

**MINISTERIAL ORDER N°005/08.11
11/02/2014 DETERMINING THE
MODALITIES FOR THE EXECUTION OF
THE PENALTY OF BAN ON ENTRY INTO
PLACE OR RESTRICTION OF MOVEMENT**

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MINISTERIAL ORDER N° 005/08.11 OF 11/02/2014 DETERMINING MODALITIES FOR THE EXECUTION OF THE PENALTY OF BAN ON ENTRY INTO A PLACE OF RESTRICTION OF MOVEMENT

The Minister of Justice/Attorney General,

Pursuant to the Constitution of the Republic of Rwanda of 04 June 2003 as amended to date, especially in Articles 120, 121 and 201;

Pursuant to Organic Law n° 01/2012/OL of 02/05/2012 instituting the Penal Code, especially in Article 57;

On proposal by the Minister of Justice/Attorney General;

After consideration and approval by the Cabinet in its session of 17 January 2014;

HEREBY ORDERS:

Article One: Purpose of this Order

This Order determines modalities for the execution of the penalty of ban on entry into a place of restriction of movement.

Article 2: Definition of terms

- 1° **Ban on entry into a place:** or prohibiting a convict from certain places;
- 2° **Restriction of movement:** obligation for a convict to reside in certain places

Article 3: Duration of the penalty

The duration of ban on entry into a place and that of restriction of movement shall be six (6) months to five (5) years.

Article 4: Persons who can be subject to the ban on entry into a place or restriction of movement

The ban on entry into a place or restriction of movement may, except where expressly provided otherwise by law, be ordered against:

- 1° any person sentenced to a term of imprisonment of more than one (1) year;
- 2° any person who, after being sentenced to a term of imprisonment of at least six (6) months, is sentenced again to a term of imprisonment of at least six (6) months within a period of five (5) years after the completion of the first sentence or the expiration of the prescription.

Article 5: Obligations imposed to the convict

A convicted person who is ordered by court to remain or not to remain in a certain place must appear before himself/herself at least once (1) a week to the Prosecutor at primary level where he/she is ordered to be, unless the court decides otherwise. The court may extend that period upon request in writing to the Prosecutor if there are reasonable grounds.

Article 6: Permission for entering a prohibited place or leave a required place

A convicted person to the penalty of ban on entering into a place or restriction of movement who has reasonable grounds to enter a prohibited place or leave a place he/she is required to stay shall request permission in writing to the President of the primary court where he/she is serving the sentence. The President may seek advice to the Prosecutor at primary level before taking a decision on the request.

If the reasons for which the convicted person is requesting permission are urgent, the President of the court must take a decision within twenty-four hours (24) from the request has reached the court.

However, for urgent medical reasons, a convicted person may enter a prohibited place or leave a place he/she is required to stay and inform the President of the Primary Court where he/she is serving sentence after recovering from sickness.

Official Gazette n° Special of 12/02/2014

Article 7: Disrespect of orders by the convict

If the convicted person to the ban on entry into place or restriction of movement disrespects obligations imposed on him/her, he/she shall serve the remaining sentence in prison after the decision of the court which rendered the judgement upon request by the Chief Intermediate Prosecutor where the convicted person is serving the sentence.

Article 8: Repealing provision

All prior provisions contrary to this Order are hereby repealed.

Article 9: Commencement

This Order shall come into force on the date of publication in the Official Gazette of the Republic of Rwanda.

Kigali on **11/02/2014**

(sé)

BUSINGYE Johnston
Minister of Justice/Attorney General

Seen and sealed with the seal of the Republic

(sé)

BUSINGYE Johnston
Minister of Justice/Attorney General