



**United States Agency for International Development
Mission to Rwanda**

**Contract #: AEP-I-00-00-00013-00; Task Order 801
Title: Institutional Development to the Rwandan Ministry of Justice
Strategic Objective #01: Increased Rule of Law and Transparency in
Government**

***REPORT ON TRANSLATION
AND TRAINING IN
COMPARATIVE LAW***

Prepared by: Denis Roumestan, under contract with MSD, Inc.

April 2003

**Management Sciences for Development, Inc. (MSD)
4455 Connecticut Avenue, N.W., Suite A-100, Washington, D.C. 20008
TEL 202-537-7410 ♦ FAX: 202-537-5099 ♦ www.msddlobal.com**

Table of Contents

	Page
<u>Executive Summary</u>	4
<u>Introduction</u>	5
1. Missions Nos. 1, 2 and 5	5
1.1 Presentation of Missions 1, 2 and 5	6
1.2 Redefinition of the task	7
2. Chronology of events	7
<u>Finalization of the MSD Study for the Criminal Code of Rwanda</u>	8
1. Compilation of documents	9
1.1 Criminal Code	9
1.2 Criminal Procedure Code	10
1.3 The Gacaca Law	10
1.4 Law governing evidence	11
1.5 Other [Legal] texts	11
1.5.1 Legislative bill governing the Public Prosecutor's Office	11
1.5.2 Legislative bill governing the Judiciary Organizational and Jurisdictional Code	12
1.5.3 Other legal texts	13
CODES AND LAWS - VOLUME I	13
CODES AND LAWS - VOLUME II	15
CODES AND LAWS - VOLUME III	16
CODES AND LAWS - VOLUME IV	16
1.6 Data and figures	17
TABLE I - RECOMPILATION OF LEGAL TEXTS	18
2. Translation of documents	19
TABLE II - ESTIMATES OF WORK AND COST/UNIT	19
TABLE III - COMPILATION AND TRANSLATION COSTS	20
3. Standardization of documents	20
TABLE IV - STANDARDIZATION EXPENSES	21
4. Publication of documents	21
TABLE V - COSTS OF PUBLICATION	22
5. Total consolidated budget	22
TABLE VI - TOTAL CONSOLIDATED BUDGET	23
<u>Recommendations for conforming the three official versions of any law</u>	24
1. Status of the situation	25
1.1 Official languages	25
1.2 Working languages	25
1.3 The current translation process	25
1.4 Disadvantages in the current situation	28
2. Translation of existing legislation	29
3. Review of draft legislation	30
4. Translation of future legislation	30
4.1 Advantages of a translation office	31
4.2 Structure	31
4.3 Scope of duties and functions	32

Identification of regional seminars and other educational media	34
1. Regional seminars	34
1) Kampala International University, Uganda	35
2) Maseno University, Kenya	35
3) Makerere University, Kampala, Uganda	35
4) University of Natal, Durban, South Africa	35
5) International Law Institute - African Center for Legal Excellence (ILI), Uganda	35
6) UNISA, Johannesburg, South Africa	36
2. Educational media	37
a) Documentation	37
b) Internet, video conferencing, video courses	37
Conclusion	39
Acronym List	41

Executive Summary

For Mission #1 entrusted to the Consultant for finalizing MSD's preliminary study on the criminal code, the conclusions are as follows:

Number of pages to be compiled:	330
Number of pages to be translated:	168
Number of pages to be reviewed/revised:	330
Compilation and translation costs:	\$ 6,936.00
Standardization costs:	\$ 748.00
Publication costs:	\$ 5,380.00

General Total: \$13,064.00

For Mission #2 entrusted to the Consultant relative to conforming the three official versions of any law, the Consultant proposes the creation of a translation office.

For Mission #5 entrusted to the Consultant relative to identifying regional seminars and other teaching vehicles, the Consultant recommends UNISA in South Africa, and more particularly the Institute of Foreign and Comparative Law (IFCOL), as well as Internet documentation and courses and audio-visual courses.

Introduction

This report has been prepared for the Minister of Justice of Rwanda, the Attorney-General, the Secretary-General of the Ministry of Justice, the Director of the D.L.S.C, USAID Rwanda and MSD Washington, within the framework of the Terms of Reference describing the mandate of the MSD International Consultant.¹

This report covers Missions Nos. 1, 2 and 5 entrusted to the Consultant within the context of the Terms of Reference, which in turn embody 6 tasks in total.²

1 The Contract made between MSD and the International Consultant is dated June 26, 2002, and covers a period of sixty non-consecutive days.

2 Tasks 3 and 4 have already been made the subject matter of a special report. Task 6 was completed on-time, consonant with the needs of MSD. For a better understanding of all of the Consultant's Terms of Reference, tasks 3, 4 and 6 are re-stated below:

Mission #3: To train and assist the staff of the SLSC and the SCAJE so that these agencies can serve as offices of legal counsel to MINIJUST with respect to legal interpretation of decrees and laws, legal review/revision of decrees and their conformance with the Constitution, in accordance with a view or perspective that takes into account domestic and international customs and traditions, and to issue legal opinions on the administration of justice.

"a. Within a period of ten (10) business days, to formulate and submit to the agencies in question and MSD, a description of the American office of legal counsel, including its historical background, its current function and comments about the influence of its opinions.

"b. Within the following ten (10) days, the consultant will undertake an examination of Rwandan laws, and most of all basic law. The consultant will compare the two legal systems (American and Rwandan), and will describe both the differences and similarities, particularly as regards the functioning of the office of legal counsel. This will also form the subject matter of a presentation to be made to the subject agencies and MSD.

"c. Following a discussion on the advantages and disadvantages of implementing an American-type office of legal counsel within the Rwandan context, to train the personnel of the SCAJE and DLSC in tasks that can help them to serve as offices of legal counsel".

Mission #4: To support the Legal Reform Commission within the scope of its mandate.

Mission #6: Any other tasks connected to the tasks indicated above must be approved by MSD and the International Consultant, following consultation with the Minister.

3. Missions No. 1, 2 & 5

Missions 1 and 2 relate to translation. Mission No. 5 relates to training and education in comparative law for staff members of the Government Legal Affairs & Litigation Service (SCAJE) and the Office of Legislative & Community Affairs (DLSC). First of all, note should be taken with regards to the manner in which these missions have been formulated; the within report presents the work of the Consultant on these missions.

3.1 Presentation of Missions Nos. 1, 2 and 5.

Missions Nos. 1, 2 and 5 entrusted to the International Consultant entail the following:

Mission #1:

To finalize the MSD study with respect to the logistical, personnel and financing aspects for purposes of translation, standardization and compilation of an official criminal code for Rwanda; to review the Gacaca law and all laws falling within the criminal code and the criminal procedure code that have been translated into English, and to assemble them into a complete document. The study will be comprised of a work plan, the number and types of personnel required, the number of work days, and the approximate budget covering labor and publication costs.

Mission #2:

To provide recommendations for conforming all three official versions (English, French, Kinyarwanda) of any law. These recommendations will focus on simplicity of language and application of the law, as well as on accuracy and precision. These recommendations will be part of the report called for in point #1.

Mission #5:

To identify regional seminars or other instructional sessions that are capable of providing training in comparative law to the staffs of the aforementioned agencies and recommend participants.

3.2 Redefinition of the Task.

This report covers each of the missions one after another. So far as concerns Mission #1, it appeared more practical to the Consultant to undertake the study in the following order: compilation, translation and standardization.

4. Chronology of Events.

This report follows a series of studies, consultations and interviews undertaken by the Consultant throughout the course of his mission. These studies, consultations and interviews were undertaken not only with the Ministry of Justice and the Office of the Prime Minister, but also with:

- Ms. Madaleine Nirere, Counsel for Legal & Administrative Affairs to the President of the National Assembly, insofar as concerns the matter of translation;
- Mr. Christian Schultze, Deputy Director of the Institute of Foreign and Comparative Law (IFCOL) of Johannesburg (South Africa) as regards training in comparative law and the holding of regional seminars.

FINALIZATION OF THE MSD STUDY FOR THE CRIMINAL CODE OF RWANDA

The International Consultant took under advisement the preliminary study done by Irina Balta, an MSD consultant, as set forth in her report filed on June 12, 2002.

The present task assigned to the International Consultant is to finalize this study:

- a) So far as concerns the criminal code of Rwanda, so as to include *lato sensu* not just the Code itself, but also the Criminal Procedure Code, the *Gacaca* Law and allied or related legal texts;
- b) So as to project what might be required with respect to logistics, staff and financial matters;
- c) So as to move ahead with the compilation, translation and standardization of the Rwandan Criminal Code.

So far as concerns the matter of compilation, for the purpose of making things even clearer, the International Consultant himself identified the widely-scattered texts of Rwandan legislation, which cumulatively:

- a) Will be placed together in the document to be prepared. Involved here is not only a preparatory project that must be pursued and systematized, but also verified and checked by the Ministry of Justice, and more specifically the Office of Legislative & Community Affairs (DLSC);
- b) Have still not been translated into English.

So far as concerns translation, the methodology will depend on the texts to be translated. For current legal texts, translation from French into English is preferred, with a simultaneous review/revision by the Director of the Bureau of Legislation and the DLSC, as well as by the Office of Translation of the Prime Minister's Office.

So far as concerns standardization, the objective is to provide a single format to the document that will embody the French and English versions.

1. COMPILATION OF DOCUMENTS.

The documents to be translated are those that will compose the Criminal Code of Rwanda upon its *lato sensu* acceptance, i.e., not only including the Criminal Code *per se*, but also the Code of Criminal Procedure, the *Gacaca* Law, as well as any other laws that might be connected to criminal matters.³

For certain of these texts, it is not only advisable to take the text currently in force, but also to take texts currently being modified.⁴

1.1 Criminal Code.

The current Criminal Code, published in the book entitled "Traditional Laws and Codes of Rwanda - *Amategeko Akoreshwa Kenshi Mu Rwanda*," Volume I, updated as of January 1, 1997, and published in 1998,⁵ derives from Decree-Law No. 21/77 of August 18, 1977, governing the Criminal Code.

This text comprises 500 articles in 123 pages. In the aforementioned edition, the French text appears on the left and the Kinyarwandan text is on the right. In other

3 See below.

4 Such as for example, the Criminal Code, the Criminal Procedure Code, the Code of Professional Ethics, the Law governing Evidence, etc. New drafts of these legal texts have been prepared by the Commission on Legal Reform of the Ministry of Justice, presided over by Tharcisse Karugarama, Vice-President of the Supreme Court. This will not entail any particular consequences with respect to translation, since most of these projects have already been translated into the three official languages (Kinyarwanda, French and English). The only thing projected for these legal texts is review/revision; see below in this report.

5 In Rwanda and Burundi, by the School of Law of the National University of Rwanda, Boîte Postale 117, Butare; in other countries, by Etablissements E. Bruylant, 67 Rue de la Régence, 10000 Brussels, Belgium.

words, the text requiring translation into English represents half of those pages, namely 62.

1.2 Criminal Procedure Code.

The current text of the Criminal Procedure Code, as published in the book entitled "Traditional Laws and Codes of Rwanda - *Amategeko Akoreshwa Kenshi Mu Rwanda*" Volume I, updated as of January 1, 1997, and published in 1998,⁵ derives from the Law of February 23, 1963, published on page 98 of the Official Gazette of 1963.

This text comprises 152 articles on 37 pages. In the aforementioned edition, the French text appears on the left and the Kinyarwandan text is on the right. In other words, the text requiring translation into English represents half of those pages, namely 19.

It is also advisable to take into account the Criminal Procedure Code currently in draft status, i.e., using the language formulated by the Commission on Law Reform.⁷ This text, entitled "Legislative Bill No. ___ governing the Criminal Procedure Code", contains 283 articles, but it should be noted that the version proposed by the Reform Commission comprising the 3-language text has already been translated.

This having been said, and given the current status of this legislative bill, and above all the constitutional debates going on in the country, it is necessary to wait until this legislative bill has been at least partially reviewed and/or revised; this has led the Consultant to suggest that the existing text be used for the time being.

1.3 The Gacaca Law.

6 In Rwanda and Burundi, by the School of Law of the National University of Rwanda, Boîte Postale 117, Butare; in other countries, by Etablissements E. Bruylant, 67 Rue de la Régence, 10000 Brussels, Belgium.

7 See below.

8 The Constitutional Revision Committee has prepared a third draft of the constitution, which is scheduled as a matter of course to be submitted for referendum in 2003. This is probably only the one time that the Rwandan constitution will enter into force that the choices will be made and legalized so far as concerns in particular the National Oversight Authority, provided for in the draft report of the Reform Commission as a compromise solution among the various proposals presented.

Involved here is Organic Law No. 40/2000 of January 26, 2001, governing the creation of "Gacaca Courts" and oversight organizations for monitoring infractions entailing crimes of genocide or crimes against humanity committed between October 1, 1990, and December 31, 1994. This 32-page text which exists in the three official languages (Kinyarwanda, French and English) contains 100 articles

Also involved is the Organic Law amending and supplementing Organic Law No. 40/2000 of January 26, 2001; it was this latter law that established the "*Gacaca Courts*" and oversight organizations to monitor infractions constituting crimes of genocide or crimes against humanity committed between October 1, 1990, and December 31, 1994. The amending Organic Law comprises 19 articles on 5 pages.

1.4 Law governing Evidence.

This is a "legislative bill covering methods of providing evidence and the administration thereof", as prepared by the Legal Reform Commission; this bill contains provisions respecting criminal evidence. These provisions are embodied in Articles 114 to 122, contained on 3 pages. However, since the provisions of Article 115 of this text state that "the provisions respecting evidence in civil cases may be applied to criminal matters", it would be appropriate to include this entire legislative bill in the Rwandan Criminal Code project, which constitutes 28 pages.

Finally, it should be noted that this legal text has already been translated into English, which means that only a review of the English translation is necessary.

1.5 Other [Legal] Texts.

There are indeed other legal texts that might also be desirable for compiling into the Rwandan Criminal Code as annexes, such as for example, the legislative bills prepared by the Legal Reform Commission of the Ministry of Justice, and in particular, the Law governing the Public Prosecutor's Office, or furthermore one of the most recent legislative bills drafted by the Legal Reform Commission, namely the one that establishes rules respecting games of chance, lotteries and bets, which legislative bill contains in Articles 39 to 41 a Title that is entirely devoted to the provisions governing infractions and penalties.

1.5.1 Legislative bill governing the Public Prosecutor's Office.

The precise title of this bill is "*Legislative Bill No. _____ establishing the National Oversight Authority*".

Involved here is a legal text of 18 pages comprising 62 articles. This text has already been translated into English, which means that only a review of the English translation is necessary.

1.5.2 Legislative bill governing Judiciary Organizational & Jurisdictional Code.

The precise title of this bill is "*Legislative Bill No. _____ governing the Judiciary Organizational and Jurisdictional Code*".

This involves a text of 188 articles contained in 47 pages, plus 2 annexes, the first of which relates to the names, jurisdictions and seats of the district and town courts; the second annex covers the names, jurisdictions and seats of the provincial courts and the Court of the City of Kigali.

This legislative bill proposes a total restructuring of jurisdictions and a restructuring of how they operate. It proposes the creation of a single high court of the Republic⁹ (with branch units spread throughout the country), serving at the same time as an appeals court for lower courts and as a court of first instance for certain matters. For example, in criminal matters, it would serve as the primary court for the most serious of infractions (crimes against humanity, crimes of genocide, assassinations, acts of terrorism, State security, high treason and war crimes).

The provincial court, which replaces the Tribunal de Première Instance (Court of First Instance, or Lower Court), enjoys a broad jurisdiction (residual jurisdiction), and it also has residual jurisdiction in criminal matters.

9 This idea is incorporated into the third draft of the Constitution, which leaves one to hope that most probably this reform will be implemented as is.

In criminal matters, the district court handles infractions in which the penalty does not exceed five (5) years' imprisonment.

The special courts are solely:

- a) The military court and its appeals part, the military court of appeals; and
- b) The *Gacaca* courts, as instituted by Law No. 40/2000 of January 26, 2001.

Finally, the legislative bill proposed a mandatory prior conciliation procedure in criminal matters, which must be instituted by the Sector Council (a pre-litigation amicable settlement in matters involving moving of boundaries, simple injury, theft of crops, simple assault, and destruction of crops by domestic animals).

This legislative bill has already been translated into English. Thus, only the review procedure is called for.

1.5.3 Other legal texts.

The International Consultant has also noted the list prepared by Mr. Emmanuel Sindikubwabo, counsel to the Ministry of Justice of Rwanda, and a member of the DLSC, of the legal texts listed in the Table below; this list derives from the four volumes of Codes and Laws of Rwanda (brown cover). The Table indicates that the current laws and codes, etc. have already been translated.

Using this list as a starting point, the International Consultant selected the legal texts that could become part of the Criminal Procedure Code, while maintaining the initial observations. The selected laws are part of a *lato sensu* approach to the "Criminal Code", which in the eyes of the Consultant should combine all of the infractions mentioned in the various laws (for example, immigration, importation, etc.).

It is clear that this list is not exhaustive; its purpose is only to demonstrate an interest in including in the Rwandan Criminal Code all of the laws that contain criminal provisions. It has already been stated that it is incumbent upon the Ministry of Justice to prepare a complete and exhaustive list of these laws.

LAWS AND CODES - VOLUME I

No .	Cate gory	Law No.	Date	Title or Description	Num ber of Fren ch page s	Englis h trans- lation exists?	Ob- serv- ation s
019	Conv entio n		3/7/ 1966	International convention on the elimination of all forms of racial discrimination. Adopted by the United Nations General Assembly. Rwanda adheres thereto through Decree-Law No. 08 of 12/12/1975	12	Yes	
020	Conv entio n		5/1/ 1980	International convention on the elimination of all forms of racial discrimination against women, signed in New York. Ratified by Presidential Decree No. 431 of November 10, 1980	1	Yes	
021	Conv entio n		11/2 0/89	Child Rights Convention signed in New York; ratified by Presidential Decree No. 773/16 of 9/20/1990	1	Yes	
082	Conv entio n		9/15 /198 1	Scientific and Cultural Cooperation Agreement signed between the government of the Republic of Rwanda and the Bulgarian Peoples Republic in Sofia. Approved and ratified by Law No. 3/1985 of 1/25/85.	1	Yes	
256	Law		5/20 /196 3	General amnesty for political crimes committed between October 1, 1959 and July 1, 1962.	1		
257	Decr ee- Law		11/3 0/74	Amnesty for certain political crimes	1	No	
257	Law	60/91	12/1 3/91	General amnesty and resolution of the refugee problem	11	No	
258	Presi denti al Decr ee	103/05	3/13 /199 2	Pardon	1	No	
259	Decr ee- Law		11/1 9/73	Moral preservation of youth	2	No	
260	Law		5/20 /196 3	Legal rehabilitation measures	2	No	
261	Minis terial Decr ee	02.1.2.12 /81	9/7/ 1981	Mind-altering substances and narcotics.	16	No	
262	Conv entio		11/2 6/68	International Convention on the absence of a statute of limitations on war crimes			

	n			and crimes against humanity, adopted by the U.N. General Assembly. Ratified by Rwanda per Decree-Law No. 8/75 of February 12, 1975	3	Yes	
263	Convention		2/6/1988	Judicial convention on extradition and related protocol governing criminal investigation commissions, signed in Kampala between the Republic of Rwanda and the Republic of Uganda. Ratified by Presidential Decree No. 506/16 of September 5, 1988.	1	Yes	
264	Convention		5/28/1990	Treaty of extradition, treaty on mutual assistance for criminal matters, and treaty governing the reciprocal enforcement of court decisions, signed in Nairobi between the Republic of Rwanda and the Republic of Kenya. Ratified by Presidential Decree No. 37/16 of January 14, 1991	3	Yes	
265	Convention		12/9/48	International convention on repression of the crime of genocide, adopted by the United Nations General Assembly. Ratified by Rwanda per Decree-Law No. 8/75 of February 12, 1975	3	Yes	
266	Convention		6/20/1936	Geneva Convention governing the repression of illegal drug traffic, amended by the protocol of December 11, 1946. Ratified by Presidential Decree No. 172 of April 16, 1981	1	Yes	
267	Convention		3/30/1961	Convention governing narcotics, signed in New York, amended by the protocol of March 25, 1972. Ratified by Presidential Decree No. 172/14 of April 16, 1981.	3	Yes	
268	Convention		2/21/1971	Vienna Convention governing mind-altering drugs. Ratified by Presidential Decree No. 172/14 of April 16, 1981.	3	Yes	
269	Convention		9/25/1926	Convention on slavery. Approved by the Belgian Law of July 18, 1927	1		

CODES AND LAWS - VOLUME II

No.	Category	Law No.	Date	Title or Description	Number of French pages	English translation exists?	Observations
345	Governor-General's Decree		4/9/1898	Capital crimes executions. Made enforceable in Rwanda	1	No	Amended

				per Royal Ordinance No. 20 - Approved April 23, 1937.			
349	Decree		4/12/1886	Extradition	3	No	
393	Ordinance	111/127	5/30/1961	Rwanda Correctional Dept.	13	No	
398	Royal Decree		5/23/1896	Vagrancy and begging	4	No	
399	Royal Ordinance	111/233	7/12/1961	Begging	1	No	
400	Presidential Decree	24/06	10/21/1975	Creation of re-education and production centers	1	No	

CODES AND LAWS - VOLUME III

No.	Category	Law No.	Date	Title or Description	Number of French pages	English translation exists?	Observations
748	Ordinance		1/22/1918	Repression of attack dog training and retention of dogs trained to attack farmers. Applicable in Rwanda by virtue of the Decree of June 10, 1929.	4	No	

CODES AND LAWS - VOLUME IV

The International Consultant has not identified any legal text in Volume IV that might be added to the Criminal Code.

The following legal texts should also be added to the above-mentioned legal texts:

- a) Organic Law of August 30, 1996, establishing an oversight organization concerned with infractions constituting the crime of genocide or crimes against humanity committed commencing October 1, 1990¹⁰; the text consists of 41 articles on 13 pages, and is in French and Kinyarwanda. Accordingly, the number of pages requiring translation is 7;
- b) Decree of April 6, 1959, relative to special penalties governing the policing of traffic and transportation.¹¹ This legal text consists of 8 articles on 3 pages;
- c) Ordinance of May 30, 1961, establishing the Rwanda Corrections Department. This text is on 16 pages and consists of 66 articles; it is in French and Kinyarwanda.¹² Accordingly, the number of pages requiring translation is 8;
- d) Decree of August 3, 1925, providing for an increase in criminal penalties¹³. This is a text consisting of 2 articles on 1 page, and is exclusively in French;
- e) Governor-General's Decree of April 8, 1898, relative to executions for capital crimes.¹⁴ This is a text consisting of 4 articles on 1 page, and is exclusively in French;
- f) Decree of April 12, 1886, relative to extradition.¹⁵ This is a text consisting of 8 articles on 1 page, and is exclusively in French;
- g) Ministerial Decree No. 210/07 of April 15, 1982, relative to the appointment of judicial police officers qualified to assist officials of the Public Prosecutor's Office in the exercise

10 Text cited in the Codes and Laws of Rwanda, 1998 edition.

11 Ibid.

12 Ibid.

13 Text cited in the Laws and Codes of Rwanda, 1995 edition, Volume II.

14 Ibidem.

15 Ibid.

of their duties at the cantonal courts¹⁶. This is a text consisting of 3 articles on 1 page, and is exclusively in French;

- h) Ministerial Decree No. 963/07 of November 22, 1983, relative to the appointment of judicial police officers and their authority and jurisdictions¹⁷. This is a text consisting of 6 articles on 1 page plus a 5-page annex, and is exclusively in French;
- i) Ordinance No. 111/127 of May 30, 1961, relative to the Rwanda Corrections Department¹⁸. This is a text consisting of 66 articles on 7 pages, and is exclusively in French.

It was previously indicated that the list presented in this section is not an exhaustive one. It should be reviewed by the Office of Legislative & Community Affairs (DLSC) of the Ministry of Justice of Rwanda.

1.6 Data and Figures.

The total number of legal texts identified above is:

Number of pages to be compiled:	330
Number of pages to be translated:	168
Number of pages to be reviewed/revised:	330

The compilation of the pertinent documents must be done by lawyers, because this work not only entails the mechanical compiling of appropriate legal texts, but also the verification of their updating and the inclusion of new modifications (indicating for each article the most recent version and the date of the modification, which is to appear below each amended article).

16 Ibid.

17 Ibid., page 602

18 Ibid., page 608

This work should be entrusted to at least three lawyers. The ideal thing would be for these lawyers to be employees of or otherwise associated with the Legislative Bureau of the Ministry of Justice. Their work would have to be reviewed by the Director of the Legislative Bureau or his or her authorized delegate.

One might also give thought to the idea that this project should be undertaken purely by private parties. In such case, it would be advisable to entrust this task to two associate attorneys (for example, granting a private contract to university assistants at the School of Law), but the review should be undertaken by the DLSC.

This compilation project assumes that all of the pertinent legal texts would be found and assembled. Taking into consideration the sheer number¹⁹ thereof, it would be appropriate to project the compilation of at least 20 pages per day, which results in 17 days of work. For the review work, at least the same amount of time should be projected. Therefore, the following figures result for the compilation of legal texts:

TABLE I : COMPILATION OF LEGAL TEXTS

<u>Legal Text</u>	<u>No. of Pages</u>	<u>Pages to be translated</u>	<u>Pages to be reviewed</u>
Criminal Code	62	62	62
Criminal Procedure Code	19	19	19
Gacaca Law	37	0	37
Law governing evidence	28	0	28
Law governing the Public Prosecutor's Office	18	0	18
Judiciary organizational and jurisdictional code	47	0	47
Emmanuel Sindikubwabo (DLSC) Table	84	52	84
Ordinance 8/30/1996	7	7	7
Decree 1959	3	3	3
Ordinance 5/30/1961	8	8	8
Decree 1925	1	1	1
Decree 1898	1	1	1
Decree 1886	1	1	1
Decree 4/15/1982	1	1	1
Decree 11/22/1983	6	6	6
Ordinance	7	7	7
TOTAL	Pages: 330	To be translated: 168	To be reviewed: 330

19 See above.

2. Translation of Documents.

The translation of documents concerns rather the current legal texts cited above, which for the most part are only in French. For those that have already been written in French and English, the only factor is the cost of reviewing the translations. It will also be necessary to review the translations of the legislative bills prepared by the Legal Reform Commission of the Ministry of Justice of Rwanda.

The Consultant has accepted the figures that were submitted by the MSD consultant, Irina Balta, in her aforementioned report (see above), which were confirmed by Mr. Joseph N. Nambajimana, Director of the Translation Office of the Prime Minister's Office.

It is appropriate to reproduce this table below for a clearer understanding of this presentation:

TABLE II : ESTIMATES OF WORK AND COST/UNIT.

No.	Services	Amount of work	Unit Price
1	Translation	4-6 pages per day	\$10 per page
2	First review	12 pages per day	\$ 5 per page
3	Final review for conformance of languages and legal terms	12 pages per day	\$ 5 per page
4	Legal counsel	Upon request	\$200-300 per month

The translation will have to be done by a team of five (5) persons, and the initial review will have to be undertaken by two lawyers, with the final review being done by one lawyer and the Director of the DLSC.

Furthermore, the services of legal counsel will be required for the duration of the project.

Finally, since there are no special translation facilities within MiniJust, it would be appropriate to issue a call for bids for translation services.

Accordingly, all of these data can be combined into Table III below²⁰:

²⁰ It should be noted that Table III does not include a schedule for the work to be done; it will all depend on the choices made by the party ordering the work and the size of the team.

TABLE III : COMPILATION AND TRANSLATION COSTS.

Services	No. of pages	Pages per day	No. of persons	Total days	Unit price per day	Total Costs
Compilation	330	20	3	17	40	\$ 660
Compilation review	330	100	2	3	50	\$ 165
Translation	168	4	5	42	40	\$1,680
1 st review of translation	330	12	2	28	60	\$1,650
2 nd review of translation	330	12	2	28	60	\$1,650
Legal counsel	n/a	n/a	2	50	10	\$ 500
Total						\$6,305
Contingencies	10%					\$ 631
<u>GENERAL TOTAL</u>						<u>\$6,936</u>

3. Standardization of Documents.

So far as concerns standardization, it is necessary to standardize the format of the compiled legal texts. In such respects, there are several ways that one can proceed:

- a) The simplest (make photocopies of the existing legal texts and assemble them in a single document);
- b) The most expensive (take all of the existing legal texts and re-format them, or if necessary, enter them in the computer so as to give them all the same format).

The budget for the standardization work will thus have to include funds for publishing the final document. However, taking into account the context of reform and the status of legislation already drafted by the Legal Reform Commission, and also taking into consideration the constitutional and transition contexts, it would appear far more judicious in the opinion of the Consultant to produce a standardized document for the time being, one that would be typewritten and later on published in book format.

Taking into account the number of pages to be typed and/or formatted, it would be preferable to entrust the task to at least four (4) secretaries. This would allow for speeding up this phase of the project and also to allow the work to continue uninterrupted should one of the secretaries be absent.

At the average rate of 20 typewritten pages per day per week, and taking into consideration that the number of pages is around 670 (total number of pages in the two French and English versions, plus the flyleaf pages, table of contents, etc.), this phase of the work might be completed in 33 days per secretary, which at the daily rate of US\$20 per secretary would come to a total of US\$600, and adding unforeseen or contingency costs, the total would come to US\$730.

TABLE IV : STANDARDIZATION EXPENSES.

Services	No. of pages	No. of persons	Amount of work	Total days	Unit price per day	Total Costs
Standardization	670	4	20 pages per day	34	\$1.00 per page	\$680
Total						\$680
Contingencies	10%					\$ 68
					<u>GRAND TOTAL</u>	<u>\$748</u>

4. Publication of Documents.

As stated, taking the constitutional and legislative contexts into consideration, it is not necessary to undertake the publication of a hardcover edition of the Criminal Code,

but rather a photocopied reproduction of the original document to cover the needs of the Government, the court system, the prosecutors' offices, the bar, the professional associations, etc.

Therefore, it appears to be both judicious and appropriate to reproduce around 200 copies of the Criminal Code, which necessitates making the corresponding copies and collating and binding them (at the average rate of 50 spiral books per day); the work would also need to be reviewed and checked by 2 people from the DLSC, and this, at the average rate of 10 copies. Table V below gives the details of these data, showing prices currently charged on the Rwandan market.

TABLE V : COSTS OF PUBLICATION

Services	Units	Quantity per day	Total days	No. of persons	Unit price	Total Costs
Photocopying	134,000	5000	27	2	\$0.03 ²¹	\$3,902.91
Binders (units)	200	50	4	2	\$1.94	\$388.35
Review/checking (copies)	200	10	20	2	\$30.00	\$600.00
Total						\$4,891.26
Contingencies	10%					\$489.13
<u>GENERAL TOTAL</u>						\$5,380.00

5. Total Consolidated Budget.

The total consolidated budget shown below in Table VI, combined the general totals indicated in Tables II to V. It affords an idea of what is required for obtaining 200

²¹ At the exchange rate in effect as of the date of this report, US\$1.00 = 515 Rwandan Francs

bound copies of the Rwanda Criminal Code (*lato sensu*) in a bilingual French-English version, using what exists as the point of departure.

TABLE VI: TOTAL CONSOLIDATED BUDGET

Compilation and translation costs	\$ 6,936
Standardization costs	\$ 748
Publication costs	\$ 5,380
GENERAL TOTAL	\$13,064

RECOMMENDATIONS FOR CONFORMING THE THREE OFFICIAL VERSIONS OF ANY LAW

Mission #2 entrusted to the International Consultant reads as follows:

To provide recommendations for conforming all three official versions (English, French, Kinyarwanda) of any law. These recommendations will focus on simplicity of language and application of the law, as well as on accuracy and precision. These recommendations will be part of the report called for in point #1.

The Consultant has deemed it appropriate to first make a statement on the current situation with respect to the official languages, to the working languages, to the current translation process with the translation bureaus attached to the Office of the Prime Minister, and to the disadvantages of the current situation.

Following this, the Consultant has provided his recommendations respecting the translation of existing legislation, the reviewing of draft legislation and the translation of future legislation. So far as concerns the latter, the Consultant proposes the creation of an Office of Translation, the structure and jurisdiction of which will be examined.

1. STATUS OF THE SITUATION.

Presented here is a table of the current status of having official languages in Rwanda so far as concerns the formulation and translation of laws and regulations. The official languages will be described below, along with the working languages, the current translation process and the disadvantages associated with to the current situation.

1.1 Official Languages.

Rwanda has three (3) official languages (Kinyarwanda, French, English), as stipulated by the Arusha Accords. This principle of three official languages is also found in a 1996 resolution of the Council of Ministers, which resolution moreover created a translation unit within the Office of the Prime Minister. The rule is also mentioned in the draft of the new Rwandan Constitution, which stipulates that Kinyarwanda is the national language, and French and English are the official languages.

1.2 Working Languages.

Most Ministries work in a single language; for example, the Ministry of Justice works in French, the Ministry of Defense works in English, etc. This depends most of the time on the working language traditionally used by the Minister in question. It is very rare that a law or legal text is initiated in Kinyarwanda (for example, the second version of the *Gacaca* Law). The Genocide Law, for example, was written in French, then in English and then in Kinyarwanda.

1.3 The Current Translation Process.

According to information obtained by the Consultant, it is the Office of the Prime Minister, which according to law, is responsible for the translation of the Republic's laws and legal texts.²²

The Office of the Prime Minister's translation departments become involved at two stages of the formulation of texts dealing with statute law:

- First of all, they translate the texts received from the Ministries into the aforementioned three languages so that they can be submitted to the Council of Ministers ahead of the presentation of legislative bills to the Parliament. As a matter of course, every document that leaves the translation department is in 3 languages; the original text might be in French, in Kinyarwanda or in English. The proportion of laws and legal texts initially written in French is about half, with those written in Kinyarwanda and in English constituting each about a quarter.
- Then they proceed with a so-called "harmonization" of the texts, which after being voted upon by Parliament, have to be published in the Official Gazette of the Republic of Rwanda by the Secretariat of the Government. However, it is the translators of the Legislative Branch who have the final word, i.e., they are the ones who approve any revisions to the text after it has been translated by the Prime Minister's translation office.

Therefore, the process is as follows²³:

- a) The writer of this letter requests the Prime Minister make amendments to the respective laws or legal texts, which will be submitted to the Council of Ministers for examination and consideration;
- b) The letter contains the [legal] text with the amendments to be made and a statement of reasons therefore. In the case of the letter that was shown to the Consultant, the text to be amended is in Kinyarwanda, the letter is in Kinyarwanda and so are the amendments. The provisions to be amended are given as reference in the original language and appear with the draft Presidential Decree;

22 Confirmation obtained by Mr. Joseph N. Nambajimana, Director of Translation at the Office of the Prime Minister, during an interview held on November 15, 1982.

23 The Consultant was able to see a specific example, i.e., that of a letter sent by the sponsor of a legislative bill, the Secretary of State for National Education, and addressed to the Prime Minister along with the draft text and the justifications for the desired amendments to the existing legal texts; this letter was being processed by the Prime Minister's translation department at the time of the Consultant's interview with the Director of Translation. The process of examining this letter (like that of legislative bills in general) is much more complex than what is described here. For example, the letter and the bill move around within the different departments of the Office of the Prime Minister, and are subject to several rounds of consultations and attendant opinions, such as for example, the opinion of the Minister of Justice, etc. What appears in this report is solely what relates to the translation process.

- c) In the case of this letter, the Prime Minister's translation department translates the text from Kinyarwanda into French and English directly for the Council of Ministers;
- d) Generally speaking, for providing the translation, the Prime Minister's translation department has a staff of four translators, recruited from the university, with each of them supposedly speaking and reading the three languages, and above all holding university degrees in at least one of the three languages; the translators are all multi-discipline-trained.²⁵
- e) Heading the staff is Joseph N. Nambajimana, Director of the Translation Department, who distributes the work among the translators²⁶, and also acts as translation editor²⁷.
- f) The translators are not lawyers. The accuracy of the[ir] translations depends on their understanding of the text to be translated. Thus, if any difficulties arise in translation, the translators will contact the original writer(s) of the text and ask for a more detailed explanation regarding the meaning of a particular passage or page or even the entire document. This occurs most of all with technical subjects, such as for example economics, finance, law, etc. The 4 translators are capable of working from Kinyarwanda into French or English, or even from French or English into Kinyarwanda.
- g) It is necessary that a lawyer be able to have the choice of terminology. There is an attorney with the Secretariat of Government who is also responsible for the so-called "harmonization" of legal texts.
- h) Once the text has been rendered in the three languages, it is sent to the Council of Ministers, where it may be improved or clarified, or if there are modifications to be made, the Council of Ministers will advise the Minister, who will improve or clarify, or even amend what is called for, and return the text to the Translation Department.
- i) If the text is sent to Parliament, it must be in the three languages. It is then amended or revised in Kinyarwanda, the working language of Parliament. After that, the text goes to the Translation Department of the Office of the Prime Minister, where the text is "cleaned up". Following that step, the text is forwarded to Parliament's translation services for validation of the revision, if any, and it finally goes to the Prime Minister's Office for publication.

24 National University of Rwanda, or equivalent degree, most of the time from Congo or Burundi.

25 In order to get an idea of the qualifications or knowledge of the translators, the Consultant was given the example of a French-speaking translator whose native language is Kinyarwanda, but who was educated in French in Rwanda, in Burundi or in Congo, and holds a degree in English. Candidates have to take a test (one text for the 3 languages) administered by the Translation Department, and the best are selected by a 3-member Board of Examiners. Each translator is then considered as having the ability to work with uniform quality in the 3 languages.

26 If a document consists of more than 6 pages, it is also given to a second translator.

27 There is also a support secretarial service.

- j) Should a legal text come directly to Parliament, it will be written in Kinyarwanda, will be debated and amended in Kinyarwanda and then translated by Parliament's translation department into the three languages; after that, it will be sent to the Office of the Prime Minister for publication. However, this case has never occurred.

1.4 Disadvantages in the Current Situation.

The current situation has many disadvantages. The list given below shows the 9 most evident drawbacks:

1. The translators are not lawyers. This is a major disadvantage because the specific legal vocabulary cannot be mastered. In practice, the translation staff is always asking for explanations in such subjects as economics, finance, law, etc., but this is done neither officially nor formally.
2. The lawyer at the Secretariat of Government is above all responsible for "harmonizing" the legal texts for the Office of the Prime Minister, rather than being specifically responsible for translation. That lawyer's availability may thus be compromised.
3. The sole lawyer at the Secretariat of Government is French-speaking. The Secretariat does not have an English-speaking lawyer for ensuring the accuracy of revisions or corrections made to the English-language texts.
4. So far as concerns the choice of specific English terms, the Translation Director informally consults with certain English-speaking persons who the Director knows personally, and it was pointed out to the Consultant that each translator more or less has his or her own network of personal resources (old school friends, etc.). These so-called "personal resources" might help the translator with his or her translation. However, given that these consultations are informal, there is a risk of disclosure of information that the Government might consider sensitive. Informal assistance also depends on the availability of the persons being asked to help, and may in addition pose problems of pertinence (it is essential to study and become familiar with the text in its entirety in order to be able to translate it well).
5. The weakness in English may also derive from the fact that the translation staff appears unable to master the nuances between British English and American English.
6. Moreover, there is still an absence of the English-speaking legal culture, and as a result thereof, there is some apprehensiveness about that culture. Within the Translation Department, there appears to be some fear that an English-

educated lawyer will impose his British ideas and training into an entirely different legal context, a context in which the majority is French-speaking.

7. There is an obvious absence of equivalent education and training in the three languages.
8. The Translation Department of the Office of the Prime Minister is more a function than a structure. This translation service exists because Joseph Nambajimana was with the Office of the Secretariat to the Prime Minister, in charge of foreign affairs, and because of that he was responsible more particularly for the dossiers of the ambassadors. Thus, the people with whom he came in contact saw that he spoke both French and English, in addition to Kinyarwanda, and gradually they began to entrust him with translating documents.
9. It is from the origins described above that there has been no linguistic policy in Rwanda²⁸, and the absence of that policy is what has brought about a continual and aggravating imbalance between the three languages.

2. TRANSLATION OF EXISTING LEGISLATION.

So far as concerns existing legislation, the following is necessary for proceeding with the translation of all laws and other legal texts:

- a) First of all, it is essential to identify the legal texts. The job of compilation can be done by working from lists prepared by Emmanuel Sindikubwabo of the DLSC; these lists must be up-dated and supplemented, notably as regards the number of pages to be translated.
- b) Secondly, a budget must be prepared for the operation, using the method set forth in this report for the Criminal Code, namely, implementing

28 According to what was pointed out to the Consultant.

the process of translation from French into English, and this, for at least two reasons:

- First, because this has the advantage of speed;
 - Second, because providers of translation services can be called upon, and these providers will not be obligated to know Kinyarwanda. The absence of that obligation will allow for selecting or giving the job to more translators.
- c) Thirdly, to issue a call for bids to domestic and international companies.
- d) Once the translation is made, it becomes equally essential to provide for checking and editing it, i.e., a review of the English text against the French, and if applicable, the Kinyarwanda versions. This review and check of the translation will by necessity have to be undertaken by lawyers, who ideally should be tri-lingual (French, English, Kinyarwanda), or at least bi-lingual in French and English. This review must be supervised by the Prime Minister's Translation Department and the Ministry of Justice's DLSC.
- e) In addition, it will be necessary to complete the translation from French into Kinyarwanda, utilizing the same method as that indicated in paragraph b), and also to provide for checking and editing the translation, as stated above in paragraph d).
- f) Finally, it will be necessary to undertake a general review of the 3 versions (Kinyarwanda, French and English) also by the Prime Minister's Translation Department and the Ministry of Justice's DLSC.

3. REVIEW OF DRAFT LEGISLATION.

Draft legislation is that which is prepared by the Legal Reform Commission within the Ministry of Justice. The texts proposed by the Commission already include the 3 versions in Kinyarwanda, French and English.

Thus, involved here is simply checking and reviewing the translations so that they are accurate and are in conformity with each other. The translation review should be undertaken by the Translation Department of the Office of the Prime Minister, or else by private persons, companies or institutions under a competitive bid; however, the translations must also be reviewed by the Ministry of Justice's DLSC.

4. TRANSLATION OF FUTURE LEGISLATION.

At the present time, the translation process is handled by 2 or 3 people in Parliament, 5 people at the Ministry of Justice, 5 at the Prime Minister's Translation Department, plus others at the Office of the President, or in total around 15 persons.²⁹

It would be appropriate and judicious to combine these staffs, train them, and instill in them a team spirit; it would also be equally appropriate to implement a pilot project that would look to the creation of a special translation unit, composed of highly-qualified and highly-specialized persons with an in-depth linguistic knowledge and knowledge of law, trained in the two legal traditions of Rwanda (civil law and common law). These specialists could be assigned to assist in Parliamentary debates, and thereby accelerate and improve the translation process, in the general process of enacting laws.

Taking the above comments into account, it has appeared appropriate and pertinent to the Consultant to formulate some recommendations so that a true translation service (or bureau) can some day be established in Rwanda.

4.1 Advantages of a Translation Office.

The International Consultant has seen no drawbacks in establishing such an office. On the contrary, below are several of the advantages to establishing one:

- a) It would implement the idea of a single office within the Rwandan Executive Branch and strengthen the mechanisms of autonomous agencies, one of the pillars of implementing the "client-professional" problematic within the Executive Branch, which

²⁹According to what was told the Consultant by Joseph N. Nambajimana, Director of Translations at the Office of the Prime Minister.

could gradually replace the lesser-performing "services-hierarchy" problematic.

- b) The creation of a translation office or bureau would allow for better standardization of the translation process: the same staff, trained to handle the problems and procedures of translation, could develop its own methodology, and therefore maintain the cohesiveness of the translation throughout the process involving the translation of laws and other legal texts.
- c) The establishment of such an office would constitute a timely consolidation of the translation service offices within the Rwandan Executive Branch. Instead of having separate translation departments spread out in each Ministry, there would be one combined translation department, something that would be far more beneficial to the Government.
- d) The implementation of a single translation office would meet the desired goals of accuracy and precision in translation, which in turn would redound to the benefit of the Executive Branch in the preparation of its decisions.

4.2 Structure.

In the first place, it is realistic to believe that the establishment and implementation of a translation office would not deprive either the Ministries of the Executive Branch or the Office of the President from having their own translation departments. In the desire to have better accuracy and efficiency in the translation process, such an office could only improve the translation services within the Executive Branch.

This translation bureau would fall under the responsibility of the Prime Minister or the Minister of Justice, taking into account their respective jurisdictions within the Rwandan Executive Branch in the area of translation and legislation.

Such a bureau would have available all of the necessary material (education, training, internship, documentation, access to Internet law-related data banks) and human resources required for the accomplishment of its tasks.

This bureau would be composed equally of tri-lingual translators and lawyers, with additional education in law, economics and finance.

4.3 Scope of Duties and Functions.

The scope of the translation bureau's duties and functions will naturally depend on the will of the Rwandan Executive Branch to give it as much importance as possible.

In the mind of the Consultant, this office might be entrusted with the following tasks:

- a) Centralization and handling of translation problems.
- b) Development of legislative techniques and preparation, and updating thereof insofar as concerns the legal interpretation of the different texts of Rwandan statute law.
- c) Study of what has been done in foreign countries in the matter of translation, i.e., in those nations that count French and English among their official languages (Cameroon, Canada, Mauritius, etc.).
- d) Preparing proposals and plans respecting linguistic policy that will then become the subject matter of directives or regulations issued by the Rwandan Executive Branch.
- e) Implementation of continuing education of the translation bureau's staff members through seminars and training programs having the following objectives:
 - Introduction to and enhancement of skills in Microsoft Word processing; this would allow translators to make translations using prior versions of the legal text (this seminar would also include those who participate in the preparation of draft legislation).
 - Introduction to legal language, specific vocabulary, the vocabulary of economics, finance, taxation, etc.
 - Team cohesiveness between the lawyers and non-lawyers.
- f) Implementation of a methodology and specific rules for translation and interpretation of laws and other legal texts.
- g) Actions benefiting other domestic or foreign institutions, agencies, entities or individuals (for example, by offering its services to bordering English-speaking countries), while billing for its services; this would also have the advantage of generating revenue and making the agency self-sustaining.³⁰

30 Involved here are activities that are conducted by certain translation bureaus, such as for example in Canada.

**IDENTIFICATION OF REGIONAL SEMINARS
AND OTHER EDUCATIONAL MEDIA**

Mission #5 entrusted to the International Consultant reads as follows:

"To identify regional seminars or other instructional sessions that are capable of providing training in comparative law to the staffs of the aforementioned agencies and recommend participants".

1. REGIONAL SEMINARS.

The Consultant has identified several regional universities from Uganda to Kenya to South Africa, as well as in Nigeria and Egypt, which would be capable of providing education and training in comparative law to the personnel of the SCAJE and the DLSC, both of which fall under the Ministry of Justice of Rwanda.

Among other universities, the Consultant has identified:

- 1) **Kampala International University**, whose "coordinates" are as follows: Office of the Academic Registrar, PO Box 20000, Kampala, Uganda. Telephone +256 (0) 77548099, +256 (0) 812707 or +256 (0) 77441711. E-mail: admin@kiu.ac.ug. This university is a private institution, located close to Kampala, and provides courses in law within its School of Law & Social Sciences, granting a Bachelor of Law (LLB) degree, which is the equivalent of what is called in Rwanda the "*License en Droit*". However, this university has not *per se* spoken of any specific program in comparative law that might be perfectly suited to the needs of the staffs of the aforementioned Ministry of Justice agencies.
- 2) **Maseno University, off Kisumu-Busia Road, Private Bag, Maseno, Kenya.** Telephone 254-35-51260 / 51622; Fax 154-35-51221 / 51153. However, this university does not offer any law course.
- 3) **Makerere University**, PO Box 7062, Kampala, Uganda. Telephone 256-41-530983, Fax 256-41-533809; Mobile phone 077-443608. The Consultant contacted this university to inquire whether it would be interested in providing a program in comparative law, but no response was received.
- 4) **University of Natal, Durban, South Africa.** This university gives courses in law. The Consultant is in contact with its representatives, notably Ronald Louw of the School of Law, but the Consultant was unable to obtain satisfactory information about this university's interest in providing training in comparative law.
- 5) **International Law Institute-African Center for Legal Excellence (ILI-Uganda)**³¹. This institute offers courses to the inhabitants of the countries of Sub-Saharan Africa; it is a correspondent school of the International Law Institute of Washington, D.C., and was financed by the World Bank. It was initially designed for Ugandan attorneys and professionals. Today it is financed by an Austrian development and cooperation program. This institute gives its courses in Kampala, but it can also design specific course for governments and other organizations. The courses are of the same quality as those offered in

31 The other satellites of the ILI in Africa are in Nigeria, serving the countries of West Africa, and in Egypt, serving the countries of North Africa and the Middle East.

Washington, DC, and most of the time are given by teachers from the United States. However, the Consultant has seen nothing specific in comparative law. Furthermore, one of the conditions for benefiting from this program is for the student to be fully conversant in spoken and written English³². In any event, the "coordinates" of this institute are: International Law Institute (Uganda), Legal Center of Excellence, Plot 50, Windsor Crescent, Kolodo, PO Box 23933, Kampala, Uganda. Telephone: 256-41-347-523. Fax: 256-41-347522. E-mail: administrator@ili.or.ug.

6) **UNISA, Johannesburg, South Africa. This is the university that appears most suitable to the needs of the above-mentioned Rwandan agencies insofar as concerns comparative law, and this, for the following reasons:**

- i) In addition to the fact that it is an old and prestigious university³³, **it gives courses in law at both the Bachelor's and Master's levels (notably comparative conflicts of laws, comparative method(s), the convergence of legal systems in southern Africa: a comparative perspective);**
- ii) Furthermore, **UNISA has the Institute of Comparative Law that operates within the Institute of Foreign and Comparative Law (IFCOL).** This institute, founded in 1964, specializes in research in international private and public law, and also in comparative law. Its research work is published (for example in The Comparative and International Law Journal of Southern Africa - CILSA) and also presented at conferences, seminars, etc. The institute also provides courses in comparative law. It has an affiliation with the Herbert Quandt Foundation of Munich, Germany, and also has an interest in the development of modern concepts of law, justice, equality and economic and political freedom, respecting the legal traditions of southern Africa. IFCOL's address is: Institute of Foreign and

³² Which, according to what the Consultant was able to determine, is not the case with all members of the staffs of the SCAJE and the DLSC.

³³ UNISA is one of the oldest and largest universities in the world, with more than 120,000 students. Founded in 1873, it is entirely public.

Comparative Law - UNISA - PO Box 392, Pretoria 003\03, South Africa. Telephone: (012) 429-8306; Fax: (012) 429-3321. E-mail: ifcol@unisa.ac.za.

- i. iii) Finally, **UNISA also provides courses in Uganda** through the intermediary of the Demtac Consulting Official Tuition Center, which is under the sponsorship and guardianship of the High Commission of South Africa in Uganda. This Center has satellites in Kampala, Mbale, Soroti, Lira, Gulu, Arua and Mbarara. The address in Kampala is 922 Old Kira Road, PO Box 1635, Kampala, Uganda. Telephone: -256-041-530 952 / 041 531 086 / 075-656 352, E-mail demtac1963@yahoo.com

The Consultant had a telephone interview with the Institute's Director, Professor Thomashausen, and he also met with **Professor Christian Schultze, Deputy Director of IFCOL**, in Johannesburg, South Africa³⁴. Professor Schultze confirmed to the Consultant **the University's and the Institute's interest in going ahead with the training and educational program in comparative law for the staffs of the SCAJE and the DLSC.**

Finally, what is also interesting is that this University and this Institute have broad experience with foreign non-English-speaking students in South Africa. They also provide training in English and in legal English.

Thus, what remains is only to continue the contact and establish the budget for this training, which will depend on where the courses are given, the number of participants and the actual program to be designed in concert between the Ministry of Justice and IFCOL, and then to put the necessary financing in place.

2. EDUCATIONAL MEDIA.

As regards the other educational media, the Consultant proposes the following for the training of the staffs of the SCAJE and the DLSC in comparative law:

- a) **Documentation:** The ordering and purchase of comparative law books are recommended, using French editions and also French-Canadian editions (in Canada, the understanding of Anglo-American law is much better, since it is that law which is used in that country).

34 When he moved in December 2002 for professional reasons, among other reasons, to Johannesburg in South Africa.

- b) **Internet, video conferencing, video courses:** The recommendation is to contact the French-speaking universities of Québec (University of Québec in Montréal and the University of Montréal) for organizing together with them either video-recorded courses in comparative law (the University of Montréal already has televised courses on Télé-Québec, for example) or Internet courses. The advantage of working with these universities is that they have an excellent understanding of Anglo-American law (which is the law practiced in North America), while at the same time they are French-speaking and thus can provide instruction in that language. One might also count upon a Canadian professor coming to Kigali to give a one-week or two-week seminar, for example.

Conclusion

This report presents the results of the work done by the International Consultant so far as concerns Missions Nos. 1, 2 and 5 entrusted to him under his Terms of Reference.

As he was requested in Mission No. 1, the Consultant has completed the MSD study that was required with respect to the logistical, personnel and financial aspects for translating, standardizing and compiling an official version of the Rwanda Criminal Code, reviewing the Gacaca Law and all laws falling under or within the Criminal Code and the Criminal Procedure Code that have been translated into English as of today, and to assemble all of this into one complete document.

The study appearing in this report embodies a work plan, the number and type of persons required, the number of work days, the approximate budget covering labor, and publication costs.

So far as concerns Mission No. 2, the International Consultant has provided recommendations for conforming the three official versions of any law (English, French, Kinyarwanda). His recommendations address the issues of simplicity of expression and application of the law, accuracy and precision.

Finally, so far as concerns Mission No. 5, the International Consultant has identified regional seminars or other teaching vehicles that would be favorable to providing education and training to the staffs of the aforementioned agencies, and to recommending the participants.

ACRONYM LIST

ACRONYM	DEFINITION
DLSC	Office of Legislation and Community Affairs <i>Direction de la Législation et des Services à la Communauté</i>
IFCOL	Institute of Foreign and Comparative Law
ILI	International Law Institute
MINIJUST	Ministry of Justice
SCAJE	State Legal Affairs and Litigation Department <i>Service du Contentieux et des Affaires Juridiques de l'État</i>
SLSC	Section for Languages and Conference Services <i>Section des Langues et des Services de Conférence</i>
UNISA	University of South Africa

**Dr. Denis Roumestan,
MSD Consultant**