

LAW N°18/2008 OF 23/07/2008 RELATING TO THE PUNISHMENT OF THE CRIME OF GENOCIDE IDEOLOGY

Chapter 1. GENERAL PROVISIONS

Article: 1 Purpose of this law

This Law aims at preventing and punishing the crime of genocide ideology.

Article: 2 Definition of “genocide ideology”

The genocide ideology is an aggregate of thoughts characterized by conduct, speeches, documents and other acts aiming at exterminating or inciting others to exterminate people basing on ethnic group, origin, nationality, region, color, physical appearance, sex, language, religion or political opinion, committed in normal periods or during war.

Article: 3 Characteristics of the crime of genocide ideology

The crime of genocide ideology is characterized in any behaviour manifested by facts aimed at dehumanizing a person or a group of persons with the same characteristics in the following manner:

- 1° threatening, intimidating, degrading through defamatory speeches, documents or actions which aim at propounding wickedness or inciting hatred;
- 2° marginalising, laughing at one’s misfortune, defaming, mocking, boasting, despising, degrading creating confusion aiming at negating the genocide which occurred, stirring up ill feelings, taking revenge, altering testimony or evidence for the genocide which occurred;
- 3° killing, planning to kill or attempting to kill someone for purposes of furthering genocide ideology.

Chapter 2. PENALTIES

Article: 4 Sentencing the crime of genocide ideology

Any person convicted of the crime of genocide ideology as mentioned in Articles 2 and 3 of this Law shall be sentenced to an imprisonment of ten (10) years to twenty five (25) years and a fine of two hundred thousand (200.000) to one million (1.000.000) Rwandan francs.

In case of recidivism, the penalty provided for in the preceding paragraph shall be doubled.

Article: 5 Penalty awarded to a genocide ideology convict found guilty of the crime of genocide

Any person found guilty of the ideology of genocide who was convicted of the crime of genocide, shall be sentenced to life imprisonment.

Article: 6 Penalties awarded to current and former leaders

In case the perpetrator of the crime of genocide ideology is a leader in public administrative organs, political organisation, private administrative organs, or a non governmental organs, a religious leader, or a former leader in such organs, he/she shall be sentenced to an imprisonment of fifteen (15) years to twenty five (25) years and a fine of two million (2.000.000) to five million (5.000.000) Rwandan francs.

Article: 7 Penalties awarded to associations, a political organization and non profit making organization

Any association, political organization or non profit making organisation convicted of the crime of the ideology of genocide shall be subject to a punishment of its dissolution in accordance with legal provisions relating to dissolution of associations, political organisations and non profit making associations and a fine of five million (5.000.000) to ten million (10.000.000) Rwandan francs without prejudice to individual liability of any participant in the commission of the crime.

Article: 8 Penalties for disseminating genocide ideology

Any person who disseminates genocide ideology in public through documents, speeches, pictures, media or any other means shall be sentenced to an imprisonment from twenty (20) years to twenty-five (25) years and a fine of two million (2. 000. 000) to five million (5.000.000) Rwandan francs.

Article: 9 Penalties awarded to children guilty of the crime of genocide ideology

In case a child under twelve years (12) of age is found guilty of a crime of genocide ideology, he or she shall be taken to a rehabilitation centre for a period not exceeding twelve (12) months.

In case a child who is found guilty of the crime of genocide ideology is between twelve (12) and eighteen (18) years, he or she shall be sentenced to a half of the penalty referred to in Article 4 of this Law, without prejudice to the possibility that a part or whole of the sentence may be served in the rehabilitation centre.

Article: 10 Follow up of a child who is in or was in a rehabilitation centre

An Order of the Minister in charge of rehabilitation centres shall determine procedures through which children referred to in Article 9 of this Law are followed up while in rehabilitation centres and during their social reintegration.

Article: 11 Penalties awarded to parents and to other guardians of the child

In case it is evident that the parent of the child referred to in Article 9 of this Law, the guardian, the tutor, the teacher or the school headmaster of the child participated in inoculating the genocide ideology, they shall be sentenced to an imprisonment of fifteen (15) years to twenty five (25) years.

A teacher or a director referred to in the preceding paragraph cannot be reintegrated into his teaching career.

Article: 12 Penalty awarded to a murderer, a conspirator or attempted murderer

Without prejudice to the provisions of Article 4 of this Law, any person who kills another, one who conspires or who attempts to kill basing on the ideology of genocide shall be sentenced to a life imprisonment.

There shall be no mitigating circumstance regarding this crime.

Article: 13 Penalties against false accusers

Any person found guilty of false accusations of the crime of genocide ideology referred to in Article 4 of this Law shall be liable to the punishment provided for by the penal Code.

Article: 14 Damages

Damages awarded to victims of the crime of the ideology of genocide shall be determined in accordance with provisions of civil procedure.

Chapter 3. FINAL PROVISIONS

Article: 15 Abrogating provisions

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

Article: 16 Commencement

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

Kigali, on 23/07/2008