**RCA 569**

**AMAJAMBO MAKURU MAKURU**

**Abuzukuru b'ingurube – guca urubanza impaga – gufata nabi – guhinyuzanya imbonankubone – ibitungwa – ingurane y'ingurube – inyungu – ishirahamwe – isubiramwo ry'urubanza ridashemeye - kunyaga – kwunguka ibiro – urugero rwo gufata neza.**

**URUBANZA**

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RCA 569

SENTARE NKURU ISUBIRAMWO ISHASHE I GITEGA MU MANZA Z'AMATATI YACIYE URUBANZA RUKURIKIRA MU NTAHE Y'ICESE KU WA 15.07.2005.

UWUNGURUJE : ishirahamwe T. ry'i Bwoga Komine n'Intara ya Gitega riserukirwa na ND. J. Berchmans.

UWUNGURURIJWE : BD. Gitega iserukirwa na Patri M. Ignace na Viateur B.

Twihweje urubanza RC 1713 rwaciwe na Sentare Nkuru y'Igihugu ya Gitega ruvuga ruti :

- Sentare yakiriye imburano za ND. J. Berchimans aserukira ishirahamwe T. mugabo isanze zidashemeye namba ;
- Arahebujwe ku mafranga yarondera kuri BD ;
- Amagarama atangwa na ND. J. Berchimans aserukira ishirahamwe T.

Twihweje ishirahamwe T. ryaciye ryunguruza urwo rubanza rukandikwa ku nomero RCA 561/GIT rugacibwa impaga kuri BD. ruvuga ruti :

SENTARE ISHINZE KO :

- Yakiriye iyunguruzwa ry'urubanza nk'uko ryagizwe n'ishirahamwe T. kandi isanze rishemeye mu ruhande rumwe;
- BD. itegetswe guha iryo shirahamwe amahera ibihumbi ijana na mirongo umunani (180.000FBu) gushira ko 6% y'inyungu iharurwa kuva imenyeshejwe urubanza (1ère assignation) hamwe na 4% ya DP;
- Amagarama atangwa na BD.

Twihweje ko BD. yamemyeshejwe urwo rubanza kw'igenekere zo rya 01.06.2005 igaca irusubirishamwo kw'igenekerezo rya 01.06.2005 rukandikwa ku nomero RCA 569/GIT ;

Twihweje ko rwashizwe mu ntahe y'icese yo ku wa 20.06.05 ababuranyi bakarenguka bose BD. iserukirwa na Viateur B., T. naryo riserukirwa na ND. J.Berchmans bose bakumvirizwa bahinyuzanya imbonankubone ;

Sentare imaze kunyurwa yaciye ishira urubanza mu mwiherero iraheza ishikiriza ibikurikira .

Kubera ko ishirahamwe T. riserukirwa na ND. J. Berchmans ariryo ryatanguye kwitwara rirega BD. ko yarihaye ingurane y'ingurube hanyuma haheze amezi munani BD. igaca iza kunyaga za ngurube;

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Kubera ko ND. abandanya avuga ko amasezerano y'iyo ngurane yavuga ko ishirahamwe rizokwishura mugusubiza abuzukuru b'izo ngurube T. yaronse ;

Kubera ko ND. ashishikara avuga ko BD. yinyagiye izo ngurube yitwaza ko zari zifashwe nabi, ngo kandi vyaraboneka ko zaguma zunguka ibiro ku kwezi ;

Kubera rero ko ND. aserukira T. yasaba indishi ingana n'ibikorwa bakoze mu gutunga izo ngurube zitandatu mu mezi munani bazigaburira bongera bazivuza ;

Kubera ko ND. avuga kandi ko igihe BD. yaza gutwara izo ngurube, bayisavye ko yozirekera iryo shirahamwe naryo rikagurira BD. ibindi bibuguru bikiri bito kandi vy'ubwoko bwiza, maze T. ikagumana izo yari imaranye amezi munani ngo mugabo ivyo BD. yaravyanse ;

Kubera kandi ko ND. avuga ko BD. yashavujwe n'uko yasanze ishirahamwe T. ryari rifise izindi ngurube ryahawe na P. maze BD. ica ibona ko T. ritari rikwiye guhabwa ingurane zibiri, ariko guca yitwaza ko ingurube zafashwe nabi ;

Kubera ko uwuserukira BD. we yireguye avuga ko bakurikije ingingo ya 3 iya 6 n'iya 8 z'amasezerano zivuga ko ingurube zitanzwe ko ingurane ziguma arizo BD. gushika ingurane ihejeje kurihwa kandi ishirahamwe rirondeye iyo ngurane, rigategerazwa gufata neza ivyo bitungwa n'ugukurikiza impanuro za BD. atari aho naho iryo

shirahamwe rikatwara ivyo bitungwa ;

Kubera rero ko uwuserukira BD. yemeza ko izo ngurube zari zifashwe nabi ngo kuzo zunguka ikiro kimwe canke kimwe n'inusu ku kwezi ngo kandi ingurube ifashwe neza yunguka ibiro bitatu canke bine ku kwezi;

Kubera ko amasezerano y'ugutanga ingurane adatomora neza urugero rwogufata neza ingurube ngo yerekane ibiro itegerezwa kwunguka ku kwezi ;

Kubera ko biboneka ko izo ngurube zungutse kuko zari izaje zifise ibiro 9,5 kg zigenda zirenza 20 kg izindi nazo zaje zifise 5 kg zigenda zifise 15 kg ;

Kubera kandi ko iyo BD. ibona ko izo ngurube zifashwe nabi itarindira amezi umunani yose ahubwo yari kuzisubirako hakiri kare ;



Kubera rero ko vyumvikana ko ivyo ishirahamwe T. ryakoze mu mezi munani yose bitoba impfagusa ahubwo rikwiye kubihemberwa ;

Kubera impembo y'ibihumbi ijana na mirongo umunani (180.000 FBu) Sentare yari yashinze mu rubanza RCA 561/GIT rwaciwe impaga kuri BD. ikwiye gukomezwa kuko imburano BD. yashikirije zidashemeye ;

KUBERA IZO MVO ZOSE:

Sentare ica imanza imbonankubone, ibanje kuva mu mwiherero utegekanywa n'amategeko ;

Yihweje ibwirizwa shingiro rya Republika y'Uburundi;

Yihweje itegeko N°1/08 ryo ku wa 17.03.2005 ryerekeye iringanizwa ry'ama Sentare n'ububasha bwayo;

Yihweje igitabu c'amategeko yerekeye iburanishwa ry'imanza z'amatati (code de procédure civil) ;

Yihweje igitabo c'amategeko yerekeye amatati (code civil) ;

ISHINZE KO:

- Yakiriye isubiramwo ry'urubanza (opposition) ryagizwe na BD. ariko isanza ridashemeye;
- Ikomeje urubanza rwayo RCA 561/GIT mu ngingo zarwo zose ;
- Amagarama atangwa na BD.

Uko niko ruciwe kandi ruzomwe i Gitega mu ntahe y'icese yo ku wa 15.07.05, hashashe umukuru w'intahe, abacamanza bafashijwe n'umushikirizamanza hamwe n'umwanditsi.

**KWIHWEZA URUBANZA**

Uru rubanza haburana BD.n' ishirahamwe T. ,rukomoka ku ngurane z'ingurube T. yari yaronkejwe na BD. Haheze iminsi baronse izo ngurube, baciye bazakwa n'uyo yari yazibaronkeje, baca baharonkera agahombo, kuko bari bamaze gusohora amahera yo kuzitunga bakazibatwara ata n'ico babaronkeje.

Baciye bitura Sentare Nkuru y'Igihugu ya Gitega iruha inomero RC1713 nayo ica iruca ivuga ko imburano zabo zidashemeye namba. Baca lero bungururiza muri Sentare Nkuru Isubiralmwo ya Gitega nayo irwandika ku nomero RCA 561 muri ico kiringo iruca impaga, kuko BD.itigeze yitaba na rimwe, BD. ica icibwa gutanga 18 000 FBu.

Ishirahamwe T. ntiryashimye uruciwe, rica risubira kurushingisha muri iyo Sentare nyene iruha inomero RCA 569 tukabonako usomye runo rubanza imvo zo gushingisha ukundi gusha urwari rwaciwe ku N°RCA 561 zitagaragara.

Sentare Nkuru Isubiramwo ya Gitega tubona ko itari guca urubanza uko yaruciye, raba namwe ku mutwe w'urupapuro rwa mbere handitse ko uwunguruje ari ishirahamwe T. uwungururijwe nawe akaba BD.yari kubona ko ata mvo T. ryatanze, zo kugaya urubanza RCA 561, igaca ibakiza izuba hakiri kare, kuko muvyo tubona T. yasubiye kuburana ido n'ido, kandi yari no gushobora kuja muri Gasamburamanza mu gihe ibonye hari amategeko atakurikijwe .Ikibabaje lero ni uko ari nawe yari yaronse akarusho mu rubanza RCA 569 atanavuze ko yoba atashimye akarusho yari yaronkejwe .

Aho lero ibintu bibera amayobera, n'uko mu guca urubanza Sentare ivuga iti : « Yakiriye isubirwamwo ry'urubanza(opposition) ryagizwe na BD…. » none ishirahamwe T. ko twabonye ku rupapuro rwa mbere ko ari ryo ryunguruje, isubirwamwo ryagizwe gute na BD? None T. ntiriracirwa urubanza ?