

PART II

A JUSTICE POLICY PREMISED ON THE PROTECTION OF HUMAN RIGHTS AND THE RULE OF LAW, WITH A FULLY VIBRANT, RESPONSIVE AND INDEPENDENT JUDICIARY.

2.1 The Justice System

The justice system will be democratised, modern, and speedy. The access of all, in particular of working people, to legal services will be guaranteed, extending fully or partially free-of-charge legal training, counsel, extra-judicial and pre-judicial support and competent legal representation to needy citizens, with adequate levels of, and exemptions from, judicial costs. Legal procedures will be simplified. The judicial procedures will be modernised and rationalised. The judicial system will be brought closer to the population and the population will take part in it. Effective respect for the independence of law courts will be guaranteed, with mandatory and speedy implementation of their decisions. The independence of judicial magistrates and the autonomy of Public Attorneys will be guaranteed. The penitentiary system and regulations will be humanised enabling true social rehabilitation. Non-judicial forms of solving conflicts will be encouraged, guaranteeing the safeguard of collective interests (in spheres such as the environment, public health, consumer protection) and compensation for damages suffered by the victims of crimes and judicial errors.

The **RPP - IMVURA** acknowledges local Gacaca courts remain overwhelmed with solving cases concerning the genocide; and according to local courts procedures. Rwanda is a country recovering from genocide. There are thousands of people who have been arrested as suspects, many of whom have never been tried in a court of law. The Rwanda judicial system is incapable of dealing with the scale of the violence that took place, therefore we partly supports the local system of justice as represented by the Gacaca courts. But this must be an interim measure and the country must return to a proper functioning judicial system where there is a respect of the rule of law.

We also mention this vexed issue of the UN International Criminal Court in Arusha, Tanzania, that has frankly not achieved much in 16 years. It has been a failure we must say and its record is very disappointing. It has spent millions of dollars prosecuting just a few war criminals but the lawyers and bureaucrats involved have made millions of dollars in fees. The victims of the genocide do not feel they have received any justice from the UN Arusha Court .The Arusha court should have sent convicted war criminals back home to Rwanda to serve their sentences in the ordinary conditions of Rwanda. Our party will try to negotiate with the UN and our partners in the international community to relocate this international court to Rwanda so that the process of justice can be transparent as well seen by the victims. This would act as a deterrent against future crimes against humanity and also rehabilitate those who committed these crimes. As a party, we would give a guarantee that these criminals would never be tortured but would have their rights guaranteed. We insist that, to reform our nation, the people of Rwanda need to see these criminals in Rwandan jails and the Rwandan people can decide in due course that they are rehabilitated and can be forgiven and allowed back into society. To practice a policy of impunity will never solve the current and impending problems of genocide in Rwanda or else where in the world. It will make **THEM WORSE**

Justice is the immanent will of all peoples and the Rwandan people need it right now. Impunity for crimes committed during the genocide in 1994 or any in the future would only mean validating genocide as a weapon of governance. Justice is the only guarantor against bad governance and should remain a major component of all governments internationally. A Rwanda that is secure and governed democratically is the Rwanda that will set a sure and sound foundation for our people today and thousands and thousands of the generations of our children to come in the future. A severe lack of justice would only lead to mass revenge killings and perhaps, in a worst case scenario, genocide similar to the one in 1994. Thenceforth, we believe the Gacaca system of justice in Rwanda is the only option currently available in place and it should continue to remain as an integral part of protecting Rwandans. But in the long term, the **RPP - IMVURA** will institute a viable judicial system that is effective, accountable and independent and which will replace the Gacaca courts and establish a judicial and justice system which will deliver justice to all Rwandans.

The **RPP - IMVURA** shall work to realise a number of basic aims which guarantees the establishment of justice. Among these aims are the following:

1. Educating society about the necessity of justice and what it entails. To strengthen the judiciary system-based safeguards which guarantee the neutrality of individuals and groups so far as justice is concerned and encourage them to sacrifice in the cause of justice and to prevent injustice.
2. Strengthening the institutions which guarantee the fulfilment of justice and guaranteeing the rights of every one. To open up opportunity for all citizen's political participation, guarantees equality of opportunity, social security, job opportunity, preventing unwarranted wealth accumulation and making the country's resources meet the needs of every Rwandan.
3. Making the Gacaca courts fairer, simpler and speedier by inserting additional legal talent to make them effective and ensure that the Gacaca courts can not be used for settling of personal vendettas within communities.
4. Provisions for fundamental right to habeas corpus, right to legal process and trial and compensation for damages suffered by the victims of crimes and judiciary errors.
5. Provisions of non-judiciary form of courts of resolving community conflicts.
6. Provision for community rehabilitation and gradual general amnesty for of all convicts over 65s.

2.2 Liberty

Freedom, understood this way, is a noble value and a fundamental principle encompassing all aspects of human life that gets entrenched in the person's inner being - in his intellect and his comprehension, making that individual free in his view of himself and his view of others. Freedom is absolute and cannot be constrained except by cultural values. Exercising constraint on freedom should be guided by two factors.

Firstly, acknowledging the general principle on which freedom is founded, and secondly that constraint of freedom should not be to the extent of confiscating this basic right.

Respecting freedoms is a life necessity and an important precondition for releasing the energies of the individuals, their creativity and encouraging citizens to the productive -the central pillar of reform and the pre-condition for revival. For this reason, The **RPP - IMVURA** gives human rights and defence of freedoms due importance in its political and social programs. The **RPP - IMVURA** shall work to:

1. Deepen the AWARENESS of the importance of freedoms and the dangers of any attack on, or restrictions of, liberties.
2. Organise the judicial monitoring of the activities of the authorities as the most important guarantor, for the practical protection of the rights of citizens and their freedoms.
3. Organise various political means to guarantee and protect the freedoms of citizens according to the rules and principles of;
 - a. Personal freedoms which relate to the individual and his private life, such as his right to security, peace and freedom of movement.
 - b. The sanctity of one's home, privacy of his communications and all the rights of citizenship including career choice.
 - c. Freedom to express opinion and publication of knowledge and arts so far as it does not conflict with the rule of law.
 - d. Economic freedom, such as the right to personal ownership, and to consider ownership as a right and a social duty.
 - e. Freedom to undertake trade and commerce, so long as it does not infringe on the common interest, and adheres to the rule of law.
 - f. Political freedom, where citizens can exercise their right to participate in elections and to nominate themselves for membership of parliament as well as other official and popular bodies and to occupy posts within the public sector.
 - g. The right to assemble and to establish societies, clubs, trades unions, political parties and other political organisations is also guaranteed.

2.3 Equality

The principle of equality is based on the fact that of the human being is one. The essence of equality is the equality under the law between members of society. All people, rich or poor, strong or weak, leaders or subject are equal in front of the law and the judiciary. No differences are recognised whether due to race, sex, colour, profession or social status.

The **RPP - IMVURA** shall work effortlessly to strengthen the principle of equality among all members of society.