

OPENING REMARKS OF HON. JUSTICE DR FAUSTIN NTEZILYAYO, CHIEF JUSTICE
AND PRESIDENT OF THE SUPREME COURT OF RWANDA, DURING THE MEDIATION
WEEK OPENING CEREMONY

Kigali, Marriot Hotel, 20th -24th, March 2023

The Chief Justice *Emeritus*, Prof. Sam Rugege,
Honorable Judges and other judicial officers;
The President of the Bar Association;
Members of Court Annexed Mediation Advisory Committee
Senior Advocates;
Distinguished Guests;
Ladies and Gentlemen;

It is a great pleasure and honor to join you this morning for this tremendous event the first of its kind in the history of the Rwandan Judiciary, where various actors have convened together and shared knowledge on the enhancement of mediation in court.

Before I proceed, I want to thank the Court Mediation Advisory Committee and different stakeholders, including Rwanda Bar Association, Legal Aid Forum, and Transparency International Rwanda, who put together concerted efforts to make this mediation week happen.

I would also like to express my sincere gratitude to Mr. Bruce Edwards and Susan Edwards that have been paramount in the journey of mediation in

the Rwanda Justice system and beyond, and I want to affirm that your efforts in imparting mediation skills are not in vain.

This mediation week among others is jeered at raising great awareness among the public and court 'users, about the benefits of using mediation in resolving disputes and its availability as a pre-filing option.

Historically, Rwandan's culture has always favored an approach focusing on the preservation of relationships and co-existence, and thus mediatory processes have been in place way before the coming of classical courts. For instance, during post 1994 genocide against Tutsis, Rwanda successfully used a restorative justice approach through Gacaca Courts to deal with the huge case backlog in genocide cases and to rebuild the social fabric. The Abunzi system is equally revolutionary from the global perspective in that it is a form of mandatory pre-filing mediation for a large class of civil matters that would otherwise be filed in court in the first instance.

It is in that regard, the Judiciary of Rwanda, after the amendments in the 2018 civil procedure embraced the court-annexed mediation system, which was endorsed by the Alternative Dispute resolution (ADR) policy adopted by the Government of Rwanda as one of existing initiatives to build on in expanding and enhancing the use of mediation in dispute resolution.

As one judge points out: *“Mediating disputes that have already been brought before court, done with the encouragement and ultimately the supervision of court, carries the benefit that parties knowing and*

understanding their rights may nonetheless find it in their interests to resolve their disputes without pursuing the fight to the bitter end.”¹

In addition to the now well-known benefits of mediation: being less costly (cost-effectiveness), faster, flexible, confidential, allowing to maintain continued relationships, social cohesion, and promoting doing business, easily enforcement of settlement agreements, the promotion of mediation in courts also has various impacts/effects in this modern world, mainly the reduction of backlogs that will increase the quality and efficiency of court process.

As echoed earlier, the law relating to the procedure of civil, commercial, labour and administrative case was amended in 2018, and creates a room where a court registrar, judge, or private mediator can mediate parties at any stage of court proceedings before the final decision of the court.

Current statistics show that mediation in court has incredibly contributed to the vision of the Judiciary of Rwanda. Between 2019-2022, approximately 3000 cases were settled through mediation, and among these cases, not more than 300 had a monetary value of 11,133,217,956 RW, this shows how mediation in court does not only facilitates our day-to-day responsibilities as judiciary but also have a big impact in the economic sector of the country. Therefore, we are pleased with the work that is done with all the actors in Court Mediation however the journey is still long thus we have keep on devising means and methods to enhance this process to its betterment.

¹ See <https://www.judiciary.gov.sg/news-and-resources/news/news-details/justice-philip-jeyaretnam-keynote-address-delivered-at-the-appropriate-dispute-resolution-the-singapore-way-launch-event>

During this week, we will have ample time to share experience, knowledge and success stories on mediation in court. It is also a good time in hastening the awareness level of the masses more litigants on mediation in court. This week will also focus on advocates to enhance their skills in mediation advocacy, and to support certified mediators in developing their mediation career path through continuous learning from practice.

We will also seize the opportunity to interact and exchange ideas on mediation in court with specific sectors, such as financial sector, as an important sector where consumer 'disputes have an impact on the life of many citizens striving for their economic development, and of course statistics shows that a bigger percentage of court cases registered in the Commercial Court and Commercial High Court accrue from the banking/financial sector.

Lastly, during this week, we will thereby reflect and discuss on some challenges which hamper the promotion of mediation in court, and together find some resolutions and recommendations to the relevant authorities. This will reinforce mediation as one of the best ways to increase access to justice given the aforementioned core attributes of such a method: affordability, efficiency, accessibility, flexibility and confidentiality.

Distinguished participants, as I conclude my remarks, allow me once again to thank you for having devoted your time to attend this opening ceremony of the mediation week, which is yet a testimony of your commitment to promote and uphold mediation in court. I wish you a successful week.

And it is on this note that I officially open the mediation week.

Thank you for your kind attention.