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URUKIKO RUKURU RURI KU CYICARO CYARWO I KIGALI RUHABURANISHIRIZA IMANZA Z'IMBONEZAMUBANO RUKIRIJE MU RUHAME URUBANZA RC 00025/2021/HC/KIG MU RWEGO RW'UBUJURIRE NONE KUWA 30/09/2021 MU BURYO BUKURIKIRA:

REPUBLIQUE DU RWANDA
Au nom du Peuple Rwandais

HABURANA

UREGA: MUKAKALISA Béatrice mwene KAGINA Damas na MUKANDOLI Emma Marie utuye mu mudugudu wa Kagunga I, Akagari ka Kagunga, Umurenge wa Gikondo, Akarere ka Kicukiro, Umujyi wa Kigali, ufite tel +250788831876, e-mail: bmukakalisa@yahoo.fr ahagarariwe na Me NIYONDORA NSENGIYUMVA na Me Nkeza Clement

UREGWA: Africa New Life ministries iherereye mu mudugudu wa Marembo, Akagari ka Nyanza, Umurenge wa Gatenga, Akarere ka Kicukiro, Umujyi wa Kigali, e-mail info@africanewlife.org ihagarariwe na Me GUMISIRIZA Hilary ufite tel +250788473074.

IKIREGERWA: Gukemura impaka zavutse mu irangiza ry'urubanza RCA 00086/2020/HC/KIG na RC 01094/2018/TGI/NYGE

I. IMITERERE Y'URUBANZA

1. MUKAKALISA Béatrice yatanze ikirego asaba urukiko gukemura impaka zavutse mu irangiza ry'urubanza RCA 00086/2020/HC/KIG na RC 01094/2018/TGI/NYGE. Agasobanura ko nyuma yuko imanza RCA 00086/2020/HC/KIG na RC 01094/2018/TGI/NYGE ziciwe burundu, MUKAKALISA Béatrice yandikiye Africa New Life Ministries ayisaba kurangiza urubanza ku neza, ndetse isaba ko yishyura umwenda wose 100%. Kuwa 26/4/2021, Africa New Life Ministries yanditse ibaruwa isubiza, ivuga ko hakiri kare, isobanura ko urubanza rutaraba itegeko. Muri iyo baruwa Africa New Life Ministries yavuze ko ikomeje gutekereza uko kwishyura byakorwa, ariko igaragaza ko Mukakalisa yaba yibeshye cyangwa yabikoze

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ubwende kuko ayisaba kwishyura umwenda wose, kandi bumva bagomba kwishyura 50%, ni ukuvuga 18.836.730.frw;

2. MUKAKALISA Béatrice asobanura ko kuwa 29/4/2021, abinyujije kuri email, yandikiye Africa New Life Ministries asubiza ibaruwa yo kuwa 26/4/2021, agaragaza ko kuba ababuranyi barategetswe kumwishyura bafatanije, bimuha uburenganzira bwo gukurikirana bombi cyangwa umwe muri bo ufite ubwishyu kandi ku mwenda wose. Umuhesha w'inkiko amaze gutangiza irangiza ry'urubanza ku gahato, Africa New Life Ministries yahisemo kwishyura igice cy'umwenda, maze itangira gusaba Equity Bank Rwanda Ltd kurekura compte zayo kuko yumva yarishyuye uruhare rwayo kandi irabyemera. Africa New Life Ministries yandikiye kandi I&M BANK Rwanda Ltd iyisaba kurekura compte zayo, ngo kuko yumva yarishyuye uruhare rwayo. I&M BANK Rwanda Ltd kugeza ubu yakomeje guhyiraho ifatira ariko yanga kurekura amafaranga. Ibi ubwabyo byumvikana ko impaka zari zihari na mbere hose. Mukakalisa Béatrice akaba asaba Urukiko Rukuru ko rugaragaze niba hashingiwe ku manza RCA 00086/2020/HC/KIG na RC01094/2018/TGI/NYGE, afite uburenganzira bwo gukurikirana ubwishyu bwose kuri Africa New Life Ministries cyangwa niba ari igice nkuko yo ibivuga.

3. Africa New Life ministries yiregura ivuga ko ku itariki ya 21/01/2020, urukiko rwisumbuye rwa Nyarugenge rwaciye urubanza RC 01094/2018/TGI/NYGE; Mu gika cya 50 cy'urubanza, "Rwemeje kandi rutegeka" ko AFRICA NEW LIFE MINISTRIES igomba gufatanya na Dr, KAGALI Samuel kwishyura MUKAKALISA Beatrice 36,303,460 Frw + 670,000 Frw; Mu gika cya 51 cy'urubanza, "Rwemeje" ko AFRICA NEW LIFE MINISTRIES igomba gufatanya na KAGALI Samuel kwishyura SORAS AG LTD amafaranga angana na 500,000 Frw; Uru rubanza rwarajuririwe muri uru Rukiko Rukuru, ruhabwa no RCA 00086/2020/HC/KIG ku italiki ya 18/03/2021, ruca uru rubanza ruvuga ko: a) Mu gika cya 65 cy'urubanza, "Rwemeje" ko urubanza RC 01094/2018/TGI/NYGE rwaciwe kuwa 21/01/2020 n'urukiko rw'isumbuye rwa Nyarugenge rudahindutse; b) Mu gika cya 66, "Rutegeka" AFRICA NEW LIFE MINISTRIES yonyine guha MUKAKALISA Beatrice amafaranga y'ikurikirana rubanza n'igihembo cy'avoka angana na 350,000 Frw; Ku italiki ya 26/04/2021, Me GUMISIRIZA Hilary mu izina rya AFRICA NEW LIFE MINISTRIES yandikiye Me NIYONDORA

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NSENGIYUMVA mu izina rya MUKAKALISA Beatrice, isubiza ibaruwa yabo yatangaga integuza yo kurangiza urubanza ku neza. Muri iyo baruwa, babamenyesheje ko AFRICA NEW LIFE MINISTRIES irimo gushaka ubwishyu kandi ko buri ruhande ruzi uruhare rwarwo, rungana na kimwe cya kabiri cy'amafaranga yategetswe gutangwa n'ababuranyi babiri batsinzwe;

4. Ko mu ibaruwa yo kuwa 14/05/2021, AFRICA NEW LIFE MINISTRIES ishingiye ku mategeko, cyane cyane mu ngingo ya 247 ya CPCCSA, mu gika cyayo cya mbere, yandikiye MUKAKALISA Beatrice imumenyesha uburyo yifuza gushyira mu bikorwa ibiyireba, byategetswe n'umucamanza no kurangiza imanza zavuzwe haruguru; ku italiki ya 01/07/2021, MUKAKALISA Beatrice yahaye ubutumwa umuhesha w'Inkiko bwo kurangiza imanza bavuze, Africa New Life Ministries imenyeshwa ayo masezerano yabo. Ku italiki ya 13/07/2021, AFRICA NEW LIFE MINISTRIES, yishyuye amafaranga angana na miliyoni 18,661,730 Frw kimwe cya kabiri (50%) cy'uruhare rwayo mu rwego rwo kurangiza imanza zaciwe n'inkiko zombi. Ku italiki ya 14/07/2021, nyuma yaho AFRICA NEW LIFE MINISTRIES imaze kwishyura MUKAKALISA Beatrice kuri Compte ye muri EQUITY BANK RWANDA, Africa New Life Ministries yatunguwe no kubona "inyandiko yerekeranye n'ifatira ry'umutungo w'ugomba kwishyura uri mu maboko y'undi muntu" yohererejwe n'umuhesha w'Inkiko avuga ko afatiriye umutungo wayo kuko ariyo igomba kwishyura n'ikindi gice gisigaye. Ibi bakaba basanga ari akarengane ku ruhande rwa AFRICA NEW LIFE MINISTRIES, kuba MUKAKALISA Beatrice ashaka kuyishyuza kabiri, cyane cyane ko idashobora kwishyurira undi muburanyi yari kumwe mu rubanza, waburanye ku giti cye, agatsindwa, agategekwa kwishyura. Umuhesha w'Inkiko akaba avuga ko yamenyesheje Dr KAGALI Samuel, ariko ntibyumvikana ukuntu umuhesha w'inkiko yahindukiye yishyuza AFRICA NEW LIFE MINISTRIES ibyo yakabaye akomeza kwishyuza KAGALI Samuel.

5. Ibibazo bigomba gusuzumwa mu rubanza ari ukumenya niba Mukakalisa Béatrice afite uburenganzira bwo gukurikirana ubwishyu bwose kuri Africa New Life Ministries

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II. ISESENGURA RY'IBIBAZO BIRI MU RUBANZA

A. Gusuzuma niba Mukakalisa Béatrice afite uburenganzira bwo gukurikirana ubwishyu bwose kuri Africa New Life Ministries

6. Abagarariye MUKAKALISA Béatrice bavuga ko ikibazo kiri muri uru rubanza gishingiye ku kuba Africa New Life Ministries yanze kurangiza urubanza, ikavuga ko igomba kwishyura gusa 50% y'amafaranga avugwa mu manza RCA 00086/2020/HC/KIG na RC 01094/2018/TGI/NYGE. Muri izo manza, inkiko zombi zategetse Africa New Life Ministries kwishyura ifatanije na Dr Kagali Samuel, kandi kwishyura bafatanije bisobanuye condamnation in solidum. Kuba urukiko rwategetse ababuranyi bombi kwishyura bafatanije, basanga ari condamnation in solidum. Mu rwego rw'amategeko, dore icyo bisobanura : « Pour rappel, lorsqu'on bénéficie d'une condamnation in solidum contre deux adversaires au moins, cela signifie que l'on peut récupérer toutes les condamnations chez l'un d'entre eux, à charge pour lui de récupérer chez le second ce qui était dû par ce dernier. Pour celui qui bénéficie de la condamnation, c'est donc un avantage non négligeable, destiné à le prémunir contre l'insolvabilité potentielle de ses adversaires».

7. Abahagarariye MUKAKALISA Béatrice bavuga ko kuba ibimaze kuvugwa haruguru byaravuyeho kubera ko CCL III itakiriho, ntabwo bivuze ko urukiko rutabishingiraho kuko sources du droit atari amategeko gusa, ari nayo mpamvu umucamanza yategetse ababuranyi babiri kwishyura bafatanyije, kabone nubwo itegeko ntacyo ribivugaho. Ingingo ya 9 y'itegeko N°22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi iteganya ko Umucamanza aca urubanza ashingiye ku ngingo z'amategeko zirebana n'ikirego yaregewe. Iyo nta tegeko rijyanye n'ikiburanwa ashingira ku mategeko asanga yashyiraho mu gihe yaba ashinzwe kuyashyiraho, yifashishije ibyemezo byagiye bifatwa n'inkiko, umuco, amahame rusange agenga amategeko n'inyandiko z'abahanga mu mategeko. Basanga kandi bitakumvikana kuba akazi karakozwe na Mukakalisa Béatrice, gakorerwa Africa New Life ministrines, ndetse akaba ariyo ikoresha umushinga wo kuvuza abakozi bayo, ariko igashaka kwanga kwishyura. Basanga ari uburyo

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bwo guhunga inshingano nk'uko yabikoraga mu gihe cyo kuburana imanza zavuzwe haruguru, kuko yahakanaga ko nta kazi yatumye Dr Kagali Samuel, ikanavuga ko nta masezerano yagiranye na Mukakalisa Béatrice. Dr Kagali Samuel nawe yaburanaga ahakana ko nta kazi yakoranye na Mukakalisa Béatrice, mu izina ry'umukoresha we ariwe Africa New Life Ministries. Icyingenzi nuko Mukakalisa Béatrice yateguriye Africa New Life Ministries umushinga wo kuvuza abakozi bayo kandi kugeza ubu irawukoresha, bikaba rero bihagije ngo yishyure umwenda wose, maze yasanga ari ngombwa ikazakurikirana Dr Kagali Samuel, nkuko principe général ya solidarité ibisobanura mu mategeko.

8. Uhagarariye Africa New Life ministries avuga ko basanga icyifuzo cya MUKAKALISA Beatrice cy'uko AFRICA NEW LIFE MINISTRIES igomba kwishyura umwenda wose kinyuranyije n'amahame y'amategeko yose: ndetse n'iryo hame rya Condamnation in Solidum, rikaba ritagikoreshwa mu mategeko asanzwe ariho akoreshwa (en vigeur) kuko ubwaryo ryari rinyuranyije n'Itegeko Nshinga, kubera ko itegeko nshinga, basanze mu ngingo yaryo ya 151, ivuga ko ibyemezo by'ubucamanza bigomba gukurikizwa nabo bireba bose. Ku bw'iyo mpamvu, basanga icyo cyifuzo cyangwa iyi issue itahabwa agaciro. AFRICA NEW LIFE MINISTRIES yishyuye uruhare rwayo mu rwego rwo kubahiriza ibyemezo by'inkiko. Ntabwo rero yakwishyurira undi muburanyi, ukiriho, kandi yaba atanakiriho, habazwa umuryango we, ariko ntihabazwa AFRICA NEW LIFE MINISTRIES.

UKO URUKIKO RUBIBONA

9. Urukiko rusanze mu rubanza RCA 00086/2020/HC/KIG rwaciwe n'urukiko rukuru, urukiko rwemeje ko urubanza RC 01094/2018/TGI/NYGE rwaciwe ku wa 21/01/2020 n'urukiko rwisumbuye rwa Nyarugenge rudahindutse. Rusanze mu rubanza RC 01094/2018/TGI/NYGE rwaciwe ku wa 21/01/2020 n'urukiko rwisumbuye rwa Nyarugenge, urwo rukiko rwemeje kandi rutegeka ko Africa New Life igomba gufatanya na Dr KAGALI Samuel kwishyura MUKAKALISA Béatrice 36.303.460 Frw+670.000 Frw; rwemeje ko Africa New Life igomba gufatanya na KAGALI Samuel kwishyura SORAS AG LTD amafaranga angana n'ibihumbi magana atanu (500.000 Frw) y'igihembo cya Avoka.

Repubulika y'u Rwanda, mu izina ry'abaturage b'u Rwanda, iramenyesha kandi itegetse abahesha b'Inkiko kurangiza iyi nyandikompesha. Ubushinjacyaha, abakozi bashinzwe iyubahirizwa ry'amategeko, abayobozi b'inzego z'imitegekere y'Igihugu zegerejwe abaturage, abandi bayobozi mu nzego za Leta n'iz'abikorera n'abandi bi[illegible] gutera inkunga abahesha b'Inkiko iyo babisabwe. Bishyizweho umukono na UWIMANA Charles, Registrar, 06/10/2021 08:20

10.Urukiko rusanze MUKAKALISA Béatrice yishyuza Africa New Life ministries amafaranga yose urukiko rwemeje kandi rutegeka ko Africa New Life igomba gufatanya na Dr KAGALI Samuel kwishyura MUKAKALISA Béatrice angana na 36.303.460 Frw+670.000 Frw. Rusanze Africa New Life ministries yishyuye 50% yayo mafaranga nkuko ababuranyi bombi babivuga, ariko Africa New Life ministries ikaba itemera kwishyura andi 50% ku mpamvu y'uko ayo mafaranga agomba kwishyurwa na Dr KAGALI Samuel, kuko yo yishyuye 50% yayo.

11.Urukiko rusanze Umuhanga mu mategeko Gerard CORNU asobanura mu gitabo cye cyiswe "vocabulaire juridique" ijambo solidarité (ubufatanye)[1]. Rusanze ubufatanye mu nshingano butuma buri wese mu bishyuzwa agira inshingano yo kwishyura uberewemo umwenda bahuriyeho.

12.Rusanze MUKAKALISA Béatrice afite uburenganzira bwo gukurikirana ubwishyu bwose kuri Africa New Life ministries cyangwa Dr KAGALI Samuel, hanyuma uwishyuye nawe akagira uburenganzira bwo gukurikirana undi ku ruhare rwe. Bityo rusanze kuba MUKAKALISA Béatrice yahisemo gukurikirana ubwishyu bwose kuri Africa New Life ministries, nta kosa yakoze, Africa New Life ministries igomba kwishyura. Ahubwo nyuma yo kwishyura, Africa New Life ministries ifite uburenganzira bwo gukurikirana Dr KAGALI Samuel ku ruhare rwe nkuko amahame y'ubufatanye (solidarité) abiteganya.

B. Gusuzuma niba Africa New Life Ministries igomba kwishyura indishyi zo gukomeza gushora MUKAKALISA Béatrice mu manza

13.Abahagarariye Mukakalisa Béatrice bavuga ko yishuye aba Avocat 1.500.000frw, akaba asaba Urukiko gutegeka Africa New Life Ministries kuyasubiza. Asaba kandi indishyi z'akababaro zingana na 3000.000frw kuko

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[1] Gerard CORNU, "VOCABULAIRE JURIDIQUE", 6e edition, Presses Universitaires de France, 1996, p. 789.
" solidarité, in solidum ou solidairement : c'est la modalité d'une obligation à pluralité de debiteurs, où chacun de ceux-ci est tenu du tout à l'égard du créancier"

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Africa New Life Ministries ikoresha umushinga wo kuvuza abakozi bayo yateguriwe na Mukakalisa Béatrice kuva muri 2018, ariko hakaba hashize imyaka 4 yaranze kumwishyura, ndetse na nyuma yuko imanza zicibwa igakomeza kuzana amananiza, ibuza Banki ziyifitiye amafaranga kuyarekura, kubera ubusobanuro iha imanza zaciwe kandi atariko amategeko abiteganya.

14.Uhagarariye Africa New Life ministries avuga ko MUKAKALISA Beatrice ariwe ugomba kwishyura indishyi zo gushora AFRICA NEW LIFE MINISTRIES mu manza, cyane cyane ko yo yubahirije ibyo urukiko rwategetse nta mananiza, ku bwende bwayo, ariko MUKAKALISA Beatrice akaba ariwe ushaka kuyishyuza kabiri umuburanyi umwe kubyo yamaze kwishyura. Ku bw'ibyo, AFRICA NEW LIFE MINISTRIES irasaba urukiko gutegeka MUKAKALISA Beatrice kuyiha indishyi zingana na 2,000,000 Frw hakubiyemo iz'ikurikiranarubanza n'igihembo cy'Avoka.

UKO URUKIKO RUBIBONA

15. Urukiko rusanze kuba ubujurire bwa MUKAKALISA Béatrice bufite ishingiro, Africa New Life ministries igomba kumuha amafaranga 100.000frw y'ikurikirana rubanza na 500.000frw y'igihembo cy'avoka. Rusanze indishyi z'akababaro zisabwa na MUKAKALISA Béatrice zitagomba gutangwa kuko bigaragara ko Africa New Life ministries yatangiye kwishyura MUKAKALISA Béatrice, kandi impaka zavutse arizo zatumye MUKAKALISA Béatrice aregera urukiko. Rusanze indishyi zisabwa na Africa New Life ministries itagomba kuzihabwa kuko ikirego cya MUKAKALISA Béatrice gifite ishingiro, izo ndishyi rero zisabwa na Africa New Life ministries zikaba nta shingiro zifite.

III. ICYEMEZO CY'URUKIKO

16.Rwemeje ko ikirego cyatanzwe na MUKAKALISA Béatrice gifite ishingiro;

17. Rwemeje ko Mukakalisa Béatrice afite uburenganzira bwo gukurikirana ubwishyu bwose kuri Africa New Life Ministries.

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18.Rutegetse Africa New Life ministries guha MUKAKALISA Béatrice amafaranga 100.000frw y'ikurikirana rubanza na 500.000frw y'igihembo cy'avoka.

19.Rutegetse ko amafaranga 40.000frw y'igarama yatanzwe na MUKAKALISA Béatrice arega ahwanye n'ibyakozwe mu rubanza.

RUCIWE RUTYO KANDI RUSOMEWE MU RUHAME NONE KUWA 30/09/2021

Sé/	**Sé/**
KABAGAMBE K. Fabienne	MUHIMPUNDU Speciose
Umucamanza	Umwanditsi

Copie conforme à l'originale, délivrée ce 05/10/2021
Greffier. Uwimana Charles