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**LAW N°68/2018 OF 30/08/2018
DETERMINING OFFENCES AND
PENALTIES IN GENERAL**

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**LAW N° 68/2018 OF 30/08/2018
DETERMINING OFFENCES AND
PENALTIES IN GENERAL**

We, KAGAME Paul,
President of the Republic;

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

THE PARLIAMENT:

The Chamber of Deputies, in its session of
28 June 2018;

Pursuant to the Constitution of the Republic
of Rwanda of 2003 revised in 2015,
especially in Articles 29, 64, 69, 70, 88, 90,
91, 106, 120, 168 and 176;

ADOPTS:

PART ONE: GENERAL PROVISIONS

**TITLE ONE: PURPOSE OF THIS LAW
AND DEFINITIONS OF TERMS**

Article One: Purpose of this Law

This Law sets out:

- 1° general principles governing offences and penalties;
- 2° offences and penalties in general.

Article 2: Definitions

For the purposes of this Law, the following terms are defined as follows:

- 1° **offence:** an act or omission that breaches public order and which is punishable by law;
- 2° **territory of Rwanda:** the land, streams, rivers, lakes and air space within the boundaries of the Republic of Rwanda and Rwandan Embassies in other countries;

- 3° **offender:** a person who commits an act punishable by law or omits to perform an act required by law;
- 4° **co-offender:** a person who directly cooperates with the offender in the commission of an offence;
- 5° **accomplice:** a person having aided the offender in the means of preparing the offence through any of the following acts;
- a) a person who, by means of remuneration, promise, threat, abuse of authority or power has caused an offence or given instructions for the commission thereof;
 - b) a person who knowingly aids or abets the offender in the means of preparing, facilitating or committing the offence or incites the offender;
 - c) a person who causes another to commit an offence by uttering speeches, inciting cries or threats in a place where more than two (2) persons gather, or by means of writings, books or other printed texts that are purchased or distributed free of charge or displayed in public places, posters or notices visible to the public;

- d) a person who harbours an offender or a co-offender or an accomplice to make it impossible to find or arrest him/her, helps him/her hide or escape or provides him/her with a hiding place or facilitates him/her to conceal objects used or intended for use in the commission of an offence;
- e) a person, who knowingly, conceals an object or other equipment used or intended for use in the commission of an offence;
- f) a person who steals, conceals or deliberately destroys in any way objects that may be used in offence investigation, discovery of evidence or punishment of offenders;

6° **premeditation:** an intent formulated by a person before the commission of an offence;

7° **ambush:** an act of waiting in one or more places for an individual with intent to inflict death or commit any act of violence upon such an individual;

8° **child:** a person under the age of eighteen (18);

- 9° **public:** a place where more than two (2) persons gather. The content posted on the internet, on a social media or published in media or sent to another person is regarded as being disclosed in public.

**TITLE II: GENERAL PRINCIPLES,
CATEGORIES OF OFFENCES,
CONSPIRACY AND ATTEMPT TO
COMMIT AN OFFENCE**

**CHAPTER ONE: GENERAL
PRINCIPLES**

Article 3: No punishment without law

No one can be held guilty of an offence on account of any act or omission which did not constitute an offence under national or international law at the time when it was committed.

A heavier penalty may not be imposed than the one that was applicable at the time the offence was committed.

No offence is punished by a penalty which was not provided for by law before the offence was committed.

Article 4: Interpretation of criminal laws

Criminal laws cannot be interpreted broadly, they must be construed strictly.

Courts are prohibited to make judgement by analogy.

Article 5: Law applied in case of several laws applicable to the same offence

When several laws punish the same offence, the specific law takes precedence over the general law, unless the law provides otherwise.

Article 6: Law applied in case of conflict of criminal laws

In case of conflict of criminal laws including a former law which was in force when the offence was committed, and another law which was published after the commission of the offence and before a final judgement has been rendered, the new law is the only one to be applied if it imposes a less severe penalty.

Article 7: Prohibition of double jeopardy

No person may be punished for the same offence for more than once.

Article 8: Cessation of applicability of a law

A law ceases to apply to an offence committed when the law was still in force when it is repealed before the final judgment in relation to such an offence, unless the new law provides otherwise.

Article 9: Offence committed on the territory of Rwanda

An offence is considered to have been committed on the territory of Rwanda if at least one of the acts constituting one of its elements, namely *mens rea*, *actus reus* and its being punishable by law, was accomplished in Rwanda.

An offence is also considered to have been committed on the territory of Rwanda if it is committed by or against a Rwandan citizen in an area that is not subject to the sovereignty of any State or committed by any person on board a vessel flying the flag of Rwanda and in waters which are not

subject to the sovereignty of any State or on board a Rwanda- registered aircraft in the territory that is not subject to the sovereignty of any State.

Article 10: Applicable law to punish an offence committed on the territory of Rwanda

Any offence committed on the Rwandan territory, either by a Rwandan or a foreign citizen, is punished according to the Rwandan law.

However, the provisions of Paragraph One of this Article do not apply to people entitled to diplomatic immunity guaranteed by international conventions ratified by Rwanda or by international customs or practices.

Article 11: Punishment of a Rwandan citizen having committed an offence outside the territory of Rwanda

A Rwandan citizen who commits a felony or a misdemeanour outside the territory of Rwanda may be punished in accordance with the Rwandan law as if the offence was committed in Rwanda, provided that such an offence is punishable by the Rwandan law.

Article 12: Punishment of an offence committed outside the territory of Rwanda against the interest of Rwanda

Any Rwandan or foreign citizen who commits a felony or a misdemeanour against the interests of Rwanda or against a Rwandan citizen outside the territory of Rwanda may be prosecuted and tried in accordance with the Rwandan law as if the offence had been committed in Rwanda.

Article 13: Punishment of an accomplice to an offence committed abroad

Any person on the territory of Rwanda who is an accomplice to a felony or misdemeanour committed abroad, may be punished by Rwandan courts if the offence is punishable under the law of the country where the offence was committed and by the Rwandan law.

Article 14: International crime and transnational crime

An international crime is a crime classified as such under international law.

International crimes are the following:

- 1 ° the crime of genocide;
- 2 ° the crime against humanity;
- 3 ° war crimes.

A transnational crime means a crime, one of whose constituent elements is accomplished outside Rwanda's borders.

Any person, whether a Rwandan or foreign citizen, a national or foreign non-governmental organization or association, that commits, inside or outside the territory of Rwanda, an international crime or transnational crime may, if apprehended on the territory of Rwanda, be punished in accordance with the Rwandan law.

Article 15: Assessment of Rwandan nationality

The Rwandan citizen referred to under Articles 9, 10, 11, 12, 14, 191 and 192 of this Law is the one who had a Rwandan nationality at the time of the commission of the offence.

CHAPTER II: CATEGORIES OF OFFENCES

Article 16: Classification of offences

Offences are classified according to their gravity as follows:

- 1° felony;
- 2° misdemeanour;
- 3° petty offence.

Article 17: Felony

A felony is an offence punishable under the law by a principal penalty of imprisonment for a term of more than five (5) years or by life imprisonment.

Article 18: Misdemeanour

A misdemeanour is an offence punishable under the law by a principal penalty of imprisonment for a term of not less than six (6) months and not more than five (5) years.

Article 19: Petty offence

A petty offence is an offence punishable under the law only by a principal penalty of imprisonment for a term of less than six (6) months, a fine or the penalty of community service.

CHAPTER III: CONSPIRACY AND ATTEMPT TO COMMIT AN OFFENCE

Section One: Conspiracy

Article 20: Conspiracy to commit an offence

Conspiracy to commit an offence is an agreement between two (2) or more persons to engage in the commission of an offence by any one or more of them.

Conspiracy to commit an offence is punishable by the same penalty as the intended offence.

Any person involved in conspiracy but who reports it to administrative authorities, judicial or security organs and disclose to them the names of involved criminals and their accomplices is exempted from the penalty prescribed for conspiracy if he/she reports it before the commission of the offence in respect of which conspiracy takes place.

Section 2: Attempt to commit an offense

Article 21: Punishment of attempt to commit an offence

An attempt is punishable when the intention to commit the offence has been demonstrated by one or more observable and unequivocal acts which constitute the beginning of the commission of the offence and leading to its execution, and that were suspended or failed in their purpose only because of circumstances beyond the offender's control.

An attempt to commit an offence is punishable even if the intended purpose could not be achieved because of factual circumstances unknown to the offender.

An attempt to commit a felony or a misdemeanour is punishable with one half (1/2) the penalty for the felony or misdemeanour itself. For the offence punishable by the penalty of life imprisonment, the attempt is punishable by imprisonment for a term of twenty-five (25) years.

An attempt to commit a petty offence is not punishable.

Article 22: Voluntary abandonment of intent to commit an offence

If a person who had the intent to commit an offence voluntarily abandons the intent, he/she is not punished, unless the preparatory acts alone already constitute an offence.

TITLE III: PENALTIES IN GENERAL

CHAPTER ONE: DIFFERENT CATEGORIES OF PENALTIES

Section One: Categories of penalties

Article 23: Principal penalties applicable to natural persons

Principal penalties applicable to natural persons are the following:

- 1° imprisonment;
- 2° fine;
- 3° penalty of community service.

Article 24: Accessory penalties applicable to natural persons

Accessory penalties applicable to natural persons are the following:

- 1° special confiscation;
- 2° a ban on residence or compulsory residence in a particular location;
- 3° deprivation of civic rights;
- 4° publication of the offence committed and the penalty pronounced by the court.

Article 25: Penalties applicable to institutions and organizations of the State or non-governmental organizations with legal personality

Penalties applicable to the institutions and organizations of the State, companies, cooperatives, non-governmental organizations with legal personality are the following:

- 1° a fine;
- 2° the ban on the conduct of one or several professional or social activities for a fixed period of time;
- 3° confiscation of the object used or intended for use in the commission of the offence or the proceeds thereof;
- 4° publication of the penalty pronounced.

Companies, cooperatives, non-governmental organizations with legal personality may also be punishable by the following penalties:

- 1° dissolution;
- 2° permanent closure of establishments in which incriminated acts have been committed or which have been used to commit such acts;
- 3° permanent exclusion from public procurement contracts, either indefinitely or for a fixed period of time provided for by relevant laws;
- 4° the ban on issuing a cheque, a credit card or negotiable instrument;
- 5° placement under judicial supervision.

Section 2: Special provisions applicable to some penalties

Subsection One: Penalty of imprisonment

Article 26: Duration of the penalty of imprisonment

The penalty of imprisonment may be for a fixed term or for life.

Article 27: Fixed-term imprisonment

Fixed-term imprisonment is imposed for at least one day and at most twenty-five (25) years, unless the law provides otherwise.

Fixed-term imprisonment is calculated on the basis of days, months or years of the Gregorian calendar.

An imprisonment of one (1) day is equal to twenty-four (24) hours, an imprisonment of one (1) month is equal to thirty (30) days and an imprisonment of one (1) year is equal to twelve (12) months.

Article 28: Calculation of the term of fixed-term imprisonment

The term of imprisonment runs from the day on which the judgment of conviction becomes final.

The length of the period of detention by legally competent organs is deducted from the term of imprisonment imposed by the court.

In calculating the term of imprisonment, no account is taken of the period during which the convict has voluntarily avoided serving the penalty.

When a person is given more than one penalty of imprisonment, the next imprisonment penalty starts to run upon the expiration of the previous one.

Article 29: Life imprisonment

The penalty of life imprisonment implies a jail term for the rest of the convict's life.

Subsection 2: Fine

Article 30: Amount of fine

The fine is at least one (1) Rwandan franc.

Article 31: Imposition of a fine

A fine is imposed individually on each of the convicts on the basis of the gravity of the offence.

The court sets the time limit for payment of a fine. This time limit does not exceed one (1) year from the day the judgment has become final.

The court may order that the fine be paid in instalments or commuted to community service.

Article 32: Fine awarded concurrently with other payments

When the convict's property is insufficient for the payment of the fine, restitutions and damages, priority is given to the payment of restitutions and damages.

Article 33: Joint liability of convicts for the payment of restitutions, damages or court fees

All persons convicted of the same offence are held jointly responsible for restitutions, damages and court fees.

Article 34: Restitution of embezzled, stolen, fraudulently obtained or unduly given property

If a penalty is imposed in a criminal case, the court must order the restitution of embezzled, stolen, fraudulently obtained or unduly given property, if any.

Subsection 3: Penalty of community service

Article 35: Imposition of the penalty of community service

In case the penalty of community service is imposed as principal penalty, the court sets the time limit for serving such a penalty. Such a time limit does not exceed six (6) months.

The penalty of community service may be imposed in lieu of another principal penalty. In that case, it is imposed as follows:

- 1° when an offence is punishable by imprisonment for a term of more than six (6) months and not more than five (5) years, the court may order that the convict serve half (1/2) of the term of his/her penalty in serving the penalty of community service;
- 2° when an offence is punishable by imprisonment for a term of less than six (6) months, the court may order that the convict serve the penalty of community service for a period not exceeding the maximum imprisonment provided by the law for such an offence.

In case of the convict's failure to properly serve the penalty of community service, he/she is forced to serve the remainder of the penalty in prison.

A Presidential Order determines modalities for the execution of the penalty of community service.

Article 36: Penalty of community service in case of the convict's failure to comply with a court order

When the Court imposes a fine, court fees, any other payment into the public treasury, and restitutions or payment of damages for the benefit of the victim, it determines, in case of the convict's failure to execute the court's convictions against him/her, the period to serve the penalty of community service.

When the court orders restitutions or payment of damages for the benefit of the victim, community service imposed does not preclude the victim's right to such restitutions or damages.

A convict is exempted from serving the penalty of community service if he/she effects payment.

Subsection 4: Confiscation

Article 37: Special confiscation

In case a felony or a misdemeanour is committed, confiscation of items regarded as forming the *corpus delicti*, those used or intended for use in the commission of the offence, or those regarded as the proceeds from the commission of the offence is imposed as an accessory penalty in addition to the principal penalty if such items belong to the convict. If such items do not belong to the convict or if the offence committed is a petty offence, the confiscation is ordered only in cases specified by the law.

Article 38: Prohibition of the general confiscation

The general confiscation of all the convict's current and future property is prohibited.

Article 39: Administration of confiscated property

Confiscated property is put into the hands of the State.

An Order of the Minister in charge of justice determines modalities for the administration of confiscated property.

Subsection 5: Ban on residence or compulsory residence in a particular location

Article 40: Imposition of the penalty of ban on residence or compulsory residence in a particular location

Unless the law provides otherwise, the court may order ban on residence or compulsory residence in a particular location in the following cases:

- 1° if a person is sentenced to imprisonment for a term of more than five (5) years;
- 2° if a person who, having been sentenced to imprisonment for a term equal to or more than six (6) months, is sentenced again to imprisonment for a term equal to or more than six (6) months within five (5) years of the execution of such a penalty or when its enforcement has become time-barred.

The duration of ban on residence or compulsory residence in a particular location may not exceed a period of one (1) year.

Article 41: Calculation of the term of the penalty of ban on residence or compulsory residence in a particular location and modalities for execution thereof

The penalty of ban on residence or compulsory residence in a particular location commences on the day of completion of the penalty of imprisonment by the convict.

If the convict is released on parole, the penalty of ban on residence or compulsory residence in a particular location commences on the day of release.

If the convict released on parole is reincarcerated, the period of ban on residence or compulsory residence in a particular location is deducted from the penalty imposed on him/her by the court.

An Order of the Minister in charge of justice determines modalities for the execution of the penalty of ban on residence or compulsory residence in a particular location.

Subsection 6: Deprivation of civic rights

Article 42: Deprivation of civic rights

The deprivation of civic rights consists of the following:

- 1° removal or prohibition from any public service;
- 2° deprivation of all or part of political rights;
- 3° deprivation of the right to wear decorations of honour;
- 4° prohibition to act as an expert witness or a witness to deeds and to testify in court, except in case of providing information;
- 5° loss of legal capacity to act as a family council member, a guardian, a trustee, a guardian replacement, a guardian of intellectually disabled persons except in case of his/ her own children;
- 6° deprivation of the right to possess arms;

- 7° prohibition to use a negotiable instrument or a credit card;
- 8° debarment from participating in public procurement;
- 9° deprivation of the right to leave the national territory;
- 10° deprivation of the right to perform such functions as may be specified by the court.

Article 43: Imposition of the penalty of deprivation of civic rights

Except for persons sentenced to life imprisonment, no person may be deprived of all civic rights.

With the exception of convicts sentenced to life imprisonment, deprivation of civic rights cannot exceed ten (10) years.

The deprivation of civic rights may be suspended, lifted or reduced in the same manner as in the case of the penalty of imprisonment.

The deprivation of civic rights may be lifted if the convict has performed an exceptional act of good citizenship or highly committed himself/herself to promoting social development.

Article 44: Deprivation of civic rights for a convict sentenced to the penalty of life imprisonment

Life imprisonment automatically entails the permanent deprivation of all civic rights.

Article 45: Circumstances in which the penalty of deprivation of civic rights may be imposed

The deprivation of civic rights provided for in Article 42 of this Law may be imposed as an accessory penalty in addition to the principal penalty of imprisonment that is equal to or more than five (5) years.

Subsection 7: Publication of imposed penalty

Article 46: Mode of publication of the penalty

The court may order publication of a penalty imposed as an accessory penalty in

addition to the principal penalty of not less than five (5) years of imprisonment.

The court determines the mode of publication of the imposed penalty.

CHAPTER II: IMPOSITION OF PENALTIES

Section One: Basis for the judgment and imposition of penalties

Article 47: Compliance with the law during judgment

The court decides a case in accordance with the provisions of law and must state the basis of its decision.

Article 48: Penalty reduction

No penalty may be reduced except in cases and under circumstances provided by law.

Article 49: Factors taken into account by a judge in determining a penalty

A judge determines a penalty according to the gravity, consequences of, and the motive for committing the offence, the offender's prior record and personal situation and the circumstances surrounding the commission of the offence.

In the event of concurrence of grounds for judgment, the judge must consider the following while imposing a penalty:

- 1° aggravating circumstances;
- 2° mitigating circumstances.

Section 2: Aggravating circumstances

Article 50: Determination of aggravating circumstances

Aggravating circumstances are exclusively provided for by law. The judge himself/herself cannot determine them.

Article 51: Effects of aggravating circumstances

Aggravating circumstances increase the gravity of penalty as determined by law.

Section 3: Recidivism

Article 52: Recidivism and its punishment

For felonies, recidivism occurs at any time when a person reoffends after conviction in a final judgment.

For misdemeanours, recidivism occurs when a person convicted by final judgment, re-offends within five (5) years of completion of the sentence or after its prescription.

Every recidivist receives the maximum penalty provided by law and such penalty may be doubled.

Article 53: Circumstances when there is no recidivism

There is no recidivism if:

- 1° the previous offence is a petty offence;
- 2° the penalty imposed on the previous offence was removed by amnesty or rehabilitation;
- 3° the person who was sentenced for a military offence re-commits a felony or a misdemeanour except if the previous penalty imposed for an offence that may be punished by ordinary penal laws.

Section 4: Mitigating circumstances prescribed by law

Subsection One: Minority age

Article 54: Punishment of a person aged between fourteen (14) and eighteen (18) years

If the convict was at least fourteen (14) years of age but less than eighteen (18) years of age at the time of the commission of the offence, the following penalties apply:

- 1° imprisonment for a term of not less than ten (10) years and not more than fifteen (15) years if he/she would be subjected to a life imprisonment;
- 2° a penalty which cannot exceed half (1/2) of the penalty he/she would receive if he/she would be subjected to a fixed-term imprisonment or a fine.

Penalties provided under Paragraph One of this Article also apply to an accomplice if the accomplice was at least fourteen (14) years of age but less than eighteen (18) years of age at the time of the commission of the offence.

Subsection 2: Provocation

Article 55: Penalties in case of provocation

Penalties are reduced for offences committed under provocation.

Article 56: Indication of provocation in judgement

In case of provocation, the judge states in the elements on which the judgment is based, facts that indicate that the victim's conduct caused the commission of the offence.

Article 57: Reduction of a penalty in case of provocation

If the judge is satisfied with elements that constitute provocation of the offender, penalties are reduced in the following proportions:

- 1° in case of a felony punishable by life imprisonment, the penalty is reduced to imprisonment for a term of not less than two (2) years and not more than five (5) years;
- 2° in case of a felony punishable by imprisonment of not less than five (5) years and not more than twenty-five (25) years, the penalty is reduced to imprisonment of

not less than six (6) months and not more than two (2) years;

3° in case of a misdemeanour, the penalty is reduced to imprisonment of not less than eight (8) days but less than six (6) months;

4° in case of a petty offence, no penalty is imposed.

Section 5: Mitigating circumstances decided by a judge

Article 58: Acceptance of mitigating circumstances decided by a judge

The judge assesses whether mitigating circumstances decided by a judge are admissible.

The reasons for acceptance of mitigating circumstances must be stated in the judgment.

Article 59: Certain mitigating circumstances decided by a judge

The judge may reduce penalties, especially when:

- 1° the accused, before the commencement of prosecution, pleads guilty and sincerely seek forgiveness from the victim and the Rwandan society and expresses remorse and repairs the damage caused as much as would be expected from him/her;
- 2° the accused turns himself/herself in to competent judicial authority before or during the pre-trial proceedings;
- 3° at the outset of the trial in the first instance, the accused pleads guilty by a sincere confession;
- 4° the offence has minor consequences.

Article 60: Reduction of penalties in cases of mitigating circumstances decided by a judge

If there are mitigating circumstances, penalties may be reduced as follows:

- 1° subject to the provisions of Article 107 life imprisonment may be reduced but it cannot be less than twenty-five (25) years;
- 2° a fixed-term imprisonment or a fine may be reduced but it cannot be less than the

minimum sentence provided for the offence committed.

Section 6: Concurrence of offences

Article 61: Definition of concurrence of offences

Concurrence of offences occurs when one (1) person commits many offences, none of which has been the subject of a definitive judgment.

Concurrence of offences may be ideal or real.

Ideal concurrence of offences occurs when:

- 1° a single act constitutes several offences;
- 2° separate acts which constitute separate offences, are related among themselves as they are aimed at accomplishing a single criminal intent.

Real concurrence of offences arises when materially separate acts occur one after another and result in separate offences.

Article 62: Penalties in case of concurrence of offences

In case of ideal concurrence of offences referred to in item One of Paragraph 3 of Article 61 of this Law, the judge imposes penalties provided for the most serious offence.

In case of ideal concurrence of offences referred to in item 2° of Paragraph 3 of Article 61 of this Law, the judge imposes the maximum penalty provided for the most serious offence.

In case of real concurrence of offences, the judge imposes penalties for each offence and combine them, taking into account the following:

- 1° the penalty of life imprisonment outweighs all other penalties of imprisonment;
- 2° the combination of penalties of fixed-term imprisonment cannot be more than twice the maximum of the most severe penalty;
- 3° the combination of the sentences of community service cannot exceed two (2) years;

- 4° the combination of penalties of fine cannot be more than twice the maximum of the most severe penalty;
- 5° the combination of penalties of ban on residence or compulsory residence in a particular location or penalties of deprivation of civic rights cannot be more than twenty-five years (25).

Any accessory penalty is imposed even if it is provided only for one of the concurrent offences.

Article 63: Hierarchy of penalties

The most severe penalty is the one whose upper end of the range is the highest.

When two (2) penalties have the same upper end of the range, the most severe penalty is the one whose lower end of the range is the highest.

When both penalties have the same upper end and the same lower end of the range, the most severe penalty is the one accompanied by the penalty of a fine.

A penalty of imprisonment is always more severe than the penalty of community service and the penalty of a fine.

The penalty of community service is more severe than that of a fine.

Section 7: Suspension of penalty

Article 64: Conditions for application of the suspension of penalty

Suspension of sentence is a court decision which orders the stay of execution of a penalty of imprisonment not exceeding five (5) years. Suspension of a penalty is ordered on the basis of the gravity of the offence.

The court decision ordering the suspension of penalty must be reasoned and rendered during the trial for the offence committed. Such a decision may order suspension of all or part of the penalty of imprisonment.

The penalty of a fine and that of community service may not be subject to suspension.

Article 65: Voidance of a suspended penalty

A suspended penalty is considered as void if, within the period set out in the decision and not less than one (1) year and not exceeding five (5) years, the convict has not subsequently been convicted of a felony or misdemeanour from the date when the

decision ordering the suspension of penalty has become final.

Otherwise, the suspended penalty as well as the penalty subsequently imposed for the new offence are combined and executed at the same time.

Article 66: Effects of suspension of a penalty on other decisions rendered by the court

The suspension of a penalty does not exempt a convict from paying the costs of proceedings, damages and from deprivation of civic rights. However, deprivation of civic rights ceases to have effect if the penalty becomes void as provided for in Article 65 of this Law.

CHAPTER III: EXTINCTION OF PENALTIES

Article 67: Causes of extinction of penalty

A penalty becomes extinct following its execution, the convict's death, amnesty, presidential pardon or due to its prescription.

Section One: Amnesty

Article 68: Definition of amnesty

Amnesty is a pardon granted in the general interest and for the benefit of convicted persons in respect of the offences they have committed.

Article 69: Effects of amnesty

Amnesty extinguishes the penalty pronounced as well as consequences of the offence.

However, neither does amnesty exempt the convict from paying damages resulting from the court decision imposing the penalty nor does it prevent the filing of civil action arising out of the offence.

Section 2: Presidential pardon

Article 70: Presidential pardon

The presidential pardon is granted by the President of the Republic at his/her sole discretion and in the general interest of the country. It may be individual or collective.

Article 71: Penalties for which the presidential pardon may be granted

The presidential pardon may be granted for all principal and accessory penalties pronounced in a judgement that has become final.

When the penalty has been executed in part, the presidential pardon can be granted for all or part of the remainder of the penalty.

A suspended penalty may not be subject to presidential pardon as long as the suspension thereof is still effective.

Article 72: Effects of presidential pardon

The presidential pardon extinguishes all or any of the penalties imposed on the convict or replaces them with other penalties that are less severe than the ones imposed on him/her.

The presidential pardon does not extinguish accessory penalties that are not expressly specified in the order granting the pardon or the effects of conviction such as those

related to recidivism, suspension of penalty in case of execution and prosecution for new offences and those of being ordered to pay compensation such as restitution of property and payment of damages.

Article 73: Suspension of penalty execution

When the execution of the penalty of a fine or that of imprisonment of three (3) months or less has not yet commenced, it is suspended throughout the investigation of the case until the day the decision of presidential pardon is taken.

During that same period, however, the Minister in charge of justice may at any time order the suspension of the execution of any penalties, whether or not their execution has commenced.

Section 3: Prescription of penalties

Article 74: Definition of prescription of a penalty

The prescription of a penalty is the period beyond which a penalty can no longer be executed.

Article 75: Prescription of the penalty of imprisonment

The penalty of imprisonment of less than six (6) months is subject to prescription after two (2) years have elapsed.

The penalty of imprisonment for a term equal to or more than six (6) months and not more than five years (5) is subject to prescription after ten (10) years have elapsed.

The penalty of imprisonment of more than five (5) years other than the penalty of life imprisonment is subject to prescription after twenty (20) years have elapsed.

The penalty of life imprisonment for prescriptible offences is subject to prescription after thirty (30) years have elapsed.

Article 76: Prescription of the penalty of community service

The penalty of community service is subject to prescription after ten (10) years have elapsed.

Article 77: Prescription of the penalty of a fine

The penalty of a fine not exceeding five hundred thousand Rwandan francs (FRW

500,000) is subject to prescription after two (2) years have elapsed while that of a fine exceeding five hundred thousand Rwandan francs (FRW 500,000) is subject to prescription after ten (10) years have elapsed.

Article 78: Prescription of accessory penalties

Accessory penalties are subject to prescription at the same time as principal penalties.

Article 79: Calculation of the period of prescription of penalties

The period of prescription of penalties commences from the day on which the decision imposing the penalty or revoking the suspension of penalty has become final.

However, if the convict has evaded the execution of the penalty, the period of prescription commences when he/she turns himself/herself in to the organs in charge of execution of court decisions.

Article 80: Interruption of the period of prescription of penalties

The arrest or detention of a convict interrupts the period of prescription of

penalties for which the convict was not detained.

Article 81: Suspension of the period of prescription of penalties

The period of prescription of a penalty is suspended whenever the execution of the judgment is impossible for reasons arising from the law or force majeure.

Article 82: Prescription of penalties for imprescriptible offences

Penalties for imprescriptible offences are not subject to prescription.

TITLE IV: PUNISHABLE PERSONS

CHAPTER ONE: NATURAL PERSONS

Section One: Criminal liability

Article 83: Criminal liability and its occurrence

Criminal liability is incurred by the offender, his/her co-offender or accomplice.

Only a person who intentionally commits an offence is punishable. However, if the

law so provides, a person commits an offence as a result of his/her recklessness, clumsiness, negligence or any other form of carelessness.

Article 84: Punishment of a co-offender and an accomplice

The co-offender incurs the same penalties as the offender.

The accomplice does not incur the same penalties as the offender except where:

- 1° the law provides otherwise;
- 2° the judge, in his/her discretion, finds that the accomplice's responsibility in the commission of the offence is the same as or greater than that of the principal offender.

The accomplice may be prosecuted even if the criminal action cannot be instituted against the offender due to reasons particularly specific to the offender such as death, insanity or his/her being unidentified.

However, when a person referred to in items 5 d), 5 e) and 5 f) of Article 2 of this Law is the offender's spouse or relative up to the fourth (4th) degree, the court may exempt him/her from the penalties prescribed for the accomplice.

Article 85: Grounds for non-criminal liability

There is no criminal liability if:

- 1° the accused is a child under the age of fourteen (14) years;
- 2° the accused was insane during the commission of the offence;

A person who deliberately deprives himself/herself of mental faculties during the commission of an offence is criminally liable, even if such deprivation was not intended to commit an offence.

Article 86: Grounds for exemption from criminal liability

Grounds for exemption from criminal liability that are inherent to the offender are admitted if :

- 1° a person commits an offence under the effect of a force or under duress to such an extent that he/she cannot resist;
- 2° a person commits an act under orders of a legitimate authority, unless such an act is evidently unlawful;

- 3° a person commits an offence as a result of an error of law or an error of fact if such an error entirely removes the intention to commit an offence;

Grounds for exemption from criminal liability that are inherent to the act are admitted if :

- 1° a person acts in self-defence in the following cases:

- a) fending off a person who breaks into or enters by force or trickery an inhabited place;
- b) defends himself/herself against thieves or other wrongdoers;

- 2° a person commits the following acts:

- a) an act of self-defence in case of danger;
- b) an act of defending another person in danger;
- c) an act committed to interrupt the commission of an offence of damage to property in order to protect the property.

The exemption of criminal liability due to the grounds referred to under Paragraph 2

of this Article is only admitted if the means used by the offender to ensure self-defence or protect himself/herself or another person from danger or interrupt damage to the property he/she protected are proportional to the gravity of the threat.

Article 87: Effects of grounds of non-criminal liability and grounds for exemption of liability

The grounds for non-criminal liability and grounds for exemption from criminal liability that are inherent to the offender do not apply with respect to his/her co-offenders or accomplices.

Nor do such grounds entail exemption from civil liability, if necessary.

The provisions of Paragraph One and 2 of this Article do not apply in case of existence of grounds for exemption related to the act.

CHAPTER II: PUBLIC INSTITUTIONS, COMPANIES, COOPERATIVES, PUBLIC OR PRIVATE ENTITIES OR ORGANIZATIONS WITH LEGAL PERSONALITY

Article 88: Criminal liability of public institutions or organizations with legal personality

Public institutions, companies, cooperatives, public or private entities or organizations with legal personality are held liable for offences committed on their behalf by their organs or representatives.

The criminal liability is established when the offenders have acted by virtue of the following:

- 1° power of representation;
- 2° decision-making power;
- 3° power of supervision.

The criminal liability of public institutions, companies, cooperatives, public or private entities or organizations with legal personality does not exclude the criminal liability of their representatives, those who

hold leadership posts within them or their co-offenders and accomplices.

Article 89: Imposition of penalties on public institutions or organizations with legal personality

In the event of criminal liability of public institutions, companies, cooperatives, public or private entities or organizations with legal personality, the court may impose one or more of the penalties provided under Article 25 of this Law depending on the offence committed.

Article 90: Imposition of the penalty of placement under judicial supervision

A court decision ordering placement of a company, a cooperative, a private entity or organization with legal personality under judicial supervision involves appointing a representative at their own expense and the representative's responsibility is specified by the court. Such responsibilities only cover acts that constituted the offence or those having given rise to the commission of the offence.

Basing on the report of the representative referred to under Paragraph One of this

Article, the judge may either pronounce a new penalty or suspend the penalty of judicial supervision previously pronounced at the request of the prosecution.

PART II: OFFENCES AND THEIR PENALTIES

TITLE ONE: OFFENCES AGAINST PERSONS

CHAPTER ONE: CRIMES OF GENOCIDE, CRIMES AGAINST HUMANITY AND WAR CRIMES

Section One: Crime of genocide and its penalties

Article 91: Definition of crime of genocide

The crime of genocide is any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group as such, whether in time of peace or in time of war:

- 1° killing members of the group;
- 2° causing serious bodily or mental harm to members of the group;

- 3° deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- 4° imposing measures intended to prevent births within the group;
- 5° forcibly transferring children of the group to another group.

Article 92: Punishment of the crime of genocide

Any person who commits any of the acts referred to under Article 91 of this Law commits an offense. Upon conviction, he/she is liable to the penalty of life imprisonment that cannot be mitigated by any circumstances.

Article 93: Other acts punished as the crime of genocide

Without prejudice to other provisions of this Law in relation to attempt, conspiracy and complicity, the following acts are punishable by the penalties stipulated for the crime of genocide:

- 1° conspiracy to commit genocide;
- 2° planning of the genocide;

- 3° direct or indirect incitement to commit genocide;
- 4° attempt to commit genocide;
- 5° complicity in genocide.

Section 2: Crimes against humanity and their penalties

Article 94: Definition of the crime against humanity

The crime against humanity is any of the following acts committed as part of a widespread or systematic attack directed against any civilian population:

- 1° murder;
- 2° extermination;
- 3° enslavement;
- 4° deportation or forcible transfer of population;
- 5° imprisonment or other severe deprivation of physical liberty against a person in violation of law;
- 6° torture;

- 7° rape, sexual slavery, enforced prostitution, enforced sterilization, or any other form of sexual violence of comparable gravity;
- 8° persecution against a person on political, ethnic, religious grounds or any other form of discrimination;
- 9° enforced disappearance of persons;
- 10° the crime of apartheid;
- 11° other inhumane acts of a similar character intentionally causing great suffering or serious injury to mental or physical health.

Article 95: Punishment for the crime against humanity

Any person convicted of one of the acts referred to in items 1°, 2°, 3°, 6°, 7°, 9° and 11° of Article 94 of this Law is liable to the penalty of life imprisonment.

Any person convicted of any of the acts referred to in items 4°, 5°, 8° and 10° of Article 94 of this Law is liable to the penalty of imprisonment for a term not less

than twenty (20) years and not more than twenty-five (25) years.

When the acts constituting the crime against humanity provided under Paragraph 2 of this Article are accompanied by inhumane and degrading treatments, the penalty is life imprisonment.

Section 3: War crimes and their penalties

Article 96: Definition of a war crime

A war crime is any of the following acts committed during armed conflict and directed against persons or property protected under the provisions of the Geneva Conventions of 12 August 1949 and their additional Protocols I and II of 8 June 1977 and Protocol III of 8 December 2005:

- 1° wilful killing;
- 2° torture or inhuman treatment, including biological experiments;
- 3° wilfully causing great suffering or serious injury to body or health;

- 4° extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly such as buildings dedicated to religion, charity or education, historical buildings dedicated to works of art and science;
- 5° compelling a prisoner of war or other protected person to serve in the forces of a hostile power, in its intelligence or administrative services;
- 6° wilfully depriving a prisoner of war or other protected person of the right to regular and fair trial;
- 7° forced deportation, displacement of the civilian population or their transfer to or systematic detention in concentration or forced labour camps;
- 8° taking of hostages and subjecting them to terrorist acts;
- 9° intentionally launching an attack against the civilian population or their property in the knowledge that such attack will cause incidental loss of life, injury to civilians or

severe damage to civilian properties and which would be excessive in relation to the military advantage anticipated;

10° perfidiously using emblems and distinctive signs of humanitarian organizations or other protective signs of persons or objects recognized by International Law, with intention of killing, injuring or capturing the adversary;

11° attacking by whatever means, non-defended localities or demilitarized zones which are duly recognized;

12° practices of apartheid and other inhuman and degrading practices, based on racial discrimination, which give rise to outrages on human dignity;

13° transfer of the population or its part into the territory occupied by a party to the conflict, its deportation within or outside the occupied territory while this is not in the interests of the population;

14° any unjustifiable delay in the repatriation of war prisoners or civilian internees, after the end of active hostilities;

15° passing of sentences and carrying out of executions without previous judgment pronounced by a regularly constituted court and without respecting the rights of the accused;

16° intentionally killing or injuring a person in the knowledge that he/she is not party to hostilities, or when he/she was fighting but that he/she had laid down his/her arms or can no longer defend himself/herself.

Article 97: Persons protected under the Geneva Conventions

Persons protected under the Geneva Conventions of August 12, 1949 and their additional protocols I and II of 8 June 1977 are the following:

- 1° the civilian population;
- 2° civilians under the power of belligerent parties;
- 3° the wounded, sick, shipwrecked civilians or soldiers;
- 4° members of religious, medical and hospital personnel not directly involved in hostilities;
- 5° war prisoners and civilian internees;

- 6° civilians and soldiers who have been deprived of their liberty for reasons related to the armed conflict;
- 7° soldiers who are no longer able to fight for whatever reason.

Civilians behaving as soldiers are not protected under this Article.

Article 98: Punishment for war crimes

Any person convicted of any of the acts referred to under Article 96 of this Law is liable to the following penalties:

- 1° life imprisonment if he/she commits any of the acts referred to under items 1°, 2°, 3°, 9°, 11° and 16°;
- 2° imprisonment for a term of not less than ten (10) years and not more than fifteen (15) years, if he/she commits any of the acts referred to under items 6°, 7°, 8°, 10° and 12°;
- 3° imprisonment for a term of not less than five (5) years and not more than ten (10) years, if he/she commits any of the crimes referred to under items 4°, 5°, 13°, 14° and 15°.

Article 99: Other acts characterized as war crimes

Any of the following acts committed in armed conflicts is a war crime:

- 1° employment of poisonous weapons or other weapons which cause unnecessary suffering;
- 2° looting of public or private property;
- 3° collective punishments for individual acts;
- 4° outrages on human dignity, in particular rape, sexual torture, forced prostitution and any form of indecent assault;
- 5° enslavement and slave trade, slavery-like practices and forced labour in any form;
- 6° use of human shields;
- 7° acts of violence meant to terrorize all or part of the population;

- 8° forcing civilians, including children to take part in hostilities or to perform works related to military service purposes;
- 9° starving the civilian population and preventing humanitarian assistance from reaching such population;
- 10° deliberately separating children from their parents or other persons in charge of their security and welfare;
- 11° refusal to cater for the wounded, sick, shipwrecked persons and persons whose liberty has been restricted for reasons related to the armed conflict;
- 12° mistreatment of prisoners or internees.

Article 100: Penalties for other acts characterized as war crimes

Any person convicted of any of the offences referred to under Article 99 of this Law is liable to the following penalties:

- 1° life imprisonment if he/she has committed any of the acts referred to under items 1°, 4°, 5°, 6°, 9° and 10°;

- 2° imprisonment for a term not less than ten (10) years and not more than fifteen (15) years, if he/she has committed any of the acts referred to under items 3°, 8°, 11° and 12°;
- 3° imprisonment for a term not less than five (5) years and not more than ten (10) years, if he/she has committed any of the acts referred to under items 2° and 7°.

Article 101: Using prohibited methods or weapons against the enemy

Any person who uses or orders use, against the enemy, of methods or weapons expressly forbidden by the laws and customs applicable in armed conflict, as well as international conventions ratified by Rwanda, commits an offence. Upon conviction, he/she is liable to imprisonment for a term not less than fifteen (15) years and not more than twenty (20) years.

When the methods and weapons used or ordered to be used result in the death, the penalty is a life imprisonment.

Section 4: Offences against humanitarian organizations

Article 102: Punishment for offences against humanitarian organizations in wartime

Any person who:

- 1° engages in hostile acts against the personnel of humanitarian organizations in the course of the performance of their duties;
- 2° wilfully destroys or damages, during hostilities, facilities or warehouses belonging to or managed by such organizations;

commits an offence.

Any person convicted of any of the acts referred to under Paragraph One of this Article 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 five hundred thousand Rwandan francs (FRW 500,000) and not more than one million Rwandan francs (FRW 1,000,000).

Article 103: Unlawful use of an emblem of a humanitarian organization

Any person who, intentionally, uses, wears or carries the emblem of humanitarian

organizations in violation of law, or any other sign constituting an imitation thereof likely to cause confusion, commits an offence.

A person convicted of any of the acts referred to under Paragraph One of this Article 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 five hundred thousand Rwandan francs (FRW 500,000) and not more than one million Rwandan francs (FRW 1,000,000).

Section 5: Common provisions applicable to the crime of genocide, crimes against humanity and war crimes

Article 104: Crime of genocide and crime against humanity committed by private entities with legal personality

Companies, cooperatives, private entities with legal personality which, by any means, support the crime of genocide and the crime against humanity referred to under Articles 91, 93 and 94 of this Law are liable to the penalty of dissolution or that of being subject to revocation of their authorization to carry out their activities in Rwanda.

Article 105: Criminal liability of a superior and a subordinate

The fact that the crime of genocide, crimes against humanity and war crimes were committed by a subordinate does not relieve his/her superior of criminal liability if he/she knew or had reason to know that the subordinate was about to commit such crimes or had done so and the superior failed to take the necessary and reasonable measures to prevent such crimes or to punish the offender and inform relevant authorities.

The fact that the accused committed a crime in the execution of an order of a Government or a superior does not relieve the accused of criminal liability if it was evident that the execution of the order would result in the commission of any of the offences referred to under Paragraph One of this Article.

Article 106: Imprescriptibility of the crime of genocide, crimes against humanity and war crimes

The crime of genocide, crimes against humanity and war crimes as well as penalties for these crimes are not subject to prescription.

CHAPTER II: HOMICIDE, ASSAULT OR BATTERY, BODILY HARM AND ABORTION

Section One: Murder and manslaughter

Article 107: Voluntary murder and its punishment

A person who intentionally kills another person commits murder. Upon conviction, he/ she is liable to life imprisonment

Article 108: Infanticide

Any woman, who intentionally or by omission kills his or her biological child whose age is not above twelve (12) months but during the commission of the offense she was in postpartum depression or by effect of lactation commits an offense. Upon conviction, he / she is liable to imprisonment for a term of not less than five (5) years but not exceeding seven (7) years.

Article 109: Euthanasia

Any person who, upon the patient's request, ends the patient's life to relieve the patient's unbearable suffering caused by an incurable illness commits an offence.

Upon conviction, he/ she is liable to imprisonment for a term of not less than three (3) years and not more than five (5) years.

Article 110: Poisoning

A person who administers a substance to another person which can cause death more or less promptly regardless of the substance used or its mode of administration and consequences, commits an offence.

Upon conviction, he/she is liable to life imprisonment.

Article 111: Manslaughter and its punishment

Any person who kills another as a result of clumsiness, carelessness, inattention, negligence, failure to observe rules or any other lack of precaution and foresight but without intent to kill him/her, commits an offence.

A person convicted of manslaughter is liable to imprisonment for a term of not less than six (6) months and not more than two (2) years and a fine of not less than five hundred thousand Rwandan francs (FRW 500,000) and not more than two million Rwandan francs (FRW 2,000,000) or only one of these penalties.

Section 2: Torture and sexual torture

Article 112: Torture

For the purpose of this Law, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him/her or a third person information or a confession, punishing him/her for an act he/she or a third person has committed or is suspected of having committed, or intimidating or coercing him/her or a third person, or for any reason based on discrimination of any kind.

Any person who commits any of the offences referred to under Paragraph One of this Article commits an offence.

The crime of torture is imprescriptible.

Article 113: Penalties for torture

Any person convicted of torture is liable to imprisonment for a term of not less than twenty (20) years and not more than twenty- five (25) years.

If torture results in an incurable illness, permanent incapacity to work, full loss of function of an organ or mutilation of any key body organ, death or is committed by a public official in his/her duties, the penalty is life imprisonment.

Article 114: Sexual torture

Any person who causes damage to genital organs of another person commits an offence. Upon conviction, he/she is liable to a term of life imprisonment.

Section 3: Infliction of physical suffering

Article 115: Administering to another person a substance that may cause death or seriously alter the person's health

Any person who intentionally causes to another person illness, incapacity to work, by administering to him/her, in any way whatsoever, any substance likely to cause death, but without any intention of causing death, although such a substance may not kill, but which may seriously alter the person's health, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than two (2) years and not more than three (3) years, and a fine of not less than three hundred thousand Rwandan francs (FRW 300,000) and not more than five hundred thousand Rwandan francs (FRW 500,000).

In case the administered substance causes an incurable illness, permanent incapacity to work, full loss of function of an organ, the penalty is imprisonment for a term of not less than twenty (20) years and not more than twenty-five (25) years and a fine of more than five hundred thousand (500,000 FRW) Rwandan francs and not more than one million Rwandan francs (FRW 1,000,000).

Article 116: Incitement to and assistance with suicide

Any person who incites another person to commit suicide, assists him/her in committing suicide or causes him/her to commit suicide due to harassment, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than three (3) years and not more than five (5) years.

Article 117: Transmission of an illness to another person

Any person who wilfully transmits to another person an illness likely to cause disability commits an offence. Upon conviction, he/she is liable to imprisonment for a term of at least two (2) years and not more than three (3) years and a fine of not less than three hundred thousand Rwandan francs (FRW 300,000) and not more than five hundred thousand Rwandan francs (FRW 500,000).

In case the illness transmitted is incurable, the penalty is imprisonment of at least twenty (20) years and not more than twenty-five (25) years and a fine of more than five hundred thousand Rwandan francs (FRW 500,000) and not more than one million Rwandan francs (FRW 1,000,000).

Article 118: Unintentional bodily harm

Any person who, through carelessness, inattention, negligence, lack of precaution and foresight, causes bodily harm to another person but without any intention of endangering his/her life commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of at least three (3) months and not more than six (6) months and a fine of at least five hundred thousand Rwandan francs (FRW 500,000) and not more than one million Rwandan francs (FRW 1,000,000) or only one of these penalties.

If the offence referred to under Paragraph One of this Article results in death, the penalty is imprisonment for a term of six (6) months and not more than two (2) years and a fine of at least five hundred Rwandan francs (FRW 500,000) and not more than two million Rwandan francs (FRW 2,000,000), or only one of these penalties.

Article 119: Throwing an object at a person that may inconvenience or dirty him/her

Any person who, in bad faith, throws any object at another person which may

inconvenience or dirty that person, commits an offence.

Upon conviction, he/she is liable to a fine of not less than two hundred thousand Rwandan francs (FRW 200,000) and not more than three hundred Rwandan francs (FRW 300,000).

Section 4: Assault or battery

Article 120: Unintentional assault or battery

Any person who, because of clumsiness, recklessness, negligence, carelessness, lack of precaution and foresight, assaults or batters another person or causes an injury, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than eight (8) days and not more than two (2) months and a fine of not less than one hundred thousand Rwandan francs (FRW 100,000) and not more than two hundred thousand Rwandan francs (FRW 200,000).

If the offender causes injuries to several persons, he/she is liable to imprisonment for a term of more than two (2) months and not less than three (3) months and a fine of not less than five hundred Rwandan francs

(FRW 500,000) and not more than one million Rwandan francs (FRW 1,000,000) or only one of these penalties.

Article 121: Intentional assault or battery

Any person who, wilfully, injures, beats or commits any serious violence against another person, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than three (3) years and not more than five (5) years and a fine of not less than five hundred thousand Rwandan francs (FRW 500,000) and not more than one million Rwandan francs (FRW 1,000,000). If the offence is committed against a child, a parent, a spouse or a person unable to protect himself/herself because of his/her physical or mental state, he/she is liable to imprisonment for a term of more than five (5) years and not more than eight (8) years and a fine of not less than one million Rwandan francs (FRW 1,000,000) and not more than two million Rwandan francs (FRW 2,000,000).

If assault or battery has caused illness or non-permanent incapacity to work, the penalty is imprisonment for a term of not less than ten (10) years and not more than

fifteen (15) years and a fine of not less than three million Rwandan francs (FRW 3,000,000) and not more than five million Rwandan francs (FRW 5,000,000). If assault or battery has resulted in an incurable illness, permanent disability to work, full loss of function of an organ or serious mutilation, the penalty is imprisonment for a term of not less than ten (10) years and not more than fifteen (15) years and a fine of not less than three million Rwandan francs (FRW 3,000,000) and not more than five million Rwandan francs (FRW 5,000,000).

If assault or battery is committed with premeditation or ambush, the offender is liable to imprisonment for a term of not less than ten (10) years and not more than fifteen (15) years and a fine of not less than three million Rwandan francs (FRW 3,000,000) and not more than five million Rwandan francs (FRW 5,000,000).

If assault or battery has caused death, the penalty is imprisonment for a term of not less than fifteen (15) years and not more than twenty (20) years and a fine of not less than five million Rwandan francs (FRW 5,000,000) and not more than seven million Rwandan francs (FRW 7,000,000).

Section 5: Neglecting the care for a dependant and violence against a person

Article 122: Neglecting the care for the person entrusted into one's care

Any person responsible for the care of another person who, in bad faith and without intent to kill, subjects him/her to hunger, thirst or who fails to provide medical care or who deprives him/her of anything that could have saved his/her life, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than five (5) years and not more than seven (7) years.

If the offence referred to under Paragraph One of this Article is committed against a child or a person unable to protect himself/herself because of his/her physical or mental state, the penalty is imprisonment for a term of not less than ten (10) years and not more than fifteen (15) years.

If the offender acted with intent to kill, the penalty is a life imprisonment.

Section 6: Abortion

Article 123: Self-induced abortion

Any person who self-induces an abortion commits an offence.

Upon conviction, 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 one hundred thousand Rwandan francs (FRW 100,000) and not more than two hundred thousand Rwandan francs (FRW 200,000).

Article 124: Performing an abortion on another person

Any person who performs an abortion on another person, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than three (3) years and not more than five (5) years.

Any person who, because of negligence or carelessness, causes another person to abort 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 hundred thousand Rwandan francs (RWF 300,000) and not more than five hundred thousand Rwandan francs (RWF 500,000) or only one of these penalties.

If abortion causes disability certified by a relevant medical doctor, the offender is liable to imprisonment for a term of not less than twenty (20) years and not more than twenty-five (25) years.

If abortion causes death, irrespective of whether or not the person having an abortion has given her consent, the offender is liable to life imprisonment.

Article 125: Exemption from criminal liability for abortion

There is no criminal liability if abortion was performed due to the following reasons:

- 1° the pregnant person is a child;
- 2° the person having abortion had become pregnant as a result of rape;
- 3° the person having abortion had become pregnant after being subjected to a forced marriage;
- 4° the person having abortion had become pregnant as a result of incest up to the second degree;
- 5° the pregnancy puts at risk the health of the pregnant person or of the foetus.

Abortion is performed by a recognized medical doctor.

Conditions to be satisfied for a medical doctor to perform an abortion are

determined by an Order of the Minister in charge of health.

If, after abortion, it is evident that the person on whom abortion was performed applied for it with no legal basis, such a person is punished as a person who performed a self-induced abortion.

Article 126: Procedure by which an application for a child to abort is made

If a person wishing to abort is a child, the application to do so is made by persons with parental authority over her after agreeing upon it.

If persons with parental authority over a child disagree among themselves or if they disagree with the child, the wish of the child prevails.

A person requesting abortion for the child over whom he/she has parental authority, files a request with a recognised medical doctor, accompanied with the child's birth certificate containing the date of birth.

Article 127: Advertising the means of abortion

Any person who, by any means, advertises drugs, materials or any other substances

believed to induce abortion, commits an offence. Upon conviction, he/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 two million Rwandan francs (FRW 2,000,000) and not more than three million Rwandan francs (FRW 3,000,000) or only one of these penalties.

CHAPTER III: THREATS TO HARM A PERSON

Article 128: Use of threats

Any person who uses threats with intent to harm another person, whether such threats are verbal, gestures, images or in writing, commits an offence.

Upon conviction, he/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 hundred thousand Rwandan francs (FRW 300,000) and not more than five hundred thousand Rwandan francs (FRW 500,000).

If such threats are accompanied by duress or are carried out by imposing conditions on the victim, or by depriving him/her of property, the penalty is imprisonment for a

term of more than two (2) years and not more than three (3) years and a fine of not less than two million Rwandan francs (FRW 2,000,000) and not more than three million Rwandan francs (FRW 3,000,000).

Article 129: Blackmail

Blackmail is an act of demanding a signature from a person, acceptance or denial of a responsibility, disclosure of a secrecy, remittance of funds, negotiable instrument or any other asset by threatening to denounce him/her, to disclose or attribute such information, whether true or false, that may damage the honour or reputation of the victim or any other person who, if threatened, may cause harm to the victim.

Any person who uses blackmail, commits an offence.

Upon conviction, he/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 one hundred thousand Rwandan francs (FRW 100,000) and not more than three hundred thousand Rwandan francs (FRW 300,000).

If the person who commits blackmail executes his/her threats, the penalty is imprisonment for a term of more than three

(3) years and not more than five (5) years, and a fine of not less than one million Rwandan francs (FRW 1,000,000) and not more than two million Rwandan francs (FRW 2,000,000).

CHAPTER IV: OTHER PROHIBITED ACTS

Article 130: Hiding or exhuming, mutilating or inflicting dehumanizing treatment on a dead human body

Any person who, maliciously hides, exhumes, mutilates or inflicts dehumanizing treatment on a human body in any way, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than five (5) years and not more than seven (7) years.

Article 131: Cannibalism

Any person who eats human flesh or feeds other people with human flesh, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than ten (10) years and not more than fifteen (15) years.

Article 132: Providing false statement

Without prejudice to disciplinary or administrative sanctions, any person who, in the course of his/her duties, is required to provide information for national planning purposes and provides such information knowing that or being supposed to know that such information is false, commits an offence.

Upon conviction, he / she is liable to a imprisonment for a term of not less than three (3) months but not exceeding (6) months and a fine of not less than five hundred thousand Rwandan Francs (FRW 500,000) but not exceeding one million Rwandan Francs (FRW 1,000,000) or one of these penalties only.

**CHAPTER V: SEXUAL OFFENCES
AND OFFENCES AGAINST
MORALITY**

Section One: Sexual offences

Article 133: Child defilement

Any person who commits any of the sex related acts listed below on a child, commits an offence:

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- 1° insertion of a sexual organ into the sexual organ, anus or mouth of the child;
- 2° insertion of any organ of the human body into a sexual organ or anus of a child;
- 3° performing any other act on the body of a child for the purpose of bodily pleasure.

Upon conviction, he/she is liable to imprisonment for a term of not less than twenty (20) years and not more than twenty-five (25) years.

If child defilement is committed on a child under fourteen (14) years, the penalty is life imprisonment that cannot be mitigated by any circumstances.

If child defilement committed on a child of fourteen (14) years of age or older has resulted into an incurable illness or disability, the penalty is life imprisonment.

If child defilement is followed by cohabitation as husband and wife, the penalty is life imprisonment that cannot be mitigated by any circumstances.

If child defilement is committed between children aged at least fourteen (14) years

without violence or threats, no penalty is pronounced. However, if a child aged fourteen (14) years but who is not yet eighteen (18) years commits child defilement on a child under fourteen (14) years, he/she is punished in accordance with the provisions of Article 54 of this Law.

Article 134: Rape

A person who causes another person to perform any of the following acts without consent by use of force, threats, trickery or by use of authority over that person or who does so on grounds of vulnerability of the victim, commits an offence:

- 1° insertion of a sexual organ of a person into a sexual organ, anus or mouth of another person;
- 2° insertion of any organ of a person or any other object into a sexual organ or anus of another person.

Any person who is convicted of rape is liable to imprisonment for a term of not less than ten (10) years but not more than fifteen (15) years and a fine of not less than one million Rwandan francs (FRW 1,000,000) but not more than two million Rwandan francs (FRW 2,000,000).

If rape was committed on a person aged over sixty-five (65) years, a person with a disability or illness that makes him/her unable to defend himself/herself, the penalty is imprisonment for a term of more than fifteen (15) years but less than twenty (20) years and a fine of not less than one million Rwandan francs (FRW 1,000,000) but not more than two million Rwandan francs (FRW 2,000,000).

If rape resulted into an incurable illness or disability, the offender is liable to imprisonment for a term of more than twenty (20) years but not more than twenty-five (25) years and a fine of not less than five hundred thousand Rwandan francs (FRW 500,000) but not more than one million Rwandan francs (FRW 1,000,000).

The penalty is life imprisonment if rape:

- 1° was committed by more than one person;
- 2° resulted into death of the victim;
- 3° was committed on a relative up to the second level.

4° was committed with intention to infect the victim with an incurable illness.

Article 135: Indecent assault

Any person who performs an indecent act against another person's body in any manner whatsoever without the latter's consent, commits an offence.

Any person who is convicted of indecent assault 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 one hundred thousand Rwandan francs (FRW 100,000) and not more than three hundred thousand Rwandan francs (FRW 300,000).

If indecent assault is committed in public, the offender is liable to imprisonment for a term of not less than two (2) years and not more than three (3) years, and a fine of not less than five hundred thousand Rwandan francs (FRW 500,000) and not more than one million Rwandan francs (FRW 1,000,000).

Penalties provided for in Paragraphs 2 and 3 of this Article are doubled if the offender:

1° is a descendant or an ascendant of the victim;

- 2° is in the category of those who have authority over him/her ;
- 3° is a teacher ;
- 4° is a civil servant, a representative of the administrative authority, a minister of worship who has abused his/her position, or a medical doctor or medical staff who commits such an offence against a person placed under his/her authority by virtue of his/her duties;
- 5° was assisted by one or several persons in committing the offence;
- 6° used force or threats;

Section 2: Offences against morality

Article 136: Adultery, its prosecution and punishment

Any spouse who has sexual intercourse with a person other than his/her spouse, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than six (6) months and not more than one (1) year.

The prosecution of adultery is initiated only upon complaint of the offended spouse. In that case, the prosecution is initiated against the accused spouse and the co-offender.

The offended spouse may at any stage of the procedure request that the proceedings be terminated when he/she retracts and withdraws the complaint.

However, if the matter is already brought before court or if a decision thereon has been taken, retraction does not stop the consideration of the case or the execution of the judgment. The judge considers the case after which he/she can accept or refuse such a retraction upon justification.

If a judge accepts the retraction of the offended spouse, stopping the proceedings or the execution of the judgement has effects on the co-offender.

Article 137: Sexual violence against a spouse

A person who commits a physical and sexual violence on his/ her spouse commits an offence. Upon conviction, he / she is liable to imprisonment for a term of not less than three (3) years but not more than five (5) years.

Article 138: Concubinage

A person who lives as a husband and wife with a person other than his/her spouse while one or both of them are married, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of more than one (1) year and not more than two (2) years.

Article 139: Desertion of the marital home

A spouse who, without serious reasons, deserts his/her marital home for more than two (2) months and evades his/her obligations, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than three (3) months and not more than six (6) months.

Penalties referred to in Paragraph 2 of this Article also apply to a husband who, wilfully and without serious reasons, deserts his wife for more than one (1) month knowing that she is pregnant.

However, separation following mistreatment of one of the spouses is not considered as desertion of the marital home when he/she has informed the nearest local

administration and a record relating thereto has been drawn.

Article 140: Prosecution of the offence of concubinage and desertion of the marital home

The prosecution of the offence of concubinage and desertion of the marital home is initiated only upon complaint of the offended spouse.

The offended spouse may at any stage of the procedure request that the proceedings be terminated when he/she retracts and withdraws the complaint.

However, if the matter is already brought before court or if a decision thereon has been taken, retraction does not stop the consideration of the case or the execution of the judgment. The judge considers the case after which he/she can accept and refuse such a retraction upon justification.

Article 141: Bigamy or officiating at bigamy

Any person who:

- 1° enters into a marriage contract while the previous one is still valid;

2° accepts to marry a person knowing that the latter is party to an undissolved marriage;

3° officiates at a marriage ceremony knowing that the person getting married has another marriage contract;

commits an offence.

Any person convicted of one of the acts referred to in Paragraph One of this Article 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 hundred thousand Rwandan francs (FRW 300,000) and not more than five hundred thousand Rwandan francs (FRW 500,000).

Article 142: Bestiality

Any person who engages in a sexual act with an animal, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than six (6) months and not more than one (1) year.

Any person who, in any manner whatsoever, causes another person to engage in a sexual act with an animal, is liable to imprisonment for a term of not less than seven (7) years and not more than ten

(10) years, and a fine of not less than three million Rwandan francs (FRW 3,000,000) and not more than five million Rwandan francs (FRW 5,000,000).

Article 143: Public indecency

Any person who performs an indecent act in public, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than six (6) months and not more than two (2) years.

CHAPTER VI: OFFENCES AGAINST PERSONS UNABLE TO PROTECT THEMSELVES

Article 144: Abandonment of a dependant unable to protect himself/herself

Any person who abandons or causes to abandon in an open place or neglects his/her dependant because of his/her physical or mental state, commits an offence. Upon conviction, he/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 one hundred thousand Rwandan francs (FRW 100,000) and not more than two hundred thousand Rwandan francs (FRW 200,000).

If a person unable to protect himself/herself was abandoned in an isolated place with intention to hide him/her, the penalty is an imprisonment for a term of not less than three (3) years and not more than five (5) years and a fine of not less than three hundred thousand Rwandan francs (FRW 300,000) and not more than five hundred thousand Rwandan francs (FRW 500,000).

If the abandonment or neglect of a person causes serious illness, loss of one of the parts of the body or disability, the penalty is an imprisonment for a term of not less than seven (7) years and not more than ten (10) years.

If the abandonment or neglect of a person results into the death, the penalty is life imprisonment.

Article 145: Stigmatization against a sick person

Any person who stigmatizes a sick person, without the intention to protect the sick person or other persons, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than one (1) month but less than six (6) months and a fine of not less than three hundred thousand Rwandan francs (FRW 300,000) and not more than five hundred thousand Rwandan francs (FRW 500,000) or only one of these penalties.

CHAPTER VII: OFFENCES AGAINST HUMAN RIGHTS AND FREEDOM OF WORSHIP

Section One: Offences against human rights

Article 146: Playing a role in forced cohabitation

Any person who plays a role in forcing cohabitation of a man and a woman, commits an offence.

Upon conviction, he/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 two hundred thousand Rwandan francs (FRW 200.000) and not more than three hundred thousand Rwandan francs (FRW 300.000).

Article 147: Harassment of a spouse

Any person who harasses a spouse with the intention preventing him/her from living a peaceful life, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than one (1) year and not more than two (2) years.

Article 148: Denial of freedom to practice family planning

Any person who, on grounds of marriage, commits violence or harassment against his/her spouse because of the spouse's decision to practice family planning, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than two (2) months and not more than six (6) months.

Article 149: Sexual harassment

Sexual harassment are repeated remarks or behaviour of sexual overtones towards a person that either undermine, violate his/her dignity because of their degrading or humiliating character which create against him/her an intimidating, hostile or unpleasant situation.

Any person who commits any of the acts referred to in Paragraph One of this Article, commits an offence. Upon conviction, he/she is liable to imprisonment for a term

of not less than six (6) months and not more than one (1) year and a fine of not less than one hundred thousand Rwandan francs (FRW 100,000) and not more than two hundred thousand Rwandan francs (FRW 200,000).

In case the offender is an employer or any other person who uses his/her responsibility to practice acts of sexual harassment on a subordinate through instructions, threats or intimidation with intention to achieve sexual pleasure, he/she is liable to imprisonment for a term of more than one (1) year and not more than two (2) years and a fine of not less than two hundred thousand Rwandan francs (FRW 200.000) and not more than three hundred thousand Rwandan francs (FRW 300.000).

Article 150: Fraudulent use of family property

Any person who gives, sells, mortgages or uses a family property fraudulently obtained from a spouse, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than three (3) months but less than six (6) months.

If the person prosecuted for an offence referred to in Paragraph One of this Article returns the property before the court

convicts him/her, prosecution immediately ceases.

Article 151: Abduction and unlawful detention of a person

Any person who, by violence, deception or threats, abducts or causes to be abducted, unlawfully detains or causes to be detained another person, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than five (5) years and not more than seven (7) years.

If the victim of any of the acts referred to in Paragraph one of this Article is a child, the penalty is an imprisonment for a term of more than seven (7) years and not more than ten (10) years.

Article 152: False accusations

Any person who knowingly makes false accusations against another person before an investigator, a prosecutor or a judge, commits an offence.

Upon conviction, he /she is liable to imprisonment for a term of not less than two (2) months but less than six (6) months and a fine of not less than three hundred thousand Rwandan francs (FRW 300,000)

and not more than five hundred thousand Rwandan francs (FRW 500,000) or only one of the penalties.

Section 2: Offences against freedom of worship

Article 153: Obstruction of smooth running of religious rituals

Any person who:

- 1° by use of violence, insults or threats, compels or prevents one or more persons from practicing religious rituals or celebrating religious festivities of a legally recognized religious denomination;
- 2° causes trouble or disorder, prevents, delays or interrupts religious rituals conducted in public in a legally recognized manner;

commits an offence.

Any person who is convicted of acts referred to in Paragraph One of this Article, is liable to imprisonment for a term of not less than one (1) year and not more than two (2) years or a fine of not less than one million Rwandan francs (FRW 1,000,000) and not more than two million Rwandan francs (FRW 2,000,000).

In case acts referred to in Paragraph One of this Article are committed by an association

of people, the penalty is an imprisonment for a term of not less than three (3) years and not more than five (5) years or a fine of three million Rwandan francs (FRW 3,000,000) and not more than five million Rwandan francs (FRW 5,000,000).

Article 154: Public defamation of religious rituals

Any person who publicly defames religious rituals, symbols and religious cult objects by use of actions, words, signs, writings, gestures or threats, whether carried out at the place where rituals are intended to be performed or where they are normally performed, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than fifteen (15) days but less than three (3) months and a fine of not less than one hundred thousand Rwandan francs (FRW 100,000) and not more than two hundred thousand Rwandan francs (FRW 2,000,000) or only one of the penalties.

**CHAPTER VIII: OFFENCES
AGAINST PRIVACY**

Article 155: Violation of domicile

Except in cases provided for by law, any person who, without authorisation of the occupants, enters a home, a house, a room or accommodation of another person, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than two (2) months but less than six (6) months and a fine of not less five hundred thousand Rwandan francs (FRW 500,000) and not more than one million Rwandan francs (FRW 1.000,000).

If entry into a person's domicile is by recourse to threats, housebreaking or use of false keys, the penalty is an imprisonment for a term of not less than three (3) years and not more than five (5) years and a fine of more than one million Rwandan francs (FRW 1,000,000) and less than two million Rwandan francs (FRW 2,000,000) or only one of these penalties.

Article 156: Secretly listening to conversations, taking photos or disclosing them

Any person who, in bad faith and in any way, infringes the personal privacy of another person by:

- 1° secretly listening to, or disclosing, people's confidential statements without authorisation;
- 2° taking a photo, audio or visual recording or disclosing them without one's authorisation;

commits an offence.

Any person who is convicted of any of the acts referred to in Paragraph One of this Article, is liable to imprisonment for a term of not less than six (6) months and not more than one (1) year and a fine of not less than one million Rwandan francs (FRW 1,000,000) and not more than two million Rwandan francs (FRW 2,000,000) or only one of these penalties.

If the acts referred to in Paragraph One of this Article are committed in full view and awareness of the persons concerned and without opposing the acts while they were able to do so, their consent is presumed.

The penalties referred to in Paragraph 2 of this Article also apply to a person who, in bad faith, distributes in any way whatsoever, a photo, audio and video, recordings or documents obtained as a result of one of the acts referred to in Paragraph One of this Article.

Article 157: Publication of edited statements or images

Any person who, in bad faith, publishes in any way whatsoever an edited version of a person's statements, or images and photos without explicitly stating that it is not the original version, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than six (6) months and not more than one (1) year and a fine of not less than one million Rwandan francs (FRW 1,000,000) and not more than two million Rwandan francs (FRW 2,000,000).

Article 158: Breach of professional secrecy

Any person who reveals professional secrecy entrusted as privilege to keep by virtue of function, occupation or mandate of

a religion, whether in service or after leaving the service, commits an offence.

Upon conviction, he/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 two million Rwandan francs (FRW 2,000,000) and not more than three million Rwandan francs (FRW 3,000,000).

However, it is not a breach of professional secrecy:

- 1° if the law requires or allows the disclosure of a professional secrecy;
- 2° for a person providing information to judicial authorities.

Article 159: Offences committed against correspondences in the various telecommunication channels

Any person who uses any fraudulent means to open, remove, delay, divert correspondences or other documents, whether or not they have reached their destination, commits an offence. Upon conviction, he/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 one million Rwandan francs

(FRW 1,000,000) and not more than three million Rwandan francs (FRW 3,000,000).

The penalties referred to in Paragraph One of this Article are also applicable to the act of recording, intercepting, diverting or disclosing correspondence sent or received by any means of telecommunications or installing devices designed to carry out such interceptions without authorisation of the judicial or public prosecution authorities.

Article 160: Collection of individuals' personal information in computers

Any person who, in bad faith, records, collects individual's personal information or who archives or uses other ways of keeping the personal information in computers and other specialized equipment in a manner that is likely to adversely affect the individual's honour or his/her privacy, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than six (6) months and not more than one (1) year and a fine of not less than one million Rwandan francs (FRW 1,000,000) and not more than two million Rwandan francs (FRW 2,000,000).

Acts referred to in Paragraph One of this article performed in a professional manner or in the context of one's duty and legally recognised do not qualify as an offence.

Article 161: Public insult

Any person who publicly insults another person, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than fifteen (15) days and not more than two (2) months; a fine of not less than one hundred thousand Rwandan francs (FRW 100,000) and not more than two hundred thousand Rwandan francs (FRW 200,000); community service for a period of not more than fifteen (15) days or only one of these penalties.

Public insult referred to in Paragraph One of this Article is a sign, practice, statement or written document intended to deliberately and directly hurt another person.

Article 162: Prosecution for offences which infringe intimate privacy

The offences referred to in this Chapter are prosecuted only at the request of the victim, his/her legally authorized representative or rightful claimant.

**CHAPTER IX: CRIME OF
DISCRIMINATION AND
INSTIGATING DIVISIONS**

Article 163: Crime of discrimination

Any person who commits one of the following acts:

- 1° act which inconveniences a person or a group of people or causes division among persons or a group of people on the basis of race, ethnicity, origin, clan, family connection, colour of skin, sex, region, nationality, religion, political ideology, economic classes, culture, language, social status, physical or mental disability or physical appearance;
- 2° acts aimed at denying a person or a group of people their rights granted under the Rwandan law or international conventions ratified by Rwanda, on the basis of race, ethnicity, origin, clan, family connection, colour of skin, sex, region, nationality, religion, political ideology, economic classes, culture, language, social status, physical or mental disability or physical appearance;

3° act instigating a person to deny another person or a group of people their rights granted under the Rwandan law or international conventions ratified by Rwanda, on the basis of race, ethnicity, origin, clan, family connection, colour of skin, sex, region, nationality, religion, political ideology, economic classes, culture, language, social status, physical or mental disability or physical appearance;

commits an offence.

A person convicted of committing one of the acts referred to under Paragraph One of this Article 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 five hundred thousand Rwandan francs (FRW 500,000) but not more than one million Rwandan francs (FRW 1,000,000).

Article 164: Crime of instigating divisions

A person who makes use of speech, writing, or any other act which divide people or may set them against each other or cause

civil unrest on the basis of discrimination, commits an offence.

A person convicted of committing one of the acts referred to under paragraph one of this Article 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 five hundred thousand Rwandan francs (FRW 500,000) but not more than one million Rwandan francs (FRW 1,000,000).

TITLE II: OFFENCES COMMITTED AGAINST PROPERTY

CHAPTER ONE: FRAUDULENT APPROPRIATION OF THE PROPERTY OF OTHERS

Section One: Definitions

Article 165: Definitions

In this Chapter, the following terms have the following meanings:

- 1° **theft:** taking another person's property without his/her consent with an intention to make it his/her own property or use it;

- 2° **armed robbery:** theft committed by a person in possession of any instrument, gun, knife or any other sharp, piercing or pounding object which can be used to kill, hurt or hit whether is in plain sight or hidden or is found near the scene of crime;
- 3° **night theft:** any theft carried out between six (6:00) pm and six (6:00) am;
- 4° **occupied house:** any building, house, any room, any mobile hut or any other occupied place used for people's habitation;
- 5° **surroundings of an inhabited house:** courts, gardens, animal sheds and other things erected therein even if they have their separate enclosure;
- 6° **burglary:**
- a) to force, damage, break, dig, demolish a fence, a wall, windows, doors, a roof of a house or any other buildings, or against a vehicle, a vessel, an aircraft or a train;
 - b) to force into cupboards or any other locked furniture containing whatever effects, even

if the burglary did not take place where the locked furniture were located.

Section 2: Theft

Article 166: Penalties for theft

Any person convicted of theft 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 one million Rwandan francs (FRW 1,000,000) and not more than two million Rwandan francs (FRW 2,000,000), community service in a period of six (6) months or only one of these penalties.

Article 167: Aggravating circumstances of theft

The penalty for theft doubles if:

- 1° the offender committed the crime through burglary, climbing or possession of keys other than the owner;
- 2° the theft is carried out in an occupied house or in a building used for habitation or in its surroundings;

- 3° the theft is carried out by a civil servant taking advantage of his/her duties or a person responsible for any services of general interest;
- 4° the offender usurps false title or insignia of a civil servant or a person responsible for services of general interest or with a false mandate from public authority.
- 5° the theft is carried out during the night;
- 6° the theft is carried out by more than one (1) person.

Article 168: Penalties for theft with violence or threats

If theft is carried out with violence or threats, the penalty is an imprisonment for a term of not less than five (5) years and not more than seven (7) years and a fine of not less than three million Rwandan francs (FRW 3,000,000) and not more than five million Rwandan francs (FRW 5,000,000).

If the violence or threats used for theft resulted into illness or temporary loss of working capacity, the offender is liable to imprisonment for a term of more than seven (7) years and not more than ten (10) years.

If the violence or threats resulted into an incurable illness or a permanent loss of working capacity or permanent loss of a body organ, the offender is liable to imprisonment for a term of more than ten (10) years and not more than fifteen (15) years.

If the violence or threats are used with no intent to cause death but result in death, the offender is liable to imprisonment for a term of not less than twenty (20) years and not more than twenty-five (25) years.

Article 169: Theft of a motor vehicle in order to take it in another country

Any person who steals a motor vehicle in order to take it in another country, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of more than five (5) years and not more than seven (7) years with a fine of not less than five million Rwandan francs (FRW 5,000,000) and not more than ten million Rwandan francs (FRW 10,000,000).

Article 170: Armed robbery

Any person who carries out theft with a weapon, commits armed robbery.

Upon conviction, he/she is liable to imprisonment for a term of not less than ten (10) years and not more than fifteen (15) years and a fine of not less than five million Rwandan francs (FRW 5,000,000) and not more than seven million Rwandan francs (FRW 7,000,000).

The penalty is an imprisonment for a term of not less than fifteen (15) years and not more than twenty (20) years and a fine of not less than five million Rwandan francs (FRW 5,000,000) and not more than seven million Rwandan francs (FRW 7,000,000) if:

- 1° the armed robbery is committed by more than one (1) person;
- 2° the weapon in possession is used;
- 3° the armed robbery is committed in a dwelling house or its surroundings even if the house is temporarily inhabited or used as workplace.

If the armed robbery causes death or it is committed by an organized gang, the penalty that applies is life imprisonment.

Section 3: Extortion and fraudulent retaining of another person's lost and found item

Article 171: Extortion

Any person who commits extortion by use of violence or coercion and demands from another person his/her signature, fingerprint or is given any discreditable gain or payment, commits an offence.

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

Article 172: Fraudulent retention of another person's found property

Any person who finds or accidentally obtains a lost movable item belonging to another person and intentionally retains it

or fraudulently gives it to another person, commits an offence.

Upon conviction, he/she is liable to a fine of not less than three hundred thousand Rwandan francs (FRW 300,000) and not more than five hundred thousand Rwandan francs (FRW 500,000) or community service in a period of not less than fifteen (15) days and not more than thirty (30) days.

Article 173: Forging or alteration of keys

Any person who fraudulently forges or alters keys or who fraudulently uses a master key, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than six (6) months and not more than one (1) year and a fine of not less than five hundred thousand Rwandan francs (FRW 500,000) and not more than one million Rwandan francs (FRW 1,000,000) or only one of these penalties.

If the offender is a locksmith, he/she is liable to imprisonment for a term of more than one (1) year and not more than two (2) years and a fine of more than one million Rwandan francs (FRW 1,000,000) and not

more than two million Rwandan francs (FRW 2,000,000).

Article 174: Fraud

Any person who, by deception, obtains another person's property, whole or part of his/her finance by use of false names or qualifications, or who offers positive promises or who threatens of future misfortunes, commits an offence.

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

If this offence is committed by a person who intends to issue shares, shareholders' bills, securities, bonds, vouchers or any other cash value, either for a business company, trading company or industry, the applicable penalty is an imprisonment for a term of not less than three (3) years and not more than five (5) years with a fine of more than five million Rwandan francs (FRW 5,000,000) and not more than seven million Rwandan francs (FRW 7,000,000).

Article 175: Non-payment of bills

Any person who, knowing that he/she is unable to pay, orders for any item which cannot be re-used or returned back, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than fifteen (15) days and not more than two (2) months, a fine of not less than one hundred thousand Rwandan francs (FRW 100,000) and not more than two hundred thousand Rwandan francs (FRW 200,000) and community service in a period of not more than fifteen (15) days or only one of these penalties.

Payment of the billed items and the money spent to recover them as well as court costs by the defendant or withdrawal of the case by the plaintiff terminate the prosecution.

The offence provided for under Paragraph One of this Article results into prosecution only if the aggrieved party complains.

Section 4: Breach of trust, embezzlement or pledging as a security a property belonging to another person

Article 176: Breach of trust

Any person who is given or entrusted with an item and who is obliged to return it or use it as instructed but who misappropriates, embezzles, scatters or gives it to another person, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than three (3) years and not more than five (5) years and a fine of not less than five hundred thousand Rwandan francs (FRW 500,000) and not more than one million Rwandan francs (FRW 1,000,000).

Article 177: Selling or pledging as a security a property of another person

Any person who sells or pledges as a security an immovable or a movable property knowing that he/she is not the owner, commits an offence. Upon conviction, he/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 five hundred thousand Rwandan francs (FRW 500,000) and not more than one million Rwandan francs (FRW 1,000,000).

**Article 178: Embezzlement or
destruction of a mortgaged property**

Any debtor, creditor or any other person who mortgaged a property, destroyed or embezzled the mortgaged property, commits an offence.

Upon conviction, he/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 one million Rwandan francs (FRW 1,000,000) and not more than two million Rwandan francs (FRW 2,000,000).

**CHAPTER II: ARSON, DEMOLITION
AND DEGRADATION OF PROPERTY**

Section One: Arson

Article 179: Arson by the property's owner

Any person who for fraudulent purposes sets fire on own building, transport means or any other valuables, commits an offence.

Upon conviction, he/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 two million Rwandan francs (FRW 2,000,000) and not more than

three million Rwandan francs (FRW 3,000,000) or only one of these penalties.

Article 180: Deliberate arson against another person's house, transport means or any other places

Any person who deliberately sets fire on another person's building or transport means or any other places that may be occupied by persons, commits an offence.

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

If the fire resulted in death of a person but the person who caused the fire had no knowledge that there was a person at the premises, the applicable penalty is an imprisonment for a term of not less than twenty (20) years, and not more than twenty five (25) years with a fine of more than seven million Rwandan francs (FRW 7,000,000) and not more than ten million Rwandan francs (FRW 10,000,000).

If the burnt property extends fire to the property unintended to be burnt, the offender is punished as if he/she intended to set fire on both the properties.

Article 181: Setting fire on other person's property

Any person who deliberately sets fire on property not mentioned in Article 180 of this Law, commits an offence.

Upon conviction, he/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 two million Rwandan francs (FRW 2,000,000) and not more than three million Rwandan francs (FRW 3,000,000) or only one of these penalties.

If the setting of fire is as a result of negligence, recklessness or clumsiness, the penalty is an imprisonment for a term of not less than two (2) months but less to six (6) months and a fine of not less than three hundred thousand Rwandan francs (FRW 300,000) and not more than five hundred thousand Rwandan francs (FRW 500,000).

Section 2: Demolition

Article 182: Deliberate demolition or damaging another person's construction

Any person who maliciously demolishes or damages in any way, in whole or in part of construction, building, bridge, dams, water pipes and their routes, railway rails or any other means of communication or electric power infrastructure, wells or any other constructions which do not belong to him/her, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than three (3) years and not more than five (5) years with a fine of not less than three million Rwandan francs (FRW 3,000,000) and not more than five million Rwandan francs (FRW 5,000,000).

If the destruction or damage of the constructions referred to in Paragraph One of this Article was committed deliberately, using dynamite, bombs, arms or any other explosive substance, the applicable penalty is an imprisonment for a term of not less than seven (7) years and not more than ten (10) years with a fine of not less than five million Rwandan francs (FRW 5,000,000) and not more than seven million Rwandan francs (FRW 7,000,000).

If the deliberate destruction or damage of the constructions causes death, but which was not in the intention of the offender, the applicable penalty is an imprisonment for a term of more than fifteen (15) years and not more than twenty (20) years.

Article 183: Demolition of monuments

Any person, who demolishes, brings down, breaks or damages monuments or other objects intended for public decoration, erected by competent authority or with its authorization, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than one (1) year and not more than two (2) years with a fine of not less than two million Rwandan francs (FRW 2,000,000) and not more than three million Rwandan francs (FRW 3,000,000) or only one of these penalties.

If the acts referred to in Paragraph One are committed on monuments that are linked with the country's history, culture or teachings, the applicable penalty is an imprisonment for a term of not less than seven (7) years and not more than ten (10) years with a fine of not less than five million Rwandan francs (FRW 5,000,000) and not more than seven million Rwandan francs (FRW 7,000,000).

Article 184: Demolition of tombs, memorial symbols or defilement of tombs or graveyard

Any person who unlawfully destroys, brings down, breaks or damages tombs, memorial symbols or defiles tombs or graveyard, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than three (3) years and not more than five (5) years with a fine of not less than three million Rwandan francs (FRW 3,000,000) and not more than five million Rwandan francs (FRW 5,000,000) or only one of these penalties.

Article 185: Sale or use of properties resulting from offences provided for in this Section

Any person found in possession of properties resulting from the offences provided for in this Section, sells or uses them in his/her activities, or gives them to another person in any way, commits an offence. Upon conviction, he/she is liable to a fine of not less than five hundred thousand Rwandan francs (FRW 500,000) and not more than one million Rwandan francs (FRW 1,000,000).

If the selling, buying or use of such properties relates to monuments that are linked with the country's history, culture or teachings, the applicable penalty is an imprisonment for a term of not less than seven (7) years and not more than ten (10) years with a fine of not less than five million Rwandan francs (FRW 5,000,000) and not more than seven million Rwandan francs (FRW 7,000,000).

Section 3: Property damage, mistreating domestic animals, obstruction of the rights of neighbours or public interest

Article 186: Damaging or plundering another person's property

Any person who, maliciously damages or plunders movable or immovable property of another person, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than two (2) months, and less than six (6) months with a fine of not less than three hundred thousand Rwandan francs (FRW 300,000) and not more than five hundred thousand Rwandan francs (FRW 500,000) or only one of these penalties.

Article 187: Damaging or plundering of trees, crops and agricultural tools

Any person who maliciously damages or plunders trees, crops, agricultural tools and any other property belonging to another person or belonging to him/her but with an effect on others, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than one (1) year, and not more than two (2) years with a fine of not less than one million Rwandan francs (FRW 1,000,000) and not more than two million Rwandan francs (FRW 2,000,000) or only one of these penalties.

Article 188: Removal or displacement of signs or geodetic land markers

Any person who, without authorization, removes or displaces signs or geodetic land markers or transforms them, commits an offence. Upon conviction, he/she is liable to a fine of not less than one million Rwandan francs (FRW 1,000,000) and not more than two million Rwandan francs (FRW 2,000,000).

Article 189: Removal, displacement or plundering of land marks

Any person who, without authorization, maliciously removes, displaces or plunders land marks or trees planted to recognize the established boundaries between different properties, commits an offence. Upon conviction, he/she is liable to a fine of not less than fifty thousand Rwandan francs (FRW 50,000) and not more than five hundred thousand Rwandan francs (FRW 500,000) or community service in a period of not less than fifteen (15) days and not more than thirty (30) days.

Article 190: Mistreat, injure or kill domestic animals

Any person who, maliciously mistreats or transports livestock or domestic animals, in a way that compromises their health, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than eight (8) days and not more than two (2) months, a fine of not less than fifty thousand Rwandan francs (FRW 50,000) and not more than one hundred thousand Rwandan francs (FRW 100,000) and community service in a period not exceeding fifteen (15) days or only one of these penalties.

If the malicious mistreatment or transport of livestock or domestic animals caused serious injury or death to such livestock or domestic animals the applicable penalty is an imprisonment for a term of not less than two (2) months and not more than (6) months.

Any person who, maliciously kills or seriously hurts livestock or domestic animals belonging to him/her or to another person, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than six (6) months and not more than one (1) year with a fine of not less than three hundred thousand Rwandan francs (FRW 300,000) and not more than five hundred thousand Rwandan francs (FRW 500,000) or only one of these penalties.

TITLE III: OFFENCES AGAINST THE STATE

CHAPTER ONE: OFFENCES AGAINST THE STATE SECURITY

Section One: Treason, espionage and offences against the State security and other countries

Article 191: Treason

Any Rwandan who:

- 1° uses terrorism, subversion, armed attacks or threats of violence, with intention to annex Rwanda or its part to a foreign country;
- 2° attempts to annex the Republic of Rwanda or its part under foreign domination;
- 3° wages a war against the Government; commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than twenty (20) years and not more than twenty five (25) years.

Article 192: Offences classified as treason or espionage and their penalties

Any person who:

- 1° discloses deliberately a State secret by any means with the intention to hurt the interests of the Republic of Rwanda;
- 2° seeks and obtains a State secret with a view of disclosing it;
- 3° destroys or allows another person to destroy anything that contains a State secret with intent to favour another country;
- 4° is entitled to have access to State secret and uses it illegally;
- 5° deliberately discloses to a person not entitled to receive a State secret that he/she obtained in the course of his/her duties or functions;
- 6° establishes, maintains or keeps relations with a foreign State, political organization, association, foreign institutions or any person working for them with a purpose of disclosing State secrets;

7° commits acts of treason with an intention of undermining national defence, diplomatic relations or essential economic interest of the Rwandan Government;

commits the offence of treason when the offender is a Rwandan or of espionage when the offender is a foreigner.

Upon conviction, he/she is liable, in wartime, to imprisonment for a term of not less than twenty (20) years and not more than twenty (25) years. In peacetime, he/she is liable to imprisonment for a term of not less than ten (10) years to fifteen (15) years.

If acts mentioned in Paragraph One of this Article are performed due to clumsiness, recklessness or negligence, the penalty, during wartime, is an imprisonment for a term of more than five (5) years and not more than seven (7) years. In peacetime, the penalty is an imprisonment for a term of not less than one (1) year and not more than three (3) years.

In this Law, State secret is any act or all acts, knowledge, any documents where they may be or any explanations prohibited by the law for purposes of defending the nation.

Article 193: Maintaining relations with a foreign Government with intent to wage a war

Any person who collaborates, maintains or strengthens relations with a foreign Government, its institutions or their officials, with an intention to wage or support a war, a military attack or any other serious acts against the Republic of Rwanda, commits an offence.

Upon conviction, he/she is liable, in wartime, to a term of life imprisonment. In peacetime, he/she is liable to imprisonment for a term of not less than twenty (20) years and not more than twenty five (25) years.

Article 194: Spreading false information or harmful propaganda with intent to cause a hostile international opinion against Rwandan Government

Any person who spreads false information or harmful propaganda with intent to cause public disaffection against the Government of Rwanda, or where such information or propaganda is likely or calculated to cause public disaffection or a hostile international environment against the Government of Rwanda commits an offence.

Upon conviction, he/she is liable, in wartime, to a term of life imprisonment. In peacetime, he/she is liable to imprisonment for a term of not less than seven (7) years and not more than ten (10) years.

Article 195: Handing over of a territory, troops or arsenals to a foreign country

Any person who:

- 1° puts at the disposal of a foreign power or its agents, either troops, territories, towns, fortresses, constructions for war, organizations, shops, military industries and arsenals, equipment, ammunition, ships, buildings or airplanes, air navigation devices, owned by Rwandan State or allotted for its defence;
- 2° destroys or hijacks a ship, an airplane, air navigation devices, military supplies, buildings or machinery or damages them so as to cause an accident in view of sabotaging national defence;

commits an offence.

Upon conviction of any of the acts referred to in Paragraph One of this Article, he /she is liable, in wartime, to imprisonment for a

term of not less than twenty (20) years and not more than twenty (25) years. In peacetime, he/she is liable to imprisonment for a term of not less than ten (10) years and not more than fifteen (15) years.

Article 196: Supporting a foreign country at war with the Government of Rwanda

Any person who:

- 1° incites Rwanda Defence Forces to fight for or side with a foreign country, facilitates their entry into that foreign country or recruits an army for a foreign country at war with the Government of Rwanda;
- 2° consents with a foreign country or its agents to favour its war enterprises against the Government of Rwanda;
- 3° knowingly carries out an act that demoralizes the Rwanda Defence Forces or the population, with an intention to hurt national defence;

commits an offence.

Upon conviction of any of the acts referred to in Paragraph One of this Article, he/she is liable, in wartime, to imprisonment for a term of not less than twenty (20) years and

not more than twenty five (25) years. In peacetime, he/she is liable to imprisonment for a term of not less than ten (10) years and not more than fifteen (15) years.

Article 197: Causing Rwanda to be at war or in hostility with another country

Any person who:

- 1° commits acts that are prohibited by the Government and who causes Rwanda to be at war with a foreign country;
- 2° commits acts prohibited by the Government and which result into hostility with another country;

commits an offence.

Upon conviction, he/she is liable, in wartime, to imprisonment for a term of ten (10) years to fifteen (15) years. In peacetime, he/she is liable to imprisonment for a term of more than five (5) years to ten (10) years.

Article 198: Offer and acceptance of a price to cause war in Rwanda

Any person who offers or promises to offer a price with an intention to commit offences

referred to in Article 195 of this Law or who accepts such an offer or the promise, commits an offence.

Upon conviction, he/she is liable, in wartime, to imprisonment for a term of not less than ten (10) years and not more than fifteen (15) years. In peacetime, he/she is liable to imprisonment for a term of not less than five (5) years and not more than ten (10) years.

Article 199: Obstruction to the national defence

Any person who, knowingly commits an act likely to obstruct the national defence, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than seven (7) years and not more than ten (10) years.

Article 200: Formation of an irregular armed group or joining it

Any person who by donations, remuneration, intimidation, abuse of power or promise of another interest, forms, incites or arranges for the formation of an irregular armed group or signs an agreement with this group for the purposes of supporting an armed attack of irregular forces, commits an offence. Upon

conviction, he/she is liable to imprisonment for a term of not less than ten (10) years and not more than fifteen (15) years.

Any person who deliberately agrees to be hired or recruited to join an irregular armed force, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than seven (7) years and not more than ten (10) years.

The legal action against offences referred to in Paragraph One and 2 of this Article is instituted upon complaint or on the authorization of the Prosecutor General or the Military Prosecutor General, depending on their authors.

Article 201: Punishment of offences committed against allies of Rwanda at war with an enemy

Any person who commits any of the acts referred to in Articles 192, 193, 194, 195, 196, 197, 198, 199 and 200 against the ally of the Rwandan State in a common act to fight against a common enemy is liable to the same penalties as those applicable to acts committed against Rwandan State.

Section 2: Offences against internal State security

Article 202: Offence against the ruling power or the President of the Republic

Any person who:

- 1° carries out any act to harm the established Government or overthrowing it by use of military force or any other means;
- 2° carries out any act against the President of the Republic with intent to harm the established Government or overthrowing it;

commits an offence.

Upon conviction, he/she is liable to a life imprisonment.

Article 203: Conspiracy against the established Government or the President of the Republic

Any person who conspires to commit offences under Article 199 of this Law, commits an offence.

Upon conviction, he/she is be liable to term of imprisonment of not less than twenty (20) years and not more than twenty five

(25) years if any act has been carried out in preparation to executing the offence.

If there is any influence to conspire to commit offences under Paragraph One of this Article but not consented, the person who influences, is liable to imprisonment for a term of not less than fifteen (15) years and not more than twenty (20) years.

Article 204: Causing uprising or unrest among the population

Any person who publicly, either by a speech, writings of any kind, images or any symbols, whether displayed, distributed, purchased or sold or published in any manner, incites the population to reject the established Government, or who causes uprising in the population with intention to incite citizens against one another or disrupts the population with intention to cause unrest in the Republic of Rwanda commits an offence.

Upon conviction, he/she is be liable to imprisonment for a term of not less than ten (10) years and not more than fifteen (15) years.

Article 205: Attack on the force of law

Any person who incites others to rebel against the law, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of more than five (5) years and not more than seven (7) years.

Penalties provided for under Paragraph 2 of this Article are doubled if such incitement results into negative consequences.

Article 206: Devastation, looting of the nation or massacre

Any person who attempts to commit devastation of the nation, massacres or loots the nation, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than fifteen (15) years and not more than twenty five (25) years.

Conspiracy aiming at committing offences provided for under Paragraph One of this Article is liable to imprisonment for a term of ten (10) to fifteen (15) years if there is any act carried out in the preparation of the commission of the offence

If the acts referred to under Paragraph One of this Article result into death, the penalty is life imprisonment.

Article 207: Self-styled commander of a criminal gang

Any person who styles himself/ herself as a commander of a criminal gang or who has authority or any position in the gang with the intent to commit any of the following acts:

- 1° stealing of public funds;
- 2° invading institutions, shops, industries, arsenals, ports, airplanes, boats, houses or other property of the State;
- 3° plundering or sharing public property;
- 4° attacking or fighting against security forces who fight against the perpetrators of such crimes;
- 5° leading a criminal gang or exercising any role in the gang;

commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than ten (10) years and not more than fifteen (15) years.

Article 208: Penalties for an individual caught in a seditious group

Any person caught in a seditious group with intention to harm the existing government or the President of the Republic, even if the person is not one of the members in the leadership or does not exercise any role in the group, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than fifteen (15) years and not more than twenty (20) years.

Any person who leads the group or who exercises in the same group any responsibility or any leadership role even if he/she is not caught on the spot, is liable to imprisonment for a term of more than twenty (20) years and not more than twenty-five (25) years.

Article 209: Membership in a seditious group or gang

Except for cases where the seditious group aims or intends to commit a crime provided

for under Article 202 of this Law, any person who participated in seditious gangs referred to under Articles 207 and 208 of this Law and was caught there without exercising any leadership role or any other role, is liable to imprisonment for a term of not less than seven (7) years and not more than ten (10) years.

Penalties provided for under Paragraph One of this Article are doubled in regard to the leader of the group or any other person who exercises any role in the group.

Article 210: Providing accommodation or sanctuary to seditious gangs

Any person who is aware of the purpose or character of a seditious gang and provides accommodation, sanctuary, meeting venues or any other help to the gang or its division is punishable as an accomplice.

Article 211: Non punishable sedition

Any person member of a seditious group who voluntarily withdraws from the group or who withdraws after a warning or order issued by civil or military authorities is not punished for the offence of sedition.

The same applies to a member caught elsewhere than in the seditious group who showed no resistance and was not armed. However, he/she is punished for any other offences committed individually.

Article 212: Definitions of insurrection movement and security forces

In this Chapter, the terms below have the following meanings:

- 1° **insurrection movement:** a movement of persons manifested by its attack against persons and property, by fire, devastation or looting intended to overthrow the incumbent authorities or the established Government;
- 2° **security forces:** all agents who ensure the enforcement of law and maintenance of public order on behalf of the Republic.

Article 213: Obstruction to the fight against an insurrection movement

Any persons who, in an insurrection movement, whether:

- 1° seize, openly or in secret, arms or ammunition with the intent to wilfully attack or resist security forces,

- 2° for the same reasons as those under item 1° of this Paragraph, invade or occupy public buildings or houses whether inhabited or not, roads, public places or any other area;
- 3° erect, cause or help to erect or to cause barricades or any other obstacles with intent to hinder intervention of security forces or to stop movement of citizens;
- 4° hinder by force or threats, the convening or meeting of security forces;
- 5° provoke or facilitate the meeting of insurgents either by means of force or threats, or by giving orders or announcements, or by carrying flags or other symbols of rally, or by any other means of communication;
- 6° seize arms or ammunition, either by means of force or threats, or looting shops or public buildings, or by disarming security forces;

7° invade a house, whether inhabited or not, by means of force or threats;

8° hinder in any way the action of security forces or cause disobedience to public authorities;

commit an offence.

A person convicted of any of the acts referred to under Paragraph One of this Article is liable to imprisonment for a term of not less than fifteen (15) years and not more than twenty (20) years.

Article 214: Commanders of insurrection movements

Commanders of insurrection movements referred to under Article 213 of this Law are liable to imprisonment of not less than twenty (20) years and not more than twenty-five (25) years.

Section 3: Common provisions to Sections One and 2 of this Chapter

Article 215: Non-disclosure of plans of treason, espionage or any other act that could impede national defence

Any person who, in wartime, knows about a plan or any acts of treason, spying or other activities likely to impede national defence, and does not inform the security forces or any other authority of the State, even if bound by professional secrecy, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than ten (10) years and not more than fifteen (15) years.

Article 216: Mitigating circumstances on threatening against State security

Any person who threatens State security benefits from the mitigating circumstances if:

- 1° the denunciation comes after the commission of the offence but before commencement of criminal investigations;

2° after the criminal investigations commence, one of the offenders assists in the arrest of co offenders and accomplices or other persons who committed other similar offences or offences with the same gravity.

Section 4: Criminal acts against foreign Heads of State and other senior officials

Article 217: Assaulting foreign Heads of States or representatives of foreign States or representatives of international organizations in Rwanda

Any person who physically assaults:

1 ° a foreign Head of State;

2 ° representatives of foreign countries or international organisations while in Rwanda in the performance of their functions;

commits an offence.

Upon conviction of one of the acts referred to under Paragraph One of this Article, he/she is liable to imprisonment for a term of not less than seven (7) years and not more than ten (10) years, without prejudice to heavier penalties provided for under other provisions of this Law.

Any person convicted of intentionally compromising safety or integrity of official buildings of the persons referred to under Paragraph One of this Article, their private residences or their means of transport is liable to imprisonment for a term of not less than five (5) years and not more than seven (7) years, without prejudice to other heavier penalties provided for under this Law.

Article 218: Humiliation or insult against one of the persons referred to under Article 217

Any person who publicly humiliates or insults one of the persons referred to under Article 217 of this Law commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than three (3) years and not more than five (5) years.

Article 219: Desecration of the flag or symbols of a foreign State

Any person who steals, destroys, damages or desecrates the flag or symbols of a foreign State, hoisted or exposed in public, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than six (6) months and not more than two (2) years.

Article 220: Prosecution of offences committed against other countries

Offences referred to under this Section are only prosecuted in case the plaintiff is the offended party, competent organs in Rwanda, the Government or the international organisation he/she represents.

Section 5: Offences against the national currency

Article 221: Discrediting the value of national currency

Any person who, in any way, intentionally spreads false allegations in public that directly or indirectly discredit the value of the national currency or negotiable instruments, commits an offence.

Upon conviction, he/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 one million Rwandan francs (FRW 1,000,000) and not more than three million (FRW 3,000,000) Rwandan francs

Article 222: Inciting the public to undermine the financial sector

Any person who, by any means, encourages the public to undermine the financial sector through any of the following acts:

- 1° withdrawal of funds from the public treasury, coffers of public institutions or financial institutions operating deposit transactions;
- 2° selling of negotiable instruments or preventing their purchase or the execution of the contract of purchase;

commits an offence.

A person convicted of any of the acts referred to under Paragraph One of this Article is liable to imprisonment for a term of not less than two (2) years and not more than three (3) years and a fine of not less than three million (FRW 3,000,000) Rwandan francs and not more than five million (FRW 5,000,000) Rwandan francs or only one of these penalties.

Article 223: Illegal operations of currency sale or exchange

Any person who, by any means, illegally sells or exchanges, national or foreign currency, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than six (6) months and not more than two (2) years or a fine of not less than two hundred thousand (FRW 200,000) Rwandan francs and not more than three million (FRW 3,000,000) Rwandan francs or only one of these penalties.

CHAPTER II: OFFENCES AGAINST PUBLIC SECURITY

Section One: Criminal association

Article 224: Formation of or joining a criminal association

Any person who forms a criminal association regardless of number of its members or its duration to commit offences against persons or their property, who aids

in its formation, who is its leader, who is its organiser, who joins, who encourages or forces others to join, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than seven (7) years and not more than ten (10) years.

Without prejudice to provisions of Article 52 of this Law, in case of recidivism, the penalty that applies is a term of imprisonment of not less than fifteen (15) years and not more than twenty (20) years.

Section 2: Illegal demonstrations on a public place or public meetings

Article 225: Illegal demonstration or public meeting

Any person who illegally holds a demonstration or a meeting or who demonstrates on a public place without prior authorization, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than eight (8) days and less than six (6) months

and a fine of not less than five hundred thousand Rwandan francs (FRW 500,000) and not more than one million Rwandan francs (FRW 1,000,000) or only one of these penalties.

If the acts referred to under Paragraph One of this Article have threatened security, public order or health, the penalty that applies is a term of imprisonment of not less than six (6) months and not more than one (1) year and a fine of not less than three million (FRW 3,000,000) Rwandan francs and not more than five million (FRW 5,000,000) Rwandan francs.

The demonstration referred to under Paragraph One of this Article is any act of a group of people gathered in a public place with intent to demonstrate their feelings or opinion by speeches, actions or shouting. A public meeting means a gathering open for the public or in which the public is invited.

Section 3: Escape of detainees or prisoners

Article 226: Definitions

In this Section, the terms below have the following meanings:

- 1° **detainee:** any person under competent organs, already or not yet incarcerated in jail following a decision by the organ in charge of investigation or prosecution or any person detained in jail following a decision of a court but who is not yet tried and finally sentenced;
- 2° **prisoner:** a person convicted by a court and serving his/her sentence;
- 3° **escape:** the act of a detainee or a prisoner to leave the detention place by any means contrary to law.

Article 227: Penalties for escape of a detainee or a prisoner

A detainee or a prisoner who escapes, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than three (3) years, and not more than five (5) years.

Without prejudice to other penalties provided for under this Law, any detainee or prisoner who escapes by burglary, bribery or violence, is liable to imprisonment for a term of not less than five (5) years and not more than seven (7) years and a fine of not less than five

hundred thousand (FRW 500,000) Rwandan francs and not more than one million (FRW 1,000,000) Rwandan francs.

In case of the use of a firearm, an explosive or a sedative substance, the penalty that applies is imprisonment for a term of more than seven (7) years and not more than ten (10) years.

Article 228: Helping a detainee or a prisoner to escape

Any person charged with guarding a detainee or a prisoner who assists the detainee or the prisoner to escape or who helps him/her in preparations to escape even though the guard abstains from acting, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than five (5) years and not more than seven (7) years and a fine of not less than five hundred thousand (FRW 500,000) Rwandan francs and not more than one million (FRW 1.000.000) Rwandan francs.

Section 4: Breach of restriction of movement

Article 229: Penalty for breach of restriction of movement

Any person sentenced by a court with the penalty of prohibition or obligation to stay but who violates terms of sentence, commits an offence

Upon conviction, he/she is liable to imprisonment for a term of a duration at least equal to the time remaining to serve the penalty of prohibition or obligation to stay.

CHAPTER III: OFFENCES AGAINST THE GOVERNMENT

Section One: Rebellion against the authority

Article 230: Rebellion against the authority

Any person who, by any means rebels, by use of violence, assault or threats against authorities, civil servants or private employees, security agents in the course of enforcement of law, regulations, administrative or judicial decisions, commits an offence of rebellion against authority.

Upon conviction, he/she is liable to imprisonment for a term of not less than six (6) months and not more than one (1) year.

If the rebellious person is armed, the penalty that applies is imprisonment for a term of not less than two (2) years and not more than three (3) years;

If rebellion is committed by several persons without weapons and without prior consultation among themselves, the penalty that applies is imprisonment for a term of not less than one (1) year but less than two (2) years.

If rebellion is committed by several armed persons and without prior consultation among themselves, the penalty that applies is liable to imprisonment for a term of more than three (3) years and not more than five (5) years.

The penalties referred to under Paragraph 2 and 3 of this Article do not apply to a person who withdraws acts of rebellion at the first warning of authority, if he/she had no commanding role in these acts.

Article 231: Hindering implementation of ordered works

Any person who, by any act of violence, opposes the implementation of work commissioned or authorised by a competent authority, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than six (6) months and not more than one (1) year and a fine of not less than one million (FRW 1,000,000) Rwandan francs and not more than two million (FRW 2,000,000) Rwandan francs or only one of these penalties.

If the hindering of the work is done by a group of people using violence, assaults or threats, the offenders is liable to imprisonment for a term of not less than two (2) years and not more than three (3) years.

Article 232: Disrespect of employment badges

Any person who despises the employment badges adopted by the authority to indicate an official's position, documents or other objects issued to ensure compliance with laws or administration commits an offence.

Upon conviction, he/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 hundred thousand (FRW 300,000) Rwandan francs and not more than five hundred thousand (FRW 500,000) Rwandan francs or only one of these penalties.

Section 2: Humiliation and violence against authorities and public security officers

Article 233: Humiliation of national authorities and persons in charge of public service

Any person who, verbally, by gestures or threats, in writings or cartoons, humiliates a member of Parliament when exercising his/her mandate, a member of the Cabinet, security officers or any other person in charge of a public service in the performance or in connection with the performance of his/her duties, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than one (1) year and less than two (2) years and a fine of not less than five hundred thousand Rwandan francs (FRW 500,000) and not

more than one million(FRW 1,000,000) Rwandan francs.

If contempt takes place during a session of the Parliament or if it is directed to any of the top ranking authorities, the penalties provided for under Paragraph One of this Article are doubled.

Article 234 : Assault or violence against public authorities

Any person who assaults or commits any other act of violence against a member of Parliament, a Cabinet member, a security officer or other official in the performance or in connection with the performance of his/her duties, commits an offence.

A person convicted of any of the acts referred to under Paragraph One of this Article is liable to term of imprisonment of not less than three (3) years and not more than five (5) years.

If the assault results into physical injuries, the applicable penalty is imprisonment for a term of more than five (5) years, and less than seven (7) years.

If that violence is committed with premeditation or by ambush, the applicable penalty is imprisonment for a term of more

than seven (7) years not more than ten (10) years.

If that violence is committed with an intention to kill, the applicable penalty is a term of life imprisonment.

Article 235: Assault or violence against the President of the Republic

Any person who commits violence or assault against the President of the Republic, commits an offence. Upon conviction, he/she is liable to a term of imprisonment of not less than ten (10) years and not more than fifteen (15) years.

If violence or assault against the President of the Republic is committed with premeditation or by ambush, the applicable penalty is imprisonment for a term of more than twenty (20) years and not more than twenty five (25) years.

If violence or assault against the President of the Republic causes death or is committed with intention to cause death the applicable penalty is a life imprisonment.

Article 236: Insults or defamation against the President of the Republic

Any person who insults or defames the President of the Republic, commits an offence.

Upon conviction, he/she is liable to a term imprisonment of not less than five (5) years and not more than seven (7) years and a fine of more than five million (FRW 5,000,000) Rwandan francs and not more than seven million (FRW 7,000,000) Rwandan francs.

Section 3: Offences which interfere with the functioning of high public institutions established by the Constitution

Article 237: Interfering with the smooth running of activities of the Parliament

Any person who provokes, incites or causes unrest, establishment of criminal groups, and illegal demonstrations within or in the vicinity of the premises of the Parliament in view of interfering with the proper conduct of the activities of the Parliament commits an offence.

Upon conviction, he/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 one million (FRW

1,000,000) Rwandan francs but not more than two million (FRW 2,000,000) Rwandan francs or only one of these penalties.

Any person who, unlawfully and by use of force or threat, prevents a Member of Parliament from participating in the activities of the Parliament, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than three (3) years and not more than five (5) years.

Article 238: Entry into the premises of the Parliament with an intention to harm

Any person who enters the premises of the Parliament with an intention to cause harm, commits acts, utters statements or manifests any other conduct that may disrupt the activities of the Parliament, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than three (3) years and not more than five (5) years.

Article 239: Interference with the activities within the premises of the Office of the President of the Republic or the Cabinet

Any person who commits offences provided for under Articles 237 and 238 of this Law, in the vicinity of the premises of the Office of the President of the Republic or the venue for the meetings of the Cabinet, commits an offence. Upon conviction, he/she is liable to a maximum penalty provided for under those articles.

If the offences referred to under Paragraph One of this Article are committed within the usual or other premises of other public administration organs, the penalty is 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 (FRW 3,000, 000) Rwandan francs and not more than five million (FRW 5,000,000) Rwandan francs or only one of these penalties.

Section 4: Break of seals

Article 240: Unlawful break of seals

Any person who, intentionally and without legal authority removes seals, commits an

offence. Upon conviction, he/she is liable to imprisonment for a term of not less than six (6) months and not more than one (1) year and a fine of not less than one million Rwandan francs (FRW 1,000,000) and not more than two million Rwandan francs (FRW 2,000,000) or only one of these penalties.

If the seals affixed by public authority are broken due to negligence of guards, the latter are liable to imprisonment for a term of not less than two (2) months and not more than six (6) months and a fine of not less than three hundred thousand (FRW 300,000) Rwandan francs and not more than five hundred thousand (FRW 500,000) Rwandan francs or only one of these penalties.

If the person who breaks the seal is a guard himself/herself or an officer of the organ that affixed the seals, the applicable penalty 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 five hundred thousand (FRW 500,000) Rwandan francs and not more than one million (FRW 1,000,000) Rwandan francs.

Article 241: Breaking of seals affixed by judicial organs or bailiffs on seized property

Any person who breaks seals affixed by judicial organs or bailiffs on seized property, commits an offence.

Upon conviction, he/she is liable to a term imprisonment of not less than six (6) months and not more than one (1) year and a fine of not less than one million (FRW 1,000,000) Rwandan francs and not more than two million (FRW 2,000,000) Rwandan francs or only one of these penalties.

Section 5: Obstruction to good administration of justice and the security of the country

Sub section One: Obstruction to the course of justice and the security of the country

Article 242: Refusal to appear before the organ in charge of investigation, public prosecution or other authority

Any person who, except in case of force majeure, fails to appear when lawfully summoned by a prosecutor, an investigator

or other authority in course of service, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than one (1) month and less than six (6) months and a fine of not less than two hundred thousand (FRW 200,000) Rwandan francs and not more than five hundred thousand (FRW 500,000) Rwandan franc or only one of these penalties.

Article 243: Non-disclosure of a felony or misdemeanour

Any person who has information of a felony or a misdemeanour about to be committed or which has been committed and fails to immediately inform security, judicial or administrative authorities when he/she is able to do so, while this information could help to prevent the commission or limit its effects commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than six (6) months and not more than one (1) year and a fine of not less than one hundred thousand (FRW 100,000) Rwandan francs and not more than three hundred thousand (FRW 300,000) Rwandan francs.

When this failure to disclose this offence led to its commission or failure to disclose the commission of the offence resulted into negative consequences, the penalty is imprisonment for a term of more than one (1) year and not more than two (2) years and a fine of more than three hundred thousand (FRW 300,000) Rwandan francs and not more than five hundred thousand (FRW 500,000) Rwandan francs.

If the felony or the misdemeanour is about to be committed or has been committed against a child, penalties provided for under Paragraphs 2 and 3 of this Article are doubled.

Article 244: Failure to assist a person in danger

Any person who fails to assist or seek assistance for a person in danger while in a position to do so and when there could be no risk either for his/her personal action or for the third party, commits an offence.

Upon conviction, he/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 hundred thousand (FRW 300,000) Rwandan francs and not more than five hundred thousand (FRW 500,000) Rwandan francs.

Article 245: Obliteration of evidence

Any person who, with an intention to obliterate evidence, commits any of the following acts:

- 1° to change in any manner whatsoever, the state of the premises of the commission of an offence;
- 2° to burn, destroy, conceal or alter, in any way whatsoever evidence or any other object that could facilitate the discovery of an offence, the identification of the witness or the sentencing of the perpetrators of the offence;

commits an offence.

A person convicted of any of the acts referred to under Paragraph One of this Article is liable to a term of imprisonment of not less than (2) years and not more than three (3) years and a fine of not less than five hundred thousand (FRW 500,000) Rwandan francs and not more than one million (FRW 1,000,000) Rwandan francs.

If the acts referred to under this Article are committed by a person requested by judicial authorities to help disclose the truth by virtue of his/her expertise or by any other staff member of judicial organs, the penalty

is liable to imprisonment for a term of not less than three (3) years and not more than five (5) years and a fine of not less than three million (FRW 3,000,000) Rwandan francs and not more than five million (FRW 5,000,000) Rwandan francs.

Article 246: Concealing objects used or meant to be used to commit an offence

Any person, except the author of the offence or his/her accomplice, who commits one of the following acts, commits an offence if he/she:

- 1° knowingly conceals any item or tools used or meant to be used to commit a felony or a misdemeanour;
- 2° by any means, steals, conceals, falsifies or destroys the objects which would be used in the prosecution of a felony or a misdemeanour, identification of evidence or repression.

A person convicted of any of the acts referred to under Paragraph One of this Article is punished as an accomplice of the offender.

The court may exempt the spouse of the offender and his/her relatives up to the

fourth (4th) degree from the penalty normally applicable to them.

Article 247: Concealment of objects obtained from an offence

Any person who conceals the whole or part of objects knowing that they have been extorted, embezzled or obtained from a misdemeanour or a felony commits an offence.

Upon conviction, he/she is liable to term of imprisonment of not less than one (1) year and not more than two (2) years and a fine of not less than one hundred thousand (FRW 100,000) Rwandan francs and not more than three hundred thousand (FRW 300,000) Rwandan francs.

Penalties provided for under Paragraph 2 also apply to any person who, knowingly, by whatever means, obtains a profit generated by a concealed item from a felony or a misdemeanour.

Article 248: Intentional destruction or embezzlement of seized or confiscated property

Any custodian of seized or confiscated property who intentionally embezzles, damages or destroys them commits an offence. Upon conviction, he/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 one million (FRW 1,000,000) Rwandan francs and not more than two million (FRW 2,000,000) Rwandan francs.

Article 249: Hiding a corpse of a murdered person

Any person who hides a corpse of a murdered person, commits an offence. Upon convicted, he/she is liable to imprisonment for a term of not less than five (5) years and not more than seven (7) years.

Article 250: Use of threats or intimidation to influence a complaint

Any person who by use of tricks, price or threatens or intimidates a person, with intent to influence a complaint, to compel the complainant to lodge or withdraw a complaint, commits an offence.

Upon convicted by a court, he/she is liable to imprisonment for a term of not less than two (2) years and not more than three (3) years and a fine of not less than five hundred thousand (FRW500,000) Rwandan

francs and not more than one million (FRW 1,000,000) Rwandan francs.

Article 251: Refusal to testify

Any person in possession of evidence of the innocence of another person prosecuted or convicted of a felony or a misdemeanor, who deliberately refuses to give such evidence to judicial authorities, commits an offence. Upon conviction, he/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 hundred thousand (FRW 300,000) Rwandan francs and not more than five hundred thousand (FRW 500,000) Rwandan francs.

Any person who possesses evidence on the commission of a felony or misdemeanor and who deliberately refuses to report such evidence to judicial authorities is liable to the same penalties as those provided for in Paragraph One of this Article.

Article 252: Refusal to answer questions from judicial authorities

Any person who knows a perpetrator of an offence or the circumstances of the

commission of a felony or a misdemeanor but refuses to answer questions from judges, prosecutors and investigators, commits an offence.

Upon conviction, he/she is liable to a term of imprisonment of not less than one (1) year but less than two (2) years and a fine of not less five hundred thousand (FRW 500,000) Rwandan franc and not more than one million (FRW 1,000,000) Rwandan francs or only one of these penalties.

Article 253: Refusal to answer questions of the intelligence or security organs

Any person who refuses to answer questions by intelligence or security officers in the exercise of their duties or who deliberately provides false answers to such questions commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than one (1) month and less than six (6) months and a fine of not less than three hundred thousand (FRW 300,000) Rwandan francs and not more than five hundred thousand (FRW 500,000) Rwandan francs.

Article 254: Non punishable refusal to answer questions

Refusal to answer questions from judicial, intelligence service and security organs is not considered as an offence when the person requested to answer considers that it may result into self-incrimination.

Article 255: Giving false testimony

Any person who deliberately gives false testimony before judicial organs, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than one (1) year and not more than three (3) years, with a fine of not less than five hundred thousand (FRW 500,000) Rwandan francs and not more than one million (FRW 1,000,000) Rwandan francs.

If false testimony was produced in criminal case where the accused was sentenced to imprisonment for a term of more than five (5) years, the witness who, intentionally gave false testimony against the accused is liable to imprisonment for a term of not less than three (3) years and not more than five (5) years with a fine of not less than one million Rwandan francs (1,000,000 FRW)

and not more than two million (FRW 2,000,000) Rwandan francs.

Article 256: Misleading witnesses or judges

Any person who declares his/her opinions with intention to mislead witnesses or a decision of a judge before the case is determined, commits an offence.

Upon conviction, is liable to imprisonment for a term of one (1) year to two (2) years and a fine of one million Rwandan francs (FRW 1,000,000) to two million Rwandan francs (FRW 2,000,000).

Article 257: Refusal to take oath before judicial or intelligence organs

Any person who is required to take oath before judicial or intelligence organs but who refuses to do so, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than one (1) year and not more than two (2) years with a fine of less than three hundred thousand (FRW 300,000) Rwandan francs and not more than five hundred thousand (FRW 500,000) Rwandan francs.

Article 258: Influencing assistants in judicial organs

Any person who influences a witness, an expert or an interpreter assisting in court to give false testimony, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than one (1) year and not more than two (2) years with a fine of not less than five hundred thousand (FRW 500,000) Rwandan francs and not more than one million (FRW 1,000,000) Rwandan francs.

Article 259: False declarations by an expert before judicial organs

Any person called upon by judicial organs to assist as an expert, an interpreter or a translator, who deliberately declares or writes false information, commits an offence.

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

Sub section 2: Discrediting Judiciary and committing violence against personnel in judicial organs

Article 260: Insulting or causing violence to personnel in the judicial organs

Any person who insults or causes violence to an investigator, a prosecutor, a judge, an advocate, a state attorney, a court clerk, a court bailiff, *umwunzi* or an arbitrator on duty or in connection with his/her duty, with an intention to disgrace his/her dignity or respect, by words, gestures or threats, writings or by image of any nature, commits an offence.

Upon conviction, he/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 one million (FRW 1,000,000) Rwandan francs and not more than two million (FRW 2,000,000) Rwandan francs.

If the insults or violence are expressed during court hearing, the penalty that applies is imprisonment for a term of not less than two (2) years and not more than three (3) years.

Article 261: Threats against judicial personnel

Any person who threatens an investigator, a prosecutor, a Judge, an arbitrator, an advocate, a bailiff, an *Umwunzi*, an expert, an interpreter or a translator or any other person commissioned by judicial organs with intention to manipulate him/her into personal interests on official duties, commits an offence.

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

Article 262: Discrediting a decision of judicial organs

Any person who discredits an act or a decision of judicial organs, in a manner likely to cause contempt or lack of independence of the judicial organ, by use of statements, writings, images or any act, commits an offence. Upon conviction, he/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 hundred (FRW 300,000) thousand Rwandan francs and not more than five hundred thousand (FRW 500,000) Rwandan francs or only one of these penalties.

Section 6: Use of narcotic drugs and psychotropic substances and other prohibited products

Article 263: Carrying out acts related to the use of narcotic drugs or psychotropic substances

Any person who, in any way, eats, drinks, injects himself/herself, inhales or one who anoints oneself with psychotropic substances, commits an offence.

Any person convicted of any of the acts mentioned in Paragraph One of this Article is liable to imprisonment for a term of not less than one (1) year and not more than two (2) years or subject to a penalty of community service.

Any person who, unlawfully produces, transforms, transports, stores, gives to another or who sells narcotic drugs and psychotropic substances commits an offence.

Upon conviction, he/she is liable to:

- 1° life imprisonment and a fine of more than twenty (20.000.000 FRW) million Rwandan francs and not more than thirty million (FRW 30,000,000) Rwandan francs in regard to severe narcotic drugs;
- 2° imprisonment for a term of not less than twenty (20) years and not more than twenty five (25) years and a fine of not less than fifteen million (FRW 15,000,000) Rwandan francs and not more than twenty million (FRW 20,000,00000) Rwandan francs in regards to severe narcotic drugs;
- 3° imprisonment for a term of not less than seven (7) years and not more than ten (10) years and a fine of not less than five million (FRW 5,000,000) Rwandan francs and less than ten million (FRW 10,000,000) Rwandan francs in regard to simple narcotics.

If acts mentioned in Paragraph 2 and 3 of this Article are performed to a child or if they are performed at the international level, the penalty is a life imprisonment and a fine of not more than thirty million (FRW 30,000,000) Rwandan francs and not more than fifty million (FRW 50,000,000) Rwandan francs.

An Order of the Minister in charge of health establishes a list of narcotic drugs that constitute each category.

Article 264: Facilitating a person to use narcotic drugs or psychotropic substances

Any person who facilitates another person to use narcotic drugs or psychotropic substances, commits an offence.

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

The penalties referred to in Paragraph 2 of this Article also apply to any person who gives narcotic drugs or psychotropic substances on the basis of prescriptions that clearly turn out not to be true.

Article 265: Confiscation of narcotic drugs or psychotropic substances

In the case of commission of the offences specified in Articles 263 and 264 of this Law, the court orders confiscation of narcotic drugs or psychotropic substances, their derivatives and antecedents, the confiscation of all equipment and facilities used in the production, transformation, consumption, sale, conservation, transportation and cultivation of such narcotic drugs and psychotropic substances.

Confiscation may be imposed even if the offender is not the owner of the goods listed in Paragraph One of this Article, in the case where the latter was aware of their use.

Article 266: Production, sell or prescription of prohibited substances in medicine

Any person who produces, sells or prescribes the following prohibited substances:

- 1° a drug;
- 2° harmful products;
- 3° cosmetics or body hygiene substances;

- 4° any other products derived from plants;
commits an offence.

Upon conviction, he/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) and not more than five million Rwandan francs (FRW 5,000,000) or only one of these penalties.

Section 7: Noise nuisance and public drunkenness

Article 267: Noise nuisance

Any person who, unjustly or without an authorization, makes noise likely to disturb public, commits an offence.

Upon conviction, he/she is liable to a fine of not less than five hundred thousand (FRW 500,000) Rwandan francs and not more than one million Rwandan francs (FRW 1,000,000).

In case of recidivism, the penalties is imprisonment for a term of not less than eight (8) days and not more than one (1) month and a fine of more than one million Rwandan francs (FRW 1,000,000) and not more than two million Rwandan francs

(FRW 2,000,000) or only one of the penalties.

Article 268: Public drunkenness

Any person who is drunk in public, in the streets, squares, paths, bar, in a gymnasium or any other public places, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than eight (8) days but not more than two (2) months and a fine of not more than twenty thousand Rwandan francs (FRW 20,000) and not more than one hundred thousand Rwandan francs (FRW 100,000) or only one of the penalties.

If the bar operator and his/her staff accept to host any persons in a state of excessive drunkenness in their facility and serve them alcoholic beverages they are liable to imprisonment for a term of not less than eight (8) days and not more than two (2) months and a fine of not less than fifty thousand Rwandan francs (FRW 50,000) and not more than two hundred thousand Rwandan francs (FRW 200,000) or only one of the penalties.

**CHAPTER IV: OFFENCES AGAINST
PUBLIC CREDIBILITY**

**Section One: Counterfeit and
falsification of monetary symbols**

**Article 269: Counterfeit, falsification or
alteration of currency or monetary signs
or their distribution**

Any person who, fraudulently counterfeits, falsifies or alters coins or bank notes which are legal tender in Rwanda or abroad, notes issued by the Treasury with its stamp or brand, either banknotes or alike that have legal tender in Rwanda or abroad, or one who introduces or issues in Rwanda such effects or notes with knowledge that they are forged or falsified, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than five (5) years and not more than seven (7) years.

If the offence referred to in Paragraph One of this Article is committed at the international level, the applicable penalty is an imprisonment term of more than seven (7) years and not more than ten (10) years and a fine of not less than seven million Rwandan francs (FRW 7,000,000) and not

more than ten million Rwandan francs (FRW 10,000,000).

Any person who knowingly acquires or receives coins or notes knowing that it is falsified, even if he/she is not one of counterfeiters or importers of such monies commits an offence. Upon conviction, he/she is liable to imprisonment for a term not less than one (1) year and not more than three (3) years.

Article 270: Damaging monies

Any person who maliciously damages monies commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than two (2) months and not more than three (3) months.

Article 271: Counterfeiting negotiable instruments, their use or circulation

Any person who counterfeits, uses or circulates, by any means, negotiable instruments, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than three (3) years and not more than five (5) years and a fine

of two (2) to ten (10) times of the value of the counterfeited amount.

Article 272: Confiscation of counterfeit currency

For all offences provided for in Articles 269 and 271 of this Law, the court orders the confiscation of currencies or other cash value signs as well as the equipment used in the commission of the offence.

Section 2: Counterfeit or falsification of seals, stamps or other marks

Article 273: Falsification of official marks, of individuals, institutions or private associations with or without legal personality

Any person who:

- 1° counterfeits the seal of the State;
- 2° counterfeits or falsifies stamps or other equivalent documents of the same value and official symbols of the State;
- 3° counterfeits the seal, stamp or the mark of an authority;

4° counterfeits headed papers or official documents;

commits an offence.

A person convicted of any of the acts referred to in Paragraph One of this Article is liable to imprisonment for a term of not less than five (5) years but more than seven (7) years and a fine of not less than two million (FRW 2,000,000) Rwandan francs and not more than three million Rwandan francs (FRW 3,000,000).

If counterfeits or falsified objects belong to an individual, private institutions or associations with or without legal personality, the penalty is an imprisonment term of not less than three (3) years and not more than five (5) years and a fine of not less than one million (FRW 1,000,000) Rwandan francs and not more than two million Rwandan francs (FRW 2,000,000).

Article 274: Illegal use of marks

Without prejudice to more severe penalties, any person who uses or distributes by any means the documents, which are similar in nature to those used by public institutions,

which may deceive the public on their authenticity, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than one (1) year and not more than two (2) years.

Article 275: Confiscation of counterfeited, falsified or altered marks

For offences provided for in Articles 273 and 274 of this Law, the court orders the confiscation of the seals, stamps or other marks forged, falsified or altered.

Section 3: Forgery and usurpation of power

Article 276: Forgery, falsification and use of forged documents

Any person who, in any manner, forges or alters documents by forged signature or fingerprint, falsifying documents or signatures or impersonation, forging agreements, its provisions, obligations, or discharged obligations commits an offence.

Any person who, with fraudulent intention, produces a false written document, causes to write false statements or produces a conflicting declaration, is considered to commit the offence of forgery.

Upon conviction, he/she 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 three million Rwandan francs (FRW 3,000,000) and not more than five million Rwandan francs (FRW 5,000,000) or only one of these penalties.

Any person who, knowingly makes use of a forgery document in any way, commits an offence. Upon conviction, he/she is liable to penalties provided for in Paragraph 3 of this Article.

If forgery is committed by a public servant or any other person in charge of public service, the applicable penalty is an imprisonment term of not less than seven (7) years and not more than ten (10) years with a fine of not less than two million Rwandan francs (FRW 2,000,000) and not more than three million Rwandan francs (FRW 3,000,000) or only one of these penalties.

Article 277: Fraudulent acquisition or production and the use of forged documents and papers issued by competent authority

Any person who, by fraud, acquires for oneself or unduly issued domestic or foreign travel documents, degrees or certificates, transcript or report, driving license and other documents issued by competent authorities;

commits an offence.

Any person who upon conviction of any of the acts referred to under Paragraph One of this Article is liable to imprisonment for a term of not less than five (5) years and not more than seven (7) years with a fine of not less than one million Rwandan francs (FRW 1,000,000) and not more than three million Rwandan francs (FRW 3,000,000).

Article 278: Issuance of a document to a person who is not entitled

Any person who issues or who causes the issuance of one of the documents provided for in Article 277 of this Law to a person

knowing that the person is not entitled to it, commits an offence.

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

If the offence is committed by a public official, he/she is liable to imprisonment for a term of not less than five (5) years and not more than seven (7) years, and a fine of not less than one million Rwandan francs (FRW 1,000,000) and not more than two million Rwandan francs (FRW 2,000,000).

Article 279: Usurpation of titles and wearing a uniform with an intention to mislead the public

Any person who, without title usurps public, civil or military functions or poses the acts of one of these functions or falsely attributes to himself/herself the quality of a public official or publicly wears a costume, a uniform, badge or an emblem with an intention to mislead the public, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than two (2) years and not more than three (3) years, with a fine of not less than three hundred thousand Rwandan francs (FRW 300,000) and not more than five hundred thousand Rwandan francs (FRW 500,000).

If the official or professional dress, insignia or emblem are not intended to suggest the existence of a public mandate but they are likely to cause confusion among the public because of their resemblance with the official dress, a person who wears them, who lets his/her servant wear them or forces him/her to wear them publicly, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than three (3) months but not more than six (6) months with a fine of not less than five hundred thousand Rwandan francs (FRW 500,000) and not more than one million Rwandan francs (FRW 1,000,000) or only one of these penalties.

Article 280: Wearing badges, a ribbon or any other decoration by an unauthorized person

With the exception of imitation lively events, anyone who publicly wears a rank

sign or any other decoration of a group he/she does not belong to, or in fact use them in any way, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than one (1) month but less than six (6) months and a fine of not less than five hundred thousand Rwandan francs (FRW 500,000) and not more than one million Rwandan francs (FRW 1,000,000) or only one of these penalties.

Article 281: Claiming to be attached to a profession, a certificate, an official diploma or any other entitlement granted to a person meeting requirements

Any person who claims to be attached to a legally regulated profession, a certificate, an official diploma or any other entitlements granted by a competent authority to a person meeting requirements set by a competent authority, commits an offence. Upon conviction, he/she is liable to an imprisonment for a term of not less than one (1) month and less than six (6) months and a fine of not less than five hundred thousand (FRW 500,000) Rwandan francs and not more than one million Rwandan francs (FRW 1,000,000) or only one of these penalties.

Section 4: Other offences committed by civil servants

Article 282: Taking a decision which hinders the enforcement of a law

Any person vested with public authority, who, in the exercise of his/her functions, takes a decision aimed at hindering the application of a law, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than three (3) years and not more than five (5) years with a fine of not less than five hundred thousand Rwandan francs (FRW 500,000) and not more than one million Rwandan francs (FRW 1,000,000).

If the offence referred to under Paragraph One of this Article has been consummated, the applicable penalty is an imprisonment for a term of more than five (5) years and not more than seven (7) years, with a fine of not less than three million Rwandan francs (FRW 3,000,000) and not more than five million Rwandan francs (FRW 5,000,000).

Article 283: Continued use of authority after termination of a service in accordance with law

Any person vested with public authority or responsible for a public service mission or elective mandate, who, having been notified of the cessation of his/her duties or whose term of office has expired and continues to perform the said duties, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than two (2) years and not more than three (3) years and a fine of not less than five hundred thousand Rwandan francs (FRW 500,000) and not more than one million Rwandan francs (FRW 1,000,000).

Article 284: Commission of an act which violates individual liberty

Any person vested with public authority or responsible for a public service mission who, in the course of acting in the exercise or the exercise of his/her duties, orders or personally performs an act which violates an individual freedom, except when provided for by the law, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than three (3) years but more than five (5) years.

Article 285: Unlawful detention

Any civil servant who unlawfully puts or retains a person in detention or in prison, commits an offense. Upon conviction, he/she is liable to a term of imprisonment equivalent to the term incurred by the illegally detained person and a fine of not less than one hundred thousand Rwandan francs (FRW 100,000) and not more than one million Rwandan francs (FRW 1,000,000) or only one of those penalties.

TITLE IV: MILITARY OFFENCES

CHAPTER ONE: GENERAL PROVISIONS

Article 286: Definitions

In this Title, the words below have the following meanings:

- 1° **superior:** a soldier whose rank is higher than that of another or who assumes greater responsibility than another in case of equal

ranks or who has greater experience in case of equal responsibilities;

- 2° **soldier on guard:** a soldier to whom a guard of given post is assigned;

Article 287: Provisions for the repression of offences committed by soldiers

The following provisions are applied for the repression of offences committed by soldiers:

- 1° for military offences, the applicable penalties are provided for in the provisions relating to the punishment of military offences;
- 2° military courts apply to common law offences committed by soldiers between themselves or to other persons, the penalties provided for by this Law and other provisions of ordinary criminal laws;
- 3° for the repression of the military offences, the state of emergency is assimilated to the time of war. The military courts apply to offences committed during the period of emergency the penalties prescribed for offences committed in time of war.

Article 288: Classification of military penalties

The main penalties applicable to soldiers are the following:

- 1° imprisonment;
- 2° a fine.

Additional penalties applicable to soldiers are the following:

- 1° stripping off military ranks;
- 2° demotion.

Article 289: Penalty of imprisonment

A convicted soldier serves his/her penalty of imprisonment in a legally recognized prison.

Article 290: Imposition of a penalty of a fine

A fine is imposed and paid in accordance with the provisions of Articles 30, 31, 32, 33 and 34 of this Law.

Article 291: Stripping off military ranks

The penalty of stripping off military ranks is imposed on a soldier if:

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- 1° he/she committed a treason;
- 2° he/she surrendered to the enemy a post or a position assigned to him/her or abandoned other soldiers on the battle field;
- 3° he/she committed an insubordination or revolt in wartime;
- 4° he/she refused to go to his/her place of deployment in wartime;
- 5° he/she deserted;
- 6° he/she committed the crime of Genocide;
- 7° he/she committed the crimes against humanity;
- 8° he/she committed the crime of rape;
- 9° he/she committed a child defilement;
- 10° he/she was convicted to imprisonment for a term which is more than five (5) years.

Article 292: Consequences of stripping off ranks

Stripping off ranks has the following consequences:

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- 1 ° deprivation of rank and the right to wear related military insignias and uniform;
- 2 ° inability to serve in Rwanda Defense Forces, in any capacity;
- 3 ° loss of the right of access to public employment;
- 4 ° loss of the right to vote and be elected;
- 5 ° deprivation of the right to wear any decoration or any other sign worn as a mark of honor.

Article 293: Offences punishable by demotion

The court may impose a penalty of demotion against a soldier who commits military offences or any of the following ordinary offences:

- 1° drunkenness on duty;
- 2° indecent assault;
- 3° aggravated assault or battery;
- 4° fraud;

5° theft;

6° breach of trust;

Article 294: Consequences of demotion

A soldier sentenced to demotion loses his/her rank and reverted to the rank preceding the one he/she had for a period between six (6) months and three (3) years.

The soldier's seniority in the rank is suspended in case of demotion.

The penalty of demotion does not apply to soldiers holding the rank of private and second lieutenant.

CHAPTER II: PUNISHMENT OF MILITARY OFFENCES

Section One: Breach of military duties

Article 295: Abandonment or surrender to the enemy of post or a position or abandonment of other soldiers on the battle field

Any soldier on battlefield, who surrenders a post or a position assigned to him/her to the

enemy, without being compelled to do so by the superior forces of the enemy, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than twenty (20) years and not more than twenty five (25) years.

Penalties provided for under Paragraph One of this Article also apply to any soldier who abandons other soldiers on the battle field.

Article 296: Abandonment of post or disobeying its instructions

Any soldier on guard duties who abandons a post or disobeys instructions, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than two (2) months but less than six (6) months.

If he/she commits such acts in wartime, he/she is liable to imprisonment for a term of not less than one (1) year, and not more than two (2) years.

If he/she commits such acts in the face of the enemy, he/she is liable to imprisonment for a term of not less than ten (10) years and not more than fifteen (15) years.

Article 297: Sleeping on guard duty

Any soldier who sleeps while on guard duty, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than eight (8) days and not more than two (2) months, if committed in peacetime.

If the offence of sleeping on guard duty is committed in wartime, the applicable penalty is an imprisonment for a term of not less than six (6) months and not more than one (1) year.

If the offence of sleeping on guard duty is committed in wartime, and in the face of the enemy, the applicable penalty is an imprisonment for a term of more than one (1) year and not more than two (2) years.

Article 298: Drunkenness on guard

Any soldier who is found drunk while on guard, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than one (1) month but less than six (6) months, if drunkenness is committed in peacetime.

If drunkenness is committed in wartime, the applicable penalty is imprisonment for a term of not less than six (6) months and not more than one (1) year.

If drunkenness is committed in wartime, and in the face of the enemy, the applicable penalty is imprisonment for a term of more than one (1) year and not more than two (2) years.

Article 299: Service abandonment

Any soldier other than a soldier on guard duty, who abandons service, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than one (1) month but less than six (6) months, if committed in peacetime. If abandonment of service is committed in wartime, the applicable penalty is imprisonment for a term of not less than one (1) year and not more than two (2) years.

If abandonment of service is committed by the commander of the post of service he/she is liable to the maximum penalty.

If abandonment of service is committed in wartime, and in the face of the enemy, the offender, whether commander of the post or not, is liable to an imprisonment for a term of not less than ten (10) years and not more than fifteen (15) years.

Article 300: Absence from the post in wartime or when the army is on alert

Any soldier who, in wartime or when the army is on alert, fails to return on duty in the required time, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than one (1) year and not more than two (2) years.

Section 2: Insubordination, revolt and strike

Article 301: Insubordination

Any soldier who disobeys orders of his/her superior or who deliberately refuses to obey instructions given to him/her in relation to military service commits the offence of insubordination. Upon conviction, he/she is liable to imprisonment for a term of not less than six (6) months and not more than one (1) year.

If the offence of insubordination is committed by a non-officer in wartime, the penalty is imprisonment for a term of not less than one (1) year and not more than two (2) years. If the convict is an officer, the applicable penalty is imprisonment for a term of not less than five (5) years and not more than seven (7) years.

If insubordination is committed in the face of the enemy, the officer is liable to imprisonment for term of not less than ten (10) years and not more than fifteen (15) years, while a non-officer is liable to imprisonment for a term of less than three (3) years and not more than five (5) years.

However, disobeying instructions that are contrary to the law is not qualified as insubordination.

Article 302: Revolt

If two (2) or more soldiers refuse to obey simultaneously the orders from their superior they commit the offence of revolt.

If convicted in peace time, they are liable to imprisonment for a term of not less than three (3) months but less than six (6) months. If revolt is committed in wartime, the penalty is imprisonment for a term of not less than one (1) year and not more than two (2) years.

Soldiers who are convicted to have committed an offence of a coordinated revolt, is liable to imprisonment for a term of not less than one (1) year and not more than three (3) years, if committed in peacetime. If a coordinated revolt is

committed in wartime, the applicable penalty is imprisonment for a term of not less than five (5) years and not more than seven (7) years.

The instigators or leaders of the revolt are liable to the maximum penalty for this offence, depending on the time and the terms of its commission.

An officer convicted to have engaged in revolt with other soldiers is liable to imprisonment for a term of not less than three (3) years and not more than five (5) years. If he/she commits such offence in wartime, the penalty is imprisonment for a term of not less than seven (7) years and not more than ten (10) years.

If the revolt is committed in the face of the enemy, the offender, whether officer or not, is liable to imprisonment for a term of more than ten (10) years and not more than fifteen (15) years.

Article 303: Strike

Any soldier who engages in a strike, whether with other military officers or civilians, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than six (6) months and not more than one (1) year.

If a soldier acts as an instigator, leader or organizer of the strike, the penalty is an imprisonment for a term of not less than one (1) year, and not more than two (2) years.

Section 3: Humiliation and violence against a superior or a soldier on guard duty

Article 304: Humiliation of a superior

Any soldier who humiliates a superior, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than two (2) months but less than six (6) months.

If a soldier humiliates a superior when on duty or in the course of duty, he/she is liable to imprisonment for a term of not less than six (6) months and not more than one (1) year.

Article 305: Violence or threats against a guard

Any soldier who commits violence or threats to a soldier on guard, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than six (6) months and not more than one (1) year.

If the violence or threats to a soldier on guard cause him/her an illness, an injury or disability or non-permanent incapacity to work, the penalty is imprisonment for a term of more than one (1) year and not more than two (2) years.

If the violence or threats to a guard result into an incurable illness, permanent loss of working capacity, total loss of use of an organ or serious mutilation, the penalty is imprisonment for a term of more than seven (7) years and not more than ten (10) years.

When violence or threats against a soldier on guard are committed in wartime, the maximum penalties mentioned in this Article double.

If violence or threats against a soldier on guard result into his/her death, the penalty is life imprisonment.

Article 306: Violence or threats against a superior

Any soldier who commits violence or threats to a superior commits an offence. Upon conviction, he/she is liable to

imprisonment for a term of not less than one (1) year and not more than two (2) years.

If violence or threats against a superior results into an illness, an injury, disability or non-permanent incapacity to work, the penalty is imprisonment for a term of not less than three (3) years and not more than five (5) years.

If violence or threats against a superior results into an incurable illness, permanent loss of working capacity, total loss of use of an organ or serious mutilation, the penalty is imprisonment for a term of more than five (5) years and not more than seven (7) years.

If violence or threats against a superior results into death, the penalty is life imprisonment.

Article 307: Violence or threats against a superior in wartime

Any soldier who commits violence against or threats to a superior in wartime commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less

than two (2) years and not more than five (5) years.

If the violence against or threats to a superior are committed while on duty or in the course of duty in wartime, the penalty is imprisonment of more than five (5) years and not more than seven (7) years.

If the violence against or threats to a superior in wartime result in an illness or disability or non-permanent incapacity to work, the penalty is imprisonment for a term of more than seven (7) years and not more than ten (10) years.

If the violence or threats against a superior result into an incurable illness, permanent loss of working capacity, total loss of use of an organ or serious mutilation, the penalty is imprisonment for a term of more than ten (10) years and not more than twelve (12) years.

Article 308: Murder of a superior

Any soldier who kills a superior for work reasons or on duty related reasons commits an offence. When convicted, he/she is liable to life imprisonment.

Section 4: Desertion

Article 309: Desertion by an officer

Any officer who:

- 1° disappears from his/her unit for more than one (1) month or leaves the territory of Rwanda without authorisation and remains absent for more than fifteen (15) days in peacetime;
- 2° is absent from his/her unit for more than six (6) days or who leaves the territory of Rwanda without authorization, in wartime;

commits an offence.

An officer convicted of any of the acts referred to in Paragraph One of this Article is liable to imprisonment for a term of not less than two (2) years and not more than three (3) years.

If an officer:

- 1 ° deserts with a gun, aircraft, boat, vehicle or other military equipment;

2 ° deserts when he/she is on patrol, watch, guards a post or carrying out any other armed service;

is liable to an imprisonment for term of not less than five (5) years and not more than seven (7) years.

Article 310: Unauthorized extension of leave or permission by an officer

Any officer who is on official leave or permission who does not return to his/her unit for more than six (6) days in wartime, or more than one (1) month in peacetime, after the expiry of his/her leave or permission or after receiving a recall order to return on duty, commits an offence.

When convicted, he/she is liable to an imprisonment for a term of not less than one (1) year and not more than two (2) years.

Article 311: Desertion in peacetime by a non-officer

Any non-officer who, in peacetime:

1 ° leaves his/her unit or detachment for more than fifteen (15) days without authorization;

2 ° has permission but does not return to his/her unit for more than one (1) month after the expiry of his/her leave or permission or after a recall order to return on duty;

commits an offence.

A soldier who is convicted of any of the acts referred to in Paragraph One of this Article is liable to imprisonment for a term of not less than six (6) months and not more than one (1) year.

Article 312: Desertion in wartime by a non-officer

Any non-officer who, during wartime, is absent for six (6) days or has permission or is on leave but does not return to his/her unit six (6) days after the expiry of his/her leave or permission or after receiving a recall order to return to duty, commits an offence.

When convicted, he/she is liable to an imprisonment for a term of not less than two (2) years, and not more than three (3) years.

Article 313: Desertion by a non-officer in case of aggravating circumstances

If a non-officer convicted of desertion:

- 1° was previously condemned for desertion;
 - 2° crosses the boundaries of the Rwandan territory;
 - 3° uses a forged or altered authorization of leave or permission;
 - 4° deserts for more than six (6) months;
- commits an offence.

When convicted, the penalty that applies is imprisonment for a term of more than three (3) years and not more than five (5) years.

If a non-officer deserts:

- 1° with a gun, aircraft, boat, vehicle or other military equipment;

2° when he/she is on patrol, watch, guards a post or carrying out any other armed service;

the penalty referred to in Paragraph 2 of this Article doubles.

Article 314: Desertion by conspiracy

Any desertion carried out together by more than one (1) soldier is qualified desertion by conspiracy.

Any soldier who deserts by conspiracy commits an offence.

If convicted, he/she is liable to imprisonment for a term of more than two (2) years and not more than three (3) years, in peacetime. If it is in wartime, he/she is liable to imprisonment for a term of more than three (3) years and not more than five (5) years.

The head of desertion by conspiracy is liable to imprisonment for a term of not less than five (5) years and not more than seven (7) years, if it is in peacetime. If he/she commits the offence in wartime, the penalty is imprisonment for a term of not less than seven (7) years and not more than ten (10) years.

Article 315: Desertion in the face of the enemy

Any soldier who deserts in the face of the enemy, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of more than five (5) years and not more than seven (7) years.

If desertion is committed by an officer, the applicable penalty is imprisonment for a term of more than seven (7) years and not more than ten (10) years.

Any military officer who deserts heading to the enemy, is liable to imprisonment for a term of not less than ten (10) years and not more than fifteen (15) years.

Section 5: Self-inflicted mutilation

Article 316: Self-inflicted mutilation in wartime

Any non-officer who intentionally, in wartime, self-inflicts mutilation, allows himself/herself to be mutilated or who uses any means for the purpose of mutilation in order to evade service, even for a short period of time, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than one (1) year and not more than two (2) years.

When acts referred to in Paragraph One of this Article are committed by an officer, the penalty that applies is imprisonment for term of not less than three (3) years and not more than five (5) years.

Article 317: Self-inflicted disability in the face of the enemy

Any soldier who self-inflicts body disability in the face of the enemy commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than three (3) years and not more than five (5) years.

If the self-inflicted disability is committed by an officer, the applicable penalty is imprisonment for a term ranging from seven (7) years to ten (10) years.

Section 6: Misuse of military equipment

Article 318: Use of a weapon without an order from a superior

Any soldier who uses a weapon without an order from a superior commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than six (6) months and not more than one (1) year.

Article 319: Damage, sell, diversion, stealing, intentional cause of disappearance of military equipment

Any soldier who, intentionally damages, sells or causes disappearance of a military communication equipment, causes disappearance, sells or steals weapons, ammunitions or any other military equipment commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than three (3) years and not more than five (5) years, in peacetime.

If the acts referred to in Paragraph One of this Article are committed in wartime, the penalty is imprisonment for a term of not less than seven (7) years and not more than ten (10) years.

Section 7: Interference with the military communication system

Article 320: Application of other laws

The provisions of this Section do not prejudice the application of the provisions relating to offences against State security and other offences provided for in other laws.

Article 321: Military communication system

In this Law, military communication system is any system of transmission or receipt of information related to the army, using various equipment including recorders, transmitters, speakers, electronic devices and others.

Article 322: Interference with the military communication system by a civilian

Any civilian who commits offences provided for in this Section is tried by competent courts, and is liable to the same penalties as those applicable to soldiers.

Article 323: Disclosure of a code or password of the military communication system

Any soldier with access to a code or a password of the military communication system who intentionally discloses it to a person who is not authorised to have access to it or, in any way, discloses to an unauthorized person the operating mechanism of the communication system, commits an offence.

Upon conviction, he/she is liable to imprisonment for a term of not less than two (2) years and not more than five (5) years, in peacetime. If he/she commits the offence in wartime, the applicable penalty is imprisonment for a term of more than five (5) years and not more than seven (7) years.

If he/she engages in such acts due to clumsiness, negligence, carelessness, lack of attention, failure to observe the rules or through any other default, the applicable penalty is an imprisonment for a term of not less than two (2) months but less than six (6) months, in peacetime. If he/she commits the offence in wartime, the applicable penalty is imprisonment for a term of not less than one (1) year and not more than two (2) years.

Article 324: Unauthorized access to a military communication network

Any person who intentionally accesses, without authorization a secure military communication network, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than one (1) year and not more than two (2) years.

Article 325: Using a military communication system to communicate with an unauthorized person

Any person who is authorised to use or operate a military communication system, who uses it to communicate with an unauthorized person, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than one (1) year and not more than two (2) years.

Article 326: Jamming a military communication system

Any person who fraudulently blocks or jams the functioning of military communication system, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than three (3) years and not more than five (5) years, if committed in peacetime.

If the acts referred to in Paragraph One of this Article are committed in wartime, the applicable penalty is imprisonment for a term of not less than ten (10) years and not more than fifteen (15) years.

Article 327: Obstructing the military communication system

Any person who obstructs military communication system by deleting or modifying information, commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than five (5) years but less than seven (7) years, if he/she committed it in peacetime.

If he/she commits the offence in wartime, the applicable penalty is imprisonment for a term of not less than ten (10) years and not more than fifteen (15) years.

If the acts referred to in Paragraph One of this Article are committed due to carelessness or clumsiness, the applicable penalty is imprisonment for a term of not less than two (2) months but less than six (6) months, in peacetime. If they are committed in wartime, the penalty is imprisonment for a term of not less than two (2) years and not more than five (5) years.

Section 8: Offences committed due to negligence

Article 328: Damaging or causing loss of military equipment due to negligence

A soldier who negligently damages or who causes loss of military equipment commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than six (6) months and not more than one (1) year.

If the acts referred to in Paragraph One of this Article are committed in wartime, the applicable penalty is an imprisonment for a term of more than one (1) year and not more than two (2) years.

Article 329: Negligence causing injury or death of a person

A soldier who, by negligence to the service causes an injury to a person commits an offence. Upon conviction, he/she is liable to imprisonment for a term of not less than six (6) months and not more than one (1) year.

If the negligence referred to in Paragraph One of this Article causes death of a person, the applicable penalty is an imprisonment for a term of not less two than (2) years and not more than three (3) years.

If the acts referred to in Paragraph One and 2 of this Article are committed in wartime, the maximum penalty is imposed.

Section 9: Violation of foreign law and legal effect of documents of a foreign authority

Article 330: Violation by a soldier of some foreign legal and regulatory provisions

A soldier who violates a foreign law where he/she is serving, is prosecuted by Rwandan military courts in accordance with Rwandan law as if such an act has been committed on the Rwandan territory provided that it is punishable by the Rwandan law.

If the act committed is not an offence under the Rwandan law, he/she is subject to disciplinary sanction.

Article 331: Legal effect of documents related to offences committed by Rwandan soldiers in foreign countries

Documents related to acts that violate laws committed by Rwandan soldiers in foreign countries have legal effect before Rwandan

Courts in accordance with the Rwandan laws.

**TITLE V: MISCELLANEOUS,
TRANSITIONAL AND FINAL
PROVISIONS**

Article 332: Entry of criminal convictions in the criminal record

All non-appealable and final convictions are entered in the appropriate criminal record.

Article 333: Drafting, consideration and adoption of this Law

This Law was drafted, considered and adopted in Ikinyarwanda.

Article 334: Repealing provision

All prior provisions inconsistent with this Law are repealed.

However, an offence committed prior to the publication of this Law in the Official Gazette of the Republic of Rwanda is punishable under the Law hitherto applicable unless this Law provides for lesser penalties.

Article 335: Commencement

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

However, the genocide crimes and other crimes against humanity committed between October 1, 1990 and December 31, 1994 is punishable in accordance with penalties provided for under this Law unless legal provisions otherwise provide.

Kigali, on **30/08/2018**

(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