

ANNEX VII

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:

CHAPTER I: STATE SECURITY SERVICES

Section 1: Communal Police, Prisons Services, and the Public
Prosecution Department.

Article 1: Within the framework of implementing the Government's Programme outlined in 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:

COMMUNAL POLICE.

1. Ensure that policemen are recruited on the basis of the security needs of the Commune, and that an optimal ratio is established between the strength of the Police force and the size of the population in the Commune, in accordance with standard criteria applicable throughout the country.
2. Improve and enhance the level of training of the Communal Police Force and adapt it to suit its specific tasks.



3. Provide assistance to the Communes in matters of security, especially by improving the service conditions of the Communal Police.
4. Define the modalities of collaboration between the Communal Police Force and other Security Organs.
5. Evaluate and improve on the performance of the Communal Police Force.

B. PRISONS SERVICES.

1. Update the legal provisions and regulations governing prison warders and Guards.
2. Improve and enhance the level of training of prison warders and Guards, by providing them with training best suited to prisons services.
3. Evaluate and improve on prison services, in conformity with Article 23 G.3 of the Protocol of Agreement of 30th October, 1992, and taking into consideration the principles underlying the Rule of Law.

C. PUBLIC PROSECUTION DEPARTMENT.

1. Undertake an extensive reform of the Public Prosecution Department and open it to all the Rwandese Nationals.
2. Make a distinction between the Jurisdiction of the Public Prosecution Department and of other services charged with criminal investigations.
3. Seek technical cooperation for the Public Prosecution Department.



Section 2: State Security Services.

Article 2: Structure.

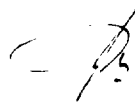
The current structure of the State Security Services shall be maintained. They shall consist of the following:

- External Security under the Ministry of Defence;
- Internal Intelligence Service under the Prime Minister's Office;
- 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 serve 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 of arrest, such 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 and must conform to the letter and spirit of the International Conventions to which the Republic of Rwanda is a party.
4. They must 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 and 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 indicating the coordination of all these Services is attached to the Protocol as an Annex.

The Broad-based Transitional Government shall set up a Commission to carry out a comprehensive study of 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. 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 within the organ responsible for the Coordination of State Security Services.

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CHAPTER II: MISCELLANEOUS PROVISIONS.

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

Without prejudice to Articles 3, 5 and 6 of the Protocol of Agreement of 30th October, 1992, the President of the Republic, before taking Office, shall take oath before the Constitutional Court, in the following words:

"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, in accordance with the Fundamental Law and other Laws."

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

Before taking up Office, the Prime Minister, Ministers, Secretaries of State and Deputies of the Transitional National Assembly shall take oath, in the following words:

"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, in accordance with the Fundamental Law and other Laws."

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

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



In the event of the inability of the President of the Republic of Rwanda to perform this function, the personalities listed above shall take 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 Judges of the Supreme Court shall take oath of Office in the following words:

"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 in accordance with the Fundamental Law and other laws".

The Presiding Judge and Deputy Presiding Judges of the Supreme Court shall take the oath of Office before the President of the Republic of Rwanda in the presence of the Transitional National Assembly. In the event of inability of the President of the Republic to perform this function, the above personalities shall take 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 inability to perform the function, it shall be chaired by the Presiding Judge of the Constitutional Court.



Article 10: Removal of a Deputy of the Transitional National Assembly.

A Deputy of the Transitional National Assembly shall be removed by the Supreme Court which shall, in turn, inform the Transitional National Assembly and the Broad-Based Transitional Government.

Article 11: Violation of the Fundamental Law by the President of the Republic.

In the event of violation of the Fundamental Law by the President of the Republic, his indictment shall be decided by the Transitional National Assembly on the basis of a 2/3 majority vote of the members present and by secret ballot.

However, prior to voting on the indictment, the Transitional National Assembly shall consult the Joint Political Military Commission (JPMC) referred to in Article IV of the Ceasefire Agreement as amended at Gbadolite 16th September, 1991 and at Arusha on 12th July, 1992. It may also consult the Facilitator. In case the indictment is confirmed to be appropriate, the President is answerable to the Constitutional Court which alone is competent to decide on his immediate resignation.

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

In the event of violation 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 apply.

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

The President of the Republic may, for personal reasons, resign from Office. his resignation shall be accepted 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: Resignation of the Prime Minister, Ministers and Secretaries of State.

The Prime Minister, a Minister or Secretary of State may for personal reasons, tender his/her resignation. That resignation shall become definitive if not withdrawn within eight (8) days.

The Prime Minister shall tender his/her 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 apply.

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

In either situation, Orders 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 15: 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 reservations entered by Rwanda when it adhered to some of those International instruments.



Article 16: Deletion of reference to Ethnic Group in Official Documents.

The Broad-Based Transitional Government shall, from the date of its assumption of office, delete from all official documents to be issued any reference to ethnic origin. Documents in use or not yet used shall be replaced by those not bearing any reference to ethnic origin.

Article 17: 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 take precedence over corresponding principles enshrined in the Constitution of the Republic of Rwanda, especially when the latter are contrary to the former.

Article 18: Authentic Interpretation of the Peace Agreement

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

The Transitional National Assembly shall consult the Joint Political -Military Commission referred to in Article IV of the N'sele Ceasefire Agreement as ammended at Gbadolite 16th September, 1991 and at Arusha 12th July, 1992.

It may consult the Facilitator or any another person it deems competent.

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

Article 19: Ammendment of the Peace Agreement.

Proposals for the amendment of the Peace Agreement may be made by the Broad-Based Transitional Government and the Transitional National Assembly.



Where the proposal emanates from the Government, it must be adopted by the Transitional National Assembly on the basis of a 3/5 majority vote of its members.

Where the proposal emanates from the Deputies, it must be adopted by the Transitional National Assembly on the basis of consensus.

Article 20: Confirmation of Orders in Council by the Transitional National Assembly.

Orders in Council by the Cabinet must be adopted by the Transitional National Assembly during its forthcoming session, otherwise they shall lose their binding force.

Article 21: Jurisdiction, Organization and Functioning of the Supreme Council of Magistracy

An organic law shall determine the Jurisdiction, organization and functioning of the Supreme Council of Magistrates.

Article 22: 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 if warranted by exceptional circumstances impeding the normal implementation of the programme of the Broad-Based Transitional Government.

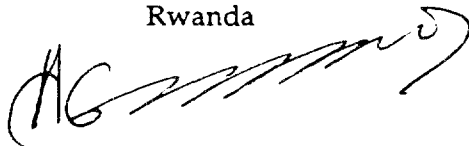
The length of the extension shall be determined by the Transitional National Assembly on the basis of a 3/5 majority vote. In this regard, the Broad-Based Transitional Government shall consider the need for an extension , three (3) months before the expiry of the Transition period, and shall make appropriate 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.

done at Arusha, on the third day of the month of August 1993, in both French and English Languages, the original text being in French.

For the Government of the Republic of
Rwanda



Dr. GASANA Anastase
Minister of Foreign Affairs and
Cooperation

For the Rwandese Patriotic Front



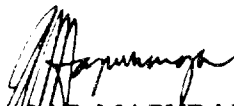
BIZIMUNGU Pasteur
Member of the Executive Committee and
Commissioner for Information and
Documentation

In the presence of the representative of the Facilitator
(The United Republic of Tanzania)



Joseph C. RWEGASIRA
Minister for Foreign Affairs and International Cooperation

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

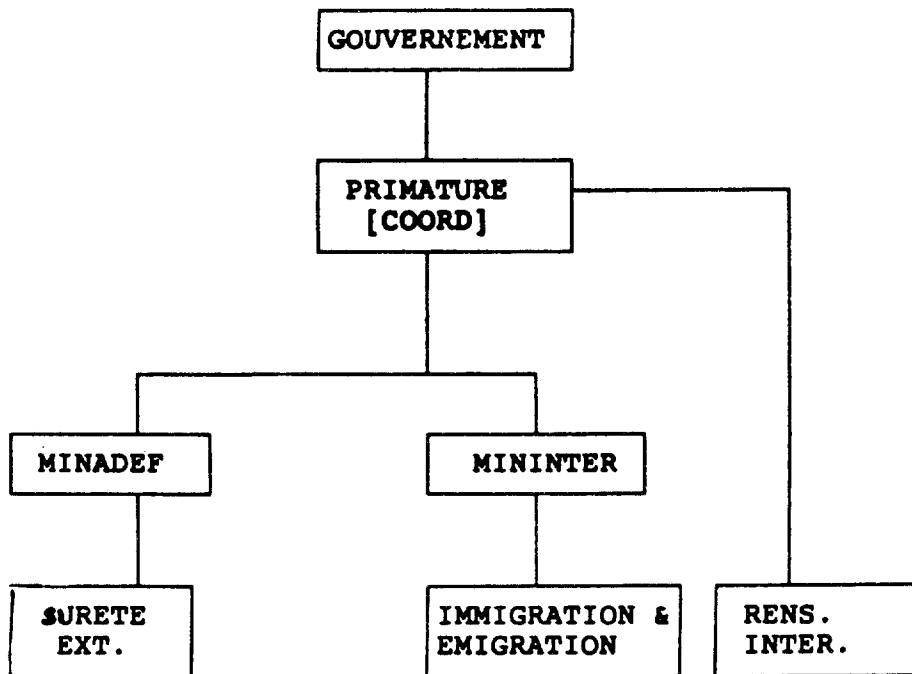


H.E. Dr. M.T. MAPURANGA
Assistant Secretary General in charge of Political Affairs



Annexe

DIAGRAMME DE LA COORDINATION DES RENSEIGNEMENTS RELATIFS A LA SURETE DE L'ETAT.



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