



Law No. 2/1998 of 22 January 1998 Establishing a national Assistance Fund for Needy Victims of Genocide and Massacres Committed in Rwanda Between 1 October 1990 and 31 December 1994

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Comments This is the official text as published in the Official Gazette of the Republic of Rwanda No. 3 dated 1 February 1998. Eventhough this Law entered into force on 1 February 1998, it was effective as of 1 January 1997 (article 20). Please see the Law No. 11/1998 of 2 November 1998 Amending and Completing the Law No. 2/1998 of 22 January 1998 Establishing a National Assistance Fund for the Neediest Victims of Genocide and Massacres Committed in Rwanda Between 1 October 1990 and 31 December 1994 for the latest amendment.

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We, Pasteur BIZIMUNGU,

President of the Republic of Rwanda;

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

The Transitional National Assembly meeting in its session of January 6, 1998;

Given the Fundamental Law of the Republic of Rwanda and, in particular, articles 12, 23, 33 and 69 of the Constitution of June 10, 1991, and the Arusha Protocol of Agreement on Power-Sharing, articles 6-d, 40, 72 and 73;

Given that most of the survivors have been handicapped in many ways and, that the State has the duty to support them;

Given that during genocide and massacres, the property of the survivors was completely destroyed, making it necessary to help them;

Given that the Government in place during genocide and massacres, and the administrative institutions played an essential role in the commission of these crimes, and by way of consequence, the obligations of the Rwandese State to help the needy citizens have particularly increased;

ADOPTS:

CHAPTER I:ESTABLISHMENT OF THE FUND

Article 1:

The Rwandan Government assists the needy victims of the genocide and massacres committed in Rwanda between October 1, 1990 and December 31, 1994.

Article 2:

There is hereby established a fund to be reserved for the assistance to the most needy victims of genocide and massacres, committed in Rwanda between October 1, 1990 and December 31, 1994 hereinafter referred to as the "Fund".

By means of this law, the Fund comes into existence.

Article 3:

The Fund is established for an undetermined period of time.

CHAPTER II:ADMINISTRATION OF THE FUND

Article 4:

The management of the Fund and the National Council of administration's activities are followed up by the Ministry having in its attributions to look over social affairs.

The Fund has the three following organs:

- the National Council of Administration
- the Executive Secretariat
- the Commission of Audit

Article 5:

The National Council of Administration consists of five members whose three are from survivors' associations and are all appointed by order of the President of the Republic.

Article 6:

The President of the National Council of Administration and his or her Vice are nominated by order of the President of the Republic.

Article 7:

The National Council of Administration is responsible for:

- coordinating the Fund's activities and report to the Ministry having social affairs in its attributions;
- approving the determination of assistance;
- soliciting and collecting monies for the Fund;
- establishing the Fund's internal regulations;
- preparing a program of the activities to be undertaken by the Fund, and publishing it;
- preparing the Fund's draft budget to be inserted in the draft budget of the Ministry having social affairs in its attributions.

Article 8:

In its day-to-day activities, the Fund is managed by an Executive Secretariat, which implements the decisions of the National Council of Administration.

Article 9:

The Executive Secretariat of the Fund is constituted by state agents made available for the Fund. It is managed by an Executive Secretary who has a rank of a Secretary General in a Ministry who is appointed by order of the President of the Republic.

Article 10:

The Executive Secretary shall submit quarterly to the National Council of Administration a Fund management report. The National Council shall then submit it to the Ministry having social affairs in its attributions.

Article 11:

The Commission of Audit is the organ responsible for the control of Fund resources expenditure and fund's activities in general. The Commission is made of three members appointed by order of the President of the Republic.

CHAPTER III:FUND ASSETS

Article 12:

Fund assets consist of monies obtained from the following sources:

- 1)The State allocates annually to the fund an amount equal to 5% of the State's ordinary budget;
- 2)Money legally got from forsaken properties;
- 3)Donations;

- 4) Indemnification from abroad to Rwanda because of the genocide and massacres;
- 5) The money equivalent to 2% of indemnification related to genocide and massacres without prejudice to the 4% usually put in the public treasury;
- 6) However, any salary earner puts at least 100 Rwandan francs in the Fund annually. Every Rwandan citizen aged 18 puts at least 1% of his or her annual salary;
- 7) Every non profit making organisation operating in Rwanda puts in the Fund at least 10.000 Rwandan francs annually;
- 8) People carrying out liberal profession shall put annually 50.000 Frw in the national assistance fund;
- 9) Every registered businessman shall put annually at least 10.000 frw for retailer, 50.000 Frw for wholesaler, 100.000 Frw for manufacturers, importers and international transporters.
- 10) Apart from limited companies which put at least 20.000 Frw each year, any public establishment, parastatal establishment, commercial company other than limited company (collective named company, limited partnership company, company with limited liability) puts at least 100.000 Frw each year.

In case there is a risk of having a situation of cumulative dues provided in points 9 and 10 of the present article, the company shall only put the contribution determined in point 10.

- 11) All other legal fund-raising means capable to enhance the resources of the Fund shall be used with respect to law.
- 12) Interest produced by sums paid into the Fund.

The money of the Fund is kept in a special account open in a Bank.

Article 13:

The law in force concerning public income perception remains valid for the Fund.

CHAPTER IV: BENEFICIARIES OF THE FUND

Article 14:

The beneficiaries of the Fund assistance are survivors of genocide and massacres who are in need, especially orphans, widows and handicapped persons. The assistance targets particularly education, health and housing.

"Survivor" means a person who survived genocide and massacres committed in Rwanda between October 1, 1990, and December 31, 1994, consisting in acts meant to:

- i) exterminate persons and destroy their property because of their ethnic origin;
- ii) exterminate persons and destroy their property because of their opinion or of those of close relatives who were against genocide and massacres.

Article 15:

Persons having taken part in the genocide and the massacres shall not benefit from assistance nor receive payments out of the Fund under this law.

Article 16:

Claiming or receiving compensation from Courts does not prevent the Fund to assist needy survivors.

CHAPTER V:FINAL PROVISIONS

Article 17:

The internal regulations of the Fund shall be established by the National Council of Administration and approved by order of the President of the Republic.

Article 18:

All previous provisions of law contrary to the present law are abrogated.

Article 19:

This law is written in the three official languages acknowledged by the Fundamental Law of the Republic of Rwanda, the version in Kinyarwanda being considered as the original.

Article 20:

This law comes into force on the date of its publication in the Official Gazette of the Republic of Rwanda. It shall be effective from January, 1st 1997.

Kigali, 22/01/1998

Pasteur BIZIMUNGU,
President of the Republic
(sé)

Pierre Célestin RWIGNEMA,
Prime Minister
(sé)

Donald KABERUKA,
Minister of Finance and Economic Planning
(sé)

Aloysie INYUMBA,
Minister of Gender, Family and Social Affairs
(sé)

Dr Faustin NTEZILYAYO,
Minister of Justice

(sé)

Seen and sealed with the Seal of the Republic:

Dr Faustin NTEZILYAYO,
Minister of Justice

(sé)

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