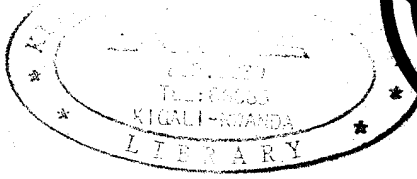


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**TABLE OF CONTENTS**

ORGANIC LAW N° 05/2005 OF 14/04/2005 ESTABLISHING AN INDEPENDENT NATIONAL COMMISSION RESPONSABLE FOR COLLECTION OF EVIDENCE INDICATING THE ROLE OF THE FRENCH STATE IN THE GENOCIDE THAT WAS PERPETRATED IN RWANDA IN 1994 .....	3
CHAPITRE ONE :ESTABLISHMENT, RESPONSIBILITY AND THE ORGANISATIONOF THE COMMISSION .....	4
CHAPTER II : APPOINTMENT OF THE MEMBERS OF THE COMMISSION AND THEIR FUNCTIONING .....	5
CHAPTER III: COLLABORATION WITH OTHER INSTITUTIONS .....	6
CHAPTER IV : FINAL PROVISIONS .....	7

**ORGANIC LAW N° 05/2005 of 14/04/2005 ESTABLISHING AN INDEPENDENT NATIONAL COMMISSION RESPONSABLE FOR COLLECTION OF EVIDENCE INDICATING THE ROLE OF THE FRENCH STATE IN THE GENOCIDE THAT WAS PERPETRATED IN RWANDA IN 1994**

**We, KAGAME Paul,**  
President of the Republic,

**THE PARLIAMENT HAS ADOPTED AND WE HEREBY SANCTION, PROMULGATE THIS ORGANIC LAW AND ORDER IT BE OUBLISHED IN THE OFFICIAL GAZETTE OF THE REPUBLIC OF RWANDA**

**The parliament:**

The Chamber of Deputies, in its session of April 4, 2005

The Senate, in its session of March 1, 2005-08-22

Given the Constitution of the republic of Rwanda of June 4, 2003, as amended to date, especially in its Article 62, 88, 90, 108, 176 and 201;

Given the International Convention on prevention and punishment for Crime of Genocide of December 9, 1948;

Given the International Convention signed in Geneva on August 12, 1949 relating to the protection of civilian persons in time of war as approved by the Rwandan State on May 5, 1964 and other additional protocols;

Considering that Crime of Genocide and Crimes against humanity were committed in Rwanda between October 1, 1990 and December 31, 1994

Considering that the United Nations acknowledges the perpetration of the Crime of Genocide and Crimes against humanity that were committed in Rwanda and that it established the International Criminal Tribunal for Rwanda in Arusha to prosecute and punish of such crimes that were committed between January 1 and December 31, 1994;

Considering that the Rwandan State which planned and implemented the genocide in Rwanda in 1994 was assisted by foreigners especially the French State.

Considering that those who participated in the Rwanda 1994 genocide should be prosecuted by organs of judiciary in Rwanda, those of other countries, and of International Criminal Tribunal for Rwanda, based in Arusha in Tanzania;

Considering that although the French State had a role planning and implementing 1994 genocide in Rwanda be made public;

**ADOPTS:****CHAPITRE ONE : ESTABLISHMENT, RESPONSIBILITY AND THE ORGANISATION OF THE COMMISSION****Article One:**

It is hereby established an independent National Commission responsible for collecting evidence indicating the role of the French State in planning and implementing the genocide that was perpetrated in Rwanda in 1994, hereafter called the "Commission" in short.

**Article 2:**

The Commission has a term of six months. It may be extended by using a Presidential Order

**Article 3:**

The headquarters of the Commission are in the City of Kigali, the Capital of the Republic of Rwanda.

**Article 4:**

The Commission comprises seven (7) members including the Chairperson, the Vice Chairperson and the Secretary, who are appointed on basis their analysis and competence without taking into account their nationality. The Commission shall also be given experts and other support staff to assist its members in execution of their duties.

**Article 5:**

In general, the Commission shall be responsible for identification of the role of the French State in planning and implementing the genocide that took place in Rwanda in 1994.

Particularly the Commission has the following responsibilities:

- 1° to collect and examine in documents, testimonies and any other evidence on concrete actions within the political, diplomatic, press and military framework and others that were carried out by the French State or its attitude which were aimed at helping the Rwandan State until July 1994 in planning and execution of genocide in Rwanda;
- 2° to collect evidence indicating the role the French State played through its military that were in Rwanda during the period of genocide, which failed to assist victims of genocide ;

- 3° to gather and examine documents; testimonies and any other evidence to indicate the continual role of the French State after the genocide in assisting those who planned and implemented the genocide so that they may continue to do it or that they may not be prosecuted by justice ;
- 4° to gather and consider documents, testimonies and any other evidence indicating the role of the French State continued in rejecting or minimising the genocide committed in Rwanda in 1994 ;
- 5° to gather and examine documents, testimonies and any other evidence indicating the role of the French State had and continues to have in hindering some Rwandans' rights, including the 1994 genocide survivors, orphans, widows and widowers, the disabled because of the 1994 genocide committed in Rwanda and in openly fighting the Rwandan State that is committed to fight against genocide;
- 6° to dig out the evidence related to funds the French State donated to purchase weapons that were distributed to Interahamwe Militia and former members of Rwanda Armed Forces (ex-FAR) and to train them ;
- 7° to submit to the President of the Republic their report indicating the activities performed and what should be done, with a copy reserved to the Senate, the Chamber of Deputies, the Executive Powers and the Supreme Court:

## **CHAPTER II : APPOINTMENT OF THE MEMBERS OF THE COMMISSION AND THEIR FUNCTIONING**

### **Article 6:**

Members of the Commission shall be appointed by an Order of the President of the Republic,

### **Article 7:**

Members of the Commission shall have a term of six months. The term may be extended by using a Presidential Order.

### **Article 8:**

The activities of the members of the Commission shall not be compatible with any other remunerated job. The members of the Commission who suspend their services in the Rwanda public service shall remain with the right to promotion and the period for the services they have rendered shall be included in period of experience in their former grade of their employment. They shall resume their duties in the public service after completion of the activities of the Commission.

Remunerations of the members of the Commission shall be determined by an Order of the President of the Republic.

**Article 9:**

The Commission shall institute its own internal rules and regulations.

**Article 10:**

The Commission shall prepare its own budget proposal and its running costs come from the ordinary budget of the State.

The Auditor General of State finances shall control the use of finance of the Commission.

**Article 11:**

Duties of any member of the Commission shall expire when:

- 1° he or she dies ;
- 2° he or she is dismissed before the term ends;
- 3° he or she resigns ;
- 4° the term ends and it is not renewed ;
- 5° he or she completes the term of his or her predecessor and it is not renewed ;
- 6° the Commission is dissolved.

Dismissal of one or several members of the Commission before the term ends shall be done by an Order of the President of the Republic.

**Article 12:**

When one of the members of the Commission dies, resigns or is dismissed he or she shall be replaced in accordance with provisions of this Organic Law. The successor shall complete the term of his or her predecessor.

**CHAPTER III: COLLABORATION WITH OTHER INSTITUTIONS****Article 13:**

The Commission shall collaborate with national institutions and nationals, with institutions of other countries, International Organisations, Non-Governmental Organisations and foreign citizens in order to fulfil its mission.

## CHAPTER IV : FINAL PROVISIONS

### Article 14:

This Organic Law shall- ome into force on the date of its publication in the Official Gazette of the republic of Rwanda.

Kigali, on 14/04/2005

The President of the Republic  
**KAGAME Paul**  
(sé)

The Prime Minister  
**MAKUZA Bernard**  
(sé)

The Minister of Youth, Culture and Sports  
**HABINEZA Joseph**  
(sé)

The Minister of Justice  
**MUKABAGWIZA Edda**  
(sé)

Seen and sealed with the Seal of the republic:

The Minister of Justice  
**MUKABAGWIZA Edda**  
(sé)