

RWANDA / JUDGMENT

Re Roger Martyn SHAW

RS/RECT/RCOM00002/2025/CA

COURT

Court of Appeal

DECIDED

21 July 2025

CASE / FILE NUMBER

RS/RECT/RCOM00002/2025/CA

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

Re Roger Martyn SHAW

- Source: Amategeko
- Section: Decisions (Judgements)
- Date: 2025-07-21
- Case/document no.: RS/RECT/RCOM00002/2025/CA
- Collection: Court of Appeal

Text

Page 1

Re Roger Martyn SHAW [Rwanda URUKIKO RW'UBUJURIRE – RS/RECT/RCOM00002/2025/CA (Kamere, P.J.) 21 Nyakanga 2025] Amategeko yerekeye imiburanishirize y'imanza Mbenezamubano – Gukosoza urubanza – Iyo urubanza rugaragaramo amakosa y'imyandikire, hatangwa ikirego cyo kuyakosora mu Rukiko rwaruciye agakosorwa. Incamake y'ikibazo: Uru rubanza rwatangiye Kazina Balimba arega Roger Martyn SHAW, Idamange Faith SHAW na Lakeside Ltd mu Rukiko rw'Ubucuruzi. Urwo Rukiko rwemeza ibintu bitandukanye mu rubanza RCOM01533/2022/TC, urwo Rukiko rwemeza ibintu bitandukanye. Lakeside Ltd, Roger Martyn SHAW na Faith Idamange SHAW bajuririyemo Urukiko Rukuru rw'Ubucuruzi, narwo mu rubanza RCOMA00436/2023/HCC rwemeza ibintu bitandukanye nk'uko bikubiye muri kopi y'urubanza. Roger Martyn SHAW, Idamange Faith SHAW na Lakeside Ltd bajuririyemo Urukiko rw'Ubujurire, narwo rwemeza mu rubanza RCOMA00035/2024/CA ko urubanza RCOMA00436/2023/HCC rwaciye n'Urukiko Rukuru, ruhindutse gusa ku bijyanye n'ingano y'inyungu zigomba gutangwa. Rutegeka Roger Martyn SHAW, Idamange Faith SHAW na Lakeside Ltd gufatanya kwishyura Kazina Balimba Joseph amadolari ibihumbi mirongo inani (80.000USD) hamwe n'inyungu zayo zingana n'amadolari ibihumbi mirongo itanu na kimwe magana abiri mirongo icyenda na rimwe

(51.291USD), n'indishyi zitandukanye. Nyuma y'uko Urukiko rw'Ubujurire ruciye urubanza RCOMAA00035/2024/CA; Roger Martyn SHAW yatanze ikirego muri urwo Rukiko arusaba gukosora amakosa atandukanye y'imyandikire ari muri urwo rubanza. Urukiko mu rubanza RS/RECT/RCOM00002/2025/CA rwemeje ko koko mu rubanza RCOMAA00035/2024/CA rugaragaramo amakosa, rutegeka ko akosorwa. Incamake y'icyemezo: Iyo urubanza rugaragaramo amakosa y'imyandikire, hatangwa ikirego cyo kuyakosora mu Rukiko rwaruciye agakosorwa. Amakosa y'imyandikire agaragara mu rubanza RCOMAA00035/2024/CA agomba gukosorwa. Amategeko yashingiweho: Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegets, Ingingo ya 140, igika cya 1. Nta manza zifashishijwe. Urubanza. I. IMITERERE Y'URUBANZA [1] Kazina Balimba Joseph yareze Roger Martyn SHAW, Idamange Faith SHAW na Lakeside Ltd mu Rukiko rw'Ubucuruzi, mu rubanza RCOM01533/2022/TC, urwo Rukiko rwemeza ibintu bitandukanye nk'uko bikubiye muri kopi y'urubanza. Lakeside Ltd, Roger Martyn SHAW na Faith Idamange SHAW bajuririyeye Urukiko Rukuru rw'Ubucuruzi, maze mu rubanza RCOMA00436/2023/HCC

Page 2

rwaciye ku wa 31/05/2024, urwo Rukiko rwemeza ibintu bitandukanye nk'uko bikubiye muri kopi y'urubanza. [2] Roger Martyn SHAW, Idamange Faith SHAW na Lakeside Ltd bajuririyeye uru Rukiko, mu rubanza RCOMAA00035/2024/CA rwaciye ku wa 21/03/2025, Urukiko rwemeza ko urubanza RCOMA00436/2023/HCC rwaciye n'Urukiko Rukuru rw'Ubucuruzi ku wa 31/05/2024, ruhindutse gusa ku bijyanye n'ingano y'inyungu zigomba gutangwa. Rutegeka Roger Martyn SHAW, Idamange Faith SHAW na Lakeside Ltd gufatanya kwishyura Kazina Balimba Joseph amadolari ibihumbi mirongo inani (80.000USD) hamwe n'inyungu zayo zingana n'amadolari ibihumbi mirongo itanu na kimwe magana abiri mirongo icyenda na rimwe (51.291USD), amafaranga ibihumbi magana atanu (500.000Frw) y'igihembo cya Avoka n'ibihumbi magana abiri (200.000Frw) y'ikurikiranarubanza, kuri uru rwego, yiyongera kuri miliyoni ebyeri n'ibihumbi magana atatu (2.300.000Frw) yari yagenewe mu manza zabanje. Yose hamwe akaba miliyoni eshatu (3,000,000Frw), no guha Kazina Balimba Joseph miliyoni eshatu (3,000,000Frw) y'indishyi z'akababaro yagenwe n'Urukiko rw'Ubucuruzi. [3] Nyuma y'uko ku wa 21/03/2025, uru Rukiko ruciye urubanza RCOMAA00035/2024/CA; ku wa 17/04/2025, Roger Martyn SHAW yatanze ikirego muri uru Rukiko arusaba gukosora amakosa y'imyandikire ari muri urwo rubanza, ahanditse Robert Martyn Shaw mu bika bya 35 na 55 hakandikwa Roger Martyn SHAW, ndetse rugakosora n'amakosa y'imyandikire agaragara mu gika cya 36 umurongo wa gatatu (3) ahanditse igishoboro, mu gika cya 57 umurongo wa kabiri (2) ahanditse yiyejewe, mu gika cya 58 umurongo wa mbere (1) ahanditse Idam ange, mu gika cya 64 umurongo wa kabiri (2) ahanditse yagenawe, mu gika cya 72 umurongo wa kane (4) ahanditse kubiheregwa, mu gika cya 77 umurongo wa gatanu (5) ahanditse kumusibiza, mu gika cya 79 umurongo wa kabiri (2) ahanditse kigaragagara, mu gika cya 83 umurongo wa cumi narimwe (11) ahanditse batanyije. [4] Iburanisha ry'urubanza ryabereye mu nama y'abacamanza ku wa 21/07/2025, Urukiko rusuzuma ikirego cyatanzwe na Roger Martyn SHAW rwifashishije inyandiko zikubiyemo ibisobanuro yatanze bitabaye ngombwa guhamagara ababuranyi, hashingiwe ku bikubiye mu gika cya mbere cy'ingingo ya 140 y'Itegeko

N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y’imanza z’imbenezamubano, iz’ubucuruzi, iz’umurimo n’ iz’ubutegets1. II. IKIBAZO KIRI MU RUBANZA N’ISESENGURA RYACYO Kumenya niba hari amakosa y’imyandikire ari mu rubanza RCOMAA00035/2024/CA agomba gukosorwa [5] Mu kirego cya Roger Martyn SHAW, avuga ko asaba Urukiko gukosora amakosa y’imyandikire ari mu rubanza RCOMAA00035/2024/CA rwaciwe ku wa 21/03/2025, nk’uko byasobanuwe mu gika cya gatatu cy’uru rubanza. UKO URUKIKO RUBIBONA [6] Ingingo ya 140, igika cya mbere, y’Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y’imanza z’imbenezamubano, iz’ubucuruzi, iz’umurimo n’iz’ubutegets, iteganya ko urubanza rukosora urundi, rukosora gusa amakosa y’imyandikire. [7] Urukiko rurasanga koko harabayeho kwibeshya mu kwandika izina rya Roger Martyn SHAW mu bika bya 35 na 55, aho Urukiko rwanditse Robert Martyn Shaw kandi rwaragombaga kwandika Roger Martyn SHAW. Bityo rero, rurasanga mu rubanza RCOMAA00035/2024/CA rwaciwe ku wa 21/03/2025,

1 Ikirego gikosora cyangwa gisobanura urubanza kiburanishwa nk’inyandiko nsobanurakirego itanzwe n’umuranyi umwe. (...).

Page 3

mu bika bya 35 na 55 ahanditse “Robert Martyn Shaw” hagomba gukosorwa hakandikwa “Roger Martyn SHAW”. [8] Nk’uko Roger Martyn SHAW abisaba, Urukiko rurasanga amakosa y’imyandikire y’amagambo ari mu bika bya 36, 57, 58, 64, 72, 77, 79 na 83 by’urubanza RCOMAA00035/2024/CA rwaciwe ku wa 21/03/2025, agomba gukosorwa; bityo mu gika cya 36 umurongo wa gatatu (3) ahanditse “igishoboro”, hagomba gukosorwa hakandikwa “igishoro”, mu gika cya 57 umurongo wa kabiri (2) ahanditse “yijejewe” hakandikwa “yijejwe”, mu gika cya 58 umurongo wa mbere (1) ahanditse “Idam ange” hakandikwa “Idamange”, mu gika cya 64 umurongo wa kabiri (2) ahanditse “yagenawe” hakandikwa “yagenewe”, mu gika cya 72 umurongo wa kane (4) ahanditse “kubihereingwa” hakandikwa “kubiharerwa”, mu gika cya 77 umurongo wa gatanu (5) ahanditse “kumusibiza” hakandikwa “kumusubiza”, mu gika cya 79 umurongo wa kabiri (2) ahanditse “kigaragagara” hakandikwa “kigaragara”, mu gika cya 83 umurongo wa cumi na rimwe (11) ahanditse “batanyije” hakandikwa “bafatanyije”. [9] Hashingiwe ku bisobanuro bimaze gutangwa, Urukiko rurasanga ikirego cya Roger Martyn SHAW gisaba gukosora urubanza rwavuzwe haruguru, gifite ishingiro, bityo uru rubanza rukaba rugomba kuzuzwa urubanza RCOMAA00035/2024/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 21/03/2025. III. ICYEMEZO CY’URUKIKO [10] Rwemeje ko mu bika bya 35 na 55 by’urubanza RCOMAA00035/2024/CA rwaciwe ku wa 21/03/2025, ahanditse “Robert Martyn Shaw” hagomba gukosorwa hakandikwa “Roger Martyn SHAW”, ko n’amakosa y’imyandikire y’amagambo ari muri urwo rubanza agomba gukosorwa nk’uko byasobanuwe mu gika cya munani (8) cy’uru rubanza. [11] Rwemeje ko uru rubanza rwuzuzwa urubanza RCOMAA00035/2024/CA rwaciwe n’Urukiko rw’Ubujurire ku wa 21/03/2025.

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/9918/10421>

CASE PAGE <https://chat.esheria.ai/case-law/rwanda/roger-martyn-shaw-v-kazina-balimba-joseph-rectificationofjudgment-court-of-appeal-2025>

Prepared on 11 October 2026 · Esheria