

CASE INVOLVING THE ASSET TO BE RECOVERED

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SUMMARY OF THE CASE

- Between June 2019 and 1st September 2020 ,three employees namely Accountant, Principal cashier and acting Loan officer, and the cashier of SACCO(Saving and Credit Co-operatives) Ingenzi GASAKA, which is located in Kitazigurwa Village, Ngiryi Cell, Gasaka Sector, Nyamagabe District, Southern Province, Rwanda were involved in embezzlement of the money of that SACCO. They receive the customer's saving and put it in their pocket instead of putting it on account of SACCO on one hand, and on the other, they were withdrawing money from the account of customers without their authorisation and took the loan in customer's names. In order to achieve their purpose, they used the forgery form. **The total amount embezzled is 52,404,750 (Fifty-two million, four hundred and four thousand, seven hundred and fifty Rwandan francs). All of them were convicted and ordered to return the amount embezzled. The last decision was taken by the High Court on 14th January 2022.**

HOW THE CASE COME TO THE ATTENTION OF THE PROSECUTION

- Those SACCO, are Cooperatives which are under the Rwanda Cooperative Agency(RCA) and as a Financial Institution is also under National Bank of Rwanda (BNR/Central Bank).So RCA and Central Bank, periodically, they conduct the audit and when they get something strange, they handle the case to Rwanda Investigation Bureau(RIB).It's at that time the investigation start and as provided by the Rwandan Criminal Procedure, the Prosecution is informed of the investigation of the case as supervisor and give directives where necessary. After the investigation, the case is filed to the Prosecution for further investigations if necessary and submit the case to the court. So that is how this case comes to our attention as Prosecution.

THE CRIMES THAT WERE COMMITTED

- In this case, they are three crimes respectively :
 - Embezzlement which is provided and punished by **article 10 of the law N° 54/2018 of 13/08/2018 on fighting against corruption**
 - Forgery which is provided and punished **by article 276,paragraph 1 and 3 of the Law N°68/2018 of 30/08/2018 determining offences and penalties in general**
 - Use of Forged document which is provided and punished **by article 276,paragraph 4 and 3 of the Law N°68/2018 of 30/08/2018 determining offences and penalties in general**

INVESTIGATIVES TECHNIQUES

- One of the techniques was the analysis of the audit report and others documents related to the daily work of SACCO likes accounting books, customer's forms, different report, etc.
- Second one is the interview of the witnesses and the interrogations of the suspects.

INTER-AGENCY CO-OPERATION

- During the investigation, many actors are involved. So as I said above , SACCO as the cooperative is under Rwanda Cooperative Agency(RCA) and as the Financial Institution, is under Central Bank/National Bank of Rwanda(BNR).
- Without the co-operation of Rwanda Investigation Bureau and RCA and BNR, the investigation will not be successfully. When the preliminary investigation is closed and the case was submitted to the Prosecution, his co-operation with RIB,RCA and Central Bank, is necessary in order to get good result.

CASE RESULT/ASSET RECOVERY RESULT

- At the Intermediate Level Court, all the three employees (Accountant, Principal Cashier/Acting Loan officer and Cashier) were convicted of embezzlement, Forgery and Use of forged document and ordered to return the amount embezzled each one as requested by the Prosecution.
- At the appeal Level, the High Court also confirmed that decision taken by Intermediate Court. In addition, the High Court state that those 3 convicted persons should pay the amount embezzled in two month from the date of pronouncement of the decision, otherwise that amount will be deducted from their property by state's force.