

RWANDA / JUDGMENT

UBUSHINJACYAHA v. HAKIZIMANA**RS/REV/RP/ECON00008/2021/HC/KIG**

COURT

High Court

DECIDED

13 February 2025

CASE / FILE NUMBER

RS/REV/RP/ECON00008/2021/HC/KIG

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

UBUSHINJACYAHA v. HAKIZIMANA

- Source: Amategeko
- Section: Decisions (Judgements)
- Date: 2025-02-13
- Case/document no.: RS/REV/RP/ECON00008/2021/HC/KIG
- Collection: High Court

Text**Page 1**

UBUSHINJACYAHA v. HAKIZIMANA [Rwanda URUKIKO RUKURU – RS/REV/RP/ECON00008/2021/HC/KIG (Mukamana, J. P.) 13 Gshyantare 2025] Amategeko agenga imiburanishirize y’imanza nshinjabyaha – Gusubirishamo urubanza ingingo nshya – Ibimenyetso byatanzwe n’umuburanyi – Ibimenyetso byatanzwe n’umuburanyi mu iburanisha Urukiko ntirugire icyo rubikoraho cyangwa rubivugaho ntibifatwa nk’ikimenyetso gishya; ahubwo birebana n’urubanza mu mizi. Incamake y’ikibazo: Hakizimana yarigishije umutungo w’amafaranga 2.589.000 na 334,500.635USD ukomoka ku mabuye y’agaciro ya FECOMIRWA, aregwa mu Rukiko Rwisumbuye rwa Nyarugenge aratsindwa, maze ajuririra mu Rukiko Rukuru rumuhanisha igihano cy’igifungo cy’imyaka 7 n’amande y’amafatanga 874,000 na 669,001.27US\$. Nyuma y’urwo rubanza Hakizimana yandikiye FECOMIRWA amabaruwa abiri, ariko imwe muri zo yari iyo kwibutsa iya mbere, aho yayigaragarije ko yarenganyijwe na raporo yakozwe na RCA, ikaba ariyo Urukiko rwashingiyeho rumuhamya icyaha. FECOMIRWA yamwandikiye isubiza ayo maburuwa ye, imumenyesha ko raporo yakozwe n’ubugenzuzi bwakozwe ku kibazo yari yanditse abagaragariza. Iyo raporo y’ubugenzuzi bwa FECOMIRWA niyo ashingiraho muri uru rubanza asaba uru Rukiko gusubirishamo urubanza RPA/ECON00009/2019/HC/KIG ingingo nshya. Asanga iyo raporo

y'ubugenzuzi yakozwe na komite ngenzuzi ari ikimenyetso kamarampaka kigaragaza akarengane yakorewe na raporo ya RCA, urebye ibikubiye muri iyo raporo ndetse no kuba banyirubwite b'ikibazo baregeraga indishyi muri uru rubanza. Ubushinjacyaha buvuga ko muri iyo raporo y'ubugenzuzi bwa FECOMIRWA bumvishije ubusabe bwa Hakizimana maze basuzuma ingingo nyinshi zikubiye muri iyo raporo imwe kuri imwe ndetse bagenda banayifataho icyemezo. Buvuga ko abagenzuzi bemeje ko amabuye yasohotse atujuje impapuro za ngombwa (forms), bemeje kandi ko aho FECOMIRWA yakoreraga hari hafunze kandi hari n'abarinzi ku buryo ntaho amabuye yari gucishwa ndetse ko iyo Hakizimana aza kurangwaho n'imikorere mibi aba yararyojwe na Komite Nyobozi dore ko yari umukozi muto cyane muri FECOMIRWA afite abamukuriye kandi bamugenzura umunsi ku wundi. Ubushinjacyaha busobanura ko Hakizimana asubirishamo urubanza ingingo nshya urubanza rwe RPA/ECON00009/2019/HC/KIG rwaciwe n'uru Rukiko kuwa 29/01/2021 agaragaza ko habonetse ikimenyetso gishya cya kamarampaka gishobora kumurenganura akagirwa umwere. Mu gusubirishamo urubanza ingingo nshya yashingiye ku ngingo ya 197 y' Itegeko No 027/2019 ryo kuwa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha, mu gace ka 5o igira iti: iyo kuwa aho urubanza ruciriwe, habonetse ikimenyetso gishya kimara impaka kigaragaza neza akarengane katewe n'urubanza rusabirwa gusubirwamo. Buvuga ko n'ubwo hariho guhuza imvugo hagati ya Hakizimana n'iya komite ngenzuzi ya FECOMIRWA yifashishije ngo imurenganure nta cyemeza ko bikwiye gutesha agaciro raporo ya RCA ku buryo hakwemezwa ko nta nyereza ry'amabuye ryabayeho muri FECOMIRWA muri icyo gihe hagendewe ku byo bavuga ko habayeho imikorere itari myiza. Ubushinjacyaha buvuga kandi ko mwanzuro wa Komite Ngenzuzi ntabwo ari ikimenyetso gishya kimara impaka kigaragaza ko Hakizimana yakorewe akarengane kuko iyi komite ngenzuzi yari ihasanzwe mui icyo kigo yaje gutanga uwo mwanzuro nyuma yaho ayandikiye Komite, nayo mu mwanzuro wayo ikagaragaza ko yarenganye binyuranije na raporo yatanze na RCA yo yatanze umubare w'amabuye atigeze asobanura kandi ari we wari ushinze

Page 2

“Stock” muri icyo gihe. Ubushinjacyaha busaza busaba uru Rukiko rwaregwe kwemeza ko ikirego cya Hakizimana kidafite ishingiro, kuko ibivugwa mu mwanzuro wa komite ngenzuzi yifashishije bidakwiye kuba ikimenyetso gishya kimara impaka kigaragaza akarengane yakorewe kuko raporo ya RCA yakozwe mu buryo bukurikije amategeko n'urwego rubifitiye ububasha. Incamake y'icyemezo: Ibimenyetso byatanze n'umuburanyi mu iburanisha urukiko ntirugire icyo rubikoraho cyangwa rubivugaho ntibifatwa nk'ikimenyetso gishya; ahubwo birebana n'urubanza mu mizi. Ikirego cyo gusubirishamo urubanza ingingo nshya nta shingiro gifite. Amategeko yashingiweho: Itegeko No 027/2019 ryo kuwa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha, ingingo ya 197. Itegeko Ngenga No 01/2012/OL ryo kuwa 02/05/2012 rishyiraho igitabo cy'amategeko ahana, ingingo ya 325 n'ya 614. Imanza zifashishijwe: RS/REV/PEN0004/2010/CS, Ubushinjacyaha na Gasore rwaciwe n'Urukiko rw'Ikirenga ku wa 07/02/2014. Urubanza I. IMITERERE Y'URUBANZA [1] Uru rubanza rwatangiriye mu rukiko rwisumbuye rwa Nyarugenge Ubushinjacyaha burega Gacendegeri Alphonse, Ir Ruhigira Bida Augustin, Kanyanduga Dieudonné, Mpirwa Augustin na Manzi Léonard yemeye icyaha cyo kwandika cyangwa gukoresha inyandiko yahinduwe cyangwa irimo ibinyoma bagahurirana Hakizimana John, Gatarayiha Carine, Donatien Seth na Murinzi Jean Bosco ku cyaha

cyo kurigisa umutungo, bikavugwa ko FECOMIRWA yahoze ari COOPIMAR yakorewe igenzura (raporo y'igenzura) rikaza kugaragaza ko hari umutungo wayo waburiwe irengero ugizwe na 190.681.266 frw na 885.982,65\$, muri aya mafaranga urukiko rwagaragaje ko Hakizimana John yarigishije umutungo w'amafaranga 2.589.000 na 334,500.635USD ukomoka ku mabuye y'agaciro ya FECOMIRWA ahabwa igihano cy'igifungo cy'imyaka 7 n'ihazabu y'amafaranga 4,874,000 na 669,001.27 USD. Ntiyishimira imikirize y'urubanza, ajurira mu Rukiko Rukuru rwa Kigali asubirishamo ingingo nshya ikirego cye gihabwa RS/REV/RP/ECON00008/2021/HC/KIG. [2] Nyuma y'uho urukiko rukuru ruhamije icyaha Hakizimana John ndetse rukamukatira imyaka irindwi(7) y'igifungo n'amande y'amafatanga 874,000 na 669,001.27 US\$ ntiyigeze acika intege kuko yari azi neza ko arengana dore ko yaburanaga ari hanze yashoboraga no kuba yatoroka ariko yahisemo kwandikira FECOMIRWA ibaruwa kuwa 10/03/2021 yakirwa na FECOMIRWA kuwa 11/03/2021 ayisaba kurenganurwa maze FECOMIRWA itinda kumusubiza ari bwo yongeye kwandika indi baruwa kuwa 09/08/2021 yakirwa na FECOMIRWA kuwa 10/08/2021 asaba kwibutsa ibaruwa yo kuwa 10/03/2021 muri iyo baruwa ya kabiri yibutsa nabwo yasabaga ko yarenganurwa kuri raporo yakozwe na RCA kuko yamurenganyije cyane ikamugira umunyacyaha bigatuma n'urukiko ruyishingiraho

Page 3

rumuhamya icyaha nyamara ubuyobozi bwari ubwa FECOMIRWA buzi neza ukuri n'ibyo RCA yagiye yirengagiza nkana ko kandi Hakizimana John arengana. [3] Muri iyo baruwa yo kuwa 10/03/2021 yakiriwe na FECOMIRWA kuwa 11/03/2021 Hakizimana John yagaragajemo akarengane yakorewe na raporo ya RCA anagaragariza FECOMIRWA ko muri 2014 nta mutungo FECOMIRWA yari ifite wo kunyereza avuga ko FECOMIRWA icyo gihe nta mafaranga yo kugurira amakoperative amabuye yari ifite bityo bigatuma amakoperative yagurishaga na FECOMIRWA ajya kugurisha amabuye yayo n'abandi baguzi babyemerewe ibyo byasobanuwe muri raporo ya RCA page 32-33-34 akongeraho avuga ko nta koperative n'imwe yigeze ibura amabuye yayo ngo iyishyuzwe FECOMIRWA dore ko nta birombe by'amabuye igira ahubwo ikaba yaraguraga amabuye mu ma koperative bakorana. [4] Kuwa 20/08/2021 mu ibaruwa ifite Ref. nnumero 36/MG/CFEC/21 FECOMIRWA yaje gusubiza amabaruwa ya Hakizimana John yo kuwa 10/03/2021 no kuwa 09/08/2021 muri iyo baruwa banamwiseguyeho ko batamusubirije igihe kubera icyorezo cya COVID19 maze muri iyo baruwa bamumenyesha ko raporo yakozwe n'ubugenzuzi bwakozwe ku kibazo yari yanditse abagaragariza iyo raporo akaba ari nayo ashingiraho asaba urukiko gusubirishamo urubanza ingingo nshya nkuko ingingo ya 197 agace kayo ka gatanu k'Itegeko No 027/2019 ryo kuwa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha aho ako gace kavuga ko iyo kuwa aho urubanza ruciriwe, habonetse ikimenyetso gishya kimara impaka kigaragaza neza akarengane katewe n'urubanza rusabirwa gusubirwamo. Alinea ya 2 y'iyi ngingo ikavuga ko ikimenyetso gishya kivugwa mu gace ka 5 k'igika cya mbere cy'iyi ngingo ni ikimenyetso umuburanyi atashoboraga kumenya ko cyaba gihari, akabibona nyuma cyangwa akaba atarabashaga ku kigeraho igihe yaburanaga. [5] Ibi bishimangirwa nuko abayobozi ba FECOMIRWA bose bari bafunze mu gihe ino raporo yakorwaga, Alinea ya 3 y'iyi ngingo yavuzwe haruguru ivuga ko « ikimenyetso n'iyi ari gishya gihabwa agaciro gusa iyo gishobora kuvuguruzwa ibyari byashingiweho mu ica ry'urubanza rusabirwa gusubirishamo ingingo nshya » bityo asanga

raporo y'ubugenzuzi yakozwe na komite ngenzuzi ari ikimenyetso kamarampaka kigaragaza akarengane Hakizimana John yakorewe na raporo ya RCA ibikubiye muri iyo raporo ndetse nk'abanyirubwite b'ikibazo banaregeraga indishyi muri uru rubanza. [6] Urubanza rwaburanishijwe mu ruhamye ku wa 13/01/2025, ababuranyi bose bitabye, Hakizimana yunganiwe na Me Bizimana, Ubushinjacyaha buhagarariwe na PN Mukunzi Faustin Umushinjacyaha ku rwego rw'Igihugu. Iburanisha ripfundikiwe, ababuranyi bamenyeshejwe ko urubanza ruzasomwa ku wa 13/02/2025 saa cyenda. [7] Impaka mu rubanza zagaragaje ko ikibazo kigomba gusuzumwa ari ukumenya niba raporo y'ubugenzuzi bwa FECOMERWA yashingirwaho mu gusubirishamo urubanza ingingo nshya. II. ISESENGURA RY'IBIBAZO BIGIZE URUBANZA kumenya niba raporo y'ubugenzuzi bwa FECOMERWA yashingirwaho mu gusubirishamo urubanza ingingo nshya [8] Ubushinjacyaha buhagarariwe na PN Mukunzi kwasobanuye ko muri iyo raporo yo kuwa 16/04/2021 ku rupapuro rwa 2 bavuga ko bumvishije ubusabe bwa Hakizimana John maze basuzuma ingingo nyinshi zikubiye muri iyo raporo imwe kuri imwe ndetse bagenda banayifataho icyemezo nkuko bigaragara muri iyo raporo dore ko ari abagenzuzi ba

Page 4

FECOMIRWA kandi bakurikiranira hafi imikorere ya FECOMIRWA muri iyo raporo ku rupapuro rwa 2 abagenzuzi bemeje ko amabuye yasohotse atujuje impapuro za ngombwa (forms) bemeje ko kandi kuri urwo rupapuro rwa 2 ko aho FECOMIRWA yakoreraga hari hafunze kandi hari n'abarinzi ku buryo ntaho amabuye yari gucishwa ndetse ko iyo Hakizimana John aza kurangwaho n'imikorere mibi aba yararyojwe na Komite Nyobozi dore ko yari umukozi muto cyane muri FECOMIRWA afite abamukuriye kandi bamugenzura umunsi ku wundi, ku rupapuro rwa 3 rw'iyi raporo havugaga ko muri 2014 nta mafaranga FECOMIRWA yari ifite ko rero nta gura n'igurisha amabuye avugwa muri raporo y'abagenzuzi ba RCA bityo ko ntacyari gihari cyari kumuhererezwaho na Hakizimana John, bakomeza bavuga ko banagerageje kubaza amakoperative yagemuraga amabuye kuri FECOMIRWA ko haba hari amabuye baba baraburiye muri stock ya FECOMIRWA barabahakanira ndetse na bamwe babandikira babyemeza mu baruwa yabo. [9] Iyi raporo ngenzuzi yagerageje gusubiza ikibazo cya raporo ya RCA aho bibazaga aho uwabaga asubijwe amabuye ye ngo ajye kwigurishiriza aho yasinyaga ko ayatwaye, Ku rupapuro rwa 4 bavugaga ko FECOMIRWA muri icyo gihe yari ifite ibibazo by'ubushobozi buke bukoze kugura amabuye no kuyagurisha bityo iyo FECOMIRWA yamaraga gutunganya ayo mabuye iyasubije ba nyirayo ntaho basinyaga icyo gihe ko ariko forms zari zanditse ariko ko ubu babihinduye ko noneho iyo batagurishirije amabuye amakoperative bikaba ngombwa ko bayasubirana basinya kuri "forms No Sale Agreement" bitandukanye n'ibyakorwaga mbere ari nabyo RCA yashingiyeho ivuga ko Hakizimana John mu gihe atagaragaza aho uwasubiranye amabuye yasinye bivuze ko ayo mabuye Hakizimana John yayanyereje binatuma n'urukiko rukuru ariko rubyemeza nyamara atariko kuri nkuko byasobanuwemo haruguru. Mu mwanzuro wa Komite Ngenzuzi ku rupapuro rwa 4 bavugaga ko Hakizimana John yarenganurwa ko nta mabuye yigeze aburira muri stock ya Hakizimana John ko ahubwo imiyoborere ya FECOMIRWA muri icyo gihe itakoraga neza. Bigashimangirwa nuko iyo raporo ya RCA yakozwe Komite Nyobozi hafi ya yose ifunze ariko Hakizimana John yari hanze kuko yari umwere ahubwo yarifashishwaga

nk'umutangabuhanya. [10] Ubushinjacyaha busobanura ko Hakizimana John asubirishamo urubanza ingingo Nshya urubanza rwe RPA/ECON00009/2019/HC/KIG rwaciwe n'urukiko Rukuru rwa Kigali kuwa 29/01/2021 agaragaza ko habonetse ikimenyetso gishya cya kamarampaka gishobora kumurenganura akagirwa umwere. Mu gusubirishamo urubanza ingingo Nshya yashingiye ku ngingo ya 197 ya CPP mu gace ka 5o igira iti :iyo kuva aho urubanza ruciriwe, habonetse ikimenyetso gishya kimara impaka kigaragaza neza akarengane katewe n'urubanza rusabirwa gusubirwamo. [11] Kubijyanye n'ibivugwa na Hakizimana John kubyaranze imikorere ya FECOMIRWA mu mwaka 2014 ku mabuye yazanwaga n'abo yise ba fournisseurs agatunganwa yarangiza bakayatwara ariko ntihaire aho yandikwa ko bajyanye ariyo yagiye amubarwaho nkaho ariwe wayanyereje akavuga ko nta mabuye yigeze aburira muri stock nk'umuntu wari uyishinzwe akaba atemera raporo ya RCA yakoreye iyo Company akabihuza n'ibivugwa mu mwanzuro wa komite ngenzuzi ya FECOMIRWA nayo yunga mubyavuzwe na Hakizimana John igaragaza imikorere y'iyi Company. Nubwo hariho guhuza imvugo hagati ya Hakizimana John n'iya komite ngenzuzi ya FECOMIRWA yifashishije ngo imurenganure nta cyemeza ko bikwiye gutesha agaciro raporo ya RCA kuburyo hakwemezwako ko nta nyereza ry'amabuye ryabayeho muri FECOMIRWA muri icyo gihe hagendewe kubyo bavugako ko habayeho imikorere itari myiza. Ikindi nuko uyu mwanzuro wa Komite Ngenzuzi ntabwo ari ikimenyetso gishya kimara impaka kigaragaza ko Hakizimana John yakorewe akarengane kuko iyi komite ngenzuzi yari ihasanze mui icyo kigo yaje gutanga uwo mwanzuro nyuma yaho Hakizimana John yandikiye Komite Ngenzuzi ya FECOMIRWA nayo mu mwanzuro wayo ikagaragaza ko

Page 5

Hakizimana John yareganye binyuranije na raporo yatanze na RCA yo yatanze umubare w'amabuye Hakizimana John atigeze asobanura kandi ari we wari ushinze Stock muri icyo gihe. [12] Ubushinjacyaha bukomeza busanga ibivugwa mu mwanzuro wa Komite Ngenzuzi byifashishijwe na Hakizimana John gusubirishamo ingingo Nshya bidakwiye kuba ikimenyetso gishya kimara impaka kigaragaza akarengane yakorewe kuko raporo ya RCA yakozwe bikurikije amategeko ikorwa n'ikigo kibifitiye ububasha, bityo akaba asaba urukiko rwaregwe ko rwemeza ko ikirego cye kidafite ishingiro. UKO URUKIKO RUBIBONA [13] Urukiko rusanga Hakizimana yarashubirishijemo urubanza ingingo nshya ashingiyeye kuri raporo ya komite Ngenzuzi yakozwe kuwa 16/04/2021, asaba ko raporo ya RCA yo kuwa 29/01/2018 yemejwe n'inteko rusange ko yateshwa agaciro hakagenderwa kuri raporo ya komite Ngenzuzi, ubushinjacyaha bukavugako ibyo komite Ngenzuzi yakozwe byifashishijwe na Hakizimana John gusubirishamo ingingo Nshya bidakwiye kuba ikimenyetso gishya kimara impaka kigaragaza akarengane yakorewe kuko raporo ya RCA yakozwe bikurikije amategeko ikorwa n'ikigo kibifitiye ububasha, bityo akaba asaba urukiko rwaregwe ko rwemeza ko ikirego cye kidafite ishingiro. [14] Urukiko rusanga FECOMIRWA yarageye indishyi mu rukiko rwisumbuye mu rubanza RPECON00014/2017 aho mu gace ka [64] urukiko rwemeje ko Hakizimana John asubiza FECOMIRWA (Fédération des Coopératives Minières au Rwanda) 2.589.000Frw na 334.500.635USD yarigishije, ibi bikaba bitaba ingingo nshya kuko raporo y'ubugenzuzi ya FECOMIRWA yo kuwa 07/03/2018 icuguruzanya na raporo ya komite Ngenzuzi yo kuwa 16/04/2021 yakozwe na Nsengimana, Fikiri na Nayituriki. [15]

Urukiko rusanga ikindi kimenyetso kigaragaza ko iriya raporo ya komite ngenzuzi itaba ingingo nshya, ari ibyagaragajwe no mu rukiko Rukuru aho COFEMIRWA yakomeje kuregera ziriya ndishyi ikazihabwa, Urukiko rukuru rwabonye ko raporo y'ubugenzuzi yakozwe na RCA idakwiriye guteshwa gaciro hakurikijwe ibivugwa na Hakizimana John ko abakozi ba RCA babonye ikinyuranyo ngo kubera ubumenyi buke bwabakozi ba RCA kuko ataribyo hakurikijwe ibyasobanuwe na Hitayezu Innocent bigaragaza ko ingenzura ryakozwe aruko abakozi ba RCA baramenyeshwe imikorere ya FECOMIRWA, ibi wabihuza na raporo komite Ngenzuzi ya COFEMIRWA yakoze ugasanga binyuranye n'ibyo komite nyobozi yanditse kuwa 20/08/2021. [16] Urukiko rusanga RCA mu ibaruwa yatanze ubusobanuro kuwa 06/02/2020 ibisabwe n'ubushinjacyaha yaragaragaje ko impapuro zatanze na Hakizimana John wari ushinze ububiko bw'amabuye y'agaciro no kuyasohora ngo agurishwe zaragaragajwe mu gihe cy'ubugenzuzi ariko ntizahabwa agaciro n'abagenzuzi kuko zivuguruzanya nibyo yagaragazaga mu ma raporo yakoraga yashyikirizaga ubuyobozi bwa FECOMIRWA byagaragajwe na raporo y'igenzura, byumvikane ko iriya raporo ya komite ngenzuzi yo kuwa 16/04/2021 itaba ingingo nshya kuko byagiye bivugwaho ahubwo bikavuguruzanya. [17] Urukiko rusanga mu rukiko Rukuru yaraburanishije raporo y'igenzura asobanura ko ititaye ku mikorere ya FECOMIRWA kuko ibaruwa Hakizimana John yanditse 06/07/2018 yandikira umuyobozi wa FECOMIRWA yagaragazaga ko atabasha kunyereza amabuye angana kuriya ngo he kugaragara igihombo, ko ubuyobozi bwamusubije ko hazajyaho "commission"

Page 6

ishinze ibibazo bivuga ko iyo basanga ibyo Hakizimana John asaba ko nta shingiro bifite ngo ntibari kuba baramusubije. [18] Urukiko rushingiye ku kuba Hakizimana John ubwe avuga ko ubuyobozi bwamusubije ko hazajyaho "commission" ibi byose yavugiye mu rukiko rukuru bigaragaza ko iriya raporo ya komite ngenzuzi itaba ingingo nshya hagendewe ku ngingo ya 197 agace kayo ka gatanu k'Itegeko No 027/2019 ryo kuwa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha aho ako gace kavuga ko iyo kuwa aho urubanza ruciriwe, habonetse ikimenyetso gishya kimara impaka kigaragaza neza akarengane katewe n'urubanza rusabirwa gusubirwamo. Alinea ya 2 y'iyi ngingo ikavuga ko ikimenyetso gishya kivugwa mu gace ka 5 k'igika cya mbere cy'iyi ngingo ni ikimenyetso umuburanyi atashoboraga kumenya ko cyaba gihari, akabibona nyuma cyangwa akaba atarabashaga ku kigeraho igihe yaburanaga. Iki kimenyetso biragaragara ko kitamara impaka kuko umuburanyi nubwo yakorewe raporo y'ubugenzuzi nyuma yo kuburana agatsindwa, ariko raporo yakorewe itavuguruzanya raporo ya RCA kuko yemejwe n'inteko rusange yabaye kuwa 29/01/2018. Bigaragara ko Hakizimana John yaburanye ari hanze ntago yari gutegereza ko asomerwa kuwa 29/01/2021 ngo abone gushakisha ingingo nshya kuko bigaragara ko yandikiye FECOMIRWA kuwa 01/03/2021. [19] Urukiko rukaba rwemeranya n'umurongo wafashwe mu rubanza RS/REV/PEN0004/2010/CS rwaciwe mu gaka ka [8] Ubushinjacyaha na Gasore ku birebana n'impamvu Gasore yashingiyeho asubirishamo urubanza ingingo nshya yerekeranye n'uko Urukiko rw'Ikirenga rwirengagije guhamagaza abatangabuhamyi bari kumushinjura, aribo Ntamubana, Bujimiri, Hirimiza, Derena na Rusigariye, Urukiko rwasanze atari ikimenyetso gishya cyatuma urubanza RPA0098/07/CS

rusubirishwamo ingingo nshya kuko idahuje n'iziteganywa n'ingingo ya 180 y'Itegeko N° 13/2004 nk'uko n'umucamanza w'ibanzirizasuzuma yabyemeje, ibi bikaba bihura n'ingingo ya 197 agace kayo ka gatanu k'Itegeko No 027/2019 ryo kuwa 19/09/2019 ryerekeye imiburanishirize y'imanza z'inshinjabyaha nkuko yasobanuwe haruguru, urubanza rwaciwe RPA/ECON00009/2019/HC/KIG kuwa 29/01/2021 rukaba rutagomba guhinduka. III. ICYEMEZO CY'URUKIKO [20] Rwemeje ko ikirego cya Hakizimana John cyo gusubirishamo urubanza ingingo nshya nta shingiro gifite. [21] Rwemeje ko urubanza RPA/ECON00009/2019/HC/KIG rwaciwe n'Urukiko Rukuru rwa Kigali rugumye mu ngingo zarwo zose.

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/10360/10908>

CASE PAGE <https://chat.esheria.ai/case-law/rwanda/hakizimana-john-revisionofcriminaljudgments-high-court-2025>

Prepared on 11 October 2026 · Esheria