

concerning the justice system. Although few in number, this radical faction represents a moral voice that speaks out with full force in political debates, sometimes influencing judicial proceedings.

With more or less good will, the government has resorted to various *ad hoc* measures in order to release some categories of detainee and yet avoid violent protests. Selection committees (*Commissions de triage*) were the first thing tried. Composed of representatives of the army, the administrative authorities and prosecutors' offices, all with different opinions about releases, these proved a failure. The itinerant groups of judicial staff members that succeeded them moved from one prosecutor's domain to another's to conduct speedy examinations of files that apparently contained no serious charges. These groups, which were disbanded a short while ago, led to the release of several thousand people, some, such as the sick and the elderly, for humanitarian reasons. Others charged with attacks on possessions rather than lives were also set free.

According to the information available, around 10,000 detainees without substantial charges against them were progressively released. The official total of releases since January 1995 stands at 34,000. In December 1998 the Ministry of Justice opened a new campaign to get the prosecutors to release another 10,000 detainees facing insubstantial charges. However, caution is called for: it has happened that some of those set free have then killed those considered potentially dangerous witnesses against them and have had to be rearrested, if they had not already disappeared.

According to the rules, a suspect can only be held in detention before trial if there are serious charges against him or her, and if release would be prejudicial to the investigation or to public order. Several factors explain the small number of releases authorised by the prosecutors or by the hearings on pre-trial custody (*chambres de conseil*), the two bodies authorised to grant them: reluctance on the part of the army, the administrative authorities and the survivors. The situation has improved today, but the justice system is still not powerful enough to exercise its prerogatives fully. In addition, the investigating authorities concentrate their efforts on preparing cases that are then submitted to the special courts for trial. However, the same magistrates preside over both pre-trial custody hearings and the special courts. This all serves to highlight the significant lack of human resources.

5. The prisons and detention centres

Capable of holding 12,000 people, the penitentiary establishments were rapidly submerged by the unbroken flood of detainees. By April 1995 the situation had become apocalyptic. The International Committee of the Red Cross (ICRC), UNICEF and UNDP (with funding from the Netherlands, Belgium, Denmark, Sweden and Finland) took on the thankless and difficult task of improving and extending existing detention centres and arranging new, "semi-permanent" holding centres. Women and children were provided with more privacy and better protection. Living conditions were raised to a minimum level of viability.