



MEDIATION ON CASES SUBMITTED TO THE COURT/ ANNEXED COURT HIGHLIGHTS

Presented by Inspector of Courts and
Spokesperson of the Judiciary at Supreme
Court, Justice Harrison MUTABAZI

THE JUDICIARY OF RWANDA

- **RWANDA IS IN EAST AFRICA AND IS A LAND OF 1000 HILLS**
- The Judiciary of Rwanda is one of the 3 branches of the Government, and it is vested with the Judicial Authority (article 61 and 148 of the Constitution of the Republic of Rwanda of 2003 revised in 2015).
- The Judiciary of Rwanda comprises the following organs: the **High Council of the Judiciary** and **Judicial organ** (article 2 of the Law determining the organization and functioning of the Judiciary)

HIERACHY OF THE COURTS IN RWANDA

- **SUPREMECOURT**
- **COURT OF APPEAL**
- **HIGHCOURT**
- **INTERMEDIATE COURTS**
- **PRIMARY COURTS.**
- **THE COURT ANNEXED MEDIATION PROCESS ATTACHED TO ALL COURTS AND IT CAN BE CARRIED OUT ON ALL CIVIL COMMERCIAL ADMINISTRATIVE , LABOR AND FAMILY DISPUTES.**
- **Mediation is done by Judges Registrars and Accredited private mediators who do the same for a fee.**
- **The Supreme Court Judges can only do referrals they do not mediate cases.**

Traditionally, Rwandans took a problem-solving approach to justice anchored on community participation in a variety of dispute resolution forums. Some of these included “Inama y’Umuryango” “Gacaca” and “Inteko y’ Abunzi.” This justice system was founded on Rwandan values with the goals of reconciliation of Rwandans and integrity of the country ADR mechanisms in contemporary Rwanda that emerged in the post – genocide context such as Gacaca Courts and Abunzi Committees among others, borrowed from this traditional system. The traditional gacaca process was improved and formalized in legislation to fit the modern requirement of a justice system. Abunzi Committees were established to cater for civil matters and to help resolve disputes in ways that preserve harmony and restore unity and reconciliation within the community. Both Gacaca Courts and Abunzi Committees have been effective, successful and impactful in addressing very large numbers of cases, which would otherwise have been unworkable in the conventional justice system.

THE GENESIS OF COURT ANNEXED MEDIATION

- The Judiciary realized that introducing and promoting Court Annexed Mediation would reduce the heavy workload of judges and backlog of cases in the courts thus
- The 2012 civil procedure code amendment introduced mediation into legislation by empowering court registrars to suggest mediation and also conduct the same at the pretrial level. The same procedure code was amended in 2018 and granted powers to judges to suggest mediation to litigants and to conduct mediation in the same cases or refer them to private mediators.
- Chief Justice Practice directions were issued and published in Government gazette to guide those conducting mediation with regard to procedure and ethics.
- The Judiciary in partnership with Edwards Mediation Academy has undertaken a capacity building program in mediation skills to create a pool of court accredited



The LEGAL BASIS of Court Annexed Mediation

- - The constitution of Rwanda in its article 10 (f)
 - Civil Procedural law (article 2, 9, and 27)
 - Chief Justice Practice Directions



Mediation statistics per month for Judicial Year 2023/2024





General Overview of Cases Resolved Through Mediation Over Seven Years and Six Months (2017-30/06/2024)





Examples of Major Cases Resolved Through Mediation

- 1) 16,112,472,925 FRW: Rayan Global Ltd vs RSSB in RCOMA 00184/2018/HCC, mediated on 15/10/2018
- 2) 9,500,000,000 FRW: INKUNDAMAHOHO vs BRD and Other Litigants 112 in CMB RCOMA 00298/2020/HCC, mediated on 25/02/2021
- 3) 6,172,571.68 USD: SHELTER AFRIQUE vs OXYPROP RWANDA Ltd in RCOMA 00803/2017/CHC, mediated on 06/05/2020
- 4) 6,000,000,000 FRW: Kigali Bus Service (KBS) vs RURA, ECOKANK, TDB/PTA BANK, YUTONG HONG KONG in RCOMA 00233/2018/CHC/HCC, mediated on 10/08/2018
- 5) 2,555,430,418 FRW: GATE HILL ESTATE vs BANK OF KIGALI in RCOMA 00758/2022/HCC, mediated on 16/02/2024

Note: These 5 cases alone have a combined value of over forty-two billion (~42,476,184,824 FRW).

6) A land dispute that had spent 15 years in the Court dockets involving 11 families with more



Some Photos of Litigants Who Have Reconciled Through Mediation



In the Nyarugenge High Court, the litigants were pleased that the President of the court mediated their issue and it was resolved. (Feb. 2024)



In the Kaniga Primary Court, the litigants were pleased that the Court Clerk mediated their issue and it was resolved. (Photo April 2024)

Some Photos of Litigants Who Have Reconciled Through Mediation



The parties who have resolved their issue through mediation are pleased with their reconciliation and have settled the disputed amount in the Ngoma High Court (April 2024)



Challenges Facing Mediation

Existing Legal Gaps: There are still gaps in the laws related to mediation in general.
Lack of Awareness: Some litigants are not yet aware of the benefits of mediation.

Misunderstanding by Legal Practitioners: Some legal practitioners view mediation as a lesser job that diminishes their daily earnings.

Inadequate Facilities: The rooms designated for mediation are insufficient.
Insufficient Training: The number of individuals trained in mediation is not yet sufficient.

Limited Utilization of Private Mediators: Many of the private mediators listed by the Supreme Court have not yet been utilized to contribute to mediation efforts.



Measures

Recording and Referring Cases: Ensure that cases to be mediated are properly recorded and referred to mediation by the court clerk.

Monthly Mediation Goals: Set a goal for each judge and primary court clerk to resolve at least one case through mediation each month.

Mediation Day: Implement Mediation Day in every court to promote and focus on mediation.
Timely and Detailed Reporting: Provide timely and comprehensive reports on mediation outcomes.

Ongoing Training: Continue to offer training for court staff and others involved in mediation.
Utilizing Private Mediators: Strengthen efforts to refer cases to private mediators to increase mediation outcomes.

Advocacy for Legal Reforms: Continue advocating for the establishment of comprehensive mediation laws.



The establishment of Court Médiation Advisory Committee by the Hon.Chief Justice.

Awareness Campaigns: Maintain awareness campaigns conducted by the CAM advisory board.

Media Campaigns: Use radio, TV, social media, various publications, and IECMS notifications as part of ongoing awareness efforts.

ADR Centre Contribution: Leverage the ADR Centre's role in training, research, and advocacy to enhance mediation and alternative dispute resolution methods.



Court Accredited Mediators

The Chief Justice directives define who is an accredited mediator and states that such a Mediator: is not a Court staff admitted to the list of accredited mediators published on the website of the Judiciary.

Note that .The Judges and Registrar in our Court Annexed System, have powers to do mediation.

-To date on the roll of the Judiciary that can be accessed on the website of the Judiciary(www.Judiciary.gov.rw) we have a total of 386 Accredited Court Mediators .

- The Accredited Court Mediators Come various disciplines namely;lawyers engineers , accountants , clergy etc.



ACCREDITATION ON THE ROLL OF COURT MEDIATORS

- A certificate that evidences a minimum of 40 hours training is mandatory for one to be enlisted on the roll of Accredited Court Mediators.
- According to the statement of adherence (that elaborates on the ethical provisions of Court Mediators and mediation fees.
- CV
- And to be in good ethical standing

- In future we plan to introduce an annual review of the roll of Court Accredited Mediators.

- The Accreditation of Court Mediators is made by the Hon. Chief Justice after receiving an opinion from the Court Annexed Mediation Point person in the Judiciary.

MEDIATION FEES IN COURT CONNECTED MEDIATION

- Primary Court=150.000Frw
- Intermediate Court=250.000Frw
- High Court=300000Frww
- Commercial Court=250000Frw
- Commercial HighCourt=350000
- Court of Appeal=500000 and 600000(Commercial Matters)

The image features a dark blue, monochromatic background. In the center, a wooden gavel is positioned vertically, with its head resting on a stack of books. The gavel and books are rendered in a slightly lighter shade of blue, creating a subtle contrast against the darker background. Overlaid on this scene is the text "THANK YOU" in a bold, yellow, serif font. The text is centered horizontally and vertically, with a slight shadow effect that makes it stand out against the blue background.

THANK YOU