

# **Organic Law n° 31/2007 of 25/07/2007 relating to the abolition of the death penalty**

## **Article 1: Subject matter of the Organic Law**

The subject matter of this Organic Law is the abolition of the death penalty.

## **Article 2: Abolition of the death penalty**

The death penalty is hereby abolished.

## **Article 3: Substitution of death penalty**

*(Modified and complemented by Organic Law n° 66/2008 of 21/11/2008)*

«In all the legislative texts in force before the commencement of this Organic Law, the death penalty is hereby substituted by life imprisonment or life imprisonment with special provisions as provided for by this Organic Law.

However, life imprisonment with special provisions as provided for by paragraph one of this Article shall not be pronounced in respect of cases transferred to Rwanda from the International Criminal Tribunal for Rwanda and from other States in accordance with the provisions of Organic Law n° 11/2007 of 16/03/2007 concerning the transfer of cases to the Republic of Rwanda from the International Criminal Tribunal for Rwanda and from other States.»

## **Article 4: Life imprisonment with special provisions**

Life imprisonment with special provisions is imprisonment with the following modalities:

- 1° a convicted person is not entitled to any kind of mercy, conditional release or rehabilitation, unless he/she has served at least twenty (20) years of imprisonment;
- 2° a convicted person is kept in isolation.

The law provides for the specific mode of enforcement and execution of life imprisonment with special provisions.

Cases of recidivism previously punishable by death or the following atrocious crimes are punishable by life imprisonment with special provisions:

## **Article 5: Crimes and corresponding penalties**

- 1° torture having resulted in death;
- 2° murder or other killing with dehumanizing acts on the dead body;
- 3° crimes of genocide and crimes against humanity;
- 4° acts of terrorism resulting in the death of persons;
- 5° rape of children;
- 6° sexual tortures;
- 7° establishing or running a criminal organization aimed at killing persons.

Other crimes which were previously punishable by death are punishable by life imprisonment.

## **Article 6: Death penalty on the convicted persons**

Without prejudice to the provisions of Article 7 of this Organic Law, all death sentences pronounced before the commencement of this Organic Law are hereby converted into life imprisonment or into life imprisonment with special provisions in accordance with Article 5 of this Organic Law.

If the sentence has been subject to a request for revision, the provisions of the preceding paragraph are applicable only after the final decision.

## **Article 7: Situations not altered by the abolition of death penalty**

The abolition of the death penalty does not remove the following :

- 1° incidental punishments to death penalty;
- 2° right to exercise civil proceedings by the victim;
- 3° damages and court fees decided by the court.

## **Article 8: Extradition requirement**

In case the crime for which extradition is required is punishable by death in the applying State, the Government shall not grant extradition unless the applying State produces formal guarantees that death penalty will not be executed.

## **Article 9: Repealing provisions**

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

## **Article 10: Coming into force**

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

Kigali, on 25/07/2007