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**ITEGEKO N° 61/2018 RYO KU WA 24/08/2018 RIHINDURA ITEGEKO N° 19/2013 RYO KU WA 25/03/2013 RIGENA INSHINGANO, IMITERERE N'IMIKORERE BYA KOMISIYO Y'IGIHUGU Y'UBURENGANZIRA BWA MUNTU**

**Twebwe, KAGAME Paul,**  
Perezida wa Repubulika;

**INTEKO ISHINGA AMATEGEKO YEMEJE, NONE NATWE DUHAMIJE, DUTANGAJE ITEGEKO RITEYE RITYA KANDI DUTEGETSE KO RYANDIKWA MU IGAZETI YA LETA YA REPUBULIKA Y'U RWANDA**

**INTEKO ISHINGA AMATEGEKO:**

Umutwe w'Abadepite, mu nama yawo yo ku wa 20 Kamena 2018;

Ishingiye ku Itegeko Nshinga rya Repubulika y'u Rwanda ryo mu 2003 ryavuguruwe mu 2015, cyane cyane mu ngingo zaryo, iya 14, iya 42, iya 64, iya 69, iya 70, iya 88, iya 90, iya 91, iya 106, iya 112, iya 120, iya 139 n'iya 176;

**LAW N° 61/2018 OF 24/08/2018 MODIFYING LAW N° 19/2013 OF 25/03/2013 DETERMINING MISSIONS, ORGANISATION AND FUNCTIONING OF THE NATIONAL COMMISSION FOR HUMAN RIGHTS**

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

**THE PARLIAMENT HAS ADOPTED AND WE SANCTION, PROMULGATE THE FOLLOWING 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 20 June 2018;

Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles, 14, 42, 64, 69, 70, 88, 90, 91, 106, 112, 120, 139 and 176;

**LOI N° 61/2018 DU 24/08/2018 MODIFIANT LA LOI N° 19/2013 DU 25/03/2013 PORTANT MISSIONS, ORGANISATION ET FONCTIONNEMENT DE LA COMMISSION NATIONALE DES DROITS DE LA PERSONNE**

**Nous, KAGAME Paul,**  
Président de la République;

**LE PARLEMENT A ADOPTÉ, ET NOUS SANCTIONNONS, PROMULGUONS LA LOI DONT LA TENEUR SUIT ET ORDONNONS QU'ELLE SOIT PUBLIÉE AU JOURNAL OFFICIEL DE LA RÉPUBLIQUE DU RWANDA**

**LE PARLEMENT:**

La Chambre des Députés, en sa séance du 20 juin 2018;

Vu la Constitution de la République du Rwanda de 2003 révisée en 2015 spécialement en ses articles, 14, 42, 64, 69, 70, 88, 90, 91, 106, 112, 120, 139 et 176;

Ishingiye ku Masezerano Mpuzamahanga yerekeye Uburenganzira mu by'Imbonezamubano na Politiki yo ku wa 16/12/1966 nk'uko yemejwe n'Itegeko Teko n° 8/75 ryo ku wa 12/02/1975;	Pursuant to the International Covenant on Civil and Political Rights of 16/12/1966 as ratified by Decree-Law n° 8/75 of 12/02/1975;	Vu le Pacte International relatif aux Droits Civils et Politiques du 16/12/1966 tel que ratifié par le Décret-Loi n° 8/75 du 12/02/1975;
Ishingiye ku Masezerano Nyafurika yerekeye Uburenganzira bwa Muntu n'ubw'Abaturage yo ku wa 27/06/1981 nk'uko yemejwe n'Itegeko n° 10/1983 ryo ku wa 01/07/1983;	Pursuant to the African Charter on Human and Peoples' Rights of 27/06/1981 as ratified by Law n° 10/1983 of 01/07/1983;	Vu la Charte Africaine des Droits de l'Homme et des Peuples du 27/06/1981 telle que ratifiée par la Loi n° 10/1983 du 01/07/1983;
Ishingiye ku Masezerano Mpuzamahanga agamije kurwanya iyicarubozo n'ibindi bihano cyangwa ibikorwa by'ubugome, bya kinyamaswa cyangwa bitesha umuntu agaciro yo ku wa 10/12/1984 nk'uko yemejwe n'Iteka rya Perezida n° 51/01 ryo ku wa 05/09/2008;	Pursuant to the Convention against torture and other cruel, inhuman or degrading treatment or punishment of 10/12/1984 as ratified by Presidential Order n° 51/01 of 05/09/2008;	Vu la Convention contre la torture et autres peines ou traitements cruels, inhumains ou dégradants du 10/12/1984 telle que ratifiée par l'Arrêté Présidentiel n° 51/01 du 05/09/2008;
Ishingiye ku Masezerano yerekeye Uburenganzira bw'Umwana yo ku wa 20/11/1989 nk'uko yemejwe n'Iteka rya Perezida n° 773/16 ryo ku wa 19/09/1990;	Pursuant to the Convention on the Rights of the Child of 20/11/1989 as ratified by Presidential Order n° 773/16 of 19/09/1990;	Vu la Convention relative aux Droits de l'Enfant du 20/11/1989 telle que ratifiée par l'Arrêté Présidentiel n° 773/16 du 19/09/1990;
Ishingiye ku Masezerano Adahatirwa y'Inyongera ku Masezerano Mpuzamahanga agamije kurwanya iyicarubozo n'ibindi bihano cyangwa ibikorwa by'ubugome, bya kinyamaswa cyangwa bitesha umuntu agaciro yo ku wa 18/12/2002 nk'uko yemejwe n'Iteka rya Perezida n° 60/01 ryo ku wa 12/02/2014;	Pursuant to the Optional Protocol to the Convention against torture and other cruel, inhuman or degrading treatment or punishment of 18/12/2002 as ratified by Presidential Order 60/01 of 12/02/2014;	Vu le Protocole Facultatif se rapportant à la Convention contre la torture et autres peines ou traitements cruels, inhumains ou dégradants du 18 /12/2002 tel que ratifié par l'Arrêté Présidentiel n° 60/01 du 12/02/2014;

Ishingiye ku Masezerano y'Inyongera ku Masezerano y'Afurika yerekeye uburenganzira bwa Muntu n'ubw'Abaturage yerekeranye n'Uburenganzira bw'Abagore muri Afurika, yo ku wa 11/07/2003 nk'uko yemejwe n'Iteka rya Perezida n° 11/01 ryo ku wa 24/06/2004;

Ishingiye ku Masezerano Mpuzamahanga arebana n'Uburenganzira bw'Abantu bafite Ubumuga, yo ku wa 13/12/2006 nk'uko yemejwe n'Iteka rya Perezida n° 131/01 ryo ku wa 27/12/2012;

Isubiye ku Itegeko n° 19/2013 ryo ku wa 25/03/2013 rigena inshingano, imiterere n'imikorere bya Komisiyo y'Igihugu y'Uburenganzira bwa Muntu;

**YEMEJE:**

**Ingingo ya mbere: Inshingano zihariye za Komisiyo ku bijyanye no kurengera uburenganzira bwa muntu**

Ingingo ya 6 y'Itegeko n° 19/2013 ryo ku wa 25/03/2013 rigena inshingano, imiterere n'imikorere bya Komisiyo y'Igihugu y'Uburenganzira bwa Muntu ihinduwe ku buryo bukurikira:

Pursuant to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women of 11/07/2003 as ratified by Presidential Order n° 11/01 of 24/06/2004;

Pursuant to the Convention on the Rights of Persons with Disabilities of 13/12/2006 as ratified by Presidential Order n° 131/01 of 27/12/2012;

Having reviewed Law n° 19/2013 of 25/03/2013 determining missions, organization and functioning of the National Commission for Human Rights;

**ADOPTS:**

**Article One: Special responsibilities of the Commission as regards to the protection of Human Rights**

Article 6 of Law n° 19/2013 of 25/03/2013 determining missions, organization and functioning of the National Commission for Human Rights is modified as follows:

Vu le Protocole à la Charte Africaine des Droits de l'Homme et des Peuples relatif aux Droits des Femmes du 11/07/2003 tel que ratifié par l'Arrêté Présidentiel n° 11/01 du 24/06/2004;

Vu la Convention relative aux Droits des Personnes Handicapées du 13/12/2006 telle ratifiée par l'Arrêté Présidentiel n° 131/01 du 27/12/2012;

Revu la Loi n° 19/2013 du 25/03/2013 portant missions, organisations et fonctionnement de la Commission Nationale des Droits de la Personne;

**ADOPTE:**

**Article premier: Attributions particulières de la Commission en matière de protection des droits de la personne**

L'article 6 de la Loi n° 19/2013 du 25/03/2013 portant missions, organisation et fonctionnement de la Commission Nationale des Droits de la Personne est modifié comme suit:

“Ku bijyanye no kurengera uburenganzira bwa Muntu, Komisiyo ifite inshingano zihariye zikurikira:

1° kugenzura iyubahirizwa ry’uburenganzira bwa muntu, by’umwihariko iyubahirizwa ry’uburenganzira bw’umwana, ubw’umugore, ubw’abantu bafite ubumuga, ubw’abafite ubwandu bw’agakoko gatera SIDA, ubw’impunzi, ubw’abakozi b’abimukira n’imiryango yabo n’ubw’abageze mu zabukuru;

2° kwakira, gusuzuma no gukora iperereza ku birego bijyanye n’ihungabanywa ry’uburenganzira bwa muntu;

3° gusuzuma ihungabanywa ry’uburenganzira bwa muntu rishobora gukorwa n’inzego za Leta cyangwa rikozwe n’inzego z’abikorera, amashyirahamwe, imiryango itari iya Leta, abantu bitwaza ububasha bwabo, itsinda ry’abantu cyangwa umuntu ku giti cye.

4° gusuzuma ahafungiyeho abantu hagamijwe kugenzura ko uburenganzira bwabo bwubahirizwa no gusaba inzego zibishinzwe gukemura ibibazo by’ihohotera ry’uburenganzira bw’abantu bafunzwe byagaragaye;

“Regarding the protection of human rights, the Commission has the following special responsibilities:

1° to monitor the compliance with the human rights, in particular with the rights of child, woman, persons with disabilities, people living with HIV/AIDS, refugees, migrant workers and members of their families and elderly’s rights;

2° to receive, examine and investigate complaints relating to human rights violations;

3° to examine human rights violations in Rwanda committed by public or private organs, associations, non-governmental organizations, persons abusing their powers, a group of persons or individuals;

4° to visit premises of detention with a view to monitor respect for the rights of detainees and to request the relevant institutions to solve identified problems with regard to the violations of the rights of detainees;

«Dans le cadre de la protection des droits de la personne, la Commission a les attributions particulières suivantes:

1° assurer le respect des droits de la personne, en particulier, des droits de l’enfant, de la femme, des personnes handicapées, des personnes vivant avec le VIH/SIDA, des réfugiés, des travailleurs migrants et des membres de leurs familles et ceux des personnes âgées;

2° recevoir, traiter et faire des investigations sur les plaintes relatives aux violations des droits de la personne;

3° examiner les violations des droits de la personne au Rwanda commises par les organes publics ou privés, les associations, les organisations non-gouvernementales, les personnes abusant de leurs pouvoirs, un groupe de personnes ou les individus;

4° visiter les lieux de détention en vue d’assurer le respect des droits des détenus et demander aux institutions concernées de résoudre les problèmes identifiés en rapport avec la violation des droits des détenus;



5° kugenzura iyubahirizwa ry'uburenganzira bwa muntu mu matora no gushyikiriza raporo inzego zibishinzwe.”

**Ingingo ya 2: Inshingano zihariye za Komisiyo ku bijyanye no gukumira iyicarubozo n'ibindi bihano cyangwa ibikorwa by'ubugome, bya kinyamaswa cyangwa bitesha umuntu agaciro**

Itegeko n° 19/2013 ryo ku wa 25/03/2013 rigena inshingano, imiterere n'imikorere bya Komisiyo y'Igihugu y'Uburenganzira bwa Muntu, ryongewemo ingingo ya 6 bis yanditswe ku buryo bukurikira:

**“Ingingo ya 6 bis: Inshingano zihariye za Komisiyo ku bijyanye no gukumira iyicarubozo n'ibindi bihano cyangwa ibikorwa by'ubugome, ibya kinyamaswa cyangwa bitesha umuntu agaciro**

Ku bijyanye no gukumira iyicarubozo n'ibindi bihano cyangwa ibikorwa by'ubugome, ibya kinyamaswa cyangwa ibitesha umuntu agaciro, Komisiyo ifite inshingano zihariye zikurikira:

1° gusura ku buryo buhoraho, yateguje cyangwa itateguje n'igihe cyose bibaye ngombwa, ahantu hakurikira:

5° to monitor the respect for human rights throughout elections process and submit reports to relevant organs.”

**Article 2: Special responsibilities of the Commission as regards to the prevention of torture and other cruel, inhuman or degrading treatment or punishment**

In Law n° 19/2013 of 25/03/2013 determining missions, organization and functioning of the National Commission for Human Rights is inserted Article 6 bis worded as follows:

**“Article 6 bis: Special responsibilities of the Commission as regards to the prevention of torture and other cruel, inhuman or degrading treatment or punishment**

Regarding prevention of torture and other cruel, inhuman or degrading treatment or punishment, the Commission has the following special responsibilities:

1° to carry out, with or without notice, regular visits at any time when deemed necessary to the following places:

5° assurer le respect des droits de la personne dans le processus électoral et soumettre le rapport aux organes habilités.»

**Article 2: Attributions particulières de la Commission en matière de lutte contre la torture et autres peines ou traitements cruels, inhumains ou dégradants**

Dans la Loi n° 19/2013 du 25/03/2013 portant missions, organisation et fonctionnement de la Commission Nationale des Droits de la Personne, il est inséré l'article 6 bis libellé comme suit:

**«Article 6 bis: Attributions particulières de la Commission en matière de lutte contre la torture et autres peines ou traitements cruels, inhumains ou dégradants**

Concernant la prévention de la torture et d'autres peines ou traitements cruels, inhumains ou dégradants, la Commission a les attributions particulières suivantes :

1° effectuer des visites régulières, avec ou sans avertissement à tout moment quand il s'avère nécessaire dans les endroits suivants:

- |   |   |  |
|---|---|--|
| a) gereza;  | a) prisons;   | a) les prisons;  |
| b) ahafungirwa abantu ku mpamvu z'ubugenzacyaha;  | b) places of detention investigation measures;  | b) les lieux de placement en garde à vue pour les mesures d'investigation;   |
| c) ibigo ngororamuco n'ibigo binyurwamo by'igihe gito;  | c) rehabilitation and transit centres;  | c) les centres de réhabilitation et de transit;  |
| d) ibigo byakira abafite ubumuga bwo mu mutwe n'ibitaro byakira abarwayi bo mu mutwe;   | d) centres for mentally handicapped and psychiatric hospitals;  | d) les centres des handicapés mentaux et les hôpitaux psychiatriques;  |
| e) ibigo byakira abageze mu zabukuru;   | e) elderly centres;   | e) les centres des personnes âgées;  |
| f) ahantu hashyirwa by'agateganyo abinjira mu gihugu bafite ibibazo;  | f) transit centres for immigrants with problems;  | f) les centres de transit pour les immigrants ayant des problèmes;   |
| g) mu binyabiziga cyangwa mu bundi buryo bwo gutwara abantu bafunzwe;   | g) vehicles or any other means of detainees' transport;   | g) les véhicules ou tout autre moyen de transport des détenus;   |
| h) ahandi hantu abantu babujijwe ubwisanzure cyangwa bashobora kuburizwa ubwisanzure.   | h) any other place where persons are or may be deprived of their liberty.   | h) tout autre endroit où des personnes sont ou peuvent être privées de liberté.  |
| 2° gusuzuma ku buryo buhoraho imifungire y'abantu bambuwe uburenganzira ku bwisanzure n'ubundi burenganzira bwabo, kugira ngo barusheho kwitabwaho no kurindwa iyicarubozo n'ibindi bihano cyangwa ibikorwa by'ubugome, bidakwiriye umuntu cyangwa bimutesha agaciro; | 2° to regularly monitor the conditions of detention of persons deprived of their liberty and other rights with a view to their protection against torture or other cruel, inhuman or degrading treatment or punishment; | 2° examiner régulièrement les conditions de détention des personnes privées de liberté et autres droits, en vue de renforcer leur protection et leur prévention contre la torture ou autres peines ou traitements cruels, inhumains ou dégradants; |

- |   |   |   |
|---|---|---|
| 3° kugeza ibyifuzonama ku bayobozi babifitiye ububasha kugira ngo imibereho y'abantu bafunzwe irusheho kwitabwaho kandi hakumirwe iyicarubozo n'ibindi bihano cyangwa ibikorwa by'ubugome, bya kinyamaswa cyangwa bitesha agaciro umuntu hashingiwe ku mategeko mpuzamahanga, ayo mu karere n'ayo mu Gihugu no kudasaba gukemura ibibazo byagaragaye; | 3° to issue recommendations to relevant authorities with the aim to improve the conditions of detention of the persons deprived of their liberty and to prevent torture and other cruel, inhuman or degrading treatment or punishment based on international, regional and national laws and ask them to solve identified problems; | 3° formuler des recommandations aux autorités compétentes visant à améliorer les conditions de détention des personnes privées de liberté et prévenir la torture et autres peines ou traitements cruels, inhumains ou dégradants, conformément à la législation internationale, régionale et nationale ainsi que leur demander de résoudre les problèmes identifiés ; |
| 4° gukurikirana ishyirwa mu bikorwa ry'ibyifuzonama Komisiyo yagejeje ku zindi nzego;   | 4° to follow up the implementation of its recommendations that the Commission submitted to other institutions;  | 4° assurer le suivi de la mise en œuvre de ses recommandations que la Commission a soumises aux autres institutions;  |
| 5° gutanga ibitekerezo ku mategeko asanzwe ariho cyangwa imishinga y'amategeko birebana no  | 5° to provide views on existing laws and draft laws relating to the prevention and control of torture   | 5° donner des avis sur les lois existantes et les projets de lois en rapport avec la prévention de la   |
| gukumira iyicarubozo n'ibindi bihano cyangwa ibikorwa by'ubugome, bya kinyamaswa cyangwa bitesha umuntu agaciro bikorerwa ahafungiye abantu;  | and other cruel inhuman or degrading treatment or punishment in place of detention;   | torture et autres peines ou traitements cruels, inhumains ou dégradants dans le lieu de détention;  |
| 6° kwakira ibirego birebana no gufunga abantu, ibirebana n'imibereho myiza n'ubundi burenganzira bw'abafunzwe;  | 6° to receive complaints relating to detention, well-being and other rights of persons deprived of their liberty;   | 6° recevoir les plaintes relatives à la détention, au bien-être et autres droits des personnes privées de liberté;  |
| 7° gukora ubushakashatsi n'inyigo bijyanye no gufunga abantu, ibijyanye n'imibereho myiza n'ubundi burenganzira bw'abafunzwe hagamijwe gukumira cyangwa kurwanya iyicarubozo n'ibindi   | 7° to carry out research and studies on detention, well-being and other rights of detainees with the aim of preventing or combating torture and other cruel, inhuman or degrading treatment or punishment;  | 7° mener des recherches et études en rapport avec la détention, les conditions de vie et autres droits des personnes détenues en vue de la prévention ou de la lutte contre la torture  |

bihano cyangwa ibikorwa by'ubugome, bya kinyamaswa cyangwa bitesha umuntu agaciro;

8° gutsura umubano n'ubufatanye n'izindi nzego zifite inshingano zimwe na Komisiyo.”

**Ingingo ya 3: Ububasha bwihariye bwa Komisiyo ku bijyanye no gukumira iyicarubozo n'ibindi bihano cyangwa ibikorwa by'ubugome, bya kinyamaswa cyangwa bitesha umuntu agaciro**

Itegeko n° 19/2013 ryo ku wa 25/03/2013 rigena inshingano, imiterere n'imikorere bya Komisiyo y'Igihugu y'Uburenganzira bwa Muntu, ryongewemo ingingo ya 7 bis yanditswe ku buryo bukurikira:

**“Ingingo ya 7 bis: Ububasha ku bijyanye no gukumira iyicarubozo n'ibindi bihano cyangwa ibikorwa by'ubugome, bya kinyamaswa cyangwa bitesha umuntu agaciro**

Ku bijyanye no gukumira iyicarubozo n'ibindi bihano cyangwa ibikorwa by'ubugome, bya kinyamaswa cyangwa bitesha umuntu agaciro, Komisiyo ifite ububasha bukurikira:

et autres peines ou traitements cruels, inhumains ou dégradants;

8° promouvoir de bonnes relations et collaborer avec d'autres institutions ayant les mêmes attributions que la Commission.»

**Article 3: Pouvoirs particuliers de la Commission en matière de lutte contre la torture et autres peines ou traitements cruels, inhumains ou dégradants**

Dans la Loi n° 19/2013 du 25/03/2013 portant missions, organisation et fonctionnement de la Commission Nationale des Droits de la Personne, il est inséré l'article 7 bis libellé comme suit:

**“Article 7 bis: Pouvoirs en matière de lutte contre la torture et autres peines ou traitements cruels, inhumains ou dégradants**

Concernant la prévention de la torture et d'autres peines ou traitements cruels, inhumains ou dégradants, la Commission a des pouvoirs suivants :

8° to promote good relationship and collaboration with other institutions with the same responsibilities as the Commission.”

**Article 3: Special powers of the Commission as regards to the prevention of torture and other cruel, inhuman or degrading treatment or punishment**

In Law n° 19/2013 of 25/03/2013 determining missions, organization and functioning of the National Commission for Human Rights is inserted Article 7 bis worded as follows:

**“Article 7 bis: Powers as regards to the prevention of torture and other cruel, inhuman or degrading treatment or punishment**

Regarding prevention of torture and other cruel, inhuman or degrading treatment or punishment, the Commission has the following powers:

1° kugera, nta nzitizi ku nyandiko zose n'amakuru yose bifitwe n'inzego bireba, byerekeye umubare w'abantu bafunzwe, umubare w'ahantu hafungiyeye abantu n'aho haherereye;

2° kugera nta nzitizi ku makuru yose arebana n'uburyo abantu bafunzwe, bafashwe n'uburyo bafunzwemo;

3° kugera nta nzitizi ahantu hose hafungiyeye abantu, ku nyubako zaho n'ibikoresho;

4° kuganira mu muhezo igihe cyose n'abantu bafunzwe cyangwa undi muntu wese ushobora gutanga amakuru akenewe;

5° gufata amajwi n'amashusho byafasha Komisiyo mu kurangiza inshingano zayo kandi hubahirijwe ubuzima bwite bw'umuntu."

1° unrestricted access to all documents and all information owned by relevant institutions, relating to the number of persons deprived of their liberty, the number of detention places and their location;

2° unrestricted access to all information referring to the treatment of persons deprived of their liberty as well as their conditions of detention;

3° unrestricted access to all places of detention and their premises and facilities;

4° conduct talk in private at any time with persons deprived of their liberty or with any other person likely to provide useful information;

5° to make audio recording and take photos that can help the Commission in fulfilling its responsibilities and respecting the privacy of the person."

1° accès, sans restriction, à tous les documents et toutes les informations détenus par les institutions concernées, relatifs au nombre des personnes privées de liberté, le nombre des endroits de détention et leur emplacement;

2° accès, sans restriction, à toutes les informations relatives au traitement des personnes privées de liberté et à leurs conditions de détention;

3° accès sans restriction à tous les endroits de détention et à leurs locaux et équipements;

4° s'entretenir en privé et à tout moment avec les personnes privées de liberté, ou avec toute autre personne susceptible de fournir des informations utiles;

5° faire des enregistrements audio et prendre des photos pouvant aider la Commission à accomplir ses attributions tout en respectant la vie privée de la personne."

**Ingingo ya 4: Abagize Inama y'Abakomiseri n'ibyo bagomba kuba bujuje**

Ingingo ya 17 y'Itegeko n° 19/2013 ryo ku wa 25/03/2013 rigena inshingano, imiterere n'imikorere bya Komisiyo y'Igihugu y'Uburenganzira bwa Muntu ihinduwe ku buryo bukurikira:

“Inama y'Abakomiseri igizwe n'Abakomiseri barindwi (7) barimo Perezida na Visi Perezida.

Kugira ngo umuntu abe Umukomiseri agomba kuba yujuje ibisabwa bikurikira:

1° kuba ari Umunyarwanda;

2° kuba ari inyangamugayo;

3° kuba atarahamijwe burundu n'inkiko icyaha cya Jenocide, icyaha cy'ingengabitekerezo ya Jenocide cyangwa ibyaha byibasiye inyoko Muntu;

4° kuba atarakatiwe burundu igihano cy'igifungo kingana cyangwa kirenze amezi atandatu (6);

**Article 4: Composition of the Council of Commissioners and requirements for the position**

Article 17 of Law n° 19/2013 of 25/03/2013 determining missions, organisation and functioning of the National Commission for Human Rights is modified as follows:

“The Council of Commissioners is composed of seven (7) Commissioners including the Chairperson and the Vice Chairperson.

For a person to be a Commissioner, he/she must fulfil the following conditions:

1° to be a Rwandan national;

2° to be a person of integrity;

3° not to have been convicted of the crime of genocide, the crime of genocide ideology or crimes against humanity in a final judgment;

4° not to have been sentenced to imprisonment for a term equal to or exceeding six (6) months in a final judgment;

**Article 4: Composition du Conseil des Commissaires et conditions requises pour ces fonctions**

L'article 17 de la Loi n° 19/2013 du 25/03/2013 portant missions, organisation et fonctionnement de la Commission Nationale des Droits de la Personne est modifié comme suit :

« Le Conseil des Commissaires est composé de sept (7) Commissaires dont le Président et le Vice-Président.

Pour être Commissaire, il faut remplir les conditions suivantes :

1° être de nationalité rwandaise;

2° être intègre;

3° ne pas avoir été définitivement condamné pour crime de génocide, crime d'idéologie du génocide ou crimes contre l'humanité;

4° ne pas avoir été définitivement condamné à une peine d'emprisonnement égale ou supérieure à six (6) mois;

5° kuba afite ubunararibonye mu mirimo y'ubuyobozi mu nzego za Leta cyangwa izitari iza Leta.

**Ingingo ya 5: Aho Abakomiseri baturuka**

Ingingo ya 18 y'Itegeko n° 19/2013 ryo ku wa 25/03/2013 rigena inshingano, imiterere n'imikorere bya Komisiyo y'Igihugu y'Uburenganzira bwa Muntu ihinduwe ku buryo bukurikira:

“Abakomiseri baturuka:

1° muri sosiyete sivile harimo n'imiryango itari iya Leta iharanira guteza imbere no kurengera uburenganzira bwa muntu;

2° muri Kaminuza n'amashuri makuru ya Leta n'ayigenga;

3° mu nzego za Leta;

4° mu bikorera.

Nibura mirongo itatu ku ijana (30%) by'Abakomiseri batoranywa muri izo nzego bagomba kuba ari abagore.

Hashingiwe ku bwigenge bwa Komisiyo nk'uko buteganywa n'ingingo ya 3 y'iri tegeko, Abakomiseri batoranywa ku giti

5° to have an experience in leadership positions in public or private institution.”

**Article 5: Origin of Commissioners**

Article 18 of Law n° 19/2013 of 25/03/2013 determining missions, organization and functioning of the National Commission for Human Rights is modified as follows:

“Commissioners come from:

1° civil society including non-governmental organizations for the promotion and protection of human rights;

2° public and private universities and institutions of higher learning;

3° public institutions;

4° private sector.

At least thirty per cent (30%) of Commissioners selected from those bodies must be women.

Considering the independence of the Commission as provided for in Article 3 of this Law, Commissioners are selected on

5° avoir une expérience aux postes de responsabilité dans les organes publics ou privés. »

**Article 5: Provenance des Commissaires**

L'article 18 de la Loi n° 19/2013 du 25/03/2013 portant missions, organisation et fonctionnement de la Commission Nationale des Droits de la Personne est modifié comme suit :

« Les Commissaires proviennent :

1° de la société civile, y compris les organisations non-gouvernementales œuvrant pour la promotion et la protection des droits de la personne;

2° des universités et institutions d'enseignement supérieur publiques et privées;

3° des institutions publiques;

4° du secteur privé.

Au moins trente pour cent (30%) des Commissaires sélectionnés dans ces organes doivent être de sexe féminin.

Sur base de l'indépendance de la Commission telle que prévue par l'article 3 de la présente loi, les Commissaires sont sélectionnés à titre

cyabo kandi ntibaba bahagarariye inzego baturukamo.”

individual basis and do not represent their institutions of origin.”

individuel et ne représentent pas leurs institutions d’origine. »

**Ingingo ya 6: Ibigomba kubahirizwa mu guhitamo abakandida ku mwanya w’Ubukomiseri**

**Article 6: Requirements for selection of candidate Commissioners**

**Article 6: Directives de sélection des candidats Commissaires**

Ingingo ya 20 y’Itegeko n° 19/2013 ryo ku wa 25/03/2013 rigena inshingano, imiterere n’imikorere bya Komisiyo y’Igihugu y’Uburenganzira bwa Muntu ihinduwe ku buryo bukurikira:

Article 20 of Law n° 19/2013 of 25/03/2013 determining missions, organisation and functioning of the National Commission for Human Rights is modified as follows:

L’article 20 de la Loi n° 19/2013 du 25/03/2013 portant missions, organisation et fonctionnement de la Commission Nationale des Droits de la Personne est modifié comme suit :

“Komite itoranya abakandida ku mwanya w’Ubukomiseri irigenga mu mikorere yayo.

The Committee in charge of selecting candidate Commissioners is independent in the exercise of its duties.

Le Comité de sélection des candidats Commissaires est indépendant dans l’exercice de ses fonctions.

Mu guhitamo abakandida, Komite itoranya abakandida igomba kwita nibura kuri ibi bikurikira:

“In selecting candidates, the Committee must consider at least the following:

« Dans la sélection des candidats, le Comité doit considérer au moins ce qui suit :

1° kugendera ku mahame yo gukorera mu mucyo no mu bwisanzure;

1° comply with the principles of transparency and independence;

1° se conformer aux principes de transparence et d’indépendance;

2° gutangaza ku buryo busesuye imyanya y’Abakomiseri.

2° widely announce vacancies for Commissioners.

2° publier largement les places à pourvoir pour les Commissaires.

Komite imaze gutoranya abakandida ishyikiriza Guverinoma urutonde

After selecting the candidates, the Committee submits to the Government a

Après avoir fait la sélection des candidats, le Comité transmet au Gouvernement une

rw’abakandida yahisemo, Perezida wa Repubulika agashyiraho Perezida na Visi

list of selected candidates, and the President of the Republic appoints the Chairperson and

liste des candidats sélectionnés et le Président de la République nomme le Président et le Vice-Président en cas de vacance de ces postes.



Perezida mu gihe iyo myanya itari ifite abayirimo.

the Vice Chairperson if those posts are vacant.

Nibura mirongo itatu ku ijana (30%) mu bakandida batoranyijwe na Komite itoranya abakandida ku mwanya w'Ubukomiseri bagomba kuba ari abagore.

At least thirty per cent (30%) of candidates selected by the Committee in charge of selecting candidate Commissioners must be women.

Au moins trente pour cent (30%) des candidats sélectionnés par le Comité de sélection des candidats Commissaires doivent être de sexe féminin.

Iteka rya Perezida rishyiraho Komite itoranya abakandida ku mwanya w'ubukomiseri rikanagena inshingano, imiterere n'imikorere byayo.”

A Presidential Order establishes the Committee in charge of selecting candidate Commissioners and determines its responsibilities, organization and functioning.”

Un arrêté présidentiel crée le Comité de sélection des candidats Commissaires et détermine ses attributions, son organisation et son fonctionnement. »

**Ingingo ya 7: Iyemezwa ry'Abakomiseri muri Sena**

**Article 7: Approval of Commissioners by the Senate**

**Article 7: Approbation des Commissaires par le Sénat**

Ingingo ya 21 y'Itegeko n° 19/2013 ryo ku wa 25/03/2013 rigena inshingano, imiterere n'imikorere bya Komisiyo y'Igihugu y'Uburenganzira bwa Muntu ihinduwe ku buryo bukurikira:

Article 21 of Law n° 19/2013 of 25/03/2013 determining missions, organisation and functioning of the National Commission for Human Rights is modified as follows:

L'article 21 de la Loi n° 19/2013 du 25/03/2013 portant missions, organisation et fonctionnement de la Commission Nationale des Droits de la Personne est modifié comme suit :

“Guverinoma ishyikiriza Sena abakandida ku mwanya w'Ubukomiseri kugira ngo ibemeze mbere y'uko bashyirwaho n'iteka rya Perezida.

“The Cabinet submits to the Senate for approval candidate Commissioners before their appointment by a Presidential Order.

« Le Gouvernement présente les candidats Commissaires au Sénat pour approbation avant leur nomination par arrêté présidentiel.

Iyo Sena itemeje umwe cyangwa benshi mu bakandida ku mwanya w'Ubukomiseri, Perezida wa Sena abimenyeshya Guverinoma mu gihe kitarenze iminsi cumi n'itanu (15),

If the Senate does not approve one or several candidate Commissioners, the President of the Senate informs the Government within fifteen (15) days, and requests for the

Lorsque le Sénat n'approuve pas un ou plusieurs candidats Commissaires, le Président du Sénat en informe le Gouvernement endéans quinze jours (15) et lui demande de présenter un

akayisaba kohereza undi mukandida usimbura umukandida utemejwe.

Gutoranya umukandida usimbura utemejwe bikorwa na Komite itoranya abakandida ku mwanya w'ubukomiseri hakurikijwe ibiteganywa n'ingingo ya 20 y'iri tegeko.

Guverinoma yoherereza Sena abandi bakandida ku mwanya w'Ubukomiseri bangana n'umubare w'abo Sena itemeje.”

**Ingingo ya 8: Manda y'Abakomiseri**

Ingingo ya 23 y'Itegeko n° 19/2013 ryo ku wa 25/03/2013 rigena inshingano, imiterere n'imikorere bya Komisiyo y'Igihugu y'Uburenganzira bwa Muntu ihindwe ku buryo bukurikira:

“Manda y'Abakomiseri ni imyaka itanu (5) ishobora kongerwa inshuro imwe (1) gusa. Muri icyo manda, Abakomiseri bakora ku buryo buhoraho.”

**Ingingo ya 9: Isimburwa ry'Umukomiseri**

Ingingo ya 27 y'Itegeko n° 19/2013 ryo ku wa 25/03/2013 rigena inshingano, imiterere

submission of another candidate to replace the candidate who was not approved.

The selection of a candidate to replace the one who was not approved is carried out by the Committee in charge of selecting candidate Commissioners in accordance with the provisions of Article 20 of this Law.

The Cabinet submits to the Senate other candidate Commissioners whose number is equivalent to the number of those not approved by the Senate.”

**Article 8: Term of office for the Commissioners**

Article 23 of Law n°19/2013 of 25/03/2013 determining missions, organisation and functioning of the National Commission for Human Rights is modified as follows:

“The term of office for the Commissioners is five (5) years renewable only once. During that term, Commissioners hold office on a full-time basis.”

**Article 9: Replacement of a Commissioner**

Article 27 of Law n° 19/2013 of 25/03/2013 determining missions, organisation and

autre candidat pour remplacer le candidat qui n'a pas été approuvé.

La sélection d'un candidat qui remplace celui qui n'a pas été approuvé se fait par le Comité de sélection des candidats Commissaires conformément aux dispositions de l'article 20 de la présente loi.

Le Gouvernement transmet au Sénat d'autres candidats Commissaires dont le nombre équivaut à celui des candidats non approuvés par le Sénat. »

**Article 8: Mandat des Commissaires**

L'article 23 de la Loi n° 19/2013 du 25/03/2013 portant missions, organisation et fonctionnement de la Commission Nationale des Droits de la Personne est modifié comme suit :

« Le mandat des Commissaires est de cinq (5) ans renouvelable une (1) seule fois. Au cours de ce mandat, les Commissaires exercent leurs fonctions de façon permanente. »

**Article 9: Remplacement d'un Commissaire**

L'article 27 de la Loi n° 19/2013 du 25/03/2013 portant missions, organisation et

n'imikorere bya Komisiyo y'Igihugu y'Uburenganzira bwa Muntu ihinduwe ku buryo bukurikira:

“Iyo Umukomiseri ahagaritse imirimo ye ku mpamvu iyo ari yo yose, Perezida wa Komisiyo cyangwa umusimbura mu gihe adahari abimenyesha Perezida wa Repubulika, akagera kopi Perezida wa Sena na Minisitiri w'Intebe mu gihe kitarenze iminsi mirongo itatu (30).

Isimburwa ry'Umukomiseri rikorwa hakurikijwe ibiteganywa mu ngingo ya 19, iya 20 n'iya 21 z'iri tegeko.”

**Ingingo ya 10: Manda y'Abakomiseri bari basanzweho**

Ingingo ya 43 y'Itegeko n° 19/2013 ryo ku wa 25/03/2013 rigena inshingano, imiterere n'imikorere bya Komisiyo y'Igihugu y'Uburenganzira bwa Muntu ihinduwe ku buryo bukurikira:

“Abakomiseri bari basanzwe mu mirimo barangiza manda bashyiriweho.

Ku Bakomiseri bashobora kongererwa manda, hakurikizwa ibiteganywa n'ingingo ya 23 y'iri tegeko.”

functioning of the National Commission for Human Rights is modified as follows:

“In case a Commissioner ceases to carry out his/her functions due to any reason, the Chairperson of the Commission or his/her replacement in case of his/her absence notifies the President of the Republic, with copy to the President of the Senate and the Prime Minister within thirty (30) days.

The replacement of a Commissioner is carried out in accordance with Articles 19, 20 and 21 of this Law.”

**Article 10: Term of office of incumbent Commissioners**

Article 43 of Law n° 19/2013 of 25/03/2013 determining missions, organisation and functioning of the National Commission for Human Rights is modified as follows:

“Incumbent Commissioners complete the term of office for which they were appointed.

For Commissioners whose term may be renewed, Article 23 of this Law applies.”

fonctionnement de la Commission Nationale des Droits de la Personne est modifié comme suit:

« Lorsqu'un Commissaire cesse ses fonctions pour une raison quelconque, le Président de la Commission ou son remplaçant en cas d'absence du Président en informe le Président de la République et réserve copie au Président du Sénat et au Premier Ministre endéans trente (30) jours.

Le remplacement d'un Commissaire se fait conformément aux articles 19, 20 et 21 de la présente loi. »

**Article 10: Mandat des Commissaires en fonction**

L'article 43 de la Loi n° 19/2013 du 25/03/2013 portant missions, organisation et fonctionnement de la Commission Nationale des Droits de la Personne est modifié comme suit :

« Les Commissaires actuellement en fonction terminent le mandat pour lequel ils ont été nommés.

Pour les Commissaires dont le mandat peut être renouvelé, l'article 23 de la présente loi s'applique. »

**Ingingo ya 11: Itegurwa, isuzumwa n’itorwa by’iri tegeko**

Iri tegeko ryateguwe, risuzumwa kandi ritorwa mu rurimi rw’Ikinyarwanda.

**Ingingo ya 12: Ivanwaho ry’ingingo z’amategeko zinyuranyije n’iri tegeko**

Ingingo zose z’amategeko abanziriza iri kandi zinyuranyije na ryo zivanyweho.

**Ingingo ya 13: Igihe iri tegeko ritangira gukurikizwa**

Iri tegeko ritangira gukurikizwa ku muni ritangarijweho mu Igazeti ya Leta ya Repubulika y’u Rwanda.

**Article 11: Drafting, consideration and adoption of this Law**

This Law was drafted, considered and adopted in Ikinyarwanda.

**Article 12: Repealing provision**

All prior legal provisions contrary to this Law are repealed.

**Article 13: Commencement**

This Law comes into force on the date of its publication in the Official Gazette of the Republic of Rwanda.

**Article 11: Initiation, examen et adoption de la présente loi**

La présente loi a été initiée, examinée et adoptée en Ikinyarwanda.

**Article 12 : Disposition abrogatoire**

Toutes les dispositions légales antérieures contraires à la présente loi sont abrogées.

**Article 13 : Entrée en vigueur**

La présente loi entre en vigueur le jour de sa publication au Journal Officiel de la République du Rwanda.

Kigali, ku wa 24/08/2018

(sé)

**KAGAME Paul**  
Perezida wa Repubulika

(sé)

**Dr. NGIRENTE Edouard**  
Minisitiri w'Intebe

**Bibonywe kandi bishyizweho Ikirango cya  
Repubulika:**

(sé)

**BUSINGYE Johnston**  
Minisitiri w'Ubutabera/Intumwa Nkuru ya  
Leta

Kigali, on 24/08/2018

(sé)

**KAGAME Paul**  
President of the Republic

(sé)

**Dr. NGIRENTE Edouard**  
Prime Minister

**Seen and sealed with the Seal of the  
Republic:**

(sé)

**BUSINGYE Johnston**  
Minister of Justice/Attorney General

Kigali, le 24/08/2018

(sé)

**KAGAME Paul**  
Président de la République

(sé)

**Dr. NGIRENTE Edouard**  
Premier Ministre

**Vu et scellé du Sceau de la République:**

(sé)

**BUSINGYE Johnston**  
Ministre de la Justice/Garde des Sceaux

ITEGEKO N°63/2018 RYO KU WA  
24/08/2018 RYEMERA KWEMEZA  
BURUNDU AMASEZERANO  
Y'UBUFATANYE HAGATI YA  
REPUBULIKA Y'U RWANDA NA LETA  
ZUNZE UBUMWE Z'ABARABU  
YEREKEYE GUTEZA IMBERE NO  
KURENGERA ISHORAMARI HAGATI  
Y'IMPANDE ZOMBI, YASHYIRIWEHO  
UMUKONO I DUBAI, UAE, KU YA  
MBERE UGUSHYINGO 2017

LAW N°63/2018 OF 24/08/2018  
APPROVING RATIFICATION OF THE  
AGREEMENT BETWEEN THE  
REPUBLIC OF RWANDA AND THE  
UNITED ARAB EMIRATES ON THE  
PROMOTION AND RECIPROCAL  
PROTECTION OF INVESTMENTS,  
SIGNED IN DUBAI, UAE, ON 01  
NOVEMBER 2017

LOI N°63/2018 DU 24/08/2018  
APPROUVANT LA RATIFICATION DE  
L'ACCORD ENTRE LA REPUBLIQUE  
DU RWANDA ET LES EMIRATS ARABES  
UNIS RELATIF A LA PROMOTION ET  
LA PROTECTION RECIPROQUES DES  
INVESTISSEMENTS, SIGNE A DUBAI,  
EAU, LE 1<sup>er</sup> NOVEMBRE 2017

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**Twebwe, KAGAME Paul,**  
Perezida wa Repubulika;

**INTEKO ISHINGA AMATEGEKO YEMEJE, NONE NATWE DUHAMIJE, DUTANGAJE ITEGEKO RITEYE RITYA KANDI DUTEGETSE KO RYANDIKWA MU IGAZETI YA LETA YA REPUBULIKA Y'U RWANDA**

**INTEKO ISHINGA AMATEGEKO:**

Umutwe w'Abadepite, mu nama yawo yo ku wa 17 Nyakanga 2018 ;

**LAW N°63/2018 OF 24/08/2018 APPROVING RATIFICATION OF THE AGREEMENT BETWEEN THE REPUBLIC OF RWANDA AND THE UNITED ARAB EMIRATES ON THE PROMOTION AND RECIPROCAL PROTECTION OF INVESTMENTS, SIGNED IN DUBAI, UAE, ON 01 NOVEMBER 2017**

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

**THE PARLIAMENT HAS ADOPTED AND WE SANCTION, PROMULGATE THE FOLLOWING 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 17 July 2018;

**LOI N°63/2018 DU 24/08/2018 APPROUVANT LA RATIFICATION DE L'ACCORD ENTRE LA REPUBLIQUE DU RWANDA ET LES EMIRATS ARABES UNIS RELATIF A LA PROMOTION ET LA PROTECTION RECIPROQUES DES INVESTISSEMENTS, SIGNE A DUBAI, EAU, LE 1<sup>er</sup> NOVEMBRE 2017**

**Nous, KAGAME Paul,**  
Président de la République;

**LE PARLEMENT A ADOPTE ET NOUS SANCTIONNONS, PROMULGUONS LA LOI DONT LA TENEUR SUIT ET ORDONNONS QU'ELLE SOIT PUBLIEE AU JOURNAL OFFICIEL DE LA REPUBLIQUE DU RWANDA**

**LE PARLEMENT:**

La Chambre des Députés, en sa séance du 17 juillet 2018;

Ishingiye ku Itegeko Nshinga rya Repubulika y'u Rwanda ryo mu 2003 ryavuguruwe mu 2015, cyane cyane mu ngingo zaryo, iya 64, iya 69, iya 70, iya 88, iya 90, iya 91, iya 106, iya 120, iya 167, iya 168 n'iya 176;

Imaze gusuzuma Amasezerano y'ubufatanye hagati ya Repubulika y'u Rwanda na Leta Zunze Ubumwe z'Abarabu yerekeye guteza imbere no kurengera ishoramari hagati y'impande zombi, yashyiriweho umukono i Dubai, UAE, ku ya mbere Ugushyingo 2017.

**YEMEJE:**

**Ingingo ya mbere: Kwemera kwemeza burundu**

Amasezerano y'ubufatanye hagati ya Repubulika y'u Rwanda na Leta Zunze Ubumwe z'Abarabu yerekeye guteza imbere no kurengera ishoramari hagati y'impande zombi, yashyiriweho umukono i Dubai, UAE, ku ya mbere Ugushyingo 2017, ari ku mugereka, yemerewe kwemezwa burundu.

Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 64, 69, 70, 88, 90, 91, 106, 120, 167,168 and 176;

After consideration of the Agreement between the Republic of Rwanda and the United Arab Emirates on the promotion and reciprocal protection of investments, signed in Dubai, UAE, on 01 November 2017;

**ADOPTS:**

**Article One: Approval for ratification**

The Agreement between the Republic of Rwanda and the United Arab Emirates on the promotion and reciprocal protection of investments, signed in Dubai, UAE, on 01 November 2017, in annex, is approved for ratification.

Vu la Constitution de la République du Rwanda de 2003 révisée en 2015, spécialement en ses articles 64, 69, 70, 88, 90, 91, 106, 120, 167,168 et 176;

Après examen de l'Accord entre la République du Rwanda et les Emirats Arabes Unis relatif à la promotion et la protection réciproques des investissements, signé à Dubaï, EAU, le 1<sup>er</sup> novembre 2017 ;

**ADOPTE:**

**Article premier: Approbation pour ratification**

L'Accord entre la République du Rwanda et les Emirats Arabes Unis relatif à la promotion et la protection réciproques des investissements, signé à Dubaï, EAU, le 1<sup>er</sup> novembre 2017, en annexe, est approuvé pour ratification.



**Ingingo ya 2: Itegurwa, isuzumwa n’itorwa by’iri tegeko**

Iri tegeko ryateguwe mu rurimi rw’Icyongereza, risuzumwa kandi ritorwa mu rurimi rw’Ikinyarwanda.

**Ingingo ya 3: Igihe iri tegeko ritangira gukurikizwa**

Iri tegeko ritangira gukurikizwa ku muni ritangarijweho mu Igazeti ya Leta ya Repubulika y’u Rwanda.

Kigali, ku wa 24/08/2018

(sé)

**KAGAME Paul**

Perezida wa Repubulika

(sé)

**Dr. NGIRENTE Edouard**

Minisitiri w’Intebe

**Bibonywe kandi bishyizweho Ikirango cya Repubulika:**

(sé)

**BUSINGYE Johnston**

Minisitiri w’Ubutabera/Intumwa Nkuru ya Leta

**Article 2: Drafting, consideration and adoption of this Law**

This Law was drafted in English, considered and adopted in Ikinyarwanda.

**Article 3: Commencement**

This Law comes into force on the date of its publication in the Official Gazette of the Republic of Rwanda.

Kigali, on 24/08/2018

(sé)

**KAGAME Paul**

President of the Republic

(sé)

**Dr. NGIRENTE Edouard**

Prime Minister

**Seen and sealed with the Seal of the Republic:**

(sé)

**BUSINGYE Johnston**

Minister of Justice/Attorney General

**Article 2: Initiation, examen et adoption de la présente loi**

La présente loi a été initiée en anglais, examinée et adoptée en Ikinyarwanda.

**Article 3: Entrée en vigueur**

La présente loi entre en vigueur le jour de sa publication au Journal Officiel de la République du Rwanda.

Kigali, le 24/08/2018

(sé)

**KAGAME Paul**

Président de la République

(sé)

**Dr. NGIRENTE Edouard**

Premier Ministre

**Vu et scellé du Sceau de la République:**

(sé)

**BUSINGYE Johnston**

Ministre de la Justice/Garde des Sceaux

**UMUGEREKA W'ITEGEKO N°63/2018  
RYO KU WA 24/08/2018 RYEMERA  
KWEMEZA BURUNDU  
AMASEZERANO Y'UBUFATANYE  
HAGATI YA REPUBULIKA Y'U  
RWANDA NA LETA ZUNZE UBUMWE  
Z'ABARABU YEREKEYE GUTEZA  
IMBERE NO KURENGERA  
ISHORAMARI HAGATI Y'IMPANDE  
ZOMBI, YASHYIRIWEHO UMUKONO I  
DUBAI, UAE, KU YA MBERE  
UGUSHYINGO 2017**

**ANNEX TO THE LAW N°63/2018 OF  
24/08/2018 APPROVING  
RATIFICATION OF THE AGREEMENT  
BETWEEN THE REPUBLIC OF  
RWANDA AND THE UNITED ARAB  
EMIRATES ON THE PROMOTION AND  
RECIPROCAL PROTECTION OF  
INVESTMENTS, SIGNED IN DUBAI,  
UAE, ON 01 NOVEMBER 2017**

**ANNEXE A LA LOI N°63/2018 DU  
24/08/2018 APPROUVANT LA  
RATIFICATION DE L'ACCORD ENTRE  
LA REPUBLIQUE DU RWANDA ET LES  
EMIRATS ARABES UNIS RELATIF A  
LA PROMOTION ET LA PROTECTION  
RECIPROQUES DES  
INVESTISSEMENTS, SIGNE A DUBAI,  
EAU, LE 1<sup>er</sup> NOVEMBRE 2017**



## **AGREEMENT**

between

**THE REPUBLIC OF RWANDA**

**AND**

**THE UNITED ARAB EMIRATES**

**ON**

**THE PROMOTION AND RECIPROCAL  
PROTECTION OF INVESTMENTS**

The Republic of Rwanda and the United Arab Emirates (hereinafter the “**Contracting Parties**”);

**Desiring** to promote greater economic co-operation between them, with respect to investments made by investors of one Contracting Party in the territory of the other Contracting Party for the mutual benefit of both Contracting Parties;

**Recognizing** the important contribution investment can make to the sustainable development of the Contracting Parties, increase of productive capacity, , the transfer of technology,

**Seeking** to promote, encourage and increase investment opportunities that enhance sustainable development within the territories of the Contracting Parties;

**Seeking** an overall balance of the rights and obligations among the Contracting Parties, the investors, and the investments under this Agreement;

**Agreeing** that a stable framework for investments will maximise effective utilisation of economic resources and improve living standards;

**Understanding** that promotion of such investment requests co-operative efforts of the investors of the Contracting Parties;

**It is understood** that this Agreement applies only to post establishment of investments which are made in accordance to the laws and regulations of the host State;

Have agreed as follows:

**ARTICLE 1**  
**Definitions**

For the purposes of this Agreement:

1. The term “**investor**” means in respect of either Contracting Party:
  - a. a natural person, who is a national of a Contracting Party in accordance with its laws and regulations and who makes an investment in the territory of the other Contracting Party;
  - b. a legal entity which is incorporated under the laws and regulations of that Contracting Party, has substantial business activities in that Contracting Party, and is the owner, possessor or shareholder of an investment in the territory of the other Contracting Party.
  - c. Government of Contracting party.

2. The term “**investment**” The term investment means every kind of asset which is owned directly or indirectly and invested by investors of one Contracting Party in the territory of the state of the other Contracting Party in accordance with its laws and regulations, including in particular:
- a. movable and immovable property as well as any other rights, such as mortgages, pledges, usufructs and similar rights;
  - b. a company, shares, stocks, and other forms of participation in a company;
  - c. debentures, bonds, loans and other forms of debt, including loans from state enterprise to state enterprise;
  - d. intellectual and industrial property rights, which are related to the investment;
  - e. claims to money or any other assets or performance having an economical value; and
  - f. rights conferred by law or contract such as concessions, licenses, authorization or permits, for greater certainty natural resources are not covered by this Agreement in case of the United Arab Emirates.
  - g. debt securities issued by a government or loans to a government;

For greater certainty, Investment does not include:

- a) claims to money that arise solely from commercial contracts for the sale of goods or services by a national or enterprise in the territory of a Party to an enterprise in the territory of another Party, or
- b) the extension of credit in connection with a commercial transaction, or any other claims to money that do not involve the kind of interests set out in subparagraphs (a) through (g) of this Article

Claims to money involving the kind of interest set out in (a) to (f) above shall not include:

- i. commercial contracts for the sale of goods or services by a national or a company of a Contracting Party to a national or a company in the territory of the other Contracting Party; or
- ii. the extension of credit in connection with commercial transaction such as trade financing.

In order to qualify as an investment for the purposes of this Agreement, an asset must have the characteristics of an investment, including certain duration, commitment of capital or other resources, the expectations of gain or profit, and the assumption of risk.

The arbitration award or any order or judgment rendered with regard to the investment shall not be considered as investment for the purposes of this Agreement.

In case of the United Arab Emirates Natural Resources shall not be covered by this Agreement, for greater certainty it is understood that natural resources sectors are fully liberalized for all investors regardless of their nationality.

Any change of the form in which assets are invested or reinvested shall not affect their character as an investment, provided that such change is not contrary to the approvals granted, if any, to the assets originally invested.

3. The term “**returns**” means income deriving from an investment and includes, in particular, but not exclusively profits, dividends, capital gains, interests, royalties and any **other** fees.
4. The term “**freely convertible currency**” shall mean any currency that is widely used in international transactions and is traded in principal exchange markets.
5. The term “**territory**” means in respect to:
  - a. The Republic of Rwanda: includes all the territory, lakes and any other area in the lakes and the air within which Rwanda may exercise sovereign rights or jurisdiction in accordance with international law.
  - b. The United Arab Emirates: the territory of the United Arab Emirates, its territorial sea, airspace and submarine areas over which the United Arab Emirates exercises in accordance with international law and the law of United Arab Emirates sovereign rights; including the Exclusive Economic Zone and the mainland and islands under its jurisdiction in respect of any activity carried on in its water, seabed and subsoil in connection with the exploration for or the exploitation of the natural resources by virtue of its law and international law.

## ARTICLE 2

### Scope of application

1. This Agreement shall apply to investments in the territory of one Contracting Party, made in accordance with its national laws and regulations, by investors of the other Contracting Party, whether prior to, or after the entry into force of the present Agreement. However, this Agreement shall not apply to any disputes that have arisen before its entry into force.
2. a breach of a contract signed between the investor and the other Contracting Party shall not be considered a breach of this Agreement.



**ARTICLE 3**

**Promotion and encouragement of investments**

1. Each Contracting Party shall as far as possible encourage and create favourable conditions for investors of the other Contracting Party to make investments in its territory and shall admit such investments in accordance with its laws and regulations.
2. In order to encourage mutual investment flows, each Contracting Party shall endeavour as far as possible to inform the other Contracting Party, at the request of either Contracting Party of the investment opportunities in its territory.
3. In accordance with its laws and regulations, each Contracting Party shall as far as possible make publicly available, its laws and regulations that pertain to investments.
4. Each Contracting Party shall in accordance with its laws and regulations ensure to investors of the other Contracting Party the right of access to its courts of justice, administrative tribunals and agencies and all other judicial authorities.
5. In case of liquidation of an investment, the proceeds from liquidation shall be accorded the same protection and treatment.

**ARTICLE 4**

**Fair and equitable treatment**

1. Each Contracting Party shall accord fair and equitable treatment and full protection and security to investors of the other Contracting Party and their covered investment in its territory in accordance with paragraphs 2 to 5.
2. A Contracting Party breaches the obligation of fair and equitable treatment referenced in paragraph 1 where a measure or series of measures constitutes:
  - a. denial of justice in criminal, civil or administrative adjudicative proceedings;
  - b. fundamental breach of due process in judicial and administrative proceedings;
  - c. targeted discrimination on manifestly wrongful grounds, such as gender, race or religious belief;
  - d. abusive treatment, such as coercion, abuse of power or similar bad faith conduct; or
  - e. a breach of any further elements of the fair and equitable treatment obligation adopted by the Parties in accordance with paragraph 3 of this Article.
3. For greater certainty, "full protection and security" refers to the Contracting Party's obligations to act as may be reasonably necessary to protect physical security of investors and covered investments that do not create additional obligations other than those which it offers to its own national and other aliens.

4. A determination that there has been a breach of another provision of this Agreement or of a separate international agreement does not itself establish that there has been a breach of this Article.
5. Neither Contracting Party shall hamper, by arbitrary or discriminatory measures, the development, management, use, expansion, sale and the liquidation of such investments.

#### ARTICLE 5

##### National treatment

Subject to its laws and regulations, each Party shall accord to investors of the other Party and their investments treatment no less favourable than that it accords, in like circumstances, to its own investors and their investments with respect to the expansion, management, conduct, operation and sale or other disposition of investments in its territory.

#### ARTICLE 6

##### Most-Favoured-Nation Treatment

1. Each Party shall accord to investors of the other Party treatment no less favourable than that it accords, in like circumstances, to investors of a non-Party with respect to the establishment, expansion, management, conduct, operation and sale or other disposition of investments in its territory.
2. Each Party shall accord to covered investments treatment no less favourable than that it accords, in like circumstances, to investments of investors of a non-Party with respect to the establishment, expansion, management, conduct, operation and sale or other disposition of investments in its territory.
3. This article shall not apply to the settlement of investment disputes between a Contracting Party and an investor of the other Contracting Party.
4. The provisions of paragraph 1 and 2 of this Article shall not be construed so as to oblige one Contracting Party to extend to the investors of the other Contracting Party the benefit of any treatment, preference or privilege which may be extended by the former Contracting Party by virtue of:
  - a) any existing or future customs union or economic or monetary union, free trade area or similar international agreements to which either of the Contracting Party is or may become a party in the future;
  - b) any international agreement or arrangement, wholly or partially related to taxation.





5. Each Contracting party shall observe any obligation it may have entered into with regard to investment and investment activities of the investments of the other Contracting Party.

#### ARTICLE 7

##### Compensation for damage or loss

1. When investments made by investors of either Contracting Party suffer loss or damage owing to war or other armed conflict, civil disturbances, state of national emergency, revolution, riot or similar events in the territory of the other Contracting Party they shall be accorded by the latter Contracting Party treatment, as regards restitution, compensation or other settlement, not less favourable than the treatment that the latter Contracting Party accords to its own investors or to investors of any third State, whichever is more favourable to the investors concerned.
2. Without prejudice to paragraph 1 of this Article, investors of one Contracting Party who in any of the events referred to in that paragraph suffer damage or loss in the territory of the other Contracting Party resulting from:
  - a. requisitioning of their property or part thereof by its forces or authorities;
  - b. destruction of their property or part thereof by its forces or authorities which was not caused in combat or was not required by the necessity of the situation,

shall be accorded prompt, adequate and effective compensation or restitution for the damage or loss sustained during the period of requisitioning or as a result of destruction of their property. Resulting payments shall be made in freely convertible currency and be freely transferable without delay.

#### ARTICLE 8

##### Expropriation

1. A Contracting Party shall not expropriate or nationalise directly or indirectly in its territory an investment of an investor of the other Contracting Party or take any measures having equivalent effect (hereinafter referred to as "expropriation") except if the following conditions occur simultaneously:
  - a. for a purpose which is in the public interest,
  - b. on a non-discriminatory basis,
  - c. in accordance with due process of law, and
  - d. accompanied by payment of prompt, adequate and effective compensation.
2. Compensation shall amount to the fair market value of the investment expropriated immediately before the expropriation or impending expropriation became known, whichever is the earlier. Compensation shall include interest at the current commercial

rate of the Contracting Party in which the investment is made from the date of expropriation until the date of actual payment.

3. Where the fair market value cannot be ascertained, the compensation shall be determined in equitable manner taking into account all relevant factors and circumstances, such as the capital invested, the nature and duration of the investment, replacement.
4. Compensation shall be paid without delay, be effectively realizable and freely transferable.
5. An investor of a Contracting Party affected by the expropriation carried out by the other Contracting Party shall have the right to prompt review of its case, including the valuation of its investment and the payment of compensation in accordance with the provisions of this Article, by a judicial authority or another competent and independent authority of the latter Contracting Party.
6. Where a Contracting Party expropriates the assets of a legal entity that is constituted in its territory according to its laws and regulations and in which investors of the other Contracting Party participate, it shall ensure that the provisions of this Article are applied in a way that it guarantees such investors adequate and effective compensation.
7. Notwithstanding the provisions of this Article, sovereign assets and sovereign wealth funds shall not be subject to nationalization, exploration, sequestration, blocking or freezing by a Contracting Party nor shall be subject to any of these measures directly or indirectly by a request of a third party.
8. The determination of whether an action or series of actions by a Contracting Party, in a specific fact situation, constitutes an indirect expropriation, requires a case-by-case, fact-based inquiry that considers, among other factors:
  - a. the economic impact of the government action, although the fact that an action or series of actions by a Contracting Party has an adverse effect on the economic value of an investment, standing alone, does not establish that an indirect expropriation has occurred;
  - b. the extent to which the government action breaches the government's prior binding written commitment to the investor whether by contract, licence or other legal document; and



- c. the character of the government action, including its objective and whether the action is to the public purpose referred above.

**Article 9**

**Right to Regulate**

1. Nothing in this Agreement shall be construed to prevent a Contracting Party from adopting, maintaining, or enforcing any measure that it considers appropriate to ensure that an investment activity in its territory is undertaken in accordance with the applicable public health, security, environmental and labour law of the Contracting Party, such measures should not be applied in a manner that would constitute arbitrary or unjustifiable discrimination between investments or investors.
2. The Contracting Parties recognise that it is inappropriate to encourage investment by relaxing domestic public health, security, labour or environmental measures. Accordingly, a Contracting Party should not waive or otherwise derogate from, or offer to waive or otherwise derogate from, such measures as an encouragement for the establishment, expansion or retention in its territory of an investment of an investor, as long as such derogation or waiver diminish its public health, security, labour and environmental standards.

**ARTICLE 10**

**Transfers**

1. In accordance with its laws and regulations in force in the territory of the Contracting Party, each Contracting Party shall ensure that all payments relating to an investment in its territory of an investor of the other Contracting Party may be freely transferred into and out of its territory without undue delay. Such transfers shall include, in particular:
  - a. initial capital and additional amounts to maintain or increase an investment;
  - b. returns;
  - c. payments made under a contract, including repayments pursuant to a loan agreement;
  - d. proceeds from the sale or liquidation of all or any part of an investment;
  - e. payments of compensation under Articles 7 and 8 of this Agreement;
  - f. payments under Article 10 of this Agreement;
  - g. payments arising out of the settlement of an investment dispute;
  - h. earnings and other remuneration of personnel engaged from abroad in connection with an investment.
  - i. Profits and returns of national airlines.



2. Each Contracting Party shall ensure that the transfers under paragraph 1 of this Article are made without unreasonable delay and in a freely convertible currency, at the market rate of exchange prevailing on the date of transfer and under the laws and regulations in force in the territory of the Contracting Party where investments have been made. In the absence of a market for foreign exchange, the rate to be used shall be the most recent exchange rate for the conversions of currencies into Special Drawing Rights.
3. Notwithstanding paragraph 1 and 2 of this Article, a Contracting Party may in accordance with its laws and regulations, in good faith and in equitable and non-discriminatory manner prevent the transfers to apply its laws and regulations relating to:
  - a. bankruptcy, insolvency, or the protection of the rights of creditors;
  - b. financial reporting or record keeping of transfers when necessary to assist law enforcement or financial regulatory authorities;
  - c. taxation;
  - d. criminal or penal offences;
  - e. ensuring compliance with orders or judgments in judicial or administrative proceedings; or
  - f. social security, public retirement or compulsory savings schemes if it is required
4. A Contracting Party may adopt or maintain non-discriminatory, proportionate and temporary measures inconsistent with this Article:
  - a. in the event of serious balance-of-payments and external financial difficulties or threat thereof; or
  - b. in cases where, in exceptional circumstances, movements of capital cause or threaten to cause serious difficulties for macroeconomic management, in particular, monetary and exchange rate policies.Provided that such measures should be consistent with Article 6 section 3 of the IMF Articles of Agreement with respect to controls of capital transfers.

#### ARTICLE 11

##### Subrogation

1. If one Contracting Party or its designated agency (for the purpose of this Article: the “guarantor”) makes a payment under an indemnity given in respect of an investment in the territory of the other Contracting Party, the latter Contracting Party shall recognise:
  - a. the assignment to the guarantor by law or by legal transaction of all the rights and claims of the party indemnified; and

- b. that the guarantor is entitled to exercise such rights and enforce such claims by virtue of subrogation, to the same extent as the party indemnified, and shall assume the obligations related to the investment.
2. The guarantor shall be entitled in all circumstances to:
  - a. the same treatment in respect of the rights, claims and obligations acquired by it, by virtue of the assignment; and
  - b. any payments received in pursuance of those rights and claimsas the party indemnified was entitled to receive it by virtue of this Agreement, in respect of the investment concerned and its related returns.
3. The subrogated rights or claims shall not exceed the original rights or claims of the investor.
4. Notwithstanding paragraph 1 of this Article, subrogation shall take place in the Contracting Party only after the approval of the competent authority of that Contracting Party.

## ARTICLE 12

### Mediation And Conciliation

1. In lieu of, or in addition to, the mandatory negotiation requirement, the parties to the Investor-State Dispute may agree to mediation or conciliation, without prejudice to their rights, claims and defenses under this Agreement.
2. The parties to the Investor-State Dispute shall agree upon the rules applicable to (i) the mediation or conciliation of the dispute and (ii) the method of appointment of the mediator or conciliator.

## ARTICLE 13

### Conditions Precedent to the Submission of a Dispute to Arbitration

1. An Investor-State Dispute may be submitted to arbitration in accordance with Article 14 below only if the following conditions have been met:
  - a) the Investor party to the Investor-State Dispute has consented in writing to arbitration in accordance with Article 14 below;
  - b) one hundred twenty (120) days, or any other time period agreed upon by the parties, since the receipt by the Contracting Party concerned of the Notice of Intent have elapsed and the Investor-State Dispute has not been settled amicably;

- c) no mediation or conciliation procedure is pending between the parties to the Investor-State Dispute;
  - d) no claim for monetary relief has been brought by the Investor, with respect to any of the Measures alleged by the Investor to be in breach of this Agreement;
  - e) the Investor has waived in writing its right to initiate any other proceedings with respect to any of the Measures alleged by the Investor to be in breach of this Agreement, except for proceedings seeking interim or conservatory Measures and not requesting the payment of monetary damages, which waiver of rights shall cease to exist if the arbitral tribunal or domestic court to which the Investor-State Dispute has been submitted under Article 14 has dismissed the Investor-State Dispute for lack of jurisdiction or inadmissibility and that decision is final and binding; and
  - f) No investment dispute may be submitted for resolution by arbitration if more than three years have elapsed from the date on which the investor first acquired or should have acquired knowledge of the alleged breach and loss or damage that the latter has allegedly incurred
2. Where an investment authorization or a contract includes a choice of forum clause for the resolution of disputes pertaining to that investment or the authorization or contract, no arbitration under this Agreement may be initiated by the Investor when the underlying measure in the arbitration would be covered by such a choice of forum clause.

#### ARTICLE 14

##### Submission of a Dispute to an Arbitral Tribunal or Domestic Courts

1. Provided the conditions set out in Article 13 are met, an Investor-State Dispute may be submitted either to the competent domestic courts of the Contracting Party in whose Territory the Investment has been made or arbitration by either party under:
- a) the ICSID Convention, if both Contracting Parties are party to the ICSID Convention; or
  - b) the ICSID Additional Facility Rules, if only one Contracting Party is a party to the ICSID Convention; or
  - c) the UNCITRAL Arbitration Rules, as applicable on the date of signature of this Agreement, unless the parties to the Investor-State Dispute agree otherwise; or
  - d) any other arbitration rules on which the parties to the Investor-Dispute agree.
2. A legal entity which is incorporated or constituted or otherwise duly organized under the laws and regulations of one Contracting Party and which, before a dispute arises, is de jure and de facto controlled by Investors of the other Contracting Party shall for the purpose of Article 25(2)(b) of the ICSID Convention be treated as a “national of another Contracting

State” and shall for the purpose of Article 1(6) of the ICSID Additional Facility Rules be treated as a “national of another State.”

3. Each Contracting Party consents to the submission of an Investor-State Dispute to arbitration as provided for herein subject to the conditions set out in Article 14 are met. The consent given satisfies the requirement of:
  - a) Chapter II of the ICSID Convention (Jurisdiction of the Centre) and the ICSID Additional Facility Rules for written consent of the disputing parties; and
  - b) Article II.1 and II.2 of the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards for an agreement in writing.

#### ARTICLE 15

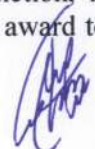
##### Other Proceedings

1. If other dispute settlement procedures have been initiated by an entity or individual related to the Investor party to the Investor-State Dispute with respect to any Measures alleged to be in breach of this Agreement and if such other procedures are pending on the date of commencement of the arbitration proceedings pursuant to Article 14 above, the arbitral tribunal established under Article 14 shall stay the arbitration proceedings until the end of such other proceedings.
2. Upon completion of such other proceedings initiated by an entity or individual related to the Investor party to the Investor-State Dispute, the arbitral tribunal established under 0 14 shall proceed with the arbitration proceedings and take into account the outcome of such other proceedings in the interest of avoiding conflicting decisions, in order to ensure the fair and efficient resolution of the Investor-State Dispute, and in particular to avoid double recovery.

#### ARTICLE 16

##### Summary Dismissal

1. The Contracting Party to an Investor-State Dispute may, no later than sixty (60) days after the constitution of the arbitral tribunal established under Article 14 of this Agreement, and in any event before the arbitral tribunal issues any first procedural decision, submit an application for summary dismissal of a claim on the basis that such claim is manifestly outside the jurisdiction of the arbitral tribunal, is manifestly inadmissible or is manifestly without legal merit.
2. The arbitral tribunal shall afford the parties to the Investor-State Dispute the opportunity to present written observations on the application.
3. If the arbitral tribunal decides that the claim is manifestly outside its jurisdiction, is manifestly inadmissible or is manifestly without legal merit, it shall render an award to that effect.



4. The decision of the arbitral tribunal shall be without prejudice to the right of the Contracting Party in the Investor-State Dispute to object to a claim in the course of the arbitral proceedings on the basis that such claim is outside the jurisdiction of the arbitral tribunal, is inadmissible or is without legal merit.
5. If the arbitral tribunal dismisses the claim of the Investor on the basis that it manifestly outside the jurisdiction of the arbitral tribunal, is manifestly inadmissible or is manifestly without legal merit, the arbitral tribunal shall award the Contracting Party in the Investor-State Dispute all costs and fees incurred in the arbitral proceedings including those for legal representation and assistance, except where the arbitral tribunal finds such costs and fees to be manifestly unreasonable.

#### **ARTICLE 17**

##### **Applicable Law**

1. An arbitral tribunal established under Article 14 of this Agreement to hear an Investor-State Dispute shall decide the issues in dispute in accordance with this Agreement, the principles and rules of public international law, and the domestic law of the Contracting Party in whose Territory the Investment has been made.
2. A joint interpretation of this Agreement, agreed upon by the Contracting Parties and received in a timely manner in accordance with Article 14, shall be binding on the arbitral tribunal.

#### **ARTICLE 18**

##### **Ethical Duties of Members of the Arbitral Tribunal and Any of Their Assistants**

1. Without prejudice to any other obligation incumbent upon the members of the arbitral tribunal established under Article 14 of this Agreement, or upon their assistants, under the applicable arbitration rules, arbitrators and their assistants shall disclose any fact or circumstance which could reasonably give rise to justifiable doubts as to their impartiality or independence.
2. For the avoidance of doubt, arbitrators and their assistants shall disclose any relationship with any individual or entity having a direct economic interest in the Investor-State Dispute.
3. The foregoing disclosure obligation is a continuing duty applicable at any stage of the arbitration proceedings in relation to the Investor-State Dispute.
4. Arbitrators and their assistants shall also comply with the International Bar Association Guidelines on Conflicts of Interests in International Arbitration, as in force on the date of constitution of the arbitral tribunal.





**ARTICLE 19**  
**Joint Interpretation**

1. An arbitral tribunal established under Article 14 of this Agreement shall, on its own initiative or upon a request of either party to an Investor-State Dispute made within one hundred twenty (120) days from the constitution of the arbitral tribunal, request a joint interpretation by the Contracting Parties of any provision of this Agreement.
2. A joint interpretation of the Contracting Parties received no later than ninety (90) days starting from receipt by the Contracting Parties of the request for such joint interpretation by an arbitral tribunal established under Article 14 of this Agreement shall be binding on said arbitral tribunal.
3. Any joint interpretation of the Contracting Parties regarding this Agreement shall be made public and be binding on all arbitral tribunals established under Article 14 of this Agreement after the publication of any such joint interpretation.

**ARTICLE 20**  
**Enforcement of Arbitral Awards**

1. An arbitral award rendered by an arbitral tribunal established under Article 14 of this Agreement shall be binding upon the parties to the Investor-State Dispute.
2. Subject to paragraph (3), parties to an Investor-State Dispute shall abide by and comply with any arbitral award rendered by an arbitral tribunal established under Article 14 of this Agreement without delay.
3. Parties to an Investor-State Dispute shall not seek the enforcement of a final award rendered by an arbitral tribunal established under Article 14 until:
  - a) In the case of a final award rendered under the ICSID Convention:
    - (i) 120 days have elapsed from the date the award was rendered and no request has been made that the award be revised or annulled, or
    - (ii) revision or annulment proceedings have been concluded; and
  - b) in the case of a final award under the ICSID Additional Facility Rules, the UNCITRAL Arbitration Rules, or any other arbitration rules to which the parties to an Investor-State Dispute have agreed pursuant to Article 14 :
    - (i) 90 days have elapsed from the date the award was rendered and no proceeding to revise, set aside or annul the award has been commenced, or
    - (ii) a court has dismissed or allowed an application to revise, set aside or annul the award and there is no further appeal.

ARTICLE 21

Settlement of disputes between the Contracting Parties

1. Disputes between the Contracting Parties concerning the interpretation or application of this Agreement shall be settled as far as possible by negotiations.
2. If a dispute under paragraph 1 of this Article cannot be settled within six months it shall upon the request of either Contracting Party be submitted to an arbitral tribunal of three members.
3. Such arbitral tribunal shall be constituted ad hoc. Each Contracting Party shall appoint one member and these two members shall agree upon a national of a third State as their chairman with whom both countries have a diplomatic relation. Such members shall be appointed within two months from the date one Contracting Party has informed the other Contracting Party of its intention to submit the dispute to an arbitral tribunal, the chairman of which shall be appointed within two further months.
4. If the periods specified in paragraph 3 of this Article are not observed, either Contracting Party may, in the absence of any other relevant arrangement, invite the President of the International Court of Justice to make the necessary appointments. If the President of the International Court of Justice is a national of either of the Contracting Parties or if he is otherwise prevented from discharging the said function, the Vice-president or in case of his inability the member of the International Court of Justice next in seniority according to the Rules of the Court should be invited under the same conditions to make the necessary appointments. The appointed judge should be a national of a State that has diplomatic relations with the Contracting parties.
5. The arbitral tribunal shall establish its own rules of procedure unless the Contracting Parties decide otherwise.
6. The arbitral tribunal shall reach its decision in virtue of this Agreement and pursuant to the rules of international law. It shall reach its decision by a majority of votes; the decision shall be final and binding.
7. Each Contracting Party shall bear the costs of its own member and of its legal representation in the arbitration proceedings. The costs of the chairman and the remaining costs shall be borne in equal parts by both Contracting Parties. The tribunal may, however, in its award determine another distribution of costs.



**ARTICLE 22**

**Application of other rules**

Without prejudice to Articles 1 paragraph 2, 5 and 6, if the legislation of either Contracting Party or obligations between the Contracting Parties under international law existing at present or established hereafter between the Contracting Parties, in addition to this Agreement, contain rules whether general or specific, entitling investments made by investors of the other Contracting Party to a treatment more favourable than is provided for by this Agreement, such rules shall to the extent that they are more favourable to the investor, prevail over this Agreement.

**ARTICLE 23**

**Consultations**

The Contracting Parties shall, on the request of either, hold consultations on any matter relating to the implementation or application of this Agreement at a place and a time to be agreed upon through diplomatic channels.

**ARTICLE 24**

**Limitation of benefits**

1. Benefits of this Agreement shall not be available to an investor of a Contracting Party, if the main purpose of the acquisition of the nationality of that Contracting Party was to obtain benefits under this Agreement that would not otherwise be available to the investor including the planning of nationality through intermediary countries.
2. Prior to denying the benefits of this Agreement, the denying Contracting Party shall notify the other Contracting Party.

**ARTICLE 25**

**Entry into force, amendments, duration and termination**

1. This Agreement shall enter into force on the date of receipt of the latter notification through diplomatic channels by which either Contracting Party notifies the other Contracting Party that its internal legal requirements for the entry into force of this Agreement have been fulfilled.
2. This Agreement may be amended in writing by the mutual consent of the Contracting Parties. Such amendments shall enter into force according to the same procedure as the Agreement.

3. This Agreement shall remain in force for a period of ten years and shall be extended thereafter for following ten years periods unless, one year before the expiration of the initial or any subsequent period, either Contracting Party notifies the other Contracting Party of its intention to terminate the Agreement. In that case, the termination shall become effective by the expiration of current period of ten years.
4. In respect of investments made prior to the date when the termination of this Agreement becomes effective, the provisions of this Agreement shall continue to be effective for a period of ten years from the date the termination of this Agreement became effective.
5. This Agreement shall apply irrespective of the existence of diplomatic or consular relations between the Contracting Parties.

In witness whereof, the undersigned duly authorised have signed this Agreement.

Done at Dubai on 01/11/2017 in duplicate, in the Arabic and English languages, all texts being equally authentic. In a case of divergence of interpretation, the English text shall prevail.



**FOR**  
**THE REPUBLIC OF RWANDA**



**FOR**  
**THE UNITED ARAB EMIRATES**

**BIBONYWE KUGIRA NGO BISHYIRWE KU MUGERKA W'ITEGEKO N°63/2018 RYO KU WA 24/08/2018 RYEMERA KWEMEZA BURUNDU AMASEZERANO Y'UBUFATANYE HAGATI YA REPUBULIKA Y'U RWANDA NA LETA ZUNZE UBUMWE Z'ABARABU YEREKEYE GUTEZA IMBERE NO KURENGERA ISHORAMARI HAGATI Y'IMPANDE ZOMBI, YASHYIRIWEHO UMUKONO I DUBAI, UAE, KU YA MBERE UGUSHYINGO 2017**

**SEEN TO BE ANNEXED TO THE LAW N°63/2018 OF 24/08/2018 APPROVING RATIFICATION OF THE AGREEMENT BETWEEN THE REPUBLIC OF RWANDA AND THE UNITED ARAB EMIRATES ON THE PROMOTION AND RECIPROCAL PROTECTION OF INVESTMENTS, SIGNED IN DUBAI, UAE, ON 01 NOVEMBER 2017**

**VU POUR ETRE ANNEXE A LA LOI N°63/2018 DU 24/08/2018 APPROUVANT LA RATIFICATION DE L'ACCORD ENTRE LA REPUBLIQUE DU RWANDA ET LES EMIRATS ARABES UNIS RELATIF A LA PROMOTION ET LA PROTECTION RECIPROQUES DES INVESTISSEMENTS, SIGNE A DUBAI, EAU, LE 1<sup>er</sup> NOVEMBRE 2017**

Kigali, ku wa 24/08/2018

Kigali, on 24/08/2018

Kigali, le 24/08/2018

(sé)

**KAGAME Paul**

Perezida wa Repubulika

(sé)

**Dr. NGIRENTE Edouard**

Minisitiri w'Intebe

(sé)

**KAGAME Paul**

President of the Republic

(sé)

**Dr. NGIRENTE Edouard**

Prime Minister

(sé)

**KAGAME Paul**

Président de la République

(sé)

**Dr. NGIRENTE Edouard**

Premier Ministre

**Bibonywe kandi bishyizweho Ikirango cya Repubulika:**

(sé)

**BUSINGYE Johnston**

Minisitiri w'Ubutabera/Intumwa Nkuru ya Leta

**Seen and sealed with the Seal of the Republic:**

(sé)

**BUSINGYE Johnston**

Minister of Justice/Attorney General

**Vu et scellé du Sceau de la République:**

(sé)

**BUSINGYE Johnston**

Ministre de la Justice/Garde des Sceaux

ITEGEKO N° 64/2018 RYO KU WA 24/08/2018 RYEMERA KWEMEZA BURUNDU AMASEZERANO Y'UBUFATANYE MU GUTEZA IMBERE NO KURINDA IBIKORWA BY'ISHORAMARI HAGATI YA REPUBULIKA Y'U RWANDA NA REPUBULIKA YA TURIKIYA YASHYIRIWEHO UMUKONO MURI ISTANBUL KU WA 3 UGUSHYINGO 2016

LAW N° 64/2018 OF 24/08/2018 APPROVING RATIFICATION OF THE AGREEMENT BETWEEN THE REPUBLIC OF RWANDA AND THE REPUBLIC OF TURKEY CONCERNING THE RECIPROCAL PROMOTION AND PROTECTION OF INVESTMENTS, SIGNED IN ISTANBUL ON 3 NOVEMBER 2016

LOI N° 64/2018 DU 24/08/2018 APPROUVANT RATIFICATION DE L'ACCORD ENTRE LA REPUBLIQUE DU RWANDA ET LA REPUBLIQUE DE TURQUIE SUR LA PROMOTION ET LA PROTECTION RECIPROQUES DES INVESTISSEMENTS, SIGNE A ISTANBUL LE 3 NOVEMBRE 2016

**ISHAKIRO**

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**Twebwe, KAGAME Paul,**  
Perezida wa Repubulika;

**INTEKO ISHINGA AMATEGEKO YEMEJE NONE NATWE DUHAMIJE, DUTANGAJE ITEGEKO RITEYE RITYA KANDI DUTEGETSE KO RYANDIKWA MU IGAZETI YA LETA YA REPUBULIKA Y'U RWANDA**

**INTEKO ISHINGA AMATEGEKO:**

Umutwe w'Abadepite, mu nama yawo yo ku wa 17 Nyakanga 2018;

Ishingiye ku Itegeko Nshinga rya Repubulika y'u Rwanda ryo mu 2003 ryavuguruwe mu 2015, cyane cyane mu ngingo zaryo, iya 64,

**LAW N° 64/2018 OF 24/08/2018 APPROVING RATIFICATION OF THE AGREEMENT BETWEEN THE REPUBLIC OF RWANDA AND THE REPUBLIC OF TURKEY CONCERNING THE RECIPROCAL PROMOTION AND PROTECTION OF INVESTMENTS, SIGNED IN ISTANBUL ON 3 NOVEMBER 2016**

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

**THE PARLIAMENT HAS ADOPTED AND WE SANCTION, PROMULGATE THE FOLLOWING 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 17 July 2018;

Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015,

**LOI N° 64/2018 DU 24/08/2018 APPROUVANT RATIFICATION DE L'ACCORD ENTRE LA REPUBLIQUE DU RWANDA ET LA REPUBLIQUE DE TURQUIE SUR LA PROMOTION ET LA PROTECTION RECIPROQUES DES INVESTISSEMENTS, SIGNE A ISTANBUL LE 3 NOVEMBRE 2016**

**Nous, KAGAME Paul,**  
Président de la République;

**LE PARLEMENT A ADOPTE ET NOUS SANCTIONNONS, PROMULGUONS LA LOI DONT LA TENEUR SUIT, ET ORDONNONS QU'ELLE SOIT PUBLIEE AU JOURNAL OFFICIEL DE LA REPUBLIQUE DU RWANDA**

**LE PARLEMENT:**

La Chambre des Députés, en sa séance du 17 juillet 2018;

Vu la Constitution de la République du Rwanda de 2003 révisée en 2015, spécialement en ses

iya 69, iya 70, iya 88, iya 90, iya 91, iya 106, iya 120, iya 167, iya 168 n'iya 176; especially in Articles 64, 69, 70, 88, 90, 91, 106, 120, 167, 168 and 176; articles 64, 69, 70, 88, 90, 91, 106, 120, 167, 168 et 176;

Imaze gusuzuma Amasezerano y'ubufatanye mu guteza imbere no kurinda ibikorwa by'ishoramari hagati ya Repubulika y'u Rwanda na Repubulika ya Turikiya yashyiriweho umukono muri Istanbul ku wa 3 Ugushyingo 2016 ; After consideration of the Agreement between the Republic of Rwanda and the Republic of Turkey concerning the Reciprocal Promotion and Protection of Investments, signed in Istanbul on 3 November 2016; Après examen de l'Accord entre la République du Rwanda et la République de Turquie sur la promotion et la protection réciproques des investissements, signé à Istanbul, le 3 novembre 2016 ;

**YEMEJE:**

**ADOPTS:**

**ADOPTE:**

**Ingingo ya mbere: Kwemera kwemeza burundu**

**Article One: Approval for ratification**

**Article premier: Approbation pour ratification**

Amasezerano y'ubufatanye mu guteza imbere no kurinda ibikorwa by'ishoramari hagati ya Repubulika y'u Rwanda na Repubulika ya Turikiya yashyiriweho umukono muri Istanbul ku wa 3 Ugushyingo 2016, ari ku mugereka, yemerewe kwemezwa burundu ;

The Agreement between the Republic of Rwanda and the Republic of Turkey concerning the Reciprocal Promotion and Protection of Investments, signed in Istanbul on 3 November 2016, in annex, is approved for ratification.

L'Accord entre la République du Rwanda et la République de Turquie sur la promotion et la protection réciproques des investissements, signé à Istanbul le 3 novembre 2016, en annexe, est approuvé pour ratification.

**Ingingo ya 2: Itegurwa, isuzumwa n'itorwa by'iri tegeko**

**Article 2: Drafting, consideration and adoption of this Law**

**Article 2: Initiation, examen et adoption de la présente loi**

Iri tegeko ryateguwe mu rurimi rw'Icyongereza, risuzumwa kandi ritorwa mu rurimi rw'Ikinyarwanda.

This Law was drafted in English, considered and adopted in Ikinyarwanda.

La présente loi a été initiée en anglais, examinée et adoptée en Ikinyarwanda.



**Ingingo ya 3: Igihe iri tegeko ritangira gukurikizwa**

Iri tegeko ritangira gukurikizwa ku munsu ritangarijweho mu Igazeti ya Leta ya Repubulika y'u Rwanda.

Kigali, ku wa 24/08/2018

(sé)

**KAGAME Paul**  
Perezida wa Repubulika

(sé)

**Dr. NGIRENTE Edouard**  
Minisitiri w'Intebe

**Bibonywe kandi bishyizweho Ikirango cya Repubulika:**

(sé)

**BUSINGYE Johnston**  
Minisitiri w'Ubutabera/Intumwa Nkuru ya Leta

**Article 3: Commencement**

This Law comes into force on the date of its publication in the Official Gazette of the Republic of Rwanda.

Kigali, on 24/08/2018

(sé)

**KAGAME Paul**  
President of the Republic

(sé)

**Dr. NGIRENTE Edouard**  
Prime Minister

**Seen and sealed with the Seal of the Republic:**

(sé)

**BUSINGYE Johnston**  
Minister of Justice/Attorney General

**Article 3: Entrée en vigueur**

La présente loi entre en vigueur le jour de sa publication au Journal Officiel de la République du Rwanda.

Kigali, le 24/08/2018

(sé)

**KAGAME Paul**  
Président de la République

(sé)

**Dr. NGIRENTE Edouard**  
Premier Ministre

**Vu et scellé du Sceau de la République:**

(sé)

**BUSINGYE Johnston**  
Ministre de la Justice/Garde des Sceaux

**UMUGEREKA W'ITEGEKO N° 64/2018  
RYO KU WA 24/08/2018 RYEMERA  
KWEMEZA BURUNDU  
AMASEZERANO Y'UBUFATANYE MU  
GUTEZA IMBERE NO KURINDA  
IBIKORWA BY'ISHORAMARI HAGATI  
YA REPUBULIKA Y'U RWANDA NA  
REPUBULIKA YA TURIKIYA  
YASHYIRIWEHO UMUKONO MURI  
ISTANBUL KU WA 3 UGUSHYINGO  
2016**

**ANNEX TO THE LAW N° 64/2018 OF  
24/08/2018 APPROVING  
RATIFICATION OF THE AGREEMENT  
BETWEEN THE REPUBLIC OF  
RWANDA AND THE REPUBLIC OF  
TURKEY CONCERNING THE  
RECIPROCAL PROMOTION AND  
PROTECTION OF INVESTMENTS,  
SIGNED IN ISTANBUL ON 3  
NOVEMBER 2016**

**ANNEXE A LA LOI N° 64/2018 DU  
24/08/2018 APPROUVANT  
RATIFICATION DE L'ACCORD ENTRE  
LA REPUBLIQUE DU RWANDA ET LA  
REPUBLIQUE DE TURQUIE SUR LA  
PROMOTION ET LA PROTECTION  
RECIPROQUES DES  
INVESTISSEMENTS, SIGNE A  
ISTANBUL LE 3 NOVEMBRE 2016**

*Official Gazette n° 38 of 17/09/2018*

**AGREEMENT BETWEEN  
THE GOVERNMENT OF THE REPUBLIC OF RWANDA  
AND  
THE GOVERNMENT OF THE REPUBLIC OF TURKEY  
CONCERNING  
THE RECIPROCAL PROMOTION AND PROTECTION OF  
INVESTMENTS**

The Government of the Republic of Rwanda and the Government of the Republic of Turkey, hereinafter referred to as “the Contracting Parties”;

Desiring to promote greater economic cooperation between them, particularly with respect to investment by investors of one Contracting Party in the territory of the other Contracting Party;

Recognizing that agreement upon the treatment to be accorded such investment will stimulate the flow of capital and technology and the economic development of the Contracting Parties;

Agreeing that fair and equitable treatment of investments is desirable in order to maintain a stable framework for investment and will contribute to maximizing effective utilization of economic resources and improve living standards; and

Convinced that these objectives can be achieved without relaxing health, safety and environmental measures of general application as well as internationally recognized labor rights;

Having resolved to conclude an agreement concerning the reciprocal promotion and protection of investments;

Have agreed as follows:

**ARTICLE 1**  
**Definitions**

For the purposes of this Agreement;

1. The term "investment" means every kind of asset, connected with business activities, acquired for the purpose of establishing lasting economic relations in the territory of a Contracting Party in conformity with its laws and regulations, and shall include in particular, but not exclusively:

(a) movable and immovable property, as well as any other rights as mortgages, liens, pledges, and any other similar rights as defined in conformity with the laws and regulations of the Contracting Party in whose territory the property is situated;

(b) reinvested returns, claims to money or any other rights having financial value related to an investment;

(c) shares, stocks, or any other form of participation in companies;

(d) industrial and intellectual property rights, in particular patents, industrial designs, technical processes, as well as trademarks, goodwill, and know-how;

(e) business concessions conferred by law or by contract, including concessions related to natural resources;

provided that such investments are not in the nature of acquisition of shares or voting power amounting to, or representing of, less than ten (10) percent of a company through stock exchanges which shall not be covered by this Agreement.

2. The term "investor" means:

(a) natural persons having the nationality of a Contracting Party according to its laws;

(b) companies, corporations, firms, business partnerships incorporated or constituted under the law in force of a Contracting Party and having their registered offices together with substantial business activities in the territory of that Contracting Party;

who have made an investment in the territory of the other Contracting Party.

3. The term "returns" means the amounts yielded by an investment and includes in particular, though not exclusively, profit, interest, capital gains, royalties, fees and dividends.

4. The "territory" means:

(a) in respect of the Republic of Rwanda; the land, internal waters, the airspace above them, as well as other areas over which Rwanda has sovereign rights or jurisdiction.

(b) in respect of the Republic of Turkey; the land territory, internal waters, the territorial sea and the airspace above them, as well as the maritime areas over which Turkey has sovereign rights or jurisdiction for the purpose of exploration, exploitation and preservation of natural resources whether living or non-living, pursuant to international law.

#### **ARTICLE 2**

##### **Scope of Application**

This Agreement shall apply to investments in the territory of one Contracting Party, made in accordance with its national laws and regulations, by investors of the other Contracting Party, whether prior to, or after the entry into force of the present Agreement. However, this Agreement shall not apply to any disputes that have arisen before its entry into force.

#### **ARTICLE 3**

##### **Promotion and Protection of Investments**

1. Subject to its laws and regulations, each Contracting Party shall in its territory promote as far as possible investments by investors of the other Contracting Party.

2. Investments of investors of each Contracting Party shall at all times be accorded treatment in accordance with international law minimum standard of treatment, including fair and equitable treatment and full protection and security in the territory of the other Contracting Party. Neither Contracting Party shall in any way impair the management, maintenance, use, operation, enjoyment, extension, sale, liquidation or disposal of such investments by unreasonable or discriminatory measures.

#### **ARTICLE 4**

##### **Treatment of Investments**

1. Each Contracting Party shall admit in its territory investments on a basis no less favourable than that accorded in like circumstances to investments of investors of any third State, within the framework of its laws and regulations.

2. Each Contracting Party shall accord to these investments, once established, treatment no less favourable than that accorded in like circumstances to investments of its investors or to investments of investors of any third State, whichever is the most favourable, as regards the management, maintenance, use, operation, enjoyment, extension, sale, liquidation or disposal of the investment.

3. The Contracting Parties shall within the framework of their national legislation give favorable consideration to applications for the entry and sojourn of nationals of either Contracting Party who wish to enter the territory of the other Contracting Party in connection with the making and carrying through of an investment.

4. (a) The provisions of this Article shall not be construed so as to oblige one Contracting Party to extend to the investors of the other Contracting Party the benefit of any treatment, preference or privilege which may be extended by the former Contracting Party by virtue of any international agreement or arrangement relating wholly or mainly to taxation.

(b) The non-discrimination, national treatment and most-favored nation treatment provisions of this Agreement shall not apply to all actual or future advantages accorded by either Contracting Party by virtue of its membership of, or association with a customs, economic or monetary union, a common market or a free trade area; to nationals or companies of its own, of Member States of such union, common market or free trade area, or of any other third State.

(c) Paragraphs (1) and (2) of this Article shall not apply in respect of dispute settlement provisions between an investor and the hosting Contracting Party laid down simultaneously by this Agreement and by another similar international agreement to which one of the Contracting Parties is signatory.

(d) The provisions of Article 3 and 4 of this Agreement shall not oblige the either Contracting Party to accord investments of investors of the other Contracting Party the same treatment that it accords to investments of its own investors with regard to acquisition of land, real estates, and real rights thereof.

#### **ARTICLE 5** **General Exceptions**

1. Nothing in this Agreement shall be construed to prevent a Contracting Party from adopting, maintaining, or enforcing any non-discriminatory legal measures:

(a) designed and applied for the protection of human, animal or plant life or health, or the environment;

(b) related to the conservation of living or non-living exhaustible natural resources.

2. Nothing in this Agreement shall be construed:

(a) to require any Contracting Party to furnish or allow access to any information the disclosure of which it determines to be contrary to its essential security interests;

(b) to prevent any Contracting Party from taking any actions that it considers necessary for the protection of its essential security interests;

- (i) relating to the traffic in arms, ammunition and implements of war and to such traffic and transactions in other goods, materials, services and technology undertaken directly or indirectly for the purpose of supplying a military or other security establishment,
  - (ii) taken in time of war or other emergency in international relations, or
  - (iii) relating to the implementation of national policies or international agreements respecting the non-proliferation of nuclear weapons or other nuclear explosive devices; or
- (c) to prevent any Contracting Party from taking action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security.

#### **ARTICLE 6**

##### **Expropriation and Compensation**

1. Investments shall not be expropriated, nationalized or subject, directly or indirectly, to measures of similar effects (hereinafter referred to as expropriation) except for a public purpose, in a non-discriminatory manner, upon payment of prompt, adequate and effective compensation, and in accordance with due process of law and the general principles of treatment provided for in Article 4 of this Agreement.
2. Non-discriminatory legal measures designed and applied to protect legitimate public welfare objectives, such as health, safety and environment, do not constitute indirect expropriation.
3. Compensation shall be equivalent to the market value of the expropriated investment before the expropriation was taken or became public knowledge. Compensation shall be paid without delay and be freely transferable as described in paragraph (2) of Article 8.
4. The market value shall be determined in accordance with generally recognized principles of valuation and equitable principles taking into account, where appropriate, the capital invested, depreciation, capital already repatriated, replacement value, currency exchange rate movements and other relevant factors.
5. Compensation shall be payable in a freely convertible currency and in the event that payment of compensation is delayed, such compensation shall be paid in an amount which would put the investor in a position no less favorable than the position in which he or she would have been, had the compensation been paid immediately on the date of expropriation.

**ARTICLE 7**  
**Compensation for Losses**

1. Investors of either Contracting Party whose investments suffer losses in the territory of the other Contracting Party owing to war, insurrection, civil disturbance or other similar events shall be accorded by such other Contracting Party treatment no less favourable than that accorded to its own investors or to investors of any third State, whichever is the most favourable treatment, as regards any measures it adopts in relation to such losses.

2. Without prejudice to paragraph (1) of this Article, investors of one Contracting Party who in any of the situations referred to in that paragraph suffer losses in the territory of the other Contracting Party resulting from:

- (a) requisitioning of their property by its forces or authorities; or
- (b) destruction of their property by its forces or authorities, which was not caused in combat action or was not required by the necessity of the situation;

shall be accorded restitution or compensation which in either case shall be prompt, adequate and effective. Resulting payments shall be freely convertible.

**ARTICLE 8**  
**Repatriation and Transfer**

1. Each Contracting Party shall guarantee in good faith all transfers related to an investment to be made freely and without delay into and out of its territory. Such transfers include:

- (a) the initial capital and additional amounts to maintain or increase investment;
- (b) returns;
- (c) proceeds from the sale or liquidation of all or any part of an investment;
- (d) compensation pursuant to Article 6 and 7;
- (e) reimbursements and interest payments deriving from loans in connection with investments;
- (f) salaries, wages and other remunerations received by the nationals of one Contracting Party who have obtained in the territory of the other Contracting Party the corresponding work permits related to an investment;
- (g) payments arising from an investment dispute.

2. Transfers shall be made in the convertible currency in which the investment has been made or in any convertible currency at the rate of exchange in force at the date of transfer, unless otherwise agreed by the investor and the hosting Contracting Party.



3. Where, in exceptional circumstances, payments and capital movements cause or threaten to cause serious balance of payments difficulties, each Contracting Party may temporarily restrict transfers, provided that such restrictions are imposed on a non-discriminatory and in good faith basis.

4. A Contracting Party may prevent a transfer through the equitable, non-discriminatory, and good faith application of its laws relating to:

(a) bankruptcy, insolvency, or the protection of the rights of creditors;

(b) issuing, trading, or dealing in securities, futures, options, or derivatives;

(c) financial reporting or record keeping of transfers when necessary to assist law enforcement or financial regulatory authorities;

(d) criminal or penal offences;

(e) ensuring compliance with orders or judgments in judicial or administrative proceedings; or

(f) social security, public retirement or compulsory savings schemes.

**ARTICLE 9**  
**Subrogation**

1. If one of the Contracting Parties has a public insurance or guarantee scheme to protect investments of its own investors against non-commercial risks, and if an investor of this Contracting Party has subscribed to it, any subrogation of the insurer under the insurance contract between this investor and the insurer, shall be recognized by the other Contracting Party.

2. The insurer is entitled by virtue of subrogation to exercise the rights and enforce the claims of that investor and shall assume the obligations related to the investment. The subrogated rights or claims shall not exceed the original rights or claims of the investor.

3. Disputes between a Contracting Party and an insurer shall be settled in accordance with the provisions of Article 10 of this Agreement.

**ARTICLE 10**

**Settlement of Disputes Between One Contracting Party and Investors of the Other Contracting Party**

1. This Article shall apply to disputes between one Contracting Party and an investor of the other Contracting Party concerning an alleged breach of an obligation of the former under this Agreement, which causes loss or damage to the investor or its investments. Dispute between one of the Contracting Parties and an investor of the other Contracting Party, in connection with its investment, shall be notified in writing, including detailed information, by the investor to the recipient Contracting Party of the investment. As far as possible, the investor and the concerned Contracting Party shall endeavor to settle these disputes by consultations and negotiations in good faith.
2. If these disputes, cannot be settled in this way within six (6) months following the date of the written notification mentioned in paragraph (1), the disputes can be submitted, as the investor may choose, to:
  - (a) the competent court of the Contracting Party in whose territory the investment has been made,or
  - (b) except as provided under paragraph (4) (a) and (b) of this Article, to:
    - (i) the International Center for Settlement of Investment Disputes (ICSID) set up by the "Convention on Settlement of Investment Disputes Between States and Nationals of other States", or
    - (ii) an ad hoc arbitral tribunal established under the Arbitration Rules of Procedure of the United Nations Commission for International Trade Law (UNCITRAL).
3. Once the investor has submitted the dispute to one or the other of the dispute settlement forums mentioned in paragraph (2) of this Article, the choice of one of these forums shall be final.
4. Notwithstanding the provisions of paragraph (2) of this Article;
  - (a) only the disputes arising directly out of investment activities which have obtained necessary permission, if there is any permission required, in conformity with the relevant legislation of the host Contracting Party on foreign capital, and that effectively started shall be subject to the jurisdiction of the International Center for Settlement of Investment Disputes (ICSID) or any other international dispute settlement mechanism as agreed upon by the Contracting Parties;
  - (b) the disputes, related to the property and real rights upon the real estates within the territory of the host Contracting Party are totally under the jurisdiction of the courts of that Contracting Party and therefore shall not be submitted to jurisdiction of the International Center for Settlement of Investment Disputes (ICSID) or any other international dispute settlement mechanism; and

(c) In the implementation of Article 64 of the "Convention on the Settlement of Investment Disputes between States and Nationals of other States", the following provision shall apply:

The Contracting Parties shall not accept the referral of any disputes arising between them concerning the interpretation or application of "Convention on the Settlement of Investment Disputes between States and Nationals of other States", which is not settled by negotiation, to the International Court of Justice.

(d) Where an investment authorization or a contract includes a choice of forum clause for the resolution of disputes pertaining to that investment or the authorization or contract, no arbitration under this Agreement may be initiated by the Investor when the underlying measure in the arbitration would be covered by such a choice of forum clause.

(e) the submission of the dispute to arbitration must take place within 3 years of the time at which the disputing investor became aware, or should reasonably have become aware, of a breach of an obligation under this Agreement causing loss or damage to the disputing investor or its investment;

5. The arbitral tribunal shall take its decisions in accordance with the provisions of this Agreement, the laws and regulations of the Contracting Party involved in the dispute on which territory the investment is made (including its rules on the conflict of laws) and the relevant principles of international law as accepted by both Contracting Parties.

6. The arbitration awards shall be final and binding for all parties in dispute. Each Contracting Party shall execute the award according to its national law.

7. (a) Where a tribunal makes a final award under this agreement, the tribunal may award, separately or in combination, only:

(i) monetary damages and any applicable interest;

(ii) restitution of property.

(b) A tribunal may not award punitive damages or make an order requiring a Contracting Party to reverse a given measure or decision.

## **ARTICLE 11**

### **Denial of Benefits**

1. A Contracting Party may deny the benefits of this Agreement to an investor of the other Contracting Party that is a company of such other Contracting Party and to investments of such investor if the company has no substantial business activities in the territory of the Contracting Party under whose law it is constituted or organized, and investors of a non-Contracting Party or investors of the denying Contracting Party, own or control the company.

2. The denying Contracting Party shall, to the extent practicable, notify the other Contracting Party before denying the benefits.

## **ARTICLE 12**

### **Settlement of Disputes Between The Contracting Parties**

1. The Contracting Parties shall seek in good faith and a spirit of cooperation a rapid and equitable solution to any dispute between them concerning the interpretation or application of this Agreement. In this regard, the Contracting Parties agree to engage in direct and meaningful negotiations to arrive at such solutions. If the Contracting Parties cannot reach an agreement within six (6) months after the beginning of disputes between themselves through the foregoing procedure, the disputes may be submitted, upon the request of either Contracting Party, to an arbitral tribunal of three members.
2. Within two (2) months of receipt of a request, each Contracting Party shall appoint an arbitrator. The two arbitrators shall select a third arbitrator as Chairman, who is a national of a third State. In the event either Contracting Party fails to appoint an arbitrator within the specified time, the other Contracting Party may request the President of the International Court of Justice to make the appointment.
3. If both arbitrators cannot reach an agreement about the choice of the Chairman within two (2) months after their appointment, the Chairman shall be appointed upon the request of either Contracting Party by the President of the International Court of Justice.
4. If, in the cases specified under paragraphs (2) and (3) of this Article, the President of the International Court of Justice is prevented from carrying out the said function or if he is a national of either Contracting Party, the appointment shall be made by the Vice-President, and if the Vice-President is prevented from carrying out the said function or if he is a national of either Contracting Party, the appointment shall be made by the most senior member of the Court who is not a national of either Contracting Party.
5. The tribunal shall have three (3) months from the date of the selection of the Chairman to agree upon rules of procedure consistent with the other provisions of this Agreement. In the absence of such agreement, the tribunal shall request the President of the International Court of Justice to designate rules of procedure, taking into account generally recognized rules of international arbitral procedure.
6. Unless otherwise agreed, all submissions shall be made and all hearings shall be completed within eight (8) months of the date of selection of the Chairman, and the tribunal shall render its decision within two (2) months after the date of the final submissions or the date of the closing of the hearings, whichever is later. The arbitral tribunal shall reach its decisions, which shall be final and binding, by a majority of votes. Arbitral Tribunal shall reach its decision on the basis of this Agreement and in accordance with international law applicable between the Contracting Parties.

7. Expenses incurred by the Chairman, the other arbitrators, and other costs of the proceedings shall be paid for equally by the Contracting Parties. The tribunal may, however, at its discretion, decide that a higher proportion of the costs be paid by one of the Contracting Parties.

8. A dispute shall not be submitted to an international arbitral tribunal under the provisions of this Article, if a dispute on the same matter has been brought before another international arbitral tribunal under the provisions of Article 10 of this Agreement and is still before the tribunal. This will not impair the engagement in direct and meaningful negotiations between both Contracting Parties.

**ARTICLE 13**  
**Transparency**

Each Contracting Party shall to the extent possible, ensure that its laws, regulations and administrative rulings of general application respecting any matter governed by this Agreement are promptly published or otherwise made available in such a manner as to enable interested investors of the other Contracting Party to become acquainted with them.

**ARTICLE 14**

**Entry into Force, Duration, Amendment and Termination**

1. This Agreement shall enter into force on the date of the receipt of the last notification by the Contracting Parties, in writing and through diplomatic channels, of the completion of the respective internal legal procedures necessary to that effect.
2. This Agreement shall remain in force for a period of ten (10) years and shall continue in force unless terminated in accordance with paragraph (2) of this Article.
3. This Agreement may be amended by mutual written consent of the Contracting Parties at any time. The amendments shall enter into force in accordance with the same legal procedure prescribed under the first paragraph of the present Article.
4. Either Contracting Party may, by giving one year's prior written notice to the other Contracting Party, terminate this Agreement at the end of the initial ten-year period or at any time thereafter.
5. With respect to investments made or acquired prior to the date of termination of this Agreement and to which this Agreement otherwise applies, the provisions of all of the other Articles of this Agreement shall thereafter continue to be effective for a further period of ten (10) years from such date of termination.

IN WITNESS WHEREOF, the undersigned representatives, duly authorized thereto by their respective Governments, have signed this Agreement.

DONE in duplicate at Istanbul, on 3 November 2016 in the Turkish and English languages, all texts being equally authentic.

In case of any divergence of interpretation, the English text shall prevail.

**FOR THE GOVERNMENT OF  
THE REPUBLIC OF RWANDA**



**François KANIMBA**  
Minister of Trade, Industry and  
East African Community Affairs

**FOR THE GOVERNMENT OF  
THE REPUBLIC OF TURKEY**



**Nihat ZEYBEKCI**  
Minister of Economy

**RUANDA CUMHURİYETİ HÜKÜMETİ**  
**İLE**  
**TÜRKİYE CUMHURİYETİ HÜKÜMETİ**  
**ARASINDA**  
**YATIRIMLARIN**  
**KARŞILIKLI TEŞVİKİ VE KORUNMASINA İLİŞKİN**  
**ANLAŞMA**

Bundan sonra "Akit Taraflar" olarak anılacak olan Ruanda Cumhuriyeti Hükümeti ve Türkiye Cumhuriyeti Hükümeti;

Özellikle bir Akit Tarafın yatırımcılarının, diğer Akit Tarafın ülkesindeki yatırımları ile ilgili olarak, Akit Taraflar arasındaki ekonomik işbirliğini artırma arzusu ile;

Bu gibi yatırımlara tanınacak muameleye ilişkin bir anlaşmanın sermaye ve teknoloji akımı ile Akit Tarafların ekonomik kalkınmasını teşvik edeceğini kabul ederek;

Yatırımlara adil ve hakkaniyete uygun muamele edilmesinin; yatırımlar için istikrarlı bir ortamın idamesi açısından arzulanır olduğuna ve ekonomik kaynakların etkin kullanımının en üst düzeye çıkarılmasına ve yaşam standartlarının geliştirilmesine katkıda bulunacağına dair mutabık kalarak; ve

Bu amaçlara sağlık, güvenlik ve çevreye ilişkin genel uygulama önlemleri yanında uluslararası kabul görmüş işçi haklarını zayıflatmadan ulaşılabileceğine ikna olarak;

Yatırımların karşılıklı teşviki ve korunmasına ilişkin bir anlaşmanın yapılmasına karar vermiş olarak;

Aşağıdaki şekilde anlaşmaya varmışlardır:

**MADDE 1**  
**Tanımlar**

İşbu Anlaşmanın amacı bakımından:

1. "Yatırım" terimi; bir Akit Tarafın yatırımcısı tarafından diğer bir Akit Tarafın ülkesinde, bu Akit Tarafın kanunlarına ve düzenlemelerine uygun olarak uzun süreli ekonomik ilişkiler kurmak amacıyla sahip olunan iş faaliyetleri ile bağlantılı her türlü mal varlığını ifade eder ve bunlarla sınırlı olmamak üzere özellikle aşağıdakileri içerir:

(a) taşınır ve taşınmaz malların yanı sıra ipotek, rehin, kefalet gibi diğer haklar ve malvarlığının bulunduğu Akit Tarafın kanun ve düzenlemelerine uygun olarak tanımlanan diğer benzer haklar;

(b) yeniden yatırılan gelirler, para alacakları veya bir yatırımla ilgili ekonomik değeri olan diğer haklar;

(c) hisseler, hisse senetleri ya da şirketlere iştirakin diğer her türlü şekli;

(d) özellikle patentler, sınai tasarımlar, teknik süreçler gibi sınai ve fikri mülkiyet hakları yanında ticari markalar, ticari itibar ve know-how;

(e) doğal kaynaklara yönelik imtiyazlar da dahil olmak üzere, kanun veya bir sözleşme ile verilmiş iş imtiyazları;

Bu gibi yatırımlar; bir şirketin %10'dan azına karşılık gelen veya temsil eden hissesinin veya oy hakkının borsa yoluyla edinimi niteliğinde olması durumunda, işbu Anlaşma kapsamına girmez.

2. "Yatırımcı" terimi:

Diğer Akit Tarafın ülkesinde bir yatırım yapmış olan:

(a) kanunlarına göre, bir Akit Tarafın vatandaşı olan gerçek kişileri;

(b) kayıtlı işyerleri ile birlikte esaslı iş faaliyetleri bir Akit Tarafın ülkesinde bulunan ve o Akit Tarafın yürürlükteki mevzuatı çerçevesinde kurulmuş veya teşekkül etmiş şirketleri, kuruluşları, firmaları veya iş ortaklıklarını

ifade eder.

3. "Gelirler" terimi; bir yatırımdan elde edilen meblağları ifade eder ve bunlarla sınırlı olmamakla beraber özellikle, kar, faiz, sermaye kazançları, royaltier, ücretler ve temettüleri içerir.



4. "Ülke" terimi:

(a) Ruanda Cumhuriyeti ile ilgili olarak; Ruanda'nın üzerinde egemen hak ve yetkilere sahip olduğu kara ülkesini, içsularını, bunların üzerindeki hava sahasını ve diğer alanları ifade eder.

(b) Türkiye Cumhuriyeti ile ilgili olarak; kara ülkesini, iç sularını, karasularını ve bunların üzerindeki hava sahasını, aynı zamanda, canlı veya cansız doğal kaynakların araştırılması, işletilmesi ve korunması amacıyla Türkiye'nin uluslararası hukuka uygun olarak üzerinde egemen hak ve yetkilere sahip olduğu deniz alanlarını ifade eder.

**MADDE 2**

**Uygulama Kapsamı**

İşbu Anlaşma, bir Akit Tarafın ülkesinde, bu Akit Tarafın kanun ve düzenlemelerine uygun olarak diğer Akit Taraf yatırımcıları tarafından işbu Anlaşmanın yürürlüğe girmesinden önce veya sonra yapılmış olan yatırımlara uygulanacaktır. Bununla birlikte; işbu Anlaşma, yürürlüğe girmesinden önce ortaya çıkan uyuşmazlıklara uygulanmaz.

**MADDE 3**

**Yatırımların Teşviki ve Korunması**

1. Her bir Akit Taraf, kanun ve düzenlemeleri çerçevesinde, kendi ülkesinde, diğer Akit Taraf yatırımcılarının yatırımlarını mümkün olduğunca teşvik eder.

2. Her bir Akit Tarafın yatırımcılarının yatırımları, diğer Akit Tarafın ülkesinde her zaman adil ve hakkaniyete uygun muamele ile tam koruma ve güvenlik de dâhil olmak üzere, uluslararası hukukun asgari muamele standartlarına uygun bir muameleye tabi tutulur. Akit Taraflardan hiçbiri, makul olmayan veya ayrımcı tedbirlerle yatırımların yönetilmesine, sürdürülmesine, kullanımına, faydalanılmasına, işletilmesine, genişletilmesine, satışına, tasfiyesine veya elden çıkarılmasına hiçbir şekilde engel olmaz.

**MADDE 4**

**Yatırımlara Uygulanacak Muamele**

1. Her bir Akit Taraf, kanun ve düzenlemeleri çerçevesinde, diğer Akit Tarafın yatırımcılarının yatırımlarını herhangi bir üçüncü ülke yatırımcılarının yatırımlarına benzer durumlarda uygulanandan daha az elverişli olmayacak şekilde ülkesine kabul eder.

2. Her bir Akit Taraf, kurulmuş olan bu yatırımlara, bunların yönetilmesine, sürdürülmesine, kullanımına, işletilmesine, faydalanılmasına, genişletilmesine, satışına, tasfiyesine veya elden çıkarılmasına ilişkin olarak, kendi yatırımcılarının yatırımları ya da herhangi bir üçüncü ülkenin yatırımcılarının yatırımlarına benzer durumlarda uyguladığı muameleden hangisi en elverişli ise, bundan daha az elverişli olmayan bir muamelede bulunur.

3. Akit Taraflar, kanun ve düzenlemelere uygun olarak, bir yatırımın yapılması ve sürdürülmesiyle ilgili olarak diğer Akit Tarafın ülkesine girmek isteyen her bir Akit Taraf vatandaşının girişi ve geçici ikameti için yapılan başvuruları iyi niyetle değerlendirir.

4. (a) İşbu Maddenin hükümleri, bir Akit Tarafın tamamen ya da kısmen vergilendirmeye ilişkin herhangi bir uluslararası anlaşma veya düzenleme ile tanımlanmış olduğu bir muameleyi, tercihi veya ayrıcalığı, diğer Akit Tarafın yatırımcılarına da sağlamakla yükümlü olduğu şeklinde yorumlanmaz.

(b) İşbu Anlaşmanın ayrımcılık yapmama, Ulusal Muamele ve En Çok Kayırılan Ulus muamelesi hükümleri, Akit Taraflardan herhangi birinin, bir gümrük birliği, ekonomik birlik veya parasal birliğe, bir ortak pazara veya serbest ticaret bölgesine üyeliğinden veya bunlarla ortaklığından kaynaklanan ve bu Akit Tarafın kendi vatandaşlarına ya da şirketlerine, veya bu gibi bir birliğin, ortak pazarın ya da serbest ticaret bölgesinin üye devletlerinin vatandaşlarına veya şirketlerine veya herhangi bir üçüncü ülke vatandaşlarına veya şirketlerine tanımlanmış olduğu tüm mevcut veya gelecekteki avantajlara uygulanmaz.

(c) İşbu Maddenin 1 ve 2. fıkraları, işbu Anlaşma veya Akit Taraflardan birinin imza koyduğu benzer diğer bir uluslararası anlaşmada düzenlenen uyuşmazlık çözümü hükümleri bakımından uygulanmaz.

(d) İşbu Anlaşmanın 3. ve 4. Maddelerinin hükümleri, Akit Taraflardan herhangi birinin, toprak, gayrimenkul ve bunlar üzerindeki aynı hakların edinimi bakımından kendi yatırımcılarının yatırımlarına uyguladığı muamelenin aynısını diğer Akit Tarafın yatırımcılarının yatırımlarına uygulamakla yükümlü kılmaz.

## **MADDE 5** **Genel İstisnalar**

1. İşbu Anlaşmanın hiçbir hükmü, bir Akit Tarafın:

(a) insan, hayvan veya bitki hayatı veya sağlığının veya çevrenin korunması için düzenlenen ve uygulanan;

(b) canlı veya cansız tükenebilir doğal kaynakların korunmasıyla ilgili;

ayrımcı olmayan herhangi bir hukuki önlemi almasına, sürdürmesine ya da uygulamasına engel olacak şekilde yorumlanamaz.

2. İşbu Anlaşmanın hiçbir hükmü:

(a) bir Akit Tarafın, açıklanmasını temel güvenlik çıkarlarına aykırı gördüğü herhangi bir bilgiyi açıklamasını veya böyle bir bilgiye erişime izin vermesini gerektirecek şekilde;

(b) hiçbir Akit Tarafın,

(i) silah, cephane ve savaş gereçleri ticareti ile bir askeri ya da diğer bir güvenlik kuruluşuna doğrudan veya dolaylı olarak diğer mal, teçhizat, hizmet ve teknoloji sağlama amacıyla yapılan ticaret ve işlemlere ilişkin;

(ii) savaş zamanında veya uluslararası ilişkilerle ilgili diğer acil durumlarda;

veya

(iii) nükleer silahların veya diğer patlayıcı nükleer cihazların yayılmasının önlenmesine ilişkin ulusal politikaların veya uluslararası anlaşmaların uygulanmasıyla ilgili olarak;

kendi temel güvenlik çıkarlarının korunması için gerekli gördüğü tedbirleri almasına engel olacak şekilde; veya

(c) herhangi bir Akit Tarafı, uluslararası barış ve güvenliğin sürdürülmesi için Birleşmiş Milletler Şartından kaynaklanan yükümlülüklerini yerine getirmek amacıyla harekete geçmekten alıkoymak şekilde;

yorumlanamaz.

#### MADDE 6

#### Kamulaştırma ve Tazminat

1. Yatırımlar, kamu yararı gözetilerek, ayrımcı olmayacak biçimde; anında, yeterli ve etkin tazminat ödenerek, uygun hukuki usule ve işbu Anlaşmanın 3. Maddesinde belirtilen genel muamele prensiplerine göre yapılanlar hariç olmak üzere kamulaştırılmaz, devletleştirilemez veya doğrudan ya da dolaylı olarak benzer etkisi olan tedbirlere (bundan sonra kamulaştırma olarak anılacaktır) maruz bırakılamaz.
2. Sağlık, güvenlik ve çevre gibi halkın refahını ilgilendiren meşru hedeflerin korunması amacıyla düzenlenen ve uygulanan ayrımcı olmayan yasal önlemler, dolaylı kamulaştırma teşkil etmez.
3. Tazminat, kamulaştırılan yatırımın kamulaştırma işleminin yapıldığı veya kamuoyuna duyurulduğu tarihten önceki piyasa değerine eşit olur. Tazminat gecikme olmaksızın ödenir ve 8. Maddenin 2.fikrasında da belirtildiği gibi serbestçe transfer edilebilir.
4. Piyasa değeri; uygun olması halinde; yatırılan sermaye, yıpranma payı, halihazırda ülkesine iade edilmiş sermaye, ikame değer, döviz kuru hareketleri ve diğer ilgili etkenler dikkate alınarak, genel kabul görmüş değerlendirme ve hakkaniyet ilkeleri doğrultusunda belirlenir.
5. Tazminat serbestçe çevrilebilen bir para cinsi ile ödenir ve ödenmesinde gecikme olması durumunda tazminat, yatırımcının kamulaştırmanın yapıldığı tarihte tazminat tutarının hızlıca ödenmiş olması halinde olacağı durumdan daha az elverişli olmayacak bir durumda olmasını sağlayacak bir tutarda ödenir.

**MADDE 7**  
**Kayıplar için Tazminat**

1. Yatırımları diğer Akit Tarafın ülkesinde savaş, isyan, iç karışıklık veya diğer benzeri olaylar nedeniyle zarar gören Akit Taraflardan her birinin yatırımcıları, diğer Akit Tarafın bu gibi kayıplar bakımından aldığı tazmin edici tedbirlere ilişkin olarak, kendi yatırımcılarına veya herhangi bir üçüncü ülke yatırımcılarına uyguladığı muameleden daha az elverişli olmamak üzere, hangisi en elverişli ise, o muameleye tabi tutulur.

2. İşbu Maddenin 1. fıkrası hükümleri saklı kalmak üzere, anılan fıkrada belirtilen durumlardan herhangi birinde, diğer Akit Tarafın ülkesinde zarar gören bir Akit Taraf yatırımcılarının zararları:

(a) diğer Akit Tarafın kuvvetleri veya resmi makamlarınca mallarına el konulması; veya

(b) diğer Akit Tarafın kuvvetleri veya resmi makamlarınca mallarının çatışma halinde değilken ya da durum zorunlu kılmadığı halde tahrip edilmesi durumunda;

hızlı, yeterli ve etkin bir şekilde karşılanacak ya da tazminat ödenecektir. Hasıl olan ödemeler başka bir para birimine serbestçe çevrilebilecektir.

**MADDE 8**  
**Ülkesine İade ve Transfer**

1. Her bir Akit Taraf, bir yatırıma ilişkin bütün transferlerin kendi ülkesinden içeri ve dışarıya serbestçe ve gecikme olmaksızın yapılmasını iyi niyetle garanti eder. Bu gibi transferler:

(a) ana sermaye ve yatırımı sürdürmek veya artırmak amaçlı ek meblağlar;

(b) gelirler;

(c) bir yatırımın tamamının veya bir kısmının satışı veya tasfiyesinden elde edilen meblağlar;

(d) 6. ve 7. Maddelere ilişkin tazminatlar;

(e) geri ödemeler ve yatırımla ilgili kredilerin faiz ödemeleri;

(f) bir Akit Tarafın ülkesinde bir yatırımla ilgili çalışma izinlerini almış olan diğer bir Akit Tarafın vatandaşlarının aldığı maaşlar, haftalık ücretler ve diğer ödemeler;

(g) bir yatırım uyuşmazlığından doğan ödemeleri

içerir.

2. Aksi yatırımcı ve ev sahibi Akit Tarafça kararlaştırılmadıkça, transferler; yatırımın yapılmış olduğu konvertibl para birimi veya herhangi bir konvertibl para birimiyle, transferin yapıldığı tarihte geçerli olan piyasa döviz kuru üzerinden yapılır.

3. Ödemeler ve sermaye hareketlerinin ödemeler dengesi üzerinde ciddi zorluklara sebep olduğu ya da olma riskini taşıdığı istisnai durumlarda, her bir Akit Taraf ayrımcılık yapmamak ve iyi niyeti esas almak kaydıyla geçici olarak transferleri kısıtlayabilir.

4. Akit Taraflar aşağıdaki hususlara ilişkin kanun ve düzenlemelerinin hakkaniyete uygun, ayrımcı olmayan ve iyi niyet çerçevesindeki uygulamaları kapsamında, bir transferin yapılmasını önleyebilir:

(a) iflas, ödeme aczi veya alacaklı haklarının korunması;

(b) menkul kıymetler, vadeli işlemler, opsiyonlar veya türevlerin ihracı, ticareti ya da bunlarla ilgili faaliyetler;

(c) kanunların uygulanması ya da finansal düzenleyici kurumlara destek amacıyla gerekli olan hallerde, transferlerin finansal olarak raporlanması ya da kaydının tutulması;

(d) cezai suçlar;

(e) adli ya da idari yargılama kararlarına uyulmasının sağlanması; veya

(f) sosyal güvenlik, emeklilik veya zorunlu tasarruf programları.

#### **MADDE 9**

##### **Halefiyet**

1. Eger Akit Taraflardan biri yatırımcılarının yatırımlarını ticari olmayan risklere karşı korumak amacıyla bir kamu sigortası veya garanti planına sahipse ve bu Akit Tarafın bir yatırımcısı bu sigortayı edinmiş veya plana katılmışsa, sigortalayanın yatırımcı ile sigortalayan arasındaki sigorta sözleşmesinin şartlarından kaynaklanan her türlü halefiyeti diğer Akit Tarafa tanınır.

2. Sigortalayan halefiyetten dolayı yatırımcının haklarını kullanmaya ve taleplerini öne sürmeye yetkilidir ve yatırım ile ilgili yükümlülükleri üstlenir. Halef olunan haklar veya talepler yatırımcının özgün hak veya taleplerini aşmaz.

3. Bir Akit Taraf ile sigortalayan arasındaki uyuşmazlıklar işbu Anlaşmanın 10. Maddesinin hükümlerine göre çözümlenir.

#### **MADDE 10**

##### **Bir Akit Taraf ile Diğer Akit Tarafın Yatırımcıları Arasındaki Uyuşmazlıkların Çözümü**

1. İşbu Madde, bir Akit Taraf ile diğer Akit Tarafın bir yatırımcısı arasında, Akit Tarafın işbu Anlaşma kapsamındaki bir yükümlülüğü ihlal ettiği iddiasıyla yatırımcının veya yatırımın kayıp veya zarara uğramasına sebep olan uyuşmazlıklara uygulanacaktır. Akit Taraflardan biri ile diğer Akit Tarafın bir yatırımcısı arasında bu yatırımcının yatırımı ile ilgili olarak çıkan uyuşmazlıklar, yatırımcı tarafından yatırımın yapıldığı Akit Tarafa ayrıntılı bilgi içerecek şekilde yazılı olarak bildirilir. Mümkün olduğu ölçüde, yatırımcı ve ilgili Akit Taraf bu uyuşmazlıkları danışmalar ve müzakereler yoluyla iyi niyetle çözmeye gayret ederler.

2. Bu uyuşmazlıkların, 1.fıkıradaki belirtilen yazılı bildirim tarihini takip eden altı (6) ay içerisinde bu şekilde çözümlenmemesi halinde, uyuşmazlıklar yatırımcının seçebileceği üzere:

(a) ülkesinde yatırım yapılmış olan Akit Tarafın yetkili mahkemesine;

veya

(b) işbu Maddenin 4 (a) ve (b) fıkralarında belirtilen durumlar hariç olmak üzere;

(i) "Devletler ile Diğer Devletlerin Vatandaşları Arasındaki Yatırım Uyuşmazlıklarının Çözümü Sözleşmesi" ile kurulmuş Yatırım Uyuşmazlıklarının Çözümü için Uluslararası Merkez'e (ICSID); veya

(ii) Birleşmiş Milletler Uluslararası Ticaret Hukuku Komisyonu (UNCITRAL)'nin Tahkim Usulü Kurallarına göre bu maksatla kurulacak bir ad hoc hakem mahkemesine

sunulabilir.

3. Yatırımcının uyuşmazlığı işbu Maddenin 2. fıkrasında bahsedilen uyuşmazlık çözüm yollarından birine sunduğu andan itibaren, bu yollardan birinin seçimi nihaidir.

4. Bu Maddenin 2. fıkrasının hükümlerine bakılmaksızın;

(a) yalnızca, ev sahibi Akit Tarafın yabancı sermaye ile ilgili mevzuatına uygun olarak, herhangi bir iznin gerekli olması halinde, gerekli izni almış ve fiilen başlamış yatırım faaliyetlerinden doğrudan kaynaklanan uyuşmazlıklar, Yatırım Uyuşmazlıklarının Çözümü için Uluslararası Merkez'e (ICSID) veya Akit Taraflarını üzerinde uzlaştıkları diğer herhangi bir uluslararası uyuşmazlık çözüm mekanizmasına sunulabilir;

(b) ev sahibi Akit Tarafın ülkesindeki taşınmazlar üzerindeki mülkiyet hakları ve aynı haklara ilişkin uyuşmazlıklar tamamen bu Akit Tarafların mahkemelerinin yargılama yetkisi altındadır ve bu nedenle Yatırım Uyuşmazlıklarının Çözümü için Uluslararası Merkez'e (ICSID) ya da diğer herhangi bir uluslararası uyuşmazlık çözüm mekanizmasına sunulamaz;

(c) "Devletler ile Diğer Devletlerin Vatandaşları Arasındaki Yatırım Uyuşmazlıklarının Çözümü Sözleşmesi"nin 64. Maddesinin uygulamasında aşağıdaki hüküm geçerli olacaktır:

Akit Taraflar, "Devletler ile diğer Devletlerin Vatandaşları arasındaki Yatırım Uyuşmazlıklarının Çözümü Sözleşmesi"nin yorumu ya da uygulanmasına ilişkin, diğer bir Akit Taraf ile aralarında ortaya çıkmış ve görüşmeler yoluyla çözümlenmemiş herhangi bir uyuşmazlığın Uluslararası Adalet Divanı'na götürülmesini kabul etmeyecektir.

5. Tahkim mahkemesi kararlarını, işbu Anlaşmanın hükümlerine, uyuşmazlığın tarafı olan ve ülkesinde yatırım yapılan Akit Tarafın kanunlarına ve düzenlemelerine (kanunlar ihtilafına ilişkin kurallar da dâhil olmak üzere) ve her iki Akit Tarafça kabul edilen ilgili uluslararası hukuk ilkelerine uygun olarak alır.

6. Tahkim kararları uyuşmazlığın bütün tarafları için nihai ve bağlayıcıdır. Her bir Akit Taraf verilen kararları kendi ulusal kanunları çerçevesinde yerine getirir.

7. (a) Tahkim Mahkemesi işbu Anlaşma kapsamında nihai kararı verdiğinde, ayrı ayrı veya birlikte, sadece aşağıdakilere hükmedebilir:

(i) parasal zararlar ve uygulanabilir faiz;

(ii) malvarlığının iadesi.

(b) Tahkim Mahkemesi cezalandırıcı tazminat kararına veya bir Akit Tarafın alınan tedbir ve kararı tersine çevirmesini gerektirecek yönde bir karara hükmetmez.

#### MADDE 11

##### Faydaların Reddi

1. Her bir Akit Taraf işbu Anlaşma'dan kaynaklanan faydaların, diğer Akit Tarafın bir şirketi olan bu Akit Tarafın bir yatırımcısına ve bu gibi bir yatırımcının yatırımlarına uygulanmasını, söz konusu şirketin kanunları çerçevesinde kurulmuş olduğu Akit Tarafın ülkesinde önemli faaliyetlerinin olmaması veya Akit Taraf olmayan bir Tarafın yatırımcısının veya Anlaşmanın faydalarının uygulanmasını reddeden Akit Tarafın yatırımcılarının bu şirkete sahip olması veya idare etmesi halinde reddedebilir.

2. Faydaların tanınmasını reddeden Akit Taraf, faydaların reddinden önce mümkün olduğu ölçüde, diğer Akit Tarafı haberdar eder.

#### MADDE 12

##### Akit Taraflar Arasındaki Uyuşmazlıkların Çözümü

1. Akit Taraflar işbu Anlaşmanın yorumu veya uygulanmasıyla ilgili aralarında çıkan herhangi bir uyuşmazlığa iyi niyet ve işbirliği ruhu içinde hızlı ve hakkaniyete uygun bir çözüm arayacaklardır. Bu bakımdan, Akit Taraflar bu gibi çözümlere varmak için doğrudan ve anlamlı müzakerelerde bulunmayı kabul ederler. Eğer Akit Taraflar uyuşmazlığın başladığı tarihten itibaren altı (6) ay içerisinde yukarıda belirtilen yöntemler ile kendi aralarında bir anlaşmaya varamazlarsa uyuşmazlık, Akit Taraflardan herhangi birinin isteği üzerine, üç üyeli bir tahkim mahkemesine sunulabilir.

2. Talebin alınmasından itibaren iki (2) ay içerisinde, her bir Akit Taraf bir hakem tayin edecektir. Tayin edilen bu iki hakem üçüncü bir ülke vatandaşı olan üçüncü hakemi Başkan olarak seçer. Akit Taraflardan herhangi birinin belirtilen süre içinde hakemi atayamaması halinde, diğer Akit Taraf Uluslararası Adalet Divanı Başkanı'ndan atamayı yapmasını talep edebilir.

3. Eğer her iki hakem atanmalarından itibaren iki (2) ay içerisinde Başkan seçiminde anlaşmaya varamazlar ise, Başkan Akit Taraflardan birinin talebi üzerine Uluslararası Adalet Divanı Başkanı tarafından atanır.

4. İşbu Maddenin 2.ve 3. fıkralarında belirtilen durumlarda, Uluslararası Adalet Divanı Başkanı söz konusu görevi yerine getirmekten alıkonursa ya da Başkan Akit Taraflardan birinin vatandaşı ise, atama Başkan Vekili tarafından yapılır ve Başkan Vekili de bu görevi yerine getirmekten alıkonursa ya da Başkan Vekili Akit Taraflardan birinin vatandaşı ise, atama Akit Taraflardan birinin vatandaşı olmayan en kıdemli Divan üyesi tarafından yapılır.
5. Tahkim Mahkemesi Heyet Başkanının seçildiği tarihten itibaren üç (3) ay içinde, işbu Anlaşmanın diğer hükümleriyle tutarlı olacak şekilde usul kuralları üzerinde anlaşmaya varır. Böyle bir anlaşmanın olmaması halinde, Tahkim Mahkemesi, genel kabul görmüş uluslararası tahkim usulü kurallarını dikkate alarak, usul kurallarını tayin etmesini Uluslararası Adalet Divanı Başkanından talep eder.
6. Aksi kararlaştırılmadıkça, Başkanın seçildiği tarihten itibaren sekiz (8) ay içerisinde bütün beyanlar yapılacak, bütün duruşmalar tamamlanacak ve Tahkim Mahkemesi, hangisi daha sonra gerçekleşirse, son beyanların sunulduğu veya duruşmaların bittiği tarihten sonra iki (2) ay içinde karara varır. Tahkim Mahkemesi, nihai ve bağlayıcı olacak kararını oy çokluğu ile alır. Tahkim Mahkemesi, kararını işbu Anlaşmanın hükümleri ve Akit Taraflar arasında uygulanabilir uluslararası hukuk temelinde alır.
7. Başkanın, diğer hakemlerin masrafları ve yargılama ile ilgili diğer masraflar Akit Taraflarca eşit olarak ödenir. Bununla birlikte, Tahkim Mahkemesi giderlerin daha yüksek bir oranının Akit Taraflardan biri tarafından ödenmesine re'sen karar verebilir.
8. Eğer bir uyuşmazlık, işbu Anlaşmanın 10. Maddesi uyarınca bir uluslararası tahkim mahkemesine sunulmuşsa ve hala mahkeme önündeyse, aynı uyuşmazlık işbu Madde hükümleri uyarınca başka bir uluslararası tahkim mahkemesine sunulmaz. Bu durum, her iki Akit Taraf arasında doğrudan ve anlamlı görüşmeler yoluyla bağlantı kurulmasını engellemez.

### **MADDE 13** **Şeffaflık**

Akit Taraflardan her biri, mümkün olduğu ölçüde işbu Anlaşma kapsamındaki herhangi bir konuya ilişkin kanun, düzenleme ve genel uygulamalara ilişkin idari kararlarının ivedi bir şekilde yayımlanmasını veya diğer Akit Tarafın ilgili yatırımcılarının bu kararlardan haberdar olmasını sağlayacak şekilde ulaşılabilir olmasını sağlar.



**MADDE 14**

**Yürürlüğe Girme, Yürürlük Süresi, Değişiklik ve Yürürlükten Kaldırma**

1. İşbu Anlaşma, Akit Tarafların, yürürlüğe girmeye ilişkin gerekli dâhili yasal işlemlerin tamamlandığına dair yazılı ve diplomatik kanallarla yapılan bildirimlerden sonuncusunun yapıldığı tarihte yürürlüğe girer.
2. Anlaşma on (10) yıllık bir dönem boyunca yürürlükte kalacak ve bu Maddenin 2. fıkrasına göre sona erdirilmediği sürece yürürlükte kalmaya devam eder.
3. İşbu Anlaşma Akit Tarafların karşılıklı yazılı rızasıyla herhangi bir zamanda değiştirilebilir. Bu değişiklikler işbu Maddenin ilk fıkrasında belirtilen aynı yasal usul çerçevesinde yürürlüğe girer.
4. Akit Taraflardan her biri, bir yıl öncesinden diğer Akit Tarafa yazılı bir bildirimde bulunarak ilk on yıllık dönemin sonunda veya bu tarihten sonra herhangi bir zamanda Anlaşmayı feshedebilir.
5. İşbu Anlaşmanın sona erdiği tarihten önce yapılan veya edinilen ve işbu Anlaşmanın diğer bir şekilde uygulanacağı yatırımlarla ilgili olarak, işbu Anlaşmanın diğer tüm Maddelerinin hükümleri sona erme tarihinden itibaren bir on (10) yıl daha geçerli olmaya devam eder.

Yukarıdaki hususlar muvacehesinde, İşbu Anlaşma Hükümetlerince yetkili kılınan ve aşağıda imzası bulunan temsilciler tarafından imzalanmıştır.

İstanbul'da 3 Kasım 2016 tarihinde iki nüsha olarak Türkçe ve İngilizce dillerinde, tüm motinler eşit derecede geçerli olmak üzere imzalanmıştır.

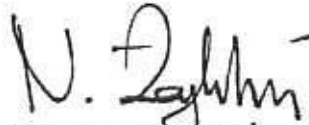
İşbu Anlaşmanın yorumunda farklılık olması halinde, İngilizce metin esas alınır.

**RUANDA CUMHURİYETİ  
HÜKÜMETİ ADINA**



**François KANIMBA**  
Ticaret, Sanayi ve Doğu Afrika  
Topluluğu İşleri Bakanı

**TÜRKİYE CUMHURİYETİ  
HÜKÜMETİ ADINA**



**Nihat ZEYBEKÇİ**  
Ekonomi Bakanı

**BIBONYWE KUGIRA NGO BISHYIRWE KU MUGERKA W'ITEGEKO N°64/2018 RYO KU WA 24/08/2018 RYEMERA KWEMEZA BURUNDU AMASEZERANO Y'UBUFATANYE MU GUTEZA IMBERE NO KURINDA IBIKORWA BY'ISHORAMARI HAGATI YA REPUBULIKA Y'U RWANDA NA REPUBULIKA YA TURIKIYA YASHYIRIWEHO UMUKONO MURI ISTANBUL KU WA 3 UGUSHYINGO 2016**

**SEEN TO BE ANNEXED TO THE LAW N° 64/2018 OF 24/08/2018 APPROVING RATIFICATION OF THE AGREEMENT BETWEEN THE REPUBLIC OF RWANDA AND THE REPUBLIC OF TURKEY CONCERNING THE RECIPROCAL PROMOTION AND PROTECTION OF INVESTMENTS, SIGNED IN ISTANBUL ON 3 NOVEMBER 2016**

**VU POUR ETRE ANNEXE A LA LOI N°64/2018 DU 24/08/2018 APPROUVANT RATIFICATION DE L'ACCORD ENTRE LA REPUBLIQUE DU RWANDA ET LA REPUBLIQUE DE TURQUIE SUR LA PROMOTION ET LA PROTECTION RECIPROQUES DES INVESTISSEMENTS, SIGNE A ISTANBUL LE 3 NOVEMBRE 2016**

Kigali, ku wa 24/08/2018

Kigali, on 24/08/2018

Kigali, le 24/08/2018

(sé)

**KAGAME Paul**

Perezida wa Repbulika

(sé)

**Dr. NGIRENTE Edouard**

Minisitiri w'Intebe

(sé)

**KAGAME Paul**

President of the Republic

(sé)

**Dr. NGIRENTE Edouard**

Prime Minister

(sé)

**KAGAME Paul**

Président de la République

(sé)

**Dr. NGIRENTE Edouard**

Premier Ministre

**Bibonywe kandi bishyizweho Ikirango cya Repbulika:**

(sé)

**BUSINGYE Johnston**

Minisitiri w'Ubutabera/Intumwa Nkuru ya Leta

**Seen and sealed with the Seal of the Republic:**

(sé)

**BUSINGYE Johnston**

Minister of Justice/Attorney General

**Vu et scellé du Sceau de la République:**

(sé)

**BUSINGYE Johnston**

Ministre de la Justice/Garde des Sceaux

ITEGEKO N° 65/2018 RYO KU WA  
24/08/2018 RYEMERA KWEMEZA  
BURUNDU AMASEZERANO  
Y'UBUFATANYE MU BUCURUZI  
N'UBUKUNGU HAGATI YA  
GUVERINOMA YA REPUBULIKA YA  
TURIKIYA NA GUVERINOMA YA  
REPUBULIKA Y'U RWANDA,  
YASHYIRIWEHO UMUKONO  
ISTANBUL, MURI TURIKIYA, KU WA  
3 UGUSHYINGO 2016

LAW N° 65/2018 OF 24/08/2018  
APPROVING RATIFICATION OF THE  
AGREEMENT ON TRADE AND  
ECONOMIC COOPERATION  
BETWEEN THE GOVERNMENT OF  
THE REPUBLIC OF TURKEY AND THE  
GOVERNMENT OF THE REPUBLIC OF  
RWANDA, SIGNED IN ISTANBUL,  
TURKEY, ON 3 NOVEMBER 2016

LOI N° 65/2018 DU 24/08/2018  
APPROUVANT RATIFICATION DE  
L'ACCORD SUR LE COMMERCE ET LA  
COOPERATION ECONOMIQUE ENTRE  
LE GOUVERNEMENT DE LA  
REPUBLIQUE DE TURQUIE ET LE  
GOUVERNEMENT DE LA REPUBLIQUE  
DU RWANDA, SIGNE A ISTANBUL, EN  
TURQUIE, LE 3 NOVEMBRE 2016

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**LAW N° 65/2018 OF 24/08/2018 APPROVING RATIFICATION OF THE AGREEMENT ON TRADE AND ECONOMIC COOPERATION BETWEEN THE GOVERNMENT OF THE REPUBLIC OF TURKEY AND THE GOVERNMENT OF THE REPUBLIC OF RWANDA, SIGNED IN ISTANBUL, TURKEY, ON 3 NOVEMBER 2016**

**LOI N° 65/2018 DU 24/08/2018 APPROUVANT RATIFICATION DE L'ACCORD SUR LE COMMERCE ET LA COOPERATION ECONOMIQUE ENTRE LE GOUVERNEMENT DE LA REPUBLIQUE DE TURQUIE ET LE GOUVERNEMENT DE LA REPUBLIQUE DU RWANDA, SIGNE A ISTANBUL, EN TURQUIE, LE 3 NOVEMBRE 2016**

**Twebwe, KAGAME Paul,**  
Perezida wa Repbulika;

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

**Nous, KAGAME Paul,**  
Président de la République;

**INTEKO ISHINGA AMATEGEKO YEMEJE NONE NATWE DUHAMIJE, DUTANGAJE ITEGEKO RITEYE RITYA KANDI DUTEGETSE KO RYANDIKWA MU IGAZETI YA LETA YA REPUBULIKA Y'U RWANDA**

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

**LE PARLEMENT A ADOPTE ET NOUS SANCTIONNONS, PROMULGUONS LA LOI DONT LA TENEUR SUIT ET ORDONNONS QU'ELLE SOIT PUBLIEE AU JOURNAL OFFICIEL DE LA REPUBLIQUE DU RWANDA**

**INTEKO ISHINGA AMATEGEKO:**

**THE PARLIAMENT:**

**LE PARLEMENT:**

Umutwe w'Abadepite, mu nama yawo yo ku wa 17 Nyakanga 2018;

The Chamber of Deputies, in its session of 17 July 2018;

La Chambre des Députés, en sa séance du 17 juillet 2018;

Ishingiye ku Itegeko Nshinga rya Repbulika y'u Rwanda ryo mu 2003 ryavuguruwe mu 2015, cyane cyane mu

Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially

Vu la Constitution de la République du Rwanda de 2003 révisée en 2015, spécialement en ses

ningo zaryo, iya 64, iya 69, iya 70, iya 88, iya 90, iya 91, iya 106, iya 120, iya 167, iya 168 n'iya 176; in Articles 64, 69, 70, 88, 90, 91, 106, 120, 167, 168 and 176; articles 64, 69, 70, 88, 90, 91, 106, 120, 167, 168 et 176;

Imaze gusuzuma Amasezerano y'Ubufatanye mu Bucuruzi n'Ubukungu hagati ya Guverinoma ya Repubulika ya Turikiya na Guverinoma ya Repubulika y'u Rwanda, yashyiriweho umukono i Istanbul, muri Turikiya, ku wa 3 Ugushyingo 2016; After consideration of the Agreement on Trade and Economic Cooperation between the Government of the Republic of Turkey and the Government of the Republic of Rwanda, signed in Istanbul, Turkey, on 3 November 2016; Après examen de l'Accord sur le Commerce et la Coopération économique entre le Gouvernement de la République de Turquie et le Gouvernement de la République du Rwanda, signé à Istanbul, en Turquie, le 3 novembre 2016;

**YEMEJE:**

**ADOPTS:**

**ADOPTE:**

**Ingingo ya mbere: Kwemera kwemeza burundu**

**Article One: Approval for ratification**

**Article premier: Approbation pour ratification**

Amasezerano y'Ubufatanye mu Bucuruzi n'Ubukungu hagati ya Guverinoma ya Repubulika ya Turikiya na Guverinoma ya Repubulika y' u Rwanda, yashyiriweho umukono i Istanbul, muri Turikiya, ku wa 3 Ugushyingo 2016, ari ku mugereka, yemerewe kwemezwa burundu.

The Agreement on Trade and Economic Cooperation between the Government of the Republic of Turkey and the Government of the Republic of Rwanda, signed in Istanbul, Turkey, on 3 November 2016, in annex, is approved for ratification.

L'Accord sur le Commerce et la Coopération Economique entre le Gouvernement de la République de Turquie et le Gouvernement de la République du Rwanda, signé à Istanbul, en Turquie, le 3 novembre 2016, en annexe, est approuvé pour ratification.

**Ingingo ya 2: Itegurwa, isuzumwa n'itorwa by'iri tegeko**

**Article 2: Drafting, consideration and adoption of this Law**

**Article 2: Initiation, examen et adoption de la présente loi**

Iri tegeko ryateguwe mu rurimi rw'Icyongereza, risuzumwa kandi ritorwa mu rurimi rw'Ikinyarwanda.

This Law was drafted in English, considered and adopted in Ikinyarwanda.

La présente loi a été initiée en anglais, examinée et adoptée en Ikinyarwanda.

**Ingingo ya 3: Igihe iri tegeko ritangira gukurikizwa**

Iri tegeko ritangira gukurikizwa ku munsu ritangarijweho mu Igazeti ya Leta ya Repubulika y'u Rwanda.

Kigali, ku wa 24/08/2018

(sé)

**KAGAME Paul**  
Perezida wa Repubulika

(sé)

**Dr. NGIRENTE Edouard**  
Minisitiri w'Intebe

**Bibonywe kandi bishyizweho Ikirango cya Repubulika:**

(sé)

**BUSINGYE Johnston**  
Minisitiri w'Ubutabera/Intumwa Nkuru ya Leta

**Article 3: Commencement**

This Law comes into force on the date of its publication in the Official Gazette of the Republic of Rwanda.

Kigali, on 24/08/2018

(sé)

**KAGAME Paul**  
President of the Republic

(sé)

**Dr. NGIRENTE Edouard**  
Prime Minister

**Seen and sealed with the Seal of the Republic:**

(sé)

**BUSINGYE Johnston**  
Minister of Justice/Attorney General

**Article 3: Entrée en vigueur**

La présente loi entre en vigueur le jour de sa publication au Journal Officiel de la République du Rwanda.

Kigali, le 24/08/2018

(sé)

**KAGAME Paul**  
Président de la République

(sé)

**Dr. NGIRENTE Edouard**  
Premier Ministre

**Vu et scellé du Sceau de la République:**

(sé)

**BUSINGYE Johnston**  
Ministre de la Justice/Garde des Sceaux

**UMUGEREKA W'ITEGEKO N° 65/2018  
RYO KU WA 24/08/2018 RYEMERA  
KWEMEZA BURUNDU  
AMASEZERANO Y'UBUFATANYE MU  
BUCURUZI N'UBUKUNGU HAGATI YA  
GUVERINOMA YA REPUBULIKA YA  
TURIKIYA NA GUVERINOMA YA  
REPUBULIKA Y'U RWANDA,  
YASHYIRIWEHO UMUKONO I  
ISTANBUL, MURI TURIKIYA, KU WA 3  
UGUSHYINGO 2016**

**ANNEX TO THE LAW N° 65/2018 OF  
24/08/2018 APPROVING  
RATIFICATION OF THE AGREEMENT  
ON TRADE AND ECONOMIC  
COOPERATION BETWEEN THE  
GOVERNMENT OF THE REPUBLIC OF  
TURKEY AND THE GOVERNMENT OF  
THE REPUBLIC OF RWANDA, SIGNED  
IN ISTANBUL, TURKEY, ON 3  
NOVEMBER 2016**

**ANNEXE A LA LOI N° 65/2018 DU  
24/08/2018 APPROUVANT  
RATIFICATION DE L'ACCORD SUR LE  
COMMERCE ET LA COOPERATION  
ECONOMIQUE ENTRE LE  
GOUVERNEMENT DE LA  
REPUBLIQUE DE TURQUIE ET LE  
GOUVERNEMENT DE LA  
REPUBLIQUE DU RWANDA, SIGNE A  
ISTANBUL, EN TURQUIE, LE 3  
NOVEMBRE 2016**

**AGREEMENT ON TRADE AND ECONOMIC COOPERATION  
BETWEEN THE GOVERNMENT OF THE REPUBLIC OF TURKEY  
AND  
THE GOVERNMENT OF THE REPUBLIC OF RWANDA**

**PREAMBLE**

The Government of the Republic of Turkey and the Government of the Republic of Rwanda (hereinafter jointly referred to as "the Parties" and individually as "a Party") on the grounds of equality and mutual benefit,

Desirous of strengthening the friendly relations and to enhance the cooperation between the two countries,

Recognizing that the two countries are members of the World Trade Organization (WTO),

Considering their interest in promoting trade and economic cooperation on the basis of mutual advantage,

have agreed as follows:

**ARTICLE I  
TRADE AND ECONOMIC COOPERATION**

The Parties undertake, through appropriate measures, to promote and facilitate trade and economic cooperation between their countries in accordance with their respective domestic law, and subject to obligations under international treaties, conventions and agreements to which they are Parties.

The Parties shall encourage cooperation and mutual investment in the following fields:

- i. Energy and Mineral Resources
- ii. Agriculture and Livestock Development
- iii. Education and Health
- iv. Science and Technology
- v. Transport
- vi. Construction industry
- vii. Manufacturing
- viii. Tourism

For the purpose of providing further expansion of bilateral trade flows and economic activities, the Parties undertake to cooperate on trade related matters such as quality and standard, sanitary and phytosanitary measures, taxes, customs and trade facilitation. The aforementioned cooperation will be defined in each specific case, in a separate arrangement to be concluded between the Parties or the respective institutions of the Parties.



**ARTICLE II  
MOST FAVOURED NATION TREATMENT**

The Parties, in conformity with the GATT/WTO obligations and national legislations, shall grant each other the most-favoured-nation treatment with respect to customs duties and other charges in connection with imports and exports of goods between two countries.

The provision of this Article shall not apply to any existing or future privileges and advantages granted to third countries within the framework of free trade areas, preferential trade agreements, customs unions, other regional agreements and special agreements with developing countries and border trade.

**ARTICLE III  
TRADE FACILITATION**

The Parties shall encourage their respective enterprises and organizations to the extent possible to take part in exhibitions, fairs and other promotional activities as well as to promote the exchange of trade delegations and business representatives.

Each Party shall facilitate, as far as possible, organization of national exhibitions of the other party in its territory.

The implementation of agreed projects relating to the economic and commercial cooperation within the framework of this Agreement shall be realized on the basis of contracts or arrangements to be signed between the interested enterprises, organizations or public institutions of the two countries in accordance with relevant national laws

**ARTICLE IV  
PAYMENTS**

All payments for goods and services to be exchanged between the Parties shall be made in freely convertible currencies, in accordance with the foreign exchange laws and regulations in force in each respective country.

**ARTICLE V  
TEMPORARY IMPORTATION**

The Parties, in accordance with their national legislation in force, agreed to exempt from customs duties, the goods and equipments imported temporarily for use in trade promotional events such as fairs, exhibitions, missions and seminars, provided that such goods and equipment are not subject to commercial transactions and will be re-exported after exhibition.

**ARTICLE VI  
EXCHANGE OF INFORMATION**

The Parties, aiming to improve and diversify the bilateral trade and develop economic cooperation between the two countries, agreed to facilitate and accelerate the exchange of information, particularly concerning their respective legislations and economic programs, to encourage contacts between their companies and organizations involved in trade and economic cooperation.

**ARTICLE VII  
JOINT ECONOMIC COMMISSION**

Turkey - Rwanda Joint Economic Commission is hereby established (the Commission) at a ministerial level, the function of which will be to promote and facilitate trade and economic cooperation between the Parties.

The Commission shall oversee the fulfillment of this Agreement and make the necessary proposals for the purpose of promoting and developing trade and economic cooperation between the two parties.

The Commission shall convene upon the requests of either Party, alternately in Turkey or Rwanda.

**ARTICLE VIII  
COMPLIANCE WITH STANDARDS**

Cooperation between the Parties within the framework of this Agreement shall be realized in accordance with the laws, rules and regulations in force and voluntary standards applicable in their respective countries and shall be compatible with their national and international obligations and standards.

**ARTICLE IX  
DISPUTE RESOLUTION**

Any dispute between the Parties relating to the interpretation or implementation of this Agreement shall be resolved amicably without unreasonable delay, through consultations and negotiations between the Parties.

**ARTICLE X  
AMENDMENTS**

This Agreement may be amended at any time by mutual written consent of the Parties. The amendments shall enter into force upon the completion of the internal legal procedures required of both Parties in accordance with Article XI of this agreement.

**ARTICLE XI  
ENTRY INTO FORCE AND DURATION**

This Agreement shall enter into force on the date of the receipt of the last written notification by which the Parties notify each other, through diplomatic channels, of the completion of their internal legal procedures required for the entry into force of the concerned document.

This Agreement shall remain in force for a period of five (5) years and thereafter it shall be automatically extended for successive periods of one (1) year unless terminated early in accordance with Article XII of this Agreement.

**ARTICLE XII  
TERMINATION OF THE AGREEMENT**

Either Party may terminate this Agreement at any time by giving a six (6) months written notice of its intention to terminate this Agreement to the other Party.

Unless otherwise agreed by the Parties, the termination of this Agreement shall not affect incomplete activities and projects already in progress which were entered into or started in accordance with the provisions of this Agreement or any separate protocol, contract or agreement concluded in terms of this Agreement.

In witness whereof, the undersigned, duly authorized representatives of the respective Governments, have signed this Agreement in duplicate, in English and Turkish languages, both texts being equally authentic. However, in case of any conflict in the interpretation of the two texts, the English version shall prevail.

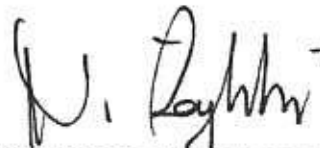
Done at İstanbul on 3<sup>rd</sup> of November 2016.

**FOR THE GOVERNMENT OF  
THE REPUBLIC OF RWANDA**



**MINISTER OF TRADE, INDUSTRY AND  
EAST AFRICAN COMMUNITY AFFAIRS  
FRANÇOIS KANIMBA**

**FOR THE GOVERNMENT OF  
THE REPUBLIC OF TURKEY**



**MINISTER OF ECONOMY  
NİHAT ZEYBEKÇİ**

**TÜRKİYE CUMHURİYETİ HÜKÜMETİ İLE  
RUANDA CUMHURİYETİ HÜKÜMETİ  
ARASINDA  
TİCARET VE EKONOMİK İŞBİRLİĞİ ANLAŞMASI**

**GİRİŞ**

Türkiye Cumhuriyeti Hükümeti ile Ruanda Cumhuriyeti Hükümeti, (bundan böyle müştereken "Taraflar" ve münferiden "Taraflar" olarak anılacaktır) eşitlik ve karşılıklı yarar temelinde,

İki ülke arasında dostane ilişkileri güçlendirmeyi ve işbirliğini geliştirmeyi isteyerek,

Her iki ülkenin Dünya Ticaret Örgütü'nün (DTÖ) üyesi olduğunun bilincinde olarak,

Karşılıklı faydaya dayanan ticari ve ekonomik işbirliğini teşvik etme yönündeki çıkarlarını göz önünde bulundurarak,

aşağıdaki hususlarda anlaşmışlardır.

**MADDE I  
TİCARİ VE EKONOMİK İŞBİRLİĞİ**

Taraflar, uygun tedbirleri almak suretiyle kendi iç hukuklarına ve taraf oldukları uluslararası anlaşma, sözleşme ve mutabakata uygun biçimde ülkeleri arasında ticari ve ekonomik işbirliğini teşvik etmeyi ve kolaylaştırmayı taahhüt etmişlerdir.

Taraflar aşağıdaki alanlarda işbirliğini ve karşılıklı yatırımları teşvik edeceklerdir:

- i. Enerji ve Mineral Kaynaklar
- ii. Tarım ve Hayvancılığın Geliştirilmesi
- iii. Eğitim ve Sağlık
- iv. Bilim ve Teknoloji
- v. Ulaştırma
- vi. İnşaat sanayi
- vii. İmalat
- viii. Turizm

İkili ticaret akışı ve ekonomik faaliyetlerin daha da geliştirilmesinin temini için Taraflar, kalite ve standart, insan ve bitki sağlığı önlemleri, vergiler, gümrükler ve ticaretin kolaylaştırılması gibi ticari konularda işbirliği yapmayı kabul etmişlerdir. Bahsi geçen işbirliği her bir özel durum için olacak şekilde Taraflar ya da Tarafların ilgili kuruluşları arasında sonuçlandırılacak ayrı bir düzenleme içerisinde tanımlanacaktır.

**MADDE II**  
**EN ÇOK KAYRILAN ÜLKE MUAMELESİ**

GATT/DTÖ yükümlülükleri ve ulusal mevzuatları ile uyumlu olarak, Taraflar birbirlerine gümrük vergileri ve iki ülke arasındaki mal ihracatı ve ithalatı ile bağlantılı diğer masraflara ilişkin en çok kayrılan ülke muamelesi yapacaklardır.

Bu madde, üçüncü ülkelere serbest ticaret alanı, tercihli ticaret anlaşmaları, gümrük birliği, diğer bölgesel anlaşmalar kapsamında üçüncü ülkelere hâlihazırda tanınan ya da gelecekte verilecek ayrıcalık ve avantajlar ile gelişme yolundaki ülkeler ile yapılan özel anlaşmalar ve sınır ticareti konularına uygulanmaz.

**MADDE III**  
**TİCARETİN KOLAYLAŞTIRILMASI**

Taraflar ilgili işletme ve kuruluşlarının sergi, fuar ve diğer tanıtıcı faaliyetlere mümkün olduğu ölçüde katılmalarının yanı sıra karşılıklı ticaret heyeti ve işadamı ziyaretlerini de teşvik edeceklerdir.

Her bir Taraf, kendi ülkesinde diğer Tarafça gerçekleştirilen ulusal sergi organizasyonlarını olabildiğince kolaylaştıracaktır.

İşbu Anlaşma çerçevesinde, ekonomik ve ticari işbirliğine ilişkin üzerinde mutabık kalınan projelerin uygulanması, ilgili ulusal mevzuatlara uygun olarak, iki ülkenin ilgili özel sektör işletme, kuruluşları ve/veya kamu kurumları arasında imzalanacak sözleşmeler veya diğer düzenlemeler temelinde gerçekleştirilecektir.

**MADDE IV**  
**ÖDEMELER**

İki ülke arasında mübadele edilecek mal ve hizmetlere ilişkin tüm ödemeler, her iki ülkede yürürlükte bulunan kambiyo kanunları ve yönetmeliklere uygun olarak serbest konvertibiliteye sahip para birimleri üzerinden yapılacaktır.

**MADDE V**  
**GEÇİCİ İTHALAT**

Taraflar, yürürlükte bulunan ulusal mevzuatları ile uyumlu olarak, fuarlar, sergiler, heyetler ve seminerler gibi ticari tanıtım faaliyetlerinde kullanılmak üzere geçici olarak ithal edilen mal ve ekipmanların, ticari işleme tabi tutulmaması ve sergilendikten sonra tekrar ihraç edilmesi kaydıyla, gümrük vergilerinden muaf tutulması konusunda mutabık kalmışlardır.

**MADDE VI  
BİLGİ TEATİSİ**

İki ülke arasındaki ticareti arttırmak, çeşitlendirmek ve ekonomik işbirliğini geliştirmek amacıyla yönelik olarak ve ticari ve ekonomik işbirliği ile ilgili firma ve kuruluşları arasındaki temasları teşvik etmek üzere, Taraflar, özellikle ilgili mevzuatları ve ekonomik programlarına dair bilgi teatisini kolaylaştırmayı ve hızlandırmayı kararlaştırmışlardır.

**MADDE VII  
KARMA EKONOMİK KOMİSYON**

Taraflar arasındaki ticari ve ekonomik işbirliğinin geliştirilmesi ve kolaylaştırılması için Bakanlar düzeyinde bir Türkiye-Ruanda Karma Ekonomik Komisyonu (Komisyon) tesis edilecektir.

Komisyon, bu Anlaşmanın yerine getirilmesini denetleyecek ve iki ülke arasındaki ticari ve ekonomik işbirliğinin teşvik edilmesi ve geliştirilmesi için gerekli teklifleri yapacaktır.

Komisyon, dönüşümlü olarak Türkiye ve Ruanda'da, Taraflardan birinin talebi üzerine toplanacaktır.

**MADDE VIII  
STANDARTLARA UYGUNLUK**

İşbu Anlaşma çerçevesinde, Taraflar arasındaki işbirliği her iki ülkede yürürlükte olan kanun, tüzük ve yönetmelikler ile ihtiyari standartlara uygun olarak gerçekleştirilecek ve Tarafların ulusal ve uluslararası yükümlülükleri ve standartları ile uyumlu olacaktır.

**MADDE IX  
ANLAŞMAZLIKLARIN HALLİ**

İşbu Anlaşmanın yorumlanması ya da uygulanmasına ilişkin olarak Taraflar arasında ortaya çıkabilecek anlaşmazlıklar, makul olmayan bir gecikmeye mahal vermeksizin karşılıklı istişareler ve görüşmeler yoluyla çözülecektir.

**MADDE X  
DÜZELTMELER**

İşbu Anlaşmada Tarafların karşılıklı yazılı izni ile değişiklik yapılabilecektir. Değişiklikler işbu Anlaşmanın XI. Maddesi uyarınca, Tarafların gerekli iç yasal prosedürlerini tamamlamasını müteakip yürürlüğe girecektir.

**MADDE XI  
YÜRÜRLÜĞE GİRİŞ VE GEÇERLİLİK**

İşbu Anlaşma, Tarafların anılan belgenin yürürlüğe girmesi için gerekli iç yasal prosedürlerinin tamamlandığına dair birbirlerine diplomatik kanallarla yaptıkları son yazılı bildirim alındığı tarihte yürürlüğe girecektir.

İşbu Anlaşma beş (5) yıl süre ile yürürlükte kalacaktır ve İşbu Anlaşmanın XII. Maddesi uyarınca feshedilmediği takdirde, Anlaşmanın geçerliliği bir (1) yıllık sürelerle kendiliğinden yenilenecektir.

**MADDE XII  
ANLAŞMANIN FESHİ**

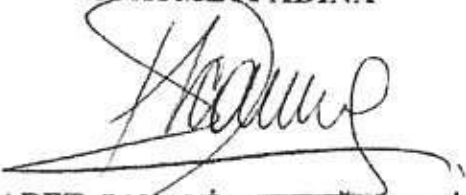
Taraflardan biri Anlaşmayı sona erdirme niyetini diğer Tarafa yazılı olarak altı (6) ay önce bildirmek kaydıyla İşbu Anlaşmayı feshedebilir.

Taraflarca aksi kararlaştırılmadığı sürece, Anlaşmanın sona ermesi İşbu Anlaşmanın maddeleri veya ona bağlı olarak akdedilmiş ayrı bir protokol, akit ya da anlaşma maddeleri ile başlatılan ve hâlihazırda devam eden tamamlanmamış faaliyet ve projeleri etkilemeyecektir.

Kendi Hükümetleri tarafından usulüne uygun olarak yetkilendirilen aşağıdaki imza sahibi temsilciler tarafından İşbu Anlaşma İngilizce ve Türkçe dillerinde eşit derecede geçerli iki orijinal metin halinde imzalanmıştır. Metinlerin yorumlanmasında herhangi bir anlaşmazlık olması durumunda İngilizce nüsha esas alınacaktır.

İstanbul'da, 3 Kasım 2016 tarihinde düzenlenmiştir.

**RUANDA CUMHURİYETİ  
HÜKÜMETİ ADINA**



**TİCARET, SANAYİ VE DOĞU AFRİKA  
TOPLULUĞU İŞLERİ BAKANI  
FRANÇOİS KANIMBA**

**TÜRKİYE CUMHURİYETİ  
HÜKÜMETİ ADINA**



**EKONOMİ BAKANI  
NİHAT ZEYBEKÇİ**

**BIBONYWE KUGIRA NGO BISHYIRWE KU MUGERKA W'ITEGEKO N°65/2018 RYO KU WA 24/08/2018 RYEMERA KWEMEZA BURUNDU AMASEZERANO Y'UBUFATANYE MU BUCURUZI N'UBUKUNGU HAGATI YA GUVERINOMA YA REPUBULIKA YA TURIKIYA NA GUVERINOMA YA REPUBULIKA Y'U RWANDA, YASHYIRIWEHO UMUKONO I ISTANBUL, MURI TURIKIYA, KU WA 3 UGUSHYINGO 2016**

**SEEN TO BE ANNEXED TO THE LAW N° 65/2018 OF 24/08/2018 APPROVING RATIFICATION OF THE AGREEMENT ON TRADE AND ECONOMIC COOPERATION BETWEEN THE GOVERNMENT OF THE REPUBLIC OF TURKEY AND THE GOVERNMENT OF THE REPUBLIC OF RWANDA, SIGNED IN ISTANBUL, TURKEY, ON 3 NOVEMBER 2016**

**VU POUR ETRE ANNEXE A LA LOI N°65/2018 DU 24/08/2018 APPROUVANT RATIFICATION DE L'ACCORD SUR LE COMMERCE ET LA COOPERATION ECONOMIQUE ENTRE LE GOUVERNEMENT DE LA REPUBLIQUE DE TURQUIE ET LE GOUVERNEMENT DE LA REPUBLIQUE DU RWANDA, SIGNE A ISTANBUL, EN TURQUIE, LE 3 NOVEMBRE 2016**

Kigali, ku wa 24/08/2018

Kigali, on 24/08/2018

Kigali, le 24/08/2018

(sé)

**KAGAME Paul**

Perezida wa Repubulika

(sé)

**Dr. NGIRENTE Edouard**

Minisitiri w'Intebe

(sé)

**KAGAME Paul**

President of the Republic

(sé)

**Dr. NGIRENTE Edouard**

Prime Minister

(sé)

**KAGAME Paul**

Président de la République

(sé)

**Dr. NGIRENTE Edouard**

Premier Ministre

**Bibonywe kandi bishyizweho Ikirango cya Repubulika:**

(sé)

**BUSINGYE Johnston**

Minisitiri w'Ubutabera/Intumwa Nkuru ya Leta

**Seen and sealed with the Seal of the Republic:**

(sé)

**BUSINGYE Johnston**

Minister of Justice/Attorney General

**Vu et scellé du Sceau de la République:**

(sé)

**BUSINGYE Johnston**

Ministre de la Justice/Garde des Sceaux



ITEGEKO N° 67/2018 RYO KU WA  
30/08/2018 RIGENA INSHINGANO,  
IMITUNGANYIRIZE N'IMIKORERE  
BYA KOMISIYO Y'IGIHUGU  
ISHINZWE ABAKOZI BA LETA

LAW N° 67/2018 OF 30/08/2018  
DETERMINING THE  
RESPONSIBILITIES, ORGANISATION  
AND FUNCTIONING OF NATIONAL  
PUBLIC SERVICE COMMISSION

LOI N° 67/2018 DU 30/08/2018 PORTANT  
ATTRIBUTIONS, ORGANISATION ET  
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FONCTION PUBLIQUE

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<b><u>Ingingo ya 7:</u> Inama y'Abakomiseri na manda yabo</b>	<b><u>Article 7:</u> Council of Commissioners and their term of office</b>	<b><u>Article 7:</u> Conseil des Commissaires et leur mandat</b>
<b><u>Ingingo ya 8:</u> Ibyo Umukomiseri agomba kuba yujuje</b>	<b><u>Article 8:</u> Conditions for being a Commissioner</b>	<b><u>Article 8:</u> Conditions pour être Commissaire</b>
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<b><u>Ingingo ya 10:</u> Inshingano z'Inama y'Abakomiseri</b>	<b><u>Article 10:</u> Responsibilities of the Council of Commissioners</b>	<b><u>Article 10:</u> Attributions du Conseil des Commissaires</b>
<b><u>Ingingo ya 11:</u> Ibigenerwa abagize Inama y'Abakomiseri</b>	<b><u>Article 11:</u> Benefits granted to members of the Council of Commissioners</b>	<b><u>Article 11:</u> Avantages alloués aux membres du Conseil des Commissaires</b>
<b><u>Ingingo ya 12:</u> Impamvu zituma ugize Inama y'Abakomiseri ava muri uwo mwanya</b>	<b><u>Article 12:</u> Grounds for loss of membership of the Council of Commissioners</b>	<b><u>Article 12:</u> Causes de perte de la qualité de membre du Conseil des Commissaires</b>
<b><u>Ingingo ya 13:</u> Isimburwa ry'umukomiseri utakiri mu mirimo</b>	<b><u>Article 13:</u> Replacement of a Commissioner who no longer holds office</b>	<b><u>Article 13:</u> Remplacement d'un commissaire ayant cessé ses fonctions</b>

<b><u>Ingingo ya 14:</u></b> Imikorere y’Inama y’Abakomiseri	<b><u>Article 14:</u></b> Functioning of the Council of Commissioners	<b><u>Article 14:</u></b> Fonctionnement du Conseil des Commissaires
<b><u>Ingingo ya 15:</u></b> Itumizwa ry’inama y’Inama y’Abakomiseri igihe Perezida na Visi Perezida badahari	<b><u>Article 15:</u></b> Convening the meeting of the Council of Commissioners in the absence of the Chairperson and the Deputy Chairperson	<b><u>Article 15:</u></b> Convocation de la réunion du Conseil des Commissaires en cas d’absence du Président et du Vice-Président
<b><u>Ingingo ya 16:</u></b> Uko Inama y’Abakomiseri iterana n’uko ibyemezo bifatwa	<b><u>Article 16:</u></b> Modalities for holding meetings of the Council of Commissioners and for decision-making	<b><u>Article 16:</u></b> Modalités de tenue de la réunion du Conseil des Commissaires et de prise de décisions
<b><u>Icyiciro cya 2:</u></b> Biro ya Komisiyo	<b><u>Section 2:</u></b> Bureau of the Commission	<b><u>Section 2:</u></b> Bureau de la Commission
<b><u>Ingingo ya 17:</u></b> Biro ya Komisiyo	<b><u>Article 17:</u></b> Bureau of the Commission	<b><u>Article 17:</u></b> Bureau de la Commission
<b><u>Ingingo ya 18:</u></b> Inshingano za Perezida w’Inama y’Abakomiseri	<b><u>Article 18:</u></b> Responsibilities of the Chairperson of the Council of Commissioners	<b><u>Article 18:</u></b> Attributions du Président du Conseil des Commissaires
<b><u>Ingingo ya 19:</u></b> Inshingano za Visi Perezida w’Inama y’Abakomiseri	<b><u>Article 19:</u></b> Responsibilities of the Deputy Chairperson of the Council of Commissioners	<b><u>Article 19:</u></b> Attributions du Vice-Président du Conseil des Commissaires
<b><u>Icyiciro cya 3:</u></b> Ubunyamabanga Nshingwabikorwa bwa Komisiyo	<b><u>Section 3:</u></b> Executive Secretariat of the Commission	<b><u>Section 3:</u></b> Secrétariat exécutif de la Commission
<b><u>Ingingo ya 20:</u></b> Ubunyamabanga Nshingwabikorwa bwa Komisiyo	<b><u>Article 20:</u></b> Executive Secretariat of the Commission	<b><u>Article 20:</u></b> Secrétariat exécutif de la Commission
<b><u>Ingingo ya 21:</u></b> Imitunganyirize y’Ubunyamabanga Nshingwabikorwa bwa Komisiyo	<b><u>Article 21:</u></b> Organisation of the Executive Secretariat of the Commission	<b><u>Article 21:</u></b> Organisation du Secrétariat exécutif de la Commission

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<b><u>Ingingo ya 23:</u> Abakozi ba Komisiyo</b>	<b><u>Article 23:</u> Staff of the Commission</b>	<b><u>Article 23:</u> Personnel de la Commission</b>
<b><u>UMUTWE WA IV: IBYEMEZO BYA KOMISIYO N'IMIKORANIRE YAYO N'IZINDI NZEGO</u></b>	<b><u>CHAPTER IV: DECISIONS OF THE COMMISSION AND ITS COLLABORATION WITH OTHER INSTITUTIONS</u></b>	<b><u>CHAPITRE IV: DÉCISIONS DE LA COMMISSION ET SA COLLABORATION AVEC D'AUTRES INSTITUTIONS</u></b>
<b><u>Ingingo ya 24:</u> Ishyirwa mu bikorwa ry'ibyemezo bya Komisiyo</b>	<b><u>Article 24:</u> Enforcement of decisions of the Commission</b>	<b><u>Article 24:</u> Mise en application des décisions de la Commission</b>
<b><u>Ingingo ya 25:</u> Ububasha bwo gusaba ibihano</b>	<b><u>Article 25:</u> Powers to request for sanctions</b>	<b><u>Article 25:</u> Pouvoirs de requérir des sanctions</b>
<b><u>Ingingo ya 26:</u> Ubwisanzure mu mikoranire n'izindi nzego</b>	<b><u>Article 26:</u> Extensive powers to collaborate with other institutions</b>	<b><u>Article 26:</u> Pouvoirs élargis dans la collaboration avec d'autres institutions</b>
<b><u>Ingingo ya 27:</u> Inzego Komisiyo ishikiranira gahunda na raporo z'ibikorwa byayo</b>	<b><u>Article 27:</u> Organs to which the Commission submits its action plan and activity report</b>	<b><u>Article 27:</u> Organes auxquels la Commission transmet son plan d'action et son rapport d'activités</b>
<b><u>UMUTWE WA V: UMUTUNGO WA KOMISIYO</u></b>	<b><u>CHAPTER V: PROPERTY OF THE COMMISSION</u></b>	<b><u>CHAPITRE V: PATRIMOINE DE LA COMMISSION</u></b>
<b><u>Ingingo ya 28:</u> Umutungo wa Komisiyo n'aho ukomoka</b>	<b><u>Article 28:</u> Property of the Commission and its sources</b>	<b><u>Article 28:</u> Patrimoine de la Commission et ses sources</b>

**Ingingo ya 29:** Iyemeza n’imicungire y’ingingo y’imari ya Komisiyo

**Article 29:** Adoption and management of the budget of the Commission

**Article 29:** Adoption et gestion du budget de la Commission

**Ingingo ya 30:** Imikoreshereze, imicungire n’imigenzurire by’umutungo wa Komisiyo

**Article 30:** Use, management and audit of the property of the Commission

**Article 30:** Utilisation, gestion et audit du patrimoine de la Commission

**UMUTWE WA VI: INGINGO ZISOZA**

**CHAPTER VI: FINAL PROVISIONS**

**CHAPITRE VI: DISPOSITIONS FINALES**

**Ingingo ya 31:** Itegurwa, isuzumwa n’itorwa by’iri tegeko

**Article 31:** Drafting, consideration and adoption of this Law

**Article 31:** Initiation, examen et adoption de la présente loi

**Ingingo ya 32:** Ivanwaho ry’itegeko n’ingingo z’amategeko zinyuranyije n’iri tegeko

**Article 32:** Repealing provision

**Article 32:** Disposition abrogatoire

**Ingingo ya 33:** Igihe iri tegeko ritangira gukurikizwa

**Article 33:** Commencement

**Article 33:** Entrée en vigueur

**ITEGEKO N° 67/2018 RYO KU WA 30/08/2018 RIGENA INSHINGANO, IMITUNGANYIRIZE N'IMIKORERE BYA KOMISIYO Y'IGIHUGU ISHINZWE ABAKOZI BA LETA**

**LAW N° 67/2018 OF 30/08/2018 DETERMINING THE RESPONSIBILITIES, ORGANISATION AND FUNCTIONING OF NATIONAL PUBLIC SERVICE COMMISSION**

**LOI N° 67/2018 DU 30/08/2018 PORTANT ATTRIBUTIONS, ORGANISATION ET FONCTIONNEMENT DE LA COMMISSION NATIONALE DE LA FONCTION PUBLIQUE**

**Twebwe, KAGAME Paul,**  
Perezida wa Repubulika;

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

**Nous, KAGAME Paul,**  
Président de la République ;

**INTEKO ISHINGA AMATEGEKO YEMEJE NONE NATWE DUHAMIJE, DUTANGAJE ITEGEKO RITEYE RITYA KANDI DUTEGETSE KO RYANDIKWA MU IGAZETI YA LETA YA REPUBULIKA Y'U RWANDA**

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

**LE PARLEMENT A ADOPTÉ ET NOUS SANCTIONNONS, PROMULGUONS LA LOI DONT LA TENEUR SUIT ET ORDONNONS QU'ELLE SOIT PUBLIÉE AU JOURNAL OFFICIEL DE LA RÉPUBLIQUE DU RWANDA**

**INTEKO ISHINGA AMATEGEKO:**

**THE PARLIAMENT:**

**LE PARLEMENT:**

Umutwe w'Abadepite, mu nama yawo yo kuwa 13 Nyakanga 2018;

The Chamber of Deputies, in its session of 13 July 2018;

La Chambre des Députés, en sa séance du 13 juillet 2018;

Ishingiye ku Itegeko Nshinga rya Repubulika y'u Rwanda ryo mu 2003 ryavuguruwe mu 2015, cyane cyane mu ngingo zaryo, iya 64, iya 69, iya 70, iya 88,

Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 64, 69, 70, 88, 90, 91, 106, 112, 119, 120, 139 and 176;

Vu la Constitution de la République du Rwanda de 2003 révisée en 2015, spécialement en ses articles 64, 69, 70, 88, 90, 91, 106, 112, 119, 120, 139 et 176;

iya 90, iya 91, iya 106, iya 112, iya 119, iya 120, iya 139 n’iya 176;

Isubiye ku Itegeko n° 39/2012 ryo kuwa 24/12/2012 rigena inshingano, imiterere n’imikorere ya Komisiyo ishinzwe Abakozi ba Leta;

Having reviewed Law n° 39/2012 of 24/12/2012 determining the responsibilities, organization and functioning of the Public Service Commission;

Revu la Loi n° 39/2012 du 24/12/2012 portant mission, organisation et fonctionnement de la Commission de la Fonction Publique;

**YEMEJE:**

**ADOPTS:**

**ADOPTE:**

**UMUTWE WA MBERE: INGINGO  
RUSANGE**

**CHAPTER ONE: GENERAL  
PROVISIONS**

**CHAPITRE PREMIER : DISPOSITIONS  
GÉNÉRALES**

**Ingingo ya mbere: Icyo iri tegeko  
rigamije**

**Article One: Purpose of this Law**

**Article premier: Objet de la présente loi**

Iri tegeko rigena inshingano, imitunganyirize n’imikorere bya Komisiyo y’Igihugu ishinzwe Abakozi ba Leta yitwa “Komisiyo” muri iri tegeko.

This Law determines the responsibilities, organization and functioning of the National Public Service Commission referred to as “the Commission” in this Law.

La présente loi porte attributions, organisation et fonctionnement de la Commission nationale de la fonction publique dénommée «la Commission» dans la présente loi.

**Ingingo ya 2: Intego ya Komisiyo  
y’Igihugu ishizwe Abakozi ba Leta**

**Article 2: Mission of the National Public  
Service Commission**

**Article 2: Mission de la Commission nationale  
de la fonction publique**

Komisiyo y’Igihugu ishizwe Abakozi ba Leta ifite intego yo kugenzura uko inzego za Leta zishyira mu bikorwa politiki, amahame n’amategeko ajyanye no gushaka no gucunga abakozi ba Leta.

The mission of the National Public Service Commission is to supervise the implementation by public institutions of policies, principles and laws relating to recruitment and management of public servants.

La mission de la Commission nationale de la fonction publique est de superviser la mise en application par les organes de l’État des politiques, principes et lois relatifs au recrutement et à la gestion des fonctionnaires.

**Ingingo ya 3: Icyicaro cya Komisiyo**

Icyicaro cya Komisiyo kiri mu Muji wa Kigali, Umurwa Mukuru wa Repubulika y'u Rwanda. Gishobora kwimurirwa ahandi mu Rwanda bibaye ngombwa.

**Article 3: Head office of the Commission**

The head office of the Commission is located in the City of Kigali, the Capital of the Republic of Rwanda. It may be transferred elsewhere in Rwanda if deemed necessary.

**Article 3: Siège de la Commission**

Le siège de la Commission est établi dans la Ville de Kigali, Capitale de la République du Rwanda. Il peut, en cas de nécessité, être transféré en tout autre lieu du territoire de la République du Rwanda.

**Ingingo ya 4: Ubwigenge n'ubwisanzure bya Komisiyo**

Komisiyo ni urwego rw'Igihugu rwigenga rufite ubwisanzure mu miyoborere, mu micungire y'abakozi, imari n'umutungo.

**Article 4: Independence and autonomy of the Commission**

The Commission is an independent national institution with financial and administrative autonomy.

**Article 4: Indépendance et autonomie de la Commission**

La Commission est une institution nationale indépendante dotée de l'autonomie administrative et financière.

Mu byerekeye ishyirwa mu bikorwa rya politiki, amahame n'amategeko bijyanye no gushaka no gucunga abakozi ba Leta, Komisiyo ikorana by'umwihariko na Minisiteri ifite abakozi ba Leta n'umurimo mu nshingano zayo.

As regards the implementation of policies, principles and laws governing recruitments and management of public servants, the Commission works closely with the Ministry in charge of Public Service and Labour.

Concernant la mise en application des politiques, principes et réglementation relatifs au recrutement et à la gestion des fonctionnaires, la Commission travaille en étroite collaboration avec le Ministère ayant la fonction publique et le travail dans ses attributions.

**UMUTWE WA II: INSHINGANO ZA KOMISIYO**

**CHAPTER II: RESPONSIBILITIES OF THE COMMISSION**

**CHAPITRE II : ATTRIBUTIONS DE LA COMMISSION**

**Ingingo ya 5: Inshingano za Komisiyo**

Komisiyo ifite inshingano zikurikira:

**Article 5: Responsibilities of the Commission**

The Commission is responsible for the following:

**Article 5: Attributions de la Commission**

La Commission est chargée de ce qui suit:



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| 1° kugenzura ko inzego za Leta zishyira abakozi mu myanya y'imirimu binyuze mu mucyo kandi mu buryo bumwe ku bashaka akazi bose;   | 1° to verify whether public institutions recruit staff using a transparent and equitable candidate selection system;   | 1° vérifier si les organes de l'État recrutent le personnel à travers un système de sélection des candidats transparent et équitable;  |
| 2° gusuzuma raporo z'amapiganwa yakoreshejwe n'inzego za Leta n'ishyirwa mu myanya ry'abakozi ba Leta;   | 2° to analyse reports on staff recruitment competitions organized by public institutions and placement of staff;   | 2° analyser les rapports sur les concours de recrutement du personnel organisés par les organes de l'État et l'affectation du personnel;   |
| 3° kugenzura ko inzego za Leta zubahiriza amategeko, amabwiriza n'ibyemezo bijyanye n'imicungire y'abakozi ba Leta;  | 3° to verify whether public institutions comply with laws, regulations and decisions relating to the management of public servants;  | 3° vérifier si les organes de l'État se conforment aux lois, aux règlements et aux décisions en rapport avec la gestion des fonctionnaires;  |
| 4° guteza imbere imyitwarire mbonezamurimo mu bakozi ba Leta ndetse nuko bashyira mu bikorwa inshingano zabo hashingiwe ku mategeko agenga imicungire y'abakozi ba Leta; | 4° to promote professional conduct and behaviour in the public service as well as how public servants fulfil their obligations in accordance with human resources management laws; | 4° promouvoir la conduite professionnelle et le comportement dans la fonction publique ainsi que la façon dont les fonctionnaires remplissent leurs obligations en vertu de la législation sur la gestion des ressources humaines; |
| 5° gukora ubushakashatsi ku micungire y'abakozi ba Leta n'inzego z'imirimu ya Leta kugira ngo igire Guverinoma inama;  | 5° to carry out research on human resource management and on entities providing public services in order to make recommendations to Government;                                    | 5° effectuer les recherches sur la gestion des ressources humaines et sur les entités fournissant des services publics en vue de faire des recommandations au Gouvernement;  |
| 6° gufata imyanzuro ku rwego rwa nyuma ku byemezo byo mu rwego rw'Ubutegetsi bijyanye  | 6° to make final decisions on administrative actions related to human Resources  | 6° prendre en dernier ressort, des décisions sur les actions administratives relatives aux ressources humaines lui soumises en appel.  |

n'imicungire y'abakozi ba Leta yajuririwe.

management which are brought to it on appeal.

**UMUTWE WA III: IMITUNGANYIRIZE N'IMIKORERE BYA KOMISIYO**

**CHAPTER III: ORGANIZATION AND FUNCTIONING OF THE COMMISSION**

**CHAPITRE III: ORGANISATION ET FONCTIONNEMENT DE LA COMMISSION**

**Ingingo ya 6: Inzego z'ubuyobozi za Komisiyo**

**Article 6: Governance organs of the Commission**

**Article 6 : Organes de gouvernance de la Commission**

Komisiyo igizwe n'inzego z'ubuyobozi zikurikira:

The Commission is composed of the following governance organs:

La Commission est composée des organes de gouvernance suivants :

1° Inama y'Abakomiseri;

1° the Council of Commissioners;

1° le Conseil des Commissaires ;

2° Biro ya Komisiyo;

2° the Bureau of the Commission;

2° le Bureau de la Commission;

3° Ubunyamabanga Nshingwabikorwa.

3° the Executive Secretariat.

3° le Secrétariat exécutif.

**Icyiciro cya mbere: Inama y'Abakomiseri**

**Section One: Council of Commissioners**

**Section première: Conseil des Commissaires**

**Ingingo ya 7: Inama y'Abakomiseri na manda yabo**

**Article 7: Council of Commissioners and their term of office**

**Article 7: Conseil des Commissaires et leur mandat**

Inama y'Abakomiseri igizwe n'abakomiseri barindwi (7) barimo Perezida na Visi Perezida, bashyirwaho n'iteka rya Perezida bamaze kwemezwa na Sena.

The Council of Commissioners consists of seven (7) Commissioners including the Chairperson and the Deputy Chairperson appointed by a Presidential Order after approval by the Senate.

Le Conseil des Commissaires est composé de sept (7) Commissaires dont le Président et le Vice-Président nommés par arrêté présidentiel après approbation par le Sénat.

Nibura mirongo itatu ku ijana (30%) by'Abakomiseri bagomba kuba ari abagore.	At least thirty percent (30%) of members of the Council of Commissioners must be females.	Au moins trente pour cent (30%) des membres du Conseil des Commissaires doivent être de sexe féminin.
Abakomiseri bakora ku buryo budahoraho kandi bagira manda y'imyaka ine (4) ishobora kongerwa inshuro imwe.	Commissioners serve on a non-permanent basis and their term of office is four (4) years renewable once.	Les Commissaires exercent leurs fonctions de façon non permanente et ont un mandat de quatre (4) ans renouvelable une fois.
<b><u>Ingingo ya 8: Ibyo Umukomiseri agomba kuba yujuje</u></b>	<b><u>Article 8: Conditions for being a Commissioner</u></b>	<b><u>Article 8: Conditions pour être Commissaire</u></b>
Kugira ngo umuntu abe umukomiseri agomba kuba:	For a person to be a Commissioner, he/she must:	Pour être commissaire, la personne doit :
1° ari Umunyarwanda;	1° be a Rwandan by nationality;	1° être de nationalité rwandaise ;
2° ari inyangamugayo;	2° be a person of integrity;	2° être intègre;
3° afite nibura impamyabumenyi yo mu rwego rwa A0;	3° have at least a Bachelor's degree;	3° être détenteur d'un diplôme de niveau A0 au moins;
4° afite ubunararibonye mu miyoborere cyangwa mu mirimo y'ubuyobozi;	4° have experience in administrative management or have held a managerial position;	4° avoir une expérience dans la gestion administrative ou avoir occupé un poste de direction;
5° adakurikiranyweho icyaha cya jenocide, icy'ingengabitekerezo yayo cyangwa ibyaha byibasiye inyoko muntu;	5° not to be subject to prosecution for the crime of genocide, genocide ideology or crimes against humanity;	5° ne pas faire l'objet de poursuites pour crime de génocide, d'idéologie du génocide ou de crimes contre l'humanité ;

- 6° atarakatiwe burundu igihano cy'igifungo kingana cyangwa kirenze amezi atandatu (6). 6° not have been definitively sentenced to a term of imprisonment equal or exceeding six (6) months. 6° ne pas avoir été condamné définitivement à une peine d'emprisonnement supérieure ou égale à six (6) mois.

**Ingingo ya 9: Ibitabangikanywa no kuba mu bagize Inama y'Abakomiseri**

**Article 9: Incompatibilities with membership in the Council of Commissioners**

**Article 9: Incompatibilités avec la qualité de membre du Conseil des Commissaires**

Umukomiseri ntabangikanya imirimo yo kuba umukomiseri no kuba umukozi wa Leta.

The office of Commissioner is incompatible with serving as a public servant.

Les fonctions de commissaire sont incompatibles avec celles de fonctionnaire.

Umukomiseri ntiyemerewe, haba ku giti cye, ikigo afitemo imigabane cyangwa umwanya w'ubuyobozi, gupiganira amasoko atangwa na Komisiyo.

A Commissioner, either individually or through a company in which he/she holds shares or a managerial position, is not allowed to bid for tenders of the Commission.

Un commissaire, soit à titre individuel, soit par le biais de la société dont il est actionnaire ou au sein de laquelle il occupe un poste de direction, n'est pas autorisé à soumissionner aux marchés de la Commission.

**Ingingo ya 10: Inshingano z'Inama y'Abakomiseri**

**Article 10: Responsibilities of the Council of Commissioners**

**Article 10: Attributions du Conseil des Commissaires**

Inama y'Abakomiseri ni rwo rwego rukuru rwa Komisiyo. Ishinzwe ibi bikurikira:

The Council of Commissioners is the supreme organ of the Commission. It has the following responsibilities:

Le Conseil des Commissaires est l'organe suprême de la Commission. Ses attributions sont les suivantes:

1° gukurikirana ishyirwa mu bikorwa ry'inshingano za Komisiyo;

1° to make follow-up on the fulfilment of the performance of the responsibilities of the Commission;

1° assurer le suivi de l'accomplissement des attributions de la Commission ;

2° gukurikirana imicungire y'abakozi n'umutungo bya Komisiyo;

2° to make follow-up on the management of public servants and the property of the Commission;

2° faire le suivi de la gestion des fonctionnaires et du patrimoine de la Commission ;

- |   |  |   |
|---|--|---|
| 3° kwemeza gahunda na raporo z'ibikorwa bya Komisiyo;   | 3° to approve the action plan and activity report of the Commission;   | 3° approuver le plan d'action et le rapport d'activités de la Commission ;  |
| 4° gushyira mu myanya abakozi ba Komisiyo bari mu bubasha bwayo hakurikijwe amategeko abigenga;         | 4° to assign the staff of the Commission to positions that are within its powers and in accordance with the relevant laws; | 4° affecter le personnel de la Commission dans la limite de ses pouvoirs et conformément à la législation en la matière ; |
| 5° kwemeza imbanzirizamushinga y'ingengo y'imari ya Komisiyo no gukurikirana ishyirwa mu bikorwa ryayo; | 5° to approve the draft budget proposal of the Commission and follow up the budget implementation;                         | 5° approuver l'avant-projet de budget de la Commission et assurer le suivi de la mise en exécution du budget ;            |
| 6° gutanga inama no gufata ibyemezo bituma Komisiyo igera ku nshingano zayo;                            | 6° to provide advice and take decisions enabling the Commission to fulfil its responsibilities;                            | 6° donner des conseils et prendre les décisions permettant à la Commission d'accomplir ses attributions ;                 |
| 7° kwemeza amategeko ngengamikorere ya Komisiyo.  | 7° to approve the rules and regulations of the Commission.   | 7° approuver le règlement d'ordre intérieur de la Commission.   |

**Ingingo ya 11: Ibigenerwa abagize Inama y'Abakomiseri**

Iteka rya Perezida rigena ibigenerwa abagize Inama y'Abakomiseri.

**Article 11: Benefits granted to members of the Council of Commissioners**

A Presidential Order determines benefits granted to the members of the Council of Commissioners.

**Article 11: Avantages alloués aux membres du Conseil des Commissaires**

Un arrêté présidentiel détermine les avantages alloués aux membres du Conseil des Commissaires.

**Ingingo ya 12: Impamvu zituma ugize Inama y'Abakomiseri ava muri uwo mwanya**

Ugize Inama y'Abakomiseri ava muri uwo mwanya kubera imwe mu mpamvu zikurikira:

- 1° manda irangiye;
- 2° atagishoboye gukora imirimo ye kubera uburwayi bw'umubiri cyangwa bwo mu mutwe byemejwe na muganga wemewe na Leta;
- 3° yeguye ku mwanya ku bushake bwe akoresheje inyandiko;
- 4° atacyujye ibyashingiweho ashirwa mu Nama y'Abakomiseri;
- 5° agaragaje imyitwarire itajyanye n'inshingano ze;
- 6° abangamiye inyungu za Komisiyo;
- 7° asibye inama za Komisiyo inshuro eshatu (3) zikurikirana mu mwaka umwe nta mpamvu zifite ishingiro;

**Article 12: Grounds for loss of membership of the Council of Commissioners**

A member of the Council of Commissioners loses his/her office for one of the following grounds:

- 1° expiry of the term of office;
- 2° if he/she can no longer perform his/her duties due to physical or mental disability duly confirmed by an authorized medical doctor;
- 3° written notification of voluntary resignation;
- 4° if he/she no longer fulfils the requirements considered at the time of his/her appointment to the Council of Commissioners;
- 5° if he/she demonstrates behaviour unworthy of his/her duties;
- 6° if he/she acts against the interests of the Commission;
- 7° three (3) consecutive unjustified absences from meetings of the Commission within a year;

**Article 12: Causes de perte de la qualité de membre du Conseil des Commissaires**

Un membre du Conseil des Commissaires perd sa qualité de commissaire pour l'une des causes suivantes:

- 1° expiration du mandat;
- 2° s'il ne peut plus remplir ses fonctions suite à une incapacité physique ou mentale certifiée par un médecin agréé;
- 3° démission volontaire par notification écrite;
- 4° s'il ne remplit plus les conditions pour lesquelles il avait été nommé au Conseil des Commissaires;
- 5° s'il fait montre d'un comportement indigne de ses fonctions;
- 6° agissement contre les intérêts de la Commission;
- 7° trois (3) absences consécutives aux réunions de la Commission au cours d'une même année sans raisons valables;

8° apfuye.

Ukwegura k'umwe mu bakomiseri kugezwa kuri Perezida wa Repubulika mu ibaruwa ishinganye mu iposita cyangwa itanzwe mu ntoki ifite icyemezo cy'iyakira. Iyo iminsi mirongo itatu (30) irangiye nta gisubizo, ukwegura gufatwa nk'aho kwemewe.

**Ingingo ya 13: Isimburwa ry'umukomiseri utakiri mu mirimo**

Iyo umwe mu bakomiseri avuye ku mirimo, Perezida wa Komisiyo abimenyeshya Perezida wa Repubulika akagera kopi Perezida wa Sena na Minisitiri w'Intebe mu gihe kitarenze iminsi umunani (8).

Umukomiseri utakiri mu mirimo asimburwa hakurikijwe uburyo yashyizweho mu gihe kitarenze iminsi mirongo cyenda (90).

Icyakora iyo umubare w'Abakomiseri ugiye muni ya batanu (5), ugomba kuba wujijwe mu minsi itarenze mirongo itandatu (60).

Iyo umukomiseri avuye ku mirimo atarangije manda asimburwa mu mwanya n'undi mukomiseri akarangiza igice cya

8° death.

Resignation of a Commissioner is tendered to the President of the Republic by registered post mail or by letter hand-delivered with acknowledgement of receipt. If a period of thirty (30) days elapses with no response, the resignation is considered as accepted.

**Article 13: Replacement of a Commissioner who no longer holds office**

In case one of the Commissioners ceases holding office, the Chairperson of the Commission informs the President of the Republic with a copy to the President of the Senate and the Prime Minister within eight (8) days.

A Commissioner who ceases holding office is replaced in accordance with the procedure applicable to his/her appointment within ninety (90) days.

However, where the number of Commissioners is less than five (5), it must be filled within sixty (60) days.

In case a commissioner ceases holding office before the end of his/her term of office, he/she is replaced by another Commissioner who

8° décès.

La démission d'un commissaire est présentée au Président de la République par lettre recommandée à la poste ou remise en main avec un accusé de réception. Passé le délai de trente (30) jours sans réponse, la démission est réputée acceptée.

**Article 13: Remplacement d'un commissaire ayant cessé ses fonctions**

En cas de cessation de fonctions d'un commissaire, le Président de la Commission en informe le Président de la République et réserve une copie au Président du Sénat et au Premier Ministre dans un délai de huit (8) jours.

Un commissaire qui cesse ses fonctions est remplacé suivant les modalités de sa nomination dans un délai de quatre-vingt-dix (90) jours.

Toutefois, lorsque le nombre de commissaires est inférieur à cinq (5), il doit être comblé dans un délai de soixante (60) jours.

En cas de cessation des fonctions par un commissaire avant la fin de son mandat, il est remplacé par un autre commissaire pour la durée

manda cyari gisigaye iyo kirengeje iminsi mironko cyenda (90).

**Ingingo ya 14: Imikorere y'Inama y'Abakomiseri**

Inama y'Abakomiseri iterana rimwe mu kwezi mu nama isanzwe n'igihe cyose bibaye ngombwa mu nama idasanzwe. Itumizwa kandi ikayoborwa na Perezida wayo cyangwa Visi Perezida igihe Perezida adahari.

Inama idasanzwe iterana itumijwe na Perezida cyangwa Visi Perezida igihe Perezida adahari, abyibwirije cyangwa abisabwe mu nyandiko nibura na kimwe cya gatatu (1/3) cy'abayigize.

Ubutumire bw'inama isanzwe bugezwa ku bakomiseri nibura iminsi irindwi (7) mbere y'uko inama iterana.

Iyo ari inama idasanzwe ubutumire bugezwa ku Bakomiseri nibura iminsi itatu (3) mbere y'uko inama iterana.

Perezida wa Komisiyo cyangwa Visi Perezida igihe Perezida adahari, abyumvikanyeho n'abandi bakomiseri, ashobora gutumira mu nama undi muntu wese w'inzobere ushobora kuyungura

serves the remainder of the term of office if it exceeds ninety (90) days.

**Article 14: Functioning of the Council of Commissioners**

The Council of Commissioners holds its ordinary meeting once a month and its extraordinary meetings whenever necessary. The meeting is convened and chaired by its Chairperson or Deputy Chairperson in case of absence of the Chairperson.

The extraordinary meeting is held upon the initiative of the Chairperson or Vice Chairperson in case of absence of the Chairperson or upon written request of at least one third (1/3) of its members.

The invitation to ordinary meetings reaches Commissioners at least seven (7) days prior to the meeting date.

In case of extraordinary meetings, the invitation reaches Commissioners at least three (3) days prior to the meeting date.

After receiving a favourable opinion of other Commissioners, the Chairperson of the Commission or Deputy Chairperson in case of absence of the Chairperson may invite to the meetings any resource person who can

du mandat restant à courir si elle est supérieure à quatre-vingt-dix (90) jours.

**Article 14: Fonctionnement du Conseil des Commissaires**

Le Conseil des Commissaires se réunit en réunion ordinaire une fois par mois et en réunion extraordinaire chaque fois que de besoin. La réunion est convoquée et présidée par son Président ou son Vice-président en cas d'absence du Président.

La réunion extraordinaire se réunit à l'initiative du Président ou du Vice-Président en cas d'absence du Président ou sur demande écrite d'au moins un tiers (1/3) de ses membres.

L'invitation aux réunions ordinaires parvient aux commissaires au moins sept (7) jours avant la date de tenue de la réunion.

En cas de réunion extraordinaire, l'invitation parvient aux commissaires au moins trois (3) jours avant la date de tenue de la réunion.

Le Président de la Commission ou le Vice-Président en cas d'absence du Président peut, après avis favorable d'autres commissaires, inviter aux séances toute personne qui peut être consultée sur un point quelconque inscrit à



inama ku ngingo runaka iri ku murongo w'ibiyigwa. Uwatumiwe ntatora cyangwa ngo akurikirane iyigwa ry'izindi ngingo ziri ku murongo w'ibiyigwa.

**Ingingo ya 15: Itumizwa ry'inama y'Inama y'Abakomiseri igihe Perezida na Visi Perezida badahari**

Iyo Perezida na Visi Perezida badahari cyangwa batagishoboye gukora akazi, mu gihe batarasimburwa nk'uko bigenwa n'iri tegeko, umukuru mu myaka atumiza inama y'Inama y'Abakomiseri ikitoramo ababasimbura by'agateganyo.

**Ingingo ya 16: Uko Inama y'Abakomiseri iterana n'uko ibyemezo bifatwa**

Inama y'Abakomiseri iterana hari nibura abakomiseri batanu (5).

Ibyemezo bifatwa ku bwumvikane busesuye, byaba bidashobotse bigafatwa ku bwiganze burunduye bw'amajwi y'abari mu nama.

provide advice on any item on the agenda. The person invited does not take part in the vote or the consideration of other items on the agenda.

**Article 15: Convening the meeting of the Council of Commissioners in the absence of the Chairperson and the Deputy Chairperson**

In case of absence of the Chairperson and Deputy Chairperson or their inability to perform their duties while they have not yet been replaced in accordance with this Law, the oldest member convenes the meeting of the Council of Commissioners which elects from among its members their temporary substitutes.

**Article 16: Modalities for holding meetings of the Council of Commissioners and for decision-making**

The Council of Commissioners validly meets only if at least five (5) Commissioners are present.

Decisions are made by consensus, failing which they are made by an absolute majority of the members present at the meeting.

l'ordre du jour. La personne invitée ne participe ni au vote, ni à l'examen d'autres points inscrits à l'ordre du jour.

**Article 15: Convocation de la réunion du Conseil des Commissaires en cas d'absence du Président et du Vice-Président**

En cas d'absence du Président et du Vice-Président ou de leur incapacité à remplir leurs fonctions alors qu'il n'est pas encore pourvu à leur remplacement conformément à la présente loi, le doyen d'âge convoque la réunion du Conseil des Commissaires qui élit en son sein leurs remplaçants provisoires.

**Article 16: Modalités de tenue de la réunion du Conseil des Commissaires et de prise de décisions**

Le Conseil des Commissaires ne peut se réunir valablement que lorsqu'au moins cinq (5) Commissaires sont présents.

Les décisions sont prises par consensus. À défaut de consensus, elles sont prises à la majorité absolue des membres présents à la réunion.

**Icyiciro cya 2: Biro ya Komisiyo**

**Section 2: Bureau of the Commission**

**Section 2: Bureau de la Commission**

**Ingingo ya 17: Biro ya Komisiyo**

**Article 17: Bureau of the Commission**

**Article 17: Bureau de la Commission**

Biro ya Komisiyo igizwe na Perezida na Visi Perezida.

The Bureau of the Commission is composed of the Chairperson and Deputy Chairperson.

Le Bureau de la Commission est composé du Président et du Vice-Président.

Biro ya Komisiyo ifata ibyemezo byihutirwa igihe abagize Inama y'Abakomiseri batabashije guterana, bikemezwa burundu n'abagize Inama y'Abakomiseri igihe bongeye guterana.

When the Council of Commissioners is unable to meet, the Bureau of the Commission makes urgent decisions which are to be submitted to the next meeting of the Council of Commissioners for final approval.

Le Bureau de la Commission prend des décisions urgentes en cas d'impossibilité du Conseil des Commissaires de siéger, lesquelles décisions sont soumises à l'approbation définitive du Conseil des Commissaires lors de sa réunion suivante.

Umunyamabanga Nshingwabikorwa wa Komisiyo yitabira inama za Biro akanazibera umwanditsi.

The Executive Secretary of the Commission attends the meeting of the Bureau and serves as rapporteur.

Le Secrétaire exécutif de la Commission assiste aux réunions du Bureau et en est le rapporteur.

**Ingingo ya 18: Inshingano za Perezida w'Inama y'Abakomiseri**

**Article 18: Responsibilities of the Chairperson of the Council of Commissioners**

**Article 18: Attributions du Président du Conseil des Commissaires**

Perezida w'Inama y'Abakomiseri ashinzwe ibi bikurikira:

The Chairperson of the Council of Commissioners has the following responsibilities:

Le Président du Conseil des Commissaires a les attributions suivantes:

1° gutumiza no kuyobora Inama y'Abakomiseri;

1° to convene and preside over the meetings of the Council of Commissioners;

1° convoquer et diriger les réunions du Conseil des Commissaires;

2° guhuza ibikorwa by'inama y'abakomiseri;

2° to coordinate activities of the Council of Commissioners;

2° coordonner les activités du Conseil des Commissaires;

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| 3° guhagararira Komisiyo mu Gihugu no mu mahanga;  | 3° to represent the Commission within and outside the country;  | 3° représenter la Commission dans le pays et à l'étranger;   |
| 4° gutegura gahunda y'inama z'Inama y'Abakomiseri;   | 4° to prepare the agenda of the meetings of the Council of Commissioners;   | 4° préparer l'ordre du jour des réunions du Conseil des Commissaires;  |
| 5° gushyikiriza gahunda na raporo z'ibikorwa bya Komisiyo inzego zibifitiye ububasha;      | 5° to submit action plan and activity reports of the Commission to relevant institutions;   | 5° transmettre aux institutions compétentes le plan d'action et les rapports d'activités de la Commission;                     |
| 6° gukora indi mirimo yose yasabwa n'Inama y'Abakomiseri ijyanye n'inshingano za Komisiyo. | 6° to perform such other duties falling within the responsibilities of the Commission as the Council of Commissioners may assign. | 6° effectuer toutes autres tâches relevant des attributions de la Commission que le Conseil des Commissaires peut lui confier. |

**Ingingo ya 19: Inshingano za Visi Perezida w'Inama y'Abakomiseri**

Visi Perezida w'Inama y'Abakomiseri afite inshingano zikurikira:

- 1° kunganira Perezida no kumusimbura igihe cyose adahari;
- 2° gukora imirimo yose yasabwa n'Inama y'Abakomiseri ijyanye n'inshingano za Komisiyo.

**Article 19: Responsibilities of the Deputy Chairperson of the Council of Commissioners**

The Deputy Chairperson of the Council of Commissioners has the following responsibilities:

- 1° to assist the Chairperson and deputize for him/her whenever he/she is absent;
- 2° to perform such other duties falling within the responsibilities of the Commission as the Council of Commissioners may assign.

**Article 19: Attributions du Vice-Président du Conseil des Commissaires**

Le Vice-Président du Conseil des Commissaires a les attributions suivantes:

- 1° assister le Président et le remplacer chaque fois qu'il est absent;
- 2° effectuer toutes autres tâches relevant des attributions de la Commission que le Conseil des Commissaires peut lui confier.

**Icyiciro cya 3: Ubunyamabanga Nshingwabikorwa bwa Komisiyo**

**Section 3: Executive Secretariat of the Commission**

**Section 3: Secrétariat exécutif de la Commission**

**Ingingo ya 20: Ubunyamabanga Nshingwabikorwa bwa Komisiyo**

**Article 20: Executive Secretariat of the Commission**

**Article 20: Secrétariat exécutif de la Commission**

Ubunyamabanga Nshingwabikorwa bwa Komisiyo bugizwe n'Umunyamabanga Nshingwabikorwa n'abandi bakozi ba Komisiyo.

The Executive Secretariat of the Commission is composed of the Executive Secretary and other staff of the Commission.

Le Secrétariat exécutif de la Commission est composé du Secrétaire exécutif et d'autres membres du personnel de la Commission.

Ubunyamabanga Nshingwabikorwa bwa Komisiyo buyoborwa n'Umunyamabanga Nshingwabikorwa ushyirwaho n'iteka rya Minisitiri w'Intebe.

The Executive Secretariat of the Commission is headed by the Executive Secretary appointed by a Prime Minister's Order.

Le Secrétariat exécutif de la Commission est dirigé par le Secrétaire exécutif de la Commission nommé par arrêté du Premier Ministre.

**Ingingo ya 21: Imitunganyirize y'Ubunyamabanga Nshingwabikorwa bwa Komisiyo**

**Article 21: Organisation of the Executive Secretariat of the Commission**

**Article 21: Organisation du Secrétariat exécutif de la Commission**

Imitunganyirize n'inshingano by'Ubunyamabanga Nshingwabikorwa bwa Komisiyo bigenwa n'iteka rya Minisitiri w'Intebe.

The organisation and responsibilities of the Executive Secretariat of the Commission are determined by a Prime Minister's Order.

L'organisation et les attributions du Secrétariat exécutif de la Commission sont déterminées par arrêté du Premier Ministre.

**Ingingo ya 22: Inshingano z'Umunyamabanga Nshingwabikorwa wa Komisiyo**

**Article 22: Responsibilities of the Executive Secretary of the Commission**

**Article 22: Attributions du Secrétaire exécutif de la Commission**

Umunyamabanga Nshingwabikorwa wa Komisiyo afite inshingano zikurikira:

The Executive Secretary of the Commission has the following responsibilities:

Le Secrétaire exécutif de la Commission a les attributions suivantes:

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| 1° gutunganya no guhuza ibikorwa byose byo mu Bunyamabanga Nshingwabikorwa bwa Komisiyo;  | 1° to organize and coordinate all the activities within the Executive Secretariat of the Commission;  | 1° organiser et coordonner toutes les activités au sein du Secrétariat exécutif de la Commission;  |
| 2° gukurikirana imirimo ya buri muni ya Komisiyo;   | 2° to monitor daily activities of the Commission;   | 2° faire le suivi des activités quotidiennes de la Commission;   |
| 3° gucunga abakozi, ibikoresho n'umutungo bya Komisiyo no gutanga raporo yabyo;   | 3° to manage staff, equipment and assets of the Commission and submit the report thereon;   | 3° gérer le personnel, le matériel et le patrimoine de la Commission et transmettre le rapport y relatif;  |
| 4° gushyira mu bikorwa ibyemezo by'Inama y'Abakomiseri;   | 4° to implement the decisions of the Council of Commissioners;  | 4° mettre en exécution les décisions du Conseil des Commissaires;  |
| 5° gusuzuma no gufata ibyemezo ku madosiye tekini apanye n'inshingano za Komisiyo;  | 5° to examine and make decisions on technical files relating to the responsibilities of the Commission;                                     | 5° examiner et prendre des décisions sur les dossiers techniques relatifs aux attributions de la Commission ;                                      |
| 6° kuba umwanditsi w'Inama y'Abakomiseri;   | 6° to serve as the rapporteur of the Council of Commissioners;  | 6° être le rapporteur du Conseil des Commissaires;   |
| 7° gutegura imbanzirizamushinga y'ingengo y'imari ya Komisiyo, gahunda y'ibikorwa na raporo y'ibikorwa akabishyikiriza Inama y'Abakomiseri; | 7° to prepare the draft budget proposal, action plan and activity report of the Commission and submit them to the Council of Commissioners; | 7° élaborer l'avant-projet de budget, le plan d'action et le rapport d'activités de la Commission et les transmettre au Conseil des Commissaires ; |
| 8° gutegura imbanzirizamushinga y'amategeko ngengamikorere ya Komisiyo akayishyikiriza Inama y'Abakomiseri;                                 | 8° to prepare the draft proposal of the internal rules and regulations of the Commission and submit it to the Council of Commissioners;     | 8° préparer l'avant-projet de règlement d'ordre intérieur de la Commission et le transmettre au Conseil des Commissaires;                          |

9° gukora indi mirimo yose yasabwa n'Inama y'Abakomiseri iri mu nshingano za Komisiyo.

9° to perform such other duties falling within the responsibilities of the Commission as the Council of Commissioners may assign.

9° effectuer toutes autres tâches relevant des attributions de la Commission que le Conseil des Commissaires peut lui confier.

**Ingingo ya 23: Abakozi ba Komisiyo**

**Article 23: Staff of the Commission**

**Article 23: Personnel de la Commission**

Abakozi ba Komisiyo bashyirwaho kandi bagacungwa hakurikijwe Sitati rusange igenga abakozi ba Leta.

The staff of the Commission are recruited and managed in accordance with the General Statutes for Public Service.

Le personnel de la Commission est recruté et géré conformément au Statut Général de la Fonction Publique.

**UMUTWE WA IV: IBYEMEZO BYA KOMISIYO N'IMIKORANIRE YAYO N'IZINDI NZEGO**

**CHAPTER IV: DECISIONS OF THE COMMISSION AND ITS COLLABORATION WITH OTHER INSTITUTIONS**

**CHAPITRE IV: DÉCISIONS DE LA COMMISSION ET SA COLLABORATION AVEC D'AUTRES INSTITUTIONS**

**Ingingo ya 24: Ishyirwa mu bikorwa ry'ibyemezo bya Komisiyo**

**Article 24: Enforcement of decisions of the Commission**

**Article 24: Mise en application des décisions de la Commission**

Ibyemezo bya Komisiyo bishyirwa mu bikorwa n'inzego bireba mu gihe kigenwa na Komisiyo.

Decisions of the Commission are implemented by the organs concerned by such decisions within deadlines set by the Commission.

Les décisions de la Commission sont mises en application par les organes concernés par lesdites décisions, dans les délais fixés par la Commission.

Ibyemezo bya Komisiyo ku bujurire yagejewe bigomba gushyirwa mu bikorwa n'inzego zose bireba mu gihe kitarenze iminsi mironko itatu (30).

Decisions of the Commission on the appeals received must be implemented by all institutions concerned by such decisions within thirty (30) days.

Les décisions de la Commission sur les recours reçus doivent être exécutées par toutes les institutions concernées par lesdites décisions dans un délai de trente (30) jours.

**Ingingo ya 25: Ububasha bwo gusaba ibihano**

Iyo nyuma y'iminsi mirongo itatu (30) ibarwa uherye igihe umuyobozi w'urwego ashikiranijwe ibaruwa imusaba gushyira mu bikorwa icyemezo cya Komisiyo ku bujurire yagejewe, yinangiye ntashyire mu bikorwa icyo cyemezo nta mpamvu ifatika yagaragaje mu nyandiko, Komisiyo isaba mu nyandiko urwego rubifitiye ububasha kumuhana.

**Ingingo ya 26: Ubwisanzure mu mikoranire n'izindi nzego**

Komisiyo ifite ububasha bwo gusaba inzego igenzura kuyiha ibyo ikeneye byo mu rwego rw'imirimu ishinzwe.

Bitabangamiye ibiteganywa n'amategeko agenga abakozi bafite sitati zihariye, Komisiyo igenzura iyubahirizwa rya politiki, amahame n'amategeko bijyanye no gushaka no gucunga abakozi ba Leta.

**Article 25: Powers to request for sanctions**

After a period of thirty (30) days from the date of receipt of a letter requesting the head of an organ to enforce a decision of the Commission on an appeal received, the Commission writes to the relevant authority requesting for sanctions against the authority who, without valid reason notified in writing, refuses to enforce such a decision.

**Article 26: Extensive powers to collaborate with other institutions**

The Commission has the power to request institutions under its supervision to provide it with what it needs to fulfil its mission.

Without prejudice to the provisions of laws applicable to the staff governed by specific statutes, the Commission monitors compliance with policies, principles and laws governing recruitment and administration of public servants.

**Article 25: Pouvoirs de requérir des sanctions**

La Commission fait une demande écrite à l'autorité compétente demandant des sanctions contre un responsable d'un organe qui, après trente (30) jours à compter de la date de réception d'une lettre l'enjoignant d'exécuter une décision de la Commission sur un appel reçu, refuse obstinément d'exécuter cette décision sans raison valable signalée par écrit.

**Article 26: Pouvoirs élargis dans la collaboration avec d'autres institutions**

La Commission a le pouvoir de demander aux institutions soumises à sa supervision de lui remettre ce dont elle a besoin dans l'accomplissement de sa mission.

Sans préjudice des dispositions des lois applicables au personnel régi par un statut particulier, la Commission contrôle la mise en application des politiques, principes et lois relatifs au recrutement et à l'administration des fonctionnaires.

**Ingingo ya 27: Inzego Komisiyo ishyikiriza gahunda na raporo z'ibikorwa byayo**

Komisiyo ishyikiriza buri mwaka Inteko Ishinga Amategeko na Guverinoma gahunda na raporo z'ibikorwa byayo, mu gihe kitarenze amezi atatu (3) ya mbere y'umwaka ukurikiyeho.

**Article 27: Organs to which the Commission submits its action plan and activity report**

The Commission submits each year, within the first three (3) months of the following year, its action plan and activity report to the Parliament and the Cabinet.

**Article 27: Organes auxquels la Commission transmet son plan d'action et son rapport d'activités**

La Commission transmet chaque année, dans les trois (3) premiers mois de l'année suivante, au Parlement et au Gouvernement, son plan d'action et son rapport d'activités.

**UMUTWE WA V: UMUTUNGO WA KOMISIYO**

**Ingingo ya 28: Umutungo wa Komisiyo n'aho ukomoka**

Umutungo wa Komisiyo ugizwe n'ibintu byimukanwa n'ibitimukanwa.

Uwo mutungo ukomoka kuri ibi bikurikira:

1° ingengo y'imari igenerwa na Leta;

2° inkunga zaba iza Leta cyangwa iz'abafatanyabikorwa;

3° ibituruka ku mirimo ikora;

4° inyungu ku mutungo wayo;

5° impano n'indangano.

**CHAPTER V: PROPERTY OF THE COMMISSION**

**Article 28: Property of the Commission and its sources**

The property of the Commission consists of movable and immovable assets.

The property derives from the following:

1° state budget allocations;

2° subsidies from Government or partners;

3° proceeds from services rendered;

4° revenues from its assets;

5° donations and bequests.

**CHAPITRE V: PATRIMOINE DE LA COMMISSION**

**Article 28: Patrimoine de la Commission et ses sources**

Le patrimoine de la Commission est constitué de biens meubles et immeubles.

Ce patrimoine provient des sources suivantes:

1° dotations budgétaires de l'État;

2° subventions de l'État ou des partenaires;

3° produits des services prestés;

4° revenus de son patrimoine;

5° dons et legs.



**Ingingo ya 29: Iyemeza n’imicungire y’ingingo y’imari ya Komisiyo**

Ingingo y’imari ya Komisiyo yemezwa kandi igacungwa hakurikijwe amategeko abigenga.

**Ingingo ya 30: Imikoreshereze, imicungire n’imigenzurire by’umutungo wa Komisiyo**

Imikoreshereze, imicungire n’imigenzurire by’umutungo wa Komisiyo bikorwa hakurikijwe amategeko abigenga.

Ubugenzuzi bushinzwe igenzura rya buri muni ry’imikoreshereze y’umutungo wa Komisiyo buha raporo Inama y’Abakomiseri, bukagera kopi Umunyamabanga Nshingwabikorwa wa Komisiyo.

**UMUTWE WA VI: INGINGO ZISOZA**

**Ingingo ya 31: Itegurwa, isuzumwa n’itorwa by’iri tegeko**

Iri tegeko ryateguwe, risuzumwa kandi ritorwa mu rurimi rw’Ikinyarwanda.

**Article 29: Adoption and management of the budget of the Commission**

The budget of the Commission is adopted and managed in accordance with relevant laws.

**Article 30: Use, management and audit of the property of the Commission**

The use, management and audit of the property of the Commission are carried out in accordance with relevant laws.

The internal audit department of the Commission submits its report to the Council of Commissioners, with a copy to the Executive Secretary of the Commission.

**CHAPTER VI: FINAL PROVISIONS**

**Article 31: Drafting, consideration and adoption of this Law**

This Law was drafted, considered and adopted in Ikinyarwanda.

**Article 29: Adoption et gestion du budget de la Commission**

Le budget de la Commission est adopté et géré conformément à la législation en la matière.

**Article 30: Utilisation, gestion et audit du patrimoine de la Commission**

L’utilisation, la gestion et l’audit du patrimoine de la Commission se font conformément à la législation en la matière.

Le service d’audit interne de la Commission transmet son rapport au Conseil des Commissaires et réserve copie au Secrétaire exécutif de la Commission.

**CHAPITRE VI: DISPOSITIONS FINALES**

**Article 31: Initiation, examen et adoption de la présente loi**

La présente loi a été initiée, examinée et adoptée en Ikinyarwanda.

**Ingingo ya 32: Ivanwaho ry'itegeko n'ingingo z'amategeko zinyuranyije n'iri tegeko**

Itegeko n° 39/2012 ryo ku wa 24/12/2012 rigena inshingano, imiterere n'imikorere ya Komisiyo ishinzwe Abakozi ba Leta n'ingingo z'andi mategeko abanziriza iri kandi zinyuranyije na ryo bivanweho.

**Ingingo ya 33: Igihe iri tegeko ritangira gukurikizwa**

Iri tegeko ritangira gukurikizwa ku munsu ritangarijweho mu Igazeti ya Leta ya Repubulika y'u Rwanda.

Kigali, ku wa 30/08/2018

**Article 32: Repealing provision**

Law n° 39/2012 of 24/12/2012 determining the responsibilities, organization and functioning of the Public Service Commission and all prior legal provisions contrary to this Law are repealed.

**Article 33: Commencement**

This Law comes into force on the date of its publication in the Official Gazette of the Republic of Rwanda.

Kigali, on 30/08/2018

**Article 32: Disposition abrogatoire**

La Loi n° 39/2012 du 24/12/2012 portant mission, organisation et fonctionnement de la Commission de la Fonction Publique et toutes les dispositions légales antérieures contraires à la présente loi sont abrogées.

**Article 33: Entrée en vigueur**

La présente loi entre en vigueur le jour de sa publication au Journal Officiel de la République du Rwanda.

Kigali, le 30/08/2018

(sé)

**KAGAME Paul**  
Perezida wa Repubulika

(sé)

**KAGAME Paul**  
President of the Republic

(sé)

**KAGAME Paul**  
Président de la République

(sé)

**Dr. NGIRENTE Edouard**  
Minisitiri w'Intebe

(sé)

**Dr. NGIRENTE Edouard**  
Prime Minister

(sé)

**Dr. NGIRENTE Edouard**  
Premier Ministre

**Bibonywe kandi bishyizweho Ikirango  
cya Repubulika:**

**Seen and sealed with the Seal of the  
Republic:**

**Vu et scellé du Sceau de la République:**

(sé)

**BUSINGYE Johnston**  
Minisitiri w'Ubutabera/Intumwa Nkuru ya  
Leta

(sé)

**BUSINGYE Johnston**  
Minister of Justice/Attorney General

(sé)

**BUSINGYE Johnston**  
Ministre de la Justice/Garde des Sceaux