

Rwanda

## Organic Law on the Leadership Code of Conduct Organic Law 61 of 2008

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## Rwanda

# Organic Law on the Leadership Code of Conduct

## Organic Law 61 of 2008

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**Assented to on 10 September 2009**

**Commenced on 15 December 2008**

*[This is the version of this document as it was from 15 December 2008 to 17 October 2013.]*

**We, KAGAME Paul,**

President of the Republic;

**THE PARLIAMENT HAS ADOPTED AND WE SANCTION, PROMULGATE THE FOLLOWING ORGANIC 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 22 July 2008;

The Senate, in its sessions of 23 July 2008;

Pursuant to the Constitution of the Republic of Rwanda of 04 June 2003, as amended to date, especially in Articles 32, 45, 62, 66, 67, 88, 89, 90, 92, 93, 94, 95, 108, 118 and 201.

### **ADOPTS:**

## **Chapter One**

### **General provisions**

#### **Article One – Purpose of this Organic Law**

The purpose of this Organic Law is to provide for minimum standard of behavior and conduct for leaders in the country in order to gain moral authority capable of leading society in a manner respectable of the law.

#### **Article 2 – Persons governed by this Organic Law**

This Organic Law shall apply to heads of public institutions, Government services and institutions governed by statutes, or people holding political offices.

This Organic Law shall also be a reference in relation to other laws on professional codes of conduct in specialized institutions.

This Organic Law shall specifically apply to leaders mentioned in Article 3, point 2° and 3° of this Organic Law.

#### **Article 3 – Definition of terms**

In this Organic Law, unless the context otherwise requires—

- 1° a leader: any person holding or acting in any of the following offices of the Legislature, Executive or in the Judiciary and other related institutions who is in charge of managing other employees and taking decisions affecting the State, department, institution or job position he/she is in charge of;

- 2° high ranking leaders: President of the Republic, President of the Senate, Speaker of the Chamber of Deputies, President of the Supreme Court and the Prime Minister;
- 3° senior officials: Cabinet Ministers, Ministers of State, Members of Parliament, Judges of the Supreme Court and other officials appointed by a Presidential Order as well as those appointed by a Prime Minister's Order to the Director General and those falling in the same job classification level;
- 4° commerce: means any activity provided in article 2 of the Law of 02 August 1913 relating to Trade.
- 5° trader: a person who is registered and carries out any activity of commerce as provided by the law.
- 6° property: money, equipment, artistic works or any other valuable movable or immovable item;
- 7° public organ; any service department in the public administration whether Legislative, Executive or Judiciary or one in which the State has shares;
- 8° household: family composed of a married couple with their children of less than eighteen (18) years;  
The family shall continue to exist irrespective of parting from it of one of the members.
- 9° putting foreign interests before those of Rwanda: supporting in writing or verbally other countries in action in a manner that jeopardizes the interests of Rwanda or deliberately failing to respect the resolutions and the decisions taken by the Government of Rwanda;
- 10° rubberstamp: person who does not have principles, always follows decisions of others. He/she follows whatever is appropriate or not, makes no analysis to make his/her own decision;
- 11° careless person: person who takes insufficient care to make a follow up in his/her responsibilities. In case he/she takes decisions, he/she does not make any forethought because of lack of attention;
- 12° opportunist: person, who avoids difficulties, takes advantages with no efforts rendered. He surfaces when there is benefit, and not when there are difficulties that need his/her role, he/she pretends to have reasons for his/her absence;
- 13° patriotism: defending the sovereignty of the country and to die for it where necessary, promote its good image, promote its dignity anywhere and to fight those who defame it; to denounce and to fight against what causes insecurity of property and persons, collaborate with others in acts aimed at its development, conserve its natural resources; not to embezzle and to fight against those who practice embezzlement.
- 14° Liberal professions: Professional and technological services offered by private operators such as law office, medical office, etc.

## **Chapter II**

### **Qualities of a leader**

#### **Article 4 – Considerations when appointing leaders**

Before the appointing authority appoints any person into a leadership position, he/she should:

- 1° be patriotic;
- 2° not be one who underrates Rwanda and Rwandans;
- 3° be a person with constructive and developmental vision;
- 4° be a person of integrity;
- 5° be a person of morals in culture, conduct and have interpersonal qualities;
- 6° have zeal and competency;
- 7° not have been convicted of the crime of adultery;

- 8° not have been deprived of civil and political rights, or having been rehabilitated after conviction;
- 9° never to have been sentenced to a term of or exceeding six months of imprisonment without parole;
- 10° never to have been convicted of any offence connected with genocide; and
- 11° never to have confessed to commission of the crime of genocide.

### **Chapter III**

#### **Code of conduct for leaders**

##### **Article 5 – Rules and principles that a leader must respect**

A leader shall abide by the Constitution, other laws, and avoid disrupting the unity of Rwandans, sovereignty and security of the country.

##### **Article 6 – Good conduct that must characterize a leader**

A leader shall possess the following qualities:

- 1° patriotism and putting national interests before personal interests;
- 2° knowing, promotion and respect for human rights and encouraging subordinates and colleagues to do the same;
- 3° working within the principles of democracy, transparency and always consulting with workmates;
- 4° receptive and listening to all who approach him/her;
- 5° culture of team work and providing subordinates with means to perform their duties;
- 6° warning subordinates to respect clear directives and oversee implementation of tasks assigned;
- 7° respect for work schedule, time and submit reports where appropriate;
- 8° role model;
- 9° hard working and efficient;
- 10° sensitizing subordinates about Government programmes in different sectors and by virtue of his/her position, to be a role model when implementing and disseminating Government programmes;
- 11° advocacy for national unity;
- 12° fighting the genocide ideology and other forms of discrimination;
- 13° declaration of wealth in accordance with the law;
- 14° not to take his/her family members and property abroad due to lack of trust and confidence of his/her country;
- 15° striving for the truth when carrying out his/her duties and in any other matter regarding conduct whether willingly or upon request;
- 16° not be a careless person;
- 17° not be an opportunist person;
- 18° not to be a rubber stamp;
- 19° must not consider himself/herself a semi god; and
- 20° working in transparency.

## **Article 7 – Special guidelines governing conduct for leaders and staff of each organ**

In addition to Articles 5 and 6 of this Organic Law, a head of an institution shall depending on its special organization make and disseminate special guidelines governing the conduct of its senior heads and staff.

Those guidelines shall at least cover the following:

- 1° requirements how various decisions related to serving the community are taken;
- 2° deadlines within which decisions are taken with the aim of protecting people institutions serve to avoid unnecessary delays and the feeling of hopelessness;
- 3° an institution that an aggrieved party appeals to, procedure and time frame within which to appeal;
- 4° guiding principles to follow when taking decisions with the view of enhancing transparency;
- 5° guidelines governing workers code of conduct;
- 6° procedure how work-related problems and other interpersonal disputes emanating from work may be resolved internally;
- 7° transparent recruitment procedures;
- 8° transparent tender awarding procedures;
- 9° how an activity report is prepared, who it is copied to and how report resolutions are implemented;
- 10° basis and staff performance evaluation procedure;
- 11° procedural modalities how workers shall be trained in order to improve skills and efficiency;
- 12° schedules for management and staff meetings, how they shall be held and mode of implementing decisions emanating from such meetings; and
- 13° how the welfare of workers and other benefits shall be pursued.

The head of an institution that provides services to the community shall prepare written regulations referred to in the preceding paragraph within a period not exceeding three (3) months from the date when this Organic Law shall be published in the Official *Gazette* of the Republic of Rwanda.

The Office of the Ombudsman shall monitor the implementation of the preceding Article in each public institution.

## **Chapter IV Conduct and prohibited acts**

### **Article 8 – Discriminative or segregate acts**

A leader shall while carrying out his/her daily duties be prohibited from acts based on nepotism, ethnicity, family, clan, ancestry, region, sex, religion, or any other act that may result in discrimination or divisionism.

### **Article 9 – Other prohibitions**

A leader shall be prohibited from the following:

- 1° failure to clear a debt emanating from a legal obligation or contract;
- 2° offering and receiving a bribe, to use reverence and favoritism, swindle property, money laundering and other corruption-related crimes;
- 3° putting foreign interests before Rwanda's;



- 4° performance or supporting any act aimed at degrading the country and Government;
- 5° personally misusing or willingly letting subordinates to misuse Government property or that of an institution;
- 6° diversion of property or donation meant for an institution, body or department he/she supervises;
- 7° use of words and acts aimed at degrading, dehumanizing, stopping or removing a worker from his/her job in a manner inconsistent with the law or any other manner;
- 8° disclosing secret information in respect to current and past work;
- 9° acts or statements indicating that he /she does not tolerate divergent views;
- 10° use of dictatorial tendencies and intimidation;
- 11° use of his/her position to mistreat people or breach the law;
- 12° mismanagement of anything in his/her control;
- 13° personalizing the organ he/she leads; and
- 14° any conduct likely to degrade his/her integrity, work or position.

### **Article 10 – Offering and acceptance of a donation or gift**

A leader is prohibited from accepting or giving a donation or gift of any kind in his/her official capacity.

However, a leader may accept or give a donation or gift in accordance with modalities provided for by a Presidential Order.

### **Article 11 – Internal Regulations governing code of conduct of leaders**

Specific acts and conduct that leaders should avoid shall be provided for by Internal Regulations and shall vary depending on the nature of duties performed.

## **Chapter V Incompatibilities in relation to work**

### **Article 12 – Incompatibilities**

Any leader with direct or indirect personal interests likely to conflict in any way with the functions and interests of a public institution where he/she is appointed shall relinquish them before taking office and as long as he/she remains in office.

Whenever a leader has a role in taking a decision on any matter where he/she has personal interests, whether by virtue of his/her duties or by any other reason whether it is his/her contribution or jointly with others or on account of advise, he/she shall notify the superiors or the heads of the appointing institution and shall excuse himself/herself in taking that decision.

### **Article 13 – Prohibited agreements**

Except through a public limited company, a leader in his/her individual capacity or through a company in which he/she has shares shall not indulge in public tenders.

A leader representing the State in an institution in which it has shares or who is responsible for its supervision shall not be allowed to conclude any agreement with the institution giving him/her more powers than that ordinarily given to its employees.

## **Article 14 – Prohibited acts in respect to leaders, spouses and children**

High ranking leaders are prohibited from involvement in any trading activities.

Leader's spouses and their children under eighteen (18) years are prohibited from involvement in any trading, remunerated political activity or any other activity that is likely to degrade such leaders.

Spouses of High ranking leaders mentioned in paragraph one of this Article are allowed to perform any activity not prohibited in paragraph 2 of this Article. However, they are prohibited from selling to the Government any product acquired from that activity.

Children not mentioned in paragraph 2 of this Article may perform any trading activity except participation in public tenders.

Any High ranking leader who has shares in any business venture or company with his/her spouse when married under separation of property marriage regime shall inform the Office of the Ombudsman.

## **Article 15 – Prohibited activities in respect to senior officials**

High ranking leaders are prohibited from indulging in trading activities.

However, followed by authorization by the head of the institution, one may perform other duties which are in public interest, which shall not be remunerated for.

However, their spouses and children may indulge in trading activities except in public tenders.

The Ombudsman shall be informed of the children referred to in the preceding paragraph.

Any High ranking leader who has shares in any business venture or company with his/her spouse when married under separation of property marriage regime shall inform the Office of the Ombudsman.

## **Article 16 – Management of property belonging to a leader who previously carried out commercial activities**

When a leader referred to in articles 14 and 15 of this Organic Law was previously involved in any commercial activity or in the management of a commercial enterprise whether in the country or abroad, he/she shall while still in that office appoint a person to manage the property. The Office of the Ombudsman shall be notified of this action within a period not exceeding ninety (90) days after taking office.

## **Article 17 – Other activities incompatible with being a leader**

Leaders referred to in articles 14 and 15 of this Organic Law are prohibited to be in the management of associations and non-profit making organizations. However, they are allowed to be members.

They shall also not combine their duties with that of representing Government on the Board of Directors of any public institution or in any institution in which Government has shares.

However, when deemed necessary and upon approval by Cabinet, senior officials with the exception of the Members of Cabinet, Members of Parliament, Judges of the Supreme Court, may be members of the Board of Directors in a public institution or in an institution in which Government has shares or in a private institution in accordance with the procedural modalities provided by laws establishing such institutions.

## **Article 18 – Management of liberal professional businesses**

Leaders mentioned in articles 14 and 15 of this Organic Law are allowed to have liberal profession businesses.

If a leader has a liberal professional business referred to in the preceding paragraph or is involved in its management whether in the country or abroad, he/she shall while still in office appoint a person to manage such

a business. The Office of the Ombudsman shall be notified of this action within a period not exceeding ninety (90) days from the date of assuming office.

Such businesses whether individually or jointly owned shall not conclude any agreement with the Government.

However, if deemed necessary, in public interest, Cabinet may permit such businesses to conclude agreements with Government. Cabinet may however revoke such special rights when grounds considered at the time no longer exist.

## **Chapter VI Declaration of property**

### **Article 19 – Declaration of assets**

Every leader shall declare to the Office of Ombudsman his/ her assets whether found in the country or abroad.

A declaration form indicating actual assets shall be submitted to the Office of the Ombudsman not later than the 30<sup>th</sup> June of each year for those still in office and in a period not exceeding fifteen (15) days from the date they left office for those who are no longer in office.

Newly appointed leaders shall declare their assets to the Office of the Ombudsman in a period of one month from the date of taking office.

Any person whose declaration form of assets has not been accepted shall be required to submit another one within a period of one month.

If a declaration form of assets is not accepted for the second time and for reasons personally notified to him/her, the Office of the Ombudsman shall file a report to the appointing authority for appropriate action to be taken against such a leader.

## **Chapter VII Sanctions and other liabilities**

### **Article 20 – Sanctions for a guilty leader**

Without prejudice to other laws governing Government employees, an institution with mandate to penalize a leader referred to in Article 9 of this Organic Law shall penalize him/her with any of the following penalties below depending on the gravity of the offence and his/her seniority. Where no institution is provided for or when it refuses to impose an appropriate sanction due to unfairness or disobedience, the sanction shall be imposed by the Office of the Ombudsman after being given reasons why the competent institution failed to do so.

The sanctions are as follows:

- 1° written warning;
- 2° written reprimand;
- 3° dismissal; and
- 4° dismissal followed by publication of the reasons in the newspapers if public interests have to be served.

### **Article 21 – Right to defence**

In accordance with laws usually governing him/her, any leader who commits an offence shall be given the right to be heard.

### **Article 22 – Penalty for embezzlement or destruction of public property**

Without prejudice to other laws, a leader who embezzles, deliberately destroys or lets his/her subordinate to destroy Government property or that of an institution where Government has shares shall be liable to a term of imprisonment ranging from two (2) months to one (1) year and a fine ranging from two hundred thousand (Rwf 200.000) to one million (Rwf 1,000,000) Rwanda Francs or any of the two penalties.

### **Article 23 – Penalty for putting foreign interests before those of Rwanda**

Without prejudice to other penal laws, a leader who puts foreign interests before those of Rwanda as provided in Article 3 of this Organic Law shall be liable to a term of imprisonment ranging from two (2) years to five (5) years and a fine ranging from one million (Rwf 1.000.000) to five million (Rwf 5.000.000) Rwanda Francs.

### **Article 24 – Penalty for dishonouring a State or Government**

Any leader who does an act meant to dishonour the country and Government shall be liable to a term of imprisonment ranging from two (2) years to ten (10) years and a fine ranging from one million (Rwf 1.000.000) to five million (Rwf 5.000.000) Rwanda Francs.

### **Article 25 – Offences related to ethics and penalties**

Without prejudice to disciplinary sanctions, a leader who commits any of the following offences shall be penalized in accordance with the penal laws:

- 1° drunkenness;
- 2° adultery;
- 3° fighting;
- 4° sexual harassment against employees;
- 5° insults or other bad conduct as provided for by this Organic Law.

### **Article 26 – Penalty for revealing work secrets**

Without prejudice to disciplinary sanctions, a leader who is convicted of revealing work secrets shall be liable to a term of imprisonment ranging from one year (1) to three (3) years and a fine ranging from one million (Rwf 1.000.000) to three million (Rwf 3.000.000) Rwandan francs or any of the two penalties.

### **Article 27 – Penalty for doing acts incompatible with the job**

Any leader who does not comply with the provisions of Chapter V of this Organic Law shall be liable to a term of imprisonment ranging from six (6) months to three (3) years and a fine ranging from two hundred thousand (Rwf 200.000) to five million (Rwf 5.000.000) Rwandan francs or any of the two penalties.

### **Article 28 – Penalty for holding out to occupy a position for which he/she was suspended from**

Without prejudice to other penal laws, a leader who holds out to occupy a position in which he/she was suspended from shall be liable to a term of imprisonment ranging from six (6) months to two (2) years and a fine ranging from five hundred thousand (Rwf 500.000) to one million (Rwf 1.000.000) Rwanda francs.

### **Article 29 – Penalty for not declaring assets**

A leader whose declaration form of assets has been rejected for the second time or one who refuses to declare his/her assets shall be liable to a term of imprisonment ranging from two (2) months to six (6) months and a fine ranging from two hundred thousand (Rwf 200.000) to one million (Rwf 1.000.000) Rwanda francs or any of the two penalties.

### **Article 30 – Penalty for not denouncing bad conduct of leaders**

When a leader behaves in a way that is inconsistent with the provisions of this Organic Law and his/her superiors are aware and decide to condone it, they shall be treated as accomplices.

Other leaders who are aware that another leader not under their supervision behaves in a way inconsistent with the provisions of this Organic Law are required to report the same in writing to competent authorities. If a leader fails to report such an incident within fifteen days, he/she shall be liable to a term of imprisonment ranging from two (2) months to two (2) years and a fine ranging from ten thousand (Rwf 10.000) to one million (Rwf 1.000.000) Rwandan francs or any of the two penalties.

### **Article 31 – Appeal**

Any leader sentenced to any of the penalties in Article 20 of this Organic Law may appeal to an immediate higher organ in writing expressing the defense or other explanations on the offence for which the decision was taken.

Such a document shall reach the appellate organ of appeal within fifteen (15) days from the date of notification.

The process of appeal shall not stop implementation of a decision unless the appellant requested so and after the appellate organ finds it convincing that the lower organ took such a decision in error or that it was misled while examining and taking the decision.

### **Article 32 – Seizure of illegally acquired property**

Whenever a leader acquires property in a way that is inconsistent with this Organic Law or Law n° 23/2003 of 7/08/2003, aimed at prevention, suppression and punishment of corruption and other related offences, that property shall be seized in accordance with existing laws on seizure of goods when an offence has been committed

Any property a leader acquires in a way inconsistent with this Organic Law shall become the property of the State, Institution in which the State has shares, or of the person who was aggrieved of that property following a court order.

### **Article 33 – Penalty for defamation, degrading or time consuming**

In implementation of this Organic Law, the Office of the Ombudsman shall investigate or request for investigations to be carried out on any information as provided under this Organic Law and a complaint shall be accepted notwithstanding the fact that the complainant has a special interests in the matter.

A leader who provides information to an institution or one who asks an institution to follow up a matter as provided for in this Organic Law and thereafter it is proved that he/she deliberately lied with the intention of defaming, degrading or time consuming shall be liable to a term of imprisonment ranging from six (6) months to three (3) years and a fine ranging from two hundred (Rwf 200.000) thousand Rwandan francs to five million (Rwf 5.000.000) Rwandan francs or one of the penalties.

### **Article 34 – Protection for informers and witnesses**

When following and deciding a case under this Organic Law, a judge or any other competent person, who such a matter is brought before shall take appropriate decisions aimed at ensuring absolute security for the following persons:

- 1° informers who provided information related to offences provided for under this Organic Law or who assisted in any other form those responsible for carrying out investigations; and
- 2° witnesses of such offences.

## **Chapter VIII Miscellaneous, transitional, and final provisions**

### **Article 35 – Institutions with specific codes of conduct and the Office of Ombudsman**

Without prejudice to the provisions of this Organic Law, leaders in institutions governed by a specific code of conduct shall continue to be governed by the latter.

Leaders in the Office of the Ombudsman who are subject to this Organic Law, their conduct shall be overseen by the Bureau of the Senate in the Parliament.

### **Article 36 – Organ responsible for the implementation of this Organic Law**

The Office of the Ombudsman shall be responsible for the implementation of this Organic Law unless otherwise provided.

The Office of the Ombudsman shall ensure the harmonisation of the implementation of this Organic Law and other codes of conduct.

Each annual report of the Office of the Ombudsman shall indicate what was realised regarding implementation of this Organic Law.

### **Article 37 – Transitional period for members of the Board of Directors**

From the date of commencement of this Organic Law, leaders referred to in Article 17 of this Organic Law shall cease to be members of the Board of Directors of institutions in which Government has shares or private institution within a period not exceeding six (6) months.

### **Article 38 – Repealing of inconsistent provisions**

All prior provisions contrary to this Organic Law are hereby repealed.

### **Article 39 – Commencement**

This Organic Law shall come into force on the date of its publication in the Official *Gazette* of the Republic of Rwanda.