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Iteka rya Perezida / Presidential Order / Arrêté Présidentiel

N° 002/01 ryo ku wa 31/01/2019

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ITEKA RYA PEREZIDA N°002/01
RYO KU WA 31/01/2019 RYEMEZA
BURUNDU AMASEZERANO
Y'UMURYANGO W'AFURIKA
Y'IBURASIRAZUBA AGAMIJE
KONGERA UBUSHOBOZI
BW'URUKIKO RW'AFURIKA
Y'IBURASIRAZUBA YEMEREJWE
NAIROBI MURI KENYA, KU WA
20 GASHYANTARE 2015

PRESIDENTIAL ORDER N°002/01 OF
31/01/2019 RATIFYING THE EAST
AFRICAN COMMUNITY PROTOCOL
TO OPERATIONALISE THE
EXTENDED JURISDICTION OF THE
EAST AFRICAN COURT OF JUSTICE
ADOPTED IN NAIROBI, KENYA, ON
20 FEBRUARY 2015

ARRÊTÉ PRÉSIDENTIEL N°002/01
DU 31/01/2019 RATIFIANT LE
PROTOCOLE DE LA
COMMUNAUTÉ DES ÉTATS DE
L'AFRIQUE DE L'EST POUR
METTRE EN PRATIQUE LA
PROROGATION DE LA
COMPÉTENCE DE LA COUR EST
AFRICAINE DE JUSTICE, ADOPTÉ
A NAIROBI, KENYA, LE 20
FÉVRIER 2015

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ITEKA RYA PEREZIDA N°002/01
RYO KU WA 31/01/2019
RYEMEZA BURUNDU
AMASEZERANO Y'UMURYANGO
W'AFURIKA Y'IBURASIRAZUBA
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PRESIDENTIAL ORDER N°002/01 OF
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ARRÊTÉ PRÉSIDENTIEL N°002/01
DU 31/01/2019. RATIFIANT LE
PROTOCOLE DE LA
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L'AFRIQUE DE L'EST POUR
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COMPÉTENCE DE LA COUR EST
AFRICAINE DE JUSTICE, ADOPTÉ
A NAIROBI, KENYA, LE 20
FÉVRIER 2015

Twebwe, KAGAME Paul,
Perezida wa Repubulika;

Dushingiye ku Itegeko Nshinga rya Repubulika y'u Rwanda ryo mu 2003 ryavuguruwe mu 2015, cyane cyane mu ngingo zaryo, iya 112, iya 120, iya 122, iya 167 n'iya 176;

Dushingiye ku Itegeko n° 16/2017 ryo ku wa 14/04/2017 ryemerera kwemeza burundu Amasezerano y'Umuryango w'Afurika y'Iburasirazuba agamije kongera ubushobozi bw'Urakiko rw'Afurika y'Iburasirazuba, yemerejwe Nairobi muri Kenya, ku wa 20 Gashyantare 2015;

Dushingiye ku Masezerano ashiraho

We, KAGAME Paul,
President of the Republic;

Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 112, 120, 122, 167 and 176;

Pursuant to Law n°16/2017 of 14/04/2017 approving the ratification of the East African Community Protocol to operationalise the extended jurisdiction of the East African Court of Justice, adopted in Nairobi, Kenya, on 20 February 2015;

Pursuant to the Treaty for the

Nous, KAGAME Paul,
Président de la République;

Vu la Constitution de la République du Rwanda de 2003 révisée en 2015, spécialement en ses articles 112, 120, 122, 167 et 176 ;

Vu la Loi n°16/2017 du 14/04/2017 approuvant la ratification du Protocole de la Communauté des États d'Afrique de l'Est pour mettre en pratique la prorogation de la compétence de la Cour Est Africaine de Justice, adopté à Nairobi, Kenya, le 20 février 2015 ;

Vu le Traité portant création de la

Umuryango w'Afurika y'Iburasirazuba nk'uko yavuguruwe kugeza ubu kandi yemejwe burundi n'Iteka rya Perezida n° 55/01 ryo ku wa 31/12/2007, cyane cyane mu ngingo zayo, iya 5, iya 9, iya 27, iya 74, iya 129 (a) n'iya 151;

Tumaze kubona Amasezerano y'Umuryango w'Afurika y'Iburasirazuba agamije kongera ubushobozzi bw'Urukiko rw'Afurika y'Iburasirazuba, yemerejwe Nairobi muri Kenya, ku wa 20 Gashyantare 2015;

Bisabwe na Minisitiri w'Ubutabera/Intumwa Nkuru ya Leta;

Inama y'Abaminisitiri imaze kubisuzuma no kubyemeza;

**TWATEGETSE
DUTEGETSE :**

establishment of the East African Community as amended to date and ratified by Presidential Order n° 55/01 of 31/12/2007, especially in Articles 5, 9, 27, 74, 129 (a) and 151;

Considering the East African Community Protocol to operationalise the extended jurisdiction of the East African Court of Justice, adopted in Nairobi, Kenya, on 20 February 2015;

On proposal by the Minister of Justice/Attorney General;

After consideration and approval by the Cabinet;

HAVE ORDERED AND ORDER:

Communauté d'Afrique de l'Est tel que révisé à ce jour et ratifié par l'Arrêté Présidentiel n° 55/01 du 31/12/2007, spécialement en ses articles 5, 9, 27, 74, 129 (a) et 151;

Considérant le Protocole de la Communauté des États d'Afrique de l'Est pour mettre en pratique la prorogation de la compétence de la Cour Est Africaine de Justice, adopté à Nairobi, Kenya, le 20 février 2015;

Sur proposition du Ministre de la Justice/Garde des Sceaux;

Après examen et adoption par le Conseil des Ministres;

AVONS ARRÊTÉ ET ARRÊTONS:

Iningo ya mbere: Kwemeza burundi

Amasezerano y'Umuryango w'Afurika y'Iburasirazuba agamije kongera ubushobozzi bw'Urukiko rw'Afurika y'Iburasirazuba, yemerejwe Nairobi muri Kenya, ku wa 20 Gashyantare

Article One: Ratification

The East African Community Protocol to operationalise the extended jurisdiction of the East African Court of Justice, adopted in Nairobi, Kenya, on 20 February 2015, annexed to this Order, is ratified and

Article premier: Ratification

Le Protocole de la Communauté des États d'Afrique de l'Est pour mettre en pratique la prorogation de la compétence de la Cour Est Africaine de Justice, adopté à Nairobi, Kenya, le 20 février 2015,

2015, ari ku mugereka w'iri teka, becomes fully effective.
yemejwe burundu kandi atangiye
gukurikizwa uko yakabaye.

Ingingo ya 2: Abashinzwe gushyira mu bikorwa iri teka

Minisitiri w'Intebe, Minisitiri w'Ubutabera/Intumwa Nkuru ya Leta na Minisitiri w'Uubanyi n'Amahanga n'Ubutwererane bashinzwe gushyira mu bikorwa iri teka.

Article 2: Authorities responsible for the implementation of this Order

The Prime Minister, the Minister of Justice/Attorney General and the Minister of Foreign Affairs and International Cooperation are entrusted with the implementation of this Order.

annexé au présent arrêté, est ratifié et sort son plein et entier effet.

Article 2: Autorités chargées de l'exécution du présent arrêté

Le Premier Ministre, le Ministre de la Justice/Garde des Sceaux et le Ministre des Affaires Etrangères et de la Coopération Internationale sont chargés de l'exécution du présent arrêté.

Ingingo ya 3: Igihe iri teka ritangira gukurikizwa

Iri teka ritangira gukurikizwa ku munsi ritangarijweho mu Igazeti ya Leta ya Repubulika y'u Rwanda.

Kigali, ku wa **31/01/2019**

Article 3: Commencement

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

Kigali, on **31/01/2019**

Article 3: Entrée en vigueur

Le présent arrêté entre en vigueur le jour de sa publication au Journal Officiel de la République du Rwanda.

Kigali, le **31/01/2019**

(sé)
KAGAME Paul
Perezida wa Repubulika

(sé)
Dr NGIRENTE Edouard
Minisitiri w'Intebe

**Bibonywe kandi bishyizweho Ikirango
cy a Repubulika:**

(sé)
BUSINGYE Johnston
Minisitiri w'Ubutabera/Intumwa Nkuru
ya Leta

(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

(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'ITEKA RYA
PEREZIDA N°002/01 RYO KU WA
31/01/2019 RYEMEZA
BURUNDU AMASEZERANO
Y'UMURYANGO W'AFURIKA
Y'IBURASIRAZUBA AGAMIJE
KONGERA UBUSHOBOZI
BW'URUKIKO RW'AFURIKA
Y'IBURASIRAZUBA
YEMEREJWE NAIROBI MURI
KENYA, KU WA 20
GASHYANTARE 2015

ANNEX TO PRESIDENTIAL ORDER
N° 002/01 OF 31/01/2019 RATIFYING
THE EAST AFRICAN COMMUNITY
PROTOCOL TO OPERATIONALISE
THE EXTENDED JURISDICTION OF
THE EAST AFRICAN COURT OF
JUSTICE ADOPTED IN NAIROBI,
KENYA, ON 20 FEBRUARY 2015

ANNEXE A L'ARRÊTÉ
PRÉSIDENTIEL N° 002/01
DU 31/01/2019 RATIFIANT
LE PROTOCOLE DE LA
COMMUNAUTÉ DES ÉTATS
DE L'AFRIQUE DE L'EST
POUR METTRE EN
PRATIQUE LA
PROROGATION DE LA
COMPÉTENCE DE LA COUR
EST AFRICAINE DE
JUSTICE, ADOPTÉ A
NAIROBI, KENYA, LE 20
FÉVRIER 2015



EAST AFRICAN COMMUNITY

PROTOCOL TO OPERATIONALISE THE EXTENDED JURISDICTION OF THE EAST AFRICAN COURT OF JUSTICE

EAC SECRETARIAT
Arusha, Tanzania

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PROTOCOL TO OPERATIONALISE THE EXTENDED JURISDICTION OF THE EAST AFRICAN COURT OF JUSTICE

PURSUANT TO THE PROVISIONS OF ARTICLE 27 (2) OF THE TREATY FOR THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY, THE PROVISIONS FOR THE EXTENSION OF JURISDICTION FOR THE EAST AFRICAN COURT OF JUSTICE ARE HEREBY SET FORTH:

PREAMBLE

CONSIDERING that the Treaty for the Establishment of the East African Community ("the Treaty"), established the East African Court of Justice as a judicial body which shall ensure the adherence to law in the interpretation and application of and compliance with the Treaty;

WHEREAS

- (a) under the provisions of Article 27 (2) of the Treaty, Partner States recognise that the Court shall have such other original, appellate, human rights and other jurisdiction as will be determined by the Council; and
- (b) within the provisions of Article 27 (2) of the Treaty, the Partner States agree to conclude a protocol to operationalise the extended jurisdiction of the Court;

AND WHEREAS the Summit of the East African Community Heads of State at its 15th Meeting held on 30th November 2013 approved the Council's recommendation to extend the jurisdiction of the East African Court of Justice to cover trade and investment matters arising out of the implementation of the Protocol on the Establishment of the East African Community Customs Union and the Protocol on the Establishment of the East African Common Market and disputes arising out of the implementation of the Protocol on the Establishment of the East African Community Monetary Union;

WHEREAS the Partner States recognize the critical role of the East African Court of Justice in regional integration following the establishment of the East African Community Customs Union, East African Community Common Market and the East African Monetary Union as envisaged under Article 5(2) of the Treaty;

HAVE AGREED AS FOLLOWS:

ARTICLE 1

Definitions

In this Protocol, unless the context otherwise requires:

“Community” means the East African Community established by Article 2 of the Treaty;

“Council” means the Council of Ministers of the Community established by Article 9 of the Treaty;

“Court” means the East African Court of Justice established by Article 9 of the Treaty;

“Treaty” means the Treaty for the Establishment of the East African Community and any annexes and protocols thereto.

ARTICLE 2

Objective of the Protocol

The objective of this Protocol is to extend the jurisdiction of the Court to cover trade and investment matters arising out of the implementation of the Protocol on the Establishment of the East African Community Customs Union and the Protocol on the Establishment of the East African Common Market and disputes arising out of the implementation of the Protocol on the Establishment of the East African Community Monetary Union.

ARTICLE 3

Jurisdiction of the Court

1. The Court shall have jurisdiction over:

- (a) disputes on trade and investment arising from the implementation of :
 - (i) the Protocol on the Establishment of the East African Community Customs Union; and
 - (ii) the Protocol on the Establishment of the East African Community Common Market;
 - (b) disputes arising out of the implementation of the Protocol on the Establishment of the East African Monetary Union.
2. The extension of jurisdiction under paragraph 1 shall not preclude the exercise of jurisdiction conferred upon other bodies by the Treaty or the relevant laws of the Partner States.

ARTICLE 4
Amendment of the Protocol

This Protocol may be amended by the Partner States in accordance with the provisions of Article 150 of the Treaty.

ARTICLE 5
Entry into Force

This Protocol shall enter into force upon ratification by all the Partner States and deposit of instruments of ratification with the Secretary General.

ARTICLE 6
Depository and Registration

1. This Protocol and all instruments of ratification shall be deposited with the Secretary General who shall transmit certified true copies of the Protocol and instruments of ratification to all the Partner States.
2. The Secretary General shall register this Protocol with the African Union and such other organisation as the Council may determine.

DONE at Arusha, Tanzania, on the day of in the year Two Thousand and Two Thousand and Fifteen.

IN FAITH WHEREOF the undersigned have appended their signatures hereto:

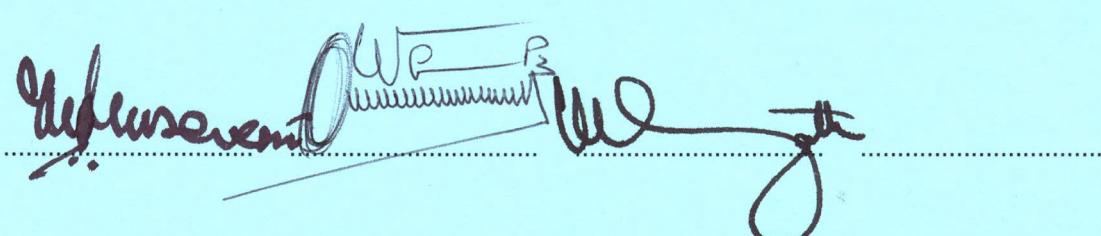
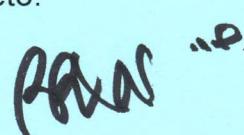
For the United Republic
of **Tanzania**

For the Republic of
Uganda

For the Republic of
Burundi

For the Republic
of **Kenya**

For the Republic of
Rwanda



Bibonywe kugira ngo bishyirwe ku mugereka w'Iteka rya Perezida n°002/01 ryo ku wa 31/01/2019 ryemeza burundu Amasezerano y'Umuryango w'Afurika y'Iburasirazuba agamije kongera ubushobozi bw'Urukiko rw'Afurika y'Iburasirazuba, yemerejwe Nairobi muri Kenya, ku wa 20 Gashyantare 2015

Kigali, ku wa. **31/01/2019**

(sé)
KAGAME Paul
President of the Republic

(sé)
Dr NGIRENTE Edouard
Minisitiri w'Intebe

**Bibonywe kandi bishyizweho
Ikirango cya Repubulika:**

(sé)
BUSINGYE Johnston
Minisitiri w'Ubutabera/Intumwa
Nkuru ya Leta

Seen to be annexed to Presidential Order n°002/01 of 31/01/2019 ratifying the East African Community Protocol to operationalise the extended jurisdiction of the East African Court of Justice, adopted in Nairobi, Kenya, on 20 February 2015

Kigali, on **31/01/2019**

(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

Vu pour être annexé à l'Arrêté Présidentiel n°002/01 du 31/01/2019 ratifiant le Protocole de la Communauté des États d'Afrique de l'Est pour mettre en pratique la prorogation de la compétence de la Cour Est Africaine de Justice, adopté à Nairobi, Kenya, le 20 février 2015

Kigali, le **31/01/2019**

(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