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PROGRAM AGAINST VIOLENCE AND IMPUNITY IN GUATEMALA

QUARTERLY REPORT: JULY – SEPTEMBER 2012

PROGRAM: PROGRAMA DE USAID JUSTICIA CONTRA LA
VIOLENCIA

USAID OFFICE: USAID/GUATEMALA

TASK ORDER: AID-DFD-I-08-04-00173

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DATE: SEPTEMBER 2012

The authors' views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

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LIST OF ACRONYMS

ASLG	<i>Oficina de Asistencia Legal Gratuita – Office of Free Legal Assistance</i>
CENADOJ	<i>Centro Nacional de Documentación del Organismo Judicial – National Documentation Center of the Judiciary</i>
CIT	<i>Centro de Informática y Telecomunicaciones - Information Technology and Telecommunications Center</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 Of Guatemala</i>
IMM	<i>Institutional Management Model</i>
MP	<i>Ministerio Público - Public Ministry</i>
OAV	<i>Oficina de Atención a la Víctima del Ministerio Público - Office of Victim Assistance of the Public Ministry</i>
OAP	<i>Oficina de Atención Permanente del Ministerio Público– Office of Permanent Attention of the Public Ministry</i>
PAVI	<i>Program Against Violence and Impunity</i>
PNC	<i>Policía Nacional Civil - National Civilian Police</i>
SP	<i>Sistema Penitenciario – Penitentiary System</i>
UCI	<i>Unidad de Capacitación Institucional - Institutional Training Unit</i>

I. CONCEPTUAL AND OPERATIONAL DESIGN FOR THE JUDICIARY COMPOUND IN COBAN, ALTA VERAPAZ

Over the July to September reporting period, the Project continued to provide support and technical assistance as summarized below.

- Facilitated an institutional working group set up to develop the judiciary compound in Coban, Alta Verapaz
- Used the Needs Assessment to develop the preliminary and final architectural design for the Compound.
- Selected and contracted construction firms to conduct the technical evaluations for the site and develop the preliminary and final design plans.
- Organized orientation and training activities for personnel from the Coban District Prosecutor Office.
- Held workshops on leadership and conflict management.

A. FACILITATED AN INSTITUTIONAL WORKING GROUP SET UP TO DEVELOP THE JUDICIARY COMPOUND IN COBAN, ALTA VERAPAZ

The technical working group includes representatives from the three Supreme Court chambers (criminal, civil and appeals) and is managed and coordinated by the General Manager of the Judiciary. The Working Group provides an opportunity to exchange information and report progress on registering title to the land, selecting and contracting companies for the technical evaluations, reviewing architectural design and plans for the Compound and discussing the results of the diagnostic needs assessment and technical assistance requirements.

More specifically, the Working Group addressed the issues pertaining to registering title to the land on which the compound will be built. The Judiciary has a copy of the minutes from the Coban City Council meeting dated July 31, 2012 which specifies “Agenda Item 9 to discuss miscellaneous issues based on the meeting minutes No. 92-2011 from November 14, 2011 regarding 1) **LAND TITLE SWAP** on behalf of the State of Guatemala as represented by the Judiciary Branch, to deed municipal property in the vicinity of Finca Sachamach, located at First Avenue “A” and 11th Street in the City of Coban, Alta Verapaz. The land is to be used for construction of the Judiciary Compound...” The same document also makes reference to boundaries and total area as 12,211.79 square meters.

Regardless of the fact that the minutes of the meeting make reference to the title exchange, the General Manager of the Judiciary Branch informed the members of the Working Group that he is still awaiting written notification from the Municipality regarding a proposal to request GTQ3.7 million in compensation for the difference between the assessed value of the land and the value of the building being offered in exchange. The proposal must be submitted for the review and approval of the Full Assembly of the Supreme Court prior to beginning the paperwork to register title.

B. NEEDS ASSESSMENT TO DEVELOP THE PRELIMINARY AND FINAL ARCHITECTURAL DESIGN FOR THE COMPOUND

Based on the results of the needs assessment, the Working Group reviewed the preliminary considerations for use of the space in the Compound. Considerations included the physical infrastructure requirements for each jurisdictional entity, along with those of the justice services that are currently offered in Coban. These became the basis for a preliminary architectural design (including blueprints, special facilities and structural requirements) for the Compound.

As a result, the Full Assembly of the Supreme Court concurred that the future Compound will house and operate at least nine (9) courts with criminal jurisdiction and five (5) civil courts along with two (2) courts with special jurisdiction. Furthermore, the Compound will house facilities for a the Public Ministry, the National Institute for Forensic Science (INACIF), the Public Defense Institute and specially-designated areas for individuals in custody or awaiting hearings.

The Needs Assessment included the following:

- Cultural and gender considerations specific to the area, along with special considerations required for the architectural design;
- Using the court management model based on work-flow processes, case management, operational concerns, IT considerations and security issues, as necessary, and
- Work load or demand for judiciary services based on user needs (internal and external).

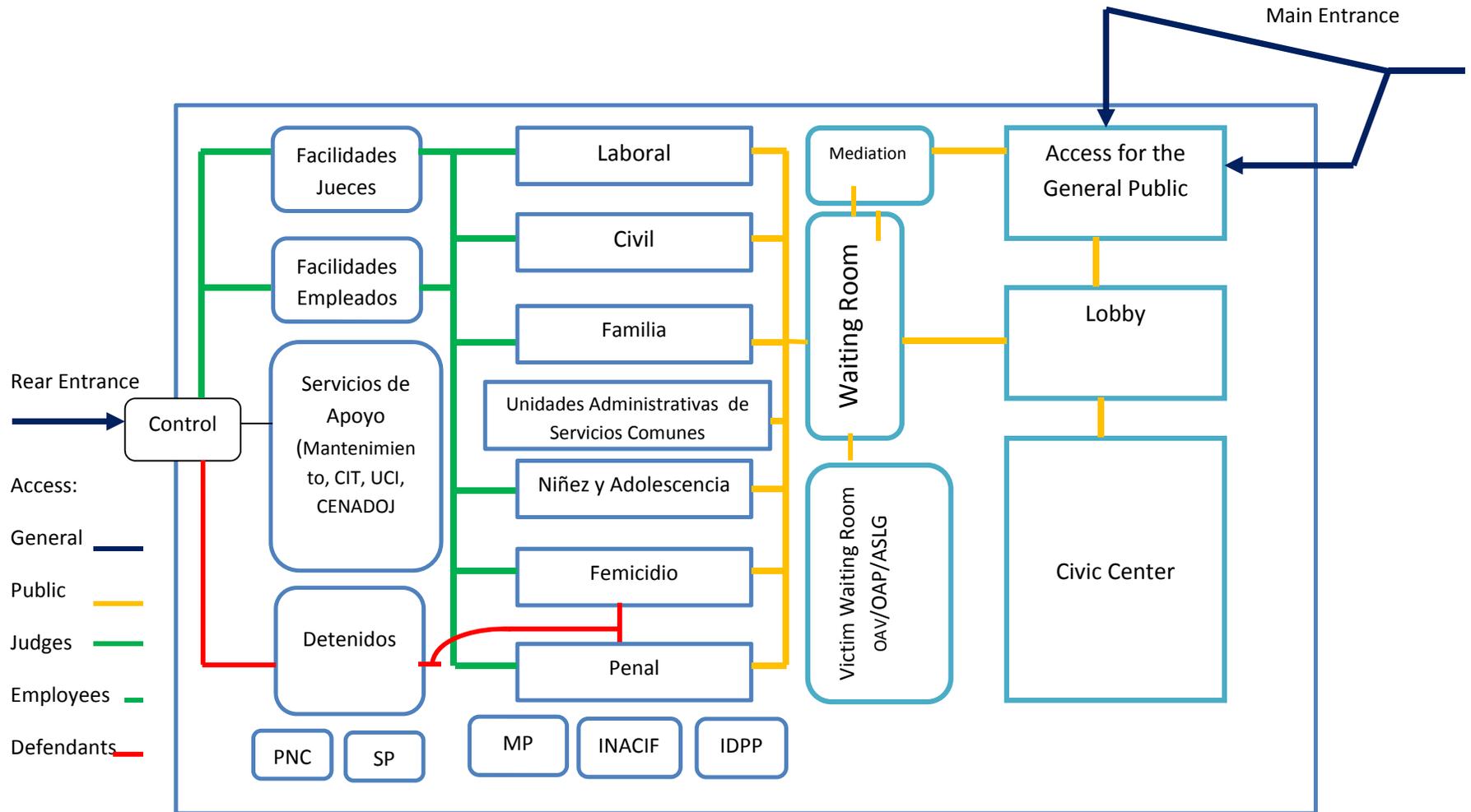
The Working Group reached consensus regarding the architectural design for the Compound in response to the requirements to operate multi-person courts, use oral proceedings and shared administrative services to replace traditional operations of a closed courtroom. The trend is to use open spaces, hearing rooms, deliberation rooms and work stations to optimize space and operations for improved case management.

As a result, the Working Group has a needs assessment and an initial layout based on an internal and external flow chart for the various jurisdictions that factor in the necessary criteria and requirements described by the Criminal Chamber.

Based on the initial proposal, the Civil Chamber provided input for civil and family court operations and, similarly, the Appeals Chamber also provided input. The former incorporates considerations pertaining to criminal code reforms and the use of oral proceedings which led to design modifications to increase space for hearings and

designated waiting areas to separate women and children from other types of users or witnesses. The latter provided considerations to replicate the model for labor courts implemented in Guatemala City with shared hearing rooms and administrative services, along with an area for mediation and alternative resolution.

FLOW CHART FOR THE JUDICIARY COMPOUND IN COBAN, ALTA VERAPAZ



C. SELECT AND CONTRACT CONSTRUCTION FIRMS TO CONDUCT THE TECHNICAL EVALUATIONS FOR THE SITE AND DEVELOP THE PRELIMINARY AND FINAL DESIGN PLANS

Upon receiving written notification from the Coban Municipality, the Project is ready to begin the process for the sanitation and soil studies and land evaluation. The land has been topographically surveyed and measured.

During the reporting period, the Project kept interested bidders apprised of developments in the process to complete legal requirements and register land title. The companies all confirmed interest in submitting bids as soon as the selection and contracting process unfolded. The Project proceeded to complete the RFQ to be sent out to interested parties along with the scope of work, terms of reference and contracting conditions.

D. ORIENTATION AND TRAINING ACTIVITIES FOR PERSONNEL FROM THE COBAN DISTRICT PROSECUTOR OFFICE

The need to establish an operational model based on a multi-person criminal court is not met merely by putting up a building, rather the construction has to be based on strengthened institutional technical capacity and skill sets with justice operators prepared for the infrastructure, procedural and cultural changes implicit in operating a criminal justice compound in Coban.

To that end, the Project provided assistance to organize three workshops on strategic litigation for prosecutors and assistant prosecutors to cover the areas of preliminary hearings, briefs and indictment hearings and presenting evidence.

Item	Date	Subject	Participants
1	July 27	Litigation techniques for preliminary hearings	16
2	August 30	Indictment hearings	21
3	September 27	Presenting Evidence	19
Total			56

As a result of the training, prosecutorial staff acquired skills in litigating complex cases against organized crime by presenting a case built up from illicit association and related crimes.

The training was designed around the use of complex case studies involving organized crime groups, a common occurrence in this region of the country and a situation that many prosecutors will be facing once they begin working in the Coban Judiciary Compound.

As revealed by 98.9% user satisfaction rates, recently-appointed prosecutors found the training productive, particularly those working on femicide cases and violence against women.

Despite the fact that recent evaluations reveal continued difficulties in implementing oral proceedings (primarily attributable to deep-rooted habits), the obstacles can be overcome by having regular and frequent training activities on the subject.

Prosecutors working on femicide and violence against women requested training activities tailored to issues pertaining to the Law Against Femicide such as the definition of the crime, methods of proof, variations in the types of crime and aspects of violence against women. The request is under consideration pending feasibility or referral to another entity.

E. WORKSHOPS ON LEADERSHIP AND CONFLICT MANAGEMENT

The internal reorganization process taking place in the Public Ministry offices in Coban (including the arrival of a new district prosecutor) led to some issues of resistance, dispersal, a leadership void and low morale. In response, the Project decided to seize the opportunity to lay the foundation for an Institutional Integrity System. In similar situations such as Peten and the Crimes against Life Prosecutor Unit in Guatemala City, the approach proved very effective.

In this case, the Project organized three specially designed workshops on:

- Resilience and Mental Health: tools to overcome obstacles and provide seek opportunities for personal and professional growth in response to adversity.
- Human Relations and the Use of Power: to focus on the prosecutor understanding the powers vested in the position from a humane perspective, and
- Team Work: to prepare prosecutors to work toward attaining institutional objectives instead of individual goals and use team work as a cross-cutting theme to achieve expected results.

Item	Date	Subject	Participants
1	August 23	Resilience and Mental Health	20
2	September 6	Human Relations and Power	24
3	September 20	Team Work	22
Total			66

It is worth mentioning that most of the participants had never participated in similar training to reveal their inner strengths and find self-motivation to work within an institutional culture and better serve their users.

The Project reports three important milestones from the process. At first, prosecutors were reluctant to attend the workshops and assumed that the content was going to be familiar to them. By the end of the day, however, their attitudes had shifted noticeably.

Furthermore, most of the participants attended the second workshop aware that it would be innovative and could contribute to their personal growth and human capital development. They were more open to the process and participated actively in discussions and activities. Lastly, upon concluding the third workshop, participants asked the consultant to make whatever arrangements were necessary to follow up on the process. As a result, the participants acquired a new perspective on doing their personal best and on achieving their personal development goals.

2. REPORT ON (F) INDICATORS

SUB-IR 1: IMPROVE JUSTICE SYSTEM CAPACITY TO PROSECUTE AND TRY SERIOUS CRIMES

This Sub-IR addressed: (i) poor treatment and attention to victims and witnesses; (ii) inadequate management of information resources; (iii) inadequate inter-institutional coordination; (iv) lack of institutional planning and development; (v) lack of compliance with key legislation, such as the Law Against Organized Crime; and (vi) inadequate management causing undue delays in case processing.

Sub-IR 1 Performance Indicators

INDICATOR 2. Number of trainings/workshops/coordination meetings with justice sector professionals that are related to the prosecution and charge of guilty verdicts of high impact cases (F) ¹	PERIOD JUN - SEPT '12
	TOTAL
Number of trainings/workshops/coordination meetings	3

Training/Workshops/Coordination Meetings:

- Litigation techniques for preliminary hearings.
- Presenting Indictments
- Presenting Evidence

INDICATOR 2(a). Number of participants in the trainings/workshops/coordination meetings (F)	PERIOD JUN - SEPT '12 TOTAL
Number of participants	56
Men	38
Women	18

INDICATOR 2(b). Level of participant satisfaction in trainings and workshops (F)	PERIOD JUN - SEPT '12 TOTAL
Participant Satisfaction (%)	98.94%

¹ The reference "(F)" indicates that the reported information feeds into the USAID Guatemala Mission's monitoring and evaluation indicators. The F indicator includes judges, magistrates, prosecutors, advocates, inspectors and court staff. Training refers to all training or education events whether short-term or long-term.

SUB-IR 2: MOBILIZE JUSTICE SECTOR AND CIVIL SOCIETY TO REDUCE AND PREVENT VIOLENCE

The July-December Work Plan does not include activities for this Sub IR.

SUB-IR3: INCREASED INTERNAL ACCOUNTABILITY AND OVERSIGHT WITHIN THE JUSTICE SECTOR

This Sub-IR addresses: (i) lack of consolidation of financial management, lack of internal controls, teams that have little managerial capacity/experience; (ii) the inexistence, incomplete implementation, or inadequate enforcement of job descriptions, hierarchies, and responsibilities; (iii) the lack of implementation of performance evaluation systems; and (iv) inadequate statistical reporting and analysis.

Sub-IR 3 Performance Indicators

INDICATOR 9(a). Number of participants in the trainings and workshops; Prosecutors, judges, administrative personnel of justice sector institutions participating in PAVI training events on IIM (F)	PERIOD JUN - SEPT '12 TOTAL
Number of participants	66
Men	35
Women	31

Training/Workshops/Coordination Meetings:

- Resilience and Mental Health
- Human Relations and Power
- Team Work

INDICATOR 9(b). Level of participant satisfaction in trainings and workshops (F)	PERIOD JUN - SEPT '12 TOTAL
Participant Satisfaction (%)	96.75%