Re BYANSI (FOND)

[Rwanda URUKIKO RW'IKIRENGA – RS/INCONST/SPEC 00003/2021/SC – (Ntezilyayo, P.J., Nyirinkwaya, Cyanzayire, Hitiyaremye na Karimunda, J.) 25 Werurwe 2022]

Itegeko Nshinga – Ubwisanzure bw'Itangazamakuru – Uruhushya bwo gufata amajwi n'amafoto mu nkiko – Kurengera ubundi burenganzira bw'ababuranyi n'abatangabuhamya – Gusaba uruhushya bwo gufata amajwi n'amafoto mu nkiko ni ngombwa kandi birakwiye.

Incamake y'ikibazo: Byansi yatanze ikiregο mu Rukiko rw'Ikirenga arusaba kwemeza ko ingingo ya 71, igika cya 5, y'Itegeko N˚ 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi irebana no gusaba uburenganzira bwo gufata amajwi n'amashusho mu cyumba cy'iburanisha inyuranyije n'ingingo ya 38, igika cya mbere, y'Itegeko Nshinga rya Repubulika y'u Rwanda ryo mu 2003 ryavuguruwe mu 2015 iteganya ubwisanzure bw'itangazamakuru.

Mbere y'uko urubanza ruburanishwa mu mizi, Urukiko rwabanje gusuzuma niba Uwatanze ikirego afite inyungu yo kuregera kwemeza ko itegeko rinyuranyije n'Itegeko Nshinga maze rwemeza ko afite iyo nyungu yo gutanga icyo kirego.

Urubanza rwaburanishijwe mu mizi hasuzumwa icyo kibazo cyo kumenya niba kubanza gusaba uburenganzira bwo gufata amajwi n'amafoto mu iburanisha biteganyijwe mu ngingo ya 71, igika cya 5, y'Itegeko ryavuzwe haruguru inyuranyije n'ubwisanzure bw'umunyamakuru buteganyijwe mu ngingo ya 38 y'Itegeko Nshinga rya Repubulika.

Uwatanze ikirego avuga ko nk'umunyamakuru wibanda cyane mu gukora inkuru zicukumbuye mu Rwanda ndetse no hanze yarwo, asanga iyo ngingo yavuzwe haruguru, ibangamira abanyamakuru kubera ko kubashyiriraho igihe bagomba kubahiriza mu gusaba kwemererwa gufata amajwi n'amashusho mu cyumba cy'iburanisha, ari uburyo bwo kubuza itangazamakuru kubona amakuru no kubangamira ubwisanzure bwaryo, mu gihe ingingo ya 70 y'iryo Tegeko iteganya ko iburanisha ribera mu ruhame.

Agaragaza ko kumenyesha abaturage ibibera mu nkiko biri mu murongo w'uburenganzira burebana n'ubwisanzure bw'itangazamakuru no guhabwa amakuru, bugomba kubahirizwa n'inkiko nk'urwego rw'ubuyobozi. Yavuze ko bidakwiye ko abanyamakuru basabwa uruhushya rwo gutara amakuru mu nkiko, igihe berekana icyangombwa kibaranga nk'abanyamakuru.

Leta y'u Rwanda ivuga ko iyo ngingo ya 71, igika cya 5, y'Itegeko N˚ 22/2018 ryo ku wa 29/04/2018 y'iryo tegeko itanyuranyije n'itegeko Nshinga kuko ntaho riteganya ko itangazamakuru rigomba kubona amakuru mu buryo ubwo aribwo bwose. Akaba ariyo mpamvu hateganyijwe ubwo buryo buvugwa muri iyo ngingo. Akomeza avuga ko kuba itegeko riteganya ko itangazamakuru risaba uruhushya rwo gufata amajwi n'amashusho mu cyumba cy'iburanisha bidakuraho ihame ry'uko iburanisha ribera mu ruhame.

Incamake y'icyemezo: 1. Gusaba uruhushya bwo gufata amajwi n'amafoto mu nkiko ni ngombwa kandi birakwiye kuko biri mu nshingano z'Urwego rw'Ubucamanza guteganya uburyo butuma iburanisha riba mu ituze kandi hubahirizwa uburenganzira bw'ababuranyi n'abandi barebwa n'imanza. Bityo ingingo ya 71, igika cya 5, y'Itegeko N˚ 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi itanyuranyije n'ingingo ya 38 y'Itegeko Nshinga rya Repubulika y'u Rwanda ryo mu 2003 ryavuguruwe mu 2015

Ikirego gisaba kwemeza ko ingingo y'itegeko inyuranyije n'Itegeko Nshinga nta shingiro gifite.
Ingingo ya 71, igika cya 5, y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi itanyuranyije n'ingingo ya 38 y'Itegeko Nshinga rya Repubulika y'u Rwanda ryo mu 2003 ryavuguruwe mu 2015.

Amategeko yashingiweho:

Itegeko Nshinga rya Repubulika y'u Rwanda ryo mu 2003 ryavuguruwe mu 2015, ingingo ya 23, 38, 41 n'iya 43.

Itangazo Mpuzamahanga ku Burenganzira bwa Muntu ryo muri 1948, ingingo ya 19.

Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, ingingo ya 70 n'iya 71.

Itegeko N° 058/2021 ryo ku wa 13/10/2021 ryerekeye kurinda amakuru bwite n'imibereho bwite by'umuntu, ingingo ya 3.

Itegeko ryo ku wa 26/07/1881 ryerekeye ubwigenge bw'itangazamakuru, ingingo ya 38.

Imanza zifashishijwe:

Re Mugisha Richard, RS/INCONST/SPEC 00002/2018/SC, rwaciwe n'Urukiko rw'Ikirenga ku wa 24/04/2019.

The NDPP v Media 24 Limited & others and HC Van Breda v Media 24 Limited & others (425/2017) [2017] ZASCA 97 (21 June 2017) para.16.

Swapnil Tripathi & others vs. Secretary General & Others, Supreme Court of India, Writ Petition (Civil) No. 1232 Of 2017, p.8.

Affaire Pinto Coelho C. vs Portugal (No 2) rwaciwe n'Urukiko rw'i Burayi rushinzwe uburenganzira bwa muntu.

Urubanza

I. IMITERERE Y'URUBANZA

[1] Ku wa 04/06/2021, Byansi Samuel Baker yatanze ikirego mu Rukiko rw'Ikirenga arusaba kwemeza ko ingingo ya 71, igika cya 5, 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 uburenganzira bwo gufata amajwi n'amashusho mu cyumba cy'iburanisha busabwa mu nyandiko nibura mu masaha mirongo ine n'umunani (48) mbere y'uko iburanisha ritangira, inyuranyije n'ingingo ya 38, igika cya mbere, y'Itegeko Nshinga rya Repubulika y'u Rwanda ryo mu mwaka wa 2003 ryavuguruwe mu mwaka wa 2015 iteganya ko ubwisanzure bw'itangazamakuru, ubwo kugaragaza ibitekerezo n'ubwo guhabwa amakuru bwemewe kandi bwubahirizwa na Leta.

[2] Asobanura ko nk'umunyamakuru ufite ikarita y'akazi nimero 17/726-1[1] wibanda cyane mu gukora inkuru zicukumbuye (*Investigative journalist*) mu Rwanda ndetse no hanze yarwo, asanga ingingo ya 71, igika cya 5, y'Itegeko ryavuzwe haruguru, ibangamira abanyamakuru kubera ko kubashyiriraho igihe bagomba kubahiriza mu gusaba kwemererwa gufata amajwi n'amashusho mu cyumba cy'iburanisha, ari uburyo bwo kubuza itangazamakuru kubona amakuru no kubangamira ubwisanzure bwaryo, mu gihe ingingo ya 70 y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye

[1] Iyi karita yatanzwe na Rwanda Media Commission ku wa 12/05/2020 igomba kurangira ku wa 12/05/2021, iza kongererwa igihe ku wa 20/09/2021, kizarangira ku wa 20/09/22.

imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi iteganya ko iburanisha ribera mu ruhame.

[3] Agaragaza ko kumenyesha abaturage ibibera mu nkiko biri mu murongo w'uburenganzira burebana n'ubwisanzure bw'itangazamakuru no guhabwa amakuru, bugomba kubahirizwa n'inkiko nk'urwego rw'ubuyobozi. Yavuze ko bidakwiye ko abanyamakuru basabwa uruhushya rwo gutara amakuru mu nkiko, igihe berekana icyangombwa kibaranga nk'abanyamakuru. Asoza avuga kandi ko gushyirirwaho igihe cyo gusaba gufata amajwi n'amashusho mu cyumba cy'iburanisha, haba hirengagijwe ko igihe tugezemo hari itangazamakuru rikorwa mu buryo bwa *mobile journalism.*

[4] Me Habamuremyi Prosper uhagarariye Leta y'u Rwanda mu rubanza avuga ko ingingo ya 71, igika cya 5, y'Itegeko Nº 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi itanyuranije n'ingingo ya 38 y'Itegeko Nshinga rya Repubulika y'u Rwanda.

[5] Asobanura ko ntaho Itegeko Nshinga riteganya ko itangazamakuru rigomba kubona amakuru mu buryo ubwo aribwo bwose. Akaba ariyo mpamvu hateganyijwe ubwo buryo buvugwa mu ngingo ya 71, igika cya 5, y'Itegeko ryavuzwe haruguru, ko kugirango ukore icyo gikorwa cyo gufata amafoto cyangwa amajwi mu Rukiko, ugomba gusaba uburenganzira byibura mu masaha 48 mbere y'uko iburanisha ritangira.

[6] Akomeza avuga ko kuba itegeko riteganya ko itangazamakuru risaba uruhushya rwo gufata amajwi n'amashusho mu cyumba cy'iburanisha bidakuraho ihame ry'uko iburanisha ribera mu ruhame nk'uko bigaragara mu ngingo ya 71 y'Itegeko Nº 22/2018 ryo ku wa 29/04/2018 ryavuzwe haruguru, ibyo bikaba bigaragarira mu gika cya 6 cy'iyo ngingo.[2]

[7] Urubanza rwaburanishijwe mu ruhame ku wa 15/11/2021, Byansi Samuel Baker yunganiwe na Me Ruramira Bizimana Zébédée na Me Musore Gakunzi Valéry, naho Leta y'u Rwanda ihagarariwe na Me Habumuremyi Prosper.

[8] Mbere yo kuburanisha urubanza mu mizi, Urukiko rwabanje gusuzuma niba uwareze ariwe Byansi Samuel Baker, afite inyungu muri uru rubanza nk'uko biteganyijwe n'ingingo ya 72, igika cya mbere, y'Itegeko Nº 22/2018 ryo ku wa 02/06/2018 rigena ububasha bw'inkiko.

[9] Ku wa 10/12/2021, Urukiko rwafashe umwanzuro kuri icyo kibazo, rwemeza ko Byansi Samuel Baker afite inyungu yo kuregera kwemeza ko itegeko rinyuranyije n'Itegeko Nshinga muri uru rubanza.

[10] Urubanza rwaburanishijwe mu mizi ku wa 15/02/2022, Byansi Samuel Baker yunganiwe nka mbere, naho Leta y'u Rwanda ihagarariwe na Me Kayitesi Petronille. Ababuranyi bagiye impaka ku kibazo kijyanye no kumenya niba ingingo ya 71, igika cya 5, y' Itegeko N˚ 22/2018 ryo ku wa 29/04/2018 ryavuzwe haruguru inyuranyije n'ingingo ya 38 y'Itegeko Nshinga rya Repubulika y'u Rwanda, icyo kikaba ari nacyo kibazo gisuzumwa muri uru rubanza.

II. IKIBAZO KIGIZE URUBANZA N'ISESENGURWA RYACYO

Kumenya niba ingingo ya 71, igika cya 5, y'Itegeko N˚ 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo

[2] Ingingo ya 71, igika cya 6, y'Itegeko Nº22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi iteganya ko Perezida w'urukiko afata icyemezo mu nyandiko cyemera cyangwa cyimana uburenganzira bwo gufata amajwi n'amashusho amaze gusuzuma ko nta ngaruka byagira ku nyungu z'ubutabera, umutekano w'Igihugu n'uw'ababuranyi n'umuco mbonezabupfura.

n'iz'ubutegetsi inyuranyije n'ingingo ya 38 y'Itegeko Nshinga rya Repubulika y'u Rwanda ryo mu 2003 ryavuguruwe mu 2015

[11] Byansi Samuel Baker avuga ko kumenyesha abaturage ibibera mu nkiko biri mu murongo w'uburenganzira burebana n'ubwisanzure bw'itangazamakuru ndetse n'uburenganzira bwo guhabwa amakuru kandi mu bantu bategetswe gutanga amakuru harimo inzego z'ubuyobozi, muri izo nzego hakaba harimo n'inkiko.

[12] Akomeza avuga ko gushyiriraho umunyamakuru igihe agomba kubahiriza mu gusaba kwemererwa gufata amajwi n'amashusho mu cyumba cy'iburanisha, ari uburyo bwo kubuza itangazamakuru kubona amakuru ndetse no kwandika ku rubanza rutaracibwa kandi ihame ari uko iburanisha ribera mu ruhame nk'uko biteganywa n'ingingo ya 70 y'Itegeko N°22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi.

[13] Avuga kandi ko mu gushyirirwaho igihe cyo gusaba gufata amajwi n'amashusho mu cyumba cy'iburanisha, haba hirengagijwe ko igihe tugezemo hari itangazamakuru rikorwa mu buryo bwa *mobile journalism* kandi ko ubutabera butangwa mu izina rya rubanda, bityo abaturage bakaba bagomba kumenya ibibakorerwa. Atanga urugero rwo mu Gihugu cy'Ubugande aho abanyamakuru badasabwa uruhushya rwo gutara amakuru mu nkiko zabo ahubwo berekana gusa icyangombwa kibaranga.

[14] Asobanura ko kuba ingingo ya 71 y'Itegeko yavuzwe haruguru yarahaye umucamanza ububasha bwo gutanga uruhushya rwo gufata amashusho mu iburanisha, yamuhaye imbaraga z'umurengera kuko abanyamakuru bashobora gusaba urwo ruhushya ari benshi nyamara ugasanga Urukiko rwemereye bamwe, abandi rukarubima.

[15] Avuga ko n'igihe gisabwa cyo kuba umunyamakuru yasabye uburenganzira (amasaha 48) kidakwiye, kuko uretse imanza nini ziba zizwi, umunyamakuru nta handi hantu ashobora kubona imanza zigomba kuzaburanishwa, uretse kuzibona aho ziba zimanitse ku byumba by'iburanisha mu gitondo ku munsi w'iburanisha, ibyo bigatuma agongwa n'icyo gihe cyo gusaba urwo ruhushya.

[16] Byansi Samuel Baker asoza asaba Urukiko rw'Ikirenga kwemeza ko ingingo ya 71, igika cya 5, y'Itegeko Nº 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi inyuranyije n'ingingo ya 38 y'Itegeko Nshinga rya Repubulika y'u Rwanda.

[17] Me Ruramira Bizimana Zébédée wunganira Byansi Samuel Baker avuga ko nk'uko biteganywa n'ingingo ya 6 y'Itegeko rigenga itangazamakuru, mu gufata amajwi n'amafoto, umunyamakuru aba agamije kumenyesha abaturage amakuru, gufata amajwi n'amafoto biba bigamije kumenyesha abaturage amakuru, ko kandi yemerewe gutangaza ibindi byose uretse ibanga ry'umucamanza. Naho ingingo ya 12 y'iryo tegeko nayo ikaba yemerera umunyamakuru gutara amakuru ahariho hose no kuyatangaza yubahiriza ibiteganywa n'amategeko, akaba rero yumva kubanza gusaba uruhushya ari imbogamizi ikomeye. Asaba Urukiko kuzasuzuma ibyavuzwe mu rubanza rwa Mugisha Richard rwaciwe n'Urukiko rw'Ikirenga, aho mu gika cyarwo cya 65, rwavuze ko ubwisanzure bw'itangazamakuru ari uburenganzira bugomba kubahirizwa na buri wese.

[18] Me Musore Gakunzi Valéry nawe wunganira Byansi Samuel Baker, avuga ko ingingo ya 71 y'Itegeko N°22/2018 ryavuzwe haruguru iri mu cyiciro cya 2 kirebana n'iburanisha mu Rukiko. Asobanura ko gufata amajwi n'amafoto ari bimwe mu bigize itangazamakuru. Akaba asanga kugira ngo Urukiko rushobore gusuzuma niba iyo ngingo inyuranyije n'Itegeko Nshinga ari ngombwa

gusuzuma niba hari ubundi burenganzira cyangwa ubwisanzure byabangamira mu gihe umunyamakuru afata amajwi n'amafoto mu iburanisha nta ruhushya yabiherewe.

[19] Ashingiye ku ngingo ya 38, igika cya 2, y'Itegeko Nshinga, avuga ko icyo umunyamakuru ufata amajwi n'amafoto mu iburanisha agomba kwirinda, ari ukubangamira uburenganzira bw'umwenegihugu bw'uko ntawe ugomba kwivanga mu mibereho ye bwite, iryo akaba ari ihame riteganywa n'Itegeko Nshinga mu ngingo yaryo ya 23.

[20] Ku birebana n'igisobanuro cy'imibereho bwite y'abantu (*privacy/vie privée*), avuga ko haba mu Itegeko Nshinga cyangwa mu Itegeko riteganya ibyaha n'ibihano muri rusange, nta na hamwe hatangwa icyo gisobanuro. Itegeko N° 058/2021 ryo ku wa 13/10/2021 ryerekeye kurinda amakuru bwite n'imibereho bwite by'umuntu, mu ngingo ya 3, 6°, niryo risobanura imibereho bwite y'umuntu nk'uburenganzira bw'ibanze bw'umuntu bwo kwemeza undi muntu ushobora kubona amakuru bwite ye, igihe n'ahantu yayabonera, impamvu yayabona, uburyo akoresha ayabona n'uburyo bwakoreshwa kugira ngo agerweho.

[21] Atanga urugero rw'urubanza rwaciwe n'Urukiko rw'Ikirenga rugatanga umurongo ku bijyanye n'imibereho bwite, aho Gisa Frediane yasabye Urukiko gutegeka indishyi zikomoka ku kuba BRALIRWA yarakoresheje amashusho n'amafoto ye mu kwamamaza ikinyobwa cyo mu bwoko bwa Heineken atabiyihereye uburenganzira. Uburanira BRALIRWA Ltd, mu Rukiko Rukuru rw'Ubucuruzi, yemeye ko koko ayo mashusho n'amafoto yakoreshejwe na BRALIRWA Ltd mu kwamamaza inzoga zayo kandi nta masezerano yagiranye na Gisa Frediane, avuga ko BRALIRWA Ltd yayahawe na sosiyete EXP RWANDA, ariko ntiyashobora kugaragaza amasezerano yagiranye n'iyo sosiyete.

[22] Akomeza asobanura ko Urukiko rw'Ikirenga rwaciye urubanza ku ngingo ya 38 y'Itegeko Nshinga[3] ruvuga ko ubwisanzure bwo kugaragaza ibitekerezo bugizwe no gutanga ibitekerezo ntacyo umuntu yikanga, n'uburenganzira bwo gushaka, kubona no gukwirakwiza amakuru n'ibitekerezo aho ariho hose. Bikumvikana ko icyo aricyo cyose harimo n'itegeko cyangwa ingingo yaryo, cyabubangamira kiba kinyuranyije naryo.

[23] Avuga ariko ko nk'uko n'amategeko y'u Rwanda nayo abiteganya, ubwisanzure bw'itangazamakuru bugira irengayobora (*exceptions/restrictions*) harimo kutabangamira imibereho bwite y'umuntu (*privacy/vie privée*). Yifashisha urubanza *Affaire Pinto Coelho C. vs Portugal* (nimero 2) rwaciwe n'Urukiko rw'i Burayi rushinzwe uburenganzira bwa muntu mu gusobanura ibishingirwaho hemezwa ko ubwisanzure bw'itangazamakuru bubangamiye imibereho bwite y'umuntu.

[24] Avuga ko ikibazo cyari muri urwo rubanza gikomoka ku kuba umunyamakuru yaratangaje inkuru kuri televiziyo ku rubanza rwari mu rukiko rwakatiye umuntu, asobanura ko uwakatiwe arengana ashingiye ku mvugo y'abatangabuhamya, ushinja n'abandi 2 banshinjura, anerekana amafoto y'icyumba cy'iburanisha n'amajwi yafashwe mu iburanisha harimo n'ay'abacamanza 3 bagize inteko, ariko amajwi yayahinduye. Perezida w'inteko iburanisha yaramureze avuga ko yanyujijeho amajwi anatangaza amafoto y'icyumba cy'iburanisha nta burenganzira yabiherewe. Urukiko rurinda Itegeko Nshinga (*Tribunal constitutionnel*) rw'Igihugu cya Portugal rumuhamya icyaha.

[25] Akomeza asobanura ko uyu munyamakuru nawe yaje kurega Portugal mu Rukiko rw'i Burayi rushinzwe uburenganzira bwa muntu, rwemeza ko kugira ngo hemezwe ko ubwisanzure bw'itangazamakuru bubangamiye ubundi burenganzira cyangwa ubwisanzure harimo

[3] Mu rubanza RS/INCONST/SPEC 00002/2018/SC haburana Mugisha Richard, rwaciwe ku wa 24/04/2019.

n’uburenganzira ku mibereho bwite y’umuntu, hagomba kuba ibintu bitatu (3) byuzuzanya: i) niba iryo rengayobora cyangwa imbogamizi iteganyijwe n’amategeko; ii) gusuzuma niba iryo rengayobora cyangwa imbogamizi igamije intego yumvikana (*but légitime); iii*) gusuzuma niba uko kwivanga mu bwisanzure bw’itangazamakuru ari ngombwa mu gihugu kigendera kuri demokarasi (*si l'ingérence était nécessaire dans une société démocratique*).

[26] Avuga ko mu gusobanura izo ngingo eshatu, Urukiko rwashingiye ku mahame y’ingenzi yashingiweho mu manza rwaciye mbere harimo kuba amajwi n’amashusho yafashwe n’umunyamakuru mu gihe cy’iburanisha yarafashwe hagamijwe gutanga amakuru afitiye inyungu rubanda n’imyitwarire y’uregwa, ko amajwi n’amafoto byafatiwe mu iburanisha atabibonye mu buryo budakurikije amategeko.

[27] Me Musore Gakunzi Valéry asoza avuga ko mu mategeko yo mu gihugu cyacu, umunyamakuru wafashe amafoto cyangwa amajwi akabitangaza nyirayo atabitangiye uruhushya acibwa ihazabu mbonezamubano, akaba yahabwa n’igihano cy’igifungo, ko rero ingingo ya 71 y’ Itegeko N°22/2018 ryavuzwe haruguru ibangamiye ubwisanzure bw’itangazamakuru, kuko ibikubiyemo ari irengayobora rivanaho ishyirwa mu bikorwa ry’ihame riteganywa n’ingingo ya 38 y’Itegeko Nshinga.

[28] Me Kayitesi Petronille uhagarariye Leta y’u Rwanda avuga ko ikirego cya Byansi Samuel Baker nta shingiro gikwiye guhabwa kubera ko ingingo ya 71, igika cya 5, y’Itegeko Nº 22/2018 ryavuzwe haruguru itanyuranyije n’ingingo ya 38 y’Itegeko Nshinga rya Repubulika y’u Rwanda. Asobanura ko ingingo ya 71, igika cya, 5 y’Itegeko Nº 22/2018 ishyiraho uko ubwisanzure bw’itangazamakuru n’iyubahirizwa ryabwo bikorwa mu iburanisha, ko atari ukubuza itangazamakuru kubona amakuru no kurishyiraho amananiza nk’uko bivugwa n’urega, ko ahubwo ari inzira yo gushyira mu bikorwa ibiteganywa n’ingingo ya 38 y’Itegeko Nshinga rya Repubulika y’u Rwanda.

[29] Akomeza avuga ko ntaho Itegeko Nshinga riteganya ko itangazamakuru rigomba kubona amakuru mu buryo ubwo aribwo bwose. Akaba ariyo mpamvu ryateganyije ubwo buryo mu ngingo ya 71, igika cya 5, y’Itegeko Nº 22/2018 ryavuzwe haruguru, ahasobanurwa ko bisabirwa uburenganzira byibura mu masaha 48 mbere y’uko iburanisha ritangira.

[30] Avuga kandi ko kuba itegeko riteganya ko umunyamakuru asaba uruhushya rwo gufata amajwi n’amashusho mu cyumba cy’iburanisha bidakuraho ihame ry’uko iburanisha ribera mu ruhame nk’uko bigaragara mu ngingo ya 71 y’Itegeko Nº 22/2018 ryavuzwe haruguru, ibyo bikaba bigaragarira mu gika cya 6 cy’iyo ngingo , aho isobanura ko uburenganzira butangwa cyangwa bukimanwa hashingiwe ku byavuye mu isuzuma ryakozwe na Perezida w’Urukiko, byumvikanisha ahubwo ko ibi byubahiriza ibiteganywa n’ingingo ya 38 y’Itegeko Nshinga rya Repubulika y’u Rwanda.

[31] Uhagarariye Leta y’u Rwanda avuga ko ingingo ya 41 y’Itegeko Nshinga iteganya ko mu gukoresha uburenganzira n’ubwisanzure, buri wese azitirwa gusa n’itegeko rigamije kwemera no kubahiriza uburenganzira n’ubwisanzure bw’abandi ndetse n’imyitwarire iboneye, ituze rusange rya rubanda n’imibereho myiza muri rusange biranga igihugu kigendera kuri demokarasi. Ko ibyo binareba uburenganzira n’ubwisanzure bw’itangazamakuru, akaba ariyo mpamvu avuga ko ingingo ya 71 y’Itegeko Nº 22/2018 ryo ku wa 29/04/2018 ryavuzwe haruguru igamije kubahiriza ibiteganywa n’ingingo ya 38, igika cya 2, y’Itegeko Nshinga.

[32] Ku bijyanye no kutamenyera igihe imanza zizaburanishwa kugira ngo basabe uruhushya, uhagarariye Leta y’u Rwanda avuga ko Urukiko rutashingira kuri iyo mpamvu ngo rwemeze ko inyuranye n’Itegeko Nshinga, ko ahubwo hanozwa imikorere kugira ngo itangazamakuru rizajye

rimenya imanza zizaburanishwa ku gihe maze bifashe no kubahiriza igihe cyo gusaba uruhushya rwo gufata amajwi n'amafoto.

[33] Akomeza avuga ko kubera ko Ubutegetsi bw'Ubucamanza aribwo murinzi w'uburenganzira n'ubwisanzure bwa muntu nk'uko biteganywa n'ingingo ya 43 y'Itegeko Nshinga, inkiko zifite inshingano yo kugena uko itangazamakuru ritara amakuru mu cyumba cy'iburanisha mu rwego rwo kurinda uburenganzira n'ubwisanzure bw'ababuranyi by'umwihariko n'ubwa rubanda muri rusange.

UKO URUKIKO RUBIBONA

[34] Ingingo ya 71, igika cya 5, 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 uburenganzira bwo gufata amajwi n'amashusho mu cyumba cy'iburanisha busabwa mu nyandiko nibura mu masaha mirongo ine n'umunani (48) mbere y'uko iburanisha ritangira.

[35] Ingingo ya 38, igika cya mbere, y'Itegeko Nshinga rya Repubulika y'u Rwanda ryo mu 2003 ryavuguruwe mu 2015 iteganya ko ubwisanzure bw'itangazamakuru, ubwo kugaragaza ibitekerezo n'ubwo guhabwa amakuru bwemewe kandi bwubahirizwa na Leta. Ubwisanzure bwo kugaragaza ibitekerezo n'ubwo guhabwa amakuru ntibugomba kubangamira ituze rusange rya rubanda n'imyifatire mbonezabupfura, ukurengera urubyiruko n'abana, n'uburenganzira bw'umwenegihugu bwo kugira icyubahiro n'agaciro, ubwo kutagira uwivanga mu mibereho ye bwite n'iy'umuryango we. Uko ubwo bwisanzure bukoreshwa n'iyubahirizwa ryabwo biteganywa n'amategeko.

[36] Urukiko rurasanga ingingo ya 38 y'Itegeko Nshinga iteganya ko ubwisanzure bw'itangazamakuru bugizwe n'uburenganzira bwo kugaragaza ibitekerezo no guhabwa amakuru. Ubwo burenganzira kandi bunateganywa n'ingingo ya 19 y'Itangazo Mpuzamahanga ku Burenganzira bwa Muntu ryo muri 1948 aho ivuga ko buri wese afite uburenganzira bwo kugaragaza ibitekerezo bye ntacyo yikanga n'ubwo gushaka, kubona no gukwirakwiza amakuru akoresheje uburyo ubwo aribwo bwose.[4] Byumvikana rero ko ubwisanzure bw'itangazamakuru ari uburenganzira buteganywa n'Itegeko Nshinga butagomba kuvogerwa. Uko kandi ni nako byemejwe n'Urukiko rw'Ikirenga mu rubanza rwa Mugisha Richard aho rwavuze ko icyo aricyo cyose harimo n'itegeko cyangwa ingingo yaryo cyahungabanya ubwisanzure bw'itangazamakuru cyaba kinyuranyije n'Itegeko Nshinga.[5]

[37] Urukiko rurasanga ariko mu ngingo ya 38 y'Itegeko Nshinga, Umushingamategeko yaratanze irengayobora ry'ubundi burenganzira ubwisanzure bw'itangazamakuru butagomba kubangamira. Mu isuzuma ry'ikibazo Byansi Samuel Baker yashyikirije Urukiko, rukaba rugiye gusuzuma mu bika bikurikira niba gusaba umunyamakuru kubona uburenganzira bwo gufata amajwi n'amafoto igihe cy'iburanisha byaba bihungabanya uburenganzira agenerwa n'Itegeko Nshinga, bityo bikaba binyuranyije naryo.

[38] Muri rusange, kwemerera itangazamakuru gufata amajwi n'amafoto mu nkiko igihe cy'iburanisha, bifatwa nk'uburyo bwo kwegereza abaturage ubutabera no gutuma inkiko zirushaho gukorera mu mucyo. Ikibazo gikunda kuvuka muri urwo rwego kikaba icyo kureba uko ubwo burenganzira bw'itangazamakuru butabangamira uburenganzira n'amahame yandi nk' uburenganzira

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[4] *Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers*".

[5] Urubanza RS/INCONST/SPEC 00002/2018/SC haburana Mugisha Richard, rwaciwe kuwa 24/04/2019, urupapuro rwa 28.

k'ubutabera buboneye, uburenganzira bureba ubuzima bwite bw'ababuranyi n'uburenganzira bw'abakorewe icyaha.[6]

[39] Gufata amafoto cyangwa amajwi mu iburanisha ry'urubanza, ni igikorwa cyatangiye mu myaka ya vuba ukurikije iterambere ry'ikoranabuhanga. Ni muri urwo rwego ari ngombwa kureba mu mategeko cyangwa imanza zabaye kuri iyo ngingo mu bihugu byateye imbere cyane mu ikoranabuhanga ndetse byanatangiye icyo gikorwa mbere y'Inkiko z'u Rwanda.

[40] Mu rubanza rwaciwe n'Urukiko rw'Ikirenga rw'Ubujurire rwo muri Afurika y'Epfo haburana *The NDPP na Media 24 Limited & others, HC Van Breda na Media 24 Limited & others,* urwo Rukiko rwagaragaje ko uburenganzira bw'itangazamakuru (*freedom of the press*) n'ihame ryo kuburanisha mu ruhame (*principle of open justice*) biteganywa n'Itegeko Nshinga ryo muri icyo gihugu, byuzuzanya kandi bidashobora gutandukanywa kuko kimwe gikenera ikindi, kuko iyo itangazamakuru ritanze amakuru mu buryo bwa kinyamwuga ku migendekere y'urubanza n'uburyo imanza zicibwa, bituma icyizere rubanda bafitiye Urwego rw'Ubucamanza kiyongera.[7]

[41] Urwo Rukiko rwavuze ko n'ubwo ubwo burenganzira n'iryo hame byuzuzanya, ariko Urukiko rufite ububasha bwo kugena no gushyiraho imirongo ngenderwaho mu gutangaza ibibera mu iburanisha mu rwego rwo kurengera no kwita ku migendekere myiza y'iburanisha. Ibyo kandi bifasha Urwego rw'Ubucamanza mu kurinda no gusigasira amahame yo kutabogama n'ubwigenge bw'abacamanza mu nyungu z'ubutabera.[8]

[42] Urukiko rwagaragaje ko umucamanza agomba gusuzuma ubusabe bw'ibitangazamakuru kuri buri rubanza, bishaka gufata amashusho cyangwa amajwi, ashingiye ku bintu bikurikira:

- Kureba niba icyo gikorwa kidashobora kubangamira uburenganzira bw'ababuranyi ku butabera buboneye;
- Gusuzuma niba icyo gikorwa kitabangamira imigendekere y'iburanisha cyangwa ngo kigabanye agaciro n'icyubahiro by'Urukiko.[9]

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[6] *[…]" there is no real doubt that by allowing audio-visual coverage, courts will become more accessible to the public, and thus will potentially expose larger portions of society to the legal process, making it more transparent. The tough questions that still remain are first, whether audio-visual coverage should be recognized as a constitutional extension of the public trial or freedom of the press, and second, how one balances any potential effects of such coverage on rights and principles such as fair trial, privacy of parties to the legal process, and rights of victims*." See Itay Ravid, Tweeting #Justice: Audio-visual Coverage of Court Proceedings in a World of Shifting Technology, 2016, p. 51, https://law.stanford.edu/wp- content/uploads/2017/02/Tweeting_Justice-Ravid.pdf.

[7] Urubanza, *The NDPP v Media 24 Limited & others and HC Van Breda v Media 24 Limited & others (425/2017) [2017] ZASCA 97 (21 June 2017)* para.16, *"Freedom of the press and the principle of open justice are closely interrelated. The media, reporting accurately and fairly on legal proceedings and judgments, make an invaluable contribution to public confidence in the judiciary …. ";* https://media.lawlibrary.org.za/files/judgments/zasca/2017/97/2017-zasca-97.pdf.

[8] *" ….. Where there is a debate about whether given court proceedings should be broadcast, a court is vested with the power to limit the nature and scope of the broadcast where necessary to ensure the fairness of the proceedings before it. The power of the court to do so is an inherent one flowing from arts 173 of the Constitution 166 and must be exercised in the interests of justice is a key tool for courts to ensure their own independence and impartiality. It recognises that courts have the inherent power to regulate and protect their own process. A primary purpose for the exercise of that power must be to ensure that proceedings before courts are fair. It is therefore fitting that the only qualification on the exercise of that power contained in s 173 is that courts in exercising this power must take into account the interests of justice." Ibid., para. 59*

[9] *It remains the duty of the trial court to examine with care each application. That court should exercise a proper discretion in such cases by balancing the degree of risk involved in allowing the cameras into the court room against the degree of risk that a fair trial might not ensue. … In making that decision, the judge may consider whether there is a reasonable likelihood that such coverage would: (i) interfere with the rights of the parties to a fair trial; or (ii) unduly detract from the solemnity, decorum and dignity of the court."* Idem.

[43] Mu gihugu cy'Ubuhinde, ikibazo kijyanye no gufata amajwi n'amafoto mu iburanisha naho cyagiye gisuzumwa n'Inkiko nko mu rubanza rwaciwe n'Urukiko rw'Ikirenga rw'icyo gihugu haburana *Swapnil Tripathi & others na Secretary General & Others*, aho rwasobanuye akamaro ko gufata amajwi n'amafoto mu iburanisha ku burenganzira bwo kugera ku butabera (*right of acces to justice*) n'ihame ry'uko urubanza rubera mu ruhame (*principle of public hearing*), ruvuga ko gutangaza iburanisha igihe ririmo gukorwa (*live streaming*) bifasha Urwego rw'Ubucamanza gushyira mu bikorwa ubwo burenganzira n'iryo hame, kuko icyo gikorwa gituma rubanda nyamwinshi babona mu buryo bworoshye ibibera mu cyumba cy'iburanisha, ndetse bakabona n'amakuru ajyanye n'urubanza, kuko ukwitabira urubanza mu cyumba cy'iburanisha nyir'izina usanga bigoranye ku bantu benshi bitewe n'impamvu z'amikoro adahagije, ibyumba by'iburanisha bidafite ubunini buhagije ku buryo byakwakira umubare munini w'abantu nk'uko byakurikiranwa ku ikoranabuhanga, n'izindi.[10]

[44] Urwo Rukiko rwavuze kandi ko gutangaza iburanisha igihe ririmo kuba bwaba ari ubundi buryo bwo gushimangira uburenganzira bw'abaturage n'ababuranyi by'umwihariko. Urwo Rukiko rwavuze ariko ko n'ubwo icyo gikorwa gifasha Urwego rw'Ubucamanza kandi kikaba gishingiye ku burenganzira buteganywa, kigomba gukorwa mu buryo butabangamiye agaciro n'icyubahiro by'Urukiko, uburenganzira ku mibereho bwite y'ababuranyi cyangwa abatangabuhamya (privacy rights) bari muri urwo rubanza, no kwirinda ikindi cyose cyabangamira imitangire y'ubutabera buboneye. Akaba ariyo mpamvu ari ngombwa ko Urukiko ruba rugomba gushyiraho imirongo ngenderwaho mu gukora icyo gikorwa kugira ngo hirindwe kugongana k'uburenganzira buteganywa no mu rwego rwo kugira ngo ukubahiriza uburenganzira ku ruhande rumwe bidahungabanya ubundi burenganzira runaka ku rundi ruhande.[11]

[45] Urukiko Rusesa Imanza rwo mu Bufaransa narwo rwafashe umurongo ku kibazo cyo gufata amajwi n'amafoto mu iburanisha, ruvuga ko n'ubwo buri wese afite uburenganzira bwo gutanga ibitekerezo kandi na rubanda ikaba ifite inyungu zo kumenya ibikorerwa mu nkiko, uburenganzira bwo kumenya amakuru bugomba kureberwa hamwe n'ubundi burenganzira burimo kuba iburanisha rigomba kubera mu ituze, by'umwihariko gutuma abaregwa n'abatangabuhamya bavuga batagira icyo bishisha kandi bagashobora kuvugisha ukuri badafite impungenge ko imyitwarire yabo n'ibyo bavugiye mu cyumba cy'iburanisha bizashyirwa mu itangazamakuru bikaba byagira ingaruka ku buzima bwite bwabo.[12] Kubuza gufata amajwi n'amafoto mu gihe cy'iburanisha ni uburyo buboneye

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[10] *[...] "Indubitably, live streaming of Court proceedings has the potential of throwing up an option to the public to witness live court proceedings which they otherwise could not have due to logistical issues and infrastructural restrictions of Courts; and would also provide them with a more direct sense of what has transpired. Thus, technological solutions can be a tool to facilitate actualization of the right of access to justice bestowed on all and the litigants in particular, to provide them virtual";* See Judgements of Swapnil Tripathi & others vs. Secretary General & Others, Supreme Court of India, Writ Petition (Civil) No. 1232 Of 2017, p.8, https://main.sci.gov.in/supremecourt/2017/40426/40426_2017_Judgement_26-Sep-2018.pdf.

[11] […] *"live streaming of court proceedings in the prescribed digital format would be an affirmation of the constitutional rights bestowed upon the public and the litigants in particular. While doing so, regard must be had to the fact that just as the dignity and majesty of the Court is inviolable, the issues regarding privacy rights of the litigants or witnesses whose cases are set down for hearing, as also other exceptional category of cases of which live streaming of proceedings may not be desirable as it may affect the cause of administration of justice itself, are matters which need to be identified and a proper regulatory framework must be provided in that regard by formulating rules …………. It must be kept in mind that in case of conflict between competing Constitutional rights, a sincere effort must be made to harmonise such conflict in order to give maximum expression to each right while minimizing the encroachment on the other rights."* Ibid., para.13.

[12] […..] *"Même si le public a un intérêt légitime à recevoir des informations relatives aux procédures en matière pénale », particulièrement s'agissant d'une affaire de terrorisme, « la liberté d'information doit être mise en balance avec les autres intérêts en présence » à savoir, la sérénité des débats et particulièrement, la spontanéité et la sincérité des dépositions ainsi que les attitudes des accusés et des témoins, tous dépendant notamment « de la certitude qu'aucune publication de prises de vue n'interviendra », et également « le droit à l'image des parties concernées qui doit être préservé dans l'enceinte judiciaire;" Voir Clara Le Stum, Prise d'images et de sons pendant les audiences: une*

bwo gutuma ivuguruzanya hagati y'ababuranyi riba mu ituze no mu mucyo kuko bituma urukiko rugera ku kuri hasigasirwa n'ihame ryo kutabogama ry'Urwego rw'Ubucamanza.[13]

[46] Mu gihe uru rubanza rwari rurimo gusuzumwa n'Urukiko Rusesa Imanza, hanatanzwe ikirego mu Rukiko Rurinda Iremezo ry'Itegeko Nshinga rw'Ubufaransa aho rwasabwagwa kwemeza ko gusaba uruhushya kugirango hafatwe amajwi n'amafoto mu iburanisha binyuranyije n'ingingo ya 38 ter y'Itegeko ryo ku wa 26/07/1881 ryerekeye ubwigenge bw'itangazamakuru. Urukiko rwanzuye ko ingingo z'amategeko zishobora kugaragara ko zibangamiye uburenganzira bw'itangazamakuru n'itumanaho ari ngombwa kandi zikwiye ukurikije ibyatumye zishyirwaho.[14]

[47] Hakurikijwe ibisobanuro byatanzwe n'inkiko z'ibindi bihugu, Urukiko rurasanga ihame ry'ubwisanzure bw'itangazamakuru rigaragarira mu burenganzira bwo kugaragaza ibitekerezo n'ubwo guhabwa amakuru, ari ihame rigomba kubahirizwa na buri wese harimo n'inkiko kuko rituma rubanda bamenya ibikorerwa mu nkiko bitabaye ngombwa kuhaza, ariko iryo hame rikaba ritagomba kubangamira ubundi burenganzira burimo uburenganzira bw'ababuranyi ku butabera buboneye no ku migendekere myiza y'iburanisha, n'uburenganzira ku mibereho bwite y'ababuranyi cyangwa abatangabuhamya.

[48] Urukiko rusanga muri rusange, ihame ry'ubwisanzure bw'itangazamukuru rinubahirizwa n'inkiko z'u Rwanda kuko iburanisha ry'imanza ribera mu ruhame[15] mu rwego rwo kugira ngo uwo ariwe wese ubyifuza arikurikire, uretse ko Umushingamategeko yagennye uburyo ifatwa ry'amajwi n'amafoto rikorwa mu cyumba cy'iburanishwa.

[49] Uburenganzira bwo gutanga ibitekerezo no kubona amakuru ni bimwe mu bishingirwaho hemezwa ko igihugu kirimo demokarasi n'iyubahirizwa ry'ubundi burenganzira. Ku bw'ibyo, kuba umuntu yabuzwa gukoresha ubwo burenganzira bigomba kuba ari ngombwa kandi bikwiriye ugereranyije n'ikigenderewe. Muri urwo rwego, Urukiko rusanga mu ngingo ya 38 y'Itegeko Nshinga mu gika cyayo cya 2, Umushingamategeko yarateganyije imbibi ihame ry'ubwisanzure bw'itangazamakuru mu nkiko ritagomba kurenga mu rwego rwo kutabangamira ubundi burenganzira harimo ubw'umwenegihugu bwo kugira icyubahiro n'agaciro, ubwo kutagira uwivanga mu mibereho ye bwite n'iy'umuryango we, ituze rusange rya rubanda n'imyifatire mbonezabupfura, ukurengera urubyiruko n'abana.

[50] Urukiko rurasanga rero kuba ingingo ya 71, igika cya 5, y'Itegeko N˚ 22/2018 ryavuzwe haruguru yaragennye uburyo ubwo bwisanzure bugomba gushyirwa mu bikorwa, igategeka abashaka gufata amajwi n'amafoto mu manza zigomba kuburanishwa kubisabira uruhushya mu gihe cy'amasaha 48 ari ngombwa kandi bikwiye kuko biri mu nshingano z'Urwego rw'Ubucamanza guteganya uburyo butuma iburanisha riba mu ituze kandi hubahirizwa uburenganzira bw'ababuranyi n'abandi barebwa n'imanza.

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interdiction nécessaire pour la Cour de Cassation, 21 Avril 2020, https:/www.actualitesdudroit.fr/browse/penal/procedure-penale/27029/prise-d-images-et-de-sons-pendant-les audiences - une-interdiction-necessaire-pour-la-cour-de-cassation.

[13] ……………. "*l'interdiction de tout enregistrement, fixation ou transmission de la parole ou de l'image après l'ouverture de l'audience* des *juridictions administratives ou judiciaires, et de leur cession ou de leur publication, constitue une mesure nécessaire, dans une société démocratique, à garantir la sérénité et la sincérité des débats judiciaires, qui conditionnent la manifestation de la vérité et contribuent ainsi à l'autorité et à l'impartialité* du pouvoir *judiciaire"*. Idem.

[14] […] *"l'atteinte à l'exercice de la liberté d'expression et de communication qui résulte des dispositions contestées est nécessaire, adaptée et proportionnée aux objectifs poursuivis, à savoir la bonne administration de la justice, le droit au respect de la vie privée des parties et des personnes participant aux débats, à la sécurité des acteurs ou également aux respect de la présomption d'innocence;"* Conseil Constitutionnel, Décision n° 2019-817 QPC du 6 décembre 2019, https://www.conseil-constitutionnel.fr/decision/2019/2019817QPC.htm.

[15] Ingingo ya 70 y'Itegeko N° 22/2018 ryavuzwe haruguru iteganya ko iburanisha ry'urubanza ribera mu ruhame.

[51] Ku bindi urega avuga ko kubona igihe cyo kwaka uruhushya rwo gufata amajwi n'amafoto mu nkiko bidakunda kubera ko kubona gahunda y'iburanisha ry'imanza bigora kuko inkiko ziyitanga mbere gato y'uko imanza ziburanishwa, Urukiko rurasanga iki kibazo cyakemurirwa mu zindi nzira zitari ukuvuga ko ingingo y'itegeko inyuranyije n'Itegeko Nshinga.

[52] Hashingiwe ku bisobanuro byatanzwe, Urukiko rurasanga ingingo ya 71, igika cya 5, y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi itanyuranyije n'ingingo ya 38 y'Itegeko Nshinga rya Repubulika y'u Rwanda ryo mu 2003 ryavuguruwe mu 2015.

III. ICYEMEZO CY'URUKIKO

[53] Rwemeje ko ikirego cyatanzwe na Byansi Samuel Baker gisaba kwemeza ko ingingo ya 71, igika cya 5, y' Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi inyuranyije n'ingingo ya 38 y'Itegeko Nshinga rya Repubulika y'u Rwanda ryo mu 2003 ryavuguruwe mu 2015 nta shingiro gifite.

[54] Rwemeje ko ingingo ya 71, igika cya 5, y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi itanyuranyije n'ingingo ya 38 y'Itegeko Nshinga.