



University of Rwanda

College of Arts & Social Sciences

School of Law

Introduction to Legal Research

Student Manual

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Epigraph

All progress is born of inquiry. Doubt is often better than overconfidence, for it leads to inquiry, and inquiry leads to invention.

Hudson

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INTRODUCTION

This manual in the form of course notes is designed for whoever wants to carry out legal research in a Rwandan perspective especially beginners in legal research. These include primarily law students at the early stage of their law studies. It may, however, be also helpful to any researcher (academics and practitioners) in the legal area since it contains a comprehensive brief content of legal research sources as well as their use though in a simplified way.

The main objectives of this manual are: to introduce researchers in the legal domain to different sources of law with the focus on Rwandan law and to initiate young legal researchers to the scientific legal research process and its different phases; but in a synoptic way. Therefore, this manual is understandably of great relevance to undergraduate law students writing their research proposals and dissertations.

The first part of this manual deals with different sources of law in Rwanda. The second one tackles phases of a scientific legal research. Worth noting is that this manual primarily draw on *Cours d'initiation à la recherche scientifique* notes prepared by Kalinda François Xavier in 2002-2003. The author is really grateful to him.

PART O. PRELIMINARY NOTIONS

Before one can understand legal research, it is relevant to grasp the meaning of both science and scientific research since legal research is a sort of scientific research.

0.1 Meaning & Categories of Science

0.1.1 What is Science?

When someone talks of “Science”, the image that comes in the mind of most people is test tubes, computers and the like. To some others, science means complicated courses such as Physics, chemistry, biology...studied by only the brightest students.¹ Though they receive a lot of publicity and many people think of them when they hear the word science, all those external trappings are part of science; viz natural science (chemistry, physics...) which is one of the two major lines of fields of science together with social science.

The term ‘science’ comes from the Latin word ‘Scientia’ meaning ‘knowledge’.² Indeed, “‘science’ refers to a system of acquiring knowledge”³. Science is also defined as “the pursuit of application of knowledge and understanding of the natural and social world following a systematic methodology”.⁴ Fields of science are classified into two major categories: natural science and social science.

0.1.2 Categories of science

0.1.2.1 Natural Sciences

Natural sciences study the natural world.⁵ Natural sciences comprise “disciplines that study objects or processes of the physical nature by means of scientific methods”.... Their goal is to understand

¹ A. BHATTACHERJEE, *Social Research: Principles, Methods, and Practices*, 2nd ed., Florida, Creative Commons Attribution-Non, 2012, p. 1.

² *Ibid.*

³ X., “The definition of science: What is science?” available at <http://www.sciencemadesimple.com/science-definition.html>, accessed on 30/03/2015.

⁴ Science Council, “What is science?” available at <http://www.sciencecouncil.org/definition>, accessed on 30/03/2015.

⁵ Science Made Simple, “The Scientific Method”, available at http://www.sciencemadesimple.com/scientific_method.html, accessed on 30/03/2015.

phenomena of the physical world by developing predictive models and testing them through scientific observations.⁶ Natural sciences include Biology, Chemistry, Physics,...

0.1.2.2 Social Sciences

Social sciences systematically study human behavior and society'.⁷ Social sciences 'deals with human society, social groups, individuals in their social relationship, institutions of society, as well as material and cultural goods as expressions of the coexistence of human being'. The goal of social sciences is to recognize patterns of collective action to which individuals contribute through their independent actions.⁸ Social sciences include sociology, psychology, economics, political sciences... They study how and why people behave as they do as individuals or in groups within the society.⁹

In a nutshell, natural sciences attempt discovering natural laws of phenomena in the physical world while social sciences attempt understanding the social aspect in human interaction; natural science epistemological approach is analytic (i.e. moving from the complex system to single elements) while for social sciences it is synthetic (i.e moving from individuals to complex system). Whereas natural sciences object of study is nature, the object of study of social sciences is social actors.¹⁰ Law falls within this category.

0.2 Meaning of Research & Types of Research

0.2.1 What is Research?

Research is defined in various ways. In everyday language, "research" means "search for knowledge".¹¹ According to Advanced Learner's Dictionary of Current English, research is "a careful investigation or enquiry specifically through search for new facts in any branch of

⁶ Jan OSSENBRINK and Annegret STEPHAN, 'What is the difference between social and natural sciences?', Doctoral Seminar on 'Research Methodology', 2013, p. 4.

⁷ Science Council, "What is science?" available at <http://www.sciencecouncil.org/definition> , accessed on 30/03/2015.

⁸ Science Made Simple, "The Scientific Method", available at http://www.sciencemadesimple.com/scientific_method.html , accessed on 30/03/2015.

⁹ James HALLOH, *Media Research as Social Science*, University of Leicester, 2010, p.1.

¹⁰ Jan OSSENBRINK and Annegret STEPHAN, 'What is the difference between social and natural sciences?', Doctoral Seminar on 'Research Methodology', 2013, p. 4.

¹¹ K. VIBHUTE and F. AYNALÉM, *Legal Research Methods*, Teaching Material, 2009, p. 10.

knowledge”.¹² Redman and Mory have defined research as “a systemized effort to gain new knowledge”¹³. Research is also defined as “the manipulation of things, concept or symbols for the purpose of generalizing to extend, correct or verify knowledge, whether that knowledge aids in construction of theory or in practice of an art”.¹⁴

The *Webster’s International Dictionary*, defines research as “a careful, critical inquiry or explanation in seeking facts or principles; diligent investigation in order to ascertain something” whereas according to *Webster Dictionary*, it is “a systematic investigation towards increasing the sum of knowledge”.¹⁵

Clifford WOODY points out that “research comprises defining and redefining problems, formulating hypothesis or suggested solutions; collecting, organizing and evaluating data, making deductions and reaching conclusions; and at last, carefully testing the conclusions to determine whether they fit the formulating hypothesis”.¹⁶ According to C.R. KOTHARI, research is “the pursuit of truth with the help of study, observation, comparison and experiment”. He adds that it is “the systematic method consisting of enunciating the problem, formulating a hypothesis, collecting the facts or data, analyzing the facts and reaching a certain conclusion either in the form of solution(s) towards the concerned problem or in certain generalizations for some theoretical formulation”.¹⁷ K. VIBHUTE and F. AYNALÉM define research as “the careful, diligent and exhaustive investigation of a specific subject matter with a view to knowing the truth and making original contribution in the existing stock of knowledge”¹⁸. They add that “It refers to the process and means to acquire knowledge about any natural or human phenomenon”.¹⁹

¹² Advanced Learner’s Dictionary of Current English quoted by K. VIBHUTE and F. AYNALÉM, *op. cit.*, p. 10.

¹³ L.V. REDMAN and A. V.H MORY, *The Romance of Research*, 1923, p. 10 quoted by K. VIBHUTE and F. AYNALÉM, *op. cit.*, p. 10.

¹⁴ D. SLESINGER AND M. STEPHENSON quoted by K. VIBHUTE and F. AYNALÉM, *op. cit.*, p. 11.

¹⁵ Quoted by K. VIBHUTE and F. AYNALÉM, *op. cit.*, p. 10.

¹⁶ Cited by C. R. KOTHARI, *Research Methodology: Methods and Techniques*, 2nd revised edition, New Delhi, New Age International Publishers, 2004, p. 1.

¹⁷ *Id.*, pp. 1-2.

¹⁸ K. VIBHUTE and F. AYNALÉM, *op. cit.*, p. 11.

¹⁹ *Ibid.*

As the prefix “re” in the word “research” suggests, the research is a continued, frequentative, intensive search for the truth and/or an inquiry for the verification of a fresh theory or for supplementing a prevailing theory.²⁰

Research as described above utilizes acceptable scientific methodology to solve problems and create new knowledge which is generally applicable. Scientific methods consist of systematic observation, classification and interpretation of data.²¹ Scientific method refers, also, to the ideas, rules, techniques, and approaches that the scientific community uses²² or the process by which scientists, collectively and over time, endeavor to construct an accurate (that is, reliable, consistent and non-arbitrary) representation of the world²³. Scientific method is also as “a logical and rational order of steps by which scientists come to conclusions about the world around them”.²⁴ A. BHATTACHERJEE defines ‘scientific method’ as ‘a standardized set of techniques for building scientific knowledge, such as how to make valid observations, how to interpret results, and how to generalize those results’.²⁵

0.2.2 Types of Research

0.2.2.1 Descriptive vs. Analytical Research

Descriptive research is the one whose major purpose is to describe the state of affairs as it exists at present. The researcher only report what has happened or what is happening. E.g. frequency of road accidents. In **Analytical research** the researcher uses facts or already available information and analyses them to make a critical evaluation of the material.²⁶ It involves evaluation of facts and information related to the research being undertaken. In other words, descriptive research attempts

²⁰ *Ibid.*

²¹ X., *Research Methodology*, p.3.

²² X. , “Advanced Qualitative Research”, available at <http://qualitative.wikidot.com/introduction-to-social-research> , last update 27 March 2010.

²³ X., “ Introduction to Scientific Method”, available at http://teacher.nsrj.rochester.edu/phy_labs/appendix/appendix.html , accessed on 30/03/2015.

²⁴ Science Made Simple, “The Scientific Method”, available at http://www.sciencemadesimple.com/scientific_method.html , accessed on 30/03/2015.

²⁵ A. BHATTACHERJEE, *op. cit.*, p. 5.

²⁶ C. R. KOTHARI, *op. cit.*, p. 3.

to determine, describe or identify “what” is while analytical research tries to find out ‘why’ it is that way or ‘how’ it comes to be.²⁷ E.g., why there is a high rate of road accident.

0.2.2.2 Basic vs. Applied Research

Basic (fundamental or pure) research is the one concerned with generalizations and with the formulation of a theory and is less concerned with practical context or utility. No attention is paid to any practical applications to the real world in this research. E.g. research about human behavior with a view to making generalizations about human behavior.²⁸ On the contrary, **Applied (action) research** is conducted to find a solution for an immediate, concrete problem facing the society, an industrial or business organization.²⁹ E.g. research to identify social, economic and political causes that may affect the independence of the judiciary in Rwanda.

0.2.2.2 Quantitative vs. Qualitative Research

Quantitative research is the one based on measurement of quantity or amount and applies to phenomenon that can be expressed in terms of quantity. **Qualitative research**, on the other hand, is the one that is concerned with qualitative phenomena, i.e. investigating reasons for human behavior (e.g. why people think or do certain things). It is a research aiming at finding out the underlying motives and desires using in-depth interview for the purpose³⁰.

0.2.2.3 Conceptual vs. Empirical Research

Conceptual research is the one related to some abstract idea(s) or theory. It is generally used by philosophers and thinkers to develop new concepts or to re-interpret existing ones while **Empirical research (also experimental research)** is, on the other hand, the one relying on experience or observation alone. It is a data-based research coming up with conclusions which can be verified by observation or experiment.³¹

²⁷ YANG, ‘*Basic Concepts of Research in Economics*’ available at <http://www.csus.edu/indiv/y/yangy/145Ch1.htm>, access on 06/04/2015.

²⁸ C. R. KOTHARI, *op. cit.*, p. 3

²⁹ C. R. KOTHARI, *op. cit.*, p. 3 and YANG, ‘*Basic Concepts of Research in Economics*’ available at <http://www.csus.edu/indiv/y/yangy/145Ch1.htm>, access on 06/04/2015.

³⁰ C. R. KOTHARI, *op. cit.*, p. 3.

³¹ *Ibid.*

0.3. Legal Research

0.3.1 Meaning of Legal Research

Legal research' is defined as “systematic investigation towards increasing the sum of knowledge of law’ or ‘a systematic finding or ascertaining of law on the identified topic or in the given area’ or ‘an enquiry into law with a view to making advancement in the science of law’”.³² Legal research is also defined as “the process of identifying and retrieving information necessary to support legal decision-making”.³³

Legal research is grouped in two broad categories: doctrinal and non-doctrinal legal research.

0.3.2 Categories of Legal Research

0.3.2.1 Doctrinal legal research

Doctrinal legal research is the research into legal doctrines through the analysis of statutory provisions and cases. Its emphasis is on the analysis of legal rules, principles or doctrines. Doctrinal research attempts to develop theories. It is a ‘research in law’. It involves systematic exposition, analysis and critical evaluation of legal rules, doctrines or concepts. The doctrinal legal research analyses black-letter of law; sticks close to primary source materials: constitution, legislation and leading judicial decisions. Doctrinal legal research is nicknamed ‘arm-chair research’ or ‘basic/fundamental research’ because the place and source their data (substantive legal rules, doctrines, judicial decisions) is the law library.³⁴

0.3.2.1 non-Doctrinal legal research

Non-Doctrinal legal research is research into the relationship of law with other behavioral sciences. It focuses on the relationship of law with people, social values and social institutions. It involves empirical inquiry into the operation of law. It intends to know to what extent certain legal rules work or have worked. Non-doctrinal legal research is research about the law and is interested in

³² K. VIBHUTE and F. AYNALÉM, *op. cit.*, pp. 22-23.

³³ *Ibid.*

³⁴ *Id.*, pp. 69-71.

knowing ‘law-in-action’ through empiricism. It is also termed ‘empirical research/ socio-legal research or non-library research’ since its data are primarily got from other sources than law, i.e. society.³⁵

³⁵ *Ibid.*

PART I: SOURCES OF LAW

Sources of law can be classified in formal as opposed to real/material sources³⁶, on the one hand, and primary as opposed to secondary sources of laws, on the other hand. But, for the purpose of this course the second classification is adopted for convenience purposes.

Primary sources, on the one hand, are authoritative records of rules laid down by bodies entrusted with the authority to declare law. They include laws (Constitution, International Conventions, Organic Laws, Ordinary Laws & Decree laws) and regulations.³⁷ Primary sources are not based on other written works; they are in their original form and are your raw material.³⁸

Secondary sources, on the other hand, discuss primary sources.³⁹ They are tools that help in finding, evaluating and understanding primary materials. They comment on the legislation and case law. They include textbooks, legal dictionaries & encyclopedias, legal journals, case law (jurisprudence),⁴⁰ etc. They are not binding authorities.

³⁶ “Formal sources of law are legislation, customs, case law and scholarly writing (the two former being uncontested sources but the later more historical sources of law)” while “real [material] sources are rather a set of moral, historical, economic and political data that arouse the evolution of the law”. See G. CORNU, *Vocabulaire Juridique*, pp. 838 and 832.

³⁷ S. THOMSON, F. X. KALINDA and F. ZIGIRINSHUTI, *Methods of Legal Research and Writing*, NUR, Faculty of Law, 2003, pp. 34-35.

³⁸ R. CA WHITE, *Writing a Research Paper*, 3rd ed., Leicester, University of Leicester, 1999, p. 3.

³⁹ *Ibid.*

⁴⁰ It should be reminded that case law is a secondary source of law only in civil law legal system countries. For common law legal system countries case law is a primary source of law as statutory sources.

CHAP. I. PRIMARY SOURCES

This chapter deals with domestic legislation as well as international treaties. Note, however, that their citation is covered under the topic about legal citation (footnote & bibliographic references).

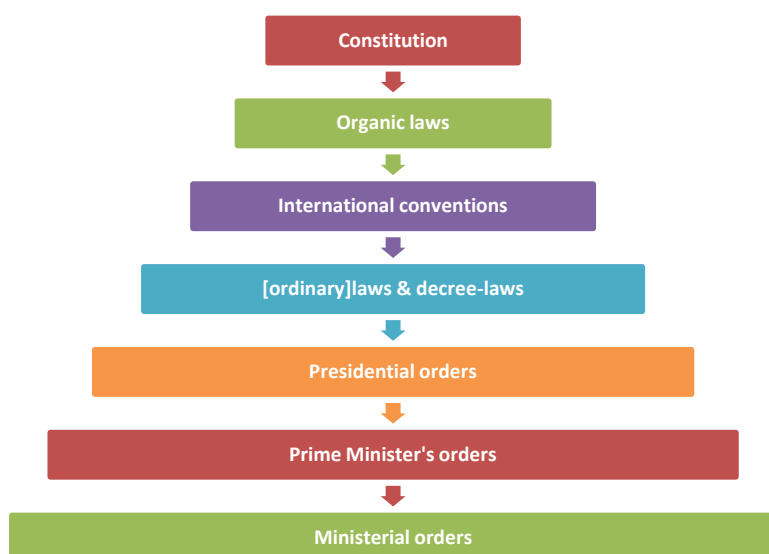
1. 1. LEGISLATION

Under this section the following points are dealt with: hierarchy of norms, structure of Rwandan legislation as well as the role of the Official Gazette of the Republic of Rwanda and internet in legal research.

1.1.1. Hierarchy of Laws

The principle of hierarchy of laws presides over the ranking of multiple texts that a legal system includes, determines their validity and ensures the consistency of the system. By law, the Constitution takes precedence over organic laws which also take precedence over international conventions/treaties ratified by Rwanda, which on their turn take precedence over ordinary laws + decree laws which in turn take precedence over the orders⁴¹.

Schematically, the hierarchy of norms can be presented as follows:



⁴¹ See Art. 95 of the Constitution of the Republic of Rwanda of 2003 revised in 2015, *O.G.* No special of 24/12/2015.

1.1.2. Structure of a Rwandan legislation

Any legislative text (law or act) has 4 main parts: title (1), author (2), preamble (3) & body of law (4).

(1) Title

Every legal text has one & only one title that includes the nature of the act, its number, the date and a brief statement of the act's content.

E.g: “Organic Law No 02/2010/OL of 09/06/2010 on Organization, Jurisdiction, Competence and Functioning of the Mediation Committee”

In this title:

- ✓ “**Organic law**” states the nature of the law; i.e an organic law
- ✓ “**No 02/2010/OL**” states the number of the act
- ✓ “**09/06/2010**” states the date on which the competent authority signed the said act. Not the date of its publication in the OG nor of its vote by the parliament.
- ✓ “**Organization, Jurisdiction, Competence and Functioning of the Mediation Committee**”, is the brief description of the act stating what it is supposed to cover or to rule.

The title must be brief, complete and concise. Its formulation must reflect the content of the act.

(2) Identification of the author or the authority whom the act is from

The following are the formats:

(i) For Laws (Org. Law & Ord. laws), Decree Laws and Presidential Orders

“We Paul Kagame,

President of the Republic”

Note that “We” is used instead of “I”. In addition, the formula mentioning the author of the act is followed by a sentence stating the adoption of the law by the parliament (chamber of deputies and senate) and its sanction and promulgation by the head of State who orders its publication in Official Gazette too.

E.g: “(...) *THE PARLIAMENT HAS ADOPTED AND WE SANCTION, PROMULGATE THE FOLLOWING ORGANIC LAW AND ORDER THAT IT BE PUBLISHED IN THE OFFICIAL GAZETTE OF THE REPUBLIC OF RWANDA.*

The parliament:

The Chamber of Deputies, in its session of 21 May 2010;

The Senate, in its session of 4 May 2010 (...)”

(ii) For Prime Minister’s and Ministerial orders;

“The Prime Minister or the Minister of (mention of the attribution of the minister, e.g. Minister of health)”

Note that the name of the Prime Minister or the Minister who enacted the act never appears on the said order.

(3) Preamble

The Preamble precedes the body text of the law. It states its legality, especially regarding:

(i) Legal basis: The legal norm that gives competence to the author

E.g.: “*Pursuant to the Constitution of the Republic of Rwanda of 04 June 2003 as amended to date, especially in its Articles 62, 66, 67, 88, 89, 90, 92, 93, 95, 159 and 201; (...)”*
(Mediation Committee law)

(ii) Prescribed formalities: consultation, advice of some organs, approval of some authorities, etc.

E.g.: *see different Presidential Orders (...after consideration and approval by the cabinet, given the law... authorizing ratification..., etc.)*

(iii) Reasons for law enactment: the preamble sometimes states reasons that led to the law enactment.

E.g.: *Organic Law n° 16/2004 of 19/06/2004 establishing the organization, competence and functioning of Gacaca Courts charged with prosecuting and trying the perpetrators of the crime of genocide and other crimes against humanity, committed between October 1, 1990 and December 31, 1994.*

(iv) If need be, the preamble can also mention the authority or organ that the proposal/request came from.

E.g.: *...On proposal by the Minister of....* (See for example PO N° 51/01 of 13/07/2010 establishing quality standards in higher learning institutions⁴²)

(4) Body of the law (dispositif)

It contains provisions which poses new principles (powers, rights, obligations, etc.) or create new institutions. It is subdivided into articles. If need be articles can be gathered in titles (E.g. Law No 07/2009 of 27/04/2009 relating to companies⁴³), chapters, sections, sub-sections (E.g. Organic Law No 51/2008 of 09/09/2009 determining the organization, functioning and jurisdiction of Courts⁴⁴).

In elaborated structure as the one of codes (civil code, penal code, etc.) articles can be gathered into book, title, chapter, etc. Each subdivision must have a specific and different title (denomination).

The body of the legal text is structured as follows:

⁴² In *O.G.*, n° 32 of 09 August 2010.

⁴³ In *O.G.*, n° 17 *bis* of 27 April 2009.

⁴⁴ In *O.G.*, n° special of 10/09/2008.

- ✓ The scope of application and probably the definition of some words;
- ✓ Enunciation of legislative norms:
 - General rules
 - Particular rules
 - Control measures, organ in charge of the control...
 - Sanctions, etc. (E.g.: Company Law)
- ✓ Necessary provisions to adapt the existing rules to the new one:
 - Transitory provisions

E.g.: Art. 104 of Organic Law on Gacaca of 2004 which reads as follows:

Persons convicted by Gacaca Courts in conformity with articles 32 and 37 of the Organic Law no 40/2000 of January 26, 2001 organizing prosecutions for offences constituting the genocide and crimes against humanity, committed October 1, 1990 and December 31, 1994, as modified and completed to date, serve their sentences in accordance with the provisions of this organic law. Those who have already served at least six (6) months of imprisonment shall be released immediately after the publication of this organic law in the Official Gazette of the Republic of Rwanda.

- Repealing provisions

E.g.: Art. 105 of Organic Law on Gacaca of 2004 which reads as follows.

Organic Law n° 08/96 of August 30, 1996 organizing proceedings for offences constituting the crime of genocide and crimes against humanity committed from October 1, 1990 and Organic Law n° 40/2000 of January 26, 2001 setting up Gacaca Courts and organizing prosecutions of offense constituting the crime of genocide and crimes against humanity, committed between October 1, 1990 and December 31, 1994 as modified and completed to date, and all previous legal provisions contrary to this organic law, are hereby abrogated

Note that only some articles of an existing law can be modified or repealed. To recognize them one has to refer to “repealing provisions”.

✓ Provisions related to the entry into force

Laws, orders & regulations of public interest can only enter into force after their publication in accordance with procedures determined by the law (art. 201 Constitution). So when the law complies with this principle, no need to mention its entry into force in the body of the said law.

However, when the entry into force of legislation derogates to the general rule, it is important to precise this moment by a specific provision. The entry into force can coincide with the date of the signature, the date of publication in the Official Gazette or a specific date (e.g. from the academic year 2009 onwards), on a posterior date.

✓ Place, date & signature

The body of the law is followed by the name of the place where the act was signed, the date and signature of the involved authorities. Apart from the president’s signature, laws and presidential orders sometimes back were followed by the signatures of ministers in charge of its application. By the present time it is only the prime minister and the minister of justice who sign acts signed by the president.

E.g.: Gacaca law (2004)

Kigali, on 19/6/2004

The President of the Republic
KAGAME Paul
(sé)

The Prime Minister
MAKUZA Bernard
(sé)

The Minister of Justice
MUKABAGWIZA Edda
(sé)

The Minister of Local Government,
Community Development and Social Affairs
BAZIVAMO Christophe
(sé)

Seen and sealed with the Seal of the Republic:

The Minister of Justice
MUKABAGWIZA Edda
(sé)

✓ Annexes

They comprise text, charts, tables, plans, cards, maps...which cannot be integrated into the text body but are attached to it. If they are many they are numbered (letters or digits) and they are signed by all those who signed the principle legal text to which it is attached.

E.g.: Presidential Order regulating traffic, Organic Law No 51/2008 of 09/09/2009 determining the organization, functioning and jurisdiction of Courts, Ministerial Order n° 001/2008 on land lease, etc.

1.1.3. Role of the Official Gazette of the Republic of Rwanda (OGRR or OG) & Codes

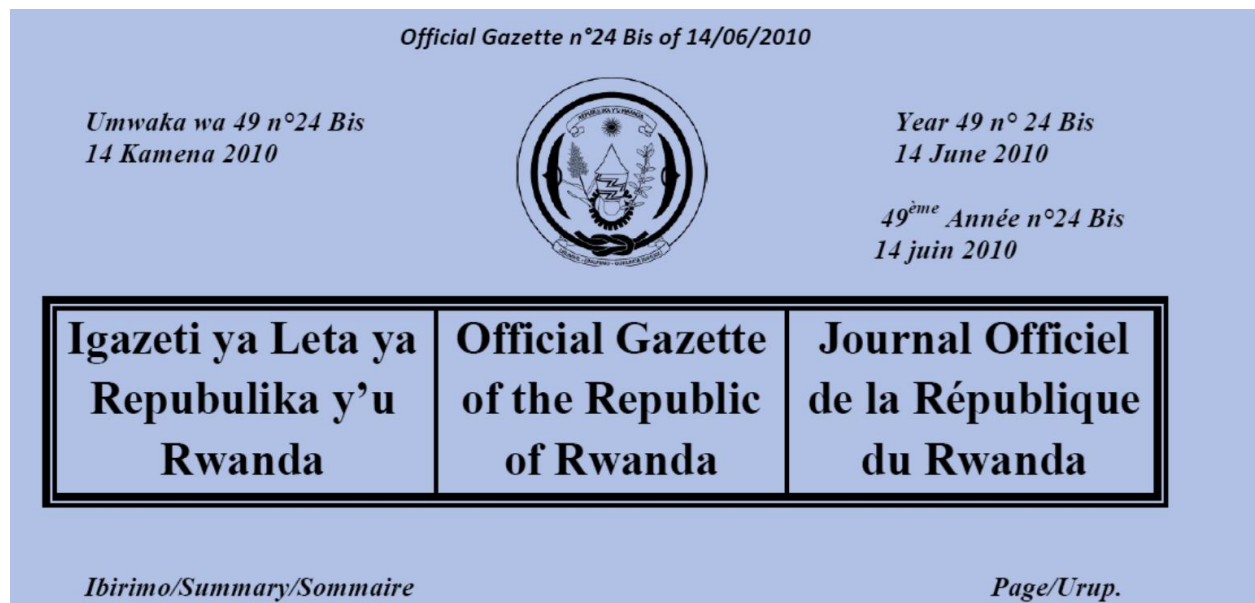
The OGRR is the only official gazette where any legal text has to be published to enter into force. Once the legal text is published in the Official Gazette it becomes binding. So, this is the primary source where the authentic legal text has to be searched.

Even if legal texts are accessible through internet, the official version is the one found in the Official Gazette. Any legal text is published in the Official Gazette in 3 languages except those published before 1994 which are only found in Kinyarwanda and French which were the only official languages.

Presentation of cover page of the OG

On the top of the cover-page, there are the number of the year of publication, the number and the date of publication. They help in finding the legislation one is looking for since on the same date two or more official gazettes may be published & in libraries official gazettes are classified according to their year of publication.

- E.g.:



Several laws in use in the Republic of Rwanda have been recently gathered in codes which make easier the research of a given legislation once the researcher knows the branch of law to which it belongs.

There are five codes:

- Vol. 1: Constitutional law, Political Institutions, Treaties & International Conventions
- Vol.2: Administrative law
- Vol. 3: Judicial and Criminal law
- Vol. 4: Private Law and Social Law
- Vol. 5: Business Law

1.1.4. Role of Internet (www.primature.gov.rw & www.lip.gov.rw)

Since 2006 it is possible to reach most of the Rwandan legal texts through internet by logging on www.lip.gov.rw. In addition, one can find laws that were published in the Official Gazette from 2004 on the website of the Office of the Prime Minister (www.primature.gov.rw). To use this website, however, one has to know the exact official gazette in which the legal text they are looking for has been published since it not possible to search using keywords.

1.2. INTERNATIONAL TREATY

1.2.1. Characteristics & Structure of International Treaty

(1) Characteristic of an International Treaty

A treaty is defined (in simple wording) as a contract between international law subjects, i.e. states and international organizations. By the treaty, States agree on rights and duties regarding a specific object which binds them. Non compliance to the terms of the agreement may lead to sanctions.

The treaty (as a contract) produces effects only on states parties and the latter are the only one to be bound by the said treaty. Noteworthy is that a country can choose not to be bound by some provisions of the treaty and in so doing it is said that a country has made a “reservation”. The law of treaties is regulated by Vienna Convention of 1961. Note that in international law, the word treaty is synonym to convention, protocol, agreement, arrangement, statute, etc.

(2) Structure of an International Treaty

International treaty starts by the preamble which justifies the necessity and the importance of the said treaty, then comes the definition of concepts used in the treaty followed by provisions related to the actual matter of the treaty. At the end of the treaty comes maintenance provisions (e.g.: special organ, commission to which the states have to report on the fulfillment of treaty duties) and final provisions that state requirements for signature, ratification, accession & entry into force. Usually a provision related to the authentic language of the said treaty is inserted at the very end of the treaty.

Often signing States of a given treaty are annexed to it. If not, it is important to find (for ex. on internet) the list of signing, ratifying or accessing states to know how binding a treaty is on a specific state.

1.2.2. How to find a treaty ratified by Rwanda?

There are two main ways to find treaties ratified by Rwanda. The first and easiest way is to go online and find the website that provides information on that treaty and check states that have ratified it. For instance, for treaties signed in the UN context, the researcher can go on <http://treaties.un.org> and click on “Status of Treaties (MTDSG)” then choose the domain of the treaty on which you are doing research. On the list that appears, click on the name of the said convention.

Example: to know whether Rwanda is a member state to the convention on the punishment of the crime of genocide of 1948, one has to go to:

<http://treaties.un.org> → Human Rights → Convention on prevention & punishment of crime of genocide of 1948 → Rwanda 16 April 1975 (a).

Note: other UN documents are available at : <http://www.un.org/en/documents/index.shtml>,

The second way is to look in the Official Gazette. This way is difficult since the researcher needs to know at least the date or number of the Official Gazette in which the law ratifying a convention was published. However, one can also consult the Ministry of Foreign Affairs (legal advisor's office) to determine the status of the treaty since it is the one in charge of publishing international treaties ratified by Rwanda (a booklet is supposed to be published yearly on this matter).

CHAPTER II: SECONDARY SOURCES

Under this chapter case law and scholarly legal writings are discussed as secondary sources of law in the Rwandan legal system.

2.1. CASE LAW

This section deals with national (A) and international case law (B) respectively.

2.1.1. National Case Law

Case law (“Jurisprudence” in French) is a set of decisions rendered by courts.

(1) Role of Case Law

A single decision depending on the change it can introduce can also play a great role as the one played by case law in the common law system. The judicial decision is important for the researcher/lawyer as s/he will often have to refer to judgments to support his/her arguments.

Case law fulfills at least 4 roles: interpretative, auxiliary (supplétif), evolutive & provocative roles.

Interpretative Role

It is the duty of the judge, faithful servant of the law, to decide the case submitted to him/her by applying the proper legal text. Yet, legal texts are written in general or ambiguous terms and should be interpreted.

Auxiliary Role

When the judge is faced with a situation that is not regulated by the law, the judge must make up for the lacuna with the inspiration of the solutions from the scholarly legal writings and case law.

Progressive Role

The application of legal rules to disputes allows their adaptation to the evolving situations of life in the society.

Provocative role (*Rôle Incitatif*)

By his/her decision, the judge may draw the attention of the legislators on the need to intervene so as to fill the gaps in or amend the law.

However, we must not forget that under the Rwandan legal system, only case law from the Supreme Court is a binding source of law as it is binding on other courts⁴⁵.

The Rwandan case law (selected courts' decisions) is published by the Supreme Court in Rwanda Law Reports (*Recueil de la jurisprudence* in French or *Icyegeranyo cy'Ibyemezo by'Inkiko* in Kinyarwanda) and is also available on the website of the judiciary in Rwanda (www.judiciary.gov.rw).

In case the researcher wants a case which is not published, he/she has to go to the court that rendered the judgment and get its copy to which anyone is entitled after payment of the related fees.

(2) Structure of a Rwandan Judgment

Every Rwandan judgment has two most important parts. The first stating reasons (motives) on which the judge based his/her decision (*Motifs*) and the 2nd contains the decision (*Dispositif*).

In as far as the structure of the judgment is concerned two different period should be distinguished: i.e. before and after 2010.

a) Structure of a Rwandan judgment before June 2010

⁴⁵ Art. 47 Organic Law No 03/2012/OL of 13/06/2012 determining the Organization, Functioning and Jurisdiction of the Supreme Court, *O.G.*, no 28 of 09/07/2012.

As for the format, a judgment written before June 2010 was written in a single sentence and has 4 main parts: (i) heading, exordium (ii), motivation (iii) and (iv) the decision (dispositif).

i) The Heading

The heading must contain:

- Numbering & pagination
- The name of the court
- Nature of the case
- Date of the judgment
- Identification of parties
- Object of the case

E.g: Succession Gatabazi Vs BK

URUBANZA RCOMA 0012/10/CS

Urupapuro rwa 1

URUKIKO RW'IKIRENGA RURI I KIGALI RUHABURANISHIRIZA IMANZA Z'UBUCURUZI, RUCIYE MU RUHAME URUBANZA RCOMA 0012/10/CS KUWA 24 NZERI 2010 MU BURYO BUKURIKIRA:

HABURANA:

Uwajuriye: *Succession GATABAZI R. MANZI* igizwe na : MUJAWAMARIYA Cathérine, GATABAZI Carine, GATABAZI Marcelline, GATABAZI Céline, GATABAZI David (uhagarariwe na nyina) na GATABAZI Daniel (uhagarariwe na nyina).

Uregwa: *BANQUE de KIGALI (BK)* mu izina ry'uyihagarariye, BP 175 Kigali.

IKIBURANWA: - *Contraindre la BK à remettre à la succession GATABAZI les titres de propriété déchargés de toute hypothèque sur les parcelles n° 5594/Kicukiro et 2890/Nyamirambo, Dommages et intérêts, Frais de procédure et honoraires d'Avocat*

ii) Exordium

This is the judgment part where are exposed the followed procedure, uncontested facts originating the dispute and parties' allegations and their arguments basis as well. It is the narrative or descriptive part of the judgment as to be opposed to the motivation which consists of analysis and demonstration of the legal truth. In the old system of judgment writing, it was introduced by "Rumaze kubona" and "Rumaze kumva". The exordium of the judgment in the old format has the same content as the "introduction/facts" in the new structure of the judgment since it is the matter of statement of facts and procedural history in the two.

E.g.:

URUKIKO,

RUMAZE kubona ko kuwa 29/06/2007, HABIMANA Stiveni yatanze ikirego cyo gutambamira imikirize y'urubanza RCAA 0386/05/HC/RUH rwaciwe n'Urukiko Rukuru rwa Repubulika, Urugereko rwa RUHENGARI, kuwa 24/02/2006;

RUMAZE kubona ko muri urwo rubanza, KAREGEYA yaburanaga na MULINDAHABI, uyu nawe akaba yaraburanirwaga n'umuhungu we MUNYAKAZI, Urukiko rwemeza ko ubujurire bwa KAREGEYA bwashyirwa, ko indishyi MUNYAKAZI asaba atazihabwa, maze ruhamishaho imikirize y'urubanza RCA 007/70/200;

iii) Motivation

As a principle of fair trial, it is an obligation for every judge to motivate the decision (art. 141§2 Constitution). The motivation is the "heart" of judgment. It is in this part that the judge presents reasons that led him/her to take the decision. In the old system of judgment drafting, it started by the word "*Rusanze*" (Finds that). In the new judgment structure, it is found under the heading "*Uko urikiko rubibona*" (the court's position/opinion) or "*isesengura ry'ibibazo bigize urubanza*" or "*ibibazo bigize urubanza n'isesengura ryabyo*" (Examination/Analysis of the Issues).

E.g.: 1) SC Kigali, 26/09/2008, Prosecution Vs P. M. N.. Judgment No RPAA 0056/06/CS. (old structure)

Rusanze kubyerekeye iyakirwa ry'ubujurire bwa Pierre Marie NOAH mu Rukiko Rukuru rwa Repubulika, ingingo ya 126 y'itegeko ryo kuwa 23/02/1963 ryagengaga imiterere, imikorere n'ububasha by'inkiko yerekeye abagombaga gutanga ingwate y'amagarama ntaho ivuga ushinjwa, bisobanura ko ushinjwa atasabwaga amagarama; kuba rero Urukiko Rukuru rwa Repubulika rwaranze kwakira ikirego hashingiwe kuri iyo mpamvu bikaba binyuranyije n'iyi ngingo yakoreshejwe igihe cy'ubujurire;

Rusanze rero ubujurire bwa Pierre Marie NOAH mu Rukiko Rukuru rwa Repubulika bwaratanze mu buryo bukurikije amategeko;

2) *Erlinder case* (new judgment structure)

EXAMINATION OF THE ISSUES

Whether the Judge had jurisdiction to try the appellant

[18]. The appellant contends that the Judge did not have material and territorial jurisdiction and the prosecution argues that he had, as shown.

3) *SC Kigali, 03/09/2010, FINA BANK s.a.Vs J.B. Nta., Judgment No RCMA 0045/09/CS.* (new structure)

II. ISESENGURA RY'IBIBAZO BIGIZE URUBANZA.

A . Ubujurire bwa FINA BANK

Ubujurire bwa FINA BANK bukubiye mu ngingo zikurikira:

- a. Urukiko rwirengagije amasezerano yo ku wa 20/12/2002 aho bumvikanaga na NTAGANDA ko inyungu zibarirwa ku 10 %.

iv) The Decision

It is the principal part of the judgment where the judge provides the solution to the matter submitted to the court. Traditionally, it is introduced by the words “*kubera izo mpamvu zose...*”(par ces motifs...).

This part is concise and the judge often uses the present tense “Rwemeje”, “Rutegetse”, “Rukijije”, etc, that is *says, orders, condemns, it is ordered*, etc.

E.g.: SC Kigali, 26 Sept. 2008, Prosecution Vs P.M.N., Judgment RPA 0056/06/CS.

Kubera izo mpamvu:

Rwemeje kwakira ubujurire bwa Pierre Marie NOAH n’ubwa RWIGASS CIGARETTE COMPANY kuko bwaje mu buryo no mu nzira bikurikije amategeko;

Rwemeje ko ukureka urubanza kwasabwe na RWIGASS CIGARETTE COMPANY kwakiriwe;

Rwemeje ko ubujurire bwa Pierre Marie NOAH bufite ishingiro kubyerekeye iyakirwa ry’ikirego mu Urukiko Rukuru rwa Repubulika;

Rwemeje ariko ko ubwo bujurire nta nshingiro bufite kubyerekeye urubanza mu mizi yarwo;

Rutegeste RWIGASS CIGARETTE COMPANY na Pierre Marie NOAH gufatanya gutanga amagarama y’urubanza anganana 33.000frw., umwewese akariha ½ cy’ayo ;

In the new judgment structure the decision is found under the heading: “Order of the Court”, “*Icyemezo cy’Urukiko*”, “*Décision de la Cour*”.

E.g.:

1) Erlinder Case,

ORDER OF THE COURT

[41]. It is ordered that Prof. Carl Peter Erlinder be hereby unconditionally released from detention on health grounds as explained above.

2) RCOM 0440/08/HCC

R COM 0440/08/HCC

05/08/2009

6

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IV. DECISION DE LA COUR.

19. Statuant publiquement et contradictoirement,

3) *SC Kigali, 03/09/2010, FINA BANK s.a.Vs J.B. Nta., Judgment No RCMA 0045/09/CS.*

III . ICYEMEZO CY'URUKIKO

[40] **RWEMEYE** kwakira ubujurire rwashyikirijwe na FINA BANK kuko bwaje mu buryo no mu nzira bikurikije amategeko;

[41] **RWEMEYE** kwakira ubujurire bwuririye ku bundi bwa NTAGANDA Jean Baptiste kuko bwaje mu nzira no mu buryo byemewe n'amategeko;

b) A note on the structure of a Rwandan judgment after June 2010

From June 2010 the Supreme Court of Rwanda formally adopted a new structure that should be followed, as much as possible, by judges in Rwanda while writing judgments and it has 3 parts: *Imiterere y'urubanza* (Introduction/Facts/Issues), *Isesengura ry'ibibazo bigize urubanza* (Analysis of issues/Reasoning) and *Icyemezo cy'Urukiko* (Conclusion/Decision of the court).⁴⁶

Imiterere y'urubanza should contain the narrative of how the matter got before the court, the controlling facts in a case, and the specific legal or factual issues necessary to a determination of

⁴⁶ Anon., *Judgment Writing in Rwanda*, Course Manual, ILPD, pp. 4 and 30.

the case. *Isesengura ry'ibibazo bigize urubanza* should include each identified issue analyzed in light of the identified facts and applicable law. Finally, *Icyemezo cy'urukiko* should indicate the court's intent as to how it will dispose of the case.⁴⁷ It is worth to note that the analysis shows that writing of judgments following the new structure recommended by the Supreme Court is not unanimously done. In fact, in some judgments you will find 4 subdivisions ((I) *Imiterere y'urubanza*; (II) *Imigendekere y'urubanza*; (III) *Isengura ry'ibibazo bigize urubanza* and (IV) *Icyemezo cy'urukiko*)⁴⁸ instead of the aforementioned three parts.

2.1.2. International Case Law

General note on ICL

International Case Law is a decision rendered by an International court. International courts include International Criminal Court (ICC), International Court of Justice (ICJ), and International Criminal Tribunal for Former Yugoslavia (ICTY) and International Criminal Tribunal for Rwanda (ICTR). There are also regional courts whose case law can also be considered as international like African Court on Human and Peoples' Rights (ACHPR) in Arusha-Tanzanie, European Court of Human Rights (ECHR) in Strasbourg-France and Inter American Court of Human Rights (IACHR) in San José-Costa Rica.

Case law of these courts can be easily found on internet by visiting their respective websites; namely:

- www.icc-cpi.int for ICC;
- www.icj-cij.org for ICJ;
- www.unicttr.org for ICTR⁴⁹;

⁴⁷ *Ibid.*

⁴⁸ See for instance SC Kigali, 18 June 2010, Judgment RS/INCONST/CIV 0001/10/CS; SC Kigali, 14 Jan. 2011, M. J. Vs BP Kibungo Branch, Judgment N° RCOM A 0046/09/CS; HCC Kigali, 12 Feb. 2011, Alpha Palace Hotel Sarl Vs RRA, Judgment R.Com)271/10/HCC; HCC Kigali, 30 Sept. 2010, Millenium Technologies S.A.R.L Vs FINA BANK s.a., Judgment RCom 0144/09/HCC, etc.

⁴⁹ It should be noted however, that , for ICTR and ICTY that have completed their functions a Mechanism for International Criminal Tribunals (MICT) was established (by the UN Security Council Resolution S/Res/1966(2010) of 22 December 2012) to continue their remaining essentials functions and there are also cases of this mechanism. See <http://unmict.org/index.html> for details.

- www.un.org/icty for ICTY;
- <http://www.african-court.org> for ACHPR;
- <http://www.echr.coe.int> for ECHR; and
- <http://www.corteidh.or.cr> for IACHR.

Structure of judgments of these courts is different. However, all of them start by stating involved parties, the date and place of judgments. For other relevant parts, judgments contain headings that can guide the researcher through the judgment. It is worth to note that some international case law ends with the opinions of judges. There exist dissenting and concurrent opinions (a.k.a. concurrences or dissents)

A dissenting opinion is the one expressed by a judge after the decision is given to express his/her own position on the issue. It is about the disagreement of the said judge on both the motivation and the decision taken by the court. A concurrent opinion, on the other side, is the one given by a judge who actually agrees with the final decision but disagrees with the way the court motivated it.⁵⁰

2.2. SCHOLARLY LEGAL WRITINGS (DOCTRINE)

Scholarly Legal Writings (written legal opinion) or *Doctrine* in French refers to the body of opinions on legal matters expressed in writings like books and articles. It includes commentary on existing legislative acts, discussions on issues preceding the promulgation of a new legislation, suggested interpretation on new legal provisions, commentary on courts decisions, publication of text books for legal education, etc.

Scholarly legal writings can be classified in *de lege lata* and *de lege ferenda* writings. The first explains the legal texts and accounts for the way legal texts are applied. The second criticizes and suggests the softening of the case law as well as legal modifications.

One can also distinguish scholarly writings on legislation, scholarly writings on case law and scholarly writing for legal education. Scholarly writings on legislation consist in commentaries on

⁵⁰ See also Orin S. KERR, 'How to Read a Judicial Opinion: A Guide for New Law Students', p. 4 available at <<http://euro.ecom.cmu.edu/program/law/08-732/Courts/howtoreadv2.pdf>>, accessed on January 17, 2012.

legal texts governing the subject matter that the authors analyses, clarifies and synthesizes. They generally discuss new legal texts that have not yet been applied by courts. Scholarly writings on case law comments courts' decisions. It can comment a single decision or series of decisions within a certain period of time on the same matter to check whether there is uniformity or divergence in case law. Finally, writings for legal education are synthesized commentary a branch of law (like civil law) or a subdivision of law (like tort law) which is designed for academic purpose.

To find a relevant book or paper related to one's research it is important to know how to transform his/her topic into keywords. Do not be tempted to find a book entitled exactly as your topic is formulated (often such a title does not exist or you will be tempted to make a plagiarism). Keywords inform you on disciplines and books related to your topic and that can guide you during your research.

2.2.1. Consultation of scholarly legal writings

In practice many authors begin their research by consulting legal writings before consulting legislation and case law, because, in principle, scholarly legal writings offer the matter in a more orderly, clear and synthesized way compared to legal texts and case law.⁵¹

When the researcher has gathered the documentation necessary for the research is important to know how to consult them. The common sense recommends that one proceeds from the general to particular documentation since it is convenient to have a general view on the subject matter in order to define it well and to set it within a context. In addition, general works refer to specialized and deep-detailed works.

Also, one can consult the documentation from the *de lege lata* to *de lege ferenda* legal writing; but this principle is difficult to apply since it is at the end that you can know the descriptive or critical character of a piece of work.

⁵¹ S. THOMSON, F.X. KALINDA AND F. ZIGIRINSHUTI, *op. cit.*, p. 47.

2.2.2. How to consult a textbook

A book comprises different parts (cover, title page, introduction, table of contents...). However, it is the table of contents that helps the researcher to quickly notice whether a book can be useful for his/her research.

Part. II: PHASES OF SCIENTIFIC LEGAL RESEARCH

Chapter I. PRE-DRAFTING PHASES

A scientific research begins by the formulation (identification) of the research problem where the student is not given one. However, this shall be covered in third year in the course of “Research Methodology”. Thus, for the purposes of this course only reading and taking notes shall be covered.

1.1. Reading & use of the documents

If the gathered documentation is abundant, the researcher risks to waste much time. It is sometimes useless to read all the documents and only essential and important works should be read. Selection is thus unavoidable.

The introduction to the art of research can amount to three recommendations concerning the reading order, note taking and classification of information.

1.1.1. Reading Order

The available documents should be read from the most general to the most specific. It is important to note that reading from *de lege lata* to *de lege ferenda* scholarly legal writings is inconvenient since it is after reading that one can know the descriptive or critical character of the document.

1.3.2. Note taking

Reading the documentation will result in taking notes or making photocopies. Note or photocopy the only information that has direct relevance to the topic.

It is advisable to accompany those notes with personal remarks, reference to further readings and transition with different aspects of the problematic without delay in order to lay foundations for his/her own work (research). As long as you take notes or photocopies, identify their sources by accurate & complete references.⁵²

⁵² See also R. CA White, *op. cit.*, p. 4.

1.3.3. Classification of information & tentative plan

Any reading must be accompanied by notes/records kept in reading files even if you only have to pick one sentence from the book or to indicate that the book is of no interest.⁵³ In most cases, you will remember reading something but will not know where you read it. If you have kept detailed record of your reading, you should be able to track these references. You can make reference cards as below:

Research on: (your research topic)

Author (s):

Year of Publication:

Title of article/chapter:

Title of book or journal:

Volume Number:

Publisher and City:

Where available: mention the location (Main library, Law library, ...)

NOTES: your summary about the document that you have read including but not limited to the interesting points for your research

Where one has already read legal texts relating to the topic, some court decisions and a couple of general comments (secondary sources), it is absolutely necessary to draw a provisional & personal plan. The aim of this plan which highlights the delineations and guiding forces of the problematic is structuring the written presentation that is to come next.

This provisional plan also helps to avoid one major weakness (shortcoming) of many researchers: to stray from the topic to handle by being passively guided by sources. Records (notes & photocopies) should be kept following the provisional plan.

⁵³ For classification of information, see R. CA White, *op. cit.*, pp. 3-4.

The main characteristic of the tentative plan is flexibility: designing the tentative plan is not to determine once and for all the structure of the work; but to determine headlines and major subdivisions it should take. Further reading may lead the researcher to modify the tentative plan.

It should be noted that when the researcher believes s/he has sufficient “raw material” to develop the issue from all its angles, s/he should stop researches and start writing.

CHAPTER II: DRAFTING

This is the exercise of incorporating the consulted sources in a written work. The structured and essential centered work is a personal, coherent and critical synthesis of the theme being developed.

Characterized by the rigorous reasoning and clarity of expression, the written work must have footnotes which do not exempt the author from producing the bibliography. It ends with a table of contents. When it is at the beginning (in some instances) it is known as synopsis.

Note that the writer’s efforts should be on both the substance and the form.

2.1. The rigorous reasoning & clarity of expression: the style

Style is an important element of the writing work in the sense that it is necessary to arouse the desire of reading and keep the reader’s attention. A good writing should thus have a clear style that keeps the reader’s attention. The serenity, objectivity and cleanness of the text in a harmonious form make qualities of a good scientific piece of writing.

2.1.1. Clarity

It allows not only a better understand but also the persuasion of the reader by guiding him/her according to the main idea; i.e. without digression and repetition. While simplicity and clarity are signs of a better understanding of the topic, technical (legal) terms should be used where necessary. The writer (researcher) should ensure a proper use of capital letters and punctuation marks.

(1) Proper use of capitals: consider general grammatical rules & for legal writing see for instance S. THOMSOM, F. X KALINDA and F. ZIGIRINSHUTI.⁵⁴

(2) Proper use of punctuation marks

Punctuation plays a major role in legal citation, reference & abbreviation. It helps, for instance to know whether a text is quoted or a word is shortened (abridged). Punctuation marks that are commonly used in legal writing include: comma, full stop (period US), semi-colon and inverted commas (quote marks US).⁵⁵

2.1.2. Maintain the reader's attention

It is important to make sure that the rhythm of sentences & the structure of the text: homogeneous presentation, sentences with reasonable length, text ventilation, etc. It is required to mark the text so as to guide the reader: sufficient number of subdivisions, introductory paragraph & conclusion.

2.1.3. Objectivity

In a scientific work, the passion must only be limited to the style. The researcher must evaluate facts objectively and avoid influencing the reader by his/her own feelings and by avoiding to be biased.⁵⁶

2.1.4. Cleanness of the text

Without prejudice to the substance, it is required to clean the text by ensuring:

- ✓ Sequence of tenses;
- ✓ Removing unnecessary terms that come too often; and
- ✓ Replacing identical terms close to each other in the text by their synonyms.

The use of dictionaries and grammar book is recommended where necessary.

⁵⁴ S. THOMSON, F.X. KALINDA and F. ZIGIRINSHUTI, *op. cit.*, p. 89.

⁵⁵ See also M. GROVAK and E. TUNG, (eds), *The University of Chicago Manual of Legal Citation*, 20th Anniversary edition, Chicago, UC, 2010, p. 50.

⁵⁶ See also S. THOMSOM, F. X KALINDA and F. ZIGIRINSHUTI, *op. cit.*, p. 7.

2. 2. Structure of the work

The introduction, the main body of the work (subdivided in titles, chapters, sections, sub-sections...depending on the size of the work) and the conclusion.

2.2.1. Introduction

It must be short and has the following functions: it is in the introduction that the research question is identified and set within its context and it shows how to tackle it. In practice, it is chronologically drafted after the body & conclusion. It mentions main legal texts that govern the subject matter; it provides the outline of what is developed in the main body and the rationale of the adopted plan and it mentions some accessory aspects that the researcher has deemed right not to discuss (limitation of the topic).

2.2.2. Main body

The introduction is followed by the main body subdivided in titles, chapters, sections, sub-sections ... depending on the importance of the work. Each subdivision must have a brief and evocative title. Titles must start at the top of the page for a better text presentation. The body contains the development of the argument and all the essential information to sustain your conclusion.⁵⁷

2.2.3. Conclusion

This is not a summary of what has been said in the main body & no new aspects of the problem are discussed in the conclusion. It must be short and is a synthesis of the work stating main lessons learnt therefrom, personal stands of the researcher and possibly prospects for future research. The conclusion should focus on the question you have set out to address and state how you have answered that question.⁵⁸ It is required to re-read the entire work so as to write the introduction and the conclusion.

⁵⁷ R. White, *op. cit.*, p. 8.

⁵⁸ *Ibid.*

2.3. Quotations

When writing a research paper, the researcher would integrate existing academic works and he/she is therefore required to properly acknowledge that others' ideas or words are used. The followings lines are dedicated to the ways of using the words and/or ideas of other persons in a paper by quoting their works accurately. Note that failure to give credit to others' words and ideas amounts to plagiarism which is severely punished.⁵⁹

Though it is necessary to distinguish quotations from legislation, cases and scholarly legal writings, all of them are governed by the same rules. Any quotation, no matter how short it may be, must be followed by a digit which refers to the reference note (footnote) indicating the full reference of the source (document...) where the quotation is from and can help finding it.

2.3.1. Block Quotations

According to S. THOMSOM et al., "Short (less than 5 lines) direct text quotations must be incorporated into the text of the paper and enclosed in double quotation marks."⁶⁰ With a computer the quotation can be italicized and in this case inverted commas are not necessary.

Any quotations of five (5) or more lines must be set off from the text (set below your paragraph) in single spacing and indented in its entirety from both margins. This is called a block quotation. No quotation marks are required for indented block quotations.

2.3.2. Quotations in footnotes

Quotations in footnotes must be enclosed in quotation marks:

E.g.: ¹ "It is generally accepted that the sources of international law are those contained in Article 38(1) of the Statute of the International Court of Justice." I. A. SHEARER, *Starke's International Law*, 11th Edition, London, Buttersworth, 1994, p. 43.

⁵⁹ For further details on quotations see S. THOMSOM, F. X KALINDA & F. ZIGIRINSHUTI, *op. cit.*, p. 88.

⁶⁰ *Ibid.*

2.3.3. Quoted material within a Quotation

If the quoted passage contains itself a quotation that is set off with double quotation marks, the secondary (interior) quotation is enclosed in single quotation marks.

E.g.: The “‘narrow approach’ looks solely at the question of whether reception of the evidence is likely to preclude a fair trial.”

In a block quotation, where no quote marks are used at the beginning and end, the double quotation marks that appear within the original text are retained.

Where the researcher wants to adapt the quoted text to keep harmony of his/her style the ellipses, interpolations and italics should be used.

2.3.4. Ellipses

Any omission of words, phrases or paragraphs in a quoted matter is replaced/indicated by ellipsis points: (...).

Omission within a sentence is replaced by 3 spaced dots.

E.g.: According to Shaw: “The ‘general principles of law’...refers to those legal principles which exist in all or most domestic legal systems of law.”

An omission following a sentence is indicated by four dots. The first, placed immediately after the last word, is a period.

2.3.5. Interpolations

Where words are inserted in the quotation they are preferably placed outside the quotation which is split up, if they are integrated in the text.

If they explain, clarify, correct or adapt they must be enclosed in square brackets ([]) in a quotation and they are known as interpolations.

E.g.:

- 1) “...one of the most prominent methods utilized by advocates of ESCRs”, argues J. OLOKA, “is the use of Public Interest Litigation (PIL) as a strategy to compel governments to meet the obligations that have been undertaken, whether internationally, or within the framework of their own constitutions. ”
- 2) “The curriculum of the national schools in the 1870s included reading, writing, arithmetic, drill [physical exercises] and music.”
- 3) He argued that “this has no affect [sic] upon the defendant’s state of mind”.

2.3.6. Italics

Where words that are not italicized in the original matter quoted are italicized by the writer for the purpose of emphasis, the source of change must be shown to the reader.

E.g.: “the decision of the tribunals *do not* [emphasis mine/ emphasis added] warrants any additional comment.”

Reversely, where the original text was italicized and is not so in the quotation it must also be shown (emphasis in original).

2.3.7. Quotation of a source in another language

When a matter in foreign language is quoted, it is convenient to translate it so as to keep unity of language in the work and indicate in the footnote the extract in the original language in addition to the reference or indicate that it is your own translation (author’s translation). If the work has been professionally translated, the translator’s name should be indicated.

**Professional translation:*

¹H. KELSON, *Introduction to Problems of Legal Theory*, trans. B. L. PAULSON and S. L. PAULSON, Oxford, Clarendon, 1992, p. 137.

**Translation by the author:*

²N. RUHASHYANKIKO, *Le droit coutumier rwandais et africain*, Butare, UNR, 1977, p. 55 (translated by the author).

Any foreign words used in the work, be they integrated or quoted, must be italicized or underlined.

2.3.8. Capitalization of first word

While it has been said that the exact quotations must follow precisely the same wording spelling, capitalization and punctuation of the original text, the long established scholarly rule makes an exception by altering the capitalization of the first word of a quotation according to the following rule: if the text matter introducing the quotation ends either with a terminal punctuation or with a colon, the first word of the quotation is capitalized, even though it is not capitalized in the original:

E.g.: The next day Kaitesi reported: “With Tusabe soliciting members on the side, it was imperative that the vote take place immediately.” (in the original “With” occurs inside a sentence and is therefore not capitalized).

Note that the use of quotations should not be abused since their overuse makes the work tense and is sign of laziness. They should be used restrictively where necessary; otherwise it is required to paraphrase.

Finally, it should be noted that whether it is a quotation in extenso, parts of sentences, words or paragraphs, it is required to indicate the reference of the text where they are drawn from.

Failure to do so amounts to plagiarism and makes the work lose credibility, discredits the author of the document and constitutes an infringement of intellectual property rights.

2.4. A note on Plagiarism and Paraphrasing

2.4.1. Plagiarism

2.4.1.1. Definition

The General Academic Regulations of the National University of Rwanda mentions plagiarism among cheating practices which are considered as serious disciplinary offences.⁶¹ However, it does not define plagiarism.

Plagiarism is defined as the use in any written work of another person's words, ideas or opinions without acknowledging them as being from that other person.⁶² Someone commits plagiarism when he/she:

“-presents another person's words, ideas or opinions as if they were your own without acknowledging the source;

-copies from a current or previous student's assignments or submit a current or previous student's assignments as your own;

-copies and paste information directly from an electronic source (e.g., a web site, electronic journal article...);

-copies information from course material, including study guides, PowerPoint class slides, course notes/handouts, previous test or exam memoranda or previous homework answers.”⁶³

It should be noted that one commits plagiarism whether words, ideas or opinions used as one's own are contained in written texts, visual texts, multimedia products, internet, music or spoken

⁶¹ NUR Senate, General Academic Regulations, 2008, arts. 65 & 74.

⁶² Definition of the University of Pretoria.

⁶³, Theuns Kotzé, *Referencing in Academic Documents*, 3rd Ed., Official guidelines of the Department of Marketing and Communication Management, University of Pretoria, 2007, p.1.

words. Even when one has paraphrased another's arguments or ideas without adequately acknowledging the source he/she commits plagiarism.⁶⁴ Moreover, one commits plagiarism whether the use of another's work without proper acknowledgement was intentional or accidental.⁶⁵

2.4.1.2. How to avoid plagiarism?

It should be remembered that it is the duty of the writer to avoid plagiarism. Some advices are hereunder provided on how to avoid this academically serious misconduct. In order to avoid plagiarism the writer must always:

- Always put quotes in quotation marks and indent quotes of significant length [5 lines and above] so they stand out from the rest of the text. This marks them as not your own words.
- Always acknowledge the source in footnotes and in bibliography at the end.
- Where paraphrasing an individual always acknowledge them as the source of ideas.
- Do not leave your work until the last minute, in order to avoid panic plagiarism.⁶⁶
- Do not copy another person's work, in part or in whole, or allow someone else copy part or all of the work you have completed.
- Do not submit written work already submitted for assessment in any other course.⁶⁷

2.4.2. Paraphrasing

Paraphrasing means "to restate accurately and succinctly in your own words something you have read".⁶⁸ When the writer paraphrases it shows his/her understanding of the content is the reference

⁶⁴ *Ibid.*

⁶⁵ Jude Carroll and Jon Appleton, *Plagiarism: A Good Practice Guide*, Oxford Brookes University, 2001, p. 14.

⁶⁶ DE MONTFORT UNIVERSITY, Department of Library Services, *How to avoid Plagiarism and be citation wise*.

⁶⁷ See RMIT UNIVERSITY, College of Business, *Guidelines for referencing and presentation in written reports and essays*, version 4, 2010, p. 27.

⁶⁸ Central Queensland University, *Harvard (author-date) referencing guide*, Rockhampton, 2007, p. 10.

being used and his/her ability to relevantly and appropriately use ideas and information to support an argument or an opinion.⁶⁹

How to paraphrase? ⁷⁰

General advice

1. When reading a passage, try first to understand it as a whole, rather than pausing to write down a specific ideas or phrases.
2. Be selective. You do not need to paraphrase an entire passage; instead, choose and summarize the material that helps you make a point in your paper.
3. Think of what your own words would be if you were telling someone who is unfamiliar with your subject (your mother, a friend) what the original source said.
4. Remember that you can use direct quotations of phrases from the original within your paraphrase, and that you do not need to change or put quotation marks around shared language.

Methods of Paraphrasing

1. Look away from the source; then write

Read the text you want to paraphrase several times-until you feel that you understand it and can use your own words to restate it to someone else. Then look away from the original and rewrite the text in your own words

2. Take notes

Take abbreviated notes; set the notes aside; then paraphrase from the notes a day or so later or when you draft.

⁶⁹ RMIT UNIVERSITY, College of Business, *op. cit.*, p. 4.

⁷⁰ See Writing Center , UW-Madson, *Acknowledging, Paraphrasing and Quoting Sources*, pp.3-4.

If you can do 1 or 2, this may mean that you do not understand the passage completely or that you need to use a more structured process until you have more experience in paraphrasing. The method below is not only a way to create a paraphrase but also a way to understand a difficult text.

3. While looking at the source, first change the structure, the words

For example, consider the following passage from *Love and Toil* (a book on motherhood in London from 1870 to 1918), in which the author, Ellen Ross, puts forth one of her major arguments:

Love and Toil maintains that family survival was the mother's main charge among the large majority of London's population who were poor or working class; the emotional and intellectual nurture of her child or children and even their actual comfort were forced into the background. To mother was to work for and organize household subsistence. (p. 9)

1. Change the structure.

- Begin by starting at a different place in the passage and/or sentence(s), basing your choice on the focus of your paper. This will lead naturally to some changes in wording. Some places you might start in the passage above are "The mother's main charge," "Among the . . . poor or working class," "Working for and organizing household subsistence," or "The emotional and intellectual nurture." Or you could begin with one of the people the passage is about: "Mothers," "A mother," "Children," "A child." Focusing on specific people rather than abstractions will make your paraphrase more readable.
- At this stage, you might also break up long sentences, combine short ones, expand phrases for clarity, or shorten them for conciseness, or you might do this in an additional step. In this process, you'll naturally eliminate some words and change others.

Here's one of the many ways you might get started with a paraphrase of the passage above by changing its structure. In this case, the focus of the paper is the effect of economic status on children at the turn of the century, so the writer begins with *children*:

Children of the poor at the turn of the century received little if any emotional or intellectual nurturing from their mothers, whose main charge was family survival. Working for and organizing household subsistence were what defined mothering. Next to this, even the children's basic comfort was forced into the background (Ross, 1995).

Now you've succeeded in changing the structure, but the passage still contains many direct quotations, so you need to go on to the second step:

2. *Change the words*

- Use synonyms or a phrase that expresses the same meaning.
- Leave shared language unchanged.

It's important to start by changing the structure, not the words, but you might find that as you change the words, you see ways to change the structure further. The final paraphrase might look like this:

According to Ross (1993), poor children at the turn of the century received little mothering in our sense of the term. Mothering was defined by economic status, and among the poor, a mother's foremost responsibility was not to stimulate her children's minds or foster their emotional growth but to provide food and shelter to meet the basic requirements for physical survival. Given the magnitude of this task, children were deprived of even the "actual comfort" (p. 9) we expect mothers to provide today.

You may need to go through this process several times to create a satisfactory paraphrase.

2. 5. Legal Citation

Legal citation is defined as "a standardized set of guidelines that allows the writer of legal discourse to refer to legal authorities or sources with enough clarity to enable the reader to find or follow these references".⁷¹ Legal citations are also defined as "...brief references to cases, legislation, regulations, law review articles and other secondary sources, formulated according to

⁷¹ A. GREENSHIELDS and A. YOUNG, *Legal Citation Guide*, 3rd ed., Perth, Murdoch University, 2003 (slightly revised in 2004, 2005 & 2007), p.1 available at <<http://wwwlib.murdoch.edu.au/guides/law/lawcite.html>>, accessed on 12/01/2012.

an established set of rules”.⁷² Their function is to allow the writer to identify with precision the material he/she is discussing in a text and allow the reader to find the very material.⁷³

Legal citation is made in both footnote and bibliographic references.

2.4.1. Footnotes

(1) Meaning and use of footnote

A footnote, in simple wording, is information at the foot of page. It is a note at the bottom of a page, giving further information about something mentioned in the text above.

Footnoting involves the insertion of superscript numbers in the main body of the text which are expanded into full references in notes appearing at the foot of each page.

Footnotes have 4 main functions:

- a) to cite the authority for statements in text
- b) To make cross-references⁷⁴
- c) To make incidental comments
- d) To make acknowledgements

(2) Footnote numbers & position

A footnote number is placed in the text where a footnote is introduced and follows the passage to which it refers. Their numbering uses the numerical system like ^{1, 2, 3...} and special characters like “⁰” and the like must be avoided. Footnote references should be placed in superscript outside any punctuation in the text, and refer to the footnote text at the foot of each page. This process is automated by word-processing software, which you must be able to use.

⁷² J. HOLLAND, ‘Legal Citation’ available at <<http://www.lib.uwo.ca/files/styleguides/LegalCitation.pdf>>, accessed on January 15, 2012.

⁷³ *Ibid.*

⁷⁴ They are references to authorities and materials cited elsewhere in the document in which the reference occurs. See M. GROVAK and E. TUNG, (eds), *op. cit.*, p. 21.

Footnote numbers must follow one another in numerical order, beginning with ¹ and run continuously through the entire text (paper) or the numbering starts over at the beginning of every chapter.

Note also the existence of endnotes.

Materials that were consulted but do not appear in footnotes should be listed separately in a bibliography. The use of bibliographical references is to make the sources accessible to the reader. Thus, they must be completely mentioned at least in the general bibliography.

(3) Types of Footnotes

i) Content footnote

Content (or substantive) footnote consist of explanations or amplifications of the textual discussion and therefore resemble the text more than reference footnote. When it is desirable to give source of material included in a content footnote, the reference may be presented in one of several ways.

Example: footnotes 1 and 5 below are content footnotes

¹ “Formal sources of law are legislation, customs, case law and scholarly writing (the two former being uncontested sources but the later more historical sources of law)” while “real [material] sources are rather a set of moral, historical, economic and political data that arouse the evolution of the law”. See G. CORNU, *Vocabulaire Juridique*, pp. 838 and 832.

² S. THOMSON, F. X. KALINDA and F. ZIGIRINSHUTI, *Methods of Legal Research and Writing*, NUR, Faculty of Law, 2003, pp. 34-35.

³ R. CA WHITE, *Writing a Research Paper*, 3rd ed., Leicester, University of Leicester, 1999, p. 3.

⁴ *Ibid.*

⁵ It should be reminded that case law is a secondary source of law only in civil law legal system countries. For common law legal system countries case law is a primary source of law as statutory sources.

ii) Reference Footnote

Reference footnote are intended to identify materials used by the writer and allow the reader the access the source of information in the main text. Where a text is cited for the 1st time full reference (source) should be given. Contrary to general bibliography, references in footnotes start by the first name of the author (or Initial) rather than the name.

Example: Footnotes 2, 3 & 4 above are reference footnotes.

As for repetition of references, three cases are possible:

1) Repetition is made at the footnote that follows immediately the footnote where the work has been cited:

- *Ibid.*, is used where the citation is exactly the same as the preceding one; and
- *Id.*, used where there is some variation, often page number, between the immediately previous and present footnote (*Id* is followed by the page).⁷⁵

Examples:

¹ M. ZANDER, *The Law Making Process*, London, Buttersworth, 1989, p. 12. (at first and therefore complete reference)

² *Ibid.* (this indicates that not only there is no intervening reference, but that the second citation also comes from p. 12)

³ *Id.*, p. 68. (This indicates that there is no intervening citation, but citation is comes from p. 68 and not p. 12)

Note: such forms are not used for legislation in some areas⁷⁶.

2) There is repetition of reference to a source that has been cited in a previous footnote other than the immediately preceding footnote, or in the immediately preceding footnote and that footnote contains more than one authority: here *op. cit.* (*opere citato*) is used.

E.g.: J. OLOKA, *op. cit.*, p. 59.

3) There is repetition of reference to a source that has been cited in a previous footnote other than the immediately preceding footnote but there are several works of the same author. In this case the following format should be used:

⁷⁵ A. GREENSHIELDS and A. YOUNG, *op. cit.*, p. 4.

⁷⁶ L. KIRWAN and J. MASTERS (eds), *Australian Guide to Legal Citation*, 2nd ed., Melbourne, Melbourne University Law Review Association, 2002, p. 17 (at general rules 5).

R. CHAPUS, *Droit administratif général*, *op. cit.*, p. 45. or R. CHAPUS, *Droit administratif...*, *op. cit.*, p. 45.

Note that there may be cross references (i.e. reference to authorities or materials cited elsewhere in the document in which the reference occurs):

e.g. - ²⁵See *supra*, note 12, p. 5.

- ²⁶See *infra*, note 20, p. 15.

❑ Hereinafter Rule

If the title of source is too long, it should be shortened for subsequent references. This may be done in two ways:

1. By placing “hereinafter” in brackets directly after the citation but before the final punctuation.
2. By introducing the short title by placing it between double quotation marks directly after the citation but before the final punctuation.

E.g.:

- ✓ MININTER Agreement and International Conventions Signed with the Government of Rwanda from July 1973 to December 1989, p. 28 (hereinafter “Agreement and International Conventions”) or (“Agreement and International Conventions”).

(4) Presentation of reference footnotes

i) Citation of Legislation

A legal researcher always needs to refer to legislation to recall, explain, or support his/her arguments. In doing so, the authentic reference is the one found in the Official Gazette of the Republic of Rwanda. The legislation enforced before the independence was published in *Bulletin*

Officiel du Rwanda-Urundi (BORU) and some of them are still in force. So, it is always advised to cite the exact reference where the legislation was found.

“Codes and Laws”, is only a secondary source and could only be used as a research tool and it is always preferable to cite the Official Gazette. However, if the researcher decides to cite a legal text found in the “C&L”, s/he needs to indicate the volume and the year of publication.

To cite the legislation enacted before independence & published in BORU, one should use the following format. For instance, let’s consider the law relating to contracts and conventional obligations of 1888.

Example:

1) If the legislation is found in BORU, the authentic version:

- The law states that conventions legally made become laws to those who agreed on them [see Article 33 of the Decree of 30/07/1888 related to Contracts and Conventional obligations, in *Bulletin Official (B.O.)* 1888, p. 109].

2) If it was found in “Codes et Lois”:

- see Article 33 of the Decree of 30/07/1888 related to Contracts and Conventional obligations, in *Bulletin Official (B.O.)*, 1888, p. 109 in F. REINTJENS and J. GORUS, *Codes et lois du Rwanda*, vol. 1, 1995, p...(check)

To make citation of post independence legislation and published in the Official Gazette, the format below should be used. Assume one wants to make reference to a provision of the Penal code on the legality of offence and penalty.

1) If the provision is found in the OG:

- Art 3 of Organic Law n° 01/2012/OL of 02/05/2012 instituting Penal Code, in *Official Gazette (O.G.)*, no special, 14 June 2012.

2) If the provision is found on internet, it is necessary to add the ULR address and date of access.

3) If the researcher wants to refer to “Codes et Lois”:

see Article 263 of the Decree of 30/07/1888 related to Contracts and Conventional obligations, in *Bulletin Officiel (B.O.)* 1888, p. 109 in F. REINTJENS and J. GORUS, *Codes et lois du Rwanda*, vol. 1, 1995, p...(check).

Briefly, when citing the Official Gazette, it is required to cite the following elements: (1) the number of the specific article (2) full title of the law, (3) source of the law (Official Gazette of the Republic of Rwanda or Codes et Lois du Rwanda), (4) in case of CRL, the volume and year of publication (if applicable), (5) The page number where the law is found.

Article, Title of the law, *Official Gazette of the Republic of Rwanda*, no of the official gazette, date of publication (or CRL, Vol., year and page number), (and if from internet) online at URL address, date of access.

For draft legislation, it should be indicated that the law is still a draft. Also, one should indicate where it was accessed from as well as the date of access in square brackets.

E.g.: Art 2, Draft Law Governing Persons and Family, accessed at the Law Reform Commission [01/11/2014].

ii) Citation of an international treaty

A reference to an international treaty is made by stating the name of the said treaty followed respectively by the date (year) of adoption (not the year of entry into force) and the name of the document where it was found (or URL of the website where it was consulted).

E.g.: -See convention on the prevention and punishment of the crime of genocide of 1948, UN, *Treaty Series*, vol. 78, p. 277 online at <http://treaties.un.org/Pages/ViewDetails.aspx?src=317&chapter=4&lang=en>, last access 15 December 2012.

International treaty ratified by Rwanda

For the citation of an international treaty ratified by Rwanda, the following elements are generally mentioned: (1) the nature of the text [treaty, convention, protocol, agreement...], (2) the title of the act, (3) place and date of signature of the act , eventually preceded by the word “signed”, (4) the nature and date of the internal act of ratification or approval preceded by “ approved by” or “ratified by”, and (5) reference to the Official Gazette of the Republic of Rwanda.

e.g.: Patent Cooperation Treaty done at Washington on 19 June 1970 ratified by P.O. n° 16/01 of 16/02/2011, *O.G.*, n° 12 of 21/03/2011.

iii) Citation of a Rwandan case law

To make reference to a Rwandan case law the format is:

1. The name of the court and the place where it sits (generally the name of the court is shortened)
2. The chamber which dealt with the case
3. Date of the decision
4. Names of parties (this is not compulsory)
5. Mention “judgment” followed by the number given to the case by the court
6. The page or paragraph to which reference is made
7. When the judgment is not published, at the end say “not published/unpublished)

Examples

1. SC Kigali, 18 June 2010, Phoenix Metal Vs R.N.I., Judgment No RSOC AA 0023/09/CS, in Urukiko rw’Ikirenga, *Icyegeranyo cy’ibyemezo by’inkiko*, Igitabo cya 4, No 7, 2010, p. 147.
2. HCR Nyanza, 27 May 2005, Iyam. Vs Mbarush., Judgment n°RCA0141/05/HC/NYA, para 5, not published.

iv) Citation of international & foreign case law

a) Anglophone Canada Case law:

McKenzie v. Bank of Montreal (1975) 55 D.L.R. (3d) 641 (Ont. H.C.)

The above case is interpreted as follows: the case opposed MCKenzie to the Bank of Montreal before the High Court of Ontario (Ont. H.C.) and the judgment was rendered in 1975. The complete report of this judgment is found in the 55th volume of the Dominion Law Reports, 3rd book listing 1975 judgments at 641st page.

b) UK Case law

Pitts v. Hunt [1990] 3 ALL E.R. 344 (C.A.)

This should be read as: the case opposed Pitts to Hunt before the Court of Appeal (C.A.) in 1990. The complete report is found in the 3rd volume of All England Reports of 1990 at the 344th page.

This format is also used for USA case law & most Commonwealth countries

c) ICJ

Reference to ICJ case law is made using either the matter concerned or the name of the case followed by the nature of the decision, the review where the judgment was published and the date of the judgment.

E.g.:

- Armed Activities on the Territory of the Congo (New Application: 2002), Judgment, ICJ Reports 2006, 126 or
- DRC v. Rwanda (New Application: 2002), Judgment, ICJ Reports 2006, 126.

d) ICTY & ICTR

- ✓ Names of parties (prosecutor v. ...)

- ✓ Case number (given by the case by the tribunal),
- ✓ The name of the tribunal's chamber that took the decision & the date of the judgment.

E.g.:

- Prosecutor v. Aloys Simba, Case No. ICTR-01-76-T, ICTR Trial Chamber I, Judgment, 13 December 2005.

e) ICC

The format of ad hoc tribunals shall be adopted.

E.g.: Prosecutor v. Thomas Lubanga Dylo, Case No ICC-01/0-01/06, ICC Trial Chamber I, Judgment, 14 March 2012.

f) ECHR

- ✓ Name of involved parties
- ✓ Number of the case
- ✓ Judgment date & review where the judgment can be found, the year of publication, the number volume (where applicable).

E.g.: *Garcia Alva v. Germany*, no 23541/94, 13 February 2001, ECHR 2001-I.

g) ACHPR: the court has no official guidelines on how to cite its decisions; but with the inspiration of other courts with similar purposes like ECHR, citation to its cases can also follow the similar rules. However, one of the purposes of legal citation being to enable the reader to find the authority the writer to which the reader refers it would also be permissible to cite cases as they are referred to in the court's practice: The number of the case, the parties and the date.

E.g.: *Soufiane Ababou v. The People's Republic of Algeria*, application No. 002/2011, 16 June 2011, ACHPR.

h) IACHR: the same format as ECHR.

It should be remarked that when doing research on formal sources of law, it is imperative to be updated. It would be ridiculous and blameworthy for a lawyer to lay his/her arguments on an abrogated text.

v) Scholarly legal writings (Doctrine)

a) Citation of Books

1. The first name or initial of the first name, followed by the family name
2. The full title of the books (in *Italics* or underlined)
3. Where necessary, the volume number
4. Where necessary, the number of the edition of the book;
5. The place (city) of publication;
6. The name of the publisher; and possibly the collection
7. The year of publication
8. Indicate the page (or pages) where the idea you have borrowed is found (the reference page or pages)

Different elements of the reference are always separated by the comma.

***One author**

Format

AUTHOR'S FIRST NAME INITIAL(S). AUTHOR'S SURNAME, *Title of the book (in italics or underlined)*, Volume number (if necessary), Edition (if not the first), Place of publication, Publisher, Year of publication, page number (s).

E.g.:

- M. ZANDER, *The Law Making Process*, Londres, Butterdworth, 1994, p. 69.
- A. BENABENT, *Droit civil*, 6^e éd., Paris, Montchrestien, Coll. Dumat Droit Privé, 1997, p. 20.
- Two, three and more than three authors (see S. Thomson et al., p. 75)

Book published “under the Direction of...”

- If the author has collaborated with another scholar whom he/she has worked with, the director appears in the footnote reference as the last author.

E.g.: Ph. Gerard, F. Ost and M. Van De Kerchove (dirs.), *Fonction en juger et pouvoir judiciaire: Transformations et déplacements*, Bruxelles, FSL Publications, 1993, p. 25.

Citation of author in the work of another

- J. S. Nye, *Understanding International Conflicts: An Introduction to Theory and History*, New York, Harper Collins, 1993, cited by P. NEL, *Power, Wealth and Global Order: An International Relations Textbooks for Africa*, Cape Town, University of Cape Town Press, 1999, p. 53.

No author given: use **X.** (in some jurisdictions they use “anon” shortened form of “anonymous”)

Note the difference between a footnote reference and a bibliographic reference

In the bibliographic reference the family name comes first and is followed by the first name or its initial (most used) and they are separated by a comma. Moreover, there is no reference to page number which is replaced by the number of pages that a book has (optional) while other elements remain the same.

Examples:

1. Footnote reference:

M. ZANDER, *The Law Making Process*, London, Butterworths, 1994, p. 69.

2. Bibliographic reference:

ZANDER, M., *The Law Making Process*, London, Butterworths, 1994.

II. Citation from a Periodical or a Collection of Essays

Citation of the work of one author as found in that of another

The following info must be included in the footnote:

1. The 1st name (or initial) of the author & family name
2. The title of the work (article) in single inverted commas (‘ ’);
3. Full reference of the book in which the article or essay is found by the use of the word “in”;
4. Pages from which the idea is drawn (or pages where the articles starts and ends in bibliographic reference)

Format:

AUTHOR’S FIRST NAME(S) INITIAL(S). AUTHOR’S FAMILY NAME(S), ‘Title of the article in single inverted commas’, in AUTHOR’S FIRST NAME(S) INITIAL(S). AUTHOR’S NAME(S) or EDITOR’S NAMES (with ed. or eds in brackets), *Title of the book (in italics or underlined)*, Volume number (if necessary), Edition (if not the first), Place of publication, Publisher, Year of publication, page number (s).

E.g.:

1. Ashworth, ‘Belief, Internet and Criminal Liability’, in J. Eekelaar and J. Bell, (eds) *Oxford Essays in Jurisprudence*, 3rd Series, Oxford, Oxford University Press, 1987, pp. 1 and 6.
2. M. Cantin Cumyn, « L’origine de la fudicie québécoise », in *Melanges Paul André-Crépeau*, Cowansville, QB, Yvon Blais Inc., 1997, p. 203.

III. Citation of Journal Article

1. First name (or initial) & family name
2. Title of the article between single inverted commas
3. Year of publication in []
4. Italicized name of the journal
5. Volume of the journal
6. Indication of the page where the idea is drawn from (or first and last page of the article in a bibliographic reference).

Format

AUTHOR'S FIRST NAME(S) INITIAL(S). AUTHOR'S FAMILY NAME(S), 'Title of the article in single inverted commas' [year of publication in square brackets], *Name of the journal in italics* or underlined, Volume of the journal, Number where necessary, page number.

E.g. (footnote references):

- 1) S. H. Bailey, 'Legal Aid: Accessibility for Who' [June 1988], *Civil Law Review*, vol. 90, p. 4.
- 2) NTEZILYAYO, F., 'Quelques considérations sur le régime d'épargne logement au Rwanda' [1989], *Revue Juridique du Rwanda*, vol. XIII, No 4, p. 347.

E.g. (bibliographic reference):

F. NTEZILYAYO, 'Quelques considérations sur le régime d'épargne logement au Rwanda' [1989], *Revue Juridique du Rwanda*, vol. XIII, No 4, pp. 347-357.

IV. Citation Encyclopedia & Dictionaries⁷⁷

When citing alphabetically arranged works such as encyclopedia and dictionaries it is preferred to give the title of encyclopedia in italics, edition (where necessary), the title of the article or word preceded by "s.v." (*sub verbo*, "under the word") and not the volume or page number.

Format:

⁷⁷ See S. Thomson , F. X. Kalinda and F. Zigirinshuti, *op. cit.*, p. 84.

Title of the encyclopedia/dictionary, edition if not the first, s.v. “keyword in double quotations”

E.g.:

- 1) *Encyclopedia Britannica*, 11th ed., s.v. “Rwanda”.
- 2) *Black’s Law Dictionary*, 6th ed., s.v. “Contract for sale of land”.

V. Citation of Unpublished materials, including conference and seminar papers as well as speeches

The principle of making reference to the foregoing materials is the following:

- Name of the author
- Title of the paper, followed by the phrase “paper presented at...” or title of the speech followed by the phrase “Speech delivered at...” and if there is no title of the speech you should only say “Speech delivered at (name of the forum).
- Name of the conference, seminar, event (where appropriate)
- All the details of the publication (place and date) or the mention that it is a non-published work.

E.g.:

1. M. Racicot, « Jusqu’où va la protection du cyberlogiciel par le droit d’auteur », Conference MEREDITH Lectures 1996: *La propriété intellectuelle, faites-en votre affaire/Making Business sense of Intellectual Property*, Montreal, Faculté de Droit, McGill, 1996, p. 313.
2. C. L’Heureux-Dubé, ‘Relationship Recognition: The Search for Equality’, Paper presented at the Discussion Forum on Relationships and the Law, Sydney, 7 July 2000.
3. S. RUGEGE, Chief Justice of Rwanda, Speech delivered at the Opening of the Diploma in Legal Practice, ILPD/Nyanza, 17th January 2012.

VI. Citation of memoirs/dissertations, theses & course notes

1. Name of the author
2. Title in *italics*
3. The word “memoire”, “thesis”, “course notes”
4. Place followed by the name of the university where the thesis/dissertation/ course notes was presented or originates
5. Year of preparation or publication
6. Page number where the idea or reference is drawn

Format:

AUTHOR’S FIRST NAME(S) INITIAL(S). AUTHOR’S FAMILY NAME(S), *Title of the dissertation, these, or course notes in italics* or underlined, the word dissertation/these or course notes, Place of preparation, name of the university where the dissertation/these/ course notes were prepared, Year of publication, page number(s), (with the word **unpublished** between brackets if the work is not published).

E.g.: E. Butare, *The Duty to Extradite and Prosecute in International Law*, memoir, Butare, NUR, 1999, p. 11 (unpublished)

VII. Citation of Electronic Sources

1. Name of the author
2. Title of the article in single quotations
3. Normal publication details (where it is available) along with internet site address where you accessed and downloaded the information (URL in < >) preceded by “available at”, and the date of last update or the date of accession.

Format:

AUTHOR’S FIRST NAME INITIAL(S). AUTHOR’S SURNAME, ‘Title of the article in single quotations’, Normal publication details (if available/applicable) followed by the word “available at” < internet site address (URL address) >, accessed on date/ month/year.

E.g.:

1. T. McIntosh, 'Homosexuality in the Pacific' available at <<http://www.vanuatu.usp.ac.fj/sol%5Fadobe%5Fdocuments/usp%20only/pacific%20general/mcintosh.htm>>, accessed on 7 /09/2005.
2. MARKS, C. P., "Limited Partnership Status and the Imposition of the Fiduciary Duties in Texas" [2011], *Baylor Law Review*, Vol. 63, available at <<http://www.bayor.edu/content/services/document.php/136117.pdf>>, accessed on 21 November 2011.

VIII. Interviews

Interviews conducted by the author should be cited in the following form:

- "Interview with"
- Name of interviewee
- Position (title) of the interviewee (if applicable) followed eventually by the institution/organization/company
- Location or form (e.g.: telephone interview) of interview
- Date of interview

E.g.:

1. Interview with Prof. S. Lwakabamba, Rector, NUR, Huye, 9 January 2012.
2. Interview with Me Calvin MITALI, Partner, Equity Juris Chambers, Telephone interview, 16 November 2011.

Interviews conducted by a person other than the researchers themselves (by journalists for instance) should be cited as follows:

- Name of the interviewee
- Position of the interviewee (where applicable)
- The name of the interviewer preceded by "Interview by"
- Location (or for interview with journalists: the title of the broadcast program [if applicable], the name of the broadcasting organization) and date of interview.

E.g.:

- Paul KAGAME, President of the Republic of Rwanda, Interview by Marc PERELMAN, France 24 Interview, France 24, 12 September 2011. (Available at < <http://soundcloud.com/france24/interview-with-paul-kagame-12> >, accessed on January 29, 2012).

2.5. Bibliographic reference

2.5.1. Classification

Unless the bibliography is very short, it is usually classified (or divided into section). A typical law paper (or dissertation) will divide its bibliography into the following sections: ‘Legislation’, ‘Cases’, ‘Books’, ‘Articles’, and ‘Other sources’ (including for example, interviews, unpublished manuscripts, newspaper articles, electronic sources, etc.).

The detailed bibliography should look as follows:

<u>BIBLIOGRAPHY</u>	
I. LEGISLATION	
1.	Rwandan legislation
2.	Foreign legislation
3.	International and regional instruments
II. CASE LAW	
1.	Rwandan case law
2.	Foreign case law
3.	Judgements of international tribunals

4. Judgements of international and regional human rights institutions

III. LITERATURE

1. Books

2. Journal articles

3. Theses and dissertations

4. Course notes

5. Internet sources

IV. DICTIONARIES

V. OTHER SOURCES

2.5.2. Bibliographical entries

A bibliographic entry is similar to a full footnote reference in that it includes much the same material arranged much in the same way. The difference between a footnote reference and a bibliographical entry is its purpose. The purpose of the bibliographical entry is to list the work in full bibliographical detail while the purpose of the footnote is to inform the reader on the particular spot from which you have taken certain material from another author.

Note: When listing the sources in bibliography, remember to reverse the order of the author's first name and last name which comes before the first name and is followed by a comma.

2.5.3. Alphabetizing authors' names

Bibliographies are arranged alphabetically by authors' family name, letter by letter. In case of identical names, first names should be alphabetized. Compound family names are alphabetized by the first part of the compound.

E.g.: Boyd-Campbell Melanie would fall under the letter 'B'.

2.6. Abbreviations

The general principle is that abbreviations which are used in citations must be explained in your 'List of Abbreviations'. You must then stick to the abbreviation which you have announced.

All abbreviations must appear in your 'List of Abbreviations'. You should compile it as you go along.

Here are some commonly used abbreviations:

1. adde : to add (taken from *addendum*)
2. art. : article
3. cf : compare
4. ch. or chap. : chapter
5. contra : a contrary idea
6. et al. (or e.a.): and others (from the latin *et alii*)
7. ibid. : to be found at the same place (from the latin, *ibidem*)
8. id. : of the same author, but on a different page (from latin, *idem*)
9. *infra* : indicate the reference below in the text
10. passim : indicates to the reader the general reference to a specific work (no page number reference is given)
11. p./pp. : page/pages
12. sic : so
13. *supra* : indicates reference above or previously in the text
14. s.v.: sub verbo (under the word)

15. Vol. : volume

PART II. INTERNET & LEGAL RESEARCH

Online technology is more and more advancing hence internet is becoming an indispensable tool for research. However, given the access to internet by many people with quite a variety of purposes and their capability to post contents of any nature it is important to know to what extent and under what requirements one can rely on virtually available information.

The legal researcher is not spared from alluding to internet as research tool. Indeed, governmental as well as private agencies and institutions have embraced internet as the means of disseminating legal information to the general public. Laws, judicial decisions, etc are available online. Legal researchers should thus be prepared on how to deal with the information accessible virtually.

Internet having its limitations especially for the legal researcher: i.e. lack of certainty about accuracy and currency of the information available online, it is a must to know when and how to resort to it in the research exercise. It is against this background that this part will tour some requirements to check for credible, accurate and updated virtual information (1) and has a tutorial for the use of the most famous search engines.

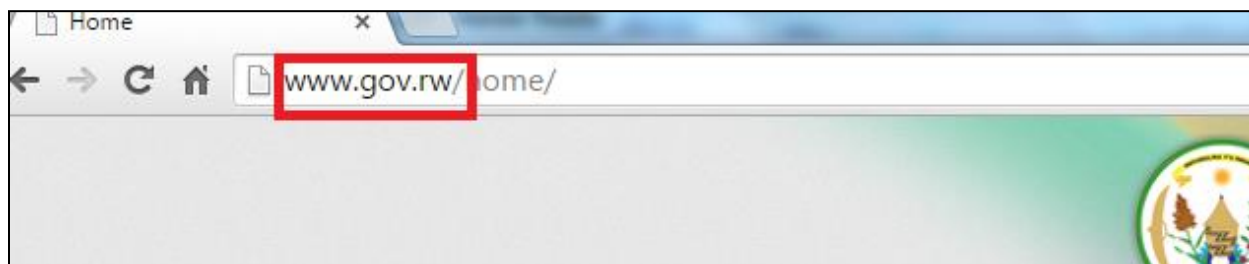
CHAPTER I. ASSESSMENT OF ONLINE SOURCES AND INFORMATION

As online technology rapidly develops, the criteria for evaluating these sources and information develop as well. Online sources are too new to fully establish their reliability as academic sources. It is in this respect that the legal researcher is advised to verify and assess the credibility of online sources before investing time in browsing the web. After deciding the sources can be used it is also important to check its credibility. The following are the criteria that can assist to ascertain whether an electronic sources/information is professional and appropriate for a research work.⁷⁸

1.1 AUTHORSHIP

Since everybody can publish on internet, it is vital to determine who has written the contents the researcher is interested in. One should never use a source whose author cannot be identified.

In identifying the author one can check to 'URL' as most URLs follow a format that can help to identify the authorship.



For instance, in the above image:

www. : shows that the most commonly used internet platform – the world wide web- has been used;

.gov : shows that it is likely to be a government website

⁷⁸ Jidith KILBORN, 'Assessing the Credibility of Onlines Sources' available at <http://leo.stcloudstate.edu/research/credibility1.html> , accessed on 10/05/22012.

.rw : indicates that it concerns the Rwandan geographic location.

In addition to **.gov** which are most likely reliable as government websites and are good sources for statistics and objective reports⁷⁹, other reputable URL the researcher is advised to look out for are the ones containing **.edu**, **.ac** since these are likely to have been created by educational and academic institutions.

It should be noted, however, that **.com** and **.org** can no longer be used to establish authorship as they are no longer indications of company or not-for-profit organizations. Some websites ending in **.org** belong to advocacy groups that are highly political in nature and, though they may contain reliable information, researchers should be aware of their political bias.⁸⁰

As well as examining the URL, the examination of the website content can be useful in ascertaining authorship. The researcher can ask the following questions:

[1] Is the website from a reputable or well known source?

E.g. established company website, magazine or newspaper websites?

[2] Does the website have contact information and it so does it look legitimate?

E.g. Does it have a street address, landline number? Author's email?

[3] Does the website have an 'about' page?

Most legitimate, reputable websites will have an about page that will indicate the background of the authors.

If answers to these questions are 'yes', there are many chances that it is a quality website⁸¹.

1.2 REASONS UNDERLYING THE WEBSITE CREATION

The researcher is also required to determine the reasons why the website has been created. A number of questions have to be asked in this respect. Has it been created to:

- Promote a business?

⁷⁹ G. FLEMING, 'Internet Research Tips: Finding Reliable Internet Sources', available at <http://homeworktips.about.com/od/researchandreference/a/internet.htm>, accessed on 12/03/2015.

⁸⁰ *Ibid.*

⁸¹ Melbourne Business School Library, 'How to assess information on *The Internet: 4 essential questions*, p. 1.

- Sell something?
- Push a viewpoint?
- Represent a group?

The researcher should thus be aware of bias. For example, if a website has strong viewpoints against natural health treatment and is written by a pharmaceutical company- this may not give the researcher the most balanced viewpoints.⁸²

1.3 QUALITY OF THE WEBSITE

The researcher must ask what the quality of the website is. This is quickly established by checking whether the website has:

- Multiple, intrusive advertisements
- Flashing icons-typically of smiley faces
- Pop up messages with messages regarding success in winning competitions
- Spelling or grammar mistakes
- Poorly cited materials
- No way of determining the date of the content,
- No way of verifying if the information is correct, e.g. regarding the author.

All of the above are indicators of a poor quality website that is not to be trusted.⁸³

1.4 WHERE HAS THE INFORMATION COME FROM? (ACCURACY & RELIABILITY)

To be able to rely on online information is it important to know where it has been originally sourced from. It is relevant to ascertain if it comes from a primary or a secondary research.

Primary research is original information gathered through activities such as personal observation, interviews, surveys, experiments, investigations, etc. *E.g.* you have been given an assignment on

⁸² *Ibid.*

⁸³ *Id.*, p. 2.

causes of child rape and you decide to create a survey to ask rapists, judicial police officers, prosecutors, psychologists, etc.

Secondary research uses existing information and involves activities such as reviewing, summarizing, analyzing and synthesizing collected information. E.g. you have been given an assignment on causes of rape and you decide to check what journal articles, books, or reports have been written on the subject.

If the research is primary the researcher needs to determine its quality. Among questions to consider are the following:

- Who conducted the research?
- How was it researched?
- Over what length of time does it cover?
- What was the sample size?
- How many and what sort of question were asked?
- Is the methodology given so that the author's work can be replicated or evaluated?

For secondary research it is also important to ascertain the quality.

- If the research is published through a magazine or journal was it peer-reviewed? (i.e. did experts in the subject field evaluate it as high quality and worthy of publishing?).
- Does the article or book have a considerable bibliography and/or citation that can be used for comparing or verifying data and/or information?⁸⁴

CHAPTER II. TUTORIAL ON INTERNET SEARCH

The search using 'Google' search engine has only been selected for the purpose of this tutorial as it is the most used; but also because once one is familiarized with the Google search he/she can easily get used to other search engine and/or Meta search engines.

⁸⁴ *Id.*, p. 2 and G. FLEMING, 'Internet Research Tips: Finding Reliable Internet Sources', available at <http://homeworktips.about.com/od/researchandreference/a/internet.htm>, accessed on 12/03/2015.

2.1 GOOGLE SIMPLE SEARCH

Simple search on ‘Google’ is made in the following steps once on the homepage of Google (www.google.com) :

(1) Typewrite the search key work in the search area and (2) then click on ‘Google search’ or the ENTER button of your computer Keyboard as in the image below.



If you want to narrow the research and get more relevant results for your search, do enter the key word enclosed in double quote marks (“”) in the search area.

E.g.: “family law”



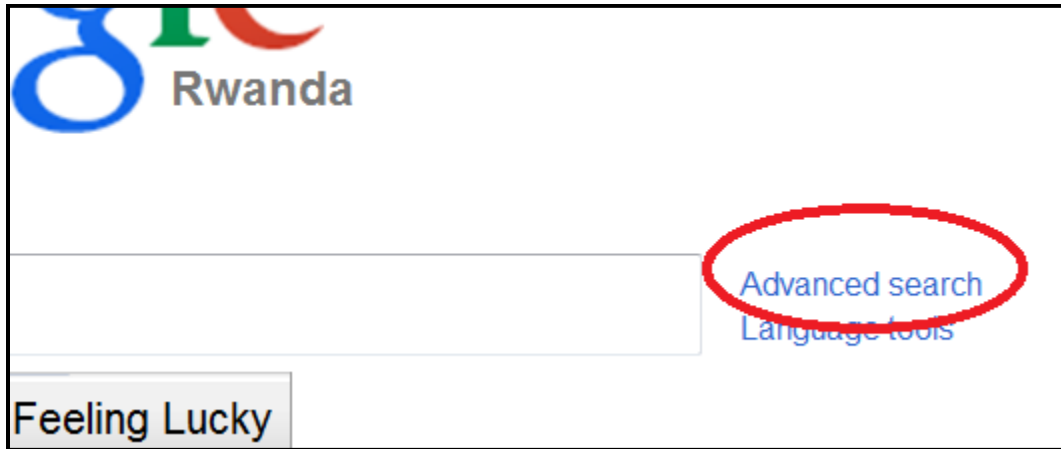
If you do this the computer will only search for “family law” phrase instead of searching for “family law”, “family” and “law”. The researcher will thus get a few; but focused search results.

2.2 GOOGLE ADVANCED SEARCH

The advanced search helps the researcher to get relevant search results according to his/her preferences as it is demonstrated below (you can choose to have the results with the exact wording, to exclude some words from your search, you can select a language of your search or/and the format of the results of your search, determine the website by specifying the domain, [e.g; the website hosted by the academic institution ‘edu’ or ‘ac’ which is most recommended] specify the file format [word, PDF, Excel...],).

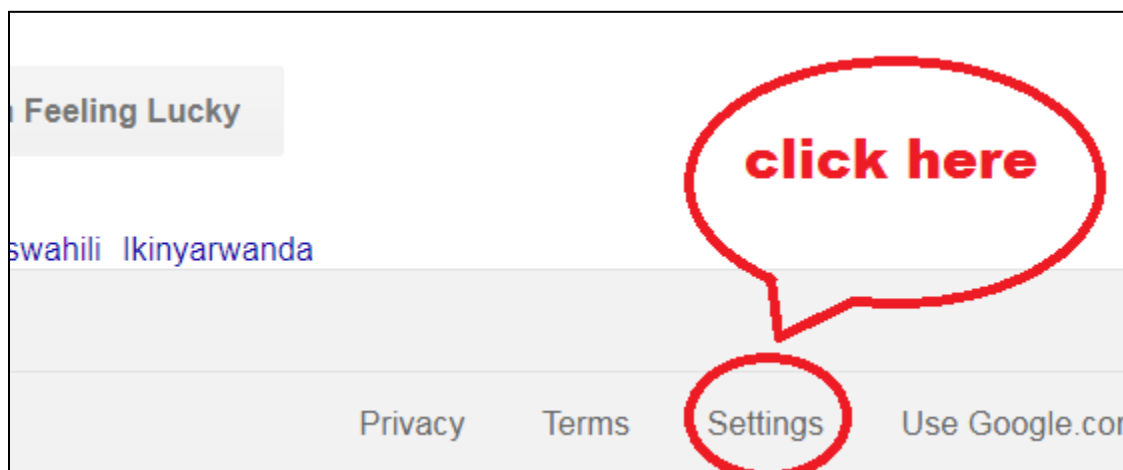
Once on Google home page, normally the “advanced search” option is displayed on the right side of the search area (specifically with internet explorer). With Google Chrome and Mozilla Firefox one will click on “**Settings**” menu at the right bottom of the webpage and select “**Advanced search**” (see images below).

(1) Internet Explorer

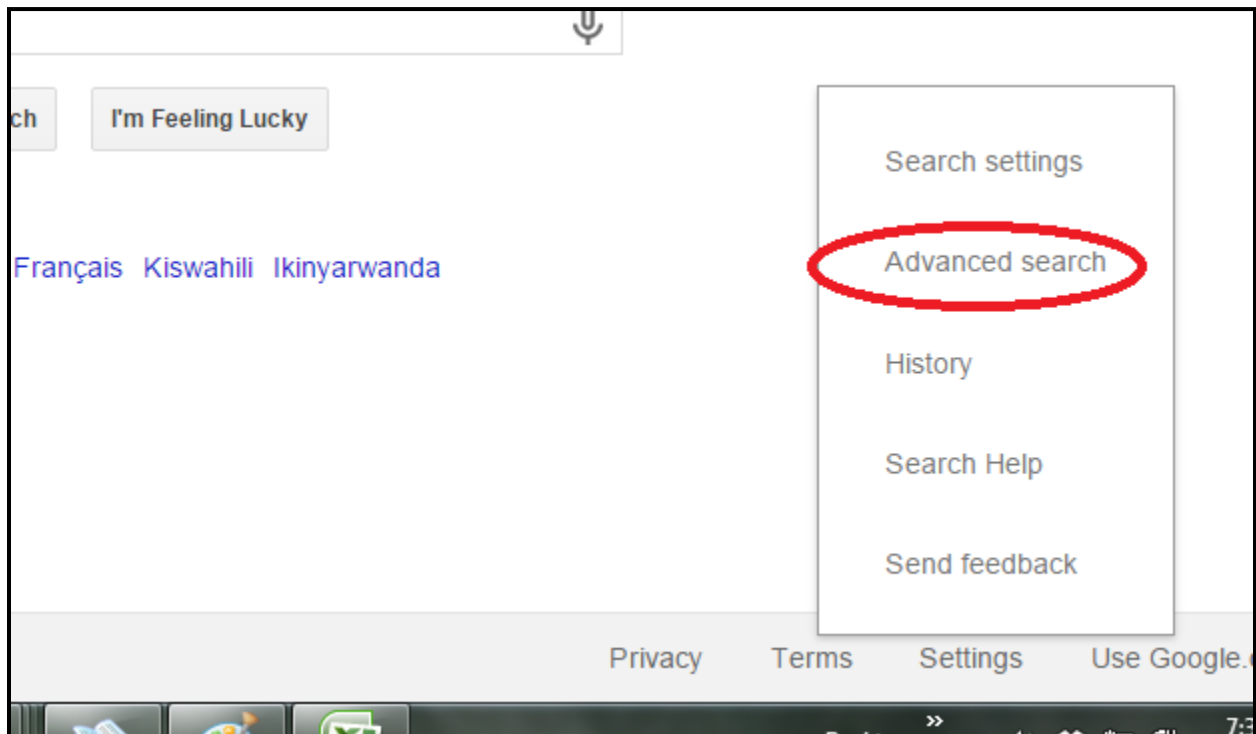


(2) Google Chrome or Mozilla Firefox

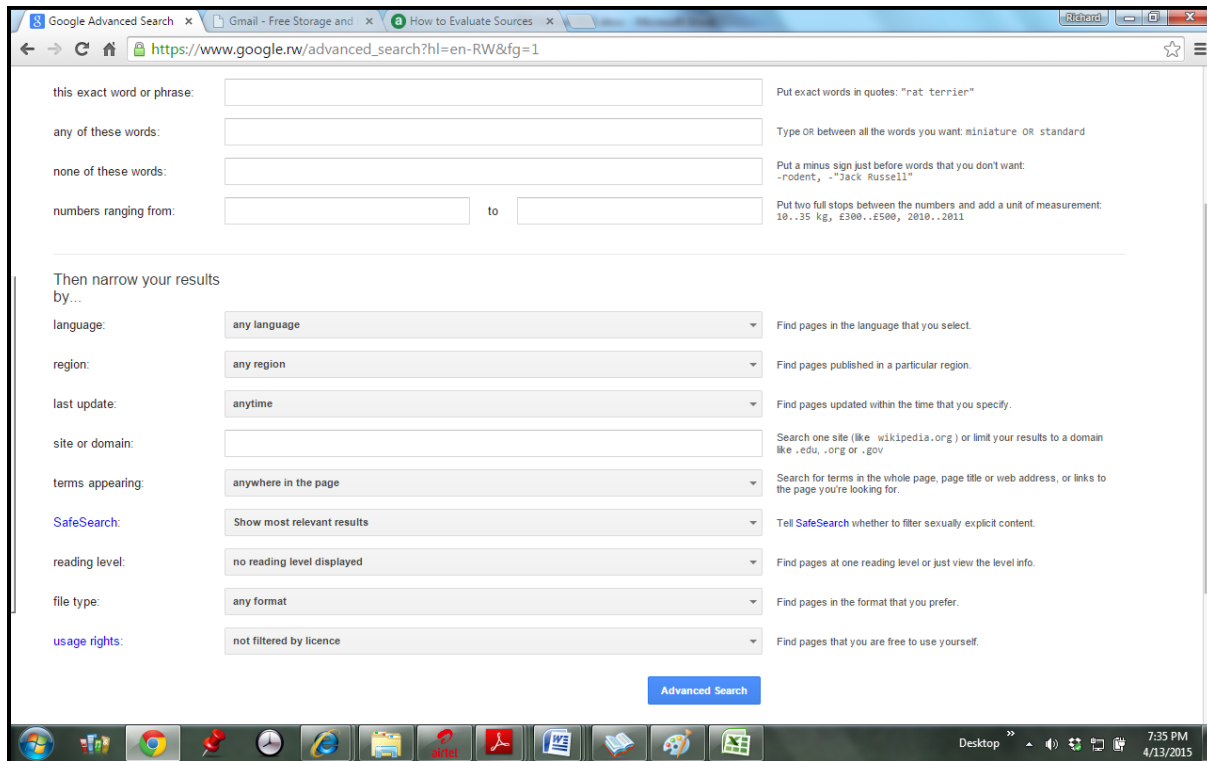
When you are on Google home page you click on “Settings” visible at the bottom of the page on the right as illustrated in the screenshot below:



Then the following will be displayed and then select ‘Advanced research’.

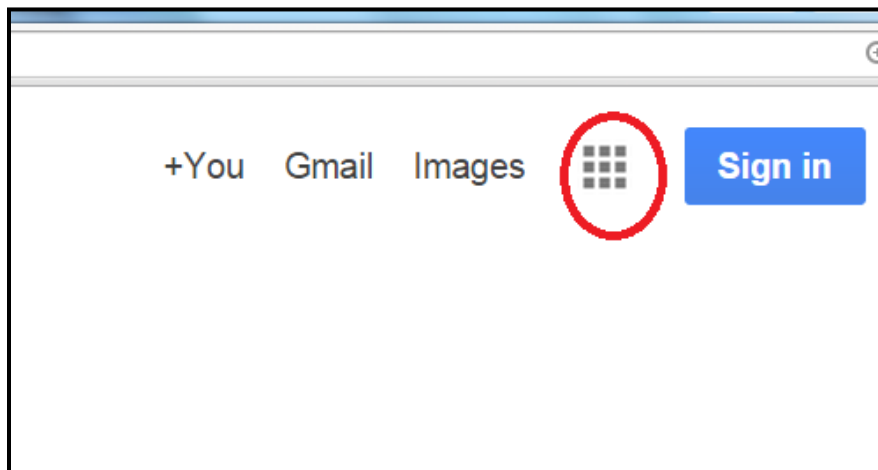


Whatever browser the researcher is using, the following page will be displayed upon selecting ‘advanced search’ and the researcher will make his/her search preferences.

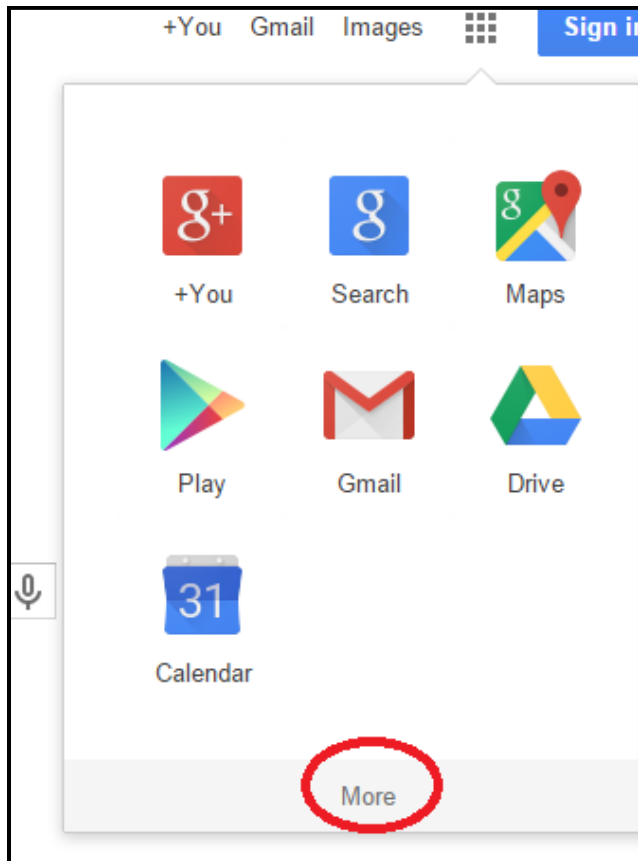


2.3 GOOGLE BOOKS SEARCH

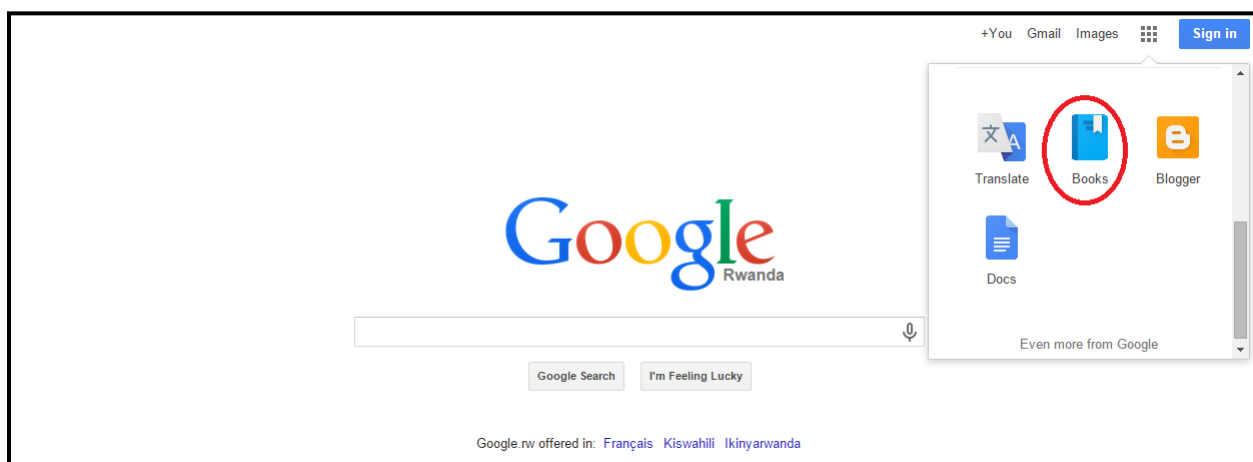
If you want to search for a book, go on Google home page and click on “Apps” menu (showed by nine small black squares) as displayed below:



And then on the displayed page one will click on “More”:



And then you will select “Books”



On the displayed page the researcher will be able to search for books following the same procedures and rules as for the search of any documents seen above (see 2.1 above).

If you want more focused and relevant results for book search do enclose the search words in double quote marks (“”) as in the ordinary search above (see 2.1 above).

The researcher can also get the books he/she wants by using advanced search. They do so by clicking on “**advanced book search**” and they get the window as below and make a selection according to their preferences, where they can choose only books with full preview (those are advisable since they are books whose entire content can be read online), only books in a given language, etc.

The screenshot shows the Google Books Advanced Book Search interface. At the top, the Google Books logo is on the left, the title "Advanced Book Search" is in the center, and a link to "About Google" is on the right. Below the header, there is a search bar with a "Find results" label on the left. To the right of the search bar are four radio button options: "with all of the words", "with the exact phrase", "with at least one of the words", and "without the words". To the right of these options are four input fields. Further right, there is a "10 results" label and a "Google Search" button. Below the search bar, there are several filter sections: "Search:" with four radio button options (All books, Limited preview and full view, Full view only, Google eBooks only); "Content:" with three radio button options (All content, Books, Magazines); "Language" with a label "Return pages written in" and an input field containing "any language"; "Title" with a label "Return books with the title" and an input field containing "e.g. Books and Culture"; "Author" with a label "Return books written by" and an input field containing "e.g. Hamilton Mabie or 'Hamilton Wright Mabie'"; "Publisher" with a label "Return books published by" and an input field containing "e.g. O'Reilly"; "Subject" with a label "Return books on subject" and an input field containing "e.g. Medieval History or 'Medieval History'"; "Publication Date" with two radio button options (Return content published anytime, Return content published between) and two input fields with "and" between them, containing "e.g. 1999 and 2000, or Jan 1999 and Dec 2000"; "ISBN" with a label "Return books with the ISBN" and an input field containing "e.g. 0060930314"; and "ISSN" with a label "Return serials with the ISSN" and an input field containing "e.g. 0161-7370".

It should be note that there are other search engines like **Excite**, **Lycos**, **AltaVista**, **Infoseek**, and **Yahoo** which may also be used.

Selected Bibliography

- Anon., *Judgment Writing in Rwanda*, Course Manual, ILPD.
- GREENSHIELDS, A. and YOUNG, A., *Legal Citation Guide*, 3rd ed., Perth, Murdoch University, 2003 (slightly revised in 2004. 2005 & 2007), available at <http://www.lib.murdoch.edu.au/guides/law/lawcite.html>, accessed on 12/01/2012.
- GROVAK, M. and TUNG, E., (eds), *The University of Chicago Manual of Legal Citation*, 20th Anniversary edition, Chicago, UC, 2010.
- HOLLAND, J., 'Legal Citation' available at <http://www.lib.uwo.ca/files/styleguides/LegalCitation.pdf>, accessed on January 15, 2012.
- KALINDA, F.X., *Initiation à la recherche scientifique*, Notes de cours, Butare, UNR, 2002-2003.
- KERR, O. S., 'How to Read a Judicial Opinion: A Guide for New Law Students', available at <http://euro.ecom.cmu.edu/program/law/08-732/Courts/howtoreadv2.pdf>, accessed on January 17, 2012.
- KIRWAN, L. and MASTERS, J. (eds), *Australian Guide to Legal Citation*, 2nd ed., Melbourne, Melbourne University Law Review Association, 2002.
- MACE, G. and PETRY F., *Guide d'élaboration d'un projet de recherche en sciences sociales*, 3^e éd., Bruxelles, De Boeck Université, 2000.
- THOMSON, S., KALINDA, F. X. and ZIGIRINSHUTI, F., *Methods of Legal Research and Writing*, NUR, Faculty of Law, 2003.
- WHITE, R. CA, *Writing a Research Paper*, 3rd ed., Leicester, University of Leicester, 1999.