

**INSTRUCTION NO. 04/2005 OF 16/02/2005 FROM THE EXECUTIVE SECRETARY OF THE NATIONAL SERVICE OF GACACA COURTS RELATED TO CONDITIONS REQUIRED FROM OBSERVERS, RESEARCHERS AND JOURNALISTS IN THE GACACA COURTS PROCESS.**

**THE EXECUTIVE SECRETARY**

Given the article 50 of the Organic Law n°16/2004 of 19/06/2004 establishing the organisation, competence and functioning of Gacaca Courts charged with prosecuting and trying the perpetrators of the crime of genocide and other crimes against humanity, committed between October 1, 1990 and December 31;

Considering the Ministerial Order No. 13/19 of 14/03/2003 of the Minister of Public Service, Skills Development, Vocational Training and Labour, in its article 8 relating to work permit for aliens;

Considering the law n° 28/2000 of 15/10/2000 modifying the law of 13 March 1970 relating to chancellery fees;

Reviewing Instruction No. 001 of 11/06/2002 of the President of the Supreme Court, governing observers in the activities of Gacaca courts ;

Considering resolutions of the meeting held on 20/12/2001 between the Department of Gacaca Courts within the Supreme Court and other public institutions intervening in the activities of Gacaca Courts;

Considering resolutions of the meeting of 09/09/2003 gathering the representatives of public institutions and the Civil Society;

Considering the recommendations of the meeting of the authorities of the institutions having specific missions in Gacaca Courts process held on November 19, 2004.

Considering the recommendations of the meeting of the representatives of the National Commission of Human Rights and those of the National Service of Gacaca Courts.

## **ADOPTS:**

### **CHAPTER ONE: GENERAL PROVISIONS**

#### **Article 1:**

This instruction establishes conditions required from observers, researchers and journalists in Gacaca Courts process.

#### **Article 2:**

- a) He is considered as observer in the Gacaca Courts process, an alien authorized to follow their activities without any role in their functioning, organization or in the decisions taken by them.

However, an alien residing in Rwanda or who resided there before the genocide and who possesses information interesting Gacaca courts, is not considered as observer.

- b) He is considered as a researcher in the process of Gacaca courts, any alien or Rwandan who follows the activities of Gacaca courts in the sole interest of research.
- c) He is considered as journalist in the process of Gacaca court, any alien or Rwandan who follows the activities of Gacaca courts in the sole interest of journalism.

### **CHAPTER II: GRANTING PERMIT FOR OBSERVERS, RESEARCHERS AND JOURNALISTS IN GACACA COURTS PROCESS.**

#### **Article 3:**

The National Service of Gacaca courts is the only competent organ to grant the permit for observer, researcher or journalist in the process of Gacaca courts .

#### **Article 4:**

The applicant for the permit of observer, researcher or journalist in the process of Gacaca courts must fill an ad hoc application form available at the headquarters of the National Service of Gacaca Courts.

#### **Article 5:**

The request must indicate where the applicant wishes to go: District/Town, Province/City of Kigali and the objective of his mission.

The application form has to be accompanied by the following particulars:

- 1° A photocopy of passport for aliens bearing a valid visa;
- 2° A photocopy of the identity card for Rwandans ;
- 3° Two passport size photographs;
- 4° A payment receipt of one thousand and two hundred Rwanda francs (1200 Frw) from the public accounts department;  
Rwandan students carrying out research are exempted from chancellery fees.
- 5° In case of alien journalist, he has to provide the photocopy of the Press Accreditation card issued by the Ministry having information within its remit;
- 6° Aliens must also provide a business visa issued by the Rwanda service in charge of Immigration and Emigration;
- 7° The researchers are required to present the summary of their research projects. They have also to present a recommendation letter from the tutorial institution, as well as that from the National service of Gacaca Jurisdictions which authorizes them;
- 8° For the person working for a non governmental organization based in Rwanda, he must provide a photocopy of a registration certificate as well as his work certificate.

#### **Article 6:**

The National Commission of Human Rights is the organ in charge of monitoring and coordination of observers' activities in Gacaca Courts process.

Whoever is interested in working as an observer in Gacaca process, gets permission from the National service of Gacaca Courts with the authorisation of the National Human Rights Commission.

The observers' reports are sent to the National Commission of Human Rights which in turn summarizes them and sends them to the National Service of Gacaca Courts.

The National Commission of Human Rights makes its own report on the monitoring activities and gives it to the National Service of Gacaca Courts.

**Article 7:**

The permit request and the permit itself are granted individually.

However the permit can be granted to an organization or an association when they are authorized to work in Rwanda.

The authorized organisation or association must also provide job certificate for the personnel to be employed in this process and their places of work.

**Article 8:**

The permit is valid for three months. This period can be prolonged once, upon presentation of another payment receipt of one thousand and two hundred Rwanda francs (1200 Frw) as chancellery fees to the public accounts department.

**Article 9:**

During his activities in Gacaca Courts process, the observer, researcher or journalist must:

- 1<sup>o</sup> Respect the laws and rules governing Gacaca courts process;
- 2<sup>o</sup> Not meddle in the functioning and organisation of Gacaca courts process;
- 3<sup>o</sup> Avoid uttering words likely to instigate divisionism or to hinder national Unity;
- 4<sup>o</sup> Respect the Rwandan culture and people;
- 5<sup>o</sup> Not bringing commotion in the Gacaca courts and respect all the procedures in force;
- 6<sup>o</sup> Be characterized by good conduct and not hinder the process of Gacaca courts in any case whatsoever.

**Article 10:**

Before carrying out his activities, the observer, researcher or journalist in Gacaca Courts process must introduce himself to the authorities of the Province or Kigali City, District or Town and to the Bench members of Gacaca Courts of the place where he intends to work.

**Article 11:**

The observer, the researcher, or the journalist in Gacaca Courts process is not allowed to make audio-visual records during the Gacaca Courts sessions seating in General Assembly, prosecuting instruction or trial hearing except in case of special authorization.

**Article 12:**

The observer, researcher or journalist in Gacaca Courts process must hand to the National Service of Gacaca Courts , a copy of his work not later than one month after the publication.

**Article 13:**

When the observer, researcher or journalist in Gacaca Courts process does not comply with the provisions of this instruction, he incurs the permit withdrawal and is prosecuted in justice, if need be, by competent organs.

**CHAPTER THREE: TRANSITIONAL AND FINAL PROVISIONS**

**Article 14:**

All previous instructions to this one are hereby abrogated.

**Article 15:**

This instruction comes into force on the day of its signature by the Executive Secretary of the National Service of Gacaca Courts.

**Done at Kigali, on 16/02/2005**

**MUKANTAGANZWA Domitille**

Executive Secretary of the National Service of Gacaca Courts