

RWANDA / JUDGMENT

MUNYAMUNDU v KUBWIMANA

RS/INJUST/RC 00002/2023/HC/KIG

COURT

High Court

DECIDED

15 September 2023

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MUNYAMUNDU v KUBWIMANA

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Text

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MUNYAMPUNDU v KUBWIMANA [Rwanda URUKIKO RUKURU - RS/INJUST/RC 00002/2023/HC/KIG (Byakatonda, P.J., Kadigwa, Kamanzi, J.) 15 Nzeri 2023] Amategeko agenga imiburanishirize y'ianza – Ianza z'akarengane - Urubanza rutakiriwe bifatwa ko rwarenganyije umuburanyi iyo muri uko kutakirwa kwarwo ariho akarengane gashingiye. Amategeko agenga imiburanishirize y'ianza – Ianza z'akarengane – Iburanisha mu mizi ry'urubanza rw'akarengane – Akarengane gashingiye mu kutakira urubanza - Iyo akarengane gashingiye mu kutakira urubanza, bituma ruburanishwa mu mizi. Ariko iyo kutakira urubanza bigaragaye ko nta karengane karimo, ntibyashoboka ko rwaburanishwa mu mizi. Incamake y'ikibazo: Mu kurangiza urubanza RCOM0107/15/TC/HYE, hakoereshejwe cyamunara hagurishwa umutungo ubaruye kuri UPI:1/01/02/01/2662 wa Munyampundu na Mushimiyimana. Munyampundu yatanze ikirego mu rukiko rw'ibanze asaba ko cyamunara yateshwa agaciro kuko amatangazo yatanzwe kuri Radio n'ayatanzwe ku kagari anyuranye ariko urukiko ntirwabiha agaciro kuko rwasanze cyamunara yarakorewe mu buryo bukurikije amategeko bw'ikoranabuhanga. Yajuriye mu rukiko rwisumbuye avuga ko amatangazo ya cyamunara ateza urujijo kuko anyuranye ariko narwo rwemeza ko imihango yayo yakozwe neza mu buryo bw'ikoranabuhanga. Urega yagiye kuri Radio

bamuha itangazo maze atanga ikirego cyo gusubirishamo urubanza ingingo nshya ariko ntacyakirwa kuko ibijyanye n'ingenze z'amatariki ari mu matangazo byari byaraburanweho. Yandikiye Perezida w'Urukiko Rukuru agaragaza ko yarenganye, amaze kubona ko mu iburanisha, urukiko rwemeraga ko hari amakosa yabaye mu itangazwa rya cyamunara, bituma uru rubanza rwongera kuburanishwa ku mpamvu z'akarengane n'Urukiko rukuru harebwa ikibazo cyo kumenya niba kuba hari amatangazo yanyujijwe kuri radiyo n'akagari agaragazwa yatuma ikirego gisubirishamo urubanza ingingo nshya cyari kwakirwa n'urukiko Rwisumbuye. Urega avuga ko ikirego kitakiriwe ari cyo gikomokaho akarengane kuko bagaragarije urukiko Rwisumbuye ko ingingo nshya bashingiraho basubirishamo urubanza RCA 00103/2020/TGI/NYGE ari uko mu gihe basabaga ko cyamunara iteshwa agaciro kubera ko itakurikije amategeko kuko yatangajwe nabi, baje kubona nyuma amatangazo yanyujijwe kuri radiyo n'ayanyujijwe ku kagari basanga atandukanye. Uregwa asobanura ko ibigendanye n'amatangazo byaburanweho mu rukiko rw'ibanze ndetse no mu rukiko rwisumbuye akaba ariyo mpamvu ikirego cyo gusubirishamo urubanza ingingo nshya kitakirirwe. Incamake y'icyemezo: Urubanza rutakiriwe bifatwa ko rwarenganyije umuburanyi iyo muri uko kutakirwa kwarwo ariho akarengane gashingiye bityo nta karengane kabaye mu kutakira ikirego gisubirishamo urubanza ingingo nshya cyatanzwe na Munyampundu kuko ibyo agaragaza nk'ingingo nshya byaburanweho kandi binanzurwaho. Ntakarengane kabaye mu kukutakira ikirego gisubirishamo urubanza ingingo nshya; Urubanza RCA 00163/2022/TGI/NYGE rugumyeho.

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Amategeko yashingiweho: Itegeko No 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegets, ingingo ya 170. Imanza zifashishijwe: RS/INJUST/RC 00011/2019/SC, Mukamusoni Petronile na Ndikumana Edison, rwaciwe n'Urukiko rw'Ikirenga ku wa 08/05/2020. RS/INJUST/RSOC 00001/2018/SC, Banki y'Abaturage y'u Rwanda Plc na Ukwibishaka Alexis, rwaciwe n'Urukiko rw'Ikirenga ku wa 02/07/2021. Urubanza I. Imiterere y'urubanza. [1] Ku wa 15/2/2022 Umuhesha w'inkiko Kubwimana Gerard yakoze Itangazo rya Cyamunara avuga ko ku wa 18/2/2022 saa yine 10h00 azagurisha muri cyamunara umutungo ufite UPI:1/01/02/01/2662 wa Munyampundu Origene na Mushimiyimana Clarisse mu rwego rwo kurangiza urubanza RCOM0107/15/TC/HYE. [2] Munyampundu yatanze ikirego mu rukiko rw'Ibanze rwa Nyarugenge maze ikirego gihabwa numero RC 00176/2022/TB/NYNGE, mu kirego cye yavugaga ko cyamunara itubahirije ibiteganywa n'amategeko, asaba ko iteshwa agaciro ashingiye ku itangazwa ryayo. [3] Mu gufata icyemezo, urukiko rw'Ibanze rwemeje ko ikirego cya Munyampundu nta shingiro gifite, rutegeka ko cyamunara yakozwe ku mutungo ufite UPI 1/01/02/01/2662 uherye mu Karere ka Nyarugenge, Umurenge wa Kanyinya, Akagali ka Bwimo, Umujyi wa Kigali igumana agaciro kayo. [4] Munyampundu ntivyishimiye icyemezo cy'urukiko rw'Ibanze arajurira avuga ko Urukiko rw'Ibanze rwa Nyarugenge rwirengagije ko cyamunara yakozwe mu gihe cy'iminsi itatu (3) kuva itangajwe kandi ikoranabuhanga riteganywa iminsi irindwi (7), ko mu itangazo ryatanzwe Umuhesha w'inkiko atigeze agaragaza agaciro k'umutungo utezwa cyamunara kandi ko rwirengagije ko nta raporo yakozwe nyuma yo gusoza cyamunara nk'uko amategeko abiteganywa.

[5] Urukiko Rwisumbuye rushingiye ko hari ikimenyetso cy'itangazo rya cyamunara ryakozwe hakoreshejwe ikoranabuhanga kandi ntakigaragaza ko hari imihango yishwe rwemeje ko ubujurire bwa Munyampundu nta shingiro, rwemeza ko urubanza rujuririrwa rwaciye n'urukiko rw'ibanze rudahinduka. [6] Munyampundu yasubirishijemo ingingo nshya urubanza RCA 00103/2022/TGI/NYGE avuga ko mu bujurire bavugaga ko habayeho gutangaza amatangazo nabi, ariko ko batabashaga kubona amatangazo yanyujijwe kuri radio, ariko ko aho bayaboneye basanze ibirimo bitandukanye n'ibiri mu matangazo yajyanywe ku kagari, nk'itangazo ryatanze ku kagali ryo ku wa 6/03/2022 ryavugaga ko cyamunara izaba ku wa 12/03/2022 naho iryo kuri radiyo rikavugaga ku wa 6/03/2020 umunsi ryakoreweho, ko uko kubusanya kw'amatariki byagize

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ingaruka kuri Munyampundu bijijisha abaguzi. Ko rero urubanza rwasomwe amatangazo yanyujijwe kuri radiyo batarayabona, ko aho bayaboneye ari bwo batanze ikirego gisubirishamo urubanza ingingo nshya. [7] Kubwimana avuga ko ku matangazo yo ku kagali hashyirwaho amatangazo atangiwe n'igihe cyamunara izabera. Ko itariki itangiwe ari bwo abaguzi batangira kwinjira muri système. Ko amatangazo yo kuri radiyo agaragaza igihe itangiwe bikuzuzanya n'ibyashyizwe muri système aho hashyirwamo igihe cyamunara itangiriye n'igihe izarangirira. Avuga ko amatangazo ya cyamunara yashyizwe kuri radio asobanutse, ko nta nenge ateye. Ko ikirego gisubirishamo urubanza RCA 00103/2020/TGI/NYGE ingingo nshya kidakwiye kwakirwa. [8] Urukiko Rwisumbuye rushingiye kubyasobanuwe mu rubanza rusubirishwamo ingingo nshya mu gika cya 18,19 na 20 hagaragajwe ko cyamunara itegeko riteganywa ko ikorwa hifashishijwe ikoranabuhanga, igakorwa hakurikijwe iminsi yagenwe n'amategeko nuburyo system ya cyamunara yahujwe nabyo, ko system yifunga cyangwa igafunguka hakurikijwe iminsi yagenwe kandi ikaba itafunguka iminsi itaragera kandi ko buri wese ushaka gupiganwa muri cyamunara abikorera mu ikoranabuhanga, ko kuba itangazo ryashyizwe ku kagali rigaragaza ibyangombwa byose kugira ngo uwitabira cyamunara ayitabire ndetse niryo kuri radiyo bikaba ari uko, ko urukiko Rwisumbuye rusanga kuba itangazo rya cyamunara ryanyujijwe kuri radiyo huguka ritagaragaza igihe cyamunara izabera bitafatwa nk'ikimenyetso kigaragaza ko haba harabaye akarengane gashingiye ku kudatangaza cyamunara cyangwa kuyitangaza nabi kandi cyamunara ikorerwa muri system ndetse byose byaragaragaraga muri system ari naho bikorerwa, maze rwemeza ikirego cya Munyampundu Origene gisubirishamo ingingo nshya urubanza RCA 00103/2022/TGI/NYGE ko kitakiriwe. [9] Munyampundu Origene yatanze ikibazo ku rwego rw'Akarengane gihabwa numero WEB No 25/2022/10 -10706 kirasuzumwa maze ababishinzwe basanga koko harabayeho akarengane bafata icyemezo ko Urubanza RCA 00163/2022/TGI Munyampundu Origene yaburanagamo na Kubwimana Gerard rusubirishwamo kuko rwabayemo akarengane. [10] Urukiko Rukuru rwaburanishije urubanza Munyampundu Origene yunganirwa na Me Kagabo Venuste na Bizimana Olivier bavuze ko ikirego kitakiriwe ni nacyo gikomokaho akarengane kuko bagaragarije urukiko Rwisumbuye ko ko ingingo nshya bashingiraho basubirishamo urubanza RCA 00103/2020/TGI/NYGE ari uko mu gihe basabaga ko cyamunara yakozwe na Kubwimana iteshwa agaciro kubera ko itakurikije amategeko kubera ko yatangajwe nabi, urukiko rugafata icyemezo ko itateshwa agaciro, baje kubona nyuma amatangazo yanyujijwe

kuri radiyo n'ayanyujijwe ku kagali basanga atandukanye. Avuga ko urugero ari uko itangazo ryatanzwe ku kagali rigaragaza ko ryakozwe ku wa 6/03/2020 na cyamunara ikaba iyo ku wa 12/06/2022 mu giye kuri radiyo itangazo rya cyamunara ari iryo ku wa 6/02/2022 cyamunara ikaba iyo ku wa 6/03/2022, basanga harabayeho akarengane kwanga kwakira ikirego gisubirishamo urubanza RCA 00103/2020/TGI/NYGE ingingo nshya. [11] Kubwimana Gerardna Me Rwabuhizi Godefroid umwunganira bavuga ko nta mpamvu ikirego gisubirishamo urubanza RCA00103/2020/TGI/NYGE ingingo nshya cyagombaga kwakirwa kubera ko amatanagazo yatangajwe mu binyamakuru no kuri radio asobanutse nta nenge nta n'urujijo yateye abaguzi, ko itangazo ryanditse ryo kuri radiyo ritavugaga ko cyamunara iba uwo muni, ko ku wa 06/03/2022 iyo tariki ariyo abapiganwa batangiye kwinjira

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muri systeme kandi kuri iyo tariki nibwo hashyizwemo itangazo kandi cyamunara iba nyuma y'iminsi 7. [12] Ikibazo kigomba gusuzumwa ni ukumenya niba kuba hari amatangazo yanyujijwe kuri radiyo n'akagari agaragazwa byatuma ikirego gisubirishamo urubanza ingingo nshya cyari kwakirwa n'urukiko Rwisumbuye. II. ISESENGURA RY'IKIBAZO KIGIZE URUBANZA. Kumenya niba kuba hari amatangazo yanyujijwe kuri radiyo n'akagari agaragazwa yatuma ikirego gisubirishamo urubanza ingingo nshya cyari kwakirwa n'urukiko Rwisumbuye. [13] Ingingo ya 170 agace ka 3 y'itegeko No 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuru, iz'umurimo n'iz'ubutegetsi, iteganya ko urukiko rwemera kuburanisha urubanza rusubirishamo urubanza ingingo nshya, iyo, kuva aho urubanza ruciriwe, habonetse ikimenyetso gishya kimara impaka kigaragaza neza akarengane katewe n'urubanza rusabirwa gusubirwamo. [14] RS/INJUST/RC 00011/2019/SC, rwaciwe n'urukiko rw'Ikirenga rwagaragaje ko Urubanza rutakiriwe bifatwa ko rwarenganyije umuburanyi, iyo muri uko kutakirwa kwarwo ariho akarengane gashyingiye. Naho RS/INJUST/RSOC 00001/2018/SC rwaciwe n'urukiko rw'Ikirenga, hagaragajwe ko iyo urubanza rwaburanwe gusa ku nzitizi yo kutakira ikirego kuva urubanza rugishingwa kugera ku rwego rwa nyuma, mu bujirire bwa nyuma inzitizi yo kutakira ikirego ikaba itarakiriwe, icyo cyemezo kigasabirwa gusubirwamo ku mpamvu z'akarengane, bikagaragara ko iyo nzitizi yagombaga kwakirwa, nta rubanza ruba rukiriho. Iyo ariko bigaragaye ko iyo nzitizi itagombaga kwakirwa koko, urubanza ku kirego cyari cyatanzwe mu rwego rwa mbere ruburanishwa noneho mu mizi n'urukiko rwari rwaregewe. Ni ukuvuga Urukiko rwari rwaremeje ko rudashobora kwakira ikirego kandi mu by'ukuri rwaragombaga kucyakira. [15] Munyampundu Origene na Me Kagabo Venuste na Bizimana Olivier bamwunganira bavuze ko ikirego kitakiriwe ni nacyo gikomokaho akarengane kuko bagaragaraje urukiko Rwisumbuye ko ingingo nshya bashingiraho basubirishamo urubanza RCA 00103/2020/TGI/NYGE ariko mu gihe basabaga ko cyamunara yakozwe na Kubwimana iteshwa agaciro kubera ko itakurikije amategeko kubera ko yatangajwe nabi, urukiko rugafata icyemezo ko itateshwa agaciro, baje kubona nyuma amatangazo yanyujijwe kuri radiyo n'ayanyujijwe ku kagali basanga atandukanye. Avuga ko urugero ari uko itangazo ryatanzwe ku kagali rigaragaza ko ryakozwe ku wa 6/03/2020 na cyamunara ikaba iyo ku wa 12/06/2022 mu giye kuri radiyo itangazo rya cyamunara ari iryo ku wa 6/02/2022 cyamunara ikaba iyo ku wa 6/03/2022, basanga harabayeho

akarengane kwanga kwakira ikirego gisubirishamo urubanza RCA 00103/2020/TGI/NYGE ingingo nshya. [16] Kubwimana Gerard n'umwunganira na Me Rwabuhiri Godefroid umwunganira bavuga ko nta mpamvu ikirego gisubirishamo urubanza RCA00103/2020/TGI/NYGE ingingo nshya cyagombaga kwakirwa kubera ko amatanagazo yatangajwe mu binyamakuru no kuri radio asobanutse nta nenge nta n'urujijo yateye abaguzi, ko itangazo ryanditse ryo kuri radiyo ritavugaga

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ko cyamunara iba uwo munsu, ko ku wa 06/03/2022 iyo tariki ariyo abapiganwa batangiye kwinjira muri systeme kandi kuri iyo tariki nibwo hashyizwemo itangazo kandi cyamunara iba nyuma y'iminsi 7. [17] Mu rubanza RCA00103/2020/TGI/NYGE rwasubirishijwe ingingo nshya, mu gika 8-9, Me Bizimana Olivier uhagarariye Munyampundu Origène, yavuze ko icyo banenga urubanza rujuzirirwa ari uko Urukiko rw'Ibanze rwa Nyarugenge rwirengagije ko cyamunara itubahirije ibiteganywa n'amategeko, ko cyamunara yari iteganyijwe ku wa 18/02/2022, saa 10h00 nk'uko bigaragara mu itangazo ryakozwe ku wa 15/02/2022, ko muri iryo tangazo nta minsi iteganywa n'amategeko irimo kuko hateguwe itangazo cyamunara igakorwa nyuma y'iminsi itatu, kandi amategeko ateganywa ko cyamunara ikozwe mu buryo bw'ikorabuhanga imara iminsi itanu (5), ko yagombye kuba yaragaragaje ko izakorwa ku wa 20/2/2022, ko nyuma yo kwifunga kwa system uwishyuzwa (Nyirumutungo) n'uwishyurizwa baba bafite iminsi ibiri (amasaha 48) yo kuvuga ku biciro byatanzwe kuri round ya mbere n'iya kabiri kubera ko bafite uburenganzira bwo kwanga igiciro cyatanzwe mu gihe kitageze kuri 75% by'igenagaciro ry'umutungo ugurishwa. Me Bizimana Olivier yakomeje avuga ko kuba Umuhesha w'inkiko avuga ko amatangazo yanyuze kuri Radio Huguka, ariko ko itangazo rya kabiri ritagaragaza ko ryanyuze kuri radio, ko ritagaragaza igihe radio yarakiriywe, ko nta mazina y'uwarakiriywe ndetse n'itariki yakiriweho, ko n'irya gatatu ritagaragaza ko ryanyuze mu binyamakuru, ko rero nabyo bitakurikije amategeko. [18] Mu rubanza RCA00103/2020/TGI/NYGE rwasubirishijwe ingingo nshya mu gika cya 17 Urukiko Rwisumbuye kandi rwagaragaje ko rusanga ubujurire bwa Munyampundu Origène bugamije kugaragaza inenge avuga ko zigaragara mu rubanza rwaciye n'Urukiko rw'Ibanze rwa Nyarugenge, muri zo, Munyampundu Origène akaba avuga ko itangazo rya kabiri ritanyuze kuri radio kubera ko hatagaragajwe uwarakiriywe ndetse n'itariki yakiriwe, ko n'itangazo rya gatatu bitagaragara ko ryanyuze mu binyamakuru, ariko ibyo avuga bikaba nta shingiro byahabwa kubera ko nk'uko bigaragara muri dosiye hari inyemezabwishyu zirebana n'itangazo rya kabiri, zigaragaza ko hishyurwe itangazo kuri Radio Huguka iriho na kashi yayo ndetse n'iyi mu kinyamakuru Ukwezi, nayo iriho kashi yacyo. Hari kandi n'inyemezabwishyu zo ku wa 2/3/2022 iyo kuri Radio Huguka n'iyi mu Kinyamakuru ukwezi, nabyo biriho kashi z'ibyo bitangazamakuru, rugasanga ibyo rero ari ibimenyetso bigaragaza ko ayo matangazo yanyuze mu binyamakuru, ibivugwa na Munyampundu Origène ko hatagaragara itariki itangazo yakiriweho n'amazina y'uwakiriywe itangazo bikaba bikaba bitabwa impamvu yo gutesha agaciro ibimaze kuvugwa kubera ko izo nyemezabwishyu zigaragaza amatariki ahuye n'andi matangazo yatanze. [19] Mu rubanza RCA 00163/2022/TGI/NYGE rwasubirishijwemo ku mpamvu z'akarengane mu gika cya 12 Urukiko Rwisumbuye rwagaragaje ko rusanga igisabwa ari ukureba niba amatangazo ya cyamunara umuhesha w'inkiko Kubwimana yagejeje ku kagali adahura n'amatangazo

yatanzwe kuri radiyo Huguka, maze rwanzura ko kuba Munyampundu avuga ko ayo matangazo yatanzwe nabi kubera ko ku matangazo yatanzwe kuri radiyo agaragaza umunsi akorewe n'igihe cyamunara izabera bigasa nkaho cyamunara ibaye umunsi itangazo rikorewe mu gihe ayatanzwe ku kagari agaragaza igihe cyamunara izabera n'igihe itangazo rikorewe, ko rusanga nkuko byasobanuwe mu rubanza rusubirishwamo ingingo nshya mu gika cya 18,19 na 20 ko cyamunara kuri ubu itegeko riteganywa ko ikorwa hifashishijwe ikoranabuhanga ,igakorwa hakurikijwe iminsi yagenwe n'amategeko nuburyo system ya cyamunara yahujwe nabyo,ko

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system yifunga cyangwa igafunguka hakurikijwe iminsi yagenwe kandi ikaba itafunguka iminsi itaragera kandi ko buri wese ushaka gupiganwa muri cyamunara abikorera mu ikoranabuhanga, ko kuba itangazo ryashyizwe ku kagali rigaragaza ibyangombwa byose kugira ngo uwitabira cyamunara ayitabire ndetse niryo kuri radiyo bikaba ari uko, maze urukiko Rwisumbuye rubona kuba itangazo rya cyamunara ryanyujijwe kuri radiyo huguka ritagaragaza igihe cyamunara izabera bitafatwa nk'ikimenyetso kigaragaza ko haba harabaye akarengane gashingiye ku kudatangaza cyamunara cyangwa kuyitangaza nabi kandi cyamunara ikorerwa muri system ndetse byose byaragaragaraga muri system ari naho bikorerwa. UKO URUKIKO RUBIBONA. [20] Urukiko rurasanga kuba mu rubanza RCA00103/2020/TGI/NYGE rwasubirishijwe ingingo nshya, mu gika 8-9, Me Bizimana Olivier uhagarariye Munyampundu Origène, yaravuze ko icyo banenga urubanza rujuririrwa ari uko Urukiko rw'Ibanze rwa Nyarugenge rwirengagije ko cyamunara itubahirije ibiteganywa n'amategeko, ko cyamunara yari iteganyijwe ku wa 18/02/2022, saa 10h00 nk'uko bigaragara mu itangazo ryakozwe ku wa 15/02/2022, ko muri iryo tanganzo nta minsi iteganywa n'amategeko irimo kuko hateguwe itangazo cyamunara igakorwa nyuma y'iminsi itatu, kandi amategeko ateganywa ko cyamunara ikozwe mu buryo bw'ikoranabuhanga imara iminsi itanu (5), ko yagombye kuba yaragaragaje ko izakorwa ku wa 20/2/2022, ko nyuma yo kwifunga kwa system uwishyuzwa (Nyirumutungo) n'uwishyurizwa baba bafite iminsi ibiri (amasaha 48) yo kuvuga ku biciro byatanzwe kuri round ya mbere n'iya kabiri kubera ko bafite uburenganzira bwo kwanga igiciro cyatanzwe mu gihe kitageze kuri 75% by'igenagaciro ry'umutungo ugurishwa. Me Bizimana Olivier yakomeje avuga ko kuba Umuhesha w'inkiko avuga ko amatangazo yanyuze kuri Radio Huguka, ariko ko itangazo rya kabiri ritaragaragaza ko ryanyuze kuri radio, ko ritagaragaza igihe radio yaryakiriye, ko nta mazina y'uwaryakiriye ndetse n'itariki ryakiriweho, ko n'irya gatatu ritagaragaza ko ryanyuze mu binyamakuru, ko rero nabyo bitakurikije amategeko. [21] Rurasanga nanone mu rubanza RCA00103/2020/TGI/NYGE rwasubirishijwe ingingo nshya mu gika cya 17 Urukiko Rwisumbuye rwagaragaje ko ubujurire bwa Munyampundu Origène bugamije kugaragaza inenge avuga ko zigaragara mu rubanza rwaciwe n'Urukiko rw'Ibanze rwa Nyarugenge, muri zo, Munyampundu Origène akaba avuga ko itangazo rya kabiri ritanyuze kuri radio kubera ko hatagaragajwe uwaryakiriye ndetse n'itariki ryakiriwe, ko n'itangazo rya gatatu bitagaragara ko ryanyuze mu binyamakuru, ariko ibyo avuga bikaba nta shingiro byahabwa kubera ko nk'uko bigaragara muri dosiye hari inyemezabwishyu zirebana n'itangazo rya kabiri, zigaragaza ko hishyuwe itangazo kuri Radio Huguka iriho na kashi yayo ndetse n'iyi mu kinyamakuru Ukwezi, nayo iriho kashi yacyo. Hari kandi n'inyemezabwishyu zo ku wa 2/3/2022

iyi kuri Radio Huguka n'iyi mu Kinyamakuru ukwezi, nabyo biriho kashi z'ibyo bitangazamakuru, rugasanga ibyo rero ari ibimenyetso bigaragaza ko ayo matangazo yanyuze mu binyamakuru, ibivugwa na Munyampundu Origène ko hatagaragara itariki itangazo ryakiriweho n'amazina y'uwakiriye itangazo bikaba bitaba impamvu yo gutesha agaciro ibimaze kuvugwa kubera ko izo nyemezabwishyu zigaragaza amatariki ahuye n'andi matangazo yatanze. [22] Urukiko rurasanga mu gihe Munyampundu Origène yasubirishijemo urubanza RCA 00103/2022/TGI/NYGE ingingo nshya avuga ko ingingo nshya ye aruko habayeho gutangaza

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amatangazo nabi,ko aho yaboneye amatangazo yasanze ibirimo bitandukanye n'ibiri mu matangazo yajyanywe ku kagari, nk'itangazo ryatanze ku kagali ryo ku wa 6/03/2022 ryavugaga ko cyamunara izaba ku wa 12/03/2022 naho iryo kuri radiyo rikavuga ku wa 6/03/2020 umunsi ryakoreweho, hasuzumwe ibyaburanyweho kuva mu rukiko rw'Ibanze byose bijyanye ni uko amatangazo ya cyamunara yakozwe nabi kuburyo yateraga urujijo abaguzi hifuzwa ko cyamunara iteshwa agaciro, kubera ko byaburanyweho bigafatwaho icyemezo kuva mu rukiko rw'Ibanze niyo mpamvu mu RCA 00163/2022/TGI/NYGE rwasubirishijwemo ku mpamvu z'akarengane umucamanza yanzuye ko nta ngingo nshya kubera ko ibigaragazwa nk'ingingo nshya byaburanyweho. [23] Urukiko rurasanga harebwe ibyasobanuwe byose hejuru ibyagaragajwe nk'ingingo nshya na Munyampundu byaburanyweho kuva ikirego gisaba gutesha agaciro cyamunara gitangira mu rukiko rw'Ibanze, mubujirire mu rukiko Rwisumbuye barongera babivugaho n'umucamanza mu rubanza rusubirishwamo ku mpamvu z'akarengane akaba yaragaragaje ko nta ngingo nshya kubera ko ibijyanye n'ingenze ziri mumatangazo byavuzweho n'urukiko rubifataho icyemezo, bikaba byumvikana rero ko ntakarengane kabayeho kutakira ikirego gusubirishamo urubanza ingingo nshya hashingiwe kubiteganywa n'ingingo ya 170 agace ka 3 y'itegeko No 22/2018 ryo ku wa 29/04/2018 ryavuzwe. [24] Urukiko rurasanga mu manza RS/INJUST/RC 00011/2019/SC na RS/INJUST/RSOC 00001/2018/SC zaciwe n'urukiko rw'Ikirenga hafashwe umurongo ko iyi kutakira ar'impamvu z'akarengane, bikagaragara ko ikirego kitagombaga kwakirwa, ntakarengane kaba karabaye, uru rukiko Rukuru rubona kuba mu rubanza RCA 00163/2022/TGI/NYGE bigaragara ko umucamanza kutakira ikirego gisubirishamo urubanza ingingo nshya nta makosa yakozwe kubera ko ibyagaragazwaga nk'ingingo nshya byari byaburanyweho binanzurwaho, bityo ntamakosa yakozwe mu rubanza RCA 00163/2022/TGI/NYGE, bivuze ko niba umucamanza ntamakosa yakozwe kutakira ikirego ntakarengane kabaye, ntibyashoboka rero kuburanisha urubanza mu mizi mu gihe kutakira ikirego gisubirishamo urubanza ingingo nshya ntakarengane kabaye. III. ICYEMEZO CY'URUKIKO [25] Rwemeje ko ntakarengane kabaye kukutakira ikirego cya Munyampundu Origène gisubirishamo ingingo nshya urubanza RCA 00103/2022/TGI/NYGE byemejwe n'urukiko Rwisumbuye. [26] Rwemeje ko urubanza RCA 00163/2022/TGI/NYGE rugumye. Ni uko rukijije none kuwa 15/09/2023.

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