

matters. However, there is a separate Security Court, which has jurisdiction over issues of a political nature.

The service dealing with investigations and legal proceedings, known as the Public Prosecutor's Office or Public Ministry (*Parquet* or *Ministère public*), is organized within a structure paralleling that of the courts. Thus the Public Prosecutor's Office has 12 regional offices at the level of the prefectures, each composed of a prosecutor, deputies known as 'substitutes' or officers of the Public Ministry (*officiers du Ministère public*—OMPs) and judicial police inspectors (*inspecteurs de police judiciaire*—IPJs). The IPJs represent the Public Prosecutor's Office at commune level. Each appeal court has a corresponding public prosecutor. Up until the creation of the Public Prosecutor's Office attached to the Supreme Court in 1995, the whole edifice was crowned by the Prosecutor General attached to the Court of Final Appeal.

Generally speaking, the justice system prior to 1994 did not function very well. The quality of its work was seriously impaired by the lack of fully qualified magistrates. Out of some 600 magistrates, only one in fifty held a law degree. In addition, the judicial institution was heavily corrupt and dependent on the good will of the government, which used it as a political tool.²

Magistrates were restricted in a number of ways that considerably reduced their ability to operate independently. Their careers and their postings depended entirely on the government. The Prefectural Security Councils (*Conseils de sécurité préfectoraux*), set up in 1987, brought the prefectural administrative and judicial authorities under the control of the prefects (*préfets*), who were thus in a position to impose their will. Independently minded magistrates were left to stagnate in subordinate posts or were promoted to positions that held no real power. There was no independent bar association; the government decided who was qualified to act for the defence. Justice had been rendered impotent: none of the massacres that punctuated the country's political life ever resulted in legal proceedings. There was complete impunity.³

From all this, it is clear why the Arusha Accords, signed on 4 August 1993 between the government of the time and the RPF⁴, contained a number of measures intended to guarantee the independence that was so sadly lacking in the justice system.

2. Rwanda, July 1994: a scene of utter devastation

As soon as the RPF seized power in July 1994, the question of justice—and therefore of the judicial system—was urgently posed. Rwanda's new

² See *La place de la justice et le rôle du magistrat dans l'édification d'un Etat démocratique* (Kigali: Ministry of Justice, 1992) quoted in *Détentions et poursuites judiciaires au Rwanda* by J-F Dupaquier in *La justice internationale face au drame rwandais*, Ed Karthala, Paris, 1996, p. 18.

³ The 1993 Annual Report of Amnesty International mentions a number of arrests and individual judgements motivated by political reasons. See also *La magistrature rwandaise dans l'état du pouvoir exécutif: la peur et le silence, complice de l'arbitraire* by F-X Nsanzuwera, CLADHO, Kigali, November 1993.

⁴ Rwandan Patriotic Front (*Front Patriotique Rwandais*).