



**Conference of the States Parties  
to the United Nations  
Convention against Corruption**

Distr.: General  
25 September 2013  
English  
Original: French

---

**Implementation Review Group**

**Resumed fourth session**

Panama City, 26-27 November 2013

Agenda item 2

**Review of implementation of the United Nations  
Convention against Corruption**

**Executive summary**

**Note by the Secretariat**

**Addendum**

**Contents**

	<i>Page</i>
II. Executive summary.....	2
Rwanda .....	2



## II. Executive summary

### Rwanda

#### 1. Introduction: Overview of the legal and institutional framework of Rwanda in the context of implementation of the United Nations Convention against Corruption

Rwanda signed the Convention on 30 November 2004, ratified it by Presidential Order No. 56/01 of 27 December 2005 and deposited its instrument of ratification with the Secretary-General on 4 October 2006.

Prior to ratifying the Convention, Rwanda adopted Act No. 23/2003 of 7 August 2003 on the prevention and suppression of corruption and related offences

Rwandan legislation concerning the fight against corruption comprises:<sup>1</sup>

- Organic Act No. 61/2008 of 10 September 2008 on the leadership code of conduct;
- Organic Act No. 37/2006 of 12 September 2006 on State finances and property;
- Act No. 47/2008 of 9 September 2008 on the prevention and suppression of money-laundering and of the financing of terrorism;
- Act No. 12/2007 of 27 March 2007 on public procurement;
- Act No. 25/2003 of 15 August 2003 on the organization and operation of the Office of the Ombudsman, amended and supplemented by Act No. 17/2005 of 18 May 2005;
- Act No. 23/2003 of 7 August 2003 on the prevention and suppression of corruption and related offences, except those provisions repealed by Organic Law No. 01/2012 of 2 May 2012 on the Criminal Code;
- Decree-Law No. 21/77 of 18 August 1977 establishing the Criminal Code;
- Presidential Order No. 27/01 of 30 May 2011 on the organization, operation and objectives of the Financial Intelligence Unit.

Several Rwandan institutions are involved in the fight against corruption in Rwanda, the institutional framework being embodied by the National Anti-Corruption Advisory Council. The Council consists of the Office of the Ombudsman, the National Public Prosecution Authority, the Supreme Court, the National Intelligence and Security Service, the Rwanda National Police, the Ministry of Local Government and the Ministry of Justice. Changes are being made to include the Minister for the Office of the President, the Rwanda Public Procurement Authority and the Office of the Auditor General of State Finances.

The Office of the Ombudsman is the most important institution of the framework for preventing and combating corruption. It is an independent public entity established

---

<sup>1</sup> A number of legislative developments took place during the review; those developments are reflected in the review report. They concern, in particular, the Organic Act on the Criminal Code, the Act on the Protection of Informants and Public Procurement Act.

pursuant to articles 176 and 182 of the Constitution of the Republic of Rwanda and its organization and operation are provided for in Act No. 25/2003 of 15 August 2003, amended and supplemented by Act No. 17/2005 of 18 May 2005. Its main functions in the fight against corruption are to prevent and combat injustice, corruption and related offences in the public and private sectors; to receive and review the asset declarations of the State's high-level authorities, public officials and persons responsible for public finances and property; to monitor the implementation of the Leadership Code of Conduct; and to ensure the coordination of the activities of the National Anti-Corruption Advisory Council.

The other main institution involved in the fight against corruption is the Rwanda National Police. That body includes a criminal investigation department, which has sole responsibility for preliminary investigations except in certain areas — such as corruption and tax offences — for which other specialized institutions also have competence under national law. With regard to the detection of corruption, community policing provides a large information network and there is good cooperation with the public and private sectors. Anti-corruption units have been established in departments responsible for criminal investigation and within the recently created directorate responsible for investigating financial crime, which is tasked with investigating acts of corruption.

The National Public Prosecution Authority is responsible for prosecuting all offences committed in Rwandan territory and for overseeing investigations. A specialized unit exclusively responsible for prosecuting economic offences was created in 2006. The report of the Auditor General of State Finances is the main source of information on economic offences.

The National Bank of Rwanda also plays a role in combating corruption, particularly in applying Act No. 47/2008 of 9 September 2008 on the prevention and suppression of money-laundering and of the financing of terrorism. The Bank cooperates with the Financial Intelligence Unit and provides that Unit with support under technical programmes. The Unit operates within the Bank, which gives it direct access, through the Bank's network, to the information it needs.

Other institutions, such as the Office of the Auditor General of State Finances, the Rwanda Public Procurement Authority and the Independent Review Panel on Public Procurement, are also involved in the fight against corruption.

## **2. Chapter III: Criminalization and law enforcement**

### **2.1. Observations on the implementation of the articles under review**

#### *Bribery and trading in influence (arts. 15, 16, 18 and 21)<sup>2</sup>*

Article 2 of Act No. 23/2003 on the prevention and suppression of corruption and related offences (hereinafter: “the Act of 2003”) defines the term “public official” in accordance with the definition set out in the Convention, as follows: “(c) ‘Public official’ refers to any person vested with public authority, of whatever rank, or any person holding public office, whether by election or by appointment, who is entrusted with performing a public function or providing a public service and in that

<sup>2</sup> Articles 633 to 649 of the new Criminal Code.

role is involved in the management of the property of the State or of a district, municipality, town, city, province, public service or public company or institution.”

Rwandan legislation provides for bribery in a broad sense, as the relevant articles of the Act of 2003 do not distinguish between “public” and “private”; “active corruption”, the subject of articles 14 to 16, might be committed by “any person” in respect of “a person responsible for performing a function”. This article thus complies\* with the provisions of article 15, paragraph (a), article 16, paragraph 1, and article 21, paragraph (a), of the Convention. The term “any person” is also used with regard to “passive corruption”, in accordance with the provisions of article 15 (b), article 16 (2) and article 21 (b) of the Convention.

Trading in influence is an offence under articles 19 and 20 of the Act of 2003, which, like the above-mentioned articles, are applicable to any person rather than to public officials alone.

*Money-laundering, concealment (arts. 23 and 24)*

Rwanda has implemented the main provisions of article 23 of the Convention through Act No. 47/2008 of 9 September 2008 on the suppression of money-laundering and of the financing of terrorism (hereinafter: “the Act of 2008”). Article 2 of that Act defines the offence of money-laundering in accordance with the various provisions of article 23 (1) of the Convention. Article 5 of the Act implements article 23 (2) (a) and (b) of the Convention by providing for a wide range of underlying offences to which the Act applies. Those underlying offences are punishable even if they have been committed in the territory of a third State.

Rwanda reported that it had not yet furnished to the Secretary-General copies of the laws that give effect to article 23 of the Convention, as stipulated in paragraph 2 (d) of the same article. The Act of 2008 also provides for the creation of a Financial Intelligence Unit whose organization, operation and objectives are established by presidential order. The reviewers were informed during their country visit that that Unit operated within the National Bank and that officers of the Rwanda National Police worked as part of the Unit.

Concealment, as defined in article 24 of the Convention, is a criminal offence under article 2 (1) (b) of the Act of 2008 and, more generally, under article 179 of the Criminal Code (article 326 of the new Criminal Code).

*Embezzlement, abuse of functions and illicit enrichment (arts. 17, 19, 20 and 22)*

Article 220 of the Criminal Code relates to the misappropriation and embezzlement of public or private funds by a person acting in the exercise of his or her duties. Rwanda referred to several convictions in cases of embezzlement, misappropriation or other illicit use of property by a public official. While article 220 of the Criminal Code refers to misappropriation, embezzlement, destruction and removal, it does not refer to other illicit uses. Moreover, it does not provide for acts benefiting a third person or entity. The embezzlement of property in the private sector was only partly covered by article 424 of the previous Criminal Code on abuse of trust; article 325

---

\* *Translator’s note:* It is not clear, in the original text, to which article reference is made. Presumably the text should read “These articles thus comply [...]”.

of the new Criminal Code corrects this shortcoming and punishes the embezzlement of property in the private sector.

The provisions of article 19 of the Convention, on the abuse of functions, are partially implemented by article 11 of the Act of 2003, which establishes that “any person who demands any gift or other illicit benefit for him- or herself or for others, or who has accepted the promise of such a gift or benefit, with a view to the commission of an illegal act” shall be punished.

Rwanda complies with the provisions of article 20 of the Convention through article 24 of the Act of 2003, which establishes illicit enrichment as an offence in the following terms: “any public official or any other person who has enriched him- or herself without being able to prove that such enrichment is justified and legal shall be guilty of illicit enrichment.” The prescribed penalties are a term of imprisonment from two to five years and a fine ranging from 2 to 10 times the value of the property that cannot be proved as having a licit source. The illicit property or revenue in question may also be confiscated. Illicit enrichment therefore concerns not only public officials but also any other person.

*Obstruction of justice (art. 25)*

Rwanda complies with the provisions of article 25 of the Convention through articles 211, 230 and 233 of the Criminal Code. Article 211 of the Criminal Code is of general application and establishes as a criminal offence the inducement of a person to give false evidence in any legal proceeding, regardless of whether or not such act achieves its intended goal. Interfering in the production of evidence, however, is not expressly provided for. Articles 230 and 233 meet the requirements of article 25 (b) of the Convention by using the term “rebellion”.

*Liability of legal persons (art. 26)<sup>3</sup>*

Rwanda establishes liability of legal persons in a dedicated chapter of the Act of 2003 and in article 50 of the Act of 2008. Article 31 of the Act of 2003 states that “legal persons, whether public or private, are liable for corruption and related offences provided for by this Act when such offences are committed by representatives of those persons or by persons occupying positions of responsibility within those entities and acting on their behalf on the following basis: (a) through power of representation; (b) through power to take decisions; (c) through power of supervision; (d) through persons who are accomplices or have incited others to commit those offences.” Furthermore, both in the Act of 2003 and in the Act of 2008, the criminal liability of legal persons does not preclude the criminal prosecution of their representatives or their accomplices.

With regard to penalties, articles 32 and 33 of the Act of 2003 provide for a fine ranging from 5 to 10 times the value of the illicit benefit received or accepted, demanded, agreed upon or promised and exclusion from public tenders for a duration not exceeding two years, as well as the publication of the judgement. The Act of 2008 provides for the following, according to the gravity of the offence: (1) permanent prohibition from engaging, directly or indirectly, in certain professional activities; (2) closure for a minimum of five years; (3) dissolution, if

<sup>3</sup> Article 32 and 649 of the new Criminal Code.

the legal person was created for the purpose of commission of the offence in question.

*Participation and attempt (art. 27)*

Rwanda has criminalized participation in offences established in the Act of 2003 and, more generally, in the Criminal Code, which predates the Act and stipulates that accomplices to an offence are liable to the same penalties as the perpetrators, unless otherwise provided for by law. Articles 28 and 29 of the Act of 2003 state that “an accomplice in an offence provided for by this Act shall be liable to the same penalties as the offender”. An accomplice may also be prosecuted even if no proceedings have been brought against the perpetrator. The Criminal Code also makes punishable any attempt to commit an offence.

*Prosecution, adjudication and sanctions; cooperation with law enforcement authorities (arts. 30 and 37)*

Rwanda establishes penalties under articles 10 to 15<sup>4</sup> of the Act of 2003 and under articles 48 to 51 of the Act of 2008 that meet the requirements of article 30 (1) of the Convention. Those articles provide for prison sentences and fines for individuals and fines for legal persons. These primary penalties are accompanied by dissuasive and proportionate penalties. Rwanda indicated that no immunities or jurisdictional privileges were accorded to its public officials, nor did the law establish discretionary legal powers relating to prosecution.

Rwanda complies with the provisions of article 30 (4) and (5) of the Convention through the relevant provisions of ordinary law set out in the Code of Criminal Procedure and in the Criminal Code.

It is possible to suspend public officials accused of corruption offences. Private persons accused of such offences may not be employed by a public authority or tender for public contracts.

Once a person is convicted, articles 66 and 67 of the Criminal Code provide for the loss of civil rights, which includes, inter alia, dismissal and exclusion from all public functions, public service posts and public office. The period of loss of civil rights may not exceed 20 years unless otherwise provided for by law, and may be reduced or cancelled on the basis of rehabilitation. There is a blacklist of convicted persons that is used to ensure that those persons are not recruited to public authorities.

Act No. 22/2002 of 9 July 2002 on general regulations for public officials of Rwanda provides for disciplinary penalties, it being understood that, in Rwanda, misconduct and disciplinary penalties are independent of offences and the penalties for those offences as established by criminal legislation, and that an offence may therefore give rise to both disciplinary and criminal proceedings.

Regarding the implementation of article 37 of the Convention, under articles 38 and 39 of the Act of 2003, Rwanda provides for mitigation measures to encourage perpetrators, co-perpetrators and accomplices who would otherwise be indicted to provide statements or specific information to the authorities responsible for prosecution and investigation. Rwanda grants immunity from prosecution to any

---

<sup>4</sup> Articles 632 to 656 of the new Criminal Code.

individual who reports a corruption offence or cooperates with the authorities before an offence is committed; with respect to accused persons,\* measures to mitigate punishment are provided for.

*Protection of witnesses and reporting persons (arts. 32 and 33)*

Rwanda guarantees protection of witnesses under articles 36 to 37 of the Act of 2003 and article 34 of Organic Act No. 61/2008 of 10 September 2008 on the leadership code of conduct. Article 36 of the Act of 2003 states that “in the course of criminal proceedings and trial, the judge or any competent authority seized of an offence provided for by this Act shall take such measures as are necessary to ensure the effective protection of the following persons: (a) persons who have supplied information concerning an offence provided for by this Act or who have collaborated with the authorities responsible for investigation or prosecution; (b) witnesses for the prosecution or the defence.”

*Freezing, seizing and confiscation; bank secrecy (arts. 31 and 40)*

The provisions of article 31 of the Convention are implemented by several provisions of the Criminal Code, the Act of 2003, the Code of Criminal Procedure and the Act of 2008. Article 30 of the Act of 2003 provides for “confiscation of the object or item which was used or meant to be used to commit the offence and confiscation of the proceeds of the offence and of any money or item which the perpetrator, co-perpetrator or accomplice illicitly received.” Moreover, if the item subject to confiscation has not been seized or cannot be substituted, the confiscation of a sum of money equivalent to the value of that item is ordered. A criminal investigation officer carries out the seizure of property which may be confiscated. More detailed provisions relating to the identification and freezing of assets are found in Rwandan legislation, under the Act of 2008. Provisional measures may be taken by the public prosecutor in charge of the case, in accordance with article 31 of the Code of Criminal Procedure. However, there is no general provision or authority for the administration of frozen, seized or confiscated assets. Article 31, paragraphs 4 to 6, of the Convention are only partly implemented by the Act of 2008.

During investigations, bank secrecy may not be invoked as a ground for declining a request or order made by the competent authorities, including the Office of the Ombudsman.

Reversal of the burden of proof with respect to the legal source of property is provided for under the offence of illicit enrichment and under the Act of 2008. That Act partly protects the rights of bona fide third parties if those parties are the owners of the property concerned, including income and other benefits derived from the proceeds of the offence.

*Statute of limitations; criminal record (arts. 29 and 41)*

The Code of Criminal Procedure sets out rules relating to statutes of limitations on the basis of articles 4 to 8 of Act No. 13/2004 on the Code of Criminal Procedure. The limitation period is one year for infractions, three years for minor offences and

---

\* *Translator's note:* The original text refers simply to “other persons”.

10 years for serious offences. It should be noted that corruption offences are classified as minor or serious offences. Article 7 states that the limitation period for prosecution of an offence is suspended by any investigation or prosecution measure carried out within the period prescribed under article 4 of the same Act; however, judgement in absentia is also permitted.

While the Criminal Code and the Act of 2008 partly address criminal records and, in particular, repeat offending, they do not explicitly provide that previous offences committed in other countries may be taken into consideration.

*Jurisdiction (art. 42)*

Rwanda establishes its territorial jurisdiction in accordance with article 42 (1) of the Convention under articles 6 to 8 of the Criminal Code, which state that should any constituent part of an offence be carried out in Rwanda, that offence is considered to have been committed in Rwandan territory.

Personal jurisdiction is established under articles 9 and 10 of the Criminal Code, but does not apply to stateless persons; Rwanda also establishes its jurisdiction over predicate offences for money-laundering that are committed abroad and over offences against the public good in accordance with the Constitution and as defined by law.

Universal jurisdiction is established under article 90 of Organic Law No. 51/2008<sup>5</sup> of 9 September 2008 on the organization, operation and jurisdiction of courts. Accordingly, the High Court has jurisdiction to try any person, including non-nationals and non-governmental organizations or associations, whether national or foreign, accused of having committed, within or outside the territory of Rwanda, any offence falling within the category of international or cross-border crimes.

Rwanda prohibits the extradition of its nationals under its Constitution and establishes the principle of *aut dedere aut judicare* in the Act of 2008. The application of that principle is limited to offences concerning the laundering of the proceeds of crime and the financing of terrorism.

*Consequences of acts of corruption; compensation for damage (arts. 34 and 35)*

Rwanda has established both general provisions relating to the validity of contractual obligations and provisions relating to public procurement. In addition, the Code of Criminal Procedure provides generally for compensation proceedings, and its articles 130 to 138 concern civil actions brought before criminal courts.

With regard to the annulment of a public contract, article 91 of Act No. 12/2007 states that at any time prior to or during the execution of the contract, the contract shall be rendered null and void if it is proved that any information or document submitted by the successful bidder was falsified or fraudulent.

*Specialized authorities and inter-agency coordination (arts. 36, 38 and 39)*

Rwanda meets the requirements of article 36 of the Convention, given that it has established the Office of the Ombudsman. The Constitution states, in article 182, that the "Office of the Ombudsman shall be an independent public institution".

---

<sup>5</sup> Articles 15 and 16 of the new Criminal Code.



Act No. 25/2003 of 15 August 2003, as amended and supplemented by Act No. 17/2005 of 18 August 2005 on the organization and operation of the Office of the Ombudsman, details the Office's remit. The title "criminal investigation officer" was given to personnel of the Office by ministerial order in 2009.

The Office carries out investigations in cooperation with the Rwanda National Police and the National Public Prosecution Authority.

With regard to measures taken to guarantee the independence of the Ombudsman, Rwanda indicated that the Office of the Ombudsman is not attached to any public supervision authority, that it reports to Parliament, that the Office's employees are recruited on the basis of public job advertisements and selection tests in accordance with the procedures prescribed in the civil service regulations but under the supervision of the Office, and that training is organized by the Office itself.

With regard to cooperation between institutions, article 19 of Act No. 25/2003 states that the Office "has the power to request documents, testimonies and explanations necessary for its investigations from any public or private institution or non-governmental organization. It may interview any person and request that person to provide such testimony as may be necessary for the purposes of the inquiry."

The Act of 2008 prescribes a mechanism for reporting suspicious activity or funds, thus complying in part with the requirements of article 39 of the Convention. The Act of 2003 complies with paragraph 2 of the same article, stating that "the court shall grant to any person who assists in exposing an offence provided for by this Act, without having participated in the commission of that offence, a reward of one tenth of the value of the property confiscated from the perpetrator of the offence".

## **2.2. Successes and good practices**

Attention was drawn to the activities undertaken by the Office of the Ombudsman in preventing and raising awareness of corruption. Furthermore, with regard to the combating of illicit enrichment, the system of declaration and verification of assets was highlighted as a good practice. Rwanda has shared its expertise with, and provided advice to, other African States as part of bilateral cooperation.

National coordination through the National Anti-Corruption Advisory Council has also enabled the various authorities involved in the fight against corruption to define their roles and activities more clearly.

The creation and publication of a list of persons convicted of acts of corruption has enabled the public authorities to ensure that those persons are not appointed to public office, in accordance with the law.

## **2.3. Challenges in implementation**

The fact that the Act of 2003 preceded the ratification of the Convention explains several discrepancies between the two texts. The identification of those discrepancies has prompted a number of proposals to amend several laws, such as the Act on money-laundering and the Act relating to the protection of whistle-blowers. The Act of 2003 was previously the main instrument implementing the Convention; however, since the entry into force of the new Criminal Code, that is no longer the case with regard to criminal prosecution.

In that regard, provisions relating to several offences have been supplemented and clarified to ensure full conformity with the provisions of the Convention.

With respect to obstruction of justice, the production of evidence is not mentioned in the definition of that offence.

While the Act of 2008 complies with most of the provisions of the Convention, confiscation measures should be supplemented.

The limitation period for corruption offences was considered short for minor offences (three years); that time period should be extended.

#### **2.4. Technical assistance needs identified to improve implementation of the Convention**

Rwanda has identified a need for technical assistance in training staff of the Office of the Ombudsman and also the need for legal advice in strengthening its legislative and institutional framework.

### **3. Chapter IV: International cooperation**

#### **3.1. Observations on the implementation of the articles under review**

*Extradition; transfer of sentenced persons; transfer of criminal proceedings (arts. 44, 45 and 47)*

Extradition is governed by the Constitution of Rwanda, the Criminal Code and the Act of 2008. Article 25 of the Constitution states that “the extradition of foreign nationals shall be permitted only in so far as it is consistent with the law or international conventions to which Rwanda is a party. However, no Rwandan national shall be extradited.” The Criminal Code states, in article 15, that extradition is regulated by Rwandan law in accordance with international conventions and practice. It is permitted only if the act giving rise to the request is an offence under the law of both Rwanda and the State concerned. It is not permitted in the case of offences of a political nature or if it is requested for political reasons.

While dual criminality is a requirement with regard to extradition, extradition is not conditional on the existence of a treaty, and extradition requests are granted on the basis of the principle of reciprocity. The Convention is also used as the legal basis for cases in which a treaty is required by another party or if there is no reciprocity.

The Act of 2008 is the main legal instrument that concerns international cooperation, but its application is necessarily limited to the offences provided for by that instrument. This shortcoming has been addressed both by Rwanda and by the reviewers, and reform efforts should be undertaken so that the scope of international cooperation extends to corruption and related offences in cases in which such cooperation is not possible on the basis of reciprocity. The Act stipulates that “in the absence of an extradition treaty or relevant legislative provisions, extradition shall be carried out according to the procedure and in compliance with the principles defined by the Model Treaty on Extradition adopted by the General Assembly of the United Nations in its resolution 45/116. However, the provisions of this Act shall form the legal basis for extradition proceedings.”

The issue of the minimum penalty requirement for extradition is addressed only by that provision, since reference is not made to any sentence other than that prescribed by the Model Treaty, namely one/two years.

The Act of 2008 establishes the conditions for submitting requests, including, in urgent cases, through the International Criminal Police Organization (INTERPOL) and through direct communication between foreign and Rwandan judicial authorities. The National Public Prosecution Authority has the competence to execute extradition requests. Provisional measures may be taken in accordance with the Code of Criminal Procedure. As mentioned above regarding criminal jurisdiction, the Constitution of Rwanda prohibits the extradition of its nationals, and the principle of *aut dedere aut judicare* is provided for in the Act of 2008. It also establishes the guarantees that must be provided in order for extradition to take place.

The Act of 2008 sets out compulsory grounds for refusal, which relate to discrimination, *res judicata*, amnesty, torture or other cruel, inhuman or degrading treatment or punishment and the minimum guarantees in criminal proceedings as contained in article 14 of the International Covenant on Civil and Political Rights. Extradition may not be refused on the sole ground that the offence is considered to involve fiscal matters.

Rwanda has signed agreements on the transfer of convicted persons, for example with the United Kingdom of Great Britain and Northern Ireland and as part of cooperation with the International Criminal Tribunal for Rwanda. Extradition treaties between Rwanda and other countries also provide for extradition procedures for suspects and convicted persons. Regarding the transfer of criminal proceedings, article 31 of Act No. 47/2008 of 9 September 2008 provides for the sole application of Rwandan procedure or any compatible procedure that the requesting State may propose, specifying that Rwandan legislation does not permit the application of the procedure of a foreign State unless that procedure is compatible with the criminal procedure of Rwanda.

*Mutual legal assistance (art. 46)*

The Act of 2008 contains the only provisions existing in Rwandan legislation for mutual legal assistance. Chapter IV, on international cooperation, states that “the Government of Rwanda shall cooperate with other States in the exchange of information, in investigation and in prosecution with the aim of application of provisional measures and seizure and confiscation of objects, funds and property relating to money-laundering and the financing of terrorism, for the purposes of extradition and mutual technical assistance.” The various forms of assistance provided for correspond to those under article 46, paragraph 3 (a) to (f), of the Convention, except freezing, which is not explicitly provided for but can be treated as a provisional measure. Subparagraphs (g) and (h) of that paragraph are also not reflected in the legislation as they stand, but article 44 of the Act of 2008 provides for the possibility of requesting additional information in order to afford assistance. The requesting State may ask Rwanda to keep the existence and the contents of its request confidential.

Requests for mutual legal assistance are transmitted through diplomatic channels and are executed by the National Public Prosecution Authority, which refers

investigation requests to the competent public officials and informs them of the jurisdiction within which they fall. However, Rwanda has not yet notified the Secretary-General, in accordance with article 46 (13) of the Convention, of the designation of its central authority. Article 42 of the Act of 2008 establishes the conditions in which requests for mutual legal assistance should be transmitted.

The grounds on which a request for mutual legal assistance may be refused are listed under article 30 of Act No. 47/2008 of 2008. Rwanda immediately informs the requesting Government of the grounds for refusing to execute the request in question and any costs are borne by the requesting State unless otherwise agreed.

With regard to the conclusion of agreements, Rwanda is a party to the Protocol on Judicial Cooperation of the International Conference on the Great Lakes Region and indicated that bilateral treaties may also be concluded.

*Law enforcement cooperation; joint investigations; special investigative techniques (arts. 48, 49 and 50)*

The Act of 2008 contains several limited provisions implementing articles 48 to 50 of the Convention. In particular, article 26 of the Act provides for several special investigative techniques that can be used in accordance with Rwandan law. In addition, the Rwanda National Police cooperates with foreign partners.

### **3.3. Challenges in implementation**

Rwanda should develop its legal framework in the area of international cooperation in order to extend it, where necessary, to offences established under the Convention.

### **3.4. Technical assistance needs identified to improve implementation of the Convention**

Rwanda has indicated that it needs legal advice in order to be able to develop its legislative framework.

---