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Rwanda's Constitution of 2003 with Amendments through 2010

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Preamble

We, the People of Rwanda,

1. In the wake of the genocide against the Tutsi 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 on the necessity to strengthen and promote national unity and reconciliation which were seriously shaken by the genocide against the Tutsi 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 Covenant on Economic, Social and Cultural Rights of 19 December 1966, the International Covenant on Civil and Political 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 I

THE STATE AND NATIONAL SOVEREIGNTY

CHAPTER I: GENERAL PROVISIONS

Article 1

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 Rwandan people or an individual can vest in themselves the exercise of power.

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

Article 3

The Territory of Rwanda is divided into administrative entities determined by an Organic Law which determines their number, their boundaries and their organisation

A Law shall determine the organisation and the functioning of those entities.

Article 4

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

A Law shall determine the organization and functioning 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

- National flag

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.

- National flag

A Law shall determine the characteristics, significance, usage and ceremonials of the national flag.

- National motto

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 shall be determined by a Law.

- National anthem

The national anthem is "RWANDA NZIZA".

The characteristics and ceremonies of the National Anthem shall be determined by a Law.

- Requirements for birthright citizenship

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.

- Conditions for revoking citizenship
- Requirements for naturalization

The conditions of acquisition, retention, enjoyment and deprivation of Rwandan nationality shall be determined by an Organic Law.

Article 8

- Requirements for birthright citizenship
- Claim of universal suffrage

Suffrage is universal and equal for all citizens.

- Secret ballot

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

- Restrictions on voting

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

A Law shall determine 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 RIGHTS AND DUTIES OF THE CITIZEN

CHAPTER I: 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.

• Inalienable rights

• General guarantee of equality

• Equality regardless of gender
 • Equality regardless of skin color
 • Equality regardless of creed or belief
 • Equality regardless of social status
 • Equality regardless of financial status
 • Equality regardless of tribe or clan
 • Equality regardless of political party
 • Equality regardless of race
 • Equality regardless of language
 • Equality regardless of religion
 • Equality for persons with disabilities
 • Integration of ethnic communities

• Right to life

Article 13

The crime of genocide, crimes against humanity and war crimes are not subject to prescriptive period.

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

Article 14: Welfare of victims of genocide against the Tutsi and other needy persons

The State shall, within the limits of its capacity, take special measures for the welfare of the survivors who were rendered destitute by genocide against the Tutsi 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 one shall be subjected to torture, physical abuse or cruel, inhuman or degrading treatment.

No one shall be subjected to experimentation without his/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 a 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 unless provided for by laws into force at the time the offence 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 trial in which all the necessary guarantees for defence have been made available.

No one shall be denied the right to appear before a competent judge to hear his/her case.

- Requirements for birthright citizenship
- State support for the elderly
- State support for the disabled
- State support for children
- Reference to history of the country
- Protection of victim's rights

- Requirements for birthright citizenship
- Prohibition of cruel or degrading treatment
- Prohibition of torture

- Requirements for birthright citizenship
- General guarantee of equality

- Requirements for birthright citizenship
- Rights of debtors

- Requirements for birthright citizenship
- Punishment from ex post facto laws prohibited

- Requirements for birthright citizenship
- Right to fair trial
- Presumption of innocence in trials
- Right to public trial

Article 20: Non retroactivity of criminal law

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

No one shall be punished with a heavier penalty than the one that was prescribed under the Law at the time when the offence was committed.

Offences and related penalties shall be determined by an Organic Law.

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/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/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: Marriage

Civil monogamous marriage between a man and a woman is the only recognized.

However, the monogamous marriage between a man and a woman contracted outside Rwanda in accordance with the Law of the country of celebration of the marriage shall be recognized.

- Requirements for birthright citizenship
- Punishment from ex post facto laws prohibited
- Principle of 'no punishment without law'
- Mention of international law

- Requirements for birthright citizenship

- Requirements for birthright citizenship
- Regulation of evidence collection
- Right to privacy

- Inalienable rights

- Requirements for birthright citizenship
- Freedom of movement

- Requirements for birthright citizenship

- Protection of stateless persons
- Requirements for birthright citizenship
- Extradition procedure

- Requirements for birthright citizenship
- Provision for civil marriage
- Right to marry

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

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

A Law shall determine the conditions, forms and consequences of marriage.

Article 27

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

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

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

Article 28

Every child is entitled to special measures of protection by his/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.

A Law specify 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 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 shall be punishable by Law.

Article 34: Freedom of press and information

Freedom of 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 shall be determined by Law.

There is hereby established an independent institution known as the "Media High Council". A Law shall determine its responsibilities, organization and functioning.

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 order or public health.

Article 37

Every person has the right to free choice of employment.

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

Article 38

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

Every worker may defend his/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 shall be determined by a Law.

- Freedom of religion
- Freedom of opinion/thought/conscience

- Freedom of expression
- Freedom of press

- Freedom to view government information
- Right to protect one's reputation
- Right to privacy

- Media commission

- Freedom of association

- Freedom of assembly

- Right to choose one's occupation

- Right to equal pay for work

- Right to join trade unions

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 shall be determined by an Organic Law.

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

An Organic Law shall determine the organization of Education.

Article 41

All citizens have the right and duties relating to health. The State shall have 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 shall ensure respect thereof in accordance with procedures determined by Law.

CHAPTER II: 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.

A 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.

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

Article 49: Right and duty to a clean and healthy environment and the duty to protect it

Every person has a right to a clean and healthy environment.

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

An Organic Law shall determine 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.

A Law shall determine its responsibilities, organization and functioning.

Article 51: Safeguarding cultural traditions and memorial sites of genocide against the Tutsi

The State shall have the responsibilities 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 shall equally have the responsibilities to preserve national cultural heritage as well as memorials and sites of genocide against the Tutsi.

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 shall 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 shall have equal access to elective offices.

The leadership organs of political organizations shall have offices at the national level. The Organic Law governing political organizations shall determine their offices at other levels of administrative entities.

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, lineage, region, sex, religion or any other division which may lead to discrimination.

Political organizations must constantly reflect the unity of the people of Rwanda, gender equality and complementarity, 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 with the High Court against a political organization which has grossly violated the obligations contained in the provisions of Articles 52, 53 and 54 of this Constitution. In case of appeal, the appeal shall be heard by the Supreme Court.

Depending on the gravity of the violation proved, the Court 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

- Restrictions placed on political parties
- Right to form political parties

- Equality regardless of gender

- General guarantee of equality
- Equality regardless of political party

- General guarantee of equality
- Equality regardless of gender
- Equality regardless of skin color
- Equality regardless of creed or belief
- Equality regardless of social status
- Equality regardless of financial status
- Equality regardless of tribe or clan
- Equality regardless of race
- Equality regardless of language
- Equality regardless of religion
- Equality for persons with disabilities
- Prohibited political parties
- Restrictions placed on political parties

- Regulation of political parties

- Removal of individual legislators

elected on the ticket of the dissolved political organization shall automatically lose their parliamentary seats.

- Replacement procedure for individual legislators

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

Article 56: National Consultative Forum of Political Organizations

A National Consultative Forum of Political Organizations is hereby established for purposes of national political dialogue, consensus building and national cohesion.

- Campaign financing

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: Power sharing

The President of the Republic and the Speaker of the Chamber of Deputies shall not belong to the same political organization.

- Attorney general
- Restrictions on the armed forces

Article 59: Functions incompatible with the active membership of political organizations

Judges, prosecutors, members of the Rwanda Defence Force, members of Rwanda National Police and members of National Intelligence and Security Service shall not be members of political organizations.

TITLE IV

BRANCHES OF GOVERNMENT

CHAPTER I: GENERAL PROVISIONS

- Claim of executive independence
- Judicial independence

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: Oath of office of authorities

All authorities required by Constitution and other Laws to swear before taking office, shall take an oath in the following words:

"I, _____,

solemnly swear to the Nation that I shall:

- 1°. remain loyal to the Republic of Rwanda;
- 2°. uphold the Constitution and other Laws;
- 3°. safeguard the basic individual human rights and the interests of the Rwandan people;
- 4°. work for the consolidation of national unity;
- 5°. diligently fulfil the responsibilities entrusted to me;
- 6°. never use the powers conferred on me for personal ends.

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

So help me God".

CHAPTER II: THE LEGISLATURE

Section 1: The Parliament

Sub-section 1: 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".

The Parliament shall deliberate and pass Laws. It shall legislate and oversee action of the Executive 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 shall promulgate decree-laws adopted by the Cabinet and those decree-laws shall 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/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: Taking office for members of the Parliament

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

On commencement of each term of office for members of the Parliament, the first sitting of each Chamber shall be devoted to the election of the Bureau composed of the Speaker and Deputy Speakers. It shall be convened and presided over by the President of the Republic within fifteen (15) days after the publication of the election results.

Before taking office, members of the Bureau of each Chamber of the Parliament shall take oath before the President of the Republic.

The composition of the Bureau of each Chamber of the Parliament, their responsibilities as well as modalities for holding sessions shall be determined by the Organic Law establishing internal rules of each Chamber.

Article 66

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

The sittings of each Chamber of Parliament are public.

However, each Chamber of Parliament 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 shall be null and void, save as is provided in the preceding paragraph.

Article 68: Incompatibility with the office of a member of the Parliament

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

The office of a Deputy or a Senator is incompatible with the office of a member of the Cabinet.

The Organic Law establishing internal rules of each Chamber of the Parliament shall determine other offices which are incompatible with the office of member of the Parliament.

• Oaths to abide by constitution

• Leader of first chamber
• Standing committees
• Leader of second chamber

• Standing committees

• Standing committees

• Public or private sessions

• Quorum for legislative sessions

• Restrictions on eligibility for cabinet
• Restrictions on head of government's role in the legislature

• Outside professions of legislators

- Compensation of legislators

An Organic Law shall determine the benefits to which members of the Parliament are entitled.

- Immunity of legislators
- Removal of individual legislators

Article 69: Immunity for members of the Parliament and procedures of their prosecution

No member of the Parliament shall be prosecuted, pursued, arrested, detained or judged for any opinions expressed or by reason of how he/she votes during the exercise of his/her duties.

No member of the Parliament suspected of a felony or misdemeanour may be prosecuted or arrested without the authorisation of the Chamber to which he/she belongs by voting with a majority of two thirds (2/3) of members present except where a member of the Parliament is caught in flagrante delicto committing a felony or a court of law has passed a final sentence against him/her.

When it is not in session, an extraordinary session shall be convened for that purpose.

Any member of the Parliament convicted of a felony by a court of law of last instance shall be automatically stripped off his/her parliamentary seat, after confirmation by the Supreme Court.

Each Chamber of the Parliament may, in the Organic Law establishing its internal rules, make provisions for gross misconduct which may lead to the removal from office of a member of that Chamber upon approval of its members. In such a case, the decision to remove the member from office shall be taken by a majority of three-fifths (3/5) of the members of the concerned Chamber.

- Joint meetings of the legislative chambers
- Standing committees

Article 70: Holding of sessions and meetings of the Chambers of Parliament

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

However, meetings and extraordinary sessions of each of the Chambers shall be held according to the Organic Law establishing its internal rule.

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 provided for by the Law or other official ceremonies.

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

The President of the Republic, after consultation with both Bureaux of the Chambers of Parliament and the Supreme Court, may establish other matters that may be considered jointly by both Chambers.

- Length of legislative sessions

Article 71

The Chambers of Parliament shall hold three (3) ordinary sessions of two (2) 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 Speaker or President, 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 Speaker and the President of the Chambers, or at the request of the President of the Republic or that of one quarter (1/4) of members of each Chamber.

The extraordinary session shall handle 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 (15) days.

Article 73

Each Chamber of Parliament shall adopt an Organic Law establishing its internal rules.

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

Repealing by the Amendment no. 04 of 17/06/2010

Sub-section 2: The Chamber of Deputies

Article 76: Composition of the Chamber of Deputies, term of office and modalities for their election

The Chamber of Deputies shall be composed of eighty (80) Deputies who shall include the following:

- 1°. fifty-three (53) Deputies elected in accordance with the provisions of Article 77 of this Constitution;
- 2°. twenty-four (24) women elected by specific councils in accordance with the State administrative entities;
- 3°. two (2) Deputies elected by the National Youth Council;
- 4°. one (1) Deputy elected by the National Council of Persons with Disabilities.

Members of the Chamber of Deputies shall be elected for a five-year (5) term.

However, in order to organize elections, the President of the Republic shall dissolve the Chamber of Deputies at least thirty (30) days and not more than sixty (60) days before the expiry of its current members' term of office.

Elections of members of the Chamber of Deputies shall be held in the period set out in the preceding paragraph, before the expiration of their term of office.

Modalities for the election of the members of the Chamber of Deputies shall be determined by the Law relating to elections.

Article 77: Members of the Chamber of Deputies elected by ballot from a final list of names

Members of the Chamber of Deputies specified in point 1[^] of the Paragraph One of article 76 shall be elected by direct universal suffrage through a secret ballot from a final list of names using the 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 with due 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 this Constitution.

Candidates may be nominated 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 cannot be represented in the Chamber of Deputies or benefit from grants given to political organizations by the State.

Article 78: Replacement of a Deputy

A Deputy shall lose his/her seat in the following cases :

- 1°. resignation from the Chamber of Deputies;
- 2°. Having been expelled from the Chamber of Deputies;
- 3°. resignation from his/her political organization ;

- 4°. having been expelled from the political organization to which he/she belongs in accordance with provisions of the Organic Law governing political organizations;
- 5°. Having joined another political organization;
- 6°. Upon death.

Disputes relating to the decision to expel a Deputy from the Chamber of Deputies or from a political organisation are adjudicated by the Supreme Court in the first and last instance.

In the event that a Deputy loses or is removed from office when his/her term still has more than one year, the seat vacated shall devolve upon the person who was next on the list on which he/she was elected.

Deputies who were elected by means other than through lists of political organizations who lose or are removed from office shall be replaced through new elections.

The Law relating to elections provides for modalities of replacing a Deputy who leaves his/her position for whatever reason.

Article 79: State Finance law

Every financial year, the Chamber of Deputies shall adopt the State finance Law.

Every State financial year and before the commencement of the session devoted to the examination of the Budget, the Cabinet shall submit to both Chambers of the Parliament the finance bill for the next financial year.

However, the examination of the relevance of the State finance bill shall be carried out by the Chamber of Deputies.

The Parliament shall receive the Budget implementation report for the first semester of the current financial year presented to it by the Cabinet before examining the budget of the next financial year.

Every financial year and before the commencement of the session devoted to the examination of the Budget, the Auditor General of State Finances shall submit to the Parliament the audited State consolidated financial statements of the previous financial year.

Before the final adoption of the Budget, the Senate must provide the Chamber of Deputies with its opinion on the State finance bill.

The State finance Law shall determine the revenue and expenditure of the State in accordance with conditions provided for by an Organic Law. That Organic Law shall also determine the date of the presentation of the annual budget before both Chambers of Parliament.

Article 80

In the event that the Finance bill is not voted and promulgated before the commencement of a financial year, the Prime Minister shall authorise by an Order a monthly expenditure on a provisional basis of an amount equal to one-twelfth (1/12) 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.

- Budget bills
- Reserved policy areas for first chamber

- Budget bills

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: Composition of the Senate

The Senate shall be composed of twenty-six (26) Senators serving for a term of eight (8) years and at least thirty per cent (30 %) of them shall be women. In addition, former Heads of State become members of the Senate upon their request to the Supreme Court but they must have honourably completed their terms of office or voluntarily resigned from office.

The twenty-six (26) Senators shall be elected or appointed as follows:

1. twelve (12) Senators elected by specific organs in accordance with the administrative entities;
2. eight (8) Senators appointed by the President of the Republic, who shall particularly consider the principle of national unity among Rwandans, the representation of historically marginalized communities and other national public interests;
3. four (4) Senators designated by the National Consultative Forum of Political Organisations;
4. one (1) lecturer or researcher from public Universities and Institutions of higher learning who has at least the rank of Associate Professor, elected by the academic and research staff of such institutions;
5. one (1) lecturer or researcher from private Universities and Institutions of higher learning who has at least the rank of Associate Professor, elected by the academic and research staff of such institutions.

Modalities for the election of Senators are determined by the Law relating to elections.

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

Disputes relating to the application of this Article and Article 83 as amended shall be adjudicated by the Supreme Court in the first and last instance.

Article 83: Requirements for membership of the Senate

Members of the Senate shall be citizens of impeccable character with experience who shall be elected or appointed objectively on the basis of individual merit without regard to political affiliation. They shall be highly skilled in one or more of the fields of science, law, economics, politics, sociology, culture or persons who have held senior positions in the public or private sector.

The conditions to be fulfilled by candidates for the Senate shall be determined by the Law relating to elections.

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.

- Structure of the legislative chamber(s)
- Selection procedure for second chamber

- Quota for representation in second chamber
- Size of second chamber
- Term length of second chamber

- Restrictions on eligibility for members of second chamber

- Requirements for birthright citizenship
- References to science or sciences

- Term length of second chamber
- Term limits of second chamber

Article 85: Approval of the list of candidates by the Supreme Court

Modalities by which the Supreme Court approves the list of candidates to the position of Senators and their election shall be determined by the Law relating to elections.

Senators appointed by the President of the Republic shall be nominated after the other Senators have been elected or designated by competent organs and their names shall not be submitted to the Supreme Court for approval.

In the event that some of the candidates are not approved by the Supreme Court, the competent organs shall complete the list within seven days (7) from the date of its publication.

Article 86: Replacement of a Senator

In the event of an elected Senator's resignation, death, impeachment by a Court of Law or a permanent impediment to accomplish his/her duties when his/her term of office has at least one year to run, fresh elections shall be held. In case of an appointed Senator, the competent organ shall designate his/her replacement.

The newly elected or appointed Senator shall complete the remaining part of the term of office of his/her predecessor; he/she shall be ineligible for future election or appointment as a Senator.

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: Powers of the Senate

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

- 1°. amendment of the Constitution;
- 2°. Organic Laws;
- 3°. Laws relating to establishment, modification, functioning and dissolution of public enterprises and parastatal organisations and territorial organisation;
- 4°. Laws relating to fundamental freedoms, rights and duties of the person;
- 5°. Laws relating to the criminal procedure;
- 6°. Laws relating to defence and security;
- 7°. Laws relating to elections and referendum;
- 8°. Laws relating to international agreements and treaties.

The Senate shall also have power to :

- 1°. approve the appointment of the President, the vice President and the judges of the Supreme Court, the President and Vice President of the High Court and of the Commercial High Court, the Prosecutor General and the Deputy Prosecutor General;
- 2°. approve the appointment of the Chairperson and members of National Commissions, Ombudsman and his/her Deputies, the Auditor General of the State Finances and his/her Deputy, Ambassadors and permanent Representatives to International Organisations, Provincial Governors and Heads of Public Institutions and parastatal organisations which have legal personality;

3°. approve the appointment of other public officials as determined by an Organic Law where necessary.

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 and amend 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: Examination of draft laws by Committees

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

During the consideration of the basis of a draft Law, each Chamber of Parliament may decide if the draft Law may be adopted in plenary session without necessarily being sent beforehand to the relevant Committee.

Article 93: Mode of adoption of Laws and their hierarchy

A vote on the entire bill shall be conducted by calling each parliamentarian by name and the parliamentarian shall vote by responding in an audible voice.

Each Law shall be considered and adopted in Kinyarwanda or in the language of preparation in respect of any of the official languages. In case of conflict between the three official languages, the prevailing language shall be the language in which the law was adopted.

Ordinary Laws shall be passed by an absolute majority of members of each Chamber present.

Organic Laws shall be passed by a majority vote of three fifths (3/5) of the members of the Chamber present.

The procedure for voting shall be determined by the Organic Law establishing the internal rules of each Chamber.

The Law is sovereign in all matters.

Organic Laws are only those envisaged as such by the Constitution.

• Initiation of general legislation

• Budget bills

• Legislative committees

• Secrecy of legislative votes

• Supermajority required for certain policy areas
• Organic laws

• Supermajority required for certain policy areas
• Organic laws

An Organic Law shall not be inconsistent with the Constitution. Neither shall an ordinary Law or a decree-law be inconsistent with an Organic Law nor shall an order or regulation be inconsistent with a Law.

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 shall decide on the validity of the urgency.

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

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

Article 95

With the exception of the Organic Law on the internal rules of the Senate, bills on matters in respect of which the Senate is competent to legislate shall be 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 shall set up a commission composed of an equal number of Deputies and Senators which make proposals on matters still being debated.

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

In the event that the compromise decision is not adopted by both Chambers, the bill shall be 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 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 1: The President of the Republic

Article 98: Responsibilities of the President of the Republic

The President of the Republic shall be the Head of State.

The President of the Republic is the guardian of the Constitution and shall guarantee national unity.

The President of the Republic shall guarantee 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 shall once every year deliver the state of the Nation address.

Article 99

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

- 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 (6) months or more;
- 6°. not have been deprived of his/her civil and political rights;
- 7°. be at least thirty five (35) years old on the date of submission of his/her candidacy;
- 8°. be resident in Rwanda at the time of submission of his/her candidacy.

Article 100: Election of the President of the Republic

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 National Electoral Commission shall proclaim the results of the election.

In case of dispute, the Supreme Court shall settle with regards to 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 (2) terms.

Article 102: Period for holding presidential elections

Presidential elections shall be held not less than thirty (30) days and not more than sixty (60) days before the expiry of the term of office of the incumbent President.

Article 103: Procedure for holding elections

The Law relating to elections shall determine the procedure for submitting presidential candidatures, the conduct of elections, the counting of ballots, modalities of resolving election disputes and declaration of results as well as the time within which the results shall be declared and other necessary matters to ensure that elections are conducted appropriately and held in transparency.

• Restrictions on eligibility for head of state

• Head of state selection procedure

• Secret ballot
• Claim of universal suffrage

• Supreme court powers

• Head of state term length
• Head of state term limits

• Scheduling of elections

• Head of state selection procedure

Article 104: Oath of office of the President of the Republic

Before assuming his/her 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°. remain loyal to the Republic of Rwanda;
- 2°. observe and defend the Constitution and the other Laws;
- 3°. diligently fulfil the responsibilities entrusted in me;
- 4°. preserve peace and territorial integrity;
- 5°. consolidate national unity of Rwandans;
- 6°. never use the powers conferred upon me for personal ends;
- 7°. 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."

The President of the Republic shall be sworn in no later than one (1) month after his/her election. His/her oath of office shall be administered by the President of the Supreme Court.

Article 105

The incumbent President of the Republic shall remain in office until his/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 shall be 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 shall be 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 shall be 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, exercise 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/her shall be organized within a period not exceeding ninety days (90).

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

Article 108: Promulgation of laws

The President of the Republic shall promulgate laws within thirty (30) days after he/she receives them.

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

In such a case, should the Parliament adopt the law by a majority of two thirds (2/3) in the case of ordinary Laws and by a majority of three-quarters (3/4) in the case of the Organic Laws, the President of the Republic shall promulgate the Law within the period referred to in paragraph one of this Article.

The Prime Minister shall countersign the Laws adopted by the Parliament and the Decree-laws promulgated by the President of the Republic.

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 shall promulgate it within a period of eight (8) days as from the time of proclamation of the results of the referendum.

Article 110: Powers of the President of the Republic in matters concerning war

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

The President of the Republic shall declare war.

The President of the Republic shall sign both armistice and peace agreements.

The President of the Republic shall declare state of siege and state of emergency in accordance with the provisions of the Constitution and other Laws.

Article 111

The President of the Republic shall have 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/she shall have authority of issuing national currency in accordance with procedures determined by the Law.

- Head of government powers
- Approval of general legislation
- Veto override procedure

- Referenda

- Head of state powers

- Designation of commander in chief

- Power to declare/approve war

- Emergency provisions

- Head of state powers
- Power to pardon

Article 112: Signing Presidential Orders

The President of the Republic shall sign Presidential Orders approved by the Cabinet. Such Orders shall be countersigned by the Prime Minister.

Article 113: Orders signed by the President of the Republic

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

- 1°. the grant of mercy;
- 2°. the issue of national currency;
- 3°. the award of national orders and decoration of honour;
- 4°. the implementation of Laws when it is his/her responsibility;
- 5°. establishment and determination of responsibilities of organs of the Office of the President, the Senate, the Chamber of Deputies as well as of the Supreme Court;
- 6°. promotion to the rank of officers, army officers, police officers and prison wardens who have completed their basic course which promotes them to the rank of officers;
- 7°. promotion and appointment of the following officers:
 - a. officers of the Rwanda Defence Forces with the rank of General;
 - b. senior officers of the Rwanda Defence Forces;
 - c. junior officers of the Rwanda Defence Forces;
 - d. commissioners of the Rwanda National Police;
 - e. senior officers of the Rwanda National Police;
 - f. junior officers of the Rwanda National Police;
 - g. senior officers of the National Prison Service.

Other military and police officers as well as the prison wardens shall be appointed and promoted in accordance with Laws governing them.
- 8°. appointment and removal from office of the following judges and prosecutors:
 - a. the President, Vice President and judges of the Supreme Court;
 - b. the President and the Vice President of the High Court and the Commercial High Court;
 - c. the Prosecutor General and the Deputy Prosecutor General.
- 9°. appointment and removal of the following officials:
 - a. the Director of Cabinet in the Office of the President of the Republic;
 - b. Governors of Provinces ;
 - c. Commissioners of National Commissions, heads and their deputies of Government specialized organs, public institutions and parastatal organisations which have legal personality;
 - d. Rectors and Vice Rectors of Public Universities and institutions of higher learning;
 - e. the Principal Private Secretary to the President of the Republic;
 - f. Advisors in the Office of the President;
 - g. Ambassadors and permanent representatives of Rwanda to international organisations;
 - h. Heads of services in the Office of the President;
 - i. Clerks in Parliament and their deputies, Secretary General in Supreme Court, Secretary General in National Public Prosecution Authority, Permanent Secretaries in Ministries and Secretaries General in other public institutions;

- j. other Heads of public institutions as the law may determine;
- 10°. members of the Boards of Directors of Public enterprises and Parastatal organizations.

Article 114

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

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

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

Article 115: Benefits entitled to the President of the Republic

An Organic Law shall determine the benefits to which the President of the Republic and the former Heads of State are entitled.

However, a President convicted of high treason or grave and intentional breach of the Constitution shall not be entitled to benefits accorded to former Heads of State.

A former Head of State shall not be prosecuted for any of the preceding crimes when no proceedings in respect to such an offence were brought against him/her during his/her presidency.

Section 2: The Cabinet

Article 116: Composition of Cabinet and appointment of its members

The Cabinet shall comprise of 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 by the Prime Minister.

Members of Cabinet shall be selected from political organizations on the basis of the seats those organizations have in the Chamber of Deputies without excluding the possibility of appointing to Cabinet other competent people who do not belong to political organizations.

However, a political organization holding the majority of seats in the Chamber of Deputies shall not exceed fifty per cent (50%) of all the members of the Cabinet.

Article 117: Appointment and responsibilities of the Cabinet

The Prime Minister shall be appointed within a period not exceeding fifteen (15) days after the oath of the President of the Republic. Other Cabinet members shall be appointed within fifteen (15) days after the appointment of the Prime Minister.

- Representative of the state for foreign affairs
- Head of state powers

- Mention of cabinet/ministers
- Restrictions on eligibility for cabinet
- Name/structure of executive(s)

- Head of government removal procedure
- Head of government selection procedure
- Restrictions on head of government's role in the legislature
- Head of government replacement procedure
- Removal procedure for cabinet
- Selection procedure for cabinet
- Selection procedure for cabinet

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

The Cabinet shall be answerable to the President of the Republic and Parliament. Modalities for exercising the oversight of the Government by the Parliament shall be provided for by the Constitution.

Article 118: Responsibilities of the Prime Minister

The Prime Minister shall:

- 1°. head the operation of Cabinet in accordance with broad guidelines given by the President of the Republic and shall ensure the implementation of Laws ;
- 2°. formulate Government programmes in consultation with other Cabinet members;
- 3°. present to the Parliament Government programmes within a period of thirty (30) days after assuming office;
- 4°. assign duties to Ministers, Ministers of State and other Cabinet members ;
- 5°. convene Cabinet meetings, draw up the agenda of the Cabinet in consultation with other members of the Cabinet and shall communicate it to the President of the Republic and other members of the Cabinet at least three (3) days before the meeting, except in matters of urgency which shall be considered by extraordinary meetings of the Cabinet;
- 6°. chair Cabinet meetings; however, when the President of the Republic is in attendance, he/she shall chair;
- 7°. sign Orders establishing and determining the organisation and responsibilities of public services under his/her authority;
- 8°. sign appointment and termination Orders for the following senior officers:
 - a. Director of Cabinet in the Office of the Prime Minister;
 - b. Executive Secretaries of National Commissions;
 - c. Advisors and Heads of Service in the Office of the Prime Minister;
 - d. Other Senior officers of Public Institutions where it is not provided otherwise;
 - e. Directors General and Directors within Parliament, Supreme Court, Office of the Prime Minister, National Public Prosecution Authority, Ministries and other public institutions ;
 - f. National Prosecutors, prosecutors at the intermediate level and prosecutors at the primary level;
 - g. Public servants appointed at a similar level as those specified in this Article and any others as the law may specify where necessary.

Other public servants shall be appointed in accordance with specific Laws.

Article 119

Prime Minister's Orders shall be 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 shall implement laws relating to matters for which they are responsible by way of orders.

The Cabinet shall function on the basis of collective responsibility.

A Presidential Order shall determine the Cabinet's functioning, membership and procedures for making decisions.

• Head of government powers

• Removal procedure for cabinet
• Mention of cabinet/ministers

- Mention of cabinet/ministers
- Powers of cabinet

Article 121: Items deliberated upon by the Cabinet

Cabinet shall deliberate upon the following:

- 1°. bills and draft decree-laws;
- 2°. drafts of Presidential Orders, Prime Minister's Orders, Ministerial Orders, and Orders of Ministers of State and other members of Cabinet;
- 3°. any other matters in respect of which the Constitution and other laws vest responsibility in the Cabinet.

A Presidential Order shall determine Ministerial Orders, Orders of Ministers of State and Orders of other members of Cabinet which shall be adopted without consideration by the Cabinet.

- Restrictions on eligibility for cabinet

Article 122: Benefits for members of the Cabinet and incompatibilities with their office

- Restrictions on head of government's role in the legislature

The office of members of Cabinet is incompatible with membership of Parliament or any other remunerated activity.

Other incompatibilities with being a member of Cabinet shall be determined by the Organic Law on leadership code of conduct.

An Organic Law shall determine benefits to which members of the Cabinet are entitled.

- Oaths to abide by constitution

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.

- Head of government replacement procedure

Article 124

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

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

During such period, the Cabinet shall only deal 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/her resignation to the President of the Republic through the Prime Minister.

The resignation shall become effective if, within a period of five (5) 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 shall be 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 shall guarantee the impartiality of the leadership of government departments, the Rwanda Defence Forces, the Rwanda National Police and the National Intelligence and 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/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 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 (1/5) 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 (1/3) 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 (48) hours after its introduction and shall be adopted through a secret ballot by a majority of at least two-thirds (2/3) 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/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 by 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 (3) 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 (2/3) of the members to the Chamber of Deputies.

In the event that the Prime Minister loses a vote of confidence, he/she shall submit the resignation of the Government to the President of the Republic, within twenty four (24) hours.

Article 133: Dissolution of Parliament

Without prejudice to the provisions Article 76 of this Constitution, the President of the Republic after consultation with the Prime Minister, both Presidents of the Chambers of Parliament and the President of the Supreme Court, may dissolve the Chamber of Deputies if there are national interests at stake.

Elections of the Deputies shall take place within a period not exceeding ninety (90) days after dissolution.

The President of the Republic shall not dissolve the Chamber of Deputies more than once during his/her term of office.

The Senate shall not be dissolved.

Article 134: Informing the Parliament of Government activities

The Prime Minister shall, once in a session of the Parliament, inform both Chambers of Parliament in a joint session, of government activities.

The Prime Minister shall communicate decisions of the Cabinet to the Bureau of each Chamber of the Parliament within a period not exceeding eight (8) days after their approval.

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

The government shall provide the Chambers of the Parliament with all necessary explanations required 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/her behalf by the Prime Minister. There shall be no debate on such communication.

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

Article 136

The President of the Republic shall have the right to declare war and inform the Parliament within seven (7) days. Parliament shall adopt 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 a state of siege or state of emergency must give clear reasons which justify it, specify the part of national territory to which it applies and its consequences, 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 (15) days.

The state of siege or the state of emergency cannot be extended beyond a period of fifteen (15) days without the approval of Parliament, which approval requires a majority of two-thirds (2/3) 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 previous paragraph.

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 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 state of emergency shall not under any circumstance affect the powers of the President of the Republic, Prime Minister,

- Legislative oversight of the executive
- Joint meetings of the legislative chambers
- Standing committees

- Designation of commander in chief
- Power to declare/approve war

- Emergency provisions

- Freedom of religion
- Inalienable rights
- Right to life

Parliament or Supreme Court nor can it modify the principles relating to the responsibility of the State and 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 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 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 state of emergency shall be exercised by the Senate.

CHAPTER V: THE JUDICIARY

Section 1: General provisions

Article 140

Judiciary shall be 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.

The judiciary shall enjoy 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 shall be binding on all parties concerned, be the public authorities or individuals. They shall not be challenged except through ways and procedures determined by law.

Article 141: Functioning of Courts

Court proceedings shall be conducted in public unless Court determines that proceedings should be in camera on ground that a public hearing might have an adverse effect on general public order or cause moral embarrassment.

Every court decision shall indicate the grounds of its basis, be written in its entirety, delivered in public together with the reasons and orders taken therein.

Courts shall apply Orders or regulations that are not inconsistent with the Constitution and other Laws.

Without prejudice to equality of litigants before courts of law, the Organic Law establishing the organisation, functioning and jurisdiction of the Supreme Court shall determine the institution of a single judge and his/her jurisdiction in the Supreme Court.

The Organic Law determining the organisation, functioning and jurisdiction of Courts shall determine institution of a single judge and his/her jurisdiction in other ordinary and commercial courts. The same Organic Law shall provide for the application of the above provisions.

Article 142: Term of office of the heads of Courts and judicial functions

The President and the Vice President of the Supreme Court shall be appointed for an eight (8) year term that is not renewable.

The President of High Court, the Vice President of High Court, the President of the Commercial High Court and the Vice President of the Commercial High Court shall be appointed for a five (5) year term renewable only once.

In the exercise of their judicial functions, judges shall remain subject to the authority of the Law and remain independent from any other power or authority.

The code of ethics of judges shall be determined by specific Laws.

The Law on the statute of judges and the judicial personnel shall also regulate the term of office of heads of other Courts.

Section 2: Courts

Article 143: Court classification

There are hereby established ordinary and specialized courts.

Ordinary Courts include the Supreme Court, the High Court, Intermediate Courts and Primary Courts.

Specialized Courts include Gacaca Courts, Military Courts, Commercial Courts and any other as may be determined by an Organic Law.

An Organic Law may establish other courts or remove them.

However, special Courts shall not be created.

With the exception of the Supreme Court, ordinary courts may have specialised chambers or branches established by an Order of the President of the Supreme Court upon proposal by the High Council of the Judiciary.

For better administration of justice, Courts may sit in any place within their territorial jurisdiction, but this should not jeopardize cases adjudicated at the usual seat of the Court.

An Organic Law shall determine the organisation, jurisdiction and the functioning of Courts.

• Structure of the courts

• Supreme court term length
• Supreme court term limits

• Ordinary court term length
• Ordinary court term limits

• Judicial independence

• Structure of the courts

• Military courts

Sub-section 1: Ordinary Courts

A. Supreme Court

Article 144

The Supreme Court is the highest court in the country. The decision of the Supreme Court shall 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 shall be binding on all parties concerned whether organs of the State, public officials, civilians, military, judicial officers or private individuals.

Article 145: Jurisdiction and responsibilities of the Supreme Court

The jurisdiction of the Supreme Court shall include:

- 1°. hearing appeals against decisions of the High Court, Commercial High Court 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°. hearing petitions on the constitutionality of International Treaties and agreements, Organic Laws, laws and Decree-laws;
- 4°. resolving upon request, disputes arising between different State organs, relating to the exercise of power;
- 5°. hearing election petitions relating to referendum, presidential and legislative elections;
- 6°. 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;
- 7°. administering the oath of office of the President of the Republic;
- 8°. trying the President of the Republic on charge of high treason or grave and deliberate violation of the Constitution. In such a case, the decision to file charges against the President of the Republic in the Supreme Court shall be taken through a vote of both Chambers of Parliament meeting in joint session, by a two-thirds (2/3) majority vote of members of each Chamber;
- 9°. declaring vacant the 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;
- 10°. proposing to the Government any reform in the public interest on matters relating to the organisation of the judiciary;
- 11°. trying on first and the last instance disputes relating to the decision to expel a Deputy or a Senator;
- 12°. providing authentic interpretation of custom which is unwritten where written laws are silent.

An Organic Law shall determine the organisation, functioning and jurisdiction of the Supreme Court.

- Right to appeal judicial decisions
- Higher courts decisions have precedence
- Structure of the courts

- Supreme court powers

Article 146

The Supreme Court shall be headed by a President, assisted by a Vice-President and twelve (12) 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: Appointment of judges of the Supreme Court

The President, the Vice President and the judges of the Supreme Court shall be appointed by a Presidential Order after the approval by the Senate. The President of the Republic shall at first consult the Cabinet and the High Council of the Judiciary.

The President, the Vice President and the judges of the Supreme Court may be removed from office on account of serious misconduct, incompetence or serious professional misconduct upon request by three fifths (3/5) of either the Chamber of Deputies or the Senate and shall be removed by a two thirds (2/3) majority votes of each Chamber of the Parliament, in a joint session.

Article 148: List of candidates as judges of the Supreme Court

The President of the Republic, after consultation with the Cabinet and the High Council of the Judiciary, shall submit to the Senate a list of candidates whose number equals that of vacant posts of judges of the Supreme Court, for approval.

B. High Court

Article 149: High Court

There is hereby established a High Court whose territorial jurisdiction shall be the whole country.

The High Court shall be headed by the President and the Vice President appointed by Presidential Order after their approval by the Senate. The President of the Republic shall submit to the Senate a list of candidates whose number equals that of vacant posts of judges after consultation with the Cabinet and the High Council of the Judiciary.

The High Court shall have jurisdiction to try in the first instance some types of felonies as well as international or transbordering offences as may be determined by Law.

It shall in the first instance hear cases for violation of Articles 52, 53 and 54 of the Constitution committed by political organizations.

It shall also hear in the first instance certain administrative cases, cases involving political organisations, election petitions and other cases as the law may determine.

It shall hear appeals from subordinate courts as a last appellate court as the Law may determine.

It shall have branches, which will sit in different parts of the country as the law may determine.

The President and the Vice President of the High Court may be removed from office on account of serious misconduct, incompetence or serious professional misconduct

- Removal of supreme and ordinary court judges
- Joint meetings of the legislative chambers

upon request by three fifths (3/5) of either the Chamber of Deputies or the Senate and shall be removed by a two thirds (2/3) majority votes of each Chamber of the Parliament, in a joint session.

An Organic Law shall determine the organization, jurisdiction and functioning of the High Court.

C. Intermediate Court

Article 150: Establishment of the Intermediate Courts

There are hereby established Intermediate Courts.

An Organic Law shall determine the organisation, competence and functioning of the Intermediate Court and the territorial jurisdiction of each Intermediate Court.

D. Primary Court

Article 151: Establishment of Primary Courts

There are hereby established Primary Courts.

An Organic Law shall determine the organisation, competence, functioning of the Primary Court and territorial jurisdiction of each Primary Court.

Sub-section 2: Specialized Courts

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

Article 152: Gacaca Courts

There is hereby established Gacaca Courts responsible for prosecuting and trying persons accused of the crime of genocide perpetrated against Tutsi and other 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.

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.

- Structure of the courts

- Structure of the courts

- Military courts
- Reference to history of the country
- Mention of crimes of the previous regime

- Military courts

1. Military Tribunal

Article 154

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

2. 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 on appeal and at the last instance decisions of the Military High Court in accordance with the provisions of the Law.

C. Commercial courts

Article 155bis: Commercial Courts

There are hereby established the commercial courts competent to try commercial cases which are the Commercial High Court and the Commercial Courts.

The President and the Vice President of the Commercial High Court shall be appointed by Presidential Order after approval by the Senate. The President of the Republic shall submit to the Senate a list of candidates whose number equals that of vacant posts of judges after consultation with the Cabinet and the High Council of Judiciary.

Other judges of Commercial Courts shall be appointed in accordance with relevant Laws.

The President and the Vice President of the Commercial High Court may be removed from office on account of serious misconduct, incompetence or serious professional misconduct upon request by three fifths (3/5) of either the Chamber of Deputies or the Senate and shall be removed by a two thirds (2/3) majority votes of each Chamber of the Parliament, in a joint session.

An Organic Law shall determine the organization, functioning and jurisdiction of Commercial Courts.

Sub-section 3: Oath of office of judges

Article 156: Taking Oath for Judges

The President, Vice President and Judges of the Supreme Court, the Presidents and Vice Presidents of the High Court and Commercial High 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 as prescribed by the Law governing them.

Section 3: The High Council of the Judiciary

Article 157: Establishment and responsibilities of the High Council of the Judiciary

There is hereby established a High Council of the Judiciary. Its responsibilities shall include:

- 1°. to examine and, either on its own initiative, or upon request, 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 act as a body in charge of their discipline save those appointed by other organs;
- 3°. to advise on all proposals relating to the establishment of a new court or bill governing the statute of judges and other judicial personnel for whom it is responsible.

Article 158: Composition of the High Council of the Judiciary

The High Council of the Judiciary shall be composed of:

- 1°. the President of the Supreme Court, who shall be the Chairperson;
- 2°. the Vice-President of the Supreme Court;
- 3°. one (1) judge from the Supreme Court elected by his/her peers;
- 4°. the Presidents of the High Court and the Commercial High Court;
- 5°. one (1) judge from the High Court and another judge from Commercial High Court elected by their peers;
- 6°. one (1) judge from Commercial Courts elected by his/her peers to represent them;
- 7°. judges from Intermediate Courts elected by their peers to represent them;
- 8°. judges from Primary Courts elected by their peers to represent them;
- 9°. two (2) deans of the Faculties of Law of recognized universities and institutions of higher learning elected by their peers;
- 10°. one (1) member of the Bar Association elected by his/her peers to represent them;
- 11°. one (1) representative of the Ministry of Justice appointed by the Minister in charge of Justice;
- 12°. the President of the National Commission of Human Rights;
- 13°. the Ombudsman;
- 14°. Other officers designated by the Organic Law determining the organisation, powers and functioning of the High Council of the Judiciary.

An Organic Law shall determine the organisation, powers and functioning of the High Council of the Judiciary. It shall also determine the number of judges mentioned in points 7[^] and 8[^] of this Article.

Section 4: The Mediators

Article 159

There is hereby established a "Mediation Committee" responsible for mediation 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 persons of integrity and acknowledged for their mediating skills.

An Organic Law shall determine the organization, the territorial jurisdiction, the competence and the functioning of Mediation Committee. It shall also determine the number that comprise the mediation committee and the organ that elects it

TITLE V

PUBLIC PROSECUTION

CHAPTER I: THE NATIONAL PUBLIC PROSECUTION AUTHORITY

Article 160: Establishment of the National Public Prosecution Authority

There is hereby established a National Public Prosecution Authority charged with the responsibility of prosecuting offences country wide.

The organisation, functioning and competence of the National Public Prosecution Authority shall be determined by an Organic Law.

A Law shall determine the statutes and the code of ethics of the prosecutors.

Article 161: Composition of the National Public Prosecution Authority

The National Prosecution Authority is a single institution. It shall comprise of the Office of the Prosecutor General, public prosecution at the Intermediate level and public prosecution at the Primary level.

The Office of the Prosecutor General shall be comprised of the Prosecutor General, the Deputy Prosecutor General and National Prosecutors.

The Prosecutor General and the Deputy Prosecutor General shall be appointed by Presidential Order upon approval by the Senate. The President of the Republic shall submit one candidate for each position after consultation with the Cabinet and the High Council of the National Public Prosecution Authority.

Other prosecutors shall be appointed by a Prime Minister's Order upon approval by the High Council of the National Public Prosecution Authority.

• Attorney general

• Attorney general

The Prosecutor General and the Deputy Prosecutor General shall be appointed for a five (5) year term renewable only once.

The Law on the statutes of Prosecutors shall determine the term of office of the Chief Intermediate Prosecutors.

Article 162: Relationship between the National Public Prosecution Authority and the Minister in charge of justice and other organs

The National Public Prosecution Authority shall be under the authority of the Minister in charge of Justice.

In matters relating to prosecution of offences, the Minister in charge of Justice shall determine general policy and may, for public interest, issue written instructions to the Prosecutor General to undertake or refrain from investigating and prosecuting an offence.

He/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 such instructions.

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

CHAPTER II: THE 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 shall investigate and prosecute 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 shall determine the organization, jurisdiction and functioning of the military prosecution department.

CHAPTER III: THE HIGH COUNCIL OF THE NATIONAL PUBLIC PROSECUTION AUTHORITY

Article 165: Establishment of the High Council of the National Public Prosecution Authority

There is hereby established a High Council of the National Public Prosecution Authority.

Its mission shall be to provide general policy guidelines and to ensure the smooth functioning of the Public Prosecution in the whole country.

An organic law shall determine the organisation, powers and functioning of the High Council of the National Public Prosecution Authority.

• Oaths to abide by constitution

Article 166: Oath of office of the Prosecutors

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

Other Prosecutors shall take oath of office before the authorities specified by the Law governing them.

TITLE VI

THE DECENTRALISED AUTHORITIES

CHAPTER I: GENERAL PROVISIONS

Article 167

Public administration shall be decentralized in accordance with the provisions of the Law. Decentralized entities shall fall under the Ministry in charge of local government.

A Law shall determine decentralized local administrative entities with legal personality and administrative and financial autonomy. Such entities shall be basic foundation of community development.

• Mention of international organizations

Local administrative entities with legal personality shall be entitled to become members of national and international organisations which promote development through decentralisation.

A Law shall determine the organisation, the functioning and the 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 Dialogue Council". It shall bring together the President of the Republic and representatives of councils of local administrative entities with legal personality elected by their peers. It shall be chaired by the President of the Republic and be attended by members of the Cabinet and Parliament, and such others as may be determined by the President of the Republic. The number of representatives of councils of local administrative entities with legal personality in the National Dialogue Council is determined by the President of the Republic.

The Council shall meet at least once (1) 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 shall be submitted to the concerned State institutions to enable them to improve their services to the population.

TITLE VII

NATIONAL DEFENCE AND SECURITY

Article 169: Security organs

The State shall have the following security organs:

- 1°. the Rwanda Defence Forces;
- 2°. the Rwanda National Police;
- 3°. the National Intelligence and Security Service.

A Law may determine other security organs.

CHAPTER I: THE RWANDA NATIONAL POLICE

Article 170: Principles governing the Rwanda National Police

The Rwanda National Police shall exercise its authority over the entire national territory.

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

- 1°. safeguarding the fundamental rights guaranteed by the Constitution and other laws;
- 2°. protection of the security of people and property;
- 3°. harmonious collaboration with the community;
- 4°. informing the population on how it fulfils its mission;
- 5°. accountability of the Rwanda National Police to the community.

A Law shall determine the powers, mission, organisation and functioning of the Rwanda National Police.

Article 171

(Repealed by the Amendment n° 04 of 17/06/2010)

CHAPTER II: THE NATIONAL INTELLIGENCE AND SECURITY SERVICE

Article 172: Establishment of the National Intelligence and Security Service

There is hereby established a National Intelligence and Security Service.

A Law shall determine the powers, mission, organisation and functioning of the National Intelligence and Security Service.

CHAPTER III: RWANDA DEFENCE FORCES

Article 173: Rwanda Defence Forces

National defence is the responsibility of a professional military force known as the "Rwanda Defence Forces".

A Law shall determine the mission, organisation and powers of the Rwanda Defence Forces.

Article 174: Chief of Defence Staff

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

Article 175: Downsizing the Rwanda Defence Forces

The Government of Rwanda can downsize the Rwanda Defence Forces where it is deemed necessary. The Government can also discharge, demobilize or dismiss members of the Rwanda Defence Forces. A Law shall determine procedures for such actions.

TITLE VIII

NATIONAL COMMISSIONS, SPECIAL ORGANS, NATIONAL COUNCILS AND PUBLIC INSTITUTIONS

CHAPTER I: GENERAL PROVISIONS

Article 176: Establishment of National Commissions, Specialized Organs, National Councils and Public Institutions

The following National Commissions, Specialized Organs and National Councils with responsibility of contributing in resolving major issues facing the country are hereby established:

- 1°. National Commissions:
 - a. National Commission for Human Rights;
 - b. National Unity and Reconciliation Commission;
 - c. National Commission to Fight against Genocide;
 - d. National Electoral Commission;

- e. Public Service Commission.
- 2°. Special Organs:
 - a. Office of the Ombudsman;
 - b. Office of the Auditor General of State Finances;
 - c. Gender Monitoring Office;
 - d. Chancellery for Heroes and National Orders and Decorations of Honour;
- 3°. National Councils :
 - a. National Women Council;
 - b. National Youth Council;
 - c. National Council of Persons with Disabilities.

When deemed necessary, a Law may establish other Commissions, Specialized Organs and other National Councils. That Law shall determine their responsibilities, organisation and functioning.

An Organic Law shall establish general provisions governing Public Institutions.

CHAPTER II: NATIONAL COMMISSIONS

Article 177: National Commission for Human Rights

The National Commission for Human Rights is an independent national Commission especially in charge of the promotion of human rights.

The National Commission for Human Rights shall submit each year its program and activity report to both Chambers of Parliament in joint session and provide copies thereof to other State Organs as may be determined by the Law.

A Law shall determine responsibilities, organization and functioning of this Commission.

Article 178: National Unity and Reconciliation Commission

The National Unity and Reconciliation Commission is an independent national commission responsible in particular for the promotion of unity and reconciliation of Rwandans.

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 copies thereof to other State organs as may be determined by the Law.

A Law shall determine the responsibilities, organization and functioning of this Commission.

Article 179: National Commission to Fight against Genocide

The National Commission to Fight against Genocide is an independent national commission especially in charge of matters related to commemoration and prevention of genocide and advocacy for the cause of survivors of the genocide against the Tutsi both within and outside the country.

The National Commission to Fight against Genocide shall submit each year its program and activity report to both Chambers of Parliament in joint session and to the Cabinet and provide a copy thereof to other State organs as may be determined by the Law.

• Human rights commission
• Joint meetings of the legislative chambers

• Truth and reconciliation commission

• Joint meetings of the legislative chambers
• Reference to history of the country

A Law shall determine the responsibilities, organization and functioning of this Commission.

Article 180: National Electoral Commission

The National Electoral Commission is an independent commission responsible for local, legislative, presidential elections, referendum and other elections determined by the Law.

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

A Law shall determine the responsibilities, organization and functioning of this Commission.

Article 181: Public Service Commission

The Public Service Commission is an independent commission responsible for ensuring that policies, principles and laws governing Public Service recruitments and administration are adhered to and put into effect by all Government institutions. The Public Service Commission shall submit its activity report to the Parliament and the Cabinet.

A Law shall determine the responsibilities, organization and functioning of this Commission.

CHAPTER III: SPECIAL ORGANS

Article 182: Office of the Ombudsman

The Office of the Ombudsman is an independent public institution. It shall inter alia be responsible for preventing and fighting against injustice, corruption and other related crimes and receiving true declaration of assets of the persons determined by the law.

The Office of Ombudsman shall submit each year its program and activity report to the President of the Republic and both Chambers of Parliament in joint session and provide a copy thereof to other State organs as may be determined by the Law.

A Law shall determine the responsibilities, powers, organization and functioning of this Office.

Article 183: Office of the Auditor General of State Finances

The Office of the Auditor General is an independent public institution responsible for the auditing of state finances and property.

A Law shall determine the responsibilities, organisation and functioning of this Office.

Article 184: Report of Auditor General of State Finances

Subject to the provisions of Article 79 of the Constitution, the Office of the Auditor General of State Finances shall submit each year to both Chambers of Parliament in joint session prior to the commencement of the session devoted to the examination of the budget of the following year, a complete report on the balance sheet 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, the Cabinet, the President of Supreme Court and the Prosecutor General.

The Parliament, after receiving the report of the Auditor General referred to in this Article shall examine it and take appropriate decisions within six (6) months.

Institutions and public officials to which a copy of the annual report of the Auditor General is addressed are obliged to implement its recommendations by taking appropriate measures as regards irregularities and other shortcomings which were disclosed.

The Parliament may request this Office to carry out a financial audit of State institutions or with regard to the use of funds provided by the State.

Article 185: Gender Monitoring Office

Gender Monitoring Office is an independent public institution.

Gender Monitoring Office shall submit each year its program and activity report to the Cabinet and provide a copy thereof to other State organs as may be determined by the Law.

A Law shall determine the responsibilities, organisation and functioning of this Office.

Article 186: Chancellery for Heroes, National Orders and Decorations of Honour

The Chancellery for Heroes, National Orders and Decorations of Honour is an independent public institution.

It is responsible for identifying, granting awards, honouring Rwandans and foreigners who were characterized by heroism and other acts of bravery serving as good examples.

The Chancellery for Heroes, National Orders and Decorations of Honour shall submit each year its program and activity report to the President of the Republic and provide a copy thereof to other State organs as may be determined by the Law.

A Law shall determine the responsibilities, organisation and functioning of the Chancellery.

CHAPTER IV: NATIONAL COUNCILS

Article 186bis

(Repealed by the Amendment n° 04 of 17/06/2010)

Article 187: National Women Council

The National Women Council is an independent institution in its management.

A Law shall determine the responsibilities, organization and functioning of the Council and its relationship with other State organs.

Article 188: National Youth Council

The National Youth Council is an independent institution in its management.

A Law shall determine the responsibilities, organisation, and functioning of the Council and its relationship with other State organs.

Article 188bis: National Council of Persons with Disability

The National Council of Persons with Disabilities is an independent institution in its management.

A Law shall determine the responsibilities, organisation and functioning of the Council and its relationship with other State organs.

TITLE IX

(Repealed by the amendment n° 04 of 17/06/2010)

TITLE X

INTERNATIONAL TREATIES AND AGREEMENTS

Article 189

The President of the Republic shall negotiate international treaties and agreements and ratify them. The Parliament shall be 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 shall not be permitted to cede or exchange part of the territory of Rwanda or 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.

- Mention of international law
- Treaty ratification process

- Mention of international organizations

- Referenda

- Mention of international law
- Mention of international human rights treaties
- Treaty ratification process
- Legal status of treaties

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 the parties.

- Mention of international law
- Treaty ratification process

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 environment.

- Mention of international law
- Treaty ratification process
- Legal status of treaties

Article 192

Where 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

- Constitution amendment procedure

Article 193

The power to initiate amendment of the Constitution shall be 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 (2/3) majority vote of its members.

The passage of a constitutional amendment requires a three quarters (3/4) majority vote of the members of each chamber of Parliament.

- Referenda

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.

- Unamendable provisions

No amendment to this Article shall be permitted.

TITLE XII

TRANSITIONAL AND FINAL PROVISIONS

CHAPTER I: TRANSITIONAL PROVISIONS

Repealed by the Amendment of 13/08/2008

Article 194

Repealed by the Amendment of 13/08/2008

Article 195

Repealed by the Amendment of 13/08/2008

Article 196

Repealed by the Amendment of 13/08/2008

Article 197

Repealed by the Amendment of 13/08/2008

Article 198

Repealed by the Amendment of 13/08/2008

Article 199

Repealed by the Amendment of 13/08/2008

CHAPTER II: FINAL PROVISIONS

Article 200

The Constitution is the supreme Law of the State.

Any law, any act which is contrary to this Constitution shall be null and void.

Article 201: Commencement of laws and regulations

Laws, Orders and other regulations of public interest can only enter into force after they have been duly published in accordance with procedures determined by the law.

Ignorance of the law which has been duly published shall not be a defence.

Unwritten customary law shall remain applicable as long as it has not been replaced by written laws, is not inconsistent with the Constitution, laws, orders and regulations, and does not violate human rights, prejudice public security or good morals.

Article 202: Transitional provisions

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

All laws in force shall remain applicable as long as their provisions are consistent with this Constitution.

Organic laws not provided for in the Constitution as such shall be converted into ordinary laws within a period not exceeding three (3) years.

Article 203

This Constitution, adopted by referendum of 26/05/2003 shall come into force on the date of its promulgation by the President of the Republic and be duly published in the Official Gazette of the Republic of Rwanda.

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