

UNAMIR

ARUSHA PEACE AGREEMENT

[ 5 AUG 1993 ] - 2 DEC 1994

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ORIGINAL ORDER

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MR. BOUTROS BOUTROS GHALI  
THE UN SECRETARY-GENERAL

COPY TO: MR. JAMES JONAH

FROM: VLADIMIR PETROVSKY *V Petrovsky*

**SUBJECT: RWANDA PEACE AGREEMENT**

1. I HAVE THE PLEASURE TO INFORM YOU THAT THE PEACE AGREEMENT BETWEEN THE GOVERNMENT OF RWANDA AND THE RWANDESE PATRIOTIC FRONT (RPF) HAS BEEN SIGNED AT ARUSHA TODAY 4TH AUGUST 1993 BY THE PRESIDENT OF RWANDA AND THE CHAIRMAN OF THE RPF IN THE PRESENCE OF THE PRESIDENT OF TANZANIA, THE SECRETARY-GENERAL OF THE OAU AND THE REPRESENTATIVE OF THE UN SECRETARY-GENERAL. IN THE SIGNING CEREMONY WERE THE PRESIDENTS OF OF UGANDA, BURUNDI AND THE PRIME MINISTER OF ZAIRE. THE CURRENT AND FORMER CHAIRMAN OF OAU WERE REPRESENTED BY SPECIAL ENVOYS.
2. ALL SPEAKERS IN THE CEREMONY HAILED THE AGREEMENT AS A MAJOR BREAK THROUGH IN PEACE MAKING IN AFRICA. THE ROLE OF THE UN WAS HIGHLY PRAISED.
3. THE SECRETARY-GENERAL OF THE OAU DR. SALIM MADE AN APPEAL TO THE UN TO ACT IMMEDIATELY TO ASSIST THE OAU IN THE IMPLEMENTATION OF THE PEACE AGREEMENT. HE ALSO STRESSED THE NEED FOR UN HUMANITARIAN ASSISTANCE.
4. ATTACHED HERewith IS A COPY OF THE PEACE AGREEMENT (ANNEX 1) WHICH COVERS THE PROTOCOLS NAMELY:-
  - a) THE PROTOCOL AGREEMENT ON THE RULE OF LAW
  - b) THE PROTOCOL ON POWER SHARING
  - c) THE PROTOCOL ON THE REPATRIATION OF REFUGEES AND THE RESETTLEMENT OF DISPLACED PERSONS
  - d) THE PROTOCOL ON THE INTEGRATION OF ARMED FORCES
  - e) THE PROTOCOL ON MISCELLANEOUS ISSUES

ALSO ATTACHED HERewith IS A COPY OF THE DECLARATION ADOPTED BY THE REGIONAL SUMMIT ON THE OCCASION OF THE SIGNING OF THE PEACE AGREEMENT (ANNEX 2).

5. AFTER THE SIGNING CEREMONY THE PRESIDENT OF RWANDA CALLED ME AND ASKED ME TO TRANSMIT TO YOU HIS REQUEST TO DISPATCH URGENTLY THE UN PERSONNEL TO ASSIST OAU IN THE IMPLEMENTATION OF THE PEACE AGREEMENT. A COPY OF THE PRESIDENT'S MESSAGE IS HEREBY ATTACHED (ANNEX 3). ADDITIONALLY THE PRESIDENT MADE AN APPEAL TO THE UN FOR ASSISTANCE FOR REHABILITATION, RECONSTRUCTION AND RECONCILIATION. FINALLY HE EXPRESSED CONCERN ON THE DELAY FOR THE ARRIVAL OF MILITARY OBSERVERS ON THE RWANDA/UGANDA BORDER.
6. I WAS ALSO CALLED BY THE CHAIRMAN OF RPF COLONEL ALEXIS KANYARENGWE. DURING THE DISCUSSION THE CHAIRMAN POINTED OUT THAT THE RPF WOULD LIKE THE UN TO ASSIST THE OAU IN IMPLEMENTATION OF THE PEACE AGREEMENT IN RWANDA AS SOON AS POSSIBLE. HE ASKED ME TO CONVEY TO THE UN SECRETARY-GENERAL THAT RPF HAS NEVER BEEN AGAINST THE UN INVOLVEMENT IN PEACE KEEPING OPERATION IN RWANDA.
7. ON THE SAME DAY, THE TANZANIA MINISTER OF DEFENCE MR. A. KINANA INFORMED ME OF THE INTENTION OF HIS GOVERNMENT TO PROVIDE TROOPS TO THE UN FOR PEACE KEEPING OPERATIONS. HE EXPRESSED STRONG DESIRE FOR THE UN TO PROVIDE THE NECESSARY TRAINING FACILITIES TO THE TANZANIAN CONTINGENT WHICH WOULD BE DEPLOYED TO THE UN.
8. TODAY 5TH AUGUST 1993 DURING MY DISCUSSION WITH THE OAU SECRETARY-GENERAL DR. SALIM, HE AGAIN STRESSED THE NEED FOR A SPEEDY UN ACTION TO ASSIST THE OAU IN THE IMPLEMENTATION OF THE AGREEMENT. ATTACHED IS A COPY OF HIS LETTER TO YOU. (ANNEX 4).
9. I AM LEAVING TO DAY TO GENEVA VIA DAR ES SALAAM.

BEST REGARDS

PROTOCOL OF AGREEMENT BETWEEN THE  
GOVERNMENT OF THE REPUBLIC OF RWANDA AND  
THE RWANDESE PATRIOTIC FRONT  
ON THE INTEGRATION OF THE ARMED FORCES  
OF THE TWO PARTIES

The Government of the Republic of Rwanda on the one hand, and the Rwandese Patriotic Front on the other;

Agree on the following provisions on the integration of the Armed Forces of the two parties.

CHAPTER I. THE NATIONAL ARMY.

Section 1: Missions and Principles.

Article 1: Subject to modalities and principles to be mutually agreed upon between the two parties in the present Protocol of Agreement, for the formation of the National Army, the latter shall fulfil the following missions and shall be guided by the principles below:

A. Missions:

1. Defend the national territorial integrity and the sovereignty of the country;
2. Participate, within the framework established by laws and regulations and in consultation with relevant authorities, in operations of maintenance and restoration of law and order as well as in the execution of laws;
3. Participate in relief operations in the event of natural calamities;
4. Contribute to the development of the country, especially through reconstruction and production activities.



B. Principles.

1. As an Institution, the National Army shall be governed by the laws and regulations in force in the country;
2. The National Army shall be at the disposal of the Government and shall be subordinated to its authority, the two institutions abiding by the Constitution, as it was outlined in the Peace Agreement, laws, principles underlying democracy and the Rule of Law;
3. The National Army shall be non partisan;
4. The National Army shall be a regular Army, composed solely of volunteer Rwandese citizens recruited on the basis of their competence. It shall be open to any Rwandese Nationals, irrespective of their ethnic group, region, sex, religion or language;
5. Members of the National Army shall have the right to be informed about the socio-political life of the country. They shall benefit from civic and political education . To that effect, the Government shall set up a programme for the civic and political education of servicemen;
6. Members of the National Army shall not be affiliated to political parties or to any other association of a political nature. They shall neither take part in activities or demonstrations of political parties or associations. They shall not portray their political allegiances in public;
7. Members of the National Army shall exercise their right to vote. Given the type of the current organization of the Army, however, its members cannot participate in local elections.
8. Members of the National Army may present their candidature for political elective posts, on condition that they relinquish their military functions.

Section 2: Size, Structure and Organization.

Sub-Section 1: Size.

Article 2: Size.

The strength of the National Army (Officers, Non-Commissioned Officers, "Corporals" and Privates) shall be thirteen thousand (13,000) men.

The ratio between the various categories with respect to the whole size of the Army, shall be 6% for Officers, 22% for Non Commissioned Officers and 72% for Rank and File.

Sub-Section 2: Structure.

Article 3:

The National Army shall comprise:

1. An Army Command High Council;
2. The Army Headquarters;
3. Four (4) Territorial Brigades;
4. Special Units under the Army Headquarters;
5. Support and Service Units under the Army Headquarters.

The Organizational Chart highlighting the Structure of the National Army is attached to the present Protocol as Annex I.

Sub-Section 3: Organization.

Paragraph 1: The Army Command High Council.

Article 4: An Army High Command Council is hereby established and shall, in line with the policy outlined by the Government, be the highest military organ of

consultation and decision-making for matters related to defence and the organization of the Army. It shall be accountable to the Government through the Minister of Defence.

**Article 5: Composition.**

The Army Command High Council shall be composed of :

- The Chief of Staff of the National Army: Chairman
- The Deputy Chief of Staff of the National Army: Vice-Chairman
- Brigade Commanders (4): Members
- Second in Command of Brigades (4): Members

**Article 6: Functions.**

The Army Command High Council shall exercise the following functions:

1. Study modalities of implementing the Government's defence policy with regard to defence.
2. Ensure the implementation of the country's defence policy.
3. Decide, in line with the Government general policy, on a doctrine of employment of the Army by establishing mechanisms and strategies for the defence of the national territory and maximum utilization of resources.
4. Approve plans for the utilization of the Army.
5. Draw broad outlines for the organization, supplies and logistics.
6. Provide advice, either on its own initiative or upon the request of the Minister of Defence, on defence policy plans, the overall organization of the Army, the state of military service and on any military issue of general concern.

7. Ensure the implementation of the organisation plan of the Army.
8. Study important issues confronting the Units and take decisions to be implemented by the Army headquarters or make recommendations to the Ministry of Defence for appropriate action.
9. Supervise the process of constituting the National Army.

**Article 7: Meetings.**

The Army Command High Council shall convene once a month in an ordinary session upon notification by its Chairman.

The Chairman may call for an extraordinary session when and as needed and, especially on instruction from the Minister of Defence, or at the request of anyone of its members.

The agenda of the meeting shall be specified upon notification to attend.

**Article 8: Mode of Decision -Taking.**

Decisions shall be taken by consensus and communicated to the Minister of Defence.

Decisions or recommendations by the Army Command High Council shall be conveyed to the echelons concerned through the Army Chief of Staff.

**Article 9: Rules of Procedure.**

The Army Command High Council shall establish its own rules of procedure.

**Paragraph 2: The Army Headquarters.**

**Article 10: Functions of the Army Headquarters.**

The Army Headquarters shall have the following functions, exercised in conformity with directives issued by the Army Command High Council:

1. Dispose of the day-to-day administration and command of the Army;



2. Co-ordinate the Army's and Staff Headquarters' activities;
3. Implement decisions by the Army Command High Council;
4. Liaise, at the administrative level, the Army - as an Institution - with the Government through the Ministry of Defence;
5. Conduct, under the supervision of the Army Command High Council, the process of formation of the National Army, and participate, within the framework of implementation of the Peace Agreement, and in conjunction with the International Neutral Force or the NMOG, in the demobilization process, taking the respective missions and status of those Institutions into consideration.

**Article 11: Leadership of the Army Headquarters.**

The Army Staff Headquarters shall be under the leadership of the Chief of Staff, assisted by the Deputy Chief of Staff.

The Chief of Staff shall be responsible for the Staff Headquarters. All the decisions shall, however, be taken upon mutual agreement between the Chief of Staff and the Deputy Chief of Staff. The chief of Staff shall be especially responsible for the supervision of activities of Departments 2 and 3 of the Army Headquarters. He shall be accountable to the Chief of Staff and stand in for him and dispose of all the matters, in the event of his absence or impediment.

**Article 12: Organization and Functions of Army Headquarters Departments.**

Services of the Army Headquarters shall be composed of four Departments exercising the following functions:

1. Department 1 (G1): Management of personnel
2. Department 2 (G2): Security and Military Intelligence.

- Security of the staff and equipment of the National Army;

- Gathering and utilization of Intelligence.

3. Department 3 (G3): Organization, training, operations, civic and political education.

- Elaboration of the doctrine of employment of the National Army;
- Proposal on the links between the Units;
- Military training and education;
- Civic and political education;
- Elaboration of military defence plans,
- Planning of daily and periodic activities of the National Army.

4. Department 4 (G4): Logistics

- Participation in preparing the budget;
- Providing Units with supplies;
- Management of the National Army patrimony.

Paragraph 3: Territorial Brigades.

Article 13: Territorial Brigades shall be made up of three Battalions each, deployed as follows:

- 1st Brigade to cover Byumba Prefecture;
- 2nd Brigade to cover Kigali, Kibungo and Gitarama Prefectures;
- 3rd Brigade to cover Butare, Gikongoro and Cyangugu Prefectures;
- 4th Brigade to cover Kibuye, Gisenyi and Ruhengeri Prefectures.

Paragraph 4: Specialized Units under the Army Headquarters.

Article 14: There are Specialized Units under the Army Headquarters, namely:

- A Para-commando Battalion;

- A Reconnaissance Battalion;
- A Military Police Battalion whose detachments shall be deployed in the various Brigades, with only two Companies remaining in Kigali.

Paragraph 5:      Support and Service Units under the Army Headquarters.

Article 15:

There are Support and Service Units under the Army Headquarters, namely:

- An Engineering Battalion;
- A Field Artillery Battalion;
- An Anti-Aircraft Artillery Battalion;
- An Air Force Squadron;
- A Logistics Center;
- Medical Services;
- An Army Band Company;
- The Training Center in Bugesera;
- The Commando Training Centre in Bigogwe.

Paragraph 6:      Schools.

Article 16:

There are also Schools under the Ministry of Defence, namely:

- "Ecole Supérieure Militaire" (ESM) - Staff College
- "Ecole des Sous-Officiers" (ESO) - Military Academy.

Programmes of study followed in these Schools shall be worked out by a Commission set up by the Government at the proposal of the Minister of Defence and shall be composed of Officers designated by the Army Command High Council and the Command Council of the National Gendarmerie, as well as Representatives of other concerned Departments. These programmes shall be approved by the Government.

Section 3: Functions within the National Army.

Sub-Section 1: The Military Function.

Article 17: Principle.

Military functions shall be exercised under contract or permanent terms. Rank and File as well as Non-Commissioned Officers with the rank of Sergeant and Staff Sergeant, shall be employed under Contract terms. The Contract shall be valid for seven years renewable once and applicable to the category of servicemen aged between 18 and 40. Other servicemen shall be employed on permanent terms.

Article 18: Military Ranks.

Military ranks within the National Army shall fall under the following three categories:

CATEGORY 1: RANK AND FILE:

- Private
- Lance Corporal
- "Corporal".

CATEGORY 2: NON-COMMISSIONED OFFICERS.

- Sergeant
- Staff Sergeant
- Sergeant Major
- "Warrant Officer"
- Warrant Officer Class I.

CATEGORY 3: OFFICERS.

1. Junior Officers:
  - Second Lieutenant
  - Lieutenant
  - Captain.

2. Senior Officers:

- Major
- Lieutenant-Colonel
- Colonel

3. General Officers:

- Brigadier
- Major-General
- Lieutenant General.

Ranks of "Premier Sergeant-Major", "Adjutant Principal" and "Commandant" shall be abolished. Servicemen currently holding these ranks shall maintain them until they are promoted to higher ranks. They shall be the last ones to hold those ranks. New Ranks of Lance Corporal and Brigadier are hereby established.

**Article 19: Correspondence between Military Functions and Ranks.**

The correspondence between military functions and ranks shall be as follows:

A. The National Army Headquarters

Functions:

Ranks:

- |   |  |
|---|--|
| 1. Chief of Staff:  | Major-General, Brigadier, Colonel.               |
| 2. Deputy Chief of Staff:   | Major-General, Brigadier, Colonel.               |
| 3. Head of Department in the National Army Headquarters:                | Colonel, Lieutenant-Colonel, Colonel.            |
| 4. Assistant Head of Department in the National Army Headquarters:      | Colonel, Lieutenant Colonel, Major.              |
| 5. Commander of a Department Section in the National Army Headquarters: | Lieutenant-Colonel, Major, "Commandant" Captain. |

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|---------------------------------------|---|--|
| 6.                                    | Deputy Commander of a Department Section in the National Army Headquarters:   | Lieutenant-Colonel, Major, "Commandant", Captain.                    |
| 7.                                    | Commander of Sub-Section of a Department Section in the National Army Headquarters or Staff Officer in the National Army: | Captain, Lieutenant, 2nd Lieutenant.                                 |
| B. <u>Units in the National Army.</u> |   |  |
| 1.                                    | Brigade Commander:  | Brigadier, Colonel, Lieutenant-Colonel.                              |
| 2.                                    | Second in Command of a Brigade:   | Brigadier, Colonel, Lieutenant-Colonel, Major.                       |
| 3.                                    | Battalion Commander:  | Lieutenant-Colonel, Major, "Commandant", Captain.                    |
| 4.                                    | Second in Command of a Battalion:   | Lieutenant-Colonel, Major, "Commandant", Captain.                    |
| 5.                                    | Section Commander in a Brigade Headquarters:  | Lieutenant-Colonel, "Commandant", Captain.                           |
| 6.                                    | Company Commander:  | "Commandant", Captain, Lieutenant.                                   |
| 7.                                    | Second in Command of a Company:   | "Commandant", Captain, Lieutenant.                                   |
| 8.                                    | Section Commander in a Battalion Headquarters:  | "Commandant", Captain, Lieutenant.                                   |
| 9.                                    | Platoon Commander:  | Lieutenant, 2nd Lieutenant.  |
| 10.                                   | Deputy Platoon Commander:   | Warrant Officer, "Premier Sergeant- Major" Staff Sergeant, Sergeant. |

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|---|---|
| 11. Non Commissioned Officer of a Brigade:    | Warrant Officer Class I,<br>"Warrant Officer Class II",<br>"Warrant Officer". |
| 12. Non Commissioned Officer of a Battalion:  | Warrant Officer Class I,<br>"Warrant Officer"                                 |
| 13. Non Commissioned Officer of a Company:    | "Premier Sergeant-Major"<br>Sergeant-Major, Staff Sergeant                    |
| 14. Section Commander:                        | Staff Sergeant, Corporal  |
| 15. Deputy Commander of Section:              | "Corporal"  |
| 16. Team Leader:                              | "Corporal" or Lance Corporal  |
| 17. Gunman for special weapon or support arm: | Lance Corporal  |
| 18. Rifleman:                                 | Private   |

C. Military School Command.

- |  |   |
|--|---|
| 1. "Ecole Superieure Militaire" ( ESM) -<br>(Staff College): |   |
| - Commander of Staff College:                                | Brigadier, Colonel, Lieutenant-Colonel. |
| - Second in Command of the Staff<br>College:                 | Colonel, Lieutenant-Colonel.            |
| 2. "Ecole des Sous-Officers" (ESO) - (Military Academy):     |   |
| - Commander of the Military Academy:                         | Colonel, Lieutenant-Colonel.            |
| - Second in Command of the Military<br>Academy:              | Colonel, Lieutenant-Colonel, Major.     |

D. Other Functions.

In addition to the Command functions mentioned above, there are other functions within the administrative, logistic and technical Army services, which may be exercised by servicemen holding various ranks provided for in the Army.

**Article 20: Appointment of Members of the Army Command High Council.**

Members of the Army Command High Council shall be appointed by the Cabinet and Decrees of their appointment shall be signed by the President of the Republic, in accordance with the provisions of Article 9 of the Protocol of Agreement signed on 30th October, 1992.

**Article 21: Appointment of General Officers and Senior Officers and their Promotion in Ranks and Functions.**

General Officers and Senior Officers shall be appointed and promoted in ranks functions by the Cabinet, upon recommendation of the Army Command High Council. Decrees of their appointment shall be signed by the President of the Republic, in accordance with the provisions of Article 9 of the Protocol of Agreement, signed on 30th October, 1992.

**Article 22: Appointment of Junior Officers their Promotion in Ranks and Functions.**

Junior Officers shall be appointed and promoted in ranks and functions by the Cabinet, upon recommendation of the Army Command High Council. Decrees of their appointment shall be signed by the Prime Minister.

**Article 23: Appointment of Non-Commissioned Officers employed under Statutory Terms and their Promotion in Ranks and Functions.**

Non-Commissioned Officers employed under permanent terms shall be appointed and promoted in ranks and functions by the Army Command High Council, convened under the chairmanship of the Minister of Defence, as he shall be the one to sign Decrees of their appointment.

**Article 24: Employment, Posting and Promotion of Servicemen under Contract Terms.**



All contracts for servicemen employed under contract terms shall be signed by the Minister of Defence. To be recruited, servicemen must pass a national competitive examination supervised by the Army Command High Council. Upon successful completion of the training programme, they shall be posted in Units by the Army Command High Council at the proposal of the Army Headquarters. Thereafter, promotions shall be made by the Army Headquarters at the proposal of the Brigade or Autonomous Unit Commanders under the Army Headquarters.

**Article 25: Modalities of Promotion.**

Modalities of promotion in ranks shall be decided upon by the Government.

Servicemen may move from a lower category to an upper category, especially after passing a test organized for that purpose.

**Article 26: Commision.**

Conditions and modalities of commission to senior ranks and functions shall be specified by the Government.

**Article 27: Transfers.**

Transfers from a Unit or Service to another Unit or Service and which do not affect the power of appointment entrusted to other authorities shall be made by the Chief of Staff, upon delegation of powers by the Army Command High Council, and in consultation with the Unit Commanders or those in charge of Services.

Transfers within Units which do not affect the power of appointment entrusted to other authorities shall be made by Commanders of those Units and the Chief of Staff shall be informed.

**Article 28: Secondment, Detachment and Transfer.**

Members of the National Army may be seconded, detached or transfered to another Service. The authority vested with the power of nomination to

military ranks and functions shall take adequate measures to make available the servicemen concerned by secondment, detachment or transfer.

**Article 29: Termination of Service.**

Resignation, leave without pay, dismissal as well as pensioning off shall be decided upon by the authority vested with the power of nomination or promotion.

**Article 30: Age of Retirement.**

The age of retirement shall be:

- 45 years for Non-Commissioned Officers employed under contract terms and for Junior Officers;
- 50 years for Senior Officers;
- 55 years for General Officers.

Upon reaching the retirement age, servicemen employed under permanent terms, and exercising specialized functions may, however, benefit from a service extension and be employed under contract terms. In this case, they cannot expect to be promoted within the normal ranks.

**Sub-Section 2: Disciplinary Regime, Military Courts and the Criminal Investigation and Prosecution Department.**

**Paragraph 1: Principles.**

**Article 31:** Breaches of discipline by servicemen shall be liable to punishment by disciplinary committees and various echelons of the military hierarchy empowered to inflict disciplinary punishments provided for.

Infringements of penal laws by servicemen shall be punished by the competent Military Courts which shall hand down the corresponding sentences provided in the said laws.

Disciplinary punishments and the final criminal sentences shall entail disciplinary measures affecting the career of servicemen concerned.

**Paragraph 2: Disciplinary Punishments.**

**Article 32:**

Breaches of discipline which, according to the penal laws, fall short of violations, shall entail disciplinary punishments. The military disciplinary regulations shall specify the conduct of servicemen.

Disciplinary punishments shall be aimed at redressing the behaviour of individual servicemen with a view to maintaining harmony and discipline within the Units and Services. It shall therefore be forbidden to transform disciplinary punishment into a means of harassment.

**Article 33: Disciplinary Committees.**

Disciplinary Committees are hereby be set up within each Unit to rule on breaches of discipline.

Within the officered Battalion (which constitutes a part of a Brigade), a Disciplinary Committee shall be set up to give ruling on cases involving Non-Commissioned Officers, "Corporals", Lance Corporals and Privates deployed within the Battalion.

A Disciplinary Committee within the Brigade shall rule on cases involving Officers of the said Brigade, except those involving Battalion Commanders and their Second in Command. The Disciplinary Committee of the Brigade shall also give its ruling on appeals against decisions by disciplinary Committees of Battalions under its jurisdiction.

Disciplinary Committees within Autonomous Battalions and Companies shall be set up at two levels:

- A Disciplinary Committee made up of Officers to rule on cases involving Officers of the said Battalion or Company, except those

involving the Battalion Commander and his Second in Command, and the Company Commander and his Second in Command.

- A Disciplinary Committee made of Officers, Non Commissioned Officers and Rank and File to rule on cases involving Non-Commissioned Officers, "Corporals", Lance Corporals and Privates deployed within the said Battalion or Company.

Rulings given by that Disciplinary Committee shall not be subject to an appeal before the Disciplinary Committee giving rulings on cases involving Officers.

**Article 34: Competence of the Army Command High Council with regard to Discipline.**

The Army Command High Council shall give its ruling on cases involving Brigade Commanders and their Second in Command, Officered and Autonomous Battalion Commanders and their Second in Command, and Autonomous Company Commanders and their Second in Command.

The Army Command High Council shall also rule on cases of appeals against disciplinary punishments handed down to Officers by disciplinary Committees of Brigades, autonomous Battalions and Companies.

**Article 35: Appointment of Disciplinary Committee Members.**

Members of the Disciplinary Committees shall be appointed by the Army Command High Council for an indefinite period. The Army Command High Council may replace them whenever it deems it necessary.

Members of the Disciplinary Committees shall be fully independent in the execution of their duties. They shall sovereignly assess cases referred to them and take decisions on case warrants without being subjected to any external pressure. They cannot be given any order or injunction, especially from their immediate superiors.

**Article 36: The Competence of the Military Hierarchy with regard to Discipline.**

Officers responsible for order and discipline within their Units shall be empowered to inflict punishment to defaulting Non-Commissioned Officers and Rank and File, such as cleaning fatigues: (cleaning of sanitary facilities, etc.) and non exhausting physical exercises: (push-ups, hopping, long-distance running, etc.).

Punishments inflicted by the military hierarchy shall not be put on record in the personal file of the punished serviceman and, therefore, shall not entail disciplinary measures.

Furthermore, Unit Commanders shall have the power of provisional arrest, not exceeding 48 hours, over any defaulting serviceman under their authority. The Competent Disciplinary Committee shall also be a forum to give ruling on appeals lodged against punishments inflicted by the hierarchy.

**Article 37: Disciplinary Punishments Applicable to Officers.**

1. The Admonition: Written note reprimanding the addressee.
2. Arrests with Access: maximum 21 days. Under such arrests, the party concerned shall be under obligation to stay confined within his residence, without possibility of leaving, except for performing his duties, taking his meals and carrying out duties approved by the Command. The punishment decision shall specify whether visitors are allowed or not.
3. Arrests without Access: maximum 15 days. Under such arrests, the party concerned shall be dispensed from any services. He shall be suspended from all military duties and forbidden to leave his residence, except for taking his meals, or performing duties approved by the Command. He shall be formally barred from receiving visitors, except as the service may require. This suspension shall not be taken into account when pension is calculated.

**Article 38: Disciplinary Punishments applicable to Non-Commissioned Officers.**

1. Open Arrests: maximum of 21 days.

This punishment does not exempt the party concerned from performing his military duties. It shall consist in barring the party concerned from leaving the quarters, except for attending to his duties and performing tasks approved by the Command, participating in any collective recreation or attending any entertainment which may be organized within his quarters, or using the mess and the Canteen.

2. Close Arrest: maximum of 21 days.

This punishment does not exempt the party concerned from performing his duties. The party shall be under obligation to stay indoors without the possibility of leaving, except to attend to his duties and other tasks approved by the Command. No visitors shall be allowed. In the case of single Non-Commissioned Officers, meals shall be taken to them by those who are on week duty in the camp.

3. Military Confinement: maximum of 15 days.

Under such arrests, the party concerned shall be exempted from any services. The punishment shall consist in continued detentions in the cell for the whole duration of the punishment. The serviceman serving out such a punishment may, however, be compelled to carry out exercises and work within the quarters; may use whatever time is strictly necessary for carrying out duties approved by the Command and must be subjected to a daily compulsory constitutional walk of 30 minutes.

**Article 39: Disciplinary Punishments Applicable to Rank and File.**

1. Open Arrests: maximum of 21 days.

This punishment does not exempt the party concerned from performing his military duties. It shall consist in barring the party concerned from leaving the quarters, except for attending to his duties and performing tasks approved by the Command, participating in any collective recreation or attending any entertainment which may be organized within his quarters, or using the Canteen.

2. Arrests in the Guardhouse: maximum of 21 days.

Under such arrests, the party concerned shall not be exempted from performing his duties;

He shall be forbidden to leave the quarters, except for attending to his duties and performing tasks approved by the Command;

He shall be forbidden to participate in any collective recreation or attend any entertainment organized in the quarters;

He shall be forbidden to go to the Canteen and compelled to stay within the guardhouse from evening till the reveille on week days, and the whole day on Sundays and public holidays, except when performing certain duties approved by the Command;

The party concerned shall be compelled to take a daily constitutional walk of 30 minutes during the period of seclusion.

3. Military Confinement: maximum of 15 days.

To be sentenced to military confinement shall exempt the party concerned from all duties. The punishment shall consist in continued detention in the cell for the whole duration of the sentence. However, the serviceman serving out one of these punishments may be compelled to carry out exercises and work within the quarters; may use whatever time is strictly necessary for carrying out duties approved by the Command, and must be subjected to a daily compulsory constitutional walk of 30 minutes.

Article 40: Deduction of a 1/4 of the Salary.

Concurrently with a disciplinary punishment, servicemen guilty of failing to maintain, causing the deterioration, loss, theft or total or partial destruction of items or other material belonging to the State may have a quarter of their salaries deducted until the costs of the damage are recovered in full.

Paragraph 3. Disciplinary Measures.

**Article 41: Principles.**

Any serviceman having been liable to a disciplinary punishment or penalty meted out by a competent Court may be subject to a disciplinary measure to be specified by relevant organs.

No disciplinary measure can be inflicted as long as the facts of the case have not been ascertained, as the case may be, either by the disciplinary committees or the military Courts.

Disciplinary measures shall constitute a warning and entail delay in promotion, shall deprive from function or office, employment on a temporary or permanent basis.

Disciplinary measures shall be inflicted by the authority vested with the powers of appointment and promotion.

**Article 42: Disciplinary Measures falling under the Government's Competence.**

Disciplinary measures applicable to Officers shall be decided upon by the Cabinet at the proposal the Army Command High Council. Relevant Orders shall be signed, as the case may be, either by the President of the Republic or by the Prime Minister.

**Article 43: Disciplinary Measures falling under the Competence of the Minister of Defence and the Army Command High Council.**

The Army Command High Council, convening under the chairmanship of the Minister of Defence, shall give its ruling on cases involving Non-Commissioned Officers and decide on disciplinary action to be taken against them.

The Minister of Defence shall sign the Order relating to the agreed disciplinary measures.

**Article 44: Disciplinary Measures falling under the Competence of the Army Headquarters.**



The Army Headquarters shall rule on cases involving "Corporals," Lance Corporals and privates, and shall adopt the required disciplinary measures.

The Chief of Staff shall sign Acts containing the disciplinary measures adopted by the Army Headquarters. The Act containing the disciplinary measure terminating the contract shall, however, be signed by the Minister of Defence.

**Article 45: Disciplinary Measures applicable to Officers.**

1. Delay in Promotion.

Disciplinary punishments applicable to Officers of all ranks shall entail the following delays in promotion:

- Three (3) months for one (1) admonition;
- Six (6) months for one (1) punishment consisting in an arrest with access;
- Nine (9) months for one (1) punishment consisting in an arrest without access.

Any Officer sentenced to a term of imprisonment not exceeding six (6) months, shall have his promotion held up for a period between six (6) and twelve (12) months.

2. Suspension of Military Duties.

Any Officer sentenced to a term of imprisonment not exceeding six (6) months shall be suspended from all military duties for a period corresponding to the duration of the sentence.

3. Automatic Dismissal and Removal from Office.

Any Officer sentenced to a term of imprisonment exceeding six (6) months shall automatically either be dismissed or removed from office.

In any case, he shall be removed from Office if he was sentenced by a Criminal Court.

Article 46: Disciplinary Measures applicable to Non-Commissioned Officers.

1. Delay in promotion.

Disciplinary punishments applicable to Non-Commissioned Officers of all ranks shall entail the following delays in promotion:

- Three (3) months for one (1) punishment consisting in a close arrest or two (2) punishments consisting in open arrests;
- Six (6) months one for (1) punishment consisting in military confinement;
- Nine (9) months for two (2) punishments consisting in military confinement;
- Twelve (12) months for three (3) punishments consisting in military confinement.

Any Non-Commissioned Officer sentenced to a term of imprisonment not exceeding six (6) months, shall have his promotion held up for a period between six (6) and twelve (12) months.

2. Suspension of all Military Duties.

Any Non-Commissioned Officer sentenced to a term of imprisonment not exceeding six (6) months shall be suspended from all military duties for a period corresponding to the duration of the sentence.

3. Automatic Dismissal and Removal from Office.

Any Non-Commissioned Officer sentenced to a term of imprisonment exceeding six (6) months shall automatically be either dismissed or

removed from Office. In any case, he shall be removed from Office if he was sentenced by a Criminal Court.

4. Termination of Contract.

The contract shall be terminated for any Non-Commissioned Officer employed under Contract terms, sentenced to a term of imprisonment exceeding six (6) months.

● **Article 47: Disciplinary Measures applicable to Rank and File.**

1. Delay in Promotion.

Disciplinary punishments applicable to Rank and File shall entail the following delays in promotion:

- Three (3) months for one (1) punishment consisting in an arrest in the guardhouse or two (2) open arrests;
- Six (6) months for one (1) punishment consisting in military confinement;
- Nine (9) months for two (2) punishments consisting in military confinement;
- Twelve (12) months for three (3) punishments consisting in military confinement.

Any Rank and File sentenced to a term of imprisonment not exceeding six (6) months, shall have his promotion held up for a period between six (6) and twelve (12) months.

These delays in promotion shall be effective after the concerned party has passed a promotion test.

2. Suspension of all Military Duties.

Any Rank and File sentenced to a term of imprisonment not exceeding six (6) months shall be suspended from all military duties for a period corresponding to the duration of the sentence.

3. Termination of Contract

The contract shall be terminated for any Private, Lance Corporal or any "Corporal" sentenced to a term of imprisonment exceeding six(6) months.

**Paragraph 4: The Commission Responsible for the Drafting of Disciplinary Regulations.**

**Article 48:** An Ad Hoc Joint Drafting Committee is hereby set up to prepare the integral text of the disciplinary regulations for the National Army.

The Committee shall be expected to start its work before 30th June, 1993 and complete it by 15th July, 1993. The Commission shall base its work on draft texts of disciplinary regulations worked out by each party.

The Joint Committee shall work under the chairmanship of the Commander of the Neutral Military Observer Group or a person appointed by him; the latter shall be in touch with the two parties so as to set up a working timetable.

Regulations drafted by the Joint Committee shall constitute the temporary disciplinary regulations for the National Army, pending their adoption by the Broad-Based Transitional Government, through a Presidential Decree.

**Paragraph 5. Military Courts and Criminal Investigation and Prosecution Department.**

**Article 49:** Military Courts shall be empowered to pass judgement on offences committed by servicemen and provided for by penal laws.

In accordance with Article 26 of the Protocol of October 30, 1992, the recognised Military Courts shall be: the War Councils and the Military Court. The Court of

Cassation shall take cognizance of appeals against decisions by the Military Court.

The Court of Cassation shall be empowered to pass penal and first degree judgement on the Chairman and Deputy Chairman of the Army Command High Council and General Officers. On appeal, their cases shall be heard in the forms specified in Article 27 of the Protocol of 30th October, 1992.

The Magistrates of Military Courts shall be fully independent in the exercise of their judicial functions. They shall sovereignly assess cases referred to them and take decisions on case warrants without being subjected to external pressure. They cannot be given any order or injunction, especially from their immediate superiors.

The Magistrates of Military Courts shall be appointed, for a renewable period of twelve months, by the Cabinet at the proposal of the Army Command High Council and the Command Council of the Gendarmerie, meeting in a joint session convened and chaired by the Minister of Defence. The Act of appointment shall be signed by the Prime Minister. The authority vested with the power of appointment may, at any moment, terminate the judicial functions of Magistrates of Military Courts deemed incompetent or unworthy of their posts.

The procedure followed for appointments shall be abided by in the termination of judicial functions of Magistrates of the Military Courts.

**Article 50:** A Military Criminal Investigation and Prosecution Department is hereby established and shall play the role of the Public Prosecution Department in Military Courts.

**Section 4: Formation of the National Army.**

**Sub-Section 1: Process of the Formation of the National Army.**

**Article 51:** The process of formation of the National Army shall be conducted in the following stages:

- Establishment of an Army Command High Council;
- Establishment of the Neutral International Force;
- Disengagement of forces;
- Integration operations;
- Training of servicemen;
- Deployment of troops in the Units.

**Paragraph 1: Establishment of the Army Command High Council.**

**Article 52:**

The Army Command High Council shall be established concomittantly with the Transitional Institutions.

**Paragraph 2: The Neutral International Force.**

**Article 53: Composition.**

The Neutral International Force shall be under the responsibility and command of the United Nations and shall be composed of contingents provided by countries selected by the Secretary General of the United Nations. Before deciding on a definite list of those countries, he shall require the approval of the two parties.

The Neutral Military Observer Group (NMOG) may, with certain arrangements between all the parties concerned, be partly or entirely integrated into the Neutral International Force, or perform certain duties specifically defined entrusted to the Neutral International Force.

**Article 54: Missions.**

The Neutral International Force shall have the following missions:

A. **Overall Mission.**

The Neutral International Neutral Force shall assist in the implementation of the Peace Agreement, more especially through the supervision of the implementation of the Protocol of Agreement on the Integration of Armed Forces of the two Parties and the provision of all kinds of assistance to the competent authorities and organs.

#### B. Security Missions

- Identify prefectures, Gendarmerie stations, estates & installations.*
1. Guarantee the overall security of the country and especially verify the maintenance of law and order by the competent authorities and organs.
  - Identify Dist centres, and routes.* 2. Ensure the security of the distribution of humanitarian aids.
  - Distr of population in their respective prefectures* 3. Assist in catering for the security of civilians.
  - Identify arms caches and location of armed gangs.* 4. Assist in the tracking of arms caches and neutralization of armed gangs throughout the country.
  - Identify & mark on map minefields and suggest ways of mine clearance* 5. Undertake mine clearance operations.
  6. Assist in the recovery of all weapons distributed to, or illegally acquired by the civilians.
  7. Monitor the observance by the two parties of modalities for the definite cessation of hostilities, provided for in the Peace Agreement.

#### C. Missions of Supervising the Process of Formation of the National Army.

- A* T. Undertake the demarcation of Assembly Zones and identify places for the establishment of Assembly and Cantonment points.

*Advice on the necessary preparation for the estates of Assembly and Cantonment points*

The Neutral International Force shall be responsible for the preparation of Assembly and Cantonment points. It shall take in and manage all the equipment and financial resources required for the performance of that duty.

*Identify and confirm the location of existing infrastructures to be used for Assembly and Cantonment points*

The military barracks may serve as Assembly or Cantonment points, on condition that the two parties be informed. These camps shall be subjected to the monitoring of the

Neutral International Force and to requirements of other Assembly or Cantonment points.

- 3. Determine security parameters for the City of Kigali, in line with the objective of making it an arms free zone.

*how best to  
intervene in security parameters  
base up strength and disposition  
identity and plot on map  
AP & CP and routes*

Supervise:

(a) operations for the disengagement of forces, especially the movement of troops towards Assembly points, servicemen joining the Cantonment points for purposes of depositing heavy

*size & space to be sufficient  
movement of troops to other  
locations*

artillery;

(b) the transformation of military barracks into Assembly or Cantonment points;

*verification procedure* (c) verifications following these operations.

5. Ensure that rules of discipline by servicemen inside and outside assembly points are observed.

6. Cross-check inventories of armaments and ammunitions of the two parties and monitor operations for the separation of heavy artillery from light weapons.

*determine strength  
of UN unit per  
Cantonment & AP*

7. Keep watch on cantonment points and participate in the guard of light weapons and ammunition magazines located in Assembly points.

*Determine system of  
control, identification  
and movement of troops in AA.*

8. Supervise operations for the identification of the military personnel to be carried out in the various points of Assembly of the troops.

*LGR base to be*

9. Supervise operations for the supplies to the troops in the Assembly points, it being understood that the supplies shall be confined to non lethal items.

*spaceous enough  
to cater for the total  
strength at any one base.*

10. Participate in the programme designed for the training of members of the new Armed Forces and cater for the security of Training Centres.



Identify & locate existing  
camps & infrastructure & space  
(School buildings etc to cater  
for demobilisation)

30

11. Supervise the operations for the demobilization of servicemen and gendarmes not eligible to constitute the new Armed Forces.
12. Assess the status of implementation of the formation process and make recommendations to the Broad-Based Transitional Government, the Army Command High Council and the Command Council of the National Gendarmerie.

**Paragraph 3: Disengagement of Forces.**

**Article 55: Definitions.**

An Assembly zone shall be referred to as a portion of the national territory within which the Assembly and Cantonment points of each of the two parties shall be located.

Assembly points shall be referred to as centres where specific groups of servicemen of the two Forces shall be confined and their identification conducted. Those centres shall be the starting point of the formation, integration and demobilization process shall be conducted under the supervision of the Neutral International Force.

Cantonment points shall be referred to as places identified for the storage of heavy weapons outside the Assembly points.

**Article 56: Demarcation of Assembly Zones.**

The demarcation of Assembly zones shall be undertaken by the United Nations Reconnaissance Mission, in collaboration with the NMOG on the basis of the current positions of the two Forces. During this demarcation exercise, care will be taken to ensure that the following conditions are fulfilled:

1. The two assembly zones be separated by a demilitarized zone whose depth shall be superior to the range of heavy artillery used in the conflict;
2. Each Assembly zone contain all the Assembly and Cantonment points of the party concerned;
3. Within the Assembly zones, the Assembly points shall be located in such a way as to avoid clustering;
4. The Assembly and Cantonment points be located in such a way to allow the population to use its habitual property and facilities;
5. The Assembly zones shall be widely demarcated so as to avoid encirclement of one force by another.

**Article 57: Identification of Assembly Points.**

*Determine number of APs and those in the case of RPF of existing area under its control is sufficient to warrant an extension beyond its limits.*

Assembly points shall be identified by the International Neutral Force, in collaboration with each party within its Assembly zone. These points shall, as much as possible, be located on Government's Estates or Estates belonging to collectivities, and shall be located far from built-up areas.

*Determine resources available at each AP and prepare list of additional structures that may be required.*

In identifying an Assembly point, account shall be taken of viability requirements (availability of water, hospitable climate, etc.) and facilities for an easy organization of supplies; it being clearly understood that supplies refer to non lethal items.

**Article 58: Movement of Troops towards Assembly Points.**

The Neutral International Force, in collaboration with the Army Command High Council, shall specify the date whereby elements of the two sides shall

*Determine exact dates for implementing the agreed integration process.*

move towards the Assembly points after having deposited heavy artillery in the Cantonment points.

All the elements of the two Forces should join the Assembly points, except the administrative and support staff, whose composition and size shall be determined by the Neutral International Force, in collaboration with the Army Command High Council.

**Article 59: Command of the Assembly Point.**

Each assembly point shall be under a Military Commander appointed by the party concerned.

The Military Commander shall be answerable to the Command to which he is accountable and to the Army Command High Council, with regard to the following:

- Staff discipline;
- Observance of the Peace Agreement by the troops, especially special provisions relating to the definitive cessation of hostilities;
- Observance of directives and orders emanating from the Army Headquarters;
- Control of armaments, ammunition and other equipment belonging to Units within the Assembly point.

*determine disposition of  
unarmed forces and observation  
posts.*

*determine system of  
inventory of Arms  
& amm. both in the  
AP & CP.*

The Military Commander shall forward to the Army Headquarters a daily situation report specifying the personnel, equipment and ammunition in the Assembly point and relevant activities carried out in conformity with directives issued by the National Army Headquarters.

The Military Commander shall liaise with the Command to which he is accountable with the Neutral International Force. The latter may, however, appoint its own liaison Officer.

Article 60: Security of Assembly Points.

The security of Assembly points shall be jointly ensured by contingents amounting to 10% of the total strength of those points and whose minimal size should be one hundred and twenty (120) men, and by members of the Neutral International Force.

The personnel of those contingents shall carry individual weapons only, and shall strictly be deployed within the Assembly points.

Additional security measures to be taken in each Assembly point shall be decided upon by mutual agreement between the Commander of the Assembly point and the Neutral International Force, taking into account the specificities of each Assembly point.

Article 61: Guard of Arms, Ammunition and Military Equipment in the Assembly Points.

*Armory and  
Cantonment space  
to be spacious to  
accommodate what  
is designed for.*

Once the troops arrive in the Assembly points, each party shall undertake identification of its troops and make an inventory of armaments and ammunitions.

The Army Command High Council and the Neutral International Force shall cross-check the inventory of arms and ammunition as well as the identification of servicemen.

All the troops confined in these points shall be deprived of their light or personal arms to be kept in magazines located in the same Assembly points under the joint guard of the Neutral International Force and the Force concerned. Light weapons required for training exercises in the Assembly point may, however, be put by the NIF at the disposal of the Commander of the Assembly point, when and as necessary. These exercises shall be carried out in accordance with a programme known to the Army Command High Council and the International Neutral Force. The weapons utilized shall be returned to the depot upon completion of each round of exercise.

The Army Command High Council and the Neutral International Force shall specify the date for the storage of arms and ammunition. The same date shall apply for the storage of arms and ammunition in all Assembly points.

**Article 62: The Personal Identification File.**

A personal identification file shall be opened for each serviceman as soon as they report to the Assembly point. The file shall include the following particulars:

Family name and First name; Rank; Years of Service within the Rank; Regimental Number; Sex; Date of Birth; Marital Status; Being a Rwandese national; Type and Serial Number of Weapon; Specialization; Military or Civilian Diploma, Certificate or Brevet; Blood Group.

Shall be regarded as a Rwandese citizen any individual who considers himself to be Rwandese and whose parents or forefathers, or one of them, may be localized as a member of the national community dwelling in the territory recognized today as Rwanda.

The Army Command High Council may decide to include additional elements of identification such as passport size photograph.

**Article 63: Troops' Activities in Assembly Points.**

Troops may notably undertake the following activities in Assembly Points:

- Physical exercises, cultural and leisure-time activities;
- Activities planned within the framework of the first phase of the military training programme;
- replenishment of food, fuels, lubricants and medical supplies;
- maintenance and repair of equipment;
- infrastructure improvement and clearance of mines in their assembly point.

The Neutral International Force shall monitor the observance of this provision by each party.

**Article 64: Incidents or Ceasefire Violations.**

In the event of incident or Ceasefire violation, Commanders of each echelon shall take immediate and appropriate action with regard to their troops, so as to put an end to that incident or violation.

Any Commander informed of an incident or violation shall immediately issue a warning to the instigators and, if they belong to his Unit, take adequate disciplinary action.

Without prejudice to any disciplinary action to be taken by the Unit Commander, the authors or those responsible for the incident or violation shall be liable to punishments specified by the Army Headquarters.

The Military Commander shall also be duty bound to report any incident or violation to his immediate superior, the Neutral International Force and the Army Headquarters.

In the event of incident or violation, Units shall refrain from taking any retaliatory action and shall strive to avoid any action that may trigger escalation.

The Neutral International Force shall be informed of any incident or violation and shall track down the instigators.

**Article 65: Movement Outside the Assembly Point.**

Servicemen in an Assembly point shall be forbidden to move outside that Assembly point without the permission of the Commander of the Assembly point. In any case, they shall be strictly forbidden to move about armed.

The Neutral International Force shall monitor the observance of this provision by each party.

**Article 66: Identification of Cantonment Points.**

There shall be several Cantonment points located in the respective Assembly zones. Their ultimate number and their location shall be decided upon by the Commander of the Neutral International Force, after seeking the approval of the party concerned. Cantonment points shall be distant enough from Assembly points.

**Article 67: Definition of Heavy Artillery.**

Shall be considered as heavy artillery, all weapons other than pistols, rifles and machine guns.

**Article 68: Guard and Maintenance of Arms within the Cantonment Points.**

The Cantonment points shall be under the only control of the Neutral Internal Force. Some members of the respective parties shall, however, be authorized by the Neutral International Force to visit the Cantonment points for purposes of servicing heavy artillery.

**Article 69: Property of Arms and Military Equipment in the Assembly and Cantonment Points.**

The Military equipment based in Assembly or Cantonment points and stored in magazines located in the Assembly points shall be verified and an inventory and record kept. However, this equipment shall remain the property of either party until the completion of the integration of the two forces.

Thereafter, the Broad-Based Transitional Government shall, at the proposal of the Army Command High Council, decide on the fate of those arms, ammunition and military equipment.

**[Article 70 Neutralization of Kigali City.**

*Identify and clearly mark on map all access roads into Kigali, govt admin blocks, mil & gendarmerie base and other important structures.*

- Identify suitable Assembly & Cantonment points in Kigali.*
- Identify, locate and negotiate RPF delegation areas accommodation in Kigali during the transitional process.*

Kigali being the Capital City of Rwanda where all Transitional structures shall be located, it shall constitute an arms free zone so that the security of its inhabitants and members of the transitional structures, including RPF leadership, could be catered for.

- negotiate accommodation for the NIF.*
- deployment of NIF at KIGALI and at airport.*
- design security system and control for movement of population in KIGALI*
- negotiate and locate the NIF LOG base*
- etc -*

In that regard, there will be a deployment of a sizeable and efficient Neutral International Force, and mechanisms shall be put in place so as to ensure the security of that City and guarantee its status of an arms free zone.

[Pending the training of the first batch of the Republican Guard, the security of the leadership of both parties shall be organized and catered for by the Neutral International Force, with the support of the personnel to be provided by both parties, especially for the close security of the leadership of either party, and whose strength shall be specified by the Neutral International Force.]]

Kigali being the Capital City of Rwanda where all Transitional structures shall be located, it shall constitute an arms free zone so that the security of its inhabitants and members of the transitional structures, including the RPF leadership, could be catered for.

The City of Kigali shall be demilitarized in two phases:

1. Part of the forces deployed in Kigali shall, together with a part of RPF forces, shall constitute the first batch to undergo a joint training. Upon completion of the joint training of that the first batch, the latter shall be deployed in Kigali.
2. The other part remaining in Kigali shall be transferred into Assembly Points located outside the security perimeter of Kigali (RPF).

**Paragraph 4: Integration Operations.**

**Article 71: Criteria for the Selection of Servicemen in the National Army.**

The selection of servicemen to constitute the National Army by each party and those to be demobilized shall be carried out in the Assembly points.



Servicemen to constitute the National Army should meet the following criteria:

1. Officers:

They should:

- be volunteers;
- be serving as Officers;
- be Rwandese Nationals.
- be physically fit, i.e. they should obtain a certificate of physical fitness from a registered physician.
- The war-wounded and handicapped shall, however, remain eligible for Army service, according to their specializations. unlike the disabled servicemen who shall be demobilized but assisted. This shall apply to all categories of servicemen.
- be at least 21 years of age.

2. Non-Commissioned Officers:

They should:

- be volunteers;
- be serving as Non-Commissioned Officers;
- be Rwandese Nationals;
- be physically fit;
- be at least 18 years old.

3. Troops:

They should:

- be volunteers;
- be serving in the Army;
- be Rwandese Nationals
- be physically fit;
- be at least 18 years old.

servicemen of both parties to live together in their future Units so as to constitute a single Army and do away with the spirit of antagonism nurtured by the war. The duration of the separate training shall be one month.

Phase 2: The joint training of the Units to constitute the National Army shall be dispensed to servicemen from the two Forces, in the same training centres.

That training shall be dispensed to servicemen to constitute the National Army and selected by each party, in accordance with the criteria spelled out under Article 71 of the present Protocol.

It shall, as much as possible, begin after the designation of service men within their Units.

This phase shall be aimed at harmonizing techniques of the two armies, nurturing the team spirit, enhancing the patriotic spirit and that of reconciliation. Such training shall be organized in training centres in three (3) batches composed of more or less than four thousand and four hundred (4,400) men. Each batch shall undergo a two-months training in the centres.

The duration of the joint training shall be 7 months, i.e. two (2) months training for each batch, and 2 x 15 days of preparation between the batches. Servicemen who will not be selected for the first batch shall be waiting in the Assembly points for their turn.

The Army Command High Council shall decide on the overall training programme as well as on the sequence of rotations in training centres.

The programme and calendar of training are attached of the present Protocol as Annex II.

**Article 76: Instructors.**

For all 3 categories of servicemen, a cross-check shall be made out in case of any doubt concerning personal particulars, as per criteria spelled out above.

**Article 72: Proportions and Distribution of Command Posts.**

**Article 73: Specific Case of Officer Trainees in the Staff College and Non-Commissioned Officer Trainees in the Military Academy.**

The Trainees still following their studies in the Schools of the Armed Forces as well as servicemen undergoing short-term training abroad shall be considered as active members of the Armed Forces.

The recruitment within the Armed Forces shall be frozen until the end of the Transitional Period. [The Broad-Based Transitional Government may, however, decide, after seeking advice from the Army Command High Council, to resume admission to the Schools of Armed Forces before the end of the Transitional Period].

**Paragraph 5: Training of the National Army.**

**Article 74:**

Elements of each Force selected to constitute the National Army shall undergo training for purposes of harmonizing techniques and achieving harmonious integration of servicemen.

**Article 75: Training Phases.**

The training shall be carried out in two phases:

**Phase 1:** The separate training of servicemen of the Rwandese Armed Forces and the Rwandese Patriotic Army shall be conducted in their respective zones. This phase shall be aimed at preparing

For all the training phases, recourse shall be made to Rwandese instructors provided by the two parties and foreign instructors. The latter shall be provided by countries to be agreed upon by the two parties as well as the Neutral International Force. The number of instructors shall amount to 10% of the number of servicemen to be trained in each batch.

The joint training of Rwandese instructors shall be undertaken, as much as possible, before the separate training of servicemen from both parties.

**Article 77: Joint Commission of Programmes.**

An Ad Hoc Joint Commission of Programmes is hereby set up and shall be responsible for the elaboration of syllabuses relating to all subjects to be taught during the separate and joint training periods. Those syllabuses should be made available before the disengagement of the forces of the two parties.

The said Commission shall start its work before 30th June, 1993 and shall be expected to be through by 15th July, 1993.

The draft syllabuses elaborated by each party shall constitute the basis for the work of the Commission.

The Commission shall work under the Chairmanship of the Neutral Military Observer Group Commander or a person appointed by him. The latter shall come into touch with the two parties so as to set up the calendar of work.

**Paragraph 6: Deployment of Troops in the Units.**

**Article 78:** The posting of Servicemen in the respective Units shall be carried out upon completion of the training of each batch.

[The new National Army shall be called "RWANDESE DEFENCE FORCES"].

**Paragraph 7: [The Responsibility of the Broad-Based Transitional Government with regard to the Integration of Forces]**

**Article 79:** The Broad-Based Transitional Government shall take all necessary steps so that the integration of Forces of the two parties is carried out.

CHAPTER II: THE NATIONAL GENDARMERIE.

Section 1: Definition, Missions and Principles.

Article 80: Definition.

The National Gendarmerie is an armed force established to ensure the implementation of laws with a view to maintaining public order and security.

Article 81: Missions.

The National Gendarmerie shall fulfil the following missions:

- |  |  |
|--|--|
| <i>Identify and count total number of police or gendarmes post</i><br><i>Calculate total number of police monitors per stations or post.</i><br><i>logbooks to arrange for accommodation and per diem? or these logs could be accommodated with or to the nearest mil estab.</i> | <ol style="list-style-type: none"> <li>1. Maintain and restore public order;</li> <li>2. Prevent offences;</li> <li>3. Trace offences and their perpetrators;</li> <li>4. Carry out arrests in conformity with the law;</li> <li>5. Perform police duties within the administration;</li> <li>6. Perform, within the limits established by the law, prosecution and criminal investigation duties;</li> <li>7. Enforce laws and regulations for which it was directly mandated;</li> <li>8. Perform police duties in Courts and Tribunals;</li> <li>9. Ensure the protection of people and property;</li> <li>10. Rescue and provide assistance to people in danger or distress;</li> <li>11. Intervene in the event of a sinister or calamity;</li> <li>12. Perform traffic police duties throughout the national territory;</li> <li>13. Ensure the security of airports;</li> </ol> |
|--|--|

14. Collaborate, within the framework of bilateral cooperation, with INTERPOL and counterpart Institutions of foreign countries;
15. Participate, within the framework established by the law, in the defence of the national territory.

**Article 82: Principles.**

1. The National Gendarmerie shall be an Institution governed by laws and regulations in force in the country. In its functioning and the performance of its duties, it shall observe the spirit and letter of International Conventions to which the Republic of Rwanda is a party.
2. The National Gendarmerie shall be at the disposal of the Government and shall be subordinated to its authority, the two institutions abiding by the Constitution, the laws, principles governing democracy and the Rule of Law.
3. The National Gendarmerie shall, in line with its mission to ensure public order and internal security within the limits of the principles enunciated above, act spontaneously and sovereignly organize its activities, so as to fulfil that mission. It shall, therefore, be answerable to the Government with regard to internal security of the country.
4. The National Gendarmerie shall submit reports to the administrative authority and shall regularly inform the latter about its activities.
5. The National Gendarmerie shall be a non partisan force. To this end, it shall always be guided, in the performance of its duties, by the supreme interest of the State and the search for the public good, and shall perform its duties in an unbiased manner.
6. Members of the National Gendarmerie shall solely be recruited among Rwandese volunteer citizens, on the basis of their competence. The National Gendarmerie shall be open to any Rwandese nationals, irrespective of their ethnic group, region, sex and religion.

7. Each member of the National Gendarmerie should be easily identified by the public, as they shall wear insignias bearing either their name or regimental number, or both. Gendarmes usually wearing civil clothes, as required by their duties, should be able to produce their service cards to prove their capacity as gendarmes, whenever they are so required while performing their duties. Members of the National Gendarmerie should be strictly courteous and polite in their relations with the population. In the fulfilment of their mission, they shall not impose cruel, inhuman and humiliating treatment on the population.
8. Members of the National Gendarmerie shall have the right to be informed on the socio-political life of the country. They shall be exposed to civic and political education.
9. Members of the National Gendarmerie shall not be affiliated to political parties or any other association of a political nature. They shall neither take part in activities or demonstrations of political parties or associations. They shall not portray their political allegiances in public.
10. Members of the National Gendarmerie shall exercise their right to vote. Given the type of the current organization of the National Gendarmerie, however, its members shall not participate in local elections.
11. Members of the National Gendarmerie shall submit their candidature for political elective posts, on condition that they relinquish posts held within the Gendarmerie.

**Section 2: Size, Structure and Organization.**

**Sub-Section 1: Size.**

**Article 83:**

The strength of the National Gendarmerie (Officers, Non-Commissioned Officers, "Corporals" and Gendarmes) shall be six thousand (6,000) men.

The ratio between the various categories shall be 6% for Officers, 24% for Non-Commissioned Officers and 70% for "Corporals" and Gendarmes.

**Sub-Section 2: Structure.**

**Article 84:**

The National Gendarmerie shall comprise:

1. A Command Council;
2. Staff Headquarters;
3. A Security Committee;
4. Territorial Units;
5. Specialized Units;
6. Support Units and Services.

The Organization Chart of the National Gendarmerie is attached to the present Protocol as a Annex III, and is part and parcel of that Protocol.

**Sub-Section 3: Organization of the National Gendarmerie.**

**Paragraph 1: Command Council of the National Gendarmerie**

**Article 85:** A Command Council of the National Gendarmerie is hereby established and shall, within the framework of the policy outlined by the Government, constitute an organ of consultation and decision-making in matters related to the organization and coordination of the activities of the National Gendarmerie. It shall be accountable to the Government through the Minister of Defence.



**Article 86: Composition.**

The Command Council of the National Gendarmerie shall be composed of:

- The Chief of Staff: Chairman
- The Deputy Chief of Staff: Deputy Chairman
- Commanders of "Groupements" (11): Members

**Article 87: Functions.**

The Command Council of the National Gendarmerie shall exercise the following functions:

1. Work out modalities for the implementation of the Government policy with regard to public security in the country;
2. Ensure that the country's public security policy is implemented;
3. Decide, in line with the general policy of the Government, on the doctrine of employment of the National Gendarmerie, through the establishment of mechanisms and strategies for the maintenance of order and security and best utilization of resources;
4. Draw broad outlines for the organization, provision of supplies and logistics;
5. Provide advice, either on its own initiative or upon the request of the Minister of Defence, on policy plans for the maintenance of public order and security, the overall organization of the National Gendarmerie, the state of service of gendarmes and any issue of general concern confronting the National Gendarmerie;
6. Ensure efficient organization and administration of the National Gendarmerie;

7. Study important issues confronting the Units and take decisions to be implemented by the Headquarters or make recommendations to the Minister of Defence for appropriate action;
8. Supervise the conduct of the process of formation of the National Gendarmerie.

**Article 88: Meetings.**

The Command Council of the Gendarmerie shall convene once a month in an ordinary session, upon notification by its Chairman. The Chairman may call for an extraordinary session when and as needed, and especially on instruction from the Minister of Defence, or at the request of anyone of its members. The agenda of the Meeting shall be specified upon notification to attend;

**Article 89: Mode of Decision-Making.**

Decisions shall be taken by consensus and communicated to the Minister of Defence;

Decisions or recommendations by the Command Council of the National Gendarmerie shall be conveyed to the echelons concerned through the Chief of Staff.

**Article 90: Rules of Procedure.**

The Command Council of the Gendarmerie shall work out its own rules of procedure.

**Paragraph 2: The National Gendarmerie Headquarters.**

**Article 91: Missions of the Headquarters.**

The Headquarters shall be an organ liaising between the National Gendarmerie, as an Institution, with the Executive power. It shall be responsible for the day-to-day administration and command of the National Gendarmerie. It shall implement decisions by the Command Council of the National Gendarmerie

and coordinate activities of the National Gendarmerie, in accordance with directives issued by the Command Council.

**Article 92: Functions of the Headquarters of the National Gendarmerie.**

The Headquarters of the National Gendarmerie shall have the following functions:

1. Day-to-day administration and command of the National Gendarmerie;
2. Coordinate activities of the National Gendarmerie;
3. implement decisions by the Command Council of the Gendarmerie and Security Committee;
4. Liaise, at the administrative level, the National Gendarmerie, as an Institution, with the Government, through the Ministry of Defence;
5. Conduct, within the framework of implementing the Peace Agreement, and in collaboration with the Neutral International Force and under the supervision of the Command Council of the National Gendarmerie, the process of formation of the National Gendarmerie and participate in the demobilization process.

**Article 93: Leadership of the National Gendarmerie Headquarters.**

The Headquarters shall be under the Command of the Chief of Staff, assisted by the Deputy Chief of Staff.

The Chief of Staff shall be responsible for the Headquarters. All decisions shall, however, be taken upon mutual agreement between the Chief of Staff and the Deputy Chief of Staff.

The Deputy Chief of Staff shall especially be responsible for the supervision of activities entrusted to Departments 2 and 3 of the Headquarters. He shall be accountable to the Chief of Staff. He shall stand in for the Chief of Staff and dispose of all the matters in the event of the latter's absence or impediment.

**Article 94: Organization and Functions of the Departments of the Headquarters.**

Services of the National Gendarmerie Headquarters shall be composed of 4 Departments exercising the following functions:

1. Department 1 (G1): Management of personnel.
2. Department 2 (G2): Security and intelligence.
  - Security of Staff and equipment of the National Gendarmerie
  - Gathering and use of intelligence relating to the Corps of the National Gendarmerie.
3. Department 3 (G3): Organization, training, education, operations, civic and political education.
  - Elaboration of the doctrine of employment the use of the National Gendarmerie;
  - Proposal of the links between various Units;
  - Education and training;
  - Civic and political education;
  - Elaboration of plans for the maintenance of public order and security;
  - Planning of daily and periodic activities within the National Gendarmerie.
4. Department 4 (G4): Logistics
  - Participation in preparing the budget;
  - Providing Units with supplies;
  - Management of the National Gendarmerie patrimony.

**Paragraph 3: Security Committee of the National Gendarmerie.**

**Article 95:** A Security Committee is hereby established and shall constitute, within the framework of the management of internal security, an organ of consultation and decision-making in matters related to internal security within the National Gendarmerie.

**Article 96: Composition.**

The Security Committee shall be composed of the following:

- |  |                 |
|--|-----------------|
| - The Chief of Staff of the National Gendarmerie:                | Chairman        |
| - The Deputy Chief of Staff of the National Gendarmerie:         | Deputy Chairman |
| - The Chief of Criminal Investigation Service:                   | Member          |
| - The Chief of Specialized Intelligence Service:                 | Member          |
| - The Commander of the "Groupement" of Kigali City "Prefecture": | Member          |

**Article 97: Functions.**

The Security Committee of the National Gendarmerie shall exercise the following functions:

Study all important issues relating to the Internal Security of the country, and take decisions to be implemented by the Headquarters or make recommendations to the Command Council of the National Gendarmerie for appropriate action.

**Article 98: Meetings.**

The Security Committee of the National Gendarmerie shall convene once a week upon notification of its Chairman, and when and as needed. The agenda of the meeting shall be specified upon notification to attend.

**Paragraph 4: Territorial Units.****Article 99: Principle.**

Each "Prefecture" shall have a Territorial Unit of the National Gendarmerie, referred to as "Groupement". The "Groupement" shall be deployed in Territorial Companies and the latter are deployed in stations of the National Gendarmerie.

**Article 100: Deployment.**

The Command Council of the National Gendarmerie shall undertake the deployment of the National Gendarmerie, taking especially into account the prevailing security situation.

In any case, each "Sub-Prefecture" entity, or 3 to 4 "Communes" where there is no such "Sub-Prefecture" entity, shall be served by a Territorial Company.

In a like manner, a permanent station of the Gendarmerie shall be deployed in each Commune and/or each important rural centre. The Command Council of the National Gendarmerie shall draw a plan for the establishment of those permanent stations.

**Paragraph 5: Specialized Units.****Article 101:**

The National Gendarmerie shall be composed of the following Specialised Units:

1. A Criminal Investigation Service responsible for criminal investigation and technical police;
2. An Intervention Group to keep watch on sensitive or vital places in the country, intervene in the event of riots and neutralize armed gangs;
3. A Specialized Intelligence Service to gather and make use of intelligence relevant to public order and internal security;
4. A Republican Guard responsible for the security and protection of civilian authorities and personalities in the country and those from abroad. It shall also pay honour to the same;
5. A Mobile Brigade responsible for motorized patrols, the pursuit and interception of criminals;
6. A Road Safety Unit to perform traffic police duties;
7. A Unit for the Security of Airports, responsible for the security of Airports, Airports installations and the security of passengers;
8. A fire Squad to intervene in the event of fire, sinister and calamity;
9. A Dog Section responsible especially for the detection of drugs and explosives;
10. A Military Police to oversee the observance of discipline by Gendarmes.

**Paragraph 6:**      **Support Units and Services.**

**Article 102:**

The National Gendarmerie shall be composed of the following Support Units and Services:

1. A General Headquarters Company;

2. A Logistic Services Group ;
3. A Band Unit;
4. Medical Services.

Paragraph 7: School of the National Gendarmerie

Article 103: There is a School of the National Gendarmerie under the Gendarmerie Headquarters.

Section 3: Functions within the National Gendarmerie.

Sub-Section 1: Performance of Duties

Article 104: Principle.

Functions of a gendarme shall be exercised under contract or permanent terms. Rank and File as well as Non-Commissioned Officers with ranks of Sergeant and Staff Sergeant shall be employed under contract terms. The contract shall be valid for seven (7) years renewable once and applicable to the category of gendarmes aged between 18 and 40. Other gendarmes shall be employed under permanent terms.

Article 105: Ranks.

Ranks within the National Gendarmerie shall fall under the following three categories:

Category 1: Troops.

- Gendarme
- "Corporal"



Category 2: Non-Commissioned Officers.

- Sergeant
- Staff Sergeant
- Sergeant Major
- "Warrant Officer"
- Warrant Officer Class I

Category 3: Officers.1. Junior Officers.

- Second Lieutenant
- Lieutenant
- Captain

2. Senior Officers.

- Major
- Lieutenant Colonel
- Colonel

3. General Officers.

- Brigadier
- Major General
- Lieutenant General.

Ranks of "Premier Sergeant-Major", "Adjutant Principal" and "Commandant" shall be abolished. Gendarmes currently holding these ranks shall maintain them until they are promoted to higher ranks. They shall be the last ones to hold them. A new rank of Brigadier is hereby established.

Article 106: Correspondence between Gendarmes Functions and Ranks.

The correspondence between gendarmes functions and ranks shall be as follows:

A. The National Gendarmerie Headquarters.Functions:Ranks:

- |  |  |
|--|--|
| 1. Chief of Staff:   | Major-General, Brigadier, Colonel.               |
| 2. Deputy Chief of Staff:  | Major-General, Brigadier, Colonel.               |
| 3. Head of Department in the National Gendarmerie Headquarters:  | Colonel, Lieutenant-Colonel, Colonel             |
| 4. Assistant Head of Department in the National Gendarmerie Headquarters:  | Colonel, Lieutenant-Colonel, Major               |
| 5. Commander of a Department Section in the National Gendarmerie Headquarters:   | Lieutenant-Colonel, Major, "Commandant", Captain |
| 6. Deputy Commander of a Department Section in the National Gendarmerie Headquarters:  | Lieutenant-Colonel, Major, "Commandant", Captain |
| 7. Commander of Sub-Section of a Department Section in the National Gendarmerie Headquarters or Staff Officer in the National Gendarmerie: | Captain, Lieutenant, 2nd Lieutenant              |

B. Units of the National Gendarmerie.

- |                                      |                                    |
|--------------------------------------|------------------------------------|
| 1. Commander of a "Groupement":      | Colonel, Lieutenant-Colonel, Major |
| Commander of the Intervention Group: |                                    |
| Commander of the Republican Guard:   |                                    |

- |    |   |   |
|----|---|---|
| 2. | Second in Command of a "Groupement":              | Lieutenant-Colonel, Major, "Commandar Captain."   |
|    | Second in Command of the Intervention Group:      |   |
|    | Second in Command of the Republican Guard:        |   |
| 3. | Commander of the Logistic Services Group:         | Colonel, Lieutenant-Colonel, Major.               |
| 4. | Second in Command of the Logistic Services Group: | Lieutenant-Colonel, Major, "Commandar"            |
| 5. | Chief of Specialized Intelligence Service:        | Colonel, Lieutenant Colonel, Major, "Commandant." |
| 6. | Deputy Chief of Specialized Intelligence Service: | Lieutenant Colonel, Major, "Commandar Captain."   |
| 7. | Head of the Criminal Investigation Service:       | Colonel, Lieutenant-Colonel, Major, "Commandant". |
| 8. | Assistant Head of Criminal Investigation Service: | Lieutenant-Colonel, Major, Commander, Captain.    |
| 9. | Military Police Commander:                        | Major, Commander, Captain, "Commandant"           |
|    | Airport Company Commander:                        |   |

Road Safety Commander:

Mobile Brigade Commander:

General Quarters Commander:

Fire Brigade Commander:

10. Assistant Military Police Commander: "Commandant", Captain, Lieutenant

Assistant Airport Company Commander:

Assistant Airport Company Commander:

Assistant Mobile Brigade Commander:

Assistant General Quarters Commander:

Assistant Fire Brigade Commander:

11. Band Company Commander: "Commandant", Captain

12. Assistant Band Company Commander: Captain, Lieutenant

13. Commander of the Headquarters Section in: "Commandant", Captain, Lieutenant.

- the "Groupement":
- the Intervention Group:
- the Republican Guard:

- |     |   |   |
|-----|---|---|
| 14. | Administered Company or Section Commander of the:   | "Commandant", Captain, Lieutenant                                       |
|     | <ul style="list-style-type: none"><li>- Specialized Intelligence Services</li><li>- Criminal Investigation Service, or</li><li>- Logistic Services Group:</li></ul> |   |
| 15. | Second in Command of the Administered Company or Assistant Section Commander of the   |   |
|     | <ul style="list-style-type: none"><li>- Specialized Intelligence Service,</li><li>- Criminal Investigation Service</li><li>- Logistics Service Group:</li></ul>     | "Commandant", Captain, Lieutenant.                                      |
| 16. | Commander of the Fire Brigade:  | Lieutenant, Second Lieutenant.  |
| 17. | Dog Section Commander:  | Captain, Lieutenant.  |
| 18. | Deputy Dog Section Commander:   | Lieutenant, Second Lieutenant.  |
| 19. | Platoon Commander:  | Lieutenant, Second Lieutenant.  |
| 20. | Non Commissioned Officer of a "Groupement",<br><br>Non Commissioned Officer of the Intervention Group,<br><br>Non Commissioned Officer of the Republican Guard:     | Warrant Officer Class I, "Warrant Officer Class II", "Warrant Officer". |

- |     |                                      |   |
|-----|--------------------------------------|---|
| 21. | Non-Commissioned Officer of Company: | "Premier Sergeant Major", Sergeant Major, Staff Sergeant. |
| 22. | Gendarmerie Station Commander:       | Staff Sergeant, Sergeant.                                 |
| 23. | Section Commander:                   | Staff Sergeant, Sergeant.                                 |
| 24. | Assistant Section Commander:         | "Corporal".   |
| 25. | Team Leader:                         | "Corporal".   |
| 26. | Criminal Investigation Agent:        | "Corporal", Gendarme.                                     |

C. School of the National Gendarmerie.

- |    |  |                             |
|----|--|-----------------------------|
| 1. | Commander of the School of the National Gendarmerie:   | Colonel, Lieutenant-Colonel |
| 2. | Second in Command of the National Gendarmerie Academy: | Lieutenant-Colonel, Major.  |

D. Other Functions.

In addition to the functions mentioned above, there are other functions within the administrative, logistic and technical services of the National Gendarmerie which may be exercised by gendarmes holding various ranks provided for in the National Gendarmerie.

**Article 107: Appointment of Members of the Command Council of the National Gendarmerie.**

Members of the Command Council of the National Gendarmerie shall be appointed by the Cabinet, and Decrees of their appointment shall be signed by

the President of the Republic, in accordance with the provisions of Article 9 of the Protocol of Agreement, signed on 30th October, 1992.

**Article 108: Appointment of General Officers and Senior Officers and their Promotion to Ranks and Functions.**

General Officers and Senior Officers shall be appointed and promoted to ranks and functions by the Cabinet, upon recommendation of the Command Council of the National Gendarmerie.

Decrees of their appointment shall be signed by the President of the Republic, in accordance with the provisions of Article 9 of the Protocol of Agreement signed on 30th October, 1992.

**Article 109: Appointment of Junior Officers and their Promotion to Ranks and Functions.**

Junior Officers shall be appointed and promoted to ranks and functions by the Cabinet, upon recommendation of the Command Council of the National Gendarmerie. Decrees of their appointment shall be signed by the Prime Minister.

**Article 110: Appointment of Non-Commissioned Officers employed under Statutory Terms and their Promotion to Ranks and Functions.**

Non Commissioned Officers shall be appointed and promoted to ranks and functions by the Command Council of the Gendarmerie, convening meeting under the chairmanship of the Minister of Defence, as he shall be the one to sign Decrees of their appointment.

**Article 111: Employment, Posting and Promotion of Gendarmes Under Contract Terms.**

All contracts for gendarmes employed under contract terms shall be signed by the Minister of Defence. To be employed, gendarmes must pass a national competitive examination, supervised by the Command Council of the Gendarmerie. Upon successful completion of the training programme,

gendarmes shall be posted in units by the Command Council of the Gendarmerie at the proposal of the Headquarters. Thereafter, promotions shall be made by the Headquarters at the proposal of the Unit Commanders.

**Article 112: Modalities of Promotion.**

Modalities for the promotion to ranks shall be decided upon by the Government.

Gendarmes may move from a lower category to an upper category, especially after passing a test organized for that purpose.

**Article 113: Commission.**

Conditions and modalities of Commission to ranks or functions shall be specified by the Government.

**Article 114: Transfers.**

Transfers from a Unit or Service to another Unit or Service and which do not affect the powers of appointment vested in other authorities, shall be made by the Chief of Staff upon delegation of powers by the Command Council of the National Gendarmerie, and in consultation with the Unit Commanders or those in charge of Units.

Transfers within Units and which do not affect the powers of appointment vested in other authorities shall be made by Commanders of those Units and the Chief of Staff shall be informed.

**Article 115: Secondment, Detachment and Transfer.**

Members of the National Gendarmerie may be seconded, detached or transferred to another Service. The authority vested with the power of appointment to military ranks and functions shall take adequate measures to make available the gendarmes concerned by secondment, detachment or transfer.

**Article 116: Termination of Service.**



Resignation, leave without pay, dismissal as well as pensioning off shall be decided upon by the authority vested with the power of appointment or promotion.

**Article 117: Age of Retirement.**

The age of retirement shall be:

- 45 years for Non Commissioned Officers employed under contract terms and for Junior Officers;
- 50 years for Senior Officers
- 55 years for General Officers.

Upon reaching the retirement age, gendarmes employed under permanent terms, and exercising specialized functions shall, however, benefit from a service extension and be employed under contract terms. In this case, they cannot expect to be promoted within the normal ranks.

**Sub-Section 2: Disciplinary Regime for the National Gendarmerie, Military Courts and Criminal Investigation and Public Prosecution Department.**

**Paragraph 1: Principles.**

**Article 118:** Breaches of discipline by gendarmes shall be liable to punishment by disciplinary committees and various echelons of the military hierarchy who inflict disciplinary punishments as provided for.

Violations of penal laws by gendarmes shall be punished by Military Courts which hand down the corresponding sentences provided in the said laws.

Disciplinary punishments and criminal sentences shall entail disciplinary measures affecting the career of gendarmes concerned.

**Paragraph 2: Disciplinary Punishments.**

**Article 119:**

Breaches of discipline which, according to the penal laws, fall short of violations shall entail disciplinary punishments. The disciplinary regulations shall specify the conduct of the gendarmes.

Disciplinary punishments shall be aimed at redressing the individual behaviour of individual gendarmes with a view to maintaining harmony and discipline within the Units and Services. It shall, therefore, be forbidden to transform disciplinary punishments into a means of harassment.

**Article 120: Disciplinary Committees.**

Disciplinary Committees within each Unit are hereby set up to rule on breaches of discipline.

Two disciplinary Committees shall be set up at the level of the "Groupement", Specialized Unit, the Support Unit and the General Headquarters Unit.

-A Disciplinary Committee composed of Officers to rule on cases involving Officers of the said "Groupement", the Specialized Unit or Support Unit, except those involving Commanders of the said Groupement and Unit.

-A Disciplinary Committee composed of Officers, Non-Commissioned Officers, "Corporals" and Gendarmes deployed in the said "Groupement" and Unit.

Decisions taken by that Disciplinary Committee may heard on appeal before the Disciplinary Committee to rule on cases involving Officers.

Depending on the size the Unit concerned, however, the Command Council of the National Gendarmerie shall decide whether it is appropriate to set up a Disciplinary Committee to rule on cases involving Officers.

**Article 121: The Competence of the Command Council of the National Gendarmerie with regard to Discipline.**

The Command Council of the National Gendarmerie shall give its ruling on cases involving "Groupement" Commanders and their Second in Command, Specialized Units Commanders and their Second in command, and the Support Units Commanders and their second in command and the General Headquarters Company Commanders and their Second in Command.

The Command Council of the National Gendarmerie shall also rule on cases of appeals against disciplinary punishments handed down to Officers by disciplinary Committees of "Groupements", Specialized Units, Support Units, Specialized Units and the General Headquarters Company.

**Article 122: Appointment of Members of the Disciplinary Committees.**

Members of disciplinary Committees shall be appointed by the Command Council of the National Gendarmerie for an indefinite period. The Command Council of the National Gendarmerie may replace them whenever it deems it appropriate.

Members of disciplinary Committees shall be fully independent in the execution of their duties. They shall sovereignly assess cases referred to them and take decisions on case warrants without being subjected to any external pressure. They shall not receive any order or injunction, especially from their immediate superiors.

**Article 123: The Competence of the Military Hierarchy with regard to Discipline.**

Officers responsible for order and discipline within their Units shall be empowered to inflict punishments to defaulting Non-Commissioned Officers and gendarmes, such as cleaning fatigues: (cleaning of sanitary facilities, etc.); and non exhausting physical exercises: (push-ups, hopping, long- distance running etc.).

Punishments inflicted by the military hierarchy shall not be kept on record in the personal file of the punished gendarme and, therefore, shall not entail disciplinary measures.

Furthermore, Unit Commanders shall have the power of provisional arrest, not exceeding 48 hours, over any defaulting gendarme under their authority. The Disciplinary Committee shall also be a forum to give ruling on appeals against excessive punishments inflicted by the military hierarchy.

**Article 124: Disciplinary Punishments Applicable to Officers.**

1. The Admonition: Written note reprimanding the addressee.
2. Arrests with Access: maximum of 21 days.

Under such arrests, the party concerned shall be under obligation to be confined within his residence without a possibility of leaving, except for performing his duties, taking his meals and carrying out duties approved by the Command. The punishment decision shall specify whether visitors are allowed or not.

3. Arrests without Access: maximum of 15 days.

Under such arrests, the party concerned shall be exempted from any services. He shall be suspended from all military duties and forbidden to leave his residence, except for taking his meals, or performing duties approved by the Command. He shall be formally barred from receiving visitors, except as the service may require. This suspension shall not be taken into account when pension is calculated.

**Article 125: Disciplinary Punishments applicable to Non-Commissioned Officers.**

1. Open Arrests: maximum of 21 days.

This punishment shall not exempt the party concerned from performing his duties. They shall consist in barring the party concerned from leaving the quarters, except for attending to his duty and performing certain tasks approved by the Command, from participating in any collective recreation or attending any entertainment organized within his quarters, or using the Canteen.

2. Close Arrests: maximum 21 days.

This punishment shall not exempt the party concerned from performing his duties. The party shall be under obligation to stay indoors without a possibility to leave, except to attend to his duties and other tasks approved by the Command. No visitors shall be allowed. In the case of single Non-Commissioned Officers, meals shall be taken to them by those who are on week duty in the camp.

3. Arrests in the Military Prison: maximum of 15 days.

To be sentenced to military prison shall exempt the party concerned from all duties. The punishments shall consist in continued detention in the cell for the whole duration of the sentence. However, the gendarme serving out such a punishment may be compelled to carry out exercises and work within the quarters; may use whatever time is strictly necessary for carrying out certain duties approved by the Command, and must be subjected to a daily compulsory constitutional walk of 30 minutes.

**Article 126: Disciplinary Punishments Applicable to Rank and File.**1. Open Arrests: maximum of 21 days.

This punishment shall not exempt the party concerned from performing his duties. They shall consist in barring the party concerned from leaving the quarters, except for attending to his duty and performing certain tasks approved by the Command, from participating in any collective recreation or attending any entertainment which may be organized within his quarter, or using the Canteen.

2. Arrests in the Guard House: maximum of 21 days.

The party concerned shall not be exempted from performing his duties;

He shall be forbidden to leave the quarters, except for performing his duty and performing tasks approved by the Command;

He shall be forbidden to participate in any collective recreation or attend any entertainment which may be organized in the quarters;

He shall be forbidden to go to the cantine and compelled to stay within the guard house from evening till the reveille on week days, and the whole day on Sundays and public holidays, except when performing duties approved by the Command;

The party concerned shall be compelled to take a constitutional walk of 30 minutes every day, during the period of his confinement.

3. Solitary Confinement: maximum of 15 days.

To be sentenced to solitary confinement shall exempt the party concerned from all duties. The punishment shall consist in continued detention in the cell for the whole duration of the sentence. However, the gendarme serving out such a punishment may be compelled to carry out exercises and work within the quarters; may use whatever time is strictly necessary for carrying out certain duties approved by the Command, and must be subjected to a daily compulsory constitutional walk of 30 minutes.

Article 127: Deduction of a 1/4 of the Salary

Concurrently with disciplinary punishment, gendarmes guilty of failing to maintain, causing the deterioration, loss, theft or total or partial destruction of items or other material belonging to the State may have 1/4 of their salaries deducted until the costs of the damage are defrayed in full.

Paragraph 3. Disciplinary Measures.

Article 128: Principles.

Any gendarme having been liable to a disciplinary punishment or penalty meted out by a competent Court may be subject to disciplinary measures to be specified by relevant organs.

No disciplinary measure can be inflicted as long as the facts of the case have not been ascertained either by the disciplinary committees, or the military hierarchy or the Courts.

Disciplinary measures shall constitute a warning and shall entail delay in promotion, deprive from office, employment or grade on a temporary or permanent basis.

Disciplinary measures shall be inflicted by the authority vested with the powers of appointment and promotion.

**Article 129: Disciplinary Measures falling under the Government's Competence.**

Disciplinary measures applicable to Officers shall be decided upon by the Cabinet at the proposal of the Command Council of the National Gendarmerie. Relevant Orders shall be signed, as the case may be, either by the President of the Republic or the Prime Minister.

**Article 130: Disciplinary Measures falling under the Competence of the Minister of Defence and the Command Council of the National Gendarmerie.**

The Command Council of the National Gendarmerie convening under the chairmanship of the Minister of Defence, shall give its ruling on cases involving Non Commissioned Officers and decide on disciplinary measures to be taken against them.

The Minister of Defence shall sign the Order relating to the disciplinary measures agreed upon.

**Article 131: The Competence of the Gendarmerie Headquarters.**

The Gendarmerie Headquarters shall rule on cases involving "Corporals," Lance Corporals and Rank and File and decide on adequation disciplinary action required.

The Chief of Staff shall sign the decisions containing the adopted disciplinary measures taken by the Headquarters. However, the decision containing the

disciplinary measure terminating the contract shall be signed by the Minister of Defence.

**Article 132: Disciplinary Measures applicable to Officers.**

1. Delay in Promotion.

Disciplinary punishments applicable to Officers of all ranks shall entail the following minimum delays in promotion:

- Three (3) months for one admonition;
- Six (6) months for one (1) punishment consisting in an Arrest with Access;
- Nine (9) months for one (1) punishment consisting in Arrest without Access.

Any Officer sentenced to a term of imprisonment not exceeding six (6) months, shall have his promotion held up for a period between six (6) and twelve (12) months.

2. Suspension of Gendarme Duties.

Any Officer sentenced to a term of imprisonment not exceeding six (6) months shall be suspended from all gendarme duties for a period corresponding to the duration of his term of the sentence.

3. Automatic Dismissal and Removal from Office.

Any Officer sentenced to a term of imprisonment exceeding six (6) months shall be automatically either dismissed or removed from Office. In any case, he shall be removed from Office, if he was prosecuted and sentenced by a Criminal Court.



Article 133: Disciplinary Measures applicable to Non Commissioned Officers.

1. Delay in Promotion.

Disciplinary punishments applicable to Non Commissioned Officers of all ranks shall entail the following delays in promotion:

- Three (3) months for a punishment consisting in one (1) Close Arrest or two (2) Open Arrests;
- Six (6) months for one (1) punishment consisting in military confinement;
- Nine (9) months for two (2) punishments consisting in military confinement.
- Twelve (12) months for three (3) punishments consisting in military confinement.

Any Non-Commissioned Officer sentenced to a term of imprisonment not exceeding six (6) months, shall have his promotion held up for a period between six (6) and twelve (12) months.

2. Suspension of all Gendarme Duties.

Any Non-Commissioned Officer sentenced to a term of imprisonment not exceeding six (6) months shall be suspended from all gendarme duties for a period corresponding to the duration of term of the sentence.

### 3. Automatic Dismissal and Removal from Office.

Any Non-Commissioned Officer employed under statutory terms sentenced to a term of imprisonment exceeding six (6) months shall automatically be either dismissed or removed from Office. In any case, he shall be removed from Office if he was sentenced by a Criminal Court.

### 4. Termination of Contract.

The contract shall be terminated for any Non-Commissioned Officer employed under Contract Terms sentenced to a term of imprisonment exceeding six (6) months.

## **Article 134: Disciplinary Measures applicable to Rank and File.**

### 1. Delay in Promotion.

Disciplinary punishments applicable to Non Commissioned Officers of all ranks shall entail the following delays in promotion:

- Three (3) months for one (1) punishment consisting in one (1) Arrest in the guardhouse or two (2) Open Arrests;
- Six (6) months for one (1) punishment consisting in military confinement;
- Nine (9) months for two (2) punishments consisting in military confinement.
- Twelve (12) months for three (3) punishments consisting in military confinement.

Any Rank and File sentenced to a term of imprisonment not exceeding six (6) months, shall have his promotion held up for a period ranging between six (6) and twelve (12) months.

These delays shall only be effective after the party concerned has passed a promotion test.

2. Suspension of all Gendarme Duties.

Any Rank and File sentenced to a term of imprisonment not exceeding six (6) months shall be suspended from all gendarme duties for a period corresponding to the duration of his term of the sentence.

3. Termination of Contract.

The contract shall be terminated for any Gendarme or any "Corporals" sentenced to a term of imprisonment exceeding six (6) months.

Paragraph 4. The Drafting Committee Responsible for the Drafting Regulations of the National Gendarmerie.

Article 135: The Ad Hoc Joint Committee responsible for the drafting of the regulations for the National Gendarmerie referred to Article 48 of the present Protocol shall be set up to draft rules and regulations of the National Gendarmerie, under the same conditions as specified under that Article.

Paragraph 5: Military Courts and Criminal Investigation and Prosecution Department.

Article 136: In criminal matters, Members of the National Gendarmerie shall be heard by Criminal Courts specified in Article 26 of the Protocol of Agreement of 30th October, 1992.

Article 137: The Court of Cassation shall be empowered to pass penal and first degree judgement on the Chairman and Deputy Chairman of the Command Council, the National Gendarmerie Command and the General Officers. On appeal, their cases shall be heard by the Supreme Court in the forms specified in Article 27 of the Protocol of 30th October, 1992.

The Military Criminal Investigation and Prosecution Department provided for in Article 49 of the present Protocol shall be empowered to pass judgement on offences committed by members of the National Gendarmerie.

**Section 4: Training of the National Gendarmerie.**

The joint training shall be organized in three batches of two thousand (200) men each. The joint training shall cover a period of ten (10) months, i.e. three months of training per batch, and 2 x 15 days of preparation in between the batches.

The gendarmes who will not be selected for the first batch shall undergo training in the gendarmerie camps, which would have been transformed into Assembly points under the supervision of the Neutral International Force.

The Command Council of the National Gendarmerie and the Neutral International Force shall see to it that among the gendarmes who have not yet received joint instruction, there shall not, at any given moment, be more than one thousand, eight hundred (1,800) gendarmes on duty throughout the national territory.

These gendarmes on duty shall carry only individual weapons, namely, pistols and rifles. The Broad-Based Transitional Government may, if the need arises, increase this number.

**Article 138:**

**Section 5: Collaboration between the National Gendarmerie and the Communal Police.**

**Article 139:** The Communal Police, under the Communal authority, shall, in addition to its exclusive functions, assist the National Gendarmerie in the fulfilment of its general mission of maintaining public order and security.

The National Gendarmerie shall assist the Ministry of Interior and Communal Development in the formal training and short-term training of the Communal Police.

At the Communal level, the Commander of the Gendarmerie Station shall supervise the training and daily operations of the Communal Police. However, only the Communal Police shall carry out operations related to the implementation of Police regulations enacted by the Local Administrative Authority.

### CHAPTER III. DEMOBILIZATION PROCESS.

#### SECTION 1: Principles.

Article 140: Elements of the two fighting Forces, namely the Rwandese Armed Forces and the RPF Forces which shall not have been retained among the nineteen thousand (19,000) servicemen and gendarmes shall be demobilized.

Article 141: Each party, i.e. the Coalition Government on the one hand, and the RPF on the other, shall specify those elements among its personnel to be demobilized and make a list of them.

Article 142: The Demobilization is a process begining with the formal publishing of lists of servicemen to be demobilized and ending with the final implementation of the process of integration of the demobilized personnel into civil life, in accordance with the timetable attached to the present Protocol as Annex IV.

The publishing of lists shall only take place after the disengagement and verification by the competent organs have been conducted and upon completion of the joint training phase. Servicemen to be demobilized shall remain under the responsibility of the Broad-Based Transitional Government until they have been posted, taking into account their categories.

The timetable for demobilization is part and parcel of the present Protocol and shall be as follows: (RPF)

Article 143 Upon completion of the separate training, elements to be demobilized may be gathered together in separate Assembly points within their respective zones. The Command Council of the National Gendarmerie shall decide, depending on the circumstances, on the need to gather them together, taking especially

into account the social administering requirements for the elements to be demobilized.

**Article 144:** The demobilization shall go through a gradual process to mesh with the programme of integration of each demobilized serviceman, in line with the timetable for the demobilization attached as Annex IV.

**Article 145:** Upon the completion of the demobilization process, each serviceman shall be given a demobilization certificate. This certificate shall consist in a document testifying that the demobilized is an ex-serviceman and entitles him/her to certain benefits given to war veteran.

The Certificate shall testify that the military or gendarme function was terminated and that the bearer was properly demobilized. Copies of that certificate shall be kept within the Ministry of Defence, the Ministry of Interior and Communal Development and in the Secretariat of State for Rehabilitation and Social Integration.

A card for ex-servicemen shall also be issued to the demobilized personnel and shall especially bear the following particulars: Family Name, first name, rank, domicile, a photo, date of birth, certificate number and date of issuance.

**Section 2: Demobilization Modalities.**

**Sub-Section 1: General Conditions.**

**Article 146: Lumpsum Demobilization Allowance.**

Each serviceman to be demobilized shall be paid a lumpsum demobilization allowance in constant Rwandese Francs, amounting to:

- One hundred thousand (100,000) RWF for Corporals and Private.
- Two hundred thousand (200,000) RWF for Non-Commissioned Officers - 2nd Category
- Three hundred thousand (300,000) RWF for Non Commissioned Officers - 1st Category

- Four hundred thousand (400,000) RWF for Junior Officers
- Five hundred thousand (500,000) RWF for Senior Officers

The Broad-Based Transitional Government shall specify modalities of the distribution of those allowances.

**Article 147: The Invalid and Handicapped Servicemen.**

The invalid and handicapped servicemen, whose incapacity to perform their duties shall be testified by a registered physician, shall be paid a monthly invalidity allowance and fees for the schooling of all their children in Public or subsidized Private subsidized Schools, shall be paid by the Government.

**Sub-Section 2: Specific Modalities for Demobilization per Categories of Servicemen to be Demobilized.**

**Article 148:** Servicemen having the means to take care of themselves and integrate the civil life shall be discharged upon completion of usual formalities.

**Article 149:** Servicemen to be directly absorbed into the civil service shall be demobilized as soon as the absorption capacities of that sector will have been communicated.

**Article 150** Servicemen to undergo a short or long training or follow familiarization programmes shall be demobilized as soon as opportunities for their training shall have been confirmed.

**Article 151** Handicapped or invalid servicemen shall take advantage of special programmes designed for socio-economic integration. They shall fall under the responsibility of the Secretariat of State for Rehabilitation and Social Integration as soon as possibilities of their integration will have been identified.

**Article 152:** Servicemen whose integration in the civil life shall be contingent upon integration in the Rwandese society, provided for in the Repatriation Programme shall be under the responsibility of the organs responsible for the implementation of the repatriation programme, as soon as such bodies are in a position to implement those programmes.

**Article 153:** Servicemen who do not fall under any of the above categories shall be demobilized as soon as the Secretariat of State for Rehabilitation and Social Integration and the competent Organs shall be in a position to make room for job opportunities for them.

**Section 3: Follow-up of the Demobilized Servicemen.**

**Article 154:** The issue pertaining to the reserve of the National Army and to the compulsory national service shall be considered by the Broad-Based Transitional Government for appropriate action. The demobilized servicemen may, on their own volition, become members of the Reserve.

**Article 155:** The Secretariat of State for Rehabilitation and Social Integration shall include a Service responsible for the implementation of the programme of integration of the demobilized personnel in the socio-economic life. It shall also ensure the follow-up of the demobilized personnel after their social integration. The Government shall specify modalities of collaboration between the Secretariat of State for Rehabilitation and Social Integration and other departments concerned with the matters of the demobilized personnel, especially the Ministry of Defence and the Ministry of Labour and Social Affairs.

**Article 156:** The Army Command High Council and the Command Council of the National Gendarmerie shall decide whether it is appropriate and on the time for the separation of servicemen selected to constitute the National Army and the National Gendarmerie from those to be demobilized, and shall take into account the administrative facilities required by the social services responsible for the discharge and reintegration of the demobilized personnel.

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PROTOCOL OF AGREEMENT BETWEEN THE GOVERNMENT  
OF THE REPUBLIC OF RWANDA AND THE RWANDESE PATRIOTIC  
FRONT ON MISCELLANEOUS ISSUES AND FINAL  
PROVISIONS

The Government of the Republic of Rwanda on the one hand, and the Rwandese Patriotic Front on the other;

Agree on the following provisions which are part and parcel of the Protocol of Agreement on power-sharing:

CHAPTER II      STATE SECURITY SERVICES

Section 1:    Communal Police, Surveillance and Guard of Prisons, and the Public  
Prosecution Department.

Article 1:    Within the framework of implementing the Government's Programme outlined under Article 23 of the Protocol of Agreement of 30th October, 1992, the Broad-Based Transitional Government shall undertake the following activities with regard to the Security Services below:

A.    COMMUNAL POLICE.

1.    See to it that policemen are recruited in line with the security needs at the level of the Commune, and that an optimal ratio is established between the strength of the Police and the size of the population in the Commune, in accordance with standard criteria applicable to the whole country.
2.    Improve and elevate the level of training of the Communal Police and adjust it so as to suit its specific tasks.
3.    Provide assistance to Communes in terms of security, especially by improving the working conditions of the Communal Police.
4.    Lay down modalities of collaboration between the Communal Police and other Security Organs.

5. Assess and clean up the Communal Police.

B. SURVEILLANCE AND GUARD OF PRISONS.

1. Update the legal provisions and regulations governing prison wardens and surveillance personnel.
2. Improve and elevate the level of training of prison wardens and surveillance personnel, by giving them a training best suited to prison services.
3. Assess and clean up prison services, in conformity with Article 23 G.3 of the Protocol Agreement of 30th October, 1992, and by taking into consideration the principles underlying the Rule of Law.

C. PUBLIC PROSECUTION DEPARTMENT.

1. Undertake a massive clean up of the Public Prosecution Department and ensure that employment opportunities in this Service are open to the Rwandese of all walks of life.
2. Draw a demarcation line between the powers of the Public Prosecution Department and those of the Criminal Investigation Department.
3. Look for technical cooperation in favour of the Public Prosecution Department.

**Section 2: State Security Services.**

**Article 2: Structure.**

The current structure of the State Security Services shall maintained. The latter shall be composed of the following:

- External Security under the Ministry of Defence;
- Internal Intelligence Service under the Office of the Prime Minister;
- Immigration and Emigration Service under the Ministry of Interior and Communal Development.

**Article 3: Principles.**

The State Security Services shall be guided by the following principles:

1. They shall be in the service of the Government and shall be subjected to its authority.
2. They must confine their activities to the gathering of intelligence relevant to the missions entrusted to them. They shall have no power to carry out arrests; that power shall be vested in the relevant authorities. (Public Prosecution Department, the National Gendarmerie and the Communal Police).
3. They must abide by the law. They must conform to the letter and spirit of the International Conventions to which the Republic of Rwanda is a party.
4. They must observe the law and respect the civic rights of citizens as well as fundamental freedoms.
5. In exercising their duties, they shall be guided by the supreme interest of the State and the public good. They shall perform their duties in a non-partisan spirit. They must act with absolute impartiality and neutrality vis-a-vis political parties.

**Article 4: Coordination of Intelligence Services.**

An Organ responsible for the coordination of all intelligence gathered by various State Intelligence Services shall be established within the Prime Minister's Office.

The Chart highlighting the coordination of those Services is attached to the Protocol as an Annex.

The Broad-based Transitional Government shall set up a Commission to widely study the problems pertaining to State Security and propose the best way of organizing the Intelligence Services in the country.

**Article 5: Participation of the Rwandese Patriotic Front in the State Security Services.**

The Broad-Based Transitional Government shall create new posts in the State Security Services within three months after the setting up of the Broad-Based Transitional Government and the RPF shall be effectively represented at all levels of the departments (External Security, Internal Security Services, Immigration and Emigration), particularly at the level of Director and Deputy Director of the Departments and the Coordination Bureau.

## **CHAPTER II: MISCELLANEOUS PROVISIONS.**

### **Article 6: Oath of Office by the President of the Republic.**

Before taking Office, the President of the Republic shall take an oath before the Constitutional Court, worded as follows:

"I, ....., in the Name of the Almighty God, do hereby solemnly swear to the Nation to discharge faithfully the duties entrusted to me, remain loyal to the Republic of Rwanda, respect the State Institutions and promote the interests of the Rwandese people, while abiding by the Fundamental Law and other Laws."

### **Article 7: Oath of Office of the Prime Minister, Ministers, Secretaries of State and Deputies to the Transitional National Assembly.**

Before taking up Office, the Prime Minister, Ministers, Secretaries of State and Deputies to the Transitional National Assembly shall take an oath, worded as follows:

"I, ....., in the name of the Almighty God, do hereby solemnly swear to the Nation to discharge faithfully the duties entrusted to me, to remain loyal to the Republic of Rwanda, respect the Head of State, the State Institutions and promote the interests of the Rwandese people, while abiding by the Fundamental Law and other Laws."

The Prime Minister, Ministers, and Secretaries of State shall take an oath before the President of the Republic, in the presence of the Transitional National Assembly.

Deputies to the Transitional National Assembly shall take an oath before the President of the Republic of Rwanda, in the presence of the Presiding Judge of the Constitutional Court.

In the event of impediment of the President of the Republic of Rwanda, the personalities listed above shall take an oath before the Presiding Judge of the Constitutional Court

**Article 8: Oath of Office of the Presiding Judge and Deputy Presiding Judges of the Supreme Court.**

Before taking Office, the Presiding Judge and Deputy Presiding Judge of the Supreme Court shall take an oath of Office, worded as follows:

"I,....., in the name of the Almighty God, do hereby solemnly swear to the Nation to discharge faithfully the duties entrusted to me, to remain loyal to the Republic of Rwanda, to respect the Head of State as well as the State Institutions and promote the interests of the Rwandese people while abiding by the Fundamental Law and other laws".

The Presiding Judge and Deputy Presiding Judges of the Supreme Court shall take an oath of Office before the President of the Republic of Rwanda in the presence of the Transitional National Assembly. In the event of impediment of the President of the Republic, those personalities shall take an oath before the Speaker of the Transitional National Assembly.

**Article 9: Chairmanship of the first Session of the Transitional National Assembly.**

The first Session of the Transitional National Assembly shall be chaired by the President of the Republic. In the event of the latter's impediment, it shall be chaired by the Presiding Judge of the Constitutional Court.

**Article 10: Removal from Office of a Deputy to the Transitional National Assembly.**

The removal from Office a Deputy to the Transitional National Assembly shall be pronounced by the Supreme Court which, in turn, informs the Transitional National Assembly and the Broad-Based Transitional Government.

**Article 11: Infringement of the Fundamental Law by the President of the Republic.**

In the event of infringement of the Fundamental Law to the President of the Republic, his indictment shall be decided by the Transitional National Assembly on the basis of a 3/5 majority of the members present and by secret ballot.

If the case arises, the President of the Republic shall be subject to trial in the Constitutional Court, as this is the only one competent to pronounce his automatic removal from Office.

**Article 12: Infringement of the Fundamental Law by the Prime Minister, Ministers and Secretaries of State.**

In the event of infringement of the Fundamental Law as outlined in the Peace Agreement, by the Prime Minister, a Minister or a Secretary of State, the procedure provided for in Articles 78 and 79 of the Protocol of Agreement on Power-Sharing signed on 9th January, 1993 shall be implemented.

**Article 13: Voluntary Resignation of the President of the Republic.**

The President of the Republic may, in a private capacity, resign from Office; his resignation shall be certified by the Transitional National Assembly. In this case, his replacement shall be effected, in accordance with Articles 47 to 50 of the Protocol of Agreement on Power-Sharing agreed on 9th January, 1993.

**Article 14: Candidate for the Post of Prime Minister of the Broad-Based Transitional Government.**

In accordance with Article 51 of the Protocol of Agreement signed on 5th January, 1993, the two parties note with appreciation the candidacy of Dr. NSENGIYAREMYE Dismas to the post of Prime Minister of the Broad-Based Transitional Government, submitted by the Republic Democratic Party (MDR) and in this respect agree to embark, upon the signing of the Peace Agreement, on the procedure of appointing the Prime Minister, provided for in Article 6 of the Protocol of Agreement signed on 30th October, 1992.

**Article 15: Resignation of the Prime Minister, Ministers and Secretaries of State.**

The Prime Minister, individual Ministers or Secretaries of State may in, a private capacity, tender their resignation. That resignation shall become definitive if not withdrawn within eight (8) days.

The Prime Minister shall tender his resignation to the President of the Republic. In this case, Article 53 of the Protocol of Agreement on Power-Sharing, signed on 9th January, 1993 shall be implemented.

The Minister or Secretary of State shall tender his resignation to the President of the Republic and the Prime Minister shall be informed. In this case, Article 54 of the Protocol of Agreement on Power-Sharing signed on 9th January, 1993 shall be implemented.

In either situation, Acts of Resignation shall be signed by the President of the Republic, in accordance with the modalities provided for in Article 9 of the Protocol of 30th October, 1992.

**Article 16: Ratification of International Instruments on Human Rights.**

The Broad-Based Transitional Government shall ratify all International Conventions, Agreements and Treaties on Human Rights, which Rwanda has not yet ratified. It shall waive all reserves uttered by Rwanda while adhering to some of those International instruments.

**Article 17: Abolition of the Mention of Ethnic Group in Official Documents.**

The Broad-Based Transitional Government shall, from the date of its establishment, abolish all official documents bearing the mention of ethnic Group and shall replace them with new documents without any mention of ethnic Group.

**Article 18: Public Freedoms and Fundamental Rights.**

With regard to public freedoms and fundamental rights, the principles enshrined in the Universal Declaration of Human Rights of 10th December, 1948 shall have precedence over corresponding principles enshrined in the Constitution of the Republic of Rwanda, especially when the latter are contrary to the first.

**Article 19: Relationship between the Constitution and the Peace Agreement**

The Constitution of 10th June, 1991 and the Peace Agreement shall constitute the Fundamental Law to govern the country during the Transitional Period, with account taken of the following provisions:

1. The following articles of the Constitution shall be replaced by the provisions of the Peace Agreement relating to the same matters.  
The Articles in question are: 34, 35, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 54, 55, 56, 57, 58, 59, 60, 63, 65, 66, 67, 68, 70, 71, 73, 74, 75 paragraph 2, 77, paragraphs 3 and 4, 81, 82, 83, 84, 85, 86, 87, 88, paragraph 1, 90, 96, 99, 101.
2. In case the other provisions of the Constitution and those of the Peace Agreement were not in agreement, the latter shall prevail.
3. The Constitutional Court shall cross-check the conformity of Law and Orders in Council with Fundamental Law thus defined.  
Pending the enforcement of the Law on the Supreme Court, the Constitutional Court shall still be composed of both the Court of Cassation and the State Council.  
The Presiding Judge of the Court of Cassation shall be the Presiding Judge of the Constitutional Court.



**Article 20: Relationship between the Fundamental Law and the Other Law and Regulations.**

In case the provisions of the Fundamental Law and those of other Laws and regulations were in not in agreement, the provisions of the Fundamental Law shall prevail.

**Article 21: Authentic Interpretation of the Peace Agreement**

It shall be upon the Transitional National Assembly to make an authentic interpretation of the Peace Agreement.

The Transitional National Assembly shall seek the advice of the Joint Political -Military Commission referred to in Article IV of the Ceasefire Agreement of 12th July, 1992.

In that matter, the National Transitional Assembly shall take a decision on the basis of a 3/5 majority of its the members.

**Article 22: Modification of the Peace Agreement.**

The initiative of reviewing the Peace Agreement belongs to the Broad-Based Transitional Government and the Transitional National Assembly.

When the initiative comes from the Government, the draft review must be adopted by the Transitional National Assembly on the basis of a 3/5 majority of its members.

When the initiative comes from the Deputies, the draft review must be adopted through a consensus by the Transitional National Assembly.

**Article 23: Confirmation of Orders in Council by the Transitional National Assembly.**

Orders in Council by the Cabinet must be confirmed by the Transitional National Assembly during its nearest session, or alternatively lose their mandatory force.

**Article 24: Competence, Organization and Functioning of Supreme Council of Magistrates.**

An organic law shall specify rules of competence, organization and functioning of the Supreme Council of Magistrates.

**Article 25: Duration of the Transition Period**

The duration of the Transition period shall be twenty two (22) months, effective from the date of establishment of the Broad-Based Transitional Government, with the possibility of one (1) extension under exceptional circumstances impeding the normal implementation of the programme of the Broad-Based Transitional Government.

The length of the extension shall be determined by the Transitional National Assembly at a 3/5 majority. To that effect, the Broad-Based Transitional Government shall consider the need of an extension, three (3) months before the expiry of the Transition period, and shall make adequate recommendations to the Transitional National Assembly, in consultation with third parties involved in the implementation of the Peace Agreement, namely the United Nations, the OAU and the Facilitator.

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PROTOCOL OF AGREEMENT BETWEEN  
THE GOVERNMENT OF RWANDA AND  
THE RWANDESE PATRIOTIC FRONT  
ON THE REPATRIATION OF RWANDESE REFUGEES  
AND THE RESETTLEMENT OF DISPLACED PERSONS

The Government of the Republic of Rwanda on one hand, and the  
Rwandese Patriotic Front on the other;

Agree on the following provisions on the repatriation of Rwandese  
refugees and the resettlement of displaced persons.

CHAPTER I: REPATRIATION OF RWANDESE REFUGEES

SECTION 1: VOLUNTARY RETURN AND REPATRIATION

Sub-Section 1: Basic Principles

Article 1: The return of Rwandese refugees to their country is an  
inalienable right and constitutes a factor of peace, national  
unity, and reconciliation.

Article 2: The return is an act of free will on the part of each refugee.  
Any Rwandese refugee who wants to go back to his country  
will do so without any precondition whatsoever.

Each person who returns shall be free to settle down in any  
place of their choice inside the country, so long as they do  
not encroach upon the rights of other people.

Article 3: For purposes of settling returnees, the Rwandese  
Government shall make lands available, upon their

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identification by the "Commission for Repatriation" so long as they are not currently occupied by individuals. The Commission shall be at liberty to explore and choose, without any restriction, resettlement sites throughout the national territory. The selection of sites, their occupation and farming shall take due consideration of the protection of endangered animal species, especially the mountain gorilla. Depending on the protection requirements and the planned farming development activities, the transfer of those species into compatible ecosystems is recommended.

**Article 4:** The right to property is a fundamental right for all the people of Rwanda. All refugees shall therefore have the right to repossess their property on return.

The two parties recommend, however, that in order to promote social harmony and national reconciliation, refugees who left the country more than 10 years ago should not reclaim their properties, which might have been occupied by other people. The Government shall compensate them by putting land at their disposal and shall help them to resettle.


As for estates which have been occupied by the Government, the returnee shall have the right for an equitable compensation by the Government.

**Article 5:** The repatriation exercise shall aim at achieving a harmonious and definitive integration.

**Article 6:** The repatriation process must mesh with the economic changes underway in the country.

**Article 7:** The principle of dual citizenship is hereby accepted. The laws governing the Rwandese citizenship shall be reviewed accordingly.

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**Sub-Section 2: The Beneficiaries of the Programme for the Return and Repatriation**

**Article 8:** The Programme for the Return and the Repatriation shall be designed solely for Rwandese Refugees.

Shall qualify as a Rwandese refugee:

1. Anyone in possession of documents issued by the Office of the United Nations High Commissioner for Refugees (UNHCR), testifying that the bearer is a Rwandese refugee;
2. Any Rwandese national who declares himself to be a Rwandese refugee, but who is not registered with the Office of the UNHCR.

**Sub-Section 3: Repatriation Procedures**

**Article 9:** Upon the recommendation of the Secretariat of State for Rehabilitation and Social Integration, the Broad-Based Transitional Government shall set up a Commission for Repatriation composed of Government, UNHCR, OAU and Refugee representatives.

**Article 10:** The Commission shall have, as a general mandate, to finalize and to implement a programme for the repatriation and reintegration of returnees.

The concrete missions of the Commission shall be as follows:

1. Conduct a socio-economic survey of refugees;
2. Organize a pre-repatriation census and registration of returnees;
3. Conduct an information and sensitization campaign both to the refugee community and the population within the country;

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4. Identify settlement sites, supervise the distribution of plots and establishment of basic infrastructures such as Reception Centres, Health Centres, Educational Centres, etc.;
5. Make travel arrangements for all returnees, where necessary, and arrangements for the transport of their property;
6. Supervise all kinds of assistance for the returnees, such as food aid, farming tools, building materials, domestic items, seeds, etc.;

That Commission may set up Committees, where necessary, for the execution of some of its missions.

**Article 11:** For border crossings, a list of items subject to an export ban in the country of asylum and to an import ban in Rwanda shall be communicated in advance to refugees opting for repatriation.

Property and assets of returnees shall be exempted from all import duties and taxes, except for commercial goods.

The exchange regulations shall be communicated to returnees and facilitated by the appropriate authorities.

Customs formalities shall also be specified by the country of asylum and by Rwanda.

The Secretariat of State for Rehabilitation and Social Integration, in coordination with Immigration and Emigration Services, shall provide facilities at border posts and at the International airport, for the reception of returnees who shall have opted to go back home with their own means.

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Sub-section 4: ASSISTANCE

Article 12: The repatriation funding programme shall provide for provisional accommodation centres on the settlement sites in rural or in urban areas, in existing or those to be built, on condition that the latter are built for ultimate use.

Returnees at that time shall be fully taken care of, including an initial free medical check-up.

Article 13: Returnees shall provisionally be accommodated in shelters built on plots allocated to them, but they shall rapidly be given a set of building materials to enable them to build their own houses and design them in accordance with model development schemes drawn up by the Commission for Repatriation.

Article 14: Upon their arrival in the country, repatriates shall each be paid a small amount of money to enable them to meet vital needs not catered for by the aid programme.

Article 15: With the assistance of the International Community, the Rwandese Government shall provide assistance to the returnees, in the following areas:

1. food aid;
2. domestic items;
3. farming tools;
4. building materials
5. health;
6. education.

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The same assistance shall equally be provided to those returnees who may go back to their places of origin.

**Article 16:** Food aid shall be provided for a period of at least 15 months, after which conditions for the continued supply of that aid shall be reviewed.

**Article 17:** Each family of returnees shall be provided with basic items such as kitchen utensils and bed and beddings..

**Article 18:** The programme for the settlement of returnees shall also avail a set of farming tools and seeds, preferably selected to meet the soil and climate requirements in the area. In so doing, it shall enable the repatriated farmers to undertake farming activities as soon as possible.


**Article 19:** The repatriation programme shall also include the supply of medicines and various equipment for the existing or newly established Health Centres.

Vulnerable groups, i.e. women, children, the aged people and the handicapped shall be specifically taken care of.

**Article 20:** A programme of assistance for children admitted in the educational system shall be established and tailored in such a way as to cater for school fees, funds for the purchase of uniforms and school equipment for two academic years.

**Article 21:** The returnees who shall take up activities other than farming, but are not able to take care of themselves, shall each benefit from some of the assistance programmes mentioned above especially:

1. Accommodation and food aid for a period of 6 months;
2. basic items such as kitchen utensils, bed and beddings.

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The Rwandese Government shall establish, through the Ministry of Labour and Social Affairs and the Secretariat of State for Rehabilitation and Social Integration, mechanisms for the orientation and follow-up of job seekers.

**Sub-Section 5: Integration Modalities**

**Article 22:** Returnees may benefit from opportunities availed by the Development Projects designed for the enhancement of employment in the public and private sectors, in the same conditions as residents.

**Article 23:** The Rwandese Government shall undertake negotiations with international funding institutions, within the framework of the Structural Adjustment Programme (SAP), so that the absorption capacities of the Public Sector could be enhanced.

There are certain sectors, however, which already hold out employment opportunities, such as Education, Health and the Judiciary.

A returnee who shall be integrated in the public sector shall be employed at the level to be determined on the basis of their qualification and professional experience.

Employment shall not be subjected to any precondition and criteria other than the age for employment and retirement.

**Article 24:** Returnees who have contributed to the Social Security in Rwanda may claim their dues, either for themselves or their beneficiaries.

As for those who have been contributing to the Social Security abroad, the Rwandese Government shall negotiate with the countries concerned so as to arrange for the compensation or transfer of their dues.

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**Article 25:** Lack of knowledge of Kinyarwanda or French shall not constitute an obstacle to employment and discharge of duties within the public sector.

During the first three years of service, with effect from the date of appointment, the returnees shall use those languages they are most familiar with, and shall take intensive French or Kinyarwanda courses. At the end of that period, consideration of this facility shall be re-examined in order to determine whether it would be maintained or not.

To that effect, a programme of linguistic support as well as translation and interpretation services shall be organized, according to the needs, soon after the establishment of the Broad-Based Transitional Government, using funds provided for in the Plan of Action for returnees or any other funds.

**Article 26:** The existing Commissions on the Equivalence of diplomas shall include qualified personnel among returnees and shall pay special attention to that problem.

Diplomas and certificates internationally recognised shall be considered for purposes of employment in the educational institutions or appointment to professional posts, in accordance with the UNESCO grading regulations and systems.

**Article 27:** The access to employment opportunities in the Private Sector and the establishment of new enterprises in the country have been liberalized within the framework of the Structural Adjustment Programme (SAP). They shall be open to returnees without any preconditions, and under the same conditions as residents.

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Government role in that field will be to reactivate support to existing firms, promote new investments and simplify formalities required to get started in the Private Sector. The Plan of Action shall also include a Guarantee Security Fund, so as to facilitate access to loans by returnees.

**Article 28:** The Commission for Repatriation shall develop settlement sites. The sites shall be provided with basic socio-economic infrastructures such as schools, Health Centres, water, access roads, etc.

The Housing scheme in these areas shall be modelled on the "village" grouped type of settlement to encourage the establishment of development centres in the rural area and break with the traditional scattered housing.

**Article 29:** The programme for the reintegration of returnees shall provide additional school facilities, by expanding existing schools or creating new infrastructures to accommodate the returnee children already at school or of school age.

**Article 30:** For purposes of ensuring a smooth integration into the educational system in the country, and avoiding that students interrupt their studies and suffer adverse effects, a number of measures shall be taken:

1. During the first year, education should be provided in the language used in the country of asylum.
2. Within the first three months, intensive French courses should be organised for teachers and students, especially for students in the senior level of primary school and for students in secondary schools and institutions of higher learning, from the anglophone countries.

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3. Some of the aspects of adaptation may be catered for in the private educational system.
4. The Plan of Action for Rwandese refugees shall take in charge students in their last two years of the primary, secondary schools and institutions of higher learning who may wish to stay behind and complete their studies in the host countries, if the educational systems in which they were studying are not available in Rwanda. Their certificates shall be recognized in accordance with the UNESCO system of equivalence of diplomas, certificates, etc.

However, special attention shall be given to the writing and reading of Kinyarwanda through additional remedial lessons, to enable new pupils and any other who might experience similar difficulties to catch up with those who are more conversant with the language.

**Sub-Section 6: Implementation of the Overall Programme of Repatriation**

**Article 31:** In accordance with the mandate entrusted to them by the Dar es Salaam Summit of 19th February, 1991, the UNHCR and the OAU shall organize, within six (6) months after the establishment of the Broad-Based Transitional Government, a Donors' Conference for the financing of projects earmarked in the Plan of Action for the Rwandese refugees.

In addition to other internal sources of funding, the Rwandese Government shall also rely on bilateral cooperation to support the Repatriation Programme.

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**Article 32:** The implementation, at the political and administrative level, of the Repatriation Programme shall be supervised by the Secretariat of State for Rehabilitation and Social Integration.

For the technical implementation of the various components of the Repatriation Programme, the Government of Rwanda and the UNHCR shall preferably resort to those NGOs with an established reliability, taking also their respective specialization into account. As such, one or several NGO's shall undertake site development activities, building activities, and the distribution of food aid.

**Sub-Section 7: Timetable for Repatriation**

**Article 33:** All the returnees having the means to settle themselves without recourse to Government assistance may do so, soon after the signing of the Peace Agreement.

To that end, Rwandese Embassies shall issue travel documents to all Rwandese refugees who wish to go back to Rwanda.

**Article 34:** With respect to repatriation in groups, the following programme of sequence is envisaged:

1. Within six (6) months after the establishment of the Broad-Based Transitional Government, the UNHCR and the OAU shall organize a Donors' Conference on the financing of the Repatriation Programme.
2. Within six (6) months after the establishment of the Broad-Based Transitional Government, tripartite agreements between Rwanda, the UNHCR and individual countries in the Region, and the UNHCR

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*[Signature]* *[Initials]*

shall have been concluded on issues pertaining to the repatriation of refugees.

3. Within Six (6) months after its establishment , the Broad-Based Transitional Government shall undertake operations for the preparation of settlement sites.
4. Within nine (9) months following the establishment of that Government, the repatriation of the first batch of returnees may begin.

**SECTION 2: OTHER REPATRIATION SOLUTION:  
SETTLEMENT IN THE HOST COUNTRY.**

**Article 35:** The Broad-Based Transitional Government shall take and implement measures, including through bilateral agreements, for the protection of the Rwandese nationals who shall have opted to settle in the host countries as immigrants.

Those immigrants shall fully enjoy the same rights as all other Rwandese citizens.

**CHAPTER II: RETURN OF PERSONS DISPLACED BY WAR AND  
SOCIAL STRIFES**

**SECTION 1: PREPARATORY MEASURES**

**Article 36:** The organized return of persons displaced as a result of war and social strife shall be done after the following preparatory measures have been taken:

1. Deployment of the International Neutral Force.
2. Disengagement of Forces in the war zones.

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Reaffirming their unwavering determination to respect principles underlying the Rule of Law which include democracy, national unity, pluralism, the respect of fundamental freedoms and rights of the individual;

Considering that these principles constitute the basis and consistency of a lasting peace awaited by the Rwandese people for the benefit of the present and future generations;

Noting the Protocol of Agreement on the Rule of Law signed at Arusha on 18th August, 1992;

Considering that the two parties accepted the principle of power-sharing within the framework of a Broad-Based Transitional Government;

Noting the Protocols of Agreement on Power-Sharing signed at ARUSHA respectively on 30th October, 1992, and on 9th January, 1993;

Considering that the conflictual situation between the two parties can only be brought to an end through the formation of one and single National Army and a new National Gendarmerie from forces of the two warring parties;

Noting of the Protocol of Agreement on the integration of Armed Forces of both Parties, signed at Arusha on 3rd August, 1993;

Recognizing that the unity of the Rwandese people cannot be achieved until a definitive solution to the problem of Rwandese refugees is found and that the return of Rwandese refugees to their country is an inalienable right and constitutes a factor for peace and national unity and reconciliation;

Noting the Protocol of Agreement on the repatriation of Rwandese refugees and the Resettlement of Displaced Persons, signed at ARUSHA on 9th June, 1993;



Resolved to eradicate and put a definite end to all the root causes which gave rise to the war ;

Have, at the conclusion of the Peace Talks held in Arusha, United Republic of Tanzania, between 10th July, 1992 and 24th June, 1993 as well as Kinyira, Republic of Rwanda from 19th to 25th July, 1993 under the aegis of the Facilitator, His Excellency Ali Hassan MWDNYI, President of the United Republic of Tanzania, in the presence of the Representative of the Mediator, His Excellency, MOBUTU SESE SEKO, President of the Republic of Zaïre as well as Representatives of the Current Chairmen of the OAU, His Excellency Abdou DIOUF, President of the Republic of Senegal, and Hosni MUBARAK, President of the Arab Republic of Egypt, the Secretary General of the OAU, Dr. Salim Ahmed SALIM, the Secretary General of the United Nations, Dr. Boutros Boutros GHALI and Observers representing the Federal Republic of Germany, Belgium, Burundi, the United States of America, France, Nigeria, Uganda and Zimbabwe;

Calling the International Community to witness;

Hereby agree on the following provisions.

**Article 1:** The war between the Government of the Republic of Rwanda and the Rwandese Patriotic Front is hereby brought to an end.

**Article 2:** The following documents are an integral part of the present Peace Agreement concluded between the Government of the Republic of Rwanda and the Rwandese Patriotic Front:

- I. The N'SELE Ceasefire Agreement of 29th March, 1991 between the Government of the Republic of Rwanda and the Rwandese Patriotic Front, as amended in GBADOLITE on 16th September, 1991 and at ARUSHA on 2th July, 1992;

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- II. The Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Rule of Law, signed at ARUSHA on 18th September, 1992;
- III. The Protocols of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-Sharing within the Framework of a Broad-Based Transitional Government, signed at ARUSHA respectively on 30th October, 1992 and on 9th January, 1993;
- IV. The Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Repatriation of Refugees and the Resettlement of Displaced Persons, signed at Arusha on 9th June, 1993;
- V. The Protocol Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of Armed Forces of the two parties, signed at ARUSHA on, 3rd August, 1993;
- VI. The Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Miscellaneous Issues and Final Provisions signed at Arusha on 3rd August, 1993.

These entire documents are attached as Annex.

Article 3:

The two parties also agree that the Constitution of 10th June, 1991 and the Arusha Peace Agreement shall constitute indissolubly the Fundamental Law that shall govern the Country during the Transition period, taking into account the following provisions:

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1. The following articles of the Constitution shall be replaced by the provisions of the Peace Agreement relating to the same matters. The Articles in question are: 34, 35, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 54, 55, 56, 57, 58, 59, 60, 63, 65, 66, 67, 68, 70, 71, 73, 74, 75 paragraph 2, 77 paragraphs 3 and 4, 81, 82, 83, 84, 85, 86, 87, 88 paragraph 1, 90, 96, 99, 101.

2. In case of conflict between the other provisions of the Constitution and those of the Peace Agreement, the provisions of the Peace Agreement shall prevail.

3. The Constitutional Court shall verify the conformity of Laws and Orders in Council with the Fundamental Law thus defined. Pending the enactment of the law on the Supreme Court, the existing Constitutional Court shall remain composed of both the Court of Cassation and the State of Council. The Presiding Judge of the Constitutional Court shall assume the presidency.

Article 4: In case of conflict between the provisions of the Fundamental Law and those of other Laws and Regulations, the provisions of the Fundamental Law shall prevail.

Article 5: The Government of the Republic of Rwanda and the Rwandese Patriotic Front undertake to make every possible effort to ensure that the present Peace Agreement is respected and implemented.

They further undertake to spare no effort to promote National Unity and Reconciliation.



**Article 6:** The two parties agree on the appointment of Mr. TWAGIRAMUNGU Faustin as Prime Minister of the Broad-Based Transitional Government, in accordance with Articles 6 and 51 of the Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-Sharing within the framework of a Broad-Based Transitional Government.

**Article 7:** The Transitional Institutions shall be set up within thirty seven (37) days following the signing of the Peace Agreement.

**Article 8:** The current Government shall remain in Office until the Broad-Based Transitional Government is established. The maintenance of that Government does not mean that it can encroach on the mandate of the Broad-Based Transitional Government being established.

The current Government shall, in no case, take decisions which may be detrimental to the Implementation of the Broad-Based Transitional programme.

**Article 9:** The "Conseil National de Developpment" (CND) shall remain in Office until the Transitional National Assembly is established. However, as from the date of signing the Peace Agreement, it shall not enact laws.

**Article 10:** The present Peace Agreement is signed by the President of the Republic of Rwanda and the Chairman of the Rwandese Patriotic Front, in the presence of:

- The Facilitator, His Excellency, Ali Hassan MWINYI, President of the United Republic of Tanzania,
- His Excellency, Yoweri Kaguta MUSEVENI, President of the Republic of Uganda; Observer country;

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- His Excellency Melchior NDADAYE, President of the Republic of Burundi, Observer country;
- The Representative of the Mediator, His Excellency Faustin BIRENDWA, Prime Minister of Zaire;
- Dr. Salim Ahmed SALIM, Secretary General of the OAU;
- The Representative of the Secretary General of the United Nations;
- The Representative of the Current Chairman of the OAU;
- The Representatives of other Observer countries: Germany, Belgium, United States of America, France, Nigeria and Zimbabwe;
- The delegations of the two parties.

Article 11: The present Peace Agreement shall come into force upon its signing by the parties.

Done at Arusha, on the 4th day of the month of August, 1993 both in French and English languages, the original text being in French.

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*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*  
HABYARIMANA Juvénat  
Major-General

*[Signature]*  
KANYARENGWE Alexis  
Colonel

President of the Republic of Rwanda

Chairman of the Rwandese Patriotic Front

In the presence of the Facilitator  
Ali Hassan MWINYI

*[Signature]*  
President of the United Republic of Tanzania

In the presence of the Representative of  
the Secretary General of the United  
Nations

In the presence of the Secretary General of  
the OAU

*[Signature]*  
Mr. Vladimir PETROVSKY  
Under-Secretary General  
Director General of the United Nations  
Office at Geneva

*[Signature]*  
Dr. Salim Ahmed SALIM

DECLARATION ADOPTED BY THE REGIONAL SUMMIT  
ON THE OCCASION OF THE SIGNING OF THE PEACE AGREEMENT  
BETWEEN THE GOVERNMENT OF  
THE REPUBLIC OF RWANDA AND THE RWANDESE PATRIOTIC FRONT  
ARUSHA, UNITED REPUBLIC OF TANZANIA, 4th AUGUST 1993

1. At the kind invitation of H.E. Ali Hassan Mwinyi, President of the United Republic of Tanzania, Their Excellencies Presidents, HABYARIMANA Juvenal of the Republic of Rwanda, Yoweri K. MUSEVENI of the Republic of Uganda and Melchior NDADAYE of the Republic of Burundi, met in Arusha, United Republic of Tanzania on 4th August, 1993 on the occasion of the signing of the Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front. Also in attendance were the Honourable John S. MALECELA, Prime Minister and First Vice President of the United Republic of Tanzania, Honourable Faustin BIRINDWA, Prime Minister of the Republic of Zaire, Honourable Agathe UWILINGIYIMANA, Prime Minister of the Republic of Rwanda, H.E. Dr. Salim Ahmed SALIM, Secretary General of the Organisation of African Unity.
2. Recalling the various regional meetings held since the outbreak of hostilities between the forces of the Rwanda Government and those of the Rwandese Patriotic Front in October 1990 in particular, the Summits held in Mwanza (Tanzania) on 17 October 1990, in Gbadolite (Zaire) on 26 October 1990, in Goma (Zaire) on 20 November 1990, in Zanzibar (Tanzania) on 17 February 1991 and in Dar es Salaam (Tanzania) on 19 February 1991 as well as the initiatives taken and the efforts made by the Heads of State of the region the Successive Chairmen of the Organisation of African Unity, and the Secretary General of the Organisation of African Unity to bring about immediate cessation of hostilities and to promote the peaceful resolution of the Rwanda conflict through a negotiated settlement;

3. Recalling with appreciation the earlier efforts of the Mediator, H.E. President Mobutu Sese Seko, President of the Republic of Zaire which led to the signing of the N'sele Ceasefire Agreement on 29 March 1991 between the Rwanda Government and the Rwandese Patriotic Front;
4. Underscoring with satisfaction and deep appreciation the role played and efforts deployed by H.E. President Ali Hassan MWINYI, in his capacity as Facilitator, culminating in the signing of the amended Ceasefire Agreement on 12 July 1992;
5. Considering the tremendous achievements made by the Rwandese Government and the Rwandese Patriotic Front in the political negotiations under the auspices of the Facilitator, within the framework of the Arusha Peace Process;
6. Noting with satisfaction, the conclusion and signing of the Protocols on the Rule of Law, Power-sharing within the framework of a Broad-Based Transitional Government, the Repatriation of Rwandese Refugees and the Resettlement of Displaced Persons the Integration of the Forces of the Rwanda Government and those of the Rwandese Patriotic Front into a new Rwandese National Army as well as on Miscellaneous Issues and final provisions;
7. Convinced that the vital interests of the Rwandese people as well as the interests of strengthening peace and security in Rwanda and in the region in general, urgently dictated the necessity of achieving, as soon as possible, a just and lasting settlement of the Rwanda Conflict, in particular, the Rwandese refugee question, through the conclusion of a comprehensive Peace Agreement between the Rwanda Government and the Rwandese Patriotic Front;
8. Recalling the commitments made by the Heads of State and Representatives of the countries of the region, notably, Rwanda, Burundi, Tanzania, Uganda and Zaire during the various regional summits, in particular, at the Dar es Salaam Summit on Rwandese Refugees of 19 February 1991;

9. Considering the long standing traditional and historical ties amongst the countries and peoples of the region, factors that have contributed to the collective and sustained search for peace in Rwanda within an African context;
10. Recognizing that peace in the region contributes to International Peace and Security and, therefore noting further the support and role of the United Nations and the International Community as a whole to achieve and consolidate the gains of the Peace Process in Rwanda;
11. The Regional Summit Congratulates the Government of Rwanda and the Rwandese Patriotic Front, in particular, their respective leaders, H.E. Major General HABYARIMANA, Juvenal, President of the Republic of Rwanda and Colonel KANYARENGWE, Alexis Chairman of the Rwandese Patriotic Front, respectively, for their statesmanship and patriotism which have contributed to the conclusion of the various Protocols culminating in the resolution of the causes underlying the Rwandese Conflict and the signing on 4th August 1993 of a Peace Agreement;
12. The Regional Summit Calls upon the Government of the Republic of Rwanda and the Rwandese Patriotic Front acting as one legal entity within the Broad-Based Transitional Government on the one hand and the Transitional National Assembly on the other, to vigorously pursue and to implement all the provisions of the various Protocols agreed to, as well as the Peace Agreement signed by the Government of the Republic of Rwanda and the Rwandese Patriotic Front;
13. The Regional Summit Encourages the Rwandese people and the various political formations in Rwanda to pursue their commendable efforts aimed at achieving peace, national unity and reconciliation as well as consolidating democracy in their country;



14. The Regional Summit Reaffirms the commitments made at the earlier Regional Summits, especially those contained in the Dar es Salaam Declaration on Rwandese Refugees and Undertakes to facilitate the local integration and or naturalisation of Rwandese Refugees who would opt to remain in their asylum countries, and further undertakes to facilitate the repatriation of those Rwandese Refugees who would opt to return to their country. In this connection, the Summit further commits itself to facilitate the transfer of properties and other benefits of the returnees to their country of origin.
15. The Regional Summit Calls on the OAU and the UNHCR to redouble their efforts with a view to finalising the Plan of Action for Rwandese Refugees as called for by the Dar es Salaam Summit of 19 February 1991 and, thereafter, following the approval of the said Plan of Action by the countries of the region and the Broad-Based Transitional Government in Rwanda, to call for a donors Conference within the period specified in the Protocol on the Repatriation of Refugees and the Resettlement of Displaced Persons;
16. The Regional Summit Expresses its thanks and gratitude to the Western Observer countries, notably Belgium, France, Germany, and the United States of America, as well as the Secretary General of the United Nations Organisation and the United Nations High Commissioner for their support for, and sustained interest in the Rwanda Peace Process and Appeals to the International donor Community to extend every and all possible assistance to the OAU and the United Nations High Commissioner for Refugees by participating, at high level, in the planned Donor Conference and contributing generously towards the implementation of the programmes formulated in the said Plan of Action for Rwandese Refugees and Displaced Persons;
17. The Regional Summit further Appeals to Non Governmental Organisations to continue, with the support of the International Community, to provide for the

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needs of Rwandese Refugees and Displaced Persons until they are repatriated resettled and rehabilitated in Rwandese Society;

18. The Regional Conference calls on the donor community in particular, and the international community as a whole to provide the necessary support and assistance to Rwanda in the demobilization and integration exercise involving the forces of the two parties. It also appeals to the international community to extend adequate assistance for the reconstruction and rehabilitation of the socio-economic infrastructure destroyed as a result of conflict;
19. The Regional Summit Recognises the dangers that the Rwanda Peace Process is exposed to if there should be delays in implementing the Peace Agreement and therefore, Requests the Secretary General of the United Nations to take immediate and appropriate steps towards the establishment of the Neutral International Force in Rwanda for purposes of implementing the Peace Agreement between the Government of Rwanda and the Rwandese Patriotic Front. The African Group at the United Nations is, therefore, requested to follow up this matter with the Secretary General of the United Nations and to report as soon as possible to the Secretary General of the OAU;
20. In this connection, the Regional Summit Requests the Secretary General of the Organisation of African Unity to adequately expand the Neutral Military Observer Group until the establishment of, and the smooth takeover by the NIF and, in this regard, Appeals to the donor countries, notably, Belgium, France, Germany and the United States of America to further extend the necessary financial and logistical support to the OAU, as already requested, to enable the NMOG fulfil its mandate in Rwanda;
21. The Regional Summit Expresses its sincere gratitude to H.E. Ali Hassan MWINYI, President of the United Republic of Tanzania, in his capacity as Facilitator, for the

selfless role and the sacrifices made by the Government and the entire people of the United Republic of Tanzania towards the achievement of peace in Rwanda;

22. The Regional Summit Expresses its gratitude to the Successive Chairmen of the OAU, since the beginning of the conflict for their continued support for the Rwandese Peace Process and Extends its thanks to the Secretary General of the OAU for the efforts deployed since the outbreak of hostilities in Rwanda in October 1990 which, no doubt, contributed to the achievement of Peace in Rwanda;
23. The Regional Summit further extends its thanks to H.E. President Ali Hassan MWINYI, the Government and the people of the United Republic of Tanzania for the warm hospitality and reception accorded to the Heads of State and their delegations.

Done at Arusha, 4th August 1993

REPUBLIQUE RWANDAISE



LE PRESIDENT DE LA REPUBLIQUE



LE PRESIDENT DE LA REPUBLIQUE

Son Excellence Monsieur  
BOUTROS BOUTROS GHALI  
Secrétaire Général de  
l'Organisation des Nations Unies  
NEW YORK.

Monsieur le Secrétaire Général,

Je me fais l'honneur de confier à votre Représentant, l'Accord de Paix qu'au nom du Gouvernement et du Peuple Rwandais, je viens de signer avec le Président du Front Patriotique Rwandais et qui met fin à une guerre qui a jeté le Rwanda dans l'horreur depuis presque 3 ans.

Je me réjouis de ce que mon Peuple peut désormais retrouver la paix et forger une société nouvelle, ouverte à toutes ses filles et à tous ses fils. Il me plaît dans ce cadre de saluer pour bientôt, le règlement définitif du problème de tous les réfugiés rwandais à travers le monde et le retour des nombreux déplacés de guerre sur leurs terres, en toute sécurité.

La signature de l'Accord de Paix intervenue ce 4 août 1993 constitue un événement majeur pour le Rwanda et pour toute notre région. Elle m'interpelle à rendre hommage à tous ceux, pays et personnes qui en ont été les artisans. Nous ne cesserons jamais de remercier tous les pays voisins du Rwanda, tout particulièrement la République du Zaïre, Médiateur et la République Unie de Tanzanie, Facilitateur, les nombreux pays amis, notamment la Belgique, la France, les Etats Unis d'Amérique et la République Fédérale d'Allemagne ainsi que les Organisations Internationales, spécialement l'Organisation des Nations Unies, l'Organisation de l'Unité Africaine et les Organisations d'assistance humanitaire, pour tout ce qu'ils ont fait pour que les négociations de paix aboutissent et pour que le Rwanda reçoive l'aide qu'il faut, pour survivre de cette guerre, jusqu'à la conclusion de l'Accord de paix.

En ce jour du 4 août 1993, nous venons de tourner une page de l'histoire de notre pays. Nous sommes conscients que cela était nécessaire. Mais nous sommes tout aussi convaincus, de la nécessité d'accompagner cet Accord de Paix, d'une garantie internationale, en prévoyant tous les garde-fous et en prévenant tout danger d'obvier au message de paix que cet accord véhicule.

Je me permets donc de vous adresser la présente lettre, pour vous renouveler mon souhait que vous puissiez réserver le bénéfice de l'extrême urgence, à la requête que le Gouvernement Rwandais et le Front Patriotique Rwandais vous ont adressée conjointement le 11 juin 1993 relativement au déploiement de la Force Internationale Neutre.

Maintenant que l'Accord de Paix est signé, en présence des plus hautes Personnalités de notre Région, et de nombreux pays amis, en présence des Représentants du Secrétaire Général de l'Organisation des Nations Unies et du Secrétaire Général de l'Organisation de l'Unité Africaine, je voudrais former le vœu que la communauté Internationale puisse garantir le respect strict de cet accord, en apportant aux parties hier en conflit, la preuve que leur sécurité respective est assurée.

Je vous sais donc gré de tout ce que vous ferez pour que notre Organisation Mondiale puisse prendre les dispositions appropriées et rapides, de manière que l'Accord de Paix signé en ce jour entre le Gouvernement Rwandais et le Front Patriotique Rwandais ne soit en aucune manière perturbé, mais qu'au contraire il soit strictement respecté par toutes les parties.

Je vous renouvelle mes meilleurs vœux ainsi que ma reconnaissance pour les dispositions que vous voudrez bien prendre pour le déploiement rapide de la Force Internationale Neutre, en vue du respect le plus strict de l'Accord de Paix qui vient d'être signé.

Je vous prie d'agréer, Monsieur le Secrétaire Général, les assurances de ma très haute considération.

HABYARIMANA Juvénal  
Général-major  
Président de la République



*Organization of African Unity*  
*The Secretary General*

H. E. Dr. Boutros Boutros Ghali  
Secretary General  
United Nations  
New York

Arusha, United Republic of Tanzania  
4th August 1993,

Mr. Secretary General *and dear brother*

As you are well aware, the Peace Agreement on the Rwanda conflict was signed in Arusha, United Republic of Tanzania, today 4th August, 1993. It is a happy culmination of a year long protracted process of negotiations held at Arusha, to which Tanzania acted as Facilitator, the Organisation of African Unity as Coordinator, and to which the United Nations Organisation was Observer.

Your Excellency is fully aware of the fact that since August 1992, the OAU has been maintaining in Rwanda, as provided for in the Ceasefire Agreement signed in Arusha on 12 July, 1992, a group of military ceasefire observers in the form of OAU-Neutral Military Observer Group (NMOG). The mandate of this group expired on 31st July, 1993 and this group is being replaced by observers of the NMOG II, whose mandate commenced on August 1, 1993 and whose first contingent arrived in Rwanda on 31st July, 1993. More contingents from several OAU member states are expected to arrive in Rwanda as part of our effort to constitute and deploy an enlarged NMOG as requested by the two parties to the conflict.

Your Excellency is also aware of the request by the two parties to the conflict, for the deployment of a Neutral International Force, the scope of whose mandate would transcend monitoring and supervision of the ceasefire, to include not only securing the continued distribution of humanitarian assistance, protecting and reassuring the expatriate community, as well as the implementation of provisions of the Peace Agreement pertaining to





*Organization of African Unity*  
*The Secretary General*

the demobilisation and encampment of the belligerent forces, their retraining and integration to form a new national army.

In the past, I have written to you several times on the question of UN assistance to OAU peace efforts in Rwanda. In this connection, I wish to recall your last communication of 1st April, 1993 suggesting we revert to this matter after the signing of the Peace Agreement. With the signing of the Peace Agreement, the mandate of the OAU Neutral Military Observer Group (NMOG) would have been fulfilled. However, as an interim measure and pending the deployment of the Neutral International Force, the OAU Neutral Military Observer Group would continue to operate. It is for this purpose that I am formally requesting you to institute measures for the expeditious deployment of such an international force, whose composition and strength would be determined in consultation with the two parties to the conflict.

Taking into account the background of the Rwanda Peace Agreement and OAU's active involvement in the entire process, I look forward to maintaining close contacts and consultations between our two organisations in order to facilitate the smooth implementation of the Peace Agreement including the setting up and deployment of the Neutral International Force.

X/ I wish to stress that speed is of essence and your early response would serve to clarify the way forward for all the parties involved in implementing the Arusha Peace Agreement.

Please accept, Mr. Secretary General, the assurance of my highest consideration.

Salim Ahmed Salim

9. The participants extended their deep appreciation and thanks to H.E. President Ali Hassan Mwinyi, the Government and the People of Tanzania, for their untiring efforts towards the re-establishment of peace and stability in Rwanda and the constructive role that Tanzania played during the Peace Talks as well as the typically warm African welcome and hospitality extended to them.

Done in Arusha on 12 July 1992.

FOR THE GOVERNMENT OF THE  
RWANDESE REPUBLIC

Mr. NGULINZIRA Boniface  
Minister of Foreign Affairs  
and Cooperation

FOR THE RWANDESE PATRIOTIC  
FRONT

Mr. BIZIMUNGU Pasteur  
Executive Committee Member  
and Commissioner for  
Information and Documentation

**PROTOCOL OF AGREEMENT BETWEEN THE GOVERNMENT OF THE  
REPUBLIC OF RWANDA AND THE RWANDESE PATRIOTIC FRONT ON  
THE RULE OF LAW**


**PREAMBLE:**

The Government of the Republic of Rwanda and the Rwandese Patriotic Front,

Reaffirming that the Rule of Law, the principle of the establishment of which was agreed upon by the signatories of the present Protocol of Agreement, in accordance with Article V of the N'sele Agreement, as amended in Gbadolite, on the 16th of September, 1991 and in Arusha on the 12th of July, 1992, shall characterize the political life in our country;

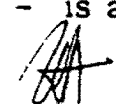
Considering that the Rule of Law implies that nobody, including the authorities, is above the law and that the laws must respect the fundamental rights of the citizens;

Reaffirming that the Rule of Law does not mean merely a formal legality which assures regularity and consistency in the achievement and enforcement of democratic order, and which is first and foremost and fundamentally characterised by justice based on the recognition and full acceptance of the supreme value of the human personality and guaranteed by institutions providing a framework for its fullest expression;

 Convinced that the Rule of Law:

- is the best guarantee of national unity, the respect of the fundamental freedoms and rights of the individual;
- is a concrete manifestation of democracy;





- hinges on National Unity, Democracy, Pluralism and Respect for human rights;

Have agreed as follows.

#### CHAPTER I. NATIONAL UNITY

Article 1: National unity must be based on equality of all citizens before the law, equal opportunities in all fields including the economic field and respect for fundamental rights as stipulated, notably, in the Universal Declaration of Human Rights and in the African Charter on Human and Peoples' Rights.

Article 2: National unity implies that the Rwandese people, as constituent elements of the Rwandese nation, are one and indivisible. It also implies the necessity to fight all obstacles to national unity, notably, ethnicism, regionalism, integrism and intolerance which subordinate the national interest to ethnic, regional, religious and personal interest.

Article 3: National unity entails the rejection of all exclusions and any form of discrimination based notably, on ethnicity, region, sex and religion. It also entails that all citizens have equal opportunity of access to all the political, economic and other advantages, which access must be guaranteed by the State.

Article 4: The two parties acknowledge that the national unity of the people of Rwanda cannot be achieved without a definitive solution to the problem of Rwandese refugees. They recognize that the return of the Rwandese refugees to their country is an inalienable right and represents a factor of peace, unity and national reconciliation. They undertake not to hinder the free exercise of this right by the refugees.

**CHAPTER II: DEMOCRACY**

**ARTICLE 5:** Democracy is founded on the idea that sovereignty belongs to the people. It is expressed, notably, through regular, free, transparent and fair elections. Popular representation must be the authentic expression of the will of citizens.

**ARTICLE 6:** The two parties accept the universality as well as the implications of the following fundamental principles of democracy:

- sovereignty of the people;
- government based on the consent of the people expressed through regular, free, transparent and fair elections;
- separation of the legislative, the executive and the judiciary powers;
- independence of the Judiciary;
- guarantee for the fundamental rights of the individual as provided for in the Universal Declaration of Human Rights as well as in the African Charter on Human and Peoples' Rights, among others, freedom of speech, enterprise and of political, social and economic association;
- laws and regulations based on the respect of fundamental human rights;
- equality before the law;
- respect of laws and regulations by all;

- Constitution which respects the principles enunciated above, organises the State powers and defines the powers and limitations of the institutions of the Republic ;
- multipartism, social and economic pluralism.

ARTICLE 7: The two parties recognize that multipartism entails the legitimate existence of a democratic opposition and consider, as legitimate, the aspiration of any Rwandese citizen to accede to power through democratic process.

ARTICLE 8: The two parties resolutely reject and undertake to fight:

- political ideologies based on ethnicity, region, religion and intolerance which subordinate national interest to the ethnic, regional, religious or personal interest;
- any form of coup d'etat as being contrary to the democratic system as described above.

ARTICLE 9: In order to promote and consolidate the democratic system as described above, the two parties undertake to work for social, economic and cultural development of the country and to fight hunger, ignorance, poverty and disease.

ARTICLE 10: Elections shall be organised in such a way that transparency is guaranteed and fraud eliminated through the establishment of efficient supervision mechanisms including, if the need arises, enlisting the assistance of International Observers.

The prior and full explanation of the citizens' rights and civic duties including the issues at stake in the elections

is their inalienable right as a way of avoiding any form of political manipulation.

ARTICLE 11: The two parties accept to promote, in national political life, a democratic culture based on the principles enunciated above.

ARTICLE 12: The broad-based transitional government provided for in Article V of the N'sele Agreement, as amended in Gbadolite, on 16th September, 1991 and in Arusha on 12th July, 1992, shall lead the country to a democratic system as defined above.

To this end, the two parties note that a political process has been initiated by the Rwandese people to ensure the progress of democracy and reaffirm the need to build together a society founded on the Rule of Law as stipulated in the present Protocol.

**CHAPTER III: PLURALISM**

ARTICLE 13: The two parties recognise that a democratic society is also founded on pluralism which is the expression of individual freedoms and must respect national unity and the fundamental rights of the citizen.

**CHAPTER IV: HUMAN RIGHTS**

ARTICLE 14: The two parties recognise the universal nature of human rights and should express concern when these rights are violated anywhere and by anybody.

They also recognise that the International Community would be justified in expressing concern in the event that these rights are violated by anybody on Rwandese

territory. These rights should be guaranteed by the Constitution and the laws of the Republic of Rwanda.

ARTICLE 15:

The two parties agree that a National Commission on Human Rights shall be established. This institution shall be independent and shall investigate human rights violations committed by anybody on Rwandese territory in particular, by organs of the State and individuals in their capacity as agents of the State or of various organisations.

The investigation work of the Commission shall not be limited in time.

The Commission shall be provided with the necessary means, especially legal means, to efficiently accomplish its mission. It shall utilise its findings to:

- a) sensitize and educate the population about human rights;
- b) institute legal proceedings, where necessary.

ARTICLE 16:

The two parties also agree to establish an International Commission of Enquiry to investigate human rights violations committed during the war.

CONCLUSION

ARTICLE 17:

The two parties concur that national unity, democracy and peace are invaluable and solemnly undertake to do everything possible so as to preserve these values in the interest of the present and future Rwandese generations.

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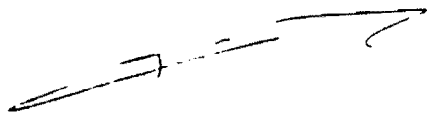






Done at Arusha, the 18th day of August, 1992 in French and English, the French version being the original.

For and on behalf of the Government  
of the Republic of Rwanda



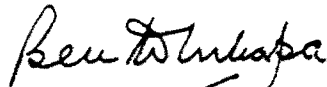
**NGULINZIRA Boniface**  
Minister of Foreign Affairs and  
Cooperation

For and on behalf of  
the Rwandese Patriotic Front



**BIZIMUNGU Pasteur**  
Member of the Executive  
Committee and Commissioner  
for Information and Documentation

For and on behalf of the Facilitator  
(United Republic of Tanzania)



**Benjamin MKAPA**  
Minister for Science, Technology  
and Higher Education.

In the presence of the Representative  
of the Current Chairman of the OAU



**Papa Louis FALL**  
Ambassador of Senegal to Ethiopia,  
Tanzania and the OAU

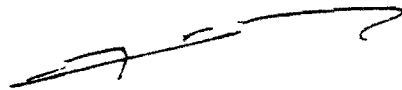
In the presence of the Representative  
of the Secretary General of the OAU



**DR. M.T. MAPURANGA**  
Assistant Secretary General  
in charge of Political Affairs

Done at Arusha on 18th September, 1992

FOR THE RWANDESE GOVERNMENT



**NGULINZIRA Boniface**  
Minister of Foreign Affairs and  
Cooperation

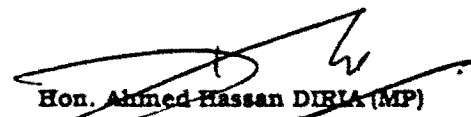
FOR THE RWANDESE PATRIOTIC

FRONT



**BIZIMUNGU Pasteur**  
Member of the Executive  
Committee and Commissioner  
for Information and Documentation

In the Presence of the Representative of the Facilitator  
(United Republic of Tanzania)



**Hon. Ahmed Hassan DIRLA (MP)**

Minister for Foreign Affairs and International Cooperation

**PROTOCOL OF AGREEMENT ON POWER-SHARING WITHIN THE  
FRAMEWORK OF A BROAD-BASED  
TRANSITIONAL GOVERNMENT BETWEEN THE GOVERNMENT OF THE  
REPUBLIC OF RWANDA AND THE RWANDESE PATRIOTIC FRONT**

The Government of the Republic of Rwanda and the Rwandese Patriotic Front;

Agree on the following provisions which are an integral part of the Protocol of Agreement on Power-sharing:

**CHAPTER 1: GENERAL PRINCIPLES**

**ARTICLE 1:**

The two parties reaffirm the acceptance of the principle of power-sharing within the framework of a Broad-Based Transitional Government, in conformity with Article V.3. of the N'sele Ceasefire Agreement, as amended at GBADOLITE on 16th September, 1991 and at ARUSHA on 12th July, 1992. The modalities of implementation of this principle are the object of the present Protocol of Agreement on Power-sharing.

**ARTICLE 2:**

The two parties agree that those modalities shall consist of:

- (a) the maintenance of the current structure of the Coalition Government with appropriate adjustments to be mutually agreed upon in this Protocol, with a view to making room for the participation of the RPF and other political forces in the country;
- (b) appropriate adjustments to be mutually agreed upon in the protocol, to be made at the level of the State powers with a view to enabling the RPF and other political forces in the country to participate in and make for the efficient

management of the transition, in compliance with the principle of separation of powers.

**CHAPTER II: TRANSITIONAL INSTITUTIONS**

Article 3: During the Transitional Period, the State institutions shall be:

- (i) The Presidency of the Republic;
- (ii) The Broad-Based Transitional Government;
- (iii) The Transitional National Assembly;
- (iv) The Institutions of the Judiciary.

**CHAPTER III: THE EXECUTIVE POWER**

Article 4: The Executive power shall be exercised collectively through decisions taken in Cabinet meetings, by the President of the Republic and by the Government.

**SECTION 1: THE PRESIDENT OF THE REPUBLIC AND HEAD OF STATE**

Article 5: Upon the signing of the Peace Agreement, the incumbent President of the Republic and Head of State shall remain in office until the outcome of elections to be held at the end of the Transitional Period.

Article 6: As Head of State, the President of the Republic shall have the following prerogatives:

- (a) He shall nominate the Prime Minister and other members of the Cabinet within three days following their appointment by the relevant bodies. After this period, the Prime Minister shall assume office and appoint other Members of the Cabinet.

Modalities for the appointment of the Prime Minister and other Members of the Cabinet shall be provided for in this Peace Agreement;

- (b) He shall nominate and accredit Ambassadors, Plenipotentiaries and Extraordinary Envoys abroad, after their appointment by the Cabinet. He shall receive credentials of Ambassadors and Extraordinary Envoys from abroad, after their approval by the Cabinet;
- (c) He shall represent the Rwandese State in its relations with other States;
- (d) He shall sanction and promulgate, without any right of veto, bills passed by the National Assembly and Orders in Council adopted in the Cabinet meetings within ten days following the date of receipt of the ruling on their constitutionality. After this period, Orders in Council shall be sanctioned and promulgated by the Prime Minister, and the bills shall be sanctioned and promulgated by the Speaker of the Transitional National Assembly;
- (e) He shall declare war and sign armistice upon the decision of the Cabinet and after authorization by the National Assembly. To this end, he shall bear the title of Commander-in -Chief of the Armed Forces. The Army and other security forces shall be accountable to the Cabinet, in accordance with the modalities specified in the Peace Agreement.

Article 7:

The President of the Republic shall have the right to include any issue of national interest on the agenda of Cabinet meetings.



Article 8:

The President of the Republic may, if he so wishes, attend meetings of the Cabinet. In this case, he shall chair the Cabinet meetings.

Article 9:

Executive Orders by the President of the Republic, shall be discussed and adopted by the Cabinet. Since the President of the Republic shall have the right to be involved in decision-making in the Cabinet, he shall have no right of veto on decisions regularly taken by the Cabinet, in particular, draft Presidential Orders when these are submitted to him by the Prime Minister for signature. This signature officializing the Presidential Orders adopted in the Cabinet, shall be effected within ten days following the day of receipt of the said Orders at the Presidency of the Republic. After this period, the decision shall come into force by way of a Prime Ministerial Order.

Article 10:

Legal Acts by the President of the Republic shall be countersigned by the Prime Minister and by relevant Ministers and Secretaries of State.

Article 11:

In pursuance of the decisions of the Cabinet and in conformity with the procedure defined under Article 9 of the present Protocol, the President of the Republic shall sign Presidential Orders with regard to the following:

1. the prerogative of mercy;
2. the minting of currency;
3. Award of the National Orders;
4. the implementation of laws, when he is so required;



5. the appointment and termination of services of the following senior civil servants:

- \* the Principal Private Secretary to the President of the Republic;
- \* the Chancellor for National Orders;
- \* the Governor of the National Bank of Rwanda;
- \* the Rector of the National University of Rwanda;
- \* Ambassadors;
- \* the Secretary to the Cabinet;
- \* the Personal Secretary to the President of the Republic;
- \* Advisors in the Presidency of the Republic;
- \* Principal Private Secretaries in Ministries;
- \* Advisors in Ministries;
- \* Head of the Prosecution Department at the Supreme Court;

6. Ratification of International Treaties, Conventions and Agreements. However, Peace Treaties, Treaties of Alliance, Treaties which may entail altering national borders or affect the rights of sovereignty, Treaties on the association of the Republic with one or several other States, as well as Treaties, Conventions and Agreements with financial implications not catered for in the budget, shall be implemented only after their approval by way of a law. The federation of the Republic of Rwanda with one or several other democratic States must be approved through a Referendum.

Handwritten signatures and initials, including a large stylized 'E' on the left, a checkmark in the center, and several other initials and signatures on the right.

Article 12:

The President of the Republic shall address messages to the Nation, the content of which shall be decided upon by the Cabinet.

**SECTION 2: The Broad-based Transitional Government**Article 13:

The current structure of the Government, namely, the number and appellation of Ministries shall remain unchanged. However, a Secretariat of State in the Prime Minister's Office in charge of Social Rehabilitation and Integration shall be established.

It shall be responsible for:

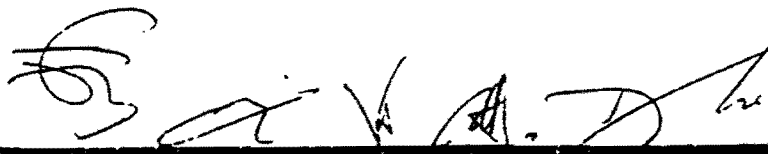
1. Repatriation and social and economic reintegration of the Rwandese refugees who may wish to go back home;
2. A Post-War Rehabilitation Programme as defined under Item 23.D of the present Protocol.

Article 14:

The political parties participating in the Coalition Government established on 16th April, 1992 as well as the Rwandese Patriotic Front shall have the responsibility to set up the Broad-Based Transitional Government. They shall decide, by consensus, on the other political formations which may participate in that Government.

Article 15:

The Government shall be composed of the Prime Minister, the Deputy Prime Minister, Ministers and Secretaries of State.





**Sub-section 1: The Powers of the Government:****Article 16:**

The Government shall be responsible for the management of the country. It shall determine and implement national policy. In so doing, the Government shall:

1. Be responsible for the implementation of laws and regulations;
2. Negotiate and conclude international Treaties, Conventions and Agreements;
3. Discuss and adopt draft bills and present them to the National Assembly;
4. Discuss and adopt Orders in Council, in situations of emergency or when the National Assembly is unable to seat, and transmit them to the President of the Republic for promulgation;
5. Appoint and dismiss civil servants.
6. Discuss and adopt Presidential, Prime Ministerial and Ministerial Statutory Orders on the implementation of laws.

**Article 17:**

The Government shall be the guarantor of national sovereignty and national unity.

**Sub-section 2: The Prime Minister****Article 18:**

The Prime Minister shall:



1. In accordance with the Peace Agreement and in consultation with the political forces, prepare the Government programme;
2. In conformity with the modalities provided for in the Peace Agreement, select the other members of the Cabinet;
3. Present the Government programme and the Ministerial team responsible for its implementation to the National Assembly;
4. Lead Government business, convene and chair Cabinet Meetings. He shall prepare the agenda for cabinet meetings, in consultation with the other members of the Government. The Prime Minister shall communicate the agenda to the President of the Republic and to the other members of the Government, at least two days before the date of the meeting.
5. Determine the functions of the Ministers and Secretaries of State as well as the nature and extent of powers of the services under them.  
The Ministers and Secretaries of State shall be delegated powers by the Prime Minister for the management of the duties of their departments. The Prime Minister shall determine the extent of this delegation of power.
6. In pursuance of the decisions of the Cabinet, sign Prime Ministerial Orders for the appointment and termination of services of the following senior civil servants:
  - the Principal Private Secretary to the Prime Minister;
  - Deputy Governors of the National Bank of Rwanda;
  - Vice-Rectors of the National University of Rwanda;



- Advisers and "Chefs de Service" in the Prime Minister's Office;
- the "Préfets de Préfecture" [District Commissioners].
- Director in Public Enterprises;
- Directors General in the Ministries;
- Planning and Coordination Officers in Public Enterprises;
- Directors in Public Enterprises and Representatives of the Government in Parastatals;
- Directors and Heads of Division in the Ministries;
- "Sous-Préfets" [Assistant District Commissioners];
- Bourgmestres [County Administrators];
- Deputy Directors of Public Prosecution at the Supreme Court;
- Head of the Prosecution Department of the Courts of Appeal;
- Deputy Directors of the Courts of Appeal;
- Head of the Prosecution Department at the Courts of First Instance;
- Assistant State Attorneys.

Upon delegation of power by the Cabinet.

- (a) the Minister responsible for the Civil Service shall sign Ministerial Orders with regard to appointments and termination of services of Civil Servants from the rank of Chief Clerk or equivalent and lower-level posts.

- (b) The Minister of Justice shall sign Ministerial Orders for the appointment and termination of services of judicial staff other than magistrates.
- (c) In Public Enterprises, senior staff shall be appointed by the Board of Directors and the rest of the staff by the relevant Director.
- 7. Countersign, after their promulgation by the President of the Republic, bills passed by the National Assembly as well as Statutory Orders in Council adopted by the Cabinet.
- 8. By way of Orders decided upon during cabinet meetings, implement laws and regulations when he is required to do so.
- 9. Address messages to the Nation, whose content shall be decided upon by the Cabinet.
- 10. May, under exceptional circumstances, after a decision taken by the Cabinet and on consultation with the Bureau of the National Assembly and the Supreme Court, declare a State of Siege or a State of Emergency.

Article 19:

Legal acts by the Prime Minister shall be countersigned by the relevant Ministers and Secretaries of State.

**Sub-section 3: Functions of the Deputy Prime Minister**

Article 20:

The Deputy Prime Minister shall:

- 1. Upon formal delegation of power, replace the Prime Minister in the event of his absence or hindrance.

2. Act as Prime Minister when the post falls vacant, until a new Prime Minister is appointed, following modalities provided for in the Peace Agreement.
3. In addition, hold a Ministerial Portfolio.

**Sub-section 4: Mode of Decision-Making within the Government**

**Article 21**

Prior to the deliberations, the Cabinet meeting shall adopt its agenda.

Cabinet decisions shall be taken by consensus. Where consensus is not reached, the issue at hand shall be returned to the relevant Minister for further study.

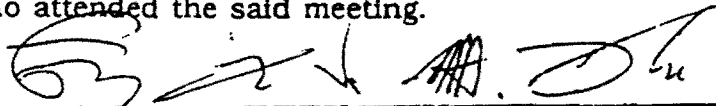
Consensus on the issue shall once again be required subsequent discussions, and if no consensus is reached, a decision shall be taken on the basis of a partial consensus of a 2/3 of the members of the Government present.

For the following issues, however, consensus shall be mandatory:

- amendment to the Peace Agreement;
- declaration of war;
- exercise of the prerogative of mercy and mitigation of sentence;
- defence and security matters.

**Article 22**

For each Cabinet Meeting, minutes and a summary of decisions shall be written. The summary shall be approved and signed by members who attended the said meeting.



**Sub-section 5: Outline of the Broad-based Transitional Government Programme**

**Article 23:**

The Broad-based Transitional Government shall implement the programme comprising the following:

**A. Democracy**

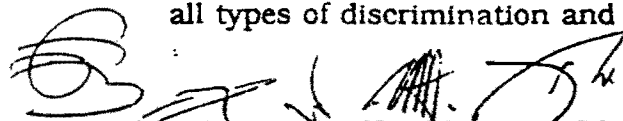
1. Consolidate the democratic process by establishing the necessary mechanisms for the implementation of the provisions of the Protocol on the Rule of Law.
2. Prepare and organise general elections to be held at the end of the Transition Period.

**B. Defence and Security**

1. Consolidate peace by taking the necessary measures for the eradication of the causes of war, especially those stemming from the non-respect of National Unity, Human Rights and Democracy.
2. Ensure internal and external security
3. Take the necessary measures for guaranteeing the security of all the people and their property.
4. Organise defence and security institutions.

**C. National Unity and National Reconciliation**

1. Restore national unity, in particular and as a matter of urgency by:
  - a) Setting up efficient mechanisms aimed at eliminating all types of discrimination and exclusion;



b) Working out appropriate legislation in this regard;

c) Establishing a recruitment system for senior government posts, for all other posts, and for admission to schools, based on fair competition giving equal opportunity to all citizens.

2. Organise a national debate on National Unity and National Reconciliation.

D. Post-war Rehabilitation Programme

1. Provide humanitarian assistance, especially through the supply of foodstuffs, seeds and some building materials in a bid to contribute in the resettlement of those displaced as a result of the war and social strife encountered since the outbreak of the war, in their original property.

2. Rehabilitate and rebuild the areas devastated by war and social strife encountered since the outbreak of war, especially through mine-clearance and rebuilding of socio-educational and administrative facilities.

3. Set up a programme of assistance to the victims of war (both civilian and military) and of social strife encountered since the outbreak of the war, to the physically handicapped, orphans, widows and widowers.

4. Set up appropriate programmes for the economic and social integration of the demobilised military personnel.

E. Repatriation and Reintegration of Refugees

Repatriate and reintegrate all Rwandese refugees who may wish to go back home, following the modalities specified in the Peace Agreement.

F. The Economy

1. Stimulate the economy by, as a priority, orienting economic programmes towards the disadvantaged regions and social strata.
2. Review the country's priorities with the aim of promoting food security (application of selected seeds and fertilizers, storage, etc.)
3. Diversify export products.
4. Encourage small and medium scale industries.
5. Draw up and apply strategies for better utilization of the country's resources (natural and human).

G. National Ethics

1. Establish a mechanism for guaranteeing a professional code of ethics, integrity and patriotism.
2. Establish a system for the eradication of all forms of corruption.
3. Evaluate and clean up all the State administrative institutions.

**CHAPTER IV: SPECIALISED COMMISSIONS**

Article 24:

In addition to the Commissions already agreed upon in the previous Agreements, the following broad-based specialised Commissions shall be established:

A. COMMISSION FOR NATIONAL UNITY AND NATIONAL RECONCILIATION

This commission, which reports to the Government, shall be responsible for:





1. Preparing a national debate on national unity and national reconciliation.
2. Prepare and distribute information aimed at educating the population and achieving national unity and national reconciliation.

**B. LEGAL AND CONSTITUTIONAL COMMISSION**

This Commission shall be responsible for:

- 1) Drawing up a list of adaptations of national legislation to the provisions of the Peace Agreement, in particular those provisions relating to the Rule of Law.
- 2) Prepare a preliminary draft of the Constitution which shall govern the country after the Transitional Period.

**C. ELECTORAL COMMISSION**

This Commission shall be responsible for the preparation and organisation of local, legislative and presidential elections.

**CHAPTER V: THE JUDICIARY**

**SECTION 1: General Principles**

**Article 25:**

1. The powers of the Judiciary shall be exercised by Courts, Tribunals and other Jurisdictions. The Judiciary is independent of the Legislature and the Executive.

Justice shall be rendered on the territory of the Republic in the name of the people.

**SECTION 2: Jurisdictions****Article 26:**

The following ordinary jurisdictions shall be recognized:

Canton Courts, Courts of First Instance, Courts of Appeal and the Supreme Court.

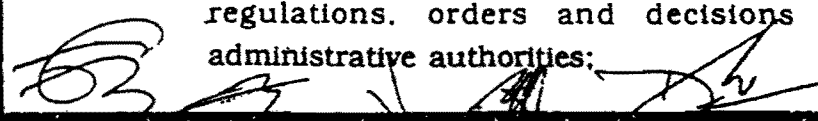
The following Military Jurisdictions shall also be recognized:

Court Martials and the Military Court.

The law may establish any other specialized Courts. However, no special Courts may, be established.

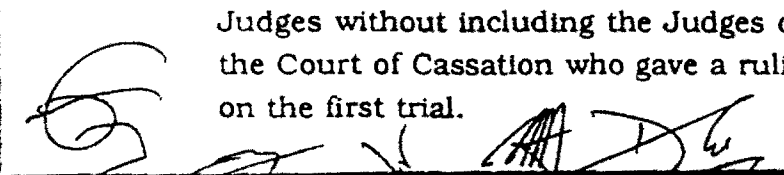
**SECTION 3: The Supreme Court****Article 27:**

The Supreme Court shall particular exercise the following functions:

- (a) direct and coordinate the activities of the Courts and Tribunals of the Republic. It shall be the guarantor of the independence of the Judiciary. To this effect, it shall be responsible for the professional code of ethics;
  - (b) ensure the constitutionality of laws and Orders in Council. In so doing, it shall ensure their constitutionality before promulgation;
  - (c) give a ruling on the petition for annulment of regulations, orders and decisions issued by administrative authorities;
- 

- (d) ensure the regularity of popular consultations;
- (e) provide, upon request, legal opinions on the regularity of draft Presidential, Prime Ministerial and Ministerial orders as well as on other draft public administration regulations;
- (f) give the authentic interpretation on customary practice in case written law is silent thereon;
- (g) give a ruling on appeals to the Court of Cassation to have a new trial ordered and on transfer of cases from one Court to another;
- (h) arbitrate on institutional conflicts between various State organs;
- (i) judge the Accounts of all Public Institutions;
- (j) have criminal jurisdiction over the President of the Republic, the Speaker of the National Assembly, the Presiding Judge of the Supreme Court, the Prime Minister, the Deputy Prime Minister, Ministers, Secretaries of State, the Deputy-Presiding Judges of the Supreme Court, Deputies in the National Assembly, the Presiding Judges of the Courts of Appeal, the Public Prosecutors and Deputy Directors of the Supreme Court and of the Courts of Appeal.

On first trial, the above-listed officials shall be tried by the Court of Cassation. On appeal, they shall be judged by the Supreme Court, in the presence of all the jurisdictional sections, with at least eleven Judges without including the Judges of the Bench of the Court of Cassation who gave a ruling on the case on the first trial.



Article 28:

The Supreme Court shall comprise the following five sections:

- (a) The Department of Courts and Tribunals;
- (b) The Court of Cassation;
- (c) The Constitutional Court;
- (d) The Council of State;
- (e) The Public Accounts Court.

Article 29:

The Supreme Court shall be chaired by a Presiding Judge assisted by five Deputy Presiding Judges. The Presiding Judge and the Deputy Presiding Judges shall be selected by the National Assembly from a list presented by the Government based on two candidates for each post. Each Deputy Presiding Judge shall also be Head of one of the sections of the Supreme Court.

The services of the Presiding Judge and Deputy Presiding Judges of the Supreme Court shall be terminated by the National Assembly voting by a 2/3 majority, either upon its initiative, or upon the proposal of the Government. The instruments of appointment and termination of the services of the Presiding Judge and Deputy Presiding Judges shall be signed by the President of the Republic.

Article 30:

Candidates for the post of Presiding Judge and Deputy Presiding Judges of the Supreme Court must meet the following requirements:

1. Hold at least a University Degree in Law.



2. Give proof of at least five years' practical experience in the field of Law.

Article 31:

Judges of the Supreme Court, of the Court of Appeal as well as the Presiding Judges of the Courts of first instance must hold at least a Degree in Law or equivalent.

Article 32:

Upon the decision of the Supreme Council of the Magistrates, the Presiding Judge of the Supreme Court shall sign the Instruments of appointment and termination of services of Judges of the Bench.

Article 33:

An organic law shall determine the powers, the organisation and the rules of procedure of the Supreme Court. Pending the adoption of the said law, the legislation in force relating to the powers, organisation and the rules of procedure of these Courts shall remain in force.

**SECTION 5: Relationship between the Supreme Court and the Government**

Article 34:

The Government shall delegate one or several Commissioners to one or all sections of the Supreme Court to represent it and to avail any required information.

The Government Commissioners shall participate in discussions on matters for which they have been designated but as non-voting members.

Article 35:

The implementation of the decisions by the Supreme Court, as well as the financial management of, and other administrative measures

concerning the Supreme Court shall be vested in the Government. However, the law organizing of the Supreme Court shall define the administrative measures coming under its jurisdiction.

Article 36:

In matters relating to the organization of the Judiciary, the Supreme Court may submit to the Government any reform proposals which, in its opinion are of general interest.

**SECTION 6: The Supreme Council of Magistrates**

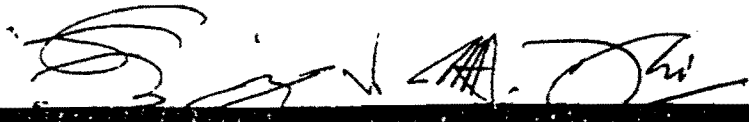
Article 37:

The Supreme Court of Council of the Magistrates shall comprise:

- The Presiding Judge of the Supreme Court as, Chairman;
- the Deputy-Presiding Judges of the Supreme Court;
- two Judges of the Bench of the Supreme Court;
- a Judge of the Bench from each Court of Appeal;
- a Judge of the Bench from Courts of First Instance under the Jurisdiction of each Court of Appeal;
- a Magistrate of Canton Court under the Jurisdiction of each Court of Appeal.

The Government Commissioners to the Department of Courts and Tribunals shall attend meetings of the Supreme Council of Magistrates as non-voting members.

The Council shall elect from its members a Vice-Chairman and a Rapporteur.



Article 38

With the exception of the Presiding Judge and the Deputy-Presiding Judges of the Supreme Court, members of the Supreme Council of Magistrates shall be elected by their peers of the same level of Jurisdiction.

Applications shall be submitted to the Supreme Court at least one month before the date of elections. Each candidate shall give proof of at least five years' practical experience in the field of Law.

Elections shall be organized by the Supreme Court.

Article 39:

The Supreme Council of the Magistrates shall have the following powers:

- (a) Decide on the appointment and termination of services and, in general, the administration of the career of Judges of the Bench other than the Presiding Judge and Deputy-Presiding Judges of the Supreme Court.
- (b) Give advisory opinion upon its own initiative or upon request, on any proposal relating to the judicial staff regulations within its jurisdictions.
- (c) Give advisory opinion, upon its own initiative or upon request, on any matter concerning the administration of Justice.

**CHAPTER VI: OTHER AREAS OF AGREEMENT**Article 40:

The initiative of laws shall be vested in the Cabinet and the National Assembly.



Article 41:

The Constitution which shall govern the country after the Transition Period shall be prepared by the Legal and Constitutional Commission comprising national experts referred to under Article 24.B of this Protocol. This Commission, which shall be under the National Assembly, shall prepare, after an extensive consultation with all the strata of the population, a preliminary draft Constitution which shall be submitted to the Government for advice, before submitting it to the National Assembly which shall finalise the draft Constitution, to be submitted to a Referendum for adoption.

Article 42:

The National Assembly shall exercise control over the Government's activities, in line with the mechanisms provided for by the law.

Article 43:

The National Budget shall be prepared by the Government and voted by the National Assembly. Where the budget is not voted in time, the Prime Minister shall, upon the decision of the Government, pass a decree authorising the disbursement of monthly provisional expenditure.

Article 44:

The "Office Rwandais d'Information" (ORINFOR) shall fall under the Ministry responsible for Information and the "Office du Tourisme et des Parcs Nationaux" (ORTPN) under the Ministry responsible for Tourism.

Article 45:

In criminal matters the responsibility of the President of the Republic, the Speaker of the National Assembly, the Presiding Judge of the Supreme Court, the Prime Minister, the Deputy Prime Minister,





Ministers, Secretaries of State, the Assistant Presiding Judges of the Supreme Court and Deputies, shall be individual.

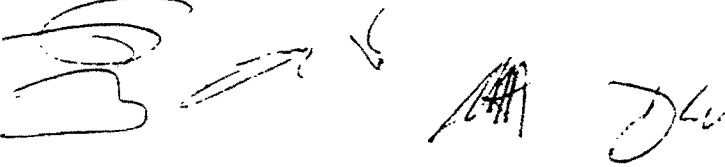
However, they shall not be subjected to custody. They may appear before justice through their proxies. They shall be judged by the Supreme Court.

Deputies shall not be prosecuted or sued as a result of opinions expressed or votes cast in the exercise of their duties.

Article 46:


As a matter of urgency and priority, the Broad-based Transitional Government shall rid the administrative apparatus of all incompetent elements as well as authorities who were involved in the social strife or whose activities are an obstacle to the democratic process and to national reconciliation.

In any case, all local authorities (Bourgmestres, [County Administrators], Sous-Préfets [Assistant District Commissioners], Préfets de Préfecture [District Commissioners]) shall have been either replaced or confirmed within three months after the establishment of the Broad-based Transitional Government.

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Done at Arusha, on this 30th day of October, 1992 in French and English, the French text being the original.

For the Rwandese Government



**NGULINZIRA Boniface**  
Minister of Foreign Affairs and  
Cooperation

For the Rwandese Patriotic Front



**BIZIMUNGU Pasteur**  
Member of the Executive Committee and  
Commissioner for Information and  
Documentation

In the presence of Representative of Facilitator  
(The United Republic of Tanzania)



**Ahmed Hassan DIRIA**  
Minister for Foreign Affairs and International Cooperation

In the presence of Representative of  
Chairman of the OAU



**Papa Louis FALL**  
Ambassador of Senegal to Ethiopia and  
Tanzania, Representative to OAU

In the presence of Representative of  
Secretary General of OAU



**Dr. M.T. MAPURANGA**  
Secrétaire Général Adjoint,  
chargé des Affaires Politiques.



PROTOCOL OF AGREEMENT BETWEEN THE GOVERNMENT OF THE  
REPUBLIC OF RWANDA AND THE RWANDESE PATRIOTIC FRONT ON  
POWER-SHARING WITHIN THE FRAMEWORK OF A BROAD-BASED  
TRANSITIONAL GOVERNMENT

(CONTINUATION OF THE PROTOCOL OF AGREEMENT  
SIGNED ON 30TH OCTOBER, 1992)

The Government of the Republic of Rwanda on the one hand, and the Rwandese  
Patriotic Front on the other;

Agree on the following provisions which are an integral part of the Protocol of  
Agreement on Power-Sharing:

CHAPTER VII: NEW AREAS OF AGREEMENT

SECTION 1: Provisions relating to the Executive Power

Sub-Section 1: Replacement of the President of the Republic during the Transitional  
Period

Article 47: In the event of a temporary impediment or incapacity of the President of the  
Republic to carry out his duties, the Speaker of the Transitional National  
Assembly shall assume the interim until the incumbent President resumes  
office.

Article 48: In the event of resignation or death, permanent impediment or  
incapacitation of the President of the Republic:

1. The office shall be declared vacant by the Supreme Court upon request by  
the Broad-Based Transitional Government.

2. The interim Presidency shall be assumed by the Speaker of the Transitional  
National Assembly.

3. The replacement of the President of the Republic shall be conducted in the

- a) The party of the former President of the Republic shall present two candidates to the Bureau of the Transitional National Assembly within three (3) weeks of the declaration of the vacancy.
- b) Within the fourth week, the election of the President of the Republic shall be conducted in a joint session of the Broad-Based Transitional Government and the Transitional National Assembly. The respective members of the two institutions shall elect the President of the Republic by secret ballot and by an absolute majority. The election shall be supervised by the Speaker of the Transitional National Assembly.
- c) If the Party of the former President of the Republic, for one reason or another, is not willing to present a candidate or cannot present any candidate, or if the President of the Republic has resigned from his party in the meantime, each political force represented in the Transitional National Assembly may submit one (1) candidate within six (6) weeks after the declaration of the vacancy. The election shall be conducted during the seventh week, at the latest, following the modalities provided for in point (b) above.
- d) If the vacancy is declared three (3) months or less before the expiry of the transitional period, the Speaker of the Transitional National Assembly shall assume the interim Presidency of the Republic until the end of the Transition.

Article 49: The candidate to the Presidency of the Republic should be at least thirty five (35) years of age. Once elected, the President cannot perform any military or other remunerative activity.

Article 50: The new President of the Republic shall be sworn in within eight (8) days after his election, by the Presiding Judge of the Supreme Court, before the National Transitional Assembly.

#### Sub-Section 2: Appointment of the Prime Minister, Ministers and Secretaries of State

Article 51: The candidate for the post of Prime Minister shall be presented by the political formation designated to that effect. He shall be presented to the

two parties to the negotiations for approval. He should be known before the signing of the Peace Agreement.

Article 52: The Prime Minister shall, in consultation with each political force called upon to participate in the Government, select candidates for the portfolios distributed among the various political forces. He shall present them to the President of the Republic for appointment as well as to the Transitional National Assembly, in accordance with Article 18, paragraph 3 of the Protocol of Agreement signed on 30th October, 1992.

Sub-Section 3: Replacement of the Prime Minister, Ministers and Secretaries of State

Article 53: The vacancy of the post of Prime Minister shall be declared by the Supreme Court upon request by the Broad-Based Transitional Government. The political force of the former Prime Minister shall submit a candidate within fifteen (15) days of the declaration of the vacancy. Political formations participating in the Broad-Based Transitional Government shall, under the coordination of the Deputy Prime Minister, hold consultations for the approval of the candidate. Once a consensus is reached, the Deputy Prime Minister shall present the candidate to the President of the Republic for appointment within three (3) days.

Article 54: The Prime Minister, in consultation with the political force of the Minister or Secretary of State to be replaced, shall present a candidate to the President of the Republic for appointment.

Sub-Section 4: Distribution of Ministerial Portfolios within the Broad-Based Transitional Government

Article 55: In accordance with the provisions of Article 14 of the Protocol of Agreement signed on 30th October, 1992, the numerical distribution of the portfolios among political forces called upon to participate in the Broad-Based Transitional Government shall be as follows:

- MRND: 5 portfolios
- RPF: 5 portfolios
- MDR: 4 portfolios (including the post of Prime Minister)

- PSD: 3 portfolios
- PL: 3 portfolios
- PDC: 1 portfolio

Article 56: The nominative distribution of portfolios shall be as follows:

- MRND: 1. Ministry of Defence;  
 2. Ministry of Higher Education, Scientific Research and Culture;  
 3. Ministry of Public Service;  
 4. Ministry of Planning;  
 5. Ministry of Family Affairs and Promotion of the Status of Women.

- RPF: 1. Ministry of Interior and Communal Development;  
 2. Ministry of Transport and Communications;  
 3. Ministry of Health;  
 4. Ministry of Youth and Associative Movement;  
 5. Secretariat of State for Rehabilitation and Social Integration.

- MDR: 1. Prime Minister;  
 2. Ministry of Foreign Affairs and Cooperation;  
 3. Ministry of Primary and Secondary Education;  
 4. Ministry of Information.

- PSD: 1. Ministry of Finance;  
 2. Ministry of Public Works and Energy;  
 3. Ministry of Agriculture and Livestock Development.

- PL: 1. Ministry of Justice;  
 2. Ministry of Commerce, Industry and Cottage Industry;  
 3. Ministry of Labour and Social Affairs.

- PDC: Ministry of Environment and Tourism

Article 57: The two parties further agree that:

-with reference to Article 5 of the Protocol of Agreement signed on 30th October, 1992, the Presidency of the Republic shall go to the MRND party;

-one of the holders of the five (5) ministr. allocated to the RPF shall bear the title of Deputy Prime Minister in accordance with Article 20, paragraph 3 of the Protocol of Agreement signed on 30th October, 1992.

Article 58: In case one of the political forces called upon to participate in the Broad-Based Transitional Government as provided for under Article 14 of the Protocol of Agreement signed on 30th October, 1992, defaults, the portfolios which had been allocated to that force shall be distributed among the remaining political forces. The possibility of opening to political forces other than those mentioned under Articles 55 and 56 above shall be agreed upon by consensus in accordance with Article 14 cited above.

Article 59: Permanent impediment rendering the President of the Republic, Ministers and Secretaries of State incapable of carrying out their duties shall be declared by the Supreme Court following their resignation, death or physical incapacitation certified by a medical commission established by the Government for that purpose, and also following dismissal as a result of final sentencing for criminal offences.

## SECTION 2: TRANSITIONAL NATIONAL ASSEMBLY

Article 60: The Transitional National Assembly shall, except in the case as provided for in Article 63 of this Protocol of Agreement, be normally composed of seventy (70) members called "Deputies to the Transitional National Assembly". The "Deputies" shall be appointed by their own political forces and their mandate shall cover the whole Transitional Period. The Transitional National Assembly shall make its own rules of procedure.

Article 61: All the political parties registered in Rwanda at the signing of this Protocol as well as the RPF shall be represented in the Transitional National Assembly, on condition that they adhere to and abide by the provisions of the Peace Agreement. To that effect, all these parties and the RPF should, prior to the establishment of the Broad-Based Transitional National Assembly and the Broad-Based Transitional Government, sign a Political Code of Ethics whose principles are spelt out in Article 80 of this Protocol.

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Since the RPF and the political parties participating in the current Coalition Government are automatically, directly or indirectly bound, as a result of the Protocol of Agreement on the Rule of Law signed by the two parties to the negotiations, the political parties which do not participate in the said Government should, from the time of the signing of the Protocol of Agreement on Power-Sharing, demonstrate their commitment to abide by the principles governing the Protocol of Agreement on the Rule of Law, to support the peace process and to avoid engaging in sectarian practices and in any form of violence. Such commitment shall constitute a prerequisite for their participation in the Transitional National Assembly and it is incumbent upon the two parties to the negotiations to see to it that such commitment is met.

Article 62: The numerical distribution of seats in the Transitional National Assembly among the political forces, subject to the implementation of the previous article, shall be as follows:

MRND	:	11 seats
RPF	:	11 seats
MDR	:	11 seats
PSD	:	11 seats
PL	:	11 seats
PDC	:	4 seats

The other registered parties shall have one (1) seat each.

Article 63: a) The maximum number of members of the Transitional National Assembly shall become the total number of seats of the remaining political forces if, for one reason or another, one or several political forces do not participate in the forming of the Transitional National Assembly, or withdraw from that assembly, provided that the total number is not reduced to less than two-thirds of the number stipulated under Article 60 of this Protocol of Agreement.

b) If one or several political forces do not participate, or cease to participate in the Transitional National Assembly, and the number of



Deputies falls below that stipulated in the above paragraph, the remaining political forces participating in the Transitional National Assembly shall consult and agree on the modalities for the composition of the new National Assembly.

Article 64: A "Deputy" may resign. In this case, his political party shall replace him in consultation with the Bureau of the Transitional National Assembly.

Article 65: All compulsory mandates shall be null and void. The right of the "Deputies" to vote shall be individual.

Article 66: The first session of the Transitional National Assembly shall be devoted to administering the oath of the "Deputies" and to electing the Bureau of the Transitional National Assembly.

Article 67: The Bureau of the Transitional National Assembly shall be composed of the Speaker, the Deputy Speaker and a Secretary.

Article 68: The PSD and PL political parties shall each present one (1) candidate for the post of Speaker of the Transitional National Assembly. The political party that will not have taken the post of Speaker shall present two (2) candidates for the post of Deputy Speaker of the Transitional National Assembly.

The PDC and other political parties which do not hold any ministerial portfolio in the current Coalition Government shall each present one (1) candidate for the post of Secretary.

Voting for the above-mentioned posts shall be by secret ballot and on the basis of an absolute majority of the "Deputies" present.

Article 69: The Transitional National Assembly shall automatically hold, each year, three (3) ordinary sessions of three months each, followed each time by a one (1) month parliamentary leave. When circumstances may so require, the Transitional National Assembly shall hold extraordinary sessions.

The first ordinary session shall begin 15 days after the "Deputies" to the Transitional National Assembly have taken oath of office.

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The Transitional National Assembly shall be convened by the Speaker. It may be convened in extraordinary session upon the initiative of the President of the Republic, The Speaker, the Prime Minister or following the decision taken by its members on the basis of an absolute majority. When it is convened in extraordinary session, the Transitional National Assembly shall deal with only those issues that motivated its convening.

Whenever an ordinary or extraordinary session of the Assembly is convened, the agenda and venue shall be indicated. Before any proceedings, the Transitional National Assembly shall adopt its agenda and decide on the urgency of the matters to be discussed. A "Deputy" or the Prime Minister may request the urgent consideration of an item. When the request is made by the latter, the matter in question shall automatically be considered as urgent.

Article 70: The status of a Deputy shall be incompatible with the holding of a Ministerial portfolio and the exercise of any other remunerative activities.

Article 71: Members of the Transitional National Assembly who may be finally sentenced by Courts for criminal offences shall automatically lose their seats. In this case, they shall be replaced in accordance with the provisions of Article 62 of this Protocol.

Article 72: The legislative power shall be exercised by way of laws passed by "Deputies" in the Transitional National Assembly as well as by Orders in Council passed by the Broad-Based Transitional Government in cases of emergency or when the Transitional National Assembly is unable to convene.

Article 73: Ordinary laws shall be passed on the basis of an absolute majority of the Deputies present. Organic laws shall be passed on the basis of a 3/5 majority.

Article 74: For any lawful seating to be held, a quorum of 2/3 of the members of the Transitional National Assembly shall be required.

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Article 75: Sessions of the Transitional National Assembly shall be public; the minutes of the debates shall be published. However, upon request of the Speaker, of the Prime Minister or of one third of its members, the Assembly may, by an absolute majority, decide to sit in camera.

**SECTION 3: Relationship between the Transitional National Assembly and the Broad-Based Transitional Government**

Article 76: The Prime Minister, upon a decision of the Cabinet and after consultations with the Bureau of the Transitional National Assembly, may request the President of the Republic to dissolve the Transitional National Assembly. The dissolution cannot take place within the last three months of the Transition.

Article 77: Replacement of the members of the Transitional National Assembly shall be done as per the numerical distribution of seats referred to under Article 62 above.

The replacement of each of the members of the Bureau of the Transitional National Assembly shall be made by election in accordance with Article 68 of this Protocol of Agreement.

Article 78: The Transitional National Assembly shall be endowed with the following means of control over government activities:

- Oral Questioning
- Written Questioning
- Committee Hearing
- Commission of Inquiry
- Interpellation
- Motion of censure.

An organic law shall determine the conditions and procedure for this control.

Article 79: The Transitional National Assembly may question the conduct of the Broad-Based Transitional Government as well as that of a Minister or Secretary of State, by voting on a motion of censure against the Prime Minister or any other member of the Government.

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Such a motion is not admissible until after questioning and unless it is presented by at least one fifth of the members of the Transitional National Assembly in the case of a Minister or a Secretary of State, and by one third of the members in the case of the Government.

The motion of censure shall be adopted by secret ballot and by a 2/3 majority of the "Deputies" present.

The vote of a motion of censure against the Prime Minister shall entail his resignation and that of the Government. In this case the replacement of the Prime Minister shall be made in accordance with Article 53 of this Protocol of Agreement. The outgoing Government shall dispose of the day-to-day matters until a new Government is formed.

**SECTION 4: Political Code of Ethics binding the political forces called upon to participate in the Transitional Institutions**

**Sub-Section 1: Fundamental Principles**

**Article 80:** In a declaration signed by their authorised representatives, the political forces called upon to participate in the Transitional Institutions shall undertake to:

1. Support the Peace Agreement and work towards its successful implementation;
2. Promote national unity and national reconciliation of the Rwandese people;
3. Abstain from all sorts of violence and inciting violence, by written or verbal communication, or by any other means;
4. Reject and undertake to fight any political ideology or any act aimed at fostering discrimination based mainly on ethnic, regional, sexual or religious differences;
5. Promote and respect the rights and freedoms of the human person;
6. Promote political education among their members, in accordance with the fundamental principles of the Rule of Law.

7. Work towards a system whereby the political power serves the interests of all the Rwandese people without any discrimination;
8. Respect the secularism of the Rwandese State;
9. Respect national sovereignty and the territorial integrity of the country.

Article 81: The Commission on National Unity and National Reconciliation shall ensure that each political force respects the principles spelt out under Article 80 above.

Article 82: Any political force violating the provisions of Article 80 shall be liable to a sanction of exclusion from the Transitional Institutions, without prejudice to other legal or statutory provisions on the matter.

This measure shall be taken by the Supreme Court upon request of the Government, acting on the Commission's report.

The request to the Supreme Court shall be preceded by a warning by the Government to the political party concerned; when the warning has not been heeded.

Sub-Section 2: Additional Duties of the Commission for National Unity and National Reconciliation.

Article 83: The two parties agree that the Commission on National Unity and National Reconciliation, in addition to the duties specified under Article 24.A of the Protocol of Agreement signed on 30th October, 1992, shall see to it that each political force respects the principles spelt out in the Political Code of Ethics binding the political forces to participate in the Transitional Institutions.

SECTION 5: MISCELLANEOUS PROVISIONS

Sub-Section 1: Modalities of Appointment within the Judiciary

Article 84: In order to maintain the independence of the Judiciary, posts in the Judiciary shall not be subjected to sharing among political forces. Therefore, applications for the posts of Presiding Judge and Deputy Presiding Judge of the Supreme Court, referred to under Article 30 of the Protocol of

Agreement signed on 1 October, 1992 shall be considered without any reference to political parties, in order to better ensure the neutrality of magistrates.

**Article 85:** The Supreme Council of Magistrates shall, in conjunction with the Broad-Based Transitional Government, take all necessary and adequate measures to facilitate the integration of competent, experienced or qualified Rwandese nationals who have not worked or evolved in the current legal system of Rwanda.

**Sub-Section 2: Redeployment of the Deputies to the CND**

**Article 86:** The Broad-Based Transitional Government shall take the necessary steps to find, to the extent possible, a new placement for the Deputies to the CND in their former sectors of activity. In so doing, the Broad-Based Transitional Government shall take into account the qualifications and experience of each "Deputy"

**Sub-Section 3: Local Elections as a Solution to Social Tensions**

**Article 87:** Local elections shall normally be held within six (6) months before the expiry of the transition. In the meantime, the replacement of local authorities shall be made through nomination. However, the Broad-Based Transitional Government shall decide on the opportune moment for organizing partial local elections if adequate security conditions allow for the holding of such elections and if it has the legal instruments to organize them.

**Sub-Section 4: National Conference**

**Article 88:** The National Conference shall consist of a general discussion to focus solely on national unity and national reconciliation, as provided for in Article 23 C.2 of the Protocol of Agreement signed on 30th October, 1992.

This discussion shall be prepared by the Commission on National Unity and National Reconciliation provided for under Article 24 of the Protocol of 30th October, 1992. The Commission shall report to the Broad-Based Transitional Government.

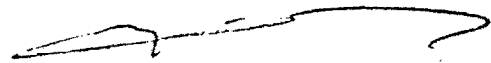
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Done at Arusha, this 9th day of the month of January, 1993, in the French and English languages, the French text being the original.

FOR THE GOVERNMENT OF THE  
REPUBLIC OF RWANDA



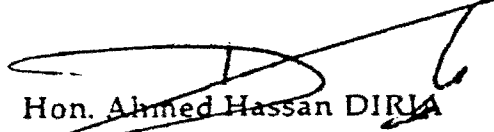
NGULINZIRA Boniface,  
Minister of Foreign Affairs and Cooperation

FOR THE RWANDESE PATRIOTIC  
FRONT



BIZIMUNGU Pasteur,  
Member of the Executive Committee  
and  
Commissioner for Information and  
Documentation

In the presence of the Facilitator  
(The United Republic of Tanzania)



Hon. Ahmed Hassan DIRIA  
Minister for Foreign Affairs and International Cooperation

In the presence of the Representative of  
the Current Chairman of the OAU



Papa Louis FALL,  
Ambassador of Senegal to Ethiopia and  
Representative to the OAU

For the Secretary General of the OAU



Dr. M. T. MAPURANGA,  
Assistant Secretary General of the OAU,  
in charge of Political Affairs

JOINT COMMUNIQUE ISSUED AT THE END OF THE HIGH LEVEL MEETING  
BETWEEN THE GOVERNMENT OF THE REPUBLIC OF RWANDA  
AND THE RWANDESE PATRIOTIC FRONT  
HELD IN DAR ES SALAAM FROM 5TH TO 7TH MARCH 1993

1. The delegations of the Government of the Republic of Rwanda and the Rwandese Patriotic Front, led by the Prime Minister of the Republic of Rwanda, H.E. Dr. NSENGIYAREMYE Dismas, and the Chairman of the Rwandese Patriotic Front (RPF), Colonel KANYARENGWE Alexis, respectively, met in Dar es Salaam, United Republic of Tanzania from 5th to 7th March 1993, under the Chairmanship of the Prime Minister and First Vice President, Hon. John S. MALECELA, representing the FACILITATOR, to discuss matters related to the consolidation of the Ceasefire Agreement and the creation of a conducive atmosphere for the resumption of the Arusha Peace Talks.

2. At the conclusion of their talks the two parties agreed on the following:-

COMMITMENT TO A NEGOTIATED SETTLEMENT

- (a) The two parties solemnly declared that the Rwanda conflict shall be resolved only through peaceful means and, in this regard, re-affirmed their commitment to a negotiated settlement through the Arusha frame-work of negotiations.
- (b) They reiterated their acceptance of all Protocols and Agreements reached within the Arusha peace process as binding and also undertook to respect those to be concluded on the outstanding issues.

CONSOLIDATION OF CEASEFIRE AGREEMENT

- (c) The two parties, on the basis of the recommendations of the meeting in Bujumbura between the political parties participating in the Government and the RPF, from the 25th of February 1993 to the 2nd March 1993,



reaffirmed their commitment to respect the N'sele Ceasefire Agreement as amended at Arusha on July 12, 1992, and undertook to restore and consolidate the Ceasefire on the basis of the following modalities:-

- \* i) effective date for the cessation of hostilities shall be Tuesday, 9th March, 1993, at midnight Rwanda time.
- \* ii) identification and mapping of the positions of the Rwandese Armed Forces by the Neutral Military Observer Group (NMOG) shall be carried out from 10th to 13th March 1993.
- \* iii) the Rwandese Armed Forces shall remain in those positions so identified and mapped.
- iv) the withdrawal of foreign troops and their replacement by a neutral international force organised under the aegis of the OAU and UN and, in conformity with Article II (6) of the Agreement signed on July 12, 1992, having a humanitarian mission. That force will normally be based in Kigali and will have the task of contributing to allaying the fears and, in particular, the security of the expatriate community wherever they may be.
- v) the two parties agreed on the modalities of the implementation of the preceeding paragraph. Those modalities are contained in a confidential document known to the FACILITATOR.
- vi) suspension, dismissal, and any other administrative measures without prejudice to judicial proceedings, by the Government of Rwanda, of all public officials who were directly and indirectly involved in, or who failed to prevent massacres and other acts of inter-communal violence, by 13th March, 1993. Measures to be implemented by this date are the ones recommended in the evaluation commission report and in respect of recent flagrant cases; the RPF shall provide a list of other officials deemed to

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fall in the same category and the Government of Rwanda shall take appropriate measures after evaluation of each case by 31st March 1993.

\* vii) withdrawal of the Rwandese Patriotic Front forces to positions they occupied prior to 8th February 1993 under the supervision of NMOG shall take place between 14th and 17th March 1993.

\* viii) upon non-compliance of the above agreed modalities, both or either party may request the Facilitator and/or the Secretary General of the OAU to be seized with the matter.

ix) resumption of the Arusha negotiations on Monday 15th March 1993, on the outstanding issues which should be completed within three weeks and the signing of a Peace Agreement by the first week of April 1993.

\* x) request the Secretary General of the OAU, in his capacity as the supervisor of the NMOG, to extend the mandate of the NMOG and to mobilise additional resources to enable it fulfil its mission.

#### NEGATIVE RADIO PROPAGANDA AND WAR PREPARATIONS.

3. In order to contribute to the creation and enhancement of the necessary conducive atmosphere for the continuation of the peace process, the two parties undertook to refrain from engaging in negative propaganda through any public media and public meetings which is likely to incite people to hatred, violence, and undermine national reconciliation. They also undertook to desist from fresh recruitment, the acquisition of new weaponry intended for supply to the forces in the field and the distribution of arms to the civilian population. In this regard the NMOG should ensure the strict monitoring of the activities of the two forces in their respective zones.

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DISPLACED PERSONS



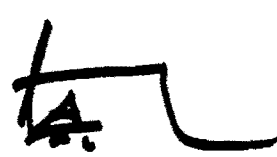
4. The two parties expressed ~~concern~~ over the plight of the displaced persons, in particular, ~~women~~ and children being the most vulnerable. In this regard, they committed themselves to provide adequate security and protection to the displaced persons. They undertook to create corridors of tranquility in the conflict zones to facilitate the transportation and delivery of relief supplies to the displaced persons. The two parties also undertook to create the necessary conditions for the early return of the displaced persons to their homes.

5. The two parties reiterated their appeal to the International Community and humanitarian agencies to provide increased and adequate relief assistance to the displaced persons.

CONCLUSION

6. The two parties expressed their heartfelt gratitude to the Facilitator, His Excellency Ali Hassan MWINYI, President of the United Republic of Tanzania, the Government and People of Tanzania for their commitment to, and support in the search for peace in Rwanda as well as for the warm hospitality accorded to them.

7. Finally the two parties expressed their appreciation to the Current Chairman of the OAU, President Abdou DIOUF of Senegal, the Secretary General of the OAU, Dr. Salim Ahmed SALIM and all Observer countries and Organisations for their invaluable support and assistance.




Done at Dar es Salaam on 7th March 1993.

FOR THE GOVERNMENT OF THE REPUBLIC OF  
RWANDA



Dr. NSENGIYAREMYE Dismas  
Prime Minister of the Republic  
of Rwanda

FOR THE RWANDESE  
PATRIOTIC FRONT



Col. NSENGIYAREMYE Alexis  
Chairman of the Rwandese  
Patriotic Front

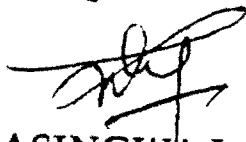
In the presence of the Representative of the FACILITATOR  
(the United Republic of Tanzania)




Hon. John S. MALECELA  
Prime Minister and First Vice-President  
of the United Republic of Tanzania

Done at Arusha, the 9th day of June 1993 in both French and English Languages, the French text being the original.

For the Government of the the  
Republic of Rwanda

  
NDASINGWA Landoald  
Minister of Labour and Social  
Affairs

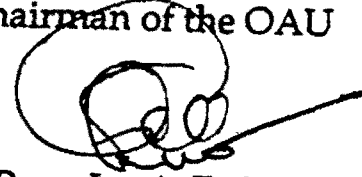
For the Rwandese Patriotic Front

  
BIZIMUNGU Pasteur  
Member of the Executive  
Committee and Commissioner for  
Information and Documentation


In the presence of the Representative of the Facilitator  
(The United Republic of Tanzania)

Ami R. MPUNGWE  
Ambassador  
Ministry of Foreign Affairs and  
International Co-operation

In the presence of the  
Representative of the Current  
Chairman of the OAU

  
Papa Louis FALL  
Ambassador of Senegal to Ethiopia  
and Tanzania  
and Representative to the OAU

In the presence of the  
Representative of OAU Secretary  
General

  
Dr. M.T. MAPURANGA  
Assistant Secretary General for  
Political Affairs