



FINAL REPORT

JUSTICE PROJECT USAID/EL SALVADOR NCSC/DPK CONSULTING

PERIOD MARCH 1, 2004 TO AUGUST 31, 2005

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Contract No. AEP-I-00-00-00011-00-T.O. 808



ABBREVIATIONS

ALCA	Free Commerce Area of the Americas
ANEP	National Association of Private Enterprise
CAFTA	Free Trade Agreement Central America-United States of America
CCI	Chamber of Commerce and Industry of El Salvador
CCSJ	Coordinating Commission of the Justice Sector
MMC	Municipal Mediation Center
CNUDMI	United Nations Commission for International Mercantile Law
CNJ	National Judicial Council
COMURES	Municipalities Corporation of El Salvador
CPCyM	Civil and Mercantile Procedure Code
CPC	Criminal Procedure Code
SCJ	Supreme Court of Justice
DAI	Development Associates, Inc.
DPC	Consumer Protection Unit (in the future Consumer Defense Office)
ECJ	Judicial Training School
USA	United States of America
FGR	Prosecutor General of the Republic
FM Ote.	Multidisciplinary School of the Orient, University of El Salvador
FM Occ.	Multidisciplinary School of the Occident, University of El Salvador
FUSADES	Salvadorian Foundation for Economic and Social Development
ISDEMU	Salvadorian Institute of Municipal Development
MG	Ministry of Governance
OJ	Judicial Organ
NGOs	Non-Governmental Organizations
PAS/DPK	Project to Support the Justice System
PGR	Attorney General of the Republic
PNC	National Civil Police
ProJusticia	Justice Project USAID (NCSC/DPK Consulting)
SP/SCJ	Criminal Room/Supreme Court of Justice
ADR	Alternative Conflict Resolution
ADR	Alternative Dispute Resolution
UACI	Institutional Acquisitions and Contracting Unit
UES	University of El Salvador
UFG	University Francisco Gavidia
UNICO	Catholic University of the Occident
UNIVO	University of the Orient
UGGB	University Capitán General Gerardo Barrios
UNAC	Normative Acquisitions and Contracting Unit
UP	Polytechnic University
USAID	United States Agency for International Development
UTE	Executive Technical Unit of the Justice Sector
UTEC	Technological University of El Salvador

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INTRODUCTION

The Justice Project USAID/El Salvador (ProJusticia) was initiated on March 1, 2004, carried out by National Center for State Courts/DPK Consulting, under the contract N°. AEP-1-00-00-00011-00-T.O. 808. Its original execution period was from March 1, 2004 – June 30, 2005. The project period was extended from July 1 – August 31, 2005.

ProJusticia began operations by naming the project team. The team included Chief of Party Alicia del Valle Warde, Deputy Chief of Party Rommel I. Sandoval, Training Coordinator Maria E. Burgos, Mediation Centers Coordinators Wanda Amory and Eduardo Barrientos, Project Administrator Carmen Domínguez, and logistic and administrative support personnel (Norma Francés de Pusselt, Flor de M^a. Herrera, J. Celio Bolaños, Santiago Romero, Ursulino Osegueda, and Gladys H. Pacheco de Carranza).

The proposed project goals were designed to give continuity to activities developed under previous USAID efforts and to integrate innovative and socialized activities and strategies to address implementation challenges. The project components worked on were:

- 1) Greater Consolidation of Criminal Law Reforms
- 2) Promote the Development of ADR Mechanisms
- 3) Promote Economic Governance Initiatives
- 4) Windows of Opportunity: Need for Special Programs

The project's work plan was developed based on the identification of technical assistance needs from the field. With orientation provided by USAID, and inputs from counterparts (universities, legal associations, NGOs, municipalities, and chambers of commerce) and justice sector operators (National Judicial Council, Attorney General of the Republic, Supreme Court of Justice, Prosecutor General of the Republic and Ministry of Governance), and the proposals contained in the documents "Strategic Training Plan for the Justice Sector in Criminal, Criminal Procedure and ADR Matters" (September 2002, PAS/DPK Consulting) and "Five Year Plan of the Justice Sector of El Salvador, 2003 – 2008" (September 2003, PAS/DPK Consulting), the work plan was prepared (Annex 1). Based on feedback from USAID, Component 3 of the work plan was then revised (Annex 2). The plan was reviewed during February 2005 to incorporate the project's final activities (Annex 3).

Sustainability of project results was included in the planning and execution of the work plan through the identification of new leaders for each component of the work plan, the promotion of an integrated team approach, and the linking of each component to take maximum advantage of the human and material resources of both our counterparts and of the project. A Performance Monitoring Plan (PMP) was prepared by a national consultant and the project team (Annex 4). During the execution period, two evaluation exercises were carried out which delivered responsible information to both evaluate ourselves and make the necessary adjustments to meet results (Annex 5).

As already stated in the Second Report of the Project, the activities selected by our team and our counterparts reflect basically three aspects: community needs; the contents of the Bilateral Agreement between the Republic of El Salvador and United States; and ProJusticia's technical proposal. Each component had its own activities and expected results.

The main activities carried out by the project to achieve the goals described in this report were:

- 1) Greater Consolidation of Criminal Law Reforms
 - a) Update and Institutionalize ECJ Training Programs
 - b) Continue Work of FGR Mentor Program and Launch PGR Public Defense Program
 - c) Promotion of Code Reform to Incorporate Rules of Evidence;
 - d) Support Legal Clinics

- 2) Promote the Development of ADR Mechanisms
 - a) 15 Mediation Centers of the General Attorney of the Republic and Two Mobile Mediation Units Operating
 - b) Three Mixed Mediation Centers (PGR / Municipal Mayoralities) in Service
 - c) Six Municipal Mediation Centers Operating
 - d) Facilitate the Identification of Mediators,
 - e) Provide Technical Assistance to Interested Parties to Open Arbitration Centers
 - f) Dissemination and Sensitization of ADR through Radio and TV Campaigns

- 3) Promote Economic Governance Initiatives
 - a) Support a Training Plan to Identify Weaknesses in the Commercial Law Area and Evaluate the Judicial System (Commercial and Lower Quantity Courts)
 - b) Support the CPCyM Law Draft Review

- 4) Special Programs
 - a) Investigation and Observation Tour on Civil and Commercial Matters to Montevideo, Uruguay, and Buenos Aires, Argentina
 - b) Investigation and Observation Tour on Evidential Processes in Civil and Commercial Matters and Judicial Organization in San Juan, Puerto Rico
 - c) Observation Tour to Panama in ADR matters
 - d) Observation Tour to Colombia in ADR matters
 - e) Observation Tour to San Juan, Puerto Rico, in ADR matters
 - f) Tour for Clinic Method Learning in Chicago, Illinois, USA
 - g) Tour for the PGR Participation in the Intra-Familiar/ADR Topic in Managua, Nicaragua
 - h) Edition and Production of Formative Video on the “Preliminary Hearing,” ECJ/CNJ (Annex 59)
 - i) Edition and Production of Educational Video on the “Oral Litigation Competences” for the 3rd Inter-University Contest on Competences for the Oral Trial, ECJ/CNJ (Annex 60)
 - j) Edition and Production of Formative Video for ADR on Mediation Tools, MMC, ECJ/CNJ, CCI, MC/PGR and Identified Mediators (Annex 61)
 - k) Support to Scholarship Holders Virtual Classroom ECJ/CNJ
 - l) Edition of the Resources Manual/PGR
 - m) Grant to the Cojutepeque’s Mayoress to Participate in the 2nd Iberian American Summit for the State’s Decentralization and Local Development, San Salvador

We consider the following key results to have been achieved by the project, and the training that went along with this process.

1. El Salvador now has better prepared justice operators in the criminal area who know their roles, and a Judicial Training School with a first-level team of trainers.
2. Future lawyers in the country will have better skills. The improvements in the curriculum of universities with which we have worked are currently benefiting their students. They will be adopted by other universities which did not originally participate in this effort. Continuation of the inter-university contest on oral trial litigation skills, institutionalized by the CNJ, will allow for public evaluation and learning at the law schools.
3. There is a better definition of needed regulations in evidence matters in the CPC. Reforms in this area must proceed. Other donor projects need to continue this work.
4. The implementation of the PGR, Municipal, and Mixed Mediation Centers, the improvement of the arbitrator team at the CCI, and the implementation of ADR mechanisms in Consumer Defense Law have demonstrated that the ADR culture has been well accepted in El Salvador. The initial expectations of the project have been exceeded.
5. Justice sector leaders and staff members, and the citizens in general, have become conscious of the urgency to reform the commercial and civil justice sector. This reform is needed to improve legal security for the local or foreign investor, and the common citizen.
6. Local professionals have been empowered and given skills as a result of working on project activities. This ensures sustainability to continue to work on challenges in system reform after project completion.

COMPONENT 1: GREATER CONSOLIDATION OF CRIMINAL REFORM

The Criminal and Criminal Procedure Codes have been in force for 7 years (March 20, 1998). Since the adoption of criminal reform, USAID has supported training plans for justice system operators. Through the efforts of ProJusticia, work was completed on strengthening the ECJ trainers' team. In some instances, knowledge and skills have been reinforced and in others new trainers and actors have been incorporated. The project focused its efforts on updating the ECJ training programs and the adult-professional training methodologies. There was a focus on increasing the use of mentor programs for court support personnel. Relations between the CNJ and the law schools of all the universities in the country have been strengthened.

Between the months of March and April of 2004, the agreement between the project and the ECJ/CNJ to implement a work plan for training was finalized (Annex 6). This process was jointly developed between Attys. Fernando Marroquín Galo and Project Training Coordinator María Eugenia Burgos. The agreed upon areas of cooperation were: Oral Techniques, with Atty. María Antonieta Josa; Criminal Area, Atty. Gerardo Cisneros; Civil and Commercial Area with Atty. Amada Infanzozze; and finally the Methodological Area with Atty. María Esperanza Valle.

In the future, criminal procedural modernization still will need technical assistance and training of officials who can continue its modernization. A challenge for the criminal system is the role of the Prosecutor General of the Republic and that of the police investigating crimes (National Civil Police). Both international cooperation and the heads of the justice sector institutions need to work to improve coordination between the prosecutor's office and the police (including the Legal Medicine Institute appointed to the SCJ) to ensure that criminal investigations are carried out efficiently and effectively. Another area of continued focus is to ensure that judges know the regulations for the admissibility of evidence. Finally, successful oral trials still require adequate preparation in oral litigation techniques and the correct application of rules of evidence.

1.1. UPDATE AND INSTITUTIONALIZE ECJ PROGRAMS

1.1.1. Strategies

The project's technical assistance towards the ECJ consisted in the development of the training needed to fulfill the vision of the criminal justice model in El Salvador. The primary focus of the training program was to train ECJ trainers. For the mentor part of the program, the issues jointly identified by ProJusticia-ECJ/CNJ and ProJusticia-FGR-PGR-OJ were oriented to the solution of practical problems in evidential law, the strengthening of oral litigation skills, and the preparation of trainers to improve the processing of hearings in civil and commercial matters.

Within the framework of training the trainers at the Judicial School, the project contributed international and national consultants to help the CNJ develop a series of open specialized conferences, so that there were "open classroom" type discussions with professionals, law students, university professors, and the general public over legal issues. This exchange allowed the interaction of the CNJ with the public and strengthened the ECJ as the legal think-tank of the country. To consolidate the institutionalization of the core of trainers at the Judicial Training School, technical assistance was provided for the elaboration of a promotion list project for the ECJ (Annex 7).

1.1.2. Activities, Results and Challenges

The project's technical assistance contributed to the modernization of the ECJ instructional programs and modules and allowed feedback from trainer to trainer. Project consultants worked in a joint and participative way with the ECJ team. The aim was to offer public courses to which the legal community of the country could be invited. This open class approach coincided with the celebration of the tenth anniversary of the Judicial Training School. The technical assistance provided by the project to ECJ/CNJ is summarized in the charts shown in the following pages. The charts summarize the courses conducted by issue, teacher, date, products, and achievements.

1.1.2.1. Evidential Law

The Training Plan started in 2004 in the area of oral techniques with the topic, **Offering and Admission of the Object Evidence**, for magistrates, judges of the peace, instruction judges, sentence judges, and judges for minors. The course included three activities: a training course for justice operators, provision of an instructional module, and a conference on the topic. The course was provided by Dr. Félix Fumero, from Puerto Rico (Annex 8). A course was organized for trainers to develop the topic, **Evidence of Reference, Exceptions**. Dr. Ferdinand Mercado, from Puerto Rico, taught the course. He has been Associate Secretary of State of Puerto Rico. He facilitated a training course for trainers and justice operators (Annex 9). His visit was also used to develop a video on the preliminary hearing which will be distributed among the instruction judges (Annex 56).

Topic	Teacher	Date	Process	Products	Objective
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Topic	Teacher	Date	Process	Products	Objective
Offering and Admission of Evidence by Means of Objects in the Oral Trial	Félix Fumero	May 24 to 29, 2004	Luis Guillermo Flores, member of the PGR and trainer at ECJ, collaborated in this consultancy in the elaboration of the module and the training	1. Module elaborated 2. Training conducted 3. Conference at Hotel Presidente (May 26) 280 participants	The trainers got a greater perspective regarding their strengthening of knowledge on material evidence treatment in the accusatory process to consolidate the oral trial in the Criminal Justice System
Evidence of Reference and Exceptions	Ferdinand Mercado (Puerto Rico)	November 13 to 17, 2004	Training on specialized areas with Judges and Magistrates present	18 judges, 3 Magistrates and 13 Trainers trained; instructional module elaborated	Expand knowledge and have more competent trainers to replicate the courses
Evidence of Reference and Exceptions	Ferdinand Mercado (Puerto Rico)	March 14 to 18 2005	Training on specialized areas with Judges and Magistrates present	30 judges, 1 law professional, 5 Public Defenders, and 4 prosecutors trained; instructional module elaborated	Expand knowledge and have more competent justice operators for the justice administration

1.1.2.2. Criminal Procedure Law

In the criminal procedure area, the Costa Rican consultant Alexander Rodríguez developed the topic, **Sentence Review Recourse**, training public defenders, prosecutors, collaborators to the Criminal Room, judicial officials, and university teachers (Annex 10).

Topic	Teacher	Date	Process	Products	Objective
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Topic	Teacher	Date	Process	Products	Objective
The Criminal Sentence Review Recourse	Alexander Rodríguez	June 13 to July 2 of 2004	An instructional module was prepared with the collaboration of trainers and lawyers at the Criminal Room and later workshops and the course were conducted, as well as the programmed conferences	<ol style="list-style-type: none"> 1. June 14 to 18: Preparation of the module and training materials. 2. June 21 to 25: Implementation of the Course on Sentence Review for trainers and criminal judges. 3. June 28 to July 2: Practical Workshop for legal collaborators at the Criminal Room of the SCJ and workshop conference for litigants. 4. Conferences dictated in San Salvador, June 23, 2004, UNICO/Santa Ana, July 1, 2004, UNIVO/San Miguel, June 16, 2004 	Train collaborators at the Criminal Room of the Supreme Court of Justice and trainers on the problematic aspects of the sentence review recourse. There was great participation of the universities in the Judicial School activities at the national level
Workshop on the Sentence Review	Alexander Rodríguez (Costa Rica)	November 2004 and January 2005	Work in place with collaborators of the Criminal Room of the SCJ	Diagnose the Room's problems and strengthen its technical knowledge	Collaborators are able to identify and solve incidents when in need to solve any legal conflict at their work place

1.1.2.3. Criminal Law

The ECJ requested the technical assistance of an international consultant for a course on **Determination of the Penalty**. The course was given by Dr. Manuel Morán, from Spain for trainers and judicial operators (Annex 11). A second related course took place in May 2005 with the goal of providing participants with analysis tools on the aspects to be considered while determining the penalty. That course, **Determination of the Penalty**, was carried out by the national consultant, Atty. Carlos Ernesto Sánchez Escobar, with 29 judges and two Magistrates of the Chamber of Minors and the Criminal Chamber of the occidental zone participating (Annex 12). Dr. Ramón García Albero, also from Spain, carried out a course on the **Special Part of the Criminal Code**. The course was attended by 35 participants including judges, judicial officials, PGR personnel, university professors, and lawyers (Annex 13). A course on **Crimes Against the Public Administration** was organized to train 40 trainers, 25 magistrates and judges, and 15 trainers of the criminal area of the ECJ/CNJ, prepared and dictated by Atty. Sergio Rivera, a Salvadorian (Annex 14).

Topic	Teacher	Date	Process	Products	Objective
Course on Determination of the Penalty	Manuel Morán (Spain)	October 2004	Training to Judges and Magistrates, with Conference on the Topic on October 14, 2004	During the course didactic materials were elaborated to orient the beneficiaries to improve and strengthen their knowledge	The trainers elaborate their own observations regarding the existing problems, elaborate articles and publication of the topics seen to be distributed among the judicial officials
Course on Determination of the Penalty	Atty. Carlos Sánchez Escobar (National)	May 2005	Training to 30 Judges and 7 Trainers of the ECJ	During the course didactic materials were elaborated to orient the beneficiaries to improve and strengthen their knowledge	The trainers elaborate their own observations regarding the existing problems, elaborate articles and publication of the topics seen to be distributed among the judicial officials. They have legal technical inputs for the solution of application problems that certain criminal legal types present. Judges, Magistrates and Trainers of the Criminal Area of the ECJ have the legal technical inputs for the solution of application problems that certain criminal legal types related to the Public Administration present, in order to achieve an adequate control for the rules for the systematic resolution of the problems
Course on Crimes Against Public Administration	Atty. Sergio Luis Rivera Márquez (National)	July 2005	10 Trainers and 25 Judges	Facilitate inputs for the elaboration of instructional modules	

1.1.2.4. Commercial Law and Civil Procedure

Dr. Henry Dahl, commercial law expert from the United States, helped develop and offer the course on **Legal Actions Against Disloyal Competence** addressed to trainers, magistrates of the Civil Chamber, judges with commercial competence, judges with civil competence, judges of smaller quantity, and judges of the peace (Annex 15). A course on the **Process by Hearing and its Ruling Principles** was offered for magistrates of the Civil Chamber, judges with commercial competence, judges with civil competence, judges of smaller quantity, and judges of the peace from the Central and Paracentral zones, judges of the interior of the Republic, attorneys on real estate, prosecutors, and university teachers (Annex 16). The course was conducted by Dr. Santiago Garderes, from Uruguay. The course included the discussion of practical cases, analysis of rulings

related to the Civil and Commercial Procedure Code Law Draft, and comparative jurisprudence. The CNJ, through the ECJ, reserved the right to film a video and/or audio of the occasion.

Topic	Teacher	Date	Process	Products	Objective
Course on Free Commercial Competence	Henry Dahl	September 19 to October 2, 2004	Magistrates of the Civil Chamber, judges with Commercial Competence	Obtain the Course Plan, provide support material, and critical analysis of the Free Competence Law Draft	Update and strengthen the judicial operators' knowledge on the Competence Law in order that they can recognize the fundamental role of Justice Administration on the defense of this condition for the Market's functioning
Course on the Process by Hearing and Ruling Principles	Santiago Garderes (Uruguay)	November 21 to 27 2004	32-hour Present course addressed to judges and magistrates	Course and materials elaborated for implementation of the CPCyM Law Draft	Train in a specialized way judges and magistrates in the new civil and commercial oral trial

1.1.2.5. Methodology Courses

During May 2004, Atty. María E. Valle, in charge of the methodological area of the ECJ, requested technical assistance regarding the review of different methodologies used in the Training School. Dr. Mario Corzo, an expert in methodology from Guatemala, was brought to El Salvador to dictate a course on **Course Methodologies and Learning Tools**. The trainers from the ECJ attended the course (Annex 17).

The Judicial Training School had not incorporated the clinic methodology into its training process. At the request of several universities of the country, the ECJ introduced clinic training into its training plan. The project provided technical assistance in this process through Dr. Heriberto Quiñones, of Puerto Rico, who taught a course on **Methodology for the Clinic Training**. The activity consisted in training the teaching personnel of the ECJ and university professors so they will be future multipliers of the techniques (Annex 18). A course was defined, programmed, and implemented on teaching through **Case Method and Jurisprudence Analysis** with the national consultant, Atty. Rodolfo Gonzáles, an expert in this matter and trainer at the ECJ. The activities carried out were the following: workshop for trainers, proposal of a corresponding module for future replication, two didactic techniques, and a more practical training (Annex 19).

Topic	Teacher	Date	Process	Products	Objective
Teaching Methodology	Mario Corzo	May 2 to 14, 2004	The consultant carried out a training on Teaching Methodology with 2-weeks work in the review of the technique and method to draft the	1. Methodology reviewed with recommendations 2. Training carried out	Core of trainers prepared and assuming their roles as trainers

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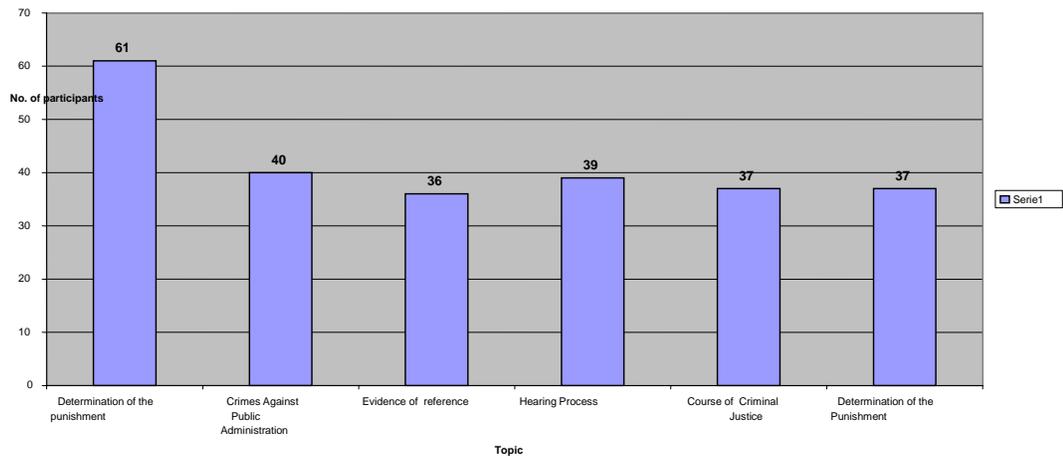
Topic	Teacher	Date	Process	Products	Objective
			instructional modules and training on learning methodology		
Clinic Methodology	Heriberto Quiñones	July 19 to 30, 2004	The consultant maintained coordination meetings with the direction, heads of the Methodological Section of the ECJ. Prepared and elaborated training support materials. The objective was to teach university professors and trainers at the ECJ that methods must be incorporated that permit the students at the Law Schools to learn acting as lawyers and most of all systematize and construct new knowledge while interacting the student with reality presented through real cases which demand concrete action and resolution	1. Module 2. Several universities of the country were trained and it was achieved that the trainers have the instruments to replicate the Clinic Methodology. Work was carried out in the training of case analysis and treatment of the client, interview and interrogation (direct and indirect) techniques	The training impact of this seminar was that it established a link with the Training School as the training entity to universities and branches related to teaching-learning. The participating universities were: UNICO, UNIVO, UTEC, UFG, Universidad Politécnica, Universidad Cristiana, Universidad Evangélica and others
Methodology for the Use of Jurisprudence	Rodolfo González Bonilla	May 23 to 27, 2005	Development of a present 20-hours Training Workshop Course for trainers at the ECJ on the technique for the Study of Jurisprudence Cases for 35 trainers, including the elaboration of the course module and develop its teaching	Present the Consultancy Work Plan. Elaborate an instructional module to develop a Workshop Course. Develop a present Workshop Course	The trainers obtain knowledge and develop skills for the application of case studies and reflexive critical analysis on their day to day work as justice operators

In the following chart, the total participants trained are listed.

CHART OF TRAINERS AT THE ECJ TRAINED IN THE DIFFERENT TOPICS

Training at the Judicial Training School	International Trainer	Personnel Trained
Determination of the Penalty	Manuel Morán	
Total participants		61
National Trainers		7
Evidence of reference and exception	Ferdinand Mercado	
Total participants		36
National Trainers		8
Process by Hearing	Santiago Garderes	
Total participants		39
National Trainers		12
Course on Criminal Law	Ramón García Albero	
Total participants		45
National Trainers		7
Determination of the Penalty	Carlos Sánchez Escobar	
Total participants		37
National Trainers		35
Crimes Against Public Administration	Luis Sergio Rivera Márquez	
Total participants		40
National Trainers		35

TRAININGS AT THE TRAINING SCHOOL



1.2. PROSECUTORS MENTOR PROGRAM AND LAUNCHING DEFENSE MENTOR PROGRAMS

1.2.1. Strategies

The mentor program was an *in service* training prepared and implemented at work sites. The program was jointly coordinated and developed with the ECJ. The program was designed and implemented so that international experts were accompanied by a counterpart from the beneficiary institution. This process allowed the transfer of methodological knowledge as well as substantive. The mentor program allowed the international experts to learn and report on the way in which work is carried out and the resources with which the operators work. These reports contain recommendations for needed improvements. The mentor methodology allowed that the institution maintained normal operations while the mentoring was taking place and served to improve inter-institutional bonds between the FGR/PGR and the CNJ. The project met with representatives of the Attorney General of the Republic and the Prosecutor General of the Republic to elaborate a work plan. The issues selected to work on were: techniques for witness preparation for the hearing, examination and cross examination, workshop for the design of investigation of the crime strategy and functional direction, and their respective follow-ups.

1.2.2. Activities and Challenges

1.2.2.1. FGR Mentor Program

The first topic of the mentor program, **Techniques for Witness Preparation**, was developed by consultant Héctor Quiñones of the FGR who, accompanied by Herbert Herrera, worked for 3 weeks with prosecutors attending to the crime scenes, the claim reception offices, the hearings, and then discussing the discoveries and recommendations to improve work (Annex 20). Workshops were held with prosecutors in the sub-regional offices of San Vicente, Soyapango, Apopa, Mejicanos, and la Central. Additional training was offered to newly hired prosecutors at the different sub-regional offices.

A program was offered in the **Design of a Strategy of Crime Investigation and Functional Direction**. The project used Dr. Félix Fumero, who had trained in other similar issues at the Judicial Training School (Annex 21). Dr. Fumero reported that in many situations he suggested alternative investigative approaches which required a rethinking of the initial investigative theory of the case. The course emphasized practices and strategies that the prosecutor must develop and his obligation to effectively direct case investigators. At the prosecutors' request, he also developed a review of oral techniques and rules of evidence.

Dr. Fumero noted that the work at the crime scene generally is deficient. From interviews with prosecutors and the examination of minutes, it appears that many prosecutors do not know what to do or do not get actively involved in the investigative work at the crime scene. In some instances when pertinent evidence was collected at the scene, the investigating prosecutor had not given specific instructions on the type of exams that the evidence had to undergo. In other cases, the prosecutor did not know the purpose for which the evidence was referred to an expert. Further, many prosecutors did not know the pathologist determinations or expert analysis of the evidence collected at the scene. The Prosecutor General of the Republic, based on consultant reports, gave out instructions so that the Assistant Prosecutor General and the heads at the regional and sub-regional offices overcome the deficiencies found.

The Prosecutor General of the Republic's Office requested a workshop on **Crimes Against Intellectual Property and Cybernetic Crimes**. Edith de Molina, from Guatemala, taught this

course. This training was aimed at preparing new prosecutors on the concepts and principles of this kind of crime (Annex 22).

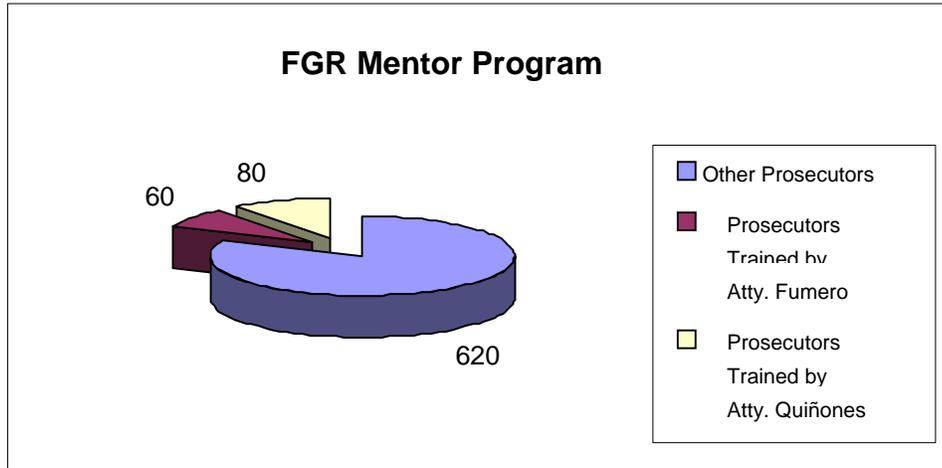
The following chart illustrates the work developed under the prosecutors' mentor program:

PROSECUTOR'S MENTOR PROGRAM (FGR-ECJ/CNJ)					
Topic	Teacher	Date	Process	Products	Objective
Mentor Program	Héctor Quiñones	August 18 to 31, 2004	Technical assistance to the mentor program for the technique for witness preparation for the hearings at site in each of the regional offices of the Prosecutor General of the Republic's Office in San Vicente, Soyapango, Apopa, Mejicanos, Central	Training and advisory in the work carried out at the crime scenes and accompaniment in the hearing rooms to the assistant prosecutors. Around 30 prosecutors at the regional offices were trained, still there will be a follow up during November to establish concreteness of knowledge given by the consultant	That the prosecutors had the opportunity to develop skills in the interview technique and that the part of the substantive knowledge be strengthened by every process as well as the crime theory
Mentor Program "Witness Preparation Techniques "	Héctor Quiñones (Puerto Rico)	September 19 to October 6, 2004	Ovidio Potillo, member of the FGR, collaborated for the conduction of the consultancy	Accompaniment of the prosecutors at the sub regional offices (San Vicente, Soyapango, Apopa, Mejicanos, San Salvador) to the hearings as preparation of witnesses	Teach the prosecutors to elaborate and structure an efficient examination
Design the Crime Investigation Strategy and Functional Direction	Félix Fumero (Puerto Rico)	January 24 to February 4, 2005	Accompaniment of the prosecutors at the sub regional offices in the investigation	Prosecutors' analysis capacity in the presentation of evidence as well as the application of investigation strategies	Share tools for crime investigation

The prosecutors' mentor program had programs in two key areas. One was the **Witness Preparation and the Strengthening of Oral Litigation Techniques**, dictated by Atty. Héctor Quiñones (Puerto Rico), and the other was the **Crime Investigation Strategies and Functional Direction of the Crime Investigation**, given by Félix Fumero (Puerto Rico). Both consultants worked in different periods in the country at the FGR offices of San Vicente, Soyapango, Apopa,

Mejicanos, and Central. During July 2005, a follow-up to the Mentor Program was carried out by a member of the Prosecutors' Section at the sub-regional offices of San Vicente, Soyapango, Apopa, and Mejicanos Central on the Crime Investigation Strategies and Functional Direction.

The following graph shows that 140 out of 620 prosecutors were trained.



1.2.2.2. Mentor Program with PGR

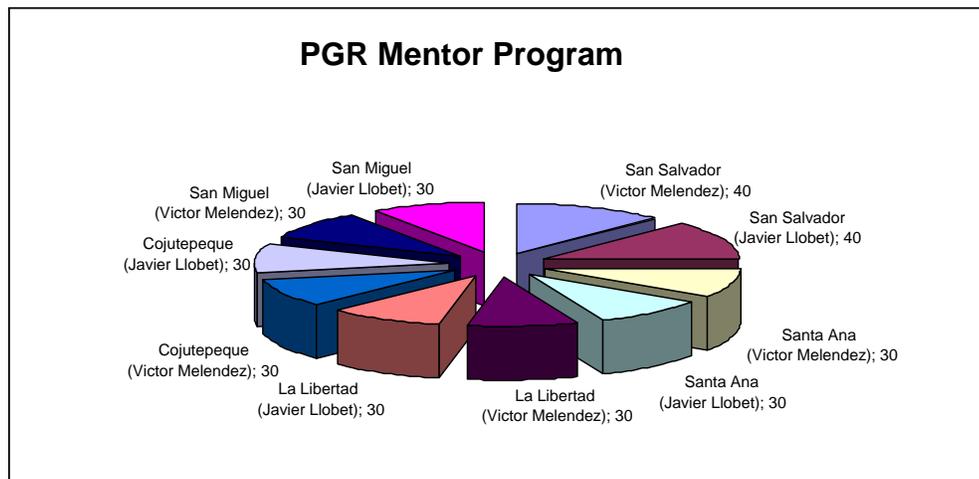
A series of visits to the sub-regional offices of the PGR were carried out in San Salvador, Santa Ana, La Libertad, Cojutepeque, La Libertad, Cojutepeque, and San Miguel. The identified issues for focus in monitoring were **Techniques of the Interview in the Crime Investigation** and the **Lodging of the Appeal and Revocatory Recourses**. Various meetings were held with representatives of PGR, ECJ, and our project to design activities so that each sub-regional office could have the same opportunity to share experiences. Dr. Víctor Meléndez Lugo, from Puerto Rico, was in charge of the **Techniques of the Interview in the Crime Investigation**. The national counterpart was Atty. Norberto Nerio, who serves as public defender (Annex 23). In November 2004, Dr. Javier Llobet worked on the second topic, **Lodging of the Appeal and Revocatory Recourses**, with PGR counterpart Atty. Alexander Portillo, a public defender (Annex 24). They visited the sub-regional offices and dictated training workshops, and also carried out the follow-up at the PGR sub-regional offices (San Salvador, Santa Ana, La Libertad, Cojutepeque, and San Miguel). A conference booklet was prepared to address the problems identified during the trainings. The project supported the printing of a pamphlet titled *Recourse of Revocatory and Appeal*, which was distributed to the sub-regional offices. The following chart illustrates the implementation of the mentor program:

MENTOR PROGRAM FOR PUBLIC DEFENDERS (PGR-ECJ/CNJ)

Topic	Teacher	Date	Process	Products	Objective
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Justice Project USAID/El Salvador
NCSC/DPK Consulting, Contract No. AEP-1-00-00-00011-00-808

Topic	Teacher	Date	Process	Products	Objective
On-site training on Techniques of the Interview in the Crime Investigation	Víctor Meléndez Lugo (Puerto Rico)	January 16 to 22 2005	Accompaniment to attorneys and elaboration of the Guide to the Interview. At the sub-regional offices of San Salvador, Santa Ana, La Libertad, Cojutepeque, and San Miguel	The attorneys have developed new techniques to structure the interview using the Guide as to how the procedure is structured	Acknowledge the need to form a permanent review team to review the document elaborated by the consultant
The Lodging of Recourses	Dr. Javier Llobet (Costa Rica)	November 2004	Sub-Regional offices of San Salvador, Santa Ana, La libertad, Cojutepeque, and San Miguel	A follow up guide was elaborated to improve the knowledge on the lodging of recourses	The handling of recourses by the attorneys was inspected to develop materials that might give them support
The Lodging of Recourses	Dr. Javier Llobet (Costa Rica)	January 23 to February 5, 2005	Follow up on what was learned at the sub-regional offices of San Salvador, Santa Ana, La Libertad, Cojutepeque, and San Miguel	A follow up guide was elaborated to improve the knowledge on the lodging of recourses which will be published to be distributed to the sub regional offices of the country	The objective was that the attorneys could have support materials to work judicial proceedings related to this activity



1.3. STRENGTHENING THE JUDICIAL TRAINING SCHOOL

1.3.1. Strategies

The ECJ/CNJ has become the main think-tank on legal thinking, even over the law schools and the lawyers' associations. The project gave particular importance to work with the ECJ/CNJ for that reason. We worked to improve the teaching core, improve the teaching/learning methodologies, prepare the teacher's promotion list, and strategically locate the school in Central America as a leading institution able to exchange its experiences in the judicial training process.

1.3.2. Activities and Challenges

1.3.2.1. Technical Assistance to the Judicial Training School for the Development of a Trainers' Promotion List

The project provided technical assistance for a consultancy on **Trainers' Promotion List Proposal** through Atty. Edgard Abrego (Annex 7). The school has a core of approximately 80 trainers who work on contracts part-time, nine full-time trainers who are permanent employees at the school and serve as area coordinators, and other external trainers (national or international) who are occasionally used. To develop the promotion list proposal, a project consultant interviewed seven officials at the Consejo Nacional de la Judicatura and also trainers. The organizational structure was considered which classifies the trainers in different categories, classes, or other denominations. The output of this work was a clear and concrete programming of the trainers' promotion list which establishes the feasibility of making the promotion list the operative model of the ECJ trainer.

1.3.2.2. Second Meeting of Judicial Schools of Central America and the Caribbean

The Second Meeting of Judicial Schools of Central America and the Caribbean took place between April 14 and 16 of 2005 in San Salvador. Observers were Dr. Beatriz González, of the Spanish Embassy in El Salvador, representing the Technical Cooperation Office of the Spanish International Cooperation Agency (AECI), and Atty. María Eugenia Burgos Salazar, representing the Justice Project of the United States Agency for International Development (USAID) through the Justice Project USAID/El Salvador, NCSC/DPK Consulting. The minutes outlining the main agreements and decisions made during the meeting and signed by the participants are in Annex 25.

1.4. PROMOTION OF CODE REFORMS AND REVIEW OF RULES OF EVIDENCE

1.4.1. Strategies

The implementation of criminal procedural and code reform with oral trials has required a focus on rules for admission and evaluation of evidence. The Salvadorian oral trial is based on direct examination and cross examination of the Anglo Saxon model. Previous cooperation project training started on oral litigation techniques but did not focus on the evidence issue. Actual ECJ programs and courses on oral litigation, with the technical assistance of ProJusticia, now focus on admissibility of evidence as well.

Work was conducted on drafting of code amendment to incorporate new evidential regulations to the CPP. A drafting commission was formed. The draft code incorporated inputs contributed by

similar, previous initiatives (PAS/DPK Consulting)¹. The drafting commission made several presentations before the Plenary of the Criminal Room of the Supreme Court of Justice, the Justice Sector Coordinating Commission, and the FGR regional and sub-regional heads. There is a general acceptance of the importance and need to reform the CPP regarding the evidence matters. The leadership of the legislative innovation process has been assumed by UTE through the national consultants Attys. Carlos Sánchez and Rosa María Fortín, who are actually drafting several legislative amendments to the CPP.

1.4.2. Activities and Results

From May to December 2004 and January to March 2005, the drafting commission carried out intense work on the proposal on rules of evidence, under the coordination of the President Justice, Atty. Néstor Castaneda². The drafting process suffered a brief delay between June and July of 2004 due to the organization and development of work tables sponsored by the Ministry of Governance to try to propose legislative and institutional answers to violence originated by gangs or *maras*. The members of the drafting commission participated in several substantive areas. One was for reforms to the CP and CPP. Some basic rules were proposed so that the Ministry could present them as legislative drafts. The Ministry of Governance decided though that they needed a longer study period prior to implementation.

In September 2004 a high-level meeting was held at the Ministry of Governance with the presence of the Vice Minister of Governance and her legal advisors, USAID officials, and members of the project. At this meeting, the Vice Minister of Governance committed herself to move the drafting forward and to have a legislative law draft for October. On September 25, 2004, the drafting commission assisted by the project (Rommell Sandoval), produced a work draft for discussion (Annex 26). During this time the commission members representing the Ministry of Governance and the Criminal Room shared their time on penitentiary reform also. In fact, one of the members, a representative of the Ministry of Governance, was appointed Director of the Penal Centers to face the penitentiary crisis. The drafting commission suffered the absence of the Ministry of Governance's representatives as a result.

During December 2004 the project received guarantees from the UTE Director that the Justice Sector Coordinating Commission (CCSJ) would be interested in a presentation by the end of January 2005. On February 4, 2005 the Coordinating Commission received a report and was given a presentation on the contents of the legislative law draft. After the presentation, the Prosecutor General of the Republic and Mrs. Vice Minister showed an enthusiastic support to the legislative law draft, the first affirming that that was exactly what had been requested (Annex 27). The Prosecutor General asked that the regulation related to the chain of custody call for the deposit of evidence in the judiciary. The other members of the Commission present confirmed the usefulness of the proposal and the need to impel the legislative amendment through the Governance. At the end of the February 2005 session at the Coordinating Commission, the UTE General Director, Atty. Luis Fernando Avelar, announced that he would introduce the legislative law draft on rules of

¹ Between the years 2001-2002, PAS/DPK Consulting (USAID) offered technical assistance to the justice sector in the preparation of a proposal on "rules of evidence". PAS/DPK Consulting supported two commissions working with *Unidad Técnica Ejecutiva* at the CCSJ and in the FGR/PNC.

² Attys. Orlando Quijano and Godofredo Salazar (CSJ), Attys. María Antonieta Josa and Nadia Jennifer Soundy (CNJ), Attys. Milton Alexander Portillo and Saturnino César Calderón (PGR), Attys. Delmer Rodríguez and Astor Escalante (MG), Attys. Néstor Guzmán and Lely Saravia de Osegueda (FGR), and Rommell Sandoval (ProJusticia).

evidence. The product was delivered to Atty. Néstor Castaneda, President of the Criminal Room and coordinator of the drafting committee (Annex 28). In May 2005, the Vice Minister of Public Security, Eng. Rodrigo Avila, pushed the legislative law draft at the ministry and public levels.

1.4.3. Products

The proposed law draft of reforms to the rules of evidence creates standardized procedures so that the judges and courts may decide on the admission or exclusion of evidence (Annex 29). The rules establish norms for the presentation, rejection, admission, evaluation and sufficiency of the means of evidence presented by the parties in a judicial process. The following is a summary of the proposal:

Pertinence and usefulness of the evidence. In modern evidentiary law, the judges or courts must only admit the pertinent evidence. The actual regulation of the CPP leaves open to the judge's or court's "criterion" the possibility to admit or reject evidence, independently of its pertinence, allowing wide judicial discretionary power. This affects the certainty in the criminal process. The regulation proposed for Art. 162 CPP allows the exclusion or non admissibility of evidence obtained illicitly. A concept that is introduced is the concept of the exclusion of the evidence of reference, due to its lack of reliability and confrontation (right of defense). Nevertheless, later on in this proposal the evidence of reference is admissible when the witness or victim does not want to appear, when evidence has disappeared or a witness has died.

Evidence of character and of conduct. This proposal allows that evidence that normally should be excluded may be admitted because of the personality of the accused or because of the conduct of a determined association. The evidence of the character of the accused, the victim or the witness will be admissible when it complies with determined conditions, or the accused is the one who offers it to demonstrate that he has a certain conduct or that the accused offers it to demonstrate that the crime was committed because of the victim's personality. Regarding the evidence of conduct, the rules allow the introduction by experts of the "*modus operandi*" of criminal organizations, for example, how the members are ranked, the signs or the language used, what activities they carry out or in which zones they are distributed.

Evidence of reference. This regulation validates the testimony of a witness, presented in a previous judicial hearing, who does not want to appear in trial or who is not available. It becomes important when the witnesses or victims are threatened. This regulation validates the testimony of a witness or victim, presented previously under oath before a prosecutor to contest the credibility of witness or testimony, or to rehabilitate it.

1.4.4. Challenges and Defiances

There are no rules in the CPP that reasonably allow the instruction or sentence judge to decide which evidence he must admit or reject based on due process, by its relevance or by its reliability. This lack of definition of admissible evidence in trial produces legal insecurity for the prosecutor office, for the defense, and for the accused. The legislative law draft for the reform of the CPP in evidential matter was prepared between March of 2004 and March of 2005. Unfortunately there was not an opportunity to discuss the thematic contents of the legislative proposal with the justice operators or with the general society. This lack of consultation brought a sense of mistrust of the operators toward the legislative law draft as they felt that legislation threatened judicial independence. Wide national debate is still needed to analyze the evidential problems and the proposed solutions.

At the close out of the project, there was interest by Asociación Probidad to learn about the proposed work³. Asociación Probidad is a Salvadorian NGO expert in transparency, which conducted a study on judicial transparency in 2003. Asociación Probidad took several steps to make public the legislative law draft. Several events were carried out throughout the country with civil society organizations to discuss the contents of the procedural reform in evidential matter. The law draft still has not been formally circulated by the justice sector institutions, according to the Probidad Report (Annex 29). When the new evidential rules are adopted, the system and the administration of justice will benefit of legal transparency and security with which the judges admit or reject the evidence in the criminal process.

1.5. PROVIDE SUPPORT TO LEGAL CLINICS

1.5.1. Strategies

In the traditional teaching system used in El Salvador, law school students normally receive information in a passive way and do not get actively involved in learning. Opposite to this learning model is the possibility of adopting another with a “dynamic” and “active” focus for the student and focusing on practical and real case situations. The clinical methodology offers this approach and has been promoted at the Salvadorian universities. The clinic methodology allows student to learn law through “experience” and “reflection” on what is learned. ProJusticia has provided direct technical assistance through Mario Corzo (Guatemala) and Rubidia Marroquín (El Salvador), in order that the law schools, in a participatory way, may identify the needs to reformulate the general study plan and its academic programs with the implementation of the clinic courses.

1.5.2. Activities and Results

1.5.2.1. Strengthening Four Law Schools with Clinic Programs Successfully Operating

The four schools with clinics (UFG, UTEC, UNIVO and UNICO) received technical assistance from PAS/DPK Consulting in different tools, such as oral and interview techniques, and case handling. They were incorporated into trainings with international (Alicia Álvarez and Heriberto Quiñones) and national consultants (Oscar Vega, J. Manuel Cruz, Armando González and Miguel Méndez Palomo). (Annex 30). The four universities have received the course on methodological update dictated by consultant Heriberto Quiñones through the ECJ.

1.5.2.2. Law Schools Clinic Programs Established and Operating in Three Different Schools

When the Justice Project started, all the country’s law schools were convened, including ones that had their legal clinics open and those interested in opening them. Technical assistance and training in clinic education was initiated at the universities Politécnica and Gerardo Barrios. Dr. Alicia Alvarez (USA) and Oscar Vega (El Salvador) participated in the first one, and they developed a manual and clinic instructions to orient the new legal clinics. The candidate schools for direct support in clinic were present at the clinic course dictated by Heriberto Quiñones (Puerto Rico) at the ECJ/CNJ. Atty. Burgos carried out several visits to universities with clinics operating (UTEC, UNIVO, UNICO, UFG) to hold meetings and assess their development. They requested technical assistance from the Justice Project in orality, case analysis, and other tools. Salvadorian consultants were hired to conduct them. Atty. Miguel Méndez recommended that UTEC and UFG be given

³ See background for Asociación Probidad at: www.probidad.org

more institutional support. Trainings were developed in interview method. At the UES of the Orient, assistance was given on how to open a Clinic, with the assistance of Atty. Carlos Umanzor, who is in charge of the Criminal Area and promoter of the student participation in the 2nd Contest on Orality Techniques, sponsored by the National Council of the Judicature through the Judicial Training School. The inauguration of the clinic of the FM Ote took place in January with the participation of special guests Atty. Lizzette Kury de Mendoza, President of the National Council of the Judicature, Councilors Dr. Hortensia Cruz de López, Atty. Alicia Aguirre de Pérez, Dean and representative of the Academic Council at the Multidisciplinary of the Orient. At the Universidad Nacional, Facultad Multidisciplinaria de Occidente, training in oral techniques was conducted by consultant José Armando González in the city of Santa Ana. There also was a course on how to open a legal clinic and start its operation carried out by Atty. María Eugenia Burgos for one week. As a result of the trainings at different universities (UES de Oriente, UGB, UTEC, UFG, y UNIVO), Atty. Miguel Méndez Palomo elaborated a series of consultation materials to be used at the different institutions.

At the Universidad Gerardo Barrios consultant Oscar Vega assisted the future implementation of the clinic methodology as a teaching tool, elaborating support materials, training in orality techniques, interview techniques, case handling and their follow-up. In November 2004 legal clinics were inaugurated at the universities Politécnica de San Salvador, Gerardo Barrios de San Miguel, and later at the University of El Salvador, Facc. Ote. in San Miguel. At the Universidad Nacional de Occidente, 50 students were trained in the role of the mediator, basic techniques in mediation, and mediation principles in preparation for the services that will be developed in the legal clinic. In July 2005 the legal clinic services of the juridical sciences career were opened at Facultad Multidisciplinaria de Occidente, University of El Salvador.

1.5.3. Broad Evaluation of Legal Clinics

Dr. Mario Corzo carried out an evaluation of the legal clinics at the universities sponsored by the project, to assess their experience and operation, learn about their needs for technical assistance, and propose recommendations for their improvement. Dr. Corzo and Rubidia Marroquín conducted an evaluation of the universities' operation in order to prepare a baseline. The process had seven stages to analyze and evaluate implementation processes for the clinic methodology as a teaching process of the different learning instruments and manuals. The information sources were the workshops, interviews, visits on-site, and document analysis. The main objective was to identify strengths, opportunities, weaknesses, and threats faced in the implementation of the clinic as a training technique. The final report was submitted to the Superior Education authorities at the Ministry of Education and to authorities of each university (Annex 31).

1.5.4. Clinic Methodology Close-Out Event at the El Salvador Universities

The event, **Clinic Experience in El Salvador**, took place between June 14 and 15 of 2005, with the participation of the universities involved in the improvement of law training through clinic methodology. The objectives were to establish future commitments of the institution; establish the way to continue with this methodology; and identify the future challenges and expectations and sustainability of these programs. The participating universities were: Universidad Francisco Gavidia, Universidad Católica de Occidente, Universidad de Oriente, Universidad Gerardo Barrios, Facultad Multidisciplinaria de Occidente, Universidad de El Salvador, Facultad Multidisciplinaria de Oriente, Universidad de El Salvador, Universidad Tecnológica de El Salvador and Universidad Politécnica.

The event was attended by the President of the National Council of the Judicature, a Magistrate of the Supreme Court of Justice, the Director of the Superior Education Council of the Ministry of Education, and representatives of USAID. Also present was the Superior of Universidad Nacional, as well as the superiors of all the participating universities. Special guests from Guatemala and the United States, Atty. Claudia Abril, Director of the Popular Law Office at Universidad Landívar, and Dr. Jennifer Lymann, from George Washington University in Georgetown, were also present. The program included conferences, speaking sessions by representatives of the different universities in different areas, and a discussion workshop on how to oversee the clinic methodology.

There was a presentation on mediation for students at the Universidad Politécnica by mediators from our project, who set forth observations on how to improve training in mediation. This was followed by a speaking session on the criminal area with guests Magistrate of the Criminal Chamber Atty. Rosa María Fortín, the Director of the Penal Centers Atty. Astor Escalante, Criminal Clinic Professors at the Universidad Gerardo Barrios, Atty. Otoniel Parada and Atty. Custodio Flores from the Universidad Tecnológica, Atty. Jorge Mauricio Rivera from Universidad Multidisciplinaria de Occidente UES, Atty. Carlos Umazor from Universidad Multidisciplinaria de Oriente, and Carlos Piche from Universidad de Oriente. A presentation of challenges and projections was carried out by each of the universities present. An important achievement was the sharing of experiences and expectations on the future development of the legal clinic.

1.6. STRENGTHENING THE INTER-UNIVERSITY CONTEST ON ORAL LITIGATION

The first edition of the ECJ/CNJ “Inter-University Contest on Competences for Oral Trial” was held in September 2003 with the technical assistance of PAS/DPK Consulting. Based on its success and acceptance by students and universities, ECJ/CNJ organized the second edition of the contest, supported by ProJusticia. NCSC/DPK Consulting provided technical assistance to the ECJ during the months of July and August in the review of the contest’s regulations and its adaptation to new challenges, cooperating in its development. Both the basis and rules and other related documents were approved by the CNJ Plenary by the end of July (Annex 32).

The contest was developed in three phases during the months of August and October of 2004: dissemination, inscription, and development of the contest. During the last two weeks of August, dissemination meetings were held with deans, department heads, and coordinators from all law schools in the country’s universities to communicate what the contest was about, also delivering documents on the contest. Participants were members of the National Council of the Judicature, staff at the Judicial Training School, Dr. Arturo Zeledón Castrillo, and project staff. The semi-final and final rounds were held in San Salvador. The winner was the Facultad Multidisciplinaria de Oriente de la Universidad de El Salvador. The contest has become a sustainable natural dynamic between the CNJ and the law schools. It is the only contest of its type in Latin America.

For the third edition of the inter-university contest in May 2005, a video was prepared summarizing the previous events called “Competences for the Oral Trials,” in DVD format (1.40min., color). The video was produced by the CNJ audiovisual unit and the ECJ orality techniques area. The video is an audiovisual tool to facilitate the learning process on oral litigation techniques and its general objective is to contribute to the acquisition or strengthening of basic competences in litigation techniques proper to a hearing or oral hearing (Annex 57). The video contains various simulations on the main phases of development of the criminal process public hearing worked out by the students who participated in the 1st and 2nd Inter-University contests on

Competences for Oral Trials of September 2003 and October 2004. After the demonstrations, there are recommendations made by the professionals participating as members of the qualifying jury of the Contest's editions regarding each of the indicated topics (Annex 33).

COMPONENT 2: PROMOTE THE DEVELOPMENT OF ADR MECHANISMS

2.1. STRATEGIES

The implemented ADR model is both integrative and decentralized at the same time, in the sense that it proposes a synergy between the PGR, Municipal Mayoralties, community leaders, ECJ/CNJ, universities, law school legal clinics, and the Mediation and Arbitration Center of the Chamber of Commerce. The goal is to prepare mediators and arbitrators to be trainers and promoters of mediation and arbitration. Additionally, offer quality services both of institutional character or due to the proper "*autorictas*" that the community acknowledges in them, such as in the case of community leaders.

The project carried out the development of the ADR Program through its Coordinator Wanda Amory, coordinating the direct technical assistance, planning, training, and rehabilitation or adaptation of the physical infrastructure to render the services in the PGR, municipal, and mixed mediation centers (PGR and municipalities). ProJusticia has offered advisory and preparation in the design and supervision of the infrastructure adaptations through an architectural team. The project staff, along with counterparts, also developed equipment and furniture prices and prepared their technical specifications.

The Project, Wanda Amory and Eduardo Barrientos, accompanied the different actors involved in the development of ADR methods, both of the PGR, municipalities, and municipality related institutions, providing in site assistance to people who can act as promoters of the mediation services.

The PGR shared with the project its directory of mediation centers, which was adapted to include the municipal mediation centers and those of the PGR, containing the staff names and each one of the centers' addresses and telephone numbers. This directory was shared with the centers' members to encourage mutual cooperation. Furthermore, a list and contact information for independent mediators was created.

The project also adapted two Mediation Manuals edited in Paraguay, under written authorization of the Instituto de Estudios Comparados en Ciencias Penales y Sociales- INECIP. *Manual 1: Basic Manual of Techniques*, was printed in October 2004. *Manual 2: Basic Manual of Mediation Tools*, was reviewed at the end of 2004 and sent for printing at the beginning of 2005 (Annex 35). These are both valuable documents for the training of community mediators.

2.2. ACTIVITIES, RESULTS AND CHALLENGES

2.2.1. Attorney General of the Republic

The process was initiated on March 4, 2004 with bilateral meetings among personnel at the PGR National Mediation Coordination and project staff to establish coordination mechanisms, to start the identification of the different phases set forth in the Prosecutor General of the Republic's proposal, and to physically adapt the centers at the various Auxiliary Attorney Offices of the

country. Attorney General Gregorio Sánchez Trejo appointed Atty. Celso Jurado to be responsible for adaptation implementation.

Mediation centers were opened at the Auxiliary Attorney’s Offices. The physical space was remodeled and stocked with equipment and furniture. Two architects were hired, Ethel de Lorenzana and Mario Membreño, to support the adaptation process at each site (Annex 36). The adaptation process was divided into two phases—Phase I: Santa Ana, (Occident) Usulután, (Orient) Soyapango, Apopa and Coordinación Nacional, (Center); and Phase II: Cojutepeque, San Vicente, Chalatenango, (central and paracentral zones) Ahuchapán, Metapán, (Occident) San Francisco Gotera and La Unión, (Orient). Work was completed at the Mixed Center of San Salvador, located in District 1 of the Mayoralty of San Salvador.

The floor plans and terms of reference were reviewed. Technical specifications were elaborated by the Pre-Investment Unit of the Attorney General of the Republic’s Office. Five firms were invited for Phase 1. For Phase 2, visits were carried out with the bidders to verify places, workload, and answer concerns. Inspections on the work development were carried out, especially for the second phase for which three firms were contracted to make work quicker and simultaneous. For the purchase of equipment and furniture, as well as the air conditioning, a bidding process by invitation was followed to buy the minimum necessary goods for each of the centers. Both the project’s architects and the UPI/PGR verified the work prior to acceptance.

An inauguration process for each center was carried out. The personnel currently at the mediation centers were trained by ARCO under the patronage of DAI/USAID. The training was conducted at different levels so that the institutional personnel could also learn of mediation. The course to form mediators was prepared so that the trained personnel also could occupy its posts as receptionists, coordinators, or mediators.

2.2.1.1. 15 Mediation Centers of the Attorney General of the Republic Operating and Creation of Three Mixed Ones

During the life of the Justice Project, 11 mediation centers were created for the PGR. Three mixed mediation centers were also started along with the municipal mayoralties of Ahuachapán, Cojutepeque and San Salvador (District 1). The three mediation centers of the PGR which were already operating at San Miguel, Zacatecoluca, San Salvador and General Coordination itself located at the central offices of the PGR in San Salvador also were strengthened.. Two mobile mediation centers of the PGR came into service to expand the geographic areas that are served by ADR programs...

The following chart illustrates the places where mediation centers operate, their inauguration date, the mediations carried out, and a comparative based on operation period and the number of mediators per center.

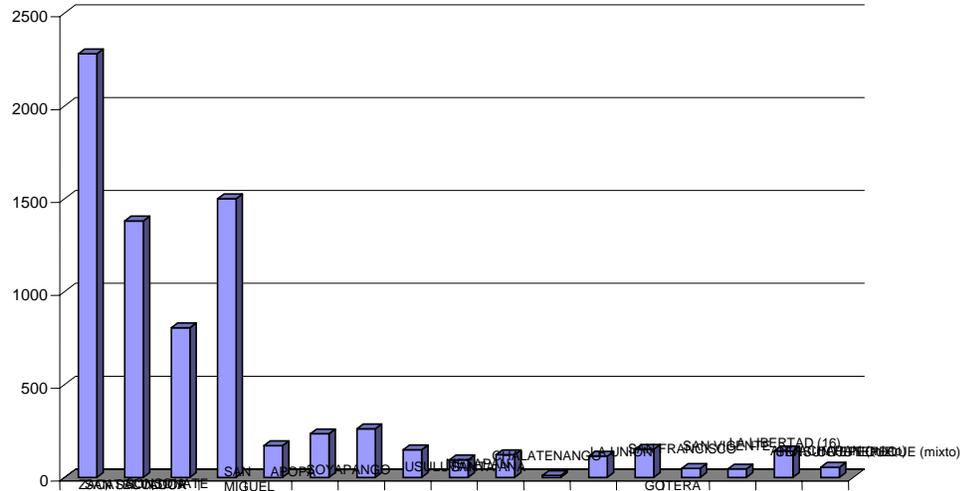
Place	Inauguration Date	Population	Mediations Carried Out*	Year/Months of Operation	No. of Mediators per Center
SAN SALVADOR	02/09/1999	497,844	2281	5.8	6
ZACATECOLUCA	03/10/2002	62,527	1381	2.7	2

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Place	Inauguration Date	Population	Mediations Carried Out*	Year/Months of Operation	No. of Mediators per Center
SONSONATE	26/03/2003	103,490	806	2.2	2
SAN MIGUEL	22/07/2003	259,200	1501	22	3
APOPA	29/09/2004	192,728	171	8	3
SOYAPANGO	04/10/2004	290,412	235	7	3
USULUTAN	01/10/2004	70,350	262	7	2
SANTA ANA	27/09/2004	261,568	149	8	3
METAPAN	06/12/2004	59,499	94	6	2
CHALATENANGO	02/12/2004	115,521	122	6	2
LA UNION	13/12/2004	40,955	11	6	2
SAN FRANCISCO GOTERA	09/12/2004	21,852	115	6	2
SAN VICENTE	01/12/2004	50,404	152	6	2
LA LIBERTAD (16)	07/03/2005	175,286	49	2	3
SENSUNTEPEQUE	21-Abr-05	39,123	46	1	2
AHUACHAPAN (mixed)	29/11/2004	115,521	143	6	3
COJUTEPEQUE (mixed)	08/12/2004	48,908	55	5	5

* Mediations carried out by May 2005

**Mediations Carried Out in the Mediation Centers of the PGR,
and the Mixed Ones since their Inauguration up to June 2005**



2.2.1.2. Provide Technical Assistance to the PGR

Within the strengthening of the centers’ administrative area, several workshops were carried out for the PGR to prepare the “National Development Plan.” It includes the elaboration of the Strategic Plan, the Annual Operative Plan, and the Feasibility and Sustainability Plan (Annex 36).

Name	Date	Consultants	Participants
Workshop to identify the role of the different actors involve in the ADR area and seek possible links to other instances which are already working or can be incorporated to the effort	April 12, 2004	Carlos Sáenz , Javier Carrasco	National Mediation Coordination and local coordinators
Workshop to elaborate the strategic plan for the National Mediation Coordination of the Attorney General of the Republic’s Office	April 20, 2004	Carlos Sáenz, Javier Carrasco	National Mediation Coordination and local coordinators
Workshop Logical Framework	November 2004	Carlos Sáenz and Sergio Aguiñada	National Mediation Coordination
Annual Operative Plan	January 2005	Carlos Sáenz	National Mediation Coordination and local coordinators
Workshop Feasibility and Sustainability	December 2004	Carlos Sáenz and Sergio Aguiñada	National Mediation Coordination
Workshop Project Management	December 2004	Carlos Sáenz and Sergio Aguiñada	National Mediation Coordination

As a result of the technical assistance provided, the National Coordination of the PGR now has the document, *National Mediation Development Plan*, which serves as a guide to continue working pragmatically in all the mediation centers of the country.

MCs of the PGR MAP



2.2.2. Six Municipal Mediation Centers Operating and Creation of Three Mixed Mediation Centers

Coordination efforts with COMURES were started to support the development of mediation in municipalities throughout the country. Based on a list of municipalities that had previously demonstrated interest in participating in the process at the time of the PAS/DPK Consulting project the year before, and after analysis with USAID, a tour was initiated on May 7 and finished on June 10 of 2004, with the support of COMURES through its team of departmental technical advisors. The places visited were: Puerto de la Libertad, Dpt. La Libertad, Guazapa, Dpt. San Salvador, Nueva Concepción, Dpt. Chalatenango, Santiago de María, Dpto. de Usulután, Tecoluca y Apastepeque, Dpto. de San Vicente, Ilobasco, Dpt. of Cabañas, Metapán, Dpt. of Santa Ana, Acajutla, Dpt. of Sonsonate, Chirilagua and Ciudad Barrios, Dpto. de San Miguel, Santa Rosa de Lima, Dpto. de la Unión, Yoloaquín, Jocoro, Osicala Perquín, Dpt. of Morazán, Antiguo Cuscatlán, Dpt. of La Libertad, Ahuachapán, Dpt. of Ahuachapán, Cojutepeque in the Department of Cuscatlán.

Most of the places visited expressed their interest in conflict resolution issues, but expressed a lack of economic resources to cover the expenses of a municipal mediation center. To respond to the requests posed during the tours, three sensitization workshops were held for mayors and municipal councils to make known the basic principles of mediation. The workshops were conducted by mediators of the Attorney General of the Republic's Office, and testimony was given by the existing mediation centers of Candelaria de la Frontera and Concepción Batres. These were developed as follows:

- July 13, 2004 in San Miguel, with the presence of seven out of nine municipalities of the oriental zone invited. Representatives of Jocoro, Chirilagua, Santa Rosa de Lima, Osicala, Concepción Batres, Ciudad Barrios, Santiago de María, and a representative of COMURES were present.
- July 15, 2004 in Santa Ana, with the presence of four out of five municipalities and representatives of Acajutla, Candelaria de la Frontera, Ahuachapán, and representatives of COMURES.
- July 22, 2004, in San Salvador, with the presence of four municipalities out of nine invited and representatives of Antiguo Cuscatlán, Puerto la Libertad, Cojutepeque, Tecoluca, and representatives of COMURES.

Despite efforts to give sustainability to the *Casa de Justicia* of Suchitoto, it was closed on June 30, 2004. This has allowed for reevaluation of the implementation strategies for other municipal mediation centers, emphasizing the need for the greatest possible pillars for their sustainability such as the support of the PGR, universities, NGOs, and local leaders. Candelaria de la Frontera and Concepción Batres, which opened their doors under the sponsorship of USAID and the PAS Project in 2003, are still operating, and were supported by both center staff training and training of community leader groups in the Basic Course and Use of Tools so they can perform as community mediators.

COMURES (Corporación de Municipalidades de la República de El Salvador) was contacted at project start-up to ensure the support of the municipalities to be visited. The technicians accompanied the initial visits, nevertheless it could not be achieved that COMURES get appropriated of the mediation program in the municipalities. Some COMURES technicians requested training in mediation, but due to their multiple activities in the different departments of the country this could not be executed.

Another achievement was the inclusion in the contravention law draft of a clause in which the option for mediation, previous to any other penalization procedure by the municipalities, was given. This proposed law draft did not prosper in the Legislative Assembly. The new mediation centers opened during the USAID Justice Project lifespan, and are currently providing mediation services after following the process of adapting to each of the places assigned by the municipalities. Previous to the approval of the minute point in each Municipal Council, there was an inspection and floor plan elaboration by the architects who assisted the project in this phase.

Several firms were invited to bid. Once the winning bid was chosen based on criteria of experience, price, and execution times, adaptation of the physical spaces proceeded. During this time, follow up with member(s) of the mayoralty was done so that once tasks were completed they would be wholly accepted.

The procurement bid for furniture and equipment was carried out with the same requirements as those for the PGR Mediation Centers. The physical space available was considered in the assignment of furniture and equipment, as well as the personnel assigned to each of the municipal mediation centers. The inauguration dates for the municipal mediation centers were defined by each mayor and his/her council, which was supported by the project. The Municipal Mayoralty of San Salvador signed an agreement with the PGR to open a mixed mediation center on April 22, 2005. The center will be located in District 1 in the zone of San Miguelito, San Salvador.

The following is a chart reflecting the status of each Municipal and Mixed Mediation Center, including the assigned personnel, inauguration date, operation time, mediations carried out, and community leaders trained at each municipality.

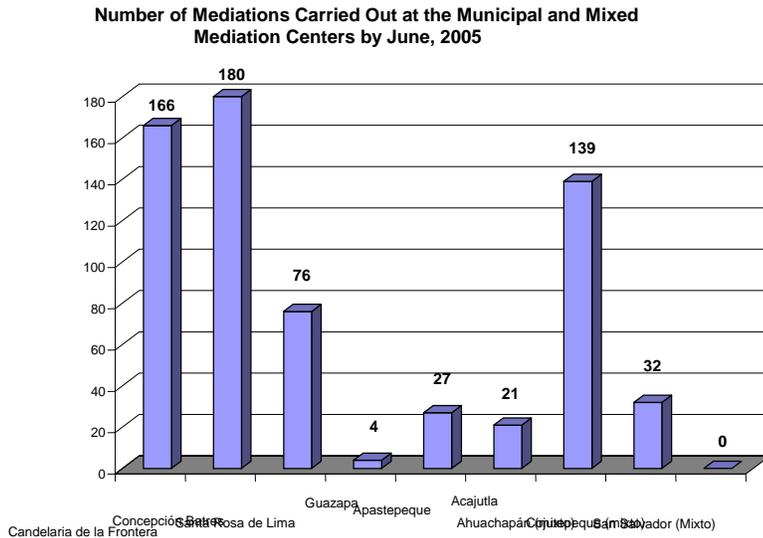
MUNICIPAL MEDIATION CENTERS



MUNICIPAL MEDIATION CENTERS

Place	Inauguration Date	Population	Mediations Carried Out **	Months of Operation	No. of Mediators per Center	No. of Community Mediators
Candelaria de la Frontera	May 26, 2002	33,550	166	37	1	18
Concepción Batres	Nov. 13, 2002	12,387	180	31	2	28
Santa Rosa de Lima	Oct. 25, 2004*	27,897	64	8	2	16
Guazapa	Nov. 19, 2004 *	29,093	4	7	1	22
Apastepeque	Nov. 19, 2004*	20,285	27	7	3	13
Acajutla	Feb. 3, 2005*	65,699	21	4	3	28
Ahuachapán	Nov. 29, 2004*	115,521	139	7	3	25
Cojutepeque (mixed)	Dec. 8, 2004*	48,908	32	6	5	20
San Salvador (Mixed)	July of 2005*	497,844			1	53

* Under Justice Project, USAID El Salvador, ** Data by June 30 of 2005



During the initial visits, municipalities requesting mediation centers were detected and a report was presented to USAID on the interest shown during these visits. Later on, visits were carried out to reconfirm their requests and to outline the requirements, therefore a minute was requested from the respective municipal council to establish an agreement to open the mediation center in its municipality and assume the operating costs. Additionally, they had to assign a physical space and

select personnel to work in the center. Each municipality had to pre-select a group of community leaders to be trained as community mediators. The project offered support in the physical adaptation of the centers, and to provide the minimal furniture and equipment necessary for the centers; technical assistance to sustain the invested efforts; and training of the personnel and community leaders (Annexes 35, 38 and 40).

Seven municipal mediation centers were opened with a work plan whose objective was to offer the population the opportunity of solving conflicts in a peaceful way, through the technique of the mediation, with an environment of dialogue and social peace; to assure the positioning of the CMM in the municipal mayoralty; to promote the sustainability of the mediation center; and the strengthening of the mediating leaders. For the achievement of these goals, work was carried out to maintain a permanent dissemination program, to build relationships to other institutions, and to support in the organization and administration of the centers.

The media delivered informative newsletters (enough copies of these newsletters were kept to distribute) and make the CMMs known. Various municipal activities were used to give informative speeches on the mediation and the service provided by the municipal mayoralties. Institutions with a relationship with the municipalities such as schools, *Juzgados de Paz*, PNC, *Casas de la Cultura*, were contacted and provide information about the program. ADESCOS and other community boards in each canton were contacted to make known the operation of the CMM and the mediation process.. Efforts were made to ensure that the mayoralty assigns a budget line for the CMM, and the municipality incorporates the CMM in the municipal organizational chart. Training continued for mediating leaders to complete their formation as mediators and incorporate them in the operation of the CMM; support the CMM to periodically identify new mediation leaders, and train them in mediation techniques; form study circles to train new mediators; and take advantage of the resource and experience of the PGR.

The municipal mediation centers were opened in the following municipalities:

Guazapa: Located in the Department of San Salvador 24 Km. from the capital, it has an area of 65.66 km² and is formed by nine cantons. It has a population of 26,996 inhabitants. Guazapa assigned physical space for the installation of the mediation center. The architect contracted by the project developed a floor plan which was then presented for the mayor's approval. Once this was done, a bid for the adaptation of the physical space was called for. The mayoralty selected the people to be trained in mediation and work at the center. International consultant Gerardo Villalobos, from Costa Rica (see Reports Annex 38), disseminated information on the ADR model through speeches to schools, churches, leaders, and local institutions' representatives.

Santa Rosa de Lima: Located in the department of La Unión, in the east of the country, 177 km from San Salvador, this municipality has a territorial extension of 128.56 km² and is formed by nine cantons. Santa Rosa de Lima is one of the municipalities that had been projected 2 years before to apply to the project, so they already had a physical space assigned for it. The architect elaborated a floor plan for the Municipal Mediation Center to be approved by the council, and later on the physical space adaptation was bid upon. Likewise, they selected four people to be trained in mediation and to be part of the center. International consultant Villalobos conducted informative speeches so that both local and community institutions, schools, etc., could have information related to the services rendered by the center.

Cojutepeque: Located in the department of Cuscatlán in the Central Zone of the Republic, 33 kms from the Capital City, it is the department's capitol. Cojutepeque has a population of 53,878 inhabitants and is divided into 7 cantons and 9 villages. In this municipality there is an Auxiliary Attorney's Office, and for this reason the possibility to develop a joint project was set out in order that both the attorney's office and the mayoralty could share a space and personnel for the mediation center. Both the mayor and the attorney general met and decided on a joint effort. The mayoralty offered three spaces, which were verified along with the Attorney's Office personnel, with the infrastructure unit, deciding that the best place was in the same mayoralty. The architects and engineers at the Attorney General's Office and the project's architects (Lorenzana & Membreño) made the visits for the elaboration of floor plans, and presented the final outline to be approved by the mayor as well as by the attorney general. It was agreed upon that they will write an agreement that would delineate the regulation of the center's operation. The mayoralty has selected personnel to be trained and has detected over 40 community leaders who are working with the municipality, are well organized, and are knowledgeable of the benefits of alternative conflict resolution methods.

Ahuachapán: Head of the department of the same name, located in the west of the country at a distance of 100 kms from the capital city, it has a territorial extension of 244.84 km² and is formed by 31 cantons. It has a population of 114,521 inhabitants. As in Cojutepeque, the Attorney General Office has an Auxiliary Attorney's Office. The possibility of a Mixed Center was set forth and was accepted both by the attorney general and the mayor. The mayoralty offered the physical space located on its second floor. Several visits were carried out to do the architectural lifting and have the PGR draw the floor plan to bid the physical adaptation. Also, the municipal council selected the personnel to be trained and be part of the mediation center. An agreement was signed between the attorney general and the mayor.

Apastepeque: Located in the department of San Vicente in the Paracentral region of the country, 58 kms from the capital, Apastepeque has a territorial extension of 120.31 km² divided into 11 cantons, and a population of 20,285 inhabitants. This municipality suffered severe damage from the earthquake of 2001, so it was completely rebuilt. The municipality incorporated a space for a mediation center into the reconstruction floor plans, so the project only had to contribute the needed divisions to adapt it to the requirements for a Mediation Center.

Acajutla: Located in the department of Sonsonate in the western zone of the country, 84 kms from the capital, this is one of the most important ports of the country. It has a population of 65,699 people. Acajutla has several spaces which they believe can be adapted into a mediation center. The contracted architects visited them to decide on the most convenient one, and took the option of the former SIPES building which has enough space for a mediation center on the second floor.

Municipal Mayorality of San Salvador, District 1: Last October the project learned of District 1 of the San Salvador Mayorality's interest in opening a mediation center. District 1 is located in the north-oriental zone of San Salvador with an approximate population of 60,000 inhabitants. One of the zone's main characteristics is overpopulation and scarce communication among its people. The problems detected "generate a sense of impotence and insecurity in the citizenship, forcing them to live locked-up in reduced spaces, fearing to be victims of delinquency." The District's inter-sectorial committee plans to set up three lines of action to be conducted in a coordinated way, to avoid dispersion of efforts and resources: 1) prevention and struggle against violence and delinquency; 2) access to citizen rights and participation; 3) improve social and familiar relationships. Several meetings were held with the members of the mayoralty and the PGR to study

the possibility of opening a Mixed Mediation Center. In April, an agreement was signed between the PGR and the Municipality of San Salvador and personnel were selected to be part of the permanent staff of the mediation center.

2.2.2.1 Training of Community Leaders in the Different Municipalities

A workshop was held with the participation of the PGR, the Municipal Mediation Centers’ coordinators, and experienced mediators, along with people already experienced in the use of mediation. Personnel were trained in the use of mediation, including use of forms needed. The procedures manual for the mediation process was reviewed, which includes the reception office registry, the orientations and derivatives registry, the case entry control, the initial interview in the mediation process, the case designation for mediation, the summons, the summons delivery receipt, the confidentiality agreement, the session’s result in the mediation process, the mediation agreement, and the reference form (Annex 37). The goal was to provide each Municipal Mediation Center with a group of voluntary mediators to support staff mediators, as well as to serve as disseminators of information in the community.

Work was carried out to train national trainers, who will continue training other mediators in different regions of the country. National and international consultants were used so that trainers could learn the techniques and methods which they can later on replicate as trainers. The international team included Rinée Juliao of Panama, Luis Borri of Puerto Rico, Gustavo Fariña of Argentina, and Alexandra García of Colombia (Annex 39). Work was also conducted by technical experts in communication, pedagogic mediation of texts, and elaboration of instructional modules. The **Basic Mediation Course** was conducted before a group of community leaders selected by the municipality. The course in the **Use of Mediation Tools** was given to those who took the Basic Course and were interested in volunteering to support the mediation center.

Effort was carried out to develop a work plan for each mediation center including means to integrate the community through the dissemination, to strengthen the administrative operation of the center, and how to institutionalize its operation. The work plans have as a common characteristic that they will seek the participation and the development commitment of the community members. The plans were developed in consensus with the different municipal councils and municipal authorities. Guidelines were generated to incorporate national NGOs experienced in working with the municipalities where the mediation program is operating, to seek an approach that will allow an interest in ADR methods and later on be trained in the topic, in order to broaden the coverage and found the sustainability basis (Annex 40). Likewise, a video of the trainings was elaborated to be used in the teaching of the matter (Annex 58).

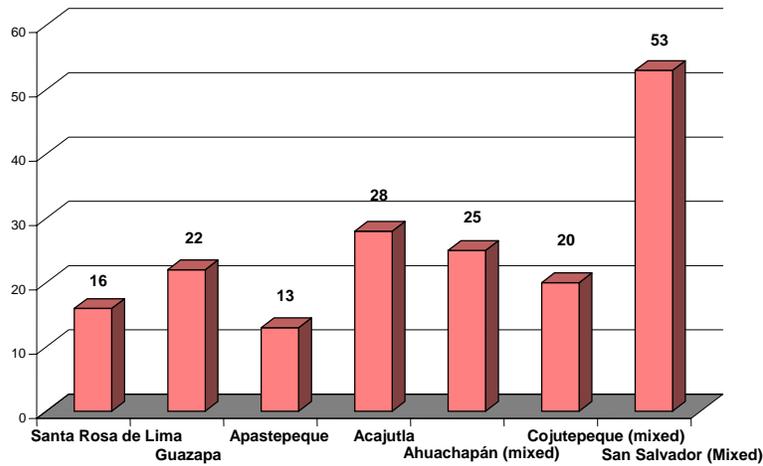
Municipality	Course	Dates	Facilitator	No. of Participants	F	M
Guazapa	Basic Course	November 22 to 26, 2004	Rinée Juliao	22	9	13
	Use of Tools	May 2 to 6, 2005	Julio Osegueda and Rodolfo Muñoz	22	7	6
Santa Rosa de Lima	Basic Course	November 22 to 26, 2004	Luis Borri	19	8	11

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Municipality	Course	Dates	Facilitator	No. of Participants	F	M
	Uso Herramientas	February 21 to 25, 2005	Luis Borri and Damián Escobar	16	6	10
Cojutepeque	Basic Course	November 29 to December 3, 2004	Alexandra García and Damián Escobar	33	16	17
	Use of Tools	February 21 to 25, 2005	Alexandra García and Eduardo Barrientos	20	6	14
Ahuachapán	Basic Course	November 29 to December 3, 2004	Gustavo Fariña and Benjamín Carrillo	28	17	11
	Use of Tools	February 28 to March 4, 2005	Gustavo Fariña and Benjamín Carrillo	25	19	6
Acajutla	Basic Course	April 1, 2, 8, 9, 2005	Carlos Sáenz and Sergio Aguiñada	47	17	30
	Use of Tools	April 22, 23, 29 and 30, 2005	Carlos Sáenz and Sergio Aguiñada	28	12	14
Apastepeque	Basic Course	April 1, 2, 8, 9, 2005	Benjamín Carrillo y Ricardo Marroquín	18	5	13
	Use of Tools	May 13, 14, 20 and 21, 2005	Benjamín Carrillo and Damián Escobar	15	5	10
Candelaria de la Frontera	Basic Course and Use of Tools	May 2 to 6, 2005	Benjamín Carrillo and Reina Robles	18	7	11
Concepción Batres	Basic Course and Use of Tools	May 2 to 7, 2005	Sergio Aguiñada and Telma Aguilar	28	12	16
San Salvador, Community Leaders	Basic Course	April 2, 9, 23, 2004	Damián Escobar and Julio Osegueda	27	17	10
	Use of Tools	April 30, May 7 and 14, 2005	Damián Escobar and Julio Osegueda	13	10	3
San Salvador, Institutions	Basic Course	April 4 to 8, 2005	Damián Escobar and Julio Osegueda	44	24	20

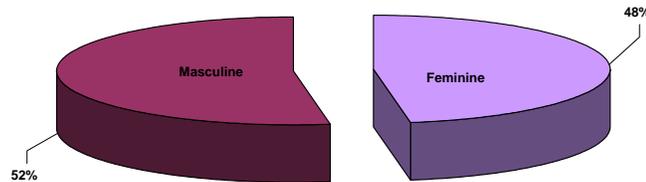
Municipality	Course	Dates	Facilitator	No. of Participants	F	M
	Use of Tools	May 16, 17, 18, 2005	Damián Escobar and Julio Osegueda	40	21	16
Leaders trained as community mediators					147	162

Number of Community Mediators in Municipalities with Mediation Centers



To oversee and follow up with the new staff mediators at the Municipal Mediation Centers, national personnel experienced in the operation of the centers (Damián Escobar y Benjamín Carrillo) were hired to provide on-site advisory services. In this way, support in the daily operation of the centers can be provided in areas such as the use of forms, statistical reports, mediations, and co-mediations. Also, these consultants provide support in raising awareness among the different institutions working at the municipality.

**Percentage of Community Mediators Trained by Gender
Among a Population of 309**



2.2.2.2. On Site Technical Assistance

MUNICIPALITIES THAT RECEIVED ON SITE ASSISTANCE

Municipality	Date	Consultant	Activities
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Guazapa	April 11 to 15, July 11 and 12, August 8 and 9, 2005	Damián Escobar	Provide advisory on the operation of the Mediation Center, control of entries, use of forms, mediations, co-mediations, dissemination of the service speeches to institutions
Acajutla	April 4 to 7, July 7-8, 26 and 27, 2005	Benjamín Carrillo	Provide advisory on the operation of the Mediation Center, control of entries, use of forms, mediations, co-mediations, dissemination of the service speeches to institutions
Santa Rosa de Lima	April 25 to 29, July 18, 19 and 20, 2005	Damián Escobar	Provide advisory on the operation of the Mediation Center, control of entries, use of forms, mediations, co-mediations, dissemination of the service speeches to institutions
Apastepeque	April 9 to 13, July 25 and 26, August 8 and 9, 2005	Damián Escobar	Provide advisory on the operation of the Mediation Center, control of entries, use of forms, mediations, co-mediations, dissemination of the service speeches to institutions

Of equal importance was the assistance provided by the project’s technical professional, Eduardo Barrientos, in case handling through the discussion of cases and conducting of co-mediations; and the work of the national consultant, Moira Cruz, who has carried out constant visits to evaluate the operation, the use of forms, and the elaboration of each of the centers’ work plans, which were developed in collaboration with leaders and in some cases with the participation of the municipal council’s members. Both of them have supported the promotion of the service and advised in the statistical reports.

Technical Assistance of Moira Cruz

	ENERO				FEBRERO				MARZO				ABRIL			
	Semana 1	Semana 2	Semana 3	Semana 4	Semana 1	Semana 2	Semana 3	Semana 4	Semana 1	Semana 2	Semana 3	Semana 4	Semana 1	Semana 2	Semana 3	Semana 4
	Candelaria de la Frontera															
Concepción Batres																
Santa Rosa de Lima																
Apastepeque																
Guazapa																
Acajutla																
Cojutepeque																
Ahuachapán																

** The weeks when accompaniment visits were carried out are highlighted in yellow.

Technical Assistance of Eduardo Barrientos

	ENERO				FEBRERO				MARZO				ABRIL			
	Semana 1	Semana 2	Semana 3	Semana 4	Semana 1	Semana 2	Semana 3	Semana 4	Semana 1	Semana 2	Semana 3	Semana 4	Semana 1	Semana 2	Semana 3	Semana 4
Candelaria de la Frontera																
Concepción Batres																
Santa Rosa de Lima																
Apastepeque																
Guazapa																
Acajutla																
Cojutepeque																
Ahuachapán																

** The weeks when accompaniment visits were carried out are highlighted in yellow.

National consultant Doris Acosta, who has wide knowledge of municipal work, was also contracted to develop a mapping of the NGOs working at the different municipalities with existing Municipal Mediation Centers. In this way the work that they carry out can be acknowledged, and they will be linked to the work in mediation (Annex 40). The National Council for Public Security showed interest in its promoters being trained in mediation, as they conduct field work in different communities served under the CNSP. The CNSP received two courses in mediating for the prevention of violence—a basic course and one in the use of tools (Alexandra García and Eduardo Barrientos, Annex 41).

The municipalities that expressed their interest in opening mediation centers in the immediate future are: Puerto de la Libertad (they already have a council agreement), Jocoro, Ciudad Barrios, Antiguo Cuscatlán, Osicala, San Sebastián Salitrillo, Texistepeque, San Francisco Javier, Berlín, and San Agustín; as well as the Northern Micro Region of Morazán. There is no doubt there will be more interested municipalities, which is a challenge for USAID’s continued support.

2.2.2.3 Core of National Mediators

A core group of independent mediators who are not a part of the mediators’ group at the Attorney General of the Republic’s Office and have different training levels and experience in the matter, were formed. Nevertheless, it must be noted that there might be more people not included on the chart. This is a first approach to identify the country’s mediators, and from this group possible trainers can be identified who can later on participate in the training of other mediators.

No.	Complete Name	Origin/Capitol or Interior of the country	Date when trained as mediator	Who trained him/her
1	Ricardo Iraheta	San Salvador	1999	Ministry of Justice/Argentina
2	César Salazar	San Salvador	1996	ECJ
3	Eduardo Barrientos	San Salvador	Sept. 2001	LIBRA-DPK
4	Miguel Ángel Meza	Cojutepeque	Sept. 2001	LIBRA-DPK
5	Damián Escobar	Suchitoto	Sept. 2001	LIBRA-DPK
6	Benjamín Carrillo	Santa Ana	Sept. 2003	PGR-DPK
7	Carlos Sáenz	San Salvador	2002	ARCO
8	Sergio Aguiñada	San Salvador	2002	ARCO
9	Reina Robles	Candelaria de la Frontera	2003	PGR-DPK

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No.	Complete Name	Origin/Capitol or Interior of the country	Date when trained as mediator	Who trained him/her
10	Telma Aguilar	Concepción Batres	2002	PGR-DPK
11	Moirá Cruz	San Miguel	2005	Alexandra García, LIBRA, Doel Quiñones/NCSC/DPK
12	Julio Osegueda	San Salvador	2001	LIBRA-DPK
13	José Alberto Franco Castillo	ECJ	2003 - 2005	Actual coordinator RAC Area /ECJ
14	María Eugenia Burgos	San Salvador	2003	Libra/DPK
15	Hilda Edith Herrera de Morán	San Salvador	1999	Ministry of Justice/Argentina
16	Ricardo Marroquín	San Salvador	2001	LIBRA-DPK
17	Gina Orlich	San Salvador	2005	Alexandra García
18	Doris Acosta de Rodríguez	San Salvador	2005	Alexandra García, LIBRA, Doel Quiñones
19	Harold Lantan		1996	American Bar Association
20	José Guillermo Compte Ungo	Chamber	2003	Chamber
21	Rosemberg Casamalhuapa Alas	Chamber	1996 - 2004	Chamber
22	Patricio Rodrigo Nolasco Cuevas	Chamber	2003	Chamber
23	Raúl Eduardo Miranda Luna	Chamber	2003	Chamber
24	Laura Elena Navarro de Saca	Chamber	2003	Chamber
25	Nelson Palacios Hernández	Chamber	2003	Chamber
26	Salvador Soto Zelaya	Chamber	2003	Chamber
27	Wanda Amory	San Salvador	2003	PGR-DPK
28	José María Marín Hernández	Santa Ana	2004	DPK Justice Project
29	María Isabel Valle	Santa Ana	2004	DPK Justice Project
30	Sabrina Noemí Miranda	Santa Ana	2004	DPK Justice Project
31	Elisa Dalila Gil Peñate	Santa Ana	2004	DPK Justice Project
32	Xiomara Yamila Montenegro Cardona	Santa Ana	2004	DPK Justice Project

In order to improve the skills and knowledge of the national mediators, other courses were dictated:

Other courses	Facilitator	Date	No. of Participants	Institutions
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Other courses	Facilitator	Date	No. of Participants	Institutions
Workshop on Teaching Methodology	Rubidia Marroquín and Mario Corzo	August 17, 18, 19, 2004	27	Trainers at the PGR
Workshop on communication and handling of feelings and emotions of the mediator	Alexandra García	March 22, 23, 24, 28, and April 1, 2005	36	PGR, Mayoralties and independents
Advanced Course on Mediation and Course for Trainers	Gustavo Fariña	March 7 to 11, 2005	47	PGR, Mayoralties and independents
Course on Harvard Method and Transformative of Mediation	Doel Quiñones	April 11 to 15, and 18 to 22, 2005	61	PGR, Mayoralties and independents

Training in Mediation for other National Institutions

Institution	Course	Dates	Facilitator	No. of Participants	Institutions
National Council for Public Security	Basic Course on Mediation	December 6 to 10, 2004	Alexandra García and Eduardo Barrientos	32	CNSP, Mayoralties of Puerto de la Libertad and Mayoralty of San Salvador
	Use of Tools	February 28 to March 4, 2005	Alexandra García and Eduardo Barrientos	38	CNSP, Mayoralties of Puerto de la Libertad and Mayoralty of San Salvador, PGR
FUDEJES	Introductory and Basic Course on Mediation	August 14, 21, 28 and October 4, 2004	Ricardo Iraheta	53	FUDEJES, UNICO, UES, Leaders from Candelaria de la Frontera, PNC, DDHH.
	Workshop on the Use of Mediation Tools	November 27, December 4 and 11, 2004	Ricardo Iraheta and Eduardo Barrientos	33	FUDEJES, UNICO, UES, Leaders from Candelaria de la Frontera, PNC, DDHH.
UES, Santa Ana	Introductory and Basic Course on Mediation	November 8 to 12, 2004	Benjamín Carrillo and Damián Escobar	50	Jurisprudence and Social Sciences students at Universidad Nacional, Santa Ana
Mayoralty Puerto de La Libertad	Introductory and Basic Course on	July 25 to 29, 2005	Julio Osegueda and Eduardo	30	Coordinators of the Citizen Security Committees of the

Institution	Course	Dates	Facilitator	No. of Participants	Institutions
	Mediation		Barrientos		Municipal Citizen Security Network, community police, judge of the peace, prosecutor and social promotion of the municipal mayoralties of La Libertad and Zaragoza.

FUDEJES is an NGO committed to supporting the Mediation Center at Candelaria de la Frontera.

It must also be noted that a relationship has existed since 2004 with the Mayorality of Puerto de La Libertad. Although they had presented a Municipal Agreement to open up a mediation center, they backed out when invited to join the initial group of municipal centers because they were unprepared. Later on they forwarded their request after the process was well-advanced. Nevertheless, two people from the mayorality were invited to attend the trainings at the National Council for Public Security and to other trainings, such as that conducted by Doel Quiñones (Annex 46). The project committed to conducting a **Basic Course on Mediation** for a group of representatives of the municipality-related communities and institutions. At the end of June, the Northern Micro Region of Morazán showed an interest in opening an Associative Mediation Center. The eight municipalities (Arambala, San Fernando, Perquín, Torola, Joateca, El Rosario, Meanguera and Jocoaytique) of the region intended to open the center at Jocoaytique. Since the project was coming to an end, the request could not be met.

2.2.2.4 Close-Out Event of the Mediation Program

A close-out event called “*Development of the Mediation in El Salvador, Compared Experiences*” was held June 22-24, 2005. The goal was to promote a greater understanding, both nationally and internationally, of the implementation plan and the development of mediation in El Salvador, and also to compare experiences at the international level in order to enrich the Salvadorian mediation plan. Event participants included representatives from Paraguay, Dr. Livia Cardozo, Guatemala, Mr. Erick Aldana, Puerto Rico, Dr. Gerardo Picó and Colombia, Dr. Sara Helena Llanos, each with broad experience in ADR methods. The presentation by the Attorney General of the Republic’s Office was made by the National Mediation Coordinator, Atty. Candy de Acevedo, and the municipal experience was outlined by Atty. Miguel Ángel Meza, from Cojutepeque.

The opening of the event was attended by officials from the Supreme Court of Justice (CSJ), the Legislative Assembly, the National Council of the Judicature (CNJ), the ECJ, the Executive Technical Unit of the Justice Sector (UTE), the Ministry of Education, the Corporation of Municipalities of the Republic of El Salvador (COMURES), the Consumer’s Defense Office, the Consumer’s Protection Direction (DPC), the National Council of Public Security (CNSP), the Salvadorian Institute of Cooperative Promotion (INSAFOCOOP), the Chamber of Commerce, the Feminine Entrepreneurial Organization of El Salvador (OEF), the Association for Conflict Resolution and Cooperation (ARCO), and some universities such as Universidad Católica de Occidente (UNICO) and Universidad Tecnológica de El Salvador (UTEC). Both independent mediators and mediators from the Attorney General of the Republic’s Office and the municipalities were present. On the second day a report on the development of mediation in El Salvador was presented. Tours were held of the mediation centers of Ahuachapán, Candelaria de la Frontera, and Santa Ana. The third day was spent exchanging international and national experiences (Annex 42).

2.2.2.5 Results of the Technical Assistance to the Municipal and Mixed Mediation Centers

The following are some statistical charts available on the mediation centers.

**Municipal Mediation Center Concepción Batres
Statistics by June 30, 2005**

Concept/Month	Since	2004			2005						Total
	2002	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
Persons Attended in Reception	1888	122	67	66	108	84	79	79	48	120	2661
Cases Admitted	126	11	2	4	10	3	8	5	4	10	183
Sessions Programmed	169	12	5	4	12	6	9	7	6	12	242
Sessions not Conducted by non Attendance of Parties	46	4	1	1	4	0	0	1	2	3	62
Total of Mediation Sessions Conducted	123	8	4	3	8	6	9	6	4	9	180
Mediations With Agreements	117	8	6	9	8	4	3	6	3	9	173
Mediations Without Agreements	6	0	0	0	0	0	0	0	1	0	7
Mediations with Partial Agreement											0
Follow Up											
GENDER											
Feminine	388	36	17	17	38	9	25	20	10	242	802
Masculine	340	26	7	5	25	13	14	14	8	14	466
TYPE											
Familiar	33	3	1	1	2	1	1	3	1	4	50
Patrimonial	38	0	2	0	0	3	3	1	0	1	48
Neighborhood	47	4	1	2	6	2	4	2	3	4	75
Labor	3	1	0	0	0	0	0	0	1	0	5
Scholar	0	0	0	0	0	0	0	0	0	0	0
Community	2	0	0	0	0	0	0	0	0	0	2
Other	0	0	0	0	0	0	0	0	0	0	0
REFERRED BY											
Public Ministry	2	0	0	0	0	0	1	0	0	0	3
Courts	38	0	0	0	3	1	1	1	1	1	46
PNC	7	0	0	0	0	0	0	0	0	0	7
Mayoralty	30	0	0	0	1	1	0	0	1	2	35
Community Leader	11	0	0	0	0	0	0	0	0	0	11
Other	55	0	0	0	8	1	6	3	3	7	83
ORIGIN											
Rural	100	0	0	0	3	5	5	4	3	5	125
Urban	30	0	0	0	5	1	4	1	1	4	46
Other	8	0	0	0	0	0	0	1	0	0	9

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Concept/Month	Since	2004			2005						Total
	2002	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
BENEFICIARY OF MEDIATION											
Direct	834	0	0	0	63	22	39	34	18	64	1074

MUNICIPAL MEDIATION CENTER OF ACAJUTLA
Statistics by June 30, 2005

Concept/Month	2004			2005						Total	
	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun		
Persons Attended in Reception					16	41	33	29	34	153	
Cases Admitted					3	7	5	2	4	21	
Sessions Programmed					1	10	13	4	4	32	
Sessions not Conducted by non Attendance of Parties					0	1	8	2	0	11	
Total of Mediation Sessions Conducted					1	9	5	2	4	21	
Mediations With Agreements					1	7	5	2	4	19	
Mediations Without Agreements					0	2	0	0	0	2	
Mediations with Partial Agreement					0	0	0	0	0	0	
Follow Up											
GENDER											
Feminine					2	8	10	2	2	24	
Masculine					4	9	4	4	8	29	
TYPE											
Familiar					0	1	1	0	1	3	
Patrimonial					0	3	0	0	1	4	
Neighborhood					0	5	4	2	0	11	
Labor					0	0	0	0	2	2	
Scholar					0	0	0	0	0	0	
Community					1	0	0	0	0	1	
Other					0	0	0	0	0	0	
REFERED BY											
Public Ministry					0	0	0	0	0	0	
Courts					0	0	1	0	1	2	
PNC					0	0	0	0	0	0	
Mayoralty					1	0	0	0	2	3	
Community Leader					0	9	4	2	0	15	
Other					0	0	0	0	1	1	
ORIGIN											
Rural					1	7	2	2	2	14	
Urban					0	2	3	0	2	7	
BENEFICIARY OF MEDIATION											
Direct					6	17	14	6	10	53	
Indirect					144	39	25	10	25	243	

MUNICIPAL MEDIATION CENTER OF GUAZAPA
Statistics by June 30, 2005

Concept/Month	2004			2005						Total
	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
Persons Attended in Reception			3	3	0	0	7	3	5	21
Cases Admitted			2	3	0	0	4	3	4	16
Sessions Programmed			3	3	0	0	3	3	3	15
Sessions not Conducted by non Attendance of Parties			1	2	0	0	0	2	1	6
Total of Mediation Sessions Conducted			2	1	0	0	3	1	2	9
Mediations With Agreements			2	1	0	0	3	1	2	9
Mediations Without Agreements			0	0	0	0	0	0	0	0
Mediations with Partial Agreement			0	0	0	0	0	0	0	0
Follow Up										
GENDER										
Feminine			1	2	0	0	6	2	3	14
Masculine			2	1	0	0	0	0	3	6
TYPE										
Familiar			0	0	0	0	1	1	1	3
Patrimonial			2	1	0	0	0	0	0	3
Neighborhood			0	0	0	0	2	0	1	3
Labor			0	0	0	0	0	0	0	0
Scholar			0	0	0	0	0	0	1	1
Community			0	0	0	0	0	0	0	0
Other			0	0	0	0	0	0	0	0
REFERRED BY										
Public Ministry			0	0	0	0	0	0	0	0
Courts			1	0	0	0	1	1	0	3
PNC			0	0	0	0	1	0	0	1
Mayoralty			1	1	0	0	0	0	2	4
Community Leader			1	0	0	0	0	0	0	1
Other			0	0	0	0	1	0	0	1
ORIGIN										
Rural			2	1	0	0	4	0	2	9
Urban			1	0	0	0	2	1	0	4
BENEFICIARY OF MEDIATION										
Direct			4	2	0	0	6	2	6	20
Indirect			15	8	0	0	31	9	25	88

MUNICIPAL MEDIATION CENTER OF CANDELARIA DE LA FRONTERA
Statistics by June 30, 2005

Justice Project USAID/El Salvador
NCSC/DPK Consulting, Contract No. AEP-1-00-00-00011-00-808

Concept/Month	Since	2004			2005						Total
	2002	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
Persons Attended in Reception	730	18	11	15	22	24	43	33	18	49	963
Cases Admitted	197	6	5	3	7	4	6	11	5	13	257
Sessions Programmed	197	6	5	3	7	4	6	11	5	13	257
Sessions not Conducted by non Attendance of Parties	85	0	2	1	2	0	0	8	2	6	106
Total of Mediation Sessions Conducted	125	7	2	1	8	2	6	5	3	7	166
Mediations With Agreements	104	3	2	0	5	2	4	5	3	6	134
Mediations Without Agreements	21	4	0	1	3	0	2	0	0	1	32
Mediations with Partial Agreement	14	0	0	0	0	0	0	0	0	0	14
Follow Up											
GENDER											
Feminine	376	13	6	10	12	14	14	28	19	27	519
Masculine	379	5	5	5	10	10	10	15	14	22	475
TYPE											
Familiar	27	1	0	0	2	0	3	1	0	0	34
Patrimonial	46	4	1	0	5	2	1	0	2	5	66
Neighborhood	50	1	1	0	1	0	2	3	1	1	60
Labor	2	0	0	0	0	0	0	0	0	0	2
Scholar	1	1	0	0	0	0	0	0	0	0	2
Community	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0
REFERRED BY											
Public Ministry	88	0	0	0	0	0	0	0	0	0	88
Courts	29	2	0	0	0	0	0	0	0	0	31
PNC	8	0	0	0	0	0	0	0	0	0	8
Mayoralty	114	4	2	0	8	2	5	8	5	7	155
Community Leader	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0
ORIGIN											
Rural	166	5	5	0	5	5	2	8	3	9	208
Urban	43	1	1	0	4	0	4	2	2	6	63
Other											
BENEFICIARY OF MEDIATION											
Direct		36	13	0	46	0	37	25	0	6	163

MUNICIPAL MEDIATION CENTER OF AHUACHAPAN (Mixed)
Statistics by June 30, 2005

Justice Project USAID/El Salvador
NCSC/DPK Consulting, Contract No. AEP-1-00-00-00011-00-808

Concept/Month	2004			2005						Total
	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
Persons Attended in Reception		1	23	22	24	19	39	28	30	186
Cases Admitted		1	23	22	24	19	39	28	30	186
Sessions Programmed		1	23	22	24	19	39	28	30	186
Sessions not Conducted by non Attendance of Parties		0	8	3	6	4	9	9	8	47
Total of Mediation Sessions Conducted		1	15	19	18	15	30	19	22	139
Mediations With Agreements		1	10	10	14	14	20	12	15	96
Mediations Without Agreements		0	4	6	3	0	6	4	2	25
Mediations with Partial Agreement		0	1	2	1	1	3	3	4	15
Follow Up		0	0	0	1	0	1	0	1	3
GENDER										
Feminine		0	17	19	17	8	20	15	11	107
Masculine		1	6	3	7	11	19	13	19	79
TYPE										
Familiar		0	6	4	6	4	12	9	7	48
Patrimonial		1	12	7	6	8	10	13	12	69
Neighborhood		0	5	10	12	6	15	5	11	64
Labor		0	0	0	0	1	2	0	0	3
Scholar		0	0	0	0	0	0	0	0	0
Community		0	0	1	0	0	0	1	0	2
Other		0	0	0	0	0	0	0	0	0
REFERRED BY										
Public Ministry		0	5	4	7	3	11	9	7	46
Courts		0	0	11	8	11	14	8	7	59
PNC		0	0	0	0	1	1	0	0	2
Mayoralty		0	0	0	0	2	0	2	5	9
Community Leader		0	0	0	0	0	0	0	0	0
Other		1	18	7	7	4	13	9	11	70
ORIGIN										
Rural		1	8	11	15	12	34	26	23	130
Urban		0	14	11	9	7	5	3	7	56
BENEFICIARY OF MEDIATION										
Direct										0

MEDIATION CENTER OF THE AUXILIARY ATTORNEY'S OFFICE OF
COJUTEPEQUE (Mixed)
Statistics by June 30, 2005

Justice Project USAID/El Salvador
NCSC/DPK Consulting, Contract No. AEP-1-00-00-00011-00-808

Generality of the Cases	2004				2005						Total
	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
Persons Attended in Reception				3	10	18	12	18	19	12	92
New Case (admitted)	0	0	0	3	8	13	8	9	13	13	67
Type of Cases											
Familiar								1		3	4
Community											0
Neighborhood				2	3	3	2	1	1	4	16
Patrimonial				1	5	10	6	7	12	6	47
Mediations With Agreements				1	3	11	4	6	7	6	38
Mediations Without Agreements				0	1	0	0	1	1	0	3
Sessions Programmed	0	0	0	1	6	12	5	9	11	6	50
1st. Summons				1	4	11	4	7	8	6	41
2nd. Summons					2	1	1	2	3		9
3rd. Summons											0
Mediation Sessions Conducted	0	0	0	1	4	11	4	7	8	6	41
Sessions not Conducted by non Attendance	0	0	0	2	4	2	4	3	5	5	25
One Party				2	4	2	4	3	5	5	25
Both Parties											
Origin of the Cases Admitted	0	0	0	1	4	11	4	7	8	6	41
Request of Party				1	2	9	4	4	8	4	32
Units of PGR											0
Prosecutor General of the Republic								1		1	2
Attorney General for Human Rights						1		1			2
Courts					2	1		1		1	5
Other											0

2.2.3. Mediation and Arbitration Center of the Chamber of Commerce and Industry of El Salvador

Within the strategy of support to ADR mechanisms in commercial matters, technical support and training was provided to the Mediation and Arbitration Center of the Chamber of Commerce and Industry of El Salvador. In the first phase the panel of arbitrators, mediators, and secretaries were trained by international consultants in specific topics. This process of training professionals in arbitration was facilitated by Liliana Sánchez, Rinée Juliao and Ulises Pittí, all from Panama (Annex 45), who appear on the following chart:

Courses	Facilitator	Date	No. of Participants	Institutions
---------	-------------	------	---------------------	--------------

Courses	Facilitator	Date	No. of Participants	Institutions
Arbitration	Liliana Sánchez	August 16 to 20, 2004	29	Arbitrators and Secretaries at the Chamber of Commerce
Commercial Mediation	Rinée Juliao	August 23 to 27, 2004	33	Mediators at the Chamber of Commerce, Mediators at the PGR and Mayoralty of Concepción Batres and Candelaria de la Frontera
International Arbitration	Ulises Pittí	September 20 to 24, 2004	31	Arbitrators and Secretaries at the Chamber of Commerce
Workshop on International Arbitration	Ulises Pittí	November 3 and 4, 2004	16	Arbitrators and Secretaries at the Chamber of Commerce

2.2.3.1 Technical Assistance Mediation and Arbitration Center of the Chamber of Commerce and Industry of El Salvador

The project provided assistance to the Mediation and Arbitration Center of the Chamber of Commerce and Industry of El Salvador in the elaboration of its strategic and operative plans. These plans identified the need to develop the center’s institutional capacity by strengthening its technical and administrative structures; improving the quality of its services; promotion of its services; continued training of its arbitrators and mediators; and the review of the mediation, conciliation, and arbitration law to harmonize the legal framework. Work strategies were identified for each area (Annexes 43 and 44). These activities were developed under the following timeline:

Strategic Planning Process Mediation and Arbitration Center of the Chamber of Commerce and Industry of El Salvador	Dates	
	Start	End
1. Meeting with the Mediation and Arbitration Council to validate methodology and program activities	March 29	
2. Design of meetings, workshops, and operative planning instruments to be used	March 30	April 06
3. Workshop 1: Analysis of priorities and definition of immediate objective and expected results	April 07, 12:00 – 15:00 Conference Room CAMARASAL	
4. Work Meetings: Complete the elaboration of the Logical Framework Matrix and elaboration of the Responsibilities and Time Matrix	April 08	April 12
5. Workshop 2: Validation of the Logical Framework Matrix and of the Responsibilities and Time Matrix	April 14 12:00 – 15:00 Conference Room CAMARASAL	

Strategic Planning Process Mediation and Arbitration Center of the Chamber of Commerce and Industry of El Salvador	Dates	
	Start	End
6. Systematizing the results of the workshops and work meetings and elaboration of final report	April 15	April 19

Operative Planning Process Mediation and Arbitration Center Chamber of Commerce and Industry of El Salvador	April 2005			
	W1	W2	W3	W4
Review strategic planning in force		X		
Workshops with the involved actors			X	
Analysis of the reality trends with the involved actors			X	
Review of the institutional mission and vision			X	
Formulation of the plan objectives			X	
Elaboration of the plan's goals and indicators			X	
Elaboration of the plan's formats (emptying out journeys)			X	
Elaboration of the final document				X
Socialization of the POA				X

The project team helped disseminate information, educate, and train state institutions involved in contracting and resolving commercial disputes. The underlying strategy was to broaden education in ADR, resulting in a decrease of resistance to ADR techniques. The dissemination and education goals were achieved through two workshops and two conferences (Annexes 48 and 49) conducted before technical professionals, members of the judiciary, the Attorney General of the Republic's Office, and commercial lawyers.

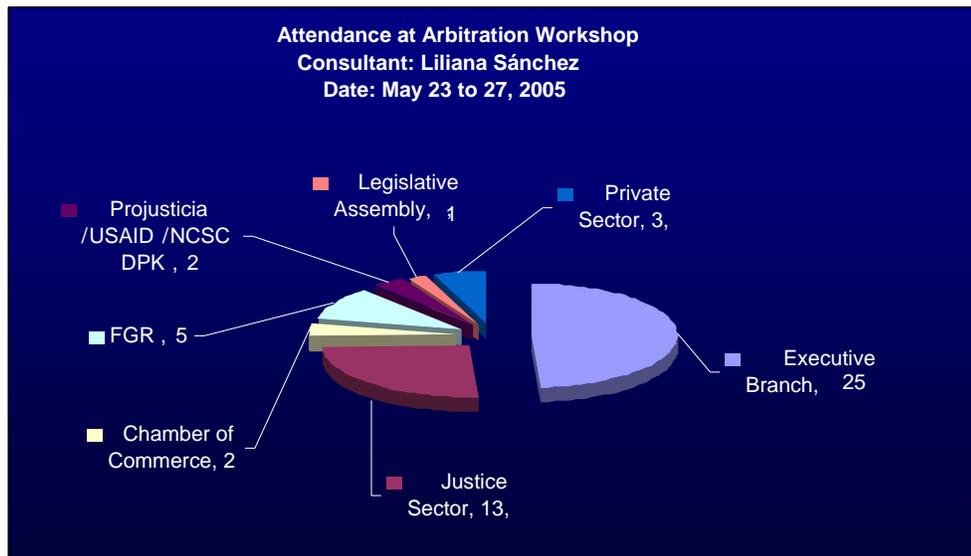
Liliana Sánchez, Director of the Solution of Mediation, Conciliation and Arbitration Center of the Chamber of Commerce of Panama, and Atty. Adolfo Torres, a national arbitrator, with broad experience in the matter, conducted the first conference (Annex 49). This workshop had 55 participants from the following institutions:

- CSJ (Collaborators of the Civil Room and the Constitutional Room)
- UACIS (Environment, Mayoralities, Foreign Relations, Legislative Assembly, Education, Finances, Public Works)
- CNJ, BCR and others
- Ministries (Tourism, Finances, Agriculture, Public Works, Foreign Relations, Governance, Education, Health, Presidential House, Labor, Defense)
- FGR
- Judges (Magistrates and Civil and Commercial Judges)
- Independent Lawyers and Arbitrators

Event participants were selected by representatives of the Chamber of Commerce and Industry of El Salvador based on their participation in state procurement processes, and their relation to arbitration processes, review, and execution. The subjects of this workshop were:

- Globalization and Controversies Solution
- Arbitration as an Alternative Controversies Solution
- Generalities of the Arbitration
- Arbitration Agreement
- Arbitration Court
- Arbitration Procedure
- Arbitration Award or Sentence
- Arbitration and the Protection of International Investment

Specialized information was presented to the judges regarding arbitration and its benefits to the justice sector. Also, members of UACI'S (State Procurement and Contracting Unit) and ministries were trained in the elaboration of arbitral clauses.



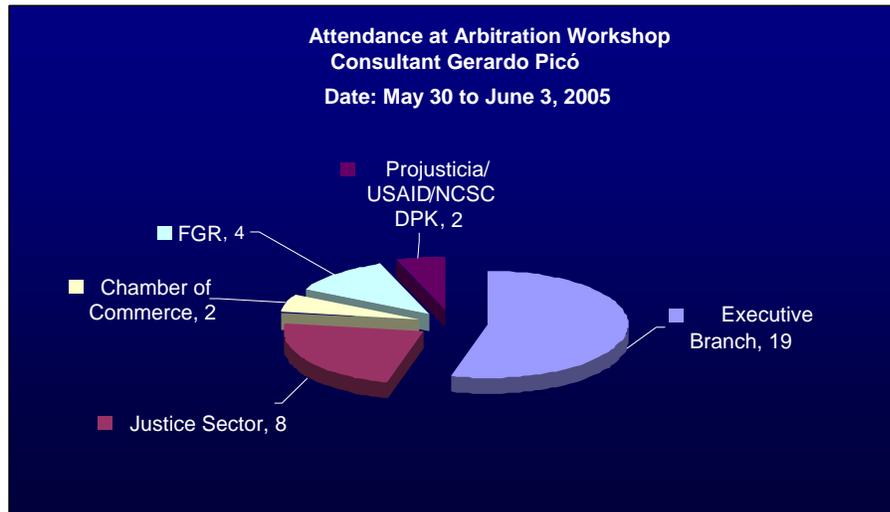
The second workshop was conducted by Dr. Gerardo Picó (Annex 49), ADR Professor at the Inter-American University of Puerto Rico, with 35 participants divided among the following institutions:

- UACIs (PNC, FISDL and others)
- UNAC
- Ministries (Defense, Education, Economy, Public Works, Foreign Relations, Governance, Presidential House, National Family Secretariat, Labor, Tourism, Health)
- CNJ
- FGR
- Independent Lawyers and Arbitrators
- Judges (Magistrates and Civil and Commercial Judges)

The subjects of this workshop were the following:

- Differences between conflict solution methods:

- a) Litigation
- b) Arbitration
- c) Mediation
- d) Negotiation
- e) Others
- Arbitration theory:
 - a) Agreements to submit a controversy to arbitration
 - b) Bonding vs. Non-bonding
 - c) Uses of arbitration
 - d) Characteristics of arbitration
 - e) Roles of the arbitrator
 - f) Occupied field
 - g) Judicial review of the award
 - h) Multiple parties
- Legislation in force (National and of Puerto Rico)
- Ethical norms for arbitrators
- Resolution of controversies related to the procurement by governmental agencies



Both workshops achieved the project and counterparts' objectives. The Chamber of Commerce will be responsible for following up on workshop results and maintaining inter-institutional bonds in order to disseminate the benefits and advantages of ADR methods among members of the participant institutions.

2.2.3.2 Close-Out Event of Commercial Arbitration

The project, along with the Chamber of Commerce, held two high-level breakfast conferences to communicate the benefits of ADR methods to the highest authorities of the judicial, executive, and legislative branches, as well as to the economic sector. The first breakfast included the participation of consultants Dr. Vilma Morales (President SCJ Honduras), Dr. Henry Dahl (international arbitrator), and Dr. Luis Nelson Segovia (President of the Mediation and Arbitration Council of the Chamber of Commerce), with 46 participants divided among the following institutions:

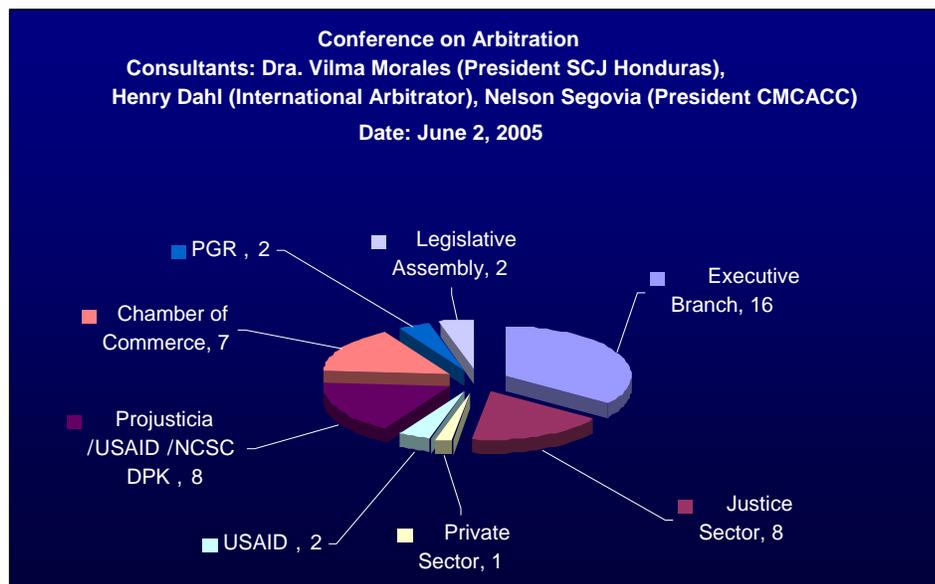
- Supreme Court of Justice (President, Magistrates and Advisors)
- Chamber Magistrates

- Attorney General of the Republic
- Chamber of Commerce
- Pensions Superintendent
- Financial System Superintendence
- Presidential Commissioner for Consumer Defense
- Ministries' Advisors
- ISSS
- CEPA
- FISDL
- BFA
- International Arbitration Court
- Legislative Assembly
- USAID and DPK

The following topics were presented at the breakfast conference:

- “Commercial arbitration and its complementing the judicial system.” Mag. Vilma Morales, President SCJ Honduras.
- “Benefits of commercial arbitration in the international circuit.” Dr. Henry Dahl, international arbitrator.
- “The arbitration environment in El Salvador.” Dr. Luis Nelson Segovia, President of the Mediation and Arbitration Council of the Chamber of Commerce.

Both conferences focused on the benefits of arbitration. The assistance of the President of the SCJ, the Magistrates, members of parliament, the Attorney General of the Republic, and other officials, were particularly important to raising the profile of both the event and its subject, ADR.

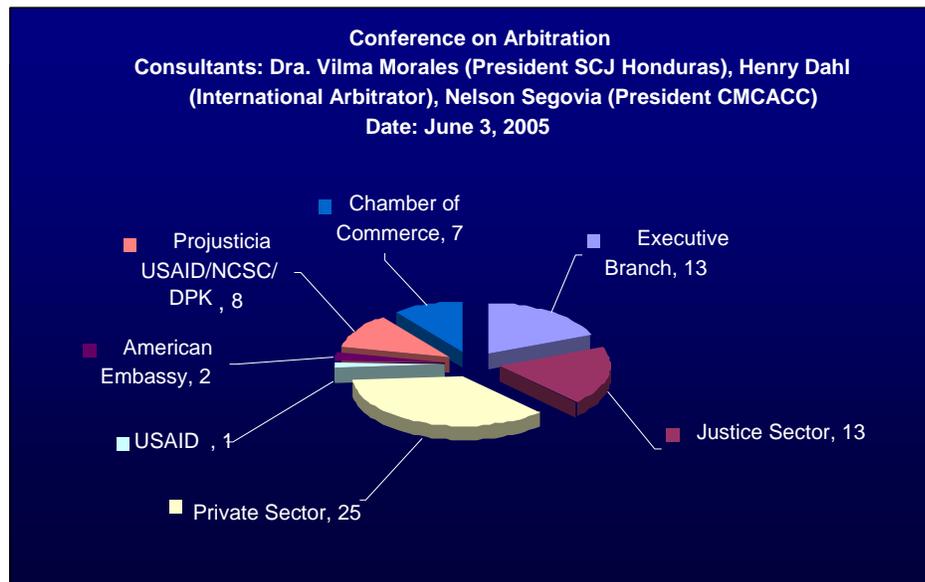


Second conference speakers included Dr. Vilma Morales, President SCJ Honduras, Dr. Henry Dahl, international arbitrator, and Dr. Luis Nelson Segovia, President of the Mediation and Arbitration Council of the Chamber of Commerce. This breakfast included the participation of 70 people from the following institutions:

- CNJ (President and Councilors)
- Magistrates (Civil Chamber)
- UTE (Executive Director)
- Secretary of Legal Affairs at the Presidency
- Ministries (Agriculture, Education, Economy, Foreign Relations, Finances, Tourism, etc.)
- Chamber of Commerce
- Private Sector (ADES, ANEP, ABANSA, ASALBAR, INQUIFAR, Sugar Association, FUSADES, ASALVE Salvadorian Association of Pork Raisers, CREDOMATIC, ASESUISA, SIGMA, LA PRENSA GRAFICA, ASETCA)
- Private Law Firms (Romero Pineda, Saenz Asociados, Rusconi Valdez, Oliva & Oliva, Corplaw)
- SCJ (Legal Collaborators)
- SIGET
- UNAC
- PNC
- USA Embassy
- AID and DPK

The same three speakers made their presentations as in the first conference

During this conference, the Secretary of Legal Matters of the Presidency expressed the government's interest in alternative dispute resolution. The private sector showed interest in the application of ADR methods. CNJ officially noted the importance of ADR. The national media covered the event, accomplishing the dissemination goals of the Chamber of Commerce in arbitration matters.



By the end of the project there had been a significant advance in the use of ADR methods to solve commercial conflicts and in raising public awareness of the existence of these methods, their benefits, and procedures. We also saw a growing interest in the legal community to learn more about the topic and create new opportunities to develop arbitration. The remaining challenges are

to provide guidance to institutions interested in ADR matters, and how to promote integration of ADR methods in commercial matters so there can be a shared consciousness of the benefits of the mediation, conciliation, and arbitration.

2.2.3.3 Study on the Economic Feasibility of Arbitration

El Salvador did not have a study to back up the economic feasibility of the arbitration thesis, nor was the percentage of compliance with arbitral awards through mandatory fulfillment known. Therefore, it was essential to conduct a study on the financial feasibility of arbitration based on the following objectives and work methodology:

Objectives:

- Have the necessary inputs to support the thesis of the financial feasibility of arbitration
- Seek concrete and objective information on the ad-hoc arbitrations accomplished in El Salvador

Methodology:

- Carry out a financial study to reflect the average cost to conduct a common summary trial. This study must include the following:
 1. The average timing of a summary trial up to definitive sentence
 2. An analysis of present value that integrates into the discount rate the loss of money through time (by means of the inflation rate) and the cost of lost opportunity for the money through time (by means of the active and passive bank rates for fixed deposits of other productive groups)
 3. Integrate in the discount flow the amount claimed, the legal fees payment, and for the case of banks, the liquidity reserves required by the Superintendencia of the Financial System for the credits in default, taxes, and other charges
- Carry out a master study on the mandatory fulfillment of the arbitral awards issued under the Salvadorian laws and under that of New York, known as "Convention on the Recognition and Execution of the Foreign Arbitral Judgments"

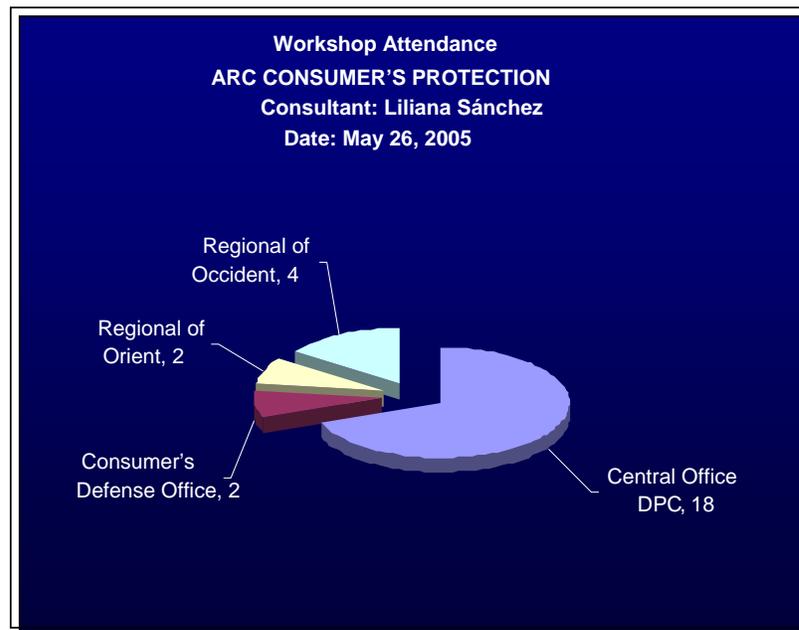
The resulting report supported the thesis of economical feasibility and the influence of arbitration for service operators and the general public (Annex 50).

2.2.4. Commissioner for the Consumer's Defense: Technical Assistance in ADR

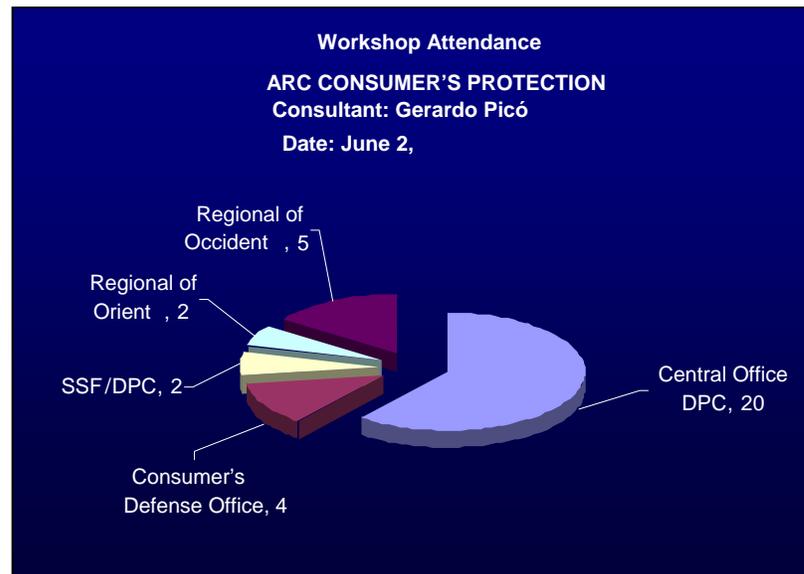
The Presidential Commissioner for the Consumer's Defense received technical assistance from Rommell Sandoval and Eduardo Barrientos in the review of the law draft of the Consumer Protection Law, specifically in the Controversies Solution Chapter. This support resulted in the new law clearly incorporating mediation, conciliation, and arbitration as conflict-solution methods—most important for the project due to the fact that it is a potential market for the expansion of ADR methods in commercial matters. The Commissioner was supported by Carlos Sáenz and Sergio Aguiñada in the development of an advisory document for the design and opening of Mediation, Conciliation, and Arbitration Centers of the Defense Office (Annex 47). The products of the consultancy were: an analysis of the environment in which the centers will be opened (strengths, weaknesses, opportunities, and threats); a road map including key actions that must be taken for the opening of the centers; the organic structure and position profiles for the

centers; standard physical design for the centers; infrastructure and equipment requirements for the opening of the centers; budget for the centers' operation; and the training plan for the centers' personnel.

In support of the Consumer's Defense Office, the project carried out two workshops for chiefs, technicians, receptionists, and conciliators to train in basic and general knowledge of ADR methods. The project also helped the CDO to comply with the Commissioner's request to submit a report on the level of knowledge of their team members regarding conflict resolution matters. The first workshop was conducted by consultant Liliana Sánchez, Director of the Mediation, Conciliation and Arbitration Center of the Chamber of Commerce of Panama, with approximately 26 participants (Annex 48).



The second workshop was conducted by consultant Gerardo Picó, ADR Professor at the Inter-American University of Puerto Rico, with approximately 33 participants (Annex 49).



Our final conclusion, based on our work with the Consumer's Defense Office, is that the consumer area is a strategic point for the expansion of ADR methods in commercial matters, which is sustainable in that it is already in use, has popular credibility, and provides the possibility to broaden the number of users. Despite the work carried out by the DPC in conciliation, it is necessary to technically improve its procedures, train its personnel, and widen the range of processes offered to the population to reflect those incorporated into the law draft.

2.3. ADR CONTRACT EXTENSION

2.3.1. Strategies

The objective of the project extension was to continue implementation efforts of the ADR component, especially in spreading the services rendered by the MCs (both of the PGR and of the Municipal Mayoralties), acculturating the population to mediation and arbitration, and broadening the access or coverage of the MCs of the PGR through the procurement and set up of *Mobile Mediation Units*.

2.3.2. Activities and Challenges

Dissemination activities included radio and television campaigns (Annex 51) to promote ADR. In addition, to broaden the reach of mediation services, the project supported the PGR in the procurement and strategic development of *Mobile Mediation Units*.

2.3.2.1 Promotion Campaign

One of the most important challenges to the project was to assist counterparts in their efforts to gradually raise the level of demand for conflict solution services in the population. Thus, a strategy was begun through which local actors and institutions would assist in the efforts to spread the message of the benefits of ADR methods, and would also refer cases ripe for mediation or arbitration to counterparts.

Two massive dissemination campaigns were carried out to support local efforts, using both radio and television to reach the greatest possible audience of potential ADR service users. Radio stations with various audiences and outreach capabilities were contracted. The stations were

classified according to their target audiences, such as: news and popular variety music (both of regional and national broadcast capabilities); community/public access; and stations with sports segments.

NEWS RADIOS/ASSORTED STATIONS

	Broadcast	Profile	Coverage	Dial Fm	Frequency	Ad spots	Ad spots
1	Cadena Sonora	News	National	104.5	L-D	3	240
2	YSKL	News	National	104.1	L-V	6	132
3	Cuscatlan	News Popular Variety	National	98.5	L-D	4	104
4	Ranchera	Popular Variety	National	106.5	L-S	4	104
5	Scan	News Popular Variety	National		L-V	6	120
6	Chaparras tique	Popular Variety	Oriental Zone	106.1	L-D	5	150
7	Carnaval	Popular Variety	Oriental Zone	13.7	L-D	4	120
8	Supra	Popular Variety	Santa Ana	90.5	L-D	5	150
9	La Picuda	Popular Variety	Sonsonate	93.3	L-D	5	150
10	Fiesta	Popular Variety	Sonsonate	104.9	L-D	4	104
11	La X	Popular Variety	Ahuachapán	93.3	L-D	5	150
12	Leo	Popular Variety	Ahuachapán		L-D	5	150
13	La Globo	Popular Variety	National		L-V	6	120
14	Fuego	Popular Variety	National		L-V	6	132

COMMUNITY RADIO STATIONS (ARPAS)

15	Maya Visión	Versatile Programming	Central Zone	106.9	L-D	10	300
16	Segundo Montes	All Public	Morazán	92.5	L-D	10	300

17	IZCANAL	Rural Area	Usulután	92.1	L-D	10	300
18	Victoria	Dist. Heads with greater Frequency	Cabañas	92.1	L-D	10	300

SPORTS RADIO STATIONS

19	Sonora / J.C.	Sports	National	104.5	L-D	2 / 10	100
20	YSU/ Neto Aparicio	Sports	National		L-D	4 / 10	160
21	KL/Raúl Beltrán	Sports	National	104.1	L-D	4	104

For the television campaign, the project team developed a terms of reference (TOR) that, once approved by USAID, provided the framework for eight firms to present economic and creative bids for the production and broadcasting of the TV spots.

The campaign’s objective was to: “Disseminate through Salvadorian television a conceptual advertisement that creates an awareness in the population of peaceful controversies solutions and the use of mediation and arbitration. This dissemination must be oriented to inform and increase the self-esteem of potential service users. These users can range from children to elders, men and women, regardless of schooling, office, or religion.” The following specific characteristics were included:

- Positive campaign that highlights Salvadorian values, community, and work ethic
- Highlight inter-personal relationships (from the child to the older adult)
- Emphasize gender fairness
- Promote the self-esteem of the target populace: “I can and want to resolve my problems”
- Invite introspection
- Urban-popular, rural, formal language according to the concept related (mediation or arbitration)

After analyzing the offers, two spots were developed that complied with the terms of reference in addition to contracting broadcasting time and high-market channels. The campaign should have a positive impact in the consciousness of the population and will generally encourage conflict solution in a peaceful way—favoring dialogue and understanding—in addition to the promoting the existing mediation and arbitration centers. One of the main challenges is to continue stimulating campaigns that attract potential users (from different social stratus) as a way to ensure increasing demand, guaranteeing the viability, sustainability, and permanency of the Conflict Solution Centers.

2.3.2.2. Broadening Coverage of Mediation Services: Two Mobile Mediation Units

One of the main challenges, despite the 15 mediation centers of the PGR, three mixed mediation centers and six municipal mediation centers open countrywide, was to broaden coverage at the national level so that mediation services would be more accessible, thereby contributing to the general strengthening of the ‘culture of the peace’ in El Salvador. Knowing that there are

economic, cultural, and geographical barriers that hinder the population from traveling from their villages, cantons, or hamlets to the mediation centers, USAID decided, along with the PGR, to offer mediation services through mobile units that will periodically visit the places that do not have easy access to existing mediation centers. At the end of the project the Salvadorian population has 26 centers providing mediation services between municipal, mixed, PGR and mobile.

Three firms were invited to present offers for two vehicles with the necessary characteristics to provide mobile mediation services, both in rural and urban areas, and that would also comply with USAID procurement requirements. Once the proposals were received, they were analyzed with the participation of USAID officials and the Attorney General of the Republic. The offer which met all the terms of reference, complied with the procurement requirements of the project, and presented the best financial offer was selected. The needed equipment was procured to provide quality service to the users and recommendations were given to support the operation strategy of the mobile units.

COMPONENT 3: PROMOTION OF ECONOMIC GOVERNANCE INITIATIVES

3.1. STRATEGIES

At the end of the 1980s and beginning of the 1990s, El Salvador began its judicial reform process. The judicial modernization efforts were oriented to criminal justice reform, due to conditions that violated fundamental human rights under the laws in force at that time. Reform efforts have continued to be focused on consolidating the criminal reform process, while a review of legislation and of the justice sector in the civil and commercial area has also begun. This reform process is essential to including El Salvador in the new world economic order, which demands transparent and efficient judicial systems. A modern judicial system can assist the efforts of the Salvadorian Government to attract private investment by guaranteeing legal security and providing an efficient system for the solution of commercial conflicts. The project initially designed a program to conduct a diagnosis of the situation in order to elaborate a Strategic Plan of Legal and Institutional Reform to deal with weaknesses in the area of commercial law. It included, as a first action, the establishment of an integrated inter-institutional commission for the planning and follow-up of the Economic Governance component (Commercial and/or Economic Section of the US Embassy and USAID, Ministry of Finances, ANEP, FUSADES, Chamber of Commerce and Industry of El Salvador, Salvadorian Industrials Association, and others).

The work plan also focused on strengthening and consolidation of the Civil and Commercial Procedure Code law draft, to the preparation of a training plan in commercial issues, and to the diagnosis of the services rendered by five commercial courts of San Salvador and four of smaller quantity. This diagnosis served to propose to the Civil Room of the SCJ a management plan differentiated by cases to speed up the judicial procedures. The report prepared by the project has been taken by the SCJ to begin the modernization process at the smaller quantity courts. Regarding the training program on these issues, the ECJ identified for its training plan just one course in civil oral trial matter and in free competence matter.

3.2. ACTIVITIES AND RESULTS

3.2.1. Consolidation of the Civil and Commercial Procedure Reform Project

The Civil and Commercial Procedures Code law draft was reviewed and readapted with the objective of modernizing the legislation and the justice administration in the area of conflicts of device character in civil and commercial matters. One of the main characteristic of this law draft is the introduction of the oral procedures. A system of rules of evidence is incorporated, typical of the Salvadorian forensic practice, and prompt procedures are defined for the solution of commercial controversies.

The Presidency of the Civil Room agreed with ProJusticia to re-launch the law draft, working with affected institutions such as the bar and using international procedural specialists, and with the visit of members of the drafting commission and of the SCJ to the countries in which modern procedural systems operate. From April 2004 to May 2005, the members of the drafting commission (Rommel Ismael Sandoval, Aldo E. Cáder, Guillermo Alexander Parada, José Luis Arias and Manuel Arturo Montecino) met once a week in the Civil Room to review the law draft article by article.

The last week of June and the first of July 2004, the Commission and the Civil Room received the assistance and advisory of Santiago Garderes, professor and expert on the Uruguayan oral trial model. He evaluated the law draft in relation to the Civil Procedure Code model for the Iberian America framework and that of the Uruguayan General Procedures Code. He also gave two specialized conferences at the Supreme Court of Justice, addressed to magistrates of the Room, Chambers of Second Instance, judges, and other justice operators (Annex 52).

The project and USAID agreed to carry out two observation tours with commission members and with the Room's President. The first tour, from October 4-8, 2004, was in Uruguay/Argentina to learn the continental "oral trial" model, and the second tour, in early December, to Puerto Rico to learn the "oral trial" system of Anglo-American law.

During the technical participation of Vicente Gimeno Sendra in October 2004, he praised the law draft and its transition to an oral and efficient judicial process. Also, he made recommendations in various books and chapters of the law draft of the CPCyM (Annex 53). Between January and May 2005, discussions occurred with national focal groups regarding both the first version and the results of the technical assistance for its adaptation to the Salvadorian juridical procedures culture. At the Civil Room, members of FUSADES, ABANSA, civil, commercial and smaller quantity judges and magistrates, NGOs (IDHUCA; FESPAD) and other well known lawyers participated. The law draft was elaborated and is available as a legislative proposal (Annex 54).

3.2.2. Diagnosis on the Organization and Procedures at the Commercial and Smaller Quantity Courts

In coordination with the Civil Room of the SCJ, between August 15 and September 3, 2004, a consultancy was carried out to diagnose the organization and work procedures of the Commercial and Smaller Quantity Courts. The consultants were Dr. Wilfredo Padilla, former administrator judge of Puerto Rico, and Atty. José Luis Arias, national consultant and expert in commercial procedures. These courts have their seat in San Salvador. The diagnosis included recommendations and proposals for a case management system (Annex 55).

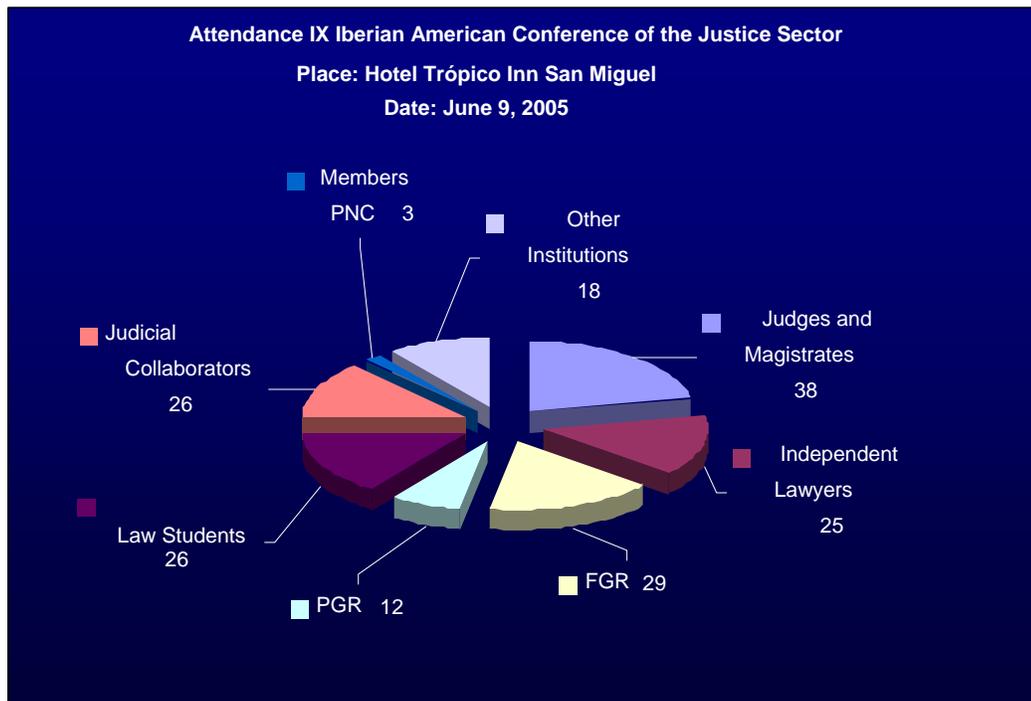
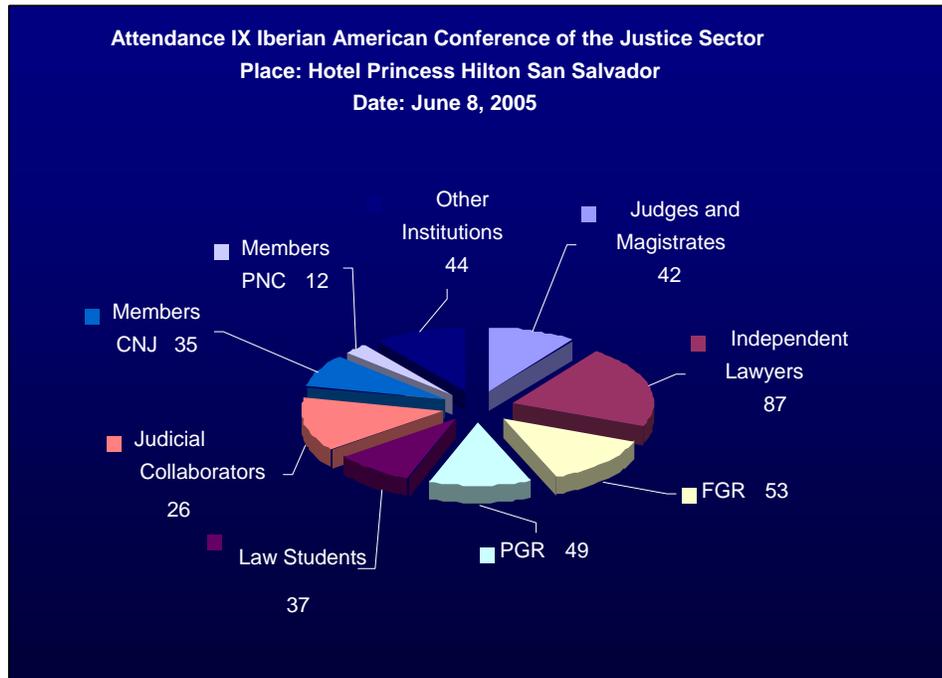
3.2.3. Close-Out Event on Orality in Judicial Reform in El Salvador

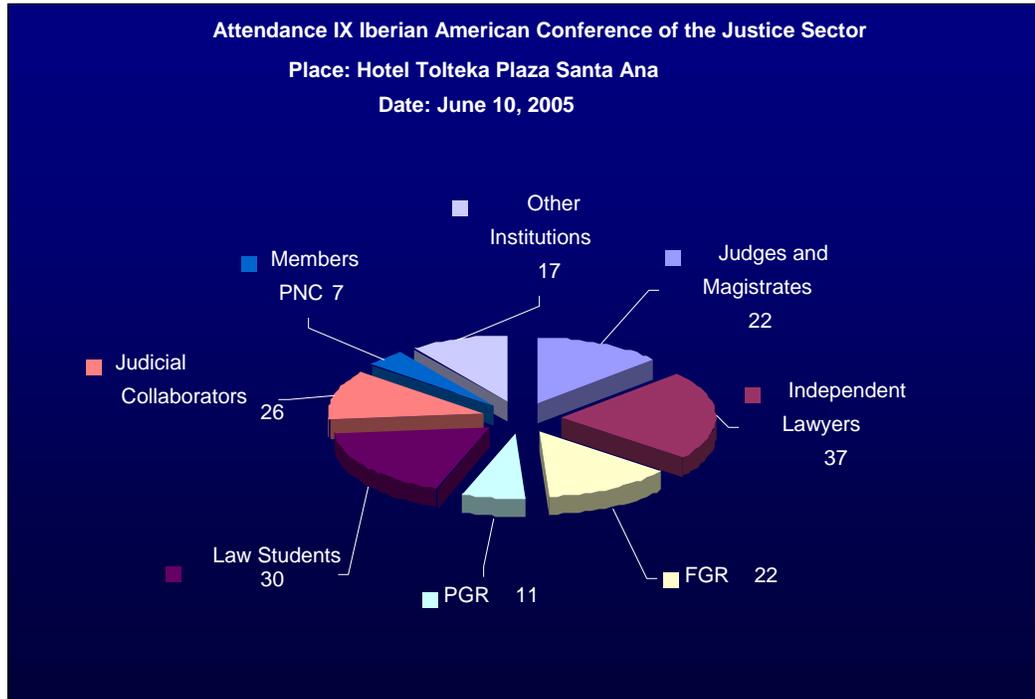
To commemorate the end of USAID's strategy in the justice sector, a national-level event, called "*Orality in Judicial Reform in El Salvador*," was convened. This event also served as the IX

Iberian American Conference of the Justice Sector. This event strengthened the position of the CCSJ as guide of the changes and the development of the justice sector, and gave support to the pending reforms in the criminal area (evidential rules) and drafts of the new Civil and Commercial Procedures Code. The event was held from June 8 - 10, 2005, in San Salvador, San Miguel, and Santa Ana. It was chaired by the heads of the CCSJ and UTE. Invited speakers were the jurists Héctor Quiñones, from Puerto Rico, Santiago Garderes, from Uruguay, Virtudes Ochoa, from Spain, and Mauricio Velasco, from El Salvador. The first jurist expounded on the importance of improving regulations in the evidential law of the CPP. Garderes and Ochoa compared several procedural institutions in the law draft with their own legislation, and Velasco spoke on the innovations to legal/procedural institutions in the law draft. Justice system operators, students, lawyers, and other interested people participated at different points. The detailed program was:

Day 8 San Salvador	Day 9 San Miguel	Day 10 Santa Ana
Conference: “The Constitution and the oral trial” Dra. Virtudes Ochoa. (Spain) Conference: “The rebuttal means in the Civil and Commercial Procedure Code law draft” Dr. Mauricio Velasco, President of the Civil Room, Supreme Court of Justice. Conference: “Evidential System in the civil process” Dr. Santiago Garderes, (Uruguay) Conference: “Rules of Evidence: its function in the process” Héctor Quiñones Vargas (Puerto Rico) Panel Forum on The Challenges of the Salvadorian evidential system Godofredo Salazar Torres (Moderator)	“The preventive measures in the Civil Procedure Code” Dr. Santiago Garderes (Uruguay) Conference: “Rules of Evidence: its function in the process” Héctor Quiñones (Puerto Rico) “The constitutional principles of the oral trial” Dra. Virtudes Ochoa. (Spain)	Conference: “The rebuttal means in the civil oral trial” according to models in the Civil Procedures “Code for Iberian America Dr. Santiago Garderes (Uruguay) Conference: “Rules of Evidence: its function in the process” Héctor Quiñones (Puerto Rico) Conference: “The execution of the sentence” Dra: Virtudes Ochoa (Spain)

The following graphics breakdown event participants:





4. WINDOWS OF OPPORTUNITY

During the development of the project, there were various windows of opportunity that were taken advantage of and supported by the project. They included:

- Investigation and observation tour in civil and commercial matters to Montevideo (Uruguay) and Buenos Aires (Argentina);
- Investigation and observation tour to evidential processes in civil and commercial matters and judicial organization in San Juan (Puerto Rico);
- Observation tour to Panama in ADR matters;
- Observation tour to Colombia in ADR matters;
- Observation tour to San Juan, Puerto Rico in ADR matters;
- Study tour in clinical method to Chicago, Illinois, USA.
- Tour with PGR participation to Managua, Nicaragua, regarding the intra-familial violence/ADR;
- Editing and production of a formative video on the “preliminary hearing”, ECJ/CNJ (Annex 56);
- Editing and production of a training video on the “competences in oral litigation” for the 3rd Interuniversity Contest on Competences for the Oral Trial, ECJ/CNJ (Annex 57);
- Editing and production of a formative video on ADR on mediation tools, CMM, ECJ/CNJ, CCI, CM/PGR, and identified mediators (Annex 58);
- Support to Virtual Classroom Scholars ECJ/CNJ;
- Editing of the Manual on Resources/PGR;
- Grant to the mayor of Cojutepeque to participate in the II Iberian American Summit for State Decentralization and Local Development, San Salvador.

5. LESSONS LEARNED

The Justice Project USAID/El Salvador implemented a plan which benefited from and strengthened the leaderships of justice system operators (PGR, OJ, MG, FGR, CNJ and others), officials at the mediation centers (PGR and municipal), arbitration centers (Chamber of Commerce and DPC), professors and students in law schools at various universities, municipal councils and community leaders. The approaches required the development of teamwork methodologies to establish the weaving in of continuity and sustainability to the project components. In the following we have outlined some of the key lessons learned in this process

Integrity of strategy: Reform projects must be conceived integrally, though do not necessarily have to have complex goals. The reform process by its nature is a gradual process.

Multidisciplinary: Successful reform and modernization efforts should not depend on the exclusive vision of jurists, but also include other experts such as methodologists, pedagogues, psychologists or anthropologists, to mention some specialties.

Participative: The basis of successful planning requires the involvement of all counterparts or interested persons that can and want to provide data of their experience for the execution of the projects.

Respect for local idiosyncrasies: The municipal ADR experience required not only participative methodologies, but also different communication methodologies in each location. Each municipality or locality, be it rural or urban, has different “momentums” of action and reaction. The conflicts are different and the vision of the justice system often different. Similarly working with the institutions interested in commercial alternative dispute resolution mechanisms such as businesses and the commercial bar requires understanding of other local idiosyncrasies.

Need for political commitment: A great commitment is required from the institutional heads or local authorities. Lack of consensus over justice reform is the best road to failure. Without the sense of ownership, it is not possible to advance.

Defense of the fundamental rights and of human dignity: The defense and protection of the fundamental rights cannot be forgotten in trying to achieve efficiency. No result justifies this forgetfulness.

6. RECOMMENDATIONS

The fulfillment of the tasks entrusted to the project team discovered new opportunities and challenges for international cooperation. Some of them follow:

Assistance to the Justice Sector: Advances of the justice sector institutions in criminal matters has been supported since the beginning of the judicial reform. The sector still requires the expertise of international cooperation projects. The sector will have to focus their efforts to work in crime investigation and the evidential system, building a national model.

Commercial Area Reform: The country will not be able to attempt to increase its investment rates with a judicial system in commercial matters that does not offer guarantees of speed and legal safety for the solution of conflicts. The next topic in judicial matters will be the civil and commercial procedures reform from the legislative, administrative, and organizational/institutional point of view.

The Universities: In the law schools the operators of the future are formed, therefore it is necessary to monitor the processes begun by this project. If not, there is the danger that the work will not fulfill the expected goals

ADR in Commercial Areas: The project has left ADR operators prepared (mediators and arbitrators), though work is still needed in the development of expert conflict scientists and in strengthening the local network with the institutional one, e.g., PGR and courts, Chamber of Commerce and other unions, universities and legal clinics. It is also important to provide on going support.. The greatest responsibility now will be in granting sustainability and the possibility of growth of the national ADR program.