

Nine months later, on 30 August 1996, a law (*une loi organique*) was passed in regard to prosecutions for the crime of genocide and crimes against humanity. This is the first law of its kind to be adopted by an independent country. It covers acts committed between 1 January 1990 and 31 December 1994 that constitute a crime both under Rwandan criminal law and under international law (genocide, crimes against humanity and war crimes).

Depending on the gravity of the charges against them, the accused fall into one of four categories fixed by this law:

- category one covers those chiefly responsible for the genocide and massacres;
- the second category covers 'ordinary killers';
- the third group together those who wounded without killing;
- the final category is reserved for those who vandalised and looted.

Each category has a corresponding range of penalties. In all but category one, where the death penalty may be called for, the sentences are less severe than the sanctions for similar acts prescribed under the normal criminal code. Those sentenced under category four will not receive fixed-term prison sentences. The prosecutors investigating their cases decide which category should be applied to each of the accused.

Investigations are organized in line with the model used by countries following the Roman law tradition. The Prosecutor General attached to the Supreme Court is the overall supervisor of legal proceedings. As investigations are carried out, he is also responsible for establishing a list of those accused under category one and publishing it in the 'Official Gazette' (*Journal officiel*).

The new law also provides for a procedure that has been compared to Anglo-Saxon plea-bargaining (*une procédure d'aveu et de plaidoyer de culpabilité*). This allows every accused person the chance to admit his or her guilt during the investigation phase. The district prosecutor's office is then required to verify if such confessions are complete and whether they conform to the facts. If the prosecutor decides to accept a confession, the court must respect that decision. Everybody resorting to this procedure automatically qualifies for a substantial sentence reduction. The only exception to this covers anyone accused under category one whose name had already been published in the 'Official Gazette' prior to confessing.

Within each of the 12 local courts there are one or more special courts set up to deal exclusively with genocide cases, each one presided over by three magistrates. They implement the usual procedure employed by countries following the Roman-Germanic law tradition. However, there is a limited right of appeal, which can be applied only in regard to serious factual or legal mistakes. The appeal courts insist on a written procedure in regard to all appeals.

As far as civil matters are concerned, victims can apply to the special courts for compensation from those who have injured them. The civil responsibility of those accused under category one has been extended to cover all damage caused during the genocide and massacres.