

RWANDA / JUDGMENT

LETA Y' U RWANDA v NIYOYITA

RADA 00012/2024/CA

COURT

Court of Appeal

DECIDED

27 March 2025

CASE / FILE NUMBER

RADA 00012/2024/CA

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LETA Y' U RWANDA v NIYOYITA

- Source: Amategeko
- Section: Decisions (Judgements)
- Date: 2025-03-27
- Case/document no.: RADA 00012/2024/CA
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Text

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LETA Y' U RWANDA v NIYOYITA [Rwanda URUKIKO RW'UBUJURIRE - RADA 00012/2024/CA - RADA 00001/2025/CA (Ngagi, P.J.) 27 Werurwe 2025] Amategeko agenga imiburanishirize y'imanza - Ibimenyetso - Umuburanyi utanze ikirego mu Rukiko afite inshingano ikomeye yo kugaragaza ibimenyetso bihamya nta shiti ko ibyo aregera ari ukuri, iyo atabashije kubigaragaza, ikirego cye nta shingiro gihabwa. Amategeko agenga imiburanishirize y'imanza - Imanza z'ubutegetsu - Ikosa - Ubusaze - Kubara igihe cy'ubusaze bw'ikosa ryakozwe mu kazi ntibishingira ku muni ikosa ryakozweho, ahubwo bishingira ku muni umuyobozi ubifitiye ububasha yamenyeye iryo kosa. Incamake y'ikibazo: Niyoyita yari umukozi wa Leta wakoreraga akazi k'ubuvuzi mu bitaro bya Byumba ariko akorera ku masezerano nyuma aza guhabwa n'umuyobozi w'akarere k'ubuzima ka Byumba, ibaruwa imugira umuyobozi w'ikigo nderabuzima cya Manyagiro, nyuma minisiteri y'ubuzima iza kumuha ibaruwa imuha akazi ka Leta nk'umuforomo ariko akomeza kuba umuyobozi w'ikigo nderabuzima aho yagiye animurirwa ku bigo bitandukanye harimo n'icya Gisiza ndetse na Mukarange. Yaje gukekwa amakosa yo mu rwego rw'akazi yakoze mu kigo nderabuzima cya Gisiza hashingiwe kuri raporo y'ubugenzuzi bwakozwe ku isoko ryo kubaka amacumbi ya Koperative NKOMEYEKUBUZIMA yo ku wa 19/06/2020, arimo kutamenyekanisha

ko moto y'ikigo nderabuzima yibwe, gutanga equivalence itaratanzwe n'urwego rwa Leta, kwivanga mu micungire ya koperative y'abajyanama b'ubuzima n'andi. Yasabwe ibisobanuro kuri ayo makosa na Minisiteri y'ubuzima, arabitanga ariko ntibyanyura, aza guhamwa n'ayo makosa arirukanwa. Niyoyita yandikiye Umunyamabanga wa Leta ushinze ubuvuzi bw'ibanze asaba kurenganurwa, asubizwa ko nta karengane kari mu cyemezo yafatiwe, yandikira komisiyo y'abakozi ba Leta ariko ntiyasubizwa, atanga ikirego mu Rukiko Rukuru asaba ko icyemezo yafatiwe cyakurwaho ndetse no guhabwa indishyi zitandukanye ariko ikirego cye nticyakirwa, ajurira icyo cyemezo mu Rukiko rw'Ubujurire rwemeza ko ikirego cyagombaga kwakirwa, urubanza rusubizwa mu Rukiko Rukuru. Urega yavugaga ko amakosa yo kwivanga mu micungire ya koperative n'iryo kutamenyekanisha ko moto yibwe yashaje, ndetse ko na moto yibiwe ku Karere ka Gicumbi, ubuyobozi n'inzege z'umutekano bakaba barahise babimenya. Urukiko rwasanze yarirukanwe mu buryo bukurikije amategeko kubera ikosa ryo gutanga equivalence itaratanzwe n'Urwego rubishinzwe, rwemeza ko andi makosa yakurikiranwagaho yashaje. Ababuranyi bombi bajurirye icyo cyemezo mu Rukiko rw'Ubujurire maze rusuzuma ikibazo cyo kumenya niba Niyoyita yarirukanwe mu buryo bunyuranije n'amategeko no kumenya niba ikosa ryo kwivanga mu micungire ya koperative n'iryo kutamenyekanisha ko moto yibwe yaba yarashaje. Urega avuga ko yandikiye High Education Council (HEC) asaba equivalence, ibaruwa ye irakirwa urwo rwego ruza kuyimuha. Akavuga ko yagaragaje ibaruwa yanditse yerekana ko yakiriwe na HEC ariko ntihabwe agaciro. Asobanura ko kandi uhareye igihe amakosa ashinjwa yakorewe, habayeho ubusaze bityo ko adakwirirye kuba ayakurikiranwaho.

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Uhagarariye Leta avuga ko urega yatanze equivalence idahuye n'amakuru y'ukuri kuko itatanze n'urwego rwa Leta dore ko HEC yahakanye ivuga ko atari yo yatanze icyo cyemezo. Akomeza avuga ko ku makosa urega avuga ko yashaje atari byo kuko we abarira ubusaze ku munsu ayo makosa yakorewe kandi bubarirwa ku munsu umukoresha yamenyeyeho ayo makosa. Incamake y'icyemezo: 1. Umuburanyi utanze ikirego mu Rukiko afite inshingano ikomeye yo kugaragaza ibimenyetso bihamya nta shiti ko ibyo aregera ari ukuri, iyo atabashije kubigaragaza, ikirego cye nta shingiro gihabwa.

2. Kubara igihe cy'ubusaze bw'ikosa ryakozwe mu kazi ntibishingira ku munsu ikosa ryakozweho, ahubwo bishingira ku munsu umuyobozi ubifitiye ububasha yamenyeye iryo kosa. Ubujurire bwatanze na Niyoyita nta shingiro bufite; Ubujurire bwatanze na Leta y'u Rwanda bufite inshingiro. Amategeko yashingiweho: 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 12, 111, 150; Itegeko N°062/2024 ryo ku wa 20/06/2024 rigenga ibimenyetso, ingingo ya 4; Iteka rya Perezida No 65/01 ryo ku wa 04/03/2014 rigenga uburyo bwo gutanga ibihano ku bakozi ba Leta bakoze amakosa, ingingo ya 39. Imanza zifashishijwe: RADAA 00011/2022/CA rwaciye ku wa 12/06/2023, haburana NZABARIMANA Abdallahaman n'Umujyi wa Kigali; RS/INJUST/RC 00007/2021/CA, Karumuhinzi Baudoux Claire na Nyirakaziga Kabeja Anne Marie, rwaciye n'Urukiko rw'Ubujurire, ku wa 26/10/2023; RS/INJUST/RC 00003/2023/CA, Rwasabahizi Peter na Rwampunga Emmanuel

n'undi, rwaciwe n'Urukiko rw'Ubujurire ku wa 29/06/2023; RS/INJUST/RC 00011/2023/CA, Ishimwe Samuel na Kabalisa Jacqueline rwaciwe n'Urukiko rw'Ubujurire ku wa 29/01/2024. Urubanza I. IMITERERE Y'URUBANZA [1] Niyoyita Hussein Zoubair avuga ko yatangiye ku wa 01/10/1999, akora akazi k'ubuvuzi nk'umukozi ugengwa n'amasezerano mu bitaro bya Byumba; maze ku wa 19/01/2001, abona ibaruwa y'Umuyobozi w'Akarere k'Ubuzima mu cyahoze ari Akarere k'Ubuzima muri Perefegitura ya Byumba imugira Umuyobozi w'Ikigo Nderabuzima cya Manyagiro. Ku wa 19/08/2001, Minisitiri y'Ubuzima imuha ibaruwa imuha akazi ka Leta nk'umuforomo usanzwe mu Karere ka Byumba, ariko hashingiwe ku cyemezo cy'umuyobozi cyo ku wa 19/01/2001 cyavuzwe haruguru, akomeza kuba Umuyobozi w'Ibigo Nderabuzima bitandukanye, biza kugera n'igihe yimuwe ajyanwa ku Kigo Nderabuzima cya Gisiza.

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- [2] Yasobanuye kandi ko yaje kwimurirwa ku Kigo Nderabuzima cya Mukarange, maze ku wa 20/01/2020, Minisitiri w'Ubuzima imwandikira ibaruwa imuhagarika ku kazi by'agateganyo mu gihe hagikorwa iperereza ryimbitse, ivuga ko iryo hagarikwa rishingiye ku makosa aregwa yakoze ku kazi mu gihe yari umuyobozi w'Ikigo Nderabuzima cya Gisiza nk'uko bigaragara muri raporo y'ubugenzuzi bwakozwe ku isoko ryo kubaka amacumbi ya Koperative NKOMEYEKUBUZIMA. [3] Ku wa 03/07/2020, Umunyamabanga wa Leta muri Minisitiri y'ubuzima ushinze ubuvuzi bw'ibanze, ashingiye ku ibaruwa ya Minisitiri w'ubuzima yavuzwe haruguru, ndetse no kuri raporo y'ubugenzuzi bwakozwe ku isoko ryo kubaka amacumbi ya Koperative NKOMEYEKUBUZIMA yo ku wa 19/06/2020, yandikiye Niyoyita Hussein Zoubair ibaruwa amusaba ubusobanuro kuri icyo kibazo cy'inyubako, ndetse no ku kibazo cya équivalence ifite N° ED/HEC/398/2009 anamusaba ibisobanuro kuri moto GPM 340B ifite N° ya shassis 3HA182567 na nimeru ya moteri 3HA-182447 yaburiye ku Karere ka Gicumbi ku wa 09/07/2012, ndetse no ku gihembo yahaye uwitwa Nayigizente Donath wubatse icyumba cy'ibiro bya VTC&PMTCT + Sociale. [4] Nyuma y'uko Niyoyita Hussein Zoubair atanze ubusobanuro yasabwe nk'uko bugaragara mu ibaruwa ye yo ku wa 10/07/2020; ku wa 13/07/2020, Umunyamabanga wa Leta muri Minisitiri y'Ubuzima ushinze ubuvuzi bw'ibanze yamwadiye ibaruwa imumenyesha ko ubusobanuro bwe butanyuze Minisitiri w'Ubuzima; bityo ko ikibazo cye kigiye gushyikirizwa Komite ishinze imyitwarire muri Minisitiri y'ubuzima kugira ngo imufatire ibyemezo bikwiriye. Nyuma y'iminsi ine Niyoyita Hussein Zoubair amaze kubona icyo baruwa, ku wa 17/07/2020, Umunyamabanga wa Leta muri Minisitiri y'Ubuzima yandikiye Niyoyita Hussein Zoubair ibaruwa amwirukana burundu mu bakozi ba Leta. [5] Ku wa 21/07/2020, Niyoyita Hussein Zoubair yandikiye Umunyamabanga wa Leta amusaba kurenganurwa, maze mu ibaruwa ye yo ku wa 28/07/2020, Umunyamabanga wa Leta amubaza avuga ko icyemezo yafatiwe kitagomba guhinduka; maze ku wa 03/08/2020, Niyoyita Hussein Zoubair atakambira Komisiyo ishinze abakozi ba Leta, ariko ntiyasubizwa. [6] Niyoyita Hussein Zoubair yiyambaje Urukiko Rukuru kugira ngo rumurenganure asaba kumenya niba, hashingiwe kubyo Minisitiri y'Ubuzima ivuga, iyirukanwa rye ryarakurikije amategeko; kumenya niba

icyemezo cy'umuyobozi cyakurwaho; kumenya niba indishyi asaba akwiriye kuzihabwa no kumenya niba yasubizwa amafaranga y'igihembo cya Avoka n'ay'ikurikiranarubanza. [7] Urukiko Rukuru rwemeje ko ikirego cya Niyoyita Hussein Zoubair kitakiriwe, ko ikirego cy'amafaranga y'ikurikiranarubanza cya Leta y'u Rwanda (Minisiteri y'Ubuzima) gifite ishingiro, rutegeka Niyoyita Hussein Zoubair guha Leta y'u Rwanda (Minisiteri y'Ubuzima) 500.000 Frw y'igihembo cya Avoka, na 10.000 Frw y'ikurikiranarubanza, rutegeka kandi ko amafaranga yatanzweho ingwate y'amagarama ahera mu Isanduku ya Leta. [8] Niyoyita Hussein Zoubair yajuririye Urukiko rw'Ubujurire, ubujurire bwe buhabwa nimeru No RADA 00001/2023/CA, Urukiko rwemeza ko ubujurire bwa Niyoyita Hussein Zoubair bufite ishingiro, ko urubanza No RAD 00015/2022/HC/KIG rwaciye n'Urukiko Rukuru ku wa 14/04/2023 ruhindutse mu ngingo zarwo zose; ko kandi Niyoyita Hussein Zoubair yajuririye

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Komisiyo y'Abakozi ba Leta mu gihe giteganywa n'amategeko; ko ikirego gisubira mu Rukiko Rukuru kugira ngo rugisuzume mu mizi nta yandi magarama atanzwe; rutegeka ko Niyoyita Hussein Zoubair asubizwa ingwate y'amagarama yatanze naho amagarama y'uru rubanza agaherezwa ku Isanduku ya Leta. [9] Niyoyita Hussein Zoubair yaburanye avuga ko Leta/MINISANTE yamwirukanye ku kazi mu buryo bunyuranyije n'amategeko. Yasobanuye ko ku wa 17/7/2020, Umunyamabanga wa Leta ushinze ubuvuzi bw'ibanze yamwandikiye ibaruwa amumenyesha ko yirukanwe burundu ku kazi kubera amakosa atatu akurikira: - kwivanga mu micungire ya Koperative y'abajyanama b'ubuzima yitwa NKOMEYEKUBUZIMA; - gutanga dosiye y'akazi irimo icyangombwa cya "Equivalence" kitatanze n'urwego rubifitiye ububasha (High Education Council); - gutinda kumenyekanisha iyibwa rya moto y'ikigo nderabuzima cya Gisiza yari abereye umuyobozi. [10] Niyoyita Hussein Zoubair yasobanuye ko ku ikosa ryo kwivanga mu micungire ya Koperative y'abajyanama b'ubuzima yitwa NKOMEYEKUBUZIMA yarikurikiranweho kera ku buryo buhagije kandi ko byagaragaye ko ntaryo yakoze. Ku byerekeye ikosa ryo gutinda kumenyekanisha iyibwa rya moto y'ikigo nderabuzima cya Gisiza yari abereye umuyobozi, yavuze ko iyi moto yibwe ku manywa, aho yari yayiparitse baje mu nama n'abandi bayobozi batandukanye ku Karere ka Gicumbi, kandi ko ikimara kwibwa abayobozi bari kumwe nawe bahise babimenyeshwa ku buryo banafashe abari bashinzwe gucunga umutekano aho iyo moto yibiwe, barabafunga, hakorwa iperereza kugira ngo hamenyekane uwaba yayibye; iperereza rirangiye nta kigezweho barabarekura. Yavuze ko atumva impamvu bamurega kuba ataramenyekanishije ko moto yibwe kandi inzego z'aho yakoreraga mu Majyaruguru, Akarere ka Gicumbi, iza gisilikare, Polisi n'abamukuriye mu nzego zishinzwe ubuzima barabimenyeshewe. [11] Yasobanuye kandi ko ku byerekeye ikosa yarezwe ryo gutanga dosiye y'akazi irimo icyangombwa cya equivalence kitatanze n'urwego rubifitiye ububasha naryo ntaryo yakoze ahubwo ko yanditse ibaruwa asaba equivalence ya Diplome ye ya A1 yari yigiye muri Congo (RDC) hanyuma arayihabwa, gusa ko mu gihe yayisabaga byakorwaga mu buryo busanzwe atari ubw'ikoranabuhanga, avuga ko bandikaga mu gitabo, ko iyo bareba mu bitabo bandikamo abajya gusaba iyo serivisi bari kubona ko nawe yagiye. Yavuze kandi ko yashyize muri systeme ibaruwa yandikiye HEC ayisaba kumuha equivalence. [12] Yakomeje avuga ko ashingiye ku

biteganywa n'ingingo ya 39 y'Iteka rya Perezida wa Repubulika N° 65/01 ryo ku wa 04/03/2014 rigena uburyo bwo gutanga ibihano ku bakozi ba Leta bakoze amakosa ku kazi ivuga ku busaze bw'ikosa ryo mu kazi, asanga amakosa yo kwivanga mu mikorere ya Koperative NKOMEYEKUBUZIMA n'iryo gutinda kumenyekanisha ko moto yibwe yahaniwe yari yarashaje, kuko iyo ngingo igira iti « Iyo ikosa ridahanwe hagashira umwaka umwe

- (1) ku ikosa rihanishwa igihano cyo mu rwego rwa mbere, cyangwa imyaka ibiri (2) ku ikosa rihanishwa igihano cyo mu rwego rwa kabiri, iryo kosa ntiriba rigihanwe ». Kuba rero ayo makosa avugwa ko yakozwe mu mwaka wa 2013, Minisitiri w'Ubuzima yarayashingiyeho amwirukana mu mwaka wa 2020, asanga yaramwirukanye mu buryo bunyuranyije n'amategeko.

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[13] Uhagarariye Leta y'u Rwanda yavuze ko Niyoyita yirukanywe burundu mu kazi kubera amakosa yakoze mu kazi ajyanye no kwivanga mu micungire ya Koperative y'Abajyanama b'Ubuzima yitwa NKOMEYEKUBUZIMA, gutanga dosiye y'akazi ikubiyemo icyangombwa cya equivalence kitatanze n'urwego rubifitiye ububasha ari rwo High Education Council (HEC) ndetse no gutinda kumenyekanisha iyibwa rya moto y'ikigo Nderabuzima cya Gisiza yahoze abereye umuyobozi. Asobanura ko ayo makosa yose Niyoyita yakoze yagize ingaruka mbi ku miyoborere y'ikigo Nderabuzima, bikaba byarabangamiye inyungu rusange ku buryo budasanze. Yasobanuye kandi ko kubera uruhurirane rw'amakosa yakozwe na Niyoyita Hussein Zoubair n'ingaruka zikomeye yateje, kandi hakurikijwe ingingo ya 7 y'Iteka rya Perezida N°65/01 ryo ku wa 04/03/2014 rigena uburyo bwo gutanga ibihano ku bakozi ba Leta bakoze amakosa ku kazi; Niyoyita yahanishijwe igihano cyo kwirukanwa burundu ku kazi, bikaba rero bigaragara ko yirukanywe mu kazi kubera amakosa akomeye yakoze kandi akaba yarirukanywe mu buryo bukurikije amategeko, bityo ikirego cye nta shingiro cyahabwa. [14] Mu rubanza No RAD 00003/2024/HC/KIG rwaciye ku wa 05/12/2024, Urukiko Rukuru rwemeje ko: - ikirego cya Niyoyita Hussein Zoubair nta shingiro gifite; - ikirego cyuririye ku kindi cyatanze n'Uhagarariye MINISANTE gifite ishingiro kuri bimwe; - Niyoyita Hussein Zoubair yirukanwe mu buryo bwubahirije amategeko; - icyemezo cyo kwirukana Niyoyita Hussein Zoubair ku kazi burundu cyafashwe n'umukoreshe we kigumye; - Niyoyita Hussein Zoubair agomba guha Leta y'u Rwanda/MINISANTE ibihumbi magana atanu (500.000 Frw) y'igihembo cya Avoka; - ingwate y'amagarama Niyoyita Hussein Zoubair

yatanze ahwanye n'ibyakozwe mu rubanza. [15] Niyoyita Hussein Zoubair yajuririye uru Rukiko, ubujurire bwe bwandikwa kuri No RADA 00012/2024/CA, Leta y'u Rwanda nayo yarajuriye, ubujurire bwayo bwandikwa kuri RADA 00001/2025/CA. Izo manza zahurijwe hamwe ziburanishirizwa hamwe mu rubanza No RADA 00012/2024/CA-RADA 00001/2025/CA. Urubanza rwaburanishijwe mu ruhamwe ku wa 05/03/2025, Niyoyita Hussein Zoubair yunganiwe na Me Bayingana Janvier, naho Leta y'u Rwanda (Minisitiri y'Ubuzima/MINISANTE) ihagarariye na Me Kanimba Nadia Bell. [16] Mu myanzuro no mu miburanire ya Niyoyita Hussein Zoubair avuga ko

Urukiko Rukuru rwirengagiza ibimenyetso yatanze bituma rwemeza ko yirukanwe mu buryo bukurikije amategeko, kandi yarirukanwe mu buryo bunyuranyije n'amategeko. Asobanura ko nta kosa yakoze, kuko yanditse ibaruwa asaba equivalence, irakirwa kandi arayihabwa, ko kuba HEC itabasha kugaragaza ko koko Niyoyita Hussein Zoubair atari muri data, cyane ko idahakana ibaruwa yashyizweho umukono n'umukozi wayo, asanga Urukiko Rukuru rwari rukwiye kubona ko ari HEC yayitanye, ko kandi n'uburyo yirukanwemo butakurikije ibyo amategeko ateganya, kuko yirukanwe na Minisiteri y'Ubuzima kandi yari umukozi w'Akarere, akaba atarigeze aba umukozi wa Minisiteri, ko kandi amakosa yasuzumwe na komite ya disipline ya Minisiteri y'Ubuzima, mu gihe yagombaga gusuzumwa na Komite ya disipline y'Akarere, kuko yari umukozi

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w'Akarere. Avuga kandi ko atagombaga gucibwa amafaranga y'igihembo cya Avoka, agasozza asaba amafaranga y'ikurikiranarubanza n'igihembo cya Avoka. [17] LETA Y'U RWANDA (Minisiteri y'Ubuzima/MINISANTE) yo yajuriye ivuga ko Urukiko Rukuru rwakoze ikosa kwemeza ko ikosa ryo kwivanga mu micungire ya Koperative y'Abajyanama b'Ubuzima yitwa NKOMEYEKUBUZIMA n'iryo gutinda kumenyekanisha ko moto y'akazi yibwe Niyoyita Hussein Zoubair yahaniwe yashaje; isaba Urukiko kwemeza ko ayo makosa nayo amuhama. Ivuga kandi ko ubujurire bwa Niyoyita Hussein Zoubair nta shingiro bufite, kuko yirukanwe kubera amakosa akomeye yakoze mu kazi, harimo no gutanga dosiye y'akazi ikubiyemo amakuru atari ay'ukuri, akaba yatanze icyangombwa cya equivalence avuga ko yatanze na HEC kandi atari byo nk'uko bigaragara mu ibaruwa ya HEC yo ku wa 02/06/2020, aho uru rwego rwagaragaje ko rutayifite mu bubiko bwayo, ndetse ko ntayo rwatanze, ko rero uburyo Niyoyita Hussein Zoubair yirukanwemo bukurikije amategeko. Ikomeza ivuga ko amafaranga y'igihembo cya Avoka, Niyoyita Hussein Zoubair yaciwe afite ishingiro, isoza isaba amafaranga y'ikurikiranarubanza n'igihembo cya Avoka. [18] Urukiko, rushingiye kuri izo mpaka, rusanga hakwiye gusuzumwa ibibazo bikurikira: - kumenya niba Urukiko Rukuru rwarirengagije ibimenyetso byatanzwe na Niyoyita Hussein Zoubair byerekana ko yirukanwe binyuranyije n'amategeko; - kumenya niba Urukiko Rukuru rwarakoze ikosa gutegeka Niyoyita Hussein Zoubair kwishyura Leta y'u Rwanda amafaranga y'igihembo cya Avoka; - kumenya niba Urukiko Rukuru rwarakoze ikosa kwemeza ko ikosa ryo kwivanga mu micungire ya Koperative y'Abajyanama b'Ubuzima yitwa NKOMEYEKUBUZIMA n'iryo gutinda kumenyekanisha ko moto y'akazi yibwe Niyoyita Hussein Zoubair yahaniwe yashaje; - kumenya niba amafaranga y'ikurikiranarubanza n'igihembo cya Avoka asabwa muri uru rubanza afite ishingiro. II.ISESENGURA RY'IBIBAZO BIGIZE URUBANZA A. UBUJURIRE BWA Niyoyita Hussein Zoubair

1. Kumenya niba Urukiko Rukuru rwarirengagije ibimenyetso byatanzwe na Niyoyita Hussein Zoubair byerekana ko yirukanwe binyuranyije n'amategeko [19] Niyoyita Hussein Zoubair n'umwunganira bavuga ko Urukiko Rukuru rwirengagiza ibimenyetso yatanze bituma rwemeza ko yirukanwe mu buryo bukurikije amategeko, kandi yarirukanwe mu buryo bunyuranyije n'amategeko, ko nta kosa yakoze, kuko yanditse ibaruwa asaba equivalence, irakirwa kandi arayihabwa, bakaba basanga nta kigaragaza ko itatanze na HEC. Asobanura

ko nk'uko biteganywa n'amabwiriza ndetse bikanagaragara ku rubuga rwa HEC, bimwe mu bishingirwaho kugira ngo hatangwe equivalence haba harimo diplome ndetse na bulletin (transcript), ko kuba rero Niyoyita Hussein Zoubair yarandikiye HEC ibaruwa ayisaba equivalence, ikakirwa kandi igashyirwaho umukono n'umukozi wa HEC, akaba yaragaragarije Urukiko inyemeza bwishyu yishyuriyeho amafaranga, HEC ikaba itabasha kugaragaza ko koko Niyoyita Hussein Zoubair atari muri data cyane ko idahakana ko ibaruwa yashyizweho umukono

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n'umukozi wayo basanga nta kigaragaza ko iyo equivalence itatanzwe na HEC. Ikindi kandi ko kuba hari indi mihango iteganywa n'amategeko ikurikizwa mu gihe hari inyandiko itemewe, iyo mihango ikaba itarakozwe, basanga bihagije mu kuba Urukiko Rukuru rwaragomba kwemeza ko inyandiko ya equivalence yashyizwe muri dosiye yatanzwe na HEC, cyane ko itanapimwe cyangwa ngo iregerwe nk'inyandiko mpimbano; ko rero kuba HEC yaratakaje data zayo bidakwiye kugira ingaruka kuri Niyoyita Hussein Zoubair nk'uwasabye serivisi muri icyo kigo. Bityo ko hashingiwe kuri ibyo byose basanga Urukiko rukwiye kwemeza ko Niyoyita Hussein Zoubair yirukanywe mu nziza no mu buryo budakurikije amategeko. [20] Basobanura ko ibyo HEC yanditse ivuga ko atariyo yatanze equivalence nta shingiro byahabwa kubera impamvu zikurikira: - kuba Niyoyita Hussein Zoubair yarandikiye HEC ayisaba equivalence, ibaruwa ye ikakirwa kandi igashyirwaho umukono n'umukozi wa HEC; - kuba Niyoyita Hussein Zoubair yaragaragarije urukiko inyemeza bwishyu yishyuriyeho amafaranga; - kuba Minisiteri y'Ubuzima yarasabwe kugaragaza igitabo cyasinywagamo muri HEC, hasabwa ibyangombwa muri HEC ariko ntikigaragaze; - kuba HEC ibivuga mu magambo gusa itabasha kugaragaza ko koko Niyoyita Hussein Zoubair atari mu data yabo, cyane ko idahakana ibaruwa yashyizweho umukono n'umukozi wayo, - kuba hari indi mihango iteganywa n'amategeko ikurikizwa mu gihe hari inyandiko itemewe, nko kuba yapimwe cyangwa ikaregerwe nk'inyandiko mpimbano, ariko iyo mihango ikaba itarakozwe. [21] Basobanura kandi ko ibi bihagije mu kuba Urukiko Rukuru rwaragombaga kwemeza ko inyandiko ya equivalence yashyizwe muri dosiye yatanzwe na HEC, cyane ko itanapimwe cyangwa ngo iregerwe nk'inyandiko mpimbano, ko kuba rero HEC ishobora kuba yaratakaje data zayo bidakwiye kugira ingaruka kuri Niyoyita Hussein Zoubair nk'uwasabye serivisi muri icyo kigo. Bityo, ko bashingiye kubyo bamaze kuvuga haruguru basanga Urukiko Rukuru rwaragombaga kwemeza ko nta kosa Niyoyita Hussein Zoubair yakoze. [22] Bavuga kandi ko Niyoyita Hussein Zoubair yirukanwe mu buryo bunyuranyije n'amategeko kuko hatubahirijwe imihango yose (procedure) iteganywa n'amategeko. Basobanura ko yirukanwe na Minisiteri y'Ubuzima kandi yari umukozi w'Akarere, akaba atarigeze aba umukozi wa Minisiteri, ko kandi amakosa yasuzumwe na komite ya disipuline ya Minisiteri y'Ubuzima, mu gihe yagombaga gusuzumwa na Komite ya disipuline y'Akarere, kuko yari umukozi w'Akarere cyane ko ariko kamuhaye akazi. Basobanura ko Niyoyita Hussein Zoubair yari umuyobozi w'ikigo nderabuzima ugengwa n'Akarere, aho kuba umuforomo ugengwa na Minisiteri y'Ubuzima, ko nubwo bwose nabyo biri mubigenderwaho hashyirwaho umuyobozi w'ikigo nderabuzima, basanga hakwiye gutandukanywa umuyobozi uri muri administration wize ubuvuzi, n'umukozi ukora ubuvuzi mu

kigo nderabuzima. [23] Basobanura kandi ko Niyoyita Hussein Zoubair nk'uwahawe akazi n'Akarere ka Gicumbi, kandi akaba afite impamyabumenyi ya A1, basanga bisobanuye neza ko nk'umuyobozi w'ikigo nderabuzima umukoresha we yari Akarere kubera impamvu zikurikira:

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- kuba Niyoyita Hussein Zoubair yashyizwe mu kazi n'Akarere ka Gicumbi nk'uko bigaragazwa n'amabaruwa atandukanye amushyira mu kazi ndetse amumenyesha n'inshingano ze nk'umuyobozi w'ikigo nderabuzima; - kuba yarahembwaga n'Akarere ka Gicumbi, akaba ari nako kamuhaga ibiruhuko by'umwaka ndetse n'ibindi byose bihabwa umukozi; - kuba ingingo ya 17 y'Iteka N° 65/01 ryo ku wa 04/03/2014 rya Perezida rigena uburyo bwo gutanga ibihano ku bakozi ba Leta bakoze amakosa mu kazi, iteganya ko "ibihano byo mu rwego rwa kabiri bitangwa n'umuyobozi washyize mu mwanya umukozi, amaze kumva inama abigirwaho n'akanama gashinzwe gukurikirana Amakosa na Minisitiri"; - kuba ingingo ya 7, y'Iteka N° 20/31 ryo ku wa 18/04/2012 rya Minisitiri w'Ubuzima rigena uburyo bwo gushyira mu myanya abakozi bakenewe mu nzego z'ubuzima, iteganya ko Inama Njyanama y'Akarere ari yo ishyira mu mwanya umuyobozi w'ikigo nderabuzima; - kuba guhera mu kwezi kwa Mutarama 2013, nta muforomo wo mu rwego rwa A2 wemerewe gufata umwanya w'umuyobozi w'ikigo nderabuzima, keretse iyo ari gukurikirana amasomo yo kwiyingura ubumenyi yo mu rwego rwa A1 kandi akaba yabonye impambyabumenyi yo mu rwego rwa A1 mbere y'ukwezi k'Ukuboza 2017; - kuba ingingo ya 56 y'Itegeko N° 87/2013 ryo ku wa 11/09/2013 rigena imitunganyirize n'imikorere y'inzego z'imitegekere y'igihugu zegerejwe abaturage, iteganya ko Komite Nyobozi ifite ububasha bwo gushyiraho abakozi, kubahagarika by'agateganyo no kubasezerera burundu, uretse Umunyamabanga Nshingwabikorwa n'Umugenzuzi bemezwa kandi bagakurwaho n'Inama Njyanama hakurikijwe amategeko agenga abakozi ba Leta. [24] Basobanura kandi ko ibyemejwe n'Urukiko Rukuru mu gika 30 cy'urubanza rujurirwa, ari inenge zikwiye gukosorwa n'Urukiko rw'Ubujurire, rukemeza ko Niyoyita Hussein Zoubair yirukanye n'utabifitiye ububasha, ko uwari ubifitiye ububasha ari Mayor w'Akarere. Ko rero kuba Umunyamabanga wa Leta yarafashe icyemezo cyo kwirukana Niyoyita Hussein Zoubair basanga binyuranyije n'amategeko kuko atari umukozi wa Minisitiri y'Ubuzima ahubwo yari umukozi w'Akarere ka Gicumbi. Bityo ko basaba Urukiko rw'Ubujurire gukosora amakosa yakozwe n'Urukiko Rukuru, rukemeza ko Niyoyita Hussein Zoubair yirukanwe mu buryo binyuranyije n'amategeko, hanyuma rukamugenera indishyi zose yasabye. [25] Uhagarariye Leta y'u Rwanda avuga ko Niyoyita Hussein Zoubair wari umukozi wa Leta muri MINISANTE yirukanywe burundu mu kazi kubera amakosa akomeye yakoze mu kazi harimo no gutanga dosiye y'akazi ikubiyemo amakuru atari ay'ukuri, akaba yatanze icyangombwa cya equivalence avuga ko yatanze na HEC kandi atari byo, kuko "To Whom it May Concern Ref No ED/HEC398/2009" HEC yahakanye ko atari yo yayitanze nk'uko bigaragara mu ibaruwa ya HEC yo ku wa 02/06/2020, aho urwo rwego rwagaragaje ko rutayifite mu bubiko bwayo, ndetse ko ntayo bwatanze. Bityo ko ibyo Hussein Zoubair avuga nta shingiro bifite, kuko mu bika bya 28 na 29 by'urubanza rujurirwa, Urukiko rwabisobanuye neza ko hari inyandiko

yiswe To Whom it May Concern bigaragara ko yatanzwe na HEC, hakabamo nanone n'inyandiko yanditswe n'umuyobozi wa HEC ivuga ko atari HEC yatanze iriya nyandiko ya To Whom it May Concern, kuko Niyoyita Hussein Zoubair atari muri data zabo nk'uwabagannye asaba equivalence kandi ngo abe yarayihawe. [26] Avuga kandi ko kuba Niyoyita Hussein Zoubair ubwe ariwe watanze iyi nyandiko itavugisha ukuri, asanga ibimenyetso bihari ari nabyo Urukiko rwashingiyeho, ko rero uru Rukiko rukwiye kubona ko ari ukwihunza ibyo yakozwe, agasaba ko ikirego cy'ubujurire kidahabwa

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ishingiro. Akomeza avuga ko umukoresha we ari we wamusabye ubusobanuro, amuhagarika by'agateganyo mu gihe hari hagikorwa iperereza ndetse nyuma y'iperereza anamwirukana mu kazi kubera amakosa yakozwe mu kazi. Asobanura ko Niyoyita Hussein Zoubair yari umuforomo, akaba yari umukozi wa MINISANTE, ko rero MINISANTE yamwirukanye ibifitiye ububasha, kuko yari umukozi wayo, ko kandi no mu itakakamba rye atigeze agaragaza ko atari umukozi wa MINISANTE, kuko yari azi neza ko ari umukozi wa MINISANTE. Bityo ko ibyo Hussein avuga ko yahagaritswe ku kazi n'utabifitiye ububasha, nta shingiro bifite. UKO URUKIKO RUBIBONA [27] Impaka kuri iyi ngingo y'ubujurire zishingiye ku kumenya niba Urukiko Rukuru rwarirengagije ibimenyetso byatanzwe na Niyoyita Hussein Zoubair byerekana ko nta kigaragaza ko equivalence yashyize muri dosiye ye itatanzwe na HEC, no kumenya niba yarirukanwe n'urwego rutabifitiye ububasha.

1. a. Kumenya niba Urukiko Rukuru rwarirengagije ibimenyetso byatanzwe na Niyoyita Hussein Zoubair byerekana ko nta kigaragaza ko Equivalence yashyize muri dosiye ye itatanzwe na High Education Council (HEC) [28] Ingingo ya 150, agace ka 5 n'aka 6, y'Itegeko No 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegets, iteganya ibikurikira: "Ubujurire bukorwa mu buryo bw'umwanzuro utanga ikirego, ugaragaza 5° urutonde rw'inenge z'urubanza zisabirwa gukosorwa n'ibindi bibazo bigomba gusuzumwa; 6° ibisobanuro kuri buri nenge cyangwa kuri buri kibazo bigaragaza amakosa yakozwe n'uburyo agomba gukosorwa hashingiwe ku mategeko n'ibimenyetso n'igisabwa urukiko". [29] Ingingo ya 4 y'Itegeko N°062/2024 ryo ku wa 20/06/2024 rigenga ibimenyetso iteganya ko urega cyangwa utanze ikibazo agaragaza ikimenyetso cy'ibyo aregera cyangwa asaba. Uwiregura agaragaza ikimenyetso gishyigikira ukwiregura kwe. icyakora, umucamanza cyangwa ukemura ikibazo ashobora gutegeka umuburanyi cyangwa umwe mu bafitanye ikibazo cyangwa undi muntu gutanga cyangwa kwerekana ikimenyetso afite. [30] Mu rubanza No RADAA 00011/2022/CA rwaciwe ku wa 12/06/2023, haburana Nzabarimana Abdallahaman n'Umujiyi wa Kigali, uru Rukiko rwasobanuye ko rusomeye hamwe izi ngingo zombi rusanga zumvikanisha ko ujurira afite inshingano yo kugaragaza ko hari inenge ziri mu rubanza rujuririrwa n'ibimenyetso bishimangira ko ibyo Urukiko rwemeje atari byo. Mu yandi magambo ujurira agomba kugaragaza ikosa ryakozwe mu rubanza rujuririrwa, akagaragaza amategeko ashingiraho n'ibimenyetso bihamya ko ibyo avuga ari ukuri. [31] Ku birebana n'uru rubanza, dosiye igaragaramo equivalence yatanzwe na Niyoyita Hussein Zoubair yiswe: To Whom it May

Concern Ref. No ED/HEC398/2009 yo ku wa 07/07/2009, igaragaza ko Niyoyita Hussein afite Advanced Diploma (A1). Igaragaramo kandi ibaruwa Ref. No ED/HEC/156/2020, Umuyobozi wa Higher Education Council (HEC) yandikiye Acting Permanent Secretary muri Minisiteri y'Ubuzima ku wa 02/06/2020, amusubiza ku ibaruwa yari yamwandikiye ku wa 16/03/2020. Muri iyo baruwa yamumenyesheje ko nyuma yo gusuzuma

1 Reba igika cya 45.

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amadosiye yose asaba equivalence, ndetse n'amadosiye asaba equivalence HEC yashyikirijwe muri 2009, byagaragaye ko nta dosiye isaba Equivalence Niyoyita Hussein yigeze ashyaikiriza HEC. Yamugaragaraje kandi ko To Whom it May Concern Ref. No ED/HEC398/2009 itatanze na HEC kuko ntaho igaragara mu bubiko bwayo. [32] Urukiko rurasanga, nk'uko byasobanuwe haruguru, Niyoyita Hussein Zoubair yashyize muri dosiye ye y'akazi inyandiko yiswe To Whom it May Concern Ref. No ED/HEC398/2009 avuga ko yatanze na HEC, nyuma y'uko Minisiteri y'Ubuzima iyigizeho ikibazo yandikiye HEC iyibaza ko ari yo yatanze iyo nyandiko, hanyuma HEC isubiza ko atari yo yatanze iyo nyandikiko yiswe To Whom it May Concern Ref. No ED/HEC398/2009, Niyoyita Hussein yashyize muri dosiye y'akazi. Kuba rero HEC yarahakanye ko atari yo yatanze iyo nyandiko, kandi Niyoyita Hussein Zoubair akaba atabasha gutanga ikimenyetso kivuguruza iyo baruwa yatanze na HEC yemeza ko atari yo yatanze equivalence yashyize muri dosiye y'akazi, birumvikana ko nta kosa Leta y'u Rwanda (MINISANTE/Minisiteri y'Ubuzima) yakoze ryo kwirukana Niyoyita Hussein Zoubair mu kazi ishingiye ku ikosa ryo gushyira muri dosiye equivalence itaratanze na HEC. [33] Ku byo Niyoyita Hussein Zoubair n'umwunganira bavuga ko ibyo HEC yanditse ivuga ko atari yo yatanze equivalence nta shingiro byahabwa, kuko Niyoyita Hussein Zoubair yandikiye HEC ayisaba equivalence, ibaruwa ye ikakirwa kandi igashyirwaho umukono n'umukozi wa HEC, Urukiko rurasanga nta shingiro bifite, kuko nk'uko byasobanuwe haruguru, HEC yagaragaje ko nta dosiye ya Niyoyita Hussein isaba equivalence yigeze yakira. Urukiko rurasanga na none ibyo Niyoyita Hussein Zoubair n'umwunganira bavuga ko hari inyemezabwishyu Niyoyita Hussein Zoubair yishyuriyeho amafaranga nta gaciro byahabwa, kuko inyemezabwishyu atariyo yagaragaza ko equivalence Niyoyita Hussein Zoubair yashyize muri dosiye yatanze na HEC, mu gihe HEC yanditse ihakana ko atari yo yayitanze. Ku byo bavuga ko HEC ivuga mu magambo gusa ariko itabasha kugaragaza ko koko Niyoyita Hussein Zoubair atari muri data zabo, Urukiko rurasanga, nta shingiro byahabwa, kuko HEC itabivuga mu magambo nk'uko babivuga ahubwo yarabyanditse, inagaragaza ko Niyoyita Hussein Zoubair atagaragara mu bantu bayiganye basaba equivalence. Naho kubyo bavuga ko hari indi mihango iteganywa n'amategeko ikurikizwa mu gihe hari inyandiko itemewe, nko kuba yapimwe cyangwa ikaregerwa nk'inyandiko mpimbano, ariko iyo mihango ikaba itarakozwe, Urukiko rurasanga ntacyo byabamarira, kuko nk'uko byasobanuwe haruguru, kuba Niyoyita Hussein Zoubair yatanze equivalence avuga ko yayihawe na HEC hanyuma HEC igahakana ko atari yo yayitanze, bigaragaza ko yakoze ikosa ryatumye yirukanwa. Bityo rero, kuba Niyoyita Hussein Zoubair yarajuriye avuga ko Urukiko Rukuru rwakoze ikosa kwemeza ko yirukanwe mu buryo bukurikije amategeko, birumvikana ko ari we ufite inshingano zo kuvuguruza ibaruwa yanditswe na HEC

igaragaza ko atari yo yatanze equivalence yashingiweho mu kumwirukana. [34] Ikindi gishimangira ibyo, ni uko kuva Niyoyita Hussein Zoubair yamenya ko mu makosa yatumye yirukanwa harimo n'iryo kuba yarashyize muri dosiye ye equivalence itaratanzwe na HEC, atigeze agaragariza HEC ikimenyetso kivuguruza ibyo iyi yanditse ko atari yo yatanze iyo equivalence (To whom it may concern Ref. No ED/HEC398/2009). Ibi bikaba rero byumvikanisha ko nawe ubwe yemera ko iyo equivalence itatanzwe na HEC, kuko iyo aza kuba atabyemera yari kuba yarandikiye HEC akayigaragaza ibimenyetso byerekana ko ari yo yatanze iyo equivalence, kuri ubu akaba yerekana igisubizo yahawe na HEC gitandukanye n'icyo Minisiteri y'Ubuzima yashingiyeho imwirukana. Kuba rero nta kimenyetso Niyoyita Hussein Zoubair agaragaza kivuguruza icyo HEC yashyikirije Minisiteri y'Ubuzima, Urukiko rurasanga nta kosa Urukiko

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Rukuru rwakoze kwemeza ko ikosa ryo gushyira muri dosiye equivalence itaratanzwe na HEC, Niyoyita Hussein Zoubair yahaniwe ryabayeho, kandi kurihanirwa bikurikije amategeko.

2. b. Kumenya niba Niyoyita Hussein Zoubair yarirukanwe

n'urwego rutabifitiye ububasha [35] Ingingo ya 12, igika cya 1, 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 ibikurikira: "Urega agomba kugaragaza ibimenyetso by'ibyo aregera. Iyo abibuze, uwarezwe aratsinda". [36] Nk'uko byagiye bisobanurwa mu manza zitandukanye zaciwe n'uru Rukiko2, iyi ngingo yumvikanisha ko umuburanyi utanze ikirego mu Rukiko aba afite inshingano ikomeye yo kugaragaza ibimenyetso bihamya nta shiti ko ibyo aregera ari ukuri, iyo atabashije kubigaragaza, ikirego cye nta shingiro gihabwa. Mu yandi magambo, uwatangije urubanza agomba kuba afite ibimenyetso bidashidikanywaho bihamya neza ko ibyo avuga ari ukuri. [37] Ku birebana n'uru rubanza, dosiye igaragaza ko Niyoyita Hussein Zoubair yahagaritswe by'agateganyo mu kazi na Minisiteri y'Ubuzima. Igaragaza kandi ko yirukanwe burundu mu bakozi ba Leta na Minisiteri y'Ubuzima nk'uko bigaragazwa n'ibaruwa yo ku wa 17/07/2020. Dosiye igaragaramo raporo y'Akanama gashinzwe gukurikirana amakosa y'abakozi muri Minisiteri y'ubuzima yo ku wa 19/06/2020. Muri iyo raporo hagaragaramo amakosa Niyoyita Hussein Zoubair akurikiranyweho. [38] Dosiye y'urubanza igaragaramo ibaruwa yo ku wa 31/08/2001, Minisiteri y'Ubuzima yandikiye Niyoyita Hussein Zoubair ifite impamvu ikurikira: "Kwemererwa akazi", hanyuma amumenyesha ko ahawe akazi mu Karere k'ubuzima ka Byumba. Igaragamo kandi ibaruwa yo ku wa 10/09/2001, Ministère de la santé, Région Sanitaire Byuma yandikiye Niyoyita Hussein Zoubair yoherejwe mu Kigo nderabuzima cya Manyagiro. Igararamo n'amabaruwa atandukanye yasinywe n'Akarere ka Byuma harimo: - Iyo ku wa 17/10/2002 yimuriye Niyoyita mu Kigo nderabuzima cya Kigogo; - Iyo ku wa 27/11/2008 yimuriye Niyoyita mu Kigo nderabuzima cya Bubaya; - Iyo ku wa 22/09/2011 yimuriye Niyoyita mu Kigo nderabuzima cya Gisiza; - Iyo ku wa 28/03/2014 yimuriye Niyoyita mu Kigo nderabuzima cya Tanda; - Iyo ku wa 28/11/2017 yohereza Niyoyita mu Kigo nderabuzima cya Mukarange. Muri iyo baruwa Umuyobozi w'Akarere ka Byumba yashingiyeho ku ibaruwa yanditswe na Minisiteri y'Ubuzima No 20/7555/da/hr/2017 yo ku wa 23/10/2017, aho Minisitiri w'Ubuzima yandikiye Abayobozi b'Uture abasaba

gushyiraho by'agateganyo bamwe mu Bayobozi b'ibitaro ndetse n'abayobozi b'ibigo nderabuzima mu gihe ibijyanye no gushyira mu myanya abakozi mu buryo bwemewe n'amategeko bitarakorwa.

2 Reba urubanza N° RS/INJUST/RC 00007/2021/CA rwaciwe n'Urukiko rw'Ubujurire, ku wa 26/10/2023 haburana Karumuhinzi Baudoux Claire na Nyirakaziga Kabeja Anne Marie; urubanza No RS/INJUST/RC 00003/2023/CA rwaciwe n'Urukiko rw'Ubujurire ku wa 29/06/2023 haburana, Rwasabahizi Peter na Rwampunga Emmanuel hamwe na Bamurebe Fortunée, urubanza RS/INJUST/RC 00011/2023/CA rwaciwe ku wa 29/01/2024, haburana Ishimwe Samuel na Kabalisa Jacqueline.

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[39] Dosiye igaragaramo ibaruwa Niyoyita Hussein Zoubair yandikiye Umunyamabanga wa Leta ushinze ubuvuzi bw'ibanze muri Minisiteri y'Ubuzima ku wa 10/07/2020. Muri iyo baruwa yatanze ibisobanuro yasabwe n'iyi Minisiteri mu ibaruwa yandikiwe ku wa 03/07/2020. Mu bisobanuro yatanze muri iyo baruwa ntaho yigeze agaragaza ko urwego rwamusabye ibisobanuro nta bubasha rufite. Igaragaramo kandi ibaruwa yo ku wa 21/07/2020, Niyoyita Hussein Zoubair yandikiye Umunyamabanga wa Leta ushinze ubuvuzi bw'ibanze muri Minisiteri y'Ubuzima, agaragaza ko atishimiye icyemezo yafatiwe cyo kumwirukana burundu mu bakozi ba Leta. Muri iyo baruwa ntaho yagaragaje ko iyo Minisiteri nta bubasha yari ifite bwo kumwirukana, ahubwo yasabye ko bakongera gusuzuma ikibazo cye, hanyuma umwanzuro yafatiwe ugahinduka. Mu ibaruwa yo ku wa 28/07/2020, Umunyamabanga wa Leta ushinze ubuvuzi bw'ibanze muri Minisiteri y'Ubuzima yasubije Niyoyita Hussein Zoubair ko icyemezo yafatiwe kidahinduka kuko gihwanye n'amakosa akomeye yakoze ari mu kazi. [40] Nk'uko byagaragajwe haruguru, Niyoyita Hussein Zoubair yahawe akazi na Minisiteri y'Ubuzima ku wa 31/08/2001, yahagaritswe by'agateganyo mu kazi na Minisiteri y'Ubuzima, Akanama gashyizwe gukurikirana amakosa muri iyo Minisiteri niko kakurikiranye amakosa yarezwe, kandi yasabwe ibisobanuro by'amakosa aregwa n'iyi Minisiteri, ibisobanuro Niyoyita Hussein Zoubair yatanze yabishyikirije iyo Minisiteri kandi ntabwo yigeze avuga ko yasabwe ibisobanuro n'urwego rutabifitiye ububasha. Ikindi kandi Minisiteri y'Ubuzima niyo yamwirukanye burundu mu bakozi ba Leta mu ibaruwa yo ku wa 17/07/2020, nyuma yo kugirwa inama na Minisiteri y'Abakozi ba Leta n'Umurimo, ndetse no mu itakamba ryakozwe na Niyoyita Hussein Zoubair ku wa 21/07/2020 yasabye Minisiteri y'Ubuzima kongera gusuzuma ikibazo cye, hanyuma icyemezo yafatiwe cyo kwirukanwa burundu kigahinduka, ariko ntaho yigeze agaragaza ko iyo Minisiteri yamwirukanye burundu mu bakozi ba Leta nta atariyo yagombaga kumufatira icyemezo. [41] Urukiko rurasanga ibyo Niyoyita Hussein Zoubair n'umwunganira bavuga ko yari umukozi w'Akarere ka Gicumbi, ko rero yirukanwe mu buryo bunyuranyije n'amategeko kuko yirukanwe na Minisiteri y'Ubuzima, nta shingiro byahabwa, kuko nk'uko byasobanuwe haruguru, Niyoyita Hussein Zoubair yahawe akazi na Minisiteri y'Ubuzima kandi niyo yamwirukanye burundu mu bakozi ba Leta; bityo yirukanwe n'urwego rufite ububasha. [42] Urukiko rurasanga ibimenyetso Niyoyita Hussein Zoubair ashingiraho avuga ko yari umukozi w'Akarere ka

Gicumbi bijyanye n'amabaruwa atandukanye yagihe amwimurira mu bigo nderabuzima bitandukanye nk'uko byagaragajwe haruguru, bitashingirwaho, kuko bitagaragaza mu buryo budashidikanywaho ko Niyoyita Hussein Zoubair yari umukozi w'Akarere ka Gicumbi, kandi nk'uko byasobanuwe haruguru, uwatangije urubanza afite inshingano ikomeye yo kugaragaza ibimenyetso bidashidikanywaho byerekana ko ibyo aregera ari ukuri. Ibi kandi bishimangirwa n'uko mu bisobanuro Niyoyita Hussein Zoubair yagiye atanga ndetse no mu mabaruwa atandukanye yandikiye Minisitiri y'Ubuzima nta na hamwe yigeze agaragaza ko atari umukozi wa Minisitiri y'Ubuzima/MISANTE, ibi bika byumvikanisha ko nawe ubwe yari azi neza ko ari umukozi wa Minisitiri y'Ubuzima, ukorera mu Karere ka Gicumbi. [43] Kubera izo mpamvu zose, uru Rukiko rurasanga, nta kosa Urukiko Rukuru rwakoze kwemeza ko Niyoyita Hussein Zoubair yirukanwe mu buryo bukurikije amategeko. Bityo iyi ngingo y'ubujurire ya Niyoyita Hussein Zoubair, nta shingiro ifite.

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3. 2. Kumenya niba Urukiko Rukuru rwarakoze ikosa gutegeka Niyoyita Hussein Zoubair kwishyura Leta y'u Rwanda amafaranga y'igihembo cya Avoka [44] Niyoyita Hussein Zoubair n'umwunganira bavuga ko Niyoyita Hussein Zoubair yatanze ikirego mu Rukiko kubera ko yirukanywe mu nzira no mu buryo budakurikije amategeko hagendewe ku cyiswe amakosa atarabayeho, basaba Urukiko kumurenganura. Basobanura ko kuba Urukiko rwarafashe ibintu uko bitari ndetse rukirengagiza amategeko n'ibimenyetso byatumye rwemeza ko Niyoyita Hussein Zoubair akwiye gusubiza igihembo cya Avoka, bakaba basanga ibi ari inenge ikwiye gukosorwa n'Urukiko rw'Ubugurire. [45] Uhagarariye Leta y'u Rwanda ashingiye ku ngingo 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 ari ikirego gishamikira ku kirego cy'iremezo kigamije kwishyura ibyakoreshejwe mu rubanza, ko icyo kirego kiburanishirizwa rimwe n'ikirego cy'iremezo, avuga ko kuba Urukiko Rukuru mu rubanza rujuririrwa rwarasanze ikirego cya Niyoyita Hussein nta shingiro gifite, maze rukamutegeka guha Leta y'u Rwanda/MINISANTE ibihumbi magana atanu (500.000 Frw) y'igihembo cya Avoka kuko yatsinze urubanza kandi ikaba yarahagarariwe mu rubanza n'umunyamategeko, asanga nta kibazo kibirimo. UKO URUKIKO RUBIBONA [46] 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 kwishyura ibyakoreshejwe mu rubanza. Ikirego cy'amafaranga y'ikurikiranarubanza kiburanishirizwa rimwe n'ikirego cy'iremezo. Gishobora kandi kwakirwa kikanaburanishwa n'iyi ikirego cy'iremezo cyaba kitakiriwe». [47] Imikirize y'urubanza rujuririrwa igaragaza ko Urukiko Rukuru rwasanze Niyoyita Hussein Zoubair yarirukanwe mu buryo bwubahirije amategeko, ko rero ikirego cye nta shingiro gifite. [48] Urukiko rurasanga, ikirego cya Niyoyita Hussein Zoubair yatanze mu Rukiko Rukuru cyaratumye Leta y'u Rwanda (Minisitiri y'Ubuzima/MINISANTE) ishaka Umunyamategeko ugomba kuyihagararira mu rubanza, akanakurikirana urubanza, kuba

rero ikirego cya Niyoyita Hussein Zoubair kitarahawe ishingiro kandi n'ubujurire bwe bukaba butahawe ishingiro, nta kosa Urukiko Rukuru rwakoze kumutegeka guha Leta y'u Rwanda/MINISANTE ibihumbi magana atanu (500.000 Frw) y'igihembo cya Avoka. Bityo Urukiko rushingiye ku biteganywa n'ingingo ya 111 y'Itegeko No 22/2018 ryo ku wa 29/04/2018 yibukijwe haruguru, rurasanga ubujurire bwa Niyoyita Hussein Zoubair, kuri iyi ngingo nta shingiro bufite. B. UBUJURIRE BWA LETA Y'U RWANDA/MINISANTE

4. Kumenya niba Urukiko Rukuru rwarakoze ikosa kwemeza ko ikosa ryo kwivanga mu micungire ya Koperative y'abajyanama b'Ubuzima yitwa NKOMEYEKUBUZIMA n'iryo gutinda kumenyekanisha ko moto y'akazi yibwe Niyoyita Hussein Zoubair yahaniwe yashaje

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- [49] Uhagarariye Leta y'u Rwanda avuga ko Niyoyita Hussein Zoubair wari umukozi wa Leta (MINISANTE) yirukanywe burundu mu kazi kubera amakosa akomeye yakoze mu kazi ajyanye no kwivanga mu micungire ya Koperative y'Abajyanama b'Ubuzima yitwa Nkomeyekubuzima y'Ikigo Nderabuzima cya Gisiza (ikigo Niyoyita Hussein Zoubair yarabereye umuyobozi), gutanga dosiye y'akazi ikubiyemo amakuru atari ay'ukuri, akaba yatanze icyangombwa cya Equivalence avuga ko yatanze na High Education Council (HEC) kandi atari byo, ndetse no gutinda kumenyekanisha iyibwa rya moto y'ikigo Nderabuzima cya Gisiza yahoze abereye umuyobozi, ariko ko Urukiko Rukuru mu rubanza rujuririrwa N° RAD 00003/2024/HC/KIG rwamuhamije gusa ikosa rimwe rijyanye no gutanga dosiye y'akazi ikubiyemo amakuru atari ay'ukuri, aho yatanze icyangombwa cya equivalence avuga ko yatanze na HEC kandi atari byo, naho andi makosa ruvuga ko yayahaniwe mu mwaka wa 2020 ngo akaba yarashaje kandi atarashaje, kuko aya makosa yabonetse hashingiwe kuri raporo ya Audit yo ku wa 24/06/2020. [50] Asobanura ko Leta y'u Rwanda (MINISANTE) yemeranya n'Urukiko Rukuru kubyo rwemeje ko Niyoyita Hussein Zoubair yirukanywe mu buryo bukurikije amategeko, ko icyemezo cyo kumwirukana ku kazi burundu cyafashwe n'umukoresha we kigumaho; ariko ko Leta y'u Rwanda isanga aya makosa yose yaragombaga kuyahanirwa kuko umukoresha we yamukurikiranye aho yamenyeye ayo makosa hashingiwe kuri raporo ya Audit yo ku wa 24/06/2020, bikaba bitanyuranije n'ibiteganywa n'ingingo ya 39 y'Iteka rya Perezida No 65/01 ryo ku wa 04/03/2014 rigena uburyo bwo gutanga ibihano ku bakozi ba Leta bakoze amakosa mu kazi ryakoreshwaga icyo gihe, kuko mu gika cya kabiri cy'iyi ngingo havugaga ko "Igihe kivugwa mu gika cya mbere cy'iyi ngingo gitangira kubarwa uherye igihe umuyobozi ubifitiye ububasha yamenyeye iryo kosa". [51] Asobanura kandi ko Urukiko Rukuru rwibanze ku bikubiye mu gika cya mbere gusa nti rwita ku gihe umukoresha yamenyeye iryo kosa, cyane ko kuri Niyoyita yakurikiranywe hashingiwe kuri raporo ya audit yo ku wa 24/06/2020, ndetse nawe akaba abyivugira mu ibaruwa ye yo gutakamba yo ku wa 21/07/2020, ko yasabwe ibisobanuro kuri raporo ya audit yakozwe. Asaba Urukiko rw'Ubujurire kuzabona ko Niyoyita Hussein Zoubair yirukanwe mu buryo bwubahirije amategeko nk'uko Urukiko Rukuru rwabyemeje, ariko n'ariya makosa abiri rwemeje ko yashaje nayo rukayamuhamya kuko atashaje. [52] Niyoyita Hussein Zoubair n'umwunganira biregura ku bujurire bwa Leta

y'u Rwanda bavuga ko Niyoyita Hussein Zoubair yatanze ikirego mu Rukiko Rukuru, asaba Urukiko kwemeza ko yahagaritswe mu kazi ku buryo budakurikije amategeko, asaba ko icyo cyemezo cyakurwaho ndetse agahabwa indishyi zinyuranye, hanyuma muri urwo rubanza Urukiko rusuzuma ingingo enye ari zo: kumenya niba ikosa ryo kwivanga mu micungire ya Koperative y'Abajyanama b'Ubuzima yitwa NKOMEYEKUBUZIMA n'iryo gutinda kumenyekanisha ko moto y'akazi yibwe yashaje ku buryo Niyoyita Hussein Zoubair atagombaga kuyahanirwa, kumenya niba Niyoyita Hussein Zoubair yarakoze ikosa ryo gushyira muri dosiye y'akazi icyangombwa cya equivalence kitatanzwe n'urwego rubifitiye ububasha (HEC), kumenya niba Niyoyita Hussein Zoubair yarirukanywe ku kazi ku buryo bwubahirije amategeko, ndetse no kumenya niba indishyi zasabwe mu rubanza zifite ishingiro. [53] Basobanura ko ku ngingo ya mbere, Urukiko rwemeje ko rurasanga kuba Niyoyita Hussein Zoubair yarahaniwe ariya makosa yavuzwe haruguru kandi yarashaje binyuranyije n'iriya ngingo ya 39 y'Iteka rya Perezida yavuzwe haruguru, akaba rero ataragombaga kuyahanirwa nk'uko ririya

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teka rya Perezida ribiteganywa. Ku ngingo ya kabiri, Urukiko rwemeza ko kuba Niyoyita Hussein Zoubair avugaga ko yagannye HEC agasaba equivalence kandi akaba yarayihawe ariko akaba atabasha kubigaragariza ibimenyetso, ntaho rwahera rwemeza ko equivalence yashyize muri dosiye ye y'akazi yatanze na HEC mu gihe abayobozi ba HEC bo babihakana. Ku ngingo ya gatatu rwemeje ko rusanga amakosa yashyingiweho Niyoyita Hussein Zoubair yirukanwa burundu ku kazi, abiri muri yo yahaniwe yari yarashaje, bivugaga ko umukozi atagombaga kuyahanirwa. Naho ku ikosa ryo gushyira muri dosiye equivalence itaratanze na HEC rusanga bigaragara ko ryabayeho, ko kuba rero yararihanirwe byubahirije amategeko. [54] Bakomeza bavugaga ko basanga ibyashyingiweho n'Urukiko kubijyanye n'amakosa abiri byari bifite ishingiro cyane ko Urukiko rwagaragaje amategeko rwashyingiye, bakaba basanga ubujurire bwa Leta y'u Rwanda (MINISANTE) nta shingiro bufite, kuko itabasha kugaragaza amategeko cyangwa ibimenyetso yashyingiyeho ijurira. Kubijyanye n'ikosa rimwe Urukiko rwemeje ko yagombaga guhanirwa, bavugaga ko basanga naryo nta shingiro ryari rifite, nkuko babigaragaje mu mwanzuro ujurira icyemezo cy'Urukiko Rukuru, bityo bakaba basanga Urukiko rw'Ubujurire rukwiye kwemeza ko yirukanywe munzira no mu buryo budakurikije amategeko maze akabahirerwa indishyi. UKO URUKIKO RUBIBONA [55] Ingingo ya 39, igika cya 1 n'icya 2, y'Iteka rya Perezida No 65/01 ryo ku wa 04/03/2014 rigena uburyo bwo gutanga ibihano ku bakozi ba Leta bakoze amakosa mu kazi iteganywa ibikurikira: Iyo ikosa ridahanwe hagashira umwaka umwe (1) ku ikosa rihanishwa igihano cyo mu rwego rwa mbere, cyangwa imyaka ibiri (2) ku ikosa rihanishwa igihano cyo mu rwego rwa kabiri, iryo kosa ntiriba rigihanwe. Igihe kivugwa mu gika cya mbere cy'iyi ngingo gitangira kubarwa uherye igihe umuyobozi ubifitiye ububasha yamenyeye iryo kosa. [56] Urukiko rurasanga ingingo ya 39 ivuzwe haruguru yumvikanisha ko ikosa rihanishwa igihano cyo mu rwego rwa mbere rihamwa mu gihe kitarenze umwaka umwe ubarwa kuva igihe umuyobozi ubifitiye ububasha yamenyeye iryo kosa, naho ikosa rihanishwa igihano cyo mu rwego rwa kabiri rihanwa mu gihe kitarenze imyaka ibiri ibarwa kuva igihe umuyobozi ubifitiye ububasha

yamenyeye iryo kosa. Mu yandi magambo ntabwo kubara igihe cy'ubusaze bw'ikosa ryakozwe mu kazi bishingira ku munsu ikosa ryakozweho, ahubwo bishingira ku munsu umuyobozi ubifitiye ububasha yamenyeye iryo kosa. [57] Ku birebana n'uru rubanza, dosiye igaragaramo raporo ya audit yakozwe ku wa 19/06/2020. Igaragaramo kandi raporo y'Akanama gashinzwe gukurikirana amakosa y'abakozi muri Minisiteri y'Ubuzima yo ku wa 19/06/2020. Muri iyo raporo hagaragaramo amakosa Niyoyita Hussein Zoubair yarezwa, ari nayo Niyoyita Hussein Zoubair yisobanuyeho mu ibaruwa yandikiye Umunyamabanga wa Leta ushinze ubuvuzi bw'ibanze muri Minisiteri y'Ubuzima ku wa 10/07/2020. [58] Dosiye igaragaza ko Minisiteri y'Ubuzima (MINISANTE) yirukanye burundu Niyoyita Hussein Zoubair mu bakozi ba Leta ishingiye ku makosa atatu ari yo: - kwivanga mu micungire ya Koperative y'abajyanama b'ubuzima yitwa NKOMEYEKUBUZIMA;

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- gutanga dosiye y'akazi ikubiyemo icyangombwa cya Equivalence kitatanzwe n'urwego rubifitiye ububasha arirwo High Education Council (HEC); - gutinda kumenyekanisha iyibwa ry'ipikipiki (Moto) y'ikigo nderabuzima cya Gisiza. [59] Imikirize y'urubanza rujuririrwa No RAD 00003/2024/HC/KIG igaragaza ko Urukiko Rukuru rushingiye ku ngingo ya 39 y'Iteka rya Perezida No 65/01 ryo ku wa 04/03/2014 ryavuzwe haruguru iteganya ko iyo ikosa ridahanwe hagashira umwaka umwe (1) ku ikosa rihanishwa igihano cyo mu rwego rwa mbere, cyangwa imyaka ibiri (2) ku ikosa rihanishwa igihano cyo mu rwego rwa kabiri, iryo kosa ntiriba rigihanwe rwemeje ko ikosa ryo kwivanga mu micungire ya Koperative y'Abajyanama b'Ubuzima yitwa NKOMEYEKUBUZIMA n'iryo gutinda kumenyekanisha ko moto y'akazi yibwe yashaje, kuko yakozwe mu mwaka wa 2013, akaba yarayahaniwe mu mwaka wa 2020. [60] Ikigaragara ni uko Urukiko Rukuru rwemeje ko ikosa ryo kwivanga mu micungire ya koperative y'Abajyanama b'Ubuzima yitwa NKOMEYEKUBUZIMA n'iryo gutinda kumenyekanisha iyibwa rya moto y'ikigo nderabuzima cya Gisiza yashaje rushingiye gusa ku biteganywa mu gika cya 1 cy'ingingo 39 y'Iteka rya Perezida No 65/01 ryo ku wa 04/03/2014 ryavuzwe haruguru, kandi igika cya kabiri ari cyo giteganywa igihe ibihe biteganywa muri iyo ngingo bitangira kubarwa. [61] Urukiko rurasanga, nk'uko byasobanuwe haruguru, kubara igihe cy'ubusaze bw'ikosa ryakozwe mu kazi ntibishingira ku munsu ikosa ryakozweho, ahubwo bishingira ku munsu umuyobozi ubifitiye ububasha yamenyeye iryo kosa. Urukiko rurasanga kuba nta kindi kimenyetso rwashyikirijwe cyerekana ko Minisiteri y'Ubuzima (MINISANTE) yamenye ikosa ryo kwivanga mu micungire ya Koperative y'Abajyanama b'Ubuzima yitwa NKOMEYEKUBUZIMA n'iryo gutinda kumenyekanisha iyibwa rya moto y'ikigo nderabuzima cya Gisiza Niyoyita Hussein Zoubair yarezwe mbere y'uko audit yo ku wa 19/06/2020 ikorwa, birumvikana ko iyo audit ariyo yagombaga guherwaho mu kubara imyaka ibiri iteganywa n'ingingo ya 39 y'Iteka rya Perezida No 65/01 ryo ku wa 04/03/2014 ryavuzwe haruguru. Bityo ibyo Niyoyita Hussein Zoubair n'umwunganira bavuga ko ayo makosa yashaje, nta shingiro bifite. [62] Urukiko rushingiye ku bisobanuryo byatanzwe haruguru no ku ngingo ya 39, igika cya 2, y'Iteka rya Perezida No 65/01 ryo ku wa 04/03/2014 ryavuzwe haruguru, rurasanga Urukiko Rukuru rwarakoze ikosa kwemeza ko ikosa ryo

kwivanga mu micungire ya koperative y'abajyanama b'ubuzima yitwa NKOMEYEKUBUZIMA n'iryo gutinda kumenyekanisha iyibwa rya moto y'ikigo nderabuzima cya Gisiza yashaje. [63] Urukiko rurasanga, nk'uko byagaragajwe haruguru, Leta y'u Rwanda/MINISANTE yajuriye kubera ko Urukiko Rukuru rwemeje ko ikosa ryo kwivanga mu micungire ya Koperative y'Abajyanama b'Ubuzima yitwa NKOMEYEKUBUZIMA n'iryo gutinda kumenyekanisha iyibwa rya moto y'ikigo nderabuzima cya Gisiza yashaje, kandi icyo kibazo cyasubijwe, bikaba rero byumvikana ko rutagomba gusuzuma ishingiro ry'ayo makosa, kuko bitajuririwe, kandi ubujurire busuzumwa mu mbibi z'icyajuririwe nk'uko biteganywa n'ingingo ya 156, igika cya 1, 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 Urukiko rwajuririwe ruburanisha gusa ubujurire mu mbibi z'icyajuririwe.

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C. Ibyerekeye amafaranga y'ikurikiranarubanza n'igihembo cya Avoka

5. Kumenya niba amafaranga y'ikurikiranarubanza n'igihembo cya Avoka asabwa muri uru rubanza afite ishingiro [64] Niyoyita Hussein Zoubair n'umwunganira bavuga ko basaba Urukiko rw'Ubugurire gutegaka Leta y'u Rwanda/MINISANTE gusubiza Niyoyita Hussein Zoubair amafaranga y'igihembo cya Avoka n'ikurikiranarubanza byo ku rwego rwa mbere no mubujurire angana na miliyoni umunani (8,000,000 Frw). [65] Uhagarariye Leta y'u Rwanda ashingiye ku biteganwa n'ingingo ya 111 y'Itegeko No 22/2018 ryo ku wa 29/04/2018 ryibukijwe haruguru, avuga ko Leta y'u Rwanda (Minisiteri y'Ubuzima/MINISANTE) isaba Urukiko rw'Ubugurire gutegeka Niyoyita gutanga amafaranga y'ikurikiranarubanza angana n'ibihumbi magana atanu (500.000 Frw) na miliyoni (1.000.000 Frw) y'igihembo cya Avoka. UKO URUKIKO RUBIBONA [66] Ingingo ya 111 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 ibikurikira: "Ikirego cy'amafaranga y'ikurikiranarubanza ni ikirego gishamikira ku kirego cy'iremezo kigamije kwishyuza ibyakoreshejwe mu rubanza. Ikirego cy'amafaranga y'ikurikiranarubanza kiburanishirizwa rimwe n'ikirego cy'iremezo. Gishobora kandi kwakirwa kikanaburanishwa n'ayo ikirego cy'iremezo cyaba kitakiriwe". [67] Urukiko rurasanga amafaranga y'igihembo cya Avoka n'ay'ikurikiranarubanza Leta y'u Rwanda (Minisiteri y'Ubuzima/MINISANTE) isaba ikwiye kuyahabwa, ariko ayo isaba ni menshi ugereranyije n'imiterere y'uru rubanza; bityo mu bushishozi bw'Urukiko ruyigeneye, ibihumbi magana atanu (500.000 Frw) y'igihembo cya Avoka n'ibihumbi magana abiri (200.000 Frw) y'ikurikiranarubanza, kuri uru rwego, yiyongera ku bihumbi magana atanu (500.000 Frw) y'igihembo cya Avoka yatanzwe mu rubanza rujuririrwa. Yose hamwe akaba miliyoni imwe n'ibihumbi magana abiri agomba gutangwa na Niyoyita Hussein Zoubair. Rurasanga amafaranga amafaranga y'igihembo cya Avoka n'ikurikiranarubanza asabwa na Niyoyita Hussein Zoubair atagomba kuyahabwa, kuko ubujurire bwe, nta shingiro bwahawe. III. ICYEMEZO CY'URUKIKO [68] Rwemeje ko ubujurire bwatanzwe na Niyoyita Hussein Zoubair, nta shingiro bufite. [69] Rwemeje ko ubujurire bwatanzwe na Leta y'u Rwanda/MINISANTE bufite ishingiro. [70] Rwemeje ko urubanza rujuririrwa No RAD

00003/2024/HC/KIG rwaciwe n'Urukiko Rukuru ku wa 05/12/2024, ruhindutse gusa ku byerekeye amakosa abiri Urukiko Rukuru rwemeje ko yashaje kandi atarashaje nk'uko byasobanuwe haruguru.

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- [71] Rutegetse Niyoyita Hussein Zoubair guha Leta y'u Rwanda/MINISANTE ibihumbi magana atanu (500,000 Frw) y'igihembo cya Avoka n'ibihumbi magana abiri (200.000 Frw) y'ikurikiranarubanza, kuri uru rwego, yiyongera ku bihumbi magana atanu (500,000 Frw) y'igihembo cya Avoka yatanzwe mu rubanza rujuririrwa. Yose hamwe akaba miliyoni imwe n'ibihumbi magana abiri (1.200.000 Frw) agomba gutangwa na Niyoyita Hussein Zoubair.
- [72] Ruvuze ko amagarama yatanzwe ahwanye n'ibyakoze mu rubanza.

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Prepared on 11 October 2026 · Esheria