



# **USAID** | **PROJUSTICE**

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## **1<sup>ST</sup> ANNUAL REPORT**

**July 9, 2009 to July 8, 2010**

Submitted by: DPK CONSULTING,  
A Division of ARD, Inc.

Improving Justice Service Delivery  
and Sector Reform in Haiti (PROJUSTICE) Project

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## ACRONYMS

ADR	Alternative Dispute Resolution
ANAMAH	<i>Association des Magistrats Haïtiens</i> – Association of Haitian Magistrates
ASF	<i>Avocats sans Frontières</i> - Lawyers without Borders
BAL	Bureau d'Assistance Légale – Legal assistance bureau
BCG	Brown Consulting Group
CDB	Croix-des-Bouquets
CFI	Court of First Instance
COP	Chief of Party
COTR	Contracting Officer's Technical Representative
CSPJ	<i>Conseil Supérieur du Pouvoir Judiciaire</i> – High Judicial Council
DCOP	Deputy Chief of Party
DPI	Development Professionals, International
DR	Dominican Republic
EMA	<i>Ecole de la magistrature</i> –School of Magistrates
FINJUS	Fundación Institucionalidad y Justicia – Foundation for Institutionalism and Justice
HSI	USG Haitian Stabilization Initiative
HTT	USAID Haiti Task Team
ILAC	International Legal Assistance Consortium
INL	U.S. State Department Bureau of International Narcotics and Law Enforcement Affairs
LBG	Louis Berger Group
MINUSTAH	<i>Mission des Nations Unies pour la stabilisation en Haïti</i> – United Nations Stabilization Mission in Haiti
MJPS	Ministry of Justice and Public Security
MOU	Memorandum of Understanding
NCSC	National Center for State Courts
NGO	Non-Governmental Organization
OIF	<i>Organisation Internationale de la Francophonie</i>
ONACA	National Land Registry Office
PACT	Program Action Plan
PAP	Port-au-Prince
PDNA	Post-Disaster Needs Assessment
PMEP	Performance Monitoring and Evaluation Plan
PO	Prosecutor's Office
RJC	Rural Justice Center
START	Stabilization and Reconstruction Task Force (Canada)
UNDP	United Nations Development Program
USAID	United States Agency for International Development
USG	US Government

## EXECUTIVE SUMMARY

**From July 9 to September 2009**, the Improving Justice Service Delivery and Sector Reform in Haiti Project (“PROJUSTICE” or “the Project”) focused on logistics and recruitment related to start-up, drafting a proposed work-plan and Performance Monitoring and Evaluation Plan (PMEP) and launching initial program activities. Under the leadership of Chief of Party (COP) Claudio Santorum, the Project had significant home office assistance during this important start-up period. Specifically, DPK Consulting Co-Founder and Director William E. Davis, Technical Advisors Mark Lasser and Charles Jakosa, Project Officer Patricia Valdivieso, Recruiting Specialist Sarah Avendaño, and representatives of sub-contractor Louis Berger Group Stephanie Mattes and Alex Goodspeed all assisted in laying the groundwork for the Project. Due to the team’s dedication, the Project had a smooth start-up and concentrated on key technical activities.

Early on, PROJUSTICE established itself as an important participant in improving the administration of justice within the defined areas of the Project. The COP contacted and introduced the Project to important national counterparts, including the Minister of Justice, the Director of the School of Magistrates (EMA), judges, prosecutors, members of the Presidential and the Ministry of Justice commissions on justice reform and code modernization, and Haitian NGOs focusing on justice reform, advocacy, and civic legal education. The Project was also introduced to other donors working on rule of law and criminal justice issues in Haiti, including MINUSTAH and UNDP. At early meetings the parties discussed how the various programs could work together to create needed synergies in activities.

PROJUSTICE established a strong presence at the local level in the target areas of Port-au-Prince (PAP), Saint-Marc (SM), and Petit-Goâve (PG) by naming local coordinators, carrying out on-the-ground assessments, and forming the Program Action Plan (PACT) committees to implement the participatory planning processes that would identify problems in the target areas. The coordinators initiated this process following DPK’s original model for identifying the proper participants in target areas, including the deans of the first instance courts, chief prosecutors, justices of the peace, courts clerks, representatives from the bar associations, and investigative judges. The team informed participants of the Project’s goals and integrated the parties into the PACT process.

At the request of USAID, PROJUSTICE responded quickly and effectively to restart free legal aid services for indigent defendants in Cité Soleil (CS) and other target areas, thus continuing the work of the National Center for State Courts (NCSC), the prior contractor.

**From October to December 2009**, PROJUSTICE focused more closely on the four substantive results of the contract: criminal justice, non-criminal justice, independence and self-management of the justice sector, and justice reform. The project supported legal aid, case management, the School of Magistrates (EMA), and coordination of justice priorities in target area jurisdictions. During this time period competitors protested USAID’s decision to award the contract to DPK and the litigation continued until mid-December when the final appeal was resolved in favor of DPK. Assured of its USAID mandate, PROJUSTICE resumed building upon its start-up operations.

PROJUSTICE’s COP and the four Project component leaders contacted international, national, and local/regional partners to ramp up activities that had been initiated during the first quarter but stalled during the protest period. At the international level, PROJUSTICE met regularly with MINUSTAH,

UNDP, *Organisation Internationale de la Francophonie* (OIF), and other donors. At the national level, the COP met with Minister of Justice Paul Denis, along with his Chief of Cabinet Michelle Eveillard, to draft a Memorandum of Understanding (MOU) in order to facilitate all future financial and technical support by PROJUSTICE. At the close of the quarter, four consultants (one international and three nationals) were in the process of being hired to advise the Presidential Code Modernization Commission and the Justice Reform Commission.

PROJUSTICE also held constructive conversations with Mr. Lionel Bourgoïn, Director of EMA, regarding PROJUSTICE's training assistance to the school. At the Director's request, PROJUSTICE developed an initial training curriculum in court management, records management, and case filing. PROJUSTICE agreed to develop and implement continuing education training and programs, including a training curriculum and modules for a mentoring program for trainee judges.

In all three target jurisdictions, PROJUSTICE provided active support to the courts' criminal hearings and coordinated the legal assistance program's daily activities. In PG and SM, the Project carried out preliminary preparations to launch a roving justice of the peace program, and completed an in-depth review of alternative dispute resolution possibilities. Old motorcycles furnished by the previous project for the implementation of the roving justice program were repaired so that they could be used by PROJUSTICE.

The **devastating earthquake of January 12, 2010** crippled the already weak justice infrastructure in many areas of the country, particularly PAP, Jacmel, Léogane, PG, and Gressier. The Justice Palace and the Ministry of Justice and Public Security (MJPS) were completely destroyed. Other courts and prosecutors' offices in PAP and the rest of the country were seriously damaged. In addition, justice sector personnel were injured or lost their lives, relatives, or property in the earthquake. Micha Gaillard, chairman of the Presidential Commission for Justice Reform, an important player in the upgrading of the sector, did not survive the collapse of the Ministry of Justice's building.

Additional efforts from the donors were required to supply equipment to rebuild infrastructure, as well as to recover destroyed or missing files. PROJUSTICE prepared an emergency plan to provide necessary equipment to the MJPS, which would facilitate the continuation of justice services in the affected jurisdictions. PROJUSTICE also prepared 3-, 5-, and 10-year priority work plans for the sector.

**From January 13 to March 2010**, the Project engaged in the following main activities:

- Wired funds and acquired supplies, which were driven by a security expert from Santo Domingo to PAP on January 22, 2010 to enable the continuation of Project activities.
- Met on several occasions with Minister of Justice Paul Denis, and Secretary of State for Criminal Justice Claudy Gassant, to discuss the necessary actions to restart activities as soon as possible.
- Held regular meetings with justice sector counterparts, including judges, prosecutors, the Director of EMA, the head of the national association of magistrates (ANAMAH), the Head of the PAP Bar Association, and a representative of the Presidential Commission on Code Reform. The parties catalogued damage to the judicial sector, developed a plan for rebuilding the damaged infrastructure, and restarted justice sector activities.

- Met with international donors (e.g., MINUSTAH and UNDP) to discuss and coordinate the judicial assessment and recovery of the justice sector, and to identify priority areas for action.
- Assembled a team of short-term experts to assist with the justice relief and recovery plan, including Senior Expert Louis Aucoin.
- Undertook an assessment report of damages to the physical infrastructure, communication, equipment, supplies, and human resources of the judicial sector in Haiti's most affected areas. The report was submitted to USAID on March 16, 2010.
- Based on consultations with the Minister of Justice and counterparts, PROJUSTICE submitted a proposal to USAID containing a \$166,000 relief budget drawn from obligated funds. After USAID approved the funds on March 15, 2010, the Project procured equipment and supplies, such as tents, laptops, generators, inverters, desks, and chairs, for Project staff and justice counterparts.
- In cooperation with UNICEF, sponsored and conducted a training/round-table discussion for magistrates and prosecutors on child trafficking and Haitian adoption law.

**From April to July 8, 2010**, PROJUSTICE functioned at a reduced operational level since the Project had reached its 75% of obligated funds in May 2010. Following contacts between USAID and DPK, PROJUSTICE management announced to the entire staff on June 7 that no additional obligated funds had been allocated and thus the Project would be closed on July 7, 2010. DPK received a contract modification on June 18 from the USAID mission in Haiti which allocated \$300,000 in additional obligated funds to PROJUSTICE. This fund would sustain the operations until August 16, 2010 when the Project will close due to the lack of funds.

The additional obligated funds received in June 2010 enabled the Project to resume some low-cost program activities. Among the high-impact and high-visibility activities that the Project focused on were:

- Joint training on crime scene investigation for police, prosecutors, justices of peace, and investigating judges.
- Design and implementation of upgraded registry and case management system in the target jurisdictions based on research and assessment of existing case management systems.
- Mediation training for the community leaders of internally displaced persons camps in the target jurisdictions of Cité Soleil, Saint-Marc, and Petit-Goâve.
- Several workshops at Kay Jistis Cité Soleil (KJCS) to inform citizens regarding their legal rights and to educate them on emerging legal issues arising from the earthquake.
- Civic legal education in SM and PG (replicating the activities successfully implemented in KJCS).
- Delivery of repaired motorcycles to the target jurisdictions of SM and PG as part of the re-launch of the Project's roving justice initiative in rural areas.

Finally, PROJUSTICE fully implemented the emergency plan it had prepared during the first weeks after the earthquake of January 12, 2010. Through this activity, the project provided equipment to judicial actors to facilitate the continuation of justice services. PROJUSTICE delivered post-earthquake relief equipment to the MJPS, Jacmel Court of First Instance, PG Court of First Instance, PAP Court of First Instance and Bar Association, and *Cour de Cassation* (Supreme Court).

## **1. START-UP ACTIVITIES**

The PROJUSTICE Project was awarded by USAID to DPK and principal sub-contractor Louis Berger Group (LBG), with an effective start-date of July 9, 2009. DPK and LBG mobilized a start-up team in PAP shortly after the contract award. The mobilization team consisted of William E. Davis, DPK Co-Founder and Director, Claudio Santorum, Acting Chief of Party (ACOP), Patricia Valdivieso, Program Officer, Sarah Avendaño, Recruitment Specialist, and Charles Jakosa and Mark Lasser, Technical Advisors. The LBG team consisted of Stephanie Mattes, Program Officer and Procurement Specialist, and Alexander Goodspeed, Human Resources and Communications Specialist.

During this start-up period, the Project team presented credentials to USAID/Haiti and Project counterparts. These included USAID Mission Director Linda McElroy, Governing Justly and Democratically Office Chief Katherine Liesegang, Contracting Officer John May, Acquisition and Assistance Specialist Eleanore Armand-Xavier, and Contracting Officer's Technical Representative (COTR) Gerard Fontain. Meetings were also held with stakeholders, donors, NGOs, and members of Haitian civil society, which included the following: MJPS, MINUSTAH, UNDP, ILAC, EMA, Fondation Heritage Pour Haiti, Justice and Peace, and various Haitian law faculties (University of Haiti, Center of International and Diplomatic Studies, Quisqueya University, and Notre Dame University).

The start-up team focused on hiring technical and administrative staff, orienting staff in DPK policies and procedures, securing and opening a project office, identifying long-term office space, opening bank accounts, and holding introductory meetings with USAID representatives and other USG actors in Haiti, the Minister of Justice, donors, counterparts, and key justice sector actors in Haiti. Project start-up activities also included procurement of necessary office supplies, equipment, and furnishings. USAID was able to recycle some equipment from prior projects, such as vehicles, office furniture, and computers.

The parties confirmed PROJUSTICE as the Project's name, symbolizing positive aspirations to promote justice in Haiti. At the start of the second quarter of the Project's life, an inaugural event was held at the Project's office, with approximately 80 members of the justice, civil society, business, and donor communities in attendance.

Two separate protests and the subsequent re-opening of negotiations with the firms that competed for this contract adversely affected the Project's activities in 2009. The resolution of the protest in mid-December 2009 was followed not long afterward by the devastating earthquake of January 12, 2010. Efforts in the subsequent months were directed at relief and recovery and the well-being of Project staff.

Senior Advisor Marceau Edouard joined the project on March 18, 2010 and DCOP David de Giles started working with PROJUSTICE on April 5, 2010. With this strengthened team, PROJUSTICE kept implementing and expanding the activities set out in the work plan, working to broaden impacts in the various result areas.

## **2. ANNUAL WORK PLAN DEVELOPMENT**

The PROJUSTICE first annual Work Plan (WP) was developed in cooperation with technical staff from the DPK home office. The team met with counterparts, stakeholders, and coordination groups to refine the draft work plan submitted with the proposal. The work included discussions with US Government officials and justice sector leaders such as the Minister of Justice and other counterparts and donors. The Project also conducted a review of prior USAID and other rule of law sector reports, and made preliminary site visits to various justice sector institutions.

Project activities incorporated in the first year plan were both national and local in scope. At the national level, the focus was on the presidential commissions on justice and legal reform, the Ministry of Justice and Public Security (MJPS), the EMA, the MJPS commissions on legal reform and pretrial detention (coordinating with other donors including the Rural Justice Center-RJC), and the Supreme Court. Locally, the Project focused on bolstering the capacity of justice sector institutions in 3 of Haiti's 18 jurisdictions (PAP, PG and SM). This strategy would allow for testing approaches in the target jurisdictions to improve productivity and effectiveness.

The draft annual work plan included providing assistance to the EMA, strengthening the legal framework, legal aid, alternative dispute resolution (ADR), monitoring of criminal cases, support for justice and legislative reform, and expansion to a fourth target jurisdiction –Port de Paix – at the suggestion of former Minister of Justice Exumé. Some of the proposed activities outlined in the plan, e.g., the Judicial Council plan, were dependent upon the existence of functioning institutions with the political will and capacity to receive assistance. Since these entities were not functioning during the Project's first year of implementation, PROJUSTICE discussed alternative means of achieving project goals with USAID. The Project sought political will for effective implementation of new laws that would improve inspection and accountability of judicial actors and judicial independence.

Approval of the work plan was delayed due to the protest. After the resolution of the protest in mid-December 2009, PROJUSTICE completed a revised version of the plan based on recommendations of USAID. A final revision of the plan was submitted to USAID on January 11, 2010.

## **3. ASSESSMENT PLANNING AND INITIAL IMPLEMENTATION ACTIVITY**

### **3.1 JUSTICE SECTOR PERCEPTION SURVEY**

A proprietary assessment model called Q-10-which DPK has successfully implemented in other justice sector programs around the world was ready to be implemented in Haiti by the end of December 2009. This survey investigates perceptions of the justice system among five groups: lawyers, judges, court users, court employees, and citizens in target area jurisdictions. The survey results establish baselines and provide valuable data to guide Project implementation. PROJUSTICE intended to perform the same survey each year of the project to compare results with previous years and track progress. Opening of the bids submitted in response to the Project's Request for Proposals to carry out the survey was scheduled for January 14, 2010 at PROJUSTICE headquarters. This process was put on hold after the earthquake.

### **3.2 PACT PROCESS**

During the first quarter, the PROJUSTICE team began to implement the Program Action Plan (PACT) process in PG and SM. These discussions initiated the process of involving stakeholders in Project activities and prioritizing the nature of Project assistance, including procurement. The PACT approach emphasizes consensual change processes based on effective and reasonable incentives. It recognizes that different courts and prosecutors' offices have different needs, strengths, and weaknesses. The process encourages local justice actors to define their own priorities by using a framework or "menu" of approved areas for improvement. This approach gives local leadership a sense of ownership, which is needed to encourage a stronger commitment.

The coordinators initiated the PACT process following DPK's original model for identifying the proper individuals in the target areas. These included the deans of the first instance courts, chief prosecutors, justices of the peace, courts clerks, police, representatives from the Bar Associations/BAL, and investigative judges. The Project informed the target area participants of the Project goals and the PACT process, and requested that they participate in PROJUSTICE activities. The group met twice and produced recommendations for Project activities.

## **4. PUBLIC AWARENESS**

### **4.1 PROJUSTICE NEWSLETTER**

PROJUSTICE ramped up one of its public awareness activities by publishing its first newsletter on December 7, 2009. The Project published 1,500 copies of this inaugural edition and distributed it among stakeholders. Future editions would highlight significant events in the sector and agents of the judiciary and other stakeholders making noteworthy contributions to the justice reform process.

### **4.2 PROJUSTICE WEBSITE**

The Project finished its website and obtained USAID approval on July 20, 2010, and the website was made available to the general public on the same day ([www.projustice.ht](http://www.projustice.ht)). The website will be a source of information on important aspects of the justice sector and will raise awareness among citizens on the Project's activities throughout the country.

## **5. POST-EARTHQUAKE EMERGENCY RESPONSE**

The earthquake of January 12, 2010 crippled the justice infrastructure in Haiti. Port-au-Prince, Jacmel, Leogane, Petit-Goâve, and Gressier were particularly badly affected. The Justice Palace and the MJPS buildings were completely destroyed. As a result, additional efforts from donors were required to supply equipment, rebuild infrastructure, and recover files. PROJUSTICE implemented an emergency plan to provide equipment to the MJPS and other Project counterparts to facilitate the continuation of justice services.

After the earthquake, DPK and its parent company ARD Inc. wired \$200,000 to their projects in the Dominican Republic to procure emergency supplies for staff of the three DPK/ARD projects in Haiti (PROJUSTICE, LOKAL, and PAPH). DPK and ARD hired a security expert to drive from Santo Domingo to PAP on January 22 with funds and supplies. The security expert used one of

PROJUSTICE's vehicles that was already in Santo Domingo, having arrived there on January 13, 2010 to evacuate DPK's Director Bob Page, Senior Consultant Grace Brown, Director of Major Projects Jessica Vapnek, and COP Claudio Santorum. The funds allowed our Project and our parent company's two projects to continue operations.

The Project's immediate post-earthquake activities related to Haitian justice sector consisted of:

1. In response to the request of the MJPS and interviews with affected justice sector actors, the Project procured eight large tents (dome style) upon receipt of approval from USAID. The tents were marked with the USAID logo.
2. The Project carried out an assessment of heavily affected areas in PAP, Jacmel, Gressier, Léogane, PG, Grand-Goâve, Miragoane, Croix-des-Bouquets (CDB), Jérémie, and Les Cayes. PROJUSTICE collected detailed information based on visual inspections and interviews with justice sector actors in these areas. Our staff contacted officials in regions with internally displaced persons, such as Jérémie and Les Cayes, which were hit by the earthquake and then flooded due to heavy rains. On March 16, 2010, the Project submitted a final assessment to USAID for feedback and comments.
3. The COP participated in the Post-Disaster Needs Assessment (PDNA), a Haitian-led exercise sponsored by the World Bank calling on donors and the Haitian Government to evaluate post-earthquake damage to Haitian institutions. PROJUSTICE was able to provide detailed information to the justice sector sub-group based on its ongoing contacts with justice sector actors, on-the-ground experience in the justice sector after 9 months of project implementation, and direct assessment of damage. Based on the PDNA exercise, a document was presented to donors at United Nations headquarters in New York on March 31, 2010.
4. PROJUSTICE delivered the following post-earthquake relief items:
  - MJPS: 8 dome tents
  - Jacmel Court of First Instance: 2 tents, 4 file cabinets, 1 generator, 1 inverter, 12 batteries, desks, chairs, and ceiling fans
  - PG Court of First Instance: 2 tents, 4 file cabinets, 1 generator, 1 inverter, 12 batteries, desks, chairs, and ceiling fans
  - PAP Court of First Instance: 6 desks, 54 chairs, 6 file cabinets, and 4 ceiling fans
  - PAP Bar Association: 1 generator, 1 inverter, 12 batteries, 12 desks, 48 chairs, 4 file cabinets, and 2 ceiling fans
  - Supreme Court (*Cour de Cassation*): 12 desks, 24 chairs, and 2 file cabinets.

## **6. SPECIFIC AREAS AND RESULTS**

### **6.1 RESULT 1 - IMPROVE CITIZEN SECURITY IN SELECTED HIGH CRIME AREAS THROUGH MORE EFFECTIVE CRIMINAL JUSTICE SERVICE DELIVERY**

#### **6.1.1 Performance Requirement 1.1 - Improved Ability of Selected Jurisdictions to Process High-Profile Cases**

##### **Analysis of Bottlenecks in Investigative Procedures and Irregular Departures from the Law**

A key activity under this objective was the *Analysis of Bottlenecks in Investigative Procedures and Irregular Departures from the Law*. In October 2009 PROJUSTICE conducted this analysis as part of a collaborative planning process with Haitian counterparts. The questionnaire asked important stakeholders about problems with the investigative process, compliance and non-compliance with the legal framework, and potential solutions. The purpose of the questionnaire was to build a common understanding of problems and solutions, develop positive working relationships with important stakeholders, and engage stakeholders in the diagnostic and planning process to provide them with a sense of empowerment and ownership.

The questionnaire and analysis provided PROJUSTICE with a wealth of data gathered from all three target jurisdictions. The analysis of bottlenecks in criminal investigations also revealed extensive training needs, the most important ones being training in:

- Investigation techniques
- Legal reasoning and writing with attention to building technical capacity of magistrates in writing and justifying judicial decisions
- Case management methods
- Records management and registry administration for clerks.

The bottleneck analysis, which was submitted to USAID on January 11, 2010, focused on the critical systemic deficiencies where there was general consensus among system stakeholders that change was needed. As a result, the Project's chosen areas for assistance were aligned with counterparts' own ideas of what was called for, helping to ensure receptivity, ownership, and buy-in for the selected improvement initiatives. The analysis also produced an extensive list of relevant recommendations. Two of these recommendations – a case management filing system and an original court administration training curriculum – were implemented immediately.

##### **Port-au-Prince Court of First Instance**

After the January 2010 earthquake, the PROJUSTICE COP, accompanied by Senior Advisor Marceau Edouard and Criminal Law Advisor Joassaint Sainclair, met the Dean of PAP Court of First Instance, Joseline Cassimir. The parties discussed the need to reconstruct files that were destroyed or lost after the Justice Palace collapsed and to train court clerks on case registry and other court administration topics. Ms. Cassimir requested the Project's cooperation on both activities, which were a priority for the proper functioning of the justice system in PAP. The Project prepared a plan to

help reconstruct and safeguard existing court files, including providing archivists and procuring metallic shelves, file cabinets, and cardboard boxes.

### **Monitoring of Justice Service Delivery**

PROJUSTICE technical staff participated in activities to monitor justice service delivery, with a focus on the criminal justice system in the target jurisdictions of SM and PG. Technical staff and law students were deployed to use checklists and other procedures to monitor justice operations and specific trials for compliance with domestic law and international human rights standards. Data received from the field is being compiled and analyzed for common trends and problematic areas, with the assistance of a short-term legal analyst/consultant. The Project will report on observed shortcomings and provide recommendations for improvements.

### **6.1.2 Performance Requirement 1.2 - Improve Use of Pre-Trial Detention**

#### **Case Tracking/Management and Registration**

Minister of Justice Jean Joseph Exumé had indicated his support for the Project's goal of increasing the efficiency of court procedures, specifically case management and case registry. All justice system actors agree that delays and case backlogs were problematic, and cases do not proceed according to the proper timeline for disposition. With this in mind, the Project reviewed the case management system that UNDP had helped install in the PAP prosecutor's office. Although an initial review indicated that the system was usable, it had not been implemented.

Senior Advisor Marceau Edouard met several times with MINUSTAH and UNDP representatives to coordinate efforts on case registration and case management in the Haitian criminal justice system. UNDP, MINUSTAH, and PROJUSTICE agreed to jointly assess the use and effectiveness of the existing case registries used by the justices of the peace, prosecution offices, investigative judges, and the courts of first instance, for the purpose of standardizing case intake and registry practices. However, the participants determined that it was not possible to proceed further on this initiative without obtaining the explicit approval of the MJPS. In addition, PROJUSTICE suggested that the MJPS should be involved in this initiative since Minister of Justice Denis wants to compile two sets of baseline data in an automated database: one for civil matters and another for criminal.

PROJUSTICE started to implement a pilot initiative to improve case management/tracking in the target jurisdictions. The Project examined the status of the USAID/NCSC registry system in four pilot jurisdictions (CDB, PAP, PG, SM). PROJUSTICE sought to reorganize and upgrade the registries, and if possible, migrate manual data to a basic electronic database. An alphanumeric system will be adopted and tied to a reliable system for preserving evidence (e.g., waterproof zipped bags which will be stored on shelves and clearly marked with the case file number). Once the Project completes the analysis on the existing system and deficiencies, and adopts an adequate blueprint, the Project will design a pilot proposal for the target jurisdiction of Saint-Marc.

In anticipation of launching this activity to improve the management of criminal cases, the Project met with:

- The Dean and Chief Prosecutor of the two target jurisdictions (SM and PG) to discuss the following initiatives:

- Evaluation and improvement of the current case registry system in the Court of First Instance (CFI) and the Prosecutor's Office (PO)
- Technical assistance to improve case management processes for both the courts and prosecution offices
- Provision of limited materials and equipment necessary to achieve these objectives.
- Substitute Prosecutor Norze Saint Anneau has been tasked by the MJPS to establish an inspection service for the courts of peace. According to him, the peace court clerks are not able to maintain the criminal case registries and some of the courts in PAP lack registers.

### **6.1.3 Performance Requirement 1.3 - Assure Improved Police-Prosecutorial Cooperation**

#### **Joint Training on Criminal Investigation Techniques**

PROJUSTICE continued to prepare, in cooperation with DynCorp, the planned training on criminal investigation techniques for police, prosecutors, justices of the peace, and investigative judges. The training is to be closely coordinated with the Haitian National Police and the US Department of State Bureau of International Narcotics and Law Enforcement Affairs (INL), and will cover crime scene investigation techniques, handling of witnesses and victims, preservation of evidence, preparation of police reports and criminal case files, and collaboration among justice sector actors. Police participants will include judicial police officers that serve in districts such as Cité Soleil and Martissant. Most of the magistrates (e.g., justices of the peace, prosecutors, and investigating judges) will be from PAP, with a few from SM and PG. The training will be implemented once the Project has secured its funding.

### **6.1.4 Performance Requirement 1.4 - Reduction in Number of Steps and Time for Completion of Criminal Investigations, Time to Trial, Time to Judgment, etc.**

#### **Criminal Hearings**

PROJUSTICE financially supported courts that were holding criminal hearings (*assises criminelles*) in SM and PG since the PACT process identified funding as a need. However, the Project's financial assistance was not accepted in PAP by the MJPS, which considered that supplementation of its own funding to the courts might become an incentive for corrupt practices.

#### **Survey on the Different Steps in the Criminal Process**

PROJUSTICE carried out a survey of the different steps in the criminal process, focusing on delay and pretrial detention. Closed criminal cases were analyzed in PAP, SM and PG to assess causes of delay by different actors in the penal chain. The results were compared to the results of a similar exercise conducted by the NCSC. This contractual deliverable survey was submitted to USAID on April 9, 2010.

#### **Forensic Institute**

PROJUSTICE COP met with Minister of Justice, Jean Joseph Exumé and his successor, Paul Denis, to discuss future cooperation on the creation of a forensic institute that would be directly linked to the MJPS. The institute would provide expertise with violent crimes. The institute would also assist in cases involving paternity claims, DNA tests, and alcohol tests for drivers.

Minister Paul Denis stated that the creation of a forensic institute would be a useful complement to the modern Code of Criminal Procedure being elaborated by the Presidential Reform Commission. Both are expected to have a positive impact on criminal investigation and prosecution and to reduce pretrial detention.

### **6.1.5 Performance Requirement 1.5 - Increased Awareness by Justice System Users**

#### **Training on Child Trafficking and Haitian Adoption Law**

On March 4, 2010, PROJUSTICE sponsored and delivered a successful training with roundtable discussions for judges, prosecutors, and lawyers (including the head of the PAP Bar Association, Mr. Gervais Charles). About 20 people attended. DPK Senior Technical Advisor from the home office, Mark Lasser, PROJUSTICE Criminal Advisor Joassaint Sainclair, and Nadine Perrault, Regional Protection Advisor for UNICEF, conducted the training, which covered three topics:

- A summary of the UN protocol (Palermo) on Trafficking in Persons, which Haiti has signed and the Haitian Parliament has ratified but has not been incorporated into local legislation. The training focused on the legal elements required to prove the crime of child trafficking, in light of the increased risk of this crime. The trainers also provided practical examples.
- A summary of Haitian adoption law (focusing on adoptions by foreigners).
- Issues related to prevention, public awareness, and victim issues. Director of the EMA Lionel Bourgoïn and Minister of Justice Paul Denis approved these training/round-table discussions.

## **6.2 RESULT 2 - IMPROVED NON-CRIMINAL JUSTICE SERVICES OFFERED BY JUSTICES OF THE PEACE, NOTARIES, LAND COURTS, AND COMMUNITY MEDIATORS**

### **6.2.1 Performance Requirement 2.1 - Improved Access to Court-Based, Non-Judicial, and Alternative Dispute Resolution (ADR) Mechanisms**

#### **Notaries and Land Property Registry**

Project staff met with the Legal Professions Association, the Land Surveyors Association, the National Land Registry Office (ONACA), and Judge Jocelyn Rosemberg of the First Appellate Court of PAP to discuss the chronic land conflicts in Haiti, to identify causes, and to look into possible solutions. Land property titles are not duly and regularly registered, thus leading to (1) litigation over ownership of property, (2) unlawful purchase and sale transactions, and (3) difficulties evicting fraudulent titleholders. The Project recommended filling this legal gap as a crucial guarantee of constitutionally protected property rights, which will facilitate investment and economic development.

### **Civil Registry**

The MJPS Chief of Cabinet discussed with the COP and Senior Consultant Louis Aucoin the current problems of civil registry, which are among the most urgent issues in the justice sector given the loss of life and property in the earthquake that resulted in various legal complexities. Under Haitian law, the death of a person can only be proven by a medical certificate or a decree of a justice of peace. The other alternative is to proceed with a judicial declaration of “absence”, which is a very lengthy process. PROJUSTICE continued discussing with the MJPS potential solutions to these issues.

### **ADR Trainings and Workshops**

PROJUSTICE has been developing a mediation training package to be delivered to community leaders of internally displaced persons camps in Cité Soleil, PG and SM. Twenty-one members of camp coordinating committees participated in the training held in PG. Discussions were lively and the instructors employed actual cases to illustrate conflict resolution techniques. The Project obtained baseline information on the number of disputes in displaced persons camps to help monitor progress in resolving cases through alternative dispute resolution mechanisms.

PROJUSTICE planned to deliver conciliation trainings for roving justices of the peace in the same jurisdictions. However, during a meeting with the COP, DCOP, and Senior Advisor, Minister of Justice Denis rescinded his prior approval of this activity and suggested postponing it.

On June 10, 2010 (International Bailiffs’ Day), PROJUSTICE provided technical assistance to the Haitian Association of Bailiffs to help organize a seminar on ADR mechanisms. PROJUSTICE provided advice regarding the choice of lecturers and topics, and Project staff participated in the panels.

## **6.2.2 Performance Requirement 2.2 - Improved Performance of Judiciary Members in Target Jurisdictions**

### **Notifications Office**

PROJUSTICE determined that improved notification services may substantially reduce delays in case processing. PROJUSTICE established a task force to work on a proposal to improve this service delivery through the creation of a notifications office in the target areas dealing with summonses and subpoenas. In keeping with its principle of collaborative consultation with actors and stakeholders, PROJUSTICE staff met with the clerks’ associations to discuss ways of improving the present status of judicial notifications. Problems with additional appropriation of funds impeded the Project’s progress on this activity.

### **Roving Justice**

The Haitian justice system lacks sufficient courts and tribunals to settle disputes and litigation. The roving justice concept provides motorcycles to the peace courts and training justices of the peace in alternative dispute resolution methods. Project staff completed an analysis of roving justice that included recommendations for PROJUSTICE activities with Justices of the Peace. The analysis was conducted by interviewing Justices of the Peace and some court staff in seven jurisdictions in PAP, SM and PG.

The Project worked on a proposed action plan to restart the successful roving Justices of the Peace program to improve access to justice in rural areas. Within this framework, PROJUSTICE serviced, repaired, and delivered the seven motorcycles to the target jurisdiction of SM and three to PG.

### **USG Request for Legal Advice**

Upon request of USAID, PROJUSTICE provided legal advice on the constitutional and other legal restrictions on land acquisition by foreigners as well as foreign acquisition of the energy sector's existing infrastructure. PROJUSTICE produced a detailed review of all relevant laws.

### **6.2.3 Performance Requirement 2.3 - Improved Management of Judicial Fees**

No activity to report.

## **6.3 RESULT 3 - INDEPENDENCE, SELF-GOVERNANCE, AND EFFECTIVE CONTROL/OVERSIGHT OF SECTOR OPERATIONS**

### **6.3.1 Performance Requirement 3.1: National Adoption of the Basic Guidelines for Judicial and Prosecutorial Operations and their Application as a Means of Evaluating Performance**

#### **School of Magistrates**

In collaboration with MINUSTAH and UNDP, PROJUSTICE supported the EMA in developing its technical and administrative capacities, including judicial training, curriculum, identification of judicial trainers, and funding.

The PROJUSTICE COP and DPK Technical Advisor, Mark Lasser, met several times with the Director of the EMA, Lionel Bourgoïn, to discuss the Project's assistance to the school. After these conversations, the Director specifically requested that PROJUSTICE support the EMA in developing a training program on court administration topics for judicial personnel that have court or prosecution responsibilities, i.e., the chief judges, chief prosecutors, and administrative support staff such as the clerks and bailiffs.

Mr. Bourgoïn suggested a 2-week course that would supplement the existing curricula with theory and methods classes at the EMA while the second component would consist of on-site, hands-on training in the target areas of SM and PG. PROJUSTICE developed a course outline based on international best practices in judicial development training, with content tailored to the problems and needs of the Haitian courts and prosecutors' offices.

MJPS met with PROJUSTICE and other rule of law donors (e.g., MINUSTAH, UNDP, and the *Organisation Internationale de la Francophonie* (OIF)) to discuss a draft protocol agreement regarding long-term assistance and support for initial training at the EMA. The MJPS requested assistance for training of trainers, support for a Director of Studies, drafting course modules, and infrastructure improvements at EMA. These requests were put on hold pending a determination of the financial future of the Project.

### **6.3.2 Performance Requirement 3.2 - Strengthening of the MJPS Judicial Inspection Office and/ or the Judicial Council**

#### **Fourth Annual Congress of the National Association of Haitian Magistrates (ANAMAH)**

PROJUSTICE actively supported the planning and convening of the fourth annual congress of the National Association of Haitian Magistrates (ANAMAH). The congress had a two-fold purpose: (1) election of its authorities (administrative council members); and (2) implementation of the law on the Judicial Council (*Conseil Supérieur du Pouvoir Judiciaire*) as the keystone of an independent judiciary.

The event was attended by more than 200 participants from all of Haiti's 18 jurisdictions who listened to presentations on the Council's role, management, and disciplinary functions and the independence of the judiciary. High officials of the Haitian Government, the United Nations, and USAID were present for the opening of the congress. The event received wide coverage in newspapers, radio, and television.

The participants produced a declaration in which they asked the Government to implement the three 2007 laws on the Council, the status of magistrates, and the EMA, as well as increase the magistrates' salaries to strengthen their resistance to potential bribes or other means of corruption.

#### **Action Plan to Improve Central Justice Administration**

Upon request of the Secretary of State for Criminal Affairs Claudy Gassant, PROJUSTICE drafted an action plan to improve central justice administration. Items in the action plan include improving management practices; revising the administrative flow chart of the Chief Prosecutor's office; developing new responsibilities for court clerks; developing and implementing regulations for courts and the government commissioner's office; and reorganizing the judicial inspection service. PROJUSTICE, with USAID's approval, submitted the draft action plan to the Secretary for his review and approval.

### **6.3.3 Performance Requirement 3.3 - Strengthening of Civil Society Organizations' Capacities to Perform Effective Control and Oversight of Sector Operations**

#### **Support to the Decentralization of the Ombudsman Office**

PROJUSTICE met with the newly appointed Director of the Ombudsman Office, Florence Elie. In FY2009-2010, PROJUSTICE is planning to support the decentralization of the office to the local town halls in the Project's target area jurisdictions. PROJUSTICE will also facilitate the installation of hotlines and the appointment of officers to receive complaints.

## **6.4 RESULT 4 - SUPPORT HAITIAN-LED DEVELOPMENT OF A COMPREHENSIVE JUSTICE REFORM STRATEGY**

### **6.4.1 Performance Requirements 4.1 - Development of a Constituency of High-Level Haitian Leaders who Understand the Need for Reform and are Committed to Lead the Process**

#### **Workshop for Justice Officials on Collaborative Justice Reform in the Target Areas**

The Workshop for Justice Officials on Collaborative Justice Reform in the target areas took place on October 15 and 16, 2009, using DPK's PACT process. Eighty-four members of the justice system as well as the bar associations and legal aid professionals from the three target jurisdictions attended a workshop at the Hotel Montana on "*The Need for an Action Plan for More Effective Penal Justice in Haiti*". Six panelists discussed ethics for magistrates, human rights and fundamental freedoms in the legal process, bottlenecks in criminal proceedings, administration of courts' and clerks' offices, and victims' rights. Each presentation was followed by discussions in smaller working groups. The outcomes of this consultative process were the following sector priorities:

- Create a forensic institute to gather and analyze evidence collected
- Review and align Haiti's Criminal and Criminal Procedure Codes with international conventions that have been ratified by Haiti
- Reactivate and improve the judicial inspection service
- Improve the working conditions of judges, prosecutors, and clerks
- Ensure the continuing education of judicial actors.

#### **Study Tour of the Dominican Republic's Justice Sector**

PROJUSTICE sponsored a multi-sector study tour to the Dominican Republic (DR) for a group of Haitian justice sector officials. The purpose of the 4-day visit, which took place from November 3-6, 2009, was to provide the Haitian delegation with a better understanding of the changes in the DR justice sector. The delegation included Senator Jean Rodolphe Joazile, Chairperson of the Senate's Justice Committee; Mr. Josue Pierre Louis, Director of the MJPS; Mr. Micha Gaillard, Chair of the Presidential Working Group on Justice Reform; Mr. Claudy Gassant, Presidential Special Advisor for Justice; and Mr. Salim Succar, member of the Presidential Commission on Code Modernization. The Project's COP accompanied the group during this study tour.

The delegation met with representatives of FINJUS (*Fundación Institucionalidad y Justicia*), a private sector foundation lobbying for justice reform and the establishment of the rule of law in the DR. The aim of the organization is not only to represent the interests of the private sector but also those of the grass roots organizations and associations supported by FINJUS. Other visits included the land registry, the Supreme Court, the National Office of Public Defense, the office of the National District Prosecutor, the National Magistrates School, and the Office of the Commissioner for Support to the Reform and Modernization of Justice.

One of the positive outcomes of the study tour was the eagerness of the Director of DR's National Magistrates School to cooperate with Haitian counterparts. The Director offered to conduct special trainings in Haiti and to provide professors without cost to Haiti. He also expressed willingness to commit funds from his institution to support study trips by the EMA Director and students to the DR.

The Commissioner for Support to the Reform and Modernization of Justice, Mr. Lino Vasquez Samuel, recommended involving the police in the working sessions on drafting the new codes from the very beginning, as an effective way to obtain their support and avoid any resistance at later stages of the process. The group had a protocol reunion with the Ambassador of Haiti in the DR to keep the Embassy informed of the results of this official mission.

### **First Convening of the Private Sector Roundtable**

On December 10, 2009, PROJUSTICE welcomed representatives of four private sector associations to facilitate the sector's integration and participation in justice reform efforts. The Chair of the Presidential Commission on Justice Reform, Mr. Micha Gaillard, presented an overview of the reform process and its goals to the participants and asked for their input. Participants expressed their belief that the private sector is interested in the reform process and wants to be involved in it. The business association representatives made the following suggestions to the Commission's Chairman:

- The Economic Forum, a body made up of 14 business associations, private law firms, and pro-business organizations, should be the preferred interlocutor of the Commission on the reform process
- The Presidential Commission should develop a working relationship with the Economic Forum.

### **Roundtables with the Legal Community on the Justice Reform Strategy**

Following consultations with Haitian justice sector representatives, in March 2010 PROJUSTICE organized three round-tables with the MJPS, judges, non-governmental organizations (NGOs), attorneys, and the media. The goal of these round-tables was to obtain the representatives' views on the justice reform strategy in the country.

### **Supreme Court**

Following a request from the acting President of the *Cour de Cassation* (Supreme Court) for PROJUSTICE assistance in publishing Supreme Court decisions, PROJUSTICE's technical staff met with the information technology specialist of the court. PROJUSTICE intended to finance the publication of Supreme Court decisions, which ended approximately five years ago for financial and logistical reasons, but the shortage of Project funds has prevented this.

## **6.4.2 Performance Requirement 4.2 - Development of Draft Justice Sector-Wide Reform Strategy**

### **Presidential Commissions on Justice Reform and Code Modernization**

PROJUSTICE finalized plans to support the pre-existing efforts for justice sector reform in Haiti – the Presidential Commissions on Justice Reform, the Presidential Code Modernization (Penal and Criminal Procedure) Commission, and the MJPS Commission on Legal Reform. Guy Jean Marie Louis, Project Coordinator for Result 4, completed a study on Justice Reform (“*Réforme Judiciaire en Haïti: Etat des Lieux, Enjeux et Perspective*”). The study was produced through extensive document review and interviews with judges, prosecutors, lawyers, and clerks. The study was presented to the Project's stakeholders in a workshop and was formally submitted to USAID in the second quarter.

The Project's COP and the Advisor for the Criminal Justice Result attended and provided input during a working session of the Presidential Commission on Code Modernization where a full draft of the future Code of Criminal Procedure (CCP) was discussed. The Commission Chairman, René Magloire, requested the Project's cooperation in hiring two more consultants, the Haitian jurists Rudy Ali and Max Marpeau, in addition to Nassef Perdomo Cordero, to complete the draft under consideration. The Project intended to assist with this important work but lack of Project funds has thus far prevented this.

### **Report on Justice Reform Plans in Haiti Over the Last 20 Years**

Complying with its contractual obligations, PROJUSTICE technical staff produced a report analyzing and evaluating justice reform plans in Haiti during the last 20 years, drawing conclusions and making recommendations for future directions. This contractual deliverable was submitted on July 9, 2010 and revised and resubmitted in accordance with USAID comments on July 28, 2010.

#### **6.4.3 Performance Requirement 4.3 - Support to Subsequent Iterations, Leading to an Officially-Endorsed Version of the Draft Sector-Wide Reform Strategy**

No activity to report.

### **6.5 CROSS-CUTTING ACTIVITIES**

#### **6.5.1 LEGAL AID**

PROJUSTICE responded to a request from USAID to provide civil and criminal legal assistance to indigents in the target areas. This activity was not part of the DPK proposal, but was consistent with the goal of improving access to justice in the Project contract. PROJUSTICE hired 14 staff in the 3 target areas and assigned them to work with the BAL in each area. The Project discussed with USAID the possibility of continuing this work while the elements of a more sustainable long-term model are developed through the efforts of the International Legal Assistance Consortium (ILAC), MINUSTAH, or another mechanism.

During the reporting period PROJUSTICE met on multiple occasions with international donors to coordinate the management of the ten existing donor-financed legal aid offices and the opening of new ones. A final draft agreement was developed to coordinate legal aid activities in PAP. Also, PROJUSTICE shared information with donors on legal aid activities outside PAP, such as legal aid and roving justices of the peace in internally displaced persons camps in the target jurisdictions. Various representatives of MINUSTAH, UNDP, the Canadian Embassy Stabilization and Reconstruction Task Force ("START" program), OIF, ILAC, and *Avocats sans Frontières* (Lawyers without Borders - ASF) attended these meetings.

#### **6.5.2 KAY JISTIS (HOUSE OF JUSTICE) IN CITÉ SOLEIL**

Starting in October 2009, PROJUSTICE held monthly interactive workshops in Cité Soleil with the participation of PAP Bar Association. These workshops informed civil society representatives about emerging legal issues as well as the importance of the justice services the state provides to the community.

After the January 12 earthquake, discussions focused on the legal impact of this natural disaster, particularly on civil registry matters (loss of documents, legal declaration of deceased or missing persons, and succession) and real estate issues (proof of ownership and rental). These activities have been coordinated between the Bar Association and the MJPS to ensure delivery of a message consistent with national policy. The May 2010 workshop welcomed 106 participants, a record turnout from the opening of KJCS in January 2008 to the present.

In June 2010, the workshop discussions focused on the right of self-defense, an important topic given the increasing level of violence reported in Cité Soleil since the earthquake. David Becker from the Haitian Stabilization Initiative (which is co-financing Kay Jistis) attended and in his final remarks stressed the importance of educating citizens about their legal rights and improving citizen confidence in justice institutions.

In addition, PROJUSTICE DCOP, David de Giles, and Kay Jistis coordinator, Uranie Nader, attended weekly meetings in Cité Soleil organized by MINUSTAH on security and rule of law coordination. As requested by MINUSTAH, PROJUSTICE provided statistics on the individuals living in internally displaced persons camps seeking legal aid services with Kay Jistis. Since the reopening of Kay Jistis on April 12, 2010, most of the legal aid cases concerned victims of crime in the displaced persons camps of Cité Soleil.

### **6.5.3 CIVIC EDUCATION**

PROJUSTICE technical staff prepared to deliver civic education workshops in the latter half of July 2010 for the target jurisdictions of SM and PG, replicating similar workshops successfully implemented in Kay Jistis Cité Soleil. In SM, the subject chosen for the first activity is “the participation of the citizens as members of the jury in the criminal hearings” and in PG, the topic will “the rights of landowner to challenge expropriation”. The Project intends to deliver these workshops in cooperation with the local bar associations.

### **6.5.4 GRANTS**

The grants program is an important sub-element of the Project. PROJUSTICE’s principal subcontractor LBG managed the program and submitted the grants manual through the project to USAID for its review and approval. The Project’s DCOP and the Project’s Grants Manager, Patrice Laventure, met with COTR Nettie Jannini and USAID Acquisition and Assistance Specialist,, Eleanore Armand-Xavier to discuss the draft Grants Manual. Several details of the award procedure were discussed and clarified. This manual is still pending approval. This contractual deliverable has been postponed as the status of the grants program is uncertain for the future.

DPK received a grant from IOM to implement justice activities in Martissant. These activities included the launching of a house of justice following the model of the one existing in Cité Soleil, with the addition of joint training for police, justices of peace, prosecutors, and investigating judges on crime scene investigation. This training will be co-financed by PROJUSTICE and the Martissant grant and implemented in cooperation with Dyncorp/INL once the funding situation of the Project is resolved.

## 7. SUMMARY OF PLANNED ACTIVITIES FOR THE NEXT 3 MONTHS

The Project will continue implementing the activities launched during the first year of Project implementation, building on successes and broadening impact in the various results areas. The following proposed activities are subject to the availability of financial resources:

- Improvement of the case management, tracking, and registration systems in the pilot jurisdiction of SM
- Joint training for police, prosecutors, justices of the peace, and investigating magistrates
- Legal aid services to disadvantaged persons through the partnership with ILAC in PG and SM, and the Kay Jistis program in Cité Soleil and Martissant
- Delivery of mediation and conciliation training to the roving justices of the peace and community leaders of displaced persons camps
- Support final revision of the criminal laws, and help implement laws promoting the independence of the judiciary
- Continue distribution of post-earthquake relief equipment and supplies in coordination with the MJPS.

## 8. PROBLEMS AND REMEDIAL ACTIONS

Throughout the Project's first implementation year, PROJUSTICE identified and responded to changing circumstances, starting with the unsuccessful protest against USAID's decision to award the bid to DPK and of course the devastating consequences of the earthquake of January 12, 2010. Result 3 was also particularly affected by the fact that the Judicial Council is not currently functioning.

## 9. ANNUAL FINANCIAL REPORT

Project annual financial information and use of funds for the period ending June 30, 2010 is as follows:

PROJECT LINE ITEM	APPROVED BUDGET TO DATE	TOTAL EXPENSES FOR THE YEAR	TOTAL EXPENSES TO DATE	BALANCE AVAILABLE REMAINING
<b>Total Estimated Costs</b>	\$18,730,054	\$2,727,004	\$2,727,004	\$16,003,050
<b>Fixed Fee</b>	\$1,104,951	\$220,990	\$220,990	\$883,961
<b>TOTAL COSTS</b>	<b>\$19,835,005</b>	<b>\$2,947,994</b>	<b>\$2,947,994</b>	<b>\$16,887,011</b>

PROJUSTICE will exhaust operating funds by August 16, 2010 and must be closed down unless new obligated funds are received. This deadline accounts for the additional \$300,000 that USAID provided on June 18, 2010 which allowed the Project to continue operations in June and July.

## **10. ACTIVITIES OF SUB-CONTRACTORS**

### **BROWN CONSULTING GROUP (BCG)**

DPK was involved in lengthy negotiations with potential Haitian sub-contractor Brown Consulting Group (BCG), a Haitian law firm. Subcontract negotiations with BCG stalled due to the earthquake and resumed in April 2010. To finalize the agreement between the parties, COP Claudio Santorum and DPK Director of Major Projects Jessica Vapnek met with BCG to discuss contract terms and the scope of work. PROJUSTICE will seek permission to sub-contract with BCG if the Project receives additional funding or a contract modification. If USAID grants permission and the sub-contract is signed, BCG is expected to conduct the following activities:

- Provide legal opinions when requested
- Support the process of adopting a new criminal code and criminal procedure code
- Coordinate embedded advisors in the justice sector.

If a modified contract is received from USAID, the scope of work with BCG may have to be negotiated and modified accordingly.

## **11. RECOMMENDATIONS TO ASSIST IN PERFORMANCE-BASED MANAGEMENT**

Below is a compilation of the most important recommendations made in our previous reports and a proposed new set of indicators that can better reflect our activities in the justice sector.

### **11.1 RECOMMENDATIONS**

PROJUSTICE believes that the following recommendations are reasonable and desirable in the context of the recovery assistance to the Haitian justice system.

- Improve the case registry and case management in the target jurisdictions.
- Address new post-earthquake legal issues such as issuing of death certificates, civil registry matters, property disputes (where displaced persons occupy private land), and the need to suspend legal deadlines. This could be done by promoting and supporting our program of roving justices of peace/civil registry offices and increased civic education activities.
- Advise on the reassignment or hiring of new justices of the peace to provide justice services in remote areas with a high density of internally displaced persons living in camps.
- Supporting the model of roving justice of peace can be an efficient method to facilitate access to justice in remote areas in the immediate future and until new courts are created.
- A single national commission should be tasked to lead justice reform. It would need to be sufficiently independent so as to be preserved from political changes, and should be tasked with periodically monitoring and evaluating the different phases of the reform. PROJUSTICE should therefore team up with other international donors to provide assistance to the government to put such a commission in place and develop a more comprehensive strategic reform plan along with appropriate performance monitoring mechanisms.
- Participate with other donors in the efforts to provide the sector with better infrastructure and equipment, such as more building space for documentation centers, courtrooms, meeting

rooms as well as furniture, computers, printers, office supplies, generators, toilets, air conditioning, badly needed for effective service delivery.

- Provide joint training on preliminary crime scene investigation for police, justices of peace, prosecutors and investigating judges. Due to the nature of the activity, police and the judiciary should work in close cooperation and for that reason should be trained together. PROJUSTICE will complement efforts with INL for this purpose. INL will provide two experts (Dyncorp) and possibly financial resources if needed: DPK will provide the resources of the IOM grant and PROJUSTICE will contribute with technical expertise and limited financial resources.

## **11.2 INDICATORS**

New performance indicators can include the following measures:

- Number of people benefiting from civic/legal education.
- Number of justice/non-justice personnel trained.
- Number of institutions set up or supported by the Project (technical or financial support)
- Number of laws, regulations, or procedures prepared, revised, voted, adopted, and promulgated.
- Number of courts renovated/equipped with the support of the Project.
- Degree of improvement in case management in courts with USG-assistance measured by either progress in the length of time for case disposition or rate of reversal of cases on appeal from target jurisdictions vs. other areas of Haiti.
- Increase in legal awareness or access to legal materials (i.e., number of persons attending civic education workshops).
- Number of cases solved through roving justice activities.
- Number of cases solved through alternative dispute resolution.

**ANNEX 1**

**F INDICATOR TABLE FOR JULY 9, 2009 - JULY 8, 2010**

Indicator Data				
Performance Indicators Macro Impact (MI), Outcome Impact or Program Area Impact (OI) & Output Indicators (O) + Project Specific Indicators (PI)	Unit of Measure	Disaggregated by:	Data Source & Implementing Partner(s)	Value
Number of people visiting the USG-supported legal service centers serving low income and marginalized communities	#	Male: 1583 Female: 373 (including 90 boys and 19 girls)	PROJUSTICE project records  ILAC, the bar associations of Port-au-Prince, Petit-Goâve, and Saint-Marc	1,956
Number of courts operating in areas of low-income populations with USG assistance	#	Justice of the Peace Courts: 19	PROJUSTICE project records	19
Number of USG-assisted courts with improved case management	#	Justice of the Peace Courts: 16	PROJUSTICE project records	16
Number of justice sector personnel that received USG training	#	Men and Women: 0	PROJUSTICE project records, MINUSTAH, UNDP	337
Number of legal aid groups and law clinics assisted by the USG	#	Bar associations: 3  NGOs: 1	PROJUSTICE project records, ILAC, bar associations of Port-au-Prince, Petit-Goâve, and Saint-Marc	4

Indicator Data				
Performance Indicators Macro Impact (MI), Outcome Impact or Program Area Impact (OI) & Output Indicators (O) + Project Specific Indicators (PI)	Unit of Measure	Disaggregated by:	Data Source & Implementing Partner(s)	Value
Number of legal institutions and associations supported by USG	#	Commissions: 3  Governmental institutions: 3  Associations: 1	PROJUSTICE Project records, Presidential Commission on Justice Reform, Presidential Commission on Modernization of Penal and Criminal Procedure Codes, Ministry of Justice and Public Security (MJPS) Commission on Legal Reform, including parquets, Justice of the Peace courts and first instance courts in Port-au-Prince, Petit-Goâve and Saint-Marc, Forensic Institute, EMA, ANAMAH	7