

NATIONAL CENTER FOR STATE COURTS

HAITI RULE OF LAW PROJECT

Quarterly Report No. 8

July 1, 2007 – September 29, 2007

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**UNITED STATES AGENCY FOR
INTERNATIONAL DEVELOPMENT**

National Center for State Courts

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Reporting period: July 1 through September 29, 2007

A. PROJECT GOALS

This report outlines the activities conducted by the National Center for State Courts (NCSC) under the Haiti Judicial Strengthening and Reform Program during the fourth quarter of FY 07. The purpose of this two-year project is to conduct three types of activities: 1) strengthen the administrative, management, and technical capacity of the courts and parquets through training and technical assistance to the justices of the peace, judges, prosecutors, and court personnel; 2) address pretrial detention issues by improving the flow of cases through the police stations, prisons, and courts; and 3) improve citizen links to the judiciary through increasing citizens' awareness of their rights and access to legal services. NCSC is focusing its efforts in three jurisdictions in coordination with other donors, Port-au-Prince, St. Marc, and Petit-Goave.

B. HIGHLIGHTS OF THIS REPORTING PERIOD

- The two NCSC advisors to the Ministry of Justice (MOJ) were active in several important and on-going efforts including, the negotiation that led to the adoption of the bills on the independence of the judiciary, the re-opening of the Magistrates' School, draft legislation on house-child labor, the restructuring of the MOJ, the establishment of a national legal assistance program, coordination for the task force on white collar crime, and participation in the MOJ strategic planning effort.
- At NCSC's initiative, a two day strategic planning session for the MOJ was held in August 2007. A draft overall MOJ justice sector plan has been begun to take shape.
- NCSC technical support to the Parliamentarian Justice Commissions and the MOJ related to the preparation of the 3 bills on independence of the judiciary led to adoption this quarter of the Bill on the Judicial Council by both Chambers of Parliament. The Bills on the Magistrate School and the Statute of Members of the Judiciary have also been adopted by the Senate, but not yet by the Deputy Chamber.
- NCSC has supported the work of the JP follow-up committees in Petit Goave and St. Marc, and during the reporting period expanded its assistance to support committees in several other jurisdictions. During the reporting period 109 courts have been visited by the committees. This process marks the first time that various statistics including total case numbers, convictions, and referrals to the prosecutor's office will be regularly compiled (see attached reporting format).

- First Instance Court Rules of Practices developed in the previous quarter by a NCSC consultant and adopted in St-Marc have now been recently adopted in Petit-Goave as well. As a result of these new rules of court the Petit-Goave schedule has been changed and a correctional court (misdemeanor and non-serious felony cases) session added every Friday.
- To gain support for the concept of a code of ethics and to enlist comments on the draft code, during this reporting period, NCSC supported visits by the National Association of Clerks of Court in Haiti to each of the five appellate regions. On October 10th representatives of the Association will meet in PAP to adopt the final version of the Code as well as the statutes of the association.
- Following the first NCSC sponsored meeting with the National Bar Federation held last quarter on the establishment of bar exams, the PAP Bar announced recently that it will establish the first ever mandatory bar exams in the country.
- NCSC recently completed its case flow analysis. The data revealed that the average time for a case to pass through each of the procedural deadlines is far in excess of that prescribed in law. Experts analyzing the data collected at each stage of the procedural chain have identified possible causes for the delays and have offered remedies.
- NCSC distributed materials (files cabinets, legal codes, book shelves, office supplies,) to all functional Justice of the Peace Courts (177), First Instance Courts (16) and prosecutors' offices in the country.
- NCSC continued to provide technical, logistical and material assistance to the Pretrial Detention Commission. Its recommendations were implemented and led to the release of more than 300 detainees to date. According to a report prepared by the Commission, the ratio of admissions to releases has been radically declining at the national Penitentiary since the establishment of the commission.
- NCSC organized special hearings in its three target jurisdictions, in which 154 defendants were tried.
- This quarter NCSC funded legal assistance programs in its three target jurisdictions. A total of 248 individual benefited from this assistance.
- Support to the Roving JPs is ongoing. NCSC provided training for 17 JPs and 1 clerk on civic education. This quarter, 250 beneficiaries attended roving JPs activities in the targeted zones.
- An NCSC consultant conducted public consultations and submitted a final paper on customary justice in Haiti. The report reviews current practices and provides suggestions to harmonize the formal and informal criminal justice systems to promote the observance of human rights.

- NCSC completed a study on gender representation in legal fields. The general purpose of this research was to identify causes for the low number of women in the judicial system and recommendations for changing this trend.
- NCSC partnered with a local NGO, URAMEL, to deliver two training sessions in Petit-Goave to a total of 50 participants including: justice (18) and law enforcement personnel, community and religious leaders, and public health, medical, and human rights professionals. The training focused on reinforcing the capacity of various system actors who encounter victims of crime in their work, establishing a network between these actors, and sensitizing them to the particular problems related to violent crime and its consequences.

C. TASK-SPECIFIC ACCOMPLISHMENTS DURING THE REPORTING PERIOD

1. Strengthen the administrative, management, and technical capacity of the courts and parquet

- **Support to the MOJ**

Justice Strategic Planning Session: There is a consensus among stakeholders (GOH, judiciary, civil society and international community) on the urgent need to develop a detailed, comprehensive justice sector strategic plan, to be prepared by the MOJ and endorsed by all other stakeholders. The plan would include priorities, clear benchmarks, and a calendar of activities, similar to the model developed by the HNP. During the reporting period NCSC and other international organizations drafted a proposed framework for the establishment of a long-term strategic plan encompassing all components of the justice sector, with the understanding that the details of the plan must originate from the MOJ. At the initiative and sponsorship of NCSC, a two day strategic planning session was held in August 2007, during which the aforementioned tasks were begun. NCSC will provide technical and material support for follow-up sessions. This assistance will include sponsoring additional sessions and providing a consultant to assist in furthering the development of the plan if required. Once the plan is finalized, NCSC will support its implementation in those areas relevant to NCSC's scope of work (e.g. reopening the Magistrate School, rehabilitation of Courts and Parquets, application of the judicial fee scale, support of the Pretrial Detention Commission, criminal defense assistance, and case flow management).

Consultants: The two NCSC advisors assigned to the Ministry of Justice (MOJ) were active in several critical endeavors begun in the previous quarter. They provided assistance in the preparations to re-open the Magistrate School. They were involved in the selection process for the directors and drafting their job descriptions. The advisors were also both instrumental in the efforts to restructure the MOJ and continue to work on new reform legislation and an organizational chart. They actively participated in the strategic planning for the justice sector. They also took part in the negotiations that led to the adoption of the bills on the independence of the judiciary, provided support to draft

legislation on house-child labor (“*restavek*”), the establishment of a national legal assistance program, and coordination for the task force on white collar crime.

- **Support to the Ministry of Relations between the Executive Branch and Parliament**

The NCSC legal advisor has provided assistance to review the legislation on House-Child Labor and the draft Electoral Law. As secretary of the *Commission Inter-ministerielle des Affaires Legislatives (CIAL)* Justice Commission, he held meetings on the justice agenda at the Parliament. He also followed-up on efforts made in the previous quarter to develop the legal drafting capacity of parliamentarians and members of various ministries. Finally, he provided technical support for the establishment of a master’s degree program on public law, to be financed by the GOH, to promote the development of a qualified civil servant corp.

- **Support to Parliament**

As previously reported, the Parliamentarian Justice Commissions completed their series of public consultations, sponsored by NCSC, on three draft bills related to the independence of the judiciary. Through these six forums, NCSC provided parliamentarians the opportunity to gather views from stakeholders prior to voting on these bills. This program marked the first time that such sessions have taken place in Haiti. Draft recommendations from these meetings served as a basis for successful negotiations, this quarter, between the MOJ and the Commissions, which led to the recent Senate and Deputy Chamber adoption of the Bill on the Judicial Council. NCSC provided technical assistance to the MOJ during these negotiations. A consultant detailed to the MOJ played an integral role in facilitating this effort. The Bills on the Magistrate School and the Statute of Members of the Judiciary have been adopted by the Senate but not yet by the Deputies Chamber.

As described in its FY08 proposal, NCSC will support the implementation of these bills. Likewise it will continue its fruitful collaboration with the Parliamentarian Justice Commissions. The Commission has indicated that its focus for the upcoming year will be criminal justice code reform, including clarification of the powers, jurisdiction, and lines of authority of judicial actors.

- **Rules of Practices for JP Courts**

Judiciary members are receiving field support from the ongoing Haitian-led initiative to monitor implementation of the JP Rules of Practice. During the trainings for the Rules of Practice supported by NCSC, the JPs decided to elect committees of their peers to perform follow-up visits to JP courts to ensure uniform implementation of the Rules. The follow-up committees visit JP courts in their jurisdictions and report on their findings and other information, such as. number of cases and number of convictions. This process marks the first time that various statistics, including total case numbers, convictions, and referrals to the prosecutor's office are regularly compiled. During these

visits, committee members also have been providing technical guidance to their judicial colleagues on various aspects of their work. NCSC has supported the work of the follow-up committees in Petit Goave and St. Marc, and during the reporting period expanded its assistance to support committees around the country. During the reporting period 109 courts were visited by the committees. Overall, these activities contribute to consistent and equitable justice service delivery. Due to funding limitations, NCSC will continue to work only with committees in its three target jurisdictions in FY08.

- **First Instance Rules of Practices**

Deans of the First Instance Courts in the three NCSC target jurisdictions expressed interest in developing new internal rules for the court. NCSC supported this effort by commissioning a consultant who prepared 154 dispositions which address the organization of the Court and the Clerk's office, the administrative and financial tasks of the Dean, the organization of General Assembly of the Judges, the organization of court hearings, and clarification of the bailiffs' tasks. These rules were presented by NCSC consultants to members of the judiciary in St. Marc and Petit-Goave and to the Dean of the PAP Court of First Instance. In the previous quarter, the Dean of the St. Marc court organized a general assembly of judges to adopt the Rules. This quarter, the Rules were adopted in Petit-Goave. In both cases, only slight changes were made to the documents offered by the consultants. The Dean of the PAP court promises to organize the general assembly before the "entre judiciaire" or judicial year which begins in October. MINUSTAH has indicated that it will introduce the Rules in its jurisdictions as well.

As a result of these new rules court schedule has been changed and correctional session included every Friday.

- **Code of Ethics for Court Staff**

As demonstrated in several NCSC studies on the criminal justice system in Haiti, the position of Clerk of Court is central to the functioning of the system. Often the management of the entire system rises and falls on the competence and integrity of court clerks. With the idea of promoting better administration of the justice system through effective management of case files and in better service to the actors in the penal chain, NCSC is supporting the National Association of Clerks of Court in Haiti to develop, adopt and implement an internal Code of Ethics.

NCSC worked with the Association to develop a draft code of ethics. To gain support for this concept and to enlist comments on the draft code, NCSC supported during this reporting period visits by members of the Board of the Association to each of the five appellate regions to meet with clerks from all levels of the system. On October 10, 2007, representatives of the Association will meet in PAP to adopt the final version of the Code as well as the statute of the Association. NCSC also provided technical assistance with drafting the statute. Following the adoption of the Code, NCSC intends to assist the Association to train clerks on the Code and on the importance of ethical norms and behavior.

It is worth mentioning that this Association was established as a result of a study tour organized by NCSC to the US in FY 05.

- **Masters Degree Program at the Law School**

During the present quarter, the masters degree program continued but the school was unable to hire all professors needed to complete the program in September as scheduled. The lack of qualified professor, combined with the difficulty in recruiting during the summer vacation, led the school to postpone graduation until this coming December. As scheduled, NCSC delivered this quarter material (computer, printer, desk, chairs) for the program. NCSC will no longer the Law Faculty, which guaranteed that it will complete the program regardless. Eighty students are presently enrolled in the first masters in law program ever established in Haiti. Following this successful premiere, the Government of Haiti will fund a second masters program, focusing on public law.

- **National Qualifying Exam for Lawyers**

Several law schools are operating in Haiti, however, without an accreditation process, the quality of education varies widely. Following the first meeting with the National Bar Federation Association, held last quarter with the technical and financial assistance of NCSC and attended by 14 of the 16 Bar Presidents, the PAP Bar announced recently that it will establish the first ever mandatory bar exams in the country. The law requires each Bar to issue a certificate of professional competence. The PAP Bar will grant this certificate following successful completion of trainings and the related exams. This activity will be part of the overall effort to support the PAP Bar, which has agreed to provide free legal assistance. NCSC and other donors will support this program.

- **Case flow Study**

NCSC local and international staff, together with a judge from the Supreme Court and a member of the Board of the PAP Bar, recently completed the case flow analysis. The data revealed that the average time for a case to pass through each of the procedural deadlines is far in excess of that prescribed in law. Moreover, of the 664 cases researched, no defendant benefited from the use of a pretrial release mechanism. The combination of these factors contributes to the lengthy time some detainees spend awaiting trial.

Experts analyzing the data, collected at each stage of the procedural chain, have identified possible causes for the delays and offered remedies. For instance, the study shows that investigative magistrates take an average of two months before executing the first procedural act. In one case, a period of 458 days was reported in Port-au-Prince. According to the law, this action should take place on the same day the magistrate receives the file. Such delays contribute greatly to lengthy pretrial detention and hinder the detainee's opportunity to benefit from the pretrial release option available at this stage of the proceedings. In addition, the longer the delay, the greater the likelihood that

witnesses, victims, and evidence will no longer be available, which in turn contributes to the low conviction rate.

NCSC will present the full findings and recommendations of the study in a symposium to stakeholders, including MOJ representatives, next quarter.

- **Distribution of equipment**

NCSC continued distribution of office supplies and equipment to all of the Justice of the Peace and First Instance Courts. NCSC distributed materials in five jurisdictions in the previous quarter (files cabinets, book (codes), shelves, office supplies,) and this reporting period distributed the same material in all of the remaining jurisdictions (11). As a result, all functional Justice of the Peace Courts (177), First Instance Courts (16) and prosecutors' offices in the country (16) have received the material. NCSC will continue the process of physical improvement of the courts during the extension period.

2. Reduce pretrial detention by improving the flow of cases through the police, prisons, and courts

- **Pretrial Detention Symposium – Follow Up**

An NCSC study on pretrial detention in 2006 revealed a very low national conviction rate, only 3%. NCSC has focused efforts to find out why the conviction rate is so low and how to improve it. In continuing its research this quarter, NCSC conducted five Port-au-Prince expert focus groups, and at least one key informant interview. Included in these focus groups, by category, were judges, chief prosecutors, defense attorneys, and court clerks. During the same period, NCSC conducted closed case file research (*i.e.* dismissed, guilty, and non-guilty verdict cases) to verify the opinions of the PAP experts and those interviewed in the previous quarter in St. Marc and Petit-Goave.

A total of about 200 closed case files from 2005-2007, from the jurisdictions of St. Marc, and Petit-Goave (100 closed files in each jurisdiction) were examined at the following levels: Cabinet d'Instruction, Parquet/Commissaire du Gouvernement, and Tribunal. NCSC is compiling the results now and intends to present its final report to USAID in the next reporting period.

Despite repeated attempts to obtain permission to conduct a closed case file review in Port-au-Prince, NCSC was denied permission by the Ministry of Justice and the Chief Prosecutor to examine the files. Both cited reasons of state security for denying NCSC permission. Similarly, the Secretary of State for Public Security denied NCSC the authorization to speak with a focus group of police.

- **Pretrial Detention Commission**

The Minister of Justice appointed a Detention Commission in June 2007 to identify cases of lengthy pretrial detention and make recommendations to expedite those cases. To date, the Commission has collected data, verified prison and court information, visited prisons in Port-au-Prince, met with detainees, and consulted with members of the judiciary. The Commission produced a detailed report with recommendations to the MOJ in early July. The recommendations were implemented and led to the release of more than 300 detainees to date. According to the Minister of Justice and the President of the Commission, these reports have put the spot light on various actors in the penal chain, and forced them to act with more efficiency. The Minister and the Commission President have released a report showing progress at the National Penitentiary since the establishment of the commission. The net increase in admissions is radically declining (see table below). NCSC believes that special hearings held during the same period have also contributed to these positive results. NCSC has not yet confirmed the data.

<i>2007</i>	<i>May</i>	<i>June</i>	<i>July</i>	<i>August</i>	<i>September</i>
Admission	249	288	258	248	243
Admission and released on the same month	31	33	52	64	65
Other release	83	77	148	175	182
Transfers	8	1	2	1	2
Deaths	1	1	0	1	0
<u>Rate of increase of admission is radically declining</u>	<u>+126</u>	<u>+176</u>	<u>+56</u>	<u>+7</u>	<u>+39</u>

The NCSC pretrial detention coordinator consults with the Commission, providing technical guidance on legal issues related to cases under review by the Commission. In addition, a second NCSC consultant prepares regular reports for the Commission, including names of those held longest in pretrial detention and those held beyond their maximum allowable sentence date. Finally, NCSC has supplied material assistance to the Commission, including transportation, computers, a printer, and other office materials. NCSC will continue to provide similar support for the Commission in the upcoming year. The commission is planning among other tasks to conduct an in-depth study of all cases at the investigative magistrate level in PAP. The NCSC case flow study has revealed that major backlogs are encountered at that stage in the penal chain.

- **Special Hearings**

Deans of NCSC's three pilot jurisdictions (St-Marc, Petit-Goave and PAP) requested assistance to organize special hearings in order to process a number of unresolved criminal cases. In St-Marc, from July 11-31, 29 cases were submitted for court review. NCSC provided the cost of transportation and meals for court and law enforcement staff. This allowed bailiffs/sheriffs to collect witnesses and victims, and police, court staff, and defendants to receive food and water to continue lengthy trials that sometimes lasted

overnight. According to the NCSC study on the low rate of conviction in Haiti, the absence of witness and victims appear to be important factors in hampering prosecutors' ability to obtain a conviction.

NCSC is also providing funds to the local Bar Associations in each of the three target jurisdictions to represent indigent defendants during the special hearings.

In the end, out of the 29 defendants tried in St. Marc, 20 were convicted and nine were found not guilty. Most of the cases involved serious crimes including one case of kidnapping (sentenced to life imprisonment) three cases of rape, two attempted assassination (both sentenced to life imprisonment), drug trafficking (sentenced to 10 years imprisonment). Given that hearings could proceed without delay and that the witnesses were transported directly to trial, these cases sent a powerful message that impunity would not be tolerated in St. Marc.

Similar support was provided for special hearings held in Petit-Goave between July 30 and August 13. Ten cases involving 13 defendants were heard. Ten detainees were tried for murder. There were 5 convictions for murder/assassination, one for drug trafficking and one for serious assault. The sentence ranges were five years to life in prison for the murder cases, and 9 months to 3 years in the drug and assault cases, respectively. One not guilty verdict was recorded in a murder case. Five serious felony cases were continued, three of them (two murder cases and one rape case) due to witnesses' failure to appear.

In Port-au-Prince, from July 23 to August 24, 73 hearings were held regarding 109 accused. In that period, 62 were convicted, 32 acquitted and 11 were to be continued. Depending on the jurisdiction, NCSC provided technical and material assistance, including stipends for participating judges, prosecutors, clerks, bailiffs, and legal assistants, who all worked together during the judicial summer vacation to reduce the backlog of pretrial detainees, primarily in the National Penitentiary.

- **Legal Assistance**

To address pretrial detention in its identified jurisdictions, NCSC commissioned the Bar Associations in St. Marc, Petit-Goave and Port au Prince to prepare a high-impact legal defense program. There were two principle components to this program. The first was to provide legal defense for those defendants subject to the immediate hearings procedure prescribed in law. This procedure allows the prosecutor to bring the arrestee caught in "*flagrant delit*" directly to court instead of detention. The second was to identify and provide legal assistance to those defendants who have been in pretrial detention the longest without legal counsel. Taken together, these programs represented 248 accused individuals. A significant minority of defendants were found not-guilty and released from custody. Another impact of the program was its effect on the efficient functioning of the criminal justice system. In the three jurisdictions, NCSC provided financial support attorneys who advocated the prompt investigation of cases, presented petitions for habeas corpus, successfully argued for humane treatment of ill detainees, and presented the court and chief prosecutor lists of accused held in prolonged pretrial

detention urging their release. Chief judges and prosecutors reacted by speeding-up investigations and reviewing the cases of those held in pre-trial custody. The complete results of their actions and of the program in general will be presented in statistical documents during the next reporting period. These efforts had a direct impact on the prison population. For instance, according to UNDP/DAP data, the ratio of convicted to pretrial detainees in St-Marc increased from 37.24% at the beginning of the program in July 2007 to 52.08 % at the end of September 2007.

- **Expansion of UNDP/DAP computer system**

The NCSC computer specialist continued to provide various institutions with essential data. Lists of different categories of pretrial detainees were provided to the pretrial Detention Commission. For example, the consultant produced a list of the individuals that have spent more time in pretrial detention than their maximum allowable sentence. Following analysis of these lists, the Commission prepared recommendations to be transmitted to the MOJ for action. This has led to the encouraging results mentioned in the related section above.

The NCSC specialist also contributed to the HNP vetting process by providing the information necessary for conducting background checks on new police recruits. Since there is no criminal record system in Haiti, he reviewed the prison data to see if any recruits been convicted in the past. NCSC expects that similar tasks will be performed for background checks on judges. The new statute on the members of the judiciary requires a vetting process.

Still, most of the work of the consultant focuses on improving the reliability of the databank itself. The NCSC consultant has managed to resolve several problems. However, two fundamental hurdles will need to be overcome to get a fully reliable database. First, structural redesign is needed. For instance, the program permits only one charged offense per entry. A detainee charged with several counts appears separately for each count on the data bank instead of once with all counts. This creates duplicate counts and contributes to system inaccuracies. NCSC will work in conjunction with the consultant and a US firm to propose a new database structure.

Secondly, court decisions need to be entered in the data base in real time. At present it can take weeks or months before a court decision is registered. Both members of the judiciary and prison staff will need to be closely monitored by MOJ authorities in that regard. Implementation of the new case registry system, planned for the upcoming year, should help resolve this problem.

3. Improve citizen links to the judiciary through greater citizen awareness of their rights and access to legal services.

- **Roving Justices of the Peace (JPs)**

In April 2007, NCSC launched its roving JP program, whereby justices of the peace were provided motorbikes to visit outlying rural areas on market days. NCSC provided intensive training for the JPs concerning their jurisdictional authority, conciliation techniques, civic education, and safe motorbike operation. Contact was made with local civic leaders to inform them of the activity and ensure their support. The civic education program has proved very successful, and conciliation of disputes has begun in earnest. Baseline data was gathered prior to program inception and revealed that the population believed that JPs could be trusted and were welcomed for dispute resolution. The data also noted that most of the population had never used the formal legal system, but were eager to do so.

This quarter, 250 citizens attended roving JPs activities in the targeted zones. JPs told us that the initiative has been praised by individuals in these remote locations. JPs have been limited in their visits by the rainy season. Some have expressed concerns regarding security issues on those field visits.

A second batch of six motorbikes has been purchased. Also this quarter, 17 JPs and 1 clerk received training on civic education (domestic violence and land conflict). The activity will be expanded as soon as NCSC receives motorcycle license plates from USAID.

- **Customary Justice**

Many Haitians resolve conflicts and disputes through informal and customary traditions. How and to what extent Haitians use these traditional practices to resolve criminal matters was the focus of a literature review study conducted by Professor of Law Monferrier Dorval, consultant to NCSC. Prof. Dorval presented the results of his work to a group of leading legal and ethnological experts on August 13 in a forum convened by NCSC. He presented a brief overview of the literature to date on Haitian informal penal law practices, proving guilt and innocence, and the imposition of sanctions.

Participants responded favorably to his work, suggesting that there was already a harmonization of the values underlying the formal and informal penal systems, but that the mystical or voodoo practices are much different are difficult to meld. Most participants agreed that where the state is able to assert its authority and provide justice, the use of customary penal law declines. Prof. Dorval submitted in September a final paper incorporating the ideas of the participants, and offered program and research suggestions. Principal among these was the call for additional field research to determine the frequency of customary law practices in Haiti. With the recent expansion of local CASEC and ASEC authorities, it is unclear to what extent customary penal law practices still determine an accuser's fate. Most of the available research on this topic dates to the

early 1990s and before. Finally, most experts agree that current customary penal law practices do not comport with international law standards for due process, or appropriate sanction. The report has just been translated into English and will shortly be delivered to USAID.

- **Gender Study**

NCSC recently completed a study on gender representation in the legal profession. The general purpose of this research was to identify causes for the low number of women in the judicial system and recommendations for changing this trend. Four methods were used in conducting the study: documentary research, questionnaires, focus groups, and a field survey. Among the most important findings were:

- 1) Women constitute nearly 10% of the judges and the body of prosecuting attorneys, contrary to the 6.4% previously thought;
- 2) There had been a clear increase in the attendance of women at the Magistrate School (*Ecole de la Magistrature*) during the three years that preceded the closing of the School, from 11% in the first promotion (graduation) to 33.3% in the third;
- 3) The percentage of women admitted to law school is close to the percentage of those having completed secondary school, approximately 25%. Therefore there does not appear to be any discriminatory policy against women in law schools;
- 4) After completing secondary school, girls do not usually show enthusiasm for legal studies, only 11.5% planning to attend university would choose law;
- 5) More than 87.5% of the girls surveyed do not believe that some professions are reserved for men and others for women. As far as legal professions are concerned, 56% of those surveyed disagree with the idea that a man is more likely to make a career in law than a woman.

Among the proposed recommendations:

- 1) Encourage the authorities intervening in the process of appointing judges to adopt a progressive quota on the presence of women in the Magistracy;
- 2) Revive the Magistrates School program, which had started to attract women, as shown by the results of this study;
- 3) Promote the choice of the Magistracy among students by offering them internship courses with judges;
- 4) Implement information and motivation programs in secondary schools to encourage young girls to study law;

- 5) Organize conferences and orientation sessions for girls finishing secondary school;
- 6) Assist young girls who wish to study law in the preparation of the admission tests;
- 7) Educate society to be more receptive of women in the judicial system.

- **Support of Victims**

Many experts agree that justice system actors are not sufficiently oriented to the plight and sensitivities of crime victims and their concerns about confronting perpetrators. Health professionals lack training with regard to the legal aspects of their work, especially the preparation of medical certificates necessary in trials. Civil society organizations that support victims are often not aware of the important steps involved in the justice process. Members of the judiciary are poorly equipped to deal with the sensitivities of such cases. Moreover, there is a lack of coordination between these actors, which further impedes their effectiveness.

This reporting period, NCSC partnered with a local NGO “URAMEL” (*Unité de Recherche et d’Action Médicaux Légale*) to deliver training in Petit-Goave to a total of 50 participants, namely, justice (18) and law enforcement personnel, community and religious leaders, and public health, medical, and human rights professionals. The training focused on reinforcing the capacity of various system actors who encounter victims of crime in their work, establishing a network between these actors, and sensitizing them to the particular problems related to violent crime and its consequences. The program was widely praised by participants. NCSC and URAMEL will replicate this program in FY08 in Cite Soleil.

D. INDICATORS FOR THE QUARTER

During the reporting period the following results were achieved relating to NCSC targets (for more details see Indicators Table, 4th quarter 07).

2.1.3 Number of days in pretrial detention: 175.38 days

2.1.3.1 Ratio of new case filings to case dispositions in courts assisted by USG in the area of case management (N/A)

2.1.3.2 Number of people visiting the USG supported legal service centers serving low income and marginalized communities: 498

2.1.3.3 Number of Courts operating in areas of low-income population with USG assistance: 194

2.1.3.4 Number of USG assisted courts with improved case management: 109

2.1.3.5 Total number of Justice Sector personnel that received USG training: 18

2.1.3.6 Number of legal aid groups and law clinics assisted by USG: 3

2.1.3.7 Number of institutions and associations assisted by USG: 10

E. DONOR COORDINATION

This quarter donor coordination has centered on the effort to design a justice sector strategic plan. As described above, NCSC and other international organizations drafted a proposed framework for the establishment of a long-term strategic plan encompassing all components of the justice sector, with the understanding that the details of the plan must originate from the MOJ. At the initiative of NCSC, which also sponsored the event, a two day strategic planning session was held in August 2007. Most of these related activities are part of the NCSC workplan.

F. DIFFICULTIES ENCOUNTERED AND ACTIONS TAKEN TO RESOLVE THEM

Since the inauguration of the Presidential Justice Commission in the past quarter, there is a new dynamic at the MOJ and in the justice sector in general. Activities long anticipated are being addressed with surprising rapidity and efficiency leading to the results described above. The difficulties experienced over the past three years are increasingly less visible. As such, the efforts of previous NCSC activities are bearing fruit.

TRIBUNAL DE PAIX DE _____

**SUIVI DE L'APPLICATION DES RÈGLEMENTS GÉNÉRAUX DES
TRIBUNAUX DE PAIX
PAR LES COMITÉS DE SUIVI**

Le Comité de Suivi, ci-après dénommé le comité, créé dans le cadre de la formation effectuée au bénéfice des Juges de Paix et greffiers du ressort du Tribunal de Première Instance de _____ a pour attributions:

1. d'assurer le suivi de la formation tenue à _____ relative à l'application des Règlements généraux des Tribunaux de Paix en identifiant les tribunaux les plus accessibles (au moins 90%) qui feront l'objet d'une visite mensuelle;
2. d'évaluer l'apport des règlements généraux dans le processus d'amélioration du fonctionnement des Tribunaux de Paix ;
3. d'évaluer le degré d'application de manière quantitative et qualitative des principes acquis lors de la formation ;
4. de veiller à la mise en application des propositions sorties de la formation ;
5. de collecter des informations sur l'état des lieux de chaque tribunal de paix du ressort du TPI.

Le Comité doit évaluer les ressources humaines (I), la gestion du personnel (II) la gestion administrative (III), la légalité de certaines des activités du Tribunal (IV), le rendement du Tribunal (V), les besoins du Tribunal (VI).

I. RESSOURCES HUMAINES :

- **Le personnel**

- Juge titulaire _____

- Juges suppléants _____

- Greffiers _____

- Secrétaires _____

- Hoqueton _____

- Gardien _____

- Messenger _____

- Ménagère _____
- Archiviste _____
- Chauffeur _____

Remarques (1)

II. GESTION DU PERSONNEL :

- Existe-il un Cahier de pointe régulièrement arrêté par le juge titulaire ?
 Oui non
- Existe-il une permanence dans le fonctionnement du Tribunal ?
 Oui non
- Les Juges habitent-ils dans la ville où siège le tribunal ?
 Oui non
- Existe-il un roulement ponctuel selon les besoins et en prévision du congé du personnel ?
 Oui non

- Y a-t-il régulièrement la tenue des Assemblées ordinaires et extraordinaires ?

Oui non

- Les Procès verbaux des Assemblées sont-ils rédigés ?

Oui non

- Existe-il un calendrier des activités du Tribunal ?

Oui non

Remarques (2)

III. GESTION ADMINISTRATIVE

• Existe-il ?

- Un Organigramme administratif

Oui non

- Un service d'accueil

Oui non

- Un tableau d'affichage du tarif judiciaire
 Oui non
- Un livre de caisse oui non
- Un compte bancaire oui non
- Un répertoire général des dossiers soumis au Tribunal
 Oui non
- Un rôle des Audiences (civiles, commerciales, simple police, civiles extraordinaires)
 Oui non
- Un plumitif pour chaque catégories d'affaires (civiles, commerciales, simple police)
 Oui non
- Un plumitif pour toute catégories d'affaires confondues (civiles, commerciales, simple police)
 Oui non
- Un registre des sentences rendues
 Oui non
- Un Registre des Procès Verbaux de conciliation
 Oui non
- Un Registre des constats civils
 Oui non
- Un Registre des constats pénaux
 Oui non

- Un Registre pour les autres actes extra judiciaires
 Oui non
- Un Tableau d'affichage des audiences
 Oui non
- Une Fiche statistique des décisions rendues par le tribunal
 Oui non
- Une fiche statistique de conciliation
 Oui non
- Une Fiche statistique de constat
 Oui non
- Une fiche statistique des mandats d'amener et de dépôt émis
 Oui non
- Une fiche statistique des invitations émises
 Oui non
- Une fiche statistique des autres actes du Tribunal
 Oui non
- Une fiche d'évaluation périodique des besoins logistiques et petites réparations du local
 Oui non
- Un livre d'enregistrement par le greffier de tous les actes judiciaires à la DGI
 Oui non

Remarques (3)

IV. CONTRÔLE DE LA LÉGALITE DES ACTIVITÉS DU TRIBUNAL

- Le Tribunal est-il toujours saisi par la voie du greffe ?
 Oui non
- Tous les dossiers sont-ils distribués par le juge titulaire ?
 Oui non
- Le Tribunal respecte t-il ses limites juridictionnelles ?
 Oui non
- Y a-t-il des visites régulières dans les maisons d'arrêt et les maisons de justice ?
 Oui non
- Y a-t-il des mandats d'amener décernés en cas de non comparution à une invitation du Tribunal sur plainte d'une partie ?
 Oui non
- Y a-t-il des mandats d'amener décernés en dehors des cas de flagrant délit et en dehors du lieu de la flagrance ?
 Oui non

- Y a-t-il des conciliations en matière pénale suivi de la libération du prévenu ?
 Oui non
- Y a-t-il des ordres de libération en cas de crime ou de délit par le tribunal
 Oui non
- Y a-t-il des ordres de libération du prévenu avant le déferrement de son dossier au Parquet ?
 Oui non
- Y a-t-il des ordres de libération du prévenu après le déferrement de son dossier au Parquet ?
 Oui non
- Les délais de déferrement des dossiers au Parquet sont-ils respectés ?
 Oui non
- Le tarif judiciaire est-il respecté par le tribunal
 Oui non
- Le greffier verse-t-il à la caisse du Tribunal (aux fins de son entretien) la moitié de toutes les taxes et autres frais perçus ?
 Oui non
- Le greffier verse-t-il à la DGI la moitié des frais acquittés par les parties en guise de droits de greffes lors de l'enrôlement de leurs affaires?
 Oui non

Remarques (4)

V. RENDEMENT DU TRIBUNAL

a) Affaires Pénales

- Nombre d'affaires pénales reçues au tribunal : _____
 - Simple police : _____
 - Délits : _____
 - Crimes : _____
- Nombre de jugements rendus (simple police) : _____
- Nombre de dossiers déférés au Parquet : _____
- Nombre d'expéditions délivrées par le greffier : _____

b) Affaires Civiles

- Nombre d'affaires civiles reçues au tribunal : _____
 - Commerciales : _____

Loyers : _____

Possessoires : _____

Travail: _____

- Nombre de jugements civils rendus : _____
- Nombre de dossiers en attente de jugements : _____
- Nombre d'expéditions délivrées par le greffier : _____

c) Affaires Extrajudiciaires

- Nombre d'affaires extrajudiciaires reçues : _____
 - Constat civil : _____
 - Constat pénal _____
 - Conseil de famille : _____
 - Apposition de scellés : _____
 - Levée de scellés : _____
 - Autres: _____
- Nombre d'expéditions délivrées par le greffier : _____

d) Affaires Gracieuses

- Nombre d'invitations émises: _____
- Nombre de procès verbaux de conciliation : _____
- Nombre de procès verbaux d'échec de conciliation : _____
- Nombre d'expéditions délivrées par le greffier : _____

e) Autres

- Nombre de mandats d'amener émis: _____
- Nombre de mandats d'amener exécutés : _____
- Nombre de mandats de dépôts émis: _____
- Nombre d'ordres de libérations émis: _____

Remarques (5)

VI.- LES BESOINS DU TRIBUNAL

Quels sont les besoins du tribunal ?

a) Local

(Cochez les besoins)

- | | |
|--|--|
| <input type="checkbox"/> Petites réparations | <input type="checkbox"/> Grandes réparations |
| <input type="checkbox"/> Location de local | <input type="checkbox"/> Construction de local |

b) Equipements mobiliers et outils de travail

(Ajoutez le nombre)

- Bureau _____
- Chaise _____
- Armoire métallique _____
- Classeur _____
- Registre _____
- Machine à écrire _____
- Rame de papier _____
- Agrafeuse _____
- Code d'Instruction Criminelle _____
- Code Pénal _____
- Code de Procédure Civile _____
- Code Civil _____
- Code de Lois Usuelles _____
- Dictionnaire de Français _____

- Autres (.....) _____
- (.....) _____
- (.....) _____
- (.....) _____

c) Sécurité

- Y a-t-il des policiers affectés au Tribunal ?

Oui

non

o Le nombre de policiers affectés au Tribunal est-il suffisant ?

Oui

non

o La police est présente

Le jour

La nuit

o Y a-t-il une salle de garde à vue ?

Oui

non

o Existe-t-il un commissariat ou un sous commissariat de police dans la commune où siège le tribunal

Oui

non

Remarques (6)

VII.- Suggestions

(Que faudrait-il pour améliorer le fonctionnement et le rendement du Tribunal ?)

