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PROJECT AGAINST VIOLENCE AND IMPUNITY IN GUATEMALA

QUARTERLY REPORT: OCTOBER – DECEMBER 2011

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PROGRAM AGAINST VIOLENCE AND IMPUNITY IN GUATEMALA

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LIST OF ACRONYMS

AECID	<i>Agencia Española de Cooperación Internacional para el Desarrollo - Spanish International Development Agency</i>
CCJ	<i>Consejo de la Carrera Judicial - Judiciary Career Council</i>
CICIG	<i>Comisión Internacional contra la Impunidad en Guatemala - International Commission against Impunity in Guatemala</i>
CIT	<i>Centro de Informática y Telecomunicaciones - Information Technology and Telecommunications Center</i>
CONAP	<i>Consejo Nacional de Áreas Protegidas - National Council for Protected Areas</i>
CRADIC	<i>Centro de Recopilación, Análisis y Difusión de Información Criminal - Center for Criminal Information Collection, Analysis and Distribution</i>
CSO	<i>Civil Society Organization</i>
CSJ	<i>Corte Suprema de Justicia - Supreme Court of Justice</i>
DEMI	<i>Defensoría de la Mujer Indígena - Indigenous Women Defense Institute</i>
DICRI	<i>División de Investigaciones Criminológicas – Criminal Investigations Division</i>
EEJ	<i>Escuela de Estudios Judiciales - School of Judiciary Studies</i>
FADS	<i>Familiares y Amigos contra la Delincuencia y el Secuestro - Families and Friends Against Crime and Kidnapping</i>
FDV	<i>Fiscalía de Delitos Contra la Vida - Crimes against Life Prosecutor Unit</i>
GAM	<i>Grupo de Apoyo Mutuo - Mutual Support Group</i>
GIS	<i>Sistema de Información Geográfica - Geographic Information System</i>
GTQ	<i>Guatemalan Quetzales</i>
IBIS	<i>Sistema Integrado de Información Balística - Integrated Ballistics Information System</i>
IDPP	<i>Instituto de la Defensa Pública Penal - Public Defense Institute</i>
INACIF	<i>Instituto Nacional de Ciencias Forenses de Guatemala - National Institute of Forensic Sciences</i>
IMASP	<i>Instancia de Monitoreo y Apoyo a la Seguridad Pública - Watchdog Agency for Public Security</i>
IT	<i>Information Technology</i>
MP	<i>Ministerio Público - Public Ministry</i>
MPJ	<i>Movimiento Pro Justicia - Pro Justice Movement</i>
NGO	<i>Non-Governmental Organization</i>
OAV	<i>Oficina de Atención a la Víctima del Ministerio Público - Office of Victim Assistance of the Public Ministry</i>
OMM	<i>Oficina Municipal de la Mujer - Municipal Office of Women</i>
PAVI	<i>Program Against Violence and Impunity</i>
PDH	<i>Procuraduría de Derechos Humanos -Office of the Human Rights Ombudsman</i>
PNC	<i>Policía Nacional Civil - National Civilian Police</i>
RFP	<i>Request for Proposals</i>
SEPREM	<i>Secretaría Presidencial de la Mujer - Presidential Secretariat for Women</i>
SICOMP	<i>Sistema Informático de la Gestión de Casos del Ministerio Público - Public Ministry's Case Control Information System</i>
UA	<i>Unidad de Análisis -Analysis Unit</i>
UCPAS	<i>Unidad de Clasificación de Puestos y Administración de Salarios del Organismo Judicial - Position Classification and Salary Administration Unit of the Judiciary</i>

UCI *Unidad de Capacitación Institucional - Institutional Training Unit*
UDI *Unidad de Investigación- Investigation Unit*
UED *Unidad de Evaluación del Desempeño - Performance Evaluation Unit*
URL *Universidad Rafael Landívar - Rafael Landívar University*

I. EXECUTIVE SUMMARY

This is the tenth Quarterly Report describing the Program against Violence and Impunity (PAVI) Project's progress and covers the period from October through December 2011. Strong progress was achieved on many different fronts including use of data from the Integrated Ballistics Information System (IBIS) in building prosecutions in complex cases, strengthening Professional Development Systems, and promoting a Network of Positive Leadership for Institutional Change in the MP.

In this Executive Summary, the Project is pleased to highlight results from a number of new activities, such as construction design and remodeling of judicial facilities. These renovations are designed to integrate innovations in the new working models for judiciary facilities and offices. For example, new facilities are being designed to include common areas for judges, a separate waiting room for witnesses, and shared space to pool administrative and support services.

The Project tendered a request for bids in October to remodel the 14th floor of the Guatemala City Courts Building. The process was successfully completed and the contract awarded to *Arquitectos, Ingenieros Corporación S.A. (ARQUINCO S.A.)*. Their first task was to draw up the blueprints for lighting, power, wiring, closed-circuit television ducts and cables, along with the audio and video facilities that security concerns mandate at this stage of the process.

The Donor Community Technical Task Force that was established for the high impact courts agreed that the Security and Justice Program being implemented by the Spanish International Development Agency (AECID) will take responsibility for financing all of the Information Technology (IT) equipment required to set up the videoconferencing and audio booths, projectors and screens for the courtrooms on the 14th Floor. PAVI will finance the procurement of furniture, computer hardware, and accessories.

The current President of the Supreme Court of Justice (CSJ) is enthusiastically building on the initial efforts undertaken during the administration of her predecessor to negotiate with the Municipal government of Cobán for the rights to two pieces of land. Following a field visit in November by Justice Aldana leading a working committee of justices, the Cobán City Council approved the Mayor's request to swap the real estate and the Judiciary's office of legal counsel is currently completing the due diligence for the deal. In the meantime, the Project provided assistance to tender a request for proposals to carry out the feasibility studies, design and structural assessments prior to breaking ground to build the 4,500 square meter facilities.

The Project has also been successful this quarter in supervising various small grants to Civil Society Organizations (CSOs). The grant activities are being implemented to focus on institutional strengthening and capacity building in certain geographic areas of interest where the issues of security, crime prevention, and citizens' and women's rights are being factored into the public policies being developed by local and district governments. The activities also significantly contribute to the effort to map out security issues and encourage the creation of

safe cities using gender considerations. Communities themselves are taking advantage of training and awareness activities to increase their political participation and demand greater and more equal opportunities. As a result, there is a greater ownership of the local policy decisions and a deeper commitment by public authorities to promote change.

The work and positive results produced this quarter by the organizations in Petén, Quiché, Izabal, and Alta Verapaz also merit special mention. These are organizations working under very difficult circumstances in light of escalated levels of social conflict. Regardless of the obstacles, their efforts are targeting not only their particular areas of concern, but they are also contributing to improved governance in their regions by building participatory municipal strategies for crime prevention and by signing inter-institutional agreements that help transition from a narrower focus on environmental concerns into a broader political and jurisdictional approach. They are also working in concert with justice sector institutions and non-governmental organizations (NGOs) on improving services for victims of violence, most of whom are women and children.

II. NARRATIVE REPORTING OF SUB-INTERMEDIATE RESULTS, LOW-LEVEL RESULTS, AND SPECIAL ACTIVITIES

2.1 IMPROVED JUSTICE SYSTEM CAPACITY TO PROSECUTE AND TRY SERIOUS CRIMES (SUB-IR 1)

2.1.1 Sustainable Improvement in Prosecution of Homicides and other Serious Crimes Supported

Project support for the Guatemala Crimes Against Life Prosecutor Unit

In the reporting period, PAVI supported the following training activities for staff of the Crimes Against Life Prosecutor Unit:

Training Activities in October and November		
Subject	Participants	Attendance
Witness Preparation and Questioning	Prosecutors of the Crimes against Life Prosecutor Unit and Assistant Prosecutors	17
Techniques for Oral Proceedings		30
Motions and Appeals for Reversals		30
Total		77

The previous quarterly report described the process to develop consensus around a basic courtroom strategy for prosecutors. In similar fashion, the training activities in the last quarter yielded products that will be consolidated into written guidelines approved by the authorities for distribution to all the prosecutors as part of the effort to build capacity for standardized approaches and criteria.

The prosecutors used the training activities to develop a strategic framework for prosecutors to follow during criminal court proceedings, as follows: a) provide the judge with a brief overview of the relevant facts and the basis for criminal charges; b) submit statements, depositions, and evidence, and c) present the plea.

The Project has observed that most prosecutors do not consistently prepare witnesses for court appearances. The Project used the training as an opportunity to include specific sessions on how to interrogate or cross-interrogate a witness. In addition, the training presented practical approaches for preparing closing arguments using persuasive and factual arguments based on the criminal theory presented during the trial. Lastly, the prosecutors were taught how to make a clear and explicit connection between the evidence submitted and the criminal

charges before the court, including the fundamental request for punishment appropriate to the crime.

The training also covered techniques for presenting the basis for a motion or appeal, including the reasoning as it pertains to facts introduced to the court and interpretation of applicable laws and regulations.

The Project is pleased to note an improvement in the litigation skills and capacity among the prosecutors, but continues to note there is room for improvement in the ability of prosecutors to make timely objections in court, backed by persuasive arguments. The Project is recommending further work to address this concern.



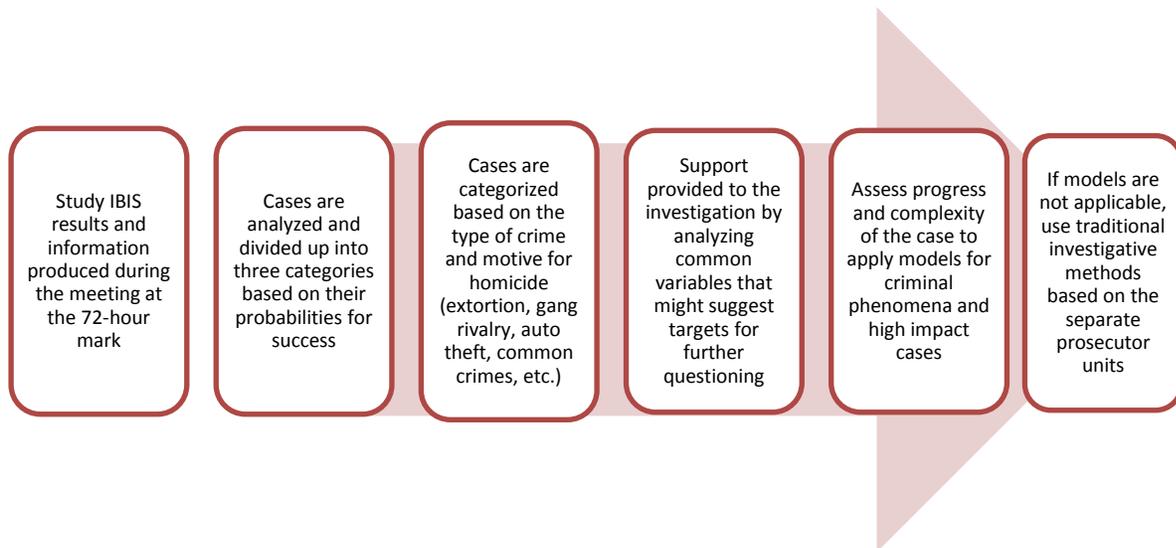
Litigation Unit staff in training.

Similarly, the Project will continue to build capacity in developing a case theory, equally important within the Investigation Unit (UDI) at the point in which the UDI transfers the file to the Litigation Unit. This is a key component of the new Crimes against Life Prosecutor Unit (FDV) work model. PAVI considers it advisable to continue to build on the support previously provided by the Project

with additional emphasis on mentoring in specific cases and strengthening opening statements and trial argumentation.

The Project also continued its previous efforts to strengthen and restructure the links between the FDV to the Analysis Unit (UA). The UA has a new coordinator to lead the team who is well known and acknowledged for his positive leadership skills. Four additional analysts have been assigned to the unit, including a systems engineer who is tasked with continuously developing instruments to improve information analysis. The UA group has restructured to work on analyzing cases based on the investigation of criminal groups and has moved away from an earlier focus on geographic areas or sectors of criminal activity. There is now a clearer understanding that criminal activity in certain areas is attributable to numerous criminal organizations and requires a different investigative approach.

Furthermore, the UA is organizing its work around procedures and linkages as follows:



This work methodology is being applied for the first time in one of the prosecutor units to yield results on 16 complex FDV cases. The Project expects to see further success in applying this methodology over the next few months.

Another relevant aspect of the progress made in using improved work methodologies pertains to case assignments. Up to now, cases linked by common variables were assigned to the same prosecutor unit working on the first and oldest case. At this point, cases are being assigned based on the criminal phenomena and the presumed motive of the criminal organization behind the acts. Since the prosecutor units have become more specialized in working on specific areas of activity or in targeting organized crime groups, by assigning cases to the most relevant unit, success rates in investigating complex cases are expected to increase significantly.

In addition, the ability to analyze Integrated Ballistics Information System (IBIS) results is also improving, enhanced through the information produced during the meetings at the 72-hour mark and being added to the case file as the investigation progresses. One of the tangible results of the restructuring is that prosecutors are building a case against the organized crime group known as the Mara Salvatrucha. Information in the case revealed that 42 weapons are linked to incidents from 200 hits on IBIS. As a result, these 200 incidents are now associated to a single case and there is potential for a significant prosecution success that would weaken this organized crime group. This type of gang is known for its ability to make a quick recovery so prosecutors aim to strike more forcefully and deeply so as to permanently dismantle the organization.

Some of the more significant cases that FDV is working on are summarized below.

Limon Case	<ul style="list-style-type: none"> Investigations have linked a total of 22 cases and identified the criminal structure behind the clique known as the “Solo Raperos” -SR- belonging to the Mara 18 criminal gang. One of the individuals convicted in the case is working as an informant.
“Maestros del Dance y el Rap” Criminal Clique Case	<ul style="list-style-type: none"> The case was restructured around information gleaned by wiretapping conversations pertaining to a woman’s dismembered body in an alleged case of femicide.
Melba Case	<ul style="list-style-type: none"> Thanks to ballistic evidence, an individual is now in custody and is linked to the <i>Maestros del Dance y el Rap</i> case. As a result, the charges are expected to produce a harsher sentence.
Chiapas Case	<ul style="list-style-type: none"> The case is being restructured as a result of information provided by an informant that was cross-referenced with ballistics data. The scientific evidence makes for a stronger case.
“Solo para locos” Case	<ul style="list-style-type: none"> The case is being built more solidly around 17 incidents involving the same six weapons and around wiretapping results that allowed authorities to prevent 15 assassinations. A group of the perpetrators is in custody and authorities are looking at linking another 20 cases based on additional information from wiretapping and informants. The Analysis Unit has continued to work on the case using ballistics data and wiretapping results.
Dismemberment Case	<ul style="list-style-type: none"> There has been no further progress on the case because the initial evidentiary hearing has been postponed three times.

Oversight Mechanisms for Complex Cases

In order to improve oversight and internal control mechanisms for investigations and to be able to quantitatively assess which of the methods or approaches described above are producing the best results, PAVI delivered a proposal to the Secretariat for Criminal Policy to measure results indicators on criminal prosecution of organized crime and complex cases assigned to the FDV. The Project has scheduled a meeting in January 2012 that includes personnel from the Secretariat, the FDV, and the Performance Evaluation Unit (UED) to review the validity, feasibility, and usefulness of the proposal. Adoption of the oversight methodology would contribute to sustainability and continuous improvement of investigative practices and procedures.

Model based on Specialized Investigation Structures

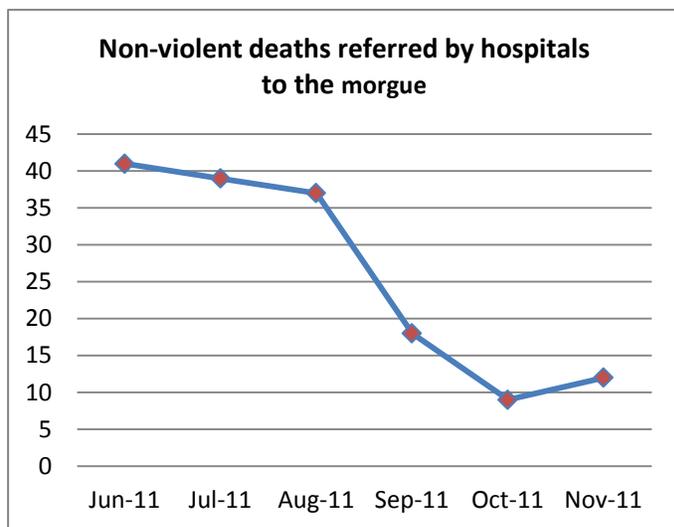
On November 23, the Project participated in a high-level meeting that included the Attorney General, an International Commission against Impunity in Guatemala (CICIG) representative, and personnel from the FDV and Organized Crime Prosecutor Units. The meeting was led by the Secretary General and UA staff and was for the purpose of analyzing the current spate of extortions, underlying causes, and strategic options to contain the problem. The meeting produced an increased awareness within the Public Ministry as to the scope of the problem and how to confront it from a different perspective using a team-based approach among the various prosecutor units and increasing information exchange. The meeting built consensus around the need to:

- Appoint a high-level official that has authority over the Organized Crime and FDV prosecutor units and decision-making power to be the lead person on the issue;
- Analyze the procedures used when an individual files a report alleging extortion so as to unify criteria and design a specific format for the purpose;
- Implement the Public Ministry’s Case Control Information System (SICOMP) “extortion phenomena” Investigation Data Module in the five district prosecutor units, including Petén; and
- Coordinate with the telecommunication companies to more timely procure telephone records in digital format.

Public Ministry (MP) and National Institute of Forensic Sciences (INACIF) Inter-agency cooperation

As mentioned in previous reports, the inter-institutional agreement on criteria for clinical and medical autopsies has proven successful. Data reflects the fact that, as a result of the training session organized by the MP, both the physicians working in public hospitals and prosecutors in the FDV units are more accurately reporting the cause of death, as illustrated in the following table.

Non-violent deaths referred by Hospitals to Medical Examiner June through November 2011	
Period	Number of deaths due to unknown causes referred by hospitals to the morgue
June	41 cadavers
July	39 cadavers
August	37 cadavers
September	18 cadavers
October	09 cadavers
November	12 cadavers



As illustrated, the results indicate that this effort is contributing to reducing the number of medical examinations requested for non-violent deaths. This has an additional benefit in reducing the burden on human and financial resources by eliminating the need for crime scene investigators, investigative police, forensic experts, judges, and other justice sector operators who would otherwise be involved in a more complicated and time-consuming process.

General Observations

As described in the last quarterly report, the inter-institutional agreement to cross reference information from IBIS has proven successful and has continued to yield significant results within the FDV for strategic investigation of criminal groups.

In addition, the Project is pleased that the interagency coordination between National Institute of Forensic Sciences (INACIF) and the MP has improved to the point that not only high-level

authorities, but also operational staff in each organization, are now working together successfully.

Last, but not least, another important milestone to report is that the video conference equipment procurement and installation is complete. Authorities now have direct two-way communication, e.g., a forensic specialist can be at the INACIF headquarters and provide remote testimony in court without leaving the office. In order to ensure that the testimony is admissible and legal, a Justice of the Peace is present to confirm the proceedings and the session is recorded for future reference.

Another significant aspect of the video conferencing facility is in regard to the submission of evidence. The prosecutor can meet virtually with the forensic expert to clarify issues and confirm conclusions or opinions regarding the evidence that was gathered –all of which allows the Prosecutor on the case to be better prepared for court and accurately relay the information provided by the experts in simple language readily understood by all parties.

The benefits of using the video conference facility are significant, as follows:

- The forensic expert can avoid travelling to court or appearing before the judge to confirm, expand, or further explain conclusions or observations.
- The risk of hearings being cancelled because the expert did not appear in court is greatly reduced and court proceedings are taking place with more timeliness and efficiency in compliance with Article 19 of the Criminal Procedures Code.
- Experts are much more productive because they can spend more of their time in the lab.
- There are significant time savings by not having experts travel (one to three days, on average) to appear in court and additional time savings by not having to reschedule hearings or have an expert show up only to have court dismissed.
- INACIF can save significant resources on travel and transportation expenses and the funds can be reallocated to more priority areas of their budget.
- In regard to investigations, there have been significant improvements in the coordination mechanisms set up between prosecutors and forensic experts by creating a readily-accessible medium to discuss differences, confirm results and conclusions, and request additional information. In general, video conferencing has led to broader and improved investigations.

Support for Implementation of the Law Against Organized Crime and other key Legislation

The regulations governing procedures to turn evidence over to the State were reviewed and approved by Public Ministry authorities on November 30. Over the course of the next six months, the Project will provide assistance to organize training activities for all prosecutors on the new regulations and to set up initial meetings with the Judiciary and the Penitentiary System to improve their application.

Law on Asset Seizure and Forfeiture (Ley de Extinción de Dominio)

The Project has currently joined efforts with prosecutors and investigators in the Asset Seizure and Forfeiture Unit to develop basic guidelines to investigate asset seizures. The activities are just getting underway and will continue through the following quarter.

As mentioned in the previous quarterly report, PAVI provided assistance for a follow up exchange visit to the Asset Laundering and Seizure Unit run by the Office of the Attorney General of Colombia and specialized judges. Participants on the second trip included the chief prosecutor, a prosecutor, and two assistant prosecutors from the Asset Seizure and Forfeiture Unit, joined by a First Instance Criminal Court judge specializing in these cases. The second trip concludes the information-exchange activity in Colombia.

Recent success by the Prosecutor Unit to date is primarily in the area of money seized at airports and as a result of various searches, as follows:

Prosecution Status	Amount seized in US\$	Amount seized in Guatemalan Quetzals (GTQ)
Sentenced	\$1,500,487	N/A
Handed over to National Secretariat for Seized Asset Administration	\$767,031	Q1,410,000
Investigation	\$4,620,469	N/A
Action filed	\$6,714,414	N/A

There has been significant progress on two important cases against known drug traffickers that were extradited to U.S. courts. Unfortunately, enforcing the Law is being hampered by the state of information on assets. For example, there is scant information in property registries, particularly regarding assets such as cattle or livestock and properties in rural areas or smaller cities. In the coming months, the Project team will work with our counterparts to explore solutions to these impediments.

2.1.2 Efficient and Effective Information Management Protocols in the Public Ministry in Place

SICOMP2 Implementation

SICOMP2 is now fully operational in the Guatemala City FDV. Not only was the entire group of 150 officials in the office trained, but they are now successfully using the system. Over the next few months, the Project will continue to provide assistance to see that all of the system tools are used to their full potential. In addition, the SICOMP2 completed the process to certify the FDV information and has successfully migrated the data from the old platform to the new system.

SICOMP2 is a tool to optimize data management, facilitate the use of information, produce versatile and agile document presentations and make use of multimedia applications to carry out relevant tasks in the Prosecutor Unit such as crime scene analysis using video or photography, and lay the groundwork for efficient investigation.

Moreover, the data fields are structured in such a way so as to enable the information to be used for investigations or cross-referenced data that contribute to defining strategic criminal prosecution policy and plans.

The SICOMP2 system continues to become more robust as new services are added, including applications to connect the MP to INACIF for direct access to IBIS in real time. These improvements have yielded better information and the ability to cross-reference incidents with ballistic data. In addition, the Project is providing

assistance to set up a connection to the Criminal Investigations Division (DICRI) system data so that prosecutors can also access their information for investigations.

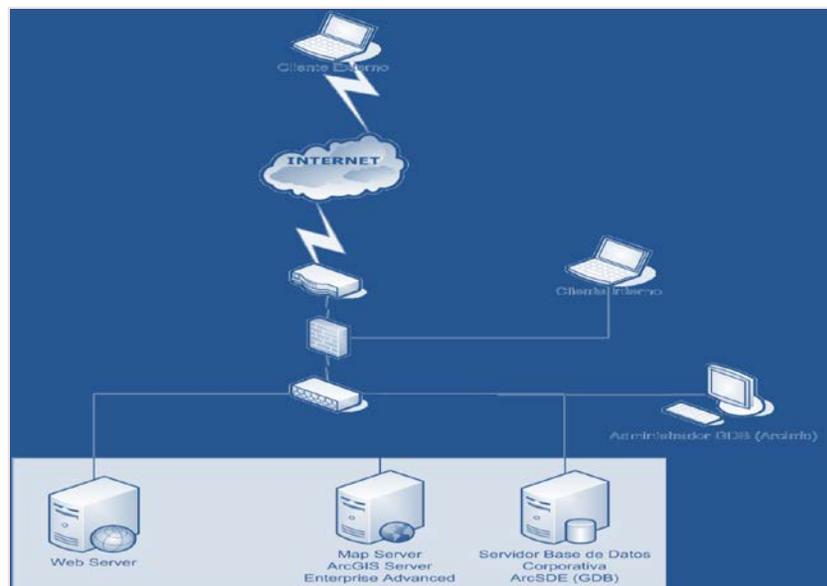
2.1.3 Comprehensive Growth and Development Plans for Key Public Ministry Units in Place

Analysis Unit (UA)

This quarter, prosecutors filed 13 requests with the UA regarding information from phones, computers, inter-communicational analysis, criminal analysis, video analysis, and financial analysis. In addition, the Unit received two requests to attend hearings. This increased activity evidences the fact that the approach based on criminal phenomena is gaining increased acceptance as a work methodology in the prosecutor units.

The following chart summarizes some of the cases the Unit has worked on this quarter.

Zeta Cartel	The Unit performed criminal analysis to prosecute 24 individuals (audio analysis, inter-communicational analysis).
“Solo para Locos”- Mara 18 Criminal Gang	In a joint effort with CICIG analysts, the Unit produced a report linking 20 separate cases. In addition, 27 additional incidents have been reported.
Criminal group trafficking in persons	Prosecutors were provided with information analyzed from data on computers and inter-communicational analysis.
Cristina Siekavizza Case	The Unit produced reports on inter-communicational analysis.
Criminal group of kidnapers	The structure is made up of former police officers.
Criminal group of hired guns and conmen	Additional analysis of criminal reports.



The Geographic Information System (GIS) implementation process was launched by holding a meeting of all the interested parties, including the Attorney General. The criminal phenomena pertaining to extortion and cell phone robberies have been identified along with crimes against life as areas in which the MP would like to see quick results. The meeting participants included the head of DICRI

to discuss some practical solutions to gather precise data including that from the crime scene and locating incidents using Global Positioning System technology that is compatible with GIS software.

The set of servers and auxiliary equipment for the GIS was installed in the basement of the Gerona MP headquarters and programmed by *Grupo Segá*. The contracts and software user licenses from the company ESRI have been signed by the Attorney General.

By installing the servers and racks in the MP basement, there is now space available that can be used as a video-forensic facility (entirely closed off, no windows, and soundproof). To take advantage of the situation, the UA has asked the Project and relevant authorities to request that USAID suspend the process to approve the remodeling project. The facility is now housed in the new location and was officially opened for business by the Attorney General on December 5. The Project will provide assistance to install the appropriate security measures.

Inter-agency Coordination among CRADIC/Analysis Unit/Prosecutor Units in Mixco and Villa Nueva

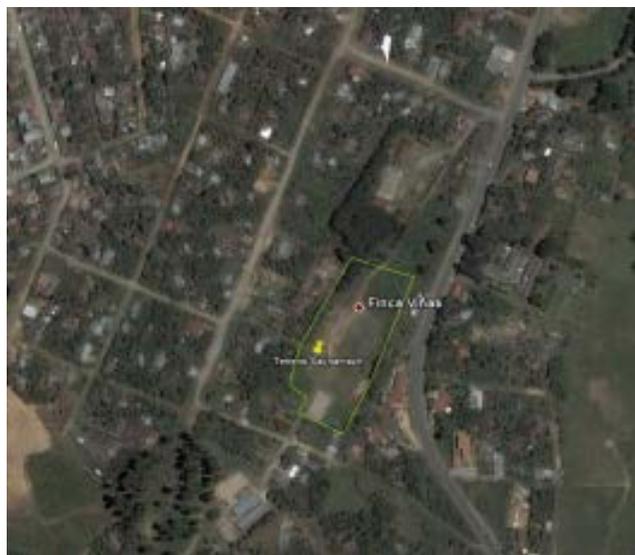
The Project has continued to provide support to encourage productive inter-agency information exchange in Mixco and Villa Nueva. As a result, assistant prosecutors from the above-mentioned units have been strategically applying the information they are being provided by the Center for Criminal Information Collection, Analysis and Distribution (CRADIC) as they investigate serious crime. The General Office for Civilian Intelligence is currently gathering and classifying information on individuals and organized crime structures that are operating in Mixco and Villa Nueva. The information is not yet flowing as the prosecutors would have expected which is partly due to the fact that the recent national election process led to a certain amount of uncertainty within the institution.

2.1.4 Smart Replication of the First Instance and Criminal Trial Court Models Supported

Smart and assertive Replication of the 24-hour Courts

Judiciary Compound in Cobán, Alta Verapaz

The Chief Justice of the CSJ, just recently taking office in October, has shown a great deal of interest in successfully concluding the negotiations surrounding the piece of property that the Municipality in Cobán has offered. Negotiations began under her predecessor and PAVI has been providing technical assistance throughout the process that culminated in the Cobán City Council offering a swap of two pieces of municipal land in exchange for the Cobán Court Building.



Aerial photograph of the land for the judiciary compound

The land will be used to build the Judiciary

Compound in Zone 12, Cobán (Alta Verapaz), on Route CA-14, adjacent to the General Roads Department, on a property of 11,000 square meters.

The decision produced two immediate effects : a) the Chief Justice submitted the outcome of the negotiations for the consideration of the Full Assembly of the CSJ which approved the conditions proposed by the municipal government and simultaneously approved the various jurisdictional considerations that must be factored into the justice services that will be offered at the Compound, and b) definition of the general conditions prior to beginning the contracting process for specialized technical and professional services to produce a topographical survey, soil structural assessment, environmental impact assessment, and a construction plan that includes the architectural design, facilities, structures, and services for the Judiciary Compound in Cobán, Alta Verapaz.

The objective of the latter is to develop the entire set of technical documents (Executive Proposal) that will comprise the basis for the request for bids for the construction of the compound. The process is now underway beginning with a public tender for expressions of interest in being contracted to perform the tasks listed above, as well as to carry out the entire array of activities required to produce a needs assessment, preliminary architectural design, and executive proposal for future construction of the Compound.

2.2 MOBILIZE JUSTICE SECTOR AND CIVIL SOCIETY TO REDUCE AND PREVENT VIOLENCE (SUB- IR 2)

2.2.1 Availability of Effective Governmental and Non-Governmental Legal Aid Services for Victims Increased

Victim Services and Assistance in Flores, Petén

As a result of an agreement with the MP described in the previous quarterly report, the Victim Assistance Referral Network is now fully operational. It focuses primarily on providing victims with therapeutic and psychological assistance.

- 70 % of services go to female victims of domestic and chauvinistic violence
- 90 % of the victims are adults

The service provides continuity in offering therapeutic counseling after the Office of Victim Assistance of the Public Ministry (OAV) completes the process of aiding the victim immediately following the incident. The counseling includes emotional support throughout the legal proceedings. Moreover, the Social Pastoral outreach of the Petén Apostolic Vicar has been providing therapy for victims beyond the timeframe for legal proceedings in about 30% of the cases. This is a significant percentage when considering geographic location, limited economic resources (distance to travel for the service, limited transportation modes, etc.) which affect patients' ability to continue in therapy. In addition, the percentage is even more relevant when considering that the therapeutic effects may benefit the victims' families and children.

In addition, the Social Pastoral developed a database matrix to track legal and psychological assistance being provided to victims. Similarly, the Project provided assistance to set up a statistical database matrix to record information from the following sources: the National

Civilian Police (PNC), the OAV, the National Coordinating Body for Free Legal Aid for victims and families at the Public Defense Institute (IDPP), and the Survivor Foundation.

2.2.2 Coordination among Governmental and NGO Victim Services Increased

Protocol on Inter-Institutional Coordination for Effective Management of Female Victims of Violence in the Criminal Justice System operating in the municipalities of Cobán, Carcha, Santa Cruz, San Cristobal, San Juan Chamelco, and Tactic, Alta Verapaz

PAVI has received the final report on the diagnostic assessment of re-victimization practices by institutions from the criminal justice sector and the network of organizations providing support, such as medical professionals, the PNC, and others when providing assistance to female victims of violence. Some of the more significant findings revealed in the report including the following:

- At the justices of the peace in San Cristobal Verapaz, Tactic, San Juan Chamelco and San Pedro Carcha, there are more incidents of domestic violence reported, which is also the case at the PNC precincts in those communities, except for in Cobán in which the PNC runs an office for Victim Assistance Services.
- In terms of the most appropriate care for the victim, the fact that there is no clear route for victims to access the various services being offered leads to disarray among the organizations providing aid and assistance for victims. Users of the services often decide to give up on the process or they may persevere only to find themselves referred from one office to another or lost in the system. The lack of coordination presents an additional burden on the victim as they constantly have to relive the traumatic experience when describing their case over and over to various service providers.
- Many of the staff working in organizations providing assistance to female victims of violence, particularly those in close personal contact with the victim, lack adequate sensitivity training and are not treating the victim in an appropriate and humane manner.
- Whenever the incident involves illegal actions, the Public Ministry should be the first organization to have contact with the victim, in conjunction with the National Institute of Forensic Sciences. This would reduce the need for the victim to restate the case and would ensure that the victim's statement is admissible in court as evidence. In turn, this avoids re-victimization.
- The language barrier is another issue. Many female victims are not fluent in Spanish and speak one of the regional languages in Guatemala; they may be hard pressed to approach an official to report an incident of violence or request legal aid or counseling services. In San Cristobal Verapaz, Tactic, San Juan Chamelco, and San Pedro Carcha, the problem is a significant issue for the staff at the PNC precincts in those communities. Most of the PNC officers that may be bilingual have been transferred from other parts of the country and speak a different language.
- Chauvinism and cultural mores are contributing factors to violence against women, particularly in

The Free Legal Aid Unit in the IDPP and the National Office on Women can only provide services in Spanish.

It appears that for reasons of privacy, reports are most often filed as domestic violence rather than as violence against women. The tendency affects statistical reporting and distorts the magnitude of the problem of violence against women. At present, there is a lack of accurate statistical data on violence against women.

rural areas. Women justify incidents as traditional behavior consistent with the way they were raised to see men as the provider and to feel that they are incapable of supporting themselves and their children.

- Before their first court appearance, litigating attorneys often resort to negotiating a settlement or plea bargaining alleging that the victim is often financially dependent on her aggressor and may be reluctant to disrupt her family.
- In regard to hearings, recesses or rescheduling issues often discourage a victim who has travelled long distances and incurred expenses for food and lodging. The system has been discredited because court appearances are frequently cancelled or re-scheduled on a date that is many weeks in the future.
- Another relevant issue is the intimidation a female may suffer from having to make a court appearance in the presence of the perpetrator. On average, neither judges nor MP officials make much effort to avoid the situation. The victim, the perpetrator, and family members often have to face each other in the halls while they await their turn in court.

PAVI will use the findings from the diagnostic assessment as the basis to develop a critical path for female victims of violence in accessing services and to design a model of specialized assistance for this type of gender-based crime that minimizes re-victimization.

Provide training and orientation for female community leaders on women’s rights and access to justice in cases of gender-based violence in Quiche

PAVI is providing assistance through a small grant to the Barbara Ford Peace Center for 55 female leaders to participate in a series of ten self-help workshops (20 women from Nebaj, 20 from Uspantan, and 15 from Choacaman V in Quiche). This is the first step in the healing and recovery process: becoming aware of their psychological and social situation and being given an opportunity to “reflect on their lives” (*Ri Uchomaxik Pa uwi’Ri Qa K’aslema*), one of the principles of coexistence in the Maya culture as a process among parents



Reflections on domestic violence



Legal and psychological counseling

and grandparents to educate the next generation on life and their loss of traditional culture.

The series includes three study circles to convey legal considerations on protecting and exercising women’s rights. The activities also provided an opportunity to discuss domestic violence with the participation of representatives from the Office of the Human Rights Ombudsman (PDH), the Indigenous Women Defense Institute (DEMI), and justices of the peace from Cotzal and Chinique.

Participants were instructed on legislation and were able to exchange experiences. It is worth mentioning that in confiding their personal histories, the participants were able to detect similar behavior patterns and how they might play a role in avoiding them when raising their sons and daughters.

By instilling this type of knowledge in women leaders, the Project expects to see an increase in the number of opportunities for collective entrepreneurship and increased revenue. These situations will have a direct impact on the families' livelihood and in strengthening ties of solidarity among women in the communities in which PAVI is working.

Institutionalizing the “Safe Cities Bureau” at the Office of the Governor in the Department of Izabal to address the issue of violence against women and to implement the Safe City strategy

The Project provided a small grant to the Guatemala Foundation as part of the approach to implement a “Shared Agenda for Women in Izabal to set up Safe Cities.” The Foundation lobbied the Office of the Governor in Izabal to establish a Safe Cities Bureau.

This is an example of the activities being carried out in Guatemala to encourage participatory involvement in urban areas for a gender-based approach to coordinate civil society organizations working with government to broaden and strengthen public debate on women's safety in cities. It also adds issues regarding gender-based violence to the agendas of social and public policy organizations, along with a proposal for participatory models for social and territorial involvement to develop, replicate, and contribute to the development of this type of public policy.

In the Department of Izabal, the establishment of a Safe Cities Bureau is the result of advocacy and lobbying efforts dating back to 2009 when the “Declaration of Women on Behalf of Cities and Communities Free of Violence” was signed.

This provided an opportunity for representatives from the Municipal Office of Women (OMM) to join efforts to produce a Shared Departmental Agenda on Women in Izabal and establish mechanisms to protect and conserve women's rights to ensure safety and protection by local and national authorities. The efforts produced a Departmental Action Plan and an Inter-institutional Coordination and Cooperation Agreement signed between the Guatemala Foundation and the Governor of Izabal.



Women in dialogue in Izabal

More specifically, the establishment of a Safe Cities Bureau in Izabal has created an inter-institutional and institutional opportunity for joint efforts among the following: the local office in Izabal for the Presidential Secretariat for Women (SEPREM), the Women Defense Office from the PDH, the DEMI, the OMMs in El Estor, Puerto Barrios, Los Amates, Morales and Livingston, the Puerto Barrios Rotary Club, the Livingston Network of Municipal Ombudsmen on Human Rights, female representatives on the Department Development Council, and the Guatemala Foundation.

The joint efforts will attempt to: a) oversee compliance with women’s human rights, citizen rights, and support for public policies that provide for women’s safety; b) create an environment conducive to filing complaints or reports of human rights violations to ensure that women are heard, assisted, and referred to appropriate organizations for assistance and services; c) provide gender-based legal and psychological counseling for female victims of violence and set up linkages with professionals for additional support, and d) encourage the creation of strategic and political plans that include gender considerations to build consensus on how to combat violence against women in coordination with SEPREM in monitoring the National Strategic Plan to Prevent and Eradicate Domestic Violence and Violence against Women as developed by the *Coordinadora Nacional de Prevención de la Violencia Intrafamiliar y Contra la Mujer*.

Mobile Offices of the Ombudsman for Women’s Rights and Social Auditing for Women in the municipalities of Puerto Barrios, Morales, Los Amates and El Estor in Izabal

By operating mobile offices of the Ombudsman for Women’s Rights (to diagnose the degree of awareness and respect along with any violations taking place against the human rights of women in a specific neighborhood, area or community), the Project provided assistance to organize 12 workshops for groups of 10-16 women to convey information on women’s rights with specific emphasis on citizens’ rights and the right to a life free of violence. In addition, the activities included 12 workshops on safe cities within the Women Security Audits as defined by the following six guiding principles:

- See and be seen
- Hear and be heard
- Signage
- Land use planning
- Maintenance and sanitation
- Organization



The six steps for a safer community

The workshops were coordinated between the OMMs in Puerto Barrios and El Estor, along with representatives from the Women’s Commission in Los Amates and the Women’s Committee in Morales. Moreover, the activities were assisted and coordinated with support from the Safe City Bureau for Izabal. In regard to the Security Audits, the effort was coordinated with the PNC and personnel from the Office of the Environmental Sanitation Inspector in each of the Health Centers operating in the above-mentioned communities.

Despite the widespread illiteracy and the fact that the participants were non-Spanish speakers, the strategy was successfully implemented in El Estor. The support of the local OMM along with the presence of the participants’ children made for an effective conveyance of the content, methodology, and security audits.

The principal findings and results are described below:

- There is widespread ignorance of the fact, among both men and women, that there are human rights. There is also confusion as to what constitutes rights, laws, or institutions. Women, however, do seem to understand when they are being victims of rights violations and they know where to go to exercise their right. Nevertheless, they are frustrated by a lack of timely or effective responses from authorities.
- A majority of women accept the fact that when they are subjected to violence they choose to remain silent out of fear, shame or lack of understanding. They are also able to ascertain that among the rights garnering the least amount of respect is the right to participation, liberty and freedom of expression; without exception, they also referred to the right to a life free of violence.
- By carrying out the surveys or audits, the activities reinforced the link between the women and their local environment, as well as displaying leadership as friends and neighbors came out to watch the women walk through the community in the company of local authorities. The situation was conducive to structuring future activities to improve urban spaces and envision the political advocacy that the groups are capable of exerting as a permanent mechanism to promote change.
- Lastly, security authorities become aware of the gaps and voids in basic services pertaining to potable water, sewers, power, wiring, waste disposal, etc. This created an opportunity to acknowledge the need to build relationships with local authorities for continuous channels to deal with current issues or problems.



Kekchies women participate in a workshop in El Estor

2.2.3 Key Legislation to Reduce and Prevent Violence Implemented

Strategic Approach for an Investigative and Prosecutorial Methodology for Femicide and Violence against Women

The Project has continued to provide technical assistance on key cases in this area. Project support has directly contributed to improved investigations, charges filed, and adjudication of chauvinistic crimes of violence.

Case 2: Femicide in San Benito, Petén:

In continuation of the information submitted last period, there are a number of additional results to report on this case. The Project verified two motions that were significantly relevant in prosecuting this crime: a) arraignment based on conclusive evidence and b) holding a hearing to present evidence. The judge respected the timeframes for each (both took place within the 15-day time period), as well as the fact that they were heard

The case is being heard in an Ordinary First Instance Criminal Court. Within a five-month period, the case was properly investigated, charges filed, and evidence presented. The date for a public and oral trial was set for April 3, 2012.

in ordinary criminal court that hears all types of criminal cases along with the specific crimes described in the Law Against Femicide.

In regard to justice operators, the Project identified the following “findings” during this stage of the process:

- While building a case, the prosecutor used evidence from fibers and blood samples found under the victim’s nails that were identified as the defendant’s. This is a successful application of scientific-based evidence which has rarely been used in cases of femicide, which are most often based on witness testimony.
- In the hearing to present evidence, the prosecutor was excessively formal during the proceedings and prolonged and stretched it out to 2 hours and 45 minutes when it would have ordinarily taken less than an hour.
- The Project detected the fact that the prosecutor presented, and the Judge accepted, evidence that is actually not relevant in proving the defendant committed the crime. For example, the fact that there were no security cameras set up in the area to detect the crime was presented as evidence. These and other irrelevant matters were considered relevant and admissible by the presiding judge.

Case 3: Femicide in Guatemala (Mixco):

The case is currently in the preparatory and intermediate phase before the Specialized Court on Crimes described in the Law Against Femicide and other Forms of Violence Against Women, headquartered in Guatemala.

The case is being heard in a specialized court for Femicide crimes

Within a four-month period, the case was appropriately investigated, arraigned and evidence presented

A public and oral trial date has been set for August 3, 2012

The arraignment and evidence was presented within the 15-day time frame. Nevertheless, there has been significant delay in setting the trial date: nine months from the date of this writing. Court authorities attempted to justify the delay based on the large number of backlogged cases before the court which has jurisdiction over the 17 municipalities comprising the Department of Guatemala (the department in which 60% of all femicide cases is concentrated).

The main findings during this stage are described below:

- The Project team observed a continued tendency for the Court to admit every piece of evidence submitted by the MP, including an extensive list of witnesses whose testimonies are all but identical. The decision by the first instance court to admit all this evidence is to the detriment of efficient court proceedings.
- The Prosecutor never requested the court to order compensation for damages to the victims (children of the deceased) which is in direct violation of the legal obligations mandated in the recently-approved reforms to the Criminal Procedures Code. Moreover, only the Office of the Prosecutor General presented affidavits and expert testimony describing the current psychological, emotional, and economic status of the victim’s children.
- In order to file the indictment, the Prosecutor from Mixco used a strategy to link a case of violence against women prior to and ultimately resulting in a crime of femicide. The Specialized Courtroom, at the request of the MP, dismissed the charges against the defendant of violence against women on May 18. Up to that point, the defendant was in

preventive custody, but was released when the charges were dropped. On July 19, two months after the charges were dismissed, the defendant killed the victim. The Project's view is that the Prosecutor's strategy is being used to avoid accusations of institutional negligence in the death of a victim as specifically described in the law regarding official delays or obstacles to prosecuting and punishing a criminal.

The Project will explore ways to address the foregoing shortcomings identified in practice and procedure with the MP through trainings and other appropriate forms of technical assistance.

2.2.4 Complementary Legislation to Prevent Crime

Jurisdictional Model for PNC Disciplinary Tribunals

PAVI provided a small grant to the Association of Family and Friends against Crime and Kidnapping (FADS) to join efforts with the Watchdog Agency for Public Security (IMASP) to modify operations of the jurisdictional management model for the disciplinary tribunals for the National Civilian Police.

They carried out the task by holding meetings to follow-up and monitor the work of the Internal Control Commission and members of the disciplinary tribunals at headquarters in Guatemala City, Quetzaltenango, and Chiquimula. Once the groundwork was laid, they proceeded to develop the modifications to the current model and design the implementation, monitoring, and evaluation components. They also conducted field and observation visits to each Disciplinary Tribunal to monitor hearings, conduct information exchanges, interview the members and administrative staff of the Tribunals, review legal and other documents pertaining to the process, and conduct an exhaustive review of 30 case files to analyze procedures and compliance with established timeframes.

As a result, the experts were able to identify bottlenecks causing delays in processing and managing disciplinary actions and in the resulting decisions handed down by the tribunals. They produced a number of recommendations and remedial action to modify the model for jurisdictional management that focused primarily on standardizing internal procedures and hearing proceedings. This requires a consequent adjustment of internal regulations to support the necessary changes.

The recommendations include proposed changes to the model, as follows:

- Separate the disciplinary and administrative roles;
- Instill a culture of providing users with more efficient service;
- Optimize the role of the lead case reviewer, along with implementing overall improvements to employee performance;
- Produce regulations, standardized procedures, handbooks, and standard forms required for jurisdictional management. This implies using an "inside out" approach to find the means for units to identify and refer cases for disciplinary action. This will require appropriate training, tools, and criteria to ensure accurate and timely case management within the disciplinary tribunals (in regard to the investigation units such as the ORP, SRD, and precincts).

The model also proposes an organizational and operational model appropriate to the responsibilities assigned to the disciplinary tribunals that provides them with independent

actions and instills a new organizational culture and operational systems. The changes require a comprehensive approach including new disciplinary controls as an essential component of the entire set of disciplinary regulations, relevant modifications, and the appropriate training and feedback from investigative authorities.

The process to implement the jurisdictional management model will take place in coordination with the technical task force from the Commission for Police Reform that is focusing on internal controls with representatives from the PNC, the Myrna Mack Foundation, the Inspector from the National Security System and FADS/IMASP.

2.3 INCREASED INTERNAL ACCOUNTABILITY AND OVERSIGHT WITHIN THE JUSTICE SECTOR (SUB- IR 3)

2.3.1 Implementation of the Public Defender Institute's Personnel Performance Evaluation System

This activity was completed.

2.3.2 Comprehensive Plan for the Oversight, Accountability, and Strategic Organization of the Prosecutors' Offices Developed and Implemented

The first week in December 2011 marked the completion of the second half of the postgraduate program on Criminal Prosecution Law for scholarship recipients from the FDV and UAs of the Public Ministry. The deputy director of the Institutional Training Unit (UCI) has joined the Scholarship Board to represent the Public Ministry. During the most recent meeting of the Board in October, that included MP and Rafael Landívar University (URL) officials, agreement was reached to carry out a qualitative assessment of the students' performance that would complement the standard quantitative evaluations. To conduct the qualitative assessment, the Director of the program included a section on observations (he also happens to teach several of the courses) along with a series of interviews with the rest of the professors teaching the program.

The results include the following:

- The six scholarship recipients are active and responsible participants and professors speak highly of their performance;
- The scholarship students have brought added value to the program, particularly in terms of their contributions pertaining to crimes against life where they have the benefit of hands-on knowledge and experience;
- The scholarship students started off with sound principles regarding practical applications of criminal procedures. Nonetheless, this is not the case in other substantive areas. They have limited knowledge of the theoretical and doctrinal framework of Guatemalan legislation (although it must be said that this is also true of the other students in the program); and
- Lastly, the professors appreciate the fact that, despite any professional differences outside the classroom, the students have remained respectful and entirely ethical in their dealings with professors who are also judges and magistrates.

2.3.3 Judiciary's Key Administrative, Supervisory, and Career Plans and Procedures Ensure Cost Efficiency, Quality Control, and Career Advancement for Judges and Administrative Workers

Promote the Five-Year Plan for the Supreme Court of Justice

The Guatemala general election process was fraught with legal maneuvering and the CSJ spent the better part of the last several months addressing those issues. The process also coincided with the internal procedures to elect the new court which usually takes up the entire month prior to and following the swearing in of the incoming court. This immediately leads into the period when many justices and court officials go on vacation.

In light of these circumstances and compounded by other issues, the priority agenda did not move forward as expected, nor did the SII.¹PAVI made several attempts to submit the matter to the attention of the Criminal and Civil Chambers, but it became apparent that there needed to be consensus on the Priority Agenda in particular and on strategic policy in general, prior to proceeding.

Upon being elected Chief Justice, Magistrate Thelma Aldana is now the President of the CSJ. The Project requested a meeting with her to present the various programs it supports with the Judiciary. Chief Justice Aldana called the full assembly for the purpose of the meeting²and took the opportunity to address the issues described above on the SII and on one key item in particular: the need to strengthen the Secretariat for Planning and Institutional Development. In addition, she addressed SII executive guidelines and descriptive matrices for the various processes.

The SII instrument is designed so that it can be replicated in other jurisdictions and administrative levels within the Judiciary. In addition, it factors in the requirements to evolve into an indispensable tool for the recruitment, selection, position description and performance evaluation processes, as well as being a key component of the design process for career development, promotions and training needs together with occupational risk and safety programs.

Assistance and support to implement the Program for Criminal Judiciary Policy 2011 for the Criminal Chamber of the Supreme Court of Justice

This quarter, the PAVI consultant working with the Criminal Chamber, reported the following:

- Provided technical assistance and follow up on the process to implement Decree 7-2011 regarding the issues that have proven controversial for its application. The efforts focused on developing consensus around its effective application. The consultant provided support and monitoring for the first and fifth district Criminal Justices of the Peace, as well as to conduct a needs assessment and feasibility study regarding the second phase to implement reforms.
- Held roundtable discussions with judges and magistrates in criminal court regarding joint efforts with the School of Judiciary Studies to plan training activities on criminal procedures— including asset seizure and oral proceedings—for sentencing court and criminal court judges;

¹The last and most recent opportunity to promote it was during a meeting with the General Manager during which the Project provided assistance to officially submit all of the technical developments. The General Manager expressed his commitment to follow up on the issues with the Chief Justice for immediate implementation. The Project provided several warnings to ensure joint efforts with the full assembly of the Supreme Court and the chambers, in addition to offering seed capital for implementation (with the participation of the Secretariat for International Cooperation). The Project also expressed its willingness to continue technical assistance in support of the efforts, but never received a request to do so.

²Only four justices were present, including the Chief Justice. Several magistrates were away on travel.

- Provided logistical support and security for judges working in the high impact courts, and
- Coordinated efforts with the Technical Unit in the Criminal Chamber in support of the ongoing remodeling projects on the 8th, 9th, 13th, and 14th floors of the Guatemala City Court Building.

Implement a professional development system for magistrates, judges, and judiciary staff

Proposed Handbook on Position Descriptions and Analysis for Magistrates, First Instance Judges, Justices of the Peace and Judiciary Staff

The second report from the Del Valle University consultancy places special emphasis on validating the basic instrument used for position descriptions. Similarly, it focuses on the process to build capacity and skills within the Judiciary so as to be able to replicate and sustain the process initiated during the consultancy and ensure that the Positions Manual can be a permanent and ongoing improvement.

(a) The report on the “Legal Framework and Institutional Context Analysis for General Qualifications and Information on Objectives, Roles, and Responsibilities of Magistrates, First Instance Judges, Justices of the Peace and Judiciary Staff” produced the following findings:

- The legal framework includes the duties for each position, but uses very general descriptions lacking specifics and specialization. Many of the qualifications and job descriptions are based on laws and agreements in compliance with legal principles, but short on the substance involved in day-to-day operations. Similarly, the report found that within the UED in the Judiciary Career Council (CCJ), as well as within the various human resources offices throughout the Judiciary (personnel assignments, salary levels, etc.) the offices have different versions of job descriptions that vary from unit to unit.
- In regard to the Unit on Position Classification and Salary Administration (which reports to the Human Resources Department in the Judiciary), the report found that this unit uses extremely general descriptions and does not classify positions based on specializations, which hinders attempts to recruit qualified candidates.
- The job descriptions do not take into consideration the items required to assess the strategic importance of any given position. This makes it difficult to establish salary levels, incentives, etc. In general terms, the report found that the lack of position descriptions based on specializations hampers the ability to design technical and legal evaluations to recruit and select personnel as well as limits the development programs for each position and specialty.

In regard to technology and communications, judicial staff requires access to faster and more reliable IT resources that will enable them to provide better service and timely information updates. Processes pertaining to human resources at the School of Judiciary Studies are currently being handled by the Human Resources Department in the Judiciary. The systems should be online and in real time to be able to track changes and avoid transporting hard copies back and forth leading to unnecessary delays to authorize requests for leave, vacation time, etc.

The Information Technology and Telecommunications Center (CIT) is currently in the process of developing standardized IT systems (to avoid the creation of isolated and independent systems that lead to disarray and confusion) for the entire Judiciary. The process also includes the creation and authorization of email addresses for valid information exchange and

procedures. In 2011, the CIT managed to meet 90% of its hardware installation targets in the Judiciary (7,000 computers on line).

Lastly, although the objective of the consultancy was to determine the appropriate instrument for position descriptions, the scope of work was modified to include a document that would not only include descriptions, but also list the criteria for qualifications along with sample management indicators, performance/productivity measurement methods, and management and technical competency requirements.

Since the Unit is responsible for both the descriptions and the position qualifications in the Judiciary, it was found there is a need to more precisely define the role of the Position Classification and Salary Administration Unit of the Judiciary (UCPAS). In designing the instrument, the thought was to make it useful in the future to UCPAS for all position descriptions in the Judiciary; it makes little sense to have different instruments for the same purpose. As designed, the instrument fills the needs listed in the 2011-2015 five-year strategic plan for the Judiciary.

(b) The report on “Capacity Building and Strengthening in the Offices of Human Resource Management and the Judiciary Career Council” was produced, describing the outcomes of three workshops designed for personnel from the Judiciary’s human resources department and the Judiciary Career Council Office. The workshops’ aim was to teach skills and provide a knowledge base to efficiently produce and update job descriptions for magistrates, judges, judiciary staff, and administrative personnel in the Judiciary. The workshops covered the definition of organizational, management, and technical competency so that they could be integrated within the job description model as necessary.

(c) The report on “Revisions to the Current Administration and Job Description Manual for Magistrates, First Instance Judges, Justices of the Peace and Judiciary Personnel” revealed that the material currently available in the Judiciary on job descriptions no longer reflects the realities as described in the strategic plan, current regulations, or human resource requirements for the Judiciary and the Judiciary Career Council. In light of this, the consultancy proceeded to develop instruments to be incorporated into the manual on job descriptions and qualifications to make them a permanent component in the system of professional development and the Judiciary organizational culture. The system currently includes a battery of 42 job descriptions for positions filled by first instance judges, justices of the peace, secretaries, officials, servers, etc. Position descriptions will be further expanded based on interviews that will be conducted with magistrates in the appeals courts and magistrates at the CSJ.

(d) The “Economic and Financial Assessment on Resources and Conditions to Update the Administration Manual on Position Descriptions” has progressed to an analysis of documentation and interviewing individuals in the IT and financial departments in the Judiciary and in the Judiciary Career Council. Some of the more relevant findings to date include:

- There has been progress in promoting greater understanding of a performance evaluation based culture as a key element in the institution along with a need for it to be understood as a comprehensive effort in human resource management and not just as the sum of independent tasks completed by various units. The ultimate objective is to ensure that

decision makers understand performance evaluations to mean an application of criteria rather than compliance with rules.³

- Based on the pilot effort to validate the instrument entitled “Measuring the Work and Service Ethic” which included the participation of 95% of the staff from the Human Resources Department and 100% of the personnel in the UED, results indicate that, overall, the environment is conducive to doing their jobs. The Personnel Archive Unit stood out because more than 80% of the employees reported having a positive work ethic, and 70% of the staff in the Office of the Human Resources Manager reported similar attitudes. The lowest work ethic levels were found among the personnel from the UED and the report recommends further efforts to improve those rates.

Most of the coordination and management positions fall into the category of individual appointments and terminations which, according to the Civil Service Law, means that they are “positions providing direct logistical support to the office of the President of the Judiciary and Supreme Court Justices” and have an inherent risk of job transfers or rotations as each new court takes office. This is aggravated by a lack of opportunities to develop a career that capitalizes on past experience and specialized knowledge that are developed over time in the UCI.

Comprehensive Evaluation of the School of Judiciary Studies

(a) The report on the “Legal and Institutional Framework Analysis for School Operations” and pertinent regulations revealed that the UCI is responsible for implementing training systems for Judiciary officials and administrative employees. They are expected to have a strategic training plan and programs for all judiciary personnel developed in compliance with internal regulations, which are still pending. Although regulations make the UCI responsible for the training subsystem for all personnel, it warrants doing a strategic analysis to confirm or modify this mandate to factor in the responsibilities for administrative personnel that fall to the Office of the Human Resources Manager.

In similar fashion, the UCI reports to the President of the Judiciary, yet approval of its work plans is the responsibility of the CCJ. Nevertheless, the CSJ issued a ruling 71-2009 to create a Liaison Committee with the UCI by which five CSJ justices maintain an exchange with the UCI authorities. Therefore, even if the CCJ is the one to approve the annual work plan, the Liaison Committee approves it or relays additional considerations regarding training which apparently does not always follow a coherent strategic approach.

In implementing training plans, the report revealed that a number of officials are dissatisfied with training activities scheduled during non-business hours and based their objections on the conditions set forth in collective agreements on working conditions which state that training courses should be scheduled during regular business hours whenever possible.

(b) In evaluating the education projects, programs and course studies, training strategies, impact monitoring and evaluation process, the consultancy detected significant progress in regard to internal procedures at the School of Judiciary Studies (EEJ). The assessment also revealed the

³When a group of individuals is evaluated based on rules and regulations, it is understood that comparisons will be made among the subjects of the evaluation to detect tendencies, ranges, and rankings. This approach has a less positive effect on staff performance. On the other hand, a criteria-based evaluation sets an objective standard and compares the individual's performance to that standard. This approach is proven to be a better means of enhancing performance and staff morale. Performance evaluations should be based on objective criteria and that criteria should be included in the job description.

obstacles that the EEJ has faced over the years which led to a number of recommendations to improve performance. There is limited clarity regarding roles and expectations for personnel, complicated by the fact that tasks are assigned based on an officially-approved structure rather than in response to actual institutional operations. For example, the Academic Coordinator does not fulfill the duties it is expected to perform because it is primarily working on operations that do not pertain to that office. In addition, the School lacks planning processes tied to the Judiciary Strategic Five Year Plan for 2011-2015 so there is no real guidance or process in place to direct the School's medium- and long-term operations. There is also a void in policies to govern the studies program supporting overall educational objectives.

Similarly, the educational proposals for each program are incomplete. A review revealed a link between actual training needs and program design, but the personnel responsible for this indicated that it was not until just recently that they began to visit judges to inquire about their training requirements. The training needs are classified by individual position.

In regard to assessing the long-term impact of the EEJ over the last ten years, the consultancy was unable to produce reasonable conclusions due to the fact that the School is not currently structured in a way that would produce measurable indicators and a reliable baseline from which to do future comparisons. In sum, the assessment will focus on output and results indicators regarding the training process per se rather than on the expected changes that require a strategic perspective of an educational objective, which is non-existent at the moment.

(c) In regard to an "Organizational and Administrative Structure Evaluation, Including Position Descriptions and Qualifications for Teaching and Management Personnel at the School of Judiciary Studies" the consultants worked on developing draft regulations for the EEJ. In the process, they identified potential ways to improve EEJ performance, efficiency, and sustainability through organizational restructuring. The consultants have made progress in analyzing the current structure, organizational planning and human resources, as well as operations and current staffing in the institution's key areas of operations. They have also identified the actual number of staffing positions at the School which is an important component for the upcoming Position Analysis and Descriptions. The EEJ has its own unofficial version of position descriptions, which will need to be corrected to align with the institutional framework provided by the Office of Human Resources at the Judiciary.

(d) The "Current Financial Status of the School of Judiciary Studies" revealed that the School's annual budgets for the years from 2007 through 2011 show cuts of about 4.7% annually. The School's budget in 2007 was for 12.5 million Guatemalan Quetzals (GTQ) compared to a GTQ10.3 million budget in 2011. The Judiciary allocated 1.3% of its total budget in 2007 to operate the School and in 2011 that percentage was cut to 0.8% of the total Judiciary budget. This would imply that training was not among the priorities in Judiciary programming in recent years, aggravated by the fact the number of judges and justices of the peace has increased significantly over the same period.

Anywhere from 30% to 49% of the continuous education activities that were provided in the UCI from 2009 through 2011 were financed by external donors.

(e) The "Management and Fund Disbursements Evaluation for the School of Judiciary Studies in regard to International Donor Cooperation"

revealed that in the last three years the EEJ has overseen a total of 22 courses in 2009, 31 in 2010 and 10 in 2011. The programs were provided through both domestic and international donor organizations, nine of which were active throughout the last three years (AECID, American Chamber of Commerce, the *Centro de Acción Legal, Ambiental y Social*, the *Comisión Presidencial contra la Discriminación y el Racismo contra los Pueblos Indígenas en Guatemala*, the *Instituto de Enseñanza para el Desarrollo Sostenible*, *Fundación Myrna Mack*, USAID, UNICEF, and San Carlos University). There is no evidence of cooperation agreements with the donors, nor ties between the programs and the UCI strategic guidelines. Similarly, the evaluation detected a drop in the number of distance-learning programs which in 2009 equaled 11% of total training events compared to only 2% in 2011. This is indicative of lost opportunities to take advantage of the benefits of using a virtual classroom.

2.3.4 Network of Positive Leadership for Institutional Change Organized and Strengthened

Institutional Integrity System

The Project scheduled a meeting in November with the Advisor to the Chief Justice of the CSJ, Yolanda Perez Ruiz, to discuss the following:

- The SII needs to be promoted based on common sense combined with a commitment to public service. The System should seek simple and applicable responses that are credible and tangible to foster continuous improvements in transparency and institutional integrity.
- There is a need to reassess the role played by the disciplinary units that provide administrative tools in support of judiciary duties and ensure they are effectively promoting the values of the Judiciary regarding the administration of justice. These units make up the central core of the work of the institution bolstered by key roles played by the training unit and the performance evaluation systems. The Institutional Technical Team is composed of the presidents or directors of the internal audit unit, court supervision unit, disciplinary board (Career Council), and the disciplinary unit along with the Advisor to the Chief Justice.
- The SII should have a crosscutting policy approach to define and apply what should be taking place in regard to three key components: a) the judge; b) public service in administration of justice; and c) a two dimensional approach to integrity: on the personal and professional levels (both for judges and administrative personnel).

In concluding the meeting, the Judiciary provided PAVI with a copy of a document describing the guidelines for the work that remains to be done in hopes of dovetailing with Project objectives and activities. In parallel to this process, the Project has been working on gathering and comparatively analyzing information from other countries in Latin America to review policies and management models. The effort has yielded content as to what processes have greater applicability in Guatemala based on institutional context, current realities, and conditions in the justice sector, particularly in reference to the zero tolerance campaign.

Positive Leadership Network

As part of the Institutional Integrity Strategy, the Project launched a positive leadership training process for public officials in the Judiciary on November 23. Four groups participated in two workshops each: resilience and mental health followed by human relations and power.

The first stage of the process concluded on December 14 and included judiciary staff from the 24 hour courts in Mixco, Villa Nueva, Antigua Guatemala, and Escuintla together with administrative staff from the Judiciary departments of administrative

management, financial management, planning and programming, IT and telecommunications, document archives, and analysis and the CSJ's technical unit and criminal chamber support unit. Each workshop provided opportunities to select positive leaders that will make up the network and take part in future training activities on positive leadership, planning, and teamwork.



Human relations workshop for personnel of the Judiciary

Implement the Concept of Integrity and Citizen Participation within the Judiciary

With a public display of support from the Association of Judges and Magistrates and the General Court Supervisor, the Project officially launched the process this quarter to approve the monitoring and support plan for the integrity programs being implemented in the Judiciary. Nevertheless, there was a noticeable sense of withdrawal among the individuals representing the Disciplinary Regime Unit and an absence of representatives from other agencies. The Project expects to overcome their reticence when the Letter of Understanding is signed between the Judiciary and the Pro Justice Movement (MPJ) to officially breathe life into the monitoring process as proposed by the MPJ.

Beyond the initial approval process, the General Court Supervisor is seeking closer coordination with MPJ to promote information exchange and fluid communications regarding the requirements to structure their research and investigate complaints filed against judges and magistrates.



Workshops for Judiciary Staff from the Disciplinary Regime Unit

There are three significant issues to report this period: signing the Letter of Understanding between the Judiciary and MPJ; progress in the process to approve the monitoring plan with the participation of judges and magistrates, and preparations to implement a monitoring pilot effort for the Institutional Integrity System in the Judiciary.

The MPJ was tapped by a group of renowned and prestigious organizations, including URL and the Guatemala Episcopal Conference, to share its analysis of justice and security issues during the general election cycle and framed by the changes in the region due to globalization. This is in addition to the fact that MPJ was successful in joining efforts with the National Congress to debate budget concerns regarding the justice sector which is further evidence of the fact the MPJ plays an important role in promoting these issues in the legislature.

More specific to the Project's progress this quarter, PAVI has received the instruments, plans, and strategies to which the Judiciary is committed in regard to Phase I of the Monitoring Project. The next steps include surveys, assessments, and a pilot monitoring effort to observe how the instruments work and to inform any necessary adjustments.

In addition, the Project is forging alliances to promote integrity processes, such as the official agreement signed with the National Commission to Strengthen and Support Justice. In principle, the official relationship will begin with the process to debate the budget allocations for the justice sector in 2012.

Design and Produce a Methodology to Monitor the Supreme Court of Justice

The monitoring will be done with a series of indicators on performance efficiency and quality. MPJ has selected the following indicators to measure efficient performance:

- Workload: refers to the amount of work based on the number of incoming files in a certain period of time;
- Case resolution rate: represents the ability to resolve cases in a certain period of time in comparison to the total number of cases coming into the system;
- Backlog rate: refers to the number of cases accumulated during a certain period of time;
- Congestion index: reflects the accumulation of workload over time, and

- Gross and net productivity gap: provides a time-sensitive indication of increased workload versus progress on case resolutions, i.e. the wider the gap, the more apparent the inability to deal with case files and an indicator of future backlog.

In regard to performance quality, MPJ will develop specific indicators to ascertain whether cases are being resolved in a satisfactory manner.

2.4 SPECIAL ACTIVITY I: SUPPORT HIGH IMPACT COURTS

For the Special Activity to support the Judiciary, the Project focused its efforts this period on completing the design of the High Impact Courts, including training and technical assistance to develop protocols, regulations, security measures, and methods, as well as involvement in jurisdictional concerns and other relevant issues to ensure operations of a fully functional high impact court before the completion of the Project performance period.

With this objective in mind, the Project has been an active participant on an inter-institutional technical task force to develop the institutional model for the High Impact Court, to define criteria for the admissibility of cases, and to improve security measures. Back in 2009-2010, the task force addressed the need to remodel the existing infrastructure in order to operate the First High Risk court on the 15th floor on the Guatemala City Court Building.

PAVI received a direct request from the Chief Justice of the CSJ followed by an official written document from the Criminal Chamber to remodel the 14th floor of the Court Building to expand the facilities for a High Impact Judiciary Headquarters (more multi-person first district and sentencing courts). The remodeling effort for the new area on the 14th floor contemplates the use of modern upgrades of technology and IT applications such as state-of-the-art audiovisual equipment to better serve the current needs of the Judiciary.

PAVI agreed to a request and approved a contract to remodel the 14th floor to include four courts with a separate booth for defendants, separate rooms for protected or unprotected witnesses, comfortable waiting rooms and effective security systems throughout.

The construction will include new partitions, suspended ceiling panels, improved lighting, and power systems appropriate to the redistributed space and activities of the facility. Some of the space will be modified, the facilities will be upgraded for technology, and the areas will be cleaned and painted.

Process to request bids and receive proposals

The following table summarizes the bidding process to date:

Process	Start Date	End Date	Comments
Call for expressions of interest	6 October 2011	14 October 2011	Published in <i>Prensa Libre</i> (Oct 6 and 10) and <i>Diario Centroamerica</i> (Oct 7 and 10)

Pre-selection	14 October 2011	24 October 2011	The Project received 13 expressions of interest; eight of which met the requirements and were pre-selected; six were incomplete and eliminated.
Meeting for the preliminary inspection (mandatory) and to deliver the Request for Proposals (RFP).	4 November 2011		Only six companies participated
Questions in writing addressed to proyectopavi@gmail.com	7 November 2011	14 November 2011	The Project received three inquiries that were responded to and shared with all parties.
Effective date and Deadline to submit proposals	15 November 2011	1 December 2011	The Project received six technical and financial proposals.
Review of Proposals	7 December 2011	8 December 2011	The Evaluating Committee granted the contract to ARQUINCO S.A.

The Review Committee included the individuals listed below and met on December 8, 2011 to review the proposals:

- PAVI: Cesar Parodi Martins, Gloria Biassini, Sandra Aldana de Dominguez, Luis Miguel Viana Giraldo, Max Arturo Marroquin Ruiz and Santiago Erwin Reynoso Mijangos
- Judiciary: magistrates from the Court of Appeals as appointed by the Criminal Chamber of the CSJ: Aura Marina Guadron Diaz and Hugo Roberto Jauregui.

As described in the Request for Proposals(RFP), the Committee proceeded to review the technical proposals submitted by each of the pre-selected bidders. The evaluation produced the scores listed in the following table.

Company	Total Score
<i>Inmobiliaria Constructiva, S.A.</i>	284
<i>Corporativa de Servicios, Ingeniería, Construcción y Administración.</i>	350

Corporación de Servicios, y Suministros de Ingeniería, S.A.	342
Sistemas y Servicios de Ingeniería S.A.	333
Empresa Consultoría y Constructora del Kyrios	244
Arquitectos, Ingenieros Corporación S.A.	360

In accordance with the rules for selection listed in the RFP, one company (Kyrios) was eliminated because its score (244) fell below the minimum score required (270).

The committee reviewed financial proposals in compliance with the guidelines described in the RFP. According to Section 5.4 *Assessing Offers based on a Price Comparison from a Request for Proposals*, the Committee set the highest and lowest limits from a reference price to evaluate the proposals. The limits were set as follows:

Upper limit (5% over the reference price)	Q2,800,593.32
Reference Price	Q2,667,231.73
Lower limit (5% under the reference price)	Q2,533,870.14

The following table summarizes the findings of the Review Committee in regard to the financial proposals.

Company	Financial Proposal	Evaluation
Inmobiliaria Constructiva, S.A.	Q4,513,675.71	Eliminated based on a proposal exceeding the upper limit
Corporativa de Servicios, Ingeniería, Construcción y Administración.	Q2,477,679.34	Eliminated based on a proposal not meeting the lower limit
Corporación de Servicios, y Suministros de Ingeniería, S.A.	Q2,482,204.28	Eliminated based on a proposal not meeting the lower limit
Sistemas y Servicios de Ingeniería S.A.	Q2,121,197.06	Eliminated based on a proposal not meeting the lower limit
Arquitectos, Ingenieros Corporación S.A.	Q2,599,685.42	Proposal qualifies as if falls between the upper and lower limits

In reviewing the financial proposals submitted by the companies in comparison to the reference price, only one company, ARQUINCOS S.A. submitted a price that fell between the ranges of

five percent over and five percent under the reference price; the remaining companies were disqualified.

At each phase of the process (beginning with the call for expressions of interest and ending with the final review of proposals), the committee kept minutes of each meeting and they remain in PAVI files for reference at any time. PAVI has also kept files of the entire set of documents and proposals submitted by the interested parties.

In light of the following, the Review Committee recommended that the contract be granted to ARQUINCO, S.A.:

- Their overall capabilities and specific proven experience in executing more than six contracts of a similar nature resulted in their technical proposal being ranked the highest at 360 points. Their technical proposal included a work schedule (120 calendar days) and provided a cohesive description of their construction methodology and approaches using key personnel with specific experience leading remodeling projects in public buildings. The qualifications of their electrical engineer (one of the most sensitive areas of the project) and their resident supervisor were particularly noteworthy.
- Their financial proposal is the only one that complied with the requirements listed in Section 5.4 Determining the Proposal through a Price Comparison by Requesting Quotes. Theirs was the only proposal that fell within the 5% + - range from the reference price.
- Their proposal included attachments to comply with all of the requirements in regard to documentation and guarantees.

The first activity of the company awarded the contract was to draw up plans for lighting, power, electrical connections, cable ducts for closed-circuit television and the audio and videoconferencing. For security reasons, these are requirements during the initial phase of the contract.

As a result of the coordination efforts among donors working with the technical task force for the high impact courts, the AECID will work through their Justice and Security Program to fund the procurement of the IT equipment required to set up the audio and video-conferencing booths, projectors, and screens to be installed in the courtrooms on the 14th floor. PAVI will fund the procurement of office furniture, equipment, and accessories.

High Impact Courts

The following chart illustrates the proceedings undertaken by the high impact courts dating back to their establishment in 2010 to date. A total of 37 verdicts were handed down; 48.6 % of which were convictions. It is important to point out that these are multi-person courts.

Telecommunications and IT Center – Court Management System			
Verdicts handed down by the First High Impact Court up until December 5, 2011			
Case File	Conviction	Combined	Overall Total
01031-2009-00001	0	1	1
01031-2009-00003	1	1	2
01031-2010-00002	0	1	1
01069-2009-00308	1	0	1

01070-2008-05761	1	0	1
01070-2008-06139	0	1	1
01070-2009-00320	0	1	1
01070-2009-00883	1	0	1
01071-2008-05046	1	0	1
01073-2007-11769	1	0	1
01073-2008-05215	1	0	1
01074-2008-04819	0	1	1
01074-2008-06477	0	1	1
01074-2009-00438	1	0	1
01074-2009-02536	0	1	1
01076-2007-10378	1	0	1
01076-2008-05426	1	0	1
01076-2008-05497	0	1	1
01076-2008-06026	1	0	1
01076-2009-01747	0	1	1
01076-2010-00001	0	1	1
01076-2010-00003	1	0	1
01076-2010-00011	0	1	1
01076-2011-00004	0	1	1
01078-2007-18544	1	0	1
01078-2008-05083	1	0	1
01078-2009-02464	0	1	1
01079-2007-01652	1	0	1
01079-2009-00001	1	0	1
02034-2009-00001	0	1	1
02035-2010-00423	0	1	1
09012-2008-02847	1	0	1
09013-2009-00134	0	1	1
09013-2010-01342	0	1	1
19004-2008-00638	0	1	1
21003-2009-00737	1	0	1
Totals	18	19	37

2.5 SPECIAL ACTIVITY 2: STRENGTHEN JUSTICE CAPACITY TO COMBAT ILLEGAL ACTIVITIES IN PETÉN

In order to improve criminal prosecution, the Project is focusing efforts, among other things, on improving the prosecutor management systems. In accordance with this work, the Public Ministry has opted to implement a new management model at the Prosecutor Unit in Petén.

To implement and provide follow up for the management model, the Petén District Prosecutor Office developed a process to inventory and classify files using the following criteria:

- There should be a hard copy original and copy of the file
- It should be in compliance with Instruction 01-2006
- File contents should be numbered
- All of the proceedings should be noted and updated in SICOMP (this takes place once the files are assigned to the various prosecutor units).

As a result, the District Prosecutor requested the Project to provide assistance to contract ten law students for an internship to inventory and classify the files based on the following work plan they developed for that purpose.

File Classification

Once the files are inventoried, they should be classified in order to be distributed to the various prosecutor units, as follows:

File Classification	
Files based on prosecutorial status	Responsible/Comments
Under investigation, if useful, pertinent and feasible based on the case	Investigation Unit
With Indictment	Investigation Unit
Awaiting arraignment (date in the near future)	Less than two weeks for the prosecutor to complete the file, prepare the charges and submit the evidence before transferring the case.
	After two weeks it goes to UL
Trial date set (awaiting evidence)	The prosecutor closes the file and transfers it to UL with the trial date (evidence hearing)
Trial date confirmed following evidence hearing	UL
Trial begins	The prosecutor completes the process
Files based on prosecutorial status	Responsible/Comments
Allow alternative resolution	UDT
Dropped	
Cases with no alternative resolution or in which investigation is still feasible because of the age of the case, usefulness or relevance	Investigation Unit

The ten interns have been carrying out their tasks satisfactorily at the Prosecutor Units in San Benito, La Libertad, and Poptun. In addition to identifying and follow up with the case files, the

students also benefitted from training under the assistant prosecutor and attending work meetings. The internship will end in February.

In addition, the Attorney General requested the District Prosecutor in Petén to receive assistance from the team in order to build capacity and improve skills in using SICOMP 2 to control and monitor tasks in the Unit. In addition, the assistance will promote the use of strategic criminal prosecution. The Project has noticed a very proactive response from the District Prosecutor throughout the work being carried out in Petén.

The Environmental Justice Forum signed a cooperation agreement with the Public Ministry so that both institutions can commit to joint efforts to protect natural and environment resources in Petén and prosecute crimes in that area.

Along with an agreement signed with the Executive Secretary of National Council for Protected Areas (CONAP), the above-mentioned agreement constitutes an important milestone for the Public Ministry. There are now tangible results and impacts as the Ministry transitions from a narrow focus on prosecuting environmental crimes to a broader one that encompasses governance as a whole. It requires the administration of justice as part of the process to guarantee that all the efforts in conservation are not hampered by conflict, violence, and impunity.

III. SUB-GRANT PROGRAM

The Project is providing small grants to a number of organizations that have been successful in working through local networks, both at the national level, as well as at municipal levels, to combat violence against women, support at-risk youth, and raise citizen awareness. Their efforts focus on increasing citizen knowledge and participation regarding human rights and foster greater empowerment by participating in the decision-making process within their communities.

The grant activities are being implemented in areas of the country known for high levels of social conflict, either attributable to post-conflict conditions and/or

isolation or as a result of discrimination or racial bias, which is the case in areas in Quiche and Izabal (i.e., populations comprised of Afro-Caribbean descendants, *keqchies* or the only Hindu population in Guatemala). Another aspect of the small grants program is to focus on organizations that are active in areas that are more difficult to work in. It may be because the communities are in remote or risky locations or in difficult terrain. In other words, in Petén for example, some communities are located alongside known drug-trafficking routes or where crimes against the environment or national heritage are being perpetrated. In light of these obstacles, CSOs are building bridges toward improved governance by applying municipal-based strategies for crime prevention built up through a participatory process. They are approaching the authorities overseeing the Maya Biosphere Reserve to transition from an approach that is purely environmental to a broader one that factors in political and jurisdictional issues. The transition requires a more effective guardianship and respect for human rights in a healthy natural environment and where the stage is set to provide assistance to any victims of violence, primarily women and youth, by coordinating efforts among justice institutions and non-government organizations.

The small grants that PAVI is providing to CSOs are enabling the Project to cover a number of important areas and have an impact at a local level by laying the groundwork to promote institutional and individual change so that the concerns and gender considerations in the areas of security, crime prevention, civics and human rights are built into policy development at regional and municipal levels. This approach encourages the development of security mapping and tools to develop safe cities including gender considerations. In addition, the training and awareness processes taking place in each community lead to greater participation and increased demand in areas that were formerly reserved for the male members of the community. The activities lead to greater participation in decision-making process and local authorities have greater ownership of the change and transformation.

“Olivia Nunez: going from her job as a nurse to representing her province by running for Congress” Olivia is of African descent, born in Puerto Barrios, studied to be a nurse and was one of the participants in a training activity on human rights that was organized by the Leadership School. Her world changed dramatically after that-- she was totally taken aback the day she received a phone call to see if she would run for Congress. She was given 24 hours to think about it. As she puts it “...I barely had enough money to think of running even a mediocre campaign...” With a great deal of unconditional support from neighbors and work colleagues and the assistance of community groups working on women’s issues in two municipalities, she managed to obtain 2,400 votes. Olivia now has the skills to do social auditing on security issues affecting women in urban communities and she understands participatory processes. Above all, she is entirely confident that she is as capable as any man of playing an important role in her community or in politics.

An example worth mentioning is the work being carried out by social organizations in Quiche. PAVI has provided a small grant to the Barbara Ford Center for Peace that is one of the organizations working through the Quiche Network for Assistance for Conflict (*Red para la Atención de la Conflictividad en el Quiche*). It uses a participatory approach to counteract the level of conflict in the area by analyzing and reflecting on the social and political conditions that underlie the problems. The network includes various civil society organizations and government institutions with more than 25 active members joining efforts to develop proposals and contribute to improved governance and sustainable peace. PAVI is providing assistance to the Barbara Ford to carry out a diagnostic assessment of the types of conflict taking place in 22 communities and produce a baseline on the current sources of violence (the first of which is domestic violence and violence against women, equaling 98% of the cases of violence reported). The second most important issue is abuse of authority and an insufficient application of the rule of law and the Maya justice system.

As a result, the small grant enables the Barbara Ford Center to deal with violence against women by working with female leaders from communities in three regions (the northern, central, and eastern areas of the province). Their approach includes processes to address mental health issues, break down paradigms that encourage chauvinistic violence, promote national and international legislation on women's rights, and develop productive empowerment (designing and presenting projects) to increase their ability to advocate and generate public policy at a local level.

It is important to point out that the work carried out by a network such as this fosters the use of a comprehensive strategy of human development and addresses various aspects of local conflict such as at-risk youth getting involved in gang activities and the relationships between operators of justice and community authorities to apply traditional Maya justice and environmental security. It also entails the participation of national authorities such as the PNC, prosecutors, judges, human rights ombudsmen, indigenous rights defenders, and municipal and regional officials. In addition, the *Interdepartmental Network to Address Social Conflict* is working in Petén and Alta Verapaz on four cross-cutting themes common to social conflict: agrarian, environmental, security and justice, and women and youth.

RECENT PROGRESS

Grupo de Apoyo Mutuo

The original Mutual Support Group (GAM) proposal is based on an objective to respond to current problems in various provinces of Guatemala, particularly in Petén and Chiquimula, in which most people, especially women, refrain from reporting incidents of human rights violations that occur on a daily basis in a male-dominated culture. The women may be concerned that their complaints will not be taken seriously or fear reprisals from their aggressors.

Through the use of workshops, direct assistance and legal aid, GAM worked in selected communities to foster cultural change and place victims, particularly women, in a position to file reports when their rights are violated. In addition, they worked with young men and women to provide guidance on how and where to file a report and follow up on it. As an added benefit, local leaders are now empowered and informed to replicate the process among the rest of the population.

When the workshop concluded, some of the participants were ready to file complaints immediately and GAM was on hand to provide legal assistance.

The Project is currently reviewing a request by GAM to amend the grant agreement to include a process to raise awareness and promote the reporting of human rights violations among young female and male leaders in the provinces of Chiquimula and Petén.

Balam Association

The Balam Association is a member of the Environmental Justice Forum working on a strategy to improve governance in the Maya Biosphere Reserve by setting up inter-institutional coordination and work with justice operators and CSOs to strengthen and enforce the law.

In this context, they have been successful in following up on jurisprudence and legal precedence regarding a zero tolerance strategy against illegal livestock grazing in protected areas. The organization managed to remove the livestock illegally present in protected areas in Petén.

In compliance with overall Project objectives, the organization was successful in building two high impact cases and presenting them to the Public Ministry. The cases involve illegal land use in certain parts of the Multiple Purpose Zone of the Maya Biosphere Reserve. The process to prepare the cases was based on a team effort among CONAP, *Instituto de Antropología e Historia*, the Attorney General and representatives from the Environmental Justice Forum.

The group also prepared a communications strategy to prevent environmental and cultural crimes that was designed for local residents, justice operators and decision makers to provide guidelines on mechanisms to disseminate information tailored for target audiences, develop content and material, and encourage inter-institutional coordination.

Social Pastoral Office of the Apostolic Vicar in Petén

The Project provided assistance to complete the coordination agreements for the referral network among government and non-government organizations. This is an important step in improving services and assistance for victims.

In addition, the organization completed the documents describing the violence prevention policies that were approved by community participants and presented to the city councils in Dolores, Sayaxché, and San Benito in Petén. This is evidence of the fact the residents in those communities are interested in and support policies to prevent violence and improve their communities overall.

The Pastoral Office is currently developing a document to conceptualize and provide an overview for a social auditing strategy and realignment of the vision for justice and security in Petén. The process has been a joint effort and involved consensus building among citizen groups from San Benito, Poptun, and La Libertad with the assistance of the District Prosecutor, the PNC, the Office of the Prosecutor General, the Governor of Petén and judiciary personnel from the IDPP, the appeals courts, the justices of the peace, and the first instance courts in the above-mentioned municipalities. As a result, the small grant activities have had a multiplier effect on inter-institutional coordination and civil society participation to address the issues described above.

Alta Verapaz Justice Association

The Project grant to the Alta Verapaz Justice Association to implement a “Proposed Model for Specialized Justice for Assistance to Victims of Crimes described in the Law Against Femicide and other Forms of Violence against Women based on a gender-sensitive and culturally-relevant approach for Alta Verapaz” is based on a diagnostic assessment of the current situation regarding practices that lead to re-victimization in the justice system in the municipalities of Cobán , Carcha, Santa Cruz, San Cristobal, San Juan Chamelco, and Tactic, Alta Verapaz. The Association submitted their proposal for the model for specialized justice.

The grant involves the active participation of state organizations such as the Judiciary, the Public Ministry, the PNC, the IDPP Free Legal Aid Coordinator for Victims, the National Institute for Forensic Sciences, and the Indigenous Women Defense. In addition, it involves women victims themselves and civil society organizations including the Ak’YU’AM Project and the Alta Verapaz Project for Women Survivors to coordinate and jointly develop a model to improve access to justice and create support that is specific to female victims in Alta Verapaz.

The Project notes that the proposal for a specialized justice model in regard to the crimes described in the Law Against Femicide and other Forms of Violence against Women with a gender- and culturally-sensitive approach approved by the Justice Center in Alta Verapaz has value added by including the participation of justice sector organizations with the potential for replication in other parts of Guatemala.

Barbara Ford Center for Peace

The Center’s proposal entitled “Strengthening Women Leadership to Create Initiatives to Eliminate Various Types of Violence against Women and Alternatives for Collective



The cycle of violence

Entrepreneurship in the Department of Quiche”reflects the need to move away from historical, financial, cultural and social and educational limitations due to conflict and difficult coexistence in Quiche which have roots in violence, particularly domestic violence, that has led to women and children being stripped of their rights and affected in regard to their safety, dignity, and emotional wellbeing.

The Center proposes an approach to strengthen women leaders in planning activities that eliminate the various expressions of violence against women and find collective entrepreneurial alternatives in

Quiche based on a whole-person (mind, body, and soul) approach to produce a systematic experience to redress victims of violence.

The Center organized a training activity for 45 female leaders representing community groups in the northern, central, and eastern regions of Quiche on the laws to protect their rights and

the various ways in that they may access justice services to exercise those rights. The Center was also on hand to assist women who chose to file reports with the relevant authorities.

Guatemala Foundation

The foundation prepared a project entitled “Women Participation in Creating Safe Cities, and Promoting Good Citizenry from a Gender Perspective” to design training activities that address the issue of violence against women and the need for safe cities. The program is being implemented in Livingston, Izabal.

The approach is based on working with the Office of the Governor of Izabal to issue a government decree to institutionalize strategies to make cities safe for women. The program was officially launched as part of the activities of the national Day for Non-Violence against Women.

The Project is pleased at the results to include government and non-government organizations in the effort which is working through the Office of the Governor, the Livingston Municipal Office for Women, and with female community leaders who have joined forces with the Guatemala Foundation to provide ideas, describe needs, and contribute to improving life in their community.

The program includes 12 mobile units from the PDH and a series of security audits for women that are now in place and documented in the municipalities of Los Amates, Morales, El Estor, and Puerto Barrios in Izabal. A total of 30 women participated in the effort to produce a diagnostic assessment.

Family and Friends Against Crime and Kidnapping

PAVI approved a grant to FADS to implement a “Strategy to Strengthen the Central Disciplinary Tribunal of the National Civilian Police” in response to the need to improve the PNC disciplinary tribunals.

The activity is currently focused on developing a management model for the Central Disciplinary Tribunal that includes the participation of tribunal staff and disciplinary operators. In addition, the organization is in the process of drafting procedures and regulations to optimize the processes and provide more timely responses to charges or reports filed against members of the force.

GRANTS APPROVED THIS QUARTER:

The Association of Extraordinary Guatemalans submitted an application entitled “Strategy to Develop a Personal Achievement and Scholastic Improvement Plan for Young Students at Risk.” The small grant will provide assistance to improve quality of life based on a plan of personal healing and improvement for a group of 15 at-risk minors living in the vicinity of the municipal land fill in Zone 3. The individuals were selected based on their financial and psychological needs.

This is an innovative approach and the minors will be required to create a scholastic improvement project for the school they attend. The process will allow the participants to increase a sense of ownership for their education and foster a greater sense of belonging. As part of a photo exhibit set up in nearby commercial space that is scheduled for the third week

in December, they are also working on a photography project to document some of the needs they have in their homes.

In addition, they are developing their first *extraordinary* community project. It is noteworthy that the group includes the rest of the family to ensure that improvements are more comprehensive and available to a larger group of individuals and family members.

The Research, Training and Support Center for Women presented their proposal for a project to “Train Personnel from the Victim Assistance Office of the National Civilian Police on Treating and providing Services to Crime Victims.”

The Center seeks to improve standards for victim assistance provided by the PNC and build capacity to assess the level of risk for each particular victim so as to tailor a personalized security plan in each case. Not only is this an innovative approach, but it includes a key element to create self-help mechanisms that reduce the emotional toll and avoid re-victimizing the users that are receiving services.

MONITORING AND INSPECTION VISITS TO GRANTEES

On October 5-6, 2011, the acting Grant Manager and members of the PAVI technical team conducted monitoring and inspection visits in Livingston and Puerto Barrios where the Guatemala Foundation is implementing their project on Safe Cities. The visit included interviews with the Governor of Izabal, staff from the SEPREM office and personnel from the Livingston Municipal Office of Women. In addition, the team spoke to female leaders in both communities who reported on the results of the activities. The leaders informed the team that they had participated in the training sessions and in the mobile units and have found themselves more empowered. They share a new outlook as to their role as community leaders and are working to make sure that the communities they live in remain free of violence against women.

The team then travelled to Alta Verapaz on October 7 for a monitoring and inspection visit to the Justice Association to confirm their progress on the project for a specialized justice model. The team provided a number of recommendations to improve implementation and met with the staff, interviewed some of the victims, and visited a few of the organizations to identify ways to improve their work and systematization.

IV. GENDER SECTION

DIAGNOSTIC ASSESSMENT OF ORAL PROCEEDINGS FOR CHILD SUPPORT

PAVI received a request from the President of the Civil Chamber of the CSJ to provide support for a diagnostic assessment regarding oral proceedings to impose child support. The objective of the study is to determine the reasons behind delays in proceedings in child support cases that may reflect financial and social conditions and that may have a direct impact on complying with the requirement to provide child support.

The study will also encompass a restructuring proposal for proceedings in child support cases to make them more effective and reduce the time required for the hearings by applying oral proceedings and reviewing the guiding principles in the Guatemala justice system.

Preliminary Findings:

- Case data is currently tracked and registered manually in family court. As a result, work assignments are distributed among the courts based on the manual records and on the formats provided by *Centro de Análisis y Documentación Judicial*.
- Even though the law allows justices of the peace to hear child support cases, it is common practice for justices of the peace to refer the case to family court.
- The first appearance in family court usually takes place anywhere between six weeks to six months after filing the suit. Sentencing can take up to an additional six months (even in the department of Guatemala).



Grants monitoring meeting in Izabal

The methodology and scope of the assessment was discussed and approved by the Civil Chamber to have nation-wide coverage and include the relevant jurisdictional organs, as well as the organizations and institutions that are involved in this type of proceeding; e.g., free legal aid organizations, support institutions, and women's groups.

By November 21, the first three phases listed in the proposal had been completed, to wit: I) planning the methodology, operations, and preparation of work instruments; II) gathering and

compiling information; and III) preliminary outreach and establishing institutional contacts in the departments of Guatemala, Escuintla, El Progreso, and Chimaltenango. The process is currently at Phase IV to compile information from the remaining 18 departments in Guatemala. Phase V will involve processing, classifying, and analyzing the information from the earlier phases and the plan is to distribute the results by January 15, 2012.

V. SUPPORT TO THE NATIONAL CIVILIAN POLICE

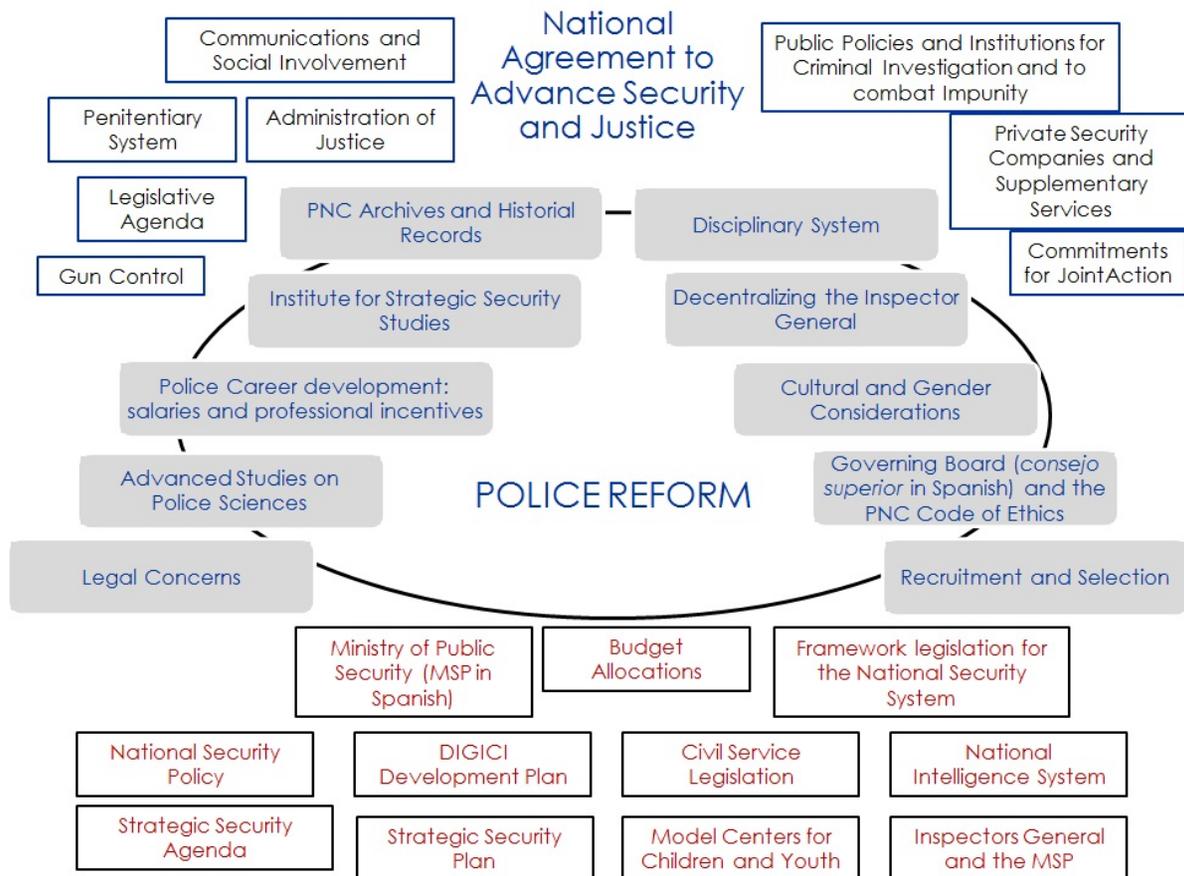
SUPPORT TO THE PRESIDENTIAL COMMISSION FOR POLICE REFORM

The Project subcontracted the International Peace-building Alliance – Inter-Peace Latin America to produce three documents in support of the efforts of the Presidential Commission for Police Reform, as follows:

- Current Status Report on Police Reform
- Systematizing the Experience
- Continuity Plan

SYSTEMATIZING POLICE REFORM

Police reform is one of the cross-cutting and central issues highlighted in the National Agreement to Advance Security and Justice.



STRATEGIC PILLARS FOR POLICE REFORM 2011 – 2020:

Pillar I Criminal Investigation:

Police reform is intended to benefit the PNC and allow it to be acknowledged as the agency that specializes in and is responsible for criminal investigation as part of a coordinated effort and team work with the MP and the INACIF. The reform seeks to gradually transition into having criminal investigation become the core element in the fight against impunity.



The professionalization of the police is an important goal

Pillar II Crime Prevention:

The central tenet is for the resources, strategies, and operations of police activity to have a priority focus on crime prevention and to create an early warning system that would enable the force to sustain reductions in crime rates and increase the public's perception of improved security. This pillar rests on the involvement, participation, organization, and coordination of the PNC within neighborhoods and communities to focus on and respond to their security requirements.

Pillar III Human Resource Management and Professionalism:

The PNC requires human resource management that is based on developing a professional police career, as well as on ensuring both professional and personal wellbeing. Promotions and personal development will foster a positive esprit d'corps and desire to serve that will reflect a sense of belonging, dignity, personal calling, and humanity among professional agents, officers, and commanders. Police reform efforts seek to ensure that professionals that desire to join the force will be offered stability, opportunities for growth, and development and benefits.

Pillar IV Institutional Planning:

Planning activities will focus on designing and implementing policies using strategic, operational, and administrative planning exercises to produce programs, plans, and projects that will satisfy the need to ensure citizen security. The PNC must project its institutional model along with its scope and limitations to the general population.

Pillar V Internal Controls:

The PNC system of internal controls must be designed to encourage and promote a culture of loyalty and ethics among the staff; prevent criminal behavior or conduct unworthy of the force; promote discipline and institutional controls to both prevent and sanction violations; seek efficiency in serving the community; and foster respect for human rights to ensure the optimal administration of the institution.

Police reform will focus on ethical and disciplinary guidance for the PNC from the basis of the police educational system using an approach that promotes the identity, dignity and career of the police officer. In addition, its objective is to ensure that the authorities that are responsible for controlling, preventing, neutralizing, and correcting behavior or conduct do so in a timely

and effective manner according to the disciplinary code and in alliance with social and citizen oversight.

The two pillars of criminal investigation and crime prevention are very substantive and pertain specifically to the PNC mandate (preventing, discouraging, and investigating crime). The remaining three (human resource management, planning, and controls) focus more on the processes that guide police operations to effectively carry out its mandate.

METHODOLOGY

Police reform is based on a work methodology that began with setting up working groups that included police authorities and staff joined by external experts. The groups work collectively to build technical proposals for reform efforts. Subsequently, they focus on implementation, monitoring, evaluation, and systematization. Lastly, they proceed to request approval from the National Commission for Police Reform.



The police staff has an important role in the Police reform

Each of the phases is based on a participatory approach in which police staff and authorities have a proactive role. They consider the fact that the changes required to strengthen the PNC can only take place from a position of empowerment and ownership from the top down that will gradually instill an esprit d' corps and the desire to serve.

Participatory and collective construction in defining and implementing necessary reforms is a critical component and reliant on the presence of middle and upper PNC authorities supported by technical and management staff to produce strategies that are both feasible, as well as effective.

POLICE REFORM CONTINUITY

The plan to provide continuity to police reform efforts is consistent with the strategic plan approved in 2011: a priority list for 2012 with specific targets under each of the five pillars along with budgetary projections.

Moreover, it points out a list of recommendations in categories to contribute to institutional policies to strengthen the work of the PNC and ensure efficient implementation for the force to be successful in complying with its legal obligations and improve citizen perceptions regarding positive results in the fight against organized crime and the various types of criminal phenomena that are producing fear, insecurity, and a sense of hopelessness.

Following the guidelines in the Strategic Plan, the Continuity Plan includes pillars in a hierarchical structure for crime prevention, criminal investigation, human resource management and professionalization, institutional planning, and internal controls.

In particular, the Continuity Plan attempts to reflect the most significant hopes and aspirations of both the police officers and the general public as the foundation for institutional development. In sum, the priority list for 2012 emphasizes the following issues:

- Strengthen the PNC system for strategic planning and institutional development;
- Establish a career path and promotion system;
- Complete the deployment for criminal investigation;
- Implement crime prevention programs and community outreach; and
- Strengthen internal controls to ensure an effective disciplinary system, apply sanctions as necessary and encourage attrition when advisable.

Simultaneously, the efforts must focus on meeting and overcoming adversity that hampers police reform, requiring key actions, as follows:

- Debate and approve the bill on the Charter Law for Police Reform and encourage debate on the relevance of the constitutional mandate for the police institution.
- Provide sufficient budget resources to the National Commission on Police Reform and to fund the Continuity Plan for 2012 as a priority agenda item. The budget requires GTQ57.5 million, just slightly more than the GTQ54 million currently budgeted for 2012.
- Ensure that the budget for police reform does not draw on the resources allocated for day-to-day PNC operations.
- Ensure that budget funds are not redistributed to other line items of the police budget or re-allocated to other state agencies within the Ministry of Government or to other national institutions.
- Produce activities that strengthen the day-to-day operations of the PNC to generate institutional responses that fulfill citizen requirements for security and a continued fight against crime. In that regard, seek increased and improved investments to expand coverage and increase the strength of the police force, improve infrastructure, optimize technology and communications, among others.

Based on the above, and in addition to the Continuity Plan, seven recommendations have been proposed to strengthen, enrich, and broaden the scope of the PNC. As a result, the organization will benefit from enhanced police reform efforts and a more favorable environment for increased credibility and acceptance in the community. The seven categories of recommendations are the following:

- Salary raises and improvements in compensation and benefits;
- Comprehensive development and police well-being;
- Building facilities for the National Police Academy;
- Buildings to house PNC headquarters;
- Remodel or build PNC district offices, precincts, stations and offices;
- Build hospitals, medical facilities and health centers; and
- IT and telecommunications.

VI. INDICATORS

As planned, the Partners for Democratic Change evaluation team was in country from September 19-29, 2011 to assess progress and produce the Second Annual Monitoring and Evaluation Report for PAVI for the period from October 2010 through September 2011 and review the performance indicators against the targets set for Year 2 as described in the Annual Monitoring Plan.

JULY TO SEPTEMBER QUARTERLY REPORT

The quarterly progress report shows a marked increase in the number of workshops, training activities, and coordination meetings that reached a total of 417 participants (238 of whom are women, representing 57.07% of the total and 179 men, representing the remaining 42.93%), as summarized in the following table.

Item	Event	Date	Counterpart	Total Participants	Gender		Sub IR
					F	M	
1	Preliminary hearings	8 Jul. 2011	MP	14	4	10	SUB IR I
2	Preliminary hearings	15 Jul. 2011	MP	15	8	7	SUB IR I
3	Preliminary hearings	22 Jul. 2011	MP	12	7	5	SUB IR I
4	Indictment and court appearance	29 Jul. 2011	MP	13	4	9	SUB IR I
5	Indictment and court appearance	5 Aug. 2011	MP	16	9	7	SUB IR I
6	Charges and court appearance	12 Aug. 2011	MP	8	5	3	SUB IR I
7	SICOMP 2 investigation and control tools	18 Aug. 2011	MP	18	5	13	SUB IR I
8	SICOMP 2 investigation and control tools	19 Aug. 2011	MP	18	4	14	SUB IR I
9	Presenting evidence	19 Aug. 2011	MP	7	4	3	SUB IR I
10	Presenting evidence	26 Aug. 2011	MP	12	5	7	SUB IR I
11	Presenting evidence	2 Sept. 2011	MP	12	5	7	SUB IR I
12	Witness preparation and questioning	9 Sept. 2011	MP	13	7	6	SUB IR I

13	Teamwork	9 Sept. 2011	MP	10	3	7	SUB IR 1 SUB IR 3
14	Municipal strategy to prevent violence and crime in Sayaxche, Petén	Julio 2011	Social Pastoral Outreach of the Petén Apostolic Vicar	21	13	8	SUB IR 2
15	Take a Walk in Someone Else's Shoes	13 Jul. 2011	MP and Judiciary	25	12	13	SUB IR 2 SUB IR 3
16	Take a Walk in Someone Else's Shoes	14 Jul. 2011	MP and Judiciary	22	7	15	SUB IR 2 SUB IR 3
17	Take a Walk in Someone Else's Shoes (in conjunction with international seminar)	23 Aug. 2011	MP, Judiciary, IDPP and CSOs	27	18	9	SUB IR 2 SUB IR 3
18	Positive leadership and institutional integrity (in conjunction with international seminar)	24 Aug. 2011	MP, Judiciary, IDPP and CSOs	21	16	5	SUB IR 2 SUB IR 3
19	International Seminar on National Standards and Quality Control for Assistance to Victims of Crime	23-25Aug. 2011	MP, Judiciary, IDPP and CSOs	133	102	31	SUB IR 2
Total number of participants this quarter				417	238	179	

In regard to **Sub-IR 1: Improved Justice System Capacity to Prosecute and Try Serious Crime**, PAVI organized 11 training activities for staff from the FDV on subjects pertaining to preliminary hearings, indictments, and hearings, presenting evidence and preparing witnesses for trial and questioning. The Project also provided training for the staff from the Petén District Office on using SICOMP2 as an investigation and control tool and on improving the process to migrate data and optimize the use of the system in their office.

Under **Sub-IR 2: Mobilize Justice Sector and Civil Society to Reduce and Prevent Violence**, the Project organized an activity in Petén in a joint effort with the Office of the Social Pastoral of the Apostolic Vicar in Petén to produce a municipal strategy to prevent violence and crime in Sayaxche. The strategy was built around consensus and input from CSOs working in the area.

In addition, the Project was extremely successful in organizing an international seminar on "National Standards and Quality Control for Assistance to Victims of Crime." Participants included the Attorney General, the Chief Justice of the CSJ, the Director of IDPP, civil society leaders such as Norma Cruz from the Survivor Foundation and Eleonora Muralles from FADS

and a large number of interested parties from government and non-government organizations and PAVI grantee organizations.

As part of the activities scheduled during the seminar, the Project organized two important components for the benefit of justice operators: “Take a Walk in Someone Else’s Shoes” with support from the GAM to raise awareness among justice operators about re-victimization issues and “Positive Leadership and Institutional Integrity” with support from the Mental Hygiene League of Guatemala to help justice operators identify positive leadership skills that they can apply in the workplace.

The Project also had support from the Guatemala Women’s Group to train personnel from the District Prosecutor’s Office and the Judiciary in Petén using the “Take a Walk in Someone Else’s Shoes” methodology to increase sensitivity to victims’ concerns.

In reference to **Sub IR 3: Increased Internal Accountability and Oversight within the Justice Sector**, PAVI has continued to support the Public Ministry by providing team building training for ten individuals from the UA, including three women and seven men. The participants reported 93.75% satisfaction rates following this activity that was designed to contribute to the cross-cutting strengthening strategy as part of the Institutional Integrity Model.

VII. ADMINISTRATIVE AND PERSONAL MATTERS

- The Project completed the process to donate servers, racks, and storage units to the Public Ministry along with software from the company ESRI to implement a GIS in the UAs.
- INACIF appointed a committee to receive an equipment donation for the videoconference evidence room.
- In compliance with personnel contracting procedures, the Project hired Amanda Hernandez in October to provide technical assistance for victim assistance and witnesses, among other duties.
- Del Valle University in Guatemala requested an amendment at no additional cost to the Project to extend the termination date of the subcontract to allow sufficient time to comply with the commitments of the contract.
- Through the MPJ, FADS submitted a proposal to advocate on behalf of legislation to register mobile phones as a measure to prevent theft and robbery and extortions. The Project is currently reviewing the proposal for approval as a sub-contract.
- FADS also requested an amendment at no additional cost to the Project to complete the activities that require the presence of the Chief Justice of the CSJ who has been on leave during the month of December.
- The negotiations between the CSJ and the Cobán City Council for a land swap prior to beginning construction of a Judiciary Compound in Alta Verapaz saw significant progress following a field visit by the Chief Justice and a committee of magistrates and Judiciary staff. The visit provided an opportunity to sign agreements with the Mayor and the General Manager of the Judiciary is completing due diligence prior to registering the land deal.
- The administrative procedures for the RFP to remodel the 14th floor have been completed prior to awarding the contract to ARQUINCO S.A. Magistrates from the Criminal Chamber were joined by technical experts and PAVI staff to make up the evaluation committee that reviewed the six technical and financial proposals on the short list.
- The final phase of the study to evaluate the juvenile justice system operations will be undertaken over the next few weeks. The consultant working on the study completed the interviews and gathered information using instruments that were designed and approved for use during similar evaluations conducted in the region.
- This quarter, the Project conducted field visits to every region in the country to interview the justice sector entities and CSOs that play a role in women seeking legal aid to request child support. The field visits were completed on December 16.

VIII. FINANCIAL QUARTERLY REPORT

USAID/Guatemala Project Against Violence and Impunity
Task Order #DFD-I-08-04-00173-00

PROJECT LINE ITEM - BASE PERIOD PLUS OPTION	(1) APPROVED BUDGET TO DATE	(2) TOTAL CLAIMED THROUGH LAST REQUEST	(3) EXPENSES CLAIMED THIS PERIOD	(4) SUSPENDED EXPENSES	(5) TOTAL EXPENSES TO DATE	(6) BALANCE AVAILABLE REMAINING
WORKDAYS ORDERED	\$3,695,582	\$2,284,227	\$300,324	\$0	\$2,409,240	\$1,286,342
OTHER DIRECT COSTS	\$1,971,411	\$1,270,426	\$268,929	\$0	\$1,318,080	\$653,331
INDIRECT COSTS	\$216,533	\$161,756	\$32,851	\$0	\$174,071	\$42,462
GRANTS FUND	\$350,000	\$100,632	\$91,455	\$0	\$156,840	\$193,160
HIGH IMPACT COURT ACTIVITY	\$900,000	\$16,224	\$8,497	\$0	\$19,762	\$880,238
TOTAL COSTS	\$7,133,526	\$3,833,264	\$702,056	\$0	\$4,077,994	\$3,055,532

IX. ANNEXES

ANNEX I
STRATEGIC ACTIVITY GUIDELINES FOR THE JUDICIARY.
PRESENTATION PREPARED FOR THE FULLASSEMBLY
OF THE SUPREME COURT OF JUSTICE, NOVEMBER 2011

Áreas e Iniciativas de Impacto del Proyecto PAVI en el Organismo Judicial

Desarrollo Institucional: Presidencia de la Corte Suprema de Justicia y Organismo Judicial

1. Plan Marco Estratégico Político
2. Plan Estratégico Quinquenal 2011 – 2015 (PEQ): Agenda Prioritaria
3. Fortalecimiento de la Secretaría de Planificación y Desarrollo Institucional
4. Sistema de Integridad Institucional
5. Sistema de Desarrollo Profesional

Fortalecimiento y Desarrollo de la Justicia Penal

1. Política Judicial de la Cámara Penal 2010 y 2011: Participación de la víctima en el proceso penal, Juzgados Pluripersonales
2. Juzgado de Mayor Riesgo
3. Juzgados Penales de Turno 24 Horas
4. Complejo Judicial de Alta Verapaz
5. Justicia Juvenil

Fortalecimiento y Desarrollo de la Justicia Civil

1. Juicio Oral de Fijación de Alimentos
2. Política y Programa de Desarrollo de Justicia Civil en Guatemala (Política Judicial de la Cámara Civil)

I. Plan Marco Estratégico Político

Descriptor: instrumento para el manejo estratégico y táctico del entorno y la generación de equilibrios básicos en el ejercicio del poder: mínimos consensos y acuerdos entre magistrados y actores – grupos clave. Su implementación provoca pactos internos básicos para el impulso de procesos de transformación y desarrollo institucional.

Impacto Esperado	Nivel de Avance	Hechos y Datos Relevantes	Proyección a Junio 2012
Gestión exitosa de la CSJ a partir de cambios importantes en a) ejercicio del poder, b) gestión, control y evaluación de recursos humanos, c) desempeño administrativo y d), acceso a la justicia.	<ol style="list-style-type: none"> Aprobación por el pleno de la CSJ el 17 de febrero 2010, Acta 7-2010. Sus lineamientos generales se encuentran incluidos en el Plan Estratégico Quinquenal 2011 – 2015 y la Agenda Prioritaria. 	<ol style="list-style-type: none"> La actual Corte Suprema de Justicia proviene de un proceso de elección de magistrados que rompió paradigmas. Se han dado esfuerzos esencialmente programáticos de desarrollo jurisdiccional, por parte de las diferentes cámaras, no así de fortalecimiento institucional sostenible. 	Apoyo a la gestión técnico – política de la tercera Presidencia de la CSJ, en la generación de consensos internos y manejo efectivo del entorno.

Importancia Estratégica

- Encause del OJ en una senda de fortalecimiento institucional sostenible.
- Avances tangibles y perceptibles para la población en el acceso a la justicia: desarrollo jurisdiccional con soporte institucional, administrativo y técnico.
- Posicionamiento público de imagen y visión de Estado con aprobación social.

Decisiones, Acciones o Condiciones Necesarias a Corto Plazo

Pacto interno entre magistrados de la CSJ y las cámaras, en función de favorecer la gestión exitosa de la tercera Presidencia, en torno a la implantación de la Agenda Prioritaria y el manejo efectivo y estratégico del entorno complejo y predominantemente adverso.

II. Agenda Prioritaria

Descriptor: consiste en la identificación de diez programas o proyectos de largo alcance, que atienden diferentes problemáticas estructurales del Organismo Judicial. Dichas problemáticas fueron identificadas durante el proceso de formulación del Plan Marco Estratégico y Político de la CSJ (2009). Se trata de procesos que por su naturaleza sólo pueden ser impulsados desde la Presidencia y más allá de una gestión (proyectos de Estado).

Impacto Esperado	Nivel de Avance	Hechos y Datos Relevantes	Proyección a Junio 2012
Atención a grandes pendientes institucionales postergados o mal atendidos por gestiones anteriores, sobre la base de voluntad y liderazgo político de carácter estratégico de la Presidencia, pleno y cámaras de la CSJ.	<ol style="list-style-type: none"> 1. Aprobación por el pleno de la CSJ del Plan Estratégico Quinquenal 2011 – 2015, en octubre 2010 y presentado públicamente en febrero 2011. 2. La Agenda Prioritaria fue aprobada por el Presidente de la CSJ (2010/2011) Luis Arturo Archila, siendo delegada su implementación a la Gerencia General en julio 2011. 	<ol style="list-style-type: none"> 1. Déficits institucionales a nivel financiero, humano y técnico, en unidades ejecutoras. 2. Abandono y desperdicio en impulsos anteriores de fortalecimiento han mermado la confianza y credibilidad en los equipos humanos. 	Apoyo a la gestión técnico – política de la tercera Presidencia de la CSJ, en la implementación de procesos de impacto estratégico, contemplados en el Plan Marco, Plan Estratégico Quinquenal 2011 – 2015 y Agenda Prioritaria.

Importancia Estratégica

1. Soporte institucional a los avances en el ámbito jurisdiccional que permitan mayor acceso y mejor justicia a la población.
2. Instalación de procesos de largo impacto y aliento que permiten construir resguardos efectivos ante fenómenos como la corrupción y tráfico de influencias, la penetración del crimen organizado o la intervención de poderes fácticos, que drenan el funcionamiento de la entidad y propician la impunidad.

Decisiones, Acciones o Condiciones Necesarias a Corto Plazo

1. Apoyo externo e internacional de carácter técnico, financiero y político.
2. Respaldo y fortalecimiento de unidades gestoras o ejecutoras de los procesos.
3. Conformación y funcionamiento de de Equipos Técnicos Institucionales (ETI's), con unidades ejecutoras clave y representantes del ámbito jurisdiccional.
4. Facilitación técnica de procesos de construcción colectiva, a cargo de la Secretaría de Planificación y Desarrollo Institucional – SPYDI.
5. Gestión e inversión de recursos para su ejecución efectiva y sostenida así como su evaluación – ajuste e institucionalización (desde el inicio).

Agenda Prioritaria
Proyectos que la conforman¹

Eje de Institucionalidad Jurisdiccional

1. Plan Integral de Seguridad de Jueces y Magistrados: resguardo de la independencia e imparcialidad judicial.
2. Desarrollo y Expansión del Sistema de Gestión Tribunalicia: información y control de labor jurisdiccional.

Eje de Servicio

3. Sistema de Evaluación de Desempeño de Jueces: anual, integral y correctivo.
4. Desarrollo de la Unidad de Capacitación: reestructuración y diagnóstico permanente de necesidades formativas.
5. Fortalecimiento y Agilización de la Gestión de Recursos Humanos: un servidor público de justicia de calidad y eficiencia.

Eje de Eficiencia Administrativa

6. Descentralización Sede Regional de Quetzaltenango: generación de condiciones.
7. Plan Integral de Infraestructura: regir decisiones a estándares.
8. Soporte a la Labor Jurisdiccional: fortalecimiento y agilización de la gestión de condiciones, transporte y suministros.

Eje de Aprobación y Confianza

9. Comunicación Estratégica: reestructuración del Depto. de Comunicación Social.
10. Sistema de Integridad Institucional: Campaña de Cero Tolerancia a la Corrupción.

¹ Se indican conforme los ejes programáticos establecidos en el PEQ.

III. Secretaría de Planificación y Desarrollo Institucional

Descriptor: la Secretaría de Planificación y Desarrollo Institucional requiere de generar capacidades humanas e institucionales para la efectiva implementación del Plan Estratégico Quinquenal 2011 - 2015 y particularmente, la Agenda Prioritaria (10 grandes proyectos).

Impacto Esperado	Nivel de Avance	Hechos y Datos Relevantes	Proyección a Junio 2012
Salto cualitativo en el desempeño de la SPYDI, a partir de una nueva orientación y ubicación de su rol institucional y funciones así como la adquisición de las competencias técnicas y humanas que se requieren.	<ol style="list-style-type: none"> Propuesta técnica de nuevo diseño básico: rol, funciones centrales y competencias necesarias. Experiencia y conocimiento surgidos en la formulación y análisis de los Planes Marco y Estratégico Quinquenal. 	<ol style="list-style-type: none"> La ubicación orgánica de la SPYDI es incorrecta. Debe estar a nivel de Presidencia y no por debajo de la Gerencia Gral. Actualmente la SPYDI cumple con labores en exceso operativas y su horizonte funcional se circunscribe a lo anual (formulación, monitoreo y evaluación del Plan Anual) y lo coyuntural (realización de dictámenes). 	Apoyo a la generación de competencias técnicas y humanas de la SPYDI, en el marco de la implementación de procesos de impacto estratégico, contemplados en el Plan Marco, Plan Estratégico Quinquenal 2011 – 2015 y Agenda Prioritaria.

Importancia Estratégica

- La SPYDI es el “brazo gestor” de la Presidencia de la CSJ en el impulso de procesos de desarrollo institucional y encargada de velar que lo estratégico no quede supeditado o detenido por lo coyuntural y emergente.
- Con la formulación de los Planes Marco y Estratégico Quinquenal, se abre una oportunidad para que la SPYDI pueda acelerar su desarrollo y fortalecimiento institucional.

Decisiones, Acciones o Condiciones Necesarias a Corto Plazo

- Aprobación de un nuevo diseño funcional de la SPYDI, adecuado a las necesidades y demandas de planificación y desarrollo del Organismo Judicial.
- Nombramiento de un (a) Secretario (a), con base a un perfil congruente con el nuevo diseño funcional, avalado por la Presidencia y previo a la selección y contratación.
- Reubicación orgánica para que responda directamente a la Presidencia del OJ.

Secretaría de Planificación y Desarrollo Institucional
Propuesta de nuevo diseño institucional: elementos básicos

Rol Institucional

Facilitar orden, unidad y dirección en la gestión estratégica e institucional del Organismo Judicial y la Corte Suprema de Justicia, procurando el desarrollo sostenible de la entidad para el pleno cumplimiento de su mandato.

Funciones Centrales y Competencias Necesarias

A. Planear a nivel estratégico, programático y operativo

1. Facilitación de construcción colectiva y participativa.
2. Sistematización de aportes e información.
3. Presentación: diseño y exposición.

B. Monitorear y evaluar la ejecución e impacto de planes y programas

1. Observación, indagación y síntesis.
2. Manejo de recursos y sistemas informáticos.
3. Elaboración y presentación de informes.

C. Brindar dictamen técnico sobre cambios orgánicos y funcionales

1. Recopilación y procesamiento de datos e información (expediente).
2. Análisis y conclusión.
3. Planteamiento técnico (dictámenes).

D. Facilitar la implantación de desarrollos institucionales

1. Comunicación y persuasión.
2. Gestión de decisiones.
3. Manejo productivo y asertivo del conflicto.

E. Apoyar la gestión estratégica de autoridades y directivos

1. Asesoría.
2. Sentido, seguimiento y acompañamiento de proceso.
3. Análisis y manejo de coyuntura y crisis.

IV. Sistema de Integridad Institucional

Descriptor: política institucional orientada a un cambio ético – cultural en la administración de justicia. Su implementación conlleva gestión estratégica de decisiones políticas, integración funcional de unidades clave y manejo de resistencias humanas (enfoques, actitudes y comportamientos).

Impacto Esperado	Nivel de Avance	Hechos y Datos Relevantes	Proyección a Junio 2012:
<p>Los principios y valores éticos se aplican y observan en el desempeño de los servidores públicos, haciendo parte de la construcción de una nueva cultura institucional en el servicio público de justicia.</p>	<ol style="list-style-type: none"> 1. Incluido en Agenda Prioritaria de Plan Estratégico Quinquenal aprobado. 2. Se cuenta con perfil básico de proyecto. 3. Propuesta técnica de proceso para su implementación. 	<ol style="list-style-type: none"> 1. Entes como la CICIG han exigido públicamente al OJ, iniciar procesos de depuración de personal jurisdiccional. 2. Se reconoce la existencia de “islas” institucionales en las que las que prevalece el amiguismo, tráfico de influencias y corrupción. 	<ol style="list-style-type: none"> 1. Política de Integridad Institucional del OJ, aprobada: “Cero Tolerancia contra la Corrupción”. 2. Plataforma conceptual generada y aprobada: código ético (actualización), cultura institucional, diseño programático y metodología. 3. Lanzamiento público: estrategia de difusión y comunicación educativa.

Importancia Estratégica

1. OJ es vanguardia en integridad de servidores públicos.
2. Credibilidad en la justicia por identidad, pertenencia y ética de servidores públicos de justicia.
3. Recuperación y respaldo de personal sano, capaz y comprometido, a través de premiar buen desempeño.

Decisiones, Acciones o Condiciones Necesarias a Corto Plazo

1. Involucramiento de la Presidencia, el pleno y las cámaras.
2. Integración funcional de unidades ejecutoras y actores clave: conformación de equipos técnicos institucionales – ETI's.
3. Apoyo y acompañamiento externo (técnico y político) con acercamiento – participación ciudadana de organizaciones y actores de la sociedad civil.
4. Involucramiento y participación de sindicatos y asociaciones profesionales – gremiales internas y externas (Colegio de Abogados).
5. Inversión semilla y gestión de recursos financieros de donación y/o préstamo no reembolsable.

V. Campaña de concienciación “Cero Tolerancia contra la Corrupción”

Descriptor: campaña de concienciación que fortalece los esfuerzos de la CSJ por impulsar una renovada ética en la administración de justicia; y que estimula en el usuario del sistema la exigencia por un desempeño íntegro y ético por parte de los funcionarios judiciales. Su implementación incluye promoción del diálogo, acceso a la información, apoyo directo a las estructuras del régimen disciplinario.

Impacto esperado	Nivel de avance	Hechos y datos relevantes	Proyecciones junio 2012
Jueces, magistrados y funcionarios del OJ así como organizaciones de participación ciudadana, se involucran activamente en la promoción de la integridad a través de la plena ejecución del Programa <i>Cero Tolerancia a la corrupción, la impunidad y al tráfico de influencias</i> .	<ol style="list-style-type: none"> Acuerdo de la CSJ que formaliza la creación y ejecución del Programa <i>Cero Tolerancia a la corrupción, la impunidad y al tráfico de influencias</i> (“<i>Cero Tolerancia</i>”). Carta de entendimiento suscrita entre CSJ y Movimiento Pro Justicia para promover el Programa “<i>Cero Tolerancia</i>” 	<ol style="list-style-type: none"> La situación de impunidad prevaeciente constituye, junto con la violencia y la delincuencia, una tendencia que contribuye a generar escenarios de pérdida de gobernabilidad. El sistema de justicia se sitúa en el centro de la inconformidad de amplios segmentos de población y otros entes que demandan depuración. Opinión pública poco informada tiende a responsabilizar al OJ de la totalidad de las falencias del sistema de justicia. 	<ol style="list-style-type: none"> Definida la campaña de concienciación en cuanto a líneas discursivas, tipo de audiencias y canales de comunicación a utilizar (Radio, TV, Diarios impresos y TIC). Identificadas fuentes de financiamiento para lanzamiento de la campaña. Carta de entendimiento suscrita entre AJMOJ y el MPJ para ejecutar varias líneas de trabajo en coordinación con la CSJ. Divulgación regional sobre el funcionamiento de las estructuras y acciones que pueden ejecutar los ciudadanos que tengan denuncias fundamentadas ante el régimen disciplinario.

Importancia estratégica

- Ofrecer respuestas institucionales adecuadas a los segmentos de población que demandan avances en la lucha contra la impunidad.
- Adoptar comportamientos institucionales que sitúen la integridad y la ética de la institución como prioridades en la defensa frente a presiones que intenten forzar una depuración del poder judicial por medios no legales e inconstitucionales.
- Prevenir un mayor deterioro de la institución, al mismo tiempo que se intenta crear mejores condiciones para alentar la credibilidad y la confianza de la población en el OJ.

Decisiones, acciones o condiciones necesarias a corto plazo

1. Participación de la Presidencia de la CSJ en la definición de la campaña de concienciación y gestión conjunta ante las empresas de comunicación para obtener apoyo a la ejecución de la campaña
 2. Apoyo del pleno de la CSJ a la campaña de concienciación.
 3. Involucramiento de las estructuras del régimen disciplinario en la tarea de hacer visible su trabajo y sus resultados.
 4. Participación activa de las entidades gremiales de jueces y magistrados, y de los sindicatos de trabajadores del OJ.
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VI. Sistema de Desarrollo Profesional

Descriptor: El sistema de desarrollo profesional incluye: la selección de personal, evaluación del desempeño, formación, actualización y especialización, planes de carrera e incentivos y retención de personal. La evaluación de la Escuela de Estudios Judiciales comprende un análisis institucional y académico, específicamente del programa educativo, gestión administrativa y financiera.

Impacto Esperado	Nivel de Avance	Hechos y Datos Relevantes	Proyección a Junio 2012:
<p>1. Los descriptores de puestos se utilizan como base para el Sistema Integral de Desarrollo Profesional.</p> <p>2. El modelo de evaluación del desempeño tendrá un descriptor de puesto basado en competencias específicas por puesto</p> <p>3. La Escuela de Estudios Judiciales cumple su misión en el marco de un proyecto educativo.</p>	<p>1. Análisis Técnico del Modelo de Evaluación del Desempeño.</p> <p>2. Descriptores de Puestos: recopilación de información, Gerencia de RRHH y CCJ capacitados en desarrollo de descriptores de puestos.</p> <p>3. Análisis Escuela de Estudios Judiciales: análisis normativo, estructural y académico.</p>	<p>1. Recomendaciones incluidas en el estudio sobre Evaluación del Desempeño SIN IMPLEMENTAR.</p> <p>2. Los descriptores de puestos para personal judicial datan de 1989.</p> <p>3. Reglamento de la EEJ es anterior a la Ley de Carrera Judicial.</p>	<p>1. Reglamento de evaluación anual del desempeño aprobado.</p> <p>2. Propuesta de Manual de Perfiles y Descriptores de Puestos finalizado y aprobada por la CSJ.</p> <p>3. Formulados un nuevo reglamento para la EEJ y aprobado por la CSJ.</p> <p>4. Formulada una Propuesta de desarrollo de un Proyecto Educativo a partir del diagnóstico de la EEJ.</p>

Importancia Estratégica

Incidir en la eficiencia y eficacia de la administración de Justicia, a través del mejoramiento continuo de su recurso humano dentro de una política de desarrollo profesional.

1. El Pleno de la CSJ incorpora en su agenda conocer, analizar y aprobar los reglamentos sobre Evaluación de Desempeño y el de la Escuela de Estudios Judiciales.
2. El Pleno de la CSJ adopta decisión sobre el Manual de Perfiles y descriptores de puestos.

VII. Programa de Política Judicial de la Cámara Penal

Descriptor: apoyo mediante asistencia técnica a la implementación de acciones definidas por la Cámara Penal, particularmente, en la incorporación de reformas procesales en la aplicación de la gestión oral por audiencias y la intervención de la víctima en el proceso penal.

Impacto Esperado	Nivel de Avance	Hechos y Datos Relevantes	Proyecciones Junio 2012
Los juzgados de paz e instancia penal administran justicia con una organización de despacho con clara separación de funciones administrativas y jurisdiccionales, que hacen eficiente la gestión judicial.	<ol style="list-style-type: none"> 1. Reformas procesales (Decreto No. 7-2011): jueces de sentencia y participación de la víctima en el proceso penal. 2. Implementación del Reglamento Interior de Juzgados y Tribunales Penales (Acuerdo 24-2005). 3. Actualización y readecuación del Sistema de Gestión de Tribunales-SGT- a las exigencias de la gestión oral por audiencias. 4. Manual de Normas y Procedimientos de las unidades de servicios comunes del área administrativa. 5. Formación para jueces en destrezas de conducción de audiencias. 6. Reglamento del Recurso de Casación 	<ul style="list-style-type: none"> • Delegación de funciones jurisdiccionales en auxiliares judiciales. • Mora judicial • Ejercicio de funciones administrativas por el Juez • Mantenimiento de la cultura del expediente • Incumplimiento de plazos procesales 	Integración pluripersonal de juzgados implementados en lugares clave.

Importancia Estratégica

1. Incorporación de una nueva cultura judicial en los servicios de justicia.
2. Favorece la Institucionalidad jurisdiccional: mejora perceptible en el acceso a los servicios de justicia.
3. Posibilita la conformación de sedes judiciales con jueces y juezas especializadas por materia, sin necesidad de crear nuevos juzgados.

Decisiones, Acciones o Condiciones Necesarias a Corto Plazo

Consistencia y coherencia en las decisiones institucionales con los intereses jurisdiccionales.

VIII. Sede judicial penal pluripersonal de mayor riesgo

Descriptor: Facilitar técnicamente el diseño de un modelo funcional de JMR, teniendo en cuenta sus requerimientos y características específicas, apoyando la generación de condiciones a nivel de infraestructura, operatividad y seguridad, en forma congruente con los aspectos funcionales del modelo.

Impacto Esperado	Nivel de Avance	Hechos y Datos Relevantes	Proyecciones Junio 2012
<p>La sede judicial penal pluripersonal de mayor riesgo funciona en condiciones adecuadas de seguridad para el juzgamiento de casos de alto impacto, que garantizan el resultado del proceso en términos de seguridad de operadores de justicia y sujetos procesales.</p>	<ol style="list-style-type: none"> 1. Funcionamiento de un juzgado de instancia penal de mayor riesgo y un tribunal penal de mayor riesgo en el Nivel 15º de la Torre de Tribunales. 2. Criterios de admisibilidad aplicables a las solicitudes de prórroga de competencia territorial en casos de mayor riesgo, consensuados con el MP. 3. Proceso de selección y contratación de empresa constructora para el trabajo de remodelación, en marcha. 	<p>2 jueces de instancia penal de mayor riesgo 6 jueces de sentencia penal de mayor riesgo Integración de la sede judicial de mayor riesgo (Nivel 14º y 15º) : 6 salas de audiencias para debate 2 salas de espera para testigos 2 salas de espera para víctimas sala para permanencia de fiscales, abogados y defensores durante recesos</p>	<p>Nivel 14º completamente remodelado</p> <p>Protocolo de Seguridad: política institucional de seguridad y protección definida, estructura orgánica y funcional responsable de la seguridad, protocolos de actuación de cuerpos de seguridad</p>
<p>Importancia Estratégica</p> <ol style="list-style-type: none"> 1. Respuesta inmediata del Organismo Judicial a las demandas de justicia en casos de alto impacto social, particularmente, los derivados de la investigación y judicialización de delitos cometidos por estructuras criminales. 2. Soluciones de modelo y funcionamiento producto de acuerdos y consensos de la Mesa Técnica de Donantes e Instituciones de justicia. 			<p>Proceso de implementación sistematizado en sus aspectos funcionales, operativos y de seguridad.</p>

Decisiones, Acciones o Condiciones Necesarias a Corto Plazo

1. Involucramiento de la Presidencia y la Cámara Penal
2. Generación de condiciones adecuadas para facilitar el trabajo de la empresa contratista: comunicación y coordinación entre unidades internas.
3. Acompañamiento en el proceso de la Mesa Técnica de Donantes e instituciones de justicia.

IX. Sede judicial de funcionamiento 24 horas

Descriptor: modelo de organización judicial y administrativa, *creado para la gestión eficiente del despacho judicial* respondiendo en forma eficaz a dos funciones centrales: a) *Decidir la situación jurídica de los detenidos dentro de los plazos constitucionales y procesales, y b) Atender y resolver en el mismo momento de ser solicitadas por el Ministerio Público, las diligencias de investigación de carácter urgente así como las peticiones de órdenes de captura y allanamiento.*

Impacto Esperado	Nivel de Avance	Hechos y Datos Relevantes	Proyecciones Junio 2012
La sede judicial de instancia y paz penal de Mixco, Villa Nueva, Escuintla y Sacatépequez de 24 horas, funcionan alineadas al modelo conceptual de gestión que le dio origen, en condiciones institucionales y sectoriales adecuadas.	<ol style="list-style-type: none"> 1. <u>Acuerdos Nos. 18-2010 y 19-2010</u>: estandarización del modelo de funcionamiento, organización y gestión judicial y administrativa de 24 horas. 2. <u>Identificación de los 5 elementos básicos del modelo, en condiciones de ser replicados.</u>: a) integración pluripersonal, b) cultura judicial, c) gestión oral por audiencias, d) gestión de información y e) Secretario: punto focal del control de las funciones administrativas. 3. Equipo Técnico Institucional (ETI) de Secretario y Secretarías de las 4 sedes judiciales de 24 hora. 	<ul style="list-style-type: none"> • A septiembre de 2010, la sede judicial de 24 horas, funcionaba con 67 auxiliares judiciales, a un costo de <u>Q. 8,985,482.00</u>. • El costo actual de una organización del despacho judicial con 5 jueces de instancia penal y 5 jueces de paz penal más 26 auxiliares, es de: <u>Q. 4,467,600.00</u>. 	<p>Réplica de elementos de organización y funcionamiento en los municipios de: COATEPEQUE, MALACATÁN Y CHIQUIMULA.</p> <p>Establecimiento de mecanismo de monitoreo y evaluación con base en indicadores de gestión y variables de desempeño.</p> <p>Lineamientos conceptuales y arquitectónicos para la construcción del Complejo Judicial de Cobán</p>

Importancia Estratégica

1. Oportunidad de coordinación sectorial e interinstitucional.
2. Incorporación definitiva en la cultura judicial de la división de funciones administrativas y jurisdiccionales
3. Referente para diseño de Complejo Judicial de Cobán, Alta Verapaz

Decisiones, Acciones o Condiciones Necesarias a Corto Plazo

1. Involucramiento de la Presidencia y la Cámara Penal
2. Generación de condiciones adecuadas y necesarias para la réplica en los lugares definidos
3. Acompañamiento de ETI.

X. Juicio Oral de Fijación de Alimentos

Descriptor: Elaboración de un estudio – diagnóstico para establecer, en el ámbito jurisdiccional, las causas de demora en la tramitación del Juicio Oral de Alimentos.

Impacto Esperado	Nivel de Avance	Hechos y Datos Relevantes	Proyección a Junio 2012:
El Organismo Judicial cuenta con un estudio a nivel nacional, en el cual se detallan los obstáculos que inciden en el retardo de los procesos orales de fijación de pensión alimenticia; con una propuesta de ajustes institucionales orientados a agilizar la tramitación del Juicio Oral de Alimentos.	<ol style="list-style-type: none">1. La Cámara Civil de la CSJ aprobó la propuesta y metodología del estudio.2. La Consultoría se encuentra en fase de recopilación de información en los distintos órganos jurisdiccionales y entidades relacionadas (bufetes populares, asociaciones de mujeres, etc) a nivel nacional.		<ol style="list-style-type: none">1. Propuesta de recomendaciones presentada y adoptada para la toma de decisiones con relación al proceso de fijación oral de alimentos.2. Plan de Acción para implementar las recomendaciones aprobadas por la CSJ.

Importancia Estratégica

Favorece la Institucionalidad jurisdiccional: mejora perceptible en el acceso a los servicios de justicia.

Decisiones, Acciones o Condiciones Necesarias a Corto Plazo

1. Involucramiento del Pleno y la Cámara Civil.
 2. Toma de decisiones por el Pleno de la CSJ con relación a las recomendaciones propuestas para las mejoras en el proceso oral de fijación de alimentos.
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