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ORGANIC LAW N° 02/2005 OF 18/02/2005 ESTABLISHING RULES OF PROCEDURE OF THE SENATE

We, KAGAME Paul,
President of the Republic;

THE SENATE HAS ADOPTED AND WE SANCTION, PROMULGATE THE FOLLOWING ORGANIC LAW AND ORDER THAT IT BE PUBLISHED IN THE OFFICIAL GAZETTE OF THE REPUBLIC OF RWANDA.

The Senate, meeting in its session of December 8th, 2004;

Given the Constitution of the Republic of Rwanda of June 4th, 2003, as amended to date, especially in its articles 55, 61, 62, 65, 67, 69, 71,72, 73, 74, 75, 79, 82, 87, 88, 93, 94, 95, 108, 134 and 182;

ADOPTS:

TITLE ONE: ORGANIZATION AND FUNCTIONING OF THE SENATE

CHAPTER ONE: APPOINTMENT, ELECTION, TAKING OATH AND REPLACEMENT OF MEMBERS

Article one:

Pursuant to article 73 of the Constitution, this organic law establishes the rules of procedure of the Senate.

Article 2:

Senators are elected or nominated in accordance with the Constitution especially in its articles 82, 83,84,85 and 86.

Before taking office, Senators shall take oath as provided for in article 61 of the Constitution before the President of the republic, and in case of his or her absence, before the President of the Supreme Court.

Senators shall submit to .the Ombudsman their faithful declaration of assets not later than one month after taking Office, annually and at the end of their term of office.

Article 3:

With the exception of former Heads of State who become Senators in accordance with article 82 of the Constitution, the term of office for Senators shall be a non-renewable period of eight (8) years.

The term of office becomes effective as of the day the Senator takes oath. le

Article 4:

Members are entitled to possessing an insignia of Senators as determined by the Senate. The format of such an insignia shall be published in the Official Gazette of the Republic of Rwanda.

Members shall travel in vehicles bearing an official sticker painted in the colours of the national flag and with MP-S". The position and composition of that official sticker are determined by the Minister having State Protocol in his or her functions.

Article 5:

A Member who resigns for some reason, addresses his or, her resignation letter to the President of the Senate with a copy to the President of the Republic, the President of the Supreme Court and to the Electoral Commission.

Article 6:

In the event of a Member's death, resignation, removal from office or permanent absence when his or her term has a year or more to run, he or she is replaced according to the procedure which was followed in his or her appointment or election, in a period not exceeding three months from the date of death, resignation, removal from office or permanent absence of the Member.

In that case the President of the Senate requests the organ which appointed him or her or the Electoral Commission, if it is an elected Member, to proceed to his or her replacement in accordance with provisions in force.

CHAPTER II: ORGANIZATION OF THE SENATE**Section one: The Bureau of the Senate****Sub-section one: Election of the Bureau of the Senate****Article 7:**

The Senate elects from among its members a Bureau made of a President and two Vice-Presidents as provided for in article 65 of the Constitution.

The term of office for the elected President and Vice-Presidents shall commence immediately after their election.

Article 8:

The election of the members of the Senate Bureau is conducted by secret ballot and by an absolute majority vote of the Members present.

Sub-section 2: Functions of the Senate Bureau

Article 9:

The functions of the Senate Bureau are as follows:

- 1° to supervise the activities of the Senate;
- 2° to oversee the relations between the Senate and other institutions;
- 3° to observe and implement the decisions of the Senate;
- 4° to exercise other functions assigned to the Senate where those duties do not fall under the responsibility of any other organ;
- 5° to solve any other urgent issue which could hinder the smooth running of the Senate and which not stipulated in this organic law;
- 6° to propose the agenda of the session and the Conference of Chairpersons.

Decisions of the Bureau of the Senate shall be made by consensus, should there be no consensus, the matter under consideration shall be referred to the Conference of Chairpersons which shall make a decision thereon upon request by the President or by one of the Vice-Presidents. Where there is no compromise by the Conference of Chairpersons, the matter shall be referred to the plenary session for a final decision.

Article 10:

The duties of the President of the Senate are as follows:

- 1° to officially represent the Senate;
- 2° to call Members to ordinary and extraordinary sessions;
- 3° to open and close ordinary and extraordinary sessions;
- 4° to convene and preside over plenary sittings;
- 5° to maintain order in the plenary sitting;
- 6° to oversee relations between the Senate and other local and foreign institutions;
- 7° to manage and coordinate the activities of the Bureau;
- 8° to chair meetings of the Conference of Chairpersons;

- 9° to oversee the implementation of decisions made by the Bureau, the Conference of Chairpersons and the Plenary Assembly;
- 10° to inform the President of the Republic and the Prime Minister of the Senate's programme of activities;
- 11° to coordinate different activities related to field visits to the population by Members;
- 12° to inform Members of the reception of Cabinet decisions and make them available for consultation;
- 13° to be the Principal paymaster of the Senate;
- 14° to oversee the activities of the Clerk of the Senate;
- 15° to coordinate the Senate's capacity building programmes;
- 16° to chair debates in joint-sessions of both Chambers in case the Speaker of the Chamber of Deputies is absent.

Article 11:

The Vice-Presidents of the Senate shall assist the President of the Senate and stand in for him or her in his or her absence.

The specific duties of one of the Vice-Presidents are as follows:

- 1° to stand in for the President of the Senate in his or her absence;
- 2° to oversee legislative activities;
- 3° to oversee activities relating to the control of the respect of the fundamental principles referred to in articles 9 and 54 of the Constitution;
- 4° to oversee activities regarding the executive oversight;
- 5° to carry out any other activities assigned by the Bureau and related to his or her duties.

The duties of the other Vice-President are as follows:

- 1° to stand in for the President in case the Vice-President who duly fulfils that duty is absent;
- 2° to oversee management and administrative affairs;

- 3° to oversee the relations of the Senate with other local and foreign institutions;
- 4° to carry out any other activity assigned to him or her by the Bureau and related to his or her duties. The Plenary Assembly shall determine modalities for distributing duties to the Vice-Presidents.

Article 12:

The President shall at no time take sides during debates.

During debates chaired by the President, his or her main duty is to coordinate members' contributions, to sum up debates and to call members to order when they digress from the issue under discussion.

He or she shall rigorously resist any, form of pressure aimed at forcing the Plenary Assembly to make any particular decision or any attempt to prevent the Plenary Assembly from making a decision.

The two Vice-Presidents assist the President by drawing his attention to anything which might escape his or her attention.

Article 13:

When the Senate is dealing with issues relating personally to the President of the Senate or to one of the Vice-Presidents, the member of the Bureau who is not concerned with the issue shall preside over the debate. In that case, those concerned with the issue shall take Senators' seats reserved for them.

When the person chairing the debates wants to give his or her personal opinion, he or she shall take the seat reserved for him or her as a Senator or any other place meant for that purpose.

Sub-section 3: Replacement of the members of the Bureau of the Senate

Article 14:

The Plenary Assembly shall determine whether the post of the President, one of the Vice-Presidents, the two Vice-Presidents or all the members of the Bureau have fallen vacant.

Such a decision shall be made by an absolute majority vote of the Members present in an extraordinary meeting.

When the meeting has not been convened by the President of the Senate or one of the Vice-Presidents, the oldest Member among the most experienced Members shall convene and chair it.

When the President of the Senate leaves office or is temporarily acting as President of the Republic, the Vice-President in charge of legal affairs and Executive oversight shall act until the new President of the Senate is elected or the President of the Senate resumes office.

Article 15:

Upon request of one third (1/3) of Members, the extraordinary meeting referred to in article 14 of this organic law shall be convened by the President of the Senate, one of the Vice- Presidents or the oldest among the long serving Members in a period not exceeding two working days (2) from the day the request is received.

Depending on the person concerned with the matter to be discussed in the extraordinary meeting referred to in article 14, the President of the Senate, the Vice-President or the oldest Member among the long serving Members shall chair the debates.

Article 16:

When the post of the President of the Senate, one of the Vice Presidents or both Vice- Presidents fall vacant, the extraordinary meeting meant for electing new members of the Bureau shall be convened within thirty (30) days from the day the Senate approves that their posts have fallen vacant. Elections are conducted according to modalities provided for in article 8 of this organic law. When all the members of the Bureau of the Senate leave office, the extraordinary meeting meant for electing the new President of the Senate and the two Vice-Presidents shall be convened and chaired by the President of the Republic.

In case only the post of President of the Senate falls vacant, the extraordinary meeting meant for electing a new President is convened and chaired by the President of the Republic.

In case the post of one of the Vice-Presidents or both of them falls vacant, the extraordinary meeting meant for electing the new Vice-Presidents is convened and chaired by the President of the Senate.

Section 2: The plenary sitting

Article 17:

The plenary sitting business shall commence at 15hours (3 pm) on working days and end at 18 hours (6 pm).

The opening and closing hours of the plenary sitting may be changed upon approval by an absolute majority vote of Members present.

The President of the Senate and the two Vice-Presidents shall neither be on an official trip at the same time nor carry out any other activity that could prevent them from chairing plenary sitting business.

At least two members of the Bureau must be present.

Article 18:

The sitting arrangement for Members in the plenary chamber shall be permanent and in an alphabetical order.

An adequate number of seats shall also be made available for the Prime Minister, Ministers, Ministers of State and other Cabinet members.

Article 19:

The Senate shall hold its sessions in its Building in the Capital City except in cases of force majeure confirmed by the Supreme Court upon request by the President of the Senate. In case the Supreme Court is unable to meet and make a decision, the President of the Republic shall make a decision by decree-law.

That decision shall be made public using all possible means of communication and information.

Article 20:

Members shall sign an attendance list at every sitting. Before the opening of the sitting, the President of the Senate shall announce the number of Members present.

Pursuant to provisions of article 66 of the Constitution, the quorum required for the Senate to lawfully sit is at least three fifths (315) of its members. When the quorum is not reached, the President of the Senate shall declare that the sitting cannot take place and postpone it.

In case there is a sound reason that may cause a sitting which is already underway to be adjourned, the President of the Senate shall announce it to the plenary sitting which shall make a decision thereon.

Article 21:

When all items on the agenda have been exhausted, the President of the Senate shall announce the day, time and the agenda for the next sitting.

Article 22:

There shall be minutes and verbatim transcripts of the sitting of the Senate. These minutes and transcripts shall not be read in the Plenary sitting.

The minutes, which consist of a summary of the debates shall be approved by the Plenary Assembly prior to their publication.

Minutes shall be approved during sessions in a period not exceeding seven (7) working days from the day the concerned meeting was held.

Any Member who wishes to make a correction shall be recognised.

Article 23:

Plenary sitting debates shall be recorded and thereafter written in a transcript. Transcripts shall quote every Member verbatim and shall be available to Members in a period not exceeding thirty (30) working days from the day the concerned plenary sitting was held.

Any Member who wishes to make corrections on the report shall hand them in to the Senate Bureau in writing.

The plenary sitting shall approve the reports in the second week of the session following the one in which the concerned plenary sitting was held.

Transcripts and minutes adopted by the plenary sitting shall be published using all possible means of communication and information. They shall also be made available on hard paper in the Senate library.

Article 24:

The plenary sittings of the Senate shall be open to the public.

However, upon request by the President of the Republic, the President of the Senate, the Prime Minister or one quarter (1/4) of Members, the Senate may, by an absolute majority vote of the Members present, decide to hold a meeting in camera. The publication of transcripts of this meeting and modalities thereof shall be determined by the Plenary Assembly.

Article 25:

The transcripts and minutes of the plenary sittings shall be signed by the President of the Senate, the Clerk of the Senate and their respective rapporteurs and shall be kept in the archives of the Senate.

Article 26:

Any Member who wishes to speak shall have his or her name registered on the list provided for that purpose.

Registration on the first list shall be made latest by ten (10 am) on the day of the plenary sitting. That list shall be distributed to Members before the opening of the plenary sitting. The list shall indicate the order of speakers, the duration of each member's contribution and as far as possible, the subject matter of every member's contribution.

Every member registered on the first list shall have the floor for a maximum of fifteen (15) minutes.

Registration on a second list shall be made after the person who introduced the matter in question has replied to the members registered on the first list. The second list shall be read to the Plenary Assembly before the members on the list are given the floor for a maximum of five (5) minutes each.

A third and last registration starts after the person who introduced the matter has replied to the members registered on the second list. The third list shall be read to the Plenary Assembly before the members on it are given the floor for a maximum of five (5) minutes each.

No Member shall take the floor unless the chairperson of the sitting allows him or her in accordance with the list announced.

However, the Prime Minister, Ministers, Ministers of State and other Cabinet members, the chairperson and vice-chairperson of the Standing Committee which dealt with the subject, Members who are personally concerned by the matter under consideration and those who introduced it shall be recognized any time they request for the floor.

After each list, the chairperson of the sitting shall sum up the main ideas of the debates.

Article 27:

Members on the first list shall use the platform provided for that purpose. But members on the second and third list or members rising on a point of order or those who abstained shall as far as possible remain in their seats.

Any person having the floor shall only address the chairperson of the sitting or the Plenary Assembly.

The floor shall be requested by means of an electronic device provided for that purpose, or otherwise by a show of a hand.

Article 28:

No member shall utter abusive, offending and injurious remarks, or disrupt order in the plenary sitting.

Article 29:

Except by the chairperson of the plenary sitting, no member shall be interrupted when he or she has the floor and even then only for the purpose of reminding him or her of the rules of procedure.

If a member is digressing from the matter under consideration, he or she is engaging in repetition, the chairperson of the plenary sitting shall interrupt him or her, and he or she is the only person with the authority to call a member to order.

If a member has been called to order twice but persists in his or her digression or repetition, the chairperson of the plenary sitting shall order the member to be silent for the rest of the time that the plenary sitting devoted to that issue.

Article 30:

A member may move a motion not exceeding three minutes to:

- 1° remind rules of procedure;
- 2° react to what has been mentioned about him or her;
- 3° request for the debates to be closed;
- 4° request for a brief suspension of the plenary sitting;
- 5° request for the adjournment of the plenary sitting;

The requests stated in points 3°, 4° and 5° shall be approved by the Plenary Assembly in accordance with provisions of article 88 of this organic law.

When a member requests for the closure of debates, the Plenary Assembly approves it only if issues raised by members have been addressed.

Motions shall be sought by raising hands with one hand lying horizontally and perpendicularly facing downwards over the other.

Article 31:

A member who wishes to correct a matter not covered by article 30 of this organic law, but is unable to have his or her name put on the list, shall refer a written request to the chairperson of the sitting, the representative of the Standing Committee that dealt with the subject or one of the Members whose name is on the list but has not yet spoken.

After receiving the written request, the chairperson of the sitting or the Standing Committee representative shall bring the Member's wish to the attention of the Plenary Assembly without delay.

Article 32:

Any member may request that items on the agenda be changed. He or she does so in writing by informing the President of the Senate before ten o'clock (10.00 am) on the day the sitting is to be held. The President shall then present the request in a written form to Members. The request is approved by an absolute majority vote of Members present.

If the request is approved, the Plenary Assembly shall decide when to examine them.

Article 33:

The chairperson of the sitting shall sum up and close the debates after all those who requested for the floor have heard.

In addition, the closing of debates can be requested either by the chairperson of the sitting when he or she deems at all the issues have been sufficiently handled, or by a member for the same reason. The motion shall be a proved *by* the Plenary Assembly on an absolute majority vote of the Members present.

Section 3: Committees**Sub-Section one: Standing Committees****Article 34:**

The Senate shall establish Standing Committees.

Each Standing Committee shall be comprised of at least four (4) Members.

Article 35:

The membership of Standing Committees of the Senate shall be determined as follows:

- 1° every Member shall register in only one Standing Committee;
- 2° the Bureau of the Senate shall verify the registration of Members and confirm their membership in consideration of the following criteria:
 - a. the preferences of each Member;
 - b. the number of members of each Standing Committee;
 - c. the functions of the Standing Committee;
 - d. the skills of the Member in relation to the Standing Committee;
 - e. the experience of the Member in relation to the functions of the Standing Committee.

Article 36:

Each Standing Committee shall be chaired by a Bureau comprised of a chairperson and a vice-chairperson who shall be its rapporteur. The chairperson and the vice-chairperson of each Standing Committee shall be elected by the Plenary Assembly upon absolute majority vote of Members present.

Members of the Standing Committee wishing to be elected shall notify the Bureau of the Senate which shall notify the Plenary Assembly thereof.

The chairperson and the vice-chairperson of a Standing Committee shall be elected separately.

When there is no candidate with the required votes, the voting shall be repeated. When the required votes are not obtained for the second time, the voting shall be repeated once again and the winning candidate shall obtain a simple majority of votes.

When the chairperson and the vice-chairperson are absent or leave office and have not yet been replaced, the Standing Committee shall be chaired by the oldest Member among its members. The youngest Member shall be the rapporteur.

Article 37:

Members of the bureau of a Standing Committee shall have a term of office of four (4) years renewable.

Upon request of two thirds (2/3) of the members of the Standing Committee, the Bureau of the Standing Committee or one of its members can be replaced. In a period not exceeding fifteen (15) days from the date the request is made, the chairperson or vice-chairperson of the Standing Committee, depending on the person to be replaced, shall convene a meeting.

When the chairperson and the vice-chairperson have to be replaced or the one who is not to be replaced is unable to convene the meeting, the oldest Member among those who raised the issue shall convene a meeting devoted to the issue.

The replacement shall be done in a period not exceeding thirty (30) days from the date the Plenary Assembly took a decision as provided for in article 34 of this Organic law.

The following standing committees with respective functions are established:

- A. The standing Committee on Political Affairs and Good Governance shall deal with bills and issues related to:
 - 1° amendments to the Constitution;
 - 2° referendum and other types of elections;
 - 3° local administration and good governance;
 - 4° following up on the respect of general principles established in article 9 of the Constitution and especially in guarding against the ideology of genocide and all forms of discrimination;
 - 5° the functioning of political organisations and the ethics of politicians;
 - 6° examination of documents in connection with the candidates who are elected or approved by the Senate;
 - 7° justice and institutional relations;

- 8° the penal code, the organisation and powers of Courts and Tribunals and penal procedures;
- 9° the creation, changes , functioning and removal of government institutions;
- 10° gender, the emancipation of Rwandan women and the youth;
- 11° unity of the Rwandan people
- 12° authentic interpretation of laws bearing relation with the functions of the committee.

In addition, the Standing Committee scrutinizes the programme and activity report of the National Unity and Reconciliation Commission and the one of the National Commission for the fight against genocide and formulates relevant recommendations.

B. The Standing Committee on Economic Development and Finance shall deal with bills and issues related to:

- 1° economy and trade;
- 2° finance and economic planning;
- 3° agriculture, livestock and forestry;
- 4° energy, water and natural resources;
- 5° public works, transport and communication;
- 6° land, housing and environmental protection;
- 7° drafting the budget of the Senate;
- 8° providing opinion on the finance bill before it is adopted;
- 9° authentic interpretation of laws bearing relation with the functions of the Standing Committee.

In addition, the Standing Committee analyses and formulates recommendations related to the programme and activity report of the Auditor General `s Office.

C. The Standing Committee on Foreign Affairs, Cooperation and Security shall deal with bills and issues related to:

- 1° foreign affairs and cooperation;
- 2° international conventions;
- 3° State protocol in general;

- 4° examining and implementing foreign mission reports ;
- 5° National security and integrity;
- 6° organisation of Security organs;
- 7° Rwanda Defence Forces and National Police;
- 8° authentic interpretation of laws bearing relation with the functions of the Standing Committee.

D. The Standing Committee on Social Affairs and Human Rights shall deal with bills and issues related to:

- 1° social affairs and family,
- 2° health and the fight against AIDS and other pandemics;
- 3° education, scientific research, technology, culture and sports;
- 4° workers, employment and social security;
- 5° human rights;
- 6° human rights organizations;
- 7° examining the petitions referred to the Senate
- 8° authentic interpretation of laws bearing relation with the functions of the Committee.

In addition, the Standing Committee analyses the programme and activity report of the National Commission for Human Rights , the Ombudsman Office as well as the Public Service Commission and formulates relevant recommendations.

Article 39:

Each Standing Committee shall have its own annual budget which enables it to achieve its objectives.

Sub-Section 2: Ad hoc Committees

Article 40:

Upon request of the President of the Senate or five (5) Members and upon approval of the Plenary Assembly, the Senate may establish ad hoc Committees for the purpose of examining special issues or gathering information on raised issues.

Article 41:

Members of an ad hoc Committee shall be elected by the Plenary Assembly from amongst the candidates proposed by the Bureau of the Senate. The Plenary Assembly shall also appoint the chairperson and vice-chairperson chosen from a list of candidates proposed by the Senate Bureau.

The election of members of an ad hoc Committee, that of its chairperson and vice-chairperson shall be conducted in accordance with provisions of the first paragraph of article 36 of this organic law.

Article 42:

The mandate of each ad hoc Committee shall be terminated as soon as it has handed in its report and the Plenary Assembly has taken a decision thereupon.

Sub-section 3: The Committee in charge of the conduct of Members and assessment of the Senate activities**Article 43:**

The Senate shall elect from among its members a Committee of at least five (5) Members which shall be in charge of the conduct of Members and the assessment of the Senate activities. It shall be referred to as "Committee" in this organic law.

The chairperson and vice-chairperson shall be elected by the Plenary Assembly in accordance with provisions of the first paragraph of article 36 of this organic law.

Article 44:

The Committee is specifically in charge of

- 1° the conduct of Members either in or outside the Senate;
- 2° assessing the activities of the Senate Bureau, the Conference of Chairpersons, the Standing Committees and the Plenary Assembly.

The Conference of Chairpersons shall set criteria on which the Committee bases its assessment the evaluation of the Senate structures and the Plenary Assembly shall approve them.

Article 45:

The Committee shall meet once a month and as often as may be necessary. It shall be convened by its chairperson or by its vice-chairperson if the chairperson is absent, or by the President of the Senate on his or her own initiative or upon request of one third (1/3) of the Committee members or of one fifth (1/5) of the members of the Senate.

The Committee shall submit its report to the Plenary Assembly which shall make a decision thereon.

Article 46:

In its proceedings, the Committee shall be governed by the provisions governing the Senate Standing Committees with the exception of the provisions of articles 43, 44 and 45 of this organic law.

Article 47:

Members of the Committee shall also be allowed to be members of other Committees of the Senate. However, the chairperson and Vice-chairperson shall neither be members of the Bureau of another Standing Committee nor members of the Conference of Chairpersons.

Sub-section 4: Common Provisions to all Committees

Article 48:

Committee meetings shall be convened in writing by the chairperson of the Committee or the vice-chairperson if the chairperson is absent. The Bureau of the Senate and other Members shall be informed of the meetings.

The President of the Senate may also convene Committee meetings.

Any Member may attend any meeting of a Committee he or she is not a member thereof but shall have no voting right.

The agenda of Committee meetings shall be determined by the Bureau of the Committee which shall inform the Bureau of the Senate thereof.

The day, time and the agenda of Committee meetings shall be displayed on a notice board within 24 hours before the meetings are held.

Article 49:

Any person may attend Committee meetings but shall not have the floor therein except special meetings open to the public where the turn taking procedure is defined in paragraph below.

Committee meetings which are open to the public and in which individuals can take the floor to express their opinion on any bill or issue shall be prepared and approved by each Committee beforehand. The Committee shall indicate the turn taking procedure, the maximum time to speak and the order of speakers.

Committees shall also receive written opinions or written views on bills and other issues under discussion. Opinions and views received shall be passed on to members of the Committees within appropriate time.

Committee meetings may be held in camera upon request by three fifths (3/5) of its members.

Article 50:

Senate may summon any one deemed necessary to come and give relevant information on issues under discussion in a Committee.

Each Committee shall have a separate room for holding its meetings and an office for its Bureau. It shall also have a staff, office equipment and supplies.

After consultation between its Bureau and the Bureau of the Senate, a Committee may, where necessary, meet in a location other than the Senate Building while abiding by the provisions of articles 48 and 49 of this organic law.

Article 52:

For a Committee meeting to be held, at least three (3) of its members must be present.

Decisions of a Committee meeting shall be made by an absolute majority vote of Members present and entitled to vote.

Article 53:

Committees may establish sub-Committees and determine their membership and their objectives. Those sub-Committees shall report to the Committees that established them.

The Bureau of a Committee may send a group of its members on a field trip upon approval by the Bureau of the Senate.

Article 54:

Each Committee shall submit its report to the Plenary Assembly. That report shall contain a summary of debates and conclusions thereof.

The Bureau of a Committee shall verbally present a summarised report and answer questions raised about it in the plenary sitting devoted to that report.

Article 55:

A Member who introduced an amendment may attend the meeting of the Committee dealing with it but shall not vote unless he or she is a member of the Committee.

Any amendments shall be submitted in writing to the relevant Committee which shall consider them and submit its recommendations to the Plenary Assembly. All Members shall be informed of those amendments.

Article 56:

A Member who has introduced an amendment shall be given the opportunity to speak before the others in the Committee meeting dealing with the amendment.

Article 57:

Committee meetings shall start at nine (9:00 am) o'clock and end at twelve (12:00 noon) o'clock. This timetable may be changed upon request by a simple majority vote of the Committee members present.

Section 4: The Conference of Chairpersons**Article 58:**

The Conference of Chairpersons shall be comprised of members of the Senate Bureau and the members of Bureaus of Committees.

The quorum for meetings of the Conference of Chairpersons shall be three fifths (3/5) of its members.

Article 59:

The Conference of Chairpersons shall:

- 1° Draft the agenda for ordinary sessions to be submitted to the Plenary Assembly for approval;
- 2° submit a summarised report of the Conference of Chairpersons meetings to the Plenary Assembly to be decided upon;
- 3° submit decisions that were urgently made to the Plenary Assembly within seven (7) days for approval;
- 4° make decisions regarding the activities of Members, those of the Plenary Assembly and those of Committees to the Plenary Assembly for approval;
- 5° examine draft bills if the Plenary Assembly so decides.

Article 60:

The Conference of Chairpersons shall meet once a month and whenever necessary. It shall be convened and chaired by the President of the Senate. The Conference of Chairpersons shall submit its report to the Plenary Assembly once a month. The President of the Senate or any other Member shall in writing request the Plenary Assembly to debate that report.

The Conference of Chairpersons shall make decisions by consensus, if the consensus is not reached the issue shall be presented to the Plenary Assembly for decision.

When examining a bill, the Conference of Chairpersons shall apply the provisions of this organic law regarding the proceedings governing the debates on bills by Standing Committees.

Section 5: The Senate Administration

Article 61:

The Senate shall have its own budget and shall enjoy financial and administrative autonomy.

The budget allocated to the Senate shall be transferred to an account in the National Bank of Rwanda.

Article 62:

The Auditor General of State Finances audits the execution of the Budget of the Senate.

Article 63:

The Senate administration is made of the office of the Clerk and other departments necessary for the smooth running of the Senate.

Administrative departments are under the responsibility of the Clerk with the supervision of the Senate Bureau.

Notwithstanding provisions of article 61 of this organic law, the Senate personnel is governed by the General Statute of Rwanda Civil Service.

Article 64:

A Presidential Order sets the Senate's administration on the request of the President of the Senate after approval the Plenary Assembly.

Salaries and other benefits which are allocated to the personnel of the Senate are determined by a Presidential Order.

Article 65:

The Clerk shall be appointed by a Decree of the President of the Republic upon request by the Senate Bureau The Clerk is the head of the Senate administration and reports directly to the Senate.

The Clerk shall be in charge of all the files of the Plenary Assembly.

He or she shall receive all Members' requests and address them appropriately where possible. If he or she cannot address them, they shall be submitted to the Senate Bureau and if the Senate Bureau cannot address them, they shall be presented to the Plenary Assembly for a final solution.

Other duties of the Clerk are as follows:

- 1° to advise the President of the Senate on rules of procedure of the Senate;
- 2° to manage the revenues and expenses of the Senate;
- 3° to be a rapporteur in meetings of the Bureau and the Conference of Chairpersons. He attends these meeting but without the right to decision making ;
- 4° to prepare monthly, quarterly and annual reports of Senate activities and submit them to the Bureau of the Senate;
- 5° to head and coordinate all activities in the Senate;
- 6° to prepare a list of Members wishing to make contributions in the plenary sitting;
- 7° to prepare and participate in voting activities in the Plenary Assembly.
- 8° to supervise the writing of plenary sittings verbatim transcripts and minutes and sign them.

Section 6: The Members networks

Article 66:

Members may establish Senators' networks on special issues.

Every Member shall have the right to be in one or several networks.

Article 67:

The Plenary Assembly may accept the establishment of a network upon request by a Member or a group of Members.

Article 68:

A letter requesting the setting up of a network together with a memorandum outlining the, objectives, statute and programme of the network shall be submitted to the President of the Senate who shall inform the Member, thereof and include it on the agenda of the plenary sitting business.

Article 69:

A Member or a group of Members requesting for the setting up of a network shall be given the opportunity to give explanations concerning that network in the plenary sitting.

Article 70:

Every Senators' network shall be governed by its own special statute. The statute shall among others include the following:

- 1° the objectives and duration of the network;
- 2° the membership eligibility;
- 3° the organs of the network;
- 4° the source of the network finances and its management;
- 5° the working relations between the network and the Senate.

Article 71:

Every term and whenever necessary, Senators' networks shall submit to the Senate Bureau, their plans of action as well as their activity reports. In addition, every Senators' network shall submit to the Senate Bureau an annual financial report clearly indicating the source of its finances and their expenditure. The Bureau of the Senate shall submit these reports to the Plenary Assembly.

Article 72:

The Senate may provide assistance to a Senators' network.

Article 73:

The Senate shall ensure the good working of the Senators' networks.

The Plenary Assembly can suspend a Senators' network any time for a determined period or dissolve it in case it contradicts the set objectives and functioning of the Senate.

CHAPTER III: THE WORKING OF THE SENATE**Section one: Sessions**

Sub-Section one: Ordinary Sessions

Article 74:

As provided for by article 71 of the Constitution, the Senate shall have three ordinary sessions, each session lasting two months:

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

When the first or last day of the session is not a working day, the opening or closing of the session shall be postponed to the following day or if the following day is a holiday, to the next working day.

Between two ordinary sessions, the activities of the Standing Committees, going on field trips and activities related to Executive oversight shall continue.

Notwithstanding the provisions of article 80 of this organic law, Members shall have an annual leave of thirty (30) days between the second and the third ordinary sessions.

The Plenary Assembly shall determine when to start and end the annual leave.

Article 75:

At the beginning of the first plenary sitting of an ordinary session, the Plenary Assembly of the Senate shall adopt the agenda of the whole session.

Article 76:

The ordinary session of the Senate shall be convened by the President of the Senate fifteen (15) days before the Plenary Assembly meets. This will be done in writing or through any other means of information and communication and the invitation shall indicate the agenda, of the session. The President of the Republic and Prime Minister shall be given a copy thereof.

The Senate shall always make its activities public using different means of information and communication.

Sub-Section 2: Extraordinary sessions

Article 77:

The President of the Senate may convene the Plenary Assembly in an extraordinary session after consulting other members of the Bureau either on his or her own initiative or upon request by the President of the Republic on proposal of the Cabinet, or when requested by one quarter (1/4) of the Members.

Article 78:

Members shall be invited to an extraordinary session by the President of the Senate. The invitation shall be communicated in letter form and through any other means of information and communication. The President of the Republic and the Prime Minister shall be given a copy thereof.

The invitation shall clearly indicate the items on the agenda and it is only on these items that the debates of the Plenary Assembly shall be confined.

Before starting any debates, the Plenary Assembly shall first discuss the reason for the convening of the extraordinary session and then confirm the items on the agenda.

Section 2: Voting

Article 79:

Decisions of the Senate shall be taken by way of vote.

Before the vote is conducted, the President shall communicate the number of Members who signed on the attendance list provided for in article 20 of this organic law.

The vote shall be conducted using one of the following means:

- 1° consensus;
- 2° electronic vote;
- 3° show of hand;
- 4° recorded division;
- 5° secret ballot.

When the item of business before the Senate is not a bill, the vote shall be by consensus, electronic vote or by a show of hand only.

A vote by secret ballot may be held if the Plenary Assembly has to make decisions concerning individuals or upon request of one-fifth (1/5) of Members in attendance upon approval by the Plenary Assembly.

Voting on distinct provisions of a bill is conducted electronically or by show of hand.

Voting on an entire bill shall be conducted on recorded division.

In votes on recorded division, the Clerk of the Senate or his or her appointee shall proceed by calling the names of Members in alphabetical order.

When called upon, each member shall loudly say either "yes" or "no" or "abstain".

A vote of a Member who did not state his or her position despite attending the sitting shall be considered void.

A Member's vote shall be personal and his or her voting rights shall be unassignable.

Article 80:

Where the voting has not been in order, it shall automatically be repeated as soon as the results are announced, either at the request of the chairperson of the sitting or of at least three (3) Members.

Should there remain any doubt after the vote is repeated because some Members are still not satisfied with the way the vote was conducted, a vote by recorded division shall be held.

An article which does not obtain the required votes shall be rejected. However, a Member, the Committee that examined the bill or the government representative may request, through the chairperson of the sitting, that the article be sent back to the Committee upon approval by the Plenary Assembly.

Issues or opinions which have not obtained the required votes shall be returned to their authors.

When the whole bill is put to vote and does not obtain the required majority provided for in paragraph 5 and 6 of article 93 of the Constitution, the Senate Bureau, on consultation with the Conference of Chairpersons, shall return it to the Plenary Assembly after fifteen (15) days for another vote.

Article 81:

Before the Senate approves the appointment of candidates referred to in article 88 of the Constitution, the Standing Committee on Political Affairs and Good Governance shall examine the draft decrees appointing candidates to be approved.

When examining such draft-decrees, the Standing Committee may invite the candidates who are to be approved or any other person who may give it necessary information.

The Standing Committee on Political Affairs and Good Governance shall submit its report to the Plenary Assembly for a decision. The decision shall be made by consensus and if the consensus is not reached, a secret ballot shall be held.

Article 82:

Documents of candidates referred to in article 88 of the Constitution and whose appointment requires the vote by the Senate shall be examined by the Plenary Assembly. The vote shall be by secret ballot.

Every candidate shall be given an opportunity to introduce himself or herself to Members. The time limit for each candidate shall be determined by the President of the Senate.

Article 83:

If the vote is by secret ballot, the Clerk of the Senate or his or her representative shall give to every Member present a ballot paper bearing only the stamp of the Senate and signed by the chairperson of the sitting.

After casting his or her vote, a Member shall deposit the ballot paper in a ballot box.

Ballot papers shall then be counted in the presence of Members by a representative of the Senate Bureau who will be assisted by two Members designated by the chairperson of the sitting as well as the Clerk.

Blank ballots and any ballot bearing a sign or mark other than those that are provided for in paragraph one of this article shall be null and void.

Any ballot expressing a position other than the positions put to vote shall also be null and void.

Article 84:

After voting, be it by show of hand, electronic vote or by recorded division, the President of the Senate shall give abstaining Members the opportunity to justify their abstention in three minutes if they wish to do so. There shall be no debate thereon.

Article 85:

Used ballot shall be destroyed before the Plenary Assembly at the end of the sitting devoted to a secret vote.

Article 86:

No Member shall be given a floor, not even for a motion during the vote casting process.

Article 87:

Each Member shall have only one vote irrespective of the voting method. There shall be no proxy voting.

Article 88:

Notwithstanding the provisions of article 79 of this organic law, the decision of the Senate shall require an absolute majority vote of Members present except where the Constitution and this organic law provide otherwise.

When the Plenary Assembly has before it a proposal on a matter other than legislation, the President of the plenary sitting shall ask the assembly whether there is any Member who does not support the conclusion given by the President of the Senate or another Member.

If there is no one opposing it, then it will have passed by consensus. If there is a Member who is against it, the matter shall be put to vote by electronic vote or a show of hand. In that case however, there shall be no formal vote counting unless it becomes impossible to identify the winning side.

CHAPTER IV: CONDUCT OF MEMBERS

Section one: Conduct of Members in general

Article 89:

A Member shall be of high integrity and good morals in or out of the Senate. He or she shall especially avoid the following:

- 1° drunkenness;
- 2° dishonesty;
- 3° barbarism;
- 4° to use his or her authority to serve his or her own interest;
- 5° any other conduct which could jeopardize his or her personality or his or her position.

Any Member found guilty of breaches referred to in this article may be warned, reprimanded or excluded from the Senate upon approval by three-fifths (3/5) of the Members present.

Article 90:

The, petitions related to the exclusion of a Member referred to in article 89 of this organic law are heard before the High Court of the Republic which shall rule on the matter in the first instance. The appeal is heard before the Supreme Court which rules in the last instance.

Article 91:

Any Member who has been definitively sentenced for a crime shall immediately be removed from the Senate upon the ruling of the Supreme Court.

Article 92:

Depending on misconduct manifested by a Member in a plenary sitting, the following disciplinary measures shall be applied:

- 1° a call to order;
- 2° an oral warning;
- 3° a warning that is reproduced in the verbatim transcript;
- 4° a temporary exclusion from the Senators' area;

- 5° an exclusion of the Member from the sitting in progress;
- 6° an expulsion of the Member from five consecutive sittings;
- 7° a suspension of some of his or her fringe benefits;
- 8° a formal reprimand.

Disciplinary measures provided for in points 4°, 5°, 6°, 7° and 8° shall be imposed by the Plenary Assembly.

Article 93:

Any Member who disturbs the proceedings of the Plenary Assembly shall be named and called to order by the chairperson of the sitting. In case he or she does it again, the chairperson of the sitting gives him or her a warning which shall be mentioned in the verbatim transcript. Should he or she disturb the proceedings again or make another serious mistake, the chairperson of the sitting shall order that the Member be expelled temporarily from the Senator's area upon approval by the Plenary Assembly.

Article 94:

A Member who has been expelled shall be barred from taking part in the proceedings and decisions of the Plenary Assembly for the remainder of the sitting from which he or she was excluded.

Article 95:

If the Member who has been expelled does not obey the order of leaving the Senators' area, the chairperson of the plenary sitting shall suspend or adjourn the sitting and the Member shall be barred from five (5) consecutive sittings. A quarter (1/4) of his or her monthly remuneration shall be suspended and he or she shall be reprimanded in writing.

Article 96:

A Member who has been expelled may seek to have the decision rescinded by making a written apology. The President of the Senate shall read the apology to the Plenary Assembly which shall take a decision thereon.

Article 97:

A Member's expulsion order shall be rescinded in the following cases:

- 1° if the exclusion order expires;
- 2° if the Member makes an apology to the Senate and the latter accepts it,
- 3° if the Senate retracts its decision.

Article 98:

If a plenary sitting becomes stormy, the chairperson of the sitting shall call the Plenary Assembly back to order, but should the commotion persist, the sitting chairperson shall suspend the sitting and the Members shall leave the hall.

The plenary sitting shall resume after the chairperson of the sitting deems that order has been restored.

Article 99:

Any Member who shall be absent from three (3) consecutive plenary or Committee sittings or who shall be absent from six (6) sittings in a session without notifying the President of the Senate or the chairperson of the Committee or who advances reasons that the Senate or Committee Bureau finds not sound, shall be referred to the Plenary Assembly for a warning which shall be notified to him or her in writing.

If the Member repeats the same mistake, he or she may be denied some of his or her fringe benefits for a period for a period fixed by the Plenary Assembly; he could also formally reprimanded or expelled from the Senate upon approval by three-fifths (3/5) of the Members.

Section 2: Incompatibilities with the Senator's office.**Article 100:**

Notwithstanding article 82 of the Constitution, the office of Senator shall be incompatible with being:

- 1° the President of the Republic;
- 2° a member of Cabinet;
- 3° a Deputy;
- 4° a member of District, Town and City of Kigali councils
- 5° a staff member of the District, Town or City of Kigali;
- 6° a judge;
- 7° a prosecutor;
- 8° a member of one of the commissions provided for by the Constitution or any other which may be set up by the Executive;
- 9° a member of the Board of Directors or an auditor in a parastatal body or an institution where the Government is a shareholder;

- 10° a Director of a commercial body or a member of its Board of Directors;
- 11° a civil servant or an employee in a parastatal body;
- 12° a convention bound employee;
- 13° a member of electoral organs;
- 14° a member of Rwanda Defence Forces, of the National police or of the National Security Service.

A Member who exercises a Lawyer's profession is not allowed to plead personally in any judicial case. A representative of his or her Chambers is allowed to plead in cases other than those where the State is the plaintiff or defendant.

Article 101:

A Member shall refrain from any action that may hinder his or her independence and impartiality in the exercise of the mission of executive oversight.

A Member shall not, either individually or through a firm in which he or she is a shareholder, apply for a public tender bearing relation the Parliament as well as any other tender by mutual agreement or restricted tender.

A company owned by a Member or a company in which he or she is a shareholder are allowed to apply for public tenders except for those provided for in paragraph 2 of this article. In such a case, Members concerned notify the President of the Senate and the Ombudsman of these tenders. The President of the Senate and the Ombudsman may make use of them when and as need arises.

Article 102:

Apart from the persons mentioned in points 6°, 13° and 14° of the first paragraph of article 100 of this organic law, incompatible functions with the Senator's office do not prevent any one exercising these functions from being elected or appointed as Senator. Nevertheless, the concerned Member shall resign from his or her offices immediately after oath taking and notify the President of the Senate and the Ombudsman of his or her resignation.

Article .103:

Where a Member is personally concerned by an issue under consideration by the Senate, be it in a Committee or in the plenary sitting, the Member shall inform the Plenary Assembly or the Committee thereof and refrain from the debates.

Section 3: immunity of Members

Article 104:

As provided for in article 69 of the Constitution, no Member shall be prosecuted, pursued, arrested, detained or judged for any opinion expressed or votes made by him or her in the exercise of his or her duties.

During session, no Member suspected of a serious felony shall be prosecuted or arrested without the authorisation of the Senate.

When Parliament is not in session, no Member shall be arrested without the authorisation of the Senate Bureau, unless he or she is caught flagrante delicto committing a felony, or the Senate Bureau previously authorised his or her prosecution or a Court of law has passed a final verdict and sentence against him or her.

Article 105:

In penal proceedings, the President of the Senate shall be tried in the first and last instance by the Supreme Court as provided for by article 145-8° of the Constitution.

Section 4 : Members field trips

Article 106:

A Member can go for a field trip with the authorization of the President of the Senate. The field trip can be made by one Member or a group of Member in a ,standing committee in order to contact the population, to assess development projects or to participate in public activities to which he or she has been invited.

A Member can also go for an official trip abroad with the authorization of the President of the Republic at the request of the President of the Senate.

Article 107:

A Member who goes for an official trip shall carry the required official documents.

Article 108:

A Presidential Order determines travel allowances allocated to a Member on an official trip.

Article 109:

After an official trip, a Member submits a mission report to the President of the Senate in a period not exceeding 10 days.

Article 110:

A security officer assigned by relevant State organs to escort a Member on a field trip gets from the Senate a travel allowance equivalent to that given to a civil servant of similar grade.

CHAPTER V: THE INVIOABILITY OF THE SENATE BUILDING**Article 111:**

Apart from a Member or authorised staff of the Senate, no one else may enter, for any reason, into the area reserved for Senators except with the authorisation of the chairperson of the sitting. The Senate staff members wear identification badges when they are on duty.

Article 112:

The Senate Building and everything therein must be kept secure.

The Security of the Senate building is maintained by a special unit provided by the National Police but which is supervised by the Senate Bureau. This police unit shall be identified by uniforms different from those worn by the National Police or any other security body.

It is forbidden to enter the Senate Building premises with a weapon.

Apart from the security officers in charge of the security of the President of the Republic or other senior dignitaries of equivalent rank, armed security officers not attached to the Senate wishing to enter the Senate building, shall leave their weapons under the custody of the Senate security officers.

When Security officers from outside the Senate are in pursuit of a person in the Senate building, they shall first request an authorisation of the President of the Senate or his or her representative.

Article 113:

Persons other than Members or authorized staff all other people shall enter the plenary chamber through an entrance reserved for them. They shall use seats reserved for them in an orderly manner. When the plenary sitting is to be in camera, the public is asked to leave the plenary chamber.

It is forbidden for anyone to enter the Plenary chamber with their mobile telephone switched on or to switch it on once they are in the plenary chamber. It is also forbidden to enter the Chamber with any other gadget that could disturb the plenary proceedings.

Article 114:

During plenary sittings, people in the public galleries shall sit quietly. They shall be properly dressed.

The Senate has audio-visual equipment for registering and transmitting proceedings of the Senate. The recordings are transmitted to the public by means of information and communication.

Article 115:

Any person who is not a Member who disrupts the proceedings of the plenary sitting shall be expelled by the chairperson of the sitting who will give instructions to the relevant staff.

If that person has committed an offence punishable by law, he or she shall be immediately handed over to a court of law.

Article 116:

The provisions of this organic law concerning the inviolability of the Senate building shall be displayed at public entrances.

TITLE II: PROCEDURES FOR PASSING DRAFT BILLS**CHAPTER ONE: RECEIVING DRAFT BILLS****Article 117:**

Draft bills adopted by the Chamber of Deputies shall be sent to the Senate in three official languages together with their explanatory statements as well as the reports of the sittings during which the draft bills were adopted. The Senate Bureau shall then distribute the bills to the Members within seven days from the date of their reception.

Article 118:

The draft bill written in the three official languages is reproduced and distributed to Members at least seven days before the scheduled date for examining its relevance.

The general debate in the plenary sitting shall take place in the presence of the author of draft bill who shall provide necessary explanations concerning the draft bill.

CHAPTER II: CONSIDERATION OF DRAFT BILLS BY COMMITTEES**Article 119:**

The President of the Senate shall send the draft bill to the appropriate Standing Committee after its relevance has been adopted.

Members who wish to propose amendments to the draft bill shall refer them in writing to the chairperson of the appropriate Committee with a copy to members of the Senate so that they may be able to propose sub-amendments if necessary. Those sub-amendments are also referred to the chairperson of the appropriate Committee in writing. Written amendments forwarded by Members are taken into consideration.

Once a draft bill has been debated on in a Committee, a plenary sitting shall not debate it again.

Article 120:

When a Standing Committee declares itself incompetent to consider a draft bill, or when there is a conflict of competence between two or more Committees, the Conference of Chairpersons shall determine which Committee shall consider the draft bill.

Article 121:

Through the Senate Bureau, a Standing Committee may call upon a Minister, Minister of State, or any other person, body or institution to a Committee meeting in order to get full information regarding a bill.

The Standing Committee shall make a report of amendments as it does on bills. The report of the Standing Committee on the whole bill shall be passed on to Members at least seven (7) days before the debates in the plenary sitting.

A report on an article that was returned to the Standing Committee shall be given to the Members at least two (2) days before the debates in the plenary sitting.

Any time the Plenary Assembly has not yet voted on the whole bill, the Standing Committee may upon approval by the Plenary Assembly re-examine the voted article and submit a report thereon to the Plenary Assembly for a new vote.

CHAPTER III: CONSIDERING DRAFT BILLS IN THE PLENARY SITTING.

Article 122:

Debates in plenary sittings are of two types: general debates or debates on articles.

General debates are conducted in accordance with article 118 of this organic law with regard to the relevance of a bill, a draft bill in general or its parts.

Debates on articles shall deal with each article and each amendment proposed thereto. Those debates shall be conducted in accordance with article 26 of this organic law.

Amendments related to form are neither debated on nor voted for.

Article 123:

Any debate in the plenary sitting shall first be on the Committee's report on the bill and then onto the amendment adopted by a Committee.

Unamended provisions shall be voted for without debate.

Article 124:

Amendments and sub-amendments rejected by a Committee shall be considered in the plenary sitting on request of one or several Members. The Committee shall state reasons as to why amendments or sub-amendments were rejected.

Amendments to bills shall be put to vote before the original bills, and sub-amendments shall be put to vote before amendments.

Article 125:

A Committee may request that it re-examines a provision before it is put to vote. This request is granted by a decision of the Plenary Assembly.

Article 126:

Upon adoption of a draft bill by the Senate, the President of the Senate shall inform the Chamber of Deputies in a period not exceeding fifteen (15) days.

When a draft bill is rejected, the President of the Senate shall, in brief statement, in a period not exceeding fifteen (15) days shall explain to the Chamber of Deputies the reasons of its rejection.

When a draft bill which has been amended is adopted by the Senate, the President of the Senate, in a brief statement, shall inform the Chamber of Deputies in a period not exceeding fifteen (15) days.

Article 127:

Upon adoption of a bill and before it is sent to the Chamber of Deputies, the Clerk together with the Bureau of the Committee that considered the bill, shall certify that the copies sent to the Chamber of Deputies and those to be filed in the Senate's records are true and correspond with the verbatim transcript of the plenary sitting.

The Clerk and the members of the Committee that considered the draft bill shall ensure that the wording of the law published in the Official Gazette of the Republic of Rwanda corresponds to the wording of the law passed by the Plenary Assembly.

Article 128:

If the initiative to amend the Constitution is made by the Senate, it shall be adopted by a two-thirds (2/3) majority vote of members of the Senate. When the relevance of the amendment has been adopted by the Senate, it shall be sent to the Chamber of Deputies.

When the amendment has been adopted by the Chamber of Deputies, it shall be sent back to the Senate.

A constitutional amendment shall be adopted by a three quarters (3/4) majority vote of the Senate as provided for by article 193 of the Constitution.

TITLE III: DEBATES IN URGENT CIRCUMSTANCES**Article 129:**

In urgent circumstances, upon request by the Government, or on a decision of the Senate at the request of a Member, the provisions of this organic law concerning the agenda, translations or time schedule shall be disregarded.

When a Member requests that a draft bill or any other issue be urgently debated on, his or her request shall be adopted by a two thirds (2/3) majority vote of Members present in the plenary sitting. When such a request is made by the Government, it shall always be granted.

When it is decided that a draft bill or any other issue be urgently debated on, they shall be given due priority on the agenda.

Article 130:

After general debates referred to in article 118 of this Organic law, the Senate Bureau shall refer the urgent bill to the appropriate Committee for urgent consideration.

When the Senate is to make an urgent decision, the person chairing the sitting shall set time limit to be allotted to each member who wishes to speak, without due consideration to provisions of article 26 of this organic law.

Article 131:

After the general debates, the author of a bill may request that the draft bill under consideration be put directly to vote without being considered by a Committee. That request shall be adopted by a three fifths (3/5) majority vote of Members present.

After presenting its report, a Committee that considered a draft bill may request that the provisions of the draft bill be put to vote without debate. That request shall be adopted upon by a three- fifths (3/5) majority vote of Members present.

TITLE IV: PROCEDURES FOR EXECUTIVE OVERSIGHT

Article 132:

During sessions, one sitting per week shall be devoted to questions by members of the Senate to the Executive and answers thereto. The Prime Minister, Ministers or Minister of State, or any other member of the cabinet shall attend the sitting if they are informed at least seven (7) days before the scheduled plenary sitting.

In the event that a sitting on government oversight that was scheduled and does not take place, another item is put on the agenda.

Debates in a plenary sitting devoted to the examination of Members' documents and to the consideration of reports regarding Executive oversight shall be conducted in accordance with article 26 of this Organic law.

Notwithstanding the foregoing, where a plenary sitting is devoted to answers to oral questions, only Members who submitted their questions, or their representatives thereof, may register on the first list. Any Member may, however, have his or her name registered on the second and third list in accordance with provisions of article 26 of this organic law.

Article 133:

With regard to Executive oversight, Members may put either oral or written questions to the Prime Minister to which he or she personally provides explanations thereof if they relate to the entire Executive or several Ministries. Otherwise the questions shall be answered by relevant Ministers if they concern issues in their Ministries.

The Senate may also set up commissions of inquiry for Executive oversight.

However, it shall not proceed to an interpellation or initiate a motion of no confidence.

The procedures for Executive oversight shall be determined by an organic law.

TITLE V: LODGING A PLAINT AGAINST POLITICAL ORGANIZATIONS

Article 134:

As provided for by article 55 of the Constitution, the Senate may lodge a plaint against a political organisation which has grossly violated the obligations contained in the provisions of article 52, 53 and 54 of the Constitution.

A decision to lodge a plaint against a political organization shall be taken by the Plenary Assembly upon a three - fifths (3/5) majority vote of Members present.

The President of the Senate shall refer the plaint to the High Court of the Republic.

The Senate shall be represented before courts in the same way other public institutions are represented.

TITLE VI: COMMON PROVISIONS TO THE SENATE AND THE CHAMBER OF DEPUTIES

Article 135:

The Parliament may be convened in an extraordinary joint session after consultations between the Presidents of both Chambers or at the request of the President of the Republic or that of a quarter (1/4) of members of each Chamber.

Article 136:

For the purpose of implementing article 79 of the Constitution, the Speaker of the Chamber of Deputies shall seek the opinion of the Senate on the finance bill before its final adoption and after the Chamber of Deputies has adopted the relevance thereof.

When the bill has been submitted to the Senate, the President of the Senate submits it to the Standing Committee having finance in its competence. The Standing Committee shall examine the bill and its comments thereon shall be decided upon by the Plenary Assembly and be submitted to the Chamber of Deputies.

When the bill is under consideration in the relevant Committee of the Chamber of Deputies, the Senate may be represented in the said Committee in order to give explanations on the opinion expressed by the Senate on the bill.

Article 137:

When a draft bill is under consideration in a Standing Committee of the Senate, the Chamber of Deputies may be represented.

Article 138:

For the purpose of implementing provisions of article 95 of the Constitution, when the Senate adopts a draft bill after making amendments to it and when those amendments are not accepted by the Chamber of Deputies, the Speaker of the Chamber of Deputies shall inform the President of the Senate thereof.

The President of the Senate and the Speaker of the Chamber of Deputies shall in a period not exceeding seven (7) days and after consultation with the Bureau of each Chamber, set up a joint commission made of five (5) Members and five (5) Deputies that will make proposals as to the compromise.

The compromise reached shall be adopted by the joint commission and shall be submitted to each Chamber which shall adopt it without any other amendment.

In the event that a compromise is not reached by the joint commission or in the event one Chamber does not adopt the compromise reached by the joint commission, the draft bill shall be returned to its author.

The draft bill which has been returned to its initiator shall not be re-examined in the same session.

In the event the author wishes the draft bill to be examined in another session, he or she shall table it before the Chamber of Deputies.

Article 139:

When a law is adopted by both Chambers of Parliament, the Speaker of the Chamber of Deputies forwards it to the Prime Minister for promulgation by the President of the Republic.

Article 140:

Parliamentary networks bringing together Senators and Deputies may be established. Such networks are approved by each Chamber of the Parliament.

In the event one Chamber does not approve a parliamentary network, members of this Chamber shall not be allowed to be members of that network. However, this does not prevent members of the other Chamber from establishing the network and being members thereof.

Article 141:

Institutions, which according to the Constitution submit their reports to Parliament, shall do so in writing to each Chamber in writing.

They shall also verbally present their reports in a common sitting of both Chambers.

The relevant Standing Committee of each Chamber shall examine the report and make comments thereon. The Plenary Assembly of each Chamber shall examine the recommendation of the Standing Committee and make a decision thereon. Such a decision shall be submitted to the relevant organs.

Article 142:

When the Senate and the Chamber of Deputies meet in one joint sitting, each Chamber shall make decisions separately and in accordance with its own rules of procedure.

Article 143:

Notwithstanding provisions of article 142 of this organic law, when the Senate and the Chamber of Deputies meet in one joint sitting, the business therein shall be conducted in accordance with the rules of procedure the Chamber of Deputies.

Article 144:

Matters concerning the working relations between the two Chambers of the Parliament which are not provided for by this organic law shall be addressed upon consultation of the Bureaus of both Chambers of the Parliament.

TITLE VII: MISCELLANEOUS AND FINAL PROVISIONS**Article 145:**

Pursuant to article 108 of the Constitution, when the President of the Republic requests Parliament to reconsider adopted organic or ordinary laws, the Plenary Assembly shall be informed and consider them afresh. Usual legislative procedures shall be applied.

Article 146:

Any new agenda of the Senate shall be submitted to Members at least two days before its items are discussed by the Plenary Assembly except in case of emergency. Such agenda shall be published through all means of information and communication available.

Article 147:

At the beginning of every ordinary session, the Bureau of the Senate shall make the Senate activity report of the previous session.

Article 148:

The Senate budget proposal shall be submitted for decision to the Plenary Assembly at least five (5) days before it is integrated in the finance bill.

Article 149:

Members shall choose one of the languages provided for by the Constitution to express their opinion orally or in writing.

Article 150:

For matters that are not provided for by this organic law, the Bureau of the Senate shall propose ways of addressing them and the Plenary Assembly shall make a decision thereon.

Article 151:

Any proposal for amendment of this organic law shall be submitted to the President of the Senate who shall, in turn, submit it to Members.

When the Plenary Assembly adopts the relevance of the proposal for amendment, the amendment shall be submitted to the Conference of Chairpersons for consideration.

Article 152:

Networks which already exist have a period not exceeding three (3) months from the date of publication of this organic law to conform to its provisions.

Article 153:

Notwithstanding provisions of article 71 of the Constitution, Senators of the first legislature immediately after the Transition shall begin their session activities soon after they are sworn in.

This session is closed according to provisions of article 71 of the Constitution.

Article 154:

A Senator who is concerned by provisions of article 100 of this organic law is given thirty (30) days from the date of publication of this organic law in the official gazette of the Republic of Rwanda to comply with them.

However, a Senator who signed a tender contract with the State before the publication of this organic law, is allowed to go ahead with it until its termination. The President of the Senate is notified of the existence of the said contract and the Ombudsman is given a copy thereof.

Article 155:

This organic law comes into force on date of its publication in the Official Gazette of the Republic of Rwanda. It shall be effective as of October 10, 2003.

Kigali, 18/02/2005

The President of the Republic
KAGAME Paul
(sé)

The Prime Minister
MAKUZA Bernard
(sé)

Seen and sealed with the seal of the Republic:

The Minister of Justice
MUKABAGWIZA Edda
(sé)

ORGANIC LAW N° 03/2005 OF 25/02/2005 DETERMINING THE METHODS THE PARLIAMENT USES TO OBTAIN INFORMATION AND EXERCISES OVERSIGHT OF GOVERNMENT ACTION

We, KAGAME Paul,
The President of the Republic;

THE PARLIAMENT HAS ADOPTED AND WE SANCTION, PROMULGATE THE FOLLOWING ORGANIC LAW AND ORDER IT BE PUBLISHED IN THE OFFICIAL GAZETTE OF THE REPUBLIC OF RWANDA

The Parliament:

The Chamber of Deputies, in its session of February 7, 2005 ;

The Senate, in its session of December 24, 2004;

Given the Constitution of the Republic of Rwanda of June 4, 2003, as amended to date, especially in its Articles 60, 62, 87, 88, 90, 93, 95, 108, 116, 117, 118, 120, 128, 129, 130, 131, 132, 134 and 201;

Revisited Organic Law n° 3 bis /1997 of 14/04/1997 respecting means of information and review available to the Transitional National Assembly with regard to the Government action as modified and completed to date;

ADOPTS:

CHAPTER ONE: GENERAL PROVISIONS

Article one:

This organic law determines the procedures the Parliament uses to obtain information and exercises oversight of Government action.

The Parliament consists of two Chambers: The Chamber of Deputies and the Senate. Regarding the information and oversight of Government action and functioning, each Chamber shall function on its own.

Article 2:

Government action of which the Parliament is responsible for obtaining information and exercising oversight are indicated in general policies of the Government, that are agreed on between the President of the Republic and the members of Cabinet, with regard to the programs and strategies of its action.

Article 3:

Each Chamber of Parliament is fully entitled to make all investigations necessary to effectively carry out its mandate and review action of the Government.

Article 4:

The methods of obtaining information and exercising oversight of Government action set out in this organic law are applicable to the Prime Minister, Ministers, Ministers of State or other members of the Government.

CHAPTER II: PROCEDURES FOR OBTAINING INFORMATION AND EXERCISING OVERSIGHT OF GOVERNMENT ACTION**Section one: Means that facilitate the Parliament in obtaining information and exercising oversight of Government action.****Article 5:**

The Parliament obtains information and exercises oversight of Government action at all levels of activities, in Government projects and Public services under Government control through the following methods

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

However, the Senate shall not conduct interpellation or initiate a motion *of* no confidence.

Article 6:

Each Chamber of Parliament has the right to ask the Cabinet for copies of official documents in the custody of the Ministry, the Office *of* the Minister of State or in public services under Government control.

Those services submit the requested documents to the bureau of the Chamber that requested for them within a period that does not exceed eight (8) days from the day of the receipt of the request.

Article 7:

The Prime Minister informs both Chambers of the Parliament about Government action whenever possible.

Particularly, at the beginning of every year, the Prime Minister submits specific strategies and plan of action of each Ministry and the Office of the Minister of State to both Chambers of the Parliament.

The Prime Minister transmits to each Chamber of the Parliament the decisions of the Cabinet meeting and their annexes in a period that does not exceed 8 days from the day the meeting convened.

The Government is required to provide both the Chambers of Parliament with all necessary explanations requested on the management and action of the Government.

Article 8:

The Prime Minister informs both Chambers of Parliament every year of how specific strategies and plan of action of each Ministry and the Office of the Minister of State were implemented.

The Prime Minister, Minister, Minister of State or any other member of the Government may have consultations with the permanent committee of the Chamber of Parliament on their own initiative or upon request by that committee. Such a committee submits the report to the plenary session to take decision.

In regard to exchange of views on Government functioning, the technical advisers of the Ministry or of the Office of the Minister of State may take the floor in a committee.

Article 9:

In application of provisions of article 3 of this organic law, each Chamber of Parliament, committee, a group of Deputies or a group of Senators, a Deputy or a Senator, as an individual, have other ordinary methods to obtain relevant information that can help them exercise oversight of Government action throughout the country:

Such methods are the following

- 1° exchange of views between the Government and the Parliament or with each Chamber of Parliament separately;
- 2° meetings with the population ;
- 3° use of complaints of the population;
- 4° complaints of the population;
- 5° use of the media ;
- 6° testimonies;
- 7° reports of Commissions and organs constitutionally instituted;
- 8° investigations on specific issues.

Section 2: Oral questions

Article 10:

Oral questioning means that a Deputy, a Senator, a group of Deputies or a group of Senators requests the Prime Minister, Minister, Minister of State or any other member of the Government, depending on everyone's responsibilities, that he or she gives oral explanations on questions asked by the Plenary Session.

Article 11:

Any Deputy, a Senator, a group of Deputies or a group of Senators represented by its spokesperson who wish to ask oral questions the Prime Minister, Minister, Minister of State or any other member of the Government, shall inform the Plenary Session which takes a decision to inform the Government and indicates its urgency .

Article 12:

During Parliamentary sessions, one sitting each week shall be devoted to questions by members of Parliament addressed the members of Cabinet and the responses thereto.

The Speaker or the President of the relevant Chamber of Parliament informs the Prime Minister in writing, with acknowledgement of receipt, that one or several members of the Government are called upon to come and respond to oral questions in the Plenary Session devoted to questions and responses.

Article 13:

If one who requested to give an oral question is unable to attend the relevant Plenary Session, he or she may request a fellow Deputy or a Senator to ask the question. Failure to do so, the Plenary Session takes a decision to examine or postpone the examination of such an issue on that day.

Article 14:

If the Prime Minister, Minister, Minister of State or any other member of the Government is unable to attend, he or she gives reasons prior to the scheduled day in writing with acknowledgement of receipt, addressed to the Speaker of the relevant Chamber.

Article 15:

Reasons forwarded by the invited person are examined by the Bureau of the relevant Chamber to verify for its basis The Bureau informs those who made the request. The following Plenary Session thereon takes a decision

Article 16:

If the Prime Minister, Minister, Minister of State or any other member of the Government concerned with the issue is absent, such an issue becomes the first item on the agenda of the next Plenary Session reserved for questions and responses. The Speaker of the relevant chamber informs the Prime Minister.

If the Prime Minister, Minister, Minister of State or any other member of the Government is absent during two (2) successive occasions without giving reasons, the Plenary Session adopts one of the procedures to be employed among those stipulated in article 5 of this organic law.

Article 17:

After the Prime Minister, Minister, Minister of State or any other member of the Government has given explanations, the Plenary Session shall debate on the issue and renders a decision.

Article 18:

If the Plenary Session is not satisfied with the explanations given by the Prime Minister, Minister, Minister of State or any other member of the Government, it immediately determines one of the other procedures to be employed mentioned in article 5 of this organic law.

Section 3: Written questions**Article 19:**

Written questions means that a Deputy, a Senator, a group of Deputies or a group of Senators requests the Prime Minister, Minister, Minister of State or any other member of the Government, depending on every one's responsibilities, to give written responses to questions he or she received in writing.

Article 20:

When the oral explanations given do not satisfy the Plenary Session, after the debates conducted, the Plenary Session may change the submitted oral question into written one.

Article 21:

Any Deputy, a Senator, a group of Deputies or a group of Senators who wish to submit a written question shall submit it to the Speaker or the President of the Chamber to which he or she belongs.

The Speaker of the Chamber of Deputies or the President of the Senate may take a decision to join the same or related questions. Such questions are presumed to have been submitted on the same day with the principal related question .

Article 22:

The Speaker or the President of the relevant Chamber submits in writing the question to the Prime Minister, to invite him or her to respond to questions that concern him or her, or the whole government, or requesting him or her to invite the Minister, Minister of State or any other member of the Government if it concerns them. The copy of that letter is sent to the President of the Republic. The letter of the Speaker or the President of the relevant Chamber indicates the date the person to be asked shall give explanations and invites the Prime Minister, Minister, Minister of State or any other member of the Government concerned to attend.

Article 23:

In a period not exceeding fifteen (15) days from the day he or she received the letter, the Prime Minister, Minister, Minister of State or any other member of the Government send a written reply to the Speaker or the President of the relevant Chamber and reserve a copy to the President of the Republic. After sending that reply, the person asked gives explanations within fifteen (15) days in the Plenary Session reserved to questions and responses.

Article 24:

Upon request, the Prime Minister, Minister, Minister of State or any other member of the Government, may receive an extension of the period of time specified in article 23 of this organic law to ensure response, upon approval by the bureau of the relevant Chamber. However, the extension of the period of time can not exceed fifteen (15) days from the day he or she received the letter granting the period extension.

Article 25:

If there is no response on the written question that is communicated within a period specified in accordance with article 23 or article 24 of this organic law, or if the response is not satisfactory to the Plenary Session after the debates, the Plenary Session immediately determines one of the other procedures to be employed provided for by Article 5 of this organic law.

Section 4: Hearings before committees**Article 26:**

Hearings before a Committee is one of the methods of obtaining information or exercising oversight of Government action, approved by the Plenary Session, inviting the Prime Minister, Minister, Minister of State or other member of the Government to come and give sufficient explanations before the Committee.

Such a Committee may be permanent; or with an additional Deputy a Senator, a group of Deputies or a group of Senators who initiated the issue under examination: The Plenary Session may also establish an ad hoc committee to examine such an issue.

Article 27:

If the Plenary Session is not satisfied during the period of oral and written questioning or during when the person be questioned did not attend without sound reasons, the Plenary Session may decide that the Prime Minister, Minister, Minister of State or any other member of the Government is heard in the co committee tiring. The relevant Chamber may also decide to employ such a method at any time it finds it a basis for obtaining information or exercising oversight of the Government action.

If hearings before a Committee is the method employed at first instance, it is admitted only where requested by a (1/5) of the members of the relevant Chamber and approved by the Plenary Session on absolute majority votes of the members present.

Article 28:

If hearing before a Committee is approved, the Speaker or the President of the relevant Chamber writes to the Committee mentioned in article 26 of this organic, law concerned with the issue and informs it about the decisions of the Plenary Session.

He or she also writes to the Prime Minister inviting him or her to come to give explanations in the committee if ` or she is concerned or if it concerns the whole Cabinet, or requesting him or her to send a Minister, Minister State or any other member of the Government to come for questioning in the committee hearing on the day and time specified in the invitation letter.

Article 29:

Hearing before Committee is conducted within eight days (8) from the day the Prime Minister receives the invitation letter.

Upon request the Prime Minister, Minister, Minister of State or any other member of the Government may benefit from the extension of this period.

The Speaker or the President of the relevant Chamber in collaboration with the Committee concerned with that issue shall examine the basis and reasons forwarded by the Prime Minister, Minister, Minister of State or any other member of the Government, and if they find that the request has a basis, they determine another deadline. Such a an extension can not be granted more than once.

Article 30:

Committee hearing is concluded, its report is submitted to the Speaker or the President of the relevant Chamber who includes it on the list of the items on the agenda of the Plenary Session.

After examination of the report of the committee, the Plenary session, if satisfied, approves if the issue is concluded. If the plenary session is not satisfied, it determines any other procedure provided for in article 5 of this organic law. Such decisions are taken through the absolute majority vote of the Deputies or Senators present.

Section 5: Commission of Inquiry

Article 31:

The Commission of inquiry used according to this organic law is aimed at establishing the truth on issues or things that occurred relating to Government action of which the Chamber of Parliament wishes to obtain further information.

Article 32:

The Commission of inquiry is used whenever a Chamber of Parliament is not satisfied because other methods employed did not provide sufficient explanations or if it considers it necessary to employ it as the first method.

Article 33:

If a Chamber of Parliament decides to set up a Commission of inquiry, it specifies clearly Government services, public institutions concerned and those which are supposed to be controlled by that commission as well as when, the report of the committee should be submitted.

Article 34:

Where the Committee of inquiry is the first method to be used, the Chamber of Parliament upon request by a Deputy, a Senator, a group of Deputies, a group of Senators or permanent committees, takes the decision in the Plenary Session by the absolute majority vote of the members present in the Plenary Session.

Article 35:

The members of the commission of inquiry are proposed by the Bureau of the Chamber of Parliament and approved by the Plenary Session upon absolute majority vote of the members present.

The Plenary Session approves the Chairperson of the commission of inquiry and its Vice Chairperson who is also responsible for the preparation of its report. They are proposed by the Bureau of the Chamber of Parliament from among the members of the commission and approved separately by absolute majority vote of the members present in the Plenary Session. .

Article 36:

When the commission of inquiry is established, the Speaker or the President of the relevant Chamber of the Parliament immediately writes a letter informing the Prime Minister and requesting him or her to inform the, Minister, Minister of State or any other member of the Government concerned with such an inquiry and indicating the mandate of the Commission, its members and the Bureau.

Article 37:

Regarding its mandate, the Commission of inquiry has full rights of questioning and research speech and material evidence that may establish facts on its inquiries. In that regard, the Chamber of Parliament may request the Plenary Session to take temporary measures to safeguard evidence. Those measures are respected and implemented by the authorities concerned.

Article 38:

After the establishment of the commission of inquiry, the Bureau of the Chamber of Parliament gives it all the necessary requirements to accomplish its mandate.

Before commencement of their mission, the members of the commission of inquiry are required by the Bureau of the relevant Chamber to sign a document which indicates that they accept to respect the necessary professional secrecy and the responsibilities entrusted to them.

Such a document can also be applicable even to the people from whom the commission of inquiry requires information and explanation or testimony, where they sign confirming their truthfulness and on the interest of the nation and its nationals.

Article 39:

No member of the commission of inquiry, its members of staff, witnesses or others from whom it may seek assistance shall be mistreated, persecuted or tortured physically or morally due to reasons related to the duties or responsibilities of the commission of inquiry.

Article 40:

Each commission of inquiry submits a report to the Chamber of Parliament that established it within the given of time. If such a period expires before the completion of its mission, it informs the Bureau and it is the Session that may extend the period.

Article 41:

Debates on the report submitted to the Plenary Session are closed by a vote on one or several decisions.

Debates are closed by a vote on a decision indicating the role in mistakes of the Prime Minister, Minister, Minister of State or any other member of the Government or turning him or her to be innocent. That decision is by an absolute majority vote of the members present in the Plenary Session.

Plenary Session may decide to publicise part or the whole report of the commission of inquiry in an appendix of the proceedings of the debates.

Article 42:

When the report of the commission of inquiry is approved by the Plenary Session, the Speaker or the President the relevant Chamber transmits its copy to the President of the Republic, the Prime Minister, Minister, Minister of State or any other member of the Government concerned with the inquiry.

Article 43:

The member of the commission of inquiry and its members of staff are required to keep secret of what they know in such an inquiry, before and after submitting the report of the committee.

Article 44:

When a Deputy, a Senator, a group of Deputies, a group of Senators or the Bureau of the Chamber of Parliament s that the committee is not functioning effectively, such an issue shall be included on the agenda of the Session. The Plenary Session may revise the commission or replace it with another one.

Article 45:

The commission of inquiry is temporary. It is dissolved after the Plenary Session takes a decision on its report.

Section 6: Interpellation**Article 46:**

With reference to decisions taken by the plenary session of the Chamber of Deputies on the report of the commission of inquiry, any Deputy, a group of Deputies or the Plenary Session itself may decide to ask the Minister, Minister, Minister of State or any other member of the Government through interpellation. The decision to conduct an interpellation is taken by the Chamber of Deputies with an absolute majority vote of Deputies present.

Article 47:

Interpellation is one of the means applied by the Chamber of Deputies in exercising oversight over the action of the Government, requesting the Prime Minister, Minister, Minister of State or any other member of the Government to give explanations in the Plenary Session regarding the allegations identified by the report of inquiry prepared by one or more commission on his or her functioning and activities.

Article 48:

The method of interpellation is approved by the Plenary Session of the Chamber of Deputies after finding that the allegations mentioned in the report of the Commission of inquiry are true regarding the Prime Minister, Minister, Minister of State or any other member of the Government in his or her responsibilities or according a services under his or her control.

Article 49:

A Deputy or a group of Deputies that decides to call upon the Prime Minister, Minister, Minister of State or an, other member of the Government for interpellation, shall submit to the Speaker of the Chamber of Deputies a letter requesting for it accompanied by a note indicating the issues identified by the report of the committee of inquiry of which they require explanations.

Article 50:

If the Speaker of the Chamber of Deputies receives a letter calling upon the Prime Minister, Minister, Minister of State or any other member of the Government for interpellation, he or she informs the Deputies in the following Plenary Session of the Chamber of Deputies.

Unless the Plenary Session decides to examine it in an urgent sitting upon request by a fifth (1/5) of the Deputies present; otherwise the interpellation shall be included on the list of items on the agenda of the following day o: the Plenary Session devoted for questions and responses.

Article 51:

The Speaker of the Chamber of Deputies sends an invitation letter for interpellation to the Prime Minister, Minister, Minister of State or any other member of the Government concerned with the issue requesting him or her to attend the sitting for interpellation. The letter also specifies the day and hour of the interpellation.

The copy of such a letter is sent to the President of the Republic.

Article 52:

After the response of the Prime Minister, Minister, Minister of State or any other member of the Government, debates are declared open.

The debates on such interpellation are closed by a vote in favour of release or by admitting the request for the motion of no confidence mentioned in paragraph two of article 54. The voting is conducted through secret ballot, and decisions are taken through an absolute majority vote of the Deputies present.

Article 53:

Unless the plenary session decides otherwise, all questions asked through interpellation shall be completed during the sitting in which the debate was conducted.

CHAPTER III: MOTION OF NO CONFIDENCE**Article 54:**

The Chamber of Deputies may put the performance of the 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 if 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 it shall be adopted through a secret ballot by a majority of at least two thirds of the members of to Chamber of Deputies.

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

Article 55:

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

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

When 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 56:

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

The debate on the request for a vote of confidence may not take place before the expiry of seventy two (72) hours from the time the request was submitted,

A vote the motion of confidence may only be rejected through a secret ballot by a majority of two thirds (2/3) of the members of the Chamber of Deputies.

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

CHAPTER IV: MISCELLANEOUS AND FINAL PROVISIONS

Article 57:

Prime Minister, Minister, Minister of State or any other member of the Cabinet who is requested to give explanations in the Plenary Session or in the commission must not move away from the subject and shall respect the Session and his or her interlocutors.

In case he or she does not respect it, the Plenary session may approve a higher method of oversight that is appropriate to be applied.

Article 58:

It is prohibited for any Deputy or a Senator to obstruct the functioning of the commission of inquiry or use rights granted by this organic law for personal interests.

The plenary session, after being informed by the commission that has been obstructed, shall decide whether a Deputy or a Senator is convicted of an offence of obstructing the committee of inquiry.

Regarding the members of the Cabinet, it is also prohibited to use any means to obstruct any achievements of the oversight provided for by this organic law.

Anyone who does it is punished by provisions specified by the penal code in accordance with the gravity of the committed.

Article 59:

Without evading other penal laws, the Prime Minister, Minister, Minister of State or any other member of the Cabinet who contravenes the stipulations of article 58 of this organic law, provisions of article 54 of this organic law shall be applicable.

Article 60:

All questions presented by Deputies or Senators either in words or in writing with an intention of obtaining information and oversight of Government action, dates and their presenters shall be recorded in the appropriate book according to how they were presented.

There shall be written also all decisions of the Plenary Session relating to obtaining information and oversight of Government actions and functioning.

Article 61:

Organic Law n° 3 bis 1997 of April 14, 1997 respecting means of information and review available to the Transitional National Assembly with regard to Government action and functioning as modified and completed to this day is hereby abrogated.

Article 62:

This organic law comes into force on the day of its publication in the Official Gazette of the Republic of Rwanda.

Kigali, on 25/02/2005

The President of the Republic
KAGAME Paul
(sé)

The Prime Minister
MAKUZA Bernard
(sé)

Seen and sealed with the Seal of the Republic

The Minister of Justice
MUKABAGWIZA Edda
(sé)

PRESIDENTIAL ORDER N° 10/01 OF 07/03/2005 DETERMINING THE MODALITIES OF IMPLEMENTATION OF COMMUNITY SERVICE AS ALTERNATIVE PENALTY TO IMPRISONMENT

We, KAGAME Paul,
President of the Republic,

Given the Constitution of the Republic of Rwanda of 04 June. 2004, as amended to date, especially in its Articles 9-1° and 9-2°, 112, 113 and 201;

Given Organic Law n° 16/2004 of 19 June 2004 on organisation, competence and functioning of Gacaca Courts in charge of prosecuting and trying the crime of genocide and other crimes against humanity committed between October 1, 1990 and December 31, 1994, especially in its Articles 73-2° and 73 -3°, 74, 78-3°b,c and 78-4° a,b,c and 80;

Revisited Presidential Order n° 26/01 of 10 December 2001 relating to the substitution of the penalty of imprisonment for community service;

After consideration and approval by Cabinet, in its session of 10 November 2004;

HAVE ORDERED AND DO HEREBY ORDER:

CHAPTER ONE: GENERAL PROVISIONS

Article One:

This Presidential Order establishes and determines implementation modalities for the organization and the commutation of prison sentence into community service, pursuant to Article 80 of Organic Law n°16/2004 of 19 June 2004 establishing the organization, competence and functioning of Gacaca Courts in charge of prosecuting and trying perpetrators of the crime of genocide and other crimes against humanity, committed between October 1, 1990 and December 31, 1994.

Article 2:

In this Presidential Order, the term "community service" as an alternative penalty to imprisonment, refers to the obligation on the individual convicted of genocide or other crimes against humanity to perform, while under house arrest, unpaid work of public interest as an alternative penalty to imprisonment, in a place designated pursuant to provisions of Chapter III of this Order.

Institutions where community service may be performed shall be any public administration institutions or other organizations approved by virtue of the social character of their responsibilities and the benefit which the work to be performed in those institutions brings to the general public.

Article 3:

Community service activities shall be those so designated according to the provisions of the Law.

CHAPTER II: ORGANS OF MANAGEMENT AND SUPERVISION OF THE IMPLEMENTATION OF THE ALTERNATIVE PENALTY TO IMPRISONMENT

Section One: General Provisions

Article 4:

Hereby established are National Committee, an Executive Secretariat, a Provincial Committee and a Committee of the City of Kigali, a District and a Municipality Committee, as well as a Sector Committee, responsible for the management and follow-up of the execution of community service as an alternative penalty to imprisonment.

Section 2: National Committee for implementing community service as an alternative penalty to imprisonment.

Article 5:

A National Committee for implementing community service as an alternative penalty to imprisonment shall be made up by:

1. the Minister holding justice within his remit, Chairperson
2. the Minister holding local government within his remit: Vice-Chairperson;
3. the Executive Secretary of the National Committee: Secretary;
4. a representative of the Ministry holding prisons within its remit;
5. the General Prosecutor of the Republic;
6. the Executive Secretary of the National Service responsible for following up Gacaca Court activities;
7. the Commissioner General of the National Police;
8. a representative from the National Unity and Reconciliation Commission;
9. a representative of the Ministry holding labour within its remit
10. 2 representatives from Human Rights Associations;
11. 2 representatives from Associations involved in genocide victims advocacy, including one male and one female.

Article 6:

The National Committee has the following functions:

1. to adopt each year the policy for the alternative penalty to imprisonment, the strategic plan, the annual work plan and budget of the Executive Secretariat of the National Committee for the community service;
2. to monitor the activities of the Executive Secretariat for community service as an alternative penalty to imprisonment;
3. to adopt the report on the execution of community service throughout the national territory and forward it to the Prime Minister;
4. to advise Government on issues relating to community service and on the possibility of adopting community service as an alternative penalty to imprisonment for common crimes;
5. to take all measures it may deem appropriate and in conformity with the laws and regulations in force, to ensure the execution of community service as an alternative penalty to imprisonment;
6. to solve and, assist in solving all problems submitted by Provincial and Kigali City Committees while implementing the alternative penalty TO imprisonment;
7. to identify services which do not qualify as community service pursuant to Articles 3 and 25 of this Order and to resolve disputes which may arise in the execution of such activities;
8. to adopt its own internal rules and regulations.

Article 7:

The National Committee shall meet at least once every 3 months and whenever necessary, upon request by its Chairperson or his or her substitute, on his or her own initiative or at the written request of one-third of its members. The Committee shall convene and make valid decisions when at least two-thirds of its members are present.

Article 8:

An Executive Secretariat to be attached to the Ministry holding justice within its remit shall enjoy administrative and financial autonomy and be headed by an Executive Secretary to be appointed by a Prime Minister's Order on proposal by the Minister holding justice within his or her remit.

Article 9:

The Executive Secretariat shall have the following functions:

1. to prepare and perform all activities relating to the planning of the alternative penalty to imprisonment, and those relating to the strategic plan and annual work plan and budget of the Executive Secretariat;
2. to supervise the implementation of decisions taken by the National Committee;
3. to follow up, coordinate and supervise the activities of the staff responsible for community service throughout the national territory;
4. to prepare an annual evaluation/analysis report on the activities for the alternative penalty;
5. to scrutinize reports from various community service committees for the National Committee;
6. to prepare National Committee meetings and collaborate with other committees;
7. to coordinate fund mobilization actions to support projects to be implemented an alternative penalty to imprisonment;
8. to carry out any other duties as may be requested by the National Committee.

Article 10:

The Executive Secretariat shall be provided with necessary staff members by competent authorities in accordance with current applicable laws and other requirements identified by the National Committee.

A Prime Minister's Order shall establish the organizational structure of the Executive Secretariat of the National Committee for community service.

Article 11:

The Executive Secretary shall coordinate the daily activities of the Executive Secretariat and be answerable to the Chairperson of the National Committee to whom he or she shall submit activity reports, with copies to all Committee members.

Article 12:

With the exception of employees seconded to the Executive Secretariat by organizations involved in community service as an alternative penalty to imprisonment whose status is governed by contracts negotiated and signed by those organizations and the National Committee, community service supervisors at Province and the City of Kigali, District and Municipality and, where possible, at

Sector level, shall be governed by the General Statutes for Government employees or by their own job contracts.

Article 13:

The responsibility of the supervisor for community service as an alternative penalty to imprisonment is to organize those activities within his or her territorial jurisdiction in accordance with guidelines issued by the National Committee.

At his or her level, this employee shall assist in the implementation of community service, notably by assisting in scrutinizing applications from organizations interested in receiving convicts for community service and allocating them to those organizations on the basis of information obtained on the spot, as well as in following up convicts performing community service through visits to places where community service is being carried out.

This employee shall make a monthly progress report on execution of community service and forward it to the Committee of the area which he or she is responsible for and also give a copy to the Committee at higher level.

Section 3: Committees for Provinces, the City of Kigali, Districts, Towns and Sectors for Community service as an alternative penalty to imprisonment.

Sub-section One: Composition

Article 14:

The Committee for the Province or the City of Kigali in charge of community service penalty shall be composed of

1. the Prefect of the Province or the Mayor of the City of Kigali: Chairperson;
2. the Prosecutor at the Province or City of Kigali level: Vice-Chairperson;
3. the Official responsible for community service as an alternative penalty to imprisonment at the level the Province or City of Kigali: Secretary;
4. a representative, at the level of the Province or City of Kigali, of the National Service for Gacaca Courts;
5. the Director holding prison management within his or her remit at the level of the Province or City Kigali;
6. the Director in charge of administration and legal affairs at the level of the Province or City of Kigali;
7. a representative of the National Police at the level of the Province or City of Kigali;

8. a representative of the National Unity and Reconciliation Commission at the level of the Province or City of Kigali;
9. 2 representatives from Human Rights Associations working in the Province or City of Kigali;
10. 2 representatives from associations for the defence of the interests of genocide victims, at the level the of the Province or City of Kigali, one male, the other female;
11. the Official in charge of legal affairs in women organizations in the Province or City of Kigali.

Article 15:

The Community Service Committee at District or Municipality level shall be composed of :

1. the Mayor of the District or Municipality: Chairperson
2. a representative, at District or Municipality level, from the National Service for Gacaca Courts: Vice Chairperson;
3. the Official in charge of community service as an alternative penalty to imprisonment at District or Municipality level: Secretary;
4. the Prosecutor at District or Municipality level;
5. the Official in charge of economy and finance at District or Municipality level;
6. a representative from the National Police at District or Municipality level;
7. 2 representatives from Human Rights Associations working at District or Municipality level;
8. 2 representatives, at District or Municipality level, from associations for the defence of the interests of genocide victims, one female and the other male;
9. the Official in charge of legal affairs in women organizations at District and Municipality level.

Article 16:

The Sector Committee for Community Service as an alternative penalty to imprisonment shall be composed of:

1. the Coordinator of the Sector: Chairperson;
2. the Official in charge of Social Affairs: Vice-Chairperson;
3. the elected Secretary: Secretary;
4. the Official in charge of development at Sector level;
5. all Coordinators of the Cells comprising the Sector;
6. 2 representatives, at Sector level, from Human Rights Associations;
7. 2 representatives, at Sector level, from associations for the defence of genocide victims' interests;
8. the Official in charge of security at Sector level;
- 9; the Official in charge of legal affairs in women organizations at Sector level.

Sub-section 2: Responsibilities

Article 17:

The Committee for the Province or City of Kigali shall be responsible for the coordination of activities relating to the execution of community service as an alternative penalty to imprisonment in the Province or City of Kigali.

In that respect, it:

1. solves and assists in solving all problems faced by District or Municipality Committees in relation to the execution of community service as an alternative penalty to imprisonment within its territorial jurisdiction;
2. makes recommendations to the National Committee on any measure likely to improve the execution of community service as an alternative penalty;
3. takes all decisions it deems necessary, within its jurisdiction, provided they are consistent with applicable laws and regulations for the smooth execution of community service as an alternative penalty to imprisonment;
4. identifies tasks that should be carried out in the Province or the City of Kigali as an alternative penalty to imprisonment and submit them to the Executive Secretariat of the National Committee for Community Service;
5. ensures the coordination, within its territorial jurisdiction, of all activities for the alternative penalty to imprisonment, analyses them and prepares a report to the Executive Secretariat of the National Committee.

Article 18:

The District or Municipality Committee for the alternative penalty to imprisonment:

1. registers and considers applications for approval on behalf of institutions to receive persons convicted by Gacaca Courts to execute community service as an alternative penalty to imprisonment;
2. identifies, within its territorial jurisdiction, tasks and projects likely to be executed as alternative penalties to imprisonment, and files reports to the Committee for the Province or of the City of Kigali:
3. assigns persons convicted by Gacaca Courts who have served half their term of imprisonment and are residing or living in its territorial jurisdiction to institutions where they are to serve the rest of the sentence by undertaking community service as an alternative penalty to imprisonment. To this end, prison authorities shall forward to relevant Committees of the Province or City of Kigali the list of names and full identities of prisoners who are due to be released within the following 3 months in order to carry out community service. These Committees shall forward them to District and Municipality Committees;
4. determines for every convict a timetable and work programme for the execution of community service in accordance with modalities set out in Chapter 1V of this Order;
5. requests to be taken back to prison any person carrying out community service but becomes defaulting, pursuant to Article 80 of Organic Law n°16/2004 of 19 June 2004 setting up Gacaca Courts and organizing prosecutions for offences constituting the crime of genocide and other crimes against humanity committed between 1st October 1990 and 31 December 1994.
6. within its jurisdiction, takes any measure deemed appropriate and in compliance with applicable laws and regulations to ensure the successful execution of community service as an alternative penalty to imprisonment;
7. makes a monthly report on its activities and on the execution of alternative penalty to imprisonment in the District or Municipality and forwards it to the Committee for the Province or City of Kigali, with copy to Executive Secretariat.

Article 19:

The Sector Committee:

1. follows up, within its jurisdiction, the execution of community service as an alternative penalty to imprisonment and makes a monthly report to be forwarded to the District or Municipality Committee;
2. takes all measures it deems appropriate and in compliance with applicable laws and regulations to ensure the successful execution of community service as an alternative penalty to imprisonment;
3. makes recommendations to the District or Municipality Committee on any measure likely to improve the execution of community service as an alternative penalty to imprisonment;
4. closely follows up the daily conduct of convicts carrying out their alternative penalty to imprisonment, and files report to the District or Municipality Committee.

Article 20:

Each District or Municipality Committee and each Sector Committee shall meet at least once every month, whereas each Committee for the Province or City of Kigali shall meet at least once every 3 months.

Each Committee shall meet on request by its Chairperson or his or her substitute, at his or her own initiative or upon the written request of 1/3 of its members.

Each Committee shall convene and take binding decisions where at least 2/3 of its members are present.

Decisions shall be taken by the absolute majority vote of members present.

CHAPTER III: INSTITUTIONS TO RECEIVE CONVICTS CARRYING OUT AN ALTERNATIVE PENALTY TO IMPRISONMENT**Article 21:**

Institutions willing to receive convicts carrying out community service as an alternative penalty to imprisonment shall apply for it.

Public institutions, parastatal organizations and non governmental organizations wishing to register tasks on the list of tasks likely to be executed as community service shall make appropriate requests in writing to the District or Municipality Committee within whose jurisdictions the work is to be carried out.

Article 22:

The letter requesting for authorization to receive convicts shall be sent to the Chairperson of the District or Municipality Committee together with:

1. a certified copy of the document of registration to participate in the execution of community service, or a copy of the law establishing that public administration institution;
2. a copy of the regulations governing the institution;
3. a list of all branches of the institution and the location of its head office;
4. the identity of the members of the Board of Directors, of the Executive Committee and its branch representatives, indicating their full names, date and place of birth, nationality, profession and domicile.

Article 23:

To the application for approval as an institution authorized to receive convicts for execution of community service as an alternative penalty to imprisonment shall also be attached a note indicating the nature and modalities for the execution of the proposed work, the authority charged with its supervision and the number of convicts the organization can receive.

This note shall also indicate whether the work is to be carried out on a permanent or temporary basis: whether the work is to be carried out in groups or individually; at the beginning of the week, during the week or at weekends; during daytime or at night according to the nature of the work to be undertaken and the resources at the disposal of the institution in order to ensure the successful execution of the work.

Article 24:

The District or Municipality Committee to which the request is addressed shall carry out all necessary investigations. It shall make decisions on the basis of the perceived benefit for the community and for the person performing community service as well as of the beneficial effect on the rehabilitation of the convict.

Those services must not be for the personal interests of those owning or managing the host institutions.

The benefit realized by host institutions from the work undertaken in relation with the execution of alternative penalty shall be paid into the Public Treasury.

Article 25:

Pursuant to Article 76 of Organic Law n° 16/2004 of 19 June 2004 establishing the organization, competence and functioning of Gacaca Courts in charge of prosecuting and trying the crime of genocide and other crimes against humanity committed between 1 October 1990 and 31 December 1994, and without prejudice to provisions of Article 6 of this Order, activities which may be carried out within community service as an alternative penalty to imprisonment may be of many types, including

1. erosion control;
2. maintenance activities on rivers and lakes
3. environment protection, tree planting and maintenance activities of existing forests;
4. marshland and terraces' development;
5. installation of domestic equipment in public buildings and their maintenance;
6. services relating to the maintenance of government buildings and all other Government-owned property such as public gardens, recreation parks;
7. construction and rehabilitation of schools, hospitals, houses for the poor and disabled but only upon request by the District or Municipality administration, and of other public buildings;
8. construction and rehabilitation of roads and bridges;
9. cultivation of food crops to feed prisoners and any other persons cared for by Government;
10. any other works as may be decided by the National Committee.

Article 26:

The legal document authorizing any institution to receive convicts for performing community service shall indicate:

1. the nature of the work to be undertaken as an alternative penalty to imprisonment and the location where it is to be carried out;
2. the number, identities and any expertise of the prisoners required to do the work;
3. the competent service of the host institution responsible for the supervision of the execution of the community service.

Article 27:

After being authorized to receive convicts to perform community service, the concerned institution shall enter a contract with the District or Municipality Committee and a copy of that contract shall be sent to the Executive Secretariat. The nature of the contract and its duration shall be decided by the District or Municipality Committee.

Article 28:

Any District or Municipality Committee which issues or revokes its authorization to an institution to receive convicts to perform community service shall inform all Sector Committees within its jurisdiction and the Committee of the Province or City of Kigali, and forward a copy to the Executive Secretariat.

**CHAPTER IV: EXECUTION OF COMMUNITY SERVICE AS AN ALTERNATIVE
PENALTY TO IMPRISONMENT**

Article 29:

Within a period of 30 days before any prisoner is released from custody in order to undertake any community service work, the District or Municipality Committee shall inform them in writing of the place where they are to finish their alternative punishment and of the type of services to be carried out.

Article 30:

The Committee of the Province or the City of Kigali may, upon request by the District or Municipality Committee where a prisoner subject to community service resides, transfer the convict to carry out community service in another District or Municipality situated within the same Province or in the City of Kigali.

The Committee of the Province or City of Kigali may, upon request by another Committee of the Province or City of Kigali, after consultation with District and Municipality Committees, where prisoners supposed to execute community service live or reside, give the requesting Committee a number of convicts in order to carry out community service tasks in that District or Municipality.

A convict serving his or her sentence as community service as provided for under this Article shall be supervised by the Committee of the District or Municipality within whose jurisdiction the convict is performing his or her community service in accordance with the modalities stipulated by this Order.

Article 31:

At the beginning of his execution of the penalty of community service, the convict shall report to the place where community service is to be carried out with the official letter confirming the place where he or she will perform community service.

Article 32:

Without prejudice to legal working hours, community service work shall be carried out at the rate of three days a week.

This punishment shall end on the day on which the prison sentence imposed by Gacaca Court expires.

However, on request by the host institution and with the consent of the convict, the District or Municipality Committee may authorize that the working days within a period not exceeding one year, be consolidated into a shorter period depending on the nature of the workload to be carried out.

Article 33:

All community service work shall be carried out in accordance with the schedule and timeframe agreed up on and beforehand between the District or Municipality Committee and the host institution.

The schedule and timeframe shall be displayed on the walls and notice boards reserved for that purpose inside the institution and in the District or Municipality where the work is to be carried out.

Article 34:

The period during which the penalty of community service is to be executed may be suspended for serious reasons.

Such an interruption shall be decided by the District or Municipality Committee, upon request by the Sector Committee, on its own initiative or after considering the causes put forward for that suspension.

Should the reason for interruption cease to exist, the convict would have to serve all the remaining days of the sentence.

Article 35:

Allocating convicts to institutions where they are supposed to carry out community service shall be done depending on:

1. requirements for the good functioning of the institution;
2. the nature of the works proposed and their benefit for the general public;
3. the physical and intellectual capacities of the convict;

4. the capacity in those institutions to implement projects for which they seek contribution from community service;
5. the fact that activities in those institutions are in line with or complement government policies.

Also to be taken into account shall be the places of residence of the convicts and the manner in which the community service to be carried out will facilitate their social reintegration.

Article 36:

Every three months, institutions and organizations where community service as an alternative penalty to imprisonment is executed shall forward to the District or Municipality Committee which authorized them to, receive convicts, quarterly reports approved by members of the Sector Committee within whose jurisdiction those institutions operate and provide a copy to the Committee of the Province or of the City of Kigali.

Article 37:

Community service to be carried out as an alternative penalty to imprisonment shall be regulated by the provisions of the laws and regulations governing healthcare, night labour, hygiene, security at work, medical care in institutions as well as labour laws relating to women and minors.

Performing community service work as an alternative penalty to imprisonment is not incompatible with the exercise of any professional activity provided the latter does not hinder the execution of the penalty imposed by court.

Article 38:

A convict who is carrying out community service shall have neither the right to leave the country except for serious reasons approved by the National Committee, nor to leave his or her Province without prior consent of the Provincial Committee; nor the right to leave the District unless upon request and approval of the Committee of the District in which community service is being performed.. .

Convicts shall be authorized to go out of the territorial limits set by the court that assigned them residence only with the consent of the Provincial Committee for Community Service..

Before undertaking any journey that may interrupt community service, the convict must get the prior authorization from the District Committee within whose jurisdiction community service is being carried out.

That Committee shall decide after considering the views of the host institution and of the Sector Committee.

CHAPTER V: SUSPENSION OF COMMUNITY SERVICE AS AN ALTERNATIVE PENALTY TO IMPRISONMENT

Article 39:

The host institution shall inform without delay the District or Municipality Committee and the relevant official responsible for the alternative penalty in the District or Municipality of any fault ascribable to the convict and of any damage caused or suffered by the convict in the performance of his or her work. The District or Municipality Committee shall take any measure deemed appropriate.

In case of repeated offence, the time served by the convict as community service shall be nullified and the concerned person shall be re-arrested and taken back to prison to serve the remaining term of imprisonment and to be prosecuted for his or her new offence, in accordance with Article 74 of Organic Law n° 16/2004 of 19 June 2004 establishing the organization, competence and functioning of Gacaca Courts in charge of prosecuting and trying the crime of genocide and other crimes against humanity committed between 1 October 1990 and 31 December 1994.

Article 40:

Where the Committee is aware that the convict sentenced to perform alternative penalty to imprisonment is not performing well, that sentence shall be nullified as well as the period of time served, and the concerned person re-arrested and taken back to prison to serve the full

Sentence rendered by the Gacaca Court.

CHAPTER VI: TRANSITIONAL AND FINAL PROVISIONS

Article 41:

In compliance with the provisions of Article 81 of the Organic Law n° 16/2004 of 19 June 2004 establishing, the organization, competence and functioning of Gacaca Courts in charge of prosecuting and trying the crime of genocide and other crimes against humanity committed between 1 October 1990 and 31 December 1994, the execution of the penalty of community service shall end on the last day of the sentence of imprisonment rendered by the competent Gacaca Court.

The institution for which the community service has been performed as an alternative penalty to imprisonment shall give to the District or Municipality Committee and to the convict, a document signed by the Official in charge of community service in the District or Municipality certifying that the convict has performed his or her obligations within the prescribed period of time.

A copy of that document shall be given to the Sector Committee, the Committee of the Province or of the City of Kigali, and to the Executive Secretariat and to the last resort Gacaca Court.

Article 42:

Committees responsible for supervising the execution of community service as an alternative penalty to imprisonment, established by Presidential Order n° 26/01 of 10 December 2001, shall remain in office, subject to replacement of their members where necessary.

Article 43:

Presidential Order n°26/2001 of 10/12/2001 relating to the substitution of the penalty of imprisonment for community service, as well as all provisions prior and contrary to this Order are hereby repealed.

Article 44:

This Order shall come into force on the day of its publication in the Official Gazette of the Republic of Rwanda.
It takes effect as of 19 June 2004.

Kigali, on 07/03/2005

The President of the Republic
KAGAME Paul
(sé)

The Prime Minister
MAKUZA Bernard
(sé)

The Minister of Justice
MUKABAGWIZA Edda
(sé)

The Minister of Local Government,
Good Governance, Community Development
and Social Affairs
MUSONI Protais
(sé)

Seen and sealed with the Seal of the Republic:

The Minister of Justice
MUKABAGWIZA Edda
(sé)