

**LAW NO 28/2004 OF 03/12/2004 RELATING TO MANAGEMENT OF ABANDONED
PROPERTY**

We, KAGAME Paul,
President of the Republic

THE PARLIAMENT HAS ADOPTED AND WE SANCTION, PROMULGATE THE
FOLLOWING

LAW AND ORDER IT TO BE PUBLISHED IN THE OFFICIAL GAZETTE OF THE
REPUBLIC OF RWANDA.

THE PARLIAMENT:

The Chamber of Deputies, in its session of October 21, 2004;

Given the Constitution of the Republic of Rwanda of June 4, 2003 as amended to
date, especially in its articles 29, 62, 90, 93, 108, 118 and 201;

Given Law n022/99 of November 12, 1999 supplementing book one of the civil
code and instituting part five regarding matrimonial regime, liberalities and
succession in its articles 72 and 73; Given the Decree of July 31, 1912
relating to properties, in its article 12;

Considering that following genocide, there existed abandoned individual
properties which Rwandans who had long lived in Diaspora and the genocide
survivors who were left homeless took possession,

the Government faced difficulties related to such properties;

Considering that the properties which have no owners begun to be abandoned and
deteriorated, it shall be managed by the State;

ADOPTS:

CHAPTER I: GENERAL PROVISIONS

Article 1:

This law aims at determining how abandoned property shall be managed.

Article 2:

In this law

1. “Monies” means any sums of money collected from rented property and the money used to efficiently manage the abandoned property;
2. “Commission” means the organ responsible for inventory and management of the abandoned property at the National, Provincial or City of Kigali and the District, Municipality or Town levels;
3. “Plots” mean pieces of arable land or construction land granted by the State, Province or City of Kigali, District, Town or Municipality;
4. “Abandoned property” means any immovable or movable properties which had owners, and thereafter were abandoned which are in the hands of those who are not their owners and those who have rights over them may:
 - a) have died and there is no legal heir;
 - b) live in exile due to various reasons;
 - c) be staying abroad due to various reasons.

CHAPTER II: MANAGEMENT OF ABANDONED PROPERTY

Article 3:

From the day of publication of this law in the official gazette of the Republic of Rwanda, any abandoned property shall be managed by the State until the return of the owners. In case of death of the owner without any legal heir, the property left shall devolve to the State.

Article 4:

No person shall be liable for the production that accrue from immovable or movable abandoned property

from July 19, 1994 up to March 1, 2000.

Article 5:

Notwithstanding the law of expropriation, the responsible organs have the right to grant plots or unfinished or destroyed houses which have no owners

that are in towns or commercial centres.

But before their distribution, items therein shall be given a monetary value which the receiver shall deposit on the fixed account in the national bank. The land title shall be invalid after inventory and all the necessary expropriation.

Article 6:

Land title holders but whose houses have been destroyed as well as those who were granted the titles but who have not started construction, their plots shall not be given out to others before the specified prescription for land titles expires.

Article 7:

Persons who took possession of abandoned property which had no owners after 1994 Genocide shall not be liable for damaged or used properties before March 1, 2000.

Article 8:

There shall be no liability on State institutions, Province or City of Kigali and Districts or Towns or Municipalities which used abandoned property that have no owners from July 19, 1994 to March 1, 2000.

Article 9:

Plots with foundations or land title act which were allocated by the State, the Prefecture or the Commune, which have no owners or whose owners have been victims of the genocide to the extent that there was no survivor who is entitled to them until March 1, 2000, shall be allocated to other persons after an inventory of the works is carried out. Monies from such plots shall be deposited on an account mentioned in article 16 of this law.

Article 10:

A person wherever abroad, is entitled to his or her property which is in Rwanda. However, those persons who are prosecuted for the crime of Genocide wherever they are in Rwanda or abroad have no right of sale

or cession of their property.

CHAPTER III: THE COMMISSION RESPONSIBLE FOR MANAGEMENT OF ABANDONED PROPERTY WITHOUT OWNERSHIP

Article 11:

At the national level, in each Province or City of Kigali and in each District or Town or Municipality, there is hereby established a Commission to manage abandoned property without owners. The members of the

commission shall be honest, analytical, capable and shall work independently.

If the owners of the property show proof that the property belongs to them, the property shall be returned to them without condition.

Article 12:

The Commission is made up of five (5) persons at each level.

Members of the Commission, at the National and Provincial or City of Kigali level are appointed by the Order of the Minister having local government in his or her attributions; at the District, Town or

Municipality level, they are appointed by the District, Town or Municipality Council.

Article 13:

Members of the commission at the District, Town or Municipality levels are responsible for the following:

1. to draw up an inventory of the property and appropriately manage the unmanaged property;
2. to effect productivity from the abandoned property;
3. to draw renting contracts and determine rent costs that come from unmanaged property;
4. to return the property to its owners or legal claimants after proof is provided;
5. to settle disputes relating to such property before submitting them to competent jurisdictions;

6. to defend the interests of legal claimants on the property of absent persons;

7. to fill registers related to unmanaged property.

Members of the commission at the Provincial and City of Kigali levels are responsible for the coordination of the activities of the commissions at the District and Town or Municipality levels.

Members of the commission at the national level are responsible for coordination of activities of the commissions at the provincial and the City of Kigali levels.

Members of the commission shall be experts who carry out other activities. The members of the commission are entitled to allowances on days on which they carry out activities related to abandoned property. The amount of money to which they are entitled is determined by the organ that appointed them.

Article 14:

Members of the Commission shall have a five (5) year mandate renewable once if considered necessary.

Article 15:

Members of the Commission shall elect among themselves a Chairperson, a Vice Chairperson, a Treasurer and a Secretary. Any document prepared by the Commission shall be signed by the

Chairperson, the Treasurer and the Secretary.

Article 16:

Two thirds (2/3) of the amount collected from the production the members of the commission get from the abandoned property at the level of the District, Town or Municipality are deposited on a fixed account opened at the National Bank. The monies equivalent to a third (1/3) shall be deposited on a current account in the nearest bank so that it is effectively used to manage the rented property as well as to pay the allowances to the members of the commission.

Monies deposited on the fixed account shall not be used if the owner is not available. It shall be under the custody of the State in accordance with the decision of a competent court.

Article 17:

Upon request of the Commission and in accordance with the decision of the court, Banks and other financial institutions which have accounts of persons prosecuted for the crime of Genocide are

required to inform the Commission the monies they hold for those persons as well as other accounts whose holders have unknown residences.

The Commission, may, also in accordance with the court order, take a decision to transfer the monies mentioned in the first paragraph of this article to the National Bank.

Any Bank, financial institution or employee who contravenes provisions of the first and the second

paragraphs of this article shall be punished by a fine ranging from five hundred thousands Rwandan francs (500,000 Rwf) to ten million Rwandan francs (10,000,000 Rwf).

Article 18:

The Commission' s report at the District, Town or Municipality level is submitted to the Provincial or City of Kigali commission which in turn, submits it to the Commission at the national level. The Auditor General of State Finance shall control the use of finance from the property managed by the Commission.

Article 19:

The Commission shall deposit to the Treasury of the. District, Town or Municipality, a tax from abandoned rented property as from the beginning of that Commission' s functioning.

CHAPTER IV: FINAL PROVISIONS

Article 20:

All other prior provisions contrary to this law are abrogated.

Article 21:

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

Kigali, on 03(12/2004

The President of the Republic

KAGAME Paul

(Se)

The Prime Minister

MAKUZA Bernard

(Se)

The Minister of Local Government, Good Governance, Community

Development and Social Affairs

MUSONI Protais

(se)

The Minister of Lands, Environment, Forestry,

Water and Mines

MUGOREWERA Drocella

(se)

The Minister of Finance and Economic Planning

KABERUKA Donald

(s é)

Seen and sealed with the Seal of the Republic:

The Minister of Justice

MUKABAGWIZA Edda

(s é)



全球法律法规

Global Laws & Regulations



全球法律法规

Global Laws & Regulations



全球法律法规

Global Laws & Regulations



全球法律法规

Global Laws & Regulations