

Remarks at the Launch of the Plea Bargaining Pilot Project
11 October 2022

The Hon. Minister of Justice and Attorney General
The Hon. Deputy Chief Justice
The Hon. Prosecutor General
The Commissioner General of Prisons
The Secretary General of Rwanda Investigation Bureau
The President of the Rwanda Bar Association
Members of the Justice Chain in attendance
Distinguished guest's ladies and gentlemen

Good Morning.

I am pleased to be with all of you on this important event. The launch of Plea Bargaining in the 5 pilot Courts of Rwanda is an exciting development in delivering justice to all Rwandans and I am grateful that all of you are a part of it. I am especially grateful for the engagement of our partners in this project namely the Prosecutor General, The Secretary General of the Rwanda Investigation Bureau, the Commissioner General of the Rwanda Corrections Service, the Rwanda Bar Association as well as our friends from Pepperdine University, including Vice President and Chief of Staff Danny DeWalt and his team but not forgetting the Legal Aid Forum who have been very helpful in providing the project with defense counsel.

As you all know, Rwanda has a history of resolving matters, both criminal and civil, without the need for a full trial. It should be recalled that in the aftermath of the genocide against the Tutsi, faced with the daunting task to adjudicate the crimes of genocide, war crimes and crimes against humanity that had been committed, Rwanda through the Parliament, enacted a specialized legislation, that is the 1996 Organic Law on the organization of prosecutions for offenses constituting the crime of genocide or crimes against humanity committed since October 1st, 1990. The specialized criminal justice program laid out in the law relied heavily on a system of plea agreements whereby all perpetrators other than those in category one (comprising leaders and organizers of the genocide and perpetrators of particularly heinous murders or sexual torture) were entitled to receive a

reduced sentence as part of a guilt-plea agreement. Furthermore, considering that it was quasi-impossible to trial genocide perpetrators through the mainstream justice system alone, Rwanda had to complement it with traditional form of conflict resolution system, the *Gacaca*, until then used to solve disputes within the community and to restore social peace and harmony. An Organic Law of 26th January 2001 setting up the Gacaca Courts set up confession, guilty pleading, excuses and repentance procedures which if accepted led to substantial reduction of sentence or to the commutation of the latter into community service.

We also recently introduced and implemented mediation in civil courts.

All these to say that these concepts are not new.

However, what we are doing today is new. This is the start of an ambitious 5-year project to introduce plea bargaining throughout the criminal courts in Rwanda. Initially, only those accused of minor theft and assault cases in the selected Intermediate Courts of Gasabo, Nyarugenge, Gicumbi, Muhanga, and Musanze are included in the pilot phase, but over the course of the next few years, we shall expand to additional Courts and we will also begin resolving more kinds of cases.

Plea bargaining as an instrument of criminal procedure must be well understood to produce good outcomes. Plea bargaining has been subject to criticisms whereby some might question whether we should resolve important criminal matters through negotiation, with the risk to turn justice into commodity that can be bargained. Others suggest that offenders should not reduce their punishment simply by admitting guilt. But the goal is not to allow people to escape accountability for crimes. Neither is it to limit the jurisdiction of the prosecution, the police or the courts. The goal instead is to encourage accused persons to accept responsibility when appropriate and bring faster justice to the accused, the victims and the community.

Dear participants from the criminal justice chain involved in this pilot phase, today's Plea Bargaining Symposium and Launch is designed to equip and educate all of you about plea bargaining so that you can not only participate but also spread the word as plea bargaining ambassadors to other judges,

lawyers, accused persons and stakeholders. It marks the further development of a legal system that holds offenders accountable but that also operates fairly and swiftly for everyone.

I am confident that some years from now, when we look back on this day, we will remember it as one where all criminal justice stakeholders joined forces to fulfill our shared responsibility to provide timely and fair justice, as we will have enabled to move scores of cases forward and, by doing so, positively impacting the lives of thousands of Rwandans.

Therefore, in the course of today and as plea bargaining rolls out throughout the country, please engage with us. If you have questions, ask them. If you have challenges, voice them.

Considering how the project has been designed, I and my colleagues in the Judiciary, the Office of the Prosecutor General, the Rwanda Investigation Bureau, the Rwanda Corrections Service and the Bar Association, have every reason to believe that plea bargaining will achieve good results, as it will incentivize offender accountability, preserve resources by resolving cases short of trial, reduce case backlogs and enhance restoration and satisfaction of victims.

In partnership with eminent experts from Pepperdine University, not only will we implement plea bargaining as I mentioned, but we will also measure our work. We are collecting data not only from the 5 project courts, we are also measuring caseloads in similar Courts so we can demonstrate its effectiveness. As we move forward in this project, we will be able to measure if, and how well, it is working.

As I end my short remarks, I would like to once again thank Pepperdine University for their commitment to team up with the Judiciary and other institutions in the criminal justice chain in our efforts to deliver effective, timely and fair justice. Let's work hand in hand and in the end, I am confident we will be able to tell the story of great success of the plea bargaining project we are launching today.

Thank you all for your kind attention.