

TO FURTHER A SYSTEM OF JUSTICE:  
LEGAL AID IN AFRICA

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The provisions comprising a nation's legal aid system indicate significant judicial tenets of that country's entire system of justice. Fundamental legal values are revealed in established principles and practices of legal aid. This article is an attempt to outline the legal aid systems of thirty-one African countries as noted in statutes, enactments, and information gathered by the International Legal Aid Association. The comparison of recorded availability with actual implementation, however, and the critical examination of legal aid provisions within the context of entire national legal systems, are beyond the scope of the present work. Notwithstanding the importance of this compilation, such subsequent analyses are imperative for an understanding of African Legal Aid.

I.

Several of the countries under investigation provide only limited legal aid. These countries are: Rwanda, Kenya, South West Africa, Sudan, the Federation of Nigeria, Rhodesia, and Swaziland.

Rwanda has no plan for free or reduced-cost legal advice or for legal aid in either civil adjudications or criminal proceedings. In fact, as of 1967, the Supreme Court, the ten Courts of the First Instance, and the sixty-five Local Courts were staffed by persons lacking legal training. Kenya, too, has no organized plan for legal advice or aid in legal proceedings. In exceptional circumstances, the Law Society of Kenya will ask lawyers to represent poor persons without remuneration. However, no relief from the payment of court fees or other legal costs is available. Furthermore, no person has any prescriptive right to legal assistance under any circumstances. In South West Africa, no organized plan of advice or aid exists, but statutory provisions empower the court to allow an individual to bring or defend proceedings in forma pauperis, and any individual may petition the court for exemption of court fees. In criminal cases on a

capital charge, the court will appoint a lawyer to act pro deo for an unrepresented accused. Similarly in Sudan, no systematic plan for advice or aid exists. On the recommendation of the Attorney General in exceptional criminal cases, aid may be granted on an ad hoc basis. The Attorney General, in consultation with local authorities, determines whether this aid shall be granted. If granted, the government finances the proceedings and the Attorney General appoints a lawyer to represent the accused. The lawyer receives a fee out of public funds which is determined by himself and the Attorney General. If an application for legal aid is denied, the applicant may not appeal the decision.

The Federation of Nigeria also has no organized legal aid plan. In civil proceedings, however, actions may be filed in forma pauperis. In criminal proceedings, statutory provisions entitle the accused to certain exemptions from procedural costs and, if charged with murder, to free legal representation. Applications to proceed in forma pauperis are directed to the Chief Justice, who must be satisfied that the applicant has a good cause of action or defense and insufficient means to pay the legal costs. Actions brought in forma pauperis entitle the litigant to exemption from court fees and other procedural expenses, but not to the free services of a lawyer. Additionally, the normal court rule applies, i.e., that the unsuccessful party to adjudication must pay the costs of his opponent. Further, once a request to bring proceedings in forma pauperis is denied, the indigent has no right to appeal the decision.

In Rhodesia, free legal advice is available to the indigent in Salisbury and Bulawayo through the Citizen's Advice Bureau, where panels of lawyers offer advice on any legal question. However, lawyers giving advice may not act in any subsequent proceedings. Limited legal aid in civil and criminal proceedings is available as well. To obtain aid in civil proceedings, an individual must satisfy the presiding court that he has insufficient means to obtain a lawyer or to pay legal costs. He is also required to show that he has a prima facie case. In granting aid, the courts assign lawyers to work without remuneration on a rotation basis. Additionally, court fees are waived, although the litigant is required to pay all other necessary disbursements. Application procedures for such aid are rigorous. In proceedings before the

High Court, the request takes the form of a petition accompanied by affidavits from two householders regarding the applicant's means, plus certification by an advocate that the applicant has a prima facie case. In proceedings before the Magistrate's Court, the application must be made in person before the clerk of the court, and the applicant's opponent may contest the application. The right of appeal on refusal exists only in the case of application to the High Court. Once granted aid, the litigant is under no disadvantage other than the restriction of his choice of lawyer. Although an individual granted aid may select his lawyer, one is usually assigned by the court on a rotation basis and paid out of public funds. Furthermore, the normal rule (that the unsuccessful party must pay the costs of his opponent) applies in all cases. In criminal proceedings, the decision to grant or withhold legal aid is based on the applicant's means as well as on the merits of his case. The determining authority (the Attorney General or the court before which proceedings will appear) must be satisfied that the grant is in the interests of justice. Legal aid is not usually granted in Magistrate Courts in straightforward or petty cases.

Although no formal, comprehensive plan of legal aid or advice exists in Swaziland, actions can be filed in forma pauperis in civil proceedings, and some aid is available for individuals charged with a capital offense. In a civil proceedings application, the court must be satisfied that the applicant possesses property valued at no more than £35, excluding household goods, wearing apparel, and tools of trade (in matrimonial causes the limit is £15). If satisfied, the court will assign a lawyer to represent the applicant. The lawyer receives no fee unless he can recover it from the unsuccessful opponent of the pauper after an award of costs by the court. The rights conferred on a person receiving legal aid must not effect the rights or liabilities of other parties or bias the principles upon which the discretion of any court or tribunal are normally exercised. In criminal proceedings, legal aid is available only in Mbabane, which is the seat of the High Court. Application is made to the court before which proceedings are to be heard, and is granted at the court's discretion. If granted, the court will assign a lawyer who receives a nominal fee from the government.

## II.

A number of African countries provide legal aid only in criminal proceedings. These countries are: Botswana, Gambia, Ghana, Liberia, and West Cameroon.

In Botswana, the court is responsible for determining the applicant's means and administering the available aid. If aid is granted, the court assigns a lawyer paid by the government at a standard rate. In Gambia, aid is freely granted on any reasonable proof of indigence, but only in capital cases before the Supreme Court, the Court of Appeals or the Privy Council. If aid is granted, the Chief Justice allocates a lawyer to represent the accused. Whenever possible he will assign the lawyer preferred by the defendant. Normally, the lawyer receives no fee, although in complicated cases he may be given a small sum. Aid is available on a very limited basis in Ghana. Statutory provisions entitle indigent persons in some criminal proceedings to free legal aid. In practice, aid is available only to an accused charged with murder. On any appeal to the Supreme Court, however, if the accused cannot afford a copy of the record of prior proceedings and shows sufficient cause, the court may order that a free copy be supplied. The court before which proceedings appear decides whether to grant or withhold legal aid. If aid is granted, the presiding judge will assign a lawyer who receives a fee out of public funds. There is no known instance of an appeal on the refusal of aid, but the right to a Supreme Court appeal on such a denial exists.

In Liberia, legal aid is available in criminal proceedings in all courts. The court before which the proceedings are to be heard determines whether aid shall be granted or withheld. If aid is granted, the court assigns the appropriate County Defense Counsel to represent the defendant. County Defense Counsels receive annual salaries from the government and, additionally, the following case fees: capital felonies, \$50.00; felonies, \$30.00; misdemeanors, \$25.00. In West Cameroon, legal aid is available only to persons accused of capital offenses. The court before which proceedings will be heard decides to grant or withhold aid. Upon refusal of an application, no appeal procedure exists.

## III.

Extensive legal aid systems exist in several African nations. Although legal advice is not offered, the following countries have comprehensive civil and criminal aid programs: Angola, Burundi, East Cameroon, Ivory Coast, Malagasy, Malawi, Mauritania, Mozambique, Niger, Senegal, and Zambia.

To be granted legal aid in Angola for civil or criminal proceedings, an applicant is required to show that he has insufficient means to obtain the services of a lawyer or to pay legal costs. His declaration of indigence must be validated by a government certificate. The court before which proceedings will be heard determines whether aid will be granted. There is no appeal on refusal of application. The successful applicant may choose his own lawyer, provided the latter will represent him without remuneration. The grant of legal aid to one party in civil proceedings does not affect the rights or liabilities of other parties. Therefore, as in any civil proceedings, the unsuccessful party must pay his opponent's costs. In Burundi, the President of the Court or the Public Prosecutor decides whether to grant legal aid. The applicant must submit a certificate of indigence, issued by a municipal authority, and the President of the Court or the Public Prosecutor must be satisfied that the interests of justice are served by granting legal aid. The applicant has no appeal right upon refusal of his request. If aid is granted, the court will assign a lawyer who serves without remuneration. Costs cannot be awarded against an unsuccessful assisted person. In addition, Burundi law provides that in civil cases the Public Prosecutor may sue in the name of a person unable to defend his own interests.

Specific income limits narrow eligibility for legal aid in civil proceedings in East Cameroon. Generally these are F520 per annum for a single person and F500 per annum for a married person. Aid may be granted, however, to an applicant with a higher income if the costs of the proceedings are likely to be substantial in proportion to his income. An extract from the income tax rolls or a certification that the applicant pays no taxes is required as proof of the necessity of aid. In addition to establishing the financial necessity of aid, the applicant must show he

has a valid cause of action or defense. The commission attached to the court hearing the proceedings determines whether to grant or withhold aid. The applicant has no rights to appeal the denial of aid, but the Attorney General may initiate an appeal in either direction. Once aid is granted, the secretary of the appropriate commission assigns a lawyer to the case, who serves without recompense. Costs cannot be awarded against an unsuccessful assisted person. No application is necessary for legal aid in criminal proceedings in East Cameroon--a grant of legal aid is automatic in criminal proceedings if the accused is not legally represented. The presiding court (Criminal or Supreme) assigns a lawyer to the accused who serves without fee.

In the Ivory Coast, the Government Legal Aid Office decides to grant or withhold legal aid. The Office has branches attached to each court. The administration of the Office is under the control of a committee composed of representatives of the government, the judiciary, and practicing lawyers. To obtain a grant of aid for civil proceedings, an applicant is required to show that he is unable to pay the legal costs of proceedings. An extract from the applicant's tax returns or a certification of exemption from tax from the local tax collector and written details of the applicant's means are submitted. Additionally, the request must detail the applicant's cause of action or defense and enumerate the particulars of the other party involved. The application is made to the Legal Aid Office in the applicant's place of residence, or to the Public Prosecutor or the Mayor in the applicant's place of residence who will forward the application to the appropriate Legal Aid Office. An applicant has the right of appeal to a second Legal Aid Office, established to hear appeals arising out of a refusal of the original request, but there can be no appeal from the decision of the second office. In emergency situations, a provisional grant of aid may be made by a member of the Legal Aid Committee. If aid is granted, the presiding court assigns a lawyer who receives no fee unless the assisted person is successful, and a successfully aided litigant must pay his lawyer in accordance with a statutory scale of fees. If the assisted individual acquires sufficient means to pay his legal costs subsequent to being awarded aid, the grant is terminated. Costs may be awarded against an unsuccessful assisted person in the usual way, although the order for payment of costs against an assisted person would not

include sums normally due, such as fees of judges, court officials and witnesses, or registration fees and stamp duties. Applications for aid in criminal proceedings in the Ivory Coast parallel those in civil proceedings. Aid is granted to certain accused individuals, however, without regard to financial status, especially those accused in criminal courts, those liable to deportation, and minors. Where application is required, the necessary proof of poverty is the same as that for civil application. As in the civil aid application process, the applicant may appeal a denial of aid to a second Legal Aid Office, with no appeal from the second decision. When aid is granted, a lawyer is assigned by the court, and he receives no fee unless he is successful.

In Malagasy, legal aid is available for both civil and criminal proceedings according to a plan organized and financed by the government, although no provisions for legal advice exist. The details of the legal aid programs in civil and criminal proceedings are identical. No specific capital or income limits designate eligibility for aid, but the applicant is required to prove that he has only small or moderate means. The courts determine eligibility. Applications are directed to the President or the Public Prosecutor of the district in which the action is being brought. Appeal provisions on refusal of a grant are unclear. If aid is granted, however, the Chief Barrister assigns a lawyer to the case. Information is lacking on whether the lawyer receives payment. The rights conferred on a person receiving aid do not affect the rights or liabilities of other parties or the principles upon which the discretion of any court or tribunal are normally exercised. Therefore, the normal rule in civil proceedings applies, i.e., the unsuccessful party must pay the costs of his opponent. The criminally accused is under no disadvantage other than the restriction of his choice of lawyer.

Legal aid in both civil and criminal proceedings is available in Malawi also. There are no specific limits on capital or income to determine eligibility for aid in civil proceedings, but the applicant must show that he has insufficient means to obtain the necessary legal services. The Chief Legal Aid Counsel determines eligibility, but he may grant only partial aid and require the applicant to contribute towards the costs of the proceedings. Any

individual granted partial aid but dissatisfied with the required contribution may appeal to the Minister of Justice, who can make adjustments to the order. In addition to a statement of means, the application must contain a brief statement of grounds of complaint or defense, showing that they are reasonable and that it is in the interest of justice to grant aid. If aid is denied, the applicant has no appeal rights, but the Chief Legal Aid Counsel must report the refusal and its justification to the Minister of Justice. After consideration of this report and appropriate further inquiries, if the Minister is satisfied that the interests of justice are best served by granting aid he may authorize the grant. A Legal Aid Counsel employed by the government is assigned to the case if aid is granted, but if the latter is unable to represent the individual, or if the Chief Legal Aid Counsel is satisfied that the needs of justice so require, a private lawyer may be assigned. Legal Aid Counsels are employed by the government and receive a fixed annual salary. Any private lawyer instructed to act by the Chief Legal Aid Counsel receives a fee from the government. The normal rule requiring the unsuccessful party to pay the costs of his opponent, applies. According to the Legal Aid Amendment Act of 1966, however, the indigent cannot be ordered to pay unreasonable sums. Furthermore, any previous contributions he made to the costs of proceedings must be applied to the payment of the order.

The granting of aid in criminal proceedings in Mali is also at the discretion of the Chief Legal Aid Counsel. However, if the applicant is charged with an offense triable only in the High Court, the Registrar of the High Court determines whether or not aid shall be granted. Similarly, the Resident Magistrate determines whether aid shall be granted to an applicant charged in a Resident Magistrate's Court. The applicant may be required to contribute in part to the costs of proceedings, but any person dissatisfied with such a decision may appeal to the Chief Legal Aid Counsel who may adjust the order. If the applicant is still dissatisfied with the disposal, he may appeal to the Minister of Justice who may make a further adjustment. Application must be made in person and contain a detailed account of the individual's means. If the determining authority is satisfied that the interests of justice are furthered by granting aid, he will certify the assigning of a lawyer. A refusal of aid can be appealed to the Chief Legal Aid Counsel. Upon notification



of the applicant's decision to appeal the denial, the Registrar or the Resident Magistrate must inform the Chief Legal Aid Counsel of the reasons for the denial. The methods for appointment and remuneration of counsel are the same in civil cases.

Mauritania, Niger, and Senegal have similar programs for the granting of legal aid in court proceedings. Aid is provided under a plan financed and organized by the government Legal Aid Office which has branches attached to each court. Administration of the Office is in control of a committee composed of representatives of the government, the judiciary, and practicing lawyers. Although no specific capital or income limit determines eligibility for aid, for both civil and criminal proceedings applications must demonstrate substantial need. Proof of indigence is established by the applicant's tax-returns or by a certification of exemption from tax by the local tax collector. In a civil proceedings application, the cause of action or defense and the particulars of the other party's case must be submitted. In criminal applications, the applicant must detail the facts on which he intends to base his defense. Legal aid is available to the accused in specific criminal cases regardless of means, as with persons accused in Assize Courts or persons liable to deportation. Application for civil aid is addressed to the Legal Aid Office in the applicant's place of residence, while criminal proceedings applications are addressed to the President of the Court of Summary Jurisdiction. On denial of aid, the applicant may appeal to a second Legal Aid Office from which there is no appeal if the judgment is again unsatisfactory. In both civil and criminal proceedings, the court will assign a lawyer, if aid is granted, who will serve without remuneration unless the applicant is successful, in which case he will receive a fee in accordance with statutory provisions. Costs may be awarded against the assisted person, but would not include sums due the Treasury for fees of judges, court officials and witnesses, or registration fees and stamp duties.

Mozambique provides for legal aid in civil and criminal proceedings. Again, no specific capital or income limit determines eligibility for aid. Any proof of indigence sufficient to satisfy the Commission on Legal Aid attached to the court in Lurenco Marques (which receives all applications) will result in aid. If aid is granted,

a lawyer is assigned to the proceedings without remuneration.

In accordance with the Legal Aid Act of 1967, Zambia has a government financed and organized plan of legal aid. The Director of Legal Aid and the Legal Aid Counsels and Assistants are appointed as public officers, and legal aid committees operate in each district. In criminal cases, the High Court or subordinate courts may issue a legal aid certificate to the accused. If the administering court refuses aid to a defendant, he may appeal the decision to the Director of Legal Aid. For aid in civil proceedings, application is made to the Director. Income and personal and real property are assessed in determining financial need, but no account is taken of the applicant's house, household furniture, or tools of trade. Furthermore, the subject matter of the impending legal proceedings shall not enter into the decision to grant aid. If aid is granted, a lawyer is appointed by the court and is paid out of government funds. In civil proceedings, costs awarded against the aided individual must not exceed a reasonable amount, to be established in accordance with his means. The remainder of costs due will be paid out of parliament monies.

#### IV.

A significant number of African countries provide free legal advice prior to any court action, as well as legal aid in criminal and civil proceedings. These are: Central African Republic, Dahomey, Gabon, Mali, Democratic Republic of the Congo, Tanzania, Togo, and Uganda.

In the Central African Republic, free legal advice is available to an individual who can prove he pays no taxes. Advice is given on any legal question by lawyers acting in their own offices, offering their services free of charge. Legal aid in civil and criminal proceedings is available through the Legal Aid Bureau, which has offices attached to each court. A declaration of poverty begets aid for civil and criminal proceedings. However, if the criminally accused is unrepresented, a lawyer will be appointed for him regardless of his financial status. If aid is granted on application, a lawyer is assigned by the President of the Bar or the Legal Aid Office in the jurisdiction concerned. The lawyer serves without remuneration,

but in civil cases he may recover fees out of costs awarded to a successful client. In criminal proceedings, an assigned lawyer serves without remuneration unless the defendant expresses a wish to pay him.

Dahomey also provides free legal advice to individuals showing inadequate financial means. As with applications for aid, applications for advice are directed to the government Legal Aid Office, which has branches attached to each court. The office is controlled by a committee composed of representatives of the government, the judiciary and practicing lawyers. Advice is available on any legal question free of charge. If a recipient is successful in subsequent civil proceedings, however, the advising lawyer may recover a fee. For legal aid in civil or criminal proceedings, proof of indigence must be established by submitting an extract of the applicant's tax-returns. For legal aid in civil proceedings, the application is directed to the Legal Aid Office in the applicant's place of residence or to the local Public Prosecutor, while in criminal cases application is made to the President of the Court of Summary Jurisdiction. Civil proceedings' requests must include the particulars of the cause of action or defense of both parties to the adjudication. Criminal aid applications must detail the facts upon which the defense will be based. Legal aid is available unconditionally to those accused in Assize Court, or to those liable to deportation. If aid is denied in any case, the applicant may appeal to a second Legal Aid Office, but there can be no appeal from the second decision. Notwithstanding a grant of legal aid, the assisted may be required to repay the Treasury at a later date if he is able to do so. If aid is granted, the court appoints a lawyer to serve without fee, with the provision that, if the assisted is successful in a civil case, the lawyer may recover his fee. Costs may be awarded against an unsuccessful assisted person, although an order for payment would not include sums due to the Treasury for fees of judges, court officials and witnesses, or registration fees and stamp duties.

Legal advice is available free of charge in Gabon upon an officially certified declaration of poverty. Application for legal aid in criminal or civil proceedings rests on proof that the applicant pays no taxes and has insufficient funds to cover legal costs. Aid is granted as a statutory right in certain civil proceedings, and an

unrepresented, criminally accused individual will be assigned a lawyer. The assisted may be required to repay the Treasury at a later date if he is able to do so. In cases where a grant of aid is not automatic, the applicant is required to show good cause of action or defense in addition to financial need. In both civil and criminal aid grants, a lawyer is assigned by the Chief Barrister of the Legal Aid Bureau in the jurisdiction concerned. The lawyer usually serves free of charge, but may receive a fee if the criminally accused wishes to pay him, or if the assisted is successful in civil proceedings.

Mali also provides extensive free legal advice to the indigent citizen, with the advising lawyer receiving a fee from the government. Legal aid in civil cases is granted liberally, with no specific limits determining eligibility, and is granted automatically, regardless of financial status, in criminal cases in which the accused is not legally represented. The Attorney General administers aid. If aid is granted, a lawyer is assigned in rotation from a roster of advocates undertaking legal aid work. Costs cannot be awarded against an unsuccessful assisted person in civil cases.

The Democratic Republic of the Congo provides free advice on any legal question to individuals who do not pay taxes. Lawyers work in their own offices and receive no remuneration for such services. Legal aid is granted statutorily in certain civil matters and automatically to the criminally accused without legal representation. No specific means or income limit determine eligibility for aid, but applicants must prove that they pay no taxes and have insufficient funds to afford legal costs. If aid has been statutorily provided, the assisted may be required to repay the Treasury. In applying for aid not statutorily provided, the applicant must establish that he has a good cause of action or defense in addition to showing indigence. Lawyers are assigned in rotation from a panel of advocates by the Chief Barrister or by the Bureau of Legal Aid in the jurisdiction concerned and serve without fee. If his client is successful in civil proceedings, the lawyer may recover his fee from monies awarded.

Legal advice and legal aid in civil cases in Tanzania are available only in the capital city of Dar es Salaam through a plan organized by the Tanzania Law Society.

Applicants must appear before the legal aid committee of the Society and establish their lack of sufficient means to pay legal costs. Lawyers assigned by the Tanzania Law Society serve without remuneration. Occasionally the individual granted aid may be asked to contribute towards legal costs. The rights conferred on a person receiving legal aid do not effect the rights or liabilities of other parties or the principles upon which the discretion of any court or tribunal is normally exercised. The unsuccessful party must pay the costs of his opponent in all civil cases. According to the Legal Aid Act (No. 21/69), the presiding judge in a criminal case may authorize the Registrar of the Court to assign an advocate to defend an unrepresented accused. Remuneration of this lawyer is determined by the presiding judge and shall be payed out of the general revenue. The lawyer will be reimbursed for any reasonable special expenditures incurred, at the discretion of the Registrar.

Free legal advice and representation, and temporary relief from the payment of court fees, is available in Togo. Application for legal advice is made to the Public Prosecutor who investigates the financial status of the applicant. The application is then referred to the Legal Aid Committee, consisting of a Registrar who is the representative of the Wills and Probate Department, a representative of the Ministry of the Interior, and three lawyers or legal officers appointed by the High Court. If aid is granted, a lawyer is appointed who serves without remuneration. No capital or income limits determine eligibility for either civil or criminal aid, but the applicant is required to show that he is unable to exercise his legal rights due to a lack of means. Aid is granted regardless of means in criminal cases involving persons accused before the Assize Court, those accused of a capital offense, or juvenile offenders. The decision to grant legal aid in civil cases where it is not a statutory right is at the discretion of the Legal Aid Committee. An applicant may not appeal a denial of aid, but the Public Prosecutor may initiate appeal proceedings on his behalf. Furthermore, the grant of legal aid confers only temporary assistance--eventually the assisted individual is required to repay all costs incurred. The normal rule--that the unsuccessful party must pay the costs--applies in cases involving an aided individual.

In Uganda, legal aid and advice regarding civil proceedings are available under a plan organized by the Uganda Law Society. No specific capital or income limits determine eligibility for advice or aid, although the applicant must show financial need. The Secretary of the Uganda Law Society assigns a lawyer to the case, if aid is granted, and the lawyer serves without payment. If the applicant is successful in proceedings, however, the lawyer may recover his fees from the other party. The rights conferred on a person receiving aid do not affect the rights or liabilities of the other parties or principles on which the discretion of any court or tribunal is normally exercised. As usual, the unsuccessful party must pay the costs of his opponent. The Uganda Courts are responsible for granting or withholding legal aid in criminal cases. By governmental provisions, a lawyer will be assigned by the Registrar of the High Court in certain criminal proceedings and receives a fee for his services from the government. Aid is unconditionally available to individuals accused of murder, manslaughter, or rape.

Thus, the necessity of a program of legal aid to further a system of justice has been recognized throughout Africa. Although the legal context and actual implementation is not here examined, this survey establishes the significant fact that legal aid in some form exists virtually throughout the continent.

## APPENDIX I: AID IN CIVIL PROCEEDINGS

<u>Country</u>	<u>Aid Available To</u>	<u>Nature of Aid</u>	<u>Financial Provisions /</u>	<u>By</u>
ANGOLA	Nationals	All steps prior to proceedings, in preparation of case, representation at proceedings; legal aid available in all proceedings, in all courts, in special courts*, on appeal	Court fees, all necessary disbursements, fees, expenses, costs of expert witnesses	Government Lawyers in form of free services
BURUNDI	Nationals Resident and non-resident foreigners Stateless persons	Same as Angola		
CENTRAL AFRICAN REPUBLIC [C.A.R.]	Nationals Resident and non-resident foreigners** Stateless persons Persons in other than individual capacities	Same as Angola, except aid not available in arbitration cases	Same as Angola	Same as Angola
CHAD	Same as C.A.R.	Same as C.A.R.	Same as Angola, plus no lawyer fee	Same as Angola
DAHOMY	Nationals Persons in other than individual capacity-- only to public corporations or private organizations possessing legal personality whose purpose is charitable	Same as Angola, plus aid available to enforce court decisions obtained with or without legal aid	Same as Angola, but assisted may be required to repay such to Treasury	Government by temporary relief from costs Lawyers in form of free or reduced services Monies recovered by assisted in proceedings

\*E.g., administrative tribunals, courts martial, tax tribunal, etc.

\*\*Only if there is a reciprocal agreement, or when legal aid is given as statutory right. In practice, it is frequently granted to foreigners even if these conditions are not met.

<u>Country</u>	<u>Aid Available To</u>	<u>Nature of Aid</u>	<u>Financial Provisions</u> /	<u>By</u>
DEMOCRATIC REPUBLIC OF THE CONGO	Same as C.A.R.	Same as C.A.R.	Same as Angola	Same as Angola
EAST CAMEROON	Same as C.A.R.	Preparation of case only in Federal and Supreme Courts; representation at proceedings only in Federal and Supreme Courts; available in all but Customary Courts; available in no special courts other than Administrative Tribunals or Military Courts; available on appeal	Same as Angola, but in Supreme Court some fees are payable by assisted person	Same as Angola, plus monies recovered by assisted person in proceedings
FEDERATION OF NIGERIA	Same as C.A.R.	Available in all proceedings, in all courts, in special courts, on appeal	Exemption from court fees and other procedural expenses	Same as East Cameroon
GABON	Same as C.A.R.	Same as C.A.R.		
IVORY COAST	Same as Dahomey	Same as Dahomey	Same as Angola	Same as Angola
MALAGASY	Same as Burundi	Same as Angola	Same as Dahomey	Same as Dahomey
MALAWI	Same as C.A.R.	Same as Angola, but available only in Resident Magistrates Court or High Court	Same as Chad Same as Chad	Same as East Cameroon Government Contribution from assisted person
MALI	Nationals	Same as Angola		
MAURITANIA	Same as Dahomey	Same as Dahomey		
MOZAMBIQUE	Same as Burundi	Same as Angola, except not available in special courts	Same as Chad Same as Dahomey Same as Angola	Government Same as Dahomey Same as Angola
NIGER	Same as Dahomey	Same as Dahomey		
RHODESIA	Nationals Resident foreigners, stateless persons only if resident	Same as Angola except available only in High Court or Magistrate Court	Same as Dahomey Court fees	Same as East Cameroon Government to extent that fees are remitted Lawyers by free services



<u>Country</u>	<u>Aid Available To</u>	<u>Nature of Aid</u>	<u>Financial Provisions</u> /	<u>By</u>
SENEGAL	Same as Dahomey	Same as Dahomey	Same as Dahomey	Same as Angola
SWAZILAND	Same as C.A.R.	Same as Mozambique	Court fees	Same as Angola, but lawyer may recover fee from opponent of the pauper
TANZANIA	Same as C.A.R.	Same as Angola	Same as Angola, but assisted may have to make contribution	Same as East Cameroon
TOGO	Same as C.A.R.	Same as Angola	Same as Angola	Same as East Cameroon
UGANDA	Same as Burundi	Same as Angola	None	Same as East Cameroon, plus contributions from aided person

APPENDIX II: AID IN CRIMINAL PROCEEDINGS

<u>Country</u>	<u>Aid Available To</u>	<u>Nature of Aid</u>	<u>Financial Provisions</u> /	<u>By</u>
ANGOLA	Nationals Resident and non-resident foreigners Stateless persons	All steps prior to proceedings, preparation of case, representation at proceedings, in all courts, in special courts*, on appeal	Court fees, all disbursements, fees, expenses, costs of expert witnesses	Government Lawyers in form of free service
BOTSWANA	Same as Angola	Preparation of case, representation at proceedings; only in proceedings where accused charged with capital offense; available in all courts with jurisdiction to try capital cases; not available in special courts, available on appeal	Court fees	Same as Angola
BURUNDI	Same as Angola	Same as Angola	Same as Angola	Same as Angola

\*E.g., administrative tribunals, courts martial, etc.

<u>Country</u>	<u>Aid Available To</u>	<u>Nature of Aid</u>	<u>Financial Provisions</u> /	<u>By</u>
CENTRAL AFRICAN REPUBLIC [C.A.R.]	Same as Angola, plus persons in other than individual capacity	Same as Angola	Same as Angola	Same as Angola
CHAD	Same as C.A.R.	Same as Angola	Same as Angola	Same as Angola
DAHOMY	Nationals	Same as Angola	Same as Angola, but repayment of Treasury may be required	Government Lawyers in form of free or reduced cost service
DEMOCRATIC REPUBLIC OF THE CONGO	Same as C.A.R.	Same as Angola	Same as Angola	Same as Angola
EAST CAMEROON	Same as Angola	Preparation of case and representation only in Supreme and Assize Courts; in all proceedings in Supreme and Assize Courts; available in Military courts but no other special courts; available on appeal		
FEDERATION OF NIGERIA	Same as Angola	In preparation of case where accused charged with murder; an accused committed for trial upon an order of committal receives free copy of deposition; representation at proceedings; in Assize Courts and on appeal to Supreme Court on appeals	Court fees, all necessary disbursements	Government
GABON	Same as C.A.R.	Same as Angola		
GAMBIA	Same as Angola	All steps prior to court proceedings; in preparation of case; only before Supreme Court, Court of Appeals, Privy Council; on appeal	Same as Angola Same as Angola, plus lawyer's fees in some cases	Same as Angola Same as Dahomey

<u>Country</u>	<u>Aid Available To</u>	<u>Nature of Aid</u>	<u>Financial Provisions</u> /	<u>By</u>
GHANA	Same as Angola	Preparation of case; representation at proceedings; only in High and Supreme Courts; on appeals; in practice, available only to one accused of murder	Same as Angola, plus lawyer's fees	Government
IVORY COAST	Nationals	Same as Angola	Same as Ghana	Government
LESOTHO	Nationals	Preparation of case; representation at proceedings; only in cases where accused charged with murder; in High Court and Court of Appeal; on appeals	Same as Ghana	Government
LIBERIA	Same as Angola	Preparation of case; representation at proceedings; in all proceedings, in all courts with jurisdiction; in special courts; on appeal	Same as Ghana	Government
MALAGASY	Same as Angola	Same as Angola	Same as Angola	Government
MALAWI	Same as C.A.R.	Preparation of case; representation at proceedings; only in Resident Magistrate and High Courts; available on appeal but only in certain criminal areas	Same as Ghana	Government
MALI	Nationals	Same as Angola	Same as Angola	Government
MAURITANIA	Nationals	Same as Angola	Same as Dahomey	Same as Dahomey
MOZAMBIQUE	Same as Angola	Same as Angola, except for special courts	Same as Angola	Same as Angola
NIGER	Nationals	Same as Angola	Same as Dahomey	Same as Dahomey

<u>Country</u>	<u>Aid Available To</u>	<u>Nature of Aid</u>	<u>Financial Provisions</u> /	<u>By</u>
RHODESIA	Same as Angola	Preparation of case; representation at proceedings; available in High Court and Magistrates Court, but seldom granted in the latter	Same as Ghana, but subject to approval of Registrar of High Court	Same as Dahomey
SENEGAL	Nationals	Same as Angola	Same as Dahomey	Same as Dahomey
SUDAN	Nationals Resident and non-resident foreigners	Same as Botswana, except available also in special courts	Same as Dahomey	Same as Dahomey
SWAZILAND	Same as Angola	Same as Botswana		
TOGO	Same as C.A.R.	Same as Angola	Same as Ghana	Same as Dahomey
UGANDA	Same as Angola	Preparation of case; representation at proceedings; available only to those charged with murder, manslaughter, rape; only in High Court or Court of Appeal; on appeal	Same as Angola No court fees in criminal cases Lawyer's fees	Same as Angola Government
WEST CAMEROON	Same as Angola	Same as Botswana, but available also in Military Courts	Lawyer's fees	Same as Dahomey
ZAMBIA	Same as Angola	Same as Angola, except not in Native Courts	Same as Ghana	Same as Dahomey