

PRESS CONFERENCE ON LAW PUBLISHED IN OFFICIAL GAZETTE

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I would like to thank you for having had this opportunity which enables us to communicate with you. We frequently do it when we have something to share with you and that we want you to communicate to Rwandans as it is your duty to do so. We have called you today in order to share with you things concerning the public prosecution, the judicial police and the laws which have recently been promulgated and published. Last time, I think it was during the first semester of this year, you will remember that we called you twice and that we shared with you what we were modifying in the penal code, the code of criminal procedure and the related laws. At another time, we called you in order to explain well the laws concerning weapons. Do you remember that? I think that since then we did not meet any more and it is now that we called you once more. Meanwhile, we have been working with the Parliament. Some of you if not all of you have followed it.

When laws have been submitted to the Parliament, they are voted on a continuous basis. During the voting time, we do not have many things to tell you about them as they have not become laws. For the time being, they have become laws. Last week, if you have followed well,

more than 24 laws were published. The note you have with you lists the modified laws as well as the new laws which were promulgated and published. All those laws were published last week. There are still other laws which are still pending but the category of laws that we wanted to be promulgated and to be published at the same time is the one you have with you. Presently, they are laws which are used by Rwandans.

The reason why we invited you today is that, as we have worked together during the initiation of these laws, if there is something which needs to be explained to Rwandans we call you and we explain it. We have wished now to call you and to tell you that the laws were published. You can see them on different websites and you may start reading them. Any time that you find that there is something which needs explanations, we are available and you may come and we will explain them and subsequently you will be able to better explain them to Rwandans.

The main reason why we make effort to disseminate these laws is because they concern the life of Rwandans when they act contrarily to these laws and the provisions of these laws. When they act contrarily to these laws, this produces bad consequences on them. They are arrested by the judicial police, they are prosecuted by the public prosecution, they are sued in courts, they are put in jail, and they are released. These laws are not like laws on agriculture, animal husbandry or mining activities. These are laws which concern more the life of people in such

a way that people need to know them when they are published. Now that they were published, where can we find them? Is it here or there? Can we know their content? Yes, because they are laws which are expected to be read by everyone. What we have wished today is to communicate this to you and to ask you to communicate it to Rwandans.

In the past, our penal code contained 766 articles if you still remember well. The newly published penal code which was published last Friday if I remember well contains 335 articles I think. You can ask me where the remaining articles were left. We explained before where those articles would be put. We have explained that the articles concerning the offences which can be perpetrated in particular different domains of life of people would be removed from the penal code and be integrated in the laws governing those domains. I give you an example, if we have a code of taxes or a law governing taxes, the offences which may be committed in the framework of taxes and their penalties, we find that it is much better for the Rwandan citizen to search them in the code of taxes. If there is a law governing the environment, we find that the offences which may be committed in the framework of environment might be searched in that code as it is the code which defines what environment is and which determines how it is protected or how it is damaged and what happens when it is damaged. The remaining articles were integrated once more where they had been taken from. You still

remember that our penal code was revised in 2012. It is then that it became bigger. Presently, we reinserted them where they were taken from and the penal code is about the offences which are commonly known: do not assault anyone, do not commit theft, and do not do this or that. Such offences were maintained in our penal code. As for other offences which are related to particular domains of life of Rwandans, of the country, they were reinserted within the laws governing those domains. If they are offences which are related to mining activities, the penalties provided for the offences related to mining activities will be found in that law governing mining activities. This is the first part I wanted to talk about.

The second part I would like to tell you concerns our penal code. My conference will be delivered into three parts and what we have just talked about was its first part. The second part concerns the penal code. The reasons why that code was revised, apart from the fact of removing the provisions concerning other domains of life and reinserting them in the law in which they are supposed to be, it is also a need to harmonize the penal code with the constitution. You remember that the constitution was revised in 2015 and that it made the penal code a normal law. In the past, it was an organic law and it has presently become a normal law. It was necessary for it to become a normal law. The second thing concerns of course the removal of the articles

concerning other domains of the life of the country from the penal code.

The third thing we have tried to do is to try to harmonize offences with penalties so as to reduce the discrepancy between the gravity of an offence and the related penalties. This means that if an offence is very serious for the Rwandan society, its penalties should accordingly be heightened. Otherwise, we had noticed that there were some discrepancies. Another thing, we wanted to reduce discrepancies between penalties in such a way that two people who commit the same offence should not be sentenced to different penalties. You could find that people who have committed the same offence could be sentenced to different penalties. There was a great discrepancy between the penalties which are imposed to people who commit the same offence. Presently, we have tried to reduce this discrepancy between the penalties imposed to people who commit the same offence. In any case, there must be some discrepancies for example how the offence was committed, how the offence was planned, and how the perpetrator of the offence facilitated the work to justice and so on. There are many circumstances on which judges can base their decisions but even if they can base on them when the offence was committed, still we have tried to reduce the discrepancy.

Another thing, we tried to take all the necessary steps to prevent offences from being committed. We did what is called deterrence in

English so as to prevent people from daring to commit offences. Normally, the human nature should be afraid of committing offences. When in a given country, the laws, the way of governing, and the ways of functioning are loose enough and give room to many people to commit offences, the country becomes unmanageable. Normally, laws are there to be observed. The criminal laws should repress offences in such a way that the person who sees how someone is punished today would not commit such offence tomorrow and even the person who is punished would not dare to repeat the offence once he will have completed his punishment. We have tried everything to make deterring laws which prevent Rwandans from committing offences and which lead them to be afraid of the stipulated punishments. What I would like you to say, maybe you will ask me questions about it, is that we should not apologize for our will to make laws which deter Rwandans from committing offences. Someone who is not afraid of committing offences should be someone who is ready to face the penalties provided for by the law. So, deterrence is something which is very important. If you have penal laws which do not deter people from committing offences, these laws are not of great importance for those people.

Another objective is that, and this frequently comes in this penal code and elsewhere, if you have committed an offence, if you are found guilty, you might pass through the process of punishment and when you will have completed it, you will have changed into a good person

after having been given moral lessons, and after having been re-educated. If someone confesses that he has committed an offence, then it will not be deterrence to commit offences any more, but rather he will have become someone who understands that committing an offence is something which is not right. So we have two people in front of us. The first one is that one who says that it is not right to commit offences even if he is afraid of penalties or not and the second one is the one who says that if penalties were not provided for he would not be afraid of committing offences. This person is also a Rwandan and we must take care of him. How should we take care of him? We have to provide for penalties which deter him from committing offences and which threaten him in such a way that he decides not to commit offences. That one who wants to change may say that it is a bad thing to commit offences and he takes the decision not to repeat committing offences. That one also needs to be taken care of by laws.

In the new penal code we have today, the one which contains 335 articles, there are some innovations and they are so many. I have tried to pick the most important of them and I wish to talk about them with you and ultimately to communicate them to Rwandans. I have noticed that you recently have been discussing them frequently in your writings. But I would like to go through it in a few words.

As you are reporters, let me start by the defamation offence. The defamation offence, I do not know any people who did not stand up to

fight against it, but many of you did. We have seen some of them. As for others, you have stood up against it in your homes. Some of you have stood up against it with your pens and yet some others, you have done it in your way. But, I know that you stood up against the offence of defamation. In English, this offence falls in the category of press offences. In my opinion, the reason why this offence is called a press offence is that it is easy for people who use a pen and a paper to digress and to make a defamation offence. It is very easy to make a slip of the pen and to say that you slipped. I do not know well whether they slip because it has rained; but it is very easy to slip and to make a defamation of someone.

There is then a universal way of thinking which consists in saying that if a reporter has committed a defamation offence in general his act should be mitigated as he commits defamation in a view of public interest. When he committed a defamation act, he was not an offender. When he committed defamation, he had not previously planned for it. He made defamation when he was struggling for the achievement of public interest. Do not they say it this way? Do not you understand this that way? And they go on saying that even if things go that way, they say that he should be sued by the person who is victim of his defamation act in a civil case. In a civil case, this means that the case does not have to pass through the judicial police, the public prosecution or the imprisonment. The case should pass through compensations,

finances and through some other different ways. This offence was in the penal code of Rwanda since, I think that older people who are here I do not know how old you are, the offence was older than any one among you. The offence was in the penal code of 1978 which was recently revised. So, it is as old as yourselves or it is even older than you. Presently, it was removed. But, very recently, I read an article in which the removal of this offence was considered as a kind of removal of a prohibition. One would think that it is a prohibition for people to make defamation which was removed; meaning that they are now allowed to do it. But, you know yourselves where civil cases are used; you know well that courts may sentence you to pay civil repairs, fines, or compensations which may even some times be as heavy for you as the imprisonment itself.

The fact that this article was removed from the penal code cannot then be considered as a removal of a prohibition, it is rather a signal of the Parliament and of our country that our press is in the process of doing what it is expected to do and that none can sit in his home and plan to make a defamation of someone else in a criminal way but rather he may do it because of digression, slips; because his pen slipped and then he can find himself in a situation where he has committed a defamation act unwillingly.

I would then like to tell you that, as my friends with whom we have close relationships, even if the offence was removed from the penal

code and that it can be followed only in civil matters, I would not advise you to sit and to do your best in terms of making defamation. It is not good. It is not productive and even in civil matters, one may be punished with a more afflicting penalty than in penal cases. But in general, it is something that the whole universe and the standards that we have to follow say that reporters should not be prosecuted or put in jail on account of having committed defamation act against someone else. He should beg pardon and write that he is begging pardon and in case this act would not be enough, the victim would then bring the case before courts and the latter should then be sentenced to pay civil repairs and then life would go on as he is there for the public interest.

I think that the way in which you stood up to fight against defamation the Parliament has seen it. The offence was removed from the penal code which was published. There is another thing that I have noticed and I think that some of you have written articles on it and yet others have talked about it in that category of the offences concerning.... I do not know whether they are press offences, I think they are offences which are related to the delivering of information as everyone can do defamation. Isn't it right?

There are some other things I have seen and that you wondered the reason why they have remained and were not removed. How will we cope with them? What shall we do on this? The fact of drawing Businge and giving him hair on his head while he actually does not

have any, the fact of putting on him different things...cartoons. Do you know them? I have continued to observe people who wonder the reasons why the cartoons were not removed or why the offence of defaming leaders/public officials was not removed? First of all, you went yourselves in the Parliament and I think that I went there with some of you. You did your best. The Parliament has voted. So, there is not anything that you did not try. Secondly, consider where we are coming from and consider where we have arrived and this should give you a signal of where we are heading to.

Where we are coming from, we are coming from the defamation era of Kangura. Do you remember it? Do you remember Kangura cartoons? Do you ever cast a glance on them? It is there that we are coming from 24 years ago. And you still remember the Kangura defamation and RTLM defamation, and so on. For the time being, you have to consider where we are coming from, you have to see where we have arrived and where we are heading to. As far as I am concerned, I am optimistic when I see it. I consider that we are on the right way. There is nothing which prevents me from not thinking that for even the remaining things, time shall come when we will once more revise the penal code and then we will once more go together and proceed as we proceeded. Isn't it right?

The second thing, when I read your newspapers I see a corner meant for cartoons even now. I see it. Anyone who owns a newspaper I can

see that it has cartoons. Cartoons' drawing as an offence is older than you. It is older than 30 years. I have never heard anyone who has been prosecuted for the cartoons he has made. If the reporter who was drawing cartoons said that he draws cartoons but knowing well the person on whom he makes them and attentively avoids going higher for fear of having the provision applied, I do not know. Maybe you will explain the phenomenon to me. But, in my view, cartoons are always there. I even find cartoons in the newspapers from abroad. They are about any person even in this country. I have never heard any person who was prosecuted for having drawn cartoons. This is also a signal of where we are heading to and we cannot make a step backward. We are rather going forward.

Another thing, defamation, another article which was maintained and I noticed that you have written articles about it wondering the reason why we have maintained it. For that provision, I would like to tell you that we should consider first of all that we made a good step if we consider the articles which were removed. For the article which was maintained, a process is a process. People keep on moving. You should once more consider where we are coming from, where we have arrived and where we are heading to. And let us remind that I have never seen anyone who was prosecuted for having committed a defamation offence against a public official whoever despite the fact that the article has been in the penal code for over than 30 years.

The reason why I was asking about SUNA is that he is the first person who wrote that Rwanda has issued a law which makes cartoon drawing and defamation of public officials an offence. No. Tell SUNA on my behalf that things are not like that. But, if he had rather said that the Government of Rwanda did not remove these articles from the penal code, the truth would have been this. But these provisions have been in the penal code for over than 30 years.

The last thing is that you should take into consideration where we are coming from, where we have arrived and where we are heading to.

Another note that was given to you contains the list of different countries. Did you see it? There is a piece of paper on which too many different countries of the world are written. If you see it, we have tried to show you our situation whether in terms of percentages or just making comparisons of the situation with other countries. Those who have got it may share it with others because we did not print enough copies. In Europe, we have found that there are only two countries which have completely removed these articles from their laws. In Africa, we found that we are together with Ghana and Kenya (3 countries). We have found that in Asia and elsewhere, you will see the situation on the piece of paper. This means that if we consider our history, if we consider where we come from, where we have arrived, and where we are heading to, we do not have a slow pace because these countries which have a democracy which is as old as 200 years, 100

years, 80 years, considering where we have come from since 1994 through now, we have outrun 185 countries. The world has 193 countries. As far as the removal of press offences from the penal code is concerned, we have outrun 185 countries.

So, if SUNA was here, I would tell him that this is the truth. It is what he is expected to be writing. But, it is not only SUNA who has ears you also have them. As far as I am concerned, I think that we should be proud because if we consider our history, if we consider where we are coming from, if we consider where we have arrived, read that short list that I brought to you. Check well on different websites, you will see it. We are not performing badly as compared to what is happening in other countries.

In Europe, it sometimes happens that they criticize us pretending that we do not want to be accountable. But, when I checked, I found that it is only the Netherlands and the United Kingdom which have removed them from their penal codes. Others still keep them in their penal codes. They are still applied or these provisions have been forgotten. They have forgotten to remove them from their penal codes. I do not know what has happened. But, they still have them. As far as we are concerned, we will remove them from our penal code and we will not make any use of them. It is not because we will forget them and make use of them from time to time. But, consider those countries which are governed under the regimes of kingships or the countries which have

similar regimes, the queens and kings. You have to consider their laws as related to defamation and so on. You will find that the situation is more complicated there. But, as far as we are concerned, this is the process in which we are. So, I wished also to give you some explanations on the cartoons and the defamation offences. Concerning the provisions which were not removed, let us continue to function that way and to collaborate well and what you have to base on, you should base on tangible facts that you can see yourselves, facts that you know, you can see with your own eyes. You will see where the direction we have taken leads us.

Another innovation in our penal code is that the penalty of life imprisonment with special provisions is no longer in our penal code. I remember that we have talked about this when the revised penal code was still a draft law. The removal of that penalty from the penal code was accepted by the Parliament. This penalty is no longer part of our penal code anymore.

Another thing is that we have community service. We have community service as a basic penalty. Presently, you can go before the judge and the latter may sentence you to a penalty of coming here to clean MINIJUST premises. You may come to clean here for a period of three months for example and then you complete your penalty. Previously, such a penalty used to be an additional penalty which was added to

another penalty. But for the time being, you may be sentenced to this penalty only. What we are going to do is to set up follow up mechanisms so as when you will be sent here to execute your community service of cleaning here, to prevent you from coming and staying idle instead of working. We wish that when you will be sentenced to clean here, you will be executing your penalty in such a way that people will be able to see that you are really executing it. If you are sentenced to clean MINIJUST premises, people should see that you are cleaning them. We should stop employing the contractor who was doing this and then you will clean them through three months and after having completed three months of cleaning, you will have completed your penalty as well as other different types of penalties that the judge may sentence you to execute. In my understanding, this was not previously known. But, it has been presently instituted. This means that for the time being, you can be sentenced to imprisonment, you can be sentenced to pay fines, or to execute community service. You may go there and work. You may be sentenced to dig terraces, to fight erosion. If you are a teacher, you may teach, if you were a paid reporter, you may be sentenced to doing your job without being paid. There may be several different types of penalties and the judge may examine your case and decide which penalty you would be sentenced to and which would make you afflicted.

Another thing I would like to talk about is the following. You have followed the claims from those people who make the advocacy for the rights of women. They have continuously discussed with us on the problem of abortion when the pregnancy can constitute an issue that is when the doctor says that the pregnancy can constitute an issue. You remember that in the law, it was provided for that one had to go to request for it to the court, to request it to the judge and it is the judge who had to make a decision on the voluntary interruption of pregnancy. This provision has given rise to several problems and I remember that several reporters among you have written articles on this issue. Someone could go to the court to request for an authorisation to have abortion and she could spend six months without getting the answer and by the end it could become impossible to have abortion or the judge could tell the applicant that her case was not well explained or the applicant could even be shy to explain to the judge her intimate matters. The step of passing by the judge has presently been removed. The case concerns the patient and her doctor. The applicant consults her doctor. If you have such a problem, you go and you consult your doctor. Then, you understand that the responsibilities of the doctor have increased. It is not a matter of removing a prohibition to authorize people to commit offences; it is rather a removal of the prohibition to enable the doctor to accomplish the duties for which he has sworn in to accomplish as a doctor: to help someone whom he diagnosed and for

whom the life was found to be in danger. The Minister in charge of health shall issue a ministerial order which explains the conditions on which a doctor who is requested to provide such services shall base so as to avoid exaggerations, violations of laws, committing offences, and things like those.

Another offence for which penalties have been heightened and the explanations of which have increased concerns the drugs. You know well that we are preoccupied by drugs. Drugs preoccupy the country and the youth in particular. Two main categories of offenders have been identified. There are the consumers of drugs. I mean those people who go and buy small sticks or boxes of drugs and who smoke them. There are also those people who go the borders of neighbouring countries and who bring two sacks of drugs for example in a pick up or who bring I do not know what. Both people have been differentiated. The one who makes the traffic is called the trafficker. I mean the one who brings a sack, a pick up and who supplies all people to share, and to transport them here in the city. For this one, the penalties are very severe. They are so severe in such a way that we think that he would leave the prison unable to repeat the offence again as his consciousness would have told him not to repeat it again due to severe penalties which would have been given to him.

Another offence for which penalties have been heightened is child defilement. Very severe penalties have been assigned to child

defilement as an offence due to the fact that, you know it, the offence is very harmful and the offence in itself causes great problems to the society.

Another thing concerns corruption and related offences. . This part “related offences” was also removed from the penal code. Presently the offence is called “corruption”. This means: corruption, embezzlement, accumulation of property, and so many other offences which were previously referred to as “offences related to corruption”. Previously, you could go before the court and the defendant could tell you that what he did is not called corruption. And then, you could ask him “what he calls what he did” and he could say that it is called “related offence”. This so called related offence was causing troubles for us in the courts. Presently, we have taken international laws, there are international conventions which define corruption and we have based on them. This means that embezzlement, accumulation of property, all those offences which were previously referred to as related offences were combined into one offence which is called corruption.

Secondly, the offence of corruption is imprescriptible. Presently, the offence of corruption is imprescriptible in Rwanda. You may be prosecuted for corruption and disappear in Rwanda. It does not matter. When you will be found back after seventy years after having committed the offence, the offence will still be there and you will be

prosecuted for it. So, the offence is imprescriptible. It was put in the category of imprescriptible offences.

So, these are things I have selected to talk to you and which need to be understood by people. What I have thought that people should know are these. It may happen that you find some other things and we will talk about them as time goes on.

Now the third part on which I would like to conclude the conference is called the criminal procedure. What I have just told you about concerns offences and their penalties. But, there is another part which concerns the procedure which is followed when someone is prosecuted for having committed an offence. How is someone prosecuted since the step of suspicion, the step of being brought to the judicial police, the step of appearing before the public prosecution, and the whole procedure till the sentence rendering? So, this is the last part of my conference. I want to say that for the prosecution of an offence, the prosecution of someone must comply with specific principles. The fact that I have committed an offence is not enough for you to prosecute me as you wish and the fact of prosecuting someone without complying with law may lead you to losing the case while you were expected to win it. The fact of prosecuting someone after having deprived him of his rights to defend himself, to have a lawyer, to read the accusation and to answer, all these facts may lead the court to decide that he is being abused and the accusation may become null and void and you

may feel yourself frustrated as you will have lost your time because the person for whom you were prosecuting was not punished.

The fact of prosecuting someone and being convinced that he will remain in prison whatever happens because you have proved that he committed an offence, the law has come back on this. Now, what are the new provisions of the new law?

Firstly, for whatever offence, any Rwandese, any people who are defending themselves before courts may request provisional release to the court for an offence whatever. Secondly, among the arrangements to be made in situations of provisional release when you are required to come back and to appear before the court to be heard in your case and to go back in your duties, presently in the Rwandese laws, it was instituted for the first time that you may wear..., do you still remember the small device we talked about in the past, you may wear it here as a bracelet or as a watch and this device contains a signal which communicates with the communication system of the police or of ISCO or of whoever. If the judge has ordered you to stay in Kigali City, when you start to arrive there in Nyacyonga, I mean at the border of Kigali city, the device starts alerting you. It starts alerting you that you are going beyond the zone which was prescribed to you by the judge. When you start passing over the bridge of Nyabarango, the device once more reminds you not to pass over it. But, if you persist and pass over it, the policeman who is at Ruyenzi stops you and brings you back in

the zone where the judge prescribed you to stay because there is someone who is following your movement and who tells the policeman who is at Ruyenzi or at Kamonyi to bring you back. If you go beyond Nyagasambu if the border of the city is there they tell the policemen of Musha that you went beyond the prescribed zone and they order him to bring you back. So, in the nearest future, we will implement this. In the near future, you shall see that courts will be ordering people to stay out (not to be put in prisons) and to follow their cases while at the same time they will continue doing their work as usual. They will continue to work to earn their lives. But, at the same time they will be ordered to wear the device which continually indicates where they are. Otherwise, the public prosecution usually went to the court and said that if the defendant was released, he would not be found again. They said that he would escape as he does not have any known residence and that he does not own anything and that he lives in a rented house. So, he will go and give back the rented house and then we will miss him. As for that device, whether you live in a rented house or in your own house, the device stays on your arm. So, the device is almost your house where the judicial police, the public prosecution and the court shall find you. It is this device which follows you.

Another thing that I have just told you about concerns the community service. Presently, the community service was inserted among the penalties provided for in the penal code.

Another thing, RIB, this institution which was recently established, it can also make the transaction. Someone can go and sue you for defamation, theft, or for having done this or that. And you may ask him to stop suing you for the pretended offence and you may propose to pay him the equivalent of Frw 100,000 to repair the offence. Then, you may go at RIB and you shall conclude the contract between him and you and then you go on doing your job as a reporter. You will go there, you give the money to him, and you will be communicated the fees which are meant for the State treasury, you pay them and then you continue your job. We expect that this will facilitate the task for the courts and it will be fruitful for you as you will have your small offences solved without being prosecuted and put in prison. You will be able to have the case solved there and then your life shall go on.

Another thing is that for all the offences, in the past we had a few offences for which one could give a bail. It may happen that a defendant asks the court to release him and he would give for example his house as a bail. He may tell the court that he will bring to the court its documents to be kept there and then he asks it to release him or he may say that he has a young brother who is well known in the city and he may call him to come and to sign that if he disappears the court will call him and ask him where he went. In the past, this was possible for only a few offences. Presently, this is possible for all the offences.

Another thing has to do with what we call plea bargain. Plea bargain is a way in which you as a person who committed for example offences, who are suspected, we have suspected you alone and your fellows with whom you committed the offences (your accomplices) we have failed to identify them; we do not know who they are and you are the right person alone who can tell us who they are. Presently, you can go to the public prosecution and tell them the three persons with whom you committed the offences. You may ask the public prosecution to accept to decrease the number of offences. You may ask the public prosecution to accept to annul two among the four offences you were prosecuted for. You negotiate with the public prosecution. You bargain. You tell them that if they refuse to do it, you will keep silence before the court. You ask them to agree and to annul these offences and not to prosecute you for them before the court. You ask them to leave them aside and in counterpart you will disclose your accomplices. Now, for the sake of criminal policy, for some offences such as those which have to do with organized crimes, money laundering, the transport of drugs, the traffic of weapons, the traffic of minerals and of the body parts of animals, such kinds of offences cannot be committed by single individuals. You know well that they are harmful to the world. They destroy it. Cyber crimes, committing a cyber crime against a bank and launching an attack against it and stealing its money in such a way that the whole stolen money is taken out of the country that very day and if

you are caught alone and if they find that you do not have any single coin on your bank account, you may ask the public prosecution to reduce the penalty and in counterpart you disclose the names of your accomplices in a bid to have the stolen money brought back. Otherwise, this procedure exists in other countries. The prosecutor may examine the case and he may find that his objective is to know the persons who committed the offence. The objective is to know whether he can bring back a part of or the whole stolen money while it is still possible and in order for him to achieve this objective, he has to make some concessions. Presently, people may consider it as a way of giving an unnecessary opportunity to offenders, but in our criminal policy, our objective is to dismantle crimes. But, the fact of catching one person because he is a single person who was caught in possession of 10 guns, the fact of asking him where he got the guns from, who gave them to him, from which military camp did he get them? If he got them from a military camp or if they were given to him by someone out of the country, he may give information to the public prosecution. He may then ask the public prosecution for example to annul that the guns were caught in his elder brother's householder some other offence and then he will disclose the names of people with whom they traffic these weapons. In the past, the law did not accept that, but presently it does.

Another innovation is that we have the friends of the court. In French, the friends of the courts is called "amicus curiae". Amicus normally

means a friend. We normally have friends but for the time being, someone can go before the court and say that he is going before the court as a friend of the court in order to give some explanations on an issue under judgment. We did not have this in our courts, but this is common in other countries.

Another thing has to do with the presidential pardon which is granted by H.E the President of the Republic to people who were convicted by courts when their penalties have become final. The preparation of these cases has been entrusted to the authority in charge of correctional services. It will prepare almost everything and other institutions will check whether the preparations were well conducted otherwise that institution used to have a little part and to send files to the public prosecution which went on with the preparations and this could take almost three months and the public prosecution then had to send the files to the Minister who had to do the remaining part of the job and this also could take other three months and the person who has begged pardon could spend almost the whole year while his request has not yet reached the intended recipient because of that lengthy procedure. Presently, because the authority in charge of correctional services has already built itself, it already has several experts of law, it has become a solid institution, we think that it can do 90% of the work, and other institutions will only check whether the work was well done. This should take as limited time as possible, for someone who has applied

for presidential pardon; his application may reach the intended recipient as soon as possible.

Another thing, I would like to talk about and I think that it is the last one has to do with the prescription of offences and the prescription of penalties. I think you know it or you hear about it. Normally, there are some people who say that the offence is prescribed after two years. Now, after having committed an offence, you may go away, you may go to pay a visit to your relative who lives in Tanzania or in Uganda or in Burundi or in Congo and you may stay there for two years. After the two years, you may come back and we meet there on the road and you will say that your offence has prescribed. So, we have been thinking that this is not correct. We have examined the situation with the Parliament and we came up with the conclusion that the best thing to do is to start counting the time for the prescription of an offence when you are here, when you are here and if you can be seen. We should not miss you while you have gone in Nyungwe forest; while you have gone there inside the forest to count the time for the prescription of the offence. You went there with the objective of counting the time for the prescription of your offence. You went there and you counted the time for the prescription of your offence and when this time is over you come back. We have tried our best to prepare laws so that the Rwandese citizens are afraid of committing offences and of being punished for them. They should be afraid. May be you will ask

questions about that. But, we should not apologize for the fact that we wish to see that the Rwandese population is afraid of committing offences. Someone who is not afraid of committing offences should also be the person who is ready to execute the penalties provided for these offences. Starting from now, the time of prescription of an offence shall start being counted when the offender will be available and when he will be able to be found. You should not pretend that the offence prescribed because you have not been prosecuted by the competent institutions and that for that reason you should not get prosecuted. You cannot commit an offence and hide yourself and have the prescription start being counted while you are hiding under your bed and then come out of your bed after having spent there two years and pretend that two years have expired. The two years will start being counted when you will have come out of your hiding place. It is since then that the prescription will start being counted.

The other thing has to do with the prescription of the penalty. There are some penalties for which the law provides that they are prescriptible. You have committed an offence, you were convicted by courts, they sentenced you to..... On the day of judgment rendering, defendants do not enter the courts. They stay there at the gate and they send there other people who are their friends and who enter the court. When they have told him that they were sentenced to five years' imprisonment, they take the taxi moto and they leave quickly and they

arrive at Rusumo border or Kagitumba border or they leave for Goma and then they start counting the years. When the five years are over, they take the taxi moto once more and they come back here and if the policeman asks them if they are the right persons who were sentenced, they ask him why he is asking them such a question and the policeman asks them if they were not sentenced and the fugitives ask the policemen the number of years which have elapsed. If he starts counting well, he then finds that five years have elapsed and the men go back home. The legislator has then found that the prescription of the penalty will start being counted when the convicted persons will be able to be seen; when they will be able to be seen. If they go to a hidden place where they shall not be seen, the calendar will stop counting. If they are found and seen again, the calendar will once more start counting. This means that at some moments, someone who will have been sentenced to an imprisonment penalty, he shall lead himself to the prison of Mageragere to ask them to put him in prison to execute his imprisonment penalty. If he is not then put in prison, the counting of the prescription of his penalty shall start. But, the fact of going to hide oneself into Nyungwe forest and saying that the penalty has prescribed, when he will arrive into Nyungwe forest, the calendar will stop counting. It will start counting again when he will be able to be seen once more. Even when he will come back with grey hair, or when he will come back while he is still young, it will be the same thing. It is for

the sake of equality before the law. One person should not be sentenced to imprisonment penalty while he is in prison and continue to execute his penalty while another one who was sentenced to the same penalty whereas he was free he would escape and start counting years and when they will be over to start strolling in the road in liberty. So, this is the last thing I wanted to talk about and I think that I took much time.

Let us first talk to one another.

Questions of journalists: (they were not recorded well)

Kamuzinzi Kigali Today:

I would like to ask you to tell me some of the offences for which the convicted will be sentenced to a penalty of working without being paid.

Mbarushimana Jean Paul, Flash FM:

1. Where will the devices which are supposed to be worn on arms come from? Are they already in Rwanda?
2. About abortion, some doctors say that they will not do that. How will this be done

RBA did not record other questions.

Answering questions of journalists

[Minister] There is nothing about pressure here, absolutely nothing. There is observation: where we have come from, where are we now and where are we going? If you remember very well in the last ten years, thirteen or fourteen, you remember when offences of genocide ideology would be very high in number and would be very bad in impact. That really went to the limit including people who are killed for reasons of people harbouring genocide ideology. You remember that. Now if you observe the work of our Unity and Reconciliation Commission, the work of our Human Right Commission, the work of our governance institutions; if you observe the impact of the work that is verifiable from the life of the citizens in relation to the genocide ideology; you can take one year where you used to have between 30 and 50 cases, today you have eight or nine cases. Even those, many of those you have them during the commemoration week. So this is recognition that our policies on unity and reconciliation, our policies on governance in the country, our policies in peaceful coexistence, our road towards our future is paying off. This also gives us a signal that where we are going these issues will continue not to take the centre stage or the front seat, they will continue to take a hind seat. Eventually, they will take a back seat because that is how a society is supposed to grow. We cannot continue, if we had in a bad situation compared to where we were 20 years ago, 15 years ago, 10 years ago, 9 years ago then we would have to revise our policies not the laws. We would have to review our own

policies because there would be something wrong. But because we are seeing these numbers fundamentally, drastically reducing, our coexistence as Rwandans moving forward positively, our social economic development, our rule of law programs, governance, all these things when you do surveys by RGB, by unity and reconciliation, by other government institutions, they tell you the level of reconciliation, the level of peaceful coexistence, the level of respect for law, the level of non-discrimination, the level of respect for each other keeps going up, and going up and going up. So if that keeps going up, then there is no need to keep hiking penalties or even keep worrying a lot. We keep watching ourselves because we have been hurt in the past, we have had a problem in the past, we keep watching ourselves, we keep watching every move that we make, but we are not prisoners of our past. We want to keep going forward and we want to keep optimistic because in the first place, these are supposed to be artificial. The more we are going forward, the more we are validated.

Why did financial fines go up? One, these are very old fines, very old. I think what was one hundred thousand francs fifteen years ago, ten years ago, nine years ago, today can be the same amount put in the law? I think this is really the rationale plus also to enable a court probably to choose a fine option rather than to choose the prison option and also, so that someone does not simply say, I did this and I am paying you a hundred thousand for someone who would go to jail for

four years. It would be a pocket change if you say please pay a hundred thousand or go to jail for four years. So, I think there is a bit of a balance there, which allows a court to look at the gravity of the offence you committed and be able to make a proper determination that pains you a bit but at the same time allows you to keep going forward. So the whole signal of this area of genocide ideology is that Rwanda is stabilizing, Rwanda is coming to peace with itself, the policies on unity and reconciliation and the peaceful coexistence and non-discrimination, our policies are working. Therefore, there is need to have corresponding registration that shows that things are changing and changing for the better.

Those who say that we have been using the genocide ideology to silence critics; I think we need also to get to the drawing board and even define those critics. You know that sometimes critics are talked about in more fast terms without limits. Those cannot be serious critics. You better call them unserious critics. When the genocide happened in this country here, it wasn't to silence anybody. It was to kill people. Okay? And the genocide cannot happen anywhere, anywhere, without the existence of an ideology. The genocide is in the service of an ideology. That is what differentiates it from murder. It is in the service of an ideology. So anybody who says we are using it to silence a critic, I think they are absolutely unserious. There is no reason to do that, and if there was a reason to do that, it would be showing in the facts, it

would be showing in the surveys, it would be showing in what is happening. So to my understanding, to my layman's understanding of the word critic or genocide ideology, the genocide could never have taken place unless it was in the service of an ideology and there is no reason whatsoever for Rwanda to use genocide ideology to silence anybody. There is no reason. Why would anybody be silent if they want to criticize? I guess you people in the media you are some of the big time critics, I do not know whether you have been labelled genocide ideologists, I am not so sure about that. Keep working and keep doing and keep telling those people who say that it is not true, that they are not serious critics.

There is nothing that has happened. The genocide ideology law, the evolution to where we are now, to where we are headed is simply a reflexion of where we are as a country, how we are assessing our movement from where we were in 1994, a deeply divided ethnically, heavily stepped in the genocide ideology but today the numbers, surveys indicate otherwise. Therefore, we can only be optimistic.

Edmund Kagire, in Parliament, the point was that spouses who forgive many times forgive under pressure. You do something wrong to your spouse, when the police grab you and takes you to the prosecution, the family comes and says: look you must go and tell everybody that you have forgiven your husband. Or you actually go and say, he actually did not beat me. He did not do anything to me. I seem to remember a

case like that a few months ago and I remember the media was up in arms against me and other people about a case like that where a spouse was saying you know I wake up in the morning and my teeth were lost. This guy did not beat me. Do you remember that? I remember you were on twitter against me. So this kind of forgiveness, Parliament has simply added a qualification. Can the judge examine whether this kind of forgiveness is bona fide? The judge is not the one who will forgive or refuse to forgive. The judge will examine whether you the person who is forgiving was not put under pressure to do so. I think that is the reason behind it.

As for decriminalizing, adultery, not being policemen of morals, one thing, Edmund, is that this provision has been in the law I think ever since Christianity stepped in this country. That must a hundred years plus, probably more.

Number two, if you look at where we are headed, I think we have reason to be optimistic that even this one will be subjected to further scrutiny all the time, all the time, all the time.

Number three, the whole point is not that it is a good thing. The whole point is that we should allow two people who are a man and a wife to deal with their issues on their own. Okay? We are not saying that it is a good thing, it is a bad thing. No. Your argument is that we should allow people to deal with their life because it is their life. They have

their own contract and so on. That is said I want to imagine that by the time the Parliament votes and votes to retain it then they are numbers. They are numbers in the Parliament which voted to retain it. What I can assure you is that this is the society that is very progressive, that will continue debating these issues. It will continue paying attention to media and society points of you and whenever opportunity arises, we will always raise these issues and present them the way citizens of this country want them presented. I think it is still a crime on literally nearly 190 countries out of 193. You still have it in so many countries in this world. So that says Rwanda is Rwanda, our movement is our movement, our progress is our progress, we will continue listening to very intently on views of Rwandans and where we need to be headed and always do what needs to be done in our legislative agenda, in Parliament and so on.

Byatsi, New Vision, you are from New Vision right? But let me begin with your fight against corruption. Our numbers in relation to fight corruption have been achieved in spite of these provisions. These provisions have been in our law for a long, long time. Humiliation has been there, defamation has been there, defaming public officials have been there. These provisions have been there longer than before you were born. Still our numbers for fighting corruption compared to the rest of Africa, I am sure even from the country you come, I am sure these are still on the books, defamation and these press offences I guess

they are still there but they do not stop anybody here in this country from fighting against corruption. Anybody who would say now this guy who says I am corrupt is humiliating me, one that would be a totally new thing for us to hear because we haven't had it all the years that we've been managing this and secondary courts do not operate like robots. When you go to courts and the prosecutor is saying that this guy is corrupt, or when I take you to court as a media person and I say Byatsi wrote about me that I am corrupt, I think what the court will need to find out is what was the basis of your writing. Was it just malicious? Was it simply modified? Or did you have a reasonable belief that I had committed an offence?

These issues, the other thing that you need to understand is that when you go before a court of law for defaming me, I also have a duty to prove that I have a reputation. Do you understand that? Yes. If you go to court and say you know this man has no reputation at all, therefore, I could not have infringed on his reputation. He doesn't have it. He is always doing this and doing this and doing this, therefore, he doesn't have any reputation. Nobody will punish you for damaging my reputation which if you proved that I don't even have it.

Humiliation, I don't think somebody will simply say he has humiliated me if you say I went into the coffers of the Ministry of Justice and took out money and took it for my private things, or I conspired with my secretary and we demanded a bribe from someone who wanted a

service here and they brought the money, and we swallowed the money and we delivered the service of some kind. There will always be an opportunity for you to explain exactly what happened. If you have followed on humiliation cases, if you have followed on defamation cases, the reason that you always go to court and win, I know that cases have gone to our courts here and the media has won, the reason why you go and win is because you go and try to explain exactly what you did. So, I don't think that in the meantime while we still have them on the books, I don't think they are going to infringe at all on our fight against corruption, on our fight against lack of accountability, on our enforcement of accountability, I do not think so.

The other thing you asked was since these things have been on the books and people have been doing these things, have you people been infringing on the law? Now let me tell you one thing. The law is there for me to use, if I want to use it. Okay? It is not for you to make a phone call to me and say I have stolen your cow, why haven't you gone to the CID? No, you can steal my cow and still look at you and say this Byatsi is a poor guy. He did not have dinner. So he stole the cow to go and eat. After all he is a son of my brother, let me just forget about him. I can do that. I can do that. That law will remain there. So if I want to accuse you before the CID or before anybody else, all I need is that there is a law that can allow me to accuse you. But if I don't accuse you, nobody is coming to beat me up, to say why you didn't? You

know Byatsi stole your cow, stole your bananas. No, I decided not to do that. I think it would be a problem if we did not have a law that enables someone to go against Byatsi for stealing a cow. But we would not go against someone because he has not taken to courts Byatsi for stealing his cow. So, similarly, we have not been violating the rules because the violation of a rule when you deliberately go against a rule that you actually must apply.

Criminal law is not about a must. No. Even prosecutors sometimes get to the prosecution and they look at the case, you explain actually what happened and they try to find a solution and allow you to go, even courts. So you need the law in place to do what you want to do but if you don't do it nobody is going to come on your neck and try to punish you. That's said let me go back to where I started. One, these laws have been in our books for a long, long time. Two, we have record of reforming them and we will reform them. Three, the signals are that at the next given opportunity, we will reform them because we have shown that we are doing some bit of daring reforms. And four, compare last with our peers in the region, compare last with our peers beyond the region, compare last with other countries globally, we are not doing badly. So, we should be trusted if you wish, we should be trusted for doing the right thing, we will continue doing it.

Finally, we should not say that these things are bargains. We always go to the Parliament, Parliament is the representative of the people, and we

make a case and Parliament pushes it back. In the end we get a deal. They vote a law. So a vote that they don't vote, they haven't voted. We can only go back at the next available opportunity and maybe we change the strategies for convincing Parliament. Perhaps, the next time we go, if Byatsi is still in town, the next time we go I should give you a phone call and we go together to Parliament to try and make a case. But I can promise you that given our record, given what is happening, seeing what we are reforming, these are not the biggest problems that we have overcome. These ones we shall also get them addressed immediately if we get the opportunity.

But the reforms I have been talking about if you understood me well; if you consider this sub region, if you consider the whole continent of Africa, you will find them in a few countries. So, the remaining articles and they are not the only ones, it is because you asked your question on these ones only. But otherwise, there are some others. We are a reforming progressive country. It is known in the business area, it is known in medical area, it is known in environmental protection, it is known in civil aviation, it is known in justice, we are a reforming country and reforming quickly.

For these things, we have called you here this year before. I think that it was in March or in February and we told you that we will revise them. I think that you have thought that we would not revise them and we have called you here before the year ends and we show you that they have

been revised. There are other countries, I will not mention their names, for which such a reform would take a whole generation. But, we have called you and we have told you that we would try our best to revise them because it is what our society needs and now, we have called you to tell you that we have achieved it. So, we will achieve the remaining work. All you need to do as journalists is to be optimistic and it is our common work, we are on the same way, I do not have any problem to go together with you in this way.

I think that that was all.

The Parliament makes laws in total independence and it even votes. Okay. When it votes a law as it is its duty and prerogative, the law is issued as it has been voted and I can't do anything to change it. But rather, I can say that at another time, if I have the opportunity to go back before the parliament, I will go there and I will try to do what? I will once more try to make this law examined by the Parliament. Maybe I will have well prepared my explanations on the necessity to revise it. It may happen that I did not explain it well. It may happen that they did not understand my explanations because I did not explain it well. They may have had some apprehensions about it. The revision of a law is not something that someone wants today and which is done on the same day. It has a process and the process works like that.

Secondly, if there were some apprehensions throughout all these past years during which these laws were in power, they should have been seen first in heightening the penalties provided for the offence, second in prosecuting the makers of cartoons, third in seeing to it that the cartoons makers undergo the consequences of their acts. But, as you have just said it yourself, up to now, I have never seen anyone who was prosecuted, I have never seen anyone who was required to respond to it in any other way and even I have never seen anyone who was brought before the Media self-regulatory body. So, this allows me to be optimistic that the process of the reformation of the laws that we have undertaken shall go on as it is and that what we think, as a progressive country, that it should be reformed, it will be reformed progressively.

Due to the fact that the country is progressive and that it reforms things, none can pretend that he would reform a thousand things at the same time. You may reform some things and tomorrow you may reform some other things and yet after tomorrow you may reform other things. It is in this way that we have reformed things. After more or less twenty years, you can see that presently we have a country which is open, I think. It is a country which is frequented, which has laws which allow free movement to visitors. I think that if we compare it with other countries, our situation is good.

Then, I do not think that there is any apprehension whatever. The most important thing is that when you are in the process of reforming things,

you go in it. Everything is reformed. If there is some failure in one aspect, they try once more and so on until the reformation is complete.

You ask who will decide on whether the cartoon has made defamation.

First of all, laws are applied as they are. If there is someone who wants to sue someone else for defamation, he follows the procedure which is normally used for other offences. You, as a reporter, if you decide that the case should be brought before a private organ or the organ of auto regulation, or if the person willing to sue you may write to it, I think that there are several reporters who have been sued and who have been sued for offences other than these ones. But, instead of bringing cases before the courts, they would rather write to the organ of auto regulation of the reporters. I have seen this several times. I have seen it very much. I do not say that it is prohibited for someone who wants to bring a case before that organ. If you read well the law, you will find that there is not any prohibition for him to do that.

As for someone who has to decide on whether the cartoon makes defamation or not, if the case is brought before the organ of autoregulation for reporters, then the case will be brought before it to decide whether the cartoon makes defamation or not; whether it is humiliating or not. If the case is brought before courts, it is all the same. The court will decide on that. The case will not be just considered as founded because it has been brought before it. The court

will not consider that the person who brought the case before it was humiliated on the sole account that he brought a case of defamation before it. But, I would once more like to tell you what I have continuously been emphasizing upon. Cyubahiro, I think I have answered this to your mates. What we consider now is the process in which we are engaged which consists in reforming things. It is this which most importantly concerns us more than anything else.

Our country has reformed things. If you cast a glance behind and if you have enough time for that, you will find that we have at several times reformed sensitive things than these. What I think is that the reformation process will go on. This process is a process that we decided to undertake as a country which wishes and continues to be open to others, to develop, to facilitate life and livelihoods for people, to be accountable for what people do and to have good governance.

In my opinion, it sometimes happens that we go together with you in this process; this gives me the grounds to be optimistic. You should then be optimistic, too. All these steps that we make, they are not steps backward. They are rather steps forward. The reforms which have not yet been done, they will be done. There is nothing in our minds which prevents us from not doing them.

Another last thing I would like to tell you, Cyubahiro, when you ask me who will decide and who will not decide or who will do what, is

that since several years that I have been working in this domain, I have never seen anyone who was prosecuted for having issued cartoons. If there was any such case, I would myself start examining how to cope with the situation since I do not know. I have never seen any case of someone who was prosecuted for drawing cartoons. If you know anyone, I wish you told us about such a case and when it took place and how this has been handled. So, I do not think that we should have some apprehensions that there will be someone who will be prosecuted for drawing cartoons. I think that if other opportunities which are given by the process of revising laws in which we are engaged present themselves it is this process that we will continue. What we need to do is to be optimistic and to be aware that the reforms which have been conducted are many and more sensitive and even there are many Rwandans who thought that things should have remained as they were. But, the process in which we are engaged keeps on developing the reform. I think that it is in this way that we should see our way of reforming our laws and policies.

One last question

We will always appear there. Someone wanted to intercept a gun trafficking, drug trafficking, some crimes being automatic option that can be exercised. No. It is exercised highly, highly cautiously. So, if you go to the Prosecutor General, you will have to indicate that it is the only remaining option that can enable you to trap a crime which is

being committed. If there are still other ways of catching this crime, the Prosecutor General will not allow you to intercept phone communications, not only just phone communications, I think also other forms of communication. So, it is not a specific law. It is within the criminal procedure because there shouldn't be a law governing phone tapping. It should be used in crime investigation under specific circumstances that I have just mentioned.

Okay? James, do you still want that thing?

So the rest of you please sit. Don't go, stay here for a while. Let me tell, James, what you wanted to hear. When you keep walking away, you distract me and James still wants to get his information. He also has a right to access to information. Isn't it? Thank you. James, I call this press conference to talk about three things. One is that our penal code has been reviewed and that an updated one has been gazetted. And just now provisions which were in the penal code that related to specific areas of our national life like taxation, like environment, like health, like cyber, like genocide ideology, like gun control, like many things, the provisions in the penal code that related to specific areas have been returned to those specific laws. So, in the last one week alone, about 24 laws were gazetted, and I circulated a piece of paper, I don't know whether you have it James. Yes, all those laws were gazetted last week.

So our penal code had 766 articles, right now, it has 355 articles, and the second point that brought me here, that causes this press conference was to talk about our new penal code. Why was it reviewed? It was reviewed because we wanted to comply with the Constitution because the Constitution decreed that the penal code should no longer be an organic law but that it should be an ordinary law. So, that one was done. Number two, to remove those provisions which belong to specific laws and send them back to those specific laws. Number three to try and create harmony between offences and punishments and penalties. Number three, to reduce the differentiation that has always been between penalties for one offence which you find too distant in between. Number three to try and create deterrence. People should fear crime because if people don't fear crime, they continue committing it. And number four to try and find ways of rehabilitating offenders.

The next point on the penal code was what is new in the penal code? Number one I mentioned because this is the meeting of the media especially, I informed you that defamation finally has been decriminalised. You remember very well that you were all up arguing against defamation for a long time and I was happy to communicate to you that defamation is no longer in our penal code. And the whole area of press offences we now have two lingering provisions relating to cartoons and defamation of public officials. And I have just described the whole situation as a situation for us, as a situation of optimism. Our

record of reforming laws, our record of trying to be as progressive as possible as a country and open up our country to tourism, to visitors, to the international world to come to Rwanda and have the same laws applied to them as applied in their own countries, that is the journey we are on. And I tried to explain that even the remaining provisions in the law at the earliest opportunity will be reviewed and amended accordingly.

I also circulated a small other piece of paper that has shown how the world is performing in relation to press offences. I don't know whether you have it James as well, you do? Yes. On the African continent we are only part of two other countries. We are three: Kenya, Ghana and Rwanda; and on the rest of the globe, I think we are also not doing badly if you look at that research we just did.

The second thing that is new in the penal code is that solitary confinement as a form of an imprisonment has been removed because it was categorised as a human degrading and some kind of torture. So we have complied with our obligations as a country and also our obligations internationally and decriminalised that one.

Number three is that now community service is going to be a penalty, a form of a penalty, not an additional penalty. So community service, you can now, if you are convicted by a court of law, you can be sentenced to a term of imprisonment, you can be sentenced to paying fines, or you

can be sentenced to a term of a community service. And I gave an example that someone can be told to go and do terracing, can go and fight against soil erosion, can come and sweep her, can go and teach without pay. The judge can now order that you are sentenced to community service. That is very new. It has not been in our law as well.

The third point is that something that was a point of contention between women's rights movements about why should there be a need for a judicial decision for an abortion to be authorised? You know it has been for a quite a while, probably six years or so. Parliament has removed that requirement. You no longer need a judge to approve, to authorise a woman to conduct an abortion. A law still provides reasons for which an abortion might be conducted and the law also provides that the Minister of Health will by a Ministerial Order indicate which criteria, which conduct, so how all this can be conducted by medical doctors. So, abortion henceforth is a matter between a woman and her doctor. There is no judge anymore.

The other new thing is that penalties for drugs, especially drug trafficking, have been heightened to create deterrence and to punish people who engage in drug trafficking. If you look at our drugs offences, those who consume, our young people, our young population who fall into the worst side and smoke weed and other things, it is also an offence but the penalties are lower, in fact, they include community service for consumption; some of them will include community service.

But trafficking, this business of bringing sacks and tons, and pick-up loads of drugs from whichever part of the country or outside of the country and you bring it in, you check very well the penalties are intended to create sufficient deterrence. In fact, for repeat offending, you must have to be behind bars until it is considered that you cannot carry drugs anymore. So, you come out when you cannot do it anymore.

Defilement, the penalties have been heightened because you know the danger, the bad things about defilement.

Corruption has also been reviewed because we have been having offences called corruption and offences related to corruption. Those ones have also been brought together and they are all called corruption. And the corruption fight is now even higher because not only have we brought together all this embezzlement, and illicit enrichment, and bribery and all these, we have also made corruption imprescriptible. If you are pursued for corruption, the offence will not die. You will die before. So, if there is a case against you for corruption, it will hang on you until you face the law and defend yourself.

Finally, the last thing that we have done, sorry it was about the corruption being imprescriptible. The final part was on the criminal procedure. Criminal procedure has few new things that we thought Rwandans should know. It has many other things which are

progressive, those of you who are interested in reading and understanding how lively, interesting, enjoyable how these things are, please pick them up they are online and go through them. You will find many things which are forward-looking, which are very progressive.

But a number of things that I have just mentioned here James include the following: one, bail will be now applicable to all offences. Before, we had a situation where for certain offences; you could not apply for a bail. I think you know that. But now you can apply bail for any offence. It all depends on how long the investigation has taken place. If it has been a capital offence, for example, murder, you might take a bit long but at that moment where the law provides, then you have a right to apply for bail.

The second thing is that even when you are given a bail, the law going forward, will now allow the electronic ankle monitoring. You know the device you can wear on your arm, on your leg and it sends a signal to a central system/a server, so judges can now easily give you bail and still order that you are monitored by electronic device. That will enable the judge not to put you in jail and at the same time, enable you to do your work and also disable you from jumping bai, from running away, from escaping or not even showing up for your case because if you don't show up it will show where you are.

The third important thing is that community service is now a punishment. You can be sentenced to community service as I said. The other thing is that you can now transact in your offence, if you commit an offence and you are summoned to Rwanda Investigation Bureau, you can go and offer to have a transaction. You pay yourself out or you negotiate and this matter ends there as long as they are sure it serves the interests of justice.

The other point is you can now have caution. You can now have sureties, people or property to stand in for you and then you are allowed to go out. Before this, there were other offences that you were not allowed to bring a surety but now you can bring a surety in any case.

The other point that is very important for you to understand is plea bargaining. We are going forward. It is now going to be possible to go to a prosecutor and say look the prosecutor you are pursuing me for five offences, unfortunately for you, you grubbed only me but this offence was committed by five of us and I will never tell you the other four, but if you dropped the two charges against me and you keep only two then I will tell you with whom we committed this offence. And I will swear to you that it is correct. That one is also allowed now in the criminal procedure, you can do it. And as I mentioned swearing, perhaps the thing I had not told you and others, taking oath, swearing and committing perjury, the fact of swearing before the prosecutor or a judicial police officer that what you are telling is truthful and starting

lying, if you read well the law you will find that the penalties have been heightened three times I think. So lying on oath is going to be a more serious offence than the offence itself in order to ensure that you don't go to justice to play games. So, if you swear to tell the truth you are going to tell the truth, you are going to tell the truth. But if you lie on oath, I think the punishment will continue increasing. Whenever we are going to Parliament, we will seek that it goes up, and that is also true of non-disclosure of material facts, fraudulent transactions, if you hide your identity, your properties in order to defeat the aims of justice, we are pursuing a car rather than saying this car is still registered in my names you go and turn it into Edmund Kagire's car in order to defeat the aims of justice, the penalties for this are going to become very, very severe because those are the things that determine that the rule of law and even people respect the truth in their dealings. So, what I was saying has to do with the truth, telling the truth and disclosing what you have to disclose, and swearing before the court of justice, before the notary, before the judicial police officer or the prosecutor. Starting from now, for anyone who will swear that he is going to tell the truth, if he ends by lying, if it is found that he told lies, I guess that the penalties have increased several times. The penalties will even be multiplied several times more than the offence itself for which he will be prosecuted because it is your truth which makes the truth known; which allows to know who will be punished and who will not. So, all

these things which concern the fact of hiding and not telling the truth and the fact of swearing to tell the truth and of ending by lying, we are going to go on increasing their penalties so as to see to it that Rwandans adopt the truth as it is the truth which allows to know well what has happened and to take a decision which is based on justice.

James, the other thing that has been introduced now is the friends of the courts, *amicus curiae*. This has not been in our laws.