

ORGANIC LAW NO 07/2004 OF 25/04/2004 DETERMINING THE ORGANISATION, FUNCTIONING AND JURISDICTION OF COURTS

We, KAGAME Paul.

President of the Republic

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

THE PARLIAMENT:

The Chamber of Deputies, meeting in its session of April 5,2004;

The Senate, meeting in its session of January 22, 2004;

Given the Constitution of the Republic of Rwanda as amended to date, especially in articles 88, 93, 140, 141, 142, 143, 145, 149, 150, 151, 152, 153, 159, 195 and 201;

Revisited Law Decree n^o.09/80 of 11 July 1980 establishing the Code of organization and jurisdiction of Courts as amended and complemented to date;

ADOPTS:

PART ONE: ORGANISATION AND FUNCTIONING

CHAPTER ONE: GENERAL PROVISIONS

Article 1

This organic law determines the organization, functioning and jurisdiction of courts.

Article 2

The ordinary Courts are the Supreme Court, the High Court of the Republic, Provincial courts and the City of Kigali Courts as well as District, Town and Municipality Courts. The specialized courts are Gacaca courts and Military courts. An organic law may establish other specialized Courts if deemed necessary.

CHAPTER II: ORGANISATION OF COURTS

Section One: Ordinary Courts

Sub-section one : District, Town and Municipality Courts

Article 3

There shall be a District Court in every District and a Town Court in every Town. The ordinary Seat of each respective court shall be determined by the District, Town or Municipality Council of the place where the court is located. The territorial jurisdiction shall conform to the administrative boundaries of the district, town, or Municipality. The number of District and down Courts as well as their names and territorial jurisdiction are annexed to this Organic law.

Article 4

Every District, town and Municipality Court shall be comprised of at least *two* (2) judges, one of whom shall be the Eves dent of the Court. The court shall also have registrars and oilier necessary support staff

Article 5

The President of the District, Town and Municipality Cows, apart from adjudicating cases, shall also be responsible ton the distribution of work, functioning and organization of the Court as well as determining persons for adjudicating cases. He or she shall also supervise and exercise disciplinary powers over the conduct of all staff of the Court and shall sanction them in accordance with statute governing them.

Article 6

The President of the District, Town or Municipality Courts as well as Judges of such courts shall be appointed and removed from office by the President of the Supreme Court on approval by tile Superior Council of Judiciary. The conditions the President and judges of District, Town and Municipality Courts are required to fulfill shall be specified by the law on the Status of judges and other Judicial Personnel.

Article 7:

Adjudication of cases in District, town or Municipality Court shall be performed by a single judge assisted by a registrar.

Subsection 2: Provincial and city of Kigali courts

Article 8

There is a Provincial court in each Province and the City' of Kigali Court in the City of Kigali. The seat of each Provincial Court shall be determined by' the Executive Committee of each Province while that of the City' of Kigali courts shall be determined by its consultative Council. Their territorial jurisdiction shall conform to the administrative boundaries of each province or that of the City of Kigali respectively, except that of the City of Kigali, the provinces of Butare and Ruhengeri as determined by article 10 of this organic law. The number of Provincial and the City of Kigali Courts, their names and territorial jurisdiction are annexed to this organic law.

Article 9

Every Provincial and the City of Kigali Courts shall hear both civil and criminal cases. The court is also comprised of specialized chambers: one for juvenile cases and another for administrative cases.

Article 10:

There is hereby established two (2) specialized chambers in the City of Kigali Courts, as well as in the Butare and Ruhengeri Provincial courts: One such chamber will hear commercial, financial and tax cases while the other shall hear labour cases. The specialized chambers of the City of Kigali court shall have jurisdiction over disputes arising out of the City of Kigali and the Provinces of Kigali-Ngali, Kibungo, Byumba and Umutara. The specialized chambers of the provincial court of Butare shall have jurisdiction over disputes arising out of the Provinces of Butare, Critarama, Gikongoro and Cyangugu. The specialized chambers of the provincial court of Ruhengeri shall have jurisdiction over disputes arising out of the provinces of Ruhengeri, Gisenyi and Kibuye.

Article 11:

Every provincial court shall consist of the President of the court; the Vice-President and at least five (5) other judges, registrars and such other support staff as are necessary for the smooth functioning of the Court. However, provisions of paragraph one of this article shall not apply to the court of the City of Kigali, and the provincial Courts of Butare and Ruhengeri because they shall be comprised of a President, Vice-President, and at least ten (10) other judges due to their particularity.

Article 12

The President, Vice-President and judges of Provincial and City of Kigali Courts, are appointed by the Superior Council of the Judiciary. The conditions the President and judges of provincial courts and those of the Kigali City court are required to fulfill shall be specified by the law on the Status of Judges and other judicial Personnel.

Article 13

In the Court under him or her, the President of the Court of a Province or that of the City of Kigali Court shall represent the President of the High Court of the Republic. With exception of his duties of adjudication of cases, he or she is also responsible for the administrative organization and functioning of the Court.

Article 14

The President and Vice-Presidents of the Provincial and City of Kigali Courts may hear cases in any ordinary chamber of the Court including the specialized chambers.

Article 15:

Upon proposal by the Superior Council of the Judiciary, the President of the Supreme Court may establish other necessary specialized chambers in a Provincial or the City of Kigali Courts.

Article 16

With the exception of what is provided otherwise under this organic law, Provincial or the City of Kigali Courts shall, while trying cases in first instance be presided over by a single judge assisted by a court registrar. However, in commercial and labor cases on the first degree, a bench shall consist of a single judge, assisted by two assessors respectively selected from commercial and legally recognized employees' and employers' associations. The assessors are selected by agreement of the parties from a list prepared by associations relevant to the case. However, in labor cases, the bench shall consist of two assessors, one from trade unions and the other from employers' associations recognized by law. In commercial cases, those who can be assessors are traders of integrity with at least 25 years of age and with at least three year's experience in commercial activities except those who are bankrupt and who were convicted and finally sentenced to an imprisonment of at least six (6) months. On appeal, it shall be comprised of three (3) Judges assisted by a registrar.

Sub-section 3: The High Court of the Republic**Article 17**

There is a High Court of the Republic whose seat is in the City of Kigali. Its jurisdiction covers the entire territory of the Republic.

Article 18:

The High Court of the Republic has four (4) chambers in other parts of the country. It shall also have a registry situated in each Provincial Court, which shall have the duty, inter alia, to receive petitions or appeals to be filed in or appeals to the Court.

Article 19

One chamber shall be located in Nyanza and its territorial jurisdiction shall cover the Provinces of Citaruma, Butare and Cikongoro. The second itinerant chamber shall be located in Ruhengeri and shall cover the territorial jurisdiction of the provinces of Ruhengeri, Gisenyi and Kibuye. Another Chamber is located in Cyangugu and its territorial jurisdiction shall cover the Province of Cyangugu. Another chamber is located in shall cover the Provinces of Kibungo and Umutara. Rwamagana and its territorial jurisdiction At the Seat of the High Court of the Republic, shall be tried cases originating from the City of Kigali, Provinces of Kigali Ngali and Byumba.

Article 20

Upon proposal of the Superior Council of the Judiciary, the President of the Supreme Court may establish other necessary Chambers in the High Court of the Republic.

Article 21:

The High Court of the Republic shall consist of a President and Vice President, at least 24 judges, registrars and other necessary support staff.

Article 22

The President of the High Court of the Republic, the Vice-President and judges of the High Court of the Republic are appointed and removed by the President of the Supreme Court upon approval of the Superior Council of the Judiciary. The conditions that the President of the High Court of the Republic, the Vice-President and judges are required to fulfill shall be specified by the law on the Status on judges and other Judicial Personnel.

Article 23

In the Court under him or her, the President of the High Court of the Republic shall represent the President of the Supreme Court. In his or her duties, he or she shall be responsible for the organisation of the Court as well as the smooth functioning of lower Courts. To that effect, he or she shall take all the necessary measures to ensure prompt and speedy trials and avoid any thing that may cause undue delay in the disposal of cases. In that regard, he or she shall notably exercise the following duties

1. presides over proceedings of each chamber if deemed necessary;
2. organises and determines the functioning of the High Court and supervises the conduct of all its personnel.
3. convenes and presides over the general assemblies of all the judges of the High Court of the Republic as well as the official ceremonies to mark the beginning of the judicial year.

Article 24

The President of the High Court of the Republic may by order, temporarily delegate to judges of Provincial or the City of Kigali Courts or District, Town or Municipality Courts powers to hear cases arising from courts of the same level to the Courts to which they are appointed outside their ordinary jurisdiction, if there is any court that may lack enough judges, or if it is deemed necessary to reinforce some courts so as to expedite the hearing of pending cases.

Article 25

Judges of Provincial and the City of Kigali Courts as well as those of the High Court of the Republic permanently work in specialized itinerant chambers to, which they are appointed by the Superior Council of Judiciary. They may, however, in the interest of duty, but on a temporary basis, hear cases in other specialized or itinerant chambers. Each specialized and itinerant chamber shall have a President. He is responsible, inter alia, for the organization as well as assignment of duties in the chambers.

Article 26

The High Court of the Republic shall hear cases on first instance while being constituted of a single (1) judge assisted by a registrar. However, in the course of hearing appeals from decisions of lower courts, it shall be constituted of three (3) Judges assisted by a court registrar. The High court of the Republic shall

hear cases lodged on first instance and it shall be constituted by three judges (3) assisted by one registrar.

Sub-section 4 The Supreme Court

Article 27

The organization, functioning and jurisdiction of the Supreme Court shall be determined by an Organic Law.

Section 2 Specialized Courts

Sub-section one: Gacaca Courts

Article 28

There are in existence, Gacaca courts, which are charged with the duty of prosecuting and trying persons accused of genocide and other crimes against humanity committed between the 1st October 1990 and 31st, December 1994, except some of such crimes, that fall under jurisdictions of other courts An *organic* law shall determine the structure, functions and jurisdictions of such courts.

Sub-section 2 Military Courts a. Military Tribunal

Article 29:

There is a Military Tribunal whose seat shall be in the City of Kigali. Its jurisdiction covers the entire territory of the Republic.

Article 30

The Military Tribunal shall be comprised of at least ten (10) judges including its President and Vice-President.

In his or her duties, the President of the Military Tribunal shall be replaced by the Vice President and in the absence of the latter, by the most senior judge in the highest military rank.

Article 31:

The President, the Vice President and judges of the Military Tribunal shall be appointed by the Prime Minister's Order upon proposal of the Minister responsible for Rwanda defense forces. They shall be Appointed for an undetermined period. However, they may be removed from their duties at any time in accordance with the same procedure of their appointment due to incompetence, misconduct or any other grounds provided for by any other law.

Article 32

In order for the bench of the Military Court to be properly constituted, it must comprise of an odd number

of at least three (3) judges, with the assistance of a registrar. The president of the session must possess at least the same rank as the accused.

Article 33

The Military Court consists of a registry composed of court clerks with at least the rank of Sergeant and other necessary support staff appointed by an order of the Minister having Rwanda Defense Forces in his attributions.

b. The military High Court

Article 34

There is established a Military High Court whose seat shall be in the City of Kigali. Its jurisdiction covers the entire territory of the Republic.

Article 35

The Military High Court shall consist of at least nine (9) judges including its President and Vice-President. In his or her duties, the President of the Military High Court shall be replaced by the Vice-President and in the absence or impediment of the latter, by a judge who is most senior in the highest rank.

Article 36

The President, the Vice president and the judges of the Military High Court shall be appointed by the Prime Minister's Order upon proposal of the Minister who has Rwanda Defense Forces in his or her attributions. They are appointed for an undetermined period. However, they may be removed from office at any time in accordance with the mode of their appointment due to incompetence, misconduct or any other grounds as provided for by any other law.

Article 37:

In order for the bench of the Military High Court lobe properly constituted, it must consist of an odd number of judges which shall not be less than three (3), including the President of the bench assisted by a court registrar. The President of the bench must possess at least the same rank as the accused.

Article 38

The Military High Court consists of a registry composed of court clerks with at least a rank of a Sergeant, and other necessary staff appointed by an order of the Minister having Rwanda Defense Forces in his attributions.

CHAPTER 111: JUDICIAL PERSONNEL

Article 39

Judicial personnel shall consist of the following:

1. career judges
2. auxiliary judges
3. judicial staff;
4. administrative support staff.

Section one Career Judges

Article 40

Career judges shall be those who exclusively perform judicial duties and who are governed by the statute of judicial personnel. They are the following:

1. the President of the Supreme Court;
2. the Vice President of the Supreme Court;
3. judges of the Supreme Court;
4. the President of the High Court of the Republic;
5. the Vice President of the High Court of the Republic;
6. judges of the High Court of the Republic;
7. the Presidents of the Provincial and the City of Kigali Courts;
8. The Vice Presidents of the Provincial and the City of Kigali Courts;
9. The judges of Provincial and the City of Kigali Courts;
10. The Presidents of District, Town and Municipality Courts
11. The judges of District, Town and Municipality Courts.

Section 2: Auxiliary Judges

Article 41:

Auxiliary judges are workers mentioned in this article who temporarily carry out judicial activities in conjunction with their other activities done on a permanent basis:

1. persons of integrity of Gacaca Courts;
2. The President, Vice-President and judges of the Military Courts;
3. The President, Vice-President and Judges of the Military High Court;
4. Assessors of specialized chambers charged with trying commercial and labor cases

Article 42

The Auxiliary judges shall be governed by the statutes of their Principal activities. However, they shall be governed by the statutes governing career judges while performing their judicial duties

Section 3: Other Judicial staff

Article 43

Judicial staff shall be the following:

1. Chief registrars
2. Court registrars
3. Assistant registrars

Article 44:

In each court, the Chief registrar shall be responsible for the organization, functioning and conduct of registrars of the Court. In that regard he or she assigns duties to other registrars and supervises their activities in issuing copies of judgments and other court orders. In case of his or her absence, or impediment, he or she shall be replaced by the most senior registrar in terms of appointment.

Article 45:

A registrar shall assist judges in all court proceedings, and shall sign on all their documents. If he or she cannot be available in order to sign on court statements or documents, the president of the Court shall indicate reasons for the failure to sign, in the place where he or she was supposed to sign.

Article 46:

The Chief registrar of the court shall be the custodian of all Court records as well as registers meant for receiving claims or recording decided and executed cases. He or she shall also be responsible for the

preparation and issuance of all summons and documents related to any Court process. He or she shall prepare drafts of judgments if necessary and type them. At the beginning of every calendar year, and not later than 15th January, the chief registrar of the court shall prepare a list of all cases decided by the Court according to the alphabetical order of names of the parties and make a summary of the subject matter of the claim in each case. In criminal cases, he or she shall make a list of all the accused persons, a summary of the offences charged and the judgments rendered thereto.

Article 47:

One of the court registrars determined by the President of the court shall be responsible for the seized or confiscated property kept in court custody. He or she shall be held responsible for the damage or deterioration of the property, due to mishandling or negligence.

Article 48

Court registrars shall be appointed by the President of the Supreme Court after competition. The President of each court shall, in writing, appoint a registrar or several registrars in the Court, charged with the duty of receiving parties who have no access to legal representation and who lack knowledge on the rules of jurisdiction and procedure, to advise the parties on the competent courts or other institutions depending on the nature of their cases.

Article 49

The Minister having Justice in his or her attributions, upon request by the President of the Supreme Court or the Minister with Rwanda Defense Forces in his or her attributions, may appoint one or several court registrars to be court bailiffs.

Article 50:

The statute governing judges and other judicial personnel shall be instituted by law.

Section 4 Administrative support staff

Article 51:

The administrative support staff of Courts are as follows

1. the Secretary General of the Supreme Court;
2. the Inspector General of Courts;
3. Court Inspectors
4. Director Generals
5. Directors;

6. Heads of divisions;

7. Other necessary staff

The statute governing administrative support staff shall be instituted by law.

CHAPTER IV THE FUNCTIONING OF COURTS

Section one Administration of courts

Article 52

The President of the Supreme Court shall be responsible for the functioning of all ordinary courts. In that regard, he or she shall issue instructions relating to the functioning of ordinary courts, after approval by the Superior Council of the Judiciary.

Article 53

The President of each Court shall be responsible for administration, functioning and internal discipline of the court. He or she shall assign among judges, cases for examination and shall determine judges of benches and the dates for hearing cases. He or she shall preside over the trial in which he or she is taking part. He or she gives instructions and take decisions concerning the functioning of the Court he or she heads.

Article 54

In every three months and whenever deemed necessary, the President of the court shall convene and preside over a general staff meeting of the Court to evaluate the functioning of the Court.

Article 55

Each President of any Court shall have the right to control and supervise lower courts immediately under his or her jurisdiction. In that regard, he or she shall issue instructions regarding better performance of duties. However, such rights shall not guarantee him or her the powers to issue instructions to courts on how to decide cases.

Article 56

In case of absence or impediment, the President of the court shall be replaced by the Vice-President. In case the Vice President of the court is also absent or impeded, he or she shall be replaced by the most senior judge in terms of appointment. In case there are judges of the same seniority, the older judge in terms of age shall replace the President.

Article 57

Judicial recess shall be determined by the President of the Supreme Court after consultation with the

Superior Council of the Judiciary. The Judicial recess shall be thirty (30) calendar days. Prior to recess, the President of each court shall assign a judge who shall remain on duty to carry out urgent court duties. He or she is duty bound to have to submitted to the President of the immediately Superior court an annual report of activities.

Article 58

The annual budget for all ordinary courts shall be deposited on the account number of the Supreme Court in the National Bank of Rwanda.

Article 59

Every semester, the President of the Supreme Court shall transmit to the President of the High Court of the republic, the President of Provincial and the City of Kigali Courts and the Presidents of District, Town and Municipality Courts, funds meant for their respective Courts to be deposited on the account number of each Court. The President of the High Court of the Republic, Presidents of Provincial and the City of Kigali Courts as Well as the Presidents of District, Town and Municipality Courts shall supervise how their respective Courts utilize the budget allocated to them.

Article 60

The expenditure and use of Court budgets should conform to provisions and regulations governing the government accounting system.

Section 2: Itinerancy

Article 61

All Courts, with the exception of the Supreme Court, may sit and hear cases from any Districts within their jurisdiction, if their Presidents find it imperative for better rendering of Justice.

Article 62

The President of the court may, in writing, order a judge or judges to perform their duties, in a determined period, away from the ordinary seat of the Court.

Article 63

Itinerancy shall not hinder the usual functions of the court at its usual seat.

Section 3: Relations between courts and other state institutions.

Article 64

Courts shall be independent and separate from other state institutions. However, due to complementarity with other state institutions, the President of each court is responsible for ensuring better collaboration

between the court for which he or she is the President and other government institutions. In that regard, he or she shall inform leaders of government institutions within the jurisdictions of the court all necessary and relevant issues for the accomplishment of their responsibilities, if such information does not prejudice professional secrecy and the principle of judicial independence.

PART II: JURISDICTION OF COURTS

CHAPTER ONE: JURISDICTION OF ORDINARY COURTS

Section one: Jurisdiction related to subject matter or Competence of the Court

Sub-section one: District, Municipality and Town Courts

A. Jurisdiction in criminal proceedings

Article 65

District, Municipality and Town Courts shall hear and determine all offences except those whose sentence is a term of imprisonment exceeding five years as well as those relating to the violation of traffic rules. However, the offences provided for by the organic law relating to the organization, jurisdiction and functioning of Mediation committee shall first be settled by the committee before submitted to the prosecution department or courts as provided for by article 159 of the Constitution.

B. Jurisdiction in civil matters

Article 66

The District, Town and Municipality Courts shall have original civil jurisdiction in:

1. disputes between physical or moral persons whose monetary value does not exceed three million Rwandan Francs (3.000.000 Rfw), except civil actions related to insurance as well as those seeking damages for the loss occasioned by an offence triable by another court;
2. disputes related to land, unregistered immovable property, domestic animals as well as those of inheritance to such property, provided that its monetary value does not exceed three million Rwandan Francs (3.000.000 Rfw);
3. disputes related to family and civil status.

However, cases provided for by the organic law that determines organization, functioning and jurisdiction of the Mediation committee shall first be settled by the committee before they are submitted to courts as provided for by article 159 of the Constitution.

Article 67

District, Town and Municipality Courts shall try on first and last instance, all cases whose monetary value

does not exceed fifty thousand (50.000 Rwf) Rwandan francs.

Article 68

The President of the District, Town or Municipality Court or a judge authorized as such shall hear and determine urgent applications that fall within jurisdiction of such courts.

Article 69:

District, Town and Municipality courts shall not try cases whose monetary value exceed the amount of which they have jurisdiction due to claims or cumulative claims.

Article 70:

If a case contains a multiplicity of claims which, if separated, some can be triable by a District or Town Court and others by a Superior court, the District or Town court shall declare itself incompetent to hear such a case and sends it to that other court.

C. General provisions related to District, Town and Municipality Courts

Article 71:

The judgments tendered by District, Town or Municipality, Courts whether civil or criminal may be subject to review by such courts or appealed against in the Provincial and the City of Kigali Courts. However, cases mentioned in article 67 of this organic law heard on the first and last instance by District, Town or Municipality Courts shall not be subject to appeal.

Sub-section 2: Provincial and City of Kigali Courts

A. Criminal Jurisdiction

1. Ordinary Jurisdiction

Article 72

Provincial and the City of Kigali Courts shall have jurisdiction to try offences whose sentence is a term of imprisonment exceeding five (5) years, except the offences which this organic law reserves to other Courts.

They shall also have jurisdiction over road traffic offences. They shall also have jurisdiction over cases involving persons placed in the first category accused of crimes of genocide and other crimes against humanity committed between 1st October 1990 and 3¹st December 1994.

Article 73:

Provincial and the City of Kigali Courts shall have appellate jurisdiction to hear cases from District, Town

and Municipality Courts in their respective jurisdictions.

2. Jurisdiction of specialized chambers of Provincial and City of Kigali Courts

a. Jurisdiction of Juvenile Chambers

Article 74

Minors accused of offences shall only be tried by a Juvenile Chamber of a Provincial and the City of Kigali Courts.

Article 75:

The juvenile chamber shall in addition to sentencing juvenile offenders, ensure appropriate measures for their safety, support supervision and education of such children.

6. Jurisdiction of labor chamber

Article 76

In criminal cases, the Labor chamber shall try offences related to labor laws, social security laws as well as offences related to the implementation of such laws.

B Jurisdiction in civil and administrative matters

1. Jurisdiction in Civil matters a. Ordinary Jurisdiction

Article 77

In civil cases, Provincial and the City of Kigali Courts shall have jurisdiction to hear cases on first instance that are not triable by other Courts. They shall also hear on first instance all cases related to insurance, regardless of the value of the claim.

Article 78

Provincial and the City of Kigali Courts shall have jurisdiction to hear appeals against judgments decided on first instance by District, Town and Municipality Courts within their jurisdiction. They shall also hear appeals or orders taken on urgent applications by the Presidents of District, Town and Municipality Courts or judges authorized for that mailer.

Article 79:

The President of Provincial and the City of Kigali Court, the Vice President or judges authorized for that matter shall hear urgent civil applications that fall within the jurisdiction of Provincial or the City of Kigali Courts.

b. The Jurisdiction of Specialized Chambers of the Court of the City of Kigali and Butare and Ruhengeri Provincial Courts.

1. Jurisdiction of Commercial, Financial and Tax Courts

Article 80:

The Specialized Chamber handling commercial, financial and tax cases shall on first instance hear claims related to

1. disputes of Commercial or Tax nature outside the jurisdiction of other courts between business persons based on documents legally accepted to be commercial
2. disputes arising out of the use of negotiable instruments;
3. disputes relating to banking transactions
4. disputes relating to contracts arising out of commercial transactions
5. disputes between commercial firms;
6. Disputes related to revival of limping commercial firms as well as their liquidation;
7. Matters relating to financial litigation;
8. Actions relating to tax disputes;
9. actions related to transport litigation.

Article 81:

The Specialized chamber handling Commercial, financial and Tax matters shall also hear:

1. Disputes arising from:
 - a. Shareholders of a firm;
 - b. directors *of a* firm;
 - c. share holders and directors of a firm;
 - d. Auditors and directors of a firm;
 - e. Auditors and shareholders of a firm;

- f. liquidators and directors or share holders of a dissolved firm;
 - g. The mentioned and shareholders
 - H. Share holders, directors, auditors or liquidators of a dissolved firm as well as those responsible for its revival
2. all disputes related to commercial bankruptcy;
 3. actions related to industrial, trademarks;
 4. actions related to correction or removal of a firm from the commercial register;
 5. applications related to the appointment and removal of auditors responsible for auditing books and accounts of commercial firms.

ii. Jurisdiction of Labor Chambers

Article 82

Without prejudice to other provisions of this organic law, the labor chamber shall hear

1. Disputes between individuals or groups of persons arising out of contracts of employment or contracts of apprenticeship, between private employers and their employees; collective bargaining conditions or administrative decisions in lieu there of
2. Disputes arising out of labor relations between private employers and employees;
3. Disputes between social security organizations, between employers and employees in regard to the implementation of social security laws, but without prejudice to the provisions of the laws relating to the institution of commissions empowered to hear some specific categories of disputes
4. Suits for damages arising out of offences for breach of labor laws without prejudice to the laws which give such jurisdiction to criminal Courts when they are seized with such offences.

2. Jurisdiction in Administrative matters

a. Jurisdiction of administrative chambers

Article 83

The specialized Chambers of Provincial and the City of Kigali Courts shall hear the following administrative cases:

1. All petitions relating to the election of administrators from the lowest levels of local administration to the district, town or municipality level
2. All petitions mentioned in articles 93, 94 and 95 of this organic law, provided that such decisions or acts were taken by administrative personnel mentioned in the preceding paragraph. They also preside over swearing in ceremonies of members of the consultative councils of Districts, Towns and Municipality.
3. Action for damages arising from non-contractual liability of government officials and public parastatals especially those concerning junior officers.

Article 84

The provisions of article 96 to 98 of this organic law shall be applicable before specialized administrative chambers of Provincial and the City of Kigali Courts.

Article 85:

The Presidents of Provincial and the City of Kigali Courts, the Vice-Presidents or authorized judges of the administrative chamber shall hear any summary applications of administrative nature which fall within the jurisdiction of the Provincial and the City of Kigali Courts.

C. General Provisions relating to Provincial and City of Kigali Courts

Article 86

When Provincial or the City of Kigali Courts are seized with a case that falls within the jurisdiction of a District, Town or Municipality Court, and none of the parties applies for it to be transferred to a District, Town or Municipality Courts, the Provincial or the City of Kigali Court may, on its own motion, transfer the case to the competent District, Town or Municipality Court.

Article 87

Civil and Criminal cases heard by Provincial or the City of Kigali Courts may be subject to review by the same courts and appealed against in the 1-11gb Court of the Republic.

Article 88

The Presidents of Provincial or the City of Kigali Courts hear applications for transfer of cases when there is a case which is likely to arouse public discontent or if a bench can not be legally constituted in the District, Town or Municipality court within their jurisdictions. They also settle disputes relating to conflicts of jurisdiction between different District, Town or Municipality Courts within their jurisdictional districts.

Sub-section 3: The High Court of the Republic

A. Jurisdiction it, first instance

1. Criminal jurisdiction

a. National jurisdiction

Article 89

The High Court of the Republic shall have jurisdiction to try on first instance the following offences committed by civilians:

1. The offences of murder and manslaughter;
2. The offences of treason;
3. The offences relating to threat to national security;
4. The offences of terrorism
5. War crimes
6. Crimes of genocide and crimes against humanity except those committed by persons accused of crimes of genocide committed between October 1990 and 31st December 1994 which shall remain within the jurisdiction of Gacaca and Provincial or the City of Kigali Courts.

b. Universal Jurisdiction

Article 90

The High Court of the Republic shall have jurisdiction to try any person including non-nationals found within the territory of the Republic of Rwanda, alleged to have committed, outside the national boundaries, any crimes falling within the category of international or cross-header crimes especially the crimes of genocide, crimes against humanity, war crimes, terrorism, hostage taking, drug trafficking, money laundering, theft of motor vehicles for sale abroad, human trafficking especially of young girls, slavery and other crimes of similar name When the High Court of the Republic is sifting in the exercise of its universal jurisdiction, the President of the Supreme Court may, in the interest of justice and with a view to harmonize universal jurisprudence over international and cross boarder crimes, seek cooperation of the United Nations or a member state in which he crime was committed, to provide foreign judges to sit with their Rwandan counter parts to hear such cases or request foreign courts to conduct some of the investigations on behalf of Rwandan Courts.

2. Civil jurisdiction

Article 91:

The High Court of the Republic shall hear complaints which require execution of cases and decisions taken by foreign courts. The examination of such applications shall be conducted by considering

1. whether the foreign judgment does not contradict Public order or basic Legal tenets of Rwandan public laws;
2. whether the case was finally heard and determined in accordance with the laws of the country of origin;
3. whether a copy of the judgment is by all means authentic in accordance with such laws,
4. whether the right of defense was respected.

Article 92

Authentic deeds which have proof to have been written by foreign authorities may also be executed in Rwanda by the High Court of the Republic if they have the following evidence:

1. If the reasons for seeking the execution of the authentic deeds are not contrary to public order as well as legal tenets of Rwandan Public laws;
2. If according to the Country in which they were written, they have all necessary evidence to prove their authenticity.

3. Jurisdiction in Administrative Cases

Article 93

The High Court of the Republic shall have jurisdiction to hear the following administrative related cases:

1. Application to set aside administrative decisions for violation of substantive or procedural rules, for lack of jurisdiction or, exceeding authority, when, such decisions have been finally made by Public and administrative authorities front the levels of Province to the President of the Republic;
2. actions seeking nullification of administrative decisions or seeking damages arising from non compliance with the general statute governing public servants and public service institutions;
3. actions based on grounds other than contractual or quasi-contractual acts involving damage caused by the acts or omissions of administration or due to acts carried out in public interest;
4. Actions concerning administrative contracts other than those based on civil law;
5. Actions concerning labor disputes between individuals and the State or its corporations.
6. complaints concerning incompatibility between public service and other types of employment;
7. complaints concerning seizure of movable or immovable property in general public interest.
8. disputes arising out of expropriation of people in public interest.

Article 94

The High Court of the Republic shall examine whether the decisions contracts or administrative acts within its jurisdiction were done according to law. In case it is done contrary to law, it may nullify and order payment to an aggrieved party any compensation arising out of damage by such acts.

Article 95

The High Court of the Republic shall hear disputes concerning administrative contracts within its competence particularly on their validity, interpretation, enforcement or resiliation.

Article 96

Subject to the provisions of the preceding articles, the High Court of the Republic may issue written orders to any administrative organ directing or restraining it from performing certain acts.

Article 97

Without prejudice to the provisions of article 96 of this organic law, the High Court of the Republic may indicate in its written orders, that it has granted to an administrative authority the right to choose between paying compensation in kind or in cash.

Article 98

The High Court of the Republic may also issue certain written instructions related to conduct of a certain public official, so as to comply with such an order, and failure to do so may render him or her to pay damages on his or her own.

Article 99

The High Court of the Republic shall hear on first and last instances appeals against decisions taken in the Council of the Bar Association as well as election petitions arising from the members of the organs of their association.

Article 100

The High Court of the Republic shall hear election petitions of administrative leaders on Provincial and the City of Kigali levels.

Article 101

The High Court of the Republic shall hear disputes relating to political parties, between political parties, between political parties and their members or between political parties and the administration. It shall also settle cases relating to the violation of articles 52, 53 and 54 of the Constitution if committed by political organizations.

Article 102

The High Court of The Republic shall receive oaths of the members of the Consultative Council of the City of Kigali.

4. General provisions regarding original jurisdiction of the High Court of the Republic**Article 103**

Cases tried in first instance by the High Court of the Republic, whether penal, civil or administrative, may be reviewed by the same court, and appealed in the Supreme Court.

Article 104

The President of the High Court of the Republic shall have the powers to hear cases relating to removal or transfers of cases from one Provincial or the City of Kigali Court to another court of the same level on reasons of public tranquility or if the bench can not be legally constituted. He or she shall also settle disputes relating to conflict of jurisdiction between provincial or the City of Kigali Courts.

B. Appellate Jurisdiction**1. Jurisdiction in Criminal Proceedings****Article 105:**

The High Court of the Republic shall have jurisdiction to hear appeal criminal cases tried on first instance or appellate level from provincial or the City of Kigali Courts.

2. Jurisdiction in Civil Proceedings**Article 106**

The High Court of the Republic hears appeal civil cases heard on first or second instances by Provincial or the City of Kigali Courts. It also hears cases tried by arbitration tribunals.

Article 107

The High Court of the Republic shall hear appeals related to urgent summary applications from the Presidents of provincial or City of Kigali Court or their Vice Presidents or other authorised judges to that effect.

3. General Provisions relating to the High Court of the Republic in the exercise of its appellate jurisdiction**Article 108**

Cases decided by the High Court of the Republic on the appellate degree may be subject to review by the same court and appealed against in the Supreme Court, except cases which originate from the District, Town or Municipality Courts, as well as those that may be prohibited by the organic law that determines the organization, functioning and jurisdiction of the Supreme Court to be heard in the Supreme Court.

Section 2: Determination of jurisdiction based on competence of the court or subject matter

Article 109:

In civil cases, the pecuniary jurisdiction shall be determined by the nature and value of claim. The monetary value of the claim shall be determined by putting into account the principal amount and the interests agreed upon in the contracts.

Article 110:

For purposes of establishing the jurisdiction of the court, any products of the principal subject matter, interests, arrears, damages and ally other incidental expenses shall be added to the subject matter only if they were indicated before instituting the suit.

Article 111

If a suit contains various claims based on the same cause, they shall he combined in order to determine the competent court.

If claims are not based on the same case. each claim shall he heard separately on the first or last deuce according to its value.

Article 112

If the amount claimed is part of a debt which is bigger than that being contested, the larger amount shall determine the court that has jurisdiction to hear the *case*.

Article 113:

If a suit is brought by several plaintiffs or is against several defendants under the same Cause, the total amount claimed shall determine the jurisdiction, regardless of the share of each of them in the sum.

Article 114:

In cases concerning the validity or termination of tenancy agreements, the amount of money in dispute shall be established in the first case, by adding the total amount of money since the commencement of the tenancy agreement, and in the second case, by the amount of money accruing for the remaining period.

Article 115:

In suits between creditors and debtors concerning the right to preferential payment or mortgages on immovable property, the jurisdiction of court shall be established by the total amount of the secured debit.

Article 116:

When the basic evidences mentioned from 109 to 115 of this organic law cannot determine the value of the subject matter, the parties to the suit shall establish such value and if not possible, it shall be determined by the judge.

Section 3: Territorial jurisdiction of courts

Sub-section one: Territorial Jurisdiction in Criminal Matters

Article 117:

The Court with the jurisdiction to hear the case is:

1. the Court situated where the offence was committed;
2. the Court situated where the accused person resides
3. the Court situated where the accused person was arrested.

When two (2) criminal cases with the same subject matter and arising out of one criminal act is pending before two (2) different Courts, the Court situated in the area where the offence was committed shall take precedence over the Court situated where the accused ordinarily resides and this same Court shall take precedence over the court where the accused person was arrested.

Article 118

When several people are jointly charged as principal offenders or accomplices of one or several offences arising from the same transaction, the Court with territorial jurisdiction to try the most serious offences shall be competent to try the other offences.

Article 119:

Unless provided otherwise in a particular provision of this organic law or of any other laws, when a matter is filed in two different courts with the same jurisdiction, one of the Courts shall send the case to the other in accordance with the following rules and order

1. an ordinary Court shall take precedence over a Special Court;
2. an Appellate court shall take precedence over a court of First instance;
3. a superior court shall take precedence over an inferior Court;

4. a Court, which has commenced Court process, shall take precedence over the one that has not yet made a decision on the case;

5. a Court before which the case was filed first shall take precedence over other courts.

Article 120

If a competent Court before which a criminal case is brought establishes that the facts of the Commission of the offence places the case within the jurisdiction of another Court, it shall vacate the case and forward the criminal file to the competent court for trial. In that case, all investigations and proceedings undertaken prior to such transfer shall remain valid.

Sub-section 2: Territorial Jurisdiction of civil courts

Article 121

Unless the law provides otherwise, the court situated where the defendant ordinarily resides shall have jurisdiction to try a case. When there are several defendants, the plaintiff shall choose the court of one of the defendants' ordinary residence. When the residence of the defendant is unknown, the case shall be heard in the court situated where he or she is domiciled.

Article 122

Cases against the Government, Public Enterprises and Government Agencies shall be filed in courts where their headquarters are situated or where the subject matter of the suit is situated. However, in matters related to Government tax, suits shall always be heard by specialized tax Chamber of Provincial courts or the City of Kigali Court situated where the Tax Collection Agency is situated.

Article 123

Cases against Trading firms and other organizations with legal personality shall be heard in courts situated where their headquarters are situated or where the subject matter of the suit is located.

Article 124

Cases concerning movable property *may also* be heard in Courts situated where the contracts were entered into, or where the contracts are supposed to be enforced, or where the contracts were executed. Rivers and lakes forming the boundaries of two jurisdictions shall be considered to be in the territorial jurisdiction of each Court.

Article 125:

If there is a place chosen for the execution of a deed, any related action shall be brought before the Court situated in the place.

Article 126

Cases between shareholders of a society or between directors, or between accountants and members of a company shall be heard by the Court of the place where the headquarters of such company is situated. The same Court shall also have jurisdiction over disputes concerning distribution of assets and liabilities even after the company has ceased to exist as long as the suit is filed within two (2) years after the distribution.

Article 127

Cases brought against company directors, administrators or liquidators of ailing companies, auditors and other administrators appointed by the Court shall be heard by the Court which appointed them.

Article 128

Cases concerning the disclosure of property by guardian of a minor shall be heard by the court situated in the place where the guardianship was made.

Article 129

Cases concerning immovable property shall be heard by courts situated where the property is located. All incidental claims and claims for damages related to the principal suit shall follow the same procedure as the principal suit. When an immovable property is situated in different territorial jurisdictions, the court situated in the territory, which has a larger part, shall have jurisdiction to hear the case. However, the plaintiff shall have the right to choose *any* court in which any part of the immovable property is situated, particularly if the defendant resides or actually lives in the area. However, the plaintiff shall have the right to choose any competent court in which any part of the immovable property is situated, particularly if the accused resides or has an address in one of the Jurisdiction.

Article 130

Cases that are heard in jurisdiction where inheritance has occurred are

1. those concerning rights to inheritance and sharing of assets and those concerning parties to inheritance up to the period of sharing;
2. those concerning administrators and executors of estates and wills, provided the cases are filed within two years of the commencement of inheritance;
3. those concerning nullifying or rescinding distribution or enforcing a guarantee of shares, provided that they are filed within two (2) years from the period of distribution
4. those concerning legatees and creditors against heirs or one of them provided that the cases are filed within two (2) years of the death.

Article 131

If the inheritance commences from abroad, the cases mentioned in article 130 of this organic law shall be filed in the Court where the immovable property related to such inheritance is situated and in accordance

with the provision of article 129 of this organic law. If the inheritance does not contain immovable property located in Rwanda, jurisdiction shall be governed by the provisions of articles 121 and 135 of this organic law.

Article 132

Suits concerning bankruptcy in commercial transactions shall be heard by the court situated within the jurisdiction where the loss or bankruptcy occurred.

Article 133

The Court before which the principal suit is pending shall also hear all other cases against guarantors and counterclaims, unless they fall within the pecuniary jurisdiction of another Superior Court.

Article 134

The court which has pecuniary jurisdiction to try the principal suit shall also have jurisdiction to try all other incidental suits thereto.

Sub-section 3 Jurisdiction concerning foreigners

Article 135:

Foreigners may be sued in Rwandan courts by a national or a foreigner in the following circumstances

1. If they are found in residing, or domiciled in Rwanda or have agreed to be tried in Rwandan Courts;
2. where the suit involves immovable property situated in Rwanda;
3. If the suit arises out of a contract entered into, executed or supposed to be executed in Rwanda;
4. if the suit concerns the estate of a deceased person based in Rwanda;
5. Where the suit concerns confirmation or lifting of attachment orders issued in Rwanda or any other application for provisional or conservation measures.
6. Where the suit is connected to another case that is pending before a Rwandan court
7. Where the parties seek execution in Rwanda, of court decisions or authentic acts rendered outside Rwanda.
8. Where the suit concerns commercial bankruptcy, if the bankruptcy commenced within Rwanda;
9. When the suit seeks to enforce a guarantee or is a counter claim, while the principal suit is pending before a Court in Rwanda;

10 When there are several defendants one of whom is a resident of or have domicile in Rwanda;

11. When the ship or vessel alleged to have committed an offence in foreign waters is found in national waters at the time of issuing notice to appear;

12. When an aeroplane alleged to have committed an offence in foreign air space is found in a Rwandan air space at the time of issuing notice to appear.

Article 136

If all the different circumstances indicated in article 135 of this organic law do not suffice to establish jurisdiction of Rwandan Courts over foreigners, the plaintiff may file a suit in a Rwandan Court where he or she is, domiciled or resident or the subject matter is located.

CHAPTER 11: COMPETENCE OF SPECIALISED JURISDICTIONS

Section One: Jurisdiction based on subject matter or competence of the court

Sub-section one: Gacaca Courts

Article 137

Gacaca Courts shall be responsible for prosecuting and trying those accused of genocide and other crimes against humanity committed between 1st October 1990 and 31st December 1994, except those accused of crimes that place them in the first category.

Sub-section 2: The Military Tribunal

Article 138

Without prejudice to the provisions of article 139 of this organic law, the Military Tribunal tries in the first instance all offences committed by all Military personnel irrespective of their rank.

It also has powers to try Military personnel accused of the crime of genocide and crimes against humanity committed in Rwanda between October 1st 1990 and December 31st 1994, that place them in the first category irrespective of their ranks.

Sub-section 3: The Military High Court

Article 139

The Military High Court shall try, in first instance, all offences, which constitute a threat to national security and murder committed by soldiers irrespective of their ranks.

It shall hear on appeal, all cases tried by the Military Court.

Section 2: Territorial Jurisdiction of the Military Courts

Article 140

Military Courts shall try all offences committed within and outside the territory of the Republic of Rwanda, provided they were committed by persons over whom the Military Courts have jurisdiction.

Military Courts may hear cases from anywhere within the territory of the Republic of Rwanda if the President of the Court deems it necessary.

Section 3: General provisions related to Military Courts

Article 141

Cases heard by the Military Courts may be reviewed or appealed against. Judgments rendered by the military court shall be reviewed in the same court and appealed against in the Military High Court.

Cases heard in the first instance by the Military Nigh Court may be reviewed by the same Court and appealed against in the Supreme Court. If they were heard in the second instance by that court, they may he appealed against in the Supreme Court, provided the sentence passed by the Military High Court is equivalent to or exceeds ten (10) years of imprisonment.

Article 142

The Judges of the Military Courts shall, in the course of performing their judicial duties, put on their ranks.

Article 143

The Judges of Military Courts shall, in the exercise of their judicial duties, be fully independent. They shall have unfettered discretion in the trial of cases before them and shall decide them without any pressure.

Article 144

Persons tried by Military Courts shall have the right to legal re presentation and defence on cases against them at any stage of the trial.

Article 145

A suit for damages arising out of a criminal offence triable by the Military Courts may be filed in the same Court hearing the criminal trial in Military Court or may be filed separately in a civil court with competent jurisdiction over the suit.

PART III: GENERAL PROVISIONS RELATED TO ORDINARY COURTS

CHAPTER ONE: GENERAL PROVISIONS RELATED TO CRIMINAL COURTS

Article 146

Criminal courts shall try all persons suspected to have committed offences even if they are within Rwandan territory or even if they were or were not prosecution or investigation departments.

Article 147

There is connexity of offences when:

1. offences are committed at the same time and place
2. there is prior agreement and intention;
3. the offences have a cause and effect relationship.
4. there is concealing property obtained from the commission of an offence.

There is indivisibility of offences when:

1. there is one offence committed by several persons;
2. one person commits various offences with a common intention;
3. a person commits various offences and one of which aggravates another.

Article 148:

Where the accused is simultaneously charged with various Courts with different nature and level, the highest ordinary offences shall have jurisdiction to try all the other offences.

punishable by Rwandan laws, previously interrogated by the

offences which fall within the jurisdiction of Court which has jurisdiction to try one of the

Article 149

When several accused persons some of whom are triable by ordinary Courts and others by Military Courts are jointly charged with the commission of the same offence or related offences they shall all be tried by a competent military court. However, the provisions of the preceding paragraph shall *not* apply if one *of* the accused jointly charged with a military personnel is triable by the Supreme Court because in such a situation, they shall all be triable by the Supreme Court.

Article 150

When several accused persons triable by Courts *of* different levels are severally charged for having jointly committed the same offence or interconnected offences, they shall be tried by a higher competent Court.

Article 151

When a case is transferred to another Court due to connexity or indivisibility as a result of the application of articles 148, 149 and 150 of this organic law, the transfer shall remain effective once the reason that caused it ceases to exist after the proceedings have commenced. When the reasons cease to exist before the proceedings commence, the case shall be transferred back to the original Court.

Article 152

When there arises connexity or indivisibility in cases, authors of offences and their accomplices may be conjointly tried by courts of the same nature and level, or they may be tried separately if so decided by the court in which the case was filed,

CHAPTER 11: GENERAL PROVISIONS RELATED TO CIVIL COURTS

Article 153

There shall be connexity of cases if various cases are linked with each other so that the trial of one is likely to affect the outcome of the other or if separate trial of each may result into conflicting judgments.

Article 154

If various claims of the same subject matter and based on the same cause and between the same litigants are pending in different courts, or if there are various related claims pending in different courts such that the resolution of one may affect the others, any of the courts may upon request of any of the parties to the suit send such cases to another court according to the following procedure and manner and in respect of its sequence:

1. A Court which has taken a decision on some preliminary issue other than on merits shall take precedence over that which has not taken any interim orders;
2. A superior Court shall take precedence over an inferior court;
3. A Court before which the suitor suits were filed first shall take precedence over other courts
4. An ordinary Court shall take precedence over a specialized Court.

Article 155

Different claims or points of claims which are supposed to be filed separately, are supposed to be filed before different Courts may, if they are connected, be joined in the same case by an order of the President of the Court or the Presiding judge. In such a case, procedures of choice provided by article 154 of this

organic law shall apply.

Article 156:

Interrelated stils are filed In the same Court, its President may, on his or her own motion or on request of any of the parents to the suits, order that the suits be heard jointly by one bench of the court basing on the

Article 157

Judgments and written Court Orders concerning transfers or refusal to transfer cases or to join cases in other courts may be appealed against.

Article 158

A copy of the judgment ordering the transfer of a case and all documents containing proceedings shall be forwarded to the registry of the court to which the matter is transferred.

Article 159:

The judgment ordering a case to be transferred to another court shall not be rejected by the court to which it has been transferred, only that such a court may take a decision regarding its jurisdiction on the subject matter.

Article 160

If two (2) or more courts are simultaneously seized with the same claim or connected claims and such courts claim to be incompetent or competent to try the claim or claims in that case, there is conflict of jurisdiction. In that regard provisions of paragraph 2 of article 88 and 104 of this organic law shall apply.

CHAPTER 111: GENERAL PROVISIONS TO ALL COURTS

Section 3: Civil action for damages arising from a Criminal Offence

Article 161

Civil claims arising out of a criminal offence are those instituted to recover damages for loss caused by the offence. A person aggrieved by the offence or his or her beneficiaries shall have the right to file a civil suit for damages.

Article 162

A claim for damages arising out of a criminal offence may be heard at the same time by the same court hearing the criminal case. It may also be instituted separately. In that situation its proceedings shall stay until the criminal hearing is finally determined. That principle that the civil action must stay for the decision of a criminal Court shall be respected if:

1. the criminal case was filed before the civil suit;
2. the criminal case was filed during the proceedings of a civil suit. In such a situation, the same judge who hears the civil suit shall also hear the criminal case.
3. during the course of civil proceedings, there arises a criminal incidental proceeding, the judge who hears the civil suit shall also try that criminal incidental proceeding.

However, where the criminal incidental proceeding herein above mentioned is within the jurisdiction of a superior court, both the civil and the criminal matter shall be forwarded together to that Superior Court for Joint trial.

A Criminal claim shall not cause stay of a civil claim if they are not interconnected.

Article 163

Restitution of the property connected to the offence shall be done by the court on its own notion if the' mc in kind and if there is no doubt as regards the ownership of the property.

Article 164

If a party aggrieved by a criminal offence is unable to plead for him or here if and does not have an advocate or a representative, the Court seized by a criminal trial, shall on its own motion determine damages in accordance with law and after it has heard the submissions of the prosecution.

Article 165:

The acquittal of an accused person on first instance shall not be an obstacle for the civil parties to seeking damages on appeal. In that case, if the civil party appeals, he or she shall inform the Prosecution which shall also immediately file an appeal against the criminal matter even if the time limit for appeal has elapsed.

However, if the prosecution finds that the appeal of the civil party was not filed time limit provided for by law, it may decide not to appeal in the criminal matter.

Article 166

Criminal Courts seized with civil proceedings in accordance with the law, may award damages arising out of the criminal offense if it is provided that facts caused the crime were committed, even if the convicted person cannot be sentenced to death, pardon or prescription of the offence.

Section 2: Pleadings and pronouncing judgments in public

Article 167

Court hearings shall be conducted in public unless the Court orders the hearing to be in camera, when it appears that such proceedings may jeopardize public order or cause breach of public morals.

Article 168

Every judgment shall contain reasons thereof and shall be read in public, within 30 days from the date of closing the hearing.

Disciplinary action shall be taken against any judge who shall not deliver a judgments within the time limits prescribed by the preceding paragraph.

Section 3: Execution of Judgments

Article 169

All disputes arising out of the execution of judgments shall be filed within the court which rendered the judgment in the last instance. The decision taken on such disputes shall not be subject to appeal.

Section 4: Matters related to oaths

Article 170:

Any person shall, before assuming the duties of a judge or a registrar take the oath prescribed by the Constitution in its article 61,

Such oath shall not be repeated when a judge is promoted to a higher court, unless he or she is made a President, a Vice-President or a judge of the Supreme Court.

Article 171

The President, the Vice-President, and Judges of the Supreme Court shall take oath before the President of the Republic of Rwanda and members of parliament. The Judges of other ordinary courts shall take oath before the President of the Supreme Court in presence of the members of the Superior Council of the Judiciary. Judges of the Military Court and the Military High Court shall take oath before the Prime Minister. The registrars of the Supreme Court shall take oath before the President of the Supreme Court. Other registrars of all other subordinate courts shall take oath before the President of the High Court of the Republic. Registrars of Military Courts shall take oath before the Minister having Rwanda Defense Forces in his or her attributions.

Section 5: Disqualification of Judges

Article 172

Any judge may be disqualified from proceedings in the following circumstances:

1. where the judge, his or her spouse or their children have a personal interest in the case;
2. where the judge or his or her spouse is a parent or a close relative or relative by marriage to the fourth

degree of collateral lineage with one of the judges, on the panel, one of parties to the proceedings, his or her advocate or his or her legal representative;

3. where there exists hatred between the judge and one of the parties to the proceedings;
4. where the judge has demonstrated friendship with one of the parties or if since the commencement of the suit, the judge was entertained by or received a gift from one of the parties;
5. where the judge has ever given an adverse opinion or advice on the issue in court before commencement of proceedings.
6. where the judge has ever had a contract of service with one of the parties;
7. where the judge has ever acted in the matter as a judge, prosecutor, police investigator, party, attorney, witness advocate or defender, arbitrator, interpreter, expert or as an employee of the central administration;
8. If there is or there has been a criminal or civil proceedings between a judge, his or her spouse, or those directly or indirect related to him or her by blood or marriage up to the fourth degree of collateral lineage with one of the parties, his or her spouse or relatives in the same degrees.

Article 173

If a judge finds any of the grounds mentioned in the preceding article applicable to him or her, he or she may disqualify himself or herself In all other circumstances, the Court will have discretion to decide on the matter.

Article 174

An application for the disqualification of a judge may be made at any time before the closure of proceedings.

Article 175

Even if a motion for disqualification of a judge *may* have been submitted the courts regarding the property may take a decision on preservation measures regarding the property in the interest of the parties.

Article 176

When a court rejects an application for disqualification, it shall order for the hearing to proceed. The appeal on such a decision shall be only appealable with the main suit.

Article 177

When a court rejects an application for disqualification, it shall order for the hearing to continue.

Section 6: The dress code for judges

Article 178

The dress code for judges during Court sessions, official and other government ceremonies shall be determined by an Order of the President of the Supreme Court and approved by the Superior Council of the Judiciary.

Section 7: Provisions relating to public order**Article 179**

In criminal cases, the rules governing territorial and material jurisdiction shall be of public order. The same also applies to all administrative suits. In civil cases, unless the law provides otherwise, only the rules relating to pecuniary jurisdiction shall be construed to be of public order

PART IV: TRANSITIONAL AND FINAL PROVISIONS**Article 180:**

From the time this organic law shall come into force, all existing courts except Gacaca jurisdictions shall be replaced by courts provided for by this organic law.

Article 181

Cases that will be pending by the time this organic law comes into force will be forwarded without any further payment of court fees, to new courts of competent jurisdiction in the following manner:

1. To District, Town and Municipality Courts shall be forwarded cases that were filed in canton courts as well as those filed in first instance courts, but falling within the jurisdiction of District, Town and Municipality Courts by virtue of this organic law;
2. to provincial and the City of Kigali Courts shall be forwarded cases that were filed in courts of first instance, with the exception of those cases which this organic law places in the jurisdiction of other courts;
3. to the High Court of the Republic shall be forwarded, cases that were filed before Courts of Appeal as well as those filed in the Courts of first instance but falling within the jurisdiction of the High Court of the Republic by virtue of this organic law;
4. to the Military Court shall be forwarded cases that were filed in the previous War Council as well as those filed in the Military Court when it sat as a Court of first instance but which fall within the jurisdiction of the Military Court according to this organic law;
5. to the Military High Court shall be forwarded cases that had been filed in the Military Court when it sat as a Court of Appeal as well as those filed in the Military Court but falling within the jurisdiction of the Military High Court in accordance with this organic law;
6. cases pending for cassation in the Court of cassation shall be tried by competent courts in the last

instance in accordance with the provision of this organic law;

7. cases that are the subject of transfer to other courts due to different grounds shall be sent to the competent Courts in accordance with provisions of articles 104 and 88 of this organic law;

8. cases filed in the Court of Cassation in its original jurisdiction in criminal cases relating to trial of personalities with privileged jurisdiction shall be forwarded to relevant courts in accordance with the provisions of this organic law;

9. The cases pending in the State Council shall be forwarded to competent courts for trial in accordance with the provisions of this organic law. The provisions of paragraph one of this article shall also apply to the cases whose trial shall have been commenced but before pronouncement of judgments by the time this organic law comes into force.

Article 182

The appeals against cases decided by Canton Courts shall be lodged in Provincial and the City of Kigali Courts. Appeals decided by courts of first Instance shall be forwarded to the high Court of the Republic or to the Supreme Court, as the case may be, depending on the competence both Courts are given by this organic law. Appeals decided by the war council shall be forwarded to the Military High Court or the Supreme Court depending on competence of the courts granted by this organic law.

Article 183

Applications for review of decided cases by Canton Courts shall be filed before District, Town and Municipality Courts. Applications for review of cases decided by courts of first instance shall be conducted before Provincial and the City of Kigali Courts or before the high Court of the Republic, as the case may be, in accordance with the competence granted by this organic law. Applications for review of cases decided by Courts of Appeal shall be conducted before the High Court of the Republic. Applications for review of cases decided by the war Council shall be conducted before the Military Court or before the Military High Court, as the case may be, in accordance with the competence granted to both courts by this organic law. Applications for review of cases decided by the Military Court shall be conducted before the Military High Court.

Article 184

Matters related to proceedings and execution of cases duly conducted shall remain valid, even if they are irregular or late under the provisions of this organic law.

Article 185

Various existing structures of the judicial system shall remain in force until they are replaced by the new structures provided for by this organic law.

Article 186

Law Decree No 9/80 of 7th July 1980 determining the organization, competence and jurisdiction of Courts

as modified and complemented to date as well as any other previous legal provisions contrary to this organic law are hereby repealed.

Article 187

This Organic Law shall come into force on the date of its publication in the Official Gazette of the Republic of Rwanda. Kigali, on 25/04/2004

The President of the Republic

KAGAME Paul

(sé)

The Prime Minister

MAKUZA Bernard

(sé)

The Minister of Justice

MUKABAGWIZA Edda

(se)

Seen and sealed with the Seal of the Republic

The Minister of Justice

MUKABAGWIZA Edda

(se)