



AMBASSADE
DE LA
RÉPUBLIQUE DU RWANDA

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Bruxelles, le 27 juillet 2005
N° 386/12.00/JB/hm

Monsieur Philippe COUVREUR,
Greffier de la Cour Internationale
de Justice
La HAYE

Objet **Activités armées sur le territoire du Congo
(Nouvelle requête : 2002) (RDC c Rwanda)**

Monsieur le Greffier de la Cour,

Faisant suite à votre lettre n° 124 491 du 11 juillet 2005 et subsidiairement à ma lettre n° 379/12.00/JB/hm du 22 juillet 2005, j'ai l'honneur de vous transmettre en annexe, la documentation demandée sur les instruments constitutionnels en force durant la période de transition du Gouvernement rwandais ainsi que l'intégralité de la déclaration faite par le Ministre de la Justice lors de la 61^{ème} Session de la Commission des Nations Unies des Droits de l'Homme. Ces documents sont les suivants :

- Rwandan legislative Decree n°014/01 of 15th February 1995;
- Rwandan Constitutional instruments which, at the time (1995) governed the adoption and entry into force of legislative decrees of that kind,
- A full transcription of statement made by Ms MUKABAGWIZA Edda, Rwandan Minister of Justice, to the last session of the United Nations Human Rights Commission,
- Note explicative relative à la décision de l'Assemblée Nationale de Transition de ne pas confirmer le décret-Loi n° 014/01 du 15/02/1995 levant toutes les réserves émises par la République Rwandaise à l'adhésion, à l'approbation et à la ratification des instruments internationaux ;
- The Legal position on the decree of 15th February, 1995 adhering to and ratifying all international instruments.

Tout en vous en souhaitant bonne réception Je vous prie d'agréer, Monsieur le Greffier de la Cour, l'assurance de ma haute considération.

Joseph BONESHA
Ambassadeur et Agent Adjoint



[Translation]

Official Journal of the Rwandese Republic

Order in Council No. 014/01 of 15 February 1995 waiving all reservations entered by the Rwandese Republic to the accession, approval and ratification of International Instruments

We, Pasteur BIZIMUNGU,
President of the Republic,

Having regard to the Fundamental Law;

Having regard to the Protocols of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-Sharing and on Miscellaneous Issues and Final Provisions; in particular, their respective Articles 40, 72 and 15;

On a proposal from Our Minister of Justice, and following an Opinion of the Council of Ministers rendered at its meeting of 30 September 1994;

HAVE DECREED AND HEREBY DECREE:

Article 1

All reservations entered by the Rwandese Republic concerning the accession, approval and ratification of international instruments are waived

Article 2

All prior provisions contrary to the present Order in Council are abrogated;

Article 3

This Order in Council shall enter into force on the day of its publication in the Official Journal of the Rwandese Republic.

The President of the Republic,
(Signed) Pasteur BIZIMUNGU.

The Prime Minister,
(Signed) Faustin TWAGIRAMUNGU.

The Minister of Justice,
(Signed) Alphonse Marie NKUBITO.

Seen and sealed with the Seal of the Republic,

The Minister of Justice,
(Signed) Alphonse Marie NKUBITO

[Translation]

**National University of Rwanda
Law Faculty**

CODES AND LAWS OF RWANDA

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VOLUME I

**Fundamental provisions
Civil matters
Commercial matters
Criminal matters
Police and Security**

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**NATIONAL TEXTS
FUNDAMENTAL LAW**

PEACE AGREEMENT

4 August 1993 — Arusha Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front (OJ 1993, p. 1265)

The Government of the Republic of Rwanda on the one hand, and the Rwandese Patriotic Front on the other,

Firmly resolved to find a political negotiated solution to the war situation confronting the Rwandese people since 1 October 1990;

Considering and appreciating the efforts deployed by the countries of the Sub-region with a view to helping the Rwandese people to recover peace,

Referring to the numerous high-level meetings held respectively at Mwanza, United Republic of Tanzania, on 17 October 1990, in Gbadolite, Republic Zaire, on 26 October 1990, in Goma, Republic of Zaire, on 20 November 1990, in Zanzibar, United Republic of Tanzania, on 17 February 1991, in Dar-es-Salaam, United Republic of Tanzania, on 19 February 1991 and from 5 to 7 March 1993,

Considering that all these meetings aimed first and foremost at establishing a ceasefire so as to enable the two parties to look for a solution to the war through direct negotiations;

Noting the N'sele Ceasefire Agreement, of 29 March 1991 as amended in Gbadolite on 16 September 1991 and at Arusha on 12 July 1992,

Reaffirming their unwavering determination to respect principles underlying the Rule of Law which include democracy, national unity, pluralism, the respect of fundamental freedoms and rights of the individual;

Considering that these principles constitute the basis and consistency of a lasting peace awaited by the Rwandese people for the benefit of the present and future generations,

Noting the Protocol of Agreement on the Rule of Law signed at Arusha on 18 August 1992;

Considering that the two parties accepted the principle of power-sharing within the framework of a Broad-Based Transitional Government;

Noting the Protocols of Agreement on Power-Sharing signed at Arusha respectively on 30 October 1992, and on 9 January 1993,

Considering that the conflictual situation between the two parties can only be brought to an end through the formation of one and single National Army and a new National Gendarmerie from forces of the two warring parties;

Noting of the Protocol of Agreement on the integration of Armed Forces of both Parties, signed at Arusha on 3 August 1993,

Recognizing that the unity of the Rwandese people cannot be achieved until a definitive solution to the problem of Rwandese refugees is found and that the return of Rwandese refugees to

their country is an inalienable right and constitutes a factor for peace and national unity and reconciliation;

Noting the Protocol of Agreement on the repatriation of Rwandese refugees and the Resettlement of Displaced Persons, signed at Arusha on 9 June 1993;

Resolved to eradicate and put a definite end to all the root causes which gave rise to the war,

Have, at the conclusion of the Peace Talks held in Arusha, United Republic of Tanzania, between 10 July 1992 and 24 June 1993 as well as Kinyira, Republic of Rwanda from 19 to 25 July 1993 under the aegis of the facilitator, His Excellency Ali Hassan Mwinyi, President of the United Republic of Tanzania, in the presence of the Representative of the mediator, His Excellency, Mobutu Sese Seko, President of the Republic of Zaire as well as representatives of the Current Chairmen of the OAU, His Excellency Abdou Diouf, President of the Republic of Senegal, and Hosni Mubarak, President of the Arab Republic of Egypt, the Secretary General of the OAU, Dr Salim Ahmed Salim, the Secretary-General of the United Nations, Dr. Boutros Boutros Ghali and observers representing Federal Republic of Germany, Belgium, Burundi, the United States of America, France, Nigeria, Uganda and Zimbabwe,

Calling the International Community to witness;

Hereby agree on the following provisions:

Article 1. The war between the Government of the Republic of Rwanda and the Rwandese Patriotic Front is hereby brought to an end.

Article 2. The following documents are an integral part of the present Peace Agreement concluded between the Government of the Republic of Rwanda and the Rwandese Patriotic Front:

- I. The N'sele Ceasefire Agreement of 29 March 1991 between the Government of the Republic of Rwanda and the Rwandese Patriotic Front, as amended in Gbadolite on 16 September 1991 and at Arusha on 12 July 1992;
- II. The Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Rule of Law, signed at Arusha on 18 September 1992;
- III. The Protocols of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-Sharing within the Framework of a Broad-Based Transitional Government, signed at Arusha respectively on 30 October 1992 and on 9 January 1993;
- IV The Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Repatriation of Refugees and the Resettlement of Displaced Persons, signed at Arusha on 9 June 1993,
- V The Protocol Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the integration of Armed Forces of the two parties, signed at Arusha on, 3 August 1993;
- VI. The Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Miscellaneous Issues and Final Provisions signed at Arusha on 3 August 1993

These entire documents are attached as Annex.

Article 3. The two parties also agree that the Constitution of 10 June 1991 and the Arusha Peace Agreement shall constitute indissolubly the Fundamental Law that shall govern the Country during the Transition period, taking into account the following provisions:

- 1 The following Articles of the Constitution shall be replaced by the provisions of the Peace Agreement relating to the same matters. The Articles in question are: 34, 35, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 54, 55, 56, 57, 58, 59, 60, 63, 65, 66, 67, 68, 70, 71, 73, 74, 75 paragraph 2, 77 paragraphs 3 and 4, 81, 82, 83, 84, 85, 86, 87, 88 paragraph 1, 90, 96, 99, 101.
- 2 In case of conflict between the other provisions of the Constitution and those of the Peace Agreement, the provisions of the Peace Agreement shall prevail.
3. The Constitutional Court shall verify the conformity of Laws and Orders in Council with the Fundamental Law thus defined. Pending the enactment of the law on the Supreme Court, the existing Constitutional Court shall remain composed of both the Court of Cassation and the State of Council. The Presiding Judge of the Constitutional Court shall assume the presidency.

Article 4. In case of conflict between the provisions of the Fundamental Law and those of other Laws and Regulations, the provisions of the Fundamental Law shall prevail.

Article 5. The Government of the Republic of Rwanda and the Rwandese Patriotic Front undertake to make every possible effort to ensure that the present Peace Agreement is respected and implemented.

They further undertake to spare no effort to promote National Unity and Reconciliation.

Article 6. The two parties agree on the appointment of Mr Twagiramungu Faustin as Prime Minister of the Broad-Based Transitional Government, in accordance with Articles 6 and 51 of the Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-Sharing within the framework of a Broad-Based Transitional Government.

Article 7. The Transitional Institutions shall be set up within thirty seven (37) days following the signing of the Peace Agreement.

Article 8. The current Government shall remain in Office until the Broad-Based Transitional Government is established. The maintenance of that Government does not mean that it can encroach on the mandate of the Broad-Based Transitional Government being established.

The current Government shall, in no case, take decisions which may be detrimental to the implementation of the Broad-Based Transitional programme.

Article 9. The "Conseil National de développement" (CND) shall remain in Office until the Transitional National Assembly is established. However, as from date of signing the Peace Agreement, it shall not enact laws.

Article 10. The present Peace Agreement is signed by the President of the Republic Rwanda and the Chairman of the Rwandese Patriotic Front, in the presence of

— The Facilitator, His Excellency, Ali Hassan Mwinyi, President of the United Republic of Tanzania;

- His Excellency, Yoweri Kaguta Museveni, President of the Republic of Uganda, Observer country;
- His Excellency Melchior Ndadaye, President of the Republic of Burundi, Observer country;
- The Representative of the Mediator, His Excellency Faustin Birindwa, Prime Minister of Zaire;
- Dr. Salim Ahmed Salim, Secretary General of the OAU,
- The Representative of the Secretary General of the United Nations;
- The Representative of the Current Chairman of the OAU;
- The Representatives of other Observer countries: Germany, United States of America, France, Nigeria and Zimbabwe;
- The delegations of the two parties

Article 11 The present Peace Agreement shall come into force upon its signing by parties.

Done at Arusha, on the 4th day of the month of August 1993 both in the French and English languages, the original text being in French.

**Protocol of Agreement between the Government of the Republic of Rwanda and the
Rwandese Patriotic Front on the Rule of Law**

Signed at Arusha on 18 August 1992

PREAMBLE:

The Government of the Republic of Rwanda and the Rwandese Patriotic Front,

Reaffirming that the Rule of Law, the principle of the establishment of which was agreed upon by the signatories of the present Protocol of Agreement, in accordance with Article V of the N'sele Agreement, as amended in Gbadolite, on 16 September 1991 and in Arusha on 12 July 1992, shall characterize the political life in our country,

Considering that the Rule of Law implies that nobody, including the authorities, is above the law and that the laws must respect the fundamental rights of the citizens,

Reaffirming that the Rule of Law does not mean merely a formal legality which assures regularity and consistency in the achievement and enforcement of democratic order, and which is first and foremost and fundamentally characterized by justice based on the recognition and full acceptance of the supreme value of the human personality and guaranteed by institutions providing a framework for its fullest expression,

Convinced that the Rule of Law:

- is the best guarantee of national unity, the respect of the fundamental freedoms and rights of the individual;
- is a concrete manifestation of democracy;

— hinges on national unity, democracy, pluralism and respect for human rights,

Have agreed as follows.

Chapter I: National unity

Article 1. National unity must be based on equality of all citizens before the law, equal opportunities in all fields including the economic field and respect for fundamental rights as stipulated, notably, in the Universal Declaration of Human Rights and in the African Charter on Human and Peoples' Rights

Article 2 National unity implies that the Rwandese people, as constituent elements of the Rwandese nation, are one and indivisible. It also implies the necessity to fight all obstacles to national unity, notably, ethnicism, regionalism, integrism and intolerance which subordinate the national interest to ethnic, regional, religious and personal interest.

Article 3. National unity entails the rejection of all exclusions and any form of discrimination based notably, on ethnicity, region, sex and religion. It also entails that all citizens have equal opportunity of access to all the political, economic and other advantages, which access must be guaranteed by the State.

Article 4. The two parties acknowledge that the national unity of the people of Rwanda cannot be achieved without a definitive solution to the problem of Rwandese refugees. They recognize that the return of the Rwandese refugees to their country is an inalienable right and represents a factor of peace, unity and national reconciliation. They undertake not to hinder the free exercise of this right by the refugees.

Chapter II: Democracy

Article 5. Democracy is founded on the idea that sovereignty belongs to the people. It is expressed, notably, through regular, free, transparent and fair elections. Popular representation must be the authentic expression of the will of citizens.

Article 6. The two parties accept the universality as well as the implications of the following fundamental principles of democracy:

- sovereignty of the people,
- government based on the consent of the people expressed through regular, free, transparent and fair elections;
- separation of the legislative, the executive and the judiciary powers;
- independence of the judiciary,
- guarantee for the fundamental rights of the individual as provided for in the Universal Declaration of Human Rights as well as in the African Charter on Human and Peoples' Rights, among others, freedom of speech, enterprise and of political, social and economic association,
- laws and regulations based on the respect of fundamental human rights,

- equality before the law,
- respect of laws and regulations by all;
- Constitution which respects the principles enunciated above, organizes the State powers and defines the powers and limitations of the Institutions of the Republic;
- multipartism, social and economic pluralism.

Article 7 The two parties recognize that multipartism entails the legitimate existence of a democratic opposition and consider, as legitimate, the aspiration of any Rwandese citizen to accede to power through democratic process.

Article 8. The two parties resolutely reject and undertake to fight

- political ideologies based on ethnicity, region, religion and intolerance which subordinate national interest to the ethnic, regional, religious or personal interest,
- any form of coup d'état as being contrary to the democratic system as described above.

Article 9. In order to promote and consolidate the democratic system as described above, the two parties undertake to work for social, economic and cultural development of the country and to fight hunger, ignorance, poverty and disease.

Article 10. Elections shall be organized in such a way that transparency is guaranteed and fraud eliminated through the establishment of efficient supervision mechanisms including, if the need arises, enlisting the assistance of international observers. The prior and full explanation of the citizens' rights and civic duties including the issues at stake in the elections is their inalienable right as a way of avoiding any form of political manipulation

Article 11. The two parties accept to promote, in national political life, a democratic culture based on the principles enunciated above.

Article 12 The broad-based transitional government provided for in Article V of the N'sele Agreement, as amended in Gbadolite, on 16 September 1991 and in Arusha on 12 July 1992, shall lead the country to a democratic system as defined above

To this end, the two parties note that a political process has been initiated by the Rwandese people to ensure the progress of democracy and reaffirm the need to build together a society founded on the Rule of Law as stipulated in the present Protocol

Chapter III: Pluralism

Article 13 The two parties recognize that a democratic society is also founded on pluralism which is the expression of individual freedoms and must respect national unity and the fundamental rights of the citizen.

Chapter IV: Human rights

Article 14 The two parties recognize the universal nature of human rights and should express concern when these rights are violated anywhere and by anybody

They also recognize that the International Community would be justified in expressing concern in the event that these rights are violated by anybody on Rwandese territory. These rights should be guaranteed by the Constitution and the laws of the Republic of Rwanda

Article 15 The two parties agree that a National Commission on Human Rights shall be established. This institution shall be independent and shall investigate human rights violations committed by anybody on Rwandese territory, in particular, by organs of the State and individuals in their capacity as agents of the State or of various organizations

The investigation work of the Commission shall not be limited in time.

The Commission shall be provided with the necessary means, especially legal means, to efficiently accomplish its mission. It shall utilize its findings to: (a) sensitize and educate the population about human rights, (b) institute legal proceedings, where necessary

Article 16. The two parties also agree to establish an International Commission of Enquiry to investigate human rights violations committed during the war

CONCLUSION

Article 17. The two parties concur that national unity, democracy and peace are invaluable and solemnly undertake to do everything possible so as to preserve these values in the interest of the present and future Rwandese generations

Done at Arusha, the 18th day of August 1992 in French and English, the French version being the original.

Protocol of Agreement on Power-Sharing within the framework of a Broad-Based Transitional Government between the Government of the Republic of Rwanda and the Rwandese Patriotic Front

The Government of the Republic of Rwanda and the Rwandese Patriotic Front:

Agree on the following provisions which are an integral part of the Protocol of Agreement on Power-sharing:

CHAPTER 1: GENERAL PRINCIPLES

Article 1 The two parties reaffirm the acceptance of the principle of power-sharing within the framework of a Broad- Based Transitional Government, in conformity with Article V.3. of the N'sele Ceasefire Agreement, as amended at Gbadolite on 16 September 1991 and at Arusha on 12 July 1992 The modalities of implementation of this principle are the object of the present Protocol of Agreement on Power-sharing

Article 2 The two parties agree that those modalities shall consist of

- (a) the maintenance of the current structure of the Coalition Government with appropriate adjustments to be mutually agreed upon in this Protocol, with a view to making room for the participation of the RPF and other political forces in the country;
- (b) appropriate adjustments to be mutually agreed upon in this Protocol, to be made at the level of the State powers with a view to enabling the RPF and other political forces in the country to

participate in and make for the efficient management of the transition, in compliance principle of separation of powers

CHAPTER II: TRANSITIONAL INSTITUTIONS

Article 3 During the transitional period, the State institutions shall be:

- (i) The Presidency of the Republic;
- (ii) The Broad-Based Transitional Government;
- (iii) The Transitional National Assembly,
- (iv) The Institutions of the Judiciary.

CHAPTER III: THE EXECUTIVE POWER

Article 4. The Executive power shall be exercised collectively through decisions taken in Cabinet meetings, by the President of the Republic and by the Government.

Section 1: The President of the Republic and Head of State

Article 5 Upon the signing of the Peace Agreement, the incumbent President of the Republic and Head of State shall remain in office until the outcome of elections to be held at the end of the transitional period

Article 6. As Head of State, the President of the Republic shall have the following prerogatives:

- (a) He shall nominate the Prime Minister and other members of the Cabinet within three days following their appointment by the relevant bodies. After this period, the Prime Minister shall assume office and appoint other Members of the Cabinet. Modalities for the appointment of the Prime Minister and other Members of the Cabinet shall be provided for in this Peace Agreement;
- (b) He shall nominate and accredit ambassadors, plenipotentiaries and extraordinary envoys abroad, after their appointment by the Cabinet. He shall receive credentials of ambassadors and extraordinary envoys from abroad, after their approval by the Cabinet,
- (c) He shall represent the Rwandese State in its relations with other States,
- (d) He shall sanction and promulgate, without any right of veto, bills passed by the National Assembly and Orders in Council adopted in the Cabinet meetings within ten days following the date of receipt of the ruling on their constitutionality. After this period, Orders in Council shall be sanctioned and promulgated by the Prime Minister, and the bills shall be sanctioned and promulgated by the Speaker of the Transitional National Assembly,
- (e) He shall declare war and sign armistice upon the decision of the Cabinet and after authorization by the National Assembly. To this end, he shall bear the title of Commander-in-Chief of the Armed Forces. The Army and other security forces shall be accountable to the Cabinet, in accordance with the modalities specified in the Peace Agreement

Article 7. The President of the Republic shall have the right to include any issue of national interest on the agenda of Cabinet meetings.

Article 8. The President of the Republic may, if he so wishes, attend meetings of the Cabinet. In this case, he shall chair the Cabinet meetings.

Article 9. Executive Orders by the President of the Republic, shall be discussed and adopted by the Cabinet. Since the President of the Republic shall have the right to be involved in decision-making in the Cabinet, he shall have no right of veto on decisions regularly taken by the Cabinet, in particular, draft Presidential Orders when these are submitted to him by the Prime Minister for signature. This signature officializing the Presidential Orders adopted in the Cabinet, shall be effected within ten days following the day of receipt of the said Orders at the Presidency of the Republic.

After this period, the decision shall come into force by way of a Prime Ministerial Order.

Article 10. Legal Acts by the President of the Republic shall be countersigned by the Prime Minister and by relevant ministers and secretaries of State.

Article 11. In pursuance of the decisions of the Cabinet and in conformity with the procedure defined under Article 9 of the present Protocol, the President of the Republic shall sign Presidential Orders with regard to the following.

1. the prerogative of mercy,
2. the minting of currency,
3. award of the National Orders;
4. the implementation of laws, when he is so required;
5. the appointment and termination of services of the following senior civil servants:
 - the Principal Private Secretary to the President of the Republic,
 - the Chancellor for National Orders;
 - the Governor of the National Bank of Rwanda;
 - the Rector of the National University of Rwanda,
 - ambassadors,
 - the Secretary to the Cabinet,
 - the Personal Secretary to the President of the Republic,
 - advisers in the Presidency of the Republic,
 - principal private secretaries in ministries;
 - advisers in ministries;
 - Head of the Prosecution Department at the Supreme Court;

- 6 Ratification of international treaties, conventions and agreements However, peace treaties, treaties of alliance, treaties which may entail altering national borders or affect the rights of sovereignty, treaties on the association of the Republic with one or several other States, as well as treaties, conventions and agreements with financial implications not catered for in the budget, shall be implemented only after their approval by way of a law. The federation of the Republic of Rwanda with one or several other democratic States must be approved through a Referendum.

Article 12. The President of the Republic shall address messages to the Nation, the content of which shall be decided upon by the Cabinet.

Section 2: The Broad-based Transitional Government

Article 13. The current structure of the Government, namely, the number and appellation of Ministries, shall remain unchanged However, a Secretariat of State in the Prime Minister's Office in charge of Social Rehabilitation and Integration shall be established. It shall be responsible for

1. Repatriation and social and economic reintegration of the Rwandese refugees who may wish to go back home;
2. A Post-War Rehabilitation Programme as defined under Item 23.D of the present Protocol.

Article 14. The political parties participating in the Coalition Government established on 16 April 1992 as well as the Rwandese Patriotic Front shall have the responsibility to set up the Broad-Based Transitional Government They shall decide, by consensus, on the other political formations which may participate in that Government

Article 15 The Government shall be composed of the Prime Minister, the Deputy Prime Minister, ministers and secretaries of State.

Sub-section 1: The Powers of the Government:

Article 16. The Government shall be responsible for the management of the country. It shall determine and implement national policy. In so doing, the Government shall:

1. Be responsible for the implementation of laws and regulations;
2. Negotiate and conclude international treaties, conventions and agreements;
3. Discuss and adopt draft bills and present them to the National Assembly;
4. Discuss and adopt Orders in Council, in situations of emergency or when the National Assembly is unable to seat, and transmit them to the President of the Republic for promulgation;
5. Appoint and dismiss civil servants
6. Discuss and adopt Presidential, Prime Ministerial and Ministerial Statutory Orders on the implementation of laws.

Article 17 The Government shall be the guarantor of national sovereignty and national unity.

Sub-section 2: the Prime Minister

Article 18: The Prime Minister shall:

- 1 In accordance with the Peace Agreement and in consultation with the political forces, prepare the Government programme;
- 2 In conformity with the modalities provided for in the Peace Agreement, select the other members of the Cabinet,
3. Present the Government programme and the Ministerial team responsible for its implementation to the National Assembly,
- 4 Lead Government business, convene and chair Cabinet Meetings. He shall prepare the agenda for cabinet meetings, in consultation with the other members of the Government. The Prime Minister shall communicate the agenda to the President of the Republic and to the other members of the Government, at least two days before the date of the meeting.
- 5 Determine the functions of the ministers and secretaries of State as well as the nature and extent of powers of the services under them. The ministers and secretaries of State shall be delegated powers by the Prime Minister for the management of the duties of their departments. The Prime Minister shall determine the extent of this delegation of power
- 6 In pursuance of the decisions of the Cabinet, sign Prime Ministerial Orders for the appointment and termination of services of the following senior civil servants.
 - the Principal Private Secretary to the Prime Minister,
 - Deputy Governors of the National Bank of Rwanda;
 - Vice-Rectors of the National University of Rwanda,
 - Advisers and "Chefs de Service" in the Prime Minister's Office,
 - the "Préfets de Préfecture";
 - Director in Public Enterprises;
 - Directors General in the Ministries;
 - Planning and Co-ordination Officers in Public Enterprises,
 - Directors in Public Enterprises and Representatives of the Government in Parastatals;
 - Directors and Heads of Division in the Ministries;
 - "Sous-Préfets";
 - Bourgmestres,
 - Deputy Directors of Public Prosecution at the Supreme Court;
 - Head of the Prosecution Department of the Courts of Appeal;
 - Deputy Directors of the Courts of Appeal;

- Head of the Prosecution Department at the Courts of First Instance;
- Assistant State Attorneys

Upon delegation of power by the Cabinet,

- (a) the Minister responsible for the Civil Service shall sign Ministerial Orders with regard to appointments and termination of services of civil servants from the rank of chief clerk or equivalent and lower-level posts.
 - (b) The Minister of Justice shall sign Ministerial Orders for the appointment and termination of services of Judicial staff other than magistrates.
 - (c) In public enterprises, senior staff shall be appointed by the Board of Directors and the rest of the staff by the relevant director.
7. Countersign, after their promulgation by the President of the Republic, bills passed by the National Assembly as well as Statutory Orders in Council adopted by the Cabinet.
 8. By way of Orders decided upon during cabinet meetings, implement laws and regulations when he is required to do so.
 9. Address messages to the Nation whose content shall be decided upon by the Cabinet.
 10. May, under exceptional circumstances, after a decision taken by the Cabinet and on consultation with the Bureau of the National Assembly and the Supreme Court, declare a State of Siege or a State of Emergency.

Article 19 Legal acts by the Prime Minister shall be countersigned relevant ministers and secretaries of State.

Sub-section 3: Functions of the Deputy Prime Minister

Article 20 The Deputy Prime Minister shall:

- 1 Upon formal delegation of power, replace the Prime Minister in the event of his absence or hindrance
2. Act as Prime Minister when the post falls vacant, until a new Prime Minister is appointed, following modalities provided for in the Peace Agreement
3. In addition, hold a ministerial portfolio.

Sub-Section 4: Mode of decision-making within the Government

Article 21 Prior to the deliberations, the Cabinet meeting shall adopt its agenda. Cabinet decisions shall be taken by consensus. Where consensus is not reached, the issue at hand shall be returned to the relevant Minister for further study. Consensus on the issue shall once again be required subsequent discussions, and if no consensus is reached, a decision shall be taken on the basis of a partial consensus of a 2/3 of the members of the Government present

For the following issues, however, consensus shall be mandatory:

- amendment to the Peace Agreement,

- declaration of war,
- exercise of the prerogative of mercy and mitigation of sentence,
- defence and security matters,

Article 22. For each Cabinet Meeting, minutes and a summary of decisions shall be written. The summary shall be approved and signed by members who attended the said meeting.

Sub-Section 5: Outline of the Broad-based Transitional Government programme

Article 23. The Broad-based Transitional Government shall implement the programme comprising the following

A. Democracy

1. Consolidate the democratic process by establishing the necessary mechanisms for the implementation of the provisions of the Protocol on the Rule of Law.
2. Prepare and organize general elections to be held at the end of the Transition Period

B. Defence and security

1. Consolidate peace by taking the necessary measures for the eradication of the causes of war, especially those stemming from the non-respect of national unity, human rights and democracy.
2. Ensure internal and external security
3. Take the necessary measures for guaranteeing the security of all the people and their property.
4. Organize defence and security institutions.

C. National unity and national reconciliation

1. Restore national unity, in particular and as a matter of urgency by
 - (a) Setting up efficient mechanisms aimed at eliminating all types of discrimination and exclusion;
 - (b) Working out appropriate legislation in this regard,
 - (c) Establishing a recruitment system for senior government posts, for all other posts, and for admission to schools, based on fair competition giving equal opportunity to all citizens.
2. Organize a national debate on National Unity and National Reconciliation

D. Post-war rehabilitation programme

1. Provide humanitarian assistance, especially through the supply of foodstuffs, seeds and some building materials in a bid to contribute in the resettlement of those displaced as a result of the war and social strife encountered since the outbreak of the war, in their original property

2. Rehabilitate and rebuild the areas devastated by war and social strife encountered since the outbreak of war, especially through mine-clearance and rebuilding of socio-educational and administrative facilities
3. Set up a programme of assistance to the victims of war (both civilian and military) and of social strife encountered since the outbreak of the war, to the physically handicapped, orphans, widows and widowers.
4. Set up appropriate programmes for the economic and social integration of the demobilized military personnel

E. Repatriation and reintegration of refugees

Repatriate and reintegrate all Rwandese refugees who may wish to go back home, following the modalities specified in the Peace Agreement.

F. The economy

1. Stimulate the economy by, as a priority, orienting economic programmes towards the disadvantaged regions and social strata
2. Review the country's priorities with the aim of promoting food security (application of selected seeds and fertilizers, storage, etc.)
3. Diversify export products.
4. Encourage small and medium scale industries.
5. Draw up and apply strategies for better utilization of the country's resources (natural and human).

G. National ethics

1. Establish a mechanism for guaranteeing a professional code of ethics, integrity and patriotism
2. Establish a system for the eradication of all forms of corruption.
3. Evaluate and clean up all the State administrative institutions.

**CHAPTER IV:
SPECIALIZED COMMISSIONS**

Article 24 In addition to the commissions already agreed upon in the previous Agreements, the following broad-based specialized commissions shall be established

A. COMMISSION FOR NATIONAL UNITY AND NATIONAL RECONCILIATION

This commission, which reports to the Government, shall be responsible for

1. Preparing a national debate on national unity and national reconciliation

2. Prepare and distribute information aimed at educating the population and achieving national unity and national reconciliation

B. LEGAL AND CONSTITUTIONAL COMMISSION

This Commission shall be responsible for

1. Drawing up a list of adaptations of national legislation to the provisions of the Peace Agreement, in particular those provisions relating to the Rule of Law.
2. Prepare a preliminary draft of the Constitution which shall govern the country after the transitional period.

C. ELECTORAL COMMISSION

This Commission shall be responsible for the preparation and organization of local, legislative and presidential elections.

CHAPTER V: THE JUDICIARY

SECTION 1: GENERAL PRINCIPLES

Article 25

Section 1 General principles

The powers of the Judiciary shall be exercised by courts, tribunals and other jurisdictions. The Judiciary is independent of the Legislature and the Executive. Justice shall be rendered on the territory of the Republic in the name of the people.

Section 2 Jurisdictions

Article 26. The following ordinary jurisdictions shall be recognized. Canton Courts, Courts of First Instance, Courts of Appeal and the Supreme Court. The following military jurisdictions shall also be recognized: Court Martials and the Military Court. The law may establish any other specialized courts. However, no special courts may be established.

Section 3. The Supreme Court

Article 27 The Supreme Court shall particular exercise the following functions:

- (a) direct and co-ordinate the activities of the courts and tribunals of the Republic. It shall be the guarantor of the independence of the judiciary. To this effect, it shall be responsible for the professional code of ethics,
- (b) ensure the constitutionality of laws and Orders in Council. In so doing, it shall ensure their constitutionality before promulgation,
- (c) give a ruling on the petition for annulment of regulations, orders and decisions issued by administrative authorities

- (d) ensure the regularity of popular consultations,
- (e) provide, upon request, legal opinions on the regularity of draft Presidential, Prime Ministerial and Ministerial orders as well as on other draft public administration regulations;
- (f) give the authentic interpretation on customary practice in case written law is silent thereon;
- (g) give a ruling on appeals to the Court of Cassation to have a new trial ordered and on transfer of cases from one Court to another,
- (h) arbitrate on institutional conflicts between various State organs;
- (i) judge the accounts of all public institutions;
- (j) have criminal jurisdiction over the President of the Republic, the Speaker of the National Assembly, the Presiding Judge of the Supreme Court, the Prime Minister, the Deputy Prime Minister, ministers, secretaries of State, the deputy presiding judges of the Supreme Court, deputies in the National Assembly, the Presiding Judges of the Courts of Appeal, the Public Prosecutors and Deputy Directors of the Supreme Court and of the Courts of Appeal.

On first trial, the above-listed officials shall be tried by the Court of Cassation. On appeal, they shall be judged by the Supreme Court, in the presence of all the Jurisdictional sections, with at least eleven judges without including the judges of the Bench of the Court of Cassation who gave a ruling on the case on the first trial.

Article 28 The Supreme Court shall comprise the following five sections:

- (a) The Department of Courts and Tribunals;
- (b) The Court of Cassation,
- (c) The Constitutional Court,
- (d) The Council of State;
- (e) The Public Accounts Court.

Article 29. The Supreme Court shall be chaired by a Presiding Judge assisted by five deputy presiding judges. The Presiding Judge and the deputy presiding judges shall be selected by the National Assembly from a list presented by the Government based on two candidates for each post. Each Deputy Presiding Judge shall also be Head of one of the sections of the Supreme Court.

The services of the Presiding Judge and deputy presiding judges of the Supreme Court shall be terminated by the National Assembly voting by a 2/3 majority, either upon its initiative, or upon the proposal of the Government. The instruments of appointment and termination of the services of the Presiding Judge and deputy presiding judges shall be signed by the President of the Republic.

Article 30 Candidates for the post of Presiding Judge and deputy presiding judges of the Supreme Court must meet the following requirements:

1. Hold at least a University Degree in Law.
2. Give proof of at least five years' practical experience in the field of Law

Article 31 Judges of the Supreme Court, of the Court of Appeal as well as the Presiding Judges of the Courts of first instance must hold at least a Degree in Law or equivalent.

Article 32. Upon the decision of the Supreme Council of the Magistrates, the Presiding Judge of the Supreme Court shall sign the Instruments of appointment and termination of services of judges of the Bench.

Article 33 An organic law shall determine the powers, the organization and the rules of procedure of the Supreme Court. Pending the adoption of the said law, the legislation in force relating to the powers, organization and the rules of procedure of these Courts shall remain in force

Section 5: Relationship between the Supreme Court and the Government

Article 34 The Government shall delegate one or several Commissioners to one or all sections of the Supreme Court to represent it and to avail any required information

The Government Commissioners shall participate in discussions on matters for which they have been designated but as non-voting members.

Article 35 The implementation of the decisions by the Supreme Court, as well as the financial management of, and other administrative measures concerning the Supreme Court shall be vested in the Government. However, the law organizing of the Supreme Court shall define the administrative measures coming under its jurisdiction.

Article 36. In matters relating to the organization of the Judiciary, the Supreme Court may submit to the Government any reform proposals which, in its opinion, are of general interest

Section 6: The Supreme Council of Magistrates

Article 37. The Supreme Court of Council of the Magistrates shall comprise:

- The Presiding Judge of the Supreme Court as Chairman;
- the deputy presiding judges of the Supreme Court;
- two judges of the Bench of the Supreme Court;
- a judge of the Bench from each Court of Appeal;
- a judge of the Bench from Courts of First Instance under the Jurisdiction of each Court of Appeal,
- a magistrate of Canton Court under the Jurisdiction of each Court of Appeal

The Government Commissioners to the Department of Courts and Tribunals shall attend meetings of the Supreme Council of Magistrates as non-voting members

The Council shall elect from its members a Vice-Chairman and a Rapporteur

Article 38. With the exception of the Presiding Judge and the deputy presiding judges of the Supreme Court, members of the Supreme Council of Magistrates shall be elected by their peers of the same level of jurisdiction

Applications shall be submitted to the Supreme Court at least one month before the date of elections. Each candidate shall give proof of at least five years' practical experience in the field of Law. Elections shall be organized by the Supreme Court

Article 39. The Supreme Council of the Magistrates shall have the following powers:

- (a) Decide on the appointment and termination of services and, in general, the administration of the career of judges of the Bench other than the Presiding Judge and deputy presiding judges of the Supreme Court
- (b) Give advisory opinion upon its own initiative or upon request, on any proposal relating to the Judicial staff regulations within its jurisdictions
- (c) Give advisory opinion, upon its own initiative or upon request, on any matter concerning the administration of Justice

CHAPTER VI: OTHER AREAS OF AGREEMENT

Article 40. The initiative of laws shall be vested in the Cabinet and the National Assembly.

Article 41. The Constitution which shall govern the country after the transition period shall be prepared by the Legal and Constitutional Commission comprising national experts referred to under Article 24.B of this Protocol. This Commission, which shall be under the National Assembly, shall prepare, after an extensive consultation with all the strata of the population, a preliminary draft Constitution which shall be submitted to the Government for advice, before submitting it to the National Assembly which shall finalize the draft Constitution, to be submitted to a referendum for adoption.

Article 42. The National Assembly shall exercise control over the Government's activities, in line with the mechanisms provided for by the law.

Article 43. The National Budget shall be prepared by the Government and voted by the National Assembly. Where the budget is not voted in time, the Prime Minister shall, upon the decision of the Government, pass a decree authorizing the disbursement of monthly provisional expenditure.

Article 44. The "Office Rwandais d'Information" (ORINFOR) shall fall under the Ministry responsible for Information and the "Office du Tourisme et des Parcs Nationaux" (ORTPN) under the Ministry responsible for Tourism.

Article 45. In criminal matters the responsibility of the President of the Republic, the Speaker of the National Assembly, the Presiding Judge of the Supreme Court, the Prime Minister, the Deputy Prime Minister, ministers, secretaries of State, the assistant presiding judges of the Supreme Court and deputies, shall be individual.

However, they shall not be subjected to custody. They may appear before Justice through their proxies. They shall be judged by the Supreme Court.

Deputies shall not be prosecuted or sued as a result of opinions expressed or votes cast in the exercise of their duties.

Article 46. As a matter of urgency and priority, the Broad-based Transitional Government shall rid the administrative apparatus of all incompetent elements as well as authorities who were involved in the social strife or whose activities are an obstacle to the democratic process and to national reconciliation.

In any case, all local authorities (Bourgmestres, Sous-Préfets, Préfets de Préfecture) shall have been either replaced or confirmed within three months after the establishment of the Broad-based Transitional Government.

Done at Arusha, on this 30th day of October 1992 in French and English, the French text being the original.

CHAPTER VII: NEW AREAS OF AGREEMENT

Section 1: Provisions relating to the Executive Power

Sub-Section 1: Replacement of the President of the Republic during the transitional period

Article 47. In the event of a temporary impediment or incapacity of the President of the Republic to carry out his duties, the Speaker of the Transitional National Assembly shall assume the interim until the incumbent President resumes office.

Article 48. In the event of resignation or death, permanent impediment or incapacitation of the President of the Republic.

1. The office shall be declared vacant by the Supreme Court upon request by the Broad-Based Transitional Government.
2. The interim presidency shall be assumed by the Speaker of the Transitional National Assembly.
3. The replacement of the President of the Republic shall be conducted in the following manner.
 - (a) The party of the former President of the Republic shall present two candidates to the Bureau of the Transitional National Assembly within three (3) weeks of the declaration of the vacancy.
 - (b) Within the fourth week, the election of the President of the Republic shall be conducted in a joint session of the Broad-Based Transitional Government and the Transitional National Assembly. The respective members of the two institutions shall elect the President of the Republic by secret ballot and by an absolute majority. The election shall be supervised by the Speaker of the Transitional National Assembly.
 - (c) If the Party of the former President of the Republic, for one reason or another, is not willing to present a candidate or cannot present any candidate, or if the President of the Republic has resigned from his party in the meantime, each political force represented in the Transitional National Assembly may submit one (1) candidate within six (6) weeks after the declaration of the vacancy. The election shall be conducted during the seventh week, at the latest, following the modalities provided for in point (b) above.
 - (d) If the vacancy is declared three (3) months or less before the expiry of the transitional period, the Speaker of the Transitional National Assembly shall assume the interim presidency of the Republic until the end of the transition.

Article 49. The candidate to the presidency of the Republic should be at least thirty-five (35) years of age. Once elected, the President cannot perform any military or other remunerative activity.

Article 50. The new President of the Republic shall be sworn in within eight (8) days after his election, by the Presiding Judge of the Supreme Court, before the National Transitional Assembly.

Sub-Section 2: Appointment of the Prime Minister, ministers and secretaries of State

Article 51 The candidate for the post of Prime Minister shall be presented by the political formation designated to that effect. He shall be presented to the two parties to the negotiations for approval. He should be known before the signing of the Peace Agreement.

Article 52 The Prime Minister shall, in consultation with each political force called upon to participate in the Government, select candidates for the portfolios distributed among the various political forces. He shall present them to the President of the Republic for appointment as well as to the Transitional National Assembly, in accordance with Article 18, paragraph 3 of the Protocol of Agreement signed on 30 October 1992.

Sub-Section 3: Replacement of the Prime Minister, ministers and secretaries of State

Article 53. The vacancy of the post of Prime Minister shall be declared by the Supreme Court upon request by the Broad-Based Transitional Government. The political force of the former Prime Minister shall submit a candidate within fifteen (15) days of the declaration of the vacancy. Political formations participating in the Broad-Based Transitional Government shall, under the co-ordination of the Deputy Prime Minister, hold consultations for the approval of the candidate. Once a consensus is reached, the Deputy Prime Minister shall present the candidate to the President of the Republic for appointment within three (3) days.

Article 54. The Prime Minister, in consultation with the political force of the Minister or Secretary of State to be replaced, shall present a candidate to the President of the Republic for appointment.

Sub-Section 4: Distribution of ministerial portfolios within the Broad-Based Transitional Government

In accordance with the provisions of Article 14 of the Protocol of Agreement signed on 30 October 1992, the numerical distribution of the portfolios among political forces called upon to participate in the Broad-Based Transitional Government shall be as follows.

- MRND: 5 portfolios
- RPF: 5 portfolios
- MDR: 4 portfolios (including the post of Prime Minister)
- PSD: 3 portfolios
- PL: 3 portfolios
- PDC: 1 portfolio

Article 56 Nominative distribution of portfolios shall be as follows:

- MRND
 1. Ministry of Defence;
 2. Ministry of Higher Education, Scientific Research and Culture,

3. Ministry of Public Service,
4. Ministry of Planning,
5. Ministry of Family Affairs and Promotion of the Status of Women.

— RPF

1. Ministry of Interior and Communal Development;
2. Ministry of Transport and Communications;
3. Ministry of Health,
4. Ministry of Youth and Associative Movement;
5. Secretariat of State for Rehabilitation and Social Integration

— MDR

1. Prime Minister;
2. Ministry of Foreign Affairs and Co-operation;
3. Ministry of Primary and Secondary Education,
4. Ministry of Information.

— PSD

1. Ministry of Finance,
2. Ministry of Public works and Energy,
3. Ministry of Agriculture and Livestock Development.

— PL

1. Ministry of Justice;
2. Ministry of Commerce, Industry and Cottage Industry;
3. Ministry of Labour and Social Affairs;

— PDC: Ministry of Environment and Tourism

Article 57 The two parties further agree that

- With reference to Article 5 of the Protocols of Agreement signed on 30 October 1992, the Presidency of the Republic shall go to the MRND party;
- one of the holders of the five (5) ministries allocated to the RPF shall bear the title of Deputy Prime Minister in accordance with Article 20, paragraph 3 of the Protocol of Agreement signed on 30 October 1992

Article 58 In case one of the political forces called upon to participate in the Broad-based Transitional Government as provided for under Article 14 of the Protocol of Agreement signed on 30 October 1992, defaults, the portfolios which had been allocated to that force shall be distributed among the remaining political forces. The possibility of opening to political forces other than those mentioned under Articles 55 and 56 above shall be agreed upon by consensus in accordance with Article 14 cited above

Article 59. Permanent impediment rendering the President of the Republic, ministers and secretaries of State incapable of carrying out their duties shall be declared by the Supreme Court following their resignation, death or physical incapacitation certified by a medical commission established by the Government for that purpose, and also following dismissal as a result of final sentencing for criminal offences

Section 2: Transitional National Assembly

Article 60. The Transitional National Assembly shall, except in the case as provided for in Article 63 of this Protocol of Agreement, be normally composed of seventy (70) members called "deputies to the Transitional National Assembly". The "deputies" shall be appointed by their own political forces and their mandate shall cover the whole transitional period.

The Transitional National Assembly shall make its own rules of procedure.

Article 61. All the political parties registered in Rwanda at the signing of this Protocol as well as the RPF shall be represented in the Transitional National Assembly, on condition that they adhere to and abide by the provisions of the Peace Agreement. To that effect, all these parties and the RPF should, prior to the establishment of the Broad-Based Transitional National Assembly and the Broad-Based Transitional Government, sign a Political Code of Ethics whose principles are spelt out in Article 80 of this Protocol.

Since the RPF and the political parties participating in the current Coalition Government are automatically, directly or indirectly bound, as a result of the Protocol of Agreement on the Rule of Law signed by the two parties to the negotiations, the political parties which do not participate in the said Government should, from the time of the signing of the Protocol of Agreement on Power-Sharing, demonstrate their commitment to abide by the principles governing the Protocol of Agreement on the Rule of Law, to support the peace process and to avoid engaging in sectarian practices and in any form of violence. Such commitment shall constitute a prerequisite for their participation in the Transitional National Assembly and it is incumbent upon the two parties to the negotiations to see to it that such commitment is real

Article 62 The numerical distribution of seats in the Transitional National Assembly among the political forces, subject to the implementation of the previous Article, shall be as follows:

- MRND. 11 seats
- RPF 11 seats
- MDR: 11 seats
- PSD: 11 seats
- PL 11 seats
- PDC: 4 seats

The other registered parties shall have one (1) seat each

Article 63

- (a) The maximum number of members of the Transitional National Assembly shall become the total number of seats of the remaining political forces if, for one reason or another, one or several political forces do not participate in the forming of the Transitional National Assembly, or withdraw from that assembly, provided that the total number is not reduced to less than two-thirds of the number stipulated under Article 60 of this Protocol of Agreement
- (b) If one or several political forces do not participate, or cease to participate in the Transitional National Assembly, and the number of deputies falls below that stipulated in the above paragraph, the remaining political forces participating in the Transitional National Assembly shall consult and agree on the modalities for the composition of the new National Assembly.

Article 64 A "deputy" may resign. In this case, his political party shall replace him in consultation with the Bureau of the Transitional National Assembly

Article 65. All compulsory mandates shall be null and void. The right of the "deputies" to vote shall be individual.

Article 66 The first session of the Transitional National Assembly shall be devoted to administering the oath of the "deputies" and to electing the Bureau of the Transitional National Assembly

Article 67 The Bureau of the Transitional National Assembly shall be composed of the Speaker, the deputy Speaker and a Secretary

Article 68 The PSD and PL political parties shall each present one (1) candidate for the post of Speaker of the Transitional National Assembly The political party that will not have taken the post of Speaker shall present two (2) candidates for the post of Deputy Speaker of the Transitional National Assembly

The PDC and other political parties which do not hold any ministerial portfolio in the current Coalition Government shall each present one (1) candidate for the post of Secretary Voting for the above-mentioned posts shall be by secret ballot and on the basis of an absolute majority of the "deputies" present.

Article 69 The Transitional National Assembly shall automatically hold, each year, three (3) ordinary sessions of three months each, followed each time by a one (1) month parliamentary leave When circumstances may so require, the Transitional National Assembly shall hold extraordinary sessions The first ordinary session shall begin 15 days after the "deputies" to the Transitional National Assembly have taken oath of office

The Transitional National Assembly shall be convened by the Speaker. It may be convened in extraordinary session upon the initiative of the President of the Republic, The Speaker, the Prime Minister or following the decision taken by its members on the basis of an absolute majority When it is convened in extraordinary session, the Transitional National Assembly shall deal with only those issues that motivated its convening

Whenever an ordinary or extraordinary session of the Assembly is convened, the agenda and venue shall be indicated. Before any proceedings, the Transitional National Assembly shall adopt its agenda and decide on the urgency of the matters to be discussed A "deputy" or the Prime Minister may request the urgent consideration of an item When the request is made by the latter, the matter in question shall automatically be considered as urgent

Article 70 The status of a deputy shall be incompatible with the holding of a Ministerial portfolio and the exercise of any other remunerative activities

Article 71 Members of the Transitional National Assembly who may be finally sentenced by Courts for criminal offences shall automatically lose their seats. In this case, they shall be replaced in accordance with the provisions of Article 62 of this Protocol.

Article 72 The legislative power shall be exercised by way of laws passed by "deputies" in the Transitional National Assembly as well as by Orders in Council passed by the Broad-Based Transitional Government in cases of emergency or when the Transitional National Assembly, is unable to convene

Article 73. Ordinary laws shall be passed on the basis of an absolute majority of the deputies present. Organic laws shall be passed on the basis of a 3/5 majority.

Article 74 For any lawful seating to be held, a quorum of 2/3 of the members of the Transitional National Assembly shall be required

Article 75 Sessions of the Transitional National Assembly shall be public; the minutes of the debates shall be published However, upon request of the Speaker, or the Prime Minister or of one third of its members, the Assembly may, by an absolute majority, decide to sit in camera.

Section 3: Relationship between the Transitional National Assembly and the Broad-Based Transitional Government

Article 76 The Prime Minister, upon a decision of the Cabinet and after consultations with the Bureau of the Transitional National Assembly, may request the President of the Republic to dissolve the Transitional National Assembly. The dissolution cannot take place within the last three months of the Transition

Article 77 Replacement of the members of the Transitional National Assembly shall be done as per the numerical distribution of seats referred to under Article 62 above.

The replacement of each of the members of the Bureau of the Transitional National Assembly shall be made by election in accordance with Article 68 of this Protocol of Agreement.

Article 78. The Transitional National Assembly shall be endowed with the following means of control over government activities

- Oral Questioning
- Written Questioning
- Committee Hearing
- Commission of Inquiry
- Interpellation
- Motion of censure.

An organic law shall determine the conditions and procedure for this control

Article 79. The Transitional National Assembly may question the conduct of the Broad-Based Transitional Government as well as that of a Minister or Secretary of State, by voting on a motion of censure against the Prime Minister or any other member of the Government.

Such a motion is not admissible until after questioning and unless it is presented by at least one fifth of the members of the Transitional National Assembly in the case of a Minister or a Secretary of State, and by one third of the members in the case of the Government.

The motion of censure shall be adopted by secret ballot and by a 2/3 majority of the "deputies" present

The vote of a motion of censure against the Prime Minister shall entail his resignation and that of the Government. In this case the replacement of the Prime Minister shall be made in accordance with Article 53 of this Protocol of Agreement

The outgoing Government shall dispose of the day-to-day matters until a new Government is formed.

Section 4: Political code of ethics binding the Political Forces called upon to Participate in the Transitional Institutions

Sub-Section 1: Fundamental principles

Article 80. In a declaration signed by their authorized representatives, the political forces called upon to participate in the Transitional Institutions shall undertake to:

- 1 Support the Peace Agreement and work towards its successful implementation,
2. Promote national unity and national reconciliation of the Rwandese people
3. Abstain from all sorts of violence and inciting violence, by written or verbal communication, or by any other means,
4. Reject and undertake to fight any political ideology or any act aimed at fostering discrimination based mainly on ethnic, regional, sexual or religious differences;
5. Promote and respect the rights and freedoms of the human person;
- 6 Promote political education among their members, in accordance with the fundamental principles of the Rule of Law;
- 7 Work towards a system whereby the political power serves the interests of all the Rwandese people without any discrimination;
- 8 Respect the secularism of the Rwandese State;
- 9 Respect national sovereignty and the territorial integrity of the country.

Article 81 The Commission on National Unity and National Reconciliation shall ensure that each political force respects the principles spelt out under Article 80 above.

Article 82 Any political force violating the provisions of Article 80 shall be liable to a sanction of exclusion from the transitional institutions, without prejudice to other legal or statutory provisions on the matter.

This measure shall be taken by the Supreme Court upon request of the Government, acting on the Commission's report

The request to the Supreme Court shall be preceded by a warning by the Government to the political party concerned, when the warning has not been heeded.

Sub-Section 2: Additional duties of the Commission for National Unity and National Reconciliation.

Article 83. The two parties agree that the Commission on National Unity and National Reconciliation, in addition to the duties specified under Article 24 A of the Protocol of Agreement signed on 30 October 1992, shall see to it that each political force respects the principles spelt out in the political code of ethics binding the political forces to participate in the Transitional Institutions

Section 5: Miscellaneous provisions

Sub-Section 1: Modalities of appointment within the judiciary.

Article 84. In order to maintain the independence of the judiciary, posts in the judiciary shall not be subjected to sharing among political forces. Therefore, applications for the posts of Presiding Judge and Deputy Presiding Judge of the Supreme Court, referred to under Article 30 of the Protocol of Agreement signed on 30 October 1992, shall be considered without any reference to political parties, in order to better ensure the neutrality of magistrates

Article 85. The Supreme Council of Magistrates shall, in conjunction with the Broad-Based Transitional Government, take all necessary and adequate measures to facilitate the integration of competent, experienced or qualified Rwandese nationals who have not worked or evolved in the current legal system of Rwanda

Sub-Section 2: Redeployment of the deputies to the CND

Article 86. The Broad-Based Transitional Government shall take the necessary steps to find, to the extent possible, a new placement for the deputies to the CND in their former sectors of activity. In so doing, the Broad-Based Transitional Government shall take into account the qualifications and experience of each "deputy".

Sub-Section 3: Local elections as a solution to social tensions

Article 87. Local elections shall normally be held within six (6) months before the expiry of the transition. In the meantime, the replacement of local authorities shall be made through nomination. However, the Broad-Based Transitional Government shall decide on the opportune moment for organizing partial local elections if adequate security conditions allow for the holding of such elections and if it has the legal instruments to organize them

Sub-Section 4: National conference

Article 88. The National Conference shall consist of a general discussion to focus solely on national unity and national reconciliation, as provided for in Article 23.C.2 of the Protocol of Agreement signed on 30 October 1992.

This discussion shall be prepared by the Commission on National Unity and National Reconciliation provided for under Article 24 of the Protocol of 30 October 1992. The Commission shall report to the Broad-Based Transitional Government.

Done at Arusha, this 9th day of the month of January 1993, in the French and English languages, the French text being the original.

PROTOCOL OF AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF RWANDA AND THE RWANDESE PATRIOTIC FRONT ON MISCELLANEOUS ISSUES AND FINAL PROVISIONS

The Government of the Republic of Rwanda on the one hand, and the Rwandese Patriotic Front on the other, Agree on the following provisions:

CHAPTER I: STATE SECURITY SERVICES

Section 1: Communal police, prisons services, and the Public Prosecution Department

Article 1. Within the framework of implementing the Government's Programme outlined in Article 23 of the Protocol of Agreement of 30 October 1992, the Broad-Based Transitional Government shall undertake the following activities with regard to the Security Services:

A. COMMUNAL POLICE

1. Ensure that policemen are recruited on the basis of the security needs of the Commune, and that an optimal ratio is established between the strength of the police force and the size of the population in the Commune, in accordance with standard criteria applicable throughout the country.
2. Improve and enhance the level of training of the communal police force and adapt it to suit its specific tasks.
3. Provide assistance to the Communes in matters of security, especially by improving the service conditions of the communal police.
4. Define the modalities of collaboration between the communal police force and other security organs.
5. Evaluate and improve on the performance of the communal police force.

B. PRISONS SERVICES

1. Update the legal provisions and regulations governing prison warders and guards.
2. Improve and enhance the level of training of prison warders and guards, by providing them with training best suited to prisons services.
3. Evaluate and improve on prison services, in conformity with Article 23 G.3 of the Protocol of Agreement of 30 October 1992, and taking into consideration the principles underlying the Rule of Law.

C. PUBLIC PROSECUTION DEPARTMENT

1. Undertake an extensive reform of the Public Prosecution Department and open it to all the Rwandese Nationals.
2. Make a distinction between the Jurisdiction of the Public Prosecution Department and of other services charged with criminal investigations.
3. Seek technical co-operation for the Public Prosecution Department

Section 2: State Security Services

Article 2: Structure

The current structure of the State Security Services shall be maintained They shall consist of the following:

- External Security under the Ministry of Defence;
- Internal Intelligence Service under the Prime Minister's Office,
- Immigration and Emigration Service under the Ministry of Interior and Communal Development

Article 3: Principles

The State Security Services shall be guided by the following principles

1. They shall serve the Government and shall be subjected to its authority
2. They must confine their activities to the gathering of intelligence relevant to the missions entrusted to them They shall have no power of arrest, such power shall be vested in the relevant authorities, (Public Prosecution Department, the National Gendarmerie and the Communal Police).
3. They must abide by the law and must conform to the letter and spirit of the international conventions to which the Republic of Rwanda is a party.
4. They must respect the civic rights of citizens as well as fundamental freedoms
5. In exercising their duties, they shall be guided by the supreme interest of the State and the public good They shall perform their duties in a non-partisan spirit and must act with absolute impartiality and neutrality vis-à-vis political parties.

Article 4 Co-ordination of Intelligence Services

An organ responsible for the co-ordination of all intelligence gathered by various State Intelligence Services shall be established within the Prime Minister's Office.

The Chart indicating the co-ordination of all these services is attached to the Protocol as an Annex.

The Broad-based Transitional Government shall set up a commission to carry out a comprehensive study of the problems pertaining to State Security and propose the best way of organizing the Intelligence Services in the country

Article 5. Participation of the Rwandese Patriotic Front in the State Security

The Broad-Based Transitional Government shall create new posts in the State Security Services within three months after the setting up of the Broad-Based Transitional Government. The RPF shall be effectively represented at all levels of the departments (External Security, Internal Security Services, Immigration and Emigration), particularly at the level of director and deputy director of the departments and within the organ responsible for the co-ordination of State Security Services.

CHAPTER II: MISCELLANEOUS PROVISIONS

Article 6: Oath of Office by the President of the Republic

Without prejudice to Articles 3, 5 and 6 of the Protocol of Agreement of 30 October 1992, the President of the Republic, before taking Office, shall take oath before the Constitutional Court, in the following words. I, . . . , in the name of the Almighty God, do hereby solemnly swear to the Nation to discharge faithfully the duties entrusted to me, remain loyal to the Republic of Rwanda, respect the State Institutions and promote the interests of the Rwandese people, in accordance with the Fundamental Law and other Laws.

Article 7. Oath of Office of the Prime Minister, ministers, secretaries of State and deputies of the Transitional National Assembly

Before taking up Office, the Prime Minister, ministers, secretaries of State and deputies of the Transitional National Assembly shall take oath, in the following words I, . . . , in the name of the Almighty God, do hereby solemnly swear to the Nation to discharge faithfully the duties entrusted to me, to remain loyal to the Republic of Rwanda, respect the Head of State, the State Institutions and promote the interests of the Rwandese people, in accordance with the Fundamental Law and other Laws.

The Prime Minister, ministers, and secretaries of State shall take oath before the President of the Republic, and the Transitional National Assembly Deputies of the Transitional National Assembly shall take oath before the President of the Republic of Rwanda, in the presence of the Presiding Judge of the Constitutional Court. In the event of the inability of the President of the Republic of Rwanda to perform this function, the personalities listed above shall take oath before the Presiding Judge of the Constitutional Court.

Article 8: Oath of Office of the Presiding Judge and deputy presiding judges of the Supreme Court

Before taking Office, the Presiding Judge and deputy presiding judges of the Supreme Court shall take oath of Office in the following words. I, . . . , in the name of the Almighty God, do hereby solemnly swear to the Nation to discharge faithfully the duties entrusted to me, to remain loyal to the Republic of Rwanda, to respect the Head of State as well as the State Institutions and promote the interests of the Rwandese people in accordance with the Fundamental Law and other laws

The Presiding Judge and deputy presiding judges of the Supreme Court shall take the oath of Office before the President of the Republic of Rwanda in the presence of the Transitional National Assembly

In the event of inability of the President of the Republic to perform this function, the above personalities shall take oath before the Speaker of the Transitional National Assembly

Article 9: Chairmanship of the first Session of the Transitional National Assembly

The first Session of the Transitional National Assembly shall be chaired by the President of the Republic. In the event of the latter's inability to perform the function, it shall be chaired by the Presiding Judge of the Constitutional Court.

Article 10: Removal of a deputy of the Transitional National Assembly

A deputy of the Transitional National Assembly shall be removed by the Supreme Court which shall, in turn, inform the Transitional National Assembly and the Broad-Based Transitional Government.

Article 11. Violation of the Fundamental Law by the President of the Republic

In the event of violation of the Fundamental Law by the President of the Republic, his indictment shall be decided by the Transitional National Assembly on the basis of a 2/3 majority vote of the members present and by secret ballot. However, prior to voting on the indictment, the Transitional National Assembly shall consult the Joint Political Military Commission (JPMC) referred to in Article IV of the Ceasefire Agreement as amended at Gbadolite 16 September 1991 and at Arusha on 12 July 1992. It may also consult the Facilitator.

In case the indictment is confirmed to be appropriate, the President is answerable to the Constitutional Court which alone is competent to decide on his immediate resignation.

Article 12: Violation of the Fundamental Law by the Prime Minister, ministers and secretaries of State

In the event of violation of the Fundamental Law as outlined in the Peace Agreement, by the Prime Minister, a Minister or a Secretary of State, the procedure provided for in Articles 78 and 79 of the Protocol of Agreement on Power-Sharing signed on 9 January 1993 shall apply.

Article 13: Voluntary Resignation of the President of the Republic The President of the Republic may, for personal reasons, resign from Office. His resignation shall be accepted by the Transitional National Assembly. In this case, his replacement shall be effected, in accordance with Articles 47 to 50 of the Protocol of Agreement on Power-Sharing agreed on 9 January 1993.

Article 14. Resignation of the Prime Minister, ministers and secretaries of State

The Prime Minister, a Minister or Secretary of State may for personal reasons, tender his/her resignation. That resignation shall become definitive if not withdrawn within eight (8) days.

The Prime Minister shall tender his/her resignation to the President of the Republic. In this case, Article 53 of the Protocol of Agreement on Power-Sharing, signed on 9 January 1993 shall apply.

The Minister or Secretary of State shall tender his/her resignation to the President of the Republic and shall inform the Prime Minister accordingly. In this case, Article 54 of the Protocol of Agreement on Power-Sharing signed on 9 January 1993 shall apply.

In either situation, Orders of resignation shall be signed by the President of the Republic, in accordance with the modalities provided for in Article 9 of the Protocol of 30 October 1992.

Article 15: Ratification of international instruments on human rights

The Broad-Based Transitional Government shall ratify all international conventions, agreements and treaties on human rights, which Rwanda has not yet ratified. It shall waive all reservations entered by Rwanda when it adhered to some of those International instruments.

Article 16 Deletion of reference to ethnic group in official documents

The Broad-Based Transitional Government shall, from the date of its assumption of office, delete from all official documents to be issued any reference to ethnic origin. Documents in use or not yet used shall be replaced by those not bearing any reference to ethnic origin.

Article 17: Public freedoms and fundamental rights

With regard to public freedoms and fundamental rights, the principles enshrined in the Universal Declaration of Human Rights of 10 December 1948 shall take precedence over corresponding principles enshrined in the Constitution of the Republic of Rwanda, especially when the latter are contrary to the former.

Article 18 Authentic Interpretation of the Peace Agreement

It shall be the duty of the Transitional National Assembly to make an authentic interpretation of the Peace Agreement.

The Transitional National Assembly shall consult the Joint Political-Military Commission referred to in Article IV of the N'sele Ceasefire Agreement as amended at Gbadolite 16 September 1991 and at Arusha 12 July 1992.

It may consult the Facilitator or any another person it deems competent.

In this regard, the Transitional National Assembly shall take a decision on the basis of a 3/5 majority vote of its the members.

Article 19: Amendment of the Peace Agreement

Proposals for the amendment of the Peace Agreement may be made by the Broad-Based Transitional Government and the Transitional National Assembly.

Where the proposal emanates from the Government, it must be adopted by the Transitional National Assembly on the basis of a 3/5 majority vote of its members.

Where the proposal emanates from the deputies, it must be adopted by the Transitional National Assembly on the basis of consensus.

Article 20: Confirmation of Orders in Council by the Transitional National Assembly
Orders in Council by the Cabinet must be adopted by the Transitional National Assembly during its forthcoming session, otherwise they shall lose their binding force.

Article 21: Jurisdiction, organization and functioning of the Supreme Council of Magistracy

An organic law shall determine the jurisdiction, organization and functioning of the Supreme Council of Magistrates.

Article 22. Duration of the transition period

The duration of the transition period shall be twenty two (22) months, effective from the date of establishment of the Broad-Based Transitional Government, with the possibility of one (1) extension if warranted by exceptional circumstances impeding the normal implementation of the programme of the Broad-Based Transitional Government.

The length of the extension shall be determined by the Transitional National Assembly on the basis of a 3/5 majority vote. In this regard, the Broad-Based Transitional Government shall

consider the need for an extension, three (3) months before the expiry of the transition period, and shall make appropriate recommendations to the Transitional National Assembly, in consultation with third parties involved in the implementation of the Peace Agreement, namely the United Nations, the OAU and the Facilitator.

Done at Arusha, on the third day of the month of August 1993, in both French and English languages, the original text being in French.

CONSTITUTION

10 June 1991 — Constitution of the Rwandese Republic (O J., 1991, p. 615)

As amended by Law No. 18/93 of 3 August 1993 (O.J , 1993, p. 1257).

— Pursuant to the Peace Agreement signed in Arusha on 4 August 1993, a number of provisions of the Constitution are replaced by those of the Peace Agreement. This latter document constitutes, together with the Constitution, the Fundamental Law during the transitional period. In case of conflict between the provisions of the Constitution and those of the Peace Agreement, the latter prevails.

.....

Article 55

The Council of Ministers shall be convened by and sit under the presidency of the President of the Republic. It shall be mandatory to consult it on.

— draft laws and Orders in Council,

— draft presidential orders implementing laws or Orders in Council; ...

.....

Article 69

Legislative power shall be exercised by means of laws. The law shall be sovereign in all matters, in no case may a regulation contravene the provisions of a law.

.....

Article 70

In cases of urgency, or when the National Assembly is unable to sit, the President of the Republic shall legislate temporarily by means of Orders in Council adopted in Cabinet

Unless confirmed by the National Assembly during its forthcoming session, orders in council shall lose all binding force

.....

Article 75

Before being promulgated, laws and Orders in Council shall be transmitted to the Constitutional Court, which shall rule within eight days or, in cases of urgency, within four days, on their constitutionality

If the court rules that a text is unconstitutional, it shall return it, as appropriate, either to the National Assembly or to the President of the Republic.

.....

Article 90

The Constitutional Court, consisting of the Court of Cassation and the State Council meeting together, shall be responsible for reviewing the constitutionality of laws and Orders in Council, ...

.....

Article 98

With effect from the date of promulgation of the present Constitution, legislation which is not contrary thereto shall remain applicable in so far as it is not amended, abrogated or replaced by new laws or regulations.

Customary law shall remain applicable in so far as it shall not have been replaced by a law and is in no respect contrary to the Constitution, laws, regulations, public order or morality

.....

Article 101
(Law No. 18/93 of 3/8/1993)

This Constitution and the Peace Agreement to be signed between the Government of the Republic of Rwanda and the Rwandese Patriotic Front shall constitute indissolubly the Fundamental Law that shall govern the Country during the transitional period

In case of conflict between the provisions of the Constitution and those of the Peace Agreement, the provisions of the Agreement shall apply.

.....

Article 102

The present Constitution revises and replaces the Constitution of 20 December 1978

It shall enter into force on the day of its promulgation by the President of the Republic

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61ST SESSION OF THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS

**Statement by Her Excellency Ms Mukabagwiza,
Minister of Justice representing the Republic of Rwanda**

Geneva, 17 March 2005

Mr President, Madam High Commissioner, Excellencies, Ladies and Gentlemen,

I would like to congratulate you, Mr President, together with all the members of this session's Bureau, for your election, and I sincerely wish you great success in exercising your responsibilities.

I greatly appreciate the wealth of talent shown by the outgoing Bureau in successfully overseeing the work of the previous session and I particularly commend the efforts they made throughout their term of office in the fulfilment of their duties.

I should now like to thank you all for your kind attention to this statement, which I am presenting to you on behalf of the Rwandan people whom I have the honour of representing here today

Mr. President,

I wish to remind all those present today that at the time of the previous session my country was commemorating the tenth anniversary of the genocide committed in Rwanda in 1994. For us it was a source of satisfaction that particular attention was paid to that event by the international community and particularly by the United Nations, which held an International Day of Reflection on the Rwandan genocide. The General Assembly decision to commemorate the Rwandan genocide on 7 April was welcomed by the Rwandan people and their friends as a demonstration of global solidarity for the commemoration of the most abominable crime against humanity

Mr. President,

We consider, however, that the international community should not stop there

In particular, efforts to bring justice and combat impunity for the instigators and perpetrators of the genocide remain highly inadequate.

We expect the States Members of the United Nations to demonstrate their commitment to the fundamental principles and values of the United Nations, as well as to fundamental human rights, by working effectively with the International Criminal Tribunal for Rwanda (ICTR), set up to prosecute and try the instigators of the genocide, either by following the example of some countries and instituting legal proceedings themselves against persons residing on their territory after having committed genocide, or simply by not covering up for such individuals or giving them the opportunity to escape justice

Responsibility also means reparation. At this point I would like once again to stress the fact that the genocide has had all sorts of devastating consequences on the lives of Rwandans. In particular, it has left people orphaned, widowed, destitute and homeless. The Rwandan Government is making every effort to improve their lives, but those efforts are not enough to

restore the right of the genocide survivors to human dignity. We are counting on the increased participation of the international community and each State Member of the United Nations

In this respect, we welcome the United Nations General Assembly resolution A/59/L45 of 7 December 2004, concerning assistance to survivors of the 1994 Rwandan genocide, particularly orphans, widows, and victims of sexual violence. We thank the African Group, as well as China, Belgium, the Netherlands, Japan and Armenia, for having supported that resolution. We call upon all developed countries to implement the obligations set forth in resolution A/59/L45.

Mr President,

We welcome the Secretary-General's decision to strengthen genocide prevention measures in general. The Republic of Rwanda was particularly satisfied with the appointment of a Special Adviser to the Secretary-General on genocide prevention. We venture to express the hope that he will always have the necessary means to fulfil his mandate and that he will receive full co-operation from all States

As far as Rwanda is concerned, particular attention has to be paid to the continuing presence of the *ex-Force Armée Rwandaise* (FAR) and Interahmwe militias in the Democratic Republic of the Congo. Those forces planned and carried out the genocide in Rwanda before being permitted to escape to the territory of the Democratic Republic of the Congo under cover of "Operation Turquoise", authorized by the United Nations. Rwanda has withdrawn completely from that territory because it trusted the will and resources that the international community had at its disposal to bring this situation to an end as quickly as possible. We thus remain hopeful that we will not be disappointed and we look forward to more concrete action being taken to that end. The lasting peace to which we all aspire will not be achieved by chance but requires solutions to the deep-rooted causes of insecurity

Mr. President,

At its Summits in Libreville and Abuja, the Peace and Security Council of the African Union acknowledged that the presence of *ex-FAR* and Interahmwe in the DRC was the main cause of insecurity and the principal threat to peace in the Great Lakes region. Those forces are currently committing very serious human rights violations in the DRC and the United Nations itself has recently been targeted through the killing of MONUC soldiers. We offer our sincere condolences to the families and countries affected by that attack. We cannot afford to be complacent and simply continue to hope, 11 years after the genocide, for voluntary repatriation, which has proved to be a failure.

We welcome the leadership of the African Union and call upon all States and organizations committed to the promotion of sustainable peace and human rights to support that Union's efforts.

Mr. President,

The Government is continuing to look for solutions to ensure the success of actions for the respect, protection and promotion of human rights, on the basis of which the rule of law is being established in Rwanda.

The legislative and judicial reform initiated by the Rwandan Constitution of 4 June 2003 has been underway since August 2004. The new tribunals and judges have begun to operate, and we trust that they will ensure quicker, more efficient, more impartial and above all more accessible justice for all

The decision to settle the massive problem of genocide trials through a policy of combating impunity, whilst creating a favourable climate for national reconciliation, has been maintained.

The Gacaca courts have thus recently entered into their last phase. Their first judgments, based on those of traditional courts, were rendered on 10 March 2005. Efforts have been stepped up to persuade those who committed offences constituting the crime of genocide to confess, ask forgiveness and repent, before being found guilty by the courts, in which the people who witnessed killings and other criminal acts will play a prominent part.

The system of confession is not a free pardon, but allows sentences to be commuted. Even those who have been sentenced after going through the confession procedure could be allowed to perform community service as a lesser alternative to a custodial sentence.

Mr President,

Rwanda wishes to share with the international community, and particularly with the people in its neighbouring region, the experience that it has gained from the consequences of the genocide. The presence of Rwandan troops in Darfur, and the recent visit to Sudan by His Excellency the President of the Republic, demonstrates our desire to see all peoples living in peace, protected from human rights violations.

The quest for negotiated solutions to the conflicts in the Democratic Republic of the Congo and Burundi shows that Rwandan leaders are aware that peace in the Great Lakes region is the only route to development and to the well-being of the local populations and of their own people, and that it would thus be inconceivable to remain indifferent to suffering in neighbouring countries.

Rwanda is one of the countries that has ratified the greatest number of international human rights instruments. In 2004 alone, our Government ratified ten of them, including those concerning the rights of women, the prevention and repression of corruption, the prohibition of weapons of mass destruction, and the environment. The few instruments not yet ratified will shortly be ratified and past reservations not yet withdrawn will shortly be withdrawn.

My country attaches great importance to the promotion of women's rights, which will help ensure development of its full potential. The experience of the past year, in which institutional practice has granted women a leading role in the leadership of the country's affairs, has been considerable. Since the adoption of our new constitution, Rwanda has had one of the highest levels of female parliamentary representation in the world, with women holding 48.8 per cent of seats in the House of Representatives, and 30 per cent of seats in the Senate. Moreover, there is also strong female representation in other decision-making bodies, such as the Government, where it has reached 32.1 per cent. The results of that experience are exemplary.

We also lay particular stress on the protection of the rights of vulnerable persons, especially children, disabled persons and the elderly. Persons suffering from HIV/AIDS receive particular attention from the Government and from Civil Society. We are unreservedly paying the cost, both physical and spiritual, of organizing awareness-raising campaigns on screening and prevention. We want all Rwandans to be able to benefit from the care available.

Mr President,

Whilst acknowledging that, as is the case for everyone, much remains to be done in our campaign against human rights violations, I should like, with your permission Mr. President, to enumerate certain of our priorities in this area. They consist in particular of

- combating poverty, as one of the main causes of serious human rights violations;
- combating corruption and related offences;
- combating all forms of discrimination;

- combating all forms of violence in general and more particularly sexual violence against women and children;
- reducing crime;
- bringing the genocide trials to a conclusion and improving detention conditions;
- promoting human rights education

Mr. President,

Although the task of allowing the peoples of the world the full enjoyment of their human rights is a long and arduous one, the main task facing each State Member of the United Nations is to strengthen the rule of law on their territories and to make every effort to ensure that human rights become a priority and, at last, a reality. We believe that, to succeed in this, each and every one of us must be committed to the task, with all the necessary belief and determination.

Thank you.

[Translation]

Note on the decision of the Transitional and National Assembly not to confirm Decree-Law No. 014/01 of 15/2/1995 waiving all reservations entered by the Rwandese Republic to the accession, approval and ratification of international instruments

- The Arusha Peace Agreements between the Government of the Republic of Rwanda and the Rwandese Patriotic Front (Protocol on Miscellaneous Issues and Final Provisions, Article 15) provided that the Broad-Based Transitional Government shall ratify all International Conventions, Agreements and Treaties on Human Rights which Rwanda has not yet ratified; it shall further waive all reservations entered into by Rwanda when it adhered to some of those international instruments.
- As soon as it took office, the Broad-Based Transitional Government published Decree-Law No. 014/01 of 15/2/1995 waiving all reservations entered by the Republic of Rwanda to the accession, approval and ratification of International Instruments
- Article 20 of the above-mentioned Protocol provides that Orders in Council [Decree-Laws] by the Cabinet [*Conseil des Ministres*] must be adopted by the Transitional National Assembly during its forthcoming session, otherwise they shall lose their binding force.
- At its meeting of 11/7/1995, the Transitional National Assembly took a solemn decision not to confirm the Decree-Law in question, because it considered that, when reading it, it was impossible to determine which were the international instruments concerned and that these should be clearly listed and cited.

That decision is evidenced by Minute [*Procès Verbal*] No. 89/AN/95 (see Minutes of Sessions, Vol X), as well as by letter No 00011/11.02 of 01/08/1995 from the President of the Constitutional Court concerning said decision of the Transitional National Assembly.
- Since then, no other action in regard to the waiver of the above-mentioned reservations has been undertaken.
- All of these documents may be consulted on the Parliament's website: (<http://www.rwandaparliament.gov.rw>).

Kigali, 19 July 2005
Alfred MUKEZAMFURA,
President of the Chamber of Deputies

REPUBLIC OF RWANDA



MINISTRY OF JUSTICE
P O Box 160 KIGALI

LEGAL POSITION ON THE DECREE OF 15TH FEB. 1995 ADHERING TO AND RATIFYING ALL INTERNATIONAL INSTRUMENT

Prior to the 2003 Constitution Rwanda's Constitution consisted of:

The 1991 constitution, as amended by, inter alia
The Arusha Peace Agreement
The RPF Declaration

Article 20: of Chapter II of the Arusha Peace Agreement provides that Orders in Council (Decrees passed by cabinet) shall be adopted by the Transitional National Assembly at its session immediately following the adoption of such laws in cabinet otherwise they lose their binding force.

The Transitional National Assembly did not, at all material times, adopt the said order, either in its session that immediately followed the passing of the said Decree. The Transitional National Assembly in its session of 11/07/1995 Vol.X, discussed the said decree and rejected it on grounds that the decree which was passed by the cabinet was too general not specifying the concerned International Instruments, which should have been handled one by one

Cabinet passed a general Decree on 15th Feb. 1995 adhering to and ratifying all International Instruments to which Rwanda had hitherto filed reservations This decree was supposed to be adopted by the Transitional National Assembly following the Decree. Such Session lasted from 12th April to 11th July 1995, and did not adopt the said decree, but rejected it on the said grounds as here with attached (parliamentary note)

It is very clear that without the mandatory adoption as required by the constitution the Decree ceased to have binding force as long as the first session of the Transitional National Assembly did not adopt it thus, cannot possibly be relied upon as the source of Rwanda's removal of the reservation

MUKABAGWIZA Edda
MINISTER OF JUSTICE

