izo basaba ari umurenge kandi batatitangira ibimenyetso, Urukiko rugeneye mu bushishozi bwarwo buri banki, 1.500.000 Frw, akubiyemo 1.000.000 Frw y'igihembo cya Avoka na 500.000 Frw y'ikurikiranarubanza. III. ICYEMEZO CY'URUKIKO

3 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. Gishobora kandi kwakirwa kikanaburanishwa n'iyi ikirego cy'iremezo cyaba kitakiriwe.

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[40] Rwemeje ko ikirego cyatanze na UJENGE RWANDA LTD, Sebatigita Patrick na Manirakiza Katia, basaba Urukiko gukemura ikibazo cy'ivuguruzanya ry'imanza nta shingiro gifite; [41] Rwemeje ko nta vuguruzanya riri hagati y'imanza RCOM 01618/16/TC/NYGE, RCOM 1484/TC/NYGE, RCOM 00143/2016/TC/NYGE, RCOM 01219/2016/TC/NYGE, RCOM 00306/15/TC/NYGE, RCOM 1497/14/TC/NYGE, RCOM 0724/15/TC/NYGE, zaciwe n'Urukiko rw'Ubucuruzi n'urubanza RCOMAA 00042/2018/CA rwaciwe n'Urukiko rw'Ubujurire; [42] Rutegetse UJENGE RWANDA Ltd, Sebatigita Patrick na Manirakiza Katia gufatanya guha ECOBANK RWANDA Plc na SHELTER AFRIQUE, 1.500.000 Frw kuri buri banki, akubiyemo 1.000.000 Frw y'igihembo cya Avoka na 500.000 Frw y'ikurikiranarubanza, yose hamwe akaba 3.000.000 Frw.

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