

LAW N° 29/2006 OF 20/07/2006 MODIFYING AND COMPLEMENTING LAW N° 34/2001 OF 05/07/2001 RELATING TO REFUGEES

We, KAGAME Paul,
President of the Republic;

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

THE PARLIAMENT:

The Chamber of Deputies, in its session of June 19, 2006;

The Senate, in its session of October 25, 2005;

Given the Constitution of the Republic of Rwanda of June 4, 2003 as amended to date, especially in its articles 24, 25, 62, 88, 90, 92, 93, 108, 118, 189 and 201;

Given Organic Law n° 07/2004 of 25/04/2004 determining the organisation, functioning and jurisdiction of courts, especially in its article 93;

Revisited Law n° 34/2001 of 05/07/2001 relating to refugees, especially in its articles 3, 5, 8, 17, 18 and 19;

ADOPTS:

Article One:

Article 3 of law n° 34/2001 of 05/07/2001 relating to refugees is modified and complemented as follows:

"There is hereby established a National Refugee Council. The Council follows up and examines issues of foreign refugees who seek asylum in Rwanda and Rwandan refugees in diaspora and thereafter takes decisions."

Article 2:

Article 5 of law n° 34/2001 of 05/07/2001 relating to refugees is modified and complemented as follows:

"The National Refugee Council has the following responsibilities:

- 1° to implement the policy governing refugees in general;
- 2° to monitor how the rights of refugees living in Rwanda and those of Rwandan returnees are respected in Rwanda;
- 3° to examine and make decisions on applications of persons seeking refugee status in Rwanda;
- 4° to retract refugee status from any refugee that does not respect laws on refugees in Rwanda;
- 5° to mobilize all necessary resources in order for the achievement of repatriation and reintegration activities of Rwandan refugees in Rwanda;
- 6° to establish and follow up good working relationship between Rwanda, United Nations High Commission for Refugees (UNHCR) and Countries in which Rwandans sought asylum so that their repatriation is effected without hindrance;
- 7° to examine and approve activity report relating to refugees and returnees prepared by the Executive Secretary;

8° to draft a financial budget relating to refugees living in Rwanda and the Rwandan returnees;

9° to submit an activity report to the Minister in charge of refugees and returnees;

10° to assist the Government in co-ordinating the activities of Local Associations and International Organisations operating in Rwanda which mobilise funds to assist in repatriation and reintegration of refugees."

Article 3:

The law n° 34/2001 of 05/07/2001 relating to refugees is complemented by articles 8 bis and 8 ter which are as follows:

"Article 8 bis :

The Executive Secretary of the National Refugee Council has the following responsibilities:

1° to coordinate the activities of the Executive Secretariat of the National Refugee Council;

2° to be the rapporteur of the meetings of the National Refugee Council;

3° to prepare a draft budget and action plan and forward them to the National Refugee Council for approval;

4° to prepare an annual activity report and at any time it is considered necessary and forward it to the National Refugee Council;

5° to be the interlocutor between the National Refugee Council and administrative organs and other partners;

6° to transmit to the National Refugee Council files of Refugee Status applicants for examination and decision making;

7° to notify applicants for Refugee status of the decision taken by the National Refugee Council;

8° to coordinate the activities of mobilising and repatriating Rwandan Refugees in Diaspora, and resettling them in their properties;

9° to coordinate the activities of foreign refugee settlements in Rwanda;

10° to prepare the draft of rules of procedure of the National Refugee Council for consideration before approval by the Minister in charge of refugees;

11° to perform any other activities related to his or her responsibilities as may be requested by the Minister in charge of refugees, the National Refugee Council and any other competent organs."

"Article 8 ter:

The National Refugee Council uses resources originating from the State Budget, aid, grant or bequest.

The National Refugee Council staff is governed by the General Statutes for Rwanda Public Service. "

Article 4:

Article 17 of law n°34/2001 of 05/07/2001 relating to refugees is modified and complemented as follows:

"If a person applying for refugee status is not satisfied with the decision taken by the National Refugee Council, he or she may file a case to the High Court of the Republic within a period not exceeding fifteen (15) working days starting from the day he or she was notified of the decision.

The applicant for refugee status shall have the right to stay in Rwanda during the period in which he or she filed the case, until the day the Court seized renders its irrevocable decision."

Article 5:

Article 18 of law n° 34/2001 of 05/07/2001 relating to refugees is modified and complemented as follows:

"The High Court of the Republic renders a decision in a period not exceeding thirty (30) days from when the hearing is concluded."

Article 6:

Article 19 of law n° 34/2001 of 05/07/2001 relating to refugees is modified and complemented as follows:

"The National Refugee Council shall implement an irrevocable judicial decision."

Article 7:

All previous legal provisions contrary to his law are hereby repealed.

Article 8:

This law shall come into force on the day of its publication in the Official Gazette of the Republic of Rwanda.

Kigali, on 20/07/2006

The President of the Republic
KAGAME Paul
(sé)

The Prime Minister
MAKUZA Bernard
(sé)

The Minister of Local Government, Good Governance,
Community Development and Social Affairs
MUSONI Protais
(sé)

The Minister of Internal Security
Sheikh HARELIMANA Mussa Fazil
(sé)

The Minister of Defence
General GATSINZI Marcel
(sé)

The Minister of Foreign Affairs and Cooperation
Dr. MURIGANDE Charles
(sé)

The Minister of Infrastructure
KAMANZI Stanislas
(sé)

The Minister of Land, Environment, Forestry, Water and Mines
BAZIVAMO Christophe
(sé)

The Minister of Justice
MUKABAGWIZA Edda
(sé)

Seen and sealed with the Seal of the Republic:

The Minister of Justice
MUKABAGWIZA Edda
(sé)