BIDERI vs. RBA

[Rwanda URUKIKO RW'UBUJURIRE – RS/INJUST/RAD00007/2022/CA (Munyangeri, J.P., Kamere na Rutazana, J.) 19 Nyakanga 2024]

Amategeko agenga imanza z'ubutegetsi – Ikigo cya Leta – Ikigo cy'Igihugu cy'itangazamakuru – Ni Ikigo cya Leta gishyirwaho kandi kikagengwa n'Itegeko ryihariye rigena imiterere, imikorere n'imicungire y'imari n'abakozi bacyo – Hakurikizwa amategeko agenga abakozi ba Leta muri rusange, iyo amategeko yihariye y'icyo Kigo ntacyo yateganyije mu rwego rwo kwirinda ivuguruzanya ryayo mategeko yombi agenga abakozi.

Incamake y'ikibazo: Bideri wari umukozi wa Radio Rwanda Inteko, yakoreregа mu Nteko Ishingamategeko iza kwimurirwa muri RBA maze aba umukozi wayo kuva ku wa 19/08/2013 ubwo icungwa ry'iyo Radio ryimurirwagayo. Ku wa 30/04/2018 Umuyobozi wa RBA yamwandikiye ibaruwa imuhagarika by'agateganyo mu gihe cy'amezi 6 kubera ivugururwa rya RBA, imwe mu myanya y'imirimo irimo n'uwo yakoragamo ivaho.

Bideri yaregeye Urukiko Rwisumbuye rwa Gasabo asaba guhabwa indishyi kubera guhagarikwa ku kazi mu buryo bunyuranyije n'amategeko, nyuma yo gusaba kurenganurwa n'uwari umukoresha we RBA ndetse no kuri Komisiyo ishinzwe abakozi ba Leta ariko ntasubizwe. Umukoresha we RBA wari uhagarariwe muri uru rubanza n'Intumwa ya Leta, yaburanye isaba ko iki kirego cy'Urega kitakwakirwa kuko yabanje guhagarikwa by'agateganyo hakurikijwe uko amategeko abiteganya, kubera ivugururwa ry'Ikigo ryatumye hari imyanya ivaho, ndetse asezererwa ahabwa imperekeza mu buryo bukurirkije amategeko kimwe nk'abandi bakoze bari bahagaritswe by'agateganyo kubera ivanwaho ry'imyanya yabo.

Urukiko Rwisumbuye rwaciye urubanza rwemeza ko ikirego cy'Urega gifite ishingiro, ko yasezerewe mu kazi mu buryo bunyuranyije n'amategeko maze rutegeka Uregwa kubimuhera indishyi zitandukanye. Iki cyemezo Uregwa yakijuririye mu Rukiko Rukuru asaba urukiko gusuzuma niba icyaregewe aricyo cyafashweho umwanzuro kuko mu rubanza rujuririrwa Urukiko Rwisumbuye rwafashe umwanzuro rushingiye ku mategeko agenga abakozi ba Leta mu gihe yo igengwa n'amategeko yihariye. Yari yasabye kandi ko hasuzumwa ikibazo kijyanye no kwitiranya amazina y'imyanya n'inshingano zisabwa kuri iyo myanya kuko rwumvishe ko imyanya yapiganiwe nyuma y'ihagarikwa ry'agateganyo ry'Urega ihuye n'umwanya yakoragamo. Bityo, agasaba ko indishyi yagenewe zikurwaho.

Urega yireguye asaba ko ubujurire bw'umukoresha we budahabwa ishingiro, ariko Urukiko Rukuru rwo rwemeje ko bufite ishingiro, ko ubwe bwuririye k'ubundi nta shingiro bufite, ko n'indishyi yari yagenewe mu rubanza rwajuririwe zikuweho. Urega yasabye ko uru rubanza rwaciwe n'Urukiko Rukuru rusubirwamo ku mpamvu z'akarengane arabyemererwa maze rwandikwa kuri nimero RS/INJUST/RAD00007/2022/CA ruburanishwa n'uru Rukiko rw'Ubujurire.

Urega yasubirishijemo urwo rubanza avuga ko uwari umukoresha we RBA yamusezereye ku kazi mu buryo bunyuranyije n'amategeko, bikaba bigaragazwa no kuba nyuma y'igihe gito asezerewe umwanya yari arimo wasubijwe ku isoko urapiganirwa no kuba dosiye ye itarahise ishyikirizwa Minisiteri y'Abakozi ba Leta n'umurimo kugira ngo ashakirwe undi mwanya. Bityo akaba ari iyo mpamvu asaba ihindurwa ry'imikirize y'urubanza rwaciwe n'Urukiko Rukuru hakagumaho imikirize y'urubanza rwari rwaciwe ku rwego rubanza n'Urukiko Rwisumbuye ariko akongererwa indishyi yari yagenewe zikava ku mezi atandatu zikajya ku mezi icyenda.

Icyo kibazo cyo gusezererwa mu buryo bunyuranyije n'amategeko ni icyo cyasuzumwe muri uru Rukiko rw'Ubujurire, aho Urega akomeza asobanura ko nyuma y'igihe gito Inama y'Ubutegetsi ya RBA iteranye ikemeza ivugururwa ryayo, aribwo yahise ahabwa ibaruwa imuhagarika by'agateganyo mu kazi ariko bigakorwa hatabanje kugaragazwa abakozi bagomba gusezererwa n'abagomba gusigara mu kazi ndetse ntihagaragazwe n'ibyashingiweho, yibaza niba byari bihari kuko atigeze abwirwa ibyo abura, dore ko

uwo mwanya wa “*producer/presenter*” usa n’uwo yakoragaho mbere mu ishami rya Radio Inteko wahise ushyirwa ku isoko. Bityo, akaba asaba uru Rukiko rw’Ubujurire kwemeza ko yirukanwe binyuranyije n’amategeko, rukabimuhera indishyi.

Uregwa ari we RBA yireguye avuga ko ivugururwa ryayo ryari rigamije kunoza imikorere yayo no gutanga umusaruro ujyanye n’aho itangazamakuru ryerekeza, bikaba byaratumye Radio Rwanda Inteko ifungwa, kimwe n’andi mashami ya Radio yakoreraga mu Ntara na yo afungwa, byatumye kandi abakozi bakoraga muri ayo mashami bahagarikwa nyuma y’igihe cy’amezi atandatu barasezererwa mu buryo bukurikije amategeko banahabwa imperekeza. Mu gusezerera abo bakozi, Uregwa asobanura ko, nubwo bitari mu nshingano zayo nk’urwego rwa Leta rufite sitati yihariye, urutonde rw’abo bakozi yarushyikirije Minisiteri y’abakozi ba Leta mbere y’uko amezi atandatu yo guhagarikwa by’agateganyo arangira.

Uregwa asoza asaba ko indishyi Urega asaba guhabwa nta shingiro zifite kuko yubahirije ibiteganywa n’amategeko mu gihe yamusezereraga, ahubwo akaba ariwe ugomba kugenerwa indishyi.

Incamake y’icyemezo: Ikigo cy’Igihugu cy’itangazamakuru ni Ikigo cya Leta gishyirwaho kandi kikagengwa n’Itegeko ryihariye rigena imiterere, imikorere n’imicungire y’imari n’abakozi bacyo. Hakurikizwa amategeko agenga abakozi ba Leta muri rusange, iyo amategeko yihariye y’icyo Kigo ntacyo yateganyije mu rwego rwo kwirinda ivuguruzanya ryayo mategeko yombi agenga abakozi.

Ikirego gisaba gusubirishamo urubanza ku mpamvu z’akarengane, nta shingiro gifite.

Amategeko yashingiweho:
Itegeko N°86/2013 ryo kuwa 11/09/2013 rishyiraho sitati rusange igenga abakozi ba Leta, ingingo ya 33.
Itegeko N° 42/2013 ryo ku wa 16/06/2013 rishyiraho Urwego rw’Igihugu rw’Itangazamakuru rikanagena inshingano, imiterere n’imikorere byarwo, ingingo ya 1 n’iya 6.
Iteka rya Perezida N°144/01 ryo ku wa 13/04/2017 rigena uburyo bwo gushaka, gushyiraho no gushyira mu myanya abakozi ba Leta, ingingo ya 2, 29, 34 n’iya 35.

Nta manza zifashishijwe.

Urubanza

I. IMITERERE Y′URUBANZA

[1] Ku wa 04/02/2013, Radio Rwanda Inteko yakoreraga mu Nteko Ishingamategeko yagiranye amasezerano na Rwanda Broadcasting Agency (RBA), agamije kwimurira icungwa rya Radiyo Inteko muri RBA, ndetse ku wa 19/08/2013 abakozi bakoreraga Radio Rwanda Inteko barimo na Bideri Hakizimana Justin bimurirwa muri RBA, maze ku wa 07/01/2014 Inteko Ishingamategeko yohererereza RBA amadosiye y’abahoze ari abakozi ba Radiyo Rwanda Inteko, ku buryo ku wa 31/01/2014 bahawe inzandiko zibaha akazi muri RBA mu buryo bwuzuye, guhera icyo gihe bakorera RBA kandi bafatwa kimwe n’abandi bakozi bose ba RBA bakorera ku cyicaro cyayo no mu mashami yayo atandukanye yakoreraga mu duce tunyuranye tw’igihugu. Ku wa 30/04/2018, Umuyobozi wa RBA yandikiye Bideri Hakizimana Justin ibaruwa nimero 0185/RBA/2018 imumenyesha icyemezo cyo kumuhagarika ku kazi by’agateganyo mu gihe cy’amezi 6 bitewe n’uko RBA yavuguruwe, imwe mu myanya y’imirimo irimo n’uwo yakoragamo ikavaho.

[2] Ku wa 07/06/2018, Bideri Hakizimana Justin yandikiye Ubuyobozi bwa RBA abusaba kurenganurwa ariko ntiyasubizwa. Ku wa 03/07/2018 yandikira Komisiyo Ishinzwe Abakozi ba Leta asaba kurenganurwa kuko kuwa 30/04/2018 RBA yamwandikiye imuhagarika by’agateganyo mu gihe

cy’amezi 6 ku mwanya yakoragamo wari wavanyweho ariko akanenga kuba atarasubijwe Minisiteri y’Abakozi ba Leta n’Umurimo, akanasaba amafaranga y’ibirarane ajyanye no kuba atarigeze azamurwa mu ntera ku ngazi ntambike. Komisiyo Ishinzwe Abakozi ba Leta yamusubije ku wa 07/08/2018 ko yasabye ubuyobozi bukuru bwa RBA gusuzuma ikibazo cye, bityo ko yayegera ikamumenyesha intera yari agezeho igihe yahagarikwaga by’agateganyo n’amafaranga ajyanye nabyo ndetse n’ibirarane bikomoka kuri uko kuzamurwa akabihabwa niba bihari, kandi ko Komisiyo yasabye ko urutonde rw’abakozi bahagaritswe rwashyikirizwa Ministeri y’Abakozi ba Leta n’Umurimo. Avuga ko ibi yabimenyesheje RBA kugirango imukemurire ibibazo ishingiye kubyo yasabwe na Komisiyo ariko abonye ko bitakozwe bituma aregera Urukiko Rwisumbuye rwa Gasabo asaba indishyi zishingiye ku cyemezo kinyuranye n’amategeko nimero 0185/RBA/2018 cyafashwe ku wa 30/04/2018 n’ubuyobozi bwa RBA, hamwe n’indishyi z’ikurikiranarubanza n’igihembo cya Avoka. Indishyi yaregeye kubera guhagarikwa ku kazi zingana na 608.130 x 12 x 8= 58.380.480 Frw, ni ukuvuga imishahara yari kuzahembwa mu gihe cy’imyaka umunani (8) yari asigaje gukora mbere yo kujya mu kiruhuko cy’izabukuru.

[3] Intumwa ya Leta yaburaniraga Rwanda Broadcasting Agency (RBA) muri urwo rubanza yireguye avuga ko Inama y'Ubutegetsi ya RBA yateranye maze mu bubasha ihabwa n’amategeko igafata imyanzuro irimo n'uwo kuvugurura RBA, bigatuma imyanya y’imirimo imwe ikurwaho, maze abakozi batashoboye kugumana imyanya yabo barimo na Bideri Hakizimana Justin bahagarikwa by’agateganyo mu gihe giteganywa n’amategeko kandi babimenyeshwa n’umuyobozi wa RBA, kandi nyuma y’irangira ry’igihe cy’ihagarikwa ry’agateganyo barassezererwa ndetse bahererwa igihe imperekeza zose bemerewa n’amategeko, bityo asaba Urukiko kudaha ishingiro ikirego cya Bideri Hakizimana Justin ahubwo rukamutegeka guha RBA indishyi z’ikurikiranarubanza n’igihembo cya Avoka.

[4] Ku wa 28/01/2020, Urukiko Rwisumbuye rwa Gasabo rwaciye urubanza RAD00038/2019/TGI/GSBO, rwemeza ko ikirego cya Bideri Hakizimana Justin gifite ishingiro, ko Bideri Hakizimana Justin yasezerewe ku kazi mu buryo bunyuranyije n’amategeko; rutegeka RBA kumwishyura indishyi zo kuba yarasezerewe ku kazi mu buryo bunyuranije n’amategeko zingana na 5.473.170Frw (zagenwe mu bushishozi bw’Urukiko hashingiwe ku mushahara yahembwaga buri kwezi), indishyi z’ikurikiranarubanza n’igihembo cy’Avoka zingana na 700.000Frw n’amagarama y’urubanza yatanze arega angana na 20.000Frw.

[5] Rwanda Broadcasting Agency ntiyishimiye imikirize y’urubanza ijurira mu Rukiko Rukuru isaba gusuzuma niba icyaregewe aricyo cyafashweho umwanzuro, aho yasobanuye ko Urukiko rwibeshye ku mategeko rugafata umwanzuro rushingiye ku mategeko areba abakozi ba Leta muri rusange atareba RBA igengwa n’amategeko yihariye, no kuba rwaritiranyije amazina y’imyanya (*positions*) n’inshingano zisabwa kuri iyo myanya (*job descriptions*) rukumva ko imyanya yapiganiwe nyuma y’ihagarikwa ry’agateganyo rya Bideri ihuye n’umwanya yakoragamo; isaba kuvanaho imikiririze y’urubanza rujuririrwa n’indishyi zinyuranye.

[6] Bideri Hakizimana Justin yireguye asaba Urukiko kudaha ishingiro ubujurire bwa RBA, anasaba indishyi z’ikurikiranarubanza zingana na 500.000Frw ndetse n'igihembo cya avoka cya 500.000Frw byiyongera kubyo Urukiko Rwisumbuye rwa Gasabo rwari rwaciye RBA.

[7] Ku wa 29/10/2020, Urukiko Rukuru rwaciye urubanza RADA000220/2020/HC/KIG, rwemeza ko ubujurire bwa RBA bufite ishingiro, ko ubujurire bwuririye ku bundi bwa Bideri Hakizimana Justin nta shingiro bufite, ko imikirize y’urubanza rwajuririwe ihindutse kuri byose, ko amafaranga 5.473.170Frw RBA yari yategetswe guha Bideri Hakizimana Justin nk’indishyi zo kwirukanwa mu buryo bunyuranyije n’amategeko, n’amafaranga 700.000Frw y’ikurikiranarubanza n’igihembo cya Avoka ndetse no kumusubiza amafaranga 20.000Frw yari yatanzeho ingwate y’amagarama, ntayo igomba kumuha; rutegeka Bideri Hakizimana Justin guha Rwanda Broadcasting Agency amafaranga 500.000Frw y’igihembo cya Avoka no kuyisubiza amafaranga 40.000Frw yatanzeho ingwate y’amagarama.

[8] Bideri Hakizimana Justin yandikiye Perezida w'Urukiko rw'Ubujurire asaba ko urubanza RADA00020/2020/HC/KIG rwaciwe n'Urukiko Rukuru ku wa 29/10/2020 rwasubirwamo ku mpamvu z'akarengane. Nyuma yo gusuzuma ubwo busabe, Perezida w' Urukiko rw' Ubujurire yasabye Perezida w'Urukiko rw'Ikirenga ko urwo rubanza rwasubirwamo ku mpamvu z'akarengane. Mu cyemezo nimero 228/CJ/2022 cyo ku wa 14/01/2022 Perezida w'Urukiko rw'Ikirenga yemeje ko urubanza RADA00020/2020/HC/KIG rusubirwamo ku mpamvu z'akarengane kandi ko urwo rubanza rwoherezwa mu Rukiko rw'Ubujurire, aho rwanditswe kuri RS/INJUST/RAD00007/2022/CA. Iburanisha ry'urubanza ryashyizwe ku wa 03/06/2024, ruburanishwa Bideri Hakizimana Justin ahagarariwe na Me Bigaraba Rwaka John, naho Rwanda Broadcasting Agency (RBA) ihagarariwe na Me Cyubahiro Fiat, urubanza rurapfundikirwa, isomwa ryarwo rishyirwa ku wa 28/06/2024, ryimurirwa ku wa 12/07/2024, ryongera kwimurirwa ku wa 19/07/2024.

[9] Mu myanzuro no mu miburanire, me bigaraba rwaka john uburanira Bideri Hakizimana Justin anenga kuba rba yarasezereye ku kazi uwo aburanira mu buryo bunyuranyije n'amategeko, ngo bikagaragazwa no kuba nyuma y'igihe gito asezerewe umwanya yari arimo warasubijwe ku isoko ugapiganirwa no kuba dosiye ye itarahise ishyikirizwa Minisiteri y'abakozi ba Leta n'umurimo kugira ngo ashakirwe undi mwanya. ibyo akaba abisabisha ihindurwa ry'imikirize y'urubanza rwaciwe n'urukiko rukuru hakagumaho imikirize y'urubanza rwari rwaciwe ku rwego rubanza n'urukiko rwisumbuye rwa gasabo kandi indishyi rwamugeneye zibariwe ku mishahara y'amezi 6 zikiyongera zikabarirwa ku mezi 9, akanasaba amafaranga y'ikurikiranarubanza n'igihembo cya avoka.

[10] Mu myanzuro no mu myiregurire Me Cyubahiro Fiat uburanira Rwanda Broadcasting Agency (RBA) avuga ko nta makosa RBA yakoze mu cyemezo cyo ku wa 30/04/2018 gihagarika by'agateganyo Bideri Hakizimana Justin cyaje gukurikirwa n'isererwa rye, ko yahagaritswe by'agateganyo mu gihe cy'amezi atandatu (6) ku wa 30/04/2018 hashingiwe ku cyemezo cy'Inama y'Ubutegetsi ya RBA yateranye ku wa 28/04/2018 ikemeza ivugururwa ry'icyo kigo ryatumye havanwaho imyanya irimo n'uwo Bideri Hakizimana Justin yakoragamo, ko n'ubwo nyuma icyo kigo cyaje gushyikiriza Minisiteri y'Abakozi ba Leta n'Umurimo urutonde rw'abakozi basezerewe muri ubwo buryo nta mategeko yabigitegekaga, kandi ko imyanya y'akazi yashyizwe ku isoko mu gihe Bideri Hakizimana Justin yari akiri mu ihagarikwa ry'agateganyo yasabwagamo inshingano zitandukanye n'izasabwaga ku mwanya yari yarasezereweho, ku buryo icyo gihe cy'ihagarikwa ry'agateganyo cyarangiye nta wundi mwanya yujurije ibisabwa RBA ibonye yari kumushyiramo, ikamuha imperekeza ze zose kimwe n'abandi bakozi basezerewe hamwe na we nk'uko amategeko yihariye agenga RBA abiteganya. Asaba ko indishyi Bideri Hakizimana Justin asaba zidahabwa ishingiro kuko yasezerewe mu kazi mu buryo bukurikije amategeko, kandi RBA igahabwa amafaranga y'ikurikiranarubanza n'igihembo cya Avoka.

[11] Harebwe impaka ziri muri uru rubanza, harasuzumwa ibibazo bikurikira:

1. Kumenya niba Bideri Hakizimana Justin yarirukanwe ku kazi mu buryo budakurikije amategeko n'ingaruka zabyo ku ndishyi abisabira, hasuzumwa:

    a) Niba hari amategeko yishwe mu kutohereza cyangwa se gutinda kohereza dosiye ya Bideri Hakizimana Justin muri Minisiteri y'Abakozi ba Leta n'Umurimo ngo ashakirwe undi mwanya.

    b) Niba Umwanya Bideri Hakizimana Justin yakoragamo ari wo wasubijwe ku isoko ugapiganirwa nk'ikigaragaza ko utari wavanweho n'ivugurura.

    c) Niba hari indishyi zo kwirukanwa mu buryo budakurikije amategeko Bideri Hakizimana Justin yahabwa n'ingano yazo.

2. Ibijyanye n'amafaranga y'ikurikiranarubanza n'ibihembo by'aba Avoka asabwa n'ababuranyi.

II. ISESENGURA R'IBIBAZO BIGIZE URUBANZA

1. **Kumenya niba Bideri Hakizimana Justin yarirukanwe ku kazi mu buryo bunyuranyije n'amategeko**

[12] Me Bigaraba Rwaka John, uburanira Bideri Hakizimana Justin, avuga ko Inama y'Ubutegetsi (Board) ya RBA yateranye ku wa 28/04/2018 ikemeza ivugurura ryayo maze ku wa 30 z'uko kwezi hakaba ari bwo hasohorwa ibaruwa ihagarika ku kazi uwo aburanira ku mpamvu y'iryo vugurura, ko bitumvikana ukuntu ibyo byombi byakozwe mu gihe cyegeranye gutyo, muri icyo gihe gito gishoboka RBA ikaba itaragaragaje ibyagombaga kugenderwaho ku bakozi bagombaga kuguma mu kazi n'abagombaga guhagarikwa, ko niba n'ibyagombaga kugenderwaho byari bihari Bideri Hakizimana Justin atigeze abwirwa ibyo atari yujuje byatuma ahagarikwa mu kazi, bityo ko mu kumwirukana hatubahirijwe ibiteganywa n'ingingo za 29[1], iya 34[2] n'iya 35[3] z'Iteka rya Perezida N°144/01 ryo ku wa 13/04/2017 rigena uburyo bwo gushaka, gushyiraho no gushyira mu myanya abakozi ba Leta.

[13] Akomeza asobanura ko kuba RBA yaravuze ko ivugurura ry'imyanya y'imirimo yakoze ari ryo ryatumye umwanya Bideri Hakizimana Justin yakoragaho uvanwaho atari ukuri kubera ko RBA yamuhagaritse ku wa 30/04/2018 ishingiye ku kuba umwanya yakoragamo utari ukiriho nyuma y'amavugura, ariko bidatinze ku wa 17/07/2018 uwo mwanya wa "*producer/presenter*" usa n'uwo yakoragaho mbere mu ishami rya Radio Inteko usubizwa ku isoko kugira ngo upiganirwe n'abandi. Avuga ko iyo Bideri Hakizimana Justin aza kuba yari yarahagaritswe koko kubera impamvu z'ivugurura rya RBA yari kongera agahita asubizwa mu kazi kuko umwanya usa n'uwo yakoragaho wari wongeye kuboneka. Ku bw'ibi avuga ko icyo RAB yise ivugurura kitigeze kibaho, ko yirukanwe byitwa ko azize ivugurura kandi nta vugurura ryabayeho.

[14] Uburanira Bideri Hakizimana Justin avuga kandi ko mu ivugurura (*restructuration*) abakozi ba Leta bigizeho ingaruka zo guhagarikirwa akazi bashyikirizwa Minisiteri y'Abakozi ba Leta n'Umurimo (MIFOTRA) hakurikijwe ibiteganywa n'Iteka rya Perezida ryavuzwe haruguru rigena uburyo bwo gushaka, gushyiraho no gushyira mu myanya abakozi ba Leta, ariko ko RBA yakoze amakosa yo kutabyubahiriza gutyo yitwaje kuvuga ko ari ikigo cya Leta gifite "*Statut*" yihariye ndetse ko amategeko yihariye akigenga ntaho ateganya ko abakozi bahagaritswe kubera ivugurura bagomba gushyikirizwa Minisiteri y'Abakozi ba Leta n'Umurimo.

[15] Asoza asaba Urukiko kwemeza ko Bideri Hakizimana Justin yirukanwe binyuranyije n'amategeko, rukabimuhera indishyi. Asobanura ko Urukiko Rwisumbuye rwa Gasabo rwari rwamugeneye indishyi zihwanye n'amezi 6 y'Umushahara yahembwaga nyamara rwirengagije ko Sitati igenga abakozi ba RBA mu ngingo ya 126 iteganya ko iyo umukozi yakoze igihe kirengeje imyaka 10 indishyi ahabwa zishobora kugera ku mushahara w'amezi icyenda, ndetse ho rwanirengagije ingingo ya 33 ya Sitati Rusange igenga abakozi ba Leta aho mu gika cyayo cya 4 ivuga ko umukozi wa Leta wimuwe agumana uburenganzira ku ntera yari agezeho hashingiwe ku burambe n'imikorere afite mu kazi. Bityo

---

[1] Ingingo ya 29 iteganya ibikurikira: iyo habayeho ivugurura ry'inzego za Leta cyangwa urwego rumwe bigatera impinduka ku myanya y'imirimo cyangwa ibisabwa ku myanya y'imirimo, abari basanzwe ari abakozi b'urwego rwavuguruwe bimurirwa mu rwego rushya mu gihe bujuje ibisabwa ku myanya y'imirimo kandi bakaba bafite amanota ahagije mu isuzumabushobozi. Gushyira umukozi mu mwanya nyuma y'ivugurura byubahiriza ihame ryo kwimurira umukozi mu mwanya uri ku rwego rw'umurimo rumwe n'urw'umwanya umukozi yari asanzwe arimo.

[2] Ingingo ya 34 iteganya ibikurikira: mu gihe nyuma y'ivugururwa umukozi wa Leta atashyizwe mu mwanya w'umurimo mu rwego yari asanzwemo kubera impamvu y'ivanwaho cyangwa y'ibura ry'umurimo iteganywa n'amategeko, dosiye ye yoherezwa muri Minisiteri ifite abakozi ba Leta mu nshingano zayo kugira ngo imushakire umwanya ahandi waba uri mu butegetsi bwa Leta.

Mu gihe cyo gushyira abakozi ba Leta mu myanya ahandi mu butegetsi bwa Leta, Minisiteri ifite abakozi ba Leta mu nshingano zayo ikurikiza imirongo ngenderwaho iteganyijwe mu ngingo ya 27 n'iya 28 z'iri Teka.

[3] Ingingo ya 35 iteganya ibikurikira: gutegereza gushakirwa umwanya ahandi bimara igihe cy'amezi atandatu (6) abarwa uhereye igihe umukozi wa Leta yahagarikiwe by'agateganyo kubera ibura ry'umurimo. Muri icyo gihe, umukozi wa Leta agenerwa n'urwego yakoreranga ibyo amategeko ateganya. Iyo igihe cy'amezi atandatu (6) kirangiye umukozi wa Leta atabonewe umwanya ahandi, urwego yakoreraga rumusezerera nta mpaka kandi rukamugenera ibyo amategeko ateganya.

ngo akaba yagombye guhabwa indishyi zihwanye n'amezi 9 kubera imyaka makumyabiri n'umwe yari afite y'uburambe mu kazi kugeza ku munsi yagahagarikiweho.

[16] Me Cyubahiro Fiat, uburanira RBA yiregura avuga ko Bideri Hakizimana Justin yahagaritswe anasezererwa mu kazi mu buryo bukurikije amategeko, ko nta kibazo kiri mu kuba Board ya RBA yarabae ku wa 28/04/2018 maze icyemezo kiyifatiwemo kikamenyeshwa Bideri Hakizimana Justin bidatinze ku wa 30/04/2018 kuko "*Board*" iterana ikanasuzuma ibyabanje gukorerwa inyigo zihagije ku rwego rwa tekiniki, ivugurura ryemejwe na Board ikaba yari ibifitiye ububasha hashingiwe ku Itegeko N° 42/2013 ryo ku wa 16/06/2013 rishyiraho Urwego rw'Igihugu rw'Itangazamakuru rikanagena inshingano, imiterere n'imikorere byarwo, mu ngingo ya 6, bityo ko ivugururwa rya RBA ryari rigamije kunoza imikorere yayo no gutanga umusaruro ujyanye n'aho itangazamakuru ryerekeza, bikaba byaratumye Radio Rwanda Inteko ifungwa, kimwe n'andi mashami ya Radio yakoreraga mu Ntara bitaga CRI (*Centre Regional d'Information*), byatumye kandi bamwe mu bakozi bakoreraga RBA muria yo mashami barimo na Bideri Hakizimana Justin bahagarikwa, ariko nyuma y'igihe cy'ihagarikwa ry'agateganyo giteganywa n'amategeko bakaba barasezerewe bakanahabwa imperekeza.

[17] Akomeza avuga ko RBA yubahirije imihango (procédure) yose iteganywa n'amategeko ku bireba abakozi bayo basezerewe muri ubwo buryo kuko yabahaye ibyo amategeko abemerera birimo 2/3 by'umushahara wabo wa buri kwezi mu gihe cy'amezi atandatu (6) bahagaritswe by'agateganyo n'imperekeza (terminal benefits), kandi babihererwa ku gihe, ndetse urutonde rwabo rushyikirizwa MIFOTRA mu kwezi kwa 08/2018 mbere y'uko amezi atandatu (6) arangira n'ubwo bitari mu nshingano za RBA nk'urwego rwa Leta rufite Sitati yihariye, ubuzimagatozi n'ubwigenge mu miyoborere no mu micungire y'Imari n'Abakozi. Asobanura kandi ko kuba Bideri Hakizimana Justin atarahise ashyikirizwa Minisiteri y'Abakozi ba Leta n'Umurimo (MIFOTRA) mbere yo kubigirwaho inama na Komisiyo y'Abakozi ba Leta, byatewe n'uko Iteka rya Perezida N°144/01 ryo ku wa 13/04/2017 rigena uburyo bwo gushaka, gushyiraho no gushyira mu myanya abakozi ba Leta rigenga gusa abakozi ba Leta basanzwe bagengwa mu kazi kabo na Sitati rusange y'Abakozi ba Leta, mu gihe abakozi ba RBA bo bafite Sitati yihariye ibagenga ari nayo RBA yakurikije ku birebana n'ihagarikwa ry'agateganyo n'isezererwa ry'abakozi batabashije kubona umwanya w'akazi nyuma y'ivugurwa ryayo.

[18] Akomeza avuga ko ibyo gushyikiriza MIFOTRA urutonde rw'Abakozi ba Leta bahagaritswe by'agateganyo mu gihe cy'amezi atandatu (6) hakurikijwe ibivugwa mu Iteka rya Perezida N° 144/01 ryo kuwa 13/04/2017, mu ngingo yaryo ya 2[4], ubusanzwe bireba Abakozi ba Leta bagengwa na Sitati Rusange cyangwa se abakozi ba Leta bagengwa na sitati zihariye iyo izo sitati zidateganya uburyo bwihariye bwo gushaka abakozi, kandi ko RBA ifite uburyo bwihariye bwo gushaka abakozi bayo nk'uko biteganywa n'ingingo ya 6 y'Itegeko N° 42/2013 ryo kuwa 16/06/2013 rishyiraho Urwego rw'Igihugu rw'Itangazamakuru rikanagena inshingano,imiterere n'imikorere byarwo, ku bijyanye n'inshingano z'Inama y'Ubuyobozi harimo kwemeza sitati y'Abakozi ba RBA, imishahara y'abakozi, imiterere n'inshingano by'inzego z'imirimo bya RBA, kwemeza amategeko ngengamikorere ya RBA, n'ibindi[5].

[19] Asobanura kandi ko ku birebana n'aho uburanira Bideri Hakizimana Justin avuga ko umwanya uwo aburanira yakoragamo washyizwe ku isoko ugapiganirwa n'abandi, ari ukwirengagiza ko mu bisabwa ku myanya (*job description*) mishya y'abanyamakuru yapiganiwe, itangazo rihamagarira kuyipiganirwa ryasobanuraga neza ko babiri muri bo bagombaga kuba ari abanyamakuru bamenyereye gukora ibiganiro birebana n'imikino (*sport*) naho undi akaba ari uwakora kuri Radio ya Magic FM, kandi iyi Radiyo ikaba ikurikirwa cyane cyane n'urubyiruko, Bideri Hakizimana Justin akaba nta na hamwe

[4] Ku bijyanye n'abarebwa n'iri Teka rya Perezida, iyi ngingo yaryo ya 2 iteganya ibikurikira: iri teka rireba abakozi ba Leta bagengwa na sitati rusange igenga abakozi ba Leta. Iri teka rireba kandi abakozi ba Leta bagengwa na sitati zihariye iyo izo sitati zidateganya uburyo bwihariye bwo gushaka abakozi.

[5] Ku bijyanye n'inshingano z'Inama y'Ubuyobozi (*Board of Directors*) ya RBA, iyo ngingo ya 6 iteganya ibikurikira: inama y'ubuyobozi ya RBA ifite inshingano zikurira […] 8° kwemeza amategeko ngengamikorere ya RBA; […] 10° kwemeza sitati y'abakozi ba RBA, imishahara y'abakozi, imiterere n'inshingano by'inzego z'imirimo bya RBA […].

yari yujurije ibisabwa ku buryo muri icyo gihe cy'ihagarikwa ry'agateganyo yashyirwamo, ndetse ko no mu bandi banyamakuru ba Radiyo bagera kuri barindwi (7) bari bahagaritswe kubera igabanuka ry'imyanya y'imirimo yatewe n'ivugururwa (*restructuring*) bitashobokeye RBA kugira uwo ihitamo ngo imushyire muri iyo myanya itatu (3) yari ibonetse mu gihe cy'ihagarikwa ryabo ry'agateganyo hatabaye ipiganwa.

[20] Asoza avuga ko indishyi Bideri Hakizimana Justin asaba hiyongereyeho n'indishyi yagenewe n'Urukiko Rwisumbuye zingana na 5.473.170Frw na 700.000Frw y'ikurikiranarubanza n'igihembo cya Avoka nta shingiro zifite kuko mu kumuhagarika by'agateganyo no kumusezerera mu kazi RBA yamuhaye ibyo amategeko amuteganyiriza byose. Naho kuba asaba indishyi z'amezi 9 kubwo kuba yarakoze imyaka makumyabiri n'umwe (21) muri RBA, avuga ko nabyo nta shingiro bifite ngo kuko yabaye umukozi wa RBA kuva ku wa 31/01/2014 kugeza ku wa 30/04/2018 ni ukuvuga mu gihe kiri munsi y'imyaka icumi (10).

UKO URUKIKO RUBIBONA

[21] Impaka kuri iyi ngingo zishingiye ku kumenya niba hari ikinyuranye n'amategeko cyaba kiri mu cyemezo ubuyobozi bwa RBA bwagejeje kuri Bideri Hakizimana Justin mu ibaruwa nimero 0185/RBA/2018 yo ku wa 30/04/2018 bumumenyesha ihagarikwa ry'agateganyo mu gihe cy'amezi atandatu (6) kubera impamvu z'ivugurura rya RBA ryatumye umwanya yakoragamo utakiriho. Mu gusuzuma izi mpaka hagomba kurebwa niba mu guhagarika by'agateganyo no gusezerera Ku bijyanye n'inshingano z'Inama y'Ubuyobozi (*Board of Directors*) ya RBA, iyo ngingo ya 6 iteganya ibikurikira: inama y'ubuyobozi ya RBA ifite inshingano zikurira […] 8° kwemeza amategeko ngengamikorere ya RBA; […] 10° kwemeza sitati y'abakozi ba RBA, imishahara y'abakozi, imiterere n'inshingano by'inzego z'imirimo bya RBA […] Justin harubahirijwe amategeko yihariye agenga RBA nk'uko uyiburanira abivuga cyangwa se niba hari amategeko rusange agenga abakozi ba Leta muri rusange yagombaga kubahirizwa ariko RBA ikaba yarayishe nk'uko uburanira Bideri Hakizimana Justin abivuga ko RBA itakurikije ibiteganywa mu ngingo 29, iya 34 n'iya 35 z'Iteka rya Perezida N°144/01 ryo ku wa 13/04/2017 rigena uburyo bwo gushaka, gushyiraho no gushyira mu myanya abakozi ba Leta. Urukiko rurasuzuma kandi ibijyanye n'impaka ku ndishyi Bideri Hakizimana Justin avuga ko akwiye hashingiwe ku buryo rusanga yaravuye mu kazi yakoreraga RBA.

[22] Ingingo ya mbere, igika cya 3 y'Itegeko N° 42/2013 ryo kuwa 16/06/2013 rishyiraho Urwego rw'Igihugu rw'Itangazamakuru (RBA) rikanagena inshingano, imiterere n'imikorere byarwo iteganya ibikurikira: RBA ifite ubuzimagatozi n'ubwigenge mu miyoborere no mu micungire y'imari n'abakozi bayo. Naho ingingo ya 6 y'iryo tegeko igateganya ko inama y'ubuyobozi ya RBA ifite inshingano zikurira: […] 8° kwemeza amategeko ngengamikorere ya RBA; […] 10° kwemeza sitati y'abakozi ba RBA, imishahara y'abakozi, imiterere n'inshingano by'inzego z'imirimo bya RBA […].

[23] Ingingo ya 96 ya Sitati igenga abakozi ba RBA yemejwe n'Inama y'Ubuyobozi (*Board of Directors*) ya RBA yateranye ku wa 27 Nzeri no ku wa 04 Ukuboza 2013, igatangira gukurikizwa ku wa 01/02/2014, iteganya ibikurikira: umukozi wa RBA ahagarikwa by'agateganyo ku murimo kubera impamvu zikurikira: […] (3) iyo umurimo umukozi yakoraga uvanywe ku mbonerahamwe y'imyanya y'imirimo akaba arimo ashakirwa undi mwanya cyangwa iyo ibisabwa ku mwanya yari ariho byahindutse akaba we atabyujuje; […]. Ingingo ya 97 y'iyo Sitati igateganya ko umukozi uhagaritswe muri ubwo buryo ahembwa 2/3 by'umushahara we mu gihe cy'amezi atandatu uretse igihe uko kuyahembwa byahagarikwa no kuba umukozi abonye akandi kazi gahoraho ahemberwa, ko iyo igihe cyo guhagarikwa by'agateganyo kigeze ku mezi atandatu (6) umukozi atarabona akandi kazi RBA imusezerera ikamuha imperekeza ziteganywa muri iyo Sitati y'Abakozi ba RBA. Iki gihe ntarengwa cy'ihagarikwa ry'agateganyo cy'amezi 6 kinateganywa kandi mu ngingo ya 98, iya 100, 4° na 5° n'iya 121, igika cya mbere mu gace 5°, z'iyo Sitati; mu gihe ibirebana n'imperekeza zigenerwa umukozi wa RBA usezerewe

nyuma y'ihagarikwa ry'agateganyo (*termination benefits*) biteganywa mu ngingo ya 122 ya Sitati y'abakozi ba RBA aho itaganya ko umukozi agenerwa kuva ku nshuro imwe (1) ariko akaba nta na rimwe ashobora kurenza inshuro esheshatu (6) z'umushahara we bitewe n'icyiciro arimo cy'umubare w'imyaka y'uburambe bwe ku murimo.

[24] Ingingo ya 135 ya Sitati igenga abakozi ba RBA yavuzwe haruguru iteganya ko amategeko n'amateka (amabwiriza) bisanzwe muri Repubulika y'u Rwanda bikurikizwa ku bakozi ba RBA ku bitarateganyijwe muri Sitati y'abakozi ba RBA (*The laws and statutory regulations of the Republic of Rwanda shall apply in the case of matters not covered by this Statute*), mu gihe ku bijyanye n'abarebwa n'Iteka rya Perezida N° 144/01 ryo ku wa 13/04/2017 rigena uburyo bwo gushaka, gushyiraho no gushyira mu myanya abakozi ba Leta, ingingo ya 2 yaryo iteganya ibikurikira: iri Teka rireba abakozi ba Leta bagengwa na sitati rusange igenga abakozi ba Leta. Iri Teka rireba kandi abakozi ba Leta bagengwa na sitati zihariye iyo izo sitati zidateganya uburyo bwihariye bwo gushaka abakozi.

[25] Ingingo zimaze kwibutswa haruguru iyo zisesenguriwe hamwe zigaragaza ko RBA ari Ikigo cya Leta gishyirwaho kandi kikagengwa n'Itegeko ryihariye, iryo tegeko rikaba ari naryo rigena imiterere, imikorere n'imicungire y'imari n'abakozi byacyo, naho ku birebana n'ishyirwa mu bikorwa ry'iryo tegeko Umushingamategeko akaba yarahaye ububasha Inama y'ubuyobozi (*Board of Directors*) ya RBA bwo gushyiraho ingingo zibigenga hakoreshejwe uburyo bwo gushyiraho amategeko ngengamikorere ya RBA no kwemeza Sitati y'abakozi ba RBA. Isesengura ry'izi ngingo zibukijwe haruguru rigaragaza kandi na none ko mu rwego rwo kwirinda ko havuka ibibazo byo kuvuguruzanya kw'amategeko agenga abakozi ba Leta muri rusange n'amategeko agenga RBA n'abakozi bayo by'umwihariko, hateganyijwe ko ibyateganyijwe n'amategeko yihariye areba RBA n'abakozi bayo ari byo bigomba gukurikizwa, naho ibyateganyijwe muri rusange ku bakozi basanzwe bagengwa na Sitati rusange y'abakozi ba Leta bigakurikizwa ku bireba RBA mu gihe gusa nta kindi cyihariye cyabiteganyijweho mu mategeko yihariye agenga RBA. Mu gihe ibintu bimeze gutyo, ikibazo gisigaye muri uru rubanza kikaba ari icyo kumenya niba mu cyemezo cy'ubuyobozi bwa RBA cyo guhagarika by'agateganyo ku murimo Bideri Hakizimana Justin iyubahirizwa ry'amategeko ryaragombaga kureberwa mu ngingo za 29, 34 na 35 z'Iteka rya Perezida N°144/01 ryo ku wa 13/04/2017 rigena uburyo bwo gushaka, gushyiraho no gushyira mu myanya abakozi ba Leta uburanira Bideri avuga ko zitubahirijwe, cyangwa se niba ryaragombaga kureberwa mu ngingo za 96 (3), 97, 98, 100 agace ka 4° n'aka 5° n'iya 121, igika cya 1, agace ka 5° za Sitati y'Abakozi ba RBA yatangiye kubahirizwa guhera ku wa 01/02/2014, zivuga ku ihagarikwa ry'agateganyo ry'umukozi wa RBA kubera impamvu z'ivugurura zateye ivanwaho ry'imwe mu myanya y'imirimo, igihe ihagarikwa rimara n'uburyo rirangira umukozi asezerewe agahabwa imperekeza nazo zigomba kureberwa muri iyo Sitati y'Abakozi ba RBA.

a) Ku birebana no kumenya niba hari amategeko yishwe mu kutohereza cyangwa se gutinda kohereza dosiye ya Bideri Hakizimana Justin muri Minisiteri y'Abakozi ba Leta n'Umurimo ngo ashakirwe undi mwanya

[26] Urukiko rurasanga kuri iki kibazo uburanira Bideri Hakizimana Justin avuga ko icyemezo cyo ku wa 30/04/2018 cyo guhagarika Bideri ku murimo gifite inenge yo kuba RBA yarishe ingingo ya 34 n'iya 35 z'Iteka rya Perezida N°144/01 ryo ku wa 13/04/2017 rigena uburyo bwo gushaka, gushyiraho no gushyira mu myanya abakozi ba Leta zibukijwe haruguru, kuko RBA ikimara kumuhagarika mu kazi itahise yohereza dosiye ye muri Minisiteri ifite abakozi ba Leta mu nshingano zayo kugira ngo imushakire umwanya ahandi waba uri mu butegetsi bwa Leta.

[27] Urukiko rurasanga ibijyanye n'ihagarikwa ry'agateganyo ry'umukozi wa RBA byarateganyijwe mu ngingo za 96 (3), 97, 98, 100 agace ka 4° n'aka 5° n'iya 121, igika cya 1, agace ka 5° za Sitati y'Abakozi ba RBA zibukijwe haruguru, ku buryo ibijyanye n'iyubahirizwa ryabyo ari muri izo ngingo bigomba kureberwa, aho kureberwa mu ngingo za 34 n'iya 35 z'Iteka rya Perezida N°144/01 ryo ku wa

13/04/2017 hashingiwe ku ihame (*rule*) ryagaragajwe n'uru Rukiko nyuma y'isesengura ry'ibikubiye mu ngingo zibukijwe haruguru.

[28] Urukiko rurasanga ibiteganywa gukorerwa umukozi wa RBA wahagaritswe ku murimo mu gihe cy'amezi 6 kubera ivugurura ryatumye atakaza umwanya yakoragamo nk'uko biteganywa mu ngingo zavuzwe haruguru za Sitati y'abakozi ba RBA nta na hamwe biteganya ko hari uruhare bigomba kugirwamo na Minisiteri ifite abakozi ba Leta mu nshingano zayo haba mu kumushakira umwanya ahandi waba uri mu butegetsi bwa Leta cyangwa se mu kugira ikindi ibikoraho cyangwa se ibigenzuraho. Kuba rero RBA itarohererereje iyo Minisiteri dosiye ya Bideri Hakizimana Justin ikimara kumuhagarika ku wa 30/04/2018 nta kosa yakoze rituma icyo cyemezo cyo kumuhagarika by'agateganyo kigira ubusembwa. Kuba kandi nyuma mu kwezi kwa 8 kwa 2018 RBA yarohererereje Minisiteri urutonde rw'abakozi yari yarahagaritse by'agateganyo ntibituma hari ukwiye kubyuririraho ngo byitwe ko ari inshingano ihabwa n'Iteka rya Perezida ryavuzwe haruguru, ahubwo nk'uko uburanira RBA abisobanura byafatwa gusa nko kubahiriza icyifuzo kidateganyijwe n'amategeko yari yagejejweho n'umukozi wayo abishyigikiwemo na Komisiyo y'Abakozi ba Leta, cyane cyane ko no kubimukorera uko yabyifuzaga ntacyo byashoboraga gutwara RBA.

b) Ku birebana no kumenya niba umwanya Bideri Hakizimana Justin yakoragamo ari wo wasubijwe ku isoko ugapiganirwa nk'ikigaragaza ko utari wavanweho n'ivugurura

[29] Urukiko rurasanga uburanira Bideri Hakizimana Justin avuga ko RBA yishe ingingo ya 29 y'Iteka rya Perezida N°144/01 ryo ku wa 13/04/2017 rigena uburyo bwo gushaka, gushyiraho no gushyira mu myanya abakozi ba Leta, ku gushyirwa mu myanya nyuma y'ivugurura yibukijwe haruguru, kuko ngo nyuma y'igihe gito RBA imuhagaritse ku wa 30/04/2018, mu kwezi kwa 7 k'uwo mwaka yongeye gushyira ku isoko umwanya wa "*producer/presenter*" ku isoko urapiganirwa mu gihe ari wo mwanya yari yarahagaritsweho.

[30] Urukiko rurasanga n'ubwo ibiteganywa n'iyi ngingo ya 29 y'Iteka rya Perezida bidatandukanye n'ibiteganywa na Sitati igenga abakozi ba RBA, uburanira RBA yemera ko iyo mu gihe cy'amezi 6 cy'ihagarikwa ry'agateganyo rya Bideri Hakizimana Justin hongera kuboneka muri RBA umwanya uyu yujurije ibisabwa nta kibazo cyari kubaho cyo kutawumushyiramo atabanje kuwupiganirwa, ariko ko igihe cy'amezi 6 cyarinze kirangira uwo mwanya utarongera kuboneka kandi ko uwabonetse ugapiganirwa atari yujuje ibiwusabwamo uretse gusa kumva ko iyo myanya yari kuri position ya producer/presenter yahozeho ariko idahuje job description (ibisabwa). Uru Rukiko narwo rukaba rubibona kimwe n'uburanira RBA wagaragaje mu nkiko zabanje ko ku myanya mishya ya "*TV Programs Producer/Presenter*" hari hakenewemo abakozi 2 no kwa "*TV Sports Presenter*" wari ukenewemo umukozi umwe Bideri yaburaga ubunararibonye ku bijyanye no gukora kuri "*television*" (*no TV experience*) n'ibijyanye n'inkuru z'imikino (*sport*), ku myanya yo kuba Producer/Presenter kuri Radio Rwanda no kuri Magic FM hakaba hari hakenewe abanyamakuru bakora muri programu zagenewe urubyiruko[6].

[31] Hashingiwe ku bimaze gusobanurwa haruguru Urukiko rurasanga no kuri iyi ngingo yo kuba mu kwezi kwa 7 RBA yarashyize ku isoko imyanya itandukanye igapiganirwa nta nenge biteje ku cyemezo yari yarafashe ku wa 30/04/2018 cyo guhagarika by'agateganyo Bideri Hakizimana Justin kuko bidahagije kuvuga gusa ko imyanya yapiganiwe yari ku rwego rwa Producer/Presenter ahubwo atigeze avuguruza ibyavuzwe n'uburanira RBA byasabwaga ariko we akaba atari abyujuje.

c. Ku birebana no kumenya niba hari indishyi zo kwirukanwa mu buryo budakurikije amategeko Bideri Hakizimana Justin yahabwa n'ingano yazo

[6] Aha Urukiko ruritsa ku kuba dosiye igaragaza ko mu gihe yahagarikwaga by'agateganyo Bideri yari mu kigero cy'umuntu ufite imyaka 57, abura imyaka micye ngo yuzuze 65 imushyira mu kiruhuko cy'izabukuru.

[32] Urukiko rurasanga bitakiri ngombwa ko rusuzuma ibirebana n’ishingiro ry’indishyi zo kwirukanwa mu buryo budakurikije amategeko zisabwa na Bideri Hakizimana Justin, akaba yari yarazigenewe n’Urukiko Rwisumbuye rwa Gasabo mu rubanza ku rwego rwa mbere, ariko RBA yazijuririra Urukiko Rukuru rukazivanaho mu rubanza rusubirishwamo ku mpamvu z’akarengane, kuko nk’uko byasobanuwe mu gusuzuma ibibazo byabanje muri uru rubanza Urukiko rwasanze ukwirukanwa mu buryo budakurikije amategeko zari gugushingiraho ntakwabayeho.

[33] Urukiko rurasanga muri rusange hashingiwe ku bimaze gusobanurwa byose, ikirego cyatanzwe na Bideri Hakizimana Justin cyo gusubirishamo ku mpamvu z’akarengane urubanza RADA00020/2020/HC/KIG rwaciwe n’Urukiko Rukuru ku wa 29/10/2020 nta shingiro gifite kuko nta karengane kagaragara ko kabaye mu mikirize y’urwo rubanza.

2. Ibyerekeye amafaranga y’ikurikiranarubanza n’igihembo asabwa b’ababuranyi kuri uru rwego

[34] Uburanira Rwanda Broadcasting Agency (RBA) asaba Urukiko kudaha ishingiro amafaranga y’ikurikiranarubanza n’igihembo cya Avoka asabwa na Bideri Hakizimana Justin ahubwo rukamutegeka kwishyura RBA amafaranga miliyoni imwe n’ibihumbi magana atatu (1.300.000Frw), akubiyemo ay’igihembo cya Avocat angana na 1.000.000Frw nay'ikurikiranarubanza angana na 300.000Frw.

[35] Uburanira Bideri Hakizimana Justin avuga ko amafaranga y’ikurikiranarubanza n’igihembo cya Avoka asabwa na RBA nta shingiro afite, ko Bideri Hakizimana Justin yakomeje gusiragizwa na RBA nyuma yo kumurenganya, akabisabira amafaranga y’ikurikiranarubanza angana na 1.500.000Frw ndetse na 1.500.000 Frw y'igihembo cya Avoka yiyongera kuyo Urukiko Rwisumbuye rwa Gasabo rwari rwaciye RBA.

UKO URUKIKO RUBIBONA

[36] Urukiko rw’Ubujurire rurasanga amafaranga y’ikurikiranarubanza n’igihembo cya Avoka asabwa na Bideri Hakizimana Justin nta shingiro afite kuko atsindwa urubanza, ayo RBA isaba akaba ariyo afite ishingiro kuko ari yo itsinda urubanza ku kiregerwa cy’iremezo kandi bikaba byumvikana ko guhagararirwa kuri uru rwego no gukurikirana urubanza hari amafaranga byayitwaye. Rurasanga ariko ingano y’amafaranga isaba nta bimenyetso iyigaragariza ko ari yo ndakuka, bityo mu bushishozi bw’Urukiko rukaba ruyigeneye amafaranga ibihumbi magana atatu (300.000Frw) y’ikurikiranarubanza n’amafaranga ibihumbi magana atanu (500.000Frw) y’igihembo cya Avoka kuri uru rwego rwo gusubirishamo urubanza ku mpamvu z’akarengane.

III. ICYEMEZO CY’URUKIKO

[37] Rwemeje ko ikirego cyatanzwe na Bideri Hakizimana Justin cyo gusubirishamo ku mpamvu z’akarengane urubanza RADA00020/2020/HC/KIG rwaciwe n’Urukiko Rukuru ku wa 29/10/2020 nta shingiro gifite.

[38] Rutegetse Bideri Hakizimana Justin kwishyura Rwanda Broadcasting Agency (RBA) amafaranga ibihumbi magana atatu (300.000Frw) y’ikurikiranarubanza n’ibihumbi magana atanu (500.000Frw) y’igihembo cya Avoka kuri uru rwego.