

RWANDA / JUDGMENT

KALISA v. INSTITUT POLYTECHNIQUE DE BYUMBA (IPB)

RLR V.1 - 2015

COURT

Supreme Court

DECIDED

2 May 2014

CASE / FILE NUMBER

RSOCAA 0061/12/CS

Source: amategeko.gov.rw · Research copy typeset by Esheria. Not court-issued or certified.

KALISA v. INSTITUT POLYTECHNIQUE DE BYUMBA (IPB)

- Source: Amategeko
- Section: Decisions (Judgements)
- Date: 2014-05-02
- Case/document no.: RSOCAA 0061/12/CS
- Collection: Supreme Court

Text**Page 1**

KALISA v. INSTITUT POLYTECHNIQUE DE BYUMBA (IPB) [Rwanda URUKIKO RW'IKIRENGA – RSOCAA 0061/12/CS (Mutashya, P.J., Rugabirwa na Gakwaya, J.) 02 Gicurasi 2014] Amategeko agenga amasezerano cyangwa imirimo nshinganwa – Indishyi – Igikorwa cyo kumenyesha izindi nzego ikosa umukozi yirukaniwe kandi ataryisobanuyeho gifatwa nko kumuharabika – Ikosa ryose rikorewe umuntu arikorewe n'undi rikamugiraho ingaruka, uwo wariteje agomba kuzirengera – Itegeko ryo kuwa 30/07/1888 rigenga ibyerekeye imirimo nshinganwa cyangwa amasezerano, ingingo ya 258. Amategeko y'umurimo – Indishyi zijyanye no kuzamurwa mu ntera – Nta ndishyi zijyanye no kuzamurwa mu ntera umukozi yahabwa n'ubwo yaba ageze igihe cyo kuzamurwa mu ntera ariko akirukanwa atari yakora igihe gikwiye guhemberwa umushahara mushya. Amategeko y'imiburanishirize y'imanza z'imbonezamubano – Inshingano y'urega yo kugaragaza ibimenyetso – Urega ntiyahabwa indishyi z'uko umuryango we wahungabanye kubera iyirukanwa rye mu gihe atabitangiye ibimenyetso. Amategeko y'imiburanishirize y'imanza z'imbonezamubano – Kutakirwa kw'ikirego gishya mu rwego rw'ubujurire – Ikirego

kitaburanyweho mu rwego rubanza ntigisuzumwa bwa mbere ku rwego rw'ubujurire. Incamake y'ikibazo: Kalisa yagiranye amasezerano y'umurimo na Institut Polytechnique de Byumba (IPB) yo kuyikorera nk' umwarimu. Nyuma IPB yamwandikiye ibaruwa imumenyesha ko isheshe amazerano bari bafitanye kubera amakosa anyuranye harimo n'ubusinzi. Kalisa ntiyanyuzwe n'icyo cyemezo aregera umugenzuzi w'umurimo mu Karere ka Gicumbi ariko impande zombi ntizumvikana bituma aregera Urukiko Rwisumbuye rwa Gicumbi avuga ko yirukanwe mu buryo bunyuranyije n'amategeko, abisabira n'indishyi. Uru rukiko rwemeje ko ikirego cye gifite ishingiro rutegeka IPB kubimuhera indishyi. Kalisa ntiyishimiye icyo cyemezo ajuririra Urukiko Rukuru avuga ko atahawe indishyi z'uko yasebejwe na IPB, akaba kandi atarahawe integuza, amafaranga yo kuzamurwa mu ntera hamwe n'ayo yakoresheje mu ikurikiranarubanza naho IPB itanga ubujurire bwuririye kubundi ivuga ko umushahara wabariweho integuza atariwo. Urwo Rukiko rwemeje ko ubujurire bufite ishingiro kuri bimwe kandi rwemeza n'umushahara mushya ukwiye kubarirwaho indishyi. Kalisa yajuririye Urukiko rw'Ikirenga avuga ko Urukiko Rukuru rwirengagije kumuha indishyi zijyanye n'uko yasebejwe na IPB, no kuba umuryango we warahungabanyijwe n'iyirukanwa rye hamwe n'uko atahawe amafaranga yo kuzamurwa mu ntera kandi yari abyemerewe, akaba abisabira n'indishyi zingana n'igihe cyari gisigaye ngo ajye mu kiruhuko cy'izabukuru. Kuri izo ngingo IPB ivuga ko ubujurire bwe nta shingiro bufite kuko ibyamukorewe ntaho bitaniye n'ibikorera undi mukozzi wese wirukanywe. Incamake y'icyemezo: 1. Igikorwa cyo kumenyesha izindi nzego ikosa umukozzi yirukaniwe kandi ataryisobanuyeho gifatwa nko kumuharabika uwagikoze akabitangira indishyi.

Page 2

2. Nta ndishyi zijyanye no kuzamurwa mu ntera umukozzi yahabwa n'ubwo yaba ageze igihe cyo kuzamurwa mu ntera ariko akirukanwa atari yakora igihe gikwiye guhemberwa umushahara mushya.
3. Urega ntiyahabwa indishyi z'uko umuryango we wahungabanyeye kubera iyirukanwa rye mu gihe atabitangiye ibimenyetso.
4. Kuba ikibazo kitarigeze kiburanwaho mu Nkiko zibanza nticyasuzumwa bwa mbere mu rwego rw'Ubugurire.
5. Iyo hari ibyo umuburanyi yatakaje akurikirana urubanza abiharerwa amafaranga y'ikurikiranarubanza naho ku bijyanye n'igihembo cy'avoka, umuburanyi atavuze ingano yacyo ntaho Urukiko rwahera rukigena. Ubujurire bufite ishingiro kuri bimwe. Institut Polytechnique de Byumba igomba guha uwajuriye indishyi. Amagarama y'urubanza aherereye ku regwa. Amategeko yashingiweho: Itegeko ryo kuwa 30/07/1888 rigenga amasezerano cyangwa imirimo nshinganwa, ingingo ya 258. Nta manza zifashishijwe. Urubanza I. IMITERERE Y'URUBANZA [1] Kuwa 11/09/2006, IPB1 yagiranye amasezerano y'umurimo na Kalisa Alphonse yo kuyikorera nk'umwarimu, kuwa 19/09/2009 ubuyobozi bwa IPB bwamwandikiye ibaruwa bumumenyeha ko busheshe amasezerano y'akazi bari bafitanye kubera amakosa anyuranye yagaragajwe muri iyo baruwa isesa amasezerano. [2] Kalisa Alphonse ntiyanyuzwe n'icyemezo cyo gusesa amasezerano cyafashwe na IPB

ziyambaza umuyobozi w'umurimo mu Karere ka Gicumbi nyuma y'uko impande zombi zidashoboye kumvikana. Kalisa Alphonse yaregeye Urukiko Rwisumbuye rwa Gicumbi avuga ko yirukanywe mu buryo bunyuranyije n'amategeko anabisabira indishyi zinyuranye. Urukiko Rwisumbuye rwa Gicumbi rwafashe icyemezo ko ikirego cye gifite ishingiro' ko yirukanywe mu buryo bunyuranyije n'amategeko kubera ko amategeko agenga kumenyekanisha iyirukanwa kubera ikosa rikomeye atubahirijwe, rutegeka IPB guha Kalisa Alphonse indishyi zingana na 1.837.768 Frw zikubiyemo indishyi zo kwirukanwa mu buryo bunyuranyije n'amategeko, imperekeza, amafanga y'ikiruhuko cy'umwaka wa 2009 atafashe, ay'ikurikiranarubanza n'igihembo cy'avoka. 1 Institut Polytechnique de Byumba.

Page 3

- [3] Kalisa Alphonse yajuriye mu Rukiko Rukuru avuga ko atagenewe amafanga yo kuba yarasebejwe na IPB kubera ko yamwandikiye ibaruwa ikayimenyesha Ubuyobozi bw'amashuri Makuru yigenga ahuriye muri CRIPES2 na ARIPE3, kuba atarahawe integuza, kuba atarahawe amafanga ajyanye no kuzamurwa mu ntera hakurijwe grade académique no kuba atarahawe amafanga yakoresheje mu ikurikirana ry'urubanza. IPB nayo yatanze ubujurire bwuririye ku bwa Kalisa Alphonse isaba ko umushahara wabariweho integuza ari umushahara mbumbe wa 409.402 Frw kandi hari hakwiye kubarirwa ku mushahara wa 306.607 Frw uhwanye n'umushahara fatizo (salaire de base). [4] Urukiko Rukuru rwaciye urubanza rwemeza ko ubujurire bwa Kalisa Alphonse bufite ishingiro kuri bimwe, rutegeka ko umushahara mpuzandengo ushingirwaho mu kubara ibyo Kalisa Alphonse agomba guhabwa ari 306.607 Frw aho kuba 409.442 Frw nk'uko Urukiko Rwisumbuye rwa Gicumbi rwabyemeje, rutegeka IPB guha KALISA Alphonse amafanga 2.007.880 Frw abazwe mu buryo bukurikira: Integuza ingana na 306.607 Frw; Indishyi zijyanye no kwirukanwa mu buryo bunyuranyije n'amategeko zingana na 919.821 Frw; Imperekeza ingana na 306.607 Frw; Amafanga y'ikiruhuko atafashe angana na 334.845 Frw; Amafanga y'ikurikiranarubanza n'igihembo cy'avoka angana na 700.000 Frw. [5] Ku byerekeye kuba yarasebejwe na IPB nk'umukoresha we, Urukiko Rukuru rwasanze nta shingiro bifite kubera ko kuba IPB yaramenyeshije ubuyobozi bw'amashuri makuru yigenga byari mu rwego rwo kubahiriza amasezerano yagiranye n'andi mashuri makuru ahuriye mu ishyirahamwe rimwe rya ARIPE4, ko kandi atahabwa indishyi z'uko yatotejwe bikamutera ihungabana kubera ko yarezwe ibitari byo. [6] Ku bijyanye n'indishyi yasabaga zijyanye no kuba atarabashije kwishyura umwenda yafashe muri BCR Ltd kandi yarasinyiwe na IPB ikaza kumwirukana, Urukiko rwasanze iza ndishyi atazihabwa kubera ko amasezerano yagiranye na BCR Ltd amureba we wenyine na BCR Ltd, ko ntaho ahuriye na IPB ikaba rero itayaryozwa. [7] Kalisa Alphonse yongeye kujuririra urubanza mu Rukiko rw'Ikirenga avuga ko umucamanza yanze kumuha indishyi zijyanye no guharabikwa yirengagije ko ibaruwa imusezerera yarimo iharabika ikaba kandi yaramenyeshije amashuri makuru ahuriye mu ishyirahamwe ryitwa ARIPE5, kuba atarahawe amafanga y'indishyi z'akababaro zijyanye no kuba umuryango we warahungabanye kubera iyirukanwa rye, kuba Urukiko ntacyo rwavuze ku kuba atarahawe amafanga ajyanye n'izamurwa mu ntera nyamara yari abyemerewe hakurikijwe

amategeko ngengamikorere ya IPB, akaba asaba n'indishyi zingana n'igihe cyari gisigaye ngo ajye mu kiruhuko cy'izabukuru. 2 Conseil des Recteurs des Instituts Privés d'Enseignement Supérieur. 3 Association Rwandaise des Instituts Privés d'Enseignement Supérieur. 4

Page 4

- [8] Kuri izo ngingo, IPB ikavuga ko impamvu z'ubujurire za Kalisa Alphonse nta shingiro zifite kubera ko ibyakorewe Kalisa Alphonse ntaho bitaniye n'ibikorera umwarimu wese wirukanywe. [9] Iburanisha ry'urubanza ryabaye ku wa 18/03/2014 mu ruhamwe Kalisa Alphonse Makala yitabye aburanirwa na Me Nkundabarashi Moise naho IPB iburanirwa na Me Marie Louise Ndengeyingoma. II. IBIBAZO BIGIZE URUBANZA N'ISESENGURA RYABYO Kumenya niba, kuba IPB yaramenyesheshe abanyamuryango ba ARIPEs impamvu y'iyirukanwa rya Kalisa Alphonse, hari amakosa yaba yarakoze ku buryo yabitangira indishyi. [10] Kalisa Alphonse avuga ko IPB yakoze amakosa yo kumenyesha amashuri ahuriye muri ARIPEs iyirukanwa rye n'impamvu yaryo kubera ko binyuranyije n'amategeko agenga iseswa ry'amasezerano kubera ko iri sesa rireba abayagiranye, ko kuba ibi bigo byaragiranye amasezerano yo guhanahana amakuru ya "programme académique" we bitamureba kuko atari muri izo gahunda, ko kuba iri yirukanwa yaramenyesheshe ibi bigo, byatumye ntaho yabona akazi cyane cyane mu rwego rw'uburezi. [11] Me Nkundabarashi uburanira Kalisa Alphonse avuga ko kuba IPB yaramenyesheshe amashuri makuru yose ko yirukanwe kubera ubusinzi ari igisebo gikomeye, IPB ikaba yarakoze ibi nyamara mu mwaka wabanje yari yamukoreye isuzumamikorere ikemeza ko ari umukozi mwiza, kuvuga ko byakozwe mu rwego rwo guhanahana amakuru ataribyo kuko amakuru agomba gutangwa atari nk'aya yatanzwe ku iyirukanwa rya Kalisa Alphonse, asaba ko yahabwa indishyi zingana na 10.000.000 Frw. [12] Me Ndengeyingoma Louise uburanira IPB avuga ko ibyo kumenyesha amashuri yose ahuriye muri ARIPEs amakuru y'iyirukanwa ry'umukozi, ari ibintu bisanzwe bikorerwa abakozi bese, ko IPB itagomba guhishira impamvu y'ubusinzi kandi ariyo yatumye yirukanwa, ko kandi mu mategeko ngengamikorere Kalisa Alphonse yasinye mu ngingo yayo ya 11, ikijyanye n'ubusinzi ari ikosa rikomeye rituma umukozi ahita yirukanwa, ko icyabayeho atari ukumusebya ahubwo ari ugutanga amakuru ku iyirukanwa rye, akaba yarirukanywe kubera amakosa akomeye, ayo makosa akaba yaragombaga gushyirwa mu ibaruwa imwirukana. [13] Akomeza avuga ko mu masezerano amashuri makuru yigenga yagiranye, harimo ibijyanye no guhanahana amakuru mu gihe abakozi birukanywe, kuvuga ko abagomba gukorera ibyo ari abari muri Programme académique, nta shingiro bifite kuko abakozi bese ariko bigenda, kuba yarirukanywe kubera ubusinzi bikaba bitari guhishirwa kugira ngo atazajya no kwanduza ahandi, ko rero IPB itabimuhera indishyi asaba. UKO URUKIKO RUBIBONA [14] Urukiko rurasanga mu nyandiko mvugo y'inama yabaye kuwa 15/10/2008 y'abagize inama y'ubutegetsi y'Ihuriro ry'Amashuri makuru yigenga mu Rwanda ku byerekeranye no guhanahana amakuru, baremeraniye nk'uko bigaragara mu mwanzuro w'iyo nama, ko bagomba

Page 5

guhanahana amakuru yose arebana n'ibyo bigo ariko bakirinda gutanga amakuru ashobora gutera urujijo muri rubanda⁵. [15] Urukiko rurasanga mu mabaruwa yose Kalisa Alphonse yagiye yandikirwa asabwa kwisobanura nta n'imwe yigeze yandikirwa havugwamo ko yaba yaraje ku kazi yasinze⁶, ibyo gusinda bikaba byaravugiwe gusa mu nama yabaye ku wa 19/09/2009 ari nayo hafatiwe icyemezo cyo gusesa amasezerano. [16] Kuba mu mpamvu IPB yatanze yirukana Kalisa Alphonse yarashyizemo n'ubusinzi nyamara atarigeze yisobanura kuri iri kosa, ndetse iyo baruwa ikamenyeshwa Amashuri makuru yose yigenga yo mu Rwanda ko Kalisa Alphonse yirukanywe kubera ubusinzi, Urukiko rurasanga icyo gikorwa ari iharabika rishobora kumutesha agaciro bikamuvutsa amahirwe yo kubona akazi ahandi cyane cyane mu rwego rw'uburezi, IPB ikaba ikwiye kubiryoza hashingiwe ku ngingo ya 258 y'igitabo cya gatatu cy'urwunge rw'amategako mbonezamubano⁷ ivuga ko ikosa ryose rikorewe umuntu arikorewe n'undi rikamugiraho ingaruka, uwo wariteje agomba kuzirengera. [17] Urukiko rurasanga rero kubera amakosa IPB yakoreye Kalisa Alphonse nkuko byasobanuwe, igomba kubimuhera indishyi zigenwe mu bushishozi bw'Urukiko kubera ko 10.000.000 Frw asaba ari ikirenga, akaba agenewe 2.000.000 Frw. Kumenya niba Kalisa Alphonse akwiye guhabwa indishyi zo kuba atarazamuwe mu ntera. [18] Kalisa Alphonse avuga ko atahawe amafaranga ajyanye n'izamurwa mu ntera nyamara yarakorewe isuzumamikorere hakomezwa ko ari umukozi mwiza ndetse umuyobozi akemera ko azamurwa mu ntera amaze gutanga ibyangombwa bikenewe ko kandi ibyo byangombwa yabitanze, kuba atarazamuwe bikaba ari uburangare bw'abayobozi be. [19] Me Nkundabarashi wunganira Kalisa Alphonse avuga ko uwo yunganira yakorewe isuzumamikorere kuwa 06/01/2009, ubuyobozi bwa IPB bwemeza ko ari umukozi mwiza ukwiye kuzamurwa mu ntera, ariko ko yaje kwirukanwa nyuma y'amezi icyenda (9) amaze gukorerwa iryo suzumamikorere, akaba atarigeze azamurwa mu ntera nk'uko byari byifujwe n'abayobozi be, ko rero kuba Vice Recteur yaremeje ko azamurwa mu ntera nyuma yo gutanga ibyangombwa byose bikenewe ku ntera yagombaga gushyirwaho, ibyo byangombwa Kalisa akaba yarabitanze ariko ntibikorwe, ari amakosa ya IPB akaba atagomba kuzira uburangare bw'ubuyobozi bukuru bwa IPB. 5 Eviter les informations qui peuvent confondre le public et échanger les informations concernant leurs institutions sur les différents programmes, reba inyandiko iri muri dosiye kuri Cote ya 45-47 mu nyandiko zigize urubanza. 6 Reba ibaruwa yandikiwe ku wa 04/12/2008 aho yasabwaga kuba atarahuje ibijyanye n'amanota y'abanyeshuri, no kutitabira inama zijyanye no gutegura gahunda (Cote ya 41), ibaruwa yo ku wa 06/08/2009 aho yandikiwe asabwa gutanga ibisobanuro ku kuba atarakoze gahunda y'icyumweru cyo kuva kuwa 10/08/2009 kugera ku wa 16/08/2009 (Cote ya 23). 7 "Tout fait quelconque de l'homme qui cause à autrui un dommage, oblige celui par la faute de qui il est arrivé à le réparer".

Page 6

[20] Akomeza avuga ko kuba nta baruwa cyangwa icyemezo cyafashwe kimuzamura mu ntera akaba atabizira kuko atariwe wagombaga kwizamura, kuba yaranditse asaba uburenganzira bwe agatanga n'ibyangombwa bikenewe, iyo ubuyobozi bubona ko atagomba kuzamurwa mu ntera bwari kumusubiza bukamubwira impamvu butamuzamuye, ko rero mu gihe

atasubijwe bifatwa nk'aho byemewe, akaba abisabira indishyi zingana na 12.640.786 Frw ahwanye n'ikinyuranyo hagati y'umushahara yahembwaga n'umushahara mushya yari kuzajya ahembwa iyo azamuka mu ntera izo ndishyi akazisaba ashingiye ku ngingo ya 81 y'itegeko n° 13/2009 ryo kuwa 27/05/2009 rigenga umurimo mu Rwanda ivuga ko "iyo amasezerano y'akazi arangiye, umukozi ahabwa umushahara we akirangira, agahabwa n'andi mafaranga afitiye uburenganzira ahabwa n'ayo masezerano". [21] Me Ndengeyingoma Louise uburanira IPB avuga ko Kalisa Alphonse atigeze azamurwa mu ntera nk'uko abivuga, ko iyo hamaze gukorwa isuzumamikorere hakurikiraho icyemezo cyo kuzamura umuntu mu ntera, icyo cyemezo kikaba kitarigeze kibaho, bityo ko atagomba gusaba amafaranga yo kuzamurwa mu ntera kandi azi neza ko iyo ntera atigeze ayizamurwaho. UKO URUKIKO RUBIBONA [22] Ingingo ya 1.6.2.3 y'itegeko ngengamikorere ya IPB iteganya ko "Est candidat au grade de Chargé de Cours associé(CCA), le détenteur d'un diplôme de Doctorat. Il peut être également nommé à ce grade le détenteur d'une maîtrise justifiant d'une expérience de trois ans dans le grade d'assistant". Isesengura ry'iyi ngingo ryumvikanisha ko kugira ngo umwarimu w'umufasha azamurwe ku ntera y'umwarimu ushinze kunganira mu by'amasomo (Chargé des Cours Associé), ku bw'ibanze agomba kuba afite impamyabumenyi y'ikirenga (Doctorat), ashobora kandi kuzamurwa kuri iyo ntera mu gihe afite imyabumenyi ihanitse (Maîtrise) n'uburambe ku kazi bw'umyaka itatu yigisha nk'umufasha (Assistant). [23] Inyandiko zigize urubanza zigaragaza ko Kalisa Alphonse yatangiye akazi nk'umwarimu w'umufasha kuwa 11/09/2006, akaba kandi afite impamyabumenyi ihanitse (Maîtrise) nk'uko byagaragajwe mu iburanisha ry'uru rubanza n'uburanira IPB akaba atabihakana, Kalisa akaba yarirukanywe kuwa 19/09/2009 bigaragara ko yirukanywe yaramaze kuzuza ibisabwa kugira ngo ashobore kuzamurwa mu ntera. [24] Urukiko rurasanga n'ubwo kuzamurwa mu ntera ku mwarimu uri mu rwego rumwe na Kalisa Alphonse kandi wujuje ibisabwa atari itegeko ukurikije amategeko ngengamikorere ya IPB, kuba umuyobozi wa IPB yashobora gufata icyemezo kizamura mu ntera cyangwa se ntagifate bigomba gusobanurirwa impamvu muri icyo cyemezo kandi bikamenyeshwa nyir'ukugifatirwa. [25] Urukiko rurasanga nyamara mu nyandiko zigize urubanza, nta nahamwe hagaragara impamvu Kalisa Alphonse atazamuwe mu ntera mu gihe abayobozi be bari batanze ibitekerezo by'uko yazamurwa mu ntera (avis favorable) ya Chargé des Cours Associé nk'uko Kalisa Alphonse yabitangiye ikimenyetso mu iburanisha n'uburanira IPB akaba atarashoboye kuvuguruza iyo nyandiko. 8. 8 Fiche d'évaluation déposée par Kalisa Alphonse dans l'audience du 18/03/2014, signé par l'administration de l'IPB le 06/01/2009.

Page 7

- [26] Urukiko rurasanga ariko, nubwo yari yahawe « avis favorable » kuwa 06/01/2009, imyaka itatu (3) yasabwaga kuba yujuje kugirango abe yazamurwa mu ntera yagombaga kuzura kuwa 11/09/2009, yirukanwa kuwa 19/09/2009 harenzeho iminsi icyenda (9) gusa, Urukiko rukaba rurasanga nta ndishyi rwamugenera zishingiye ku kinyuranyo hagati y'umushahara yahembwaga n'umushahara mushya, kuko atigeze awukorerwa kandi kugirango uhembwe ni uko uba wakoze, bityo indishyi asaba zo kuba atarazamuwe mu ntera zikaba nta shingiro

zifite. Kumenya niba yahabwa indishyi kubera ko kumuharabika byamuteye ihungabana we n'umuryango we [27] Kalisa Alphonse avuga ko kumuharabika bandikira ibigo byose bikuru by'amashuri bavuga ko ari umusinzi, byahungabanyije umuryango we wose kuko ariwe wawuhahiraga, akaba abisabira indishyi. [28] Kuri izo ndishyi asaba, uhagarariye IPB avuga ko ntazo yahabwa kuko nta muntu numwe wo mu muryango we yerekana waba waragiye kwivuriza mu kigo gishinzwe kwakira abahungabanye, cyangwa se ngo yerekane uwaba waragiye mu bitaro kubera izo mpamvu. [29] Urukiko rurasanga indishyi asaba z'uko umuryango we wahungabanye ntazo yagenerwa kuko nta bimenyetso yabigaragariye. Ku byerekeye indishyi zingana n'igihe cyari gisigaye ngo Kalisa Alphonse ajye mu kiruhuko cy'izabukuru. [30] Kuri icyo kibazo, Kalisa Alphonse avuga ko, ashingiye ku ngingo ya 1.15.4. y'amategako agenga IPB, umwarimu ajya mu kiruhuko cy'izabukuru afite imyaka 70, akaba yarirukanywe asigaje 19 ngo ayikwize, bihwaye n'amezi 202, akaba asaba indishyi zingana na 306.607 Frw (umushahara wa buri kwezi)x 202=61.934.614 Frw. [31] Urukiko rurasanga haba mu Rukiko Rwisumbuye rwa Gicumbi, haba no mu Rukiko Rukuru, iki kibazo ntaho kigeze kiburanwaho, kikaba kitasuzumirwa bwa mbere mu Rukiko rw'Ikirenga. [32] Kalisa Alphonse arasaba 140.000 Frw y'ikurikiranarubanza, akubiyemo amafaranga y'ingendo yakoze, amagarama yagiye atanga mu kuburana uru rubanza kugeza mu Rukiko rw'Ikirenga nk'uko yabigaragaje mu myanzuro ye, akanasaba kandi n'amafaranga y'igihembo cya avoka ahereye ku masezerano yanditse yagiranye n'umuburanira. [33] Uburanira IPB avuga ko amafaranga y'ikurikiranarubanza ntayo yahabwa kuko nta bimenyetso ayatangira, naho ay'igihembo cya avoka, avuga ko Kalisa Alphonse yerekanye amasezerano yanditse yagiranye n'umwunganira, akaba asanga aribo ubwabo bagomba kuyubahiriza nkuko bayagiranye. [34] Urukiko rurasanga hari ibyo Kalisa Alphonse yatakaje akurikirana uru rubanza, bityo 140.000 Frw y'ikurikiranarubanza asaba, akaba ayakwiye nkuko yayasabye kandi akaba ari mu rugero.

Page 8

- [35] Ku byerekeranye n'amafaranga y'igihembo cya avoka, Urukiko rurasanga uretse kubivuga mu myanzuro ye ko ayasaba ariko ntavuga ingano yayo ngo Urukiko rugire aho ruhera ruyamugenera. III. ICYEMEZO CY'URUKIKO [36] Rwemeje ko ubujurire bwa Kalisa Alphonse bufite ishingiro kuri bimwe; [37] Rutegetse Institut Polytechnique de Byumba guha Kalisa Alphonse 2.000.000 Frw y'indishyi z'uko yaharabitswe, 2.007.880 Frw yemejwe n'Urukiko Rukuru, na 140.000 Frw y'ikurikiranarubanza, yose hamwe akaba ari amafaranga 4.147.880 Frw; [38] Rutegetse Institut Polytechnique de Byumba gutanga amagarama y'urubanza angana na 34.250Frw.

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.amategeko.gov.rw/view/doc/6232/6507>

CASE PAGE <https://chat.esheria.ai/case-law/rwanda/kalisa-alphonse-v-institut-polytechnique-de-byumba-ipb-wrongfultermination-supreme-court-2014>

Prepared on 9 October 2026 · Esheria