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PROJUSTICE
Final Report

IMPROVING JUSTICE SERVICE DELIVERY AND SECTOR REFORM IN HAITI (PROJUSTICE)

FINAL REPORT

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ACRONYMS

ADR	Alternative Dispute Resolution
ANAMAH	<i>Association des Magistrats Haïtiens</i> – Association of Haitian Magistrates
ANGH	<i>Association Nationale des Greffiers Haïtiens</i> – National Association of Haitian Clerks
ANHJRH	<i>Association Nationale des Huissiers de Justice de la République d’Haïti</i> – National Association of Bailiffs of the Republic of Haiti
CBO	Community-based Organization
CCRC	Criminal Code Reform Commission of the MJPS
CDB	Croix-des-Bouquets
CERMICOL	<i>Centre d’Encadrement et de Rééducation des Mineurs en Conflit avec la Loi</i> – juvenile detention facility located in Port-au-Prince
CFI	Court of First Instance
CH	Cap-Haïtien
CLAED	<i>Carline Lanoue Archives et Documentation</i>
CMIS	Case Management Information System
COR	Contracting Officer’s Representative
CP	Carrefour Prison
CPD	<i>Combite pour la Paix et le Développement</i> – Committee for Peace and Development
CSPJ	<i>Conseil Supérieur du Pouvoir Judiciaire</i> – High Judicial Council
EMA	<i>École de la Magistrature</i> – School of Magistrates
FBH	<i>Fédération des Barreaux d’Haïti</i> – Haitian Federation of Bar Associations
FL	Fort-Liberté
FY	Fiscal Year
GBV	Gender-based Violence
GOH	Government of Haiti
IBESR	<i>Institut du Bien-être Social et de Recherches</i> – State Child Protection Agency
IDP	Internally Displaced Person
IJ	Investigative Judge
INARA	<i>Institut National de la Réforme Agraire</i> – National Institute of Agrarian Reform
IPV	Intimate Partner Violence
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
MPVN	<i>Mouvement des Paysans Victimes dans le Nord</i> – Movement of Peasant Victims in the North
NGO	Non-governmental Organization
NP	National Penitentiary
OPC	<i>Office de la Protection du Citoyen</i> – Office of the Ombudsman
PAP	Port-au-Prince



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PG	Petit-Goâve
PO	Prosecutor's Office
PWP	Pétion-Ville Women's Prison
RC	Rural Code
SEAL	<i>Service d'Éducation et d'Assistance Légale</i> – PROJUSTICE-funded legal clinic
SM	Saint-Marc
Tt DPK	Tetra Tech DPK
UNDP	United Nations Development Programme



BACKGROUND TO THE PROJUSTICE PROJECT

The purpose of the PROJUSTICE project was to enhance justice delivery as an essential bases to establish stability and security in Haiti and to improve citizens' confidence in government institutions. Characterized by inadequate staffing, training, and oversight; pervasive corruption; a lack of material resources and infrastructure; and antiquated and poorly applied codes and procedures, the national system of justice was ineffective in the delivery of criminal and civil justice services to the majority of Haitian citizens.

The problems touched every area of the justice sector. A study conducted by the National Center for State Courts in 2006 of a sample of cases of detainees held at the national prison found that only 3 percent of cases resulted in a conviction¹. Excessive and prolonged pretrial detention was a chronic problem, with pretrial detainees accounting for up to 95 percent of the country's prison population. Standards of professional responsibility, ethics, and enforcement were weak among justice sector actors. Professional associations for lawyers, judges, and court staff associations lacked the ability to self-regulate, and negative public perceptions of the formal Haitian legal system undermined most attempts at greater public participation and civil society monitoring of the justice sector.

Haiti's non-judicial, or informal, mechanisms for dispute resolution and access to justice were also weak or absent. Despite being extremely important in the resolution of routine individual and group conflicts, these systems lacked professionalism, effective oversight, and linkages with formal legal mechanisms, all of which hampered their efficiency.

Awarded in April 2009, the PROJUSTICE project faced and overcame several hurdles early in its lifetime. A protest against the contract award stalled implementation until December 2009. Then, just as project activities were being launched, the earthquake of January 2010 crippled the justice system and pulled away the attention of donors and national counterparts alike. A United States Congressional review of justice reform efforts in Haiti in April 2010 threatened all justice sector funding for Haiti and ultimately led to a significant reduction in PROJUSTICE funding for 2011-2012. Although funding ramped up in the 2012-2013 fiscal year (FY), the situation on the ground had changed so dramatically that priorities had to be adjusted to respond to the needs. .

Recognizing the significant difficulties the project faced during its first several years, USAID granted a no-cost extension for a sixth year to spend unspent funds, and then extended the project for a final year with limited funding so as to wrap up activities and focus on sustainability. The achievements of the project during its lifetime and its measurable impacts are set out in this final report.

¹ See "Pretrial Detention in Haiti", National Center for State Courts, May 16, 2006.

INTRODUCTION

The Improving Justice Service Delivery and Sector Reform in Haiti project, or “PROJUSTICE”, was a USAID-funded project that worked with the Government of Haiti (GOH) to improve the delivery of justice services and access to justice as an essential basis for establishing stability and security and improving citizens’ confidence in government institutions. Falling under USAID/Haiti Strategic Objective 521-013, “Improved Rule of Law and Responsive Governance”, the project worked with the Ministry of Justice and Public Security (MJPS), the High Judicial Council (*Conseil Supérieur du Pouvoir Judiciaire*, or CSPJ), and targeted courts, prosecutors’ offices (POs), prisons, and bar associations in six jurisdictions – Cap-Haïtien (CH), Croix-des-Bouquets (CDB), Fort-Liberté (FL), Petit-Goâve (PG),² Port-au-Prince (PAP), and Saint-Marc (SM). The project also worked with other justice-related government agencies and civil society organizations. PROJUSTICE began activities on July 9, 2009.

The project’s interventions were designed with four specific objectives in mind:

1. Improve citizen security in selected high crime areas through more effective justice service delivery;
2. Improve non-criminal justice services offered by justices of the peace (JPs), notaries, land courts, and community mediators;
3. Improve independence, self-governance, and effective oversight of sector operations;
4. Support Haitians in leading the development of a comprehensive strategy for justice sector reform.

Objective 1, “Improve citizen security in selected high crime areas and through more effective justice service delivery”, was to be achieved by improving judicial productivity and criminal justice service delivery, rationalizing the use of pretrial detention, and providing legal aid to low-income and marginalized communities.

Objective 2, “Improve non-criminal justice services offered by JPs, notaries, land courts, and community mediators”, would be realized by expanding the use of alternative dispute resolution (ADR) and by improving access to land courts.

Objective 3, “Improve independence, self-governance, and effective oversight of sector operations”, would be accomplished by supporting the establishment of the CSPJ, educating the population on their rights and responsibilities, and training judicial system actors.

Objective 4, “Supporting a comprehensive strategy for justice sector reform”, would be attained by assisting with the drafting and passage of revised criminal justice legislation and by supporting the GOH to draft and implement a criminal justice policy.

In 2009, PROJUSTICE established a presence in the target judicial districts of PAP, PG, and SM by naming local coordinators, carrying out on-the ground assessments, and forming committees to implement the participatory planning processes that the project would use to identify problems and formulate solutions in the target areas. PROJUSTICE formally inaugurated the project at its main

² The project worked in Petit-Goâve until USAID requested the cessation of activities there in 2012.

office in PAP with approximately 80 members of the justice, civil society, business, and donor communities in attendance.

Start-up activities were suspended during the resolution of a contract protest against USAID's award of the PROJUSTICE project, which was resolved in Tetra Tech (Tt) DPK's favor in December 2009.

On January 12, 2010, Haiti was struck by a major earthquake, which devastated Haiti's already weak justice sector infrastructure. In PAP, the Justice Palace (which housed the general jurisdiction court, appeals court, and Supreme Court) and the MJPS were destroyed. Satellite court buildings and the PO in PAP also were seriously damaged. Many justice sector personnel, including the president of the PAP Court of First Instance (CFI) and members of the Minister of Justice's cabinet, were killed. The US Embassy was damaged and many embassy personnel, including the project's Contracting Officer's Representative (COR), were evacuated.

Operating with only a few days' interruption after the earthquake, PROJUSTICE shifted project efforts to support emergency activities in the justice sector. In the first quarter of 2010, the project prepared an assessment report on the state of the justice system's infrastructure around PAP, including damage to physical infrastructure, materiel, and personnel. Based on the assessment report, the project prepared an emergency plan to support the MJPS's efforts to restart justice services in the affected jurisdictions. With USAID approval, the project implemented the activities in the emergency plan during the remainder of 2010, including:

1. Participating in the Post-Disaster Needs Assessment, a Haitian-led exercise sponsored by the World Bank. PROJUSTICE provided detailed information to the justice sector sub-group. The work resulted in the presentation of a report on post-earthquake needs to international donors at United Nations headquarters in New York on March 31, 2010.
2. Working with other international donors (e.g., the UN Stabilization Mission in Haiti (MINUSTAH) and the United Nations Development Programme (UNDP) to discuss and coordinate the justice sector assessment and recovery efforts and to identify priority areas for action.
3. Assembling a team of short-term experts to assist with the justice relief and recovery plan. PROJUSTICE coordinated emergency support activities with justice sector counterparts, including judges, prosecutors, the Director of the Magistrates' School (EMA), the head of the National Association of Magistrates (ANAMAH), the Head of the PAP Bar Association, and a representative of the Presidential Commission on Code Reform.
4. Sponsoring and conducting with UNICEF a training session for magistrates and prosecutors on child trafficking.
5. Procuring post-earthquake relief items for justice sector counterparts including tents, file cabinets, generators, desks, chairs, and ceiling fans.

During late 2010, PROJUSTICE phased out emergency assistance activities and developed a detailed work plan and budget for the remainder of project. In compliance with USAID instructions, the scope of work was revised to focus on reducing illegal pretrial detention; decreasing case processing times; improving access to justice by supporting the provision of free legal assistance; carrying out civic legal education activities; introducing ADR to residents of marginalized communities by providing mediation training to local leaders; improving investigations and

prosecutions; assisting with the finalization of the updated Haitian criminal codes; and reducing gender-based violence (GBV). The project received only half of the funding expected during FY 2011-2012 due to US Government concerns about Haiti's commitment to justice reform and accountability. Funding ramped up in subsequent years and activities were implemented according to each year's work plan approved by USAID. The project began activities in the Northern Corridor, specifically in CH and FL in the Fall of 2012; and, subsequently opened a regional office in the Northern Corridor, based in CH, in February 2013. On July 7, 2015, USAID granted a one-year no-cost extension to complete activities and then granted a final one-year extension with limited funds to focus on sustainability. PROJUSTICE closed on July 7, 2016. More details on the project's activities under each objective are set out in the next sections.

ACTIVITIES AND RESULTS

OBJECTIVE 1: IMPROVE CITIZEN SECURITY IN SELECTED HIGH CRIME AREAS THROUGH MORE EFFECTIVE JUSTICE SERVICE DELIVERY

To increase the productivity of the justice system in the project's target jurisdictions, PROJUSTICE provided technical and material support to selected judicial institutions after assessing the state of administration of the courts. The project helped improve management of case files through reconstructing and archiving files, providing manual case tracking registers, introducing a new electronic case management information system, and providing equipment and materiel. Technical support included trainings on administrative procedures, case management, judicial ethics, and other substantive areas of law. To evaluate the delivery of justice services to the population and serve as a guide to continuing improvements at the courts and POs, the project implemented surveys of court users in three jurisdictions.

To improve communication between justice system agencies and encourage local problem solving, the project and local partners instituted Heads of Jurisdiction Forums in the jurisdictions of CDB, CH, FL, and SM. The purpose of these forums was to bring together local leaders of the CFIs, POs, police, prison administration, bar association, local non-governmental organizations (NGOs), and international organizations to identify justice sector problems, discuss solutions, and monitor agreed-upon responses. Responsibility for conducting the Heads of Jurisdiction Forums was transitioned to Haitian leadership during the project's last year.

Operationalizing the project's objective of increasing access to justice, PROJUSTICE provided legal aid in low income and marginalized communities, and implemented a variety of activities to tackle one of the biggest problems plaguing the Haitian justice system: prolonged and illegal pretrial detention. The project surveyed the prison populations in the target jurisdictions, including interviewing individual prisoners, reviewing prison and court records, and meeting judicial authorities to advance the detainees' cases procedurally. Project staff also participated in a variety of justice sector working groups to implement changes at policy level. One policy decision that was widely adopted by the leadership in the target jurisdictions was a requirement that prosecutors and instruction judges comply with procedural timeframes in existing laws, including Article 35 of the *Code d'Instruction Criminelle* (CIC) requiring that prosecutors send a case to the IJ "without delay", CIC Article 47 that provides for expedited investigation and preparation for some cases involving serious offenses, and The Law of May 6, 1927 requiring the immediate trial of cases involving defendants caught in the act and charged with correctional court offenses. Finally, the project supported the conduct of correctional and criminal trial sessions to advance the cases of detainees,

and also provided extensive support to two high-profile trials to generate public interest and trust in the legal system. The project's support contributed to the Haitian justice system successfully managing and concluding important trials that had garnered national and international attention.

The project's work in these activity areas is explored in more detail in the following sections.

I. Assessment of administration of CFIs, POs, and Peace Courts

To identify the status of the administration of the judicial system and identify potential weaknesses, PROJUSTICE conducted an assessment of the administrative practices of the Peace Courts, POs and CFIs in CDB, PAP, PG, and SM in 2010/2011. The assessment included a review of the paper registers used to record and track cases, evidence registration and control practices, workload management, and compliance with established procedures and best practices. The assessment found that official government registers had been out of stock at nearly all of the offices since late 2009, storage of evidence was poorly managed and not secure, proper procedures for the registration of cases and evidence were not observed, workload among court personnel was haphazardly distributed and poorly managed, clerical staff were behind on recording judicial activities, judicial inspections of the courts and POs by the MJPS (at the time the CSPJ was not yet operational) were non-existent, and there was a need for centralized management of evidence in each jurisdiction. Recommendations to address the problems included the following:

- Provide each court and PO with a sufficient stock of new registers and keep a reasonable number in storage at the MJPS to avoid using old or improvised versions of the registers.
- Revise the format of the manual registers to create enough space to record cases involving several detainees.
- Provide training to registrars, administrators, and clerks on data entry and record keeping.
- Replace the existing haphazard system of storage and management of evidence with a more effective, centralized system.
- Institute regular inspections of the courts by the MJPS (and the CSPJ once active).

2. Document management

Archiving

Historically, poor document management at the courts has been a major obstacle to justice service delivery in Haiti. This problem was exacerbated after the January 2010 earthquake when judicial records from many courts and POs in and around PAP were damaged, buried, or destroyed. The most serious loss of records occurred at the Justice Palace in PAP, which was completely destroyed. The PAP PO was also severely damaged by the earthquake and thousands of judicial files that were housed in the buildings were lost. To support the MJPS's efforts to restart the functioning of the CFI and the PO in PAP, PROJUSTICE engaged a local subcontractor, *Carline Lanoue Archives et Documentation* (CLAED), to reconstruct, organize, and archive the files recovered from the debris of the PAP CFI and the PO. CLAED located and reconstructed more than 30,300 files. CLAED also trained three clerks of the PAP CFI and PO to maintain the archives and produced an archiving training manual.

PROJUSTICE subsequently contracted CLAED to reorganize the archives at the SM CFI, PO, and land court, and CLAED identified, sorted, classified, and indexed a total of 30,856 files (12,674 at the CFI, 16,497 at the PO, and 1,685 at the land court). CLAED also trained 13 clerks and judicial personnel from the CFI, PO, and land court on record keeping and archiving, with a focus on

documentation; the role and function of the recorder; the main mission of the clerk; document management; and the classification and filing of legal documents. CLAED also produced an archiving training manual for court personnel for future use.

The reconstruction of paper files was carried out on the understanding that an eventual electronic case management system would only be effective if based on a well-organized paper system.



Files recovered from the rubble of the PAP CFI and PO



Case records brought from the CFI and the Justice Palace in cardboard boxes



Archived case records stored in metal file cabinets provided by PROJUSTICE; file folders arranged and color coded by judge



Case registers

During FY 2011, PROJUSTICE implemented a plan to improve case management, tracking, and registration in the CDB, PAP, PG, and SM judicial districts. Based on the feedback received from the assessment, the project produced and distributed new court registers with more space available to record important information and with revised procedural steps included. One hundred and thirty of these were provided to 65 Peace Courts, CFIs, and POs and a supply was also provided to the MJPS for distribution as needed. PROJUSTICE provided training on the proper use of the registers and conducted numerous follow-up visits to selected Peace Courts to monitor their use. PROJUSTICE provided registers to the Peace Courts, CFIs, and POs of CDB CH, FL, PAP, PG, and SM.

Case management information system

PROJUSTICE implemented a proof of concept case management information system (CMIS) in the target jurisdictions of FL, PAP, and SM. The CMIS is a computerized case tracking system that links computers located at the CFI and PO and provides judges, prosecutors, and justice system managers with general and specific information about cases. The system has the capacity to track and report on the procedural status of individual criminal cases and to report statistical information on pending and completed criminal cases. The information generated by the system provides judges, prosecutors, and justice system managers with the timely information needed to identify bottlenecks, reduce delays, and set priority areas for continuing attention.

PROJUSTICE provided computer training for the judicial staff using the system. This included not only training on the use and components of the CMIS, but also training on basic computer skills, such as typing, as well as on programs such as Windows, Microsoft Word, Excel, internet, and email. The CMIS training focused on how to log in to the system, an overview of the different components of the system, the procedure for registering cases at the PO clerk's office, how to update information within the system, how to assign detainees to a case, how to link cases between the PO and CFI, how to assign cases to prosecutors and investigative judges (IJs), and how to generate and use reports produced by the system. A total of 110 individuals attended the various training sessions held by PROJUSTICE.

Saint-Marc

During FY 2014, the project installed the CMIS hardware at the CFI and PO in SM, including computers, network cabling, multifunction printers, high-speed internet, switches, physical firewalls, and upgraded electrical wiring for the building. The project also installed an air conditioner in the IT room to prevent the overheating of the equipment and replaced the fuses and fuse box at the court complex.

In October 2014, PROJUSTICE and the SM judicial authorities inaugurated the pilot CMIS located at the SM CFI and PO. The ceremony was attended by John Groarke, USAID/Haiti Mission Director; Amy McQuade, USAID Contracting Officer; Melissa Rosser, USAID Director of Democracy and Governance; Gerard Fontain, USAID COR; Marceau Edouard, PROJUSTICE Chief of Party; Robert Page, Tt DPK Director; Jean Roudy Aly, Director General of the MJPS; Anel A. Joseph, Supreme Court Justice and President of the CSPJ; Noé Pierre-Louis Massillon, Dean of the CFI; Dieunel Lumeran, Chief Prosecutor of SM; representatives of the SM Bar Association; and judges, clerks, and other court personnel of the jurisdiction of SM. Over 100 government officials and local leaders were in attendance.

The inauguration included speeches, a presentation describing the CMIS, and a demonstration of the system conducted by local CFI and PO staff.



USAID/Haiti Chief of Mission John Groarke



PROJUSTICE Chief of Party Marceau Edouard and Dean of the SM CFI Noé Massillon



L to R: USAID Chief of Mission John Groarke, MJPS Director General Jean Roudy Aly, PROJUSTICE Chief of Party Marceau Edouard, and CSPJ President Anel Alexis Joseph cutting the CMIS ribbon

Cap Haïtien and Fort-Liberté

During 2015, PROJUSTICE installed the CMIS IT equipment in the CH and FL CFIs and POs, including computers, internet, computer cabling, switches, firewalls, and routers. PROJUSTICE personnel also conducted training on basic computer skills and on registering cases and defendants and distributing cases to prosecutors and judges using the CMIS.

Port-au-Prince

From July to September 2015, PROJUSTICE installed the IT equipment needed to support the operation of the CMIS at the PAP CFI and PO for core users, including the dean of the CFI, chief prosecutor, and chief clerks of the CFI and PO. The equipment installed included computer cabling to link the computers using the CMIS at the PAP CFI and PO, network ports, desktop computers, uninterruptible power supplies, and multifunction printers. PROJUSTICE IT staff also upgraded the internet hardware at the PAP PO to increase the speed and reliability of the connection. PROJUSTICE IT staff conducted several CMIS information and training sessions for PAP CFI and PO clerks and secretaries. Participants also performed practical exercises on a training version of the CMIS.

On October 1, 2015 PROJUSTICE and judicial authorities officially inaugurated the CMIS in the target jurisdiction of PAP. More than 200 persons attended the inauguration including local and international judicial actors: Pierre-Richard Casimir, Minister of Justice and Public Security; Jean-Roudy Aly, Director General of the MJPS; Noe Pierre-Louis Massillon, member of the CSPJ and representative of the President of the CSPJ, Veena Reddy, USAID Deputy Chief of Mission; Asta Maria Zinbo, USAID Deputy Democracy and Governance Director; Gerard Fontain, USAID COR; PROJUSTICE Chief of Party Marceau Edouard; PROJUSTICE Deputy Chief of Party Monica Underwood; Carlos Hercule, President of the PAP Bar Association; PROJUSTICE technical and operational staff; members of the CSPJ; members of the Presidential Commission; representatives of UNDP and MINUSTAH; and PAP CFI and PO personnel.



PROJUSTICE Chief of Party Marceau Edouard



Minister of Justice Pierre-Richard Casimir



USAID Deputy Chief of Mission Veena Reddy, Deputy DG Director Asta Maria Zinbo, COR Gerard Fontain, Marceau Edouard



Partial view of the participants



USAID delegation viewing the CMIS equipment

3. Case management training for judges, prosecutors, and other judicial personnel

PROJUSTICE trained judges, prosecutors, court clerks, and secretaries from CH, CDB, FL, PAP, PG, and SM on data entry, the principles of case management and case tracking, use of court registers and case logbooks, registration of court decisions/judicial orders, procedural deadlines, and the preparation, transmission, and filing of cases. Over the course of the project, a total of 497 individuals including judges, prosecutors, deputy prosecutors, lawyers, clerks, and secretaries benefited from the training. One participant provided the following testimonial:

“I am very touched by the great service you are doing for our judicial system which has suffered from a lack of a normal structure for almost one century. On behalf of myself and all prosecutors, as well as the judges who expressed their satisfaction throughout the day, we would like to thank you and your institution. The conclusions and recommendations made at the training are considered as rays of hope for a profound reform of the Haitian criminal justice system.”

Patrick Christophe, Deputy Prosecutor of Saint-Marc

4. Training of judges and judicial personnel

In addition to the various case management and court administration trainings outlined above, PROJUSTICE also conducted the following specific trainings.

- **Training on child trafficking and Haitian adoption law**
PROJUSTICE sponsored a training session for judges, prosecutors, and lawyers on the laws relating to the trafficking of children and persons. Of particular interest after the earthquake, the training that covered the UN protocol (Palermo) on Trafficking of Persons, to which Haiti is a signatory and which has been ratified by the Haitian Parliament but not been incorporated into local legislation. The training also covered a summary of Haiti's laws relating to adoption (focusing on adoptions by foreigners) and issues related to prevention, public awareness, and victim issues.
- **Joint training for police and judicial personnel on crime scene investigation**
PROJUSTICE supported four joint training sessions for police and judicial personnel on crime scene investigation. The sessions had two main objectives: (i) establish multidisciplinary crime scene teams comprising prosecutors, physicians, JPs, and police officers; and (ii) strengthen their capacity to effectively investigate, prosecute, and adjudicate criminal cases, particularly with respect to serious crimes. The trainings covered crime scene investigation techniques, handling of witnesses and victims, preservation of evidence, preparation of police reports and criminal case files, and collaboration among justice sector actors. PROJUSTICE supported these training sessions in cooperation with the American Bar Association Rule of Law Initiative and in partnership with MINUSTAH, EMA, and the police academy.
- **Training on juvenile justice in CH and FL**
At the request of the Juvenile Court in CH, PROJUSTICE provided technical and material support for a training on juvenile justice for judicial actors from CH and Grande Rivière du Nord in April 2014. EMA provided the training format and materials. Participants included representatives of the State Child Protection Agency (*Institut du bien-être social et de recherches*, or IBESR), the Brigade for the Protection of Minors, the OPC, and Georges Jasme Revolus, USAID/Haiti's Child Protection Advisor. The objective was to strengthen the capacity of judicial actors to apply the laws relating to child trafficking and child protection by promoting a better understanding of the legal framework governing the juvenile justice system and facilitating better coordination between the different actors involved in child protection issues.
- **Ethics training for Supreme Court staff**
PROJUSTICE provided financial, logistical, and technical support to the Haitian Supreme Court for a three-day training workshop on the rights, duties, and ethics of Supreme Court staff. Participants included administrative and clerical staff responsible for maintaining the court registers and tracking cases filed with the Supreme Court and the Supreme Court PO.

5. Material support to Peace Courts, CFI, POs, and bar associations in CDB, CH, FL, PAP, and SM

To improve productivity, the project provided material support to Peace Courts, CFIs, POs, and bar associations located in project jurisdictions throughout the life of the project. Items delivered included air conditioners, benches, bulletin boards, chairs, computers, conference chairs and tables, desks, fans, file cabinets, generators, jury boxes, and printers/photocopiers.

PROJUSTICE also provided 55 Peace Courts with supply kits containing a “Repertoire Alphabetique des infractions et Peines” or Guide to infractions and sentences, the Haitian civil and criminal codes and procedural codes, rural code, laws related to judicial independence, decree on the organization of the judiciary, the official table of costs for judicial services (*tariff judiciaire*), court registers, and office supplies. PROJUSTICE also supported minor infrastructure improvements at the Peace Courts of Cornillon and Thomazeau.

6. Court user satisfaction survey in CDB, CH, and FL

To better understand the attitudes of court users toward the formal justice system in Haiti, PROJUSTICE implemented Tt DPK’s Q10™ Court User Satisfaction Survey (Q10). The Q10 measures court users’ satisfaction based on their experience at each court/office. It is a tool designed to capture people’s general perceptions about how they are treated by the court system during their visit and whether or not the court system treats them fairly and with respect. Not intended to provide a comprehensive evaluation of court functions, rather it provides a snapshot of court users’ perceptions. PROJUSTICE implemented two rounds of surveys, the first in FY 2014 and the second in FY 2016.

In FY 2014, PROJUSTICE subcontracted Papyrus, a Haitian private management-consulting firm, to adapt the survey to the Haitian reality and conduct the first survey. That survey was implemented by Papyrus in partnership with Jurimédia, a Haitian legal association based in CH, which specializes in human rights advocacy. The team interviewed justice system users exiting the CFI, PO, and Peace Court in the CH, CDB, and FL jurisdictions. The purpose was to gauge users’ overall perceptions through their responses to 10 key questions about their interaction with the justice system in four performance areas:

1. Access to justice
2. Expeditiousness and timeliness
3. Fairness and equality
4. Public trust and confidence

PROJUSTICE conducted the second round of surveys at the same locations in CH, CDB and FL in 2016.

The survey results, which have been shared with the pertinent justice sector officials, provide insight into needed steps for Haiti’s courts to undertake in the future. For example, a comparison of the surveys shows that the users surveyed in the second round have more faith in the fairness of judges than users surveyed in the first round. The fact that some respondents indicated that the courthouse was not easy to find may suggest some relatively easy fixes to address. The benefit of the survey is that it gives the courts clear indications of where to invest effort to better serve their users.

7. Heads of Jurisdiction Forums

Starting in 2012, PROJUSTICE provided material and technical support for Heads of Jurisdiction Forums in each of the project jurisdictions, including CDB, CH, FL, PG, and SM. The principal objective of these forums was to provide justice officials and citizens an opportunity to discuss specific, local justice sector issues and identify local solutions. The forums focused on identifying and implementing steps to improve the processing of cases and reduce the rate of illegal and prolonged pretrial detention in the jurisdictions, and to improve communication and information exchange between the different justice sector agencies and civil society. Representatives of various national institutions working in the justice sector attended the forums, including deans of CFIs, representatives of the judicial police, representatives of the Child Protection Agency, prison directors, the heads of bar associations, IJs, prosecutors, community-based organizations (CBOs), PROJUSTICE, MINUSTAH, and USAID.

The participatory format allowed all participants to contribute to and take ownership of the solutions reached. To ensure follow up, committees were formed in each jurisdiction to monitor and report on the status of the problems and recommendations identified at the forum. During the life of the project, PROJUSTICE supported 23 Heads of Jurisdiction Forums: 5 in CDB, 4 in CH, 5 in FL, 1 in PAP, 1 in PG and 7 in SM. In the last years of PROJUSTICE the focus was on sustainability, and ownership was completely handed over to jurisdictional leadership which is now leading the forums.

8. Legal aid for low income and marginalized communities

PROJUSTICE provided legal aid to low-income and marginalized inhabitants of CDB, CH, FL, PAP, PG, and SM over the life of the project. In PAP, services were provided through two Houses of Justice (“Kay Jistis”) located in the impoverished communities of Cité-Soleil and Martissant (Kay Jistis Cité-Soleil (KJCS) and Kay Jistis Martissant (KJM)). In the other target jurisdictions, the project funded and administered legal clinics called SEALS (*Services d’Education et d’Assistance Légale*) in collaboration with the local bar associations. The assistance provided by the Kay Jistises and the SEALS covered cases from intake through final disposition. PROJUSTICE also assisted indigent defendants to have access to justice by providing them with the services of attorneys from local bar associations for free, particularly to represent those defendants during regular correctional court hearings, criminal court hearings, and criminal jury trials. Legal services also included assistance to victims of GBV.

Over the life of the project, PROJUSTICE successfully provided legal aid and legal advice to 24,627 indigent persons (18,593 men and 6,034 women) for issues that include abandonment of marital home, assault, attempted murder, background checks, birth certificates, breach of trust, burglary, child support, contempt of court, conversion, criminal association, damage to or destruction of property, debt, defamation, embezzlement, family conflict, forgery, fraud, hit and run car cases, illegal possession of a weapon, illegal termination of employment, kidnapping, land conflict, murder, public disorder, rebellion, robbery, sexual harassment, theft, threat, traffic infraction, trespass, and vagrancy. The free legal services rendered by the project to these indigent defendants facilitated the advancement of their respective cases through the court system. Without such assistance provided by the project, most of these defendants’ cases would likely have lingered in court for several weeks and even months before being tried.

At the policy level, PROJUSTICE provided technical assistance to the Magloire Commission on Legal Assistance charged by the MJPS to develop a sustainable national system of legal assistance.

Members of PROJUSTICE's technical team attended Commission meetings and assisted with drafting the commission's recommendations to the GOH which eventually led to a draft law on a national legal aid system, discussed below under Objective 4.

9. Pretrial detention

Throughout its implementation, PROJUSTICE identified and investigated cases of illegal and prolonged pretrial detention at the National Penitentiary (NP), Pétion-Ville Women's Prison (PWP), Carrefour Prison (CP), the juvenile detention facility (*Centre d'encadrement et de rééducation des mineurs*, or CERMICOL), and the prisons in the CDB, CH, FL, and SM judicial districts. The project provided technical assistance to judicial personnel on case tracking and management, free legal aid services to indigent defendants in illegal/prolonged pretrial detention, and support to criminal and correctional trial sessions.

The general approach for assisting detainees held in prolonged or illegal detention was as follows: Because the court and prison records were as a rule inaccurate and incomplete, PROJUSTICE legal assistants would begin by conducting a survey of the prison population to build a database that provides a complete "snapshot" of all detainees in the prison and to identify the detainees held in prolonged or illegal pretrial detention. To conduct the survey, team began by interviewing each detainee held at the prison, both pretrial and convicted, and then reviewed the prison's records to determine the status of each detainee's case. Cases were then prioritized based on factors including the length of detention, seriousness of the crime, and date since last judicial action. Legal assistance was then initiated in order of priority. The situation at the main prisons is set out in the next sections.

National Penitentiary

When PROJUSTICE began its work at the NP in October 2011, many of the detainees were being held in prolonged pretrial detention primarily because judicial authorities had failed to comply with procedural requirements and cases simply fell off the radar and were lost in the system.³ In October 2007, PAP and CDB became two separate jurisdictions, but a significant number of case files belonging to CDB were never transferred to the new jurisdiction. Magistrates in both jurisdictions ignored many cases, believing the other jurisdiction was handling them. PROJUSTICE's pretrial detention team conducted on-site intake interviews of CDB detainees who were being held at the NP which then led to the project and judicial authorities in PAP and CDB collectively working to identify and process detainees cases identified as being in illegal/prolonged pretrial detention status.

Pétion-Ville Women's Prison

The PWP houses women prisoners mostly from the PAP and CDB jurisdictions, both convicted prisoners and those awaiting trial. Of the 243 cases identified by the project in 2011 as possibly involving illegal/prolonged pretrial detention, 215 were confirmed as being in prolonged pretrial detention status. Based on the prison records reviewed by the team, the majority of detainees had seen a prosecutor or a judge at least once, usually in the early stages of their detention, after which

³ The most common procedural errors leading to prolonged pretrial detention include failure by the PO to effectively review the case and appropriately charge the defendant in the early stages of the case, failure of the PO to produce and file a prosecutor's information, failure of the IJ to timely review and investigate cases assigned, or failure of the IJ and the PO to timely communicate with each other within established time limits regarding the processing of cases between their respective offices. Weak administrative control of cases also allows for cases to fall out of judicial control, leading to unnecessary delay.

they were returned to jail with no subsequent court action. The files contained little or no information about the evolution of the cases beyond that initial appearance. The inmate interviews revealed that the majority of the cases had been referred to an IJ but a significant number of detainees had not yet appeared before one.

PROJUSTICE discovered that a majority of the case files had been in the system for 1-5 years without a final disposition. Some detainees had been incarcerated for longer than their sentences would have been, had they been convicted of the crime they were charged with. Most of the cases had been simply abandoned or were otherwise inactive for a number of reasons, 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 properly, lack of material resources by magistrates, and lack of administrative supervision of the magistrates. Haiti's judicial system lacked mechanisms to follow through on case processing and management.

The team also found that some convicted prisoners were still incarcerated after completing their sentence. In most of those cases, the files had either been lost, which meant that prison officials could not release the prisoners because there was no court order verifying the duration of the sentence, or the prosecutors and/or court process servers had failed to provide to the prison the court order verifying the duration of the sentence as they are required to do by law. One main objective of the project's work on the CMIS (outlined above) was intended to finally allow judicial officials to track and follow up on detainee cases.

10. Prison surveys in FL, PAP, and SM

PROJUSTICE also assisted the FL, PAP, and SM judicial authorities in determining the legal status of detainees held in their respective prisons. FL, PAP and SM judicial authorities decided to conduct an inventory of the detainees at the prisons because they were concerned that detainees' human rights were being violated as their cases were not being addressed in a timely fashion, prisoners were being held in increasingly overcrowded conditions, and certain prisoners were pretrial detainees who had been transferred from other jurisdictions and had fallen out of judicial control and therefore were likely to be in prolonged pretrial detention.

PROJUSTICE scheduled interviews for each detainee at the prison and created a database for the interviewed detainees. The data was later compared with defendants' information contained in the case files at the CFI and PO or prison registers to determine the actual status of each detainee's case. This prison survey helped the CFI deans and chief prosecutors of FL, PAP, and SM jurisdictions determine the following:

- Total number of detainees held in the particular prison on the date of the interviews;
- Total number of detainees identified by the prison as pretrial detainees and as convicted detainees, and the name and prison number of each of these detainees;
- Arrival date at the prison for each detainee;
- Gender and age of each detainee; and
- Jurisdiction in charge of the criminal case for each detainee.

These surveys along with the case tracking and case management tools developed in the target jurisdictions gave judicial authorities the capacity to know with clarity the status of an individual defendant's case at any point in time in the process and to measure the age of their pending caseloads.

11. Justice sector working groups on prisons and pretrial detention issues

Recognized as an integral partner in justice sector management and reform in Haiti during its lifetime, PROJUSTICE participated in several justice sector working groups, including:

- **Working Group on Child Protection and Juvenile Justice.** This group discussed issues regarding children committing crimes and how they are to be handled upon detention by judicial authorities. The group is composed of local and international experts including experts from the MJPS, CERMICOL, the Ministry of Social Affairs and IBESR; judges, prosecutors, attorneys, and social workers who specialized in handling juvenile cases, and the OPC. Throughout the life of the project, the group worked together to encourage judicial authorities to keep better track of juveniles who were arrested in an effort to provide them with prompt and appropriate services and to more rapidly and humanely process these cases.
- **Working Group on the Pretrial Detention Conditions of Women and Minors.** This group was formed to specifically address the material needs of the juvenile detainees housed in CERMICOL and women and girls detained at the PWP. The group, which is composed of local and international organizations working in the justice and human rights sectors in Haiti, made several recommendations to judicial authorities on how to meet those material needs.
- **Working Group on Prolonged Pretrial Detention.** This group discussed ways to improve collaboration between international and local organizations working to support the GOH's efforts to reduce instances where a defendant is detained illegally or in prolonged pretrial detention. The working group also focused on ways that its members could better communicate so that they could reduce instances of duplication of efforts. The group's recommendations for reducing illegal and prolonged pretrial detention cases include:
 - Prosecutors and judges to better classify infractions at the inception of a case
 - Judges and prosecutors to comply with the legal timelines set for processing and deciding cases
 - Judges and prosecutors to try more cases, and do so more quickly
 - Prosecutors and judges to regularly visit the prisons to keep better track of prisoners' cases. Such visits could ensure that a defendant does not spend more time than the legal limit in detention. It could also ensure that final judgment documents rendered by the court are promptly submitted to the prison so that the defendant can be released on time.
 - Judges and prosecutors to more regularly communicate with their respective case managers, usually the clerk assigned to the particular judge or prosecutor, to determine where they are with their cases vis-à-vis the legal time limits for such cases.

12. Criminal and correctional trials

To help clear the backlog of cases that contributed to prolonged detention, PROJUSTICE provided free legal aid to indigent defendants and provided logistical and financial support to the CFLs in the project jurisdictions to increase the number of criminal and correctional trials. The project covered expenses related to fuel, office supplies, and refreshments for trial participants. The project also

provided legal assistance via project lawyers who represented detainees and in some cases victims (where the project was not already representing the defendant).

PROJUSTICE supported 65 correctional and criminal trial sessions in the following target jurisdictions: CDB (10), CH (16), FL (18), PAP (8), PG (2), and SM (11). Each of these trial sessions included the trials of single and multiple defendant cases. The legal assistance provided by the project to selected prolonged pretrial and illegally detained individuals resulted in the procedural advancement of 1,364 cases, the conviction of 1,085 individuals, the acquittal of 630 individuals, and the release of 578 individuals over the life of the PROJUSTICE project.

13. Support for high profile trials

The project responded to GOH requests to support high-profile trials in Les Cayes and CH. The trial in Les Cayes took place from October to December 2012 and related to the trial of 39 Haitian National Police and prison guards accused of being involved in the death of detainees at the Les Cayes prison that occurred shortly after the 2010 earthquake. This trial resulted in the conviction of more than 30 defendants. By contrast, the trial in CH was of notorious gang leaders accused of being involved in kidnapping, extortion, and murder but this trial also resulted in successful convictions.

Les Cayes

Given the importance of the Les Cayes trial and the number of observers expected to attend, the trial was conducted in a makeshift court in an auditorium that could hold hundreds of people. Project support included the rental of a generator and purchase of fuel to run the electrical equipment; lighting and audio equipment; a pump to drain the courtroom after torrential rains; electric fans; office materials such as reams of paper, court transcript books, and file folders; and meals and transportation for court personnel and witnesses every day of the trial. The project also installed a wooden platform for justice officials and witnesses to sit.

The trial started on October 18, 2011 and lasted approximately 60 days. PROJUSTICE monitored the proceedings for their compliance with Haitian law and internationally accepted fair trial standards. The US Government, the United Nations, the New York Times (which first broke news of the massacre), and others monitored this trial closely, as it was considered a significant milestone in justice reform efforts in Haiti. The presiding judge rendered judgment on January 19, 2012 convicting and sentencing 14 police officers and prison guards to various terms of imprisonment, most ranging from two to four years. The city's chief of riot police (tried in absentia) and the former prison warden, two of the highest-ranking officials under indictment, were sentenced to 13 and 7 years imprisonment, respectively.

Despite some failures and weaknesses observed during the trial (lack of witness availability, failure to protect witnesses, inaccurate trial records, and some contradictions between the pretrial depositions and the in-trial witness testimony), the trial was deemed a success as public officials in Haiti are rarely held accountable for abusing their power. The national justice system has, in the past, allowed police officers and prison guards in particular to act with impunity. This trial was one of a very small number of cases in recent memory where police officers suspected of major crimes (murder) were tried neutrally and fairly.

Cap-Haïtien

At the request of the MJPS, PROJUSTICE provided material and financial support for the trial of 39 alleged gang members accused of conspiracy, criminal association, false imprisonment, and kidnapping. Defendants included senior police officers, among them the former chief of the

Northern Department's Judicial Police (*Service Départemental de la Police Judiciaire*). Project support included the payment of fees for the senior and trainee lawyers defending the detainees (in coordination with the CH Bar Association), photocopying of detainees' files, transportation for witnesses and victims, process servers' fees, and meals for the detainees, witnesses, and victims involved in the trial.



Defendants stand and listen as Judge Linx Jean announces the verdict on January 18, 2013

The trial started on December 3, 2012 and ran for more than three weeks. Twenty of the 39 defendants were present during the trial while the other 19 (of which three are police officers) were fugitives and tried in absentia. Eleven defendants were sentenced to life in prison, 8 defendants to 25 years in prison, and 1 defendant to 3 years in prison. Only one defendant was found not guilty.

OBJECTIVE 2: IMPROVED NON-CRIMINAL JUSTICE SERVICES OFFERED BY JUSTICES OF THE PEACE, NOTARIES, LAND COURTS, AND COMMUNITY MEDIATORS

Objective 2 focused on improving non-criminal justice service delivery by expanding the use of alternative dispute resolution (ADR) and improving access to land courts. Where civil law cases can be resolved expeditiously through mediation or other ADR mechanisms, this reduces the caseload of Peace Courts, CFIs, and POs and decreases the likelihood that civil disputes will become violent and evolve into criminal matters. PROJUSTICE therefore implemented programs to encourage the use of ADR to solve conflicts or disputes. PROJUSTICE facilitated and organized trainings in ADR for justice sector actors (particularly JPs) and leaders of CBOs in target jurisdictions, and offered free mediation services to individuals at Internally Displaced Person (IDP) camps after the earthquake and thereafter through the mediation centers of KJM and TiBwa/Grand Ravine. PROJUSTICE supported ADR-related activities of other organizations including a local organization that established a mediation center and whose mediators were trained and mentored by PROJUSTICE. To increase awareness of the benefits of mediation, PROJUSTICE conducted outreach activities to publicize the activities of the mediation centers. Finally, PROJUSTICE implemented several activities to support land courts, including installing a prefabricated building on the grounds of the SM CFI to house land court hearings and trials, and providing training on land issues and mediation of land disputes.

I. ADR training

The project conducted training sessions on ADR techniques in partnership with several CBOs and JPs, with the goal of building the capacity of community representatives and JPs to mediate conflicts between individuals in their communities and in internally displaced persons camps that were created after the January 2010 earthquake. Sessions were held in the towns of Arcahaie, Cité-Soleil, and Martissant in the PAP jurisdiction; in the towns of Bas Limbé, Bord de Mer de Limonade,

Borgne, Camp Coq, Camp-Louise, Gobert, Grison Garde, Limbé, Milot, Plaine du Nord, Plaisance, Pilate, Port Margot, and Quartier Morin in the CH jurisdiction; in the towns of Caracol, Ferrier, and FL in the FL Jurisdiction; in the town of Fonds-Verrettes in the CDB jurisdiction; and in the towns of Bokozèl, Cazale, Lacouture, Marchand-Dessalines, and Petite Rivière de l'Artibonite in the SM jurisdiction.

The training sessions were designed to help participants identify and address the causes of conflict early and to promote peaceful reconciliation. Each training session was delivered in Creole. Trainers used a participatory approach, featuring simulations and practical exercises. Training topics included a definition of conflict and its causes, the differences between trial and mediation, 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, while defending their interests and expressing their felt need.



Limbé residents attending mediation training delivered by PROJUSTICE on August 28, 2013

A total of 2,991 individuals (1,900 men and 1,091 women), including CBO leaders and JPs, attended the various trainings implemented throughout the life of the project. Most participants expressed their interest in promoting mediation in their communities. For example, in SM after a training held in September 2013, representatives of three CBOs committed to raise the community's awareness of the ADR process; another group of participants provided mediation services to their neighbors as unpaid volunteers; others promoted mediation to magistrates along with other extra-judicial methods of solving conflicts; and in one commune of the SM jurisdiction JPs agreed to continue providing and using conciliation⁴ as a mechanism to solve conflict and also committed to continue referring cases to the community mediators.

2. Mediation centers

In 2012, PROJUSTICE launched its first mediation center to provide mediation services to local residents as an alternative to court proceedings. The TiBwa/Grand Ravine Mediation Center, the first stand-alone mediation center in Haiti, is strategically located within 100 yards of a police substation and the main market in the community. Fully furnished and equipped, the mediation center serves as a professional setting for community mediators. In 2013, the KJM Mediation Center became fully operational as the second mediation center in Martissant.

During the project's implementation, the TiBwa/Grand Ravine Mediation Center and the KJM Mediation Center received 3,888 visitors (2,176 men and 1,712 women), most of whom were representatives from CBOs interested in the centers' activities and services. The centers also resolved 820 requests for mediation and led mediations involving 1,640 individuals (790 men and 850 women). The requests received through the mediation centers were to resolve family disputes and disputes between friends, neighbors, landlords and tenants, creditors and debtors, employers and employees, and merchants and customers. Of the 820 mediated cases, 375 were resolved with

⁴ Under the Haitian legal system, conciliation is a legal form of ADR whereby the JP acts as an arbiter in a dispute trying to bring two opposing sides together to reach a compromise in an attempt to avoid taking a case to trial.

a signed agreement and 306 were resolved without a signed agreement. The remaining 139 cases were terminated for several reasons including the failure to appear for mediation on the scheduled date by one or both parties, the desire to take the action to court after failed mediation, the hiring of private counsel by one or more of the parties, and the failure to complete mediation before the close of the project's mediation program on September 30, 2015.⁵

3. Raising awareness about ADR

To raise awareness and promote the mediation services offered at the centers, both the KJM Mediation Center and the TiBwa/Grand Ravine Mediation centers hosted open-house events. A total of 36 of these events were organized, welcoming 2,742 individuals (1,578 men and 1,164 women). PROJUSTICE also implemented a large-scale mediation and GBV awareness campaign in the internally displaced persons camp Jean Marie Vincent in Cité Soleil, informing more than 7,000 camp residents about mediation as an ADR tool and 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.

In addition, PROJUSTICE supported activities organized by other organizations, including a workshop convened by the PAP Bar Association on the use of ADR and a series of seminars held by the women judges' association covering ADR methods in the justice system. PROJUSTICE also provided assistance to local CBO *Combite pour la Paix et le Développement* (CPD) in its successful quest to create a Community Mediation Center in Cité-Soleil. Most of the 35 mediators affiliated with the mediation center received mediation training from PROJUSTICE.

4. Land court

Haiti's courthouses generally have too few courtrooms for the number of cases; the SM CFI was no exception, with only one courtroom for all criminal, civil, and land cases.⁶ The court's reception area was often used as a makeshift land court. To increase the functional capacity of the court and achieve the project's objective of facilitating access to land courts, PROJUSTICE supported the installation of a prefabricated courthouse on the premises of the CFI, which was specifically dedicated to handle land cases.

This space serves as a courtroom for the land court and as offices for the land court clerks and two deputy prosecutors in charge of land cases. The building doubled the number of courtrooms available at the SM justice palace.



*Furniture delivered to the new courtroom
by PROJUSTICE*

⁵ The project's mediation program was closed on September 30, 2015 due to limited funding in the final year of operation.

⁶ SM is one of two judicial jurisdictions in Haiti that has a land court. The number of land dispute cases is high, and the cases require special attention given the high emotions associated with land ownership and use.



An exterior view of the completed prefabricated courtroom in SM financed by PROJUSTICE

PROJUSTICE also furnished the building with desks, chairs, file cabinets, air conditioners, and office supplies. After installing and equipping the building, the project expanded legal services in SM to include land court cases and trained SM SEAL lawyers, land court personnel, and prosecutors on laws and procedures related to land conflicts.

5. Training on land and notary issues

Land titles are not duly and regularly registered in Haiti in large part due to problems with the civil registry process, which has led to significant litigation over land ownership, unlawful purchase and sale of land, and difficulties evicting fraudulent land titleholders. For these reasons, PROJUSTICE conducted a series of workshops and trainings on land issues to equip judicial personnel, lawyers, and members of the community with the skills and knowledge to handle recurring land issues. Topics included “Avoiding Land Disputes” conducted in 2012 in SM for justice sector personnel and “Providing Free Legal Services in Land Disputes” conducted in 2014 for the members of the SM Bar Association. The latter outlined the criminal rules of procedure that apply in certain land conflict-related offenses and the types of motions and objections that can be raised in court. The course also provided guidance on how to address National Institute of Agrarian Reform (*Institut National de la Réforme Agraire – INARA*)⁷ rulings and court decisions.

Another session on land disputes for justice sector personnel in SM covered principles of land conflict, land court procedures, recurring land law issues, methods of peaceful resolution and mediation of land conflicts, as well as presentations by a land court judge, the SM Chief Prosecutor, the President of the SM Bar Association, a notary public, a land surveyor, and a land court practitioner. The training included theoretical instruction on the principles of land conflict, land court procedures, and how to read and interpret land surveys and title documents. During the training, participants learned about and discussed the following specific topics:

- Land conflict issues in the Bas-Artibonite region (jurisdiction of SM)
- The qualities of a land surveyor under Haitian law
- The role of a notary in real property acquisition under the law regulating notaries

⁷ INARA was created by presidential decree under former Haitian President Jean Bertrand Aristide as part of the Haitian Ministry of Agriculture to address Haiti’s problems of the concentration of land in the hands of a small minority, giving little to no access to the majority of the population who are farmers. INARA’s decisions on land ownership are meant to be final and not subject to appeal. However, in practice litigants who receive an adverse decision from INARA often take their case to court and sometimes obtain a favorable ruling on the same facts, which worsens the conflict between parties.

- Methods for peaceful resolution of land conflict issues.

At the end of the training session, the participants decided to create a committee to work on revising the laws and decrees relating to land courts in the country and propose amendments to the GOH.

PROJUSTICE also provided technical, logistical and material support to the EMA to conduct a training session on land issues for judges and prosecutors from the PAP, CDB, SM, and Gonaïves jurisdictions. The training included presentations on the current Haitian law governing land issues, how to authenticate land documents, and how to bring land law actions in court. PROJUSTICE made a presentation on alternate methods of resolving land conflict matters.

6. Land mediation

In 2014, PROJUSTICE provided a mediation training to 25 residents of Lacouture, a town located in the SM jurisdiction. The training was provided at the request of the Departmental Director of INARA and was intended to upgrade the mediation skills of a 9-member land-dispute resolution committee formed by the INARA director to help resolve long-standing land disputes in the region. PROJUSTICE provided additional mediation training to 22 representatives from Bokozèl, another town located in SM, to introduce a community approach to land conflict resolution. The participants had been involved in a serious land conflict in the areas of Pwarye, Giton, BwaDeyò, and Gran Moulen in 2011 that resulted in several deaths and numerous houses being destroyed by arson.

OBJECTIVE 3: IMPROVE INDEPENDENCE, SELF-GOVERNANCE, AND EFFECTIVE OVERSIGHT OF SECTOR OPERATIONS

As part of its commitment to promoting judicial independence and oversight in Haiti, PROJUSTICE supported the establishment of the High Judicial Council (CSPJ), the governing body whose responsibility it is to oversee, supervise, and sanction members of the judiciary and to ensure the regular operation of the judiciary and the protection of the rights of litigants. PROJUSTICE provided a variety of technical and logistical support to stand up this important institution representing the independence of the judiciary. This included extensive support to assist the CSPJ to conduct an open and fair vetting process for judges, as well as drafting support for directives and other documents to improve the functioning of the judiciary.

PROJUSTICE also provided support to the Supreme Court of Haiti, to improve its operation and the regard in which it is held by the legal and general community in the country. In the last year of operation, PROJUSTICE supported the Supreme Court to publish its opinions for the first time in more than 10 years.

Throughout the life of the project, PROJUSTICE built good working relationships with the communities in which it operated in the hopes of making civil society a strong partner to monitor the justice system. To sensitize the public on the availability of legal services and how to access them, PROJUSTICE implemented public awareness campaigns including civic and legal education forums, open houses, and workshops on specific legal issues. The project focused on informing citizens about legal rights and their civic responsibilities, and providing information pertinent to interacting with government authorities and navigating the justice system. Other sessions covered the Rural Code, which has important implications for those living in rural areas. Over the life of the project, 47,986 people participated in educational activities, which were held in Creole. With an eye

to sustainability after project close PROJUSTICE also held capacity building workshops with CBOs, covering how to lead public awareness activities in the most effective manner.

I. High Judicial Council

As the governing body of the judiciary, the CSPJ is responsible for overseeing the administration of the courts, including the supervision and discipline of judges so as to ensure appropriate functioning of the judiciary and to protect the rights of litigants. PROJUSTICE supported the CSPJ by providing financial, material, and technical assistance for its working sessions, the drafting of its internal regulations and yearly work plans, site visits to the 18 judicial districts, the distribution of a judicial fee scale, the vetting and certification process for judges/magistrates, the establishment of a judicial inspection unit, and initiatives to modernize the administration of the court clerks' offices.

After a meeting called by the MJPS in July 2011, the project provided technical and logistical assistance to three commissions tasked with preparing for the establishment of the CSPJ. The project actively participated and provided technical and financial support during a retreat hosted by the MJPS in September 2011 to finalize the reports of the three commissions. Draft texts to operationalize the CSPJ were ultimately adopted pending final modifications, and were subsequently presented to President Martelly, who personally participated in the retreat and expressed his commitment to operationalizing the work produced by the commissions and to having the CSPJ functional as soon as feasible.

In 2012, PROJUSTICE provided technical assistance to the ministerial commission responsible for vetting newly appointed members of the planned CSPJ. The four vetted candidates joined the five previously vetted members of the CSPJ, and eventually the nine CSPJ members were sworn in. Many Haitian officials, including the President of the Republic, the President of the Senate, the President of the Chamber of Deputies, and representatives of the international community attended this historic event.

After the CSPJ was officially installed, PROJUSTICE actively provided technical, logistical and financial support to the newly inaugurated institution. The project supported the CSPJ's first working session and also provided furniture and fixtures. US Ambassador Pamela White represented the US Mission to Haiti at the ceremony. Also present were Melissa Rosser, Director of the Democracy and Governance Section at USAID/Haiti, Gerard Fontain, USAID COR, and several US Embassy staff members. CSPJ President Anel Joseph escorted the US delegation on a tour of the new offices so as to discuss the importance of the CSPJ to judicial independence in Haiti and to showcase the furnishings and equipment that the project had provided.

Thereafter, as the CSPJ launched its activities, PROJUSTICE assisted with:

- implementing the vetting procedure for senior staff, including the technical secretary and members of the judicial inspection unit;
- drafting and adopting annual work plans and annual activity reports;
- conducting strategic planning;
- developing guidelines for the evaluation and discipline of judges;
- supporting CSPJ members to visit all 18 jurisdictions of Haiti to present the CSPJ to local judicial actors as the new governing body of the judiciary and discuss its role;
- recruiting administrative and technical personnel to ensure the effective follow up of technical and administrative directives issued by the CSPJ.

2. Certification process for judges

At the request of the CSPJ, PROJUSTICE provided technical and material support for the process of certifying judges whose terms had expired as well as for new judges. PROJUSTICE worked in close cooperation with CSPJ's Administrative Director on a draft budget for the vetting activities, which were jointly financed by PROJUSTICE and by the CSPJ itself. PROJUSTICE next helped the CSPJ effort to set up and roll out an ad hoc commission tasked to vet 100 judges. The commission was composed of representatives of the CSPJ and MJPS, along with PROJUSTICE Senior Judicial Advisor Habib Dahdouh, who participated throughout as an active non-voting member.

The commission completed a work plan and vetting methodology, both of which were approved by the CSPJ. PROJUSTICE provided daily technical and logistical support to the vetting commission including technical advice, transportation for commission members to conduct on-site vetting missions in cities around Haiti, and support to conduct field surveys on the moral integrity and competence of the judges to be vetted.

The commission also began to vet the 11 candidates being considered for director and members of the long-awaited Judicial Inspection Unit. PROJUSTICE provided the CSPJ with technical support in developing selection and certification criteria for the inspectors, and as of September 2015, the CSPJ's Judicial Inspection Unit was established and three members were recruited (two lawyers and one judge). This was a watershed moment in the history of the judiciary of Haiti, which now has an independent unit to monitor and improve its functioning and ensure its fairness and transparency. The Director of the Judicial Inspection Unit and some members of the CSPJ began conducting tours of the courts in various jurisdictions in October 2015. The transparency that PROJUSTICE helped facilitate in its creation and operationalization have laid the groundwork for its acceptance and respect by the judiciary, the legal profession, and the public at large.

3. Drafting assistance

PROJUSTICE assisted with drafting and finalizing the CSPJ's internal regulations, including by convening external experts to review the drafts. The project also helped prepare draft directives (*circulaires*) for CSPJ's review and approval that were designed to improve the administration of justice in the jurisdictions. One directive was sent to the CFI deans and chief prosecutors of all jurisdictions in Haiti to remind them of their legal obligations to effectively manage the courts and the POs, to appear on time at court for scheduled hearings and trials, and to comply with procedural timelines when processing and deciding criminal cases. Another directive addressed the misapplication of laws relating to minors in Haiti as some judges were sentencing minors to improper prison terms or keeping them in custody in direct contravention of Haitian law. The directive laid out the specifics of the laws governing minors and the responsibility of judges to carefully respect the provisions of these laws. Still another directive covered the legal possibility of keeping in office those judges whose terms had ended, pending the completion of the certification process required by the Law of 15 November 2007 establishing the CSPJ.

Subsequently, the ANGH requested PROJUSTICE's technical support to complete and finalize a draft law on the status of court clerks as a follow-up to previous work carried out with other international partners. A working group comprised of the president of the ANGH, two other members of the association, and PROJUSTICE Senior Judicial Advisor Habib Dahdouh, began work on this draft law. The final draft was submitted to President Michel Martelly, the Prime Minister, the Minister of Justice, and the President of CSPJ.

Finally, PROJUSTICE supported the MJPS and CSPJ to distribute copies of the judicial fee scale to the courts in the target jurisdictions; to improve mechanisms for monitoring the collection of fees

in courts and other judicial institutions throughout the country; and to develop a plan to monitor and report on the collection of fees and their transfer to courts or the public treasury.

4. Supreme Court

Like the CSPJ, the Supreme Court is another key judicial institution which PROJUSTICE supported over the life of the project. For example, the project provided technical and logistical assistance to improve the organization of the case register system of the Supreme Court clerks' offices. PROJUSTICE completed an initial assessment and purchased the appropriate equipment to computerize case registration at the Supreme Court.

In addition, PROJUSTICE supported the Haitian Supreme Court's publication of an annual bulletin of civil and criminal judgments, which had not been published for several years. Each case includes an overview of the judicial decision/opinion, a clear summary of the general principle of law supporting the decision, and a brief commentary on the ruling. Access to this information by judicial actors in the lower courts (i.e., judges, prosecutors, clerks, lawyers, law students, etc.), will now ensure the best application of the law and will increase the quality of judicial decisions.

5. Civic and legal education forums

With the objective of increasing citizen engagement with justice issues and oversight of the justice sector, PROJUSTICE provided civic and legal education to residents of Cité Soleil, Martissant, and the target jurisdictions of CDB, CH, FL, PG, and SM through forums on different issues and themes selected by the leaders of local CBOs. The forums covered topics such as citizens' rights and responsibilities; the role of the prosecutor in the legal system; the participation of citizens as members of the jury in criminal hearings; the role and importance of JPs; how to file a case in court; preliminary investigations and investigations in misdemeanor cases; judicial fees; land conflicts; the rights of a land owner to challenge expropriation; children's rights; parental responsibilities; human trafficking; rape and its legal consequences; violence against women and women's rights; being arrested and stopped for questioning by the police; assault and its consequences; the laws that govern inheritance; the legal aspects of marriage; and the legal consequences of divorce. The sessions were aimed at increasing participants' understanding of the role of the rule of law and the administration of justice in establishing and maintaining an orderly democratic society. The events were conducted in and participants received materials written in Creole. Over the life of the project, PROJUSTICE conducted legal education workshops for 48,156 individuals (28,131 men and 19,855 women).



A civic and legal education forum held in Cité-Soleil on August 26, 2011 on "The institutions of the justice system and how to access them"

During the period immediately after the earthquake, and at the request of USAID, PROJUSTICE focused some activities on gender issues in Haiti's most under-developed and violent areas: Cité Soleil and Martissant. PROJUSTICE conducted 25 GBV training sessions for 1,251 community leaders and residents of these areas. PROJUSTICE also partnered with CPD, a human rights watchdog group working in Cité-Soleil and IDP camps, to standardize the procedures for forwarding GBV complaints to the proper authorities. The project's legal aid program through KJCS in turn accompanied the victims in court.

6. Capacity building workshop for CBOs

With an eye to sustainability, PROJUSTICE held two 3-month workshops in the Cité Soleil neighborhood of Cité Militaire and in the Martissant neighborhood of Martissant No. 4 in 2013 to strengthen local organizations. The main objective of the workshops was to train a group of community leaders so the participants could then transfer the knowledge to their communities. Over the 3-month period, the workshop series covered topics on the law, the legal system, and citizens' rights and responsibilities. It also provided information on the basics of planning events, receiving community feedback, and organizing communities and organizations to work together for social change. The workshops had participation from 30 grassroots organizations, with 86 individuals (68 men and 18 women) from Cité Soleil and 104 individuals (62 men and 42 women) from Martissant attending.

7. Workshop on the Haitian Rural Code

In response to a request from the CBO *Mouvement des Paysans Victimes dans le Nord* (MPVN),⁸ PROJUSTICE held four workshops on the Rural Code of 1962 (RC), two in the CH jurisdiction and two in the FL jurisdiction. In its request to PROJUSTICE, MPVN had identified the absence of judicial authorities to prevent or prosecute and punish cattle theft, ongoing deforestation, and the general violation or non-protection of fundamental rights of rural residents as the principal grievances expressed by rural inhabitants in hundreds of meetings it has held in the North and Northeast departments of Haiti over the past four years.

To further strengthen MPVN in its legal education and advocacy efforts, PROJUSTICE presented copies of the RC to representatives of 35 to 50 organizations affiliated with the MVPN. The participants, organized in small groups, selected the pertinent articles from the RC, translated them into Creole, discussed their relevance to the current situation, and proposed rewrites and updates as necessary.

OBJECTIVE 4: SUPPORT HAITIANS IN LEADING THE DEVELOPMENT OF A COMPREHENSIVE STRATEGY FOR JUSTICE SECTOR REFORM

Under Objective 4, the project supported the GOH in its policy-level reform of the criminal justice system. This was a crucial area of work for the project, because without high level changes, the day-

⁸ MPVN was founded in March 2010 to address cattle theft that had become a major crime throughout the North and Northeast departments of Haiti. The organization quickly gained momentum and stature when it began addressing other concerns of farmers and cattle owners. MPVN's civic action led to the identification methodology of tagging of cattle in the North and Northeast departments and their inoculation against anthrax.

to-day work providing legal aid, working on pretrial detention, and sensitizing the population to their legal rights and remedies would not have had lasting impacts. Early in the life of the project, the team produced studies on bottlenecks in the criminal justice system and helped identify critical areas calling for USAID support. The key activities during the bulk of the project life consisted of drafting revised criminal and criminal procedure codes and supporting the GOH to elaborate and implement a modern criminal justice policy.

I. Revision and preparation of key legislation

At the request of the MJPS, PROJUSTICE supported the MJPS's Commission to modernize Haiti's Criminal Procedure Code and Criminal Code, which had not been significantly amended since their enactment in 1835. The many outdated and missing provisions were a significant impediment to the timely and effective prosecution of cases and did not protect the human rights of accused.

The MJPS Commission was headed by René Magloire, former Minister of Justice, and his group of technicians (Magloire Group). In addition, international attorneys and organizations such as MINUSTAH actively participated in the commission's work to modernize the codes. PROJUSTICE supported the commission's work to prepare a set of comprehensive drafts of the codes. The project also supported the MJPS to generate extensive interest among the legal community, the international community, and the wider public through workshops, consultations, and discussions that included stakeholders from the legal community, political parties, bar associations, the judiciary, and civil society. The revised drafts targeted the following issues agreed as priorities for the reform of Haiti's criminal justice system:

- Transfer of certain powers from the investigating magistrate to the prosecutor
- Definition of the prosecutor's new role, including limits to powers
- Arraignment of defendants before an assigned judge
- Effective use of pretrial detention
- Introduction of plea bargaining mechanisms
- Use of alternative sentencing options.

The drafts were submitted to Minister of Justice Jean Renel Sanon in September 2012 and approved by the GOH in December 2012. The draft codes were then submitted for review to the Presidential Commission on Judicial Reform, which decided to create a new committee to further revise the draft codes. After the draft codes were amended to reflect the recommendations made by the new committee (which included the Magloire Group as well as Mr. Jean Vandal), the Presidential Commission presented the final revised codes to the President of the Republic. The codes are now awaiting review and adoption by Parliament.

PROJUSTICE next supported the Magloire Group to develop draft legislation on a national legal aid system and on the organization and functioning of the Republic Prosecutor's Office. These two pieces of legislation were intended to facilitate the implementation of the new Criminal Procedure Code and Criminal Code once passed by Parliament.

- **Law on the national legal aid system.** The project supported key meetings of the Magloire Group with representatives of the MJPS, MINUSTAH, the bar association of PAP, the Haitian Federation of Bar Associations (*Fédération des Barreaux d'Haïti* – FBH), and several local and international organizations working in the justice sector to discuss the modalities in standing up a legal aid system in Haiti. Participants were asked to submit opinions and suggestions on the following points: 1) whether to adopt a mixed system of legal assistance (composed of government-paid private lawyers and

government lawyers); 2) differences in handling records in criminal versus civil matters and how that affects the type of legal aid that should be provided; 3) the criteria to be used for determining the eligibility of participants who are to receive free legal aid; and 4) what type of legal aid staffing would be required and the associated costs. This work led to the MJPS naming René Magloire to lead the MJPS's multisectoral working group to finalize the law on the national legal aid system and present recommendations on next steps. PROJUSTICE participated in the MJPS working group which produced a law that is now ready for review and adoption by Parliament.

- **Law on the organization and functioning of the Republic Prosecutor's Office.** The new draft Criminal and Criminal Procedure Codes give prosecutors an enhanced role from the investigation to the execution of the sentence. This involves strengthening the capacity and skills of the PO as an institution. It also necessitates sheltering prosecutors from any political intervention that could prevent them from conducting their mission impartially. The Magloire Group, with project support, produced a draft law reorganizing the prosecutorial function so as to enable it meet its obligations under the new codes.

2. Public outreach on legislative change

To prepare the legal community for the changes proposed in the revised codes, the project supported various meetings of the legal associations, including the annual meetings of the FBH, where the bar associations from all 18 judicial districts discussed the content of the proposed criminal codes and made recommendations which were submitted to the Presidential Commission on Judicial Reforms. Subsequent public outreach activities were designed to sensitize the population to the purpose and content of the proposed new codes.

3. Formulation of criminal justice policy

In response to an MJPS request, PROJUSTICE provided technical support to the GOH to prepare a draft criminal justice policy, to which UNDP and MINUSTAH also contributed. A forum convened in 2014 to discuss the policy attracted high attention, with participants including the President of Haiti, the President of the CSPJ, the Minister of Justice, the Ministerial Delegate to the Prime Minister's Office for Human Rights, and representatives from the OPC, the US Embassy, UNDP, and civil society organizations. The forum also brought together the chief judges and prosecutors of the CFIs from Haiti's 18 judicial jurisdictions, as well as the presidents of the five appellate court jurisdictions. The participants debated the draft policy, assessed the constraints to its effective implementation, and proposed necessary action steps.

At the forum, the Minister of Justice and Public Security, Jean Renel Sanon, explained that the policy was drafted to promote effective law enforcement, fair prosecutions, and respect of human rights through compliance with procedural time frames. The Minister also noted that the policy will enable more appropriate sentencing that takes into account the particularities of each case, ensures that juveniles are treated in accordance with the law, and encourages prosecutors to be more mindful of pretrial release options when prosecuting misdemeanor (*delit*) cases. Panelists then presented several sub-topics focusing on the relationship between the MJPS and the PO and the criminal investigation process.

The participants subsequently broke into groups to discuss the issues raised and offered a number of recommendations, including the following:

- Develop a special statute to provide prosecutors with autonomy to protect them from arbitrary decisions taken against them from the executive branch of government.
- Include evidence in the case file or ensure that it is readily available in a secure place for inspection.
- Ensure that continuing education/training is readily available for police investigators and IJs.
- Create a witness protection program, especially for witnesses involved in high profile cases.
- Strengthen the state's legal assistance program so that every defendant can obtain effective representation.
- Certify experts so that they can work on cases and provide testimony in court when necessary.
- Increase courts' accessibility for people with special needs.
- Set up crime labs in the five appellate court jurisdictions, at a minimum, until the GOH can establish them in all 18 judicial jurisdictions.

Subsequently, MJPS officials created a task force, which included PROJUSTICE technical experts, to follow up on the implementation of the forum recommendations.

4. Implementation of criminal justice policy

PROJUSTICE worked closely with the central government and local authorities in the project's target jurisdictions to implement the recommendations made at the forum that: do not require a law for their implementation, do have the support of judicial authorities, and are otherwise feasible. PROJUSTICE's support to the implementation of the GOH's criminal justice policy included activities under all four project Objectives as outlined above, such as:

- Creation and management of a Pretrial Detention Task Force that worked with prosecutors, judges, and clerks at the PAP PO and CFI to identify the cases of detainees in prolonged or illegal pretrial detention. The task force supported the GOH to identify and resolve cases of illegal or prolonged pretrial detention, including through "Operation Coup de Poing" under Minister of Justice Pierre Richard Casimir from 2015 to 2016.
- Provision of free legal assistance to indigent defendants in prolonged pretrial detention status who ultimately have to face criminal trials.
- Technical assistance to the MJPS Legal Aid Working Group, a multi-sectoral/local and international group of legal experts tasked to draft the legal framework for a national system of legal aid in Haiti.
- Assistance to the CSPJ and MJPS in drafting administrative orders (*circulaires*) to improve the functioning of the courts and increase compliance with constitutional and statutory timelines for procedural actions.
- Technical and logistical assistance to prosecutors and judges on handling and securing evidence in criminal cases.
- Technical assistance to investigating judges and prosecutors on case management and basic investigation techniques to ensure that cases are processed more effectively and efficiently and respect the legal time frames for processing criminal cases.
- Development and installation of a computerized CMIS for the CFIs and POs. The system has the capacity to track and report on the procedural status of individual cases and to

report statistical information on pending and disposed criminal cases. The information generated by the system helps authorities see bottlenecks, reduce delays, and identify priority areas for continuing attention. The CMIS was installed at the CFI and PO in CH, FL, SM, and PAP, and judicial staff in each of the jurisdictions were trained to use the system. PROJUSTICE continued to provide technical and material support for field testing and refinement of the CMIS and to monitor and support the local judicial personnel using the system.

- Logistical assistance for correctional court and criminal court trials.

WINDOWS OF OPPORTUNITY

Support to Other Institutions

In addition to activities under the four project Objectives outlined above, PROJUSTICE implemented some activities that arose unexpectedly but were high priorities for the GOH and USAID. USAID's decision to structure the project to allow for these "Windows of Opportunity" permitted the project to provide key support to other institutions as follows:

- **ANHJRH:** PROJUSTICE supported a professional development workshop for Haitian court bailiffs and provided technical support in reviewing draft regulations on the role of court bailiffs. The main goals of PROJUSTICE's assistance was to support ANHJRH's efforts to professionalize the bailiff profession, to review and discuss with attendees the draft regulations on the role of court bailiffs, and to strengthen the project's relationships with the bailiffs and ANHJRH leadership.
- **ANAMAH:** PROJUSTICE provided technical and financial support to ANAMAH to conduct its annual national conference at which judges from across the country meet to discuss issues affecting the judiciary. Issues discussed included the independence of the judiciary, the role of the CSPJ and its capacity to assume that role, how magistrates could improve collaboration with the CSPJ to work toward the effective independence of the judiciary, and how ANAMAH and magistrates in general could improve collaboration with the bar associations around the country. Supporting the annual conference helped build the project's relationships with ANAMAH leadership and incorporate the magistracy's perspectives into the project's activities.
- **Bar Associations:** PROJUSTICE provided support to the bar associations in the five target jurisdictions by providing material, financial, and technical support for several bar initiatives that furthered the goals of the project, including a series of conferences, symposiums, workshops, trainings, and debates about the role of lawyers in an open and democratic society, rules of professional conduct, and possibilities for using ADR in Haiti. Project support also included mentorship of young lawyers through the legal aid activities.
- **FBH:** PROJUSTICE supported the 4th meeting of the FBH, at which representatives from 16 of Haiti's 18 bar associations discussed and debated the proposed reforms to the criminal and criminal procedure codes.

MEASURABLE IMPACTS

The project's Performance Monitoring Plans set out in extensive detail the project's achievements of its targets as against the proposed indicators. This section demonstrates in brief the measurable impacts of the project's activities in the areas of pretrial detention, legal aid/education, and ADR.

Pretrial Detention

- Helped secure release from detention of 578 prisoners from the PWP and the NP and the prisons of CDB, SM, CH, and FL.
- Provided support to procedurally advance 1,430 cases for trial or court review.
- Supported correctional court hearings and criminal trial sessions with and without jury assistance in PAP, CDB, SM, CH, and FL, which resulted in 1,085 convictions and 630 acquittals.
- Reconstructed more than 60,000 case files at the PAP CFI and PO.

Legal Aid/Education

- Provided free legal aid services to 22,671 low-income and marginalized residents of PG, SM, and Cité Soleil.
- Assisted local bar associations in PAP, PG, and SM, whose attorneys provided legal assistance to indigent individuals and legal representation during correctional, criminal jury and non-jury trials.
- Implemented a public awareness campaign on the availability of legal services and how to access them, including roundtables and civic forums on specific legal issues, which reached 48,156 persons.
- Supported 16 Peace Courts with attorney interns (supervised by experienced attorneys) who provided legal services to citizens.

Alternative Dispute Resolution

- Offered mediation services to 1,640 residents of Martissant through KJM and the PROJUSTICE-established mediation center located in the TiBwa/Grand Ravine District.
- Developed and delivered ADR training courses for 2,991 justice sector personnel (attorneys, court clerks, JPs, and magistrates).
- Supported the PAP Bar Association to hold a one-week ADR training session for approximately 350 members of the bar and representatives of the justice sector.
- Supported a local CBO to set up a family mediation center in Cité Soleil.

CHALLENGES FACED AND LESSONS LEARNED

The challenges faced by the project in meeting its goals were significant. Despite the commitment of international support, the Haitian justice sector agencies remain weak and the administration of justice fragile. Although the overall quality of judicial personnel has improved, some judges and prosecutors lack the skills and motivation to carry out their responsibilities in a professional manner. The quality and dedication of court and PO administrative staff, including clerks, secretaries, bailiffs, and process servers, varies by jurisdiction. The managerial capacity of judicial leaders also varies, but is in general weak at both the local and national levels. Only in 2015, with

the support of PROJUSTICE, did the CSPJ's Judicial Inspection Unit begin visiting courts to monitor judicial performance.

Courts and POs generally lack the material and financial resources to adjudicate all incoming cases. Members of the bar often view their job as resolving a client's case as quickly as possible without regard to existing laws. Discipline of unethical practices by the bar is inconsistent and does not occur often. A majority of the public has only a vague understanding of the basic tenets of the justice system, how it is supposed to work, and the roles of the various justice sector actors. Compounding these problems, frequent changes in leadership, particularly at the level of the minister of justice and chief prosecutor, undermine long-term planning and the execution of all but the simplest reform activities.

Activities of PROJUSTICE and other international donors were also complicated and slowed by intermittent periods of political instability and by civic unrest. Throughout the fall of 2010, project activities were frequently cancelled or rescheduled due to chronic civil unrest arising from disputes about the electoral process. Project activities in the marginalized communities – Cité Soleil, Martissant, TiBwa/Grand Ravine – were particularly susceptible to disruption and the project was forced to cease activities in these areas due to the danger to personnel.

Political uncertainty continued after the new president was sworn in in 2011. Because the administration did not form a government until the following year, officials of the former government remained in charge of government ministries and other national institutions. This caused significant difficulties because those officials were less responsive and slow to allow the project to complete a number of activities that were included in the approved work plan. The *relais de justice* initiative was a clear instance of the government's unwillingness to implement even those projects that it had proposed to donors. The project attempted to coordinate with the MJPS for months to provide appropriate support, such as motorcycles, furniture, and equipment for two annexes of Peace Courts in PAP. Lack of engagement on the part of ministry staff delayed implementation.

The first scheduled training of JPs in mediation in early 2010 was another example of political impacts on project implementation. In repeated conversations between the project and the Minister of Justice, the MJPS had seemingly expressed genuine interest in the training. Yet, the very day the training was to begin, the Minister called and instructed the project not to proceed.

Other difficulties included arbitrary arrests of political figures, which led to strikes, protests, and violence. For example, the project's legal aid and pretrial detention activities in the PAP jurisdiction were affected in late 2013 by the arrest of a renowned PAP attorney which led a crowd to take over the PAP Justice Palace. Also in late 2013, clashes between rival gangs in several Cité Soleil neighborhoods led to several deaths. KJCS staff members were able to relocate activities outside of the violent areas but this reduced their effectiveness. Similarly, the project's activities at the TiBwa/Grand Ravine Mediation Center in Martissant were at times affected by gang-related violence in the areas surrounding the mediation center, and activities in the CDB jurisdiction were affected by a prison break at the CDB prison on August 10, 2014, during which a reported 329 detainees escaped, including several high-profile detainees who were awaiting trial. These are just a few examples of events that negatively affected the implementation of project activities.

Nonetheless, the project overcame these and other hurdles during its implementation, ranging from the devastating impacts after the earthquake of 2010, to funding issues which led to the project having its budget cut by half in one year and by 40% in the final year. Because of the precarious funding stream, the project management had to inform staff three separate times that their

contracts would be ending in 30 days. Staffing of the project, of USAID, and of the project's partner justice sector institutions changed frequently from 2009 to 2016. However, USAID's high level of attention and support, coupled with the project's consistent focus on its goals and objectives, ensured a high level of impact and success. PROJUSTICE became a trusted and essential partner of the GOH as it worked despite tremendous challenges to improve the delivery of justice, respect for human rights, and independence and transparency of the judiciary.

Some lessons learned over the course of PROJUSTICE's lifetime are set out here, in the hope of continuing to advance the cause of justice reform in Haiti. USAID's continuing support through the anticipated Phase II of the PROJUSTICE project, to be implemented by the winning bidder, will be essential to keep the momentum and continue transforming the justice system to one that is fair, transparent, and respected by government officials and the public alike.

1. Consensus is needed for justice reform

During the first years of the project, reform activities had difficulty gaining acceptance with local counterparts because there was no consensus on the major problems in the justice system or the steps needed to correct them. There was a disagreement between what external donors perceived as the needs and what the Haitian leaders themselves had identified. Over time, opinions among the GOH and the international community coalesced around common themes which were embodied in the national criminal justice policy. The plan that was produced represented a shared vision for the future, with clear values, and it is now serving as a roadmap for donors, the judiciary, and the GOH as to the objectives of reform efforts and the strategies for achieving those priorities. To be most beneficial, additional work is needed to clearly delineate the responsibilities of the GOH and international actors, so as to avoid duplication, conserve resources, and maximize investment.

2. Continuity of focus is essential

Internal reform is a long, sometimes painful process, and there are no shortcuts. Experience has shown this is especially true for reform in Haiti. Lasting reforms involve forging consensus on a vision for the future, making changes to the legal framework, strengthening the institutions responsible for carrying out the improvements, developing human capacities within the institutions, and ensuring that overall direction can survive changes in government. In some countries, USAID support is directed to numerous smaller projects with shorter terms. In Haiti, USAID followed a strategy of continuity. This long-term, systematic approach produced real reforms that will continue after the PROJUSTICE project.

3. Local champions are crucial

Probably the most important element contributing to successful implementation of the project's goals was the project's identification and mentoring of local champions with whom it was able to work closely to develop and implement justice reform activities over an extended period during the life of the project. The project targeted mid-level actors or managers, in particular, as they have the authority to make some important decisions, the capacity to work at a professional level, and the will to make changes. Those actors or managers then generally help bring along a number of other actors who may have otherwise been hesitant to embark on making changes. After identifying the champions and partners, the project helped them develop their capacities to lead, manage, and effectuate positive change. The project was able to achieve with these champions a number of significant goals, such as the Heads of Jurisdiction Forums that bring together important justice sector structures such as courts, POs, police, prisons, bar

associations, and others to discuss the problems observed in the justice sector in a particular jurisdiction and to collectively come up with local solutions. Building strong relationships with local champions takes time, again underlining the importance of USAID's long view and continuity of focus.

4. Small solutions generate interest in larger changes

PROJUSTICE focused on putting in place action plans and simple mechanisms that then generated additional interest in reform and change. For example, the project introduced simple trackers that allowed the staff to collectively view what they had accomplished, what remained to be done, and the time line allotted each task. Similarly, the project provided modest equipment and infrastructure support, which gave Haitian partners hope and ultimately encouraged them to do their job with more confidence and efficiency. For example, the project provided file cabinets, safes, computers, printers, a manual case tracking system, and then a computer based case management system for both the courts and POs. Starting small ensured success, and success then bred more interest and success.

5. Capacity building is key

From the beginning of the project, significant investment was made in capacity building. PROJUSTICE was very active in this area, conducting training sessions for judges, prosecutors, clerks, secretaries, and MJPS and CSPJ personnel over the life of the project. Perhaps more important than skills training was developing the capacity to manage change and advance reform. Management practices in the judiciary in Haiti were rudimentary at best when the project began and so PROJUSTICE provided training to key personnel in the judiciary, including deans of the CFI, chief prosecutors, and key personnel in the MJPS and CSPJ on critical issues such as leadership, strategic planning, and budgeting. Every project activity – whether on ADR, legal aid, case management, or justice reform – was carried out in tandem with local partners to build capacity and more importantly, to build sustainability. The Heads of Jurisdiction Forums is a model that is still being successfully used in the project jurisdictions even after project support ceased.

6. Investments in infrastructure and IT are needed

The first few years of the PROJUSTICE project saw investments in court facilities (including post-earthquake relief, the prefab court building, generators, and furnishings) and IT infrastructure (including computers, printers, and backup power supplies). During the latter half of the project, PROJUSTICE provided more sophisticated IT hardware to some jurisdictions, including networking equipment, internet connections, and high volume printers to support the implementation of the computerized CMIS. Fifteen years ago, most CFIs and POs were housed in decrepit buildings with little courtroom furniture, no computers, and in some cases no indoor bathroom facilities.

This kind of rapid installation of equipment and software naturally creates goodwill among recipients. But it can also create an environment more conducive to change. Substantive procedural improvements were loosely linked to the installation of new hardware and improved software applications. For example, installation of computers and word processing software allowed for the use of judicial forms, cutting down on the time needed to prepare common judicial orders and documents. Familiarity with IT equipment also prepared the staff for the introduction of the CMIS.

7. CMIS, based on a good paper system, is critical for sustaining delay reduction

While there are many techniques for reducing delay in case processing, the heart of all programs is the active management of the time and events involved in the movement of cases through the judicial system. PROJUSTICE did not rush to implement an electronic case management system but rather focused first on reconstructing paper files and organizing the documents with shelving, folders, and file cabinets. PROJUSTICE also supported the use of case tracking registers as a method to introduce modern case management practices. Once there is a solid paper system, then an electronic CMIS can provide judges and judicial managers with the objective and timely information about cases that is needed to identify delays, measure inventories of pending cases, and monitor progress toward goals. The CMIS has improved the functioning, transparency, and efficiency of the justice system.

RECOMMENDATIONS FOR FUTURE INTERVENTIONS

This final section provides some recommendations for USAID and other donors as they continue their essential support for ongoing GOH-led efforts to improve the justice system. These include continuing to stand up the institutions created by the 2007 laws on judicial reform to strengthen judicial independence and accountability, assisting with the drafting, passage, and implementation of new codes, and strengthening and expanding the electronic CMIS. Disbursement of funds should be contingent upon demonstrated GOH commitment to reform, including strengthening the CSPJ.

1. Assist the GOH in finalizing the draft Criminal Procedure Code, Criminal Code, and related legislation

Following the creation of the CCRC in November 2011, PROJUSTICE actively supported its work to finalize the draft criminal codes. The project provided expert consultants, an administrative assistant, and additional staff support to help finalize the codes; office space, furniture, equipment, and supplies; and logistical support. USAID also assisted the CCRC to undertake broad consultations with key justice sector stakeholders (including bar associations, the judges' association, civil society, human rights organizations, and Parliament) on the draft legislation to ensure greater acceptance and buy-in from the legal community and increase the likelihood that the legislation would be enacted and implemented after coming into force.

USAID should continue to provide expert consultants and logistical support, as needed, to update other relevant criminal legislation, such as the laws dealing with the conditions of incarceration, the organization of the Republic Prosecutor's Office, and the structure of the judiciary. This enabling legislation will facilitate the implementation of the new criminal codes, once passed by Parliament.

Passage of these criminal codes would remove many outdated practices that currently contribute to unnecessary delays in criminal proceedings and will provide new mechanisms to efficiently process criminal cases. For example, several minor offenses for which existing laws require imprisonment will be eligible for alternative sentencing. It is also anticipated that the codes will provide for other alternatives to incarceration, including community service, bail, and release on parole, thereby reducing prison overcrowding.

2. Assist with the development of the CSPJ

The GOH took concrete steps to strengthen judicial independence by appointing a President of the Supreme Court and rendering operational the CSPJ. The GOH also established a joint MJPS and

CSPJ vetting commission composed of prominent lawyers, including an embedded advisor from PROJUSTICE, to vet all judges that are appointed or whose mandates must be renewed.

USAID should continue to provide technical assistance to the CSPJ to help the CSPJ build its members' administrative and technical capacity that will ultimately allow it to effectively administer the Haitian courts and its personnel. Specifically, international and Haitian experts should assist the CSPJ to develop and implement procedures for judicial inspections and draft and implement the procedures for the prompt and transparent evaluation, discipline, and dismissal of judges.

3. Support the continued use and expansion of the electronic CMIS

The computerized CMIS that is functioning in the CFI and PO in some project jurisdictions is generating timely and objective information about case flow dynamics and delays and is supporting local justice system leaders efforts to actively manage caseloads and reduce delays. It is also an invaluable aid in tackling the issue of illegal and prolonged pretrial detention, which has plagued Haiti's justice system for many years. Technical and financial support for the CMIS should continue at the level of the jurisdictions and at the MJPS and CSPJ. Assistance should include instruction and monitoring of the use of the system as well as training for IT personnel to maintain and monitor system performance. MJSP and CSPJ IT personnel should also be trained to provide support to system users in the jurisdictions where the system is active.

To increase the system's capacity to monitor the performance of the justice sector, USAID should explore expanding the CMIS to the Peace Courts and the police and prisons. Including these agencies would allow for the tracking of case and defendant information from the time of arrest to release from prison. With the other assistance provided to date and planned, USAID's investments in Haiti's justice system will continue to transform the system into one that is transparent and fair, protects human rights, and has earned the respect of the Haitian population.

4. Promote and support the expansion and use of ADR in rural communities.

ADR program activities represented a small percentage of PROJUSTICE efforts. However, the introduction of ADR to underserved communities via Community Based Organizations provided members of these communities with a mechanism to peacefully address interpersonal conflict that did not exist. Moreover, the project's experience strongly indicates that peer based mediations were successfully not just in resolving many conflicts but also helped improve long term relationships in tight knit communities. Because peer based mediations took place within a community setting, they provided a secure setting in which a more in depth handling of underlying issues that disrupt a family or a community's stability could be resolved. Promoting community based mediation services with linkages to the formal justice system via the peace courts to address minor civil disputes would divert many disputes from the courts, thereby helping to reduce caseload and court hearings while gathering significant and statistically meaningful evidence towards enacting appropriate ADR legislation.

5. Continue to Support Criminal Trial Sessions and Correctional Court Hearings

There are very few options for disposing of cases before trial under the current laws in Haiti. For this reason, until updated codes of procedure are enacted providing for, among other things, guilty pleas and plea bargaining, the vast majority of cases will continue to be resolved at trial. While some CFIs and POs are operating more efficiently and resolving more cases in less

time, the costs to try the increased number of cases has grown proportionately, putting additional pressure on the already very limited budgets provided to the CFIs. For these reasons, USAID should continue to support correctional court hearings as well as criminal trial sessions, both with and without juries.