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KATABARWA v AKARERE KA NYARUGURU

[Rwanda URUKIKO RW'IKIRENGA – RS/INJUST/RAD 00001/2021/SC – (Nyirinkwaya, P., Muhumuza na Hitiyaremye, P.J.) 18 Werurwe 2022]

Amategeko agenga imanza z'umurimo – Kwirukanwa binyuranyije n'amategeko – Amafaranga y'indishyi agenerwa umukozi igihe yirukanwe – Iyo bigaragara ko umukozi yasezerewe mu buryo bunyuranyije n'amategeko ahabwa indishyi zibarwa ku rugero rw'umushahara yahembwe bwa nyuma, zikabarwa guhera igihe yahagarikiwe kugeza urubanza rusomwe, hagendewe ku mushahara yatahanaga mu ntoki ndetse n'ibindi yagenerwaga nk'umukozi byamufashaga kurangiza inshingano ze.

Imiburanishirize y'imanza zisabirwa gusubirishwamo ku mpamvu z'akarengane – Gusaba kurenganurwa ku ngingo itaragaragarijwe umucamanza mu rubanza rusabirwa gusubirwamo – Kuba umuburanyi yarashyiriweho inzira idasanzwe yo gusubirishamo urubanza rwabaye itegeko mu gihe yumva hari ingingo runaka yarenganyeho, ntibimuha uburenganzira bwo gutanga ibirego bishya bitari mu murongo w'ibyaregewe mu nyandiko isaba kurenganurwa.

Incamake y'ikibazo: Katabarwa wari umukozi w'Akarere ka Nyaruguru yatanze ikirego mu Rukiko Rwisumbuye rwa Nyamagabe arega ako Karere ku bwo kumwirukana ku kazi nta mpamvu, asaba ko icyemezo yafatiwe cyateshwa agaciro anabisabira indishyi. Uregwa we yaburanye avuga ko Urega yirukanywe burundu mu bakozi b'Akarere kubera amakosa akomeye yakoze mu rwego rw'akazi kandi ko kumwirukana byakozwe mu buryo bukurikije amategeko, bityo akaba nta ndishyi akwiye guhabwa, ko ahubwo ari we ukwiye gucibwa amafaranga y'ikurikiranarubanza yamutangishije.

Urukiko rwemeje ko ikirego cyatanzwe n'Urega nta shingiro gifite, ko icyemezo cyafashwe n'Umuyobozi w'Akarere ka Nyaruguru kimwirukana burundu ku kazi kigumana agaciro kacyo. Ibi byatumye Urega ajuririra Urukiko Rukuru, urugereko rwa Nyanza, avuga ko nta mpamvu yumvikana yari gutuma yirukanwa, ko ahubwo Uregwa ariwe utarubahirije amategeko y'ikurikiranwa ry'amakosa y'abakozi ba Leta, ko nta mutungo wa Leta yanyereje ndetse ko n'isoko ryo gusarura ibiti aregwa ryatanzwe bikurikije amategeko cyane ko mu manza nshinjabyaha yabigizweho umwere, akaba asaba guhabwa indishyi zose nk'uko yazisabye.

Urukiko Rukuru rwemeje ko ubujurire bw'Urega bufite ishingiro, ko nta kosa rikomeye ryagaragajwe ryari gutuma Uregwa amwirukana burundu, bityo ko icyemezo kimwirukana burundu kivuyeho; rwemeza ko icyemezo cyafashwe n'Urukiko Rwisumbuye gihindutse.

Urega yasabye ko urwo rubanza rwaciwe n'Urukiko Rukuru rwongera kuburanishwa, avuga ko rurimo akarengane, arabyemererwa, habanza gusuzumwa inzitizi yatanzwe n'Uregwa ivuga ko asanga ari ngombwa gusuzuma bundi bushya niba hari amakosa yagombaga gutuma Urega yirukanwa burundu mu bakozi ba Leta, hagasuzumwa niba imihango ya ngombwa yarubahirijwe mu kumukurikiranaho ikosa hanyuma ibindi bikaba inkurikizi z'ibyo asaba. Urega we avuga ko iyo nzitizi nta shingiro ifite kubera ko iyo hariho gusubirishamo urubanza ku mpamvu z'akarengane, uwumva yararenganye agaragaza impamvu ashingiraho akarengane ke.

Urukiko rw'Ikirenga rwafatiye icyemezo mu ntebe rwemeza ko atari inzitizi maze urubanza ruburanishwa mu mizi hasuzumwa impamvu Urega ashingiraho asaba ko urubanza rwaciwe n'Urukiko Rukuru, Urugereko rwa Nyanza rusubirwamo ku mpamvu z'akarengane, ababuranyi bajya impaka ku bibazo byo kumenya niba Urega yarabariwe indishyi mu buryo butari bwo, niba yasubizwa mu kazi, hamwe n'izindi ndishyi zasabwe n'ababuranyi.

Ku kibazo cyo kumenya niba mu rubanza rwaciwe n'Urukiko Rukuru harabazwe indishyi mu buryo butari bwo, Urega avuga ko ariyo mpamvu yasubirishijemo urwo rubanza ku mpamvu z'akarengane

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kubera ko yari yasabye ko abarirwa indishyi uhereye igihe icyemezo kimuhagarika mu kazi cyafatiwe kugeza igihe urubanza rwaciriwe ku rwego rwa nyuma nkuko byagiye bikorwa mu zindi manza zaciwe mbere. Akomeza avuga ko Urukiko rwavuze ko atahabwa imishahara ye kuko atakibarirwa mu bakozi b'Akarere ngo kuko amategeko ateganya ko umushahara ari amafaranga yose ahabwa cyangwa agomba guhabwa umukozi kubera akazi aba yakoze; ko ibi bisobanuro asanga nta kuri kurimo. Asoza avuga ko yirukaniwe ubusa bituma avutswa imishahara ye y'amezi 48.

Uregwa avuga ko yemera ko Urega yirukanywe ku mpamvu yumvikana ariko Urukiko rubisuzumye rugasanga yarirukanywe mu buryo bunyuranije n'amategeko ku buryo yagenerwa indishyi, zitashingira ku mushahara we mbumbe yahabwaga ku kwezi kubera ko n'iyo aza kuba akiri mu kazi atari guhabwa amafaranga y'umushahara mbumbe.

Urega kandi avuga ko akwiye gusubizwa ku kazi kubera ko Urukiko rwemeje ko yirukanywe mu buryo bunyuranyije n'amategeko kuko icyemezo kimwirukana cyakuweho. Asaba ko mu gihe byaba bidashobotse gusubizwa mu kazi yahabwa indishyi, hakabarwa umushahara we kuva igihe yahagarikiwe kugeza urubanza ruciwe burundu ndetse akanahabwa icyemezo cy'umukoresha.

Uregwa avuga ko ibijyanye no gusubizwa ku kazi bitagomba gusuzumwa kubera ko bitigeze biburanwaho mu nkiko zabanje, ko kuvuga ko ari inkurikizi zo kwirukanwa atari byo kuko byagombye kuba byararegewe bigasuzumwa.

Incamake y'icyemezo: 1. Iyo bigaragara ko umukozi yasezerewe mu buryo bunyuranyije n'amategeko ahabwa indishyi zibarwa ku rugero rw'umushahara yahembwe bwa nyuma, zikabarwa guhera igihe yahagarikiwe kugeza urubanza rusomwe, hagendewe ku mushahara yatahanaga mu ntoki ndetse n'ibindi yagenerwaga nk'umukozi byamufashaga kurangiza inshingano ze.

2. Kuba umuburanyi yarashyiriweho inzira idasanzwe yo gusubirishamo urubanza rwabaye itegeko mu gihe yumva hari ingingo runaka yarenganyeho, ntibimuha uburenganzira bwo gutanga ibirego bishya bitari mu murongo w'ibyaregewe mu nyandiko isaba kurenganurwa. Bityo, ikibazo cyo kuba Katabarwa Richard yasubizwa mu kazi n'icyo kudahabwa icyemezo cy'umurimo, ntibishobora gusuzumwa muri uru rubanza kubera ko bitigeze bigibwaho impaka mu rubanza rusabirwa gusubirwamo.

Ikirego cyo gusubirishamo urubanza ku mpamvu z'akarengane gifite ishingiro.
Urubanza rwaciwe n'Urukiko Rukuru, Urugereko rwa Nyanza, ruhindutse kuri bimwe.

Amategeko yashingiweho:

Itegeko Nº 017/2020 ryo ku wa 07/10/2020 rishyiraho Sitati igenga abakozi ba Leta.
Itegeko Nº 30/2018 ryo ku wa 02/06/2018 rigena Ububasha bw'Inkiko, ingingo ya 63.
Itegeko Nº 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, ingingo ya 9, 75 n'iya 111.
Iteka rya Minisitiri w'Intebe Nº 003/03 ryo ku wa 16/01/2015 rigena uburyo amahugurwa y'abakozi akorwa, ingingo ya 20.
Iteka rya Minisitiri w'Intebe Nº 136/03 ryo ku wa 25/10/2010.

Imanza zifashishijwe:

Road Solutions Pavement Products vs MAILCO Ltd, RS/INJUST/RCOM 00002/2020/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 29/09/2020.
Magara Gahakwa et Crts, RS/INJUST/RP 00001/2020/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 21/02/2021 mu gika cyarwo cya 21.
Ngirinshuti vs Muhima Giovani, RS/INJUST/RC 00024/2018/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 21/02/2020 ku gika cya 19-22.

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Leta y'u Rwanda na Ndahindurwa Kimenyi Jéremie, RADA 0006/12/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 04/01/2013.

Inyandiko z'abahanga zifashishijwe:
M. Long, P. Weil, G. Braibant, Les grands arrêts de la jurisprudence administrative, 20 éditions, Collection Dalloz 2015. P.260.

Urubanza

I. IMITERERE Y'URUBANZA

[1] Katabarwa Richard yari Umunyamabanga Nshingwabikorwa w'Umurenge wa Munini mu Karere ka Nyaruguru, aza kwirukanwa ku kazi ku wa 29/06/2015 kubera amakosa akurikira:

- kudakurikirana isarurwa ry'ibiti mu Murenge wa Munini aho uwo Murenge wemerewe gutema ibiti 13 ariko ugatemesha ibiti 22;
- gusuzugura inzego zimukuriye yanga kubahiriza amabwiriza yahawe;
- kunyereza umutungo wa leta atwika akanabajisha imbaho amafaranga avuyemo ntayagaragaze.

[2] Nyuma yo kwirukanwa ku kazi Katabarwa Richard yatanze ikirego mu Rukiko Rwisumbuye rwa Nyamagabe arega Akarere ka Nyaruguru ku bwo kumwirukana ku kazi nta mpamvu, asaba ko icyemezo yafatiwe cyateshwa agaciro anabisabira indishyi. Ikirego cye cyanditswe kuri RAD 00001/2017/TGI/NYBE.

[3] Me Mbonigaba Eulade uburanira Akarere ka Nyaruguru we yaburanye avuga ko Katabarwa Richard yirukanywe burundu mu bakozi b'Akarere kubera amakosa akomeye yakoze mu rwego rw'akazi, kandi ko kumwirukana byakozwe mu buryo bukurikije amategeko, bityo akaba nta ndishyi akwiye guhabwa, ko ahubwo ari we ukwiye gucibwa amafaranga y'ikurikiranarubanza yatangishije Akarere ka Nyaruguru.

[4] Ku wa 09/11/2017, Urukiko Rwisumbuye rwa Nyamagabe rwaciye urubanza RAD 00001/2017/TGI/NYBE, rwemeza ko ikirego cyatanzwe na Katabarwa Richard nta shingiro gifite, ko icyemezo cyafashwe n'Umuyobozi w'Akarere ka Nyaruguru ku wa 29/06/2015 kimwirukana burundu ku kazi kigumana agaciro kacyo, rumutegeka guha Akarere ka Nyaruguru 500.000 Frw katanze mu rwego rw'ikurikiranarubanza.

[5] Mu gufata iki cyemezo, Urukiko rwashingiye ku kuba ababuranyi bose bemera ko hatemwe ibiti 22 kandi hari gutemwa 13 gusa, ku buhamya bwatanzwe ndetse no ku iperereza rwakoze, rusanga yarirukanywe kubera amakosa ye kandi nta n'Itegeko ryishwe mu kumwirukana.

[6] Katabarwa Richard yajuririye icyo cyemezo mu Rukiko Rukuru, Urugereko rwa Nyanza, avuga ko nta mpamvu yumvikana yari gutuma yirukanwa kuko umubare w'ibiti watemwe ariwo bemerewe n'Akarere, ko ahubwo Akarere ari ko katubahirije amategeko y'ikurikiranwa ry'amakosa y'abakozi ba Leta, kuko kakiriye ibaruwa itanga ibisobanuro ntikayisubize mu minsi iteganyijwe n'amategeko, yongeraho ko nta mutungo wa Leta yanyereje ndetse ko n'isoko ryo gusarura ibyo biti ryatanzwe bikurikije amategeko cyane ko mu manza nshinjabyaha yabigizweho umwere, asaba guhabwa indishyi zose nk'uko yazisabye.

[7] Urukiko Rukuru, Urugereko rwa Nyanza, mu rubanza RADA 00014/2017/HC/NYZ rwaciwe ku wa 28/02/2019, rwemeje ko ubujurire bwa Katabarwa Richard bufite ishingiro, ko nta kosa rikomeye ryagaragajwe ryari gutuma Akarere ka Nyaruguru kamwirukana burundu, bityo ko icyemezo kimwirukana burundu kivuyeho; rwemeza ko icyemezo cyafashwe n'Urukiko Rwisumbuye rwa Nyamagabe mu rubanza RAD 00001/2017/TGI/NYBE rwaciwe n'urwo Rukiko ku wa 09/11/2017 gihindutse, rushingiye ku kuba:

- nta kimenyetso gifatika kigaragaza ko Umurenge wa Munini wari wemerewe ibiti 13 gusa hanyuma Katabarwa Richard agatemesha ibirenze;
- ibiti byari byashyizweho ikimenyetso ko bigombwa gutemwa ari 21;
- ntakigaragaza ko Katabarwa Richard yakoresheje inyandiko mpimbano mu gihe nta kosa yakoze mu gutemesha ibiti.

[8] Urukiko rwasanze ariko indishyi zisabwa na Katabarwa Richard avuga ko zabarwa hagendewe ku murongo watanzwe mu rubanza RADA 0006/12/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 04/01/2013 haburana Ndahindurwa Kimenyi Jeremie na Leta y'u Rwanda atazihabwa uko azisaba kuko muri urwo rubanza Urega yasabaga gusubizwa mu kazi bitandukanye n'ibisabwa muri uru rubanza, rwemeza ahubwo ko agomba guhabwa indishyi z'imishahara atahembwe akiri mu kazi kugera igihe yatangiye ikirego, zingana n'amafaranga y'u Rwanda miliyoni cumi, ibihumbi magana arindwi mirongo ine na bitandatu n'amafaranga mirongo itandu (10.746.060 Frw).

[9] Ku wa 05/04/2019, Katabarwa Richard yandikiye Perezida w'Urukiko rw'Ubujurire, amusaba gusuzuma akarengane yagiriwe muri urwo rubanza kugira ngo rwongere ruburanishwe. Perezida w'Urukiko rw'Ubujurire yandikiye Perezida w'Urukiko rw'Ikirenga amusaba ko urubanza RADA 00014/2017/HC/NYZ rwasubirwamo ku mpamvu z'akarengane. Perezida w'Urukiko rw'Ikirenga, amaze gusuzuma ubwo busabe, yafashe icyemezo nimero 177/CJ/2021, ko urubanza RADA 00014/2017/HC/NYZ rwaciwe n'Urukiko Rukuru, Urugereko rwa Nyanza ku wa 28/02/2019 rwakongera kuburanishwa, ruhabwa RS/INJUST/RAD 00001/2021/SC.

[10] Iburanisha ry'urubanza ryashyizwe ku wa 12/01/2022, ribera mu ruhame Katabarwa Richard yitabye yunganiwe na Me Ndatsikira Jean Marie Vianney, naho Akarere ka Nyaruguru kaburanirwa na Me Mbonigaba Eulade. Mbere y'uko Urukiko rwinjira mu mizi y'urubanza, rwabanje gusuzuma ikibazo Me Mbonigaba Eulade yatanze nk'inzitizi avuga ko hashingiwe ku ngingo ya 63 y'Itegeko Nº 30/2018 ryo ku wa 02/06/2018 rigena Ububasha bw'Inkiko, asanga ari ngombwa gusuzuma bundi bushya niba hari amakosa yagombaga gutuma Katabarwa Richard yirukanwa burundu mu bakozi ba Leta, hagasuzumwa niba imihango ya ngombwa yarubahirijwe mu kumukurikiranaho ikosa hanyuma ibindi bikaba inkurikizi z'ibyo asaba.

[11] Kuri iyi nzitizi Me Ndatsikira Jean Marie Vianney we avuga ko nta shingiro ifite kubera ko iyo hariho gusubirishamo urubanza ku mpamvu z'akarengane, uwumva yararenganye agaragaza impamvu ashingiraho akarengane ke, ko iyo izo mpamvu zirimo gusuzumwa, urundi ruhande ruba rudahari, byagaragara ko harimo akarengane akaba ari bwo urubanza nyirizina rusubirwamo, ariko mu mbibi z'akarengane kagaragajwe.

[12] Kuri iki kibazo, Urukiko rwafatiye icyemezo mu ntebe rwemeza ko atari inzitizi ahubwo ari uburyo Akarere ka Nyaruguru kumva iyo ngingo, kandi nkuko rwabitanzeho umurongo mu manza zitandukanye[1], ingingo ya 63 y'itegeko rigena ububasha bw'inkiko igomba kumvikana ko gusuzuma

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[1] RS/INJUST/RCOM 00002/2020/SC Road Solutions Pavement Products vs Mail Co Ltd rwaciwe ku wa 29/09/2020.
-RS/INJUST/RC 00024/2018/SC haburana Ngirinshuti vs Muhima Giovani rwaciwe ku wa 21/02/2020 ku gikacya 19-22.
-RS/INJUST/RP 00001/2020/SC Magara Gahakwa et Crts rwaciwe ku wa 21/02/2021 mu gika cyarwo cya 21.

urubanza bundi bushya bidasobanuye ko hirengagizwa izindi manza ziba zaraciwe mbere, ko ahubwo urubanza rusuzumwa bundi bushya mu mbibi z'icyaregewe mu karengane; bivuze ko umuburanyi wumva yararenganye aba agomba kugaragaza ingingo avuga ko yarenganyeho akaba arizo zisuzumwa zigafatwaho umwanzuro.

[13] Nyuma y'icyo cyemezo, urubanza rwakomereje mu mizi hasuzumwa impamvu Katabarwa Richard ashingiraho asaba ko urubanza rwaciwe n'Urukiko Rukuru, Urugereko rwa Nyanza rusubirwamo ku mpamvu z'akarengane, ababuranyi bajya impaka ku bibazo byo kumenya niba Katabarwa Richard yarabariwe indishyi mu buryo butari bwo, niba yasubizwa mu kazi, hamwe n'izindi ndishyi zasabwe n'ababuranyi, urubanza rurapfundikirwa ababuranyi bamenyeshwa ko ruzasomwa ku wa 25/02/2022.

[14] Mu gihe urukiko rwari rwiherereye ruca urubanza, rwasanze hari ibyo rugikeneye gusobanuza ababuranyi, bityo hashingiwe ku biteganywa n'ingingo ya 75, igika cya 4, y'Itegeko Nº 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi iteganya ko mbere yo gufata icyemezo kandi rubyibwirije, urukiko rushobora gupfundura iburanisha mu gihe rusanga hari ibyo rukeneye gusobanukirwa kurushaho bitasobanutse mu iburanisha kugira ngo ukuri kugaragare, maze mu rubanza rubanziriza urundi Urukiko rusanga ari ngombwa ko iburanisha ry'urubanza ripfundurwa ababuranyi bakagira ibindi bisobanuro barugezaho.

[15] Iburanisha ryapfunduwe ku wa 23/05/2022, Katabarwa Richard ahagarariwe na Me Ndatsikira Jean Marie Vianney naho Akarere ka Nyaruguru gahagarariwe na Me Mbonigaba Eulade. Ababuranyi bahawe umwanya kugira ngo basobanurire urukiko ikibazo kijyanye n'uburyo indishyi Katabarwa Richard asaba zabarwa (umushahara fatizo waherwaho mu kuzibara, ibyo bumva byabarirwamo ndetse n'ibitagomba kubarirwamo). Iburanisha ry'urubanza rirapfundikirwa, ababuranyi bamenyeshwa ko urubanza ruzasomwa ku wa 22/07/2022.

II. IBIBAZO BIGIZE URUBANZA N'ISESENGURA RYABYO

a. Kumenya niba mu rubanza RADA 00014/2017/HC/NYZ Urukiko Rukuru, Urugereko rwa Nyanza rwarabariye Katabarwa Richard indishyi mu buryo butari bwo

[16] Kuri iyi ngingo, Katabarwa Richard avuga ko impamvu ashingiraho asaba ko urubanza rusubirwamo ku mpamvu z'akarengane ari uko yasabye guhabwa indishyi hashingiwe ku buryo Urukiko rw'Ikirenga rwakoresheje ruzibara mu rubanza RADA 0006/12/CS rwavuzwe haruguru, aho rwageneye Ndahindurwa Kimenyi Jeremie indishyi zibazwe uhereye igihe icyemezo kimuhagarika mu kazi cyafatiwe kugeza igihe urubanza rwaciriwe ku rwego rwa nyuma, atanga n'ikimenyetso cy'urubanza RADA 00008/2017/NYZ rwaciwe n'Urukiko Rukuru, Urugereko rwa Nyanza ku kirego cya Bugingo birukaniwe rimwe no ku mpamvu zimwe, aho urwo Rukiko rwemeje ko hagumaho imikirize y'urubanza rwajuririwe rwaciwe n'Urukiko Rwisumbuye rwa Nyamagabe rwemeje ko BUGINGO ahabwa indishyi zibazwe hakurikijwe umurongo watanzwe n'Urukiko rw'Ikirenga mu rubanza RADA 0006/12/CS rwavuzwe, ari narwo asaba ko rwashingirwaho, ariko ntibyahabwa agaciro.

[17] Katabarwa Richard na Me Ndatsikira Jean Marie Vianney umwunganira bavuga ko mu rubanza RADA 00014/2017/HC/NYZ mu gika cya 40, Urukiko Rukuru rwavuze ko uburyo indishyi zabariwe Ndahindurwa Kimenyi Jeremie mu rubanza RADA 0006/12/CS atari ko zabarirwa Katabarwa Richard ngo kuko izi manza zitandukanye kubera ko icyo urega yari agamije kwari ugusubizwa mu kazi, ngo mu gihe icyo Katabarwa Richard yasabaga ari uguhabwa indishyi z'akababaro. Ibyasobanuwe n'Urukiko muri iki gika asanga nta kuri kurimo kubera impamvu zikurikira:

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- Kuba icyo Katabarwa Richard yaregeraga mu rubanza RADA 00014/2017/HC/NYZ, kwari ukuvanaho icyemezo kimwirukana burundu ku kazi cyafashwe n'Ubuyobozi, naho ibindi birego bishamikiyeho bikaba ingaruka zabyo kandi ko ibi bihuye neza n'ibyo Ndahindurwa Kimenyi Jeremie yaregeraga mu rubanza RADA 0006/12/CS kuko nawe yaregeraga kuvanaho icyemezo cyo kumwirukana burundu ku kazi cyafashwe n'Ubuyobozi mu Iteka rya Minisitiri w'Intebe Nº 136/03 ryo ku wa 25/10/2010.
- Kuba mu rubanza rwa Ndahindurwa Kimenyi Jeremie no mu rubanza rwa Katabarwa Richard zombi zaragaragayemo ko birukanywe bitari bikwiye, bivuze ko ubwo baregeraga kuvanaho icyemezo kibirukana mu kazi, kandi urukiko rukaba rwarakivanyeho kuri bose bityo bagombaga gusubizwa mu kazi no guhabwa indishyi z'imishahara batahembwe. Ko kuba rero Ndahindurwa Kimenyi Jeremie yaragize amahirwe yo gusubizwa mu kazi atari byo byari bwambure amahirwe Katabarwa Richard yo kubarirwa imishahara ye kugeza urubanza ruciwe burundu nk'uko byakorewe Ndahindurwa Kimenyi Jeremie.
- Kuba kugira ngo yongere kubona akandi kazi ari uko urubanza ruba rwaciwe burundu akaba arirwo yashingiraho asaba kuvanwa kuri *Black List*, bityo ko kubara imishahara y'umukozi wa Leta wirukanywe nta mpamvu, kugeza ku munsi urubanza ruciriwe burundu basanga bifite ishingiro.

[18] Bavuga ko mu gika cya 39 cy'urubanza RADA 00014/2017/HC/NYZ, Urukiko rwaravuze ko Katabarwa Richard atahabwa imishahara ye kuko atakibarirwa mu bakozi b'Akarere ngo kuko amategeko ateganya ko umushahara ari amafaranga yose ahabwa cyangwa agomba guhabwa umukozi kubera akazi aba yakoze; ko ibi bisobanuro basanga nta kuri kurimo kuko mu gika cya 41 Umucamanza yivuguruje agena n'ubundi indishyi zihwanye n'imishahara y'igihe Katabarwa Richard yari atakibarirwa mu bakozi b'Akarere, no mu bisobanuro biri mu gika 39 bigaragaza ko impamvu Katabarwa Richard yahabwa imishahara ye kugeza atanze ikirego ashingira ngo ku kuba yari akiri mu gihirahiro cyo kumenya niba yashaka akandi kazi cyangwa atagashaka.

[19] Bongeraho ko ibyashingiweho n'Urukiko Rukuru mu gika cyavuzwe haruguru nta kuri kurimo kuko mu rubanza RADA 00008/2017/HC/NYZ rwa Bugingo rusa neza n'urwa Katabarwa Richard, Urukiko rwemeje ko Bugingo ahabwa imishahara ye yose kuva ahagaritswe by'agateganyo kugeza atanze ikirego ndetse runongera indishyi zo kwirukanirwa ubusa zingana n'imishahara y'amezi 6 ariko ibi bikaba bitarakorewe Katabarwa Richard.

[20] Katabarwa Richard na Me Ndatsikira Jean Marie Vianney bakomeza bavuga ko iyo umukozi wa Leta yirukanywe ku kazi nta mpamvu yumvikana ahita avutswa umushahara we n'ibindi byose biwugize kandi ibyo byose bikaba ari ibishyirirwaho kumuteza imbere no gutuma akora akazi ke neza. Ko bitumvikana uburyo mu gihe bigaragaye ko ibyo byose yabivukijwe ku bw'amaherere atabisubizwa kuko ari bwo yaba arenganuwe. Bavuga ko indishyi Katabarwa Richard yagenerwa zashingira ku mushahara we mbumbe yahabwaga mu kwezi yirukanywemo hakavanwamo gusa amafaranga yagenerwaga mu rwego rwo koroshya ikorwa ry'akazi kuko atari akigakora.

[21] Bavuga kandi ko kwirukana umukozi mu kazi bimushyira no ku rutonde rw'abatemerewe kubona akazi, byumvikanisha ko nta bushobozi aba agifite bwo kwishyura ideni, ari nabyo byabaye kuri Katabarwa Richard kuko muri 10.746.060 Frw yahawe yishyuyemo arenga 8.000.000 Frw kubera ko kwirukanwa kwe kwamuvukije lumpsum yishyuraga banki, kumuvutsa umushahara nawo yari bwifashishe ndetse binamuvutsa amahirwe yo kuba yabona akandi kazi ngo kamufashe kwishyura iryo deni. Bityo basaba ko mu kubarira Katabarwa Richard indishyi atahawe azikwiye, hagenderwa ku mushahara we mbumbe ukuyemo gusa ayo yagenerwaga ya communication kuko ariyo yakoreshaga iby'akazi gusa.

[22] Katabarwa Richard akomeza asobanura ko harebwe Iteka rya Minisitiri w'Intebe Nº 003/03 ryo ku wa 16/01/2015 rigena uburyo amahugurwa y'abakozi akorwa cyane cyane mu ngingo ya 20 aho biteganyijwe ko abakozi ba Leta bari mu mahugurwa atarengeje amezi 3 bagenerwa lumpsum nawe yagombye kuyihabwa, ko n'ubwo atari ari mu kazi akwiye guhabwa ayo mafaranga kuko ikirebwa ari uko ikinyabiziga kiba cyaraguzwe ku nguzanyo bakamurekera ayo mafaranga nawe rero amasezerano y'inguzanyo y'imodoka agikomeza.

[23] Basoza bavuga ko Katabarwa Richard yirukaniwe ubusa bituma avutswa imishahara ye y'amezi 48 yo kuva ku kwezi kwa 3/2015 kugeza mu kwezi kwa 2/2019, kandi buri kwezi yabonaga 971.405 Frw, ko iyo atirukanwa muri icyo gihe yari kuba yarabonye 46.627.440 Frw ariko akaba yarahawe 10.746.060 Frw. Avuga ko mu kumurenganura asanga urukiko rukwiye gutegeka ko yishyurwa ikinyuranyo kingana na 35.881.360 Frw.

[24] Me Mbonigaba Eulade uhagarariye Akarere ka Nyaruguru avuga ko bo bemera ko Katabarwa Richard yirukanywe ku mpamvu yumvikana; ariko ko Urukiko rubisuzumye rugasanga yarirukanywe mu buryo bunyuranije n'amategeko ku buryo yagenerwa indishyi, zitashingira ku mushahara we mbumbe yahabwaga ku kwezi kubera ko n'iyo aza kuba akiri mu kazi atari guhabwa amafaranga y'umushahara mbumbe.

[25] Avuga ko lumpsum ari amafaranga umukozi ahabwa yo kumufasha igihe ari mu kazi, nyamara lumpsum Katabarwa Richard asaba ari iyo mu gihe atakoze, bityo akaba adakwiye kuyahabwa.

[26] Asoza avuga ko urugero rutangwa na Katabarwa Richard rw'umukozi uri mu mahugurwa ukomeza guhabwa amafaranga ya *lumpsum* atari rwo kubera ko umukozi uri mu mahugurwa aba ari mu kazi, akaba ariyo mpamvu akomeza kugenerwa ayo mafaranga, bitandukanye n'uwirukanywe kuko nta nshingano n'imwe aba agifite ku kazi, ko lumpsum atari umushahara ahubwo ari uburyo umukozi agenerwa kugira ngo arangize neza inshingano ze z'akazi, ko mu gihe atari mu kazi kumuha lumpsum byaba ari ugutangira ubusa ibya Leta.

UKO URUKIKO RUBIBONA

[27] Ingingo ya 9 y'Itegeko Nº 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"; igika cya kabiri cy'iyo ngingo kigateganya ko "Umucamanza ntashobora kandi kwanga guca urubanza yitwaje impamvu iyo ari yo yose, n'iyo ntacyo itegeko ryaba riteganya, ridasobanutse mu buryo bwumvikana cyangwa ridahagije.

[28] Ku birebana no kubara indishyi z'umukozi wa Leta wirukanywe mu buryo budakurikije amategeko bigatuma abura umushahara ku maherere, Urukiko rurasanga yaba Sitati y'Abakozi ba Leta yakoreshwaga ubwo Katabarwa Richard yirukanwaga, n'Itegeko Nº 017/2020 ryo ku wa 07/10/2020 rishyiraho Sitati igenga abakozi ba Leta rikoreshwa ubu ntahateganyijwe uburyo izo ndishyi zigomba kubarwa, hashingiwe ku ngingo imaze kuvugwa mu gika kibanziriza iki, mu gukemura iki kibazo hakaba hakwiye kwifashishwa ibisobanuro by'abahanga mu mategeko (*Doctrines*) cyangwa imanza zagiye zicibwa ku bibazo bisa n'ikiburanwa muri uru rubanza. Abahanga mu mategeko arebana n'imanza z'ubutegetsi M. Long, P. Weil na G. Braibant[2] bavuga ko mu kugena indishyi z'umukozi wa Leta wirukanywe nta mpamvu ifatika kandi yumvikana hagenderwa ku bintu bitatu:

[2] M. Long, P. Weil, G. Braibant, Les grands arrêts de la jurisprudence administrative, 20 éditions, Collection Dalloz2015. P.260.

- Icyo umukozi aba yarangirijwe mu by’ukuri (préjudice effectivement subi par l’agent);
- Amakosa yakozwe n’ubutegetsi (*faute commise par l’administration*): abo bahanga bavuga ko indishyi ziba nyinshi iyo habaye ikosa ry’ireme (*vice de fond*), ariko zikaba nkeya iyo ari ikosa ryo kutubahiriza umuhango (*vice de forme*);
- Ikosa ryakozwe n’umukozi (*faute commise par l’agent*): abo bahanga bakavuga ko iryo kosa rishobora gutuma umukozi ahabwa indishyi nkeya, cyangwa ntanagire izo abona.

[29] Ku birebana no kubara indishyi zigomba guhabwa umukozi wa Leta wirukanywe mu buryo bunyuranyije n’amategeko akavutswa umushahara ku maherere, Urukiko rw’Ikirenga mu rubanza RADA 0006/12/CS rwaciwe ku wa 04/01/2013 haburana Leta y’u Rwanda na Ndahindurwa Kimenyi Jéremie ku kibazo gisa n’ikiburanwa muri uru rubanza (Gutesha agaciro icyemezo cyo kwirukanwa mu buryo budakurikije amategeko) mu gika cyarwo cya 30 rwemeje ko izo ndishyi zibarwa ku rugero rw’umushahara umukozi yahembwe bwa nyuma, zikabarwa guhera igihe yahagarikiwe kugeza urubanza rusomwe, hagendewe ku mushahara yatahanaga mu ntoki (*Net Salary*).

[30] Hashingiwe ku bimaze kuvugwa haruguru, Katabarwa Richard akaba agomba guhabwa indishyi zingana n’umushahara yagombaga guhembwa kuva ahagaritswe by’agateganyo (ku wa 16/03/2015, kuko kuva icyo gihe umushahara we wahise uhagarara) kugeza ku itariki ya 28/02/2019, itariki urubanza yasabye ko rusubirwamo ku mpamvu z’akarengane rwaciriwe) ni ukuvuga ko ari amezi 47 n’iminsi 12, ukabarirwa ku mafaranga 467.220[3]. Bivuze ko indishyi agomba guhabwa ari: 467.220 Frw x 47 = 21.959.340 Frw + 186.888Frw y’iminsi 12 bingana na 22.146.228 Frw, hakuwemo amafaranga yahawe urubanza yasabye ko rusubirwamo ku mpamvu z’akarengane rurangizwa. Ni ukuvuga ko agomba guhabwa 22.146.228 Frw -10.746.060 Frw = 11.400.168Frw.

[31] Ku byerekeye ibyo Katabarwa Richard avuga ko Urukiko Rukuru rwamwimye lumpsum nyamara yari ayikwiriye, Urukiko rurasanga hari amasezerano yo ku wa 14/09/2011 yakozwe hagati ya Guverinoma y’u Rwanda ihagarariwe na Minisiteri y’ibikorwa remezo na Katabarwa Richard agamije kugura imodoka mu rwego rwo korohereza ingendo abakozi. Ingingo ya 2 y’ayo masezerano iteganya ko Guverinoma yishyurira umukozi uri muri iyo gahunda imisoro ya gasutamo, umusoro ku nyongeragaciro n’indi misoro ku itumizwa mu mahanga ry’imodoka nshya, ikanamuha buri kwezi amafaranga 208.731 Frw yaje kuba 300.000 Frw, nkuko bigaragara ku nyandiko igaragaza imiterere y’umushahara wa Katabarwa Richard, akaba avuga ko aya mafaranga ariyo yamufashaga kwishyura inguzanyo yafashe muri Banki y’Abaturage y’u Rwanda agura imodoka ivugwa mu masezerano yavuzwe haruguru.

[32] Mu rubanza RADA 0003/14/CS, Dr. Karemangingo Charles yaburanaga na Leta y’u Rwanda rwaciwe n’Urukiko rw’Ikirenga ku wa 17/02/2017, Urukiko rwasanze *lumpsum* iri mu mafaranga agomba kubarirwa mu ndishyi umukozi wa Leta akwiye mu gihe bigaragara ko yasezerewe ku kazi mu buryo bunyuranije n’amategeko.[4]

[33] Urukiko rurasanga kuba Urukiko Rukuru, Urugereko rwa Nyanza, rwaremeje ko yirukanywe ku maherere bivuze ko yavukijwe ibyo yagenerwaga nk’umukozi byamufashaga kurangiza inshingano ze, harimo no kutabasha gukomeza kwishyura inguzanyo avuga ko yishyuraga akoresheje lumpsum, bityo Akarere ka Nyaruguru kamwirukanye nta mpamvu kakaba kagomba kumuha indishyi zihwanye n’icyo gihombo yatewe no kudahabwa *lumpsum* yabonaga atarirukanwa.

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[3] Umushahara wabariweho mu Rukiko Rukuru, Urugereko rwa Nyanza, ntawawugizeho ikibazo yaba Katabarwa cyangwa se Akarere ka Nyaruguru.
[4] Reba igika cya 45 n’icya46 by’urwo rubanza.

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[34] Ku byerekeranye n'ingano ya lumpsum Katabarwa Richard yahabwa, Urukiko rurasanga amasezerano yagiranye na Leta yo kugura imodoka ari nayo yashingiweho ahabwa lumpsum yaragombaga kumara imyaka 4 uhereye igihe yasinyiwe ku wa 14/09/2011, bivuga ko yagombaga kurangira ku wa 14/9/2015. Dosiye igaragaza ko Katabarwa Richard yahagaritswe mu kazi mu kwezi kwa 3/2015 hasigaye amezi 6 ngo amasezerano yavuzwe haruguru arangire, bityo Urukiko rukaba rusanga ayo mafaranga yabarwa mu buryo bukurikira: 300.000 Frw inshuro esheshatu (300.000 X 6) bihwanye na 1.800.000 Frw. Aya mafaranga akaba agomba kongerwa kuri 11.400.168 Frw yavuzwe haruguru mu gika cya 30 cy'uru rubanza, yose hamwe akaba 11.400.168 Frw + 1.800.000 Frw = 13.200.168 Frw

b. Kumenya niba Katabarwa Richard yasubizwa mu kazi

[35] Katabarwa Richard na Me Ndatsikira Jean Marie Vianney bavuga ko Katabarwa Richard akwiye gusubizwa ku kazi kubera ko Urukiko rwemeje ko yirukanywe mu buryo bunyuranyije n'amateko, ko yagombye gusubizwa ku kazi kuko icyemezo kimwirukana cyakuweho. Bavuga ko ariko mu gihe byaba bidashobotse yahabwa indishyi, hakabarwa umushahara we kuva igihe yahagarikiwe kugeza urubanza ruciwe burundu, ndetse akanahabwa icyemezo cy'umukoresha (*Attestation de services rendus*); ko kuba ataragihawe ari akarengane. Basoza bavuga ko nubwo batabigaragaje mu nama nteguraurubanza bitatuma bidasuzumwa kubera ko ari inkurikizi z'icyemezo cyo kumwirukana kandi akaba yarabiburanye mu Rukiko Rukuru, Urugereko rwa Nyanza.

[36] Me Mbonigaba Eulade uburanira Akarere ka Nyaruguru avuga ko ibijyanye no gusubizwa ku kazi bitagomba gusuzumwa kubera ko bitigeze biburanwaho mu nkiko zabanje, ko kuvuga ko ari inkurikizi zo kwirukanwa atari byo, kuko byagombye kuba byararegewe bigasuzumwa, kubera ko umukozi wa Leta adatakaza akazi mu gihe yirukanywe gusa kuko ashobora no kukivanaho.

UKO URUKIKO RUBIBONA

[37] Ingingo ya 63, y'Itegeko N° 30/2018 ryo ku wa 02/06/2018 rigena ububasha bw'Inkiko, iteganya ko iyo Urukiko rw'Ikirenga cyangwa urundi rukiko Perezida w'Urukiko rw'Ikirenga agena rushyikirijwe urubanza rusabirwa gusubirwamo ku mpamvu z'akarengane, rurusuzuma mu mizi bundi bushya abarubayemo ababuranyi bose bahamagajwe.

[38] Nk'uko byafashweho icyemezo mu manza zinyuranye[5], kuba umuburanyi yarashyiriweho inzira idasanzwe yo gusubirishamo urubanza rwabaye itegeko mu gihe yumva hari ingingo runaka yarenganyeho, bidasobanuye ko hirengagizwa izindi manza ziba zaraciwe mbere, ko ahubwo urubanza rusuzumwa bundi bushya mu mbibi z'icyaregewe mu karengane, bikaba byumvikana ko iyi nzira idaha umuburanyi uburyo bwo gutanga ibirego bishya bitari mu murongo w'ibyaregewe urubanza rugishingwa mu rwego rwa mbere, ko kandi itamuha uburenganzira bwo gusaba ko hagira izindi ngingo zisuzumwa zirenze izo yatanze mu nyandiko isaba kurenganurwa kuko yaba avuye mu mbibi z'ibigomba gusuzumwa nk'akarengane yagiriwe.

[39] Mu rubanza Katabarwa Richard asaba ko rusubirwamo ku mpamvu z'akarengane, bigaragara ko ikibazo cyo gusaba gusubizwa mu kazi cyangwa kubiherwa indishyi mu cyimbo cyabyo kitigeze gisuzumwa. Inyandiko yo ku wa 05/04/2019 Me Ndatsikira Jean Marie Vianney mu izina rya Katabarwa Richard yagejeje kuri Perezida w'Urukiko rw'Ubujurire, nayo igaragaza ko urubanza RADA 00014/2017/HC/NYZ rwaciwe n'Urukiko Rukuru, Urugereko rwa Nyanza, icyo avuga ko

[5] RCA/INJUST/RC 00007/2018/SC rwaciwe n'Urukiko rw'Ikirenga ku wa 13/03/2020 haburana Nditiribambe Samuel na Gatera, Igika cya 66.
RCAA 00008/2018/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 12/11/2021 haburana Gahire Athanase naMukarushakiro Gloriose et Crts, igika cya 30.

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rwamurenganyijeho ari ku ngingo imwe gusa irebana no kubara indishyi ku mukozi wa Leta wirukaniwe ubusa akabishingira ku manza zaciwe kuri icyo kibazo, muri zo akavugamo urubanza RADA 0006/12/CS rwaciwe n'Urukiko rw'Ikirenga haburana Ndahindurwa Kimenyi Jéremie na Leta y'u Rwanda, kimwe n'urubanza RADA 0008/2017/HC/NYZ rwaciwe n'Urukiko Rukuru, urugereko rwa Nyanza, haburana Bugingo Jean Chrysostome n'Akarere ka Nyaruguru, akavuga ko ashingiye kuri izo manza asaba kurenganurwa akabarirwa indishyi mu buryo bumwe nk'ubwakoreshejwe muri izo manza.

[40] Rushingiye kuri ibyo bisobanuro bimaze gutangwa no ku byemezo byagiye bifatwa mu manza zinyuranye zirebana n'ububasha bw'umuburanyi mu manza zigamije gusubirishamo ku mpamvu z'akarengane urubanza rwabaye itegeko zavuzwe haruguru, Urukiko rusanga ikibazo cyo kuba Katabarwa Richard yasubizwa mu kazi, kidashobora gusuzumwa kuri uru rwego kubera ko kitigeze kigibwaho impaka mu rubanza rusabirwa gusubirwamo. Ibi kandi ni nako bigomba kugenda ku birebana n'indishyi zo kudahabwa icyemezo cy'umurimo kubera ko Katabarwa Richard atigeze abigaragaza nk'ingingo yarenganyeho mu rubanza RADA 00014/2017/HC/NYZ ngo nabyo asabe ko byasuzumwa n'inzego zifite mu nshingano gusuzuma akarengane kavugwa mu manza zabaye ndakuka, cyane cyane ko kitaburanyweho mu rubanza yasabye ko rwasubirwamo.

c. Ibyerekeye izindi ndishyi zasabwe muri uru rubanza

[41] Katabarwa Richard na Me Ndatsikira Jean Marie Vianney umwunganira bavuga ko hashingiwe ku ngingo ya 258 y'Igitabo cya gatatu cy'urwunge rw'amategeko mbonezamubano (CCLIII), no kuba mu Rukiko rw'Ikirenga umuburanyi agomba kuba afite Avoka ndetse n'igihembo cyo mu Rukiko rw'Ikirenga kikaba kitagomba kujya munsi ya 1.000.000 Frw, asaba ko Urukiko rwategeka ko Akarere ka Nyaruguru gasubiza Katabarwa Richard 1.000.000 Frw; ko no mu gukurikirana iki kirego, yakoresheje amafaranga anyuranye bityo asaba ko mu bushishozi bw'Urukiko yahabwa 300.0000 Frw yakoresheje haba mu ngendo, amacumbi, amafunguro, itumanaho n'insimburamubyizi.

[42] Me Mbonigaba Eulade uhagarariye Akarere ka Nyaruguru avuga ko ku bijyanye n'amafaranga y'ikurikiranarubanza akwiye gutangirwa ibimenyetso bitaba ibyo akagenwa mu bushishozi bw'Urukiko, ko ku birebana n'igihembo cya Avoka nacyo kigomba gutangirwa ibimenyetso bifatika ko ayo mafaranga asaba ariyo yishyuwe koko, yongeraho ko mu gihe amafaranga asaba nk'igihembo cya Avoka yaba arenze 500.000 Frw Katabarwa Richard agomba gutanga ibindi bisobanuro bifatika.

UKO URUKIKO RUBIBONA

[43] Ingingo ya 111 y'Itegeko Nº 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'Imbonezamubano, iz'Ubucuruzi, iz'Umurimo n'iz'Ubutegetsi iteganya ko Ikirego cy'amafaranga y'ikurikiranarubanza ni ikirego gishamikira ku kirego cy'iremezo kigamije kwishyuza ibyakoreshejwe mu rubanza. Igika cya kabiri cy'iyo ngingo kigateganya ko icyo kirego kiburanishirizwa hamwe n'ikirego cy'iremezo ko ndetse gishobora kwakirwa kabone n'ubwo icy'iremezo cyaba kitakiriwe.

[44] Ku birebana n'amafaranga y'ikurikiranarubanza n'igihembo cy'Avoka Katabarwa Richard asaba angana na 1.300.000 Frw, Urukiko rurasanga hari amafaranga yatakaje agomba guhabwa n'Akarere ka Nyaruguru kuko kugira ngo abashe gusubizwa uburenganzira bwe yavukijwe no kwirukanwa binyuranyije n'amategeko byabaye ngombwa ko atanga ikirego mu rukiko akanashaka umwunganira kugira ngo abashe kwirengera. Urukiko rurasanga ariko 1.000.000 Frw ku gihembo cya Avoka asaba ari menshi kandi atagaragaza ko ariyo yamwishyuye, bityo mu bushishozi bwarwo rukaba rumugeneye 500.000 Frw, yose hamwe akaba 800.000 Frw habariwemo n'ay'ikurikiranarubanza 300.000 Frw kuko yo ari mu rugero rukwiye.

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III. ICYEMEZO CY'URUKIKO

[45] Rwemeje ko ikirego rwashyikirijwe na Katabarwa Richard cyo gusubirishamo ku mpamvu z'akarengane urubanza RADA 00014/2017/HC/NYZ rwaciwe n'Urukiko Rukuru, Urugereko rwa Nyanza ku wa 28/02/2019, gifite ishingiro.

[46] Rwemeje ko urubanza RADA 00014/2017/HC/NYZ rwaciwe n'Urukiko Rukuru, Urugereko rwa Nyanza ku wa 28/02/2019, ruhindutse kuri bimwe.

[47] Rutegetse Akarere ka Nyaruguru guha Katabarwa Richard indishyi zo kwirukanwa mu buryo bunyuranye n'amategeko zingana na 13.200.168 Frw, nkuko zasobanuwe mu gika cya 34 cy'uru rubanza, yiyongera kuri 10.746.060 Frw yahawe mbere urubanza yasabye ko rusubirwamo ku mpamvu z'akarengane rurangizwa.

[48] Rutegetse kandi Akarere ka Nyaruguru guha Katabarwa Richard amafaranga ibihumbi magana inani (800.000 Frw) akubiyemo ay'igihembo cy'Avoka n'ay'ikurikiranarubanza, yose hamwe akaba miriyoni cumi n'enye n'amafaranga ijana na mirongo itandatu n'umunani (14.000.168 Frw.)