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RWANDA JUSTICE SECTOR CAPACITY AND TRAINING NEEDS ASSESSMENT REPORT

KIGALI, RWANDA

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ABBREVIATIONS

ADR	Alternative Dispute Resolution
ASF	Avocats Sans Frontiers
CID	Criminal Investigation Department
CLE	Continuing Legal Education
EDPRS	Economic Development and Poverty Reduction Strategy
ICT	Information and Communication Technologies
ICTR	International Criminal Tribunal for Rwanda
ILI-ACLE	International Law Institute – African Center for Legal Excellence
ILPD	Institute for Legal Practice and Development
IT	Information Technology
JRLO	Justice, Reconciliation, Law and Order Sector Strategy
KBA	Kigali Bar Association
MCC	Millennium Challenge Corporation
MIFOTRA	Ministère de la Fonction Publique et du Travail (Ministry of Public Service and Labor)
NPPA	National Public Prosecution Authority
TGI	Tribunal de Grande Instance

EXECUTIVE SUMMARY

The Rwanda Justice Sector Capacity and Training Needs Assessment is part of an effort to support the Government of Rwanda as it seeks to further justice reforms initiated since 2001. The assessment examines the current competencies of key members of the justice sector, measures them against desired knowledge, skills, and abilities, and suggests training priorities for each group.

The methodology used in conducting this assessment included review of documents and materials related to the Rwandan justice sector, individual interviews of key informants, surveys of focus groups composed of members of the target groups, observations of court hearings, and visits to the places of work of the target groups.

Because the Institute for Legal Practice and Development (ILPD) is designated as the primary trainer for justice sector professionals, the assessment focuses on ILPD trainers as well as on ILPD as an institution. Although the ILPD is a very young institution, expectations for its performance are very high. It is charged with providing nine-month post-graduate training to existing justice sector professionals as well as to all law school graduates entering the legal professions. It must also provide continuing legal education (CLE) to serving legal professionals. Given the number of people who need to be trained and the rate at which ILPD can realistically train them, it will take almost eight years to complete the nine-month training of existing professionals. Meanwhile, the law schools will be producing new law graduates who will be waiting to enter the pre-service training, creating a large and perhaps perpetual backlog of students waiting to be trained. Some flexibility is therefore required in interpreting and carrying out ILPD's mission. Allowing ILPD to deliver modified pre-service training at the places of work of experienced professionals through the use of itinerate ILPD trainers might be one solution.

The courts are now staffed by young judges who have law degrees and who as a group appear to be committed to upholding justice and the integrity of the courts. An office of Inspector General has been created to help oversee judicial performance. However, most judges have no more than five years of experience and many lack required skills. They are further hindered by the large volume of new legislation and amendments that are dispersed throughout different codes and official gazettes, making legal research difficult. This is exacerbated by the fact that they have limited access to precedential decisions. To address these needs, judges should be trained in criminal and civil procedure as well as in select substantive areas, such as administrative law, insurance law, the law related to juveniles, and labor law. Training in judgment drafting is needed to address the propensity of judges to omit a clear basis for their decisions. All training should emphasize critical thinking skills.

Like judges, most prosecutors are relatively young and all have law degrees. They appear to be motivated to uphold the integrity of the justice system. An Office of Inspection was created at the National Public Prosecution Authority (NPPA) to oversee prosecutors. However, prosecutors are also relatively inexperienced and are having

trouble overseeing investigations and adapting to a more adversarial system. They often have difficulty making charging decisions, which contributes to the present backlog of cases. They need training in investigation techniques, including how to work with the police to oversee investigations. Training in applying the law to the facts while making charging decisions and drafting indictments is also needed. In light of changes to the criminal procedure code, prosecutors need training in trial techniques as well.

Rwanda's young lawyers are ambitious and want to learn new skills and abilities that will allow them to better practice their profession. The Kigali Bar Association (KBA) is a relatively young organization and is thus flexible enough to incorporate the best practices of bar associations in other countries. However, poor mentoring practices have deprived young lawyers of the chance to learn from their more experienced colleagues. Most lawyers also struggle to manage their law offices and have little or no outside support. Like prosecutors, they also have had difficulties adapting to the new adversarial procedures. Training is needed in these areas, including training for the KBA leadership on how to establish effective mentoring programs and other essential practices that will allow it to better serve its members. The KBA and ILPD might consider cooperating in order to provide training in Kigali to lawyers, with the ILPD overseeing the training to ensure quality.

Court and prosecution staff members appear to be motivated and willing to work overtime to complete their duties and to serve the public. Most have access to IT equipment and case management software. They are critical to the effort to ensure that proper procedure is followed so that the rights of citizens who use the courts are protected. Yet court and prosecution staff have received relatively little training. Training in clerical and administrative skills is needed, as is training in the rules of procedure to ensure compliance with deadlines and notice requirements.

Legislative drafters are well paid and most have a law degree. They are assisted in the process of drafting and vetting legislation by a process that encourages input from civil society. A legislative drafting manual was recently produced that, once vetted, might provide a basis for a more uniform drafting procedure. However, many laws are still poorly drafted, with contradictions between different language versions of the same law. Training is needed to ensure that legislative drafters conduct research that allows them to adapt successful legislation from other countries. They also need training in incorporating common law concepts into the existing legislative scheme. In addition, given the need for practitioners to receive notice of significant changes to the law, legislative drafters should be trained in how to use the Ministry of Justice web site to reflect these changes.

Paralegals work throughout Rwanda and provide limited legal services to those who otherwise would not have access to them. Paralegals understand the local context in which disputes arise and often assist judges by helping clients refine and articulate their positions. Many paralegals are women. However, most paralegals have a limited grasp of the law and little legal training. Paralegals require basic legal training to address this shortcoming. The government policy towards paralegals also must be defined. Until

Rwanda has produced enough qualified lawyers to help all those who require legal assistance, trained paralegals offer an inexpensive way to foster access to justice for people who otherwise would not have it.

Those who fill the ranks of the justice sector appear to welcome capacity-building efforts, and there is political will within the government to provide them with quality training. In furtherance of this objective, ILPD has made significant strides in the short time it has been open. Some flexibility in approach, an emphasis on cooperation between all those who might provide training, and an increase in support from justice sector leaders to create a pool of experienced trainers should ensure that Rwanda's justice sector training needs are met and the justice sector is staffed with qualified professionals.

I. INTRODUCTION

Rwanda has overcome daunting challenges in its effort to reform its legal system. In 1992, an audit found that out of approximately 1,000 judges in the country, only 32 had a law degree. Out of 89 prosecutors, only 18 had a law degree. The 1994 genocide further weakened the justice sector, as magistrates and other legal professionals were either killed or fled the country, and the law schools all but ceased to function.

In an effort to address these problems, the Government of Rwanda established the Rwandan Law Reform Commission in July 2001. The Law Reform Commission was charged with establishing a justice sector capable of speeding up the time needed to hear cases, providing a stable environment for business development and investment, increasing access to justice, strengthening human rights, and decentralizing the justice system. A new Constitution was adopted, providing for three official languages: Kinyarwanda, French, and English. It ensures certain fundamental rights to be enjoyed by all Rwandan citizens and establishes three separate, equal, and independent branches of government. The Constitution provides that the state is charged with ensuring that the branches are staffed with people who possess competence and integrity. It also declares that Supreme Court opinions are binding. In 2004, Rwanda made further gains as it created commercial courts to promote business development, introduced a single-judge system in its courts, began a program to accelerate movement of cases through the court system, and promulgated new civil and criminal procedure codes. All judges and prosecutors are now required to have a law degree. To bolster integration with other countries in the region, Rwanda is increasingly drawing upon the common law tradition in its reforms.

As a key component of the government's Economic Development and Poverty Reduction Strategy (EDPRS), Rwanda's justice sector institutions created the Justice, Reconciliation, Law and Order Sector Strategy (JRLLO). This strategy seeks to further the recent reforms and provides a reform agenda as well as spending priorities for the next three years. The justice institutions themselves have produced their own strategic plans.

Rwanda established the Institute for Legal Practice and Development (ILPD) in order to, among other things, ensure quality training for those who work in the justice sector and to address past problems related to trainings that were donor-driven and ad hoc. The ILPD officially opened in May 2008. Thus far, it has developed both a nine-month pre-service training and a continuing legal education program (CLE).

The Rwanda Justice Sector Capacity and Training Needs Assessment Report is part of a larger effort to assist the Government of Rwanda as it consolidates and builds upon these reforms. At the technical level, the assessment seeks to inform and support the implementation of the justice sector capacity building project and to positively impact Rwanda's Millennium Challenge Corporation (MCC) political rights, voice and accountability and civil liberties indicators. The assessment also supports the larger goal of assisting the Government of Rwanda to strengthen the professionalism, accountability and independence of its justice sector actors and to ensure good governance, access to justice, and respect for human rights. In furtherance of this goal, the assessment examines the current competencies of key members of the justice sector, and measures them against desired knowledge, skills and abilities. It then suggests training and other priorities for each target group that may be used in strategies to address the needs identified.

II. TRAINERS

Those who conduct justice sector training in Rwanda include ILPD lecturers, trainers from Rwandan government bodies and NGOs, and Rwandan and foreign trainers who work for foreign organizations. Because the ILPD is designated as the primary trainer for justice sector professionals, this section will focus on ILPD trainers. Presently, ILPD has three lecturers with backgrounds as prosecutors, one who was a registrar in the commercial court, and one who is a lawyer. It also has contract-based trainers who work as judges, lawyers, and prosecutors.

TRAINERS: DESIRED LEVELS OF KNOWLEDGE, SKILLS, AND ABILITIES

- Ability to organize training courses in close collaboration with local and international experts;
- Deep theoretical knowledge of and practical experience in the subject matter being taught;
- Ability to track changes in the Rwanda legal system and legislative framework and instruct on the same;
- Understanding of civil law and common law traditions and ability to instruct on the same;
- Ability to articulate learning objectives of individual training courses and achieve them;
- Ability to develop curricula, syllabi, class schedules, training materials, examinations, and practical exercises;
- Ability to employ effective adult learning and education techniques;

- Effectively deliver training in the classroom, with a focus on practical application of knowledge, skills, and abilities that are the subject of the training;
- Critical thinking, research, and writing skills;
- Ability to instruct upon and supervise research and writing exercises;
- Computer skills;
- Proficiency in Kinyarwanda, English, and French;
- Liaise regularly with justice sector institutions to identify additional training needs;
- Identify and leverage outside resources, including other organizations that may be drawn upon to enhance instruction.

TRAINERS: CURRENT COMPETENCIES AND GAPS

Opportunities:

1. Trainers at ILPD have gained knowledge and experience while teaching the initial classes of the nine-month program.
2. Some trainers at ILPD have developed and delivered courses that have been praised by former students.
3. ILPD trainers have experience partnering with international trainers and organizations and are receptive to continue doing so.
4. Graduates of ILPD's nine-month program generally praised the performance of ILPD trainers when they co-taught with international experts.
5. ILPD has developed a number of adjunct trainers, many of whom are experienced practitioners.
6. Rwanda has a pool of experienced practitioners in the higher levels of the judiciary, prosecution service, bar, and in NGOs. These practitioners are a possible source of training expertise.
7. Rwanda has a pool of returnees who have practiced in foreign courts. These returnees are familiar with best practices in other countries as well as the common law tradition and are a possible source of training expertise.
8. ILPD has the support of the government, and there is political will in Rwanda to improve the quality of training received by members of the justice sector.
9. There is a library and information technology (IT) at ILPD that serve as resources for trainers.
10. ILPD's method of grouping different professionals together allows for a shared understanding of legal issues as well as of the roles of different justice sector actors.
11. Former ILPD students praised ILPD's moot court competitions.

12. Trainers at ILPD recognize the urgent need to develop critical thinking skills in justice sector professionals and stress this in their training.

Challenges:

1. Key informants, especially those who had passed through the nine-month training program, were almost unanimous in expressing their concern that there are not enough trainers at ILPD with relevant practical experience. Former students expressed dismay that they were often given instruction by trainers who had the same or less experience and knowledge than the students themselves. Those who were trained only by Rwandan trainers, rather than by a team of Rwandan and international trainers, were particularly critical. While training at ILPD is supposed to focus on practical skills, many of the trainers themselves lack these skills.
2. There does not appear to be money in ILPD's budget to hire more international trainers to co-teach with Rwandan trainers.
3. There was criticism of the international trainers who reportedly did not understand the basics of the Rwandan legal system.
4. There does not appear to be adequate compensation or incentives to attract Rwandan trainers with sufficient practical experience.
5. The drive to Nyanza was cited by many as a disincentive to serve as trainers at ILPD.
6. While experienced professionals in higher levels of the justice sector institutions support training at ILPD, they appear to be reluctant to themselves conduct training, citing a prohibitive work load.
7. A train the trainer program has reportedly been delivered to ILPD trainers. However, those that received the training have since left.
8. As a new institution, ILPD is still developing practices, policies and procedures and often does not have the capacity to adequately support its trainers. For example, some trainers noted that there was often not enough time or assistance to adequately prepare curriculum.
9. Due to the deficits in legal education at the law faculties, ILPD trainers must teach students who sometimes lack even a theoretical grasp of the law.
10. University instruction will continue in French until next year, when professors will be required to teach in English. Efforts are underway to ensure that the quality of instruction is not impacted by this change. However, it is possible that some instructors and students may still struggle with instruction in English, which might affect some of the students entering the nine-month program.

11. Some graduates of the nine-month program indicated that they were too busy to put into practice what they had learned from ILPD trainers. This indicates that the training is still not practical enough for busy professionals to use on a daily basis.

12. The same concerns that exist for the trainers of the nine-month program hold true for those who will teach continuing legal education (CLE) for ILPD.

13. Trainers have difficulty teaching some basic concepts, such as institutional roles and independence of the judiciary.

14. Some organizations that could assist ILPD expressed reservations in doing so.

15. Students and former students expressed concerns about the way internships are implemented. They stated that because they are sent back to their previous posts for internships, they become absorbed in their required responsibilities and therefore lack the practical learning opportunities, time and supervision they would get if they were conducting their internships in a different location.

TRAINERS: TRAINING PRIORITIES

The following are high priorities:

- Existing and future trainers at ILPD need training in adult education techniques, curriculum development, interactive training methods, and materials development;
- If possible, an international mentor should be assigned to mentor ILPD trainers and reinforce the training they have received, assist with curriculum and course development, and offer constructive criticism of classroom performance;
- The fact that some graduates of the nine-month program indicated they were too busy to apply what they learned at ILPD indicates that instruction is still not practical enough. Trainers should be assisted to develop training that focuses on the most common skills used daily. More interactive or moot court exercises might help in this regard.

The following are medium to low priorities:

- International trainers should be assisted to become familiar with the Rwanda legal context;
- Members of the backlog reduction team might be recruited to deliver remedial training to address the most common problems they have observed in backlogged files. If not considered appropriate trainers, they might serve to advise the ILPD on curriculum development with a focus on identifying training topics;
- Internships should be well supervised and be structured to give students an opportunity to apply what they have learned at ILPD.

TRAINERS: ADDITIONAL PRIORITIES

In addition to the training needs mentioned above, the following needs related to training should also be addressed:

- While a trainer cannot be trained to have more practical experience, the experience gap in trainers can be addressed by increasing the number of contract-based trainers who have practical experience;
- ILPD should partner with international and Rwandan organizations that have offices and training expertise in Rwanda to co-plan and co-teach courses. There should be an emphasis on skills transfer between trainers from the outside organizations and the ILPD trainers;
- The leadership of the justice sector must do more to encourage those within their ranks who have experience to serve as trainers at ILPD. Incentives might include training at ILPD as a positive factor in performance evaluations and advancement. The ILPD board might become more involved in recruiting experienced practitioners as trainers and offering incentives that overcome the perceived drawbacks of low pay, extra work, and a long drive;
- ILPD should consider a pre-admission examination in order to determine the level of knowledge possessed by in-coming students. Those who lack a sound theoretical basis upon which to build practical skills can be issued remedial study materials and re-take the examination later. An essay that requires students to do minimal research, as well as critical thinking and writing, might also be considered in order to determine critical thinking skills and prepare students for the course. An admissions examination might have the added benefit of encouraging law schools to begin to focus and improve their instruction so as to ensure their students will be admitted to ILPD. This could serve as the basis for an on-going dialogue between the law schools and ILPD regarding expectations and roles of each;
- Training in the institutional roles in a democracy should continue, if possible with the leadership of the institutions instructing on these topics. In some developing countries, students who struggle with the theoretical basis for independence of the judiciary, for example, have responded well to superiors requiring it;
- ILPD might consider forming curriculum development committees that would include members of the organizations to be trained. The committees can inform ILPD of the pressing issues faced by each target group and ensure that the curriculum and instruction addresses them. The committees might also serve a monitoring and evaluation function, observing instruction, vetting materials and reviewing instructor and course evaluations and examinations and suggesting appropriate changes.

TRAINERS: WHO SHOULD ADDRESS TRAINING NEEDS

Rwandan and international organizations that have training expertise should provide training with ILPD and train ILPD trainers. Most organizations contacted by the assessment team expressed a readiness to cooperate and collaborate with ILPD, although some did express reservations. However, ILPD should be able to address the outstanding concerns of these potential partners.

III. ASSESSMENT OF ILPD'S CAPABILITIES

As noted above, among ILPD's objectives is provision of a nine-month pre-service training to law school graduates entering the legal professions, as well as provision of CLE to justice professionals who are already serving. In addition, it is charged with providing the pre-service training to over 280 sitting judges, 160 serving prosecutors and 460 lawyers. Thus far, ILPD has been able to admit three classes of roughly 33 students each. Assuming that ILPD is able to meet its goal of admitting three intakes of roughly 33 students per year, it will take almost eight years to provide pre-service training to all the existing legal professionals who need it. Meanwhile, the law schools will continue to graduate new students. According to officials at Kigali Independent University, they alone currently have approximately 1,000 law students.

The Kigali Bar Association (KBA) has expressed concerns that its members may have to pay for future training at ILPD while the government pays for judges and prosecutors to attend. In addition, lawyers who are in Nyanza have a hard time continuing their practices and thus suffer from lost income while attending the nine-month course. Members of the KBA report that training by others, including by Avocats Sans Frontiers (ASF) and the International Criminal Tribunal for Rwanda (ICTR), is free and of better quality. Members of the KBA would not object to training at ILPD if it was of better quality.

Unless Rwanda is willing to wait almost eight years to begin the process of training new law graduates, or is able to quickly multiply the capacity of ILPD several times, some flexibility is called for in interpreting ILPD's mission. The nine-month course might be shortened, although that will likely not be enough to address the problem of student backlog.

ILPD might consider low-tech solutions that leverage available resources in the country to reach as many people as possible with a modified version of its nine-month program. For example, ILPD could meet with international organizations and the KBA to develop training for lawyers that would bring them up to the government's standards without requiring them to go to Nyanza for nine months. The training could be conducted in Kigali after business hours and on weekends for large groups of lawyers. The ILPD could work with the KBA and internationals to adapt the nine-month curriculum and materials and to ensure that the instructors were proficient. ILPD could administer examinations to ensure results. This approach would reduce the cost for lawyers, allow them to continue practicing, address the backlog of untrained lawyers, allow the KBA to take some additional responsibility for training its members, and produce lawyer-trainers who can subsequently teach at ILPD.

This approach might also be used for experienced judges and prosecutors. In Rwanda, the further down the justice sector institutional hierarchy, the greater the training gaps. Thus, ILPD's mission might be modified so as to require only the lower ranks of judges and prosecutors to attend the nine-month program in Nyanza, while the higher-ranking judges and prosecutors could receive a modified training and examination schedule by

itinerant trainers at or near their place of work. Years of service or rank might be used to determine who is eligible to receive training in this manner.

Although e-learning has been mentioned as a possible way to reach large numbers of students, few people interviewed by the assessment team thought it was feasible, largely due to the current lack of infrastructure. In addition, some thought instruction in Rwanda would not be effective unless delivered orally.

In sum, ILPD might consider shifting its focus from directly delivering training to all or most justice sector professionals to becoming the preeminent training institution in Rwanda, providing some direct training but also coordinating and ensuring the quality of training delivered by other Rwandan and international organizations that have pools of experienced trainers. In so doing, ILPD could leverage the resources of other competent organizations, reach students that it otherwise would not, ensure the quality of the training, and gain experience for ILPD staff trainers, who could serve as co-instructors.

IV. JUDGES

There are approximately 281 judges in Rwanda. They staff the Supreme Court, the High Court, the Tribunal de Grande Instance (TGI), and Primary Courts, in addition to the three Commercial Courts and the Commercial High Court. Many of these judges were appointed in 2004 and are relatively young.

JUDGES: DESIRED LEVELS OF KNOWLEDGE, SKILLS, AND ABILITIES

- Understand the meaning of judicial independence in the discharge of judicial duties and act accordingly;
- Exercise appropriate discretion in assessing cases and making decisions;
- Understand and comply with disciplinary rules;
- Examine case files and prepare for sessions;
- Understand and apply the law, including civil and criminal procedure, the law regarding evidence, and other codes;
- Understand the nexus between civil procedure and criminal procedure in cases where civil claims are brought against principle offenders in criminal cases;
- Fixing hearing dates;
- Role in serving and examining a summons;
- Warrants, searches, and seizures;
- Rules related to the appearance of parties;
- How to guide debates during a hearing;
- How to keep order in court;
- Verify a mandate for legal representation and its continuation in court;
- Examining and ruling on objections;
- Ability to conduct hearings in the order required by law;

- Rule on incidental proceedings (*e.g.*, extension of jurisdiction, interruption and resumption of suits, and discontinuance of suits);
- How to rule on admission of a claim;
- How to rule on extinction of a case;
- The rules and process of deliberation;
- How to deliver a judgment;
- How to write a judgment;
- How to conduct a proceeding and rule on opposition;
- How examine and rule on an appeal;
- Apply appropriate and lawful sentences;
- Understand and enforce the right to counsel;
- Understand and apply the presumption of innocence;
- How to use investigation techniques to supplement criminal investigations;
- How to appoint experts and set their fees;
- Use of the authority to order that detained persons be brought before the court and order the release of unlawfully detained persons and, where appropriate, the punishment of the detaining officer;
- Appropriately order detention preceding trial, following time and notice requirements;
- Apply provisions for release on bail, set conditions for pre-trial release, and modify those conditions;
- How to proceed where it appears a crime has been committed but the prosecution does not file a case;
- Determine cases that require expedited procedure and when to require the personal appearance of a parties;
- Determine when *in camera* hearings are appropriate;
- Appropriately factor in doubts that may arise in a case;
- Know how to determine and order damages;
- Follow the procedure for trials *in absentia*;
- Applications for review;
- Understand and apply special procedures for certain crimes (*e.g.*, crimes committed by juveniles, Rwandans accused of committing crimes in another country, foreigners who commit crimes in Rwanda, and fugitives from justice);
- Suspend sentences where appropriate;
- How to ensure the execution of decisions rendered;
- Basic management, finance and human resources expertise for court leadership;
- Maintain knowledge of the law and new legislation;
- Understand and master the constitutive elements of crimes in the penal code;
- Self-confidence.

JUDGES: CURRENT COMPETENCIES AND GAPS

Opportunities:

1. Following the 1994 Genocide and destruction of the Rwandan judicial system, new courts have been constructed and old and dilapidated courts have been refurbished.

2. All courts now have electricity either through connections to the main supply or through standby generators.
3. Courts are now staffed with young judges who are not tainted by the practices of the old justice system. They are perceived to be committed, not prone to corruption and are willing to learn and discharge justice to uphold the integrity of the judiciary.
4. The judiciary now has clearly defined, basic professional qualifications for judges.
5. There is a new structure of courts that emphasizes operational efficiency. The new High Court has more powers, and there are specialized courts.
6. The Supreme Court has adopted a strategic plan to (1) ensure that justice is fully accessible to the people of Rwanda; (2) ensure that justice is administered fairly, effectively and efficiently; (3) strengthen the independence of the judiciary to boost confidence in the adjudication process; and (4) engage in active, effective collaboration with justice partners.
7. An office of Inspector General of Courts has been created in the Supreme Court. It is charged with: inspecting the courts and tribunals and reporting to the President of the Supreme Court about the results; monitoring the discipline of judges and reporting to the President of the Supreme Court about judicial discipline; assisting other organs of the Supreme Court to design and implement training for judges and court registrars; assisting the President of the Supreme Court to prepare instructions related to the conduct of judicial personnel; reviewing complaints against judges and conducting investigations into them; assisting the High Council of the Judiciary to prepare recruitment interviews and to promote judicial personnel; initiating activity and performance evaluations of judicial personnel.
8. The Supreme Court has adopted a contract of performance to be signed by presidents of courts, registrars, and judges. This contract defines goals to be achieved each year, including a detailed action plan for achieving the goals, how success will be measured, the responsible person, and time-frame for each.
9. The Supreme Court has established a training plan for judges and registrars for the year 2009-2010. This plan details the number of persons to be trained, the area of training, the period of training, and the budget for each.

Challenges:

1. Most Rwandan judges were hired after the 2004 judicial reforms. Although many had more than five years of work experience in the legal field, only a few were already working as judges. Thus, the majority of judges have no more than five years of working experience as judges, and many lack necessary skills, knowledge and abilities.

2. Lack of experience of judges is compounded in some cases by limited theoretical knowledge of the law. This is usually due to the lack of quality in the legal education imparted by law faculties in some Rwandan universities. This weakness exists mainly among newly graduated judges
3. Rwandan judges have little knowledge of the common law tradition and the comparative law of the East African Community. Also, many have poor English language skills. With the entry of Rwanda into the East African Community, these deficits should be addressed.
4. While many judges try to diligently keep up with changes of existing laws in Rwanda, the speed and the scale of recent legal reforms have left a number of judges confused about which laws and legal provisions were amended, abrogated or are still in force. Most laws are scattered in different official gazettes, requiring a judge to spend time searching for provisions applicable to specific cases.
5. The reforms of 2004 required judges to become much more accountable, independent, transparent, and skilled. Some judges who were accustomed to hiding in three-judge panels now find it difficult to master procedural law, court proceedings, and to be accountable for their decisions and sentencing.
6. The reforms of 2004 require judges to use legal precedent. However, most judges lack drafting skills and are unable to draw rules of general application from specific cases in general and in their decisions. Judges also lack access to precedential decisions. Even with access, many judges do not have the analytical skills to identify precedent in previous court decisions.
7. Rwandan judges do not have a tradition of clearly explaining the reasons for their decisions and judgments. Judgments have traditionally been short, shallow, and lacking in analysis. This practice is changing, although too slowly. The lack of skills in drafting judgments was the top concern related to judges in almost every interview and workshop we conducted.
8. The lack of access to judicial precedent is a pressing problem. Although the Supreme Court has tried to regularly compile important decisions and to distribute them to lower courts or put some cases on its website, there is not a coherent, regular and accessible method of compilation and distribution of judicial precedents.
9. In some courts, judges are called on to sit in specialized chambers, such as those dealing with minors, administrative law, and labor law. However, the judges frequently lack specialized training in these fields. This has led to a reduction in the positive effects of judicial specialization.
10. In addition to their judicial duties, court presidents are required to supervise many employees, address financial and administrative issues of the court, ensure the execution

of judgments, distribute cases, and perform many other ancillary duties. However, most lack a basic knowledge of management, finance, human resources, and leadership skills.

11. Most judges do not conduct much legal research. This is largely due to the lack of a research culture that for too long dominated the Rwandan justice system. It is also due to the lack of access to good libraries and databases that contain national and international jurisprudence and publications.

12. Most judges are unfamiliar with the techniques of settling cases out of court and do not know how to conduct such proceedings.

JUDGES: TRAINING PRIORITIES

Based on training needs identified by the Supreme Court and the Ministère de la Fonction Publique et du Travail (Ministry of Public Service and Labor or “MIFOTRA”) and our assessment, the following are training needs for judges.

The following are high priorities:

- Training in court management and leadership skills for court presidents and vice presidents;
- Training in international criminal law, international criminal procedure, commercial law, banking and international business transaction for judges of the Supreme Court and High Courts;
- Training in procedural law and techniques for conducting trials for judges of specialized chambers handling cases related to children, administrative law and labor law;
- Legal provisions related to bail and bond and how to order conditional pre-trial release from custody;
- Training for all judges in:
 - Legal reasoning and judgment drafting;
 - Rules of evidence;
 - Rights of the defense and those of detained persons;
 - Ethics and the independence of the judiciary;
 - Techniques for reading judgments and identifying precedent;
 - Searching for and identifying the constitutive elements of different crimes;
 - Newly adopted laws and amendments;
 - Conducting legal research;
 - Rules and techniques of interpretation of laws, court rulings, and contracts;
 - English training for French-speaking judges and French training for English-speaking judges.

The following are medium to low priorities:

- Training for judges of the Supreme Court and high courts in the rules of extraterritorial jurisdiction, extradition, and universal jurisdiction;
- Training for judges of commercial courts in:
 - Business law;

- The law on insolvency/bankruptcy;
- Insurance law;
- Arbitration and mediation;
- Intellectual property;
- Banking law;
- Contracts;
- Taxation law;
- Arbitration;
- Training of judges of the High Court and TGI in:
 - Administrative law and administrative litigation;
 - Insurance law;
 - Traffic law;
- Training for all judges in:
 - Comparative law of East African countries;
 - Sentencing rules and techniques;
 - Preventive detention;
 - Economic crimes;
 - ADR (Alternative Dispute Resolution);
 - Land law;
 - Environmental crimes;
 - Rules and procedures for seizure;
 - Succession and inheritance law;
 - Techniques and procedures for conducting a civil trial;
 - Techniques and procedures for conducting a criminal trial;
 - Techniques for preparing for trial;
 - Techniques for conducting and supervising case settlement;
 - Techniques for establishing damages in civil and criminal cases;
 - Best practices for determining bail;
 - Confidence-building training;
 - IT training and the use of electronic legal databases.

JUDGES: ADDITIONAL PRIORITIES

In addition to the training needs mentioned above, the following needs related to training should also be addressed:

- The quality of legal education imparted at law faculties must be improved. In the short term, entry examinations might be considered for those who wish to join the judiciary and/or attend the ILPD pre-service training, to ensure that graduates have at least a basic theoretical understanding of the law. Any medium or long term efforts to improve the quality of law school education should focus upon:
 - Revising the curricula used by law faculties to ensure they meet current and future needs of the Rwandan justice system, including the needs related to the integration of Rwanda into the East African Community;
 - Harmonizing the curricula of law faculties with those of ILPD;
 - Encouraging a research culture for academics and for practitioners;

- Strengthening the accreditation rules and supervision of law school faculties;
- Training law professors to improve their teaching methodologies to encourage critical thinking, including introducing Socratic teaching methodologies;
- Improving law libraries and subscribing to legal databases;
- Institutionalizing an admissions test for entry of law graduates into the ILPD;
- Lack of access to precedent must be addressed. This will require the development of a coherent, regular, and accessible method of compilation and distribution of precedent to members of the judiciary, the law faculties, and if possible, to relevant members of the public, such as civil society organizations;
- A research culture must be developed among judges. ILPD has worked hard to try to instill this in its students, but it must be assisted by the law faculties. This will require a change in teaching methodology in the law faculties, as well as training in conducting research and writing in the law faculties as well as at ILPD. Better court libraries must also be created as well as access to electronic legal databases.

JUDGES: WHO SHOULD ADDRESS TRAINING NEEDS

The ILPD should retain overall responsibility for all legal trainings for judges. However, it might work with other organizations to deliver some of the training. Short term training could be organized by the Supreme Court in collaboration with ILPD, who could ensure quality control. The Supreme Court could contract with specialized institutions for language, IT, management, and leadership training.

V. PROSECUTORS

There are approximately 160 prosecutors in Rwanda. In addition, there are 56 secretaries with duties that are similar to a registrar's.

PROSECUTORS: DESIRED LEVELS OF KNOWLEDGE, SKILLS, AND ABILITIES

- Understand the role of the prosecutor and the basic duties attached thereto, including honesty, integrity, diligence, and impartiality;
- Understand the role of judges and the relationship between judicial and prosecutorial roles;
- Understand the relationship between the prosecution and the Ministry of Justice;
- Knowledge of and ability to use the law, including the criminal procedure and penal codes;
- Understand the nexus between civil procedure and criminal procedure in cases where civil claims are brought against principle offenders in criminal cases;
- Knowledge of the roles of the prosecution and the Criminal Investigation Department (CID) and ability to work with the CID to carry out criminal investigations;
- Competently supervise investigations, including properly gathering and preserving evidence;
- Contribute to the formulation of policies regarding investigations;
- Cooperate with other countries on issues of transnational crime;

- Adequately supervise detention facilities and report abuses;
- Act independently of judges and other parties in criminal cases;
- Summons witnesses and suspects and issue arrest warrants;
- Understand the law and practical aspects of search and seizure, including when and how written and electronic communications may be intercepted;
- Appropriately access and use court-sanctioned experts;
- Understand and use the law regarding evidence;
- Understand and use the special procedures for investigation of certain crimes (*e.g.*, crimes committed by juveniles, Rwandans accused of committing crimes in another country, and foreigners who commit crimes in Rwanda);
- Upon receiving a criminal case file, have the professional judgment to determine when a file is complete so that a criminal case may be filed;
- Conversely, determine when evidence in a file is insufficient and further investigation is required and pursue further investigation;
- Determine when, in minor cases, it is appropriate to initiate a procedure for settling a criminal matter out of court in order to compensate the victim, redress the effects of the offence and rehabilitate the accused;
- Determine which case files should be held for safe keeping;
- Draft indictments that reflect appropriate charging decisions based upon the law and the facts the case;
- Advise and work with victims of crime;
- Keep professional secrets;
- Knowledge of and compliance with ethical duties;
- Understand and promote the right to counsel;
- Knowledge of the law that applies when children are witnesses;
- Employ appropriate interviewing techniques, including complying with the law regarding the form of witness statements and use of confrontations;
- Use of the laws on bail to allow conditional pre-trial release where appropriate;
- Understand the consequences of the authority of judges to order that a detained person be brought before him or her and release ordered and detaining officers punished;
- Appropriately use preventative detention measures;
- Prepare for trial and be able to perform duties at trial;
- Effectively provide evidence to the court;
- Effective use of witnesses;
- Use of exhibits;
- Articulate appropriate sentence recommendations;
- How to file and argue appeals;
- Carry out duties regarding enforcement of judgments;
- Use of procedures for conditional release of prisoners, suspension of sentences and applications for rehabilitation;
- Understand and master the constitutive elements of crimes in the penal code.

PROSECUTORS: CURRENT COMPETENCIES AND GAPS

Opportunities:

1. Following the 1994 genocide and destruction of the Rwandan judicial system, new offices of the prosecution have been constructed and old and dilapidated ones have been refurbished. Offices of the prosecution have also been brought closer to courts, saving time prosecutors used to spend traveling to courts.
2. An independent National Public Prosecution Authority (NPPA) was created to supervise police investigations, prosecute crimes and provide for witness and victim protection and support. A clear and detailed organizational structure for this institution was adopted.
3. The NPPA is staffed with young prosecutors who are not tainted with the practices of the old justice system. They are perceived to be committed, not prone to corruption, and are willing to learn and to uphold the integrity of the judiciary.
4. An Office of Inspection was created at the NPPA and is charged with: overseeing the discipline of judicial investigation and prosecution officers, reporting to the General Prosecutor regarding discipline; controlling activities of personnel of the NPPA; assessing the effectiveness of the NPPA, and investigating complaints brought against the personnel of the NPPA.
5. A strategic plan for training the members of the NPPA was adopted in December 2008. This strategic plan contains the following objectives: ensure respect for the criminal law and for public order; ensure effective supervision of police investigations; expedite investigations and prosecutions; protect the interests of victims and witnesses of crimes, as well as those of children; protect the rights of the accused; contribute to the prevention of crime; contribute to the study of criminality in Rwanda; promote international criminal justice; make NPPA accessible to the population; and make investigations and prosecutions more independent.

Challenges:

1. There are currently about 160 prosecutors at the NPPA. Most of these prosecutors were hired after the reforms of 2004. Although many had more than five years of work experience in the legal field, not many have more than five years of experience as prosecutors. Thus, they often lack the skills necessary to exercise their profession.
2. In some cases, this lack of experience is compounded by a limited theoretical knowledge of the law. This is usually due to the lack of quality in the legal education imparted by law faculties in some Rwandan universities. This weakness exists mainly among newly graduated prosecutors. To address this, the quality of legal education imparted at law schools must improve (*see above section on judges*).
3. The reforms of 2004 transformed the role of prosecutors in regard to investigations and to the conduct of criminal proceedings. As a hybrid of civil and common law traditions,

the new Rwandan criminal procedure has removed some prerogatives that Rwandan prosecutors previously enjoyed. Currently, the prosecutor's role is closer to that of a party in the criminal proceeding, rather than that of a judge. Some prosecutors have not, however, internalized this change and many lack the skills to fulfill this new role. For example, court observations revealed that some prosecutors still position themselves on the same side of the courtroom as judges, and thus were facing the defendants rather than standing with the defendants and facing the judge.

4. The civil law system that dominated the Rwandan legal system in years past has contributed to making prosecutors less interested in developing persuasive drafting and pleading skills. This is largely due to the fact that in the old system, the investigation and conclusions of the prosecutor were presumed to contain the truth and were therefore not usually exposed to challenges. With the new reforms, prosecutors need to be more transparent, persuasive, and follow the procedural rules thoroughly. They must also master the rights of the defense and communicate better with suspects and their attorneys. However, there does not seem to be a well-elaborated strategy to prepare prosecutors to face the challenges related to these changes.

5. With the entry of Rwanda into the East African Community, prosecutors will have to learn common law theories and practices. They also need to be proficient in English in order to serve citizens of the East African Community and collaborate with other justice departments in the region. Skills in investigating and prosecuting cross-border criminal activities will also be required.

6. There have been many recent amendments to the Rwandan Penal Code and the introduction of new crimes under Rwandan criminal law. This new legislation is scattered in different Official Gazettes, making it difficult to access. As a result, many prosecutors are not aware of new crimes and punishments.

7. Despite ongoing efforts to create an atmosphere of cooperation and collaboration between the police and prosecutors, prosecutors noted that many members of the CID do not exercise sound criminal investigation techniques, such as those related to interrogation and collection and preservation of evidence. These weaknesses undermine many criminal cases.

8. Because most prosecutors have limited experience and there is not an established culture of legal precedent, prosecutors lack clear guidance regarding how to make charging decisions in the majority of cases where more than one criminal charge may apply.

9. Many prosecutors are unfamiliar with sound evidence collection and preservation techniques. They also are often unable to weigh the value of evidence and are unclear how to use it in their prosecutions. This problem is particularly acute regarding scientific evidence such as ballistics, DNA, and medical examinations. Also, the new reforms have increased the role of witnesses in criminal proceedings. Yet few prosecutors possess the skills to identify and prepare witnesses, and to examine and cross examine them.

10. Most prosecutors do not conduct legal research. This is largely due to the lack of a culture of research that dominated the Rwandan justice system in the past, a problem that still must be addressed in the law faculties. It is also due to the fact that prosecution departments do not have libraries or access to databases of national and international jurisprudence and publications.

11. There is no uniform and detailed procedural guide for prosecutors on how to conduct investigations, arrests, interrogations and preparation of indictments. Therefore, prosecutors, particularly those attached to lower courts and in remotes areas, lack sufficient and effective guidance on these questions.

12. Most prosecutors lack time management skills and the ability to prioritize and organize their work. While IT could help them, they often lack IT skills. There is no clear guidance regarding how to select cases to investigate and prosecute. As a result, prosecutors are often unable to juggle different ongoing investigations and at the same time prepare files, appear in court, address appeals, and perform other necessary duties.

13. Victims of sexual violence and domestic violence, children, and persons with AIDS need special attention when they are victims or witnesses. Most prosecutors do not have the skills to adequately assist such people.

PROSECUTORS: TRAINING PRIORITIES

The following training suggestions were identified from, among other sources, the data collected and analyzed for this assessment and from the 2009-2012 strategic plan for training of the NPPA.

The following are high priorities:

- Rules and admissibility of evidence in a criminal trial;
- Techniques for conducting criminal investigations and the role of the prosecutor and the police in this process;
- Preparation of a criminal file;
- Rules on detention, habeas corpus, the right to representation, and other rights of the defense;
- Charging decisions and the preparation of indictments;
- Constitutive elements of crimes;
- Examination and cross-examination techniques;
- Time management, organization, and prioritization of tasks and duties;
- Training on new laws and amendments, particularly those relating to criminal law and procedure;
- Rules and techniques of interpretation of laws and court rulings;
- The role and the duties of a prosecutor in a criminal proceeding;
- Training on how to deal with victims, witnesses, and suspects in special categories, such as victims of sexual and domestic violence, children, and people with AIDS.

The following are medium to low priorities:

- Investigation and prosecution of specialized crimes such as economic crimes, domestic violence, cyber-crimes, corruption and cross-border crimes;
- Collection and preservation of evidence, including scientific evidence;
- Information and communication technologies (ICT) training;
- English and French language training;
- Basic training in general psychology and applied psychology to criminal law.

PROSECUTORS: ADDITIONAL PRIORITIES

In addition to the training needs mentioned above, the following needs related to training should also be addressed:

- Determine where prosecutors should be seated in the courtroom, communicate the decision to all prosecutors, and enforce the decision;
 - The decision should reflect the changed role of prosecutors as parties to cases, requiring them to sit at the same level as the defendants and attorneys;
 - Sensitization of prosecutors, judges, and defense attorneys to this new role;
- Develop a coherent, regular, and accessible method of compilation and distribution of precedent to all prosecutors, as well as to members of the judiciary, law faculties, and the public;
- Develop a culture of research among prosecutors. This will require a change in teaching methodology in law faculties, as well as training in both the law faculties and at the ILPD. Better libraries must be created as well as access to electronic legal databases;
- Train the police in basic investigation techniques, including how to preserve crime scenes, how to collect and preserve evidence, and how to collaborate with prosecutors and the public;
 - Joint trainings of both police and prosecutors together would be most effective;
- Develop a detailed manual on best practices for investigations and prosecutions. The manual would instruct prosecutors in how to conduct interrogations, handle material evidence, build a criminal file, make charging decisions, and other critical prosecutorial duties.

PROSECUTORS: WHO SHOULD ADDRESS TRAINING NEEDS

The ILPD should retain overall responsibility for all legal training for prosecutors. However, it might work with other organizations to deliver some of the training. Short term training could be organized by the NPPA, with collaboration and supervision of the ILPD. The NPPA could contract with specialized institutions for language, ICT and management leadership training.

VI. LAWYERS

The KBA is the only bar association in Rwanda. It counts approximately 460 lawyers as members. Roughly two-thirds are interns. Approximately 95% of its members are based in Kigali.

LAWYERS: DESIRED LEVELS OF KNOWLEDGE, SKILLS, AND ABILITIES

- Understanding of and compliance with professional ethics for attorneys;
- How to organize and manage a law office;
- Drafting skills for all legal documents;
- Alternative dispute resolution (ADR) skills;
- Managerial skills;
- Ability to stay current with the law;
- Effectively deal with clients;
- Understand and use the law, including civil and criminal procedure and substantive codes;
- How to prepare and file a claim;
- How to argue a claim;
- Knowledge of the rules related to the appearance of parties;
- How to conduct debates during hearings;
- Appropriate behavior in the courtroom;
- How to receive and execute a mandate for legal representation;
- Making and supporting objections (*e.g.*, regarding jurisdiction, preliminary objections of nullity, nullity arising from irregularities in substance, to disqualifying a judge, etc.);
- How to request a dismissal;
- How to prepare and argue a counter-claim;
- How to prepare and submit additional claims;
- Rules related to intervention;
- Understand and follow court proceedings and the order of hearing;
- How to read and interpret a judgment;
- How to prepare, submit, and argue an opposition to a judgment;
- How prepare, submit, and argue an appeal;
- How to prepare a case review;
- Understand the process of execution of a judgment (provisional and final execution);
- Understand the rules and procedure on seizure (*e.g.*, of movable property, seizure by garnishment, seizure of tenant property, seizure of the property of an itinerant, seizure of recoverable property, seizure of commercial credit, seizure of immovable property, etc.);
- Understand the nexus between civil procedure and criminal procedure in cases where civil claims are brought against principle offenders in criminal cases;
- Know when prosecutions are proscribed due to the lapse of time;
- Legal parameters of searches and seizures;

- Use of experts;
- Understand provisions related to reductions in sentences for admissions and when fines may be paid in lieu of the filing of a criminal case;
- Ensure the right to counsel for adults and juveniles;
- Practical application of the presumption of innocence;
- Best use of evidence within the rules;
- Investigation techniques;
- Trial strategy;
- Procedure for summonses and arrest warrants;
- How the right to counsel applies when prosecutors and the police question witnesses and accused;
- The right to read the file;
- Legal requirements for written statements;
- Legal provisions related to bail and bond and how to secure conditional pre-trial release from custody;
- How to use legal provisions that allow judges to order that detained persons be brought before the court and released where there is unlawful detention;
- Ensure that legal time limits are followed;
- Release of prisoners who are acquitted at trial;
- How to apply for review (*e.g.*, where new evidence is found);
- Conditional release from prison and suspension of sentences;
- Special procedures for certain crimes (*e.g.*, for juveniles, fugitives, etc.).

LAWYERS: CURRENT COMPETENCIES AND GAPS

Opportunities:

1. The KBA is still very young, and thus flexible enough to integrate the practices and values of other bars in the region and from around the world. The KBA's young lawyers are dynamic, ambitious, and ready to learn.
2. A new bar law is currently being drafted. The final version will likely reflect both the needs of the bar and those of the government and other stakeholders involved in the justice system of Rwanda. The new law will likely also reflect the need to create a strong bar association with high ethical and professional standards.
3. With the entry of Rwanda into the East African Community, the market for Rwandan lawyers has broadened significantly.

Challenges:

1. When the KBA opened its doors for the first time in 1997, very few of its founding members had experience as practicing lawyers. Those with experience were preoccupied with the demands of clients and with maintaining a business. This shaky beginning deprived the inexperienced founding members of the KBA of the chance for mentoring and training in the ethics and skills of the professional lawyer.

2. Given this context, young lawyers received little or no mentoring. This climate still exists in the KBA today. Although the law on the bar provided for a system of internship for those preparing to become members of the KBA, in practice interns learn very little from their internship supervisors and rarely seek guidance from them. This is largely due to the fact that many supervisors themselves are struggling to keep their firms running, and fail to cultivate and project the professionalism and high standards needed to inspire their interns.

3. Currently, Rwanda's only bar association, the KBA, covers the whole country. It has 460 members, but only slightly over one-third of them are enrolled as advocates. The rest are interns. More than 95% of all lawyers in Rwanda are based in Kigali. Those who live outside Kigali have limited, or no, access to the KBA.

4. Most lawyers still lack the capacity, knowledge and skills to open and manage a law firm. Most law firms consist of only a desk, two chairs, and a shelf for files. Few lawyers have books or sufficient legal texts. Many have no bank accounts and lack bookkeeping skills. The KBA does not have a sufficient library or research materials for those lawyers who have no capacity to acquire their own.

5. The KBA presently lacks strategies and the means to build a strong bar with members guided by strong ethical values and an emphasis on professionalism and competency.

6. Due to the civil law tradition that dominated Rwanda for so long, Rwandan lawyers have come to rely upon written conclusions that they submit in court rather than upon oral arguments. In the civil law tradition, oral arguments were perceived to be of secondary importance. As a result, a significant number of lawyers, particularly young lawyers, lack basic lawyering, drafting and lawyer-client communication skills. Briefs prepared by some lawyers, as well as oral arguments and closing remarks presented in court, are often not persuasive and reflect a lack of knowledge of the law, and of sound analysis.

7. Many lawyers have not mastered the rules of procedure and do not have the tools that would allow them to stay abreast of changes in the law. They also lack solid training regarding the rights of the defense, other human rights principles, international criminal law principles, and comparative law.

8. The reforms in 2004 require lawyers to get involved in the early stages of criminal investigations and to use new techniques and procedures, such as examining and cross examining witnesses. Yet many Rwandan lawyers still lack knowledge and skills in these areas.

9. With the entry of Rwanda into the East African Community, Rwandan lawyers will have to understand and master principles and practices of common law. Lawyers will need to also learn English. Nevertheless, the KBA does not appear to have a strategic plan to prepare its lawyers for these challenges, particularly regarding how to serve

clients from the East African Community. It also does not have a plan regarding how to collaborate with other bar associations in the region.

10. As noted above, there seems to be a conflict between the KBA and the ILPD regarding the role and perceived monopoly of the latter in offering post-graduate training and CLE for members of the bar. The KBA is concerned that its lawyers must abandon their practice in Kigali to go to Nyanza for ILPD's post-graduate training. The KBA also notes that in the future, its members may be required to pay for their training, while judges, prosecutors, and registrars who are sent to the ILPD will have their training fees covered by the government and continue receiving their salaries. The KBA has also expressed concern over the limited spots offered to its members at ILPD, arguing that they are not proportionate to its needs, especially when compared to other professionals.

11. Most lawyers are not familiar with ADR. Most of those who have heard of ADR are opposed to it because they believe it will negatively impact their ability to earn money from cases. As a result, most cases that could be settled out of court are dragged into court, wasting the time and money of clients and the courts. The situation repeats itself after first degree judgments, when lawyers lack the capacity, or sometimes the willingness, to advise their clients to settle cases that have no chance of success on appeal.

LAWYERS: TRAINING PRIORITIES

The following are high priorities:

- Professional ethics;
- How to organize and manage a law office;
- Best practices in the courtroom;
- Drafting skills related to drafting all legal documents;
- Training in new laws and amendments;
- Skills related to communicating with clients;
- The law on evidence;
- How to read and interpret laws and court decisions;
- How the right to counsel applies when prosecutors and the police question witnesses and accused;
- Legal provisions related to bail and bond and how to secure conditional pre-trial release from custody;
- Training in comparative law of countries of the East African Community;
- Training in English;
- Mentorship and internship planning and supervision;
- International criminal law and international criminal procedure.

The following are medium to low priorities:

- Training in ADR;
- Managerial and bookkeeping skills;
- Civil and criminal procedural law;

- How to prepare and file a claim;
- Making and supporting objections (*e.g.*, regarding jurisdiction, preliminary objections of nullity, nullity arising from irregularities in substance, to disqualifying a judge, etc);
- Use of experts;
- Negotiation skills;
- Public speaking and persuasion;
- Human rights law.

LAWYERS: ADDITIONAL PRIORITIES

In addition to the training needs mentioned above, the following needs related to training should also be addressed:

- Provide technical assistance to the KBA in order to build a solid, professional, and competitive bar association that is respected in the region and that can assist its members to successfully adapt to the new reforms that have been and will be adopted in Rwanda;
- Assist the KBA to develop a strategy and action plan that will prepare it to face challenges related to entry of Rwanda into the East African Community;
- Assist the KBA to develop strategies and better methodologies related to mentoring young lawyers and strengthening ethics and other rules that govern its members.
- Assist the KBA and ILPD to work together to provide training to Rwanda's lawyers.

LAWYERS: WHO SHOULD ADDRESS TRAINING NEEDS

The ILPD should be responsible for all legal trainings for lawyers. However, the KBA and the ILPD could cooperate in delivering training to lawyers, and negotiate the venues for the training, with the ILPD responsible for overall supervision of the training to ensure quality. The KBA could contract with specialized institutions for language, IT and management leadership training.

VII. COURT AND PROSECUTION STAFF

Court and prosecution staff members include registrars, witness protection officers, clerks, administrative assistants, accountants, and others who are responsible for the day to day administration of the courts. While their duties vary widely, their work as a whole determines whether the courts and the prosecution offices adhere to the law and whether claimants' cases proceed predictably. Because court and prosecution staff members frequently serve as the primary point of contact between the judiciary and the public, their behavior plays a large role in shaping the public's perception of the justice system. This assessment examines court registrars, prosecution registrars or secretaries, and victim and witness protection staff.

COURT STAFF: DESIRED LEVELS OF KNOWLEDGE, SKILLS, AND ABILITIES

Registrars:

- Knowledge of and compliance with the procedure codes;
- Knowledge of and compliance with disciplinary provisions governing the profession;
- Ensure that time limits, notice, and other requirements of the law are adhered to;
- Assist the Chief Registrar;
- Ability to receive, listen to, and assist claimants;
- Procedure for filing claims;
- Contents of a claim;
- How to register and record claims;
- Information that should be included in a roll;
- Summons parties and ensure notification of parties and others of orders, hearing dates and decisions of the court;
- Rules related to the appearance of parties;
- Knowledge of the role of the registrar at hearings;
- Draft minutes and reports of court sessions;
- Prepare drafts of judgments of the court;
- Update registries and manage archives;
- Keep and manage files, copies of judgments, opinions and decisions;
- Deliver copies of decisions of the court;
- Ensure typewritten judgments;
- Compile decisions rendered by the court;
- Keep and preserve evidence;
- Proficiency in English, French, and Kinyarwanda;
- Proficiency in use of applicable ICT.

Prosecution Registrars or Secretaries:

- Knowledge of the role of the prosecutor and the basic duties attached thereto;
- Knowledge of the law, including the criminal procedure and penal codes;
- Understand the roles of the prosecution and the CID;
- Understand the rules governing the summons of witnesses and suspects and issues related to arrest warrants;
- Assist prosecutors;
- Ability to receive, listen to, and assist claimants;
- Procedure for filing claims;
- Contents of a claim;
- How to register and record claims;
- Information that should be included in a roll;
- Keep professional secrets;
- Be able to assist the prosecutor to prepare for trial;
- Know how to file an appeal;
- Understand the constitutive elements of crimes in the Penal Code;
- Update registries and manage archives;

- Conduct research assignments;
- Keep and preserve evidence;
- Proficiency in English, French, and Kinyarwanda;
- Proficiency in applicable ICT tools.

Victim and Witness Assistance and Protection Officers:

- Ability to receive, listen to, and assist victims and witnesses;
- Understand the rights of victims and witnesses and the procedure they should follow to have their rights enforced;
- Ability to communicate about and sensitize the community to the rights of victims and witnesses;
- Follow-up with victims and witnesses;
- Assess present and future risks for victims and witnesses;
- Advocate on behalf of victims and witnesses in their community, before NGOs, and at policy-making levels of government;
- Carry out multidisciplinary research regarding crimes as they impact victims and witnesses;
- Help victims and witness to receive medical and psychological assistance;
- Follow the rules of confidentiality.

COURT STAFF: CURRENT COMPETENCIES AND GAPS

Opportunities:

1. In each courthouse visited by the team, registrars and clerks appeared professionally dressed and were busy with claimants and other members of the public.
2. Registrars and their staff were frequently found to be working after the close of business hours.
3. Most case files appeared to be neatly stacked or put away.
4. Registrars appeared to be fulfilling their roles in the courtroom, taking minutes and assisting the judge and parties.
5. Registrars and other court staff appeared to have access to IT equipment.
6. Case management software is currently available.
7. Presidents of courts work with accountants and human resource managers.
8. Posters and flyers detailing the rights of claimants, victims, and witnesses were present and visible in a number of courts and prosecution offices.
9. Every court visited had a victim/witness protection office.

10. Registrars' offices have a special room to receive and orient claimants. In most instances, they are staffed by the longest serving and most experienced registrars.

Challenges:

1. In general, as noted above, training needs grow as one moves down the justice system hierarchy, and despite their important roles, registrars, victim and witness protection officers, and court clerks have not received as much training relative to other members of the justice sector.

2. Registrars often determine whether a case moves forward or whether legally required notices are issued. However, registrars and court staff members often fail to issue required notices of hearings, appeals, and other important events. As one informant noted, "they miss the easy things and they miss the hard things."

3. Despite being the "face of the court and prosecution offices," registrars, victim and witness protection officers, and other court and prosecution staff members have received little or no legal or customer care training.

4. Registrars reportedly fail to adequately plan the courts' hearing schedules, take too much time to accomplish tasks, and fail to meet legally imposed deadlines.

5. Administrative and clerical skills are weak. For example, not many new court staff members know how to conduct data entry despite the availability of an electronic case management system.

6. In many courthouses, there does not appear to be any system for storing evidence beyond putting it in an unsecured room in the courthouse. Court files and evidence appear vulnerable to tampering, contamination, and loss.

7. In general, clerical and administrative staff members need to do more to assist judges and prosecutors in administrative duties, freeing judges and prosecutors to work on legal issues.

COURT STAFF: TRAINING PRIORITIES

The following are high priorities:

- Criminal and civil procedure, focusing on legally mandated duties and deadlines for registrars and court staff, including best practices for summonses and notice;
- Basic case flow management, including establishing and adhering to proper procedures for managing cases and case files as they move through the system, and making and meeting schedules;
- File management, including how to secure files and establish and maintain a filing system;
- Ensuring the safekeeping of evidence;
- IT, including computer skills, data entry, and the use of electronic case management software;

- Victim/witness staff members need specific training in how to assist victims and witnesses who have suffered trauma, including advocacy techniques and gender sensitivity.

The following are medium or low training priorities:

- Basic requirements and best practices in making a record of the proceedings;
- How to receive clients, litigants and the public;
- Training in English and French;
- Training in dealing with the media;
- Time management techniques;
- Conducting research.

COURT AND PROSECUTION STAFF: ADDITIONAL PRIORITIES

In addition to the training needs mentioned above, the following needs related to training should also be addressed:

- Compilation by registrars or their staff of the jurisprudence of the High Court and Supreme Court for distribution and use as precedent;
- Uniform policies and best practices on basic case flow management, file management, and ensuring the safekeeping of evidence.

COURT AND PROSECUTION STAFF: WHO SHOULD ADDRESS TRAINING NEEDS

Due to capacity issues at the ILPD and the more pressing issues related to ensuring that sitting judges, prosecutors, and attorneys complete the nine-month program, training for registrars, victim and witness protection officers, and other court staff would best be addressed outside of the ILPD for the near future. International organizations might partner with the Supreme Court and the human resources managers in the courts to deliver this training, with participation from ILPD to ensure quality control and to obtain its imprimatur. The training should draw on resources that already exist within the court, such as IT training by court IT staff members who have received training on adult education techniques and assistance in course development. As ILPD gains capacity, the developed training programs may be transferred to ILPD.

VIII. LEGISLATIVE DRAFTERS

There are 16 legislative drafters in the Ministry of Justice, 32 in the different ministries and state organs, and three each in the Chamber of Deputies and Senate. Legislative drafters in the Parliament address translation issues for the most part, rather than conduct true legislative drafting. They will likely soon be replaced by lawyers.

LEGISLATIVE DRAFTERS: DESIRED LEVELS OF KNOWLEDGE, SKILLS, AND ABILITIES

- Ability to draft bills using the structure required by law for draft legislation;
- Understand codification rules and principles;
- IT skills, including developing and using databases;
- Adhere to best practices of legislative drafting, including utilizing clear drafting techniques;
- Understanding of parliamentary procedures in the deliberation and adoption of bills;
- Ability to translate policy into draft legislation;
- Ability to advise government officials on policy considerations implicated during the drafting process of bills and orders;
- Ability to research and analyze legislation in Rwanda, the region, and internationally;
- Ability to research and analyze relevant jurisprudence in Rwanda, the region and internationally;
- Knowledge of the Constitution of the Republic of Rwanda, international agreements that Rwanda has ratified, and the legislative framework of the Republic of Rwanda;
- Verify the conformity of bills with the Constitution, ratified international agreements, and previous legislation;
- Understand Rwandan customary law;
- Capacity to develop and maintain a legal index of all laws;
- Ability to disseminate updates to the public;
- Capacity to draft amendments to laws and to insert them in existing legal texts;
- Capacity to edit and organize the publication of law journals and official gazettes;
- Fluency in Kinyarwanda, English, and French;
- Ability to harmonize the language of bills in all three languages;
- Knowledge of legal terminology;
- Ability to liaise with other government institutions regarding preparation of bills;
- Negotiation skills;
- Familiarity with civil law and common law traditions;
- Ability to liaise with representatives of the public and civil society in preparation and dissemination of bills;
- Ability to liaise with Rwandan and international subject matter experts;
- Understand areas of cooperation between Rwanda and foreign and international institutions.

LEGISLATIVE DRAFTERS: CURRENT COMPETENCIES AND GAPS

Opportunities:

1. Legislative drafters are currently relatively well-paid, making it easier to attract qualified personnel.
2. Most legislative drafters have a law degree.
3. Civil society groups are consulted and play a role in the drafting process.

4. A legislative drafting manual was recently produced. Once vetted, it may be adopted formally as policy that every drafter will be required to follow, allowing for uniform drafting procedure.

5. There are instructions from the Minister of Justice regarding how to draft texts of laws.

6. Legislative drafters receive a two-week introductory training before they begin working.

Challenges:

1. Many laws are poorly drafted.

2. While most drafters have attained an undergraduate degree, there is only one university class that addresses drafting. Therefore, legislative drafters have not received much formal education related to their profession before they begin work.

3. Many legislative drafters lack fluency in all three languages, causing discrepancies between the three language texts of the same laws.

4. Few legislative drafters are fluent in English, leaving them at a disadvantage in researching and drafting bills, especially those regarding commercial legislation.

5. Few legislative drafters are familiar with common law principles and they have found it difficult to adapt common law principles to the existing Rwandan legislative scheme, hindering the adoption of desired legislation.

6. Ministers often submit expedited requests for draft legislation. Because of their poor English and research skills, drafters often rely only on their own drafting skills to create draft bills, without first researching legislation from other countries, especially those in the region, that have successfully addressed the same problems. This reportedly accounts for some of the poor drafting in current legislation.

7. Drafters have been unable to compile old and new legislation into single codes. As a result, practitioners complain that they must look in multiple codes to find the law on single issues, making legal research difficult.

8. Reviews are often not performed to ensure that new legislation and amendments are compatible with existing law.

LEGISLATIVE DRAFTERS: TRAINING PRIORITIES

The following are high priorities:

- Use the new legislative drafting manual to conduct training once it has been vetted with other ministries and accepted as policy;

- How to conduct research to find legislation from other countries that may serve as models for Rwandan legislation;
- Language training;
- Consistent use of language;
- How to adapt legal concepts and model legislation from common law systems into drafts that may be incorporated into Rwanda’s civil law based codes, with an emphasis on commercial legislation.

The following are medium or low priorities:

- How to upload new legislation and amendments to the Ministry of Justice web site so that it accurately reflects old and new amendments to existing legislation, allowing for easier research;
- How to decide when new law is needed rather than an amendment;
- Knowledge of the Constitution, existing laws, and international and bilateral agreements which Rwanda has ratified.

LEGISLATIVE DRAFTERS: ADDITIONAL PRIORITIES

In addition to the training needs mentioned above, the following needs related to training should also be addressed:

- Ensure the proper vetting of the new legislative drafting manual with other ministries, make required changes, and ensure its acceptance as policy so that it may be used to guide and train legislative drafters;
- New legislation and existing legislation and amendments must be better consolidated so that practitioners are more able to research the law;
- Compatibility reviews must be conducted to ensure consistency of new laws and amendments with existing law.

LEGISLATIVE DRAFTERS: WHO SHOULD ADDRESS TRAINING NEEDS

Since ILPD is struggling to train current judges, lawyers and prosecutors, international organizations should offer technical assistance to legislative drafters. International experts can ensure that the drafting manual is adopted and use it as a basis for training. They can also assist in developing the ability of drafters to research and find suitable models for draft legislation. Consideration might be given to using a trainer from the International Law Institute – African Center for Legal Excellence (ILI-ACLE), in Uganda. Training and study tours to countries with legal systems based upon French civil law with elements of English common law, such as Mauritius and some of the Canadian Territories might also be helpful.

IX. PARALEGALS

There are almost 1,300 paralegals in Rwanda. They work for clinical programs, Rwandan NGOs, and international organizations. There are ten organizations working

with paralegals. Some work with less than 20 paralegals, while others have over 300. There is no commonly-accepted definition of “paralegals,” but the Legal Aid Forum describes them as non-lawyers who have some minimal legal training to provide limited legal services. They do not include law students or judicial defenders. Paralegals typically offer advice, dispense legal information, mediate disputes, accompany people to court or to executive authorities, make referrals, follow-up with officials, and draft some legal documents.

PARALEGALS: DESIRED LEVELS OF KNOWLEDGE, SKILLS, AND ABILITIES

- Understanding of local needs and problems;
- Ability to utilize interviewing techniques;
- Ability to liaise with government administration on behalf of clients and to refer clients to appropriate authorities;
- Basic understanding of the legal system and courts, including a basic understanding of some provisions of procedural and substantive codes;
- Ability to assist clients to identify legal issues and orient them to the courts and legal process;
- Ability to liaise between clients and the lower courts and prosecutors;
- Utilize basic legal drafting techniques in preparation of court documents;
- Mediation and dispute settlement techniques.

PARALEGALS: CURRENT COMPETENCIES AND GAPS

Opportunities:

1. Paralegals currently provide limited access to legal services to populations that otherwise would not have any access.
2. Paralegals usually live in the communities they serve, so they understand the local context and issues the community is facing.
3. Because they are local, they can follow-up to ensure situations are truly settled.
4. Most paralegals are older, between 30 to 40 years old, so they bring some life experience to their roles.
5. Many paralegals are women, which may make them an approachable source of legal help for women.
6. Paralegals are present in all 30 districts and a majority work at the sector or cell level.
7. Roughly 60% of paralegals have graduated from secondary school.
8. A judge in a lower instance court noted that although they do not know the law, paralegals are very helpful because they help parties to focus on the issues, clarify claims, and sometimes have good ideas about legal provisions that may apply.

9. Paralegals have begun visiting prisoners, who are in need of legal assistance.

Challenges:

1. Paralegals have not attended law faculty, so their advice may be inaccurate and their assistance ineffective.
2. Almost all paralegals are volunteers, which may make them difficult to supervise.
3. The law does not regulate paralegals, so there is no official role for them.
4. Government officials at the policy level say that they intend to phase out paralegals. They cite the growing number of law graduates that will be produced in the near future, as well as the need for Rwanda to professionalize its legal system and institutions.
5. Paralegals cannot appear in the High Court, so many stop working on behalf of clients whose cases reach that level.
6. Only one organization that sponsors paralegals provides more than a week of initial training. Most paralegals agree that the training they receive is not sufficient. There are on-going refresher trainings for some paralegals. Most of those are conducted by the legal officers of the sponsoring organizations on issues such as land, gender, family, and domestic violence.

PARALEGALS: TRAINING PRIORITIES

The following are high priorities:

- Paralegals need training on almost every topic having to do with their role;
- Because approximately 80% of cases paralegals handle are either purely civil or a mix of civil and criminal, paralegals need training on civil law and procedure. A review of local issues facing the community where the paralegal is located is the best determiner of what specific training paralegals require;
- Training in drafting letters to government officials on behalf of citizens is likely needed by all paralegals, as is training on women's and children's rights;
- Emphasis should be placed on training that is of practical use;
- Training for paralegals is best conducted in the region where paralegals work.

PARALEGALS: ADDITIONAL PRIORITIES

In addition to the training needs mentioned above, the following needs related to training should also be addressed:

- The legal aid sector is not yet well developed in Rwanda, and paralegals who have received appropriate training offer an important means of access to justice to those who otherwise would not have it. However, the law does not regulate paralegals.

The status of paralegals should be recognized by the law, with due consideration for the important function they currently serve regarding access to justice;

- However, consideration should be given to the role paralegals might play in the future, should their present role change. For example, paralegals might still play an important role mediating local disputes, accompanying people to the offices of local officials, following up on those visits, and other important activities that do not require them to dispense legal advice.

PARALEGALS: WHO SHOULD ADDRESS TRAINING NEEDS

ILPD will realistically not have the capacity to train paralegals, especially if the government's policy is to phase out the use of paralegals. The Legal Aid Forum and the Danish Institute for Human Rights have conducted a survey and compiled a paralegal practice manual that is due to be released in late 2009. The Legal Aid Forum and the Danish Institute for Human Rights intend to help the organizations that sponsor paralegals to coordinate and harmonize paralegal training. They should continue this work.

X. CONCLUSION

The training needs identified in this report should not be considered in isolation. Training of judges, prosecutors, lawyers, trainers, legislative drafters, court staff and paralegals can only be effective if it complements the ongoing institutional reforms undertaken since 2001. The effectiveness and impact of any training must be measured against the contribution it makes towards building a culture of independence of the judiciary and the primacy of the rule of law. Success in these endeavors will have a positive impact on Rwanda's MCC indicators of political rights, voice and accountability, and civil liberties. But more importantly, it will contribute to the development of a stable, prosperous democracy that is integrated with other countries in the region.

The transformation of the Rwandan justice sector should be based upon strategies built around three foundations: institutional reform, capacity-building, and the establishment of a new judicial culture. The assessment team witnessed the willingness of the government and of members of the legal professions to achieve these three goals. With some flexibility, creativity, and assistance, the Government of Rwanda should be able to realize not only its capacity-building goals, but also its overall goal of significantly enhancing the rule of law in Rwanda.

ANNEX A

Methodology

The challenge of a training needs assessment is to collect the best information possible within the limited time allowed for the assessment and to analyze it to make the best decisions possible about training. As well as the time available, selection of data collection methods depends upon the information already at hand and the patience of partner organizations.

The assessment team arrived in Kigali on September 19, 2009 and remained in Rwanda gathering data until October 10, 2009. Given the parameters of this assessment, especially the time limitations, a multi-method approach to data collection was used. In collecting data, the assessment team ensured a representative sample by gender and ethnicity in utilizing each approach. Throughout the data collection process, members of the Rwandan justice sector were cooperative and patient, offering their time and whatever documents they had that might assist the process.

Literature and Document Review

Prior to arrival in Rwanda, the assessment team reviewed a number of documents, including the Rwanda Justice, Reconciliation, Law and Order Sector (JRLLOS) Strategy and Budgeting Framework (January 2009 – June 2012), the Republic of Rwanda Supreme Court Strategic Plan of the Judiciary (2008 – 2012), the ILPD Strategic Plan (2009 – 2012), as well as the Constitution, various laws, position descriptions, and other documents. The team continued this document review while in Rwanda as it obtained documents from stakeholders. It also reviewed written court decisions and case files.

Pre-Interview Meetings

Early in the process, the assessment team met with some of the key leaders in the justice sector, including the Deputy Chief Justice of the Supreme Court, the High Court President, the Attorney General and the President of the Kigali Bar Association. The team later met with the Minister of Justice. The purpose of these meetings was to collect information for the needs assessment and to ensure institutional cooperation in the assessment process, transparency, and to collect suggestions for further interviews.

Individual Interviews

The assessment team conducted many individual interviews of key informants, those who understood the training and capacity gaps and who were willing to discuss them. The interviews were conducted in Kigali, Butare and Musanze, and were semi-structured, allowing for variation depending on which target group was the focus of the interview. The individual interviews allowed for a thorough discussion of the issues and for follow-up questions in real time.

Focus Groups

The team held focus groups in Kigali, Butare and Musanze. Some focus groups consisted only of members from one of the target groups, such as the focus groups for members of the KBA and for legislative drafters. Other focus groups, such as those held in Musanze and Butare, consisted of members from a number of target groups. Given the time constraints, use of focus groups allowed for input from many individuals at once. It also allowed members to discuss issues with each other.

Written Surveys

The team submitted written survey questions to members of the focus groups. Focus group members were given time to discuss the surveys, complete them and return them to the assessment team. Following that, a discussion was held with all members of the focus group that solicited their thoughts on training needs and allowed them to expand on their written answers. The surveys were later reviewed by assessment team members.

Observations

The team observed court proceedings, law schools, and offices of members of the target groups in and outside of Kigali. The team also spent a day at ILPD. This allowed the team members to observe first hand the skills, knowledge and abilities of members of several of the target groups.

ANNEX B

Possible CLE Topics:

	Priority	J	PR	L	LD	TR	R	SP	VWPO	PL
Human Resource management	M	X	X	X			X	X	X	X
Administration	M	X	X	X			X	X		
Organizational development	M	X	X	X			X	X		X
Basic accounting and finance	M	X		X			X	X		X
Leadership skills (for those holding positions of leadership)	H	X	X	X			X	X		
Negotiation skills	M	X	X	X					X	X
ADR	H	X	X	X		X			X	X
Common Market Protocol (East African Community)	H	X	X	X						
The role of a judge, prosecutor and lawyer in the common law tradition	H	X	X	X						
Law on evidence	H	X	X	X						X
The use of precedent in a civil case	H	X	X	X						
The use of precedent in a criminal case	H	X	X	X						
Legislative drafting techniques in the common law tradition	H				X					
Legislative drafting techniques in a civil law tradition	H				X					
Quarterly CLE on new legislation and amendments in Rwandan Law	H	X	X	X	X	X	X	X		X
Quarterly CLE on new important legislation, amendments and judgments in the East African Community	H	X	X	X	X					
Comparative procedural law in East African countries	H	X	X	X						
Comparative business law in East African countries	H	X	X	X						
Investigating economic crimes	M		X	X						
Constitutive elements of different economic crimes (a bench book could be developed)	M	X	X	X						
The adjudication of constitutional rights in court	H	X	X	X						
Ethical issues in the daily behavior of judges, prosecutors and lawyers	M	X	X	X						
The use of international instruments ratified by Rwanda before national courts	M	X	X	X					X	
Human rights and enforcement mechanisms of different UN human rights treaties (CEDAW, Right of the Child, etc.)	M	X	X	X					X	

	Priority	J	PR	L	LD	TR	R	SP	VWPR	PL
Rules and procedures before the African Commission on Human and Peoples Rights	H	X	X	X					X	
Rules and procedures before the African Court on Human and Peoples Rights	H	X	X	X					X	
Case management systems	H						X	X		
Investigation and prosecution of sexual assault crimes	M		X	X						X
Investigation and prosecution of environmental crimes	M		X	X						
Investigation and prosecution for corruption cases	H		X	X						
Advanced moot court, including cross-examination skills	H	X	X	X						
Constitutive elements of crimes in Rwandan criminal law	H	X	X	X						
Key formulae and methods for calculating loss and damages in insurance cases (possibility of developing a bench book)	H	X		X						
Administrative contracts and salient issues in their execution (possibility of developing a bench book)	H	X		X						
Interpretation and solutions to conflicting provisions in Rwandan labor law (possibility of developing a bench book)	H	X		X						
Key issues in substantive and procedural law related to juveniles (possibility of developing a bench book)	H	X	X	X						
Law office management (how to open a law office, filing systems, accessing legal databases, a “must-have” list of books for lawyers, bookkeeping for lawyers, advertisement, etc.) (a small manual on this issue could be useful)	H			X						
Mentoring skills and methods for lawyers	H			X						
Mentoring skills and methods for judges and prosecutors	H	X	X							
The lawyer-client relationship (confidentiality, interviewing, lawyers’ fees and lawyer-client privileges)	M			X						
New developments in business law	M	X		X						
New developments in insolvency law	M	X		X						
New developments in mediation	M	X		X						X
New developments in intellectual property law	M	X		X						
New developments in banking law	M	X	X	X						
New developments in contracts law	M	X		X						
New developments in taxation	M	X		X						

	Priority	J	PR	L	LD	TR	R	SP	VWPR	PL
New developments in arbitration	M	X		X						X
New developments in traffic law	H	X	X	X						
New developments in succession and inheritance law	M	X		X						X
New developments in the law on evidence	M	X	X	X						X
Legal English	H	X	X	X	X	X	X	X	X	X
Lawyering techniques in criminal cases, family cases, international criminal cases, business cases etc.	H			X						
Transnational crimes, such as money laundering, human trafficking, and terrorism	H	X	X	X						
International criminal law	M	X	X	X						
International criminal procedure	M	X	X	X						
Business transactions	M	X		X						
Teaching methodologies	H					X				
How to develop a course syllabus	H					X				
Public relations	H		X	X			X	X	X	X
Research methods	H	X	X	X		X				
Rules and techniques of drafting minutes	M						X	X		
Archiving	M						X	X		
Listening and communication skills	H	X	X	X	X	X	X	X	X	X
Customer service skills	H						X	X	X	
Best practices for conducting workshops and seminars	H				X	X				
Victimology	M	X	X	X					X	X
Witness protection methods and skills	H								X	
Psychosocial skills	H								X	
Professional confidentiality	M	X	X	X	X		X	X	X	X
Collaboration and communication with media and watchdog organizations	M		X	X			X	X	X	

Legend: H: High; M: Medium; J: Judges; PR: Prosecutors; L: Lawyers; LD: Legislative Drafters; TR: Trainers; R: Registrars; SP: Secretary of Prosecution; VWPR: Victim and Witness Protection Officers; PL: Paralegals.

ANNEX C

LIST OF PERSONS INTERVIEWED INDIVIDUALLY

NAMES	DESIGNATION/INSTITUTION	CONTACT DETAILS
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ANNEX D

WORKSHOP & FOCUS GROUP MEETING – HUYE 30 SEPTEMBER 2009

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ANNEX E

WORKSHOP & FOCUS GROUP MEETING – MUSANZE 02 OCTOBER 2009

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ANNEX F

WORKSHOP & FOCUS GROUP MEETING – NYAMIRAMBO - KIGALI 05 OCTOBER 2009

LIST OF PARTICIPANTS

NAMES	DESIGNATION	PHONE NO.	EMAIL
(1) Macumu Si Xavier	Judge TGI Nyarugenge	0788486620	xmacumu@yahoo.fr
(2) Manishimwe Antoine	Judge TGI Nyarugenge	0788537899	antoiniosother@yahoo.fr
(3) Mukamukiga Esperance	Assistante en chef/ONPJ	0788432740	mukamukigae73@yahoo.fr
(4) Uwanziga Lydia	Prosecutor Intermediate level	0788671804	lydiauwanziga@yahoo.fr
(5) Kalisa Jean Marie Vianney	Registrar	078886202	
(6) Yatubabariye Jean Baptiste	Assistant Prosecutor	0788623429	yatu2020@yahoo.fr
(7) Bizaryabandi Alexis	Registrar	0788407360	
(8) Mukankusi Biata	OPJ	0788761015	mubeta2003@yahoo.fr
(9) Muhisoni Stella Matutina	Prosecutor	0788745742	quintia2008@gmail.com
(10) Kayitare Jean Baptiste	Prosecutor	0788745742	
(11) Mugenzi Esperance	Prosecutor Primary courts	0788503039	
(12) Mukwaya Jean	OPJ	0788441558	
(13) Nlyonzima Vincent	Prosecutor	0788350128	

ANNEX G

FOCUS GROUP MEETING – KIGALI – LEGISLATIVE DRAFTERS – 06 OCTOBER 2009

LIST OF PARTICIPANTS

NAMES	DESIGNATION	PHONE NO.	EMAIL
(1) Kayitare Jean Pierre	Legislative drafter – MINIJUST		
(2) Kabandana Idelphonse	Legislative drafter – MINIJUST		
(3) Gatera Raymond	Legislative drafter – MINIJUST		
(4) Usanzabandi Clementine	Legislative drafter – MINIJUST		
(5) Ikiriza Ruth	Legislative drafter – MINIJUST		
(6) Kagoyire Alice	Legislative drafter – MINIJUST		
(7) Majyambere Felix Aimable	Legislative drafter – MINIJUST		
(8) Mutimura Christine	Legislative drafter – MINIJUST		
(9) Munyangabe Froduard	Legislative drafter – MINIJUST		

ANNEX H

WORKSHOP & FOCUS GROUP MEETING – KIGALI BAR ASSOCIATION – 07 OCTOBER 2009

LIST OF PARTICIPANTS

NAMES	DESIGNATION	PHONE NO.	EMAIL
(1) Habert Rubasha	Member Kigali Bar Association	0788303265	hrubaha@gmail.com
(2) Anita Mugeni	Member Kigali Bar Association	0788650471	Mugeni1@hotmail.com
(3) Johnson Kabera	Member Kigali Bar association		jkabera@yahoo.com
(4) Ngoga Gakuba Thiery	Member Kigali Bar Assocation	0788671804	thngoga@gmail.com

ANNEX I

QUESTIONNAIRE DISTRIBUTED DURING WORKSHOPS & FOCUS GROUP MEETINGS IN KIGALI, HUYE, & MUSANZE:

Justice Sector Training Needs Assessment Workshop

What are the knowledge, skills and abilities that each of the following groups should have to do their jobs?

Judges:

Prosecutors:

Registrars and Court Administrative Staff:

Members of the Bar:

Trainers:

Within each group, what knowledge, skills or abilities are currently lacking and need to be addressed through additional training?

Judges:

Prosecutors:

Registrars and Court Administrative Staff:

Members of the Bar:

Trainers:

Should the training be part of law school curriculum or should it be delivered by ILPD?

Judges:

Prosecutors:

Registrars and Court Administrative Staff:

Members of the Bar:

Trainers:

Are you a judge, prosecutor, or court staff member (please circle one)?

ANNEX J

QUESTIONNAIRE DISTRIBUTED DURING FOCUS GROUP MEETING WITH THE KBA IN KIGALI:

Justice Sector Training Needs Assessment Workshop

October 7, 2009
Kigali Bar Association

What are the knowledge, skills and abilities that each of the following groups should have to do their jobs?

Judges:

Prosecutors:

Registrars and Court Administrative Staff:

Members of the Bar:

Trainers:

Within each group, what knowledge, skills or abilities are currently lacking and need to be addressed through additional training?

Judges:

Prosecutors:

Registrars and Court Administrative Staff:

Members of the Bar:

Trainers:

Should the training be delivered by ILPD, by other Rwandan institutions or by internationals?

Judges:

Prosecutors:

Registrars and Court Administrative Staff:

Members of the Bar:

Trainers:

ANNEX K

QUESTIONNAIRE DISTRIBUTED DURING FOCUS GROUP MEETING WITH LEGISLATIVE DRAFTERS IN KIGALI:

Justice Sector Training Needs Assessment Workshop

October 6, 2009

Kigali

What knowledge, skills and abilities should legislative drafters have to do their jobs?

What knowledge, skills or abilities are currently lacking and need to be addressed through additional training?

Which training should be delivered by ILPD, by a Rwandan institution, or by internationals?

What job-related training have you received so far?

Do you have access to legislation from other countries? If yes, which countries?

Are there written rules of procedure you have been trained to follow in drafting new laws or amendments?

How do you ensure there is public participation and input in the legislative drafting process?

To which ministry are you attached?

In which languages are you fluent?

ANNEX L

Rwanda Justice Sector Capacity and Training Needs Assessment Scope of Work October 16, 2008

I. Purpose of Solicitation

The purpose of this solicitation is to assist USAID/Rwanda and the Government of Rwanda (GOR) to conduct a targeted assessment of human resource capacity and training needs of the justice sector in Rwanda in support of a planned justice sector capacity building project.

II. Background and Context

Prior to the 1994 genocide in Rwanda, the country had very few qualified legal personnel and the majority of judges and lawyers in the country lacked university law degrees. The university graduated approximately twenty lawyers annually in the years following independence, causing a major short-fall of trained legal personnel in the country. Many practiced law even though they did not have legal training. For example, from 1982-92, out of the 950 magistrates, 32 were qualified. During the same ten-year period, there were only 18 qualified prosecutors out of a total of 87. As a result, the justice sector suffered from a large backlog of cases, inefficient legal procedures, and the lack of financial and administrative independence from the executive branch of government. Even this limited capacity was destroyed during the civil war and genocide. After the genocide, the justice sector was completely reorganized, with new people in both technical and leadership positions. As a result, Rwanda now has one of the youngest (and least experienced) judiciaries in the region.

Reform of the judicial sector began with the formation in 2001 of a Law Reform Commission. This was followed by a constitutional amendment to establish an independent judiciary in 2003, a complete overhaul of judicial staff in 2004, and a jurisdictional restructuring exercise to match local courts and judicial functions with Rwanda's territorial reform of 2006. Other reforms have focused on improving the efficient delivery of justice, including the greater use of single judge trials. The judiciary is now appointed through a process that begins in the Superior Council of the Judiciary for all judicial officers and subsequently requires the approval of Parliament in the case of judges of the Supreme Court.

Until 2004, Rwanda had a judicial system based on French civil law. However, measures enacted in 2004 and 2005 infused Rwanda's civil law judicial system with important aspects of the common law system, including the use of precedent in court rulings, cross examination in court proceedings, the use of habeas corpus, and the ability to bring cases against the government.

The GOR's overall vision for political, economic and social development in Rwanda is articulated in two major documents: *Vision 2020* and the *Economic Development and*

Poverty Reduction Strategy 2008-2012 (EDPRS). At the justice sector level, the GOR has conducted a number of targeted assessments and studies that are meant to set government priorities and provide funding guidance for interested donors. Specifically, the Institute of Legal Practice and Development (ILPD), the Supreme Court, and the National Public Prosecution Authority, are all in the process of finalizing strategic plans for 2008-12. There is also a draft Justice, Reconciliation, Law, and Order Sector Strategic Plan 2008-12 to be finalized in October 2008, and an annual progress report generated by the Ministry of Justice Sector Coordination Secretariat. The Ministry of Justice is currently in early stages of developing a Strategic Plan for 2008-12. All of the documents are available for distribution, along with a 2002 USAID-funded assessment of the judicial sector and together provide detailed information on the historical context, current situation, and future plans, for the justice sector.

Of particular importance to this assessment is the Institute of Legal Practice and Development (ILPD), which is a primary beneficiary of this justice sector capacity-building project. The ILPD was created in 2007 by the GOR to serve as a national and international center of reference for: (1) practical legal training; and (2) research and development of law, in three languages (English, French, and Kinyarwanda). The three legal traditions, common law, civil law, and African law, will be addressed by the Institute. The ILPD commenced post-graduate coursework in July 2008. "The vision of ILPD is to be:

- A practical school for all lawyers in a spirit of excellence, independence and service to the community;
- A law development center, community oriented, providing expertise, information, promoting research, and offering professional services; and
- The ultimate hub for French speaking African lawyers desiring to qualify for doing business in English speaking countries, and English speaking African lawyers wishing to qualify for doing business in French speaking countries.

ILPD's mission is to address the needs of all lawyers, and the population of Rwanda to:

- Offer initial professional training to the students to be recruited;
- Offer continuing professional training to existing personnel;
- Conduct research, dissemination of the law and promotion of justice;
- Improve the quality of the Rwandan jurist by offering postgraduate programs for judges, prosecutors, lawyers, bailiffs, notaries, etc. to bring it up to international standards; and
- Improve the knowledge and skills of other personnel of the justice sector by offering undergraduate programs for clerks, criminal investigating officers, mediators and all other personnel dealing with legal matters in different ministries and institutions."

This assessment will primarily inform a planned justice sector capacity building project in support of the Government of Rwanda's interest in strengthening the professionalism, impartiality, and independence of the judiciary, chiefly through support of the training and capacity-building activities of the recently created ILPD. The GOR views this support as essential to achieving its justice sector reform objectives and fundamental to ensuring good governance, accountability, respect for human rights, and the full participation of civil society in policy making.

III. Assessment Objectives

There are two primary objectives for this justice sector training and capacity development assessment.

Objective 1: Directly inform and support the implementation of USAID/Rwanda's planned justice sector capacity building project.

Objective 2: Provide analysis and recommendations for activities that can positively impact the MCC political rights, voice and accountability, and civil liberties indicators.

IV. Activities

Objective 1: Directly inform and support the implementation of USAID/Rwanda's planned justice sector capacity building project

The planned justice sector capacity building project is intended to: build the capacity of the ILPD; provide targeted training and technical assistance to judicial professionals in support of judicial effectiveness; impartiality, and independence; and provide limited information technology equipment and technical assistance to targeted institutions, including the judiciary, the Minijust Legislative Drafting Unit, and the Parliamentary Legislative Drafting Unit ILPD in support of project objectives.

Overall, the detailed assessment will focus on the capacity building, training, and assistance needs of target populations within the justice sector. In particular, the assessment should determine:

- 1) Current knowledge and skills of target populations in the Ministry of Justice, Supreme Court, Public Prosecutors Office, Kigali Bar Association, and ILPD, specifically including judges, legislative drafters, court clerks, prosecuting attorneys, defense attorneys, administrators, paralegals, and others, whose work has a direct bearing on the administration of justice and the efficiency, impartiality, and independence of the judiciary;
- 2) The desired knowledge and skill for key personnel, developing ideal "profiles" for positions listed above;

- 3) The knowledge and skill gaps for current key personnel, and identify those who will most benefit from training and technical assistance to ILPD and other justice sector stakeholders in support of judicial effectiveness, impartiality, and improving the MCC indicators of political rights, voice and accountability, and civil liberties;
- 4) Training priorities for the justice sector capacity building project in general, and more specifically suggest promising areas for curriculum and training development for ILPD with particular attention to improving MCC indicators of political rights, voice and accountability, and civil liberties;
- 5) What training needs should be addressed by ILPD, and what should be the responsibility of other stakeholders in the justice sector, including but not limited to law schools in Rwanda; and
- 6) Which of the needs identified by the assessment can and should be addressed by USAID's justice sector project.

Based on the results of the assessment, the justice sector capacity building project will provide training for ILPD instructors, instruction from outside experts as appropriate, assistance in curriculum development, and other resources to be determined to build the capacity of the Institute to conduct pre-service training and ongoing CLE programs for judges and other judicial staff. The project will specifically assist the ILPD to improve its nine-month post-graduate course that will be required for all pre-service professional judicial officers and current judicial staff, along with the development of shorter-term training modules. The CLE training program will focus on topics such as basic judicial skills and jurisprudence, criminal and civil procedure, writing legal opinions, legal research, judicial professional responsibility and ethics, using information technology for research and writing, and human rights law. As recent reforms have incorporated the use of some common law practices into Rwanda's civil law system, the CLE program will also incorporate these new practices into its trainings.

In addition, the project will support training for court clerks and other court officials focusing on building basic professional skills, including but not limited to court procedures, case flow management, and human rights law. Finally, the project will provide resources for a judicial exchange program with other national judiciaries.

While not a priority focus of the assessment, the contractor shall also identify, when feasible, opportunities for civil society mobilization in the justice sector to complement other activities planned as part of USAID/Rwanda's implementation of Rwanda's Threshold Program.

Objective 2: Provide analysis and recommendations for activities that can positively impact the MCC political rights, voice and accountability, and civil liberties indicators

Analysis and recommendations should focus on training through the ILPD, follow up on-the-job training for key targeted judicial staff, capacity development activities, limited

information technology investments, and other targeted technical assistance for the justice sector.

As described before, the assessment will be done as a part of Rwanda's Threshold Program and is intended to address the following Millennium Challenge Corporation Ruling Justly Indicators: Political Rights, Voice and Accountability, and Civil Liberties. Success in the Rwanda Threshold Program will positively impact these indicators. It is intended that through Rwanda's Threshold Program, political rights can be addressed by enhancing the balance of powers between the judicial, legislative, and executive branches of government and in particular by enhancing the capability and independence of the judiciary; voice and accountability can be addressed by increasing the stability of democratic institutions and the degree to which the judicial branch of government oversees the actions of the other branches of government; and civil liberties can be addressed by enhancing the independence of the judiciary and the rule of law.

Since the goal of the Rwanda Threshold Program is to positively impact these indicators, the contractor should familiarize itself with these indicators, and identify training opportunities that are relevant to indicator priorities.

All recommendations should be detailed and practical, so that they can be readily used to implement targeted justice sector training and capacity-building.

V. Assessment Beneficiaries

Government of Rwanda: The contractor shall work closely with the ILPD and USAID/Rwanda before and during the assessment to ensure that the final report will further ILPD's efforts to strengthen the judiciary in Rwanda, providing information on progress already made, challenges for the future, and current donor involvement in this sector. In addition to the ILPD, other GOR justice sector actors, such as Ministry of Justice (Minijust), Supreme Court, Public Prosecutor's Office, the new Law Reform Commission, the Legislative Drafting Unit of Minijust, and the planned Parliamentary Legislative Drafting Unit may benefit from the assessment.

Development Partners: The assessment may inform key donors active in this sector including Belgium, the Kingdom of the Netherlands, and the European Commission. Donor coordination in the justice sector in Rwanda is led by Minijust and the European Commission. Belgium provides both budget and project support to build the capacity of the justice sector, construct and rehabilitate justice facilities, and provide technical assistance. The Kingdom of the Netherlands and the European Community are active in the sector, and are planning a range of interventions, including support to *gacaca*, community mediators (*abunzi*), legal aid, and ILPD.

USAID/Rwanda: This assessment may also inform USAID/Rwanda's future work in the judicial sector, providing information that will enable the mission to explore other opportunities in this sector that build on the justice sector capacity building project implementation and the work of other donors actively engaged in judicial reform.

VI. Methodology

It is envisioned that a multi-method approach will be employed in this assessment. To the extent possible, the contractor shall collect representative sample survey data on the knowledge, skills, practices, past training, and self-identified needs of larger populations targeted for training and assistance, such as judges and lawyers. Focus groups may prove more appropriate for assessing the needs of smaller or more diverse target populations such as legislative drafters. The contractor shall also collect qualitative data through semi-structured interviews with key informants and beneficiaries, including the Supreme Court/Judiciary (judges, court clerks, administrators, prosecutors, lawyers, and possibly paralegals); the Ministry of Justice (targeted legal professionals and administrators); the Public Prosecuting Authority; along with the Kigali Bar Association and other relevant civil society organizations. The contractor shall identify key individuals within these organizations for interviews in close consultation with ILPD and USAID/Rwanda, but shall not be limited to interviewing only these individuals. Finally the contractor shall collect relevant documents such as existing training curricula and material, reports and strategic plans. Due to resource constraints, this assessment will not focus on *Gacaca*, *abunzi*, prisons, police (civilian or military), internal security, or external security.

Preparation Phase: In the first phase of the contractor will:

- 1) Review background materials and key documents, several of which will be provided by USAID;
- 2) Identify research questions;
- 3) Develop an assessment methodology to answer the research questions that includes specific data gathering strategies, respondent selection procedures, questionnaires, and interview protocols; and
- 4) Prepare a schedule of data collection activities, including a detailed schedule of interviews with key informants for the subsequent field work stage.

A pre-trip telephone conference call with relevant USAID/Rwanda staff is required during the preparation phase to review documents, discuss background reviews and come to agreement on the primary research questions, methodology, interview protocols, respondent selection strategy, key informant list, and assessment schedule. Six working days per team-member are authorized for the preparation phase.

Field-Work Phase: The contractor shall conduct up to eighteen working days of field research, including gathering and reviewing documents, refining research methodologies, and conducting surveys and semi-structured interviews (and focus groups, if appropriate) with key informants and beneficiaries. The contractor shall present an initial list of interviewees to USAID/Rwanda for approval prior to conducting interviews. The contractor shall be responsible for

developing the initial list of interviewees and arranging meetings, as well as transportation to the meetings. One staff member will participate in selected parts of the field-work phase.

Report-Writing Phase: The contractor will draft the assessment report submitted for USAID/Rwanda review within four working days of departure from the country. The Mission and GOR will have four working days to provide comments to the contractor. The final report shall be submitted no more than four working days thereafter. A total of five working days for all team members is authorized for the report-writing phase.

VII. Deliverables

The contractor shall provide the following deliverables to USAID/Rwanda.

Literature Review and Assessment Methodology: Prior to beginning the interview process, the contractor shall prepare for the assessment by reviewing key documents on the justice sector; background material on the political situation; and applicable sections of USAID/Rwanda project documentation. The contractor shall also prepare a methodology plan including: primary research questions, data collection strategies, questionnaires and protocols to structure the interviews, a list of proposed individuals to be interviewed, a justification for the method of selecting survey and interview respondents. The methodology plan and research schedule (including a schedule of key informant interviews) shall be presented to USAID/Rwanda staff prior to departure for the field-research phase.

Oral Briefings (two): The contractor shall provide three briefings for USAID/Rwanda staff, including an introductory briefing within two working days of arrival in country, a mid-term briefing, and an exit briefing presenting the team's findings and recommendations to USAID/Rwanda prior to departure.

Draft Report: The contractor shall present a draft report in English of its findings and recommendations to USAID/Rwanda (and other GOR stakeholders) within four working days from the time of departure. The draft report will be no more than 40 pages. The report will include all of the activities outlined above, although not necessarily in the order specified above. The CLE training plan will be included as an annex to this report.

Redacted Version: The contractor should be aware throughout the assessment and report writing process that issues related to the justice sector may be politically sensitive. The contractor shall discuss these issues with USAID/Rwanda immediately upon arrival and seek guidance regarding sensitivities that will need to be taken into account during interviews and report writing. Additionally, the team may be requested to prepare a politically sensitive version of the report that can be shared with the Government of Rwanda and other counterparts.

Final Report: The Final Report will be provided to USAID/Rwanda in electronic format in Microsoft Word within four working days following receipt of comments from USAID/Rwanda. An electronic copy and five hard copies will be provided to USAID/Rwanda. The report will include an executive summary and should not exceed 40 pages (excluding appendices). Appendices should at a minimum include the scope of work for the assessment; a list of individuals interviewed; a complete description of the methodology used for the assessment; any questionnaires used; and the CLE training plan for ILPD; the contractor shall also provide USAID/Rwanda with all survey data collected for this assessment.

The report should be submitted in accordance with all USAID branding procedures.

USAID/Rwanda will forward relevant documents to ILPD and other justice sector stakeholders when appropriate.

VIII. Team Composition and Qualifications

At a minimum, the assessment team shall have the following qualifications:

- professional background in rule of law development.
- familiarity with techniques of program impact appraisals
- expertise in comparative law and in a range of justice sector areas, including legislative drafting, the judiciary, etc.
- extensive experience in training and capacity development
- a demonstrated knowledge of legal reform
- a demonstrated ability to design questionnaires, and develop an appropriate methodology for the assessment
- a minimum of 10 years experience in the design, implementation, and/or evaluation of foreign assistance programs including USAID-related rule of law programs
- excellent written and oral communication skills in English and French
- previous experience in Rwanda, or comparable countries, is highly recommended.

References should be provided with the contractor's proposal.

USAID/Rwanda will appoint one staff member to monitor and participate when possible in the assessment, including selected meetings during the field research stage.

The contractor shall certify that there is no conflict of interest or potential conflict of interest with respect to the performance of this assessment on the part of the contractor and the contractor's team members. The contractor shall guarantee

that substitutions will not be made for individuals proposed as team members without the approval of USAID.

IX. Period of Performance

The work called for in this scope will start on November 1st, 2008 and will be completed approximately four weeks later. The field work will start on November 7th, 2008

X. Logistical Support

All logistical support shall be provided by the contractor including travel, transportation, secretarial and office support, interpretation, report printing and communication, as appropriate. USAID/Rwanda can provide a short list of potential interpreters with justice sector background.

XI. Technical Direction

Technical direction during the performance of this purchase order will be provided by the USAID/Rwanda Team Leader.

XII. Technical Proposal Evaluation Criteria

In selecting an implementer for this program, USAID/Rwanda will use the following criteria:

A. Proposed Approach (Total: 40 points)

- The proposed approach is consistent with and supports the project aims outlined in the Statement of Work (20 points)
- The proposed approach demonstrates knowledge of the country and region; donor and host-country climate; and the specialized training and capacity problems, constraints and conditions present in the context of rule of law development in Rwanda (20 points)

B. Past Experience and Qualifications of Senior Staff (Total: 60 points)

- Familiarity with justice sector training and capacity development in Africa (15 points)
- Experience in conducting justice sector assessments in Africa (15 points)
- Evidence of ability to work efficiently and effectively with a team composed of foreign and host nationals (15 points)
- Deep working knowledge of and experience with utilizing qualitative and quantitative methods in conducting assessment exercises (15 points)

