

an illiterate defendant without anyone acting on his behalf the rights of the defence are only theoretical. In parallel with modifications recently made to the genocide law, this would be the ideal time to enforce greater respect for the defence in appeal situations.

b. Victims' participation at hearings

It is not easy for victims to assert their rights when they learn that the people responsible for their individual sufferings are to be brought to trial. They can consult lawyers, but only if they have the financial means to do so. Otherwise, they have to go to Kigali to the offices of *Avocats Sans Frontières*, or contact a local organization that might direct them towards ASF or a similar body. Failing this, they can beg for help from the Office of Consultation and Defence of the Kigali Bar, or attend the hearing without any case prepared to support their claims.

There are numerous cultural and technical obstacles for the victims to overcome. It is a very complex matter for an ordinary citizen to prove that wrong has been done and to calculate appropriate compensation claims. It must be said that magistrates have shown commendable patience and concern in dealing with such cases.

It is very important that victims should be able to make their voices heard during legal proceedings. As with all matters relating to the administration of justice in Rwanda, there is a general lack of information that cannot be adequately compensated for by the awareness campaigns conducted by the Ministry of Justice. Victims' access to the courts could be improved and time saved by the preparation of a short explanatory leaflet containing examples of how to become a civil party to a case. These could be available in the offices of the court clerks.

c. Compensation for victims and the civil responsibility of the Rwandan state

The government's attitude is ambiguous. The state is regularly summoned in its capacity as a 'legal person' to appear before the court by victims who count it morally responsible for the acts committed by its agents during the genocide. However, the government does not respond and is never represented. Although it has already been ordered to pay the equivalent of several million dollars in compensation, this will never be done. Therefore why diminish the authority of sentences in such cases and give false hope to unwary victims?

The government has sufficient margin for manoeuvre to allow the state to accept responsibility. The National Assembly voted for a compensation fund (*Fonds d'indemnisation*) for victims to be endowed mainly by public funds. A new bill could be drafted to ensure that the state is put beyond the reach of compensation claims without exonerating it of its responsibility, which would then be presumed by this fund.

d. Women and minors

Children and adolescents also participated in the genocide. In Rwanda those aged between 14 and 18 years at the time of a crime have mitigated