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TITLE **LAW N° 48/2008 OF 09/09/2008 RELATING TO THE INTERCEPTION OF COMMUNICATIONS**

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Chapter 1. GENERAL PROVISIONS

Article: 1 Purpose of this Law

This Law provides for the regulation of interception of communications in the interest of national security.

Article: 2 Definitions of the terms

As used in this Law, the following terms shall have the following meaning:

1° **"Interception of communications"**: any act of listening, recording, storing, de-crypting, intercepting, interfering with, or carrying out any other type of surveillance over voice and data communications without the knowledge of the user and without his/her explicit permission to do so;

2° **"To monitor"**: to record and or listen to conversations or communications by means of a monitoring device;

3° **"Interception warrant"**: a warrant issued under this Law authorizing the interception of a communication;

4° **"Postal service"**: any service which is involved in any one or more of the following activities: the collecting, sorting, carriage, circulating and delivering whether in Rwanda or elsewhere of postal items; as a service to make available, or to ease, the process of transmission of postal items containing communication;

5° **"Communication service"**: any service involving the transmission of data, voice or images by wire, optical or other electronically guided systems;

6° **"Communication service provider"**: any institution or company which provides a postal or telecommunication service.

Chapter 2. INTERCEPTION OF COMMUNICATIONS

Article: 3 Interception

Relevant services are authorized to carry out interception of communications for national security purposes. A person intercepts a communication during its transmission by means of a communication system if he/she so alters or interferes with the system, or its operations, scrutinizes transmissions made through the system, or so monitors transmissions made through the system, so as to make some or all of the contents of the communication available to a person other than the sender or intended recipient of the communication.

Article: 4 Issue of interception warrant

The interception warrant shall be issued by a competent prosecutor.

Article: 5 Application for lawful interception

The interception warrant in the interest of national security shall be issued upon request by the Head of the National Security Service.

Article: 6 Unlawful interception

Any person who intercepts any communication in the course of its transmission by means of a public or private communication system or a public or private postal service without authorisation from the competent authority shall have committed an offence.

Article: 7 Prohibition of disclosure of information

No person shall disclose to non concerned, any information which he/she accessed while exercising his/her responsibilities or the performance of his/her duties provided for in this Law.

Any person who violates his/her obligation of secrecy shall be punishable in accordance with the provisions of the Penal Code.

Chapter 3. COMMUNICATION SERVICE PROVIDERS

Article: 8 Responsibilities of communication service providers

A communication service provider shall ensure that systems are technically capable of supporting lawful interceptions at all times as provided by the regulatory laws into force.

Chapter 4. IMPLEMENTATION OF THIS LAW

Article: 9 Modalities of the implementation of this Law

An Order of the Minister in charge of communication shall determine modalities of the implementation of this Law.

Chapter 5. FINAL PROVISIONS

Article: 10 Abrogating provisions

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

Article: 11 Commencement

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

Kigali, on 09/09/2008

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