

AGENCY FOR INTERNATIONAL DEVELOPMENT

PROJECT DATA SHEET

1. TRANSACTION CODE PS-ABL-100 DOCUMENT CODE 3  
 A = Add  
 C = Change  
 D = Delete  
 Amendment Number 1

2. COUNTRY/ENTITY  
HAITI

3. PROJECT NUMBER  
521-0238 94725

4. BUREAU/OFFICE  
USAID/HAITI 5

5. PROJECT TITLE (maximum 40 characters)  
Administration of Justice

6. PROJECT ASSISTANCE COMPLETION DATE (PACD)  
 MM DD YY  
10 6 99

7. ESTIMATED DATE OF OBLIGATION  
 (Under "B" below, enter 1, 2, 3, or 4)  
 A. Initial FY 98 B. Quarter 4 C. Final FY 98

8. COSTS (\$000 OR EQUIVALENT \$1 = )

A. FUNDING SOURCE	FIRST FY <u>EY95</u>			LIFE OF PROJECT		
	B. FX	C. L/C	D. Total	E. FX	F. L/C	G. Total
AD Appropriated Total						
(Grant)	( 3,525 )	( 3,975 )	( 7,500 )	( 8,460 )	( 9,540 )	( 18,000 )
(Loan)	( )	( )	( )	( )	( )	( )
Other U.S.						
1.						
2.						
Host Country						
Other Donor(s)						
<b>TOTALS</b>	<b>3,525</b>	<b>3,975</b>	<b>7,500</b>	<b>8,460</b>	<b>9,540</b>	<b>18,000</b>

9. SCHEDULE OF AID FUNDING (\$000)

A. APPRO-PRYATION	B. PRIMARY PURPOSE CODE	C. PRIMARY TECH CODE		D. OBLIGATIONS TO DATE		E. AMOUNT APPROVED THIS ACTION		F. LIFE OF PROJECT	
		1. Grant	2. Loan	1. Grant	2. Loan	1. Grant	2. Loan	1. Grant	2. Loan
(1) DAF						7,500		7,500	
(2) ESF								10,500	
(3)									
(4)									
<b>TOTALS</b>						<b>7,500</b>		<b>18,000</b>	

10. SECONDARY TECHNICAL CODES (maximum 6 codes of 3 positions each)

11. SECONDARY PURPOSE COD

12. SPECIAL CONCERNS CODES (maximum 7 codes of 4 positions each)

A. Code

B. Amount

13. PROJECT PURPOSE (maximum 480 characters)

The purpose of the Project is to improve the effectiveness, accessibility and accountability of the Haitian justice system.

14. SCHEDULED EVALUATIONS

Interim 1/2/95 0/4/97 Final 0/3/99

15. SOURCE/ORIGIN OF GOODS AND SERVICES

000  941  Local  Other (Specify) CACM

16. AMENDMENTS/NATURE OF CHANGE PROPOSED (This is page 1 of a \_\_\_\_\_ page PP Amendment)

I have reviewed and approved the methods of implementation and financing for this Project Paper Amendment.

*Jack Winn*  
 Jack Winn, Mission's Controller

17. APPROVED BY

Signature  
 Sarah Clark

Title  
 Acting Director, USAID/Haiti

Date Signed  
 MM DD YY  
0/2/99

18. DATE DOCUMENT RECEIVED IN AID/W, OR FOR AID/W DOCUMENTS, DATE OF DISTRIBUTION

MM DD YY

To: Erhardt Rupperecht@LAC.DPP@AIDW  
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Bcc:  
From: Mona Borno@PCPS@HAITI  
Subject: Revised CN for AOJ  
Date: Wednesday, February 8, 1995 10:55:01 EST  
Attach: P:\HAITIPUB\DOCS\AOJ.CN,  
Certify: N  
Forwarded by:

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Erhardt,

Please find attached the revised CN for the AOJ project. The CN needs to be processed immediately so that funds can be obligated to continue support to our AOJ activities. We are faxing you a copy of the CN with our clearances. Check with Dan Riley's Office. Thank you in advance for your assistance.

b

**AGENCY FOR INTERNATIONAL DEVELOPMENT**

**ADVICE OF PROGRAM CHANGE**

Country : Haiti

Project Title : Administration of Justice (AOJ)

Project Number : 521-0238

FY 1995 CP Reference : Statistical Annex, Page 235

Appropriation Category : Development Assistance Fund (DAF)  
Economic Support Funds (ESF)

Life-of-Project Funding : \$ 7,500,000 (DAF) - (G)  
\$10,500,000 (ESF) - (G)  
\$18,000,000 (G)

Intended FY 1995 Obligation : \$ 7,500,000 (DAF) - (G)  
0 (ESF) - (G)  
\$ 7,500,000 (DAF) - (G)

This is to advise that A.I.D. plans to obligate \$7,500,000 (\$7.5 million) of its DA Funds in FY 1995 for the Administration of Justice (AOJ) project. A Congressional Notification is required because A.I.D. intends to increase the life-of-project funding level by \$14,000,000 (\$14 million) to \$18,000,000 (\$18 million) and to extend the PACD from September 30, 1996, to June 30, 1999.

The purpose of the Administration of Justice project is to improve the effectiveness, accessibility and accountability of the Haitian justice system. The increase in life-of-project funding level will support an expansion of the project's technical assistance, training and commodities to Haitian justice sector institutions.

Clearances: PCPS: SGrégoire  
CHoming *CH* 2/6/95  
GSpence *GS* 2/5/95  
HRD: JNandy *(draft)*  
KPoe *JP* 2/6/95  
CONT: JWinn *JW*  
LA: EDragon *ED*

*C*

**AGENCY FOR INTERNATIONAL DEVELOPMENT  
ACTIVITY DATA SHEET**

PROGRAM: Haiti

CP 81-05 (4-85)

<b>TITLE</b> Administration of Justice		<b>FUNDING SOURCE:</b> Development Assistance and Economic Support Funds	<b>PROPOSED OBLIGATION (in thousands of dollars)</b> \$7,500		
			FY 95	LIFE OF PROJECT (Auth.) \$18,000	
<b>NUMBER</b> 521-0238	<b>NEW</b>	<b>PRIOR REFERENCE</b>	<b>INITIAL OBLIGATION</b>	<b>ESTIMATED FINAL OBLIGATION</b>	<b>ESTIMATED COMPLETION DATE</b>
<b>GRANT [X] LOAN</b>	<b>CONTINUING [X]</b>	1995 CP, Statistical Annex, Page 235	FY 93	FY 98	FY 99

**Purpose:** The purpose of the project is to improve the effectiveness, accessibility and accountability of the Haitian justice system.

**Background:** For nearly two centuries, the administration of justice in Haiti has been dominated by the influence and coercion of the military and the executive branch. Military interference and intimidation, poorly trained and unmotivated justice sector personnel, and a serious lack of resources render the justice system incapable of protecting rights or enforcing the rule of law. Plans to assist the Haitian government to address these problems have been repeatedly thwarted by either GOH opposition or postponed due to suspension of aid consequent to successive coups d'état, such as the September 1991 coup that ousted President Aristide. With the restoration of the legitimate GOH, the USG must be ready to assist immediately in strengthening the justice system. Project assistance will focus on the development of the Ministry of Justice and its capability to take on new responsibilities, among which is supervision of the civilian police and penal systems.

**Project Description:** The project will provide \$18 million for technical assistance, training and commodities to Haitian justice sector institutions. Key start-up activities will focus on nine priority cities and will include: emergency training for judicial, court and penal systems personnel; a judicial monitors/mentors program; provision of basic commodities and legal kits to include items such as core legal texts, office supplies, and criminal investigation materials; expanded legal access programs; technical assistance to the Ministry of Justice to assume its new responsibilities for supervision of civilian police and penal systems; and, emergency rehabilitation of key court and penal facilities to meet minimal structural, sanitary and security standards. Illustrative longer-term activities could include: assistance in reforming judicial procedures to improve efficiency and accessibility; modernizing court and penal organizational structures and administrative procedures; training in modern court and penal administration; assistance in compiling and disseminating legal and administrative codes and procedures; a model conflict resolution program; a program of public education; assistance to strengthen existing entities which provide legal assistance and legal aid; and curriculum strengthening for Haitian law schools.

**Relationship of Project to A.I.D. Country Strategy:** The overall goal of the USAID/Haiti program is to advance the establishment of the necessary conditions for the majority of the Haitian people to improve the quality of their lives. The USAID strategy focuses on three interdependent elements necessary for goal

attainment: 1) strengthening of public and private democratic institutions which reinforce the rule of law, foster respect for human rights and respond to popular needs; 2) promotion of sustainable, private-sector-led equitable economic growth and development; and 3) the protection and development of the human resources needed to lay the foundation for enduring democracy and economic growth. The project directly addresses the first element, which is a *sine qua non* to the achievement of any other social or economic development objectives in Haiti.

**Host Country and Other Donors:** Other donors, including the United Nations, France and Canada, have expressed interest in helping to improve the administration of justice in Haiti and could participate in a multilateral approach. All project activities will reflect A.I.D.'s comparative advantage and will be coordinated with other donor efforts. USAID will collaborate closely with other donors who (with the concurrence of the GOH) are interested in undertaking specific administration of justice activities.

**Beneficiaries:** The direct beneficiaries will be the justice sector personnel who will receive skills and human rights training and technical assistance during the life of project. The indirect beneficiaries will be the Haitian citizens whose legal rights will be protected through the process and access to legal representation under a fair and transparent system of justice.

**Major Outputs:**

	<u>All Years</u>
Justice sector personnel trained	X
MOJ administration/procedures/facilities improved	X
Court & penal administration/procedures/facilities improved	X
Increased public knowledge/access to justice	X

**A.I.D. Financial Inputs:**

	<u>Life of Project (US\$000's)</u>
Technical Assistance	\$7,450
Training and Assessments	5,400
Commodities	2,750
Project Management	1,200
Monitoring/Evaluation/Audit	1,200
<b>TOTAL:</b>	<b>\$18,000</b>

U.S. FINANCING (In thousands of dollars)				PRINCIPAL: CONTRACTORS OR AGENCIES
	Obligations	Expenditures	Unliquidated	
Through September 30, 1993	3,000	0	3,000	U.S. Department of Justice, National Center for State Courts, United Nations Development Program, and others to be determined.
Estimated Fiscal Year 1994	0	0	0	
Estimated Through September 30, 1994	3,000	0	3,000	
		<b>Future Year Obligations</b>	<b>Estimated Total Cost</b>	
Proposed Fiscal Year 1995	7,500	7,500	18,000	

**ADMINISTRATION OF JUSTICE**

**AMENDMENT NO. 1**

**USAID/HAITI**

**01/95**

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**PROJECT PAPER AMENDMENT  
ADMINISTRATION OF JUSTICE (AOJ)  
(521-0238)**

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## LIST OF ABBREVIATIONS AND ACRONYMS

ABA	American Bar Association
ADF	America's Development Foundation
ADR	Alternative Dispute Resolution
A.I.D.	Agency for International Development, Washington, D.C.
AIFLD	American Institute for Free Labor Development
AOJ	Administration of Justice Project
CAB	Civil Affairs Brigade, U.S. Department of Defense
Cps	Conditions Precedent
DEP	Democracy Enhancement Project (521-0236)
DOD	U.S. Department of Defense
DOJ	U.S. Department of Justice
EEC	European Economic Community
ESF	Economic Support Fund
FSN	Foreign Service National (employee)
FY	Fiscal Year
Gd.	Haitian Gourde (official monetary unit)
GDO	General Development Office, USAID/Haiti (See HRD)
GOH	Government of Haiti (constitutional GOH)
HRD	Human Resources and Democracy Office, USAID/Haiti
ICITAP	International Criminal Investigative Training Assistance Program, U.S. Department of Justice
LAC	Bureau for Latin American and Caribbean Affairs, A.I.D./W
LDC	Less Developed Country
LOP	Life of Project
MOJ	Ministry of Justice
NCSC	National Center for State Courts
NGOs	Non-Governmental Organizations
NICEL	National Institute for Citizen Education in the Law
OAS	Organization of American States
OPDAT	Office of Professional Development and Training, U.S. Department of Justice
OYB	Operational Year Budget
PACD	Project Activity Completion Date
PAR	Policy and Administrative Reform Project (521-0222)
PCPS	Policy Coordination and Program Support Office, USAID/Haiti
PDI	Project Development and Implementation Office, USAID/Haiti (See PCPS)
PIC	Project Implementation Committee, USAID
PIU	Project Implementation Unit, Human Resources & Democracy Office, USAID/Haiti
PSC	Personal Services Contractor
PVOs	Private Voluntary Organizations
UN	United Nations
UNDP	United Nations Development Programme
USAID	U.S. Agency for International Development, Haiti
USDH	U.S. Direct Hire (employee)
U.S.G.	United States Government
USIS	United States Information Service

**Project Title:** Administration of Justice  
**Project Number:** 521-0238

**Grantees and Contractors:** Competitively selected institutional contractor; Haitian and U.S. NGOs and PVOs; Universities and short-term contractors; an Interagency Agreement with the U.S. Department of Justice; and a grant agreement with the United Nations Development Program.

**Total Project Cost:** US\$ 18,000,000  
**Life of Project:** 70 months (PACD 6/30/99)

**Goal:** to establish more effective and enduring democratic institutions that are able to respond to the needs of the Haitian people, reinforce the rule of law, and foster respect for human rights.

**Purpose:** to improve the effectiveness, accessibility and accountability of the Haitian justice system.

**Project Description:** Short-, medium- and long-term activities will provide an integrated program to strengthen the Haitian justice sector. Short-term emergency training and basic orientation will be provided to judicial, court and penal system officials to begin their engagement in a new Haitian justice system and emergency rehabilitation of court and penal facilities to meet minimal structural, sanitary and security standards. Medium-term activities to modernize the court and penal systems to parallel the new civilian police system thus standing up the three prong justice system simultaneously in nine "hub" cities will include: in-service training of court and penal system personnel, placement of judicial mentors to work in concert with newly trained judicial personnel, basic legal kits and commodities and establishment of a model conflict resolution program. Longer-term project implementation will include: modernizing judicial procedures to improve efficiency and accessibility; implementing new or modified court and penal institution organizational and administrative structures and procedures; assistance in the development of the MOJ and its capability to take on its new responsibilities for supervision of the civilian penal and police systems; review and dissemination of current legal codes; a program of public education as to the rights and responsibilities of the Haitian population, as well as the role and responsibilities of the court, penal and police systems; strengthening of existing entities which provide legal assistance and legal aid; and curriculum strengthening for Haitian law schools. In addition, assessments will be conducted to investigate the needs of Haitian law schools, the potential for establishing a public law library and a magistrates' school, as well as to identify suitable candidates for training through other USAID or USIS programs.

**Recommendations:** the LOP funding level be increased from US\$4 million to US\$18 million, and the PACD be extended by 33 months from Sept. 30, 1996 to June 30, 1999.

## **II. BACKGROUND, RATIONALE, AND CONFORMANCE WITH STRATEGY**

### **A. Background & Rationale**

The Administration of Justice (AOJ) project was originally designed as a five-year effort with life-of-project (LOP) funding of US\$18 million. Phase I of the project was authorized on September 10, 1993 with funding of US\$4 million over a period of up to three years. Notification was sent to Congress on August 3, 1993 proposing that \$3 million be obligated for Phase I of this project. Notification expired on August 18, 1993, without objection.

At the time the AOJ project was authorized, it was envisioned that the Mission would develop a Project Amendment, outlining a specific strategy, implementation plan and budget for Phase II, and that the project would eventually have an LOP funding in the range of US\$18 million over five years. This Project Amendment is intended to meet those expectations. Given the delay in project implementation caused by important political developments, this Amendment calls for an extension of the Project Assistance Completion Date (PACD) to June 30, 1999.

The project's purpose remains unchanged, namely, to improve the effectiveness, accessibility and accountability of the Haitian justice system. This Project Amendment expands Phase I activities and provides for post-Phase I activities that build upon those emergency, short-term interventions and lead toward strengthened judicial institutions. Phase I is intended to meet the most urgent needs of the judicial system by establishing a basic orientation for court and penal system officials and emergency rehabilitation of court and penal facilities to meet minimum structural, sanitary and security standards. From that base, longer-range training and education will prepare these officials to begin their engagement in a new Haitian justice system. In the immediate term, a three-pronged strategy of training of court and penal system personnel, deployment of judicial monitors/mentors to work along side the newly trained judicial personnel, and the provision of basic legal kits and commodities to make the court and penal systems operational will enable the court and penal system to become operational in parallel to the interim civilian public security force in nine "hub" cities<sup>1</sup>. Medium- and long-term activities proposed by the AOJ project will build upon the initial training, as well as expand assistance to other vital segments of the justice sector. Building the administrative capability of the Ministry of Justice to meet its responsibilities for supervising the civilian police and penal systems will be complemented by building the capacity of the public to understand its role and meet its responsibilities under the justice system. A legal public education program, a model conflict resolution program, and strengthening of legal assistance and legal aid entities will build bridges from which the Haitian population will gain increased access to the justice system.

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<sup>1</sup>These cities are the capitals of Haiti's nine Departments and are the focus of interim police training efforts by the International Criminal Investigative Training Assistance Program (ICITAP) of the U.S. Department of Justice. The hub strategy therefore focuses standing up police, courts and penal institutions in the same target locations.

On September 22, 1993, USAID and the legitimate Government of Haiti signed a \$3 million bilateral agreement for an AOJ Project to improve the effectiveness, accessibility and accountability of the Haitian justice system in anticipation of full implementation of the Governor's Island Accord. Before the Project could be activated, Minister of Justice Guy Malary was assassinated. During his six-week tenure in office, Minister Malary had worked closely with USAID in planning for the implementation of the project. The project was suspended following his assassination.

Until Minister of Justice Ernest Mallebranche assumed office on November 9, 1994, USAID's AOJ Project had no officially-sanctioned Haitian counterpart with whom to initiate activities, in spite of the fact that USAID was poised to act on several issues requiring immediate and decisive action. Preliminary discussions with members of the GOH in exile identified the following activities for immediate action following resolution:

- Training of all levels of judicial personnel was to be undertaken as soon as possible.
- Technical assistance to the Ministry on a daily basis was needed to enable them to carry out their immediate duties, particularly providing advice to assist the Ministry in taking charge of its mandate to supervise the prison system and the new civilian police force, as specified in the 1987 Constitution.
- Provision of basic commodities, such as office equipment and supplies for the MOJ and the courts.

In October of 1993, then Minister Malary had identified several primary steps to be taken. In light of the fact that almost a year and a half has passed and that the political situation in that period has precluded the possibility of acting on these steps, the activities mentioned above and the activities that were to have begun last year will have to be implemented, if not simultaneously, in the shortest time frame possible. There is also an urgent need to ensure that justice sector reforms keep pace with the technical assistance and training that the International Criminal Investigative Training Assistance Program of the U.S. Department of Justice (ICITAP) is providing for a new civilian police force. GOH officials are concerned about the disparity between funding for the ICITAP police program and the AOJ program. They fear this will result in a better trained and better prepared civilian police force, out of synch with far more modest reform measures taken for the justice sector as a separate entity within the realm of MOJ's overall official responsibilities.

In addition to the activities described above, the following in particular should be given top priority:

- A series of public education campaigns to apprise citizens of their rights and their obligations under the rule of law, as well as to keep them informed of developments concerning access to justice. A separate, in-house education

**campaign will be initiated for MOJ personnel to inform them of their new responsibilities to administer civilian police and penal institutions.**

- **A centralized compilation of all laws, including but not limited to civil and criminal codes, civil and criminal procedures, and administrative laws and procedures. USAID has undertaken preliminary investigation into computerizing these codes and procedures. However, before they can be either printed for distribution or computerized, they must be assembled and discrepancies must be reconciled. Again, technical assistance in this area will be needed at the beginning of Project activities.**
- **A continuing inventory of existing court and penal facilities and MOJ administrative offices, as well as an assessment of the personnel now working within the judicial, court and penal systems is a crucial step in determining actual physical and human resources requirements. An initial inventory of judicial personnel, court and penal facilities in the nine Departmental capitals was carried out jointly by USAID and the Civil Affairs Brigade (CAB) of the U.S. Department of Defense with participation by the Minister of Justice and other MOJ officials.**

**USAID has initiated a significant recovery package for the newly-restored GOH which will shift program emphasis away from the more immediate "safety net" of humanitarian assistance to a longer-term sustainable development strategy. The request for additional funding for the AOJ Project is part of that program shift: to cover additional activities, funding will need to be increased from \$4 million to \$18 million. The original obligation in FY93 of \$3 million will be increased with a proposed FY95 obligation of \$7.5 million, bringing total obligations to \$11.5 million. Additional obligations totaling \$7.5 million will be sought in FY96 to FY98 to fully fund the LOP budget.**

**Because of the time lost in implementation of the Project, the situation in the Haitian justice system has deteriorated even further. The GOH has requested that large-scale training and technical assistance be provided immediately to begin resuscitating the judicial system, thus enlarging the scope of initial activities beyond that which was originally planned. Within the post-resolution strategy framework for Haiti, a more modest, incremental approach to justice sector reform is no longer practical. Without immediate cooperative action between the GOH/MOJ and USAID, the judicial system will continue to stagnate and the Ministry of Justice will be unable to manage the duties allocated to it by provisions of the 1987 Constitution. Additional funding will allow the project to shift to bolder, decisive and more in-depth implementation steps than originally planned. It should also be noted that USAID is the only donor currently poised to provide timely assistance to the justice sector.**

**By the end of the Project, with the cooperation of the Ministry of Justice, the following activities will have been completed:**

- public education campaign informing Haitian citizens of their Constitutional rights and responsibilities
- substantial training programs for judicial personnel, on a continuing basis
- training of trainers for handoff of training programs to GOH
- development of training activities to expose Haitian lawyers and jurists to principles of comparative law
- increased public access to legal assistance through introduction of public defender programs and expansion of legal aid services
- modernized MOJ organic law and criminal codes
- revised organic laws, criminal codes, procedural codes and institution of a broader program of code reform
- establishment of administrative mechanisms for oversight of justice sector officials and activities
- creation of a network of Haitian lawyers and jurists with counterparts in other civil code jurisdictions, especially within the Caribbean
- assistance to MOJ for organizational restructuring to ensure the financial independence and integrity of the judicial system
- assistance to MOJ for organizational restructuring within the GOH to ensure the development of an independent judiciary

#### **B. Conformance with USAID Strategy**

This Amendment does not change the project's conformance with the Mission's strategy as stated in the original project document, to wit:

The overall goal of the USAID program is to advance the establishment of the necessary conditions for the majority of the Haitian people to improve the quality of their lives by affording to every citizen reasonable access to justice. The USAID strategy focuses on three interdependent elements necessary for goal attainment: 1) strengthening of public and private democratic institutions which reinforce the rule of law, foster respect for human rights and respond to popular needs; 2) promotion of sustainable, private-sector-led equitable economic growth and development; and 3) the protection and development of the human resources needed to lay the foundation for enduring democracy and economic growth. This project directly addresses the first element, which is a sine qua non to the achievement of any other social or

economic development objectives in Haiti.

### **C. Project Achievements to Date**

Following the assassination of Minister of Justice Guy Malary, project activities were suspended. Maitre Ernest Mallebranche was appointed Minister in November, 1994 and was replaced by Maitre Jean Joseph Exume in January 1995. Having, once again, an interlocutor within the GOH, USAID has been able to initiate the following steps:

- **"Hub" Strategy**  
USAID has created a three-pronged strategy--training court and penal system personnel, deployment of judicial mentors to work beside the newly trained personnel and provision of basic legal kits and commodities--in the nine departmental capitals which will create a critical mass of human and material resources devoted exclusively to making the judicial system operational in the countryside. These nine cities will serve as "hubs" for priority training both through this project and through the ICITAP police training program. Thus, police, court and penal systems will become operational on a parallel schedule and in the same locations.
- **Joint USAID/Department of Defense (DOD) Civil Affairs Brigade/MOJ Justice Assessments**  
An inventory of judicial personnel, court and penal facilities was carried out in the nine Departmental capitals. Minister Mallebranche and other MOJ officials participated in three of the nine assessments.
- **Emergency Training Program**  
Based on these assessments and in partnership with the Ministry of Justice, an emergency training program for judges began on January 17, 1995 to make the court system immediately operational in parallel to the interim police program. A distinguished group of Haitian judicial trainers is working with a team from the U.S. Department of Justice and the National Center for State Courts to deliver this training program. Following three one-week courses in Port-au-Prince for a combination of Justices of the Peace, Prosecutors and Investigating Judges, the training program will be taken "on the road" to the other eight departmental capitals over a three-month proposed schedule.
- **Prisons**  
Based on a preliminary UNDP assessment report on the immediate needs for the Haitian penal system and in consultation with the Ministry of Justice, USAID is assessing alternatives to support an immediate penal system modernization program. The UNDP assessment builds on the work undertaken by the joint USAID/DOD/MOJ inventory of penal facilities and personnel, the engineering costs estimates for physical rehabilitation of penal institutions undertaken by the International Committee for the Red Cross over the last two months and the experience gained from the emergency training program of court personnel.

- **Judicial Mentors**

In order to provide immediate judicial assistance in the countryside, "Judicial Mentors" will be fielded in each of the nine Departmental capitals to act as circuit riding legal advisors to the judges and prosecutors and to facilitate interaction with newly trained police and penal system officials. At USAID request and MOJ concurrence, DOD will immediately provide twenty legal reservists to fill this role. These U.S. military reservists will be replaced by civilian mentors recruited from Napoleonic code countries within 6 months.

- **Commodities**

A basic commodity kit has been delivered to the Ministry of Justice consisting of: a computer, a photo copier/printer, a fax machine, a manual typewriter and basic office supplies. This will be rapidly followed by: two printers, two uninterrupted power supply units, two computer tables with chairs, software and computer installation, and one hand-held radio. Delivery of additional commodities to make the MOJ, the court and penal systems operational in the nine hubs is expected over the next several months.

### **III. REVISED PROJECT DESCRIPTION**

Annex A provides a summary of the proposed changes to the project **Logical Framework** and should be used as reference in the following discussion.

#### **A. Goal and Purpose**

The goal and purpose of the original Project Document have not changed. The goal is to establish more effective and democratic institutions that are able to respond to the needs of the Haitian people, reinforce the rule of law, and foster respect for human rights. The purpose of the project is to improve the effectiveness, accessibility and accountability of the Haitian justice system. The end of project status conditions remain unchanged.

#### **B. Project Outputs and Inputs**

The project strategy to achieve the end-of-project-status conditions will remain essentially the same, with addition of modernization of penal system administration to output one and emergency rehabilitation of key penal facilities to output two of the three basic outputs. However, because of the time lost in implementation of the project, the largely dysfunctional Haitian justice system has deteriorated even further. Within the post-resolution strategy framework for Haiti, the modest, incremental approach to justice sector reform as set forth in the authorization in September 1993 is no longer practical. Thus the additional funding authorized by this Amendment will allow the project to shift to bolder, decisive and more in-depth implementation steps. Interventions under this Amendment are intended to shift project focus from those of an urgent, short-term nature to those directed toward institutional

**strengthening.**

The project will provide US\$7,450,000 in short- and long-term technical assistance to strengthen the judicial, court and penal systems; to build capability within the Ministry of Justice to administer courts, police and penal institutions; to institute a model conflict resolution program, to compile and disseminate current legal codes, and to carry out a public education program.

Over the life of project, US\$5,400,000 will be provided to for short- and long-term training of judicial, MOJ, court and penal system officials, and to conduct studies and assessments to improve the management and control structures, administrative structures and procedures, operations and physical facilities of the MOJ, the judicial, court and penal systems.

A life-of-project total of US\$2,750,000 will provide commodities, such as the basic legal kits for the nine hub cities, for the several entities participating in the project.

Over the life of project, US\$1,200,000 will be used to provide project management and oversight. This also includes the cost of a personal services contractor at USAID.

Monitoring, evaluations and audits will be conducted with the remaining US\$1,200,000 provided for in the LOP budget.

**Output 1) Improved court and penal systems and procedures more effectively serve the public:** Longer-term in-service training will build on the emergency training program for justices of the peace, public prosecutors, and investigating judges, which is currently being undertaken by trainers from the MOJ, the National Center for State Courts and the U.S. Department of Justice. In-service courses will last for several weeks and include more detailed teaching of Haitian law, investigative techniques, role and responsibilities, interaction with other judicial officials, and police, and problem solving. Suitable candidates will be identified for participation in U.S. Information Service (USIS) or other appropriate USAID-funded training programs abroad. A parallel emergency and in-service training program has been proposed by the UNDP for creation of civilian penal administration and is under consideration by USAID and the MOJ.

It would elaborate a penal administration control and management structure that is responsive to the situation and recruit and train an initial 350 interim police and replace them with 350 civilian personnel to run it.

The project will enhance the effectiveness of the judicial process by instituting procedures to improve judicial efficiency and accessibility. Such procedures may include: how to record cases, track and manage case dockets, organize filing systems, develop forms and systems for maintaining information. The training will be followed up and reinforced by circuit-riding teams providing specialized judicial assistance for the hubs. A parallel program has been proposed by the UNDP to modernize the administration of the penal system and is under consideration by USAID and the MOJ which could: introduce basic management of the penal population by creating a detainee register, individual dossiers, and a penal regulation manual; and establish

modern civilian penal system administration by elaborating a control and management structure.

A system of international judicial advisers consisting of (where possible) French and Creole speaking judges and prosecutors, would serve as monitors and mentors for the justices of the peace, public prosecutors, and investigating judges over a one-year period. Their role would be to supervise and assist these officials, complementing and supplementing the training provided. The mentors would be recruited primarily from Martinique and Guadeloupe--Caribbean neighbors which share Haiti's language and legal base--with additional candidates sought, if necessary, from Quebec Province (Canada) or France.

Basic commodities are needed immediately to support judicial, court and penal system personnel. Currently, "basic legal kits" are being organized and provided for each of the nine priority ("hub") cities and include materials such as a core set of essential legal texts, typewriters, paper, pens, notebooks, and criminal investigative materials (such as tape recorders, safe boxes for evidence), basic supplies and materials to improve the conditions of detention are under consideration such as, foam rubber mattresses to be used by persons incarcerated. Provision of basic medical services to detainees, and minimum sanitary standards in penal facilities is under consideration.

Critical needs of the judiciary and the legal basis for undertaking necessary changes in the justice system will need to be identified. Pending agreement with the GOH, support for implementation of new or modified court organizational structures would follow. Such organizational and procedural changes may, in many cases, involve less the development of new mechanisms than the adoption and application of non-implemented measures described in the Constitution of 1987.

To support the rebuilding of the Haitian judicial system, the project will provide technical assistance for studies and assessments of certain judicial institutions, such as a Magistrates' school and public law libraries. It is not the intent of this project to proceed further to establish such institutions; however, the assessments would provide the GOH with a base from which long-term decisions could be made and international donor support could be identified.

Short-term technical assistance will be provided to Haitian law schools, if requested, for curriculum strengthening.

#### **Output 2) Strengthened Ministry of Justice:**

The Ministry of Justice has an important role as supervisor for the justice sector in Haiti, specifically as supervisor of the public prosecutors, the civilian police and the civilian penal system, as well as the judges and the court system. The MOJ traditionally has not played a very significant role in any of these areas. Therefore, training is needed in administrative structures and procedures, management and control techniques, the role of the Ministry as an agency with supervisory authority and responsibility and the role of the Ministry as the prosecuting authority for the nation.

Short-term assistance will be provided to support the recently passed legislation for the separation of the police and penal system from the military. The project will provide technical assistance to better enable the MOJ to assume its new responsibilities of supervision and oversight of the civilian police and of penal systems.

There is an urgent need for the reconstruction of courts and penal institutions throughout the country, as well as training administrative and supervisory personnel. The courts and penal institutions are uniformly in a state of disrepair and their immediate rehabilitation is essential for the development of a functioning justice system. Urgent rehabilitation of key court and penal institutions will be undertaken to make them immediately operational, structurally sound and secure. Although the Haitian Ministry of Justice has the responsibility to administer penal institutions, it has neither the experience nor personnel to do so. Training and supervision is desperately needed. In coordination with DOD assistance for penal system rehabilitation, this project will provide training in the administration and supervision of the penal system for Haitian officials.

**Output 3) Increased public access to the justice system:**

The Haitian population has traditionally not had confidence in or knowledge of the Haitian justice system. For this reason, much of Haitian justice has been carried out through informal processes. Building on this, a model conflict resolution program would provide practical law education for everyday life. It would utilize Haitian nationals (preferably law students) to work with Justices of the Peace to create an alternative dispute resolution mechanism in the nine Department hubs for rapidly addressing legal issues and conflicts outside the formal court system.

The project will include activities to increase the access of the Haitian population to the justice system by strengthening existing entities which provide legal assistance and legal aid, such as public defenders, legal aid clinics.

Educating the Haitian population is a critical element to the development of the Haitian justice sector. Public education of the rights and responsibilities of the Haitian population as well as the role and responsibilities of the court system is likewise critical. This project will support a long-term public education program.

As noted in Section A above, a centralized compilation of all laws, including but not limited to civil and criminal codes, civil and criminal procedures, and administrative laws and procedures, was noted by the GOH to be a high priority. USAID conducted a preliminary investigation into computerizing these codes and procedures. It became clear that they must be assembled and discrepancies reconciled prior to computerization and distribution. This Amendment provides for technical assistance in this area at an early date in project implementation.

## **Operational Plan**

An interagency working group is currently developing an operational plan for the Project. Team members include representatives from USAID/Haiti and USAID/Washington, U.S. Department of State, U.S. Department of Justice, and the U.S. Department of Defense. This is a work in progress, and includes interaction with the Haitian Ministry of Justice. The group is addressing the issues and clarifications referenced in State 12356.

### **C. Project Management, Monitoring and Evaluation**

Since the start of this project, the USAID Mission to Haiti has reorganized several of its divisions. The General Development Office (GDO) has been renamed the Human Resources and Democracy (HRD) Office. All duties and responsibilities for the AOJ Project originally charged to the GDO are to be carried out by the HRD Office.

Due to the scope of activities now envisioned under the AOJ project, USAID intends to award a Contract for the provision of technical assistance, staff training and equipment needed to successfully meet the project's purpose. Initially, USAID will enter into a bilateral agreement with the GOH for an additional US\$6.5 million with the funds being reserved for the competitively selected institutional contractor. The balance of US\$1 million obligated will be administered by the HRD Office through contracts, cooperative agreements, grants, and buy-ins to A.I.D. centrally administered contracts or similar instruments. Funds will be administered according to A.I.D. procurement standards and procedures. Competitive procedures will be followed wherever possible.

Monitoring will be carried out at the project management level by the HRD Office, in lieu of the former GDO. No change is anticipated by this Project Amendment to the monitoring system as set forth in the original Project Document.

Evaluation and reviews also remain unchanged from the schedule set forth in the original Project Document. Due to the delay in project implementation, resulting from political setbacks, the sequencing of evaluation and reviews should start from November 9, 1994--the date upon which Justice Minister Mallebranche took office. For example, the short-term internal progress review to have been held during the first year of implementation will be held during Calendar Year 1995. The in-depth, external evaluation to be undertaken approximately 30 months into project implementation would take place around April 1997. The final external evaluation will be undertaken, as originally planned, approximately six months prior to the Project Activity Completion Date (PACD) or March 30, 1999.

## **IV. BUDGET AND FINANCIAL PLAN**

The original Project Document provided US\$18 million in Economic Support Funds over the life of the project, subject to the availability of funds and to the commitment of the GOH to

enter into Phase II of project implementation. However, the Project Authorization authorized only US\$4 million in Development Assistance Funds and Economic Support Funds. In FY93, US\$3 million in Economic Support Funds was obligated in a bilateral agreement with the GOH. Following the death of Minister of Justice Malary, no further obligation was made. This Project Amendment seeks to restore funding to the original US\$18 million.

Penal rehabilitation and reform activities have been planned using only Economic Support Funds. The approximate cost of this effort is US\$1.5 million.

The US\$18 million cost of the project is realistic. With a more stable political environment since the restoration of the legitimate GOH and the appointment of a permanent Minister of Justice, there is an opportunity for the project to intervene in a full scope of justice support activities. This Amendment puts forth an integrated package of activities meant to have a significant impact on Haiti's justice sector.

Joint USAID and GOH assessments and policy dialogue during the first phase of project implementation have identified these assistance activities as priorities in meeting the shared vision for the justice sector. However, the activities have significant cost implications for the project. As the original Project Document foresaw, institutional strengthening of the MOJ, for example, will require significant investments in technical assistance, training and commodities. Inputs of a similar scale and variety are required to effectively address the needs of Haiti's virtually inoperative court system and modest resources of approximately US\$1.5 million are required begin efforts to modernize penal administration, make penal facilities meet minimal sanitary and structural standards and the general conditions of detention more humane. The project budget set forth below is therefore realistic in light of the proposed undertaking.

**Table I**  
**Amended Illustrative Project Budget**  
**Summary by Project Element**  
**(US\$000's)**

<b>Project Elements</b>	<b>Original Authorization</b>	<b>This Amendment</b>	<b>Total Estimated Cost</b>
<b>TECHNICAL ASSISTANCE</b>	\$2,220	\$5,250	\$7,450
<b>TRAINING AND ASSESSMENTS</b>	900	4,500	5,400
<b>COMMODITIES</b>	500	2,250	2,750
<b>PROJECT MANAGEMENT</b>	200	1,000	1,200
<b>MONITORING/ EVALUATION and AUDIT</b>	200	1,000	1,200
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<b>TOTAL</b>	<b>\$4,000</b>	<b>\$14,000</b>	<b>\$18,000</b>

**Table I**  
**Amended Illustrative Project Budget**  
**Summary by Project Element**  
**(US\$000's)**

<b>Project Elements</b>	<b>Original Authorization</b>	<b>This Amendment</b>	<b>Total Estimated Cost</b>	<b>Financing</b>	<b>Implementation</b>
<b>TECHNICAL ASISTANCE</b>	<b>\$2,200</b>	<b>\$5,250</b>	<b>\$7,450</b>	<b>AID Direct Contract</b>	<b>Direct payment Cash Advance</b>
<b>TRAINING AND ASSESSMENTS</b>	<b>900</b>	<b>4,500</b>	<b>5,400</b>	<b>AID Direct Contract</b>	<b>Direct Reimbursement</b>
<b>COMMIDITIES</b>	<b>500</b>	<b>2,250</b>	<b>2,750</b>	<b>AID Direct Contrat</b>	<b>Direct Reimbursement</b>
<b>PROJECT MANAGEMENT</b>	<b>200</b>	<b>1,000</b>	<b>1,200</b>	<b>AID Direct Contract</b>	<b>Direct Reimbursement</b>
<b>MONITORING/ EVALUATION</b>	<b>200</b>	<b>800</b>	<b>1,000</b>	<b>AID Direct Contract</b>	<b>Direct Reimbursement</b>
<b>AUDIT</b>		<b>200</b>	<b>200</b>	<b>AID Direct Contract</b>	<b>Direct Reimbursement</b>
<b>TOTAL</b>	<b><u>\$4,000</u></b>	<b><u>\$14,000</u></b>	<b><u>\$18,000</u></b>		

LOGICAL FRAMEWORK MATRIX -- AMENDED  
ADMINISTRATION OF JUSTICE PROJECT (521-0238)

NARRATIVE SUMMARY	GOAL INDICATORS	MEANS OF VERIFICATION	IMPORTANT ASSUMPTIONS
<p><b>Goal:</b></p> <p>To establish more effective and enduring democratic institutions that are able to respond to the needs of the Haitian people, reinforce the rule of law, and foster respect for human rights.</p>	<p>The provisions of the 1987 Constitution are progressively implemented, with specific attention to basic rights and duties of the citizen, civilian control of the military and separation of the police from the military.</p>	<p>USAID and Embassy monitoring; mid-term and final evaluations; media reports.</p>	<p>An internationally recognized resolution of Haiti's political crisis results in the restoration of democratic constitutional government.</p> <p>The constitutional government will be fully committed to the equitable rule of law, respect for human rights, and the reform of the Haitian judicial system.</p> <p>The restored constitutional GOH will seek assistance to strengthen its justice system and will seek and accept such assistance from the U.S.</p> <p>An AOJ project of the kind being recommended will make a difference to the durability and effectiveness of the country's evolving democracy.</p> <p>The Haitian Parliament will pass the enabling legislation needed to execute the transfer of the police from military to civilian control.</p>

<p><b>Purpose:</b></p> <p>To improve the effectiveness, accessibility, and accountability of the Haitian justice system.</p>	<p><b>End of Project Status:</b></p> <ol style="list-style-type: none"> <li>1. The Ministry of Justice and the Haitian judiciary will have increased their capacity and effectiveness in carrying out its functions in accordance with the 1987 Constitution.</li> <li>2. An increased number of Haitian citizens will have obtained access to Haiti's legal system.</li> <li>3. Public confidence is increased in a Haitian justice system that is more responsive and accountable to all Haitians.</li> <li>4. Haitian's political and basic human rights are respected.</li> </ol>	<p><b>Means of Verification:</b></p> <p>USAID and Embassy monitoring; UNDP liaison; media reports; public opinion surveys.</p> <p>Reports by internationally recognized human rights groups such as Americas Watch and Amnesty International.</p> <p>Project reports; mid-term and final evaluations.</p>	<p><b>Important Assumptions:</b></p> <p>The underlying structure of the Haitian justice system is less of an urgent concern than deficiencies in the application of the law.</p> <p>Other donors participate in the program to improve the Haitian justice system and provide adequate resources to accomplish this objective.</p> <p>The GOH provides the financial and human resources which the courts and the MOJ will require to continue functions beyond cessation of donor assistance.</p>
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<p><b>Outputs:</b></p> <ol style="list-style-type: none"> <li>1. Improved court and penal systems and procedures more effectively serve the public.</li> <li>2. Strengthened Ministry of Justice</li> <li>3. Increased public access to the justice system</li> </ol>	<p><b>Indicators:</b></p> <ol style="list-style-type: none"> <li>1.a. Judicial officials at all levels are better trained.</li> <li>b. Court &amp; penal systems better staffed, facilities improved &amp; equipped, and procedures improved.</li> <li>c. Modernized court &amp; penal organizational structures &amp; administrative procedures are implemented.</li> <li>2.a. An increase of resources is provided to judicial system (funds, staff, equipment, administrative support, etc.)</li> <li>b. MOJ develops capacity to monitor and supervise police and penal administration.</li> <li>c. Justice system hiring, promotion and appointments are based on merit.</li> <li>3.a. Public defender system established and functioning throughout the country.</li> <li>b. A recognized conflict resolution mechanism in use in lieu of the formal justice system.</li> <li>c. One NGO watch group monitors judicial accountability &amp; promotes judicial access.</li> <li>d. Arrest and detention procedures follow due process, as outlined in 1987 Constitution.</li> <li>e. Laws are compiled, computerized &amp; distributed.</li> </ol>	<p><b>Means of Verification:</b></p> <p>The GOH increases budget resources to the judicial system.</p> <p>USAID, Embassy monitoring, UNDP liaison, media reports.</p> <p>Reports by human rights groups such as Amnesty International.</p> <p>Project reports.</p>	<p><b>Important Assumptions:</b></p> <p>The GOH will demonstrate its commitment to judicial reform by finding resources to adequately budget for judicial functions.</p> <p>The Judiciary is receptive to U.S. assistance, and such assistance is effective within a multi-donor assistance model.</p> <p>ICITAP program of assistance to professionalize the police proceeds more or less on schedule and at a parallel rate with improvements in the justice system.</p> <p>Sufficient minimally qualified people are available and willing to assume positions in the justice system.</p>
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Inputs:	Level of Inputs:	Means of Verification:	Important Assumptions:
1. Technical Assistance (U.S. and local) 2. Assessments 3. Commodities 4. Training 5. Monitoring and Evaluations 6. Project Management 7. Audits	1. \$7.45 million 2. \$1.50 million 3. \$2.75 million 4. \$3.90 million 5. \$1.00 million 6. \$1.20 million 7. \$ .20 million  <u>\$18.0 million</u>	USAID project records.  Audits of GOH and contractor/grantee expenditures.	Conditions precedent to project implementation are met in a timely manner.  Funds are available as planned.