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Authors	Kagame, Paul;Makuza, Bernard
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THE CONSTITUTION OF THE REPUBLIC OF RWANDA.

We, KAGAME Paul,
President of the Republic;

Given the Fundamental Law of the Republic of Rwanda as amended to date, especially the Arusha Peace Agreement in its part on Power-Sharing in its article 41, and in its part on Miscellaneous Issues and final Provisions in its article 22;

Considering that the new Constitution of the Republic of Rwanda was adopted by Rwandan Citizens in the Referendum of 26 May 2003 as confirmed by the Supreme Court in its ruling n° ……..of……..;

DO HEREBY PROMULGATE THIS CONSTITUTION AND ORDER IT BE PUBLISHED IN THE OFFICIAL GAZETTE OF THE REPUBLIC OF RWANDA.

PREAMBLE

We, the People of Rwanda,

1° In the wake of the genocide that was organised and supervised by unworthy leaders and other perpetrators and that decimated more than a million sons and daughters of Rwanda;

2° Resolved to fight the ideology of genocide and all its manifestations and to eradicate ethnic, regional and any other form of divisions;

3° Determined to fight dictatorship by putting in place democratic institutions and leaders freely elected by ourselves;

4° Emphasizing the necessity to strengthen and promote national unity and reconciliation which were seriously shaken by the genocide and its consequences;

5° Conscious that peace and unity of Rwandans constitute the essential basis for national economic development and social progress;

6° Resolved to build a State governed by the rule of law, based on respect for fundamental human rights, pluralistic democracy, equitable power sharing, tolerance and resolution of issues through dialogue;

7° Considering that we enjoy the privilege of having one country, a common language, a common culture and a long shared history which ought to lead to a common vision of our destiny;

8° Considering that it is necessary to draw from our centuries-old history the positive values which characterized our ancestors that must be the basis for the existence and flourishing of our Nation;

9° Reaffirming our adherence to the principles of human rights enshrined in the United Nations Charter of 26 June 1945, the Convention on the Prevention and Punishment of the crime of Genocide of 9 December 1948, the Universal Declaration of Human Rights of 10 December 1948, the International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965, the International Convention on Civil and Political Rights of 19 December 1966, the International Covenant on Economic, Social and Cultural Rights of 19 December 1966, the Convention on the Elimination of all Forms of Discrimination against Women of 1 May 1980, the African Charter of Human and Peoples' Rights of 27 June 1981 and the Convention on the Rights of the Child of 20 November 1989 ;

10° Committed to ensuring equal rights between Rwandans and between women and men without prejudice to the principles of gender equality and complementarity in national development;

11° Determined to develop human resources, to fight ignorance, to promote technological advancement and the social welfare of the people of Rwanda;

12° Considering that after the Transition period, Rwanda shall be governed by a Constitution comprising ideas expressed by Rwandans themselves;

Now hereby adopt, by referendum, this Constitution as the supreme law of the Republic of Rwanda.

TITLE ONE

THE STATE AND NATIONAL SOVEREIGNTY

CHAPTER ONE : GENERAL PROVISIONS

Article one

The Rwandan State is an independent, sovereign, democratic, social and secular Republic;

The principle governing the Republic is "government of the people, by the people and for the people".

Article 2

All the power derives from the people.

No group of people or individual can vest in themselves the exercise of power.

National sovereignty belongs to the people who shall exercise it directly by way of referendum or through their representatives.

Article 3

The territory of Rwanda is divided into Provinces, Districts, Cities, Municipalities, Towns, Sectors and Cells.

The law determines the number, boundaries, organization and functioning of Provinces, Cities, Municipalities, Towns and Districts.

Article 4

The Capital of the Republic of Rwanda is the City of Kigali.

The law determines the organization, functioning and operation of the City of Kigali.

The Capital can by law be transferred elsewhere within Rwanda.

Article 5

The national language is Kinyarwanda. The official languages are Kinyarwanda, French and English.

Article 6

The national symbols of Rwanda are the flag, the motto, the seal and the national anthem.

The national flag is made up of three colours : green, yellow and blue.

The flag comprises the following colours from the bottom to the top : a green strip, followed by a yellow strip both of which cover half the flag. The upper half is blue and bears on its right hand side the image of the sun with its rays of golden yellow. The sun and its rays are separated by a blue ring.

The law determines the characteristics, significance, usage and ceremonials of the national flag.

The motto of the Republic is : UNITY, WORK, PATRIOTISM.

The Seal of the Republic is made up of a circular green rope with a green knot at the base, bearing on its upper part, the imprints « REPUBULIKA Y'U RWANDA ». At the bottom of the knot is the motto of the Republic : « UBUMWE, UMURIMO, GUKUNDA IGIHUGU ». All these inscriptions are in black against a yellow background.

The Seal of the Republic also bears the following ideograms : the sun with its rays, a stem of sorghum and a branch of a coffee tree, a basket, a blue wheel with teeth and two shields one on the right and one on the left.

The characteristics, significance, usage and protection of the Seal are determined by law.

The national anthem is "RWANDA NZIZA".

The characteristics and ceremonies of the National Anthem are determined by law.

Article 7

Every person has a right to nationality.

Dual nationality is permitted.

No person may be deprived of Rwandan nationality of origin.

No person shall be arbitrarily deprived of his or her nationality or of the right to change nationality.

Rwandans or their descendants who were deprived of their nationality between 1st November 1959 and 31 December 1994 by reason of acquisition of foreign nationalities automatically reacquire Rwandan nationality if they return to settle in Rwanda.

All persons originating from Rwanda and their descendants shall, upon their request, be entitled to Rwandan nationality.

The conditions of acquisition, retention, enjoyment and deprivation of Rwandan nationality are determined by an organic law.

Article 8

Suffrage is universal and equal for all citizens.

Suffrage is direct or indirect and secret, unless the Constitution or another law provides otherwise.

All Rwandan citizens of both sexes who fulfil the requirements provided for by the law have the right to vote and to be elected.

The law determines the conditions and modalities for the conduct of elections.

CHAPTER II : FUNDAMENTAL PRINCIPLES

Article 9

The State of Rwanda commits itself to conform to the following fundamental principles and to promote and enforce the respect thereof:

1° fighting the ideology of genocide and all its manifestations;
2° eradication of ethnic, regional and other divisions and promotion of national unity;
3° equitable sharing of power;
4° building a state governed by the rule of law, a pluralistic democratic government, equality of all Rwandans and between women and men reflected by ensuring that women are granted at least thirty per cent of posts in decision making organs;
5° building a State committed to promoting social welfare and establishing appropriate mechanisms for ensuring social justice;
6° the constant quest for solutions through dialogue and consensus.

TITLE II

FUNDAMENTAL HUMAN RIGHTS AND THE RIGHTS AND DUTIES OF THE CITIZEN

CHAPTER ONE : FUNDAMENTAL HUMAN RIGHTS

Article 10

The human person is sacred and inviolable.

The State and all public administration organs have the absolute obligation to respect, protect and defend him or her.

Article 11

All Rwandans are born and remain free and equal in rights and duties.

Discrimination of whatever kind based on, inter alia, ethnic origin, tribe, clan, colour, sex, region, social origin, religion or faith, opinion, economic status, culture, language, social status, physical or mental disability or any other form of discrimination is prohibited and punishable by law.

Article 12

Every person has the right to life. No person shall be arbitrarily deprived of life.

Article 13

The crime of genocide, crimes against humanity and war crimes do not have a period of limitation.

Revisionism, negationism and trivialisation of genocide are punishable by the law.

Article 14

The State shall, within the limits of its capacity, take special measures for the welfare of the survivors of genocide who were rendered destitute by the genocide committed in Rwanda from October 1st, 1990 to December 31st, 1994, the disabled, the indigent and the elderly as well as other vulnerable groups.

Article 15

Every person has the right to physical and mental integrity.

No person shall be subjected to torture, physical abuse or cruel, inhuman or degrading treatment.

No one shall be subjected to experimentation without his or her informed consent. The modalities of such consent and experiments are determined by law.

Article 16

All human beings are equal before the law. They shall enjoy, without any discrimination, equal protection of the law.

Article 17

Criminal liability is personal. Civil liability is determined by law.

No one shall be imprisoned on the ground of inability to fulfil obligations arising from civil or commercial laws.

Article 18

The person's liberty is guaranteed by the State.

No one shall be subjected to prosecution, arrest, detention or punishment on account of any act or omission which did not constitute a crime under the law in force at the time it was committed.

The right to be informed of the nature and cause of charges and the right to defence are absolute at all levels and degrees of proceedings before administrative, judicial and all other decision making organs.

Article 19

Every person accused of a crime shall be presumed innocent until his or her guilt has been conclusively proved in accordance with the law in a public and fair hearing in which all the necessary guarantees for defence have been made available.

Nobody shall be denied the right to appear before a judge competent by law to hear his or her case.

Article 20

Nobody shall be punished for acts or omissions that did not constitute an offence under national or international law at the time of commission or omission.

Neither shall any person be punished with a penalty which is heavier than the one that was applicable under the law at the time when the offence was committed.

Article 21

No person shall be subjected to security measures except as provided for by law, for reasons of public order and State security.

Article 22

The private life, family, home or correspondence of a person shall not be subjected to arbitrary interference; his or her honour and good reputation shall be respected.

A person's home is inviolable. No search of or entry into a home may be carried out without the consent of the owner, except in circumstances and in accordance with procedures determined by law.

Confidentiality of correspondence and communication shall not be subject to waiver except in circumstances and in accordance with procedures determined by law.

Article 23

Every Rwandan has the right to move and to circulate freely and to settle anywhere in Rwanda.

Every Rwandan has the right to leave and to return to the country.

These rights shall be restricted only by the law for reasons of public order or State security, in order to deal with a public menace or to protect persons in danger.

Article 24

Every Rwandan has the right to his or her country.

No Rwandan shall be banished from the country.

Article 25

The right to asylum is recognized under conditions determined by the law.

The extradition of foreigners shall be permitted only so far as it is consistent with the law or international conventions to which Rwanda is a party.

However, no Rwandan shall be extradited.

Article 26

Only civil monogamous marriage between a man and a woman is recognized.

No person may be married without his or her free consent.

Parties to a marriage have equal rights and duties upon and during the subsistence of a marriage and at the time of divorce.

The law determines conditions, forms and effect of marriage.

Article 27

The family, which is the natural foundation of Rwandan society, is protected by the State.

Both parents have the right and duty to bring up their children.

The State shall put in place appropriate legislation and institutions for the protection of the family and the mother and child in particular in order to ensure that the family flourishes.

Article 28

Every child is entitled to special measures of protection by his or her family, society and the State that are necessary, depending on the status of the child, under national and international law.

Article 29

Every person has a right to private property, whether personal or owned in association with others.

Private property, whether individually or collectively owned, is inviolable.

The right to property may not be interfered with except in public interest, in circumstances and procedures determined by law and subject to fair and prior compensation.

Article 30

Private ownership of land and other rights related to land are granted by the State.

The law specifies the modalities of acquisition, transfer and use of land.

Article 31

The property of the State comprises of public and private property of the central Government as well as the public and private property of decentralized local government organs.

The public property of the State is inalienable unless there has been prior transfer thereof to the private property of the State.

Article 32

Every person shall respect public property.

Any act intended to cause sabotage, vandalism, corruption, embezzlement, squandering or any tampering with public property shall be punishable by law.

Article 33

Freedom of thought, opinion, conscience, religion, worship and the public manifestation thereof is guaranteed by the State in accordance with conditions determined by law.

Propagation of ethnic, regional, racial or discrimination or any other form of division is punishable by law.

Article 34

Freedom of the press and freedom of information are recognized and guaranteed by the State.

Freedom of speech and freedom of information shall not prejudice public order and good morals, the right of every citizen to honour, good reputation and the privacy of personal and family life. It is also guaranteed so long as it does not prejudice the protection of the youth and minors.

The conditions for exercising such freedoms are determined by law.

There is hereby established an independent institution known as the "High Council of the Press ».

The law shall determine its functions, organization and operation.

Article 35

Freedom of association is guaranteed and shall not require prior authorization.

Such freedom shall be exercised under conditions determined by law.

Article 36

Freedom of peaceful assembly without arms is guaranteed if it is not inconsistent with the law.

Prior authorization shall only be necessary if the law so requires and solely in the case of assembly in the open air, in a public place or on a public road, to the extent that such is necessary in the interests of public safety, public health or public order.

Article 37

Every person has the right to free choice of employment.

Persons with the same competence and ability have a right to equal pay for equal work without discrimination.

Article 38

The right to form trade unions for the defence and the promotion of legitimate professional interests, is recognized.

Any worker may defend his or her rights through trade union action under conditions determined by law.

Every employer has the right to join an employers' organization.

Trade unions and employers' associations have the right to enter into general or specific agreements regulating their working relations. The modalities for making these agreements are determined by law.

Article 39

The right of workers' to strike is permitted and shall be exercised within the limits provided for by the law, but the exercising of this right should not interfere with the freedom to work which is guaranteed for every individual.

Article 40

Every person has the right to education.

Freedom of learning and teaching shall be guaranteed in accordance with conditions determined by law.

Primary education is compulsory. It is free in public schools.

The conditions for free primary education in schools subsidised by the Government are determined by an organic law.

The State has the duty to take special measures to facilitate the education of disabled people.

An organic law determines the organization of Education.

Article 41

All citizens have the right and duties relating to health. The State has the duty of mobilizing the population for activities aimed at promoting good health and to assist in the implementation of these activities**.**

Article 42

Every foreigner legally residing in the Republic of Rwanda shall enjoy all rights save those reserved for nationals as determined under this Constitution and other laws.

Article 43

In the exercise of rights and enjoyment of freedoms, every person shall only be subjected to the limitations set by the law in order to ensure the recognition and respect of others' rights and freedoms, good morals, public order and social welfare which characterize a democratic society.

Article 44

The judiciary as the guardian of rights and freedoms of the public ensures respect thereof in accordance with procedures determined by law.

CHAPTER II : THE RIGHTS AND DUTIES OF THE CITIZEN

Article 45

All citizens have the right to participate in the government of the country, whether directly or through freely chosen representatives in accordance with the law.

All citizens have the right of equal access to public service in accordance with their competence and abilities.

Article 46

Every citizen has the duty to relate to other persons without discrimination and to maintain relations conducive to safeguarding, promoting and reinforcing mutual respect, solidarity and tolerance.

Article 47

All citizens have the duty to participate, through work, in the development of the country; to safeguard peace, democracy, social justice and equality and to participate in the defence of the motherland.

The law shall organize national service, whether civil or military.

Article 48

In all circumstances, every citizen, whether civilian or military, has the duty to respect the Constitution, other laws and regulations of the country.

Every citizen has the right to defy orders received from his or her superior authority if the orders constitute a serious and manifest violation of human rights and public freedoms.

Article 49

Every citizen is entitled to a healthy and satisfying environment.

Every person has the duty to protect, safeguard and promote the environment. The State shall protect the environment.

The law determines the modalities for protecting, safeguarding and promoting the environment.

Article 50

Every citizen has the right to activities that promote national culture.

There is hereby established the Rwanda Academy of Language and Culture.

The law shall determine its functions, organization and operation.

Article 51

The State has the duty to safeguard and to promote positive values based on cultural traditions and practices so long as they do not conflict with human rights, public order and good morals. The State equally has the duty to preserve the national cultural heritage as well as genocide memorials and sites.

TITLE III

POLITICAL ORGANIZATIONS

Article 52

A multi-party system of government is recognized.

Political organizations fulfilling the conditions required by law are permitted to be formed and to operate freely; they must abide by the Constitution and other laws as well as democratic principles and they should not destabilise national unity, territorial integrity and security of the nation.

Political organizations participate in the education of citizens on politics based on democracy and elections and operate in such a manner as to ensure that women and men have equal access to elective offices.

The leadership organs of political organizations shall only maintain offices at the national, provincial and Kigali City levels.

Article 53

Rwandans are free to join political organizations of their choice or not to join them.

No Rwandan shall be subjected to discrimination by reason of membership of a given political organization or on account of not belonging to any political organization.

Article 54

Political organizations are prohibited from basing themselves on race, ethnic group, tribe, clan, region, sex, religion or any other division which may give rise to discrimination.

Political organizations must constantly reflect the unity of the people of Rwanda and gender equality and complementality, whether in the recruitment of members, putting in place organs of leadership and in their operations and activities.

Article 55

The Senate may lodge a complaint against a political organization which has grossly violated the obligations contained in the provisions of Articles 52, 53 and 54 of this Constitution with the High Court of the Republic. In case of appeal, the appeal is heard by the Supreme Court.

Depending on the gravity of the violation proved, the High Court of the Republic may, without prejudice to criminal prosecution, impose any of the following sanctions against the political organization found guilty of the violation:

1° formal warning;
2° suspension of activities for a period not exceeding two years;
3° suspension of activities for the whole Parliamentary term;
4° dissolution.

In the event that the final decision of the court of last instance is the sanction of dissolution of a political organization, the Members of the Chamber of Deputies elected on the ticket of the dissolved political organization shall automatically lose their parliamentary seats.

By-elections are held to replace Deputies of the dissolved political organization if the remaining period of their mandate is more than one year.

Article 56

Without prejudice to the independence of each political organization and their collaboration, political organizations officially recognized in Rwanda shall organize themselves in a consultative forum.

The forum is mainly responsible for:

1° facilitating exchange of ideas by political organizations on major issues facing the country;
2° consolidating national unity;
3° advising on national policy;
4° acting as mediators in conflicts arising between political organizations;
5° assisting in resolving internal conflicts within a political organization upon request by that political organization.

The forum's decisions shall always be taken by the consensus of the constituent organizations.

Article 57

Political organizations which are duly registered shall be given grants by the State.

An organic law shall determine the modalities for the establishment of political organizations, their functioning, the conduct of their leaders, the manner in which they shall receive state grants as well as the organization and functioning of the Forum of Political organizations.

Article 58

The President of the Republic and the Speaker of the Chamber of Deputies shall belong to different political organizations.

Article 59

Judges, prosecutors as well as members of the armed forces, police and National Security Service shall not be permitted to be members of political organizations.

Other public servants and employees of public enterprises and parastatal organizations may join political organizations but shall not be permitted to take up senior leadership positions of political organizations as specified by an organic law.

TITLE IV
BRANCHES OF GOVERNMENT

CHAPTER ONE : GENERAL PROVISIONS

Article 60

The branches of government are the following :

1° the legislature;
2° the executive;
3° the judiciary.

The three branches are separate and independent from one another but are all complementary. Their responsibilities, organization and functioning are defined by this Constitution.

The State shall ensure that the exercise of legislative, executive and judicial power is vested in people who possess the competence and integrity required to fulfil the respective responsibilities accorded to the three branches.

Article 61

Before taking office, the President of the Senate and the Speaker of the Chamber of Deputies, the Prime Minister, the President of Supreme Court, ministers, ministers of state and other members of Government, senators, deputies, officers of the rank of General and senior officers of Rwanda Defence Forces, commissioners and senior officers of the National Police, the Vice-President and judges of the Supreme Court, the Prosecutor General of the Republic, the Deputy Prosecutor General and such other persons as may be determined by law shall take oath in these words:

« *I,…….. solemnly swear to the Nation that I shall:*

1° diligently fulfill the responsibilities entrusted to me;
2° remain loyal to the Republic of Rwanda ;
3° observe the Constitution and the other laws;
4° work for the consolidation of national unity;
5° conscientiously fulfill my duties of representing the Rwandan people without any discrimination whatsoever;
6° never use the powers conferred on me for personal ends;
7° promote respect for the freedoms and fundamental rights of the human being and safeguard the interests of the Rwandan people.

Should I fail to honour this oath, may I face the rigours of the law.

So help me God».

CHAPTER II : THE LEGISLATURE

Section one : Parliament

Sub-section one : General Provisions

Article 62

Legislative power is vested in a Parliament consisting of two chambers:

1° the Chamber of Deputies, whose members shall have the title of « Deputies »;
2° the Senate, whose members shall have the title of « Senators ».

Parliament deliberates on and passes laws. It legislates and oversees executive action in accordance with the procedure determined by this Constitution.

Article 63

In the event of the absolute impossibility of Parliament holding session, the President of the Republic during such period promulgates decree-laws adopted by the Cabinet and those decree-laws have the same effect as ordinary laws.

These decree-laws become null and void if they are not adopted by Parliament at its next session.

Article 64

Every Member of Parliament represents the whole nation and not just those who elected or nominated him or her or the political organization on whose ticket he or she stood for election.

Any imperative mandate is null and void.

The right of vote of a member of Parliament is *ad personam*.

Article 65

Before taking office, Members of Parliament shall take oath before the President of the Republic and, in case of his or her absence, before the President of the Supreme Court.

The first sitting of Parliament shall be convened and presided over by the President of the Republic within fifteen (15) days of the publication of the election results.

On commencement of each term of the legislature, the first sitting shall be devoted to the taking of the oath of office of members of Parliament and the election of the Bureau of each Chamber.

The election of the Bureau of each Chamber shall be presided over by the President of the Republic.

The Bureau of each Chamber of Parliament is made up of the President and two Vice-Presidents and the Speaker and two Deputy Speakers respectively. Their duties are specified in a law establishing the internal regulations of each Chamber.

Article 66

The quorum required for each Chamber of Parliament is at least three fifths of its members.

The sittings of each Chamber of Parliament are public.

However, each Chamber may decide, by absolute majority of the members present, to sit in camera at the request of either the President of the Republic, the President of Senate or the Speaker of the Chamber of Deputies or a quarter of the members of either Chamber or the Prime Minister.

Article 67

The Chambers of Parliament shall hold their sessions in the Capital City, each at its respective Chambers designated for the purpose except in cases of force majeure confirmed by the Supreme Court upon request by the President of the Chamber concerned. In the event that the Supreme Court itself is unable to hold session, the President of the Republic shall determine by decree-law the place where the Parliament shall hold session.

Decisions taken in sessions in respect of which there has either been no convocation or no agenda has been distributed or which take place during periods outside the approved time of sessions or outside the designated Chambers are null and void, save as is provided in the preceding paragraph.

Article 68

No one shall at the same time be a member of the Chamber of Deputies and the Senate.

The office of a Parliamentarian shall not be compatible with being a member of the Cabinet.

An organic law determines offices which are incompatible with the office of a parliamentarian.

Article 69

Members of Parliament shall enjoy parliamentary immunity in the following manner:

1° No Member of Parliament may be prosecuted, pursued, arrested, detained or judged for any opinions expressed or votes made by him or her in the exercise of his or her duties.
2° During the session period, no Member of Parliament suspected of a serious felony may be arrested or prosecuted without the authorisation of the Chamber to which he or she belongs;

3° When Parliament is not in session, no Member of Parliament may be arrested without the authorisation of the Bureau of the Chamber to which he or she belongs, unless he or she is caught flagrante delicto committing a felony or the Bureau of the Chamber to which he or she belongs has previously authorised his or her prosecution or a court of law has passed a final verdict and sentence against him or her.

Any Member of Parliament convicted of a felony by a court of law of last instance is automatically stripped of his or her parliamentary seat by the Chamber to which he or she belongs, after confirmation by the Supreme Court.

Similarly, each Chamber of Parliament may, in its internal regulations, make provisions for serious misconduct as a consequence of which a member of that Chamber may be removed from office. In such a case, the decision to remove the member from office shall be taken by a majority of three-fifths of the members of the Chamber concerned.

Article 70

Ordinary sessions of both Chambers of Parliament shall take place on the same dates.

However, the sittings of each of the Chambers as well as the extraordinary sessions shall be held according to each Chamber's internal regulations.

The two Chambers of Parliament cannot meet in joint session save in cases of debate on issues in respect of which the Constitution mandates a joint session or formal ceremonies instituted by law or other official functions.

When Parliament meets in joint session, the meeting shall be chaired by the Speaker of the Chamber of Deputies and in his or her absence, by the President of the Senate.

Article 71

The Chambers of Parliament shall hold three ordinary sessions of two months each.

1° the first session shall commence on February 5th ;
2° the second session shall commence on June 5th ;
3° the third session shall commence on October 5th.

Where the commencement date of a session falls on a non working day, the opening of the session shall be postponed to the following day; or, if the following day is a holiday, to the next working day.

Article 72

Each Chamber of Parliament meets in an extraordinary session upon convocation by its President or Speaker, as the case may be, after consultation with other members of the Bureau or upon the request of the President of the Republic on the Cabinet's proposal or that of a quarter of members of the Chamber.

An extraordinary joint session of Parliament may be convened by common agreement between the Presidents of both Chambers, or at the request of the President of the Republic or that of one quarter of members of each Chamber.

The extraordinary session handles only the issues for which it has been convened and which have previously been brought to the notice of members of the Chamber or the Parliament before commencement of the session.

The session shall close upon conclusion of consideration of matters on the agenda for which the session was convened.

An extraordinary session shall not exceed fifteen days.

Article 73

Each Chamber of Parliament shall adopt an organic law establishing its internal regulations**.**

Such organic law shall determine inter alia :

1° the powers of the Bureau of each Chamber;
2° the number, duties, powers and procedure of appointment of standing committees, without prejudice to the right of each Chamber to establish ad hoc committees;
3° the organisation of departments of each Chamber managed by the Speaker or the President assisted by two Vice-Speakers and two Vice-Presidents as the case may be and the Clerk;
4° the code governing the conduct of members of each Chamber;
5° the different modes of voting, with the exception of those expressly provided for by the Constitution.

Article 74

Each Chamber of Parliament shall have its own budget and shall enjoy financial and administrative autonomy.

Article 75

An organic law shall determine rules not provided for in this Constitution relating in particular to the requirements for the conduct of elections of the members of each Chamber of Parliament and the manner of replacing a member of Parliament who leaves office before the end of his or her term. It shall also determine the factors which render a candidate ineligible for election, activities which are incompatible with the office of Deputy or Senator and the remuneration and allowances of the members.

Sub-section 2 : The Chamber of Deputies

Article 76

The Chamber of deputies shall be composed of 80 members as follows :

1° fifty three (53) are elected in accordance with the provisions of article 77 of this Constitution;
2° twenty four (24) women; that is : two from each Province and the City of Kigali. These shall be elected by a joint assembly composed of members of the respective District, Municipality, Town or Kigali City Councils and members of the Executive Committees of women's organizations at the Province, Kigali City, District, Municipalities, Towns and Sector levels;
3° two (2) members elected by the National Youth Council;
4° one (1) member elected by the Federation of the Associations of the Disabled.

Article 77

Without prejudice to the provisions of Article 76 of this Constitution, the members of the Chamber of Deputies shall be elected for a five-year (5) term by direct universal suffrage through a secret ballot using a system of proportional representation.

The seats which remain after allocation of seats by dividing votes received by the electoral quotient shall be distributed to political organizations according to the system of the highest surplus.

The list shall be compiled in full respect of the principle of national unity as stipulated in Articles 9 and 54 of this Constitution and the principle of gender equality in matters relating to elective offices as stipulated in article 54 of the Constitution.

Candidates may be presented by a political organization or may stand independently.

A political organization or list of independent candidates which fails to attain at least five per cent (5 %) of the votes cast at the national level during legislative elections can not be represented in the Chamber of Deputies or benefit from grants given to political organizations by the State.

Article 78

Any deputy who, during his or her mandate, either resigns from his or her political organization or resigns from the Chamber of Deputies or is expelled from the political organization to which he or she belongs in accordance with provisions of the organic law governing political organizations or joins another political organization, shall automatically lose his or her seat in the Chamber of Deputies.

Disputes relating to decisions taken in accordance with the proceeding paragraph are adjudicated by the High Court of the Republic in the first instance and by the Supreme Court in the second and the last instance.

In the event of an appeal, the execution of the decision of the court of first instance is stayed until the Supreme Court rules on the appeal.

In the event of a Deputy losing or being removed from office when his or her term still has more than one year to go, the seat vacated by the Deputy shall devolve upon the person who was next on the list on which he or she was elected.

Candidates who are elected by means other than through lists of political organizations who lose or are removed from office as parliamentarians are replaced through fresh elections.

Article 79

Every year, the Chamber of Deputies shall adopt the finance law. It shall receive the finance bill before commencement of the Budget session.

The Chamber of Deputies shall examine the Budget for the next financial year on the basis of the budget implementation report for the current year presented to it by the Cabinet.

Every financial year and before June 30th of the following year, the Cabinet shall submit to the Chamber of deputies the finance bill for the concerned financial year with a report on the implementation of the budget certified by the Auditor General of State Finances.

The Cabinet shall submit a report on the implementation of the budget to the Auditor General of State Finances not later than March 31st of the following financial year.

The finance law determines the State revenue and expenditure of the State in accordance with conditions provided for by an organic law.

Before the final adoption of the Budget, the President of the Chamber of Deputies seeks the opinion of the Senate on the finance bill.

Article 80

In the event that the Finance bill is not voted and promulgated before commencement of a financial year, the Prime Minister authorises by an order a monthly expenditure on a provisional basis of an amount equal to one-twelfth of the budget of the preceding year.

Article 81

No taxation can be imposed, modified or removed except by law.

No exemption from or reduction of tax may be granted unless authorised by law.

The Chamber of Deputies may upon request by the Cabinet and after adoption of a law relating to certain rates of taxes and duties by an organic law, authorise its immediate application.

Sub-section 3 : The Senate

Article 82

The Senate shall be composed of twenty six (26) members serving for a term of eight years (8) and at least thirty per cent (30 %) of whom are women. In addition, former Heads of State become members of the Senate upon their request as provided for in paragraph 4 of this article.

Those twenty six (26) members are elected or appointed as follows :

1° twelve (12) members representing each Province and the City of Kigali elected through secret ballot by members of the Executive Committees of Sectors and District, Municipality, Town or City Councils of each Province and the City of Kigali;
2° eight (8) members appointed by the President of the Republic who shall ensure the representation of historically marginalized communities;
3° four (4) members designated by the Forum of Political organizations';
4° one (1)university lecturer of at least the rank of Associate Professor or a researcher elected by the academic and research staff of public universities and institutions of higher learning;
5° one (1) university lecturer of at least the rank of Associate Professor or researcher elected by the academic and research staff of private universities and institutions of higher learning.

The organs responsible for the nomination of Senators shall take into account national unity and equal representation of both sexes.

Former Heads of State who honourably completed their terms or voluntarily resigned from office become members of the Senate by submitting a request to the Supreme Court.

Dispute relating to the application of Article 82 and 83 of this Constitution which may arise, shall be adjudicated by the Supreme Court.

Article 83

Members of the Senate shall be citizens of impeccable character possessing the qualities of "inararibonye" who are elected or appointed objectively on the basis of individual merit without regard to political affiliation. They shall be highly skilled in the fields of science, law, economics, politics, sociology, culture or be persons who have held senior positions in the public or private sectors.

A candidate for the Senate must fulfil the following requirements:

1° satisfaction of the criteria specified in Article 82 of this Constitution;
2° being an *inararibonye*;
3° having irreproachable morals and probity;
4° not having been deprived of civil and political rights;
5° being at least forty years old;
6° not having been sentenced by a court of last instance to a term of imprisonment of six months or more in respect of which there has been no amnesty or rehabilitation.

Article 84

With the exception of former Heads of State who become members of the Senate in accordance with Article 82 of this Constitution, members of the Senate serve a term of eight years which is not renewable.

Article 85

Without prejudice to Article 197 of this Constitution, nominations of candidates for the Senate to be elected by the District, Municipality, Town and City Councils and the Executive Committees of Sectors in Provinces and the City of Kigali are filed with the Supreme Court at least thirty days before the elections.

The Supreme Court verifies if the candidates fulfil the required conditions, rules on and publishes the list of candidates within a period not exceeding eight days from the date on which it received the nominations. Elections are conducted in accordance with the procedure determined by the electoral law.

With respect to Senators who are appointed, the organs responsible for the nomination of designated Senator submit the names of the candidates to the Supreme Court, which verifies whether they fulfil the required conditions and rules on and publishes the list of appointed Senators within eight (8) days.

Senators appointed by the President of the Republic are nominated last to enable the President to take into account the principle of national unity among Rwandans.

In the event that some of the candidates are not approved by the Supreme Court, the organs responsible for the nomination may, within a period not exceeding seven days from the date of publication of the list complete the number provided for.

Article 86

With regard to Senators elected by the Executive Committees of Sectors, District, Municipality, Town and City Councils, a candidate to be elected must receive an absolute majority of the votes cast during the first round or failing, that a simple majority in the second round which must be organized immediately after the first round.

In the event of an elected Senator's resignation, death, impeachment by a court of law or permanent absence from the Senate on account of any reason when his or her term has a year or more to run, fresh elections are held. In the case of an appointed Senator, the organ which appointed him or her shall determine his or her replacement.

Article 87

The Senate has the specific function to supervise the application of the principles referred to in Articles 9 and 54 of this Constitution.

Article 88

In legislative matters, the Senate shall be competent to vote on :

1° laws relating to the amendment of the Constitution;
2° organic laws;
3° laws relating to the establishment, modification, functioning and dissolution of public enterprises and parastatal organizations and territorial organisations;
4° laws relating to fundamental freedoms, rights and duties of the person;
5° criminal law and laws relating to the organization, jurisdiction of courts and procedure in criminal cases;
6° laws relating to defence and security;
7° laws relating to elections and referenda;
8° laws relating to international agreements and treaties.

The Senate shall also have the authority to :

1° elect the President, the Vice-President and Judges of the Supreme Court, the Prosecutor General of the Republic and his or her deputy;
2° approve the appointment of the Chairpersons and members of National Commissions, the Ombudsman and his or her deputies, the Auditor General of State Finances and his or her Deputy, Ambassadors and Representatives to international organisations, Provincial Prefets and heads of public enterprises and parastatal organisations which have legal personality;
3° approve, where necessary, the appointment of such other public officials as shall be required and determined by an organic law.

Article 89

The Speaker of the Chamber of Deputies shall, without undue delay, transmit to the President of the Senate bills adopted by the Chamber of Deputies relating to matters provided for in Article 88 of this Constitution.

Similarly, the Government shall submit to the Senate draft orders relating to the appointment of the public officers referred to in Article 88 of this Constitution for approval prior to signature.

Section 2 : Initiation and adoption of laws

Article 90

The right to initiate legislation shall be concurrently vested in each Deputy and the Executive acting through the Cabinet.

Article 91

Bills and statutory amendments which have the potential to reduce Government revenue or increase State expenditure must indicate proposals for raising the required revenue or making savings equivalent to the anticipated expenditure.

Article 92

Bills determined by the plenary session to have a sound basis shall first be transmitted to the relevant committee of the Chamber of Deputies for examination prior to their consideration and adoption in the plenary session.

Article 93

The law is sovereign in all matters.

Organic laws govern all matters reserved for them by this Constitution as well as matters the laws in respect of which require related special laws.

An organic law may not contradict the Constitution. Neither may an ordinary law or decree-law contradict an organic law and a decree may not contradict an ordinary law.

In voting upon a bill, there must be a separate vote on each article as well as a vote on the entire bill.

A vote on the entire law is conducted by calling each parliamentarian by name and the parliamentarian votes by replying in a loud voice.

Organic laws shall be passed by a majority vote of three fifths of the members present in each Chamber.

The procedures for voting are determined by a law on the internal regulations of each Chamber**.**

Article 94

A petition for consideration of a bill or any other matter on an urgent basis may be made by either a parliamentarian or the Cabinet to the relevant Chamber.

When such a petition is made by a member of Parliament, the relevant Chamber decides on the validity of the urgency.

When the petition is made by the Cabinet, the request is always granted.

Upon a decision confirming the urgency, the bill or matter is considered before any other matters on the agenda.

Article 95

With the exception of the organic law on the internal regulations of the Senate, bills on matters in respect of which the Senate is competent to legislate are transmitted to the Senate after adoption by the Chamber of Deputies.

In the event that the Senate does not approve a bill transmitted to it or amendments proposed by the Senate are not acceptable to the Chamber of Deputies, both Chambers set up a commission composed of an equal number of Deputies and Senators which make proposals on matters still being debated.

Both Chambers are notified by the Commission of the compromise reached and the Chambers decide on it.

In the event that the compromise decision is not adopted by both Chambers, the bill is returned to the initiator.

Article 96

The authentic interpretation of laws shall be done by both Chambers of Parliament acting jointly after the Supreme Court has given an opinion on the matter; each Chamber shall decide on the basis of the majority referred to in Article 93 of this Constitution.

The authentic interpretation of the laws may be requested by the Government, a member of one of the Chambers of Parliament or by the Bar Association.

Any interested person may request the authentic interpretation of laws through the members of Parliament or the Bar Association.

CHAPTER III : THE EXECUTIVE

Article 97

Executive power shall be vested in the President of the Republic and the Cabinet**.**

Section one : The President of the Republic

Article 98

The President of the Republic is the Head of State.

He or she is the guardian of the Constitution and guarantees national unity.

He or she guarantees the continuity of the State, the independence and territorial integrity of the country and respect of international treaties and agreements.

The President of the Republic has the right to address the Nation.

Article 99

A candidate for the office of the Presidency of the Republic shall :

1° be of Rwandan nationality by origin;
2° not hold any other nationality;
3° have at least one parent of the Rwandan nationality by origin;
4° have irreproachable morals and probity;
5° not have been convicted and sentenced to a term of imprisonment of six months or more;
6° not have been deprived of his or her civil and political rights;
7° be at least thirty five (35) years old on the date of submission of his or her candidacy;
8° be resident in Rwanda at the time of submission of his or her candidacy.

Article 100

The election of the President of the Republic shall be by universal suffrage through a direct and secret ballot with a simple majority of the votes cast.

The Supreme Court proclaims the final results of the election.

Article 101

The President of the Republic is elected for a term of seven years renewable only once.

Under no circumstances shall a person hold the office of President of Republic for more than two terms.

Article 102

Without prejudice to the provisions of Article 196 of this Constitution, elections for President are held not less than thirty days and not more than sixty days before the expiration of the term of the incumbent President.

Article 103

An organic law shall determine the procedure concerning the presentation of the candidates for presidential elections, the conduct of elections, the counting of ballots, the modalities of

resolving election disputes and declaration of results and the time within which the results shall be declared and other matters which are necessary to ensure that elections are conducted well and held in transparency.

Article 104

Without prejudice to provisions of Article 196 of this Constitution, before assuming the duties of office, the President of the Republic shall take the oath of office before the President of the Supreme Court in the presence of both Chambers of Parliament in these words:

« I,…… solemnly swear to the Nation that I shall:

1° diligently fulfil the responsibilities entrusted to me;
2° remain loyal to the Republic of Rwanda ;
3° observe and defend the Constitution and the other laws;
4° preserve peace, territorial integrity and consolidate national unity;
5° conscientiously fulfil my duties without any discrimination;
6° never use the powers conferred upon me for personal ends;
7° guarantee the respect of the freedoms and fundamental rights of the human being and safeguard the interests of the Rwandan people.

Should I fail to honour this oath, may I face the rigours of law.

*So help me God**. »***

Article 105

The incumbent President of the Republic remains in office until his or her successor assumes office.

However, the incumbent President may not, during this period, exercise the following powers :

1° declaration of war;
2° declaration of a state of emergency or a state of siege;
3° calling a referendum.

In addition, the Constitution shall not be amended during this period.

In the event that the duly elected President of the Republic dies or is on account of any reason permanently unable or otherwise chooses not to assume office, new elections are held.

Article 106

The office of the President of the Republic is incompatible with the holding of any other elective public office, public function or any other civilian or military employment or professional activities.

Article 107

In the event of the death, resignation or permanent incapacity of the President of the Republic, the President is replaced in an acting capacity by the President of the Senate; in the absence of the President of the Senate, by the Speaker of the Chamber of Deputies and in the absence of both, the duties of the President are assumed in an acting capacity by the Prime Minister.

The acting President of the Republic referred to in this article shall not make appointments to public office, call a referendum, initiate an amendment to the Constitution, excercise the prerogative of mercy or make a declaration of war.

In the event that the office of the President of the Republic becomes vacant before the expiry of the President's term, elections to replace him or her are organized within a period not exceeding ninety days.

In the case of the President of the Republic being out of the country, sick or temporarily unable to perform his or her duties, his or her duties are assumed by the Prime Minister.

Article 108

The President of the Republic promulgates laws within fifteen days from the day on which the laws are delivered to the Cabinet.

However, the President of the Republic may before promulgation of laws request Parliament to reconsider them.

In such a case, should Parliament adopt the laws by, in the case of ordinary laws, a majority of two thirds and in the case of the organic laws, a majority of three-quarters, the President of the Republic must promulgate the laws within the period referred to in paragraph one of this article.

Article 109

Upon the proposal of the Cabinet and after receiving an advisory opinion of the Supreme Court, the President of the Republic may call a referendum on issues of general national interest, on a bill of an ordinary law, on a bill of an organic law or decree relating to the signature of an international treaty or agreement which is not inconsistent with the Constitution but has repercussions on functioning of state institutions.

Should the referendum adopt the proposal, the President of the Republic promulgates it within a period of eight days as from the time of proclamation of the results of the referendum.

Article 110

The President of the Republic is the Commander-in-Chief of the Rwanda Defence Forces.

He or she declares war in accordance with the provisions of Article 136 of this Constitution.

He or she signs accords for armistice and peace agreements.

He or she declares a state of siege and a state of emergency in accordance with the provisions of the Constitution and the law.

Article 111

The President of the Republic has authority to exercise the prerogative of mercy in accordance with the procedure determined by law and after consulting the Supreme Court on the matter.

He or she has authority to mint money in accordance with procedures determined by the law.

Article 112

The President of the Republic shall sign Presidential orders approved by the Cabinet, and these orders are countersigned by the Prime Minister, Ministers, Ministers of State and other members of the Government responsible for their implementation.

He or she shall make appointments of senior public service and military offices as determined by the Constitution and other laws.

Article 113

The President of the Republic shall sign Presidential orders approved by Cabinet regarding:

1° the prerogative of mercy;
2° the minting of money;
3° award of National Orders;
4° implementation of laws when it is his or her responsibility;
5° the promotion and appointment of :

a) officers of the rank of General of the Rwanda Defence Forces;
b) senior officers of the Rwanda Defence Forces;
c) commissioners of the National Police;
d) senior officers of the National Police**.**

6° appointment and termination of services of the following senior public servants :

a) the President and Vice-President of the Supreme Court;
b) the Prosecutor-General of the Republic and his or her Deputy;
c) the Director of Cabinet in the Office of the President of the Republic;
d) the Chancellor of National Orders;
e) the Governor of the Central Bank;
f) the Rectors of public universities and institutions of higher learning;
g) the Prefets of Provinces;
h) the head of the National Security Service and his or her deputy ;
i) the Commissioners of the Commissions and heads of specialized institutions provided for by the Constitution;
j) the Principal Private Secretary to the President of the Republic;
k) Advisors in the Office of the President of the Republic;

l) the Ambassadors and representatives to international organizations;
m) such other senior public servants as the law may determine as necessary.

Article 114

The President of the Republic represents the State of Rwanda in its relations with foreign countries and may appoint persons to represent him or her.

The President of the Republic accredits Ambassadors and Special Envoys to foreign states.

Ambassadors accredited to Rwanda and Special Envoys present their Credentials to the President of the Republic.

Article 115

An organic law determines the benefits accorded to the President of the Republic and former Heads of State.

However, where a President of the Republic has been convicted of high treason or grave and deliberate violations of the Constitution, he or she is not entitled to benefits due to former Heads of State.

Section 2 : The Cabinet

Article 116

The Cabinet shall comprise the Prime Minister, Ministers, Ministers of State and other members who may be determined, if necessary, by the President of the Republic.

The Prime Minister shall be nominated, appointed and removed from office by the President of the Republic.

Other members of Cabinet shall be appointed and removed from office by the President of the Republic upon proposal of the Prime Minister.

The members of Cabinet are selected from political organizations on the basis of their seats in the Chamber of Deputies without excluding the possibility of appointing to Cabinet other competent people who do not belong to any political organizations.

However, a political organization holding the majority of seats in the Chamber of Deputies may not exceed 50 per cent of all the members of the Cabinet.

The President of the Republic receives the resignation of the Cabinet tendered by the Prime Minister.

Article 117

The Cabinet implements national policy agreed upon by the President of the Republic and the Cabinet.

The Cabinet is accountable to the President of the Republic and to the Parliament in accordance with the provisions of this Constitution.

Article 118

The Prime Minister shall :

1° coordinate the functioning of the Cabinet in accordance with broad guidelines set by the President of the Republic and ensures the implementation of laws;
2° formulate the Government programme in consultation with other members of the Cabinet;
3° present the Government programme to the Parliament within thirty days of assuming office;
4° assign duties to the Ministers, Ministers of State and other members of the Cabinet ;
5° convene Cabinet meetings, draw up the agenda of the Cabinet in consultation with other members of the Cabinet and communicates it to the President of the Republic and other members of the Cabinet at least three days before the meeting, except in matters of urgency which are considered by extraordinary meetings of the Cabinet;
6° preside over the Cabinet meetings. However, where the President of the Republic is in attendance, he or she shall preside;
7° countersign laws enacted by the Parliament and promulgated by the President of the Republic;
8° appoint civil and military officers with the exception of those appointed by the President of the Republic;
9° sign orders in respect of the appointment and promotion of junior officers of Rwanda Defence Forces and the National Police ;
10° sign orders of the Prime Minister relating to the appointment and termination of service of the following senior public servants :

a) the Director of Cabinet in the Prime Minister's Office;
b) the Secretary General in the Prime Minister's office;
c) the Vice-Governors of the Central Bank;
d) the Vice-Rectors of public universities and institutions of higher learning;
e) Executive Secretaries of commissions and provinces;
f) Advisors and heads of services in the Office of the Prime Minister;
g) Secretary Generals in Ministries;
h) Directors and other senior officers of public enterprises;
i) members of the Boards of Directors of public enterprises and parastatal organisations;
j) Directors and Heads of Divisions in Ministries and Provinces;
k) Prosecutors at the National and Provincial levels as well as those of the City of Kigali;
l) such other senior public servants as may be specified by a law;

Other public servants are appointed in accordance with specific laws.

Article 119

Orders of the Prime Minister are countersigned by the Ministers, Ministers of State and other members of the Cabinet responsible for their implementation.

Article 120

Ministers, Ministers of State and other members of Cabinet implements laws relating to matters for which they are responsible by way of orders.

The Cabinet functions on the basis of collective responsibility.

An order of the President determines the Cabinet's functioning, membership and procedures for making decisions.

Article 121

The Cabinet deliberates upon :

1° bills and draft decree-laws;
2° drafts of orders of the President, the Prime Minister and Ministers;
3° any other matters in respect of which the Constitution and other laws vest responsibility in the Cabinet.

A Presidential order shall determine certain Ministerial orders which are adopted without consideration by the Cabinet.

Article 122

The office of member of the Cabinet is incompatible with any other professional activity or membership of Parliament.

A law determines the remuneration and other benefits accorded to members of the Cabinet.

Article 123

Before assuming office, the Prime Minister, ministers, ministers of state and other members of Cabinet shall take oath before the President of the Republic, Parliament and the Supreme Court.

Article 124

The resignation or vacation of the office of the Prime Minister on account of any reason leads to resignation of other members of the Cabinet.

The President of the Republic receives the resignation of the Cabinet when it is submitted by the Prime Minister.

During such period, the Cabinet only deals with routine business until a new Cabinet is appointed.

Article 125

Each minister, minister of state or other member of the Cabinet may individually tender in his or her resignation to the President of the Republic through the Prime Minister.

The resignation becomes effective if, within a period of five days, it is not withdrawn by the member of Cabinet concerned and the President of the Republic has consented to it.

Section 3 : Public Administration

Article 126

Public servants are recruited, posted and promoted in conformity with the principle of equality of citizens, through an objective, impartial and transparent system on the basis of the competence, merit and integrity of applicants of both sexes.

The State guarantees the impartiality of the leadership of government departments, the Rwanda Defence Forces, the National Police and the National Security Service. They shall all, at all times, ensure impartiality and serve all citizens without discrimination.

CHAPTER IV : RELATIONSHIP BETWEEN THE LEGISLATURE AND EXECUTIVE

Article 127

The President of the Republic and the Prime Minister shall be informed of the agenda of the sessions of each Chamber of Parliament and of its Committees**.**

The Prime Minister and other members of the Cabinet may attend the sessions of each Chamber of Parliament if they so wish. They take the floor whenever they request to do so.

They may, if need be, be accompanied by technical advisers of their choice.

Such technical advisers may only take part in deliberations in Standing Committees.

Article 128

The Chamber of Deputies shall employ the following methods to obtain information and exercise oversight of activities of the government.

1° oral questions;
2° written questions;
3° hearings before Committees;
4° Commissions of inquiry;
5° interpellation.

An organic law shall determine the procedures by which Parliament obtains information and exercises oversight of government action.

Article 129

In the context of obtaining information and exercising oversight of government action, members of the Senate may address oral or written questions to the Prime Minister to which he or she shall either respond in person if the questions relate to the government as a whole or to many Ministries collectively or through the Ministers responsible for the matters in question.

The Senate may, in addition, set up commissions of inquiry for oversight of government action.

However, it shall not conduct interpellation or initiate a motion of no confidence.

Article 130

The Chamber of Deputies may put the performance of Cabinet or of one or several members into question through a vote of no confidence.

A motion of no confidence shall only be accepted after interpellation and only on condition that the motion is signed by at least a fifth of the members of the Chamber of Deputies in the case of a vote of no confidence against one member of the Cabinet, or by at least a third of the members of the Chamber of Deputies if it concerns the entire Cabinet.

A motion of no confidence shall not be voted upon prior to the expiry of at least forty-eight hours after its introduction and it shall be adopted through a secret ballot by a majority of at least two-thirds of the members of the Chamber of Deputies.

The conclusion of ordinary or extraordinary sessions shall be postponed to ensure the application of the provisions of this article.

Article 131

A member of the Cabinet against whom a vote of no confidence is passed shall tender his or her resignation to the President of the Republic through the Prime Minister.

When the vote of no confidence is passed against the Government, the Prime Minister shall tender the resignation of the Government to the President of the Republic.

Where a motion of no confidence is rejected, signatories to the motion shall not introduce another motion for a vote of no confidence during the same session.

Article 132

The Prime Minister may, upon the proposal of the Cabinet request the Chamber of Deputies to pass a motion on a vote of confidence either in respect of the Government programme or adoption of a bill.

The debate on the request for a vote of confidence may not take place prior to the expiry of at least three full days from the time the request was submitted.

A vote on the motion of confidence may only be rejected through a secret ballot by a majority of two-thirds of the members to the Chamber of Deputies.

In the event that the Prime Minister loses a vote of confidence, he or she submits the resignation of the Governement to the President of the Republic, within twenty four hours.

Article 133

The President of the Republic, after consultation with the Prime Minister, the President and Speaker of the two Chambers of Parliament and the President of the Supreme Court, may dissolve the Chamber of Deputies.

Elections of Deputies shall take place within ninety days after the dissolution.

The President of the Republic shall not dissolve the Chamber of Deputies more than once in the same presidential term of office.

The Senate can not be dissolved**.**

Article 134

The Prime Minister is obliged to inform the Chambers of Parliament of government activities whenever it is possible.

The Prime Minister communicates decisions of the Cabinet and supporting documents to the Bureau of each Chamber of Parliament within a period of not more than eight days from the date of the meeting of the Cabinet.

Moreover, during the session period, one sitting each week shall be devoted to questions by members of Parliament addressed to members of Cabinet and responses thereto.

The Government is obliged to provide the Chambers of Parliament with all necessary explanations on questions put to the Government concerning its management and activities.

Article 135

The President of the Republic may address the Chambers of Parliament together or separately, either in person or by a message read on his or her behalf by the Prime Minister. There is no debate on such communication.

Should Parliament not be in session, it or one of its Chambers is convened specially for the purpose**.**

Article 136

The President of the Republic has the right to declare war and inform the Parliament within seven days. Parliament adopts a vote on the matter by a simple majority of the members of each Chamber.

Article 137

A state of emergency and a state of siege shall be governed by the law and declared by the President of the Republic, following a decision of the Cabinet.

A declaration of state of siege or state of emergency must give clear reasons which justify it, must specify the part of national territory to which it applies and its consequences, must indicate the rights, freedoms and guarantees provided by law which are suspended and the duration of the state of siege or state of emergency which may not exceed a period of fifteen days.

The state of siege or the state of emergency cannot be extended beyond a period of fifteen days without the approval of Parliament, which approval requires a majority of two-thirds of the members of each Chamber.

During war time, when a state of siege or a state of emergency has been declared, the duration of the state of siege may by law be extended beyond the period provided for in the paragraph preceding this one.

The duration of a state of siege must not exceed the period strictly necessary to ensure the return of normal conditions characterised by democracy**.**

A declaration of a state of siege or of a state of emergency shall not under any circumstances violate the right to life and physical integrity of the person, the rights accorded to people by law in relation to their status, capacity and nationality; the principle of non-retroactivity of criminal law, the right to legal defence and freedom of conscience and religion.

A declaration of a state of siege or of a state of emergency shall not under any circumstance affect the powers of the President of the Republic, the Prime Minister, Parliament or the Supreme Court nor can it modify the principles relating to the responsibility of the State and of public officials provided for in this Constitution.

No elections of any kind may be held during or within a period of less than thirty days after the state of siege or state of emergency.

Article 138

A state of siege cannot be declared on the entire or a part of the national territory unless the country has suffered or is about to suffer aggression by foreign states, faces grave dangers or in the case of destabilisation of the institutions established by this Constitution.

A state of emergency shall be declared on the entirety or part of the national territory when the country faces a public disaster or constitutional crisis whose gravity does not warrant the declaration of a state of siege.

Article 139

During the period of a state of siege or a state of emergency, the Chamber of Deputies cannot be dissolved and the Chambers of Parliament shall be recalled immediately if they are in recess.

If at the time of a declaration of a state of siege or of a state of emergency the Chamber of Deputies has previously been dissolved or its term has expired , the powers of Parliament relating to a state of siege or a state of emergency shall be exercised by the Senate.

CHAPTER V : THE JUDICIARY

Section one : General Provisions

Article 140

Judicial Power is exercised by the Supreme Court and other courts established by the Constitution and other laws.

The Judiciary is independent and separate from the legislative and executive branches of government.

It enjoys financial and administrative autonomy.

Justice is rendered in the name of the people and nobody may be a judge in his or her own cause.

Judicial decisions are binding on all parties concerned, be they public authorities or individuals. They shall not be challenged except through ways and procedures determined by law.

Article 141

Court proceedings are conducted in public unless a court determines that the proceedings should be in camera on the ground that a public hearing might have an adverse effect on general public order or would outrage public morals.

Every court decision shall indicate the grounds on which it is based, be written in its entirety and shall be delivered in open court.

Courts apply orders and regulations only where they are not inconsistent with the Constitution and other laws.

Without prejudice to the principle of equality of litigants before the law, an organic law relating to organisation and jurisdiction of courts shall determine institution of a single judge in ordinary courts in first instance with the exception of the Supreme Court. The same organic law shall provide for the procedure of application of the provisions of this paragraph.

Article 142

Unless the law otherwise provides, judges confirmed in office shall hold tenure for life; they shall not be suspended, transferred, even if it is for the purposes of promotion, retired prematurely or otherwise removed from office.

In the exercise of their functions, judges follow the law and only the law.

The law on the status of judges and other judicial personnel shall determine the remuneration and other benefits due to them.

Section 2 : Courts

Article 143

Ordinary and specialized courts are hereby established.

Ordinary Courts are the Supreme Court, the High Court of the Republic, the Provincial Courts and the Court of the City of Kigali, the District Courts and the Municipality and Town courts.

Specialized courts, are the Gacaca courts and Military courts.

An organic law may establish other specialized courts.

With the exception of the Supreme Court, ordinary courts may have specialised and/or itinerant chambers established by an order of the President of the Supreme Court upon proposal of the Supreme Council of the Judiciary.

Courts may sit in any locality within the limits of their territorial jurisdiction if the efficient administration of justice so requires and this does not prejudice the normal business of the courts at their permanent seats

However, no special courts shall be created.

An organic law shall determine the organisation, jurisdiction and the functioning of Courts.

Sub-section one : Ordinary Courts

A. The Supreme Court

Article 144

The Supreme Court is the highest court in the country. The decision of the Supreme Court are not be subject to appeal save in terms of petitions for the exercise of the prerogative of mercy or revision of a judicial decision. Its decisions are binding on all parties concerned whether such are organs of the State, public officials, civilians, military, judicial officers or private individuals.

Article 145

The jurisdiction of the Supreme Court is provided for in this Constitution and other laws and includes, inter alia :

1° hearing appeals against decisions of the High Court of the Republic and the Military High Court rendered in their first or appellate degrees as provided for by the law;
2° ensuring that Courts act in accordance with the law, coordinating and supervising their activities;
3° ruling on the constitutionality of organic laws and laws establishing the internal regulations of each Chamber of Parliament before their promulgation;
4° upon the request of the President of the Republic, the President and Speaker of the Chambers of Parliament or one-fifth of members of the Chamber of Deputies or the Senate, the Supreme Court examines whether international treaties and agreements and laws are not inconsistent with the Constitution and issues an advisory opinion before organs concerned take a decision;
5° hearing petitions on the constitutionality of laws and decree-laws;
6° resolving upon request, disputes relating to powers arising between different state organs;
7° hearing election petitions relating to referendum, presidential and legislative elections;
8° trying in the first and last instance criminal cases against the President of the Republic, the President of the Senate, the Speaker of the Chamber of Deputies, the President of the Supreme Court and the Prime Minister;
9° administering the oath of office taken by the President of the Republic and the Prime Minister before assumption of their duties;
10° trying the President of the Republic on charges of high treason or grave and deliberate violation of the Constitution. In such case, the decision to file charges against the President of the Republic with the Supreme Court shall be taken through a vote of both

Chambers of Parliament meeting in joint session, by a two-thirds majority vote of members of each Chamber;

11° declaring vacant of office of the President of the Republic in case of the President's death, resignation or conviction and sentence for high treason or grave and deliberate violation of the Constitution ;

12° on matters relating to the organisation of the judiciary, the Supreme Court may propose to the Government a bill of any nature amending existing law in public interest;

13° to provide authentic interpretation of custom which is unwritten and in respect of which the written law is silent.

The organic law shall determine the organization and functioning of the Supreme Court.

Article 146

The Supreme Court is headed by a President, assisted by a Vice-President and twelve other judges.

They shall all be career judges.

Where necessary, an organic law may increase or reduce the number of Judges of the Supreme Court.

Article 147

The President and Vice-President of the Supreme Court are elected by the Senate for a single term of eight years by simple majority vote of members from two candidates in respect of each post proposed by the President of the Republic after consultation with the Cabinet and the Supreme Council of the Judiciary.

They are appointed by a Presidential order within eight days of the vote of the Senate.

They shall be holders of at least a Bachelor of Laws degree and have working experience of fifteen years in the legal profession and proven ability of management at high-levels of institutions. Holders of doctoral degrees in law shall have at least seven years of experience in the legal profession.

They may be removed from office on account of undignified behaviour, incompetence or serious professional misconduct upon the petition of three fifths of either the Chamber of Deputies or the Senate and a two-thirds majority vote of each Chamber.

Article 148

The President of the Republic, after consultation with the Cabinet and the Superior Council of the Judiciary, shall submit to the Senate a list of candidates for appointment as judges of the Supreme Court. The list shall have two candidates per post in respect of which there is an election. The candidates shall be elected by an absolute majority vote of the members of the Senate.

B. The High Court of the Republic

Article 149

There is hereby establish the High Court of the Republic whose territorial jurisdiction is the whole country.

It has jurisdiction to try in the first instance certain serious offences committed in Rwanda as well as some offences committed outside Rwanda as specified by the law.

It hears in the first instance cases relating to the violation of Articles 52, 53 and 54 of the Constitution committed by political organizations.

It also has jurisdiction to hear in the first instance certain cases involving administrative law, political organizations, elections and such other cases as an organic law may determine.

It also hears, as a court of last instance, appeals against decisions of lower courts as determined by law.

It shall have specialized chambers which sit in different parts of the country as determined by law.

An organic law shall determine the organization, jurisdiction and functioning of the High Court of the Republic**.**

C. The Provincial Court and the Court of the City of Kigali

Article 150

There is hereby established a Provincial Court in each Province of the country and a Court of the City of Kigali.

An organic law shall determine the organization, jurisdiction and functioning of Provincial Courts and the Court of the City of Kigali.

D. The District, Municipality and Town Court

Article 151

There is hereby established a District, Town and Municipality Court respectively in each District, Town and Municipality in the country.

An organic law shall determine the organization, jurisdiction and functioning of these courts.

Sub-section 2 : Specialized Courts

A. Gacaca Courts and the National Service for the follow-up of their activities

Article 152

There is hereby established Gacaca Courts responsible for the trial and judgment of cases against persons accused of the crime of genocide and crimes against humanity which were

committed between October 1st 1990 and December 31st 1994 with the exception of cases jurisdiction in respect of which is vested in other courts.

An organic law shall determine the organization, jurisdiction and functioning of Gacaca Courts.

A law shall establish a National Service charged with the follow-up, supervision and coordination of activities of the Gacaca Courts. This body shall enjoy administrative and financial autonomy. This law shall also determine its duties, organization and functioning.

B. Military Courts

Article 153

Military courts comprise of the Military Tribunal and the Military High Court.

An organic law determines the organization, jurisdiction and functioning of Military courts.

1. The Military Tribunal

Article 154

Without prejudice to the provisions of Article 155 paragraph one, the Military Court tries in the first instance all offences committed by military personnel irrespective of their rank.

2. The Military High Court

Article 155

The Military High Court shall try in the first instance, all offences which constitute a threat to national security and murder committed by soldiers irrespective of rank.

The Military High Court is an appellate court in respect of decisions rendered by the Military Tribunal.

The Supreme Court shall hear appeals against decisions of the Military High Court in accordance with the provisions of the law.

Sub-section 3 : Oath of office of judges

Article 156

The President, Vice President and Judges of the Supreme Court shall take the oath of office before the President of the Republic in the presence of the members of Parliament.

Other Judges shall take oath before authorities indicated by the law that governs them.

Section 3 : **The Superior Council of the Judiciary**

Article 157

There is hereby established a Supreme Council of the Judiciary which has the following functions :

1 ° to examine and, either on its own initiative, or upon request by another organ, to give advice on matters relating to the functioning of the justice system;
2° to take decisions relating to the appointment, promotion or removal from office of judges and management of the career in general and discipline of judges with the exception of judges of the military courts and President and Vice-President of the Supreme Court;
3° to advise on all proposals relating to the establishment of a new court or bill governing the status of judges and other judicial personnel for whom it is responsible.

The President of the Supreme Court signs the orders of appointment, promotion and removal from office of judges and personnel of the Supreme Court.

Article 158

The Supreme Council of the Judiciary is composed of :

1° the President of the Supreme Court, who is the chairperson;
2° the Vice-President of the Supreme Court;
3° a judge of the Supreme Court elected by his or her peers;
4° the President of the High Court of the Republic;
5° one Judge from each Provincial Court and the City of Kigali court elected by his or her peers;
6° one Judge of a District, Municipality or Town Court elected by his or her peers from the territorial jurisdiction of each Provincial Court and the Kigali City Court;
7° two deans of the Faculties of Law of recognized universities elected by their peers;
8° the President of the National Commission of Human Rights;
9° the Ombudsman.

An organic law shall determine the organisation, powers and functioning of the Supreme Council of the Judiciary.

Section 4 : The Mediators

Article 159

There is hereby established in each Sector a "Mediation Committee" responsible for mediating between parties to certain disputes involving matters determined by law prior to the filing of a case with the court of first instance.

The Mediation Committee shall comprise of twelve residents of the Sector who are persons of integrity and are acknowledged for their mediating skills.

They shall be elected by the Executive Committee and Councils of Sectors from among persons who are not members of decentralized local government or judicial organs for a term of two years which may be extended. Parties to a dispute shall choose three of the mediators to whom they shall submit their case for mediation.

The Mediators shall record minutes of the terms of the proposed settlement of the case referred to them. Such minutes bear the signature of both the mediators and seal of the institution of mediators. The parties to the dispute are provided with a copy of the minutes.

Any party to the dispute who is dissatisfied with the settlement may refer the matter to the Courts of law. Such matter shall not be admissible by the court of first instance without prior production of the minutes of the settlement proposal of the mediators.

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An organic law shall determine the organization, powers and functioning of Mediation Committee.

TITLE V

PUBLIC PROSECUTION

CHAPTER ONE : PARQUET GENERAL OF THE REPUBLIC

Article 160

There is hereby established a National Prosecution Service known as the Parquet Général of the Republic responsible inter alia, for the investigation and prosecution of crimes committed in Rwanda.

The prosecution service shall enjoy administrative and financial autonomy.

Article 161

The prosecution service shall comprise the office of the Prosecutor General of the Republic and an office at the level of the Province and the City of Kigali.

The Office of the Prosecutor General shall comprise the Prosecutor General, the Deputy Prosecutor General and Prosecutors with jurisdiction over the whole country.

The prosecution service in each Province and City of Kigali shall comprise of the Provincial Prosecutor and the Prosecutor of Kigali City as well as other prosecutors who assist them.

The Prosecutor General of the Republic shall direct and coordinate the activities of the prosecution service. With the assistance of the prosecutors in his or her office, he or she shall be responsible for prosecutions before the Supreme Court and the High Court of the Republic in accordance with provisions of the law.

He or she shall be represented in each province and the City of Kigali by a Provincial or the City of Kigali Prosecutor who assisted by other prosecutors under them, shall be responsible for prosecutions before the Provincial and the City of Kigali courts.

The Prosecutor General of the Republic may give written instructions to any Prosecutor. However, he or she has no power to give instructions to a Prosecutor at the Province and

City of Kigali levels to refrain from prosecuting any person and to defer the matter to himself or herself.

Article 162

The prosecution service shall be under the authority of the Minister having Justice in his or her functions.

In matters relating to the prosecution of offences, the Minister having Justice in his or her functions shall determine general policy and may, in public interest, issue written instructions to the Prosecutor General to undertake or refrain from investigations and prosecution of an offence.

He or she may also, in cases of urgency and in public interest, issue written instructions to any prosecutor to investigate and prosecute or refrain from investigating and prosecuting an offence and inform the Prosecutor General of the Republic of such instructions.

Prosecutors shall be independent from parties to judicial proceedings and judges.

An organic law shall determine the organization, powers and functioning of the Prosecution service and shall also institute laws governing the status of prosecutors and other personnel of the prosecution service.

CHAPTER II : MILITARY PROSECUTION DEPARTMENT

Article 163

There is hereby established the Military Prosecution Department responsible for the prosecution of offences committed by persons subject to the jurisdiction of military courts. It investigates and prosecutes offences before military courts.

Article 164

The Military Prosecution Department is headed by the Military Prosecutor General assisted by the Deputy Military Prosecutor General.

An organic law determines the organization, powers and functioning of the military prosecution department.

CHAPTER III : THE SUPREME COUNCIL OF THE PROSECUTION

Article 165

There is hereby instituted the Supreme Council of the Prosecution Service.

The Supreme Council of the Prosecution comprises of the following members :

1° the Minister of Justice, who is the Chairperson as of right;
2° the Prosecutor General of the Republic;
3° the Deputy Prosecutor General of the Republic;
4° A National Prosecutor elected by his or her peers;

5° the Commissioner General of National Police;
6° the President of the National Commission of Human Rights;
7° the Military Prosecutor General and his or her deputy;
8° prosecutors from each province and City of Kigali elected by and representing their peers at the Provincial and the City of Kigali level;
9° two deans of the Faculties of Law of recognised universities elected by their peers;
10° the President of the Bar Association;
11° the Ombudsman.

An organic law shall determine the organization, powers and functioning of the Supreme Council of the Prosecution Service.

Article 166

The Prosecutor General of the Republic and the Deputy Prosecutor General of the Republic shall take the oath of office before the President of the Republic in the presence of the Members of Parliament.

Other prosecutors shall take oath before the authorities specified by the law.

TITLE VI :

THE DECENTRALISED AUTHORITIES.

CHAPTER ONE : GENERAL PROVISIONS

Article 167

Public administration shall be decentralized in accordance with the provisions of the law. Decentralized organs shall fall under the Ministry having local government in its functions.

Districts, Municipalities, Towns and the City of Kigali are decentralized entities with legal status and administrative and financial autonomy and are the foundation of community development.

They shall be entitled to become members of national and international organisations which promote development through decentralisation.

A law determines the establishment, boundaries, functioning of and collaboration between these organs and various other organs which have a role in the administration and development of the country. A law shall also determine the manner in which the Government transfers powers property and other resources to decentralized entities.

CHAPTER II : THE NATIONAL DIALOGUE COUNCIL

Article 168

There is hereby established a "National Council of Dialogue". It shall bring together the President of the Republic and 5 representatives of each District, Municipality and Town Council designated by their peers. It shall be chaired by the President of the Republic and be attended by members of the Cabinet and Parliament, the Prefets of provinces and the Mayor of the City of Kigali and such others as may be determined by the President of the Republic.

The Council shall meet at least once a year. It shall debate, among others, on issues relating to the state of the Nation, the state of local governments and national unity.

Resolutions of the Council are submitted to the concerned state institutions to enable them to improve their services to the population**.**

TITLE VII

NATIONAL DEFENCE AND SECURITY

Article 169

The State has the following security organs :

1° The National Police;
2° The National Security Service;
3° The Rwanda Defence Forces.

A law may determine other security organs.

CHAPTER ONE : THE NATIONAL POLICE

Article 170

The National Police exercises its authority over the entire national territory.

It must serve the people particularly on the basis of the following principles :

1° safeguarding the fundamental rights guaranteed by the Constitution and the law ;
2° harmonious collaboration between the National Police and the community which it serves ;
3° the accountability of the National Police to the community ;
4° informing the population on how the Police is fulfilling its mission.

Article 171

The National Police has the following functions :

1° ensuring compliance with the law ;
2° maintenance of internal public order ;

3° ensuring security of person and property;
4° providing urgent humanitarian assistance in case of disasters, calamities and accidents;
5° ensuring respect for the law relating to air space, borders and waters;
6° combating terrorism ;
7° participating in international peace keeping missions, humanitarian assistance and training.

The law determines the organization, functioning and powers of the National Police.

CHAPTER II : THE NATIONAL SECURITY SERVICE

Article 172

There is hereby established a National Security Service. Its responsibilities shall include, inter alia :

1° organizing and supervising intelligence inside and outside the country;
2° analysing the impact of international affairs on national security;
3° dealing with all issues relating to immigration and emigration;
4° advising the Government on all issues concerning national security.

The law determines the organisation, functioning and powers of the National Security Service.

III : RWANDA DEFENCE FORCES

Article 173

National defence is the responsibility of a professional army known as the "Rwanda Defence Forces". It has the following duties :

1° to defend the territorial integrity and national sovereignty of the Republic;
2° to collaborate with other security organs in safeguarding public order and enforcement of the law;
3° to participate in humanitarian activities in case of disasters;
4° to contribute to the development of the country;
5° to participate in international peace keeping missions, humanitarian assistance and training.

A law determines the organization and powers of the Rwanda Defence Forces.

Article 174

The Chief of General Staff shall be responsible for the operations and general administration of the Rwanda Defence Forces.

Article 175

The Government of Rwanda can, demobilize some members of the armed forces if deemed necessary or reduce the size of Rwanda Defence Forces.

A law shall determine procedures for such actions.

TITLE VIII

SPECIAL COMMISSIONS AND ORGANS

CHAPTER ONE : GENERAL PROVISIONS

Article 176

There are hereby established Commissions and specialized organs with responsibility of helping in resolving major issues facing the country.

An organic law may establish other Commissions and specialized organes.

CHAPTER II : THE NATIONAL COMMISSION FOR HUMAN RIGHTS

Article 177

The National Commission for Human Rights shall be an independent national institution. Its responsibilities shall include the following :

1° educating and mobilizing the population on matters relating to human rights;
2° examining the violations of human rights committed on Rwandan territory by State organs, public officials using their duties as cover, by organizations and by individuals;
3° carrying out investigations of human rights abuses in Rwanda and filing complaints in respect thereof with the competent courts;
4° preparing and disseminating an annual and other reports as may be necessary on the situation of human rights in Rwanda;

The National Commission for Human Rights submits each year its program and activity report to the Parliament and provides copies thereof to such State organs as may be determined by a law.

A law shall determine matters relating to the organization and the functioning of the Commission.

CHAPTER III : THE NATIONAL UNITY AND RECONCILIATION COMMISSION

Article 178

The National Unity and Reconciliation Commission is an independent national institution. Its responsibilities include particularly the following :

1° preparing and coordinating the national programme for the promotion of national unity and reconciliation;
2° putting in place and developing ways and means to restore and consolidate unity and reconciliation among Rwandans;
3° educating and mobilizing the population on matters relating to national unity and reconciliation;

4° carrying out research, organizing debates, disseminating ideas and making publications relating to peace, national unity and reconciliation;
5° making proposals on measures that can eradicate divisions among Rwandans and to reinforce national unity and reconciliation;
6° denouncing and fighting against acts, writings and utterances which are intended to promote any kind of discrimination, intolerance or xenophobia;
7° making an annual report and such other reports as may be necessary on the situation of national unity and reconciliation.

The National Unity and Reconciliation Commission shall submit each year its program and activity report to the President of the Republic and the Senate and provide a copy thereof to such other State organs as may be determined by law.

An organic law shall determine the organization and functioning of the Commission.

CHAPTER IV : THE NATIONAL COMMISSION FOR THE FIGHT AGAINST GENOCIDE

Article 179

The National Commission For the Fight Against Genocide shall be in an independent national organ. Its responsibilities include the following :

1° to organize a permanent framework for the exchange of ideas on genocide, its consequences and the strategies for its prevention and eradication;
2° to initiate the creation of a national research and documentation centre on genocide;
3° to advocate for the cause of genocide survivors both within the country and abroad;
4° to plan and coordinate all activities aimed at commemoration of the 1994 genocide;
5° to liaise with other national and international institutions with a similar mission;

The National Commission For the Fight Against Genocide submits, each year, its program and activity report to the Parliament and provides copies thereof to other State organs determined by law.

The law shall determine the organization and functioning of the Commission.

CHAPTER V : THE NATIONAL ELECTORAL COMMISSION

Article 180

The National Electoral Commission is an independent commission responsible for the preparation and the organization of local, legislative, presidential and referendum or such other elections the responsibility for the organization of which the law may vest in the Commission.

It ensures that elections are free and fair.

The National Electoral Commission submits each year its program and activity report to the Parliament and submits copies thereof to such other State organs determined by law.

A law determines the organization and functioning of the commission.

CHAPTER VI : THE PUBLIC SERVICE COMMISSION

Article 181

The Public Service Commission shall be an independent public institution. Its responsibilities shall include the following:

1° the recruitment and appointment of public servants in Central Government and other public institutions;
2° the submission of names of candidates to the institutions concerned for employment, appointment and promotion of candidates who fulfil all the required conditions and have the most suitable qualifications for the job for which they have applied, taking into account the record of their conduct;
3° the establishment of an appropriate system of recruitment of candidates which is objective, impartial, transparent and equitable for all ;
4° carrying out research on the laws, regulations, human resource requirements, the terms of reference of posts and any other matters relating to the management and development of human resources and advise the Government accordingly;
5° submitting to the organs concerned proposals on appropriate disciplinary actions against employees in accordance with the law in force;
6° providing technical assistance to State organs and public enterprises governed by special statutes using the expertise which it has by virtue of its functions referred to in this article.

The management and personnel of the Commission are prohibited from seeking or accepting instructions from private persons or public officials from outside the Commission**.**

The Public Service Commission submits each year its program and activity report to the Parliament and Cabinet and provides copies thereof to other State organs determined by law.

The law shall determine the organization and functioning of the Commission.

CHAPTER VII : THE OFFICE OF THE OMBUDSMAN

Article 182

The Office of the Ombudsman shall be an independent public institution.

Its responsibilities shall include the following:

1° acting as a link between the citizen and public and private institutions ;
2° preventing and fighting against injustice, corruption and other related offences in public and private administration;
3° receiving and examining, in the aforementioned context, complaints from individuals and independent associations against the acts of public officials or organs, and private institutions and to mobilise these officials and institutions in order to find solutions to such complaints if they are well founded.

The Office shall not involve itself in the investigation or adjudication relating to matters which are subjudice except that it may submit to the courts or the prosecution service the

complaints which it has received, in which case those organs are required to respond to the office.

4° receiving the faithful declaration of assets of the President of the Republic, the President of the Senate, the Speaker of the Chamber of Deputies, the President of the Supreme Court, the Prime Minister and other members of the Cabinet upon taking up and on leaving office.

The Office of Ombudsman shall submit each year its program and activity report to the President of the Republic and to Parliament and submit copies thereof to other State organs determined by law.

The law shall determine the organization and functioning of the Office.

CHAPTER VIII : THE OFFICE OF THE AUDITOR-GENERAL OF STATE FINANCES

Article 183

The Office of the Auditor General of State Finances is an independent national institution responsible for the audit of state finances.

It is vested with legal personality and has financial and administrative autonomy.

The office is headed by the Auditor General assisted by a Deputy Auditor General and other necessary personnel.

The responsibilities of the Office includes the following :

1° auditing objectively whether revenues and expenditures of the State as well as local government organs, public enterprises and parastatal organizations, privatised state enterprises, joint enterprises in which the State is participating and government project were in accordance with the laws and regulations in force and in conformity with the prescribed justifications;
2° auditing the finances of the institutions referred to above and particularly verifying whether the expenditures were in conformity with the law and sound management and whether they were necessary;
3° carrying out all audits of accounts, management, portfolio and strategies which were applied in institutions mentioned above.

No person shall be permitted to interfere in the functioning of the Office or to give instructions to its personnel or to cause them to change their methods of work.

Article 184

Without prejudice to the provisions of Article 79 of this Constitution, the Auditor-General shall submit each year to each Chamber of Parliament, prior to the commencement of the session devoted to the examination of the budget of the following year, a complete report on the implementation of the State budget of the previous year. This report must indicate the manner in which the budget was utilized, unnecessary expenses which were incurred or expenses which were contrary to the law and whether there was misappropriation or general squandering of public funds.

A copy of the report shall be submitted to the President of the Republic, Cabinet, President of the Supreme Court and the Prosecutor General of the Republic.

The Parliament may instruct the Office of the Auditor General to carry out a financial audit of any institution of the State or with regard to the use of funds provided by the State.

The institutions and public officials to which the report of the Auditor General is addressed are obliged to implement its recommendations by taking appropriate measures in respect of the irregularities and other shortcomings which were disclosed.

The law determines the organization and functioning of the Office of the Auditor General of State Finances.

CHAPTER IX : THE "GENDER" MONITORING OFFICE

Article 185

A Gender Monitoring Office is hereby established.

The Gender Monitoring Office shall be an independent public institution whose responsibilities include the following :

1° to monitor and supervise on a permanent basis compliance with gender indicators of the programme for ensuring gender equality and complementality in the context of the vision of sustainable development and to serve as a reference point on matters relating to gender equality and non discrimination for equal opportunity and fairness;
2° to submit to various organs recommendations relating to the program for the promotion of gender equality and complementality for national development.

The gender Monitoring Office shall submit each year its program and activity report to the Cabinet and submits copies thereof to other State organs determined by law.

The law shall determine its functions, organization and operation.

CHAPTER X : CHANCELLERY FOR HEROS AND NATIONAL ORDERS

Article 186

There is hereby established a Chancellery for Heros and National Orders.

A law shall determine its functions, organization and operation.

TITLE IX

NATIONAL COUNCILS

CHAPTER ONE : NATIONAL COUNCIL OF WOMEN

Article 187

There is hereby established a National Council of Women.

The law shall determine its organization, functions, operation and its relations with other State organs.

CHAPTER II : THE NATIONAL YOUTH COUNCIL

Article 188

There is hereby established a National Youth Council.

A law shall determine its organization, functions, operation and its relations with other state organs.

TITLE X

INTERNATIONAL TREATIES AND AGREEMENTS

Article 189

The President of the Republic negotiates international treaties and agreements and ratifies them. The Parliament is notified of such treaties and agreements following their conclusion.

However, peace treaties and treaties or agreements relating to commerce and international organizations and those which commit state finances, modify provisions of laws already adopted by Parliament or relate to the status of persons, can only be ratified after authorisation by Parliament.

It is not permitted to cede or exchange part of the territory of Rwanda or to join to Rwanda part of another country without the consent of the people by referendum.

The President of the Republic and Parliament shall be notified of all negotiations relating to treaties and international agreements which are not subject to ratification by the President of the Republic.

Article 190

Upon their publication in the official gazette, international treaties and agreements which have been conclusively adopted in accordance with the provisions of law shall be more binding than organic laws and ordinary laws except in the case of non compliance by one of parties**.**

Article 191

It is prohibited to make international agreements permitting foreign military bases on the national territory.

It is prohibited to make international agreements permitting the transit or dumping of toxic waste and other hazardous materials capable of endangering public health and the environment.

Article 192

In the event that the Supreme Court, upon request by the organs referred to in article 145 paragraph 4° of this Constitution, rules that an international treaty contains provisions which are inconsistent with the Constitution, the authorisation to ratify the treaty or agreement cannot be granted until the Constitution is amended.

TITLE XI

AMENDMENT OF THE CONSTITUTION

Article 193

The power to initiate amendment of the Constitution is vested concurrently in the President of the Republic upon the proposal of the Cabinet and each Chamber of Parliament upon a resolution passed by a two thirds majority vote of its members.

The passage of a constitutional amendment requires a three quarters majority vote of the members of each chamber of Parliament.

However, if the constitutional amendment concerns the term of the President of the Republic or the system of democratic government based on political pluralism, or the constitutional regime established by this Constitution especially the republican form of the government or national sovereignty, the amendment must be passed by referendum, after adoption by each Chamber of Parliament.

No amendment to this article is permitted.

TITRE XII

FINAL AND TRANSITIONAL PROVISIONS

CHAPTER ONE : TRANSITIONAL PROVISIONS

Article 194

The referendum on the adoption and promulgation of this Constitution shall take place before July 19, 2003. The promulgation shall mark the end of the transition period.

Article 195

The institutions provided for by the Fundamental Law of the Transitional Period remain in force until the establishment of the corresponding institutions provided for in this Constitution. However, the President of the Republic shall dissolve the National Transitional Assembly at least one month prior to the holding of elections for members of the Chamber of Deputies.

The Transitional National Assembly shall not amend this Constitution.

Article 196

Presidential and parliamentary elections must be held not later than six months after the referendum on this Constitution.

The elected President of the Republic shall be sworn in no later than one month after his or her election. His or her oath of office shall be administered by the President of the Supreme Court.

Article 197

Members of the Senate shall be sworn in not later than two months after the swearing in of the President of the Republic.

However, during the first term of the Senate, one half of Senators referred to in Article 82, 2° and 82, 3° shall be appointed at the very start of the term and the other half shall be appointed after one year for a term of office of eight years.

Members of the Chamber of Deputies shall be sworn in not later than fifteen (15) days after their election.

Article 198

The appointment of the Prime Minister shall be made not later than fifteen days following the swearing in of the members of the Chamber of Deputies.

The Cabinet shall be set up not later than fifteen days (15) following the swearing in of the Prime Minister**.**

Article 199

The President, Vice-President of the Supreme Court, the Prosecutor General of the Republic and the Deputy Prosecutor General of the Republic shall be elected by the Senate not later than two months after it is formed.

CHAPTER II : FINAL PROVISIONS

Article 200

The Constitution is the supreme law of the State.

Any law which is contrary to this Constitution is null and void.

Article 201

Laws and regulations can only enter into force after they have been duly published in accordance with the procedures determined by the law.

Ignorance of a law which has been duly published is not a defence.

Unwritten customary law remains applicable as long as it has not been replaced by written laws, is not inconsistent with the Constitution, laws and regulations, and does not violate human rights, prejudice public order or offend public decency and morals.

Article 202

This Constitution abrogates and replaces the Fundamental Law of the Republic of Rwanda governing the transitional period as amended to date.

All legislation in force shall remain applicable as long as its provisions are not contrary to this Constitution.

Article 203

This Constitution, adopted by referendum of……2003 comes into force on the date of its promulgation by the President of the Republic and is duly published in the Official Gazette of the Republic of Rwanda.

Kigali, on ……..

The President of the Republic
KAGAME Paul

The Prime Minister
MAKUZA Bernard

Seen and sealed with the Seal of the Republic :

The Minister of Justice and Institutional Relations
MUCYO Jean de Dieu