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Review Article

An assessment of the effectiveness of plea bargaining in promoting speedy and fair criminal justice: a case study of Rwanda – a narrative review.

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Abstract

Plea bargaining has become an important tool for improving the efficiency of criminal justice systems by reducing the number of cases that require full trials, shortening delays, and freeing court resources. Rwanda formally adopted the procedure through Law No. 027/2019 of 19 September 2019 relating to criminal procedure, which allows the prosecution and an accused person to reach an agreement within legal limits. Yet effectiveness cannot be measured only by the number of cases resolved; fairness, voluntariness, access to legal representation, judicial oversight, and the protection of victims' interests must also be examined. This narrative review assesses how well plea bargaining promotes both speedy and fair criminal justice in Rwanda. It draws on legislation, judicial practice directions, government policy documents, institutional reports, international human rights instruments, and academic literature published mainly between 1964 and 2025, with emphasis on materials from 2019 onward. Sources were selected for relevance to plea bargaining, fair-trial rights, case-processing efficiency, and victim participation, and English-language materials predominated. Official sources record substantial use of the procedure, including 21,153 cases addressed between 11 October 2022 and April 2025, and 11,846 cases in the 2024/2025 financial year. These figures show that plea bargaining is now a significant part of criminal case processing. However, the statistics alone do not prove that the procedure caused reductions in delay, nor that every agreement meets required standards of fairness. The review argues that plea bargaining has real potential to deliver speedier justice in Rwanda, but its long-term legitimacy depends on strong safeguards against coercion, meaningful legal assistance, careful judicial scrutiny, transparent procedures, and genuine victim participation. Implications include strengthening legal aid, improving monitoring and record-keeping, collecting more detailed performance data, and conducting independent evaluations to test whether the system delivers both efficiency and fairness

.Keywords: plea bargaining; speedy justice; fair trial; criminal justice; Rwanda; legal representation; victims' rights; judicial efficiency; narrative review.
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1. Introduction

1.1 Rationale and Background

Plea bargaining is essentially an agreement between the prosecution and an accused person about how a criminal charge will be resolved. Depending on the legal system, the agreement may involve an admission of responsibility, a reduction in the charges pursued, or an agreed position on sentence. Its main attraction is practical: suitable cases can be concluded without the full machinery of a contested trial. This can ease court workloads, save public resources, spare witnesses repeated appearances, and give the parties greater certainty about the outcome. At the same time, the procedure raises legitimate concerns. Accused persons may feel pressured, bargaining power is often unequal, legal advice may be inadequate, and someone may accept an agreement without fully grasping its consequences. The real value of plea bargaining therefore depends on whether it delivers efficiency while still protecting the rights that make criminal proceedings legitimate.

In October 2022 Rwanda introduced a formal plea-bargaining procedure, marking a significant change in how criminal cases are handled. The reform formed part of broader efforts to improve efficiency, reduce backlog, and deliver timely justice for both defendants and victims. Rwanda offers a useful setting for examining the tension between speed and fairness. Law No. 027/2019 of 19

September 2019 relating to the criminal procedure provides the statutory foundation in Articles 26 and 27. Article 26 deals with the agreement itself, including situations in which a suspect may supply useful information or identify other persons involved in return for concessions permitted by law. Article 27 sets out the consequences of an agreement for the prosecution and the court. The framework keeps plea bargaining inside formal criminal procedure and preserves a clear judicial role in deciding whether an agreement should be accepted or rejected.

Three complementary perspectives shape this review: the efficiency rationale of criminal case processing, the due-process model of criminal justice, and restorative justice theory. The efficiency perspective explains why negotiated procedures can help courts manage caseloads and reduce delays. The due-process model insists on the protection of individual rights and the need for reliable, fair procedures. Restorative justice theory widens the lens by focusing on the harm caused by crime and the interests of victims and communities. Together these perspectives allow Rwanda's plea-bargaining framework to be judged not only by how many cases it disposes of, but also by fairness, accountability, and public confidence.

1.2 Objectives

This narrative review has the following objectives:

1. To examine the legal and institutional framework governing plea bargaining in Rwanda.
2. To assess the contribution of plea bargaining to speedy criminal justice in light of available institutional evidence.
3. To evaluate the safeguards for fairness, voluntariness, legal representation, judicial oversight, and victims' interests.
4. To identify gaps in the evidence and propose reforms and research priorities that can strengthen both efficiency and fairness.

2. Methods

2.1 Research Selection and Sources

This narrative review adopts a qualitative doctrinal and documentary research design. Doctrinal legal research examines legislation, judicial practice directions, legal principles, and other authoritative materials to establish the content and implications of the law. Documentary research analyses policy documents, institutional reports, and scholarly publications to understand how the procedure is described and implemented.

Primary legal materials include Law No. 027/2019 of 19 September 2019 relating to the criminal procedure (particularly Articles 26 and 27), the Supreme Court Practice Directions No. 001/2025 of 3 September 2025 governing the plea-bargaining procedure, Article 29 of the Constitution of Rwanda, and Law No. 68/2018 determining offences and penalties in general. International materials include the International Covenant on Civil and Political Rights (ICCPR), the African Charter on Human and Peoples' Rights, the United Nations Human Rights Committee's General Comment No. 32, the United Nations Basic Principles on the Role of Lawyers, and the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

Secondary sources include the Ministry of Justice Criminal Justice Policy Strategic Plan 2025/26–2029/30, institutional reports on case volumes and judicial performance, and academic literature on plea bargaining, due process, restorative justice, and criminal case management. Comparative scholarship (including work by Packer, Bibas, Scott and Stuntz, Turner, Dervan and Edkins, and others) was used to identify recognised risks and safeguards without assuming that findings from other jurisdictions apply automatically to Rwanda.

Publication years considered for secondary and comparative sources primarily span 1964 (Packer's classic models of the criminal process) to 2025, with particular emphasis on materials from 2019 onward following the adoption of Rwanda's formal statutory framework and the subsequent Practice Directions. English-language materials predominated, consistent with the language of most international instruments, scholarly literature, and official translations of Rwandan legislation and policy documents used in this review. Both published scholarly works and publicly available official documents (statutes, practice directions, strategic plans, and institutional reports) were included. Unpublished internal working papers were not systematically searched.

Sources were selected for relevance to (i) the legal meaning and operation of plea bargaining, (ii) speedy justice and case-processing indicators, (iii) fair-trial rights, voluntariness, and legal representation, and (iv) victims' participation and restorative considerations. Where different sources reported different case totals, figures were attributed

to the specific source and reporting period rather than combined without evidence that the totals were directly comparable. Reported statistics were treated as indicators of activity and performance, not as conclusive evidence of causation.

3. Discussion

3.1 Legal and Theoretical Framework

The legal basis for plea bargaining in Rwanda rests on national law and international human rights standards. Domestically, Articles 26 and 27 of Law No. 027/2019 establish the possibility of a plea-bargaining agreement, the role of the prosecution, and the court's power to accept or reject the agreement. The Supreme Court Practice Directions No. 001/2025 supply detailed procedural guidance on eligibility, the conduct of negotiations, judicial scrutiny, record-keeping, and the involvement of victims. Article 29 of the Constitution guarantees the right to legal representation and a fair hearing. At the international level, Rwanda's obligations under the ICCPR and the African Charter require respect for due process, equality before the law, and protection against coerced confessions.

The efficiency perspective holds that criminal justice institutions should use limited resources wisely and avoid unnecessary delay. Full trials consume substantial time and resources. When an appropriate case can be resolved through a lawful agreement, many of these steps can be shortened or avoided. The due-process model, associated with Packer, insists that criminal justice must protect individuals against arbitrary state power and ensure that decisions rest on fair and reliable procedures. Due process does not require every case to go to a full trial, but it does require that alternative procedures preserve essential safeguards: clear information about the charge and proposed agreement, a genuine opportunity to obtain legal advice, and understanding of the consequences of acceptance. Restorative justice theory focuses on the harm caused by crime and the needs of those affected. A negotiated agreement does not automatically repair harm or meet a victim's needs; meaningful participation and attention to reparation remain important.

3.2 Plea Bargaining and Speedy Justice

One of the strongest arguments for plea bargaining is that it reduces the demands of contested trials. Official criminal justice indicators in Rwanda provide useful context. The Ministry of Justice reported that average waiting time for trial declined from ten months in 2022/2023 to eight months in 2023/2024, while the reported backlog rate fell from 62% to 59%. The same policy plan recorded a substantial volume of cases handled through plea bargaining: 21,153 cases between 11 October 2022 and April 2025. Institutional reporting also recorded 11,846 cases during the 2024/2025 financial year. These developments are consistent with a broader effort to improve case management, but they do not establish that plea bargaining alone produced the reductions in waiting time or backlog. A stronger causal assessment would require comparisons between similar cases resolved through plea bargaining and those concluded through ordinary trials.

Overall, the available evidence supports the view that plea bargaining contributes to Rwanda's capacity to process criminal cases and may reduce the demands associated with full trials. Criminal cases accounted for approximately 66% of court filings in 2023/2024, illustrating the importance of effective criminal case management. A definitive claim that plea bargaining has reduced delays by a specific amount would, however, require more detailed evaluation of the complete duration of proceedings, including investigation, detention, negotiation, and final disposition.

3.3 Fair-Trial Rights, Voluntariness and Legal Representation

Fair-trial rights are central to the legitimacy of plea bargaining because the procedure may lead to criminal consequences without a full contested trial. The main concern is whether the accused person's agreement is informed and voluntary. An individual may accept a plea because the evidence is strong and the agreement is reasonable; another may agree because of fear, prolonged detention, pressure, inadequate legal advice, or a misunderstanding of the consequences. The mere existence of an admission cannot, on its own, establish that the process was fair.

The ICCPR and related standards require, among other things, the presumption of innocence, adequate time and facilities to prepare a defence, and applicable guarantees concerning legal assistance. These safeguards remain relevant even when a case is resolved through negotiation. Scholarly literature has long identified the possibility that innocent defendants may accept plea agreements to avoid the risk of a more severe punishment after trial, particularly where the difference between the proposed agreement and the potential trial outcome is substantial. Access to competent legal advice can help reduce these risks, but the mere presence of a lawyer does not guarantee meaningful representation; the quality of consultation, access to

information, and time available to consider the offer also matter.

In Rwanda, the formal legal framework provides a basis for safeguards, while the 2025 Practice Directions supply more detailed procedural guidance. The central issue is whether these protections are consistently realised in practice. Relevant questions include whether accused persons have sufficient time to consult counsel, whether agreements are explained in languages they understand, and whether judicial officers adequately examine the circumstances of consent. Where access to legal aid remains limited for some defendants, there is a risk that plea bargaining may become coercive. Comparative research from other jurisdictions has highlighted similar possibilities; empirical evidence on the extent of this problem in Rwanda remains limited.

3.4 Victims' Rights and Participation

Victims of crime may experience physical injury, emotional distress, financial loss, and continuing uncertainty about accountability. A plea-bargaining process can reduce the burden of repeated court appearances, but it may also leave victims feeling excluded if negotiations take place without adequate communication. Rwanda's 2025 Practice Directions make victim participation relevant by requiring the prosecution to make every effort to inform and consult victims during negotiations and by providing for participation where the victim agrees to take part.

Meaningful participation does not mean that victims become parties with a veto over the agreement. The prosecution retains responsibility for the public interest, and the court retains the final decision. Consultation should give victims a genuine opportunity to understand the proposed outcome, explain the impact of the offence, and raise questions about reparation where the law allows it. It is also important to distinguish plea bargaining from victim-offender mediation; the two mechanisms share certain restorative aims but are governed by separate Practice Directions and should not have their statistics combined without careful attention to categories.

3.5 Institutional and Implementation Challenges

Despite its potential benefits, plea bargaining requires adequate institutional capacity and consistent professional practice. Prosecutors must be able to assess cases appropriately, defence lawyers must have sufficient time to advise their clients, and judicial officers must be able to scrutinise agreements effectively. Training and professional guidance are important for ensuring that the legal framework is applied consistently.

Another challenge concerns the availability and quality of performance data. Official reports provide useful figures on the number of cases handled and some wider indicators of judicial performance. These figures do not necessarily show how long plea-bargained cases took to resolve, how often accused persons had legal representation, how frequently agreements were rejected by courts, or whether participants considered the procedure fair. Without such information, policymakers may find it difficult to distinguish genuine improvements in justice from increases in administrative output.

3.6 Narrative Synthesis: Limitations and Quality of the Reviewed Literature

The available literature and documentary evidence present several limitations. First, administrative figures on case volumes demonstrate activity but do not establish causation regarding reductions in delay or backlog; other reforms may also have contributed. Second, empirical evidence specific to Rwanda on the quality of consent, the prevalence of legal representation in plea-bargained cases, judicial rejection rates, and the experiences of accused persons and victims remains scarce. Third, much of the comparative literature on the risks of involuntary or unreliable admissions is drawn from jurisdictions with different legal cultures, legal-aid systems, and case-processing practices; transferability must be treated with caution. Fourth, the distinction between plea bargaining and other mechanisms (such as victim-offender mediation) is not always clearly reflected in aggregated reporting. Fifth, the narrative review methodology prioritises doctrinal and documentary synthesis over exhaustive systematic search or primary empirical data collection; relevant unpublished or local-language materials may have been missed.

These limitations do not invalidate the central assessment—that plea bargaining has become a significant and potentially valuable feature of Rwandan criminal procedure, while fairness depends on the consistent operation of safeguards—but they do constrain the strength of claims about the precise impact of the procedure on case duration or the uniform quality of outcomes.

3.7 Future Research

Further research is needed on the actual impact of plea bargaining on case-processing time in Rwanda, including comparisons between similar cases resolved through plea

bargaining and those concluded through ordinary trials. Studies should examine the voluntariness of guilty pleas, the availability and quality of legal representation, the frequency and grounds of judicial rejection of agreements, and the experiences of victims. Research on detention periods before and after agreements, language accessibility, and the treatment of vulnerable accused persons would also strengthen the evidence base. Independent empirical evaluations, rather than reliance solely on administrative totals, would enable more credible assessment of whether the system consistently delivers both efficiency and fairness.

3.8 Summary and Overall Interpretation

This narrative review finds that plea bargaining in Rwanda has a clear statutory foundation, detailed procedural guidance, and substantial reported use. Official figures indicate that it has become an important part of criminal case processing and is consistent with broader efforts to reduce waiting times and backlog. Its potential to promote speedier justice in suitable cases is real. At the same time, the legitimacy of the procedure depends on fairness: informed and voluntary admissions, meaningful legal assistance, careful judicial scrutiny, transparent procedures, and genuine attention to victims' interests. The available evidence is stronger on the volume of cases processed than on the precise amount of time saved or the quality of outcomes achieved.

Implications for criminal justice practice include the need for continuous professional training, adequate time for consultation, and consistent judicial review of agreements. For policy development and implementation, the review supports strengthening legal aid, improving monitoring and record-keeping, and collecting more detailed performance data. For future research, independent evaluations that compare plea-bargained and ordinary cases on duration, representation, voluntariness, and victim experience are essential. The strongest assessment of Rwanda's system will combine administrative indicators with evidence about the quality of process and outcomes, so that efficiency gains are secured without compromising the rights that make criminal justice legitimate.

3.9 Generalisability

The doctrinal analysis is specific to Rwanda's statutory framework, Practice Directions, and institutional reports. The broader conceptual argument—that plea bargaining can contribute to speedier justice but requires robust safeguards for fairness—has potential relevance in other jurisdictions that have introduced or expanded negotiated procedures, particularly in systems managing substantial caseloads and seeking to balance efficiency with fair-trial standards. Transferability of specific findings will depend on local legal culture, legal-aid capacity, judicial resources, victim-participation norms, and the design of monitoring systems. Comparative lessons from the international literature are illustrative rather than prescriptive. Claims about the magnitude of efficiency gains or the prevalence of particular risks cannot be generalised without context-specific empirical testing.

3.10 Limitations of the Study

This narrative review is limited by its doctrinal and documentary methodology. It does not present new primary empirical data on case duration, voluntariness, legal representation rates, or participant experiences in Rwanda. Selection of secondary sources, while guided by relevance and a broad publication window, was not exhaustive in the manner of a systematic review. Institutional practice is inferred from official reports and legal instruments rather than observed directly. The analysis treats reported statistics as indicators of activity rather than proof of causation. The proposed recommendations are normative and require further design work, resource assessment, and pilot evaluation before full implementation.

3.11 Recommendations

On the basis of this review, the following recommendations are made:

1. **Strengthen access to legal representation.** Accused persons should have a meaningful opportunity to obtain legal advice before entering plea-bargaining agreements, with particular attention to those facing financial, language, literacy, or other barriers.

2. **Enhance the protection of victims' interests.** Prosecutors should consult victims in a meaningful way before concluding agreements, and arrangements for compensation or reparation should be considered where the law permits, without transferring the prosecution's responsibilities to victims.

3. **Strengthen judicial scrutiny of agreements.** Courts should carefully examine legal compliance, understanding, and voluntariness, with adequate time, training, and records of the review process.

4. **Conduct independent empirical evaluations.** Researchers should compare suitable plea-bargained cases with similar cases resolved through ordinary trials on duration, costs, outcomes, representation, and participant experiences.

5. **Provide continuous professional training.** Prosecutors, defence lawyers, and judicial officers should receive regular training on the legal framework, informed consent, fair negotiation, victims' rights, and identification of vulnerable participants.

6. **Promote public awareness.** Clear public information should explain the purpose of plea bargaining, the stages of the procedure, the roles of the prosecution and court, and the safeguards available to accused persons and victims.

4. Conclusion

Plea bargaining in Rwanda represents a pragmatic response to the challenges of judicial backlog and resource constraints. It offers genuine potential to enhance efficiency in case resolution. At the same time, the pursuit of speed carries risks for the delivery of justice and the protection of the rights of the accused. The possibility of coerced pleas, unequal outcomes, and the erosion of fair-trial guarantees calls for a careful approach to implementation. Drawing on the legal framework, institutional evidence, and comparative scholarship reviewed here, Rwanda would benefit from continuing to strengthen procedural safeguards and ensuring effective access to legal representation for defendants. While plea bargaining holds promise as a tool for judicial reform, its long-term success will depend on the extent to which it balances the competing demands of efficiency, justice, and rights protection. The ongoing development of the mechanism presents an opportunity for policymakers and scholars to engage with these issues so that Rwanda's justice system upholds both practical and ethical standards.

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Conflict of Interest

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List of Abbreviations

ICCPR – International Covenant on Civil and Political Rights

UN – United Nations

UNODC – United Nations Office on Drugs and Crime

ORCID – Open Researcher and Contributor ID

Author Biography

INDATWA Jean de Dieu is a Rwandan legal practitioner, mediator and academic with over ten years of experience in company transactions, management and legal affairs. Born in 1988 in the Western Province of Rwanda, he studied Veterinary Science at EAV Rushashi at A-Level before turning to law. He holds a Bachelor of Laws (LLB) from the University of Kigali, a Master of Laws (LLM) in International Economic and Business Law from Kigali Independent University, a Postgraduate Diploma in Legal Practice and a Postgraduate Diploma in Theology. He is also a certified mediator and is currently a PhD candidate in Law at Kampala International University. He is the Administrative Assistant and Legal Officer of Amaris

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Author Contributions

The author conceived, researched and wrote this article.

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