



Ministry of Public Service and Labour
MIFOTRA

Functional Review Report
Supreme Court



April, 2008

ACRONYMS

ASI	Adam Smith International
BTC	Belgian Technical Cooperation
CBO	Community-Based Organization
CDF	Common Development Fund
CSO	Civil Society Organization
DCBP	District Capacity Building Plan
DCPA	Decentralization, Citizens' Participation and Accountability
DDP	District Development Plan
DFID	Department for International Development
DIP	Decentralization Implementation Program
DTC	District and Town Court
EDF	European Development Fund
EDPRS	Economic Development and Poverty Reduction Strategy
EU	European Union
FARG	Genocide Survivors' Assistance Fund
GTZ	German Agency for Technical Cooperation
HCR	High Court of the Republic
ICT	Information and Communications Technology
ICTR	International Criminal Tribunal for Rwanda
JADF or JAF	Joint Action Development Forum
MIFOTRA	Ministry of Public Service and Labor
MINALOC	Ministry of Local Government, Good Governance, Community Development & Social Affairs
MINECOFIN	Ministry of Finance and Economic Planning
MINIJUST	Ministry of Justice
MININTER	Ministry of Internal Security
MTEF	Medium Term Expenditure Framework
MVK	Town Council of the City of Kigali
NCR	National Council for Refugees
NDIS	National Decentralization Implementation Secretariat
NDSC	National Decentralization Steering Committee
NDSF	National Decentralization Stakeholders Forum
NEC	National Electoral Commission
NGO	Non-Governmental Organization
NIS	National Institute of Statistics
ORINFOR	Rwandan Information Office
PAACTR	Project to Assist the Administration of Courts and Tribunals in Rwanda
PACT	Project to Assist Courts and Tribunals
PCKC	Provincial and City of Kigali Courts
PRSP	Poverty Reduction Strategy Paper
RALGA	Rwandese Association of Local Government Authorities
RDSF	Rwanda Decentralization Strategic Framework
RIAM	Rwanda Institute of Administration and Management
RWF	Rwandan Francs
SCJ	Superior Council of the Judiciary
SDP	Sector ("Umurenge") Development Plan
UCRIDP	"Umutara" Community Resource & Infrastructure Development Project
VUP	Vision 2020 – "Umurenge" Program
WB	World Bank

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1. Introduction

This functional review is one of 16 rapid reviews that are being undertaken by Adam Smith International (ASI) with funding from DFID as a contribution to civil service reform under the leadership of MIFOTRA. The methodology used has followed guidelines agreed to by MIFOTRA and ASI in the Inception Report dated January 2008.

2. Situational Analysis of the Institution

2.1 History of the Courts from 1994 (Post-Genocide) through 2003

The post-genocide period since 1994 began with the adoption of the Fundamental law that established: Canton Tribunals, First Instance Tribunals, Courts of Appeal, and the Supreme Court. This new Supreme Court had five sections: Department of Courts and Tribunals, Cassation Court, Constitutional Court, State Council, and Court of Accounts. In a constitutional amendment of 18/04/2000, a sixth section was created called “Gacaca” Jurisdictions. The Gacaca jurisdictions were transferred to MINIJUST for supervision.

2.2 The Supreme Court’s Mandate since 2003

The Constitution of 2003 reorganized the court system into four levels: the Supreme Court, the High Courts of the Republic, the Tribunals of Great Instance, and the Base Tribunals.¹

The Supreme Court received its official mandates² in the Organizational Law No. 01/2004, which:

- Establishes a Supreme Court for the entire territory of the Republic of Rwanda.
- Designates this Supreme Court as the highest judicial jurisdiction of the Republic.

The Supreme Court’s website makes additional statements about the Supreme Court’s essential mandates, which also are:

- To ensure the equitable application of the law according to the logical division of powers in a democratic society
- To coordinate and regulate the activities of the courts, while assuring the independence of the judiciary.

The “Supreme Court: Strategic Plan of the Judiciary, 2007-2007” defines the following vision: “Rwanda, a country governed by the rule of law, will be endowed with an efficient and independent judicial system, close to litigants and rendering coherent and consistent rulings.” The Strategy also defines the following mission for the Supreme Court: “to dispense justice with

¹ Article 143 (modified by Article 11 in Revision 02 dated 08/12/2005)

² See Annex A, Table 2. for list of all relevant laws and regulations.

equity and integrity with a view to serving litigants, thus contributing to the reinforcement of the rule of law, particularly in respect of fundamental liberties and human rights.”

A sector-wide Justice Strategy for 2008-2012 will be developed over a 3-month period in coordination with a consultancy that will be funded by Belgian Technical Cooperation. The procurement process for that consultancy has been under discussion since fall 2007, and the Terms of Reference for that consultancy are still under discussion at this time. As a separate effort, the Supreme Court Strategy for 2008-2012 is underway through a consultancy that was awarded to Price Waterhouse/Coopers.

This Functional Review will provide input to that new Strategy. In the next section of this report, we will review the issues and problems that were defined in the 2005-2007 Strategy and progress that has been made in addressing them up until now, according to the findings of this Functional Review.

2.3 Progress in addressing the three issues defined in the 2005-2007 Strategy

The team reviewed the Supreme Court’s progress towards addressing the issues raised in its last multi-year strategy and found that there has been progress in all three areas as follows.

2.3.1. Increasing the participation of women in the judiciary and increasing access for women to judicial services:

As shown in Table 1 below, women comprise 50% of the Supreme Court’s own judges, 31% of the High Court judges, 33% of the Grand Instance Tribunal judges, and 40% of Base Tribunal judges.

Table 1 Supreme Court Employment, March 2008

Level	Job Title	Number of Positions		Sex		Level of Diploma				
		Planned	Occupied	Male	Female	PhD	Master’s	Licence	Bacc	A2
SC	Judges	14	12	6	6 (50%)	1	1	10	0	0
	Court Clerks	8	8	3	5	0	0	8	0	0
	Inspectors	4	4		1	0	0	4	0	0
	Support Personnel	37	35	13	22	0	0	19	7	8
HCR	Judges	26	26	18	8 (31%)	0	2	24	0	0
	Court Clerks	23	23	11	12	0	0	23	0	0
	Support Personnel	10	10	4	6	0	0	2	2	6
GIT	Judges	99	99	66	33 (33%)	0	0	99	0	0
	Court Clerks	81	79	52	27	0	0	2	38	39
	Support Personnel	36	33	22	11	0	0	12	4	17
BT	Judges	120	120	72	48 (40%)	0	0	110	10	0
	Support Personnel	120	120	73	47	0	0	2	15	103
Total		578	569	343	226	1	3	315	76	173
%		100%	98%	60%	40%	0.17%	0.53%	56.14%	13.54%	30;83%

2.3.2. Status in setting up of a computer network that is capable of facilitating the management, rapid and effective handling of cases, as well as communication between different court levels.

All tribunals at all levels now have access to computers. All courts except for 20 of the Base Tribunals now have access to the internet. These 20 tribunals lack internet because of gaps in network coverage of their area or geographic barriers.

2.3.3. Progress in decentralization of budget management, control of and reporting on funds, with transparency and accountability.

Justice sector budgets are now independent of the Executive Sector budgets by law. Information is lacking on the extent to which this decentralization issue in budget management and control has been addressed by the Supreme Court. This should be reviewed in the context of the planning of the 2008-2012 Supreme Court Strategic Plan during spring 2008.

2.4 Progress in Addressing the Institutional Problems Identified in the 2005-2007 Strategy

The following summarizes progress in addressing groups of problems identified in the Supreme Court's most recent multi-year Strategic Plan.

2.4.1: Inadequate Access to Justice by Litigants: lack of financial means and ignorance of the courts

This is still a major weakness in the Justice Sector as a whole. It needs to be addressed by the combined efforts of MINIJUST (which administers the funds for legal aid for the poor), NGOs that are willing to hire lawyers to represent the poor, the Bar which currently excludes lawyers employed by NGOs and holds a monopoly on representation of defendants in the courts, Parliament (to change legislation limiting the role of NGO lawyers in representing the indigent before the courts) and the courts themselves. Changes in legal provisions to allow NGO lawyers to represent the poor in the courts need to be complemented by a substantial increase in GoR funding for legal aid through contracts with NGOs for this purpose. No efforts are underway to educate litigants on their rights and how to use the courts, and there is no data base on the physical/geographic accessibility of the courts by sector or cell. For example, there is no data on the average walking time and distance from each cell, or even an average walking time and distance for each sector, to the closest base tribunal.

2.4.2: Lack of Independence of the Judiciary due to interference of other branches of government and the Absence of a Protocol that Establishes the position of Judges at all levels vis-à-vis the authority of the executive branch of Government

The legal and financial basis for independence of the judiciary has been established by the Constitution and laws passed during the 2005-2007 period. MIFOTRA is still in charge of

approving benefits and salary scales for judges, but Judicial Sector recruitment is independent of the executive branch.

2.4.3: Slowness or Non-Enforcement of Judicial Decisions by Local Leaders (the Executive Branch)

The Supreme Court's Inspector General thinks this is still an issue, but the Supreme Court has no plan to deal with this problem. It is an issue that will require further study and planning under the upcoming new Supreme Court Strategic Plan.

On the other hand, MINALOC's TIG unit has reported that there is good follow-through by local leaders on the enforcement of community service sentences given by the Gacaca to genocide trial defendants.

2.4.4: Inadequate Social Status of Judges

According to comments raised by a focus group of 16 judges from the tribunals of Grand Instance, this is still a problem. It is possible that it will discourage the most talented law school students from seeking careers as judges. During the preparation of the 2008-2012 Strategic Plan, experts should consult with current law school student on this matter and recommend ways to motivate talented law school student to seek careers as judges.

2.4.5: Poor collaboration among partners (including donors and others) in the judicial field due to lack of a framework for coordination, collaboration and dialogue

This has been addressed by the preparation of a Strategy for the Justice Sector as a whole for 2005-2007 which will be updated by a new sector-wide strategy for 2008-2012. Price Waterhouse/Coopers in partnership with a local firm is under contract to produce this new sector-wide strategy by June 2008.

A Secretariat for sector-wide coordination has been created in MINIJUST and it has been staffed with 3 positions. It convenes regular coordination meetings that are attended by representatives of the 14 Justice Sector institutions, donors, and NGOs active in this sector. The secretariat serves as a central point for information on the sector. The planning capacity of this secretariat is extremely limited, however, and needs to be strengthened. Also, the number of coordination meetings in 2007 and so far in 2008 have been infrequent and insufficient.

2.5 Inefficiency of the Justice System--Progress in Addressing the Organizational Problems Identified in the 2005-2007 Strategy

2.5.1: Shortage and poor condition of buildings and equipment, and lack of electricity

This was the subject of a June 2007 Peer review. The EU, Dutch and Belgian Technical Collaboration are the major funders of facilities improvements. The tribunals have a plan for improvements. Five new personnel positions have been approved for the Justice Sector Secretariat, and will be funded by BTC, to help coordinate the preparation, design and funding of

these infrastructure improvements and those for other parts of the Justice Sector (prisons, police and prosecutors). Priorities need to be defined, however, for the limited available funding, and this needs to be done in conjunction with the preparation of the 2008-2012 Justice Sector Strategic Plan.

Existing computers need to be used more comprehensively and more efficiently. The Supreme Court is not using computer software for caseload processing and tracking. A limited software is available to the Rwandan courts, but it can only be used to register cases, and many courts are not even using it at all. Best practices in other countries such as the USAID-supported court administration systems in Mongolia and Kosovo are using specially adapted software to expedite caseload processing and reduce backlogs throughout their systems.

2.5.2: Insufficient number of judges, judicial and qualified administrative support staff; lack of performance and instability of Judicial Staff on a legal and administrative level due to lack of experience, motivation, low salary/fringes, insufficient monitoring, evaluation and supervision. Non-existence of a training plan (periodic and continuous) for judicial staff.

Progress against this set of problems has been uneven. On the positive side, with the exception of 2 vacancies among positions for Supreme Court judges, all positions for judges at all four levels of the court system are now filled, and all judges have university diplomas. Ratios of support staff are equivalent to those of other developing countries such as Haiti, where lower courts are also staffed by an equal number of judges and clerks, since they were also converted from multi-judge to single-judge courts. We are unable to comment on stability versus staff turnover, or on subjects of university degrees held by judges, or numbers of years of experience in the Ministry and in their jobs among professional staff, as the data that we requested on these points was not provided to us. Salaries for judges are in line with those paid to Directors in the executive branch, though benefits differ, and this is causing dissatisfaction among judges.

It is our understanding that targets are set for the number of cases that judges are to complete each year, but this may be encouraging judges to simply select easier cases in order to meet their targets. There does not appear to be any other form of performance measurement, evaluation or monitoring for judges. The Inspector General only investigates allegations of judges not following the law. No routine monitoring or sampling of judicial rulings is evaluated by the Inspector General.

There does not appear to be a comprehensive in-service training plan for judges but the new Institute for Legal Professional Development (ILPD) will open in May 2008 and begin to train a set of 38 professionals in legal clinical practice. This institute will be available as a resource for in-service training for judges as new computer software and techniques become available for automated caseload management, tracking and processing, and as new bodies of law emerge such as the comprehensive commercial laws that are currently being redrafted and the emerging new laws and investigative practices for cyber-crime and money laundering. We recommend that ILPD develop distance learning products on DVDs, internet and radio that can reach a wider number of trainees in decentralized locations on a fast track basis.

2.5.3: Non-existence of a system for informing judicial staff about new laws, their amendments, jurisprudence and a framework for discussing legal matters on a national and international level

This has been addressed by the creation of a website on which all new legislation is now posted. Considerable effort is still needed to identify prior legislation that is still in effect and should be posted on this website.

2.5.4: Presence of corruption within the Judiciary due to lack of control and low salaries

The Auditor General's report for 2006 indicates that there is a lot of corruption in GoR tendering, tax collection and lack of transparency in public accounting in Rwanda. There is nothing specific to the Justice Sector in the 2006 (most recent) annual audit report. A joint effort of the Prosecutor General, the police and the courts and the Supreme Court Inspector General is needed to mount a campaign to bring public sector while collar offenders to justice and provide a disincentive for future corrupt practices in the public sector.

2.5.5: Lack of a computerized communication system among courts and other actors

There has been progress in installing computer connections for the courts but those computers still lack MIS and M&E systems and automated caseload processing is not being used.

2.5.6: Lack of a management mechanism and insufficiently rapid handling of case files

This continues to be a major functional weakness in the Ministry. The major data tracked by the Ministry is caseload by jurisdiction. The data for 2007 show that the caseload is not diminishing from the beginning to the end of the year. In almost all jurisdictions, it is staying about the same, in other words, the number of new cases started is about equal to the number of cases closed over the course of the year. The backlog is not being reduced. The reasons for this are not understood, even by the Inspector General. With her small staff, she can only respond to the most urgent ad hoc issues. She does not have the resources to undertake proactive analysis of the administrative strengths of some of the more productive courts or the weaknesses of the least productive ones. There is also the issue of quality of judgments, and difficulty of cases, factors that may be affecting court process and backlogs but are not measurable in any way at present.

2. A. Summary of Institutional Strengths

- Independence of the Judiciary has been assured by legislation, personnel and funding practices.
- There has been an increase in the number and percentage of judges who are female, per Table 1. This exceeds the target of 30% for women's occupancy of decision-making roles in Vision 2020, but there is still not 50% female occupancy of judges' positions in all court levels. Women judges are:
 - 50% of Supreme Court judges

- 31% of High Court judges
 - 33% of Grand Instance Tribunal judges
 - 40% of Base Tribunal judges
- All courts at all levels now have access to computers and, except for the 20 Base Tribunals where network coverage is inadequate due to mountains or other factors, all have internet access.
 - Judges all now have university degrees.
 - Supreme Court independence is legally, budgetarily, administratively & financially assured.
 - Productivity has been increased, and court case backlogs & costs have been reduced by successfully converting multi-judge base tribunals to single-judge courts.
 - The Institute of Legal Professional Development has been established and will soon be available to provide future in-service training.
 - Consultations with stakeholders have begun as part of the production of the new 2008-2012 Supreme Court Strategic Plan, and the consultants are under contract to complete a draft plan for submission to the Supreme Court by June 2008.
 - EU funding has been secured for mobile teams of 42 judges and 42 court clerks that are now being recruited & will soon be available for deployment to reduce court case backlogs throughout the country.

2. B. Summary of Institutional Weaknesses

- Access to justice for the poor is inadequate due to the monopoly of the Bar on court representation and insufficient resources in the MINJUST budget for legal aid.
- Data from 2007 and January 2008 shows there has been a lack of reduction in the backlogs in the number of court cases.
- Rwanda's Witness Protection program does not meet the standards required for the transfer of ICTR cases from Arusha to Rwanda.
- Significant numbers of the genocide witnesses in Rwanda that are involved in cases are being targeted by criminals, according to statistics for 2007 that were presented by the Prosecutor General at the ministers' recent meeting in Akagera.
- The Rwandan Justice Sector is developing into a mix of civil and common law in an attempt to move towards harmonization with the East African community. A policy on the nature of Rwanda's hybrid system is needed that will define how civil and common law are to be integrated and differentiated, and to assure that judges, defense lawyers, prosecutors

and police know what practices, legal principles and evidence is expected under these policies.

2. C. Opportunities

- Resources are available from the EU for temporary judges and court clerks to handle backlogs of court cases and temporarily reduce caseload processing times.
- Resources are available from the EU, Dutch and BTC for the highest priority improvements to the infrastructure of the courts. Some of these funds could be used to test caseload processing and tracking software on a pilot basis to complement other efforts to reduce case backlogs.
- Human rights NGOs are willing to take on the responsibility of representing the poor in the courts if the laws are changed to allow them to do this and if financial support from MINIJUST and donors can be obtained so they can hire more lawyers.
- Human rights NGOs are willing to serve on a panel that the Supreme Court or the Justice Sector Secretariat could convene to monitor public perceptions of the fairness of sentences and the contribution to reconciliation of the way genocide cases are being handled.

2. D. Threats

There is a lack of consensus between the human rights NGOs, prosecutors, judges and the Bar on a fair method for expediting the handling of the remaining Category 1 genocide cases. The draft law now being considered by Parliament has not been adequately vetted among these and other stakeholders.

Only 207 genocide cases were tried in the Rwandan courts from 2005-2007 according to NGO data submitted to the ILAC team in fall 2007. As of September 2007, there were reported to be 17,000 category 1 genocide cases still pending in Rwanda that will need to be tried in the Rwandan courts.

Recommendation: There appears to be no alternative to the reclassification of some of these 17,000 cases so that they can be transferred from the courts to the Gacaca process, but this will not contribute to reconciliation in the long run without greater consensus among affected groups and stakeholders on the criteria for this reclassification exercise.

3. Comments on the Capacity of the Supreme Court to Discharge its Responsibilities with Recommendations for Corrective Measures Where Needed

Findings of the Functional Review support the following recommendations:

3.1: Need to reduce case backlogs. Data for 2007 and January 2008 indicate that back logs are not being reduced. The number of cases processed is approximately equal to the number of new cases introduced. The volume of cases carried over is not being significantly reduced.

More needs to be done to analyze the content of the case backlog and understand why some courts process cases faster than others. Best practices need to be identified and disseminated and replicated. On the other hand, the quality of decisions should not suffer, and courts that are processing cases faster may just be giving priority to the easier cases and postponing the more complex ones.

The NGO RCN was supposed to undertake an analysis of court administrative processes and make recommendations to improve them, but as far as we know this work has not been done, and the terms of reference for that research were promised but not provided to us for review. The EU is funding a project to address the backlog problem in the form of 42 ad hoc mobile judges that will be accompanied by 42 court clerks, and deployed to the jurisdictions most in need of their help to clear backlogs to reasonable and stable long term levels. There is a need to address this issue more comprehensively for the short term to address the genocide backlog and for the long term to build a productive and sustainable court system.

Recommendation: To address this issue in a sustainable long term manner, a sample of those courts at each of the 3 lower levels with the fastest case disposal rates and the slowest disposal rates needs to be analyzed by a team of experienced international and local consultants to advise on the best existing court administrative practices and how international best practices can be adapted to the Rwandan situation. These improved procedures need to be incorporated into an administrative manual that should be promoted through in-service training at the ILPD and the Butare law school, and made available on-line and in hard copies to the judges and court clerks.

3.2: Need to better understand the root causes of the largest categories of cases in order to identify better ways of dealing with these social and economic issues. The sources of cases need to be addressed through multi-ministry efforts. For example, rape is the second most prevalent crime in Rwanda according to data from the Prosecutor General for 2007. A multi-ministry task force needs to be established to make information on the prevalence of rape available to social service agencies and NGOs that can counsel women on how to provide timely evidence that will result in more convictions as a disincentive to perpetrators, provide post-traumatic counseling and support to rape victims, and provide better protection to women at risk of rape in the future.

3.3 Establish a partnership between courts, police, and Ministry of Health, and NGOs/CSOs to improve evidence for rape cases.

At present, evidence is not being collected in a scientific way soon enough to support convictions and punish perpetrators in ways that will seriously curb the incidence of this crime. At-risk women need to know how they can ensure that this evidence is collected correctly and preserved and the evidence needs to be presented in court in a way that will not further traumatize the victim.

3.4: Reach consensus on reduction in category 1 genocide caseload so that Category 1 Genocide Cases can be reclassified to Reduce Backlogs: Reach Consensus with MINIJUST,

NGOs and Parliament on draft law for reclassifying genocide category 1 cases so that additional cases can be transferred to the Gacaca process.

3.5: Reduce the caseload of land tenure cases by linking Base Tribunal judges with Abunzi mediators to train them in the legal basis for decisions in the courts on land rights issues.

Land rights cases are clogging the lower courts. Litigants are often unsatisfied with the courts' decisions and appeal to higher courts and complain to the Inspector General. If Abunzi volunteer mediators are trained in land law by Base Tribunal judges, their proposed decisions would align with the decisions that would be made in the courts anyway, and this could reduce the glut of land rights cases in the base tribunals. The Supreme Court and the Justice sector more broadly should work with MININTER to define the legislation needed to clarify the rural land rights issues in the courts, and whether decisions will be reopened retroactively in any case, support relevant legal drafting in MINIJUST, and design of a system for rural land registration that will reduce the burden on the courts for land rights cases.

3.6: Work with MIFOTEA to clarify policies on leave for training and benefits for judges

that will be equivalent to those in the executive branch. Judges believe that the executive branch receives more and better benefits for equivalent grades in the personnel system. Judges are equivalent to the Director level in the executive branch ministries. The judges have also requested clarification of policies for salaried versus leave without pay during long term external training. If the training is for the benefit of the Supreme Court, and if the ministry has selected the trainees, they should be guaranteed jobs to return to after training and should receive a compensation package that maintains their salary during training unless they will receive a stipend at or above that level. On the other hand, if they are taking leave without pay to go for training for their own individual motives, they should not be entitled to a guaranteed job when they return, and should have to compete with incumbents that were hired in their absence.

3.7: Establish a panel of experienced judges to review law school curriculum in Butare and advise on improvements that might better prepare new judges and provide internships, clinical apprenticeships and other practical experience. Also have this panel advise ILPD on in-service training needed for judges, e.g. to address up-to-date cyber crimes, money laundering, and other

3.8: Improve witness protection program so that this obstacle to ICTR case transfer is removed Strengthen the Genocide Witness Protection Program: This program needs to meet international standards so that ICTR and other international cases can be transferred back to Rwanda where that will contribute to the justice and reconciliation process.

3.9: Establish a public information and enquiries service to free up the Inspector general's time for inspection and increase the number of inspectors. A public window needs to be established to accept and deal with complaints. This will removing this function from the Office of the Inspector General will free up her time and that of her clerks and inspectors to address their main functions. The Inspector General should be allowed to recruit more inspectors and a take a proactive role in monitoring reasons for the differences in output of the

courts in volume of cases processed. Consider whether the Service of the Inspector General would be more effective if it were attached to the Magistrates' High Council.

- 3.10: Need to automate court case processing to reduce backlogs.** Pilot test use of case processing software to see if this can speed up case processing times.
- 3.11: Establish a Technical S-G under the Supreme Court's Vice President that has the legal background to understand the technical needs of the three tiers of courts below the level of the actual Supreme Court,** but also the management background to address court administration and process issues to complement the support staff issues that the current S-G is handling. This will allow the Vice-President of the Supreme Court to focus his time and attention on the Supreme Court's own process.
- 3.12: Insufficient focus on impact in Annual Reporting:** A new format is needed that will focus on reporting impact evaluation and analysis against the high level objectives defined in the 2008-2012 Strategic Plan, and the Annual Action Plans. Currently, the Supreme Court's Annual Reports are merely lists of activities under each administrative entity, without any cumulative meaning or analysis of achievements by strategic objective.³
- 3.13: Decentralize administrative and financial services within the Supreme Court to increase efficiency and reduce administrative costs and time wasted.** For example, advances and payments to private sector bailiffs require many redundant approvals and signatures that are so time-consuming that services are either greatly delayed or undertaken by the bailiffs without the advances to which they are entitled.
- 3.14: Establish ways to measure judicial performance.** This is admittedly difficult in view of the need for judicial independence. One idea is to measure the number of percentage of a magistrate's judgments that are upheld in a court of appeal, as a measure of the quality of the judgment.

4. Common Strategic and Cross-Cutting Issues that Affect Other Institutions and Recommendations for Addressing Them, including Justice Sector-Wide Issues

Legal aid for the poor needs to be increased through a partnership between the Supreme Court, MINIJUST, the Bar, NGOs, media and the Parliament. At present, the bar holds a monopoly on legal representation in the courts, but their members are too few and too busy with fee-paying clients to serve the needs of the poor on a pro bono basis. Funds to compensate legal aid for the poor in the MINIJUST budget are also inadequate. NGOs are requesting a change in the law of the Bar to allow NGOs to hire lawyers to represent the poor in the courts, and the GoR needs to allocate more funding for contracts with NGOs and members of the Bar to provide legal services to the poor.

³ See Table 3, where the Annual Reporting for 2007 cannot be linked to objectives in the Strategic Plan for 2005-2007 or the Annual Action Plan for 2007.

The Justice Sector-wide planning and coordination to date is a model for other sectors in Rwanda, but the coordination meetings need to be held more frequently (monthly or at least every two months) and a common data base of studies and program plans needs to be created and made accessible to all stakeholders.

5. Innovative Systems and Processes, and Other Best Practices Identified during the Study

The World Bank-supported Commercial Law reform effort that unites several ministries and institutions is an example of best practice and an important contribution to the realization of EDPRS objectives. This sector-wide initiative involved the reform of 14 commercial and labor laws, master's degree training in South Africa for the 3 Rwandan judges that will take the lead in Rwanda's new commercial law courts, and establishment of the ILPD to provide practical in-service training to existing judges in the new commercial laws.

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INTRODUCTION

The exercise consists in analyzing functions inside the supreme Court as well as its ramifications, examining of structures or organs created to carry out these functions, processing all other functional data and tools, commenting on the effectiveness of services delivered and finally proposing the way of achieving effective production of services, with the objective of increasing the satisfaction of potential beneficiaries.

This analysis analyses all activities carried out by the Supreme Court to fulfil its legal and political obligations as stipulated in the Constitution and organic laws. It also assesses the level of adequacy of human, financial resources and material resources at the disposal of the Supreme Court to enable it achieve its mission.

This functional review is being carried out at the time when the Government of Rwanda (GOR) is implementing Economic Development and Poverty Reduction Strategy (EDPRS). It was generally accepted that the weakness in the coordination of development programmes and the projects was the major obstacle in the implementation of activities in the framework of the first generation of EDPRS. One of the objectives of this functional review is to identify the needs in the area of institutional development with the aim of avoiding past mistakes and thus enabling the achievements of the objectives of EDPRS.

Annexe A. KEY DATA

Tableau 1. Budget of the Supreme Court for the years 2003 and 2008

Année	Operating Budget	Development Budget	Net monthly Salaries
2003 (monthly)	179 415 226	26 682 218	18 548 915
2008 (monthly)	423 428 102	480 807 976	131 099 999
2003 (annual)	2 152 982 719	320 186 625	1 108 587 522
2008 (annual)	5 081 137 225	5 769 695 717	3 429 451 544

The planned budget for the 2005-2007 strategic plan is 26, 372,624,414 RWFS covering a period of three years, with the annual average of 8.790.876.138 RWFS. This average is higher than the budget stipulated by the financial law. However, contrary to other institutions, this variation remains comparatively within reasonable limits.

Annexe B. FUNCTIONS

B.1. The Supreme Court's mission/key aims

The mission of the Supreme Court is defined by the Organic Law N° 01/2004 governing the organization, administration and jurisdiction of the Supreme Court in its articles 1 and 2:

Article: 1. "There is a Supreme Court whose jurisdiction covers all the entire territory of the Republic of Rwanda". Article 1 is not clear on the administrative role and management of the other courts and tribunals. This is mentioned in subsequent articles.

Article: 2. "the Supreme Court is the highest jurisdiction of the Republic". Article 2 specifies that the Supreme Court is also the court of last appeal. The discussions around the Supreme Court concurs on the conception that the mission of the Supreme Court is to render justice with equity and integrity in order to serve the population, and to therefore contribute to the strengthening the rule of law, characterised especially by the respect of freedoms and fundamental human rights. There is qualitative conception in the definition of the objective of existence of this institution, which should not be the case.

On consulting the Web site of the Supreme Court, it is found in the welcome note that "the major role of the Supreme Court is to ensure equitable application of the law according to the logic of complementarity of State powers in a democratic society". In this mission there is neither the first mandate of the court as a jurisdiction nor its second mandate as a public administration institution. On same the website but under the chapter "presentation", it is written "the general mandate of the Supreme Court includes the coordination and monitoring of activities of the Courts and Tribunals, while ensuring the independence of legal justice".

Here the Supreme Court is considered as an administrative entity while forgetting its jurisdictional mandate. The Constitution specifies the judicial powers but does not specify the mission of the Supreme Court. The Organic Law specifies duties and responsibility of the Supreme Court but does not define its mission. The Constitution went into many details, instead of limiting itself on major principles. These details to date have changed, and they will always be changing with time. The question is whether it will be necessary to amend the Constitution every time these details are overtaken by events. We will analyze these fundamental changes of the design of the Supreme Court in the following chapters.

B.2. Legal and Legislative and framework

The legal history of the Judiciary has been subdivided in four periods whose characteristics are briefly described in the following paragraphs:

The period from 1961 to 1978: The 28 January 1961 Constitution invested Judicial Powers to the Supreme Court which was composed of 5 members appointed by the President of the Republic. The latter had the powers to appoint and dismiss judges of the Supreme Court. With the promulgation of the 24 November 1962 Constitution, the Supreme Court was divided into 5 sections: the Department in charge of Courts and Tribunals, the Supreme Court of appeal, the Constitutional Court, the State Counsel and Audit Office.

Period from 1978 to 1994: Based on the 28 December 1978 Constitution, the President of the Republic became the guarantor of the independence of the Judicial Powers and President of the Higher Council of Judiciary (HCJ), while the Minister of Justice became its Vice-president.

The Supreme Court judges were appointed and dismissed by the President of the Republic on proposal of the Minister of justice after approval by the HCJ. Members of this Council were appointed by the President of the Republic. The Supreme Court with 5 sections was replaced by 4 Higher Jurisdictions that are independent one of the other, namely: Supreme Court of appeal, the State Counsel, the Constitutional Court (composed of the Supreme Court of Appeal and the State Counsel) and the State Audit Office.

Period from 1994 to 2003: This post-genocide period was marked by the adoption of the Fundamental Law which instituted the following ordinary jurisdictions: Canton (Lower) Courts, Courts of First Instance, Courts of Appeal and the Supreme Court. This new Supreme Court was composed of 5 sections once again: the Department of the Courts and Tribunals, the Supreme Court of Appeal, the Constitutional Court, the State Counsel and the State Audit Office. By the 18 April 2000 constitutional amendment, it was also endowed with a sixth section called "jurisdictions GACACA Department". The Supreme Court was headed by a president, assisted by 6 Vice-presidents and had Advisers playing the role of judges. Each Vice-president was also a President of one of the sections of the Supreme Court.

The Higher Council of the Judiciary, composed of 21 career judges, was responsible for the management the career judges from Courts and Tribunals, other than the President and the Vice-presidents of the Supreme Court. A Rwandan legal reform Commission was established by a law in July 2001. It was composed of Rwandans belonging to various professional and legal institutions, in particular the Supreme Court, the Ministry of Justice, the Public prosecution service, National University of Rwanda and members of the Bar Association. Its mandate was to propose a law governing the organization and the jurisdiction of courts of law; a law on the code of ethics of the judiciary; a law on the organization, the operation and the jurisdiction of the High Council of the Judiciary; a law creating the National Public Prosecution Department; a law on criminal procedure and a law on the code on the administration of evidence.

Period from 2003 to date: This period was characterized by the adoption of the 04 June 2003 Constitution which led to profound changes in the area of organization, administration and competence of Courts and Tribunals. The Constitution of the Republic of Rwanda adopted on the 26th of May 2003, institutes in its article 143 (as modified by article 11 of the Amendment No 02 of the 08th December 2005), 4 levels of the ordinary

jurisdictions namely: The Supreme Court, The High Court of the Republic, the High Instance Court and the Lower or district Court.

Tableau 2. Legal and Regulatory Environment

Title	Date of Signature	Place
INSTITUTIONAL		
Organic Law n° 07/2004 of 25/04/2004 - organization, functioning and jurisdiction	25/04/2004	Kigali
Organic Law n° 01/2004 - organization, functioning and jurisdiction of the Supreme Court (O.G NO 3 of 01/02/2004)	29/01/2004	Kigali
Organic Law N° 02/2004 0 organization, functioning and the jurisdiction of the Superior Council of the Judiciary	20/03/2004	Kigali
Law N°59 of 16 Dec 2007 on Commercial courts	16/12/2007	Kigali
Organic Law N°56 of 13 Dec 2007 - organization and jurisdiction of courts	13/12/2008	Kigali
Organic Law N°58 of 16 Dec 2007 -organisation, functioning and jurisdiction of the Supreme Court;	16/12/2008	Kigali
ORGANIZATIONAL		
Organizational structure of the Supreme Court	January 2006	Kigali
Organizational chart of the Supreme Court	06/12/2007	Kigali
Law n°6 bis/2004 governing the status of judges and other personnel of the judiciary	14/4/2004	Kigali
Law n° 18/2004 code of civil, commercial, social and administrative procedures	20/6/2004	Kigali

Current reference legal and regulatory texts are as follows:

- The organic law published in 2004 as modified to date. The last modifications done in 2007 were published in March 2008. It becomes sometimes difficult to establish a link between the original text of the organic law and different subsequent revisions. There is a need to adopt a conciliation system between the original law and its subsequent modifications to facilitate consultations and references. Everybody gets lost even the concerned personnel.
- Public Service Law published in 2002 (Apparently, it is the only legal document that undertakes the State reform and public service in general).
- Law governing the judicial personnel.
- Law governing the Supreme Council of the Judiciary.
- Internal rules and regulations (it is provided for by the organic law and it has been adopted by the Supreme Court).
- Labour Code (this concerns contract employees it serves as a reference for rights and obligations).
- The organic law on State finances.
- Law establishing the organisation and jurisdiction of courts (COCJ).
- Law establishing Civil, Commercial, social and Administrative procedures (CPCSA).
- Law establishing penal Procedures (CPP).

- Laws on the Supreme Court.
- Law on administration of evidence.
- Law governing the judicial personnel
- Rules and regulations of ordinary courts.
- Courts jurisdictions.
- New courts (all)

B.3. Major functions and responsibilities

Jurisdictional Functions: The major mandates of the Supreme Court are jurisdictional and managerial. This includes on one hand trial of cases that are within its competence, and on the other hand to ensure the management that goes with this responsibility as well as management of the other ordinary courts and tribunals in the country. The major jurisdictional functions are:

- The President of the court
- Judges: The judge makes decisions and this decision comes into force once it has been rendered;
- The court Registrar: Any act in justice does not have any value unless it has been signed by the Court Registrar. He/she is called technician of procedure;
- The court bailiff: Officer in charge of notifying and implementing decisions rendered by courts;
- The Inspector: he/she is like the internal auditor of the courts and tribunals, especially in the area of the management of jurisdictional affairs. There are techniques to obtain information. Under normal conditions, it is each Presiding judge of a court who must ensure that all functions are efficiently carried out; if not, it is the duty of the High Court of the Republic.
- Management of the jurisdictional affairs: This function is not well defined as we will see it in next chapters. The office of the Secretary General is not responsible for these duties as it is stipulated in the Organic Law.

Managerial Functions: Here, the Supreme Court may be considered as a jurisdiction but also as an institution whose mission includes ensuring the administration of all ordinary courts of the country.

Support Functions: The support functions are carried out by the Office of the Secretary General. As that is mentioned in various meeting reports, the duties of the Office of the Secretary General are not well defined. In practice, duties of the Office of the Secretary General exclude the participation in management of jurisdictional businesses and human resources involved in the jurisdictional affairs. In the past, he/she did not perform technical duties. In addition, the Organic Law provides for something else. According to article 34, "the Secretary General of the Supreme Court is in charge of coordination of all administrative and technical activities of the services of the Court. He/she is also responsible for implementing policies, strategies and programmes of the Supreme Court in administrative and technical areas"⁴

B.4. Changes in principal functions and responsibilities since 2004

Before the reforms, referring to the laws prior to the 2003 Constitution and the Arusha Protocols, the Supreme Court had 6 sections each headed by a Vice-president. Each Vice-president was at the same time President of the Section. Sometimes his/her competences were intertwined with those of the President of the Supreme Court, hence the origin of internal conflicts which often weakened the hierarchical transmission of information.

⁴ Organic law N° 1/2004 of 20 January 2004 On the organization, administration and competence of the Supreme Court, Article 24

The reforms created a structure that strengthens the function of President of the Supreme Court. The Vice-president carries out duties of the President by delegation⁵.

The first reforms were carried out in August 2004 and the second that corresponds to the suppression of the posts of drivers and the new administrative territorial subdivisions, in September 2005. But the official document on reforms dates back in 2002.

The functions and the responsibilities did not change much since the reforms. The Supreme Court has always had the duties of judicial functions as well as management and control of other jurisdictions.

Territorial jurisdictions of courts are distributed as follows:

- Supreme Court
- High Court of the Republic
- High Instance Courts (the 2003 Constitution rather used terms of the Court of Province and the Kigali City). Amendments No 2-08/12/2005 of the Constitution in 2005 changed the first appellation and territorial competences).
- Lower courts (the 2003 Constitution used terms of Court of District and Town. Normally it is not necessary to use detail terms in a fundamental law. The subsequent organic laws to the constitution can deal with them. This could help avoid recurrent amendments of the Constitution).

Office of the court Registrar: Before the reforms, the office of the Court registrar was under the management of the Ministry of Justice. At present, it is under the administration of the Supreme Court.

Court bailiff: The Court bailiff was a public servant everywhere. His/her salary was determined by the State and depended neither on the quality nor on the quantity of work carried out. He/she served as the court registrar in the Ministry of Justice. Now, the Supreme Court organises training of professional Court bailiffs who belong to the private sector. Before the reforms, the work of auxiliary of justice was exercised by approximately 300 people. The country at present has 48 professional Court bailiffs belonging to the private sector but do not meet all the needs of the country. The function of a Court bailiff is carried out by the Registrar at the level of First Instance and Lower Courts.

Office of the Secretary General: Before the reforms, the Office of the Secretary General combined the general services⁶ and the management of jurisdictional affairs. The Secretary General of the Supreme Court is in theory in charge of a little more than 700 staff members. For this reason, it would not have the same workload and responsibility as the Secretary General of Ministries who manages about thirty people. The Secretary General of the Supreme Court manages 18 Directors who are spread on the entire territory of the country. The other Ministries hardly have 5 Directors.

In addition, it should be noted that the Secretary General of the Supreme Court is not any more the senior official of the Institution after the President of the Supreme Court. He/she is responsible for general services only (finance and administration) like an entity detached from jurisdictional affairs. He/she functions like a semi-outsourced service. Therefore, in practice, the Office of the Secretary General does not have any more, in

⁵ Article 38 of the Organic law N° 01/2004 mentioned above that stipulates “The President of the Supreme Court may delegate certain legal powers to the Vice-President”. Article 24 which specifies that he/she replaces the president in his/her absence.

⁶ Here we reserve this concept of general services, the administration and financial services which are not deeply in the specialty of the institution and which carry the same names and functions, regardless of the institution. These are the equipment purchase and procurement services, fixed assets management, payment function, general and analytical accounting, personnel classical management. This service may be outsourced in certain circumstances.

its prerogatives; the management of the technical affairs of the Supreme Court as the organic law (Article 34, organic law of 2004) would have intended.

Tableau 3. Functions from legal texts (constitution, organic laws)

Mission and functions according to the Constitution	Mission and functions according to the Organic law	Responsible structures according to the constitution and the organic law	Observations
<p>Mission</p> <p>Judicial Power is exercised by the Supreme Court and other courts established by the Constitution and other laws. (art 140).</p>	<p>Mission</p> <p>The Supreme Court is the highest court in the Republic. (Art. 2)</p>	<p>Specialized courts and ordinary courts</p>	<p><i>The judiciary does not fall under the Supreme Court only</i></p>
<p>Competence</p> <ul style="list-style-type: none"> • <i>The constitution does not determine the geographical jurisdiction of any court nor the Supreme Court jurisdiction as a higher administrative instance with the jurisdiction over the whole country</i> 	<p>Competences</p> <ul style="list-style-type: none"> • There is a Supreme Court having jurisdiction over the whole territory of the Republic of Rwanda (art. 1). • <i>Does not specify the level of competence if it is at the same time geographic, administrative and judicial</i> 	<p><i>Distributed among several courts</i></p>	<p><i>Here competence refers only to geographic coverage</i></p>
<p>Functions</p> <ul style="list-style-type: none"> • President (art 146) • Vice-President (art 146) • Judge (art 142) <p><i>The registrar is not mentioned in the constitution. The registry is a real function of courts before that of the vice presidency</i></p>	<p>Function</p> <ul style="list-style-type: none"> • President • Judge • Registrar • Bailiff • Support staff <ul style="list-style-type: none"> ○ Secretary General ○ Director ○ Employees <p><i>At this level the organic law is specific</i></p>	<p>Constitution</p> <ul style="list-style-type: none"> • Supreme court (art 144) • High Court of the Republic (art 149) • High Instance Court (art 150) • Lower Instance Court (art 151) <p>Organic Law</p> <ul style="list-style-type: none"> • Supreme Court • High Court of the Republic • High Instance Courts • Lower Instance courts 	<ul style="list-style-type: none"> • The constitution provides functions of the Court Presidency and those of the judge and not functions of the registrar and the bailiff. • The constitution provides mentions the court as a judicial body but not as its administrative authority on other courts

B.5. Any apparent gaps, overlaps or duplications

The Supreme Court was organised with the intention to move away the agents in charge of the jurisdictional affairs (judges, registrars) from general services. The outsourcing of these services is being fully developed

because the institutions prefer to concentrate on their profession and to save time that would otherwise be difficult to achieve if they carried out all these functions by themselves. The purpose of the creation of the office of the Secretary General that is separate from other legal services was to relieve judges and related officers from financial management in the framework of their functions.

Therefore, the office of the Secretary General was created, separate from jurisdictional affairs. At the level of certain jurisdictions, the court registrar interferes in the financial management, including the signature of cheques, the participation in the tendering process, whereas the structures do not enable him/her to take part in such functions.

Naturally, as it is him/her who is in charge of the management of jurisdictional affairs at the level of the court, he/she also intervenes in the management of the general services. It is necessary to re-examine to which level a technical organ can be separated from financial management. At the same time that eliminates an internal peer control system due to the fact that the DAF services in courts do not depend on the command of the President of the court but of another geographically remote hierarchy (based in Kigali in the capital city).

The General inspectorate which is one internal audit does not have a management function according to the organic law. But, in practice it takes part in the management of the jurisdictional affairs as well as current duties other than the general services. That is related to the absence in the structures, of a hierarchical level in charge of the management of the jurisdictional affairs.

Annexe C. ORGANISATIONAL STRUCTURE AND PROCESS

C.1. Organisation

At present, the Supreme Court at the territorial level has the following three organs:

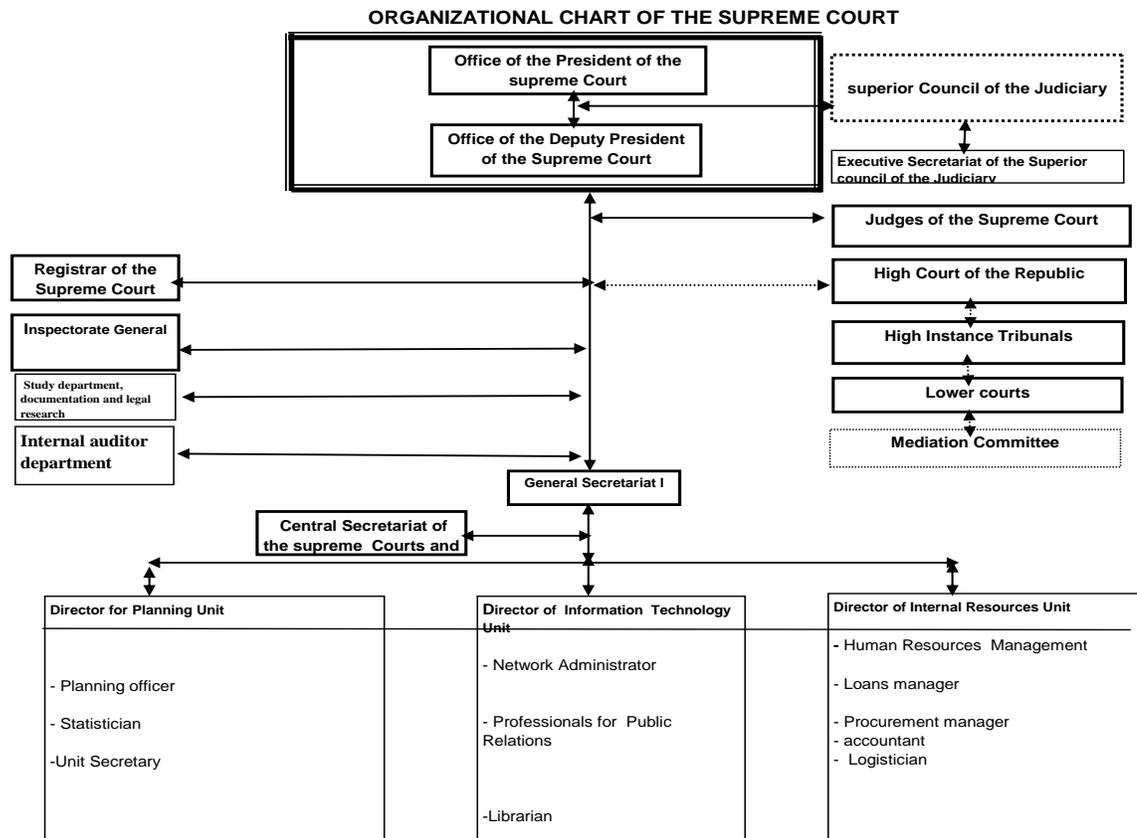
- The Supreme Court
- The High Court of the Republic is composed of 4 chambers (Rwamagana, Musanze, Nyanza, Rusizi)
- 12 Higher Instance Courts
- 60 Lower Instance Courts. There are 60 Lower Instance Courts which are spread in the country according to the population needing service. Each court has 2 judges (magistrates) and 2 registrars (court clerks) and no other administrative staff.
- 4 other chambers of commerce were planned before the end of the year 2007. All the courts will be 82.

Jurisdictions of each territorial structure as well as each department are defined in the organic law no 01/2004 of 29/01/2004 establishing organization, functioning and jurisdiction of courts. The following organizational chart translates links existing between the Supreme Court and other courts by intending to seek how to establish links between courts and administration instances.

Box A.1.

Current organizational chart of the Supreme Court accepted by MIFOTRA⁷

⁷ Among the general services, the organic law talks only of the post of Secretary General. Other posts are not provided for. Article 35 of the organic law N° 14/2006 of 22/03/2006 states that the organigram as well as attributions of those services are defined by the Presidential Order upon request by the President of the Supreme Court after approval by the Supreme Council of the Judiciary»



Box A.2.

After the reforms came into place, the court system was separated from the Ministry of Justice and its administration became the duties of the Supreme Court. At present, there are two administrations in the court system, 1) that one administered by the Secretary General for the staff that supports the business of the courts, governed by the public service law; 2) and the other one that is administered by the Chief Justice, for the judges, governed by the particular statute for judges and the registrars inclusive.

There are 4 levels of courts now in Rwanda, lower (first) instance courts, higher instance (appellate) courts, the High Court of the Republic, and the Supreme Court.

There are 12 High Instance Courts, and 2 categories of such courts. The first category is only for 3 high instance courts: Nyarugenge, Huye, and Musanze. These 3 courts have 4 chambers: civil, criminal, commercial, administrative. Each of these higher instance courts has 12 judges, 12 registrars, a Director of internal Resources, an accountant, and a secretary.

The remaining 9 high instance courts do not have a chamber for commercial law; that is the major difference between them. Each one has 7 judges, 7 registrars, a Director of General Resources, an accountant, and a Secretary.

The High Court of the Republic is considered as a single court, however it has 4 “branches” around the country and a head offices/Central High Court. There are residential judges in the 4 branches on a rotating basis. The High Court has 26 judges, 26 registrars, a Director of Internal Resources, an accountant, 5 secretaries (one for each branch and central) and 2 administrative assistants.

The Supreme Court has 14 judges and 9 registrars. The support personnel are administered by the Secretary General, the support units (divisions) are the Internal Resources Unit, the Planning Unit, and the ICT Unit. The Secretary General's office oversees the secretary pool (5), and she has an administrative assistant.

The Internal Resources Unit has a director, an accountant, a budget officer, a procurement officer, a logistics officer, an HR manager, a public relations officer.

The Planning Unit has a director, a planning officer, a statistician, and a secretary.

The ICT Unit has a director, a network administrator, and an ICT technician (equipment maintenance manager).

The Chief Justice is responsible for administrative matters for judges and registrars as mentioned. Other units under the Chief Justice are the Inspectorate General of the Courts, the Office of the Internal Auditor, the Secretariat for the Superior Judicial Council, and the Office of the Deputy Chief Justice that includes the Documentation and Research Unit.

The Inspectorate General has the head, who is the Inspector General, 3 inspectors of courts, a secretary, and a documentation administrator.

The office of the Internal Auditor has the Internal Auditor.

The Secretariat for the Superior Judicial Council has an executive secretary and a secretary.

The office of the Deputy Chief Justice has the Deputy Chief Justice, his personal assistant and a secretary. The Documentation and Research Unit has two research assistants and a documentation person.

The office of the Chief Justice has the Chief Justice, a personal secretary, an administrative assistant, and a protocol officer.

The Secretary General has written to MIFOTRA requesting additional posts and authorization to fill them. However, some opinions, even outside courts, argue that the General Secretariat has too many employees compared to needs of courts.

Absence of senior officer of the institution (to manage by delegation): The President of the Supreme Court is the highest judge of the country. The law also gives him/her the mandate of the day-to-day management of the institution and other courts and tribunals. The tasks of management may be delegated to a senior officer of the institution. For the moment, there is nobody who is provided for to assume this role on his/her behalf. The institution is organised in such manner that there are several subordinates under the authority for the President with different duties, but some are not catered for in the areas of management of the institution. The question posed is whether the function of Principal Court Registrar, like in many countries, can play this role by combining technical and administrative management at the same time.

Involvement of the General Inspectorate in daily management: The service of the General Inspectorate is composed of 4 inspectors of which a General Inspector and 3 inspectors. The law provides that this service is attached to the Cabinet of the President of the Supreme Court. May this service depend on the High council of the Judiciary to enjoy its independence and so that its activities may cover all the legal system and not only First Instance and Lower Courts. Could this function be called the Office of the Secretary-general or the Principal Court Registrar.

According to the organic law, this service has as major duties⁸:

- The disciplinary control of the legal personnel. The legal personnel also include those of the Supreme Court as a court and not as an administrative head office and those of other ordinary courts and tribunals. In practice, the Supreme Court as a court is excluded from this inspection;
- The control of functioning (planning of judgements, dysfunction of the courts...);
- Quality control (appropriate application of the law, interpretation, reference of laws and their consequences, updating of laws etc...). This can lead to the revision of the laws and training of legal personnel.

Differentiation of statute: The structure of the Supreme Court includes as a court: the President, the Vice-president, judges and registrars. The Supreme Court as an institution whose mission is to ensure the administration of ordinary courts and tribunals includes the following structures: Presidency, vice-presidency, General Inspectorate, Office of the Secretary General, the High Court of the Republic, Higher Instance Courts and Lower Courts. The personnel of the SG belong to the Public Civil Service. The jurisdictional personnel are governed by a special statute, but complain of being treated poorly compared to the personnel of the Public Civil service.

Lower Courts. They theoretically have a workforce of 5 people, including: 1 President, 1 judge, 1 Principal Registrar, 1 Registrar, 1 office messenger. The office messenger is temporary and does not exist in all the institutions. There is no Court bailiff. The work of the Court bailiff is carried out by the registrar or any other judge.

C.2. Objectives, functions and principal tasks

The General Inspectorate: The General Inspectorate of the Supreme Court prepares meetings, evaluation forms, organises training programmes of judges and registrars; organize the elaboration of drafts concerning judges. The fact that there is an office of the Secretary General which is not involved in the jurisdictional services, the General Inspectorate is the service that is partly responsible for this function. If reference is made to the 2004 organic law amended in 2005, it is stipulated in article 21 that "it is hereby created, within the Supreme Court, the service of the General Inspectorate of Courts and Tribunals which is headed by a General Inspector assisted by Inspectors.

The organizational chart and the job descriptions of this service are determined by an Order of the President of the Supreme Court, on approval of the Higher Council of the Judiciary". However, already article 38 gives part of the duties of the General Inspectorate in its control function. It is stipulated that "the Supreme Court is responsible for regular control of the functioning and administration of each ordinary jurisdiction, the discipline of judges and registrars as well as other employees, the implementation of rules, instructions and directives governing the activity of the jurisdictions as well as the conformity of rendered court decisions. This control is carried out by the Service of the General Inspectorate of Courts and Tribunals attached to the Cabinet of the President of the Supreme Court". It was not possible to find an ordinance of the President of the Supreme Court that governs the organisational chart and the job descriptions of this service.

On the other hand, in the organizational structure negotiated with MIFOTRA, by reading the job descriptions of the services of the general inspectorate, it is found that many activities are assigned to court inspectors and

⁸ Refer to Article 38 of the Organic law N° 01/2004 of the 29th of January 2004 governing the organization, administration and competence of the Supreme Court amended and completed by the Organic Law N° 10/2005 of the 28th of July 2005

that these duties are far away from those related to the control function. It is especially stipulated in that organizational structure, I quote:

- To manage the files of the Judges and Registrars ;
- To help other organs of the Supreme Court in designing and implementing personnel training plans and programmes;
- To analyze and exploit the reports of the Courts and Tribunals and to advise higher authorities of the Supreme Court;
- To assist the President of the Supreme Court in the preparation of instructions on the supervision of the legal personnel;
- To register complaints of judges and other legal personnel concerning the evaluation of their work; To prepare forms to be used in Courts and Tribunals;
- To assist the President of the Supreme Court and Presidents of Courts and Tribunals in the preparation of instructions concerning the administration of Courts and Tribunals;
- To receive petitions;
- To assist the Higher Council of the Judiciary in the preparation of recruitment exams and the promotion of the legal personnel;
- To initiate the evaluation and monitoring system of activities of jurisdictions and the legal personnel ".

In the view of the above, the General Inspectorate is in charge of administrative affairs of the operation of jurisdictional services. To ensure the efficient functioning and institutional balance, inspection should be separated from the daily management of the institution as the organic law stipulates. This law should not be contradicted by the organic framework if the hierarchy of the standards is taken into account.

The Office of the Secretary General: The Secretary General of the Supreme Court who manages approximately 700 people does not have the same workload and responsibility as the Secretary General in Ministries who manages about thirty workers. The Secretary General of the Supreme Court manages 18 Directors who are posted on the entire territory of the country. The Ministries hardly have 5 Directors. But part of duties of the Secretariat General carried by this organ in the other Ministries, are dispatched between judges and registrars at the level of the Supreme Court.

The Office of the Court Registrar: The Registrar's office which was previously under the management of the Ministry of Justice is at present under the administration of the Supreme Court. As it was already mentioned, the organization of the organic law has sections which comprise posts whose job descriptions and structures are not clearly defined. For instance, the 2004 organic law of the Supreme Court as it was amended to date, speaks about court registrars and the registrars' office is presented as a secondary entity: "It is hereby created within the Supreme Court a Service of the Registrar's Office that shall be headed by the principal Registrar of the respective Court"⁹.

The registrar's office would have deserved much more clarifications in the organic law as it is for the case for the General inspectorate. The registrar's office is of capital importance in the operation of the Court of law.

The Chief Registrar of the Supreme Court is appointed, following approval by the President of the Supreme Court. Therefore, the post of the Principal Registrar is mentioned without first defining and limiting the functions of the Registrar's office. This delimitation may vary from country to another in its role of the secretariat of a legal or administrative jurisdiction, where the records of court proceedings are kept.

In jurisdictions, the mission of the Court Registrar is to guarantee smooth organisation of court sessions, record court proceedings, declarations, and motions, and of authenticating legal deeds of a jurisdiction. He/she works in a registrar's office.

⁹ The 2004 organic law, Sub Section 2: Court Registrars, Article 17"

The registrar's office is the place where proceedings of court sessions and hearings, decisions and procedural documents are deposited. But it also means all the services and the personnel of courts that support and enable judges to render justice and to perform their judicial functions. The registrar authenticates procedural deeds, attends and records court proceedings. He/she is also integral part of the formation of judgments and the court cannot sit without the presence of the registrar, who is responsible for recording the proceedings of court sessions. The signature of the registrar on a judgement or a court order is essential to make it enforceable.

The Chief Registrar: The article 33 of the organic law states the attributions assigned to the chief registrar. Article 33 says, "Under the direction and supervision of the President of the Supreme Court, the Chief Registrar is responsible for the organisation and functioning of the Registry and the discipline of all court registrars. In this regard, he or she assigns duties to the other registrars of the Court and supervises their performance in delivering copies of judgements and other orders of the Supreme Court. He or she has powers to take disciplinary measures against all the registrars of the Supreme Court in accordance with disciplinary procedures established by the law governing their status. He or she is also responsible for the custody of files of the court, filing of documents and organising documents relating to hearings in the court. Like other registrars, he or she has a duty to attend court hearings to take records of the proceedings. In the execution of his or her duties, the Chief Registrar is assisted by such number of other registrars as is necessary for the smooth functioning of the Court.

Registry. The organic law n° 01/2004 establishing organization, functioning and jurisdiction of the Supreme Court does not mention registry of other courts whereas the latter do not enjoy legal autonomous existence that the Constitution confers on the Supreme Court.

Moreover, at the level of the court and the tribunal, the Chief Registrar should have quite distinct attributions. In the organic law it is said that, "Like other registrars, he or she (the Chief Registrar) has the duty to attend court hearings to take records of the proceedings of the Supreme Court."

Since the Chief Registrar is responsible for management, supervision, in his or her duties of managing the registry, he or she should not carry out Registrar functions. His/her management work should be extended to joint participation with the President of the court and the Prosecutor in the elaboration of functioning of the court (table of rotation of hearings, registry permanence).

The part of management tasks normally assigned to the registry are partly performed by a department of the General Secretariat and in part by the General Inspectorate Department. The registry prepares the budget in consultation with the President of the Court and ensures its implementation as regards to the functioning of the courts and registries. As for the management of the judiciary buildings, material and financial resources; the Secretary General provides support service.

However, the management of the court personnel has not been decentralized; the registry ensures only registry personnel management. The president of the court manages his/her personnel and the General Secretariat ensures management of the staff under its supervision.

1 Contrary to the Chief Registrar, who, according to the law, also partly performs management tasks the organic law does not have any provision on the role of registrars. However, article 18 states that, "In the execution of his or her duties, the Chief Registrar is assisted by such number of other registrars as is necessary for the smooth functioning of the Court. Registrars of the Supreme Court are governed by the law governing the status of judges and other personnel of the courts. They are appointed by the President of the Supreme Court after competition for the posts."

Traditional Registrar: The court registrar is a technician in charge of procedure. He/she prepares court files and judgements. He/she is also responsible for intermediate coordination, reception and information of

citizens. He/she is the guarantor of smooth organisation of court sessions and procedure and his/her presence is essential as he/she co-signs all the court session reports and decisions, in all independence.

Registrar before and after the reforms: Before the reforms and until now, the registrar is in charge of jurisdictional affairs but also out-sources for at present detached financial services. Before the reforms, as the institutions were often in short of funds, the registrar did all that were in his/her capacity to obtain enough funds to cover certain tasks of courts and tribunals. This role is now assigned to the Office of the Secretary General which does not have the same sensitivity as court registries, given priorities to be set.

The function of Court bailiff: The 2004 Organic Law does not define the function of the Court bailiff. In certain articles, it is evoked that the opinion or the significance is within the competence of the "Court bailiff or the registrar ". Within the organizational structure nowhere the name of Court bailiff is mentioned. The law does not refer either to the summoning or the notification. The law N°6 bis/2004 of the 14 April 2004 governing statute of judges and legal personnel is silent on the role and post the Court bailiff as an officer of the legal profession.

The Court bailiff is an officer, who holds the prerogative to notify and implement the decisions rendered by courts. He/she is in particular often responsible for notifying the acts and authenticating people to whom notifications and summons are served, He/she is also responsible for amicable or legal recovery of all debts, delivering court summons (summons and citations), etc. He/she carries out activities that are within his/her prerogatives, such as the significance, the recall of clauses and security during court sessions, forceful implementation, and activities outside the monopoly such as out of court debt recovery, statements. The Court bailiff was everywhere a public servant. His/her salary was determined and depended neither on the quality nor of the quantity of work done. At present, the Supreme Court provides training of professional Court bailiffs.

The current status of court Bailiffs resulting from a legislative provision governing the conditions of their professional responsibility, specifies their status and authorises their grouping or their association. And private professional Court bailiffs have already done it.

Technical management structures are not clearly defined. Article 34 of the organic Law states that the Secretary General of the Supreme Court is responsible for co-ordination of all administrative and technical activities of the organs of the court. He or she is in charge of implementation of the policies of the Court and its strategies and plans relating to administrative and technical matters. Article 107 of the organic law states that the Secretary General and the Inspector General are part of the Supreme Court support organs. Indeed article 37 stipulates, "The Supreme Court is responsible for the administration of all ordinary courts in the country. In this regard, the Supreme Court has the following responsibilities." A small number of the above mentioned activities concern the Secretary General. Administrative activities provided for by this legal provision whose responsible structure is not directly specified are the following:

- 1° To ensure the proper functioning of the courts and to issue directives pertaining to this end;
- 2° to organise competitive recruitment of court registrars and other personnel of the Supreme Court;
- 3° To organise ceremonies for the taking of the oath of office of judges, registrars and other employees of the Supreme Court with the exception of those who are sworn in before the President of the Republic;
- 4° To prepare dossiers to be considered by the Superior Council of the Judiciary for examination;
- 5° To determine the form of documents used in courts.

The organizational structure ignores the spirit of law and tries to assign those tasks between the General inspectorate and the registrar whereas article 38 of the organic law assigns the inspection tasks to the General inspectorate. The Supreme Court is a decentralized entity covering the whole national territory and that article does not define clearly the mandate of the Secretary General. With 78 courts, to which one can add 4

commercial courts still under the creation process, the mandate of the Secretary General must be clearly defined.

Information and Communication (ICT): The contribution of the ICT in the Supreme Court is to promote and ensure the implementation of national policies on the area of ICT. A system of use of the MODEM was established, and it helps in the communication of all courts in the country using electronic mail. However, 20 Lower courts are not yet connected to Internet access due to topography and Internet coverage.

The vision of the Supreme Court is to have all courts and tribunals connected to the network. At the level of the Headquarters, the network already exists but it is not fully utilised by technical units of the Supreme Court. Three Chambers of the High Court of the Republic are to be equipped with a network system. There remains only the Rwamagana Chamber which does not have infrastructure necessary for the installation of an ICT network.

The 2008 action plan of Unit in charge of ICT envisages connecting 5 First Instance Courts, which must be equipped with LAN (Local Area Network). For the year 2009, it is planned to provide WAN as well as the installation of computer equipment to all First Instance Courts. In addition, during the year 2010, it is expected that the installation computer equipment in all Lower Courts will be finished. If assessing network coverage can be achieved, some specific equipment must be installed to overcome hilly topography.

C.3 Duplications or overlaps

The Issue of the National Police: It is the National Police that records offences and crimes and forwards the file to the public prosecution. The National Police carries out initial investigations. The National Police has the right to 72 hours of detention. When the file is poorly prepared by the Police, it often happens that the Public Prosecution does not manage to plead the case before jurisdictions and it sometimes becomes necessary to return the file.

The Question of the High Court of the Republic: The High court of the Republic based in Kigali has its competence limited to Kigali City. But, at the same time this jurisdiction manages Chambers (Also called High Courts) spread according to other geographical subdivisions¹⁰.

The starting idea would be to create only one High Court of the Republic. Judges should travel to try cases from Kigali. During the structures design exercise, this idea of a High Court based in Kigali only was abandoned. Chambers with territorial delimitations were created, while wishing to keep a central Headquarters (High Court of the Republic). Therefore the Kigali High Court of Republic, in addition to its own jurisdictional conscription, which is limited to Kigali, supervises other jurisdictions whose mandate should be clearly defined. The Kigali High Court of the Republic has difficulties in monitoring Chambers located outside its jurisdiction without mechanisms adopted for the purpose. This same High Court has its own jurisdiction to manage.

Specialisation of Judges: On the level of High Instance Courts, legal provisions envisage the specialisation of judges¹¹: Administrative courts, commercial courts, courts for Minors. In practice that could not be carried out. Judges are not specialised, they trial all types of cases on request, any case.

Double role of the General Inspectorate: The Supreme Court has an organizational structure (Dating back to January 2006) which clearly defines job descriptions but which are sometimes overloaded. For instance, the service of General Inspectorate which is the only technical organ at the national level plays both the role of control, implementation of the conclusions of the inspection that itself has proposed, in addition to the

¹⁰ Article 143 of the Constitution authorizes ordinary jurisdictions, with the exception of the Supreme Court, “to be endowed with Specialized or Detached Chambers, by the Ordinance of the President of the supreme Court, on approval of the High Council of the Judiciary”. The detachment has been possible but not the specialization

¹¹ Article 10 of the Law No 14/2006 stipulates that it is hereby created within the High Instance Courts of NYARUGENGE, HUYE and MUSANZE Specialized Chambers to try commercial, financial and fiscal cases.

elaboration of various working tools. As a result, this service is involved both in control and daily management activities.

C.4 Principal business processes and systems

Certain discussions were on the budget of courts and tribunals and their separation from the budget of the High Court of the Republic. It is clear that it is the High Court of the Republic that plays an active role in the distribution of the budget between various jurisdictions. The budget is so reduced that it does not meet the needs expressed and considered necessary. It is necessary to examine whether the decentralization of the budgetary process may lead economies.

Lower Courts identify their needs and forward them to the First Instance Court. The latter directly forwards the needs to the Secretary General for the Supreme Court. The SG corresponds directly with the First Instance Courts for any collaboration with regard to the budget and no copy of these correspondences is reserved to the Chamber of the High Court of the Republic of this Jurisdiction¹².

MIFOTRA often takes a lot of time to approve structures suggested by the institution. After the approval by the Ministry, it again takes time for the cabinet to make the last decision. The Supreme Court generally does not have any proof that MIFOTRA has forwarded their proposal to the cabinet. The institution is not generally aware of the final version of the structure that has been forwarded by MIFOTRA for the approval of the Cabinet.

Article 10 of the organic law N°14/2006 of 22 of March 2006 specifies that each higher Instance Court is composed of the President, the Vice-President and at least other five (5) judges, registrars, and other support personnel necessary for the smooth running of the Court. The Kabuga Higher Instance Court meets this condition. It has 1 President, 1 Vice President, 5 judges, 1 chief registrar, 5 registrars, and 3 personnel of the support organ, making a total of 16 people. Regarding tender procedures in the lower courts, this business is done by the Higher Instance Court. The chief registrar may participate in the committee.

Planning process: The Supreme Court has several tools of planning namely templates (planning, data collection and reporting) that enable them to conceive action plans (for instance the one for the period of 2004-2007) and annual action plans as well as activity reports. Concerning the planning process they follow the road map taking into account national policies and programmes. Each unit must provide data corresponding to the type of planning (MTEF, EDPRS, and Budget) and carry out quarterly evaluation and develop related reports. Reports are submitted to the Office of the Prime Minister but there is no feedback.

In the draft of September 9, 2007 of the EDPRS, nowhere in the main document is mentioned the responsibility either of the Supreme Court or the Ministry of Justice. Other ministries are specifically assigned responsibilities. During every quarter the President of the High Court of the Republic convenes a meeting bringing together all the presidents of chambers of the High Court. The discussions hinge around several issues, but the meetings are not oriented to the assessment of the level of achievement of the set objectives.

C.1 Links with related outsourced and decentralised bodies

The Ombudsman does not relate to courts and tribunals but rather plays the role of mediation between the individual and any institution concerned to regulate litigations out of court or amicably. However, it happens that the litigation requires the intervention of the Court. In this case, the Ombudsman forwards the file to the court and the tribunal with the request to be informed of the process of the handling of the file as well as the final settlement of the litigation. The first years after its creation, the services of the ombudsman used to

¹² The Organic law N° 14/2006, in its article 23 stipulates that “the President of the Supreme Court of the Republic is in charge of the administrative organization of the High Court and the smooth running of Lower jurisdictions”.

receive many complaints. To alleviate this situation, the services of the ombudsman organized public awareness campaigns on justice and civil rights. At the same time, the office of the Ombudsman began public press and audio-visual debates on justice. These two initiatives renewed confidence that citizens have to courts and tribunals. Therefore, citizens bring their cases to courts and tribunals and seek less the services of the ombudsman which cannot in any case replace the former. According to recent developments, the services of the ombudsman became not the first but the last appeal in the area rendering justice.

C.4 Potential for further decentralisation or outsourcing

The bureaucracy in financial and administrative management of the Supreme Court could be solved only by decentralizing its administrative and financial services. Each court should be responsible for its budget and should not depend on the higher jurisdictions in its operation and procurement. Administrative and budgetary decentralization is not effective and easy, taking into account the organization and function of courts and tribunals, where the Supreme Court is the co-coordinating organ of all activities. Even after the 2004 reforms, the Judiciary remains highly centralized. The Supreme Court is planning a restructuring for next year that will include establishing several separate Commercial Courts.

The State could be represented in criminal cases by the private sector and therefore part of duties in the area of litigations of the State could leave the ministry for justice. The defence of the State could be ensured by private lawyers.

Annexe D. PERFORMANCE AND CAPACITY

D.1 Evidence about performance

Change in the number of personnel. The Supreme Court has undergone several reforms. Whenever the administrative framework changed, obligatorily structures of the Supreme Court changed too. That also affects the budget as well as the workforce. The Constitution amended in 2005, following the decentralisation reforms, reduced the number of Districts from 106 to 30. The legal system changed from 106 to 60 Lower Courts. 12 Higher Instance Courts were created to replace Provincial Courts provided for in the 2003 Constitution before its amendment in 2005. One (1) High Court of the Republic with its 4 Chambers as well as the Supreme Court was created. Out of 124 courts and tribunals, there are now 84, following the 2005 amendment of the Constitution.

Following the 2004 reforms, the Supreme Court is already in its third reform. At the beginning there was a workforce of 2000 employees; in 2004 MIFOTRA decreased the staff down to 911. The local administrative reforms further reduced the number to reach a workforce of 578. A large number of the staff was retrenched and others were recruited.

EDPRS Monitoring/Indicators/evidences. The judiciary remains the corner stone of the EDPRS. The EPRS plan of the Ministry of Justice takes up that of the magistracy. The mission will identify means at the disposal of the judiciary to implement the EDPRS. The EDPRS is a budgeted plan made by different sectors.

Tableau 4. *Links between current and future planning tools*

Vision 2020	Major orientations set by the EDPRS for an institution	Objectives of the action plan for 2008
1. Ensure progression towards a Rule of Law	1. Ensure universal access to justice 2. Ensure that law and order are maintained and enhanced	1. Make justice accessible to litigants Rendre la justice accessible aux justiciables
2. Use Gacaca as reconciliation justice.	<i>Nothing to mention</i>	<i>Nothing to mention</i>

3. Ensure separation of 3 powers.	<i>Nothing to mention because it is already ensured by the constitution of 2003</i>	2. Ensure independence of the judiciary
<i>Nothing to mention</i>	<i>Nothing to mention</i>	3. Optimize collaboration with partners
<i>Nothing to mention</i>	<i>Nothing to mention</i>	4. Make justice administration good, efficient and effective

This table where all columns and lines are not filled in has the aim to show the interest of ensuring links among different documents of planning and have at least the same major strategic orientations. Differences should occur only at the level of planned activities.

It is MINECOFIN that is responsible for monitoring and evaluation at the level of all ministries. However, all the ministries have performance indicators. Regarding justice, there is a number of trials, the time for making a ruling, minimal or maximal distance for the litigant, quality of infrastructures.

Records Management: Records management is of great importance even if the working system is not yet perfect. The current organization does not enable adequate provision of services related to documentation and records management. The files must be filed according to recognized standards between files (in progress, processed and closed). The compilation of data at the time of the elaboration of the annual report takes a lot of time.

Depersonalization of the Profession of Judges: Before the reforms the judicial functions at the level of the Supreme Court as a jurisdiction were provided by specialized Chambers. Today at the level of jurisdictions, there is no specialization. Even those which were created could not function. At present, everyone is a judge and everyone can treat any type of file. Before the specialization of courts and tribunals, there were judges who were overworked and others who were under-utilised.

Reduction of conflicts: Before the reforms, there were a President and 6 vice-presidents who were at the same time Presidents of their respective courts. This structure was at the origin of conflicts between the President and Vice-Presidents who were at the same time Presidents of courts. These Presidents worked as if they were independent of the presidency of the Supreme Court.

Importance of the existence of the General Inspectorate: Before the reforms, the General Inspectorate did not exist. Judges worked without effective control. Judges observe that the General Inspectorate follows them closely whereas before they worked in all independence. There is more work now with the reduction of the personnel. In addition, the fact of accounting to someone as well as the presence of the General Inspectorate regularly makes the working pressure even more intense.

Few judges in towns: The lower courts in urban centres do not manage to achieve their mission with 4 judges. For example in the KACYIRU lower Court, there are 4 judges and 4 registrars. It is the President of the High court of the Republic who is responsible for appointing mobile officers to fill the gap of certain jurisdictions. He/she instructs judges and registrars to temporarily change working stations. This mobility is facilitated by the elimination of independence of former Courts of Appeal which limited reciprocal mutual assistance. At present, the legal personnel are organized according to real needs and changes of each jurisdiction without however resorting to new recruitments when the institution is confronted with budgetary limitations.

The judges have performance contracts ("imihigo"). For example, the objective of the judge of RUSORORO Lower Court is render 15 judgements (tried: cases judged) per month. Performance contracts (Imihigo) has enabled the considerable reduction of several hundreds of untried cases to 116 cases to be presently tried. It is the judge who records the judgement himself/herself. This may appear normal for the

Lower Courts but in Higher Courts it would be more judicious to have secretaries, taking into account the fact that the number of pages to type is often too large (tens of pages).

The Importance of a Single Judge: The provision of single judge is stipulated in the Constitution in its article 141. Before the reforms, 3 judges sat at the same time. Everyone was accountable and finally nobody was answerable. The system introduced by the reforms which provide for one single judge session increases his/her level of accountability.

Satisfaction of Beneficiaries (Single Judge): Before the constitutional and legislative reforms, judges of First Instance Courts sat in groups of three. They are now requested to sit individually, which requires them to have more self-confidence and aptitude to exercise influence and inspire the respect and above all they are required to be accountable for their decisions. Human rights associations are interested in the way cases tried and judgements rendered. They appreciate the expeditiousness introduced by the system of a single judge.

Non Satisfaction of Beneficiaries: The private organs in parallel to courts are satisfied by the programming of cases at the level of Lower Courts. Associations interested in the administration of justice have observed that cases are delayed, especially at the level of Appellate jurisdictions (First Instance Court and the High Court). The possible cause for these delays with regard to the High Court would be the level of reception which is rudimentary. These organs advance the hypothesis of the system of the High Court of the Republic that accumulates many files to justify its heavy agenda or workload.

Evaluation of the personnel: There is not any document regarding the evaluation of the personnel. The 2002 law provided that at once the reforms are carried out, it would be necessary to promulgate a decree governing the implementation of these reforms. This decree has never been enacted. The mission was able to find a leave request form which is the only document at their disposal as far as personnel management is concerned.

Strategic Plan: If the 2005-2007 Strategic Plan is considered, implementation evaluation indicators are provided for which would need to be updated if planned activities in the framework of this plan were carried out and the expected results were obtained. Even in the strategic plan annual evaluation activities were provided for whose first step was to carry out external consultancy and final evaluation at the end of the programme by an external independent service.

None of these evaluation exercises were carried out in the moment when the Supreme Court was engaged in the process of drafting of the "2008-2012" strategic plan. Monitoring and evaluation mechanisms specified in the document were not either established, in particular the Budgetary Monitoring Committee, development of technical monitoring tools, the steering committee also involving beneficiaries who should regularly discuss the implementation of the strategic plan.

Professional Court bailiffs (Effectiveness): Private Professional Court bailiffs contributed much to the effectiveness of this function. With the difference of the period which proceeded with the outsourcing of this function, the public officer does not move with the deed. He/she uses public transport and his/her correspondents in the place where the recipient of the judicial document resides. That saves precious time for the public officer, leads to sharing and rationalization of the transmission function.

In addition, issues related to their cost were not sufficiently studied. If the Supreme Court can now meet the cost of private professional Court bailiffs, it is not shown that the First Instance Courts and Lower Courts will be able to cope up as well. But it is already known that the costs caused by registrars of Lower Courts and Higher Instance Jurisdictions for notifications and summons are exorbitant and form part of the heavy expenses incurred by courts and tribunals. These costs are related to summons and to hiring of vehicles and travel allowances. The outsourcing of these services is quite in line with the policy framework of the development of the private sector.

Proximity: The second reforms which were related to the geographical distribution of the country isolated the population vis-à-vis legal institutions. The jurisdiction has become larger than before and distances covered by the population became even longer. Courts and tribunals in the country decreased from 106 to 60. Reflections are under way to move certain cases from the District to sectors, in particular minor cases. Indeed, with the reforms, the cost of case trials is incurred by the State. Before the reforms, the cost was supported by the population. The use of courts and tribunals would be necessary in the case of there is need for professional legal services. In the contrary case, the "Abunzi" will be able to settle disputes more effectively.

Administrative bureaucracy: Partners estimate that the volume of work is very high at the level of the Supreme Court. For example, the European Union feels that it is the role of the Government to elaborate a draft proposal. If it is necessary, the EU would hire a consultant to elaborate the draft document. Sometimes the EU requires several details on the draft before submitting it to Brussels.

The Supreme Court at present finds it very difficult to respond within the deadlines when confronted with these demands for precise details. Many preparatory meetings are often deferred with difficulties in programming the same meeting on short notice. That increases the time lag between the funding request and the effective start of the project of "clearing postponed legal files".

The first request dates back to November 2006, but the project started during the second quarter of 2008. The major customer of the court system is the entire country since everyone needs to have a properly functioning justice system for civil and criminal law. \with these statistics where pending cases are already so numerous in 2008, it may be concluded that part of the population may not be satisfied.

Tableau 5. Situation of files in justice in 2007

	Supreme Court	High Court of the Republic	High instance Tribunal	Lower instance Court	Total
CASES STARTED AT THE BEGINNING OF 2007	491	11,864	25,410	12,987	50,752
NEW CASES REGISTERED	758	4,212	14,734	23,035	42,739
DELETED CASES	253	1,067	3,141	2,499	6,960
TRIED CASES	339	2,243	15,588	27,238	45,408
CASES POSTPONED FOR 2008	422	12,154	28,346	13,791	54,713

Complexity of the reforms: The consequences of various reforms that were carried out in the legal system included the deceleration of activities due to the never-ending beginning, with each change. These changes are expensive in terms of delayed trials.

Hierarchy: Poor functioning of administrative professionals means that partners are often obliged to invite themselves at the highest level to resolve a routine question. At this time professionals and directors concentrate more on the execution of their task under pressure and hierarchical order. It may also be possible that it has become a common practice to give the importance that to tasks which are accompanied by orders from higher authority. Under these conditions, it becomes increasingly difficult to work according to a planned agenda or programmes defined in advance.

Institutional memory and performance: Among former officers employed by the Supreme Court before 2004 as an institution of the Central Administration and as the Headquarters, only about 2 out of 73 administrative staff at present remaining and posted at the level of the Headquarters of Supreme Court.

And both were recruited in 2003. There is no institutional memory. In December 2007, at the time of the investigation, the Director of the Internal Resources had been occupying his post for only three months, following his recruitment since this post was previously occupied by the current Director in charge of Planning. The lack of data base on the recent former situation such as the situation at the level of the Unit in charge of Finance and Resources also proves poor performance of the institution. It is difficult to find records that give the situation of before the reforms. Nor is there any filing of system that would enable the tracing of this or that document.

The professional in charge of Human Resources was previously an employee of the Ministry of Justice. By consulting the files, he was able to find certain documents that would provide the situation before the reforms. By perusing through these documents, it is found that the first reforms were carried out in August 2004 and the second which corresponds with the suppression of posts of drivers, in September 2005. From these documents, it is possible to obtain certain information but with doubtful accuracy on the details on the recent past.

Time Management: As mentioned above, the private sector professional Court bailiffs were created to reduce the costs and the delays. At present, professional Court bailiff signs a contract with the client (court or tribunals) which stipulates that he/she receives 70% of the expenses of execution of the court decision. For instance, it is expected that the Court bailiff serves the summons to the defendant at least 8 days before the day of trial. If the defendant receives the summons before 8 days, normally the trial is postponed.

The files which authorise the payment of 70% leave the services of the registrar’s office and are transmitted to the services of the Office of the Secretary General. If approval and the releasing were done in the registrar’s office, that would undoubtedly reduce the delays. In this case, it would be necessary to reinforce supervising authorities while building the capacity of internal control services of the registrar’s office in the area of financial management.

The payment of the advance of the Court bailiff requires approximately 10 signatures: Court bailiff (act), Principal Court bailiff (act), Secretary General (act), DAF(act), Accountant (act) and payment voucher) after carrying out calculations to estimate the cost of the operation and to determine the 70% advance), DAF (payment voucher), Accountant (cheque), DAF (cheque), SG(Cheque), Administrative Assistant to the Director of Finance (reception), Accountant (Reception and records the cheque), Court bailiff (Reception from the accountant, Cheque or bank transfer).

In all this process the registrar’s office must intervene at the level of the Secretary General to accelerate the procedure. This procedure may take several days and leads to the postponement of court trials. At certain times, it happens that the Court bailiff begins his/her work without waiting for the advance stipulated in the contract. In case of emergency, this procedure may take 2 days. Under normal conditions, it is difficult to determine the average deadlines without a specific study on this subject.

Tableau 6. Management of the agenda

Director/SG/Min	Type of the agenda (Hard copy / electronic)	Sharing with an assistant	Synchronization with the collaborator Agenda shared on the network
SG SUPREME COURT	-Outlook (for internal messages in the institution) -Hard copy agenda	-Hard copy agenda kept by the SG and his/her administrative assistant	- No synchronization -Agenda Outlook for the SG only. Not shared on the network

Tableau 1. Average number of meetings per week during the course of the year 2007

Concerned Responsible	Number of meetings held inside the institution/ week	Number of meetings held outside the institution/week
Secretary General	-1 times/months (management meeting) (regular) -4 times/week with other different units personnel (usual) -4 times/week with donors or any other interlocutor from outside (usual) -In average 2 invitations/ week to internal meetings	-From 3 to 4 invitations/ week for external meetings

Level of personnel performance. The Supreme Court does not have mechanisms to evaluate the level of its personnel performance

Tableau 7. *Comparison of monthly net salaries between 2003 and 2008*

	Jan-08		août-03
Structures	Net Salary	Structures	Net Salary
Office of the President of the High Court of the Republic		PRESIDENCY under contract	
Maximum	877 259	Maximum	646 144
Average	542 019	Average	847 774
Minimum	170 778	Minimum	15 947
Office of the President of the High Court		GACACAS	
Maximum	384 888	Maximum	579 726
Average	242 252	Average	124 534
Minimum	170 778	Minimum	15 947
Office of the President of the Tribunal		C. CASSATION- U/C	
Maximum	384 888	Maximum	602 634
Average	269 021	Average	189 835
Minimum	92 316	Minimum	23 869
Office of the Vice-President of the Supreme Court		D.C.T.-Statutory employees	
Maximum	283 200	Maximum	582 299
Average	242 823	Average	180 676
Minimum	170 778	Minimum	12 934
Office of the Vice-President of the High Court		COUNCIL OF THE STATE-Statutory employees	
Maximum	687 915	Maximum	613 529
Average	173 329	Average	295 046
Minimum	92 316	Minimum	20 856
Office for Judges		CONSTITUTIONAL COURT.-Statutory employees	
Maximum	877 259	Maximum	590 431
Average	612 396	Average	169 072
Minimum	502 932	Minimum	12 934
Human Resources and logistics General Directorate		NATIONAL AUDIT OFFICE-U/C	

single	115 150	Maximum	578 306
Registrar of the Supreme Court		Average	121 724
Maximum	600 319	Minimum	23 869
Average	313 019		
Minimum	144 818		
Registrar of the High Court			
Maximum	283 200	Net monthly salaries	18.548. 951
Average	276 697	Number of personnel	131
Minimum	115 150	General average	141.595
Grefe du Tribunal			
Maximum	170 778		-
Average	121 440		-
Minimum	92 316		-
General Inspectorate of Courts and Tribunals			-
Maximum	687 915		-
Average	457 938		-
Minimum	92 316		-
Judge of the Tribunal			-
Maximum	283 200		-
Average	273 647		-
Minimum	283 200		-
Exec Sec of the Superior Council of the Judiciary			-
Single	283 200		--
General Secretariat of the Supreme Court			-
Maximum	601 851		-
Average	279 662		-
Minimum	92 316		--
Finance and Internal Resources Management Unit			-
Maximum	283 200		-
Average	242 823		-
Minimum	171 193		--
Studies, Documentation and legal research unit			-
single	283 200		-
Planning Unit			-
Maximum	283 200		-
Average	155 944		--
Minimum	92 316		-
ICT Unit			-
Maximum	283 200		-
Average	226 989		-
Minimum	170 778		-
Net monthly salaries	131 009 999		--
Number of personnel	559		--
General Average	234364		-
Note: Salaries of the President and the V/P do not appear on this salary scale			-

Evidence of performance. The General Inspectorate department that is a technical organ of the Supreme Court does not have standard tools and inspection indicators or procedures manuals to avoid providing intervention based on their own understanding. Within these conditions it is difficult to prove performance.

Planning. Different organs of the Supreme Court develop annual action plans that are thereafter consolidated with those of other organs.

Monitoring and evaluation of performance for units of the Supreme Court. There is not yet an evaluation system of activities and performances since the department often performs urgent activities.

Tableau 8. Seeking link between planning and its implementation (Year 2007) for the Supreme Court

Objectives set by the institution PRSP	Objectives set by the institution Strategic Plan	Objectives defined in the Action Plan (2007)	Quarterly reports (1,2,3) and annual 2007
1. Rural development and agricultural transformation 2. Human resources development 3. Economic infrastructure 4. Private sector development	<i>Not concerned</i>	<i>Not concerned</i>	<i>Not concerned</i>
5. Governance			
<i>Commercial justice reform</i> Commercial Court is being set up	<i>Nothing was mentioned in the objectives and strategic plan activities</i>	<i>Nothing was mentioned in the objectives but rather in sub-activities : creation of commercial tribunals</i>	<i>It is said that letters for the creation of the commercial tribunals were drafted without mentioning planned activities</i>
<i>Nothing to mention</i>	Make justice accessible to the population	Make justice accessible to the population	<i>It has neither strategic orientations nor objectives. It is difficult to evaluate the strategic plan and the action plan. Reports are partly organized per structure</i>
<i>Nothing to mention</i>	Make justice administration good, effective and efficient	Make justice administration good, effective and efficient	
<i>Nothing to mention</i>	Ensure independence of the judiciary	Ensure independence of the judiciary	
<i>Nothing to mention</i>	Optimize collaboration with partners	Optimize collaboration with partners	

Contrary to other institutions, the action plan follows the same orientations as the strategic plan. In addition, the annual report does not follow same logic to be able to be determined in objectives that have been achieved, according to performance indicators.

The PRSP does not almost mention the Supreme Court. The creation of commercial courts is the only initiative mentioned as far as the Third State Power is concerned. This court is not a strategic orientation but an activity. As long as the plan will not be divided into real sectors, there will always be lapses of institutional memory. Criminal affairs are only mentioned in the PRSP when it comes to the competence of the national Police and Gacaca courts.

D.2 Evidence of changes since 2004

Financial Management: As it was shown in the section concerning the payment of private services, many signatures are necessary. The law on the public finance management provides for many responsibilities to be filled. The Secretary General should not sign all documents; some of his/her responsibility should be delegated to the Director to increase his/her performance that would accompany by relaxation of budgetary control.

Hierarchy: Before the reforms, the registrars and the judges were part of the Ministry of Justice. Initially judges integrated in the Supreme Court but registrars remained. That created a number of problems related to the fact that people must give instructions to others who are not under the same institution. This question was solved when court registries were transferred from the Ministry of Justice to the Supreme Court.

Before the reforms there were several hierarchical levels: Minister, Secretary General, Directorate, Department, Section, Sub section, officers. Whereas the old system had several levels, a file could be processed by several people at the same time without however knowing the real contribution of each one. The reforms kept only two hierarchical levels: The professional and the Unit Director. In this situation, it is easy to know the contribution of the personnel.

Depending on a single hierarchy, the professional gives an output that is by far higher than during the period of before the reforms. However, the other side of the coin, it is that professionals feel overexploited. The mission found out that official working hours are exceeded by far.

The disadvantage of the reforms: it is that the personnel do not have any more the feeling to work in a stable and firm institution. For instance, the personnel have the feeling that:

- The classification and the categorization of institutions and employment constantly change without notice and are personalized, depending on the head of the institution; follow criteria whose objectivity is not often very clear or recognisable. The institutions are pushed in the tendency to justify their merit to be classified in the highest category compared to others. Frustrations related to the non consideration of complaints, which leads not only to reduction of productivity but also to instability of the individual and the job in question;
- The same phenomenon is in the classification of employment within the same institution. There is a tendency to underestimate a given category of posts and to over-estimate other categories, on the basis of criteria that cannot be easily and objectively justified. The hypothesis often put forward is that the post of the Human Resources Manager should rank lower than that of the ICT Director, an accountant and an Auditor. That is done in a context where the personnel of institutions feel that computer specialists work under less stressing conditions than other members of the Personnel. Not that they lack what to do but due to the fact that institutions cannot exploit their competence. These 3 posts were allocated a difference of higher allowances, compared to others since 2007.

Delay and inefficacy/Performance of the institution: It was noted that the judiciary is young, with limited experience. The Supreme Court has training programmes; but is also planning to bring in expatriate judges from Mauritius and perhaps South Africa to help with the still backlog of cases, especially commercial cases.

D.3 Capabilities of Ministry staff

Tableau 9. Jobs in structures

Structure	Permanent jobs	Current temporary jobs

	Currently planned							PASSED			
	Political	Senior	Dir	Profs/	Technician	Junior.	Total	Discussion diff. 13 Jun 07	Provided 2006		
Office of the President of the SC	1		1	1		3	6			6	
Office of the Vice -President of the SC	1		1			1	3			3	
The SCM			1			1	2			2	
Office of Judges		12				3	15			23	
Registrar of the Supreme Court		1	7				8				3
Studies, Documentation & legal research department				2			2			2	
General Inspectorate of Courts & Tribunals		1	3			1	5			7	1
Internal Audit				1			1				
General Secretariat		1			1	2	4			5	
Planning Unit		1		2		1	4			4	
ICT Unit		1		2	2		5			5	1
Internal Resources Unit		1		5			6			5	4
High Court of the Republic	6	20	16	40			82			12	
High Instance Tribunal		24	74	21	76		195				
Lower court				120	120		240				
Others											1
Total	8	62	103	194	199	12	578			74	10

Most of the Supreme Court Directors and staff started working at the Supreme Court in late 2003. Most of them have limited knowledge of the situation before the 2004 Reform. Prior to 2004, the staff included the Secretary General and 1 administrative assistant, and there were 2 Units (divisions), 1) Finance and Planning, consisting of a planner, an accountant, a budget manager, a secretary and 2) HR and Logistics consisting of a training manager (capacity building), an HR administrator, a logistical coordinator and a secretary. At that time, all the courts were part of the Ministry of Justice which was responsible for personnel administration. Included were the cantonal courts, the courts of first instance, the appeals courts, and the Supreme Court.

At the end of the year 2007, there was a vacant post of a judge in the Supreme Court. There is also a vacant post of a Private Secretary of the Vice President of the Supreme Court. In all 11 posts were not occupied out of 569 provided for. The number of the personnel at present at the Headquarters of the Supreme Court is 73 including 2 vacant posts.

Quality of the personnel: The Supreme Court does not have any institutional memory because of the several reforms. The majority of its personnel are recently recruited. The system of assessment of the personnel was established at the same time for the secretariat general and the jurisdictional services. The performance contracts are in preparation.

Heads of Units meet problems in drafting performance contracts without clear objectives in each unit, without specific measures to know what was actually carried out for a given period. The design of these tools would be a precondition to any form of assessment of the personnel. This problem is at the level of the Secretariat general. The personnel of jurisdictional services do not seem to encounter any specific problems.

The personnel recruited at the level of the Supreme Court have a university degree, which is a good thing. Out of the 256 judges in service, only 10 judges do not have the level of a university degree in law. Out of the number of the personnel, women account for 41%. But the Supreme Court lost people who had long experience but without university education and training.

Often, efficient performance at work requires simple skills such as drafting small notes, carrying out certain administrative routine work which requires the respect of certain details, acquiring certain specific professional behaviour and attitudes. It therefore takes time to acquire these skills. In addition, the time for training will be reduced, compared to known standards, taking into account the fact that the new personnel are assiduous at work.

The remoteness of the office of the Secretary General from Technical Departments: The Supreme Court elaborated evaluation forms. Each level of a court is evaluated by the higher hierarchical level of another court, the President of the Supreme Court being the last assessor. The Personnel of the office of the Secretary General are not subjected to this hierarchy of evaluation. These Secretariat general and technical departments, as established today, would not have always constituted priorities of the institution in the same way. Some opinions claim that the DAF does not have the same sensitivity as other members of the personnel of a court. For example, its sensitivity on the interest of criminal investigations would be less than that of the registrar and would have more sensitivity to meet certain professional needs such as telephones calling cards. This opinion cannot be confirmed, but the question raised is to know where the scale would lean vis-à-vis advantages and disadvantages when only budget management functions and not all administrative and financial services fall off the line of command of technical departments.

Expeditious Judgments: Former judges feel that for the last three years there are as many judgments rendered, compared to the 15 last years. We could not crosscheck these comparisons, but the fact is that the rate of individual cases tried and without subsequent appeals considerably increased following the reforms. But it should be noted that what delayed cases before the reforms is the fact that the population should meet the costs of the trial. Now, the costs of investigation are budgeted for and paid by the State, therefore the judgments are faster.

Planning at the General Inspectorate: It is difficult for the General Inspectorate to organize its work according to an annual programme already defined in advance. Given that the Supreme Court does not have a central organ in charge of the management of jurisdictional affairs, officers of this service are often called upon for the management of jurisdictional affairs on the specific request of authorities of the institution.

Quality and Quantity of the Personnel of the inspectorate: The personnel are insufficient to carry out this control and to ensure monitoring of the implementation of opinions and recommendations on the entire national territory. Another directorate in charge of technical management in courts and tribunals is needed and therefore implement these opinions and recommendations.

Overload Agenda ICT Unit: ICT activities have been extended at the territorial and this has increased the workload of the Unit in charge of ICT, compared to the work of the same Unit in the other Ministries whose activities are limited to Kigali only. The ICT Unit of the Supreme Court comprises of the same number of posts as the same Unit in other ministries whereas this Unit must intervene in all problems in connection with ICT in all courts of the entire country. The personnel of ICT Unit for the moment are not adequate (3 officers paid by MIFOTRA and 1 worker under contract). To achieve the objectives assigned to them, there would need for new recruitments or outsourcing certain activities from decentralized contractors.

Qualification of the ICT Personnel: The Supreme Court finds that its current personnel in ICT Unit are sufficiently qualified. Even if they are young without much experience, they have a full computer science university degree from approved higher institution of learning. It finds that RITA gave the institution qualified personnel but their system of recruitment is too slow. On the other, if this question is posed to the private sector, it says that computer specialists employed by the State are those that cannot find an employment in the private sector. On the contrary, state employment would quite simply serve as a mere business address; the greater part of the income of these professionals comes from services rendered to the private sector.

Records Management/Filing: There is no institutional memory. It is difficult to find a document which gives the situation before the reforms. Nor is there any filing system that enables tracing documents.

Tableau 10. Mail recording (Jan. to Dec. 2007)

Incoming mail (Number)	
Received at the level incoming mail recording	Sent and signed by the President of the Supreme Court
7208	686

D.4 Resources available to Ministry staff

The reforms enabled the recruitment of legal officers who hold university degrees. Before the reforms judges came from different backgrounds. At present all the judges are holders of at least bachelor’s degree in law and legal affairs (LLB) or are in their final year at the University.

The other side of the coin it is that the transition between the old system and the reforms increased the case backlog. Indeed, these delays are especially due to the fact that the posts of judges of the old system were abolished. While waiting for new posts to be occupied, the country accumulated a heavy case backlog.

The legal reforms led to the closing of courts and tribunals for a period ranging from 7 to 8 months. All the same, Rwanda benefited from the unprecedented opportunity to objectively choose candidates that are most qualified to transform the legal apparatus into an independent and competent organ. The European Union began to finance the clearing of these case backlogs by temporarily hiring former judges whenever they are always available.

Documents and ICT Reference Tools: The ICT Service does not have special manuals to efficiently carry out their work. Its personnel have the management software and for the transmission of information on cases (RDG, TRIM). With regard to the administration, they read, from time to time, strategic plans and action plans.

Tableau 11. Table of office computers at the head office of the Supreme Court

Service/ Structure	Number of staff	Desktop	Laptop	Operating System (type of level)	Linked to the network? Yes or No	Hard disk shared on the network? Yes or No
President and Judges	14	14	14	XP professional	Yes	Yes
General Inspectorate of Courts and Tribunals	4	4	2	XP professional	Yes	No
Chief Registrar and other registrars	7	7	1	XP professional	Yes	Yes

Secretary General	1	0	1	XP professional	Yes	No
Planning Unit	4	3	1	XP professional and Vista	Yes	No
Human and material Resource Management Unit	8	8	1	XP professional	Yes	No
ICT Unit	4	4	1	XP professional	Yes	Yes
PACT (Project to support Courts and Tribunals)	6	6	1	XP professional	Yes	No
Legal Assistant and other personnel	12	12	1	XP professional	Yes	No
TOTAL	60	58	23			

Computers are linked to the network but laptops are not linked to the network.

Tableau 12. Table of printers at the head office

Service/Structure	Number of printers	Type DJ ou LJ	Network or local?	Shared Yes / No
President and Judges	14	Most of them are LJ and a few are of Kiyocella	Local	No
General Inspectorate of Courts and Tribunals	4	LaserJet	Local	No
Chief registrar and other registrars	7	All are Laser Jet	Local	No
Secretary General	1	Laser Jet	Local	No
Planning Unit	4	All are Laser Jet	Local	No
Human and material Resource Management Unit	8	All are Laser Jet	Local	No
ICT Unit	4	All are Laser Jet	Local	No
PACT (Project to support Courts and Tribunals)	6	LaserJet	Local	No
Legal Assistant and other personnel	12	All are Laser Jet	Local	No
TOTAL	60			

Tableau 13. The network and its use

Type of access to the network	Security of access to network y/n?	Internet filtering	Protection des documents	Protection of access to machine
Nothing to mention	Yes	No	Yes	Yes

Tableau 14. Communication tools at the head office of the institution (Number)

Institution Structures	Fixed phones	Mobile phones	Fax
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President and Judges	14	16	2
General Inspectorate of Courts and Tribunals	1	4	1
Chief registrar and other registrars	2	7	0
Secretary General	1	1	1
Planning Unit	1	4	0
Human and material Resource Management Unit	1	8	0
ICT Unit	1	4	0
PACT (Project to support Courts and Tribunals)	4	6	1
Legal Assistant and other personnel	2	12	0
TOTAL	27	62	5

Tableau 15. List of other office tools at the head office of the institution

Structure	Photocopiers	Overhead projectors	Binding machines
President and Judges	5	0	2
General Inspectorate of Courts Tribunals	1	0	1
Chief registrar and other registrars	1	0	0
Secretary General	1	0	0
Planning Unit	0	0	0
HR Resource Management Unit	1	0	0
ICT Unit	1	1	1
PACT (Project to support Courts and Tribunals)	1	1	0
Legal Assistant and other personnel	0	0	0
TOTAL	11	2	4

Resources provided by external sources

Tableau 16. Support projects to the Supreme Court

Donor	Project title	Project schedule	Project budget (RWF)
UNDP	Justice Sector Support Program	2008-2012	2,720,000,000
EU	Support to the resolution of judicial arrears of courts and tribunals	2008	765, 000,000
The Netherlands	Support project to tribunals and courts	01/08/2002	4, 317,924
		30/11/2005 30/06/2008	
	Support project to the enhancing of a Rule of Law and justice	01/01/2007 31/12/2009	3,086,642,000

Annexe E. Consulted documents	2	3	4
Titre	Place	Year	Page

Plan d'actions 2007	Kigali	2007	43 p.
Synthèse, Raporo y'ibikorwa by'igihembwe cya Gatatu 2007	Kigali	2007	24 p.
synthèse, Raporo y'ibikorwa by'igihembwe cya Kabiri 2007	Kigali	2007	25 p.
organigramme de la cour suprême	Kigali	2007	2 p.
Cours Suprême, Cadre Organique des Cours et Tribunaux	Kigali	Jan-06	96 p.
Plan stratégique de la magistrature, 2005-2007	Kigali	May 05	32 p.
Organic law N°1/2004 of the Supreme Court	Kigali	2004	18 p.
Calcul des indemnités de départ et de fin de carrières	Kigali	Sept-04	13 p.
Calendrier des congés 2004	Kigali	2004	5 p.
Occupation des postes dans le cadre organique des cours et tribunaux 2007	Kigali	Dec-07	5 p.
Organic law N°7/2004 of 25/04/2004 determining the organization, functioning and jurisdiction of courts	Kigali	Apr-04	37p.
Loi n°06/2004 portant statut des juges et des agents de l'ordre judiciaire	Kigali		
Loi n°18/2004 portant code de procédure civile, commerciale, sociale et administrative	Kigali		
Journal Officiel n°spécial du 31/12/2002 " Loi déterminant fixation des finances de l'Etat pour l'exercice 2003	Kigali	Dec-02	
Journal Officiel n°spécial du 31/12/2007 " Loi portant fixation des finances de l'Etat pour l'exercice 2008	Kigali	Dec-07	
Cour Suprême, Cadre Organique des cours et tribunaux	Kigali	May-06	98p.
Guide de détermination des salaires dans le secteur public	Kigali	June-04	19p.
Loi Organique N°02/2004 du Conseil Supérieur de la Magistrature	Kigali	March-04	
EDPRS 2008-2012, Final Draft	Kigali	Sept-07	169 p.
Constitution de la République du Rwanda	Kigali	2003	41
Journal Officiel n°spécial du 31/12/2003 " Loi portant fixation des finances de l'Etat pour l'exercice 2003	Kigali	Dec 08	202p
Journal Officiel n°spécial du 31/12/2007 " Loi portant fixation des finances de l'Etat pour l'exercice 2008	Kigali	Feb-06	126p.
Journal Officiel N° 08/2006 du 24/02/2006 Loi portant organisation et fonctionnement du District	Kigali	Feb-06	126p.
Loi portant fixation des finances de l'Etat pour l'exercice 2004 avec d'autres lois fiscales	Kigali	Dec.-03	742p
Loi portant fixation des finances de l'Etat pour l'exercice 2008	Kigali	Dec. 03	174p.
Manual of Government Policies and Procedures : Financial Management & Accounting,	Kigali	Nov- 06	4Vol
Government of Rwanda – An Integrated ICT led Socio-Economic Development Plan for Rwanda, NICI Plan 2006 – 2010	Kigali	2005	392p.
Manuel de procédures de Gestion administrative et financière	Kigali	2006	
Stratégie de Réduction de la Pauvreté du Rwanda; Rapport d'évaluation (2002- 2005)	Kigali	August 2006	63p.
Poverty Reduction Strategy Paper	Kigali	June 02	160p.
Loi Organique N° 22/2004 portant Statut Des Officiers du Ministère Public et du Personnel du Parquet	Kigali	2004	
Rwanda, Loi No. 51/2001 portant Code du Travail	Kigali	Dec 01	
Statut du Tribunal International pour le Rwanda		1994	
Vision 2020	Kigali	2002	60 p.
Loi N°59 du 16 déc 2007 portant sur les juridiction de commerce	Kigali	Dec 2007	
Loi organique N°56 du 13 déc 2007 sur les compétence Judiciaires	Kigali	Dec 2008	

Loi organique N°58 du 16 déc 2007 sur la cours suprême	Kigali	Dec 2008	
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Annexe F. List of persons contacted

Name et prénom	Institution	Identification
Timmerman A.J	Netherlands Embassy	The first Secretary of the Embassy
Billings James	ASI	Team Leader Civil Service Reform Project
Le Gay Jean Claude	ASI	ASI Consultant FR Deputy Team Leader Civil Service Reform Project
Mubarure Chantal	ASI	Project
Rwigamba Molly	FSP	Director for capacity building& Employment
Nyiribakwe Pascal	Ligue des Droits de l'homme (LDGL)	Coordinator of the Assembly of the LDGL Executive Secretariat
Kanyankore Tito	MIFOTRA	Salaries Auditor
Mukakarangwa Marcelline	MIFOTRA	Secretary General
Sebagabo Barnabe	MIFOTRA	Director of Planning
Deprez Dirk	MINIJUST	Coordinator for Belgian Cooperation Project
Gatwaza William	MINIJUST	Director for ICT Unit
Mirembe Alpha	MINIJUST	PS for "Justice Sector Commission"
Mwiseneza Jeane D'arc	Office of the Ombudsman	Director for Déclaration Unit
Hagama Jean	Lawyers' Association	Member of Lawyers, chair free chamber RPSF
Ahishakiye Védaste	Supreme Court	Human Resources Manager
Gahongayire Anne	Supreme Court	Secretary General
GAKWAYA Justin	Supreme Court	President Rwamagana Court of high Instance
Gashemeza Fred	Supreme Court	ICT Unit Director
Irabaruta Innocent	Supreme Court	ICT Unit Director
KAMAGAJU Béatrice	Supreme Court	Judge to the Gasabo Court of High Instance
Kayigire François	Supreme Court	Planning Unit Director
Mosozi Werner	Supreme Court	ICT Unit professional
Rukundakuvuga Régis	Supreme Court	Inspector at the Supreme Court
Rukundo William	Supreme Court	Director of Finance and Internal Resources
UDAHEMUKA Adolphe	Supreme Court	VP, the Gasabo Court of High Instance
UDAHEMUKA Adolphe	Supreme Court	VP, the Gasabo Court of High Instance
YANKURIJE Dorothee	Supreme Court	President of Gasabo District Lower Court
Geofrey Veronique	EU	Attaché for Economy &Governance
Rulinda Christiane	EU	Programme Manager
Kaminsky Richard	US Embassy	Political Officer
Tye Ferrel	USAID	DG Chief Officer
Kamurase Alex	World Bank	Operation Officer