



TRANSPARENCY
INTERNATIONAL
RWANDA



PROFESSIONALISM OF RWANDAN COURTS

Observation report

JULY 2015



Transparency International Rwanda
P.O. Box 6252 Kigali, Rwanda
Tel. +250(0)788309583
Toll free: 2641 (to report cases of corruption)
E-mail: info@tirwanda.org
Website: www.tirwanda.org

PROFESSIONALISM OF RWANDAN COURTS

Observation report

EXECUTIVE SUMMARY

This study contributes to the vision of “*a country governed by rule of law, endowed with an efficient and independent judicial system, close to litigants and rendering coherent and consistent rulings (Supreme High Court, 2013)*”. This report presents observations on the level of courts professionalism in Rwanda and comes concurrently to the *Situational analysis*, which examines the context and perceptions about the justice sector. The report is an output of the project of *Monitoring Courts and Tribunals to Achieve a More Professional, Effective and Accountable Justice System in Rwanda* with the ultimate objective to identify problems of quality of judgment and hence contribute to build a more professional, effective and accountable justice system in Rwanda.

Based on desk research, observations and individual interviews with judges and court registrars, the domains of *customer care, mechanisms for service delivery feedback, compliance with legal procedures and practices during the hearing, compliance with legal deadlines, quality of judgment, and legality of provisional detention and time spent by suspects in detention centers* are in focus of this report. Specifically, the study i) gathers evidence on strengths or weaknesses of courts and tribunals; ii) promotes a culture of accountability in the justice system and iii) formulates widely agreed policy solutions to tackle the weaknesses previously identified.

Customer care indicators have overall scored high. A lot of progress has been achieved to accommodate court employees and public in premises that are well equipped and representative. Indeed, according to this research, the majority of courts operate in relatively modern environment with well signposted, ventilated and functional court halls. Timetables are clearly displayed in most cases and schedules of court hearings are largely adhered to.

An area of improvement might be needed in the facilitation of the provision of service delivery feedback. Feedback from citizens to the courts is still relatively low. According to the data, only 22% of inspected suggestion boxes were in use. Similarly, only 35% of judges claimed using the input from suggestion boxes in their work. When examining the reasons behind the low usage of suggestion boxes, high satisfaction with court services and thus no need for feedback, lack of knowledge about the functioning of boxes, fear of using suggestion boxes and no confidence in courts' staff in ensuring follow up have been suggested as reasons behind the low use.

These findings are consistent with other reasons behind the lack of use of other feedback mechanisms such as toll free hotlines, appeal mechanisms etc. (see Situational analysis). It is evident that promotion of feedback tools must be addressed through awareness building amongst the citizens but also through systems in place within the judiciary system. Actions

and responses in this direction must go beyond the mere presence of tools such as suggestion boxes. Relevant authorities and CSOs shall rigorously examine the frequency of the usage of these tools by citizens and the utilization of feedback within the institutions concerned.

It is encouraging that according to this research the majority of judges in the monitored courts do follow prescribed legal procedures and practices during the hearing in courts. These observations show that above 80% of judges follow legal procedures. This marks a significant improvement to the past. The proportion of judges that provide qualified feedback to the objection expressed by both parties in line with the legal deadline stands at 94%. However, there are fewer judges who allow litigants and witnesses to check out the content of the documents before affixing their signatures. According to these observations only 73 % of them do so.

Concerning compliance with legal deadlines, the majority of cases observed meet the 6 months' time limit of rendering the verdict since the date of case lodging. Many cases reach the verdict in less than a month, others less than 3 months. However, a number of cases were found with long delays, ranging from 1 to 4 months after the legal time limit.

In the same vein, the data reveals that many cases are taken to the judge after 2 months (60 days), some taking even more than five months (150 days). Few cases took even more than 10 months or one year. This also holds for the time between the case lodging and the first hearing.

In regards to the number of cases tried by a judge per month, around 83% of judges assessed stand above the average number of assigned quota. It also shows that the majority of judges have gone beyond the target, with 24% (i.e. 13 judges) who at least doubled the assigned quota. It is important to note to this aspect that *Situational analysis* suggests that quotas for cases to be handled per judge might negatively affect the quality of the processing.

In relation to backlogs, there is a steady progress being made but high number of backlogs is still common. For example, Muhoza Primary Court has 554 delayed cases, the High Court 496, Musanze Intermediate Court 410, Ndora Primary Court 315 counts 315 backlogs than other courts assessed.

Concerning the quality of judgments, overall, the large majority of cases received by appellate courts are eventually confirmed. For example, an average of 81% of cases lodged in appellate courts were neither overturned nor rectified. However, the study showed an average of 16% and 6% judgments that were overturned and rectified respectively. Intermediary courts that handle the highest volume of cases show also the highest proportion of quality problems with handling court cases.

As far as legality of arrest and detention is concerned, the data suggests that the legal time limits for the arrest by the police, provisional detention by the prosecutor and the decision on provisional detention by the judge are largely observed in practice. However, a few unlawful cases were still detected. The zero tolerance to unlawful detentions shall be strived for.

In conclusion, observations suggest that customer care and compliance with legal procedures make faster progress than other areas. Practices during the hearing, compliance with legal deadlines, quality of judgment and legality of provisional detention are concrete issue where partial gains in eliminating negative trends have been achieved. However, number of backlogs, breaches of steps in compliance with the legal procedures and breaching deadlines in delivering justice has still an adverse effect on the quality of judgments. Strategies towards further steps to eliminate isolated cases of unlawful detention, in particular excessive number of days spent in detention, shall be elaborated. Furthermore, this observation report confirms largely the trend shown in the *Situational analysis*. Despite two different sets of indicators, findings and, most importantly, recommendations shall be based on the synergies between the two reports.

TABLE OF CONTENTS

EXECUTIVE SUMMARY	4
LIST OF TABLES	7
INTRODUCTION.....	8
II. METHODOLOGY.....	11
III. OVERVIEW OF COURTS PROFESSIONALISM	13
3.1. Principles of professionalism of judges	13
3.2. Integrity of judges	14
IV. PRESENTATION OF KEY FINDINGS.....	19
4.1. Courts and correctional centers observed.....	19
4.2. Customer Care in the observed Courts.....	20
4.3. Mechanisms for service delivery feedback.....	22
4.4. Court compliance with legal procedures and practices during the hearing	23
4.5. Compliance with legal deadlines.....	25
4.6. Quality of judgments (at appellate level)	33
4.7. Legality of provisional detention and time spent by suspects in correctional centers	33
CONCLUSION AND RECOMMENDATIONS.....	35
ANNEXES:.....	38

LIST OF TABLES

Table 1: Distribution of courts observed per region.....	19
Table 2: Distribution of Correctional Centers observed per region.....	20
Table 3: Customer care in the observed courts.....	21
Table 4: Use of suggestion boxes in courts	23
Table 5: Proportion of courts whose judges do abide by selected procedures and practices during the hearing	24
Table 6: Number of days taken to get a summon, a court resolution and a enforcement formula	29
Table 7: Cases tried by a judge per month (July 2013 to June 2014).....	30
Table 8: Backlogs as for June 2014	32
Table 9: Proportions of cases overturned, rectified and confirmed (at appellate level).....	33

INTRODUCTION

1.1. Background

A fair and efficient administration of justice is an essential safeguard for human rights and rule of law. The rule of law can be understood as a legal-political regime under which the law restrains the government by promoting certain liberties and creating order and predictability regarding how a country functions. In the most basic sense, the rule of law is a system that attempts to protect the rights of citizens from arbitrary and abusive use of government power to ensure that the rule of law is respected in the country, justice must be rendered in the name of people and the professionals of justice sector in general and judges in particular must be guided by principles of ethics

Furthermore, for people engaged in legal professions, especially judges, deontology manifests as ethical rules which dictate what they can and cannot do in the course of practicing their professions, allowing the legal profession to be self-regulating. Ethical codes set standards for the profession, provide guidance for practitioners facing ethical dilemmas, as well as codes of conducts for those practitioners, which increase both their accountability and the public's confidence in the justice system.

Justice stands among core services delivered by public institutions in modern states to the people. Like for other services and beyond any ethical requirements, the justice system practitioners and, court staff in general, not only must dispense justice with a high level of professionalism. Furthermore, a set of mechanisms for accountability of those practitioners must be in place to ensure that not only the staff that do not meet the conduct and performance standards are sanctioned, but also that service seekers/users have effective mechanisms to provide feedback on the service requested or received.

In Rwanda, justice sector is one of core areas affected by the history of violence that this country went through and that culminated in the 1994 against the Tutsi. In the same vein, in the aftermath of the genocide, the Rwandan justice system knew the biggest predicament that it had never experienced before. This was one of the biggest challenges faced by the post-genocide government. Various institutions were established and reforms undertaken to take up that challenge by providing fair and timely justice.

Moreover, in addition to justice, the government of Rwanda committed to provide quality services to the population as a way of promoting good governance. Various legal, policy and institutional frameworks were put in place to effectively materialize that commitment. However, regular and independent reviews and assessments are always needed to examine and document the extent to which the desired performance and changes are happening.

Since 2004, Transparency International Rwanda committed to contribute to the promotion of good governance and fighting corruption in Rwanda. One of core

strategies of TI-Rw is research which largely consists in reviewing selected public policies and programmes and therefore engage with decision-makers for relevant changes or readjustments.

It is in this framework that in 2013, under the project “Monitoring Courts for a Sound Rule of Law in Rwanda, a situational analysis of professionalism of courts was conducted, in its phase one. It emerged from the analysis that professionalism was overall high, despite a range of challenges that required efforts on the side of the judiciary.

In the second phase of the project, TI-RW resolved to conduct the present situational analysis based on two methodologies: situational analysis using suggestion boxes on the one hand and observation of courts on the other hand. This report contains therefore the findings from the courts observation.

1.2. Objectives of the use of courts observation methodology

To investigate the level of professionalism of courts by:

- Analyzing the effectiveness of courts in delivering justice to the population (compliance with procedures, adjournment of cases, quality of judgment delivered)
- Formulate operational recommendations to address the challenges identified.

1.3. Indicator framework

Below is the indicator framework developed to guide the data collection. It draws from existing literature on ethics of judges, professionalism and legal procedures and practices. The law N° 21/2012 of 14/06/2012 relating to the civil, commercial, labor and administrative procedure (Official Gazette n° 29 of 16/07/2012) and annual reports of the Supreme Court have largely inspired this framework.

Table 1: Indicator framework

Dimension	Indicator	Source of data
Customer care	Existence of signpost directing people to the court	Observation
	Existence of a timetable which is clearly posted for the public	Observation
	The extent to which the court stick to the posted timetable	Interview
	Extent to which court premises are comfortable(spacious, ventilated)	Observation
	Existence of adequate equipments for the court	Interview
	Whether or not contacts of president of court, chief registrar and the Inspector General of court are publicly posted	Observation

Service delivery feedback mechanisms	Existence of suggestion box for the public	Observation
	Handling of data from the suggestion box	Interview
	Any feedback on data from suggestion box	Interview
Compliance with legal procedures and practices during the hearing	Proportion of judges who abide by selected procedures and practices during the hearing	Observation
	Effectiveness of the pre-hearing practices	Observation
	Number of days from se submission to verdict	Desk review
	Number of backlogs	Desk review
	Number of cases tried by the judge per month	Desk review
Quality of judgment	Number of cases received at appellate	Desk review
	Number of cases overturned	Desk review
	Number of cases rectified	Desk review
	Number of cases confirmed	Desk review
Legality of provisional detention and time spent by suspects in Prison	Legality of the arrest and detention of the suspect	Desk review
	Number of days / months /year/ suspect spent in detention	Desk review
	Whether or not the submission of the file to the court for provisional detention trial is done within five days	Desk review
	Respect of seventy two (72) hours' period by the court in rendering a decision on provisional detention	Desk review

II. METHODOLOGY

2.1. Approaches and methods

This study used a qualitative approach in the primary and secondary data collection. Observation, desk research and individual interview methods were employed for assessing the pre-defined indicators. Table 1 in section above links indicators to specific data collection methods.

- **Desk research:** This consisted in reviewing existing literature on judicial system in Rwanda. Laws, courts and prisons reports were largely reviewed in this regard to assess courts' performance and the extent to which court's decisions meet legal standards.
- **Interviews:** These were conducted with judges, registrars, court clients (litigants) and detainees to get their insights into a set of the study dimensions including judges' professionalism, courts effectiveness, etc.
- **Observation:** The observation approach in data collection is a way of gathering data by watching behavior, events, or noting physical characteristics in their natural setting. Observations can be overt (everyone knows they are being observed) or covert (no one knows they are being observed and the observer is concealed). The benefit of covert observation is that people are more likely to behave naturally if they do not know they are being observed¹. However, in some instances, the researcher will typically need to conduct overt observations because of ethical problems related to concealing your observation.

2.2. Sampling plan

This section describes the number of courts and cases observed and their selection criteria. A total of 19 courts (primary courts, intermediate courts, commercial courts and the High Court) were selected. All courts were purposively selected on the basis of their geographical proximity to the offices of Transparency International Rwanda. These are courts that operate in areas where the interventions of this organization are most based. Two primary courts and one intermediate court were selected in each province, while commercial courts were selected only at the province level where they are established.

In each court covered, cases were randomly selected on the list of scheduled hearings posted on the court's premises, or those available in the court registrar's office. A total of 257 cases were observed in a three-month period, running from September to October 2014.

¹<http://www.cdc.gov/healthyyouth/evaluation/index.htm>, visited on 4th June 2015

2.3. Data collection

Due to the high expertise required for this study, , data collection was conducted by experienced staff including lawyers by both education and profession.

Thanks to a standardized template, recruited courts' observers were trained and visited court hearings with pre-approved data collection tools. They therefore observed and collected data on various issues pertaining to justice delivery in accordance with approved indicators.

In addition to observations, the data collection staff conducted desk review and interviews with the judges and courts' registrars as mentioned. An appropriate interview guide was developed to that end.

2.4. Data analysis

Collected data were largely qualitative, except for some indicators, which required quantitative data. Thematic and content analysis methods were used for qualitative data, while SPSS served to generate tables from quantitative data.

III. OVERVIEW OF COURTS PROFESSIONALISM

This chapter reviews briefly the principles of courts professionalism, integrity, impartiality and independence of judges. Additionally, selected time limits for legal procedures in the Rwandan judiciary are discussed.

3.1. Principles of professionalism of judges

The principles of professionalism in judiciary are designed to encourage judges, including court registrars to meet their obligations to be civil and respectful to all persons with whom they deal in an official capacity and to require similar conduct from others under their control². Professionalism of Judiciary implies that³:

- A judge should be courteous, respectful and civil to lawyers, parties, witnesses, court personnel, and all other participants in the legal process;
- A judge should maintain control over proceedings, recognizing that judges have both the obligation and the authority to ensure that all proceedings are conducted in a civil and respectful manner by counsel and the parties;
- A judge should be considerate of the time schedules of lawyers, parties and witnesses and expenses attendant to litigation, in scheduling trials, hearings, meetings and conferences;
- A judge should be punctual in convening trials, hearings, meetings and conferences and promptly notify parties if the judge becomes aware that a matter will not occur as scheduled;
- A judge should make all reasonable efforts to decide promptly all matters presented for decision;
- A judge should ensure that court personnel act civilly and respectfully toward each other and toward judges, lawyers, parties, witnesses and all other participants in the legal process;
- A judge should not impugn the integrity or professionalism of any lawyer on the basis of the lawyer's clients or cause;
- A judge should avoid procedures that needlessly increase litigation expenses and discourage unnecessary litigation expenses;
- A judge should be courteous and respectful in opinions, ever mindful that a position articulated by another judge is the result of that judge's earnest effort to interpret the law and the facts correctly.
- A judge should endeavour to work with other judges to foster a spirit of cooperation in the mutual goal of enhancing the administration of justice.

² "Principles of professionalism for Delaware judges",

<http://courts.delaware.gov/forms/download.aspx?id=39418>, visited on September 4th, 2013

³ *Ibidem*

All these principles are used to show that judges who are compliant with them know exactly what to do and how to do it to the satisfaction of all parties in a trial. A professional is the one who knows and does exactly what he/she should do. It means that the actual professional judges should be courteous, have respect for oneself and others, have sound knowledge of proceedings and trial, respect for time and promptness, sobriety, cooperation with other judges, diligence and rationality, etc.

In this study, professionalism of judges was assessed based on selected indicators. They include qualifications, integrity (independence, impartiality, and corruption), diligence, and compliance with procedures.

3.2. Integrity of judges

Integrity is seen as the quality of having a sense of honesty and truthfulness in regard to motivations for one's actions. Integrity of judges must be in place if we are to have justice. In respect of this duty, it is understood that the judge must ensure compliance with the law and behave exemplarily. He/she must, in accordance with the oath of office, discharge his/her duties impartially (Art. 6 of Code of Ethics)⁴.

Judges must behave in a manner befitting their profession. They must not be interfered with, and they must not accept bribes. Judges shall not directly or indirectly accept any gift, advantage, privilege or reward that can reasonably be perceived as being intended to influence performance of their judicial functions. As far as corruption suspicion in the judiciary system in Rwanda, according to the 2011-2012 report, only seven (7) files were examined by the Higher Council of Judiciary. Among them 3 judges and 2 court registrars got disciplinary sanction of dismissal⁵.

3.3. Independence and impartiality of judges

The judicial independence proves to be an important principle. It means that a judge has the freedom to make a fair and impartial decision based solely on the facts presented and the applicable laws, without yielding to political pressure or intimidation⁶.

According to Professor Sam Rugege, the independence of judges implies the impartiality of a judge; that is, the judge's ability to make a decision without fear,

⁴ Law n° 09/2004 of 29/04/2004 relating to the code of ethics for the judiciary

⁵ Supreme Court, *op.cit.*, p.48.

⁶ X, "Judicial independence"

http://www.iowacourts.gov/Public_Information/About_Judges/Judicial_Independence_and_Accountability/, visited 3/9/2013.

favours, or prejudice with regard to the parties irrespective of their position in society⁷. “The Judge should be able to resist intimidation or influence, whether pressure stems from governmental power, politics, religion, money, friendship, prejudice, or other inducements. Decisions should only be based on the facts and the law”⁸.

This independence of the judiciary is provided by article 140, paragraph 2 of the Constitution which states: “The Judiciary is independent and separate from the legislative and executive branches of government”⁹.

As indicated in the report of the Supreme Court, it is not easy for a judge to figure out the meaning of independence and especially to integrate it in practice, to measure behaviour of judges in order to judge and make a decision. This is why the hierarchy of the Judiciary has implemented a program to meet judges and registrars at least once a quarter to remind and call them to always take seriously this important principle in exercise of their profession. The independence and impartiality requires the rule of law, refrain from corruption and related offenses, avoid favouritism, tribalism and reject any pressure from any person whatsoever in the decision⁹.

As far as impartiality is concerned, this concept can be defined as the absence of bias, animosity or sympathy towards either of the parties. Courts must be impartial and look impartial. Thus, judges have a duty to step down from cases in which there are sufficient motives to put their impartiality into question¹⁰. In the same vein, the Human Rights Committee argues that impartiality “implies that judges must not harbour preconceptions about the matter put before them, and that they must not act in ways that promote the interests of one of the parties”¹¹

The right to a fair trial requires judges to be impartial. The right to be tried by an impartial tribunal implies that judges (or jurors) have no interest or stake in a particular case and do not hold pre-formed opinions about it or the parties. Cases must only be decided “on the basis of facts and in accordance with the law, without any restriction”¹².

Moreover, the United Nations, in its “Basic Principles on the Independence of the Judiciary” maintains, “the judiciary shall decide matters before them impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason”¹³.

⁷ S. RUGEGE, “Judicial Independence in Rwanda”, www.mcgeorge.edu/Documents/..../, 2/9/2013. Prof. Sam Rugege is currently Chief Justice in Rwanda.

⁸ *Ibidem*.

⁹ Supreme Court, *op.cit.*, p. 45.

¹⁰ International principles on the independence and accountability of judges, lawyers and prosecutors.,

¹¹ In Office of the High Commissioner for Human Rights, *Human Rights in the Administration of Justice: A Manual on Human Rights for Judges, Prosecutors and Lawyers*

<http://www.ohchr.org/Documents/Publications/training9chapter4en.pdf>

¹² UN Basic Principles on the Independence of the Judiciary, *doc. cit.*, Principle 2.

¹³ United Nations, “Basic Principles on the Independence of the Judiciary” Adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Milan from 26 August to

According to the Rwandan Code of Ethics, judges should be impartial vis-à-vis the litigants. A judge must adopt a proper conduct to ensure that all people are handled equally and without any form of discrimination (Article 12). He/she should avoid language or behaviour that may reflect his/her favourable or unfavourable position towards one party (art. 14). Unless permitted by the law, a judge may not rule basing on personal knowledge that he/she has in relation to a case. He/she must explain his/her decision.

In order to preserve impartiality of the judges, Judges should disqualify themselves in a proceeding in which their impartiality might reasonably be questioned¹⁴. According to article 100 of the same law, when a judge finds him/her in one or several cases mentioned in article 99 of this law, he/she may withdraw from the case by writing a letter to the President of the court.

3.4. Time limits for selected legal procedures

One of the indicators of quality justice consist in time by which justice is done. The law N° 21/2012 of 14/06/2012 relating to the civil, commercial, labour and administrative procedure (Official Gazette n° 29 of 16/07/2012) provides for a series of time limits in relation to legal procedures as described below.

- ***Period for adjudication of a case***

As per article 13, all cases introduced to the court shall be tried in a period not exceeding six months (6) starting from the date the court received the claim. Otherwise, the President of the seized court shall explain to the President of the Supreme Court in writing the reasons thereof and shall also inform parties to the case. Apart from hearing urgent claims that are realized in case, all cases shall be given a date for hearing in accordance with the order of lodging/registration.

- ***Period for serving the summons***

Article 44 provides that the period of summons shall be of **eight (8) working days** running from the date of serving the summons to that of appearing before the court. The period between service of summons and the date of appearing in court for people with unknown domicile or residence in Rwanda but with a known address abroad is **two (2) months, and three (3) months** for people with unknown domicile or residence. When a summons to a person who resides abroad is served on him/ her in person while in Rwanda, he/she is required to appear in court within the time provided for people with known domicile or residence in Rwanda.

⁶ September 1985 and endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/IndependenceJudiciary.aspx>, accessed on 01/09/2013.

¹⁴ See article 99 of the law n° 21/2012 of 14/06/2012 relating to civil, commercial, labour and administrative procedure, O.G n° 16/7/2012.

- ***Period for deliberation of a case***

In line with article 144 , the deliberation of a case shall begin **immediately or on the day** following the closing of the proceedings.

- ***Time limit for pronouncement of a judgment***

Article 149 provides that all judgments must be written and pronounced within one **(1) month period** of the closing of hearings. Failure to do so may lead to disciplinary action being taken against the trial judges.

Pronouncement of judgment may be done immediately after the hearing when the judge finds it necessary. In that case the judgment can be pronounced without being written in its entirety. However, if the pronouncement of the judgment does not take place within the time provided for in Paragraph One of this Article for justifiable reasons, the President of the court shall report that matter to the immediate superior court and it shall be mentioned on the copy of judgment.

If one of the parties was not notified of the date of the pronouncement of the judgment or was not represented, he/she is notified of the decision by a court registrar or bailiff in accordance with the ordinary procedure regarding notification of judicial documents.

- ***Time to apply for opposition***

According to article 159, an application for opposition may be made within **fifteen (15) days** from when a defendant in person gets notice of the judgment. If the notice of judgment was not served on the defendant in person, the application for opposition may be made within fifteen (15) days from the date the judgment came to the knowledge of that person who was notified.

If it cannot be established that he/she was notified of the judgment in person, he/she may make an application for opposition within **fifteen (15) days** from the date on which he/she knew about the first act of the execution of judgment. In no case shall an application for opposition be received if the judgment has been executed.

- ***Time limit for lodging an appeal***

As provided for by Article 163, the time limit for lodging an appeal shall be **one (1) month**. That time shall start running from the day the final judgment was pronounced in presence of both parties or when the party did not appear after having been notified of the day of the pronouncement. However, regarding judgments rendered in absence of one of the parties, such period shall start running from the date he/ she was notified after receiving the notification letter in person or served at his/her domicile or

residence or to a person who resides at his/her home who is at least **sixteen (16) years** of age.

If the defendant has no known residence or domicile, he/she shall be notified of the judgment by public procedure mentioned in Article 40 of this Law. The first day of that public procedure shall be the starting point of the calculation of the time limit of the appeal.

- ***Time limit for filing a third party opposition***

As per article 179, if the third party was served with notice of the judgment, the time limit for filing a third party opposition shall be **two (2) months from the date of the notification**. Likewise, if it can be proved that he/she had knowledge of the judgment, the time limit for filing the third party opposition shall be two (2) months from the date he/she was notified thereof.

- ***Time limit to apply for review***

As provided for by article 187, the time limit within which to apply for review shall be **two (2) months** starting from the date of the discovery of the fact giving rise to the review. This time limit shall not apply to persons declared incapable during the period of their incapacity.

In the case of the death of a party having the right to sue for review before the time allowed for its application has run, this time limit shall be extended by twelve (12) months in favour of his/her heirs.

IV. PRESENTATION OF KEY FINDINGS

While the three preceding chapters focus on the introductory information, the methodology and an overview of court professionalism respectively, this chapter presents the key findings from the study. The findings cover 6 main indicators of court professionalism selected for the purpose of this study (which is based on desk review and observation methods). They include customer care, service delivery feedback mechanisms, compliance with legal procedures and practices during the hearing, compliance with legal deadlines, quality of judgment, and legality of provisional detention and time spent by suspects in detention centers.

4.1. Courts and correctional centers observed

This section presents the courts and correctional centers that were covered in this study. They are presented by region and number of cases observed.

Table 2: Distribution of courts observed per region

Region	Court	Number of Cases observed
Kigali	Commercial High Court KIGALI	13
	High Court KIGALI	10
	Intermediate Court GASABO	12
	Primary Court NYAMATA	15
	Primary Court RUSORORO	11
East	Intermediate Court NGOMA	15
	Primary Court KABARONDO	15
	Primary Court KIGABIRO	15
North	Commercial Court MUSANZE	13
	Intermediate Court MUSANZE	12
	Primary Court GAHUNGA	15
	Primary Court MUHOZA	15
South	Commercial Court HUYE	15
	Intermediate Court HUYE	15
	Primary Court NDORA	15
	Primary Court NGOMA	15
West	Intermediate Court RUSIZI	11
	Primary Court KAGANO	12
	Primary Court KAMEMBE	13
	Total	257

This study targeted purposively primary, intermediate and commercial courts, and the High Court of Kigali. Overall, 19 courts were considered and therefore visited for observation. The number of cases observed amounts to 257 countrywide, while it

ranges from 10 to 15 per court. Criteria for cases selection are discussed in the methodology section.

In addition to those courts, 6 correctional centers were also monitored by the team of observers. The purpose of the observation in those centers was to assess the legality of provisional detention and time spent in correctional centers.

Below is the list of correctional centers that were selected and the number of cases observed in each center.

Table 3: Distribution of Correctional Centers observed per region

Province	Correctional Center	Cases observed
South	Muhanga	12
West	Nyakiriba	31
	Rusizi	18
North	Ruhengeri	16
Est	Rwamagana	15
Kigali	Gasabo	20
Total		112

As shown in the table above, one correctional center was considered in each province (region) except in Western Province where 2 centers were covered. A total of 112 cases were selected for observation. The number of cases ranges from 12 to 20 in all centers except Nyakiriba Correctional Center where the number stands at 31. Cases for observation were randomly selected from the list of suspects in provisional detention in each correctional center covered by this study.

4.2. Customer Care in the observed Courts

Customer care is defined as “the work of looking after customers and ensuring their satisfaction with one's business and its goods or services”¹⁵. Customer care is one of the challenges for most of services or goods providers. In modern world, consumers getting increasing aware of their right to a high standard of customer care to the extent that the quality of the customer care determines largely the decision of a customer or a client to seek or not a particular service from relevant organizations/institutions or companies. In the judicial sector, poor customer care is likely to lead to a sort of denial of justice to potential service seekers. This section examines some aspects of the customer care in the Rwandan courts with a particular focus on those that were visited in this study.

¹⁵ <http://www.collinsdictionary.com/dictionary/english/customer-care>, visited on 04th June 2015

Table 4: Customer care in the observed courts

#	Customer care aspects	Observation Score (%)	Comments
1	Existence of a signpost directing people to the court	100	
2	The president of court has a timetable/schedule (working days) which is clearly posted for the public	82	
3	The chief Registrar has a timetable/schedule (working days) which is clearly posted for the public	83	
4	The hearing has a timetable/schedule (working days) which is clearly posted for the public	100	
5	The court constantly stick to that time table	100	
6	The court hearing room is spacious and in line with the size of the audience (public)	90	
7	The court hearing room is ventilated in line with the size of the audience (check windows, doors, air-conditioning)	90	
8	The court have the required equipments	90	
9	Contacts for president of court, chief registrar and the Inspector General of court publicly posted	79	Primary courts have been identified as having more customer care issues like tinny hearing rooms and timetables of hearing not posted for the public. This is due to the fact that most of primary courts premises are ancient.

- Existence of signpost directing people to the court**

Customers should be provided with relevant information on location of the service provider. In Rwanda, many court offices are established on sites or in areas, which, at the same time, host offices for other institutions. It is therefore necessary to guide service seekers and guests, with a clear signpost indicating the accurate location of the service provider. This spares people from getting lost and wasting their time before reaching the destination. Data from the fieldwork indicate that all courts have signposts directing service seekers or guests, except Gahunga Primary Court. This is very high proportion and thus commendable. However, in some courts, available sign posts do not specify the court rooms while the site hosts many offices.

- Existence in the court of a timetable/schedule for the President and the Registrar which is clearly posted for the public**

It emerged from the field observation in courts that 82% of court president have posted their timetable respectively. Though close to 20% of both categories have not posted their timetable, this result indicate a very high proportion of timetable posting. This finding proves encouraging in that most of time, service seekers are not likely to waste their time by coming to courts on undue days. Primary courts of Nyamata, Kamembe and Ngoma did not have such timetables.

As far as the timetable for hearings is concerned, the study revealed that all monitored courts have schedules clearly posted for the public.

- **Court constantly sticking to the established schedule**

That courts have clearly established and posted hearing schedules is one thing, and that courts stick to those schedules is another thing. Courts' observers (researchers) realized that all monitored courts (100%) abided by the schedules as previously established. Again, this is an important aspect of the customer care. People that seek courts services sometimes come from long distances to reach court place. Others, though living closer to courts, have other businesses to deal with. Sticking to established schedules matters a lot in service delivery.

- **Spaciousness and ventilation of the court hearing hall**

Another aspect of customer care may reside in the state of the place in which a service is provided. With regard to courts, litigants spend some time in the court hall during the hearing periods. For them to feel comfortable and pay full attention to the hearing, they need to be in such a spacious and ventilated room.

Following the observation made by the researchers on the field, the majority of hearing rooms (67.5%) prove to be spacious while the very large majority (90%) are ventilated. The majority of courts operate in relatively modern premises purposely building to that end, while few of them still use old premises. This is the case for courts visited in Musanze District.

Overall, based on the indicators of customer care that were selected for the purpose of this study, the findings prove largely very positive. However, few courts as shown in the table above do not meet some standards of customer care. Those courts include PC Ngoma, PC Gahunga, CC Musanze , IC Huye, PC Kamembe and PC Nyamata.

4.3. Mechanisms for service delivery feedback

Any accountable service provider should establish effective mechanisms to ensure that service seekers provide feedback on the service received. Feedback may consist in appreciation or concerns depending on the quality of the service rendered. For the purpose of this study, the focus was put on suggestion boxes as a much safer way for service seekers to provide feedback. Suggestion boxes are one among many other tools that service providers use to get customers' feedback on the services they seek. They are more appropriate in situation where people have to report on sensitive issues or when they simply prefer to provide anonymous feedback. Many organisations improve their services based on outcomes of such suggestion boxes. For those boxes to be easily used, they need to be in easy-accessible place for the public, and at the same time, a place that guarantee the confidentiality/anonymity of the user.

- **Existence and use of suggestion boxes (in courts) in a public easy access place**

It was observed that all courts visited had suggestion boxes, which were posted in a public easy access place. It emerged from an interview with the Inspector General of Courts in the Supreme Court that the aim of setting up suggestion boxes in all courts

was to get clients' feedback of services received. This finding shows therefore that the judiciary has been effective in enforcing that policy. However, putting in place suggestion boxes is one thing, but effective use of those boxes is another thing. The table below examines the extent to which those suggestion boxes serve actually the purpose of their establishment.

Table 5: Use of suggestion boxes in courts

	Very often	Often	Sometimes	Rarely	Never	Total
The public use regularly the suggestion box for complaints	2%	20.4%	28.9%	17.8%	30.9%	100%
Data from suggestion box are regularly examined by courts	12.6%	22.4%	35%	13.3%	16.8%	100%
Judges and judicial personnel receive feedback on data from suggestion box	14.1%	23.5%	14.8%	12.8%	34.9%	100%

It emerged from this study that all visited courts (100%) have such boxes, easily accessible for the public. As regards the use of the suggestion boxes, the data suggest that service seekers do not frequently use the majority of boxes. A very low proportion of boxes (22.4%) is frequently used by the service seekers in courts. A range of reasons behind this situation was suggested by clients interviewed by the observers. They include the fact that some people are satisfied with the services they receive and have no complain to lodge; that they do not know the importance of those boxes, or that they are afraid of using them; or simply that some have no confidence in courts staff and therefore find no need to resort to them.

Similarly, it was revealed that suggestion boxes' content is not largely examined by courts. The proportion of courts whose suggestion boxes are frequently used by judges is low (35%), and almost a similar proportion of courts' presidents regularly share the boxes content with other courts' staff. This may challenge the level of transparency among the court personnel. Sharing the feedback from suggestion boxes is so important that not only the staff can have an overview of what service seekers think of the services they receive but also concerned staff may improve their service delivery based on users' comments.

4.4. Court compliance with legal procedures and practices during the hearing

The effectiveness of the judicial system assumes that justice is effectively made for the benefit and satisfaction of individuals subject to trial and the nation. This includes compliance with procedures, speedy trials, and the quality of judgments and enforcement of judicial decisions.

Table 6: Proportion of courts whose judges do abide by selected procedures and practices during the hearing

Procedure	%
Judges abide by art. 68 of CPCCSA/ CCASP (law n° 21/2012 of 14/06/2012	94.7%
Court registrar writes all that is said and done in the course of trial that relate to the case? Art. 70 CPCCSA/ CCASP)	92.7%
Litigants and witnesses check out the content of the documents before affixing their signatures?	72.8%
the judge treats both parties equally with regard to listening to them	80.3%
the judge treat both parties equally with regard to probing/examination	87.5%
the judges equally keep time for parties during the hearing	84.9%
Security measures for the court and the audience are well ensured during the hearing	85.1%
the judge fairly examines the objection expressed by both parties throughout the hearing process	88.7%
the judge provides a feedback to the objection expressed by both parties in line with the legal deadline	93.5%

Overall, very large majority of judges in the monitored courts do strictly stick to legal procedures and practices during the hearing in courts. The proportions of judges that follow those procedures stand above 80%. There are more judges abiding by the procedures involving “ checking the date of submission of required documents in line with legal requirements” (97.3%) than on “conducting the hearings and end them when they find that the court has all the necessary sufficient justifications” (94.7%) (as provided for by art. 68 of CPCCSA/ CCASP (law n° 21/2012 of 14/06/2012). The proportion of judges that provide a feedback to the objection expressed by both parties in line with the legal deadline stands at 93.5%. However, there are less litigants and witnesses who check out the content of the documents before affixing their signatures” (72.8%).

- **Pre-hearing session and its effectiveness**

The Supreme Court has instructed judges to conduct pre-hearing sessions with both parties in order to check whether cases are enough complete to avoid adjournments after the hearing commencement, and where possible attempt a mediated approach instead of spending their time and resources in courts proceedings¹⁶. This aspect was also retained the attention of the observers in this study.

¹⁶ Article 6 to 13 Amabwiriza No 002/2014 yo kuwa 13 Gashyantare 2014 ya Perezida w'urukiko rw'ikirenga agenga imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi

It emerged from the observation that, in general, the practice is conducted by chief registrars in all courts, but more sound in commercial disputes. In fact, in commercial matters, parties are aware of the importance of this procedure. The practice should be encouraged to settle the commercial contentions through amicable transactions.

This is not always the same for ordinary courts. The practice seems to have the only role of examining the irregularities of submissions and their exchange between parties. Overall, pre-hearing sessions proved to be useful and effective despite the following limitations:

- In some jurisdictions, the court registrars showed a high pretension to be assimilated to judges during the exercise as it has been remarked in those courts.
- In non-commercial courts, some parties to the conflicts do not really understand the relevance of the pre-hearing practice.
- In some courts, pre-hearing seemed to not limit the postponement of hearings
- Cases in appeal are very hard to conciliate during the pre-hearing process. They want an issue where there is a winner and a looser. In the lay understanding, the parties think that the hired advocates (lawyers) will deserve the pay (lawyer's fee) if they come to plead before the judge, at any cost.

4.5. Compliance with legal deadlines

Delayed justice is denied justice. Time stands among key indicators of quality justice. This section examines the extent to which the time limits provided for by the law N° 21/2012 of 14/06/2012 relating to the civil, commercial, labour and administrative procedure (Official Gazette n° 29 of 16/07/2012) are abided by courts. The focus is put on Number of days from case submission to 1st hearing, number of days from 1st hearing to verdict, number of days from

1st hearing to final judgment, number of days from closing/final judgment to verdict, number of days from case submission to final judgment, number of days from verdict to receipt of court resolution, number of days taken to get a summon, a court resolution and a enforcement formula, number of backlogs and number of cases tried by the judge per month.

Table 7: Duration of Trial in the observed courts

Courts	Cases tracked	Case lodging date	Submission to judge	1st hearing	Postponements	Verdict	Number of days from case lodging to case submission to judge	Number of days from case lodging to 1 st hearing	Time from case lodging to verdict
IC Musanze	RP 0351/13/TGI/MUS	23/09/2013	4/10/2013	8/10/2013	1	30/06/2014	11 days	15 days	9 months
	RCA 00066/14/TGI/MUS	1/4/2014	2/6/2014	5/6/2014	0	30/06/2014	61 days	89 days	3 months
	RC 0198/13/TGI/MUS	28/11/2013	3/3/2014	6/3/2014	2	12/6/2014	95 days	10 days	7 months
	RSOC 0005/14/TGI/MUS	25/02/2014	5/5/2014	7/5/2014	0	27/06/2014	70 days	75 days	3 months
CC Musanze	RCOM0019/14/TC/MUS	10/1/2014	24/01/2014	3/2/2014	2	6/6/2014	14 days	24 days	6 months
	RCOM0114/14/TC/MUS	6/3/2014	17/03/2014	20/03/2014	2	30/06/2014	11 days	14 days	3 months
	RCOM0154/14/TC/MUS	23/04/2014	6/5/2014	12/5/2014	1	13/06/2014	13 days	19 days	2 months
	RCOM0193/14/TC/MUS	19/05/2014	25/05/2014	4/6/2014	1	23/06/2014	6 days	15 days	1 month
	RCOM0188/14/TC/MUS	18/05/2014	25/05/2014	4/6/2014	0	18/06/2014	7 days	16 days	1 month
	RCOM0171/14/TC/MUS	9/5/2014	15/05/2014	20/05/2014	0	2/6/2014	6 days	11 days	1 month
	RCOM0248/14/TC/MUS	17/06/2014	20/06/2014	24/06/2014	0	25/06/2014	3 days	7 days	8 days
	RCOM0192/14/TC/MUS	19/05/2014	25/05/2014	4/6/2014	0	4/6/2014	6 days	15 days	1 month
PC Gahunga	RC 0113/14/TB/GAH	3/6/2014	29/08/2014	23/09/2014	0	2/10/2014	86 days	110 days	4 month
	RP0109/14/TB/GAH	30/06/2014	26/09/2014	2/10/2014	0	9/10/2014	86 days	95 days	3 month
	RC0160/14/TB/GAH	7/8/2014	26/09/2014	14/10/2014	0	30/10/2014	49 days	67 days	2 month
	RC 0153/14/TB/GAH	6/8/2014	26/09/2014	7/10/2014	0	7/10/2014	50 days	91 days	2 month
	RP 0123/14/TB/GAH	27/08/2014	26/09/2014	9/10/2014	0	23/10/2014	29 days	42 days	2 month

	RP 0156/14/TB/GAH	2/10/2014	2/10/2014	9/10/2014	0	23/10/2014	0	7 days	21 days
	RP0148/14/TB/GAH	23/09/2014	26/09/2014	2/10/2014	0	9/10/2014	3 days	9 days	16 days
PC Muhoza	RC0181/014/TB/MUH	2/5/2014	9/5/2014	15/05/2014	0	5/6/2014	7 days	13 days	1 month
	RC0187/014/TB/MUH	7/5/2014	9/5/2014	15/05/2014	0	5/6/2014	2 days	8 days	1 month
	RC0714/013/TB/MUH	18/12/2013	28/04/2014	6/5/2014	1	20/06/2014	130 days	168 days	6 months
CT Huye	RCOM 0241/14/TC/HYE	30/07/2014	31/07/2014	17/09/2014	0	15/10/2014	1 day	47 days	3 months
IC Huye	RPA 0120/14/TGI/HYE	6/8/2014	29/09/2014	6/10/2014	0	24/10/2014	53 days	60 days	2 months
	RPA0168/14/TGI/HYE	21/10/2014	30/10/2014	12/11/2014	0	25/11/2014	9 days	21 days	1 month
	RP 0276/14/TGI/HYE	2/10/2014	27/10/2014	6/11/2014	0	27/11/2014	25	34	1 month
	RC 0264/14/TGI/HYE	30/09/2014	23/10/2014	5/11/2014	0	22/11/2014	23	35	2 month
PC Ngoma	RP 0318/13/TB/NGMA	22/07/2013	no data	24/04/2014	1	16/10/2014	-	272	3 month
	RC 0076/13/TB/NGOMA	7/2/2013	7/2/2013	7/2/2013			0	0	-
PC Ndora	RC 103/14/TB/NRA	31/07/2014	10/9/2014	2/12/2014	0	10/12/2014	41	122	4 month
	RC 0070/14/TB/NRA	26/05/2014	4/11/2014	4/11/2014	0	18/11/2014	158	158	6 month
	RC 0065/14/TB/NRA	15/05/2014	24/11/2014	14/11/2014	1	20/11/2014	189	179	7 month
	RP 0111/14/TB/NRA	16/06/2014	8/9/2014	8/9/2014	1	4/12/2014	82	82	6 month
	RP 0104/14/TB/NRA	12/6/2014	8/9/2014	8/9/2014	2	5/12/2014	86	86	6 month
IC Ngoma	RSOC 0009/14/TGI/NGOMA	21/07/2014	28/08/2014	15/10/2014	1	30/10/2014	37	84	3 month
	RPA 0265/14/TGI/NGOMA	19/08/2014	20/10/2014	17/11/2014	0	24/11/2014	61	88	3 month
	RCA 0566/14/TGI/NGOMA	9/11/2013	10/10/2014	29/10/2014		21/11/2014	367	350	1 year
	RAD 0016/14/TGI/NGOMA	19/08/2014	25/09/2014	10/11/2014			36	51	-
	RPA 0292/14/TGI/NGOMA	26/08/2014	20/10/2014	12/11/2014		25/11/2014	54	76	3 months

	RCA 0118/14/TGI/NGOMA	10/7/2014	2/8/2014	2/10/2014		31/10/2014	22	52	3 months
PC Kigabiro	RC 0189/14/TB/KBRO	20/10/2014	22/10/2014	31/10/2014		5/11/2014	2	11	1 month
	RC 0006/14/TB/KDO	11/1/2014	29/09/2014	30/11/2014		11/11/2014	258	319	10 months
	RP 0064/14/TB/KDO	24/03/2014	23/10/2014	20/11/2014		28/11/2014	209	236	8 months
	RC 0214/14/TB/KDO	11/1/2014	29/09/2014	30/11/2014		11/11/2014	252	319	10 months
IC Rusizi	RC 0145/13/TGI/RSZ	31/05/2013	3/6/2013	6/6/2013	1	30/07/2013	4	6	2 months
	RP 0114/13/TGI/RSZ	6/8/2013	8/8/2013	13/08/2013	0	21/08/2013	2	15	15 days
	RSOC 0001/14/TGI/RSZ	2/1/2014	22/01/2014	30/01/2014	0	6/2/2014	20	28	1 month
	RAD 006/13/TGI/RSZ	27/03/2014	28/05/2014	3/6/2014	0	30/06/2014	59	66	3 months
PC Kamembe	RC 0031/13/TB/KMB	21/02/2013	16/04/2013	23/04/2013	2	5/7/2013	55	62	5 months
	RP 0063/13/TB/KMB	3/4/2013	30/05/2013	5/6/2013	2	30/08/2013	57	62	4 months
	RP 0071/13/TB/KMB	29/04/2013	30/05/2013	5/6/2013	0	30/08/2013	31	36	4 months
PC Kagano	RC 0333/12/TB/KAG	28/05/2012	22/11/2012	27/11/2012	4	20/08/2013	174	179	3 months
	RP 0111/13/TB/KAG	22/07/2013	14/08/2013	21/08/2013	2	12/9/2013	22	31	2 months
	RC 0375/13/TB/KAG	8/7/2013	8/10/2013	6/11/2013	0	14/11/2013	90	118	4 months
	RP 009/14/TB/KAG	20/01/2014	10/2/2014	20/02/2014	0	31/03/2014	20	30	2 months
	RP 0162/13/TB/KAG	20/12/2013	30/01/2014	6/2/2014	1	30/04/2014	40	46	4 months

As stated by article 13 of the law N° 21/2012 of 14/06/2012 relating to the civil, commercial, labour and administrative procedure (Official Gazette n° 29 of 16/07/2012), “*all cases introduced to the court shall be tried in a period not exceeding six months (6) starting from the date the court received the claim. Otherwise, the President of the seized court shall explain to the President of the Supreme Court in writing the reasons thereof and shall also inform parties to the case. Apart from hearing urgent claims that are realised in case, all cases shall be given a date for hearing in accordance with the order of lodging/ registration*”.

The majority of cases observed in this study meet the 6 month time limit of rendering the verdict since the date of case lodging. There are many cases of that reached the verdict in less than a month, others less than 3 months, etc. However, other few cases were found with a long delay, ranging from 1 to 4 months after the legal time limit. Although efforts have manifestly been made to speed up the trial through various reforms so far undertaken, the data suggests that more efforts are still needed to minimize significantly the delays in rendering justice to the people.

Analysed from a service delivery perspective, the data in the table above suggest many cases, which took very long between their lodging to court and submission to the judge as well as between case lodging and first hearing. The data reveals that many cases are taken to the judge after 2 months (60 days), some taking even more than five months (150 days). More surprisingly, few cases took more than 10 months or one year. Although there is no legal time limit for this situation, one can argue that this is a long time for a person who submitted his/her case and who spend such period of time without any feedback from the court about the service requested.

- **Time limit to get a summon, a court resolution and an enforcement formula**

Table 7: Number of days taken to get a summon, a court resolution and a enforcement formula

Court name	Summons	Court resolutions	Enforcement formula
	Number of days	Number of days	Number of days
HC (Kigali)	1	1	1
CHC (Kigali)	1	1	1
IC Gasabo	1	1	1
PC Nyamata	1	1	1
PC Rusororo	1	1	1
IC Musanze	1	1	1
CT Musanze	1	1	1
PC Gahunga	1	1	1
PC Muhoza	1	1	1
CT Huye	1	1	1
IC Huye	1	1	1
PC Ngoma	1	1	1

PC Ndora	1	1	1
IC Ngoma	1	1	1
PC Kigabiro	1	1	1
PC Kabarondo	1	1	1
IC Rusizi	1	1	1
PC Kamembe	1	1	1
PC Kagano	1	1	1

The data suggests that all courts (observed), the court registrars provide promptly each of the three documents if requested. It has been observed that summons, court resolutions and enforcement formula are received and provided on the very date of their request. This appears to be a good indicator of courts' performance especially in the viewport of service delivery.

Table 8: Cases tried by a judge per month (July 2013 to June 2014)

Courts	Judges	Tried cases/month
Musanze Intermediate Court	Judge 1	30
	Judge 2	28
	Judge 3	26
	Judge 4	23
	Judge 5	21
	Judge 6	18
	Judge 7	10
	Judge 8	10
	Judge 9	11
Musanze Commercial Court	Judge 1	8
	Judge 2	12
	Judge 3	13
Gahunga Primary Court	Judge 1	25
Muhoza Primary Court	Judge 2	21
	Judge 3	45
	Judge 4	38
	Judge 5	22
Huye Intermediate Court	Judge 1	13
	Judge 2	21
	Judge 3	23
	Judge 4	16
	Judge 5	23
Huye Commercial Court	Judge 1	8
	Judge 2	15
	Judge 3	16
Ngoma Primary Court	Judge 1	33
	Judge 2	33

	Judge 3	33
	Judge 4	27
Ndora Primary Court	Judge 1	28
	Judge 2	23
Ngoma Intermediate Court	Judge 1	26
	Judge 2	17
	Judge 3	15
	Judge 4	20
	Judge 5	22
	Judge 6	24
Kigabiro Primary Court	Judge 1	42
	Judge 2	36
Kabarondo Primary Court	Judge 1	33
Rusizi Intermediate Court	Judge 1	11
	Judge 2	16
	Judge 3	20
	Judge 4	23
	Judge 5	26
	Judge 6	26
	Judge 7	36
Kamembe Primary Court	Judge 1	53
	Judge 2	49
	Judge 3	32
Kagano Primary Court	Judge 1	27
	Judge 2	18
	Judge 3	24
	Judge 4	29

Source: Desk research (courts reports 2014)

The table above presents average number of cases tried per month. As per the performance target signed by judges, between 15 -20 cases have to be examined on a monthly basis. The data suggests that 45 out of 54 judges assessed, that is around 83% stand above the average number of cases tried per month. It also shows that the majority of judges have gone beyond the target, with 24% (i.e. 13 judges) who at least doubled the target. Some judges in primary courts have examined, individually, more cases per month, than in other courts. Only 9 out of 54 judges, that is 16.6% were not able to reach the average. This implies that, overall, judges spare no effort to speed up the examination of backlogs as well as new cases. However, some judges who were interviewed in this study argued that though “performance target” do contribute in speeding up the examination of cases, they put judges under pressure and therefore produce some side effects. The biggest effect highlighted by judges is that by striving to hit the target (number of cases per month), the quality of judgments is sometimes jeopardized. Judges highlighted that sometimes they lack time to conduct further researches while drafting the final judgments.

- Backlogs**

Since the end of the genocide against the Tutsi, one of the biggest challenges that the Rwandan Judiciary has been facing is the high number of backlogs. Despite tremendous efforts made to overcome this issue, previous assessments proved that much was still to be done in this regard. This study has also examined this aspect as shown in the table below.

Table 9: Backlogs as for June 2014

#	Court per province	Number of backlogs
City of Kigali		
1	High Court (Kigali)	496
2	Commercial High Court (Kigali)	20
3	Gasabo Intermediate Court	218
4	Nyamata Primary Court	29
Northern Province		
1	Musanze Intermediate Court	410
2	Musanze Commercial Court	6
3	Gahunga Primary Court	1
4	Muhoza Primary Court	554
Southern Province		
1	Huye commercial Court	0
2	Huye Intermediate Court	197
3	Ngoma Primary Court	100
4	Ndora Primary Court	315
Eastern Province		
1	Ngoma Intermediate Court	259
2	Kigabiro Primary Court	10
3	Kabarondo Primary Court	33
Western Province		
2	Kamembe Primary Court	0

Source: desk research on courts reports (as of June 2014)

The data from the desk research (review of courts reports) suggest a high number of backlogs in courts. Based on available data, Muhoza Primary Court (554), the High Court (496), Musanze Intermediate Court (410) and Ndora Primary Court (315) count more backlogs than others. However, Commercial courts appear to have no real burden of backlogs. Since the end of the genocide against the Tutsi, backlogs have constituted the one of the biggest challenges of the Rwandan judiciary. However, various reforms have been undertaken to face this issue and significant results have been reported. Nevertheless, the data in the table above suggest that the judiciary has still much work to do in this regard.

4.6. Quality of judgments (at appellate level)

The quality of judgments rendered by courts stands among indicators performance of any judicial system. This section looks into the quality of judgments (at appellate level) through the number of received, overturned, rectified or confirmed cases in appellate courts so as to discuss the quality of judgments rendered by lower courts. Seven (7) case studies were considered in this study as shown in the table below.

Table 10: Proportions of cases overturned, rectified and confirmed (at appellate level)

Cases	Received	Overturned		Rectified		Confirmed	
		Cases	%	Cases	%	Cases	%
1. High Court	2745	364	13	0	0	2381	87
2. CHC (Kigali)	366	24	7	110	30	339	93
3. IC Gasabo	800	50	6	40	5	750	94
4. IC Musanze	1116	312	28	132	12	672	60
5. IC Huye	370	43	12	0	0	327	88
6. IC Ngoma	577	207	36	71	12	370	64
7. IC Rusizi	463	38	8	44	10	381	82
Total	6437	1038	16	397	6	5220	81

Source: desk review (courts reports 2014)

Overall, the large majority of cases received by appellate courts are eventually confirmed. As shown in the table above, average of 81% of cases lodged in appellate courts were neither overturned nor rectified. This result highlights the quality of judgments in the Rwandan courts in general. It shows that generally speaking, judges of lower courts tried to render consistent decisions. However, as the same table suggests, an average of 16% and 6% judgments that were overturned and rectified respectively; which means that some improvements are yet to be made.

4.7. Legality of provisional detention and time spent by suspects in correctional centers

For various reasons, some people with cases in courts are provisionally detained. This detention is legally provided for and must meet a range of legal requirements. For the purpose of this study, a number of considerations were made in relation to the legality of provisional detention and time spent in correctional centers. The focus was put on the time limit of the arrest of the suspect by the police, number of days that the suspect spent in provisional detention by the prosecutor, number of days for submission of the file by the prosecutor to the court for provisional detention, respect of seventy two (72) hours' period by the court in rendering a decision on provisional detention.

- **Legality of the time limit of the arrest by the Judicial Police Officer**

Under this criterion, both interviews and desk research in detainees' files considered the time spent by the suspect in police station before being handed to the prosecutor's office. While legal 5 days is observed for the majority of cases, it was noticed that for some other cases this time is violated. These are cases where one or two days beyond the legal time limit were observed. There were also controversial cases where suspects alleged that they spent many days (for example 2 months or above) under "illegal arrest" before being transferred to the competent prosecutor; but the date on arrest warrants did not prove this allegation. It was not easy for the researcher to cross-check this situation. In addition, some cases were reported where suspects were allegedly arrested by non-competent officers such as DASSO, *Inkeragutabara* and local leaders. As a matter of fact, a suspect detained in Muhanga Correctional Center, alleged that he was arrested by DASSO and a Village Coordinator before he was handed over to the Judicial Police Officer¹⁷.

- **Legality of provisional detention by the prosecutor**

Like for arrest, provisional detention is also provided for by the law¹⁸ which also specifies its duration. Article 99 states that "*the suspect shall be brought before the judge within five (5) days of the issue of the provisional detention warrant*". For the majority of observed cases, this time limit is abided by prosecutors. However, some cases were noticed where this time have been largely violated, some of them even up to more than 30 days. For example, a case where the provisional detention warrant was issued on 14 July 2014 and submitted the file to the Court on 28 July 2014¹⁹. Another illustrative case is where the prosecutor issued the provisional detention warrant on 3 November 2013 and submitted the file to the court on 10 December 2013²⁰.

- **Legality of the time limit for the decision on provisional detention by the judge**

Article 101 of law N° 30/2013 of 24/5/2013 relating to the code of criminal procedure provides that "*the judge ruling on provisional detention shall deliver a decision within seventy two (72) hours of the bringing of the case before the court after hearing the Public Prosecution and the suspect assisted by a legal counsel if he/she so wishes*". This criterion appeared to be most observed. Only very few cases were noticed as not sticking to the legal time limit. This is the case where the Prosecutor submitted the file to the court on 10 December 2013 and the court decided on 16 December 2013²¹. Another example

¹⁷ See Muhanga Prison MUT. Val. Arrested on 04/07/2014

¹⁸ Law N° 30/2013 of 24/5/2013 relating to the code of criminal procedure

¹⁹ See Muhanga Prison , KIM. Ph. arrested on 28/06/2014

²⁰ RDP 0108/14/TGI/KRNGI

²¹ RDP 0108/14/TGI/KRNGI

is a case where the provisional detention was rendered by the judge on 5 April 2003, while the Prosecutor had submitted the file to the court on 19 March 2003²².

The court did not respect the seventy two (72) hours' period in rendering the decision on provisional detention as the NPPA submitted the file to the court on 10 December 2013 and the court decided on 16 December 2013. Apart from this, the court was under obligation to try the case on merit within fifteen days from the day it received the case; the obligation which it failed²³.

Overall, the study suggests that the legal time limits for the arrest by the police, provisional detention by the prosecutor and the decision on provisional detention by the judge are largely observed in practice. However, few unlawful cases were found in relation the legal time limits for arrest and provisional detention.

CONCLUSION AND RECOMMENDATIONS

This study aims at examining the level of courts professionalism in Rwanda. Three data collection methods were used, namely desk research, observation and individual interviews with judges and court registrars. The indicators used to assess courts professionalism include customer care, mechanisms for service delivery feedback, compliance with legal procedures and practices during the hearing, compliance with legal deadlines, quality of judgment, and legality of provisional detention and time spent by suspects in detention centers. The key findings from the study are presented as follows:

Overall, based on the indicators of customer care that were selected for the purpose of this study, the findings prove largely very positive. However, few courts do not meet some standards of customer care. Those courts include PC Ngoma, PC Gahunga, CC Musanze , IC Huye, PC Kamembe and PC Nyamata.

In regards to mechanisms for service delivery feedback, the study revealed that all courts assessed have suggestion boxes. However, data suggest that service seekers and court officials do not use the majority of boxes. Very low proportion of boxes (22.4%) is frequently used by the service seekers in courts. Reasons behind the low usage of the boxes might be that some people are satisfied with the services they receive and have no complaint to lodge. It is further apparent that many citizens/ service seekers do not know the importance of those boxes, or that they are afraid of using them. Worryingly, many respondents say that they no confidence in courts staff and therefore

²² See Muhanga Prison , MUS. V. arrested 12/12/1999

²³ RDP 0108/14/TGI/KRNGI

find no need to resort feedback tools. In the same vein, it emerged that suggestion boxes outcome is not largely examined by courts. The proportion of courts whose suggestion boxes are frequently used by judges is low (35%), and almost a similar proportion of courts' presidents regularly share the boxes content with other courts' staff.

In general, the very large majority of judges in the monitored courts do strictly stick to legal procedures and practices during the hearing in courts. The proportions of judges that comply with those procedures stand above 80%. As far as pre-hearing is concerned, overall, pre-hearing sessions proved to be useful and effective despite some limitations including court registrars. Some parties to the conflicts do not understand the relevance of the pre-hearing practice; cases in appeal tend to be very hard to reconcile during the pre-hearing process.

Concerning compliance with legal deadlines, the majority of cases observed meet the 6 months time limit of rendering the verdict since the date of case lodging. Many cases reached the verdict in less than a month, others less than 3 months, etc. However, other few cases were found with long delays, ranging from 1 to 4 months after the legal time limit. In the same vein, the data reveals that many cases are taken to the judge after 2 months (60 days), some taking even more than five months (150 days). Few cases took even more than 10 months or one year. This also holds for the time between the case lodging and the first hearing.

Concerning the number of cases tried by a judge per month, around 83% of judges assessed stand above the average number of cases tried per month. It also shows that the majority has gone beyond the target, with 24% (i.e. 13 judges) who at least doubled the target. In relation to backlogs, the data suggest a high number of backlogs in courts. Muhoza Primary Court (554), the High Court (496), Musanze Intermediate Court (410) and Ndora Primary Court (315) count more backlogs than other courts assessed.

Concerning the quality of judgments, overall, the large majority of cases received by appellate courts are eventually confirmed. For example, an average of 81% of cases lodged in appellate courts were neither overturned nor rectified. However, the study showed an average of 16% and 6% judgments that were overturned and rectified respectively;

As far as legality of arrest and detention is concerned, the study suggests that the legal time limits for the arrest by the police, provisional detention by the prosecutor and the decision on provisional detention by the judge are largely observed in practice. However, few unlawful cases were found in relation the legal time limits for arrest and provisional detention.

Based on the findings above, some actions are recommended to address some of the gaps highlighted by the study.

Recommendation 1: It is recommended that the staff of the president of courts are responsible for collecting, examining and providing feedback on court clients' concerns expressed via suggestion boxes.

Recommendation 2: It is recommended that a joint permanent committee (bring together the Judicial police, NPPA, Supreme Court and RCS) is established at the national, with the mandate basis to examine, on a monthly basis, the irregularities in the process of both arrest and detention and find clear and effective mechanisms to prevent such unlawful practices. Additionally, administrative sanctions should be taken against whoever is responsible for breaching law and are responsible for detention irregularities.

Recommendation 3: The study has also revealed high numbers of backlogs at different levels of courts (primary courts, intermediate courts and the High Court). The Organic Law n° 02/2013/OL of 16/06/2013 modifying and complementing Organic Law n° 51/2008 of 09/09/2008 determining the organisation, functioning and jurisdiction of courts as modified and complemented to date was passed largely with the aim of easing the reduction of backlogs, given that some cases initially meant to be examined by the High Court are, following this amendment, in the competence of the intermediate courts. The High Court should therefore take advantage of this new law to speed up trials and put an end to the rampant issue of backlog. As regards backlogs in other courts, especially primary ones, the Supreme Court should resort to part-time judges with relevant qualifications to address the backlog issue.

Recommendation 4: The study has shown that the enforcement of performance target of cases tried has manifestly contributed in speeding up the trials. However, it has also been revealed that striving to achieve the target of average cases per month (15 trials) sometimes adversely impacts the quality of judgments. The Supreme Court inspectors should put a particular attention on this issue to ensure that judges' obligation to achieve their performance contracts does not hinder the obligation of rendering quality justice.

ANNEXES:

ANNEX 1: Legality of provisional detention and time spent by suspects in prison

MUHANGA CORRECTIONAL CENTER

NAMES Of suspects	Alleged crime	Date of arrest	Legality of the arrest	Provisional detention / Police Station	Provisional detention /Prosecution	Five days for public action	Court decision on Provisional detention	Reported Violations
1. MVUNABANDI Gerard	Housebreaking	20/05/2014		20/05/2014	22/05/2014	Not respected	29/05/2014	No feedback on his appeal against the PD, 7 days in PD of the NPPA
2. BANYANGIRIKI Frodouard and another	Theft	28/09/2013		03/09/2013	29/13/2013	Not respected	16/09/2013	No judgment on the merits and delays are not respected
3. NTAWIGENER A M. Grace	Human trafficking	20/09/2014		20//09/2014	26/09/2014	Respected	29//09/201 4	

4. NIBAKAREKE M. Josee	Involuntary homicide	09/09/2014		09/09/2014		Respected	25/09/2014	
5. SIBOMANA Johanna	Involuntary homicide	12/05/2014		12/05/2014	16/05/2014		25/05/2014	The court decision ordering for the transfer in Muhamga CC was not executed as the detained is recorded on 10/06/2014
6. MUTOKAMBA RI Valens	Theft	04/07/2014	Arrested by DASSO without a warrant	04/07/2014	08/07/2014		15/10/2014	Detained by incompetent authorities

NYAKIRIBA CORRECTIONAL CENTER

NAMES	Crime or Sentence Committed on	Arrested	Provisional detention / Police Station	Provisional detention / Public Prosecution	Provisional detention / Judge Decision	Judgment Provisional detention	Reported Violations	Observation
1. NIYOYITA Janvier Age: 30 Crime or Sentence: Slandering the Head of the State	02/09/2014	2/2/2014	2/09/2014	9/9/2014	16/9/2014	16/9/2014	Arrested by the Executive Secretary of Mukamira Bitten by DASSO Appealed against the PD, no favorable issue Audience on the merits fixed on 05/11/2014 Forced to confess, otherwise he will be charged of genocide ideology and high treason	No summon for the merits Denied to read the file by the Prison Director No legal aid by lack of means

2. DUKUNDANE Bonaventure Age: 29 Crime or Sentence: Illegal change of names	2013	01/9/2014	?	?	?	18/9/2014	Denied to read the file by the Prison Director Appeal to the HC (no legal aid) No legal aid by lack of means	No legal aid by lack of means Psychological assistance needed
--	------	-----------	---	---	---	-----------	--	--

NAMES	Crime or Sentence Committed on	Arrested	Provisional detention / Police Station	Provisional detention / Public Prosecution	Provisional detention / Judge Decision	Judgment Provisional detenn	Reported Violations	Observation
1. NIYIGENA Francois Age: 19 Crime or Sentence: Theft	9/10/2014	9/10/2014	9/10/2014	9/10/2014	17/10/2014	17/10/2014	No arrest warrant Threatened during the interview by the prosecutor to confess No reading of the pro justitia No summon to appeal for the merits Sentenced 1 year for appealing	No legal aid No ways to search evidences for his defense No way to check the Prosecutor's

							against the PD	submissions
2. MUNYARU KIKO Theogene Age: 36 Crime or Sentence: Assault and battery	12/10/2014	17/10/2014 14	17/10/2014	22/10/2014	28/10/2014	12/11/2014	Violence in the arrest in the Hospital while attempting to save his child killed by the one to be the victim of his alleged crime ("he has been provoked", he says) Arrested by Inkeragutabara (DASSO forces) Not informed about his rights when arrested No arrest warrant Threatened during the interview by the prosecutor to confess No reading of the pro justitia No summon to appeal for the merits	No legal aid No ways to search evidences for his defense No way to check the Prosecutor's submissions

RUHENERI CORRECTIONAL CENTER

RUSIZI CORRECTIONAL CENTER

NAMES Of suspects	Alleged crime	Date of arrest	Legality of the arrest	Provisional detention / Police Station	Five days for public action	Court decision on Provisional detention	Reported Violations
1. NZITABAKUZE Straton	Theft	23/09/2014	Arrested by DASSO force without a warrant	29/09/2014	07/10/2014	08/10/2014	12 months without a trial
2. NGABONZIZA Isodore	Theft	12/09/2014	Respected	27/10/2014	30/10/2014	31/10/2014	1 month and 6 days without a trial
3. NGABONZIZA Isodore	Theft	25/10/2014	Respected	27/10/2014	30/10/2014	31/10/2014	1 month and 6 days without a trial
4. TUGIRAMAHO RO Jeremie	Rape	12/09/2014	Arrested without a warrant	16/09/2014	19/09/2014	22/09/2014	
5. MUHIRWA Etienne	Theft	28/10/2014	Arrested without a warrant	31/10/2014	04/11/2014	05/11/2014	
6. BIGIRIMANA Aloys	Murder	22/05/2014	Arrested without a warrant	27/05/2014	28/05/2014	29/05/2014	6 months and 5 days without a trial

RWAMAGANA CORRECTIONAL CENTER

NAMES Of suspects	Alleged crime	Date of arrest	Legality of the arrest	Provisional detention / Police Station	Five days for public action	Court decision on Provisional detention	Reported Violations
1. TWIZEYIMANA Jean Paul and 3 others		Not indicated (MAP)	Respected	31/08/2014	03/09/2014	12/09/2014	4 months in PD without a rapid trial (Kabarondo PC)
2. KAGIMBURA Peter	Complicity in murder	22/10/2013	Respected	22/10/2013	27/10/2013	04/12/2013	12 months without a trial (Kabarondo PC)
3. NGEZAHOGUH ORA Jean Paul and 10 others		17/03/2012		20/03/2012		28/03/2012	2 years in PD (Nzige PC)
4. NSABIMANA Appolinaire	Assault and battery	26/06/2014		30/06/2014		10/07/2014	5 months in PD without a rapid trial (Kigabiro PC)
5. NGARUKIYUM UKIZA Boniface		09/08/2014		13/12/2014		26/08/2014	5 months in PD (Gatunda PC)
6. BIHOYIKI Ladislas	Attempt to commit a murder	14/02/2010		17/02/2010		19/02/2010	4 months in PD without a rapid trial (Kirehe PC)

ANNEX 2: COURT MONITORING GUIDE

A. IDENTIFICATION

SN	Identification	Response
1	Name of the court/prison visited	
2	Date of hearing	
3	Case reference number	
4	Status of the judge	
5	Name of the judge	
6	Years of experience as a judge	
7	Other(specify)	

B. OBSERVATION		
I. CUSTOMER CARE		
1. Are there any signpost directing people to the court?	Yes	No
2. Does the court have a timetable/schedule (working days) which is clearly posted for the public?		
For		
a. The president of court	Yes	No
b. The chief Registrar	Yes	No
c. The hearing	Yes	No
3. Does the court constantly stick to that time table, if any?	Yes	No
4. Does the court have a timetable/schedule (working hours) which is clearly posted for the public?	Yes	No
5. Does the court constantly stick to that time table, if any?	Yes	No
6. Does the court have a Citizens'Charter?	Yes	No
7. Is the service charter easily accessible to service users in terms of language used (Kinyarwanda, English, French)?	Yes	No
8. How comfortable is the court premises	Very comfortable Comfortable Somewhat comfortable Not comfortable Not comfortable	1 2 3 4 5

	at all	
9. Is the service charter posted for the public?	Yes	No
10. How spacious is the court hearing room in line with the size of the audience (public)?	Very spacious spacious Fairly spacious tiny Very tiny	1 2 3 4 5
11. How ventilated is the court hearing room in line with the size of the audience (check windows, doors, air-conditioning)?	Very well-ventilated Well-ventilated Badly ventilated Very badly ventilated	1 2 3 4
12. Does the court have the required equipments? Comment with detailed evidences	Yes	No
13. Are contacts for president of court, chief registrar and the Inspector General of court publicly posted		
II. MECHANISMS IN PLACE FOR THE COURT TO HAVE SERVICE USERS' FEEDBACK		
1. Is there any suggestion box for the public?	Yes	No
2. Is the box posted in a public easy-access place?	Yes	No
3. Is the box posted in a way that guarantees confidentiality of the users?	Yes	No
4. Does the public regularly use the box for feedback	Very often Often Sometimes Rarely Never	1 2 3 4 5

5. Is the box data regularly examined by the court (check the report)	Very often	1
	Often	2
	Sometimes	3
	Rarely	4
	Never	5
6. Do judges and judicial personnel receive feedback on data from suggestion box	Very often	1
	Often	2
	Sometimes	3
	Rarely	4
	Never	5
III. SERVICE DELIVERY/ISUBIZWA RY'IBIBAZO		
Service requested	Date of service request /igihe ikibazo cyatangiwe	Date of service received/igh e igizubizo cyabonekeye
Summons /assignation /ihamagara		
Court resolution/Incarubanza		
Enforcement formula/cachet mpuruza		
IV. PROVISION OF A AND FAIR JUSTICE TIMELY <i>(comment the response from 4.1 to 4.10 on a separate sheet)</i>		
1. Do judges abide by art. 68 of CPCCSA/ CCASP (law n° 21/2012 of 14/06/2014 Art. 150 -153 of law n° 30/2013 relating to the code of criminal procedure	Yes	No
2. Do judges check the date of submission of required documents in line with legal requirements? (check the legal requirement, (art. 69 CPCCSA/ CCASP)	Yes	No
3. Do court registrar write all that is said and done in the course of trial that relate to the case? Art. 70	Yes	No

CPCCSA/ CCASP)			
4.	Do judges allow litigants and witnesses to check out the content of the documents before affixing their signatures?	Yes	No
5.	To what extent does the judge treat both parties equally with regard to listening to them?	Very high	1
		High	2
		Fairly high	3
		Low	4
		Very low	5
6.	To what extent does the judge treat both parties equally with regard to probing/examination?	Very high	1
		High	2
		Fairly high	3
		Low	4
		Very low	5
7.	To what extent do the judges equally keep time for parties during the hearing?	Very high	1
		High	2
		Fairly high	3
		Low	4
		Very low	5
8.	To what extent do security measures for the court and the audience are ensured during the hearing	Very high	1
		High	2
		Fairly high	3
		Low	4
		Very low	5
9.	To what extent does the judge fairly examine the objection expressed by both parties throughout the hearing process?	Very fairly	1
		Fairly	2
		Moderately fairly	3

	Unfairly	4
	Very unfairly	5
10. Does the judge provide a feedback to the objection expressed by both parties in line with the legal deadline?	Yes	No

ANY OTHER OBSERVATION YOU MAY HAVE (separate sheet)**C. DESK REVIEW****1. JUDGMENT / ICIBWA RY'IMANZA**

1. Examine how effective is the pre-hearing practice in the court(see pre-hearing reports)		
2. Number of cases tried by the judge per month from July 2013 to June 2014		
3. Number of cases rejected by the judge per month from July 2013 to June 2014		Main reasons for rejections
4. Number of cases rejected by the court registrar per month from July 2013 to June 2014		Main reasons for rejections
5. Number of backlogs as of June 2014		

2. QUALITY OF JUDGMENTS (Appellate courts only) : July 2013 –June 2014**2.1. Appellate only**

Number of cases received	Number of cases overturned	Number of cases rectified	Number of cases confirmed

Execution of court resolution

Number of cases received	Number of cases recommended for interpretation	Number of cases with disputes for execution

IGIHE URUBANZA RUMARA KUVA RWINJIYE KUGEZA RUCIWE

Case reference :	Date of case submission to the court	Date of case submission to the judge	Date of first hearing	Number of hearing postponements	Date of verdict	Date of final writing of the judgment	Number of days from the date of case submission to the date of final writing of the judgment	Date of receipt of the court resolution

3. Examine how effective is practice of the auto-evaluation of court resolution in the court

4. PERFORMANCE INDICATORS FOR JUDGES

1. Umubare w'imanza zaciwe n'umucamanza mu kwezi :
2. Igihe urubanza rumara kuva ikirego cyinjiye kugeza umucamanza arusomye :
3. Igihe cyo gusoma urubanza kuva rupfundikiwe :
4. Umubare w'imanza umucamanza yaciye zajuririwe
5. Umubare w'imanza umucamanza yaciye zajuririwe zigahindurwa mu bujurire
6. Expertise (ubumenyi)
7. Uburyo umucamanza yubahiriza ibiteganijwe n'amategeko (uniformity of law)

C. PRISON (write answers on a separate sheet and provide details us much as possible)

1. Gusuzuma uko ifatwa n'ifungwa bikorwa / **How legal is the arrest of suspects? How legal is the detention of suspects?**
2. Kubaza abagororwa bafunzwe byagateganyo igihe baba bamaze muri gereza? **Check the Number of days /months/years/ suspects have spent detention? Reference :procedure penale**
3. Gusuzuma niba igihe ukurikiranyweho icyaha yashyikirijwe umucamanza mu gihe kitarenze iminsi itanu (5) kuva igihe urwandiko rumufunga by'agateganyo rwatangiweho.
4. Kubaza niba Umucamanza waburanishije ikirego cy'ifungwa ry'agateganyo yarafashe icyemezo mu gihe kitarenze amasaha mirongo irindwi n'abiri (72) kuva urukiko ruregewe

**Name of the
Observer:.....**

Signature of the Observer

Transparency International Rwanda

P.O. Box 6252 Kigali, Rwanda

Tel. +250(0)788309583

Toll free: 2641 (to report cases of corruption)

E-mail: info@tirwanda.org

Website: www.tirwanda.org