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ISHAKIRO

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ITEGEKO N° 028/2019 RYO KU WA 19/09/2019 RYEREKEYE UMUTEKANO W'IBY'INDEGE ZA GISIVIRI

LAW N° 028/2019 OF 19/09/2019 RELATING TO CIVIL AVIATION SECURITY

LOI N° 028/2019 DU 19/09/2019 RELATIVE À LA SÛRETÉ DE L'AVIATION CIVILE

Twebwe, KAGAME Paul,
Perezida wa Repubulika;

We, KAGAME Paul,
President of the Republic;

Nous, KAGAME Paul,
Président de la République;

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

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

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

INTEKO ISHINGA AMATEGEKO:

THE PARLIAMENT:

LE PARLEMENT:

Umutwe w'Abadepite, mu nama yawo yo ku wa 15 Nyakanga 2019;

The Chamber of Deputies, in its session of 15 July 2019;

La Chambre des Députés, en sa séance du 15 juillet 2019;

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

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

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

Ishingiye ku Masezerano Mpuzamahanga yashyiriweho umukono i Chicago ku wa 7 ukubozza 1944 arebana n'iby'indege za gisiviri nk'uko yemejwe n'Itegeko ryo ku wa 30 Mata 1947 yavuguruwe n'amasezerano

Pursuant to the Convention on International Civil Aviation signed in Chicago on 7 December 1944, as ratified by the Law of 30 April 1947 and amended by the Protocol signed at

Vu la Convention relative à l'aviation civile internationale signée à Chicago le 7 décembre 1944, telle que ratifiée par la Loi du 30 avril 1947 et modifiée par le Protocole

mpuzamahanga yashyiriweho umukono i Montréal kuwa 16 Ukwakira 1974 nk'uko yemejwe n'Itegeko Teka n° 15/76 ryo ku wa 7 Mata 1976;	Montreal on 16 October 1974, as ratified by Decree-Law n° 15/76 of 7 April 1976;	signé à Montréal le 16 octobre 1974, telle que ratifiée par le Décret-loi n° 15/76 du 7 avril 1976;
Ishingiye ku Masezerano Mpuzamahanga ku byaha n'ibindi bikorwa bikorewe mu ndege yashyiriweho umukono i Tokyo ku wa 14 Nzeri 1963 akemezwa n'itegeko ryo kuwa 23 Mutarama 1971;	Pursuant to the Convention on Offences and Certain Other Acts Committed on Board Aircraft signed in Tokyo, on 14 September 1963 and ratified by the Law of 23 January 1971;	Vu la Convention relative aux infractions et à certains autres actes survenant à bord des aéronefs signée à Tokyo le 14 septembre 1963 telle que ratifiée par la Loi du 23 janvier 1971;
Ishingiye ku Masezerano Mpuzamahanga yashyiriweho umukono i La Haye ku wa 16 Ukubozza 1970 arebana n'ihanwa ry'ibikorwa by'ifatira ry'indege binyuranyije n'amategeko nk'uko yemejwe n'Iteka rya Perezida n° 289/16 ryo ku wa 15 Gicurasi 1987;	Pursuant to the Convention for the Suppression of Unlawful Seizure of Aircraft signed at The Hague on 16 December 1970, as ratified by Presidential Order n° 289/16 of 15 May 1987;	Vu la Convention pour la répression de la capture illicite d'aéronefs signée à La Haye le 16 décembre 1970, telle que ratifiée par Arrêté présidentiel n° 289/16 du 15 mai 1987;
Ishingiye ku Masezerano Mpuzamahanga arebana n'ikurwaho ry'ibikorwa binyuranyije n'amategeko byabangamira umutekano w'iby'indege za gisiviri yashyiriweho umukono i Montréal kuwa 23 Nzeri 1971, nk'uko yemejwe n'Iteka rya Perezida n° 290/16 ryo kuwa 15 Gicurasi 1987;	Pursuant to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation signed at Montreal on 23 September 1971 as ratified by Presidential Order n° 290/16 of 15 May 1987;	Vu la Convention pour la répression d'actes illicites dirigés contre la sécurité de l'aviation civile, signée à Montréal le 23 septembre 1971, telle que ratifiée par Arrêté présidentiel n° 290/16 du 15 mai 1987;
Isubiye ku Itegeko n° 42/2011 ryo ku wa 31/10/2011 ryerekeye umutekano w'iby'indege za gisiviri, nk'uko ryahinduwe kugeza ubu;	Having reviewed Law n°42/2011 of 31/10/2011 relating to civil aviation security as modified to date;	Revu la Loi n° 42/2011 du 31/10/2011 relative à la sûreté de l'aviation civile telle que modifiée à ce jour;

YEMEJE:

ADOPTS:

ADOPTÉ:

**UMUTWE WA MBERE: INGINGO
RUSANGE**

**CHAPTER ONE: GENERAL
PROVISIONS**

**CHAPITRE PREMIER:
DISPOSITIONS GÉNÉRALES**

Ingingo ya mbere: Icyo iri tegeko rigamije

Article One: Purpose of this Law

Article premier: Objet de la présente loi

Iri tegeko rishyiraho uburyo bwo kubungabunga umutekano w'iby'indege za gisiviri.

This Law establishes the methods for regulating civil aviation security.

La présente loi établit les modalités de réglementation de la sûreté de l'aviation civile.

Rigamije kandi ibi bikurikira:

The purpose of this Law is also to:

La présente loi a également pour objet de:

1° gukumira ibikorwa bigamije guhungabanya umutekano w'iby'indege za gisiviri hakoreshejwe uburyo bwo gucunga umutekano:

1° prevent acts intended to jeopardize the safety of civil aviation by providing for the protection of:

1° prévenir les actes visant à mettre en danger la sûreté de l'aviation civile en assurant la protection:

a. w'indege zikoreshwa iby'indege za gisiviri, abantu n'ibintu biri mu ndege;

a) aircraft used for civil aviation, persons and goods on board the aircraft;

a) des aéronefs destinés à l'aviation civile, des personnes et des biens à bord de l'aéronef;

b. w'ibibuga by'indege, abantu n'ibintu biri ku bibuga by'indege;

b) airports, persons and goods at airports;

b) des aéroports, personnes et biens se trouvant aux aéroports;

c. w'ibyuma byifashishwa mu mirimo yo kuyobora indege ariko bitari ku bibuga by'indege;

c) air navigation installations which are not at airports;

c) des installations de navigation aérienne qui ne se trouvent pas aux aéroports;

2° gukurikirana no kugenzura imyitwarire y'abantu ku bibuga by'indege no mu ndege hagamijwe kubungabunga umutekano w'iby'indege.

2° monitor and inspect the conduct of persons at airports and on board aircraft in order to ensure aviation security.

2° surveiller et inspecter la conduite des personnes aux aéroports et à bord des aéronefs pour assurer la sûreté de l'aviation.

Ingingo ya 2: Intego y'iri tegeko

Intego y'ibanze y'iri tegeko ni ukubungabunga umutekano w'abagenzi, abakozi bo mu ndege, abakozi bakora ku kibuga cy'indege n'abandi bantu mu byerekeye kwirinda ibikorwa bitemewe n'amategeko bihungabanya umutekano mu by'indege za gisiviri.

Article 2: Purpose of this Law

The primary purpose of this Law is to ensure the safety of passengers, crew, ground personnel and the general public in all matters related to safeguarding against acts of unlawful interference with civil aviation.

Article 2: Objet de la présente loi

La présente loi a pour objet principal d'assurer la sécurité des passagers, des membres d'équipage, du personnel au sol et du public dans toutes les questions relatives à la protection contre les actes d'intervention illégale perpétrés dans l'aviation civile.

Ingingo ya 3: Ibirebwa n'iri tegeko

Iri tegeko rireba:

1° abantu bose bacunga ibibuga by'indege za gisiviri n'abandi bahakorera imirimo inyuranye;

2° abagenzi bakoresha ibibuga by'indege za gisiviri;

3° isosiyete z'indege za gisiviri zose zikorera mu Rwanda;

Article 3: Scope of this Law

This Law applies to:

1° all civil airports operators and other persons who carry out different activities at the airport;

2° passengers using civil aviation airports;

3° all aircraft operators in Rwanda;

Article 3: Champ d'application de la présente loi

La présente loi s'applique à ceux qui suivent:

1° tous les exploitants des aéroports civils et d'autres personnes qui y mènent différentes activités;

2° les passagers utilisant les aéroports servant à l'aviation civile;

3° tous les exploitants d'aéronefs au Rwanda;

4° umuntu ushinzwe gutanga amafunguro mu ndege za gisivili;

5° umuntu cyangwa abantu bagenzurwa n'Urwego mu bijyanye no gusaka imizigo ijya mu ndege;

6° inzego zemewe zitanga ubumenyi mu bijyanye n'umutekano w'iby'indege za gisiviri;

7° abatanga serivisi zo kuyobora indege za gisiviri mu kirere mu Rwanda;

8° umuntu wese wahabwa ububasha bwo gutanga serivisi z'umutekano w'iby'indege za gisiviri.

4° in-flight catering operator in civil aviation;

5° a person or regulated agents for air cargo security;

6° approved civil aviation security training organisations;

7° civil air navigation services providers in Rwanda;

8° any person empowered to provide civil aviation security services.

4° le prestataire de restauration à bord dans l'aviation civile;

5° une personne ou agents régulés pour la sécurité du fret aérien;

6° les organismes de formation à la sécurité de l'aviation civile approuvés;

7° les prestataires de services de navigation aérienne civile au Rwanda;

8° toute personne habilitée à fournir des services de sûreté de l'aviation civile.

Ingingo ya 4: Ibisobanuro by'amagambo

Muri iri tegeko, amagambo akurikira asobanura:

1° **ahantu ntavogerwa:** ahantu hagaragajwe imbere mu kibuga cy'indege cyangwa ku nyubako zifasha iby'indege za gisiviri hagomba gucungirwa umutekano ku buryo bwihariye kandi hakagerwa n'umuntu abanje gusakwa no kugenzurwa ku buryo bwihariye;

Article 4: Definitions

As used in this Law, the following terms have the meanings assigned to them below:

1° **security restricted area:** those areas of the airside of an airport which are identified as priority risk areas where in addition to access control, other security controls are applied;

Article 4: Définitions

Aux fins de la présente loi, les termes repris ci-après ont les significations suivantes:

1° **zone de sûreté à accès réglementé:** zones côté piste d'aéroport identifiées comme étant des zones particulièrement sensibles où, en plus de contrôle d'accès, d'autres contrôles de sécurité sont réalisés;

- | | | |
|---|--|---|
| 2° amabwiriza rusange: inyandiko igamije gusobanura kurushaho ibigomba kubahirizwa bikubiye muri iri tegeko kugira ngo rishyirwe mu bikorwa; | 2° regulations: normative act which is aimed at specifying modalities for application of the provisions of this Law; | 2° règlements: acte normatif visant à préciser les modalités de mise en application des dispositions de la présente loi; |
| 3° amafunguro yo mu ndege: ibinyobwa n'ibiribwa bihabwa abari mu ngendo z'indege, bitangwa n'ababishinzwe; | 3° aircraft catering supplies: food and beverages served in air transport, provided by those responsible; | 3° fournitures de restauration aérienne: aliments et boissons servis dans le transport aérien fournis par ceux qui en sont responsables; |
| 4° gusaka: igikorwa kigamije gutahura intwari, ibisasu cyangwa ibindi bintu byakwifashishwa mu gukora igikorwa kinyuranyije n'amategeko; | 4° screening: an act intended to identify or detect weapons, explosives or other dangerous devices which may be used to commit an unlawful act; | 4° contrôle: opération visant à identifier ou à détecter les armes, les explosifs ou tout objet dangereux pouvant servir à commettre un acte illicite; |
| 5° ibihe bidasanze: igihe hari indege igize ibibazo iri mu kirere byayishyira mu kaga cyangwa mu gihe cy'intambara n'ibiza; | 5° emergency situation: a situation where an aircraft in flight is in a state of emergency or a situation of war or natural disaster; | 5° situation d'urgence: situation dans laquelle un aéronef en vol est en état d'urgence ou situation de guerre ou de catastrophe naturelle; |
| 6° iby'indege za gisiviri:
a. abantu n'ibintu biri mu ndege;

b. akazi k'indege mukirere;
c. ibikorwa rusange bijyanye n'iby'indege za gisiviri; | 6° civil aviation:
a. persons and goods aboard aircraft;
b. aerial work operations;
c. general civil aviation operations; | 6° aviation civile:
a. les personnes et les biens à bord de l'aéronef;
b. les activités de travail aérien;
c. les activités générales de l'aviation civile; |
| 7° igenzura ry'umutekano: isuzuma rigamije kureba ishyirwa mu bikorwa rya Gahunda y'Igihugu y'umutekano w'iby'indege za gisiviri; | 7° security audit: compliance examination of all aspects of the implementation of the National Civil Aviation Security | 7° audit de sûreté: examen de mise en œuvre du Programme national de sûreté de l'aviation civile; |

Programme;

- | | | |
|--|--|---|
| <p>8° igerageza ry'umutekano: gukora mu ibanga cyangwa ku mugaragaro, ibikorwa by'umutekano w'iby'indege za gisiviri hagamijwe kugerageza gukora igikorwa kinyuranyije n'amategeko;</p> | <p>8° security test: a covert or overt trial of an aviation security measure which simulates an attempt to commit an unlawful act;</p> | <p>8° test de sûreté: mise à l'épreuve secrète ou ouverte d'une mesure de sûreté de l'aviation par la simulation d'une tentative de perpétration d'un acte d'intervention illicite;</p> |
| <p>9° igikorwa kinyuranyije n'amategeko: igikorwa cyakozwe cyangwa cyageragejwe gukorwa hagamijwe guhungabanya umutekano w'iby'indege za gisiviri;</p> | <p>9° unlawful act: any act or attempted act to jeopardise the security of civil aviation;</p> | <p>9° acte illicite: tout acte ou tentative visant à compromettre la sûreté de l'aviation civile;</p> |
| <p>10° ikibuga cy'indege: ahantu hemewe ku butaka cyangwa ku mazi, harimo inyubako, ibikorwaremezo n'ibikoresho bigenewe gukoreshwa byose cyangwa igice cyabyo mu gihe indege yururuka, ihaguruka, irimo kugendera hasi no mu gihe ihagaze;</p> | <p>10° airport: a defined area on land or water including any buildings, installations and equipment intended to be used either wholly or in part for the arrival, departure, surface movement and parking of an aircraft ;</p> | <p>10° aéroport: surface définie sur terre ou sur l'eau comprenant les bâtiments, les installations et équipement destinés à être utilisés en tout ou en partie pour l'arrivée, le départ, les mouvements de surface et le stationnement d'un aéronef;</p> |
| <p>11° ikintu kibujijwe: icyakoreshwa mu guhungabanya umutekano w'iby'indege za gisiviri;</p> | <p>11° prohibited item: item which can be used to jeopardize the civil aviation security;</p> | <p>11° article interdit: article susceptible d'être utilisé pour compromettre la sûreté de l'aviation civile;</p> |
| <p>12° imbere mu kibuga cy'indege: aho indege zigenda cyangwa zihagarara ku kibuga, ibice bibangikanye na ho, inyubako n'ibice byaho birinzwe;</p> | <p>12° airside: the area for movement and stopping of aircraft at the airport and the adjacent terrain and buildings or portions thereof with controlled access;</p> | <p>12° côté piste: aire de mouvement ou d'arrêt d'un aéronef à l'aéroport, la totalité ou une partie du terrain et bâtiments adjacents dont l'accès est</p> |

13° **indege:** imashini yose ya gisiviri ishobora gutembera mu kirere igahangana n'ingufu z'umwuka zitari ingufu umwuka wo mu kirere ugira ku isi;

14° **indege ya gisiviri:** indege ikora imirimo itari iya Leta ikora imirimo y'ubwikorezi bwo mu kirere;

15° **intwaro:** ikintu cyose gikoreshwa, kigenewe gukoreshwa cyangwa kigambiriwe gukoreshwa mu kwica umuntu, kumukomeretsa, kumushyiraho ibikangisho, iterabwoba cyangwa konona ibintu;

16° **isuzuma ry'umutekano:** igenzura ry'ishyirwa mu bikorwa rya bimwe mu bigize Gahunda y'Igihugu y'umutekano w'iby'indege za gisiviri n'ibibuga by'indege, amasosiyete y'indege n'inzego zindi zirebwa n'ibyerekeye Umutekano w'iby'indege za gisiviri;

17° **kubahiriza umutekano:** igikorwa cyo gukumira iyinjizwa mu ndege cyangwa ku kibuga cy'indege intwaro, ibisasu

13° **aircraft:** any civil machine that is able to fly by deriving support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface;

14° **civil aircraft:** non-State aircraft that is engaged in commercial operations;

15° **weapon:** any object used, designed to be used or intended for use in causing death or injury to any person, or for the purpose of threatening or intimidating any person or damaging objects;

16° **security inspection:** an examination of the implementation of the relevant parts of the National Civil Aviation Security Programme by an airport, airline or other entity involved in civil aviation security matters;

17° **security control:** a measure to prevent the introduction of weapons, explosives or other

contrôlé;

13° **aéronef:** tout appareil civil qui peut se soutenir dans l'atmosphère grâce à des réactions de l'air autres que les réactions de l'air sur la surface de la terre;

14° **aéronef civil:** aéronef privé affecté au transport commercial;

15° **arme:** tout objet conçu, utilisé ou qu'une personne entend utiliser pour soit tuer ou blesser quelqu'un, soit le menacer ou l'intimider ou endommager les objets;

16° **inspection de sûreté:** examen de la mise en œuvre des parties pertinentes du Programme national de sûreté de l'aviation civile par les aéroports, compagnies aériennes et autres entités impliquées dans la sûreté de l'aviation civile;

17° **contrôle de sûreté:** mesure permettant d'empêcher l'introduction d'armes,

n'ibindi bintu bishobora gukoreshwa mu bikorwa bitemewe n'amategeko;

dangerous devices, articles or substances which may be used to commit unlawful acts;

d'explosifs ou d'autres outils ou substances dangereux pouvant servir à commettre des actes illicites;

18° **kwemeza ubushobozi:** gusuzuma no kwemeza bikoze n'Urwego cyangwa mu izina ry'Urwego, ko umuntu afite ubushobozi bwa ngombwa bwatuma yuzuza inshingano ze hakurikijwe amabwiriza y'Urwego;

18° **certification:** a formal evaluation and confirmation by or on behalf of the Authority that a person possesses the necessary competencies to perform assigned functions to an acceptable level in respect of the instructions of the Authority;

18° **certification:** évaluation et confirmation formelles, faites par l'Office ou en son nom, qu'une personne possède les compétences nécessaires pour remplir ses fonctions conformément aux instructions de l'Office;

19° **Minisitiri:** ugize Guverinoma ufite ibyerekeye iby'indege za gisiviri mu nshingano ze;

19° **Minister:** Cabinet member in charge of civil aviation;

19° **Ministre:** membre du gouvernement ayant l'aviation civile dans ses attributions;

20° **serivisi zifasha indege mu kirere:** Serivisi zitangwa hagamijwe kuyobora indege mu kirere harimo izi zikurikira:

20° **air navigation services:** services provided to air traffic during all phases of operations including the following:

20° **services de navigation aérienne:** services fournis pour la circulation aérienne durant toutes les phases d'exploitation, y compris ceux qui suivent:

a. itumanaho rikorerwa ku butaka no mu kirere, rigenewe kubungabunga umutekano w'iby'indege za gisiviri;

a. aeronautical telecommunications;

a. les télécommunications aéronautiques;

b. serivisi ishinze iby'amakarita yifashishwa mu kuyobora indege;

b. aeronautical cartographic services;

b. les services de cartographie aéronautique;

c. serivisi ishyiraho inzira zo mu kirere;	c. instrument flight procedure design service;	c. le service de conception de procédures de vol aux instruments;
d. serivisi itanga amakuru mu by'indege;	d. aeronautical information services;	d. les services d'information aéronautique;
e. serivisi iyobora indege zitagira umupilote mu kirere;	e. unmanned aircraft management system;	e. le système de gestion d'aéronefs sans pilote;
f. serivisi y'iteganyagihe mu kubungabunga umutekano w'iby'indege mu kirere;	f. meteorological service for air navigation;	f. le service météorologique pour la navigation aérienne;
g. serivisi yo gushakisha n'iy'ubutabazi;	g. search and rescue services;	g. les services de recherche et de sauvetage;
h. serivisi zifasha kuyobora indege mu kirere;	h. air traffic services;	h. les services de la circulation aérienne;
i. serivisi zo guhanahana amakuru ku ngendo z'indege mu kirere, gukurikirana no kugenzura izo ngendo;	i. communication, navigation and surveillance;	i. la communication, la navigation et la surveillance;
21° ubutumwa: inzandiko n'ibindi bishyikirizwa iposita hakurikijwe amabwiriza y'Umuryango Mpuzamahanga w'Amaposita;	21° mail: correspondence and other items delivered to the post office in accordance with the rules of Universal Postal Union;	21° courrier: correspondances et autres articles destinés à être remis aux administrations postales conformément aux règles de l'Union postale universelle;
22° umukozi wo mu ndege: umuntu uhabwa inshingano n'ushinzwe ibikorwa zo	22° crew member: a person assigned by an operator to duty	22° membre d'équipage: personne chargée par un

gukora mu ndege mu gihe cy'urugendo rw'iyi ndege;

on an aircraft during a flight duty period;

exploitant d'assumer des fonctions à bord d'un aéronef pendant une période de service de vol;

23°umuntu cyangwa ikigo kigenzurwa: umukozi uhagarariye ikigo cyangwa isosiyete runaka, uwohereza imizigo cyangwa abandi bese bakora ubucuruzi ku kibuga cy'indege bakurikije amabwiriza y'umutekano y'Urwego;

23° regulated agent: a representative of an agency or a certain company, freight forwarder or other entity who conducts business in an airport in accordance with security regulations of the Authority;

23° agent ou société habilité: agent représentant une institution ou une société, un transitaire ou toute autre entité qui fait du commerce dans l'aéroport conformément aux normes de sûreté de l'Office;

24°umuntu ucunga ikibuga cy'indege: ikigo cyangwa sosiyete bishinzwe ubuyobozi n'ibikorwa by'ikibuga cy'indege;

24° airport operator: an organization or enterprise responsible for the administration and operations of an airport;

24° exploitant aéroportuaire: organisation ou entreprise responsable de l'administration et des opérations conduites sur l'aéroport;

25°umuntu ushinze umutekano mu ndege: umukozi wahawe uburenganzira na Leta y'aho indege yanditswe ukora akazi ko gucunga umutekano w'iby'indege n'abayirimo iri mu kirere akayirinda ibikorwa binyuranyije n'amategeko. Iki gisobanuro ntigihabwa ushinze umutekano w'umuntu umwe cyangwa benshi bari muri iyi ndege;

25° in-flight security officer: a person who is authorized by the government of the State of registration of the aircraft whose task consists in protecting the aircraft in flight and its occupants against unlawful acts. This excludes a person who provides exclusive personal protection for one or more specific people travelling on the aircraft;

25° agent de sûreté en vol: personne autorisée par l'État d'immatriculation de l'aéronef dont la tâche consiste à protéger cet aéronef en vol et ses occupants contre des actes illicites. Est exclue une personne qui assure la protection personnelle exclusive d'une ou de plusieurs personnes voyageant à bord de l'aéronef;

26°umuntu: umuntu ku giti cye cyangwa isosiyete, umuryango, ikigo, koperative,

26° person: an individual or a company, an organization, an

26° personne: individu ou société commerciale, organisation,

bifite ubuzimagatozi;

institution, a cooperative organisation with legal personality;

institution, coopérative dotées de la personnalité juridique;

27° umuntu ushinzwe umutekano w'iby'indege za gisiviri: umukozi cyangwa undi wabihereye ububasha n'ushinzwe ibikorwa ushinzwe gushyira mu bikorwa ingamba zijyanye n'umutekano w'iby'indege za gisiviri;

27° aviation security officer: an employee of the operator or any other person authorized by the operator who is responsible for implementation of civil aviation security measures;

27° officier de sûreté de l'aviation: personne employée par l'exploitant ou toute autre personne autorisée par l'exploitant qui est chargée de la mise en œuvre des mesures de sûreté de l'aviation civile;

28° umuntu wemerewe: umukozi cyangwa impuguke watoranyijwe n'Urwego hakurikijwe ubushobozi afite mu bijyanye n'umutekano w'iby'indege za gisiviri;

28° authorized person: an employee or expert designated by the Authority because of his/her competence in matters relating to civil aviation security;

28° personne autorisée: employé ou expert désigné par l'Office en raison de sa compétence en matière de sûreté de l'aviation civile;

29° umutekano: irindwa ry'ibikorwa by'indege za gisiviri n'ibibuga byazo, ibikorwa binyuranyije n'amategako hashyirwaho ingamba zo gukumira ibyo bikorwa hakoreshejwe abantu n'ibikoresho;

29° security: safeguarding operations of civil aircraft and airports against unlawful acts through a combination of measures against unlawful acts by use of human and material resources;

29° sûreté: protection des opérations des aéronefs civils et des aéroports contre des actes illicites grâce à un ensemble de mesures contre ces actes par l'usage des ressources humaines et matérielles;

30° umutwaro utinjiranwa mu ndege: ikintu gitwarwa mu gice cy'indege cyihariye cyabugenewe ku buryo umugenzi aba adashobora kugira aho ahurira na cyo igihe indege iri mu kirere;

30° hold baggage: baggage which is accepted for carriage in the hold of an aircraft and is inaccessible to the passenger during the flight;

30° bagage de soute: bagage admis au transport dans la soute d'un aéronef et inaccessible au passager pendant le vol;

31° **umutwaro winjiranwa mu ndege:** ikintu umugenzi aba yemerewe kwinjirana mu ndege ku buryo kidashyirwa mu gice cy'indege cyihariye cyabugenewe. icyo kintu kiba kiri bugufi y'umugenzi igihe indege iri mu kirere;

32° **umuzigo:** ikintu gitwarwa n'indege kitari ibaruwa, kitari umutwaro wo mu ntoki ntikibe n'umutwaro udahambiriye;

33° **umuzigo udafite nyirawo:** umutwaro uri ku kibuga cy'indege ufite cyangwa udafite ikimenyetso kiwuranga, utanagaragaza nyirawo, ntihagire uwutwara;

34° **urugomo:** igikorwa kigamije kwangiza, gukomeretsa cyangwa gishobora guhungabanya iby'indege za gisiviri cyangwa ibikorwa ku kibuga cy'indege;

35° **uruhushya rwo kwinjira ahantu ntavogerwa:** icyangombwa gitanga uburenganzira bwo kwinjira ahantu ntavogerwa gitangwa n'Umuyobozi ubifitiye ububasha;

31° **cabin baggage:** baggage which a passenger is allowed to carry along in the cabin compartment of an aircraft instead of moving to the hold. It is accessible to the passenger during the flight;

32° **cargo:** any property carried on an aircraft except mail, hand luggage or unpackaged baggage;

33° **unidentified baggage:** baggage at an airport, with or without a baggage tag, which is not picked up by or identified with a passenger;

34° **sabotage:** an act intended to destroy, inflict injury or likely to endanger or interfere with civil aviation or operations at airports;

35° **security restricted area permit:** a permit authorising access to security restricted area issued by the administrator of the competent authority;

31° **bagage de cabine:** bagage qu'un passager peut emporter avec lui dans la cabine d'un aéronef au lieu de le mettre dans la soute. Il est accessible au passager pendant le vol;

32° **fret:** biens à l'exception du courrier, bagages à main ou non emballés transportés à bord d'un aéronef;

33° **bagage non identifié:** bagage se trouvant dans un aéroport, avec ou sans étiquette d'enregistrement et qui n'est pas retiré par un passager ni attribuable à un passager;

34° **sabotage:** acte visant à détruire, causer des blessures ou susceptible de mettre en danger ou interférer avec l'aviation civile ou les opérations aéroportuaires;

35° **permis d'accès aux zones de sûreté à accès réglementé:** permis autorisant l'accès à la zone de sûreté à accès réglementé de l'aéroport délivré par l'Office;

36° **Urwego:** Urwego rw'Igihugu rushinzwe iby'indege za gisiviri;

36° **Authority:** the national organ in charge of civil aviation ;

36° **Office:** organe national chargé de l'aviation civile ;

37° **Ushinzwe ibikorwa:** ubuyobozi bw'ikibuga cy'indege, ukoresha indege n'ibigo bigenzurwa n'Urwego.

37° **operator:** airport authorities, aircraft operator, agencies under the supervision of the Authority.

37° **exploitant:** autorités aéroportuaires, exploitant d'aéronef, établissements sous la supervision de l'Office.

UMUTWE WA II: INSHINGANO N'UBUBASHA BY'INZEGO Z'IMIRIMO

CHAPTER II: RESPONSIBILITIES AND POWERS OF ORGANS

CHAPITRE II: ATTRIBUTIONS ET POUVOIRS DES ORGANES

Ingingo ya 5: Inshingano za Minisitiri mu bijyanye n'iby'umutekano w'iby'indege za gisiviri

Article 5: Responsibilities of the Minister in relation to civil aviation security

Article 5: Attributions du Ministre en matière de sûreté de l'aviation civile

Minisitiri ashiraho amabwiriza rusange yerekeye umutekano w'iby'indege za gisiviri.

The Minister establishes civil aviation security regulations.

Le Ministre édicte les règlements relatifs à la sûreté de l'aviation civile.

Ingingo ya 6: Inshingano z'Urwego mu bijyanye n'umutekano w'iby'indege za gisiviri

Article 6: Responsibilities of the Authority in matters relating to civil aviation security

Article 6: Attributions de l'Office en matière de sûreté de l'aviation civile

Urwego rufite inshingano zikurikira:

The Authority has the following responsibilities:

L'Office a les attributions suivantes :

1° gutegura, gukora impinduka zikenewe no gushyira mu bikorwa Gahunda y'Igihugu y'Umutekano w'iby'indege za gisiviri ikubiyemo ingamba na politiki zijyanye n'ibisabwa n'amabwiriza ari ku mugereka wa 17 w'Amasezerano Mpuzamahanga

1° to develop, maintain and implement the National Civil Aviation Security Programme that details aviation security policies and procedures consistent with the provisions of

1° élaborer, maintenir et mettre en œuvre le Programme national de sûreté de l'aviation civile qui précise des politiques et des procédures de sûreté de l'aviation conformes aux

mu by'indege za gisiviri yashyiriweho umukono i Chicago ku wa 07 Ukuboza 1944 n'ibindi bisabwa ku rwego rw'Igihugu;	Annex 17 to the Convention on International Civil Aviation signed at Chicago on 7 December 1944 and other requirements existing at national level;	dispositions de l'annexe 17 de la Convention relative à l'aviation civile internationale signée à Chicago le 7 décembre 1944 et aux autres exigences au niveau national;
2° uburenganzira busesuye mu kugenzura ibikorwa by'umutekano ku kibuga no ku ndege zikorera mu Rwanda, n'ibindi bikorwa byose bijyanye n'iby'indege za gisiviri mu Rwanda;	2° to have the absolute right to audit security operations at the airport, in aircraft operating in Rwanda and in all other operations relating to all civil aviation in Rwanda;	2° avoir un droit absolu à l'audit des opérations de sûreté à l'aéroport, dans les aéronefs opérant au Rwanda et sur toutes les autres opérations relatives à l'aviation civile au Rwanda;
3° gukurikirana ibikorwa by'umutekano ku kibuga, mu ndege, umutekano w'abakozi, abashinzwe amafunguro yo mu ndege n'abandi bireba hagamijwe:	3° to monitor security at airports, in aircraft, security of staff, catering operators and other concerned persons for the purpose of:	3° faire le suivi des opérations de sûreté à l'aéroport, dans les aéronefs, du personnel, des prestataires de restauration à bord et d'autres personnes concernées dans le but de:
a. kurinda abagenzi, abakozi b'indege, ikibuga cy'indege, ibikorwa n'inyubako;	a. protecting passengers, crew members, the airport, airport operations and installations;	a. protéger les passagers, les membres d'équipage, l'aéroport, les opérations et les installations aéroportuaires;
b. gukumira ibintu bitemewe n'amategako byabangamira imirimo y'ibijyanye n'indege za gisiviri;	b. preventing unlawful acts against civil aviation operations;	b. empêcher les actes illicites contre les opérations de l'aviation civile;
c. gufata icyemezo iyo habaye cyangwa hashobora kuba igikorwa kinyuranyije	c. taking appropriate action when an unlawful act occurs or is	c. entreprendre des actions appropriées face à un acte

n'amategeko;	likely to occur;	illicite qui se produit ou susceptible de se produire;
4° gushyira mu bikorwa no gutangaza ibijyanye n'umutekano w'iby'indege za gisiviri;	4° to implement and publish any matters in relation to civil aviation security;	4° mettre en application et publier tout ce qui concerne la sûreté de l'aviation civile;
5° gutanga amabwiriza asaba ko ibyemezo bijyanye no kubahiriza umutekano bihita bishyirwa mu bikorwa;	5° to issue directives to require the implementation of immediate security measures;	5° émettre des directives pour exiger la mise en place de mesures de sûreté immédiates;
6° gushyira mu bikorwa Amasezerano Mpuzamahanga u Rwanda rwagiranye n'ibindi bihugu, za Guverinoma cyangwa Imiryango Mpuzamahanga mu bijyanye n'umutekano mu by'indege za gisiviri;	6° to implement conventions between Rwanda and other countries, governments or international organizations in terms of civil aviation security;	6° mettre en œuvre les conventions entre le Rwanda et d'autres pays, gouvernements ou organisations internationales en matière de sûreté de l'aviation civile;
7° guteza imbere ubushobozi mu by'umutekano w'iby'indege za gisiviri, ubumenyingiro na serivisi bitangwa hagamijwe kurengera abantu n'ibintu;	7° to promote the development of civil aviation security capabilities, skills and services for the protection of people and property;	7° promouvoir le développement des capacités, des compétences et des services de sûreté de l'aviation civile pour la protection des personnes et des biens;
8° gutanga serivisi z'ubujyanama mu byerekeye imicungire y'ibikorwa byo kugenzura iby'indege za gisiviri, haba mu Rwanda cyangwa hanze yarwo;	8° to provide consultancy services in terms of the management of civil aviation oversight activities, within or outside Rwanda;	8° fournir des services de consultance en matière de gestion des activités de contrôle de l'aviation civile à l'intérieur ou à l'extérieur du Rwanda;

9° kugenzura iyubahirizwa rya politiki y'umutekano w'iby'indege za gisiviri n'ibindi bisabwa kugira ngo umutekano wubahirizwe.

9° provide oversight for the implementation of civil aviation security policies and requirements.

9° assurer la surveillance de la mise en oeuvre des politiques et des exigences de sûreté de l'aviation civile.

Ingingo ya 7: Ububasha bw'Umuyobozi Mukuru w'Urwego mu bijyanye n'umutekano w'iby'indege za gisiviri

Article 7: Powers of the Director General of the Authority in matters relating to civil aviation security

Article 7: Pouvoirs du Directeur général de l'Office en matière de sûreté de l'aviation civile

Umuyobozi Mukuru w'Urwego afite ububasha bukurikira:

The Director General of the Authority has the following powers:

Le Directeur général de l'Office a les pouvoirs suivants:

1° gutegura Gahunda y'Igihugu y'Umutekano w'iby'indege za gisiviri ikubiyemo ingamba na politiki zijyanye n'ibisabwa n'amabwiriza ari ku mugereka wa 17 w'Amasezerano Mpuzamahanga mu by'indege za gisiviri yashyiriweho umukono i Chicago ku wa 07 Ukuboza 1944 n'ibindi bisabwa ku rwego rw'Igihugu;

1° to develop the National Civil Aviation Security Programme that details aviation security policies and procedures consistent with the provisions of Annex 17 to the Convention on International Civil Aviation signed at Chicago on 7 December 1944 and other State Aviation Security requirements;

1° élaborer le Programme national de sûreté de l'aviation civile qui précise des politiques et des procédures de sûreté de l'aviation conformes aux dispositions de l'annexe 17 de la Convention relative à l'aviation civile internationale signée à Chicago le 7 décembre 1944 et aux autres exigences de sûreté de l'aviation civile de l'État;

2° gukurikirana ibikorwa by'umutekano ku kibuga, mu ndege, umutekano w'abakozi, abashinzwe amafunguro yo mu ndege n'abandi bireba hagamijwe:

2° to monitor security at airports, in aircraft security, of staff, catering operators, and other concerned persons for the purpose of:

2° faire le suivi des opérations de sûreté de l'aéroport, des aéronefs, du personnel, des opérateurs de restauration, et d'autres personnes concernées dans le but de:

a. kurinda abagenzi, abakozi b'indege, ikibuga cy'indege, ibikorwa n'inyubako;

a. protect passengers, crew members, the airport, airport activities and airport buildings;

a. protéger les passagers, les membres d'équipage, l'aéroport, les activités et les bâtiments;

b. gukumira ibintu bitemewe n'amategeko byabangamira imirimo y'ibijyanye n'indege za gisiviri;	b. prevent unlawful acts against civil aviation operations;	b. empêcher les actes illicites contre les opérations de l'aviation civile;
c. gufata icyemezo iyo habaye cyangwa hashobora kuba igikorwa kinyuranyije n'amategeko;	c. take appropriate action when an unlawful act occurs or is likely to occur;	c. entreprendre des mesures appropriées face à un acte illicite présent ou probable;
3° gushyira mu bikorwa no gutangaza ibijyanye n'umutekano w'iby'indege za gisiviri;	3° implement and publish any matters in relation to civil aviation security;	3° mettre en application et publier tout ce qui concerne la sûreté de l'aviation civile;
4° gutanga amabwiriza asaba ko ibyemezo bijyanye no kubahiriza umutekano bihita bishyirwa mu bikorwa;	4° issue directives to require the implementation of immediate security measures;	4° émettre des directives pour exiger la mise en place de mesures de sûreté immédiates;
5° kumenyesha ku gihe Umuryango Mpuzamahanga w'iby'indege za gisiviri amabwiriza yose atandukanye n'amabwiriza ateganywa n'Amasezerano Mpuzamahanga y'iby'indege za gisiviri;	5° to communicate without delay to the International Civil Aviation Organisation any national regulations which differ from the Convention on International Civil Aviation;	5° communiquer sans délai à l'Organisation internationale de l'aviation civile les règlements nationaux qui diffèrent de la Convention relative à l'aviation civile internationale;
6° gutangaza amabwiriza yose ashirwaho hashingiwe kuri iri tegeko kugira ngo abo agenewe bashobore kuyamenya no kuyubahiriza;	6° to ensure the publication of all standards and procedures issued under this Law in such form and manner as may be best adapted for public compliance;	6° assurer la publication de toutes les normes et procédures émises en vertu de la présente loi sous la forme et la manière les mieux adaptées en vue de leur respect par le public;
7° gutanga ibyangombwa byerekeranye n'iby'indege birimo ibi bikurikira:	7° to issue aviation documents including:	7° délivrer les documents en rapport avec l'aviation y compris:

a. ibyemezo by'abashinzwe gusaka abantu n'imizigo yabo, iby'abashinzwe kugenzura umutekano w'iby'indege n'iby'abatanga amahugurwa n'inyigisho mu by'umutekano w'iby'indege za gisiviri;	a. certificates of screeners, civil aviation inspectors and instructors;	a. les certificats des agents de contrôle, des inspecteurs et des instructeurs de l'aviation civile;
b. impushya ku bigo cyangwa amashuri atanga ubumenyi mu by'umutekano w'iby'indege za gisiviri no ku zindi nzego zagenwa n'amabwiriza yerekeye umutekano w'iby'indege za gisiviri;	b. certificates of civil aviation security training companies or organizations and other entities as may be determined by civil aviation regulations;	b. les certificats des sociétés ou organismes de formation à la sûreté de l'aviation civile et autres entités déterminées par les règlements de l'aviation civile;
8° kugira inama Guverinoma mu bijyanye no gutegura amategeko mashya cyangwa kuvugurura amategeko asanzweho hagamijwe kugenzura imikorere y'umutekano mu by'indege za gisiviri;	8° to provide advice to the Government on matters related to the preparation of new legislation or amendment of the existing legislation for the regulation of civil aviation security;	8° conseiller le Gouvernement en matière d'initiation d'une nouvelle législation ou de modification de la législation existante pour la réglementation de la sûreté de l'aviation civile;
9° gufata ibyemezo bigamije ishyirwa mu bikorwa ry'iri tegeko n'amabwiriza ajyanye na ryo;	9° to take decisions aimed at the application of this Law and regulations pertaining thereto;	9° prendre les décisions visant la mise en application de la présente loi et des règlements y relatifs;
10° guca ihazabu yo mu rwego rw'ubutegetsi ku batubahiriza iri tegeko n'amabwiriza ajyanye n'umutekano w'iby'indege za gisiviri;	10° to impose administrative fines on those who fail to comply with this Law, civil aviation security regulations;	10° infliger des amendes administratives à ceux qui ne se conforment pas à la présente loi et aux règlements relatifs à la sûreté de l'aviation civile;
11° gukora indi mirimo ifitanye isano n'ububasha buvugwa muri iyi ngingo.	11° to perform any other duties relating to the powers provided for under this Article.	11° exécuter toute autre tâche relative aux pouvoirs prévus au présent article.

Ingingo ya 8: Ububasha bw'umugenzuzi w'umutekano w'iby'indege za gisiviri

Umugenzuzi w'umutekano w'iby'indege za gisiviri ni umukozi w'Urwego cyangwa undi wese wabihereye ububasha n'Urwego bwo kugenzura uko umutekano w'iby'indege za gisiviri wubahirizwa.

Umugenzuzi w'umutekano w'iby'indege za gisiviri afite ububasha bukurikira:

- 1° kugenzura aho ari ho hose mu kibuga cy'indege cyangwa hanze yacyo mu Rwanda hakorera umuntu wese utanga serivisi zijyanye n'iby'indege n'ahantu ntavogerwa ku kibuga cy'indege;
- 2° kugenzura indege yanditswe cyangwa ikorera mu Rwanda kugira ngo hamenywe uko umutekano w'iby'indege za gisiviri wubahirizwa;
- 3° kugenzura no gukora igerageza ry'umutekano ku ngamba mu by'umutekano w'iby'indege za gisiviri zashyizweho n'Urwego zikurikizwa

Article 8: Powers of the civil aviation security inspector

A civil aviation security inspector is an employee of the Authority or any other person authorized by the Authority to ensure the oversight and the enforcement of the implementation of civil aviation security.

A civil aviation security inspector has the following powers:

- 1° to audit, inspect and test any part of any airport in Rwanda or any land or area outside the airport used by businesses that operate at the airport and in security restricted area;
- 2° to audit, inspect and test any aircraft registered or operating in Rwanda for the purpose of evaluating any civil aviation security procedure;
- 3° to audit, inspect and test the effectiveness of security measures and procedures taken by the Authority and performance of security equipment;

Article 8: Pouvoirs de l'inspecteur en sûreté de l'aviation civile

Un inspecteur en sûreté de l'aviation civile est un employé de l'Office ou toute autre personne autorisée par l'Office à assurer le contrôle et l'application de la sûreté de l'aviation civile.

L'inspecteur en sûreté de l'aviation civile a les pouvoirs suivants:

- 1° vérifier, inspecter et analyser toute partie de tout aéroport au Rwanda ou de tout territoire ou zone à l'extérieur de l'aéroport utilisé par les entreprises qui opèrent à l'aéroport et dans la zone de sûreté à accès réglementé;
- 2° vérifier, inspecter et analyser tout aéronef immatriculé ou opérant au Rwanda aux fins d'évaluer toute procédure de sûreté de l'aviation civile;
- 3° faire la vérification, l'inspection et l'essai de l'efficacité des mesures et des procédures de sûreté émises par l'Office et de la performance du

n'uko ibikoresho by'umutekano bikora neza;		matériel de sûreté;
4° kwinjira mu kibuga cy'indege, imbere mu kibuga cy'indege, ahantu ntavogerwa no gukoresha ibikoresho bifata amajwi n'amashusho n'ibindi bikoresho byemewe gusa ku mpamvu yo kugenzura ko umutekano w'iby'indege ucunzwe ku buryo butekanye;	4° to enter into an airport, airside area or any designated security restricted area, and use audio and video recording devices and other specially authorized equipment for purposes of conducting security tests;	4° pénétrer dans un aéroport, une zone côté piste ou toute zone de sûreté à accès réglementé et utiliser des appareils d'enregistrement audio et vidéo ainsi que les articles spécialement autorisés à des fins de tests de sécurité;
5° kumenyesha uwagenzuwe ibyagaragaye mu igenzura no kumuha inama ku byakosorwa n'uburyo byakorwa;	5° to issue notices to the person inspected of deficiencies and make recommendations for remedy;	5° émettre des avis à la personne ayant fait objet de l'inspection concernant les irrégularités et des recommandations pour y remédier;
6° kugenzura ko amakosa yagaragaye mu igenzura akosorwa ku gihe no gufata ingamba mu gihe bidakozwe;	6° to check whether deficiencies identified during the inspection are rectified on a timely basis and take enforcement measures where necessary;	6° vérifier si les irrégularités identifiées lors de l'inspection sont corrigées à temps et prendre des mesures d'application, le cas échéant;
7° gukurikirana ishyirwa mu bikorwa ry'ingamba zose zerekeye umutekano w'iby'indege za gisiviri ku rwego rw'Igihugu;	7° to follow up the enforcement of all relevant national civil aviation security measures;	7° faire le suivi de l'exécution de toutes les mesures nationales pertinentes en matière de sûreté de l'aviation civile;
8° guhabwa inyandiko zijyanye n'iby'umutekano w'iby'indege za gisiviri;	8° to obtain access to relevant security documentation and records of civil aviation;	8° avoir accès à la documentation et aux dossiers de sûreté pertinents de l'aviation civile;

9° kubaza uwo ari we wese kugira ngo hamenyekane uko ingamba zashyizweho zo gucunga umutekano w'iby'indege za gisiviri zubahirizwa.

Ingingo ya 9: Gutanga ububasha

Umuyobozi Mukuru w'Urwego ashobora guha umuntu wemerewe zimwe mu nshingano ze kandi akazigaragaza mu nyandiko, nyuma yo kugisha inama Inama y'Ubuyobozi uretse ibyo mu rwego rwa tekiniki.

Ingingo ya 10: Ishyirwaho rya Komite y'Igihugu ishinzwe Umutekano w'iby'indege za gisiviri na Komite ishinzwe Umutekano w'ikibuga

Hashyizweho Komite y'Igihugu ishinzwe Umutekano w'iby'indege za gisiviri na Komite ishinzwe Umutekano w'ikibuga.

Iteka rya Minisitiri w'Intebe rigena inshingano, imiterere n'imikorere bya Komite y'Igihugu ishinzwe Umutekano w'iby'indege za gisiviri na Komite ishinzwe Umutekano w'ikibuga, rigena kandi abagize izo Komite.

9° to interview any person for the purpose of assessing compliance with civil aviation security measures and procedures.

Article 9: Delegation of power

The Director General of the Authority may give to an authorized person some of his or her duties, and indicate such duties in writing after consultation with the Board of Directors except in case of technical duties.

Article 10: Establishment of a National Civil Aviation Security Committee and an Airport Security Committee

There is hereby established a National Civil Aviation Security Committee and an Airport Security Committee.

A Prime Minister's Order determines the responsibilities, organization and functioning of the National Civil Aviation Security Committee and the Airport Security Committee and also determines members of such Committees.

9° interroger toute personne dans le but d'évaluer la conformité aux mesures et aux procédures de sûreté de l'aviation civile.

Article 9: Délégation de pouvoir

Le Directeur général de l'Office peut déléguer à une personne autorisée certaines de ses attributions et les spécifier par écrit après avis du Conseil d'administration, sauf en cas d'attributions d'ordre technique.

Article 10: Création d'un Comité national de sûreté de l'aviation civile et du Comité national de sûreté aéroportuaire

Il est créé un Comité national de sûreté de l'aviation civile et un Comité national de sûreté aéroportuaire.

Un arrêté du Premier Ministre détermine les attributions, l'organisation et le fonctionnement du Comité national de sûreté de l'aviation civile et du Comité national de sûreté aéroportuaire et détermine également les membres de ces Comités.

**UMUTWE WA III: GAHUNDA
Z'UMUTEKANO W'IBY'INDEGE ZA
GISIVIRI**

**Ingingo ya 11: Gahunda y'Igihugu
y'Umutekano w'iby'indege za gisiviri**

Urwego ni rwo rushinzwe umutekano w'iby'indege za gisiviri mu Rwanda. Rugomba gutegura, gukora impinduka zikenewe no gushyira mu bikorwa Gahunda y'Igihugu yo gukurikirana imitunganyirize y'umutekano w'iby'indege za gisiviri hagamijwe kurinda ibikorwa by'indege za gisiviri no gukumira ibikorwa binyuranyije n'amategeko.

Urwego ruha kandi abakora imirimo ku bibuga by'indege bakorera mu Rwanda Gahunda y'Igihugu y'Umutekano w'iby'indege za gisiviri biyanyanye n'inshingano zabo.

Gahunda y'Igihugu y'Umutekano w'iby'indege za gisiviri yemezwa na Komite y'Igihugu ishinze Umutekano w'iby'indege za gisiviri, ikavugururwa nibura inshuro imwe (1) mu mwaka n'igihe cyose bibaye ngombwa kugira ngo ihuzwe n'amahame agezweho.

**CHAPTER III: NATIONAL CIVIL
AVIATION SECURITY
PROGRAMME**

**Article 11: National Civil Aviation
Security Programme**

The Authority is solely responsible for ensuring civil aviation security in Rwanda. It shall develop, make necessary changes and implement the National Civil Aviation Security Programme to safeguard civil aviation operations and prevent unlawful acts.

The Authority also provides those who carry out activities at airports operating in Rwanda with the relevant parts of the National Civil Aviation Security Programme.

The National Civil Aviation Security Programme is approved by the National Civil Aviation Security Committee and is reviewed at least once a year and whenever necessary to meet the standards in force.

**CHAPITRE III: PROGRAMME
NATIONAL DE SÛRETÉ DE
L'AVIATION CIVILE**

**Article 11: Programme national de
sûreté de l'aviation civile**

L'Office est seul habilité à assurer la sûreté de l'aviation civile au Rwanda. Il doit élaborer, faire des changements nécessaires et mettre en œuvre le Programme national de sûreté de l'aviation civile afin de protéger les opérations de l'aviation civile et de prévenir les actes illicites.

L'Office met également à la disposition de ceux qui réalisent des activités aux aéroports opérant au Rwanda les parties pertinentes du Programme national de sûreté de l'aviation civile.

Le Programme National de Sûreté de l'Aviation Civile est approuvé par Comité national de sûreté de l'aviation civile et est révisé au moins une fois par an et chaque fois que de besoin pour l'adapter aux normes en vigueur.

Ingingo ya 12: Gahunda y'Igihugu yo kugenzura imitunganyirize y'umutekano w'iby'indege za gisiviri

Urwego rutegura kandi rugashyira mu bikorwa Gahunda y'Igihugu yo kugenzura imitunganyirize y'umutekano w'iby'indege za gisiviri.

Urwego rutegura amabwiriza agenga imikorere myiza na Gahunda y'Igihugu y'Umutekano w'iby'indege za gisiviri ku buryo bukurikira:

1° rushyiraho inzego, inshingano n'uburyo bwo guteza imbere umuco wo gukora neza akazi k'umutekano w'iby'indege za gisiviri no gukurikirana ko abakozi bafite inshingano z'umutekano w'iby'indege za gisiviri bazubahiriza;

2° rutanga inshingano ku bakozi bose bashinzwe umutekano w'iby'indege za gisiviri rukabaha umurongo bakurikiza mu gushyira mu bikorwa igenzura n'ikumira ry'ibikorwa bitemewe n'amategeko.

Article 12: National Civil Aviation Security Quality Control Programme

The Authority develops and implements the National Civil Aviation Security Quality Control Programme.

The Authority develops regulations governing best practices and the National Civil Aviation Security Programme by:

1° putting in place structures, responsibilities and means that promote a culture of performing well the work of civil aviation security, and ensuring good performance of persons tasked with carrying out civil aviation security duties;

2° giving duties to all staff in charge of aviation security with direction for the implementation of aviation security controls and the prevention of unlawful acts.

Article 12: Programme national de contrôle de la qualité de la sûreté de l'aviation civile

L'Office élabore et met en œuvre le Programme national de contrôle de qualité de la sûreté de l'aviation civile.

L'Office élabore des règlements régissant les meilleures pratiques et le Programme national de sûreté de l'aviation civile de la manière suivante:

1° mettre en place des structures, des attributions et des moyens permettant de promouvoir la culture d'assurer la qualité du service dans le domaine de l'aviation civile et de s'assurer de la bonne performance du personnel ayant les attributions relatives à la sûreté de l'aviation civile ;

2° donner des attributions au personnel chargé de la sûreté en leur donnant une orientation pour la mise en application des contrôles de sûreté de l'aviation et la prévention des actes illicites.

Ingingo ya 13: Ubwigenge mu ishyingirwa mu bikorwa rya Gahunda y'Igihugu yo gukurikirana imitunganyirize y'umutekano w'iby'indege za gisiviri

Urwego rukora ku buryo inzego n'abantu bashinzwe gushyira mu bikorwa Gahunda y'Igihugu yo Gukurikirana imitunganyirize y'Umutekano w'iby'indege za gisiviri bakora mu bwigenge mu micungire n'imikoreshereze bya Gahunda y'Igihugu y'Umutekano w'iby'indege za gisiviri.

Ingingo ya 14: Gahunda y'Umutekano w'ikibuga cy'indege

Umuntu wese yemererwa kugira ikibuga cy'indege ari uko afite gahunda y'umutekano w'icyo kibuga yemejwe n'Urwego.

Umuntu ucunga ikibuga cy'indege za gisiviri mu Rwanda ategura kandi agashyira mu bikorwa gahunda yanditse y'umutekano w'ikibuga.

Gahunda y'umutekano w'ikibuga igomba kubahiriza ibiteganyijwe muri Gahunda y'Igihugu y'Umutekano w'iby'indege za gisiviri.

Gahunda y'umutekano w'ikibuga

Article 13: Independence in the implementation of the National Civil Aviation Security Quality Control Programme

The Authority shall ensure that the management and functioning of the National Civil Aviation Security Programme is undertaken independently of the organs or persons in charge of the implementation of the National Civil Aviation Security Quality Control Programme.

Article 14: Airport Security Programme

No person can be authorized to operate an airport unless he or she has a security programme for such an airport approved by the Authority.

An airport operator in Rwanda establishes and implements a written Airport Security Programme.

The Airport Security Programme shall be in accordance with the requirements prescribed in the National Civil Aviation Security Programme.

The Airport Security Programme is

Article 13: Indépendance dans la mise en œuvre du Programme national de contrôle de qualité de la sûreté de l'aviation civile

L'Office s'assure que la gestion et le fonctionnement du Programme national de sûreté de l'aviation civile s'effectuent indépendamment des organes et des personnes chargés de la mise en œuvre du Programme national de contrôle de qualité de la sûreté et de l'aviation civile.

Article 14: Programme de sûreté de l'aéroport

Personne ne peut être autorisé à assurer l'exploitation d'un aéroport à moins qu'il ne dispose d'un programme de sûreté d'un tel aéroport approuvé par l'Office.

Un exploitant d'un aéroport au Rwanda établit et met en œuvre un programme de sûreté de l'aéroport écrit.

Le Programme de sûreté de l'aéroport doit être conforme aux dispositions du Programme national de sûreté de l'aviation civile.

Le Programme de sûreté de

ivugururwa nibura inshuro imwe (1) mu mwaka n'igihe cyose bibaye ngombwa kugira ngo ihuzwe n'igihe.

Ingingo ya 15: Gahunda y'Umutekano ya nyir'indege

Umuntu yemererwa gukoresha indege mu gutwara abantu n'ibintu mu Rwanda ari uko afite Gahunda y'Umutekano yemewe n'Urwego.

Nyir'indege ikoresheya mu gutwara abantu n'ibintu mu Rwanda agomba gutegura no gushyira mu bikorwa Gahunda yanditse y'Umutekano ya nyir'indege.

Gahunda y'umutekano ya nyir'indege igomba kuba yujuje ibiteganywa na Gahunda y'Igihugu y'Umutekano w'iby'indege za gisiviri.

Ingingo ya 16: Gahunda y'umutekano y'umuntu cyangwa ikigo kigenzurwa

Umuntu yemererwa kugira isosiyete ishinze kugenzura imizigo, inyandiko cyangwa ibintu mu ndege mu Rwanda ari uko afite gahunda y'umutekano yemewe n'Urwego hamwe

reviewed and updated at least once a year and whenever necessary.

Article 15: Aircraft Operator Security Programme

A person who operates a civilian aircraft transporting passengers and goods in Rwanda shall have an Aircraft Operator Security Programme approved by the Authority.

Every aircraft operator who transports passengers or goods in Rwanda shall establish and implement a written Aircraft Operator Security Programme.

The Aircraft Operator Security Programme shall be in accordance with the requirements prescribed in the National Civil Aviation Security Programme.

Article 16: Security Programme of regulated agents or companies

A person who operates a company screening cargo, mail, baggage or goods to be transported by air in Rwanda shall have a security programme approved by

l'aéroport est revu et actualisé au moins une fois par an et chaque fois que de besoin.

Article 15: Programme de sûreté de l'exploitant de l'aéronef

Une personne qui assure l'exploitation d'un aéronef de transport de passagers et de biens au Rwanda doit disposer d'un Programme de Sûreté de cet aéronef approuvé par l'Office.

Tout exploitant d'un aéronef de transport de passagers et biens au Rwanda établit et met en œuvre un Programme écrit de sûreté de l'exploitant d'aéronef.

Le Programme de sûreté de l'exploitant d'aéronef doit être conforme aux dispositions du Programme National de Sûreté de l'Aviation Civile.

Article 16: Programme de sûreté d'agents ou sociétés réglementés

Une personne qui exploite une société affectée au contrôle de fret, de bagages de courriers, ou de biens par voie aérienne au Rwanda doit

n'icyemezo gitangwa na rwo.

the Authority which is evidenced by a certificate issued by the Authority.

disposer d'un Programme de sûreté approuvé par l'Office et un certificat délivré par cette dernière.

Gahunda y'umutekano ya sosiyete cyangwa abantu bagenzurwa n'Urwego itegurwa hakurikijwe ibiteganyijwe muri Gahunda y'Igihugu y'Umutekano w'iby'indege za gisiviri.

The Regulated Agent Security Programme shall be in accordance with the requirements prescribed in the National Civil Aviation Security Programme.

Le Programme de sûreté d'une société ou d'agents sous la supervision de l'Office est établi conformément aux dispositions du Programme National de Sûreté de l'Aviation Civile.

Ingingo ya 17: Gahunda y'Umutekano y'isosiyete ishinze gutanga amafunguro yo mu ndege

Article 17: Catering Operator Security Programme

Article 17: Programme de sûreté des prestataires de restauration à bord

Gahunda y'Umutekano y'isosiyete ishinze gutanga amafunguro mu ndege igomba gushingira kuri Gahunda y'Igihugu y'Umutekano w'iby'indege za gisiviri.

The catering operator security programme shall be in accordance with the requirements prescribed in the National Civil Aviation Security Programme.

Le Programme de sûreté des prestataires de restauration à bord est établi conformément aux dispositions du Programme National de Sûreté de l'Aviation Civile.

Isosiyete idafite Gahunda y'Umutekano yemewe n'Urwego hamwe n'icyemezo gitangwa narwo ntiyemerewe gutanga amafunguro mu ndege ihagurutse mu Rwanda.

A company cannot be permitted to provide catering services to an aircraft taking off from Rwanda if it does not have a Security Programme approved by the Authority evidenced by a certificate issued by the Authority.

Une société n'est autorisée à approvisionner ou servir le repas dans un aéronef qui décolle du Rwanda que si elle dispose d'un Programme de Sûreté approuvé par l'Office et d'un certificat délivré par ce dernier.

Ingingo ya 18: Gahunda y'Igihugu y'amahugurwa ku bijyanye n'umutekano w'iby'indege za gisiviri

Urwego rugomba gutegura Gahunda y'Igihugu y'amahugurwa y'umutekano w'iby'indege za gisiviri agenewe abakozi b'inzeho zose zifite uruhare rwo gushyira mu bikorwa ibyiciro bitandukanye bigize Gahunda y'Igihugu y'Umutekano w'iby'indege za gisiviri.

Urwego ruhuza ishyirwa mu bikorwa rya Gahunda y'Igihugu y'amahugurwa y'umutekano w'iby'indege za gisiviri.

Urwego rumenyeshya inzego zirebwa na gahunda y'Igihugu y'amahugurwa y'umutekano w'iby'indege za gisiviri amahugurwa akenewe kugira ngo iyi gahunda ishyirwe mu bikorwa.

Ingingo ya 19: Gahunda y'umutekano y'abatanga serivisi zo kuyobora indege mu kirere

Abatanga serivisi zo kuyobora indege mu kirere bagomba gutegura bakanashyira mu bikorwa gahunda y'umutekano ijyanye n'ibisabwa muri

Article 18: National Civil Aviation Security Training Programme

The Authority develops and maintains a National Civil Aviation Security Training Programme for personnel of all organs involved in the implementation of various aspects of the National Civil Aviation Security Programme.

The Authority coordinates activities relating to the implementation of the National Civil Aviation Security Training Programme.

The Authority notifies the organs concerned by the National Civil Aviation Security Training Programme of training needs for the implementation of the Programme.

Article 19: Air Navigation service providers Security Programme

Air Navigation service providers shall develop, maintain and implement an appropriate security provisions to meet the requirements of the National Civil

Article 18: Programme National de Formation en matière de Sûreté de l'Aviation civile

L'Office doit élaborer un Programme National de Formation en matière de Sûreté de l'aviation civile destiné au personnel de tous les organes impliqués dans la mise en œuvre des divers aspects du Programme National de Sûreté de l'Aviation Civile.

L'Office coordonne les activités de mise en œuvre du Programme National de Formation en matière de sûreté de l'aviation civile.

L'Office notifie aux entités concernées par le Programme National de Formation en matière de sûreté de l'aviation civile les besoins en formation pour que ce programme soit mis en œuvre.

Article 19: Programme de sécurité des prestataires de services de navigation aérienne

Les prestataires de services de navigation aérienne doivent mettre en place et appliquer des dispositions de sécurité appropriées pour répondre

Gahunda y'Igihugu y'Umutekano w'iby'indege za gisiviri.

Aviation Security Programme.

aux exigences du programme national de sécurité de l'aviation civile.

Ingingo ya 20: Gahunda y'amahugurwa y' ushinzwe ibikorwa

Article 20: Operator's training programme

Article 20: Programme de formation de l'exploitant

Ushinzwe ibikorwa agomba gutegura akanashyira mu bikorwa gahunda y'amahugurwa kugira ngo ibikorwa by'umutekano bigende neza, kandi iyo gahunda y'amahugurwa ikurikiza ibiteganwa n'iri tegeko na gahunda y'Igihugu y'amahugurwa y'umutekano w'iby'indege za gisiviri.

An operator shall develop, maintain and implement a training programme for the effective application of security operations, and the training programme shall be in accordance with the requirements prescribed in this Law and the National Civil Aviation Security Training Programme.

Tout exploitant élabore et met en œuvre un programme de formation afin de garantir l'application efficace de ses opérations de sûreté. Le programme de formation doit être conforme aux exigences du Programme National de Sûreté de l'Aviation Civile et de la présente loi.

Gahunda y'amahugurwa ivugwa mu gika cya mbere cy'iyi ngingo ishyikirizwa Urwego ngo ruyemeze.

The training programme referred to in Paragraph One of this Article is submitted to the Authority for approval.

Le programme de formation visé à l'alinéa premier du présent article est soumis à l'Office pour approbation.

UMUTWE WA IV: INGAMBA ZO GUKUMIRA UMUTEKANO MUKE

CHAPTER IV: PREVENTIVE SECURITY MEASURES

CHAPITRE IV: MESURES PREVENTIVES DE SÛRETÉ

Ingingo ya 21: Gukumira ibikorwa binyuranyije n'amategeko

Article 21: Prevention of unlawful acts

Article 21: Prévention des actes illicites

Urwego rufata ingamba zikwiye iyo rufite amakuru yizewe avuga ko indege ishobora gukorerwa ibikorwa binyuranyije n'amategeko.

When reliable information exists that an aircraft may be subject to unlawful acts, the Authority takes adequate measures to prevent such acts.

L'Office prend les mesures adéquates, lorsqu'il existe des informations fiables qu'un aéronef est susceptible de faire l'objet d'actes illicites.

Urwego rukurikirana ko iperereza rikorwa ku bintu bibi byatera ingorane ku kibuga

The Authority ensures that investigation of suspected dangerous devices or other

L'Office s'assure des investigations sur les actes illicites susceptibles de

cy'indege n'uko ingamba zo gukuraho burundu izo ngorane zafashwe.

potential hazards at airports are conducted and arrangements to completely dispose of them are done.

provoquer des dangers à l'aéroport et prend des mesures d'éliminer définitivement ces dangers.

Urwego rukurikirana ko umuntu ucunga ikibuga cy'indege afite abakozi bakenewe kandi bahuguwe bihagije bo gukora akazi k'umutekano ahantu hose ku kibuga cy'indege za gisiviri gikekwaho ko hashobora cyangwa habaye koko igikorwa kinyuranyije n'amategeko.

The Authority ensures that the Operator concerned has a sufficient number of trained personnel required to ensure the security of the entire civil aviation airport where there are suspected or actual cases of unlawful acts.

L'Office doit disposer d'un personnel suffisant et qualifié opérant sur toute l'étendue de l'aéroport en cas de soupçons d'acte illicite ou d'acte illicite effectivement survenu.

Ingingo va 22: Icungwa ry'umutekano w'ikibuga cy'indege

Article 22: Airport security control

Article 22: Contrôle de sûreté aéroportuaire

Umuntu ucunga ikibuga cy'indege agomba gucunga umutekano w'ikibuga arengera abagenzi n'ibintu byabo, abakozi bo mu ndege, indege n'abandi bakoresha ikibuga cy'indege, ikibuga ubwacyo, ibikoresho no gukumira ibikorwa binyuranyije n'amategeko.

Every airport operator shall control airport security for the purpose of protecting passengers and their goods, crew members, aircraft, airport and aviation facilities and preventing unlawful acts.

Tout exploitant aéroportuaire doit garantir la sûreté au sein de l'aéroport en vue de protéger les passagers et leurs biens, les membres d'équipage, les aéronefs, l'aéroport et les installations de celui-ci et de prévenir contre les actes illicites.

Ingingo va 23: Igenwa ry'ahantu ntavogerwa n'ibiharanga

Article 23: Designation of security restricted areas

Article 23: Désignation des zones de sûreté à accès réglementé

Ahantu ntavogerwa hagenwa n'Umuntu ucunga ikibuga cy'indege afatanyije n'abandi bakozi bireba ku mpamvu z'umutekano.

Security restricted areas are designated by the airport operator in conjunction with other concerned persons for security reasons.

Pour des raisons de sécurité, les zones de sûreté à accès réglementé sont désignées par l'exploitant aéroportuaire conjointement avec les autres personnes concernées.

Umuntu ucunga ikibuga cy'indege akena amarembo yemewe yinjira ahantu ntavogerwa kandi areba yuko ayo marembo arinzwe bihagije ku buryo bukumira umuntu utemerewe kuhagera.

The airport operator specifies the recognized places of entry through the security restricted area barrier and ensures that the area has adequate physical protection to prevent unauthorized access.

L'exploitant aéroportuaire spécifie les points d'accès reconnus au niveau de la barrière de la zone de sûreté à accès réglementé et garantit que la zone bénéficie d'une protection matérielle adéquate pour empêcher tout accès non autorisé.

Ahantu ntavogerwa hose hagomba kugira ibimenyetso byerekana ko hatavogerwa.

All restricted areas shall be designated by signposting indicating that they are security restricted areas.

Toutes les zones de sûreté à accès réglementé doivent comporter une signalisation y interdisant l'accès.

Umuntu ucunga ikibuga cy'indege agomba kugira ikarita y'ikibuga cy'indege yerekana ahantu ntavogerwa, uburinzi bw'aho hantu n'amarembo yinjiramo.

The airport operator shall keep a current scale map of the airport on the airport premises which identifies security restricted areas, security barriers and security restricted area access points.

L'exploitant aéroportuaire doit conserver une carte de l'aéroport à l'échelle précisant les zones de sûreté à accès réglementé, les barrières de sûreté et les points d'accès à ces zones.

Ingingo ya 24: Uruhushya rwo kwinjira ahantu ntavogerwa

Article 24: Permission to access security restricted areas

Article 24 Permis d'accès aux zones de sûreté à accès réglementé

Uruhushya rwo kwinjira ahantu ntavogerwa n'ahandi hose hari ibikorwa by'ikibuga cy'indege bifasha mu mirimo y'indege za gisiviri ni ngombwa. Urwo ruhushya rutangwa n'umuntu ucunga ikibuga cy'indege.

Permission to access security restricted areas and other airport facilities designed for civil aviation is required. The permission is issued by the airport operator.

Le permis d'accès aux zones de sûreté à accès réglementé et aux autres installations servant à l'aviation civile est le moyen utilisé pour protéger ces endroits. Ce permis est délivré par l'exploitant aéroportuaire.

Uruhushya rwo kwinjira ahantu ntavogerwa ku kibuga cy'indege rutangwa mu buryo

Security restricted area permit is issued in accordance with the provisions of the National Civil Aviation Security

Les permis d'accès aux zones de sûreté à accès réglementé de l'aéroport sont délivrés

buteganywa na Gahunda y'Igihugu Programme.
y'Umutekano w'iby'indege za gisiviri.

conformément aux dispositions du
Programme National de Sûreté de
l'Aviation Civile.

Umuntu wahawe uruhushya rwo kwinjira
ahantu ntavogerwa agomba kurwambara
nk'uko biteganywa muri Gahunda
y'Umutekano w'ikibuga cy'indege.

Any person granted permit to access
security restricted areas shall carry a
clearly displayed permit as provided
under the Airport Security Programme.

Toute personne jouissant d'un
permis d'accès aux zones de sûreté à
accès réglementé doit le porter de
manière visible comme prévu par le
Programme de sûreté de l'aéroport.

Uwahawe uruhushya ruvugwa muri iyi
ngingo ntiyemerewe kurutiza.

The person granted the permission
referred to under this Article is not
allowed to transfer the permit.

La personne jouissant d'un permis
visé au présent article n'est pas
autorisée à le transmettre à une autre
personne.

Ingingo ya 25: Uruzitiro rw'ikibuga
cy'indege

Article 25: Airport boundary

Article 25: Limite aéroportuaire

Umuntu ucunga ikibuga cy'indege azitira
ahakenewe gucungirwa umutekano wihariye
kandi ashyiraho ibimenyetso bibuza
kuhavogera.

An airport operator fences areas which
require security in a particular way and
installs signs warning against
trespassing.

L'exploitant aéroportuaire clôture les
zones qui exigent la sécurité de
manière particulière et y installe la
signalisation permettant d'empêcher
l'accès non autorisé.

Ingingo ya 26: Kwitwaza cyangwa
kwinjiza imbunda, ibisasu, ibiturika,
ibindi bintu byatera akaga cyangwa
inkongi y'umuriro ku kibuga cy'indege

Article 26: Carriage or introduction
of firearms, explosives or other items
likely to cause danger or fire into
airport premises

Article 26: Transport ou
introduction d'armes à feu,
explosifs ou autres articles
susceptibles de causer un danger
ou un incendie dans les locaux
aéroportuaires

Uretse abashinzwe umutekano bari mu kazi,
nta wemerewe kwitwaza cyangwa kwinjiza

Except for law enforcement officers on
duty, no person is allowed to carry or

A l'exception des agents de l'ordre
en service, nul ne peut porter ou

imbunda, ibisasu, ibiturika, ibindi bintu byatera akaga cyangwa inkongi y'umuriro ku kibuga cy'indege atabiherewe uruhushya rwanditse.

introduce firearms, explosives or other items likely to cause danger or fire onto airport premises, unless authorized to do so in writing.

introduire dans les locaux de l'aéroport, des armes à feu, des explosifs ou d'autres articles susceptibles de causer un danger ou un incendie, à moins d'y être dûment autorisé par écrit.

Umuntu ucunga ikibuga cy'indege akora ku buryo nta muntu utabyemerewe witwaza cyangwa winjijza imbunda, ibisasu, ibiturika, ibintu byatera akaga cyangwa inkongi y'umuriro ku kibuga cy'indege.

The airport operator ensures that no unauthorized person carries or introduces firearms, explosives or other items likely to cause danger or fire onto airport premises.

L'exploitant aéroportuaire s'assure qu'aucune personne non autorisée ne porte ni n'introduit des armes à feu, explosifs ou d'autres articles susceptibles de causer un danger ou un incendie dans les locaux de l'aéroport.

Ingingo ya 27: Kugenzura ibibujijwe

Article 27: Control of prohibited items

Article 27: Contrôle des articles interdits

Nta muntu wemerewe kujya ahantu hakurikira atagenzuwe:

No person enters the following areas unless he or she undergoes screening:

Personne ne peut entrer dans les zones suivantes sans subir un contrôle de sécurité:

1° ahantu ntavogerwa ku kibuga cy'indege;

1° a security restricted area;

1° une zone de sûreté à accès réglementé;

2° mu ndege;

2° on board an aircraft;

2° à bord d'un aéronef;

3° ahantu hari ibyuma by'itumanaho bikorana n'indege.

3° an air navigation installation.

3° l'intérieur d'une installation de navigation.

Ibibujijwe kwinjizwa ku kibuga cy'indege birimo ibi bikurika:

The items prohibited from entering in the airport include the following:

Les articles interdits à l'aéroport comprennent:

1° imbunda, zaba zirimo amasasu cyangwa atarimo, ibisasu, ibiturika n'ibindi byatera inkongi y'umuriro;

2° uburozi, ibihumanya cyangwa ibisa nabwo, ibintu bishobora gukoreshwa mu ikomeretsa, kugirira nabi umuntu cyangwa byakwangiza bikanasenywa ibintu;

3° ibintu bigaragara nk'imbunda, ibisasu, bombe, grenade cyangwa ibisa nabyo mbere cyangwa nyuma yo gukorerwa isuzuma;

4° ikindi kintu cyose cyatera akaga cyangwa icyateganywa n'Urwego igihe bibaye ngombwa.

1° firearms or articles appearing to be firearms, whether or not they are loaded, explosives and other flammable materials;

2° chemical or biological agents, things capable of being used for causing injury to or incapacitating persons or damaging and destroying property;

3° articles manufactured or adapted to have the appearance of explosives in the form of a bomb, grenade or otherwise;

4° any other dangerous article or substance or other item prescribed by the Authority, if necessary.

1° les armes à feu ou articles apparaissant comme telles, qu'elles soient chargées ou non, les explosifs ou autres matières inflammables;

2° les substances chimiques ou biologiques, les matières susceptibles d'être utilisées pour causer des blessures, pour rendre des personnes invalides ou pour endommager et détruire des biens;

3° les articles confectionnés ou adaptés pour prendre l'apparence d'explosifs, sous la forme d'une bombe, d'une grenade ou autre produit semblable;

4° tout autre article ou substance dangereuse, ou autre article signalé au cas par cas par l'Office, en cas de besoin.

Ingingo ya 28: Uruhare rw'abakodesha cyangwa abakorera ku kibuga cy'indege mu gucunga umutekano

Umuntu ucunga ikibuga amenyesha abantu bose bakodesha cyangwa abakorera ku kibuga cy'indege bafite ibiro cyangwa aho bakorera hafatanye n'ibice ntavogerwa by'ikibuga

Article 28: Security responsibilities of airport tenants or operators

An airport operator informs all tenants whose premises or offices are adjacent to restricted areas of the airport of their responsibility for the security of that

Article 28: Responsabilités des locataires ou exploitants de l'aéroport en matière de sécurité

L'exploitant aéroportuaire informe tous les occupants des locaux ou bureaux proches de la partie de la zone de sûreté et qui peuvent donner

hashobora kwinjirirwa ko aribo bashinzwe umutekano w'aho hantu kandi ko bagomba gukora imirimo yabo bubahiriza Gahunda y'Igihugu y'Umutekano w'iby'indege za gisiviri.

Urwego rusaba abakodesha cyangwa abakorera ku kibuga cy'indege gushyiraho no gushyira mu bikorwa Gahunda y'Umutekano.

Ingingo va 29: Ububasha bw'umuntu ucunga ikibuga cy'indege mu gihe cy'umutekano muke

Umuntu ucunga ikibuga cy'indege abonye ko hari ikintu gishobora guhungabanya umutekano ku kibuga cy'indege, ahita afata ibyemezo bya ngombwa mu kubungabunga umutekano ku kibuga cy'indege akihutira kumenyesha Urwego.

Ingingo va 30: Kubika inyandiko

Ushinzwe ibikorwa abika inyandiko zijyanye na buri kibazo cy'umutekano cyabaye ku kibuga cy'indege nibura mu gihe cy'imyaka makumyabiri (20) ikibazo kibaye.

area, and to carry out business in compliance with the National Civil Aviation Security Programme.

The Authority may require the airport tenants to develop and implement a tenant security programme.

Article 29: Powers of the airport operator in the event of a security threat

Where an airport operator notes that there is a threat that affects the security of the airport, he or she immediately takes all measures necessary to ensure the safety of the airport and informs the Authority.

Article 30: Recordkeeping

An airport operator keeps a record of every security incident occurring at the airport for a period of at least twenty (20) years from the occurrence of the incident.

accès à celle-ci qu'ils sont responsables de la sûreté de cette zone et qu'ils doivent exercer leurs activités conformément au Programme National de Sûreté de l'Aviation Civile.

L'Office peut obliger les locataires de l'aéroport à élaborer et mettre en œuvre un programme de sécurité des locataires de l'aéroport.

Article 29: Pouvoirs de l'exploitant aéroportuaire en cas de menace

Lorsqu'un exploitant aéroportuaire estime qu'une menace compromet la sûreté de l'aéroport, il prend sans délai toutes les mesures nécessaires pour garantir la sûreté de l'aéroport et en informe l'Office.

Article 30: Conservation des documents

Tout exploitant conserve les comptes rendus de tout incident de sûreté survenu à l'aéroport pour une période d'au moins vingt (20) ans à compter de la survenance de l'incident.

Ingingo va 31: Inshingano za nyir'indege cyangwa ukoresha indege

Nyir'indege cyangwa uyikoresha mu Rwanda yita kuri ibi bikurikira:

- 1° agomba kwita ku mutekano w'indege ye;
- 2° ntagomba gutwara umuzigo w'umugenzi utari mu ndege keretse iyo uwo muzigo wakorewe igenzura ryihariye ry'umutekano kandi rihagije, harimo kuwusaka bamaze kumenya ko umugenzi atari mu ndege;
- 3° ntagomba kwemera ko imizigo, amabaruwa yihuta bijyana n'abagenzi mu ndege, keretse iyo umutekano w'iyi mizigo n'amabaruwa byakorewe isuzuma kandi wishingiwe n'umuntu wemerewe;
- 4° ategura akanakora impinduka zikenewe akanashyira mu bikorwa Gahunda y'Umutekano ya nyir'indege hakurikijwe Gahunda y'Igihugu y'Umutekano

Article 31: Responsibilities of an aircraft owner or operator

An aircraft owner or operator in Rwanda shall comply with the following:

- 1° be accountable for the security of his or her aircraft;
- 2° not carry baggage of a passenger who is not on board the aircraft unless that baggage is subject to appropriate security controls, including screening, after determining that the passenger is not on board;
- 3° not accept consignments of cargo and express mail for carriage on passenger flights unless the security of such consignments and mail is subject to controls and accounted for by an authorized agent;
- 4° develop, maintain and implement an aircraft operator security programme in accordance with the National Civil Aviation Security

Article 31: Responsabilités du propriétaire ou de l'exploitant d'aéronef

Le propriétaire ou l'exploitant d'aéronef au Rwanda doit se conformer à ce qui suit:

- 1° être responsable de la sûreté de son aéronef;
- 2° ne pas transporter le bagage d'un passager qui ne se trouve pas à bord de l'aéronef, à moins que ledit bagage ait fait l'objet de contrôle de sûreté approprié, y compris l'inspection, après qu'il ait été déterminé que le passager ne se trouve pas à bord;
- 3° ne pas accepter le transport de fret et de courriers exprès sur un vol de passagers, à moins que la sûreté de ces fret et courriers a fait l'objet de contrôle et est assurée par un agent autorisé;
- 4° élaborer, maintenir et mettre en œuvre un programme de sûreté d'exploitant d'aéronef conformément au Programme national de sûreté de l'aviation

w'iby'indege za gisiviri.

Programme.

civile.

Ingingo ya 32: Kubuza abantu kugera mu cyumba cy'abapilote b'indege

Article 32: Restricted access to flight crew compartment

Article 32: Interdiction d'accès à la cabine de pilotage

Ukoresha indege akora ubucuruzi bwo gutwara abantu agomba:

An aircraft operator engaged in commercial air transport operation shall:

L'exploitant d'aéronef engagé dans le commerce de transport aérien doit:

1° gushyiraho uburyo bwo gufunga urugi rw'umuryango winjira mu cyumba cy'abapilote b'indege kandi uwo muryango ugahora ufunze igihe cyose indege iri mu kirere ugafungurwa gusa n'abemerewe kwinjiramo;

1° ensure that the flight crew compartment door is locked during flight, and unlocked only by authorized persons;

1° s'assurer que la porte d'accès à la cabine de pilotage demeure fermé pendant la durée du vol, ouverte seulement par des personnes autorisées;

2° gushyiraho ingamba zikwiriye zo kubuza abantu batabyemerewe kwinjira muri icyo cyumba.

2° take appropriate measures to prevent unauthorized persons from entering the flight crew compartment.

2° prendre des mesures appropriées pour empêcher les personnes non autorisées de pénétrer à l'intérieur de la cabine de pilotage.

Ingingo ya 33: Abagenzi bakurikiranywe n'inzego z'ubutabera cyangwa iz'ubuyobozi n'ababaherekeje

Article 33: Passengers under administrative or judicial control and persons escorting them

Article 33: Passagers faisant l'objet de poursuites judiciaires ou de contentieux administratifs et les personnes qui les escortent

Abashinzwe umutekano bamenyesha nyir'indege n'umupirite mukuru w'indege iyo hari abagenzi bakurikiranywe n'inzego z'ubutabera cyangwa iz'ubuyobozi bagomba kugenda mu ndege.

Security officers shall inform the aircraft operator and the pilot-in-command when passengers are obliged to travel because they are subject to judicial or administrative

Les forces de l'ordre informent l'exploitant d'aéronef et le commandant de bord lorsque des passagers sont obligés de voyager parce qu'ils font l'objet de poursuites

	proceedings.	judiciaires ou de contentieux administratifs.
Nyir'indege amenyesha umupilote mukuru w'indege umubare w'abantu baherekeje bitwaje intwaro n'abatazifite, umubare w'abaherekejwe n'intebe bicayeho mu ndege.	The aircraft operator informs the pilot-in-command of the number of armed or unarmed escort persons, the individuals whom they are escorting and their seat locations on the aircraft.	L'exploitant d'aéronef informe le commandant de bord du nombre d'escortes armées et non armées, les individus sous escorte et les sièges sur lesquels ils sont assis dans l'aéronef.
<u>Ingingo ya 34:</u> Uburyo bwemewe bwo gutwara intwaro mu ndege n'ahantu ntavogerwa	<u>Article 34:</u> Authorized carriage of weapons on board aircraft and in security restricted area	<u>Article 34:</u> Transport autorisé d'armes à bord d'un aéronef et dans une zone de sûreté à accès interdit
Gutwara intwaro mu ndege n'ahantu ntavogerwa byemezwa n'Urwego.	Carriage of weapons on board an aircraft and in a Security Restricted Area is authorized by the Authority.	Le transport d'arme à bord d'un aéronef et dans une zone de sûreté à accès réglementé est autorisé par l'Office.
Mu gihe nyir' indege yemeye gutwara intwaro zikuwe ku bagenzi, indege igomba kuba ifite ububiko bw'izo ntwaro aho abagenzi badashobora kugera uherye igihe indege itangiye urugendo kandi igihe iyo ntwaro ari imbunda harebwa ko itarimo amasasu.	Where an aircraft operator accepts the carriage of weapons removed from passengers, the aircraft shall have space for storing the weapons so that they are inaccessible to passengers during the flight and, in the case of a firearm, to ensure that it is not loaded.	Lorsque l'exploitant d'aéronef accepte le transport d'armes prises sur les passagers, l'aéronef doit disposer d'un endroit réservé au stockage des armes, de sorte que lesdites armes soient inaccessibles aux passagers au cours du vol et, dans le cas d'une arme à feu, s'assurer qu'elle n'est pas chargée.
Haseguriwe ibivugwa mu gika cya mbere cy'iyi ngingo, nyir'indege ashobora kwemera cyangwa kwanga gutwara	Subject to the provisions of Paragraph One of this Article, the aircraft operator may accept or refuse to carry a weapon	Sous réserve des dispositions de l'alinéa premier du présent article, l'exploitant d'aéronef peut autoriser

imbunda mu ndege ashingiye ku mategeko agenga iyo sosiyete y'indege.

on board his/her aircraft in accordance with rules and procedures governing that company.

ou refuser le transport d'armes à bord de l'aéronef conformément aux règles et procédures régissant cet exploitant d'aéronef.

Ingingo ya 35: Umuntu ushinzwe umutekano mu ndege

Article 35: In-flight security officer

Article 35: Officier de sûreté en vol

Komite y'Igihugu ishinzwe Umutekano w'iby'indege za gisiviri ishobora gufata icyemezo cyo gushyiraho abantu bashinzwe umutekano mu ndege. Abo bantu bagomba:

The National Civil Aviation Security Committee may decide to deploy in-flight security officers who are:

Le Comité national de sûreté de l'aviation civile peut décider de déployer des officiers de sûreté en vol qui sont:

1° kuba ari abakozi ba Leta batoranyijwe kandi bahuguwe mu bijyanye no kubahiriza amabwiriza yo kurinda umutekano mu ndege;

1° government personnel specially selected and trained to enforce safety and security guidelines on board an aircraft;

1° les officiers doivent appartenir au personnel du Gouvernement spécialement sélectionnés et formés, prenant en compte les aspects sécuritaires à bord d'un aéronef;

2° gushyirwaho hakurikijwe isesengura ry'ikibazo cy'umutekano w'iby'indege za gisiviri ryakozwe n'Urwego;

2° deployed according to the threat assessment of the Authority.

2° les officiers sont déployés selon l'évaluation de la menace effectuée par l'Office.

Ishyirwaho ry'abantu bashinzwe umutekano mu ndege rivugwa mu gace ka 2° k'igika cya mbere cy'iyi ingingo rikorwa byumvikanyeho n'ibihugu birebwa n'ikibazo cy'umutekano kandi bigakorwa mu ibanga.

The deployment under item 2° of Paragraph One of this Article is done in coordination with concerned States and shall be kept strictly confidential.

Le déploiement prévu au point 2° de l'alinéa premier du présent article s'opère en coordination avec les États concernés et doit être tenu strictement confidentiel.

Byemejwe mu nyandiko, abantu bashinzwe

Where approved in writing, aviation security officers may carry firearms in

Moyennant une décision écrite, les officiers de sûreté de l'aviation

umutekano mu ndege bashobora kwitwaza imbunda hakurikijwe amategeko y'u Rwanda.

accordance with Rwandan law.

peuvent porter des armes à feu conformément à la législation rwandaise.

Bitabangamiye ibivugwa mu gika cya 3 cy'iyi ngingo, abandi bantu bemererwa kwitwaza imbunda mu ndege iyo:

Without prejudice to the provisions of Paragraph 3 of this Article, other persons are allowed to carry firearms on board an aircraft where:

Sans préjudice des dispositions de l'alinéa 3 du présent article, d'autres personnes sont autorisées à porter des armes à feu lorsque:

1° barinze umutekano w'abantu bihariye bari mu ndege;

1° they are protecting individual persons on board;

1° elles assurent la protection des individus à bord;

2° barinze abagenzi bakurikiranywe n'inzege z'ubutabera cyangwa iz'ubuyobozi;

2° they are guarding passengers under judicial or administrative control;

2° elles assurent la garde des personnes sous contrôle judiciaire ou administrative;

3° babihereye uburenganzira n'Urwego;

3° they are authorized by the Authority;

3° elles en sont autorisées par l'Office;

4° abandi babisabiye uburenganzira kuri urwo rugendo.

4° they have requested authorization for the trip.

4° elles ont demandé une autorisation pour ce voyage.

Ingingo ya 36: Umuzigo udafite nyirawo

Umuntu ushinze umutekano w'iby'indege za gisiviri, iyo afite impamvu ifatika ituma akeka ko umuzigo cyangwa ikindi kintu cyahungabanya umutekano, kubera ko kitazwi, nta nyiracyo ugaragara cyangwa ku yindi mpamvu, amaze gusaka no gusuzuma uwo muzigo, ashobora kuwusenyi.

Article 36: Unidentified baggage

Where a civil aviation security officer has reasonable cause to suspect that baggage or any other object may constitute a security risk, whether because it is unidentified, unattended or for any other reason, that officer may, after subjecting the item to security controls, destroy the baggage.

Article 36: Bagage non identifié

Lorsqu'un agent de la sûreté de l'aviation civile a une raison valable de soupçonner qu'un bagage ou tout autre objet peut constituer un risque pour la sûreté, parce qu'il est non identifié, laissé sans surveillance ou toute autre raison, ledit agent peut, après avoir soumis le bagage concerné aux contrôles de sûreté, détruire le bagage.

Ingingo ya 37: Ububasha bwo guhagarika umugenzi

Iyo ushinzwe umutekano w'iby'indege aketse ko umuntu ugiye kwinjira cyangwa uri mu ndege iri mu Rwanda afite umugambi wo gukora icyaha, abyemerewe n'ukuriye umutekano w'ikibuga cy'indege ashobora:

1° kumubuza kujya mu ndege;

2° kumuvana mu ndege;

3° kumufata no kumushyikiriza inzego zibishinzwe.

Ingingo ya 38: Ububasha bw'umupilote mukuru w'indege, umukozi wo mu ndege cyangwa umugenzi

Umupilote mukuru w'indege, iyo afite ibimenyetso bifatika ko umuntu yakoze cyangwa ashaka gukora icyaha mu ndege, ashobora gufata ingamba zo gufata uwo muntu kugira ngo:

Article 37: Power to stop passengers from travelling

Where a security officer has reasonable cause to suspect that a person is about to embark on an aircraft in Rwanda or is on board an aircraft in Rwanda and that person intends to commit an offence, the officer may, with the approval of the security officer in charge of the airport:

1° prevent him or her from boarding the aircraft;

2° remove him or her from the aircraft;

3° arrest him or her and surrender him or her to relevant organs.

Article 38: Powers of the pilot in command, any member of the crew, or any passenger

The pilot in command may, when he or she has reasonable grounds to believe that a person has committed or intends to commit an offence on board the aircraft, take measures to seize and detain him or her in order to:

Article 37: Pouvoir d'interdire le voyage des passagers

Lorsqu'un agent de sûreté a une raison valable de soupçonner qu'une personne est sur le point d'embarquer à bord d'un aéronef au Rwanda, ou se trouve à bord d'un aéronef au Rwanda et qu'elle a l'intention de commettre une infraction, cet agent peut, avec l'accord de l'agent de sûreté responsable de l'aéroport:

1° l'empêcher d'embarquer à bord de l'aéronef;

2° le faire sortir de l'aéronef;

3° l'arrêter et la livrer aux organes compétents.

Article 38: Pouvoirs du commandant de bord, d'un membre de l'équipage ou du passager

Lorsque le commandant de bord a de bonnes raisons de croire qu'une personne a commis ou veut commettre une infraction à bord, il peut prendre des mesures de la saisir et la ligoter pour:

1° arengere umutekano w'abantu, uw'indege n'ibintu biyirimo;

2° acunge imikorere myiza mu ndege;

3° ashobore kugeza uwo muntu ku nzego zibishinzwe nk'uko biteganywa muri iyi ngingo.

1° protect the safety of the aircraft, persons and goods therein;

2° maintain order on board;

3° enable the commander to deliver the person to the competent authorities as provided for in this Article.

1° garantir la sûreté de l'aéronef, des personnes et des biens à bord;

2° maintenir l'ordre à bord;

3° lui permettre de remettre ladite personne aux autorités compétentes selon les dispositions du présent article.

Umupilote mukuru w'indege ashobora kwitabaza cyangwa kwemerera undi mukozi wo mu ndege kubohwa umuntu ugomba kubohwa.

Umukozi wo mu ndege uwo ariwe wese cyangwa umugenzi ashobora gufata ingamba zo kurinda umutekano n'ubwo yaba atabihereye uruhushya n'umupilote mukuru igihe afite impamvu zifatika zituma afata iza ngamba ku buryo bwihutirwa kugira ngo arengere umutekano w'abantu, uw'indege n'ibintu.

The pilot in command may require or authorize the assistance of other crew member to seize the person to be detained.

Any crew member or passenger may take reasonable preventive measures without authorization of the aircraft commander when he or she has reasonable grounds to believe that such action is immediately necessary to protect the safety of the aircraft, persons and property.

Le commandant de bord peut requérir ou autoriser l'assistance d'un autre membre de l'équipage à lier la personne qui doit être ligotée.

Tout membre d'équipage ou tout passager peut prendre, sans l'autorisation du commandant de bord, toutes mesures préventives raisonnables, s'il a de bonnes raisons de croire qu'elles s'imposent immédiatement pour garantir la sûreté de l'aéronef, des personnes et des biens.

Umuntu uboshywe kubera ko yakoze cyangwa yashatse gukora icyaha nk'uko bivugwa mu gika cya 2 cy'iyi ngingo ntabwo akomeza kubohwa iyo indege iguye ku butaka keretse:

The person detained for having committed or attempted to commit an offence in accordance with Paragraphs One and 2 of this Article shall not be detained after the aircraft lands unless:

La personne ligotée pour avoir commis ou tenté de commettre une infraction conformément aux alinéas premier et 2 du présent article cesse d'être ligotée lorsque l'aéronef atterrit à moins que:

1° iyo igihugu indege iguyemo kitari mu Muryango Mpuzamahanga w'iby'indege za gisiviri kandi

1° the country where the aircraft lands is not a member of the International Civil Aviation Organization and

1° le pays où atterrit l'aéronef n'est pas membre de l'Organisation Internationale de l'Aviation Civile

ubuyobozi bwacyo bukanga ko uwo muntu avanwa mu ndege kugira ngo ashyikirizwe inzego zibishinzwe;

where authorities of the country refuse to permit disembarkation of that person for delivery to the competent authorities;

et que les autorités de cet État refusent le débarquement de cette personne pour sa remise aux autorités compétentes;

2° iyo indege iguye ku butaka ku buryo bw'agahato kandi umupilote mukuru adashobora kugeza uwo muntu ku nzego zibishinzwe;

2° the aircraft makes a forced landing and the aircraft commander is unable to deliver that person to competent authorities;

2° l'aéronef fasse un atterrissage forcé et que le commandant de l'aéronef ne soit en mesure de remettre cette personne aux autorités compétentes;

3° uwo muntu yiyemereye gukomezanya n'indege aboshye.

3° the person agrees to onward carriage while detained.

3° cette personne n'accepte de rester à bord tout en étant ligotée.

Umupilote mukuru ufite umuntu uboshye nk'uko biteganywa mu gika cya kabiri cy'iyi ngingo amenyesha vuba ku buryo bushoboka inzego zibishinzwe mu Rwanda kandi agatanga impamvu yatumye uwo muntu abohwa mbere yuko indege igwa ku butaka bw'u Rwanda.

The pilot in command who has a person detained on board in accordance with the provisions of Paragraphs 2 of this Article immediately notifies the relevant authorities in Rwanda and give reasons as to why the person was trussed up before the aircraft lands on Rwandan territory.

Le commandant de bord qui a, à bord de son aéronef, une personne ligotée conformément aux dispositions de l'alinéas 2 du présent article en informe immédiatement les autorités concernées au Rwanda en donnant les raisons de son ligotage avant que l'aéronef n'atterrisse sur le territoire du Rwanda.

Umupilote mukuru ashobora gushyikiriza inzego zibishinzwe z'ikindi gihugu kiri mu Murungu Mpuzamahanga w'iby'indege za gisiviri indege iguyemo, umuntu wese afitiye ibimenyetso bifatika ko yakozwe icyaha mu ndege igihe abona ko icyo cyaha gikabije kandi gishobora guhanishwa amategeko ahana y'u Rwanda.

The pilot in command may deliver any person for whom he or she has reasonable grounds to believe has committed an act on board the aircraft which, in his or her opinion, is a serious offence according to the penal laws of Rwanda, to the competent authorities of any country member of the

Lorsque le commandant de bord a de bonnes raisons de croire qu'une personne a commis à bord de l'aéronef un acte qui, selon lui, constitue une infraction grave, conformément aux lois pénales du Rwanda, il peut remettre ladite personne aux autorités compétentes de tout pays membre de

	International Civil Aviation Organization in which the aircraft lands.	l'Organisation Internationale de l'Aviation Civile sur le territoire duquel atterrit l'aéronef.
Umupilote mukuru w'indege amenyesha inzego zibishinzwe z'igihugu ateganya gukuriramo uwo muntu wakoze icyaha nk'uko biteganywa n'iyi ngingo n'impamvu ituma amukuramo.	The pilot in command informs the authorities of the country where he or she plans to disembark that person as provided for in this Article, and provide the reasons for the disembarkation.	Le commandant de bord informe les autorités du pays sur le territoire duquel il compte débarquer cette personne tel que prévu par le présent article et des raisons de ce débarquement.
Umupilote mukuru w'indege aha inzego zibishinzwe z'igihugu ashyikirije umuntu wakoze icyaha nk'uko biteganywa muri iyi ngingo ibimenyetso n'andi makuru ashobora kuba afite nk'uko biteganywa n'amategeko y'u Rwanda.	The pilot in command furnishes evidence and information which are lawfully in his or her possession, to the authorities to whom any offender is delivered in accordance with the provisions of relevant Rwanda laws.	Le commandant de bord communique aux autorités auxquelles il remet l'auteur de l'infraction, conformément aux dispositions du présent article, les éléments de preuve et d'information qui, conformément à la législation Rwandaise.
Nta cyaha kibarwa ku mupilote mukuru w'indege, umukozi wo mu ndege, umugenzi, nyir'indege cyangwa uyikoresha kubera ibyemezo byafatiwe umuntu wakoze icyaha mu ndege igihe ibyo byemezo byafashwe hakurikijwe iri tegeko.	The pilot in command, any member of the crew, any passenger, and the owner and operator of the aircraft shall not be held responsible for measures taken against the person who committed an offence on board an aircraft as long as they were taken in accordance with this Law.	Le commandant de bord, un membre d'équipage, un passager, le propriétaire ou l'exploitant de l'aéronef ne peuvent être tenus responsables des mesures prises à l'encontre de la personne ayant commis une infraction à bord d'un aéronef pour autant que ces mesures ont été prises conformément à la présente loi.

Ingingo ya 39: Ububasha bw'umuntu ushinzwe umutekano w'iby'indege za gisiviri

Umuntu ushinzwe umutekano w'iby'indege za gisiviri afite ububasha bukurikira:

- 1° gusaka abantu n'imitwano binjirana mu ndege;
- 2° gusaka imitwano y'abagenzi itinjirana mu ndege;
- 3° gusaka umuzigo n'amabaruwa bitinjirana mu ndege;
- 4° gusaka ibinyabiziga byinjira ku kibuga cy'indege n'ahantu ntavogerwa;
- 5° kubuza umuntu utabifitiye uruhushya kwinjira ahantu ntavogerwa;
- 6° kubuza umuntu utabyemerewe kwinjira mu ndege.

Article 39: Powers of a civil aviation security officers

The civil aviation security officer shall have power to:

- 1° screen passengers and their cabin baggage;
- 2° screen hold luggage;
- 3° screen cargo, mail and courier other than cabin baggage;
- 4° carry out searches of vehicles entering the airport and security restricted area;
- 5° stop unauthorized persons from entering a security restricted area;
- 6° stop unauthorized persons from entering an aircraft.

Article 39: Pouvoirs des officiers de sûreté de l'aviation civile

L'officier de sûreté de l'aviation civile a le pouvoir de:

- 1° procéder au contrôle des passagers et leurs bagages de cabine;
- 2° procéder au contrôle des bagages de soute;
- 3° procéder au contrôle de fret, de messageries et de courrier autres que les bagages de cabine;
- 4° procéder à la fouille de véhicules qui entrent à l'aéroport et dans les zones de sûreté à accès réglementé ;
- 5° empêcher une personne non autorisée d'entrer dans une zone de sûreté à accès réglementé;
- 6° empêcher une personne non autorisée d'entrer dans l'aéronef.

Ingingo ya 40: Ubusonerwe

Umuyobozi Mukuru w'Urwego ashobora, mu bihe bidasanze, gusonera umuntu wese, indege, ikibuga cy'indege, serivisi cyangwa ibindi bikorwa by'indege za gisiviri, kutagengwa n'amabwiriza agenwa n'iri tegeko, iyo gutanga ubwo busonerwe biri mu nyungu rusange kandi bikaba bitabangamiye umutekano w'iby'indege za gisiviri.

Article 40: Exemptions

The Director General of the Authority may, in an emergency situation, exempt any person, aircraft, airport, service or other civil aviation operations from being governed by the regulations provided for under this Law, if such exemption is in the public interest and does not jeopardize civil aviation security.

Article 40: Exemptions

Le Directeur général de l'Office peut, en cas de situation d'urgence, exonérer toute personne, aéronef, aéroport, service ou d'autres opérations de l'aviation civile d'être régis par les règlements prévus par la présente loi, si une telle exemption relève de l'intérêt général et ne compromet pas à la sécurité de l'aviation civile.

UMUTWE WA V: GUTABARA AHABAYE IBIKORWA BINYURANYIJE N'AMATEGEKO

CHAPTER V: RESPONSE IN CASE OF UNLAWFUL ACTS

CHAPITRE V: RIPOSTE EN CAS D'ACTES ILLICITES

Ingingo ya 41: Ingamba zo guhangana n'ibikorwa binyuranyije n'amategeko

Ucunga ikibuga cy'indege agomba gushyiraho ingamba zo guhangana n'ibikorwa binyuranyije n'amategeko zikurikira:

- 1° gufata ingamba zikwiriye z'umutekano w'abagenzi n'uw'abakozi bo mu ndege, bugarijwe n'igikorwa kinyuranyije n'amategeko, indege iri ku kibuga kugeza ikibazo kirangiye, indege igakomeza urugendo rwayo;

Article 41: Measures against unlawful acts

The airport operator shall implement the following measures against unlawful acts:

- 1° take adequate measures to protect the safety of passengers and crew members, including technicians of an aircraft which is subject to an unlawful act while on the ground, until the problem is solved and the flight can be continued;

Article 41: Mesures contre les actes illicites

L'exploitant d'aéroport doit mettre en place des mesures suivantes contre les actes illicites:

- 1° prendre les mesures appropriées destinées à assurer la sûreté des passagers et de l'équipage d'un aéronef au sol faisant l'objet d'un acte illicite, jusqu'à ce que le problème soit résolu et que le vol se poursuive;

2° gufasha indege yakorewe ibikorwa binyuranyije n'amategeko;

3° kumenyesha igihugu indege yanditseho n'igihugu cy'uyikoresha igihe iyo ndege ihuye n'igikorwa kinyuranyije n'amategeko.

2° provide assistance to an aircraft subject to unlawful acts;

3° notify the State where the aircraft is registered and the State of the operator of the aircraft subject to an unlawful act.

2° prêter assistance à un aéronef faisant l'objet d'actes illicites;

3° notifier à l'État d'immatriculation et à l'État de l'exploitant de l'aéronef faisant l'objet d'un acte illicite.

Ingingo va 42: Kumenyekanisha no gutanga raporo ku gikorwa kinyuranyije n'amategeko

Ushinzwe ibikorwa umenye igikorwa kinyuranyije n'amategeko nk'uko biteganywa n'iri tegeko yihutira kubimenyesha Urwego.

Buri mupilote mukuru n'ushinzwe gutanga serivisi zifasha indege mu kirere, agomba kwihutira kumenyesha Urwego no kuruha raporo zikurikira:

1° raporo y'ibanze yanditse mu gihe kitarenze amasaha mironko ine n'umunani (48) igikorwa kinyuranyije n'amategeko kimaze kuba;

2° raporo yuzuye hamaze kurangira iperereza mu gihe kitarenze iminsi mironko itatu (30) ikibazo kibaye.

Article 42: Notifying and reporting unlawful acts

An operator who is aware of an unlawful act according to the provisions of this Law immediately notifies the Authority.

Every pilot in command and air navigation service provider shall submit to the Authority the following reports:

1° a preliminary written report, in a period not exceeding forty-eight (48) hours after the occurrence of an unlawful act;

2° a final written report, upon completion of investigations within thirty (30) days of the occurrence of an unlawful act.

Article 42: Faire un rapport ou informer de tout acte illicite

L'exploitant qui prend connaissance d'un acte illicite tel que prévu par la présente loi en informe immédiatement l'Office.

Chaque commandant de bord et prestataire de service de navigation aérienne doit soumettre à l'Office les rapports suivants:

1° un rapport préliminaire écrit dans un délai de quarante-huit (48) heures après la survenance de l'acte illicite, y compris le sabotage;

2° un rapport final écrit, à l'issue des investigations, dans les trente (30) jours suivant la survenance de l'acte illicite.

Ingingo ya 43: Kumenyesha Umuryango Mpuzamahanga w'iby'indege za gisiviri

Urwego rumenyesha Umuryango Mpuzamahanga w'iby'indege za gisiviri, iyo habaye igikorwa kinyuranyije n'amategeko ku buryo bukurikira:

1. rutanga raporo y'ibanze irimo amakuru y'ingenzi ku kibazo cy'umutekano cyabaye kandi igatangwa mu minsi mirongo itatu (30) igikorwa kimaze kuba;
2. rutanga raporo ya nyuma irimo imyanzuro kandi igatangwa mu minsi mirongo itandatu (60) igikorwa kimaze kuba. Urwego rugenera kopi ya raporo zahawe Umuryango Mpuzamahanga w'iby'Indege za gisiviri aba bakurikira:

1° igihugu indege yanditseho n'igihugu kiyikoreshe;

2° buri gihugu kizwi ko abaturage bacyo bari muri iyo ndege;

Article 43: Notification to the International Civil Aviation Organization

The Authority, where an unlawful act has occurred, informs the International Civil Aviation Organization as follows:

1. submit a preliminary report, within thirty (30) days after the occurrence of the act, containing all pertinent information concerning the security aspects of the act;
2. submit a final report containing conclusions, within sixty (60) days after the occurrence of the act. The Authority provides copies of reports submitted to the International Civil Aviation Organization to the following:

1° the State where the aircraft is registered and the State of the operator;

2° each State whose citizens were known to be on board the aircraft;

Article 43: Informer l'Organisation de l'Aviation civile internationale

L'Office informe, en cas d'acte illicite, l'Organisation de l'Aviation civile internationale de la façon suivante:

1. présenter un rapport préliminaire, dans les trente jours (30) après la survenance de l'acte, contenant toutes les informations pertinentes concernant les aspects sécuritaires de l'acte;
2. présenter un rapport final complet accompagné de conclusions, dans les soixante (60) jours après la survenance de l'acte. L'Office réserve copies des rapports soumis à l'Organisation de l'Aviation civile internationale à ceux qui suivent:

1° l'État d'immatriculation de l'aéronef et l'État de l'exploitant;

2° tout État dont on sait qu'il a des ressortissants qui se trouvaient à bord de l'aéronef ;

3° buri gihugu abaturage bacyo bafashweho ingwate;

4° buri gihugu gifite abaturage bapfuye cyangwa bakomeretse.

3° each State whose citizens were detained as hostages;

4° each State whose citizens died or were injured.

3° tout État dont les ressortissants ont été pris en otages;

4° tout État dont des ressortissants sont morts ou blessés.

UMUTWE WA VI: AMAKOSA YO MU RWEGO RWUBUTEGETSI, IBYAHA N'IBIHANO

CHAPTER VI: ADMINISTRATIVE FAULTS, OFFENCES AND PENALTIES

CHAPITRE VI: FAUTES ADMINISTRATIVES, INFRACTIONS ET PEINES

Ingingo ya 44: Amakosa yo mu rwego rw'ubutegetsi n'ibihano byayo

Article 44: Administrative faults and related penalties

Article 44: Fautes administratives et peines y relatives

Amakosa yo mu rwego rw'ubutegetsi n'ibihano byayo bigenwa n'iteka rya Minisitiri.

An Order of the Minister determines administrative faults and related penalties.

Un arrêté du Ministre détermine les fautes administratives et les peines y relatives.

Ingingo ya 45: Guhohotera, gutambamira cyangwa kwigomeka k'ushinzwe umutekano

Article 45: Assault, obstruction or disobedience against a security officer

Article 45: Agression, entrave ou intimidation contre un agent de sûreté

Umuntu wese:

Any person who:

Toute personne qui:

1° uhohotera, utambamira, uwigomeka, utera ubwoba cyangwa ukoresha ibikangisho mu bikorwa cyangwa mu mvugo k'ushinzwe umutekano w'iby'indege, ushinzwe umutekano mu ndege cyangwa umuntu wemerewe;

1° assaults, obstructs, disobeys, intimidates or threatens, whether physically or verbally, an aviation security officer, in-flight security officer or authorized person;

1° agresse, entrave, intimide ou menace, physiquement ou verbalement, un agent de sûreté de l'aviation, un agent de sûreté en vol ou une personne autorisée;

2° wanga gukurikiza ibisabwa n'ucunga ikibuga cy'indege ushinzwe umutekano

2° refuses to follow an instruction given by the airport operator, an aviation

2° refuse de suivre une instruction donnée par l'exploitant d'aéroport,

w'iby'indege, ushinzwe umutekano mu ndege cyangwa umuntu wemerewe;	security officer, in-flight security officer or authorized person;	un agent de sûreté de l'aviation, un agent de sûreté en vol ou une personne autorisée;
3° wiyitirira ububasha butangwa n'iri tegeko;	3° purports to have the powers granted by this law;	3° s'arroe les pouvoirs conférés par la présente loi;
aba akoze icyaha.	commits an offence.	commet une infraction.
Umuntu ukoze icyaha giteganywa mu gace ka mbere k'iyi ngingo, iyo abihamijwe n'Urukiko ahanishwa igifungo kitari muni y'inyaka itatu (3) ariko kitarenze imyaka itanu (5) n'ihazabu y'amafaranga y'u Rwanda atari muni ya miliyoni eshanu (5.000.000 FRW) ariko atarenze miliyoni umunani (8.000.000 FRW) cyangwa kimwe muri ibyo bihano.	Upon conviction of offence referred to in item 1° of this Article, he or she is liable to imprisonment for a term of not less than three (3) years but not more than five (5) years and a fine of not less than five million Rwandan francs (FRW 5,000,000) but not more than eight million Rwandan francs (FRW 8,000,000) or only one of these penalties.	Lorsqu'elle est reconnue coupable de l'infraction visée au point 1° du présent article, elle est passible d'une peine d'emprisonnement d'au moins trois (3) ans mais n'excédant pas cinq (5) ans et d'une amende d'au moins cinq millions de francs rwandais (5.000.000 FRW) mais n'excédant pas huit millions de francs rwandais (8.000.000 FRW) ou de l'une de ces peines seulement.
Umuntu ukoze icyaha giteganywa mu gace ka 2° n'aka 3° tw'iyi ngingo, iyo abihamijwe n'Urukiko ahanishwa igifungo kitari muni y'amezi atandatu (6) ariko kitarenze umwaka umwe (1) n'ihazabu y'amafaranga y'u Rwanda atari muni ya miliyoni ebyiri (2.000.000 FRW) ariko atarenze miliyoni eshatu (3.000.000 FRW) cyangwa kimwe muri ibyo bihano.	Upon conviction of the offence referred to in items 2 and 3 of this Article, he or she is liable to imprisonment for a term of not less than six (6) months but not more than one (1) year and a fine of not less than two million Rwandan francs (FRW 2,000,000) but not more than three million Rwandan francs (FRW 3,000,000) or only one of these penalties.	Lorsqu'elle est reconnue coupable de l'infraction visée aux points 2° et 3° du présent article, elle est passible d'une peine d'emprisonnement d'au moins six (6) mois mais n'excédant pas un (1) an et d'une amende d'au moins deux millions de francs rwandais (2.000.000 FRW) mais n'excédant pas trois millions de francs rwandais (3.000.000 FRW) ou de l'une de ces peines seulement.

Ingingo ya 46: Kutamenyesha no kudatanga raporo ku gikorwa kinyuranyije n'amategeko

Ushinzwe ibikorwa utamenyesha cyangwa udatanga raporo ku Rwego ku gikorwa yamenye kinyuranyije n'amategeko cyangwa yagombye kumenya, aba akoze icyaha.

Iyo abihamijwe n'Urukiko, ahanishwa igifungo kitari muni y'umwaka umwe (1) ariko kitarenze imyaka itatu (3) n'ihazabu y'amafaranga y'u Rwanda atari muni ya miliyoni eshatu (3.000.000 FRW) ariko atarenze miliyoni eshanu (5.000.000 Frw) cyangwa kimwe muri ibyo bihano.

Umupirite mukuru, umuntu wese ushinzwe gutanga serivisi zifasha indege mu kirere cyangwa undi muntu wese ukorera ku kibuga cy'indege utamenyesha Urwego cyangwa ushinzwe umutekano ku gikorwa yamenye cyangwa yagombye kumenya kinyuranyije n'amategeko, aba akoze icyaha.

Iyo abihamijwe n'Urukiko, ahanishwa igifungo kitari muni y'amezi atandatu (6) ariko kitarenze umwaka umwe (1) n'ihazabu y'amafaranga y'u Rwanda atari muni y'ibihumbi magana atanu (500.000 Frw) ariko

Article 46: Failure to notify and report about an unlawful act

An operator who fails to notify or report to the Authority about an unlawful act of which he or she is or should be aware of, commits an offence.

Upon conviction, he or she is liable to imprisonment for a term of not less than one (1) year but not more than three (3) years and a fine of not less than three million Rwandan francs (FRW 3,000,000) but not more than five million Rwandan francs (FRW 5,000,000) or only one of these penalties.

The pilot in command, any air navigation service provider or any service provider at the airport who fails to notify the Authority or the security officer about an unlawful act that he or she is or should be aware of, commits an offence.

Upon conviction, he or she is liable to imprisonment for a term of not less than six (6) months but not more than one (1) year and a fine of not less than five hundred thousand Rwandan francs

Article 46: Omission d'aviser et de signaler un acte illicite

Un opérateur qui omet d'aviser ou de signaler à l'Office un fait illicite dont il est ou devrait être au courant, commet une infraction.

Lorsqu'il en est reconnu coupable, il est passible d'une peine d'emprisonnement d'au moins un (1) an mais n'excédant pas trois (3) ans et d'une amende d'au moins trois millions de francs rwandais (3.000.000 FRW) mais n'excédant pas cinq millions de francs rwandais (5.000.000 FRW) ou de l'une de ces peines seulement.

Le commandant de bord, un prestataire de services de navigation aérienne ou un prestataire de services à l'aéroport qui omet d'aviser l'Office ou l'agent de sécurité d'un acte illicite dont il est ou devrait être au courant, commet une infraction.

Lorsqu'il en est reconnu coupable, il est passible d'un emprisonnement d'au moins six (6) mois mais n'excédant pas un (1) an et d'une amende d'au moins cinq cent mille francs rwandais

atarenze miliyoni imwe (1.000.000 Frw) cyangwa kimwe muri ibyo bihano.

(FRW 500,000) but not more than one million Rwandan francs (FRW 1.000.000) or only one of these penalties.

(500.000 FRW) mais n'excédant pas un million de francs rwandais (1.000.000 FRW) ou de l'une de ces peines seulement.

Ingingo ya 47: Gukoresha imbaraga cyangwa gukangisha gukoresha imbaraga ku kibuga cy'indege

Article 47: Use of force or threat to use force at the airport

Article 47: Usage de la force ou menace d'usage de la force à l'aéroport

Umuntu wese ukoresha imbaraga, ukangisha gukoresha imbaraga cyangwa ubundi buryo bwose ku kibuga cy'indege, bigatera:

Any person who uses force or threatens to use force or any other means at the airport so that those acts result into:

Toute personne qui utilise ou menace de faire usage de la force ou de tout autre moyen à l'aéroport et que ces actes causent:

1° isenyuka cyangwa iyangirika:

1° demolition or destruction of:

1° la démolition ou la destruction:

a. ry'inyubako z'ikibuga cy'indege;

a. buildings of an airport;

a. de bâtiments d'un aéroport;

b. ry'ibyuma bya serivisi zo mu kirere biyobora indege cyangwa ibangamirwa ry'imikorere y'ibyo byuma;

b. air navigation installations or obstruction to the operation of the installations;

b. d'installations de navigation aérienne ou l'entrave au fonctionnement de ces installations;

c. ry'ibindi bikoresho bikoreshwa mu bikorwa by'iby'indege za gisiviri;

c. other equipment used in civil aviation operations;

c. d'autres équipements utilisés dans les opérations de l'aviation civile;

2° guhagarika imirimo bikagira ingaruka ku migendekere y'ikibuga cy'indege;

2° interruption of some activities which may have negative consequences on the performance of the airport;

2° l'interruption de certaines activités pouvant avoir des conséquences négatives sur la performance de l'aéroport;

3° guhungabanya umutekano w'ikibuga cy'indege;

3° destabilization of the security of the airport;

3° la destabilisation de la sécurité de l'aéroport;

4° inkongi y’umuriro mu ndege, hafi yayo, cyangwa mu zindi nyubako z’ikibuga;	4° fire in aircrafts, near aircrafts, or in other buildings of the airport;	4° l’incendie dans un aéronef, tout près d’un aéronef ou dans d’autres bâtiments de l’aéroport;
5° gukomeraka byoroshye cyangwa bikomeye;	5° minor or serious injury;	5° une blessure légère ou grave;
6° ubumuga;	6° disability;	6° un handicap ;
7° urupfu;	7° death;	7° le décès;
aba akoze icyaha.	commits an offence.	commet une infraction.
Iyo ibyaha bivugwa muri iyi ngingo byagize ingaruka zivugwa mu gace ka mbere, aka 2° n’aka 3° tw’iyi ngingo, ubihamijwe n’Urukiko ahanishwa igifungo kitari munsi y’imyaka itanu (5) ariko kitarenze imyaka irindwi (7) n’ihazabu y’amafaranga y’u Rwanda atari munsi ya miliyoni cumi n’eshanu (15.000.000 Frw) ariko atarenze miliyoni makumyabiri (20.000.000 Frw);	When the offences referred to in this Article result in the consequences referred to in items 1°, 2° and 3° of this Article, a person convicted thereof is liable to imprisonment for a term of not less than five (5) years but not more than seven (7) years and a fine of not less than fifteen million Rwandan francs (FRW 15,000,000) but not more than twenty million Rwandan francs (FRW 20,000,000).	Lorsque les infractions visées au présent article produisent les conséquences visées aux points 1°, 2° et 3° du présent article, une personne qui en est reconnue coupable est passible d’une peine d’emprisonnement d’au moins cinq (5) ans mais n’excédant pas sept (7) ans et d’une amende d’au moins quinze millions de francs rwandais (15.000.000 FRW) mais n’excédant pas vingt millions de francs rwandais (20.000.000 FRW).
Iyo ibyaha bivugwa muri iyi ngingo byagize ingaruka zivugwa mu gace ka 4° cyangwa aka 5° tw’iyi ngingo, ubihamijwe n’Urukiko ahanishwa igifungo kitari munsi y’imyaka irindwi (7) ariko kitarenze imyaka cumi (10)	When the offences referred to in this Article result in the consequences referred to in item 4° or 5° of this Article, a person convicted thereof is liable to imprisonment for a term of not less than seven (7) years but not	Lorsque les infractions visées au présent article produisent les conséquences visées aux points 4° ou 5° du présent article, une personne qui en est reconnue coupable est passible d’une peine

n'ihazabu y'amafaranga y'u Rwanda atari muni ya miliyoni makumyabiri (20.000.000 FRW) ariko atarenze miliyoni makumyabiri n'eshanu (25.000.000 Frw).

more than ten (10) years and a fine of not less than twenty million Rwandan francs (FRW 20,000,000) but not more than twenty five million Rwandan francs (FRW 25,000,000).

d'emprisonnement d'au moins sept (7) ans mais n'excédant pas dix (10) ans et d'une amende d'au moins vingt millions de francs rwandais (20.000.000 FRW) mais n'excédant pas vingt-cinq millions de francs rwandais (25.000.000 FRW).

Iyo ibyaha bivugwa muri iyi ngingo byagize ingaruka zivugwa mu gace ka 6° k'iyi ngingo, ubihamijwe n'Urukiko ahanishwa igifungo kitari muni y'imyaka icumi (10) ariko kitarenze imyaka makumyabiri (20) n'ihazabu y'amafaranga y'u Rwanda atari muni ya miliyoni makumyabiri (20.000.000 FRW) ariko atarenze miliyoni makumyabiri n'eshanu (25.000.000 Frw).

When the offences referred to in this Article result in the consequences referred to in item 6° of this Article, a person convicted thereof is liable to imprisonment for a term of not less than ten (10) years but not more than twenty (20) years and a fine of not less than twenty million Rwandan francs (FRW 20,000,000) but not more than twenty five million Rwandan francs (FRW 25,000,000).

Lorsque les infractions visées au présent article produisent les conséquences visées au point 6° du présent article, une personne qui en est reconnue coupable est passible d'une peine d'emprisonnement d'au moins dix (10) ans mais n'excédant pas vingt (20) ans et d'une amende d'au moins vingt millions de francs rwandais (20.000.000 FRW) mais n'excédant pas vingt-cinq millions de francs rwandais (25.000.000 FRW).

Iyo ibyaha bivugwa muri iyi ngingo byagize ingaruka zivugwa mu gace ka 7° k'iyi ngingo, ubihamijwe n'Urukiko ahanishwa igifungo cya burundu.

When the offences referred to in this Article result in the consequences referred to in item 7° of this Article, a person convicted thereof is liable to life imprisonment.

Lorsque les infractions visées au présent article produisent les conséquences visées au point 7° du présent article, une personne qui en est reconnue coupable est passible d'une peine d'emprisonnement à perpétuité.

Ingingo ya 48: Kwinjira ahantu ntavogerwa cyangwa kuhinjiza ikintu kibujijwe

Umuntu winjira cyangwa winjiza ikintu kibujijwe ahantu ntavogerwa atabifitiye uruhushya, aba akoze icyaha.

Iyo abihamijwe n'Urukiko, ahanishwa igifungo kitari muni y'umwaka umwe (1) ariko kitarenze imyaka ibiri (2) n'ihazabu y'amafaranga y'u Rwanda atari muni ya miliyoni eshatu (3.000.000 FRW) ariko atarenze miliyoni eshanu (5.000.000 FRW).

Umuntu ugeza ahantu ntavogerwa ikintu kibujijwe yahishe, aba akoze icyaha.

Iyo abihamijwe n'Urukiko ahanishwa igifungo kitari muni y'umwaka itatu (3) ariko kitarenze imyaka itanu (5) n'ihazabu y'amafaranga y'u Rwanda atari muni ya miliyoni eshanu (5.000.000 FRW) ariko atarenze miliyoni umunani (8.000.000 FRW).

Article 48: Entering a security restricted area or entering such an area with a prohibited item

A person who, without authorisation, enters a security restricted area or enters such area with a prohibited item, commits an offence.

Upon conviction, he or she is liable to imprisonment for a term of not less than one (1) year and not more than two (2) years and a fine of not less than three million Rwandan francs (FRW 3,000,000) but not more than five million Rwandan francs (FRW 5,000,000).

A person who introduces into security restricted area a hidden item that is prohibited, commits an offence.

Upon conviction, he or she is liable to imprisonment for a term of not less than three (3) years but not more than five (5) years and a fine of not less than five million Rwandan francs (FRW 5,000,000) but not more than eight million Rwandan francs (FRW 8,000,000).

Article 48: Entrer dans une zone de sûreté à accès réglementé ou y entrer avec un article interdit

Une personne qui, sans y être autorisée, entre dans une zone de sûreté à accès réglementé ou y entre avec un article interdit, commet une infraction.

Lorsqu'elle en est reconnue coupable, elle est passible d'une peine d'emprisonnement d'au moins un (1) an mais n'excédant pas deux (2) ans et d'une amende d'au moins trois millions de francs rwandais (3.000.000 FRW) mais n'excédant pas cinq millions de francs rwandais (5.000.000 FRW).

Une personne qui introduit dans une zone de sûreté à accès réglementé un objet caché qui est interdit, commet une infraction.

Lorsqu'elle en est reconnue coupable, elle est passible d'une peine d'emprisonnement d'au moins trois (3) ans mais n'excédant pas cinq (5) ans et d'une amende d'au moins cinq millions de francs rwandais (5.000.000 FRW) mais n'excédant pas huit millions de francs rwandais (8.000.000 FRW).

Ingingo ya 49: icyaha cyerekeranye n'uruhushya rwo kwinjira ahantu ntavogerwa ku kibuga cy'indege

Umuntu ukora kimwe mu bikorwa bikurikira:

- 1° ubeshya cyangwa utanga amakuru atari yo igihe asaba uruhushya cyangwa igihe asaba kongererwa igihe cy'uruhushya yari asanganywe;
- 2° ukoresha uruhushya akinjira ahantu atemerewe kugera;
- 3° ukoresha uruhushya ku kibuga cy'indege rutari rwo agamije kubona uko yinjira ahantu ntavogerwa;
- 4° wanga kwerekana uruhushya rwe igihe abisabwe n'abashinzwe umutekano w'ikibuga cy'indege;
- 5° ukomeza gukoresha uruhushya kandi rwararengeje igihe cyangwa ukoresha uruhushya rugifite agaciro atakemerewe kurutunga;
- 6° udasubije uruhushya rwo kwinjira ahantu ntavogerwa ku kibuga

Article 49: Offence relating to airport restricted security area permit

A person who performs one of the following acts:

- 1° lie or give false information for purposes of obtaining a permit or renewal of the existing permit;
- 2° use a permit to gain access to an area when he or she is not entitled to such access;
- 3° use a false or unauthorized airport security permit for the purpose of gaining access to a security restricted area;
- 4° refuse to show an airport security permit at the request of the aviation security officers;
- 5° continue using an expired airport security permit or use a valid permit in case he or she is no longer allowed to possess it;
- 6° fail to return an airport security permit promptly following its expiry or

Article 49: Infraction relative au permis d'accès aux zones de sûreté à accès réglementé de l'aéroport

Une personne qui fait l'un des actes suivants:

- 1° mentir ou donner de fausses informations aux fins de l'obtention d'un permis ou du renouvellement du permis existant;
- 2° utiliser un permis pour avoir accès à un endroit lorsqu'elle n'a pas droit à un tel accès;
- 3° utiliser un permis de sécurité aéroportuaire faux ou non autorisé dans le but d'accéder à une zone de sûreté à accès réglementé;
- 4° refuser d'exhiber un permis de sécurité aéroportuaire à la demande des agents de sûreté de l'aviation;
- 5° continuer d'utiliser un permis de sécurité aéroportuaire expiré ou utiliser un permis valide après qu'il n'est plus autorisé à le posséder;
- 6° ne pas restituer un permis de sécurité aéroportuaire immédiatement après

cy'indege rwarengeje igihe cyangwa igihe atacyemerewe kurutunga;	upon his/her becoming no longer authorised to possess it;	son expiration ou lorsqu'elle n'est plus autorisée à le posséder;
7° uhererekanya, utiza, utanga cyangwa ugurisha uruhushya agambiriye gutuma undi muntu abona uko agera, ahantu ntavogerwa;	7° transfer, lend, give or sell his or her permit to another person with the intention of enabling that other person to gain access to a security restricted area;	7° transférer, prêter, donner ou vendre son permis à un tiers dans le but de lui permettre d'avoir accès à une zone de sûreté à accès réglementé;
8° wemerewe n'Urwego gutanga uruhushya akaruha umuntu utarwemerewe, agambiriye gutuma uwo muntu abona uko agera ku ndege, ahantu ntavogerwa;	8° as a person authorised by the Authority to issue a security permit, issue a permit to access security restricted area to a person who is not authorised to be issued with such a permit, with the intention of enabling that other person to gain access to a security restricted area;	8° en tant qu'une personne autorisée par l'Office à délivrer le permis d'accès aux zones de sûreté à accès réglementé, délivrer ce permis à une personne qui n'est pas autorisée à l'avoir, dans l'intention de permettre à cette autre personne d'avoir accès à une zone de sûreté à accès réglementé;
aba akoze icyaha.	commits an offence.	commet une infraction.
Iyo abihamijwe n'Urukiko, ahanishwa igifungo kitari muni y'imyaka itatu (3) ariko kitarenze imyaka itanu (5) n'ihazabu y'amafaranga y'u Rwanda atari muni ya miliyoni eshanu (5.000.000 FRW) ariko atarenze miliyoni umunani (8.000.000 FRW).	Upon conviction, he or she is liable to imprisonment for a term of not less than three (3) years but not more than five (5) years and a fine of not less than five million Rwandan francs (FRW 5,000,000) but not more than eight million Rwandan francs (FRW 8,000,000).	Lorsqu'elle en est reconnue coupable, elle est passible d'une peine d'emprisonnement d'au moins trois (3) ans mais n'excédant pas cinq (5) ans et d'une amende d'au moins cinq millions de francs rwandais (5.000.000 FRW) mais n'excédant pas huit millions de francs rwandais (8.000.000 FRW).

Ingingo ya 50: Gukoresha ingufu, agahato cyangwa iterabwoba hagamijwe kuyobya indege, kuyishimuta cyangwa kuyituritsa

Umuntu wese uyobya indege akoresheje ingufu, agahato, iterabwoba agambiriye kimwe mu bikorwa bikurikira:

- 1° kugira abantu bari mu ndege ingwate cyangwa imfungwa;
- 2° gutwara abantu bari mu ndege ku gahato ahandi hantu hatari aho indege yari iteganyijwe kugwa;
- 3° kugira umuntu ingwate kugira ngo hatangwe amafaranga, ikindi kintu cyangwa kumukoresha ibyo adashaka;
- 4° gutuma indege yerekeza aho itari yateganiye;
- 5° guturitsa indege cyangwa gukora ibikorwa bigamije kuyituritsa;
- 6° gushimuta indege cyangwa gukora ibikorwa bigamije kuyishimuta;

Article 50: Use of force, threats or terror to hijack , seize control of, or blow up an aircraft

Any person who uses force, threats or terror to hijack an aircraft with intent to commit one of the following acts:

- 1° to take hostage persons on board an aircraft;
- 2° to transport persons aboard the aircraft by force to any place other than the next place of landing of the aircraft;
- 3° to hold any person on board of the aircraft for ransom or force that person to do something unwilling;
- 4° to cause the aircraft to deviate from its flight path;
- 5° to blow up an aircraft or commit acts aimed at blowing it up;
- 6° to seize control or commit acts with the intent to seize control of an aircraft;

Article 50: Recours à la force, aux menaces ou à la terreur dans l'intention de détourner ou de prendre contrôle d'un aéronef ou de le faire exploser

Une personne qui utilise la force, des menaces ou la terreur pour détourner un aéronef dans l'intention de commettre l'un des actes suivants:

- 1° prendre des otages à bord d'un aéronef;
- 2° transporter les personnes à bord de l'aéronef par force vers un lieu autre que le prochain lieu d'atterrissage de l'aéronef;
- 3° retenir toute personne à bord de l'aéronef pour obtenir une rançon ou la forcer à faire quelque chose;
- 4° dévier l'aéronef de sa trajectoire de vol;
- 5° faire exploser ou commettre des actes visant à exploser un aéronef;
- 6° prendre contrôle ou commettre des actes visant à prendre contrôle d'un aéronef;

aba akoze icyaha.	commits an offence	commet une infraction.
Ukora, ugerageza gukora cyangwa ufatanya n'ushaka gukora kimwe mu byaha biteganywa mu gace ka 1°, aka 2°, aka 3° n'aka 4° tw'iyi ngingo, iyo abihamijwe n'Urukiko, ahanishwa igifungo kitari muni y'imyaka makumyabiri (20) ariko kitarenze imyaka makumyabiri n'itanu (25) n'ihazabu y'amafaranga y'u Rwanda atari muni ya miliyoni mirongo itanu (50,000,000 FRW) ariko atarenze miliyoni mirongo irindwi (70. 000,000 FRW).	Upon conviction, a person who commits, attempts to commit or associates with a person who wants to commit any of the offences provided for under items 1°, 2°, 3° and 4° of this Article is liable to imprisonment for a term of not less than twenty (20) years but not more than twenty-five (25) years and a fine of not less than fifty million Rwandan francs (FRW 50,000,000) but not more than seventy million Rwandan francs (FRW 70,000,000).	Lorsqu'elle en est reconnue coupable, une personne qui commet, tente de commettre ou s'associe avec une personne qui veut commettre l'une des infractions visées aux points 1°, 2°, 3° et 4° du présent article est passible d'une peine d'emprisonnement d'au moins vingt (20) ans mais n'excédant pas vingt-cinq (25) ans et d'une amende d'au moins cinquante millions de francs rwandais (50.000.000 FRW) mais n'excédant pas soixante-dix millions de francs rwandais (70.000.000 FRW).
Ukora icyaha giteganywa mu gace ka 5° n'aka 6° tw'iyi ngingo, iyo abihamijwe n'Urukiko ahanishwa igifungo cya burundu.	Any person who commits the offence provided for under item 5° and 6° of this Article is liable upon conviction to life imprisonment.	Une personne qui commet un acte visé au point 5° et 6° du présent article est, si elle en reconnue coupable, passible d'une peine d'emprisonnement à perpétuité.
<u>Ingingo ya 51:</u> Icyaha gikorewe abakozi bo mu ndege ya gisiviri	<u>Article 51:</u> Offence committed against crew members on board a civil aircraft	<u>Article 51:</u> Infraction commise contre des membres d'équipage à bord d'un aéronef civil
Umuntu wese ukora cyangwa ugira uruhare muri kimwe mu bikorwa bikurikira bikorewe abakozi bari mu ndege ya gisiviri:	Any person who engages or participates in any of the following acts against crew members on board a civil aircraft:	Toute personne qui se livre ou participe à l'un des actes suivants contre les membres d'équipage à bord d'un aéronef civil:
1° guhohotera, gutera ubwoba,	1° to assault, intimidate or threaten, whether physically or verbally;	1° agresser, intimider ou menacer, physiquement ou verbalement;

gukoresha ibikangisho, haba mu bikorwa cyangwa mu mvugo;

2° kwanga gukurikiza amabwiriza atanzwe n'umuyobozi w'indege, umukozi wo mu ndege mu izina ry'umuyobozi wayo, hagamijwe umutekano w'indege uw'undi muntu cyangwa w'ikintu kiri mu ndege ku mpamvu zo kwita ku mudendeko n'imyifatire myiza mu ndege;

aba akoze icyaha.

Iyo abihamijwe n'Urukiko ahanishwa igifungo kitari muni y'umwaka umwe (1) ariko kitarenze imyaka itatu (3) n'ihazabu y'amafaranga y'u Rwanda atari muni ya miliyoni eshatu (3.000.000 FRW) ariko atarenze miliyoni eshanu (5.000.000 FRW).

Ingingo ya 52: Kwitwaza intwaro, ibisasu, ibiturika n'ibintu byatera inkongi y'umuriro

Umuntu wese uri mu ndege cyangwa ugerageza kwinjira mu ndege yitwaje cyangwa yahishe intwaro, ibisasu, ibiturika cyangwa ibindi bintu byatera inkongi y'umuriro, aba akoze icyaha.

2° to refuse to follow a lawful instruction given by the aircraft commander or on behalf of the aircraft commander by a crew member, for the purpose of ensuring the safety of the aircraft or of any person or property on board for the purpose of maintaining good order and discipline on board;

commits an offence.

Upon conviction, he or she is liable to imprisonment for a term of not less than one (1) year and not more than three (3) years and a fine of not less than three million Rwandan francs (FRW 3,000,000) but not more than five million Rwandan francs (FRW 5,000,000).

Article 52: Possession of weapons, bombs, explosives and other flammable materials

Any person who, while on board, or while attempting to board, any aircraft, possesses or conceals a weapon, a bomb, an explosive and flammable materials, commits an offence.

2° refuser de suivre une instruction légale donnée par le commandant d'aéronef ou au nom du commandant d'aéronef par un membre d'équipage, pour assurer la sécurité de l'aéronef ou de toute personne ou propriété à bord dans le but de maintenir l'ordre et la discipline à bord;

commet une infraction.

Lorsqu'elle en est reconnue coupable, elle est passible d'une peine d'emprisonnement d'au moins un (1) an mais n'excédant pas trois (3) ans et d'une amende d'au moins trois millions de francs rwandais (3.000.000 FRW) mais n'excédant pas cinq millions de francs rwandais (5.000.000 FRW).

Article 52: Possession d'armes, de bombes, d'explosifs ou d'autres matières inflammables

Une personne qui, à bord ou en train de monter à bord d'un aéronef, possède ou dissimule une armes, un explosif ou tout autre matière inflammable, commet une infraction.

Iyo abihamijwe n'Urukiko, ahanishwa igifungo kitari muni y'imyaka makumyabiri (20) ariko kitarenze imyaka makumyabiri n'itanu (25) n'ihazabu y'amafaranga y'u Rwanda atari muni ya miliyoni mirongo itanu (50.000.000 FRW) ariko atarenze miliyoni mirongo irindwi (70.000.000 FRW).

Upon conviction, he or she is liable to imprisonment for a term of not less than twenty (20) years but not more than twenty-five (25) years and a fine of not less than fifty million Rwandan francs (FRW 50,000,000) but not more than seventy million Rwandan francs (FRW 70,000,000).

Lorsqu'elle en est reconnue coupable, elle est passible d'une peine d'emprisonnement d'au moins vingt (20) ans mais n'excédant pas vingt-cinq (25) ans et d'une amende d'au moins cinquante millions de francs rwandais (50.000.000 FRW) mais n'excédant pas soixante-dix millions de francs rwandais (70.000.000 FRW).

Iyi ngingo ntireba:

This Article does not apply to:

Le présent article ne s'applique pas:

1° abakozi bashinzwe umutekano bari mu kazi kabo bemerewe kwitwaza intwaro mu ndege itwara abantu n'ibintu;

1° law enforcement officers, who are authorised to carry arms in commercial air transport;

1° aux agents de la force publique, autorisés à porter des armes dans le transport aérien commercial;

2° abantu batwaye intwaro zibitse ahantu habigenewe mu ndege cyangwa mu mizigo idashobora kugerwaho n'abagenzi bari mu ndege iri mu kirere iyo izo ntwaro zamenyekanishijwe kuri nyir'indege.

2° persons transporting weapons kept in appropriate places or contained in baggage which is not accessible to passengers in flight if the presence of such weapons has been declared to the air operator.

2° aux personnes transportant des armes conservées dans des endroits réservés ou contenues dans des bagages qui ne sont pas accessibles aux passagers en vol si la présence de ces armes a été déclarée à l'exploitant aérien.

Ingingo ya 53: Kubangamira imikorere y'indege

Article 53: Interference with aircraft operations

Article 53: Interférence avec les opérations aériennes

Umuntu wese ukoresha igikoresho koranabuhanga kigendanwa cyangwa

Any person who uses a mobile or non-mobile electronic device, performs any

Une personne qui utilise un appareil électronique mobile ou non-mobile,

kitagendanwa, ukora ikindi gikorwa cyangwa ufite imyitwarire, bishobora kubangamira imikorere y'indege cyangwa kuyishyira mu kaga; aba akoze icyaha.

other act or displays behaviour so that he or she is likely to interfere with operation of an aircraft or to endanger the aircraft, commits an offence.

pose un autre acte ou affiche un comportement de sorte qu'elle est susceptible d'interférer avec la bonne exploitation d'un aéronef ou de mettre en danger un aéronef, commet une infraction.

Iyo abihamijwe n'Urukiko, ahanishwa igifungo kitari muni y'imyaka makumyabiri (20) ariko kitarenze imyaka makumyabiri n'itanu (25) n'ihazabu y'amafaranga y'u Rwanda atari muni ya miliyoni mirongo itanu (50.000.000 FRW) ariko atarenze miliyoni mirongo irindwi (70.000.000 FRW).

Upon conviction, he or she is liable to imprisonment for a term of not less than twenty (20) years but not more than twenty-five (25) years and a fine of not less than fifty million Rwandan francs (FRW 50,000,000) but not more than seventy million Rwandan francs (FRW70,000,000).

Lorsqu'elle en est reconnue coupable, elle est passible d'une peine d'emprisonnement d'au moins vingt (20) ans mais n'excédant pas vingt-cinq (25) ans et d'une amende d'au moins cinquante millions de francs rwandais (50.000.000 FRW) mais n'excédant pas soixante-dix millions de francs rwandais (70.000.000 FRW).

Ingingo ya 54: Gutunga urumuri rukabije ku ndege ya gisiviri

Article 54: Projection of directed bright light source at a civil aircraft

Article 54: Projection d'une source lumineuse dirigée vers un aéronef civil

Umuntu wese utunga cyangwa utuma hatungwa urumuri mu kirere gikoreshwa n'indege ya gisiviri agambirirye kubangamira imikoreshereze y'ikirere, aba akoze icyaha.

Any person who projects or causes to be projected a directed bright light source into navigable airspace with intent to create a hazard to aviation safety, commits an offense.

Une personne qui projette ou fait projeter une source lumineuse dirigée dans l'espace navigable dans le but de créer un danger pour la sécurité aérienne, commet une infraction.

Iyo abihamijwe n'Urukiko, ahanishwa igifungo kitari muni y'imyaka itanu (5) ariko kitarenze imyaka icumi (10) n'ihazabu y'amafaranga y'u Rwanda atari muni ya miliyoni eshanu (5.000.000 FRW) ariko

Upon conviction, he or she is liable to imprisonment for a term of not less than five (5) years but not more than ten (10) years and a fine of not less than five million Rwandan francs (FRW5,000,000)

Lorsqu'elle en est reconnue coupable, elle est passible d'une peine d'emprisonnement d'au moins cinq (5) ans mais n'excédant pas dix (10) ans et d'une amende d'au moins cinq

atarenze miliyoni icumi (10.000.000 FRW).

but not more than ten million Rwandan francs (FRW 10,000,000).

millions de francs rwandais (5.000.000 FRW) mais n'excédant pas dix millions de francs rwandais (10.000.000 FRW).

Ingingo ya 55: Gutanga amakuru atari yo ashobora kubangamira umutekano w'iby'indege za gisiviri

Article 55: Communication of false information that is likely to endanger the safety of civil aviation

Article 55: Communication de fausses informations susceptibles de mettre en péril la sûreté de l'aviation civile

Umuntu wese utanga amakuru atari yo cyangwa utuma hatangwa amakuru atari yo ashobora kubangamira umutekano w'iby'indege za gisiviri abizi neza ko ayo makuru atari yo, aba akoze icyaha.

Any person who knowingly imparts or causes to be imparted false information that is likely to endanger the safety of civil aviation, commits an offence.

Une personne qui sciemment communique ou fait transmettre de fausses informations susceptibles de mettre en péril la sûreté de l'aviation civile, commet une infraction.

Iyo abihamijwe n'urukiko, ahanishwa igifungo kitari muni y'imyaka itatu (3) ariko kitarenze imyaka itanu (5) n'ihazabu y'amafaranga y'u Rwanda atari muni ya miliyoni icumi (10.000.000) ariko atarenze miliyoni cumi n'eshanu (15.000.000).

Upon conviction, he or she is liable to imprisonment for a term of not less than three (3) years but not more than five (5) years and a fine of not less than ten million Rwandan francs (FRW 10,000,000) but not more than fifteen million Rwandan francs (FRW 15,000,000).

Lorsqu'elle en est reconnue coupable, elle est passible d'une peine d'emprisonnement d'au moins trois (3) ans mais n'excédant pas cinq (5) ans et d'une amende d'au moins dix millions de francs rwandais (10.000.000 FRW) mais n'excédant pas quinze millions de francs rwandais (15.000.000 FRW).

Ingingo ya 56: Ibyaha bikozwe n'isosiyete, umuryango, ikigo, koperative, bifite ubuzimagatozi

Article 56: Offences by a company, an organization, an institution, cooperatives with legal personality

Article 56: Infractions commises par une société commerciale, une organisation, un établissement, coopératives dotés de la personnalité juridique

Iyo icyaha giteganywa n'iri tegeko gikozwe n'

Where a company, an organization, an

Lorsqu'une société commerciale, une

isosiye, umuryango, ikigo, koperative bifite ubuzimagatozi kandi hakagaragara ibimenyetso by'uko cyakozwe bibyemeye cyangwa bibigizemo umugambi mubisha, cyangwa se biturutse ku burangare:

institution, a cooperative with legal personality commits an offence provided for under this Law and it is proved the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of:

organisation, un établissement, une cooperative dotés de la personnalité juridique commet une infraction prévue par la présente loi et qu'elle est prouvée avoir été commise avec le consentement ou la connivence ou est attribuable à toute négligence de la part de:

1° bw'umuyobozi uwo ari we wese, umucungamutungo, umunyamabanga cyangwa umukozi babyo;

1° their respective director, manager, secretary or similar officer;

1° leur administrateur, gérant, secrétaire ou agent similaire respectifs;

2° bw'uwiyitiriye ububasha bw'abavugwa mu gace ka 1° k'igika cya mbere cy'iyi ngingo;

2° any person who was purporting to act in any the capacity of those referred to in item 1° of Paragraph One of this Article;

2° toute personne qui prétendait agir en qualité des personnes visées au point 1° de l'alinéa premier du présent article ;

biba bikoze icyaha.

commits an offence.

commet une infraction.

Iyo bigihamijwe n'urukiko, bihanishwa kwishyura ihazabu y'amafaranga y'u Rwanda atari muni ya miliyoni magana abiri (200.000.000 FRW) ariko atarenze miliyoni magana atanu (500.000.000 FRW) cyangwa iseswa.

Upon conviction, they are liable to a fine of not less than two hundred million Rwandan francs (FRW 200,000,000) but not more than five hundred million Rwandan francs (FRW 500,000,000) or subjected to dissolution.

Lorsqu'ils en sont reconnus coupables, ils sont passibles d'une amende d'au moins deux cent millions de francs rwandais (200.000.000 FRW) mais n'excédant pas cinq cent millions de francs rwandais (500.000.000 FRW) ou font l'objet de dissolution.

Uburyozwacyaha bw'isosiye y'ubucuruzi, umuryango, ikigo, koperative bifite ubuzimagatozi, ntibubuza ko ababigizemo uruhare cyangwa ibyitso byabo bakurikiranwaho ibyaha ku giti cyabo.

The criminal liability of a company, an organization, an institution, a cooperative with legal personality provided for under Paragraph One of this Law does in no way relieve those

La responsabilité pénale d'une société commerciale, d'une organisation, d'un établissement, d'une cooperative dotés de la personnalité juridique visés à l'alinéa premier du présent article

involved therein or their accomplices from being sued individually.

n'exclut pas que ceux qui sont impliqués dans cette responsabilité et leurs complices soient poursuivis individuellement.

UMUTWE WA VII:
INGINGO IZIGAMA N'IZISOZA

CHAPTER VII: **FINAL**
PROVISIONS

CHAPITRE VII: DISPOSITIONS
FINALES

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Article 57: Saving provision

Article 57: Disposition de
sauvegarde

Amateka n'amabwiriza yashyiraga mu bikorwa Itegeko n° 42/2011 ryo ku wa 31/10/2011 ryerekeye umutekano w'iby'indege za gisiviri, nk'uko ryahinduwe kugeza ubu, akomeza kubahirizwa mu ngingo zaryo zose zitanyuranyije n'iri tegeko mu gihe kitarenze amezi atandatu (6) uherye igihe iri tegeko ritangarijwe mu Igazeti ya Leta ya Repubulika y' u Rwanda.

Orders and regulations implementing Law n°42/2011 of 31/10/2011 relating to civil aviation security as modified to date remain applicable in all their provisions not contrary to this Law within six (6) months of the publication of this Law in the Official Gazette of the Republic of Rwanda.

Les arrêtés et règlements d'application de la Loi n° 42/2011 du 31/10/2011 relative à la sûreté de l'aviation civile telle que modifiée à ce jour restent applicables dans toutes leurs dispositions non contraires à la présente loi dans les six (6) mois suivant la publication de la présente loi au Journal Officiel de la République du Rwanda.

Ingingo ya 58: Itegurwa, isuzumwa
n'itorwa by'iri tegeko

Article 58: Drafting, consideration
and adoption of this Law

Article 58: Initiation, examen et
adoption de la présente loi

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

This Law was drafted, considered and adopted in Ikinyarwanda.

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

Ingingo ya 59: Ivanwaho ry'Itegeko n'ingingo z'amategeko binyuranyije n'iri tegeko

Itegeko n° 42/2011 ryo ku wa 31/10/2011 ryerekeye umutekano w'iby'indege za gisiviri, nk'uko ryahinduwe kugeza ubu n'ingingo z'amategeko abanziriza iri kandi zinyuranyije na ryo bivanyweho.

Ingingo ya 60: Igihe iri tegeko ritangira gukurikizwa

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

Kigali, ku wa 19/09/2019

Article 59: Repealing provision

Law n°42/2011 of 31/10/2011 relating to civil aviation security as modified to date and all prior legal provisions contrary to this Law are repealed.

Article 60: Commencement

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

Kigali, on 19/09/2019

Article 59: Disposition abrogatoire

La loi n° 42/2011 du 31/10/2011 relative à la sûreté de l'aviation civile telle que modifiée à ce jour et toutes les dispositions légales antérieures contraires à la présente loi sont abrogées.

Article 60: Entrée en vigueur

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

Kigali, le 19/09/2019

(sé)
KAGAME Paul
Perezida wa Repubulika

(sé)
KAGAME Paul
President of the Republic

(sé)
KAGAME Paul
Président de la République

(sé)
Dr NGIRENTE Edouard
Minisitiri w'Intebe

(sé)
Dr NGIRENTE Edouard
Prime Minister

(sé)
Dr NGIRENTE Edouard
Premier Ministre

**Bibonywe kandi bishyizweho Ikirango
cya Repubulika:**

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

Vu et scellé du Sceau de la République

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

(sé)
BUSINGYE Johnston
Minister of Justice/Attorney General

(sé)
BUSINGYE Johnston
Ministre de la Justice/Garde des Sceaux

**ITEKA RYA PEREZIDA N° 114/01 RYO
KU WA 06/11/2019 RIGENA
IMISHAHARA N'IBINDI BIGENERWA
ABASHINJACYAHA B'UMWUGA,
ABAGENZUZI, UMUNYAMABANGA
MUKURU N'ABAFASHA
B'UBUSHINJACYAHA**

**PRESIDENTIAL ORDER N° 114/01 OF
06/11/2019 DETERMINING THE
SALARIES AND FRINGE BENEFITS FOR
CAREER PROSECUTORS, INSPECTORS,
SECRETARY GENERAL AND
ASSISTANTS TO PROSECUTORS**

**ARRÊTÉ PRÉSIDENTIEL N° 114/01 DU
06/11/2019 DÉTERMINANT LES
SALAIRES ET AVANTAGES ALLOUÉS
AUX OFFICIERS DE POURSUITE
JUDICIAIRE DE CARRIÈRE,
INSPECTEURS, SECRÉTAIRE GÉNÉRAL
ET ASSISTANTS DES OFFICIERS DE
POURSUTE JUDICIAIRE**

ISHAKIRO

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**ITEKA RYA PEREZIDA N° 114/01 RYO KU
WA 06/11/2019 RIGENA IMISHAHARA
N'IBINDI BIGENERWA
ABASHINJACYAHA B'UMWUGA,
ABAGENZUZI, UMUNYAMABANGA
MUKURU N'ABAFASHA
B'UBUSHINJACYAHA**

**PRESIDENTIAL ORDER N° 114/01 OF
06/11/2019 DETERMINING THE
SALARIES AND FRINGE BENEFITS FOR
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SECRETARY GENERAL AND
ASSISTANTS TO PROSECUTORS**

**ARRÊTÉ PRÉSIDENTIEL N° 114/01 DU
06/11/2019 DÉTERMINANT LES
SALAIRES ET AVANTAGES ALLOUÉS
AUX OFFICIERS DE POURSUITE
JUDICIAIRE DE CARRIÈRE,
INSPECTEURS, SECRÉTAIRE GÉNÉRAL
ET ASSISTANTS DES OFFICIERS DE
POURSUIITE JUDICIAIRE**

Twebwe, KAGAME Paul,
Perezida wa Repbulika;

We, KAGAME Paul,
President of the Republic;

We, KAGAME Paul,
Président de la République;

Dushingiye ku Itegeko Nshinga rya Repbulika
y'u Rwanda ryo mu 2003 ryavuguruwe mu 2015,
cyane cyane mu ngingo zaryo, iya 119, iya 120,
iya 122 n'iya 176;

Pursuant to the Constitution of the Republic of
Rwanda of 2003 revised in 2015, especially in
Articles 119, 120, 122 and 176;

Vu la Constitution de la République du Rwanda
de 2003 révisée en 2015, spécialement en ses
articles 119, 120, 122 et 176;

Dushingiye ku Itegeko n° 44bis/2011 ryo ku wa
26/11/2011 rigena sitati y'Abashinjacyaha
n'abandi bakozi bo mu Bushinjacyaha Bukuru
nk'uko ryahinduwe kugeza ubu, cyane cyane mu
ngingo zaryo, iya 77 n'iya 81;

Pursuant to Law n° 44 bis/2011 of 26/11/2011
governing the Statute of Prosecutors and other
Staff of the National Public Prosecution
Authority as amended to date, especially in
Articles 77 and 81;

Vu la Loi n° 44 bis/2011 portant Statut des
Officiers de Poursuite Judiciaire et des autres
Membres du Personnel de l'Organe National de
Poursuite Judiciaire telle que modifiée à ce jour,
spécialement en ses articles 77 et 81;

Dusubiye ku Iteka rya Perezida n° 100/01 ryo ku
wa 18/06/2014 rishyiraho imishahara n'ibindi
bigenerwa Abashinjacyaha b'Umwuga,
Abagenzuzi, Umunyamabanga Mukuru
n'Abakozi bunganira Abashinjacyaha;

Having reviewed Presidential Order n° 100/01 of
18/06/2014 determining the salaries and fringe
benefits for Career Prosecutors, Inspectors,
Secretary General and Assistants to Prosecutors;

Révu l'Arrêté Présidentiel n° 100/01 du
18/06/2014 déterminant les salaires et autres
avantages alloués aux Officiers de Poursuite
Judiciaire de Carrière, aux Inspecteurs, au
Secrétaire General et aux Assistants des Officiers
de Poursuite Judiciaire;

Bisabwe na Minisitiri w'Abakozi ba Leta
n'Umurimo;

On proposal by the Minister of Public Service
and Labour;

Sur proposition du Ministre de la Fonction
Publique et du Travail;

Inama y'Abaminisitiri yateranye ku wa 29/07/2019, imaze kubisuzuma no kubyemeza;

After consideration and approval by the Cabinet, in its session of 29/07/2019;

Après examen et adoption par le Conseil des Ministres, en sa séance du 29/07/2019;

TWATEGETSE KANDI DUTEGETSE:

HAVE ORDERED AND ORDER:

AVONS ARRÊTÉ ET ARRÊTONS:

Ingingo ya mbere: Icyo iri teka rigamije

Article One: Purpose of this Order

Article premier: Objet du présent arrêté

Iri teka rigena umushahara n'ibindi bigenerwa abashinjacyaha b'umwuga, abagenzuzi, Umunyamabanga Mukuru n'abafasha b'ubushinjacyaha.

This Order determines salary and fringe benefits for career prosecutors, inspectors, the Secretary General and assistants to prosecutors.

Le présent arrêté détermine le salaire et les avantages alloués aux officiers de poursuite judiciaire de carrière, inspecteurs, Secrétaire Général et assistants des officiers de poursuite judiciaire.

Ingingo ya 2: Abo iri teka rireba

Article 2: Scope of this Order

Article 2: Champ d'application du présent arrêté

Iri teka rireba abashinjacyaha b'umwuga, abagenzuzi, Umunyamabanga Mukuru n'abafasha b'ubushinjacyaha.

This Order applies to career prosecutors, inspectors, the Secretary General and assistants to prosecutors.

Le présent arrêté s'applique aux officiers de poursuite judiciaire de carrière, inspecteurs, Secrétaire Général et assistants des officiers de poursuite judiciaire.

Icyakora, iri teka ntirireba Umushinjacyaha Mukuru n'Umushinjacyaha Mukuru Wungirije.

However, this Order shall not apply to the Prosecutor General and the Deputy Prosecutor General.

Toutefois, le présent arrêté ne s'applique pas au Procureur Général et au Procureur Général Adjoint.

Ingingo ya 3: Igenwa ry'umushahara

Article 3: Determination of the salary

Article 3: Détermination du salaire

Imishahara y'abashinjacyaha b'umwuga, abagenzuzi, Umunyamabanga Mukuru n'abafasha b'ubushinjacyaha igenwa hashingiwe ku mbonerahamwe y'urutonde rw'imirimo kandi

Salaries for career prosecutors, inspectors, the Secretary General and assistants to prosecutors is determined basing on the job classification and in accordance with general principles on salary calculation in public service.

Les salaires accordés aux officiers de poursuite judiciaire de carrière, inspecteurs, Secrétaire Général et assistants des officiers de poursuite judiciaire sont déterminés suivant la classification des emplois et conformément aux

hakurikijwe amahame ngenderwaho mu kubara imishahara mu butegetsi bwa Leta.

principes généraux de fixation des salaires dans la fonction publique.

Urwego, umubare fatizo, agaciro k'umubare fatizo n'umushahara mbumbe bigendana na buri mwanya w'umurimo w'umushinjacyaha w'umwuga, umugenzuzi, Umunyamabanga Mukuru n'umufasha w'ubushinjacyaha biri ku mugereka w'iri teka.

The level, index, index value and gross salary corresponding to each job position for career prosecutor, inspector, the Secretary General and assistant to prosecutor are in annex of this Order.

Le niveau, l'indice, la valeur indiciaire et le salaire brut correspondant à chaque emploi pour un officier de poursuite judiciaire de carrière, inspecteur, le Secrétaire Général et pour un assistant de l'officier de poursuite judiciaire sont en annexe du présent arrêté.

Ingingo ya 4: Ibigize umushahara mbumbe

Article 4: Composition of the gross salary

Article 4: Composition du salaire brut

Umushahara mbumbe wa buri kwezi w'umushinjacyaha w'umwuga, umugenzuzi, Umunyamabanga Mukuru n'umufasha w'ubushinjacyaha ukubiyemo iby'ingenzi bikurikira:

The monthly gross salary for each career prosecutor, inspector, the Secretary General and assistant to prosecutor is mainly composed of the following:

Le salaire brut mensuel pour chaque officier de poursuite judiciaire de carrière, inspecteur, le Secrétaire Général et assistant de l'officier de poursuite judiciaire comprend principalement:

- 1° umushahara fatizo;
- 2° indamunite y'icumbi;
- 3° indamunite y'urugendo;
- 4° inkunga ya Leta mu bwiteganyirize bw'umukozi;
- 5° inkunga ya Leta yo kuvuza umukozi.

- 1° basic salary;
- 2° housing allowance;
- 3° transport allowance;
- 4° State contribution for social security;
- 5° State contribution for medical care.

- 1° le salaire de base;
- 2° l'indemnité de logement;
- 3° l'indemnité de transport;
- 4° la contribution de l'État à la sécurité sociale;
- 5° la contribution de l'État aux soins médicaux.

Abashinjacyaha b'umwuga, abagenzuzi n'Umunyamabanga Mukuru bari ku nzego z'imirimo za "F", "G/1.IV" na "H/2.III"

Career prosecutors, inspectors and Secretary General positioned on "F", "G/1.IV" and "H/2.III" job levels are not granted transport

Les officiers de poursuite judiciaire de carrière, les inspecteurs et le Secrétaire Général aux postes de niveau "F", "G/1.IV" et "H/2.III" ne

ntibagenerwa indamunite y'urugendo ivugwa mu gika cya mbere cy'iyi ngingo. Boroherezwa ingendo hakurikijwe amabwiriza ya Minisitiri ufite gutwara abantu n'ibintu mu nshingano ze.

Abashinjacyaha b'umwuga n'abafasha b'ubushinjacyaha bari ku rwego rwa "3" ntibagenerwa indamunite y'urugendo ivugwa mu gika cya mbere cy'iyi ngingo. Bagenerwa indamunite yihariye y'urugendo, hakurikijwe amabwiriza ya Minisitiri ufite abakozi ba Leta mu nshingano ze.

Ingingo ya 5: Indamunite z'urugendo rw'imodoka

Iyo abashinjacyaha b'umwuga, abagenzuzi cyangwa Umunyamabanga Mukuru bari ku rwego rwa F, G/1.IV na H/2.III bagiye mu butumwa imbere mu Gihugu bakoresheje imodoka zabo, Leta ibagenera indamunite y'urugendo hakurikijwe amabwiriza ya Minisitiri ufite gutwara abantu n'ibintu mu nshingano ze.

Ingingo ya 6: Abashinzwe gushyira mu bikorwa iri teka

Minisitiri w'Abakozi ba Leta n'Umurimo, Minisitiri w'Ibikorwa Remezo na Minisitiri w'Imari n'Igenamigambi bashinzwe gushyira mu bikorwa iri teka.

allowance specified in Paragraph One of this article. Their transport is facilitated in accordance with Instructions of the Minister in charge of transport.

Career prosecutors and assistant to prosecutors positioned on level "3" are not granted transport allowance specified in Paragraph One of this article. They are entitled to special transport allowance, in accordance with Instructions of the Minister in charge of public service.

Article 5: Mileage allowances

When career prosecutors, inspectors and Secretary General on F, G/1.IV and H/2.III job levels go on official mission inside the country by using their vehicles, the State pays them mileage allowances in accordance with Instructions of the Minister in charge of transport.

Article 6: Authorities responsible for the implementation of this Order

The Minister of Public Service and Labour, the Minister of Infrastructure and the Minister of Finance and Economic Planning are entrusted with the implementation of this Order.

bénéficient pas d'indemnité de transport visée à l'alinéa premier du présent article. Leur transport est facilité selon les instructions du Ministre ayant le Transport dans ses attributions.

Les officiers de poursuite judiciaire de carrière et les assistants des officiers de poursuite judiciaire de niveau "3" ne bénéficient pas d'indemnité de transport visée à l'alinéa premier du présent article. Ils bénéficient d'une indemnité spéciale de transport, conformément aux instructions du Ministre ayant la fonction publique dans ses attributions.

Article 5: Indemnités kilométriques

Lorsque des officiers de poursuite judiciaire de carrière, des inspecteurs et le Secrétaire Général au poste de niveau F, G/1.IV et H/2.III vont en mission officielle à l'intérieur du pays en utilisant leurs véhicules, l'État leur octroie des indemnités kilométriques conformément aux instructions du Ministre ayant le transport dans ses attributions.

Article 6: Autorités chargées de l'exécution du présent arrêté

Le Ministre de la Fonction Publique et du Travail, le Ministre des Infrastructures et le Ministre des Finances et de la Planification

Économique sont chargés de l'exécution du présent arrêté.

Ingingo ya 7: Ivanwaho ry'ingingo zinyuranyije n'iri teka

Iteka rya Perezida n° 100/01 ryo ku wa 18/06/2014 rishyiraho imishahara n'ibindi bigenerwa Abashinjacyaha b'Umwuga, Abagenzuzi, Umunyamabanga Mukuru n'Abakozi bunganira Abashinjacyaha n'izindi ingingo z'amateka abanziriza iri kandi zinyuranyije na ryo bivanyweho.

Ingingo ya 8: Igihe iri teka ritangirira gukurikizwa

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

Kigali, ku wa 06/11/2019

Article 7: Repealing provision

Presidential Order n° 100/01 of 18/06/2014 determining the salaries and fringe benefits for Career Prosecutors, Inspectors, Secretary General and Assistants to Prosecutors and all prior provisions contrary to this Order are repealed.

Article 8: Commencement

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

Kigali, on 06/11/2019

Article 7: Disposition abrogatoire

L'Arrêté Présidentiel n° 100/01 du 18/06/2014 déterminant les salaires et autres avantages alloués aux Officiers de Poursuite Judiciaire de Carrière, aux Inspecteurs, au Secrétaire Général et aux Assistants des Officiers de Poursuite Judiciaire et toutes les dispositions antérieures contraires au présent arrêté sont abrogées.

Article 8: Entrée en vigueur

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

Kigali, le 06/11/2019

(sé)
KAGAME Paul
Perezida wa Repubulika

(sé)
KAGAME Paul
President of the Republic

(sé)
KAGAME Paul
Président de la République

(sé)
Dr NGIRENTE Edouard
Minisitiri w'Intebe

(sé)
Dr NGIRENTE Edouard
Prime Minister

(sé)
Dr NGIRENTE Edouard
Premier Ministre

**Bibonywe kandi bishyizweho Ikirango cya
Repubulika:**

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

Vu et scellé du Sceau de la République:

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

(sé)
BUSINGYE Johnston
Minister of Justice/Attorney General

(sé)
BUSINGYE Johnston
Ministre de la Justice/Garde des Sceaux

**UMUGEREKA W'ITEKA RYA
PEREZIDA N° 114/01 RYO KU WA
06/11/2019 RIGENA IMISHAHARA
N'IBINDI BIGENERWA
ABASHINJACYAHA B'UMWUGA,
ABAGENZUZI, UMUNYAMABANGA
MUKURU N'ABAFASHA
B'UBUSHINJACYAHA**

**ANNEX TO PRESIDENTIAL ORDER
N° 114/01 OF 06/11/2019
DETERMINING THE SALARIES
AND FRINGE BENEFITS FOR
CAREER PROSECUTORS,
INSPECTORS, SECRETARY
GENERAL AND ASSISTANTS TO
PROSECUTORS**

**ANNEXE À L'ARRÊTÉ
PRÉSIDENTIEL N° 114/01 DU
06/11/2019 DÉTERMINANT LES
SALAIRES ET AVANTAGES
ALLOUÉS AUX OFFICIERS DE
POURSUITE JUDICIAIRE DE
CARRIÈRE, INSPECTEURS,
SECRÉTAIRE GÉNÉRAL ET
ASSISTANTS DES OFFICIERS DE
POURSUITE JUDICIAIRE**

NPPA Proposed Salary Structure for Prosecutors

	POST	I.V	Nbr	Level	Index	Gross salary (RwF/Month)
1	Secretary General	441	1	F	2,869	1,617,505
2	Inspector General	441	1	F	2,869	1,617,505
3	Coordinator of International Crimes Prosecution	400	1	1.IV	2,608	1,514,231
4	National Prosecutor (International Crimes Department)	400	9	1.IV	2,608	1,468,919
5	National Prosecutor	400	18	1.IV	2,608	1,468,919
6	Inspector	400	5	1.IV	2,608	1,514,231
7	Head of Anti-GBV and Drugs Unit	400	1	2.III	1,890	1,085,308
8	Chief Prosecutor at Intermediate Level	400	12	2.III	1,890	1,085,308
9	Head of Economic & Financial Crimes Unit	400	1	2.III	1,890	1,085,308
10	Chief Assistant to National Prosecutor	400	1	3.III	1,575	904,423
11	Anti-Drugs Specialist	400	1	3.II	1,369	786,131
12	Prosecutor in charge of Corruption and other related offenses	400	2	3.II	1,369	786,131
13	Prosecutor in charge of Public tender cases	400	2	3.II	1,369	786,131
14	Prosecutor in charge of Embezzlement cases	400	2	3.II	1,369	786,131
15	Prosecutor in charge of Money Laundering and Cyber crime	400	1	3.II	1,369	786,131
16	Prosecutor at Intermediate Level	400	75	3.II	1,369	786,131
17	Anti - GBV Specialist	400	1	3.II	1,369	786,131
18	Assistant to the National Prosecutor (International crimes Department)	400	1	3.II	1,369	786,131
19	Assistant to the National Prosecutor	400	9	3.II	1,369	786,131
20	Prosecutor at Primary Level	400	66	4.III	1,313	746,459
21	Chief Assistant to the Prosecutor at Intermediate Level	350	12	4.II	1,141	567,590
22	Assistant to the Prosecutor to EFCU	350	1	4.II	1,141	567,590
23	Assistant to the Prosecutor at Intermediate Level	350	30	5.II	951	473,075
24	Assistant to the Prosecutor at Primary Level	350	41	6.II	793	394,478

Bibonywe kugira ngo bishyirwe ku mugereka w'Iteka rya Perezida n° 114/01 ryo ku wa 06/11/2019 rigena imishahara n'ibindi bigenerwa abashinjacyaha b'umwuga, abagenzuzi, Umunyamabanga Mukuru n'abafasha b'ubushinjacyaha

Kigali, ku wa 06/11/2019

(sé)
KAGAME Paul
Perezida wa Repubulika

(sé)
Dr NGIRENTE Edouard
Minisitiri w'Intebe

Bibonywe kandi bishyizweho Ikirango cya Repubulika:

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

Seen to be annexed to Presidential Order n° 114/01 of 06/11/2019 determining the salaries and fringe benefits for career prosecutors, inspectors, Secretary General and assistants to prosecutors

Kigali, on 06/11/2019

(sé)
KAGAME Paul
President of the Republic

(sé)
Dr NGIRENTE Edouard
Prime Minister

Seen and sealed with the Seal of the Republic:

(sé)
BUSINGYE Johnston
Minister of Justice/Attorney General

Vu pour être annexé à l'Arrêté Présidentiel n° 114/01 du 06/11/2019 déterminant les salaires et avantages alloués aux officiers de poursuite judiciaire de carrière, inspecteurs, Secrétaire Général et assistants des officiers de poursuite judiciaire

Kigali, le 06/11/2019

(sé)
KAGAME Paul
Président de la République

(sé)
Dr NGIRENTE Edouard
Premier Ministre

Vu et scellé du Sceau de la République:

(sé)
BUSINGYE Johnston
Ministre de la Justice/Garde des Sceaux

**ITEKA RYA PEREZIDA N° 115/01 RYO
KU WA 06/11/2019 RYEMEZA BURUNDU
AMASEZERANO HAGATI YA
REPUBULIKA Y’U RWANDA
N’UBWAMI BWA MAROKE, YO
KUVANAHO GUSORESHA KABIRI NO
GUKUMIRA FORODE Y’IMISORO KU
BYEREKEYE IMISORO KU
MUSARURO, YASHYIRIWEHO
UMUKONO I KIGALI, KU WA 19
UKWAKIRA 2016**

**PRESIDENTIAL ORDER N° 115/01 OF
06/11/2019 RATIFYING THE
AGREEMENT BETWEEN THE
REPUBLIC OF RWANDA AND THE
KINGDOM OF MOROCCO, FOR THE
AVOIDANCE OF DOUBLE TAXATION
AND THE PREVENTION OF FISCAL
EVASION WITH RESPECT TO TAXES
ON INCOME, SIGNED IN KIGALI, ON
19 OCTOBER 2016**

**ARRÊTÉ PRÉSIDENTIEL N° 115/01 DU
06/11/2019 RATIFIANT L’ACCORD
ENTRE LA RÉPUBLIQUE DU
RWANDA ET LE ROYAUME DU
MAROC, POUR ÉVITER LA DOUBLE
TAXATION ET PRÉVENIR L’ÉVASION
FISCALE EN MATIÈRE D’IMPÔTS
SUR LE RÉVENU, SIGNÉ À KIGALI, LE
19 OCTOBRE 2016**

ISHAKIRO

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ITEKA RYA PEREZIDA N° 115/01. RYO KU WA 06/11/2019 RYEMEZA BURUNDU AMASEZERANO HAGATI YA REPUBULIKA Y’U RWANDA N’UBWAMI BWA MAROKE, YO KUVANAHO GUSORESHA KABIRI NO GUKUMIRA FORODE Y’IMISORO KU BYEREKEYE IMISORO KU MUSARURO, YASHYIRIWEHO UMUKONO I KIGALI, KU WA 19 UKWAKIRA 2016

PRESIDENTIAL ORDER N° 115/01 OF 06/11/2019. RATIFYING THE AGREEMENT BETWEEN THE REPUBLIC OF RWANDA AND THE KINGDOM OF MOROCCO, FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME, SIGNED IN KIGALI, ON 19 OCTOBER 2016

ARRÊTÉ PRÉSIDENTIEL N° 115/01 DU 06/11/2019 RATIFIANT L’ACCORD ENTRE LA RÉPUBLIQUE DU RWANDA ET LE ROYAUME DU MAROC, POUR ÉVITER LA DOUBLE TAXATION ET PRÉVENIR L’ÉVASION FISCALE EN MATIÈRE D’IMPÔTS SUR LE RÉVENU, SIGNÉ À KIGALI, LE 19 OCTOBRE 2016

Twebwe, KAGAME Paul,
Perezida wa Repubulika;

We, KAGAME Paul,
President of the Republic;

Nous, KAGAME Paul,
Président de la République;

Dushingiye ku Itegeko Nshinga rya Repubulika y’u Rwanda ryo mu 2003 ryavuguruwe mu 2015, cyane cyane mu ngingo zaryo, iya 112, iya 120, iya 122, iya 167, iya 168, n’iya 176;

Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 112, 120, 122, 167, 168 and 176;

Vu la Constitution de la République du Rwanda de 2003 révisée en 2015, spécialement en ses articles 112, 120, 122, 167, 168 et 176;

Dushingiye ku Itegeko n° 24/2017 ryo ku wa 31/05/2017 ryemera kwemeza burundu Amasezerano hagati ya Repubulika y’u Rwanda n’Ubwami bwa Maroke, yo kuvanaho gusoresha kabiri no gukumira forode y’imisoro ku byerekeye imisoro ku musaruro, yashyiriweho umukono i Kigali, ku wa 19 Ukwakira 2016;

Pursuant to Law n° 24/2017 of 31/05/2017 approving the ratification of the Agreement between the Republic of Rwanda and the Kingdom of Morocco, for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, signed in Kigali, on 19 October 2016;

Vu la Loi n° 24/2017 du 31/05/2017 approuvant la ratification de l’Accord entre la République du Rwanda et le Royaume du Maroc, pour éviter la double taxation et prévenir l’évasion fiscale en matière d’impôts sur le revenu, signé à Kigali, le 19 octobre 2016;

Tumaze kubona Amasezerano hagati ya Repubulika y’u Rwanda n’Ubwami bwa Maroke, yo kuvanaho gusoresha kabiri no

Considering the Agreement between the Republic of Rwanda and the Kingdom of Morocco, for the avoidance of double

Considérant l’Accord entre la République du Rwanda et le Royaume du Maroc, pour éviter la double taxation et prévenir l’évasion fiscale

gukumira forode y'imisoro ku byerekeye imisoro ku musaruro, yashyiriweho umukono i Kigali, ku wa 19 Ukwakira 2016;	taxation and prevention of fiscal evasion with respect to taxes on income, signed in Kigali, on 19 October 2016;	en matière d'impôts sur le revenu, signé à Kigali, le 19 octobre 2016;
Bisabwe na Minisitiri w'Imari n'Igenamigambi;	On proposal by the Minister of Finance and Economic Planning;	Sur proposition du Ministre des Finances et de la Planification Économique;
Inama y'Abaminisitiri imaze kubisuzuma no kubyemeza;	After consideration and approval by the Cabinet;	Après examen et adoption par le Conseil des Ministres;
TWATEGETSE KANDI DUTEGETSE:	HAVE ORDERED AND ORDER:	AVONS ARRÊTÉ ET ARRÊTONS:

Ingingo ya mbere: Kwemeza burundu

Amasezerano hagati ya Repubulika y'u Rwanda n'Ubwami bwa Maroke, yo kuvanaho gusoresha kabiri no gukumira forode y'imisoro ku byerekeye imisoro ku musaruro, yashyiriweho umukono i Kigali, ku wa 19 Ukwakira 2016, ari ku mugereka w'iri teka, yemejwe burundu kandi atangiye gukurikizwa uko yakabaye.

Ingingo ya 2: Abashinzwe gushyira mu bikorwa iri teka

Minisitiri w'Intebe, Minisitiri w'Imari n'Igenamigambi na Minisitiri w'Ububanyi n'Amahanga n'Ubutwererane bashinzwe gushyira mu bikorwa iri teka.

Article One: Ratification

The Agreement between the Republic of Rwanda and the Kingdom of Morocco, for the avoidance of double taxation and prevention of fiscal evasion with respect to taxes on income, signed in Kigali, on 19 October 2016, annexed to this Order, is ratified and becomes fully effective.

Article 2: Authorities responsible for the implementation of this Order

The Prime Minister, the Minister of Finance and Economic Planning and the Minister of Foreign Affairs and International Cooperation are entrusted with the implementation of this Order.

Article premier: Ratification

L'Accord, entre la République du Rwanda et le Royaume du Maroc, pour éviter la double taxation et prévenir l'évasion fiscale en matière d'impôts sur le revenu, signé à Kigali, le 19 octobre 2016, annexé au présent arrêté, est ratifié et sort son plein et entier effet.

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

Le Premier Ministre, le Ministre des Finances et de la Planification Économique et le Ministre des Affaires Étrangères et de la Coopération Internationale sont chargés de l'exécution du présent arrêté.

Ingingo ya 3: Igihe iri teka ritangirira gukurikizwa

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

Kigali, ku wa 06/11/2019

(sé)

KAGAME Paul
Perezida wa Repubulika

(sé)

Dr NGIRENTE Edouard
Minisitiri w'Intebe

Bibonywe kandi bishyizweho Ikirango cya Repubulika:

(sé)

BUSINGYE Johnston
Minisitiri w'Ubutabera/Intumwa Nkuru ya Leta

Article 3: Commencement

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

Kigali, on 06/11/2019

(sé)

KAGAME Paul
President of the Republic

(sé)

Dr NGIRENTE Edouard
Prime Minister

Seen and sealed with the Seal of the Republic:

(sé)

BUSINGYE Johnston
Minister of Justice/Attorney General

Article 3: Entrée en vigueur

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

Kigali, le 06/11/2019

(sé)

KAGAME Paul
Président de la République

(sé)

Dr NGIRENTE Edouard
Premier Ministre

Vu et scellé du Sceau de la République:

(sé)

BUSINGYE Johnston
Ministre de la Justice/Garde des Sceaux

UMUGEREKA W'ITEKA RYA
PEREZIDA N° 115/01 RYO KU WA
06/11/2019 RYEMEZA BURUNDU
AMASEZERANO HAGATI YA
REPUBULIKA Y'U RWANDA
N'UBWAMI BWA MAROKE, YO
KUVANAHO GUSORESHA KABIRI NO
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ANNEX TO PRESIDENTIAL ORDER N°
115/01 OF 06/11/2019 RATIFYING THE
AGREEMENT BETWEEN THE
REPUBLIC OF RWANDA AND THE
KINGDOM OF MOROCCO, FOR THE
AVOIDANCE OF DOUBLE TAXATION
AND THE PREVENTION OF FISCAL
EVASION WITH RESPECT TO TAXES
ON INCOME, SIGNED IN KIGALI, ON
19 OCTOBER 2016

ANNEXE À L'ARRÊTÉ
PRÉSIDENTIEL N° 115/01 DU
06/11/2019 RATIFIANT L'ACCORD
ENTRE LA REPUBLIQUE DU
RWANDA ET LE ROYAUME DU
MAROC, POUR ÉVITER LA DOUBLE
TAXATION ET PRÉVENIR
L'ÉVASION FISCALE EN MATIÈRE
D'IMPÔTS SUR LE RÉVENU, SIGNÉ À
KIGALI, LE 19 OCTOBRE 2016

AGREEMENT

BETWEEN

THE REPUBLIC OF RWANDA

AND

THE KINGDOM OF MOROCCO

FOR THE AVOIDANCE OF DOUBLE TAXATION

AND THE PREVENTION OF FISCAL EVASION

WITH RESPECT TO TAXES ON INCOME

The Government of the Republic of Rwanda and the Government of the Kingdom of Morocco, desiring to promote and strengthen their economic relations by concluding an Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,

HAVE AGREED AS FOLLOWS:

**ARTICLE 1
PERSONS COVERED**

This Agreement shall apply to persons who are residents of one or both of the Contracting States.

**ARTICLE 2
TAXES COVERED**

1. This Agreement shall apply to taxes on income imposed on behalf of a Contracting State or of its political subdivisions or local authorities, irrespective of the manner in which they are levied.

2. There shall be regarded as taxes on income all taxes imposed on total income, or on elements of income, including taxes on gains from the alienation of movable or immovable property, taxes on the total amounts of wages or salaries paid by enterprises.

3. The existing taxes to which the Agreement shall apply are in particular:

- a) in the case of Rwanda:
 - i) the income tax; and
 - ii) the tax on rent of immovable property;

(hereinafter referred to as "Rwandan tax"); and

- b) in the case of Morocco:
 - i) the income tax; and
 - ii) the corporation tax;

(hereinafter referred to as "Moroccan tax").

4. The Agreement shall apply also to any identical or substantially similar taxes which are imposed after the date of signature of the Agreement in addition to, or in place of, the existing taxes. The competent authorities of the Contracting States shall notify each other of any significant changes which have been made in their respective taxation laws.

**ARTICLE 3
GENERAL DEFINITIONS**

1. For the purposes of this Agreement, unless the context otherwise requires:

- a) the terms "a Contracting State" and "the other Contracting State" mean Rwanda or Morocco, as the context requires;

- b) the term "Morocco" means the Kingdom of Morocco and, when used in a geographical sense, the term "Morocco" includes:
 - i) the territory of the Kingdom of Morocco, the territorial sea thereof; and
 - ii) the maritime areas beyond the territorial sea, including the seabed and subsoil thereof (continental shelf) and the exclusive economic zone over which Morocco exercises sovereign rights, in accordance with its domestic laws and international law, for the purposes of exploration and exploitation of the natural resources of such areas;
- c) the term "Rwanda" means the Republic of Rwanda and when used in geographical sense, includes all the territory, lakes and any other area in the lakes and the air in which Rwanda may exercise sovereign rights or jurisdiction in accordance with international law;
- d) the term "tax" means Moroccan tax or Rwandan tax, as the context requires;
- e) the term "person" includes an individual, a company, a partnership and any other body of persons;
- f) the term "company" means any body corporate or any entity which is treated as a body corporate for tax purposes;
- g) the terms "enterprise of a Contracting State" and "enterprise of the other Contracting State" mean respectively an enterprise carried on by a resident of a Contracting State and an enterprise carried on by a resident of the other Contracting State;
- h) the term "international traffic" means any transport by a ship or aircraft operated by an enterprise that has its place of effective management in a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State;
- i) the term "competent authority" means:
 - i) in the case of Morocco, the Minister of Finance or his authorised representative;
 - ii) in the case of Rwanda, the Minister responsible for Finance or his authorised representative;
- j) the term "national" means:
 - i) any individual possessing the nationality of a Contracting State;
 - ii) any legal person, partnership or association deriving its status as such from the laws in force in a Contracting State.

2. As regards the application of the Agreement at any time by a Contracting State, any term not defined therein shall, unless the context otherwise requires, have the meaning that it has at that time under the law of that State for the purposes of the taxes to which the Agreement applies, any meaning under the applicable tax laws of that State prevailing over a meaning given to the term under other laws of that State.

ARTICLE 4 RESIDENT

1. For the purposes of this Agreement, the term "resident of a Contracting State" means any person who, under the laws of that State, is liable to tax therein by reason of his domicile, residence, place of incorporation, place of management, or any other criterion of a similar nature, and also includes that State and any political subdivision or local

authority thereof. This term, however, does not include any person who is liable to tax in that State in respect only of income from sources in that State.

2. Where by reason of the provisions of paragraph 1 an individual is a resident of both Contracting States, then his status shall be determined as follows:

- a) he shall be deemed to be a resident only of the State in which he has a permanent home available to him; if he has a permanent home available to him in both States, he shall be deemed to be a resident only of the State with which his personal and economic relations are closer (centre of vital interests);
- b) if the State in which he has his centre of vital interests cannot be determined, or if he has not a permanent home available to him in either State, he shall be deemed to be a resident only of the State in which he has an habitual abode;
- c) if he has an habitual abode in both States or in neither of them, he shall be deemed to be a resident only of the State of which he is a national;
- d) if he is a national of both States or of neither of them, the competent authorities of the Contracting States shall settle the question by mutual agreement.

3. Where by reason of the provisions of paragraph 1 a person other than an individual is a resident of both Contracting States, then it shall be deemed to be a resident only of the State in which its place of effective management is situated. If the place of effective management cannot be determined, then the competent authorities shall endeavour to settle the question by mutual agreement procedure.

ARTICLE 5 PERMANENT ESTABLISHMENT

1. For the purposes of this Agreement, the term "permanent establishment" means a fixed place of business through which the business of an enterprise is wholly or partly carried on.

2. The term "permanent establishment" includes especially:

- a) a place of management;
- b) a branch;
- c) an office;
- d) a factory;
- e) a workshop;
- f) a mine, an oil or gas well, a quarry or any other place of exploration or extraction of natural resources;
- g) a sales outlet; and
- h) a warehouse put at the disposal of a person providing storage facilities for others.

3. The term "permanent establishment" also encompasses:

- a) a building site, a construction, assembly or installation project or supervisory activities in connection therewith, but only if such site, project or activities last more than 6 months;

- b) the furnishing of services, including consultancy services, by an enterprise through employees or other personnel engaged by an enterprise for such purpose, but only where activities of that nature continue (for the same or a connected project) within the Contracting State for a period or periods exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the fiscal year concerned.

4. Notwithstanding the preceding provisions of this Article, the term "permanent establishment" shall be deemed not to include:

- a) the use of facilities solely for the purpose of storage or display of goods or merchandise belonging to the enterprise;
- b) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of storage or display;
- c) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of processing by another enterprise;
- d) the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise or of collecting information for the enterprise;
- e) the maintenance of a fixed place of business solely for the purpose of carrying on, for the enterprise, any other activity of a preparatory or auxiliary character;
- f) the maintenance of a fixed place of business solely for any combination of activities mentioned in sub-paragraphs a) to e), provided that the overall activity of the fixed place of business resulting from this combination is of a preparatory or auxiliary character.

5. Notwithstanding the provisions of paragraphs 1 and 2, where a person - other than an agent of an independent status to whom paragraph 7 applies - is acting in a Contracting State on behalf of an enterprise of the other Contracting State, that enterprise shall be deemed to have a permanent establishment in the first-mentioned Contracting State in respect of any activities which that person undertakes for the enterprise, if such a person:

- a) has and habitually exercises in that State an authority to conclude contracts in the name of the enterprise, unless the activities of such person are limited to those mentioned in paragraph 4 which, if exercised through a fixed place of business, would not make this fixed place of business a permanent establishment under the provisions of that paragraph; or
- b) has no such authority, but habitually maintains in the first-mentioned State a stock of goods or merchandise from which he regularly delivers goods or merchandise on behalf of the enterprise.

6. Notwithstanding the preceding provisions of this Article, an insurance enterprise of a Contracting State shall, except in regard to re-insurance, be deemed to have a permanent establishment in the other Contracting State if it collects premiums in the territory of that other State or insures risks situated therein through a person other than an agent of an independent status to whom paragraph 7 applies.

7. An enterprise of a Contracting State shall not be deemed to have a permanent establishment in the other Contracting State merely because it carries on business in that other State through a broker, general commission agent or any other agent of an independent status, provided that such persons are acting in the ordinary course of their business. However, when the activities of such an agent are devoted wholly or almost wholly on behalf of that enterprise, and conditions are made or imposed between that enterprise and the agent in their commercial and financial relations which differ from those which would have been made between independent enterprises, he will not be considered an agent of an independent status within the meaning of this paragraph.

8. The fact that a company which is a resident of a Contracting State controls or is controlled by a company which is a resident of the other Contracting State, or which carries on business in that other State (whether through a permanent establishment or otherwise), shall not of itself constitute either company a permanent establishment of the other.

ARTICLE 6 INCOME FROM IMMOVABLE PROPERTY

1. Income derived by a resident of a Contracting State from immovable property (including income from agriculture or forestry) situated in the other Contracting State may be taxed in that other State.

2. The term "immovable property" shall have the meaning which it has under the law of the Contracting State in which the property in question is situated. The term shall in any case include property accessory to immovable property, livestock and equipment used in agriculture and forestry, rights to which the provisions of general law respecting landed property apply, usufruct of immovable property and rights to variable or fixed payments as consideration for the working of, or the right to work, mineral deposits, sources and other natural resources; ships, boats and aircraft shall not be regarded as immovable property.

3. The provisions of paragraph 1 shall apply to income derived from the direct use, letting or use in any other form of immovable property.

4. The provisions of paragraphs 1 and 3 shall also apply to income from immovable property of an enterprise and to income from immovable property used for the performance of independent personal services.

ARTICLE 7 BUSINESS PROFITS

1. The profits of an enterprise of a Contracting State shall be taxable only in that State unless the enterprise carries on business in the other Contracting State through a permanent establishment situated therein. If the enterprise carries on business as aforesaid, the profits of the enterprise may be taxed in the other State but only so much of them as is attributable to:

a) that permanent establishment;

- b) sales in that other State of goods or merchandise of the same or similar kind as those sold through that permanent establishment; or
- c) other business activities carried on in that other State of the same or similar kind as those effected through that permanent establishment.

2. Subject to the provisions of paragraph 3, where an enterprise of a Contracting State carries on business in the other Contracting State through a permanent establishment situated therein, there shall in each Contracting State be attributed to that permanent establishment the profits which it might be expected to make if it were a distinct and separate enterprise engaged in the same or similar activities under the same or similar conditions and dealing wholly independently with the enterprise of which it is a permanent establishment.

3. In the determination of the profits of a permanent establishment, there shall be allowed as deductions expenses which are incurred for the purposes of the business of the permanent establishment, including executive and general administrative expenses so incurred, whether in the State in which the permanent establishment is situated or elsewhere. However, no such deduction shall be allowed in respect of amounts, if any, paid (otherwise than towards reimbursement of actual expenses) by the permanent establishment to the head office of the enterprise or any of its other offices, by way of royalties, fees, or other similar payments in return for the use of patents or other rights, or by way of commission, for specific services performed or for management, or, except in the case of a banking enterprise, by way of interest on moneys lent to the permanent establishment. Likewise, no account shall be taken, in the determination of the profits of a permanent establishment, for such payments, charged by the permanent establishment to the head office of the enterprise or any of its other offices.

4. Insofar as it has been customary in a Contracting State to determine the profits to be attributed to a permanent establishment on the basis of an apportionment of the total profits of the enterprise to its various parts, nothing in paragraph 2 shall preclude that Contracting State from determining the profits to be taxed by such an apportionment as may be customary; the method of apportionment adopted shall, however, be such that the result shall be in accordance with the principles contained in this Article.

5. No profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise.

6. For the purposes of the preceding paragraphs, the profits to be attributed to the permanent establishment shall be determined by the same method year by year unless there is good and sufficient reason to the contrary.

7. Where profits include items of income which are dealt with separately in other Articles of this Agreement, then the provisions of those Articles shall not be affected by the provisions of this Article.

ARTICLE 8
SHIPPING AND AIR TRANSPORT

1. Profits from the operation of ships or aircraft in international traffic shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated.
2. If the place of effective management of a shipping enterprise is aboard a ship, then it shall be deemed to be situated in the Contracting State in which the home harbour of the ship is situated or, if there is no such home harbour, in the Contracting State of which the operator of the ship is a resident.
3. The provisions of paragraph 1 shall also apply to profits from the participation in a pool, a joint business or an international operating agency, but only to so much of the profits so derived as is attributable to the participant in proportion to its share in the joint operation.
4. For the purposes of this Article, profits derived by an enterprise of a Contracting State from the operation of ships or aircraft in international traffic shall include profits derived from the use or rental of containers, as well as profits from the rental on a bareboat basis of ships or aircraft, if such profits are incidental to the profits to which the provisions of paragraph 1 apply.

ARTICLE 9
ASSOCIATED ENTERPRISES

1. Where:
 - a) an enterprise of a Contracting State participates directly or indirectly in the management, control or capital of an enterprise of the other Contracting State; or
 - b) the same persons participate directly or indirectly in the management, control or capital of an enterprise of a Contracting State and an enterprise of the other Contracting State;

and in either case conditions are made or imposed between the two enterprises in their commercial or financial relations which differ from those which would be made between independent enterprises, then any profits which would, but for those conditions, have accrued to one of the enterprises, but, by reason of those conditions, have not so accrued, may be included in the profits of that enterprise and taxed accordingly.

2. Where a Contracting State includes in the profits of an enterprise of that State – and taxes accordingly – profits on which an enterprise of the other Contracting State has been charged to tax in that other State and the profits so included are profits which would have accrued to the enterprise of the first-mentioned State if the conditions made between the two enterprises had been those which would have been made between independent enterprises, then that other State shall make an appropriate adjustment to the amount of the tax charged therein on those profits. In determining such adjustment,

due regard shall be had to the other provisions of this Agreement and the competent authorities of the Contracting States shall, if necessary, consult each other.

3. The provisions of paragraph 2 shall not apply where judicial, administrative or other legal proceedings have resulted in a final ruling that by actions giving rise to an adjustment of profits under paragraph 1, one of the enterprises concerned is liable to penalty with respect to fraud, gross negligence or wilful default.

ARTICLE 10 DIVIDENDS

1. Dividends paid by a company which is a resident of a Contracting State to a resident of the other Contracting State may be taxed in that other State.

2. However, such dividends may also be taxed in the Contracting State of which the company paying the dividends is a resident and according to the laws of that State, but if the beneficial owner of the dividends is a resident of the other Contracting State, the tax so charged shall not exceed 8 per cent of the gross amount of the dividends.

The competent authorities of the Contracting States shall by mutual agreement settle the mode of application of these limitations.

This paragraph shall not affect the taxation of the company in respect of the profits out of which the dividends are paid.

3. The term "dividends" as used in this Article means income from shares, "jouissance" shares or "jouissance" rights, mining shares, founders' shares or other rights, not being debt-claims, participating in profits, as well as income from other corporate rights which is subjected to the same taxation treatment as income from shares by the laws of the State of which the company making the distribution is a resident.

4. The provisions of paragraphs 1 and 2 shall not apply if the beneficial owner of the dividends, being a resident of a Contracting State, carries on business in the other Contracting State of which the company paying the dividends is a resident, through a permanent establishment situated therein, or performs in that other State independent personal services from a fixed base situated therein, and the holding in respect of which the dividends are paid is effectively connected with such permanent establishment or fixed base. In such case the provisions of Article 7 or Article 14, as the case may be, shall apply.

5. Where a company which is a resident of a Contracting State derives profits or income from the other Contracting State, that other State may not impose any tax on the dividends paid by the company, except insofar as such dividends are paid to a resident of that other State or insofar as the holding in respect of which the dividends are paid is effectively connected with a permanent establishment or a fixed base situated in that other State, nor subject the company's undistributed profits to a tax on the company's undistributed profits, even if the dividends paid or the undistributed profits consist wholly or partly of profits or income arising in such other State.

6. The provisions of this article shall not apply if it was the main purpose or one of the main purposes of any person concerned with the creation or assignment of the shares or other rights in respect of which the dividend is paid to take advantage of this Article by means of that creation or assignment.

ARTICLE 11 INTEREST

1. Interest arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State.

2. However, such interest may also be taxed in the Contracting State in which it arises and according to the laws of that State, but if the beneficial owner of the interest is a resident of the other Contracting State, the tax so charged shall not exceed 10 per cent of the gross amount of the interest.

The competent authorities of the Contracting States shall by mutual agreement settle the mode of application of this limitation.

3. Notwithstanding the provisions of paragraph 2, interest arising in a Contracting State, borne and paid by its Government or its Central Bank to the Government or to the Central Bank of the other Contracting State shall be exempt from tax in the first-mentioned Contracting State.

4. The term "interest" as used in this Article means income from debt-claims of every kind, whether or not secured by mortgage and whether or not carrying a right to participate in the debtor's profits, and in particular, income from government securities and income from bonds or debentures, including premiums and prizes attaching to such securities, bonds or debentures. Penalty charges for late payment shall not be regarded as interest for the purpose of this Article.

5. The provisions of paragraphs 1 and 2 shall not apply if the beneficial owner of the interest, being a resident of a Contracting State, carries on business in the other Contracting State in which the interest arises, through a permanent establishment situated therein, or performs in that other State independent personal services from a fixed base situated therein, and the debt-claim in respect of which the interest is paid is effectively connected with (a) such permanent establishment or fixed base, or with (b) business activities referred to in (c) of paragraph 1 of Article 7. In such cases, the provisions of Article 7 or Article 14, as the case may be, shall apply.

6. Interest shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the interest, whether he is a resident of a Contracting State or not, has in a Contracting State a permanent establishment or a fixed base in connection with which the indebtedness on which the interest is paid was incurred, and such interest is borne by such permanent establishment or a fixed base, then such interest shall be deemed to arise in the State in which the permanent establishment or fixed base is situated.

7. Where, by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the interest, having regard to the debt-claim for which it is paid, exceeds the amount which would have been agreed upon by the payer and the beneficial owner in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In such case, the excess part of the payments shall remain taxable according to the laws of each Contracting State, due regard being had to the other provisions of this Agreement.

8. The provisions of this article shall not apply if it was the main purpose or one of the main purposes of any person concerned with the creation or assignment of the debt claim in respect of which the interest is paid to take advantage of this Article by means of that creation or assignment.

ARTICLE 12

ROYALTIES AND FEES FOR TECHNICAL SERVICES

1. Royalties or fees for technical services arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State.

2. However, such royalties or fees for technical services may also be taxed in the Contracting State in which they arise, and according to the laws of that State, but if the beneficial owner of the royalties or fees for technical services is a resident of the other Contracting State, the tax so charged shall not exceed 10 percent of the gross amount of the royalties or fees for technical services.

The competent authorities of the Contracting States shall by mutual agreement settle the mode of application of this limitation.

3. The term "royalties" as used in this Article means payments of any kind received as consideration for the use of, or the right to use, any copyright of literary, artistic or scientific work including cinematograph films or films or tapes used for radio or television broadcasting or broadcasting by satellite, cables, optical fibres or similar technology used for public broadcasting, magnetic tapes, discs or laser discs, any software, any patent, trade mark, design or model, plan, secret formula or process, or for the use of, or the right to use, industrial, commercial or scientific equipment, or for information concerning industrial, commercial, agricultural or scientific experience (know-how).

4. The term "fees for technical services" as used in this Article means payments of any kind received as a consideration for services of a managerial, technical or consultancy nature but does not include payments for services mentioned in Articles 14 and 15.

5. The provisions of paragraphs 1 and 2 shall not apply if the beneficial owner of the royalties or fees for technical services, being a resident of a Contracting State, carries on business in the other Contracting State in which the royalties or fees for technical services arise, through a permanent establishment situated therein, or performs in that

other Contracting State independent personal services from a fixed base situated therein, and the right or property in respect of which the royalties or fees for technical services are paid is effectively connected with (a) such permanent establishment or fixed base, or with (b) business activities referred to in (c) of paragraph 1 of Article 7. In such cases, the provisions of Article 7 or Article 14, as the case may be, shall apply.

6. Royalties or fees for technical services shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the royalties or fees for technical services, whether he is a resident of a Contracting State or not, has in a Contracting State a permanent establishment or fixed base in connection with which the liability to pay the royalties or fees for technical services was incurred, and such royalties or fees for technical services are borne by such permanent establishment or fixed base, then such royalties or fees for technical services shall be deemed to arise in the State in which the permanent establishment or fixed base is situated.

7. Where, by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the royalties or fees for technical services, having regard to the use, right or information for which they are paid, exceeds the amount which would have been agreed upon by the payer and the beneficial owner in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In such case, the excess part of the payments shall remain taxable according to the laws of each Contracting State, due regard being had to the other provisions of this Agreement.

8. The provisions of this article shall not apply if it was the main purpose or one of the main purposes of any person concerned with the creation or assignment of the rights in respect of which the royalties or fees for technical services are paid to take advantage of this Article by means of that creation or assignment.

ARTICLE 13 CAPITAL GAINS

1. Gains derived by a resident of a Contracting State from the alienation of immovable property referred to in Article 6 and situated in the other Contracting State may be taxed in that other State.

2. Gains from the alienation of movable property forming part of the business property of a permanent establishment which an enterprise of a Contracting State has in the other Contracting State or of movable property pertaining to a fixed base available to a resident of a Contracting State in the other Contracting State for the purpose of performing independent personal services, including such gains from the alienation of such a permanent establishment (alone or with the whole enterprise) or of such fixed base, may be taxed in that other State.

3. Gains derived by an enterprise of a Contracting State operating ships or aircraft in international traffic from the alienation of ships or aircraft operated in international traffic or movable property pertaining to the operation of such ships or aircraft, shall be

taxable only in the Contracting State in which the place of effective management of the enterprise is situated.

4. Gains from the alienation of shares of the capital stock of a company, the property of which consists directly or indirectly principally of immovable property situated in a Contracting State may be taxed in that State.

5. Gains from the alienation of any property other than that referred to in the preceding paragraphs of this Article, shall be taxable only in the Contracting State of which the alienator is a resident.

ARTICLE 14 INDEPENDENT PERSONAL SERVICES

1. Income derived by a resident of a Contracting State in respect of professional services or other activities of an independent character shall be taxable only in that State except in the following circumstances, when such income may also be taxed in the other Contracting State:

(a) If he has a fixed base regularly available to him in the other Contracting State for the purpose of performing his activities; in that case, only so much of the income as is attributable to that fixed base may be taxed in the other Contracting State; or

(b) If his stay in the other Contracting State is for a period or periods amounting to or exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the fiscal year concerned; in that case, only so much of the income as is derived from his activities performed in that other State may be taxed in that other State.

2. The term "professional services" includes especially independent scientific, literary, artistic, educational or teaching activities as well as the independent activities of physicians, lawyers, engineers, architects, dentists and accountants.

ARTICLE 15 INCOME FROM EMPLOYMENT

1. Subject to the provisions of Articles 16,18,19,20 and 21, salaries, wages and other similar remuneration derived by a resident of a Contracting State in respect of an employment shall be taxable only in that State unless the employment is exercised in the other Contracting State. If the employment is so exercised, such remuneration as is derived therefrom may be taxed in that other State.

2. Notwithstanding the provisions of paragraph 1, remuneration derived by a resident of a Contracting State in respect of an employment exercised in the other Contracting State shall be taxable only in the first-mentioned State if:

- a) the recipient is present in the other State for a period or periods not exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the fiscal year concerned; and
- b) the remuneration is paid by, or on behalf of, an employer who is not a resident of the other State; and

- c) the remuneration is not borne by a permanent establishment or a fixed base which the employer has in the other State.

3. Notwithstanding the preceding provisions of this Article, remuneration derived in respect of an employment exercised aboard a ship or aircraft operated in international traffic, may be taxed in the Contracting State in which the place of effective management of the enterprise is situated.

ARTICLE 16
DIRECTORS' FEES AND REMUNERATION OF
TOP-LEVEL MANAGERIAL OFFICIALS

1. Directors' fees and other similar payments derived by a resident of a Contracting State in his capacity as a member of the board of directors, supervisory board or similar board of a company which is a resident of the other Contracting State may be taxed in that other State.

2. Salaries, wages and other similar remuneration derived by a resident of a Contracting State in his capacity as an official in a top-level managerial position of a company which is a resident of the other Contracting State may be taxed in that other State.

ARTICLE 17
ENTERTAINERS AND SPORTSPERSONS

1. Notwithstanding the provisions of Articles 14 and 15, income derived by a resident of a Contracting State as an entertainer, such as a theatre, motion picture, radio or television artiste, or a musician, or as a sportsperson, from his personal activities as such exercised in the other Contracting State, may be taxed in that other State.

2. Where income in respect of personal activities exercised by an entertainer or a sportsperson in his capacity as such accrues not to the entertainer or sportsperson himself but to another person, that income may, notwithstanding the provisions of Articles 7, 14 and 15, be taxed in the Contracting State in which the activities of the entertainer or sportsperson are exercised.

3. Notwithstanding the provisions of paragraphs 1 and 2 of this Article, income derived from the exercise of activities as mentioned in paragraph 1 through a program of sport and cultural cooperation approved and financed wholly or mainly by the governments of the Contracting States or political subdivisions or local authorities thereof and which are carried on a non-profit basis, shall be exempt from tax in the Contracting State where such activities are exercised.

ARTICLE 18
PENSIONS AND LIFE ANNUITIES

1. Subject to the provisions of paragraph 2 of Article 19, pensions, life annuities and other similar remuneration paid to a resident of a Contracting State in consideration of past employment shall be taxable only in that State.

2. The term "annuity" means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

3. Pensions and life annuities paid, and other periodical or occasional payments made by the government of a Contracting State, or a political subdivision or a local authority thereof in respect of insuring their personnel accidents, shall be taxable only in that State.

ARTICLE 19 GOVERNMENT SERVICE

1. a) Salaries, wages and other similar remuneration, other than a pension, paid by a Contracting State or a political subdivision or a local authority thereof to an individual in respect of services rendered to that State or subdivision or authority shall be taxable only in that State.

b) However, such salaries, wages and other similar remuneration shall be taxable only in the other Contracting State if the services are rendered in that other State and the individual is a resident of that State who :

- i) is a national of that State ; or
- ii) did not become a resident of that State solely for the purpose of rendering the services.

2. a) Any pension paid by, or out of funds created by, a Contracting State or a political subdivision or a local authority thereof to an individual in respect of services rendered to that State or subdivision or authority shall be taxable only in that State;

b) However, such pension shall be taxable only in the other Contracting State if the individual is a resident of, and a national of, that other State.

3. The provisions of Articles 15, 16, 17 and 18 shall apply to salaries, wages and other similar remuneration and to pensions in respect of services rendered in connection with a business carried on by a Contracting State or a political subdivision or a local authority thereof.

ARTICLE 20 STUDENTS AND APPRENTICES

1. Payments which a student or business apprentice, who is or was immediately before visiting a Contracting State a resident of the other Contracting State and who is present in the first-mentioned State solely for the purpose of his education or training, receives for the purpose of his maintenance, education or training shall not be taxed in that State, provided that such payments arise from sources outside that State.

2. In respect of grants, scholarships and remuneration from employment not covered in paragraph 1, a student or business apprentice described in paragraph 1 shall, in

addition, be entitled during such education or training to the same exemptions, reliefs or reductions in respect of taxes available to residents of the State he is visiting.

ARTICLE 21 TEACHERS AND RESEARCHERS

1. Any individual who visits a Contracting State at the invitation of that State, of a university, an educational establishment or any other non-profit cultural institution or through a programme of cultural exchange for a period not exceeding two years for the sole purpose of teaching, giving conferences or carrying out research works in that institution, and who is or was immediately before that visit, a resident of the other Contracting State, shall be exempt from tax in the first-mentioned Contracting State on the remuneration he receives in respect of such activity, provided that such remuneration is derived from sources outside that State.

2. The provisions of paragraph 1 shall not apply to remunerations received in respect of research works undertaken not in the public interest but chiefly for the private benefit of a specific person or persons.

ARTICLE 22 OTHER INCOME

1. Items of income of a resident of a Contracting State, wherever arising, not dealt with in the foregoing Articles of this Agreement shall be taxable only in that State.

2. The provisions of paragraph 1 shall not apply to income, other than income from immovable property as defined in paragraph 2 of Article 6, if the recipient of such income, being a resident of a Contracting State, carries on business in the other Contracting State through a permanent establishment situated therein, or performs in that other State independent personal services from a fixed base situated therein, and the right or property in respect of which the income is paid is effectively connected with such permanent establishment or fixed base. In such cases, the provisions of Article 7 or Article 14, as the case may be, shall apply.

3. Notwithstanding the provisions of paragraphs 1 and 2, items of income of a resident of a Contracting State not dealt with in the foregoing Articles of the Agreement and arising in the other Contracting State may also be taxed in that other State.

ARTICLE 23 ELIMINATION OF DOUBLE TAXATION

1. Where a resident of a Contracting State derives income which, in accordance with the provisions of this Agreement, may be taxed in the other Contracting State, the first-mentioned State shall allow, subject to the provisions of paragraph 2, as a deduction from the tax on the income of that resident an amount equal to the income tax paid in that other State. However, such deduction shall not exceed that part of the income tax, as computed before the deduction is given, which is attributable to the income which may be taxed in that other State.

2. As regards the application of the provisions of paragraph 1, the exemptions and tax reductions of which benefits a resident of a Contracting State for a given period, in accordance with the domestic legislation of that State for tax incentives, are deemed to be worth payment of such taxes, and shall be deductible from the tax payable on such income in the other Contracting State.

3. Where, in accordance with any provision of this Agreement, income derived by a resident of a Contracting State is exempt from tax in that State, such State may nevertheless, in calculating the amount of tax on the remaining income of such resident, take into account the exempted income.

ARTICLE 24 NON-DISCRIMINATION

1. Nationals of a Contracting State shall not be subjected in the other Contracting State to any taxation or any requirement connected therewith, which is other or more burdensome than the taxation and connected requirements to which nationals of that other State in the same circumstances, in particular with respect to residence, are or may be subjected. This provision shall, notwithstanding the provisions of Article 1, also apply to persons who are not residents of one or both of the Contracting States.

2. Stateless persons who are residents of a Contracting State shall not be subjected in either Contracting State to any taxation or any requirement connected therewith, which is other or more burdensome than the taxation and connected requirements to which nationals of the State concerned in the same circumstances, in particular with respect to residence, are or may be subjected.

3. The taxation on a permanent establishment which an enterprise of a Contracting State has in the other Contracting State shall not be less favourably levied in that other State than the taxation levied on enterprises of that other State carrying on the same activities. This provision shall not be construed as obliging a Contracting State to grant to residents of the other Contracting State any personal allowances, reliefs and reductions for taxation purposes on account of civil status or family responsibilities which it grants to its own residents.

4. Except where the provisions of paragraph 1 of Article 9, paragraph 7 of Article 11, or paragraph 7 of Article 12, apply, interest, royalties or fees for technical services and other disbursements paid by an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable profits of such enterprise, be deductible under the same conditions as if they had been paid to a resident of the first-mentioned State.

5. Enterprises of a Contracting State, the capital of which is wholly or partly owned or controlled, directly or indirectly, by one or more residents of the other Contracting State, shall not be subjected in the first-mentioned State to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which other similar enterprises of the first-mentioned State are or may be subjected.

6. The provisions of this Article shall, notwithstanding the provisions of Article 2, apply to taxes of every kind and description.

ARTICLE 25 MUTUAL AGREEMENT PROCEDURE

1. Where a person considers that the actions of one or both of the Contracting States result or will result for him in taxation not in accordance with the provisions of this Agreement, he may, irrespective of the remedies provided by the domestic law of those States, present his case to the competent authority of the Contracting State of which he is a resident or, if his case comes under paragraph 1 of Article 24, to that of the Contracting State of which he is a national. The case must be presented within three years from the first notification of the actions resulting in taxation not in accordance with the provisions of the Agreement.

2. The competent authority shall endeavour, if the objection appears to it to be justified and if it is not itself able to arrive at a satisfactory solution, to resolve the case by mutual agreement with the competent authority of the other Contracting State, with a view to the avoidance of taxation which is not in accordance with this Agreement. Any agreement reached shall be implemented notwithstanding any time limits in the domestic law of the Contracting States.

3. The competent authorities of the Contracting States shall endeavour to resolve by mutual agreement any difficulties or doubts arising as to the interpretation or application of the Agreement. They may also consult together for the elimination of double taxation in cases not provided for in the Agreement.

4. The competent authorities of the Contracting States may communicate with each other directly, including through a joint commission consisting of themselves or their representatives, for the purpose of reaching an agreement in the sense of the preceding paragraphs.

ARTICLE 26 EXCHANGE OF INFORMATION

1. The competent authorities of the Contracting States shall exchange such information as is foreseeably relevant for carrying out the provisions of this Agreement or to the administration or enforcement of the domestic laws concerning taxes of every kind and description imposed on behalf of the Contracting States, or of their political subdivisions or local authorities, insofar as the taxation thereunder is not contrary to the Agreement. The exchange of information is not restricted by Article 1.

2. Any information received under paragraph 1 by a Contracting State shall be treated as secret in the same manner as information obtained under the domestic laws of that State and shall be disclosed only to persons or authorities (including courts and administrative bodies) concerned with the assessment or collection of, the enforcement or prosecution in respect of, the determination of appeals in relation to the taxes referred to in paragraph 1, or the oversight of the above. Such persons or authorities

shall use the information only for such purposes. They may disclose the information in public court proceedings or in judicial decisions.

3. In no case shall the provisions of paragraphs 1 and 2 be construed so as to impose on a Contracting State the obligation:

- a) to carry out administrative measures at variance with the laws and administrative practice of that or of the other Contracting State;
- b) to supply information which is not obtainable under the laws or in the normal course of the administration of that or of the other Contracting State;
- c) to supply information which would disclose any trade, business, industrial, commercial or professional secret or trade process, or information, the disclosure of which would be contrary to public policy (ordre public).

4. If information is requested by a Contracting State in accordance with this Article, the other Contracting State shall use its information gathering measures to obtain the requested information, even though that other State may not need such information for its own tax purposes. The obligation contained in the preceding sentence is subject to the limitations of paragraph 3 but in no case shall such limitations be construed to permit a Contracting State to decline to supply information solely because it has no domestic interest in such information.

5. In no case shall the provisions of paragraph 3 be construed to permit a Contracting State to decline to supply information solely because the information is held by a bank, other financial institution, nominee or person acting in an agency or fiduciary capacity or because it relates to ownership interests in a person.

ARTICLE 27 ASSISTANCE IN COLLECTION

1. The Contracting States shall lend assistance to each other in the collection of revenue claims. This assistance is not restricted by Article 1. The competent authorities of the Contracting States may by mutual agreement settle the mode of application of this Article.

2. The term "revenue claim" as used in this Article means an amount owed in respect of taxes of every kind and description imposed on behalf of the Contracting States, or of their political subdivisions or local authorities, insofar as the taxation thereunder is not contrary to this Agreement or any other instrument to which the Contracting States are parties, as well as interest, administrative penalties and costs of collection or conservancy related to such amount.

3. When a revenue claim of a Contracting State is enforceable under the laws of that State and is owed by a person who, at that time, cannot, under the laws of that State, prevent its collection, that revenue claim shall, at the request of the competent authority of that State, be accepted for purposes of collection by the competent authority of the other Contracting State. That revenue claim shall be collected by that other State in accordance with the provisions of its laws applicable to the enforcement and collection of its own taxes as if the revenue claim were a revenue claim of that other State.

4. When a revenue claim of a Contracting State is a claim in respect of which that State may, under its law, take measures of conservancy with a view to ensure its collection,

that revenue claim shall, at the request of the competent authority of that State, be accepted for purposes of taking measures of conservancy by the competent authority of the other Contracting State. That other State shall take measures of conservancy in respect of that revenue claim in accordance with the provisions of its laws as if the revenue claim were a revenue claim of that other State even if, at the time when such measures are applied, the revenue claim is not enforceable in the first-mentioned State or is owed by a person who has a right to prevent its collection.

5. Notwithstanding the provisions of paragraphs 3 and 4, a revenue claim accepted by a Contracting State for purposes of paragraph 3 or 4 shall not, in that State, be subject to the time limits or accorded any priority applicable to a revenue claim under the laws of that State by reason of its nature as such. In addition, a revenue claim accepted by a Contracting State for the purposes of paragraph 3 or 4 shall not, in that State, have any priority applicable to that revenue claim under the laws of the other Contracting State.

6. Proceedings with respect to the existence, validity or the amount of a revenue claim of a Contracting State shall not be brought before the courts or administrative bodies of the other Contracting State.

7. Where, at any time after a request has been made by a Contracting State under paragraph 3 or 4 and before the other Contracting State has collected and remitted the relevant revenue claim to the first-mentioned State, the relevant revenue claim ceases to be:

- a) in the case of a request under paragraph 3, a revenue claim of the first-mentioned State that is enforceable under the laws of that State and is owed by a person who, at that time, cannot, under the laws of that State, prevent its collection, or
- b) in the case of a request under paragraph 4, a revenue claim of the first-mentioned State in respect of which that State may, under its laws, take measures of conservancy with a view to ensure its collection,

the competent authority of the first-mentioned State shall promptly notify the competent authority of the other State of that fact and, at the option of the other State, the first-mentioned State shall either suspend or withdraw its request.

8. In no case shall the provisions of this Article be construed so as to impose on a Contracting State the obligation:

- a) to carry out administrative measures at variance with the laws and administrative practice of that or of the other Contracting State;
- b) to carry out measures which would be contrary to public policy (ordre public);
- c) to provide assistance if the other Contracting State has not pursued all reasonable measures of collection or conservancy, as the case may be, available under its laws or administrative practice;
- d) to provide assistance in those cases where the administrative burden for that State is clearly disproportionate to the benefit to be derived by the other Contracting State.

ARTICLE 28
MEMBERS OF DIPLOMATIC MISSIONS AND CONSULAR POSTS

Nothing in this Agreement shall affect the fiscal privileges of members of diplomatic missions or consular posts under the general rules of international law or under the provisions of special agreements.

ARTICLE 29
ENTRY INTO FORCE

1. This Agreement shall be ratified and the instruments of ratification shall be exchanged as soon as possible.

2. The Agreement shall enter into force upon the exchange of the instruments of ratification and its provisions shall have effect:

- i) in respect of taxes withheld at source, on amounts paid or credited, on or after the first day of January of the calendar year following that in which this Agreement enters into force; and
- ii) in respect of other taxes, for any taxable year or period beginning on or after the first day of January of the calendar year following that in which this Agreement enters into force.

ARTICLE 30
TERMINATION

This Agreement shall remain in force until terminated by a Contracting State. Either Contracting State may terminate the Agreement, through diplomatic channels, by giving notice of termination at least six months before the end of any calendar year after the fifth year following the year in which the Agreement has entered into force. In such case, the Agreement shall cease to have effect:

- i) in respect of taxes withheld at source, on amounts paid or credited, on or after the first day of January of the calendar year following that in which such notice is given; and
- ii) in respect of other taxes, for any taxable year or period beginning on or after the first day of January of the calendar year following that in which such notice is given.

IN WITNESS WHEREOF, the undersigned duly authorised thereto by their respective governments, have signed this Agreement.

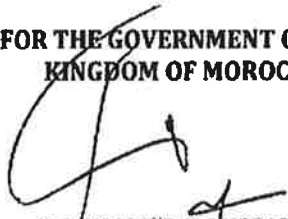
Done in duplicate at Kigali this 19th day of October 2016, in the Arabic and English languages, all texts being equally authentic. In case of divergence of interpretation, the English text shall prevail.

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



HON. CLAVER GATETE
MINISTER OF FINANCE AND
ECONOMIC PLANNING

**FOR THE GOVERNMENT OF THE
KINGDOM OF MOROCCO**



MOUHAMED BOUSSAID
MINISTER OF ECONOMY AND
FINANCE

Bibonywe kugira ngo bishyirwe ku mugereka w'Iteka rya Perezida n° 115/01 ryo ku wa 06/11/2019 ryemeza burundu Amasezerano hagati ya Repubulika y'u Rwanda n'Ubwami bwa Maroke, yo kuvanaho gusoresha kabiri no gukumira forode y'imisoro ku byerekeye imisoro ku musaruro, yashyiriweho umukono i Kigali, ku wa 19 Ukwakira 2016

Kigali, ku wa 06/11/2019

(sé)
KAGAME Paul
Perezida wa Repubulika

(sé)
Dr NGIRENTE Edouard
Minisitiri w'Intebe

Bibonywe kandi bishyizweho Ikirango cya Repubulika:

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

Seen to be annexed to Presidential Order n° 115/01 of 06/11/2019 ratifying the Agreement between the Republic of Rwanda and the Kingdom of Morocco, for the avoidance of double taxation and prevention of fiscal evasion with respect to taxes on income, signed in Kigali, on 19 October 2016

Kigali, on 06/11/2019

(sé)
KAGAME Paul
President of the Republic

(sé)
Dr NGIRENTE Edouard
Prime Minister

Seen and sealed with the Seal of the Republic:

(sé)
BUSINGYE Johnston
Minister of Justice/Attorney General

Vu pour être annexé à l'Arrêté Présidentiel n° 115/01 du 06/11/2019 ratifiant l'Accord entre la République du Rwanda et le Royaume du Maroc, pour éviter la double taxation et prévenir l'évasion fiscale en matière d'impôts sur le revenu, signé à Kigali, le 19 octobre 2016

Kigali, le 06/11/2019

(sé)
KAGAME Paul
Président de la République

(sé)
Dr NGIRENTE Edouard
Premier Ministre

Vu et scellé du Sceau de la République :

(sé)
BUSINGYE Johnston
Ministre de la Justice/Garde des Sceaux

ITEKA RYA MINISITIRI W'INTEBE N° 225/03 RYO KU WA 01/11/2019 RITANGA UBUTAKA BWA LETA BURI MU MUTUNGO BWITE WAYO MU RWEGO RW'ISHORAMARI

PRIME MINISTER'S ORDER N° 225/03 OF 01/11/2019 ALLOCATING STATE LAND IN PRIVATE DOMAIN FOR INVESTMENT

ARRÊTÉ DU PREMIER MINISTRE N° 225/03 DU 01/11/2019 PORTANT ALLOCATION DES TERRES DU DOMAINE PRIVÉ DE L'ÉTAT AUX FINS D'INVESTISSEMENT

ISHAKIRO

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ITEKA RYA MINISITIRI W'INTEBE N° 225/03 RYO KU WA 01/11/2019 RITANGA UBUTAKA BWA LETA BURI MU MUTUNGO BWITE WAYO MU RWEGO RW'ISHORAMARI

PRIME MINISTER'S ORDER N° 225/03 OF 01/11/2019 ALLOCATING STATE LAND IN PRIVATE DOMAIN FOR INVESTMENT

ARRÊTÉ DU PREMIER MINISTRE N° 225/03 DU 01/11/2019 PORTANT ALLOCATION DES TERRES DU DOMAINE PRIVÉ DE L'ÉTAT AUX FINS D'INVESTISSEMENT

Minisitiri w'Intebe;

Ashingiye ku Itegeko Nshinga rya Repubulika y'u Rwanda ryo mu 2003 ryavuguruwe mu 2015, cyane cyane mu ngingo zaryo, iya 44, iya 120, iya 122 n'ya 176;

Ashingiye ku Itegeko n° 43/2013 ryo ku wa 16/06/2013 rigenga ubutaka mu Rwanda, cyane cyane mu ngingo zaryo, iya 14 n'ya 17;

Bisabwe na Minisitiri w'Ibidukikije;

Inama y'Abaminisitiri yateranye ku wa 24/10/2018 imaze kubisuzuma no kubyemeza;

ATEGETSE:

Ingingo ya mbere: Itangwa ry'ubutaka buri mu mutungo bwite wa Leta

Ubutaka buri mu kibanza N° UPI 1/02/10/04/384 bufite ubuso bungana na metero kare ibihumbi magana atandatu mironko inani

The Prime Minister;

Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 44, 120, 122 and 176;

Pursuant to law n° 43/2013 of 16/06/2013 governing land in Rwanda, especially in Articles 14 and 17;

On proposal by the Minister of Environment;

After consideration and approval by the Cabinet, in its session of 24/10/2018;

ORDERS:

Article One: Allocation of State land in private domain

The land in plot N° UPI 1/02/10/04/384 with a surface of six hundred eighty-four thousand, seven hundred ninety-five square meter

Le Premier Ministre;

Vu la Constitution de la République du Rwanda de 2003 révisée en 2015, spécialement en ses articles 44,120, 122, et 176;

Vu la Loi n° 43/2013 du 16/06/2013 portant régime foncier au Rwanda, spécialement en ses articles 14 et 17;

Sur proposition du Ministre de l'Environnement;

Après examen et adoption par le Conseil des Ministres, en sa séance du 24/10/2018;

ARRÊTE:

Article premier: Allocation des terres du domaine privé de l'Etat

La terre qui se trouve dans la parcelle N° UPI 1/02/10/04/384 qui a une superficie de six cent quatre vingt quatre mille sept cent quatre-vingt

na bine magana arindwi mirongo icyenda n'eshanu (**m² 684.795**) buherereye mu Kagari ka Murama, Umurenge wa Kinyinya, Akarere ka Gasabo, Umujyi wa Kigali buhawe **Emerald Park Ltd** mu rwego rw'ishoramari.

Ingingo ya 2: Abashinzwe gushyira mu bikorwa iri teka

Minisitiri w'Ibidukikije, Minisitiri w'Ibikorwa Remezo na Minisitiri w'Ubutegetsi bw'Igihugu bashinzwe gushyira mu bikorwa iri teka.

Ingingo ya 3: Ivanwaho ry'ingingo zinyuranyije n'iri teka

Ingingo zose z'amateka abanziriza iri kandi zinyuranyije na ryo zivanyweho.

Ingingo ya 4: Igihe iri teka ritangirira gukurikizwa

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

Kigali, ku wa 01/11/2019

(**684,795 sqm**) located in Murama Cell, Kinyinya Sector, Gasabo District, City of Kigali, is allocated to **Emerald Park Ltd** for investment.

Article 2: Authorities responsible for the implementation of this Order

The Minister of Environment, the Minister of Infrastructure and the Minister of Local Government are entrusted with the implementation of this Order.

Article 3: Repealing provision

All prior provisions contrary to this Order are repealed.

Article 4: Commencement

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

Kigali, on 01/11/2019

quinze mètre carré (**684.795 m²**) située dans la Cellule Murama, Secteur Kinyinya, District de Gasabo, Ville de Kigali est allouée à **Emerald Park Ltd** aux fins d'investissement.

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

Le Ministre de l'Environnement, le Ministre des Infrastructures et le Ministre de l'Administration Locale sont chargés de l'exécution du présent arrêté.

Article 3: Disposition abrogatoire

Toutes les dispositions antérieures contraires au présent arrêté sont abrogées.

Article 4: Entrée en vigueur

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

Kigali, le 01/11/2019

(sé)

Dr NGIRENTE Edouard
Minisitiri w'Itebe

(sé)

Dr NGIRENTE Edouard
Prime Minister

(sé)

Dr NGIRENTE Edouard
Premier Ministre

(sé)

Dr BIRUTA Vincent
Minisitiri w'Ibidukikije

(sé)

Dr BIRUTA Vincent
Minister of Environment

(sé)

Dr BIRUTA Vincent
Ministre de l'Environnement

**Bibonywe kandi bishyizweho Ikirango cya
Repubulika:**

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

Vu et Scellé du Sceau de la République:

(sé)

BUSINGYE Johnston
Minisitiri w'Ubutabera/Intumwa Nkuru ya
Leta

(sé)

BUSINGYE Johnston
The Minister of Justice/Attorney General

(sé)

BUSINGYE Johnston
Le Ministre de la Justice/Garde des Sceaux