

government has now increased civil service salaries by between 25% and 45%. It is to be hoped that these increases, which came into effect on 1 January 1999, will help to stem the flow. However, that is not certain, particularly as some other benefits have been removed and there has been a considerable rise in the cost of living. Magistrates feel isolated, even abandoned by the hierarchy of the Supreme Court, which clearly has no interest in them or their work.

Insecurity remains a discouraging reality in several regions of the country. The courts and the prosecutors still lack adequate logistic and material resources. Working conditions are very difficult. However, the structural weaknesses of the Ministry of Justice and the Supreme Court represent a major handicap far outweighing these other problems. Neither the Ministry nor the Court is yet capable of ensuring the logistic and supervisory services that are required to guarantee an effective administration. The fact that the judicial institutions are so ineffective is mainly due to these structural problems. Allowing the system to slow down would only be a false economy. The situation still needs to be treated as an emergency; it has not yet reached the development stage when the pressure might be allowed to ease off.

3. Some particular problems

a. The rights of the defence

The Rwandan Bar is composed of around 50 lawyers.⁷ For various reasons that are not always comprehensible, only a minority of these takes part in legal proceedings, even on the defence side. The accused and the victims are defended by around 15 members of *Avocats Sans Frontières* and a handful of Rwandan lawyers who agree to collaborate with them under patronage of the Bar Association's Office of Consultation and Defence (*Bureau de consultation et de défense*).

Except in the prefectures in the northwest of the country, which have been neglected so far for security reasons, a defence is usually offered in the special courts. It is estimated that 60% of those on trial there have been assisted in their defence, which is a higher proportion than in civil cases. Those acting on behalf of the defence may visit detainees, meet with them confidentially and have access to their files. Petitions deposited by the defence are given due consideration and generally accepted.⁸

There is more cause for concern about the situation regarding appeals. This is a written procedure. Yet the Public Prosecutor's Office can make oral interventions, although the defence has no right to a verbal response. There are two phases to the appeal procedure: the appeal is first examined by the appeal court in order to decide whether it can be accepted; once accepted, the facts of the case are then re-examined. When the court accepts the appeal and re-examines the file, the defence is permitted to offer further explanation, although only in writing. However, in the case of

⁷ For the setting up of the Bar Association, see Law N° 03/97 of 19 March 1997.

⁸ See the *Avocats Sans Frontières* report: *Rapport d'activités du premier semestre 1998*, Kigali September 1998.