

REPUBLIC OF RWANDA



SUPREME COURT

P.O BOX: 2197 KIGALI - RWANDA

**REPORT ON THE ACHIEVEMENTS
OF JUDICIARY OF RWANDA FOR THE PAST
TEN YEARS (JULY 2004- JUNE 2014)**



August, 2014

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Foreword



The 2003 Constitution triggered fundamental transformation in governance of our country which led to socio-economic development and rule of law we are celebrating today. The Judiciary of Rwanda has been an active participant in this transformation process. In 2004, it undertook critical judicial reform in order to safeguard public liberties so that all citizens can work, innovate, study and engage in their business safely. Indeed, there is no sustainable development without peace, there can be no peace without security; there cannot be no security without justice, and justice is only possible if it is backed by a strong and effective judiciary.

The judicial reform of 2004 has laid a basis over which the Judiciary has drawn strategies to deliver fair and timely justice. These strategies are built on five major pillars:

1. Resolving the problem of case backlog in courts which was the main cause of long delays in delivering justice;
2. Consistently improve quality of judgements;
3. Improve service delivery by using technology in court activities;
4. Provide courts with adequate infrastructure and equipment
5. Build the capacity of judicial personnel.

Looking at what has been achieved in the last 10 years; there is a lot to be proud of, as it is evidenced in this report. Among other things, we can celebrate the fact that the time a case takes

from filing to judgement delivery has been significantly reduced. Various credible reports have proved satisfaction with Rwandan justice to the extent that even international and foreign courts are no longer hesitant to transfer genocide suspects to Rwandan courts.

This growing confidence in Rwandan justice is a result of intractable monitoring, improving courts functioning, consistently analyzing constraints to effective and timely justice; proposing necessary reforms as well as developing legal tools that help judges to decide cases.

Nonetheless, despite this remarkable progress, there are still pressing issues to be addressed. These include but are not limited to the substantial case backlog especially in the Supreme Court; the big in-flow of cases mainly in Primary Courts as well as inadequate courthouses for some courts.

However, there is no doubt that these constraints will be overcome as we continue to build on the current achievements in close collaboration with other institutions and partners.

We take this opportunity to express our gratitude to all partners for their contribution to the achievements we are celebrating today. Our thanks go in particular to H.E the President of the Republic of Rwanda, the Government of Rwanda and the Parliament for their tireless support to each and every step in the journey of transforming the Judiciary. We are also thankful to the Governments of the Netherlands, Belgium, United States of America, Canada, international organizations including European Union, UNDP, ICF as well as NGOS like RCN and TROCAIRE for their support.

We also acknowledge dedication and assiduous hard work of judges, court registrars, inspectors of courts and the support staff for their contribution in this transformative endeavor. Our gratitude is also addressed to the people of Rwanda for their

role in responding positively to judicial programs aimed at raising their awareness of court proceedings.

Together we built a strong foundation; the remaining journey will be easier.

Professor Sam RUGEGE

Chief Justice,

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INTRODUCTION

- The 2004 Rwandan Judicial reform laid a foundation for delivery of fair and timely justice.
- This report highlights where the Judiciary journey started from 2004; it outlines strategies employed, challenges encountered and remedies adopted that led to the achievements we are celebrating today.
- The report also indicates outstanding limitations and possible solutions. It concludes on a note of appreciation to all those who contributed to the success of the Judiciary for the past 10 years.

I. THE MAIN FEATURES OF 2004 JUDICIAL REFORM

The 2004 reform brought significant changes within the Judiciary aimed at greater efficiency and fair justice. These include but are not limited to following:

- The six chambers of the Supreme Court were merged into a single Court;
- The five Courts of Appeal were replaced by the High Court with its four chambers;
- The First Instance Courts were replaced by the Intermediates Courts;
- The 145 “Tribunaux de Canton” were replaced by 106 District Courts;
- The Supreme Court was given jurisdiction to hear civil cases at appeal level when the subject matter exceeds the value of 20million Rwandan francs;
- The revocation(cassation) procedure was abolished;
- Specialized administrative, Juvenile, Labour and Commercial Chambers were established in all Intermediate Courts;

- The inspectorate of Courts was established to ensure courts performance and provide relevant recommendations to improve the administration justice;
- Qualification in Law and experience in the field of law became a prerequisite for all judges and court registrars.

I.1. DEvised STRATEGIES TO IMPLEMENT THE 2004 REFORM

I.1.1 RECRUITMENT OF QUALIFIED JUDGES

Before 2004 there were 702 judges with only 84 qualified in law among them 19 were females. Today, there are 288 judges, all of them qualified in Law. 39% of them are female.

I.1.2 SELECTION AND TRANSFER OF CASES TO COMPETENT COURT

After case selection and distribution exercise, the new established courts were allocated cases according to their competences as follows:

Supreme Court: 147

High Court: 6,398

Intermediate Courts: 17,734

The Primary Courts: 21,539

I.1.3 STRATEGIC PLANNING

Ever since the existence of the Judiciary of Rwanda, it is in 2004 that a strategic plan was adopted to guide the fulfillment of its mandate.

This planning process has shattered the then existing myth on judges' profession: that judges do not work in set timeline, that judges are not answerable for delays, etc.

This strategic plan set its mission: to deliver timely and quality justice;

Strategies were devised to monitor its implementation.

II. JUDICIARY JOURNEY TO EFFICIENCY

After the 2004 reform, the Judiciary planned its activities through five year strategic plans:

- The 2004-2008 strategic plan
- The 2009-2013 strategic plan
- The used 2013-2018 strategic plan

II.1. THE MAIN PILLARS OF 2004-2008 JUDICIARY STRATEGIC PLAN

- Capacity Building for judicial personnel;
- Clearing case backlog and speeding up proceedings ;
- Providing courts with adequate courthouses and equipment;
- Promoting Information and Communication Technology;
- Promoting gender equality;
- Monitoring court performance, discipline and ethics for proper administration of the justice.

II.2. THE 2004-2008 JUDICIARY STRATEGIC PLAN REALISATION

- Induction training for newly recruited judges and court staff were organized;
- Continuous legal education was arranged for all judges and judicial staff. Study visits and knowledge sharing programs were organized in different countries;
- The number of cases disposed of increased: from 11,717 in 2004 to 53,791 in 2008;
- The number of cases awaiting trial decreased: from 57,088 in 2003, to 53,282 in 2008;
- However, in the Supreme Court the number of pending

cases increased due to the high rate of inflow of cases: from 147 in 2004 to 643 in 2008;

- The number of Primary Courts decreased: from 106 to 60 for better coordination and economy;
- New courthouses were constructed and others were renovated: 3 courthouses constructed while 9 renovated;
- The policy of one computer per staff became a reality.

Despite the deployed efforts during this period, the problem of the huge number of case backlog remained persistent and new strategies were devised in the second Judiciary Strategic Plan covering the period of 2009-2013.

II.3 THE MAIN PILLARS OF 2009-2013 JUDICIARY STRATEGIC PLAN

- The objective of clearing case backlog and speeding up proceedings was reiterated;
- Contractual judges were recruited in lower courts while the experienced judges from these courts were assigned to support temporarily the immediate higher courts;
- The bench of one judge was introduced in court system except in Supreme Court;
- Commercial courts were established to deal exclusively with commercial litigations to bolster the business environment;
- Particular attention was paid to cases with particularly negative effect on Rwandan society. These include cases of genocide ideology and related cases, corruption, embezzlement, gender based violence, drugs and human trafficking;
- A target of disposing of at least 15 cases monthly per judge was set;
- Reporting on court activities and monitoring of the quality of judgments were reemphasized.

II.4 THE 2009-2013 JUDICIARY STRATEGIC PLAN REALISATION

- The number of cases disposed of monthly per judge reached 27 in 2013 while it used to be only 2 cases in 2004;
- The number of pending cases decreased: from 53,925 in 2008 to 36,165 at the end of June 2013;
- However, in Supreme Court pending cases kept on increasing: 147 in 2004, 643 in 2008 and 2,492 in 2013;
- The time for a case to be judged decreased to four months in all courts except in Supreme Court while in commercial courts it has reached three months;
- The ICT got a new impetus mostly in the process of filing a case: 100% of the cases in Supreme Court and commercial courts were electronically filed while it was at 70% in High Court, 47% in Intermediate Courts and 9% in Primary Courts;
- 9 new courthouses were constructed.

II.5 PERSISTENT CHALLENGES AT THE END OF 2008-2013 STRATEGIC PLAN AND THEIR CAUSES

Though a lot was achieved over 2008-2013 strategic plan, there were still challenges to be addressed; among them the following:

- The number of cases awaiting trial did not decrease to the level expected in general. Particularly in Supreme Court, this number has instead increased up to 2,492 cases awaiting trial in 2013 from 643 in 2008;
- The strategies adopted in other courts such as a single judge bench, the contractual judges, etc. could not be applied in Supreme Court;

- The strategies adopted to speed up proceedings were not complemented by other measures to address the high number incoming cases;
- It was realized that the jurisdiction given to the higher courts (High Court and Supreme Court) was too wide.

The strategic plan for 2013-2018 came up with new measures to address those challenges.

II.6. THE MAIN PILLARS OF 2013-2018 JUDICIARY STRATEGIC PLAN

Some of the adopted strategies include the following:

- To address the issue of the high number of incoming cases:
 - The court registrars have been given competence to decide on case admissibility;
 - The court registrars have also been given competence to mediate willing parties.
- The Court fees have increased;
- Public institutions have been sensitized to use Alternative Dispute Resolution mechanisms to settle conflicts;
- Transfer of some competences from the higher courts(Supreme Court and High Court) to lower courts (Primary and Intermediate Courts);
- The Supreme Court case screening procedure was discontinued and the monetary threshold competence was raised from the minimum claim value of Rwf 20,000,000 to Rwf 50,000,000;
- The number of Supreme Court judges has increased;
- The High Court has been provided with a specialized chamber for international crimes;
- It is proposed that some of the Primary Courts are to be merged and reduced from 60 to 30 while the three

- commercial courts are expected to be merged to form 1 court;
- To strengthen the existing strategies for speeding up cases;
- To lay down new strategies to ensure the quality of judgments;
- To continue to improve service delivery within Judiciary.

II.7 THE 2013-2018 STRATEGIC PLAN FIRST YEAR ACHIEVEMENTS

Among the achievements of the first year of this strategic plan, the following are to be mentioned:

- The number of cases disposed of in Supreme Court has increased from 411 in 2013 to 664 in 2014 while the number of filed cases decreased from 638 in 2013 to 358 in 2014;
- The number of cases disposed of is now higher than the number of filed cases in all courts. Such a trend inspires confidence that case backlog problem will eventually be overcome;
- The average time for processing a case has decreased to five months in all courts except in the Supreme Court where it is approximately three years;
- Judges have initiated monthly discussions on decided cases in every court. This provides room for knowledge sharing and harmonization of views on legal issues but also, it serves as a deterrent mechanism to prevent corruption and partiality ;
- A law reporting system has been established;
- Bench books/manuals have been produced; others are under preparation to assist judges in deciding cases.

II.8 BENCHBOOKS/MANUALS

Completed bench books/manuals:

1. Civil procedure manual;
2. Commercial court users guide;
3. Banking law bench book;
4. Company law bench book;
5. Insolvency law bench book;
6. Insurance litigation bench book;
7. Taxation litigation bench book.

Bench books/manuals under preparation:

1. Criminal procedure manual;
2. International criminal procedure manual;
3. Sentencing guidelines;
4. Guidelines on award of damages.

III. THE PAST 10 YEARS MAJOR ACHIEVEMENTS

The past 10 years achievements have gone beyond expectations. This report will merely highlight the major transformation in terms of:

- Capacity building and efficiency in the administration of justice;
- Use of technology;
- Infrastructure and equipment;
- Expedient disposal of cases and improvement in quality of judgements.

III.1. CAPACITY BUILDING AND EFFICIENT IN ADMINISTRATION OF JUSTICE

III.1.1. CAPACITY BUILDING

- Currently all judges are qualified in law and have accumulated necessary experience to the satisfaction of people's expectations;
- Judges and court staff have benefited from continuous legal training in various fields of Law;
- The legal tools were developed;
- Judges and court staff got exposure through knowledge sharing and various study visits ;
- Gender equality was consistently taken into consideration as one governing principle within the Judiciary. Today 46% of judicial staff are female.

The table below indicates the judicial personnel qualifications and gender representation as per June 2014.

	Total	PhD		MA		A0		A1		A2		% Female
		M	F	M	F	M	F	M	F	M	F	
Judges	288	1	-	28	13	146	99	1	-	-	-	39%
Registrars	275	-	-	1	-	89	108	6	5	33	33	53%
Total	563	1	0	29	13	235	207	7	5	33	33	46%

**Judges
and Court Registrars
in workshop**



III.1.2. SENSITISATION OF JUDICIAL PERSONNEL ON NATIONAL DEVELOPMENT PROGRAMMES

On various occasions, judicial personnel have been sensitized on national development programs and the role of the Judiciary in this process. In this regard, they discussed issues like the vision 2020, Poverty Reduction Strategy program (PRSP), Economic Development and Poverty Reduction Strategy (EDPRS I&II), *Ndimunyarwanda* program and fight against corruption.



Particularly, with regard to the fight against corruption, the Judiciary organizes an anti-corruption week campaign every year. In this campaign, a number of activities are organized. These include but are not limited to TV and Radio shows, press conferences walk against corruption and conferences in every court. In the same vein, all pending corruption cases are tried.



III.1.3. EFFICIENCY IN ADMINISTRATION OF JUSTICE

In terms of promoting efficiency in the administration of justice, special emphasis has been put on the following:

- Enhancing court administration and regular reporting on court activities;
- Regular staff meetings at different court levels to discuss issues related to efficiency and improvement in service delivery;
- Quarterly meetings of the Chief Justice and Presidents of Courts and Chief Registrars to discuss legal issues, to adopt strategies for better administration of justice and to improve service delivery;
- Exchange ideas on decided cases and the application of laws;
- Discussing regularly on cases overturned at appeal level;
- Monitoring the implementation of adopted strategies;
- Ensuring professionalism and ethics of judges.

The Judiciary does not tolerate any infringement of code of ethics. In this respect, during the past ten years, the High Council

of Judiciary has imposed disciplinary sanctions as follows:

- 26 judicial personnel were dismissed for corruption and related misconduct;
- 14 judicial personnel were dismissed for infringement of the law on code of ethics;
- 17 judicial personnel have faced various other disciplinary measures :
 - 5 were temporarily suspended;
 - 7 got their salary deducted of ¼;
 - 4 were given official blame;
 - 1 got a warning notice.

III.14. ENHANCING TECHNOLOGY IN COURT MANAGEMENT

The Judiciary enhanced the use of technology to improve service delivery and administration of justice.

- Nowadays, litigants file their claims through electronic filing system (EFS) to avoid having to go to courts, at the following rates:
 - 100% in Supreme Court and commercial courts;
 - 70% in High Court;
 - 47% in Intermediate Courts;
 - And 9% in the Primary Courts.
- Case files are transferred from court to court using ICT;
- Some courts can conduct hearings using video link;
- The Supreme Court and Commercial High Court use digital recording system during hearing sessions;
- The Judiciary shares information with the public through its website (www.judiciary.gov.rw);
- The judges and court registrars exchange legal information

- through their professional blog;
- The study on an integrated case management system linking the police, Prosecution, Judiciary, Rwanda Correctional Service and Ministry of Justice has been completed;
 - The court registrars have been trained on real time court reporting using stenography typing machines.

III.15. JUDICIARY COOPERATION

- The Rwanda Judges and Registrars Association (RJRA) has been admitted in the Commonwealth Magistrates and Judges Association (CMJA) and has a seat in the Executive Council;
- The Rwanda Judges and Registrars Association (RJRA) also adhered to the East African Magistrates and Judges Association (EAMJA);
- Rwanda is represented in the East African Community Chief Justices' Forum;
- Rwanda is also represented in the East African Judicial Education Committee.



III.2 COURT HOUSES AND EQUIPMENT

In the past 10 years :

- 28 courthouses were constructed;
- 21 courthouses were extended;
- 21 courthouses were rehabilitated.

Courts also were provided with necessary equipment:

- A computer per staff;
- Office furniture;
- Photocopy machines;
- Scanners;
- Generators.

Pictures below show examples of significant changes on court premises.

THE OLD BUILDING OF THE HIGH COURT



THE NEW BUILDING OF THE HIGH COURT



THE OLD BUILDING OF HUYE INTERMEDIATE COURT



THE NEW BUILDING OF HUYE INTERMEDIATE



THE OLD BUILDING OF RUHERU PRIMARY COURT (BEFORE 2004)



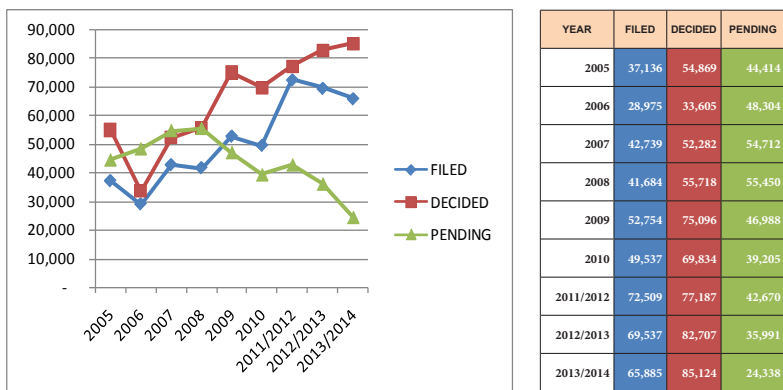
NEW BUILDING OF PRIMARY COURT



III.3 CASE PROCESSING FOR THE PERIOD OF JANUARY 2005-JUNE 2014

III.3.1 OVERALL CASE PROCESSED

The graph below depicts the number of filed cases, disposed of and pending in all courts.

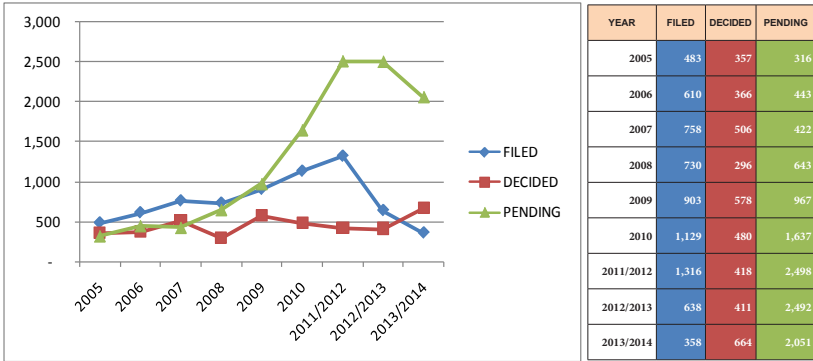


Generally the number of cases decided has been growing while cases filed kept increasing. Consequently, the backlog did not decrease to the expected level. Fortunately, the strategies adopted in the year 2012/2013 have reversed the trend of the inflow of cases. Thus, the number of pending cases has considerably decreased and this positively impacted on the time it takes for the case to be decided.

III.3.2 CASES PROCESSED PER COURT LEVEL

III.3.2.1 IN THE SUPREME COURT

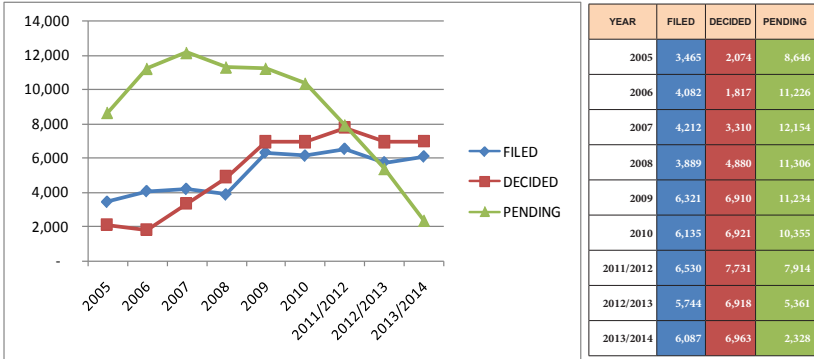
The graph below depicts the number of cases filed, disposed of and pending at Supreme Court level.



The rate of inflow of cases before Supreme Court has gone higher than the rate of those decided. This was due to the wide jurisdiction allocated to the Supreme Court compared to the number of its judges. This situation yielded a challenging case backlog and negatively impacted on the time it takes for a case to be decided. Nonetheless, due to the strategies devised in the year 2012/2013, the number of cases decided has exceeded the number of cases filed; although the huge backlog accumulated in past years, remains a challenge.

III.3.2.2 HIGH COURT

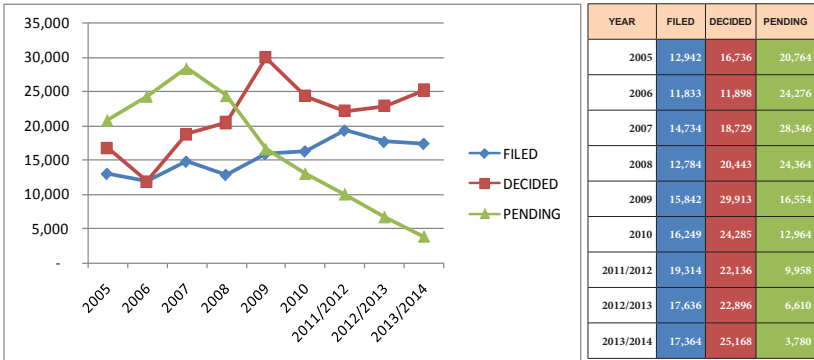
The graph below depicts the number of cases filed, disposed of and pending at High Court level.



Though the High Court started with a huge case backlog and continued to register almost the same number of cases filed and cases decided, a lot of effort has been deployed to reverse the trend. Nowadays the average time a case takes before the High Court is four months.

III.3.2.3 IN THE INTERMEDIATE COURTS

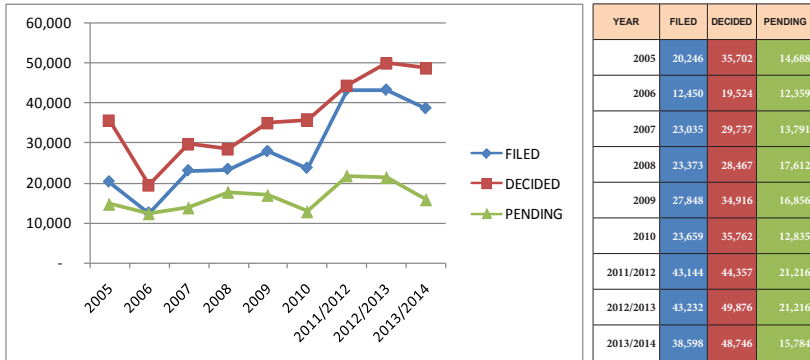
The graph below depicts the number of cases filed, disposed of and pending at Intermediate Court level.



In 2005 there was a huge case backlog in Intermediate Courts; measures adopted have facilitated an increase in the number of decided cases. Subsequently, the number of pending cases has significantly decreased such that the average time it takes for case to be processed is currently three months while it used to take fourteen months in 2005.

III.3.2.4 IN PRIMARY COURTS

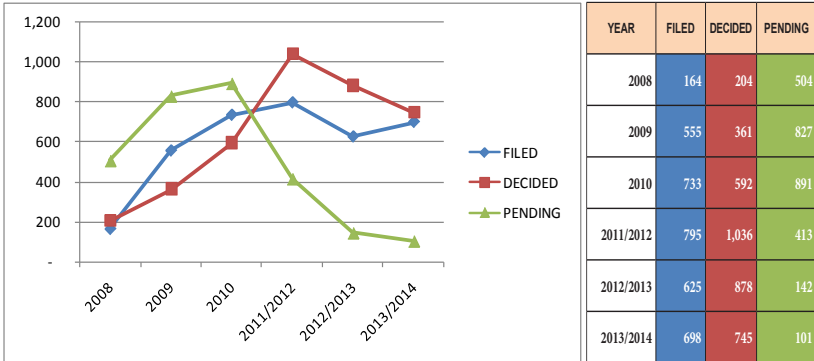
The graph below depicts the number of cases filed, disposed of and pending at Primary courts level.



Generally, the number of cases decided in the Primary Courts kept on increasing more than cases filed. In fact, pending cases before the Primary Courts has never been challenging. The time it takes a case to be decided is less than four months.

III.3.2.5 IN THE COMMERCIAL HIGH COURT

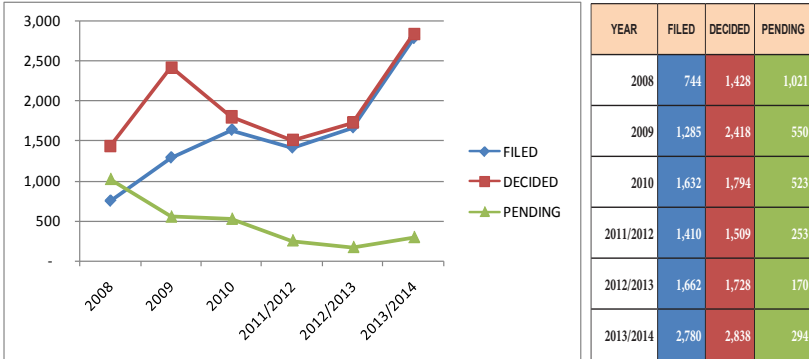
The graph below depicts the number of cases filed, disposed of and pending at Commercial High court level.



Though the Commercial High Court started with a huge number of cases, strategies adopted to speed up proceedings have reversed the trend. Whereas in 2008 there were 524 pending cases, today they are around one hundred remaining. Currently it takes less than two months for a case to be decided.

III.3.2.6 IN COMMERCIAL COURTS

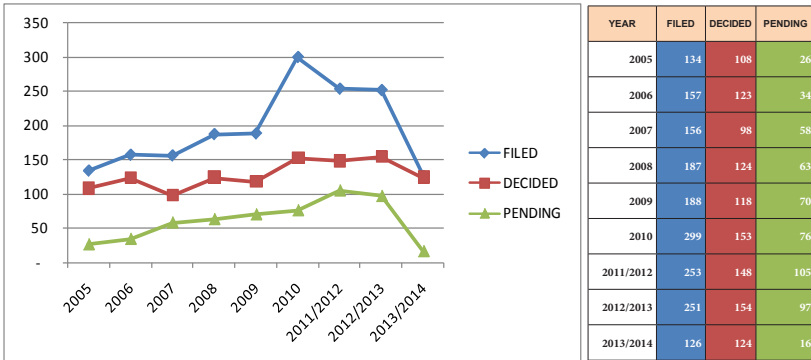
The graph below depicts the number of cases filed, disposed of and pending at Commercial Courts level.



Like in Commercial High Court, the Commercial Courts started with a huge case backlog but the strategies adopted led the backlog to continuously decrease. Whereas in 2008 the Commercial Courts started with 2,788; currently, only 294 remain. The average time it takes for a case to be decided is less than two months.

III.3.2.7 IN MILITARY COURTS

The graph below depicts the number of cases filed, disposed of and pending at Military court level.



Military Courts process cases as they come in. Notably, since 2013/2014 inflow cases have decreased due to adopted preventive measures.

IV. SUMMARY OF NOTABLE ACHIEVEMENTS OVER THE 10 YEAR PERIOD

- Maximum time of six month provided by the law from filing to judgement has been achieved in almost all courts except in the Supreme Court. However, it is worth noting that in this court, the time it takes for a case to be processed has been dropped from 6 years in 2012 to 3 years in 2014;
- The number of cases decided per judge per month kept on increasing from 2 cases before 2004 to 27 as of 2014;
- The average number of cases decided is higher than the cases filed in all courts.;
- All indicators show that justice in Rwanda is fair, transparent

and independent as reflected in the following examples:

- The 2013-2014 Global Competitiveness Report, ranked Rwanda 33rd out of 148 countries, 3rd in AFRICA and 1st in East African Community;
 - The RGB 2012 report shows that Rwandans are satisfied with justice delivery at the rate of 74.96%;
 - The 2014 Transparency Rwanda Report shows that Rwandans are satisfied with justice delivery at the rate of 79% ;
 - International and foreign jurisdictions have expressed confidence in the Rwanda justice system as meeting international standards. This is evidenced by the increasing number of transferred cases to Rwandan Courts.
- Litigants use electronic system to file their briefs rather than queuing up at courts;
 - Today all judges are qualified in Law with 42 holding master's degree. By 2015 all judges will have completed their training in legal practice;
 - Women in Judiciary represent 46 %.

V. OUTSTANDING CHALLENGES AND PROPOSED REMEDIES

V.1 OUTSTANDING CHALLENGES

- High number of pending cases before the Supreme Court;
- High inflow of cases before Primary courts;
- Use of electronic case management not at required standard;
- Welfare concerns of judges and court registrars;
- Inadequate court premises.

V.2 REMEDIES

- Amend the law determining the organization, functioning and jurisdiction of the Supreme Court to enable judges to select cases to be heard on merit and to allow registrars to mediate willing parties as it is a practice in other courts;
- Continue discussions on ADR mechanisms towards strengthening out- court disputes settlement;
- Enhance ICT in court activities;
- Provide the Supreme Court, Primary Courts, Commercial Courts with adequate court premises;
- Address welfare concerns of judges and judicial personnel to ensure their high level standard of conduct.

V.3 SPECIAL MEASURES TO FIGHT CORRUPTION IN JUDICIARY

The Judiciary subscribes to zero-tolerance national policy against corruption. That is why it will tirelessly continue to:

- Raise awareness of judges and courts registrars on negative effects of corruption and ways to avoid it;
- Investigate and sanction corruption and related practices;
- Devise strategies to track individuals who lure judges and court registrars into corruption practices;
- Continue to provide a forum for discussion on decided cases thereby encouraging transparency, impartiality and carefulness in the determination of cases.

VI. CONCLUSION

This short report cannot cover all ten year activities of the Judiciary. It just highlights some major achievements, challenges encountered at every step and appropriate remedies taken within available resources.

Strategies adopted have been a cornerstone in the development of a strong and professional Judiciary we can be proud of today. Building on these achievements, with the commitment of Government and the people of Rwanda, we are confident that there will be no going back.

The Judiciary is grateful to all those who have tirelessly supported its efforts all the way in this endeavor of its transformation. We hope this collaboration will continue as the struggle for justice is a noble and continuous battle.

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