



USAID | **PROJUSTICE**
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October 1, 2010 to September 30, 2011

**USAID-FUNDED IMPROVING JUSTICE SERVICE DELIVERY
AND SECTOR REFORM IN HAITI (PROJUSTICE) PROJECT
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ACRONYMS

A&A	Assets & Acquisitions
ADR	Alternative dispute resolution
AECI	Spanish international cooperation agency
ANAMAH	National Association of Haitian Magistrates
ARC	American Refugee Committee
ASFC	<i>Avocats sans frontières Canada</i> – Lawyers without Borders Canada
BAL	<i>Bureau d'assistance légale</i> – legal assistance bureau
CBO	community-based organization
CDB	Croix-des-Bouquets
CFI	Court of First Instance
CIDA	Canadian International Development Agency
CLAED	<i>Carline Lanoue archives et documentation</i>
COP	Chief of Party
COTR	Contracting Officer's Technical Representative
CS	Cité Soleil
CSPJ	<i>Conseil supérieur du pouvoir judiciaire</i> – High Judicial Council
CPD	<i>Comité Pour la Paix et le Développement</i>
CW	Concern Worldwide
EMA	<i>Ecole de la magistrature</i> –School of Magistrates
GBV	Gender-based violence
GOH	Government of Haiti
HNP	Haitian National Police
IDP	Internally displaced person
IJ	Investigative Judge
ILAC	International Legal Assistance Consortium
IOM	International Organization for Migration
JP	Justice of the Peace
KJCS	Kay Jistis Cité Soleil
KJM	Kay Jistis Martissant
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
NAS	Narcotics Affairs Section of the U.S. Embassy
NCSC	National Center for State Courts
NGO	Non-governmental organization
NP	National Penitentiary
OIF	<i>Organisation Internationale de la Francophonie</i>
PAP	Port-au-Prince
PG	Petit-Goâve
PO	Prosecutor's Office
PWP	Pétionville Women's Prison
Tt DPK	Tetra Tech DPK
UN	United Nations



PROJUSTICE Second Annual Report
October 1, 2010 to September 30, 2011

USAID
USG

United States Agency for International Development
United States Government

EXECUTIVE SUMMARY

The Improving Justice Service Delivery and Sector Reform in Haiti (PROJUSTICE) project works to enhance justice delivery as an essential basis for establishing stability and security and improving citizens' confidence in Haitian government institutions. Since July 2009, the project has worked with the Ministry of Justice and Public Security (MJPS), judges, prosecutors, and other justice sector officials in the target jurisdictions of Saint-Marc (SM), Port-au-Prince (PAP), and Petit-Goâve (PG) to improve the productivity and efficiency of the Haitian justice system. As requested by USAID, PROJUSTICE expanded its activities to the Croix-des-Bouquets (CDB) jurisdiction in September 2011.

From October 2010 to September 2011, despite political upheaval, the after-effects of a natural disaster, and logistical challenges, PROJUSTICE succeeded in advancing the rule of law and judicial reform in Haiti. The project continued to work in the target jurisdictions of PAP, SM, and PG.

The main objectives of PROJUSTICE are to increase citizen security and access to justice, improve service delivery by justice sector actors, foster self-governance, and procure minimum resources for the justice system. In the criminal justice area, the project's focus is on improving case processing and reducing pretrial detention times. In civil matters, the main goal is to increase rapid and efficient resolution of cases through alternative dispute resolution (ADR), and to improve access to justice for marginalized or rural populations through free legal aid programs and legal education activities.

From October 1, 2010 to September 30, 2011, the project supported a number of key activities which served to promote the rule of law and justice reform, focusing on those interventions that directly benefit citizens of Haiti. The activities are described below.

IMPROVE JUDICIAL PRODUCTIVITY AND CRIMINAL JUSTICE SERVICE DELIVERY

Improve Case File Management

- The project retained the services of a team of archivists from a local firm, CL Archives et Documentation (CLAED), to reconstruct files recovered in the debris at the justice palace and prosecutor's office (PO) after the earthquake of January 2010. Most of the files were damaged, destroyed, or in disarray. The archivists commenced work in late March 2011, working simultaneously on case files from the PAP PO and the Court of First Instance (CFI).
- Over 18,500 files have been located, reconstructed, organized by subject matter and presiding judge, color-code labeled by judge, indexed, and filed. On September 26 and 27, 2011, CLAED completed phase one of this project, including training three clerks each at the CFI and the PO, and preparing an archiving training manual for future use. The archivists will also help these two offices link their existing case tracking systems and improve the management of court records.

Reduce Case Processing Times

- In FY2010-2011, PROJUSTICE provided technical assistance to 23 peace courts and 3 CFIs in PAP, SM and PG. At each court, the project worked to improve case management, reduce pretrial detention time, enable more effective delivery of justice, and improve public confidence in the Haitian justice system. PROJUSTICE outsourced the printing of 130 court registers, which are used by Peace Courts, CFIs, and POs in these 3 target jurisdictions.

IMPROVE THE USE OF PRETRIAL DETENTION

Implement Systems to Reduce Pretrial Detention

- In collaboration with local attorneys and international consultants from the Rural Justice Center (a US-based non-governmental organization), PROJUSTICE expanded its efforts to reduce the number of cases of prolonged or illegal pretrial detention at the Pétion-ville Women's Prison (PWP). The team of attorneys interviewed detainees and reviewed case files resulting in the identification of 417 cases of prolonged or illegal pretrial detention. The attorneys subsequently investigated higher-priority cases to obtain supplemental information that could accelerate disposition. Attorneys have presented those cases to the assigned prosecutors and judges for expedited review and, where appropriate, final adjudication. During this fiscal year, PROJUSTICE assisted in the release of 55 detainees and significantly advanced 152 other cases.
- In September 2011, the project began identifying cases of prolonged or illegal pretrial detention in the National Penitentiary (NP) located in PAP, including cases of detainees arrested in CDB whose cases should be heard in the correctional court. The correctional court provides a venue for expediting the resolution of qualified cases, and PROJUSTICE reached an agreement with the Dean and Chief Prosecutor of CDB to convene a correctional court at the NP. PROJUSTICE started working on NP cases in late September 2011.
- The project provided technical and logistical support to four criminal jury trial sessions held in SM and PG in March, April, and July 2011. These sessions are normally held twice per year in each jurisdiction. Forty-seven defendants were tried in PG and 35 in SM.

Legal Aid to Low Income and Marginalized Communities

- PROJUSTICE provided free legal aid to low income individuals in target jurisdictions by supporting the legal clinic of Kay Jistis Cité Soleil (KJCS) and the local bar associations of SM and PG. In FY2010-2011, the project assisted a total of 3,210 indigent individuals (2,276 men, 829 women, 74 boys, and 31 girls). The project completed renovating and furnishing the office at KJCS.

Support to Local Bar Associations

- In June 2011, PROJUSTICE delivered 51 legal books and codes each to the bar associations of SM and PG. These books will help the legal community perform research and continue their legal education.

- PROJUSTICE supported the training of 52 young lawyers who provide legal assistance to low-income individuals in SM and PG. These young lawyers gained valuable legal expertise by providing legal aid to 82 defendants in criminal jury trials in the two jurisdictions.

EXPAND USE OF ALTERNATIVE DISPUTE RESOLUTION

Raise Awareness of Alternative Dispute Resolution and Increase Its Use in Selected Communities

- In FY2010-2011, the project conducted alternative dispute resolution (ADR) training sessions for 541 community leaders and residents (298 men and 243 women) of Cité Soleil, PG and SM, including residents of camps for internally displaced persons (IDPs). The primary objective of the trainings was to enable participants to learn techniques for effectively mediating disputes among community members, as a means for reducing violence and court case volume.
- The project continued focusing on the 40 women from the Jean Marie Vincent IDP camp in Cité Soleil who were selected to become mediators of family disputes and to preemptively reduce incidents of intimate partner violence (IPV) through dialogue. These women received intensive training sessions to further prepare them to perform mediation services.

CITIZEN EDUCATION OFFERED IN CREOLE

Civic and Legal Education Workshops

- PROJUSTICE conducted civic education workshops in Cité Soleil, SM and PG in collaboration with the PAP, SM and PG bar associations. These workshops presented the institutions, structures, and mechanisms of the justice system and discussed specific legal issues raised by community residents. The workshops helped community members better understand how the justice system functions and appreciate their basic legal rights and obligations as citizens in a democratic society. In FY2010-2011, a total of 1,952 individuals (1,222 men and 730 women) attended these workshops.

Gender Based Violence Legal Education Workshops

- The project conducted gender-based violence (GBV) training sessions for community leaders and residents of CS. The trainings increased participants' knowledge and understanding of the concept of gender and gender-based violence, exploring the cultural and socio-economic causes of violence and disempowerment of women in Haiti. This year, PROJUSTICE conducted 2 GBV training sessions for 86 participants (59 men and 27 women) in CS.

Government and NGOs

- The project continued meeting regularly this year with local justice sector officials and local and international institutions working in the justice sector to more effectively coordinate efforts on the ground. Throughout the year, the PROJUSTICE Chief of Party (COP) has maintained regular contact with officials from the Ministry of Justice and Public Security (MJPS), the judicial police, the POs, the CFIs of PAP, Petit-Goâve, and Saint-Marc, and the National Magistrates' School (EMA). PROJUSTICE regularly meets with NGOs including the Haitian magistrates' association (ANAMAH), the Association of Haitian Women Judges, and the bar associations of PAP, PG and SM.

1. SPECIFIC AREAS AND RESULTS

1.1 RESULT 1 – IMPROVED JUDICIAL PRODUCTIVITY AND DELAY REDUCTION

1.1.1 Reduce Incidence and Duration of Pretrial Detention

This fiscal year, the project interviewed detainees and reviewed case files resulting in the identification of 417 cases of prolonged pretrial detention. The legal team subsequently investigated each higher-priority case to obtain supplemental information relevant to adjudicating the cases and presented those case files to the assigned prosecutors and judges for expedited review or final adjudication. PROJUSTICE assisted in the release of 55 detainees and in the significant procedural advancement of 152 other cases.

Review of Prison Records and Interview of Detainees

PROJUSTICE started work in November 2010 at the PWP, where a significant number of detainees were being held in prolonged or illegal pretrial detention. Project efforts began with interviewing detainees and reviewing prison records to determine the number of affected detainees. A majority of detainees in pretrial detention for more than one year had seen a prosecutor or judge once, usually in the early stages of their detention, after which they had been returned to jail with no subsequent court action. The prison files contained little or no information about the progress of these cases. The inmate interviews revealed that the majority of the cases had been referred to an investigating judge (IJ), but the detainee had not yet appeared before the magistrate. The prison records indicated that some detainees had been incarcerated for periods longer than their sentence would have mandated had they been convicted. The team discovered a small number of convicted prisoners who were still incarcerated after completing their sentence due to, in most cases, the prison authorities having not yet received a court order verifying the duration of their sentences.

The project identified many factors driving prolonged pretrial detention, including lost or missing evidence, non-appearance of witnesses, lack of communication between the prosecutor and the IJ, failure of the court bailiff or process server to serve legal papers, lack of material resources on the part of magistrates, loss of criminal files, and lack of administrative supervision of the magistrates.

After interviewing detainees and reviewing prison records, PROJUSTICE prioritized its legal assistance according to the following criteria:

Critical Priority

- Any pretrial detainee held in detention more than 3 years
- Any pretrial detainee who has not seen an IJ within 6 months of arriving at the prison or within 2 years of the interview/prison file review date
- Any pretrial detainee who claims that an IJ promised but failed to execute an *ordonnance non lieu*
- Any convicted detainee held beyond his/her release date
- Any detainee with a life-threatening or debilitating medical condition

High Priority

- Any pretrial detainee held in detention between 1 to 3 years
- Any pretrial detainee who has not seen an IJ between 1 to 5 months of arriving at the prison or within 1 year of the interview date/prison file review
- Any convicted detainee who is scheduled to be released within 1 week but lacks a release order
- Anyone with a serious medical condition that may become life-threatening

Medium Priority

- Any pretrial detainee held in detention between 6 months to 1 year
- Any pretrial detainee who has not seen an IJ within 2 weeks of arriving at the prison or within 6 months of the interview/prison file review date

Low Priority

- Any pretrial detainee held in detention less than 6 months
- Any pretrial detainee who has not seen an IJ within 2 weeks of arriving at the prison.

The project then categorized the cases on the basis of where in the process specific cases had stalled, to better understand the various procedural delays blocking the resolution of cases. The project used the following procedural categories:

1. **Possible Correctional Court Cases.** Cases that may be under the jurisdiction of the correctional court, which has the authority to hear lesser felonies (*delits*) that carry a maximum 3-year sentence and should be resolved quickly by the correctional court.
2. **No Judicial Review.** Cases in which a judicial officer has never reviewed the legality of the arrest or subsequent detention. As Article 26 of the Haitian Constitution requires judicial review within 48 hours of arrest, these cases are good candidates for a habeas corpus motion.
3. **Awaiting *Ordonnance Non Lieu*.** Cases in which an IJ supposedly told a detainee that the charges lacked evidence and that a dismissal recommendation would be sent to the prosecutor; but the recommendation has not yet been received.
4. **Awaiting *Ordonnance, Type Unknown*.** Cases in which an IJ supposedly told a detainee that the investigation was complete and that an *ordonnance*, either to recommend proceeding to trial (*renvoi*) or to dismiss the charges and release the detainee (*non lieu*), would be prepared; but the recommendation has not yet been received.
5. **More Than 2 Years Pretrial Detention.** Cases in which detainees have been held in pretrial detention for more than 2 years with unknown procedural status.
6. **Convicted Detainees Held Beyond Release Date.** Cases in which detainees have been held beyond the scheduled detention period, usually because a release order has not yet been received by the prison.
7. **Convicted Detainees Lacking a Release Order.** Cases in which convicted detainees have been scheduled for future release, but in which a release order has not yet been received by prison.

Categorization by procedural status enabled PROJUSTICE to efficiently focus its efforts on the appropriate legal authority and legal actions. For example, if a detainee were waiting for an *ordonnance non lieu*, then legal support would be directed first to the presiding IJ with possible

follow up with the prosecutor. Possible correctional court cases could be referred directly to the Chief Prosecutor for appropriate action.

Once the PROJUSTICE team completes the categorization, they must locate case files, review them, and occasionally reconstruct the file to provide supporting documentation for judicial or prosecutorial action. PROJUSTICE then brings each case to the attention of the legal authorities, drafts necessary pleadings, and monitors promised actions by the court and prosecution. .

1.1.2 Case Types in Prolonged or Illegal Pretrial Detention

The investigations work led PROJUSTICE to identify the following common case types and project responses:

Duration of Pretrial Detention Equals the Potential Sentence

These detainees have been in pretrial detention for a period of time nearly equal to or exceeding their sentence had they been convicted. PROJUSTICE immediately accepts these cases, presents their facts to the Dean of the CFI and the Chief Prosecutor, and requests that these cases be quickly brought before a judge for final adjudication. These cases are typically resolved quickly and result in the release of the detainee.

Indigent Defendant Without Counsel

These detainees have seen a prosecutor or a judge at least once, usually in the early stages of their detention, after which they were returned to jail. These detainees cannot afford to hire an attorney and consequently remain in jail with little or no case progress. Once a magistrate realizes that PROJUSTICE is monitoring or investigating these cases, the magistrate typically quickly begins processing the case and arrives at a prompt final decision.

Correctional Court Offenses

These detainees have been incarcerated for correctional court offenses (typically misdemeanors or minor felonies with sentences of up to 1 year) that could be tried quickly via a bench trial. PROJUSTICE presents these cases to the authorities and requests immediate hearings. These cases are often quickly resolved by judicial authorities who assign a CFI judge to hear these cases on a daily basis.

Detainees in Critical or Very Poor Health

These detainees suffer life-threatening medical conditions and should be transferred to a medical facility or released on humanitarian grounds. PROJUSTICE gathers pertinent medical information and judicial documents for presentation before the judicial authorities who are typically unaware of the severity of the medical condition. Judicial authorities typically confirm the provided medical information and either authorize a transfer to a medical facility until the case is adjudicated or authorize a release on humanitarian grounds (in particular when little time is left on the sentence or when the detainee would likely die in prison).

Detainees with No Case File

These detainees are arrested and their case file is either not forwarded to the judicial authorities or it is lost (e.g., misplaced, destroyed by prisoners during riots or attempted escapes, or lost in the earthquake). The project files a request for a habeas corpus hearing or for a review of the file by the

authorities to determine the next steps. The request contains verified information obtained by the project team through research, and also sets out the legal arguments for the detainee's release based on lack of evidence. The subsequent investigation by the authorities often reveals that witnesses and evidence are unavailable, resulting in a dismissal.

Release Orders Have Not Been Forwarded to the Prison

These detainees have been ordered released by an IJ, but the release order has failed to be delivered to the prosecution and prison. The project assists the judicial authorities in searching for the release order, which is often in a separate file at the clerk's office. Once the order is found and sent to the prison, the detainee is released.

Detainees Arrested on a Mistaken Identity

The project researches civil status records to establish the real identity of these detainees. The project presents the documents to the court and brings family members as witnesses to confirm the detainee's identity, which typically results in the court's decision to release the detainee.

Ignorance of or Disregard for the Law

The detainees have been held beyond their release date typically at the request of the complainant's attorney who, for example, has demanded payment of monetary damages prior to release. Monetary claims are a civil matter under Haitian law that should not result in continued detention.

PROJUSTICE argues for, and almost always achieves, release of the detainee by the prosecutor, who often lacked an understanding of the law or was unaware that the detainee was being held solely on the basis of the complainant's attorney's claim.

The following are examples of cases from the PWP:

- At the request of the warden of the PWP, PROJUSTICE assisted three detainees (Eugènedie Pégué, Ruth Luccécus, and Sonia Délinois) who had been in pretrial detention for over 3 years, 2 years, and 1 year, respectively. A court had convicted each of the detainees with a sentence equal to time served. Prison authorities were unable to release the detainees because they failed to receive certificates of judgment and sentencing documents. PROJUSTICE located and delivered the documents, and all three detainees were released on July 27, 2011.
- On September 16, 2011, PROJUSTICE secured an order from IJ Ezter Aristide releasing Silienne Alceus and Kelitha Merisier from detention due to lack of evidence. Merisier, who is 6 months pregnant, had been arrested on May 13, 2011, for allegedly poisoning a young boy with whom Merisier had shared food and who died 20 hours later. Merisier's mother, Silienne, was subsequently arrested as an accomplice after protesting her daughter's arrest. Neither Alceus nor Merisier had appeared before a magistrate.
- On August 16, 2011, PROJUSTICE secured the release of Lucilia Berthonier, age 61, who had been in prison for 2 months after being wrongfully accused of arson and arrested on June 17, 2011, without a warrant. She had not appeared before a magistrate. PROJUSTICE notified the Chief Prosecutor who investigated the case, including visiting the PWP to review the file and interview the detainee, and ordered the release.



PROJUSTICE legal staff Odler Dorvil assisting the Chief Prosecutor of Croix-des-Bouquets, Mario Beauvoir, in preparing the order for immediate release of inmate Lucilia Berthonier



Lucilia Berthonier inside Chief Prosecutor Mario Beauvoir's vehicle on her way home from jail

The following are updates, specifically requested by USAID, on three PWP detainees, Maria Frederic, Roseline Paul, and Lourn Jean:

Maria Frederic. On July 27, 2011, PROJUSTICE sent a request to the PAP PO for Ms. Frederic's release. On August 27, 2011, the project met with prosecutor Sorel Jean François to discuss the case and request a release or judicial decision. Substitute Prosecutor James Pierre promised to work on Ms. Frederic's case but claimed he could not locate the case file. Ms. François and Mr. Harrycidas Auguste, Chief Prosecutor of PAP, were surprised by this case and promised to follow up, but failed to do so. The PAP Prosecutor's Office and the CFI cannot trace her file in the system. Although Ms. Frederic was brought to the Prosecutor's Office before being transferred to the PWP, she has yet to appear before a magistrate.

Roseline Paul. On September 16, 2011, PROJUSTICE met with the IJ to request follow-up on this case. On September 28, 2011, the detainee appeared before the IJ for investigation, but a release was not ordered. The drafting of Ms. Paul's release order is almost complete, according to the clerk of the IJ.

Lourn Jean. IJ Emmanuel Lacroix ordered the release of Ms. Jean from the PWP on September 27, 2011.

Significant work is often required to achieve the release of an illegally detained person. A prison cannot release a detainee without an official disposition or order from the applicable court. In many cases, detainees have already completed their prison sentence, but the disposition from the court granting their release has either not been drafted or not delivered to the prison. Another common problem is that the Chief Prosecutor has simply been unable to draft the release order due to a lack of electricity for the computer and printer.

Less frequently, PROJUSTICE has assisted authorities in locating missing files or confirming the identities of incarcerated defendants. For example, Yvena Previl, a woman arrested on October 11,

2004, and imprisoned for more than 6 years, had claimed that she had been illegally jailed by the PAP Anti-Gang and Investigation Unit. The project’s preliminary investigation found that the woman’s name was not on file at the PAP PO, the PWP, or the Directorate of the Penitentiary, which holds records for all detainees throughout the country. The PROJUSTICE team discovered the case file at the Anse à Veau CFI. Ms. Previl had been convicted and sentenced to life imprisonment for murder, but had escaped before being incarcerated in PAP in October 2004.

The PAP PO lacks any system to effectively collect information in its database for further inquiry, including information from the police (e.g., recent arrests and detentions) or from the prisons (e.g., escaped prisoners). In Ms. Previl’s case, the PO could not determine or confirm the detainee’s identity. Neither the Directorate of the Penitentiary nor the PWP had any record of the defendant’s prior history or any effective mechanism to automatically flag these types of detainees for follow-up inquiries. In this case, PROJUSTICE provided essential assistance, according to the Deputy Prosecutor in Anse à Veau.

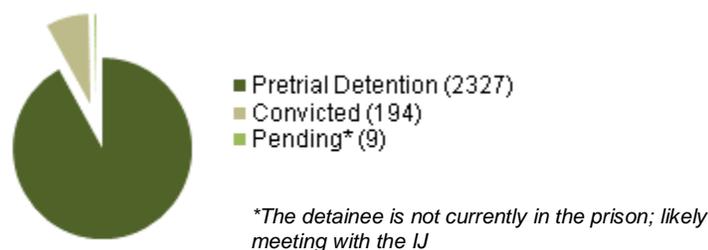
1.1.2 Pretrial Detention Activities in Target Jurisdictions

Reduce Pretrial Detention Rate at the Haiti National Penitentiary

Throughout the fiscal year, PROJUSTICE held several strategy meetings with justice sector officials in CDB on how to best work with the detainees at the NP from the CDB jurisdiction. On September 21, 2011, the project began pretrial detention work at the NP. During its first visit, the pretrial detention team reviewed three new cases. PROJUSTICE will soon have formal authorization from prison authorities, which will give the project significantly expanded access to the prison and will allow the pretrial detention team to begin an intake process to properly identify those prisoners who require pretrial detention assistance.

Similar to the problems faced at the PWP, many prisoners at the NP are currently held in pretrial detention in violation of Haitian law. Below is an illustration of the number of prisoners in pretrial detention in the NP, as compared to the total prison population. Roughly half of all of Haiti’s prisoners are incarcerated at the NP, and the vast majority of those are currently in pretrial detention have never been convicted. See Chart 1.

Chart 1 – Number of Men at Haiti National Penitentiary, Port-au-Prince, September 23, 2011



Source: “Mouvement Quotidien de la Population Carcérale;” Police Nationale d’Haïti, Direction de l’Administration Pénitentiaire; September 23, 2011

Pretrial Detention Activities in Croix-des-Bouquets

PROJUSTICE updated the judicial list of CDB detainees, interviewed detainees, researched and collected case documentation, forwarded files to the appropriate authorities, wrote memos to the authorities regarding case questions, and coordinated visits to the PWP by the Chief Prosecutor and Dean of the CFI of CDB. PROJUSTICE regularly meets with PAP judicial personnel to discuss detainees whose case files have not yet been handled by a magistrate because of jurisdictional confusion between PAP and CDB. These cases were not transferred to CDB after it separated from the PAP jurisdiction on October 10, 2007, resulting in magistrates from both jurisdictions refusing to accept these cases.

On July 20 and 21, 2011, the Dean and the Chief Prosecutor of CDB each wrote letters to the PROJUSTICE legal team praising their successful efforts fighting against prolonged pretrial detention. PROJUSTICE sent copies of the letters to prison authorities who had requested documentation of the project's past work with the justice system. The letters and the support of the judicial actors from Croix-des-Bouquets helped the project resume its work at the NP.

The Chief Prosecutor and Dean of the CDB CFI have agreed to conduct, with PROJUSTICE's assistance, on-site reviews and interviews of detainees on a regular basis at the PWP. Interviews began on July 11, 2011, with five detainees. After this session, both the Dean and the Chief Prosecutor publicly congratulated and thanked the project for its assistance in advancing justice for the women of CDB. On September 23, 2011, the Dean and Chief Prosecutor conducted on-site interviews at the PWP of 19 detainees, resulting in the release of 2 women. The regular prison visits and on-site interviews have become an important tool for advancing many cases and securing needed releases. The visits are a valuable experience for judicial personnel who experience first-hand the harsh treatment of many women who have been detained excessively and illegally.

On September 29, 2011, PROJUSTICE renewed its authorization letter from the Chief Judge of CDB, addressed to the PWP, authorizing the project to interview detainees arrested in the Croix-des-Bouquets jurisdiction through December 30, 2011. PROJUSTICE also obtained a new authorization letter from the Chief Judge to interview CDB detainees held in the NP, which also expires December 30, 2011. On September 22, 2011, PROJUSTICE delivered its request for authorization to interview all detainees at the NP, the PWP, and the prison in Carrefour to the Director General of the prison authority, Jean Roland Celestin. Legal assistance personnel have met with the director's chief of staff, and a response is expected shortly.

Pretrial Detention Activities in Petit-Goâve

On July 20, 2011, PROJUSTICE met with the Chief Judge and Chief Prosecutor of PG to discuss pretrial detention issues in that jurisdiction. The Chief of Police of PG, representatives of the United Nations Stabilization Mission in Haiti (MINUSTAH), the International Organization for Migration (IOM), civil society members, and the mayor of PG participated in the meeting. Both the Chief Prosecutor and the Chief Judge complained that the PG jurisdiction lacks a prison, which creates difficulties for the judiciary in holding hearings and trials due to the unavailability of detainees.

Pretrial Detention Activities in Saint-Marc

Through the SM Bureau d' Assistance Légale (BAL) and legal aid activities in the jurisdiction, PROJUSTICE provides support for pretrial detention activities. During the next fiscal year, the project will support improvements to BAL's monitoring system and will more completely evaluate the pretrial detention situation in SM.

1.1.4 Pretrial Detention Meetings with Judicial Authorities

To collaborate with governmental and non-governmental structures working to eradicate the problem of prolonged pretrial detention, PROJUSTICE met with several actors this year to exchange experiences, collectively identify problems, and propose and implement solutions for streamlining procedures. The team participated in the following meetings:

Meetings with the MJPS

PROJUSTICE staff held several meetings with justice authorities to discuss and develop a plan to continue addressing the problem of illegal and prolonged pretrial detention. On September 29, PROJUSTICE met with Chargé de Mission/Minister of Justice designate, Josué Pierre-Louis, who stated that the MJPS would prefer that the project present a comprehensive plan to address and reduce illegal and excessive pretrial detention, with recommendations on how to address the issue throughout the criminal justice chain, including police and IJs.

Visit to the PWP with the CFI Dean, the PAP Chief Prosecutor, and the Head of the Ombudsman's Office to Investigate Illegal Pretrial Detention

On February 16, 2011, PROJUSTICE visited the PWP accompanied by the Dean of the CFI, the Chief Prosecutor of PAP, and the head of the Ombudsman's Office, Florence Elie. On that day, the prison held 259 detainees. The team briefly and informally interviewed several prisoners, obtaining basic data related to prison arrival date, case status, assigned judge, and whether the detainee had seen a judge. Some detainees claimed that their case file had been lost, they had never seen a judge, or their sentence had expired yet they remained incarcerated. The Dean promised to follow up on the problematic cases with her IJs, and both the Dean and Chief Prosecutor agreed to form a working group consisting of an IJ, a Deputy Prosecutor, a PROJUSTICE representative, and a member of the Ombudsman's Office to investigate these cases.

Follow-up Meeting with PAP Chief Prosecutor and Deputy Prosecutor on a Proposal to Create a Working Group to Investigate Illegal Pretrial Detention

Following up on the visit to the PWP, PROJUSTICE staff met on February 21 and 22, 2011, with the PAP Chief Prosecutor and Deputy Prosecutor to further discuss how a working group of justice sector actors would help investigate and remedy the problem of illegal pretrial detention in the PAP prisons. The attendees discussed creating a working group that would consist of an IJ, a Deputy Prosecutor, a member of the Ombudsman's Office, and representatives from PROJUSTICE, MINUSTAH, and the International Legal Assistance Consortium (ILAC). The team scheduled additional meetings to further discuss the creation of the group and define its mission.

Meeting with Chief Prosecutor of CDB

On June 6, 2011, Mario Beauvoir, Chief Prosecutor of CDB, discussed the problem of pretrial detention with PROJUSTICE staff. He subsequently visited the PWP on June 9, 2011, and interviewed 33 detainees, which at the time was all of the female detainees at the PWP from CDB.

After reviewing their cases, the Chief Prosecutor and PROJUSTICE lawyers identified the following problematic cases:

- Eleven detainees in pretrial detention for several years without being heard by a magistrate (plus 1 inmate who may also have been suffering excessive detention but who could not remember important events in her case likely due to mental illness)
- Nine detainees in pretrial detention without being heard by a magistrate
- Two condemned detainees, 1 of whom lacked a disposition of judgment
- Three detainees with postponed trials
- One detainee in pretrial detention because of a conflict of jurisdiction between CDB and PAP
- Seven cases awaiting a trial date.

PROJUSTICE researched and assembled the necessary documentation for each case, forwarded the files to the appropriate authorities for processing, and wrote memos regarding cases with special issues to be shared with the authorities. As a result of these efforts, all of the cases involving detainees in the PWP have been assigned to magistrates (prosecutors and judges) in CDB. The prosecutor promised to take appropriate legal action to accelerate the judicial review of these cases. He plans to meet individually with judges and the prosecutors at Croix-des-Bouquets to highlight the need for quick and effective action. PROJUSTICE also informed him of a conflict of jurisdiction between the prosecutors' offices in CDB and PAP, which has stalled a few cases. Specifically, some detainees were arrested before the creation of the Croix-des-Bouquets court in 2008, and have case files that were not properly transferred from the PAP Prosecutor's Office to the CDB office. Mr. Beauvoir called Harrycidas Auguste, Chief Prosecutor of PAP, to request a transfer of the files, as it has not yet taken place.

1.1.5 Improve Case File Management

File Reconstruction at Prosecutor's Office and the Court of First Instance of Port-au-Prince

The consensus among those working with Haitian prisoners is that most cases of prolonged pretrial detention are stalled at the level of the Prosecutor's Office and the IJ. To resolve that problem, the project led an initiative to reconstruct court files recovered from those institutions after the January 2010 earthquake. Since March 31, 2011, in collaboration with the Dean of the CFI and the Chief Prosecutor of PAP, PROJUSTICE has been reconstructing court files at the PO and the CFI, now both located at the Justice Palace. The project subcontracted with a local firm, CLAED, to reconstruct the recovered files. The Dean of the CFI visited the archiving team on a weekly basis and regularly expressed his satisfaction with the results achieved by PROJUSTICE.

In June 2011, PROJUSTICE procured additional filing materials (file cabinets, shelves, and folders) needed by CLAED. During a visit at the Justice Palace on June 30, 2011, PROJUSTICE met with the Chief Judge, Jocelyne Casimir, who thanked the team for their good work and steady progress. PROJUSTICE executed a no-cost extension with CLAED through August 31, 2011.

To improve the case tracking mechanism between the two offices and improve case management, PROJUSTICE will provide follow-up training sessions for prosecutors, the CFI judges, and their respective administrators and clerks on how to better use the existing manual case registers, which

will ultimately result in cases being more effectively registered and managed. Once these manual systems are fully operational, justice sector officials have clearly indicated that they would like the project to consider supporting an initiative to electronically link the PAP Prosecutor's Office to the CFI, which would enable a more effective flow of case information and tracking of events between the two entities.



Case records are brought from the CFI and the Justice Palace in cardboard boxes and stored in metal file cabinets provided by PROJUSTICE



The challenge of reconstructing justice system files



PROJUSTICE meets the challenge, one file at a time

The first phase of this project has been completed. On September 6, 2011, PROJUSTICE conducted a final site evaluation on the progress of the case file reconstruction and archiving. CLAED has reconstructed over 18,500 files found at the site of the destroyed Justice Palace and Prosecutor's Office. All files have been located, reconstructed, organized by subject matter and presiding judge, color code labeled by judge, indexed, and filed in sturdy and lockable metal file cabinets in the PO and the CFI. Additional files are temporarily stored in cardboard boxes in both locations until a later stage when these files will be transferred into metal file cabinets. Open shelving holds case record index books, while evidence is stored in lockable metal cabinets, individually organized and labeled. These details have been entered in an electronic database that CLAED made available to the PO.

On September 22, 2011, CLAED submitted a user's manual to PROJUSTICE and on September 26 and 27, 2011, CLAED trained one clerk from the CFI and two clerks from the PO of PAP on how to use the recording, filing, and archiving systems. Discussions are currently under way for the CFI to potentially hire one of CLAED's staff members to maintain the filing and archiving system, which would ensure the sustainability of the project and the archiving records system. Once the Dean of the CFI approves the hiring of this archival officer, CLAED will train this person.

The next anticipated PROJUSTICE activities include transferring more than 9,000 case files into metal filing cabinets at both the PO and the CFI, and archiving additional case files recovered by the justice sector authorities after the earthquake that were not part of the original pool of case files assigned to CLAED.



*File folders, color coded by judge
CFI, August 29, 2011*



*New file cabinets, color coded by judge
CFI, August 29, 2011*



*New evidence lockers
CFI, August 29, 2011*



*New shelving for case record index books
CFI, August 29, 2011*



*New file cabinets, color coded by prosecutor
Prosecutor's Office, August 29, 2011*

1.1.6 Reduce Case Processing Times

Saint-Marc

This fiscal year, PROJUSTICE supported a performance-based incentive program for justice sector actors (judges, prosecutors, and clerks) to improve the quality, performance, and productivity of the justice sector. On Tuesday, September 27, 2011, in partnership with the Dean of the CFI, the project assisted in holding an awards ceremony in SM honoring specific justice sector actors for their exceptional performance in the SM court system during the 2010-2011 judicial year. PROJUSTICE, at the request of the Chief Judge of the CFI of SM, Clunie Pierre, assisted the court both technically and logistically in organizing and implementing this activity. The awardees were honored for their exemplary performance based on the number of judgments rendered and the quality of their decisions. The following individuals received a commemorative plaque during the ceremony:

- Cina Bernadin, IJ
- Wilcam Cajuste, judge
- Alix Delinois, clerk
- Jean d'Haiti, clerk of the PO
- Feconde éertus, bailiff

Approximately 88 people attended the ceremony, including the Gonâïés appeals court president, the deputy of the district of Saint-Marc, the president of the Saint-Marc bar association, the director of the national police of Saint-Marc, the inspector of prison administration of Saint-Marc, judges, deputy prosecutors, clerks, and other judicial personnel. Participants commented that they would like to see this event become an annual tradition, as it encourages judicial actors to improve their performance and efficiency.

Port-au-Prince

On September 16, 2011, PROJUSTICE met with the Chief Judge of the CFI of PAP, Jocelyne Casimir. Judge Casimir will launch the new judicial year with the following initiatives aimed at improving the morale and performance of judges:

- Reserved parking spaces for judges
- Decorative and identifying license plates for judges
- A recognition ceremony for three judges who, during the previous judicial year 2010-2011, evidenced exemplary performance measured by the number of judgments delivered and the quality of their decisions.

Croix-des-Bouquets

At the suggestion of USAID, PROJUSTICE added CDB as a project target jurisdiction in September 2011 due to its close proximity to PAP, the reform-minded nature of its justice sector leaders, and the relatively large number of detainees in both the PWP and the NP.

On September 22, 2011, at the request of the Chief Judge of CDB, PROJUSTICE became a formal (but non-voting) member of the CDB Palace of Justice Construction Steering Committee and participated in its first meeting to plan the construction of the future Justice Palace. Committee members discussed the need for a larger structure to house the PO, the CFI, and possibly the civil

court. On the same day, PROJUSTICE met with the Chief Judge of the CFI, Jean Monice, and the Chief Prosecutor, Mario Beauvoir, to discuss their justice sector needs for the 2011-2012 fiscal year, including support for felony criminal trials.

Train Prosecutors and IJs

On August 17 and September 15, 2011, PROJUSTICE staff met with Kesner Thermezie, director of the EMA, to discuss potential project support for future training of magistrates and clerks. The planned training sessions will focus on case processing, tracking, and management, and on investigation and prosecution techniques. Prosecutors and judges recently trained at the EMA in France will be trained on Haitian laws and procedures and their practical application; sitting prosecutors and judges will be trained on a variety of topics; and magistrates and clerks will be trained on case management techniques.

1.1.7 Case Tracking/Management and Registration

PROJUSTICE implemented an initiative to improve case management/tracking and registration in four target jurisdictions (CDB, PAP, PG, and SM) after completing an assessment report of the case management and registry systems developed and supported by USAID/National Center for State Courts (NCSC). Some of the major findings include:

- Registries developed by NCSC have been out of stock since the end of 2009, and the courts and prosecutors' clerks have had to develop their own registries, using the NCSC registries as a guide.
- Storage of evidence is poorly managed and unsecured.
- Clerks are poorly or undertrained.
- Workload among court personnel is haphazardly distributed and poorly managed.
- The courts and prosecutors' offices have insufficient clerical staff.
- The MJPS does not regularly inspect courts or prosecutors' offices.

Justice sector personnel agreed on the need for centralized management of evidence in each jurisdiction to protect its authenticity and credibility. Personnel expressed their wish to have substantive exchanges around the country to obtain consensus on the appropriate changes to the system and how to effectively implement them.

Working with counterparts to remedy the problems identified in the case registry and management systems, the project has designed a plan, which includes:

- Improving the format of the registries by creating enough space in the manual registries to record cases involving several detainees.
- Providing each court and every PO with a sufficient stock of new registries, and keeping a reasonable number in storage at the MJPS to avoid using old or improvised versions of the registries.
- Providing training to registrars, administrators, and clerks on data entry and record keeping.
- Replacing the existing haphazard system of storage and management of evidence with a more efficient and centralized system.

Training Judges, Clerks, and Prosecutors on Case Processing

PROJUSTICE trained court and PO clerks in SM, PG, and PAP during September 2011, focusing on the proper use of new court registers. At the training, the project provided the clerks with a new stock of alpha-numeric court registers in an effort to expedite the continued proper use of the registers and to consolidate the case management system. Registers have been distributed to judicial offices, including peace courts, the CFI, IJ offices, and POs. In total, 92 court registers (1 alphabetical register and 1 chronological register for each court or judicial office) have been provided to 46 courts or offices, including 20 peace courts, 3 CFIs, 21 IJ offices, and 2 POs.

On September 27, 2011, PROJUSTICE trained 53 judicial personnel (judges, prosecutors, and their respective clerks – 51 men and 2 women) in Saint-Marc on case management and the recording of criminal cases. On September 28, 2011, 37 personnel (35 men and 2 women) received the same training in Petit-Gôave, and on September 29, 2011, another 31 personnel (23 men and 8 women) in PAP. This training will improve the standardization of procedures for recording criminal cases, which will result in better case management.



Training on case management

Support for Criminal Trials

During this year, four criminal trial sessions were held with project support: two in PG and two in SM, benefitting a total of 82 defendants. The cases tried included murder, rape, armed robbery, criminal association, and weapons possession. Most of the cases involved people already incarcerated.

The project covered the expenses related to the fees for senior and trainee defense lawyers, transportation of jurors, fees for bailiffs and process servers, and/or food and refreshments for detainees, witnesses, and victims involved in the trials.

At the request of the bar associations in SM and PG PROJUSTICE provided training to approximately 35 intern attorneys and additional support to approximately 17 intern attorneys who were assigned to work on cases during these criminal trial sessions. Support included stipends to cover the costs of photocopying case files, meals, and attorney transportation. The intern attorneys assisted the seasoned attorneys in preparing and trying the cases from start to finish. These experienced attorneys conducted the trainings for the intern attorneys, which included techniques for litigating a case; the legal elements of a criminal infraction; the role of the lawyer in criminal court; and effective criminal defense.

Criminal Jury Trials in PG

The project provided technical, material, and logistical support to the CFI of PG to conduct two criminal trial sessions with jury assistance: one from March 28 to April 9 and one in July 2011. A total of 47 defendants were tried.

Criminal Jury Trials in SM

The project provided technical, material, and logistical support to the CFI of SM to conduct two criminal trial sessions with jury assistance: one from March 14 to 31 and one in July 2011. A total of 35 defendants were tried and 18 of them received legal assistance from project trained lawyers.

Efforts to Support to Criminal Trial in CFB

On September 29, 2011, PROJUSTICE met with the Dean of the CFI of CDB to discuss possible project assistance for criminal jury trial sessions to be held in either October or November 2011. PROJUSTICE proposed to indirectly support the court through the local bar association to ensure indigent persons receive legal counsel. The legal team met with the Chief Prosecutor of CDB, obtained a list of detainees to be tried in the October criminal trials, and reviewed their files.

1.2 RESULT 2 – IMPROVED ACCESS TO JUSTICE

PROJUSTICE continued operating its KJCS “House of Justice” program in Cité Soleil where it provides legal assistance, legal and civic education, ADR training, and other justice-related services. To inform residents about PROJUSTICE work, KJCS conducts public awareness campaigns about project initiatives and has made significant efforts to involve residents and community leaders by encouraging them to lead some of the activities.

Project activities to improve access to justice included assisting the bar associations of Petit-Goâve and Saint-Marc by providing free legal assistance to defendants who cannot afford an attorney during their criminal jury trials; conducting civil law education forums to help residents better understand how the justice system functions and how to access it to resolve legal matters; GBV awareness raising; and ADR training.

In September 2011, PROJUSTICE began its work in the jurisdiction of CDB, providing technical support to the CFI and the PO, and providing specialized assistance to detainees in PWP who are from CDB.

1.2.2 Legal Assistance and Advice

PROJUSTICE provides legal aid to the residents of Cité Soleil through its KJCS program, and in Saint-Marc and Petit-Goâve in coordination with the local bar associations and BALs. When a potential client brings a case to the KJCS or BAL, project-supported lawyers evaluate the case, determine if it falls within their scope of work, and handle the matter until a final decision is reached. PROJUSTICE supports five attorneys in Cité Soleil and three attorneys each in Saint-Marc and Petit-Goâve.

In May 2011, PROJUSTICE drafted memoranda of understanding (MOUs) to better define its partnership with the bar associations of PG and SM. Through these MOUs, PROJUSTICE will be in

a position to reinforce the capacity of the bar associations to more effectively provide free legal assistance to indigent persons.

In total, 3,210 individuals (2,276 men, 829 women, 74 boys, and 31 girls) received legal aid and assistance in all three jurisdictions (see Table 1 below for total statistics).

Legal Assistance in Cité Soleil

KJCS lawyers received and assisted a total of 1,756 individuals (1,155 men, 593 women, and 8 boys) in Cité Soleil. The allegations included assault, vagrancy, fraud, theft, slander, assault and battery, criminal association, rape, vandalism/destruction of property, armed robbery, embezzlement, debt, using false documents, drug possession, illegal detention, burglary, accomplice to theft, insults, and contempt.

Vagrancy Arrests on the Rise

In summer 2011, police arrested 58 people (43 men and 15 women) for vagrancy in a raid in Cité Soleil. Since then, vagrancy has quickly become the most frequent case type received at KJCS, signaling an apparent police crack-down on the alleged vagrants. Due to these arrests, the KJCS caseload has more than doubled through September 2011. Nearly all persons held for vagrancy have been immediately released by the peace court, with KJCS assistance.

Legal Assistance in SM

During this fiscal year, PROJUSTICE supported legal assistance for 721 inhabitants of Saint-Marc (615 men, 85 women, 18 boys, and 3 girls). Their cases included attempted murder, robbery, burglary, assault, fraud, forgery, and property rights and land disputes. Most of the cases involved allegations of criminal activity and are currently before the peace court or the PO.

Legal Assistance in PG

In FY2010-2011, the project provided legal assistance to 733 inhabitants of Petit-Goâve (506 men, 151 women, 48 boys, and 28 girls). The types of cases included assault, robbery, burglary, rape, fraud, criminal association, attempted murder, vandalism, and death threats. Most of the cases involved accusations of assault.

**Table 1 – Number of Cases Handled By Legal Assistance Teams in Target Jurisdictions
(Disaggregated By Gender)**

Quarter	October – December 2010			January – March 2011			April – June 2011			July – October 2011			Total
Location	KJCS	Petit-Goâve	Saint-Marc	KJCS	Petit-Goâve	Saint-Marc	KJCS	Petit-Goâve	Saint-Marc	KJCS	Petit-Goâve	Saint-Marc	Total
Men	168	97	154	231	121	253	352	153	144	404	135	64	2,276
Women	65	22	15	86	55	43	161	39	20	281	35	7	829
Boys	-	13	6	1	11	5	1	9	3	6	15	4	74
Girls	-	-	-	-	5	-	-	14	1	-	9	2	31
Total	233	132	175	318	192	301	514	215	168	691	194	77	3,210

IOM Grant in Martissant

In Martissant, the IOM grant being implemented by the project mandates that KJM provide free legal advice and assistance to marginalized residents of Martissant. Three lawyers (two female, one male) were selected by the PAP Bar Association and have been working at KJM since December 2010.

Another important access to justice objective of the IOM/KJM grant is to make KJM a center where residents can obtain services from a judge, particularly on matters that could be mediated as opposed to being litigated in court. After discussions with MJPS officials, the Minister of Justice agreed to install a judge at KJM as part of its *relais de justice* initiative, a plan to add a Justice of the Peace Court annex in each municipal district (*section communale*) of the country.

The MJPS took this major step on March 23, when the Minister of Justice Paul Denis, accompanied by Chief Prosecutor Harysidas Auguste, installed a justice of the peace at 11, Rue Concorde in Cité L'Eternel, Martissant. This formally established an annex of the South Section Justice of the Peace Court at KJM. This will improve access to justice in Martissant and bolster legal assistance and civic legal education there.

Officials who attended the ceremony, which was hosted by the PROJUSTICE ACOP Marceau Edouard, included Lynne Platt, representing the US Department of State Bureau of International Narcotics and Law Enforcement Affairs (INL), Jean Garland of USAID, Matt Huber of IOM, Jean Robert Jean-Baptiste of the Haiti Stabilization Initiative (HSI), KJM legal assistants, other PROJUSTICE and KJM staff, and 20 of the community's top leaders. The event was covered extensively by the local radio stations and the national television stations. The community representatives interviewed by the press praised the partnership among IOM, HSI, and PROJUSTICE for its focus on civic legal education and defense of their legal rights. Others praised the KJM mediation training and civic forum on civil status documentation and expressed the hope for similar programs in the future.



IOM's Matt Huber (left), Martissant community leaders (center), and INL's Lynne Platt (right)



*Justice Minister Paul Denis (left), INL's Lynne Platt (center),
USAID's Jean Garland (right)*

1.2.5 Civic Education

The project continued to offer civic and legal education to residents of Cité Soleil, SM and PG, by holding forums on different themes identified by local CBOs. At each event, participants received project support material written in Creole. These forums included topics such as Rule of law, administration of justice, and the role of law in society, Legal aspects of marriage, Laws that govern inheritance and individuals who are related, The importance of guardianship, The justice system and social justice, Civic and legal rights and responsibilities and Children's Rights.

During the reporting fiscal year, there were 1,952 participants (1,222 men and 730 women) at these forums.



*Cité Soleil civic forum "The institutions of the justice system and how to
access them," August 26, 2011*



Civic forum "The hearing of cases at the peace court," Cité Soleil, September 9, 2011

1.2.6 Public Awareness Campaigns and Round Table Discussions with Community Leaders

KJCS continues to build a strong working relationship with the community. Over the past year, KJCS focused on increasing public awareness of available legal services, and worked with groups throughout Cité Soleil to raise awareness of GBV. KJCS's office is strategically located inside the peace court that serves the area, making access to the office easy for most residents who have business with the court. The office is within walking distance from the main police station, where KJCS holds many of its community activities. Its proximity has facilitated access for the KJCS team, the police, and the community. The ease of access has resulted in a steady flow of residents to the KJCS office and an increase in the number of local residents participating in project activities. The following are highlights of public awareness and round table activities supported by the project during the past year.

Round Table with Women's Group Representatives in Cité Soleil

At an initial round table discussion in Cité Soleil in January 2011 sponsored by the local organization Comité Pour la Paix et le Développement (CPD), a human rights watchdog group in Cité Soleil, KJCS staff met with more than 40 women residents of the IDP camp Jean Marie Vincent, which houses close to 50,000 people. KJCS's objectives for the meeting were to address GBV in the camps, identify IDP women residents most willing to join a movement to counter GBV, and ultimately select an initial group of women that the project could train to help mediate domestic disputes in the camps. The efforts were designed to work progressively to establish safety, security, and post-trauma mechanisms for women and young girls who are victims of assault or rape in the camps. During the discussions, the women learned about different international treaties related to gender rights that are binding on Haiti. Of the 40 women who met with KJCS, 36 had previously been trained by the American Refugee Committee (ARC), an organization dedicated to refugee camp management, and had participated in an awareness campaign on violence against women in the camps. During the two months of that campaign, the women went door to door to speak to men and women about GBV. ARC discontinued this initiative for lack of funding.

PROJUSTICE considered the encounter with these women as an opportunity to work with a group already dedicated to mediation and other activities that are consistent with the project's objective of developing a community mediation network in Cité Soleil. The mediation network would provide residents with access to mediators who could address increasing violence in the camps, and in particular violence within the family and sexual violence that has increased in Cité Soleil in recent months.

As a follow-up to this round table session, PROJUSTICE conducted an initial mediation training with these women and subsequently decided to focus its mediation efforts in Cité Soleil on this particular group by providing them with thematic workshops tailored to the IDP environment and designed to groom these women to ultimately provide mediation services to the residents of the IDP camp.

Meeting with Cité Soleil Community Leaders to Discuss KJCS and Justice Issues Affecting the Community

In February 2011, the project met with 48 community leaders to discuss the activities that PROJUSTICE would continue to support at KJCS. The community leaders expressed a desire to become more involved in justice reform (e.g., through a Volunteers for Justice program to distribute information about the legal system) and identified the following concerns in their community: corrupt or inept officials who are inattentive to citizens' needs; problems with the police, including illegal arrests; family disputes inappropriately addressed by residents, which often end in unnecessary violence; residents lacking knowledge of their rights and obligations; and confusion regarding legal issues such as how to obtain civil status documents, how the justice system functions, and the legal requirements for marriage and the rights related to common law marriages and children born out of wedlock.

USAID Visit to KJCS

On September 16, 2011, PROJUSTICE hosted a visit by the USAID Bureau for Latin America and Caribbean Assistant Administrator, Mark Feierstein, and the Senior Deputy Assistant Administrator for Latin America and the Caribbean, Liliana Ayalde, to the PROJUSTICE KJCS legal aid center housed at the Cité Soleil peace court. USAID-Haiti Representatives Melissa Rosser, Gerard Fontain, Nichole Graber, and Amy Shatsoff accompanied Mr. Feierstein and Ms. Ayalde.

The USAID representatives met with acting Chief Justices of the Peace, Leonel Marcellus and Julien Vertu, to discuss the assistance that PROJUSTICE provides to both Cité Soleil residents and the peace court. The Chief Justices described how the project's civic and legal education forums have led to an increase in the understanding by residents of their legal rights and means for accessing the justice system. Judge Marcellus also discussed various justice service delivery obstacles, including security risks caused by having the tribunal area on the main floor, which prevents the court from holding regular public hearings; the lack of electricity necessitating the use of a generator and fuel purchases; and the small size of the peace court, which has caused cramped conditions for the waiting area, jail cell, and judges' offices (which double as hearing rooms).

After taking a tour of the peace court, the USAID representatives met with two project beneficiaries and KJCS staff. One male beneficiary had sought assistance from KJCS after police had arrested him for alleged assault. With the help of KJCS lawyers, he was released. Ms. Rosser spoke with a female

beneficiary, who had attended PROJUSTICE forums on rights and responsibilities and peace court functions, and who had participated the project's ADR training program.

The USAID representatives met with the KJCS Coordinator, Ansy Guerrier, and the KJCS Administrative Assistant, Derly Hilaire. The PROJUSTICE staff described KJCS's previous working space, which was on the ground floor and lacked security or privacy, and KJCS's new enclosed (albeit small), secure, and relatively private space. The staff explained that the educational forums occur at sites throughout Cité Soleil, displayed sample case registers, and described how a case is processed when received at KJCS.

During the visit, USAID representatives learned more about PROJUSTICE's role in handling GBV matters. PROJUSTICE explained how the poor living conditions suffered by many Cité Soleil residents increases incidents of GBV, which the project addresses through awareness raising, prevention, and mediation activities, along with providing legal aid assistance to victims. PROJUSTICE staff described various specific GBV cases handled by KJCS.

1.2.7 Alternative Dispute Resolution

In FY2010-2011, PROJUSTICE continued to conduct introductory training on ADR to build the capacity of community representatives to mediate conflicts between individuals in their communities and in nearby IDP camps. The training sessions were designed to help participants identify and address the causes of conflict early, and to promote peaceful reconciliation. Each training session, delivered in Creole, lasted 3 days and involved approximately 45-50 participants. Trainers used an inclusive and participatory approach, featuring simulations and practical exercises. Training topics included a definition of conflict and its causes, the role of the mediator, and the steps required for successful mediation. Training focused on negotiation as a process through which parties arrive at solutions collaboratively. During the past year, PROJUSTICE supported training sessions for a total of 541 participants (298 men and 243 women): 497 individuals (264 men and 233 women) at Cite Soleil and 44 individuals in SM and PG. Table 2 below lists the dates of the Cite Soleil training sessions, local community-based organizations involved in the training, and the number of participants (disaggregated by gender).

ADR in Cité Soleil

On November 11, 2010, 36 camp residents in Cité Soleil attended a feedback session held for 16 former trainees. Project staff called upon former trainees to present mediation to those participating for the first time. Two participants invited PROJUSTICE to a church to present mediation to 600 to 800 members of their congregation. In a brief conversation with the Cité Soleil police chief, PROJUSTICE explored the possibility of having HNP police officers attend mediation training in the near future.

On November 17 and 19, 2010, 33 IDP camp representatives attended an introductory ADR session in Cité Soleil. During the following months, 40 IDP camp representatives from Camp Jean Marie Vincent attended advanced training sessions on mediation techniques. These camp representatives are all women who had attended the introductory training session and had also been trained by other organizations such as ARC, an international NGO with extensive women's rights protection and camp management experience, who provided them with GBV sensitivity and field training. In an

effort to build a network of mediators in Cité Soleil, PROJUSTICE focused its efforts on providing intensive training in mediation techniques to these women.

At the close of the initial session, PROJUSTICE provided the trainees with simple mediation session report forms and encouraged the women to keep a log of cases they have mediated, with specific information (who, what, when, where, and contact information). The project subsequently met with these women three more times, primarily to obtain feedback and to provide them with technical support. During the training sessions, it became apparent that the group would need more technical supervision and significant logistical support.

Tailored to respond to the difficulties many in the group had experienced when mediating family disputes in the field, one of the sessions held in March focused on how to better identify the warning signs of potential conflict between men and women and to resolve the dispute before it escalates to violence. The trainees identified issues that most often lead to domestic disputes. Recurring issues included poor communication between men and women, use of money by men to control women, flirting by men to upset women and vice versa, infidelity, and the viewing or treatment of women as sexual objects. The project hopes to select six to ten of these women trainees and upgrade their skills as family mediators, who will eventually provide mediation services in a mediation center located in the camp itself.



Training of future mediators at IDP camp Jean Marie Vincent in Cité Soleil

PROJUSTICE met with most of the 40 mediation trainees on several occasions in May and June 2011 to further develop public awareness of mediation activities scheduled for July and August 2011. At these meetings, participants discussed the strategy and methodology of the public awareness initiative and examined two handouts developed by the project: “The Ways Men Abuse Women” and “Signs That You Are in an Abusive Relationship.” A third handout explained what mediation is, what a mediator does, and how to proceed in order to resolve a dispute outside the court. These handouts, approved by USAID, were distributed door to door throughout the IDP camp during the mediation awareness campaign, reaching approximately 7,000 camp residents this year.

Table 2 – Alternative Dispute Resolution Trainings in Cité Soleil (Disaggregated By Gender)				
Date of ADR Training	Participating Persons/Organizations	Total Participants	Men	Women
November 11, 2010	<i>IDP camp residents</i>	36	13	23
November 17, 2010	<i>IDP camp residents</i>	33	17	16
November 17 and 19, 2010	<i>Female IDP camp residents</i>	40	0	40
Aug. 3-5, 2011	<i>Collectif des Jeunes pour le Développement et la Modernisation d'Haïti</i>	46	26	20
Aug. 9-11, 2011	<i>Planète des Enfants Unis</i>	40	27	13
Aug. 16-18, 2011	<i>Club de Mamans Organisation des Jeunes Engagés pour le Changement</i>	58	39	19
Aug. 23-25, 2011	<i>Jèn k'ap Panse pou Devlopman Lakay Femmes Victime de Cité Soleil</i>	50	44	6
Aug. 29-31, 2011	<i>Rassemblement des Artisans de Paix de Cité Soleil Développement des Peuples de Cité Soleil</i>	49	25	24
Sept. 14-16, 2011	<i>Solidarité pour le Redressement de la Famille Haïtienne REV d'Haïti</i>	50	31	19
Sept. 20-22, 2011	<i>Organisation des Citoyens Visionnaires de Cité Soleil Femmes Dévouées pour le Développement de Cité Soleil</i>	48	26	22
Sept. 27-29, 2011	<i>Fondation des Enfants et des Jeunes Défavorisés de Cité Soleil Regroupement des Enfants et des Jeunes pour une Nouvelle Haïti Kominote Imakile</i>	47	16	31

The training sessions are designed to help participants early identify and address the causes of conflict and promote peaceful reconciliation. The training courses, delivered in Creole, use a participatory approach, with simulations and practical exercises. Training topics include a definition of conflict and its causes, the role of the mediator, and a detailed discussion of mediation, including the steps required for successful mediation. The training focuses on the negotiation process and how it can deter violence and lead to a positive outcome for both parties involved.

KJCS trainers highlighted the benefits of ADR, such as avoiding the formal judicial process, which can be slow and expensive.

PROJUSTICE is finalizing its “Level II” training. This new curriculum will be available to participants who have completed introductory trainings and have shown promise as future mediators. The curriculum reinforces the previously acquired knowledge about mediation and involves a more in-depth discussion about why conflict happens and the mediator’s own reactions to difficult situations.

A Life Training Moment

A mediation training participant shared that he had discovered that his girlfriend was seeing his best friend. He was jealous and angry, and, in tears, expressed his desire to harm his friend. The PROJUSTICE trainer later asked for more details and for his friend to come to the training the next day.

The next day, the trainer asked the participant’s friend about the nature of his relationship with the girlfriend. The friend explained that he was not having an affair with his friend’s girlfriend, but was instead courting the girl’s best friend. The participant’s girlfriend was relaying messages between them because the other girl’s parents did not allow her to go out. The participant’s anger at his friend dissolved. Without the trainer’s timely intervention and his sensitive questioning, Cité Soleil residents might have had another tragic death among their youth.



Mediation training seminar at Cité Soleil

International ADR Specialist Helps Trainees in Cité Soleil

In May 2011, international ADR specialist Marinetta Cannito Hjort assisted with mediation training sessions in the Jean Marie Vincent camp for IDPs. Among other activities, Ms. Hjort coached eight women trainees on maintaining professionalism during a mediation exercise. At the end of her two-week visit, Ms. Hjort gave recommendations on how to increase the quality and professionalism of trainees and ensure the success of the proposed mediation centers.

Conduct Community Outreach on the ADR Process and Its Benefits

From July 22 to August 22, 2011, with the assistance of 40 PROJUSTICE-trained mediation trainees (all women), PROJUSTICE implemented a large-scale mediation and GBV awareness campaign in the IDP camp Jean Marie Vincent in Cité Soleil. The trainees reached more than 7,000 camp residents. The team informed residents about mediation as an ADR tool and about its benefits. They also informed the residents that ADR can be a viable and valid alternative to appearing before a judge in a peace court.

PROJUSTICE had also developed and distributed three handouts to depict common instances of violence. The mediation trainees distributed flyers to camp residents featuring the upcoming community mediation center that PROJUSTICE will help to establish in Cité Soleil.

ADR training in Saint-Marc and Petit-Goâve

After the initial ADR training sessions held in Petit-Goâve and Saint-Marc in July 2010, feedback sessions were held with participants of initial trainings to determine how they had used mediation in their respective communities:

- **October 28, 2010.** Nineteen of the 22 ADR trainees who had participated at an introductory ADR course attended a feedback session in Saint-Marc. Six of them had used mediation skills to resolve conflicts. Two had been to the local court to promote mediation to magistrates along with other extra-judicial methods of solving conflicts. The group discussed common community problems that might be solved through collective action such as calling on local authorities to become more responsible and to complete their duties.
- **In November 2010.** In Petit-Goâve, 15 participants from among the original 21 trainees attended a feedback session. Participants learned that a group of trainees had established a platform of mediators/negotiators to serve as intermediaries between the IDP camps and the NGOs serving the Petit-Goâve area, with the goal of obtaining better services from the NGO community.
- **December 3, 2010.** Ten members of the newly created IDP camp negotiation group in Petit-Goâve received training in ADR. The group, which represents the interests of three IDP camps, requested this training in order to improve communication with NGOs.

Support to PAP Bar Association Conference on ADR

In May 2011, to commemorate St. Yves, the attorneys' patron saint, the PAP bar association requested PROJUSTICE support to organize a week-long conference on conciliation, arbitration, and mediation as ADR methods. In his opening ceremony remarks, the PROJUSTICE COP stated that the project would support the PAP bar association and other entities in establishing ADR mechanisms, particularly community and family mediation. He also encouraged justice sector actors to consider mediation as an alternative to using the congested court system, and to help make mediation the first rather than the last resort when a dispute arises.

International ADR expert Marinetta Cannito Hjort gave a presentation on restorative justice (a victim- and community-based approach to addressing crime and the responsibility of perpetrators to repair the harm they have caused), and how it might be applied in Haiti. Her presentation featured a

video on how restorative justice, as applied in the US, leads to low recidivism rates. Other speakers discussed mediation approaches in Canada and France. Over 350 individuals, approximately 250 of whom were justice sector personnel, attended the conference.

ADR Symposium in Saint-Marc

On June 22, 2011, PROJUSTICE organized a workshop on the use of ADR in the Haitian judicial system. More than 95 individuals including prosecutors, lawyers, notaries, clerks, law students, and journalists attended the symposium. Maridès Ménager, arbitrator at the Haitian Chamber of Conciliation and Arbitration, highlighted the applicability of ADR in the Haitian legal system. She emphasized Haitian laws that already refer to ADR as a means of settling disputes. She pointed out some weaknesses in the current laws and the need for reform.

Carlos Hercules, legal advisor and member of the executive board at the PAP bar association, emphasized the importance of using ADR in the legal system. He gave an overview of arbitration, mediation, and conciliation and their applicability in the Haitian legal system, and noted some of the gaps in using ADR in the existing legal framework. During the second part of his presentation, Hercules showed a video that highlighted different steps in the mediation process.

Lawyers in the audience proposed that PROJUSTICE conduct formal training in the use of ADR in the Haitian legal system. Specifically, they suggested that Haitian lawyers need to be better prepared in representing clients when dealing with lawyers from the Caribbean community. Throughout this symposium, the participants expressed the need for a more cohesive legal framework for determining which cases should be settled through ADR and which ones should be reviewed under the formal judicial system.



ADR symposium in Saint-Marc, June 22, 2011

Support to the Women Judges Association on ADR Methods

With support from PROJUSTICE, the women judges association celebrated its 10th anniversary from August 15 to 17, 2011, by conducting a series of seminars focusing on ADR methods in the justice system and community, and ethics in the justice system. More than 110 women judges, prosecutors, attorneys, and representatives of international organizations, including IOM, USAID, and UNICEF, attended the conference. By supporting this conference, PROJUSTICE sought to raise the visibility and build the capacity of the women judges association to promote justice sector reform in Haiti. PROJUSTICE staff delivered a presentation on the benefits of ADR, the proper techniques for using ADR in the legal system, and a brief comparison of ADR in the US and Haiti. Highlights of the conference, including portions of the ADR presentation, appeared on local television broadcasts.



PROJUSTICE expert Helga Turku presenting to the Haiti women judges association the benefits of ADR in the US and Haiti



Organizers of the Haiti women judges association 10th anniversary conference

1.3 RESULT 3 – BETTER INVESTIGATIONS AND PROSECUTIONS

1.3.1 Joint Training of Police and Magistrates

The project had envisioned organizing joint training sessions for police and magistrates on investigation techniques, as this activity was included in the original work plan. These sessions were to focus on the practical training that magistrates would potentially need, building on training sessions already provided to magistrates by the United Nations Development Program (UNDP). These trainings, conducted by UNDP during late 2010, were generally more theoretical than practical. The project followed up with representatives of the MJPS, ANAMAH, the PAP PO, and the chief of the judicial police concerning continuing legal education for police and magistrates on investigation techniques and better preparation and follow-up of criminal cases. The authorities expressed their preference for the PROJUSTICE approach to training, which relies heavily on training through practical exercises. They requested that PROJUSTICE offer training in coordination with some of the other actors already slated to provide related training (e.g., UNDP and the American Bar Association), although they have not yet made a decision as to when the training should take place.

1.3.2 Training at the National Magistrates' School

PROJUSTICE held several working sessions during the fiscal year with the former director of the EMA, Lionel Bourgoïn, and the new director, Kesner Thermezie, to discuss the possibility of conducting summer training sessions for magistrates and clerks. The training sessions would include topics such as case processing, case tracking, case management, investigation and prosecution techniques, and justice of the peace conciliation sessions.

1.3.3 Support Finalizing Legislative Changes

The project provided significant support to the presidential commission that was tasked with drafting a proposed criminal procedure code and criminal code. The objective of revamping the codes was to streamline criminal case processing and increase adherence to international human rights norms. At the request of the head of the presidential commission, the project hired a local expert to help the commission finalize new sections of the codes and supportive draft legislation. The project's expert significantly contributed to the progress made by the commission to finalize the proposed codes. The consultant helped improve statutory language related to the following issues:

- Transfer of certain powers from the investigating magistrate to the prosecutor
- The prosecutor's new role and limits
- Arraignment of defendants before an assigned judge
- Use of pretrial detention
- Plea bargaining mechanisms
- Alternative sentencing options.

The presidential commission had made significant progress towards completing the drafting of the codes when the President of Haiti, René Préval, who had formed the commission, ended his tenure as President.

1.3.4 Support Establishment of the High Judicial Council

On July 14, 2011, PROJUSTICE representatives attended a high-level meeting called by the MJPS to discuss the need to install the *Conseil Supérieur du Pouvoir Judiciaire* (CSPJ, High Judicial Council) before the next judicial year. The discussion focused on the importance of establishing three commissions to prepare for the establishment of the CSPJ. Gerard Fontain, USAID Contracting Officer's Technical Representative (COTR) for PROJUSTICE, attended the meeting along with two other staff members from the US Embassy. According to Mr. Fontain, it is imperative to provide technical assistance to the MJPS by supporting the installation of the CSPJ. Mr. Fontain has agreed to work with PROJUSTICE to help find a location for the CSPJ, propose an operational budget, and provide technical assistance. MJPS meetings also occurred on July 21 and 22, 2011, to further discuss these issues.

On August 2, 2011, the MJPS invited PROJUSTICE to participate in three separate commissions that have been charged with developing internal regulations and procedures for the CSPJ and the judicial inspection unit, and with preparing draft legislation for the reorganization of the MJPS. UNDP and MINUSTAH are other non-governmental members of the commissions. The commissions will also make recommendations on how to render each of the three structures operational. The work to be completed by the three commissions includes:

- **Commission on the High Judicial Council**
Develop a schedule for appointing CSPJ members; make plans for obtaining a location for the CSPJ offices; propose an operational structure for the CSPJ; and develop internal rules and procedures for this new structure.
- **Commission on Judicial Inspection**
Propose a new judicial inspection unit within the CSPJ that will inspect judges' and prosecutors' work; inspect operations of the CSPJ structures; and inspect those working under the supervision of the MJPS.
- **Commission on the Reorganization of the MJPS**
Develop proposed legislation that reorganizes the MJPS and transfers some of its powers and responsibilities to the CSPJ, as required under the Haitian Constitution and existing legislation regarding the function of the CSPJ.

In a meeting held on August 10, 2011, the Chargé de Mission and next Minister of Justice and Public Security, Josué Pierre-Louis, asked the three commissions to produce a preliminary report by August 18, 2011. On that date, PROJUSTICE participated in the meeting chaired by Mr. Pierre-Louis, who received a briefing on the progress of the three commissions and next steps. He also shared President Martelly's immediate priorities for the justice sector: resolving the problems that cause illegal and prolonged pretrial detention at all levels (police, prisons, and courts); modernizing the criminal code and criminal procedures code; restoring a positive image of the judicial system; combating corruption throughout the judicial system; and training magistrates and clerks. PROJUSTICE expects to participate in all of the priority areas and received a letter from the caretaker prime minister, Jean Max Bellerive on August 26, 2011, formally requesting specific PROJUSTICE support.



*Commission meeting held at
PROJUSTICE office, August 23, 2011*

On August 29 and 30, 2011, the three commissions finalized internal regulations that would render the CSPJ effective once installed; proposed legislation reorganizing the MJPS and transferring specific responsibilities to the CSPJ; and proposed a draft of internal regulations that would render the inspection units of the MJPS and the CSPJ effective once installed. The commissions discussed and adopted a number of the recommendations made, including the proposed organizational charts of the MJPS, CSPJ, and inspection units.

From September 2 to 4, 2011, PROJUSTICE participated in a three-day closing retreat hosted by the MJPS at Moulin Sur Mer, a hotel and conference center on the site of an 18th-century sugar cane plantation. The objective of the retreat was to finalize previous work by the three commissions. Participants at the retreat included PROJUSTICE staff; Josué Pierre-Louis and his staff; the Secretary of State for Public Security; Senator Yuri Latortue (head of the justice commission in the Haitian Senate); representatives of the Prime Minister's office; former Minister of Justice René Magloire; USAID; the US Embassy in Haiti; UNDP; MINUSTAH; Organisation Internationale de la Francophonie (OIF); and the French international development agency. With USAID approval, PROJUSTICE shared the cost of this activity with UNDP.

During the retreat, the three commissions presented to the assembled group final draft reports containing the commissions' recommendations concerning the CSPJ, judicial inspections, and the reorganization of the MJPS. During the working sessions, the assembled experts and other attendees reviewed the work together and made modifications, line by line and article by article. The texts were ultimately adopted pending final modifications and presented to President Martelly, who personally participated in a session on Sunday. President Martelly confirmed his commitment to have the CSPJ operational this fall and his commitment to the work produced by the commissions. He encouraged retreat participants to create follow-up commissions and asked the international community to continue working with him and his government (once in place) on the development of the judicial branch, which he considers one of his most important responsibilities as President. At the close of the retreat, Chargé de Mission Pierre-Louis, who led the retreat, specifically asked certain donors to take the lead in areas that the Government of Haiti (GOH) considers priorities for judicial reform. PROJUSTICE was asked to take the lead in a number of areas, including:

- Support for a new commission on code reform and related working groups that will be created by the MJPS, focusing on finalizing the criminal code, the criminal procedure code, and other related laws.
- Support for the GOH's pretrial detention initiative, which PROJUSTICE will develop with the MJPS.

PROJUSTICE will work closely with the MJPS and other donors to develop a comprehensive strategy and related action plans in line with the GOH's vision for judicial reform. This will also require close coordination with and approval by USAID to include these activities in the work plan, milestone plan, and budget for FY 2012, FY 2013, and FY 2014.

1.3.5 Meeting with Members of the Private Cabinet of the MJPS

On September 20, 2011, PROJUSTICE met with the members of the cabinet of the MJPS to discuss future project support for the CSPJ.

1.3.6 Meetings Concerning the Haiti Supreme Court

On September 26, 2011, PROJUSTICE participated in a session with the commission tasked by the MJPS to vet 18 judges and attorneys presented by the Haitian Senate and to be selected by President Martelly to fill the six vacant supreme court seats. PROJUSTICE is a non-voting member of the six-member commission, headed by the Secretary of State for Public Security, Aramick Louis. On September 27, 2011, PROJUSTICE met with Gerard Fontain of USAID and Sandra Dupuy of the Narcotics Affairs Section of the US Embassy to brief them on the status of the selection process for the Chief Justice of the Supreme Court and the court's five other vacant justice seats.

On September 26 and September 27, 2011, PROJUSTICE participated in a working session with the Vice President of the Supreme Court, Georges Moïse, to discuss publication of a set of judicial decisions along with its index. With PROJUSTICE support and pending USAID approval, the decisions will be included as part of a published compilation of Supreme Court decisions.

1.3.7 Support Haitian-led Development of Comprehensive Justice Sector Reform Strategy

Support Criminal Code Reform

On September 27 and 28, 2011, PROJUSTICE staff met with René Magloire, former Minister of Justice and head of the code reform commission under President René Preval. The participants discussed who should participate in a revamped code reform commission; how that commission would operate; and how long it would take to finalize the work on the criminal code, criminal procedure code, and the legislation that would accompany these codes, including the proposed laws on legal assistance and on the prosecutor general's office.

On September 29, 2011, PROJUSTICE met with the Chargé de Mission and Minister of Justice and Public Security designate, Josué Pierre-Louis, to discuss project support for the code reform commission. The MJPS would like to create a commission that would complete the work commenced by Mr. Magloire to modernize the codes and would commence in October with support from PROJUSTICE.¹

1.4 RESULT 4 – CROSS-CUTTING ISSUES

1.4.1 Cooperation with Other International Donors

Throughout the fiscal year, PROJUSTICE participated in coordination meetings with international donors active the justice sector. Representatives of MINUSTAH, UNDP, ILAC, OIF, Avocats sans Frontières Canada (ASFC), the European Commission, the Spanish international cooperation agency (AECI), and the U.S. Department of State Bureau of International Narcotics and Law Enforcement Affairs, among others, attended these meetings. Attendees discussed the status of their respective plans to improve the justice sector and public security; activities at the EMA, including initial trainings; civic legal education; training in ADR; and the review of legal aid activities. International

¹ PROJUSTICE has requested clarification from USAID on how to include these new activities, which will require additional resources, in the work plan for 2011-2012.

donors currently coordinate the management of the 10 existing donor-funded legal aid offices. OIF, ILAC, and ASFC are in the process of launching legal aid activities in the metropolitan area of PAP.

Other meetings with international donors included:

Canadian Programme Support Unit

In October 2010, Marceau Edouard, as Acting PROJUSTICE COP at the time, met with representatives of an operational arm of the Canadian International Development Agency (CIDA) to discuss providing financial support for the *relais de justice* initiative recently announced by the MJPS. One aspect of that initiative involves citizens providing houses to the MJPS (one house in each of the country's 550 communal sections) that would then be converted into annexes of the peace courts existing in the greater community. Donors would provide approximately \$2,500 to the MJPS to furnish and operate each of these court annexes.

In October 2010, the Minister of Justice asked PROJUSTICE to finance two of the annexes identified by the MJPS. Before investing money in the annexes, the project investigated how other partners, including the CIDA unit, are collaborating and the type of support they are providing. The initiative has been well received by the population and there is significant citizen demand for justice services. Should the *relais de justice* become a viable initiative, PROJUSTICE will finance some annexes requested by the MJPS.

ILAC

Project staff met representatives of ILAC to discuss ways that PROJUSTICE and ILAC might collaborate to address the problem of illegal pretrial detention in the criminal justice system. ILAC currently supports 12 BALs throughout Haiti. BALs employ approximately 154 attorneys. PROJUSTICE provides support for legal assistance in three jurisdictions (PAP, Saint-Marc, and Petit-Goâve). PROJUSTICE will work with ILAC to help provide more assistance on cases involving GBV or pretrial detention.

Concern Worldwide

On May 26, 2011, PROJUSTICE met with the Concern Worldwide (CW) Country Representative, Laury Richards, the Chief Executive Officer of the Dispute Resolution Foundation in Jamaica, Donna Parchment Brown, and her Network Manager and Mediator, Paul Hines. The discussion focused on the work CW and PROJUSTICE are performing and the coordination between the organizations needed to have a better impact on the ground. Ms. Brown and Mr. Hines presented their work on mediation and its impact on the Jamaican justice system and the fight against organized crime. The PROJUSTICE international ADR expert, Marinetta Cannito Hjort, shared her findings and recommendations for improving the mediation processes in play.

Meeting with ASFC

On August 3, 2011, PROJUSTICE staff met with Mona Jean, Yolaine Roulea, and Pierre Richard from ASFC. The parties shared their experiences with legal aid and discussed areas for collaboration. ASFC recently opened a legal aid clinic in Champs de Mars that will serve residents in the surrounding neighborhoods. They look forward to working with PROJUSTICE to better serve the citizens.

Cité Soleil security and rule of law meeting – MINUSTAH

During the fiscal year, PROJUSTICE attended the weekly security and rule of law meeting in Cité Soleil. Attendees included representatives from the United Nations Police (UNPOL), the HNP, MINUSTAH, IOM, the Association of Volunteers in International Service (AVSI), the Gender Section of MINUSTAH, and officers of the Brazilian United Nations Battalion. Each representative provided a briefing of activities in their respective sector and the parties then discussed and determined how they could better support each other's initiatives. The HNP and UNPOL and military contingents also provided briefings on criminal activity in Cité Soleil.

1.4.2 Focus on Gender

At the request of USAID in connection with the development of this year's work plan, the project has focused extensively on gender issues in a wide range of activities, especially in civic forums and mediation training in Cité Soleil.

Integrate a Focus on Gender into Technical Assistance and Training Activities

Violence generally erupts in situations of great inequality and injustice. GBV particularly affects women who are the primary victims of stressful socio-economic conditions along with the men who are their partners. Since IPV is at the core of GBV, PROJUSTICE has begun focusing on gender issues in Haiti's most under-developed and violent areas: Cité Soleil and Martissant.² The project's GBV awareness training is linked to PROJUSTICE's mediation training for women mediators.

To assist with increasing the awareness of GBV issues, PROJUSTICE has partnered with CPD, a human rights watchdog group working in Cité Soleil and IDP camps. CPD collects information on abuse and violence and in turn forwards complaints to PROJUSTICE and the proper authorities. CPD forwards complaint information to KJCS if the victims decide to press charges against the perpetrators. During their regular tours in the camp, the PROJUSTICE mediation trainees distribute CPD flyers educating potential or actual victims about GBV and the organization's services.

The project has increased its focus on gender issues by holding civic forums, many of which focus specifically on women's legal rights, and coordinating mediation efforts in Cité Soleil. A key activity that exemplifies the new focus on gender issues is PROJUSTICE's work with a group of women mediation trainees in Cité Soleil. The project conducted additional mediation training for these women and followed through on three occasions to evaluate trainees' ability to identify the issues that most often cause violence within couples. PROJUSTICE has identified six to ten of these women as eligible for further training in family mediation and GBV conflict. The project expects to have at least six well-trained mediators who will be ready and available to address conflicts among members of the more than 600 families in the Jean Marie Vincent IDP camp.

Raising Awareness of Gender-Based Violence in Cité Soleil

On June 21, 2011, the 40 women trained in mediation by PROJUSTICE reviewed their final outreach plan before launching a month-long awareness campaign on both mediation and IPV in IDP camp Jean Marie Vincent. Divided into seven groups of five to seven individuals (one group per camp block), the women, wearing badges identifying themselves as PROJUSTICE mediation trainees,

² The GBV activities in Martissant are funded by the Haiti Stabilization Initiative (HSI) through the International Organization for Migration (IOM).

distributed two flyers: one highlighting the mediation process and its purpose and one describing the signs of an abusive relationship.

Some of the most frequently raised topics during mediation training involve GBV and IPV. Due to requests from the community to address these issues, PROJUSTICE is currently incorporating GBV and IPV components into related programming. This training program includes raising awareness of GBV, understanding the cycle of violence, identifying causes, and dispelling myths about violence. PROJUSTICE's community-coordinated approach brings together relevant partners including judges, prosecutors, social workers, family members, clergy, and NGOs to support victims and initiate positive change in the legal system. In August 2011, PROJUSTICE conducted a pilot GBV training in Martissant,³ based on an IPV/community-coordinated model, and incorporated that experience into trainings in Cité Soleil.

On September 15, 2011, 50 primarily individuals mostly in their early twenties (37 men and 13 women) from the IDP camp Jean Marie Vincent participated in a 1-day training course on family violence and women's rights. Participants from the local organization *Coordination des Vétérans Unis pour le Développement de la Commune de Cité Soleil* examined in depth several of the myths that create the disparities in power between men and women in Haitian society, and discussed other training materials. Many participants suggested continuing the training to further explore gender differences and identify ways to improve gender relations.

On September 28, 2011, 36 individuals (22 men and 14 women), mostly in their twenties, from the local organization *Collectif des Jeunes pour le Développement et la Modernisation d'Haïti*, participated in a 1-day training on GBV in Cité Soleil. The workshop covered the cultural, economic, legal, and political factors that maintain a power imbalance between the majority of women and men in Haitian society.

Track Gender-Based Violence Cases

With the assistance of CPD, PROJUSTICE is now tracking GBV cases at KJCS as well as other GBV cases reported to community liaisons. Community liaisons trained and supported by PROJUSTICE, such as members of CPD and other local organizations, are invaluable. These community liaisons act as discreet counselors to victims and not only encourage victims to seek assistance from the KJCS but also provide on-the-ground reports of GBV/IPV to PROJUSTICE.

2. OPERATIONAL CONSTRAINTS

Project activities were occasionally cancelled and rescheduled throughout late fall and early December 2010 due to chronic civil unrest triggered by the electoral process. Whenever the provisional electoral council was about to publish results, tensions flared and violence erupted in several areas of PAP, particularly in the marginalized communities where PROJUSTICE conducts its activities. In response to this situation and the insecurity that prevailed at those times, the project would close intermittently.

³ The GBV activities in Martissant are funded by HSI/IOM.

Since President Martelly assumed office in mid-May 2011, there has been a very long transition period during which the new government has not been able to assume office because its third proposed Prime Minister (the first two had been rejected by Parliament) had not yet been ratified by Parliament. Officials of the former government are still operating the government ministries as a caretaker administration.

This long transition has caused the project significant difficulties because outgoing officials have become less responsive and have been slow to allow the project to complete a number of activities that were included in the approved work plan. The *relais de justice* initiative is a clear instance of the government's unwillingness to implement even projects that it itself proposed to donors. PROJUSTICE had attempted to coordinate with the MJPS for several months to provide appropriate support, such as motorcycles, furniture, and equipment for two annexes of peace courts in PAP. From mid-May through June 2011, MJPS officials no longer wanted to discuss the initiatives. The annexes were tentatively scheduled to open in late April/early May 2011, but it is now unclear when or whether they will be installed.

The training of justices of the peace in mediation was another example of lack of collaboration on the part of the MJPS. In repeated conversations between PROJUSTICE and the Minister of Justice, the Minister had seemingly expressed genuine interest in that particular training. Yet, the very day the training was to begin, after PROJUSTICE had addressed a formal letter to both the Minister and the director of the EMA, the Minister himself called and told the project not to carry out the training on mediation.

Despite these problems, the project was able to participate in important activities including supporting the three commissions discussed above.

Haiti will likely have a functioning government by the end of October 2011. This will allow PROJUSTICE to have legitimate and reliable partners in the GOH (including the MJPS and Supreme Court) to develop and implement important justice reform initiatives in Haiti.

3. STAFFING/ADMINISTRATION

3.1 PROJECT STAFF

- Claudio Santorum left the Project on September 2, 2010, and Tt DPK Director Robert Page named Marceau Edouard as Acting COP starting September 3, 2011.
- David de Giles, Deputy COP of PROJUSTICE, resigned and left the project on September 30, 2010.
- Several staff resigned this fiscal year due to financial uncertainty of the project including Patrice Laventure, Grants Manager; Genevieve Bonny, Monitoring and Evaluation Coordinator; Uranie Nader, Coordinator of KJCS; Jean Guy Marie-Louis, Justice Reform

Component Leader; Frantz Horace, Public Awareness Coordinator; and Stephanie Paul, Office Assistant.

- Sara Hattem, Tt DPK Director of Human Resources, travelled to Haiti in early December 2010 to address PROJUSTICE staffing needs. Ms. Hattem's stay was affected by the street violence that erupted in the aftermath of the announcement of the results of the November 28, 2010 presidential and parliamentary elections, which closed down PAP for 4 days.
- Ruchama Paul was hired as Office Manager on October 20, 2010. Former employees Genevieve Bonny and Patrice Laventure returned to the project in January 2011. Jacques Miguel Sanon also joined the project as Judicial Advisor on a short-term consultancy starting in January 2011.
- Short-term consultants were retained: Ralph Fièvre, Odler Dorvil, Maury Geiger, and Josh Pazour to address illegal pretrial detention; and Josué Pierre-Louis to advise on code reform. The project retained the services of two full-time administrative personnel: Jean Max Celius was hired as finance assistant and Mackens Gracien as a driver.
- Previous pretrial detention consultants, Ralph Fièvre and Odler Dorvil, have become full-time PROJUSTICE staff, managing the pretrial detention program. Patrice Laventure, Target Jurisdiction Advisor, resigned from her position on August 31, 2011. All incoming staff and consultants received orientation and were briefed on project activities and objectives.

3.2 HOME OFFICE SUPPORT

Home office staff Robert Page (Tt DPK Director), Mark Lasser (Senior Technical Advisor), Monica Underwood (Project Officer), Jae Clavelle (Assistant Project Officer), and Renata Fitzpatrick (Assistant Project Officer) travelled to Haiti this fiscal year to provide administrative and technical support for the project, including:

- Robert W. Page Jr., Tt DPK Director, visited Haiti from January 19 to 21, 2011 to assess the project's progress against the milestone plan and to meet with the field office team to evaluate and contribute to strategies for implementing the work plan. While in Haiti, Mr. Page also met with USAID officials to discuss the project's progress and determine how PROJUSTICE can further help Mission objectives.
- Jae Clavelle provided administrative support to the PROJUSTICE team to ensure that procurements and other project activities were not delayed. Helped audit financial and grantee files to ensure compliance with USAID and Tt DPK requirements. Assisted with completing human resource files for both home and field offices. Helped draft necessary requests for client approvals for consultants and staff, including country clearance, technical approvals for staff hiring and consultant assignments, and salary rate approvals. Drafted

contracts for new employees, legal aid attorneys, and consultants. Helped input actuals into PROJUSTICE operating budget.

- Renata Fitzpatrick provided administrative support to the PROJUSTICE team to ensure project activities were updated and calendared. Accompanied the pretrial detention team and Project Officer to the PWP to observe detainee interviews. Drafted requests for internal procedures; client approvals for hiring consultants, hiring local staff, and salary rates; and other related matters. Prepared contracts for new employees and short-term consultants. Assisted the Training Coordinator in translating CVs for new hires and the Office Manager in completing procurement processes and creating new human resource files. Assisted with and attended meetings with the CO, COTR, Assets & Acquisitions (A&A) Specialist, COP, and Project Officer.
- Mark Lasser provided strategic technical and managerial guidance for the project, and met with USAID COTR to discuss the work plan, performance monitoring plan, milestone plan, and other project issues. Liaised with counterparts and donors and provided monitoring & evaluation guidance. Reviewed and revised work plan, performance monitoring plan, and project reports. Provided advice regarding human resources and assisted with management issues related to the field staff. Identified areas to support training and/or work plan deliverables.
- Monica Underwood provided financial, compliance, procurement, and logistical support. Provided support in finance and administration procedures such as developing a new operating budget and projections for the new fiscal year (FY2012) beginning on October 1, 2011. Worked with the finance and technical teams to develop accurate projections for the new fiscal year, and created a useful tool to plan for technical activities and related expenses on a monthly basis. Trained the finance and technical teams on how to use the operating budget as a planning tool. Assisted the COP and finance team in following Tt DPK and USAID procedures. Reviewed and edited technical documents for submission to USAID. Trained the finance team on ethical principles in accordance with Tt DPK policies and USAID principles. Audited the vehicle log and followed up on any necessary actions and file activity since the December 2009 audit. Managed the CLAED subcontract for deliverables and payment compliance. Accompanied the pretrial detention team to the PWP.
- PROJUSTICE also welcomed the arrival of the Tt DPK Global Law and Development Fellow, Shannon Howard in August 2011, funded by the Tt DPK home office. During her 2-3 month stay, the fellow helps with drafting and submitting weekly USAID reports, assists technical staff with activity planning, and supports monitoring and evaluation. The fellow also conducted a final site visit to CLAED file reconstruction project and provided assistance with staff hiring, including creating and editing terms of reference, evaluating applications, and providing general administrative and technical project support.
- The project also retained the services of short-term consultant Teresa Cannady. She met with USAID COTR and Contracting Officer to discuss the revised milestone plan, work plan, and any additions or changes; and worked toward finalizing agreement on payment of Tt DPK's past-due fee. Supported the COP and technical team in strategic planning for implementation

of FY2012 work plan activities and provided technical support to the COP on performance monitoring, identifying appropriate targets, methods of collection, and suggestions for presenting the annual performance monitoring report. Provided technical assistance to the Training Coordinator to organize FY2012 training events and build capacity to deliver targeted training, particularly on human rights and equality as a basis for citizens to secure their legal rights in Haiti. Provided technical support to monitoring and evaluation specialist and PROJUSTICE technical staff to ensure that data is collected and presented in an informative and responsive manner, documenting project results and identifying activities to be submitted as USAID success stories. Conducted a writing workshop for technical staff. Provided recommendations and techniques for writing success stories based on USAID guidelines. Provided support for streamlining reporting and the collection of monitoring and evaluation data. Worked with the COP to finalize plans for hiring and developed terms of reference as necessary to ensure rapid and appropriate staffing to achieve work plan and milestone goals for FY2012.

3.2 FUNDING

On September 28, 2011, the PROJUSTICE COP and the Tt DPK home office team met with USAID Contracting Officer, Philip Lamade, USAID A&A Specialist, Eleanore Armand-Xavier, and COTR Gerard Fontain, to discuss the Tt DPK fee arrears, the draft new milestone plan (requested by USAID to substitute for Attachment J of the Tt DPK contract), and the draft work plan for FY 2012. The attendees agreed that Tt DPK would be paid after resubmitting FY 2010 deliverables. After Tt DPK and USAID have agreed upon a final version of the milestone plan and work plan, USAID will subsequently modify the Tt DPK contract to include the new milestone plan. Some flexibility in the work planning is expected to take account of the evolving situation on the ground in the justice sector in Haiti.

3.3 COST ALLOCATION POLICY

The Tt DPK home office, in collaboration with the COP, prepared a cost allocation policy to ensure compliance with US Government regulations and the proper allocation and recording of expenses between PROJUSTICE and the grant from HSI and IOM that PROJUSTICE is administering in Martissant. Tt DPK's Director of Finance and Administration approved the policy in January 2011 and expenses have been allocated accordingly since that time.

4. CONCLUSION

During its second year of operation, despite working with a funding obligation equal to just above half of its funding for the prior year, PROJUSTICE successfully conducted numerous trainings for both legal professionals and community members; provided free, quality legal assistance to the poor and disenfranchised; provided logistical support to the bar associations in the project's target jurisdictions; and forged cooperative and productive relationships with professional, government, and NGO entities at the local and national level.

Project trainings introduced mediation to community leaders in PAP, SM and PG as a way of resolving disputes rather than resorting to violence or the courts. Civic education workshops gave citizens a much-needed understanding of the legal structures, institutions, and services, and offered them many opportunities to air their concerns regarding the administration of justice in their communities. The project provided technical assistance to judges, prosecutors, and clerks in more than two dozen courts around the country to improve case management and reduce the length of illegal pretrial detention. Individuals, mostly women, who had been detained for unreasonable lengths of time without or prior to a trial benefited from the dedicated professional intervention of the project's lawyers who either obtained their release or greatly accelerated their cases toward a final judicial decision.

PROJUSTICE supported legal aid offices in various locations, giving hundreds of Haitian citizens open access to their country's justice system. The project provided tangible aid to Haiti's legal service providers by donating legal texts to the country's bar associations and will provide 130 court registers to various courts in all three of the target jurisdictions. The project delivered technical and logistical support to local courts throughout SM, PG and Cité Soleil, enabling these courts to more effectively and efficiently process cases and, consequently, improve the delivery of justice and decrease pretrial detention.

To address problems encountered by the justice system after last year's massive earthquake, the project quickly provided a team of archivists to reconstruct files that were either damaged or in disarray at the CFI and the PO in PAP. This effort has yielded significant results, as thousands of pending case files have been recovered and are being reconstructed.

Finally, this past year saw strong partnerships created or strengthened between the project and local and international entities. These relationships will permit the project to leverage partner resources when working to improve the rule of law and citizen confidence in the justice system in Haiti during the remaining three years of project operation.

5. ANNUAL FINANCIAL REPORT

TO BE COMPLETED BY HO

ANNEX

F INDICATOR TABLE FOR OCTOBER 1, 2010 – SEPTEMBER 30, 2011

Performance Indicators	Unit of Measure	Disaggregated By:	Data Source and Implementing Partner(s)	Target FY2011	Actual achieved
Number of people visiting U.S. supported legal service centers serving low-income and marginalized communities	#	Male: 2,350 (of which 74 boys) Female: 860 (of which 31 girls)	PROJUSTICE project records ILAC, Bar associations of PAP, PG and SM	2,400	3,210
Number of courts operating in areas of low-income populations with U.S. assistance	#	Peace courts: 23 CFIs: 3	PROJUSTICE project records	22	26 ⁴
Number of U.S.-assisted courts with improved case management	#	Peace courts: 23 CFIs: 3	PROJUSTICE project records	17	26

⁴ Twelve peace courts in Saint-Marc jurisdiction: Saint-Marc; Liancourt; Montrouis; Verrettes; Desarmes; Savanne à Roches; La Chapelle; Petite Rivière de l'Artibonite; Desdunnes; Hatte Chevreau; Grande Saline; and Marchand Dessalines; one CFI in Saint-Marc; five peace courts in Petit-Goâve: Petit-Goâve; Grand Goâve; Leogane; Violet; and Trouin; one CFI in Petit-Goâve; six peace courts in the PAP jurisdiction: Cité Soleil; Section Nord; Section Sud; Section Est; Delmas; and Carrefour; one CFI in PAP.

Performance Indicators	Unit of Measure	Disaggregated By:	Data Source and Implementing Partner(s)	Target FY2011	Actual achieved
Number of justice sector personnel that received USG training	#	Gender	PROJUSTICE project records	190	601
Number of legal aid groups and law clinics assisted by the USG	#	Law Clinics : 2 Legal Aid groups : 2	PROJUSTICE project records, Law clinics of KJCS and KJM ⁵ , Bar Associations of PG and SM	5	4
Number of legal institutions and associations supported by the USG	#	Commissions: 1 Governmental institutions: 2 Bar associations: 3	PROJUSTICE project records	14	6

⁵ PROJUSTICE is also supporting a second Kay Jistis center in Martissant by implementing a grant provided by IOM/HSI. Since the results of the work are not related to exclusive USAID funding, it is not reported in this indicator table