TRANSPARENCY INTERNATIONAL RWANDA

SITUATIONAL ANALYSIS OF PROFESSIONALISM AND ACCOUNTABILITY OF COURTS FOR A SOUND RULE OF LAW IN RWANDA

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Acknowledgement

For a period of 20 years, the Rwandan Judiciary has evolved in spite of extreme challenges due to the consequences of the 1994 Genocide against the Tutsi. A number of reforms were continuously performed after the adoption of the new Rwandan constitution of 4 June 2003. It is in this perspective that the government of Rwanda committed to put in place Judicial Institutions designed to provide fair and independent justice in a bid to achieve a coordinated development for the country.

In line with its mission of "fighting Corruption through enhancing integrity in the Rwandan society", Transparency International Rwanda conducted a study on accountability and professionalism of Rwandan courts with the aim of contributing to advocate for strengthening the rule of law in Rwanda by achieving a more professional, effective and accountable justice system.

The present report stands therefore as a contribution of Transparency International Rwanda to the mission of the Rwandan Judiciary which is to "dispense justice with equity and integrity with a view to serving litigants, thus contributing to the reinforcement of rule of law, particularly in respect of fundamental liberties and human rights." Indeed, it emerges from the report that the level of courts effectiveness in fulfilling their duties stands fairly high. However the level of effectiveness is largely affected by critical issues raised including delays in rendering justice to people and the feeling of unfairness for some judges in making decisions, to name but a few.

On behalf of TI-Rwanda, I would like to express my sincere appreciation and gratitude to all the institutions that made this report successful. We are in this respect indebted to the European Commission (EU) that funded this project.

Our sincere appreciation goes also to all judges, lawyers and the Inspector General of Courts who provided valuable inputs during this study. Our special thanks go also to all of the courts clients and prisoners who filled in the forms that were dropped in the suggestion boxes.

I would like to thank TI-Rwanda's Executive Director, Mr. Apollinaire MUPIGANYI, who provided the necessary support and guidance to the research and the quality assurance of the final report, the consultant Prof. Ngagi Alphonse and the research team for their contribution to the success of this study.

Marie Immaculée INGABIRE

Chairperson of TI-Rwanda

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EXECUTIVE SUMMARY

This study is a component of a project run by Transparency International Rwanda which aims at contributing to strengthening the rule of law in Rwanda by achieving a more professional, effective and accountable justice system. Its specific objectives include:

- Investigate the level of professionalism of courts
- Analyze the effectiveness of courts in delivering justice to the population(compliance with procedures, adjournment of cases, quality of judgment delivered, execution of judgment)
- Assess the level of accountability of judges

As far as the methodology is concerned, the study combined both qualitative and quantitative approaches. Structured questionnaire (suggestion boxes), desk research, key informants interviews and focus group discussions were used. People who interacted with courts between 2008 and 2013 constituted the main target population of the study. These were people who sought services from courts, i.e. those who had cases in courts (primary, intermediate courts, the High Court, commercial courts and the High Commercial Court), both those in courts and those in prisons (both detainees and prisoners). A sample of 2931 individuals in both categories participated in this study and filled the questionnaire. Concerning qualitative approach, key informants interviews were organised with some judges and registrars, while FGDs were organised with selected citizens and lawyers.

Based on court service users' perception and experience, as well as reports largely from the Supreme Court, the study investigated the level of professionalism and accountability of judges in courts.

A number of key findings are worth mentioning and include:

- ✓ Primary courts emerged as type of jurisdictions most approached by the respondents (64%), followed by intermediate courts (20.8%). In simpler words, the lower the courts the higher the proportion of people who refer matters to them.

- ✓ As regards qualification of judges the study revealed that all court judges and inspectors are qualified, as they all hold at least a bachelor's degree in law. Of the 268 judges, 0.37% hold a PhD, 11.93% with Master's and 88% are bachelor's degree holders. At the registrar's level, the 2012 report indicates that 105 of 271 are almost 39% do not hold at least a bachelor's degree, but none below A2 diploma.

- ✓ In relation to independence of judges, judges who were interviewed contended that they do their work without interference of the hierarchy or of other authorities. Some but few argued that sometimes, when it when it comes to issues brought to the attention of the hierarchy of courts, the latter may call their attention so that they can be as more diligent as possible, but without giving them any instruction on how to resolve this or that dispute". Sometimes, when faced with a complex issue, they take the initiative to seek advice from the hierarchy without being bound by that advice.

- ✓ In the same vein, this opinion is shared by a small proportion (25.4%) of citizens who had cases in courts and who suggest that independence of judges is not totally guaranteed in practice.

- ✓ As far as impartiality of judges is concerned, 64.7% of those who were not totally satisfied with courts decisions maintained that their dissatisfaction was due to the partiality of judges. This perception is also expressed by respondents on critical issues they experienced in courts, among which perceived unfair decisions by judges.

- ✓ The Single judge system has been instrumental in addressing the backlog issue, sometimes it does not prove to guarantee quality justice especially at last appeal resort. In the words of a lawyer "in the last appellate resort, the judge's decision is quasi absolute. The single judge sometimes makes deliberately unfair decision as a result of corruption or nepotism because he/she knows he/she has a final say on the legal case taken to him/her". Participants maintained that this proves very concerning especially in criminal matters involving long imprisonment sentences or losing high valued properties or assets. It was therefore argued that the single judge system would be more appropriate for cases in first resort than last appellate one.

- ✓ With regard to corruption among judges, it emerged from the study that 17.4% of respondents who were not very satisfied with court decisions evoked corruption as justification, which is an important aspect of judges integrity. In the same vein, the study suggested that around 1 in 10 people, that is 12.2%, experienced cases of corruption in their interaction with judges. Bribe (41.4%) and favoritism/nepotism (57%) emerged as major types of corruption experienced by these respondents. One can argue however, that money-based corruption may be understood as a fact while favoritism and nepotism remain perceptions which are not easy to comprehend. Overall, respondents who paid bribe spent Rwf 15,990,000. The average amount paid by every person stands at Rwf 228,429.

- ✓ Concerning diligence of judges, the Supreme Court report of 2012-2013, over the course of this period, 80,259 judgments were delivered. The monthly average achieved by each judge is 24 judgments while the assigned target is 15 judgments per month. Moreover, it was also found that the quality of judgments has significantly improved due to the fact that judges are encouraged to research and especially advised to refer to similar decisions by higher courts (the previous system). However, the study reveals that major problems which affect respondents' right to get a fair and timely justice include failure to respect legal deadlines (34.9%) and unfair decisions made by judges (32.9%) , delayed justice (26.1%), failure to execute courts decisions (22.2%), many adjournments of trials (21.8%) and economic cost of justice (20.8%). This affects manifestly the diligence of judges.

- ✓ As regards the economic cost of justice, it is worth noting that while the government revised legal fees for lodging a court case with hope that it will help courts meet the daily operational costs, which have increased over the years and discourage people who endless spend their time in courts, participants, both citizens and lawyers asserted that the new rates will lock out many people from accessing justice.

- ✓ Overall, the level of courts effectiveness in fulfilling their duties stands fairly high that is around 60%. It calls therefore for doubled efforts to increase it. Such a level of effectiveness is largely affected by critical issues raised above including delays in rendering justice to people and the feeling of unfairness in making decisions, to name but a few. In addition, delayed justice proves to be one of other hindrances of courts' effectiveness given that "delay justice is denied justice". The most important reason for such a delay justice is mainly related to backlogs, the low number of judges in courts and many adjournments.

- ✓ The assessment of accountability of judges suggested that a couple of mechanisms to hold judges accountable are in place. These include appellate instances, disciplinary measures and sanctions in case of judges' misconduct, and other reporting mechanisms in case of misconduct such as corruption, etc. A total of 38,298 decisions rendered by ordinary courts between 2004-2011, 40%, that is 15,362 went on appeal. In the same vein, 15,362 appellate decisions, only 1122 were overturned (7 %), while overall, 41.2% of respondents saw their cases examined at appeal level.

  Furthermore, at the level of commercial courts, of 2074 decisions, only 312 went on appeal, and of 312 only 29 have been reformed. In relation to disciplinary measures and sanctions, during 2011-2012 the High Judicial Council convened to examine 7 cases of judges and registrars and decided the removal from office of 3 judges and 2 court registrars[1]. Likewise, the 2013 Supreme Court Report indicates that in this year, 5 dossiers were examined and revoked one judge and 2 registrars, and took disciplinary sanctions to 2 judges.

- ✓ However, the data suggested a low proportion of respondents (15.7%) who reported corruption cases after being asked to pay it or simply after paying it. Those who do not report corruption cases include mainly people who fear troubles they may get in as a result of reporting (43%), feeling that no positive outcome would result from reporting (36.8%), lack of information of appropriate instances to report to, and fear for spending time in many instances.

In order to address some challenges highlighted by the study, a couple of actions were recommended among which doubling efforts in resorting to part-time judges (*juges contractuels*) to speed up the examination of backlog and therefore deliver justice in time.

[1] See the report of the *Supreme Court 2011-2012*, p.48.

1. INTRODUCTION

1.1. Background

Since mankind exists on earth, he formed relationships with others. Relationships can be friendly, just as they are most often and usually conflicting. These conflicts affect many aspects of life (family, property, inheritance, contracts, labour, commerce, insurance, transportation, etc.).

When not amicably settled, they generate trials. The importance of trial can be measured by a role it plays in any civilization[2]. The trial is so ubiquitous. Thus, according to the Bible, the early history of mankind, the divine sanction stroke Adam and Eve's behaviour expelled from earth's Paradise[3]; Christ was condemned[4], and the end of human history, the stage of Judgement will judge the living and the dead[5].

The existence of a trial *ipso facto* brings into play the existence of a judge to resolve the dispute brought before him/her. In the modern legal system, the judge is attached to a public service organization; functioning and jurisdiction are governed by law[6]. She/he is also subject to a code of ethics which imposes duties to follow professional order and type of behaviour to adopt.

One of the major consequences of the genocide against the Tutsi is the collapse of institutions among which the judiciary. While some staff personnel were killed, others were either involved in the genocide, simply detained as suspects, or simply on the run. This sector was highly affected while it was exceptionally needed to handle the critical judicial plight created by this genocide as well as other ordinal legal cases. Relevant policy, legal and institutional frameworks and mechanisms were therefore needed to take up such a challenge.

The post-genocide period (1994 -2003) adopted the Fundamental Law – establishing the following ordinary Courts: Canton Courts, Courts of the First Instance, Appeal Courts, and the Supreme Court. The new Supreme Court was once again composed of five sections – the Department of Courts and Tribunals, the Court of Cessation, the Constitutional Court, the State Council and the Court of Public Accounts. Following the Constitutional revision of 18 April 2000, a sixth section – the Department of Gacaca Courts was introduced[7].

[2] S. Guinchard, M. Bandrac, et all, *Droit processuel, droit commun et droit comparé du procès*, Paris, Dalloz,2003, p.1
[3] Genesis chapter 3, Holly Bible
[4] Matthew 27, Mark 15 , Luke 23 and John 18-19, Holly Bible
[5] Revelation 20, Holly Bible.
[6] See for Rwanda, Organic Law n° 51/2008 of 09/09/2008 determining the organisation, functioning and jurisdiction of courts and Organic Law no02/2013 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
[7] Supreme Court, Strategic Plan of the Judiciary 2009-2013, p.6

The Constitution of 04 June 2003 introduced several innovations in the justice sector among which the new nomenclature of the courts:

- Six departments of the Supreme Court are replaced by a Supreme Court without departments;
- The five courts of appeal are replaced by a High Court;
- Courts of first instance are replaced by the Intermediate courts;
- 145 canton courts are replaced by 60 Primary courts;
- The commercial courts are established.

And the judiciary now includes the ordinary Courts which are: the Supreme Court, the High Court, the Intermediate Courts, Primary Courts and the specialized Courts which are Military courts and Commercial Courts.

Note that Article 60 of the 2003 Constitution recognizes the judiciary as one of the three powers of the State. Similarly, Article 140 of the same Constitution establishes the exercise of judicial power under the responsibility of the Supreme Court and other courts. The Constitution also guarantees the judiciary financial and administrative autonomy.

As a result of reforms undertaken after the genocide, the Rwandan Judiciary is currently comprised of a set of courts namely the Supreme Court, the High Court and its five chambers, 12 Intermediate Courts, 12 Primary Courts, and specialised courts including the High Commercial Court and 3 commercial courts of Huye, Nyarugenge and Musanze[8].

Guarantees of an independent judiciary, impartial, quick, performed by professional, honest and competent judges is one of the pillars of the rule of law. The Rwandan judicial system has also a similar mission as stated in the strategic plan of the Supreme Court :"***to dispense justice with equity and integrity with a view to serving litigants, thus contributing to the reinforcement of rule of law, particularly in respect of fundamental liberties and human rights***[9]" As a result, the Rwandan judiciary has set the following key objectives [10] :

- *To ensure that justice is fully accessible to the people of Rwanda;*
- *To ensure that justice is administered fairly, effectively and efficiently;*
- *To strengthen the independence of the Judiciary to boost confidence in the adjudication process; and*
- *To engage in active, effective collaboration with justice partners.*

In order to achieve these objectives, courts will need to provide justice done with professionalism, an effective justice, responsible and accountable to the community beneficiary of those services.

[8] Supreme Court, The Courts, http://www.judiciary.gov.rw/the-courts/
[9] Supreme Court, Strategic Plan of the Judiciary 2009-2013, p.2
[10] Supreme Court, Annual report 2011-2012, Kigali, 2012, p.2; Supreme Court, Strategic Plan 2009-2013, p. 2.

Based on its mission which is to contribute in the fight against corruption and promoting good governance through enhancing integrity in the Rwandan society, Transparency International Rwanda (TI-Rw) developed a five-year strategic plan (2010-2014) in which it postulates to ensure effective service delivery by the monitoring of integrity and transparency in the implementation of government programs and institutions.

Since last year (May 2013), thanks to the financial support from European Union, TI-Rwanda started implementing a project aiming at contributing to strengthening the rule of law in Rwanda by achieving a more professional, effective and accountable justice system.

Specifically, the project intends to:

- Investigate the level of professionalism of courts
- Analyze the effectiveness of courts in delivering justice to the population (compliance with procedures, adjournment of cases, quality of judgment delivered, execution of judgment)
- Assess the level of accountability of judges

2. METHODOLOGY

2.1. Approaches and methods

This study combines both qualitative and quantitative approaches. From a qualitative viewpoint, both desk research and key informants interviews were used, while the quantitative approach involved the questionnaire administered through the boxes to people who interacted with courts between 2008 and 2013. This period stands for the beginning of the implementation of EDPRS 1 (in which justice is taken as a key component of the governance flagship[11]) and the year in which latest important reform of the judicial sector was done, 2013 as the year in which the data collection was conducted (July-October 2013).

a. **Desk research:** This consisted in reviewing existing literature on judicial system in Rwanda. Laws, survey reports, institutional reports and some other key relate publications.

b. **Interviews:** The study also resorted to individual interviews with key informants including judges in various courts. The discussions covered issues such as judges' professionalism and courts effectiveness in fulfilling their duties.

c. **Focus group discussions:** In order to get more insights and interpretation of quantitative and some desk data, 10 focus group discussions (FGDs) were conducted with some courts' clients.

d. **Questionnaire:** A structured questionnaire was designed and was handed to courts clients by TI-Rw staff who were deployed to selected courts and prisons where suggestion boxes had been established to that end. Citizens seeking service were therefore asked to fill the questionnaire and drop it in the suggestion box nearby. The questionnaire included a set of questions focusing mainly on citizens' satisfaction with courts' services, professionalism, integrity and effectiveness.

2.2. Sampling design

The main target population for this study is comprised of users of courts services. They include mainly the population in all its diversity. For practical reasons, the study focused on people who sought services from courts, i.e. those who had cases in courts (primary, intermediate courts, the High Court, commercial courts and the High Commercial Court), both those in courts and those in prisons (both detainees and prisoners). The Supreme Court was not included given that ordinary people are not allowed to appear in this court if not represented by a lawyer[12]. A sample of 2931 individuals in both categories participated in this study and filled the questionnaire. Below is the sample distribution by courts and prisons.

[11] Republic of Rwanda (2007) Economic Development and Poverty Reduction Strategy, p.77

[12] Article 42 of the Organic Law n°03/2012/OL of 13/06/2012 determining the organization, functioning and jurisdiction of the Supreme Court, *Official Gazette* n°28 of 09 July 2012.

Table 1: Distribution of the sample by courts and prison

Region	Court / Prison	Frequency	Percent
Kigali	High Commercial Court	*96*	*3.3%*
	High Court	*129*	*4.4%*
	Intermediate Court Gasabo	*145*	*4.9%*
	Primary Court Nyamata	*126*	*4.3%*
	Primary Court Rusororo	*135*	*4.6%*
	Prison Remera	*135*	*4.6%*
East	Intermediate Court Ngoma	*102*	*3.5%*
	Primary Court Kabarondo	*103*	*3.5%*
	Primary Court Kigabiro	*122*	*4.2%*
	Prison Ntsinda	*149*	*5.1%*
North	Commercial Court Musanze	*103*	*3.5%*
	Intermediate Court Musanze	*142*	*4.8%*
	Primary Court Muhoza	*122*	*4.2%*
	Ruhengeri Prison	*149*	*5.1%*
	Primary Court Gahunga	*122*	*4.2%*
South	Commercial Court Huye	*115*	*3.9%*
	Intermediate Court Huye	*132*	*4.5%*
	Primary Court Ndora	*95*	*3.2%*
	Primary Court Ngoma	*127*	*4.3%*
	Prison Muhanga	*112*	*3.8%*
West	Intermediate Court Rusizi	*109*	*3.7%*
	Primary Court Kagano	*115*	*3.9%*
	Primary Court Kamembe	*110*	*3.8%*
	Prison Nyakiriba	*136*	*4.6%*
	Total	***2931***	***100.0%***

As shown in the table above, respondents were drawn from 5 prisons and 19 courts. Courts include the High Court, 10 primary courts, 5 intermediate courts, the High Commercial Court and 2 commercial courts. Suggestion boxes were therefore established at the offices of these institutions and questionnaires were dropped in the latter boxes after filling them.

Furthermore, 13 interviews were conducted with judges and lawyers and an inspector. They include the Inspector General of Courts at Supreme Court, 4 judges at the High Court, 2 judges at commercial courts, 4 judges at intermediate courts, 2 lawyers at Rwanda Bar Association. In the same vein, FGDs were organised with selected lawyers and some citizens whose cases were examined by courts. All in all, 9 FGDs were conducted and were very instrumental and making sense of some quantitative and desk data.

As regards the desk research, all relevant documentation researchers could access was useful in informing on key areas of the Rwandan judicial system.

2.3. Data collection

Prior to embarking on field work, a team of enumerators were recruited and trained on the questionnaire and how they should sensitize and facilitate the respondents to the questionnaire and the suggestion boxes. They were therefore of great use in collecting quantitative data from courts' clients. One enumerator was appointed to one institution to that end. As mentioned above, respondents included people with cases in courts, both those in prisons and those out of them. The data collection through questionnaire and suggestion boxes took 3 months to be completed. A rigorous supervision of data collection was ensured by TI-Rw research staff.

As regards qualitative data, both interviews and desk research were conducted by proficient researchers including a law university professor.

2.4. Data analysis

For the purpose of data processing, a specific data entry template was designed using Statistical Package for Social Sciences (SPSS). Quantitative data were captured by data entry staff under the supervision of the Consultant's IT specialist. After this task, data cleaning and analysis were done by the IT specialist.

The scoring logic used the following scale where a numeric value was assigned to each response option as follows:

1. **Formula used to calculate questions' score:**

A Weighted Average Mean was used to calculate the questions score which is an average in which each quantity to be averaged is assigned a weight. These weightings determine the relative importance of each quantity on the average as indicated in the formula below:

$$\bar{x} = \frac{\sum_{i=1}^{n} x_i w_i}{\sum_{i=1}^{n} w_i}$$

Where x1, x2… xn are quantitative scores (0, 2, 3, 4) and w1, w2… wn are frequency scores corresponding to respective qualitative scores.

2. **Formula used to calculate indicator's score**

The first step in the scoring process is to construct a score for each question using the above mentioned formula. As a second step, question scores are aggregated into a score for each sub-indicator. The sub-indicator score is computed as a simple mean of associated question scores (Qscores).

The same process is used to calculate the indicator score and the overall score as indicated in the following formula:

$$Sub-indicator\ score\ x,i = \frac{Q\ Score\ x,i,1 + Q\ Score\ x,i,2 + Q\ Score\ x,i,n}{n}$$

$$Indicator\ Score\ x,i = \frac{SI\ Score\ x,i,1 + SI\ Score\ x,i,2 + SI\ Score\ x,i,n}{N}$$

$$Overall\ score = \sum_{k=1}^{n} I\ Score\ x,i$$

where **SQ** : sub-question

Q : question

SI : Sub-indicator

I: indicator

n: Number of questions, sub-indicators and indicators

3. Scoring scale

The above scoring logic will use the following scale where a numeric value is assigned to each response option as follows:

Table 2: Scoring scale

Response option	Score	Perception value
Inexistent/very low performance	0.0–1.9	0%–20%
Low performance	2.0–2.9	21%–40%
Moderate performance	3.0–3.9	41%–60%
High performance	4.0-4.9	61%–80%
Very high performance	5.0	81%–100%

3. PRESENTATION OF KEY FINDINGS

As mentioned above, this study investigates the level of professionalism (independence, impartiality, integrity, and diligence), effectiveness and accountability of the judiciary in Rwanda. The focus was put on primary courts, intermediate courts, the High Court and commercial courts. This chapter presents the findings of the research. It starts with a very short review of the Judiciary in Rwanda, followed by demographics of respondents (questionnaire) and the findings.

3.1 Brief Description of the organisation of the Rwandan Judicial Power

Article 60 of the Constitution of the Republic of Rwanda of 06/04/2003 establishes the Judiciary as part of the three branches of the state after the legislature and the executive. The three branches are separate and independent from each other. Moreover, article 140 of the same Constitution continues: « *Judicial Power is exercised by the Supreme Court and other courts established by the Constitution and other laws* ».

According to art. 2 of the Organic Law no 02/2013 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[13]:

Ordinary Courts include:

a. the Supreme Court;
b. the High Court;
c. the Intermediate Courts;
d. Primary Courts

As regards specialized Courts, they are namely:

a. Military Courts;
b. Commercial Courts

Furthermore, article 4 of the same organic law states that the "High Court has four (4) chambers sitting in Musanze, Nyanza, Rwamagana and Rusizi". This court has also a special chamber which has jurisdiction over international or cross-border crimes". In addition, article 3 of the same organic law states: "The number of Intermediate Courts, their names and territorial jurisdiction are modified as found in Annex 2 of this Organic Law. There are 12 intermediate courts and 60 primary courts in the country (see Annex 2 of this Organic Law).

Concerning specialised judges, article 7 of the Organic Law provides that "specialised judges are those who exercise judicial functions in specialised courts, namely military judges and the

[13] ***Official Gazette nº Special Bis of 16/06/2013.***

specialised judges of the Commercial Courts". Military judges are those who exercise judicial functions in military courts and include the following:

1° the President, the Vice President and the Judges of the Military High Court;

2° the President, the Vice President and the Judges of the Military Tribunal

As far as Specialised Judges of Commercial Courts are concerned, they are those who exercise judicial functions on a temporary basis and governed by an employment contract.

As mentioned in the Strategic Plan of the Judiciary, the objectives of these courts and tribunals, in governance include maintaining peace and security, continuing to promote unity and reconciliation among Rwandans, pursuing reforms to the justice system, upholding human rights and rule of law, and empowering citizens to participate and own their social, political and economic development in respect of rights and civil liberties including freedom of expression[14].

3.2. Demographic characteristics of respondents

This section covers selected socio-demographic characteristics of participants who responded to the questionnaire. Key variables presented here include sex, age and employment status.

Table 3: selected socio-demographics of respondents

Variable		**Frequency**	**%**
Sex	M	1986	67.8%
	F	903	30.8%
	Missing	42	1.4%
	Total	***2931***	***100.0%***
Age	Less than 20	24	0.8%
	20-29	710	25.0%
	30-39	960	33.8%
	40-49	680	23.9%
	50-59	334	11.8%
	60-69	102	3.6%
	70-79	23	0.8%
	80 and above	8	0.3%
	S/Total	2841	96.9%
	Missing	*90*	3.1%
	Total	***2931***	**100%**
Employment of respondents	Farmers	1176	49.3%
	Self-business	515	21.6%
	Prisoners	415	17.4%
	Employed by Government, CSOs, or Private Sector	280	11.7%
	Lawyer	238	10.0%

[14] Supreme Court, *Strategic Plan 2009-2013*, p. 8.

	Student	102	4.3%
	Unemployed	35	1.5%
	S/Total	***2386***	**81.4%**
	Missing	***545***	**18.6%**
	Total	***2931***	**100.0%**

The majority of courts service users who participated in this study were male. They represent close to 7 in 10 respondents, while female respondents are around 3 in 10. Would these proportions imply that men have more cases to take to courts than women? One can rather argue that, given that the majority of households in Rwanda are held by married couples, men (in most of cases heads of households) unlike women are likely to represent the households in courts.

With regard to their age groups, it emerges from the table above that, cumulatively, around 8 in 10 respondents are aged between 20 and 49. Furthermore, close to 6 in 10, i.e. 57.7% are alone aged between 30 and 49 cumulatively. These are people in economically and socially active age, generally married, except the particular situation of widows and few divorced. Being both socially and economically active implies also possibility for conflicts or litigations that are likely to involve court cases. It is also worth noting that people in those age groups represent the majority of adult people in Rwanda[15].

From an employment viewpoint, the study shows that beside prisoners who represent 17.4% , the large majority of other respondents are farmers and those running self-business. One can therefore assume that people in these categories are likely to be involved in court cases due to the fact that the majority of such cases are largely related to land issues[16].

3.3. Respondents' experience with courts

Table 4: Courts attended by respondents in first instance

	Courts	Prison	Total	%Courts	%Prisons	%Total
Primary Courts	1523	267	1790	70.1%	43.0%	64.0%
Intermediate Courts	360	222	582	16.6%	35.7%	20.8%
Commercial Courts	238	2	240	10.9%	0.3%	8.6%
High Court	33	100	133	1.5%	16.1%	4.8%
High Commercial Court	17	2	19	0.8%	0.3%	0.7%
Supreme Court	3	28	31	0.1%	4.5%	1.1%
Total	**2174**	**621**	**2795**	**100.0%**	**100.0%**	**100.0%**

Primary courts emerged as type of jurisdictions most approached by the respondents (64%), followed by intermediate courts (20.8%). In simpler words, the lower the courts the higher the proportion of people who refer matters to them. This holds for both people still in courts and those in prisons. One of major explanations for this situation is that the majority of cases that ordinary people take to

[15] See EICV , DHS, Census
[16] See TI RW ALAC reports

courts are in the competence of primary courts in the first resort and can be referred to higher courts for appeal reasons. The data also suggests very low proportions of cases taken to commercial courts, High Court and Supreme Court. While commercial courts are specialized and cannot therefore examine non-commercial matters, the latter courts are competent to examine appeal cases and other few and specific cases in first resort.

Table 5: Proportion of respondents whose cases were examined at appeal level

	Courts	Prison	Total	%Courts	%Prisons	%Total
Yes	730	407	1137	34.5%	62.9%	41.2%
No	1385	240	1625	65.5%	37.1%	58.8%
Total	**2115**	**647**	**2762**	**100.0%**	**100.0%**	**100.0%**

The majority of those who referred cases to courts (58.8%) did not resort to appeal instances. This may be understood as a satisfaction with courts decisions. However, a significant proportion (around 4 in 10 people) approached higher courts for appeal purposes. Such a proportion proves to be so high that it calls for a thorough examination of the factors behind. Is it a matter of courts performance, or simply related to the spread opinion that "*Rwandans get rarely satisfied with court decisions when they lose their cases, and keep appealing endless*"[17]

Table 6: Courts attended by respondents in appeal instance

	Courts	Prison	Total	%Courts	%Prisons	%Total
Intermediate Courts	594	191	785	78.3%	45.9%	66.8%
High Court	95	132	227	12.5%	31.7%	19.3%
High Commercial Court	55	4	59	7.2%	1.0%	5.0%
Supreme Court	15	89	104	2.0%	21.4%	8.9%
Total	**759**	**416**	**1175**	**100.0%**	**100.0%**	**100.0%**

The data above (table 6) suggested that the lower the courts the higher the proportion of people who refer matters to them. This also holds in appeal matters as shown in the table above. Competences of courts both in terms of first resort and appeal matters are determined by laws and are to be abided to as such. The weight of appeal cases in intermediate courts is largely explained by a high concentration of cases in primary courts as indicated in table 6 above).

Table 7: Courts approached by respondents at second instance of appeal

	Frequency	Percent
High Court	166	54.6%
High Commercial Court	34	11.2%
Supreme Court	104	34.2%
Total	**304**	**100.0%**

[17] *'Abanyarwanda bakunda gukururana mu nkiko'.*

Unlike the data in the preceding tables, it emerges from this table that High Court and Supreme Court deal largely with appeal cases. Depending on the court which examines cases in the first resort, the latter courts are competent to try cases at the appeal level among others. As regards the High Commercial Court, it is also competent to examine appeal cases from commercial courts among others.

3.4. Professionalism of Rwandan courts

3.4.1. 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 control[18]. Professionalism of Judiciary implies that[19]:

- 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.

[18] X "Principles of professionalism for Delaware judges", http://courts.delaware.gov/forms/download.aspx?id=39418, visited on September 4th, 2013
[19] *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.

This section examines the level of professionalism of courts in Rwanda. 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.

3.4.2. Qualification

The qualification refers to the required academic level of judges. In this regard, in the judicial reform of 2004, Rwanda has undertaken many efforts to replace all judges not holding at least a bachelor's degree in law[20]. According to article 12. 2. of the law n°10/2013 of 08/03/2013 governing the statutes of judges and judicial personnel[21] "*any person aspiring to be a judge should be a holder of at least a bachelor degree in law and a certificate issued by a judicial training institution recognized by the Government*". It appears from the 2011-2012 Annual Report of the Supreme Court that until June 2012 only 102 had completed their training at the Institute of Legal Practice and Development. As the profession of judge requires continuous training, short courses are held each year especially for matters of law with controversial or new laws.

Table 8: Academic qualification of judges, inspectors and registrars / June 2012

Position	PhD	Master's	Bachelor/A0	A2 (secondary education)	Total
Judges	1(0.37%)	32 (11.9%)	236 (87.73%)	0 (0%)	269
Inspectors	0(0%)	2 (40%)	3 (60%)	0 (0%)	5
Court Registrars	0 (0%)	2 (0.73%)	164 (60.51%)	105 (38.74%)	271
Total	1 **(018%)**	**36 (6.6%)**	**403 (73.9%)**	**105 (19.26%)**	**545 (100%)**

Source: *Supreme Court, Annual Report 2011-2012*

It emerges from this table that all court judges and inspectors are qualified, as they all hold at least a bachelor's degree in law. Of the 269 judges, 0.37% hold a PhD, 11.93% with Master's and 88% are bachelor's degree holders. At the registrar's level, the 2012 report indicates that 105 of 271 are almost 39% do not hold at least a bachelor's degree, but none below A2 diploma. For those registrars without a degree in law are encouraged to embark on further studies to that end. This finding on judges' qualification was backed by interviews with lawyers who argued that in general there is no problem with judges' knowledge of laws.

[20] Article 8 of the law n° law n° 6 bis/2004 of 14/4/2004 on the statutes for judges and other judicial personnel, *Official Gazette* n° 10 of 15/05/2004)
[21] *Official Gazette* n° 15 of 15/4/2013

Table 9: Qualification by court (June 2012)

Court	Function	Qualification			
		Ph D	Masters	Bachelor	A2 & +
Supreme Court	Judge	1	2	11	0
	Registrar	0	1	7	0
	Inspector	0	2	3	0
High Court	Judge	0	5	20	0
	Registrar	0	0	24	0
High Commercial Court	Judge	0	6	1	0
	Registrar	0	0	7	0
Commercial courts	Judge	0	10	5	0
	Registrar	0	0	15	0
Intermediate Court	judge	0	6	89	0
	Registrar	0	1	80	18
Primary Court	Judge	0	3	110	0
	Registrar	0	0	31	87
Total		1	36	403	105

Source: Supreme Court, *Annual Report 2011- 2012*, 2012, p.1.

It is surprising to note that at the level of the Supreme Court, 11 of 13 judges are bachelor's degree holders, while three judges are holders of master's degree at the primary courts. This means that the judges of the Supreme Court recruited based on their bachelor's degree do not take advantage of new opportunities to prepare for further higher degrees.

All in all, it is important to acknowledge efforts made since the problem of judges qualification is no longer posed if compared to the past. It is worth noting that before the 2004 reform; only 74 out of 702 judges were holders of master's degree in law. This represents 10.5%. As argued above, this argument was shared by lawyers in a related FGD. How independent and impartial are those judges? This is examined in the following sections.

3.4.3. 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)[22].

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.

[22]Law n0 09/2004 of 29/04/2004 relating to the code of ethics for the judiciary

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 dismissal[23].

3.4.3.1. 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 intimidation[24].

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, favours, or prejudice with regard to the parties irrespective of their position in society[25]. "*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*"[26].

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*".

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 them 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 decision[27].

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 question[28].

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[23] Supreme Court, *op.cit.*, p.48.
[24] X," Judicial independence"
http://www.iowacourts.gov/Public_Information/About_Judges/Judicial_Independence_and_Accountability/, visited 3/9/2013.
[25] S. RUGEGE, "Judicial Independence in Rwanda", www.mcgeorge.edu/Documents/..../, 2/9/2013. Prof. Sam Rugege is currently Chief Justice in Rwanda.
[26] *Ibidem.*
[27] Supreme Court, *op.cit.*, p. 45.
[28] International principles on the independence and accountability of judges, lawyers and prosecutors.,

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*"[29]

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"[30].

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"[31].

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 questioned[32]. 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. Other cases which have not been mentioned will be assessed by the discretion of the judge.
In view of the Inspectorate of courts, cases of voluntary withdrawal and disqualification of judges exist but they are few[33].

While assessing the independence of judges, it emerged from interviews with some judges that they do their work in total independence without interference of the hierarchy or of other authorities.

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[29] 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

[30] *UN Basic Principles on the Independence of the Judiciary*, *doc. cit.,* Principle 2.

[31] 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 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.

[32] 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.

[33] Interview with Inspector Charles Kaliwabo of Supreme court, on September 11th, 2013. He is currently the President of the High Court.

Some but few argued that sometimes, when it comes to issues brought to the attention of the hierarchy of courts, the latter may call their attention so that they can be as more diligent as possible, but without giving them any instruction on how to resolve this or that dispute. "Sometimes, when faced with a complex issue, they take the initiative to seek advice from the hierarchy without being bound by that advice.In the same vein, other judges mentioned cases where unsatisfied litigants, after trials, go to complain to the inspection, the latter may request information regarding this matter to the president of the court, but without coming into direct contact with the judge who delivered the judgment[34].

However, data from citizens who had cases in courts suggests that independence of judges is not totally guaranteed in practice, though this opinion is shared by a small proportion (25.4%) as shown in the figure 1 below on reasons behind dissatisfaction with courts decisions.
The level of satisfaction with courts decisions can be considered as a good indicator of judges' independence, impartiality and integrity as a whole, when it comes to rendering quality service to the population. However, this level is not high enough to guarantee optimal satisfaction of the population with courts decisions. 68.8% stands far away from the ideal satisfaction. As shown in the table below, such a level of satisfaction tends to depend on the content of the decision.

Table 10: Level of satisfaction of clients (who are not/who are in prison) with courts decisions

	Courts		Prisons	
	Frequency	**Percent**	**Frequency**	**Percent**
Very dissatisfied	228	16.0%	139	59.9%
Dissatisfied	107	7.5%	32	13.8%
Fairly satisfied	273	19.2%	40	17.2%
Satisfied	524	36.8%	13	5.6%
Very satisfied	293	20.6%	8	3.4%
Total	1425	100.0%	232	100.0%
Score	3.38	68.8%	1.79	35.8%

The table above suggests that that level of satisfaction with court decision is likely dependent on the type of sanction or the content of the decision, given that it seems to be high among those in courts (68.8%) and only 35.8% among those in prisons. Generally, people in prisons are meant to be either suspects in detention or those convicted for criminal cases.

[34] . Seven judges with at least 10 years of experience in this career were interviewed.

Table 11: Level of satisfaction with courts' decision disaggregated by level of court

		Not Satisfied at all	Not Satisfied	Moderately satisfied	Satisfied	Very Satisfied	Total	Score
Primary Court	**Fr**	81	46	145	295	186	753	**3.61**
	%	10.8%	6.1%	19.3%	39.2%	24.7%	100.0%	**72.2%**
Intermediate Court	**Fr**	83	36	79	125	54	377	**3.08**
	%	22.0%	9.5%	21.0%	33.2%	14.3%	100.0%	**61.6%**
Commercial Court	**Fr**	13	8	17	57	35	130	**3.72**
	%	10.0%	6.2%	13.1%	43.8%	26.9%	100.0%	**74.3%**
Commercial High Court	**Fr**	6	0	14	29	15	64	**3.73**
	%	9.4%	0.0%	21.9%	45.3%	23.4%	100.0%	**74.7%**
High Court	**Fr**	12	15	18	18	3	66	**2.77**
	%	18.2%	22.7%	27.3%	27.3%	4.5%	100.0%	**55.5%**
Total	**Fr**	195	105	273	523	293	1389	**3.44**
	%	14.0%	7.6%	19.7%	37.7%	21.1%	100.0%	**68.8%**

Overall, the level of satisfaction with court decisions stands at 68.8%. It is higher in commercial courts (including High Commercial court) and primary courts. In both courts categories, the level of satisfaction is above 70% and therefore high. Satisfaction with decisions made by the High Court proves to be the lowest (55.5%), followed by that with the Intermediate courts (61.6%). Both court categories are largely known to examine appeal cases among others.

Table 12: Level of satisfaction with court decisions disaggregated by court

		Not Satisfied at all	Not Satisfied	Moderately satisfied	Satisfied	Very Satisfied	Total	Score
Primary Court Gahunga	Fr	0	0	21	52	22	95	4.01
	%	0.0%	0.0%	22.1%	54.7%	23.2%	100.0%	80.2%
Primary Court Kabarondo	Fr	15	3	12	5	9	44	2.77
	%	34.1%	6.8%	27.3%	11.4%	20.5%	100.0%	55.5%
Primary Court Kagano	Fr	7	5	19	24	26	81	3.70
	%	8.6%	6.2%	23.5%	29.6%	32.1%	100.0%	74.1%
Primary Court Kamembe	Fr	4	4	15	19	14	56	3.63
	%	7.1%	7.1%	26.8%	33.9%	25.0%	100.0%	72.5%
Primary Court Kigabiro	Fr	1	3	26	15	13	58	3.62
	%	1.7%	5.2%	44.8%	25.9%	22.4%	100.0%	72.4%
Primary Court Muhoza	Fr	20	7	10	25	5	67	2.82
	%	29.9%	10.4%	14.9%	37.3%	7.5%	100.0%	56.4%

Primary Court Ndora	Fr	18	12	10	30	20	90	3.24
	%	20.0%	13.3%	11.1%	33.3%	22.2%	100.0%	64.9%
Primary Court Ngoma	Fr	5	9	25	100	18	157	3.75
	%	3.2%	5.7%	15.9%	63.7%	11.5%	100.0%	74.9%
Primary Court Nyamata	Fr	10	1	5	18	58	92	4.23
	%	10.9%	1.1%	5.4%	19.6%	63.0%	100.0%	84.6%
Primary Court Rusororo	Fr	1	2	2	7	1	13	3.38
	%	7.7%	15.4%	15.4%	53.8%	7.7%	100.0%	67.7%
Intermediate Court Gasabo	Fr	18	3	28	27	17	93	3.24
	%	19.4%	3.2%	30.1%	29.0%	18.3%	100.0%	64.7%
Intermediate Court Huye	Fr	2	2	20	47	5	76	3.67
	%	2.6%	2.6%	26.3%	61.8%	6.6%	100.0%	73.4%
Intermediate Court Musanze	Fr	26	17	24	34	18	119	3.01
	%	21.8%	14.3%	20.2%	28.6%	15.1%	100.0%	60.2%
Intermediate Court Rusizi	Fr	37	14	7	17	14	89	2.52
	%	41.6%	15.7%	7.9%	19.1%	15.7%	100.0%	50.3%
Commercial Court Huye	Fr	0	2	10	30	12	54	3.96
	%	0.0%	3.7%	18.5%	55.6%	22.2%	100.0%	79.3%
Commercial Court Musanze	Fr	13	6	7	27	23	76	3.54
	%	17.1%	7.9%	9.2%	35.5%	30.3%	100.0%	70.8%
High Commercial Court Kigali	Fr	6	0	14	29	15	64	3.73
	%	9.4%	0.0%	21.9%	45.3%	23.4%	100.0%	74.7%
High Court(Kigali)	**Fr**	12	15	18	18	3	66	**2.77**
	%	18.2%	22.7%	27.3%	27.3%	4.5%	100.0%	**55.5%**

The primary courts of Nyamata and Gahunga emerged with very high levels of clients' satisfaction with regard to the decisions made by courts. The levels of both courts stand above 80%. They are followed by the commercial court of Huye whose level is at 79.3% that is very close to 80%, and Ngoma Primary Court (74.9%), Kigali High Commercial Court (74.7%), Kagano Primary Court (74.1%), intermediate court of Huye (73.4%), Kamembe Primary Court (72.5%), Kigabiro Primary Court (72.4%) and Musanze Commercial Court (70.8%). As regards the rest of courts assessed, levels of satisfaction fall under 70%, the lowest being with Rusizi Intermediate Court (50.3%) followed by Kabarondo Primary(55.5%) and the High Court (55.5%).

FGDs with lawyers and citizens maintained that the single judge system used in High court of Kigali as the highest level of appeal for some matters (depending on the court in which the case was examined in first resort), was the main reason behind the dissatisfaction of respondents. It was argued that while the single judge system has been and remains instrumental in addressing the backlog issue, sometimes it does not prove to guarantee quality justice especially at last appeal resort. In the words of a lawyer "in the last appellate resort, the judge's decision is quasi absolute. The single judge sometimes makes deliberately unfair decision as a result of corruption or nepotism because he/she knows he/she has a final say on the legal case taken to him/her". Participants maintained that this proves very concerning especially in criminal matters involving long imprisonment sentences or

losing high valued properties or assets. However, the Courts Inspector General in the Supreme Court, who was also interviewed, supported that the single judge system proves very instrumental in that it increases judges' accountability with regard to the decisions they make.

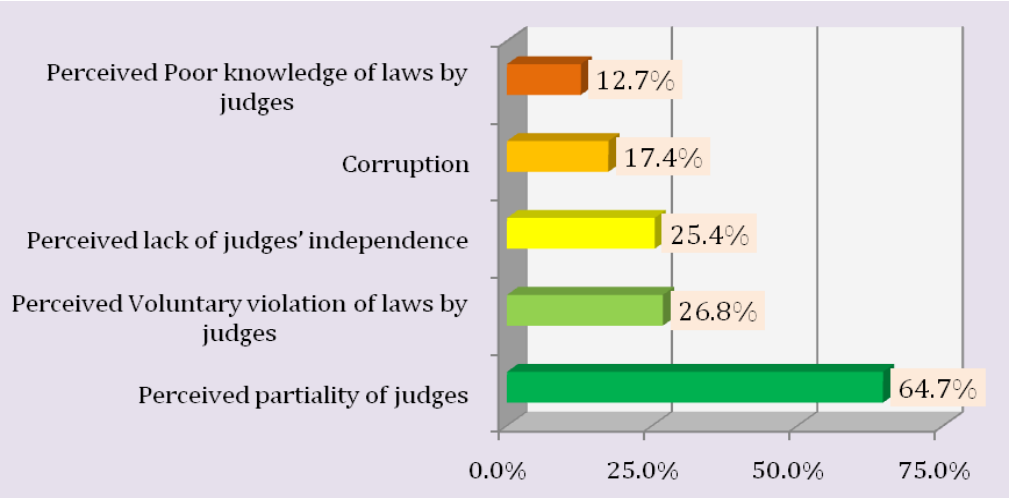
Based on the above opposing views, one can argue that the single judge system may remain useful in first resort and, for the sake of avoiding any partiality at last resort whereby the possibility for revision of court decision is nearly impossible, the "collegial seat" system may be applied.

Moreover, some participants in focus group discussions maintained that their dissatisfaction with courts' decisions (including other courts) was justified by the fact that in some courts, verdicts are rendered by judges who did not examine related cases. For instance, such allegations were made by participants in FGDs around Rusizi Intermediate Court, Kabarondo Primary Court and Gahunga Primary Court. Art 148 of Law No 21/2012 of 14/06/2012 relating to the civil, commercial, labour and administrative procedure states that "*Every judgement shall be pronounced in the presence of the judge or judges who rendered it and should be written thoroughly*".

It however mentions that "*if one or some of the judges who took part in the deliberations and signed on the draft judgement are absent on the date of pronouncement, it shall not hinder its pronouncement. The court registrar records on the pronouncement copy that the judgment was pronounced in the absence of one or some of the judges*". The study was not able to verify whether or not judges abide by this obligation.

Furthermore, respondents provided some of reasons behind their dissatisfaction with courts decisions as shown in the table below.

Figure 1: Reasons behind dissatisfaction with courts decisions



Respondents who were not satisfied with courts decisions expressed their perceived related reasons. Partiality of judges, voluntary violation of laws, lack of judges' independence, corruption, and perceived poor knowledge of laws by judges, emerged as major perceived factors of dissatisfaction.

Although interviewed judges claimed that they fully take courts decisions independently, data in the figure above shows that 25.4% of respondents were not happy with courts decisions due to lack of independence of judges. It is true that this perception does not challenge a lot the independence of judges. However, it can be made closer to claims by some judges (see above) that when they deal with sensitive and complex cases, "the inspection of courts may call their attention so that they can be as more diligent as possible" and that "they take the initiative to seek advice from the hierarchy without being bound by that advice".

In fact, 64.7% of those who were not totally satisfied with courts decisions maintained that their dissatisfaction was due to the partiality of judges. This perception is also expressed by respondents in the table below on critical issues they experienced in courts, among which perceived unfair decisions by judges.

Table 13: Critical issues faced by courts' clients

	Frequency	Percent (n=2483; 1048[35])
Unfair decisions made by judges (*)	**462**	**44.1%**
Failure to respect legal deadlines/delays	867	34.9%
Too long to get justice	649	26.1%
No execution of courts decisions(*)	**219**	**20.9%**
Many adjournments	544	21.9%
Economic cost of justice	516	20.8%
Unclear legal actions/court suits	188	7.6%
Refusal to receive complaints/court suits	113	4.6%

As shown in the table above, courts' clients experienced a series of problems which affect their right to get a fair and timely justice. Unfair decisions made by judges (44.1%) and failure to respect legal deadlines (34.9%) emerged as most important issues, followed by delayed justice (26.1%), failure to execute courts decisions (22.2%), many adjournments of trials (21.8%), non execution of court's decision (20.9%) and economic cost of justice (20.8%).

The proportion of respondents who perceive that court decisions on their cases were unfair challenges the impartiality of judges and therefore their integrity. 44.1% of respondents whose cases had been judged at first instance expressed such a perception. .

Failure to execute decisions made by courts was also highlighted by previous studies by Transparency International Rwanda and IRDP[36]. One can argue that no execution of courts decisions is synonymous with a justice that ends on half way. As regards the economic cost of justice, it is worth noting the data collection for this study was conducted before the increase of court fee/fees to lodge a complaint, which have increased more than 10-fold from the current rates which have been

[35] Those whose judgments had already been rendered at first instance(*)
[36] Rwanda Local Governance Barometer

in place since 2001[37]. While the government says the revised fees will help courts meet the daily operational costs, which have increased over the years, civil society activists[38] and the population[39] argue that the new rates will lock out many people from accessing justice.

3.4.3.2. Judges and corruption

The level of corruption in any institution is negatively correlated with the level of integrity of its staff. Where corruption level is high, the level of staff integrity would very hardly be high. Absence or existence of corruption among judges stands therefore as an indicator of the level of integrity within justice system.

As shown in the figure1 above, 17.4% of respondents who were not totally satisfied with court decisions evoked corruption as justification, which is an important aspect of judges' integrity. This is also evidenced by the table below.

Table 14: Respondents who experienced corruption cases in courts

	Courts	Prison	Total	%Courts	%Prisons	%Total
Yes	205	127	332	9.9%	19.7%	12.2%
No	1875	519	2394	90.1%	80.3%	87.8%
Total	2080	646	2726	100.0%	100.0%	100.0%

The data suggests that around 1 in 10 people, that is 12.2%, experienced cases of corruption in their interaction with judges. This proportion appears to be very low, although the ideal situation is corruption free society. This rate of personal experience with corruption backs other surveys which revealed nearly same figures in this regard (see Rwanda Bribery Index, Rwanda Local Governance Barometer, etc.). Furthermore, the table above indicates that the rate of personal experience with corruption stands higher among those in prisons (19.7%) than those in courts (9.9%). The study was not to understand the reason behind such a discrepancy. It is well known that the Rwandan government has adopted an approach of zero tolerance to corruption. The materialization of this approach should endeavor to ensure that this proportion of courts' clients' experience with corruption, though very low, is further minimized. The types of corruption they experienced are examined in the table below.

Table 15: Types of corruption they experienced in courts

	Frequency	Percent
Bribe/money	130	41.4%
Favoritism/nepotism	179	57%
Gender based corruption	5	1.9%
Total	***314***	***100.0%***

[37] The New Times, http://www.newtimes.co.rw/news/index.php?i=15630&a=74423
[38] http://www.newtimes.co.rw/news/index.php?i=15630&a=74423
[39] Igihe.com, http://en.igihe.com/justice/rwandans-crying-foul-as-the-government-multiplies.html

Bribe (41.4%) and favoritism/nepotism (57%) emerged as major types of corruption experienced by respondents. One can argue however, that money-based corruption may be understood as a fact while favoritism and nepotism remain perceptions which are not easy to comprehend. The amounts of money-based bribe paid by respondents are examined in the table below.

Table 16: Amount of money paid

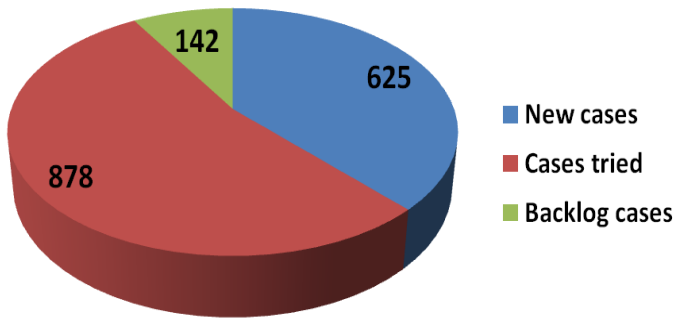
	Frequency	Percent
Less than 100,000Rwf	20	28.6%
100,000Rwf to 250,000Rwf	30	42.9%
251,000Rwf to 500,000Rwf	17	24.3%
Above 500,000Rwf	3	4.3%
Total	70	100.0%
Total Amount Paid		15,990,000 Rwf
Average size		228,429Rwf

Overall, respondents who paid bribe spent Rwf 15,990,000. The average amount paid by every person stands at Rwf 228,429. The data also suggests that 20 respondents, that is 28,6% paid less than Rwf 100,000 or USD 147, while 42.9% respondents (30) of them paid between Rwf 100,000 and 250,000 (around USD 670). In the same vein, 28.6% of them paid above Rwf 250,000. This is an indication that corruption ruins people's economies, while they try to buy services they should have for free or simply get services they have not right to.

3.4.3.3. Diligence

Judges must act diligently in the exercise of their duties and devote their professional activities to those duties. They have to take reasonable steps to maintain and enhance the knowledge, skills and personal qualities necessary for judicial office. They are required to perform all judicial duties properly and expeditiously, and deliver their decisions and any other rulings without undue delay[40]. The figures below back largely the above opinion and show the pace of justice system in Rwanda.

Figure 2: Status of backlogs in commercial courts as of 2013[41]

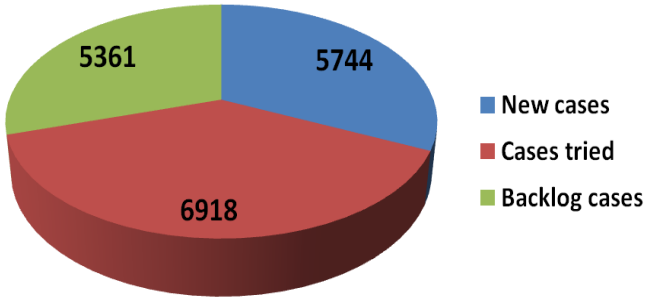


[40] A. NGAGI, *Legal Professional Ethics*, Course , NUR, Faculty of Law, 2013-2014, unpublished.
[41] Supreme Court Report, 2013

Unlike the High Court (see below), it flows from the figure above that the pace on which commercial courts examines cases is faster. The data suggests that the backlogs represent 16% (i.e.142) of cases tried (878).

As regards the High Court, it emerged from FGDs in Kigali that this court has a high number of cases backlog. Such a claim on backlog is substantiated by the table below.

Figure 3: Status of backlogs in the High Court (2013)[42]



The figure above shows that the High Court has tried a significant number of 6918 cases in 2013. Despite this big number of cases tried, the data suggest a big number of backlogs (5361) which represent 77.5% of cases tried by the same court. This is one of the major reasons for dissatisfaction of some litigants as highlighted by participants in FGDs.

It is worth reminding that 34.9% of respondents mentioned failure to meet deadlines or delays as a key critical issue they faced in court process (see table 13 above). 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 aims to ease 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. Future assessments should check whether or not the expected effect of this new law is becoming a reality.

It appears from the 2013 annual report[43] of the Supreme Court that the following actions were taken to improve the quality of services rendered by employees of the judiciary sector:

- Pursuing training of staff on assigned service;
- Working on the basis of performance contract and prove the work performed ;
- Continue to encourage staff to welcome those attending their industry and ensure quality fast service;
- Monitor performance of assigned service and take sanctions against those who fail to meet their commitments.

The examination of these measures shows that once implemented, they can certainly improve the quality of services delivered by employees of the judiciary[44].

[42] *Ibid*.
[43] Supreme Court Annual Report, 2013

As indicated in the Supreme Court report of 2012-2013, over the course of this year 80,259 judgments were delivered. The monthly average achieved by each judge is 24 judgments while the assigned target is 15 judgments per month. The report also indicates that the quality of judgments has significantly improved due to the fact that judges are encouraged to research and especially advised to refer to similar decisions by higher courts (the previous system). However, while this assigned target is likely to increase judges' performance in terms of number of cases tried, participants in FGDs, especially with lawyers, argued that it produces side effects by speeding up the pace of justice at the expense of quality justice.

It is worth reminding that the table 13 above has shown that courts' clients face a series of problems which affect their right to get a fair and timely justice. Failure to respect legal deadlines (34.9%) and unfair decisions made by judges (32.9%) emerged as most important issues, followed by delayed justice (26.1%), failure to execute courts decisions (22.2%), many adjournments of trials (21.8%) and economic cost of justice (20.8%).

Turning to the promptness of service delivery in courts, some participants in FGDs alleged that customer care service at the High Court is poor. They particularly mentioned that clients are requested to register their names in a book dedicated to them and wait as they are received in an orderly way. However, due to the number of staff (2)[45] in charge of receiving their complaints or queries, and considering the high number of clients, some of the latter do spend the whole day without being received and are obliged to come the following day. This proves very costly to clients, given than those who do not live in Kigali or in a closer place are obliged either to spend a night in Kigali or pay transportation fee to go back home, with a high probability of come back late the following day.

An interview with the High Court registrar[46] confirmed this clients' concern in relation to the adequacy of the number of the staff and that of clients bringing in queries. The registrar argued that increase of the staff would improve the quality of customer care.

It is worth noting that the 2 staff typical working day is divided in two moments: from 7:00 to 11:00am they receive ordinary peoples' queries, while the rest of the day is dedicated to dealing with lawyers' queries[47]. This also complicates the situation as the time to spend with ordinary people is shortened, while receiving lawyers' queries proves also very important.
In the same vein, an observation made by TI-Rw researchers at the High Court in April 2014 allowed to confirm the clients' concern. In fact, at 9:00am, there were around 50 clients waiting to submit their queries. Not all of them were likely to be received and get a response on that day.

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[44] *Idem*, p.13
[45] One in charge of receiving queries and one with responsibility of preparing responses to the queries
[46] Interview with the registrar, 3 April 2014 at the High Court
[47] Ibid.

While respondents' expectation was to get any feedback on the very day of their visit or contact of the court, the target in the performance contract of the courts is to provide a feedback within 48 hours after the case in the table below.

Table 17: Proportion of cases that received any feedback in 48 hours after their submission[48]

Court	Number of cases submitted	Number of cases that received any feedback in 48 hours	% of cases that received a feedback in 48 hours
Primary Court	8065	7852	97
Intermediate Court	2982	2922	98
High Court	1211	1211	100
Commercial Court	628	524	83
Commercial High Court	192	192	100
Supreme Court	113	79	70
Total	13191	12780	97

The table above suggests very high proportions of cases or queries that have received any feedback with the time limit of 48 hours after submission. Overall, 97% of cases or queries submitted to courts received a feedback within the said time limit. The High Court and the Commercial High Court achieved this target at 100%, followed by Intermediate courts and Primary courts that achieved it at 98% and 97% respectively. The Supreme Court and commercial courts proved least achievers in the same regard (70% and 83% respectively).

Surprisingly, the High Court emerges among the 2 best performers in this regard, while some participants in FGDs alleged that customer care service at the High Court is poor. The interview with the registrar also showed that increase of the customer care staff would improve the quality of service. Based on the data in the table above, one can therefore assume that the very large majority of service seekers get feedback on their queries at least on the following day. This was not however cross-checked by researchers.

3.4.4. Effectiveness

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.

[48] Supreme Court Report, Quarter III Narrative Report, 2013/2014, May 2014

Table 18: Level of courts effectiveness in fulfilling their responsibilities

	Frequency	Percent
Very ineffective	418	15.4%
Ineffective	386	14.2%
Fairly effective	975	36.0%
Effective	710	26.2%
Very effective	222	8.2%
Total	2711	100.0%
Score	2.97	59.5%

Overall, the level of courts effectiveness in fulfilling their duties stands at 59.5%, which is rounded up to 60%. It is moderate and therefore calls for doubled efforts to increase it. One can argue that this level of effectiveness is, on the one hand, largely affected by critical issues raised above including delays in rendering justice to people and the feeling of unfairness in making decisions, to name but a few. On the other hand, one can assume that some of those who lost cases are unlikely to find those courts effective even though the loss of cases was sufficiently evidenced by judges.

Table 19: Respondents satisfaction with selected aspects of justice

	Not Satisfactory At All	Not Satisfactory	Somewhat Satisfactory	Satisfactory	Very Satisfactory	Total	Score
Judges' knowledge of laws	*427*	*512*	*448*	*963*	*371*	2721	**3.12**
	15.7%	18.8%	16.5%	35.4%	13.6%	100.0%	**62.5%**
Economic cost of justice	*502*	*626*	*597*	*708*	*218*	2651	**2.82**
	18.9%	23.6%	22.5%	26.7%	8.2%	100.0%	**56.3%**
Respect of legal deadlines	*463*	*604*	*517*	*814*	*297*	2695	**2.95**
	17.2%	22.4%	19.2%	30.2%	11.0%	100.0%	**59.1%**
Overall satisfaction							**2.95**
							59.7%

The overall level of satisfaction of respondents with selected aspects of justice stands closer to 60%. Satisfaction appears to be slightly higher with regard to perceived judges' knowledge of laws (62.5%) while the lowest levels relate to cost of justice (56.3%).

This cost involves all expenses made throughout the whole process of accessing and getting through judicial services (transportation, court fee, advocates' honorarium, meals, etc.).

It is worth highlighting that one of the strategies used by the Supreme Court to ease service seekers access to courts is the Electronic Filing System (EFS). The table below illustrates the extent to which this system is accessed by court service seekers to lodge their cases.

Table 20: Proportion of cases filed via EFS for the 3rd Quarter of the fiscal 2013/2014[49]

Court	Number of cases meant to be lodged via EFS	Number of cases filed via EFS	% of cases filed via EFS
Primary Courts	4691	1821	38.8
Intermediate Courts	2350	1538	65.4
High Court	1470	1036	70.4
Commercial Courts	616	616	100
Commercial High Court	192	192	100
Supreme Court	111	111	100
Total	**9430**	**5314**	**56.35**

It emerges from the table above that overall, 56.35% of cases meant to be electronically submitted were actually filed thanks to this channel (EFS). The data also suggests that 100% of cases were submitted to the Supreme Court, the Commercial High Court and the commercial courts through EFS, which means that this system spared people who submitted those cases the costs of travelling from home to courts and all other related expenses. Of course, one should not ignore that accessing this EFS requires having internet facility and related fees to use it.

Even if the overall level of satisfaction stands fairly high, one can assume that the fact of being in prisons itself shapes the perceptions of those in this situation, which probably lowers their level of satisfaction. If some people are of the view that they were unjustly put in prison, they are unlikely to judge the whole judicial system accordingly. In the same vein, the restriction of some rights for people duly/justly put in prison is likely to shape negatively their perception of the judiciary system including courts.

Although the overall level of satisfaction with selected aspects of justice (see the preceding table) proves to be above the average, it calls for increased efforts and more commitment to better service delivery in courts and therefore instills higher people's satisfaction.

Table 21: Time taken from lodging a complaint to the first hearing in primary courts

	Courts	Prison	Total	%Courts	%Prisons	%Total
Between 1-6 months	1187	304	1491	56.8%	51.3%	55.6%
Between 6-12 months	529	133	662	25.3%	22.4%	24.7%
Between 1-2 years	223	85	308	10.7%	14.3%	11.5%
Above 2 years	152	71	223	7.3%	12.0%	8.3%
Total	2091	593	2684	100.0%	100.0%	100.0%

[49] Supreme Court Report, Quarter III Narrative Report, 2013/2014, May 2014

The data suggests that it took at most 6 months for close to 6 in respondents to see the commencement of the examination of their cases by primary courts. However, for around 4 in 10 respondents, this did not happen before six months. In the same vein, close to 2 in 10 did not see the start of the examination of their cases before a year after they were lodged. This supports the claim made by some respondents that delayed justice is one of the critical issues they faced in courts. This finding challenges the effectiveness of the justice system because, as reminded above, delayed justice is denied justice.

Table 22: Time taken from lodging a complaint to the first hearing in an appellate court

	Frequency	Percent
Between 1-6 months	559	51.4%
Between 6-12 months	226	20.8%
Between 1-2 years	131	12.0%
Above 2 years	172	15.8%
Between 1-6 months	1088	100.0%

At appeal level, the proportion of respondents who went there spent slightly more time than the one that people spent in primary courts. 51.4% spent at most six months from the time of lodging the complaint to that of first hearing, while it is 55.6% who spent such a time in primary courts. The discrepancy appears to not be so important that there is no clear reason to believe that the time spent in both levels of courts is different. However, the desk data suggested that in general, it takes shorter time to get justice in intermediate courts than in primary ones[50].

The most important reason for such delays is largely related to backlogs as illustrated in the figure 2 above, the low number of judges in courts and many adjournments.

3.4.4.1. Problems related to non-compliance with procedures and speedy trials

This section discusses some critical issues pertaining to non compliance with procedures and delays in delivering justice and which challenge the effectiveness of justice delivery.

- **Non-compliance with procedures**

It is more in criminal matters that the problem of non- compliance with procedures is delicate. Here are some figures on pre-trial detention in the first degree. The Supreme Court report of June 2012 indicates that in the first-degree, there were 7,637 defendants for whom detention was required.

[50] See Supreme Court report 2012/13

Among 7,637 charged persons, 4,360 were temporarily detained worth 57 %. The same report indicates that at the appeal level, of 655 appellants, 355 that is 54% were provisionally released[51].
We therefore concur with the view of this report that the number of people released while their detention was required is very high. This suggests that particular attention should be paid in detention so that fundamental rights and freedoms are not violated. Another bottleneck that affects the effectiveness of the judicial system is the frequency of adjournment of cases.

- **Adjournment of cases**

Adjournment of cases is one of the reasons that cause delay in the classical justice in general and in trials in particular. As reflected in the report of the Judiciary, the latter makes a lot of efforts to reduce as much as possible, the number of adjournments of trials and determine causes of these adjournments. Among the causes mentioned in social, administrative, civil and commercial matters, are: the parties' request (27%), training of judges (18%), lack of witnesses and / or evidence (18%), reasons mentioned but not accepted by the judge (11%), reasons evoked and accepted by the judge (9%), the reasons depending on the lawyer (5%), temporary deferment pending the outcome of the criminal proceedings (5 %).

There is hope that with the new law on civil, commercial, administrative and social namely in their articles 14[52] and 15[53] the number of cases adjournment will decrease.

In criminal matters, causes of adjournment of cases are also many; some of which are indicated, as reflected for example, in the annual report of the Supreme Court 2011-2012: reasons due to investigations (3704 of 23106 cases about 16%), time to read the file (3223), unexpected reasons (1169), search for a lawyer (691), irregularity of summons (535) and various other reasons not readily identifiable (11,661 about 50.5 %).

Except other various unstated reasons, the large number of adjournment of cases in criminal trials is due to investigations that should be conducted and the accused persons that require prior reading of their files before trial. As suggests the 2011-2012 report, it is possible to reduce the magnitude of this problem by using technology such that reading files is being done in the place of detention rather than in the court.

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[51] *Idem,* p. 34.

[52] A case shall not, for any reasons, be adjourned more than two (2) times within the same court for reasons based on litigants. On the third time of hearing when both parties are absent the court must rule the case or strike it off from the court records

29. Any party who intentionally delays the hearing or who seeks the appeal as a delaying tactics, shall be charged a civil fine of twenty thousand **(**20.000) to two hundred thousand (200.000) Rwandan francs.
When the intentional delay of a case as per the provisions of the Paragraph One of this Article is caused by a member of the Bar Association or another person representing the party, he/she shall be charged a civil fine of two hundred thousand (200,000) to five hundred thousand (500,000) Rwandan Francs

➢ **Problem related to non-compliance with time limits**

Respect of time limits in the procedure is another guarantee of good justice. Failure to meet deadlines is most often source of delay in the administration of justice.

However, the law on civil, commercial, social and administrative procedure obliges courts to meet certain deadlines. Some examples to illustrate this are Articles 13 (for the period to decide a case), 44 (for the period of summon), 144 (for deliberation) and 149 (for the verdict period) of the Law on Civil, Commercial, Labour and Administrative Procedures (CCLAP) that prescribes deadlines imposed on judges or the law of the Court seized of the case.

If in other jurisdictions, the problem of pending trials persists, but their severity is as large-scale as is the case of the Supreme Court, which is a special case.

Indeed, as noted in the report of 2011-2012, until June 2012, 2498 cases were not tried yet most of which date back to 2010, 2011 and the first six months of 2012. For instance in June 2012, files that were not yet tried totalled 638 (about 25.54 % of all pending cases). This scenario is even worse compared to June 2011, where a case brought to the Registry of the Supreme Court would have to wait 52 months to be fixed. A year later, the delay sank to six –years, waiting about 72 months. In the same vein, the table below summarizes the status of backlogs in courts since 2006, as of May 2014.

Table 23: Number of backlogs per court and per year of submission (as of May 2014)[54]

Court	Before 2006	2006	2007	2008	2009	2010	2011	2012	2013	Jan-Mar 2014	Total
Primary Courts	-	-	-	1	2	39	308	2639	10379	5352	18720
Intermediate Courts	-	-	-	-	-	3	19	192	2287	2447	4948
High Court	3	8	-	-	3	9	40	128	1381	1211	2783
Commercial Courts	-	-	-	-	-	-	-	1	139	178	318
Commercial High Court	-	-	-	-	1	1	-	3	24	106	135
Supreme Court	-	5	4	11	28	373	574	675	440	82	2192
Total	**3**	**13**	**4**	**12**	**34**	**425**	**941**	**3638**	**14650**	**9376**	**29096**

The table above suggests that 491 cases cumulatively submitted before 2011 were not tried until May 2014. In the same vein, 4579 cases cumulatively submitted between 2011 and 2012 were not tried until May 2014, that is at least 3 years and 1 year of delay respectively. The Supreme Court seems to have the biggest number of backlogs with longest delay, at least for cases submitted between 2007 and 2011. Furthermore, primary courts appear to have biggest numbers of backlogs between

[54] Supreme Court Report, Quarter III Narrative Report, 2013/2014, May 2014

2012 and 2013. These data also back the citizens' claim that delayed justice stands among critical issues they faced in courts.

Note, however, that some legislative measures have been taken to address this situation. They include allocation of certain powers that were vested in the higher courts in favour of immediately lower courts. This will have an effect of relieving the Supreme Court. It is also worth mentioning the increase of six new judges of the Supreme Court as provided by law on the Supreme Court.

- **Quality of judgments delivered**

Even though there is no measurement unit of quality of judgments, it is primarily measured by their form and content. In terms of form, it is the quality of writing, the seriousness given to the written judgment and its intelligibility. On the content, it is primarily the understanding of the matters of law, the answer to every question of law, the interpretation of judgments, and more particularly the number of judgments or decisions overturned at appeal level. In order to judge the quality of decisions made by the court, the inspection of courts shall review complaints submitted by individuals aggrieved as follows:

- Examination of files required for all judges of the court to inspect. For example, consider 40 judgments or judgments for each judge;
- Count the number of judgments or decisions overturned on appeal in relation to the number of received judgments on appeal. It is especially this second way that can be translated into figures and indicate the value placed on decisions of courts of first instance by the appeals court.

As reflected in the Supreme Court 2011-2012 report, the average decisions overturned by the appeals courts is 28%, while 72% is confirmed. Which suggests that in general, judgments are well made.

However, some judges we interviewed seem sceptical about the objectivity and the reality of quality of judgments delivered. Indeed, they believe that from the assumption that the number of judgments reformed in the appeals level can serve as an indicator of the quality of judgments is not reassuring even if it is not to be overlooked. One explanation would be such that the judges of the superior court may have the same level of experience or expertise than those who delivered the judgment at first instance; just they may not have enough time to go deep in the content; thus simply confirm the judgment at first instance.

Whatever it is, quality is measured on the number of judgments reformed in the appeals level, corrected judgments, judgments that require interpretation for lack of clarity and the number of judgments that arouse reactions or challenged by the public opinion.

Also going by some judgments that our study randomly selected among others, the problem arises mainly in the quality of writing where some judgments have a clear light. Sometimes there are errors of spelling or other literal errors that affects the substance, sometimes incomplete names or family names without names. Judgments are mostly well-motivated, but for some, they often lack legal, doctrinal or jurisprudential references. This suggests that the Rwandan judges should get used to doing personal research to better support their arguments.
Another bottleneck that affects the effectiveness of the judicial system is the execution of judgments.

- **Execution of Judgments**

Although the judge's duty is to deliver justice and not to ensure enforcement of decisions, the judicial system can only be effective if judicial decisions are executed. It should be noted that the rules governing execution of judgments are not neutral; they are the result of important legislative choice. One cannot also ignore the fact that economic and social interests are constantly brought into play in this matter. There is need to always ensure a balance between protecting the creditor's rights and welfare of the debtor.

Many tend to agree that corruption of people responsible for execution of judgments is one of the causes that delay for months execution of judgments. Legally, they do however have three months to do so. Complaints are many. This testimony from a resident of Kigali is an alarming example: " It has been nine months since, running behind the executive secretary of sector they gave me a house won by court decisions."[55]

Others believe that these authorities often have friendship or family relationship with the losers. "Courts get a lot of people dissatisfied with the indifference of some public bailiffs with regard to decisions of judges", says the courts spokesperson. He continues that yet the law states that the winning party may take a legal action against a bailiff who does not coerce the losers to comply with the judgment within three months of the trial. But most people do not complain because they do not know this law.

For Janet M, living in Northern Rwanda, some delay deliberately, waiting for a peasant to come and petition them "I went every day to see the Sector's Executive secretary so that he may help me regain my land. But he only received me when I gave him 10,000 Rwf (about $ 20)"[56]

Public bailiffs evoke among other reasons the delicate social position of the loser, imprecision and vagueness of court decisions. This justification is only a pretext says the courts rapporteur.

Private Bailiffs believed to be more effective but they are unfortunately expensive, thus litigants turn back to public bailiffs. All in all, kinship and corruption obstruct judgment execution process. On the side of the losing party, it happens that the execution order is issued while the term of appeal has not

[55] Testimony from Marianne U. inhabitant of Kigali city, in S. Ayanone, « Des huissiers de l'Etat traînent à faire exécuter les judgements », http://www.syfia-grands lacs.info/index.php?view=articles&action=voir&idArticle=2394, visited in 2013.
[56] *Ibidem*

yet expired. It may also happen that a certificate of non-appeal and an execution order are sent while there has been an appeal. These are serious mistakes made by court registrars. Are they administrative errors or connivance with a party to the trial? What would then be the degree of accountability of the staff in the justice sector?

3.5. Accountability of judges

The Rwandan system of government is carefully designed to foster fair and impartial courts while maintaining strict judicial accountability through a series of checks on judicial power. Here are some examples of established procedures that keep courts accountable.

3.5.1. Appeal in case of wrong decision or error

If a party believes a judge made a wrong decision or error, the party may appeal to a higher court to review the judge's ruling. This is an appropriate and effective check on judicial power.

The report of the Supreme Court [57] shows that of 38,298 decisions by the ordinary courts, 40%, that is 15,362 went on appeal. The same report indicates that of the 15,362 appellate decisions, only 1122 were overturned (7 %). In the same vein, this study suggests that 41.2% of respondents saw their cases examined at appeal level as evidenced by the data in table 6 above.

This implies that litigants are aware of their right to appeal to higher courts in order to have decisions in the first degree reformed. But when it is realised that the number of decisions reformed is very low, it is also assumed that most of the judges of first instance do their job well. As said earlier on, especially now that the courts inspection carries regular visits and more importantly scrutinizes the quality of decisions.

At the level of commercial courts, of 2074 decisions, only 312 went on appeal, and of 312 only 29 have been reformed. This highlights a high degree of confidence in decisions made by Rwandan courts.

3.5.2. Interpretation of a law

If the legislature disagrees with the way a court has applied or interpreted a law, it may pass a legislation to amend the law and prospectively change the impact of the court decision. This is another appropriate and effective check on judicial power.

[57] URUKIKO RW'IKIRENGA, Bimwe mu byagezweho nyuma y'ivugururwa ry'inzego z'ubucamanza (2004- kamena 2011) , 2011, pp.33-34.

According to article 96 of the Constitution of the Republic of Rwanda: "*The authentic interpretation of laws shall be done by both Chambers of Parliament jointly acting after the Supreme Court has given an opinion on the matter; each Chamber shall decide on the basis of the majority referred to in Article 93 of this Constitution. The authentic interpretation of the laws may be requested by the Government, a member of one of the Chambers of Parliament or by the Bar Association. Any interested person may request the authentic interpretation of laws through the members of Parliament or the Bar Association*". Furthermore, articles 152-154 of Law CCLAP also have some provisions relating to the interpretation and correction of a judgement.

3.5.3. Procedures to address judicial misconduct or substandard performance

It is a practice in Rwanda that at the end of each year, a performance appraisal is exercised for each judge. When a judge engages in unethical conduct, habitual intemperance, or persistent failure to perform duties, the Supreme Court can take disciplinary measures against the judge and even remove the judge from office[58]. According to article 14, sections 2 and 3 of the Organic Law n°07/2012/OL of 19/09/2012 determining the organization, powers and functioning of the high council of the judiciary, the General Assembly shall:

- Take decisions relating to the appointment, promotion or removal from office of judges and management of the career in general and discipline of judges with the exception of judges of the military courts and act as a body in charge of their discipline save those appointed by other organs;
- Decide on the appointment, promotion and removal from office of court registrars.

It is in this framework that during 2011-2012 the High Judicial Council convened to examine 7 cases of judges and registrars and decided the removal from office of 3 judges and 2 court registrars[59]. Likewise, the 2013 Supreme Court Report indicates that in this year, 5 dossiers were examined and revoked one judge and 2 registrars, and took disciplinary sanctions to 2 judges.

This finding was supported by judges who were interviewed in this study. They maintained that judges are held accountable by the High Judicial Council with regard to both their performance and conduct. Some of the above examples were echoed by judges as illustration of accountability in the judicial sector. They also maintained that even litigants who find cases of misconduct among judges are allowed to report them to the president of the court of any other instance, and have the right to object to the concerned judge[60].

[58] See http://www.iowacourts.gov/Public_Information/About_Judges/Judicial_Independence_and_Accountability/
[59] See the report of the *Supreme Court 2011-2012*, p.48.
[60] Only judge disqualification is provided for in art .102 -105 of the Law on CCLAP

It emerged from FGDs with lawyers and citizens that this right is sometimes exercised by some litigants who approach presidents of courts to that end. In the same vein, litigants sometimes report such misconduct to their lawyers who report it to the president of the court. It was also suggested that presidents of courts, once a week, reserve a day for receiving citizens' concerns.

Performance management initiatives that may be introduced within the Supreme Court include the following:

- To improve each individual judge and registrar's performance;
- To increase operational efficiency of judicial management and ensuring effective administration of justice and improve quality of justice dispensed;
- To improve the design and content of judicial education programs;
- To work towards public confidence on judgments rendered.

The performance of judges and judicial staff is then assessed on competencies such as work flow management and performance, management skills and leadership competencies by their peers, supervisors and others from inspectorate reports. The performance is guided by operational area, performance targets in line with this strategy. It is worth highlighting that a well-structured evaluation form was designed and is constantly used for that end.

To conclude, we must commend the Government of Rwanda's efforts to ensure smooth running of the administration of justice. Measures have been taken to provide to the justice sector with a personnel equipped with competitive and competent academic and professional training. Laws have been put in place to ensure maintenance of an efficient and effective justice. The legal and institutional framework establishing accountability of judges and court registrars is also up and running. In general, and despite the existence of some challenges in this sector, one can confidently affirm that the majority of the Rwandan population gives more credit to the Rwandan judicial system.

Table 24: Proportion of respondents who reported cases of corruption they experienced (disaggregated by courts and prisons)

	Courts	Prison	Total	%Courts	%Prisons	%Total
Yes	11	6	17	21.2%	10.7%	15.7%
No	41	50	91	78.8%	89.3%	84.3%
Total	52	56	108	100.0%	100.0%	100.0%

The data suggests a low proportion of respondents (15.7%) who were asked or paid corruption and eventually reported it. This proportion proves very low and backs findings from other researches on corruption which suggest that reporting rate is very low among the victims of corruption. Major reasons for not reporting such cases are examined below, after the examination of people or instances to which reporting was done, as shown in the following table.

Table 25: People or instances to which corruption cases were reported

	Frequency	Percent(n=86)
The president of the court	30	34.9%
Police	26	30.2%
Prosecution	14	16.3%
Transparency International Rwanda	11	12.8%
Office of the Ombudsman	11	12.8%
High Council of the Judiciary	10	11.6%
Local leaders	11	12.8%
Media	5	5.8%
National human Rights Commission	2	2.3%
HAGURUKA Association	2	2.3%
Intermediate court	1	1.2%
Minister of Justice	1	1.2%
Prison Directorate	2	2.4%
Mediators	1	1.2%

The study shows that the majority of people who reported cases of corruption they experienced turned mainly to presidents of courts and the police, followed by the Prosecution, Transparency international Rwanda, Office of the Ombudsman, the High Council of the Judiciary and local leaders. Very few approached other instances. It emerges from this table that instances to which victims of corruption can report do exist. However, as mentioned in table 26, an important proportion of victims (36.8%) did not report such cases. Reasons for not reporting are examined in the table below.

Table 26: Reasons for not reporting cases of corruption experienced by respondents

	Frequency	Percent (n=242)
Fear of consequences/reprisals	104	43.0%
No positive outcome expected	89	36.8%
Do not know the instances to be approached	62	30.6%
Fear of spending time in many instances	38	15.7%
Lack of evidence	6	2.5%
Lack of trust in instances I should report to	6	2.5%
Other	4	1.7%

As shown in the table above, those who do not report corruption cases include mainly people who fear troubles they may get in as a result of reporting (43%), feeling that no positive outcome would result from reporting (36.8%), lack of information of appropriate instances to report to, and fear for spending time in many instances. Very few respondents mentioned lack of evidence, lack of trust in instances they would approach as main limitations for reporting corruption cases. It is worth noting that in some cases, the proportion of those who do not report include people attempt getting services they have not right to and therefore pay bribe to get it. In such a situation, reporting would

mean accusing oneself. This is a serious challenge that the fight against corruption still faces and therefore constitutes a serious challenge to holding judges accountable in case of misconduct. It therefore calls for appropriate strategies to address it.

The fear of reprisals has always ranked first among the reasons behind not reporting corruption cases, as shown by various researches in Rwanda. Although there is a law governing the protection of whistle blowers[61], fear still persists among people, including some victims of corruption. In most cases, people remain fearful when they think that the culprit may be released and therefore get opportunity to take revenge. In the same vein, when the culprit is a service provider, victims believe that in case the culprit is not punished, they will not get the service any more. There is a pressing need for actors involved in the fight against corruption to find out better strategies to guarantee the safety of victims of corruption who stand bold and report such cases.

The data in the table above also suggests an important proportion of corruption victims who do not report such cases due to the fact that they are hopeless of any positive outcome of reporting. This implies lack of confidence in instances they would report to. It is therefore the responsibility of those instances to work with much more professionalism in such a way that corruption victims would comfortably turn to them.

Furthermore, lack of information on relevant instances to which corruption cases should be reported emerged as a major reason for not reporting. While institutions and organisations such as Office of the Ombudsman, National Police, Transparency International Rwanda, etc. use mass media channels to educate people on corruption and related practices, the study reveals that there are still more people to reach.

[61] Law n° 35/2012 of 19/09/2012 relating to the protection of whistleblowers, accessed on February 21st, 2014 at http://www.ombudsman.gov.rw/IMG/pdf/whistle_blowers_protection_law.pdf

4. CONCLUSION AND RECOMMENDATIONS

This study investigated the level of professionalism and accountability of judges in courts. Data were collected from people whose cases were examined in courts, both ordinary people and those in prisons/detention centers. The review of laws and institutional reports (Supreme Court) was also very instrumental in providing data.

The study resorted to a combination of both qualitative and quantitative approaches. In the former approach, key informants interviews were organised with some judges and registrars, while FGDs were organised with selected citizens and lawyers. In the latter, a structured questionnaire was filled by 2931 respondents and dropped into appropriate suggestion boxes established to that end, and collected by TI-Rw staff afterwards. Concerned courts include primary and intermediate courts, the High Court, commercial courts and the High Commercial Court.

The following emerged as key findings from this study:

1. Primary courts emerged as type of jurisdictions most approached by the respondents (64%), followed by intermediate courts (20.8%). In simpler words, the lower the courts the higher the proportion of people who refer matters to them. This holds for both people still in courts and those in prisons. One of major explanations for this situation is that the majority of cases that ordinary people take to courts are in the competence of primary courts in the first resort and can be referred to higher courts for appeal reasons.
2. The level of professionalism of judges was assessed based on indicators such as qualifications, integrity (independence, impartiality, corruption) diligence, etc. It emerges that all court judges and inspectors are qualified, as they all hold at least a bachelor's degree in law. Of the 268 judges, 0.37% hold a PhD, 11.93% with Master's and 88% are bachelor's degree holders. At the registrar's level, the 2012 report indicates that 105 of 271 are almost 39% do not hold at least a bachelor's degree, but none below A2 diploma.
3. As regards independence of judges, it emerges from interviews with some judges that they [judges] do their work in total independence without interference of the hierarchy or of other authorities. Some but few argued that sometimes, when it comes to issues brought to the attention of the hierarchy of courts, the latter may call their attention so that they can be as more diligent as possible, but without giving them any instruction on how to resolve this or that dispute". Sometimes, when faced with a complex issue, they take the initiative to seek advice from the hierarchy without being bound by that advice. This concern was echoed by lawyers who participated in a related FGD. However, a small proportion (15.6%) of citizens who had cases in courts suggest that independence of judges is not totally guaranteed in practice.
4. As far as impartiality of judges is concerned, 39.7% of those who were not totally satisfied with courts decisions maintained that their dissatisfaction was due to the partiality of judges. This perception is also expressed by respondents on critical issues they experienced in courts, among which perceived unfair decisions by judges. In fact, courts' clients experienced a

series of problems which affect their right to get a fair and timely justice, among which unfair decisions made by judges (44.1%).

5. With regard to corruption among judges, the study suggests that 10.7% of respondents who were not totally satisfied with court decisions evoked corruption as justification, which is an important aspect of judges integrity. In the same vein, the data reveals that around 1 in 10 people, that is 12.2%, experienced cases of corruption in their interaction with judges. Bribe (41.4%) and favoritism/nepotism (57%) emerged as major types of corruption experienced by these respondents. One can argue however, that money-based corruption may be understood as a fact while favoritism and nepotism remain perceptions which are not easy to comprehend. Overall, respondents who paid bribe spent Rwfs 15,990,000. The average amount paid by every person stands at Rwf 228,429.
6. Concerning diligence of judges, the Supreme Court report of 2012-2013, over the course of this period, 80,259 judgments were delivered. The monthly average achieved by each judge is 24 judgments while the assigned target is 15 judgments per month. It also emerges from the report that the quality of judgments has significantly improved due to the fact that judges are encouraged to research and especially advised to refer to similar decisions by higher courts (the previous system). However, the study reveals that major problems which affect respondents' right to get a fair and timely justice include failure to respect legal deadlines (34.9%) and unfair decisions made by judges (32.9%) , delayed justice (26.1%), failure to execute courts decisions (22.2%), many adjournments of trials (21.8%) and economic cost of justice (20.8%). This affects manifestly the diligence of judges.
7. The level of courts effectiveness in fulfilling their duties stands at 59.5% overall, which is rounded up to 60%. It is moderate and therefore calls for doubled efforts to increase it. One can argue that this level of effectiveness is, on the one hand, largely affected by critical issues raised above including delays in rendering justice to people and the feeling of unfairness in making decisions, to name but a few. On the other hand, one can assume that some of those who lost cases are unlikely to find those courts effective even though the loss of cases was sufficiently evidenced by judges. Delayed justice proves to be one of other hindrances of courts' effective given that "delay justice is denied justice". The most important reason for such a delay justice is largely related to backlogs, the low number of judges in courts and many adjournments.
8. As regards accountability of judges, the study reveals that a series of mechanisms to hold judges accountable are in place. These include appeal appellate instances, disciplinary measures and sanctions in case of judges' misconduct, and other reporting mechanisms in case of misconduct such as corruption, etc. The report of the Supreme Court [62]which of 38,298 decisions by the ordinary courts, 40%, that is 15,362 went on appeal. The same report indicates that of the 15,362 appellate decisions, only 1122 were overturned (7 %). In the same vein, this study suggests that 41.2% of respondents saw their cases examined at appeal level.

[62] URUKIKO RW'IKIRENGA, **Bimwe mu byagezweho nyuma y'ivugururwa ry'inzego z'ubucamanza (2004-kamena 2011)** , 2011, pp.33-34.

9. This implies that litigants are aware of their right to appeal to higher courts in order to have decisions in the first degree reformed. But when it is realised that the number of decisions reformed is very low, it is also assumed that most of the judges of first instance do their job well. At the level of commercial courts, of 2074 decisions, only 312 went on appeal, and of 312 only 29 have been reformed. This highlights a high degree of confidence in decisions made by Rwandan courts.
10. In relation to disciplinary measures and sanctions, during 2011-2012 the High Judicial Council convened to examine 7 cases of judges and registrars and decided the removal from office of 3 judges and 2 court registrars[63]. Likewise, the 2013 Supreme Court Report indicates that in this year, 5 dossiers were examined and revoked one judge and 2 registrars, and took disciplinary sanctions to 2 judges.
11. The data suggests a low proportion of respondents (15.7%) who reported corruption cases after being asked to pay it or simply after paying it. Those who do not report corruption cases include mainly people who fear troubles they may get in as a result of reporting (43%), feeling that no positive outcome would result from reporting (36.8%), lack of information of appropriate instances to report to, and fear for spending time in many instances. Very few respondents mentioned lack of evidence, lack of trust in instances they would approach as main limitations for reporting corruption cases.

Table 27: Recap on professionalism of Rwandan courts

	Professionalism of Rwandan courts	
1.	Qualification of judges : judges have required qualification(at least bachelor degree in law)	100%
2.	Perceived Independence of judges: level of clients' satisfaction with courts decisions	68.8%
3.	Perceived Integrity of judges : Clients who reported to not experience any form of corruption in courts	87.8%
4.	Courts effectiveness in fulfilling their responsibilities	59.5%
	AVERAGE	79%

Overall, the level of professionalism of Rwandan courts stands high (79%). Indeed, all Judges have required qualification (at least bachelor degree in law); high citizens' satisfaction with court decisions (68.8%), very high integrity among Judges (87.8%), moderate level of effectiveness of courts in fulfilling their responsibilities (59.5%). The moderate level of effectiveness of courts is largely affected by critical issues raised above including delays.

Based on the above findings the following actions should be taken to address some of the challenges raised:

1. One of the biggest challenges highlighted by this study consists in delay in delivering justice primarily as a result of backlog especially at the level of Supreme Court. Although much has

[63] See the report of the *Supreme Court 2011-2012*, p.48.

been done in this area, the Supreme Court should double effort to speed up the examination of backlog and therefore deliver justice in time.

2. Civil Society Organizations should strive to increase citizens' awareness of the Justice system and other existing alternative disputes mechanisms as a response to reduce backlogs.

3. It was also noted that though the increase in legal fee charged for lodging cases in courts would reduce operational court costs and restrict the number of people who involve in endless and undue court cases, it is also likely to contribute in denying justice to less well-off people who seek justice from courts. The Ministry of Justice should re-examine this legal fee to make it more reasonable and therefore affordable in order to avoid such a denial of justice.

4. The study suggested a very low level of reporting cases of corruption among those who experienced or heard of them. The Office of the Ombudsman, Rwanda National Police, Supreme Court, MINIJUST, TI-Rw, National Public Prosecution Authority should increase their effort to put in place safe mechanisms for reporting corruption cases. In the same vein, the Ministry of justice and other justice stakeholders (including those in the fight against corruption) should increase activities aimed at raising awareness of the community with regard to corruption especially the reporting

5. The study revealed that while the "Single judge" system has been instrumental in addressing the backlog issue, sometimes it does not prove to guarantee quality justice especially at last appeal resort. The "single judge" sometimes make deliberately unfair decision as a result of corruption or nepotism because he/she knows he/she has a final say on the legal case taken to him/her". This proves very concerning especially in criminal matters involving long imprisonment sentences or losing high valued properties or assets. The Supreme Court should therefore endeavor to establish a system whereby cases in last appellate resort are not examined by a "single judge".

6. 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 Supreme Court should therefore take advantage of this new law to speed up trials and put an end to the rampant issue of backlog.

7. It emerged from the study that as in all public service, judges' work is based on performance contract. This requires every judge to achieve an assigned number of cases tried (verdicts) per month. Judges should consider that working on the basis of performance contract

(number of cases tried per month) should not hamper the quality of court decision especially in criminal matters. In the same vein, 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.

8. It was revealed that one of the factors driving a high level of delayed justice resides in the large number of adjournment of cases in courts, the main cause emanating from parties request. The Law no 18/2004 of 20/06/2004 relating to the civil, commercial, labour and administrative procedure as modified and complemented to date stipulates that in the same jurisdiction, no case should be adjourned more than two times especially when it is requested by the plaintiff. Citizens and lawyers should therefore comply with this law by avoiding frequent adjournments.

9. This study also suggested that the execution of courts' decisions still remains among important challenges faced by those who resort to courts for justice. Private Bailiffs believed to be more effective but they are unfortunately expensive, thus litigants turn back to public bailiffs. Local government leaders should double their efforts to provide necessary means to facilitate public bailiffs to execute judgments as the private ones prove to be expensive.

10. The Government of Rwanda should improve working conditions of Judges at the level of Primary and Intermediate court to enable them deliver fair justice.

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APPENDIX 1: QUESTIONNAIRE

IBIBAZO BIGENEWE ABATURAGE BAGANA INKIKO

Ibibi bibazo byateguwe na TRANSPARENCY INTERNATIONAL RWANDA, kandi bigenewe abantu bagana inkiko bakeneye serivise z'ubutabera zitangwa n'inkiko. Nyamuneka wuzuze ibi bibazo witonze hanyuma ubishyire mu gasandugu k'ibitekerezo kabigenewe. Murakoze.

Akarere	
Itariki	
Izina ry'urukiro	

Igitsina	Gabo	1
	Gore	2
Imyaka		
Umurimo Akora		

Q1. Vuga urwego rw'urukiko wagejejeho ikibazo cyawe	
Urubanza ku rwego rwa mbere	1
Urubanza ku rwego rw'ubujuririre	2

Q2. Ese ni uruhe rukiko waregeye kurwego rwa mbere?	
Urukiko rw'Ibanze	1
Urukiko Rwisumbuye	2
Urukiko Rwisumbye rw'Ubucuruzi	3
Urukiko Rukuru rwa Repubulika	4
Urukiko Rukuru rw'Ubucuruzi	5
Urukiko rw'Ikirenga	6

Q3.Ese waba warareze murukiko rw'ubujurire?	
Yego	**1**
Oya	**2**

Q3.1 Ese ni uruhe rukiko waregeye mu rwego rw'Ubujurire bwa mbere?	
Urukiko Rwisumbuye	1
Urukiko Rukuru rwa Repubulika	2
Urukiko Rukuru rw'Ubucuruzi	3
Urukiko rw'Ikirenga	4

Q3.2 Ese ni uruhe Urukiko waregeye kurwego rw'ubujurire bwa kabiri ?	
Urukiko Rukuru rwa Repubulika	1
Urukiko Rukuru rw'Ubucuruzi	2
Urukiko rw'Ikirenga	3

Q4. Ese icyo waregeye wakiboneye igisubizo kikunyuze?		
Yego	1	*Jya kuri Q4.1*
Oya	2	*Jya kuri Q5*

Q4.1 Igisubizo wahawe cyakunyuze kuruhe rugero?	
Sinanyuzwe namba	1
Sinanyuzwe	2
Nanyuzwe biringaniye	3
Naranyuzwe	4
Naranyuzwe cyane	5

Q4.2. Niba kitarakunyuze ubona impamvu ari izihe?	
Ubuswa bw'umucamanza/abacamanza	1
Kubogama k'umucamanza/abacamanza	2
Ruswa	3
Kutagira ubwigenge ku mucamanza/abacamanza	4
Uburangare bw'umucamanza/ kutita ku inshingano	5
Ikindi kivuge	6

Q5. Ugerageze kutubwira icyo utekereza kuri serivisi wahawe n'inkiko ushingiye kuri ibi bikurikira:

#	Ikintu kigamijwe	Sinanyuzwe namba	Sinanyuzwe	Nanyuzwe biringaniye	Naranyuzwe	Naranyuzwe cyane
1	Ubumenyi bw'umucamanza/Abacamanza	1	2	3	4	5
2	Ubunyangamugayo bw'umucamanza/Abacamanza	1	2	3	4	5
3	Ikiguzi (Amafaranga urubanza rwagutwaye)	1	2	3	4	5
4	Kubahahiza ibihe biteganywa n'amategeko	1	2	3	4	5
5	Uburyo urubanza rwaciwe	1	2	3	4	5

Q6. Ese wigeze uhura n'ikibazo cya ruswa?		
Yego	01	*Jya kukibazo cya*
Oya	02	*Jya kukibazo cya*

Q7. Niba ari yego iyo ruswa yari iyubuhe bwoko?	
Amafaranga (vuga umubare)	1
Icyenewabo	2
Itonesha	3
ikimenyane	4
Indonke	5
Ruswa ishingiye ku gitsina	6
Ikindi (Kivuge)	7

Q8. Ese waba waratanze cyangwa waremeye iyo ruswa (amafaranga cyangwa ubundi bwoko)		
Yego	1	*Jya kukibazo cya Q10*
Oya	2	*Jya kukibazo cya Q9*

Q9. Ese waba warabonye icyo wifuzaga nyuma yo kwanga gutanga ruswa?	
Yego	1
Oya	2

Q10. Waba warareze uwakwatse ruswa / cyangwa waratanze raporo?		
Yego	1	*Jya kuri Q10.1*
Oya	2	*Jya kuri Q10.2*

Q10.1 Niba ari yego waregeye nde /ikirego kijyanye na ruswa ?	
Perezida w'Urukiko	1
Polisi	2
Inama Nkuru y'Ubucamanza	3
Ubushinjacyaha	4
Transparency International Rwanda	5
Inzego z'itangazamakuru	6
Urwego rw'Umuvunyi	7
Abayobozi b'inzego z'ibanze	8
Izindi (zivuge)	9

Q10.2 Niba ari oya ni kuyihe mpamvu/utatanze ikirego kijyanye na ruswa bagusabye?	
Ubwoba bw'inkurikizi	1
Kutamenya aho kuregera	2
Kubona ko ntacyo bizamarira	3
Gutinya gusiragira hirya no hino	4
Ikindi(kivuge)	5

Q11. Ese nk'umuntu waganye inkiko ubona ikibazo gikomeye wahuye nacyo ari ikihe?	
Kutubahiza ibihe biteganywa n'amategeko	1
Kutarangiza imanza umuntu yatsindiye	2
Guca imanza muburyo Kubogama, ubuswa,	3
Amafaranga menshi urubanza rutwara	4
Igihe kirekire urubanza rutwara	5
Isubikwa ry'imanza	6
Kutakira ikirego	7

Q12. Ese nihehe ubona inkiko zitubahiriza igihe giteganijwe?	
Igihe kiri hagati yo kwakira ikirego n'itariki urubanza rwaburanishijwe.	1
Igihe cyo guca urubanza	2
Igihe cyo guha ababuranyi kopi y'urubanza	3
Igihe imanza, ibyemezo cyangwa inyandiko ziriho inyandikompuruza bitangizwa	4

Imanza zidasobanutse	8

Q13. Ese utekerezako impamvu inkiko zitubahiriza igihe giteganijwe yaba ari iyihe?	
Ubunebwe bw'abacamanza n'abanditsi b'inkiko	1
Kugira imanza nyinshi zitaraburanywa (ibirarane n'ibirego bishya)	2
Umubare muke w'abacamanza n'abanditsi b'inkiko	3
Kutishimira umushahara kw'abacamanza n'abanditsi b'inkiko	4
Ikindi (kivuge)	5

Q14. Vuga muri rusange uko ubona inkiko zaba zuzuza inshingano zazo.	
Ntibunyuze na mba	1
Ntibunyuze	2
Bunyuze gake	3
Buranyuze cyane	4
Buranyuze cyane	5

15. Kuva ikirego cyawe ukigejeje murukiko cyaburanishijwe bwambere mugihe kingana gute ?

Q15.1 Urukiko rw'ibanze	
Hagati y'ukwezi 1-6	1
Hagati y'amezi 6-12	2
Hagati y'umwaka 1-2	3
Hejuru y'imyaka 2	4

Q15.1 Urukiko rw'ubujurire	
Hagati y'ukwezi 1-6	1
Hagati y'amezi 6-12	2
Hagati y'umwaka 1-2	3
Hejuru y'imyaka 2	4

Q15.3 ikirego cyawe kirengeje amezi atandatu kitaraburanishwa urukiko rwaba rwarakwandikiye rukumenyesha impanvu	
Yego	1
Oya	2

16. Ese ubona hakorwa iki kugirango imikorere y'inkiko itume tugera ku ubutabera bw'umwuga, buhamye kandi buzi icyo sosiyete nyarwanda ibutezeho?

Murakoze

APPENDIX 2: **FGD Checklist**

1. Watubwira urwego rw'urukiko wagejejeho ikibazo cyawe? Gisobanure

2. Waba waranyuzwe n'igisubizo wahawe ? sobanura impamvu

3. Watubwira icyo utekereza kuri serivisi wahawe n'urukiko wagannye ushingiye kuri ibi bikurikira:

    - Ubumenyi bw'umucamanza/Abacamanza
    - Ubunyangamugayo bw'umucamanza/Abacamanza(**Ese wigeze uhura n'ikibazo cya ruswa? Ubwoko bwa ruswa wahuye nayo)**
    - Ikiguzi (Amafaranga urubanza rwagutwaye)
    - Kubahahiza ibihe biteganywa n'amategeko
        a. **Kuva ikirego cyawe ukigejeje murukiko cyaburanishijwe bwambere mugihe kingana gute ?**
        b. **Ese nihehe ubona inkiko zitubahiriza igihe giteganijwe?,**
        c. **Impamvu zaba ari izihe?**
    - Uburyo urubanza rwaciwe

4. Ese nk'umuntu waganye inkiko ubona ikibazo gikomeye wahuye nacyo ari ikihe?

5. Ese ubona hakorwa iki kugirango imikorere y'inkiko itume tugera ku ubutabera bw'umwuga, buhamye kandi buzi icyo sosiyete nyarwanda ibutezeho?

MURAKOZE

APPENDIX 3: List of participants for interview

1. BWIZA Blanche : Judge High Court
2. KALIWABO Charles: President High Court
3. LONDA Nyirahuku: Judge Intermediate Court/ Huye
4. MBISHIBISHI Maurice: Vice-President Intermediate Court/ Huye
5. MUGABUTWAZA Vincent: Judge Intermediate Court/ Huye
6. MUHIMA Antoine: Judge High Court
7. NDINDA Julien : Judge High Court
8. NSENGUMUREMYI Cyridion : President Commercial Court/ Huye
9. NTAMUHANGA Manzi: Vice-President Commercial Court/ Huye
10. RUKUNDAKUVUGA François-Regis: Inspector General of Courts/ Supreme Court
11. SHUMBUSHO Abraham: Judge Intermediate Court/ Huye

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