KIGALI INDEPENDENT UNIVERSITY ULK

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DEPARTMENT OF LAW

CRITICAL ANALYSIS OF THE TRIAL OF FUGITIVE SUSPECTS UNDER RWANDAN CRIMINAL PROCEDURE

This dissertation Submitted in partial fulfillment of the academic requirements for the award of a Bachelor's Degree of Law

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DECLARATION

I, Marie Louise NIYIGENA, the student at the Kigali Independent University (ULK), I hereby declare that this dissertation entitled **"Critical analysis of the trial of fugitive suspects under Rwandan criminal procedure** is original and has never been presented in any other institution for academic qualification. Information used has been acknowledged in this work. In this regard, I declare that this dissertation is the result of my own effort to the fulfillment of the bachelor's degree in law.

Signed: ----------

Marie Louise NIYIGENA

Date: ----------/----------/2024.

APPROVAL

I certify that this work entitled "**Critical analysis of the trial of fugitive suspects under Rwandan criminal procedure** has been prepared under my guidance and is ready for further examination.

Signed:_____ Date :_____

Supervisor's Name: Justine KATUSHABE

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DEDICATION

To

My family

My friends

My classmate

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First and foremost, I would like to thank my God who strengthened and directed me throughout my entire life and my academic studies.

It was not easy to carry on with this complex and intensive work, but because of the mighty hand of God. I would like to express my immense gratitude to the Founder of Kigali Independent University ULK, **Prof. Dr. RWIGAMBA BALINDA**, and Supervisor: KATUSHABE Justine her support, guidance and patience were immeasurable. She gave me helpful advice and essential comments that helped me to complete this work successfully. I thank all my classmates of the department of Law of Kigali Independent University for their spirit of cooperation and solidarity they have shown me during the time we have been together. I sincerely thank my parents, my brothers and sisters, my relatives and friends for your material and moral support, which greatly helped me during my studies. Your love and patience to me during all the time we spent together will never be forgotten.

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Finally, I thank all those who directly or indirectly contributed to the achievement of this work and I request God's blessings to all of you.

Marie Louise NIYIGENA

LIST OF ABBREVIATIONS AND ACRONYMS

Al : Alinea

Art.: Article

ECCC: Extraordinary Chambers in the Courts of Cambodia

ECHR: European Court of Human Rights

IBID: Ibidem

ID: Idem

ICCPR: International Covenant on Civil and Political Rights

ICTR: International Criminal Tribunal for Rwanda

ICTY: International Criminal Tribunal for former Yugoslavia

O.G: Official Gazette

PARA: Paragraph

UDH: Universal Declaration of Human Rights

UK: United Kingdom

UN: United Nations

UNSC: United Nations Security Council

USA: United States of America

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GENERAL INTRODUCTION

This chapter tries to analyses the topic and is subdivided from the background of the study, problem statement, research objective, research questions, hypothesis, dissertation of the study, interest of the study, scope of the study, research methodology and the subdivision of the study.

1. Background of the Study

The main purpose of the trial is to give justice to everyone, whether the defendant or the victim. However, there are proceedings especially in criminal matters which have to be followed to attain that justice which includes an investigation that aims to discover the offenses, gathering together shreds of evidence which can be those of accusing or clearing guilty, and an act which determines if the suspect has to be prosecuted of not.

This is done by an organ in charge of the investigation and also done by public prosecution if the evidences discovered by organ in charge of the investigation are not enough. Thus, this phase happens before the trial phase and includes many other elements which help in the investigation like detention, interrogating the witnesses… etc.

After, there comes the trial phase which includes a public hearing, and even a pronouncement of judgement which decides justice which is worthwhile for both parties from the evidences gathered and other activities done to proceed to reach the justice. However, those aforementioned proceedings bear some obstacles. Namely, when the defendant is absent. There are two main aspects in which the defendant can be absent which cannot be valid reasons to make the court postpone the trial, where on one hand, the defendant can waive his/her rights to be present at the trial, while on the other hand defendant can be called that he/she hid from the court or fled away from the court.

Furthermore, others can be sent out of court because of their inappropriate behavior while a public hearing is ongoing after being warned by the judge and continuing to cause trouble. And is considered as though he/she is present while absent, but no matter what the trial proceeds. But at this moment the aspect which will be discussed and analyzed is that of the fugitive suspect. This can hinder the court's proceedings because it is not the intention of the trial when one party is not present. Thus, there have to be some exceptional ways which can help the court proceedings, and regarding each country's criminal procedure law, they adapt their way which most of the time has to be compatible with the legal systems they use.

In Rwandan criminal procedure, there is a way concerned with trying in absence of the fugitive defendant, it is stated in articles 160 up to 169. Where in article 160 it is stated that;*If the suspect, whether he or she is in Rwanda or a foreign country, is not arrested because he or she hides or escapes justice, the public prosecution prepares a file for him or her and submits it to the competent court even if the suspect was not interrogated. After receiving the file, the court orders the accused to appear within one (1) month, failing which the court declares that he or she has disobeyed the law.* Then follows other article which says about the effects such as posting the court order in 8 days in the appropriate place and being published in a newspaper determined by the court.

And if he/she fails to appear within one month such a person is tried *in absentia*. The court bases on the publication of prosecution only. During the trial there is no even representative of the accused allowed to represent him/her. And after the trial, the court publishes an extract of the judgement to the website of the judiciary, public prosecution, investigation Bureau, and on the board of the court which tried the case. After that such person is convicted of his/her offences and loses his/her civic rights. This means he/she is deprived in the following way: He/she is prohibited from any public service; Loses all part of political rights; Loses the right to wear decoration of honor; is prohibited to act as an expert witness or a witness to deeds and to testify in court, except in case of providing information;

If the judgement is altered and such a person is no longer convicted, his/her property seized must return to him/her, the same applies to confiscation, even if civil parties refund the damages received. If his/her property is sold under auction the State pays him or her damages equal to the value of his or her property. According to article 168 of Rwandan criminal procedure.

Also, in the Rwandan constitution in article 29 , there is a stated right of due to process, where by the court must respect those rights in order to be on the right track to attain the fair trial or justice. That is to mean, the court has to respect the right of everyone whether accuser or accused and display impartiality by not violating their rights.

Thus, in those rights there is a right that says; everyone has the right to be informed of the nature and the causes of charges, the right to defense, and the right of legal

representation. And the other right says that everyone has to be presumed innocent until proven guilty by the competent court. This means those rights have to be given to everyone, not to some people.

2. Interest of the study

The importance of this study is perceptible in terms of its contribution to reveal and create cognizance to all concerned stakeholders about legal analysis of the trial of fugitive suspects under Rwandan criminal procedure. The study interest is divided in the three forms which are academic, personal and the scientific interest.

2.1 Personal interest

This study is going to help me personally to know the details about the legal analysis of the trial of fugitive suspects under Rwandan criminal procedure and it is done practically**.**

2.2 Academic interest

There is no study that made on the legal analysis of the trial of fugitive suspects under Rwandan criminal procedure so this study intends to help the researcher who are interested in knowing the right of fugitive suspect in Rwanda and give them the information that can help them to find out the solution to their problems.

Also, the study will help the lecturer who is preparing their slides on the criminal procedure especially right of fugitive suspect. The study also intends to help the student who is doing their assignment to know the right of fugitive suspect under Rwandan law.

2.3 Scientific interest

This study will help the legislator to know the challenge the trial of fugitive suspect under the Rwandan criminal procedures.

The judge through decided uses the doctrine as the second source to be able to explain about the incident that happen and relate it with the analysis that is in this work.

3. Delimitation of the study (Scope)

The study will have the following scope namely space time and domain in relation to the legal analysis of the trial of fugitive suspects under Rwandan criminal procedure

3.1 Delimitation in Space

This study of legal analysis of the trial of fugitive suspects under Rwandan criminal procedure will be based on the Rwandan Territory in order to know what does the Rwandan criminal procedure stipulates on the right of the fugitives suspects

3.2 Delimitation in Domain

This study will specifically focus on the private law especially labor law through analyzing the right of casual worker and criticizing the challenges that the casual employment face.

3.3 Delimitation in Time

Will analyze the text from the 2019 to 2023 because this when the current criminal procedure was adopted which is also the same law that governs the trial of fugitive suspects.

4. Problem Statement

The main objective of the criminal trial is the attainment of justice and maintenance of rule of law. It is the right of the accused to appear in person before the court and is considered inherent in the notion of a fair trial. Trial in absentia is derived from the Latin word which means ‘trial in absence’. Trial in Absence is the conducting of a trial when the accused is willfully absent and has surrendered his right to be present in the trial. It is entailing the criminal trial in the absence of the accused. The trial of the criminal cases suffers due to the absconding of the accused as it is the right of the accused to be present in trial proceedings but not a duty.

The term ‘trial *in absentia*’ refers to a proceeding in a court of law in which one of the parties is not physically present. This form of trial is at odds with a defendant’s right to be present in court; as first recognized in Article 29 of the Constitution of the Republic of Rwanda and 14(3)(d) of the International Covenant on Civil and Political Rights (ICCPR).

Even in those national systems that grant criminal defendants the right to be present at

one's trial, there are exceptions, such as when the accused flees the jurisdiction when the accused has received fair notice of the charges against him and yet fails to respond to a valid summons, when only misdemeanors are charged, or when the individual must be removed from the courtroom due to disruptive conduct.

At the outset, it must be remembered that the primary and overriding duty of a criminal court is to conduct a fair trial. The defendant is, and must always be the central figure. The trial is the accused's opportunity to challenge the evidence against him and to present his account. It is his opportunity to tell his version of the story. Regarding Rwanda, the prime basis of the fair trial principle is article 29 of the Constitution. Most elements provided in that provision are the ones that can be found in article 14of the ICCPR. The main procedural guarantees entitled to the accused can be found in the two articles.

However, Trials *in absentia* may be allowed in civil jurisdictions as in Rwandan cases, provided that the defendant's rights are sufficiently protected and there is a right to automatic retrial when a defendant surrenders or is arrested. The underlying rationale for holding a trial in absentia is to ensure that the accused cannot delay the administration of justice by opting to be absent from the court. Historically, trials in absentia were characterized by the complete absence of the accused, without legal representation. Currently in international law regarding trials in absentia is now clear that legal representation is required.

In this dissertation, the Rwandan legal framework and the legality of the exception of the trial in absentia is going to be analyzed as a legitimate aim in the democratic society for the good administration of the Justice.

5. Research questions

In this research, the following key questions are going to be analyzed such as:

- What are the analysis of the recognition of fugitive suspects' rights according to Rwandan law, and how does this relate to the unlawfulness of their trials under Rwandan criminal procedure and court proceedings?
- What are the legal mechanisms that influence the effects caused by the trial of fugitive suspects?

6. Research hypothesis

Based on the research conducted. These hypotheses encompass various factors, including:

- The analysis of fugitive suspect rights under Rwandan law reveals significant concerns regarding trials in absentia, inadequate legal representation, and inconsistencies with international human rights standards, impacting judicial fairness and extradition cooperation.
- The trial of fugitive suspects under Rwandan law is unconstitutional due to trials in absentia violating fair trial rights, lack of legal representation, presumption of guilt, and inconsistencies with international human rights standards.

7.Research objectives

the research objectives would involve examining the legal framework and procedures concerning fugitive suspects' trials in Rwanda, evaluating the effectiveness and fairness of these procedures, identifying any procedural challenges or shortcomings, exploring the impact of international legal standards, and proposing recommendations for improving the trial process to ensure justice and adherence to human rights principles

7.1. General objectives

This research aims to analyses by criticizing the trial of fugitive suspects under Rwandan Criminal procedural law by relating to other international laws and Rwandan constitution law.

7.2 Specific objectives

This study has the following objectives:

To look for the way the fugitive suspects in Rwanda are treated in conformity with

their rights due process.

To show the effects of trial of fugitive suspect in the path of fair trial and in relation to the effective working of courts activities on other cases in Rwanda judiciary.

To propose the technique which can be more effective in order to attain the fair trial for fugitive suspect and the rapidity of court proceeding in criminal matters in Rwanda.

8. Research methodology

Research methodology is the specific procedure or techniques used to identify, select process and analyze information about the topic. The methodology sections allow the reader to critically evaluate study's overall validity and reliability. The methodology section answers the main questions: how data are collected or generated? How was it analyzed?

8.1. Research techniques

Techniques in research are the statically methods of collection analysis, interpretation, presentation and origination of data.

8.1.1. Documentary techniques

The term documentary research method refers to the process of examining document that contains data about the topic under investigation. Whether in the public or private domain, written documents are the most prevalent physical sources that are investigated and categorized using the documentary research approach.

This is when we support the viewpoint or the thesis of our study by drawing on additional sources. Conceptualizing and assessing material are usually involved in the documentary research; these are the steps we will take into account as we develop our research techniques.

8.2. Research methods

The present research uses the following research methods which enables researcher to interpret and analyze the legal provision in connection with the topic.

8.2.1. Analytical method

A type of qualitative research is analytical legal research. It is a particular kind of the study that calls for the use of crucial thinking abilities and the assessment of data and information pertinent to the project at hands. Additionally, through analytical study, one learns crucial information to enrich the work in progress with fresh concept

By employing these techniques, we examined the law as it related to civil matters as well actual situation on the ground. We also used the analytical methods to examine the law and summarize the results of the analysis to obtain comprehensive and insightful information relevant to our research.

8.2.2. Exegetic Method

The exegetic Method is defined as a set of structured procedure rules and Intellectual Operations Used by the Researcher to analyze and interpret laws and cases in relation to our study for successful achievement in our research. This Method shall be used to dissect and interpret legal text.

An interpretation technique used in the study of legal text that focuses on how the legislator drafted the law or regulation. The analysis of grammatical and linguistic rules is used to study it. The objective reading of legal text is known as the exegetical methods.

The exegetic method for this research involves closely examining Rwandan criminal procedure laws, judicial decisions, legislative history, international legal standards,

scholarly commentary, and integrating findings to comprehensively analyze the legal framework governing the trial process for fugitive suspects in Rwanda.

This approach was utilized to interpret various status and crucial papers pertaining to the Rwandan legal system on the legal framework in relation protection of casual employment.

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9. Subdivision of the study

In addition to the present general introductory part of this study, this work comprises of a further three chapters. Chapter 1 will be dealing with the conceptual and theoretical framework in which trial of fugitive suspect under Rwandan criminal procedure are tackled. In chapter 2 will be dealing with the analysis on recognition of fugitive suspect rights according to Rwandan constitution and other laws which talks about human rights during trial under Rwandan criminal procedure. In Chapter 3 will be dealing with the unconstitutionality of the trial of fugitive suspects under the Rwandan criminal procedure and court proceedings .

CHAPTER 1: CONCEPTUAL AND THEORETICAL FRAMEWORK

For an easy and better understanding of this research work, it is deemed necessary to define major concepts and generalities and the theoretical frameworks that the research will focus on. Among the definitions that will be dealt with are: Trial, Trial in Absentia, Fair Trial, Fugitive Suspect and right to a fair trial, criminal procedure, and others.

1.1 Conceptual Framework

The conceptual framework of criminal procedure encompasses the principles, theories, and structures that guide the administration of justice in criminal cases. It serves as a foundation for understanding how legal processes operate, ensuring that the rights of individuals are protected while maintaining public order and accountability.

1.2. Trial

This word when looking closely one can discover its meaning so easily. Look closely at the word 'Try' but again that 'y' is substituted by "Trial", of course, that is personally analyzing, but again that cannot be ignored because it can give us some hint which is just to 'test' or to 'try'. Something or someone.

But if someone has ever heard this word would understand the action or process of trying or putting to the proof. This person would say that is on the right track. As it is said; the word 'Trial' comes from the Anglo-French '*Trier',* meaning "to try" (it is in this term the word 'try' comes from).

From that meaning, it can be understood from the law perspective and even it is where this word is commonly used. From the etymology, it can be observed what Trial means, regarding the meaning of 'testing' or 'trying'. And from this definition and meaning, it has to be realized that 'trial' from in Law perspective means the judicial examination of issues of fact or law disputed by parties to determine the rights of the parties.

At this point, some are not satisfied by what is offered here, but to go any further, it can be accurate in saying that 'Trial' is a phase in a court proceeding that include hearing both parties by the judge and then taking the conclusion after trying them. And this is done in the court or any other place which have been agreed on.

Here, it can be understood what trial means. But let this be put in mind that how this phase is driven differs a little regarding the legal system of a certain country as long as the legal system is different in the procedures. However, they all include the same procedure of hearing the parties and questioning by the judge and at the end, the conclusion is drawn which is judgment.

1.2.1. Fair Trial

If the word 'trial' is to be understood very well, also this will be going too well in understanding them. At this point there are two words which are 'Fair' and the word which was explained above 'Trial'. And let this whole phrase 'fair Trial' be lucubrated also. Thus, it is going to start with the word 'fair' which was not tackled earlier, then the word 'trial'.

The first to understand the word 'fair' can accurately understand 'impartiality' or 'just (where justice can be got)', or to put it in negation it can be said 'not biased'. Again here, someone can only link the words and get this kind of definition and say that 'fair trial' means 'to test and take conclusion in very just way without being biased or with impartiality.' Again, this person could not be far from the truth.

But let this definition be put in the law perspective. Define fair trial can mean a trial that is conducted justly and following procedural regularity by an impartial judge in which the defendant is given his or her rights under the appropriate state constitution or other law. This can be thought to constitute what is called a 'fair trial'.

Nevertheless, some laws talk about it. For example, in ECHR in Article 6 we get what we call the 'Right to a fair trial' where we get some principles on which we can base to call the trial that it was fair. This phrase 'fair trial' is very huge, Thus is set in the constitutional law of nationals and those international laws especially in support of human rights (ICCPR, ECHR,…) are just minimum rights that have to be respected in other to proceed in fairness trial.

However, someone may ask 'why is the word 'fair trial' used, while it is not available in the Rwandan constitutional law on the article which is being used'? It is worth explaining this objection earlier to put away confusion, and to make the research very plain to everyone who has to read it and then be very profitable in many ways.

In our Rwandan Constitution, the word used is clause 'due process of law' instead of 'fair trial'. But again, they all carry the same meaning. For example, when ECHR in its article 6 Paragraph 3 is compared with Rwandan constitution in article 29, they all set some rights which have to be bestowed to everyone during the trial. But they use those different terms for one purpose.

Furthermore, the necessary thing is to know that, this due process of law clause is undoubtedly intended to carry the same meaning as the words, 'by the law of land', in Magna Charta. However, there are different voices on the real historical background of 'due process of law'.But to simplify this, again Black's law dictionary is at help when it states that; due process is the conduct of legal proceedings according to established rules and principles for the protection of private rights, including notice and the right to a fair hearing before a tribunal with the power to decide the case.

This means that if the court goes against those principles, it is also doing an unfair trial. Those principles are to be fair. And basically, they set the rights of everyone, which means that even the accused has to be given such basic rights. Therefore, those principles are needed in other to protect every party from being abused which leads to unfair trial or in other words 'partiality of trial' and ultimately 'injustice'.

1.2.2. Right to fair trial

At the outset, here there is a phrase that has been noticed above which is a fair trial. However, there is added word called 'right', and if this word is well recognized, it will be easy to understand the whole sentence from a research perspective. First of all, the word 'right' can be confusing in the way that it has various meanings from the law's perspective.

Sometimes this word is defined as 'proper' under the law, as Black's law dictionary mentions well as morality or ethic < know right from wrong>. Moreover, it can have a meaning of something due to a person by just claim like when it is said 'right to liberty'. Also, it can mean power or privilege, or immunity secured to a person by law. And other meanings…

Thus, without understanding it, there is much confusion if the meaning used is not recognized here, there is much tendency to slip away and fall short of what this research is all about. Nevertheless, in all those definitions the one which is at help is the second one. It seems to fit in the whole sentence 'right to a fair trial' as used in this research, which is the right due to a person by just claim.

Again, the third definition also can play a role in using the 'right to a fair trial' because it is a privilege that has been given to a person secured by the law. This means that if it is violated, that person has to claim. However; this leads to realizing that rights create duties for the other party because every party has to respect the law.

To this matter, in other to keep out the confusion in this research, the sentence 'right to a fair trial' has to mean the privilege secured under the law due to everyone by just claim to proceed toward justice in fairness. This is a sense in which this sentence 'right to a fair trial' is intended. To put it in another way per research under Rwandan law, it can carry the meaning of; 'Right to a fair trial or due process of law' is a benchmark of Rwandan constitutional law designed to protect individuals from unlawful and short notice of basic rights of a person accused especially.

1.2.3. Trial in absentia

Here the new word which is occurring that didn't exist earlier is '*Absentia*' which is the Latin word that means 'Absence'. To reconcile that at the first instance, it offers a definition which goes like this; 'Trial in *Absentia* is the trial when one party is absent'. Some articles used a definition that has to be criticized, instead of saying 'one party' is absent they say 'accused'.

It has to be criticized such definition because when it is said that; it means always that the accused is absent it is to be ignorant to the fact that even the accusing party can be missing as well and even the trial proceeds. Thus, to go any further, to give some precise definition, to say that this trial in *absentia* as a court proceeding goes on. In this we can say that; trial *in absentia* is non-appearance by one party during the trial proceedings.

According to the renowned Black's Law Dictionary, *in absentia* simply means: "*In the absence of (someone); in (someone's) absence <tried in absentia>*".Its basic, literal meaning might be obvious, but beyond that point, the simplicity of the matter ceases. One can derive at least three different complex scenarios which can be described as a trial *in absentia.*

This is to mean that; when '*in absentia'* is attached to the word 'trial', the word 'trial' cannot carry one meaning. Because it can mean the trial as a whole or the trial in part. This cannot be understood so easily, but this is to say that; if a party is absent during trial, he/she be absent from the beginning of the trial without appearing, or appeared for the first time, or be absent at last due to his/her disrupt. But to simplify it, some scenarios are of help.

Firstly, there is a situation that may occur when the defendant has never appeared at any stage of the trial in which some call him/her fugitive suspect or defendant if fled or hid from the court, sometimes referred to as "*total absentia*" as it seems. This scenario inherently provokes a question as to whether the accused has been aware of the trial, and if not, whether he or she has been properly served with a bill of indictment or with summon. The legal outlook depends on the answers to those

questions. And this is the case in this research.

Secondly, there is a possibility that the defendant is present at least at the early stages of a trial i.e. during the arraignment, indictment, or even when he or she submits explanations (or enters a plea). Then, after these stages, the defendant voluntarily chooses not to attend trial further. Such occurrence is sometimes described as "*partial absentia*". This scenario is the least controversial one, as it can be usually seen as a proper waiver of one's right to attend the trial.

Thirdly, there is a situation that has to be called 'trial in his/her absence' according to the definition described but again can be a kind of waiving the right because it is where the absence of the defendant may be directly enforced by the adjudicating judge. Grounds for such action involve disruption of the trial, misbehavior, or contempt of court; usually, all of them present a serious level of malevolence. Those acts cannot be seen as a waiver of the right to attend, since the defendant does not choose on the merits.

Instead, the decision is rendered by the judge at the trial. This kind of outcome can be thus described as "*compulsory absentia"* or 'Obligatory *in absentia'* because it is mandated by the judge. It must be also acknowledged that all of these above-mentioned configurations could be further modified with the presence of a defender. Then all those have to be called trial *in absentia* as the definition told us. This is the same as waiving the right to be present, but there have to be some distinctions because they are different in some ways.

However, it is a remarkable thing to realize that; on the side of the prosecution, also there can be absence due to different reasons, but they are different from those of the accused party. But also, there is a sense in which the prosecution can be absent and the trial proceeds in the absence of prosecution as it is stated in Rwandan criminal procedure which is currently used.

Thus, finally to define this term as a criminal proceeding in a court of the law (on the side of those who do not consider it as a violent right) in which the person who is the accuser or the accused is absent at those proceedings due to invalid reasons to not attend the trial. This same definition is in harmony with that of Rwandan criminal procedure. Because the article state that; it is either the prosecution or the defendant, which is good for it.

1.2.4. Fugitive suspect

The Last term that has to be defined in the key terms is the word 'Fugitive suspect' which is the main concern of this research. Two words are to be understood to get a well-constituted and plain definition of the whole phrase. Those words are 'fugitive' and the word 'suspect'.

Where the word 'fugitive' means to escape or runway. However, this word may be used in various ways. Sometimes this word may be used to just mean a refugee or someone who escapes from an unpleasant situation like war…etc. but again, this word is used to mean someone criminal suspect who flees, runs away, or evades arrest, or

prosecution, which is at help in this research.

However, the word 'fugitive' doesn't end with just criminal suspect, rather it can carry the meaning of witness, as black's law dictionary injects the word 'witness' in its definition, and at the end, it states that such a person flees or escape…service of process or the giving of testimony.But research mainly is concerned with the suspect more than the witness.

While the word 'suspect' sometimes can be used as the verb 'to suspect' which means to consider something to be probable or presumed. This is to mean that something is credible or has to be possible to fit in the situation. Other times the word 'suspect' isa noun that has the meaning of a person who is believed to have committed a crime or offence.

There is a remarkable word which has to be put in understanding in this definition, the word 'believed' is remarkable one because it carries the same meaning as 'thinking', 'consider' or 'pass judgment'. This means it can be true or not because it is not yet seen whether this person is indeed a criminal or not.

And it has to pass through a process which is court proceedings to determine whether a person is guilty of that crime or not. The other terms referring to 'suspect' are defendant, plaintiff as to mean someone accused not yet found guilty. This implies that in the court, suspect or defendant has not to be confused with offender or criminal

because a criminal is someone who has been convicted of a crime. While the suspect is not yet convicted but is in the process to determine if he/she will be convicted or not.

Therefore, linking the whole phrase leads to the following definition; Fugitive suspect is someone who has been alleged or accused and hides him/herself or escapes the jurisdiction to not be tried. As the Merriam-Webster dictionary of the law state that is the person who flees especially who flees one jurisdiction (as a state) for another to escape law enforcement personnel.

However, to be a fugitive suspect does not necessarily mean to move from one state to the other, rather it just means to be in an untraceable location to escape the jurisdiction. As means, someone can be a fugitive suspect while he/she stays in the current state without moving into another, just the case of being called which is when someone hides jurisdiction to not be tried. A Fugitive suspect is a person involved in a criminal case who tries to elude law enforcement especially by fleeing the jurisdiction.

Again, it has to be noted that other terms which can be used in the same way as the fugitive suspect can be 'fugitive from justice' or 'fugitive defendant' from all definitions which have been seen. This 'fugitive suspect' has a link with 'trial in absentia' because as mentioned above there are some countries that allow 'total *in absentia'*. Which means; they can try even someone whom they call a 'fugitive suspect', especially in Rwanda. All are used to mean the same thing. Therefore, the very concerned and crucial terms to help understand very plainly this research

Section 2: Theoretical Framework

This section is going to be dealing with the historical evolution of trying fugitive suspects by looking into the criminal procedure from 1995 until now. And also look into international criminal courts and tribunals even their historical evolution since the establishment of the Nuremberg and Tokyo tribunal up to the special tribunal of Lebanon.

1.3. Historical evolution of trying fugitive suspects under Rwandan criminal procedure.

Before going too far to describe the historical evolution of trying a fugitive suspect under Rwandan criminal procedure, it is worthy to note that all that will be tackled are regarding the criminal procedure law and how they were enacted with their changes on the issue. Or in another way, the historical evolution will be going with the line of how Rwandan criminal procedure passed by talking on the trial of the fugitive suspect.

At the outset, trying a fugitive suspect *in absentia* was not recognized in Rwandan criminal procedure as far as trying anyone in absentia was not there, in fact, if someone would be not present at the court, he/she was called 'unidentified'. Even someone who would duly fail to appear before the court was judged by default and even in times of siege it was prohibited to undermine someone's right to defend him/herself As matter of fact, his/her case would be dismissed and if found then he/she would be tried in his/her presence.

But the article concerning fugitive suspects was not changed at all. The law was stating that; if an accused committed felony or misdemeanor, public prosecution would collect the criminal case file and submit it to the competent court even if the accused would not be interrogated, then could be tried *in absentia.*There was nothing else regarding the fugitive suspect. However, there was a problem in the heading of the article because to say that he/she is the offender is already to condemn and language of prejudice regarding the definition which has been explained on 'fugitive suspect'.

In article 139, it was stated that; those accused of felony and Misdemeanor should appear in person, while those of contravention could be represented by their counsel unless a judge or magistrate requires their appearance. Thus, the classification of offenses according to their gravity played a bigger role than in the proceeded criminal procedure codes.

The law relating to the criminal procedure which is currently in use until now its legal provision from 160 up to 169 emphasized on the trial of a fugitive suspect.

1.3.1. Historical approach of the trial of fugitive suspects in international criminal courts

This heading is going to deal with the trial of the fugitive defendant but the remarkable thing which has to deal with the aim of the research is not whether there is a fugitive suspect or not. Rather the issue is to see how they are tried if it is *in absentia* or their presence or total *in absentia*. Thus, here is an approach of international criminal courts and tribunals approach of how they evolved in trying fugitive suspects.

However, as the concern of the research, this review is focused on criminal procedures, which means that; from the perspective of international courts and tribunals, the focus has to be the statute of those courts. And in looking for how fugitive defendants are tried; the concern will be whether those courts permitted to try in absentia the fugitive or they banned it. Because it is the main claim of this research to show how Rwandan procedure is not fair. It is worthy also to link it in this way.

1.3.1.1. Precedents of Permanent International Criminal court (ICC)

It is a remarkable thing to know that the idea of establishing an international criminal court to try individuals for the commission of international crimes was first raised in 1899 at the Hague conference and later was considered again after World War I, but not until after World War II when offenders of major crime were brought to justice.

The terror which had occurred and the defeat of Axis powers led to the trial of those who were accused of major international crimes before the International Military Tribunal at Nuremberg, and the others were brought before International Military Tribunal at Tokyo for the Far East.At this time some proceedings were required among those tribunals, but in the 1950s their statutes were started to be drafted by the UN.

This project was interrupted by the cold war and also disagreement on the definition of aggression.In 1993 international criminal tribunal for the former Yugoslavia for prosecuting persons responsible for serious violations of international humanitarian law committed on the territory of the former Yugoslavia.

And International criminal court for Rwanda in 1994 for Prosecuting Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighboring States, between 1 January 1994 and 31 December 1994.But after all their charters and statutes were enacted including the proceedings of the trial.

In the Nuremberg tribunal, to try someone *in absentia* was permitted, as long as that defendant was not found but for any reason, finds it necessary in the interest of justice. This means that the fugitive suspect would be tried in his/her absence because he/she is not found at that moment. This is a very remarkable thing for the following reasons.

This Total *in absentia* trial was a departure from co-founding members namely USA and UK, as common law system holders. Furthermore, Cassese goes on to offer the extreme gravity of the crime committed to justify this remarkable departure.But again this was adopted to satisfy its founding member namely France as overly said.

It is said that; founding member France was unhappy because the tribunal whose main basis was to be Anglo-Saxon common law tradition instead of Roman law, and whose practice was different from the Civil Law system. Thus, this made French Lawyers to be unhappy, which means the basis of this tribunal was dominated by USA and UK as common law system holders.

However, the defendant had some minimum rights according to the same charter, when he/she would be notified of the indictments in the language he/she understands in a reasonable time and also has the right to defend him/herself. But also admitting that they can try him/her *in absentia* if not found. That was the case of dealing with defendants at the Nuremberg tribunal according to their charter.

Finally, to be far-reaching, on the side of the international military tribunal of the Far East or Tokyo tribunal, it is worthy to note that; its statute did not specify the provision of the total *in absentia* trial. As argued that; as long as article 9 of its statute while talking about fair trial didn't mention 'to be tried in his/her absence', an *in-absentia* trial was allowed theoretically. Before the tribunal.

Before reaching the followed ad hoc tribunals, it is remarkable to state that there is a case which is at the peak when this issue was used especially the case of Martin Boumman. He was tried and convicted in absentia; however, it was noted that this case was tried without much evidence and that Bormann was sentenced to death, despite having died two years before he was convicted.In this case, in compliance with Rule 2(b), public notice about the upcoming trial was given via newspapers and the radio in October and November 1945 to notify Bormann of the proceedings against him. In addition, Bergold was appointed as counsel for the accused. Bergold challenged the in-absentia trial of his client. His challenge was, however, not based on the illegitimacy of the total in absentia trial; he instead claimed that his client was already dead.

After the trials of that military and even some civilians during those times of Nuremberg tribunals and Tokyo tribunals, there came the necessity of *ad hoc* tribunal of ICTY and ICTR to try the defendants in 1993 and 1994 due to the crimes which have been described above, and also, they had their statutes which described their proceedings during trials. In those statutes, there is a way they dealt with the fugitive suspects in the way of trying them fairly.

But between the establishment of those *ad hoc* tribunals and those trials of Tokyo, and Nuremberg tribunals, there came the Universal declaration of human rights in 1948. Later came the international covenant on civil and political rights adopted in 1966 but entered into force in 1976. This is very crucial even nowadays since it plays role in many countries for sustaining human rights in Fair Trials even applies to the fugitive suspect. Especially article 14 which is very famous.

In the ICTY statute, it seems that they did not permit to try someone in his/her absence which says that the accused shall be tried in his/her presence and defend him/herself in person by being assisted by his/her choosing. Which is different from that of the Nuremberg tribunal but in harmony with International Convention on civil and political rights in article 14?

Likewise, the ICTR statute, also stated that the accused is to be tried in his/her presence and defend him/herself in person or through legal assistance.This means both of those tribunals didn't permit the trial in absentia of any person. Thus, if someone was a fugitive suspect he/she would not be tried in his/her absence but would be hunted in all ways until they caught him/her. however, no proceedings have ever been conducted under Rule 61 before the ICTR.

However, to say that; the accused have to be tried in his/her absence it didn't mean that if he/she waives his/her right willingly, the tribunal must wait until the defendant appears again. Rather it meant that; what matters is that the accused appeared for one time, this means that he/she already is informed of his/her indictment. Sometimes, this procedure is considered as an in-absentia trial and as a compromise between the different views of the civil and common law systems with respect to in absentia proceedings.

Thus, it becomes clear that the minimum rights have been respected and surely the accused is informed. This leads to show that to try the accused in his/her presence means that; he/she must first of all surrender or be caught and appear in the tribunal and be prosecuted. This has been a challenge in ICTR since some defendants thought that to be tried in absence just means to try the defendant only if he/she is present in the trial.

For example, in the media case; Barayagwiza appealed in the trial chamber where he states some statements like "neither statutes nor the rules of procedure and evidence permitted the trial chamber to try him in absentia." In this trial, the accused Barayagwiza did not appear in the chamber.

Where he sent a written statement to the trial chamber stating that he could not receive a fair trial at the tribunal.This was also shown in responding to the appeal by trial chamber in paragraph 112.This shows that the intention of the International Convention for civil and political rights was not for those who waive right but for those who are not yet found and have to appear before the trial.

After that, Hybrid or internationalized tribunals were established, SCSL, SPSC, and the ECCC. Those tribunals walked in line with those ad hoc tribunals regarding total *in absentia* trial meaning that; they didn't allow even trial in absentia unless the defendant appeared once and then was absent. Which is also like that of ad hoc tribunals

For example; the statute of SCSL on Article 17(d) states that the accused in his/her

minimum rights shall be tried in his/her presence.This seems to prove that they didn't depart from the line of human rights respecting those of IMT or to say in other words, they were in harmony with ICCPR and ECHR.

1.3.1.2. Approach of permanent international criminal court

The International criminal court was established and had the power to exercise jurisdiction over persons who committed serious crimes stated in statute and came as a compliment to national jurisdictions. It is the first time that states decided to establish a permanent international criminal court.

In the Rome statute, some articles seem to be paradoxical, those are article 61 and article 63. The main paradox is that if someone waives his/her or fled intentionally the international jurisdiction, he/she has to be tried *in absentia.*However, during the trial, the accused has the right to be tried in his/her presence.

However, let this not puzzle because, on one side, article 61 is concerned with the pre-trial chamber which has the function to confirm the charges the prosecution accuses of the defendant and helps in investigations, and arrest warrants. While article 63 is concerned with the trial itself and permits that the trial has to be in the presence of the accused.

The case of the prosecutor v. William Samoei ruto and Joshua arap sang makes it clear by saying that; *Article 61(2) has a unique context that sensibly circumscribes the remit of the provision. It deals with a hearing to confirm charges against a person who has not yet become an accused person. There is nothing remarkable in that scenario if the Statute readily contemplates that the proceedings may be held in his absence if he so chooses; considering that no judicial decision would as yet have confirmed as realistic the probability that he has a case to answer. In the absence of such a judicial decision, there would have been no appreciable juridical tether that tied the inductee to the Court and its processes in a substantial way. That context is therefore different, as compared to the trial of a person who is an accused person, under a solemn decision of a Pre-Trial Chamber, following an appraisal of some evidence establishing substantial grounds to believe that the accused committed the crime charged.*

This is confirmed by article 67, which states the same way as ICTR and ICTY statutes. This article state that; the right of the accused there includes what was stated in article 63 paragraph 2. Then, goes on to say that; the person has to be present at trial, to conduct a defense in person through the legal assistance of the accused of his/her choosing.

Thus, the permanent international criminal court didn't permit try a fugitive suspect in his/her absence or any other defendant in his/her absence unless he/she waives his/her right to be present during the trial, while exception is during pre-trial chamber to confirm the charges.

However, a special tribunal of Lebanon had the responsibility of trying all persons who committed crimes when the prime minister and others were killed. But this tribunal was established controversially but also a departure from the line which other international courts and tribunals have gone through except IMTN and IMTFE theoretically namely 'Total *in absentia'*. Despite the fact that the IMT in Nuremberg suffered from evident drawbacks, the Tribunal proved to be the foundation of what has now become modern international criminal justice.

In the statute used by them, they permitted in the very plain way to try a fugitive suspect in his/her absentia. It is article 22 has the title of 'trial in absentia' and (b) it states that the person who has to be tried in absentia, is the one who is a fugitive and not caught. Which means they were precise on the total *in absentia* trial.

It is argued that; the reason for this departure and incorporation of this typical feature of the civil law procedure tradition was motivated by the influence of prevailing internal legal system of Lebanon based on civil law tradition. Also, Renowned, UN secretary Koffi Annan put it clearly when he noted that; the constituent elements of the UN-based tribunal were with much common law tradition, but this tribunal is much of civil law tradition. And trial *in absentia* was a notable manifestation of civil law elements.

However, unlike IMTN, STL stated that such a person can have a retrial, which in particular was not stated in the statute of IMTN according to article 22(3) of its statute. Also, according to article 16(d) says that; he/she has to be tried in his/her presence, and it is a principle, but again shows in article 22 the case in which he/she

shall be tried in his/her *absentia* including 'Total *in absentia* trial'.

CHAPTER 2: ANALYSIS OF RECOGNITION OF FUGITIVE SUSPECT RIGHTS ACCORDING TO RWANDAN LAW.

This chapter has two sections. Section one will be dealing with what it requires to be called a fugitive suspect or to be taken as hide or flee from jurisdiction under Rwandan Criminal procedure. The second section will be dealing with the fugitive suspect trial from a theoretical perspective where some of the rights stated in the Rwandan constitution and the international convention of civil and political rights about "to due process of law" will be examined if they are respected in the trial of fugitive suspect.

The rights that will be observed are;

1. Right to be informed of the nature and cause of charges
2. the right to defense and legal representation;
3. To be presumed innocent until proven guilty by a competent Court;
4. To appear before a competent Court.

2.1. Requirement to be called a fugitive suspect or to be taken as hid or flee from Jurisdiction under Rwandan criminal procedure

In Rwandan criminal procedure, an individual is classified as a fugitive suspect when they are charged with a crime and actively evade arrest or prosecution by fleeing or hiding from law enforcement.

2.1.1. What it requires to be called a fugitive suspect under Rwandan criminal procedure.

As it is stated earlier; in Rwandan Criminal procedure law on article 160and 161 it is said that; a suspect who is in Rwanda or a foreign country is not arrested because he/she hid or escape from justice, the prosecution prepares for him or her the file and submit it to the competent court even if the suspect was not interrogated.

After that; the court orders him/her to appear in one month if not, then he/she is taken as disobeyed the law. That order is within eight days and is posted in the appropriate places at the court and published in the newspapers determined by the court. If such person fails to appear before the court in that one month, the court declares that he/she disobeyed the law. Then a person is tried in his/her absence as a fugitive suspect and no representation is allowed to represent him/her.

2.1.2. Some misunderstanding regarding being called a fugitive suspect

a) Confusions between articles 160 and 128 under Rwandan Criminal Procedure

This may seem to be simple at first instance since it has been stated in Rwandan Criminal procedure from articles 160 up to 169. But it is worth realizing that sometimes to be called a fugitive suspect is confused with Article 128 of Rwandan Criminal Procedure Law, whereby it stated that; if a person duly summoned and fails to appear without valid reasons, he/she tried in his/her absence.

When the coin is flipped, article 128 turns to the side of the Prosecution where by it states the situation in which the trial is tried in the absence of prosecution. This is confused with the fugitive suspect because there are similarities with it, namely that the trial is being held in *absentia* of someone especially accused.

And even this is a hindrance to justice because the situation regarding the two articles, there are different effects, for the fugitive suspect retrial is allowed and even the judgment before catching that person becomes void when they capture him/her, while on the side of article 128, it is not and it has not to be the matter of retrial since the accused seems to be aware and then waives his/her rights.

For instance; there is a case in which the accused was alleged and tried in his absence and at the beginning of the case the article used is 128. Where they stated that; on the

side of the accused, it was not possible to hear his side and defend himself by refuting what he was alleged because he didn't want to appear before the trial, however, he was called under the law.

Maybe it is the register's way of writing, but if it is true that the accused didn't want to appear before the trial, it seems according to what is recorded that the accused has been informed about the indictments and it has been made known to him and then didn't want to attend the trial. But if it is the error of writing of the register, still the article used in paragraph 3 is inappropriate regarding where it could be used.

The intention of article 128 as it seems according to what is stated in criminal procedure is that of the accused who is already informed and knew what he/she is alleged and due to his/her reasons which are invalid before the court and then be tried in his/her absence or to put it in other words, such person willingly waives his/her rights. The reason it must be so is that not being informed would not be an invalid reason since it is the rights dedicated to the accused while not respected.

Moreover, there would be no reason to add articles 160 up to 169, if not informed the indictments would be invalid, that is why there have to be distinct articles because they are different cases. Again, back to article 128, all those reasons which are invalid in the trial are taken as waiving the right to be present; therefore the trial has to proceed in the absence of the accused.

Continuing with the case, it is stated again in paragraph 2 at the end that; it was not possible to hear on the side of the accused because he was absent and called under the law for the person who fled from the jurisdiction or in other words that person was fugitive suspect. It is a remarkable thing to observe that article 128 was used as a reference while the procedure is used, is for the person who is called to flee from the jurisdiction.

In paragraph 9; it is clear that; Rwanda Investigation Bureau was still searching for such a person and had not yet found. And that is how the fugitive suspect is, because he has not yet been found and is a fugitive, which means he has not been informed of his indictments and known to him which is the intention of informing.

Also in the case, his wife testified by saying that her husband has been gone in May 2021 and didn't tell her his problem, and since that time she didn't see him again, more than that, his phone since that time was off. All of those were evidence that the prosecution was bringing to prove that the accused is the criminal. But what amazes me is that in that case they never mentioned article 160 while it seems that such a person is a fugitive suspect.

Therefore, it has to be realized that there is a difference between the trial in absence of the accused in article 128 and article 160. Because the intention of article 128 is just to proceed with the case and not make it delay for invalid reasons, while on the side of article 160, the intention is for those who are aware of the case and then to not be tried by the court and escape it.

However, they all include waiving the right of the accused to be tried in a competent court since they are all aware. This leads to the other misunderstanding that is occurring in this article 160 regarding the fugitive suspect where the accusing party or the prosecution can use this article for what it was not intended to do.

2.2 Using article 160 to simplify the case on the side of the prosecution especially

What was article 160 intended is not to take everyone who is abroad or who is not found at that time and be called a fugitive suspect, that is ridiculous, even that would be contradictory to other the law, even though it can't mean how it currently has fairness way to proceed the case, and it has never been the intention of the article.

The intention of the article as it is stated seems that the accused is aware and well informed of the allegations and then escapes the court to be tried and willingly. It is quite clear since the article state that; if he/she doesn't appear before the court while summoned he/she is taken as a fugitive suspect. This means that; the target of article 160 is those who are aware of what they are alleged and then hid or escape the trial. But it has not to be taken as an excuse to speed up the trial while not interrogating the accused without making sure that the accused was really escaping or he/she didn't even know the case.

A typical example is the case of the prosecution and Dr. DUSABE Emmanuel and other accused where they were in appealing.There were the accused but some people were called as the witnesses, and after offering their testimonies, there were some

evidences to incriminate one of those summoned to the court namely called MUNYAMANA Abdallah.

This is due to article 106 paragraph 4 which states; *If the court believes that the details submitted are insufficient and that there is incriminating evidence, the court instructs the public prosecution to conduct investigations on the basis of findings in the court proceedings in order to take him or her to court. The public prosecution is also required to comply with the decision of the court*.
This means at this stage that the prosecution was obliged to investigate on the basis of the findings in the court proceedings to take them to court.

Before that; MUNYEMANA Abdallah was giving testimony on Skype. But when the prosecution was obliged to conduct an investigation, they brought a case stating that MUNYEMANA Abdallah escaped from the court or a fugitive suspect according to articles 160 and 161 as the prosecution said. And prosecution based this claim on that there is no record on borders whether on land or in the air which reveals that his moving is unknown.

In all of that, the prosecution was appealing by saying that the court contradicted itself by denying the case while the court was the one that obliged the prosecution to conduct the investigation and then be brought before the court. On the side of the court, they were saying that the prosecution did what they were not asked since the person prosecution claimed to be a fugitive suspect attended the court when summoned as a witness.

Moreover, when the court asked the prosecution to explain how Abdallah would be aware of the case put in the court and then seems like he fled abroad without knowing about the case since at the time of going to Poland the case didn't exist which caused him to attend on the skype if he would be taken as fugitive suspect or the person who lives in the known location.

In responding to that, the prosecution said that; when others started to be investigated, is the time when he fled to Poland as escaping justice. But to pose at moment, this can't be the fact at all since at witnessing he attended the court via Skype. And even the country he was in was known for sure as the case seems.

This shows that the prosecution has never searched a person because he was available. That disqualifies him as a fugitive suspect since the article makes it clear and even the definition stated in this research. Thus, the prosecution wouldn't say such a thing and they were not diligent to investigate him.

As observed by Me Felician when he said that the prosecution didn't search for Abdallah because when the case started he was present, he is the one who asked Felician to defend his co-workers. Therefore, the prosecution didn't search for him since even in the case Abdallah was not alleged at that time.

Any further, Me NTARE is of help when he said that; the fact that no border record shows that Abdallah passed in a legitimate way to Poland, is not evidence that he is a fugitive suspect if he obeys the court and attends it via Skype. Thus, it can't make him called a fugitive suspect since they didn't search for him and failed to appear before the court.

Nor prove that they chased him and then escape the court willingly. Thus, such an accusation of the court makes no sense, and the court hasn't any error in not receiving the case since the prosecution didn't follow the way mandated by the court.And fortunately, the appealed court concluded that what the prosecution was appealing regarding such reasons had no sense since the court set the process in which Abdallah could appear before the court.

As it seems, the court didn't contradict itself since what they commanded the prosecution was to proceed according to the criminal procedure. And also, the prosecution has never investigated Abdallah because there is no way, someone who would attend the court before would be called a fugitive suspect.

Thus, someone who has to be called a fugitive suspect is not someone who is just abroad or just not available in the country during the trial. Rather the fugitive suspect is someone who willingly escaped the court by hiding him/her from the court in other to not be tried. Which requires more careful considerations before saying that someone is a fugitive suspect.

Therefore, even though this research is criticizing the way the fugitive suspect is treated during the trial, however, to carry the article without carrying its intention is a big tragedy, which shows that the article was not treated fairly at this time. It has to be

made clear that, article 160 is neither the same as article 128 nor just means that someone is out of the country.

And the main focus of the article which states about the fugitive suspect is that of a person who heard about his/her case and then to escape the trial hide him/herself in order to not be tried. But the remarkable thing is that such a person accused is aware of the case alleged otherwise, he/she is not a fugitive suspect since it can't be proved that he/she was aware of the trial and made him/her escape.

2.3 Analysis of recognition of rights to fair trial to the trial of fugitive suspect under Rwandan criminal procedure

This section intends to examine and display the selected minimum rights above and how are not respected under the trial of the fugitive suspect who is tried in his/her absence according to the Rwandan criminal procedure. At the outset, it may be questioning why this research has focused only on those selected minimum rights when there are many rights.

There are many ignored rights to fair trial like; not being subjected to prosecution, arrest, detention, or punishment on account of any act or omission which did not constitute an offense under national or international law at the time it was committed. Offenses and their penalties are determined by law. The reason this is not a concern in this research is that it cannot be a big deal since the accused has not appeared or is in the hands of the state.

The other right is not to be held liable for an offense he or she did not commit. Criminal liability is personal. This is also not a concern in the research since the intention of the article was to not let any person be punished for the offense of the other, but in this research, the issue concerned is those rights that are being violated.

And all other rights are not concerned like those of being punished with severe penalties more than what is determined by the law, that right of being punished for not fulfilling the contractual obligation. To ignore those other minimum rights specified in the article of right to a fair trial or due process of law, doesn't necessarily mean that all of them are respected or they are not respected.

Rather the intention of ignoring them is because this research is not based on showing the rights of the accused in general, it was not intended from the beginning. The concern of this research is about how some of the rights to a fair trial are violated compared to what article 160 states and to the practice of the court with respect to it.

Thus, the research is very restricted to four minimum rights for fair trial and describes how they are guaranteed for everyone including the fugitive suspect. And are going to be examined with their intentions of them. That is the business of this section regarding the whole research of the trial of the fugitive suspect.

However, it is remarkable to keep in mind that; the international convention on civil and political rights (in article 14) and European Convention for Human rights (in article 6) will be considered since they are all having a common perspective with the Rwandan constitution according to article 29, as long as they are all to respect the human rights even during a trial.

This means they will come along with their cases, but in Rwanda, the focus will be what the criminal procedure law states by itself, and what would have been done for human rights in the trial stated in those articles of the Rwandan constitution, international convention on civil and political rights and European Convention of Human Rights.

2.3.1. Right to be presumed innocent until proven guilty

This is one of the minimum rights described in article 29 of the Rwandan constitution. It has to be examined in its nature and then compare to article 160 of Rwandan Criminal procedure.

Nature of to be presumed innocent until proven guilty

This is the same as article 14 in the International convention on civil and political rights which state that; *Everyone charged with a criminal offense shall have the right to be presumed innocent until proven guilty according to law.* Or the same again as article 6 in the European Convention of human rights which state that; *everyone charged with a criminal offence shall be presumed innocent until proven guilty according to law*.

Even the same with the article of ACHR on its article 8, which states that*; Every person accused of a criminal offense has the right to be presumed innocent so long as his guilt has not been proven according to law*. All those articles have the same intention and the same target of respecting human rights during the trial.

Even though they all carry the same purpose, they have different using of the words which is a remarkable thing and it has to be noted since it helps in determining the purpose of that rights. The European Convention of human rights which is the older is more compact at this moment than the others compared to the words used. But for Rwandan Constitution, is even very compact.

The other difference is structural, this is to mean that whether ACHR or Rwandan Constitution has set that right in other minimum rights rather than putting it as a separate guarantee as that of ECHR and ICCPR. But they are all the same in purpose however, they have different wordings and different structures. But the question that comes at this point is the origin of such a right to be presumed innocent until proven guilty.

a) ***Origin of the right***

This can be traced back to the declaration of the rights of the man and the citizen published on 26 august 1789. The representatives of the French people, formed in the National Assembly, consider ignorance, oblivion, or disregard for human rights to be the sole cause of public misfortune and governmental corruption, and in a solemn proclamation declared the natural and transferable and decided to recognize impossible and sacred rights.

Article 9 of that declaration is where it is stated that; 'as every man is presumed innocent until declared guilty…', it was also in the first draft of UDHR where it was stated in article 1 paragraph 1 that; 'Everyone charged with a penal offense has the right to be presumed innocent until proven guilty according to the law in a public trial at which he has had all the guarantees necessary for his defense'.

It is worth mentioning that, in the previous drafts of the international covenant on civil and political rights, the rights were expressed more generally. Rather than stating that the guarantee applied to 'Everyone charged with a criminal offence', it referred to 'any person or everyone, the text was later changed.

But in the Rwandan constitution still, the word used is 'everyone' which is still not a problem at all, even though it is worth mentioning. Also, it was proposed in drafting the ICCPR that the word 'beyond any reasonable doubt' could be injected to qualify the standard proof required, but it was rightly rejected since it was felt that this was already meant in the words 'presumed to be innocent'.

However, the purpose was to respect Human rights during the trial and the words used here can mean fully what was intended by the legislator namely the right of the accused. The problem would be if the other word is used and then does not include 'the accused'. Thus, there is no problem with all those terms used.

b) **Characteristics of the right**

This right is contained by the words 'to be presumed innocent' and then 'until proven guilty'. In the words at first, an instance can be a contradiction because there is a sense a person is presumed guilty, that is why he/she is summoned before the trial. Indeed he/she is not proven guilty but again the reason he/she is caught is that he/she is presumed to have committed the offense.

But again, in presuming him/her to be guilty he/she has to be presumed innocent. To connect this matter, first of all, it has to be realized that to be arrested doesn't mean to be proven guilty since it is not the judgment itself. And someone arrested for the offenses presumed to have committed when he/she justified in the court he/she has to be set free.

On the side of the guarantee, to be presumed innocent doesn't mean to not be arrested and be interrogated about what a person is alleged. They are complementing each other. Moreover, in ICCPR which has article 14 also has article 5 paragraph 1 of ICCPR which states that there is no article in the covenant which has to be interpreted with the intent to destroy any of the rights in the covenants.

Any further, the ECHR is of help when it says that there has to be an arrest which lawful for a person who is suspected. Thus, there is no way the same convention could say that and again contradict itself. Instead of that it is rightly stated to put away any confusion which could provide loopholes for the offenders or any other person.

c) ***The trial of a fugitive suspect under Rwandan Criminal Procedure Vis-à-vis***

Right to be presumed innocent until proven guilty

In Rwandan criminal procedure, as stated earlier, it states that if the suspect is not arrested whether he/she is in Rwanda or a foreign country because he/she hid the justice the public prosecution prepares the file case and submits it to the competent court and then the court offer one month for the suspect to appear and if he/she fails the court declares that he/she disobeyed the court. And then be tried in his/her absence.

At the outset, what the procedure is stating may sound so good but not at all. Because when someone is presumed to be innocent, it means that such a person is still suspected and the suspect has to be interrogated and examined, and that is why he/she has to be in detention to bring him/her before the competent court for what such a person is suspected to have done.

But what the procedure states, reveals to be already taking side of proving such person guilty because he/she would have to appear in the court and be asked what he/she is suspected to have committed. But the problem may be, what if he/she is not arrested for being a fugitive? It is the main intention of the article as it seems.

But again, on the other side, the problem becomes, how it is recognized that such a person disobeyed the court. Because to say that, it has to mean that such a person was informed about the offenses he/she is suspected to have done, and by his/her will he/she escaped justice. That is the meaning because to say to someone that he/she failed to appear before the court while he/she didn't know what he/she was alleged is to play games,

But unfortunately, it has been realized in the cases which were examined in this research that even the article itself is misunderstood for the intention it has of treating those who intentionally escaped justice. Where it has been understood as treating anyone who is not appearing before the court in one month. But again, the article by itself has some defects which can be the door to those misunderstandings.

For example; in stating that such a person is not arrested, no indication shows that the body responsible for arresting him/her tried all its best. To give someone one month by ordering him/her, there is also no indication that such a person got informed of such an order, even sometimes the person can become died and then be called a fugitive suspect without his/her consent. That is ridiculous.

Thus, to be presumed innocent until proven guilty is not respected regarding what article 160 in criminal procedure states because such a person is already proven guilty because he/she disobeyed the court. Because if he/she would be presumed to be innocent, his/her side would be heard as a matter of fair trial. But again, the public prosecution is quite clear that sometimes they misinterpret this article to rush the trial but in an unfair way.

In conclusion this minimum right of being presumed innocent until proven guilty is disrespected under the Rwandan Criminal procedure concerning article 160 itself and the way public prosecution uses it. Therefore, the fugitive suspect as it seems his/her right is not respected.

2.3.2. Right to be informed of the nature and cause of charges

To deal with such an issue, this portion is going to deal with the nature of the right and then deals with the characteristics of the right, and then compare with article 160 as it is the custom of this research. In the end, there will be the conclusion of whether the right is respected under the Rwandan Criminal Procedure or not.

a) ***Nature of the right***

It is worth to compare again article 29 of the Rwandan Constitution and 14 of the ICCPR and article 6 in ECHR since they are all the same however, they have different wordings and structures as it was stated above in this research. It is stated in Rwandan Constitution that; 'everyone has the right to due process of law, which includes the right; to be informed of the nature and cause of charges .

It has to be noted that the following phrase will be dealt with after, the reason to do that is to be more specific on every aspect, not because they have to be separated. The way they are stated in Rwandan Constitution is very good since they are rightly related to each other. The next phrase is '… and the right to defense and legal assistance'.

In ICCPR article 14 paragraph 3 it is stated in this way; 'In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;'

While on the side of ECHR, it is stated that; 'everyone charged with a criminal offense has the following minimum rights: (a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;'first of all other things, again there is a difference wording but in the same sense. But on the side of the structure, they are all the same, since they all describe such rights in the minimum rights not guarantee as itself.

However, there is a very notable thing that is available in those conventions and covenants but not in Rwandan Constitution, namely *'...in the language that he/she understands...'* which is crucial, because in Rwanda there are foreign persons who have to be tried in the country. And it can be a problem since the accused hasn't understood the information which makes him/her not informed at all.

b) ***The origin of the right***

As it is said this right can be traced back also in *The Travaux Préparatoires* of the ICCPR and firstly was proposed by Ingles (Philippines) and incorporated into the text adopted at the end of the fifth session of the (UN) Commission on Human Rights in June 1949.The main purpose was to help in the defense of the accused logically. Since that person was informed about his/her charges.

c) **The characteristics of the right**

This right is not complicated. It is just contained with the words, 'right to be informed of the nature and the cause of the charges'. However, there may be some difficulties among the words used because they can mean different things. There is a difference in the words used whether 'accusations' or 'charges. The former is used in ECHR while the latter is used in ICCPR and rightly in Rwandan Constitution. Can this make any difference?

It is interesting to know that, it shows little difference, the right word which may be used is 'accusation' as used in ECHR, because, in Comments 32 of ICCPR in the interpretation of article 14 of ICCPR, it is stated in this way; 'This guarantee applies to all cases of criminal charges, including those of persons not in detention, *but not to criminal investigations preceding the laying of charges.***'** And they go any further to say that a notice of the reasons for an arrest is separately guaranteed in article 9, paragraph 2 of the Covenant.

But this difference is likely to occur in the Anglo-Saxon system in which the charge determines the direction and the aim of the investigation. At a later point in time, once the investigation or inquiry comes to a close, the question arises whether the suspicion against a person is sufficiently strong to justify court proceedings. This decision, in American criminal procedure, is entrusted to a grand jury and after he/she decides upon indictments and such document sets the program for the trial, it is the 'accusation' in a more formal understanding of the term.

However, it is not a big deal since in every law regarding that issue there has been set the pre-trial phase including the arrest that someone has to be informed of his/her charges. Therefore, the right to be informed of the nature and the cause of the charges requires that a person charged with those offenses has to be informed as soon as possible in detail about what he/she is alleged.

The purpose is for the defense of the accused as it seems, because if not informed of what he/she alleged there is no way he/she defend him/herself. But again the following purpose flows from the first one logically namely that the accusations cannot be changed suddenly and keep disordering the trial, which is the very needy thing to run the trial even with undue delay. Therefore, it has to be realized that being informed doesn't mean when arrested, instead, it means being informed after even an investigation to defend oneself.

d) ***The trial of a fugitive suspect under Rwandan Criminal Procedure Vis-à-vis Right to be informed of the nature and cause of charges***

Since the complication of whether this was meant when someone is arrested this was handled in a very clear way, and it could be an obstacle since it would come in support of saying that the fugitive suspect has not to be informed because the one informed is the one who is arrested but unfortunately, he/she is not arrested. But that is not true since it has been found that such a situation is explained elsewhere.

However, the problem remains what about the one who is not available? The answer is that all due steps have been taken to inform accused persons of the charges and to notify them of the proceedings. But again the other problem can be raised namely, what can make sure that such a person is informed?

And this is what is wrong with article 160 of Rwandan Criminal procedure whereby it is stated that; the court makes an order for the accused to appear in one month. And after all, one side is considered namely that of the prosecutor. It is absurd that even to know that such a person is a fugitive suspect without any doubt is none but presumption sometimes.

Therefore, it has to be examined whether a such person escaped by making sure that he/she got notified of his/her allegations and escape after being notified. Otherwise, the article itself is wrong because it contradicts the right guaranteed for everyone in the Rwandan constitution namely to be informed of the nature and causes of the charges by not informing his/her charges, since the one to be informed can be those in detention or those not in detention. But the strong fact is that to make sure that such a person was informed is hard to prove.

And it is well mentioned that where the court held that the person was not notified in a person he/she has not to be taken as a fugitive based on presuming that he/she got notified.

2.3.3. Right to defense and legal representation

As it was mentioned earlier, the main purpose to be informed of the accusations in the details was for the defense mainly. But again, the right to defend oneself and legal representation which was the following phrase has to be examined particularly its nature and compare to article 160, and then at the end, the conclusion is taken in respect to the comparison made.

a) ***Nature of the right***

As it is the custom of this research, it is making a parallel of the Rwandan constitution with ICCPR and ECHR as usual. But a thing to be kept in mind is that to make such a parallel is not because there are no other conventions and Constitutions which state that. Rather the intention is just to compare to those specifically regarding human rights in Criminal proceedings.

It is stated in Rwandan Constitution that; '...the right to defense and legal presentation.' While ICCPR in article 14 states that; '…to defend himself in person or through legal assistance of his choosing to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it', while ECHR article 6 states, '…to defend himself in person or through legal assistance of his choosing or if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require.'

At the outset, there is a remarkable thing that have occurred already, namely that except Rwandan Constitution all others compared has the very remarkable thing which is in case the accused has no legal assistance due to insufficient means to pay for it. However, another article it is examined if there is a sufficient means to pay. Otherwise, all others have the same intent.

b) ***Origin of the Right***

The right to legal aid was hotly debated during the preparation of the UDHR.
However there has been some controversy over how it should be designed In particular, whether it should apply to civil or criminal matter so both Types of procedures were finally removed from the text officially arguing that such a detailed approach is inappropriate General Declaration Context.

Working on the Bund didn't give much of an initial hint of advice specific even the term itself has been changed to the less specific terms. In view of the 3rd meeting, the 'qualified representatives' of the Working Group Drafting Committee. The following discussion took place at the 6th meeting. Committee. At that point, a Belgian lawyer suggested: Obligation to appoint an attorney if necessary for judicial interests. Moreover, the order of aid was free Fees if the defendant fails to pay fees.

c) **Characteristics of the right**

This right is also not complicated at all, since it is said very clearly that everyone has the right to defense and legal presentation. But this word 'and' can be very

challenging since the word used in the covenants is ‘or’ which is at help because at this point means that the accused defend him/herself but again assisted as it is said the wording of the Convention is clear in all official languages, in that it gives a defense must be conducted in person "or" with the assistance of an attorney of his choice, as well as offer the defendant the possibility of refusing the assistance of an attorney.

However, it is not a big deal since the court agreed that someone may be at the trial without being assisted. But again, such a right to defend oneself have not to be absolute since the reason to defend is in interest of justice, therefore, the court has to make sure that they asked the accused if he/she has legal assistant.

d) The trial of fugitive suspect under Rwandan Criminal Procedure vis-à-vis Right to defense and legal representation

It is quite clear in the criminal procedure as stated that; “no person can legally represent a fugitive suspect in the court.” but also, it is stated that; “The court rules on the case based solely on the submissions of the public prosecution.”This means such a person is not included in the Rwandan constitution. Always, it has to be remembered that, the intention of all these articles (from 160-169) is for those who escaped the court. But again, the problem which arises is that it has been found in cases that there seems to be so hard to prove that someone is a fugitive suspect with respect to what is written in the article itself.

Therefore, the issue is that some accused their cases can be handled unfairly since all are based on presumptions most of the time. And here on this right, the article itself has violated the right of the constitution even is the negativity, and again still if it would continue like this, then there has to be some clarification. But unfortunately, to defend oneself and legal assistance is contrary to article 160 and 163.

2.3.4. Right to appear before the competent court

This is the final guarantee intended for this research to examine. And this will be done in the unlike manner of precedent ones. Because it will not be dealt with in the very way in which all others have been dealt since to prove that article 162 which states that such trial of the fugitive suspect is held in his/her absentia.

As it seems in comments32 on ICCPR, it has been said in the interpretation of being present at the trial that; ‘Proceedings in the absence of the accused may in some circumstances be permissible in the interest of the proper administration of justice, i.e. when accused persons, although informed of the proceedings sufficiently in advance, decline to exercise their right to be present.’

However, that is not the case on the trial of a fugitive suspect even though there is a way it can be assured that someone has escaped the court which must be taken as waiving his/her rights. Rather the case is that regarding the criminal procedure, fugitive suspect seems to be just a presumption according to how the article says.

Therefore, it is also contrary to the Rwandan constitution’s minimum rights in article 29 unless it can be proven that such a person got informed in person, not assumption, and escaped which would be taken as he/she has waived his/her right which would be in accordance to article 128 of criminal procedure as discussed. Otherwise, it is an unfair trial.

In conclusion to all rights, the trial of a fugitive under Rwandan Criminal Procedure is contrary to article 129 of the Rwandan Constitution from a theoretical perspective in two senses; the first is concerning to how criminal procedure is asserted, it doesn’t count fugitive suspect as everyone stated in Rwandan Constitution where by his/her rights are disrespected.

The second is that it is hard to determine the fugitive suspect unless he/she appeared at least one time before the court to make sure that he/she is informed. Therefore, it seems that this article would be compatible with the common law tradition whereby to make the trial of someone in his/her absence he/she has at least to have occurred one time. Thus, so many people can be tried unfairly as fugitive suspects because they haven’t even been informed of their accusation while it is assumed that he/she got informed.

2.3.5. Unlawfulness of trial of fugitive suspects under the rwandan criminal procedure and court proceedings

To enumerate the effects of the trial of a fugitive suspect under Rwandan criminal procedure, it has been regarded as a good instrument for speedy trial since in Rwanda

the fugitive suspect is tried in his/her absence. Nevertheless, this research is going to show the negative effects which are inescapable and which show how the trial is unfair.

Basically, in a logical sense, it can be understood that to try someone in his/her absence when he/she escaped is a really good way to not interrupt the court proceedings due to no reason, but again as explained earlier, it is very difficult to determine without presumption that such person got informed and guaranteed those rights and waive them, which makes the effects again worse as long as right to fair trial is undermined.

This chapter, which is the last of all, will have two sections in which the first one has to deal with the effects the trial of fugitive suspect has on the accused him/herself, and the second section has to deal with the effects of the trial of fugitive suspect on the court proceedings itself under Rwandan criminal procedure. However, this part has to be most of it a logical deduction from what was discussed in the prior two chapters.

2.4.The effects of the trial of fugitive suspect on the accused

The trial of fugitive suspects presents significant legal implications for the accused. When individuals are tried in absentia, they face challenges in mounting an effective defense, as they are unable to present evidence or confront witnesses. This absence can lead to perceptions of injustice and potential violations of the right to a fair trial, which is a fundamental principle in many legal systems. Furthermore, the outcomes of such trials may result in convictions based on incomplete information, raising concerns about the integrity of the judicial process. The implications extend beyond individual cases, potentially affecting public confidence in the legal system as a whole.

2.4.1.Civic Rights of the Accused are stripped violently

As explained before and after examining how article 160 of the criminal procedure is violating the human rights stated in Rwandan Constitution, it comes as the effect itself. Moreover, the effects which follow from such a trial according to the article 166 up to 169 Rwandan Criminal procedures come after the trial of the fugitive defendant.

It is stated in article 166 that after the publication of the judgment posted on the website of the judiciary, the Rwanda Public Prosecution Authority, the Rwanda Investigation Bureau, and the court that tried the case, the fugitive suspect is stripped of all civic rights.Those civic rights are provided under the law determining offenses and penalties in general, which are described in this research. Some of these rights include; prohibition from any public service; losing all parts of political rights; losing the right to wear decoration of honor; prohibition to act as an expert witness or a witness to deeds and to testify in court, except in case of providing information; losing the capacity to act as a family council member, a legal guardian, guardian replacement, a guardian of intellectually disabled persons except in case of his/ her children; prohibition from possessing arms; prohibition from the use of negotiable instrument or credit card; prohibition from participating in public procurement, if he/she is still in the country there is no permission to move in other countries, and lastly, prohibition from performing such functions specified by the court.

But those effects are on a person who wasn’t presumed innocent until proven guilty. In fact, it was just a prejudice because it has been found that it is not easy to determine very profoundly without any doubt that such a person is indeed a fugitive suspect according to how it is stated in the Criminal procedure. Then, such a person who is just presumed to be fugitive suspect rather than being presumed innocent until proven guilty is now stripped of all civic rights as any other defendant who is convicted for his/her offences.

It is so absurd to strip the civic rights of the person whom it has been found that he/she didn’t clearly waive his/her rights, even not sure that he/she really escaped the court, just because he/she didn’t appear before the court which summoned him/her in one month and is taken as someone that disobeyed the law. This shows that he/she was treated unfairly while being a human like any other one.

However, always it has to be remembered that; the intention of the article was in case such person willingly escaped the justice in other to no be tried. But how the articles of Criminal procedure are stated, seems that; there is no sure determination that such person has escaped willingly without any doubt because there is no way there could be retrial if there were no speculation, rather there would be just an appeal. Thus, how

to speculate can make the person guilty without hearing his/her side or be sure that such rights are waived clearly and willingly.

It can be overlooked, but it is a big issue in nowadays since the human rights are promoted highly and it is the way of justice. Even it would be shameful to call it the 'trial' of fugitive suspect because the trial as it has been explained before it is a testing or trying. Then if the accused is not asked or interrogated and again didn't waive his/her rights, but at the end be taken as a criminal, and be stripped his/her civic rights, that is conviction without trial.

Thus, the accused at this point is stripped already his/ her civic rights and called an offender on the ground of presumption of guilty which can make him/her not have the rights. Failure to use a negotiable instrument may result in the obligation to inform the relevant party.

Therefore, the first effect of the so-called trial of fugitive suspect is that he/she is stripped all civic rights, which means he/she is not like any other citizen instead he/she is a criminal like any other one who has been tried before the court, and the end of that is to be stripped all civic rights on the ground of presumption.

2.4.2 his/her property are confiscated, seizure, sold by auction, given to civil parties

It is not quite clear very plainly that, indeed his/her property are sold by auction or given to civil parties, or confiscated or in seizure. However, it is stated that; *If the judgment that had ordered confiscation of his or her property for the benefit of the State or seizure of such property is altered, the property is given back to him or her. If the property of the convicted person is sold by auction and the person is subsequently acquitted in retrial, the State pays him or her damages equal to the value of his or her property. If a person is acquitted in retrial of the case in which he or she was convicted, civil parties refund damages received.* This means that, it was already sold in auction, seized, given to civil parties, or confiscated as well as retrial is concerned.

It is also stated in Rwandan Constitution on article 34 that; everyone has a right to private property whether individually or collectively owned.

Again, they proceed to say that; the private property whether owned individually or collectively is inviolable. It is a remarkable thing to observe that this right is also violated during this effect. It seems that, after the judgment, such person is stripped all the rights and then his/her rights is done away in the interest of the state and civil parties. This is again the effect of the trial of fugitive suspect. But this seems to be a very violent again to the right of the accused on his/her private property because his/her private property is taken away without a consent of the accused as it seems.

Furthermore, his/her private property are violated while the Rwandan constitution affirms the contrary. The reason is because those properties are taken away without his/her consent even during the retrial if he/she is found no guilty all those have to be refunded to him/her. That is to violate his/her private property rights regarding to how they are treating them by basing on presumption which would not make him/her loose his/her rights unless it occurs that the trial was in right.

Right to appeal according to the article 180 in criminal cases allows defendants to challenge their convictions or sentences in a higher court. The process typically begins with the defendant filing a notice of appeal within a specified timeframe after a conviction. Also according to the article 7 Law No 058/2023 of 04/12/2023 amending law No 19/09/2019 on criminal procedure on the article and a suspect should write a statement of seizure indicating the details regarding his / her property seized and is signed by a person who held the property and witnesses , if any if the person who held the property is unavailable, unable or refuses to sign the statement of seizure, it is mentioned in the statement of seizure and it's copy is given to the person who help the property, any statement prepared during the seizure as well as respective attachment are included in the file of the suspect and their copies are given to the owner of the property , article 59 , Once apprehended, fugitives should retain the right to appeal the judgment and contest the seizure of their properties, reinforcing their legal rights within the judicial framework.

The criminal procedure didn't state in case the damage given to civil parties are consumed by that civil parties, while there is a probability that such person could be found and be retried and if found no guilty has to be given back his/her property. It is not stated about such situation if whether the civil party will pay for it or the state will pay for it.

What is clear is that; if the property of the convicted person is sold by auction and the person is subsequently acquitted in retrial, the State pays him or her damages equal to the value of his or her property. But for the civil parties which has to refund the damages are not concerned in those articles which is still problematic. Furthermore, the effect which appears here is that his/her properties are sold without his/her consent and can be refunded to him/her but again the badness of that is to violate the private property of the so-called fugitive suspect by violating his/her rights on private property by taking it away and selling it on the ground of doubting since there will happen retrial if he/she surrenders or be arrested. This is very unfair trial since it includes in violating the rights of the accused on such extent.

2.4.3The Unjust Judgment to such fugitive suspect

It was explained earlier in theoretical perspective of how article 160 is contrary to the right to fair trial, since someone is tried in his/her absence without being interrogated, and to defend him/herself or being assisted. However, it has to be emphasized again in practical sense because if such rights are undermined, it has a big effect on such person and very injustice.

And even the judgment which could be taken by the court would be unfair even would be called non-trial judgment since that person is not tried as well. Any further, there are times when such person so called fugitive suspect could have severe penalty which could be reduced if defended or was at the trial or even informed his/her allegations.

Still this point has to be emphasized, that it would be better if the article was dedicated to a person who willfully absconded his/her rights to fair trial or someone who evaded from the justice in order to dictate the Authority and flee in order to not be tried. But unfortunately, as the article goes and how it is followed is so absurd. In fact, it can be realized that it is the article based on just unfairness with doubt and end up in injustice. Since it is stated in the way of presumption as noted earlier. Moreover, it makes itself being used in unfair way.

For example, there is a case of multiple defendants where they were alleged the offences against the ruling power or the president of the republic, but in which one of them was tried as a fugitive suspect, but the bases of taking him as a fugitive suspect is a remarkable one and interesting as even considered in other cases.

The issue with NTAMUHANGA Cassien's trial centers on whether he was properly summoned. For a trial to be valid, the defendant must receive a clear and specific summons. If NTAMUHANGA was summoned to an unspecified location, this would violate procedural requirements, potentially compromising the fairness of the trial and invalidating the proceedings, as due process requires proper notice and the opportunity to defend oneself. Under this case, the court should seek all possible ways to notify Cassien about the fact of the case in order to be aware of the crime against him as the Rwandan constitution states that.

That is very remarkable to be noted. That is how those articles 160 and 161 are used most of the time in unintended way because of its loopholes. It is very poor to say that someone was summoned in unknown location and then failed to appear before the court like a man with a stick beating the bush. It is so disgusting to see how someone could be supposed to appear before the court as long as they are not sure that he is aware of their summon. That is ridiculous.

But again, it is also interesting to know that such person whom they are stating that they summoned him in unknown location is the one they have taken as a leader who would seek all means to notify him.

That shows how the article is being used in unfair in order to violate the right of someone as well as the other cases used, the problem likely to occur. It is used mainly to justify the prosecution as it seems, and then violate the right of the accused the law stipulates that parties must have equal opportunities before the law.

At the end of the case, the results were directly proportional since the others were present at the court and some their penalties were reduced to 10 years, while others were found no guilty of the offences they were alleged. While for NTAMUHANGA Cassien, he was sentenced to 25 years, since he was called the leader of those people and leading them in that plan. Therefore, his penalty cannot be reduced.

As it seems, this is unjust way to approach the case, the court heard not the side of the accused one but only the prosecution. This a good example of the effects which flows from violating the right to fair trial. If NTAMUHANGA would defend himself before

the court, May be he could challenge the evidences given which leads to the reduction of penalty.

Because, even for the co-defendants, it was proposed by the prosecution that they could be sentenced life imprisonment. This is due to that at pre-trial stage they didn't deny what they were accused. They denied at the trial the accusations and defended themselves even revealing that they were tortured, that is why they didn't deny at the pre-trial phase. But for NTAMUHANGA didn't have such guaranteed rights to defend himself and deny the accusations or agree with them, and as the effect is unjust judgement.

It is agreed that participation in the court is not only necessary for the purpose of defense, it also gives the impression of defendant personally and hear his side what statement he/she can make in order to defend him/herself. Again, it helps the defendant to control the fairness of the proceedings in person.

Moreover, other than being able to defend him/herself, it is also notable that as the effect such person is not allowed to be represented. That can be understandable since it flows from the first argument namely that such person is tried in his/her absence, therefore there could be no way that he/she would be represented either.

It has to be remembered also that, in some principles which have to be respected they includes equality before the law where it is stated that; 'All persons are equal before the law. They are entitled to equal protection of the law.' But at this point it seems that those things are ignored where by the so-called victim is exalted and part of prosecution, while the other party is already presumed as guilty.

But on the other side, if the intention was for justice and not making the procedure delay of the case then it wouldn't make such injustice in other to fight for justice on one side that would have no sense. The constitution and law prohibit arbitrary arrest and detention but sometimes law enforcement may arrest and detain persons arbitrarily and without due process. The law provides for the right of persons to challenge in court the lawfulness of their arrest or detention. There were no reports of any detainees succeeding in obtaining prompt release or compensation for unlawful detention.

2.5.Effects of trial of fugitive suspect on the courts

To insist on the effects of trial of fugitive suspect is not the matter of just mentioning the effects as such, rather it has some significance in magnifying what can be wrong with such approach that is used in Rwandan criminal procedure on the trial of fugitive suspect. Which are very crucial for the fair justice.

What is meant here is that if the facts about the effects of trial of fugitive suspect are showed and be proven that it can be the major problem for the justice whether on such person called fugitive suspect or on the functionality of the court by itself, then that law has to be examined in order to make it appropriate with the fair trial.

In this last section, it is worthy to deal with the effects that occurs caused by the trial of fugitive suspect on the functionality of the courts themselves in which two points will be composed. The first one is the delay of the other cases in the courts since the case of fugitive suspect is supposed to be twice. While the second point is on the economically point which will be displaying how this approach is not an economical one.

However, it can't be skipped first of all that this approach used in Rwandan Criminal procedure has good intention of speeding up the trial without the dictate of such defendants and again in the interest of the victim. Also, it has some other good effects on the proceeding which includes the good way to maintain the evidences.

Those are indeed one of the good points of this approach on the fugitive suspect, because if someone would not be tried until he/she is arrested it would hinder sometimes the evidences taken which can cease in short time or those which cannot be kept for longtime. That even can be a challenge to the opponent of this approach. And has to be a challenge to this kind of research since it also opposes the way of approaching such fugitive suspect in Rwandan Criminal procedure.

But it will be dealt with after in careful manner which has not again affect the justice in such way. However, the job of this research is not to mention both side effects of trying the fugitive suspect under Rwandan criminal procedure, rather the intention is to show bad effects because it has been occurred as problematic in the research perspective. Therefore, those points are there to magnify what wrong with this kind of an approach used by the Rwandan criminal procedure.

2.5.1. Factor in Delaying of the other Criminal cases in courts

This one of the negative effects and which affect the big number of people who are in prison in many ways. This may seem as a simple fact which doesn't go very long, but this has to be examined and check its effects on the functionality of the courts.

But before this fact be examined, it is worthy to remember that; if it is said that the trial of fugitive suspect makes delay of the other cases, it doesn't mean in any way that all criminal cases are delayed due to only such trial of fugitive suspect. In fact, that is no sense. Rather, what is meant is that, since after the trial of fugitive suspect there can be a retrial, it increases the number of the cases because there comes on trial twice as matter of fact and then comes as one of the facts the cases are delaying. That is what is meant.

This is again based on the law relating to the criminal procedure in Rwanda , 'the judgement and proceedings conducted from the time the fugitive was ordered to appear until the pronouncement of the judgment become void and the prosecution of the fugitive re-commences in accordance with the ordinary procedure.'

This is the very base of such argument, let this be examined carefully, this is how it is proceeding; the person is called a fugitive suspect because they summoned him/her and failed to appear before the court which summoned, and such person is declared as the one who disobeyed the law and then prosecution prepares the case file and submit to the competent court and the trial happens in absence of such person called fugitive suspect without any representative, and again the side of the prosecution is heard alone. Which means the trial is happening.

After a certain time, if such person is found whether arrested or surrendered, then the judgement and proceedings conducted from the time the fugitive suspect was ordered to appear until the pronouncement of the judgement become void and then the prosecution of the fugitive restart the case in accordance with the ordinary procedure. But those evidences which were taken and witnesses are recorded and they do not become void.

At the first instance, it is worthy realizing that; even though this has such bad effect, but again it has some good effects though. For example; such thing of retrial it is there to recover and carry the case in just way. This is to mean that; if a person was taken as a fugitive suspect in this doubtable way and then be convicted the offences in which he/she didn't get a time to defend him/herself before the court, that would be unjust indeed. In fact, that is unfair trial in all ways.

But again, if that happens, is not wrong in itself, rather the effects which flows from that is the bad ones. Those effects can be grounded on two points. The first one is for those peoples who are remaining in the prison until their case is judged, while the second logically flows from the first which is the violation of the law stated in criminal procedure which will be described.

The first one as mentioned, is those peoples who are remaining in the prison waiting for their judgement. It is said most the times that there are so many cases of criminal, and many people in prison who are waiting to be tried before the courts and most of the times some of those people can be found no guilty.

In fact, there is a program which has been started which is called 'plea bargaining procedure'. This was opened on 11 October 2022 which was first used in Gacaca courts for speeding up trial between victims and suspects and to reduce the number of case load in courts. This is procedure of a defendant working with the prosecution in order to tell such person what he/she accused and what the law says about that, and if such person agrees to be convicted so easily, his/her penalties are reduced specifically concerning the offences of theft and assault or battery.

However, this is in criminal procedure in the obligation of prosecutor upon receiving the case where by the prosecution is obliged to initiate plea bargaining. Where At the end of the suspect's interrogation, the prosecutor may propose a plea bargaining agreement whereby the suspect helps the prosecutor to obtain all the necessary information in the prosecution of the offence and to know other persons involved in the commission of the offence and in return of some benefits but without hindering good administration of justice. The prosecutor undertakes to make concessions to the suspect in relation to charges against him or her and the penalties that he or she may request.

This is set to help in speeding up the criminal cases since 12% imprisoned are those who are waiting to be judged as Dr Faustin Ntezilyayo rightly says so. This is true as long as the delay of the other criminal cases is concerned. But again, it is worthy to go

any further by saying that so many criminal cases which are submitted to the court are taken and tried after so long time.

The typical example is the case of RPA 01233/2019/HC/NYZ whereby parties are Prosecutor vs UWERA Solange who was alleged to commit the crime of making forgery document.

this was submitted in 28/12/2019 and was registered on 30/12/2019, but unfortunately it was tried completely in the court in13/01/2022 and its pronouncement on 11/02/2022. Which means there pass 3 years such person being not tried and waiting for his judgement, that is so long time to wait in the prison without being judged.

The other example is the case RPA N00412/2019/HC/NYZ which was also submitted on 07/05/2019 and registered on the same date, but was heard on 06/10/2020 lastly and pronouncement declared on 30/10/2020. Emphasize is on those people who are waiting in the prison. This can be denied, by saying that, to try a fugitive suspect under Rwandan Criminal procedure is not the fact very clearly, but this fact is two-edged sword because if it is not fact for that, again to put the trial twice for one case. But again, this can't be ignored at all since there is a twice trial for one case which is not even an appeal.

The second point is the violation of other article of criminal procedure which is namely article 79 which deals with provisional detention time limit except if there is a reason to add on time, which states that; "for petty offences, if the period of thirty (30) days expires, it is not renewed. For misdemeanors, the period cannot be renewed after three (3) months the person is in detention, and for felonies such a period cannot be renewed after six (6) months the person is in detention. If the time limits provided for under this Paragraph expire before the case file is submitted to the court, the suspect under provisional detention is granted provisional release."

But due to the situation of excessive cases this article is in any way ignored, since the court can't manage in the appropriate time. This expiration is even not considered due to such situation where by for a person of petty offences can even spend two months in the detention while his/her case is not submitted to the court without a reason which is valid for adding the time required.

Moreover, the court ruling on provisional detention conducts the hearing within two (2) working days. The court delivers a decision within three (3) working days of the closure of the hearing. Because even by now in some courts the number of the case which was submitted in 2021 probably will be given like 2024 since those of 2019 are being heard in 2022.

Therefore, this approach was for good of the justice and speeding up the trial but unfortunately the very opposite happens on those cases because instead of speeding up the trial, it acts as speeding the one case while hindering the others. And that one which is being on speed becomes zero work since there have to be retrial. Which means, such case also is delayed.

Thus, even though it has a good side but all leads to bad side which comes as the general defect which could make it taken away from the judicial functional. Which drives to the general conclusion of this specific point which has to be stated in this way briefly that, this approach is unjust in so many ways.

The first one is that it makes people waiting for so long for their judgement and delay their cases in which they wait in prison most of the time. While the second one is that it is contrary to the article 79 of Rwandan Criminal Procedure, which means that article is ignored in any way because of failing to manage those excessive cases which prolongs the provisional detention in unjust way.

2.5.2. Non-Economical approach

Every case requires some cost to proceed, which is why the deposit of court fees is determined by an Order of the Minister in charge of justiceand some of the situation includes when someone is appealing or when someone is filing a case by way of private prosecution… but in the civil cases, it is required to deposit the court fees just when filing action.

However, the public prosecution is exempted from this court fees since it is of public. But it has to be remembered that to say that public prosecution doesn't pay the court fees, it doesn't mean that there is no cost at all required in any case. This means that, probably it is in the government budget. But still the problem comes with this cases which happens twice.

It is to be noted, the amount of the court of fees and then takes gravity of what is meant on this point. It is stated that, deposit court fees charged for criminal matters shall be paid with the aim of paying for the proceedings. Which has to mean that that trial of fugitive suspect has to be paid twice since there is a probably a retrial.

It is again stated that, in primary court 25,000 RWF are paid, in intermediate court 50,000 RWF are paid, in High court 75,000 RWF while in Supreme Court 100,000 RWF are paid. And all those money are paid to the public treasury and shall not be refund. That is reason why public prosecution is exempted since they are of government and public prosecution working for government also. But still, it is just consuming the money in the proceeding which at any time can be null and void in order to retrial.

That is also the other effects of trying a fugitive suspect under Rwandan criminal procedure in which the money in indirect way is consumed extravagantly which would be spent in other things which are significant. This may seem too small because it is just for example 75,000 RWF are only spent, but when it comes to more than one case, it has a very big number of money in which one person is assumed to consumed 150,000 RWF if he/she arrested or surrender after being tried in his/her absence. Thus, this is also the other facts which occurs as the effect of such trial of fugitive suspect under Rwandan Criminal procedure and it has to be handled in the way that could not harm any person and in fair justice but again this has to be done in very economical way which would help the government to manage the money in balanced way and needed way.

CHAPTER 3: LEGAL MECHANISMS ON THE EFFECTS CAUSED BY THE TRIAL OF FUGITIVE SUSPECTS UNDER RWANDAN CRIMINAL PROCEDURE

The legal mechanisms governing the trial of fugitive suspects under Rwandan criminal procedure are designed to ensure accountability for crimes while safeguarding the rights of the accused. These mechanisms include provisions for arrest, extradition, and trials in absentia, which collectively influence how justice is administered in cases involving fugitives.

3.1. Legal Framework

The Rwandan legal framework, particularly , Law N ° 058/2023 of 04/12/2023 amending Law N ° 027/2019 relating to the criminal procedure, Official Gazette N° Special of 08/11/2019 , outlines the processes for investigating and prosecuting criminal offenses, including those committed during the 1994 genocide. This law establishes criteria for classifying individuals as fugitive suspects, allowing law enforcement to take necessary actions when there are reasonable grounds to believe that a suspect may evade justice.

3.2. Arrest and Extradition

Under Rwandan law, a judicial police officer can arrest individuals suspected of serious crimes if there are grounds to believe they might escape or if their identity is unknown . Extradition treaties facilitate cooperation between Rwanda and other nations in apprehending fugitives. The International Residual Mechanism for Criminal Tribunals (IRMCT) plays a crucial role in tracking down fugitives indicted by the International Criminal Tribunal for Rwanda (ICTR), emphasizing the importance of international collaboration in these efforts.

3.3. Trials in Absentia

Rwanda allows trials in absentia under specific conditions, particularly when a suspect has been duly notified of charges but fails to appear in court. While this mechanism aims to expedite justice, it raises concerns about due process and the rights of the accused, as defendants tried without their presence may not have adequate opportunities to defend themselves.

3.4. Impact on Justice Outcomes

The effectiveness of these legal mechanisms significantly affects justice outcomes for both victims and defendants. While they facilitate accountability for serious crimes,

challenges remain regarding ensuring fair trials and protecting the rights of fugitive suspects. The ongoing efforts to track down fugitives underscore the complexities involved in administering justice within this context.

3.5. Institutional Mechanisms on the Effects Caused by the Trial of Fugitive Suspects under Rwandan Criminal Procedure

The trial of fugitive suspects in Rwanda is governed by a complex interplay of institutional mechanisms designed to ensure accountability for crimes, particularly those committed during the 1994 genocide against the Tutsi. These mechanisms involve national law enforcement agencies, international cooperation through treaties and tribunals, and judicial processes that collectively influence the administration of justice. This chapter explores these institutional frameworks and their effects on the prosecution of fugitive suspects under Rwandan criminal procedure.

3.6. Role of National Law Enforcement Agencies

National law enforcement agencies play a crucial role in tracking down and apprehending fugitive suspects. The Rwandan National Police and other relevant authorities are responsible for executing arrest warrants and conducting investigations into the whereabouts of fugitives.

3.6.1 Interagency Cooperation

Effective interagency cooperation is vital for apprehending fugitives. The Rwandan police collaborate with various governmental bodies and international organizations to share intelligence and coordinate efforts to locate fugitives . This cooperation enhances the efficiency of operations aimed at bringing suspects to justice.

3.6.2 Use of Technology

The integration of technology in tracking fugitives has improved the capabilities of law enforcement agencies. Tools such as databases for tracking criminal records and intelligence-sharing platforms enable faster identification and apprehension of suspects .

3.7. International Cooperation and Extradition

International cooperation is essential in addressing cases involving fugitive suspects who have fled beyond Rwanda's borders. Extradition treaties facilitate the transfer of fugitives from other countries back to Rwanda for trial.

3.7.1 Extradition Treaties

Rwanda has established several extradition treaties with various countries to streamline the process of returning fugitives who have escaped justice . These treaties outline the legal obligations of states to cooperate in apprehending individuals wanted for serious crimes.

Example: The Case of Fulgence Kayishema

Fulgence Kayishema, indicted by the International Criminal Tribunal for Rwanda (ICTR) for his involvement in genocide, exemplifies the challenges and successes associated with extradition efforts. After years on the run, he was arrested in South Africa in May 2023, highlighting the importance of international collaboration in tracking down fugitives

3.7.2 Role of International Tribunals

The International Residual Mechanism for Criminal Tribunals (IRMCT) plays a significant role in assisting national authorities with locating and prosecuting fugitives indicted by the ICTR . The IRMCT’s Office of the Prosecutor collaborates with Rwandan authorities to provide intelligence and support in arresting remaining fugitives.

3.8. Judicial Oversight and Trials in Absentia

Judicial oversight is critical in ensuring that trials involving fugitive suspects adhere to legal standards and protect defendants' rights.

3.8.1 Trials in Absentia

Rwanda allows trials in absentia when a defendant has been duly notified but fails to

appear in court. While this mechanism aims to expedite justice, it raises concerns about due process[^2]. Defendants tried without their presence may lack adequate opportunities to contest evidence against them.

3.8.2 Right to Retrial

In cases where a conviction occurs in absentia, Rwandan law provides for a right to retrial if the defendant is later apprehended. This right is essential for upholding justice and ensuring that individuals are not permanently deprived of their opportunity to defend themselves.

3.9. Challenges Faced by Institutional Mechanisms

Despite these frameworks, several challenges hinder the effectiveness of institutional mechanisms in prosecuting fugitive suspects.

3.9.1 Resource Limitations

Many national law enforcement agencies face resource constraints that limit their ability to track down fugitives effectively. Insufficient funding can impede investigations and prosecutions.

3.9.2 Political Considerations

Political factors can complicate efforts to apprehend fugitives. Some states may be reluctant to cooperate with extradition requests due to diplomatic relations or concerns about human rights violations upon return.

3.9.3 Evasion Tactics

Fugitives often employ sophisticated tactics to evade capture, including changing identities or utilizing networks that facilitate their movement across borders. These tactics pose significant challenges for law enforcement agencies tasked with apprehending them.

The trial of fugitive suspects under Rwandan criminal procedure faces significant challenges due to evasion tactics employed by fugitives, which complicate the efforts of law enforcement and judicial authorities to ensure justice and accountability, especially for crimes committed during the 1994 genocide. Tactics such as changing identities, using false documentation, and exploiting international borders hinder the tracking and apprehension of suspects, as highlighted by the International Residual Mechanism for Criminal Tribunals (IRMCT). Additionally, the effectiveness of institutional mechanisms is further compromised by political considerations affecting extradition requests and resource limitations within national law enforcement agencies. Understanding these evasion tactics is essential for developing more effective strategies to combat them and hold fugitive suspects accountable under Rwandan law.

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GENERAL CONCLUSION AND RECOMMENDATIONS

General conclusion

To conclude this study, it is remarked that the role of trial is to deliver justice to everyone in the ways provided by the law, whether the defendant or the victim. However, there are proceedings especially in criminal matters which have to be followed to attain that justice which includes an investigation, prosecution and court that aims to discover the offenses, gathering together shreds of evidence which can be those of accusing or clearing guilty, and an act which determines if the suspect has to be prosecuted of not.

It is agreed that participation in the court is not only necessary for the purpose of defense, it also gives the impression of defendant personally and hear his side what statement he/she can make in order to defend him/herself. Again, it helps the defendant to control the fairness of the proceedings in person.

Under this work, we focus on the effects of the trial of a fugitive suspect under Rwandan criminal procedure whereby it has been regarded as a good instrument for speedy trial since in Rwanda the fugitive suspect is tried in his/her absence. In

Rwanda the law relating to the criminal procedure law stipulates that if the suspect commit a crime and after committing crime suspect prefer to escape from justice, In such vein , the law is clear whether a suspect lives in Rwanda or abroad in order to do not punished for what has done , the law confers the power prosecution to start investigation a compiling the case or indictment and submit before the court even if the suspect is not interrogated.

Although the law relating to the criminal procedure in Rwanda allows prosecutor to make a prosecution in case the suspect escaped from justice means trial in absentia , It seems that it is contrary to the Rwandan constitution where it states that Everyone has the right to due process. of law, which includes the right ,to be informed of the nature and cause of charges and the right to defense and legal representation, to be presumed innocent until proved guilty by a competent Court, to appear before a competent Court, not to be subjected to prosecution, arrest, detention or punishment on account of any act or omission which did not constitute an offence under national or international law at the time it was committed. Offences and their penalties are determined by law.

Based on the right to due process of law as it is provided by the Rwandan constitution, it can be understood that to try someone in his/her absence when he/she escaped it is taken as unconstitutional. Unfortunately, trial in absentia presents negative effect to escaped person where the court decision can affect properties and rights of the escaped person.

Recommendations

After the wide research conducted and the above conclusion, the following recommendation may be reformulated, it will be better when legislators taken account into consideration the rights of both parties as the Rwandan law provides that each party during a criminal proceeding must have equal opportunities to present their cases.

Legislators should enact legal provision recommend investigators, prosecutors to prepare a case file against escaped suspect from justice but not submit it before court immediately.

Moreover, the case file which is prepared by the prosecutor should be a pending case until the escaped suspect is available to defend before court personally. I recommend that, if a person is assumed to be fugitive suspect that he/she must not be tried in his/her absence, rather the prosecution must set all possible forces to arrest such a person as soon as possible. And be punished even for the crime of escaping justice if it is found that he/she evaded justice deliberately.

The reason for this because, such person would be tried in his/her presence and the right to appear before the competent court, and the right to defend oneself is respected as well. Also, the right to be presumed innocent is respected and other rights are respected flowing from those if respect as well.

The objection may arise to such an approach that is being recommended which goes like this; what if such a person is still hiding and then make the court proceeding delayed, for example, if he/she didn't escape abroad but still hiding the court and remain in Rwanda. The response to the objection is that such person has to be hunted by the prosecution as soon as possible and be given such authority and police work very tightly with the prosecution, then there is no way they cannot arrest him/her.

Also, the other objection may arise which goes like this; what if such person goes abroad and then makes the proceedings delay? Also, the same response has to be given in this objection which means that Rwanda has to ask that country to extradite such person to Rwanda and be tried in Rwanda since Rwanda cannot extradite any Rwandan to another country. " Then as an effect of that, factor of delaying the cases and acting in less economically can be handled.

□

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