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**Paralegals in Rwanda  
A Case Study by Penal Reform International  
January 2012**

## About this publication

Paralegals are becoming an increasingly important part of the criminal justice system in developing countries. By ensuring more people are aware of their rights within the prison system and can therefore represent themselves and follow up on their cases, paralegals contribute towards a reduction in numbers in pre-trial detention. PRI's Great Lakes office ran paralegal programmes in both Rwanda and Burundi, although this leaflet focuses specifically on PRI's experience of designing and delivering paralegal programmes in Rwanda. It also presents the lessons learned. While there is a huge range of paralegal services, the one that PRI used in Rwanda is a model for providing legal aid, which has been tried and tested in a number of different countries and shown to be effective<sup>1</sup>.

## What is Penal Reform International?

Penal Reform International (PRI) is an international, non-governmental organisation founded in 1989, committed to reducing the use of imprisonment around the world, through promoting alternatives to imprisonment, and to developing and promoting the implementation of international human rights standards on criminal justice and prison conditions.

## What are paralegals?

Paralegals provide legal aid to people in a number of different ways, from informing them about the law and court procedures to advice and assistance with legal problems. They have basic knowledge of the law, legal system and procedures, as well as basic legal skills, but are not necessarily qualified lawyers.<sup>2</sup> The paralegals employed by PRI had law degrees as a minimum requirement.

## Why not use a lawyer?

In many countries around the world, there are too few lawyers to allow specialism in any one area, including criminal law; they also tend to be city-based and too expensive for most people to use. Publicly-funded legal aid systems, if they exist, tend to have limited human and financial resources. At the same time, many people do not require expert legal opinion or formal representation. A trained paralegal can assist with most legal conflicts which arise in people's lives. More complex matters can then be referred to the legal profession.

## Is 'paralegalism' something new?

No. Paralegals have been around for a long time, although they are sometimes referred to in different ways. In some countries, they have long been respected and trusted members of the community, offering advice and assistance on a

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<sup>1</sup> PRI supported the development of the Paralegal Advisory Service (PAS) in Malawi as a model for legal aid in criminal matters. Between 2000 and 2003, the initiative grew to 28 paralegals working in 13 prisons, facilitating the release of over 1350 prisoners. For more information, see PRI's film, *Path to Justice*, which charts the experience of paralegals in Malawi: <http://www.penalreform.org/multimedia/path-justice>, and PRI's publication *Energising the criminal justice system in Malawi: A paralegal aid service*, 2002 (<http://www.penalreform.org/publications/energising-criminal-justice-system-malawi-0>) on which some of this document is based.

<sup>2</sup> Open Society Justice Initiative, *Community-based Paralegals: A Practitioner's Guide* (Open Society Institute, New York, 2010), page 16

range of issues, including inheritance, land and family matters. In more recent times, paralegals have demonstrated that they also have an important role to play in providing basic services to those who are in conflict or in contact with the criminal justice system.

### **Do these paralegals actually represent people?**

No. Normally, paralegals do not represent people in court (this would normally be done by a lawyer) nor charge a fee for their services. Paralegals provide education, information and assistance free of charge so that those caught up in the criminal justice system do not feel lost and are better able to navigate the complex procedures and exercise their legal rights. Rather than compete with criminal justice agencies or the legal profession, paralegals provide complementary services.

### **PRI's PARALEGAL PROGRAMME IN RWANDA**

Penal Reform International's work from 1998 to 2010 in the Great Lakes region of Africa aimed to reduce the pre-trial prison population. The organisation monitored the process of *Gacaca* - the name given to the system of community-based courts for prosecuting genocide suspects - and its work expanded to include providing paralegal services. In July 2009, with support from the European Commission and the Belgian government, PRI launched a pilot project to develop paralegal services for detainees held in prisons in Rwanda, with the objectives of contributing to a reduction in the high rates of pre-trial detention, improving access to justice and supporting the right of detainees to a fair trial. The paralegals also worked with the prison and prosecution services to introduce better case management systems, in order to improve general procedures. PRI complemented this work, building the capacity of prison staff by running workshops on human rights and record management and installing new database software. Emphasis was placed on reaching vulnerable detainees including minors, women and those affected by HIV/AIDS.

### **What was the role of the paralegals?**

- Support the prison administrative services in the management of the prisoners' files;
- Offer immediate legal assistance, including legal information provision through awareness-raising sessions, to detainees awaiting trial;
- Liaise with the prison administration, the police, prosecution service, the judiciary, lawyers and any other agencies dealing with the court case; and
- Work to improve co-ordination and communication among the various criminal justice professionals.

The paralegals also linked the detainees and the criminal justice system so that case files were completed and kept up-to-date, and people held in prison awaiting trial were given information on how to prepare their cases for trial and represent themselves.

The paralegal programmes in both countries brought clear results (see page 6), as several cases were brought to trial or conclusion more rapidly and detainees were able to obtain dates for provisional or permanent release.

Ten paralegals provided services in five prisons in Rwanda (Kigali, Gitarama, Butare, Cyangugu and Nyagatare), organising and conducting education and awareness-raising sessions for detainees – particularly children, women and prisoners with HIV/Aids. They also assisted the authorities in managing prisoners' files to ensure that cases could proceed more swiftly, with appropriate evidence prepared for trial, and that prisoners were not detained longer than the legal limit.

### **What were the paralegals' objectives?**

Through the continued presence of paralegals, PRI aspired to:

- inform detainees of their rights, so that they were better equipped to monitor their own case and represent themselves in court;
- contribute to capacity-building of prison staff for monitoring records and of other agents in the criminal justice and prison system; and
- contribute to a significant reduction in illegal detention on remand and thus contribute to a reduction in the prison population.

### **How were the paralegals trained?**

PRI designed and delivered specialised training sessions for the paralegals, which included modules on:

- International human rights instruments;
- National criminal law and procedure (including the Constitution and the Penal Code);
- The judiciary and the court systems;
- Prison conditions, systems and infrastructure;
- Health and safety awareness;
- Information management, including an introduction to *PRISON Watch* case management computer software (specially commissioned by PRI for the programme in Rwanda);
- The role of the paralegal within the prison;
- Understanding the Code of Conduct (see Annex 1);
- Interview skills;
- Group facilitation techniques and education skills; and
- Rights of vulnerable groups such as women and children.

During their intensive training, the paralegals also went on a visit to a prison, a police station and public prosecutor's office.

## **What did the paralegals' activities achieve?**

### **1) Legal literacy: helping prisoners understand the law**

The paralegals organised and conducted awareness sessions for over 3,000 detainees awaiting trial (in particular for vulnerable groups of prisoners, including women, children and detainees living with HIV/AIDS) during which they addressed the rights of detainees and other legal topics. The sessions covered modules such as arrest, pre-trial detention, and trial procedures. Emphasis was placed on preparing detainees to help and represent themselves by role-playing applications for release, cross-examination and pleas in mitigation.

PRI distributed 7,300 booklets on the rights of detainees in all Rwandan prisons, as well as 500 posters on life in prison and the legal process from arrest to imprisonment.

Much of the paralegal training in Rwanda was based on content PRI had already developed in its trainer's manual<sup>3</sup> for paralegals working in prisons in Malawi, as part of their work there from 2000 to 2007. The manual was used extensively and is still available from PRI.

### **2) Legal advice and assistance: enabling prisoners to apply the law**

The paralegals worked with prison officers to screen and filter prisoners so that those who had been lost in the system, or were in prison unlawfully or inappropriately, were brought to the attention of the authorities. They ensured that vulnerable groups were given priority.

The paralegals also compiled case lists and referred the individual cases to the courts. They followed up each individual case<sup>4</sup> until the person was released, convicted or sentenced. They assisted prisoners with completing standardised procedural forms agreed with the judiciary, which the paralegals then lodged with the appropriate court.

### **3) Linking the criminal justice system: improving communication, co-operation and coordination**

In Rwanda, paralegals provided one link in the chain that constituted the criminal justice system. They sought to promote communication, co-operation and coordination between the various criminal justice actors through:

- Partnership and collaboration

The paralegals were employed by PRI, which, whilst an independent, international NGO, was experienced in working in cooperation with the prisons, the police and the courts. While inside the prisons, the paralegals worked under the authority of the prison service and were subject to their internal regulations, but also obliged to comply with a code of conduct designed by PRI

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<sup>3</sup> *Paralegal Aid Clinics: A Handbook for Paralegals Working in Prison*, Penal Reform International, 2002 (<http://www.penalreform.org/files/man-2002-paralegal-handbook-en.pdf>)

<sup>4</sup> See Annex 2 for a copy of the follow-up form used by the paralegals to keep track of cases.

(see Annex 1). They did not seek to accuse anyone of wrongdoing, but rather to assist criminal justice actors who were often overstretched and under-resourced, and struggling to fulfil their legal obligations. For example, the paralegals sought to support prison staff to increase their capacity to better manage inmate files.

- Trust

The basis of the working relationship, with both the prisoner and the authorities, was one of trust. The paralegals sought to find practical solutions to any problems encountered, through dialogue. They provided prison directors with copies of their monthly reports and their schedule of visits to the court, as well as a list of detainees interviewed and the areas of education planned.

## RESULTS

### Analysis of prisoner numbers in Rwanda

In 1994, approximately one million Rwandan citizens were killed during the genocide.<sup>5</sup> Initially, around 130,000 people were accused of organising or taking part in the genocide, and were detained in prisons designed for only 18,000 prisoners. Prison overcrowding and poor conditions were therefore a huge problem for Rwanda and in 2001 there were still 125,000 people in prison awaiting trial<sup>6</sup>. By the end of 2010 the official prison population had decreased somewhat, to 43,400, but this still constituted a high occupancy rate of 150%. The International Centre for Prison Studies<sup>7</sup> shows an overall reduction in prisoner numbers in Rwanda in the first decade of the 21<sup>st</sup> century, but it is difficult to draw from this concrete evidence of what the paralegals achieved. The statistics below seek to elaborate in more detail.

### Paralegal activity: a year in numbers

Between October 2009 and October 2010, the following results were obtained in Rwanda, in part due to the paralegals' assistance:

- the permanent release of 625 detainees was facilitated through discharge, case dismissal or release on compassionate grounds;
- provisional release was obtained for 168 detainees;
- 369 detainees were able to enter a guilty plea;
- court summons were issued for 1,055 people;
- copies of 1,100 judgments were obtained so that the prisoner could understand his/her position; and
- 455 appeals were lodged.

The table (Figure 1) below illustrates the impact of the paralegal programme on a month-by-month basis. As it and the graph (Figure 2) beneath it show, there were definite increases in the numbers of people released in October

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<sup>5</sup> Rwandan government figures, quoted in Penal Reform International, *Eight Years On... A Record of Gacaca Monitoring in Rwanda*, 2010, p13 (<http://www.penalreform.org/publications/eight-years-ona-record-gacaca-monitoring-rwanda>)

<sup>6</sup> Penal Reform International, *Gacaca Jurisdictions and their Preparations*, January 2002 (<http://www.penalreform.org/publications/gacaca-research-report-no1-gacaca-jurisdictions-and-its-preparations-0>)

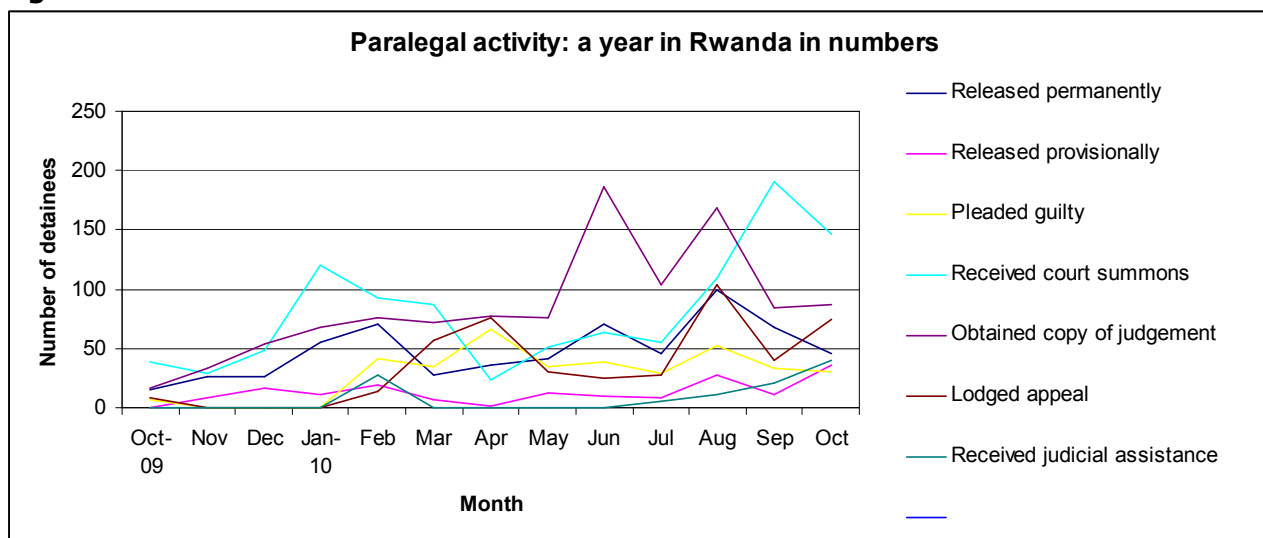
<sup>7</sup> Statistics from International Centre for Prison Studies ([www.prisonstudies.org](http://www.prisonstudies.org)), accessed 16 August 2011

2010 compared with October 2009, as well as those who had received a court summons; any movement in a case that had otherwise been stagnant was seen to be a positive step, and helped towards the overall aim of reducing the prison population.

**Figure 1 – Results in prisoner cases October 2009 – October 2010**

	2009			2010										TOTAL
	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	
Permanent release	15	26	26	55	71	27	36	41	71	45	100	67	45	625
Provisional release	0	8	16	11	20	7	1	13	9	8	28	11	36	168
Pleaded guilty	7	0	0	0	42	35	66	34	39	29	53	33	31	369
Received court summons	38	29	49	120	93	87	24	51	63	55	109	191	146	1055
Obtained copy of judgement	16	33	54	68	76	72	77	76	186	103	168	84	87	1100
Lodged appeal	8	0	0	0	14	56	76	31	25	27	104	40	74	455

**Figure 2 – Patterns of results obtained between October 2009 and October 2010**



## IMPACT

- Prisoners improved their ability to represent themselves in court;
- Prisoners understood better their rights during the trial process;
- Prisoners gained increased confidence to claim their rights in the justice system;
- Tension levels in prisons decreased;
- Pleas were entered to charges on a more informed basis;
- Reduced use of unlawful and pre-trial detention;
- Better and quicker file management;
- Actors within the criminal justice system communicated better.

## **The future of the paralegal scheme**

Thanks to the work of PRI's paralegals, there are a large number of ex-prisoners in Rwanda who are now with their families, either temporarily or permanently. There are also a good number who know how much longer they have to serve before release from prison. Others await their known court date to appear before a judge. Despite the fact that it was a finite pilot paralegal programme, the project was demonstrated to be successful, and is worthy of being continued in the future.

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Further information is available from the Penal Reform International website: [www.penalreform.org](http://www.penalreform.org) or by contacting PRI's Head Office at:

First Floor, 60-62 Commercial Street  
London E1 6LT  
United Kingdom  
Tel: +44 20 7247 6515  
Email: [info@penalreform.org](mailto:info@penalreform.org)

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## **ANNEX 1**

### **CODE OF CONDUCT FOR PRI PARALEGALS WORKING IN PRISONS<sup>8</sup>**

This Code of Conduct aimed to guide what PRI's paralegals were expected to do and how to do it in all their work-related activities.

#### **THE ROLE OF THE PARALEGAL**

- The paralegal's overall objective is to contribute to improving the circumstances of detainees, particularly vulnerable groups such as women, minors and disabled people and those suffering from HIV/AIDS.
- The paralegal will contribute to securing better access to justice for detainees, through training and awareness sessions, and interviews.
- The paralegal will provide support to staff with case management and follow-up.
- The paralegal is a source of legal assistance in custodial environments and plays an important role in the way justice is administered and individuals are kept in custody, including promoting dignity, respect and observance of human rights-related international instruments in force.

#### **PROFESSIONALISM**

##### **Integrity, impartiality, respect**

- The paralegal will maintain integrity by rigorously observing the principles of justice.
- The paralegal will carry out all responsibilities honestly and avoid conflict of interest in relation to detainees; prison, police and prosecuting authorities; courts; and members of civil society.
- The paralegal must work cooperatively with prison authorities and respect the prison's safety and security regime, rejecting any request to act in a way that could breach security or cause danger, and avoiding disputes between staff and/or detainees.
- The paralegal must refuse any request made by a detainee which is not connected with the paralegal's work.
- The paralegal must encourage promotion and use of best practice in custodial environments.
- The paralegal will demonstrate courtesy at all times while engaged in work-related activities.
- The paralegal must take steps to share knowledge and experience with colleagues, as well as others involved in the judicial and penal systems.

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<sup>8</sup> See also a version in *PLC Manual: A Manual for Paralegals Conducting Paralegal Aid Clinics (PLCs) in Prison* (2nd edition, 2007) Penal Reform International, Malawi (<http://www.penalreform.org/publications/plc-manual-manual-paralegals-conducting-paralegal-aid-clinics-prison-0>)

## **CONFIDENTIALITY**

- The paralegal must keep all information from prisoner files and interviews confidential, except in cases where a detainee authorises them to reveal that information.
- The paralegal must make an advance request to examine detainees' case files, and can only do this in the presence of someone nominated by the court administration and in a specially designated place.
- Under no circumstances is the paralegal allowed to write in detainees' case files, or remove any documents from them.

## **RESPONSIBILITIES TOWARDS THE EMPLOYER**

- The paralegal will carry out all tasks they are asked to do efficiently and with determination.
- The paralegal will be careful in the way s/he uses all materials, equipment and tools, which are for his/her use alone.
- Computer equipment and vehicles used by the paralegal for work-related activities must be locked away securely or (outside working hours) kept at the prison to which the paralegal has been assigned.

## **DISCRIMINATION / HARASSMENT**

- The paralegal will avoid all discrimination based on race, background, place of origin, colour, ethnic origin, citizenship, religious belief, gender, marital status or family circumstances.
- The paralegal must not subject to sexual or any other sort of harassment any person with whom he/she is in contact.
- If a paralegal fails to conform to this Code of Conduct, disciplinary action will be taken against him/her. A copy of the Code and related disciplinary regulation should be attached to the contract of employment.

## ANNEX 2

This form was designed by PRI as a follow-up tool for paralegals to ensure better management of their own records and to generally facilitate their work. It can be adapted to the user's particular needs and environment.

### PARALEGAL FOLLOW-UP FORM

DATE : \_\_\_\_\_ 20 \_\_\_\_\_

#### I. PERSONAL INFORMATION

NAME \_\_\_\_\_

FIRST NAME / \_\_\_\_\_

PRISONER'S REGISTRATION NUMBER \_\_\_\_\_

SITUATION IN PRISON -BLOCK N° \_\_\_\_\_

#### II. LEGAL INFORMATION

DATE OF ISSUE MAP \_\_\_\_\_

NAME OF AUTHORITY \_\_\_\_\_

DATE OF ISSUE OMPD \_\_\_\_\_

NAME OF AUTHORITY \_\_\_\_\_

JURISDICTION \_\_\_\_\_

FILE NUMBER \_\_\_\_\_

OFFENCE \_\_\_\_\_

#### III. FOLLOW - UP

Previous date of OMPD extension	Reason for extension
___/___/___	
___/___/___	
___/___/___	

OTHER \_\_\_\_\_

REQUEST/APPLYING FOR PROVISIONAL RELEASE

YES \_\_\_\_\_

DATE \_\_\_\_\_

NO \_\_\_\_\_

REQUEST/ APPLYING FOR PERMANENT RELEASE

YES \_\_\_\_\_  
DATE \_\_\_\_\_  
NO \_\_\_\_\_

**APPLYING FOR WITHDRAWAL OF CHARGES**

YES \_\_\_\_\_  
DATE \_\_\_\_\_  
NO \_\_\_\_\_

**FOLLOW-UP**

YES \_\_\_\_\_ NO \_\_\_\_\_

**NEXT STEPS/ACTIONS TO UNDERTAKE**

\_\_\_\_\_  
\_\_\_\_\_

**DATE OF NEXT APPOINTMENT** \_\_\_\_\_ **TIME** \_\_\_\_\_

**IV. ADDITIONAL COMMENTS**

\_\_\_\_\_

\_\_\_\_\_  
**PARALEGAL'S NAME**

\_\_\_\_\_  
**DATE**