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PROJECT EVALUATION  
OF THE ADMINISTRATION OF JUSTICE PROJECT  
IN PERU

Presented to:

USAID/Perú

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## EXECUTIVE SUMMARY

### 1. BACKGROUND

The Peruvian justice system, particularly the court system within the Judicial Power, suffers from a poor and deteriorating reputation attributable principally to inefficiency and corruption. The Public Ministry suffers from relatively low regard for the competence of its attorneys; and the Ministry of Justice which is responsible for certain oversight of the total justice system as well as the provision of certain services providing access to the system, has acquired a poor reputation for excessive vulnerability to political pressures.

By the Constitution, the Judicial Power is supposed to receive 2% of the national budget, but at the present time receives less than 1%. Relative to other members of the legal profession, compensation of the judiciary is relatively low and does not attract the best and the brightest. To the contrary, low compensation tends to render judges and clerks vulnerable to corruption in a vicious circle whereby low esteem leads to lower budget, leading to lower quality of personnel, leading to lower esteem, etc. Indeed, the courts may have acquired a vested interest in inefficiency whereby opportunities are enhanced for taking payments for expediting or delaying cases within the system. There appears to be complete lack of effective monitoring and discipline of performance of judges and other personnel within the system.

As a consequence, the courts have failed to provide prompt and fair settlement of disputes, punishment of crimes and compensation of personal injuries. Disillusionment with an inefficient and corrupt justice system is regarded as a significant factor in the appeal of the Sendero Luminoso and other radical political movements to people who have lost faith in the capacity of democracy to meet their needs. Lack of predictability as to protection of property and contractual expectancies are strongly negative factors in the climate for private investment, both domestic and foreign, with consequent adverse impact on the economy. Uncertain prospects for timely and appropriate punishment of crimes significantly impair the motivation of the police and prosecuting attorneys to diligently investigate and prosecute crime. Particularly is this so with respect to narcotics related crimes among those which might render police, prosecutors and judges vulnerable to retribution from powerful associates of accused offenders within criminal conspiracies.

### 2. PROJECT DESIGN

Against this background, and in response to the 1984 A.I.D. Administration of Justice initiative, USAID/Peru rushed through this project during a brief "window" of Peruvian eligibility and A.I.D. funding availability in April - June 1986. Unfortunately the Mission had missed an excellent opportunity for thorough assessment of sector needs and priorities following some excellent preliminary work carried out in September 1984 and April 1985, including a draft scope of work for sector assessment.

Absent such factual and analytical base for determining justice system needs and priorities, the Mission settled on an approach involving a broad panoply of 23 diverse activities with three separate ministries. The overall program was to be directed and coordinated on the Peruvian side by a National Commission consisting of the Supreme Court President as Chairman, the Attorney General, the Minister of Justice and a commission secretariat entitled "Coordination Office". The project was authorized on the basis of a four page action memorandum to the USAID director without benefit of a project paper and the programming discipline incident thereto. The rationale was to experiment with a broad range of pilot projects, leaving feasibility and priority among them to be determined on the basis of experience by trial and error. This arguably sound rationale underestimated the difficulties of implementing such multifarious and diverse activities with three implementing agencies that had virtually no experience with external financing and an AID mission lacking experience with administration of justice projects.

### 3. PROJECT IMPLEMENTATION

#### a. Subproject Status

Some of the farther advanced activities within the project include the following:

Training academies have been set up within the Public Ministry and the Judicial Power to better qualify professional staff in their work. Course content, however, especially in the Judicial Power academy needs adjustment to place more emphasis on subjects of practical rather than academic interest. No training has been provided yet for court administrative personnel, particularly the clerks who play a critical role in the administration of the system.

Significant progress has been achieved in court administration by contracting a private consulting firm to review court procedures and recommend changes therein to simplify and expedite process. Extension of the preexisting Ministry of Justice "legal aid and information" program has also progressed well.

Among lagging activities has been proposed computerization of the legal data base and management information systems. This aspect of the project has not been well served by A.I.D. Technical services have been provided by time-limited visits of different experts, all of whom were more expert in computer technology than in the particular needs of legal information and management systems. We still find need for systematic needs assessment combined with recommended response, provided by people who combine court administration and computer expertise, are fluent in Spanish, and attuned to capital/labor cost relationships and operating and maintenance conditions within less developed countries. As to the legal data base, there is additional need for consultants expert as well in the applications of computer technology to law revision with continuous updating.

b. Implementing Agencies

(1) National Commission

Thus far the National Commission, as distinct from its member agencies, has been a nullity in proposing significant initiatives for comprehensive system reform. In fairness, this is consistent with experience of such national commissions elsewhere in Latin America. In Peru effectiveness of the national commission concept suffers further from an unusually high rate of turnover among its members. By organic law of the Judicial Power, the Supreme Court President, who is ex officio chairman of the National Commission, changes every year; the Attorney General, head of the Public Ministry, changes every two years; and in the present political climate the Minister of Justice has changed most frequently of all. There is a relatively strong tradition of institutional jealousy and consequent lack of coordination among the implementing agencies. Further the Commission lacks representation of several important constituencies, particularly the law schools and the bar associations. Most important of all is the lack of any strong political mandate for political reform from the present government.

(2) Coordination Office

The Coordination Office was originally conceived as the secretariat for the National Commission. However, the relatively inactive Commission has given little or no guidance to the Coordination Office as a secretariat. Further, as initially established, the Coordination Office had no power of approval over funding requests or planning submissions from the implementing agencies to A.I.D.. Recently, however, the Coordination Office function has evolved into a role of support to the implementing agencies in managing paper flow, particularly in developing operating plans for the various subproject activities and more recently in the preparation and submission of funding requests. In its staffing and organization the Coordination Office has been slow to adapt to its changing role. The cost of the office has been relatively high in relation to the work performed and there is need for further adjustment in both size and composition of the office to better suit its current support role.

(3) USAID

A.I.D. has become a significant delay factor in project implementation, requiring periods as long as two months for approval of project plans and financial submissions. We also note that successive project managers have not been able to give appropriate oversight to the substance of subproject activities. Also we perceive problems in communications between A.I.D. and counterpart agencies which we attribute largely to the A.I.D. project manager spending too much time in the office and not enough away from the office working with Peruvian counterparts. The Mission is now considering contracting project funded FSN support staff for the project manager, a proposal which we strongly endorse. The Mission might also consider the possibility of a project financed accountant in the controller's office to give first priority to administration of justice project funding requests.

c. Other Delay Factors

(1) Inexperience

A major factor in initial delay of project implementation has been the inexperience of the GOP implementing agencies both in their activity planning and in their capacity to render accounts adequate to the requirements of an international donor. Over time, however, within the respective implementing agencies, career level project coordination teams have been building their capacity to handle project planning and accounting; and recently their capacity has been further enhanced by the support of the Coordination Office in meeting such requirements.

(2) Disbursement Procedures

Financing procedures have been substantially complicated both for the GOP agencies and the A.I.D. mission by using the method of advance and liquidation of advance. This implies two separate procedures for each disbursement, one submission for obtaining the advance and a second submission accounting for the use of the advance. If the GOP agencies were in a position to expend from their own resources first and then seek reimbursement from A.I.D., funding paperwork might be cut roughly in half through the use of single submission reimbursement procedure. Although the Government and its agencies are severely short of funds in Peru's current economic crisis, we note that PL480-generated local currency is allocated to this project, and that initial funding of subproject revolving funds should be feasible through use of such resources.

4. PROJECT PROSPECTS

With national elections coming up in April and a new government to take power in June, the project faces an especially critical period, one which could provide an excellent opportunity for accelerating the pace of reform. Thus far the project has been limited to incremental reforms the cumulative effect of which can be substantial over time. Absent, however, a strong political mandate, the lifetime tenure of judges and the separation of powers will continue to present substantial obstacles to major reform within the key Judicial Power. Thus far there has been notable lack of political push for fundamental reform substantially addressing the major problems of corruption and inefficiency. There has been virtually no policy dialogue at effectively high levels of government.

Opportunities for such dialogue and mandate may be present now; and the project manager and other mission leadership need to give more time to determining the extent of interest in justice reform among the likely leaders of the new government. To the extent that such interest can be found, and without taking the initiative away from the Peruvians, such interest should be fostered, and reformist leaders should be encouraged to believe that they can find support from A.I.D. for the material needs of such reform. It must be emphasized, however, that the most critical element of such reform will be Peruvian political will.

## 5. PRINCIPAL CONCLUSIONS

More thorough project design, at project paper stage in particular, would likely have enhanced feasibility of project implementation.

The Public Ministry training program, the Ministry of Justice's Legal Aid and Information Clinics, and the Judicial Power's court procedure reform activity have been especially well conceived and implemented.

Otherwise, however, project implementation has been severely delayed by overload of many activities on three separate GOP agencies of little experience with external financing.

The Judicial Power and Public Ministry Academies are both adversely affected by inadequacy of facilities and the Judicial Power Academy also lacks adequate support staff.

There has been insufficient use of the facilities of ILANUD and other external sources to gain full benefit from the experience of other countries in devising alternative approaches to address Peruvian problems, particularly in court administration.

Further ground work is necessary, especially in the justice sector assessment and information system needs assessment to provide the factual and analytical base for more accurate determination of needs and priorities.

Frustration with inefficiency and corruption of the justice system is a major factor in the appeal of extremist political movements, the discouragement of domestic and foreign private investment, and the freedom of narcotics traffickers to operate in Peru with relative impunity.

Major reform of the justice system in attacking inefficiency and corruption will depend on increased continuity of system leadership, with broader participation of other major actors in the legal system, and a strong political mandate from the highest level of government.

## 6. PRINCIPAL RECOMMENDATIONS

### Project Programming

The National Commission should be expanded to include representation of the legal education system and the private bar.

The current contractor on the sector assessment should complete work under the existing scope of work, and another contract should issue under a competitive bidding procedure for supplemental assessment, particularly of court administration, litigation costs, and informal justice systems.

Following such assessment AID and justice system leaders of the new GOP administration, plus law school and private bar representatives, should jointly program continuation of the project in the context of normal AID program discipline, including project paper and mission review.

Pending such further sector assessment and reprogramming, project resources should be concentrated on the more promising existing project activities in training, legal aid, court administration and management information systems.

### Training

The Judicial Power should provide more support to its Academy to ensure adequacy of facilities and support staff, and provide for stronger planning and preparation of curriculum and courses.

A.I.D. should monitor the Judicial Power Academy more closely at this critical initial stage.

The Judicial Power should extend its training program to include court administrative personnel and more court administration subject matter.

### Court Administration

The Judicial Power should extend its court administration reform activity to include provincial as well as Lima metropolitan courts.

The Judicial Power should extend the scope of its project activities to include the administrative support office, i.e., personnel, payroll, procurement, etc., of the Judicial Branch.

### Information Systems

To build on the intense interest of all implementing agencies in automated information systems, the A.I.D. Mission and the interested implementing agencies should move immediately to complete necessary additional needs assessment, design and procurement, giving priority to management information over legal data base applications.

### Project Implementation

The Coordination Office should be reconstituted to better suit its implementation/facilitation role at lower cost.

The USAID should contract an FSN assistant to work with the Project Manager and free the Project Manager for more work on the substance of the project.

The Project Manager should use more of his time to work with project counterparts and prospective justice sector leadership of the incoming Peruvian administration.

USAID and the GOP should explore the feasibility of financing project expenses by the reimbursement method using PL480 counterpart funded revolving funds.

If the project documentation delay in USAID Controller office continues, the A.I.D. Mission should consider adjustment of Controller procedures or augmentation of staff with project funding, to facilitate controller office action on project documentation.

## I. INTRODUCTION

### A. BACKGROUND

The current revival of A.I.D. interest in administration of justice dates back to 1984 when human rights abuse in El Salvador in particular, and Central and South America more generally, prompted concern for effective investigation and prosecution of such crimes. Peru had not participated in the previous period of A.I.D. project involvement with "law and development" under the Alliance for Progress during the 1960s, but had attracted some donor support, particularly from the Ford Foundation, for law and development activity during the 1970s.

The new A.I.D. initiative in administration of justice enjoyed substantial support from the U.S. Congress, as well as the Executive Branch. When the initiative was announced to the A.I.D. Missions in November of 1984, USAID/Peru was particularly well situated to take early advantage of it. In response to a 1983 request from the President of the Supreme Court of Peru to help finance office renovations, USAID/Peru had sought and obtained the advice of an American consultant generally familiar with Latin American legal systems. That consultant, Dr. Luis Salas, visited Peru in September of 1984 and submitted a highly informative and useful report based on research and interviews at that time. The Salas report determined that there were substantial needs of the Peruvian justice system of much higher priority than the requested office renovations, and proceeded to describe those needs in some detail.

After the November 1984 announcement of the administration of justice initiative came an invitation for A.I.D. Missions to participate in the new initiative. Further, at about that time the A.I.D. Regional Legal Advisor based in Lima was transferred to A.I.D./Washington to become the director of the LAC Office for Administration of Justice. USAID/Peru requested a second follow up visit by Luis Salas, who returned in April of 1985. Dr. Salas, with the assistance of Dr. Jose Rico, produced another useful report describing in further detail the Peruvian justice system and provided terms of reference for a detailed "sector assessment" to describe the system and determine more accurately its needs and their relative priority. In October 1985, the Peruvian Minister of Justice presented to the A.I.D. Mission a request for assistance in certain areas to address the needs of his ministry. In November 1985, after being informed of the Ministry of Justice request, A.I.D. Washington and the State Department encouraged the Mission to proceed with development of a project. Indeed, upon hearing of the Peruvian initiative, the Congress included a \$1 million earmark of appropriations for administration of justice in Peru for FY1986.

Among the areas of particular interest to the Ministry of Justice were the "Consultorios Juridicos" which provided legal services to low income communities. The Ministry of Justice had started this program earlier on a pilot basis, but its expansion had been substantially constrained by lack of funds. In February 1986, even before the authorization of the Peru administration of justice project, A.I.D. and the Government of Peru arranged for \$230,000 of PL480 generated local currencies to be earmarked for this Ministry of Justice program.

In that same month USAID/Peru received an informal request for assistance from the Attorney General. In the subsequent informal discussions the President of the Supreme Court, also head of the Judicial Power, joined in elaboration of a broader administration of justice project. In May a Peruvian lawyer, closely associated with the Minister of Justice, and who had received participant training under a USIS International Visitor program, Dr. Gabriel del Castillo, was designated head of a project committee to work with representatives of A.I.D., Ministry of Justice, the Public Ministry and the Judicial Power on more detailed development of the new project. Project coordinators were designated by each of the participating Peruvian agencies and by early June agreement had been reached on project components and project funding was authorized by USAID/Peru with an initial installment of \$1 million

## B. PROJECT DESCRIPTION

As originally designed and authorized in June 1986, the Administration of Justice project included 23 designated activities, five for the Judicial Power, seven for the Ministry of Justice, four for the Public Ministry and seven identified as "Common" to all three agencies. Of those 23 subprojects, six were rather vaguely defined as "planning" and "goods and services" for each of the implementing agencies.

Subsequently dropped from the project without significant investment were the following:

**Court Houses.** Two had been considered, one in the northern neighborhoods of Lima and the other in the southern neighborhoods, to facilitate access to the system for residents of the low income communities in those areas. It was then recognized that, considering other project needs, the cost of appropriate facilities would be vastly disproportionate to project resources available.

**Crime Prevention.** The Ministry of Justice submitted a preliminary proposal to A.I.D. which has never been acted upon.

**Support to Victims of Crime.** Preliminary review indicated that there were no institutions available that could readily take on such a program, which was also considered of relatively low priority compared to other needs.

**Coordination of Legislative and Judicial Aspects of the Judicial System.** We find no evidence of significant work having been done on this vaguely defined activity.

The remainder of the 23 activities were divided among the general categories of Research, Training, Publications, Outreach and "Computerization".

**Research.** The primary research activity was the justice sector assessment, discussed in detail below at II. A. The separate assessment for the critically important Judicial Power, to be conducted by the Judicial Research center, was included among the original 23 activities. Except, however, for the court procedures analysis, leading to an action program

as discussed in detail below at IV.A., the Judicial Power assessment was never carried out. Under the general planning rubric for each of the other Ministries, a Ministry specific assessment was carried out. Among the original designated activities was law revision, an important activity which has yet to be addressed although it is currently tied into planning for the automated legal data base.

**Training.** Training activities were established for a Judicial Academy, a separate Academy for the Public Ministry, and criminal and civil procedure seminars in the Ministry of Justice for both professional and clerical personnel in the Judicial System. Another separate "common" activity was Special Training In Criminal Investigation for Prosecutors and Judges.

**Publications.** As to publications, the Judicial Power and the Public Ministry each had separate activities directed at publication and distribution of periodicals providing information needed by their professional personnel. The Ministry of Justice has a separate activity for publication and distribution of books and pamphlets on citizens rights to be available in inexpensive editions for the general public.

**Outreach.** Further relative to outreach, the Ministry of Justice had an activity for public information programs beyond publications, which activity was eventually folded into the operations of the Legal Aid and Information Clinics.

**Computers.** Automated management information systems have been proposed by each of the participating agencies, plus a computerized legal data base, most of which are still in the planning stage.

After two project amendments, a total of \$2.85 million of A.I.D. grant funds plus \$2.5 million of PL480 generated local currency have been authorized and obligated for the project.

## II. SECTOR PLANNING AND POLICY

### A. SECTOR ASSESSMENT

#### 1. Findings and Conclusions

Our evaluation of the overall sector assessment as presented in the "Diagnostico Integral del Sistema Judicial in el Peru 1989" has to be that it is inadequate in its present form for use as an analytical base for project development and design.

The "Diagnostico" includes no index or table of contents worthy of the name. Even the five line listing of chapters at the front of the paper omits one of the five chapters. One half, or 140, of the total 280 pages of text deals with post conviction remedies, such as probation, which were hardly emphasized, even if arguably included in the scope of work.

Of the remaining half of the document, the first 29 pages are a chapter entitled "Social Political Context of the Criminal Law System". Despite the comprehensive pretense of the title, the text deals only with policies of Peruvian governments during the period 1968-89 without any discussion of the prior social economic political history of Peru from which most attributes of its legal system derive. Further the chapter is concerned primarily with the substance of the law rather than the administration thereof.

The next 25 pages, a chapter entitled "Characteristics of Legislation on Criminal Law" deal only with legislation for an even shorter period, the decade from 1979 to 1989, and again focuses entirely on the substance of the criminal law rather than the administration thereof.

The next 16 pages, a chapter entitled "Reception of the Legal System" is again limited to the decade 1979-89. The chapter reports on published commentaries of scholars, judges, lawyers and police and includes the results of a poll of judges, but again deals principally with the substance of the criminal law rather than the administration thereof.

Only the 60 page chapter entitled "The Formal Penal Control System" deals in any significant way with the administration of justice as distinct from the substance of the criminal law. And that chapter is excessively preoccupied with proof relative to an elaborate "working hypothesis" of leading questions set up in the terms of reference for the "diagnostico". This chapter, however, does at least adduce conclusions and recommendations from analysis of results of a review of 530 case files and a survey of 198 judges and prosecuting attorneys, of which 113 replies from the latest survey were received in time for analysis. These research techniques produced some useful information, but the product suffers from lack of the sort of information which would have been adduced by the follow-up questions possible in direct interviewing. Further there is insufficient analysis of the data to provide an adequate basis for conclusions as to priority among the various problems and needs identified.

While concluding that the Diagnostico in its present form was not responsive to the terms of reference as approved by the A.I.D. Project Implementation Letter 42 dated May 27, 1988, we have to observe that those terms of reference are far less clear on what they

required than was the format recommended by the Salas/Rico report. The gloss added thereto by the Judicial Power research center's document of December 1987, has likely contributed further to the confusion which produced the unsatisfactory Diagnostico in this current form. Such confusion might have been relieved by closer and more demanding oversight of work in progress. In any event, the Diagnostico has not provided adequate description of the Justice System or review of existing data in terms of availability and quality. The current Diagnostico tends to assume the sort of review of organization and functioning of the system which should be included in the assessment.

When questioned concerning the above mentioned omissions from the sector assessment, the authors noted the existence of a comprehensive system assessment from the mid 1970's which they intended to supplement rather than duplicate. Without having had the opportunity to review the earlier assessment, we still recommend the utility for programming purposes of a single current comprehensive assessment, with integrated analysis of needs and priorities in light of current circumstances.

In this connection, to the extent that problems in implementation of this project have derived from an excess of activities selected without adequate regard for priorities, such problems might have been avoided by a timely sector assessment generally conforming to the requirements well defined in the Salas/Rico report of April 26, 1985. Indeed it was a serious omission of USAID Peru not to have taken advantage of the intervening year prior to the June 1986 project authorization to act upon the recommendations of the Salas/Rico report. Beyond that, by December 1987 when the Judicial Power's research center was working up its own version of terms of reference for the Diagnostico, at least one sector assessment had already been completed during the summer of 1987 in El Salvador which would have provided an excellent model for the work in Peru.

This evaluation scope of work specifically called for the above detailed review of the sector assessment; and a good sector assessment is an important factor in sound design and ultimate effectiveness of a project. In perspective, however, of equal or even greater importance is the discipline of the programming process, including project paper preparation and mission review thereof. The shortcomings of that process as a contributor to implementation problems for this project are discussed infra at VIII.B.1.(b) and (c).

## 2. Recommendations

Considering the time consumed by the work on the current diagnostico and the lack of responsiveness thereof to the terms of reference, we recommend that another organization be contracted to supplement the relatively small amount of useful data and analysis in the current diagnostico. We understand that the Poder Judicial research center contracted with the University of San Marcos because it was feasible to contract with the state institution without competitive bidding procedure. We suggest that the opportunity to select among competitive proposals would likely be worth the delay imposed by the competitive bidding procedure. As an alternative, A.I.D. might use its own offices for more rapid contracting if feasible. Regardless of which procedure is used, representatives of the GOP

implementing agencies should be included on the review panel. A.I.D. as the financing agency should have the right to approve the firm selected by the panel.

To assure that the further work on sector assessment accurately reflects the needs and priorities of the justice system, the terms of reference should be clearly defined. The Salas/Rico Report of April 26, 1985 sets forth in considerable detail appropriate terms of reference for a sector assessment. That is not to say that there is not room for flexibility or that there is any magic in the language employed, but there cannot be substantial variation from the substance of the sector assessment as recommended by Salas/Rico without corresponding loss of utility of the resulting work.

## B. GOP COMMITMENT

### 1. Findings and Conclusions

While the Constitution of Peru provides for a minimum of two percent of the GOP budget to be allocated to the Judicial Power, since that constitutional provision took effect in 1980 the Judicial Power's portion of the national budget has never been higher than 1.5 percent, and at the present time is 0.9 percent and declining. To some degree the Judicial Power's reduced percentage of the national budget reflects the high incidence of costs not normally anticipated, such as military expenditures to address several current internal security problems, and relatively high expenditures for importation of essential commodities as a result of declining Peruvian production.

Our interviews indicate, however, that the Judicial Power's declining share is also attributable to relatively low regard for that branch of government by both the general public and the other branches of government. The principal reason cited for such low regard are corruption, delays and general inefficiency of the system. Unfortunately, the failure to allocate adequate resources can perpetuate a vicious circle in which the Judicial Power's lack of resources contributes to increasing inefficiency and vulnerability to corruption.

In the face of such lack of development resources from its own Government, the Judicial Power, the Public Ministry and the Ministry of Justice all express profuse and deep gratitude for the support of the United States through A.I.D. for this project. Indeed, apart from some support from West Germany by the Naumann Foundation for training justices of the peace, the Judicial Power has received virtually no external or internal support for measures to improve its efficiency. If we recognize that PL480 local currency is a funding source that depends on the continuance of U.S. PL480 shipments to Peru, many of the subprojects are entirely supported by U.S. assistance.

Further with respect to PL480, we were informed that for alleged "cash flow" reasons, the GOP is not disbursing at agreed upon levels, and that such GOP default occurs with PL480 counterpart throughout the A.I.D. program. Such allegations raise serious issues beyond the scope of this evaluation, other than to note the negative impact on funding of project activities.

One encouraging exception to excessive dependency on A.I.D. funding sources at this time is the Ministry of Justice's Consultorios Juridicos program. A.I.D. financing is appropriately limited to financing the costs of expanding the program, including promotion of the program in new areas, procurement of furniture and equipment for the new offices and planning for the continuance and expansion of the project in the future.

## 2. Recommendations

All project activities expected to continue beyond the end of the project should be phased into full GOP financing of recurrent costs from its own budgetary resources.

While an increase to the constitutionally mandated two percent may be too much to seek under present circumstances, it is not out of line with other countries, including other countries in South America. Such level of GOP support should be an objective of the present project over time, exerting the relatively limited leverage of this project, and indeed the A.I.D. program overall, to seek GOP agreement to a feasible annual level of incremental increase. That would at least reverse the current decline in GOP support for administration of justice and move the trend of such share in a positive direction.

### III. ACCESS TO JUSTICE

Access to justice must be subdivided into two separate concepts:

1) access to the system through the courts and legal counsel, for those who seek justice therefrom, and 2) access to the law, the norms which the system administers.

#### A. ACCESS TO THE LAW

The status of access to the law has an impact on the extent to which the administration of justice can be effectively and fairly implemented. If the courts, the prosecutors, the police, and the public do not know what are the laws, resolutions and decrees currently in force, and consequently, what their rights and responsibilities are, an effective and fair administration of justice will be difficult to achieve.

In this context the issue of access to the law can be assessed according to three major issues:

- The status of the laws, regulations and decrees, including the revisions of these that may have been done over the years, and the needs to effect revisions of some of these at this time.
- The status of the documentation and information available concerning the laws, regulations and decrees in effect including the revisions made thereof.
- The efforts to educate and inform both the officials and representatives of the state, the law profession, and the public at large of the status of the laws, regulations and decrees.

The presentation that follows is organized according to these major issues. The first and second issues are addressed in the first section of this chapter and the third issue of education is addressed in the second section of this chapter and in later chapters of this report.

#### 1. Legal Database

##### a. Findings

##### (1) Status of the Laws, Regulations and Decrees

A process currently under way in the Justice System is the revision of the laws, regulations, and decrees by special revisions committees and the modernization of certain laws, regulations, and decrees (to deal with the problems of drug trafficking, terrorism and contraband)<sup>1</sup>. Just recently, the revision of the Civil Code was completed in 1984. Currently, revisions are underway including for the Criminal Code, the Code of Criminal

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<sup>1</sup> Revision of Laws, Regulations, and Decrees will be referred to as revision of legal norms.

Procedure, and the Code of Civil Procedure, which are at different stages of completion. Additional commissions are being created to deal with further revisions of legal norms.

(a) Responsibilities of Ministry of Justice in  
Subprojects to Improve Access to the Law;  
The AOJ Project

The Ministry of Justice is responsible for the monitoring of the development of all laws, regulations, and decrees. As a result, one of the priority subprojects that was identified was the development of a Center for Juridical Research and Documentation in MOJ with the responsibility of implementing a "program of law revision to develop a legislative data base and methodology for reviewing and revising existing legislation"<sup>2</sup>.

A study identifying the general status of Peruvian laws, regulations, and decrees and also identifying the revisions of legal norms that are being proposed and/or carried out has not been made. An initial effort was made with the "Diagnostico Especifico Sobre los Mecanismos de Coordinacion Legislativa" (Assessment of Legislative Coordination Mechanisms), however, this study only comprises an initial assessment in terms of what is needed without even addressing the issue of revision. The subproject objective of revision of legal norms has not been addressed adequately. The response that has been obtained from MOJ on this issue has been that before such an effort can be made it will be necessary to develop an automated legal data base.

It is not certain when and where the identification of the need for an automated legal data base arose nor is it clear who made such a needs identification. However, the Ministry of Justice has clearly linked the effort of revision of legal norms to the development of an automated legal data base. This decision (or assumed decision) represents a major commitment of the resources which must be analyzed more carefully in terms of its requirements, its perceived benefits, and its relevance to the objectives of the A.I.D. funded AOJ Project.

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<sup>2</sup> See Project Paper on Administration of Justice in Peru, USAID, 26 August, 1988.

(b) Activities to Date to Implement a Legal Data Base System

To achieve the development of an automated legal data base, several activities have been conducted including:

- Study of the development of a proposed "Centro Informatico Comun" for the Justice System performed by an independent consultant group funded by A.I.D. (and administered by MOJ). The recommendations of the study were not accepted by the Directors of the Justice System Agencies, reportedly for non-technical reasons, and it was concluded that it would not be feasible to develop a single computer support office for the three AOJ project client agencies. Such an agency would have provided support in the development of a legal data base system.
- Communications between A.I.D., MOJ, private sector law firms, and computer companies on how the automated legal data base could be developed. The Justice System directors judged that the private sector system would not be of use for the Justice System because their applications were not full-text oriented.

Abstracts made by private sector lawyers without the authority of the Justice System would clearly not be able to serve the informative role that a full-text based system would. However, an abstract system could be used for preliminary reference purposes to indicate which laws should be consulted (as is being done currently by the House of Representatives system currently under development, see below).

- Development of agreement between the Ministry of Economy of Finance and the Justice System, to use the MEF legal data base (BADALE) developed for tributary and economic legal norms research purposes (no criminal or civil norms included), and to have access to their IBM mainframe computer via remote terminals. Relations with MEF have not been very productive and the priorities of MEF in terms of systems development may not be adequate for the Justice System. (MEF representatives did not even have time to meet with this consultant).

The operating assumption has been that access to the MEF computer and MEF HW/SW support capacity was the only option available. Even if the data that has been entered into the BADALE system is unreliable and incomplete, as has been reported, the project should have considered down-loading the legal data that BADALE had without using their computer facility, and then, with equipment acquired for the Justice System, cleaning it up for Justice System use and then adding the additional legal data needed by the Justice System without depending on the MEF Computer System. (Such an option would have to be fully evaluated to see if it is worthwhile or feasible).

- A number of technical assistance trips by technical staff members from the Information Resources Management Office of A.I.D./Washington over the last two years to provide assistance in the methodologies and technologies available for the establishment of a computerized legal data base system for PERU.

This support has included hardware and software implementation assistance recommending initially a strategy of relying on MEF (via remote IBM terminal clusters) and then changing to purchasing and installing a computer system in MOJ with consideration of using scanners and optical character recognition software.

- Communications with IRM via cables and faxes to acquire additional information on legal data base implementation and court case tracking support, vendor proposals evaluation, and information on automation issues in general including hardware and configuration support.
- Trip to Argentina to assess efforts in the development of a legal data base for Argentina (in addition to review of Argentina's automated court case tracking system), and furnishing of similar information from Costa Rica, and other countries.
- Acquisition of 5 Epson computers and peripheral equipment for the MOJ in part to start this activity.
- Evaluation of the House of Representatives own system development efforts in an IBM mainframe (COBOL/CICS) environment and in which the HR has shrugged off the use of the MEF/BADALE as too cumbersome and unsuitable for their needs (despite a special agreement between MEF and the House of Representatives). The HR has developed its own text searching programs and are in the process of cataloguing and developing subject areas with a pool of legal staff members that are entering all data relevant to the HR's main interests at this time. Their data system is far from complete at this time.

Though the COBOL/CICIS environment may not be the most modern and effective, the technical personnel available to work at public sector salaries may be more suited to this option. An attempt by the same staff to install a query software based system (SOL) did not succeed.

- Meetings between A.I.D project staff members, the Coordination Office representatives, and MOJ coordinators to develop more concrete proposals, studies, and documentation with respect to these efforts. Progress in this area has been very slow over the last several months due to lack of technical expertise at MOJ to address the issues that A.I.D. would like to have addressed and because of the perception at MOJ that progress cannot be made in this area if additional equipment is not installed.

The activities that have been performed have been very useful in gaining an understanding of the status of development of the Justice System and has also provided initial technological and methodological assessments that will contribute to the determination of the appropriate strategy for the Justice System of Peru. Such activities have not resulted in substantial expenditures, as the proposed computer and software procurement and development have not been initiated yet.

### (c) Requirements for an Automated Legal Data Base

The development of an automated legal data base containing indexes, tracking amendments, repeals, or additions to legal norms ("concordancias"), and a title and summary ("sumillas") for all laws, regulations, and decrees is a very large and complex effort requiring the investment of very substantial data entry and legal manpower and supporting equipment resources. The complexity of such a job can be seen clearly in the following steps that are normally required in such a data base development effort:

- 1) All data would have to be entered and verified carefully either with data entry operators or with scanners. Verification effort would be required and would have to be as perfect as possible to eliminate transcription errors (especially for legal norms that were still applicable; though data entry operators or verification personnel would not know which data this would include at time of entry).
- 2) Depending on software selected, indexing and legal dictionaries would be developed with differing levels of capabilities and differing needs of personnel support. The more advanced text retrieval software would provide more sophisticated indexing, and support for subject identification and legal dictionary development.
- 3) Cataloguing and legal subject identification for each legal norm, and depending on the sophistication of the software selected or developed, identification of titles, of abstracts, and of reference dates of legal norms, amendments, and repeals to establish "concordancias".
- 4) To the extent that references to legal norms are found that "repeal all legal norms opposing the new ones", identification of relevant ones would have to be made to mark them as no longer in force. This effort alone could constitute a major legal research job.
- 5) Last but not least, the processes of:
  - Defining the requirements of the system,
  - Identifying the software requirements (if there is any available applicable to the Peru needs),
  - Specifying the hardware required,
  - Procuring the hardware and software,
  - Preparing computer facilities for installation,
  - Developing the system and (software if necessary), and
  - Managing this whole set of processes,

Constitute a complex effort which would require at least a year, if not several, to put in place.

Up to this time, most of the analysis with respect to the above referenced steps has focussed on the first step and parts of the fifth steps above. It assumes that most of the legal data of PERU dating back to the 1920's or 1940's including all fundamental documents (such as the Constitution) would be entered into the computer. Manpower

estimates for this step alone range from 25 to 35 person years (depending on which technology or methodology is used).

If the intent were only to enter amendments, repeals, and addition to new norms back to the time of the last revision of a given norm, such a task would be very difficult to carry out in terms of determining which of the revision data to enter and which not to enter<sup>3</sup>. Furthermore, without a clear understanding of which norms are at what state of revision this task is made even more difficult if not impossible.

(d) Uses of Automated Legal Data Base System and Relationship to AOJ Project

When a legal data base is implemented it could be used for three basic types of purposes which are to:

- 1) Maintain an updated documentation of laws, regulations, and decrees. This would require tracking of changes to legal norms (through the "El Peruano", the official legal norms periodical) on a daily basis. If the system were already in place with a currently revised document version of the legal norms, it would be a much simpler task to simply update the legal norms (revise on a daily basis) than to maintain a record of changes to the legal norms in the system and perform a revision at some future date.
- 2) Assist in the development of revisions by having all changes to the legal norms made since the original statutes or last revision that is documented, entered into a data base system and made available by index, if not by subject query, and "concordancias" capability. Based on earlier arguments this would be extremely difficult to achieve and it would probably be easier to just input and process all changes to the legal norms back to the 1920's and 1940's (a very large task also).
- 3) Assist in special studies of a historical nature of the laws, regulations, and decrees.

Once a revision of the legal norms is made, the use of the data in the automated legal data base previous to the revised law or code becomes useful only for special historical studies. The major emphasis of the A.I.D. assistance in the AOJ Project is with the Criminal Code and is oriented toward providing the Justice System with access to the most current laws and statutes that are applicable.

If the current efforts of revision of the criminal code are carried through as was with the Civil Code, the bulk of the information related to the revised codes that is entered into the computer would only be useful for historical study activities. That would constitute a major commitment of manpower resources that would not be justifiable for the purposes of this project.

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<sup>3</sup> Hereafter amendments, repeals and addition of new norms will be referred to as changes to the legal norms.

Nevertheless, if it were to be assumed that the development of a legal data base, as is desired by MOJ, would constitute an effort which A.I.D. would support fully, it is still uncertain how the proposed legal data base would be used by the entity responsible for revision of the legal norms under consideration. In the case of the Civil Code Revision Committee led by the "Colegio de Abogados" which used its pool of experienced lawyers, the revision was achieved without the support of an automated Legal Data Base.

It may be that whatever automated system could realistically be implemented in time for the proposed revision of the next set of legal norms (of the Criminal Code which has already started, for example), it would probably be too cumbersome to use and would make the process of legal norm revision very difficult and time consuming if not unpractical. In a hypothetical example, what lawyer having in hand a private revised version of the code of criminal procedures which he/she uses regularly would actually review the computer screens of say 125 references to a given change to a legal norm, most of which may not be applicable or may be repealed? The effort of legal data base development so far has focussed mostly on the data entry and indexing which is estimated to take about 30 person years alone. By the time the subject categorization and "concordancias" are completed the legal data base system would not be ready at least for two to three years from initiation of the legal data base system.

Furthermore, as more portions of the Peruvian legal norms are revised, the value of entering all of the outdated laws, regulations and decrees and changes thereof (that are published in "El Peruano" for example) is of decreasing value. Perhaps it would be much more productive to give to the Revision Committees word processing equipment so that the revisions to the code could be keyed in directly: and until the legal data base capabilities of the MOJ are developed, the amendments could be documented on a daily basis to this revised text and verified by legal counsel. A similar approach to this one is currently being tried in the Caribbean Region, and it may be worth pursuing consideration of such an option<sup>4</sup>.

Particularly disconcerting in the proposal to develop the Juridical Center in MOJ and of this intended activities, is the assignation of high priority for automation and more importantly the lack of development of a well thought out plan which addresses issues such as the ones raised briefly in this detailed evaluation. Such information would include appropriate and detailed documentation of what are the specific objectives to be achieved, the users of the proposed systems, needed inputs, desired outputs, and proposed methods to be employed in these efforts of the subproject. The materials provided so far by MOJ consist of bullet charts providing rationale for setting up an informatics office based on administrative support requirements. It is noteworthy that the first application developed on the microcomputers that were provided to MOJ was the payroll and personnel related application system.

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<sup>4</sup> Arthur Mudge, et. al., Caribbean Improvement of Justice Project: Eastern Caribbean and Belize, Midterm Evaluation, July, 1989.

Also of major concern, from a computerization assessment perspective, is the proposal to launch the MOJ into a major automation effort considering the MOJ's lack of capacity and infrastructure to manage complex technology computer activities. An automated legal data base of the size being proposed at this point would require a minicomputer configuration with many terminals, operators, programmers, and analysts to develop, implement and manage such technology. At this point there are five microcomputers at MOJ with infrastructure and personnel just coming on board to support the microcomputers (not a minicomputer). Furthermore, based on the 1990 plan of operations of the MOJ they are requesting systems analysis training for the staff currently in place.

This consideration is further strengthened when it is considered that fund availability in public agencies including MOJ is increasingly tight (as evidenced by the reduction of the Justice System budget as a percentage of GOP budget over the last few years). The implementation of automation activities requires the commitment of funds for maintenance and supplies throughout the life of the system.

b. Conclusions

This assessment has been abbreviated and very generalized. However, it identifies the lack of front end analysis and assessment of needs for the subproject, the problematical availability of resources to achieve the objectives currently being pursued, and finally the need for determination of whether it is in A.I.D.'s interest to continue supporting the development of an automated legal data base.

The conclusions of this assessment indicate that:

- The current strategy of computerization requested by the MOJ is premature and requires additional assessment and front end planning in terms of funding commitment and appropriate infrastructure requirements.
- The current strategy of developing a legal data base has not been based on an adequate assessment of:
  - \* What specifically are the objectives of developing the automated legal data base.
  - \* Who the users would be and what their requirements would be.
  - \* What would be the priorities for such a system and what would be the criteria for the assignment of priorities.
  - \* The extent to which A.I.D. wishes to get involved in supporting the process of revision of the legal norms of the Government of Peru, and possibly the identification of areas of priority as viewed by A.I.D.
- From an information systems perspective, effective consideration of alternatives to fully automated solutions as opposed to manual or simpler automation solutions (use of word processing) have not been sufficiently addressed.

c. Recommendations

(1) The AOJ Project should defer acquisition of computers for purposes of developing an automated legal data base and conduct a study of the status of the access of the law in Peru which would:

(a) Identify the status of law revisions that have been performed, that are currently being performed, or that are planned.

This assessment should address the different types of legal norms issued by the Congressional, Executive, and Judicial branches. The assessment should also include a description of how the revisions have been made in the last 10-20 years (or longer if possible) and how effective they have been. Included should be an identification of the level of resources employed and the methodology employed in the revisions particularly with respect to the issue of identifying norms that are in effect ("concordancias").

Such assessment should also determine whether it would be productive or feasible to provide the revision committees with word processing equipment and training (if they don't have such already). Such a system may then constitute a base for maintaining a revised version of the legal norms on a daily basis.

(b) Determine the need for documentation and access to information of the laws, regulations, and decrees currently in force including:

- Who the users would be (including specific identification of offices within the PJ, MOJ and PM), and possibly other agencies including the legislative branch, the police, law professionals, and their needs outside of Lima should not be ignored.
- What should be included. Would historical tracking of amendments be necessary for administration of justice? What kind of indexing is necessary? By word, by subject, by title, by date? Are abstracts useful and/or required?
- How should the documentation of the laws and codes in force be presented. In printed documents? What kind of format or organization? Does it have to be available on a computer screen?

(c) Identify the other legal information related activities that have been underway outside the AOJ Project, not only in other parts of the public sector but also in the private sector. This consideration is not only in terms of use of such systems, but also in terms of learning lessons or to enlist technical and/or legal assistance.

Included should be a more detailed assessment of status and relevancy to AOJ Project of:

- The MEF BADALE System. Assessment should include examination of quality of data currently loaded and consideration of the option of down-loading its data for clean up and expansion.

Assessment of the quality of data in BADALE should include verification of the data on a random basis against the source data. MEF may oppose this approach and might never agree to down-load its data. This type of opposition would be of particular interest to A.I.D. to identify, especially given the critical problems of funding in the GOP budget.

- The system under development in House of Representatives including the manual efforts to develop indexes and subject categories for laws and statutes.
- The private sector automated systems efforts, including Infolex, Multilex, and Nemesis. Though it is likely that these types of systems may not be applicable to the Justice System, the lessons that have been learned in designing and developing them could be most helpful, especially if Peru wishes to develop its own system from scratch. The companies or persons responsible for developing these systems may also be enlisted for support to the Project.
- The private sector manual efforts and printed revisions and consolidation of various portions of the legal norms of Peru.

(d) Propose the best way to satisfy the above identified needs for documentation including options for development and implementation of appropriate systems including consideration of:

- Use of manual systems in the face of resource shortages and lack of funding support in the GOP.

It should be noted that the United States as well as other countries have managed to maintain effective systems of legal documentation for almost two centuries before the advent of the computer age. Other arguments have posited that if a country has not maintained a manual system how can it be expected to suddenly be able to maintain an automated system.

- Automated systems for support at all levels of technology considering both micro and/or mini computer based environments, comparing the costs and benefits of each and comparing them with the manual option possible. Consideration should include:

- \* Starting with very simple systems based on microcomputers with word processor to print out materials (possibly with desktop publishing software).

At a future time, the system could evolve to a more sophisticated level such as seen in some other countries of Latin America.

- \* Installing more complex hardware and software configurations taking advantage of:

- Development of automated legal data base systems with local programming expertise that is realistically available at public sector salaries such as COBOL/CICS programmers.
- Implementation of more complex or specialized hardware environments (US and/or Spanish version) of full-text documentation processing system, including scanner and OCR technology.

The analysis of this section should closely address the issue of how the required infrastructure would be developed, installed and maintained at MOJ. Close attention should be paid to the issue of securing funding commitments to maintain the system after the A.I.D. support has ended, especially if complex technologies are implemented. For example spare parts are often the first item to be cut from a budget when cutbacks are made. Also for example, it is a well known fact that public sector training in the field of automation has been plagued by brain drain to the private sector in Peru.

The analysis of this section should also take into account the relationship between cost of labor (legal versus technical and the cost of capital in Peru and how this relationship might influence how much automation is implemented. This is particularly important for public agencies committed to policies of maximizing the hiring of personnel at low wages in comparison to the private sector.

(e) Assess the way A.I.D. can best support this effort effectively including a strategy for allocation of A.I.D. counterpart resources to get the system implemented in a manner appropriate to the capacity of the MOJ to manage and operate.

Special attention should be paid to requiring that milestones be reached before A.I.D. commits funds. For example, if the decision to install an automated system is made, MOJ must be required to get appropriate infrastructure in place before acquisition of equipment is made (technically qualified personnel on board, facility preparation, etc.)

The study should be supported by appropriately qualified professionals which would include skills and expertise in:

- Lessons learned in the United States with Systems such as Lexis or Westlaw which would be applicable to Peru.
- Lessons learned from existing printed system of the laws, regulations, and decrees in the United States (for example Equity Publishing Company in New Hampshire has experience in this area for legal norms of Puerto Rico).
- Lessons learned from existing automated full-text documentation systems in the US or elsewhere (specially if available in Spanish). Such a package might be worth purchasing and/or possibly leasing.
- Lessons learned in other Latin American or Caribbean countries from their experience in development of legal information systems, eg. Argentina, Chile, Costa

Rica, Ecuador<sup>5</sup>. Firms from such countries might be considered for work on this project.

- State of the art of automated information systems capacity in Peru that can be effectively channeled in the public sector (not only technically but also institutionally). Of concern for example, is the concept of utilizing scanners for mass data entry when supposedly there is only one firm that sells and provides maintenance for scanners in Peru (Canon). What happens after the technical assistance ends and the equipment malfunctions (due either to software or hardware problems).
- Status of development of legal information systems in other parts of the public sector or in the private sector. This consideration is not only in terms of use of such system but also in terms of learning lessons or to enlist technical/legal assistance.

A.I.D. and its GOP counterparts should then review the results of the above study, and, as deemed appropriate, authorize and initiate the implementation of the study recommendations.

The timing for the study should be such that it should be performed over a three to four month period to be initiated as soon as possible. Implementation of the recommendations of the study would then begin as soon as the study was completed and A.I.D. could make a determination to proceed with the recommendations of the study.

It is expected that such a study should be performed by a team consisting at least of:

- A legal expert in the area of legal information documentation and system implementation preferably with Peruvian expertise (if not then the proposed foreign consultant should be complemented with Peruvian legal counterpart familiar with Peruvian law and procedure, on a full-time basis if possible).
- An expert in document automation and information systems with thorough knowledge of the Peruvian Information Systems automation environment (preferably with substantial legal background). The project should reject candidates without any legal information systems background.

The team should receive the support and assistance of the three Justice System Agencies (MOJ, PM, and PJ) as it is expected that they would have to spend much time with officials and technical staff of each (specially MOJ and PJ). In addition the team should receive the support of the House of Representatives in the assessment of their systems.

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<sup>5</sup> In Ecuador, Dr. Luis Hidalgo who is reportedly selling a Legal Data Base system for US\$ 80,000 should be contacted.

The team should also receive adequate clerical and administrative support (including provision of office space prior to initiation of work in Peru).

## 2. Publications

### a. Findings and Conclusions

Among the A.I.D. financed project activities are editing and printing costs of various publications, the purpose of which is to enable professionals within the implementing ministries to have better access to the law. Among these publications are the so called "Anales" for the Judicial Power. This publication summarizes the holdings of more significant cases in Peruvian jurisprudence, thereby helping to guide the courts to more uniform interpretations of the law.

Another publication is the "Fiscal" a periodical for the Public Ministry to reach its far flung prosecutors around the country and inform them of recent developments in the law of concern to them in their work. Also the project has financed the distribution of "El Peruano" announcing laws and regulations issued by the various organs of the government. The project does not finance the publication of "El Peruano" but rather only its distribution to certain officials within the justice system.

We have to note that the financing of such costs is not in any sense capital investment. These are all publications previously established within the Peruvian justice system, distribution of which had been cut back for lack of budget. Accordingly the financing of such costs constitutes budget support by A.I.D. within the justice system.

### b. Recommendation

We recommend that, before the agencies responsible for administering justice become overly dependent on A.I.D. financing for such recurrent costs, GOP financing should be phased in, looking toward complete GOP financing of these costs by the end of the project. Otherwise the project will have had the negative effect of reducing the prospects for continued provision of such publications in the future.

## B. ACCESS TO THE SYSTEM

### 1. Consultorios Juridicos - Legal Aid and Public Information

#### Clinics

#### a. Findings and Conclusions

Among the Ministry of Justice activities intended to enhance access to the justice system, particularly for lower income communities, are the "Consultorios Juridicos", corresponding to legal assistance clinics in the United States. These clinics provide the services of trained lawyers to help the poorer people in application for identification documents, arranging support payments for women and children separated from the husbands, etc. The clinic

staffs are also active in conducting seminars in their communities to educate the people concerning their legal rights.

The Consultorios Juridicos program preexisted the A.I.D. financing under this project, and has enjoyed relatively strong political support from the Ministry of Justice throughout the project. This is reflected by the continuance of a level of approximately 80% financing of the costs of the program from the Ministry of Justice's own budget. A.I.D. grant and PL480 counterpart funds are used to finance the start-up costs of promotion and equipment for new branches.

Under the project from 1986 to the present the number of Consultorios Juridicos has been increased from 2 to 30 with coverage extended to larger communities throughout the country. See Annex 4. During the four years 1986-1989 the clinics provided 64,000 client consultations. There is still substantial need for many more Consultorios Juridicos to provide coverage that is readily accessible in terms of adequacy of number of staff attorneys as well as physical proximity to clientele.

We are impressed that the expansion of this activity, both in scope of services and geographic scope, is worthy of continued AID support. In supporting such expansion, however, AID and the GOP must be careful that the coverage is not expanded beyond a recurrent cost level that the GOP would be unable to maintain without external assistance. Even now we have to note that the clinics away from Lima receive little or no direct supervision.

We note that legal aid programs in other countries have been able to gain supervision from law school professors while using the clinical services of law students by incorporating the law schools into legal aid activities. Costa Rica and Chile are among the countries who have enjoyed success in such approach.

#### b. Recommendations

- That the AID Mission and MOJ determine the level of consultorio juridico activity realistically sustainable over the longer term consistent with other GOP and MOJ priorities.
- That AID continue financing start-up costs for such level of coverage.
- That within recurrent costs to be covered by the GOP should be included an adequate level of supervisory support and oversight for all clinics.
- That, drawing on experience in other countries with such programs, the Public Ministry explore cooperation with the law schools as a means of expanding services and improving supervision of the consultorios juridicos.

## 2. "Defensor Del Pueblo" - National Ombudsman

### a. Findings and Conclusions

In the past two years the Public Ministry, with project support from A.I.D., has established the office of a special prosecutor, the "Defensor del Pueblo", corresponding to the European concept of the national ombudsman. This concept, which originated in Scandinavia, is now well established in post-Franco Spain and is taking hold in some countries of Latin America.

The function of this office is to help people with complaints against the government, with eligibility of such complaints including just about any act or omission of the government which works to the prejudice of a particular citizen. Such complaints might include a requirement of a fee for a service which should be free, nonpayment of social security, physical abuse--any of a wide variety of complaints against the government and its bureaucracy, many of which complaints are the type that would be handled by a congressman or a congressional staff within the United States federal system. While the more literal translation of "Defensor del Pueblo" might be "public defender" we use the term "Ombudsman" since in the United States the term "public defender" connotes defense of people accused of crimes, who do not have the means to afford counsel.

A.I.D. has helped to support the establishment of this office by financing travel expenses of the Ombudsman so that he might provide coverage outside of Lima. With a very small staff, however, the coverage provided is hardly more than a token; the Ombudsman must be highly selective in choosing the cases handled by that office. Nevertheless the request most emphasized from that office is for an automobile for the Defensor so that he may avoid the use of public transportation. As much as financing, the Public Ministry appears to need some help in defining roles, needs and priorities for this office.

Again, in helping establish a new office, A.I.D. has financed operating expenses of the sort which should be covered by the Public Ministry from its own budget if the activity is to continue beyond the end of this project.

b. Recommendations

- That AID finance short term technical advisory services, preferably from Spain, to help the Public Ministry analyze the role and function of, and priorities for, the office of Defensor del Pueblo.
- That following such analysis, AID and the GOP reconsider whether and how they should work together in the continued development of the Office of Defensor del Pueblo.

#### IV. COURT ADMINISTRATION REFORM

##### A. COURT ADMINISTRATION IN GENERAL

###### 1. Introduction

In order to evaluate the current status of the administration of the Peruvian courts, it is important to have a basic understanding of a well-managed court system. Generally, such systems will have strong national and local administrative offices which are overseen at each level by judges, but which have significant authority to administer the court system under policies established by the court. Many court systems in larger population countries or countries with large and or difficult geographic areas will also have a regional administrative presence to act as representative of the national office in a specific region.

The duties of the national administrative office should include at least the following:

Prepare and manage the budget for the court system.

Prepare an annual report on the condition of the court including statistics on the business of the court during the previous year.

Establish and administer a personnel system.

Maintain a system for purchasing for the court.

Provide assistance to local courts in the use of record keeping systems, court technology and automated systems.

Conduct special studies as required by the court.

Conduct short and long range planning for the court.

Prepare manuals to assist in the operation of the court.

The duties of a regional office will include at least the following:

Act as representative of the Supreme Court and the national administrative office in the region.

Conduct inspection visits to courts in the region at least on an annual basis and make a report on the conditions in each court to the national administrative office.

Prepare a regional budget.

Assist in training programs for non-judicial personnel.

Oversee the needs for equipment, supplies, vehicles and facilities in the region.

Prepare statistical reports on the movement of cases.

Conduct special studies and analyses.

Local court administrative offices should have the responsibility to do the following:

Carry out the administrative policies established by the local judges taking into account established national policies.

Maintain the personnel system for the local court.

Prepare the annual budget request for the court.

Prepare statistics for the local court as needed and forward to the national statistical system.

Maintain court facilities and equipment including an inventory of equipment.

Work with other agencies such as the prosecutor, the police and others to resolve any problems that interfere with the normal flow of cases through the system.

Act as the public relations officer for the court.

Oversee purchasing at the local level.

In Peru, there are elements of an administrative system at the national and regional levels and to a lesser degree at the local level. Although the elements of the administrative systems are present, they are poorly organized, no modern methods or technologies are in use and the systems used are overtaxed and breakdown frequently. The result is that the administrative systems contribute to the generally poor functioning of the judicial system in Peru. The AOJ project, although it has not produced many concrete results thus far, is considered by the judicial branch administrative personnel as a great opportunity to improve the administration of that branch.

## 2. Findings and Analysis

### a. General

In evaluating the AOJ project activities relative to the area of court administration, some general comments are in order. They are:

### (1) Project Coordination

Whether there is a coordination function to be performed by a separate office is being discussed in other sections of this evaluation. However, there is coordination that should be undertaken by USAID, the judicial system or the coordinating office that to date has not been carried out well. That role is to bring to the project new ideas for activities to improve the administration of the courts based on the experience of other court systems. There are a host of activities that are currently underway in other Latin American countries and even in the United States. For example, the Harvard Law School project in Guatemala is focusing on improving the investigative stage in the criminal process. The project has designed new forms and techniques to make the process more efficient. That work overlaps with the objectives of the Hansen-Holm effort in the courts in Lima. The Harvard project should be contacted to determine if some benefit can be gained from the years Harvard has spent in this effort.

Similarly, the courts in Chile have developed an automated civil tracking system and are developing an automated criminal tracking system. Those systems demonstrate graphically the pros and cons of such automated systems.

One of the Administration of Justice project indicators is that INLANUD will be regarded a regional authority on judicial reform. The project has had some contact with ILANUD, but does not appear to have made much use of ILANUD as a clearinghouse for information on initiatives in other countries that might be useful in Peru. The current Deputy Director of the Regional Administration of Justice Office in San Jose, Costa Rica, is the former USAID/Peru AOJ Project Coordinator. Her thorough familiarity with both ILANUD and this project should be helpful in identifying ways in which ILANUD could provide useful support to the project.

### (2) Project Oversight by the Judicial Branch

The progress of the project appears to have been hampered by the one year term limitation of the Chief Justice and the associate justice the Chief Justice appoints to coordinate the project activities. That justice has changed with each new chief. The director of the Centro de Investigaciones Judiciales reports that the project priorities change with each new Chief Justice. She suggests that USAID must be more forceful in urging continuity of project direction even though the Chief Justice changes. One way to accomplish this would be to suggest that a standing committee be created which perhaps would consist of the past, current and future Chief Justices or have the justice who oversees the project serve for more than one year. It would also make sense to have a broader membership of the Committee including non-judicial personnel such as the director of the Secretaria General de Administracion so as to introduce some of the non-judicial administrative issues into the project.

Along those lines, the project has not involved potential resources outside the courts such as the law schools and the bar associations in the development of the project activities. In the United States, the bar associations are a major source of ideas and support for the court improvement programs. There were indications from the private attorneys interviewed that there is great concern over the poor state of the judicial branch in Peru and a willingness to work to improve the situation. The project should seek ways to involve responsible bar association and law school groups. The oversight committee could include members from these groups.

### (3) Strengthening Existing Administrative Institutions

The decision to create a coordination office outside of the court potentially undermines the possibility of strengthening existing Peruvian institutions. One of the major comments heard from court officials is the lack of planning within the judicial sector. The planning office that currently functions in the judicial branch potentially could be strengthened by having the coordinating function for the court part of the AOJ project assigned to that office. That technique was used in El Salvador as the persons responsible for coordinating the project actually worked in the court. As such they were able to participate in a broader range of functions such as the development of the annual court plan and budget in addition to their project coordination duties.

### (4) Focus of Project Activities in Lima

The focus of the project to date has been almost exclusively on Lima. The Hansen-Holm work effort was not designed to include a provincial court, for example. Although Lima, with its one third of the country's population, certainly is the major population center of Peru, the majority of the citizens still live outside of Lima. To not have some elements of the project address the administration of courts outside of Lima would be a mistake. As a minimum, the project through a consultant contract or other means should undertake to understand the role of the administrative offices located in each superior court in the 20 districts. The administrative role of these offices could potentially be expanded in order to reduce administrative delays which hamper judicial operations.

### (5) Lack of Activities in the Administrative Branches of the Judicial Branch

The project has not developed any activities with the administrative branch of the court system. There are approximately 500 support personnel in the Secretaria General de Administracion doing such critical functions as paying salaries, developing the budget for the court system, ordering supplies, overseeing the personnel system. They are working in some of the worst working conditions of any administrative office in Latin America. There is no evidence of any modern business office techniques. Consequently, work is done manually and slowly. Checks are often late. The General Secretary noted that it is not unusual for one of the 14,000 employees of the judicial branch to have to travel from the provinces to Lima to resolve administrative problems. This inefficiency, which affects judges as much as non-judicial personnel, undermines the ability of the judges to address their judicial work. The AOJ project should make an effort to help the administrative

support groups modernize their business techniques, possibly with some computerization and other office equipment.

b. Specific Project Activities

The specific project activities that were originally planned, they are analyzed as follows:

(1) Implementation of a Manual Court Management System in Selected Criminal Courts in the Lima Judicial District

The major work effort, and certainly the most exciting in the area of court management, has been developing techniques to improve the processing of criminal cases through a pilot project in Lima. The work was divided into several phases. The work is being conducted by Hansen-Holm Alsonso & Co., an accounting and management consulting firm associated with Coopers & Lybrand. The first phase was the development of an organization manual for the appellate and trial courts outlining functions carried out by the various offices and personnel. The second phase was an analysis of the qualifications of the personnel presently working in the pilot courts. The third phase was to make improvements in the criminal code and according to a hierarchial set of criteria.

The fourth phase was the training and motivation of the pilot courts in the new techniques. The fifth phase, which the project is in now, is the implementation, evaluation and incorporation of adjustments to the procedures. The project has two final phases which are the design of the management information system and the elaboration of the final documents including the organization and functions manual; job descriptions and specifications manual; rationalized criminal procedures manual; management information system, and training program for criminal trial and appellate courts personnel.

In general, this project is progressing very well. Hansen-Holm appears to have been an excellent choice. They have met their deadlines, have gained the confidence of the court and display a solid knowledge of the procedures that they are analyzing. Their work has clearly generated a great deal of interest and expectation among the judges and functionaries of the court. Some of those expectations are unrealistic, such as the idea that computerization, which the judges expect as the outcome of the Hansen-Holm effort, will solve all the problems confronting the courts. While those expectations will have to be dealt with, the AOJ project is to be commended for logical step by step development of this subproject and the selection of Hansen-Holm as consultant.

Commenting on the specific work products that have been produced, the evaluation and rationalization of the criminal procedures which was produced in April, 1989 is an exhaustive and well done documentation of the functions of the personnel in juzgados de instruccion and tribunals in Lima. The work includes flow charts for 37 criminal proceedings (the other four proceedings analyzed apparently did not require flow charting). The report also includes a series of conclusions as to the problems within the judicial system. For example, the report notes that service of process is a major source of delay in the criminal area. It also notes that non-attendance of lawyers at scheduled court hearings and problems contacting expert witnesses are further sources of delay. The report contains

a series of recommendations directed at improving the internal organization of the courts and certain operational functions such as records management. Finally the report includes a plan of action for implementing change including proposed standard organizational charts and proposed standardized forms. The work offers an excellent basis for standardizing work methods and procedures among similar courts as well as addressing the noted problems of notification, lack of expert witnesses and failure of lawyers to appear for scheduled hearings.

The consultant produced an evaluation of the personnel in the pilot courts which even included a psychological evaluation. Although the work is thoroughly done, it has limited, if any value, and should not be repeated in any future work of this kind.

A manual for the training in the organization, functions and criminal proceedings for the personnel of the juzgados de instruccion and tribunales correccionales was produced. The manual outlines the areas that will be touched on and the techniques that will be used as opposed to including any teaching materials themselves. The consultants from Hansen-Holm stated that the flow charts developed for this project are the prime teaching tool.

At the time of the evaluation, the training classes had been completed and the consultant and a team assigned by the court were starting to work on the implementation of changes in the pilot courts. A new case file with a type of docket sheet had been introduced into the courts. Approximately 20 forms had been developed for use in the criminal process.

The initiative in this subproject is excellent. The analysis of the criminal process and the attempt to make it more efficient is a critical element in the improvement of the administration of the justice. But still some cautionary notes and recommendations are in order to help ensure that this desirable end is achieved:

1. The work of Hansen-Holm to date can best be called an analysis of case flow. In order to develop a case tracking system, the amount of time that a case takes between the various important steps in the criminal process will have to be determined. Without the measure of time, there is no way to determine whether the new measures being introduced to improve the system, in fact, achieve the desired goal. While others can address the issue of quality of justice, from an administrative point of view, justice delayed is justice denied. This axiom particularly holds true in Peru where accused are often detained for long periods without being convicted of any crimes.

The consultant should be requested to work with the court to develop time standards for processing the 41 criminal case steps from filing to disposition, and reporting mechanisms should be built into the design of the information system so that exception reports can be generated, i.e. listings of cases that are still pending and exceed the adopted standard by a certain amount of time. This type of reporting can be done by computer if a computerized system is developed or simply by requiring the courts to report to the Supreme court or other supervisory court on a quarterly or other basis on any cases that exceed the time limits established. The cut off for the report should be established so that the reporting requirements for each court will not be onerous, but also tight enough so that courts will not allow cases to remain pending for excessive periods. Such reports

are common in court systems although few court systems have the benefit of the detailed analysis of the 41 steps in criminal proceedings which would lead to appropriate standards for each step.

2. The court has assigned a team of functionaries from the court to work with Hansen-Holm on implementation of the new techniques and procedures. The team is young and appears committed to the project. However, there is no senior staff member being trained to take over when Hansen-Holm is no longer present. The Supreme Court should designate a senior staff member as the replication coordinator to assume the leadership of the replication effort after Hansen-Holm leaves.
3. The work in the courts in Lima needs to be tested as to its transferability to courts outside of Lima. One suspects that the problems that are faced outside of Lima, such as language, distances, lower case volumes, and even fewer resources, may present problems which require modifications in the systems that are being developed in Lima. Some of this testing can be done simultaneously with the work in Lima. For example, the forms that have been developed can be trial tested in other courts also.

The contract with Hansen-Holm, if possible, should be amended to include some work in courts outside of Lima. The level of effort should be significantly less than was required in Lima since the firm now has the experience and the knowledge of the Lima court. The work is critical both to expand the administration of justice project to other areas in the country and to determine if the information needs in those parts of the country can be met also.

4. The project is entering the critical phase now, namely the design of a management information system. USAID will have to monitor this work product closely to ensure that whatever is proposed has a reasonable expectation of being replicated after USAID funding for the pilot expires. If not, the justice system would be better served with a less ambitious program that provides critical management information only and makes the necessary compromises on such issues as whether each criminal case type should be tracked, whether each court can be totally on line or have some information batched, or whether manual systems can be used that still provide the basic information required.

It should be emphasized that Peru currently does not have a viable summary statistical system, i.e. statistics on cases filed, cases disposed of and cases pending. In the proposed work section, it is suggested that the AOJ project assist in the creation of a reliable summary statistical system. Most management decisions such as where to allocate new personnel and other support will be based on the summary system.

The case tracking system is at a level of sophistication which few courts have the volume of cases or need for complexity of analysis that the case tracking system implies. The vast majority of courts in the United States do not have operational case tracking systems, even the well managed ones. In many instances the drawing of a sample of cases and analyzing the sample according to established time standards will provide sufficient information to make management decisions without incurring the expense of an ongoing case tracking system.

The ideal solution may be to develop a full case tracking system in a pilot court(s) because much can be learned from such a system. The analysis of the case processing by Hansen-Holm already has apparently produced means to make the process work better as well as areas such as the process serving which should be studied further. The system then could be used to conduct analyses of samples of cases from other courts as a type of diagnostic as to how well cases are processed.

## (2) Sector Assessment

One of the premises of court administration is that if the matters handled by court administrative personnel, typically personnel management, statistical systems, record keeping, budgeting, planning, facilities maintenance and operations analysis are handled properly, the judges in the system will be able to conduct their judicial work more efficiently. Consequently, it is essential to understand how the listed administrative systems are handled within the court system in order to evaluate whether this critical element of the justice system is functioning well. The sector assessment does not conduct this analysis.

The scope of work for the sector assessment as suggested by Salas and Rico in their "Report of Salas and Rico visit to Lima per SDA-29-85" was not followed as it related to the judicial system. That scope of work included the following:

### "G. Judicial System

1. Courts organization and management:
  - a. General structure (administrative, civil and criminal courts, juvenile courts; special courts)
  - b. Number of courts and distribution of personnel
  - c. Court administration, coordination and planning
  - d. Courts and technology
2. Personnel:
  - a. Selection, recruitment, education, training tenure, compensation, discipline and removal of judges.
  - b. Jury: selection, size, composition compensation
  - c. Other judicial officers
  - d. Ethical code.
3. Equipment
4. Budget
5. Court proceedings (number of decisions and delays)
  - a. Functions of trial courts
  - b. Instruction: preventive detention, habeas corpus, order to appear, defendant's declaration, release witness and experts, special investigative steps, conclusion of the instruction.

- c. Trial
  - d. Sentence
    - Disparity of decisions
    - Objectives: just punishment, incapacitation, deterrence, restitution, rehabilitation
    - Types: imprisonment, fine probation, restitution etc.
6. Courts and human rights
  7. Courts and corruption
  8. Courts and community
  9. Court evaluation"

The fact that the sector assessment does not follow this proposed scope of work hampers the work effort now as basic information on how the courts are organized administratively is still not available.

The sector assessment does note what it calls the negative factors confronting the judicial system, among which many are administrative in nature. They are:

1. Poor physical facilities.
2. Lack of office materials and equipment
3. Lack of proper record keeping in the interior of the country.
4. Lack of the use of technology.
5. Lack of vehicles.
6. Lack of communication systems.
7. Lack of personnel.
8. Lack of coordination among different Ministries.

While this listing is accurate and in fact would probably be accurate for any Latin American court system, the sector assessment gives no insights as to relative priority or the administrative structure that would be responsible for resolving the problems outlined.

A descriptive analysis of the Peruvian courts at the national, regional and local levels should be conducted. This analysis does not have to be as completely developed as suggested by the Salas and Rico outline, but should include organization of the administrative structure, personnel management, budgeting, financial management, planning, auditing (management and financial), logistical support (supplies, equipment and facilities), records management, statistical reporting and information systems. The analysis also should include a prescriptive section which includes recommendations as to how each of these functions could be better performed.

Some of the key questions to be addressed should include:

Are the paper flow processes in the administrative offices organized to be as efficient as possible now, even without automation?

Should the Oficina General de Control Interno be reorganized by creating a totally independent audit group so as to eliminate the conflict of interest in having judges review the work of other judges?

Can the administrative discontinuities that are created when the chief justice changes every year be avoided by the creation of a standing committee on administration or other such method?

Should the various administrative support functions such as the Centro de Investigaciones Judiciales, the Oficina de Personal etc. report to one administrative director instead of having some report directly to the Chief Justice?

How can the budget process be made more responsive to the needs of the judicial branch?

Are there administrative rules and laws that impede the efficient administration of the courts?

What administrative functions would operate better if they were decentralized?

What factors should be considered in determining where new courts and personnel should be allocated?

What functions are the oficinas administrativas in the superior courts performing. What functions should they be performing?

Should administrative functions e.g. budget administration, facilities management, financial management, operations analysis in a major urban court such as Lima be centralized under a court administrator?

What type of technical assistance should the national administrative office provide e.g. assistance in caseflow management, office systems, management audits?

A similar type of analysis was conducted as a part of the sector assessment for El Salvador. While the approach utilized in El Salvador would have to be adopted to local requirements, a relatively similar analysis should be conducted. A copy of the relevant sections of the Salvadorean project is attached at Annex 3.

### (3) Administrative Training

This element was a pilot program to train administrative staff in the three implementing agencies, but, to date, has not been done. In the area of training of court administrative

personnel, it is important that training activities be undertaken. For secretaries, staff of the Secretaria General de Administracion and judges who act as office heads, training should be offered in at least the following areas:

- Financial Management
- Personnel Management
- Records Management
- Statistical Management
- Information Systems
- Operations Analysis
- Caseflow Management

Specialized courses in specific areas of case flow management should also be developed.

#### (4) Planning

In the original work plan, programs were envisioned in training, technical assistance and purchase of goods to strengthen judicial power planning systems. The activity has not been implemented to date. The element of the project should be revived as the introduction of planning is critical to the improvement of the allocation of scarce resources. There currently is an Oficina General de Presupuesto y Planificacion. However, in terms of both planning and budgeting, there is general agreement that these functions are almost nonexistent. Projects requiring planning or analysis are done on an ad hoc basis or not at all. The Centro de Investigaciones Judiciales is closer to a planning and analytic office than the planning office, but neither truly fulfills the desired function. While the relationship between the Centro and the planning unit should be clarified, with the high level of court improvement activity, it is essential to develop a strong planning capacity.

Strengthening the planning capacity of the court system should not be limited to just the national office. Individual courts should be encouraged to engage in a planning process whether it be to reduce the pending caseload by a certain amount, develop a procedures manual or whatever. Each entity within the court structure should produce a plan for its activities during the coming year. The planning office should assist the individual courts and offices in developing these plans.

The objectives of the improved planning component will be to:

- Ensure that limited resources are allocated to the appropriate projects.

- Outline a plan for development for the court system against which different proposals can be measured to see if they fulfill desired goals.

- Develop the capacity within the court to respond to problems before they become crises; to anticipate problems and develop and implement solutions before they get out of hand.

- Produce an annual plan for the court system.

Create the capacity to conduct special projects as directed by the President of the Supreme Court.

Conduct the budget process.

Conduct evaluations of the programs being carried out by the court system.

The specific ways in which the planning/analytic function can be strengthened include greater involvement in the coordination of the AOJ project and overseeing or actually carrying out certain important projects, for example, there are areas of analysis that were mentioned by judges, court personnel and private attorneys as requiring attention. This includes the following:

Analyzing the system for serving process in Lima to see if a central process serving office for all the courts would function better.

Analyzing how many prisoners in jails are pending a court determination of guilt.

Analyzing the distribution of personnel among the various courts.

Analyzing the distribution of caseloads among the courts in Lima to determine if the distribution is equitable.

The above projects could be done by a planning office or on small scale contracts with consultants that the planning/analytic office could monitor. Another possible activity would be the development of an annual report on the activities of the court and an annual plan for the activities for the coming year.

There are a variety of activities that could be undertaken to stimulate the planning function within the judicial branch. The AOJ project should explore and undertake some of these activities.

#### (5) Goods and Services

The AOJ project has undertaken the purchase of basic office equipment, legal texts and technical assistance. The goods and services that relate to court administration purchased to date consist of photocopy machines and typewriters. Attention should be given to introducing some of the basic technologies associated with good court management. They include the use of folders as opposed to the sewing technique presently employed; the use of docket sheets and tubs as opposed to the registry books used now; and the use of open shelf file storage systems and transfer boxes for long term storage. These technologies are neither complex nor expensive but represent significant improvements over systems that are in place now.

### 3. Conclusions and Recommendations

#### a. General

In the area of improving the administration of the judicial branch, the AOJ project needs to strength its coordination of project activities to initiate activities in areas that have either not been programmed or the results of the work conducted has not addressed the issue thoroughly, and to initiate training activities. In terms of strengthening project coordination, the activities that are underway throughout Latin America and in the United States need to be referred to more. Also, the needs of the administrative sections of the judicial branch should be integrated into the project either through representation on the oversight committee or through USAID forcefully representing their interests.

#### b. Specific Project Activities

In the area of specific project activities, the most obvious need is for the analysis of the administrative sector, with recommendations for improvements, which should have been conducted during the sector assessment. There are several other major areas of new work which should be undertaken. They are:

##### (1) Analysis of the Costs of Litigation

The Peruvian legal system apparently involves costs which are significantly higher than would be associated with similar cases in other systems. These costs, according to the report of Luis Salas and Jose Rico on their visit to Peru in 1985, "are largely due to the corruption which exists within the system as well as supplementary personnel costs which must be absorbed by the litigants but which are normally borne by most legal systems as a basic cost of apportioning justice (this occurs most often in civil cases)." If this statement is true, then the basic concept of equal access to the justice system is being undermined. An analysis of the cost to the litigants in both civil and criminal processes should be conducted. This analysis would not include the cost of counsel. If costs are incurred which significantly bar sectors of the public from utilizing the justice system, recommendations should be made for change.

##### (2) Development of the Judicial Statistics System

The Peruvian judicial system currently has no current or reliable information on the movement of cases within the various courts. A statistical office does exist and the law does require the courts to submit statistics on caseloads. However, many of the courts do not comply with the law. When they do, the statistics reported are of questionable accuracy. Without an accurate measure of court workloads, judges and administrators do not have the basic management information necessary to manage effectively.

At the local trial court level, caseload statistics provide information for individual judges on how well their caseloads are being managed. When the statistics for all the courts are aggregated, key decision makers have the necessary information to make decisions on such critical matters as where to locate new personnel, court facilities and temporary help.

The objectives of such an analysis would be as follows:

To ensure that the court has sufficient statistical information to make critical decisions such as where to allocate personnel and other resources.

To be aware of the locations in the judicial system in which backlogs exist.

To develop manuals, training programs, forms and auditing procedures to ensure that the statistics maintained by the court are as accurate as possible.

To analyze the possibility for computerization of the statistical system.

To ensure that the statistics reported reflect the workload of the courts and to eliminate unnecessary statistics and add necessary new ones to the system.

To publish an annual report on the workload of the courts and have the report disseminated throughout the judicial system.

Without achieving the above objectives, the development of a system of management within the court system will be almost impossible.

### (3) Strengthening the Administrative Support Function in the Judicial Branch

The approximately 500-600 judicial employees who work in the Secretaria General de Administracion in Lima and in the 20 regional administrative offices are the lifeblood of the judicial system. If they do not perform their salary paying, personnel monitoring, supply purchasing functions efficiently, the judicial system suffers greatly. Currently, this staff works under extremely difficult circumstances and the director freely admits their inability to carry out their assignments properly. Consequently, employees do not receive their salaries, judges do not receive necessary supplies etc. There is an opportunity to effect the entire judicial system throughout the country by helping these offices improve their operations. An analysis should be conducted of how the AOJ can achieve this goal, specifically in the area of automation, and appropriate project activities initiated.

The AOJ project also would be prepared to fund smaller consultancies on specific issues. Hausen-Holm identified the problems associated with process serving. That problem and other similar problems should be addressed in short term, relatively low cost consultancies.

Finally, the AOJ project should initiate training programs for judicial and nonjudicial personnel in the subject areas such as personnel management, statistics, records management etc. that are basic to administrative systems.

If the AOJ project can initiate activities in the above areas and widen the focus of the project to encompass the provinces as well as Lima in a meaningful way, significant improvements in the administration of the Peruvian courts should result.

## B. AUTOMATION OF CASE TRACKING SYSTEM

### 1. Introduction

The previous section has presented overall findings and recommendations vis a vis the evaluation of the activities to support court administration reform, including consideration of installation of a court case tracking system. In this section issues pertaining more specifically to the issues related to Management Information Systems and of automation will be analyzed further.

The automation proposals that are currently circulating include a configuration of computer terminals throughout the courts of Lima which will be able to inform instantly of the status of any case in that court (with as many as 200 terminals, maybe as few as 40). Cost estimates for such an implementation including hardware, software and development and installation may surpass the \$500,000 mark. Considering that Lima only accounts for one third of the country's population, and considering also the problems faced by other provinces, is this an efficient allocation of resources? Effective manual systems as a rule should exist before automation is implemented; provincial areas are also in strong need of assistance; does it make sense to automate case tracking in Lima while such funds could be directed to improving the manual systems in the provinces?

The analysis and documentation thereof thus far has been very brief and incomplete in terms of automation needs assessment and particularly with respect to the proposed hardware and software. No documentation of analysis has been presented which details, for example, what the information requirements of the users would be, and in terms of a computerized system, what the benefit of having instant access to such information would be.

### Requirements Prior to Implementation of Automation Equipment:

As was discussed in the analysis of the legal data base information system, before a major automation effort is launched it is important to carry out the proper sequence of activities of a management information systems analysis effort which include:

- 1) Identification of objectives and functional analysis of the system. This would include consideration of what is to be gained by the proposed system and what functions it would be used for specifically.
- 2) Identifications of information and information processing requirements. This would include: What data would be needed (outputs) by the users; how quickly and often the output data would be needed; where would the data come from (inputs), how the input data would be secured; how would the data be processed, how should the data be protected, etc.

- 3) Identification of alternatives for improving the current manual system including an improved version of the current manual system, and various levels of automation (not just a complete on-line automation alternative with terminals at every judge's chambers.)
- 4) Evaluation and selection of the best alternative that is not beyond the budget level available.
- 5) Specification of required hardware and software.
- 6) Procurement and installation of hardware and software.

## 2. Findings and Analysis

As a result of the Hansen-Holm study the first step and parts of the second and third steps have to a great extent been achieved. Still required before the procurement of equipment can be secured is the completion of the sequence of step 2 (information processing requirements), step 3 (automation alternatives) and steps 4 and 5.

On the other hand there are other information system needs at this stage of the project that are not as complex and which would benefit from automation and could be integrated into whatever case tracking system option is chosen. These include:

- The development of a criminal antecedent data base into which the PJ has begun entering data to identify what prior convictions any person may have had. The system is being built on a micro computer using Dbase-III. This data could be shared by different offices including the MP.
- The development of an index for current cases by court including date and possibly a few variables (such as pending charge) which could also be done on a microcomputer. The system would be used to produce listings for each court to be posted at appropriate places.
- Though the current summary activity statistics are unreliable, out of date, and incomplete for many of the provinces, it still would be productive to develop a simple system to track this information and print out reports that could be distributed periodically. Emphasis could be placed on improving the reporting of data in the Lima area first and then implementing the methods for improvement to the rest of the other provinces.

Such a system could also be used to track which courts/provinces are not sending their statistics in as required.

- A system to identify people who are awaiting trial and are not out on bail. Such a list would allow for a tickler type system to be developed in which the courts could be kept informed on a periodic basis (say weekly or monthly) of the status of case processing for those incarcerated and who are awaiting trial.

- In addition, the PJ might identify other systems of this type that might be developed using simple application packages such as Dbase or possibly even a spreadsheet.

These systems at the outset, would be relatively simple to implement and furthermore would provide an opportunity to develop first level capabilities at developing systems and getting users accustomed to computerization systems and technologies. Starting at this level of computerization and obtaining results relatively quickly from such systems (along with the difficulties that will be experienced, as is customary with any system of this type) would also help demonstrate the usefulness of computers, along with the headaches of developing systems with them.

The PJ indicated the need to be able to determine if a person being brought to trial had also another trial pending at another court (in which case a transfer of case would be in order). Such a system would be more complicated than the ones identified earlier on as it would require tracking via communications across all of the courts of not only Lima but also outside of Lima. More functional definition and information requirements assessment would be required before proceeding with a system such as this one.

A word of caution is needed at this point. One application which requires much thought before implementation and dedication of microcomputers is word processing for legal document processing and other typing needs. A temptation that might be succumbed to is the use of micro computers for word processing. There is no question that word processing in a microcomputer increases the productivity of a secretary substantially. However, relative cost and productivity of capital and labor resources is vastly different in Peru than it is for example in the US. It would take over two years of a GOP secretary's salary to pay for a simple computer purchased locally, in contrast to a US agency where it would take a third of a month's salary.

Furthermore, before such a decision is made, the impact that could be felt in the receiving agency in terms of the inability to give every secretary a word processor and the personal conflicts and jealousies this could raise, should be taken into account. In the context of the AOJ project, who would get the typewriters that are being procured and who would get the word processors, could become a source of problems too.

We suggest that this type of microcomputer acquisition and funding should be better left to GOP Agencies themselves without support from A.I.D.

### 3. Conclusions

In summary the conclusions that can be made at this point include:

- The PJ has made strong headway in the process of defining its needs assessments for management information systems needs particularly in light of the excellent report developed by Hansen-Holm.
- The analysis is still not at a point in which it can be determined whether a court case tracking is warranted (see also section IV.B.) much less whether it should be automated.

Such analysis is needed. The PJ does not have the in-house capabilities to conduct such an analysis.

- The requests that are being made for procurement of equipment should be held back until the appropriate front end analysis has been made.
- The current efforts in which they are beginning to develop simple applications to assist in the administration of courts, is sound and should be a good source of education in terms of how computers can be used and what it takes to benefit from them.

#### 4. Recommendations

As a result of the above analysis of further management information systems considerations, particularly with respect to automation, in the development of a court case tracking system the following recommendations are made:

- 1) The AOJ Project should hold up the process of acquisition of computers for an automated court case tracking system and conduct a study to follow up on the work of Hansen-Holm and determine whether a court case tracking system is warranted, whether it should be automated, and if so, the extent to which it should be automated.

Such a system should complete the systems analysis steps as indicated earlier in this section including the:

- a) Identification of information processing requirements. In addition to the standard types of considerations that would be addressed in the identification of information processing requirements, those that relate to data security and backup should be carefully addressed.
- b) Identification of alternatives to the improved manual system (of the pilot effort) including various levels of automation.
- c) Evaluation and selection of the best alternative that is not beyond the budget level available.
- d) Specification of required hardware and software.

In addition such a study should include assessment of:

- e) The court case tracking systems of other countries, their experiences with automation (including but not limited to, Costa Rica, Argentina, Chile, etc.), and the applicability and lessons to be learned from their systems vis a vis Peruvian implementation.

- f) The benefit that would be gained from taking the revised manual system being tested in pilot mode by the Hansen-Holm project to an automated stage, particularly in the context of the needs of the court outside of Lima and the lack of funding available.
- g) State of the art of management information systems capacity in Peru that can be effectively channeled in to the public sector (not only technically but also institutionally). Of concern for example are the complex communications requirements that would be required in such a system and the large number of users that would need access to continuously update the system.
- h) The capacity of the PJ infrastructure to support an automated court case tracking system. What additional manpower and related resources would be required to achieve this. Would it be maintained by the PJ?
- i) The manner in which A.I.D. can best support this effort effectively including a strategy for allocation of A.I.D. and counterpart resources to get the system implemented in a manner appropriate to the capacity of the PJ to manage and operate over the long term.

Special attention should be paid to requiring that milestones be reached before A.I.D. commits funds. For example, if the decision to install an automated system is made, PJ must be required to get appropriate infrastructure in place before acquisition of equipment is made (technically qualified personnel on board, facility preparation, etc.)

- 2) Based on the result of the above study, A.I.D. could then perform an in-house assessment, and if favorable, authorize and initiate the implementation of the study recommendations that are proposed.

The timing for the study should be such that it would be performed over a three to four month period to be initiated as soon as possible. Implementation of the recommendations of the study would then begin as soon as the study was completed and A.I.D. and the GOP could determine whether and how to proceed with the recommendations of the study.

It is expected that such a study should be performed by a team including expertise in:

- Court administration, preferably with Peruvian expertise (if not then the proposed foreign consultant should be complemented with a Peruvian legal counterpart familiar with the Peruvian court system).
- An expert in management information systems with thorough knowledge of the Peruvian MIS environment (preferably with substantial legal background).

The team should also receive adequate clerical and administrative support (including provision of office space prior to initiation of work in Peru).

## V. PROSECUTION ADMINISTRATIVE REFORM

### A. FINDINGS

#### Introduction - Court Case Preparation and Submittal

As the AOJ Project has unfolded over the past two years, the emphasis of assessment, particularly for management information systems, has been on legal data base development and on court administration. Meanwhile the Public Ministry (PM) has sought to improve its processes in terms of tracking citizen complaints, collecting evidence and preparing and submitting cases to the courts. In a sense this activity can be said to occur right before court administration.

The PM has launched several activities to improve its case handling activities including the development of standardized forms to receive and track citizen complaints, case investigation/preparation and case submittal to the courts. In addition they are proposing to develop their own case tracking system to track a case from the point of initial complaint to the point of final court case disposition.

The PM believes it has reached the point of purchasing additional computers to develop its proposed case tracking system through the Fiscalias. The general objectives are well intentioned, but as was the case with the analysis of the proposed automated court case tracking system for the PJ, the PM has yet to perform an adequate assessment to determine the best manner in which to achieve its MIS implementation objectives.

#### 1. Equipment Status

The PM currently has a Universe computer configuration operation under Unix and a Wang text processing system. The terminals are being used to input the data for the human rights information system (missing persons and human abuse data base), for administrative system modules, and for programming additional administrative uses.

The director of the computer office for the PM just came on board in December of 1989 and informed the evaluation team that he was in the process of asking for bids from the local vendors by calling them up by the telephone and asking the firms to send proposals for both micro and mini computer configurations. When the time for procurement is reached and if a local procurement is made it will be necessary to educate the PM of appropriate computer procurement procedure requirements.

#### 2. MIS Requirements

This section could be fully detailed relative to the need to perform an adequate needs assessment and an appropriate performance of management information system, but such an effort would constitute, to a very large extent, a repetition of the analysis performed in section IV.B. as most of the points made for the implementation of a court case tracking system for the PJ apply to the PM; even the conclusions and recommendations are basically the same.

Rather than present a repetition of the previous section analysis, the presentation of this section will be focussed on the differences, the relationships that exist between the PM and the PJ MIS implementation approaches.

- a) The major difference between the PJ and PM systems is obviously the stage of processing of cases. The PJ is responsible for judicial processing of the cases presented which have been filed and prepared by the PM. The PM normally performs an initial investigation and collects evidence (the PJ also has investigative responsibilities).
- b) The PM has not benefited from support such as was provided by the Hansen-Holm study. Such support in which the organizational functions, main processes and procedures outside the court process are identified (though not to the same level of detail as with the PJ study) would be of benefit to the PM.
- c) The simple systems that are being developed or have been proposed for the PJ (criminal record, case index, persons incarcerated awaiting trial, etc.) could also be made accessible to the PM. Additional system enhancements might also be in order for their current system on missing person and human rights abuses. It would be a waste of resources for the PM and PJ to be developing the same systems separately.

## B. Conclusions

In summary the conclusions that can be made at this point include:

- The PM has made some headway in the process of assessing its management information systems needs though substantially more is required.
- The PM does not have the in-house capabilities to conduct such an analysis.
- The requests that are being made for procurement of equipment for automation of the PM stage of case tracking should be held back until the appropriate front end analysis has been made.
- The current approach, in which they are beginning to develop simple applications to assist in the preparation and submittal of cases, is sound and should be a good source of education in terms of how computers can be used and what it takes to benefit from them. Care should be exercised not to duplicate the efforts of the court case tracking system that might be implemented in the PJ.

## C. Recommendations

As a result of the conclusions that have been identified the following recommendations are made:

- 1) The AOJ Project should hold up the process of acquisition of computers for purposes of developing an automated PM case tracking system and conduct a study to determine whether an automated system is warranted and the extent to which it should be automated.

It may be possible to integrate the study of the PM needs assessment with that of the PJ needs assessment. At least it would certainly be worth coordination. It may be that the PJ study could be conducted by foreign consultant support whereas the PM study could be conducted by local consultant support with the guidance of the foreign consultants from the PJ Study.

Such a system should complete the systems analysis steps as indicated in earlier analysis including the:

- a) Identifications of information processing requirements including data security and backup considerations.
- b) Identification of alternatives to the improved manual system including various levels of automation.
- c) Evaluation and selection of the best alternative that is not beyond the budget level available.
- d) Specification of required hardware and software.

Such a study should include assessment of:

- e) The experience of other Latin American or Caribbean countries with this type of automation (including but not limited to, Costa Rica, Ecuador, Argentina, Chile, etc.), and the applicability of, and lessons to be learned from, their systems vis-a-vis Peruvian implementation.
- f) The benefit that would be gained from developing an automated instead of just an improved manual system, particularly in the context of the needs of the prosecutor offices outside of Lima and the lack of funding available.
- g) State of the art of management information systems capacity in Peru that can be effectively channeled in the public sector (not only technically but also institutionally). Of concern for example are the complex communications requirements that would be required in such a system and the large number of users that would need to access the system to continuously update it.
- h) The capacity of the PM infrastructure to support an automated case tracking system. What additional manpower and related resources would be required to achieve this. Would it be maintained by the PM?
- i) The manner in which A.I.D. can best support this effort effectively including a strategy for allocation of A.I.D. and counterpart resources to get the system implemented in a manner appropriate to the capacity of the PM to manage and operate over the long term.

Special attention should be paid to requiring that milestones be reached before A.I.D. commits funds. For example, if the decision to install an automated system is made, PM must be required to get appropriate infrastructure in place before acquisition of equipment is made (technically qualified personnel on board, facility preparation, etc.)

2) Based on the results of the above study, A.I.D. and GOP counterparts could then determine whether and how to authorize and initiate the implementation of the study recommendations that are proposed.

The timing for the study should be such that it would be performed over a three to four month period to be initiated as soon as possible. Implementation of the recommendations of the study would then begin as soon as the study was completed and A.I.D. could make a determination to proceed with the recommendations of the study.

It is expected that such a study should be performed by a team including expertise in:

- Court administration preferably with Peruvian expertise (if not, then the proposed foreign consultant should be complemented with a Peruvian legal counterpart familiar with the Peruvian court system).
- An expert in management information systems with thorough knowledge of the Peruvian MIS environment (preferably with substantial legal background).

The team should also receive adequate clerical and administrative support (including provision of office space prior to initiation of work in Peru).

## VI. GENERAL MANAGEMENT INFORMATION SYSTEMS ISSUES

### A. MANAGEMENT INFORMATION SYSTEMS SUPPORT FOR ADMINISTRATIVE FUNCTIONS

#### 1. Findings and Conclusions

##### a. Requirements

All three of the justice system agencies that were evaluated have identified the need for computerization support for their administrative functions. The overwhelming priority to them at this point has been payroll and personnel related applications. In personnel systems the agencies have identified a particular type of application which is called "Sistema de Escalafon" which is needed to track the qualifications and professional characteristics of the judges, magistrates, and the prosecutors in one "escalafon", and of administrative personnel in the other.

In addition there are priorities for developing accounting and budget system applications, inventory systems, and other types of administrative support systems. Implementation of systems such as these would also increase the capacity to provide accounting and budgeting data to A.I.D. when reports are due.

##### b. Current Response

These types of systems development are being addressed separately due to the fact that they are not defined as a project priority as have been the legal data base and the court case tracking systems. Nevertheless, they constitute useful systems which may need to be developed. Typically, public sector agencies do a reasonably good job at developing these systems on their own. These types of systems can be built with microcomputers and do not require as much technology infrastructure as the other systems that are being proposed. Furthermore, the development and implementation of these systems will increase their understanding and capacity to work in automated environments and prepare them for the more sophisticated types of systems they would like to install.

All three agencies have already started some activities vis-a-vis the development of initial modules and have conducted some level of needs assessment (though not as adequate as would be desired). Nevertheless, these are relatively simple systems to be developed, and furthermore, the capacities of the computer/MIS technical labor pool in the public sector are more geared toward the development of these types of applications. Not to belabor the point, but moving ahead with the development of these systems would get the computer centers and MIS offices of these agencies further along the path of development in implementation of automation technologies.

## 2. Recommendations

It is recommended that this activity be considered for support including purchase of microcomputers. An MIS consultant should be brought in as soon as possible (preferably locally) to assist in the specifications of equipment of this purpose. The next section provides brief information of the generic requirements of such equipment. Such person should have expertise in A.J.D. procurement regulations and those of the Public Sector in Peru also.

### B. SUGGESTED GUIDELINES FOR COMPUTER HARDWARE AND SOFTWARE ACQUISITION

Though it is not within the scope of this evaluation effort, certain generic computers specification related recommendations are made.

The equipment that is acquired initially for the specific applications that have been identified in the previous chapters and for the administrative functions should be as generic and "basic guts" as possible. Preferably the configuration should be 80286/Intel Chip based technology, IBM clones should be considered strongly due to the cheaper cost associated with these and the simple applications that are intended to run on these.

Apple computers, though in some ways technically superior, would not be practical for the Justice System due to the fact that most hardware and software training at the local university are based on IBM compatible microcomputer environments. Furthermore, there is greater availability of maintenance for hardware and software for IBM compatible microcomputer equipment in Peru.

The only consideration of impact that should be made with this equipment is that it be linked to networks as terminals at some future date (e.g.) the capacity to drop communications/interface cards in them).

Printer purchase at this point should be limited to dot matrix printers as the costs and technical support requirements of more advanced devices such as plotters and laser jet printers are too great at this time.

For the time being communications equipment should not be acquired. Such a recommendation would have been made if the Justice System agencies were more disposed to cooperate with each other.

Software package purchase should be limited to the simplest packages with which people are familiar including a spread sheet (such as Lotus), a data base such as Dbase, and a word processor such as Word Perfect. Utility packages for disk maintenance should also be obtained.

At this point the agencies should not be thinking of specialized packages such as "desktop publishing" systems. It is premature at this stage to be implementing these packages. Furthermore with Word Perfect and Lotus, and a good graphics dot matrix printer, the agencies will get some initial capabilities to achieve some printed and graphics presentation enhancement capabilities.

## C. SUGGESTED GUIDELINES FOR MANAGEMENT INFORMATION SYSTEMS TRAINING

One of the issues that arose repeatedly over the course of this evaluation was that of training in MIS areas. Two basic types of training have been identified: One for the executive staff member of the AOJ client agencies and one for the staff members of the computer centers and MIS offices of the client agencies.

### 1. For Executive Staff Members

Throughout the meetings that were held at the Supreme Court, the Public Ministry, and the Ministry of Justice, the evaluation team heard repeated mention of justifications for automation based on the following types of rationalizing comments:

- "Computers will eliminate corruption".
- "Computers will eliminate inefficiency and resolve the problems that our agency faces ..."
- "With the instant access to information that the agency will have, the work of our staff [judges, fiscales, etc.] would be made much more productive ..."

Though it is true that the effective implementation of an automated MIS system can be of help in reducing these types of problems, this will only be the case if the resources that are directed toward use of the computer are effective, well motivated, and non-corrupt. This would include the data entry personnel, the data access personnel, the programmers, the users, etc.

If data entry or data processing functions are not performed correctly and promptly when needed, the automated system will fail to produce the needed result when accessed by the users. Once the initial impact of introducing the computer has passed, personnel will exhibit the same inefficiencies as before and the automated system will fail, possibly causing more problems than when the manual system was in place.

Furthermore, when the failure of implementation of automated system occurs because of misperception of what it can achieve, or because the appropriate analysis has not been made; or because the appropriate infrastructure preparation requirements are not met, then the agency will likely end up with a system that needs to be shut off, will be left with a very bitter taste vis-a-vis automation, and as a result, when the real need for automation presents itself, the agency may shy away from it.

Experience has shown that in the implementation of automated systems, the more technology there is, the more opportunities for corruption arise. For example, not only can you corrupt the person who receives your case, schedules it for hearing, or the judge who hears it, but you can also corrupt the people with data entry and data access responsibilities for data processing.

In addition, computers are not magical machines that resolve problems automatically. Much development and planning effort and adaptation must occur in an office before the benefits of automation can be felt. Further more, automation is not always the best or even a practical solution.

In order to get executive personnel from the PM, MOJ, and PJ to understand these issues, and in particular gain some general concept of what can and cannot be achieved with a computer and at what cost, it is recommended that a seminar be held with the executive staff members of these agencies (not requiring but certainly inviting the President of the Supreme Court, the Attorney General for Peru, and the Minister of Justice).

## 2. For Computer Center and MIS Office Staff

A problem in public sector agencies is the lack of adequate training of computer center and MIS office technical members. This is usually the case due to the salaries that are offered in the public sector which are usually grossly lower than comparable salaries in the private sector.

A common recommendation as a result of this situation, is to propose training in this area. Often times this can have a bad effect. If a particular automated system is introduced into the public sector in which additional training of the public employee is needed, the result may be that after training, the employee will resign from the public sector and seek employment at much higher pay in the private sector.

As a rule we would recommend that for training in areas of expertise that will not be easily marketable in the private sector, A.I.D. funding should not be opposed. On the other hand training proposed to make up for deficiency of public sector personnel in skills which are useful and available locally in the private sector (such as programmers in COBOL, accountants, etc.), should be looked at closely before A.I.D. funds it. At the very least, an effective multiple year commitment to stay in public sector must be secured prior to approving such training.

The MOJ for example is asking A.I.D. to fund substantial training in MIS and computerized accounting for its staff. What steps will be taken by A.I.D. to make sure this training effort is not lost soon after its completion.

## D. SUGGESTED GUIDELINES FOR MORE EFFECTIVE USE OF TECHNICAL CONSULTANT SERVICES

A particular note with respect to support from foreign consultants or trips made abroad, is that a more effective methodology for benefiting from these efforts should be implemented including:

- Identification of entities and their information requirements that could benefit from such support or trip, specially in the context of legal and technical issues.
- Prompt development of technical report of trip and circulation of such reporting to appropriate offices that could benefit from them (not only of A.I.D. but also of the GOP offices).

- Determination if additional support or information acquisition is needed from such support or trip, and monitoring of the follow up of fulfillment of such need.

In addition, when foreign support consultants are brought, in steps should be taken to assure that the job they are brought in to do is promptly completed, even if a subsequent trip is needed.

## VII. TRAINING AND PROFESSIONAL DEVELOPMENT

Of the three GOP institutions participating in the Project only the Judicial Power and the Public Ministry have undertaken the development and implementation of formalized training programs. This section of the evaluation will focus principally on the outputs of each of those two entities in training and professional development.

### A. JUDICIAL POWER

#### 1. Background

##### a. Organization

Judicial Power (Poder Judicial) is an autonomous branch of government responsible for administration of the court system. A separate Public Ministry is responsible for prosecution.

The Judicial Power is headed by the Supreme Court of twenty three justices, (vocales supremos). The President of the Court serves a one-year term and also heads the entire Judicial Power administrative organization during the term of office.

The next level in the court system is the twenty Superior Courts which correspond to the twenty judicial districts covering the entire country. Below these are the courts of the first instance. There are 386 such courts of which 116 are located in Lima and Callao. These courts are further divided in specialized jurisdictions covering civil, criminal, juvenile and labor cases.

The lowest level of the judiciary is the justices of the peace. Of the 5000 judges in these courts, 4500 practice without legal training. The justices of the peace are the judicial system's most direct contact with the vast majority of the population especially in rural areas and urban slums. Thus far the scope of the Judicial Power training programs under this project has been limited to the training of judges holding a degree in law. Justices of the peace without law degrees have, however, received some training under a project financed by West Germany.

##### b. Training Needs

In Peru the role of the judge in society is a highly responsible one that requires a continuing updating and review of the information and criteria applied in handing down decisions and judgments. The working conditions (an overload of cases, lack of adequate time, inadequate and available library support) do not make it very easy for the judge to keep up academically.

The differences in the level of university training of young judges, new to a judicial career creates additional training requirements. Many of the judges in this group find themselves interpreting law in areas where they feel inadequately prepared.

### c. Training Response

In the last several years the Judicial Power had recognized some of these needs and had undertaken various actions for "training" and "perfecting" the judiciary. These activities were aimed at updating knowledge, supplying information on new jurisprudence, laws and criteria as well as to promote the role of the judge in the development of the country.

While these activities were being undertaken by the Judicial Power to meet identified training needs they lacked coherence and were not being sustained. It was decided that the continuing training function should be institutionalized through the formation of an academic center or institute to carry out, develop and conduct programs of "training" and "perfection" which would satisfy the judges' need for new and expanded information as well as help them understand the special role that they play in the country's development. Moreover, the academy would promote "diffusion", through publishing its law review and law bulletin, of legal, and instructional information. The Supreme Court, in open session, through an agreement signed on June 10, 1986, created the Judicial Academy along with three programs that would serve as the format for the new Academy's programming. The work of the Academy is now being carried out within the framework of an Agreement between the Peruvian Government and A.I.D..

#### 2. Judicial Academy

##### a. Objectives

The objectives of the Judicial Academy as determined from project documentation are as follows:

- To develop an overall continuing education training program and to improve judges. This implies the complementing of university training to a higher academic level which will provide newly appointed judges with theoretical-practical training programs for carrying out their judicial functions and, complement the training of all judges by updating, expanding and deepening their legal and judicial administration.
- To encourage constant reflection and analysis on the ways justice is administered and manner in which the judiciary fulfills its role in the nation's development. This involves analyzing the ways justice is administered, and promoting conscientious evaluation of the difference between the organization as it is and as it ought to be.
- To promote among judges the formation of a democratic conscience and an understanding of the social function in the administration of justice.
- To bring out the indispensable qualities of technical and ethical knowledge in the administration of justice.
- To familiarize the judges with the customs, techniques and way of acting when performing their judicial role.
- To get the judges to participate in diagnosing the efficacy of the administration of justice in its technical, social, functional and professional aspects in all of the nation's courts.

b. Organization and Functions

The Academy falls directly under the Supreme Court of Justice of the Republic, and pursuant to its Bylaws and Regulations on Organization and Functions, its operations are directed by a Supervisory Committee made up of the President of that Court and three justices designated in open court, with oversight from a Director-General designated by the Supreme Court. The designations are for two consecutive years, and may be renewed.

The Supervisory Committee establishes the general policy of the Academy and exercises a supervisory function over the Institute's performance. The committee is, however, responsible to the Supreme Court in open session which links the Court to the Academy.

The Supreme Court President presides over the Committee, and convenes all meetings. Decisions are adopted by simple majority vote. The Director General is responsible for the performance of the Academy and reports to the Supervisory Committee. The Director General must be a former member of the Supreme Court, or a lawyer who has taught law for at least ten years at the university level.

The academic function of the Academy is performed by the Director of Studies who supervises instruction and reports to the Director General, and by the faculty (full and part-time professors) who perform their assigned teaching responsibilities under the supervision of the Director of Studies. All judges whether they have participated in a program or not are obligated to support the development of the academy.

All the judges and, as necessary, court clerks are expected to participate in the programs. Each "Training" and "Perfecting" Program is limited to 40 students. Each participant is excused from work during the period of the program in order to devote full time to the training. A judge's post is covered temporarily by an assistant or interim justice, as provided by law and the rules of the Supreme Court. The project budget provides funds for the participants' transportation and per diem.

c. Project Experience

(1) Delayed Establishment

While the creation of the Academy was approved in 1986 there was considerable difference of opinion between Poder Judicial and A.I.D. as to the Academy's nature and function.

The Court envisioned the academy as a permanent institution similar to Peru's Foreign Service Institute. Such an institution would have required a full-time faculty and have given graduate level programs of at least two years duration with the awarding of an appropriate degree upon completion. This would have required considerable capital investment in addition to a long term commitment to fund at least a minimal academic staff. A.I.D., on the other hand, urged the need for a short-term continuing education program for judges. Since A.I.D. did not support the

Court's position, the Court did not vigorously support the short-term training of judges, especially the Judges of the Supreme Court.

Some seminars and short courses were held in Lima and the provincial areas during 1987 and 1988 for which no course evaluations are available. The Academy existed in name only, however, and was operated without any of the administrative positions outlined in the 1987 and 1988 work plans. Since agreement could not be reached (for political reasons) on the hiring of the Director General, the training program could not be initiated, staff couldn't be hired and consequently new programs were not developed.

The 1988 work plan proposed the first overall academy program which consisted of 4 to 6 week courses in a variety of law and judicial topics. The overall program was divided into three levels; "capacitacion", "perfeccionamiento", and specialization.

The Court's system of internal control is such that it can and does determine what will and will not be approved in all aspects of its operation including the training for judges. Thus the proposed curriculum was not implemented in 1988 and was resubmitted without change as part of the 1989 work plan.

The 1989 President of the Court was the first occupant of that office to show any enthusiasm for bringing the Academy into existence through the development and offering of organized short term courses.

In early 1989 an academic director was hired, but she was not given official status until October. Her assigned task was to develop an overall curriculum with individual course outlines, and a syllabus for each course. She also recommended to the Court the employment of part-time faculty to teach each course. Until October she carried on this work through her business office and home. She has yet to receive any remuneration for her services.

## (2) Curriculum Discrepancies

The first course was given November 27 through December 20, 1989, and, as apparent from the comparison table below, covered only some of the topics identified in the AOJ Project Paper and approved 1989 Judicial Power work plan, while including others not so identified.

## "CAPACITACION"

Nov. 27 - Dec. 20 1989 Courses & Faculty

1989 WORK PLAN COURSES	COURSES ACTUALLY OFFERED
1. Judicial Researching and Applied Judicial Interpretation - 20 hrs.	I. COMMERCIAL LAW Dr. Jorge Ramirez Diaz Professor of Law, Univ. Catolica
2. Administration of Justice and Society - 18 hrs.	II. CONTRACTS Dr. Carlos Cardenas Quiroz Professor, Univ. Catolica
3. Applied Administration of the Courts - 20 hrs.	III. CONSTITUTIONAL LAW Dr. Francisco Equiguren Praeli, Professor of Law, Univ. Catolica
4. Judicial Technique - 18 hrs.	IV. ANTITERRORISM LEGISLATION Drs. Luis Roy Freyre, Felipe Villavicencio Terreros, Professor of Law Univ. Catolica, Univ. Lima
5. Constitutional Law General Legal - 20	V. PREVENTION OF ERRORS IN PROSECUTION Dr. Cesar San Martin Castro, Professor of Law, Univ. San Marcos, Judge - Vocal Superior
6. Criminal Procedure - 20 hrs.	VI. RENT Dr. Carlos Montoya Anguerry, Judge - Vocal Superior
7. Civil Procedure - 20 hrs.	VII. CIVIL PROCEDURES Dr. Jose Antonio Silva Vallejo, Adjunct Professor of Law, Univ. Catolica, Judge Supreme Court . . .

8. Criminal Law - 18 hrs.

VIII. CIVIL CODE

Dr. Hacj Vugui Chrem -  
Professor of law, Univ. Catolica

9. Fundamentals Civil  
Law and Contracts - 26 hrs.

IX. WORK SHOP ON GUARANTEE OF  
PROTECTION UNDER THE CONSTITUTION

Drs. Oscar Schiappa - Pietra Cubas Hugo Redriguez  
Brignardello, Comision Andina de Juristas

One can argue that the introduction of a course in Rent is important as part of a law degree program. One could also argue that aspects of such a course could be introduced through other courses in the "capacitacion curriculum". However to introduce an 18 hour course in Rent as a major aspect of the program and drop, for instance, an 18 hour course in the applied administration of courts does seem questionable.

This project was not intended to supersede legal training. Nor was it intended to be a program in continuing general legal education. The stated purpose was rather to improve the efficiency and effectiveness of the judicial process by providing continuing education for judges. In the first program all four courses that would have focused on the judiciary or judicial process were replaced with general legal courses; e.g. Antiterrorism, Protection Under The Constitution, Prevention of Errors in Prosecution, and Rent.

(3) Self-Evaluation

The Academy is to be commended for use of an evaluation questionnaire at the end of the first course for judges. Thirty of forty-three participants responded.

While the participants raised certain questions about everything from the quality of the food, ventilation in the classroom and even certain distracting mannerisms of the professors, those remarks are about as expected.

The results of the evaluations from the first course are now being utilized in the redesign of the capacitation program before it is again offered in June. For the most part the curriculum emphasis will not change. Changes however, will be made in instruction:

- Lectures in the morning sessions will be given by senior professors from leading law schools,
- Discussion sessions led by a different faculty member in the afternoon will focus on actual problems of the court,
- Assigned cases will be researched,
- More accountability will be required of faculty in the preparation and review of course materials,
- Participants will research and present their own judicial problems.

(4) Selection of Participants

(a) Findings and Conclusions

In addition to the course evaluation, the program director is also meeting with groups of judges by jurisdictional area to determine what they would like to have included in the curricula. In these sessions the selection process for participation has emerged as an even more important problem. It seems that the court has been doing the selecting according to nonpublished, nontechnical criteria, and many of the judges who would like to receive training feel that they may not be given a fair opportunity to participate.

(b) Recommendation

The Academy should establish and include in the annual work plan the participant selection criteria and process to be utilized for each course. If an application is used, regular reporting should include information concerning the number of applicants by gender.

(5) Inadequate Planning and Preparation

(a) Findings and Conclusions

In the overall programming of the first course the problems that have emerged resulted from inadequate planning. The planning of a new and complex program requires considerable time. In addition to the overall planning, syllabi must be prepared, library resources must be identified, space must be arranged, faculty must be interviewed and contracted and students must be selected. If sufficient time at the professional level is not available the program will experience problems.

We have found that:

- Several courses lacked a course outline
- Several courses operated without a syllabus
- Materials that were used in certain courses appear to have been used in other courses
- As yet materials are not being developed specifically for the program

- Student response indicates that some of the materials prepared were deficient in content
- Examinations and outside assignments are not being graded

(b) Recommendations

The AID Project Coordinator and the Coordinating Office should work closely with the Academy on the design and implementation plan of the advanced course that will be given in April. A program check list of tasks that must be completed before the program can start should be developed and communicated to the Academic Director of the Academy.

The redesign of the Capacitacion Course is also now underway. The AID Project Coordinator and Coordinating Office should be involved in this redesign process. The Project Coordinator should establish a review and approval procedures that will be required of the Academy and Coordinating Office.

(6) Inadequate Support from Judicial Power

(a) Findings and Conclusions

There are many reasons why this start-up has been less than completely successful. The main responsibility rests, however, with the Judicial Power. The Judicial Power must supply adequate resources to the Academy if it is to become a successful institution. The deficiencies that have been observed are in personnel and office and classroom space.

(i) Personnel

The following full-time positions should be staffed per the Poder Judicial annual work plan for 1990:

(Position filled but no remuneration)	Academic Director
(Vacant)	Secretary (Full-Time)
(Vacant)	Financial Assistant
(Vacant)	Academic Program Director

(ii) Space

Space to house the academy office and classroom was not made available until October, 1989. The space assigned is inadequate. The classroom is not large enough to serve 40 students. In addition, the noise and general confusion in the immediate area create a less than ideal academic setting. Security problems in the outside area makes it impossible to hold evening workshops or seminars.

The Academy should be moved to a location outside of the Supreme Court Building. Poder Judicial should provide adequate space to carry out the functions that are being supported with the A.I.D. grant. In addition to the present classroom and office additional space is needed as follows:

- Library and study area
- One additional classroom
- Area for preparation of teaching materials
- One additional office for the Director of Studies

(b) Recommendations

The Poder Judicial should be informed of their responsibilities under the terms of the grant agreement. If the Poder Judicial is not willing to provide sufficient space and staffing to plan and develop a program of high quality, further project resources should not be committed.

d. Distance Education

(1) Findings and Conclusions

The 1990 work plan and budget request includes a brief plan and rationale for the introduction of distance education utilizing video cassettes. It is extremely important for the Academy to develop programs that can respond to the training needs of judges and court personnel in remote regions. The question is not of need but rather of what the mode of instruction should be. A brief study that would look at the various types of distance education that are being used in Peru and other Latin American countries should be undertaken. Successful distance education programs in business, banking, and agriculture utilizing several types of instruction have been developed in Peru. Columbia has a well established program for the training of judges through correspondence study. ILANUD has information on judicial training via extension education and should be contacted.

(2) Recommendations

- 1) Study the problem of delivery:  
Collect information  
Draw on outside experience and expertise, especially ILANUD  
Visit successful programs elsewhere
- 2) Determine the best mode of delivery
- 3) Plan the program in detail and start when all the required resources are available.

Care must be exercised to avoid development of too many new projects. The first and second courses will both require a great deal of the Academy's time. Validation of those courses is the most important work of the Academy. Scheduling of all of these tasks and monitoring the level of effort that is available within the Academy must be taken into consideration before resources are committed to starting a distance education program.

### e. Overall Findings and Conclusions

While it took three years to bring the first program into being, this is an important point in the development of judicial training in Peru.

The important conclusions are:

- Everyone participating was very pleased with the program.
- The Supreme Court now sees the importance of the program to the entire judicial system of Peru.
- There are judges and court staff throughout Peru that want to participate in these programs, because they want to improve. They have heard about this program and they want to attend because of what it will do for them.
- The Academy is fortunate to have an outstanding faculty. A combination of senior judges and professors from the best law schools are the real strength in what is evolving.
- The Director of the Academy provides the Academy with excellent leadership. She is an outstanding educator.

## B. PUBLIC MINISTRY

### 1. Background

The Public Ministry is headed by the Attorney General who is seconded by three deputy attorney generals. Approximately 700 public prosecutors are assigned to judicial districts throughout the nation. Although they are responsible for conducting investigations of criminal cases, they, like the judges, receive no formal training in this area, are poorly paid and lack the basic material resources needed to carry out their functions.

Until 1979, the public prosecutors were housed within the Judicial Power. The new Constitution placed them within the semi-autonomous Public Ministry which also has the function of "Defensor del Pueblo" (Ombudsman), a role as yet vaguely defined and only partially implemented. The relatively recent creation of the Public Ministry has given it some advantages in being able to eliminate the worst of the traditional administrative procedures that handicap the Judicial Power at every turn.

The Public Ministry Academy was created in 1986 when the Public Ministry and A.I.D. entered into the Grant agreement to fund activities under the Administration of Justice Project.

## 2. Public Ministry Academy

### a. Objectives

The objective of the Academy is to provide continuing professional education to the staff of the Public Ministry. Many of these employees are at the lowest end of the career ladder for public prosecutors. They are in the early stages of their careers and usually in their late 30's. They are responsible for overseeing initial police investigation of suspected crimes, cooperating with the first instance judge in further investigation to determine whether a case should be brought to the trial court, and assuring that citizens' legal and human rights are respected in the process. Since the separation of the Public Ministry from the Judicial Power, the higher level prosecutors (Superior and Supreme) have taken a more aggressive, accusatory role in prosecuting cases. At the level of the first instance courts, however, the prosecutor keeps to a more traditional role and relationship with the judge, cooperating later to lead the investigation to determine whether charges should be brought.

The Academy decided to develop short but intensive courses to expose these professionals to a greater depth of understanding in the Peruvian criminal justice system. In addition to technical knowledge the programs would provide participants an opportunity to work on practical problems that they face in their work.

### b. Curriculum Development

#### (1) Field Input

The early development of the Academy's training was based on information from those working in the field: Public Ministry personnel identified the knowledge, skills and talents needed to do their specific work. They also identified areas in which they needed training. This research provided the Public Ministry with validated information to plan the specific courses to be offered and got them off to a very successful start. This strategy is still being used as new groups of employees are being trained.

#### (2) ILANUD Input

After the consulting visit of Dr. John Helwig from ILANUD in May 1988, a curriculum format was recommended that would distribute hours of each seminar over the following areas:

- Criminal Law
- Criminal Prosecution
- Human Rights
- Techniques of Police Investigation
- Political Relationships to Crime
- Civil Law
- Civil Law Prosecution
- Organization and Administration of the Attorney Generals Office

### (3) 1990 Program Emphasis

Each seminar is now built around a specific problem area that the Ministry wants addressed through an Academy updating and improvement course. The following 1990 list of themes provides an example of the scope of their programs.

- Operative Aspects of Foreign Trade - Tax Evasion
- Organic Law of the Department and Modifications to the Criminal Procedures Code
- Administrative Problems
- Public Defender and Human Rights
- Intervention in Police and Judicial Investigation
- Sexual Crimes - Intervention to Protect Minors
- The Expert as an Assistant Prosecutor
- The Department facing the Problems of Subversion and Narcotics Trafficking
- Prevention and Repression of Contraband Felonies

The individual programs are further defined by designing each program for the role of the Prosecutor or the Administrator. For more detailed elaboration of the Academy's 1990 Plan of Operations, see Annex 7.

#### c. Training of Trainers

To make more use of the experience and expertise from within the Ministry, the Public Ministry is developing a "Training of Trainers" program for nine members of the Academy staff. The success of this endeavor has significant importance for all administration of justice training. This is the type of activity that is needed and should be encouraged and supported with project funds.

#### d. Pre-course Planning and Preparation

Before organizing and carrying out each course, the following activities are undertaken:

- Designate communication links in each region, with the objective of having them participate in organizing the activities and, later on, act as representatives of the Academy in their respective regions. They are informed on the organization and carrying out of events programmed according to the future plans of operations.
- Seek and select locations to carry out courses in the region.
- Determine subjects to be dealt with at each event.
- The Director of the Academy and each regional and district Coordinator interview all lecturers before the event. (Very few lecture quality problems)
- Coordinate with the different offices responsible for the granting of per diem and air tickets, for the participants, lecturers and program organizers.

- Prepare materials for the development of the events. Such materials include files, paper, pencils, credentials, diplomas, pamphlets, etc., for which everyone signs a receipt.
- Select participants according to training needs of each district and region.
- Arrange for program evaluation.
- Develop follow-up surveys. (All are tabulated)
- Arrange for publicity. Collect news press clips. The courses have gained excellent press coverage, especially in provincial areas.
- Develop, publish and distribute pamphlets and literature on the course.
- Draft resolutions thanking hosts, bishop, etc.
- Utilize task analysis in program planning.

For evaluation purposes, the complete records of 10 classes were checked and they confirm that these procedures are actually followed.

e. Program Evaluation

At the conclusion of each program, a course evaluation form is passed out to each participant. Time is provided to them to complete the questionnaire. The results are tabulated and all of the questionnaires are kept on file with other materials from each course. The evaluation results are forwarded to the Ministry, the Coordination Office and AID Project Coordinator.

For the purpose of this evaluation all of the evaluations from one course were thoroughly reviewed to see how the participants rated that course. In addition, spot check samples were taken from nine other courses. Copies of the questionnaire with responses are at Annex 8. The response may be summarized as follows:

- 1) A consistently high percentage of participants expressed satisfaction with the courses.
- 2) Participants related the courses to their work. They expressed appreciation for the opportunity to become more proficient professionals.
- 3) They praised those parts of the program that were positive as well as criticized those that were of less value.
- 4) Handout materials seemed to be a continuing problem. The participants would like to have the materials delivered before the course.
- 5) Excessive repetition of subject matter among classes was noted.

6) These class evaluations are all high. This is a good product. AID and GOP should be proud of the work of this Academy.

f. Program Format

The format for the classes has not changed from the beginning of the Academy's sponsorship of classes. Each course is five days in length. Classes begin on Monday morning at 8:30 and conclude on Friday afternoon with a closing ceremony. Through their own internal course evaluation system, the Academy has determined that this is the preferred schedule.

g. Site and Space

The Academy is functioning at present on the 31st floor of Civic Center, Torre de Lima. The space assigned to the academy is shared with two special attorneys. The space is inadequate for the functions being carried out. In addition there is a lack of security and protection of equipment purchased with A.I.D. funds.

Recommendation: The Public Ministry should provide a more adequate site and space for its Academy.

h. Extent of Participation

To date, 613 prosecutors, 122 assistant prosecutors and 246 technical support workers from Lima, Callao and the provinces have taken training through Academy. In examining the course enrollments, it was noted that police also regularly enroll as members in these courses.

For 1990 15 training events covering updating, modernization, and specialization will reach the following participants:

- 190 prosecutors at the regional level,
- 30 assistant prosecutors at the Supreme Court and higher court levels,
- 25 directors and advisers in Lima, and
- 105 legal and administrative experts at the national level.

i. Distance Education

The Academy proposes to develop a long distance education program to provide training for their staff members working in remote locations. The proposal would involve the development of specific job related training modules and the accompanying self-teaching materials.

Recommendation: Based upon the continuing success of the Public Ministry's Academy, project funding should be used for this important activity.

3. Contract Courses

In 1988 specialized training in typing, reproduction of materials and filing was provided to 47 Public Ministry clerks and secretaries through a contract with Instituto "San Ignacio De Loyola". The course was favorably evaluated, with reasonable per student cost.

C. COMMON COURSES

1. Findings and Conclusions

Among courses with participation of both Public Ministry and Judicial Power professionals were the following:

- 1988 Special training for Judges and Prosecutors in Criminal Investigation  
 Courses (3) at three locations (Chiclayo, Lima, and Arequipa). 25 judges and 25 prosecutors attended.
- 1989 Special Training for Judges and Prosecutors in Criminal Investigation  
 Courses on basic and applied theory of criminology (4), and testing of materials (2) at three locations (Chiclayo, Lima and Arequipa). 80 judges and 80 prosecutors attended.

Review of the file materials indicate that these courses were well thought through, with appropriate balance between theory and practical application. They were all taught by Peruvian experts in the subject matter. Moreover these courses provided a link between the two branches that offer training. The 1990 yearly plans do not now appear to include a continuation of common subprojects.

The original proposal seeking project funds to carry this activity called for an evaluation of each project to be furnished to A.I.D. and the Coordinating Office. The project file does not include an evaluation of any of the subject courses.

## 2. Recommendations

- 1) The sponsoring of common courses is an excellent project strategy and should be continued.
- 2) All educational activities should require a follow-up evaluation, and a copy of the evaluation should be forwarded to the A.I.D. Project Coordinator.

## D. OVERALL CONCLUSIONS AND RECOMMENDATIONS

1. At the conclusion of FY 1990, over 1000 participants will have received training through Project programs. It is important to learn how training is actually being utilized at the working level.

Recommendation: USAID/Coordination Office should contract a Peruvian survey research firm to conduct a tracer study of participants from the two academies to determine the effectiveness of the training in terms of improved practices on judges and prosecutors.

2. Effective management and planning of a development project requires continuous planning including the use of cost-effectiveness analysis. This responsibility should rest with the Coordination Office. The annual work plan should be utilized as the unifying framework for analysis and policymaking. The construction and repetition of this annual routine should be based on the experience that has been learned.

Recommendation: A comprehensive planning process that will lead to the development of an annual work plan should be developed. While USAID/Coordination Office should take part in establishing the overall parameters of the plan, the process of development of the plan should be through the two academies and the Coordination Office.

3. For institutional visibility, nothing succeeds like success. Effective and productive activities provide public visibility to their institution. Continuing support cannot be expected if neither the public nor government are aware of the existence of the institution and its activities. The development of proven institutional competence must precede an expanded institutional responsibility.

The Public Ministry and its academy have developed a highly successful continuing education program for professional employees. Moreover these programs have resulted in an improved image of the Public Ministry.

Recommendation: Dr. Carlos Mansilla and the staff of the Public Ministry Academy should be commended by USAID Peru for developing and carrying out an effective and productive program.

## VIII. GENERAL PROJECT DESIGN AND IMPLEMENTATION

### A. GOVERNMENT OF PERU

#### 1. National Commission

##### a. Concept

As originally conceived, the National Commission was to be an active organization representing the GOP agencies most concerned with administration of justice. The Commission would be committed to reform of the justice system as a whole, supervising the planning and implementation of such reform activities. In the course of such planning it would determine priorities among competing needs for limited resources.

##### b. Experience

Unfortunately, the National Commission has never worked out the way it was conceived. Indeed for one period of nearly an entire year, in 1988-89, the National Commission never met. And when it has met it has never really gotten down to the business of considering deep and extensive reform of a sick justice system. Much of such time as it has met has been consumed in such matters as the hiring and firing of the original director of the Coordination Office and the hiring of a successor.

Such inaction should not be surprising in view of experience with administration of justice projects elsewhere in the hemisphere. The national commission concept has been attempted in every country in which A.I.D. was significantly active through either bilateral or regional projects. Led by a strong supreme court president and representative of a much broader constituency than the Peruvian commission, the National Commission in Guatemala has probably been the more successful, or, perhaps more accurately, the least ineffective. Otherwise the concept has not flourished.

##### c. High Turnover

The countervailing factors in Peru are typical of those in most other countries where the concept has been tried and found wanting. First is high turnover in the representation of the interested agencies. In Peru, since the project started in June 1986, there have been five ministers of justice, three public ministers and five supreme court presidents. Unfortunately, the precedent was established at the outset that the Supreme Court president should be ex officio chairman of the National Commission; and under the organic law of the Judicial Power, the presidency of the Supreme Court changes every year. The Attorney General, as head of the Public Ministry, also is appointed for a relatively short term set by organic law at two years. The organic law of the Ministry of Justice does not require turnover; but over the past few years political expediency has produced an even higher rate of turnover.

d. Parochialism

Another factor working against the effectiveness of the National Commission has been the rather extreme parochialism of the three agencies represented. As in the United States, the Judicial Power is inclined to look upon itself as a separate branch of government, and, because it has the last word in decision of court cases at least, to consider itself somewhat superior to the other two implementing agencies. The Public Ministry on the other hand was newly formed within the last ten years, is relatively small, and considers itself more elite relative to other larger and more politicized bureaucracies. The Ministry of Justice's involvement in the appointment and monitoring for the other two institutions induces its own bias relative to them, and that Ministry is significantly more vulnerable to political factors and pressures.

e. Insufficient Representation

Another negative factor working against the success of this National Commission is that it has not been truly representative of all major institutions and constituencies involved in the administration of justice. There is no representation of the police, who have a major responsibility in working with the prosecutors and the instructional judges in the investigation of criminal complaints. Neither is there representation of the bar associations or the law faculties.

f. Lack of Strong Political Mandate

The National Commission might be more active if it sensed a strong political mandate for reform of the justice system. We did not detect any such strong mandate, nor certainly could a very effective mandate be reasonably expected at this late lame duck stage of the current Alan Garcia government.

g. Prospects

Absent a stronger alternative, we do not recommend the termination of the National Commission. Even as presently constituted, we could get lucky. Chemistry among the members might be right for working together on initiatives of common concern, or a particularly strong leader might develop among the members of the Commission. We have to recognize, however, that, even were such to happen, the probability of its continuance is most unlikely given the high level of turnover in Commission membership.

Otherwise we suspect that the national commission concept could only be useful with a far greater degree of continuity, a strong political mandate from national leadership and high level representation from a substantially broader spectrum of the major interested constituencies. We understand that there was such a national justice reform commission fifteen or so years ago, but that it was flawed by the problematical legitimacy of the sponsoring military government. Perhaps the government produced by the upcoming elections will provide such strong political mandate for a truly representative commission with continuity of membership until the reforms are accomplished.

## Recommendations:

The US Government should respond with encouragement to such an initiative; but the US Government's role should be handled with delicacy, since it is important, especially in Peru, that such initiative be indigenous and not identified with external influence. Among proud sensitive Peruvian lawyers, scholars and politicians, the viability of such reform could be severely impaired by the appearance of intervention in more sensitive areas of national sovereignty by the Colossus of the North.

### 2. Coordinating Office

#### a. Findings

##### (1) Concept

As originally conceived, the Coordination Office would provide staff support to the National Commission in the design and execution of a justice system reform program. But, as described above, the National Commission has not been distinguished by its activity in comprehensive reform of the system, nor has it provided substantial guidance and supervision to the Coordination Office beyond the hiring and firing of its directors.

##### (2) Experience - Evolution to Service Role

As a result, the Coordinating Office through much of the project has been adrift. There was an initial flurry of activity for the Coordination Office in putting together this project from various subproject proposals and a significant amount of time and energy was required for the organization of the Coordination Office itself. Recently, particularly over the last year, at the instigation of A.I.D. the Coordination Office has assumed more of a facilitating role for communications between A.I.D. and the implementing agencies, and also among implementing agencies. The Coordination Office has helped significantly with the preparation and submission of annual plans and other project paper work, but less so with funding requests.

At the very outset of the project the conscious decision was made to exclude the Coordination Office from the direct line of submission of funding requests. Once the annual plans had been approved by the respective implementing agencies, the National Commission and A.I.D., the implementing agencies were permitted to submit their funding requests directly to A.I.D. without review and approval of the Coordination Office. Such decision reflected the desire to reduce the size of the Coordination Office bureaucracy, but it did at the same time deprive the Coordination Office of a certain degree of power, leverage and relevance in the eyes of the implementing agencies. Accordingly the Coordination Office in its current support role must depend on persuasion rather than leverage in gaining a relationship with the implementing agencies whereby they perceive the Coordination Office to be helpful and useful to them in obtaining what they want from A.I.D.

### (3) Adjustment of Staff to Role

We sense continuing need for the Coordination Office service role in facilitating submission of subproject plans and funding requests and the accounting therefore. We do find, however, that the Coordination Office is top heavy and overstaffed for this reduced role in comparison to the original concept. We suggest therefore, that the Coordination Office should be adjusted in membership and cost of staff to correspond to its new and different role.

As currently organized the coordination Office has not only a director but also an executive director who is also entitled legal advisor. The professional staff also includes two accountants in addition to one planner. We suggest that in adjusting the size and cost of the office to conform better to the services performed, the position of the executive director/legal advisor should be eliminated along with one of the two accountants. We further suggest that the remaining accountant should be highly qualified to assist the implementing agencies with their funding submissions in the same way that the present exceptionally capable planner assists the implementing agencies with their planning submissions. With the staff reduced as recommended, including corresponding reduction of support staff, the reduced internal bookkeeping requirement could be adequately handled by a part-time bookkeeper. In the interest of conserving scarce and valuable administration of justice project resources, we suggest that these adjustments be made promptly.

Later, when and if a national justice reform commission along the lines discussed in section VIII. A. 1 above should emerge under the leadership of the new government, then the government and A.I.D. could look to a complete reorganization of the Coordination Office to conform to the needs of such reform commission.

### (4) Physical Location

Further we suggest that A.I.D., the National Commission, and the Coordination Office management should reconsider the office location of the Coordination Office. The Coordination Office is now physically located in San Isidro several miles, and 15 to 20 minutes by car, from the downtown center of Lima where the offices of A.I.D. and the three implementing agencies are all located. We suggest the Coordination Office might better be able to perform its communication/facilitation role if it were located substantially closer to the offices of the organizations which it served.

#### b. Conclusions

- Regardless of its role relative to the National Commission, the Coordination Office can perform a useful service role in facilitating planning and financial accounting submissions from GOP implementing agencies to USAID.

#### c. Recommendations

- The National Commission and USAID should agree on adjustment of Coordination Office staff to better conform to its role.

The Coordination Office should move to a location substantially closer to the GOP implementing agencies and USAID/Peru.

### 3. Implementing Agencies

#### a. Findings and Conclusions

##### (1) The Turnover Problem

While not as paralyzed as the National Commission by rapid turnover of leadership, the separate ministries have also had to make accommodations to their respective changes in leadership. Each incoming minister, (or in the case of the Judicial Power, Supreme Court president) usually brings his own particular priorities, and promotes the activities of greatest importance to that leader. Understandably the activities which have been most successful have been those with sufficient consensus concerning their need that they survive such leadership transitions. In the Ministry of Justice the consultorios juridicos have enjoyed continuing support, and in the Public Ministry the training academy has similarly progressed with continuing support.

It is beyond the power of A.I.D. to direct the interests of ministry leadership, and it is important to project success that project activities be looked upon as GOP rather than A.I.D initiatives. Even so, A.I.D. might be able to help continuity of subproject momentum by encouraging more delegation of authority to the career levels of the ministries, particularly the project coordination teams.

#### b. Recommendation

That A.I.D. encourage GOP implementing agencies to delegate project implementation and authority to respective agency project coordination teams.

### B. A.I.D.

#### 1. Project Design

##### a. Findings and Conclusions

##### (1) Impact of Programming Shortcuts on Project Feasibility

##### (a) Lack of Sector Assessment

As noted above in section II.A with respect to sector assessment, before project authorization and obligation in June 1986, two studies of the Peruvian justice system were carried out by Dr. Luis Salas, the second with assistance of Dr. Jose Rico. In that second report of April 1985 they had recommended a sector assessment and included a scope of work for its preparation, but during the following year no action was taken to follow up on that recommendation.

Accordingly during a brief period in the spring of 1986 when the funds were available and Peru was eligible by virtue of payment on outstanding debt, USAID/Peru rushed through an authorization and obligation of \$1 million. This had to be done without benefit of a sector assessment to determine sector needs and priorities on the basis of more facts and analysis than had been available through the earlier reports of Salas and Rico. In the few weeks available, the Mission obtained from the Ministry of Justice, the Public Ministry and the Judicial Power many ideas for projects, some of which were screened out, but leaving a total of 23 of which were accepted and included in the project description.

(b) Lack of Project Paper

Not only was there no sector assessment but also there was no project paper to justify the project authorization. Rather the project authorization was accompanied by a four page memorandum drawing heavily upon the Salas/Rico reports.

The multiplicity of project activities was justified on two counts: First, the number reflected willingness on the part of A.I.D. to respond to particular interests of the Government agencies involved while inducing the Government to respond to some activities, such as the more mundane aspects of court administration, which were then of more interest to A.I.D. than to the Government. The hope was that in working together on the implementation of the project the Government and A.I.D. representatives would be able to reason with each other on the basis of further analysis, and also take advantage of experience in implementation of the various activities to determine which subproject concepts were worthy of continuance and which should be weeded out. At the outset at least, the Government representatives tended to think of reform in terms of "codes and computers", and some accommodation was necessary to induce appropriate interest on the part of the implementing ministries in the proposed project as a whole.

(c) Consequences

With the benefit of a Monday morning perspective, we have to conclude that the original project design included too many subprojects. As a consequence of the multiplicity of subprojects, there has been heavy implementation overload both on the A.I.D. Mission and on the Government of Peru implementing agencies. The impact thereof has been particularly heavy on the GOP implementing agencies because they were almost totally inexperienced with financing from international agencies.

While sympathizing with the plight of the A.I.D. and GOP project designers who were faced with the task of putting the project together in a hurry, and respecting justification for a trial and error approach under the circumstances prevailing in April 1986, we must conclude that the lack of any sort of sector assessment beyond the Salas/Rico trip reports was a major lack in the design process. Indeed the trial and error approach among a wide variety of subproject concepts was essentially forced upon the designers in the absence of substantial analytical base for selection among needs according to relative priority.

Even with the limited available information and analytical base, however, a more thorough program design effort would likely have produced a tighter, more feasible project. The process of putting together a project paper can be arduous and time consuming. It does, however, impose a certain discipline in thinking about the implementation of a project before it is authorized. It should produce specific performance indicators whereby project progress can be evaluated during as well as after project implementation. Further, in imposing such discipline by mission review, the process brings together the thinking of various offices who may see implementation issues from different perspectives and thereby contribute to avoidance of the problems inherent to a particular design. We suspect that had more time been given to the preparation of the project paper, and, even more important, to the process which produces project papers, a tighter focus of project activities would have been enforced.

b. Recommendation

- That A.I.D. should incorporate the discipline of project paper preparation and review into the programming process whenever possible.

2. Implementation

a. Findings and Conclusions

(1) Slow Disbursement

As of the most recent semiannual report dated September 30, 1989, \$1.27 million out of \$2.85 million of the grant had been expended in the over three years since the initial project obligation in June 1986. By September 30, 1989 the expenditure rate, at \$338,000 over the previous six months, had reached its highest level since the start of the project. Even if that level, more than 50% higher than any previous six month period, could be sustained, over two and half years would still be required to expend the remaining funds already obligated on the project. This would imply need for some extension of the PACD (Project Activity Completion Date) from the present December 31, 1991, but there still remain nearly two years to address that issue.

The fact is that with \$1.27 million disbursed over the previous three years, a rate of \$400,000 per year, the project has experienced an extremely low rate of expenditure. We have to recognize that such low expenditure rate is the product of various factors including inexperience of the GOP implementing agencies with external financing, compounded by 23 projects for three separate agencies, each agency experiencing constant change of leadership and frequent extended strikes of employees, and project budgeting severely complicated by the present hyperinflation in Peru. Further, until this past year there had been notable lack of initiative on the part of the Coordination Office in facilitating submission of planning and financial paperwork from the Peruvian side.

These factors help explain slowness on the part of the Government of Peru. But we have to note also some slowness on the part of A.I.D. For example, annual plans for project activities during the year 1990 which were submitted early in January of 1990, were still pending approval in USAID two months later despite the importance of these documents as the basis for further

funding in 1990. Project paperwork has been delayed in various offices, but tend to be held longest in the controller's office. Such delay in processing project funding submissions is further compounded by delays of as much as two weeks in obtaining checks from the U.S. Treasury disbursing office in Mexico.

## (2) Advance/Liquidation Disbursement Process

The work of the A.I.D. controller office on project funding requests is substantially complicated by the use throughout the USAID/Peru program of a system of advances and liquidations for financing project activities rather than reimbursement of GOP expenditures. The advance/liquidation procedure requires that an initial round of paperwork be processed by both the GOP implementing agency and the USAID to justify the amount of the advance to the GOP implementing agency in advance of expenditure. Then, following expenditure the GOP implementing agency has to file a second submission accounting for expenditure of the amount advanced. Under the reimbursement alternative only one round of submissions would be required to review the expenditures already made by the GOP implementing agencies to determine their eligibility for reimbursement. Because of the present desperate financial circumstances of the Government of Peru, the advance/liquidation procedure has been adopted for all A.I.D. projects.

## (3) Project Management Overload

Turning to project management, we find that the A.I.D. project coordinator, a U.S. lawyer under a two year contract, arrived at a-post in April 1989, new both to A.I.D. and to foreign service. During the period of our evaluation we were impressed that the project coordinator is working hard and learning fast, but is excessively occupied by the requirements of internally generated A.I.D. paperwork, and that these bureaucratic requirements distract him from important substantive issues facing the project.

For example, a draft sector assessment submitted by the authors for review in December 1989 had still not been read within the A.I.D. Mission at the time of our visit in March 1990. This is an important project planning document which was expected to provide the factual and analytical base for further initiatives in administration of justice reform, not to mention the determination of need and priority among those project activities already under way. Another example is the Judicial Power training academy where there appear to be substantial discrepancies between the courses programmed and the courses actually taught.

Such an overload derives partly from the excessive number of separate project activities. The Mission is seeking to address this problem by focusing on fewer activities within seven more broadly defined project elements. We have to note, however, that of the original 23 project activities some are being eliminated by completion, some were never really started, and most of the remainder are being continued by merger into fewer and broader categories. No activity already well into implementation is being eliminated. Further, the number of institutional counterparts has not decreased; indeed they may increase if the counternarcotics aspect of the project is emphasized. Therefore, there will be continuing need for more person hours to address the needs of project implementation combined with normal A.I.D. bureaucratic requirements.

#### (4) Communication Problems

Internal overload of the project manager has also led to communication problems and misunderstandings with project counterparts. The project manager needs to spend more time with them to reduce the potential for such problems. There are also signs of communication problems within A.I.D. Relative to the 1990 annual plans for the various project activities, the controller office states that such project documentation should be submitted at least two to three months in advance of the period covered, whereas the project manager had understood that submission by mid-December would be adequate, and the GOP coordination office had understood that submission later in December would be adequate. More time for substantive follow up would help eliminate such misunderstandings.

For successful implementation of the project it is vital that A.I.D. be able to respond faster to submissions, particularly funding submissions from the GOP implementing agencies. The current substantial delays communicate low priority and set a poor example. Particularly at the outset of a working relationship between A.I.D. and government agencies new to A.I.D., it would be extremely helpful for the A.I.D. bureaucracy to exert more positive peer pressure upon the bureaucracies of the GOP implementing agencies.

#### (5) The Contracted Firm Alternative

This project is quite distinct in the heavy operational responsibility assumed by the AID Mission to be borne largely by a single contract employee. One approach would be to contract additional staff to meet the heavy demands of project implementation, coordination and oversight.

Another alternative, however, would be to contract a single firm to oversee the provision of all consultant services, training and commodity inputs for the project. Indeed, this has been the approach favored by other AID missions for administration of justice projects. Arguments in favor of such approach emphasize clearer fixing of responsibility and more continuity of same, simpler and faster procurement procedures once the responsible firm has been contracted, and more ready access to available expertise.

Arguments against contracting a firm tend to emphasize the higher costs and longer startup delay. Also we note with favor that this project has drawn more heavily on in-country expertise and experience than have other AOJ projects of our acquaintance.

Since the evaluators are employed by a consulting firm active in the administration of justice "business", we hesitate on conflict of interest grounds to make comparative judgments in this case. Also, for an interim evaluation, such judgments might be premature. We do suggest, however, that this issue should be looked at closely in the final evaluation. This project represents an experimental approach in project implementation; and the costs and benefits of that approach should be weighed carefully so that future projects may benefit from the experience.

Further, even within the present project oversight system, we suggest that it could be appropriate to contract with a firm to assume full start-to-finish responsibility for a particular project element. For example, a firm could be contracted to work through to conclusion with the Peruvian justice system agencies in the design and establishment of improved and, as appropriate, automated management information systems.

b. Recommendations

To address these problems and to expedite project implementation on the A.I.D. side, we suggest that the following measures be considered:

- 1) That USAID contract the services of a Peruvian FSN, preferably one highly experienced in USAID bureaucratic procedures, as a project assistant to the project manager. This should help to relieve the A.I.D. project manager from the more routine paperwork and permit him to concentrate more on the substance of the program, and improved communications with project counterparts.
- 2) If necessary to expedite paper flow in USAID, and particularly the financial submissions, that USAID/Peru consider the use of project funds to hire an additional accountant for the controller's office. Such accountant would be hired as long as necessary to give first priority to administration of justice paperwork, although that would not necessarily preclude the use of such accountant for other such A.I.D. controller requirements as time permitted.
- 3) That A.I.D. and the GOP should consider the use of PL480 counterpart funds to provide initial funding of revolving funds for each project activity. This would permit project financing on a one step reimbursement system rather than the current two step advance/liquidation system and thereby substantially reduce the accounting and bureaucratic burdens of processing funding requirements.
- 4) That looking to future projects, the final project evaluation should include analysis of advantages and disadvantages of the USAID/Peru AOJ project implementation approach as compared to the contracted firm approach employed by other missions.

RELATIONSHIP OF ADMINISTRATION OF JUSTICE PROJECT TO  
ANTINARCOTICS PROGRAM

For success of an antinarcotics effort, it is important that narcotics prosecutions gain prompt action by courts which are willing and able to convict upon presentation of a strong case. The credibility of the courts in this respect is a major factor not only in obtaining conviction, but in enhancing motivation of police and prosecutors for conscientious investigation and prosecution. This is particularly important when diligence exposes law enforcement officers to risks of retribution from colleagues in conspiracy of accused offenders, as is likely to occur in narcotics cases.

Proposed activities under the administration of justice program will enhance law enforcement credibility of the courts in various ways. Reforms in court paper work and procedures should significantly speed up court proceedings leading to quicker convictions on fresher evidence and generally more efficient prosecution. Management information systems should enable supervisory levels in the court system to keep closer watch over and enforce firmer discipline over judges. This should increase capacity of the system to detect and punish and thereby eliminate corruption and other misconduct within its ranks.

The training component will include special courses on narcotics with direct impact on narcotic prosecutions. Such courses would include the specialized technology of "money laundering", handling of material evidence, plea bargaining as a means of obtaining testimony, and seizure of assets used in drug trafficking. But elements of the training curriculum directed at more general improvement in competence and efficiency of the judges and prosecutors will have significant indirect impact as well.

Joint training programs on improvement of investigation techniques, including police as well as judges and prosecutors should have direct impact, not only increasing competence of the participants, but also increasing their understanding of each other and their relative roles, thereby promoting improved coordination and cooperation between the police, the prosecutors and the courts. While A.I.D. may not on its own finance courses for police, working together with ICITAP, A.I.D. through the administration of justice project should be able to share financing of such team building courses which include police as well as judges and prosecutors.

While we see improved justice system performance and credibility as a major factor in the campaign against narcotics, we would not recommend that AID support be focussed on special courts for narcotics offences. From our interviews it was apparent that although narcotics are grown in specific areas, the transport and marketing has spread widely. Particularly as pressure on drug trade increases in Colombia and elsewhere, narcotics offenses are increasingly common on court dockets throughout Peru. Therefore it is necessary that courts and prosecutors throughout the country be prepared to deal effectively with such cases.

Also, we suggest that concentration of U.S. support on special narcotics courts could convey an unfortunate and possibly counterproductive message that our concern did not extend beyond our drug problem to their justice system problem. With the recent surge of democratic reform throughout the world, and consequent improvement of United States security within that world; the United States has a special interest in the sustaining of democratic institutions by helping them prove their worth.

## X. PROJECT PRIORITIES OVER SHORT TERM

Article III.B.(e) of the scope of work for this evaluation specifically called for identification of priority activities for AID support over the short term.

### A. RELATIVE PRIORITY

With the limited time available to the evaluation team, we are in no position to suggest detailed budgets. Rather we can indicate those among existing activities which we consider of higher priority for continuance, and suggest next steps to further sharpen project focus on elements promising the most return for further investment.

Activities of particular accomplishment and promise thus far, for which we would recommend continued support, are the following:

- Judicial Power Academy - with special emphasis on court administration and participation of administrative professionals, and conditioned upon judicial power commitment of adequate space and support staff for the Academy.
  - Public Ministry Academy - conditioned upon Ministry commitment of more adequate space.
  - Court Administrative Reform - with extension of Hansen Holm type analysis, recommendations, and implementation to rural as well as urban courts.
  - Legal Aid and Information Clinics. Although coverage has substantially expanded already with support from project resources, there are still substantial voids in coverage where needs of relatively large communities can be met with modest investment. Also, within the existing legal clinics as well as additional new clinics, AID should support the expansion of services to include trial representation of selected clients. At present the services of the legal clinics are restricted to assistance in preparing documents and negotiations which stop short of representation in court.
  - Information Management Systems. Although work on information management systems has not been notable for success up to this point, and the Peruvian agencies involved with this project tend to overestimate the benefits of "computerization", some highly useful applications are feasible with proper needs analysis and appropriate technology applications. AID should respond to the keen interest of all participating agencies in this area, giving priority to administrative over legal database applications. We heard a clear consensus that the real problems of the justice system derive not so much from the substance of the law as from the manner in which it is applied.
- Other activities of lower priority for AID funding which should promptly be phased over to GOP funding according to the GOP's own sense of priorities include the following:

- Publication and distribution of information materials.
- Traveling expenses for the Defensor del Pueblo.

#### B. NEXT STEPS

As next steps toward sharpening project focus and adapting such focus to conform more closely to Peruvian realities and changing GOP priorities, we recommend the following:

- Invite legal leadership of the new GOP administration, along with bar association and law faculty representation, to share with the current participant ministries in defining scope of work for a supplemental sector assessment. Such assessment should address such areas as arbitration and other alternatives for dispute resolution outside the formal justice system, and address more directly such basic issues as judicial compensation and corruption.
- Make such other preparations as appropriate for a joint GOP/AID Administration of Justice programming/reprogramming exercise to be completed by March 1991.

With a change of government pending, hopes arise for major reform of the system. We have suggested that AID/Embassy leadership can help by making clear at the highest levels the U.S. government's willingness to support Peruvian initiatives toward such reform.

However, even if such major reform "home runs" were not forthcoming over the short term, substantial success can still be achieved over the long term by continued support for the step by step, incremental reforms of the sort now being implemented with AOJ project support. Relative to corruption, for example, major reform might be achieved more rapidly by large salary increases and wholesale dismissal. Short of such drastic measures, however, there is yet room for significant progress through improvement of information and management systems to better enable honest leadership to detect and root out the corrupt, and improvement of morale and standards of professionalism through inservice training and improved working conditions. To draw an analogy from our national pastime, but equally applicable to Peru, runs can be scored and baseball games can be won by singles as well as home runs. It may take longer that way, but it can still work.

ANNEX 1

EVALUATION METHODOLOGY

## LIST OF ANNEXES

1. EVALUATION METHODOLOGY
2. LIST OF PERSONS INTERVIEWED
3. EXTRACT FROM EL SALVADOR JUDICIAL ASSESSMENT
4. DETAILED DESCRIPTION OF LEGAL AID PROGRAM
5. PARTICIPANT EVALUATION OF FIRST TRAINING PROGRAM FOR JUDGES
6. SCHEDULE OF PUBLIC MINISTRY TRAINING ACTIVITIES
7. PUBLIC MINISTRY ACADEMY PLAN OF OPERATIONS FOR 1990

## ANNEX 1 - EVALUATION METHODOLOGY

This evaluation was conducted over a period in excess of three weeks, of which nineteen days were in the field. The evaluation team consisted of four members. The team leader was a U.S. lawyer from private practice with AID legal experience as an assistant general counsel and regional legal adviser, and AID project/program management experience including several assignments as mission director. The other team members were three American specialists in training, court administration and management information systems respectively.

To carry out the evaluation, the members of the team reviewed thoroughly the basic project documentation: the project identification document, the project paper, project agreement, and amendments thereto. Beyond this the team members reviewed extensively the documentary files of the project, including periodic reports and project implementation correspondence.

The team members used most of their time, however, to conduct extensive interviews with participants in and beneficiaries of the project, including judges, prosecuting attorneys, legal aid and public defender attorneys, law professors, attorneys general, clerks of court and their deputies and assistants, and many taxi drivers. Among the implementing agencies the team interviewed all members of the National Commission and the Coordination Committee and AID mission project committee. In addition, the team leader interviewed officers of the AID/Washington Latin America Bureau office for Administration of Justice. For further detail on persons interviewed, see Annex 2.

Before leaving the USAID Mission, the team prepared a draft of the evaluation report which was discussed with the AID Mission Director and members of the AID project committee. The AID Mission then sent written comments on the draft report to the evaluation team leader to be considered for incorporation into the final report.

ANNEX 2

LIST OF PERSONS INTERVIEWED

ANNEX 2 ADMINISTRATION OF JUSTICE PROJECT EVALUATION  
Agenda with Persons Interviewed (\*)

February 21, 1990 (Wednesday):

AID Washington LAC/DI  
Norma Jean Parker, Chief  
Karen Otto

February 22, 1990 (Thursday)

USAID, Development Resources Office  
Bruce Blackman, USAID/DR Director  
Mark Visnic, AOJ Project Coordinator  
Arthur Mudge (AM), Evaluation Team Leader  
Robert Ewigleben (RE), Training Consultant  
Edmund Andrews(EA), Information Systems Consultant

February 23, 1990 (Friday):

Project Coordination Office  
Ezio Parodi, Director  
Enrique Vasquez, Executive Director  
Grimaldo Guipptons, Planning  
Carmen Medina, Accountant  
Melda Bravo, Assistant Accountant  
AID: AM, RE, EA

Office of Mission Director  
Craig Buck, Mission Director  
Alan Silva, Deputy Director  
AID: AM, RE, EA

February 24-25, 1990 (Saturday-Sunday):

Evaluation Team Work Sessions  
Robert Page, Administration of Justice Consultant  
(Newly Arrived Team Member)  
AID: AM, RE, EA

February 26, 1990 (Monday):

Supreme Court  
Eloy Espinosa Saldaña Catasús, Presidente  
Beatriz Mejía Mora, Directora del Centro de  
Investigaciones Judiciales  
Martha Kabster, Silvia Astete  
AID: AM, RP, RE, EA

Public Ministry (Office of the Attorney General)  
Manuel Catacora Gonzales, Attorney General  
AID: AM, RP, RE, EA

(\* Not all visits of some participant are listed herein.

Ministry of Justice  
Angelica Bockos, Minister of Justice  
AID: AM, RP, RE, EA

Coordinating Office  
Grimaldo Guipttons  
AID: Meeting 1: AM Meeting 2: RE Meeting 3: EA

Academy of Magistrates, Supreme Court  
Delia Revoredo Marsano, Director of Academy  
AID: AM & RE

Ombudsman ("Defensor del Pueblo")  
Clodomiro Chávez Valderrama, Fiscal Adjunto Supremo en  
lo Penal  
AID: AM

February 27, 1990 (Tuesday):

Supreme Court  
Walter Vasquez Bejarano, Vocal Administrativo,  
Coordinador General del Proyecto  
Beatriz Mejía Mora, Directora del Centro de  
Investigaciones Judiciales  
AID: AM, RP, EA

Academia del Ministerio Público  
Carlos Mansilla Gardella, Director de la Academia  
AID: AM, RP, EA

Supreme Court, Oficina de Informática  
Manuel Mattos de la Peña, President, Superior Court  
Jose Rivas Manrique, Vocal Superior  
Luis Enrique Biaggi Gomez, Vocal Superior  
Eugenio Olivos V., Hansen-Holms  
AID: MV, AM, RP, EA

Public Ministry  
Carlos Mansilla, Director of Academy  
AID: AM, RE

Hansen-Holms, Alonso & Co.  
Edward Alcalá Ramirez  
Eugenio Olivos V.  
AID: RP, EA

Fundación Nauman  
Harold Klein, Director  
AID: RE

Central Bank  
Roberto McLean, Former President of Supreme Court and  
Current Law Professor at Univ. Católica  
AID: AM, RP, RE

February 28, 1990 (Wednesday):

Fiscalía Suprema, Ministerio Público  
Pedro Mendez Jurado, Fiscal Supremo  
Nelly Calderón Navarro Fiscal Superior en lo Civil y  
Supervisora del Centro de Informática  
Adelaida Bolivar, Fiscal Superior en lo Civil  
Rogelio Saldaña Alvarado, Jefe del Centro de Inform.  
Ulises Ugarelli, Director General de Presupuesto,  
Planificación, Racionalización y Estadística, y  
Supervisor del Subproyecto Sistema de Planificación  
Otros Representantes del Ministerio Público  
AID: AM, EA

Academia del Ministerio Público  
Elsa Maritiza Aragón, Assistant Administrator  
AID: RE

Oficina de Informática, Ministerio Público  
Rogelio Saldaña Alvarado, Jefe de la Oficina de  
Informática  
Jorge Ullón Indiaquez  
AID: EA

Centro de Investigaciones Judiciales  
Beatiz Mejía, Directora  
AID: AM, RP

Oficina General de Presupuesto, Planificación, Racionalización y Estadística, Ministerio Público (OGPPRE)  
Ulises Ugarelli  
AID: EA

Ministerio Público  
Beatriz Guevara Bolaños, Directora de Estadística  
AID: EA

Drug Enforcement Agency  
Charles Keiffer  
AID: AM

AID Training Office  
Verónica Ferrero, Director of Training Office  
AID: RE

AID Computer Support Office  
Luis Figueroa  
AID: EA

Supreme Court  
Javier de Belaunde, Advisor to the Supreme Court  
AID: RE

March 1, 1990 (Thursday):

Ministry of Justice  
Angelica Bockos, Minister of Justice  
Carlos Bockos, Advisor to the Minister  
General Coordinator to AOJ Project  
Alberto Cari, Adjunct Coordinator to General  
Coordinator of AOJ Project.  
Miriam Schenone, Director General de Asuntos Jurídicos  
AID: AM, EA

US Embassy  
Augusto Santiago, Legal Counsel to the US Embassy  
AID: AM, RP

Senate  
Luis Alberto Maravi Saez, Advisor to the Senate  
AID: AM, EA

Universidad Católica  
Fernando de Trazegnies, Profesor, Décano Anterior  
AID: AM, RE

March 2, 1990 (Friday):

Consultorios Jurídicos  
AID: AM, RP, RE

INFOLEX

Orlando de los Rios  
Gustavo de los Rios  
Emilio Fernandez de Cordova, Gerente, Cosapi Data.  
AID: EA

Poder Judicial

Nesasio Mezearina Mendoza, Secretario General de  
Administración  
AID: RP

Supreme Court

Manuel Mattos de la Peña, President, Superior Court  
Jose Rivas Manrique, Vocal Superior  
AID: AM

Universidad De San Marcos

Rocio Rondinel, Assessor to Supreme Court  
AID: RP, EA

March 5, 1990 (Monday):

Instituto Nacional de Planificación

Aurora Rivas, Directora de Cooperación Técnica  
Internacional  
AID: AM, RE

US Embassy

Lic. Augusto Santiago, Legal Counsel to US Embassy  
AID: AM, EA

March 6, 1990 (Tuesday):

Camara de Diputados, Congreso Nacional

Oficina de Informática  
Ing. Cesar Rangel, Director  
Ing. Tino Reina, Director de Sistemas  
AID: EA

Controllers Office, USAID

Paul Kramer, Deputy Controller and Accountant  
AID: AM

March 7, 1990 (Wednesday):

No Official Meetings Held

March 8, (Thursday):

Coordinating Office of the AOJ Project  
Ezio Parodi, Director

March 9, 1990 (Friday):

USAID

Craig Buck, Mission Director  
Norma Parker  
AID: MV, AM

USAID

Edilberto Alarcon, Chief Engineer  
AID: AM

USAID, Costa Rica Mission, By Teleconference  
Linn Hammergren, Deputy Director/RAJO

Escuela de Leyes, Universidad Católica  
Jorge Avendaño, Decano  
AID: AM

ANNEX 3

EXTRACT FROM EL SALVADOR JUDICIAL ASSESSMENT

**DIAGNOSTICO SOBRE EL ORGANO JUDICIAL  
EN EL SALVADOR**

Realizado bajo el patrocinio del Instituto Latinoamericano de las  
Naciones Unidas para la Prevención del Delito y Tratamiento  
del Delincuente (ILANUD)

Y

La Agencia para el Desarrollo Internacional (AID)

Y

Comisión Revisora de la Legislación Salvadoreña (CORELESAL)

Realizado por el Centro para la Administración de Justicia  
Florida International University (FIU)

San Salvador, El Salvador

28 de Setiembre de 1987

## **LABORAL.**

*Juicio ordinario que tenga más de un año de estarse suscitando.*

## **TRANSITO, CIVIL E INQUILINATO.**

*Juicios de más de un año.*

### **5.1.3. Administración central**

La administración central del Organo Judicial tiene dos divisiones principales que se han descrito anteriormente (véase el organigrama vigente). Se notan algunos problemas con el sistema actual. Primero, varias de las funciones jurídicas pertenecen a la División Administrativa Ejecutiva y varios asuntos administrativos pertenecen al Secretario General. Segundo, hay un desequilibrio en la organización entre las funciones bajo el Secretario General y las que están bajo la División de Administración Ejecutiva. Las oficinas a cargo de la Secretaría General, son a nivel de sección; mientras que las de la División de Administración Ejecutiva son a nivel de departamentos; Tercero, no hay relaciones directas entre la administración central y los tribunales. Una de las grandes necesidades en El Salvador es mejorar la situación de los tribunales en casi todas las áreas. Con el fin de eliminar estos problemas, se ha elaborado una propuesta para cambiar la organización de la administración central.

Para solucionar algunos de los problemas señalados y para lograr un sistema más eficiente, se recomienda que se *reorganice la estructura de la administración central (el Secretario General y la División de Administración Ejecutiva) para que sea más eficiente, establecer mecanismos de coordinación y definir las líneas de autoridad. Las divisiones básicas deben ser: las funciones administrativas bajo la jefatura de la división administrativa y las funciones jurídicas bajo la dirección del Secretario General. Específicamente, se deben implementar los cambios siguientes basados en la reforma de la Ley Orgánica Judicial donde sea necesario.*

*a- Delegar la autoridad administrativa sobre los departamentos que están encargados de las funciones jurídicas al Secretario General.*

*b- Redefinir las secciones del notariado, de investigación profesional y de publicaciones como Departamentos.*

*c- Integrar la Sección de Acuerdos al Departamento de Personal.*

d- Incorporar las funciones de las investigaciones privadas, declaraciones de propiedad, pruebas, autorización, calificación para magistrados de cámaras, jueces de primera instancia y de paz, notariado, jueces ejecutores y secretarios notificadores, a un nuevo Departamento de Certificación Profesional y Capacitación.

e- Pasar la responsabilidad del manejo de las estadísticas judiciales al Departamento Estadístico y el Archivo a la sección correspondiente que se encuentra en el sector administrativo.

f- Formar un solo departamento de archivo general del Organo Judicial, en el cual habrá dos secciones: la del notariado y la de expedientes.

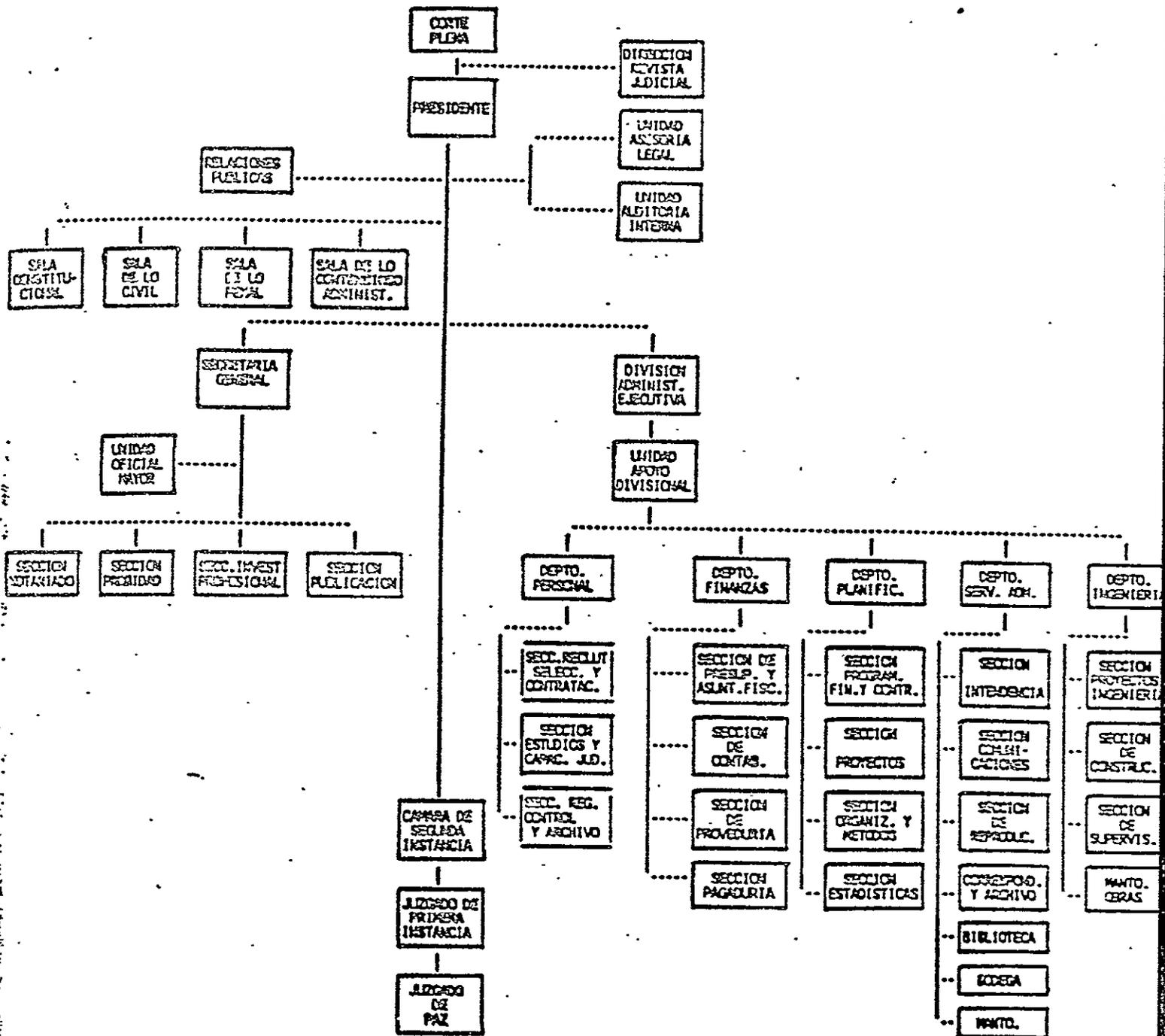
g- Cambiar la sección de Oficialía Mayor (menos las funciones anotadas en el literal d) a un Departamento de Documentación, bajo la dirección del Secretario General.

h- Establecer una división de Auditoría Operativa parecida a la Auditoría Interna, para ayudar a mejorar el flujo de casos, reducir el número de casos pendientes, ofrecer alternativas como el nombramiento de jueces auxiliares, supernumerarios, suplentes y jueces de procedimiento, donde el volumen de trabajo lo justifique.

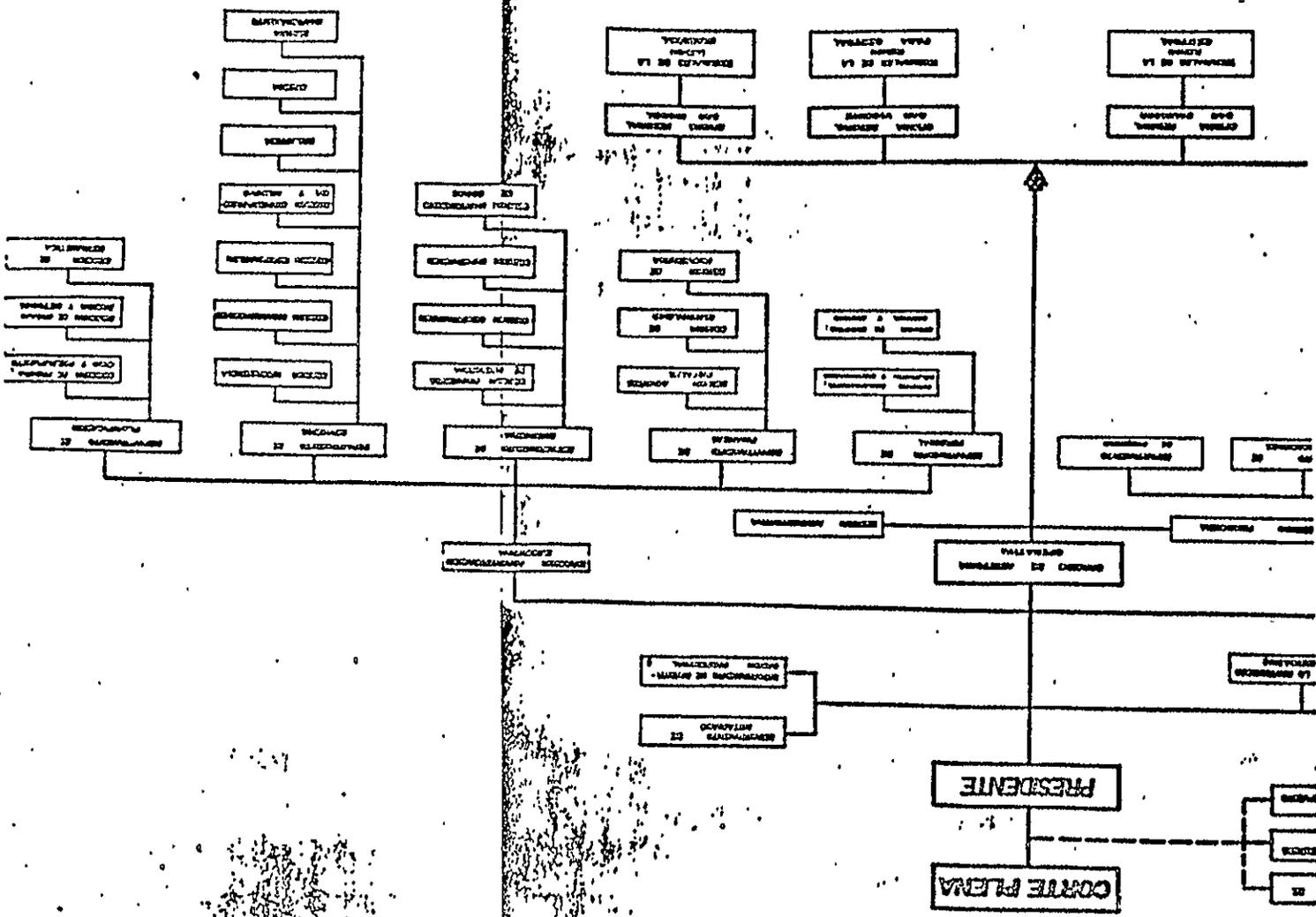
i- Ajustar los salarios entre los dos sectores, lo administrativo y lo jurídico, para que sean aproximadamente equivalentes.

Estas recomendaciones están reflejadas en el organigrama propuesto que se encuentra en la página siguiente.

ORGANO JUDICIAL DE EL SALVADOR  
ORGANIGRAMA VIGENTE SETIEMBRE 1967



REPÚBLICA DE EL SALVADOR



Con la propuesta de reorganización se lograrían varios fines: tener líneas de autoridad claras entre el Presidente de la Corte, la Corte Plena y las dos áreas importantes: jurídica y administrativa, de la administración del Organismo Judicial. Al mismo tiempo se llevaría a las funciones, tales como la investigación profesional y la certificación de jueces y secretarios, al nivel de departamento, para reconocer su importancia.

Varias actividades, tales como las de acuerdos o de mantener los libros de nombramientos de magistrados, jueces de primera instancia y jueces de paz, y el Departamento de Personal, se juntarían porque ejercen funciones similares. En el mismo sentido las funciones de mantener estadísticas para todo nivel de tribunal, incluyendo la Corte Suprema de Justicia, pasaría a la sección de estadística donde pertenece.

Los cambios mayores serían en las funciones que desempeña el Secretario General. Se juntarían todas las funciones que tienen que ver con la autorización profesional para magistrados, jueces de primera instancia y de paz, jueces ejecutores, secretarios y notificadores, y la capacitación de los mismos en un nuevo Departamento de Certificación Judicial y Capacitación. Básicamente cumpliría dos funciones: una, la del segundo oficial mayor de la Sección de Probidad y la de investigación para nombrar jueces, actividad que actualmente cumple la Sección de Investigación Profesional; y otra, la función de capacitación que está a cargo del Departamento de Personal, porque los programas de capacitación deben estar estrechamente vinculados con los programas de reclutamiento y selección de jueces y de otros funcionarios dentro del Organismo Judicial.

Otro cambio es la creación de un Departamento de Documentación, bajo el primer oficial mayor. Este Departamento tendrá todas las funciones típicas de un centro de documentación. Se incluirán los registros de testamentos, testimonios, certificaciones de documentos, etc.

Actualmente existen dos archivos: uno en la sección de archivo general y otro en la del oficial mayor. No existe coordinación entre los dos archivistas en cuanto a su función. Hay duplicidad de esfuerzos y cada uno de ellos dirige a sus auxiliares de acuerdo con su propia manera de archivar. Para eliminar la duplicidad y racionalizar el gasto se deben unir las dos secciones en un Departamento de Archivo General; manteniendo las dos secciones de archivos y protocolos.

La Sección de Investigación Profesional y la de Notariados, se convertirían en dos departamentos separados, que responderían directamente a la Corte Plena, reflejando la importancia de sus labores respectivas.

Otro elemento básico para la reorganización de la administración central del Organo Judicial, es abrir una vía de contacto directo entre los tribunales y la administración central por medio de una oficina de asistencia técnica para los tribunales.

El artículo 182 de la Constitución vigente establece dentro de las atribuciones de la Corte Suprema de Justicia en sus numerales 5a y 6a:

"Vigilar que se administre pronta y cumplida justicia para lo cual adoptará las *medidas* que estime necesarias".

"Conocer de la responsabilidad de los funcionarios públicos en los casos señalados por las leyes".

Así mismo, el Art. 25 de la Ley Orgánica Judicial establece:

"El *gobierno y régimen interior* de la Corte Suprema de Justicia estará a cargo de su Presidente, quien deberá velar porque se cumplan a este respecto las disposiciones de las leyes y reglamentos. Tendrá asimismo la *suprema inspección* sobre el régimen interior de los tribunales y juzgados, debiendo dar cuenta a la Corte de las irregularidades que notare cuando lo creyere conveniente".

La Corte Plena y el Presidente necesitan de un organismo y de una estrategia que les permita cumplir y velar porque se cumplan las disposiciones y reglamentos en los 302 juzgados de paz, en los 92 juzgados de primera instancia y en las 14 cámaras diseminadas en el país.

La División de Auditoría Operativa para los Tribunales dependerá directamente de la Corte Plena, bajo la supervisión del Presidente de la Corte. Con su creación se pretende asesorar, orientar, asistir, evaluar, coordinar y facilitar la ejecución del proceso judicial en los juzgados de paz y de primera instancia y en las cámaras de segunda instancia.

Los funcionarios de esta división harán inspecciones a los tribunales para asegurar que los procesos estén conforme a los reglamentos y, al mismo tiempo, proveerán asistencia técnica a los mismos tribunales para establecer sus sistemas y programas.

Los cambios propuestos no afectarán mucho a la División de Administración. La División inició sus funciones en enero de 1986. Fue establecida para enfocar los temas administrativos, mejorar los trámites diarios y analizar el manejo de recursos humanos y materiales para el Organo Judicial de toda la República. La estructura de la división es lógica y cada departamento tiene su asignación de trabajo bien definida. Las

líneas de la responsabilidad son definidas y reflejan la jerarquía estructural.

#### *a) Sistema de Información*

Una de las necesidades más grandes y de suma importancia es agilizar el acceso a la información adecuada, oportuna y veraz; esto involucra, dentro del Organo Judicial, a los departamentos de estadísticas, archivo, certificación profesional y la sección de resumen de acciones, ya que en cada uno de ellos el volumen diario de trabajo es cada vez de mayor envergadura, originándose contratiempos para obtener la información.

El volumen de la información que maneja el Organo Judicial hace imprescindible la utilización de técnicas modernas de informática en la administración de esta institución. La introducción de estas técnicas debe hacerse paulatinamente y con base en estudios fundamentados que justifiquen su utilización y mantenimiento. Se recomienda que *se estudie la posibilidad de adquisición de equipo de informática, tomando en cuenta que los volúmenes de información se incrementan aceleradamente.*

#### *b) Congresos judiciales*

Un problema grave en el Organo Judicial es la falta de comunicación entre los jueces sobre los problemas jurídicos y administrativos comunes. Por eso, los tribunales suelen funcionar aisladamente, con el resultado de que los procedimientos en cada tribunal frecuentemente son distintos. *Una medida para disminuir estas diferencias es convocar una convención judicial anual para discutir maneras de enfrentar problemas comunes a cada nivel de juzgado. También les brindaría al Presidente de la Corte y a sus delegados una oportunidad para resumir los logros del año anterior y explicar los programas del Organo Judicial en el año siguiente.*

#### *c) Informe anual*

Otra manera de mejorar la comunicación dentro del Organo Judicial es mediante la *publicación de un informe anual sobre el trabajo de los tribunales, incluyendo un plan de trabajo para el próximo año; un resumen de los proyectos cumplidos durante el último año y las estadísticas judiciales que reflejen la labor anual.*

### **5.1.4. Administración regional**

Como se ha discutido anteriormente, uno de los problemas que afectan la administración de los tribunales es la centralización de funciones y recursos en San Salvador. Un importante paso para comenzar a descentralizar la administración del Organo Judicial,

es la delegación de tareas a través de oficinas de administración regional.

Se recomienda que la Corte Suprema establezca cuatro oficinas regionales: una en San Salvador, una en San Miguel, una en San Vicente y una en Santa Ana. Las funciones básicas de las oficinas serán las siguientes:

*Recibir y mantener los protocolos de todos los notarios de la región y enviarlos a la sección de notariado de la Corte Suprema de Justicia.*

*Dirigir visitas a los tribunales en un horario fijado cada año por la Corte Suprema, y presentar informes incluyendo condiciones y recomendaciones.*

*Organizar la sección de los notificadores en San Salvador.*

*Custodiar los fondos de caja chica de los juzgados en el Centro Judicial en San Salvador, Santa Ana y San Miguel.*

*Custodiar la bodega y distribuir la papelería y útiles.*

*Atender las necesidades de suministro de bienes materiales y servicios.*

*Enviar toda la documentación justificativa contable a la Dirección General o Departamento pertinente del Órgano Judicial.*

*Elaborar propuestas trimestrales de necesidades.*

*Preparar información estadística de consumos.*

*Planificar, dirigir y supervisar las actividades de trabajo de su unidad.*

*Levantar y controlar el inventario de los recursos humanos y de las existencias de bienes en los tribunales de la región.*

*Programar conforme a las necesidades el equipo de transporte en la región, para atender las salidas oficiales que sean solicitadas.*

*Colaborar con la capacitación bajo la dirección del Departamento de Certificación Profesional y Capacitación.*

Las oficinas regionales serán una ampliación de las funciones de los administradores en los tres centros judiciales. ya

establecidos por la División de Administración Ejecutiva. El administrador actualmente tiene que ver solamente con asuntos administrativos, pero no tiene ninguna relación con el proceso jurídico. El administrador regional tiene que estar vinculado con todos los aspectos de la administración jurídica, para ser útil a los tribunales. Por ejemplo: la oficina regional debe ser un depósito de protocolos para que los abogados no tengan que viajar a San Salvador. Al mismo tiempo, el administrador tiene que atender los problemas de los tribunales en la región. Trabaja estrechamente ligado con la Dirección de Auditoría Operativa para hacer inspección en los tribunales y prestar asistencia técnica a juzgados con problemas específicos.

### *5.1.5. Administración local*

#### *a. Creación del puesto de Secretario/Administrador*

En este momento no existe el concepto de una administración de juzgado. El secretario generalmente desempeña este papel, pero no tiene mayor capacitación. Por eso, no hay sistemas uniformes de registros, de archivos, de machotes y de estadísticas requeridas por la ley. Muchas de las recomendaciones de este diagnóstico están dirigidas a introducir sistemas de administración local, lo cual requiere la designación de un supervisor capacitado para garantizar su efectividad. *A este fin, el puesto de secretario debe ser considerado como un puesto profesional dentro del Organismo Judicial y el funcionario que lo ocupe no debe cambiar si cambia el juez, salvo si hay motivos justificados previamente establecido en el reglamento. Las funciones de secretarios-administradores deben incluir supervisión de:*

- a. calendario del juzgado;*
- b. servicios de personal;*
- c. archivos y asuntos financieros conforme a los patrones de la División de Administración Ejecutiva;*
- d. instalaciones, equipos y servicios independientes;*
- e. enlace con la oficina administrativa central respecto a las operaciones del juzgado;*
- f. preparación de los informes estadísticos requeridos por la División de Administración Ejecutiva.*

#### *b. Oficina receptora de casos de la Ley Orgánica Judicial*

En el título XII de la Ley Orgánica Judicial bajo el epígrafe "Disposiciones Generales", el Art. 153 preceptúa: "Para expedir el trabajo de los juzgados de lo civil del distrito de San Salvador y como garantía de la imparcialidad judicial, la Corte Suprema de Justicia podrá establecer el sistema que le parezca más adecuado para que las diversas demandas o solicitudes iníciales en diligencias de jurisdicción voluntaria, sean tramitadas por el juez que ella designe, sea estableciendo el sistema de turnos entre los diversos tribunales, sea creando una

oficina receptora central en las dependencias de la misma Corte, que curso libelos alternativamente o sea estableciendo distritos judiciales dentro de la ciudad de San Salvador. Esta potestad podrá ejercerla también la Corte respecto de las demás ciudades de la República que lo ameriten".

Los jueces de lo civil de San Salvador se quejan de que las jurisdicciones para el distrito de esta ciudad se encuentran injustamente establecidos y, de ahí, que algunos juzgados en la práctica tengan muchísimo más trabajo que otros.

Por otra parte, los mismos funcionarios reclaman que el excesivo trabajo se deriva precisamente del hecho de que los litigantes acuden a interponer sus solicitudes o demandas en el juzgado que más les conviene, esto es, por razones de amistad con el juez, secretario, empleados, etc. o bien, porque en ese tribunal se resuelve, a juicio de ellos, en forma pronta y cumplida. De esa suerte, pues, uno o dos juzgados son los que mayor número de expedientes tramitan, en tanto que el resto de ellos se ven liberados de trabajo. En la actualidad, por ejemplo, existe una manifiesta diferencia de juicios entre el juzgado sexto de lo civil y el juzgado segundo de lo civil.

Se ha propuesto una reforma al Art. 153 de la Ley Orgánica Judicial que se circunscribe a dos puntos:

- Que las demandas o solicitudes iniciales que recibirá y distribuirá la oficina receptora, no se limiten a diligencias de jurisdicción voluntaria, sino que acepte toda clase de juicios o diligencias civiles y mercantiles; y,

- Que dicha oficina esté bajo el gobierno de la Corte Suprema de Justicia, pero no necesariamente en el local de la misma.

Huelga expresar que la "Ley del Ejercicio Notarial de la Jurisdicción Voluntaria y de Otras Diligencias", se encuentra en vigencia desde el 13 de abril de 1982; y los dos juzgados de primera instancia mercantil trabajan desde el 10. de octubre de 1986. Por tanto, carecería de sentido que la oficina receptora y distribuidora que nos ocupa, funcionara únicamente para extender los pocos casos de jurisdicción voluntaria en materia civil, urgiendo su extensión en el sentido expuesto.

*Como jefe de la oficina receptora deberá nombrarse un profesional que reúna los requisitos a que se refiere el Art. 177 de la Constitución Política, es decir, los mismos que para ser magistrados de las cámaras de segunda instancia. Las oficinas deberán localizarse en el "Centro Judicial Isidro Menéndez" de esta ciudad, ya que los juzgados de lo civil y mercantil se encuentran precisamente en dicho centro y, por razones de funcionamiento, tanto aquella como éstas, laborarían con más eficiencia encontrándose cerca.*

*La mencionada oficina deberá estar supervisada por la Corte Suprema de Justicia, en la forma que ésta dispusiere, con el fin de lograr una distribución equitativa de las diligencias y juicios de mérito.*

Además, la oficina receptora de casos deberá revisar la competencia territorial de los juzgados en San Salvador, tomando en cuenta la cercanía o facilidades de comunicación para ubicar juzgados.

*c. Sistema de turno para los juzgados de paz de San Salvador*

El actual sistema de turno de los juzgados de paz en San Salvador se fundamenta en una simple rotación de juzgados, a cada uno le corresponde una semana para investigar los hechos punibles que se presenten durante ese tiempo en la ciudad. En este sistema un juzgado tiene turno cada seis semanas, notándose que el trabajo iniciado en esa oportunidad lo finaliza en el plazo de tres semanas y aún cuando se trata de un juzgado mixto, su labor es mínima en el resto del tiempo que le queda para entrar nuevamente al turno.

Se propone un nuevo sistema con dos juzgados de turno (véase cuadro no. 9). Este tipo de juzgado debe ser más eficiente, dado el costo de su infraestructura.

Las recomendaciones sugeridas anteriormente incluyen la *modificación del sistema en San Salvador, para que haya dos juzgados de paz a turno, uno para reconocimiento de cadáveres y lesionados y otro para recibir términos de inquirir y denuncias.*

*En San Salvador se deben adoptar una de las siguientes estrategias para distribuir casos en los juzgados:*

- *Revisar la competencia territorial tomando en cuenta la cercanía o facilidades de comunicación para ubicar los juzgados.*
- *Crear una oficina distribuidora de casos, que ya tiene asidero legal en el Art. 153 de la Ley Orgánica Judicial, pero se debe ensayar inicialmente solo en San Salvador.*

**ANNEX 4**

**DETAILED DESCRIPTION OF LEGAL AID PROGRAM**

AYUDA MEMORIA DE LOS CONSULTORIOS JURIDICOS POPULARESPROYECTO ADMINISTRACION DE JUSTICIAMINISTERIO DE JUSTICIA

Los Consultorios Jurídicos Populares, tienen su origen en el Plan Piloto Experimental de Consultorios Jurídicos, creado a iniciativa del espíritu y letra de la Constitución Política, en su numeral 233 inciso 9, que señala la asistencia legal gratuita a los sectores de escasos recursos: "... El Estado provee la defensa gratuita a las personas de escasos recursos". Como Plan Piloto Experimental creado el 28 de Agosto de 1985, se crean 02 Consultorios Jurídicos Populares; uno en Tahuantinsuyo y el otro en Villa-María del Triunfo.

La atención se realizaba por profesionales destacados del Instituto Nacional de Bienestar Familiar (INABIF) y profesionales voluntarios, prestando-se una atención ininterrumpida en 02 horarios: 8.00 am a 2.00 pm, y 2.00pm a 8.00 pm de Lunes a Sábado y rotativamente los domingos.

Como Plan Piloto se tuvo que hacer frente al escepticismo de la población, por la novedad del sistema, y también la carencia de financiamiento; pero, al cabo de un corto tiempo, comienzan a mostrarse los primeros frutos, y la población acoge con beneplácito a los Consultorios, creándose uno más en el Cono Este, (Santa Rosa - Callao).

El 25 de Junio de 1986, se suscribe el Convenio N° 527-0303 entre el Gobierno del Perú y la Agencia Internacional para el Desarrollo (A.I.D.) por el cual se apoya a la ejecución del Proyecto de Consultorios Jurídicos Populares.

El 2 de Julio de 1986, por R.M. N° 253-A-86-JUS, se crea el Sistema de Consultorios Jurídicos Populares, a los que se asigna como finalidad: promover, conducir y coordinar un adecuado asesoramiento legal a las personas de escasos recursos económicos.

El 29 de Noviembre de 1986, se inaugura el Sistema, y 07 Consultorios Jurídicos Populares entran en funcionamiento.

El 16 de Diciembre de 1986 se convierte en Órgano de Línea de la Dirección General de Justicia, constituyéndose como Dirección de Servicios Jurídicos Populares.

En la actualidad, cuenta con 31 Consultorios: 13 en Lima y 18 en Provincias.

Los servicios que prestan se refieren al asesoramiento legal en materias: civil, tutelar de menores, penal, laboral y administrativa. Destacando en materia civil, los referidos a Inscripción y Rectificación de Partidas, el Juicio de Alimentos, Reconocimiento de Paternidad, Declaratoria de Herederos; en Tutelar de Menores, la Entrega del Menor, Limitación de la Patria Potestad y Otros en materia penal, los referidos a la Comisión de Delitos en agravio de menores de edad. Igualmente, en materia laboral destacan el cobro de beneficios sociales y reclamos laborales; y en lo administrativo, los recursos impugnatorios contra resoluciones administrativas y municipales que violen derechos de los trabajadores.

- The schedule of the classes should be four (04) hours in the morning and four (04) hours in the afternoons.
- Deliver materials in advance.
- Provide each course with enough time so the lecturers can conclude with the lesson assigned.
- Better control of attendance.

B.

- "The Academy should be transferred to the center of the Supreme Court, in order to actualize the Judges in an intensively and fast way."
- Develop courses of:
  - "Mystique of the Judge"
  - Legal Medicine
  - Proof Theory
  - Process Simplification in the Administration of Justice
  - Specialization in Civil and Penal Matter
  - Sociology
  - Psychology

8.2 Administrative suggestions that you can offer concerning:

- The Academy location, classroom, contact with the staff and the General Management of the Academy.
- For the inner country participants, what are your suggestions in reference to hotel, meals, transport.
- Inappropriate classroom
  - Wrong Location
  - More ample
  - No ventilation 10
- Ideal Location
  - For the number of participants
  - For a near future it will be necessary to have improved library, lecture room, etc. The technical police environment could be used 08
- Food
  - Extremely bad
  - The advice is to give each judge the food allowance in accordance to the living cost 12
- Lodging
  - Adequate because it is near the Academy 08

Others:

- Notify on time the designated Judges and the themes of the course and other details
- Participation of more Provincial Judges.
- Social activities with the participants, once in a week (excursions, walks and visit a museum)

8.3 Suggestions regarding the required procedure for follow-up with participants, in reference to the training results. How to evaluate? How to know about the result of the training Received?

- Regular communication between Judges and the Academy
- Visiting the "Dispatches".
- To evaluate is difficult - but - participants should be asked for the presentation of cases in which they applied the new orientations of Judicial Reasoning.
- Workshop Groups: is an effective method, opinions are unified. Influence should be given to important courses as Civil Right, Conclusion of debates would be a valuable asset for participants, as well as the Academy who would be in charge of distributing it.
- Appreciate from now on the Jurisdiction of each Judicial District Judge (sentences, autos, etc.)
- Through research works, qualifying it in accordance to the work each Judge develops.
- Through his intellectual work (research, publications, speed)
- By means of conceptual qualification (good, regular, poor)
- Apply to each participant the elaboration of an analysis of the Judicial Problem, depending on experience which would permit the Academy to have a permanent diagnosis of the problems that afflict the Administration of Justice.
- criticize Judicial Resolutions - previously in the Constitution - in order to promote a more critical conscience.
- Supply a questionnaire of questions (of the course) to be filled out by all Judges participating.
- Observation from an objective mode by the Supreme Court on the Resolution of the Superior Court
- Evaluation exams starting the "perfectioning" course that must be by speciality of each Judge.

**ANNEX 6**

**SCHEDULE OF PUBLIC MINISTRY TRAINING ACTIVITIES**

1987

Five events were carried out in the Central Office (Lima) aimed at Senior and Provincial Attorney General and Prosecutors throughout the country, as follows:

- \* Course: CRIMINAL LAW AND PROCESS  
 Site: Lima  
 Date: August 10-14, 1987  
 Participants: 33 Senior Prosecutors  
 20 Deans/Upper Court Prosecutors  
 13 Prosecutors of Lima Upper Criminal Courts.  
 Lectures: 48 hours
- \* Course: NARCOTICS INVESTIGATION  
 Site: Lima  
 Date: September 7-12, 1987  
 Participants: 35 Provincial Prosecutors  
 18 Provincial Prosecutors  
 17 Provincial Prosecutors (Drugs)  
 Lectures: 48 hours
- \* Course: TAXATION AND CUSTOMS PROCEDURES  
 Site: Lima  
 Date: November 16-20, 1987  
 Participants: 35 Provincial Prosecutors  
 18 Provincial Prosecutors  
 17 Provincial Prosecutors (Lima and Callao)  
 Lectures: 48 hours
- \* Course: CRIMINAL INVESTIGATION  
 Site: Lima  
 Date: November 23-27, 1987  
 Participants: 27 Attorneys General and Provincial Civil Prosecutors  
 Lectures: 24 hours
- \* Course: CIVIL LAW AND CIVIL PROCESS  
 Site: Lima  
 Date: December 15-18, 1987  
 Participants: 27 Higher and Provincial Civil Prosecutors  
 Lectures: 24 hours

d. ACTIVITIES CARRIED OUT

1988

The Prosecutors Academy, in its Plan of Operations for 1988 aimed at decentralization of training, organized and carried out nine events which covered the updating, modernization and specialization for the Prosecutors and legal employees at the national level. These were carried out as follows:

\* Course: CRIMINAL LAW AND PROCEDURES' ESPECIALLY REGARDING  
TAXES' CUSTOMS TECHNIQUES AND PUBLIC DEFENSE

Site: Chiclayo  
Date: April 18-22, 1988  
Participants: 50 Prosecutors from the Departments of  
La Libertad, Tumbes, Piura, Lambayeque,  
Cajamarca, Ancash and Amazonas.  
Duration: 5 days  
Lectures: 40 hours

\* Course: CRIMINAL LAW AND PROCESS, ESPECIALLY REGARDING  
UPDATING OF CONTRABAND CRIMES AND PUBLIC DEFENSE

Site: Cuzco  
Date: May 23-27, 1988  
Participants: 40 Prosecutors from the Departments of  
Cusco, Puno, Apurimac and Madre de Dios.  
Duration: 5 days  
Lectures: 40 hours

\* Course: CRIMINAL CODE AND PROCEDURES' REGARDING NARCOTICS  
TRAFFIC' TERRORISM AND PUBLIC DEFENSE

Site: Huancayo  
Date: June 20-24, 1988  
Participants: 50 Prosecutors from the Departments of  
Junin, Cerro de Pasco, Ayacucho, Huanuco  
and Huancavelica.  
Duration: 5 days  
Lectures: 40 hours

\* Course: CRIMINAL LAW AND PROCESS AS IT REFERS TO UPDATING  
ILLICIT DRUG TRAFFIC AND PUBLIC DEFENSE

Site: Iquitos  
Date: August 22-26, 1988  
Participants: 20 Prosecutors from the Departments of  
Loreto, San Martin and Ucayali.  
Duration: 5 days  
Lectures: 40 days

\* Course: CRIMINAL LAW AND PROCESS REGARDING TAXATION AND  
CUSTOM TECHNIQUES IN DEFENSE OF THE PUBLIC

Site: Arequipa  
Date: September 5 - 9, 1988  
Participants: 30 Prosecutors from the Department of  
Arequipa, Moquegua, Tacna and Ica  
Duration: 5 days  
Lectures: 40 hours

\* Updating Seminar: CRIMINAL CODE AND PROCESS,  
CIVIL CODE AND CIVIL PROCESS

Site: Lima  
Date: September 12-23, 1988  
Participants: 122 Assistant Prosecutors in the Head Office  
(Lima) and Callao  
Duration: 10 days  
Lectures: 80 hours

- \* Course: REPORT WRITING AND TYFING  
 Site: Lima  
 Date: November 22, 1988 to February 28, 1989  
 Participants: 10 Secretaries, Office Workers and  
 40 Maintenance workers from the main office  
 Duration: 3 months  
 Lectures: 160 hours
  
- \* Updating Seminar: CRIMINAL CODE AND PROCESS AND  
 CIVIL CODE AND CIVIL PROCESS  
 Site: Lima  
 Date: December 12-16, 1988  
 Participants: 68 Legal technicians in the Attorney  
 General's office (Lima)  
 Duration: 5 days  
 Lectures: 40 hours
  
- \* Specialized and Updating Course: ADMINISTRATIVE SYSTEMS  
 Site: Lima  
 Date: January 9, 1989 to February 3, 1989  
 Participants: 44 Administrative workers in the head office  
 (Lima) and Judicial District of Callao.  
 Duration: 30 days  
 Lectures: 160 days

### PART III - SUB-PROJECT

#### e. Activities Carried Out

1989

The Prosecutors Academy, in accordance with its objective of updating, modernizing, specializing, complementing and improving the criteria of Prosecutors and employees of the Justice Department throughout the country, according to the 1989 Operational Plan, organized and carried out 8 training Events, as follows:

- \* Course: INTERVENTION IN POLICE AND JUDICIAL RESEARCH-  
 PUBLIC DEFENSE  
 Site: Lima  
 Date: April 24-28, 1989  
 Participants: 35 Provincial Assistant Prosecutors at Head  
 Office (Lima) and Callao.  
 Duration: 5 days  
 Lectures: 40 hours
  
- \* Course: HUMAN RIGHTS AND TERRORISM  
 Site: Trujillo  
 Date: June 5-9, 1989  
 Participants: 35 Prosecutors from Departments of  
 La Libertad, Lambayeque and Ancash  
 Duration: 5 days  
 Lectures: 40 hours

- \* Course: II SEMINAR ON UPDATING AND IMPROVING INTERVENTION IN POLICE AND LEGAL INVESTIGATION PUBLIC DEFENSE  
 Site: Lima  
 Date: June 19-23, 1989  
 Participants: 32 Provincial Assistant Prosecutors at Head Office (Lima) and Callao.  
 Duration: 5 days  
 Lectures: 40 hours
- \* Course: TAX EVASION  
 Site: Lima  
 Date: August 7-11, 1989  
 Participants: 37 Provincial Prosecutors and Provincial Assistants in Lima and Callao.  
 Duration: 5 days  
 Lectures: 40 days
- \* Course: CONSTITUTIONAL GUARANTEES JUSTICE DEPARTMENT ACTION  
 Site: Puno  
 Date: August 21-25, 1989  
 Participants: 37 Prosecutors from the Department of Puno, Cuzco, Madre de Dios and Apurimac.  
 Duration: 5 days  
 Lectures: 40 hours
- \* Course: CRIMINAL LAW AND PROCESS AND PAROLE LAW  
 Site: Piura  
 Date: December 11-15, 1989  
 Participants: 25 Prosecutors from Departments of Piura, Tumbes and Cajamarca  
 Duration: 5 days  
 Lectures: 40 hours
- \* Course: CRIMINAL LAW AND PROCESS REGARDING NARCOTICS CRIMES, TERRORISM AND CONTRABAND  
 Site: Tacna  
 Date: January 22-26, 1990  
 Participants: 22 Prosecutors from the departments of Arequipa, Ica, Tacna and Moquegua.  
 Duration: 5 days  
 Lectures: 40 hours

### PART III - Sub-Project

#### a. Operational Mechanics

Before organizing and carrying out each course, the following activities were undertaken:

- Communication links were named in each Region, with the object of having them participate in organizing the activities and, later on, acting as representatives of the Academy in their respective Regions. They will be informed on the organization and carrying out of events programmed according to the 1990 Plan of Operations.

- Search for locations to carry out courses in the Region.

- Determination of subjects to be dealt with at each event. The Supervisor of the Academy as well as each Coordinator of the Region and Judicial District interviewed all Lecturers before the event.

- Coordinated with the different offices responsible the granting of per diems and tickets, for both the participants and for the Speakers and Organizers in charge of supervising the events.

- Prepared materials for the development of events (files, paper, pencils, credentials, diplomas, pamphlets, etc.).

- Designation of the participants according to training needs of each district and region.

- Developed follow-up Surveys.

- Developed pamphlets and literature on the course.

- Drafting Resolutions.

- Administered Program evaluation.

#### f. Results

In this way training was provided as follows for:

##### In 1987

130 Prosecutors at the national level.

##### In 1988

190 Prosecutors at the national level

122 Assistant Prosecutors (main office and judicial district of Callao).

10 Secretaries (Lima and Callao)

40 Office workers (Lima and Callao)

40 Maintenance workers (Lima and Callao)

68 Legal experts and law experts (Lima and Callao)

44 Administrative workers (Lima and Callao)

===  
514

===

##### In 1989

293 Prosecutors at the national level

45 Justice Department workers

===

340

===

ANNEX 7

PUBLIC MINISTRY ACADEMY PLAN OF OPERATIONS FOR 1990

6.5 The program contribution to the performance of your ...

- a) Has overcome beyond my expectation 10
- b) Has been less than expected 02
- c) Has been in accordance to my expectations 15

7. THE DIRECTOR OF THE ACADEMY HAS DEVELOPED HER WORK

- Excellent 11
- Good 11
- Regular --
- Poor --
- NA 06

7.1 Selection of lecturers for the courses

- Excellent 15
- Good 12
- Regular 01
- Poor --

7.2 Were faculty accessible to participants

- Excellent 15
- Good 10
- Regular 02
- Poor --

## 8. SUGGESTIONS

8.1 Academic suggestions that could offer, with regard to courses for subsequent courses or new training and perfecting, length of time, lecturers.

A.

- Courses should be directed to all the Republic Judges and include Court Administrators

- Length of Program

3 months or more: 10

1 month: 03

15 days: 01

Los Consultorios Jurídicos Populares, tienen como característica que procuran mantener la unidad y armonía familiar, velando por el cumplimiento de los deberes y derechos de la población en la vida social. Y en ese sentido, es que no sólo se dedica a prestar el asesoramiento legal ante las instancias jurisdiccionales de los Poderes del Estado, sino también cumple una función de proyección social, realizando Campañas Masivas en asuntos de mayor incidencia socio-jurídica dentro de la población; y además coordinando y ejecutando Charlas Jurídicas en beneficio de los organizaciones sociales, que motiven su participación y con un contenido informativo - cultural.

Y, es pro ello, que para el presente año 1990, se ha previsto la realización de varias actividades, entre las que figuran: Supervisión, a todos los Consultorios Jurídicos Populares, a efectos de evaluar permanentemente y establecer los correctivos necesarios; Promoción y Difusión de los Consultorios y de su accionar, así como de publicitar los Derechos fundamentales de la Persona Humana y de las Garantías Constitucionales; la implementación del Plan Piloto de Despenalización, en la modalidad de Libertad Provisional, buscando encontrar el mecanismo que ayude a descongestionar la sobrepoblación penal, dado el alto índice de inculpados que permanecen en los Centros Penitenciarios.

La vigencia de los Consultorios Jurídicos Populares, y el Sub Proyecto Institucional, garantizará, no sólo el aspecto formal como es el de brindar asistencia legal gratuita a la población de escasos recursos económicos de nuestro país, sino que procurará un mayor acercamiento de la población a la administración de justicia, haciéndola menos eficiente y moderna.

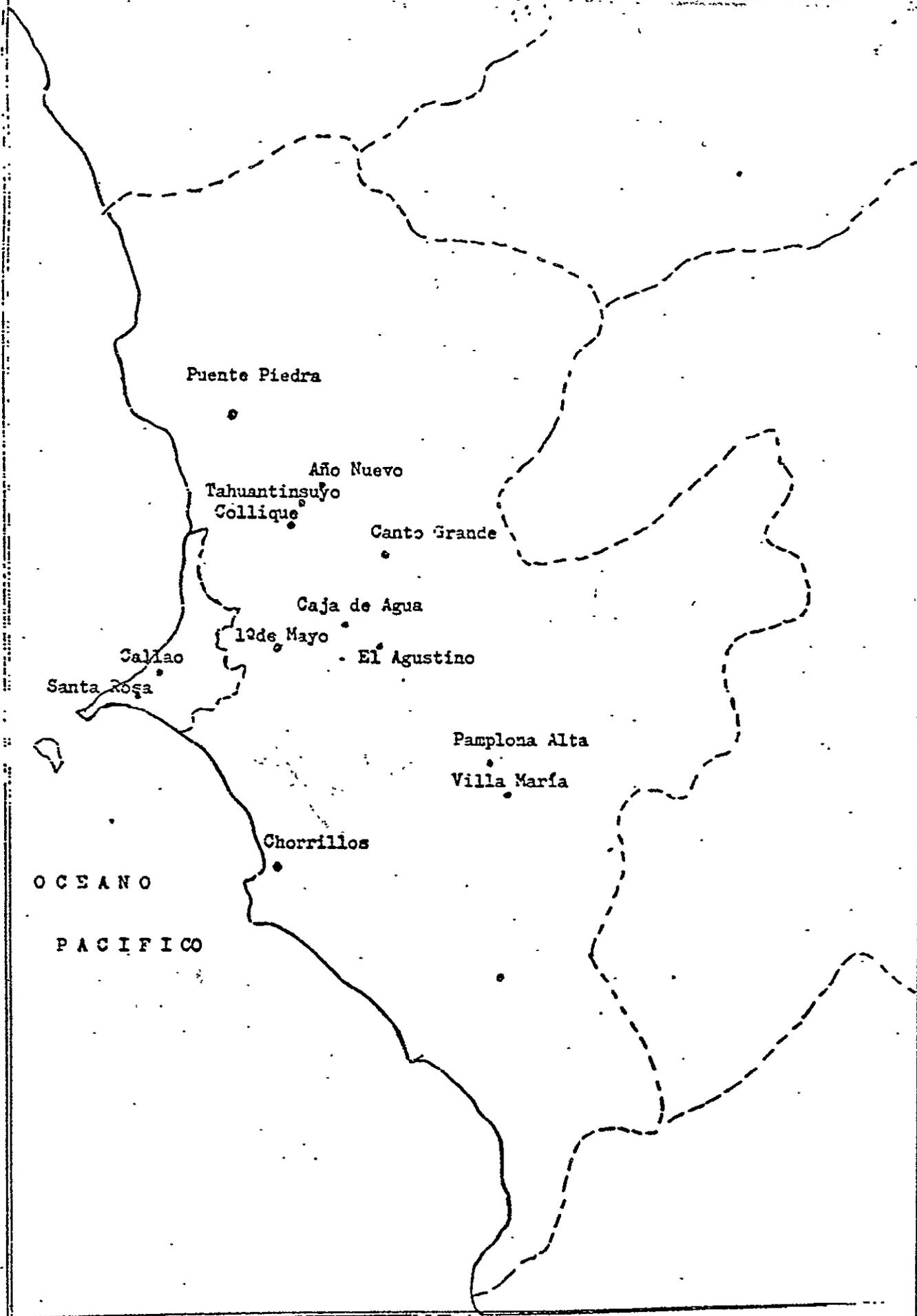
Estadísticamente, a Diciembre de de 1989, las Consultas, los procesos iniciados y terminados, es como se pueden apreciar en el gráfico siguiente:

ACTIVIDADES	AÑO	1986	1987	1988	1989	TOTAL
Consultas		3,199	16,525	22,358	21,895	63,967
Juicios Iniciados		1,045	2,323	4,842	3,592	11,802
Juicios Terminados		076	508	2,023	1,500	4,107

Lo que hacen un total de:

63,967 Consultas  
11,802 Juicios Iniciados  
4,107 Juicios Terminados

[\*] Fuente: Archivo de la Dirección de Servicios Jurídicos Populares



MAPA DE UBICACION DE LOS CONSULTORIOS JURIDICOS POPULARES DE LIMA - METROPOLITANA (PROVINCIA DE LIMA )



MAPA DE UBICACION DE LOS CONSULTORIOS JURIDICOS POPULARES DE PROVINCIAS.

ANNEX 5

PARTICIPANT EVALUATION OF FIRST TRAINING PROGRAM FOR JUDGES

ANNEX 5 PARTICIPANT EVALUATION OF FIRST TRAINING PROGRAM FOR JUDGES

A. ABOUT THE PROGRAM

1. Indicate the two courses you consider most valuable for your own work.

- Contracts 12
- Commercial Law 12
- Civil Process 12
- Antiterrorist Legislation 08
- Constitutional Guarantees (Habeas Corpus and Protection) 07
- Rent 03
- Criminal Law 02

2. Indicate the two courses you consider least valuable

- All are valuable 18
- Antiterrorist Legislation 07
- Rent 04
- Constitutional Guarantees 04

3. Courses of least value

- The majority of the participants consider all the courses valuable and important.
- It was unnecessary for two professors to give the same course.

4. Suggest some subjects of the program content, which you consider more time should be provided for a more complete treatment:

- Contracts  
Buying and Selling  
Legal Act  
Extracontractual Responsibility  
No Execution of Obligations 15  
Payment and Interest

- Civil Process  
Civil Actions  
Process Principles  
Judicial Resolutions 14  
Institutional Analysis

- The majority of the participants felt that the time dedicated to the development of the courses had been brief and for that reason the lecturers had not totally developed the courses assigned to each of them.

5. Please evaluate the program development by circling the appropriate number you choose.

5.1 QUANTITY OF NEW INFORMATION

I have not learned anything new	1	2	3	4	5	I have learned many new things
Totals	01	01	08	10	08	Totals

5.2 USEFULNESS OF SESSIONS FOR YOUR WORK

Not useful for my work	1	2	3	4	5	Extremely useful for my work
Totals	01	01	05	16	17	Totals

5.3. IN GENERAL THE TEACHING METHOD FOR THE COURSE

Inappropriate	1	2	3	4	5	Appropriate
Totals	-	02	06	15	05	Totals

5.4 THE WORK METHOD

Difficult to reach to personal conclusions	1	2	3	4	5	Easy to reach to personal conclusions
Totals	-	02	10	10	06	Totals

5.5 ACTIVE INTERVENTIONS OF PARTICIPANTS

Too little	1	2	3	4	5	Too much
Totals	-	05	16	05	02	Totals

5.6 THE WORKING MATERIAL DISTRIBUTED SEEMS

Insufficient	1	2	3	4	5	Excessive
Totals	17	08	01	01	01	Totals

5.7 DO YOU CONSIDER THE THEMES PRESENTED HAD AN ADEQUATE SEQUENCE

YES: 23

NO: 05

5.8 WERE THE COURSES CORRECTLY SELECTED?

YES	1	2	3	4	5	NO
Totals	02	04	10	05	06	Totals*

5.9 WAS THE LENGTH OF THE COURSES OK?

YES	1	2	3	4	5	NO
Totals	05	01	05	12	04	Totals

5.10 WERE THE COURSES CORRECTLY DEVELOPED BY THE LECTURERS?

YES	1	2	3	4	5	NO
Totals	05	05	01	10	06	Totals

6. GENERAL EVALUATION OF THE TRAINING PROGRAM

6.1 Suggest some themes that have not been included in this program and that you would like included in similar events:

- Study of different Law Projects:  
Penal Code, Criminal Penal Code, Civil Code, Organic Law of the Judicial Power, etc. 12

- Criminal Rights  
Narcotraffic - Agreements celebrated by Peru  
Legislation about terrorism and narcotraffic. 09

6.2 About the extent of time used for the morning and afternoon courses (circle the corresponding letter)

a: 06 about right - some wanted more, some wanted less

6.3 What do you consider as the principal objectives of the program?

- "Train the judges for better development of their functions."

- "Judicial updating to later consolidate improvement and specialization".

- Outline of themes to investigate

- Critical balance of the proper jurisdictional act.

6.4 Do you think the Program reached its objective?

YES: 05

NO: 03 not enough time.