

D. THE ADMINISTRATION OF ORDINARY JUSTICE UNRELATED TO THE GENOCIDE

With the exception of the local commune-level courts, and the judicial institutions in the new prefecture of Mutara, ordinary justice has been supported in the same way as genocide-related justice. Most of the people employed by the justice system have followed the accelerated training courses. Higher level magistrates must have a degree in law. They are selected by the National Assembly and have to be approved by the Council of Magistrates (*Conseil de la magistrature*). The President of the Supreme Court has gradually removed most of the more senior Hutu magistrates from their posts for reasons that seem vague and ambiguous.

The Constitutional Court is the only chamber of the Supreme Court actually functioning. It is responsible for ensuring that new laws conform to Rwanda's Basic Law. The posts of vice-president allocated to the Department of Courts and Tribunals and the Court of Final Appeal remain vacant. The Council of State and the Government Accounting Office are unable to function because of a lack of personnel.

The disorganization resulting from the war, as well as the exodus and then the return of the refugees have given rise to other litigious disputes. The local commune-level courts have virtually disappeared and the such matters are presently dealt with by the local administrative authorities, which is far from ideal.

Although the other judicial bodies dealing with the administration of ordinary justice are meeting the same difficulties as the special courts (absenteeism, a lack of equipment and office supplies, etc.), they are finding it harder to function effectively. Staff are in a position to benefit from bribery and other forms of corruption as supervision is less strict given the lack of official interest here compared with the special courts. In addition, many magistrates complain of government interference.

The main problem is not the lack of resources, but rather inefficiency and the absence of a rigorous management and supervision policy. The Belgian development co-operation agency is implementing a support programme in regard to the administration of the prosecutors' offices. Its Canadian counterpart intends running a similar programme targeting the courts and tribunals. These initiatives should be extended to cover the administration of the Ministry of Justice. However, the Ministry is not in favour of such a move because, it claims, their main handicap is the lack of material resources.

E. MILITARY JUSTICE

The War Council and the Military Court apply the genocide law where it applies to acts committed by soldiers, and do so rigorously. The same bodies deal with acts of violence on the part of soldiers towards civilians. Although these cases are treated with equal severity, far fewer cases have been dealt with than the number of acts recorded.

The UN human rights mission noted regular reprisals on a disproportionate scale and indiscriminate massacres carried out by the army (Kibeho, Kanama, Muramba, etc.). Yet very few soldiers, gendarmes or members of the police