

LAW N°22/2009 OF 12/08/2009 ON MEDIA TABLE OF CONTENTS

We, KAGAME Paul,

President of the Republic;

THE PARLIAMENT HAS ADOPTED AND WE SANCTION, PROMULGATE THE FOLLOWING 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 28 May 2009;

The Senate, in its session of 30 June 2009;

Pursuant to the Constitution of the Republic of Rwanda of 04 June 2003, as amended to date, especially in Articles 33, 34, 62, 66, 67, 88, 89, 90, 91, 92, 93, 95, 108, 121, 200 and 201;

Pursuant to the International Covenant on Civil and Political Rights of 16 December 1966, especially in Article 19;

Pursuant to the African Charter on Human and Peoples' Rights of 27 June 1981, especially in Article 9;

Pursuant to the Decree-Law n° 21/77 of 18 August 1977 establishing the Penal Code;

Pursuant to Law n°13/2004 of 17 May 2004 relating to the Code of Criminal Procedure as modified and complemented to date;

Having reviewed Law n° 18/2002 of 11 May 2002 on the Press;

ADOPTS: TITLE ONE: GENERAL PROVISIONS

Article One: Purpose of this Law

This Law determines the responsibilities, the structure and the functioning of the Media in Rwanda.

Article 2: Definitions of terms

In this Law, the following terms shall be defined as follows:

1° "**Media**" : means any process, whether in print, audio-visual, auditory, signs or internet to disseminate, broadcast and make known to the general public facts, opinions and any other expression of thought particularly in order to inform, educate and train, promote leisure and entertainment;

2° "**Media organs**": print media publications, internet, radio and television stations and media agencies, presenting continuously or at regular intervals and at once and which is known with an intention to publicize;

3° "**Commercial media enterprises**": trading enterprises subject to both the trade legislation and the Law on the media;

"**Non trading media enterprises**": non-governmental enterprises subject to the Law governing non-profit making organisations and to the Law on the media;

5° "**A newspapers distribution company**": house whose business is to distribute newspapers. It may be a profit or non-profit making organization;

6° "**Print media publications**": documents made public, multiplied by whatever method and regularly published in a specific period of time;

7° "Journalist": a person exercising at least the profession of:

- a) Collecting information;
- b) Processing information;
- c) Disseminating information for the purpose of making known to the general public information or opinions.

He/she shall also have studied journalism or communication, holding at least a university associate degree or a certificate obtained from an institute of journalism and communication or any other recognized centre awarding such a certificate or holding a University associate degree or certificate in any field of education with training in journalism or holding a certificate of training in journalism obtained from a recognized school or centre.

8° "**print or audio-visual media communication**": message transmitted to the public through any kind of signs, written works, images, sounds or messages which do not bear any characteristic of a private correspondence;

9° "**Internet**": means a high tech computerized system used to exchange information by linking up various information networks from around the world;

10° "**Internet media**": computer-assisted information processing aiming at disseminating information;

11° "**Internet café**": place where people can access internet services against payment of a fee;

12° "**Advertisement in the media**": kind of public announcement meant for communicating opinions, decisions or trading services be it for promoting an idea, a product, a service, or for advertising any other element as may be required by the advertiser;

13° "**Right of reply**": right of individual or legal entity, of expressing an opinion opposite to the one that has undermined one's honour or interests in a media publication;

14° "**Right of rectification**": individual right, of asking to put right those facts inaccurately reported in a media publication;

15° "**Right of correction**": a right of an individual or legal entity to request for correction of what has been publicized in a media organ;

16° "**Media High Council**": Public independent body whose mandate is to protect and promote the media and professional of the media. It has also the mandate to protect consumers of information;

17° "**Media organs for children and the youth**": any media organ which indicates in its nature or in its objectives that it is meant for children and the youth irrespective of the number of times they are produced, cartoons, news in photography as well as news and programs broadcast through audio or audio-visual and internet.

TITLE II: PROFESSION OF JOURNALIST

CHAPTER ONE: REQUIREMENTS TO JOURNALISTS

Article 3: Right to exercise the profession of journalism

A journalist exercising a profession of journalism in a registered media enterprise and a journalist exercising a profession of journalist in an institution that is not a media enterprise shall file a request for authorization to the Media High Council through the management of a media enterprise to which they belong.

A freelance journalist shall file a request for authorization to the Media High Council for exercising such a profession. They start exercising their profession after receiving the press card from the Media High Council.

A journalism internee shall hold a card meant for that purpose, issued by the Media High Council upon request by the enterprise in which he / she is an internee. Such a card shall be surrendered after the internship. The format of the press card shall be fixed by instructions of the Media High Council.

Article 4: Freelance journalist

A freelance journalist may enter into a contract with media enterprises in line with the requirements of this Law.

CHAPTER II: PRESS CARD

Article 5: Criteria for issuance of the press card

A press card request shall be filed together with the following:

1° a detailed curriculum vitae of the applicant or beneficiary of the press card;

2° a criminal record;

3° two short sized coloured passport photos;

4° a certificate of identity;

5° a copy of the service card of the press card beneficiary;

6° a payment receipt issued by Rwanda Revenue Authority;

7° a certified copy of degree or certificate in journalism

The press card shall be issued in a period not exceeding fifteen (15) days from receipt of the application letter. In case of a negative response, it shall also not exceed the stated period. The negative decision may be contested against in a competent court.

Article 6: Cost and the press card validity

The press card shall be valid for a period of three (3) years renewable. The cost of the press card shall be fixed by an Order of the Minister in charge of information.

Article 7: Rights to foreign journalists

Foreign journalists are authorized to exercise their profession in Rwanda. Before exercising the profession of journalism, foreign journalists on professional mission to Rwanda shall file an authorization request to the Media High Council, which issues an appropriate card for that purpose.

The cost of such a card shall be fixed by an Order of the Minister in charge of information.

Article 8: Requirements to foreign journalists before they get a press card

Before a foreign journalist is issued a press card, he / she is required to present the following:

1° two coloured passport sized photographs;

2° a copy of a passport;

3° a copy of a visa except journalists from countries that benefit from visa waiver;

4° a copy of a press card of the country of origin;

5° a receipt of payment from Rwanda Revenue Authority except those exonerated as provided for by an Order of the Minister in charge of information.

The card shall be issued in a period not exceeding 24 business hours to a person who stays for a period not exceeding one month; and seven (7) days to a person who stays for a period that exceeds one month. In case of a negative response, it shall also be issued in the stated period.

Article 9: Temporary withdrawal of the press card

The Media High Council may, upon request by a media enterprise, or on its own initiative, temporarily withdraw the press card from a journalist in case of:

- 1° any serious deliberate violation of provisions of this law or those of the journalists code of ethics;
- 2° loss of capacity of a professional journalist proved by an authorized medical doctor ;
- 3° not having any other media organ he or she works for in case of a journalist for whom the card was requested.

Before withdrawing the press card, the journalist is given time to provide his /her explanations. In case of an offence, the competent court may order the Media High Council to temporarily withdraw the press card from the offender.

Any journalist who is no longer exercising the profession is required to surrender his/her press card in a period not exceeding seven (7) business days.

Article 10: Procedures respected in surrendering the press card

Upon consideration of the reasons that led to withdrawal of the card, a journalist shall be given back his/ her press card upon request in case:

- 1° it is approved by a government authorized medical team that he / she has recovered from the sickness that hindered him / her from practicing the profession;
- 2° he / she secured another media enterprise to work for;
- 3° he / she completes the administrative sanction awarded to him / her.

Article 11: Permanent withdrawal of the press card

The Media High Council, at own initiative or upon request, shall permanently withdraw the press card from a practising journalist, whether a Rwandan or a foreigner who is convicted of one of the following offences:

- 1° crime;
- 2° divisionism and discrimination of any form.

CHAPTER III: DUTIES AND RESTRICTIONS FOR JOURNALISTS

Article 12: Responsibilities of a journalist

A journalist shall have to fulfill the following main responsibilities:

- 1° to disseminate information;
- 2° to educate, train people and promote leisure activities;
- 3° to defend the freedom of information, comment and analyzing the existing information;

- 4° to publish verified information;
- 5° to give the floor to all parties subjected to the information;
- 6° to correct any published information that turns out to be false;
- 7° to comply with laws in force in Rwanda;
- 8° to respect people's privacy when such privacy does not interfere with their public duties;
- 9° to respect the confidentiality of every citizen's private life;
- 10° to respect rights to the intellectual property.

Article 13: Restrictions

A journalist shall be prohibited from:

- 1° using unlawful methods to obtain or to disseminate information, photographs and other documents like when it shall observed works, documents of others or request for authorization;
- 2° neglecting essential information, distort ideas contained in information or a text;
- 3° confusing the profession of a journalist with that of an advertiser;
- 4° publishing pictures or texts obtained through plagiarism;
- 5° slandering, abuse and defamation;
- 6° offering corruption or being corrupted;
- 7° diverting a printed or audiovisual document of which the rights of broadcasting and distribution belong to other people;
- 8° interfering with one's privacy by using the media such as sound recording, taking pictures or images relating to one's privacy and publish them without one's consent;
- 9° make judgment while publishing information.

Article 14: Forbidden publications

The right to know or to publish documents from executive, judicial or legislative powers may be limited where necessary on considering:

- 1° confidentiality in the national security and national integrity;

2° confidentiality of judicial proceedings, parliamentary sessions in camera, Cabinet deliberations and the trusted authorities coming under the executive. Decision to limit access to information or publication may be subject to proceedings to a competent court that hears the case as an urgent matter.

Article 15: Decisions not to be published

Without prejudice to the right of communicating information and ideas on issues brought before courts, it is prohibited from publishing the court's decisions before they are delivered in public.

CHAPTER IV: FREEDOM OF THE MEDIA

Article 16: Freedom to receive and broadcast information or opinions

Freedom of the media and freedom to receive information are authorized and recognized by the State. Such freedom shall be applicable in accordance with legal provisions. Any journalist has the freedom to express opinions; this freedom includes the right to gather, receive, give and broadcast information or opinions by means of the media.

Article 17: Limits to freedom of opinions and information

Censorship of information is not allowed. However, the freedom to express one's opinions and be informed should not jeopardize the peace of the general public and good morals, and the citizen's right to honour and good reputation among other people, to inviolability of one's private life and family; besides, freedom of expression shall be recognized where it is not detrimental to the woman's value and the protection of children and the youth.

Article 18: Right to establish a media enterprise

The right to establish a media enterprise is recognized to any person or entity with legal personality within the confines of this Law.

CHAPTER V: RIGHTS FOR JOURNALISTS

Article 19: Right to collect information

Notwithstanding provisions of Article 14 of this law, a journalist shall have free access to all sources of information and the right to freely inquire on all events of public life and to publish them in respect of the provisions of this Law and other laws.

Article 20: Respect of a journalist confidentiality

Professional journalist confidentiality is guaranteed to him / her as regards his / her sources of information, notes, recordings or film shooting as well as all information collected and stored electronically. However, the court may order a journalist to reveal his / her sources of information whenever it is considered necessary to carry out criminal investigations or proceedings.

Article 21: Right to call on any resourceful person and those who provide instructions

A journalist, in his or her profession, may seek advice from any resourceful person whom he or she considers sufficiently competent to analyse or comment on any information. However, he or she shall not be liable for any comments of such a person which were forwarded by his or her interlocutor when reported verbatim. Every journalist has the right to refuse any pressure and he or she shall be issued with instructions only by the editorial or publication director.

Article 22: Right to refer to courts

A journalist whose rights are not respected as this Law provides may seek advice from the Media High Council which is required to settle the issue amicably. In case the journalist is not satisfied, he / she may seize a competent court.

TITLE III: FUNCTIONING OF THE MEDIA ORGANS

CHAPTER ONE: GENERAL PROVISIONS

Article 23: Media organ management

Every media organ shall have its Owner, a Publishing Director and a Chief-Editor. The Publishing Director and the Chief-Editor shall be professional journalists. The Publishing Director of a media publication is also its legal representative. Whenever the Publishing Director is absent, he / she is replaced by the Chief-Editor.

Article 24: Requirements to launch a media organ

Before launching any media organ, its owner or its Publishing Director shall file a written application to the Media High Council. If it is the Government owned Media Organ, it shall be the Authority of the Institution wishing to launch it or its Director appointed by the relevant organ who files the application to the Media High Council. The application shall include the following items:

- 1° detailed identity of the owner of the media organ where it is an individual or the charter establishing the media organ where it belongs to some legal entity;
- 2° detailed identity of the Publishing Director and of the Chief-Editor;
- 3° document certifying that a print media enterprise is registered in the trade register in case such a media organ is business oriented;
- 4° criminal record for the Publishing Director and the Chief-Editor;
- 5° certificate testifying that the Publishing Director and the Chief-Editor have at least (21) years old;
- 6° the title of the media organ;

7° terms of reference clarifying the editorial line which the publication is to adopt;

8° registered capital of the publication;

9° address of the press enterprise;

10° description of the publication;

11° periodicity of the publication and broadcasting programme for audiovisual media organs;

12° language (s) of the publication;

13° Capacity of audio-visual transmitting equipments.

The capital of a media organ shall be determined by an Order of the Minister in charge of information after consultation with the Media High Council. When it is a government owned media organ, requirements under items 1 and 3 shall not apply.

Article 25: Requirements for a Rwandan journalist who intends to represent a foreign media organ in Rwanda

A Rwandan journalist who intends to be a correspondent for a foreign media organ in Rwanda shall apply for permission to do so to the Media High Council. In addition to the application letter for the representation of the said media organ written and signed by the Director of the press organ, the correspondent shall be governed by this Law as regards the requirements of other Rwandan journalists.

Article 26: Document given to the applicant who intends to launch a media organ

In a period not exceeding one month from receipt of the application letter, the Media High Council shall give its positive or negative response to the applicant or to inform him / her of the elements that are missing in the application.

A negative response shall specify the grounds on which it was based. Where the owner or Director of a media organ is required to complete the application file, he / she shall be given a period of fifteen (15) business days from the day of receipt of the application letter. Where the Media High Council does not respond in the period specified in this Law, the matter shall be forwarded to the Minister in charge of information who shall in turn take an appropriate decision in a period not exceeding fifteen (15) business days starting from the day of receipt of the application letter.

Where the Minister does not respond in the period specified in this Law, the owner of the press organ may commence his / her operations.

Where a person who intends to start a media organ is not satisfied with the decision taken by the Media High Council, the matter shall be forwarded to the Minister in charge of information who shall in turn take a decision thereof in a period not exceeding fifteen (15) working days starting from the day of receipt of the application letter, and in case the applicant is not satisfied, he / she shall file a suit to the competent court.

Article 27: Person not entitled to be a Publishing Director or a Chief-Editor

A person who enjoys immunity shall not be a Publishing Director or a Chief-Editor of a media organ.

CHAPTER II: PRINT MEDIA

Section One: Writing articles and advertisement

Article 28: Items to be clarified in each newspaper or periodical

Each newspaper or periodical shall bear the full names of its Publishing Director and its Chief Editor and their full addresses on each copy.

Article 29: Ways of publishing photos and articles

Articles in the newspaper or periodical must bear the signature of their authors.

Authors who use pen names are obliged to disclose in writing, before their articles are inserted in the newspaper, their true identity to the Publishing Director. Photographs or articles published from a separate edition shall bear the true names or the true identity of the person who received the photos or an author of the article or of the owner of the copyright.

Article 30: Prosecution of the author of an article bearing a pen name

Where the author of an article bearing a pen name is subject to judicial prosecutions, the Publishing Director may disclose to the competent authorities the true identity of the person being prosecuted. Otherwise, the Director shall be prosecuted and presumed the author of such an article.

Article 31: Announcement of advertising rates

The Publishing Director of any press publication is required to announce the maximal rates in each issue of the newspaper.

Article 32: Messages for advertising

Messages for advertising shall be direct and meant for the general public. Every editorial advertisement shall be indicated as an “advertisement” or “announcement”.

Article 33: Free advertisement

Free advertisement shall not base on political, religious or commercial considerations. Programmes eligible for free advertisement are those involved in first aid activities, promotion of the Rwandan culture, justice, fight against diseases, road safety, teaching and promotion of human rights, gender balance, unity and reconciliation and fight against genocide ideology.

Article 34: Contract between a newspaper and any advertiser

The agreement between a newspaper or a periodical and any person advertiser shall be governed by existing laws on contract.

No newspaper or periodical shall be responsible for the contents of any advertisements it publishes, except if there exists any fraud, defamation in the advertisement or if it may result in controversies. A newspaper or a periodical has the right to refuse to advertise certain elements in case it is likely to engage it in criminal or civil liability. A newspaper may reject any advertisement offer whose content be it service or product, text or illustration is considered to antagonize its editorial guiding line options or likely to upset their customers.

Article 35: Exclusivity in advertisement

An advertiser may have exclusive rights for advertising products or services of the same kind. A newspaper or any periodical shall be responsible for any advertisement which denigrates services or goods of another person.

Section 2: Printing

Article 36: Printery

A media enterprise may have a printer of its own or it may use another printing press. A printery shall indicate its name and address on all printed products. The printing contract between the publisher and the printer is governed by the rules and regulations relating to professional practices and provisions of the commercial law.

Article 37: Indicating the number of prints

The number of prints meant for distribution shall be visibly printed on each copy of a published newspaper or periodical. The Media High Council is responsible for enforcing this provision.

Section 3: Registration of copyright

Article 38: Registration of copyright

Every media enterprise is subject to registration of its copyright for all local or foreign printed press publications made to be sold, circulated or availed for reproduction in Rwanda. Registration of copyright is carried out in:

1° the institution holding documentation within its remit;

2° the Ministry in charge of information;

3° the Media High Council;

4° the Prosecution Office of the area where the media enterprise is located.

Registration of copyright for a media publication is done in one duplicate of the issued publication within a period not exceeding three (3) days after the publication. The depositor is given an acknowledgement of receipt. Registration of copyright may be done by post, with the date as postmark. Registered copies shall be identical to circulated copies.

Article 39: Publication of a newspaper

A newspaper or a periodical is considered to be published as soon as its copies are out of its printing media or on its website.

Section 4: Sale and distribution of publications

Article 40: Distribution of publications

Every media enterprise shall ensure the distribution of its own newspapers and periodicals through its most appropriate means, like bulking in order to be distributed all over the country, hawking and selling in a public place or on the website.

Article 41: Requirements to a person who intends to work as a hawker, a distributor or a vendor of media publications

Any person who intends to work as a hawker, a distributor or a vendor of media publications in a public place or in any other place is required to inform the Administration of the Sector in which he / she operates. The application letter shall mention the identity and full address of the applicant. He / she shall be issued with an acknowledgement of receipt.

Article 42: Publications that are not considered as media publications

Are not considered as media publications, the following:

1° publications for the main purpose of searching for or developing transactions for commercial, industrial, bank business and for advertising or promotion instruments;

2° publications with main objective as

communication of timetables, agendas, quotations, patterns, plans or costs estimates;

3° administrative documents and publications;

4° Specialized publications with research, artistic, cultural, technical or professional aspect.

CHAPTER III: AUDIOVISUAL MEDIA

Section One: Types of audiovisual media organs and document containing agreement, duties and rights of audiovisual media

Article 43: Types of audiovisual media organs

Audiovisual media organs in Rwanda are divided into the following types:

1. Commercial audiovisual media organs ;
2. Audiovisual media organs for religious denominations recognized by the law ;
3. Audiovisual media organs for individuals, non-Governmental Organizations and political parties recognized in Rwanda ;
4. Public or community audiovisual media organs.

Article 44: Document containing the agreement, duties and rights of audiovisual press organs

Without prejudice to provisions of this Law or other laws into force in Rwanda, the functioning of audiovisual media organs shall be governed by the document containing their related functioning and obligations.

The document shall be instituted by the Media High Council.

Section 2: Agreement on establishment of media enterprise and its functioning

Article 45: Request for establishment of an audiovisual organ

The authorization for establishment of an audio-visual organ is granted by the Media High Council after examining the applicant's request. The authorized media organ is given a document testifying such authorization, and signs with the Media High Council an agreement on fulfilling what is contained in the document provided for by the Article 44 of this Law for a period of five (5) years renewable.

Article 46: Criteria to grant the authorization

The authorization for establishment of an audiovisual media organ is granted after examining the benefits of the project to the population, taking into account basic principles of preserving their various living conditions, thinking and social welfare.

Article 47: Establishment of an audiovisual media organ

After the owner of an audiovisual media organ and the Media High Council have signed the agreement, the media organ that was granted the authorization of operating in Rwanda shall start its operations not later than twelve (12) months. At the expiration of this deadline, the authorization is no longer valid.

Article 48 : Relationship between the Media High Council and the Broadcasting Network Agency

The Media High Council informs the Agency in charge of the broadcasting network about the person authorized to establish an audiovisual press organ to allow him or her to acquire a broadcasting line in respect of the requirements.

A community audiovisual media organ is granted one line.

Section 3: Publication and advertising in audiovisual media

Article 49:Publication and advertising

Advertising and publication in audiovisual media are governed by provisions of Article 31, 32, 33, 34 and 35 of this Law.

Article 50 : Taking photos

Camera journalists are granted the authorization by the Media High Council.

Article 51 : Advertising for audiovisual media organs of Non government, religious and political organisations

Audiovisual media organs of non governmental organizations, religious and political organisations recognized by the law are not allowed to advertise. However, such media organs are allowed to advertise in accordance with provisions of the Media High Council.

Section 4: Special duties of audiovisual media organs

Article 52 : Shares in an audiovisual media organs

No person shall be allowed to be the main shareholder in more than one audiovisual media company.

Article 53: Request for renewing the agreement to operate an audiovisual media organ

Request for renewing the agreement to operate audiovisual media organs is done at the Media High Council at least six (6) months before the expiration of the current authorization.

Article 54: Broadcasting another media organ's programs

An audio-visual media organ can broadcast on its line a program of another audiovisual media organ in accordance with provisions of the Media High Council.

Article 55: Respect of the rights of intellectual property

Every audiovisual media organ shall observe the rights of intellectual property. The enforcement of this Article is governed by the Law governing intellectual property.

CHAPTER IV: ICT OR INTERNET PRESS

Article 56: Right to a website

Every person has right to receive, disseminate and send information through internet. He/she has full right to create his/her own website through which he/she publishes the information to a great number of people. Posting or sending information through the internet does not require the owner to be a professional journalist.

Article 57: Screening of pornographic websites

All owners of internet cafes shall screen or block pornographic websites when any internet users have access to those websites Any person connected to internet at home or at office must protect minor under (18) years old from opening websites advertising or leading to fornication, vagrancy, drug use and other worst actions of sex work or theft.

Article 58 : Enforcement of provisions governing printed press and audiovisual press

Provisions of this Law relating to the printed press and audiovisual media shall also apply on information published using ICT.

CHAPTER V: RIGHT OF CORRECTION, REPLY AND RECTIFICATION

Section One: Right of correction, reply and rectification in print press

Sub-section One: Common provisions to correction, reply and rectification

Article 59: Right of correction, reply or rectification

Any person or legal association has a right to apply for correction, reply or rectify a publication in a press organ within a period not exceeding 30 days from the day the publication is out except in case of force majeure. Request for correction, reply or rectification are sent to the Publishing Director by registered letter or by ordinary mail with acknowledgement receipt.

Article 60: Right of the injured party

Where a Publishing Director refuses to insert a correction, reply or rectification, the injured party may, within a period not exceeding thirty (30) days, introduce his / her complaint to the Media High Council, which in turn takes a decision thereof within a period not exceeding three (3) working days from the day the complaint was received. Where the applicant is not satisfied with the decisions of the Media High Council, he / she shall refer the matter to the competent court.

Article 61: Behaviour not assimilated to refusal of correction, reply or rectification

The fact of publishing a special edition in which are missing the correction, reply or rectification shall not be assimilated to refusal of correction, reply or rectification.

Sub-section 2: Right of correction

Article 62: Publication of corrections

The Publishing Director is required to insert in the next issue copy without any fees, an article correcting facts which were inaccurately reported.

Article 63: Place and size of the correction

The correction is published under the similar conditions as those of the text it refers to. It shall be put at the same place and in the same prints as those of the article which caused it, and with no insert.

The correction may not be longer than the offending text, the names, forenames of the person replying, his/her address and his/her signature excluded.

Sub- section 3: Right of reply

Article 64: Publication of a reply

The Publishing Director is required to insert, free of charge, in the soonest copy, a reply to facts which were inaccurately reported.

Article 65: Place and size of a reply

The reply is published under the similar conditions as those of the text it refers to. It shall be put at the same place and in the same prints as those of the article which caused it, and with no insert. The reply may reach fifty (50) lines even if the article to which it replies could be shorter, but it may not exceed lines of the article to which it replies plus five percent (5%) of its length

Article 66: Bodies and Organs exercising the right of reply

The right of reply may be exercised by the National Commission of Human Rights, other registered associations and Human Rights, recognized non Government Organisations in charge of defense of human rights, at their own initiative or upon request, when a person or a group of persons, in a paper or periodical, were subject to accusations likely to tarnish their honour or their reputation following discriminations of any kind or any other grounds based on their responsibilities.

Sub section 4: Right of rectification

Article 67: Rectification and time to make rectification

Right of rectification shall apply when the person so requesting wants the published article to be written in the right way. The rectification is free of charge and is published under the similar conditions as those of the text it refers to.

It shall be published in the soonest edition following their receipt by the Publishing Director.

Section 2: Right of correction, reply and rectification in audiovisual press

Article 68: Publication of correction, reply or rectification

In audiovisual media, correction, reply or rectification must be published in the same conditions as those in which the implicated message referred to was published. Correction, reply or rectification must also be published in the same time slot as the implicated message. Except for the force majeure, request to exercise the right of correction, reply or rectification shall be sent to the Director of the audiovisual media by registered letter within forty eight (48) hours for the news hour or news information magazine and within a maximum period of a week for a spot programme.

The request must contain the date and the time of the concerned programme and specific accusations the claimant was subject to. It must also contain his/her reply elements.

Article 69: Rights of a person injured by an article when a correction, reply or rectification have not been published

Where the Director of an audio or audio visual media enterprise does not answer to the request for correction, reply or rectification within forty eight (48) hours from its receipt, the concerned person may, within thirty (30) working days, refer the matter to the Media High Council which takes a decision within a period not exceeding three (3) working days after the receipt of the matter. Where the concerned person is not satisfied with the decision of the Media High Council, he / she may refer the case to a competent court.

Article 70: Recording programmes

The audiovisual media organs is compelled to record its programmes and preserve them for at least three (3) months. Where, before a period of three (3) months elapses, a claim or a complaint relating to one or more programmes is declared, the obligation to preserve recordings ends with the closing of proceedings.

CHAPTER VI: CERTAIN SPECIAL PUBLICATIONS Section One: Publications intended for the children

Article 71: Restrictions to publications meant for children and the youth

Publications meant for children and the youth are particularly prohibited from acting as illustrations, story, opinion, likely to defend robbery, lies, theft, laziness, hatred, fornication, or delinquency or any other acts qualified as crimes or offences likely to demoralize youngsters and the youth or aimed at discrimination of any kind whatsoever.

Section 2: Foreign media

Article 72: Application for authorisation to operate in Rwanda

Foreign audio-visual media organs wishing to operate in Rwanda shall apply for the related authorization to the Minister in charge of information prior to starting any of their operations.

When authorisation is granted, the Media High Council is informed in order to be able to monitor their operations. When such organs are authorised to operate, they sign an agreement with the Minister in charge of information.

TITLE IV: OFFENCES AND PENALTIES CHAPTER ONE: PRESS OFFENCES

Article 73: Press offence

Shall be considered as a press offence, any offence punishable under this Law and the penal laws, committed by way of print press publications, audiovisual and press using information, communication and technology or internet.

Article 74: Penalties for not complying with the requirements of starting a newspaper or a periodical

Any person or press organisation which starts a newspaper or a periodical without complying with the provisions of Article 24 of this Law shall be liable to a fine ranging from one hundred thousand (Rwf 100,000) to five hundred thousand Rwandan francs (Rwf 500,000) and to the suspension of such newspaper until they get authorization. Any person or organisation launching an audiovisual press enterprise without complying with the provisions of Article 24 of this Law shall be liable to a fine ranging from five hundred thousand (Rwf 500,000) to one million Rwandan francs (Rwf 1,000,000) and to the suspension of such enterprise until they get authorization.

In the event of recidivism, the court may withdraw definitely t establish a press publication or a press enterprise.

Article 75: Warning or provisional suspension of a press publication

Any press publication that does not comply with the provisions of Articles 29, 32, 37 and 38 of this Law shall be warned by the Media High Council. Failure to comply with such warning, the Media High Council shall suspend a newspaper or periodicals through the following procedures:

1° one week for a daily publication or a publication published at least three (3) times a week;

2° two (2) weeks for a weekly publication;

3° one month for a bi monthly publication;

4° two (2) months for a monthly publication;

5° one day for an audio or audio visual media organ which operates daily.

Article 76: Penalties for irregular press publication

An operating media organ which spends some days without operating with any justifications, may be permanently closed down by the Media High Council in following cases:

- 1° a daily publication which spends two (2) weeks without operating;
- 2° a bi weekly publication which spends one month without operating;
- 3° a weekly publication which spends two (2) months without operating;
- 4° a bi monthly publication which spends two (2) months without operating;
- 5° a monthly publication which spends six (6) months without operating;
- 6° an audio or audio visual media organ which exceeds a period of two months without operating;

The Media High Council shall determine the guidelines to be based on while examining whether the reasons of the press organ for failure to operate have a basis. A closed publication may resume operation if the owner requests for renewed authorization in accordance with Article 24 of this Law.

Article 77: Penalties for refusing to correct, reply or rectify a publication

Without prejudice to provisions of other penal laws, refusal to broadcast correction, reply and rectification in print media publication shall be punishable with a fine ranging from one hundred thousand (Rwf 100,000) to three hundred thousand Rwandan Francs (Rwf 300,000).

Article 78: Penalties for refusing to correct, reply or rectify a publication in an audio or audio visual press organ

Without prejudice to provisions of other penal laws, refusing to pass correction, reply or rectification in an audio or audio visual media organ shall be punishable by a fine of between three hundred thousand (Rwf 300 000) and six hundred thousand Rwandan francs (600 000 Rwf).

Article 79: Penalty for refusing to provide information or preventing it from being published

Any person convicted of the offence of refusing to provide information or preventing it from being published on the basis of provisions of Article 14 and 15 of this Law, shall be liable to a fine ranging from one hundred thousand (Rwf 100,000) to three hundred thousand Rwandan Francs (Rwf 300,000).

Article 80: Penalty for interfering with one's privacy through media

Without prejudice to the provisions of penal laws, any person interfering with one's privacy using the press shall be liable to a fine ranging from one million (Rwf 1,000,000) to five million Rwandan francs (Rwf 5,000,000).

However, where a journalist publishes facts on the authority's privacy that has an impact on the country's public life, he / she shall not be punished.

Article 81: Withdrawal or closure of internet network connection

The court may order an Internet service provider to withdraw or close the Internet network connection granted to an Internet café for failure to comply with the provisions of Article 57 of this Law, notwithstanding criminal liability.

Article 82: Penalties for persons who incite others to commit offences through Media

Shall be considered as accomplices in commission of criminal offences or crimes prescribed by the Penal law and so subject to penalties provided for those crimes, persons who, through the media, incite authors of such crimes, if such incitement was followed by commission of an offence or by attempt to commit an offence.

Article 83: Penalties for particular crimes committed through the press

Without prejudice to provisions of Article 82 of this Law, the following crimes committed through the media are punishable with penalties provided for by the Criminal Law, and so notwithstanding their suspension by the Media High Council:

1° apology for the crime of genocide and genocide ideology, crimes against humanity and war crimes;

2° incitement to discrimination of any form;

3° contempt to the Head of State of Rwanda, the Head of a foreign State, Ambassadors and representatives of countries and international organizations accredited to Rwanda;

4° inciting the army or the national police to insubordination;

5° publication of false information intended to undermine the moral of Rwanda Defense Forces and the National Police and to endanger national security;

6° apology for massacres, looting, arson, theft, rape, terrorism or treason;

7° publication of those publications which endanger public law and order or public decency;

Article 84: Suspension or definitive closure of a publication

Suspension referred to under Article 83 of this Law shall be carried out by the Media High Council through the following procedures:

1° one week for a daily publication or a publication published at least three times a week;

2° two weeks for a weekly publication;

3° one month for a bimonthly publication;

4° two months for a monthly publication;

5° one day for an audio or audiovisual media organ which operates daily.

In case of recidivism, the Media High Council may suspend the media organ for a period not exceeding six (6) months. Where the media organ does not consider such penalties, and keeps on committing offences referred to under Article 83 of this Law, the Media High Council may request the relevant court to suspend it definitively. However, before suspending a media

organ, the Media High Council gives to the Chief-Editor and the programme Director time to provide explanations.

Article 85: When a journalist is remanded in custody

It is forbidden to remand in custody a journalist in case of a press offence. However, there may be remand in custody for a journalist where he/she is suspected to have committed any of the offences referred to in Article 83 of this Law.

Article 86: Prescription of criminal proceedings

Legal proceedings as regards press offences provided for by this Law shall be subject to limitation by laws in force save for cases of offences provided for by the law whose criminal action is imprescriptible.

Article 87: Modalities for seizure

Where there is commission of a media offence, seizure shall be exercised on documents and audio-visual recordings which are at issue. The production material of a journalist shall not be seized. Seizure shall only be made on urgent court decision without prejudice to continuation of the proceedings. In order to serve a penalty against a press enterprise, seizure shall only be made as prescribed by legal provisions relating to seizure.

CHAPTER II: LIABILITY FOR OFFENCE

Section One: Criminal liability

Article 88: Persons prosecuted for written and audiovisual press crimes

Shall be prosecuted, in such an order as follows, for offences committed through print press:
1° chief editor; 2° author; 3° director of the newspaper. Shall be prosecuted, in such an order as follows, for offences committed through an audio or audio visual media organ:
1° the presenter of news item;
2° the author of news item;
3° the Editor Director or the Publishing Director;
4° the media Organ Director.

The court shall identify the authors or their accomplices.

Section 2: Civil liability

Article 89: Civil action

Action by the victim in order to obtain compensation for any damage caused shall be confined to the legal provisions on compensation.

Article 90: Criminal and civil liability

Criminal liability and civil liability are not prejudicial to administrative sanctions taken by the Media High Council.

Section 3: Particular disciplinary measures

Article 91: Confiscation of written works or printed forms

Where an offence of print media is passed by the court, the court may order confiscation of documents or printed material in case they are in circulation. The court may order the withdrawal or destruction of all copies put out for sale, distributed or displayed to the public. Withdrawal or destruction may only affect certain parts of copies so impounded.

Article 92: Confiscation of audiovisual recordings

When court confirms commission of an audiovisual press related offence, it may order confiscation of any such audiovisual recordings.

Article 93: Notification of the decision of seizure

The decision of seizure shall be notified to the person whose documents and audio or audio visual equipment have been seized and it shall indicate reasons for the seizure.

Article 94: Suspension of a media organ

In case an offence is convicted in accordance with Article 83 of this Law, the court shall decide for the suspension of the media organ for three (3) months. In case of recidivism, the court may order definitive closure.

TITLE V: TRANSITIONAL AND FINAL PROVISIONS

Article 95: Deadline for fulfilling the requirements for being a professional journalist

Any person exercising the profession of a journalist who fails to meet the requirements for being a professional journalist shall abide by these conditions within a period not exceeding sixty (60) months following publication of this Law.

Article 96: Deadline for fulfilling the requirements of Article 24 of this Law

Notwithstanding the provisions of Article 95 of this law, media organs in place before the publication of this law in the Official Gazette of the Republic of Rwanda shall, within a period not exceeding three (3) months as from publication of this law, have declared to the Media High Council, the requirements referred to under Article 24 of this Law. However, as for the capital, the deadline shall be twenty - four (24) months.

Article 97: Drafting, consideration and adoption of this Law

This Law was prepared, examined and adopted in Kinyarwanda

Article 98: Repealing of inconsistent provisions

Law n° 18/2002 of 11 May 2002 on the Press and all previous legal provisions inconsistent to this law are hereby repealed.

Article 99: Commencement

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

Kigali, on **12/8/2009** (sé)

Paul KAGAME
President of the Republic (sé)

Bernard MAKUZA
Prime Minister

Seen and sealed with the Seal of the Republic: (sé)

Tharcisse KARUGARAMA
Minister of Justice/Attorney General